



Brasília, April 30th, 2025.

To

Mr. Bernard Duhaime,

United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

Dear Rapporteur,

The existence of indigenous peoples has always been under threat throughout Brazil's history, and the dictatorship period (1964-1985) aggravated the systematic attacks on their rights. These serious human rights violations are still unaccounted for and are not repaired. It is urgent to review the situation of violations of the right to memory, truth, justice and reparation of indigenous peoples, aiming the non-repetition, with State policies that can institute structural and effective changes. Indigenous peoples and their allies want to present to the United Nation (UN) and the Brazilian State proposals for measures for true transitional justice for indigenous peoples.

CHALLENGES OF THE TRANSITIONAL JUSTICE FOR INDIGENOUS PEOPLES:

The role of the truth commissions in transitional justice is particularly significant for indigenous peoples. These commissions can provide a platform to recognize and validate Indigenous narratives and experiences. Over the last few years Truth and Reconciliation Commissions (CVR in Portuguese) were established in several parts of the world and, were able to identify and address cases of violence against Indigenous Peoples, such as the Chittagong Hill Tracts Commission in Bangladesh (1997), Guatemala (1997-1999), Peru (2001-2003), Paraguay (2004-2008) and Brazil (2012-2014). Other truth commissions were created to deal exclusively with serious human rights violations experienced by indigenous peoples, such as the one in Chile (2000-2004), in Canada (2009-2015), in the state of Maine, USA (2012 - present) and in Norway (2018-2023).¹

¹PANKARARU, Maíra (Maíra de Oliveira Carneiro). "Nossa história não começa em 1988": o direito dos povos indígenas à luz da justiça de transição. 2023. 84 f., il. Dissertation (Master's degree in law) – University of Brasília, Brasília, 2023. Available at: <http://repositorio.unb.br/handle/10482/47319>. Access on: april 29. 2025.





LEGISLATIVE PATHWAY FOR TRANSITIONAL JUSTICE FOR INDIGENOUS PEOPLES IN BRAZIL:

We highlight the legal frameworks of transitional justice in the country in order to show that indigenous peoples were not included until 2011. This process faces significant challenges, such as political resistance and the lack of social consensus on the authoritarian past. So far, transitional justice has not been able to do justice or make reparations to indigenous peoples for the errors of the past and the injustices of the present. Furthermore, transitional justice for indigenous peoples has always been and continues being a complex process, marked by the attempt to repair the historical damages caused by centuries of colonization, violence and denial of rights. The legal frameworks are:

- [Amnesty law \(1979\)](#)
- [Recognition of Dead and Political disappeared people \(1995\)](#)
- [Amnesty Commission law \(2002\)](#)
- [Law mandating the teaching of “Afro-Brazilian and Indigenous History and Culture” \(2008\)](#) -
- [National Truth Commission Law \(2011\)](#)

First, the time gap between transitional justice laws stands out, leaving victims at the mercy of time, which resulted in many of them not seeing the resolution of the persecution and many other crimes they suffered. Second, it is worth mentioning that it was only at the National Truth Commission (CNV in Portuguese) that the indigenous peoples of Brazil were finally mentioned as having been affected by the business-dictatorial regime. The short research time of the CNV initially focused on 10 emblematic cases of a range of violence, highlighting the systematic practice of acts such as:

- genocide;
- murders;
- poisonings;
- intentional contamination by infectious diseases;
- public humiliation;
- kidnapping of children;
- theft of lands and traditional territories;
- usurpation of indigenous labor (conditions analogous to slavery);
- dispossession of indigenous heritage (fine woods, agricultural production, leasing of their lands);
- confinement;
- Power abuse;





- arbitrary arrests;
- ill-treatment;
- expulsions;
- forced removals;
- forced disappearances;
- persecution of leaders;
- militarization of indigenous communities;
- social disintegration and extermination;
- among other atrocities.²

HOW THE CNV REPORT WAS STRUCTURED³

The first volume addresses the activities developed by the CNV, describes the serious human rights violations discovered, presents the Commission's conclusions, and formulates 29 recommendations, the best known and cited, for reparations and the non-repetition of the violations. The second volume assemble seven thematic texts that examine how various sectors — the military, organized workers, peasants, Christian churches, indigenous peoples, homosexuals, and universities — were affected by the dictatorship and repression, as well as the role they played in the resistance. In this volume, the CNV pointed out the record of 8,350 indigenous deaths, in addition to presenting 13 specific recommendations focused on the rights of indigenous peoples⁴.

² BRASIL. Comissão Nacional da Verdade (CNV). Report, Volume II. Themed texts. *Text 5: Violações de Direitos Humanos dos Povos Indígenas*. Brasília: CNV, 2014. Available at: http://cnv.memoriasreveladas.gov.br/images/pdf/relatorio/volume_2_digital.pdf. Access on: april 28, 2025.

³ BRASIL. Comissão Nacional da Verdade. *Relatório Final da Comissão Nacional da Verdade*. Brasília: CNV, 2014. 3 v. Available at: <http://cnv.gov.br/index.php/outros-destaques/682-relatorio-final-da-cnv>.. Access on: april 28, 2025

⁴ 1. Public apology from the Brazilian State to indigenous peoples for the dispossession of indigenous lands and other serious human rights violations that occurred under its direct or indirect responsibility during the period under investigation, aiming to establish an initial milestone for a broad and collective reparation process for these peoples.

2. Recognition, by other mechanisms and instances of transitional justice of the Brazilian State, that the persecution of indigenous peoples aiming the colonization of their lands during the period under investigation constituted a politically motivated crime, as it affected the indigenous way of living.

3. Installation of a National Indigenous Truth Commission, exclusive for studying the serious human rights violations against indigenous peoples, aiming to deeper investigate cases not detailed in this study.

4. Promotion of national information campaigns for the population on the importance of respecting the rights of indigenous peoples, guaranteed by the Constitution, and on the serious rights violations that





occurred during the period investigated by the CNV, considering that the lack of information among the Brazilian population facilitates the perpetuation of the violations described in this report.

5. Inclusion of the theme “serious human rights violations committed against indigenous peoples between 1946-1988” in the official curriculum of the education system, as determined by Law 11.645/2008.

6. Creation of specific funds for promoting research and broad dissemination of serious human rights violations committed against indigenous peoples, by public and private bodies of research, cultural and educational promotion, including academic investigations and works of cultural nature, such as documentaries, books, etc.

7. Collection and systematization, in the National Archives, of all documentation pertinent to the investigation of serious human rights violations committed against indigenous peoples during the period investigated by the CNV, aiming a broad dissemination to the public.

8. Recognition, by the Amnesty Commission, as “acts of exception” and/or as “punishment for location transfer”, motivated exclusively by political purposes, according to article 2, items 1 and 2, of Law 10.559/2002, on the persecution of indigenous groups for the colonization of their territories during the period covered by the referred law, aiming to give room for the detailed investigation of each of the cases within the scope of the Commission, such as the trial that granted amnesty to 14 Aikewara-Suruí.

9. Creation of a working group within the scope of the Ministry of Justice to organize the instruction of amnesty and reparation processes for indigenous people affected by acts of exception, with special attention to the cases of the Krenak Reformatory and the Indigenous Rural Guard, as well as the other cases mentioned in this report.

10. Proposal of legislative measures to amend Law 10.559/2002, in order to include forms of amnesty and collective reparation for indigenous peoples.

11. Strengthening public policies for healthcare for indigenous peoples, within the scope of the Indigenous Healthcare Subsystem of the Unified Health System (Sasi-SUS in Portuguese), as a mechanism for collective reparation.

12. Regularization and removal of intrusions from indigenous lands as the most fundamental form of collective reparation for the serious violations suffered by indigenous peoples during the period investigated by the CNV, especially considering the cases of dispossession and territorial subtraction reported here, as well as what was determined in the 1988 Constitution.

13. Environmental recovery of dispossessed and degraded indigenous lands as a form of collective reparation for serious violations resulted by the non-observation of indigenous rights in the implementation of colonization projects and large-scale enterprises carried out between 1946 and 1988.





Finally, the third volume is dedicated to individually identified victims, whose personal data, such as name and address, were known. This volume reports on the trajectories of 34 politically dead and disappeared people, as well as the circumstances of their deaths⁵.

WHY IS THERE A DIFFERENCE IN THE NUMBER OF DEATHS MENTIONED IN THE CNV REPORT?

The prosecutor and current president of the Special Commission on Political Deaths and Disappearances (CEMDP in Portuguese), Eugênia Gonzaga, clarifies that the CNV adopted the criteria established by the 1995 Law on Political Deaths and Disappearances. Due to this guideline, the CNV was unable to accurately account for, for example, peasants, indigenous peoples, victims of death squads, and victims of the meningitis outbreak.

The president of the CEMDP still reports that, according to the legal requirements that regulate the Commission's activities, the recognition of a victim as a political death or disappearance requires proof that the event occurred in a context of resistance to the military dictatorship, and that the family must demonstrate some link between the victim and acts of political resistance. Gonzaga also notes that the aforementioned law was the result of negotiations with the military at the time of its enactment and, although it established the recognition of the deaths of opponents of the regime, it did not recognize the State's responsibility for the deaths that occurred⁶.

For those reasons, the number 434 is frequently used as an official number, while the 8,350 indigenous deaths is an estimate, and, as they are not individualized, they do not appear in official calculations.

However, the CNV's estimate of 8,350 deaths resulting from the direct action or omission of government agents reveals a “shocking number”, and it is important to disclose it to both Brazilian society and the international community, including the participation of private agents, pointing out that further research could reveal an “exponentially greater” tragedy. Information high lightening the numbers of fatal victims by people in the Report:

⁵ BRASIL. Comissão Nacional da Verdade. *Get to know and access CNVs final report*. Available at: <<https://cnv.memoriasreveladas.gov.br/index.php/outros-destaques/574-conheca-e-acesse-o-relatorio-final-da-cnv>>. Access on: april 29, 2025.

⁶ OLIVEIRA, Marcelo. *Procuradora: “Vamos ver se muda a visão que a ditadura do Brasil foi a que menos matou”*. Public agency, October 15, 2024. Available at: <<https://apublica.org/2024/10/passa-de-10-mil-procuradora-propoe-recontar-mortos-na-ditadura/>>. Access on: april 29, 2025.





- “Approximately 1,180 Tapayuna, 118 Parakanã, 72 Araweté, more than 14 Arara, 176 Panará, 2,650 Waimiri-Atroari, 3,500 Cinta-Larga, 192 Xetá, at least 354 Yanomami and 85 Xavante from Marãiwatsédé.
- We do not dare to present estimates for the Guarani and Kaiowá killed in Mato Grosso do Sul and Paraná, for example, although we have addressed these cases here.”⁷

THE IMPORTANCE OF THE CNV REPORT

CNV opened the doors of transitional justice to indigenous peoples by publishing its final report, focusing on the search for the truth about the serious violations they suffered between 1946 and 1988, the need for reparations for those affected, in addition to determining that the demarcation of their lands played central role in ensuring the effectiveness of justice and reparations. The CNV's final report made clear the tragic consequences of these peoples being considered obstacles to national development and deprived of knowledge and rights; a prejudiced view that has been widespread for decades and continues to this day, criminalizing other ways of living in society.

Furthermore, by being considered incapable, indigenous peoples ended up having their patrimony harmed, with their lands and the assets on them being negotiated, bargained for and distributed to third parties in irregular processes of exploration, leasing and possession. These actions were often reported to public officials, legitimate guardians before the law who, through action or omission in situations often involving extreme violence, committed what, according to Zelic, constitute “**crimes of guardianship**” that have not yet been investigated and remain unpunished in our country. The criminal actions of those who were designated as guardians of these people in the management of their lands, resources and rights have not yet been sufficiently studied in Brazil⁸.

The CNV’s investigations led to the rediscovery of a series of documents proving that indigenous peoples were victims of the military dictatorship and, probably, were the most important victims of that period, given the violence suffered during the development projects implemented by the military governments. Among the documents found, the Figueiredo Report⁹ stands out, a dossier consisting of 30 volumes and over 7 thousand pages, result of an inquiry commission of the then Ministry of the

⁷ BRASIL. Comissão Nacional da Verdade. *Relatório Final: Volume II – Textos Temáticos*. Brasília: CNV, 2014. p. 254. Available at: <http://cnv.gov.br/images/pdf/relatorio/Volume_2.pdf>. Access on: april 28, 2025..

⁸ ZELIC, Marcelo. Reparação: os crimes de tutela e o desenvolvimento sem respeito. In: CIMI, *Relatório Violência contra os Povos Indígenas do Brasil*. 2018 data. Brasília: CIMI, 2019, p. 143-148.

⁹ FIGUEIREDO, Jader de. *Relatório Figueiredo: investigação sobre o Serviço de Proteção ao Índio (SPI)*. Brasília: Ministério do Interior, 1968. Armazém Memória. Available at: <<https://www.docvirt.com/docreader.net/DocIndio/6>>. Accessed on April 28, 2025.





Interior (Minter), produced in 1967 on the Indian Protection Service (SPI in Portuguese), and which came to public in 2012, after more than 40 years of disappearance¹⁰. The allegations registered in the Figueiredo Report led to the installation of a Parliamentary Commission of Inquiry (CPI in Portuguese) in the Chamber of Deputies of the National Congress, which became known as the “CPI do Índio” (Indian CPI) in 1968, the same year as Institutional Act No. 5 (AI-5)¹¹ and the resurgence of the dictatorship.

The Figueiredo Report was fundamental in proving to the CNV that the conflicts and persecution against indigenous peoples were a political issue and a predatory development model based on the expropriation and theft of indigenous lands.

THE DEMOCRATIC ERA IN BRAZIL AND THE TRANSITIONAL JUSTICE FOR INDIGENOUS PEOPLES

With the promulgation of the Federal Constitution of 1988, also known as the Citizen Constitution, many hopes were placed on it by indigenous peoples, and articulations in defense of the sacred territories began to take shape. We can highlight article 67 of the Act on Transitional Constitutional Provisions (ADCT in Portuguese), which states “The Union shall complete the demarcation of indigenous lands within five years of the promulgation of the Constitution”, and also the chapter “Of the Indians” in the Constitution itself, which in articles 231 and 232 explicitly recognize the unique and distinct cultural identity of indigenous peoples, as well as their original rights to the lands they traditionally occupy¹².

¹⁰ The document is popularly known as “Figueiredo Report” because of the name of its writer, the procurator Jäder de Figueiredo Corrêa.

¹¹ BRASIL. *Ato Institucional nº 5, de 13 de dezembro de 1968. Suspende direitos políticos, autoriza o Presidente da República a decretar o recesso do Congresso Nacional e dá outras providências*. Diário Oficial da União: section 1, Brasília, DF, dec. 13. 1968. Available at: https://www.planalto.gov.br/ccivil_03/AIT/ait-05-68.htm. Accessed on April 28, 2025.

¹² Art. 231. The Indigenous peoples social organization, customs, languages, beliefs and traditions are recognized, and the original rights to the lands they traditionally occupy, and it is the Union's responsibility to demarcate and protect them and ensure respect for all their assets.

§ 1º Lands traditionally occupied by indigenous peoples are those permanently inhabited by them, those used for their productive activities, those essential to the preservation of the environmental resources necessary for their well-being and those necessary for their physical and cultural reproduction, according to their uses, customs and traditions.

§ 2º The lands traditionally occupied by the Indians are intended for their permanent possession, and they have exclusive use of the riches of the soil, rivers and lakes found there.

§ 3º The use of water resources, including energy potential, research and mining of mineral resources on indigenous lands can only be carried out with authorization from the National Congress,





In 1996, Decree No. 1775 was established, which disposes of the administrative procedure for demarcating indigenous lands. In this sense, it seemed like a period of progress for the rights of indigenous peoples¹³. But in reality, little progress was made.

Article 67 of the ADCT was not complied with, leaving open a great opportunity for reparations for indigenous peoples. As previously mentioned, the transitional justice laws created during this period — such as the Law of the Dead and Disappeared (1995) and the Law of the Amnesty Commission (2002) — did not specifically cover indigenous peoples, resulting in very few cases being recognized by these commissions, thus causing indigenous peoples in Brazil to rarely seek out agencies and institutions other than FUNAI to address their vulnerabilities.

The fact is that there is “a past that does not pass and a future that does not arrive”. Since the SPI, created in 1910 and responsible for the protection of indigenous rights¹⁴, the involvement of government agents, such as civil and military officials and

after consulting the affected communities, ensuring their participation in the results of the mining, in accordance with the law.

§ 4º The lands referred to in this article are inalienable and unavailable, and the rights over them are imprescriptible.

§ 5º The removal of indigenous groups from their lands is prohibited, except, "ad referendum" of the National Congress, in the event of a catastrophe or epidemic that puts their population at risk, or in the interest of the sovereignty of the Country, after deliberation by the National Congress, guaranteeing, in any case, the immediate return as soon as the risk ceases.

§ 6º Acts that have as a goal the occupation, domain and possession of the lands referred to in this article, or the exploitation of the natural wealth of the soil, rivers and lakes existing therein, are null and void, and do not produce legal effects, except for the relevant public interest of the Union, according to the provisions of complementary law, with nullity and extinction not generating the right to compensation or actions against the Union, except, in accordance with the law, with regard to improvements derived from occupation in good faith.

§ 7º The following provisions do not apply to indigenous lands art. 174, § 3º e § 4º.

Art. 232. The indigenous people, their communities and organizations are legitimate parties to go to court to defend their rights and interests, with the Public Prosecutor's Office intervening in all acts of the process.

¹³ BRASIL. Decree nº 1.775, January 8th, 1996. *Dispõe sobre o procedimento administrativo de demarcação das terras indígenas e dá outras providências*. Diário Oficial da União: section 1, Brasília, DF, Jan. 9, 1996. Available at: <https://www.planalto.gov.br/ccivil_03/decreto/D1775.htm>. Accessed on April 28, 2025.

CIMI is a Catholic Church body linked to the National Confederation of Bishops of Brazil (CNBB in Portuguese), and has published annual reports on violence against indigenous peoples for decades.

¹⁴SPI was extinguished by the military regime after the reveal of “Figueiredo Report”, being replaced by The National Indian Foundation (FUNAI, the current National Foundation of Indigenous Peoples).





managers, has been notable, but it was subordinated to the logic of supporting territorial dispossession in the name of private interests, having promoted removals, invasions facilitation, illegal subdivision and leasing of indigenous lands, among other acts of violence. Later, under the auspices of FUNAI, commanded by the military during the dictatorship, emerged the procedure of fraudulent negative certificates issued by this agency, declaring the non-presence of indigenous people in areas that were effectively occupied, and releasing traditional territories to be titled to private entities or for the installation of state-owned enterprises and infrastructure works considered to be of interest to national development.

Other records gathered by the CNV revealed how the dictatorship instituted a logic of territorial control, articulating intelligence services and repressive agencies, especially on the theme of national borders, placing indigenous people in these regions under suspicion in the 20th century as “virtual internal enemies”, in the words of the CNV. Thus, megaprojects were installed at the expense of indigenous lives and territories, such as the construction of the Itaipu Binational Hydroelectric Plant, which devastated the Avá-Guarani people with expulsions, deaths and forced removals from the 1970s onwards in the south of the country, on the border with Paraguay - as the Avá-Guarani say, “Itaipu made the water rise”, and their lands with housing areas, plantations and sacred places are now underwater. To this day, these people continue to lack regularized territory and the necessary reparations.

In the 1980s, the Tuxá people were intensely impacted by the advent of the Itaparica Hydroelectric Plant, which flooded their sacred island. To this day, despite promises, they have not had their territory regularized by the Brazilian state, being forced to live far from their river, known nationally as the São Francisco River, or Velho Chico, but for the surrounding people is an enchanted river called Opará, where they used various fishing techniques and were excellent sailors and canoe builders.

Another topic that is present in the memory of the people and has been little researched is sexual and gender-based violence, such as the rapes suffered by indigenous women. This issue remains to this day and has been addressed by indigenous women's organizations, that in their reflections relate the rape of women's bodies to the rape of their own traditional territories. The issue of children taken from their people is yet to come, as recalled by the Xetá and Panará people.

THE AXIS OF NON-REPETITION OF VIOLENCE, HOW TO WORK ON IT?

The **axis of non-repetition** is one of the four fundamental pillars of **transitional justice**, along with the right to truth and memory, the right to justice and the right to reparation. This axis refers to the **set of measures aimed at preventing serious human rights violations from occurring again in the future**. In practical terms, the "non-repetition" seeks to transform the institutional, political and cultural structures that enabled or tolerated such violations.





In this context, according to data collected by the Indigenous Missionary Council (Cimi)¹⁵, the situation of violence against indigenous peoples in the country is alarming, with high rates of murder and suicide, which is much higher than the national average. The Ipea Atlas, which, since 2021, has included indigenous peoples in its monitoring for violent deaths in Brazil, assesses in its latest report, in 2024¹⁶:

“Between 2019 and 2020, the increase in the estimated homicide rate of indigenous people in Brazil was much greater than the increase in the estimated homicide rate at national level. In the following year, 2021, the national rate decreased and the rate for indigenous people increased. While the national rate fell from 23.6 to 22.5 homicides per 100,000 inhabitants, the homicide rate for indigenous people rose from 32.8 to 33.7. Both rates fell in 2022. In practice, this information shows that violence was experienced more intensely by indigenous peoples than by the general population.

Therefore, the year 2022 should be considered in a very singular way. Throughout the previous decade (2012 to 2021), lethal violence was experienced more intensely by indigenous peoples than by the general Brazilian population. In fact, in 2013 and 2014, the homicide rate (recorded and estimated) of indigenous people reached twice the general rate.

After the revisions mentioned previously, the homicide rates recorded among indigenous people are always higher than the national rates.” (Ipea, 2024, pp. 83-84).

It is in this aspect that a point of great concern arises for the indigenous peoples in the country regarding the policy adopted by the Brazilian State: the disregard for non-repetition measures and the creation of “conciliatory” ideals to resolve the deficit left by such violence, without the implementation of public measures for the effective reparation of indigenous peoples. This is the case, for example, of the Special Commission for self-composition created by Minister Gilmar Mendes, of the Federal Supreme Court, within the scope of actions that question the constitutionality of Law 14.701/2023, which inaugurated a series of setbacks to the rights of indigenous peoples, including the institution of the “time frame” thesis, the weakening of the demarcation procedure, the greater offer of territories for economic exploitation, among several other points that directly diverge from the text of the Federal Constitution of 1988.

The creation of the Special Commission met with great resistance from the Brazilian indigenous movement, which, represented by APIB, chose to withdraw from the conciliation table for understanding the impossibility to negotiate fundamental rights. However, the space remained in place, with the replacement of indigenous

¹⁵ CIMI is a Catholic Church body linked to the National Confederation of Bishops of Brazil (CNBB in Portuguese), and has published annual reports on violence against indigenous peoples for decades.

¹⁶ CERQUEIRA, Daniel; BUENO, Samira (coord.). *Atlas da violência 2024*. Brasília: Ipea; FBSP, 2024. Available at: <<https://repositorio.ipea.gov.br/handle/11058/14031>>. Accessed on April 28, 2025.





people by indigenous representatives in positions in the Federal Government. Since then, Minister Gilmar Mendes' own office has presented a replacement proposal for Law 14.701/2023, in which, although it removes the “time frame” thesis, it completely redesigns the demarcation procedure for indigenous lands, making it completely unfeasible, increases the possibility of criminalizing traditional leaders, and, tragically, regulates mining in indigenous territories, even though this topic was not provided for in the law in question. The conciliation chamber, which still has no end date, represents the greatest violence against indigenous peoples in the country since redemocratization.

In addition to the aforementioned Special Commission, the Brazilian judiciary has been guided by the conciliatory approach to remedy specific cases of physical and territorial violence against indigenous peoples that began during the period of the Brazilian civil-military dictatorship, such as the case of the Kaiowá people, who have traditional lands in the state of Mato Grosso do Sul. The case of this indigenous people is undoubtedly one of the most terrible of the current indigenous genocide. The state in question leads in the number of suicides, as well as homicides among indigenous peoples. The alternative found by the Supreme Federal Court, involving the Kaiowá people of the Nhandaru Marangatu Indigenous Land, was the institution of conciliation between federative entities, which culminated in the purchase of the territory by the Union, in complete disregard of the reparatory measures and the effective demarcation of the traditional territory.

Take a look at the table below:

Table 1: 2003-2023 Data - Indigenous murders and suicides in Brazil, in 3 states of the federation - Mato Grosso do Sul (MS); Amazonas (AM); Roraima (RR)

YEAR	Murders of indigenous people in Brazil	Suicides of indigenous people in Brazil	Murders of indigenous people in MS	Suicides of indigenous people in MS	Murders of indigenous people in AM	Suicides of indigenous people in AM	Murders of indigenous people in RR	Suicides of indigenous people in RR
2003	42	53**	13	53/22 (GK)				
2004	37	42	16	42/16 (GK)				
2005	43	50	28	50/28 GK				
2006	58	40	28	40/19 (GK)				
2007	92	40	53	40/28 (GK)				
2008	60	59	42 (GK)	59/34 (GK)				





2009	60	42	33 (GK)	42/18 (GK)				
2010	60	40	34 (GK)	40				
2011	51	45	32	45				
2012	60	53	37	53	00	-	02	-
2013	53	73	33	73	01		06	
2014	138	48	41	48	24	49	15	03
2015	137	45**	36	45				
2016	118	106	28	30		36+	44 (Yanomami)	10
2017	110	128	17	31	28	54	33	13
2018	135	101	38	44	06	36	62	05
2019	196	138***	36	36***	49***	57	51	11
2020	216	122***	32	32***	43***	51	67	13
2021	203	160***	35	35***	41***	56	49	18
2022	180	115***	28	28***	30***	44	41	15
2023	208	180	43	37	36	66	47	19
Total	2.257	1.680	641	868	258	449	417	107

Table prepared based on CIMI reports on violence against indigenous peoples
 *** data from CIMI 2022 report, corrects previous data
 **data from CIMI 2015 report, corrects previous data
 GK- Guarani Kaiowá





For a period of time, practically until 2013, suicide records were concentrated among this population, as were the majority of murders. According to the Atlas of Violence (2024), organized by the Institute of Applied Economic Research (Ipea in Portuguese), the suicide rate among the indigenous population is currently 2.88; black population is 0.95; white, 0.76; and Asian, 0.44. These numbers cannot be undermined when we think about the living conditions of these populations in Brazil.

The Ipea report provides some reflections on the number of violent deaths of indigenous people, as they are related to the conflicts' increase in regions where the government is slow in regularizing indigenous lands, for example. Notwithstanding the need to monitor data year after year, the data reinforce what indigenous leaders have been saying for many years: the denial of territorial rights, government inaction and the morosity in recognizing their lands by the Brazilian state come with a huge cost for the people, who remain exposed to violence, losing their relatives through violent deaths or suicide. Without a doubt, racism is still recorded, as such violence is the basis that structures the coexistence of Brazilian society and these situations, both during the dictatorship and in the present day.

According to the Socio Environmental Institute (ISA in Portuguese), there are currently 808 Indigenous Lands (ILs) in Brazil at different stages of land regularization by the Brazilian State, of which 166 are being identified; 36 are identified; 68 are declared; and 518 are approved or reserved¹⁷. There is, however, a notable difference between the ILs recognized in the Legal Amazon and in other regions of Brazil:

“Most of the ILs are concentrated in the Legal Amazon: there are 430 areas, 115,803,611 hectares, representing 23% of the Amazon territory and 98.25% of the extension of all ILs in the country.

The remainder, 1.75%, is spread across the Northeast, Southeast, South regions and the states of Mato Grosso do Sul and Goiás.”¹⁸

There is, therefore, a huge deficit in guaranteeing and recognizing the territorial rights of indigenous peoples outside the Legal Amazon region, as well as a lack of effective actions by the State to protect and monitor regularized Indigenous Lands or those in the process of regularization. This is what leads us to understand the high levels of violence in the Legal Amazon and other regions where traditional territories are not

¹⁷ INSTITUTO SOCIOAMBIENTAL (ISA). *Terras Indígenas no Brasil*. Available at: <<https://terrasindigenas.org.br/>>. Accessed on April 29. 2025.

¹⁸ INSTITUTO SOCIOAMBIENTAL (ISA). *Povos Indígenas no Brasil. Localização e extensão das TIs*. Available at: <https://pib.socioambiental.org/pt/Localiza%C3%A7%C3%A3o_e_extens%C3%A3o_das_TIs>. Accessed on April 29. 2025.





yet recognized by the Brazilian state: **the morosity and lack of land regularization of Indigenous Lands fuel land conflicts in Brazil.**

In the Legal Amazon, the absence of the State in the last decade has favored the presence of organized crime in the ILs and various invasions, as Yanomami Indigenous Land case, especially due to the genocidal practices adopted during the government of President Jair Bolsonaro (2018-2022)¹⁹. The absence of the State and the presence of organized crime were certainly one of the causes of the murder of the Indigenist Bruno Pereira and journalist Dom Phillips, who worked to protect indigenous peoples in voluntary isolation in the Javari River Valley region²⁰, an area with the largest presence of isolated and recently contacted indigenous peoples on the planet, as well as the atrocious violence suffered by the Yanomami people in the last 10 years, resulting from illegal mining in the northwest Amazon, an area where there is also a presence of isolated indigenous peoples.

In this regard, the current situation lived by Indigenous Peoples, who are isolated and recently contacted, remains alarming, given the legacy left by the ideals of national development of the Brazilian civil-military dictatorship. The expansion of mining, land grabbing and deforestation for the purpose of producing commodities exposes these peoples to the complete possibility of extinction, whether through physical destruction or contamination by infectious diseases. The recent death of the last indigenous person of the Tanaru²¹ people is the prime example of this destruction, in addition to the

¹⁹ ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL (APIB). APIB presents new complaints against Bolsonaro to the International Criminal Court. 06/14/2022. Available at: <https://apiboficial.org/2022/06/14/apib-apresenta-novas-denuncias-contra-bolsonaro-ao-tribunal-penal-internacional/>>. Accessed on April 29, 2025.

²⁰ G1. *Bruno Pereira e Dom Phillips: a cronologia do caso desde o início da viagem*. Rio de Janeiro: Globo Comunicação e Participações, jun 15, 2022. Available at: <https://g1.globo.com/am/amazonas/noticia/2022/06/15/bruno-pereira-e-dom-phillips-a-cronologia-do-caso-desde-o-inicio-da-viagem.ghtml>>. Accessed on April 29, 2025.

²¹ BRASIL. Fundação Nacional dos Povos Indígenas (FUNAI). *Nota de pesar – Índio Tanaru*. Brasília: FUNAI, feb. 28. 2022. Available at: <https://www.gov.br/funai/pt-br/assuntos/noticias/2022-02/nota-de-pesar-indio-tanaru>>. Accessed on April 29, 2025





enormous rates of deforestation under the Kawahiva do Rio Pardo²² Indigenous Land and the health crisis experienced in the Yanomami²³.

In addition to the offer of indigenous lands for economic exploitation, as is the case with the mining and prospecting mentioned above, there is also the repetition of practices from the dictatorship period in the presence of companies with direct financial interests in indigenous lands, such as the Canadian company Belo Sun, which intends to build the largest open-pit gold mine less than 50 km from the main dam of the Belo Monte Hydroelectric Plant and less than 9.5 km from the Paquiçamba²⁴ Indigenous Land, in the State of Pará, as well as the various wind and solar energy projects that directly impact indigenous peoples in the northeast region, such as the Tuxá people. Furthermore, there are governmental projects to please the Brazilian private sector, such as the Ferrogrão railroad, created to transport grains between the States of Pará and Mato Grosso and which, to this end, cuts through and harms several traditional territories.²⁵

The axis of non-repetition is not just a symbolic commitment. It demands concrete changes to dismantle institutionalized structures of violence, which were the result of state policies, guarantee justice for the future, and consolidate democracy. The central logic is that it is not enough to recognize and repair past violations: it is necessary to change the conditions that could allow their repetition. For this reason, this axis is considered vital for the consolidation of democracy, full respect for the individual and collective human rights of indigenous peoples, and the promotion of more just and inclusive societies after periods of authoritarianism or conflict.

²² O GLOBO. *Guariba-Roosevelt: desmatamento em reserva do MT aumenta 720% em meio a ameaça contra servidores*. 04 de maio de 2023. Disponível em: <<https://oglobo.globo.com/brasil/noticia/2023/05/guariba-roosevelt-desmatamento-recorde-em-reserva-de-mt-aumenta-720percent-em-meio-a-ameacas-contraservidores.ghtml>>. Acesso em: 29 abr 2025.

²³ G1. *Malária, pneumonia, desnutrição e contaminação por mercúrio: Fantástico mostra a tragédia humanitária na Terra Indígena Yanomami*. 29/01/2023. Disponível em: <<https://g1.globo.com/fantastico/noticia/2023/01/29/malaria-pneumonia-desnutricao-contaminacao-por-mercúrio-fantastico-mostra-a-tragedia-humanitaria-na-terra-indigena-yanomami.ghtml>>. Acesso em 29 abr. 2025.

²⁴ INSTITUTO SOCIOAMBIENTAL (ISA). *Terras Indígenas no Brasil. A situação de fragilização dos povos tradicionais se intensificou com a irrupção da pandemia. Entrevista especial com Thais Mantovanelli*. Disponível em: <<https://terrasindigenas.org.br/pt-br/noticia/210497>>. Acesso em: 29 abr 2025.

²⁵ ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL (APIB). *Ferrogrão é modelo de retrocesso na Amazônia*. Disponível em: <<https://apiboficial.org/2021/07/29/ferrograo-e-modelo-de-retrocesso-na-amazonia/>>. Acesso em: 29 abr. 2025.





FINAL CONSIDERATIONS

The Brazilian State is responsible for taking seriously the conclusions presented by the National Truth Commission (CNV), ensuring the full application of its founding law and full compliance with its recommendations. This attitude will allow Brazilian society to understand its historical trajectory and identify with it, strengthening the search for justice, reparations and the non-repetition of violations. In this process, the truth becomes an essential instrument for building a more just, inclusive, plural and democratic country. In this collective effort, the protagonism of indigenous peoples is of the utmost importance.

To expand the public debate in favor of this process, the Articulation of Indigenous Peoples of Brazil (APIB in Portuguese), the Federal Public Ministry (MPF in Portuguese), the Institute of Relational Policies (IPR in Portuguese) and the Observatory of Indigenous Rights and Policies of the University of Brasília (OBIND-UnB in Portuguese) led the creation, in September 2024, of a FORUM, currently composed of more than 60 organizations, entities from the civil society, the State and academia, experts and historical activists in the matter and international observers to monitor and participate in the development of the work.

We reinforce, alongside the Rapporteur, the same recommendations of [Forum-Memory, Truth, Full reparation, non-repetition and Justice for Indigenous Peoples](#):

- a) evaluate the incorporation, in its communications and reports on visits to Brazil, of mentioning the urgency of establishing a NATIONAL INDIGENOUS TRUTH COMMISSION, as recommendations (item 3) of the Report of the NATIONAL TRUTH COMMISSION - ***“Installation of a National Indigenous Truth Commission, exclusively for the study of serious human rights violations against indigenous peoples, aiming to delve deeper into cases not detailed in this study.”***
- b) point out the importance of collective discussion to the Brazilian State, but with the protagonismo of indigenous peoples, of a transitional justice model that meets the needs of indigenous peoples, as the FORUM has been doing;
- c) Prepare a thematic report on the transitional justice processes for and with indigenous peoples as soon as possible.

Yours sincerely,





[Colegiate Coordination of the Forum for Memory, Truth, Full reparation, Non-repetition and Justice for Indigenous Peoples:](#)

- Articulation of Indigenous Peoples of Brazil – APIB
- Institute of Relational Policies – IPR
- Federal Public Ministry – 6th
- Coordination and Review Chamber – 6th CCR/MPF
- Observatory of Indigenous Rights and Policies of the University of Brasília - OBIND-UnB

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ENTITIES/AGENCIES/SPECIALISTS THAT JOINED THE FORUM:

INDIGENOUS ORGANIZATIONS

- ▶Articulation of Indigenous Peoples of Brazil (APIB)
- ▶Coordination of Indigenous Organizations of the Brazilian Amazon (COIAB)
- ▶Articulation of Indigenous Peoples of the Southeast Region (ARPINSUDESTE)
- ▶Associated Indigenists – INA
- ▶National Articulation of Indigenous Women Warriors of Ancestry (ANMIGA) ▶Hutukara Yanomami Association
- ▶Aty Guasu
- ▶Articulation of Indigenous Peoples and Organizations of the Northeast, Minas Gerais and Espírito Santo (APOINME)
- ▶Hutukara Yanomami Association ▶Guarani Yvyrupa Commission (CGY)
- ▶Articulation of Indigenous Peoples of the South Region (ARPINSUL)
- ▶Terena People's Council

CIVIL SOCIETY ORGANIZATIONS

- ▶Brazilian Archaeology Society (SAB)
- ▶Coletivo Transforma MP (Collective for a Transformative Public Ministry)
- ▶Brazilian Commission for Justice and Peace (CJP/SP)
- ▶Dom Paulo Evaristo Arns Human Rights Defense Commission (Arns Commission)
- ▶Socio-Environmental Institute (ISA)
- ▶Indigenous Missionary Council (CIMI)
- ▶Center for Indigenous Work (CTI)
- ▶Associated Indigenists (INA)
- ▶Socio-Environmental Institute (ISA)
- ▶Institute for Relational Policies (IPR)
- ▶Vladimir Herzog Institute
- ▶Global Justice

ENTITIES AND PUBLIC ORGANS

- ▶National Council for Human Rights (CNDH)
- ▶Abrasco / Fiocruz
- ▶MDHC Amnesty Commission
- ▶National Human Rights Defender's Office (DNDH)/Federal Public Defender's Office (DPU)
- ▶Ministry of Indigenous Peoples (MPI)
- ▶MPF - 6th Coordination and Review Chamber
- ▶Specialized Center for the Promotion of Racial Equality and Defense of Traditional Peoples and Communities





▶Public Defender's Office of the State of São Paulo

ACADEMIA

- ▶National History Association (ANPUH) - "Indigenous People in History" WG
- ▶Environmental Research Group: Traditional Societies and Hegemonic Society - CNPq/PUCPR
- ▶Federal University for Latin American Integration (UNILA)
- ▶Ethnic Rights Research Group-Moitará CNPq of the UnB Law School
- ▶Observatory of Indigenous Rights and Policies (OBIND)
- ▶Transitional Justice Research Group of the UnB ▶National History Association (ANPUH) - "Indigenous People in History" WG
- ▶Center for Forensic Archaeology and Anthropology (CAAF/UNIFESP)
- ▶Research Group on Minority Rights, Legal Pluralism and Sociobiodiversity
- ▶Postgraduate Program in Collective Rights and Citizenship of the University of Ribeirão Preto (PPGDCC)
- ▶Center for Research and Extension in Socio-Environmental Law (CEPEDIS) - Linked to the research group Environment: Traditional Societies and Hegemonic Society, of the Postgraduate Program in Law of the Pontifical Catholic University of Paraná.
- ▶University of São Paulo (USP)
- ▶Brazilian Anthropology Association (ABA)

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- ▶Paulo Machado Guimarães
- ▶Rubens Valente Soares

INTERNATIONAL OBSERVERS

- ▶Office of the United Nations High Commissioner for Human Rights (OHCHR)
- ▶Embassy of Norway in Brazil
- ▶Center for Justice and International Law
- ▶CEJIL - Center for Justice and International Law (CEJIL's)
- ▶Washington Brazil Office (WBO)





REFERENCES

ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL (APIB). APIB presents new complaints against Bolsonaro to the International Criminal Court. 06/14/2022. Available at: <<https://apiboficial.org/2022/06/14/apib-apresenta-novas-denuncias-contrabolsonaro-ao-tribunal-penal-internacional/>>. Accessed on April 29, 2025.

ARTICULAÇÃO DOS POVOS INDÍGENAS DO BRASIL (APIB). *Ferrogrão é modelo de retrocesso na Amazônia*. Available at: <<https://apiboficial.org/2021/07/29/ferrograo-e-modelo-de-retrocesso-na-amazonia/>>. Accessed on April 29, 2025.

BRASIL. *Ato Institucional nº 5, de 13 de dezembro de 1968. Suspende direitos políticos, autoriza o Presidente da República a decretar o recesso do Congresso Nacional e dá outras providências*. Diário Oficial da União: section 1, Brasília, DF, dec. 13. 1968. Available at: <https://www.planalto.gov.br/ccivil_03/AIT/ait-05-68.htm>. Accessed on April 28, 2025..

BRASIL. Comissão Nacional da Verdade. *Relatório Final da Comissão Nacional da Verdade*. Brasília: CNV, 2014. 3 v. Available at: <<http://cnv.gov.br/index.php/outros-destaques/682-relatorio-final-da-cnv>>. Accessed on April 28, 2025.

BRASIL. Comissão Nacional da Verdade (CNV). Relatório, Volume II. Textos temáticos. *Texto 5: Violações de Direitos Humanos dos Povos Indígenas*. Brasília: CNV, 2014. Available at: <http://cnv.memoriasreveladas.gov.br/images/pdf/relatorio/volume_2_digital.pdf>. Accessed on April 28, 2025.

BRASIL. Comissão Nacional da Verdade. *Get to know and access the final CNV report*. Available at: <<https://cnv.memoriasreveladas.gov.br/index.php/outros-destaques/574-conheca-e-acesse-o-relatorio-final-da-cnv>>. Accessed on April 29, 2025.

BRASIL. *Constituição da República Federativa do Brasil de 1988*. Brasília, DF: Diário Oficial da União, 1988.

BRASIL. Decree nº 1.775, January 8th, 1996. *Dispõe sobre o procedimento administrativo de demarcação das terras indígenas e dá outras providências*. Diário Oficial da União: section 1, Brasília, DF, Jan. 9, 1996. Available at: <https://www.planalto.gov.br/ccivil_03/decreto/D1775.htm>. Accessed on April 28, 2025.





BRASIL. Fundação Nacional dos Povos Indígenas (FUNAI). *Nota de pesar – Índio Tanaru*. Brasília: FUNAI, feb. 28. 2022. Available at: <<https://www.gov.br/funai/pt-br/assuntos/noticias/2022-02/nota-de-pesar-indio-tanaru>>. Accessed on April 29, 2025

CERQUEIRA, Daniel; BUENO, Samira (coord.). *Atlas da violência 2024*. Brasília: Ipea; FBSP, 2024. Available at: <<https://repositorio.ipea.gov.br/handle/11058/14031>>. Accessed on April 28, 2025.

FIGUEIREDO, Jader de. *Relatório Figueiredo: investigação sobre o Serviço de Proteção ao Índio (SPI)*. Brasília: Ministério do Interior, 1968. Armazém Memória. Available at: <<https://www.docvirt.com/docreader.net/DocIndio/6>>. Accessed on April 28, 2025.

G1. *Bruno Pereira e Dom Phillips: a cronologia do caso desde o início da viagem*. Rio de Janeiro: Globo Comunicação e Participações, jun 15,. 2022. Available at: <<https://g1.globo.com/am/amazonas/noticia/2022/06/15/bruno-pereira-e-dom-phillips-a-cronologia-do-caso-desde-o-inicio-da-viagem.ghtml>>. Accessed on April 29, 2025.

G1. *Malária, pneumonia, desnutrição e contaminação por mercúrio: Fantástico mostra a tragédia humanitária na Terra Indígena Yanomami*. 29/01/2023. Available at: <<https://g1.globo.com/fantastico/noticia/2023/01/29/malaria-pneumonia-desnutricao-contaminacao-por-mercuro-fantastico-mostra-a-tragedia-humanitaria-na-terra-indigena-yanomami.ghtml>>. Accessed on April 29, 2025.

INSTITUTO SOCIOAMBIENTAL (ISA). Povos Indígenas no Brasil. *Localização e extensão das TIs*. Available at: <https://pib.socioambiental.org/pt/Localiza%C3%A7%C3%A3o_e_extens%C3%A3o_da_s_TIs>. Accessed on April 29, 2025.

INSTITUTO SOCIOAMBIENTAL (ISA). *Terras Indígenas no Brasil*. Available at: <<https://terrasindigenas.org.br/>>. Accessed on April 29, 2025.

INSTITUTO SOCIOAMBIENTAL (ISA). *Terras Indígenas no Brasil. A situação de fragilização dos povos tradicionais se intensificou com a irrupção da pandemia. Entrevista especial com Thais Mantovanelli*. Available at: <<https://terrasindigenas.org.br/pt-br/noticia/210497>>. Accessed on April 29, 2025.

O GLOBO. *Guariba-Roosevelt: desmatamento em reserva do MT aumenta 720% em meio a ameaça contra servidores*. May 4, 2023. Available at: <<https://oglobo.globo.com/brasil/noticia/2023/05/guariba-roosevelt-desmatamento->





[recorde-em-reserva-de-mt-aumenta-720percent-em-meio-a-ameacas-contraservidores.ghml](#)>. Accessed on April 29, 2025.

OLIVEIRA, Marcelo. *Procuradora: “Vamos ver se muda a visão que a ditadura do Brasil foi a que menos matou”*. Agência Pública, October 15, 2024. Available at: <<https://apublica.org/2024/10/passa-de-10-mil-procuradora-propoe-recontar-mortos-na-ditadura/>>. Accessed on April 29, 2025.

PANKARARU, Maíra (Maíra de Oliveira Carneiro). *“Nossa história não começa em 1988”: o direito dos povos indígenas à luz da justiça de transição*. 2023. 84 p., il. Dissertation (Master's degree in law) - University of Brasília, Brasília, 2023. Available at: <http://repositorio.unb.br/handle/10482/47319>. Accessed on April 29, 2025.

ZELIC, Marcelo. *Reparação: os crimes de tutela e o desenvolvimento sem respeito*. In: CIMI, *Relatório Violência contra os Povos Indígenas do Brasil*. 2018 data. Brasília: CIMI, 2019, p. 143-148.

