

## Portuguese to English translation

Gazette, August 23, 2011 pg.65 sec.1

ORDINANCE No. 440 OF 17 AUGUST 2011

The Federal Prosecutor, represented by

Attorney agrees that, based on

Articles 127 and 129, sections III and VI, both of the Constitution Of Brazil, and Articles 5, items I and III, 6, items

VII, "b", and XIV, "f", and 7, section I, the Complementary Law No. 75/1993 (Law of the Ministry of Public Union), and

CONSIDERING the evidence already collected in

Preparatory Procedure No. 1.32.000.000437/2005-05, established with the scope "Yanomami blood", as published in the complaint Jornal do Comercio de Pernambuco, on 22 October 2000

pointing conducting research and biopiracy of genetic material

Yanomami population of Roraima for Universities and Institutes

Research of the United States in years 60 and 70, coordinated and

performed by the North American geneticist James Neel and his

team (fl. 15) and funded by the Nuclear Energy Agency

United States, later absorbed by the Department of

American Energy (pages 16 and 17), for comparative studies of people

not exposed to any kind of artificial radiation (Yanomami) and

also for comparative studies with the vaccine Edmonston

B with and without immunization, measles (pages 126); these complaints

brought based on published Darkness in El Dorado (2000),

North American journalist Patrick Tierney;

WHEREAS, although such research is

prior to the 1988 Federal Constitution, Decree No. 98,830 of

15/01/1990, which provides for the collection, by foreigners, and data

materials science in Brazil, the Normative Instruction 001/PRESI /

FUNAI, of 29.11.1995, which regulates scientific research in

Indigenous Lands, the Resolution of the National Health Council / MS No.

196/96, of 10/10/1996, which regulates scientific research involving

humans, and the resolution of the National

Health / MS n ° 340/2000, of 11/08/2000, which sets ethical standards for

research with indigenous peoples (fl. 103), and there are records of licenses

from 1970 to search and collection of blood, provided

FUNAI, for those involved (pages 314-318) and (pages 334-338) and

(Pages 371-378) and (pages 388-411) and (pgs 418 and 419), researchers

however, did not observe the informed consent (fl. 89) to

blood collection, as required by the Nuremberg Code, 1947

(Pages 507-509) and the Helsinki Declaration of 1964 I, obtaining the

blood samples by means of exchange for gifts to the communities

Yanomami (fl. 04);

WHEREAS, the genetic material taken from the Yanomami

continued for many years been the subject of genetic research

academic or commercial purposes and understand that this situation  
an affront to the Yanomami culture for violating their customs  
funeral and constitute the blood samples, part of their  
ancestors and with the repatriation of Yanomami blood samples  
the claim of this group (fl. 76) and (pages 97-99);  
WHEREAS there is an American company,  
Cell Repositories Coriel to announcing the sale of blood samples  
Yanomami internet (pages 654-676) and the Universities of  
Binghamton, the National Institute of Health, the University  
Ohio State, the University of Pennsylvania and the University  
California confirmed keep in condition, samples  
Yanomami blood (fl. 555), and that based on this, was given  
beginning to institutional dealings between the U.S. and Brazil for the ultimate  
delivery of Yanomami blood to their leaders;  
WHEREAS, in 2008 was proposed by the Institute  
U.S. National Cancer to the Brazilian Embassy, an AGREEMENT  
Material Transfer (691-694) for the transfer  
biological materials belonging to indigenous Yanomami  
Brazil, and that this term was evaluated by ANVISA, which issued  
Opinion ANVISA 08.05 on 18 September 2008, requesting  
some technical adjustments (pages 729,732), and that some adjustments  
regulations were also suggested by the 6th CRR (pages 714 to  
728);  
CONSIDERING that was scheduled to be held on 08  
July 2010 a meeting between the 5th CRR, the Board of the Department  
International Affairs Attorney General Union  
and Head of the Human Rights Division of the Ministry of  
Foreign (fl. 760);  
CONSIDERING the need to conform to the provisions  
in Article 4, § 4, CSMPF Resolution No. 87/2006 and Article 2, § 7,  
CNMP Resolution No. 23/2007, regulating the procedural course;  
Resolve determine the following:

1. Become this Administrative Procedure  
Civil Public Inquiry;
2. Communicate Colenda the 6th Chamber of Coordination and  
Review of Federal Public Ministry;
3. Office to the Department of International Affairs  
Attorney General's Office and Head of the Division of Human Rights  
Ministry of Foreign Affairs to report  
on the progress of negotiations with the North American Universities  
and the company Coriel Cell Repositories for the return  
Yanomami of genetic material;
4. Arrange for the publication of this Ordinance (Article 5,  
Item VI of Resolution No. 87/2006 CSMPF, and art. 4, Paragraph VI of the  
CNMP Resolution 23/2007), requesting that it be informed as  
this publication happen soon, for the purposes of art. 9, § 9, of Resolution

CSMPF No. 87/2006 and art. 6, § 10 of Resolution No. CNMP  
23/2007.

RODRIGO DA COSTA E SILVA TIMOTHY

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