

DPU guarantees provisional measures to Tapeba indigenous people in the Inter-American Commission on Human Rights

Caucaia – The Inter-American Commission on Human Rights (IACHR), based in Washington (USA), accepted the request for provisional measures from the Federal Public Defenders' Office (DPU) to guarantee the rights of the Tapeba indigenous people of Caucaia, a municipality in the metropolitan region of Fortaleza, in the state of Ceará. Resolution 28/2024, issued on 9 May, requires the Brazilian State to adopt necessary measures to protect the life and personal integrity of members of this people.

In the action, the Public Defenders' Office highlights the occurrence of "episodes of violence and threats by organized crime and the police, as well as expulsions from their villages due to the lack of completion of the demarcation and protection of their territory". The reports point to murders, assaults, intimidation, destruction of property and use of firearms within the Tapeba communities.

According to the DPU, more than 7,000 members of the Tapeba people are distributed in 20 villages in the territory located in what currently corresponds to the municipality of Caucaia, state of Ceará. Since the 1980s, these people have sought the demarcation of the territory, a process that remains unfinished. The perimeter of the Indigenous Land has already been declared in Ordinance no. 734/2017, by the Ministry of Justice.

Federal defender Daniela Brauner, who worked in the case within the Department of Support for Actions in the Inter-American System of Human Rights – ISHR, explains that the request for provisional measures is a renewal of previous requests due to the intensification of violence in the locality. She points out that this decision is important to give visibility to the way the Brazilian State has treated the rights of the Tapeba indigenous people, especially with regard to the delay in the land demarcation process.

The regional human rights defender in Ceará, Edilson Santana, points out that, in addition to the requests for provisional measures, the DPU's efforts involved more than 10 lawsuits, requests to the Supreme Federal Court (STF) and an intense work of out-of-court legal assistance within the land conflicts commission.

"The decision is also important to reaffirm the importance of free legal assistance and its effects within the international system, since it is the first case in which measures have been granted with the DPU as the petitioner," he said.

Federal public defender Lídia Nóbrega, who also works in the state of Ceará, points out that the decision is a strategic action by the DPU in Ceará, which has been following the demands of the Tapeba people, both in judicial and administrative defence, for approximately a decade.

"The granting of provisional measures by the Inter-American Commission on Human Rights is an important victory for the Tapeba indigenous people in the struggle to guarantee the demarcation of their territory, to enjoy it with physical and legal security, in a context of escalation of violence against their leaders and new threats of judicial eviction by individual actions," she said.

Decision

To the IACHR, the Brazilian State reported that, since 2016, it has been accompanying seven leaders of the Tapeba de Caucaia indigenous people in the Programme for the Protection of Human Rights Defenders of the State of Ceará (PPDDH/CE). The Brazilian State also reported that there are ongoing investigations, including one on the expulsion of 23 indigenous families from the Sobradinho village by criminal factions in March 2023. Situations of threats to Tapeba communities and invasion and sale of land are also investigated.

The Commission, however, noted that these risk situations remain over time, despite the investigations initiated and the inclusion of threatened leaders in the protection programme. The IACHR also addressed the seriousness of the Brazilian State's lack of information about the protective measures carried out in the villages; about the effective responses to the alleged police involvement in some of the risky events; and about the measures specifically aimed at confronting the criminal groups present in the area.

Provisional measures

Regarding the Tapeba de Caucaia indigenous people, the IACHR requested Brazil to:

- Adopt the necessary and culturally appropriate measures to protect the lives and personal integrity of the members of the Tapeba de Caucaia indigenous people, including from acts perpetrated by third parties. Such measures must allow the leaders of the Tapeba indigenous people to continue carrying out their work of defending human rights, as well as ensure that the beneficiaries can return to their villages without being subjected to threats, persecution or acts of violence;
- Coordinate the measures to be implemented with the beneficiaries and their representatives;
- Inform about the actions taken to investigate the facts that motivated this provisional measure, thus avoiding its repetition.

IACHR

The Inter-American Commission on Human Rights is an independent body of the Organization of American States (OAS). The Inter-American System of Human Rights (ISHR) is composed of two main autonomous bodies: the Inter-American Court of Human Rights (IACtHR) and the Inter-American Commission on Human Rights (IACHR). The Commission is composed of seven legal experts elected by merit and personal qualifications. They do not represent any government but rather the member countries of the OAS.

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