

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-13/2024 English

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I/A Court H.R. Protecting Rights

BRAZIL IS FOUND RESPONSIBLE FOR THE DEATH AND INJURIES TO RURAL WORKERS IN THE CONTEXT OF A SOCIAL PROTEST IN PARANÁ

San José, Costa Rica, March 15, 2024. - In the Judgment notified today in the *Case of Tavares Pereira et al. v. Brazil*, the Inter-American Court of Human Rights ("the Court") found Brazil internationally responsible for the disproportionate use of force employed by the Military Police on May 2, 2000, against Antônio Tavares Pereira and other 197 rural workers of the Landless Rural Workers' Movement (MST) who sought to protest publicly, in addition to deficiencies in the proceedings regarding the murder of Mr. Tavares Pereira. This resulted in the violation of the rights to life, personal integrity, freedom of thought and expression, of assembly, of the child, freedom of movement and residence, judicial guarantees and judicial protection, to the detriment of Antônio Tavares Pereira, his next of kin and other workers.

On May 2, 2000, several buses with rural workers who were members of the MST, among which there were children, were on their way to the city of Curitiba, Paraná state, to hold a march against the agrarian reform in front of the building of the National Institute of Colonization and Agrarian Reform (INCRA). Several buses were stopped by the Military Police, who searched the passengers and seized several objects including scythes, machetes, hoes, a revolver, pieces of wood, pocket knives, knives, flags, money and personal documents. The police then accompanied the convoy to Curitiba. Before arriving, it ordered the protesters to return to the interior of Paraná, arguing that there was a prohibitory injunction that allowed them to deny the protesters entry to the city. Since they could not enter Curitiba, the protesters began their return. After driving 8 to 15 kilometers on the BR 227 highway, the bus on which Antônio Tavares Pereira traveled stopped upon seeing that other buses that transported protesters to Curitiba were stopped in the opposite direction and some of the passengers were on the road. The police ordered them not to get off the bus, but some of the protesters got off and crossed the highway to join the workers that were already there. The military police then started shooting their firearms. The bullet fired by soldier J.L.S.A. ricocheted on the asphalt and hit Antônio Tavares Pereira, who died from an acute hemorrhage at the Worker's Hospital. Subsequently the Military Police cleared the highway using tear gas, rubber bullets, dogs, batons, physical strength and firearms, resulting in at least 197 persons affected and 69 injured.

On May 4, 2000, the Military Police of the State of Paraná began the investigation into the death of Mr. Tavares Pereira. On October 10 of that same year the Military Auditor Judge decided to shelve the investigation procedure. On May 3, 2000, the police investigation began in the ordinary criminal jurisdiction. On April 29, 2002, the Public Prosecutor's Office of Paraná filed a complaint against J.L.S.A. for homicide with intention.

On October 21, 2002, the defendant's attorneys filed a writ of habeas corpus requesting the closing of the criminal proceedings given that the rural worker's death had already been subject to a decision by the military jurisdiction.

On April 17, 2003, the Court of Justice of Paraná dismissed the criminal action.

In December 2002, Mr. Tavares Pereira's widow and her children filed a suit for damages against the State of Paraná, seeking compensation for moral and material damages. In November 2010, a judgment of first instance was issued, which partially ruled in favor of the plaintiffs. There is no evidence on file that all the amounts owed were paid.

Upon analyzing the facts, the Inter-American Court determined that preventing the protesters from entering Curitiba caused an absolute and undue restriction of their rights to freedom of thought and expression, of assembly and movement, contained in Articles 13, 15 and 22 of the American Convention on Human Rights. Regarding the death of Antônio Tavares Pereira, the Court concluded that it was the result of an inadequate use of firearms to scatter a gathering of people that included children, although there was no imminent threat of death or serious injury to the protesters, the public or the police and without warning. Therefore, the Court determined that this death was an arbitrary deprivation of the right to life attributable to the State of Brazil.

Moreover, regarding the moment when force was used against the other workers who participated in the march, the Court considered that the State used force disproportionately and failed to comply with the obligation to protect the physical and mental integrity of at least 69 persons, including six children, as well as the mental integrity of 128 persons, in violation of the right to personal integrity and the rights of the child, contained in Articles 5.1 and 19 of the American Convention.

Regarding the military criminal proceedings carried out to investigate the death of Mr. Tavares Pereira, the Court found that the application of the military jurisdiction to the investigation and prosecution regarding the death of Antônio Tavares Pereira was contrary to the American Convention. Moreover, the domestic regulations in effect at the time of the facts had contradictions that led to the investigation of the death of Mr. Tavares being performed under the military criminal justice instead of civilian authorities. Therefore, the Court found Brazil responsible for the violation of Article 8.1 of the American Convention in relation to Articles 1.1 and 2 thereof, to the detriment of the next of kin of Antônio Tavares Pereira.

In addition, the Court noted that regarding the investigation into the death of Mr. Tavares Pereira, there is no evidence that the minimum initial procedures according to inter-American standards were taken, given that the State had deficiencies in protecting the scene of the events and in obtaining, recovering and preserving evidence. The Court also concluded that the State did not carry out investigation proceedings on the personal injuries of the worker protesters, showing a lack of due diligence in its actions and the lack of an effective remedy to determine what occurred and punish those responsible. Consequently, it found the State responsible for the violation of the human rights established in Articles 8.1 and 25.1 of the American Convention, to the detriment of the next of kin of Antônio Tavares Pereira and the 69 injured rural workers.

Lastly, the Court determined that the death of Antônio Tavares Pereira, the lack of due diligence in the investigation and the situation of impunity gravely affected his next of kin. Therefore, it concluded that the State is responsible for the violation of Article 5.1 of the American Convention.

Based on these violations, the Court ordered several reparation measures: (i) to provide medical, psychological and/or psychiatric treatment, free of charge, to the next of kin of Mr. Tavares Pereira and the injured victims who require it; (ii) hold a public act of acknowledgment of international responsibility; (iii) adopt all measures necessary to effectively protect the Antônio Tavares Pereira Monument where it is erected; (iv) include specific content in the permanent training *curricula* of security forces who act in public demonstrations in the state of Paraná; (v) adapt the body of law regarding the jurisdiction of Military Justice, and (vi) pay the amounts established in the Judgment for pecuniary and non-pecuniary damages and the reimbursement of legal costs and expenses.

The official summary of the Judgment can be accessed [here](#) and the full text of the judgment can be accessed [here](#).

The Court's composition for the issuing of this judgment was as follows: Judge Ricardo C. Pérez Manrique President (Uruguay), Judge Eduardo Ferrer Mac-Gregor Poisot Vice President (Mexico), Judge Humberto Antonio Sierra Porto (Colombia), Judge Nancy Hernández López (Costa Rica), Judge Verónica Gómez (Argentina); and Judge Patricia Pérez Goldberg (Chile).

Judge Rodrigo Mudrovitsch, of Brazilian nationality, did not participate in the hearing or deliberation of this order, in conformity with that set forth in Article 19.1 and 19.2 of the Rules of Procedure of the Court.

This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.

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