

STATEMENT OF THE INDIAN LAW RESOURCE CENTER
September 28, 1990

Mr. Chairman and Members of the Commission:

My name is Armstrong Wiggins. I am the coordinator of the Central and South American Program of the Indian Law Resource Center. I am testifying on behalf of Yanomami Indians who asked us to be here today on their behalf. We thank you for this opportunity to testify once again about human rights violations against the Yanomami.

My testimony is based in part on my just- completed trip to Brazil. I was in Brazil for 12 days, from September 10 to September 22. I traveled to Yanomami territory where I witnessed ongoing abuses against the Yanomami people. My testimony is based on meetings in Brazil with Yanomami, government officials, the Bishop of the State of Roraima, missionaries, lawyers, a federal judge, environmentalists, human rights activists and others. My testimony is based also on documentation that has been compiled on this case since it was first opened in 1979. We will continue in the days and weeks ahead to supplement the extensive documentation that is already in the commission's hands.

The Yanomami are experiencing an unprecedented disaster. In a few short years almost one-fifth of their 9000 people have been killed by disease, malnutrition and bullets. Their aboriginal territory has been overrun, occupied and polluted with deadly toxins by outsiders, and divided into, discontinuous parcels by the government. Many Yanomami communities have disappeared.

Many of this proud, independent and self- sufficient people have been reduced to beggars. The very survival of the Yanomami is threatened.

The extent and gravity of these abuses has led many responsible observers to conclude that the Yanomami are suffering genocide. The term genocide is, of course, very grave. We believe that it should be used very carefully. The Commission should recognize, however, that even the Procurador-General of Brazil, Aristides Junqueira Alvarenga, has recently spoken of genocide against the Yanomami. Mr. Junqueira issued a statement earlier this month announcing the possible prosecution of Brazil's Indian office, FUNAI (Fundação Nacional do Indio), under Brazil's law of genocide (lei 2.889, "lei do Genocidio"), for FUNAI's complicity in genocide against the Yanomami. The term genocide should alert the Commission to the urgent need for the strongest possible measures to protect the Yanomami's most basic human rights. There may be other case on the Commission's docket that cries Louder for the Commission's attention.

Background

When this case was initiated, the primary objective was the demarcation of and legal protection for Yanomami lands. Demarcation was seen as essential to protect the Yanomami homeland and the Yanomami way of life, and as a means to check the spread of disease and violence by outsiders. Roadbuilding, prospecting and small-scale colonization efforts were threatening serious harm to the Yanomami people. After investigating these matters, the InterAmerican Commission on Human Rights

urged the demarcation of Yanomami lands, but the Brazilian government failed to act.

A 1987 gold rush in Yanomami territory greatly compounded the abuses suffered by the Yanomami. Tens of thousands of non Indian gold miners, garimpeiros, streamed into Yanomami territory. As many as 45,000 garimpeiros have been in Yanomami territory at one time. Today some 9000 are there, but that number is again on the increase as the rainy season ends and the dry season begins.

Widespread Disease and Deaths

The garimpeiros brought with them disease which they have caused fatal epidemics among the Yanomami: malaria, tuberculosis, measles whooping cough, respiratory infections, gastroenteritis, venereal diseases, and skin infections. Additional harm has been caused by the garimpeiros' mining practices. Using powerful high-pressure hoses to flush away the river banks, the garimpeiros have polluted the rivers and killed the fish. The result is extensive mercury poisoning and malnutrition among the Yanomami.

Finally, the garimpeiros brought their guns. Many Yanomami have been shot and killed, some because they resisted the garimpeiro invasion and others for no apparent reason.

Complete, reliable data is not available, but one government report concludes that over the past three years over 1,500 Yanomami died of diseases and that 24 Yanomami were killed by garimpeiro violence. During my brief trip I visited three Yanomami who were recovering from garimpeiro gunshot wounds in a hospital in Boa Vista, and I also met with Yanomami victims of malaria, tuberculosis and other diseases.

The Commission for the Creation of the Yanomami Park (CCPY), a respected non-governmental organization in Brazil, provides these chilling statistics in a report released in July of this year:

"...A mortality rate of 68% was registered in one (Yanomami) community in the Serra de Surucucus, and 53% in another. At the same time, there was a notoriously small percentage of children under the age of a year in the majority of the communities. Some communities, with several dozen inhabitants, did not have one child under a year. ...The impact of such death rates on family structure could be demonstrated in three communities in the Paapiu region, where around 30% of the region, where around 30% of the inhabitants said they had lost between one and five direct relatives (parents, children, brothers and sisters) over the past 2 years."

Failure of the Brazilian Government to Protect Yanomami Rights

Rather than protect the traditional Yanomami territory, as recognized by Brazil's Constitution and various Federal court orders, the government under the Sarney administration demarcated the Yanomami lands as a group of 19 disconnected areas and illegally created three "reserves" for the garimpeiros within that territory.

Under President Fernando Collor de Mello, it seemed at first that Brazil was at last determined to respond positively to the situation created by the garimpeiros. Tragically, these hopes appear misplaced. Of the three measures long deemed indispensable, not one has actually been carried out: 1) The garimpeiros have not been expelled from the indigenous territory and the garimpeiro "reserves" have not

been annulled. 2) There is no comprehensive medical plan for the Yanomami. 3) The government has neither demarcated Yanomami territory as one contiguous unit nor taken other steps to protect the area from invasion.

Failure To Prohibit Air Supply For The Garimpeiros

The garimpeiros are completely dependent on light aircraft for access to the Yanomami area and for resupply. In late March of this year President Collor announced with much fanfare a plan to dynamite the illegal garimpeiro airstrips that have been carved into the Yanomami area. Of more than 90 such airstrips, only some 13 were dynamited, and several of the damaged airstrips were soon repaired by the garimpeiros and put back into commission.

It seems clear that "the operation", as the airstrip destruction program is called, was mostly show, public relations for international consumption. Many sources, including officials within the Catholic Church and even within FUNAI, confirmed to me that the government has made no serious attempt to disrupt the air support network for the garimpeiros. A serious effort would include federal police or military action to close the garimpeiros' private air base which is located near the outskirts of Boa Vista. I flew over that garimpeiro base on a flight out of the main airport at Boa Vista. It is obviously operating with the full knowledge and complicity of Brazilian authorities.

Failure To Remove The Garimpeiros

On April 21 of this year, the Brazilian Federal Court issued another order directing FUNAI to carry out the Court's removal order against the garimpeiros. Half-hearted efforts were made by some federal police, and many garimpeiros reportedly left the area when the police appeared. But personnel and resources were never supplied by the government to carry out the removal. Garimpeiros were not systematically arrested and removed, and the air supply network was allowed to continue. Resistance to federal, protective decrees is profound at the Regional level, where the garimpeiros have become a major political force. Through their numbers, wealth, corruption of local officials, and militancy, the garimpeiros increasingly control local government affairs and check federal measures that conflict with their interests.

At the federal level, the political will to confront the garimpeiros and to implement the court decrees seems generally lacking. Brazil clearly has the physical resources and the police and military personnel to remove the garimpeiros and to secure Yanomami lands for the Yanomami. The means are at hand to protect Yanomami rights, but the Collor Administration has not yet resolved to use those means.

Failure To Meet Yanomami Medical Needs

The Government of Brazil has taken steps to improve the health of the Yanomami, but those steps are too little and too late. During my visit, only FUNAI doctors were in the field. There are some medical services provided also by the Catholic and Baptist churches, but they meet only a small fraction of the need. Funai has only one aircraft to back up its medical work, in contrast to the scores of light planes and helicopters used by the garimpeiro Yanomami. Medical need is greatest in the areas most heavily populated by the garimpeiros. Those are the same areas where it is most difficult to find medical assistance, in part because of garimpeiro threats against private and church relief efforts for the Indians.

Failure To Protect And Restore The Environment

The head-waters of all the major rivers in the Yanomami area have been polluted with the garimpeiros' mercury. In tests carried out last year on one group of Yanomami, researchers found that two-thirds of those tested had mercury levels in their bodies above the acceptable level established by the World Health Organization. Rivers have been indiscriminately torn, blasted and turned into ugly scars. The government has taken no remedial action to halt or reverse this danger and this destruction of Yanomami resources.

Remedial Measures Required of the Government of Brazil

In a recent report, the distinguished Brazilian organization, *Ação pela Cidadania* (Citizen Action), recommended that the Brazilian government adopt the following measures:

- The expulsion of the garimpeiros from the lands traditionally occupied by the Yanomami and a rigid control of the area to prevent new invasion.
- Planning and implementation of projects for environmental restoration of the Yanomami areas destroyed by the mining, and permanent health assistance for the Yanomami with the participation of civil and other interested organizations.
- Interdiction of the clandestine airstrips. .
- The revocation of the governmental decrees which treated garimpeiro "reserves" and national forests within the Yanomami territory.
- The demarcation of the total contiguous area traditionally occupied by the Yanomami, in accordance with the first paragraph of article 321 of the Constitution.

I call your special attention to statements of all of these matters by Yanomami leaders themselves. A statement by Davi Kopenawa Yanomami is appended to our testimony. It was presented to me at the Yanomami village of Demini on September 17, 1990. It was recorded in the Yanomami and Portuguese languages and translated into English. We were asked to present it directly to this Commission.

Conclusion

Terrible consequences foreseen in our statements to this Commission on September 15, 1988 and April 4, 1989 have sadly come to pass. Yanomamis are dying in great numbers. Their survival is in jeopardy, yet nothing is being done to protect their lives or to guarantee their rights.

We urgently request the Commission to make, an observation *in loco*. An in site visit would greatly inform the Commission and would send the strongest signal to the Brazilian government about the resolve of the Commission to protect Yanomami rights. Just as important, the presence of the Commission in Yanomami territory would give hope and comfort to the Yanomami, to embattled church and non-governmental organizations working with the Yanomami, and to those courageous Brazilian judges and governmental officials who are struggling against the odds to provide a fair measure of justice to the Yanomami.

We urge that the Comission take every possible step to encourage medical assistance for the Yanomamis, removal of the garimpeiros, and the proper demarcation and protection of all Yanomami land.

If the government of Brazil will not promptly facilitate a visit by this Commission, the Commission must immediately issue a report in the strongest possible terms. There is no good reason for further delay.

Respectfully submitted,

Armstrong Wiggins
Robert T. Coulter
Steven M. Tullberg

Indian Law Resource Center

**Statement
to
The Inter-American Commission on Human Rights
by
Davi Kopenawa Yanomami**

Demini, Brazil

September 17, 1990

My name is Davi Kopenawa Yanomami. I think many people already know me or at least have heard my name. I am a Yanomami Indian. I want to send my message to those who are friends and who are also helping us to defend the forest. I want to talk to the people through the authorities and to any other people who do not know the problems of the Indian in Brazil. We Yanomami Indians have lived in this forest for real long time, for much longer and before any white or non-Indian people arrived here. We used to be free and we did not have any kind of illness or we were not sick at all.

Because during that time there were no non-Indians around here -they were far away- we Indians did not know that the non-Indian would give us so many problems, that the gold miners were so bad. I am telling truth, and I am not saying that every non-Indian is not good or a bad person. I am talking about the gold miners who come here and take out our fish, the animals of the Forest and devastate the forest. That is what I am talking about. Now we have the *Garimpeiros* in here. They have invaded our territory. In 1987, that was when they first came. They also killed four Yanomami at Paapiu. From Paapiu they spread out into the territory with small

airplanes and helicopters that they had and rolled into the forest. They are now all over the territory.

And we Yanomami Indians are very much worried -we are very worried, because we do not have an authority like the President. We are not authorities so we have to ask them to change the situation and to take the gold miners or garimpeiros out of the area.

I have asked many times Funai and all the authorities, including former President Sarney, when he was President. I asked him to take out the gold miners, the garimpeiros, but the only thing they did was to promise and to keep promising things and not do anything.

Instead, they let many other gold miners come in. They have come through Catrimani, Uraricoera, Jai, Maturaca and all those other places. And they did not take them out. With the gold miners or garimpeiros came also the sickness. They spread out and they also took the sickness with them. Because of the mosquitos that bite them and bite us we are now having all of this sickness. The sickness called malaria is very strong, and I think at least 1000 Yanomami have died already. Even more than 1000. That is what I think.

Our situation, the Yanomami situation, is very bad. Now our rivers are dirty. Our streams which are the small rivers are dirty. The Yanomami do not know about mercury. They have never seen it. Mercury is used by gold miners to clean the gold. I mean they use it for gold mining. So it goes back to the river and the fish that the Yanomami eat and the water that the Yanomami drink is mixed with mercury. When they eat that and drink that they get sick.

Those gold miners are also poor people. Just like us they are not rich. I feel pity for them because they come here, because their bosses or garimpos send them here, and they just obey them. Around this Surucucus area there are a lot of gold miners or garimpeiros. The federal police has not taken them auto They tried, but what they did was to get the nice garimpeiros out. Not the bad and mean ones.

I am a Yanomami Indian who understands the non-Indian world. I keep asking President Collor to take out or to expel the gold miners from our territory.

President Collor has been in Surucucus, but he has not been in the other territories of Catrimani, Auaris, Toototobi, Araca, Maturaca. He has not been there. He has only been in a military base in Surucucus area. That is the only thing he saw. President Collor knows that the situation is not good. So I am asking other people to continue pressuring the Brazilian government to help expel the gold miners.

I asked the UN, the United Nations, that gave me a prize, and I tell them that the prize did not help my people. So I am asking the UN to help the Yanomami people to pressure the Brazilian government to take out the gold miners from our area. Also, the Organization of American States, we want hem to help us as friends. Help the Yanomami as though they were our friends.

I think it is not only the Brazilian government. You should pressure every government in the world because they are all alike, and they should help us help the Indian. Protect the Indians, protect the rivers, the mountains, the forest. We need o survive.

It is very important for them too. It is not only the Yanomami but also the non-Indians. We all depend on the land. So if they do not protect the land, all of humanity will die.

To you whom I am sending this message, what I am asking is to do something to help the Brazilian Indians, and also all the Indians of the world, because the Indians want to live in peace. No only the Indians who live in the forest, but also all of the Indians who live in the city and the non-Indians who are living in the city are suffering because the government should pay attention to all of us and do something to help us.

I am going to say something else that I had forgotten. It is about the 19 islands of Yanomami land that former President Sarney demarcated. We Yanomami Indians do not want to live in islands. We want to be safe.

The gold miners are going to enter our islands and we want to be safe. We need a continuous area and a big area in order to be able to fish and hunt and live well. We want all of our land together.

With regard to the government operation that should take out the gold miners, I know they have not taken out all of the gold miners. The operation has stopped because the Government says that they do not have money, and they need money to pay federal police in order to have them working and taking out the gold miners. I know the government authorities, the Brazilian authorities, and I know the politicians and I know the way they work. My feeling is that they actually do not want to take the gold miners out. They do not want to solve our problems. What they really want is to be here and exploit our resources. That is why they do not want to solve our problems

There are many people who are powerful. There are powerful gold miners especially the chiefs or owners of the garimpeiros known as garimpos, and some authorities too, like Romero Jucá, former president of Funai. He is responsible for letting the gold miners invade our territory, and he is responsible for lots of killings of Yanomami. Now he may become governor of Roraima again in October of 1990. Something must be done before that. Something must be done to solve our problem because Romero Jucá will not solve it. He does not like us, so he will not do anything to solve or to improve our situation.

Do the international authorities and people from the United States think it is true what they always say that the demarcation of Yanomami land is a matter of money, that they do not have money to do it?

We here in the Demini area, we are alive. But I know that many others have died, and continue to die and will die more and more. Only the areas where you have a mission close to it or where you have a doctor assisting the Indians and a nurse –and these are five or six areas only -in those areas people will survive. Here we will survive, but we will be very few Yanomami. The others are going to die. So you people that I am sending this message to, I want you to do something -something real that helps us. I do not want lies. I want the truth.

I am also very worried about people abroad who I think are giving money to Brazil and helping Brazil, but not to take care of their Indians. This money that comes from abroad is helping the Brazilian government not to care for our Indians. I am very worried about that.

Non-Indians are like ants. I know that non-Indians like our resources. They say that we have gold. We have lumber, and they say that they need that to help the people who live in the city. Well, we do not want them, and we do not want them here.

What we want is respect for our rights. We want them to leave us alone. We need help with regard to the health situation. In the beginning we did not need any help. We did not need any doctors, any medical doctors, any nurses or any medicine. But now we need doctors and nurses to help the Yanomami who are sick. We also need medicines because we used to cure ourselves only with shabori. Which is shamanism. But that is not enough anymore. And we need medical doctors and medicines and help from non-Indian people.

We are worried because the non-Indians are not very much worried about us. They think that we are a different race. Therefore they want to isolate us. They think we are bothering their work. We are preventing them from working here, so they would rather have us isolated. They do not worry very much about what is going on with us.

Now, the *Tushaua* of the Yanomami of the Demini community (spiritual leader) wants to speak. He will say something about the Yanomami situation. The *Tushaua* Lorival will speak in his language. I, Davi Yanomami, will translate into Portuguese and you will translate into English.

He does not like to have his voice taped because the Yanomami have this tradition that when they die and the voice is dead, something left behind is no good.

He does not want gold miners here. Because he does not want to die because of the gold miners. He does not want to die because of the gold mining activities. He does not want gold mining activities killing children. He does not want them killing his people. He just wants to live as in the past.

The *Tushaua* Lorival is saying that he wants the little rivers here clean. He does not want them dirty. He wants the gold miner to respect them. He also does not want to live in a small area. He wants to live in a big area, where his community can grow and get bigger. And he does not want roads. Because when they build roads in this area the Yanomami die and they suffer, he wants it to stay the way it is right now. So let them live the way they are living now.

The Yanomami do not have doctors, medical doctors like the non-Indians have. However, they have Shaboris, but not very many because many of them have died already. But Shaboris cure people by taking care of the souls. So they protect the children and the adults by not letting the illness come through them. That is how they work. So we want to be permitted to live like that.

If we can protect our children they will grow and there will be many others. If the government does not want to help, at least they should leave us alone. Do not let the gold miners get in. Without the gold miners, the garimpeiros, we can take care of our own health problems with our Shaboris.

Davi Kopenawa Yanomami
Demini
Yanomami Territory
Brazil
September 17, 1990

WORLDWIDE SUPPORT FOR THE YANOMAMI IS CRUCIAL

Arduous support for the Yanomami continues to grow in all corners of the world as international organizations focus their attention on the plight of this endangered tribe. A diverse group of individuals who take part in various worldwide organizations have insisted that their governments pressure the Brazilian government to honor its Constitution and demarcate the Yanomami territory, expel the *garimpeiros* and establish a permanent health project in the Yanomami territory.

In August 1990 Davi Kopenawa Yanomami and CCPY coordinator Claudia Andujar took part in the five-day Assembly of the World Council of Indigenous Peoples, in Tromsø, Norway. They were the guests of the Ministry of Foreign Affairs, Finnish International Development Agency (FINNIDA).

There they also had the opportunity to meet with members of the Spanish government, who declared their support for the permanent Yanomami Health Project.

In October 1990 Davi Kopenawa Yanomami traveled to Paris to take part in the Lelio Basso Tribunal, where he met with the president of *Frances Libertes* Danielle Mitterrand and denounced the presence of the *garimpeiros* in the Yanomami area.

During the Tribunal a group of jurists conducted a symbolic trial to judge if Brazil is guilty of committing genocide against indigenous peoples. In a 42-page document released at the trial's end, the Tribunal concluded that if "urgent measures" are not taken, the intention to destroy a people could be proven.

Survival International was also a great source of support for the Yanomami in 1990. During President Fernando Collor's worldwide tour, Survival International arranged embassy demonstrations to coincide with Collor's visits and began a continuing weekly vigil for the Yanomami at the Brazilian embassy in the UK.

Survival International also produced slides, a video and other educational materials about the Yanomami.

In November 1990 a representative of Friends of the Indians organization in Madrid, Spain visited the CCPY office in São Paulo. Pedro Ceinos presented CCPY with a dossier of 1600 signatures collected in a Friends of the Indians campaign in Spain in support of the Yanomami and their struggle.

A letter written in November 1990 by representatives of the Environmental Defense Fund, Friends of the Earth U.S., National Wildlife Federation, Sierra Club, and the Natural Resources Defense Council to Bernard Aronson, Deputy Assistant Secretary of State for Inter- American Affairs of the U.S. States Department, called for "significant action in defense of the Yanomami and the global environment".

They said the *garimpeiros* must be removed from the Yanomami territory, the boundaries must be defended, a comprehensive health plan must be organized and the entire Yanomami territory must be legally demarcated as a contiguous unit.

Those requests were made in a similar letter written to President George Bush in November by the American Anthropological Association. They urged President Bush to “ support the Collor government in its efforts to protect the Yanomami and to develop the resources of the Amazon in a safe and environmentally sound manner”.

Such expressions of concern, these groups concluded, could help "tip the balance" in favor of a decisive step to guarantee the survival of the Yanomami.

CCPY will continue to welcome and count on this crucial international support. The fight for the Yanomami's future can only be won together.