
Brazil: Will there be justice for the Pataxó-Hã-Hã-Hãe?

The Pataxó-Hã-Hã-Hãe indigenous peoples of the Southern region of the State of Bahia are fighting to recover their traditional territories, demarcated in 1936, and consisting of an area of 53,000 hectares that are occupied by nearly 400 ranchers who got their titles illegally from the successive governments of Bahia since the decade of 1960. These lands, which house remnants of the once dense atlantic forest ("mata atlântica"), have been mostly converted into pastures and cacao plantations. In 1983 the Brazilian Agency of Indigenous Peoples' Affairs (FUNAI) went to court to defend the Pataxó-Hã-Hã-Hãe's territorial rights. In August and November 1999 they carried out a direct action to recover part of their usurped lands, and were violently expelled by the military police.

Last February the indigenous leaders Nailton Muniz and José Domingos Rocha, accompanied by Brazilian human rights activists, met Mr Carlos Velloso, President of the Federal High Court, which is at present considering the case. The delegation expressed its concern for the extreme delay of the legal process, and denounced the continuous acts of harassment and physical violence that indigenous men, women, elder and children are suffering to the hands of the powerful cattle ranchers and the police that constitute in fact their military arm. Not to mention the symbolic violence of being constrained to live under police surveillance in their own land, and even to have to seek justice within a legal framework which is completely at odds with their own culture.

It is clear that the more the court's resolution is delayed, the more uncertainty and suffering will they undergo. "I don't understand what is going on. We decide everything just raising our hands. What kind of justice is this?" expressed one of the indigenous peoples' leaders. Velloso promised them that a prompt legal solution to the conflict would be found, but what can be considered "prompt" in a "justice" system, which ignores and discriminates against indigenous peoples?

Recently several Brazilian social, environmental and political organizations issued a declaration supporting the Pataxó-Hã-Hã-Hãe's just struggle, and urging the authorities to remove the military police that occupies the territory where the indigenous people are confined, to take the necessary steps to protect their lives and belongings, and to rule in the case presented in defense of the Pataxó-Hã-Hã-Hãe's territorial rights.

Source: CIMI-ES, 17/2/2000;