

**NATIONS UNIES**  
**HAUT COMMISSARIAT AUX DROITS DE L'HOMME**



**UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**



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7 March 2008

Excellency,

Recalling the previous letters of the chairperson of the Committee on the Elimination of Racial Discrimination (CERD), I write to inform you that at its 72<sup>nd</sup> session (18<sup>th</sup> February to 7<sup>th</sup> March 2008), the Committee considered further the situation of the Macuxi, Wapichana, Taurepang, Ingaricó and Patamona peoples in the Indigenous Land of Raposa Serra do Sol (RSS) of the State of Roraima, Brazil, in light of the responses provided by the Brazilian Government and of information from non-governmental organizations.

The Committee wishes to thank the Brazilian Government for the responses provided on 3 and 5 March 2008 on the removal of illegal occupants of the RSS and on the hydroelectric power plant project in the RSS. It welcomes the Government's openness to dialogue expressed by its representative Ambassador Sérgio Florêncio during the meeting held on 4 March 2008 with the Working Group on Early Warning and Urgent Action Procedures, as well as for the additional information provided. Furthermore, the Committee wishes to note with appreciation the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295) on 13 September 2007, with the favorable vote of Brazil.

In view of the information at its disposal, however, the Committee remains extremely preoccupied by the situation of the RSS which has not improved since the Committee last considered the matter during its previous session in August 2007 and wishes to receive clear information from the State party on the following:

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Ambassador and Permanent Representative  
Permanent Mission of Brazil  
Avenue Louis Casafé  
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1. Any remaining **legal or judicial impediments** that might prevent the full implementation of the Presidential Decree dated 15 April 2005, which should have been completed by 15 April 2006 with the removal of all illegal immigrants from the RSS;
2. The **exact date** on which the process of removing all illegal occupants begun and the expected date for its conclusion as, according to the information presented by the State party, the process has already begun and should last for approximately 130 days (paragraph 25 of the information received on 3 March);
3. The concrete measures taken to ensure a **peaceful removal** of all illegal occupants, including the measures adopted to prevent new illegal occupations in the RSS, as well as the results of the 88 investigations (paragraph 37 of the information received on 3 March), especially prosecutions and convictions, as the Committee welcomes, and shares, the preoccupation of the Brazilian Government with regard to the security in the RSS;
4. The process to obtain the **free, prior and informed consent** of the indigenous peoples in the RSS with regard to the project to explore hydroelectric resources in this indigenous land. While noting that the State party considers that this project has "a very limited possibility of being constructed" (last paragraph of the information received on 5 March), the Committee wishes to be informed if this consultation has been completed **prior** to presenting the project to the House of Representatives of the National Congress, pursuant to paragraph 3 of article 231 of the Brazilian Constitution.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, and while renewing its previous recommendations and being kept informed on any relevant developments related to the removal of all illegal occupants of RSS, the Committee requires that the State party provide detailed information on the above mentioned issues, **no later than 30 June 2008**, in order to further decide on any action to be taken under any of its procedures.

Allow me, Excellency, to reiterate the wish of the Committee to continue the constructive dialogue with your Government, and to underline that the Committee's observations and requests for information, are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah

Chairperson of the Committee for the  
Elimination of Racial Discrimination