



History and Violation of Brazilian Indigenous Rights: An Analysis of the Documentary “Martírio” by Vicent Carelli

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Introduction

The violation of the rights of Brazil's original peoples is a harsh reality in Brazil today, and these peoples are historical victims of a series of violations that have pushed the right to exist of Brazilian indigenous people to the limit.

This work, based on the documentary “Martírio” by Vicent Carelli, will carry out a critical analysis of the history of violations of the rights of Brazilian indigenous peoples, with a view to demonstrating the reasons for these violations, and the methods used to violate the rights of these peoples under the false justification of helping this population to integrate into the “national communion”, when in fact the intention was always just to scavenge and exploit the lands of these peoples.

Furthermore, we will analyze the role of the State in these violations, and how public security forces were and are also part of the violence suffered by indigenous people, highlighting the need for a change in the posture of such forces to enforce the new constitutional paradigm, of defense of original peoples and respect for their ethnic peculiarities and the lands necessary for a minimally dignified existence.

This change in perspective is essential so that the original peoples that still exist do not become extinct, physically and culturally, thus preventing a part of Brazilian culture from being lost forever.

History of the Violation of Indigenous Rights in Brazil

The documentary “martyrdom” by Vicent Carelli [1] takes us on a journey into the history of rights violations and extreme violence suffered by native peoples since the arrival of Europeans on Brazilian soil.

If Brazilian lands before the arrival of non-indigenous people were marked by otherness between the people who lived here, the arrival of the Portuguese in Brazil marked the search for domination of this land based on systemic violence and which aimed solely to expropriate all belongings to the original peoples, not limited to the exploitation of the natural riches of the lands occupied by these peoples, but also exploiting the labor force of the indigenous people seen by Europeans as objects to be used in the exploitation of this land.

After 500 years and the great evolution experienced by social sciences, especially in the way of thinking about the different “cultures” of the different existing peoples, it is surprising that we still have to live with discourses that inferiorize original peoples, placing them as a form of life, culture and delayed or not yet evolved society [2].

It seems that these speeches are not the result of mere ignorance, but rather a mixture of prejudice and bad faith that aims to inferiorize these populations and intervene on them with the aim of stripping them of everything that belongs to them, be it their lands (and all the natural riches that exist there) be it their workforce, or the freedom of these people

to self-determine and live according to their understanding of the world.

Although the documentary deals a lot with the Guarani-Kaiowa people of the Jaguapiri village, the reality of rights violations and violence exposed in this material are a reality for all indigenous peoples in Brazil, because if in colonial Brazil these people were victims of extreme violence, very evident, such as having been expelled from their original lands, enslaved and, based on the numbers we have of the decrease in these populations, victims of a true genocide that extinguished entire peoples [3], the change in political regimes did not alter this reality of violence, since both in the period of Brazil's Empire and Republic, such people were sometimes made invisible, sometimes seen as little evolved beings who should be compulsorily integrated into the national community, without any right to maintain their way of life.

In this context, public bodies were created supposedly aiming to guarantee the rights and protection of these people, such as the Indian Protection Service (SPI), later succeeded by FUNAI (which initially inherited all the employees of the SPI, which was extinguished after reports of violations of indigenous rights), but in fact these bodies not only failed to protect the rights of these peoples but also on many occasions encouraged violations of indigenous rights or were silent against the violence committed against these populations [4].

With regard to the SPI and the beginning of Funai itself, we can see the creation of indigenous reserves as a policy aimed at original peoples, where these peoples were compulsively displaced from their original lands to reserves defined unilaterally by the State (and endorsed by holders of economic and policy of the occasion), and which aimed solely to segregate indigenous peoples in other locations outside their lands, where the intention of this policy was to free up lands traditionally occupied by indigenous people for the creation of large latifundia that aimed to exploit the natural riches of these lands, keeping the indigenous people limited to their reserves, whose lands often did not have enough space and quality to maintain the indigenous way of life, given the need of these people for adequate spaces to carry out their fishing, hunting, gathering, agriculture and ceremonies activities religious communities, where this lack of suitable land for such activities combined with this spatial segregation created serious social conflicts for these people, both internal (among the members of these collectives) and external [5].

Furthermore, it is noticeable that the State aimed to promote a forced assimilation of the original peoples into our way of life, violating their right to maintain their traditional

way of life (traditions, myths, religion, language, social and political organization), being This integration is yet another way of denying the rights of these peoples, because once integrated into our culture, the original peoples would lose (in this shallow conception of integrationism) their indigenous identity, and therefore they would not have the right to the protection of their lands, which could be freely exploited by non-indigenous people, while indigenous labor would be absorbed by our capitalist society.

In this context, the integrationist policy of indigenous peoples implemented by the State aimed to violate the traditional culture of these peoples on several fronts [6], among them:

- Implementation of schools in indigenous groups, to instill in these peoples our way of life, language and way of relating to the world around us and organizing themselves socially and politically from an early age;
- Imposing the Christian religion, which began with catechization in the colonial period, under the justification that it was intended to "save the soul of the Indians", and which continued with the republic when Pentecostal pastors entered these groups to evangelize the indigenous people;
- Creation of the indigenous guard during the dictatorial period, bringing a form of military organization to carry out social control of this population, and which in fact was marked by a series of abuses originating from such a body;
- Agency by the SPI itself of the indigenous population's labor force for the exploitation of the land, with reports of work analogous to the condition of indigenous slaves.

These violations of indigenous rights, together with the State's failure to protect their rights, ended up generating an inevitable conflict over land between indigenous people and farmers, and in the 1940s and 1950s serious conflicts broke out between these social agents, with cases of violence against indigenous people, such as threats, homicides, physical assaults and rapes, which generated a displacement of these peoples from their original lands to avoid this violence [7].

This reality of violations only changed in the 1970s when indigenous peoples began to mobilize politically in large multi-ethnic collectives to demand from the State the protection of their historically violated rights, as well as carrying out resistance struggles to regain their territories that were usurped by white people [5].

The organization and struggles carried out by these people put a deadly dent in the arguments that saw them as savages incapable of taking care of themselves and their lands, as it demonstrated the great power of these collectives

to organize themselves politically and claim their rights, despite all the violations committed against these peoples both from powerful social strata (landowners holding great economic power), and from the Brazilian State itself, sometimes negligent in its obligation to defend indigenous peoples, sometimes aggressors fomenting violence against such peoples.

This resistance movement generated several leaders defending indigenous rights, including Marçal de Souza Tupã (murdered in 1983) and Ailton Krenak, and ended up influencing the constituent to insert into the Constitution, in its article 231, the rights of these peoples to “their social organization, customs, languages, beliefs, traditions, and the original rights over the lands they traditionally occupy” [8], bringing a new constitutional paradigm, overcoming the integrationist idea based on a myopic Eurocentrism, and declaring that we live in a multi-ethnic country.

Despite this, to this day violations of indigenous rights persist, on the one hand due to the State’s failure to demarcate indigenous lands, which should have been done within 5 years, according to the Constitution, but has dragged on to this day. , and on the other hand due to the greed of landowners who violate indigenous territorial rights in order to exploit the natural resources of these lands in a predatory manner, with indigenous people being seen as an obstacle to their ability to become increasingly rich, which motivates farmers to commit the most diverse forms of violence against these people, such as homicides (mainly of indigenous leaders), threats, damage (of villages, farms), among other forms of violence that aim to expel indigenous people from traditional lands [9].

Furthermore, we have experienced a period marked by a process that deconstitutes indigenous rights, where the aim is to modify the legal order to, “legally”, violate the rights of these peoples to their territories, violating the constitution, which has occurred with countless of bills, amendments to the constitution, as well as the legal thesis of the time frame, where an attempt is made to lend a new interpretation to the constitutional text, always with the aim of violating the fundamental rights of indigenous people and favoring large farmers.

In this context, public security forces have shown themselves to be inefficient in protecting these populations, firstly because as farmers hold great economic and political power, these are not reached by the actions of public security agents and are able to maintain impunity. for their crimes, no matter how barbaric the violations committed. On the other hand, public security bodies often become an instrument of violence by these farmers against the original peoples, where

farmers, armed with documents that attest to the legitimacy of their possession over that land, request police (and even judicial) bodies to) the “defense of their right to property”, where police intervention is yet another form of violation of the rights of indigenous people to their territories, when the police themselves are not acted upon by farmers to commit crimes against these peoples [9].

In this way, it is impossible for public security agents to act in such complex conflicts without, firstly, understanding the entire history of these violations against indigenous groups, to understand that “what is on paper” presented by the farmers does not match at all with the real genesis of these conflicts and the violence that results from them, as documents presented by farmers are often nothing more than a way of legalizing expropriation and violations of territorial rights against indigenous people.

Understanding this complexity is the first step to verifying that native peoples are socially vulnerable to the violence already reported, and therefore demand special protection from public security bodies.

Furthermore, it is important that public security agents understand that crimes against indigenous people deserve energetic and immediate action from these professionals, both in terms of preventive actions, and the action of intelligence agencies is necessary to map potential cases of conflict and violence.

Involving indigenous people, as well as in the qualified repression of crimes committed against indigenous people, and such cases must be treated with rigor and priority to make it clear that violence will not be an acceptable way to resolve these conflicts.

However, the biggest step to be taken towards resolving this conflict will be of a political nature, with the conclusion of the demarcation of indigenous lands, which are so essential for the survival and reproduction of the way of life of these peoples.

It is also essential that the bodies of the criminal justice system, especially those of a jurisdictional nature, have the sensitivity to understand the seriousness of these conflicts and the historical (and current) violations of human rights that have victimized original peoples, with a view to ensuring that judicial decisions take this reality into account so that they can be more assertive in their decisions, which must occur mainly in our Supreme Court (STF) with regard to the judgment of the time frame, which will be paradigmatic, as an effective declaration that the State Brazilians have changed and will now respect and promote indigenous rights to their

social self-organization and their original lands, or, on the contrary, it will be yet another institutional violation of these peoples' right to exist.

Regardless of the direction taken by our judiciary and the political powers of the State (executive and legislative), the social pacification of this conflict will not occur anytime soon, leaving the original peoples only to exercise their legitimate right to resist all these attacks against their right to existence.

But it is important to understand the role of public security agents in this conflictive dynamic, notably on the condition that these security forces must play a role of social pacification and not of reproducing violence socially and institutionally imposed on these people, always taking into account that Native peoples are socially vulnerable and are therefore worthy of special protection.

Conclusion

In view of the above, we can see that since the arrival of the Portuguese in Brazil, the original peoples have been the target of various forms of violence against their way of life and traditional territories, which culminated in a true genocide of these peoples, motivated by greed for natural resources in the indigenous lands.

This violence was perpetuated during the period of colonial Brazil, empire and republic, and despite the advancement of the rights of these people with redemocratization and the promulgation of their rights in the 1988 constitution, as a result of the mobilization and resistance struggles of these people, violence against the indigenous people's way of life and lands persists, where landowners and their gunmen (often made up of police or militiamen) violate the rights of these populations, while the Brazilian State is sometimes silent in the defense of indigenous rights, and sometimes promotes and contributes with this violence.

In this context, public security forces have in their practice contributed to the violence imposed on these people by uncritically defending the interests of white people, making it necessary to change the perspective of public security agents, in order to understand the depth of the causes of these conflicts. involving indigenous people and the condition of these peoples as socially vulnerable in this fight against social sectors that hold great economic,

social and political power, with public security agents being responsible for providing special protection to these peoples, thus guaranteeing the values set out in the constitution, the highest standard of our legal system.

Despite this need to change the mentality of members of public security bodies, it is more than urgent that the demarcations of traditional indigenous lands be completed, which will guarantee these peoples an adequate place to survive in a dignified manner and, with the help of the forces of security, if they stay away from the violence that has become part of the lives of this population, as well as it is up to the constituted powers not to advance with legislative and judicial agendas that only aim to defraud, under an illusion of legality, the constitutionally foreseen indigenous rights and perpetuate a situation of conflict and violence against original peoples.

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