

# ON THE FRONT LINE:

## HUMAN RIGHTS DEFENDERS IN BRAZIL

– 2002-2005 –



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December 2005



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- Movimento dos Pequenos Agricultores
- Movimento dos Sem Teto de Goiás
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- Movimento Nacional de Direitos Humanos
- Movimento Nacional de Luta pela Moradia
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- Terra de Direitos
- Unidade Especial de Defensores da Comissão Interamericana de Direitos Humanos da Organização dos Estados Americanos
- Via Campesina

## LIST OF ACRONYMS

- AAGLT – Associação Amazonense de Gays, Lésbicas e Travestis
- ABGLT – Associação Brasileira de Gays, Lésbicas e Travestis
- AATR – Associação de Advogados de Trabalhadores Rurais da Bahia
- ABREA – Associação Brasileira para Erradicação do Amianto
- ADA – Amigos dos Amigos (criminal group)
- AJA – Amigos da Justiça Ambiental
- AJUFE – Associação dos Juizes Federais
- AMAR – Associação de Mães e Amigos da Criança e do Adolescente em Risco
- ANEEL – Agência Nacional de Energia Elétrica
- ARB – Associação para Reforma Prisional
- ASPTA – Assessoria e Serviços a Projetos em Agricultura Alternativa
- BOPE – Batalhão de Operações Especiais
- CDHM – Comissão de Direitos Humanos e Minorias
- CDHMP – Centro de Direitos Humanos e Memória Popular
- CEMIG – Companhia de Eletricidade do Estado de Minas Gerais
- CERCONVIDH – Centro de Referência contra a Violência e Discriminação ao Homossexual
- CIDH – Comissão Interamericana de Direitos Humanos da Organização dos Estados Americanos
- CIMI – Conselho Indigenista Missionário
- CMI – Centro de Mídia Independente
- CMP – Central de Movimentos Populares
- CNCD – Conselho Nacional Contra Discriminação
- COHOM – European Union's Council's Working Party on Human Rights
- CONANDA – Conselho Nacional de Direitos da Criança e do Adolescente
- CONDEPH – Conselho Estadual dos Direitos da Pessoa Humana
- CPI – Comissão Parlamentar de Inquérito
- CPT – Comissão Pastoral da Terra
- CTNBio – Comissão Técnica Nacional de Biosegurança
- CUT – Central Única dos Trabalhadores
- DDH – Disque Defesa Homossexual
- EMATER – Empresa de Assistência Técnica e Extensão Rural
- FASE – Federação de Órgãos para Assistência Social e Educacional
- FDH – Fórum de Direitos Humanos de Santo Antônio de Jesus

- FEBEM – Fundação Estadual para o Bem Estar do Menor
- FENDH – Fórum de Entidades Nacionais de Direitos Humanos
- FUNAGUAS – Fundação Águas do Piauí
- FUNAI – Fundação Nacional do Índio
- FUNASA – Fundação Nacional de Saúde
- FUNAGUAS – Fundação Águas do Piauí
- GIR – Grupo de Intervenção Rápida
- IACHR – Inter-American Commission on Human Rights
- IBAMA – Instituto Brasileiro do Meio Ambiente e dos recursos Naturais Renováveis
- INCRA – Instituto Nacional de Colonização e Reforma Agrária
- JG – Justiça Global
- MAB – Movimento dos Atingidos por Barragens
- MP – Ministério Público
- MPA – Movimento dos Pequenos Agricultores
- MPE – Ministério Público Estadual
- MPF – Ministério Público Federal
- MST – Movimento dos Trabalhadores Rurais Sem Terra
- OAB – Ordem dos Advogados do Brasil
- OEA – Organização dos Estados Americanos
- OAS – Organization of American States
- OIT – Organização Internacional do Trabalho
- ONU – Organização das Nações Unidas
- PDS – Projeto de Desenvolvimento Sustentável
- PICS – Prisão Industrial de Caxias do Sul
- PROVITA – Programa de Proteção a Vítimas e Testemunhas Ameaçadas
- PT – Partido dos Trabalhadores
- RENAP – Rede Nacional de Advogados e Advogadas Populares
- SEAB-PR – Secretário de Agricultura e Abastecimento do Paraná
- SEDH – Secretaria Especial de Direitos Humanos
- SENASP – Secretaria Nacional de Segurança Pública
- STR – Sindicato dos Trabalhadores Rurais
- SUSEPE – Superintendência dos Serviços Penitenciários
- TI – Terra Indígena
- TRF – Tribunal Regional Federal
- UNCHR – United Nations Commission on Human Rights

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**This book is dedicated  
to the memory of:**

(alphabetized by first name)

*Adamor Guedes*

*Adelaide Molinari*

*Adenilson dos Santos Barros*

*Aílton Pereira de Oliveira*

*Alexandre Martins de Castro Filho*

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*Bartolomeu Moraes da Silva*

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*Sister Dorothy Stang*

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*João Batista Soares Lage*

*Jorge dos Santos Barros*

*José Ademilson Barbosa da Silva*

*José “Dezinho” Dutra da Costa*

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The logo for the Center for Research and Documentation Chile–Latin America (FDCL) consists of the letters 'FDCL' in a bold, sans-serif font. The 'F' and 'D' are connected, and the 'C' and 'L' are also connected.The logo for the Fundação Heinrich Böll features two solid grey squares of different sizes to the left of the text. The text 'FUNDAÇÃO HEINRICH BÖLL' is in a clean, sans-serif font, with 'FUNDAÇÃO' on the top line, 'HEINRICH' on the second line, and 'BÖLL' on the third line.The logo for the Ford Foundation features a square frame containing the lowercase letters 'ff' in a stylized, serif font. Below the frame, the words 'FORD FOUNDATION' are written in a simple, sans-serif font.The logo for Caritas international features a square frame containing a stylized cross with four smaller crosses at its intersections. To the right of the frame, the word 'Caritas' is written in a serif font, with 'international' in a smaller, sans-serif font below it. At the bottom, the German phrase 'Für Menschen in Not' is written in a cursive script.



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# Introduction

**I**n addition to contributing to the promotion of a society in which basic rights are respected and guaranteed, human rights defenders play an essential role in the strengthening of democracy, the rule of law, and the judicial system. As a result of this work, they are an irritant and pose a challenge to the political and economic powers responsible for human rights violations. Consequently, defenders are subject to a wide range of human rights violations.

Threats towards human rights defenders in Brazil are not restricted to those fighting for civil and political rights; all those who defend and promote economic, social, cultural, and environmental rights are at risk as well. This was the conclusion of the first comprehensive study on human rights defenders carried out in Brazil in 2001 entitled: *Frontline: Human Rights Defenders in Brazil, 1997-2001*.<sup>1</sup> Through the documentation and analysis of 57 emblematic crimes against human rights defenders working in different regions of Brazil, that first research demonstrated that in more than 80% of the cases (out of a total of 46 cases) there was virtually no progress made in the investigation of crimes committed against these activists or bringing to trial those responsible for the violations.

Three years have passed since that first publication, and to mark the visit to Brazil of Ms. Hina Jilani, Special Representative of the UN Secretary-General on the Situation of Human Rights Defenders, *Justiça Global* and *Terra de Direitos* (two Brazilian non-governmental human rights organizations) researched, analyzed, and recorded updated information in the present second national report, exposing the continual threats, persecution, criminalization, and murders to which human rights defenders are still subjected.

This report documents and denounces the Brazilian government's slowness, incompetence, and inefficiency in dealing with the issue. In fact, the Brazilian government has not provided an adequate security structure for human rights defenders and does not manage, or in many cases simply is not willing, to protect them when they are at risk.

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<sup>1</sup> Research published by *Justiça Global* with the support of the organization Frontline Defenders in April 2002.

The cases presented herein are only a handful of the many that threaten the defense of human rights in Brazil. However, they serve to more than adequately illustrate the seriousness of the situation, and illustrate the historic pattern of violence against human rights defenders and the impunity the perpetrators enjoy. Many more cases of at-risk defenders could have been included in this report, which itself reflects the risks to which the defenders are continually exposed.

It is our hope that this report will serve as an instrument for the monitoring of such an important issue, that it will contribute to a greater awareness of the issue on behalf of the Brazilian government, general public, civil society, and international community, and help move the Brazilian government towards the development and enforce of public policies that protect and promote the work of human rights defenders.

# 1. International Instruments for the Protection of Human Rights Defenders and the Mobilization of Civil Society

**I**nternational organizations have acknowledged the vital role human rights defenders play in the fight against social exclusion, in combating poverty, and in furthering human development. These organizations have created special mechanisms to support, protect, and strengthen the work carried out by defenders.

The United Nations General Assembly (UNGA), in its Resolution 53 of 1998 entitled “Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,” acknowledged the fundamental role of human rights defenders. In April 2000, the UN Commission on Human Rights (UNCHR) created the post of Special Representative of the UN Secretary-General on the Situation of Human Rights Defenders.

The impact of the UN Special Representative’s work has led to gradual, yet increased, global attention given to the relentless and courageous work of human rights defenders. Brazilian human rights organizations, aware of the importance of this Rapporteurship, have made continual and systematic use of the communications mechanism for the denunciation of human rights violations against human rights defenders. At the UN, the visibility of the work of human rights defenders — through sessions of the treaty-monitoring bodies or the UNCHR special mechanisms — has been enhanced by regular visits to Brazil by UN Special Rapporteurs. As a follow-on to the visits by the UN Rapporteurs on Torture (2001), Extra-Judicial and Summary Executions (2003), and Independence of Judges and Lawyers (2004), among others, the Special Representative of the Secretary-General on Human Rights Defenders made a visit at the end of 2005 to the states of Pará, Pernambuco, Bahia, São Paulo, and Santa Catarina, as well as the capital city of Brasilia. This historic visit, the last of Special Representative Hina Jilani’s mandate, took place at a time when Brazilian organizations are maturing in their work documenting and denouncing human rights violations. The official visit also reflects the seriousness of the obstacles, threats, attacks, and violence suffered by human rights defenders in Brazil.

The Organization of American States (OAS) has also reiterated its support to the fundamental work of human rights defenders, which is outlined in its General Assembly Resolution number 1842 of June 2002, “Human Rights Defenders in the Americas: Supporting Individuals, Groups, and Civil Society Organizations, Working to Promote

and Protect Human Rights in the Americas.” This resolution has been approved annually by the OAS General Assembly as a growing acknowledgement of the recognition and support that human rights defenders in the region deserve. The importance of human rights defenders has been clearly expressed by the Inter-American Commission on Human Rights (IACHR), the most important inter-governmental organization in Latin America, when it created a Special Unit for Human Rights Defenders within the office of its Executive Secretariat in 2001. This entity acts as a bridge between human rights defenders and activists and the Inter-American Human Rights System. Through this Unit, the IACHR and OAS Member States are called upon to act and fulfill their international obligations. However, four years have passed since the creation of the Special Unit on Human Rights Defenders and it has still not made public its regional report on human rights defenders. Such a report would be based on the cases processed by the IACHR, the cautionary measures that it has recommended thus far, and information submitted by human rights organizations, social movements, and individual defenders in the Americas.

On 15 June 2004, the European Union (EU) adopted the “Guidelines on Human Rights Defenders.” These guidelines represent an additional step in the EU’s commitment to supporting and protecting human rights defenders. The Guidelines establish a series of mechanisms to effectively promote and protect human rights in non-EU Member States.

Recently, the EU Council’s Working Party on Human Rights (COHOM) requested that EU Member State embassies, consulates, and European Commission delegations deal with the question of human rights defenders in their reports. According to the EU, the Guidelines should serve — alongside the UN Declaration on Human Rights Defenders, the UN Commission on Human Rights’ Special Mechanisms, and the regional human rights mechanisms (e.g. Inter-American, European, and African Human Rights Systems) — as an efficient way of promoting and protecting human rights defenders in other countries.

## **1.1 The Latin-American Context**

The theme of human rights defenders in Latin America has been increasingly explored since the 1988 UN Resolution on Human Rights Defenders. Soon after that resolution passed, Latin American human rights groups organized the First Latin American Consultation on Human Rights Defenders, held in Mexico in 2001. This was followed by the Second Latin American Consultation on Human Rights Defenders in 2002 in Guatemala, and the Third Consultation, in Brazil in August 2004.

At the same time as Latin American civil society was mobilizing to promote the concept of human rights defenders and reclaim their rights, governmental commitment dwindled. Seven years have passed since the 1998 UN Declaration — a significant

moment in the definition and articulation of the concept — but at this point only Colombia, Guatemala, and Brazil have any form of state involvement in the protection of defenders, with each country's program at different stages of development.

Apart from the Latin American Consultations on Human Rights Defenders, human rights organizations and social movements have also been successful in bringing the difficult situation faced by defenders in the region to the political foreground.

In October 2004, the first hearing on the theme of human rights defenders in Latin America took place at the IACHR in Washington, DC. The petitioners made a series of recommendations to the IACHR, including the adoption of a wide-ranging concept on human rights defenders, following the model accepted internationally in the 1998 Declaration. In 2005, another hearing on human rights defenders at the IACHR, this time on the situation in Central America, brought to light the problems experienced by defenders while carrying out their work.

At the national level, Brazilian organizations have increasingly used the Inter-American Human Rights System when defenders are threatened or attacked. The IACHR has recently renewed precautionary measures for the protection of City Councilor Manoel Matos and Public Prosecutor Rosemary de Almeida, both from the city of Itambé in the state of Pernambuco. Also in Pernambuco, the IACHR granted precautionary measures to protect the life of Marcos Luidson Araújo Xukuru (known as “Chief Marquinhos Xukuru”). Similarly, the IACHR intervened to demand protection for the activist Roberto Monte from the Center for Human Rights and Popular Memory (*Centro de Direitos Humanos e Memória Popular*) in the state of Rio Grande do Norte and for police chief Plácido Medeiros de Souza.

In 2001, the IACHR dealt with the case of murdered human rights lawyer Gilson Nogueira de Carvalho in the state of Rio Grande do Norte. This emblematic case recently reached the Inter-American Court of Human Rights in San José, Costa Rica and the hearing for this case took place in early 2006.<sup>2</sup>

Additionally, the participation of Brazilian civil society organizations in diverse national and international networks has contributed to giving greater visibility to the problems and challenges faced by defenders in Brazil. The participation of Brazilian organizations in the Steering Committee of the Latin American Consultations and the presentation of their work before bodies of the Inter-American Human Rights System clearly demonstrate their high level of organization, impact, and interest in the subject. The formation of the Brazilian Committee on Human Rights Defenders (*Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos*) in 2004 has also contributed to raising the profile of the issue in both civil society and governmental arenas.

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<sup>2</sup> As the English version of this report is published after the Portuguese version, it permits us to update this section. The public hearing on the Gilson Nogueira Case v. Brazil took place on 8 February 2006. A sentence by the Inter-American Court of Human Rights is expected by mid-2006.

The awareness of the subject and importance of human rights defenders has increased, as well as the organizational skills of human rights groups and defenders; unfortunately, however, defenders themselves continue to be under threat on a daily basis.

Violations against human rights defenders cannot only be fought with international laws and treaties, even though these are important instruments. This fight is, in fact, essentially a question of dealing with the structural problems that put and keep defenders at risk — primarily social exclusion and inequality, as well as the existence of a state model that is alien to human rights defense. Such a state model is repressive, criminalizes social movements, and focuses its interests on international capital.

The Third Latin-American Consultation on Human Rights Defenders, which brought together 90 defenders from 25 countries, dealt with the origins of these violations. Even though certain country-specific characteristics exist, one can identify a regional pattern of causes and types of violations committed against human rights defenders. Social inequality, poverty, social exclusion, and the adoption of compensatory social policies instead of policies for the re-distribution of income, have all contributed towards a clear deterioration in the situation of human rights across the entire region. This situation has been made worse by threats, attacks, murders, the criminalization and demoralization of defenders, and instances of abuse of state authority.

## 2. The National Context: Social Mobilization Around the Defense of Human Rights in Brazil

**T**he defense of human rights in Brazil has been a long and difficult — yet also empowering — process of learning how to work for the strengthening and respect of human rights. Brazil's legacy of human rights violations is partly an inheritance from the military dictatorship, but also a consequence of centuries of slavery, deprivations, and in particular, the implementation of economic models that have concentrated wealth and led to social exclusion.

The struggle against the military dictatorship (1964-85) contributed towards a greater awareness of civil and political rights and the establishment of an extensive network of civil society groups. This led to public manifestations of discontent and demands for solutions to regional problems, which in turn developed into important popular and social movements.

Additionally during that period, activists from the Catholic Church, political organizations, and left-wing intellectuals founded centers for popular and human rights education and pastoral social work. Many of these movements and NGOs began to incorporate human rights struggles into their own agendas, particularly in relation to race and gender and, since the 1990s, also economic, social, cultural, and environmental rights.

The organizations that were formed during the period of “re-democratization” (1978-85) identified themselves with the defense and strengthening of human rights and were able to widely mobilize popular participation in the development of the new (1988) Federal Constitution, representing the end of the authoritarian regime. Through the Constitution and its supplementary laws, the possibility for consultations and negotiation between popular organizations and the government has increased with the establishment of councils on state and local levels for the management of social policies. Participation in these fora include community groups, popular groups, trade unions, pastoral groups, as well as the entities providing assistance and support to social movements.

NGOs have gradually abandoned the habit of merely denouncing human rights violations and have begun to act in a more purposeful, constructive fashion by advocating that the executive, judiciary, and legislative branches adopt concrete policies regarding human rights. Recently, universities and research centers have begun to incorporate human rights into their curricula and have become important points of reference, particularly in terms of conducting research and producing analyses.

The use of torture, discrimination, police violence, murders in the countryside, and child labor did not begin with the military regime in 1964 (although it is undeniable that in this period these practices increased dramatically). For this reason, these crimes did not automatically end with the moderation of the regime, thereby resulting in a grave pattern of human rights violations that persists today.

### 3. Violence Against Human Rights Defenders in Brazil

**I**n spite of civil society mobilization and the return to democracy, advances in the field of civil and political rights in Brazil have remained more on the theoretical than on the practical plane. Despite the fact that Brazil has ratified the key global and regional instruments for the protection of human rights, and has even included and recognized the various guidelines for the protection of human rights in its 1998 Federal Constitution, there is in fact a huge disparity between the norms and their actual application on the ground.

There is a direct link between the rights being defended (economic, social, cultural, environmental, civil, and political) and the work being developed by defenders. A considerable number of defenders, in particular those who suffer directly from the denial of their human rights, are also victims of other types of violations, which produces a situation of double victimization.

Although there are no formal obstructions in relation to the work of human rights defenders in Brazil, there are various mechanisms that are used, principally by state governments and the judiciary, to weaken or hinder their work.

In general, the abuses committed against human rights defenders in Brazil manifest themselves in attempts on their lives and personal integrity, threats or other hostile behavior, house invasions or other arbitrary or abusive interference to the offices of these organizations, arbitrary or abusive interference into their correspondence or electronic communications, the characterization of defenders as enemies/terrorists or associating the political affiliation of the defender with the person(s) being defended, intelligence activities such as surveillance and espionage against human rights defenders, lack of access to State-held information, defamation of defenders, alluding to human rights defenders as defenders of criminals and/or drug dealers, arbitrary arrests, and the criminalization of defenders and social movements through arbitrary lawsuits.

Linked to this pattern of violence are new actors on the violent arena of criminalization and arbitrary use of judicial procedures against human rights defenders and social movements: transnational companies, powerful economic groups (national and international) involved in the development of large projects (such as dams, mines, etc.), infrastructure projects (such as the construction of roads, diversion of rivers, etc.), and agribusiness. The relatively recent arrival of these entities has thus made the attacks and threats against defenders ever more sophisticated.

In fact, the use of the criminal prosecution system to criminalize human rights defenders has been used as a way of impeding their struggle, seeking in an intimidating and punitive way to weaken the work of human rights defenders and social movements. The pattern of criminalization of social protests takes place through moral damage lawsuits, libel and defamation lawsuits, and accusations of formation of criminal gangs. In this way, the judicial system views these social struggles through the lens of individual responsibility, and ends up excluding the political perspective, *i.e.* the contention that structural problems cause social injustice, in which the work of human rights defenders is inserted.

Thus, the penal system, as a formal instrument of social control, maintains economic inequality and social injustice through the criminalization of human rights defenders and repression of social movements' work.

Following the trend of criminalizing human rights defenders, transnational companies have increasingly petitioned the judiciary for measures against social movement leaders, environmentalists, non-governmental organizations (NGOs), and people who oppose the predatory measures and violations that some of these companies commit. This is a clear example of the use of criminal law by the powerful to hinder social movement struggles.

The impunity related to the threats, intimidation, and crimes committed against human rights defenders greatly helps to perpetuate these abuses. As the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Asma Jahangir, states in her report on Brazil,<sup>3</sup> when the perpetrators of serious human rights violations, including extra-judicial executions, acquire influence or gain power, the search for justice is made much more difficult and dangerous.

The high degree of impunity in Brazil is a fundamental factor in the continuation of abuses against human rights defenders. The impunity enjoyed by those who order the abuses (the intellectual authors) is significant.

Citing figures from the National Secretariat for Public Security, which indicate that only 7.8% of approximately 49,000 murders committed in Brazil each year are investigated and successfully brought to trial, the Special Rapporteur pointed out that those numbers reveal "the failure of the State to exercise due diligence in carrying out justice."<sup>4</sup> The Rapporteur also expressed her concern that this situation "enables perpetrators to continue to commit grave human rights violations, including extrajudicial executions, in the knowledge that their crimes will not result in investigation or criminal prosecution."<sup>5</sup> In other words, the impunity enjoyed by the perpetrators of human

<sup>3</sup> Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Addendum: Mission to Brazil. Document E/CN.4/2004/7/Add.3, 28 January 2004.

<sup>4</sup> *Idem*, para 55.

<sup>5</sup> *Ibid.*

rights violations forms the main obstacle to the full implementation of the Declaration on Human Rights Defenders.

The impunity enjoyed by perpetrators of human rights violations is even more egregious in rural areas, where each year finds a continuing number of people imprisoned and threatened with death, as well as the murders of rural landless leaders, trade unionists, and supporters of these movements. A recent well-known example is the murder of the missionary Dorothy Stang, a member of the Pastoral Land Commission (CPT), on 12 February 2005 in the city of Anapu in the state of Pará.<sup>6</sup>

From the 1990s onwards, large landowners (*latifundiários*), *grileiros* (individuals who illegally appropriate land), and powerful economic groups, among others, began to target the leaders of social movements struggling for agrarian reform.<sup>7</sup> The sectors of society associated with large-scale farming intensified their attacks on rural workers, forming private militias to undertake such work.<sup>8</sup> The strategies adopted by the large landowners to oppose land reform projects also include the formation of clandestine “security firms,” the use of heavy arms, training sessions for these armed gunmen, and attacks on workers’ settlements. There is little doubt that these are paramilitary organizations.<sup>9</sup>

The actions by private militias have resulted in an increase in episodes of violence against rural workers. In 2004, the CPT recorded 1,801 conflicts, the highest number in 20 years, involving 1,083,232 people. Thirty-seven rural leaders were murdered, 421 were arrested, and 37,220 were evicted from their land.

In urban areas, human rights defenders who denounce police violence and torture are often threatened with death, intimidated, defamed, and even murdered. An example of this occurred in March 2003 when Judge Alexandre Martins Filho, who was investigating irregularities in the prison system of Espírito Santo state, was murdered as a consequence of his work.

As a rule, defenders who denounce violence and abuses by State agents are defamed and put on trial for libel or for so-called “formation of criminal gangs.” In some states, such as Rio de Janeiro, those living in disadvantaged communities and community leaders have been put on trial for supposedly being linked to/associated with drug trafficking<sup>10</sup> and for denouncing or protesting against police violence in their commu-

<sup>6</sup> Official communication JG/RJ 14/05, sent on 14 March 2005 to the Special Representative of the Secretary-General on Human Rights Defenders.

<sup>7</sup> For a more in-depth analysis, see the report “Human Rights Violations in the Amazon: Conflict and Violence in the State of Pará,” *Justiça Global, Terra de Direitos*, and *Comissão Pastoral da Terra*, November 2005, available at <http://www.global.org.br/relatoriopara.html>.

<sup>8</sup> “Proprietários de Terras Acusam INCRA de Apoiar Invasões e Contratam Milícias Privadas”, *Diário de Pernambuco*, 12 March 2003.

<sup>9</sup> “Milícias Privadas: Estratégias para Impedir a Reforma Agrária em Defesa do Latifúndio”, *Terra de Direitos* report.

<sup>10</sup> Law 6368/76, Article 14.

nities. Although some of these protests in poor communities do in fact have links to organized crime, it would be inappropriate to treat them all as one undifferentiated unit. This is particularly the case in instances of suffering and resentment of the inhabitants in Rio de Janeiro brought on by violent incursions by police officers who are often involved in corruption schemes and in collusion with drug traffickers. Implicit in this government decision to attack human rights defenders is the intention to demobilize and discredit public denunciations of human rights violations and the work of groups struggling for legal reparations, treating them all as “agitators” associated with drug trafficking.

Since the implementation of this practice, the ease with which the aforementioned article (see footnote 9) is freely applied by police authorities and in many cases reinforced by judges and prosecutors, leaves no doubt about their intentions.<sup>11</sup> This results in the indiscriminate imprisonment of the families of victims of violence and community leaders who denounce police abuse in their communities.

The leaders of urban movements who fight for the right to adequate housing have also been systematically persecuted and repressed by the police and judicial authorities. In São Paulo, Luiz Gonzaga da Silva (known as “Gegê”), leader of the Movement for Housing (*Movimento pela Moradia*) and of the Center for Social Movements (*Central de Movimentos Populares*), is being tried under the allegation of having facilitated the escape of those responsible for a murder that took place in one of the settlements overseen by the Movement for Housing in São Paulo. Based on this accusation, Gegê was arrested, although he was not even in the settlement that day.<sup>12</sup> Similarly, Américo Novaes, leader of the homeless movement in Goiânia, the capital of the state of Goiás, was arrested and arbitrarily sued in October 2005.<sup>13</sup>

The Brazilian press has also reported that repeated lawsuits for moral damages, based on libel, insults, and defamation, have provoked an auto-censoring in press editorial departments and that there is an underlying fear that in printing facts and denunciations of human rights violations, journalists will be sued. The rise in the number of lawsuits is seen as a subtle form of censorship. Other types of censorship occur for political and ideological reasons when the owners of large media groups do not publish information about serious conflicts due to the fact that they are defending or are linked to the interests of the powerful groups involved in these violations.<sup>14</sup>

A sophisticated and effective way to weaken human rights defenders’ work has been to restrict the duties of the executive branch monitoring bodies. These bodies, in charge of monitoring the State in terms of its compliance with international human

<sup>11</sup> See “Rio Report: Police Violence and Public Insecurity”, *Justiça Global*, Rio de Janeiro, 2004.

<sup>12</sup> More information at <http://www.cmp-brasil.org.br>.

<sup>13</sup> Official communication JG/RJ 166/05, sent on 30 November 2005 to the Special Representative of the Secretary-General on Human Rights Defenders.

<sup>14</sup> “A Nova Face da Censura”, *Revista Imprensa*, no. 201, May 2005.

rights responsibilities, should carry out visits to the areas of conflict where the denunciations of abuse and irregularities occur. Such visits can have the effect of raising awareness about the abuses committed and help provoke a response from those responsible for governmental decisions. The main monitoring bodies include State Secretariats for Human Rights; the Legislative Assemblies' Human Rights Committees; Community Councils; the Public Ministry; Public Defenders Office; and numerous other public and civil society organizations. The main duties of these bodies are: prevention of violence and crime and direct protection of victims, documentation of human rights violations, and dialogue with authorities demanding solutions. The monitoring bodies are fundamental for the monitoring of governmental actions and represent an historical achievement for Brazilian civil society.

However, generally in Brazil, these bodies suffer under political pressure from state-level authorities. The greater the number of human rights violations investigated by these bodies, the more confrontational and aggressive the state governments' position toward regulatory bodies becomes. A good example of this situation is the weakening of the Police Ombudsman Offices (*Ouvidorias de Polícia*) throughout the country. The push to create the Police Ombudsman was one of the greatest achievements by civil society at the end of the 1990s, and they soon became the most effective instrument for the denunciation of abuses. As the years passed, however, they became highly bureaucratic and subordinate to the Secretariats for Public Security, thereby losing their important role of regulating police activities.

Other bodies, such as the Rights Council (*Conselhos de Direitos*), are being systematically used by the public authorities as an apparatus to prevent organized groups in society from protesting. The few Community Councils (*Conselhos da Comunidade*), established in accordance with the Penal Execution Law (*Lei de Execuções Penais*) to monitor the penal system, are persecuted by authorities in the executive branch, their activities are curtailed, and their memberships forcibly limited.

To this day, women and homosexuals involved in the defense of human rights suffer from specific violations of their rights, making these two groups additionally vulnerable. In Brazil, *machismo* is an ideological construct, manifesting itself in defamation, embarrassment, intimidation, and criminalization of male and female defenders. Female human rights defenders receive threats and are defamed in a wider context of gender discrimination. Frequently, they are victims of specific human rights violations, as for instance the case of a human rights defender raped by the very same criminals she had previously denounced. Homosexual defenders, in addition to the common discrimination they experience due to their sexual orientation, are victims of a criminalization process even when they are murdered: civil police (responsible for the investigative side of policing) and the media distort the facts of the cases in such a way as to imply that death was caused by the defender him/herself. Even if they are human rights defenders who are threatened for their work in organizations directly involved with the struggle for justice in cases of violence against homosexuals, lesbians, transves-

tites, and transsexuals, the murders of these defenders are commonly investigated under the assumption of sexual crimes related to prostitution.

With the election in 2002 of Luiz Inácio “Lula” da Silva as President of Brazil, expectations rose in many sectors of Brazilian society that struggle for basic rights. They hoped that his Workers’ Party (PT) would give serious consideration to the rising demands from society for the guarantee, promotion, and defense of human rights. Paradoxically, after nearly three years of the Lula Administration, the social movements are disillusioned with and disappointed by the government’s unfulfilled promises. They have concluded that economic and political pragmatism, the issue of so-called “governability,” and a neoliberal macro-economic agenda have taken prevalence over the government’s stated commitments to respect human life and physical integrity, develop and implement responsible social policies, and strengthen the protection of human rights. Consequently, in many areas we observe an escalation in the conflicts and attacks against human rights defenders.

## 4. The Construction of a National Program for the Protection of Human Rights Defenders

The adoption of a National Program for the Protection of Human Rights Defenders represents a key demand from Brazilian civil society, after many years of denouncing its government to the murders, death threats, persecution, criminalization, and all other violations that human rights defenders are subjected to on a regular basis in Brazil.

As a direct result of the charges by human rights organizations around the theme of human rights defenders (outlined above), the Brazilian government began to take some action. Thus, as a follow-on to a dialogue that began at the end of President Fernando Henrique Cardoso's Administration, then Special Secretary for Human Rights (SEDH) Nilmário Miranda appointed a Working Group (WG)<sup>15</sup> that, over a period of four months, developed guidelines for the construction of a permanent public policy for the protection of human rights defenders.

During those four months, the members of the WG sought to define what ultimately became the Permanent State Policy for the Protection of Human Rights Defenders. The following points were agreed upon:

- Creation of a National Steering Committee of the Program, encompassing the National Parliament, Federal and Transport Police, Federal Public Ministry, civil society groups, the executive and judicial branches, and state-level Steering Committees.
- General coordination of the Program to be undertaken by the SEDH.
- State-level Steering Committees to be composed of executive, legislative, and judicial branches and civil society organizations.
- Federal core group of the Program to be composed of the SEDH, federal police, and Ministry of Justice.

Among the main themes dealt with by the WG, the importance of the type of protection given to human rights defenders (individual and collective) stood out.

Here the challenge, in sharp contrast to the Program for the Protection of Victims and Witnesses (PROVITA), was to keep the defenders and social movements on the frontlines, enabling them to continue their work. It was stressed that a successful program

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<sup>15</sup> "Portaria 66", 12 May 2003 and *Portaria 89*, 27 June 2003, *Special Secretariat for Human Rights, Presidency of the Republic*.

would have to go much further than police protection and large-scale investigations into the threats and violations, and actually confront and resolve the origins of the problem that produce the threats to defenders and social movements in the first place.

With regard to police protection, the WG decided that each state, after setting up its own Steering Committee for the Program, would send in a police force that would be trained by the National Secretariat for Public Security, to provide specific protection to human rights defenders at risk.

With the objective of strengthening the legal framework for the protection of human rights defenders, Congresswoman Iriny Lopes, president of the Chamber of Deputies' Human Rights and Minorities Commission, presented Draft Bill 3616/2004 in 2004, which would insert a chapter on the protection of human rights defenders being threatened into Law 9.807/99 (Law on the Program for the Protection of Victims and Witnesses, or PROVITA). However, this draft bill was deemed unconstitutional and is currently stalled in the Chamber of Deputies' Commission on Constitutional and Justice Matters.

Another important legislative initiative originating in the WG is the development of more rigorous punishments for threats to human rights defenders. However, similar to other proposals, this initiative has not yet been sent to the National Congress.

As a result of the WG, in July 2004 guidelines for the National Program for the Protection of Human Rights Defenders were presented to the Council for the Defense of the Rights of the Human Person (*Conselho dos Defesa dos Direitos da Pessoa Humana*, or CDDPH). In this same meeting the National Steering Committee of the Program was named<sup>16</sup> and linked to the CDDPH. The Steering Committee's main mandate is to develop the methodology for the state-level committees in the pilot states (Pará, Espíri-to Santo, and Pernambuco) and help implement it.

The National Program for the Protection of Human Rights Defenders was officially launched by then Minister Nilmário Miranda on 26 October 2004, during a public hearing of the Chamber of Deputies' Human Rights and Minorities Commission. On that occasion, he ignored the issues raised by the civil society organizations comprising the National Steering Committee, namely that while they expressed considerable urgency to implement the Program, they also felt it was critical to put together a framework within the SEDH that would make the guidelines feasible. In other words, civil society representatives wanted the Program as a whole to first develop the necessary instruments and mechanisms (proceedings; methodology; training police as escorts for the protections of defenders at risk; budgetary allocation; ways to increase public awareness of the subject of human rights defenders; clear legal definition of the body responsible for carrying out the project; etc.) that would thus enable the Program to be successfully implemented in practice. Civil society organizations alerted the SEDH to what they

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<sup>16</sup> Resolution no. 14, of 28 July 2004.

saw as a disastrous and unhelpful launch of the program. As it turned out, the Program would remain on paper without implementation in a critical historical moment for the protection of human rights defenders in Brazil.

With no meetings held since July 2004, the National Steering Committee of the Program did not manage the Program until November 2004, when finally, following pressure from civil society, a meeting took place on 22 November. Despite the absence of many members, the meeting highlighted the following important steps that needed to be taken:

- a) the development of a methodology for the Protection Program, including a definition of the processes for the implementation of the state-level steering committees and a timeline for the implementation of the program in the three pilot states by the end of March 2005;
- b) definition of proceedings to be adopted in cases where protection is needed and appointment by the federal government of the Federal Core Group of the Program; and
- c) implementation of federal and state police training programs to form an escort brigade that would be involved in the Protection Program.

Unfortunately, as on previous occasions, the Special Secretariat for Human Rights suffered from serious management problems and a weak infrastructure and took a long time to define the composition and structure of the Federal Core Group, as it had promised to do in the original Program outline.<sup>17</sup> This stalled the implementation process until the end of January 2005.

In February 2005 the Program was re-launched, this time in the state of Pará, about a week before the murder of Sister Dorothy Stang in Anapu, in the central region of the state.

Despite two official launches, there still remains confusion today on the part of the SEDH as to the formulation and monitoring of policies and the SEDH's role as executor of the Program. The SEDH continues to insist on the idea that the Program is the responsibility of the states where it is implemented. This attitude does not contribute to the successful implementation of the program nationally.

For example, we can take the situation in the state of Pará, where in April 2005 a fairly advanced proposal for the structure and management of the Program was presented, taking into account what had been put together since 2003. While the Pará state government has called upon the federal government to operationalize its commitment to provide funds and guidelines to fine-tune and implement the proposal, the Pará

<sup>17</sup> *Programa Nacional de Proteção aos Defensores de Direitos Humanos*, SEDH, Brasília, 2004, p. 17.

government has not received a response from the SEDH. This led the state of Pará to offer police protection to the defenders in terms that ignore the guidelines around the original concept of the National Program for the Protection of Human Rights Defenders, thereby contributing to a lack of credibility in the Program, given that there was no appropriate training provided for the police involved in the Program. As a direct result of this decision, the defenders in Pará have felt unsafe and in some cases have refused offers of police protection.

The failure to define the methodology of the Program led to many of these problems. The seminar on methodology, a fundamental step in the implementation of the Protection Program, took place more than a year after the (first) official launch of the Program and even then only as a result of strong civil society demands.

The seminar on methodology, which took place between 28 and 30 November 2005, involved members of the National Steering Committee and representatives from the state-level committees from Pará, Pernambuco, and Espírito Santo.

This seminar represented an important moment for the implementation of the Program, in which the main guidelines were set out, such as establishing that the Program should be coordinated and managed by the federal government. The meeting also defined that the Program will be implemented at the state level and clearly laid out the responsibilities of the federal government and state governments and defined the participation of civil society organizations.

There are still many challenges to be faced in order for the National Program for the Protection of Human Rights Defenders to be successfully implemented as a public policy. This will greatly depend on the federal government's commitment to making the Program a success. This remains an urgent matter given the many instances of death threats, criminalization, intimidation and harassment, moral defamation, and assassinations to which human rights defenders are subjected in Brazil. Civil society will continue fulfilling its role monitoring the Program, above all demanding seriousness and commitment for its full implementation; however, the federal government must take a proactive role in providing the Program with the political, financial, and technical support it vitally needs for it to be effective.

## Cases 2002-2005

*O*n the *Frontline: Human Rights Defenders in Brazil — 2002-2005* details 51 emblematic cases of human rights violations against human rights defenders in the Brazilian states of Amazonas, Pará, Pernambuco, Espírito Santo, Bahia, Goiás, Rio Grande do Sul, Paraíba, Rio de Janeiro, Paraná, Sergipe, São Paulo, Minas Gerais, Piauí, Mato Grosso, Santa Catarina, and Rio Grande do Norte. These cases paint a graphic picture of the obstacles faced by and attacks on men and women who work for the promotion, protection, and enjoyment of human rights in Brazil.

*(cases alphabetized by first name)*



## ADAMOR GUEDES (AMAZONAS)

*Communication sent to the UN on 30 November 2005.*<sup>18</sup>

### *Context*

Amador Guedes was the president of the Amazonas Gay, Lesbian, and Transvestite Association (*Associação Amazonense de Gays, Lésbicas e Travestis*, or AAGLT) and was stabbed to death at his home on 28 September 2005 in Manaus, state of Amazonas. As a human rights activist, he was one of the principle leaders in northern Brazil and was the head of the AAGLT, an entity recognized for its work defending the right of free choice of sexual orientation. Guedes was also an activist in the struggle against HIV/AIDS.<sup>19</sup>

He was stabbed to death 12 times by two men in his apartment in the neighborhood of Aparecida, in southern Manaus. A neighbor confirmed that he saw two men arrive at Guedes' apartment in the early hours of 28 September.<sup>20</sup>

The activist had been subjected to persecution since 1999. On 30 October of that same year, the AAGLT headquarters was broken into and its electrical equipment stolen. The threats and attacks continued and, around the same time, Guedes was approached on the street by two young men while he was talking to two transvestites. The young men pulled out a .38 calibre revolver and forced him into an abandoned house where they beat him and attempted to strangle him. Guedes was able to escape and filed a police report at the 8<sup>th</sup> Police Precinct (*8ª Delegacia de Polícia*) in Manaus. At the time this report went to print, the police had still not found the two assailants.

On 6 January 2001, the building where the AAGLT office was located was set on fire, resulting in a complete loss of files and archives.

Guedes has been recognized for his activism by diverse sectors of Amazonian society as well as by national human rights organizations. During the last 13 years of his life, he worked for the movement for gay rights and, before his death, dedicated himself to shedding light on homophobic crimes in the region, denouncing the alleged involvement of local police.

### *Actions taken*

Police apprehended three suspects: Lineu Pereira Guedes (24), known as “Negão,” Adriano de Souza (18), and Ronildo Mendes da Silva (19), known as “Japonesinho.” Two of them confessed to participating in the crime and accused the third of stabbing Guedes. The men will be charged for armed robbery resulting in death. The victim's housekeeper stated that when she woke up, the men realized she was in the house and fled, leaving behind a television set.<sup>21</sup>

<sup>18</sup> Communication to the UN by *Justiça Global* (Official communication n°. 165/05 JG/RJ, sent on 30 November 2005).

<sup>19</sup> “Militante de Movimento pelos Direitos dos Homossexuais é Assassinado em Manaus”, *Agência Brasil*, 28 September 2005. <http://www.agenciaaids.com.br/noticias-resultado.asp?Codigo=3694>.

<sup>20</sup> Available at <http://glsplanet.terra.com.br/cgi-bin/viewnews.cgi?category=7&id=1128079956>, 29 September 2005.

<sup>21</sup> Available at [http://www.radiobras.gov.br/materia\\_i\\_2004.php?materia=241596&q=1&editoria=NA](http://www.radiobras.gov.br/materia_i_2004.php?materia=241596&q=1&editoria=NA).

The supposed version of events provided by the police — that this was merely a murder committed during a robbery (“*latrocínio*”) — is contested by many, including Guedes’ father, Raimundo de Souza Guedes. Friends and those close to Adamor Guedes also disagree with the police version of events and confirm that he himself stated that he frequently received death threats for his work in defense of homosexuals.

The Brazilian Gay, Lesbian, and Transgender Association (*Associação Brasileira de Gays, Lésbicas e Transgêneros*, or ABGLT) sent an official correspondence requesting an investigation into the murder to then Special Secretary for Human Rights, Mario Mamede, and to the National Secretary of Public Security, Luiz Fernando Corrêa.

The Special Secretary for Human Rights and National Council to Combat Discrimination (*Conselho Nacional de Combate à Discriminação*) published a statement expressing regret for Guedes’ death.<sup>22</sup> The Director of the National Program on STDs/AIDS, Pedro Chequer, released an official statement lamenting Guedes’ death and reiterated the National Program on STDs/AIDS’s commitment to “confronting homophobia and its most cruel manifestation, violence.” However, despite official statements of solidarity, the measures adopted by the investigative bodies have rejected the possibility that the crime was related to Guedes’ militancy. This has aroused indignation among many human rights organizations.

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<sup>22</sup> “As president of the Amazonian Gay, Lesbian, and Transvestites Association, Adamor played a fundamental role in the struggle against prejudice and in the promotion of the rights of homosexuals. The Secretariat and the Council gives its support and solidarity to the family of the victim and the activists supporting the causes that this leader defended.” A communiqué released by the press office of the National Program on STDs/AIDS, part of the Ministry of Health on 29 September 2005; available at <http://www.agenciaaids.com.br>.

## SISTER ADELAIDE MOLINARI (PARÁ)

*Communication sent to the UN on 9 June 2004.*<sup>23</sup>

### *Context*

Sister Adelaide Molinari was killed by hired gunman José de Ribamar R. Lopes on 14 April 1985, in the municipality of Eldorado do Carajás, state of Pará, when he was attempting to kill Arnaldo Delcídio, president of the Rural Workers Union.<sup>24</sup>

Sister Adelaide, originally from the state of Rio Grande do Sul, had lived in Pará and worked as a missionary, fighting alongside the Rural Workers Union in Eldorado do Carajás for land rights and giving support to the rural workers who occupied unproductive lands in the municipality.

Many witnesses identified Lopes as the person responsible for Sister Adelaide's murder. However, during the investigation conducted by the Pará civil police, the police chief responsible for the case, Francisco Lopes Xavier, decided on 26 August 1985 not to charge Lopes and the investigation was thereby closed without any conclusion.

It was only on 23 April 1987 that police chief Gilberto de Paula Pinheiro, who replaced Xavier, reopened the case after hearing new witness statements confirming that Lopes was responsible for Sister Adelaide's death. Pinheiro filed a complaint against Lopes and landowners José Batista Velozo, Aloysio Ribeiro Vieira, and José Eduardo de Abreu Vieira as the intellectual authors behind the crime. On 10 April 1992, Lopes was formally charged for the crime; however, the landowners were acquitted.

### *The Trial of José de Ribamar Lopes*

The jury hearing the charges against Lopes only met in April 2004 because he had left Pará in 1986 and had been on the run ever since. He was found in Rio de Janeiro on 10 June 2003, and transferred soon thereafter to the municipality of Curionópolis, Pará.

The jury trial was marred by irregularities: the jurors brought cell phones which remained on during the court sessions, and they received calls and even visits from outsiders during the deliberations, despite the fact that Brazilian law states that the jury must not receive outside communication when in session. The prosecutor asked the judge to cancel the proceedings, but the judge decided to simply take the phones away and then allowed the trial to proceed.

The jury acquitted Lopes by a vote of five to two. The Office of the Public Prosecutor appealed to the High Court in Pará, which has, to date, not issued any form of decision on the appeal.

<sup>23</sup> Communication sent to the UN by *Justiça Global* on 9 June 2004 (Official communication n.º JG/RJ n.º 149/04).

<sup>24</sup> Arnaldo Delcídio was killed eight months after the death of Sister Adelaide by a consortium of land owners in the region of Eldorado do Carajás.

## ADENILSON DOS SANTOS AND JORGE DOS SANTOS (PERNAMBUCO)

*Communication sent to the UN on 19 July 2005.*<sup>25</sup>

On 30 June 2005, the Truká people were visited by the federal government's Minister for National Integration, Ciro Gomes, accompanied by the president of the National Indian Foundation (*Fundação Nacional do Índio, or FUNAI*), Mércio Pereira Gomes. They were visiting the Truká for a ceremony to mark the signing of the agreement between the federal government and city government of Cabrobo, Pernambuco for the construction of 140 houses, as well as the paving of the main roads which cut through the indigenous lands.

Throughout the day, the indigenous population observed the presence of army soldiers and uniformed military police in their midst. Additionally, the Indians identified four plainclothes agents from the military police intelligence unit. Of the four, three were identified by the Truká as Lieutenant Hans and Officers Murilo and Jaelson.

These plainclothes officers were already known in the community, as they were responsible for many acts of violence and abuse of power against members of the indigenous inhabitants. The officers were also members of an extermination group in the city of Cabrobo known as "Mom Brings Them Up and We Kill Them" (*Mamãe Cria e Nós Mata*). Because of their history of violence and threats, the Truká Chief and other leaders requested that the military police commander, Capt. Flavio Bione, send the two officers away. Capt. Bione promised that the men would leave as soon as Minister Ciro Gomes arrived in indigenous territory.

After the ceremony with the authorities, the Indians celebrated the signing of the agreement. Afterwards, three Indians went to a nearby construction site to get some bricks to build an impromptu barbeque pit. It was then that they came across four policemen, still in plainclothes, crouching behind a wall and each carrying two pistols.

When they realized that they had been spotted, the officers reacted by taking one of the Indians hostage and walking towards where the crowd was gathered watching a band play. The police officers fired their weapons several times at the Indians and in the air, causing great commotion and wounding several people. Among the injured were a man known as Marcos, who was shot in the abdomen, and Edimilson Pereira da Silva, whose back was grazed by a bullet.

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<sup>25</sup> All the information contained in the report was provided to CIMI lawyers Daniel Pinheiro Viegas and Sandro Henrique Calheiros Lobo on 4 July 2005 by the following Truká Indians: Mozeni Araújo de Sá, Luizinho Aquino Cardoso, Gilmar Nunes de Souza, Luiz Miguel Delfino, Edimilson Pereira da Silva, José Alfredo Caririnha, Jean João da Silva, and Edilene Bezerra Pajéu. (Official communication nº 078/05 JG/RJ, sent to the UN on 19 July 2005)

Lt. Hans then came across the Indian Adenilson dos Santos Barros (known as “Dena”), an important community leader. The two men began to fight and when Dena tried to escape, he was shot in the leg and back by Lt. Hans. Following this, when Dena was still on the ground, Lt. Hans shot him twice in the back, with the unequivocal and cowardly intention of executing him.

The victim’s son, Jorge dos Santos Barros (17), approached the Lieutenant and begged him not to kill his father. At that moment, Jorge dos Santos was executed by Officer Jaelson, who shot him twice, once in the chest and once in the buttocks.

Members of the indigenous community brought a car to help the victims. However, Lt. Hans fired a shot in the direction of the vehicle and ordered the driver to exit the car. He took the keys out of the ignition, thus preventing — together with other police with guns drawn — the members of the indigenous community from helping the victims. Nearly 30 minutes later, three military police vehicles arrived, this time with uniformed police officers. The victims were taken away from the area by their executioners. Those responsible for the crime were not arrested at the scene; they were merely taken away by their uniformed colleagues.

The indigenous people injured in the incident arrived at the Cabrobó Hospital accompanied by the FUNAI Station Chief Marcos Florentino, Military Police Commander Captain Bione, local prosecutor Dr. Epaminondas, and the police officers who committed the murders.

Shortly thereafter, the deaths of the indigenous community members Dena and his son, Jorge dos Santos Barros, were announced. The other Indian, Marcos, who was shot in the abdomen, was transferred to the Dom Maia Hospital for treatment.

On 11 July, Aurivan “Neguinho Truká” dos Santos was imprisoned by the federal police when giving his statement about the murders of his brother, Dena, and his nephew, Jorge dos Santos. Although he had asked to give his statement on Truká territory due to security concerns (the murderers of his family were still on the loose), the federal police summoned him to give his statement in the Municipality of Salgueiro, where he was later arrested.<sup>26</sup>

The imprisonment of Neguinho Truká by the federal police and the murders of his brother and nephew by the military police are consequences of a process of criminalization to which the Truká people have been subjected since reclaiming their traditional territory through legal action in the 1990s. This situation forced the federal government to demarcate their land, but it also resulted in the leaders being accused of illegal practices, such as the formation of gangs and theft.

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<sup>26</sup> “Federal Police Capture Indian Leader Neguinho Truká During his Deposition”, *Agência Notícias do Planalto*, 12 July 2005, available at <http://www.noticiasdoplanalto.net>.

On 29 September 2005, the 5<sup>th</sup> Chamber of the State Justice Tribunal granted a *habeas corpus* petition (HC 34838) to Neginho Truká which revoked the preventive detention decreed by the 1<sup>st</sup> Criminal Chamber of Pernambuco High Court. He was awaiting this decision in his village after being transferred from Petrolina-Pernambuco prison.<sup>27</sup>

According to the Indigenous Missionary Council (CIMI), Truká leaders were imprisoned for political reasons and as a result of a campaign that seeks to incriminate indigenous leaders who fight for land rights. The accusations against the Truká leaders were unfounded and arose at a time when the Truká people were returning to their traditional homeland in an attempt to pressure the federal government into ratifying the land in the Ilha de Assunção region, in Pernambuco.<sup>28</sup>

As a result of the tension between the indigenous community, police, and landowners in the region, an effective investigation and subsequent trial and sentencing of those responsible for the deaths of Adenilson dos Santos Barros and Jorge dos Santos Barros is necessary to prevent similar events from taking place in the future.

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<sup>27</sup> Information available at <http://www.stj.gov.br/webstj/processo/Justica/detalhe.asp?numreg=200400517735&pv=700000000000>.

<sup>28</sup> Available at <http://www.cimi.org.br/?system=news&action=read&id=1476&eid=345>.

## ALEXANDRE MARTINS DE CASTRO FILHO (ESPÍRITO SANTO)

*Communication sent to the UN on 25 March 2003<sup>29</sup> and updated for this report.*

Alexandre Martins de Castro Filho (32) was a judge on the 5<sup>th</sup> Court of Penal Executions in the district of Vila Velha in the state of Espírito Santo. Martins was part of the federal government's "Special Mission" that investigates organized crime in Espírito Santo and was killed on the morning of 24 March 2003 in the neighborhood of Itapõa, in the city of Vila Vela.<sup>30</sup>

At approximately 8:00 a.m., two men on a motorcycle accosted Judge Martins in front of the *Bela Forma* gym, in Itapõa, Vila Velha. The killers fired seven shots from their weapons, three of which hit the judge in the head, chest, and left arm.<sup>31</sup> Martins died at 8:30 a.m. upon arrival at Santa Mônica Hospital in Vila Velha.<sup>32</sup> By the end of that same day, police chief Danilo Baihense from the Department for Homicides and Protection of the Person (*Departamento de Homicídios e Proteção à Pessoa*, or DHPP) had interrogated 10 suspects.<sup>33</sup> It is important to emphasize that among the suspects are five military police officers,<sup>34</sup> three of whom were arrested by the federal highway police in Guarapari, Espírito Santo, after an exchange of gunfire.<sup>35</sup>

On the afternoon of 25 March 2003, the Espírito Santo police announced the names of those responsible for the murder: Giliarde Ferreira de Souza, Andre Luiz Barbosa Tavares (who according to police was the owner of the motorcycle), and Leandro Celestino dos Santos, the owner of the .765 calibre pistol, that, according to the forensic report, was used to kill the judge.<sup>36</sup> A fourth participant in the attack, Odessi Martins da Silva, is thought to be on the run.

Due to his work and the threats he suffered, Judge Martins relied on personal protection provided by the military police. According to the newspaper *Folha de S. Paulo*, at the time of his assassination, the judge was given a new police escort after the

<sup>29</sup> Communication sent to the UN by the *Fórum Reage Espírito Santo* and *Justiça Global* about the summary execution of the judge on the 5<sup>th</sup> Court of Penal Executions in Espírito Santo, Alexandre Martins de Castro Filho (32), on the morning of 24 March 2003 in Itapõa, Vila Velha, state of Espírito Santo. (Official communication No JG 043/03, sent on 25 March 2003)

<sup>30</sup> "Juiz da Vara de Execuções Penais é morto em VV", *Gazeta Online*, Vitória, 24 March 2003, available at [http://gazetaonline.globa.com/ultimas/template\\_ultimas.php?id=03e73f1c6b1f4](http://gazetaonline.globa.com/ultimas/template_ultimas.php?id=03e73f1c6b1f4).

<sup>31</sup> "Juiz é assassinado a tiros no Espírito Santo: Segundo Magistrado morto no país em dez dias; a vítima estava investigava o crime organizado no Estado", *Folha de S. Paulo*, São Paulo, 25 March 2003.

<sup>32</sup> "Juiz é assassinado a tiros em Vila Velha", *Folha Online*, São Paulo, available at <http://tools.folha.com.br/print.html?skin=emcimadahora&url=http%3A/www.1.folha.uol.com.br/folha>.

<sup>33</sup> "Juiz é assassinado a tiros no Espírito Santo: Segundo Magistrado morto no país em dez dias; a vítima estava investigava o crime organizado no Estado", *Folha de S. Paulo*, São Paulo, 25 March 2003.

<sup>34</sup> "Mais um juiz é executado: Alexandre Martins investigava o crime organizado no Espírito Santo e estava sob ameaças", *O Globo*, Rio de Janeiro, 25 March 2003.

<sup>35</sup> *Idem*.

<sup>36</sup> "Perícia confirma que armas foram usadas no assassinato do juiz", *O Globo Online*, Rio de Janeiro, March 25, 2003.

assassination of Judge José Machado Dias on 14 March of the same year in President Prudente, São Paulo.<sup>37</sup> Judge Machado was not protected by his police escort on the day of his murder.

### *History of threats*

Judge Martins was responsible for the transfer of Col. Wilter Ferreira, leader of the armed branch of organized crime in Espírito Santo, to the state of Acre.<sup>38</sup> Ferreira was identified as having ordered the killing of prisoner Manoel Correa Silva in 2002 after Correa Silva gave a statement about cases involving Col. Ferreira.<sup>39</sup> In July 2002, the *Forum Reage Espírito Santo* (React Espírito Santo Forum) and *Justiça Global* denounced the threats against Martins and two other judges in the state, Carlos Eduardo Ribeiro Lemos and Rubens José da Cruz, in the report “Human Rights Crisis in Espírito Santo: Threats and Violence Against Human Rights Defenders,”<sup>40</sup> which was delivered to then-President Fernando Henrique Cardoso.

The three judges began to receive death threats in April 2001 after denouncing Romildo Silva, a captain in the military police, for having authorized the illegal outings of prisoners sentenced to solitary confinement at the Institute for Social Rehabilitation for crimes such as murder and selling drugs.<sup>41</sup> Silva took prisoners without an escort to work at the fishmongers located in Vila Velha.<sup>42</sup> On 24 April 2002, the judges authorized the federal highway police to apprehend five prisoners working illegally in the fish store and return them to the prison. Despite ignoring the order of the judges, Capt. Romildo was promoted by the then-Secretary of Public Security to coordinator of the aforementioned prison.<sup>43</sup>

Since April 2002, the judges and their families have received death threats from unidentified persons and have received “advice” that they should “beware of Capt. Romildo.”<sup>44</sup> According to one prisoner’s statement, Capt. Silva had organized a petition and hunger strike to protest the removal of the judges.<sup>45</sup> According to the report by the *Forum Reage Espírito Santo* and *Justiça Global*, the judges brought the threats as well as

<sup>37</sup> “Magistrado não estava com escolta policial”, *Folha de S.Paulo*, 25 March 2003.

<sup>38</sup> “Mais um juiz é executado: Alexandre Martins investiga o crime organizado no Espírito Santo e estava sob ameaças”, op. cit.

<sup>39</sup> Idem.

<sup>40</sup> “Human Rights Crisis in Espírito Santo: Threats and Violence Against Human Rights Defenders”, *Justiça Global et al*, July-October 2002.

<sup>41</sup> Idem, p.27.

<sup>42</sup> Ibid.

<sup>43</sup> Idem, p. 29.

<sup>44</sup> Official Correspondence 3355/2002 from Alexandre Martins de Castro Filho, Carlos Eduardo Ribeiro Lemos, Rubens Jose da Cruz, Justice Minister Migual Reale Junior, 10 June 2002. See also “Human Rights Crisis in Espírito Santo: Threats and Violence Against Human Rights Defenders”, op. cit. p. 29.

<sup>45</sup> A prisoner’s statement to judges Alexandre Martins de Castro Filho, Carlos Eduardo Ribeiro Lemos, and Rubens Jose da Cruz, 18 June 2002, cited in “Human Rights Crisis in Espírito Santo: Threats and Violence Against Human Rights Defenders”, op. cit. p. 30.

the possibility of a hunger strike to the attention of the Secretaries for Justice and Public Security, requesting that action be taken against the military police and for their own protection. The Secretaries did not believe the threats and stated that Capt. Silva was a personal friend to them both.<sup>46</sup>

### *Current Situation*

On 16 September 2002, a jury session began in the case of the assassination of Judge Martins that ultimately sentenced Odessi Martins da Silva and Gilardi Ferreira to 25 years and 8 months and 24 years and 6 months, respectively.<sup>47</sup> In 2005, new and serious facts came to light regarding the death of Judge Martins: the state Secretary for Public Security publicly declared that Judge Antonio Leopoldo Teixeira of the 2<sup>nd</sup> Juvenile Court (*2ª Vara de Infância e Juventude*) for the Vila Velha district had ordered the assassination.

On 16 October and 19 November 2001, Judge Martins presented a report which showed a series of irregular activities involving Judge Leopoldo, when he held the title of Judge for Penal Executions [*Vara de Execuções Penais*] in the Vila Velha district, such as agreeing to alter convicts' sentences, putting pressure on the Prison Commission (*Conselho Penitenciário*) to free certain prisoners, and transferring prisoners to the prison farm (*Penitenciária Agrícola*). This report began the administrative action against Judge Leopoldo that has been pending in the State Tribunal in Espírito Santo since 2001.<sup>48</sup>

On 1 April 2005, Judge Leopoldo was arrested preventively. On 4 May, the State Justice Tribunal denied the request for *habeas corpus* (HC 42.893 ES) made by his attorneys.<sup>49</sup> However, on 6 July 2005, the Supreme Court granted the petition (HC 87076)<sup>50</sup> and freed Judge Leopoldo. He will now respond to the charge of the death of Martins in liberty.

<sup>46</sup> Official Correspondence 3355/2002 op. cit.

<sup>47</sup> "Júri popular condena acusados pela morte de juiz no ES", *Folha Online*, available at <http://www1.folha.uol.com.br/folha/cotidiano/ult95u99608.shtml>.

<sup>48</sup> "Juiz assassinado apontou irregularidades de principal suspeito", *Folha Online*, available at <http://www1.folha.uol.com.br/folha/cotidiano/ult95u107624.shtml>.

<sup>49</sup> Information available at [http://www.stj.gov.br/webstj/Noticias/detalhes\\_noticias.asp?seq\\_noticia=13880](http://www.stj.gov.br/webstj/Noticias/detalhes_noticias.asp?seq_noticia=13880).

<sup>50</sup> Information available at <http://www.stf.gov.br/imprensa/pdf/hc87076.pdf>.

**ALVINO MENDES DE ALMEIDA, ISAC TOLENTINO DE ARAÚJO JR.,  
JOSÉ GONZALES ACEDO, AND MARIA DEL PILAR MARTINS  
RODRIUEJO (BAHIA)**

*Communication sent to the UN on 29 November 2005.*<sup>51</sup>

On 15 April 2005, Alvino Mendes de Almeida, a *quilombola* (member of a community of descendants of former African slaves) from the Parateca community located in the municipality of Malhada, close to the River São Francisco, Bahia state, was shot dead by a bullet to the head, on the Santa Teresa Estate, a property belonging to Fernando Bastos. The shot that killed Mendes was fired by the estate manager, José Benedito de Oliveira, known as “Sussu.”

Malhada police opened Police Inquiry No. 03/05 to investigate the events surrounding the murder. Police Chief Alessandra Márcia Pereira closed the police investigation after two months, suggesting in her report that “an accidental firing of shots” by Oliveira was the cause of death. On the basis of these conclusions, the Office of the Public Prosecutor indicted de Oliveira on a charge of manslaughter.<sup>52</sup>

De Almeida is a member of the Parateca community, where approximately 400 families have lived and farmed for centuries. Unlike many people who were self-sufficient and subsisted on what they produced in their own fields, de Almeida was one of the few *quilombolas* who dared to work for the Bastos family as a rancher, and did so for three years. He worked on the ranch to complement his income as a means of survival, but according to his family, he had never trusted his boss.<sup>53</sup>

Bastos claims to be the owner of the *Capim de Raiz* Estate, made up of an island formed from the low waters of the São Francisco River. This island, by law, is federal government land and is the place where historically *quilombolas* have developed productive activities to ensure their physical and cultural survival. The landowner continued to abuse the land as well as the *quilombolas*. He encouraged the killing of cattle, destruction of plantations and fences, and expulsion of families by men under his control utilizing firearms. These measures are regularly employed by Bastos to seize the community’s land.<sup>54</sup>

Prior to de Almeida’s murder, there was already a history of violence on the estate. In 2004, the estate manager, de Oliveira, responsible for firing the shot that killed Alvino Mendes, invaded the *Capim de Raiz* Estate with the help of armed men and destroyed *quilombola* plantations and took their tools. According to testimonies from *quilombolas*, Mendes tried to stop de Oliveira and his gunmen from continuing their

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<sup>51</sup> Communication sent to the UN by *Justiça Global* and the Rural Workers’ Lawyers Association of Bahia (*Associação de Advogados de Trabalhadores Rurais da Bahia*, or AATR/BA). (Official correspondence 164/05 JG/RJ, sent on 29 November 2005.)

<sup>52</sup> Lawsuit n° 025/2005 being processed in the district of Malhada.

<sup>53</sup> AATR’s report upon visiting the Parateca community, 1 June 2005.

<sup>54</sup> *Ibid.*

violent attack. On 7 April 2005, eight days before Mendes' murder, the *quilombola* Jason was found dead on the estate of Jaime Bastos (brother of Fernando Bastos). Jason was also a member of the Parateca community. The police version of events concluded that it was a case of suicide.<sup>55</sup>

De Almeida's family and community residents believe that he had information that compromised Fernando Bastos. On 12 April 2005, Mendes had commented to community members about the arrival of two new gunmen on Fernando Bastos' estate and the departure of the former gunmen due to the fact that they were too well-known. On the eve of the murder, 14 April 2005, de Almeida's daughter, Leini Mendes, said that her father had arrived home in a nervous state stating that he would no longer work for Bastos because he did not trust him anymore.<sup>56</sup>

Investigations carried out by the Malhada police were incomplete and the conclusion of the police inquiry suggested that the shot that killed Mendes was accidental.<sup>57</sup> The postmortem describes in broad terms that the victim "had perforation marks from a gunshot in the temple region of his head."<sup>58</sup> No inspection of the crime scene took place, nor was the weapon seized. According to Alessandra Márcia Pereira, police chief in Malhada, "When the body arrived and the events surrounding the murder were recounted, there was no reason for going to the crime scene. And as the perpetrator had [already] given himself up, there was no reason to seize the weapon."<sup>59</sup>

The struggle for recognition of *quilombola* identity and land has advanced at the federal level. The Parateca community is one of the National Institute for Colonization and Agrarian Reform's (INCRA) five "priority" territories.<sup>60</sup> This is one reason for the escalation in the incidence of landowners' illegal appropriation of land and incursions onto land that has been occupied by black landless workers for centuries. In an attempt to prevent new tragedies from taking place, groups that advise and help the community presented a request on 10 July 2005 for intervention in the region by federal police and the Office of the Public Prosecutor, to thereby help guarantee the reliability of the evidence used in the investigation. Additionally, the federal presence would participate in the reconstruction of the crime and identification of new evidence, including evidence from those close to the victim.<sup>61</sup>

<sup>55</sup> Events told by a group of 15 Parateca community members on 24 May 2005 at a meeting with the Pastoral Land Commission (*Comissão Pastoral da Terra*, or CPT) and AATR, at *quilombola* Mr. Arnaldo's home.

<sup>56</sup> Statement by Leini Mendes, confirmed by the victim's other children, at a meeting with the CPT and AATR, at *quilombola* Mr. Arnaldo's home.

<sup>57</sup> Official communication n.º 25/2005 sent by the *Associação de Advogados de Trabalhadores Rurais* (AATR), *Comissão de Justiça e Paz*, and the CPT to the Coordinator of the 9<sup>th</sup> Regional Office of the Public Ministry of the state of Bahia, in Guanambi, Leandro Mansine Meira Cardoso de Castro, on 10 July 2005.

<sup>58</sup> *Idem*.

<sup>59</sup> *Ibid*.

<sup>60</sup> Regional Superintendency of the *Instituto Nacional de Colonização e Reforma Agrária* (INCRA, or National Institute for Colonization and Agrarian Reform).

<sup>61</sup> *Idem*.

The human rights defenders working with the community were also threatened.

Isac Tolentino de Araújo Júnior, a lawyer with the Rural Workers Lawyers' Association (*Associação de Advogados de Trabalhadores Rurais*, or AATR) and José Gonzales Acedo and Maria Del Pilar Martin Rodriuejo, both missionaries with the CPT in the state of Bahia (CPT/BA), are advisors to the *quilombola* communities at Pau D'Arco and Parateca, located in Bahia. On 29 September 2005, they accompanied *quilombola* José Pereira Vilassa to an initial hearing at the local court in the Malhada district, because of an official complaint Vilassa had filed against Bastos, after receiving threats from him.<sup>62</sup>

The hearing was marked by a series of personal insults directed at the victim and his advisers by Bastos, suggesting that "they would be next," and calling them "troublemakers." The hearing ended with an agreement reached by the public prosecutor and Bastos, in which Bastos tacitly admitted to the crime of which he had been accused, and agreed to pay one minimum wage in basic foodstuffs (a minimum wage amounts to R\$350, or US\$160) to a non-profit organization, a common way of settling disputes in small claims courts.

After the hearing, when Tolentino, Gonzales, and Martin were standing outside the court talking with Vilassa, Bastos appeared in his car, almost as if he had been on the lookout. Accompanied by his farm manager, de Oliveira, Bastos repeated the threats he had made during the hearing using the expressions: "you're on the hitlist;" "we will sort out our business;" "you'll pay for this;" and "you're known in the region," as well as other offensive words such as calling them "troublemakers" and "scumbags."

Bastos' behavior is intimidatory and threatening and is a product of the impunity that he enjoys, despite the many acts of violence he has inflicted upon the Parateca and Pau d'Arco *quilombola* communities. The type of violations committed by Bastos range from the destruction of plantations to the use of gunmen on farms and against community advisors, including members of AATR and CPT.

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<sup>62</sup> All the information herein is found in the *Representação para Lavratura de Termo Circunstanciado* (Official Representation Against the Accused) submitted by Isac Tolentino de Araújo Júnior, Jose Gonzalez Acedo, and Maria Del Pilar Martin Rodriuejo against Fernando Borges Bastos, on the basis of article 69 of Law 9.099/95 to the Public Prosecutor of Malhada jurisdiction, Bahia, on 17 October 2005.

## AMÉRICO NOVAES (GOIÁS)

*Communication sent to the UN on 30 November 2005.*<sup>63</sup>

Américo Novaes, the leader of a homeless organization, had lived in the *Parque Oeste* (West Park) neighbourhood of Goiânia, state of Goiás, since mid-2004. He was arbitrarily arrested on 26 October 2005 due to his stature as the key leader of the homeless movement as well as because of his close links to the 1,500 homeless people that were in his neighborhood. He was arrested the day before the mayor's office published the list of people who would be considered for the new settlement in the *Parque Oeste* area.

Police officers arrested Novaes for his alleged involvement in the coercion of witnesses in a police inquiry that had been organized to find those responsible for shooting the police chief in the head in an operation that removed families from *Parque Oeste* in February 2005.<sup>64</sup>

The Brazilian Economic, Social, and Cultural Rights (ESCR) Platform (*Plataforma DHESC Brasil*) considered Novaes' arrest as suspicious and arbitrary, and requested that the federal government's Special Secretariat for Human Rights investigate the case. The Platform sent denunciations about the conditions in which the people were living in *Parque Oeste* to the UNCHR and to the OAS.

On 7 November 2005, Novaes was granted a *habeas corpus* by Minister Nilson Naves from the Superior Court of Justice (*Superior Tribunal de Justiça*, or STJ) after spending 12 days imprisoned at the House of Provisory Arrest in Goiás (*Casa de Prisão Provisória de Goiás*).<sup>65</sup>

<sup>63</sup> Information sent to the UN by *Justiça Global* (official communication 166/05 JG/RJ, sent on 30 November 2005).

<sup>64</sup> On 16 February 2005 in Goiânia, following an order issued by Judge Grace Corrêa Pereira, the police executed the order of repossession of the *Sonho Real* Estate. The carrying out of the judicial order, known as "*Operação Triunfo*," resulted in the murders of two people and the injury of many others, and left hundreds homeless and some were disappeared. The use of violence by police officers during the evacuation and the denunciations of summary executions reflect the criminal character of this operation. The bodies of Pedro Nascimento Silva and Wagner da Silva Moreira, murdered during the action, were removed from the estate and no official examination was carried out by the local forensic services. "Rede de Direitos Humanos Considera 'Arbitrária' Prisão de Sem-teto", *Radiobras*, 30 October 2005. See also "Rompendo o Silêncio: Crimes, Demagogia e Mortes — O Massacre do Sonho Real", *Centro de Mídia Independente*, 27 February 2005 at 10:25am.

<sup>65</sup> Centro de Mídia Independente, 8 November 2005: <http://72.14.207.104/search?q=cache:BbrXniDQoYQJ:www.midiaindependente.org/pt/blue/feature/archive46.shtml+comandante+ferido+em+parque+oeste+fevereiro+goiania&hl=pt-BR>.

## ANA CORSO (RIO GRANDE DO SUL)

*Communication sent to the UN on 28 September 2005.*<sup>66</sup>

Ana Corso, city councilor in the municipality of Caxias do Sul, state of Rio Grande do Sul, was subjected to threats and persecution after a visit to the prison in Caxias do Sul.

On 3 September 2004, Corso, president of the Human Rights Commission in Caxias do Sul, visited the Industrial Prison of Caxias do Sul (*Prisão Industrial de Caxias do Sul*, or PICS), with the intention of investigating denunciations of maltreatment inside of the prison.<sup>67</sup> The visit was motivated by the history of denunciations involving the prison administration staff. Sonali Cruz Zluhan, judge of the Penal Execution Court (*Vara de Execuções Penais*), participated on the visit. On this occasion, Cruz requested that police from the Battalion for Special Operations (*Batalhão de Operações Especiais*, or BOPE) accompany Corso and Cruz on the prison visit, as it was feared that the presence of prison staff might result in some form of reprisals as well as compromising the prisoners' testimonies.<sup>68</sup>

Judge Cruz has been particularly pro-active and has already filed many denunciations of violations involving prison staff at PICS. These denunciations had been sent to the Oversight Office of the the Prison Administration Superintendency (*Superintendência dos Serviços Penitenciários*, or SUSEPE).

In 1997, Corso had already made denunciations of attacks and assaults committed by prison staff at PICS. One of the accused was the current director of the prison, Odeval Moraes, who at the time when the crimes were committed was the chief of discipline and security. The publication of the facts generated the opening of an internal administrative investigation and resulted in the transfer of a member of the staff.<sup>69</sup> Despite these alleged measures, in January 2003 Moraes returned to PICS as its director.

After Corso's visit on 3 September 2004, the directors of PICS sent testimonies from some of the prisoners to the Office of the Electoral Public Prosecutor (*Ministério Público Eleitoral*, or MPE), in which they claimed to have seen Corso ask for votes from the prisoners because at that time she was a candidate for a third term at the Chamber of City Councilors in Caxias do Sul.

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<sup>66</sup> Information sent to the UN by *Justiça Global* and *Comissão de Cidadania e Direitos Humanos da Assembléia Legislativa do Rio Grande do Sul* about threats and persecutions against city councilor Ana Corso of Caxias do Sul municipality, after the visit to the PICS, Rio Grande do Sul. (Official communication JG/RJ 129/05, sent on 28 September 2005)

<sup>67</sup> Information provided by e-mail from member of the Rio Grande do Sul Legislative Assembly Dionilso Marcon, on 26 May 2005.

<sup>68</sup> Information provided by e-mail from Ana Corso's lawyer, Jean Carbonera, on 22 September 2005. Copy of the defendant's pleading presented to the Office of the Federal Public Prosecutor on the Lawsuit 00162/169/2004, on 30 September 2004.

<sup>69</sup> Administrative Investigation 456/97 of the prison administration, due to denunciations filed by Corso against prison agents, and particularly Odeval Moraes, who at that time was security chief and used to frequently use violence against inmates of the prison. This denunciation was published in the *Relatório Azul: Garantias e Violações dos Direitos Humanos no Rio Grande do Sul 1997*, edited by the Human Rights Commission of Rio Grande do Sul Legislative Assembly.

The complaint sent to the MPE was accompanied by a request for the repealing of her candidature and election certificate (in case she were to be elected), a declaration of her ineligibility as a candidate, and the imposition of a fine, as well as requesting an authorization from the State Internal Affairs Department to take a statement from Judge Cruz. This latter raised the possibility of holding Cruz responsible for the allegedly illegal events. The alleged illegality arose from the judge's request to carry out the visit of the prison without the presence of the prison officers.

Given that these facts were not true, there immediately arose a suspicion over what could have led the prisoners to make such statements. This suspicion was confirmed when one prisoner gave a statement in which he claimed that after having been violently beaten by prison staff, he was forced to say that the city councilor had been asking for votes. What follows is the transcription of an excerpt from another prisoner's statement, given in front of the Criminal Court Judge of the 33<sup>rd</sup> District in Caxias do Sul, a representative of the office of the public prosecutor, and the public defender on 30 November 2004:

He was taken to the *parlatório*<sup>70</sup> by Mr. Mailson who ordered the other prison staff to beat him. He was beaten with punches and kicks. . . . He spent 15 days in solitary confinement. Mr. Mailson wanted the prisoner to say that he had seen city councilor Ana Corso asking for votes at the prison and then he would be able to leave solitary confinement. The prisoner said that he would not do it, because he did not hear the city councilor asking for votes. Another prisoner who also was in the prison and had already left it, mentioned to the witness that they had also asked him to say that the city councilor had asked for votes while she was visiting the prison. The prisoner said to Mr. Otto that he would not speak against anybody without just reason in order to leave solitary confinement.<sup>71</sup>

On 16 September 2005, Corso gave an interview to the *Justiça Global* team and reported that she continues to be embarrassed and intimidated by the situation as her work defending the rule of law has thus being tainted, thereby blackening her reputation among the prisoners. She referred to the use of violence by prison staff to intimidate prisoners. A common practice is to place the prisoners in solitary confinement after the visits to verify the claims of human rights violations made by Corso and the VEC judge. Corso continues to receive information from prisoners suggesting that prison officers are using similar means (*i.e.*, solitary confinement) to forcibly influence the statements given by prisoners in the lawsuit filed against her. The visit in September 2004 has

<sup>70</sup> *Parlatório* (or "podium") is the room associated with "interrogations" and torture in prisons.

<sup>71</sup> Testimony on criminal lawsuit 1001973346, which was immediately sent to SUSEPE and the Office of the Public Prosecutor. The testimony was also attached to lawsuit 00162/169/2004 (pages 117 and 118) that the Electoral Public Prosecutor has opened against city councilor Ana Corso.

unleashed a form of revenge against her following the denunciations she made against then prison officer de Moraes that resulted in his transfer to another establishment. (He returned in 2003 as director of the prison.) Corso's efforts to prevent these violations were not taken into account by the Office of the Electoral Public Prosecutor. The case continues. The human rights violations that took place at the prison received a large amount of media coverage.

Despite numerous promises of action by public authorities, including the short-term solutions suggested by the SUSEPE, including the construction of a new prison to diminish the overcrowding at PICS, there are no proposals for effective measures to bring an end to these human rights violations and punish those responsible.<sup>72</sup>

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<sup>72</sup> "Ultimato Para Esvaziar a Penitenciária", *Jornal Pioneiro — Diário de Integração da Serra*, 30 November 2004.

## ANA MARIA DOS SANTOS (BAHIA)

*Communications sent to the UN on 25 November 2003 and 1 July 2004.*<sup>73</sup>

The municipality of Santo Antônio de Jesus is an area with a large number of active death squads, comprised mostly of military police from the region who carry out operations of “social cleansing” (*faxina social*)<sup>74</sup> with the support of local businessmen.<sup>75</sup> News of disappearances, torture, and executions has become commonplace in the municipality. Angry over the impunity and violations of human rights, a group of human rights activists — including Ana Maria dos Santos — founded the Santo Antônio Human Rights Forum (*Fórum de Direitos Humanos de Santo Antônio de Jesus*, or FDH).

After the creation of FDH (and dos Santos’ assumption of its presidency), the crimes began to be brought to the attention of public authorities, particularly the Public Prosecutor in Santo Antônio de Jesus, Ana Rita Cerqueira. Various measures were undertaken to encourage the families — many of whom were still afraid of being persecuted — to give statements about their family members who had been executed, tortured, and/or disappeared to aid the investigative process and the possible punishment of those responsible.

The constant battle fought by the members of FDH brought so much attention to the cases involving death squads that on her visit to Brazil in September 2003, UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Asma Jahangir traveled to the municipality of Santo Antônio de Jesus to hear the testimonies of victims of violence and their families.<sup>76</sup>

However, the high visibility of such actions elicited an immediate reaction from the criminal groups against the defenders, victims, and witnesses who collaborated with the Special Rapporteur. Twenty days after Jahangir’s visit, one of the witnesses with whom she had spoken, Gerson Bispo, was brutally killed.<sup>77</sup> Another witness, Herbert Santos Barreiro, was arrested and accused of assault in an operation suspiciously carried out by the military police. Smear campaigns against the work done by FDH were carried out by businessmen and local radio stations and on many occasions turned into personal attacks on dos Santos.<sup>78</sup> Due to the threats that many families were receiving, and as a result of her own position as president of FDH and her fearless attitude at the forefront of the campaign against executions in the municipality, dos Santos’ situation became more precarious.

<sup>73</sup> Official communications JG/LND 02/03, sent on 25 November 2003 and JG/RJ 167/04, sent on 1 July 2004.

<sup>74</sup> As stated in Official Correspondence JG/ LND 02/03, the majority of the victims of the death squads are youths who have been in police custody or are suspected of participating in crimes such as theft or robbery in the municipality.

<sup>75</sup> Many businessmen, aside from financing the death squads, also conduct common illegal commercial activities such as manufacturing fireworks, maintaining clandestine factories employing women and children as cheap labor, and using dangerous products without meeting minimum safety conditions.

<sup>76</sup> The visit to Santo Antônio de Jesus took place on 20 September 2003.

<sup>77</sup> The murder occurred on 10 October 2003.

<sup>78</sup> Statement by Ana Maria dos Santos to *Justiça Global* on 20 June 2004.

Since March 2003, when she began to draw attention to the existence of the death squads, dos Santos has received anonymous death threats over the phone. Her house began to be watched by strange persons who came into her backyard on different occasions to make noises to try to scare her. In an episode on 18 September 2003, two days before the visit by the Special Rapporteur, dos Santos was away from home and neighbors observed three men entering her house. Returning to the house with the police, dos Santos found a piece of rope and a pipe left in her living room by the men who had broken in.

At the same time that she was seeking the protection of the federal police, the Brazilian government, through the Special Secretariat of Human Rights, affirmed that it would be impossible for such measures to be taken and advised her to seek help from the state police or join the witness protection program (*Programa PROVITA*). Dos Santos rejected these options for two reasons: members of the state police in Santo Antônio participated in the death squads, and this would represent even more threats to her life; secondly, the witness protection program requires the victim to move from his/her home to an undisclosed location, which would prevent dos Santos from continuing her work in Santo Antônio and keep her away from her loved ones.

In spite of the intimidation she suffers, dos Santos continues her activism in Santo Antônio de Jesus, playing an important role in the successful promotion of human rights. FDH has achieved some successes in its work, such as the indictment of five military police and the imprisonment of two of them.<sup>79</sup>

While dos Santos has received a number of invitations from the Brazilian government to give testimonies to different agencies that investigate the activities of death squads throughout the country and collaborate with them by providing information (which results in her being even more vulnerable), she has not been provided with any protection by the federal government. Since the first communication was sent to the UN in 2003 by *Justiça Global*, not one measure has been taken by the Brazilian government. Of the many requests made and communications sent by *Justiça Global*, not one has received a response. Only the federal police — in response to an official correspondence from the National Human Rights Secretariat — responded saying that they could not offer any form of personal protection to dos Santos.

Dos Santos is a completely vulnerable and unprotected human rights defender whose life is in serious danger. The number of threats she continues to receive is growing. On the afternoon of 12 May 2004, while at the State Conference on Human Rights, she was advised by a friend that the military police was organizing a plot (inclu-

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<sup>79</sup> According to the information provided to *Justiça Global* by Ana Maria dos Santos and confirmed by Prosecutor Ana Rita Cerqueira, police officers Gilvan Pamponet and Luis dos Santos, better known as Luis de Bia, were taken into custody. As of the publication of this report, however, Luis dos Santos had been released due to lack of incriminating evidence.

ding videotaping) to arrest her and accuse her of providing pre-paid cell phone cards to prisoners. On the night of 25 June 2004, she received another anonymous phone call saying: “*Others could be killed just like Silvio and Honorato.*”<sup>80</sup>

On 24 June 2004, a person who knows<sup>81</sup> the police officer Luis de Bia, who was freed on 10 June 2004, went to dos Santos’ mother’s house to alert her of threats being made against dos Santos by de Bia. This person, whose identity cannot be revealed, said: “*Ana’s not going to get out of this one easily — if one more person is convicted, she will pay for it directly*” and that they were ready to set her house on fire.

As her home was not safe following the assassination of Gerson Bispo, dos Santos had to leave her house and spent four nights at the Public Prosecutor’s office. Even though she is constantly on the move, staying with friends and family members, she continues to be followed: on 20 July 2005 at approximately 9 p.m., an unknown man was seen looking for the home of a friend where dos Santos was staying. Asking repeatedly as to where she was, the man did not get an answer from the owner of the house and stated, “*You don’t have to say anything, what I needed to know I already do.*” Afraid of reprisals, the friend refused to assist the police or provide a statement to the Office of the Public Prosecutor.<sup>82</sup>

Given the huge pressure, dos Santos became depressed and had to seek a doctor’s treatment and use medication to control her illness.

After continual requests to the authorities responsible for the National Program for the Protection of Human Rights Defenders, a commission of this program conducted a mission to the municipality of Salvador, Bahia to meet with government representatives in an attempt to obtain personal protection for dos Santos. The visit took place from 17-19 October 2005, bringing together the members of the following institutions: the Secretary of Public Security of the State of Bahia, Federal Prosecutor’s Office, president of the State Justice Tribunal, Secretary of Justice and Human Rights of Bahia, Public Prosecutor of Bahia, and Human Rights Commission of the Legislative Assembly of Bahia.

The Secretary of Justice promised to hold a public hearing with the relatives of the death squad victims from Santo Antônio de Jesus, to guarantee that the situation remains highly visible, as well as installing security teams and caller-ID equipment at dos Santos’ house. This was all to be provided by the Secretariat of Justice of the State of Bahia. However, as of this writing, none of these measures have been implemented.<sup>83</sup>

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<sup>80</sup> This threat relates to the work that dos Santos does in the prison system and her struggle to denounce the illegal imprisonment and torture of two witness of the death squad operations, Silvio and Honorato.

<sup>81</sup> This unidentified person’s life is also in danger.

<sup>82</sup> Information obtained by *Justiça Global* during an interview with Ana Maria dos Santos in August 2005.

<sup>83</sup> Information obtained by *Justiça Global* during an interview with Ana Maria dos Santos on 2 December 2005.

## FRIAR ANASTÁCIO (PARAÍBA)

*Communication sent to UN on 18 November 18 2002.*<sup>84</sup>

Friar Anastácio<sup>85</sup> was born in the city Esperança, state of Paraíba. He lives and works in João Pessoa, the capital of Paraíba. For more than 28 years he has been a member of the Franciscan Order of monks. Since January 1999 when he took over as state representative for the Workers Party (*Partido dos Trabalhadores*, or PT), he has focused his efforts on agrarian reform in Paraíba and on gaining respect for agrarian workers' human rights. Friar Anastácio has acted as a mediator in agrarian conflicts between large landowners and public authorities in Paraíba. As a result of his work, he has received numerous death threats, been defamed, and been indicted in numerous lawsuits, all as methods to intimidate him.

One of his main contributions to the Legislative Assembly in Paraíba was to set up and preside over a Parliamentary Commission of Inquiry (*Comissão Parlamentar de Inquérito*, or CPI) that investigated rural violence and the formation of private militias in Paraíba.<sup>86</sup> The final CPI report was presented and approved in March 2002 by the House of Representatives. The report concluded that: a) rural conflicts between large landowners and rural workers had led to the registration of numerous incidents of intimidation directed at rural workers; b) in the majority of those cases private militias formed and armed by large landowners were responsible for cases of rural violence; c) it is impossible to discount the involvement of the police in these militias; d) in the investigation carried out it was clear that the large landowners in Paraíba are members of the most conservative oligarchy in the state, maintaining close links with state public authorities, including police chiefs, public prosecutors, judges, state secretaries (more specifically the Secretary for Public Security), members of the state court, and the state attorney general.<sup>87</sup>

Since the approval of the CPI's final report, no judicial or executive measures have been taken to punish the accused, nor have any of the people involved in the private militias or those who support violence in the state been punished.

<sup>84</sup> Communication sent to UN by *Justiça Global, Comissão Pastoral da Terra* of Paraíba (CPT/PB), *Dignitatis Assessoria Técnica e Jurídica Popular, Comissão de Direitos Humanos da Universidade Federal da Paraíba*, and State Representative Rodrigo Soares, about death threats against Friar Anastácio, State Representative, in João Pessoa, Paraíba. (Official communication JG/RJ 218/02, sent on 18 November 2002)

<sup>85</sup> Friar Anastácio is the name given by the *Ordem Franciscana*. His real name is Antonio Ribeiro.

<sup>86</sup> As State Representative, Friar Anastácio kept alive the struggle for agrarian reform and the recognition of constitutional rights assured to agrarian workers while at the Paraíba State Legislative Assembly. Interview given by Friar Anastácio to *Justiça Global* on 29 August 2002.

<sup>87</sup> CPI's final report about the investigation of violence in the countryside and private militia formation in Paraíba. House of Representatives, João Pessoa, Paraíba, 2001, p. 178.

### *Kidnapping of and Lawsuits against Friar Anastácio*

On 8 August 1986, Friar Anastácio was accompanying the eviction of 72 families in Tambaba, municipality of Conde. He was kidnapped and detained for more than 10 hours by landowner Enio Guerra de Sá Leitão and a group of 10 armed police officers who tried to intimidate him. Friar Anastácio reported the incident, accusing the police officers and Leitão of kidnapping and illegal imprisonment. The public prosecutor in charge of investigating the case filed to close the case due to a supposed lack of evidence.

In the last 10 years, Friar Anastácio has been the target of more than 12 criminal lawsuits. Examples include charges that he has failed to comply with the law; trespassed; formed criminal gangs; threatened people; and other accusations that seek to incriminate him and members of CPT .

On 27 November 1995, federal police arrested Friar Anastácio for four days, accusing him of taking part in the occupation of land on an estate in Tabatinga, in the municipality of Conde, state of Paraíba. He was only released when his lawyers filed for *habeas corpus*. On 7 August 1996, he was sentenced in the first hearing of the court to four years and 10 months for (a) the formation of criminal gangs; (b) having supposedly put the lives of minors at risk by allowing them to front the marches carried out by the landless workers; and (c) not following the law. His lawyers appealed to the Superior Criminal Court in Paraíba. Upon proving that the whole lawsuit had been filed with formal and procedural mistakes, the decision was made to send the case back to the lower court for another hearing.

### *Death threats and slander*

On 18 May 2002, police officer Sérgio de Souza Azevedo and his assistant, José Carlos de Andrade, were victims of an attack in the municipality of Mogeiro. De Andrade was shot dead; Azevedo escaped alive, but was shot in the arm.<sup>88</sup> Afterwards, Azevedo declared publicly<sup>89</sup> that the gunmen were members of the landless movement, and that the masterminds behind the ambush were Friar Anastácio and State Representative Luiz Couto. Friar Anastácio publicly denied the allegations lodged against him by Azevedo, and applied to the Secretary for Public Security for an investigation into the case to establish who was responsible for the crime. Friar Anastácio ratified the CPI's conclusions in their report on rural violence, particularly that Azevedo was in charge of militia operations in the rural areas of Paraíba.<sup>90</sup>

<sup>88</sup> "Deputados São Acusados de Morte: Policial Diz que Anastácio e Luiz Couto Tramaram Emboscada que Matou Vaqueiro," *Correio da Paraíba*, João Pessoa, 22 May 2002.

<sup>89</sup> "Deputados São Acusados de Mandantes por Marcos Tadeu," *A União*, João Pessoa, 21 May 2002; "Deputados São Acusados de Morte: Policial Diz que Anastácio e Luiz Couto Tramaram Emboscada que Matou Vaqueiro," *Correio da Paraíba*, João Pessoa, 22 May 2002; "Troteio," *Correio da Paraíba*, João Pessoa, 21 May 2002.

<sup>90</sup> "Anastácio Quer Investigar," *A União*, João Pessoa, 21 May 2002. Sérgio de Souza Azevedo is known in Paraíba as an untrustworthy police officer. The CPI's final report concluded that he is the "boss" of many private armed militias in Paraíba, acting mainly in the municipalities of Mogeiro, Itabaiana, Quirino, and Juarez Távora, as well as in the Covão, Mendonça, and Tanques Ranches and the Mendonça dos Moraes community. Azevedo is the target of a long list of criminal lawsuits.

During the week when the attack on Azevedo took place, Friar Anastácio gave interviews to the media in Paraíba trying to explain that he had not been involved in what had transpired. On 22 May 2002, during an interview for *Rádio Arapuã* in which Friar Anastácio's involvement in the attack was discussed, Azevedo repeated his allegations and added that he "would not leave things as they were."

On 24 May 2002, Friar Anastácio met a person who did not disclose his identity in the court in João Pessoa. This person warned that Friar Anastácio should be very careful, because Azevedo and his brother Eudes<sup>91</sup> were planning to murder him.

On 26 May, Friar Anastácio was at the PT convention in João Pessoa when a person that cannot be identified for reasons of security said that a person he knew needed to talk to him [Anastácio] urgently about Azevedo. Friar Anastácio arranged the meeting with both his lawyer, Cleófas Caju, and the CPT coordinator, Tânia Maria, present. At the meeting, the informer said that he had heard at the civil police headquarters from police officers close to Azevedo that Azevedo and his brother Eudes were planning to murder Anastácio and that they would "take those that they believed to be responsible for the attack 'out one by one.'"

After the meeting, Friar Anastácio was extremely concerned about his own personal safety. In late May 2002, he decided to go public with the case and issued a press release in which he revealed that there was a plan to murder him.<sup>92</sup> He requested a meeting with Paraíba Governor Roberto Paulino at his office. At this meeting, Friar Anastácio requested that the governor provide him with some sort of personal security measures, because of the threats against him that had been made public and that the House of Representatives (Legislative Assembly) appoint a special police chief to investigate the threats against his life.<sup>93</sup> Governor Paulino announced publicly that some form of protection would be provided immediately for Friar Anastácio.<sup>94</sup>

Until July 2002, Governor Paulino had still not provided any form of protection to Friar Anastácio. It was only on 11 July 2002 that the President of the Legislative Assembly authorized one member of the military advisory body of the House of Representatives to act as Friar Anastácio's bodyguard. Although a police inquiry had been opened to investigate death threats against Friar Anastácio, as of this writing there has been no significant progress made in those investigations.

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<sup>91</sup> Eudes Azevedo, civil police officer expelled from the civil police after the scandal involving legislative and judiciary members in car robberies.

<sup>92</sup> "Anastácio Diz que Existe Plano para Assassinar-lo," *Correio da Paraíba*, João Pessoa, 28 May 2002.

<sup>93</sup> "Frei Anastácio se Reúne com Paulino Para Pedir Segurança de Vida," *Jornal da Paraíba*, João Pessoa, 28 May 2002.

<sup>94</sup> "Paulino Assegura Proteção a Deputado Estadual do PT," *Correio da Paraíba*, João Pessoa, 29 May 2002.

## ANTONIO CARLOS "RUMBA" FERREIRA GABRIEL (RIO DE JANEIRO)

*Communications sent to the UN on 20 December 2001 and 22 June 2005.*<sup>95</sup>

Since 1972, Antonio Carlos Ferreira Gabriel (known as "Rumba"), 47, has worked on social projects in Rio de Janeiro's *favelas*. In 1994, Rumba founded the Jacarezinho Cultural Center (*Centro Cultural Jacarezinho*), and in 1995 began to work in the Jacarezinho Neighborhood Association (*Associação de Moradores do Jacarezinho*), becoming its president in 1999. In 1998, he founded the Workers' Cooperative of Jacarezinho Complex (*Cooperativa Mista dos Trabalhadores do Complexo Jacarezinho*). He also founded the League of Associations of Jacarezinho Complex (*Liga das Associações do Complexo do Jacrezinho*), which serves as a forum for debate regarding local development.

Since 1994, Rumba has been denouncing cases of police violence in Rio de Janeiro, and more specifically human rights violations against the inhabitants of the Jacarezinho *favela* (invasions and searches of the homes of residents by state police without search warrants, arbitrary detentions, and killings committed by state police officers).

In 1999, with the intention of bringing attention to what was happening in Jacarezinho and showing what the *Liga das Associações do Complexo do Jacrezinho* had accomplished, Rumba invited groups and authorities such as the Human Rights Commission of the Rio de Janeiro State Legislative Assembly (*Comissão de Direitos Humanos da Assembléia Legislativa do Estado do Rio de Janeiro*) and the City Council (*Câmara Municipal*) to visit the Association. Additionally, the *Liga das Associações do Complexo do Jacrezinho*, led by Rumba, invited the press and distributed posters, pamphlets, and sashes bringing society's attention to the problems facing the community.

Following this, he began to receive his first threats, initially by phone to his house by a male voice which said: "Rumba, I will put a bullet in you;" and "Rumba, you will not live till the end of the week." Some threats were made directly to Rumba and his wife, while others were left on his answering machine.

Rumba continued his work as a community leader in Jacarezinho. While at the 23<sup>rd</sup> Police Station (*Delegacia de Polícia*), having escorted the family of four kids who had been killed in Jacarezinho, Rumba's house was broken into. There were also shots fired at the wall of his house.

Rumba was forced to leave Rio de Janeiro, as it was no longer safe for him to continue to live in Jacarezinho where, although everyone knew of his work, no one (state or federal authorities) would provide him with protection.

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<sup>95</sup> Communications sent to the UN by *Justiça Global* about the threats and intimidation against community leader *Rumba* in the state of Rio de Janeiro, Brazil. (Official communication JG/RJ 230/01, sent on 20 December 2001 and a second official communication n° 066/05 JG/RJ, sent on 22 June 2005)

In August 2000, Rumba returned to the Jacarezinho *favela* and did an interview for an internet newspaper ([www.no.com.br](http://www.no.com.br)). Then-Secretary for Public Security for the State of Rio de Janeiro, Josias Quintal, did not agree with Rumba's statements and declared to the press that he was opening a police investigation into Rumba and other leaders of the social movement in which he participated. Quintal sought to hinder Rumba's work and criminalize it in public.

From 2000 onwards, the *favela* movement gained strength and the threats intensified. One of the threats, made on 17 January 2000 by Military Police Sgt. Castro, made it clear that Rumba's days were numbered.

In July 2001, Rumba began to denounce the corruption, extortion, and kidnappings of local area residents by the local police. Rumba called on the Police Ombudsman and the neighborhood association to participate in a campaign to publicly disseminate information about the "dial-a-denunciation" (*disque-denúncia*) program run by the Police Ombudsman. Such protests led a number of police officers to pursue Rumba, including invading his house fully armed, to find his wife at home alone, dressed in her sleepwear. To get inside Rumba's house, the police had to pass through three doors, which they opened with a special tool (*chave "micha"*).

Rumba's wife called him by phone for help. As soon as he arrived home, Rumba encountered a group of police at his front door and he took some photos of them. Upon hearing the police talking about imprisoning Rumba, he immediately telephoned Military Police Commandant Francisco Murilo and explained the situation to him. The commandant decided that an officer from the police oversight unit should go to Rumba's home. The officer who was sent to the scene apologized to Rumba and his wife, and all the police withdrew from the area.

Rumba's wife filed a complaint about the invasion of their house at the 25<sup>th</sup> Police Station (*25a Delegacia de Polícia*). Thereafter, new threats were made in an attempt to intimidate Rumba's wife into retracting her complaint. The threats were made by telephone and through messages from police officers.

As a result of these and other threats, Rumba and his family were forced to move three times in less than three months. The police would surround the house during the day and at night hooded people would walk close by.

From January to August 2001, Rumba was invited by Secretary of Public Security Quintal (the same man who had threatened to bring charges against him) to lead the Reference Center for Special Communities (*Centro de Referência para as Comunidades Especiais*). Rumba accepted the invitation as a strategy to protect himself from threats. Through this Center, Rumba, along with other leaders, lodged a series of complaints, which resulted in several police being fired. Due to the continually deteriorating situation, Rumba was invited to participate in a Coalition Against Police Abuse (CAPA) project, spending a few months at the University of Texas.

Rumba returned from the United States in 2002 and discovered that the police had already been forewarned of his return. Consequently, ever since he has lived in fear for his life in an undisclosed location.

## ASSOCIAÇÃO DE ADVOGADOS DE TRABALHADORES RURAIS (AATR) (BAHIA)

*Communication sent to the UN on 30 November 2005.*<sup>96</sup>

The Agrarian Workers' Lawyers Association of Bahia (*Associação de Advogados de Trabalhadores Rurais*, or AATR) was founded on 21 April 1982 and is located in Salvador, state of Bahia. AATR provides juridical assistance to popular movements and organizations in Bahia, as well as denouncing human rights violations. Discussions on the need to found such an organization began in 1976 as a result of the climate of insecurity and murder of leaders in rural areas. In 1977, following the murder of lawyer Eugênio Lyra, a number of lawyers grouped together and founded AATR in 1982.

Since then, AATR has sought to contribute not only to grassroots/pro bono lawyers organizations, but also to specific social movement struggles, including: 1) denouncing human rights violations and oversight of the Program of Protection to Victims and Witnesses of Violence in Bahia (*Programa de Proteção a Vítimas e Testemunhas da Violência na Bahia*, or PROVITA-BA); 2) combating slave labor in Bahia; 3) advising remaining *quilombo* communities (descendants of escaped African slaves); 4) the protection of the environment and São Francisco River; 5) juridical assistance to rural social movements; 6) providing basic training in 'human rights' to rural workers; 7) intervening in public policy and carrying out the campaign "*Quem não deve não teme*" ("Those who do not owe do not fear") which fostered monitoring of bank accounts of local-level administrations, thus combating corruption at a local level.

On 25 December 2004, from 2-5 a.m., AATR offices were ransacked by unidentified persons. The following morning AATR representatives entered the office alongside police officers to check the damages.

The place was partially destroyed, including doors, closets, files, tables, and drawers. There was not much left and all documents and equipment had been thrown on the floor, leading to the suspicion that those who ransacked the office had been searching for a specific document. Nothing was stolen from the headquarters, despite the fact that many valuable objects were in clear view (calculators, mobile phones, cameras, ink cartridges, computers, and checkbooks).<sup>97</sup>

The details were reported to the police on 26 December 2004 at 10 a.m. at the *Complexo de Delegacias dos Barris* (Barris neighborhood police station) in Salvador. The technical inspection was carried out on the same day at 3 p.m. Police technical inspectors said that the break-in was carried out in an attempt to intimidate those who work at the

<sup>96</sup> Communication sent to the UN by *Justiça Global* and *Associação de Advogados de Trabalhadores Rurais da Bahia* (AATR). (Official communication 167/05 JG/RJ, sent on 30 November 2005)

<sup>97</sup> All the information cited here was given by lawyer and president of the AATR José Cláudio Rocha to the staff of *Justiça Global* on 23 November 2005.

AATR and/or to find a document that was being kept there. Due to the way the furniture was turned upside down after the break-in; the long period of time they spent inside of the building; and the force with which the doors, windows, closets, files, tables, and drawers were destroyed, it was clear that it was not just a simple break-in to steal objects of high value from the institution.

Despite the seriousness of the case, it was not brought to a conclusion. Despite the large number of finger prints found in the building, especially on the destroyed doors and smashed windows, no leads were found by the police that led them to those responsible for the break-in.

## BARTOLOMEU “BRASÍLIA” MORAES DA SILVA (PARÁ)<sup>98</sup>

Union leader Bartolomeu “Brasília” Moraes da Silva was president of the Rural Workers Union (*Sindicato dos Trabalhadores Rurais*, or STR) in Castelo dos Sonhos, located about 1,000 km from Altamira, in the state of Pará. Gunmen contracted by loggers and landowners from the region brutally killed him with seven shots at point-blank range at dawn on 22 July 2002.<sup>99</sup> On the night that he was killed, Brasília received a phone call and then made his way to a hotel owned by Juvenal Oliveira da Rocha (known as “Parazinho”).<sup>100</sup> A few hours later, a witness saw Parazinho and Francisco Antônio de Oliveira (known as “Chiquinho”), shooting Brasília along the side of BR-163 highway. Several witnesses identified Alexandre Manoel Trevisan (known as “Maneco”) as the intellectual author of the crime.<sup>101</sup>

As there is no police department in Castelo dos Sonhos, only a military police outpost, the Secretary of Public Security in Pará sent officer Aurélio Rodrigues de Paiva, from the Special Investigations and Operations Division (*Divisão de Investigações e Operações Especiais*), to investigate the case. The officer stayed a few days in Castelo dos Sonhos, but returned soon after to Belém (capital city of Pará), only returning for three days in September to continue his work.

Despite clear evidence that military police officers from the Castelo dos Sonhos detachment were involved in the killing, the lack of basic equipment to carry out police work is in itself ridiculous. In report 2002.022586 DOS/DIDE, officer Paiva affirmed, “It is difficult for us to secure transportation within the locality in question, since civil and judiciary police depend on the military police for use of their patrol car.” He continued, “The present report must be sent within 10 days, under force of law, and we have neither the means of transport nor the means of sending it to Altamira within the legal time limit.”<sup>102</sup>

In February a gunman known as “Titão” warned Brasília that Maneco had tried to contract him to kill Brasília for R\$30,000 (approximately US\$12,000). Titão refused to carry out the contract, and was himself later killed by another gunman who is protected by Maneco. Brasília reported this to the authorities, but nothing was done to protect him.<sup>103</sup>

<sup>98</sup> This case was presented in the report “Summary Executions in Brazil 1997-2003,” produced by *Justiça Global* and the *Núcleo de Estudos Negros* (NEN), pp. 238-240.

<sup>99</sup> Official Medical Report 022/2002, Criminological Institute of the Renato Chaves Center for Scientific Studies (*Instituto de Criminalística do Centro de Perícias Científicas Renato Chaves*), 30 July 2002.

<sup>100</sup> Prison warrant against Juvenal Oliveira da Rocha and Francisco Antônio de Oliveira, Investigations and Special Operations Division (DIOE), 22 July 2002, p. 2.

<sup>101</sup> Police Investigation 2002.022586 DOS/DIOE, p. 43.

<sup>102</sup> Police investigation 2002.022586, 29 July 2002, p. 64.

<sup>103</sup> Interview with Maria de Fátima Romualdo da Silva Nunes at *Justiça Global* on 12 December 2002.

Maneco, Marcio Antonio Sarto (known as “Marcio Cascavel”), and Parazinho, all accused of the murder of Brasília, are in jail and are expected to be brought to trial. It is important to point out that this is one of only two cases of assassinations of rural workers in Pará that has resulted in a landowner being imprisoned. The investigation and imprisonment of those involved was achieved through enormous pressure from civil society. However, there are indications that the involvement of other landowners in Castelo de Sonhos was not thoroughly investigated.<sup>104</sup>

Maria de Fátima Romualdo da Silva, Brasília’s sister, has received many threats in response to her efforts to prevent impunity being the rule in her brother’s case. Many rural workers have sought her out and told her that her life is in danger because many landowners are angry about the work that she does. According to Fátima, the situation is so serious that many times she has had to leave Castelo dos Santos and has used disguises in order to outwit the gunmen.

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<sup>104</sup> “Human Rights Violations in the Amazon: Conflict and Violence in the State of Pará.” Goiania: CPT; Rio de Janeiro: *Justiça Global*; Curitiba: *Terra de Direitos*, 2005, pp. 129-130.

**CÉLIO RODRIGUES, ROBERTO BAGGIO,  
DARCI FRIGO, JOAQUIM EDUARDO MADRUGA,  
AND JOSÉ MARIA TARDIN (PARANÁ)**

The multinational corporation Monsanto S/A requested that a police inquiry be opened and an indictment brought against Célio Rodrigues and Roberto Baggio of the Landless Workers Movement (*Movimento dos Trabalhadores Sem Terra*, or MST); Darci Frigo of Land Rights (*Terra de Direitos*); Joaquim Eduardo Madruga (Agriculture Secretary for the Workers Party); and José Maria Tardin of Assistance and Service to Alternative Agriculture Projects (*Assessoria e Serviços a Projetos em Agricultura Alternativa*, or ASPTA), for belonging to organizations that make up the “Campaign for Agroecology” (*Jornada de Agroecologia*.)”

The *Jornada de Agroecologia* brings together 26 civil society organizations with the objective of discussing the development of an agricultural model centered on social inclusion and placing value on human life, equitable distribution of land, food security and food sovereignty, strengthening small family farming, and encouraging cooperatives and other collective means of production. These organizations hold annual conferences to discuss these issues and develop initiatives to implement in common.

At the end of the *Jornada de Agroecologia*’s Second Conference in May 2003, whose theme was “Land Free of Agrottoxins and Genetically Modified Organisms,” the 4,000 farmers in attendance decided to organize a protest in front of an experimental Monsanto farm in Ponta Grossa, Paraná. Experiments with genetically modified corn and soy were being carried out on this farm. During the protest, the demonstrators, seeing that genetically modified corn had already been planted, entered the farm and pulled up the crops.

A few days later, a group of small farmers and landless rural workers occupied the property and decided to create an agro-ecology center on the site, to be named the Chico Mendes Center for Agro-ecology, in honor of one of Brazil’s most courageous champions of biodiversity who was assassinated in the state of Acre in 1988.

Concluding that there had been various environmental and bio-security irregularities in the Monsanto experiments, the *Jornada de Agroecologia* member organizations requested that the relevant authorities carry out a technical inspection of the Monsanto farm. Teams from the National Technical Commission on Biosecurity (*Comissão Técnica Nacional de Biosegurança*, or CTNBio), the Paraná Agriculture and Provisions Secretary (*Secretário de Agricultura e Abastecimento do Paraná*, or SEAB-PR), and the Paraná State Public Ministry visited the site. The farmers’ suspicions were confirmed. Among the glaring irregularities pointed out by Paraná’s Agriculture Secretary was the lack of a brush barrier between the fields and the water sources, and the consequent contamination of the soil with agrottoxics, including an area that should have been a permanent bio-reserve. Many of Monsanto’s experimental farms in Brazil illegally reproduced genetically-

modified seeds, with the intention of imposing their use and consumption as a *fait accompli* on Brazilian farmers and consumers.

The *Jornada de Agroecologia* developed a proposal requesting that the state government expropriate the area. Thereafter, the farmers began planting a variety of organic/endemic seeds on the site, with the intention of sharing them among themselves in order to preserve seed diversity as the patrimony of all farmers.

Monsanto reacted by pressing criminal charges against the *Jornada de Agroecologia's* member organizations. The organizations were accused of trespassing, damages, and theft. As part of a strategy to criminalize the farmers, Monsanto, knowing that the demonstration had been organized by more than 4,000 people and was not related to the occupation of their experimental farm, nonetheless tried to hold individual members of the *Jornada de Agroecologia* responsible: Célio Rodrigues, Roberto Baggio, Darci Frigo, Joaquim Eduardo Madruga, and José Maria Tardin.

Monsanto is developing technology that gives it control over biodiversity and the power to limit food security and sovereignty. However, in the areas where Monsanto has been conducting experiments with genetically-modified seeds, horrific environmental destruction has been left behind.

The creation of the Chico Mendes Center for Agro-ecology by the rural workers, despite opposition from Monsanto, proved that a different agricultural model is possible and needed, a model that supports rural workers who practice agriculture in line with traditional cultural-ecological practices.

As of this writing, the criminal lawsuit against Célio Rodrigues, Roberto Baggio, Darci Frigo, Joaquim Eduardo Madruga, and José Maria Tardin is still in progress. On 7 March 2006 an arrest warrant was issued against Célio Rodrigues.

**CLÁUDIO ALVES DOS SANTOS AND THE REFERRAL CENTER AGAINST HOMOSEXUAL VIOLENCE AND DISCRIMINATION (*CENTRO DE REFERÊNCIA CONTRA A VIOLÊNCIA E A DISCRIMINAÇÃO HOMOSSEXUAL*, OR CERCONVIDH) (RIO DE JANEIRO)**  
*Communication sent to the UN on 2 December 2005.*<sup>105</sup>

Claudio Alves dos Santos, an activist for the rights of homosexuals, was tortured and assassinated in Nova Iguaçu, Rio de Janeiro state. The Referral Center against Homosexual Violence and Discrimination (*Centro de Referência contra a Violência e a Discriminação Homossexual*, or CERCONVIDH) where he worked receives constant threats due to its defense of the rights of homosexuals, lesbians, transvestites, transsexuals, and transgendered people.

Dos Santos disappeared on 17 October 2005. His body was found three days later with signs of torture and beatings, his eyes perforated and injuries caused by bullets shot at point-blank range.

CERCONVIDH, through its Homosexual Rights Hotline (*Disque Defesa Homossexual*, or DDH), strives to break down communication barriers between public security bodies, human rights organizations, and the homosexual population. In addition, CERCONVIDH aims to orient gays, lesbians, transvestites, transsexuals, and transgendered people on how to proceed when they experience violence or discrimination. Dos Santos had served as a volunteer on the DDH for four years. In addition to his internal work with the DDH, dos Santos participated in the DDH exchange program with police officials in the Baixada Fluminense region of Rio de Janeiro: he held workshops, brought complaints to their attention, inquired after the status of cases, and registered cases.

On 31 March, 30 people were assassinated in Baixada Fluminense.<sup>106</sup> The principal accused are policemen who were being investigated for their involvement in death squads. Since the massacre, CERCONVIDH has mobilized to demand justice. Dos Santos had spearheaded this effort, as he was an area resident. The CERCONVIDH was very active in the case: it registered the victims' families, interfaced between the families and state human rights secretary, and held funerals for the transvestites killed in the massacre. Additionally, CERCONVIDH joined the families in demanding that the case be investigated and those responsible condemned. In May and June 2005, the CERCONVIDH coordinator, Márcio Marins, received telephone threats, which he reported to the Human Rights Ombudsman and the Police Oversight Office, both Rio

<sup>105</sup> Communication sent to the UN by *Justiça Global* (Official correspondence JG/RJ 172/05, sent on 2 December 2005).

<sup>106</sup> For details on the case, see Official Correspondence 096/05 JG/RJ, sent on 22 August 2005 to the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions.

de Janeiro state bodies. These bodies did not follow up on his complaint nor take any immediate steps to protect Marins.

Dos Santos had helped to identify three homosexual victims (two transvestites and one teenager) of the Baixada Fluminense massacre. He had strived to uncover the truth about the massacre and to see those responsible punished, sending documents from the DDH to the Nova Iguaçu police.

It is not the first time that members of CERCONVIDH have been the victims of violence and threats. Marins had to go into hiding for three years after CERCONVIDH brought charges of mistreatment of homosexuals in the Brazilian army, on 26 October 1996.<sup>107</sup> That denunciation led to the end of the prohibition of homosexuals in the army. Marins was threatened but received no protection from either the federal or state governments.

Since dos Santos' recent assassination, some members of the DDH have left the CERCONVIDH. They are afraid and their families, fearing for their lives, have pressed them to cease working with the Hotline. Human rights organizations across the country active in the area of gay, lesbian, bisexual, and transsexual rights have demonstrated their profound concern at the growing number of leaders who have been threatened and murdered.

Dos Santos' assassination is being officially investigated by the 58<sup>th</sup> Police Precinct. CERCONVIDH has sent requests for investigations to the following bodies: State Public Ministry, Federal Public Ministry, National Council Against Discrimination, National Secretariat for Human Rights, State Secretariat for Human Rights, Human Rights Ombudsman of the National Secretariat, and Police Oversight Office. So far there is no news of any action taken by these bodies and no official response to the appeals made by CERCONVIDH for an efficient investigation into the case.

In October 2005, during a meeting between CERCONVIDH and Ivair Augusto, advisor to the National Secretariat for Human Rights, the threats against Martins were raised. Those present at the meeting later went informally to the Rio de Janeiro State Secretariat for Human Rights. They were received by the Secretary himself, Colonel Jorge da Silva, who told them that he had never before heard about these threats and promised to look into them. As of this writing, we have received no information regarding any action taken by the State Secretariat regarding the threats against Martins.

The last time dos Santos' partner went to the 58<sup>th</sup> Precinct (*Delegacia*) to check on the status of the case, 20 days after the body was found, no progress had been made in the investigation. When he arrived at the police station, the officer on duty asked him, "Aren't you dead?" Faced with yet another upsetting situation, he had to explain, "No, it was my partner who was murdered."

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<sup>107</sup> Cover story from the 'Manchete' weekly magazine, no. 2325.

## CLÁUDIO PEREIRA DA SILVA (BAHIA)

*Communication sent to the UN on 30 November 2005.*<sup>108</sup>

Cláudio Pereira da Silva, leader of the *Comunidade Remanescente de Quilombo Piranhas* (Piranhas Community of Afro-descendants), was the victim of an attempted murder on 8 September 2005.

The *Comunidade Remanescente de Quilombo Piranhas*<sup>109</sup> is located in the municipality of Bom Jesus da Lapa, Bahia, on the banks of the Piranhas Lake, alongside the San Francisco River, on land that belongs to the federal government. The community consists of 70 Afro-descendant families who have lived there for more than 300 years and whose livelihood involves subsistence fishing and cultivation of small corn or manioc fields. Originally occupying 9,000 hectares, the residents of Piranhas were displaced by the systematic practice of *grilagem* (illegal appropriation of land). This practice resulted in the creation of large landed estates and in the reduction of the area in which the community could live to *a mere three hectares*, seriously endangering their ability to survive.

The population of Piranhas is being profoundly affected by the predatory exploitation of the only lake that provides them with food and drinking water. Chico Vaqueiro, a landowner, and his son, Augusto Rodrigues da Silva, invaded the lakeside and constructed a bar. This bar was constructed without regard for hygiene or environmental protections, and its operation has polluted the water and caused almost 30 children from the community to become infected with verminosis and dermatosis.<sup>110</sup> The Brazilian Environmental and Natural Resources Institute (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais e Renováveis*, or IBAMA) prevented the bar from operating, but the owners disobeyed the order and remained open for business as usual.<sup>111</sup>

Faced with the authorities' inaction, the community reacted to the invasion of the landowners by burning the the establishment's thatched huts and blocking the entrances with fencing. In retaliation, on 27 July 2005, Vaqueiro, the bar's proprietor, sent 20 armed men to the community to threaten with death anyone who opposed the bar.<sup>112</sup>

On 8 September 2005, the president of the Piranhas Community Association, Cláudio Pereira da Silva, was ambushed on his way to the municipality of Bom Jesus da Lapa, in an attack organized by the bar owners. On his way to town, at around 8 a.m.,

<sup>108</sup> Communication sent to the UN by *Justiça Global* (Official communication no. 168/05 JG/RJ, on 30 November 2005).

<sup>109</sup> Certified by the Palmares Cultural Foundation (*Fundação Cultural Palmares*) on 11 August 2005.

<sup>110</sup> Official Correspondence no. 35/2005 from the *Associação dos Advogados dos Trabalhadores Rurais* (AATR), sent to the Federal Prosecutor Sidnei Pessoa Madruga, on 19 September 2005.

<sup>111</sup> *Idem*.

<sup>112</sup> *Ibid*.

near a site known as Sete Ferro, da Silva was ambushed by three armed individuals who fired several shots in his direction. Da Silva was not hit because he was driving a motorcycle at high speed. Augusto Rodrigues da Silva (the bar owner), Sebastião Rodrigues da Silva, and Inácio Rodrigues da Silva were identified as the perpetrators of the attempted murder.<sup>113</sup>

With the support of the AATR, a denunciation of the attempted murder of da Silva, detailing the degrading conditions in which the Piranhas *quilombo* community was living, was sent to the Regional Civil Rights Prosecutor, Sidnei Pessoa Madruga, on 19 September 2005. The AATR requested that the Federal Public Ministry supervise the criminal investigation into the attempted murder of the *quilombo* leader; a guarantee of federal police protection for the victim and security for the Piranhas community; an assessment of effective disarmament strategies for the region; and the protection of public health and the preservation of the environment in the area.<sup>114</sup>

As of this writing, public officials have taken no effective measures in response to the denunciations.

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<sup>113</sup> Police complaint no. 0992005000504 (Bom Jesus da Lapa Police Station – BA), on 8 September 2005, at 8:47:39 a.m.

<sup>114</sup> AATR Official Correspondence no. 35/2005.

## COMMUNITY COUNCIL (*CONSELHO DA COMUNIDADE*) (RIO DE JANEIRO)

*Communication sent to the UN on 2 August 2004.*<sup>115</sup>

The Community Council (*Conselho da Comunidade*), created by Federal Law no. 7.210/84, is a body charged with a) making monthly reports to the Criminal Court Judge and local Penitentiary Councils on prisoners' living conditions; and b) seeking to improve prisoners' access to assistance. The Council is made up of organizations and associations acting on behalf of the prison population, the Brazilian Bar Association, business representatives, and the National Council of Social Workers (*Conselho Nacional de Assistentes Sociais*).<sup>116</sup>

The Community Council is made up of more than 30 civil society organizations committed to prison issues — *Pastoral Carcerária*, *Tortura Nunca Mais*, *Justiça Global*, Councils of Professional Psychologists, Medicine and Social Service, the Brazilian Bar Association, and the *Universidade Estadual do Rio de Janeiro's* Institute for the Analysis of Violence, among others. The Community Council conducts periodic visits to prisons and denounces abuses, maltreatment, violence, and poor structural conditions for those serving their sentences in Rio de Janeiro's penitentiary system. It also compiles reports for the appropriate authorities based on its observations, including recommendations for necessary measures. As an organization, it aims to play an active role in the key decisions affecting public policy on penitentiaries, garnering credibility from its open and ongoing dialogue with prisoners.

It must be noted that fulfilling this active institutional role in prisons is especially complex in Rio de Janeiro, where prisons have become the focal point of the day-to-day "wars" between police and drug traffickers, as well as of a policy of social cleansing that profiles criminals based on race and class. The majority of arrests are carried out arbitrarily and brutally. Imprisonment without a warrant is commonplace in Brazil.<sup>117</sup> Violent police invasions of *favelas*, resulting in scores of arrests, deaths, and torture, are routine practice in Rio de Janeiro.

Against this backdrop, the Rio de Janeiro County Community Council has faced many challenges in attempting to fulfill its mandate.

On 22 July 2004, members of the Community Council and the Rio de Janeiro State Public Defender paid an emergency visit to the Milton Dias Moreira Penitentiary, in light of the tensions that had arisen there after prisoners from Milton Dias, controlled

<sup>115</sup> Communication sent to the UN by *Justiça Global* and *Conselho da Comunidade da Comarca do Rio de Janeiro* on the subject of the coercion to which members of the *Conselho da Comunidade* were subjected on the occasion of a visit to the Milton Dias Moreira Prison in Rio de Janeiro by the State Secretary for Prison Administration. (Official communication JG/RJ 178/04, sent on 02 August 2004).

<sup>116</sup> Federal Law no. 7.210, Articles 80-81, 11 July 1984.

<sup>117</sup> The only bases for imprisonment allowed under Brazilian law, according to Article 5, Section LXI, of the Brazilian Constitution.

by the Friends of Friends gang (*Amigos dos Amigos*, or ADA),<sup>118</sup> had been made to switch places with prisoners from the Jonas Lopes Penitentiary, which is controlled by the Red Command gang (*Comando Vermelho*).<sup>119</sup> The State Secretary for Public Security took this measure following an escape attempt by Milton Dias prisoners in the early hours of 10 July, with the assistance of some armed drug traffickers from the Zinco Community (*Morro do Zinco*). On the same day, drug traffickers outside the prison and the prison guards exchanged fire, and two prisoners were killed by police as they attempted to flee.<sup>120</sup>

Given the resistance to the full documentation of the degrading conditions in the prisons that the Community Council had experienced during its visits, its members decided to strengthen their work by applying for “authorization to use a camera during prison visits” from the Criminal Court Judge on 22 June 2004. Judge Carlos Borges granted their request: “I declare that the said request has been granted, while prisoners reserve the right not to be photographed.”<sup>121</sup>

As soon as they arrived at Milton Dias Penitentiary on 22 July, the Council representatives spoke with Marcos da Silva Freitas, the prison’s assistant director, who was responsible for informing them about the transfer of prisoners and their belongings, the resumption of visiting hours, and the normalization of operations.<sup>122</sup>

They then went to speak with the penitentiary director to make their request that the Public Defender Prison Coordinator look into the question of the lack of security for defenders that help the prisoners. Public defenders had already been the victims of two violent episodes because the space allotted for providing legal assistance to prisoners was not secure enough, leaving them vulnerable to violent acts by prisoners.<sup>123</sup>

With regard to prison staffing, the director informed the Council members that there were only 11 guards per shift to control 900 prisoners, and that he had already opened two official internal inquiries into incidents of guards beating up prisoners. In addition to the guards, there were three doctors, three nurses, and three psychologists.

Having finished their discussions with the prison authorities, the Council members proceeded, as was their usual practice, to the cells to speak with the prisoners and evaluate the conditions in the prison.

Before proceeding, Marcelo Freixo, the Council’s president, announced that he had judicial authorization from the Criminal Court to take photographs during the visit. The original authorization was shown to the director, who made a photocopy and

<sup>118</sup> Well-known drug-trafficking gang that controls points of sale in some of the city’s *favelas*.

<sup>119</sup> Ibid. Rival gang of *Amigos dos Amigos* (Friends of Friends).

<sup>120</sup> Community Council Report on visit to Milton Dias Moreira Penitentiary on 23 July 2004.

<sup>121</sup> Document DCPE no. 20040054213, Criminal Court, Rio de Janeiro state.

<sup>122</sup> Community Council Report on visit to Milton Dias Moreira Penitentiary on 23 July 2004.

<sup>123</sup> Idem.

then asked the Council members to wait a few minutes as he would have to speak with his superiors. After several phone calls, the director told the Community Council that they needed authorization from the Secretary of Prison Administration — despite the fact that they already had judicial authorization.

While they awaited authorization from the Secretary of Prison Administration, the Council members proceeded to the site where prisoners' belongings were being searched and saw an enormous mound of personal items, and some guards and prisoners searching through them. When going through the courtyard, they came across a large amount of rubbish and debris as well as other unsanitary conditions.

After a long delay, prison staff told the Council members that they could make a photographic record of the visit, which they immediately proceeded to do. They took photographs of the rubbish and debris that had been picked up by the prisoners and thrown into the courtyard, as well as an uncovered sewer drain. They caught shots of prisoners' belongings being burned as well as damp external walls showing traces of mold and inadequate plumbing.<sup>124</sup>

Surprisingly, when they were ready to enter the cells, they were informed that they no longer had authorization to take photographs. In addition, the prison authorities also demanded that they interrupt their visit because of the supposedly tense atmosphere in the prison. The Council members were once again taken to the director's office, where they were told that the Secretary of Prison Administration, Astério dos Santos, had not authorized the Council to take pictures after all, and that he had in fact ordered Council members not to leave the unit with their digital camera unless the photographs were deleted from its memory.<sup>125</sup>

Despite all their arguments and presenting the original judicial authorization, the Council members were still not allowed to leave the prison with the digital camera. The Community Council president promised to send the photos only to the Criminal Court Judge, but this proposal was rejected. In light of this, the Council ended up letting one of the prison administrators delete the digital photographs. The Council members were urged to leave, and were escorted to the door of the Frei Caneca Complex by the penitentiary's security coordinator, Sauler Sakalen.<sup>126</sup>

On 23 July 2004, in reprisal for the Community Council's actions, Astério dos Santos sent an official communication to Criminal Court Judge Borges harshly criticizing the Council. Dos Santos reserved his strongest criticism for *Justiça Global*, the organization that presided over the Council, and its representative, Marcelo Freixo. According to the State Secretary of Prison Administration:

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<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

We note that in Rio de Janeiro, the current Council president, aside from not being a resident of the district, is a member of the 3<sup>rd</sup> Sector, by that I mean he is a member of a non-governmental, apparently international, organization (NGO), whose means of supporting itself are unclear. This is worthy of note because the 3<sup>rd</sup> Sector generally is, or should be, supported by voluntary work. From what we can tell, this individual dedicates tremendous energy to garnering media attention, often exposing news that is not always true, and that is always focused on public security and prison administration.<sup>127</sup>

In 2004, the Community Council was made up of over 30 civil society organizations. *Justiça Global* occupied the presidency, and the Rio de Janeiro branch of *Grupo Tortura Nunca Mais* occupied the vice-presidency.

In the same official correspondence, the State Secretary of Prison Administration suggested to Bastos that the current Community Council be dissolved, and new members, including the president, be selected. In September 2004, Bastos dissolved the Council and set December as the month for it to be taken over by new members. *Justiça Global*, *Tortura Nunca Mais* — Rio de Janeiro, the NGO *Coisa e Mulher*, and the *Instituto de Estudos Criminais do Rio de Janeiro* (Institute for Criminal Studies of Rio de Janeiro) were excluded from the new group.<sup>128</sup>

As an act of solidarity with the organizations that were expelled from the Community Council, the NGO Viva Rio, the *Laboratório da Análise da Violência da Universidade do Estado do Rio de Janeiro* (Institute for the Analysis of Violence of the State University of Rio de Janeiro), the *Conselho Regional de Psicologia* (Regional Council of Psychology), and the *Conselho Regional de Serviço Social* (Regional Council of Social Service) renounced their memberships in the Council.<sup>129</sup> On 23 October 2005, Bastos established a new composition for the Council, over which he himself presided.<sup>130</sup> Since then, the situation has not changed, and Bastos continues to preside over the Community Council without the participation of the organizations and institutes that were expelled and/or withdrew. It should be highlighted that the active combat against prison conditions and complaints on behalf of prisoners, originating from the Community Council, has markedly declined.

<sup>127</sup> Official Correspondence GAB/SEAP/04, 23 July 2004, from the State Secretary of Prison Administration.

<sup>128</sup> Report by Marcelo Freixo, *Justiça Global* researcher and ex-representative on the Community Council.

<sup>129</sup> *Idem*.

<sup>130</sup> Rio de Janeiro County Criminal Court Decree no. 020/05, 23 October 2005.

**COTURNO DE VÊNUS, ASSOCIAÇÃO LÉSBICA FEMINISTA DE BRASÍLIA  
(LESBIAN FEMINIST ASSOCIATION OF BRASÍLIA) (BRASÍLIA-DF)  
*Communication sent to the UN on 30 November 2005.*<sup>131</sup>**

In September 2005, the directors of the Lesbian Feminist Association in Brasília, *Coturno de Vênus*, received a death threat from a neo-fascist skinhead gang called “*Neo-Oi*.”<sup>132</sup>

The demonstrations organized by *Coturno de Vênus* for Lesbian Visibility Day in August 2005 garnered the organization more visibility and support from the general public as well as politicians, in addition to widespread media coverage, both in the print press and on television. This organization’s activism has brought the issue of sexual orientation to the forefront of public debate. Within this context, the neo-fascist group’s threat is representative of an attempt to weaken the organization and intimidate human rights defenders who are active in the gay rights movement.

The involvement of ultra-conservative groups in acts of homophobia and racism is common practice throughout the country. These violations must be confronted squarely by a massive mobilization within society and by the government. This means that the ultra-conservative groups perpetrating discriminatory these acts must be identified and held responsible for their crimes, and mechanisms to protect and promote lesbian, gay, bisexual, and transgender (LGBT) rights must be developed.

On 6 October 2005, representatives from *Coturno de Vênus* met with the Special Secretary for Human Rights, Mário Mamede, and with District Deputy Érika Kokay, president of the Federal District Legislative Assembly Human and Minority Rights Commission. The subject of the meeting was violence committed against homosexuals and human rights defenders on behalf of homosexuals in Brazil.

The National Council to Combat Discrimination (CNCD) and the Special Secretary for Human Rights sent the case to the chief of the federal police human rights division, Eriosvaldo Renovato Dias. The testimony of Kelly Kotlinsky, director of *Coturno de Vênus*, was fundamental in communicating the threats she suffered, in addition to providing details of neo-nazi activity involving physical violence against homosexual and black communities in the Federal District.

The federal police superintendent promised to take measures to investigate the case. It is important to note that other similar situations of violence against human rights defenders in Curitiba and São Paulo were brought to the attention of the Lesbian Feminist Association and were reported to the federal police.

<sup>131</sup> Communication sent to the UN by *Justiça Global* and *Coturno de Vênus, Associação Lésbica Feminista de Brasília* (Official communication nº. 169/05 JG/RJ) on 30 November 2005.

<sup>132</sup> The person who received the death threat was Luana Ferreira, and it was directed at all of the organization’s directors. E-mail sent by the *Coturno de Vênus* board to *Justiça Global*, 5 October 2005.

*Coturno de Vênus* is also a target for attacks by a neofascist organization that murders sex industry workers and leaders of the LGBT movement. There is evidence that this group also exists in Rio de Janeiro and Bahia.

After Kotlinsky's testimony, police chief Eriosvaldo Renovato confirmed that there was sufficient evidence to request that measures be taken by the superintendent of the federal police, and promised to monitor the cases through the federal police human rights division.

## DEMÓSTENES RAMOS DE MELLO (SERGIPE)

*Communication sent to the UN on 17 March 2004.*<sup>133</sup>

Demóstenes Ramos de Mello is a lawyer for the *Rede Nacional de Advogados e Advogadas Populares* (National Network of Pro Bono/Grassroots Lawyers, or RENAP) and is coordinator of the Human Rights Commission of the Brazilian Bar Association (*Ordem dos Advogados do Brasil*, or OAB) in the state of Sergipe. He fulfills a fundamental role in the mediation of land conflicts, especially in eviction operations.

Having witnessed numerous illegal evictions in which Sergipe state military police committed various human rights violations against landless rural workers, Demóstenes produced a report about the conduct of the military police during evictions.

This report, which was sent to the OAB and various state and federal authorities, describes in detail the conduct of Sergipe military police in four eviction operations that took place between August and September 2003. During these operations, the heavily armed military police threatened and attacked the workers. They also prevented de Mello and a representative of the National Agrarian Ombudsman from having any contact with the workers.

After the distribution of this report, de Mello was the target of numerous telephone threats. The threats were reported to the OAB and as a result, his telephone was tapped.

On 7 January 2004, during an illegal eviction operation, military police Colonel Yunes threatened to arrest de Mello. On this occasion the lawyer had tried to intervene on behalf of the evicted workers to prevent the illegal confiscation of their personal objects and domestic utensils, which is in clear violation of an eviction order.

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<sup>133</sup> Official communication sent to the UN by *Terra de Direitos* on 17 March 2004 regarding the violations that lawyer Demóstenes Ramos de Mello has been subjected to as a result of his work in defense of rural workers and the denunciations of illegal evictions in the state of Sergipe.

## DIONILSO MARCON (RIO GRANDE DO SUL)

*Communication sent to the UN on 30 November 2005.*<sup>134</sup>

Dionilso Marcon is a small farmer who was elected Rio Grande do Sul State Representative in 1998. In his second term, he has been president of the Human Rights and Citizenship Commission of the Legislative Assembly (*Comissão de Cidadania e Direitos Humanos da Assembléia Legislativa*). Marcon's career has been characterized by his commitment to social movements. He is a member of the MST and since 1994 he and his family have lived in Nova Santa Rita. His daily routine as a member of the state Legislative Assembly includes parliamentary activities and the accompaniment of rural and urban workers' demonstrations and negotiations.

On 19 November 2003, Marcon was detained while he accompanied the military police as they evicted 250 families from their homes in the municipality of Sapucaia do Sul, state of Rio Grande do Sul. On this occasion, he tried to help an elderly woman who had fainted following the destruction of her house. A member of the judiciary ordered Marcon's arrest, accusing him of obstructing justice.<sup>135</sup> Marcon was taken to the 2<sup>nd</sup> Precinct in Sapucaia do Sul. In his opinion, the police's behavior was an aggressive act against the legislative power and disrespectful to human rights. After being freed, Marcon returned to the area to support the evicted families.

On 26 October 2005, Marcon saw through, as the president of the Human Rights and Citizenship Commission of the Legislative Assembly, the peaceful withdrawal of 1,200 small-scale milk producers who had been occupying the property of Standard Food Distributor (*Distribuidora de Alimentos Standard*) on federal highway BR-116 in the city of Esteio. The small producers were protesting against the low prices paid for the milk they produced. These facts were presented in a biased manner by the local media, favoring the corporate interests of large economic groups and multinational firms that operate in the state.<sup>136</sup>

Marcon was called to the site of the occupation by the city mayor to negotiate a solution, fulfilling his parliamentary duties to defend human rights and the dignity of the population. In this role, Marcon kept in contact via telephone with the Civil Cabinet of the President of the Republic,<sup>137</sup> the State Secretary of Justice and Security, and the State Secretary of Food and Agriculture, to prevent conflict and find a solution for the peaceful withdrawal of the families that were, in this case, being led by the organizations Via Campesina, Small Farmers Movement (*Movimento dos Pequenos Agricultores*, or MPA), and the MST.<sup>138</sup>

<sup>134</sup> Communication sent to the UN by *Justiça Global* (Official communication 170/05 JG/RJ) on 30 November 2005.

<sup>135</sup> "Deputado Marcon é Preso Durante Ação de Despejo", 20 November 2003 available at: [http://www.al.rs.gov.br/dep/site/materia\\_antiga.asp?txtIDMateria=60254&txtIDDep=2](http://www.al.rs.gov.br/dep/site/materia_antiga.asp?txtIDMateria=60254&txtIDDep=2).

<sup>136</sup> "Questão Agrária: Invasão Emperra a Metrópole, o Bloqueio Depois do Saque", *Zero Hora*, Porto Alegre, 28 October 2005.

<sup>137</sup> Equivalent to a Ministry of the Interior.

<sup>138</sup> Electronic correspondence sent by the office of Deputy Marcon to *Justiça Global* on 28 October 2005.

Although his involvement was fundamental in preventing conflict between the small producers and military police, a petition against Marcon was presented to the Ethics Commission of the Legislative Assembly. During the demonstration, the protesters consumed some of the distributor's products and offered Marcon a popsicle. The consumption of products during the protest led to the opening of disciplinary proceedings in the Legislative Assembly.<sup>139</sup>

On 24 November 2005, Marcon sent a letter to the media, with the intention of clarifying the facts. The letter was not published in its entirety, and a newspaper that had already published an article against Marcon left out important parts of the letter, which would have helped the public's understanding of the case.<sup>140</sup>

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<sup>139</sup> "Questão Agrária: Reação a Deputado que Comeu Picolé", *Zero Hora*, Porto Alegre, 28 October 2005.

<sup>140</sup> Electronic correspondence sent by State Representative Marcon's office to *Justiça Global* on 24 November 2005.

## SISTER DOROTHY STANG (PARÁ)

*Communication sent to the UN on 14 March 2005.*<sup>141</sup>

Sister Dorothy Stang, known as Sister Dorothy, was an American who became a naturalized Brazilian citizen and was a member of the Notre Dame de Namur Order. She had worked in the state of Pará since 1966 as a defender of environmental issues and landless agrarian workers against large landowners and timber companies. In 2004 in recognition of her tireless work and advocacy, she received the Pará State Citizen of the Year Award from the state Legislative Assembly as well as the José Carlos Castro Award given by the Brazilian Lawyers Association (*Ordem dos Advogados do Brasil*, or OAB).

Sister Dorothy was ambushed and murdered at around 7:30 a.m. on 12 February 2005 by six shots fired at point-blank range while walking along a dirt track accompanied by two rural workers. She was 73 years old when she died. The three were heading to a meeting at the *Assentamento Esperança* (Hope Settlement) near the town of Anapu, state of Pará, to meet on the implementation of a Sustainable Development Project (*Projeto de Desenvolvimento Sustentável*, or PDS) on that parcel of land. The testimonies of the two agrarian workers who witnessed her murder were critical to identifying those responsible for the crime. The weapon used to kill Sister Dorothy was found on Vitalmiro Bastos de Moura's (known as "Bida") farm on 22 February.

State and federal authorities had already been warned about the threats that Sister Dorothy had been receiving. In an official communication sent on 17 January 2005, the National Agrarian Reform Institute (*Instituto Nacional de Colonização e Reforma Agrária*, or INCRA) warned the governor of the state of Pará, Simão Jatene, about the climate of tension and risk of violence in Anapu resulting from land conflicts in the region. In this letter INCRA requested that special attention be given to events on two PDSs, one of which was the *Assentamento Esperança*, where Sister Dorothy was murdered. As of this writing, the government of Pará has not taken any such measures nor even answered the official letter.

The Office of the Federal Public Prosecutor in Pará (*Ministério Público Federal*, or MPF) had already alerted the authorities (the Special Social Defense Bureau of Pará) about the death threats faced by Sister Dorothy. Since 1 April 2004, the Pará state government had been warned about the conflicts in the municipality of Anapu.<sup>142</sup> On

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<sup>141</sup> Communication sent to the UN by *Justiça Global*, *Terra de Direitos*, and Pastoral Land Commission (*Comissão Pastoral da Terra*, or CPT) about the murder of Sister Dorothy on 12 February 2005 on the Hope Settlement — Assentamento Esperança, located in Anapu municipality, 360 miles far from the Pará state capital of Belém. (Official communication JG/RJ 14/05, 14 March 2005)

<sup>142</sup> Official communication PRDC/PR/PA/nº 0168/2004.

15 June 2004, the threats faced by Sister Dorothy were brought to the attention of the Federal Public Prosecutor.<sup>143</sup> Through the MPF other rural workers reported having been victims of violence perpetrated by the military police in Pará.

Sister Dorothy sent a letter on 16 June 2004 to the Federal Public Prosecutor denouncing the illegal deforestation practiced by Regivaldo Pereira Galvão (known as “Taradão”) and Bida. The deforestation was taking place within the Bacajá plot, where the PDS Esperança is located. The federal police in Pará and IBAMA were informed by the MPF.<sup>144</sup> Bida was even sued, according to official communication 055/2004-ESREG/IBAMA/ATM/PA sent to the MPF of Pará.

Sister Dorothy had faced death threats from large landowners in the Anapu region since 1997 when she started working with rural workers seeking to implement PDSs and other types of settlements that are not destructive of the Amazon forest. On many occasions her denunciations became public. In a letter addressed to the Secretary for Social Defense in Pará, sent on 19 February 2004, Sister Dorothy recounted the death threats received by rural workers from large landowners and timber companies in the region. She described the tension in the region as warlike.

When Sister Dorothy attended the Parliamentary Commission of Inquiry on Agrarian Reform (*Comissão Parlamentar Mista de Inquérito sobre a Reforma Agrária*, or *CPMI da Terra*) in the federal Senate, she said in her testimony that the situation at that time was already precarious. She reported *grileiros'* actions and the deforestation of 12 to 13 thousand hectares.<sup>145</sup>

On 3 February 2005, eight days before her murder, Sister Dorothy sent a letter to the civil state police chief of Pará, Luiz Fernandes, reporting that three people were threatening rural families in the Anapu region. She denounced Bida and Amair Feijoli da Cunha, who both now stand accused of being the mastermind and accomplice, respectively, in her murder. On the very same day, she took part in a public hearing in Belém organized by the Special Secretariat for Human Rights. At that time she reported to Special Secretary for Human Rights Nilmário Miranda that both she and four other people were receiving death threats in the region. She also claimed that timber companies and large landowners had invaded an area of Anapu.

<sup>143</sup> Official communication PRDC/PR/PA/Nº 0315/2004.

<sup>144</sup> Official communications, PRDC/PR/PA/Nº0451/2004 and PRDC/PR/PA/Nº580/2004.

<sup>145</sup> Testimony at *CPMI da Terra* on 27 May 2004 available at [http://webthes.senado.gov.br/bin/gate.exe?f=tocon&p\\_toc=tocon&p\\_doc=recordn&p\\_d=SILN&p\\_op\\_all=E&p\\_SortBy1=DINV&p\\_Ascend1=no&p\\_lang=english&expr=ALL&p\\_s\\_ALL=%40DOCN+E+Comissoes%5bNV01%5d+E+CPI%5bNV02%5d+E+Comissoes%5BNV03%5d+E+REFAGR%C1RIA%5BNV04%5d+E+Notas%5BNV05%5d&p\\_search=search&a\\_search=ENTRA&p\\_L=10#](http://webthes.senado.gov.br/bin/gate.exe?f=tocon&p_toc=tocon&p_doc=recordn&p_d=SILN&p_op_all=E&p_SortBy1=DINV&p_Ascend1=no&p_lang=english&expr=ALL&p_s_ALL=%40DOCN+E+Comissoes%5bNV01%5d+E+CPI%5bNV02%5d+E+Comissoes%5BNV03%5d+E+REFAGR%C1RIA%5BNV04%5d+E+Notas%5BNV05%5d&p_search=search&a_search=ENTRA&p_L=10#).

### *Associated current cases*

Since Sister Dorothy's murder the assassins returned to Anapu and killed three more people in the state of Pará.<sup>146</sup> A few hours after Sister Dorothy's murder, Adalberto Xavier Leal, a farm worker (*peão*) on an estate in Anapu was also murdered. On 15 February, Daniel Soares da Costa Filho, former president of the Rural Workers Union (*Sindicato dos Trabalhadores Rurais*, or STR) in Parauapebas, was murdered while traveling by motorcycle between Parauapebas and the Carlos Fonseca Settlement, five kilometers from the city. Two men on a motorcycle pursued the trade unionist and fired six shots at him. On 14 February, Carlos Branco, a settler who lived at Gleba Maduacari, between Anapu and Pacajá, was also murdered. His body was found close to where Sister Dorothy had been murdered. The main suspect for the crime is a *grileiro* known in the region as "Divino."

The state of Pará has the largest numbers of murders resulting from land conflicts in Brazil. Between 9 January and 15 February 2005, six rural worker leaders were murdered in the south and west of Pará. Of the 53 deaths registered in land conflicts between January and November 2004 across the whole of Brazil, 19 took place in the state of Pará. Between 1985 and 2001, almost 40% of the 1,237 rural workers killed took place in Pará.<sup>147</sup>

Aside from the murders, the death threats continue. The Anapu STR president, Francisco de Assis dos Santos Souza, known as "Chiquinho," received a threat less than 48 hours after Sister Dorothy's murder. Ten days after Sister Dorothy's murder, STR's vice-president and agrarian and environment policy secretary, Gabriel Domingos do Nascimento, received a letter warning him of the consequences if he were to continue his work. Father José Amaro, a close friend and neighbor of Sister Dorothy, is also on the list of those being threatened in the state of Pará. According to the CPT, 40 people, including rural leaders, trade unionists, religious leaders, and politicians, are facing death threats in three regions of Pará: Altamira, Marabá, and São Felix do Xingu.

After Sister Dorothy's murder, the federal government announced that it would increase from six to 10 its outposts in the Amazon, and that more than 90 INCRA inspectors would be sent to the region. Additionally, the federal police would send seven teams to the region, each made up of one police chief, one assistant, and two agents. Two thousand army soldiers were sent to Pará, with the task of monitoring and fighting *grilagem* and deforestation through the seizure of landowners' weapons.<sup>148</sup>

<sup>146</sup> Figures from March 2005. Since then, more activists and defenders have been murdered in Pará. See "Human Rights Violations in the Amazon: Conflict and Violence in the State of Pará," *Justiça Global*, CPT, and *Terra de Direitos*, Rio de Janeiro and Brasília, 2005, annex I, report available at <http://www.global.org.br/english/parareport.html>.

<sup>147</sup> "Violência e Impunidade no Campo", CPT, March 2003 available at: <http://cptnac.com.br/?system=news&action=read&id=1138&eid=67>.

<sup>148</sup> "Emprego de Tropas o Exército Brasileiro no Estado do Pará", Ministry of Defense, Commander's office, Centro de Comunicação Social do Exército Brasileiro, press release, 17 February 2005, available at <http://exercito.gov.br/05Notici/Imprensa/notasimp/2005/fev/para.htm>; "Emprego de Tropas o Exército Brasileiro no Estado do Pará," Ministry of Defense, Commander's office, Centro de Comunicação Social do Exército Brasileiro, press release, 25 February 2005, available at <http://exercito.gov.br/05Notici/Imprensa/notasimp/oppara.htm>.

The Pará Public Ministry denounced five people accused of involvement in Sister Dorothy's murder to the judiciary. According to prosecutor Lauro de Freitas Júnior, the accused will respond to a charge of murder. Based on civil and federal police inquiries, the prosecutor indicted Rayfran das Neves Sales ("Fogoió") and Clodoaldo Carlos Batista ("Eduardo") as the assassins (material authors), Amair Feijoli da Cunha ("Tato") as the intermediary, and Vitalmiro Bastos de Moura ("Bida") and Regivaldo Pereira Galvão ("Taradão") as the masterminds (intellectual authors) behind the crime.<sup>149</sup>

Fogoió and Eduardo were tried on 9-10 December 2005 and convicted, respectively, to 27 years (triggerman) and 17 (accomplice) in prison. It is important to highlight the conclusions of the special Brazilian Senate Commission established to investigate Sister Dorothy's murder as set out in its final report: "A clarification of the events surrounding this crime, with the imprisonment of the assassins and the masterminds of the crime, does not mean that the whole web of masterminds and the support network for criminal activities in the region, which endanger the preservation of the forest and of sustainable settlements, will be discovered."<sup>150</sup>

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<sup>149</sup> Lawsuit 200520002470, in the district of Marabá, available at <http://www.tj.pa.gov.br>.

<sup>150</sup> Senate External Commission into the murder of Sister Dorothy Stang, Final Report, 17 February 2005, available at <http://webthes.senado.gov.br/bin/gate.exe?f=recordn&state=abdpsa.1.1>

## ELEMAR DO NASCIMENTO CEZIMBRA (PARANÁ)

Elemar do Nascimento Cezimbra (43) is an activist in the MST and lives in Cantagalo, in the Quedas do Iguaçu region, state of Paraná. Cezimbra works in the MST's Education and Training Section. He graduated in philosophy and teaches history, psychology, and philosophy in MST schools. Cezimbra is president of the PT in the municipality of Cantagalo.

On 3 April 2004, Cezimbra was arrested. An order for his arrest had been issued on 27 August 2003 claiming that he had stolen soybeans from the Araupel Company and accusing him of forming a criminal gang. All of this resulted from his membership in the MST.

The Quedas do Iguaçu region is well known in Paraná because the largest estate in southern Brazil, *Fazenda Giacometti*, covers 56,000 hectares and is located in this municipality. Fazenda Giacometti is owned by the Araupel Company. The federal government had already announced the expropriation of 25,000 hectares from the company, which would allow for the settlement of 1,500 landless families. In response to the government's decision, Araupel filed a lawsuit against Cezimbra for the aforementioned reasons.<sup>151</sup>

During the police inquiry into the alleged stealing of soya, police chief Douglas C. Possebon Freitas said, "There is no evidence that Elemar do Nascimento Cezimbra took part in the robbery,"<sup>152</sup> because there was no proof or evidence that would lead to a trial. Despite this conclusion by the police chief who investigated the supposed crime, the judge in Quedas do Iguaçu, Leonardo Ribas Tavares, authorized a lawsuit<sup>153</sup> against Cezimbra and ordered that he be taken into custody, with no judicial basis. Cezimbra was arrested on 3 April 2004 on his way home. The judge in Quedas do Iguaçu cancelled the interrogation of Cezimbra due to take place on 26 April 2004 alleging that there was not sufficient security for the hearing to take place as MST members had been demonstrating for days in front of the court. Cezimbra then had to wait a further nine days for the hearing, yet another irregular event in the imprisonment process.

Judge Tavares had already shown on other occasions his impartiality towards the MST by denying requests for the transfer of electoral documents to landless rural workers settled on Araupel property, thus denying them the right to vote. The same judge also began a campaign to "demonize" (i.e. criminalize) the MST, using local press to defame Cezimbra and MST families, accusing agrarian workers of being troublemakers.

Cezimbra remained imprisoned for more than 50 days. While in prison, his defense lawyer used all possible means to try and gain his freedom. He was only released on 25 May 2004 following the granting of *habeas corpus* n.33204 by the Superior Court of Justice (*Superior Tribunal de Justiça*, or STJ).

<sup>151</sup> Information from the Campaign for the Release of Elemar Cezimbra.

<sup>152</sup> Information from police inquiry 62/2003 in the district of Quedas do Iguaçu.

<sup>153</sup> Criminal lawsuit 65/2003 in the district of Quedas do Iguaçu.

## FERNANDA GIANNASI (SÃO PAULO)

*Communication sent to the UN on 30 March 2004.*<sup>154</sup>

Fernanda Giannasi has been a labor inspector since 1983 and leads the campaign to protect the rights of workers exposed to asbestos in the state of São Paulo. Asbestos, commonly used in the production of roof tiles and filters, to name but a few products, can cause lung cancer.<sup>155</sup>

Giannasi began studying the risks of asbestos in 1985 when she and her co-workers decided to investigate the illnesses acquired in the workplace. Through their investigation they discovered numerous workers with asbestos-related illnesses. However, unfortunately, most of the asbestos victims were too scared to sue or denounce the companies they worked for. Brasilit and Eternit (companies that together dominate more than 50% of the Brazilian fibrous material market) were among the companies they investigated. As a result of their work, Giannasi and her colleagues founded the Inter-institutional Asbestos Group.

Between 1986 and 1990, the group denounced irregularities and achieved many improvements in new companies set up in the state of São Paulo. Adequate use of masks and the installation of exhaust fans, humidifiers, and laundries (so that uniforms with asbestos dust no longer had to be taken to the workers' homes) were among some of the improvements. The workers also became more aware of the dangers of working with asbestos. This group prepared regulations that monitored the use of asbestos in Brazil. Set up in 1991, the regulation adopted the 162<sup>nd</sup> International Labor Organization (ILO) resolution that deals with the “use of asbestos in safe conditions.”

In 1995 Giannasi was involuntarily transferred to the city of Osasco, in the state of São Paulo. There she met (through her work inspecting the former Eternit Company) several former employees of the biggest factory of materials containing asbestos in the country, which had closed down in 1993. The majority of the ex-workers were suffering from illnesses caused by asbestos, though at the time they were unaware of the cause of their illnesses.

Giannasi suggested to the former workers that they ban together and mobilize. Towards the end of 1995, these workers founded the Brazilian Association for the Eradication of Asbestos (*Associação Brasileira para a Erradicação do Amianto*, or ABREA). Today ABREA has 1,200 members, 500 of whom are taking legal action against Eternit. In 1998 Eternit tried to sue Giannasi for libel, but the judge rejected the claim.

<sup>154</sup> Communication sent to the UN by *Rede Brasileira de Justiça Ambiental* and *Terra de Direitos* (Official communication TDD 024/04, sent on 30 March 2004).

<sup>155</sup> While asbestos has been banned in many countries, in Brazil the toxic fiber is still in use, and continues to be extracted from the land on a large scale. The production and consumption of asbestos in Brazil increased significantly under the military government in the 1970s and 1980s, the same time its production was being banned in other countries. Producing 200,000 tons of asbestos per year, Brazil is the fifth largest producer in the world.

Giannasi also denounced illegal extra-judicial agreements between Eternit and Brasilit (both have connections to the French business group Saint-Gobain) and workers suffering from asbestos-induced illnesses. These companies, in order to avoid lawsuits involving the payment of compensation, made settlements in which workers had to promise not to file official lawsuits demanding compensation. The amounts paid by the companies in these settlements ranged from R\$5,000 to R\$15,000 (US\$1,800 – \$5,300), depending on the severity of the illnesses. The judiciary has already annulled some of these settlements.

Due to Giannasi's work, 2,500 victims of asbestos-related illnesses have already been identified in Brazil, the majority of them with some type of cancer, asbestoses, and/or other serious illnesses caused by asbestos. Giannasi also denounced the environmental degradation that is taking place on the site of old asbestos mines, especially in the states of Bahia (municipality of Poções) and Alagoas (municipality of Jaramataia). Giannasi's work has led to the closure of various companies that used asbestos or the substitution of asbestos for less toxic materials, thus reducing the use of asbestos by 80 % in São Paulo.<sup>156</sup>

Giannasi has been the target of constant threats via letter or anonymous phone calls. As an intimidation strategy, businesses that use asbestos are now filing lawsuits against her. At the moment she is facing four lawsuits, two of them criminal suits for libel. The latter are related to times when she denounced crimes perpetrated by the asbestos industry against worker organizations. The companies interfere in the liberty and autonomy of the worker associations protected under ILO Resolution 87.

Five days after the death of four of her colleagues who were inspecting slave labor in the state of Minas Gerais, Giannasi received an anonymous letter at her home from an unknown "movement in defense of the national patrimony" accusing her of causing the decline in the Brazilian asbestos industry and for promoting an "all-out ban" of the cancerous fiber. The letter went on to threaten her openly, stressing that the group was capable of "extinguishing" the isolated attitudes of some public servants in certain ministries who fight for the banning of asbestos.

Giannasi has also been the target of unjustified institutional persecution, suffering from various administrative accusations. In November 2003, the Secretary of Labor Inspections in Brasília (linked to the Ministry of Labor and Employment) barred Giannasi from leaving the state of São Paulo to inspect Brasilit in the city of Recife (state of

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<sup>156</sup> In 1999, Giannasi, an engineer by training, received the International Prize of Occupational and Environmental Health from the American Public Health Association in Chicago, Illinois. Known internationally as the "Workers' Health Engineer," she has also received the Distinguished Citizenship Prize from the *Pensamento Nacional das Bases Empresarias* (PNBE), the Claudia Prize (a prize awarded by Claudia Magazine, the women's magazine with the largest circulation in Brazil), the ANIMASEG prize, and the Ray Sentes Prize in Canada. Additionally, Giannasi was elected as a lifetime member of the Ramazzini Collegium in Italy. Recently, she was nominated for yet another international prize in Japan.

Pernambuco). Such a prohibition is totally unjustified, especially since she was already working outside of her jurisdiction with authorization from the Ministry for Labor and Employment, which also paid her travel expenses.

In light of these facts, Giannasi sent a letter to the Minister for Labor and Employment, Ricardo Berzoini, on 18 February 2005. In this letter she solicited help and personal protection from the ministry as well as structural reforms in order to continue her work inspecting companies that use asbestos.

To her surprise, as that of her colleagues in the struggle to ban asbestos in Brazil, on 20 February, two days after her letter was sent, she was notified that she could no longer take part in any inspection activities. Instead of performing her duties as a certified inspector, for which she was trained and hired, she is, still today, reduced to performing mere bureaucratic office duties.

Instead of protecting her, by confining Giannasi to her office, the Ministry of Labor is in fact punishing her by preventing her from continuing the work that she has been involved in for over 20 years.

## GILCE FREIRE, MARKUS BREUSS, AND NAIRA REIS (MINAS GERAIS)

*Communication sent to the UN on 21 September 2005.*<sup>157</sup>

On 28 August 2005, landowners from the region of Santa Helena de Minas threatened and attacked three members of the Indigenous Missionary Council (*Conselho Indigenista Missionário*, or CIMI): Gilce Freire, Markus Breuss, and Markus' wife Naira Reis, who was three months pregnant at the time of the attack. The landowners accused them of supporting and organizing the reclaiming of the Maxakali peoples' land on 18 August 2005. The missionaries were attacked by approximately 100 landowners, lead by landowner brothers Rubens, Roni, and Antonio Camargo, who attempted to lynch them, only being prevented from doing so by the intervention of military police. For more than four hours, the missionaries were under police protection in the municipality of Santa Helena and were taken in police cars to the municipality of Maxacalis, in the state of Minas Gerais, to prevent them from being harmed. Enraged, the landowners destroyed the missionaries' homes and promised to invade the area recently reclaimed by the indigenous people.<sup>158</sup>

On 30 August 2005, a meeting took place between the City Council of Santa Helena and the indigenous leadership, delegates from the National Foundation for the Indigenous People (*Fundação Nacional do Índio*, or FUNAI), and large landowners of the region. During the meeting, an agreement was formalized with the following terms: a) indigenous peoples would occupy 2,000 m<sup>2</sup> of the *Fazenda Monte das Oliveiras*, b) the landowners would continue to occupy the properties where they were settled and pledge to not extract wood from the region; c) the indigenous would be allowed to extract *imbaúba* (a type of wood) for handcraft production; d) FUNAI would supply baskets of basic foodstuffs for the indigenous people; and e) the city government would contribute to the survival needs of the indigenous people.<sup>159</sup>

On 31 August 2005, a meeting took place at the Human Rights Commission of the Federal Chamber of Deputies (*Comissão de Direitos Humanos e Minorias*, or CDHM) with the participation of the three CIMI missionaries who had been attacked and advisors from the Indigenous Parliamentary Front in the Brazilian Congress. At this meeting the following points of action were agreed to: a) a visit to the region on 8 and 9 September 2005 would be undertaken by members of the CDHM; b) invitations for participation

<sup>157</sup> Communication sent to the UN by *Justiça Global* and *Conselho Indigenista Missionário* (CIMI) regarding violence suffered by human rights defenders and the following members of CIMI: Gilce Freire, Markus Breuss, and Naira Reis, victims of an attack by landowners who invaded indigenous land that had recently been reclaimed by the Maxakali on 18 August 2005, in the municipality of Santa Helena de Minas, state of Minas Gerais, Brazil. (Official communication 125/05 JG/RJ, sent on 21 September 2005).

<sup>158</sup> Information sent to CIMI-National by the Regional Coordination of the CIMI-East, based on statements given by the missionaries that had been attacked. Available at: <http://www.cimi.org.br/?system=news&action=read&id=1423&eid=293>.

<sup>159</sup> Information sent to CIMI-National by the missionaries of CIMI-East on 31 August 2005.

in this visit would be sent to the Ministry of Justice, FUNAI, the federal police, National Health Foundation (*Fundação Nacional de Saúde*, or FUNASA), Federal Public Ministry, Human Rights Commission of the Legislative Assembly of Minas Gerais, and the State Secretary of Public Security of Minas Gerais; and c) a proposal for a meeting to be scheduled between September 5 and 10 2005 with the Ministry of Justice and FUNAI to discuss the safety of the Maxakali people and the CIMI missionaries.<sup>160</sup>

The visit by the Human Rights Commission of the Chambers of Deputies (CDHM) only took place on 8 and 9 September with the participation of the mayor, local council members, and landowners from the area. Representatives from CIMI, including the missionaries who were attacked, did not participate for fear of being attacked once more, since they had not been guaranteed any form of protection. The report on the visit by the CDHM was presented on 20 September 2005 at a hearing with representatives from CIMI, FUNAI, and the office of the Federal Public Prosecutor.<sup>161</sup>

Following the landowners' violent acts, in September 2005 FUNAI responded to the Maxakali's demands and added about 3,000 hectares to the area in which they were living. This plot of land had remained outside of the demarcated area that had been declared originally by FUNAI in 1996. FUNAI also promised that by the end of 2005 they would set up a technical group (*Grupo Técnico*) to carry out an anthropological study and review the boundaries of the land that traditionally belongs to the Maxakali people.

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<sup>160</sup> Bulletin 679 from CIMI-National archive, available at: <http://www.cimi.org.br/?system=news&action=read&id=1437&eid=274>.

<sup>161</sup> Information sent to CIMI-National by representatives from CIMI-East on 10 August 2005.

## GLAYDS ROMEO PECCEQUILO (SÃO PAULO)

*Communication sent to the UN on 10 December 2004.*<sup>162</sup>

Glays Peccequilo denounced torture and maltreatment while she worked in Unit 27 of the State Foundation for the Wellbeing of Minors, *Raposo Tavares Complex* (*Fundação Estadual para o Bem Estar do Menor*, or FEBEM) in São Paulo state.<sup>163</sup> The first beatings denounced by Peccequilo took place at dawn on 15 November 2000. According to Peccequilo, the director of Unit 27, Flávio Aparecido dos Santos, convoked employees from the *Complexo Franco da Rocha*<sup>164</sup> to carry out beatings, cold baths with a fire hose, and the temporary confinement of all the adolescents in Unit 27.

Peccequilo denounced the events in Unit 27 to the São Paulo State Public Ministry (*Ministério Público do Estado de São Paulo*, or MP). Following visits and an investigation by the MP, the denunciations of abuses and violence that she had presented were confirmed.

The denunciation was repeated on 17 November 2000, when Peccequilo visited three prosecutors from the Court for Children and Youth, Ebenezer Salgado, Wilson Tafner, Sueli Riviera, and the local press.<sup>165</sup> As a result of this denunciation, she was threatened with being transferred to another FEBEM unit.

One year after the denunciation, a criminal lawsuit accusing the director and manager, respectively, of *Complexo Franco da Rocha*, Flávio Aparecido dos Santos and Margarida Tirollo, as well as another 18 employees, of torture was filed by the MP.<sup>166</sup>

According to Peccequilo, another case of beatings took place in June 2001. Staff, the director, and general manager of the *Complexo*, Carlos Alberto Robles, were involved in the torture of adolescent inmates at the aforementioned complex. However, Peccequilo only became aware of the case after her dismissal 1 November 2001. Peccequilo continued reporting the beatings to major local newspapers.<sup>167</sup> In a letter sent to the Governor of São Paulo, Geraldo Alckmin, Peccequilo described the beatings and her dismissal, asking for a reevaluation of her conduct. Nevertheless, her efforts to implement a project that dispenses with the use of physical force were not enough to convince Alckmin to adopt a different policy towards the inmates at FEBEM.

<sup>162</sup> Communication sent to the UN by *Justiça Global* regarding the dismissal and professional defamation suffered by human rights defender Glays Romeo Peccequilo, following her denunciations of torture against teenagers in the *Complexo Raposo Tavares*, São Paulo. (Official communication JG/RJ sent on 10 December 2004)

<sup>163</sup> Glays Peccequilo worked in Unit 27 of the *Complexo Raposo Tavares* between October 1999 and February 2000. She was invited by the new general manager to assist in the management of the *Complexo* where she worked as Technical Assistant giving judicial and pedagogic advice to the directors.

<sup>164</sup> The manager by that time was Margarida Tirollo.

<sup>165</sup> *Folha de S. Paulo* published the article from Gabriela Athias about the beatings with the title: “*Promotória vê Terceirização da Pancadaria*” on 25 November 2000.

<sup>166</sup> Lawsuit 050.01.072696-5.00, 15<sup>th</sup> Civil Court.

<sup>167</sup> The group *Tortura Nunca Mais*—SP denounced this fact through the document “Um Caso a Espera de Solução”, sent to the Brazilian Bar Association, president of FEBEM, and Governor of São Paulo.

On 21 September 2001, the adolescents were once again beaten by prison staff. However, this time, when the mothers of the victims visited them, they were informed of what had occurred and denounced the violence to the Brazilian Bar Association and Public Ministry. Peccequilo put pressure on the general manager, Carlos Alberto Robles, on the occasion of the second beatings to take more effective measures to bring an end to the use of physical force and violence against the inmates. However, all of the employees denied the event took place and no measures were taken.

The last beating denounced by Peccequilo highlighted two important elements in denunciations of this nature. Firstly, the participation of Robles in the second beating was proven. Secondly, the opening of a torture lawsuit was something new to Brazilian jurisprudence at that time because judges and prosecutors avoided using the term torture, instead preferring ‘corporal injuries.’

Peccequilo was dismissed on 1 November 2000, after reporting to the State Council for the Rights of the Human Person (*Conselho Estadual dos Direitos da Pessoa Humana*, or CONDEPH) in writing regarding the beatings carried out by her boss, Robles. Unhappy with her dismissal, Peccequilo sought the human resources section of FEBEM in order to obtain more information and discovered that there was no justification for her dismissal. She only had access to the information after filing a *habeas data*.<sup>168</sup> Curiously, the comments she came across classified her work as poor but were dated *after* her dismissal.

Between 12 November 2001 and 20 January 2004, Peccequilo attempted to regain her job.<sup>169</sup> Letters that she sent to the president of FEBEM and to the Governor of São Paulo requesting her reinstatement were not considered. As a result of one of the letters that was sent to the governor, an investigation against Peccequilo was begun. She thus went from being the one denouncing the crimes to the one being denounced.<sup>170</sup>

Peccequilo was unjustly dismissed from her job at FEBEM for trying to protect human rights and fighting institutional torture and physical abuse against youth interns. She additionally became the accused in administrative investigations against her.

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<sup>168</sup> *Habeas data* is a rapid judicial action for an individual to access his or her own data stored in public records.

<sup>169</sup> Letter to the president of FEBEM requesting a reconsideration of her dismissal, which received no answer (sent on 12 November 2001); letter to the State Secretary of Youth (sent on 3 December 2001); letter to the Governor of São Paulo, reporting the facts surrounding her dismissal — the governor denies the request to reconsider her case (sent on 22 February 2002); second letter to the Governor of São Paulo (sent on 3 February 2002); labor lawsuit against FEBEM 02585200307202006, 72<sup>nd</sup> Labor Court.

<sup>170</sup> Lawsuit 598/2002.

## IRINY NICOLAU LOPES (ESPÍRITO SANTO)

*Communication sent to the UN on 5 June 2002.*<sup>171</sup>

Iriny Lopes, then a parliamentary advisor and currently federal Congresswoman and president of the Human Rights Commission of the House of Representatives, has throughout the whole of her political and professional life denounced human rights violations practiced by groups linked to drug trafficking and illegal gambling that act with the connivance of state authorities.

Since 1999, while working as president of the PT in the state of Espírito Santo, Lopes began receiving continuous death threats because of denunciations that she made against organized crime in Espírito Santo. Such threats were brought to the attention of the Ministry of Justice on 9 November 1999 through Official Letter n. 645/PT, sent by the PT in Espírito Santo. In this official letter, the federal police were requested to intervene to protect her life and guarantee her safety.

On 18 November 1999, the request for protection was authorized. She was provided with security by two police officers who alternated in shifts of 24 hours. Later, the alternation of shifts became ineffective and insufficient.

Even during the period in which she received federal police protection, she still continued receiving anonymous phone calls, all of which followed the same pattern:

“Regardless of how long it takes, you, Dr. Agesandro, Dr. Ronaldo, Badenes, and Dr. Ewerton will all die.”

Other than such phone threats, in 2001 a funeral tune was left as a message on her answering machine. This coincided with the break-in at the PT state headquarters. On that occasion, despite the fact that there was better equipment at the headquarters, the only computer taken was the one in Lopes’ office, as well as the fax machine. All of the documents in her office had been searched.

Despite the continuation in the threats against her, on 21 November 2001 she was informed by the federal police department in Espírito Santo that security services were being suspended temporarily, “by virtue of a lack of financial resources from the federal government, including even fuel.”

Lopes continued to be subjected to death threats. On 6 May 2002, she received an anonymous phone call that told her to watch what she was going to say, because she could be dead even before the annual party conference. The phone call happened 48 hours before Lopes’ name was put forward for election to governor of the state of Espírito Santo.

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<sup>171</sup> Communication sent to the UN by *Justiça Global* on 5 June 2002 (Official communication JG/RJ 128/02).

In another episode, she was in the Espírito Santo Legislative Assembly and was approached by an assembly employee who commented about what he called “*a delicate moment in the state*” and repeating three times that Lopes “*should be very careful.*”

After the suspension of the protection, Lopes was followed and received further anonymous phone calls. On 13 May 2002, she sensed the presence of two men who looked suspiciously close to her home. She attempted to write down their license plate number, but as she was so nervous and scared, she failed to write down one digit, thus rendering it impossible to find out any information about the car, according to the police.

As the threats continued, the police were forced to establish police protection for her once again. However, three years have passed, and Lopes, who is a member of the Federal House of Representatives, still is not safe without police protection.

## JAIR ANTONIO DA COSTA (RIO GRANDE DO SUL)

*Communication sent to the UN on 30 November 2005.*<sup>172</sup>

Jair Antonio da Costa (31), leader of the Cobblers' Union in Igrejinha (*Sindicato dos Sapateiros de Igrejinha*) in the state of Rio Grande do Sul, was killed on 1 October 2005 by military police while he was on a demonstration organized by unions from the Vale dos Sinos region. The purpose of the demonstration was to protest the disappearance of more than 13,000 jobs in the shoemaker industry in 2005.<sup>173</sup>

Da Costa was identified by police officers as one of the leaders of the movement and consequently was chased, handcuffed, beaten, and afterwards executed. The demonstration included representatives from the Primary Workers' Union (*Central Única dos Trabalhadores*, or CUT) and members of the state and federal Houses of Representatives. Da Costa's death happened at the end of the demonstration, when other workers had already been dispersed. The unionist was immobilized, handcuffed, and violently placed in a federal highway patrol car. He was taken to the Sapiranga Hospital, where he was dead on arrival.

The police surrounded the hospital to cover up da Costa's murder. The hospital report cited "cardiac arrest" as the cause of death. However, the body was sent to the Forensic Medicine Department at Novo Hamburgo for an autopsy, which indicated the cause of death (*causa mortis*) as "mechanical asphyxiation, provoked by hemorrhagic contusion of the larynx and cervical trauma."<sup>174</sup>

The death of the unionist caused indignation among social and union movements, as well as Members of Parliament who took part in the demonstration. After the murder, those groups requested federal government intervention into the State Secretariat of Justice and Security to ensure an appropriate investigation took place and to make them aware of police violence in Rio Grande do Sul.

On 3 October 2005, the General-Ombudsman for Citizenship (*Ouvidoria-Geral da Cidadania*) from the Special Secretariat for Human Rights (SEDH) sent official communications to the government of Rio Grande do Sul requesting that appropriate measures be taken concerning the death of da Costa. Ombudsman Pedro Montenegro opened a SEDH procedure to monitor the case.

Special Secretary for Human Rights Mario Mamede and the Federal Representatives from Rio Grande do Sul Tarcísio Zimmermann, Adão Preto, and Marco Maia have also followed the investigation into da Costa's murder.<sup>175</sup>

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<sup>172</sup> Communication sent to the UN by *Justiça Global* and Dionilso Marcon, State Representative and president of the Legislative Assembly's Human Rights Commission in Rio Grande do Sul. (Official communication nº 171/05 JG/RJ, sent on 30 November 2005)

<sup>173</sup> E-mail sent by Marcon's office on 2 October 2005.

<sup>174</sup> *Agência Carta Maior* website, 2 October 2005.

<sup>175</sup> "Mario Mamede vai a Porto Alegre Tratar das Recentes Violações de Direitos Humanos Ocorridas no Estado," information available at <http://www.mj.gov.br/sedh/edh/noticias2.asp?id=867>.

Six military policemen accused of involvement in da Costa's murder (Valmir Antonio da Costa, identified as the one who suffocated Jair da Costa; policeman José Paulo de Brito; sergeants Marcos Antonio de Souza and Alexandre Aguillar Torres; lieutenant Ademilson Gonçalves da Silva; and Captain of the Military Brigade Marlon Carvalho da Silva, who commanded the operation)<sup>176</sup> were released on 10 November 2005. They were denounced by the Office of the Public Prosecutor and had been imprisoned since 18 October. According to the High Court judge, Elba Aparecida Bastos, who granted their release, "There are no concrete facts that justify the need for custody." The accused will await trial in freedom.<sup>177</sup>

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<sup>176</sup> E-mail sent by the Office of Representative Dionilso Marcon on 12 November 2005.

<sup>177</sup> News published on 11 November 2005, available at: [http://www.vermelho.org.br/diario/2005/1111/1111\\_jair\\_sindicalista.asp](http://www.vermelho.org.br/diario/2005/1111/1111_jair_sindicalista.asp).

## JOÃO ALBERTO INÁCIO JÚNIOR (PARANÁ)

*Communication sent to the UN on 11 August 2003.*<sup>178</sup>

João Alberto Inácio Júnior is one of the leaders of the Rasgadinho community in the state of Paraná. The community of landless workers is comprised of approximately 20 families that have lived in the region since 1907 and have used the land as a means of survival. The families' livelihood consists of subsistence farming, planting bananas, fruits, and palm hearts, and rearing small animals.

Since 1995, families who live in the Rasgadinho community have been victims of violence and terror inflicted on them by gunmen led by the landowner Sérgio Chaves Cavalcante.

Following Chaves' natural death, his son, José Eduardo Cavalcante, began to be one of the main suspects in the violence and attack on Rasgadinho.

Cavalcante is the owner of *Fazenda Estrela*, an estate that belonged to his father and is three kilometers from Rasgadinho. The CPT and *Terra de Direitos* have been accompanying this case for many years, and 13 lawsuits of *usucapio*<sup>179</sup> have being filed at the Civil Court in the Guaratuba district. However, there has been no decision in any of them.

Following the violence, landless worker João Alves was murdered by a young gunman; Élio Costa Miranda was killed on 16 August 1998, dying from a leg hemorrhage produced when he was attacked by bulls that were set free by Chaves on the landless workers' plots of land, as a way of making the landless workers leave the place.

At dawn on 7 June 2003, Júnior and other families of landless workers in Rasgadinho were woken up by the noises of many shots being fired. Many armed men in a black truck were firing at their homes.

Two shots were fired at Júnior's home. The first shot crossed the front wall of the wooden house just under the window, hitting a brick wall and ricocheting in the direction of his 18-month-old son's head. The second shot struck the voltage transformer that sits in front of the house. Soon thereafter, shots were fired at three other houses nearby.

The aforementioned black truck was identified by the workers as belonging to Cavalcante, who had already been arrested in December 2002 but was released after signing a document before the judge in Guaratuba promising not to return to the area where the landless workers were and to not threaten them. After the shooting, the black truck headed to the municipality of Morretes, also in the state of Paraná, on the other side of *Serra do Mar* (Sea Mountain).

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<sup>178</sup> Communication sent to the UN by *Terra de Direitos* regarding the attacks and death threats against João Alberto Inácio Júnior and other families from the Rasgadinho Community in the municipality of Guaratuba, state of Paraná on 11 August 2003.

<sup>179</sup> Legal term with origins in Roman Law. It means the acquisition of the title or right to property by the uninterrupted possession of it for a certain term prescribed by law; the same as prescription in common law.

On 10 June, these events were reported to the representative of the Public Prosecutor for Guaratuba who requested that the event be registered at the civil police station (*Boletim de Ocorrência na Delegacia de Polícia Civil*) with police chief José Sudário da Silva. It was on this occasion that one of the bullets that hit Júnior's house was turned in and an inspection of the crime scene was requested.

Apart from this, on 4 July 2003, Júnior informed *Terra de Direitos* that the notorious gunman known as "Almiro" was hidden on Cavalcante's *Fazenda Estrela*. It was alleged that the gunman was waiting for the best moment to kill one of the Rasgadinho leaders. This gunman had already killed a 16-year-old teenager from the Limeira community in the region. This information was given on the same day by phone to the military and civil police in Guaratuba. The following day when the military police went to the *Fazenda Estrela*, they found it abandoned with the doors and windows wide open.

## FATHER JOÃO MARIA (PARAÍBA)

*Communication sent to the UN on 18 November 2002.*<sup>180</sup>

Priest Jonh Mary Cauchi, known as Father João Maria, was born in Malta, and has lived in Paraíba since 1968. He has been working with the CPT on matters of agrarian land reform since his arrival.

Through his work supporting rural workers, Father João Maria has been in direct opposition to the interests of large landowners and public authorities in the state of Paraíba, becoming a target of attacks, death threats, defamation, and many civil and criminal lawsuits, as well as other forms of intimidation.

On 5 September 2000, Father João Maria was in Riacho d'Água, close to the city of Pedras de Fogo, Paraíba. He was returning from a meeting at the Santa Emília settlement accompanied by Sisters Albertina and Verônica, agrarian worker José Antonio da Silva, and Rosineide Martins de Farias, member of CPT. At approximately 9:30 p.m., an unidentified person shot at their car. Fragments of glass from the side mirror and window hit Father João Maria in the arm, forehead, and neck and also bruised Sister Albertina.<sup>181</sup> The shot was fired from a .12-caliber rifle.

Father João Maria went immediately to the police station in Pedras de Fogo; however, when he arrived it was closed. He then called the CPT lawyer in João Pessoa, Noaldo Belo de Meireles. Father João Maria and Meireles went to the city public jail. From the jail, they went to the place where the shooting had taken place, accompanied by two military policemen, Noaldo Ramos de Brito and Edilson Araújo de Abreu. At the scene of the crime they found only fragments of glass on the ground.<sup>182</sup>

The following day, Father João Maria and Sister Albertina went to the Public Security Bureau to formally register the events of the night before. They told the facts to Civil Police Superintendent, João Alves Albuquerque. Albuquerque sent Padre João Maria to the police forensic department (*Instituto de Polícia Científica Departamento de Medicina Legal*). Pictures were taken of the car and the bruises on Father João Maria and Sister Albertina; additionally, details of how the attack had taken place were collected. The superintendent assured Father João Maria that all the documents would be sent immediately to the police station in Pedras de Fogo.<sup>183</sup>

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<sup>180</sup> Communication sent to the UN by *Justiça Global, Comissão Pastoral da Terra da Paraíba* (CPT/PB), *Dignitatis — Assessoria Técnica e Jurídica Popular, Comissão de Direitos Humanos da Universidade Federal da Paraíba*, State Congressmen Luiz Couto, Frei Anastácio Ribeiro, and Rodrigo Soares. (Official communication JG/RJ nº 230/02, sent on 18 November 2002)

<sup>181</sup> Final Report of Parliamentary Commission of Inquiry (*Comissão Parlamentar de Inquérito, or CPI*) on Rural Violence that investigated accusations of violence and the existence of private militias in the state of Paraíba, 2001, pp. 48-49.

<sup>182</sup> Testimony of Father João Maria to the CPI on 4 September 2001.

<sup>183</sup> CPI on Rural Violence Final Report, p. 164.

At the Pedras de Fogo police station, police officers filed a report in which they acknowledged that a .12-caliber rifle had been used in the shooting.<sup>184</sup> Father João Maria and Sister Albertina said that they suspected that the person behind the attack was José Sulino, because everyone knew that he had threatened the agrarian workers with a .12-caliber rifle.<sup>185</sup> The Parliamentary Commission of Inquiry on Rural Violence, in its final report in 2001, points to Sulino as one of the principal perpetrators of violent crimes in the rural area surrounding Pedras de Fogo.<sup>186</sup>

On 27 October 2000, the police chief of Pedras de Fogo, Darcinaura Alves de Assis, requested from the Public Security Secretariat confirmation that an examination of Father João Maria's injuries had taken place, along with a technical inspection of the car. De Assis also requested copies of these documents. The investigation was closed on 3 November 2000 by the police chief, who announced that the police inquiry was being shelved due to the poor quality of evidence and lack of sufficient documentation to carry on with the case.<sup>187</sup>

Following this decision, CPT/PB began to publicly divulge what had happened with police investigations involving members of CPT/PB and rural landless workers. As a result of these denunciations, a special investigator, Albérison José de Andrade, was then assigned by the police to follow the case as a special investigator. He was assigned to return to the crime scene (Riacho d'Água) and carry out a new investigation diligently.<sup>188</sup>

On 16 October 2001 in a CPI public hearing on rural violence, the new director of the Forensic Institute, Maria do Socorro Dantas de Araújo, was questioned about the events that had happened the year before, and she informed them that in the Forensic Institute archives no documents relating to Father João Maria and the attack had been found and that the Institute had never lost any archives.<sup>189</sup> On 25 October 2001, de Araujo showed the president of the CPI, Representative Frei Anastácio, the examinations carried out on Father João Maria and pictures of the car filled with bullet holes, giving no reason as to why these documents had disappeared. Even with the reappearance of these documents, neither the Public Security Secretariat nor the Pedras de Fogo police station reopened the police inquiry into the attack on Father João Maria.

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<sup>184</sup> Police Chief Darcinaura Alves de Assis official letter 146/00 to the Public Security Secretariat on 27 October 2000, Police Station of Pedras de Fogo.

<sup>185</sup> Padre João Maria, Sister Albertina, and José Antonio da Silva went to the police station in Pedras de Fogo on 25 October 2001. On this day Padre João Maria showed pictures of José Sulino walking through the farm with a .12-caliber rifle. Pictures were not accepted as evidence at the police station. Interview granted to *Justiça Global* on 4 September 2002, in João Pessoa, Paraíba.

<sup>186</sup> CPI Final Report of Rural Violence at Paraíba State, 2001, p. 49.

<sup>187</sup> Police chief Darcinaura Alves de Assis' report to the Public Security Secretariat on 3 November 2000. "I still think it is very odd the fact that Father João Maria did not appear at the Pedras de Fogo police station on the day of the attack."

<sup>188</sup> Mission Order of 10 December 2000, official letter to police chief Darcinaura giving Albérison the authority to investigate the case.

<sup>189</sup> CPI Final Report, p. 162.

After the attack, Father João Maria started to receive more death threats. In July 2002, the cook who works at the parish with Padre João Maria in São Miguel de Itaipu, Paraíba, received a phone call from an unidentified person saying: *“Father João Maria should watch out, 'cause his end is nigh.”*<sup>190</sup> Father João Maria did not report the call, as the police had not been able to discover who had tried to murder him previously; he felt that the police would thus not be able to discover who had made the anonymous call.

On 18 June 2002, Rubens Rodrigues da Silva<sup>191</sup> was convicted in a jury trial in the Sapé municipality for the murder of agrarian worker Sandoval Alves de Lima.<sup>192</sup> Rural workers who were following the trial informed Father João Maria that da Silva's brother considered Father João Maria responsible for his (da Silva's) brother's conviction, commenting among workers that: *“Father João'll see . . . I'm going to get him . . .”*<sup>193</sup>

In July 2002 some agrarian workers from the municipality of Pilar told Padre João Maria that they overheard a conversation among three sons of a large landowner in the region<sup>194</sup> and when they saw Father João Maria's car near a bar where they were seated, they spoke very clearly and loudly so that everyone would be able to hear: *“The day when any landless worker invades my father's property, that priest is going to be dead!”*<sup>195</sup>

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<sup>190</sup> Interview granted to *Justiça Global* on 4 September 2002, in João Pessoa, Paraíba.

<sup>191</sup> Evidence points to the fact that Rubens Rodrigues da Silva was following orders from Sebastião Figueiredo Coutinho, a large landowner in the municipality of Sapé with great political influence in the state of Paraíba.

<sup>192</sup> Lawsuit 0352000001031-0, First Civil Court of Sapé.

<sup>193</sup> Interview granted to *Justiça Global* on 4 September 2002, in João Pessoa, Paraíba.

<sup>194</sup> Landowner Eduardo Ribeiro Coutinho is known in the region for hiring military policemen to work as private security guards on his estates (*Fazenda Itapuá*) and sugar cane refineries in the region. See the CPI Final Report on Rural Violence, p. 70.

<sup>195</sup> Interview granted to *Justiça Global* on 4 September 2002, in João Pessoa, Paraíba.

## JOAQUIM BERNARDO PEREIRA AND OTHER LEADERS OF THE MOVEMENT OF THOSE AFFECTED BY DAMS (*MOVIMENTO DOS ATINGIDOS POR BARRAGENS*) (MINAS GERAIS)

*Communications sent to the UN on 24 February 2005 and 19 July 2005.*<sup>196</sup>

Joaquim Bernardo Pereira, community leader and member of the Movement of those Affected by Dams (*Movimento dos Atingidos por Barragens*, or MAB), is being threatened with death as a result of his struggle for the rights of those affected by the Candonga Hydroelectric Dam (UHE Candonga) and for his denunciations of irregularities in the construction of this dam. The threats follow the same pattern as earlier ones. Pereira continues to receive anonymous phone calls in which the caller advises him that unless he ends the denunciations, he will be executed.<sup>197</sup>

On 16 May 2000, the companies Vale do Rio Doce and Energia Elétrica Promoção e Participações Ltda (EPP) joined together under the umbrella of the Candonga Consortium, each with a 50% share in the Consortium.<sup>198</sup> The two companies had previously presented the project for the construction of a hydroelectric plant and had obtained “a concession to use public property for the generation of electric energy” from the National Electric Energy Agency (*Agência Nacional de Energia Elétrica*, or ANEEL). The concession was passed by presidential decree on 10 April 2000.

On 18 October 2001, the transnational company Alcan bought all of EPP in the Consortium (50%) for US\$7.05 million<sup>199</sup> and in 2003 transferred this share to Alcan Brazil.

During the licensing, considered to be an advanced step in the decision-making process, the process of acquisition of parcels of land for the construction of the hydroelectric plant began. The negotiations took place between the Candonga Partner-

<sup>196</sup> Communications sent to the UN by *Justiça Global*, *Movimento dos Atingidos por Barragens* (MAB – Regional Ponte Nova, Minas Gerais), *Comissão Pastoral da Terra* (regional Campo das Vertentes) (CPT), and *Núcleo de Assessoria aos Atingidos por Barragens* (NACAB) regarding threats received by community leader Joaquim Bernardo Pereira, affected by the construction of the Candonga Hydroelectric plant, UHE Candonga. (Official communications JG/RJ 13/05, sent on 24 February 2005, and JG/RJ 075/05, on 19 July 2005)

<sup>197</sup> On 17 February 2005, Joaquim received a threat in which a man said that he knew the make and color of his car, and that he would explode it; on 18 February 2005 another phone call was made: “*get out of the Candonga negotiation process, or I will blow up your car*”; on 23 February 2005, he received the gravest threat: “*your sister is already dead in the state of Pará, and you will be next*,” with reference to the murder of Sister Dorothy Stang in Pará, a case also denounced by *Justiça Global* to the UN in official communication JG/RJ 14/05 on 14 March 2005. On the same day that Joaquim received this threat, people affected by UHE Candonga encamped in a corn field as sharecroppers had their crops ploughed under by the companies that comprise the Candonga Partnership (12 February 2005). Those affected by the dam were encamped at the edge of the field, always open to dialogue, but they were willing to use any means to prevent the destruction of the rest of the plantation.

<sup>198</sup> Candonga Partnership constitution contract, dated 16 May 2000 and registered under 33500014229 at the registry office in Rio de Janeiro.

<sup>199</sup> Value confirmed through the act 08012.007591/2003-70, National Treasury, Secretary of Economical Support, of 4 December 2003.

ship and residents who lived in the former village of São Sebastião do Soberbo.<sup>200</sup> In that village, as well as the village of Santana do Deserto,<sup>201</sup> settlers and gatherers who used the Rio Doce were affected by the construction of UHE Candonga, which resulted in the flooding of São Sebastião do Soberbo. The acquisition of the lands and the forced relocation of former residents affected by the construction of the dam was turbulent and marked by violence and unjust acts which continue to have repercussions today.

After the public hearing and visits to other communities affected by dams and with a greater understanding of the impact of the projects on their lives, the residents began to mobilize and formed the first association to protect their rights in the face of the Consortium's actions.

According to Maria das Graças Reis,<sup>202</sup> the Candonga Consortium identified the community leaders and tried to offer them employment in exchange for their cooperation: "*I was offered a job running the laundry and washing the clothes of the workers that were constructing the dam.*"<sup>203</sup> According to Reis, the president of the association was one of the first to receive such proposals. In exchange for benefits and gifts, he ended up acting as a representative for the interests of the Consortium with the community.

Other residents who became aware of what was happening began to express themselves through movements that already existed, such as the MAB, and the focus of resistance began to grow together with the new leaders.

Those who did not agree with the Consortium were dealt with violently. Reis confirms that she received three anonymous phone calls telling her to stop organizing or she would die.<sup>204</sup> José Antônio dos Santos was president of the Resident Association of Nova Soberbo and said that during that time he received suspicious phone calls.<sup>205</sup>

Many human rights defenders affected by the construction of UHE Candonga suffered and still suffer from persecution. Representatives from MAB, such as Father Claret, are responding to lawsuits in which the Candonga Consortium tries to prevent any form of demonstrations at the construction site, under the charge of expropriation,<sup>206</sup> when they are in fact only exercising their right to organize and defend their violated human rights.

It is worth mentioning that Antero Marcos (a civil police inspector at Ponte Nova) confessed in his testimony that he was formally asked by the Public Safety Bureau of Minas Gerais state to identify the leaders on the demonstrations: "*The civil police only*

<sup>200</sup> Municipality of Santa Cruz do Escalvado, Minas Gerais.

<sup>201</sup> Municipality of Rio Doce, Minas Gerais.

<sup>202</sup> Resident, 56 years old, who lives with her mother D. Leontina (92) in a house provided by the Consortium in Nova Soberbo, a village constructed by the Candonga Consortium with the intention of relocating the São Sebastião do Soberbo residents when the (old) village was flooded by the dam. She is still awaiting compensation for the land she lost.

<sup>203</sup> *Idem.*

<sup>204</sup> Maria das Graças Reis interview with *Justiça Global* on 5 July 2004, in Nova Soberbo, Minas Gerais.

<sup>205</sup> José Antonio dos Santos interview with *Justiça Global* on 6 July 2004, in Nova Soberbo, Minas Gerais.

<sup>206</sup> Lawsuit 052103022581-2, from the municipality of Ponte Nova, Minas Gerais.

*complied with the demands in 2003, observing from a distance and identifying the leaders. I took pictures to identify the people involved.*"<sup>207</sup> This fact reveals that state agents are giving up their public duties to carry out spying missions.

In May 2004 there were 14 families left living at the old village of São Sebastião do Soberbo. These families refused to leave their homes as the Candonga Consortium had not reached an agreement with them. Those same families are still unsatisfied with the living conditions in the new village of Nova Soberbo built by the Consortium.

On 3 May 2004, the military police of Minas Gerais state carried out an eviction order. The operation involved 192 military, civil, and federal police officers, in addition to private security guards. The electricity was cut by the Electricity Company of Minas Gerais state (*Companhia de Eletricidade do Estado de Minas Gerais*, or CEMIG). From the moment the police officers arrived in the area and began the operation, the people left their homes. Many houses were broken into by the police officers because their owners had not been warned of the operation and were not at home at the time. Scenes of terror and humiliation were commonplace. Police officers ate residents' food, destroyed their possessions, and insulted them. All of the houses were completely destroyed even before their possessions were removed.

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<sup>207</sup> Civil police inspector of Ponte Nova Antero Marcos's statement given to *Justiça Global* on 4 June 2004. He handed over pictures taken during the demonstrations to *Justiça Global* researchers.

## JUDSON BARROS (PIAUI)

In August 2003, a multinational company named Bunge was built in Uruçuí, in southern Piauí state. The plant had the capacity to process 2,000 tons of soya per day. The factory was built using technology from Siemens, a German company, and financed with loans from European and American private banks. The company also received tax exemptions for a period of 15 years from the state government.<sup>208</sup> The construction of the company in Piauí, one of the poorest states in Brazil, produced strong opposition on the part of civil society organizations.

The construction of the plant produced a significant negative impact on animals, soil, and groundwater, compromising the quality of water and producing climatic changes. Besides, Bunge uses native wood from the region as a primary source, causing the destruction of the original *Cerrado* vegetation.

In a clear demonstration of its commitment to large industries, Piauí authorities swiftly awarded all the obligatory previous licenses for the construction of the factory, without first carrying out the required public hearings with civil society and interested parties. This is an obligation clearly stated in Brazilian law. Licenses were granted on the basis of an Environmental Impact Study (*Environmental Impact Report*, or EIA-RIMA) that was denounced by social movements and NGOs, as it did not clarify, for instance, the environmental impacts generated by the construction of the plant.

Bunge was the subject of many grave denunciations, including keeping workers in semi-slavery conditions in deforested areas. The industry was sued because of these accusations on three of its farms.

### *The Work of the Waters of Piauí Foundation (Fundação Águas do Piauí) and the Human Rights Defender Judson Barros*

The NGO Waters of Piauí Foundation (*Fundação Águas do Piauí*, or FUNAGUAS) is an organization dedicated to environmental preservation. As such, it publicly accused Bunge of violating human rights. FUNAGUAS even filed a lawsuit against Bunge, the state government, the Brazilian Environmental Institute (*Instituto Brasileiro do Meio Ambiente*, or IBAMA), and Graúna, the company responsible for the environmental impact study.

For this reason, the government of Piauí and Bunge began to implement a strategy of persecuting and criminalizing environmentalists who were against the construction of the plant. The president of FUNAGUAS, Judson Barros, was sued by Bunge for perjury and defamation. The company finally gave up the lawsuit following strong pressure from civil society.

Although Bunge initially gave up suing Barros, the company then filed a lawsuit against him arguing moral damages and requesting compensation of R\$500,000 (approximately US\$240,000). Bunge later also filed a criminal procedure, which is still ongoing.

<sup>208</sup> Piauí State Decree 10.867, 11 August 2002.

**KARINA PINHEIRO D'ALMEIDA LINS, JOÃO MAURÍCIO GUEDES ALCOFORADO, AND ANDRÉA CARTAXO (PERNAMBUCO)**  
*Communication sent to the UN on 18 May 2004.*<sup>209</sup>

Known for its extreme poverty caused by droughts and the dry climate across the region, rural Pernambuco has become over the last few years one of the major national textile industry centers, representing 13% of the national textile production.<sup>210</sup>

The swift growth of this activity means the municipalities from the region are responsible for about 60% of the state's production. In Santa Cruz do Capibaribe alone, 3,000 small factories were opened, generating R\$360 million (approximately US\$170 million) per year.<sup>211</sup> However, economic prosperity has also brought with it sophisticated commercial crimes such as piracy,<sup>212</sup> tax fraud, and the export of illegal merchandise. It is thought that more than R\$100 million (approximately US\$45 million) are lost each year from state coffers due to these and other similar crimes.<sup>213</sup>

The prominence of powerful companies in these small municipalities has led to a practice of giving and receiving personal favors which has provided the perfect cover for any irregularities in the companies' activities. These companies give economic favors to public authorities in exchange for not being charged with any crimes. This practice of buying favors and the use of physical force and violence (often carried out by death squads<sup>214</sup>) is virtually institutionalized and quasi-legitimate. It is used to intimidate the state officials that carry out inspections and punish those responsible for violence and malpractice in the region. This practice has permeated all three branches of the local government: executive, judiciary, and legislative.

At the local level, the full and independent working of the judicial and public prosecutor entities, which play vital institutional roles in the defense of rights and in holding those responsible for the violations to account, is essential to prevent further violations from taking place. However, members of the judiciary, legislative, and executive branches have been corrupted due to their participation in such criminal practices.

<sup>209</sup> Communication sent to the UN by *Justiça Global* regarding the attempts against the life of judges Karina Pinheiro D'Almeida Lins and João Maurício Guedes Alcoforado in Santa Cruz do Capibaribe, and death threats received by Judge Andréa Cartaxo in Brejo da Madre de Deus, Pernambuco. (Official communication JG/RJ 154/04, sent on 18 May 2004)

<sup>210</sup> "Agreste de Pernambuco é Paraíso para Desenvolvimento da Pirataria", *Diário de São Paulo*, available at <http://www.diariosp.com.br/pirataria/16.htm>.

<sup>211</sup> Statement by State Representative Isaltino Nascimento, in reference to the work of federal tax agents from the region. *Diário Oficial do Estado de Pernambuco*, 22 October 2003.

<sup>212</sup> "No Agreste, Moda não é Frescura", *Jornal do Commercio*, available at <http://www1.folha.uol.com.br/folha/opinião/brasiliadob/ult830u26.shtml>; Office of the Public Prosecutor press release: "MP do Nordeste se Une no Combate à Sonegação Fiscal," 22 October 2003.

<sup>213</sup> See statement by Representative Nascimento, 22 October 2003.

<sup>214</sup> According to information from the Hotline Denunciations, there are 75 death squads operating in Pernambuco state, conformed mainly by police officers.

As a result of the publication of some of the events in rural Pernambuco in the press, which has been fostered by federal investigations and the work of prosecutors, the very role of the judiciary in the region has become a point of discussion. There are members of the judiciary who collude with organized crime; however, there are others who are intimidated and threatened with death for attempting to deal with the situation in a more serious and effective manner.

Judge Ilídio Oliveira de Araújo has worked for years in numerous municipalities in the region and has constructed a large network with politicians, criminals, and businessmen using the judicial mechanisms as a means of gaining personal favors. He was accused of meting out judicial sentences in exchange for cash in many tax collection cases filed against entrepreneurs in the region; granting *habeas corpus* to well-known members of death squads; and overturning/reversing tax and criminal lawsuits favoring close family members, among others. The dimensions of the judiciary's collaboration with tax fraud in a region where most of the population suffers from hunger and unemployment stands out in particular: these crimes not only put a dent in the public treasury but also deny social and economic rights to the populace, thereby reducing public investment in the the social, health, and education sectors.<sup>215</sup>

Judge Andréa Cartaxo was transferred in September 2003 to the jurisdiction of Brejo da Madre de Deus. In this municipality, which is close to Santa Cruz de Capibaribe, Idílio Oliveira acted frequently as a substitute judge, repeating the same mistakes as when he was the judge of the district.

In her brief time in the district of Brejo da Madre de Deus, Judge Cartaxo's energy in the face of the denunciations that she was receiving — due to her independent attitude vis-à-vis any political or business interests — has caused annoyance to many important figures in the region, above all the mayor of the city. The mayor even reduced the security in the building where the court meets in response to the way in which Cartaxo was carrying out her work.

Throughout the challenging process of diminishing the chaos she found in the registry offices, what most caught Cartaxo's attention was the disorganization of the electoral registry office that had been headed by José Medeiros da Costa for 20 years.

Due to the high level of electoral irregularities and indications of electoral fraud — or, for example, a large and unjustified number of land titles transferred in the neighboring municipality — Cartaxo dismissed da Costa in April 2004. Since then, her colleagues have alerted her to the fact that her attitude could have serious consequences and that her life could even be in danger due to da Costa's dangerously close connections with many politicians and death squads. His brother, Medeiros da Costa, was a well-known hired gunman in Santa Cruz de Capibaribe, who was responding to two murder charges in the district in which Judge Oliveira presided. Medeiros da Costa is thought to have

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<sup>215</sup> Note by the director of the Office of Public Prosecutors, Francisco Sales, about the region, *Jornal do Commercio*, on 29 April 2004.

close family relations with Oliveira, for whom he had served as an official driver. The district clerk even told her that Medeiros da Costa had said that he would not give Cartaxo what she deserved personally, but he knew of someone who would.<sup>216</sup>

Feeling very threatened after receiving anonymous phone calls, Cartaxo made the state Internal Affairs Department aware of the situation, even communicating her concerns in writing to the judge of internal affairs in the region, Karina Pinheiro D’Almeida Lins.<sup>217</sup>

All of the denunciations made by Cartaxo were added to the other accusations made against Oliveira by the Office of the Public Prosecutor.<sup>218</sup> In February 2004, thanks to the prosecutor from Cruz do Capibaribe, Iron Miranda, the state Internal Affairs Department decided to open one single police inquiry to look into all the claims made.

In 2003, the state Internal Affairs Department of the Public Prosecutor’s Office had already removed prosecutor José Henrique do Couto Correia due to denunciations that he had given favors when working on cases under Oliveira, as well as being accused of charging percentages on lawsuits, acting as a loan shark, applying pressure to debtors inside the court, and protecting dangerous death squads in the region. It is important to highlight that all of the criminals released by Oliveira had favorable relationships with the aforementioned prosecutor and shared the profits from bribes.

With the irregularities highlighted in the inspection reports<sup>219</sup> of Santa Cruz do Capibaribe jurisdiction in mind, the Council of Judges of Pernambuco decided on 25 March 2004 to unanimously send the reports back to the state Internal Affairs Department to be completed. Judge João Maurício Guedes Alcoforado was appointed to act alongside Judge Lins on these matters.

This new commission of investigation began its trips to Santa Cruz do Capibaribe on 26 April 2004, accompanied by the state internal affairs superintendent, Fausto Freitas. These were missions intended not only to give support to Cartaxo at Brejo da Madre de Deus, but also to investigate further irregularities in nearby districts.

On the first day, Alcoforado, Lins, and Freitas spent the morning in the Pesqueira district and the afternoon in the Belo Jardim jurisdiction. The following day, they went to Santa Cruz do Capibaribe jurisdiction, starting the work and investigative activities in the morning. Following this the superintendent went to Brejo da Madre de Deus with the intention of giving support to and showing solidarity with Cartaxo. The superintendent left Santa Cruz do Capibaribe jurisdiction, while assistant judges

<sup>216</sup> Facts reported by Andréa Cartaxo to *Justiça Global*.

<sup>217</sup> Circumstantial Report of the State Internal Affairs Department of the First Region: “Official letter 246/04 /CGJ sent to the President of the High Court, requesting the adoption of necessary arrangements to guarantee the life of Judge Andréa Cartaxo.”

<sup>218</sup> João Maurício Guedes Alcoforado, report of the events that took place during the inspection in Santa Cruz do Capibaribe, Recife, April 2004.

<sup>219</sup> Inspection Report 04/04 and 04-A/2004 — Confidential, Auxiliary Oversight Office of the 4th Region.

Alcoforado and Lins stayed at the jurisdiction registry office for 20 minutes, providing guidance to the technical advisors who would stay there to evaluate the lawsuits. They then went to Brejo da Madre de Deus, where they met with the superintendent to hear more about the threats suffered by Cartaxo.

At around 12:00 noon, close to the village of Riacho Doce in the municipality of Caruaru, they realized that the road was blocked by a truck, near a corner, and three heavily armed men approached them in a car, pointing high-caliber rifles at the judges. The judges' driver, Jorge Marcelo Valadares, raised his hands at the same time as shots were fired at the car, smashing the windshield. The attackers first ordered Valadares to leave the car and minutes later told the judges to do the same and to lie face down on the ground, while the gunmen trained their rifles on the judges' and their driver's heads. Then they took mobile phones and asked about a briefcase that contained secret documents. After judges gave the gunmen Lins' briefcase, the gunmen started shooting at the vehicle, ordering the judges to run towards the woods — which they proceeded to do under fire. They did not look back and after 30 minutes Alcoforado realized that Lins had hurt her left foot. They then crawled towards a place with many rocks so they could hide. They waited there until everything got quiet.

Although they were badly hurt, with numerous wounds caused by grazing bullets, no one was hit by any of the gunshots.

Approximately 1.5 hours after the incident, the judges found a path and walked 500 meters to a larger road, where they flagged down a local school bus that was passing and asked for help.

Upon arriving at Brejo da Madre de Deus, where they met with the superintendent and other colleagues, they went to the police station to give statements to the police chief, Ernande Silva. They were then taken to Caruaru Hospital where they were treated.

When the police arrived at the crime scene, they found the vehicle overturned with some objects missing, such as Alcoforado's wallet with his personal documents and the report about the inspection that was done by Lins. This report had information about the alleged irregularities practiced by Oliveira Araújo and also the list of 11 witnesses that would be called. It is worthy of note that other documents such as Lins' bag, checkbooks, and briefcase were found untouched at the scene.

The judges' feeling<sup>220</sup> is that the attack was directed at the state Internal Affairs Department's investigation with the intention of frightening the judges (which helps to explain the convenience for some authorities of calling the attack a mere robbery).

The event, emblematic of the judiciary's struggle in Pernambuco to reassert its institutional role, caused great commotion in the state, mobilizing not only public bodies such as the state prosecutors office and state Internal Affairs Department, but also

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<sup>220</sup> Statement by João Guedes Alcoforado in his report on what happened: "We can confirm that everything that happened was aimed at frightening us and halting the cases that we were developing at Santa Cruz do Capibaribe with links to Brejo da Madre de Deus, Taquaritinga do Norte, and Toritama."

many sectors of organized civil society. Letters of denunciation were published by many institutions across the country and the press provided national coverage of the event.<sup>221</sup>

However, the threats continued. Prosecutors, witnesses, and members of the Santa Cruz do Capibaribe and Brejo da Madre de Deus judiciary had to be given police protection. Lins, even after leaving the case, was still receiving anonymous phone calls. Cartaxo, threatened with death because of her work at Brejo da Madre de Deus, ended up being transferred to the district of Ipojuca.

Numerous measures were requested by victims to not only increase their security, but also to offer effective possibilities for the work of the state Internal Affairs Department.<sup>222</sup> No governmental action was taken on this matter. Currently, the judge in Toritama, a city close to Santa Cruz do Capibaribe, is receiving death threats as well.

Civil police investigations to find out the responsible parties for the threat were superficial. On 3 June 2004, the police chief responsible for the police inquiry, Antônio Barros, announced the imprisonment of one of the suspects in the attack, preferring to not disclose his identity and details of the operation until the end of the investigation.<sup>223</sup> Victims are worried about the implications of the term “simple robbery” that the authorities are trying to give to the case.

Strong political and economic interests have affected the independent action of judges that seek justice and the defense of rights when making their decisions, especially given the fact that there are those that collude with with the criminal practice. The state Internal Affairs Department seems to be working in the right direction, but the dimension of the problem means that a greater effort from all governmental institutions at national, state, and local spheres is critically needed. Government action until now has been tentative and if things continue as they are, future indications show that the situation will continue to worsen, as the spread of new threats has already demonstrated.

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<sup>221</sup> Statements by the Judges' Association of Pernambuco on 27 April 2004; Judges' Association of Bahia, *Agência Sergipe de Notícias*, on 30 April 2004; Judges' Association of Brazil; Pernambuco State House of Representatives; State Office of the Public Prosecutor; see also newspapers *Estado de São Paulo*, *Folha de Pernambuco* online, *Folha de São Paulo*, and *Jornal do Commercio*, on 27, 28, and 29 April 2004.

<sup>222</sup> Report on the events: “Faced by these unfortunate events, effective measures need to be taken so that the state Internal Affairs Department can develop its work with safety and independence, given that since the attack we are vulnerable, always running the risk of being killed, whether as a result of attacks or due to the insecurity of the vehicles that we use for transport, in other words, as a result of a lack of basic working conditions.”

<sup>223</sup> “Delegado vai concluir inquérito”, *Diário de Pernambuco* online, 14 June 2004.

## SISTER LEONORA BRUNETTO (MATO GROSSO)

In June 2003, approximately 350 families occupied an area which had been illegally appropriated by Sebastião Neves de Almeida, (known as “*Chapéu Preto*,” or Black Hat) in Nova Guarita, state of Mato Grosso. These families established a settlement and named it *Renascer* (to be reborn). Prior to this, in May 2003, a group of 46 families from the municipality of Peixoto Azevedo had begun to share the farm that had been seized illegally by Chapéu Preto. In May, a man known as “*Totó*,” one of the main leaders of the rural workers’ movement, was murdered.

The area occupied by the farmers, known also as Gleba Gama, has been the scene of several conflicts resulting in deaths of rural workers and threats issued by *grileiros* and their armed militias against the workers who camp on the site. Chapéu Preto, already convicted by the local labor court for using slave labor on his estate, has been identified by the rural workers as one of those responsible for the attacks.

In addition to the workers, Sister Leonora Brunetto, a member of the CPT, has been intimidated on numerous occasions by Chapéu Preto and his gunmen.

On 11 and 12 October 2005, Chapéu Preto and armed men attacked the settlement of Renascer, issuing threats and beating the rural workers with barbed wire. During those two days, the landlord Ladir Jacomelli forcibly evicted the families who were in the area that he had illegally appropriated. He even went to the extreme of stealing all the workers’ belongings. The workers were able to seize a gun whose registry number, when checked by the police, was confirmed as belonging to a police officer. According to the workers, this officer often acts as a gunman for the local *grileiros*.

As a result of these denunciations, a commission from the Special Secretariat of Human Rights’ National Program for the Protection of Human Rights Defenders visited the area between 26 and 28 October and confirmed the grave situation faced by the rural workers.

On 27 October the above-named commission, together with an officer from the National Institute of Colonization and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária*, or INCRA), went to Gleba Gama and visited the four encampments of rural workers to verify their situation.

In Gleba Gama, the members of the commission and INCRA heard reports about the acts of violence and threats made by the *grileiros* and their armed groups (consisting of gunmen and police officers) against the workers. After the visit by the commission, Genir Marsango, one of the *grileiros*, threatened the workers and advised them that the following day he would take a great quantity of cattle to Gleba Gama, thus forcing the settlers out of the area. Being informed of the threat, federal police chief Diógenes Curado Filho went to Marsango’s house and asked him to clarify the situation.

The following week, Marsango evicted the families who were camped in Renascer. The mayor of Nova Guarita also informed the commission that on 16 November 2005, the municipal road near the area was blocked by the *grileiro*.

The commission that visited the region in October concluded that the incidents of 11 and 12 October, as well as previous ones that occurred in the area, were acts of “violence and threats to the rural workers, CPT representative Sister Leonora Brunetto, Mayor Antonio José Zanatta, city councilors Jacinto Pedro Marcon, and Deninho José Hendges.”

During the meetings and the negotiation coordinated by the commission, it was confirmed that “the final solution to the conflict related to Gleba Gama depends on a quick decision by the federal courts, especially on (a) the appeals pending before the Regional Federal Court (*Tribunal Regional Federal*, or TRF); (b) immediate actions by INCRA in the conflict areas; (c) the investigation of the crimes committed by gunmen and organized militias and the illegal occupation of public lands; and (d) general disarming of the landlords and their armed men.”

On 16 November 2005, at approximately 9:30 a.m., two rural workers from the Gleba Gama encampment, Vanderlei Macena Cruz and Mauro Gomes Duarte, were brutally murdered. According to the press release issued by the CPT, the workers were killed at a road between the lands illegally held by Silmar Kessler and Chapéu Preto when they were traveling to work on a motorcycle. Local authorities say that the workers were killed by shots to the nape of the neck after already having surrendered to the gunmen who had pulled them over and demanded that they lay on the ground. Concerned with the situation, the commission of the National Human Rights Defenders Program requested the permanent presence of federal police in the area.

Finally, on the morning of 18 November, *Terra de Direitos* was informed that the civil police in Peixoto de Azevedo had already been denounced a number of times by the workers for acting as private militias to *grileiros* and had imprisoned two landless workers with the intention of assigning responsibility to them for the two deaths detailed above. This event reinforces and confirms the denunciations made against the police, who openly act in defense of the *grileiros* and their interests throughout the region.

## LUIZ ALBUQUERQUE COUTO (PARAÍBA) *Communication sent to the UN on 18 November 2002.*<sup>224</sup>

Representative Luiz Couto was born on 13 February 1945, in the municipality of Soledade, state of Paraíba, the son of landless workers. Since 1967, he has dedicated his life to working alongside various civil society organizations that struggle for a fair and dignified life. He worked as an advisor to church-based pastoral commissions, social movements, and trade unions, and gave support to grassroots struggles. In 1976, Couto was one of the founding members of the Human Rights Defense Center in the Archdiocese of Paraíba. He participated in the struggle for agrarian reform and citizenship for all those excluded from society.

It was at that time that Couto received the first anonymous letters and phone calls bent on intimidating him, with language such as “*watch out, you are talking too much.*”<sup>225</sup>

In 1993, he was elected State Representative and beginning in 1994, he became known for his work in protecting and promoting human rights in Paraíba, particularly regarding the treatment of prisoners. One of the major cases in which he was involved was the massacre of prisoners in the Roger Prison in João Pessoa, capital of Paraíba.

In 1995 he occupied the vice-presidency of the Human Rights Commission in Paraíba's Legislative Assembly, becoming its president in 1998. From March to December 1997, Couto served as rapporteur of the Parliamentary Commission of Inquiry (CPI) that investigated child prostitution in Paraíba,<sup>226</sup> registered denunciations, collected data, and mapped child and adolescent exploitation in Paraíba.

Because of his work on the CPI, he was persecuted by other state representatives. The persecution was continuous as representatives who were involved in the cases investigated by Couto would bring firearms inside the Legislative Assembly, and when they bumped into him, they would overtly brandish their weapons.

During his term as State Representative, Couto requested publicly that the President of the Paraíba State House of Representatives prevent Representatives from carrying guns inside the chamber. The reply to his requests was often: “*Representative, I am not a police chief nor a sheriff ...*”

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<sup>224</sup> Sent by *Justiça Global*, *Comissão Pastoral da Terra da Paraíba (CPT/PB)*, *Dignitatis – Assessoria Técnica e Jurídica Popular*, *Comissão de Direitos Humanos da Universidade Federal da Paraíba*, and by State Representative Rodrigo Soares. (Official correspondence JG/RJ 224/02, sent on 18 November 2002.)

<sup>225</sup> Interview granted by Representative Luiz Couto to *Justiça Global*, on 6 September 2002.

<sup>226</sup> In the CPI report on child prostitution, Couto described what is considered to be one of the most terrible forms of sexual exploitation by international human rights organizations, found in northeastern Brazil, and how it has become a professional enterprise. The child and adolescent prostitution map includes the cities of Patos, Campina Grande, and João Pessoa in Paraíba, with links to other states of Brazil such as Rio Grande do Norte, Pernambuco, and Ceará. Among the principle clients of this network, the CPI identified politicians, judges, and businessmen, the reason why the investigation faced so many difficulties. Couto was forced to remove 33 of 99 pages to ensure that the final report of the ‘prostitution CPI’ would be approved and finalized in 1997. The pages that were removed contained the names of politicians, businessmen, and judges involved in youth prostitution.

Threats against him were common and his office received frequent phone calls with the threat: “*Watch out, you know how much a truck weighs, you’re going to wake up underneath one...*” He received other threats, such as “*Do you want to die? When you wake up, you’ll be dead.*”<sup>227</sup>

He played an active role in the Paraíba Human Rights and Citizenship Council investigating violations, producing dossiers, and bringing debates and discussions on human rights violations to the local press, such as the cases of the murder of the student Márcio Barbosa, trade unionist and agrarian leader Margarida Maria Alves, and civil servant José Leandro.

In 1998, Couto was reelected State Representative in Paraíba. He was the president of the House of Representatives Human Rights Commission in 1998 and 1999, during which time it carried out several public hearings.

In 2001 Luiz Couto was an alternate member of the CPI on Investigations into Rural Violence and Private Militias in Paraíba. His work during the investigative phase was fundamental to discovering that civil and military police officers were involved with the death squads that committed crimes against rural landless workers.

Couto is currently the president of the CPI that is investigating drug trafficking in Paraíba, established in October 2001.<sup>228</sup>

Until March 2002 Couto had not received any official protection, despite various requests to Paraíba’s governor and the constant publication of news reports on the local press that his life was in serious danger.

On 2 April 2002, in a session of the State House of Representatives, Couto again reported that he was receiving death threats due to his work on the CPI on drug trafficking and as a human rights defender. On the same day, the president of the House of Representatives assigned an employee from the military advisory to the House to act as personal bodyguard for Couto. Meanwhile, local and/or state public authorities have not opened any form of inquiry to investigate the death threats made against him.

Couto is currently serving as a federal congressman and plays an important role in the investigation into death squads in northeastern Brazil, and has acted as a rapporteur on the subject. The CPI’s report was approved in December 2005.<sup>229</sup>

<sup>227</sup> Interview granted by Couto to *Justiça Global* on 6 September 2002, in João Pessoa, Paraíba.

<sup>228</sup> CPI about Drug Traffic, Cargo Robbery, and Death Squads in Paraíba revealed many connections among death squads in Paraíba and Pernambuco and involvement of police officers, judges, and prosecutors. By the time Couto was trying to establish the CPI, he decided to use billboard propaganda on specific sites in João Pessoa with the following question: “*Who is afraid of the Drug Traffic CPI???*” This phrase led the governor of Paraíba to sue him.

<sup>229</sup> CPI Report available at <http://www2.camara.gov.br/comissoes/temporarias/cpi/encerradas.html/cpiextermio/relatoriofinalaprovado.html>.

**INDIGENOUS PEOPLES MACUXI, WAPICHANA,  
INGARIKÓ, TAUREPANG, AND PATAMONA — *RAPOSA SERRA  
DO SOL* INDIGENOUS TERRITORY (RORAIMA)  
*Communication sent to the UN sent on 30 September 2005.*<sup>230</sup>**

The indigenous peoples of *Macuxi*, *Ingarikó*, *Taurepang*, and *Patamona*, inhabitants of the territory of *Raposa Serra do Sol*,<sup>231</sup> suffered a serious attack in the state of Roraima on 16 September 2005.<sup>232</sup>

On the morning of 16 September, approximately 150 hooded men armed with guns, rifles, machetes, and pieces of wood invaded the Center for Education and Culture *Raposa Serra do Sol* and set it on fire. The incident was allegedly coordinated by the deputy-mayor of the city of Pacaraima, Anísio Pedrosa, and by city councilor Genivaldo Macuxi. Both are linked to the mayor of Pacaraima, Paulo César Quartiero, who is also the largest rice producer in the region.<sup>233</sup>

The attackers destroyed the Center's buildings, and in particular its church, hospital, dormitories, male and female cafeterias, restrooms, library, classrooms, and teachers' rooms. During the invasion, the professor of mechanics, Julio, who was accompanied by 30 students, was physically attacked. A vehicle used for health services in the region was at that moment taking an indigenous patient to the state capital. The attackers intercepted the vehicle, pointed their weapons at the heads of the driver and patient and verbally abused the patient. The car was wrecked and the patient physically attacked. Later an aircraft had to be chartered to take the victim to a hospital in the state capital, Boa Vista.<sup>234</sup>

The attack by the group of 150 men took place four days before the party to commemorate the ratification of the indigenous territory *Raposa Serra do Sol*. This territory was created through a presidential decree on 15 April 2005. The decree guarantees the indigenous groups' (*Ingarikó*, *Macuxi*, *Patamona*, *Taurepang*, and *Wapixana*) ownership of the land.<sup>235</sup> The legal ratification of these lands represents a victory for the indigenous communities after 30 years struggling for the return of their territory.

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<sup>230</sup> Communication sent to the UN by *Justiça Global* (Official communication JG/RJ 163, sent on 30 September 2005).

<sup>231</sup> The territory of *Raposa Serra do Sol* is located in the north of the state of Roraima, on the border of Guyana and Venezuela. This land covers 1.74 million hectares and includes 164 villages, with a population of more than 16 million indigenous people from the *Macuxi*, *Wapichana*, *Ingarikó* and *Taurepang* communities.

<sup>232</sup> All the information presented in this case was obtained from the Indigenous Council of Roraima (*Conselho Indígena de Roraima*, or CIR) and the Indigenous Missionary Council (*Conselho Indigenista Missionário*, or CIMI), both NGOs dedicated to the defense of human rights of the indigenous people.

<sup>233</sup> Information available at: [http://www.cir.org.br/noticias\\_050917.asp](http://www.cir.org.br/noticias_050917.asp).

<sup>234</sup> *Idem*.

<sup>235</sup> Presidential decree available at: <https://www.planalto.gov.br/>.

During this period, the indigenous communities suffered all sorts of violence: assassinations of their leaders, destruction of their homes, kidnapping of indigenous community members and their allies, among others.<sup>236</sup> The celebrations ran from 21 to 30 September.

On 22 September, at around 3:00 a.m., a fire destroyed the only bridge that gave access to the indigenous settlement of Maturuca, also within the territory of Raposa Serra do Sol, where the commemoration party was taking place. Close to 3.5 million people were left without access to the road that links the region to the capital Boa Vista. The Secretary of State for the Rights of Indigenous People of Roraima, Adriano Nascimento, affirmed that the people responsible for the destruction of Raposa Serra do Sol's Center for Education and Culture on 16 September were the same ones involved in the attack on the bridge.<sup>237</sup>

Following this new attack, the federal government representatives present at the festivities — César Alvarez, representing President Luis Inácio “Lula” da Silva; Mercio Pereira Gomes, president of the National Foundation for the Indigenous People (*Fundação Nacional do Índio*, or FUNAI); and Rolf Hackbart, president of INCRA — agreed with the missionaries and the indigenous communities that, upon their return to Boa Vista, they would visit the buildings that had been attacked and report on their findings to the Ministers of Justice and Agrarian Development, as well as to the President of the Republic.<sup>238</sup>

This plan was contested by the federal police with the justification that the armed gang responsible for the attacks was still present in the region, thus creating a dangerous environment for the governmental representatives. Federal police concluded that any visit to the area of the attack would be too dangerous to undertake. According to information from federal police officials, it would be impossible to provide protection for federal authorities against 150 armed men because there were only three federal police officers available at that time in the area.<sup>239</sup>

On 29 September 2005, the federal police arrested the councilor for the city of Pararaima, Genival Costa da Silva, and Fernando da Silva Salomão. On that same day, both were indicted for conspiracy to form criminal gangs; illegal possession of firearms; damage to private property; making threats; destruction of the Center for Education and Culture; and setting fire to the only bridge that gives access to the outside world for the indigenous territory of Raposa Serra do Sol on 22 September 2005.<sup>240</sup>

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<sup>236</sup> Official notice regarding the acts of violence committed against the indigenous people of Raposa Serra do Sol, in Roraima. Forum on the Defense on Indigenous Rights, 20 September 2005. Available at <http://www.cimi.org.br/?system=news&action=read&id=1480&eid=247>.

<sup>237</sup> Idem.

<sup>238</sup> Information provided by Paulo Maldos, political advisor to the Indigenous Missionary Council (CIMI), who was present during the festivities for the ratification of the territory of Raposa Serra do Sol on 22 September 22 2005.

<sup>239</sup> Idem.

<sup>240</sup> Information available at [http://www.cir.org.br/noticias\\_050929.asp](http://www.cir.org.br/noticias_050929.asp).

**MARIA CONCEIÇÃO ANDRADE PAGANELE SANTOS  
AND ARIEL DE CASTRO (SÃO PAULO)**

*Communication sent to the UN on 2 December 2005.*<sup>241</sup>

Maria Conceição Andrade Paganele Santos, president of the Association of Mothers and Friends of Children and Teenagers at Risk (*Associação de Mães e Amigos da Criança e do Adolescente em Risco*, or AMAR) and known to all as Dona Conceição, has been suffering threats and persecution. She and Ariel de Castro, a lawyer and member of the National Human Rights Movement, have been victims of public defamation by the governor of the state of São Paulo and the president of the Foundation for the Wellbeing of the Young in São Paulo (*Fundação do Bem-Estar do Menor do Estado de São Paulo*, or FEBEM).

AMAR was established in 1998, comprised mostly of mothers and family members of teenagers detained in juvenile detention centers in São Paulo operated by FEBEM. AMAR was founded in response to the anger and indignation felt by the mothers and relatives of youth offenders held at FEBEM's detention centers who were experiencing systematic violations of their human rights. The organization was founded with the goal of fighting and denouncing these physical and psychological violations. As the president of this association, Dona Conceição regularly visits the detention centers, having acted on many occasions as a negotiator or mediator in numerous rebellions therein. She also strongly denounces the maltreatment and beatings to which the children and teenagers are subjected by the authorities in charge of the centers.<sup>242</sup>

In January 2005, Dona Conceição denounced a case of collective torture of youngsters that had taken place in FEBEM's Unit 41 of the Vila Maria Complex. This denunciation resulted in the opening of criminal proceedings which culminated in the provisory imprisonment of staff involved in the violence.

This denunciation had huge repercussions in the media and an immediate and serious effect upon those accused of torture. From that point on, Dona Conceição began receiving constant death threats — by phone at AMAR's office and on her private mobile phone, as well as text messages on her mobile phone. On 27 July 2005, she was at São Paulo Civil Court when she was approached by a FEBEM staffer (she was unable to identify the person) who asked her if she was alone. Minutes later, she received text message threats.<sup>243</sup> Dona Conceição was also followed on several occasions by unknown vehicles on her way home from the office. She reported the events to the police in the 81<sup>st</sup> Precinct in São Paulo, and a police investigation (n. 70/2005) was opened; however, there has been no progress or any significant results in the case as of this writing.

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<sup>241</sup> Communication sent to the UN by *Conectas Direitos Humanos* and *Justiça Global*. (Official communication JG/RJ 173/05, sent on 2 December 2005.)

<sup>242</sup> Maria Conceição Paganele was interviewed by a *Justiça Global* researcher on 24 November 2005 in São Paulo.

<sup>243</sup> On 27 July 2005, at 20:44, she received the following text message: "I am in FEBEM to tear you to bits, I will get you, old pans are the ones that make good food" ("*to na febem par ate rasgar, eu te pego, panela véia é que faz comida boa*").

On 18 February 2005, the NGO *Conectas Direitos Humanos* made a formal request for protection for Dona Conceição to the Special Secretariat for Human Rights (*Secretaria Especial de Direitos Humanos*, or SEDH) that would thus permit her to be included in the National Human Rights Defenders Protection Program. On 24 February 2005, the SEDH informed her that it was impossible to grant her such protection as the Program did not exist in São Paulo state, but that they had forwarded the information to the Secretariat of Public Security and to the Witness Protection Program (*Programa de Proteção a Testemunhas*, or PROVITA). However, they failed to consult *Conectas* or Dona Conceição over the appropriateness of contacting the state security authorities, who were, in fact, responsible for the threats she had received.

In July 2005, the current FEBEM president, Berenice Maria Giannella, began using the Fast Intervention Group (*Grupo de Intervenção Rápida*, or GIR), made up of agents from the Penitentiary Management Secretariat in São Paulo, to contain rebellions inside the youth detention centers. The GIR is normally assigned to work only at prisons for adults. This crucial decision has directly increased the number of appeals for help and denunciations by prisoners of abuses and beatings committed by these agents and FEBEM staff.<sup>244</sup>

In September 2005, in a visit to the detention unit Tietê in the Vila Maria Complex, Dona Conceição received information that the chief of the GIR, Coutinho, had placed the teenagers together and was pointing guns at them and threatening to kill them. Dona Conceição denounced the situation to the Public Ministry in São Paulo and to the oversight judge for FEBEM who removed the director from the unit.

After that incident, the chair of FEBEM published a decree (*Portaria 90/2005*) that prevented NGOs and other civil society organizations from entering the detention centers, thereby restricting the possibility of denunciations being made against detention center staff. This decree had the effect of increasing the vulnerability of the teenagers in the detention centers. Civil society organizations from São Paulo have filed an injunction trying to revert this prohibition.

Due to the precautionary measures recommended by the IACHR to protect the teenagers held in FEBEM's Tatuapé Complex, an inspection of the units was made by the members of the National Council on the Rights of Children and Teenagers (*Conselho Nacional de Direitos da Criança e do Adolescente*, or CONANDA), who insisted upon the presence of Dona Conceição as part of the inspection team. Therefore, an exception was made to allow her to enter the detentions units. The visits took place on 16 and 17 November 2005.

On 22 November 2005, the teenagers held in the Tatuapé Complex rebelled against the ill treatment that they were being subjected to by FEBEM staff. During the rebellion, Jonathan Vieira Anacleto (17) fell from the roof of the unit's building, dying later that same day. On this occasion 34 staff members were wounded.

<sup>244</sup> Information provided by lawyers from *Conectas Direitos Humanos* in November 2005.

Following the rebellion, Giannella claimed that Dona Conceição had incited the teenagers to escape and rebel on the occasion of her visit on 17 November. FEBEM's press office released the false story suggesting that Dona Conceição and the lawyer Ariel de Castro were responsible for the rebellion.<sup>245</sup>

São Paulo state governor Geraldo Alckmin also told the press that “these episodes were not spontaneous,” and with reference to the rebellion, he said that “they were incited, provoked. There are people trying to destabilize FEBEM and we have ordered that FEBEM investigate in an exemplary fashion those who are seeking to damage the institution by causing rebellions, conflicts, and putting our staff's lives in danger.”<sup>246</sup> According to a well-respected newspaper:<sup>247</sup>

“Some of those NGOs work permanently against the government and do not collaborate [with the government]. These people, Conceição and Ariel, spend the whole day causing problems,” claimed the Governor [of São Paulo], who took part in an event on Tuesday night, after the rebellion that took place in the Tatuapé complex which ended with more than 50 people being wounded.

Interestingly enough, Dona Conceição had been called on 18 November, four days before the rebellion, by the director of the Tatuapé Complex to speak with the detainees who were on a hunger strike to protest the beating of minors in Units 4 and 16 of the complex.<sup>248</sup> The director of FEBEM's labor union, Fabiano Kaczorowsky, who works in Unit 16 of the Tatuapé Complex, made a public statement affirming that Dona Conceição did not make any comments in favor of the teenagers' rebellion.<sup>249</sup> She still continues to receive denunciations of torture and maltreatment of FEBEM detainees from family members who visit the teenage detainees on weekends, as well as from interns themselves.<sup>250</sup>

Given the attitude of the highest governmental authorities in the state of São Paulo in attributing responsibility to Dona Conceição and Ariel de Castro Alves for the rebellion that took place on 22 November 2005, human rights organizations organized an event to support the two of them on 24 November 2005, denouncing the statements made by Governor Alckmin and FEBEM President Gianella. International organizations have also given their support to Dona Conceição and Alves.

<sup>245</sup> This information was released by FEBEM's press office to the press, and was confirmed by *Justiça Global* and *Conectas Direitos Humanos* representatives who called that office on 25 November 2005 and received the same version of events.

<sup>246</sup> “Alckmin e ONGs Trocam Acusações Sobre a FEBEM”, *O Estado de S.Paulo*, 23 November 2005, available at <http://www.estadao.com.br/rss/agestado/2005/nov/23/217.htm>.

<sup>247</sup> News published at *O Globo online* and Radio CBN, on 23 November 2005.

<sup>248</sup> Maria Conceição Paganele interview with *Justiça Global* on 24 November 2005 in São Paulo.

<sup>249</sup> “Alckmin e ONGs Trocam Acusações Sobre a FEBEM”, *O Estado de S.Paulo*, on 23 November 2005, available at <http://www.estadao.com.br/rss/agestado/2005/nov/23/217.htm>.

<sup>250</sup> *Justiça Global* researchers witnessed a phone call from within a FEBEM Unit to Conceição Paganele during the interview carried out in November 2005. The young prisoner begged Ms. Conceição for help describing beatings and threats against interns.

**MANOEL BEZERRA DE MATTOS AND ROSEMARY SOUTO  
MAIOR DE ALMEIDA (PERNAMBUCO)**

*Official correspondence sent to the Inter-American Commission on Human Rights on 21 March 2003; 20 August 2003; 14 April 2004; 9 July 2004; and 19 October 2004.*<sup>251</sup>

As a result of their work investigating the extermination groups (or death squads) in the states of Pernambuco and Paraíba, city councilor Manoel Bezerra de Mattos and state prosecutor Rosemary Souto Maior de Almeida, both based in Itambé, Pernambuco, have received serious threats. On 23 September 2002, the Inter-American Commission on Human Rights (IACHR) recommended that Brazil provide precautionary measures to protect the life and personal integrity of both de Mattos and de Almeida.

The reasons exhaustively provided as justification for the recommendation of the precautionary measures, and the conditions of insecurity and constant threats de Mattos and de Almeida have experienced, have not changed significantly since the IACHR recommended precautionary measures on 23 September 2002. This has led the petitioners of the case to request the renewal of the precautionary measures to protect the life and personal integrity of de Mattos, de Almeida, Luiz Tomé da Silva Filho, and the latter's parents, Luiz Tomé da Silva and Josefa Ferreira da Silva.<sup>252</sup>

The case was also brought to the attention of the Special Unit on Human Rights Defenders (similar to a rapporteur) of the IACHR.<sup>253</sup>

One year after the IACHR's decision, the protection (that should be provided by the Brazilian state) was only implemented on 2 October 2003, the day before the municipal elections were to be held. This only came about due to strong pressure exerted by civil society, as de Mattos was running for vice-mayor and many sources from the towns of Itambé and Pedras de Fogo denounced a plan to "eliminate" him before Election Day on 3 October.

Additionally, there was the murder of farmer Flávio Manoel da Silva, a witness at a Parliamentary Commission of Inquiry (CPI) of the Legislative Assembly of the state of Paraíba (*Comissão Parlamentar de Inquérito da Assembléia Legislativa do estado da Paraíba*). He was killed on 27 September 2003, only four days after giving a statement to the UN Special Rapporteur on Summary, Extra-Judicial, and Arbitrary Executions, Asma Jahangir, who was carrying out an *in situ* visit to Brazil at the time. The meeting at which da Silva gave his statement to the Special Rapporteur was organized by de Mattos.

<sup>251</sup> Official correspondence sent to the IACHR by *Justiça Global* (Official correspondences JG/RJ 40/03, sent on 21 March 2003; JG/RJ 108/03, sent on 20 August 2003; JG/RJ 067/04, sent on 14 April 2004; JG/RJ 175/04, sent on 09 July 2004; and JG/RJ 247/04, sent on 19 October 2004).

<sup>252</sup> Official correspondence JG/RJ 67/2004 sent on 14 April 2004 to the IACHR requesting the renewal of the precautionary measures.

<sup>253</sup> Official correspondence JG/RJ 40/2003, sent on 21 March 2003.

On 31 March 2004, the federal police sent an official communication to de Mattos informing him about the suspension of his official protection 15 days hence. This was ordered by the executive director of the federal police department.<sup>254</sup> This is of importance when one considers the difficult and tense situation in the Pedras de Fogo region in Paraíba, and Itambé, in Pernambuco,<sup>255</sup> because removing the protection for human rights defenders is tantamount to acceding to the impunity in the region, which could in turn lead to the death of defenders.

Even with a new concession of police protection beginning on 2 October 2003 and ending in March 2004, de Mattos keeps receiving information about plans to execute him, according to his official statement at the regional coordination office of the federal police in Recife, capital of Pernambuco, on 11 October 2004.<sup>256</sup>

On 28 September 2004, the SEDH contacted de Mattos, asking that he send a letter to Mario Mamede, then adjunct secretary of the SEDH, and to Minister of Justice Márcio Thomaz Bastos, in which he requested with extreme urgency the renewal of federal police protection. The SEDH also demanded that he comply with all the security norms laid out by the federal police.<sup>257</sup>

On 20 August 2004, State Prosecutor Rosemary Souto Maior sent an official communication to federal Attorney General Cláudio Fonteles, requesting the provision of the precautionary measures recommended by the IACHR and asking for the concession of federal police protection as a part of the measures. She also conveyed her fear that time was running out to provide the precautionary measures, as Election Day was right around the corner. The region has a history of violent murders during election periods.<sup>258</sup>

Souto Maior received a reply to her official communication on 13 October 2004, informing her that the request for federal police protection had not been approved, due to the fact that the elections had already passed and there was thus no longer any need for police protection.<sup>259</sup>

Despite the seriousness and clarity of the situation, there is no effective investigation underway into the denunciations made by de Mattos regarding the lack of provision of precautionary measures. De Mattos denounced this inaction as being in complete contravention of the recommendation by the IACHR that ordered “a serious and exhaustive investigation into the events which gave rise to the request for precautionary measures.”<sup>260</sup>

The continuing state of threats and intimidation requiring the provision of precautionary measures to protect the life and personal integrity of de Mattos and Souto Maior demonstrate the precarious situation faced by human rights defenders in Brazil. This case clearly illustrates the inaction of the Brazilian State in encouraging the protection of human rights defenders, even after IACHR decisions and recommendations are made.

<sup>254</sup> Official document 085/2004- DREX/SR/DPF/PE, 31 March 2004.

<sup>255</sup> Itambé and Pedras de Fogo are neighboring municipalities near the borders of Paraíba and Pernambuco.

<sup>256</sup> Statement by Manoel Bezerra de Mattos, taken by federal police officer Felipe Cavalcanti de Arruda on 11 October 2004.

<sup>257</sup> Official documents PL n.º 431/2004 and n.º 432/2004.

<sup>258</sup> Official document 198/04; also registered under the number GABPGR/DF-6635/2004.

<sup>259</sup> Official document INT/GAB n.º 858/2004 and official document n.º 036/2004/GAB/FJAF/PRE 5<sup>th</sup> Region.

<sup>260</sup> Precautionary measures authorized by the IACHR on 23 September 2002.

**MARCOS LUIDSON ARAÚJO XUKURU, KNOWN AS  
“CACIQUE MARQUINHOS XUKURU” (PERNAMBUCO)  
*Communication sent to the UN in May 2004.*<sup>261</sup>**

Twenty-seven indigenous people were murdered in 2003 in Brazil, the highest number recorded since 1997, when 29 indigenous people were murdered. The increase in the number of murders is due to the intensification of actions by large landowners and farmers against social and indigenous movements.<sup>262</sup>

One of the greatest problems facing indigenous people in Brazil is the issue of land conflicts. An example is what has happened with the indigenous populations in the state of Pernambuco. On 7 February 2003, the *Atikun* indigenous community member, Josenilson José dos Santos (24), and the *Xukuru* indigenous community member, José Adenilson Barbosa da Silva (19), were killed during an ambush laid for Chief Xukuru Marcos Luidson Araújo, known as “*Marquinhos Xukuru*.” Adenilson and dos Santos were serving as Marquinho Xukuru’s bodyguards at the time of the attack, as they headed towards the village of Cimbres. They were attacked by a group of land grabbers and an indigenous person linked to the land grabbers.

Marquinhos Xukuru was able to escape and was only mildly injured; however, his bodyguards were shot and died at the scene of the ambush. Marquinhos Xukuru’s family believes that the attack was planned by local landowners.<sup>263</sup>

The murders of dos Santos and Adenilson could have been avoided had the Brazilian government followed the precautionary measures recommended by the IACHR on 29 October 2002. These measures were intended to protect the physical integrity and life of Chief Marquinhos Xukuru.<sup>264</sup>

The Indigenous Territory (*Terra Indígena*, or TI) of *Xukuru* was demarcated in 1992 and ratified by the federal government on 30 April 2001. As the demarcation has already been ratified, the landowners employ a strategy to co-opt some indigenous leaders and persuade them to support large construction projects and religious tourism enterprises inside the TI. The proposal would result in the settlers remaining on the TI, as the farms would be at the service of the businesses with activities catering to tourists. The *Xukuru* indigenous leaders rejected the proposal; it was then taken over by a small indigenous group (the *Biá*), who have aligned themselves with the non-indigenous landowners who remained on *Xukuru* land.<sup>265</sup>

<sup>261</sup> Case included in the report “Human Rights in Brazil, 2003”, *Justiça Global*, Rio de Janeiro, May 2004, pp. 64-66.

<sup>262</sup> Information provided by Indigenous Missionary Council (*Conselho Indigenista Missionário*, or CIMI) attorneys Michael Mary Nolan and Rosane Lacerda on 13 April 2004.

<sup>263</sup> Report “Summary Executions in Brazil 1997-2003,” *Justiça Global*, Rio de Janeiro, September 2003, available at <http://www.global.org.br>.

<sup>264</sup> *Idem*.

<sup>265</sup> Information provided by CIMI’s documentation department on 12 February 2004.

As a result of the land grabbers' insistence on remaining on indigenous land, including trying to persuade and co-opt the indigenous communities, violence against the Xukurus has been constant. Chief Marquinhos and his mother, Zenilda Maria de Araújo, have been receiving death threats for the last three years.<sup>266</sup>

The father of Chief Marquinhos, Francisco de Assis Araújo, known as *Chief Chicão*, was murdered by a gunman on 20 May 1998. On 23 April 2001 another Xukuru leader, Francisco de Assis Santana, called *Chico Quelé*, was shot dead within the TI.<sup>267</sup>

According to the CIMI, following the example of what happened to the Xucurus, the majority of murders of indigenous people during the last decade have been motivated by land conflicts or by the exploitation and looting of natural resources (timber, fishing, hunting, and mining) within TIs. In some cases, murders were caused by internal conflicts among the indigenous peoples themselves. Even in those instances, however, land conflicts are often at the heart of the conflicts.<sup>268</sup>

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<sup>266</sup> "Essential Actors of Our Time: Human Rights Defenders in the Americas," Amnesty International, London, November 2003.

<sup>267</sup> *Idem*.

<sup>268</sup> Information provided by CIMI's documentation department on 12 February 2004.

## MARIA JOEL DIAS DA COSTA (PARÁ)

*Communication sent to the UN on 19 March 2004.*<sup>269</sup>

Maria Joel Dias da Costa is the president of the Rural Workers Union of Rondon do Pará (*Sindicato dos Trabalhadores Rurais*, or STR) and widow of the STR's former president José Dutra da Costa, who was assassinated by gunmen in 2002.

Rondon do Pará, in the state of Pará, is one of the municipalities with the highest levels of violence against rural workers in Brazil. These high levels of violence result from the use of hired gunmen against rural workers by landowners and loggers, in an attempt to maintain their illegally held land. In the past 30 years, according to data from the CPT, 600 rural workers were assassinated in this region.

The landowners' principal targets are the workers connected to the STR who defend the rights of rural workers to stay on the land they have historically inhabited. The cases of violence are not random, but rather, are directed at local leaders with the intention of dismantling the organizations that are part of the land struggle.

On 21 November 2000, then-president of the STR and husband of Maria Joel Dias da Costa, José Dutra da Costa, known as "Dezinho," was assassinated by gunmen in the doorway of his home, in front of his family. Dezinho had been receiving death threats for several months, resulting from his denunciation of cases of *grilagem* (illegal land grabbing and faking of land titles to thereby "prove" one's "ownership") in the region, particularly as he had begun to publicize the fact that many of the land titles in question belonged to the state of Pará or to the federal government (*União*).

In 2002, the principal witness to his murder, Magno Fernandes, was also shot and killed. More recently, on 7 February 2004, the coordinator of land policy for the STR, Ribamar Francisco dos Santos, a 47-year-old husband and father of three, was also assassinated.

In 2003, the STR underwent an internal restructuring with the election of Maria Joel to the presidency. The number of union members doubled, increasing the number of new occupations of land for agrarian reform in the region. Since that time, she has received threats and anonymous telephone calls, has been followed, and gunmen have circled her home threateningly. At that time, rumors in Rondon do Pará referred to two members of the STR who would be murdered at the request of landowners in the region. Maria Joel was one of the two on the hit list.

Despite the continual denunciation of these threats to the relevant authorities, no preventive measures were taken, nor has there been any form of investigation undertaken by the police.<sup>270</sup>

<sup>269</sup> Official communication *Terra de Direitos* 19/2004, sent on 19 March 2004.

<sup>270</sup> See "Human Rights Violations in the Amazon: Violence and Conflict in the State of Pará," CPT: Goiânia; *Justiça Global*: Rio de Janeiro; *Terra de Direitos*: Curitiba, 2005, pp. 80-81.

In view of this dire situation, in February 2005 the STR in Rondon do Pará, the CPT, *Terra de Direitos*, and *Justiça Global* requested a meeting with then Special Secretary of Human Rights Nilmário Miranda and representatives of the Ministry for Agrarian Development, in order to provide them with information on the threats and violence that had occurred and hear directly about the deaths of workers from union members themselves. The hope was that these federal entities would then put in place the measures that had been requested by numerous organizations for quite some time without response. The Human Rights Secretary decided to call a public meeting in Rondon do Pará, attended by representatives from the federal, state, and municipal governments, judiciary, and the public ministry.

Maria Joel Dias da Costa is on a list of people threatened with death for her work as a union leader and human rights defender, alongside other leaders, landless workers, rural workers, and murder witnesses. This list was compiled by the Pará regional office of the CPT, based on information provided by the threatened individuals themselves.<sup>271</sup>

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<sup>271</sup> Idem, pp. 161-164.

## MARIA SILVA AND JOÃO SOUSA<sup>272</sup> (RIO DE JANEIRO)

*Communication sent to the UN on 29 September 2004.*<sup>273</sup>

Maria Silva and João Sousa are environmental activists who work in the state of Rio de Janeiro. As a result of their work, threats were made against them in March and April 2004 in the city of Magé, and an attempt was made on Silva's life in Rio de Janeiro on 31 May 2004.

Silva and Sousa work to raise awareness of environmental issues in the municipality of Magé, located 37 kilometers from the state capital, in a region known as the Baixada Fluminense, one of the poorest areas of Rio de Janeiro. Magé developed along the Avenida Brasil, a main road linking Magé to Rio de Janeiro. This encouraged the arrival of various industries and Magé became an industrial area.

Silva and Sousa opened an investigation into the possible contamination caused by industrial facilities situated very near their community. Notably, two large corporations operate in the area: Essencis Co-Processamento, Ltda. and Holcim do Brasil, S.A. The latter extracts granite and the former came to Magé after buying out the company *Ambiência Engenharia de Recursos Naturais*, a pioneer in Brazil in the technology of processing industrial waste. The unit in Magé is the biggest and most important such installation in Latin America.<sup>274</sup> Silva and Sousa realized that the residents did not only suffer because of the very intense foul odors coming from the factories; they also complained of respiratory and skin problems. Local fishermen also complained that the fish population was disappearing. Despite the critical status of the situation, the local authorities have not carried out any studies or investigations into the possible link between environmental and health problems and the presence of major industries in the region.

The two started to research documents related to the companies, take pictures of the installations, and pressure public authorities to resolve the serious problems that Silva and Sousa had discovered. They also began discussions with members of neighboring communities that had expressed concerns at the effects of the industrial activities on their environment and health and eventually created a group called Friends of Environmental Justice (*Amigos da Justiça Ambiental*, or AJA).

On 12 March 2004, at around 4 p.m., Sousa was alone on the Rio-Teresópolis Highway, on the same road where the Essencis company is located, trying to find the origin of a foul odor that was affecting his community, when the manager of Essencis,

<sup>272</sup> Fictitious names used for the protection of the defenders profiled in this case.

<sup>273</sup> Communication n.º 243/04 JG/RJ, sent to the UN by *Justiça Global* on 29 September 2004.

<sup>274</sup> More information available at [http://www.essencis.com.br/quem\\_un\\_RJ.asp](http://www.essencis.com.br/quem_un_RJ.asp).

Albari G. Pedroso, stopped his car next to him. Soon thereafter, then-director of the company, a man known as “Paraguassu,” arrived. The manager invited Sousa to chat with him inside the company’s building, but Sousa insisted that if he wanted to speak with him, it would have to be in front of other people.

The manager then told him that three people were watching him (Sousa) and his every move, and that they knew who his wife was, at what time she left and returned home, where she worked, and who her friends were. He added that if the company were shut down, the 140 employees would make Sousa pay for it. Feeling threatened, Sousa filed a complaint with the police on 17 March 2004.<sup>275</sup>

Approximately one month later, on 26 April 2004, Sousa and Silva’s main mode of transportation, their bicycles, were stolen, even though they were properly secured with chains and locks. Other bicycles were also chained up in the area, and yet theirs were the only ones stolen. The theft was reported to the police the next day.<sup>276</sup>

In the most violent occurrence to date, Silva suffered an attempt on her life on 31 May 2004. The couple had gone to Rio de Janeiro together, but had parted in the afternoon. Sousa went back to Magé and Silva went to work in the *Zona Sul* area of the city. She was driving on her own for the first time. She left work at 7 p.m. At approximately 7:30 p.m., a taxi approached hers in which one of the passengers was holding a weapon. Stunned by what was happening, she continued driving. She then realized that the window on the driver’s side had shattered into small pieces. She stopped the car immediately. The taxi accelerated and disappeared before Silva could take down the license plate number. She realized that her hand was bleeding and she asked for help from two municipal guards who confirmed that her car had been hit by two bullets — one that had gone through the door on the driver’s side and another that had hit the passenger-side window (where Sousa would have been sitting, had he been in the car with Silva). Silva was taken to the police station, where her case was registered as an attempted murder.<sup>277</sup>

It should be noted that the homicide attempt occurred only about two months after Sousa had received threats from the manager and president of Essencis. Moreover, the homicide attempt occurred on the Monday of a week during which the group created by Sousa and Silva, the *Amigos da Justiça Ambiental*, was to hold its first public event, a day of awareness on 5 June 2004, World Environment Day, in which they would distribute information and pamphlets. The event took place despite the homicide attempt. A large sign was made requesting an answer from the authorities on the contamination issue. On 7 June, the sign and the poles holding it had disappeared.

<sup>275</sup> At police station n° 66, in Piabetá, Rio de Janeiro state, bearing official number 066-00539/2004, 17 March 2004.

<sup>276</sup> At police station n° 65 in Magé, Rio de Janeiro state, bearing official number 065-1143/2004, 27 April 2004.

<sup>277</sup> At police station n° 9 in the district of Flamengo, city of Rio de Janeiro, bearing official number 009-02452/2004, 5 May 2004.

The State Representative for Rio de Janeiro, Carlos Minc, upon being made aware of the case in June 2004, sent a letter to then Special Secretary for Human Rights, Nilmário Miranda, requesting police protection for the couple. In July, the two were called to police station nº 66 — where they had reported the threat received by Minc — to give more information about the case. However, no further measures were taken. In August 2004, Sousa and Silva received a strange visit from two policemen who came to their new home and asked for someone else, allegedly to deliver an official communication. Sousa explained that they had just moved in and they did not know anything about the person the police officers were looking for.

Sousa and Silva began to receive regular telephone calls asking for people they did not know, both on their landline and mobile phones. Feeling threatened and afraid for their lives, they recently decided to stop using their mobile phones and, more importantly, to leave the group they had created, *Amigos da Justiça Ambiental*, and to move to another state. They left all the documents of their investigation with a large Brazilian NGO, Federation of Social and Education Assistance Organizations (*Federação de Órgãos para Assistência Social e Educacional*, or FASE).

***MOVEMENT OF THOSE AFFECTED BY DAMS (MOVIMENTO DOS ATINGIDOS POR BARRAGENS, OR MAB) (MINAS GERAIS, PARÁ, AND SANTA CATARINA)***

During demonstrations related to the International Day for the Fight Against Dams on 14 March 2005, the Movement of those Affected by Dams (MAB) was the target of a series of attacks and political arrests in various parts of Brazil.

On 8 March 2005, the military police of Minas Gerais state violently broke up a rural workers' protest against the construction of the Jurumirim Dam in the municipality of Rio Casca. Those affected by the proposed dam protested at a public hearing approving the construction of the hydroelectric dam. Nearly 35 farmers were beaten by the police, including 11 women and children. Six people, identified by the police as MAB leaders, were arrested and only released without any criminal charges the following morning. Among those arrested was Father Antônio Claret Fernandes, one of MAB's principal leaders in Minas Gerais.

***Measures taken by the Brazilian Army in Tucuruí, state of Pará***

On 11 March 2005, the Brazilian military provided yet another example of its tendency to act against its own country's citizens. The commander of the 23<sup>rd</sup> Squadron of the Jungle Cavalry (*Batalão de Cavalaria de Selva*) began an operation in the area surrounding the Tucuruí Hydroelectric Plant in Pará, with the purported objective of preventing demonstrations in the area and avoiding a possible "interruption to the production of energy." Tucuruí was built during the military dictatorship, and today the majority of the 20,000 people displaced by the dams continue to await reparations. The energy produced in Tucuruí is transported at a subsidized price to the aluminum factories in the region. The displaced people who settled on the banks of the lake and on the islands formed by the dam do not even have electricity in their houses, nor have they received any form of compensation for their forced dislocation.

In an operation which began on 11 March 2005, the military clearly classified social movements as "the enemy." Despite the military's presence, those affected by the dams were not intimidated and began to mobilize in the region on the last day, 15 March. More serious than the operation itself was the fact that the state did not protect the various MAB coordinators in Pará who had received death threats for denouncing *grileiros* and loggers operating illegally in the region. Instead of protecting the threatened activists, the state did very little to curb the landowners' actions and continued to classify popular movements fighting for the free exercise of rights as "the enemy," thereby further strengthening the hand of the human rights violators.

***Political Arrests in Campos Novos, state of Santa Catarina***

In the early hours of 12 March 2005, the military police in Santa Catarina began

searching for 10 agricultural workers who had been displaced by the dam in Campos Novos whom they wished to arrest. The police, weapons at the ready, invaded the homes of various families, threatening to arrest the agricultural workers' women if the men did not give themselves up. The following activists were arrested: Edio Grasse, an agricultural worker from the municipality of Celso Ramos; Carlos da Silva, Leodato Vicente (70), João Vilmar de Oliveira, and agricultural workers in Campos Novos; and Dorneles Vicente and Aurélio Dutra, from the municipality of Anita Garibaldi. The agricultural workers were not told the reason for their arrest during the operation. A child of seven was taken to the jail along with his father.

Judge Adriana Lisboa who ordered the arrests justified them as being a way of maintaining public order. The police also confiscated 16 vehicles belonging to the agricultural workers, under the charge that that they could be used to transport MAB members to protests.

There are no cases pending against the jailed activists. At the prison in Campos Novos, the first case since the end of the military dictatorship was heard that related to preventative custody for not complying with a prohibitory injunction (*interdito proibitório*). The request was filed by the Enercan Consortium, made up of the following Brazilian companies: Brazilian Company of Aluminum/CBA; Níquel Tocantins Company; CEEE; Celesc; and Companhia Paulista de Força e Luz (CPFL). The principal shareholder of CPFL is the VBC Group, comprised of the Votorantin Group, Bradesco Bank, and Camargo Corrêa Group.

The families' accounts of the arrests are shocking: "The military police, armed with rifles, invaded our houses and, in front of children, threatened to take the leaders' women, in the event they didn't give themselves up." After 24 days in jail, six MAB leaders were freed. In a hearing in the Campos Novos Court to gather the prisoners' statements, the judge of the local judicial district, Adriana Lisboa, freed them before even looking into the request for *habeas corpus*. Despite this decision, another four leaders still have an arrest warrant pending against them.

**NELSON JOSÉ DA SILVA, ERASTÓTENES DE ALMEIDA,  
JOÃO BATISTA SOARES LAGE, AND AÍLTON PEREIRA DE  
OLIVEIRA (MINAS GERAIS)**

*Communication sent to the UN on 6 February 2004.*<sup>278</sup>

Three Labor Ministry inspectors — Nelson José da Silva, Erastótenes de Almeida, and João Batista Soares Lage — were investigating landowners strongly suspected of using slave labor for the bean (*feijão*) harvest in northeastern Minas Gerais state when they were killed and their driver (Aílton Pereira de Oliveira) seriously wounded (and later died of his wounds) on 28 January 2004 in an ambush on a road in a rural area near Unaí, Minas Gerais. The labor inspectors' car was intercepted by two other vehicles. Heavily armed men surrounded them and shot da Silva, de Almeida, and Soares in the head and wounded de Oliveira.

Though seriously wounded, de Oliveira managed to drive to the main road in search of help, where he was found by rural workers on the outskirts of town and carried to the nearest hospital. He was seen by the local police, and he described what had transpired as well as gave a description of the assassins' vehicles. De Oliveira died soon thereafter.

After federal police carried out investigations on 30 August 2004, the federal public minister of Minas Gerais denounced eight accused of being involved in the death of the three fiscal Ministry of Labor inspectors and their driver. The accused are: Norberto Mânica, Hugo Alves Pimenta, José Alberto de Castro, Francisco Elder Pinheiro, Erinaldo de Vasconcelos Silva, Rogério Alan Rocha Rios, Willian Gomes de Miranda, and Humberto Ribeiro dos Santos.<sup>279</sup>

Norberto Mânica's case is of particular interest, as with the execution of the only rural labor fiscal inspector operating in the region, he had hoped to enjoy impunity from other crimes in which he was involved in the region: noncompliance with rights laid out in labor legislation (Art. 203 of the Penal Code) by paying his employees less than the legal minimum wage; retention of the Workers Registry (*Carteira de Trabalho e Tempo de Serviço*, or CTPS); dangerous and inhumane working conditions; providing his employees with insufficient food; lack of employment bonds registry (Art. 297, § 4° of the Penal Code); and resistance to oversight/inspection (Art. 329 of the Penal Code).

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<sup>278</sup> Communication sent to the UN by *Justiça Global* (Oficial communication JG/RJ n° 28/04) on 6 February 2004, regarding the murder of three employees of the Ministry for Labor, Nelson José da Silva, and João Batista Soares Lage, as well as their driver Aílton Pereira de Oliveira, on 28 January 2004

<sup>279</sup> *Idem*.

It is important to note that one month before the crime, in December 2003, Mânica's plantation was the target of an inspection by the Ministry of Labor, which resulted in the imposition of fines with an anticipated value of R\$121,924,924.60 (approximately US\$54 million).<sup>280</sup>

The judiciary ordered Mânica's preventative detention in August 2004 and he was arrested.<sup>281</sup> On 21 December 2004, he filed for *habeas corpus* (HC 40561) from the Superior Court of Justice in an attempt to gain his freedom, but it was not granted.<sup>282</sup> Following this, Mânica filed again for *habeas corpus*, this time going to the Federal Supreme Court (HC 85900), on 9 May 2005. In a court session on 15 August 2005, the rapporteur in the case, Minister Sepúlveda Pertence, decided to grant the request for *habeas corpus*, claiming that the gravity of the crime and the strong evidence of the landowner's participation in the murders was not enough to justify preventative custody; this decision was supported by Minister Eros Grau.<sup>283</sup> Minister Carlos Ayres de Britto requested a suspension of the trial, pending a further analysis of the material and postponement of his vote until 16 August 2005.<sup>284</sup> On 30 August, the Federal Supreme Court passed its final judgement, granting *habeas corpus* to Mânica.<sup>285</sup>

The landowner, the principle suspect in the murder of the Ministry of Labor inspectors and their driver, was set free on 30 August 2005. As of this writing, he continues to be free.

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<sup>280</sup> Official communication JG/RJn° 28/04, sent on 6 February 2004.

<sup>281</sup> *Idem*.

<sup>282</sup> Information available at <http://www.stj.gov.br/webstj/processo/justica/detalhe.asp?numreg=200401818484&pv=501000000000&tp=51>.

<sup>283</sup> Information available at

[http://www.stf.gov.br/processos/processo.asp?PROCESSO=85900&CLASSE=HC&ORIGEM=AP&RECURSO=0&TIP\\_JULGAMENTO=M](http://www.stf.gov.br/processos/processo.asp?PROCESSO=85900&CLASSE=HC&ORIGEM=AP&RECURSO=0&TIP_JULGAMENTO=M).

<sup>284</sup> *Idem*.

<sup>285</sup> *Ibid*.

## NERI ENO BEIR (RIO GRANDE DO SUL)

*Communication sent to the UN on 28 September 2005.*<sup>286</sup>

On the night of 25 August 2005, Neri Eno Beir was murdered with seven bullets when he arrived at his home. Beir was a councilor, president of the São Nicolau City Council in the state of Rio Grande do Sul, and member of the PT. Before he was elected councilor, Beir worked as a technician at the Company of Technical Assistance and Agricultural Extension (*Empresa de Assistência Técnica e Extensão Rural*, or EMATER).

Beir's murder was the culmination of a series of death threats, all of which were recorded<sup>287</sup> at the São Nicolau Police Headquarters.<sup>288</sup> On 25 July 2005, a month before his murder, Beir testified at a hearing of the Special Criminal Court in São Luiz Gonzaga Judicial District (which includes São Nicolau), at which time he reported the threats that he was receiving.<sup>289</sup> The hearing resulted in a presentation of the facts to the Public Ministry and request for continuation of penal action.

In his professional life, Beir was closely connected to the fight for the defense of rural workers and fishermen. This situation greatly increased his political profile, which according to those close to him, had awakened distrust in his adversaries, as he focused his efforts on underprivileged and deprived communities.<sup>290</sup>

On 30 August 2005, in a plenary session of the Commission for Citizenship and Human Rights of Rio Grande do Sul's Legislative Assembly, State Representative Dionilso Marcon, President of the Commission, requested that the state government carry out a rigorous investigation into Beir's murder and, principally, the punishment of those responsible for ordering the crime. Marcon confirmed that there is great unease in the city and that those close to the councilor are suffering greatly, particularly his surviving sons, one of five years old and the other 5 months old.

At a meeting of the Commission, Marcon requested that the State Secretary of Justice and Security send a specialist team to the region to ascertain the facts. One of the decisions taken at the meeting was that the case needed to be accompanied by the State Public Ministry, due to the suspicion that the São Nicolau civil police had neglected to take the death threats against the councilor seriously.<sup>291</sup>

<sup>286</sup> Communication sent to the UN by *Justiça Global* and the Commission for Citizenship and Human Rights of Rio Grande do Sul's Legislative Assembly about the murder of councilor Neri Eno Beir which occurred on 25 August 2005, in the municipality of São Nicolau, located in northeastern Rio Grande do Sul. (Official communication JG/RJ 132/05, sent on 28 September 2005)

<sup>287</sup> Police registry nº 192/2005 on 29 June 2005, in the headquarters of the civil police in São Nicolau, Rio Grande do Sul. The document was sent by fax to the victim's attorney, Ney Gioda Malgarin on 13 September 2005.

<sup>288</sup> Electronic correspondence sent by Representative Marcon's office staff, on 30 August 2005.

<sup>289</sup> Electronic correspondence sent by Representative Marcon's office staff on 5 September 2005. The Commission on Human Rights referred to the subject in the testimony taken of Beir, José Cláudio, about the judicial hearing in São Luis Gonzaga.

<sup>290</sup> Electronic correspondence sent by State Representative Marcon's office staff on 30 August 2005.

<sup>291</sup> *Idem*.

***PASTORAL CARCERÁRIA DA ARQUIDIOCESE DE SÃO PAULO***  
**(ARCHDIOCESE OF SÃO PAULO'S PRISON PASTORAL**  
**COMMISSION) (SÃO PAULO)**

*Communication sent to the UN on 13 December 2003.*<sup>292</sup>

The *Pastoral Carcerária* (Prison Pastoral Commission) carries out important work in the jails and prisons, bringing not only spiritual support to the prisoners but also advocating for better conditions for the prisoners while they fulfill their sentences, through projects in the areas of health, education, prison labor, links with the prisoners' families, and maintenance of the penitentiaries themselves. This indispensable parochial work seeks to promote human rights in an effective and courageous way. The *Pastoral Carcerária* engages in strong defense of individual and collective rights of men and women who suffer in the city's jails.

On 15 September 2003, a parochial jail of the Archdiocese of São Paulo received an extremely serious and worrisome e-mail. The text of the message contained not only curses, offensive statements, and absolutely unfounded accusations, but also serious threats against parochial agents aimed at intimidating them. The e-mail was filled with declarations of hate and violence:

...[W]e begin a crusade against you, and we are not going to stop instituting the death penalty and torture against rapists and murderers, we are going to lynch these bastards, and place you in the jail to apologize for the crime of your hypocritical bastards.

We are going to start a war against everyone who defends these criminals, we are going to empty the churches and if necessary we are going to act against this class of defenders of crime and of sodomy. It is the time for the people to free themselves from the cursed church and its dogma, even if to do this we have to use violence and force.

The text was not signed; however, it was sent using the e-mail address [marcusdonzelli@uol.com.br](mailto:marcusdonzelli@uol.com.br).

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<sup>292</sup> Communication sent to the UN by *Justiça Global* and *Pastoral Carcerária da Arquidiocese de São Paulo* regarding the threats and intimidation received by representatives of the *Pastoral Carcerária* in an e-mail sent on 15 November 2003. (Official communication nº JG/RJ 172/03, sent on 13 December 2003)

## PEDRO MARTINS DE FARIAS (PARAÍBA)

*Communication sent to the UN on 29 October 2002.*<sup>293</sup>

Pedro Martins de Farias is a city councilor in Mogeiro, state of Paraíba. De Farias is the son of landless laborers on the Mendonça Estate, where he has resided and worked for 15 years cultivating land and raising animals.

Since 1997, the owner of the Mendonça Estate, Henriqueta Veloso Borges and her husband, former State Representative for Paraíba Fernando Melo, have tried to expel the rural workers, who have held possession of the area for decades.<sup>294</sup> The agricultural workers asked for help from the CPT, as they had intended to stay on the property in order to comply with the “social function” requirement established by the Federal Constitution for every rural estate.

In 1997, violence took on greater proportions with an operation by a militia under the command of civil police officer Sérgio de Souza Azevedo.<sup>295</sup> In this operation, the civil and military police and militia of hired gunmen destroyed the workers’ plots and killed many of their animals.

Numerous death threats and shots fired at night<sup>296</sup> were denounced by de Farias to the police in the city of Itabaiana,<sup>297</sup> the Itabaiana Public Ministry, the Paraíba State Secretary of Public Security, and the Paraíba State Legislative Assembly. State Representative Luiz Couto sent official letters<sup>298</sup> to the Secretary for Public Security identifying Sérgio de Souza Azevedo as commander of the Itabaiana militia, as well as recounting the death threats made against rural workers and the existence of a hitlist containing the names of 10 rural workers, among them de Farias. Even though the local press reported this,<sup>299</sup> no measures have been taken.

On 3 May 2000, João Luiz Borges (known as “Nem Borges”), the man who threatened de Farias, shot at point-blank range Antônio Francisco da Silva, de Farias’ cousin and one of the 10 people on the hitlist. Da Silva had returned from the fields by foot on that day when he came across Borges in the street accompanied by a gunman. Da Silva was then shot and his rib fractured in three places. Councilor de Farias took his

<sup>293</sup> Communication sent to the UN by *Justiça Global* on the numerous death threats made against the councilor and human rights defender Pedro Martins de Farias in the municipalities of Mogeiro and Itabaiana, state of Paraíba. (Official communication n° JG/RJ 227/02, sent on 29 October 2002)

<sup>294</sup> Henriqueta Veloso Borges was not interested in negotiating in a friendly way whatsoever. Instead, she wielded her economic and political power to get a number of landless workers and tenants to leave the plantation and migrate to the periphery of nearby cities. The workers who remained began to suffer violence from the landowners. The landowner contracted gunmen from various parts of Paraíba, and the possibility of commanding these militias attracted civil and military police officers.

<sup>295</sup> “[I]n 1997, the gunmen used bombs, machine gun torrents, and shots in the night to intimidate us. This was all masterminded by by Sérgio.” Interview given by Councilman Pedro Martins Farias to *Justiça Global* on 14 September, 2002.

<sup>296</sup> Denunciation made by Ivanildo Francisco da Silva, in which he recounted the incidence of gunfire throughout the night in the settlement where he lives. R. n° 0020/2000 on 9 February 2000.

<sup>297</sup> Denunciation made by Councilman Pedro Martins de Farias, in which he talks about death threats on the part of the policeman Sérgio de Souza Azevedo. RO.n°0031/2000 of 10 March 2000.

<sup>298</sup> Report Gab.LAC/027/2000 João Pessoa 14 March 2000; Report Gab.LAC/061/2000 João Pessoa 4 April 2000.

<sup>299</sup> “Em Mogeiro: Milícias de Fazendeiros Ameaça Agricultores”, Adelson Barbosa, *Correio da Paraíba*, Wednesday, 15 March 2000.

cousin to Antônio Targino Hospital in Campina Grande, after finding him staggering close to a soccer field. Da Silva was in a coma for several days and still has relapses which prevent him from returning to work.

On 8 May 2001, due to the large number of agrarian conflicts in Paraíba and the increase in violence in the countryside between rural workers and landowners, their armed militias, and the collusion of the civil and military police with local authorities in specific regions, the Paraíba Legislative Assembly installed a State-level Parliamentary Commission of Inquiry (*Comissão Parlamentar de Inquérito da Assembléia Legislativa da Paraíba*, or CPI) to investigate a series of human rights violations in the region.<sup>300</sup> In the CPI's final report, Congresswoman-Rapporteur Socorro Marques notes the following about de Farias' situation in the Mogeiro region:<sup>301</sup>

On April 1, 2001, after following Rosildo,<sup>302</sup> police officer Sérgio de Souza Azevedo declared: "I am going to get João Martins, Pedro Martins, Antônio Francisco, and Ivanildo..."

The Rapporteur also discussed in the CPI report the existence of a hitlist of 10 rural workers,<sup>303</sup> among them Councilman de Farias.

On 6 November 2001, de Farias testified at a hearing of the CPI taking place in absolute secrecy because of the death threats he faces in the Itabaina/Mogeiro region. In his testimony, he recounted examples of violence against rural workers in the region and named those principally responsible for the violence in the region.

De Farias suffered constant death threats for years. The principal culprits are civil police officer Sérgio de Souza Azevedo, landowners João Luiz Borges Junior, and José Clementino de Sá, as well as those who fund private militias, such as Heráclito Carneiro Veloso Borges, proprietor of the Pirauá Estate, neighboring the Mendonça Estate, and Henriqueta Veloso Borges.

In May 2002, de Farias was standing in front of the Special Unit of the police (*Batalhão de Choque*) of the Guarabira<sup>304</sup> Military Police alongside some military police officers from the Itabaiana Company. Borges said in front of everyone: "*I am going to shoot you right in your mouth...*" Borges was inside of a police vehicle, with a revolver and a club in hand. None of the police officers said anything or reacted.

On 12 September 2002, when de Farias readied himself to go to Mogeiro for the council sessions, a person warned him that there would be an armed ambush by Sérgio de Souza Azevedo and his bodyguards with the purpose of killing him in the road which links his home to the city.

<sup>300</sup> Approved by the Paraíba State Legislative Assembly conforming with the requirement of Congressman Friar Anastácio n° 5938/2001, the Parliamentary Commission of Inquiry into Complaints of Violence in the Countryside and the Formation of Private Militias in Paraíba State, was set up on 8 May 2001.

<sup>301</sup> "Final CPI Report on Violence in the Countryside." Introduction, p.40. "In Itabaiana and Mogeiro, the group is led by the administrator of the Tanques Estate, the civil policeman Sérgio de Souza Azevedo . . ."

<sup>302</sup> "Final CPI Report on Violence in the Countryside." Introduction, p. 41. On 1 April 2001, Azevedo and three other gunmen tried to kill Rosildo when he was going to Mogeiro. They crossed in front of the car in the street, jumped in the car, and with heavy arms fired in Rosildo's direction, who escaped into the weeds."

<sup>303</sup> "The Final CPI Report on Violence in the Countryside." Introduction, p.42.

<sup>304</sup> A city less than 50 kilometers from Mogueiro.

## RAIMUNDO ROSA NERES (BAHIA)

*Communication sent to the UN on 31 July 2002.*<sup>305</sup>

Since 1982, the indigenous *Pataxó Hã-Hã-Hãe* indigenous people have found themselves in deep conflict with landowners who have seized their ancestral lands, measuring approximately 54,000 hectares, the possession of which has been guaranteed by state law since 1926.<sup>306</sup> Disregarding the right to this land guaranteed by law, an illegal decision of the Bahia state government in 1982 handed the titles for virtually all of the aforementioned lands (known as the the Caramuru Reserve — Catarina Paraguaçu) to landowners, which in turn gave rise to the dispute.<sup>307</sup> Now these lands encompass approximately 380 estates. Soon after the state government's action, the National Foundation of the Indian (*Fundação Nacional do Índio*, or FUNAI) began a federal process to cancel that decision. However, more than 20 years have passed since the beginning of this process and the case remains stalled in the Federal Supreme Court (*Supremo Tribunal Federal*, or STF) awaiting a decision.<sup>308</sup> Aside from this, since 1982, the Pataxós Hã-Hã-Hãe have initiated additional processes against landowners relating to other, smaller areas.

Frustrated by the delay at the judicial level, the Pataxós Hã-Hã-Hãe have reclaimed their land through extrajudicial means, *i.e.* not via state or federal courts, but rather by taking concrete action to seize the land themselves. By the end of 1999, almost 2,500 hectares had been reclaimed by the indigenous community, with 60 more estates seized in October 2000,<sup>309</sup> sometimes violently.<sup>310</sup>

Landowners have reacted brutally. On 2 January 2002, gunmen hired by landowner Joel Brito shot Pataxó Hã-Hã-Hãe indigenous community member Milton Matos Silva to death on the outskirts of Pau Brasil, in the state of Bahia. This case was sent to the UN on 16 January 2002.<sup>311</sup>

<sup>305</sup> Communication sent to the UN by *Justiça Global* featured in this report to draw attention to the assassination of human rights defender Raimundo Rosa Neves (known as “Sota”), a leader of the Pataxó Hã-Hã-Hãe community on 18 July 2002 on the Braço da Dúvida Estate, Pau Brasil, Bahia. (Official communication JG/RJ 159/02, sent on 31 July 2002)

<sup>306</sup> State Law no 1.916 of August 9, 1926 (cited in *Galdino Case: The Crime That Shook the Country*, Indigenist Missionary Council (CIMI), available at <http://www.cimi.org.br/hist-gald.htm>).

<sup>307</sup> This ommissive act of the federal police regarding the death of the Indian was denounced at the *National Guide of Municipal Governments*, January 2002. Available at <http://www.prefeiturasdobrasil.com.br/noticia109.htm>.

<sup>308</sup> Action nullifying real estate titles (ACO 312-BA), currently awaiting judgment in the Federal Supreme Court (STF). See also STF Bulletin 258, available at

<http://www.stf.gov.br/noticias/informativos/anteriores/info258.asp>.

<sup>309</sup> Communication no 521 from the Indigenist Missionary Council (CIMI), 19 July 2002.

<sup>310</sup> “Índios Invadem Nove Fazendas”, *Correio Braziliense*, Brasília, 1 June 2002, available at [http://www2.correioweb.com.br/cw/EDICAO\\_20020601/pri\\_bra\\_010602\\_283.htm](http://www2.correioweb.com.br/cw/EDICAO_20020601/pri_bra_010602_283.htm).

<sup>311</sup> *Justiça Global* official communication JG/RJ 010/02 to the UN Special Rapporteur on Extrajudicial, Arbitrary, or Summary Executions, on 16 January 2002.

The Pataxós Hã-Hã-Hãe intensified their reappropriation of these lands in June and July 2002, an act which provoked even greater retaliation on the part of the landowners. According to the Indigenous Missionary Council (*Conselho Indigenista Missionário*, or CIMI), gunmen led by landowner Marcos Vinicius took control of the city of Pau Brasil in an armed assault, and now act as the “police” and “judiciary” in place of municipal authorities.<sup>312</sup> On 4 July 2002, gunmen led by landowner Valdir Alves (who is the principal suspect in Raimundo Neres’ murder) invaded land in Taquari, Bahia, where 25 indigenous families live.<sup>313</sup>

Since then, the violence has rapidly increased. On 15 July 2002, gunmen seriously wounded Pataxó Hã-Hã-Hãe member José Carlos da Silva, wounding him in the head, shoulders, and right arm with a .12-caliber rifle during an invasion by armed gunmen of the Letícia Estate, which was found to be occupied by the Pataxó Hã-Hã-Hãe.<sup>314</sup> CIMI reports that it was the former mayor of Pau Brasil, Durval Santana, who was in charge of the gunmen.<sup>315</sup>

### ***The murder of Raimundo Rosa Neres, 18 July 2002***

According to CIMI and the newspaper *Jornal do Brasil*, gunmen under the command of Alves shot Neres to death during an invasion of the Braço da Dúvida Estate, located in the region of Taquari, Bahia.<sup>316</sup>

Despite the violence, both state and federal authorities refused to act to protect the indigenous community’s rights. Federal Congressman Luiz Alberto from Bahia called these deaths “foretold murders,” due to the fact that regional and congressional leaders who follow the situation had been alerting federal and local authorities to the probability of more violence occurring in the region. Even so, these authorities did not take any measures or steps at all with respect to protecting the indigenous communities.<sup>317</sup>

Three years after Neres’ murder, the police investigation being carried out by the federal police of Ilhéus, Bahia, has not come to any conclusions regarding suspects in the crime nor have criminal proceedings been filed to punish those responsible.<sup>318</sup>

<sup>312</sup> Communication no. 521, CIMI, 19 July 2002.

<sup>313</sup> Idem.

<sup>314</sup> “Violência Contra Índio Preocupa”, *Jornal do Brasil*, Rio de Janeiro, 20 July 2002, available at <http://br.news.yahoo.com/020720/6/77iy.html>.

<sup>315</sup> Communication no. 521, CIMI, 19 July 2002.

<sup>316</sup> Idem; “Pataxó é Morto a Tiros”, *Jornal do Brasil*, Rio de Janeiro, 19 July 2002, available at <http://br.news.yahoo.com/020719/6/76vd.html>.

<sup>317</sup> This failing of the federal police in the case of the death of the indigenous community member was denounced at the *National Guide of Municipal Governments*, January 2002, available at <http://www.prefeiturasdobrasil.com.br/noticia109.htm>.

<sup>318</sup> Information obtained by the *Justiça Global* team on 29 November 2005, with Gerson Pataxó, chief of the Pataxó Ha-ha-hãe people and Pau-Brasil councilman, state of Bahia.

## REGINALDO FIRMINO DOS SANTOS (PARAÍBA) *Communication sent to the UN on 27 November 2003.*<sup>319</sup>

Reginaldo Firmino dos Santos, a 38-year-old gay man,<sup>320</sup> was executed at 5:40 p.m. on 12 October 2003 by numerous shots fired at close range, practically in front of his home in João Pessoa in Paraíba state.

After spending the day distributing presents to needy children in the community, dos Santos was walking home with a friend when two men on a motorcycle called out to him. One of the men got off the bike, stood in front of dos Santos, looked straight at him, and shot him. Despite the fact that the first shot was fatal, other shots were fired while the victim lay on the ground. The assassin then fled with his accomplice.

The crime occurred in broad daylight on a busy road, but passers-by, neighbors, and even the friend who was with dos Santos when he was attacked refused to testify against the gunmen out of fear for their own lives.

Dos Santos had announced on a radio program<sup>321</sup> the Friday before the crime that he was going to testify in the Court of Justice on 14 October 2003 about torture used by members of the military police.<sup>322</sup> Dos Santos was a prominent gay rights activist and community leader in the region. Both of these factors contributed to the murder in a state that over a period of 10 years has been witness to more than 33 gay-related murders (hate crimes)<sup>323</sup> and has an extensive history of assassinations of grassroots leaders.

The 4<sup>th</sup> Police District of João Pessoa opened Police Inquiry No. 95/03 to investigate the dos Santos assassination. The police began the investigations by taking statements from potential witnesses as well as the victim's acquaintances. However, none of the testimonies helped to clarify the details of the crime. Dos Santos' friend, Paulo Victor dos Santos,<sup>324</sup> named by Josefa Soares do Nascimento, a witness,<sup>325</sup> as having been with Reginaldo dos Santos at the time of the crime, denied being with the victim, saying that he was in a nearby church with his boyfriend when he saw the motorcycle stop and the

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<sup>319</sup> Communication sent to the UN by *Justiça Global* and State Representative for the State of Paraíba, Rodrigo Soares, about the execution of community leader and gay-rights activist Reginaldo Firmino dos Santos, in João Pessoa, Paraíba. (Official communication n° JG/RJ 173/03, sent on 27 November 2003.)

<sup>320</sup> Page 5 of Police Inquiry No. 095/03 of the 4<sup>th</sup> Police District of João Pessoa.

<sup>321</sup> Representative Rodrigo Soares sent Official Correspondence No. 19 to the director of Radio Sanhauá on 14 October 2003, requesting the content of the interview given by dos Santos, with the intention of investigating against whom the victim was going to testify, but the radio station alleged that it was impossible to provide the interview because of technical problems.

<sup>322</sup> *Idem*.

<sup>323</sup> According to information taken from an article provided by José Felipe dos Santos, from the Workers Party's Gays, Lesbians, Transvestites and Transgender Committee in Paraíba (Setor LGBTT –PT/PB).

<sup>324</sup> Page 5 of the Police Inquiry.

<sup>325</sup> Page 11 of the Police Inquiry.

victim come up with a surprised look on his face. Paulo Victor dos Santos claimed that he had thought the scene was unusual and thus hid in fear, only hearing (but not seeing) the shots that were fired at the victim.

No other action has been taken in the police inquiry apart from the aforementioned testimonies, but it is clear that the police deal with this type of hate crime by trying to criminalize the victim because of his (or her) homosexuality. This became clear in the transcription of the testimonies, where expressions like “homosexual”,<sup>326</sup> “gay,” and “went out with younger boys” were always written in bold, while the rest of the report followed standard rules of capitalization and emphasis. The fact that some of the witnesses said the victim associated with underage boys should in no way affect the case; however, this is contradicted by the bold letters given those facts in the transcription of testimonies. This, together with the police’s failure to conduct a serious investigation, including the fact that for more than a month after the crime was committed the forensic report had still not been annexed to the police investigative report, leads one to fear that this case will become yet another entry in the long list of unpunished crimes in Brazil.

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<sup>326</sup> Pages 5, 6, and 7 of the Police Inquiry.

## RIBAMAR FRANCISCO DOS SANTOS (PARÁ)

Ribamar Francisco dos Santos, leader of the Rural Workers Union (STR) in the municipality of Rondon do Pará, state of Pará, was assassinated on 7 February 2004 in front of his home by two unidentified men on a motorcycle. He had appeared on a list compiled by the CPT of people whose lives were in danger due to his work as a union leader and human rights defender, alongside Maria Joel da Costa, union president and widow of José Dutra da Costa (her case appears earlier in this report), a union leader who was also assassinated in November 2000.<sup>327</sup>

On 28 January 2004, several days before dos Santos' assassination, Ezequiel de Moraes, president of the Rural Workers Association of the municipality of Redenção, Pará, was assassinated. Despite the continual denunciations made by the leaders of the rural workers in Rondon do Pará to the appropriate authorities, no steps were taken to prevent his murder. According to the STR of Rondon do Pará, the judiciary, state government of Pará, and INCRA are largely responsible for the death of dos Santos.

According to Walter Rezende, superintendent of the civil police in northeastern Pará, dos Santos was assassinated for two reasons: (1) the founding of a company in Rondon do Pará which was subsidized by INCRA and denounced by dos Santos for not respecting the relevant contracts and federal legislation which in turn led to INCRA suspending all funds to the company; and (2) dos Santos' activities as a union leader. He was considered a major influence in the struggle for agrarian reform in the region, and was one of those responsible for the occupation and formation of four encampments for rural laborers which permitted the settling of hundreds of families thereon.

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<sup>327</sup> List compiled by the CPT – Pará region and published in "Human Rights Violations in the Amazon: Conflict and Violence on the Pará Border", Goiana: CPT; Rio de Janeiro: *Justiça Global*; and Curitiba: *Terra de Direitos*, 2005, pp. 161-165.

## ROBERTO MONTE AND PLÁCIDO MEDEIROS DE SOUZA (RIO GRANDE DO NORTE)

*Submission sent to the Interamerican Commission for Human Rights on 30 September 2002 and updated for this report.*<sup>328</sup>

The state of Rio Grande do Norte in northeastern Brazil has suffered for many years at the hands of a death squad known as “*Meninos de Ouro*” (Golden Boys). The Center for Human Rights and Popular Memory (*Centro de Direitos Humanos e Memória Popular*, or CDHMP) is the principle civil society organization that has denounced this death squad. As a direct result of these denunciations, its members have been threatened, and one of them, the lawyer Gilson Nogueira, was brutally murdered in 1996.<sup>329</sup>

Due to the huge repercussions produced by Nogueira’s death, various local, national, and international human rights groups have pressured authorities to investigate his assassination.

The conclusion of the police inquiry that investigated Nogueira’s assassination prompted the elaboration of a denunciation to the Inter-American Commission on Human Rights (IACHR). The IACHR took up the case (Case 12058, *Gilson Nogueira Carvalho v. Brazil*), and it has recently reached the Inter-American Court of Human Rights. It is important to note that this is the second case against Brazil to ever reach the Inter-American Court since the Court’s creation.

### *Threats and intimidation against activists who denounced the crime*

During the course of the investigations, the president of the CDHMP, Roberto Monte, and police chief Plácido Medeiros de Souza began to receive serious death threats. This was communicated to the IACHR which on 7 December 2001 recommended that the Brazilian government take precautionary measures to guarantee the physical and mental integrity of both men.

Medeiros conducted his own investigation into Nogueira’s assassination and discovered that police officer Jorge Luis Fernandes (known as Jorge “the Smotherer,” or “*Jorge Abafador*”), already in pre-trial detention for his participation in other homicides, was regularly allowed by the authorities to be released from custody. Jorge Abafador left the police station on 19 October 1996 and returned on 21 October 1996, which raises the question of his possible involvement in the assassination of Nogueira on 20 October 1996.<sup>330</sup>

<sup>328</sup> Communication sent to IACHR by *Justiça Global* and the *Centro de Direitos Humanos e Memória Popular* (Official communication No. 200/2002 JG/RJ, sent on 30 September 2002).

<sup>329</sup> Gilson Nogueira was a lawyer and human rights defender in the state of Rio Grande do Norte. During his work at the CDHMP, Nogueira participated in investigations and publications of cases of torture and assassinations committed by the group known as “*Meninos de Ouro*” (Golden Boys). This group was composed of police agents and led by Maurílio Pinto de Medeiros, then Deputy Secretary of Public Security for Rio Grande do Norte.

<sup>330</sup> This information gained more significance after the massacre in the Mãe Luiza Favela, for which Jorge Abafador was convicted.

On the day of Nogueira's assassination, Jorge Abafador had received authorization to leave the detention center under the pretext of needing to go to the doctor. It was the son of the Deputy Secretary of Public Security, Maurilio Pinto de Medeiros Jr., who authorized him to leave. A registry exists that proves Jorge Abafador had left the detention center at the time of Nogueira's murder, and de Souza confirmed this fact in his testimony to the independent investigation commission.<sup>331</sup>

It is within this context that Roberto Monte made the following statement at the time that he was being threatened by Jorge Abafador:

Very serious things are happening. Maurílio Pinto was assigned to the intelligence sector of the Ministry of Public Security. Our phone is probably tapped. And other than that, we have information that Jorge the Smotherer, who is in a police station, is free working as a hitman. We have information that he wants to kill me [Roberto Monte] and police chief Plácido Medeiros. There's a tape that's in [Special Secretary for Human Rights] Nilmário Miranda's possession that has all of this that I'm saying. We're having a tough time. One of the men is in intelligence and the other is free. It's got to the point that Plácido and I could be next.

De Souza (who also suffered death threats) reported that he had received two phone calls (only one of which was recorded) from anonymous people warning him of the possibility of an attempt on his life.

At the end of 2001, the Secretary of Public Security of Rio Grande do Norte, Anísio Marinho Neto, who was one of the state attorneys who had investigated the activities of the "*Meninos de Ouro*" death squad, named Maurílio Pinto Medeiros to the position of sub-coordinator of central intelligence in the office of the Secretary of Public Security. With this promotion, Medeiros became responsible for investigating and gathering information on the suspects.

Due to the seriousness of the facts and the human rights violations, on 15 November 2001 *Justiça Global* presented, during a hearing at the IACHR, the evidence on the risks to which Monte and de Souza were subjected. On 7 December 2001, the IACHR recommended that the Brazilian government adopt precautionary measures to provide protection to Monte and de Souza and that urgent steps be taken to guarantee that Jorge Luis Fernandes be transferred to a secure detention center without the right to leave.<sup>332</sup>

It was only in January 2002 that the Ministry of Justice wrote to Monte and de Souza and offered them help with resources from the Victims and Witness Protection Program (PROVITA) or other forms of protection.

<sup>331</sup> Annex 13 of case no. 12.058. This information was confirmed by agent de Souza in an interview with Kathleen Hamil in Natal, 14 August 1997.

<sup>332</sup> Official Letter to the IACHR communicating the decision to adopt provisional measures for Roberto Monte and Plácido Medeiros de Souza, Washington, DC, 7 December 2001.

Due to the investigations he was involved in as a police chief, de Souza did not accept any form of protection, and did not stand in the way of the immediate transfer of Jorge the Suffocator to a maximum-security prison. Monte accepted the protection provided by the federal police, but did not take part in PROVITA, as his important role as a human rights defender and his involvement in the denunciation of human rights violations in the state meant that he would not be able to move to another state to continue his work.<sup>333</sup>

However, some time after Monte received police protection, the Union of Federal Police Department Workers ruled to suspend the protection. On 30 July 2004, the Ministry of Justice sent an official letter to Monte informing him of the impossibility of re-establishing the requested protection.<sup>334</sup>

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<sup>333</sup> Telephone interview by *Justiça Global* with Aluizio Matias dos Santos of the CDHMP, 7 March 2002.

<sup>334</sup> Official Document 0493 — MJ, sent by Claudio Demczuk Alencar, chief of staff of the Ministry of Justice, on 30 July 2004 — referring to the instruction no. 087/2004 — DSD/CGDI/DIREX/DPF of the federal police department of the Ministry of Justice, signed by Anilton Roberto Turibio, chief of the security division which decided the suspension of protection of Roberto Monte.

## ROSSINI ALVES COUTO (PERNAMBUCO)

*Communication sent to the UN on 22 June 2005.*<sup>335</sup>

Rossini Alves Couto, 50, was a public prosecutor in the state of Pernambuco, responsible for the cities of Panelas and Lagoa dos Gatos. On 10 May 2005, he was in the city of Cupira, eating lunch at the Tropical Bar Restaurant, beside the city courthouse. He was accompanied by two friends, Valderlins Santos, a broadcast journalist, and Eder Savio, a court clerk. At around 2:20 p.m., two men wearing full face helmets arrived on a motorcycle. One of the men got off the bike with a gun in his hand and shot Couto in the neck and chin. He died before reaching the hospital.<sup>336</sup>

Couto had been a public prosecutor for 13 years when he was assigned to the district of Lagoa dos Patos. He remained in that city for seven years until being promoted to the city of Bonito, where he lived for a few months. Starting in 2000, he was responsible for the district of Panela, and also temporarily for the district of Lagoa dos Gatos. The people of Lagoa dos Gatos sent a signed petition in October 2000 to the Public Prosecutor's office requesting that Couto be permanently assigned to that district. The state's Attorney General decided to grant Couto tenure in Lagoa dos Gatos in 2001.<sup>337</sup>

Consistency, justice, and the protection of human rights characterized prosecutor Couto's practice. He was always known as an active prosecutor by his colleagues and was well-respected for his integrity. According to Attorney General Francisco Sales, who heads the office of the Public Prosecutor, Couto was participating in various legal proceedings to combat corruption and investigate the activities of organized crime in the region, noting that, "*He really fought for what he believed in. He was a prosecutor who honored the institution in his mission to defend public interests.*"<sup>338</sup>

Among his last cases, Couto followed the repossession orders on a farm located in the Cupira municipality. He was particularly concerned about protecting the landless laborers who were occupying this area of land. He also participated in the creation of the Children's Protection Council (*Conselho Tutelar*) in Panelas, whose function it is to protect and guard the rights of children and adolescents.<sup>339</sup> The Attorney General further

<sup>335</sup> Communication sent to the UN by *Justiça Global* on the summary execution of public prosecutor Rossini Alves Couto on 10 May 2005 in the municipality of Cupira, Pernambuco, Brazil. (Official communication n.066/05 JG/RJ, sent on 22 June 2005).

<sup>336</sup> "Promotor Público Executado Com 3 tiros em Cupira", *Assessoria de Imprensa do Ministério Público do Estado de Pernambuco*, 11 May 2005. Available at <http://www.mp.pe.gov.br>.

<sup>337</sup> "Vítima Investigava Crime Organizado e Corrupção", *Assessoria de Imprensa do Ministério Público do Estado de Pernambuco*, 11 May 2005. Available at <http://www.mp.pe.gov.br>.

<sup>338</sup> "Ação de Promotor Público Gerou Inimizade", *Assessoria de Imprensa do Ministério Público do Estado de Pernambuco*, 11 May 2005. Available at <http://www.mp.pe.gov.br>.

<sup>339</sup> *Idem*.

affirms Couto's role: “*There is no doubt that the assassination of Rossini was directly related to his field of work. He was one of the best prosecutors in the state. The corrupt authorities and criminals were the ones who did not like him. To these people, he was too rigorous in the application of the law.*”<sup>340</sup>

To aggravate the situation, death threats were sent in an anonymous telephone call to the prosecutor's widow, Sara Souza, herself a prosecutor in Agrestina City, Pernambuco, as well as to her two children, on 12 May 2005. The widow and her two children are now under police protection.<sup>341</sup>

Couto's execution caused great commotion not only in Pernambuco, but also across the whole of Brazil. The Commission for Public Security and Combat Against Organized Crime of the Federal Chamber of Deputies (*Comissão de Segurança Pública e Combate ao Crime Organizado da Câmara de Deputados Federais*) created a special sub-commission to accompany the investigations into the Couto assassination and crimes committed against the lives of public agents of the judiciary and the office of the Public Prosecutor.<sup>342</sup>

On 7 June 2005, *Justiça Global* contacted prosecutor Sérgio Roberto da Silva Pereira, coordinator of the Center of Operational Support for Criminal Prosecutors (*Centro de Apoio Operacional às Publicas Procuradorias Criminais*) and participant in the Integrated Nucleus for Repressing Organized Crime at the Office of the Public Prosecutor in Pernambuco (*Núcleo Integrado de Repressão à Criminalidade Organizada do Ministério Público do Estado de Pernambuco*). He stated that the homicide department and Police Chief Sylvana Lellis were responsible for investigating Couto's assassination. According to Dr. Pereira, the *modus operandi* of the murderers leads them to believe that the action taken against Couto was planned and motivated by his role in denouncing human rights violations. During his life he fulfilled his duties without compromise and administered the indiscriminate application of the law in the municipalities where he worked.

Pereira also informed *Justiça Global* that other public prosecutors are suffering threats as a result of exercising the duties of their profession. Among those threatened include Francisco das Chagas Santos Júnior and Rosângela Furtado Padela Alvarenga. In addition, the secretary of social defense in Pernambuco repeatedly refuses to make effective support and protection available to the members of the office of the Public Prosecutor. The situation is made worse by the federal government's failure to express any intention of participating in the investigations into Couto's execution.

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<sup>340</sup> Ibid.

<sup>341</sup> “Viúva do Promotor Público Assassinado em Cupira é Ameaçada de Morte”, *Assessoria de Imprensa do Ministério Público do Estado de Pernambuco*, 13 May 2005. Available at <http://www.mp.pe.gov.br>.

<sup>342</sup> “Do Luto à Luta: Câmara dos Deputados Federais Cria Comissão para Acompanhar Investigações Sobre o Assassinato do Promotor Público Rossini”, 19 May 2005. Available at <http://www.camara.gov.br>.

## FATHER TIAGO THORLBY (PERNAMBUCO)

*Communication sent to the UN on 14 April 2003.*<sup>343</sup>

Father Tiago Thorlby, known to all as Father Tiago, is originally from Scotland and has lived in Brazil for 35 years, working the entire time with the CPT as a highly respected missionary in the struggle for the defense of human rights and land reform in Brazil. Pernambuco landowners' main target was Father Tiago, as he inspires the landless families to resist eviction from their homes, even if landowners prohibit them from planting on the land.

On 25 March 2003, the *Grupo São João* — owner of the Santa Teresa Energy Plant, TV Tribuna, and cement factories in Pernambuco — used security guards and tractors to violently expell Luis Otávio Neto, who was leasing the Prado Mill, located in Tracunhaém, a municipality with 32 mills and 170 estates of land, in Pernambuco. A court official and more than 100 heavily armed police officers were involved in the expulsion, destroying tenants' and other residents' houses and fields, and spreading panic among the residents.

There exist three additional mills in the area: Taquara, Papicu, and Tocos. Three hundred rural families have made their livelihood in the area for more than six years. During the police operation, witnesses like Severina Maria dos Santos heard military police saying they wanted Father Tiago's "head" as well as to murder other members of the CPT. The leader of the operation, Colonel Matos of the 2<sup>nd</sup> Military Police Battalion of Pernambuco, heard the death threats and did nothing.

These mills, including the Prado, had already been expropriated in 1999 and the *Grupo João Santos* managed to annul the expropriation decree in the Federal Supreme Court in 2000. During the expulsion of the renter (Neto), the fields of the landless workers were also destroyed and threats were made against members of the CPT.

Another case, which also included death threats against Father Tiago, is related to the Aliança Sugar Mill. For years, the families who live and work on the lands of the Aliança Sugar Mill have been victims of violence. The situation worsened when people bought the lands and tried to evict the families despite the fact that the lands had been declared unproductive by INCRA (thereby making them legally eligible for distribution to the landless), and the judge of the 7<sup>th</sup> Federal Court said the lands were not fulfilling their "social function" as mandated by the Brazilian Constitution.

Numerous residents of the community heard that the landowners went to the police station and said that if the laborers continued to resist, the landowners would kill the priest. Settlers from the Zumbi dos Palmares Settlement heard gunmen talking in downtown Aliança city center that Father Tiago would be their main target.

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<sup>343</sup> Communication sent to the UN by *Justiça Global* and the CPT with respect to the continual threats Tiago Thorlby, a member of the CPT in Pernambuco for 35 years, has been receiving. (Official communication sent on 14 April 2003)

It is extremely important to emphasize that rural laborers heard threats against Father Tiago on other occasions, as well. For example, the events mentioned above at Santa Teresa Energy Plant on 10 March 2003, when rural workers heard hired gunmen and military police saying they wanted to “get Father Tiago’s head.” Also, at the same place, on 25 March 2003, laborers heard military police say they wanted to “get the heads of the CPT coastal team,” which included Father Tiago.

On 19 April 2003, Father Tiago was driving a CPT vehicle in the direction of the Cangauzinho Settlement. After passing a military police S10 vehicle, right after crossing the first intersection that provides access to the city of Aliança, the MP truck quickly turned around to stop the CPT car.

According to the laborer José Manoel de Jesus, on the previous day, when he was leaving the city of Aliança, he saw, at the first intersection at the entrance to the city (the same place the CPT car passed the military police vehicle), a military police S10 vehicle stopped beside two Gol cars. One of the soldiers got out of the vehicle and gave four machine guns to one of the people in the Gol, who were waiting outside the car. Also, there was one more S10 vehicle that was passing up and down the road the whole time (the entire length being 500 meters), and every time it passed the other vehicle it honked. It was as if this vehicle were providing “protection or watching over the area.”

**FRIAR XAVIER PLASSAT, FRIAR SILVANO REZENDE,  
LÚCIO DE AVELAR, JORGE VIEIRA, AND TWO UNNAMED  
RURAL WORKERS (PARÁ)**

*Communication sent to the UN on 20 August 2003.*<sup>344</sup>

Friars Xavier Plassat and Silvano Rezende (representatives of the CPT), Federal Prosecutor Lúcio de Avelar, Labor Judge Jorge Vieira, and two rural workers whose names are not being disclosed have been receiving death threats due to their work implementing the National Plan for the Eradication of Slavery, which President Luis Inácio “Lula” da Silva launched on 11 March 2003.

For the past nine months, these two rural workers have been receiving death threats in response to official statements they have made denouncing the practice of slave labor by landowners in southern Pará and Iriiri. These threats have forced the workers into hiding, making it impossible for them to work, live with their families, or go out in public.

The CPT has requested that the the government take effective measures to preserve the freedom and dignity of the many laborers working in conditions of slavery in Brazil, particularly in the south of Pará. Friar Xavier Plassat, coordinator of the CPT’s National Campaign against Slave Labor, and his colleague, Friar Silvano Rezende, have been receiving threats daily, in an attempt to pressure them into giving up their work.

The Federal Prosecutor of Palmas for the state of Tocantins is Mário Lúcio de Avelar. He is a member of the Task Force Against Slavery Office of the Federal Prosecutor’s office, Citizen’s Rights Division, and he indicted and requested the imprisonment of landowners involved in the practice of slave labor. Avelar was then subsequently followed by gunmen who were hired by a man who had been accused of participation in illegal practices such as the enslavement of rural laborers, illegal appropriation of public lands, drug trafficking, illegal deforestation of the Amazon, exploitation of laborers, tax evasion, and misappropriation of public funds.

The Labor Judge for Parauapebas in the state of Pará, Jorge Vieira, has received threats in response to legitimate measures he has taken in defense of enslaved rural workers, including the illegal appropriation of property held by landowners found in flagrant violation of anti-slavery laws in southern Pará. Such measures are intended to ensure the payment of indemnities guaranteed by labor laws, as well as reparations for moral damages suffered by rural workers rescued from slave labor.

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<sup>344</sup> Communication sent to the UN by *Justiça Global*, Pastoral Land Commission, *Procuradoria Federal dos Direitos do Cidadão* (PFDC), National Human Rights Movement (*Movimento Nacional de Direitos Humanos*, MNDH), National Board of the Brazilian Bar Association (*Conselho Federal da Ordem dos Advogados do Brasil*), Center for Justice and International Law (CEJIL), and the Association of Federal Judges (*Associação dos Juizes Federais*, AJUFE) (Official communication nº 43/03 JG-SP, sent on 20 August 2003).

## Table of cases

DEFENDER	PROFILE	TYPE OF VIOLENCE	OTHER CHARACTERISTICS
AATR/BA <sup>1</sup>	Land rights activist/ defender of the rights of Afro-descendants	Invasion and destruction of organization's offices	
Adamor Guedes	LGBT activist	Murder	
Sister Adelaide Molinari	Land rights activist	Murder	
Adenilson dos Santos	Defender of the rights of indigenous communities	Murder	Police officers involved
Aílton Pereira de Oliveira	State agent (driver in the Ministry of Labor and Employment)	Murder	
Alexandre Martins de Castro Filho	State agent (judge)	Murder	
Alvino Mendes de Almeida	Defender of the rights of Afro-descendants	Murder	
Américo Novaes	Defender of housing rights	Arrests	Police officers involved
Ana Corso	State agent (city councilwoman)	Death threat and persecution	
Ana Maria dos Santos	Community leader	Death threats, persecution, humiliation, and defamation	
Friar Anastácio	Land rights activist	Kidnapping, arrests, lawsuits, threats, and defamation	Police officers involved
Andréa Cartaxo	State agent (judge)	Threats, persecution, and attempted murder	
Antônio Carlos Ferreira Gabriel	Community leader	Death threat, persecution, and arrests/imprisonment	Police officers involved

<sup>1</sup> Associação de Advogados de Trabalhadores Rurais no Estado da Bahia.

DEFENDER	PROFILE	TYPE OF VIOLENCE	OTHER CHARACTERISTICS
Ariel de Castro	Defender of the rights of children and adolescents	Humiliation and defamation	
Bartolomeu Moraes da Silva	Trade unionist	Murder	
Célio Rodrigues	Land rights activist	Lawsuits, defamation	Transnational company involved
CERCONVIDH <sup>2</sup>	LGBT activist	Threats	
Cláudio Alves dos Santos	LGBT activist	Murder	
Cláudio Pereira da Silva	Defender of the rights of Afro-descendants	Attempted murder	
Indigenous communities of the Raposa Serra do Sol Indigenous Territory <sup>3</sup>	Defenders of the rights of indigenous communities	Attacks, persecution, harassment, destruction of property, and threats	Police officers involved
Rio de Janeiro Community Council	Prison system	Persecution	
<i>Coturno de Vênus</i>	LGBT activists	Threats and persecution	
Darci Frigo	Land rights activist	Lawsuit and defamation	Transnational company involved
Demóstenes Ramos de Mello	Land rights activist	Persecution and threats	Police officers involved
Dionilso Marcon	State agent (state representative)	Arrest and persecution	Police officers involved
Sister Dorothy Stang	Land rights activist	Murder	
Elemar do Nascimento Cezimbra	Land rights activist	Arbitrary arrest and lawsuit	
Erastótenes de Almeida	State agent (inspector of the Ministry of Labor and Employment)	Murder	
Fernanda Giannasi	State agent (inspector of the Ministry of Labor and Employment)	Persecution and threats	Transnational company involved
Gilce Freire	Defender of the rights of indigenous communities	Threats and aggression	

<sup>2</sup> Centro de Referência contra a Violência e a Discriminação ao Homossexual do Rio de Janeiro.

<sup>3</sup> The Raposa Serra do Sol Indigenous Territory comprises the following indigenous communities: Macuxi, Wapichana, Ingarikó, Taurepang, and Patamona.

DEFENDER	PROFILE	TYPE OF VIOLENCE	OTHER CHARACTERISTICS
Glays Romeo Peccequilo	State agent (civil servant)	Persecution and threats	
Iriny Nicolau Lopes	State agent (federal confresswoman)	Threats and persecution	
Isac Tolentino de Araújo Júnior	Defender of the rights of Afro-descendants	Death threats	
Jair Antonio da Costa	Trade unionist	Murder	Police officers involved
João Alberto Inácio Júnior	Land rights activist	Attempted murder	
João Batista Soares Lage	State agent (inspector of the Ministry of Labor and Employment)	Murder	
João Sousa <sup>4</sup>	Environmentalist	Persecution and threats	Transnational company involved
Father João Maria	Land rights activist	Attempted murder and threats	
João Maurício Guedes Alcoforado	State agent (judge)	Threats, persecution, and attempted murder	
Joaquim Bernardo Pereira	Defender of the rights of persons displaced by dams	Threats and persecution	Transnational company involved
Joaquim Eduardo Madruga	Land rights activist	Lawsuits and defamation	Transnational company involved
Jorge dos Santos	Defender of the rights of indigenous communities	Murder	Police officers involved
Jorge Vieira	State agent (labor court judge)	Threats	
José de Ribamar Pereira Nunes	Trade unionist	Murder	
José Gonzáles Acedo	Defender of the rights of Afro-descendants	Threats	
José Maria Tardin	Land rights activist	Lawsuits and defamation	Transnational company involved
Judson Barros	Environmentalist	Lawsuits and defamation	Transnational company involved
Karina Pinheiro D'Almeida Lins	State agent (public prosecutor)	Threats, persecution, and attempted murder	

<sup>4</sup> Fictitious name.

DEFENDER	PROFILE	TYPE OF VIOLENCE	OTHER CHARACTERISTICS
Lúcio de Avelar	State agent (federal public prosecutor)	Threats	
Leonora Brunetto	Land rights activist	Threats	
Luiz Albuquerque Couto	State agent (city councilman)	Threats and persecution	
MAB <sup>5</sup> – Minas Gerais and Santa Catarina	Defenders of the rights of populations displaced by dams	Arrests	Police and transnational companies involved
Marcos Luidson Araújo Xukuru	Defender of the rights of indigenous communities	Murder	
Manoel Bezerra de Mattos	State agent (city councilman)	Threats and persecution	
Maria da Conceição Andrade Paganele	Defender of the rights of children and adolescents	Threats, persecution and humiliation, aggression, and harassment	
Maria Silva <sup>6</sup>	Environmentalist	Persecution and threats	Transnational company involved
Maria Del Pilar Martín Rodriuejo	Defender of the rights of Afro-descendants	Threats	
Maria Joel Dias da Costa	Trade unionist	Threats and persecution	
Markus Breuss	Defender of the rights of indigenous communities	Threats and agressão	
Naira Reis	Defender of the rights of indigenous communities	Threats and agressão	
Nelson José da Silva	State agent (inspector of the Ministry of Labor and Employment)	Murder	
Neri Eno Beir	State agent (city councilman)	Murder	
<i>Pastoral Carcerária da Arquidiocese de São Paulo</i>	Prison system	Threats	

<sup>5</sup> Movement of those Affected by Dams (*Movimento dos Atingidos por Barragens*, or MAB).

<sup>6</sup> Fictitious name.

DEFENDER	PROFILE	TYPE OF VIOLENCE	OTHER CHARACTERISTICS
Pedro Martins de Farias	State agent (city councilman)	Attempted murder and threats	
Plácido Medeiros de Souza	State agent (police chief)	Threats	
Raimundo Rosa Neres	Defender of the rights of indigenous communities	Murder	
Reginaldo Firmino dos Santos	LGBT activist	Murder	
Ribamar Francisco dos Santos	Trade unionist	Murder	
Roberto Baggio	Land rights activist	Lawsuit and murder	Transnational company involved
Roberto Monte	Human rights advocate	Threats and attempted murder	
Rosemary Souto Maior de Almeida	State agent (public prosecutor)	Threats and persecution	
Rossini Alves Couto	State agent (public prosecutor)	Murder	
Friar Silvano Rezende	Land rights activist	Threats	
Father Tiago Thorlby	Land rights activist	Threats	Police officers involved
Friar Xavier Plassat	Land rights activist	Threats	



## Recommendations

**J**uстиça Global and Terra de Direitos present the following recommendations which we believe to be fundamental for the promotion and protection of human rights defenders in Brazil. We also consider it of the greatest urgency that the federal government take concrete and immediate steps to overcome the total inefficiency that has characterized its management in this area. To that end, we forthwith set forward our recommendations to the Brazilian government:

1. **Turn its discourse of political goodwill into concrete measures and results.**  
In Brazil the development of human rights initiatives and programs (among them the National Program for the Protection of Human Rights Defenders) is being utilized by the government as a way to try to legitimize itself before the international community. In effect, while these initiatives and programs remain part of the national discourse, they have yet to be implemented. Additionally, there have been no provisions made for the independent monitoring of and evaluation of these programs to ensure the realization of their established goals. In fact, the Brazilian government presents mere “Letters of Intent” that do not have enough political or financial support once they have been issued to permit them to achieve/implement what has been planned and promised therein.
2. **Take immediate and adequate measures to bring an end to both the violence inflicted on human rights defenders and the impunity enjoyed by those responsible.**  
Those responsible for the violations of the human rights of human rights defenders (including gunmen, intellectual authors who plan and finance the crimes, and intermediaries) should be put on trial and punished and the victims should be fully compensated in a way that prevents the repeated practice of crimes against human rights defenders to continue.
3. **Strengthen judicial institutions, guaranteeing their independence, safety, and ability to fulfill their duties.**  
This recommendation refers specifically to the persons responsible for the investigation, prosecution, and trial of denunciations of human rights violations (the current

report includes various examples of state agents being threatened, persecuted, intimidated, and murdered).

**4. Investigate and combat the acts of police abuse in an independent and consistent manner, including holding appropriate trials that result in convictions.**

It is critical to highlight the increasing involvement of both civil and military police in death squads and private militias responsible for the persecution of human rights defenders and serious human rights violations.

**5. Investigate death squads, private militias, and other forms of organized crime and combat them by holding appropriate trials that result in convictions corresponding to the crimes committed.**

For this purpose, it is also necessary to investigate and convict those who ordered the human rights violations (*i.e.* intellectual authors) – those who hold economic and political power and pay for third parties to carry out crimes that benefit their own interests.

**6. Ensure permanent federal budget allocation to the National Program for Human Rights Defenders, with the gradual inclusion of other states (beyond just Pará Pernambuco, and Espírito Santo) therein.**

The program at present does not have any specific budgetary provisions for the three pilot states (Pará, Pernambuco, and Espírito Santo), nor for the future expansion of the program or even for the maintenance of a permanent team working on the Program within the Special Secretariat for Human Rights.

**7. Adopt urgent measures to protect the lives and physical integrity of the human rights defenders who are being threatened, intimidated, and killed while working for the protection and enjoyment of fundamental rights and freedoms.**

In Brazil, lists of people “marked for death” (*i.e.* death threat lists) are common. Also common are defenders who have spent a long time waiting for promised State protection that would enable them to continue carrying out their work. These defenders can only continue their work if the state guarantees their protection.

**8. Publicly acknowledge the crucial role of social movements and non-governmental organizations in the promotion and protection of human rights, thus strengthening of the rule of law.**

The federal government should oppose all forms of action and slanderous commentary by civil servants or state authorities (civil and military) that contribute towards the defamation or humiliation of human rights defenders and their work in defense of these rights as well as helping to legitimize the criminalization of defenders’ work.

**9. Support the particular mechanisms for the protection of human rights at both the Inter-American System and United Nations.**

Within the Organization of American States, it is fundamental that the Brazilian government supports the creation of a post of “Special Rapporteur on Human Rights Defenders” in the Inter-American Commission on Human Rights (IACHR). Within the Inter-American System it is also fundamental that Brazil comply with the precautionary measures, recommendations, and decisions of the IACHR. Regarding the UN, Brazil must commit to complying fully with the recommendations made by the Special Unit on Human Rights Defenders through systematic, transparent, and participatory monitoring of these recommendations, with a permanent involvement of civil society in this process.

**10. Keep watch over groups of human rights defenders in particularly vulnerable situations and, in addition to the general policies being adopted for their protection, include these groups in the process of developing specific protection policies tailored to their own given needs, risks/threats, work, and etc.**

**11. Tackle the structural problems that put human rights defenders and their work at risk, taking measures that articulate public policy among federal and state governments or even among governmental bodies within the same governmental level (*i.e.* ministries, secretariats, and agencies at the federal level) .**

**12. Carry out a campaign to raise awareness among Brazilian society of the critical role played by human rights defenders.**

In Brazil there remains a complete unawareness and lack of understanding of the role and work of human rights defenders and the vulnerable situation in which the majority find themselves. This is made worse as the human rights defender is stereotyped as a “defender of criminals and delinquents” by Brazilian society and the media.

**13. Carry out timely federal police investigations into human rights violations and/or federalize these crimes.**

Since 2002 the federal police have had the power to investigate crimes against human rights, according to Law 10.664/02. It is vital that the Ministry of Justice acts alongside the Program for the Protection of Human Rights Defenders to ensure the active participation of the federal police in the investigation of cases involving local police forces or powerful political and economic groups. In 2004 the approval of a “Judicial Reform” (Constitutional Amendment no. 45/04) made the federalization of human rights crimes possible with the transferral of responsibility

for investigating such cases from the state to the federal courts. Until now only two cases have been subject to such requests by civil society organizations. In the case of the murder of Sister Dorothy Stang, the Superior Court of Justice (*Superior Tribunal de Justiça*, or STJ) denied the request for federalization in June 2005; in the case of the death of homeless people in São Paulo, the federal Attorney General rejected the request (to send it to the STJ).

**14. Provide an adequate legal framework for the work of human rights defenders.**

In order for the Program for the Protection of Human Rights Defenders to be incorporated into the legal framework of protection programs already effective in Brazil, Draft Bill 3.616/2004, motioned by Congresswoman Iriny Lopes, must be approved by the Parliament. The approval of a draft bill such as this will provide methodological parameters for the protection of human rights defenders at risk.

**15. Provide immediate training for the team of federal, highway, civil, and military police who will protect human rights defenders.**

The protection of human rights defenders is founded on trust between the police and the defenders, a sense of understanding of the work carried out by the human rights defenders on the part of the police, and special skills regarding protective measures.

**16. Adopt, through the Special Secretariat for Human Rights, the parameters established in the Seminar on Methodology, which took place in Brasilia between 28-30 November 2005, so that the National Program for the Protection of Human Rights Defenders can be implemented in the pilot states.**

The Protection Program, up to now, does not have the sufficient budgetary allocation for its implementation in the three pilot states (Espírito Santo, Pará e Pernambuco), nor for its growth into other states, or even to maintain a permanent team within the Special Secretariat for Human Rights.