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Front Line Brazil:

Murders, Death Threats and Other Intimidation of Human Rights Defenders, 1997-2001

Presentation

Front Line

What is a human rights defender? A human rights defender is a person who works, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. Front Line supports those individuals in their activities, and tries to ensure that no physical or mental harm results from their human rights work.

Front Line's main focus is on those human rights defenders at risk, either temporarily or permanently, because of their work on behalf of fellow citizens. We also promote awareness of the Universal Declaration of Human Rights, as well as other relevant internationally recognised standards.

The cornerstone of Front Line is the indivisibility and interdependence of all human rights – civil, cultural, economic, political, and social.

Front Line is independent, impartial and is based in Ireland. Front Line – the International Foundation for the Protection of Human Rights Defenders was launched on February 22, 2001 in Dublin.

Front Line came about as a direct result of the 1998 Paris Summit and the need to have a body whose mandate and activities are focused specifically on human rights defenders.

The Global Justice Centre

Founded in 1999, the Global Justice Centre is dedicated to the promotion of social justice and human rights in Brazil through rigorous documentation and distribution of reports on rights abuse, as well as through the use of international mechanisms for the protection of human rights. The Global Justice Centre is the petitioner of record in a dozen matters before the inter-American system for the protection of human rights of the Organisation of American States, and has filed some forty denunciations with United Nations special mechanisms. We support increased use of international mechanisms through intensive courses, on-site training and joint actions at the international level with local, Brazilian NGOs.

A key focus of the work of the Global Justice Centre has been the protection of human rights defenders. Since the creation of the position of Special Representative on Human Rights Defenders at the March-April 2000 session of the United Nations Commission on Human Rights (in which Global Justice participated), we have worked with the current Special Representative, Hina Jilani, supplying information on individual cases of abuses committed against rights defenders, as well as background information on the context in which these violations occur. This report is intended to provide the Special Representative, as well as the international community as a whole, with a comprehensive vision of the difficult challenges that rights defenders face in Brazil.

Other publications, as well as international petitions filed by the Global Justice Centre and additional information about our work, are available on our site www.global.org.br in both English and Portuguese.

In Memoriam

Front Line and the Global Justice Centre would like to dedicate this report to all those who have given their lives so that others might enjoy the rights enshrined in the Universal Declaration of Human Rights. In particular, we would like to honour those who have been killed in connection for their defence of human rights as registered in this report and presented in the table below.

PARTIAL LIST OF HUMAN RIGHTS DEFENDERS KILLED IN BRAZIL, 1997-20001

Guaraci Novaes Barbosa	Rio de Janeiro	Rural Labour Leader	1997
Fulgêncio Manoel da Silva	Pernambuco	Rural Labour Leader	1997
Onalício Araújo Barros	Pará	Rural Labour Leader	1998
Valentim da Silva Serra	Pará	Rural Labour Leader	1998
Cícero Lucas de La Pena	Pernambuco	City Council Member	1998
Euclides Francisco de Paulo	Paraná	Rural Labour Leader	1999
Maria Nivaneide Santos Costa	Sergipe	Children's Rights Activist	1999
Luiz Carlos da Silva	Pernambuco	Rural Labour Leader	1999
Carlos Magno Nazareth Cerqueira	Rio de Janeiro	Former State Police Chief	1999
Edma Valadão	Rio de Janeiro	Union Leader	1999
Marcos Valadão	Rio de Janeiro	Union Leader	1999
João Elízio Lima Pessoa	Goiás	Union Leader	2000
Sebastião Maia	Pará	Rural Labour Leader	2000
Manoel Maria de Souza Costa	São Paulo	Rural Labour Leader	2000
José Dutra da Costa	Pará	Rural Labour Leader	2000
Darlan Pereira da Silva	Mato Grosso	Rural Labour Leader	2000
João Dantas de Brito	Rio Grande do Norte	Environmentalist	2001
Ademir Alfeu Federicci	Pará	Environmentalist	2001
Aldamir Carlos dos Santos	Rio de Janeiro	Union Leader	2001
Carlos Gato	Sergipe	City Council Member	2001
José Pinheiro de Lima, wife and son	Pará	Rural Labour Leader	2001

LIST OF ABBREVIATIONS COMMONLY USED IN THIS REPORT

APAVV	Associação dos Parentes e Amigos das Vítimas de Violência/ Association of Parents and Friends of Victims of Violence
CNA	Confederação Nacional da Agricultura/National Agriculture Confederation
CPI	Comissão Parlamentar de Inquérito/Parliamentary Commission of Inquiry
CPT	Comissão Pastoral da Terra/Pastoral Land Commission
CUT	Central Única dos Trabalhadores/Unified Workers' Centre
CEDECA	Centro de Defesa da Criança e do Adolescente/ Centre for the Defence of Children and Adolescents
DRACO	Delegacia de Repressão ao Crime Organizado/Organised Crime Division
FEBEM	Fundação Estadual do Bem Estar do Menor/ Foundation for the Well-being of Minors
FETAGRI	Federação dos Trabalhadores da Agricultura/Agricultural Workers' Federation
FENAJ	Federação Nacional dos Jornalistas/National Federation of Journalists
FUNAI	Fundação Nacional do Índio/National Indigenous Foundation
GTNM	Grupo Tortura Nunca Mais/Torture Never Again
IBAMA	Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis/ Department of the Environment and Renewable Natural Resources
INCRA	Instituto Nacional de Colonização e Reforma Agrária/ National Institute of Colonisation and Agrarian Reform
MST	Movimento dos Trabalhadores Rurais Sem Terra/Landless Labourers' Movement
MNMMR	Movimento Nacional de Meninos e Meninas de Rua/ National Movement of Street Children
MNDH	Movimento Nacional de Direitos Humanos/National Human Rights Movement
OAB	Ordem dos Advogados do Brasil/Bar Association of Brazil
PT	Partido dos Trabalhadores/Workers' Party
PSDB	Partido da Social Democracia Brasileira/Brazilian Social Democratic Party
STR	Sindicato dos Trabalhadores Rurais/Rural Labourers' Union
STD	Sindicato dos Trabalhadores Domésticos/Household Labourers' Union
SRP	Sindicato Rural Patronal/Rural Landowners' Union
SUDAM	Superintendência do Desenvolvimento da Amazônia/ Amazon Development Authority
UDR	União Democrática Ruralista/Rural Democratic Union
UDPR	União de Defesa das Propriedades Rurais/ Union for the Defence of Rural Properties

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1. Executive Summary

The defence of human rights in Brazil is a dangerous undertaking. In virtually every context in which human rights defenders operate—whether rural conflicts, the fight against urban police brutality and the violence of organised criminal elements, the defence of the environment and of indigenous peoples, or on parliamentary human rights commissions—they face harassment, intimidation by unwarranted lawsuits, death threats, physical attacks and even murder. This report analyzes fifty-six separate incidents of violence and harassment of human rights defenders—nineteen instances of homicide, causing twenty-three deaths, and thirty-seven other incidents including attempted murder, death threats and other forms of harassment—over the past five years. These were not the only such cases during this period, but rather represent a frightening national tendency. Still, the numbers are impressive: twenty-three deaths, thirty-two death threats, four instances of attempted murder, four unjustified prosecutions, four beatings, one kidnapping, one disappearance and one unjustified detention.

This report sheds light on a series of aspects of the defence of human rights in Brazil that merit attention. First, human rights defenders are a varied lot in Brazil. While most pertain to some form of organised civil society group, such as nongovernmental organisations or unions, many are public authorities, prosecutors, and elected officials. What they have in common is their labour in defence of one or more of the rights enshrined in the Universal Declaration of Human Rights. Second, while public authorities, prosecutors and elected officials may enjoy an additional level

of protection not afforded to non-state members of civil society groups, even these public authorities are not immune from attacks.

This report considers the dangers of human rights defence in Brazil by analyzing instances of abuse and intimidation affecting human rights defenders since 1997, as well as the response of relevant authorities to these incidents. Global Justice chose to limit this report to cases from the past five years due to the existence of literally hundreds of instances over the past decade. Beginning with this universe of cases, we tried to focus on 1) the most serious abuses; 2) instances of abuse that were most representative of the kinds of difficulties faced by defenders; 3) cases that represented the diversity of contexts in which defenders face risks in Brazil; 4) cases that demonstrated the regional diversity of abuses; 5) cases that were well documented and 6) cases known to authorities. Unfortunately, we were forced to eliminate a number of instances that should be in this report due to the lack of corroborating information. As such, while the report includes nineteen cases involving twenty-three homicides, and dozens of incidents of death threats and other forms of intimidation, *those figures are not exhaustive*, but rather a sampling of the many instances of abuses of the rights of defenders in Brazil.

As the report demonstrates, we registered the greatest number of cases in rural conflicts, a total of twenty incidents, ten of which were fatal, claiming a total of thirteen victims. Given the violence which has characterized land disputes in Brazil, this should not be surprising. The cases documented in this study, of course, represent only a fraction of the number of killings in rural conflicts over the past five years. In the rural context, the cases that we highlight here are limited to *leaders and rights activists*, that is, those who

dedicated their lives to the defence of the rights of others, whether or not these defenders also defended their own right to access to land, etc.

While we found the rural sector the most violent for rights defenders, each of the areas examined here posed serious threat to the lives and physical integrity of some activists. For example, in the sixteen incidents involving rights defence in urban contexts, three cases were registered with three fatal victims. Of the five cases involving environmental activists, two were homicides, claiming two victims. Four incidents of abuses and threats against indigenous activists are reported. The report considers five incidents targeting urban labour rights activists; three of these were killings, with a total of four fatalities. Finally, of the six incidents involving elected officials, we report one homicide, with one victim.

The problem is clearly national in scope, as this report testifies, registering incidents in eighteen of the twenty-seven Brazilian federal units (twenty-six states and the federal district). The number of incidents documented per state, from most to least, follows: Rio de Janeiro (10); Pará (7); Bahia, Mato Grosso, Paraná, Rio Grande do Norte and São Paulo (4); Espírito Santo, Pernambuco and Sergipe (3); Goiás and Tocantins (2); Acre, Amazonas, Ceará, Minas Gerais, Paraíba, Rio Grande do Sul (1).

Immediately following this executive summary, we set out a series of recommendations. We place our recommendations at the very start of the report because our goal is to assure not only recognition of the grave circumstances in which many rights activists operate in Brazil, but also to press Brazilian authorities to guarantee full respect and protection for rights defenders.

Recommendations¹

The Global Justice Centre and Front Line urge the Government of Brazil to take the following measures to help guarantee the physical integrity and working conditions of those who defend human rights in Brazil, as well as to guarantee that those who threaten, intimidate, harass or abuse these defenders are brought to justice.

1. Guarantee the Application of the Principles in the UN Declaration on Human Rights Defenders

The UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by the UN General Assembly on December 9, 1998 (and included as Appendix 1 to this report) contains vital principles concerning the protection of human rights defenders. The Brazilian government should take measures to ensure that the principles in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms are fully incorporated into national law and legal mechanisms. Authorities at all levels of government should explicitly commit themselves to promoting respect for human rights, and to the protection of human rights defenders.

2. Recognise the Oversight of International Human Rights Bodies

¹ Many of the elements of these recommendations are drawn from reports published by Amnesty International and Human Rights Watch.

One critical means of providing human rights defenders the conditions necessary to perform their vital function is through full governmental recognition of and participation in international mechanisms for the protection of human rights. Engaged participation in these mechanisms sends a clear message to domestic society that human rights defence is a legitimate and important social activity.

a. Participate Fully in the Inter-American System

Unfortunately, Brazil's participation in the inter-American human rights system has been limited, particularly in terms of recognising the deadlines and recommendations issued by the Inter-American Commission. We call on the Brazilian government to respect the deadlines imposed by the Commission and to implement the recommendations already determined by the Commission as well as those issued in future cases. In particular, we urge the government to pay special attention to the Inter-American Commission's precautionary measures (many of which concern the protection of rights defenders), given that these are by nature urgent matters.

b. Recognise the Jurisdiction of the Conventional Committees of the United Nations

Although Brazil has ratified all six core human rights treaties (see below), at this writing, it had not yet recognised the jurisdiction of any of the four committees with authority to receive and process complaints against Brazil. We call on the Brazilian government to recognise the complaints-processing jurisdiction of the Human Rights Committee, the Committee Against Torture, the

Committee on the Elimination of All Forms of Racial Discrimination and the Committee on the Elimination of All Forms of Discrimination Against Women.

c. Support Specialized Mechanisms for the Protection of Human Rights Defenders at the International Level

The Federal Government should guarantee full support for human rights protection mechanisms and initiatives within the United Nations and inter-American human rights systems, including special rapporteurs, which support human rights defenders and their work. In addition, the government should support the establishment within the Inter-American Commission on Human Rights of the post of Special Representative on Human Rights Defenders.

d. Extend an Invitation to the Special Representative on Human Rights Defenders to Visit Brazil

Global Justice and Front Line welcome the federal government's willingness to cooperate with United Nations Special Mechanisms, including the generic invitation that the government has extended to all special rapporteurs, representatives and working groups. In this spirit, we call on the Government to arrange for UN Special Representative Hina Jilani to visit Brazil as soon as her schedule permits.

3. Investigate Fully Abuses Committed against Human Rights Defenders

Authorities at both the federal and state levels must ensure thorough and impartial investigations are conducted into all human rights violations, particularly those directed at human rights defenders, that those responsible are brought to justice and the victims or their relatives provided with adequate reparation. It should go without saying that those who oversee such investigations must be independent and that those implicated in harrasing human rights defenders not have authority over these investigations. The results of such investigations should be made public.

4. Investigate Police Abuse Independently

Given that a significant portion of the instances of abuse and threatened abuse of rights defenders involves at least the suspicion of participation by police, effective and independent means of investigating allegations of violations by law enforcement officials are vital to any comprehensive program to ensure that the rights of human rights defenders are respected. In this regard, we support the following measures to guarantee that the police are investigated in an independent manner:

a. Investigations by the Offices of the Public Prosecutor

The Offices of the Public Prosecutor at the state and federal level should routinely investigate credible allegations of police violence without having to rely on the police to take witness statements, visit the scene of the crime, or provide other technical support. This is particularly urgent in cases in which the alleged violation involves a rights defender who faces threats due to her or his work denouncing police abuse.

While the Constitution (article 129(VII)) assures the Office of the Public Prosecutor jurisdiction over police abuse, in the vast majority of states, this Constitutional provision is rarely invoked.

b. Create Independent Investigators within the Offices of the Public Prosecutor

Brazilian authorities should enact legislation that would create investigative bodies within the State and Federal Offices of the Public Prosecutor. These investigators should be authorised to subpoena documents, summons witnesses and enter the premises of public offices, including police stations and other centres of detention, in order to conduct thorough, independent investigations.

c. Facilitate Reporting of Abuse

All those who defend human rights, as well as all those whose human rights have been violated, should have access to an effective procedure for the presentation of complaints without fear of reprisals. All such complaints should be forwarded automatically to the human rights divisions of the State and Federal Offices of the Public Prosecutor (to be created, where not already in existence).

5. Federalise Human Rights Crimes

In January 2002, the federal government issued a provisional measure authorising the Federal Police to investigate human rights abuses that the federal government has committed itself to suppress in accordance with international human rights treaties. The language of this measure permits

an interpretation authorising Federal Police investigation of virtually every type of human rights violation, insofar as the federal government is ultimately responsible for ensuring and respecting all rights provided in all human rights treaties. It is too early to predict how this language will be interpreted in practice.

Even if broadly construed, the measure does not speak to the jurisdiction of federal prosecutors and courts over such offences.

Given the federal government's responsibility before the international community, we call on the Brazilian government to pass legislation assuring the jurisdiction of federal authorities (police, prosecutors and the judiciary) over human rights abuses. This legislation will need to define particular human rights crimes over which jurisdiction is automatic, or provide for secondary or backup legislation as determined by a federal body such as the federal Council for the Defence of the Rights of the Human Person (Conselho de Defesa dos Direitos da Pessoa Humana, CDDPH). Whatever formula is chosen, killings, threats and other forms of intimidation against human rights defenders should be included, at least in theory, in the chosen federalisation formula.

6. Create and Strengthen Ombudsman's Offices (*Ouvidorias*) Throughout the Country

All states should create fully independent Ombudsman's Offices (*Ouvidorias*) for the police. The mandate, resources and autonomy of those *Ouvidorias* that already exist should be reinforced to guarantee the credibility of these institutions and their oversight of allegations of abuse. Ombudsmen should be authorised to examine fully each complaint, as well

as to submit proposed indictments to prosecutors. Further, Ombudsmen should be given subpoena powers over persons and documents (that is, empowered to require testimony under penalty of perjury and the production of documents, subject to similar penalties for non-compliance). Finally, authorities must guarantee the physical integrity and safety of Ombudsmen and their staffs.

7. Protect Victims and Witnesses

Urgent measures must be taken to guarantee adequate protection for human rights defenders, victims and witnesses that do not qualify for entrance into existing witness protection programs in various states and at the federal level. In those cases in which persons have participated in witness protection programs, their safety has been ensured, thus permitting successful prosecutions of severe violations of human rights. All states should have witness protection programs, which should be provided with necessary resources to carry out their vital institutional mission.

8. Refrain from Groundless Defamation Prosecutions

Authorities should take disciplinary action against state agents who abuse the legal process by filing frivolous legal actions against human rights defenders. Brazilian authorities should ensure that human rights defenders have equal access to the law and that judicial investigations and proceedings against them are conducted in accordance with international fair trial standards. Politically motivated criminal charges against human rights defenders engaged in lawful human rights work should be dropped and the accused officially informed of the closure of the investigation. Unsubstantiated investigations and indictments for alleged defamatory statements must be terminated; authorities should take measures to rectify

publicly the honour of those affected and those responsible should be subjected to disciplinary action.

9. Modify Penal Legislation Regarding Defamation

The Brazilian penal code allows for the prosecution of *injúria*, *calúnia* and *difamação* (roughly equivalent to defamation in Anglo-American law) as criminal offences. As we demonstrate in this report, prosecutions under these provisions have been used as an additional means to silence human rights defenders when they speak out against powerful or corrupt elements of Brazilian society. Global Justice and Front Line call on the Brazilian Chamber of Deputies to eliminate the crimes of *injúria*, *calúnia* and *difamação* or, alternatively, to provide for an exception for human rights defenders. Defamation should be treated as a civil wrong, rather than as a crime. As Amnesty has recommended, governments should “Ensure that criminal defamation laws are not misused to curtail freedom of expression or to harass human rights defenders for the purpose of silencing them or shielding those implicated in human rights violations from prosecution by repealing all criminal defamation laws at federal and state level and replacing them, where necessary, with the appropriate civil defamation laws.”²

10. Adopt Integrated Programs for the Protection of Human Rights Defenders

The federal government should develop integrated programs that include preventative measures, such as thorough criminal investigations into attacks and threats against human rights defenders, wide dissemination of the

² Amnesty International, *Mexico: Daring to raise their voices* (Report No. AMR 41/04/2001), 2001.

principles of the UN Declaration on Human Rights Defenders, education for state agents on the right of human rights defenders to carry out legitimate activities, as well as security measures such as witness protection programs addressed above, to assist human rights defenders and their families with immediate safety issues. These programs should ensure that all measures to protect human rights defenders are adopted in accordance with the wishes of the person receiving protection.

11. Dismantle Systems of Surveillance of Civil Society and Rights Defenders

As revealed in mid-2001 and discussed below, elements within the Brazilian Army continue to maintain forces dedicated to the surveillance of social movements and rights groups. We call on the Brazilian government to dismantle all systems of surveillance, civilian or military, both at federal and state level, of the activities of human rights defenders. Further, authorities must take appropriate measures to investigate fully past reports of surveillance with a view to ending all forms, legal or illegal, of telephone or electronic surveillance.

12. Provide Complete Access to Surveillance Files

The Brazilian government must ensure the immediate and independent review of intelligence archives held by the federal and state security forces, or other official institutions, in order to guarantee that past cases of illegitimate surveillance against human rights defenders are fully clarified, and that those responsible are identified and brought to justice. In coordination with human rights defenders, authorities should establish the appropriate mechanisms to make the results of this review known and ensure that such abuses cannot be repeated in the future.

13. Provide an Adequate Legal Basis for Human Rights Defenders

The appropriate federal authorities should meet with representative members of non-governmental human rights organisations to negotiate the appropriate legal framework to permit full recognition of non-governmental human rights organisations within existing frameworks which recognise non-profit social associations. Legislation concerning human rights groups, if created, should guarantee, among other rights, access to public facilities for registered rights groups.

1. Presentation of the Problem

This report seeks to provide insight into the frequently difficult realities of human rights defence in Brazil. It does so by providing information on the general context in which activists defend rights in Brazil, as well as specific contexts in which abuses have occurred with greater frequency. The report documents fifty-six incidents of varied forms of human rights violations to which those who defend these very rights have been subjected over the past five years. The case summaries not only present the violations but also the response—or failure of the state to respond adequately—both to threats of violence as well as violence once consummated.

It must be emphasized here that this report *does not seek to be exhaustive* but instead represents a good faith effort to research a significant sampling of the kinds of abuses targeted at rights defenders in varied contexts throughout Brazil. In this regard, we have sought to include instances of different types of abuse (homicides, death threats, frivolous law suits), from different contexts (rural land conflicts, urban investigations of police, etc.) involving different kinds of victims (rights defenders from NGOs, grass roots organisations, indigenous rights groups, environmentalists, etc.) and varied regions of Brazil (south, southeast, north, northeast, central-west). The cases selected, with very few exceptions, were known to authorities; as such, the impunity documented in the vast majority of incidents is that much more worrisome.

1.1 Defining Human Rights Defenders

The United Nations has manifested in no uncertain terms that the work of human rights defenders is of critical importance for the promotion of

human rights worldwide and, as such, these defenders deserve special protection. The UN General Assembly, in Resolution 53/144, approved the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms on December 9, 1998, the eve of the fiftieth anniversary of the Universal Declaration of Human Rights. Resolution 2000/61 of the United Nations Commission on Human Rights, passed in April 2000, established the mandate of the Special Representative of the Secretary General on human rights defenders.

While these documents emphasize the critical role played by rights defenders and create means of ensuring that governments respect and protect their work, these Resolutions do not define exactly who is a human rights defender. Similarly, Hina Jilani, Special Representative of the Secretary General on human rights defenders, appointed pursuant to Resolution 2000/61 of the Commission on Human Rights, in her initial report on the situation of human rights defenders submitted to the General Assembly on September 10, 2001, opted not to establish a static definition of human rights defender.³

Front Line provides the following definition of a human rights defender:

“A Human Rights Defender is a person who works, non-violently, for any or all the rights enshrined in the Universal Declaration of Human Rights.”

³ See A/56/341, September 10, 2001.

This definition thus encompasses those who defend a wide range of rights, including not only civil and political human rights, but also economic, social and cultural rights. In this report, Global Justice focuses on the killing, death threats, beatings, frivolous lawsuits and prosecutions, and other means of intimidation directed against human rights defenders as defined above as a result of their work defending human rights. The report also highlights cases of abuse suffered by those defending environmental rights and the right to land. While this last right is not enshrined in the Universal Declaration of Human Rights *per se*, a growing consensus among international human rights jurists asserts that the right to land for subsistence agriculture is implicit in the right to housing and the right to food. In any event, those defenders cited in this report whose work focuses on land rights inevitably defend other basic rights of the landless, such as their rights to life, to physical integrity, and to due process, among others.

Thus, while we begin with a broad definition of human rights defence, we limit cases documented to those in which the evidence demonstrates a clear link between the killing, death threat or other intimidation suffered by the person and her or his defence of the rights protected in the Universal Declaration. As a result, instances in which the abuse suffered is not targeted at the victim because of her or his work in rights defence (such as an injury suffered during a public demonstration) are not included (unless the demonstration itself is viewed as a defence of human rights).

1.2 Human Rights Defence in Brazil: The Context

Nowhere is the defence of human rights an easy task. In Brazil, those who defend human rights in both urban and rural contexts face intense

challenges aggravated by high levels of violence. In particular, in urban Brazil, rising crime rates over the past two decades have led to popular discontent with the inefficiency of police and the justice system, as well as human rights defenders, who are often viewed as defending the interests of criminals and criminal suspects. In rural Brazil, in recent years, organised social movements, in particular the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST) have pressured authorities to accelerate land reform measures, desperately needed given the nation's historically unequal distribution of land (and wealth). Those who oppose the Landless Labourers' Movement and its demands have sought to delegitimise the defence of land reform and rural justice by characterizing the MST and its supporters as violent radicals. Similar tactics have been used by opponents of indigenous and environmental rights as a means of undermining the promotion of these rights and the labour of those who defend them. While Brazil imposes no formal restraints on rights defence, human rights defenders often find that they must work in extremely hostile environments. Further, as we explain below, documents made public in 2001 demonstrate that secret information-gathering units of the armed forces have continued to monitor the activities of rights defenders and social movements well after the transition to civilian rule.

1.3 The Historical Context

On March 31, 1964, a military coup put an end to the civilian rule of President João Goulart and the grass-roots reform campaign that he had begun. While the military leaders suspended the political rights of many, the first years of the dictatorship were not marked by massive rights violations. Indeed, it was only after the adoption of Institutional Act No. 5 in December 1968 (which granted military authorities vast powers and

severely restricted individual rights) that the worst period of repression began. During the last years of the 1960s and most of the 1970s, rights abuses intensified and included all the worst forms characteristic of southern cone dictatorships: torture, forced disappearance, political killings and imprisonment, as well as other serious, though less violent abuses (censorship, restriction of freedom of association, etc.).

By the late 1970s, the worst abuses subsided significantly; the military had eliminated (brutally) the vast majority of groups advocating or practicing armed opposition, and had violently repressed other forms of dissent as well. A gradual opening began in this period, leading to the 1979 Amnesty Law which pardoned those responsible for politically motivated rights abuse and permitted the return of political exiles.

The political opening continued into the early 1980s, leading to the registration of political parties and the elections for state governors in 1982. In 1985, through a process of indirect election, Tancredo Neves was chosen to be the first civilian president since the 1964 *coup d'état*. Shortly before he was to assume the post, Neves became seriously ill—eventually dying a few months later—leading Vice President-elect José Sarney to take office. Sarney's period in the presidency (1985-1989) culminated in the adoption of the 1988 Constitution and the 1989 direct presidential and congressional elections.

1.4 Vestiges of the Brazilian Military Dictatorship: Government Surveillance of Private Citizens

While the election of Tancredo Neves and the assumption of civilian president José Sarney officially ended two decades of military dictatorship

in Brazil, certain vestiges of the repressive military regime persist to this day. In particular, torture⁴ and surveillance (the euphemism used by those engaged in this activity is “information-gathering”) are among the most pernicious.⁵

In June 2001, the Federal Office of the Public Prosecutor and the Federal Police declassified documents shedding light on the extent of these practices. In response to a petition by Torture Never Again (Grupo Tortura Nunca Mais, GTNM) and other human rights organisations, federal authorities released evidence of a covert government-run surveillance operation at a military base in Marabá, in the state of Pará. The Brazilian armed forces disguised the base as a mock news station, and army operatives posed as journalists to gather information on local residents. Other documents revealed similar operations in which the army used secret offices to monitor the area.⁶

In August 2001, the newspaper *Folha de S. Paulo* published the text of these documents. One published government source revealed that the army

⁴The United Nations Special Rapporteur on Torture, Sir Nigel Rodley, after a three-week mission to Brazil in 2000, concluded in a report issued in April 2001 that torture is systematic and widespread in Brazil.

⁵ Officially, the National Information Service (Serviço Nacional de Informações, SNI) was eliminated during the first administration of President Fernando Henrique Cardoso.

⁶ The Office of the Public Prosecutor and the Federal Police also investigated the circumstances surrounding the massacre of Araguaia, a remote Amazon region in Southern Pará State, in which the armed forces killed 58 members of the Brazilian Communist Party and dozens of local residents between 1972 and 1974 leaving no evidence as to the whereabouts of the victims' bodies. According to reporters from the Rio de Janeiro daily *Jornal do Brasil*, “the documents show that there were 92 deaths.” See Nilmário Miranda and Carlos Tibúrcio, *Dos filhos deste solo: Mortos e desaparecidos políticos durante a ditadura militar: a responsabilidade do Estado* (São Paulo: Editora Perseu Abramo and Boitempo Editorial), 1999, p. 170.

conducted its secret operations to monitor “enemy forces,” which under the army’s broad definition encompassed popular movements and NGOs that were deemed a threat to national security.⁷ The documents further indicate that the army considered social movements akin to organised crime and drug trafficking, and that it planned acts of sabotage against such groups using weapons and a network of informants.⁸

Among the groups under covert army surveillance were the Landless Labourers’ Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), the Movement of the Struggle for Land (Movimento de Luta pela Terra, MLT), the Brazilian Rural Workers’ Movement (Movimento dos Trabalhadores Rurais Brasileiros), the Change Brazil Movement of Landless Rural Workers (Movimento Muda Brasil dos Trabalhadores Rurais Sem Terra, MMBTRST), the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), the Rio Maria Committee (Comitê Rio Maria), Greenpeace, the International Federation for Human Rights (Fédération Internationale des Ligues de Droits de l’Homme) and Human Rights Watch.

The declassified documents described the following special operations:

“Operation Fish” (“Operação Pescado”) (1998) – Involved surveillance on the MST using secret government funds for an indeterminate period. The army justified these activities by classifying the MST as a revolutionary organisation. The army also defended the open-ended nature of the espionage by stating that such flexibility was necessary to preserve law and order, given its view that the MST endeavoured to “disrupt the existing order and undermine confidence in the government and its institutions.”

⁷ Reports appearing in the *Folha de S. Paulo*, August 2-17, 2001.

⁸ *Ibid.*

“Operation Storm” (“Operação Tempestade”) (1999) – Also a surveillance operation of the MST. The stated goal was to “learn the location and date of the invasions, demonstrations, and occupations” of the MST.

“Operation Poseidon” (“Operação Poseidon”) (1999) – Coordinated surveillance on NGOs, under the pretext of protecting national sovereignty over the Amazon region. The principal targets were groups devoted to environmental preservation and indigenous peoples’ rights. The army covertly gathered data on NGOs directors, judges and government officials sympathetic to environmental causes. The army’s surveillance extended to national and foreign entities that supported the NGOs. This operation lasted one year, after which the army resumed it under the name “Hawk” (“Gavião”).

The documents released in 2001 also contained a price list for hit men operating in northern Brazil, where “a worker’s life may not be worth more than a shot of *cachaça*.”⁹ “If the worker is linked to the MST, the average reward is R\$5,000” (about US\$2,150). According to the list, the life of a Federal Police chief was worth R\$15,000 (about US\$6,450), and that of a staff member of the Department of the Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis, IBAMA), depending on his seniority, could cost up to R\$10,000 (about US\$4,300). “Cars and motorcycles” could represent “partial payment” for a killing. The documents gave further prices for the murder of businessmen, City Council Members, and landowners, ranging from R\$5,000 to R\$10,000 (US\$2,150 to US\$4,300).

⁹ *Ibid.* *Cachaça* is a cheap Brazilian cane liquor.

These documents demonstrate the persistence of authoritarian practices by an unaccountable security apparatus well after the transition from authoritarian to civilian rule. While the advent of democracy was presumed to have eliminated state surveillance of its own citizens, it is clear that certain vestiges of these dictatorial practices remain.

The nature of the groups considered suspect—social movements dedicated to land reform and indigenous, environmental and human rights NGOs—demonstrate, at a minimum, the convergence of interests of Brazil's rural elite and the military intelligence services. Despite official discouragement of authoritarian practices and legislative advances such as the classification of torture as a crime in 1997, and the passage of Law 9.140/95 regarding politically-motivated murders and disappearances,¹⁰ the use of military intelligence services to undermine the work of civil society underscores the fragility of Brazilian democracy.

1.5 Brazil and International Human Rights Protection

Another consequence of Brazil's extended period of military rule has been a significant delay and continued resistance to ratification of international human rights norms and acceptance of the jurisdiction of international

¹⁰ Beginning in the 1980s, the armed forces acquired the reputation of "guardians" of order against urban violence. "Operation Rio I" in which armed forces occupied Rio de Janeiro for several months purportedly to enhance public security, was one of the most brutal episodes in this campaign. See, Cecília Coimbra, *Operação Rio: o mito das classes perigosas: um estudo sobre a violência urbana, a mídia imprensa e os discursos de segurança pública*, (Niterói: Oficina do Autor and Intertexto), 2001.

oversight bodies.¹¹ Nearly two decades after its transition to democratic rule, Brazil continues to lag behind many of its Latin American neighbours in this regard.

Prior to its transition to democratic rule, Brazil ratified just one of the six core human rights treaties, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), on March 27, 1968.¹² The next treaty ratification (the International Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW), occurred in 1984, during the period of gradual transition to civilian rule. Apart from these two exceptions, all other ratifications of major human rights treaties both in the United Nations and inter-American systems, have occurred after the transition to civilian rule. Thus, after 1988, the year of the new democratic Constitution, Brazil ratified:

- a) the Inter-American Convention for the Prevention and Punishment of Torture (July 20, 1989);
- b) the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, CAT (September 28, 1989);

¹¹ For Brazil's military rulers, human rights, human rights treaties, and international oversight were unwelcome menaces to the social order they sought to impose on the country. Gradually, however, the more extreme elements within the military government ceded space to those willing to accept democratic rule. Still, while a top-down, gradual transition allowed for gubernatorial elections at the state level in 1982, it was not until the 1989 that Brazilians were able to vote in a direct presidential election, something that had not happened since 1960.

¹² This exception must be understood in the context in which it occurred. First, in 1968, the year in which Brazil ratified the CERD, the myth of racial democracy continued to be the dominant discourse in Brazilian society, even among academics. Second, in relative terms, Brazil could consider itself to be in good standing in terms of its racial situation, given the persistence of stark discrimination in the United States, not to mention openly racist regimes in South Africa and Rhodesia.

- c) the Convention on the Rights of the Child (September 24, 1990);
- d) the International Covenant on Civil and Political Rights (January 24, 1992);
- e) the International Covenant on Economic, Social and Cultural Rights (January 24, 1992);
- f) the American Convention on Human Rights (September 25, 1992);
- g) the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (November 27, 1995);
- h) the Protocol to the American Convention on the Abolition of the Death Penalty (August 13, 1996);
- i) the Protocol to the American Convention on Economic, Social and Cultural Rights (the Protocol of San Salvador) (August 21, 1996).

The Constitution of 1988 represented—and continues to represent—a significant advance in legal terms, and in particular, in terms of the formal recognition of international human rights instruments. While not all Brazilian jurists agree, many scholars contend that norms established in human rights treaties ratified by Brazil become part of domestic legislation and may be invoked in Brazilian courts.¹³

¹³ For more detail on the incorporation of norms contained in international human rights treaties in Brazilian law, see Flávia Piovesan, *Direitos Humanos e o Direito Constitucional Internacional* (São Paulo: Max Limonad), 1996.

Despite this formal recognition, a significant gulf has remained between the legal recognition of international human rights norms and their implementation in practice. Apart from the continued existence of severe human rights abuse, international human rights norms incorporated into Brazilian law have rarely been applied by Brazilian courts or cited by legislators and representatives of the executive branch in drafting bills, for example. At the international level, Brazil's participation in the structures created by international human rights treaties has been extremely limited.

One important reason for Brazil's non-engagement in the international structures for the protection of human rights has been the Foreign Ministry's overly cautious position regarding the recognition of the mandatory jurisdiction of international oversight bodies. Of the six core treaties, all but two now provide for petitions by individuals or groups alleging violation of one or more of the rights enshrined in the given treaty. The International Covenant on Civil and Political Rights, through its First Optional Protocol allows such individual petitions. So too do the CERD, in article 14, and the CAT, in article 22. A more recent protocol to the CEDAW, which entered into force on December 22, 2000, allows for the right of individual petition to the CEDAW Committee. Unfortunately, to date, the Brazilian government has not recognised the competence of any of these bodies to receive and process individual complaints, a necessary precondition for individual access.¹⁴

It should be noted that these bodies fulfill a second vital oversight function, in addition to their receipt and processing of individual petitions against

¹⁴ On March 13, 2001, Brazil signed the Optional Protocol to CEDAW; it has yet to ratify that instrument.

those states that recognise this jurisdiction. This second type of oversight involves the review of States' periodic reports, submitted in compliance with the terms of the core treaties. Here, too, Brazil has maintained a poor record. Timely submission of reports, or even submission at all, has been the exception, not the rule. This non-compliance has also contributed to the overall failure by Brazilian civil society to make use of the treaty-based mechanisms.¹⁵

1.6 Brazil and the Special Mechanisms of the United Nations Commission on Human Rights

Despite Brazil's failure to recognise the oversight function of the conventional bodies of the United Nations, in recent years the government has demonstrated increased willingness to cooperate with the special mechanisms established by the United Nations Commission on Human Rights. An important recent example involved the visit by the UN Special Rapporteur on Torture, Sir Nigel Rodley, to Brazil between August and September 2000. Based on his visit, Sir Nigel drafted a comprehensive report on torture in Brazil, released in April 2001. The Special Rapporteur's scathing report concluded, "Torture and similar ill-treatment are meted out on a widespread and systematic basis in most of the parts of the country visited by the Special Rapporteur and, as far as indirect

testimonies presented to the Special Rapporteur from reliable sources suggest, in most other parts of the country." In addition to its conclusions, the report included 348 cases of torture about which the Special Rapporteur had gathered information during his study.

Just a month later, the Committee Against Torture reviewed Brazil's submission pursuant to the Convention during its May sessions. For the first time ever, groups from Brazilian civil society followed the sessions of a UN Committee review of a submission by their government. A coalition of Brazilian rights groups including the Global Justice Centre submitted a parallel report, participated in a special encounter between the members of the CAT Committee and civil society, and observed the sessions. The CAT's conclusions emphasized many of the same points highlighted by Special Rapporteur Sir Nigel Rodley, including the recurrent nature of torture and impunity, abysmal detention conditions and the lack of adequate mechanisms to allow detainees to register complaints.

During the CAT sessions, the Brazilian government informed the Committee that it was preparing a national campaign against torture. In fact, in November, the federal government launched the campaign, which consisted primarily of a series of state-wide telephone hotlines run by non-governmental organisations, as well as a series of televised spots seeking to raise consciousness about the problem of torture. While inadequate in itself to respond to the problem of torture, the campaign represents an important recognition by the federal government of the need for concerted action to abolish this horrendous, yet routine rights abuse. The campaign also demonstrates the important impact that international oversight can have on the formulation of domestic policy in Brazil.

¹⁵ Again, as with the individual complaints mechanism of the inter-American system and the special mechanisms of the UN, Brazilian civil society has begun to make greater use of the periodic reports function of the treaty-based Committees. In this process, civil society may submit parallel, alternative or shadow reports. In May 2000, a coalition of Brazilian civil society groups submitted an alternative report to the International Committee on Economic, Social and Cultural Rights. Global Justice participated in the submission of this report, helping to organise meetings, and translating official encounters. In May 2001, Brazilian civil society groups drafted a shadow report to the Committee Against Torture. Global Justice participated in the drafting and defence of the report before the Committee.

In March, 2002, the United Nations Special Rapporteur on the Right to Food, Jean Zeigler, visited Brazil. While the Brazilian government has invited the UN Special Rapporteur on Summary Executions, Asma Jahangir, to visit the country in 2002, no date for the visit had been set at this writing.

1.7 The Legal Status of Human Rights Defence in Brazil

The Brazilian government does not impose formal restrictions on the right to defend human rights. Nonetheless, as we analyze above in Section 2.4 on the vestiges of the military dictatorship, security forces within the military have continued to control the activities of rights groups and other social movements.

Nonetheless, the absence of restrictions alone is not sufficient to explain the legal context of rights protection. Brazilian law does not establish specific norms concerning rights defence. Instead, the legal regime addressing the labour of rights defenders consists of the regulation of the individual component activities that constitute the promotion and defence of human rights. Thus, to understand the legal construct in which human rights are defended in Brazil, one must refer to legislation concerning access to information and to official buildings (such as police stations and centres of detention), freedom of expression, freedom of the press, etc. The Brazilian Constitution ensures the right to information (Article 5(XIV)) in general terms and guarantees freedom of expression “of

intellectual, artistic, scientific activities and of communication [free from] censure.”¹⁶

One legal provision that constitutes a serious obstacle to rights defence warrants mention here. Brazilian law provides protection for individual honour through the criminalisation of offensive speech. The Brazilian Penal Code provides for the criminal prosecution of *calúnia*, *difamação* and *injúria*. Individual citizens who believe that their honour has been offended may file complaints (called *representações*) with the Office of the Public Prosecutor or with the local police alleging the commission of one or more of these three crimes by a particular person. The crime of *calúnia* involves the false attribution of criminal behaviour to a person. The crime of *difamação* consists of attributing to a person an act considered morally offensive. The crime of *injúria* is defined as acts (ordinarily in written or spoken communication, though gestures may constitute such acts) that offend a person’s dignity or decorum. *Calúnia* may be punished by a prison term of six months to two years; *difamação* by a term of three months to a year; *injúria* may be punished by a term of one to six months in prison.¹⁷ The sentences may be increased by one third when the party offended is a public official, or when the offence is committed in a public place. The sentence may be doubled when the offence is committed in exchange for payment. While the first two crimes ordinarily allow for a full defence when the assertion is not false, the last crime, *injúria*, does not permit this exception.¹⁸

¹⁶ See Constitution of Brazil, art. 5(IX) (1988). The original Portuguese text reads, “é livre a expressão da atividade intelectual, artística, científica e de comunicação, independentemente de censura ou licença.”

¹⁷ See Brazilian Penal Code, arts. 138-145.

¹⁸ In this report, we refer to *calúnia*, *difamação* and *injúria* throughout as “defamation.”

The legal protection of honour, *per se*, does not necessarily constitute a problem for rights defence. However, this protection, in conjunction with high levels of impunity for rights violators, creates a dangerous combination. Because the legal system frequently fails to investigate, try and punish those responsible for grave abuses, human rights violators often remain legally innocent for many years (or forever) after the commission of their crimes. As a result, the attribution of responsibility for a rights abuse (acts usually classified as criminal or offensive) to a person not convicted for that crime will ordinarily be deemed legally false. Thus, widespread impunity for human rights offenders in Brazil combined with the criminal provisions protecting honour cited above create a powerful legal weapon that may be wielded to intimidate human rights defenders: prosecution for defamation. As this report demonstrates, this legal artifice is often used as a means of reprisal or intimidation against those who denounce human rights abuses.

1.8 The Ability to Monitor Human Rights

A basic element of the defence of human rights is the right to research and document conditions in different contexts.¹⁹ When investigating potential abuses in state-controlled facilities, restrictions on access to those facilities

¹⁹ Article 6(a) of the United Nations Declaration on Human Rights Defenders ensures that:

Everyone has the right, individually and in association with others

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

may render the defence of human rights difficult or impossible. In this regard, legislation and practice concerning access to detention centres warrants analysis here.

Brazilian law provides for supervision of detention centres by six separate bodies: the judges of penal execution, the National Council on Criminal and Penitentiary Policy, the Penitentiary Department, the Offices of the Public Prosecutor, local prison councils, and local community councils.²⁰ In addition, elected officials are authorised to enter public buildings, including detention centres. In practice, however, these bodies rarely make use of their legal prerogative to visit detention centres. When they do, they often encounter resistance by prison guards or police charged with oversight of detention centres.

Access to detention centres for civil society groups is particularly problematic. In most jurisdictions, community councils, required by the 1984 National Prison Law (*Lei de Execução Penal*), have not been established or are inoperative. In practice, rights groups face great difficulties in obtaining access to detention centres. Indeed, even well-known international human rights groups such as Human Rights Watch and Amnesty International have encountered difficulties in accessing detention centres in Brazil. A 1998 Human Rights Watch report on prisons summarized the issue of rights monitoring in these terms:

Brazil, with its democratic political structure and official government support for human rights, would appear to present a favorable environment for human rights

²⁰ See Human Rights Watch, *Behind Bars in Brazil* (New York: Human Rights Watch), 1998, p. 17.

monitoring. We found, nonetheless, that gaining access to the country's prisons and police lockups was surprisingly difficult. Our researchers faced obstructions ranging from overt denials of access to, more frequently, unnecessary and time-consuming procedural hurdles.²¹

The problems encountered by local rights groups are often even more severe, undermining their ability to monitor the rights situation in many detention centres.

1.9 Impunity

One key factor behind the continuing abuses against rights activists is the high level of impunity enjoyed by those who threaten, intimidate and violate the physical integrity of human rights defenders. While impunity, tempered with an occasional conviction, is the rule for those who commit abuses directly (often hired gunmen), the uniform failure to investigate and prosecute is even more outrageous in regard to the intellectual authors of crimes against rights defenders. As this report shows, of the fifty-six incidents documented, in forty-six, more than 80% of the total, our records indicate that no significant advance, such as identification of those responsible, arrest or indictment, occurred. Of the ten cases with some advance, suspects were arrested in seven incidents. We have not received any information indicating a conviction in any of these matters.

Perhaps more worrisome are the figures regarding official responses to death threats. In this regard, we are not aware of a single instance in which the death threats included in this report—all of which were reported in a timely fashion to state and federal authorities—resulted in the arrest,

²¹ *Ibid.*, p. xii.

prosecution and conviction of those responsible. Indeed, in only one incident (those against City Council Member Cozete Barbosa) among thirty-two cases of death threats was any significant advance (indictment of five suspects) registered. The general failure to investigate death threats may well be more damning than the poor performance of authorities in cases of homicide for at least two reasons. First, death threats occur with a far greater frequency than killings of human rights activists. Second, in virtually every case of homicide of rights defenders recorded, the killing is preceded by death threats. Thus, when state authorities respond effectively to threats against defenders, the chance of escalation of the eventual harm inflicted is greatly reduced.

Unfortunately, Brazilian authorities have responded timidly to death threats against rights activists. Even in those cases in which internal and international pressure forces authorities to take concrete measures, these are limited to protection of the person threatened. While this protection is clearly welcome and represents an advance on the part of the federal government, it fails to respond to the underlying causes of the threats. In this regard, the case of Roberto Monte and Plácido Medeiros de Souza (Plácido) is illustrative. As we explain in the analysis of that case in the chapter on Human Rights Defence in Urban Brazil, death threats and a climate of fear led the activists, with the assistance of the Global Justice Centre, to request precautionary measures from the Inter-American Commission on Human Rights and to inform the UN Special Representative on Human Rights Defenders, Hina Jilani, of their situation. In the case of Monte and Plácido, the activists furnished authorities and the international bodies not only with details about the threats, but also information about those likely responsible for the risk to their lives.

Nonetheless, even though in December 2001 the Inter-American Commission authorised the request for precautionary measures (which involve steps to ensure the secure detention of one of those believed responsible for the threats), the government, at this writing, had failed to implement fully the measures requested. The focus of the government's response has been to offer inclusion in a witness protection program, rather than to investigate fully and detain those likely responsible for the threats.

This dynamic repeats itself throughout the cases analyzed in this report. When the government responds, and this tends to occur only in exceptional cases in which significant pressure is applied, the focus is on short-term protection, rather than investigation and prosecution of those responsible for the threats. In cases that result in death or serious injury, the focus of the investigation is invariably on those directly responsible—that is, hired thugs or gunmen—rather than the intellectual authors of these crimes. The result of this pattern of inefficient state response is to permit the persistence of a climate of fear and intimidation for those who raise their voices against the abuses committed by powerful interests in every context examined in this report.

2. Human Rights Defence in Rural Brazil: Intensification of Conflicts and Targeted Attacks

Land distribution in Brazil has historically been among the most unequal in Latin America. Fewer than 50,000 rural landowners possess estates of one thousand hectares or more and control more than 50% of registered land. Close to 1% of rural landowners hold roughly 46% of all arable land. Of the 400 million hectares registered as private property, only sixty million hectares are used for planting crops. The remaining 340 million hectares are used for cattle raising. According to figures from the National Institute of Colonisation and Agrarian Reform (Instituto de Colonização e Reforma Agrária, INCRA), there are nearly one hundred million hectares of land not being used productively in Brazil.²² To further complicate this picture, some land titles currently held by property owners are the result of *grilagem*, the falsification of deeds, a practice dating back to the aftermath of World War II, when the government transferred extensive public land holdings to private hands based upon claimants' presentation of paper certificates.²³

This inequality has been the root cause of a series of movements seeking to restructure land tenure in Brazil, as well as the virulent reactions to these demands on the part of landowners. The 1988 Constitution, a landmark in the struggle to achieve land reform, requires that lands that do not fulfill a social function be expropriated for use in agrarian reform. Social function of land, in turn, is determined according to the level of productivity, in

²² Global Justice, *Human Rights in Brazil*, 2000 (Rio de Janeiro: Global Justice), 2001, p. 26.

²³ The word *grilagem* derives from *grila*, the word for cricket (the insect).

addition to criteria that include respect for labour rights and environmental protection. Disillusioned by the slow pace of this redistribution process, some rural labour groups, such as the Landless Labourers' Movement (Movimento dos Sem-Terra, MST), have adopted the tactic of forcibly occupying property slated for redistribution.

Throughout Brazilian history, efforts to alter the grossly unequal nature of land distribution have encountered resistance, often violent. Figures from the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), Brazil's most reliable source of data on rural conflicts, demonstrate that from 1988 to 2000, a total of 1,517 rural labourers were killed in disputes over land in Brazil.²⁴

The CPT reported that in 2001, the number of persons killed in conflicts rose to thirty from twenty-one in 2000. A disproportionate number of these incidents occurred in southern Pará. At least seven labourers were killed in land conflicts in Pará alone in 2001. The CPT also reported that the number of rural conflicts (including forced labour and labour disputes) soared from 660 in 2000 to 965 in 2001, consistent with the general trend toward intensification of rural conflicts in recent years.

In this context, those who work to defend the rights of rural labourers or to advance the cause of land reform often place themselves at great risk. Paradoxically, this may be more true today than during the military dictatorship. While the numbers of persons killed in rural conflicts in the post-transition period may have fallen, killings and threats in recent years have been more targeted, singling out rural labour rights leaders and human

²⁴ *Human Rights in Brazil, op. cit.*, p. 5.

rights defenders for intimidation, threats and physical attacks, as the cases below demonstrate.

Unwarranted Prosecution and Attempted Murder of José Rainha Jr., Landless Labourers' Movement Leader, Espírito Santo State

The Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST) began its first land occupations in the state of Espírito Santo in 1984. In June 1989, the MST decided to occupy the Ypueiras estate (of approximately 1,500 hectares) which it believed to be unproductive and thus subject to expropriation under federal law. During the occupation, two persons were killed: landowner José Machado Neto and off-duty police officer Sérgio Narcísio.

State prosecutors charged José Rainha Jr., one of the most important leaders of the landless movement in Espírito Santo, with direct participation in the murders, despite overwhelming evidence that at the time, Rainha was in Ceará, some 1,000 miles away. Several high-level Ceará State authorities told the police that Rainha was engaged in negotiations with them when the killings occurred. Nevertheless, the Espírito Santo Office of the Public Prosecutor opted to bring Rainha to trial for the killings. In June 1997, a court in Pedro Canário, Espírito Santo State, heard Rainha's case. Members of the jury lived in the area of the conflict, and included friends of one of the victims as well as the wife of the president of the local landowners' association. The jury found Rainha guilty.²⁵

²⁵ In Brazil, jury verdicts need not be unanimous.

At the trial, the main witness against Rainha described him as being a “tall man, round face, no beard, no mustache, light skin, somewhat overweight (approximately 70kg), brown, curly dense hair.”²⁶ Rainha is a tall, extremely thin man with black hair, beard and mustache. The prosecution, rather than focusing on Rainha’s responsibility for the crime in question, pressured the jury to convict Rainha for his involvement with land occupations. The presiding judge sentenced Rainha to twenty-six years and six months in prison. After the conviction, Amnesty International wrote “This charge was clearly politically motivated and obviously intended to harrass members of the landless rural workers’ movement...If José Rainha is imprisoned, we will consider him a prisoner of conscience and demand his immediate and unconditional release.”²⁷ Human Rights Watch characterized the trial as “an unfortunate use of the criminal justice system against land reform activists.”²⁸

Under Brazilian law, persons with no prior convictions sentenced to more than twenty years in jury trials are granted an automatic second trial. On April 5, 2000, a trial court in Vitória, the capital of Espírito Santo State, acquitted Rainha of the same charges of which the earlier court had found him guilty. In this second trial, widely attended by rights activists and domestic and international media sources, as well as hundreds of social activists and thousands of landless volunteers, the jury acquitted José Rainha by a vote of 4 – 3.

²⁶ “Contradições marcam sentença de Rainha,” *Folha de S. Paulo*, June 22, 1997.

²⁷ “Brazil: Blatantly unfair trial of leader of landless rural workers,” Amnesty International On-Line, <http://www.amnesty.org/ai.nsf/print/amr190151997>.

²⁸ “Human Rights Watch: World Report 1998,” (New York: Human Rights Watch), 1997, p. 95.

Since his release, Rainha has continued to defend the rights of landless labourers, putting him in harm’s way. On January 19, 2002, Rainha was shot in the back while on the Santa Rita do Pontal estate, the site of an occupation by 275 families that Rainha and the MST had helped to organise.²⁹ At about 11:30 a.m., Rainha was travelling in a car on the property with MST activists Sérgio Pantaleão and Fátima Siqueira. According to Patrik Mariano Gomes, an attorney for the MST, fifteen men working for the estate’s owner then surrounded the car. “They stepped in front of the car and began to shoot,” Gomes told reporters. “Rainha jumped out of the car and ran towards the woods. Several of the men followed him firing weapons. One bullet hit Rainha in the back.” Rainha was taken to the Porto Primavera hospital, where doctors determined that his condition was not critical.³⁰

The owner of the estate, Roberto Junqueira, was arrested that day in a nearby town on charges of ordering Rainha’s murder. According to the local district police chief, Donato Farias de Oliveira, Junqueira was arrested at about 9:30 p.m. as he was leaving his plantation. In detention, Junqueira reportedly admitted to his role in the attempt on Rainha’s life.³¹

At this writing, witnesses to the shooting were in the process of giving testimony to the police. On February 1, 2002, the mayor of the town of Presidente Prudente, Agripino de Oliveira Lima, aged 70, challenged

²⁹ “Advogado diz ter dados para libertar acusado de balar Jose Rainha,” *Folha de S. Paulo*, January 23, 2002.

³⁰ “José Rainha é baleado no Ponto do Paranapanema,” *Folha de S. Paulo*, January 20, 2002.

³¹ Electronic mail communication from the Human Rights Office of the MST to the Global Justice Centre, January 23, 2002.

Rainha to a fistfight. Lima stated that he would “kill” Rainha if the latter accepted. In response, the Agricultural Ombudsman of the Ministry of Agricultural Development requested that the Federal Public Prosecutor’s Office file criminal charges against Lima for threatening Rainha.

Death Threats and Disappearance of Miceno Moreira Barros and Threats to Paulo Novais and Maria de Lourdes Cabral, Rural Labour Leaders, Bom Jardim, Goiás State

The forty-five-year-old president of the Rural Labourers’ Union (Sindicato dos Trabalhadores Rurais, STR) in the municipality of Bom Jardim, Goiás state, Miceno Moreira Barros, had been receiving death threats for his role in agrarian reform and the redistribution of land.

On January 20, 1998, Barros led a group of rural workers along a seven-kilometre-long highway that connected Bom Jardim to the city of Baliza. The trip crossed 12,000 hectares of unused land, arousing the ire of the land’s owners, who did not permit the group to set up camp and rest. Following this incident, Barros began receiving even more threats. As a result, he considered abandoning his post as the union president.³²

On the morning of April 4, 1998, Barros left his house and headed towards a rural estate in the municipality of Piranhas with his cousin and a neighbour. That was the last time anyone outside of their group saw him.³³

³² “Crimes anteriores não foram solucionados,” *O Popular* (Goiânia), April 7, 1998.

³³ *Ibid.*

On April 14, The Human Rights Commission of the Federal Chamber of Deputies sent a letter to the Goiás State Secretary of Public Security, Jovenal Gomes de Carvalho, informing the Secretary of Barros’ disappearance as well as death threats suffered by Maria de Lourdes Cabral, a local MST leader, and Pedro Novais, the vice president of the Bom Jardim STR. According to the Commission, earlier that week Novais had received the following message: “If [Novais] doesn’t shut up, then he’ll find himself in the same place as [Barros].” The president of the Commission, Deputy Eraldo Trindade, urged that measures be taken to ensure the safety of Cabral and Novais, and requested an immediate investigation into Barros’ disappearance.³⁴

Since the initiation of the investigations, the Regional Police Chief of Iporá, Goiás, considered an ambush sponsored by regional landowners the most likely explanation for Barros’ disappearance. The Chief had obtained evidence indicating that landowners Jerônimo Epaminondas, Tadeu Antunes, and Elvio de Paiva Mesquita Filho were responsible for the threats that Barros had been receiving prior to his disappearance.³⁵

The State Homicide Division of the Goiás Civil Police opened Case No. 14941952 to investigate Barros’ disappearance and the threats received by Cabral and Novais, but uncovered no further information.³⁶

³⁴ Official Correspondence No. 378/98P from the Human Rights Commission of the Federal Chamber of Deputies to Goiás State Secretary of Public Security Jovenal Gomes de Carvalho, April 14, 1998.

³⁵ “Sem-terra pode ter sido vítima de emboscada,” *O Popular* (Goiânia), April 7, 1998.

³⁶ Report of the State Homicide Division of the Civil Police of Goiás, May 20, 1998.

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 083/02 to José Correa Barbosa, Chief of the State Homicide Division of the General Civil Police Headquarters (Diretoria Geral da Polícia Civil), Goiás State, requesting further information on recent developments in this matter.

In response, Chief Gilberto da Silva Ferro of the State Homicide Division informed the Global Justice Centre that Barros remains missing and that the Police Inquiry had been closed and sent to the Aragarças city police archives.³⁷

Killing of Darlan Pereira da Silva, President of the Local Chapter of the Rural Labourers' Union, Cocalinho, Mato Grosso State

On May 30, 2000, workers' rights activist Darlan Pereira da Silva was murdered.³⁸ Silva had been the president of the local chapter of the Rural Labourers' Union (Sindicato dos Trabalhadores Rurais, STR) in Cocalinho, a small town in the largely agricultural state of Mato Grosso, on the border with the state of Goiás. Cocalinho, like many rural towns throughout Brazil, has been the site of often-violent confrontations between landowners and landless workers in recent years arising from competing

³⁷ Electronic correspondence from Gilberto da Silva Ferro to the Global Justice Centre, February 20, 2002.

³⁸ The information in this case comes from documents on file at the Federal Chamber of Deputies, including communication between Deputy Marcos Rolim and the Human Rights Commission of the Federal Chamber of Deputies and Official Correspondence No.549/2000-P from the Secretary of the Human Rights Commission of the Federal Chamber of Deputies, to Dr. Benedito Xavier de Souza Corboline, Secretary of Public Security for the state of Mato Grosso, July 20, 2000.

land ownership claims and disputes over workers' rights. As an STR leader, Silva had frequently been involved in such conflicts on the side of the workers.

On June 2, 2000, Cocalinho law enforcement found Silva's body in the nearby Araguaia River with two shots to the head and multiple stab wounds. Local authorities estimated that Silva had been killed three days earlier but did not have enough evidence to determine the identity or motives of the killers. Silva's colleagues believe that local landowners ordered the murder as retribution for Silva's advocacy on behalf of workers. Some suspect that Silva's recent public denunciation of several local *fazendeiros* (plantation owners) might have provided the immediate impetus for the killing. After the murder, the STR sent a fax to the Mato Grosso office of the Federation of Farm Workers (Federação dos Trabalhadores em Agricultura, FTA), identifying the hired killers as Robson de Farias Pires (Pires), known as Êda, and Emerson (known only by his first name). The STR noted that both men arrived in Cocalinho only a few days before the murder and then left the day it was committed.

Soon after the killing, the Human Rights Commission of the Federal Chamber of Deputies took an interest in the case and pressed local authorities to investigate the case.

On June 30, 2000, the Cocalinho Civil Police opened Police Inquiry No. 026/2000 to investigate Silva's murder. On August 22, 2000 Judge Pedro Sakamoto issued a warrant for Pires' arrest and pre-trial detention. Pires and Emerson were indicted for the murder, and on August 15, 2001, the investigation was closed and the case sent to the Água Boa criminal court

(Forum da Comarca).³⁹ Charges were later dropped on Emerson, and Pires disappeared from Água Boa. At this writing, Pires is still at large.⁴⁰

Physical Assault and Psychological Abuse Against Friar Rodrigo de Castro Ameddê Péret, Pastoral Land Commission Coordinator, Uberlândia, Minas Gerais State

Friar Rodrigo de Castro Ameddê Péret, Coordinator of the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) of the Uberlândia Diocese, in Minas Gerais State, works with the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST) to encourage implementation of agrarian reform in the Triângulo Mineiro Region of Minas Gerais State.

In 1998, Friar Péret suffered three assaults in connection with his agrarian reform activism. In February, 1998, during an incident on the Nossa Senhora da Graças plantation in Santa Vitória, Friar Péret suffered aggression by Minas Gerais Military Police officers. In June 1998, he was restrained by police while plantation owners beat him during the "March Against Hunger" in Uberlândia. The last attack occurred in September 1998 in Santa Vitória.⁴¹

³⁹ Official Correspondence 084/2002/DPJCAB/MT from the Água Boa Civil Police to the Global Justice Centre, February 15, 2002, in response to Global Justice Centre Official Correspondence JG/RJ No. 023/02 to Benedito Xavier de Souza Corbeline, Secretary of Public Security for Mato Grosso State, February 14, 2002, requesting further information on the case.

⁴⁰ Warrant No. 23/00 for arrest and pre-trial detention of Robson de Farias Pires issued by Judge Pedro Sakamoto, Forum da Comarca de Água Boa, August 22, 2000.

⁴¹ Information on this incident provided by the Diocese of Uberlândia and from an electronic communication from the Franciscan Service for Justice, Peace and Ecology to

On the morning of September 21, 1998, eighty MST families occupied the Perobas Plantation in Santa Vitória. Plantation owners with connections to the Union of Defence of Rural Properties (União de Defesa das Propriedades Rurais, UDPR) organised a heavily-armed militia and went to the area where the workers were located. The plantation owners ordered the protesters to leave Perobas and threatened to kill all of them if they did not end their protest within one hour. The plantation owners then left, saying they would return with reinforcements. After they had left, several Military Police arrived and observed the protest.

At about 2:00 p.m., close to one hundred armed plantation owners arrived, some wearing hoods. While approaching the plantation, they attempted to set fire to the woods where the workers were camped. The Military Police observed but did not take measures to stop the plantation owners.

Meanwhile, Friar Péret and Marcelo Resende, another pastoral representative, were in Santa Vitória, attempting to contact the civil and military authorities of Minas Gerais State. While there, they learned that the plantation owners had come to an agreement with the MST and left the area. Upon hearing the news, they, along with members of other labour unions, headed toward the Perobas plantation together in two cars. One car, a yellow Elba, carried members of the Unified Workers' Centre (Central Única dos Trabalhadores, CUT), and an MST activist. The other car, a Gol vehicle, carried Friar Péret, Marcelo Resende, and another representative of the office of CUT in the Triângulo Mineiro Region.

the Human Rights Commission of the Federal Chamber of Deputies, September 27, 1998.

Ten kilometres from Santa Vitória, two vans carrying armed plantation owners appeared and forced the two cars to pull over. The Gol remained between the two vans while the Elba was in front of the leading van. Two passengers in the Elba vehicle, the MST activist and a CUT member, suffered physical injuries, but managed to escape under gunfire from the plantation owners.

The passengers of the Gol vehicle were forced to get out of the car by the plantation owners. One of the owners remarked, “Let’s go for a walk with these guys.” Another retorted, “Right now we can’t do what we planned, because you let the other car get away.”

At that moment, one plantation owner struck Friar Péret in the face, causing him to fall to the ground. The other owners then began to kick his body and attack the other two passengers. Friar Péret received two kicks to the head, forcing him into a seizure in which he violently bit his tongue.

After Friar Péret’s first seizure, some of the attackers allowed his colleagues to put him in the back of the vehicle. Then, one of the plantation owners pointed his gun in the direction of Friar Péret’s head and shot. The bullet struck the back of the car seat where Friar Péret was sitting. Had the bullet passed through the car seat, it would have hit Friar Péret’s back.

Shortly thereafter, local police arrived, forcing the plantation owners to flee.⁴²

⁴² *Ibid.*

On September 29, 1998, the Human Rights Commission of the Federal Chamber of Deputies sent an official correspondence to the Governor of Minas Gerais, Eduardo Brandão Azeredo, and to the Director of the Office of Public Prosecutions, Dr. Epaminondas Fulgêncio Neto, requesting information and measures taken in respect to the physical and psychological abuse suffered by Friar Péret and the others.⁴³

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 080/02 to Nedens Ulisses Freire Vieira, Director of the Office of Public Prosecutions, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Death Threats, Defamation and Unfounded Criminal Charges Against Friar Henri Burin des Rozières, Pastoral Land Commission Attorney, Southern Pará State

Friar Henri Burin des Rozières, lawyer for the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) of southern Pará State, has been the victim of slander and unfounded criminal charges since April 2000.⁴⁴

⁴³ Official correspondence No. 900/98 from the Human Rights Commission of the Federal Chamber of Deputies to the Governor of Minas Gerais, Eduardo Brandão Azeredo, and the Director of the Office of Public Prosecutions, Dr. Epaminondas Fulgêncio Neto, September 29, 1998.

⁴⁴ Friar des Rozières has been subjected to other threats not reported here in connection with his work in southern Pará.

In April 2000, several individuals unknown to one another, but all known to be reliable and trustworthy sources by the CPT in Xinguara, Pará, informed the CPT staff that landholders in the region planned to murder Friar des Roziers, as well as a local union leader, and a candidate in the upcoming elections. The union leader and candidate were facing unfounded charges of having instigated a land occupation. In the legal actions stemming from the land conflict, Friar des Roziers served as their lawyer. A few days later, five individuals involved in a land dispute in the region were killed and their ears were cut off, a sign that their killing had been ordered.

Friar des Roziers began receiving death threats a few weeks before the June 6, 2000 jury trial that convicted Jerônimo Alves de Amorim for ordering the 1991 murder of rural labour leader Expedito Ribeiro de Souza. The trial and sentence received widespread coverage from domestic and international media sources, including an editorial in the *New York Times*. During this same period, the CPT in Xinguara denounced three powerful landowners for practicing slave labour.

In a July 13, 2000 press conference in Belém, Pará, Friar des Roziers, on behalf of the CPT of southern Pará, denounced seventeen cases of torture, including several fatal incidents, all of which took place in police stations throughout the state. The denunciation prompted significant national and international press coverage, culminating in a visit to southern Pará by the United Nations Special Rapporteur on Torture, Sir Nigel Rodley, during his mission to Brazil, and an Amnesty International investigation into one of the denounced cases.

For several months, the Pará State Police Chief slandered Friar des Roziers through statements reprinted in newspapers, radio and television programs in Pará and the region. The Police Chief accused des Roziers of being mentally unbalanced and of involvement in the murder of a landowner, among other verbal attacks. The local press also published a slanderous letter about Friar des Roziers that the judge of Xinguara had sent to the president of the State Supreme Court.

In August 2000, two police investigations—one for murder and the other for defamation—were filed against Friar des Roziers (defamation, encompassing *injúria*, *difamação* and *calúnia*, is a criminal offence, as well as a tort under Brazilian law).⁴⁵ In December 2000, the governor of Pará filed a suit against Friar des Roziers for defamation. That same month, the judge in Xinguara filed a criminal action against Friar des Roziers for inciting violence, conspiracy, and disrespect for authority, all in connection with his participation in a demonstration to protest the suspect October 3, 2000 local elections. The public protest, held in front of the Xinguara Courthouse, was peaceful and involved no damage or violence. Finally, in January 2001, the former Pará State Police Chief filed an action against Friar des Roziers for personal damages.

On September 27, 2001, the Global Justice Centre filed information regarding death threats, incidents of slander and unfounded criminal charges against Friar des Roziers with UN Special Representative on Human Rights Defenders Hina Jilani.

⁴⁵ See Section 2.7 above.

According to Friar des Roziers, all of the suits filed against him in 2000 have since been dismissed for lack of evidence. The suit brought by the State Police Chief is still pending, but Friar des Roziers informed the Global Justice Centre that he expects it to be dropped as well.⁴⁶

Killing of José Dutra da Costa, Rural Labour Leader, Rondon, Pará State

On November 21, 2000, a hired gunman murdered forty-three-year-old José Dutra da Costa, President of the Rural Labourers' Union (Sindicato dos Trabalhadores Rurais, STR) of Rondon, in the state of Pará. Costa had also been Director of Agricultural Policy of the STR, and had been in the state-level leadership of the Agricultural Workers' Federation (Federação dos Trabalhadores em Agricultura, FETAGRI). While working in these capacities, Costa made many enemies among Pará landowners, who resented Costa's organisation of land occupation campaigns on unused territory claimed by landowners. In reaction, these landowners made death threats against Costa, and on several occasions hit men attempted to murder him. More than four years before one finally succeeded, the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) of nearby Marabá cited the death threats and murder attempts against Costa, among many other similar cases, in its reports on violence in rural areas. In each instance, Costa had responded by filing a report with the local police and soliciting protection from the Pará State Secretary of Public Security, but to no avail.

⁴⁶ Electronic correspondence from Friar des Roziers to the Global Justice Centre, March 1, 2002, in response to a request from the Global Justice Centre to Friar des Roziers of February 26, 2002, requesting information on the current status of his case.

On the day of the murder, at about 7:30 p.m., twenty-year-old hired gunman Wellington de Jesus Silva arrived at Costa's home. Finding Costa absent, Silva hid behind bushes near Costa's front door. When Costa returned home a few minutes later, Silva jumped out from his hiding place and shot Costa three times. While wounded, Costa managed to wrestle with Silva, pushing him into a ditch. This gave Costa's neighbours enough time to arrive and subdue Silva. The neighbours took Costa to the hospital, where he died only hours later, and handed Silva over to the police. Silva confessed that he had received money and the gun from his cousin, who had himself been hired by a local landowner, Décio Barroso, to kill Costa.⁴⁷

Barroso was subsequently arrested but released by order of a state judge after only twelve days in prison. In May 2001, a Pará State court suspended the investigation into Costa's murder indefinitely.⁴⁸

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 063/02 to Dr. Paulo Sette Câmara, Pará State Secretary of Public Security, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

⁴⁷ Electronic correspondence sent by the Human Rights Commission of the Federal Chamber of Deputies to the Global Justice Centre, November 23, 2000.

⁴⁸ "Violence Against Rural Workers in the South and Southeast of Pará," report by the Forum of Agrarian Reform Organisations of the South and Southeast of Pará, October 4, 2001.

Killing of the Family of José Pinheiro de Lima, Landless Labour Activist, Marabá, Pará State

At around 7:00 p.m. on July 9, 2001, two unknown gunmen entered the residence of José Pinheiro de Lima, a local defender of the rights of rural labourers and activist for the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), located at Rua Antônio Chaves, 215, approximately twelve kilometres from Marabá. Upon entering, the men shot Lima's wife Cleonice to death as she watched television in the living room. They then passed into the bedroom, where Lima was recovering from a recent illness, and killed him at point-blank range. Finally, they shot and killed Lima's son, Samuel, who arrived home shortly thereafter. The pair then ran from the scene of the crime, stole a motorcycle, and escaped down highway PA-150 towards the city of Jacundá.

The facts surrounding these murders strongly suggest that major rural landowners in the region are responsible for the killings. Prior to the murder of Lima and his family, the MST activist had been involved with the process of resettlement of landless labourers on the large rural estate of São Raimundo, which had been designated for expropriation by the Brazilian government in January 2001. Since the Brazilian government began the process of expropriation, a group of approximately 120 families of landless labourers had been squatting on the estate, awaiting the completion of the land transfer and issuance of title to the land. Although the expropriation decree was signed in January 2001, the government had yet to complete the process of resettlement.

In the meantime, the owner of the São Raimundo estate, João David de Melo, had taken numerous measures to impede the completion of the legal expropriation process. These measures included overt death threats against activists. As the principal leader of the squatting families, Lima was a main target of these threats.

In fact, Lima had been receiving threats at least since the beginning of 2000. At that time, when the National Confederation of Agricultural Labourers (Confederação Nacional dos Trabalhadores na Agricultura, CONTAG) denounced the murder of labour leader José Dutra de Costa in Rondon do Pará, the organisation included Lima on a list of leaders who had received threats.⁴⁹

When witnesses came to make statements to the police regarding the triple homicide of Lima and his family, officers forced them to wait approximately four hours (until 1:00 a.m. on July 10) before they could speak to anyone. By daybreak of the day after the murders, the police had yet to take any steps to investigate the murder, including visiting the scene of the crime.

On July 12, 2001, the Global Justice Centre filed information regarding the killings in the Lima home and the lack of police diligence in the follow-up investigation with UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions Asma Jahangir.

⁴⁹ Official Correspondence No. AQA/0656/01 from CONTAG (signed by Manoel José Dos Santos, Maria da Graça Amorim, and Hilário Gottselig) to the Human Rights Commission of the Federal Chamber of Deputies, July 10, 2001.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 068/02 to Dr. Paulo Sette Câmara, Pará State Secretary of Public Security, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Killing of Onalício Araújo Barros and Valentim da Silva Serra, Labour Organisers, Parauapebas, Pará State

In late March 1998, a landowner and a group of hired gunmen murdered Onalício Araújo Barros, known as “Fusquinha,” and Valentim da Silva Serra, known as “Doutor,” labour activists in their early thirties. The murder occurred near the town of Parauapebas in southern Pará. Both Araújo and Serra participated in the state-level leadership of the Landless Labourers’ Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST). Over the course of their years with the MST, conflict between the organisation and local landowners wrought volatile upheaval in southern Pará. Labour organisation and land occupations in the region often provoked violent retaliation from landowners, who hired private militias and police officers to expel the squatters by force. In one instance, Military Police massacred nineteen rural workers who had been on an estate in Eldorado dos Carajás, Pará, close to Parauapebas, on April 17, 1996.⁵⁰ Both Araújo and Serra had participated in that occupation and survived the incident. Two years later, their involvement in another MST-organised occupation would cost them their lives.

⁵⁰ “Sem-terra são mortos a tiros no sul do Pará,” *Correio Braziliense* (Brasília), March 28, 1998.

On March 14, 1998, a group of workers and their families, totalling about 500 people, invaded and occupied the Goiás II Plantation near the town of Parauapebas in southern Pará.⁵¹ The group squatted for nearly two weeks without incident.

On March 26, 1998, at about 8:00 a.m., a local official arrived at the workers’ encampment on the estate accompanied by two plantation foremen. The official informed the workers that their occupation was illegal, and ordered them to vacate the property immediately. The official threatened to summon the Military Police to evict by force any workers who did not comply. Despite the warning, the group remained on the estate.

At about 2:30 p.m. that day, the official returned with a police sergeant and ten officers (several of whom were masked and had the names on their uniforms covered), and demanded that the workers leave the estate. The police sergeant declared that if the workers did not depart, the plantation owners would arrive with hired gunmen “armed to the teeth.” The workers held a meeting in which they decided to leave the property.

At around 5:00 p.m., Araújo and Serra arrived on the scene and accompanied the workers as they walked along the road leading off the plantation.⁵² After leaving the property, the group walked more than six

⁵¹ Testimony of Maria Zilda Pereira Alves to the Office of the Federal Prosecutor for Civil Rights, Federal Public Prosecutor’s Office, state of Pará, April 3, 1998.

⁵² Testimony of Maria Zilda to the Human Rights Commission of the Federal Chamber of Deputies, April 2, 1998. Maria Zilda also testified that Araújo had complained to the police that day that they were not respecting a prior agreement to the effect that

kilometres. The physical exertion of this journey took its toll on the group's children and pregnant women, some of whom began to faint or fall ill. The workers elected to stop and spend the night in a nearby shed belonging to a state-run facility called The Regional Development Centre 1 (Centro do Desenvolvimento Regional 1, CEDERE-1). Araújo, accompanied by Serra and a worker named Maria Zilda Pereira Alves (Maria Zilda), went to the CEDERE-1 management office to request permission for the workers to stay in the shed that night.

On their way to the office, Araújo, Serra, and Maria Zilda encountered a group of landowners and hired gunmen from the Goiás II Plantation, and realized that this group had been following the workers ever since the latter ended their occupation of Goiás II and left the property earlier that day. One of the landowners, Carlos Antônio da Costa, shouted "What is this? Why are you all stopped here?"⁵³ Araújo explained that he, Serra, and Maria Zilda were trying to secure overnight lodging for the workers in the CEDERE-1 shed, which was public property.⁵⁴ Da Costa told them to "go to hell."⁵⁵ Another landowner named Donizete tried to grab a briefcase of documents from Serra's hand. At that moment, a car shined its headlights

the landless would not be evicted without an express order by the State Government.

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ Testimony of Maria Zilda to the Office of the Federal Prosecutor for Civil Rights, April 3, 1998. Maria Zilda testified that Araújo stated "We want to negotiate with you to spend the night in the shed here, just so that our people can get a little shelter, because many of us are getting sick, and it's late...I promise you that we won't return."

on the three MST members, and da Costa identified Araújo and Serra by name.⁵⁶

Landowner Donizete then approached Serra and pressed the barrel of a gun to the latter's chest. Da Costa shouted "Fire!" and Donizete shot Serra, killing him. Donizete then pointed the gun and fired at Araújo, who tried to knock the gun from Donizete's hand. The bullet struck Araújo, who turned and fled. Maria Zilda screamed, and Donizete put the gun in her mouth. At that moment, a number of workers arrived in several trucks and rescued Maria Zilda.

A worker named Paulo Rodrigues de Araújo witnessed the landowners' militiamen taking Serra's body and throwing it into a white truck. He also observed Araújo running, wounded, towards the forest.

At noon the following day, Araújo's body was found on the side of the road about five kilometres away from where he had been shot.⁵⁷ According to an MST representative in the neighbouring town of Marabá, hired gunmen buried Serra's body themselves.⁵⁸

The government response to the murder involved federal, state, and local authorities. On March 27, 1998, the Office of the Public Prosecutor launched an investigation in conjunction with local police. The next day, the staff of the Technical Police Institute recovered the bodies of Araújo

⁵⁶ *Ibid.*

⁵⁷ "Sem-terra sao mortos a tiros no sul do Pará," *op. cit.*

⁵⁸ "Mais dois sem-terra são assassinados no Sul do Pará," *O Globo*, (Rio de Janeiro), March 28, 1998.

and Serra to perform autopsies.⁵⁹ About a week later, the Human Rights Commission of the Federal Chamber of Deputies held a hearing to examine the details of the case and review the local authorities' handling of the investigation.⁶⁰ Both Maria Zilda and Paulo Rodrigues de Araújo testified at this hearing, and the Interim Minister of Justice, Dr. José de Jesus Filho, requested special police protection for the two eyewitnesses.⁶¹ On April 2, 1998, the Director of the Pará State Office of the Public Prosecutor informed the President of the Human Rights Commission that he had assigned two state-level prosecutors to the case.⁶²

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 046/02 to Interim Justice Minister de Jesus Filho requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

⁵⁹ Pará State Public Prosecutor's Report, April 2, 1998.

⁶⁰ To this end, the Commission heard testimony from the Judge of Parauapebas District, Dr. Maria Vitória Torres; the Pará State Secretary of Public Security, Dr. Paulo Celso Pinheiro Sette Câmara; and Agricultural Policy Minister Raul Jungmann. See Official Correspondence No. 304/98P from the Commission to Maria Vitória Torres, Juiza da Comarca de Parauapebas, Pará, March 30, 1998 and Official Correspondence No. 306/98P from the Commission to Paulo Celso Pinheiro Sette Câmara, March 31, 1998.

⁶¹ Official Correspondence No. 325/98P from the Commission to José de Jesus Filho, Interim Minister of Justice, April 2, 1998.

⁶² Official Correspondence No. 344/98/MP/PGJ from the Pará State Public Prosecutor to the Human Rights Commission of the Federal Chamber of Deputies, April 2, 1998. The prosecutors' names were José Godofredo dos Santos and Regina Luiza Taveira da Silva.

Killing of Euclides Francisco de Paulo, Rural Labour Leader, Parauapebas, Pará State

On May 20, 1999, two gunmen murdered Euclides Francisco de Paulo, President of the Rural Labourers' Union (Sindicato dos Trabalhadores Rurais, STR) of Parauapebas, in southern Pará State.⁶³ De Paulo had been an activist on behalf of rural workers since 1992, campaigning for land reform and lending organisational support to landless workers in their occupations of private estates in southern Pará. De Paulo's labour advocacy earned him the enmity of local landholders opposed to land reform, and over the course of his career as a labour activist, de Paulo received numerous death threats. A fresh wave of land occupations in early 1999 prompted an upsurge in violence against rural workers by landowners' militias. As part of this attack, eighteen rural activists received death threats, including de Paulo. In early May 1999, the first of the eighteen, a leader of the STR in Marabá, Agripino José da Silva, was murdered. Two weeks later, on May 20, a gunman on a motorcycle shot de Paulo twice in the back, making him the second fatal victim.

The day after de Paulo's murder, two rural labour organisations, the Agricultural Workers' Federation (Federação dos Trabalhadores na Agricultura, FETAGRI), and the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), sent an open letter to authorities demanding

⁶³ The information in this case comes from Official Correspondence No. 371/96 from the National Confederation of Agricultural Workers (Confederação Nacional dos Trabalhadores na Agricultura, CONTAG), to Deputy Nilmário Miranda, President of the Human Rights Commission of the Federal Chamber of Deputies, May 21, 1999 and from a Press Release from the Agricultural Workers' Federation (Federação dos Trabalhadores na Agricultura, FETAGRI) and the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), "Pistoleiros Assassinam Presidente do Sindicato dos Trabalhadores Rurais de Parauapebas," May 20, 1999.

intervention to prevent violence against rural workers.⁶⁴ The same day, the National Confederation of Agricultural Workers (Confederação Nacional dos Trabalhadores na Agricultura, CONTAG) sent a letter to Deputy Nilmário Miranda, President of the Human Rights Commission of the Federal Chamber of Deputies, urging the Commission to adopt all necessary measures to identify and punish de Paulo's killers.⁶⁵

In response, on May 26, 1999, Deputy Miranda wrote to state and local authorities in Pará demanding an extensive and swift investigation, noting that de Paulo's case was the second murder of a rural labour leader in two weeks.⁶⁶

On February 8, 2002, the Global Justice Centre sent an official correspondence to the Pará State Secretary of Public Security, Paulo Celso Pinheiro Sette Câmara, requesting information on recent developments in the case.⁶⁷ Secretary Sette Câmara had been one of the recipients of Deputy Miranda's request for urgent action.

At this writing, the Global Justice Centre had not received any response from Secretary Sette Câmara.

⁶⁴ "Pistoleiros Assassnam Presidente do Sindicato dos Trabalhadores Rurais de Parauapebas," *op. cit.*

⁶⁵ Official Correspondence No. 371/96 to Deputy Miranda, *op. cit.*

⁶⁶ Official Correspondence No. 463/99 from Deputy Miranda to Dr. Paulo Celso Pinheiro Sette Câmara, Pará State Secretary of Public Security, Dra. Rosa Marga Rothe, Pará State Ombudsman of Public Security, and Dr. José Godofredo Pires dos Santos, Parauapebas District Prosecutor, May 26, 1999.

⁶⁷ Official Correspondence No. 027/02 from the Global Justice Centre, to Secretary Sette Câmara, February 8, 2002.

Killing of Sebastião Maia, Landless Labourers' Movement Leader, Querência do Norte, Paraná State

On May 7, 1999, the Paraná Military Police forcefully removed Sebastião Maia, known as "Tiãozinho," leader of the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), and his family from the Rio Novo plantation, located in the Querência do Norte municipality of Paraná. According to statements presented in Curitiba, the state capital, before José Gregori, former National Secretary of Human Rights and current Minister of Justice, members of the Military Police mistreated Maia's wife, Adelina Ventura, during the eviction. Ventura commented that the police arrived yelling and looking for her husband: "Your husband is one of the leaders of the movement. We want him."⁶⁸

On November 21, 2000, Maia died from gunshot wounds received during a violent eviction of MST members from the Água da Prata plantation in Querência do Norte. According to the doctor who performed Maia's autopsy, Luis Antônio Ricci Almeida, the gunman who killed Maia did so with a shot from a twelve-calibre weapon pointed less than one meter away. It entered through Maia's left eye and exited through the nape of his neck. Two other bullets grazed his skin, wounding his head.⁶⁹ The gunman was later identified as José Luiz Carneiro, security officer for the Água da Prata plantation.⁷⁰

⁶⁸ "Sem Terra Assassinado no Paraná," CPT Press Release, November 21, 2000.

⁶⁹ *Ibid.*

⁷⁰ Memorandum No. 071 from the National Secretary of Public Security, January 1, 2001.

Responding to the news of Maia's killing, the Human Rights Commission of the Federal Chamber of Deputies informed Minister of Justice José Gregori of the existence of a list of labour leaders marked for death. The Commission also requested that the Minister press the Paraná authorities to reduce violence toward labour leaders and members of the MST.⁷¹

According to the National Secretary of Public Security, the Civil Police opened a Police Inquiry into Maia's murder, which produced evidence that led to the indictment of José Luiz Carneiro. Judge Elizabeth Kather ordered Carneiro to be held in detention pending trial until his court date.⁷²

The investigation also linked José Ivo Lopes Furquim to Maia's murder and led to a warrant for his arrest. He is currently still at large, believed to be hiding in Mato Grosso do Sul State.⁷³

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 064/02 to José Tavares, Secretary of Public Security for Paraná State, requesting further information on recent developments in this matter.

In response, the Secretary of Public Security reported that on October 30, 2001, a Loanda judge decided that Carneiro would be tried by a jury. At this writing, the trial had not yet begun.⁷⁴

⁷¹ Official correspondence 899/00P from the Human Rights Commission of the Federal Chamber of Deputies to the Ministry of Justice, November 26, 2000.

⁷² Memorandum No. 071 from the National Secretary of Public Security. *op. cit.*

⁷³ Official correspondence No. 814/00-GAB from the State Secretary of Justice and Citizenship of Paraná State, to Deputy Marcos Rolim, President of the Human Rights Commission of the Federal Chamber of Deputies, December 6, 2000.

Physical Abuse, Threats and Unwarranted Prosecution of Darci Frigo, Pastoral Land Commission Attorney, Curitiba, Paraná State

Darci Frigo has worked as an attorney and human rights advocate with the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) for sixteen years. He has represented squatters involved in dozens of land disputes in Paraná, both in domestic and international fora, often placing himself at great personal risk. In addition, he has served as an advocate for land reform and has documented and registered abuses in CPT reports. In July 2001, the Global Justice Centre nominated Frigo for the Robert F. Kennedy Human Rights Award, which he received in a ceremony in November of that year.

Attacks on Frigo's work began almost as soon as he joined the CPT. In 1986, Frigo denounced Luciano Pizzato, a federal representative, for taking ten children between the ages of twelve and sixteen from *favelas* (poor urban communities) in the city of Ponta Grossa, Paraná and forcing them to perform hard labour (such as clearing forested land) on his rural estate. As a result, Pizzato accused Frigo of defamation, a criminal offence in Brazil, and brought him to trial in 1987 in a case that would last six years. In 1993, the judge presiding over the matter sentenced Frigo to one year of prison, a term that could not be served since the statute of limitations for the crime had already run.

⁷⁴ Telefax No. 009/02 from the Paraná State Secretary of Public Security, Curitiba, to the Global Justice Centre, Rio de Janeiro, February 22, 2002.

In 1993, Military Police officers threatened Frigo while he was representing his client Diniz Bento da Silva, better known as “Teixerinha,” inside a police station. Further official retribution for Frigo’s work came in 1996, when Governor of Paraná Jamie Lehrner prevented him from taking his appointed seat on the Permanent State Council of Human Rights of Paraná until 1999.

On November 27, 1999, Military Police of Paraná arrested and detained Frigo, along with seven members of the Landless Labourers’ Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), based on the patently false accusation that Frigo had fractured the leg of police officer Argeu Xavier. The arbitrary detention took place just after police officers had illegally obstructed Frigo, and fellow attorney Andressa Caldas, as well as other human rights activists from providing counsel and legal assistance to MST members who had been forcibly evicted from a downtown plaza in Curitiba, Paraná earlier that morning by more than 1,000 police officers. The landless squatters had been occupying the plaza to protest for land reform. During the arrest, police beat Frigo, tore his sportcoat, handcuffed him, and took him to a local detention centre.

Officer Xavier filed a criminal suit against Frigo for the crime of assault and battery (*lesões corporais leves*).⁷⁵ This case has still not been settled or decided.

The official government press agency of the state of Paraná released two bulletins providing “evidence” regarding Frigo’s guilt, despite the presence of numerous witnesses that attested to Frigo’s innocence, including the

⁷⁵ In Brazil, certain minor criminal cases (*pequenas causas*) can be filed by individuals as opposed to the state.

local bishop. Frigo filed a civil lawsuit against the state of Paraná for defamation, seeking compensation for damages. On April 5, 2000 the state formally recognised that Frigo had not committed any acts of violence in a letter to the National Conference of Brazilian Bishops from the Chief of Staff of the Governor of Paraná. However, the defamation suit remains unsettled.

On October 8, 2001, the Bar Association of Brazil (Ordem dos Advogados do Brasil, OAB) published an official Declaration of Protest (*desagravo*) in which the Governor of Paraná, the Secretary of Public Security, and the Commander in Chief of the Military Police of Paraná State were all found to have abused their power and violated the rights of attorneys Frigo and Caldas during the conflict in Curitiba.

In February 2000, Frigo received three death threats by telephone in response to his defence of poor rural labourers. In all three instances, an unidentified man threatened repeatedly to “break [Frigo’s] legs” and “finish the job” if Frigo left his house. The final two of the three phone calls were recorded. In the final call, the caller warned Frigo to “take an insurance policy so your family isn’t stranded.”

Those responsible for these threats have not been identified, but the consistent references to “breaking your legs” strongly suggests that these death threats are closely linked with the fabricated accusation that Frigo broke the leg of Officer Argeu Xavier. Federal authorities only responded to requests for protection two months after the complaint, and then for just forty-five days.

On June 13, 2001, Frigo, in conjunction with the Global Justice Centre, filed information regarding the death threats and baseless arrest and imprisonment he suffered with UN Special Representative on Human Rights Defenders Hina Jilani.

Physical Abuse, Threats, and Legal Harrassment against Avanilson Alves Araújo, Attorney for the Landless Labourers' Movement, Querência do Norte, Paraná State⁷⁶

The state of Paraná, where the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST) has concentrated many of its efforts, has seen a great deal of violent confrontation. Of the several hundred persons killed in rural conflicts in the past several years in Brazil, a significant number have been in the state of Paraná. From January 1997 to December 2000 alone, sixteen persons have been killed in land conflicts and twenty others survived attempts on their lives in this relatively small southern state. In none of these cases have the persons responsible for the killings and attempted killings been convicted. In the same period at least thirty-six death threats against those involved in rural conflicts have been registered.

In this context, Avanilson Alves Araújo, an attorney for landless labourers in Paraná State, has been the victim of harrassment, threats, and frivolous litigation in connection with his work. The first incidents of threats and

attacks against Araújo occurred on June 26, 1999, on and in the vicinity of the Rio Novo estate in the state of Paraná. At that time, a group of landless rural workers associated with the MST were occupying the Rio Novo estate, seeking to press authorities to expropriate the area for agrarian reform. The rural estate owners responded by calling in the Federal Police, who surrounded the area and threatened to evict the workers by force.

Seeking a peaceful solution, MST leaders called Araújo to come from Curitiba and negotiate with the estate owners. However, upon his arrival, three squad cars forced him to stop his vehicle about 200 meters from the gates of the rural estate. Seven or eight policemen got out of the vehicles, seized Araújo, and violently pushed him into one of the cars, wrenching his arm and tearing his shirt despite the fact that he repeatedly told them that he was a lawyer and showed his credentials. The policemen were about to depart with Araújo in the police vehicles when their commander, who had been notified of the incident by bystanders, radioed to the squad cars and ordered Araújo released. The policemen complied, shoving Araújo out of the automobile.

Upon his release, Araújo asked one of the officers involved in the attempted arrest to identify himself, as none of the officers were wearing any form of identification. Rather than replying, the policeman threatened Araújo with his revolver. Araújo requested the police commander at the site, Cristiano Cobas, to order the officer to identify himself and answer for his actions.

⁷⁶ The information in this case was provided to the Global Justice Centre by Avanilson Alves Araújo in a series of telephone interviews in May and June 2001, a personal interview on May 2, 2001 in Curitiba and in a case summary provided by Araújo. In addition Araújo provided the Global Justice Centre with copies of official documents cited herein.

On June 28, 1999, two days after the incident, Araújo filed an official complaint against three of the officers involved: Carlos Roberto de Campos, Rodney Mota de Almeida, and Gerson Mauricio Zocchi.

Two days after this incident at the Rio Novo estate, police prompted another violent confrontation with Araújo while the latter was assisting with the delivery of food, clothing, and supplies to the landless labourers encamped on the rural estate. Police used a roadblock in front of the estate entrance to force Araújo's vehicle to stop as it approached the property. The police forced Araújo and the other occupants of the car to exit the vehicle while they performed a detailed search of the automobile.

Araújo attempted to defuse the situation by showing the policemen his credentials as a lawyer for the landless labourers on the estate. On seeing the credentials, the officers mocked Araújo. When the commander of the Loanda garrison of the Military Police, Officer Clovis, examined the document, he refused to return it to Araújo and screamed at him, saying that Araújo had disrespected his subordinates during the June 28 incident.

Araújo told Clovis that he refused to discuss the incident in these circumstances. On hearing this, Gerson Zocchi, one of the officers accused in the June 28, 1999 altercation, told the others that "this jerk just wants to be famous" and violently shoved Araújo up against a car. He continued to threaten and taunt Araújo, saying, "fuck you, jerk, you don't know what you're getting into." When Araújo asked Zocchi if he was making a threat, Zocchi picked Araújo up by the neck and choked him while continuing to threaten him verbally. Some of the other officers

present attempted to break the two apart, but Officer Clovis prevented them from interceding.

When Zocchi finally released Araújo, Clovis ordered several policemen to escort Araújo's car and driver back to the nearby city of Querência do Norte, leaving Araújo and the rest of his party stranded. The group was forced to proceed to the Rio Novo estate on foot.

Afterwards, Araújo gave several interviews to the press regarding the incident, most notably to *Folha do Paraná* reporter Marcos Zanata and *O Diário* journalist Roberto Silva, reaffirming the events related above. He also filed charges against those involved with the police.

As a result of the several accusations made by Araújo, only one man, Second Lt. Gerson Zocchi, was ever subject to an official Police Inquiry (No. 245/99), in this case regarding the June 30 incident. All charges were dismissed against Zocchi at the end of the inquiry.

Second Lt. Zocchi filed a complaint alleging defamation—a criminal offence in Brazilian law—against Araújo in connection with the press reports concerning the June abuses. Zocchi's complaint led to the opening of Civil Police Inquiry No. 484/2000. The police concluded the inquiry recommending that Araújo be indicted. At this writing, the matter is being considered by the Office of the Public Prosecutor for possible indictment.

Harrassment and Threats against Dionísio Vandresen, Pastoral Land Commission Coordinator, and his Family, Guarapuava, Paraná State

Dionísio Vandresen, the regional coordinator of the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) in Guarapuava, Paraná State, and his sons, Romoaldo and José, have suffered a series of death threats over the past five years.

The first threat to Vandresen was a phone call on April 26, 2000. An unidentified voice threatened Vandresen, saying that he was "getting involved in everything." The second took place two months later, at around 4:30 p.m. on June 28, 2000. Paula Broeder, a member of the CPT, accepted a collect telephone call from the southern part of Paraná State. The person calling did not say anything at first, but when Ms. Broeder said "hello," a man's voice responded, "This time we'll get you! You're a son of a bitch!" ("*Desta vez te pegamos! Você é um filho da puta!*"). The use of the word "*filho*" ("son") instead of "*filha*" ("daughter") indicates that the target of the threat was male and not female. A few minutes later, the CPT received another telephone call, but this time the person on the other end said nothing. Vandresen filed complaints with authorities regarding these two incidents.

The threats took a different form beginning in July 2000, when Vandresen noticed that he was being followed repeatedly by a white Fiat Fiorino. This threatening behaviour continued without further incident until 10 a.m. on April 10, 2001. Vandresen's seventeen-year-old son Romoaldo, a night student at Carneiro Martins high school, was on his way to a neighbour's house when two men in a white Fiat Uno forced him to stop his car, a Volkswagen Parati belonging to Vandresen, in front of a local bar. The passenger of the Fiat got out of the car and forced Romoaldo to exit his vehicle at gunpoint while the driver, also armed with a pistol, covered his

companion. The pair searched Romoaldo's vehicle while continuing to hold Romoaldo at gunpoint, and then questioned him about his father's work and professional relationships. Eventually, the pair released Romoaldo, telling him that he was lucky "because he [was] the wrong person." Nevertheless, they instructed Romoaldo to tell his father that "we are going to look for him and take him [away]." ⁷⁷

A similar confrontation occurred involving Vandresen's other son, José. On December 2, 2000, José was driving to his girlfriend's house in the same Volkswagen Parati when a Toyota pickup with several passengers appeared and tried to force José off the road. José was able to elude the pickup and reach his girlfriend's house, where he parked the car in the garage. José noted that the pickup circled in front of his girlfriend's house several times before leaving. ⁷⁸

Those responsible for the threats may be linked to the Civil Police in Paraná. Romoaldo noted that the men who stopped and threatened him seemed to know minor details of his life, including where he attended night school, and also noticed a Civil Police insignia on the weapon of one of his assailants. Vandresen believes that in both these cases the assailants were not attempting to threaten his sons, who are not involved in the defence of the rights of rural labourers, but rather hoped they might find Vandresen himself in the Volkswagen, which Vandresen often used until the end of 2001.

⁷⁷ Statements made by Romoaldo Vandresen and Dionísio Vandresen to the Second Division of the Office of the Public Prosecutor, Guarapuava, Paraná, April 10, 2001.

⁷⁸ *Ibid.*

Killing of Luiz Carlos da Silva, Rural Labour Rights Leader, Goiânia, Pernambuco State

Luiz Carlos da Silva, rural labour rights leader, died from gunshot wounds during an ambush perpetrated against sugar cane workers on the Santa Tereza sugar mill and plantation, located in the municipality of Goiânia, Pernambuco State, on November 4, 1998.

Throughout 1998, Luiz Carlos da Silva, leader of the Rural Labourers' Union in Goiânia (Trabalhadores Rurais de Goiânia), had led various negotiations on behalf of local sugarcane workers over salary increases with sugar mill and plantation owners from the entire northeast region of Brazil. Frustrated by the owners' intransigence, the workers declared a state-wide strike, reiterating their demands for wage increases.

It came to the attention of the leadership of the Rural Labourers' Union branches in the cities of Condado and Goiânia that a group of sugar cane cutters from the Santa Tereza sugar mill and plantation were not participating in the strike. On November 4, the union organisers decided to visit the workers' camp at the sugar mill to encourage them to join the strike.⁷⁹

In response to the strike and the actions of the union leaders, the head of security at Santa Tereza, Sylvio Frota, and the commanding officer of the Regional Military Police, Cpt. Marcelo Renato, blocked the roads leading to

⁷⁹Official Correspondence No. 984/98 from the Human Rights Commission of the Federal Chamber of Deputies to the Secretary of Justice of Pernambuco, Dr. Roberto Franca Filho, November 23, 1998.

Santa Tereza with a tractor and a number of trucks. They sought to prevent the strikers from gaining access to the areas where workers continued cutting sugar cane.

The union leaders then attempted to enter Santa Tereza on foot. On reaching the workers' camp, they heard gunshots. Police officers as well as vigilante security forces in the employ of the plantation opened fire on the workers and union leaders. The workers fled but gunmen continued firing, killing Luiz Carlos da Silva with a bullet through the neck. The gunmen injured thirteen others. When the president of the Rural Labourers' Union, who was not with the workers at the time of the shooting, sought to help the injured, he was handcuffed, taken into custody, and led to the police station to "make a statement." The police also confiscated the private vehicles in which the wounded were to be taken to the hospital, thus severely delaying their medical treatment and putting their lives at risk.⁸⁰

The Human Rights Commission of the Federal Chamber of Deputies sent an official correspondence to the Secretary of Justice of Pernambuco State to inquire about the death of Luiz Carlos Silva and the thirteen others injured.⁸¹

Police Inquiry No. 054/98 was opened in Goiânia to investigate da Silva's death and the injuries to the other thirteen victims. With the evidence

⁸⁰ Official Correspondence No. AAS/1.050/98 from the National Confederation of Agricultural Workers (Confederação Nacional dos Trabalhadores na Agricultura, CONTAG) to the President of the Labour Commission of the Federal Chamber of Deputies, Pedro Henry, November 5, 1998.

⁸¹ Official Correspondence No. 984/98 from the Human Rights Commission of the Chamber of Deputies to the Pernambuco State Secretary of Justice, Dr. Roberto Franca Filho, November 23, 1998.

obtained in the investigation, Sérgio José de Oliveira Lemos, of the Office of the Public Prosecutor, indicted José Augusto da Silva Neto, José Marcelino da Silva Neto, Rosinaldo Chagas Dantas, Ângelo Alberto do Santos, Sebastião Augustos Ferreira, Dilson Cosmo do Nascimento, and Cícero Vieira da Silva, among others, for their participation in the shootings.⁸²

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 057/02 to Dr. Romero de Oliveira Andrade, Director of the Pernambuco State Office of the Public Prosecutor, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Killing of Cícero de Lucas de La Pena, Rural Labour Rights Advocate, Xexéu, Pernambuco State

On June 12, 1998, Cícero de Lucas de La Pena, President of the Workers' Party (Partido dos Trabalhadores, PT) for the town of Xexéu, in the state of Pernambuco, was shot to death. His body was found inside his car, abandoned on the outskirts of Palmares. De la Pena had been a prominent labour advocate throughout the district of Palmares, in which Xexéu is located. Just before his death, de La Pena had campaigned for compensation for workers dismissed after the closure of a sugar refinery at the nearby Santa Terezinha Sugar Mill and Plantation. In addition, de La Pena sought disability insurance for workers rendered disabled in accidents involving primitive cane processing machinery at the plantation. De la

⁸² Police Inquiry 054/98, Goiânia, Pernambuco, March 5, 1999.

Pena's activism engendered animosity among the owners of the Santa Terezinha Plantation, as well as other landholders, and the pro-management mayor of Xexéu, Marcos Antônio Gonçalves.

After the murder, the Pernambuco State Network of Human Rights Organisations (Rede Estadual de Entidades pelos Direitos Humanos, REDEDH) informed its members that it believed de La Pena's murder was part of a pattern of violence against labour activists, perpetrated by police and private militias hired by landowners.⁸³

On July 14, 1998, Valdeci Vieira da Silva and two other individuals were arrested and charged with de La Pena's murder.⁸⁴

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 040/02 to Erica Lopes Cezar, Palmares Third District Prosecutor requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Killing of Fulgêncio Manuel da Silva, Santa Maria da Boa Vista, Rural Activist, Pernambuco State

⁸³ Correspondence from the Executive Secretariat of REDEDH to REDEDH members, June 12, 1998.

⁸⁴ Official Correspondence No. 051/98 from Érica Lopes Cezar, Assistant Public Prosecutor for Palmares District, to José Tavares, Pernambuco State General Public Prosecutor, July 7, 1998.

Fulgêncio Manuel da Silva, sixty-one years old, member of the National Office of the Movement of Dam-Affected People (Coordenação Nacional do Movimento dos Atingidos por Barragens) and the Rural Labourers' Union Centre for the São Francisco Region (Pólo Sindical dos Trabalhadores Rurais do Submédio São Francisco), died from gunshot wounds on October 15, 1997. Da Silva had served as the local president of the Workers' Party (Partido dos Trabalhadores, PT), as president of the Rural Labourers' Union (Sindicato dos Trabalhadores Rurais, STR), and had been candidate for vice mayor of Santa Maria da Boa Vista.⁸⁵

On October 15, 1997, at 5:00 p.m., a seventeen-year-old male, initials S.R.T.A.,⁸⁶ shot da Silva at the public telephone booth in Rural Community 15 of the Caraibas Development Project, within the Santa Maria da Boa Vista municipality.⁸⁷ Da Silva was taken to the hospital and admitted in critical condition. He died later that day.

On October 25, S.R.T.A. was arrested in connection with the murder. In his statement, he confessed to having shot da Silva and sought to justify his crime by stating that he was drunk at the time. He also confessed to an earlier murder in the same locale.⁸⁸

⁸⁵ "Sindicalista tem homenagem em funeral," *Jornal do Comércio* (Recife), October 18, 1997, p. 8.

⁸⁶ Under Brazilian law, it is prohibited to publish the full name of minors convicted of crimes.

⁸⁷ Statement made by S.R.T.A. in the presence of the District Judge of Santa Maria da Boa Vista, October 29, 1997.

⁸⁸ Santa Maria da Boa Vista Police Department, Official Report, October 26, 1997.

Sources have tied da Silva's death to his social activism, in particular, his efforts to combat violence in the so-called "Marijuana Triangle" ("*Polígono da Maconha*") as well as his work protecting the rights of families displaced by the flooding caused by the Itaparica dam.⁸⁹ Da Silva's work denouncing drug trafficking in areas destined for agrarian reform had provoked death threats prior to the shooting.⁹⁰

The death of da Silva brought media and public attention to the continued violence in the Marijuana Triangle region. On October 28, 1997, the Human Rights Commission of the Federal Chamber of Deputies requested the Pernambuco State Secretary of Public Security and the Director of the Office of the Public Prosecutor of Pernambuco State to investigate the killing thoroughly.⁹¹

The authorities had already been warned of the growth of criminality in the "Marijuana Triangle" region as well as the death threats that union leaders and politicians had been receiving. In April of 1997, six months before da Silva's murder, a commission of the Federal Chamber of Deputies held a public meeting in the region. As a result of this meeting, this commission sent a report of nearly 100 pages to the governors of the states of Pernambuco, Ceará, Alagoas and Piauí, as well as the Minister of Justice and the President of the Republic.

⁸⁹ "Sindicalista sofre atentado," *Diário de Pernambuco* (Recife), October 17, 1997, p. 29, and "Vítima de violência anunciada," *Diário de Pernambuco*, October 18, 1997, p. 35.

⁹⁰ Press Release, Office of Federal Deputy Fernando Ferro of the Workers' Party of Pernambuco (PT - Pernambuco), October 16, 1997.

⁹¹ Official Correspondence 1169/97P and 1170/97P from the Human Rights Commission of the Federal Chamber of Deputies to Pernambuco State Secretary of Public Security and the Director of the Office of the Public Prosecutor of Pernambuco State, October 28, 1997.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 030/02 to Olga Câmara, Civil Police Chief for Pernambuco, requesting further information on recent developments in this matter.

On February 28, 2002, Câmara replied to the Global Justice Centre, reporting that S.R.T.A. had been handed over to the Santa Maria de Boa Vista Division of the Office of the Public Prosecutor.⁹²

Death Threat to Father Wilson Zanatta, Member of the Pastoral Land Commission, Tupanciretã, State of Rio Grande do Sul

For several years, Father Wilson Zanatta, member of the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), has been a prominent figure in the agrarian reform movement in Rio Grande do Sul State, and has advised numerous workers' groups on strategy and organisation. In early 2001, landowners in the area launched a crackdown on landless workers, hiring private militias to expel squatters from occupied estates and disputed lands and to intimidate supporters of agrarian reform. By October, violent confrontation between militias and workers had placed the lives of labour advocates such as Zanatta at risk.

On October 20, 2001, at about 8:00 a.m., Zanatta was driving to the Estância Grande Plantation, an area occupied by activists of the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra,

⁹² Official Correspondence 207/2002-GAB from Civil Police Chief for Pernambuco State Olga Câmara, to the Global Justice Centre, February 28, 2002.

MST), near the town of Tupanciretã, in the state of Rio Grande do Sul, in the extreme south of Brazil.⁹³ About a week earlier, a group of landless workers had occupied the property, prompting a judge to issue an eviction order to the workers. Zanatta was on his way to the estate to facilitate the workers' compliance with the judge's instructions. En route, a wine-coloured Chevrolet pickup truck, license plate IJT3750, from Tupanciretã, struck Zanatta's car, damaging the side panel. A middle-aged white man with short black hair, wearing the knicker-type pants and boots typical of the region, got out of the truck, approached Zanatta's car, and asked Zanatta where he was going. Zanatta stated that he was going to the area occupied by the MST at the Estância Grande Plantation. The man replied "Well then turn around and leave right now, or I'll fill you with bullets." The man appeared nervous, and repeated the threat "I'll fill you with bullets" three times. He then said that he had to get something from his truck, which Zanatta suspected was a gun.

Zanatta turned around and returned to his house. Upon learning of the incident, the encamped workers refused to vacate the Estância Grande Plantation without Zanatta present. Several hours later, Zanatta secured a police escort to the estate, and negotiated the workers' departure. When Zanatta returned to Tupanciretã, he filed an incident report with the local police.

In light of the volatile atmosphere in the region, the religious order to which Zanatta belonged decided to transfer him to another area. Zanatta's

⁹³ The details of this incident are taken from Official Correspondence No. 205/01 from the Global Justice Centre to Hina Jilani, United Nations Special Representative on the Situation of Human Rights Defenders, October 29, 2001.

order also requested that the local authorities investigate the threat to Zanatta and take measures to ensure his safety.

On October 23, 2001, the National Forum for Agrarian Reform and Rural Justice (Fórum Nacional pela Reforma Agrária e Justiça no Campo) wrote to President Fernando Henrique Cardoso and several of his ministers, as well as to the Governor of Rio Grande do Sul State, denouncing rural violence and demanding action on the part of federal and state authorities to combat the problem. The National Forum recommended the creation of a special police taskforce to investigate violent crime against rural workers.

On October 29, 2001, the Global Justice Centre filed information on Zanatta's case with the UN Special Representative on the Situation of Human Rights Defenders, Hina Jilani,⁹⁴ and the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions, Asma Jahangir.⁹⁵

The Commission on Citizenship and Human Rights (Comissão de Cidadania e Direitos Humanos, CCDH) of the Rio Grande do Sul State Legislative Assembly also requested that local law enforcement officials conduct a vigorous investigation and take all appropriate measures to protect Zanatta.⁹⁶

⁹⁴ *Ibid.*

⁹⁵ Official Correspondence No. 206/01 from the Global Justice Centre to Asma Jahangir, UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions, October 29, 2001.

⁹⁶ Official Correspondence No. 5439, undated, from the CCDH to the Rio Grande do Sul State Secretary of Public Security, 2001; Official Correspondence No. 5438/01 from the CCDH to the Tupanciretã Police Department, undated, 2001.

On October 31, 2001, the CCDH and the CPT, concerned about the threat to Zanatta and the continued presence of hired militias in the region, filed a petition with the Rio Grande do Sul State Public Prosecutor, requesting an investigation into Zanatta's case and punishment for those responsible for violent crime in the area.

On November 13, 2001, the CCDH sent a letter requesting information on the progress of the investigation by the Office of the Public Prosecutor for Rio Grande do Sul State.⁹⁷ In response, an official of that office issued a statement indicating that the São Jerônimo division of the Office of the Public Prosecutor would oversee the investigation into Zanatta's case.⁹⁸

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 077/02 to Mauro Henrique Henner, the Institutional Issues Liaison for the Office of the Public Prosecutor for Rio Grande do Sul State, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Killing of Manoel Maria de Souza Neto, Labour Leader and Political Organiser, Suzano, São Paulo State

⁹⁷ Official Correspondence No. 5440/01 from the CCDH to the Rio Grande do Sul State Public Prosecutor, November 13, 2001.

⁹⁸ Official Correspondence No. 316/01 from Dr. Mauro Henrique Renner, Deputy Public Prosecutor for Institutional Affairs of the Office of the Public Prosecutor, to the CCDH, undated, 2001.

On October 6, 2000, forty-three-year-old Manoel Maria de Souza Neto (de Souza), director of the São Paulo State-level division of the Landless Labourers' Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST) and activist for the Workers' Party (Partido dos Trabalhadores, PT), was brutally murdered in his sleep at his home in Suzano, São Paulo State. The victim was shot twice with a 32-calibre revolver, and his throat was slit. De Souza's advocacy of workers' causes had earned him the enmity of local landowners, and de Souza had refused to heed friends' warnings to flee Suzano after receiving numerous death threats.

On October 24, 2000, Anderson Araújo dos Santos (Araújo), known as *Pelado* ("Hairless") was arrested as the principal suspect in the murder of de Souza. The São Paulo State Police Department of Homicides and the Protection of Persons launched Inquiry No. 908/00 to investigate the murder.⁹⁹ On April 4, 2001, Araújo made a statement to the Civil Police's Homicide Division, denying any involvement in the murder.¹⁰⁰

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 034/02 to Ricardo Guanais Domingues, District Police Chief, requesting further information on recent developments in this matter.

⁹⁹ Letter from Nelson Pellegrino, President of the Human Rights Commission of the Federal Chamber of Deputies, to Dr. Marco Antônio Desgualdo, Civil Police Chief, São Paulo State, undated.

¹⁰⁰ Official Communication No. 4345/01 from Eduardo de Camargo Lima, Police District Chief, Homicide Division, Special Team, Department of Homicides and the Protection of Persons, São Paulo State Civil Police, to Deputy Nelson Pellegrino, President of the Human Rights Commission, the Federal Chamber of Deputies, June 29, 2001.

At this writing, the Global Justice Centre had not received a response.

Death Threats to José Carlos Nascimento, Human Rights Activist, Pontal do Paranapanema, São Paulo State

Pontal do Paranapanema is one of the poorest areas in the state of São Paulo. Land disputes between property owners of the Rural Democratic Union (União Democrática Ruralista, UDR) and members of the Landless Labourers' Movement (Movimento dos Trabalhadores Sem Terra, MST) have given Pontal do Paranapanema a reputation for conflict, often violent.

In recent years, members of the MST have occupied a number of unproductive privately-owned plots in and around Pontal do Paranapanema. For many years, the government owned most of the land in the Pontal region. In the latter half of the twentieth century, title to much of this land was transferred to private hands, frequently by means of falsified deeds. In light of the suspect nature of these deeds, the MST, active throughout Brazil, has elected to concentrate a land-occupation campaign in the state of São Paulo, in and around Pontal.¹⁰¹ The occupation campaign by the MST has provoked a violent response from landowners and police authorities, creating a tense atmosphere for human rights defenders.

José Carlos Nascimento, thirty-nine, is a prominent human rights activist in Pontal do Paranapanema. Nascimento is President of the Human Rights and Citizenship Centre (Centro de Direitos Humanos e Cidadania, CDHC) as well as Secretary for Legal Affairs for two different local unions: the

¹⁰¹ See also <http://www.pdt.org.br/pdtpontal.htm>.

Road Vehicle Drivers' Union (Sindicato dos Condutores de Veículos Rodoviários e Anexos, SCVRA) and the Household Labourers' Union (Sindicato dos Trabalhadores Domésticos, STD). Nascimento also has a weekly radio program devoted to human rights issues, called "*Cidadania*" ("Citizenship").

In the past few years, Nascimento has been a vocal critic of the use of torture by the Civil Police, making denunciations to the National Human Rights Movement (Movimento Nacional de Direitos Humanos, MNDH), as well as to the public on his radio program. In the cases he has cited, authorities have arrested local workers and applied the so-called *pau-de-arara* (parrot's perch), a form of torture in which the police hang the victim from a bar and apply beatings, electric shocks, and water torture, including near-drowning.

Beginning in 1998, Nascimento began to receive threats to himself and his family in connection with his human rights work. On August 28, 1998, at around 7:00 p.m., Nascimento received an anonymous phone call at his residence. Nascimento's wife answered the phone; the caller did not identify himself and asked to speak to Nascimento. When Nascimento took the call, he heard a male voice say, "You are getting involved in many things in this city, and bad things could happen to you; you could even die."¹⁰² Nascimento heard a significant amount of background noise during the call, and concluded that the caller was using a public telephone.

¹⁰² Statement by Nascimento to the Santo Anastácio Police Department, October 2, 1998.

In response to this threat, Nascimento filed a complaint with the Santo Anastácio Police Department (Incident Report No. 443/98), which opened Police Inquiry No. 129/98 to investigate the incident. Nascimento also told police investigators that on September 11, 1998, unidentified persons broke into his house during the night and left various items in disarray but did not take anything. He added that at the time he was not residing in his house because it was being remodelled.¹⁰³ In spite of Nascimento's statements, on November 9, 1998, the Public Prosecutor dismissed the inquiry.¹⁰⁴

Nearly a year later, Nascimento began to receive more threats. Between September and November 1999, Nascimento received calls at the SCVRA office, in which the caller would breathe heavily and hang up. Nascimento also received such calls after business hours at the office, where he would often spend the night. Towards the end of October 1999, threats started arriving by mail. One letter read, "Be careful what you do, because you could die." The letter contained a veiled threat to Nascimento's daughter, who was, it said, "all grown up and anything could happen to her," and added that "Blacks have to die," personally targeting Nascimento, who is Afro-Brazilian. The letter was signed "Ku Kux Klan [sic]". Nascimento received three more letters with similar threats, all signed with variations on "Ku Klux Klan."¹⁰⁵

¹⁰³ Report by police investigator Adriano Roêfero Simões to the Chief of Police of the Santo Anastácio Police Department, Geraldo José Takuchi, September 18, 1998.

¹⁰⁴ Official Correspondence No. 139/99, Court House of Santo Anastácio, January 25, 1999.

¹⁰⁵ Statement by Nascimento to the Santo Anastácio Police Department, November 8, 1999.

To address the problem, on October 29, 1999, the Human Rights Commission of the Federal Chamber of Deputies sent a letter to the Chief of Police of the Santo Anastácio Police District, Geraldo José Takuchi, to request that he take the necessary measures to clarify responsibility for these threats.¹⁰⁶

The threats continued. After November 1, 1999, Nascimento began to receive correspondence in a blank white envelope with typed messages pasted to the paper stating, “José Carlos, the man of human rights, will die.”¹⁰⁷

The Santo Anastácio Police District opened Police Inquiry No. 205/99 to investigate the death threats to Nascimento.¹⁰⁸ According to the local daily *Jornal Regional*, on January 28, 2000, while the investigation was underway, unidentified persons broke into SCVRA headquarters, apparently looking for documents. Nascimento, who was spending the night there, heard a noise but did not know what was going on.¹⁰⁹ That same night, Carlos José Gonçalves Rosa, a lawyer for both the CDHC and the SCVRA, received death threats by telephone at his residence.¹¹⁰

¹⁰⁶ Official Correspondence No. 1001/99P from the Human Rights Commission of the Federal Chamber of Deputies to the Chief of Police of the Santo Anastácio Police Department, Geraldo José Takuchi, October 29, 1999.

¹⁰⁷ Incident Report No. 968/99, Santo Anastácio Police Department, November 8, 1999.

¹⁰⁸ Official Correspondence 08/2000 from the Santo Anastácio Police Department to Nascimento, January 3, 2000.

¹⁰⁹ “Arrombamento e fruto na sede do sindicato dos condutores,” *Jornal Regional* (Dracena), January 29, 2000.

¹¹⁰ Correspondence from Nascimento to the Human Rights Commission of the Federal Chamber of Deputies, February 3, 2000.

On February 9, 2000, the Human Rights Commission of the Chamber of Deputies took further action. It sent two letters, one to the Secretary of Public Security of the State of São Paulo, Marco Vinício Petreluzzi, and the other to the President of the Human Rights Commission of the São Paulo State Legislative Assembly, Renato Simões, expressing regret that, in response to their October 1999 correspondence, the Santo Anastácio Police Department admitted that it could neither guarantee Nascimento’s safety nor pursue the investigation of the threats.

Ultimately, the efforts of Nascimento and the Human Rights Commission of the Federal Chamber of Deputies produced no concrete results. According to Nascimento, the two police inquiries were dismissed due to insufficient evidence to identify those responsible for the threats. At this writing, Nascimento still did not know what person or group had been threatening his life by telephone and correspondence for the previous three years.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 048/02 to Dr. José Geraldo Brito Filomeno, São Paulo State Public Prosecutor, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Death Threats to João de Deus Soares de Lira and Moisés de Castro Ramos, Rural Labour Rights Activists, Campos Lindos, Tocantins State

On December 2, 1999, police officers threatened to murder João de Deus Soares de Lira (Soares) and Moisés de Castro Ramos, high-ranking members of the local branch of the Rural Labourers' Union (Sindicato dos Trabalhadores Rurais, STR), in Campos Lindos, state of Tocantins. Soares and Ramos had been vocal opponents of the practice of *grilagem*, or falsification of land titles, whereby persons obtain titles or increase the size of their properties by forging deeds to publicly owned land. Soares and Ramos have accused the Mayor of Campos Lindos, tied to local landowners, of sending the officers, along with a well-known hit man, to kill them.¹¹¹

On the day of the incident, Soares had been working in the STR office when a colleague warned him that several police officers and a hired assassin, Getúlio Vieira Reis, in addition to members of the Campos Lindos City Council, were looking for him. Soares learned that the Mayor and a number of City Council Members had recently collected R\$10,000 (about US\$5,400) at a fund-raising event at a local school. The money was ostensibly for educational spending, but Soares believes that it was actually intended to support an operation by the police to murder both him and Ramos. Soares then left the STR office, and on his way home noticed a truck following his car. Soares hid in the woods and saw several police officers and Vieira inside the truck as it passed.

¹¹¹ Written statement by João de Deus Soares de Lira, December 6, 1999.

Unable to find Soares, the officers and Vieira went to a local plantation frequented by Soares to look for him. When the owner of that plantation asked the officers the legal grounds upon which they sought to capture Soares, the police responded that Soares was not under suspicion of any crime, nor was there any outstanding judicial order for his arrest, but that the Mayor simply wanted Soares in custody. The owner directed the police to the home of Moisés de Castro Ramos, and minutes later Soares' pursuers burst through Ramos' door, weapons drawn. Ramos himself was absent, but the officers and the hit man surprised Ramos' wife, who was eight months' pregnant at the time. The shock of this sudden entry caused Ramos' wife to fall ill and check into a hospital.

Soares and Ramos managed to evade capture, but to ensure the safety of the two men, the Human Rights Commission of the Federal Chamber of Deputies requested that the Tocantins State authorities take special measures.¹¹² On April 24, 2000, the Tocantins State Public Prosecutor turned the matter over to the Goiatins Regional Prosecutor.¹¹³

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 033/02 to Jaqueline Adorno de la Cruz Barbosa, Director of the Office of Public Prosecutor, requesting further information on recent developments in this matter.

¹¹² Official Correspondence No. 01/00P from Deputy Nilmário Miranda, President of the Human Rights Commission of the Federal Chamber of Deputies to Gen. Athos da Costa de Farias, Tocantins State Secretary of Public Security, January 11, 2000 and Official Correspondence No. 01/00P from Deputy Miranda to Dr. José Omar Almeida Júnior, Tocantins State prosecutor, January 11, 2000.

¹¹³ Official Correspondence No. 080/CHEF/GAB from José Kasuo Otsuka to Deputy Miranda, April 24, 2000.

At this writing, the Global Justice Centre had not received a response.

3. Human Rights Defence in Urban Brazil: The Struggle against Police Violence, Organised Crime and Corruption

Economic stagnation throughout Latin America in the 1980s, combined with massive migration from rural areas to urban centres, touched off an unprecedented surge in crime in Brazil's two largest cities, Rio de Janeiro and São Paulo. According to anthropologist and noted researcher on urban violence Alba Zaluar, from 1983 to 1990, the homicide rate in Rio de Janeiro soared from 23 deaths per 100,000 residents to 63.03 per 100,000 residents, a three-fold increase.¹¹⁴ In São Paulo, a similar three-fold increase was registered from 1980-1994.

In this context and facing the resistance of a federal government still controlled by the military, opposition leaders took control of the state governments in Rio de Janeiro and São Paulo in 1983 after year-end elections in 1982. In both these states, administrations with a new human rights discourse assumed power precisely during the period marked by the most rapid rise in violent crime ever documented in Brazil. One of the enduring results of this period has been the association, on the part of a significant portion of the population, between the defence of human rights and increase in violent crime.

¹¹⁴ Alba Zaluar, "Violence Related to Illegal Drugs, Youth and Masculinity Ethos," (summary by Corinne Davis), in Department of Sociology, University of Texas at Austin, *Memoria: Rising Violence and the Criminal Justice Response in Latin America—Towards an Agenda for Collaborative Research in the 21st Century*, mimeo, May 6-9, 1999, Austin, Texas.

The case of Rio de Janeiro has been particularly emblematic, given the emphasis that has been placed on human rights defence and public security issues. As governor, Leonel Brizola (1983-1986 and 1987-1991) achieved at best limited success in his efforts to overhaul the state's security practices. However, his pro-human rights policies were viewed in many sectors as responsible for curtailing abusive raids by police into *favelas*, the poor hillside communities of Rio de Janeiro. The reduction of this type of police action provoked a virulent response from police officers and their supporters who believed that Brizola's human rights policies hamstrung their battle against crime. Increasingly, residents of Rio de Janeiro, particularly those from the influential upper and middle classes, came to understand public security through the prism of a false, though widely disseminated dichotomy: one must choose between aggressive law enforcement (with the concomitant abuses of fundamental rights) or police inaction and submission to criminality (with respect for human rights).

Similar sentiment also developed in São Paulo, where surging crime in the 1980s increasingly took centre stage as the most important issue in state politics. Over the course of the late 1980s, political authorities encouraged the police to respond aggressively to criminality. Many police understood this discourse, quite literally, as license to kill. From 1988 to 1992, the number of civilians killed by the Military Police in São Paulo soared five-fold from 294 to at least 1470,¹¹⁵ roughly one third of all homicides in the state that year.

In this polarized context, those who defend human rights in Brazil's major urban centres are widely considered allies of criminals and criminality,

further complicating their already difficult mission. This popular vision, often fostered by irresponsible authorities, allows police forces to discredit the allegations and documentation of rights defenders by appealing to the public's concern with their deteriorating security, and invoking a false dichotomy that forces a choice between a vigorous police force and respect for human rights.

The Battle against Police and Official Corruption

Within the urban landscape, a particularly difficult area of rights defence highlighted in this report has been the battle against police corruption. This corruption, which often walks hand-in-hand with police violence, has been shown to involve a broad range of authorities, including not only high-ranking police, but also prosecutors, judges and elected officials. The development of Brazil's role in international narcotics trafficking in the past several decades (first as a transit point and later as a market for consumption as well) has ensured the presence of millions, if not billions, of dollars in illegal commerce. This fact, combined with the country's bank secrecy laws, has made Brazil an important centre for money laundering. This combination has fostered the growth of organised crime units that often count on the complicity or direct assistance of high-level authorities.

Documenting and denouncing this type of corruption is an extremely dangerous business, as the courageous efforts of Civil Police Detective Francisco Badenes, outlined below, demonstrate. For a decade, Badenes has investigated the Scuderie Le Coq, a legally constituted organisation deeply involved in so-called "social cleansing" murders (targeting adolescents living and working on city streets), gambling rackets and other forms of corruption. The intricate web of supporters for corrupt, killer

¹¹⁵ Human Rights Watch/Americas, *Police Brutality*, *op. cit.*, p. 50, n. 94.

police officers that Badenes uncovered has rendered the criminal justice system ineffective to combat their crimes: when police investigators, prosecutors and judges not already part of the Scuderie network investigate the group's crimes, they are induced to dismiss cases against Scuderie members via bribes or intimidation.

The gravity of the investigation led by Badenes requires special mention. Those involved in the Scuderie, according to evidence gathered and presented by Badenes before the Federal Chamber of Deputies, include former Espírito Santo governor and ex-Minister of Defence Élcio Álvares at the apex of a criminal syndicate with ties to the right-wing Liberal Front Party (Partido da Frente Liberal, PFL). The President of the Federal Chamber of Deputies, José Carlos Gratz, ranks just below Álvares, according to Badenes.

Death Threats to Regino Antônio de Pinho Filho, Fortaleza, Ceará State

On October 8, 2001, Regino Antônio de Pinho Filho (de Pinho), a representative of the Association of Parents and Friends of Victims of Violence (Associação dos Parentes e Amigos das Vítimas de Violência, APAVV) in Fortaleza, state of Ceará, began to receive death threats. Four days earlier, under APAVV auspices, de Pinho had submitted a report on crimes by hired gunmen in the state of Ceará between 1997 and 2001. Having presented his findings, de Pinho gave several media interviews discussing his work, and declared publicly that the towns of Tabuleiro do Norte and São João do Jaguaripe suffered the highest incidence of mercenary activity in Ceará. Soon after, on October 8, 2001, an anonymous caller to de Pinho's home told him that he was "too young to die." On

October 10, 2001 de Pinho received a letter stating "Justice [...] settling accounts is a mistake [...] it leads to an end with death. [*Justiça ajuste de conta é um erro a saída é o fim sem a vida.*"]...Careful."¹¹⁶ The text was made from printed type cut out of magazines.

On October 12, de Pinho filed an incident report with the local police about the threats.¹¹⁷ To expedite the investigation, the Human Rights Commission of the Federal Chamber of Deputies requested information and assistance from the Secretary of Public Security and Defence of Citizenship, Gen. Freire.¹¹⁸ In response, Gen. Freire told the Commission that he had assigned Civil Police investigator Lauro da Costa Leite Sobrinho to the case.¹¹⁹

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 059/02 to Gen. Freire, Secretary of Public Security for Ceará State, requesting further information on recent developments in this matter.

On March 20, 2002, Gen. Freire responded that after de Pinho filed the incident report in October 2001, the Secretariat of Public Security provided de Pinho with special protection for fifteen days. According to Gen. Freire, de Pinho then left for Brasília, and upon returning to Ceará told

¹¹⁶ Incident Report No. 102-12461/2001, filed with the Second District Police Station of Fortaleza, October 12, 2001.

¹¹⁷ *Ibid.*

¹¹⁸ Official Correspondence No. 1124P from the Human Rights Commission of the Federal Chamber of Deputies to Gen. Freire, November 8, 2001.

¹¹⁹ Official Correspondence No. 1552/2001-GAB-SSPDC from Gen. Freire to the Human Rights Commission of the Federal Chamber of Deputies, November 13, 2001.

authorities that the death threats had ceased and that he no longer needed special protection.¹²⁰

Death Threats, Harassment Lawsuits, and Defamation Against Detective Francisco Vicente Badenes Júnior, Espírito Santo State

Over the course of nearly ten years of investigating organised crime in the state of Espírito Santo, nationally lauded Civil Police Detective Francisco Vicente Badenes Júnior has been subject to various forms of intimidation. Since 1993, Badenes has been investigating the Scuderie Detetive Le Cocq (SDLC), a paramilitary vigilante group with ties to organised crime and to highly-placed members of Brazil's business and law enforcement communities. In 1996, the Brazilian government awarded Badenes the National Human Rights Award for his investigation of the SDLC, and Badenes has since acquired a reputation among Brazilian human rights organisations and the international media as a tenacious crime-fighter.¹²¹ However, Badenes' work has prompted retaliation from SDLC members and sympathizers in the form of death threats and unfounded legal actions. In addition, on at least one occasion, according to journalistic sources, a contract was placed on Badenes' life, although, fortunately, Badenes has never suffered an attack on his person. Badenes is currently under the protection of the Federal Police.

¹²⁰ Official Correspondence No. 285/2002-GAB/SSPDC from Gen. Freire, Ceará State Secretary of Public Security to the Global Justice Centre, March 20, 2002.

¹²¹ "Fighting Crime from the Inside Out," *The Standard* (Cambridge, UK), Issue 21, July-October 2001.

Badenes first began investigating the SDLC in 1993, when Espírito Santo Governor Albuíno Azeredo created a special body to examine the organisation's involvement in the murders of street children in Espírito Santo.¹²² Badenes was named as the head Civil Police investigator of the body, known as the Commission for Special Administrative Investigations.

Founded in 1964 under the Brazilian military dictatorship in honour of slain detective Milton Le Cocq D'Oliveira, the SDLC comprised more than 3,800 members by the early 1990s, and had branches throughout Brazil and Latin America.¹²³ The SDLC's sophisticated apparatus included departments of Special Affairs, Intelligence, and Counter-Intelligence, and the SDLC operated its own radio station and magazine.¹²⁴ In its Espírito Santo Civil Registry, the SDLC characterized itself as "A beneficent and philanthropic institution, not for profit, with the objective of serving the community."¹²⁵ According to investigations of the SDLC, the "service" provided was vigilantism, including the extra-judicial executions of those suspected of ordinary street crime, often homeless adolescents. José Guilherme Godinho Ferreira, one of the group's founders, coined the group's better-known slogan, "A good bandit is a dead bandit."¹²⁶ As of 1996, the group's members included judges, prosecutors, police officers, military personnel, state auditors, municipal Council Members, a Deputy,

¹²² José Arbex Jr. and Claudio Julio Tognolli, *O Século do crime* (São Paulo: Jinkings), 1996, pp. 76-83.

¹²³ Human Rights Watch/Americas, *Final Justice: Police and Death Squad Homicides of Adolescents in Brazil*, (New York: Human Rights Watch), 1994, pp. 112-114.

¹²⁴ Arbex and Tognolli, *op. cit.* p. 83.

¹²⁵ *Ibid.* p. 78.

¹²⁶ "Colunista e diretora do Jornal da Cidade, Vitória, Espírito Santo, Brasil," www.impunidade.com, www.impunidade.com/cases/marianilceP.htm, p. 9.

and a gambling magnate, all distinguished by a windshield sticker with the SDLC's logo, a skull and crossbones with the initials E.M. Group literature stated that these letters stood for *esquadrão motorizado* (motorized squad), though many read into the initials *esquadrão da morte* (death squad), an interpretation far more consistent with the morbid image the letters accompany.¹²⁷ In addition to the group's official membership, the SDLC had many sympathizers throughout Brazil, given the unfortunate, though widespread belief that the SDLC's main victims, street children, should be eliminated. As a result of the activities of groups like the SDLC, murders of homeless youths escalated in 1992 and 1993, with thirty-four registered in 1993 in Espírito Santo alone.¹²⁸

Badenes' investigations under the Commission's auspices led to numerous arrests of police personnel linked to the SDLC.¹²⁹ However, the arrests led to few convictions, and many of the suspects were subsequently released, creating a climate of fear for witnesses and investigators alike. Many witnesses refused to give evidence or to testify, and several detectives working for the Commission requested transfers after being harassed, including the Commission's President, Manoel Antônio de Barros, who did not believe that the Espírito Santo State government was doing enough to support the Commission.¹³⁰ In late 1993, Badenes himself came under threat.¹³¹ Newspaper reports circulated that two hit men had been contracted to kill him in response to the Commission's investigation. The

¹²⁷ Human Rights Watch, *op. cit.* pp. 112-113.

¹²⁸ *Ibid.* p. 113.

¹²⁹ *Ibid.* pp. 112-114.

¹³⁰ *Ibid.* p. 113.

¹³¹ *Ibid.* p. 114.

would-be assassins apparently fled Espírito Santo before carrying out the murder.

On November 20, 1995, Badenes presented his findings on the SDLC to the Human Rights Commission of the Federal Chamber of Deputies, drawing upon 5,297 pages of documents, nine video tapes, and two audio cassettes.¹³² In addition to implicating the SDLC in the murder of dozens of homeless adolescents, Badenes traced the 1993 assassinations of journalist Mário Eugênio and Budget Commission investigator Ana Elisabeth dos Santos, both opponents of the SDLC, to the group's operatives.¹³³ In a chapter entitled "On the System of Complicity" ("Do sistema de acobertamento"), Badenes wrote that due to the SDLC's influence:

In the judicial branch, testimony is postponed whenever it refers to an influential person...In the Public Prosecutor's Office, investigations are not followed up...In the Civil Police Department, evidence gathered by experts disappears or is manipulated. Confessions are forced to protect the real culprits. Alibis are forced.¹³⁴

Badenes chronicled a campaign of witness intimidation by the SDLC, beginning in 1995, in which the SDLC threatened to kill three witnesses to homicides committed by the SDLC or its adherents on the pretext that

¹³² "Defesa Aberta: O serviço de inteligência do Palácio do Planalto e a polícia investigam envolvimento do ministro Elcio Álvares com a crime organizado," *Isto É*, No. 1566, October 6, 1999, web citation: www.zaz.com.br/istoe/politica/1999/10/01/000.htm.

¹³³ Arbex and Tognolli, *op. cit.*, pp. 79-80.

¹³⁴ *Ibid.*

these witnesses were themselves the authors of other murders. Badenes' findings also demonstrated links between the SDLC and the Civil Police Union of Espírito Santo, the Espírito Santo Transport Workers' Union, and the Rural Democratic Union (União Democrática Ruralista, UDR), a rural landowner organisation.

In addition, Badenes cited testimony from among the fifty-one admitted members of the SDLC shedding light on the advantages of joining the group.¹³⁵ One member revealed that traffic police did not bother him because of the SDLC insignia on his windshield. Another stated that membership afforded better private security. A third felt safer under the SDLC's protection because the group was "made up of police."

Badenes concluded his presentation by requesting that the group's legal authorisation be revoked. At this writing an action seeking this revocation was still pending before the Federal Superior Justice Tribunal.

Around this time, intrigued by the number of murders and other crimes committed by SDLC members in Espírito Santo that had gone unsolved, Badenes decided to obtain a list of the group's membership. Badenes secured a judicial mandate from Vitória judge Magda Lugon ordering the SDLC to provide a list of members. SDLC President Mario Rodrigues Lopes submitted a list, but Badenes noticed that the names of many suspects in the unsolved cases were missing. In light of this failure to comply with the terms of the judicial order, Badenes arrived with several police officers at a property used by the SDLC and confiscated the group's archives and computers. The internal correspondence of the SDLC

¹³⁵ *Ibid.* p. 82.

revealed that its criminal activities extended far beyond the execution of homeless minors, and included drug trafficking, car theft, the *jogo do bicho*,¹³⁶ and other trades typically associated with organised crime.¹³⁷ Moreover, these materials documented collusion between SDLC-affiliated prosecutors, defence attorneys, and judges to secure the release of fellow SDLC members accused of crimes. This practice helped to explain the preponderance of unsolved criminal cases involving SDLC members that had initially piqued Badenes' interest in the membership of the SDLC.

On January 20, 2000, Badenes used many of these seized documents in a second presentation to the Human Rights Commission of the Federal Chamber of Deputies on the SDLC. This time, Badenes chronicled the SDLC's involvement in a wide range of criminal endeavours. In perhaps the most damning part of his testimony, Badenes furnished an "organisational chart" depicting former Espírito Santo governor and then-Minister of Defence Elcio Álvares at the apex of a criminal syndicate with ties to the right-wing Liberal Front Party (Partido da Frente Liberal, PFL). The President of the Legislative Assembly, José Carlos Gratz, ranked just below Defence Minister Álvares in the organisational scheme outlined by Badenes. In addition to these federal officials, Badenes accused several Espírito Santo State officeholders, including the mayor of Cariacica, Dejour Cabo Camata, of participation in contract killings of local politicians, illegal gun sales, and the establishment of drug rings, all in association with the SDLC. Camata was well-connected in national politics; Camata's cousin,

¹³⁶ The *jogo do bicho*, or "animal game" is an illegal gambling racket in Brazil in which participants bet on one of several animals pictured on a betting slip.

¹³⁷ "Defesa aberta," *op. cit.* pp. 1-3.

Gerson, represented Espírito Santo in the Brazilian Senate, and Gerson Camata's wife served in the Chamber of Deputies.

Parallel investigations by federal authorities corroborated much of the substance of what Badenes had stated in his first appearance before the Federal Chamber of Deputies, which in turn did not differ significantly from his statements in his second congressional appearance.¹³⁸ In November 2000, the Federal Chamber of Deputies created a Parliamentary Commission of Inquiry (Comissão Parlamentar de Inquérito, CPI) into the Advance and Impunity of Drug Trafficking (Comissão Parlamentar de Inquérito Destinada a Investigar o Avanço e a Impunidade do Narcotráfico, CPI). In the section on Espírito Santo, the CPI's report drew significantly from Badenes' testimony before the Human Rights Commission in January 2000, and condemned the influence of the SDLC and other organised crime in the state. Deputy José Carlos Gratz, whom Badenes had placed within the SDLC's highest echelon in his organisational chart, characterized the CPI's report as "used toilet paper."¹³⁹ Ministry of Justice spokesman João Benedito de Azevedo Marques declared that the SDLC cooperated with local law enforcement "as if they were a genuine group of bandits, dressed as officers, killing, extorting, robbing, and kidnapping with impunity."¹⁴⁰ A Federal Police dossier characterized the SDLC as "the biggest organised crime group Brazil has ever seen, involved in robbery, drug trafficking, murder, and spreading terror."¹⁴¹ A federal

¹³⁸ Arbex and Tognoli, *op. cit.*, p. 82.

¹³⁹ "Colunista e diretora do Jornal da Cidade, Vitória, Espírito Santo, Brasil," www.impunidade.com, www.impunidade.com/cases/marianilceP.htm, p. 4.

¹⁴⁰ Arbex and Tognoli, *op. cit.*, p. 82.

¹⁴¹ *Ibid.*

prosecutor based in Espírito Santo, in condemning the SDLC branch in the state, noted that "There is information to suggest that major corporate tax evaders are ordering homicides to protect their evasion schemes."¹⁴²

Badenes' revelations won him praise from Brazilian human rights groups, as well as federal government officials eager to appear tough on crime. A few months after his appearance before the Human Rights Commission in 1995, Badenes received the National Human Rights Prize. Within a week of Badenes' presentation to the Commission in January 2000, Brazilian President Fernando Henrique Cardoso dismissed Álvares from the Defence Ministry. Over the course of Badenes' investigation of the SDLC, retaliation has come in the form of death threats, defamation, and legal challenges.¹⁴³

On April 9, 1998, acting on evidence supplied by Badenes, the Vitória Military Police arrested Cariacica mayor Camata on arms smuggling charges.¹⁴⁴ That day, Camata received a number of high-ranking visitors whom Badenes later included in his organisational chart of the SDLC, including then-Defence Minister Álvares. Later that day, Álvares asked Espírito Santo governor Vitor Buaiz to release Camata.¹⁴⁵ On April 10, 1998, less than twenty-four hours after Camata's arrest, Geraldo Corrêa Lima, a Justice on the Espírito Santo State Supreme Court, ordered Camata

¹⁴² *Ibid.*

¹⁴³ Request for Prosecution (*Representação Criminal*) against João Manoel Rodrigues for alleged abuse of authority, submitted by Francisco Vicente Badenes Júnior to the Espírito Santo Office of the Public Prosecutor, January 27, 2002 (hereinafter *Representação Criminal*).

¹⁴⁴ "Prefeito do ES beneficiado com habeas corpus," www.an.com.br, April 11, 1998.

¹⁴⁵ "Colunista e diretora do Jornal da Cidade," *op. cit.*, p. 7.

released. Upon his release, Camata made a public threat to Badenes, stating “I will leave a message for Detective Badenes: the next time he comes to get me, he should be ready.” Camata added “I would rather die than be arrested by him again; I’m going to hell but I’m taking him with me.”¹⁴⁶

On March 3, 1999, Vitória prosecutor Eloisa Helena Chiabai indicted Badenes for defaming the character of Espírito Santo Civil Police Chief Ismael Foratini Peixoto de Lima. In a 495-page report, Badenes had accused Foratini of distorting evidence to exonerate the SDLC-affiliated killers of criminal lawyer Carlos Batista de Freitas in 1997.¹⁴⁷ In November 2000, the CPI reviewed and concurred with Badenes’ allegations against the Civil Police Chief, disputing Chiabai’s defamation charge. The CPI’s report stated that Foratini had: “....associated with members of the Serrana Máfia [and] in his law enforcement capacity, [had] undertaken to sabotage and impede the investigations of this Police Inquiry, to ensure the impunity of those that ordered the murder of Carlos Batista.”¹⁴⁸ The CPI also singled out Chiabai for her ties to the SDLC, writing “We consider suspect the actions of Public Prosecutor...Eloisa Helena Chiabai of the Ninth Criminal District of Vitória [on] matters relating to the activities of organised crime and the interests of the Scuderie Detetive Le Cocq...”¹⁴⁹ Chiabai’s attempt to protect Foratini by filing defamation charges against Badenes failed. On June 21, 2001, the First Criminal Division of Vitória dismissed her suit,

¹⁴⁶ “Prefeito do ES beneficiado com habeas corpus,” *op. cit.*

¹⁴⁷ *Representação Criminal*, *op. cit.*, p. 2. Badenes linked Batista’s assassin, Civil Police officer Derly de Aguiar, to the SDLC in statement of Francisco Vicente Badenes Júnior, given before the Internal Affairs Office of the Civil Police, Brasília, February 6, 2002, p. 3.

¹⁴⁸ *Representação Criminal*, *op. cit.*, p. 4. Most members of the Serrana Mafia are affiliated with the SDLC. “Colunista e diretora do Jornal da Cidade,” *op. cit.*, p. 7.

¹⁴⁹ *Representação Criminal*, *op. cit.* pp. 5-6

endorsing the CPI’s conclusion that Badenes’ denunciation of Foratini was warranted, and that therefore Chiabai’s indictment of Badenes for defamation was baseless.

However, while Badenes managed to fend off the defamation prosecution, the SDLC took its campaign of intimidation to the press. Throughout 2001, SDLC sympathizers gave interviews in Espírito Santo newspapers questioning Badenes’ mental health. In early 2001, Dório Antunes de Souza told Vitória dailies *A Gazeta* and *A Tribuna* that Badenes was a homosexual. Unfortunately, in Brazil, many consider homosexuality to be inappropriate or immoral.

In June 2001, Eitel Santiago de Brito Pereira (Brito), Assistant Director of the Federal Office of the Public Prosecutor, invited Badenes to head that office’s Intelligence Centre for Financial Analysis, focusing on illegal financial networks associated with organised crime. Since Badenes was technically a state employee, his transfer to a federal position required the approval of Espírito Santo Governor José Inácio Ferreira, who granted the transfer.

In late August 2001, Espírito Santo Governor Ferreira’s wife found herself embroiled in an embezzlement scandal. The state legislature established a parliamentary commission to investigate the charges, headed by SDLC member Gilson Lopes, a former police chief implicated by Badenes’ January 2000 testimony who had since been elected state legislative representative. In the midst of this scandal, Ferreira became more sympathetic to the SDLC. Ferreira replaced the existing Espírito Santo Secretary of Public Security with former SDLC president Mário Rodrigues

Lopes, and the President of the Civil Police Council with João Manoel Rodrigues, also an SDLC affiliate. Ferreira then suddenly reversed his June decision to allow Badenes' transfer to Brasília, and demanded that Badenes return to Espírito Santo within thirty days. Badenes did not return, but the SDLC's campaign continued.

On August 22, 2001, Ferreira's new Civil Police Council President, João Rodrigues, began disciplinary proceedings against Badenes, now Rodrigues' subordinate, citing alleged misconduct in Badenes' handling of the Foratini investigation.¹⁵⁰ Rodrigues substantiated his claim with the charges filed by Chiabai—despite the fact that a court had rejected them two months earlier—and recommended Badenes' dismissal. Several publications came to Badenes' defence. The September 2001 edition of the legal journal *Jornal Tribunal do Direito* stated that “The reaction to the investigations of Detective Badenes was harsh: the Civil Police itself turned against him, opening an administrative inquiry and accusing him of ‘denigrating the image of his colleagues.’”¹⁵¹ Heightening the furore in the press, in December 2001, federal prosecutor Luiz Francisco Souza announced that Badenes had become the target of a campaign of intimidation by the SDLC, and had received death threats.¹⁵²

With Rodrigues' disciplinary actions still pending, the SDLC attempted a new approach. Sometime in late 2001, Dório Antunes de Souza, a business partner of Álvares, leaked a false report that a contract worth five figures in reals had been put on Badenes' life. The report turned out to be false, but

¹⁵⁰ *Ibid.* p. 2.

¹⁵¹ “As bandas podres do Espírito Santo,” *Jornal Tribunal do Direito*, September 2001.

¹⁵² “Perseguição,” *A Gazeta* (Vitória), December 9, 2001.

this tactic also represented a form of intimidation, using the press' sympathy for Badenes to lead him to fear for his safety.

On January 27, 2002, Badenes responded by filing a request for criminal prosecution against his superior, alleging that Rodrigues' establishment of disciplinary proceedings constituted an abuse of authority.¹⁵³ Badenes contended that in bringing about the proceedings, Rodrigues relied upon false evidence that had already been judicially dismissed, and that the entire process sought to deter him from completing his legitimate investigations.¹⁵⁴ Two weeks later, Assistant Director of the Federal Office of the Public Prosecutor Brito, Badenes' superior in Brasília, requested that the President of the Espírito Santo State Supreme Court dismiss Rodrigues' suit.¹⁵⁵

On February 13, 2002, Badenes wrote to Paulo Sérgio Pinheiro, National Secretary of Human Rights, summarizing the harassment perpetrated by the SDLC over the previous decade, and requesting “appropriate measures” to combat it.¹⁵⁶

At this writing, Rodrigues' suit was still pending. Similarly unresolved were the legal proceedings to disband the SDLC prompted by Badenes' first appearance before the Human Rights Commission back in 1995.

¹⁵³ *Representação Criminal*, *op. cit.* p. 1.

¹⁵⁴ *Ibid.* p. 12.

¹⁵⁵ Letter from Eitel Santiago de Brito Pereira, Federal Office of the Public Prosecutor, to the Federal Superior Court of Justice, February 7, 2002.

¹⁵⁶ Letter from Badenes to Dr. Paulo Sérgio Pinheiro, National Secretary of Human Rights, Brasília, February 13, 2002. Badenes used the phrase “*providências cabíveis*.”

At this writing, Badenes was under the protection of the Program of Assistance to Victims and Threatened Witnesses (Programa de Assistência à Vítimas e a Testemunhas Ameaçadas), run by the Federal Police.¹⁵⁷

Killing of João Elizio Lima Pessoa, Human Rights Activist and Community Leader, Águas Lindas, Goiás State

In early February 2000, masked men, believed to be police officers, ambushed and murdered forty-three-year-old community activist João Elizio Lima Pessoa in Águas Lindas, state of Goiás. Lima Pessoa had been a major public figure in Águas Lindas for several years. In 1998, Lima Pessoa founded the Águas Lindas Community Council, which successfully lobbied for improvements to garbage collection, services for the poor, and financial support for retirees.¹⁵⁸ Lima Pessoa had also served on the Águas Lindas Regional Transport Commission, a government oversight authority. Lima Pessoa's most visible pursuit, however, had been civil rights advocacy. In this context, Lima Pessoa had been a vocal critic of the Military Police in Águas Lindas, whom he accused of extortion, searching without warrants, assault, beatings, torture, and murder.

Lima Pessoa's denunciations of police misconduct earned him the opprobrium of local law enforcement. By contrast, state and federal authorities recognised Lima Pessoa's activism, and in late 1998, the Goiás State Secretary of Public Security appointed him to the Águas Lindas Security Committee, a civilian review board. In his new capacity, Lima

¹⁵⁷ Statement of Francisco Vicente Badenes Júnior to the Administrative Division, Internal Affairs Division, Civil Police, Brasília, February 6, 2002, p. 1.

¹⁵⁸ Materials from the case file of João Elizio Lima Pessoa, Human Rights Commission of the Federal Chamber of Deputies.

Pessoa continued to denounce rights abuses by local police. Soon after his appointment, Lima Pessoa began to receive death threats from Águas Lindas police personnel, including a deputy commander and a lieutenant. In November 1998, Lima Pessoa testified before the Human Rights Commission of the Federal Chamber of Deputies, accusing Sgt. Josué Alves da Silva of leading a group of rogue officers responsible for numerous instances of beatings, extortion, and, in one case, liberating from police custody two colleagues on trial for murder.¹⁵⁹ Lima Pessoa's testimony was sufficiently damning to prompt the President of the Human Rights Commission, Deputy Eraldo Trindade, to request that the Minister of Justice take urgent measures to guarantee Lima Pessoa's safety.¹⁶⁰ Unfortunately, the Ministry of Justice did not act. Two years later, the same Sgt. Alves became the principal suspect in Lima Pessoa's murder.

On February 7, 2000, at about 10:00 p.m., Lima Pessoa and his wife, Neuza Maria de Souza, were driving home in heavy rain from a meeting of the Águas Lindas Security Committee.¹⁶¹ Lima Pessoa, in the driver's seat, noticed some rubble and large stones on the road, and swerved to avoid them. As he turned the steering wheel, the car stalled. Due to the rain, the car's engine was cold, and took more time than normal to start. When Lima Pessoa finally managed to get the motor running, a bullet was fired at the car, shattering the windshield. The single shot was followed by a hail of bullets, which hit both Lima Pessoa and de Souza before they managed to

¹⁵⁹ "Police Violence in Águas Lindas, Goiás," dossier presented by Lima Pessoa to the Human Rights Commission of the Federal Chamber of Deputies, November 1998.

¹⁶⁰ Official Correspondence No.1077/98-P from Deputy Eraldo Trindade, President of the Human Rights Commission of the Federal Chamber of Deputies, to Senator Renan Calheiros, Minister of Justice, December 30, 1998.

¹⁶¹ "Interview: Maria Neuza de Souza," *Correio Braziliense* (Brasília), February 11, 2000.

crouch together under the dashboard. After the shooting stopped, de Souza, wounded in the neck, crawled out of the car and ran along the road to summon help. The first car to stop was a police vehicle, which picked up de Souza and took her back to the bullet-riddled car. As they approached, de Souza noticed what she perceived to be a police car driving away from an obscured, nearby wooded area. Lima Pessoa was dead by the time de Souza returned with the officers, having sustained three gunshot wounds to the head. The officers that assisted de Souza told her that they could not pursue the assailants, as they did not have enough weapons at the time.

The following day, the President of the Human Rights Commission, Deputy Trindade, solicited the assistance of the Federal Police in the investigation. Deputy Trindade noted in his correspondence that action by federal authorities was imperative this time, given that the government had earlier failed to address the threat to Lima Pessoa's life.¹⁶²

That same week, the hard drive of Lima Pessoa's computer at the Regional Transport Commission offices was mysteriously deleted, according to statements by de Souza and another witness who requested that her identity not be disclosed. Both individuals affirmed that the hard drive had contained testimony on civil rights violations by police that Lima Pessoa intended to deliver to the Human Rights Commission and the Parliamentary Commission of Inquiry (Comissão Parlamentar de Inquérito, CPI) on drug trafficking in Brasília.

¹⁶² Official Correspondence No. 081/00-P from Deputy Trindade to Dr. José Gregori, State Secretary of Human Rights, February 8, 2000.

On February 15, 2000, an eyewitness clad in a hood, dark glasses, gloves, and an oversized jacket arrived at a police station in the state capital of Goiânia and told investigators that the same Sgt. Alves whom Lima Pessoa had earlier accused of leading a gang of lawless officers had participated in Lima Pessoa's murder.¹⁶³ The witness stated that four hooded officers, two wearing Military Police badges, opened fire on Lima Pessoa's stopped car. After the shooting, the four men ran off the road into the woods and took off their hoods. The witness happened to glimpse their faces and identified one of the officers as Sgt. Alves. The witness also stated that the four officers got into a Military Police pick-up truck parked in a clearing in the woods and drove off. Finally, the witness noticed two other police vehicles, both with four officers in them, on a nearby road.

The witness' testimony led the Goiás State Secretary of Public Security, Demóstenes Torres, to detain all thirteen Military Police officers that were on duty the night of Lima Pessoa's murder. Both the Civil and Military Police Departments in Águas Lindas launched separate investigations, targeting Sgt. Alves as a prime suspect.

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 031/02 Secretary Torres, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

¹⁶³ "Sargento acusado da morte de João Elizio," *Correio Braziliense* (Brasília), February 15, 2000.

Attempted Murder of Sivaldo Dias Campos, Electoral Rights Activist, Cuiabá, Mato Grosso State

In September 2000, Sivaldo Dias Campos was the president of the Workers' Party (Partido dos Trabalhadores, PT), in Cuiabá. Campos was an active campaigner for the Civic Movement to Combat Corruption (Movimento Cívico de Combate à Corrupção, MCCC). On September 9, 2000, Campos denounced a vote-buying scheme, implicating several candidates for municipal office in Cuiabá. Campos presented his claims first to a judge responsible for electoral oversight, and then aired his accusations to the press. Campos' denunciation included incriminating taped telephone conversations between candidates and campaign staff.

On October 9, 2000 individuals in an unidentified red car photographed Sivaldo's house and that of his neighbours in the Jardim Industriário neighbourhood of Cuiabá.¹⁶⁴ On the morning of October 10, 2000, at 7:30 a.m., Campos was in his house with his wife, Sônia Paiva de Oliveira, when a young man appeared at their front door. According to Oliveira, after a few moments, she looked again and noticed that there were three men at the door instead of one. Campos appeared in the room and the men entered the house. Oliveira realized that the three young men carried revolvers. Campos told his wife to remain calm. The men asked for objects of value, such as money, jewels, and the key to the car, and brought Oliveira to the master bedroom. From the bedroom, Oliveira heard a loud noise followed by the sound of a body hitting the floor. She left the room to see what was happening and saw her husband lying on the floor. He managed to get up and exit the living room, heading towards the master

¹⁶⁴ Correspondence from the Workers' Party (Partido dos Trabalhadores, PT) to the Minister of Justice, José Gregori, October 16, 2000.

bedroom. One of the men then fired a shot at Campos, hitting him in the neck. Campos staggered all the way to the bedroom and fell to the floor. As they were leaving, another of the men shot Campos in the head. They left the house driving the victim's car and then abandoned it less than five kilometres away.¹⁶⁵ Miraculously, Campos survived.

Campos' briefcase of documents vanished from the car. That day Campos had an interview scheduled in which he planned to denounce additional electoral crimes.

By 10:30 a.m., only three hours after the assassination attempt, the police concluded their investigation into the case, reporting to Oliveria that what had occurred was a routine robbery, aggravated by the reaction of the victim. No official inquiry was opened or conducted.¹⁶⁶

By early afternoon of the same day, three suspects had already been apprehended. Eyewitnesses recognised none of them.¹⁶⁷

Deputies José Dirceu and Aloísio Mercadante presented Minister of Justice José Gregori with a document requesting Oliveira's protection as well as that of other potential victims. However, the Ministry of Justice authorised protection only for Oliveira, and only during time spent out of her house.¹⁶⁸

¹⁶⁵ Statement of Sônia Paiva de Oliveira, Cuiabá Division of Homicides and Protection, Cuiabá, October 12, 2000.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ Correspondence from the Workers' Party to the Minister of Justice, José Gregori. *op.cit.*

The Public Prosecutor for Mato Grosso named six people behind the attempt on Sivaldo's life. Three of them confessed to participating, are in custody, and now await trial. Nicássio Barbosa, who allegedly orchestrated the attack, and two accomplices also await trial but are not in custody.

The attack on Sivaldo has rendered him paralyzed on the left side of his body and unable to speak.¹⁶⁹

Death Threats to the Staff of the Simão Bororo Human Rights Centre, Rondonópolis, state of Mato Grosso

In the fall of 1996, the staff of the Simão Bororo Human Rights Centre (Centro de Direitos Humanos "Simão Bororo," CDHSB) of Rondonópolis, state of Mato Grosso, became the target of a defamatory media campaign and began receiving threatening letters. The CDHSB had been in operation for several years, denouncing poor prison conditions in Rondonópolis and documenting death threats, torture, and murder committed by local Civil Police and sanctioned by local elected officials. This led to a backlash against the CDHSB and civil rights advocacy in general among local police and politicians.

In the fall of 1996, this backlash began to take the form of an active campaign when a local radio station, Rádio Clube de Rondonópolis, began to attack the CDHSB directly on its program "Ronda Policial."¹⁷⁰ The

¹⁶⁹ Global Justice Centre interview with PT staff member Jurandir da Silva, February 14, 2002.

¹⁷⁰ Official Correspondence No. 022/97 from Paulo Augusto Mário Isaac, President of the CDHSB, to the Governor of Mato Grosso, *et al.*, April 30, 1997.

program accused the CDHSB of favouring the rights of criminals over those of victims, and was part of a broader media campaign directed against the CDHSB and human rights workers in general that involved local television station TV Cidade. Both TV Cidade and Rádio Clube were owned by Deputy Wellington Fagundes, an opponent of human rights advocacy with close connections to Rondonópolis law enforcement. Soon after the first broadcast, Deputy Fagundes devoted a second airing to the supposed malfeasance of the CDHSB, and urged viewers to shut the organisation down. The CDHSB deemed this message an incitement to violence, and solicited judicial intervention to temper the program's tone. The CDHSB's efforts proved unsuccessful, and Deputy Fagundes redoubled his attacks against the CDHSB.¹⁷¹

On November 13, 1996, the Human Rights Commission of the Federal Chamber of Deputies sent Deputy Pedro Wilson Guimarães to Rondonópolis to investigate the situation, and requested that the National Federation of Journalists (Federação Nacional dos Jornalistas, FENAJ) send a representative to accompany Deputy Wilson's investigation.¹⁷²

Throughout the beginning of 1997, the CDHSB received anonymous death threats by mail. One letter warned that by continuing "to defend thieves

¹⁷¹ *Ibid.*

¹⁷² Official Correspondence No. 912/96 from Deputy Hélio Bicudo, member of the Commission, to Américo Antunes, President of the FENAJ, November 13, 1996; Official Correspondence No. 913/96 from Deputy Bicudo to Irene Maria dos Santos, Executive Secretary for the Mid-West of the National Human Rights Movement (Movimento Nacional de Direitos Humanos, MNDH), November 13, 1996; Official Correspondence No. 914/96 from Deputy Bicudo to the CDHSB, November 13, 1996.

and murderers,” CDHSB staff put their lives at risk.¹⁷³ Some letters targeted specific employees and their families. In April of that year, Prosecutor Valéria Teressoli Bertholdi Estrela and Judge Sonja Faria Borges de Sá, who were working with the CDHSB at the time on a case involving crimes committed by the Civil Police, received death threats and requested protection of their lives. On April 28, 1997, after several months of threats, the CDHSB sent an extensive complaint to Mato Grosso State Director of Public Prosecutions Antônio Hans, as well as other state and federal authorities, regarding the incendiary nature of the television program and the hostile letters.¹⁷⁴ On the same day, Deputy Guimarães, who had been in Rondonópolis investigating the case on behalf of the Human Rights Commission of the Federal Chamber of Deputies, wrote to Director Hans asking that state authorities provide adequate support and resources to the Rondonópolis Office of the Public Prosecutor in order that it be able to carry out investigations and its workers not be subject to intimidation.¹⁷⁵

On July 10, 1997, Director Hans informed the Commission that he would take measures to investigate the threats suffered by the CDHSB and protect the victims of these threats.¹⁷⁶

¹⁷³ Anonymous letter to the CDHSB, March 26, 1997.

¹⁷⁴ Official Correspondence No. 022/97 from Isaac, *op. cit.*; Letter from Leila Fagundes Borges Teruel, President of the Human Rights Commission of the OAB, to Deputy Pedro Wilson Guimarães, President of the Human Rights Commission of the Federal Chamber of Deputies, June 20, 1997.

¹⁷⁵ Official Correspondence No. 349/97-P from Deputy Pedro Wilson Guimarães to Dr. Antônio Hans, Director, Mato Grosso State Office of the Public Prosecutor, April 28, 1997.

¹⁷⁶ Official Correspondence No. 428/97-GAB from the Office of Public Prosecutions to the Human Rights Commission of the Federal Chamber of Deputies, July 10, 1997.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 058/02 to Dr. Antônio Hans, Mato Grosso State Public Prosecutor, requesting further information on recent developments in this matter.

In response, on February 28, 2002, Guiomar Teodoro Borges, Director of Public Prosecutions for Mato Grosso, informed the Global Justice Centre that, in response to a request by the Office of the Public Prosecutor, the judge overseeing the case had dismissed the matter based on the running of the statute of limitations.¹⁷⁷

Killing of Carlos Magno Nazareth Cerqueira, Former Police Chief, Rio de Janeiro, Rio de Janeiro State

Colonel Carlos Magno Nazareth Cerqueira served as Chief of the Military Police of the state of Rio de Janeiro during the administrations of Gov. Leonel Brizola from 1983 to 1986, and from 1991 to 1994. As Chief of the Military Police, Col. Cerqueira sought to limit the abuses committed by his subordinates through a series of measures, including restricting police operations in the *favelas* (poor urban communities). Before retiring from the Military Police in 1994, Col. Cerqueira developed a reputation for being pro-human rights and for punishing police officers involved in violations of citizens' rights. After his retirement, Col. Cerqueira dedicated his time to

¹⁷⁷ Official Correspondence No. 0187/2002-GAB from Guiomar Teodoro Borges, Director of the Office of the Public Prosecutor, to the Global Justice Centre, February 28, 2002.

the study of urban violence as vice president of the Criminology Institute of Rio de Janeiro.

On September 14, 1999, Col. Cerqueira, aged sixty-two, was shot and killed while waiting for an elevator in the building where he worked near downtown Rio.¹⁷⁸ Remarkably, two hours later, state police authorities declared the crime solved. Rio de Janeiro State Secretary of Public Security Josias Quintal told the Brazilian media that Military Police Sgt. Sidney Rodrigues, forty-five, had fired the shot that killed Cerqueira and then, immediately afterwards, shot himself in the head.¹⁷⁹ Rio de Janeiro authorities also stated that Sgt. Rodrigues had a history of psychological problems. Both the commander of the battalion where Rodrigues worked and his wife denied knowledge of Rodrigues' supposed psychological problems.¹⁸⁰

According to witnesses' initial statements reported in the Brazilian media, Rodrigues shot several times; additional shots may have been fired by the security guards working in the building.¹⁸¹ The weapon used by Sgt. Rodrigues belonged to another police officer that had been killed in August 1998. Since that officer's death, the weapon had been missing.

In the opinion of ex-Governor of Rio de Janeiro State Leonel Brizola as well as current Governor Anthony Garotinho, the killing may have been a reprisal against Col. Cerqueira for his efforts to restructure the police forces

¹⁷⁸ "Ex-chefe da PM do Rio é assassinado," *Folha de S. Paulo*, September 15, 1999.

¹⁷⁹ *Ibid*, and "Versão oficial causa surpresa," *Folha de S. Paulo*, September 17, 1999.

¹⁸⁰ "'Psicopata' matou coronel, diz secretário," *Folha de S. Paulo*, September 16, 1999.

¹⁸¹ "Versão oficial," *op. cit.*

of Rio de Janeiro. "It was a contract killing," (*"Foi um crime encomendado"*) declared Garotinho.¹⁸²

After the death of Sgt. Rodrigues on September 27, from gunshot wounds, the police discarded the possibility of suicide.¹⁸³ Autopsy reports showed that the bullet that struck Rodrigues' head had been fired from a distance and from a gun other than his own. This revelation invalidated the explanation of Cerqueira's murder initially presented by authorities, that is, homicide followed by suicide. The real circumstances of Cerqueira's murder remain unknown, as well as the authorities' motives for presenting the case as closed despite the lack of convincing evidence warranting such a conclusion.

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 073/02 to Secretary Quintal requesting further information on recent developments in this matter. In response, on February 28, 2002, Cabinet Chief of the Civil Police Danton Moreira de Souza informed the Global Justice Centre that on July 7, 2000, the Police Inquiry had been reactivated but that no further information on Cerqueira's murder was available.¹⁸⁴

Threats Against Former Security Coordinator Luis Eduardo Soares, Rio de Janeiro, Rio de Janeiro State

¹⁸² "Foi um crime encomendado, diz Garotinho," *Folha de S. Paulo*, September 15, 1999.

¹⁸³ "Polícia do Rio descarta suicídio de sargento," *Folha de S. Paulo*, September 30, 1999.

¹⁸⁴ Official Correspondence No. 0049/1201-2002 from Cabinet Chief of the Rio de Janeiro Civil Police Danton Moreira de Souza to the Global Justice Centre, February 28, 2002.

In 1998, Anthony Garotinho was elected governor of Rio de Janeiro State. One of the main points in his campaign was police reform. Once elected, Garotinho named Luis Eduardo Soares, a respected university professor and expert on urban security, as Security Coordinator.

Soares' security project concentrated on community policing and external control of police abuse. Shortly after taking office, the state government created a Police Ombudsman's Office (*Ouvidoria da Polícia*) and named noted reformer Julita Lemgruber to head the office. At the same time, Soares sought to remove notoriously abusive police officers from positions of command and from the police force. These efforts provoked significant resistance from many sectors of both the Civil and Military Police in the state. During his tenure in the Secretariat of Public Security, Soares required an extensive personal security detail.

In late 2000, Soares opposed the nomination of Rafik Lousada to head the State Civil Police. Soares' opposition—based on his concerns about Lousada's involvement in corruption—touched off a crisis within the Secretariat of Public Security. In early March, upon receiving a complaint from a police district chief to the effect that police officers had facilitated the escape of suspected drug traffickers, Soares forwarded information on the incident directly to the Office of the Public Prosecutor, rather than to the Police Internal Affairs Division. Shortly after this incident, Gov. Garotinho dismissed Soares.¹⁸⁵ After Soares' dismissal, Garotinho attacked Soares in the press, impugning his ethics and accusing him of indirectly supporting drug trafficking. As a result of the heightened tension following

¹⁸⁵ Gov. Garotinho told the media, implausibly, that Soares' dismissal was the result of a dispute regarding another incident.

the accusations, the Secretariat of Public Security assigned thirty Military Police officers to Soares' personal security detail to ensure his safety. Despite this precaution, Soares feared that the verbal attacks could turn physical, and on March 21, 2000, left Rio de Janeiro for the United States. His family later joined him in New York, fearing for their safety as well.¹⁸⁶

A few days after Soares' departure, the wife of one of his colleagues was accosted by officers from the Drug Repression Authority (*Delegacia de Repressão de Entorpecentes*, DRE), a division of the Civil Police. After the incident, the woman contacted her husband, and then sought help from the Military Police force assigned to protect Soares. Military Police personnel escorted the couple home in a car used by Soares' security detachment, and on the way, their car was intercepted in an ambush by the Civil Police. A dispute ensued between representatives of the Civil and Military Police that nearly led to armed confrontation.¹⁸⁷

While in the United States, Soares worked at Columbia University, where he wrote a book, *Meu Casaco de General*,¹⁸⁸ relating his experiences at the Secretariat of Public Security. In 2001, Soares returned to Brazil and assumed responsibility for security issues for the government of the City of Porto Alegre, capital of Rio Grande do Sul State.

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 074/02 to Col. Josias Quintal, Rio de Janeiro

¹⁸⁶ Luis Eduardo Soares, *Meu Casaco de General* (São Paulo: Companhia das Letras), 2000, p. 470.

¹⁸⁷ *Ibid*, p. 473.

¹⁸⁸ *Ibid*.

State Secretary of Public Security, requesting further information on recent developments in this matter.

In response, on February 28, 2002, the Cabinet Chief of the Civil Police, Danton Moreira de Souza, informed the Global Justice Centre that no further information on Soares' case was available.¹⁸⁹

Death Threats to Antônio Carlos Ferreira Gabriel ("Rumba"), Community Leader, Rio de Janeiro, Rio de Janeiro State

Antônio Carlos Ferreira Gabriel, known as "Rumba," forty-seven years old, is an Afro-Brazilian community leader and resident of the Jacarezinho *favela* (poor urban community) in Rio de Janeiro. In the 1980s, cocaine and firearms began passing through Jacarezinho and other communities, creating an atmosphere highly conducive to corruption among community leaders, and escalating tensions among the residents. According to Rumba, the police have played an active role in maintaining these tensions through regular invasions into the communities, abuse of authority, and indiscriminate use of violence while in pursuit of drug traffickers.¹⁹⁰

Since 1972, Rumba has been active in social projects within Jacarezinho. In 1994, he created the Jacarezinho Cultural Centre (Centro Cultural do Jacarezinho), and in 1995 he became active in the Association of Residents of Jacarezinho (Associação de Moradores do Jacarezinho). Since 1999,

¹⁸⁹ Official Correspondence No. 0049/1201-2002 from Cabinet Chief of the Rio de Janeiro Civil Police Danton Moreira de Souza to the Global Justice Centre, February 28, 2002.

¹⁹⁰ Global Justice Centre interview with Antônio Carlos Ferreira Gabriel (Rumba), Rio de Janeiro, December 17, 2001.

Rumba has been president of the Association of Residents of Jacarezinho, having founded the League of Associations of the Jacarezinho Complex (Liga das Associações do Complexo do Jacarezinho) that offered a forum for debates regarding community issues.

In 1994, Rumba began denouncing cases of police violence in the city of Rio de Janeiro, in particular the human rights violations committed against Jacarezinho residents. These violations included invasion and warrantless searches of houses, arbitrary detention of residents, and summary executions.

In 1995, Marcelo Alencar, then Governor of Rio de Janeiro State, with the support of then-Secretary of Public Security, Gen. Nilton Cerqueira, implemented a new crime prevention initiative by supplementing incomes and offering promotions for individual police officers involved in acts of "bravery." In practice, however, these acts of bravery invariably involved fatal shootings of civilians by police officers.¹⁹¹

Soon after, Col. Marcos Paes, the Commander of the Third Police Battalion in whose jurisdiction Jacarezinho is situated, told Rio de Janeiro newspapers that residents would not be allowed to leave their houses after 10:00 p.m., and that those arriving after that hour would be considered "criminals." After twelve days under Paes' supervision, according to Rumba, twelve residents had been killed. Rumba believes that Gen.

¹⁹¹ These aberrant policies are analyzed in Human Rights Watch, *Police Violence in Urban Brazil* (New York: Human Rights Watch), 1997 and Ignacio Cano, *The Lethality of Police Action in Rio de Janeiro* (Rio de Janeiro: ISER), 1998.

Cerqueira and Col. Paes' security apparatus permitted and encouraged police officers to violate the residents' most basic human rights.¹⁹²

According to Rumba, for a number of months, not a week passed without at least one person being killed in Jacarezinho.¹⁹³ Rumba denounced these and other abuses committed by police to the Rio de Janeiro Police Ombudsman's Office.¹⁹⁴

In 1999, to draw attention to the crisis in Jacarezinho and the work of the Association of Residents, Rumba invited visitors to the community from human rights organisations, the Human Rights Commission of the Legislative Assembly of Rio de Janeiro State, and the City Council. In addition, the Association, led by Rumba, summoned the press and distributed pamphlets and flyers to attract publicity.

After this public appeal, Rumba began receiving the first threats, initially through phone calls to his home by an anonymous male voice that said, "Rumba, I'm going to shoot you" (*"Rumba eu vou te meter bala"*), and then "Rumba, you are not going to finish the week" (*"Rumba você não passa dessa semana"*). Some of the threats were made directly to Rumba and his wife; others were left on their answering machine. During this period, compelled by fear for his safety, Rumba fled to Espírito Santo State with his wife.

¹⁹² Global Justice interview, *op. cit.*

¹⁹³ *Ibid.*

¹⁹⁴ Complaint No.129/99 to the Rio de Janeiro Police Ombudsman, March 23, 1999.

After returning from Espírito Santo, Rumba continued his work as a community leader in Jacarezinho. After testifying at the Twenty-Third Police District in the case of a family of four youths that had been murdered in Jacarezinho, Rumba found that someone had burglarised his house, and fired several bullets in a wall of the house. Rumba, distressed at the lack of security in Jacarezinho, returned to Espírito Santo and stayed there for one month.

In August of 2000, Rumba returned to Jacarezinho and completed an interview with the on-line magazine "No.com." In that interview, Rumba suggested that poor communities might have to ally themselves with criminal elements to prevent police abuse. In strong disagreement with Rumba's statements in the interview, Rio de Janeiro State Secretary of Public Security Josias Quintal stated to the press that he would open a police investigation of Rumba as well as other leaders who subscribed to Rumba's cause.¹⁹⁵

After 2000, the threats intensified. In one instance, on January 17, 2001, Military Police Sgt. Castro stated, "Your potato is frying" (*"Tua batata está assando"*), an expression indicating that Rumba's days were numbered.¹⁹⁶

During July 2001, Rumba denounced the extortion, corruption and kidnappings that police were committing against the residents in the area. Instances had occurred in which police would kidnap the family members of known drug traffickers, demanding sums of money up to R\$30,000

¹⁹⁵ *Ibid.*

¹⁹⁶ Reported by Rumba to the Rio de Janeiro Police Ombudsman on January 17, 2001; also referred to in Rumba's official statement to the First Judicial Military Police Station on August 2, 2001.

(US\$13,000). Many victims appealed to Rumba for help but refused to report the incidents officially for fear of being murdered. In response, Rumba invited the Police Ombudsman to work with the Association of Residents on a campaign to encourage citizens to use the Ombudsman's telephone hotline.

Shortly afterwards, several police officers began to follow and harass Rumba. On one occasion, officers entered his house with guns drawn, finding only Rumba's wife in her nightclothes (to enter his house, the officers had to pass through three doors, which would have required a master key capable of opening any door lock). Rumba's wife called her husband by telephone for help. When he arrived, he found a group of officers at the door of his house and photographed them. While Rumba managed to defuse the situation, the officer forced him to give them the film with their images.

Rumba's wife registered an official complaint at the Twenty-Fifth Police District. Soon thereafter, Rumba and his family began receiving new threats, leading Rumba's wife to withdraw her complaint. These threats came via phone calls and messages left by police officers. The police would surround their house the entire day; at night, cloaked people would walk near the house. Rumba and his family moved three times in less than three months.

During the period from January to August 2001, Secretary Quintal (who had previously threatened Rumba with a police inquiry) invited Rumba to the Reference Centre for Special Communities (Centro de Referência para as Comunidades Especiais). Rumba accepted the invitation to protect

himself from the death threats. In this official space, Rumba, with various other leaders, aired allegations of misconduct by hundreds of police officers sufficiently grave to warrant dismissal.

In August 2001, Rumba received an invitation to participate for several months in a project called CAPA (Coalition Against Police Abuse) at the University of Texas in Austin in the United States. Upon his return to Rio de Janeiro, at the end of 2001, Rumba obtained word that the police already knew of his arrival.

On December 19, 2001, a group of Military Police from the Jacarezinho Police Station invaded the Jacarezinho Cultural Centre, of which Rumba is director. The one employee present at the time ran to inform Rumba of the police's actions.¹⁹⁷ When Rumba appeared and requested an explanation, he received no response. At this point, Rumba left the building and contacted both the Jacarezinho Cultural Centre's lawyer and the Global Justice Centre.

On December 21, 2001, the Global Justice Centre filed information regarding the death threats suffered by Rumba with UN Special Representative on Human Rights Defenders Hina Jilani.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 065/02 to Secretary Quintal requesting further information on recent developments in this matter.

¹⁹⁷ Global Justice Centre on-site investigation, Jacarezinho, Rio de Janeiro, December 2001.

At this writing, the Global Justice Centre had not received a response.

Threats to Torture Never Again, NGO Investigating Historical and Present Practice of Torture in Brazil, and its President, Cecília Coimbra, Rio de Janeiro, Rio de Janeiro State

The NGO Torture Never Again (Grupo Tortura Nunca Mais, GTNM) has investigated human rights abuses committed during the Brazilian Military Dictatorship (1964 - 1985) and has pressed for justice in these matters. The GTNM has also been extremely active in denouncing cases of torture and police and military abuses committed since the transition to democracy in 1985. Both the GTNM, and in particular, Cecília Coimbra, who has served as the organisation's president and vice president, have received numerous threats since 1986.

In 1986, when the GTNM inaugurated several streets named for persons killed or disappeared during the dictatorship, it received a phone call that asked if they [GTNM members] had prepared their coffins.¹⁹⁸ Shortly thereafter, the group received a letter saying that its members should be careful because they were honouring terrorists and criminals. The GTNM denounced the fact to the national press and the threats diminished. In 1991, following a campaign spearheaded by the GTNM to revoke the medical licenses of doctors who had falsified autopsies to cover up killings by police and security forces during the dictatorship, the GTNM received additional threats and intimidating correspondence. In 1994, exactly thirty years after the *coup d'état* that installed the military dictatorship, the GTNM

¹⁹⁸ Global Justice interview with Cecília Coimbra, Rio de Janeiro, December 28, 2001.

received a number of anonymous threats that were believed to be a response to their slogan at the time, “‘64 never again” (“64 *nunca mais*”).¹⁹⁹

In early March 1998, the GTNM received several letters and telegrams (some anonymous, some signed by military personnel) expressing contempt for the organisation and its work. Later that month, the GTNM made headlines by denouncing the army's promotion to general of several officers who the GTNM could demonstrate had participated in repressive actions during the dictatorship. In keeping with military tradition, the officers were to be honoured publicly on March 31, in commemoration of the anniversary of the 1964 coup. The GTNM's protests against both the selection of this particular date for the event and the individuals chosen for promotion touched off a national debate in the Brazilian press on the appropriateness of promoting officers previously involved in repressive activities on the anniversary of the coup.²⁰⁰

Beyond the publicity generated by the promotion of the officers, the GTNM aroused further animosity from military sympathizers by coordinating a successful campaign that culminated in the forced resignation of Gen. Ricardo Agnese Fayad, who had been named as Assistant Health Director of the Brazilian Army. According to records maintained by the GTNM, Ricardo Fayad had participated directly in the torture of political prisoners in the 60s and 70s.

On April 1, 1998, a group called Tradition, Family, and Property (Tradição Família e Propriedade) distributed pamphlets accusing the GTNM of

¹⁹⁹ *Ibid.*

²⁰⁰ *Ibid.*

“communizing” the country. At around this time, Coimbra noticed that she was being followed as she headed to a GTNM event.

On April 3, 1998, the GTNM received an anonymous pamphlet attacking its members for their conduct regarding the nomination of Gen. Fayad. On that same day, Coimbra received a recorded phone message with threats. It said: “Son of a bitch, terrorist, you’ll see what you deserve.”²⁰¹

On April 8, 1998, another recorded phone message to the office of the GTNM stated: “Hello, look, this is a friend of your cause. Tell Ms. Coimbra that people are planning something ugly for her. Be careful, be very careful because it won’t be small. It’s serious. And there’s more: be careful with the flower shop. I will not identify myself for my own safety. Be careful. They are planning it for good.”²⁰² The GTNM office in Rio de Janeiro is located directly above a flower shop. Coimbra told the Global Justice Centre, “the main objective [of the threats] was to intimidate our work.”²⁰³

On April 8, 1998, GTNM President Coimbra sent letters and placed phone calls to the Secretary of Public Security in Rio de Janeiro, the President of the Human Rights Commission of the Federal Chamber of Deputies, and Brazilian President Cardoso requesting protection for the GTNM’s members.

²⁰¹ *Ibid.*

²⁰² *Ibid.*

²⁰³ Case No. 0712/98, Complaint Report (Relatório de Denúncia), Human Rights Commission of the Federal Chamber of Deputies, Brasília.

On April 9, 1998, the threats were made public, but federal and state authorities failed to take adequate measures to ensure the safety of GTNM staff. Rio de Janeiro State authorities provided security once a week for one month to the headquarters of the GTNM in Rio de Janeiro.

While no GTNM staff member suffered physical harm in 1998, Coimbra is still concerned for her safety and that of her colleagues. Since 1998, the GTNM has continued to receive letters with intimidating content. Of these letters, some have been handwritten, some have been computer printouts and others have been newsletters. The content has varied from vulgar attacks directed at Coimbra and her family to articles written in defence of the actions of the military during the dictatorship in Brazil and strongly criticizing the work and positions of the GTNM. According to Coimbra, the group has received these intimidating communications and newsletters each month for the past four years.²⁰⁴

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 072/02 to Col. Josias Quintal, Rio de Janeiro State Secretary of Public Security, requesting further information on recent developments in this matter.

In response, on February 28, 2002, the Cabinet Chief of the Rio de Janeiro Civil Police, Danton Moreira de Souza, informed the Global Justice Centre that he was unable to locate any record of Coimbra’s case.²⁰⁵

²⁰⁴ Global Justice Centre interview with Cecília Coimbra, December 28, 2001.

²⁰⁵ Official Correspondence No. 0049/1201-2002 from Cabinet Chief of the Rio de Janeiro Civil Police Danton Moreira de Souza to the Global Justice Centre, February 28, 2002.

Death Threats to Cristina Guimarães, Journalist, Rio de Janeiro, Rio de Janeiro State

In August 2001, journalist Cristina Guimarães worked on the report “Marketplace of Drugs” (“Feira das Drogas”) broadcast by the Globo Television Network. The report dealt with drug trafficking in the *favelas* (poor urban communities) of Rio de Janeiro, and contained footage of traffickers selling drugs openly in broad daylight.²⁰⁶

To make the report, Guimarães entered the *favelas* of Rocinha and Mangueira with a miniature camera hidden in her purse, filming for nearly six hours. The report was one of the winners of the Esso Prize for Journalism in 2001. The images recorded by Guimarães allowed police to identify various suspected traffickers and led to the arrest of one suspected shortly after the report was broadcast.

In September 2001, after returning from a leave of absence, Guimarães learned from fellow TV Globo employees who lived in Rocinha that traffickers had put a price of R\$ 20,000 (about US\$8,000) on her head. Guimarães also reported receiving repeated telephone calls from a number in Rocinha. When she answered the phone, the caller would ask if she was “*a dona ferrada*” (“Ms. Screwed”).²⁰⁷

²⁰⁶ “Repórter da Globo diz que traficantes querem matá-la,” *Folha de S. Paulo*, January 13, 2002.

²⁰⁷ *Ibid.*

Guimarães also reportedly received threats while driving. On two or three occasions, a motorcyclist wearing a helmet beat on her windshield and asked if she was Cristina Guimarães.²⁰⁸

Guimarães claims that when she informed her bureau chief at TV Globo of the threats, his response was to make light of them. According to newspaper sources, TV Globo failed to provide adequate protection for Guimarães, though it is the policy of Globo to provide threatened reporters with vacation time or reassignment abroad.²⁰⁹ Guimarães began to feel ill, requiring tranquilizers in order to sleep. In November she filed a civil action against the Globo Network, stopped going to work, and moved out of Rio de Janeiro. Since then she has reported her case to Amnesty International. As of January 13, 2002, she was reportedly living in hiding, under the protection of bodyguards.

Death Threats to Roberto Monte, Human Rights Activist, and Plácido Medeiros de Souza, Police District Chief, Natal, Rio Grande do Norte State

Francisco Gilson Nogueira de Carvalho (Nogueira), attorney for the Centre for Human Rights and Popular Memory, (Centro de Direitos Humanos e Memória Popular, CDHMP), the organisation which Roberto Monte directs, investigated and reported the crimes committed by a death squad known as the “Golden Boys.” This group gained notoriety due to investigations by a Special Commission of the Office of the Public Prosecutor in Natal and the Human Rights Commission of the Federal

²⁰⁸ *Ibid.*

²⁰⁹ “Emissora não acredita,” *Folha de S. Paulo*, January 13, 2002.

Chamber of Deputies. According to Human Rights Watch, the Golden Boys consists of Civil Police officers and staff of the Secretariat of Public Security and has been linked to dozens of murders and scores of other crimes over the past decade.²¹⁰ Nogueira's pursuit of justice in connection with these crimes intensified tensions between the Rio Grande do Norte police and the human rights community. On October 20, 1996, a passing vehicle fired seventeen bullets at Nogueira and killed him as he returned home in Macaiba, Rio Grande do Norte State.²¹¹ To date, no one has been convicted of this crime, although one suspect (Otávio Ernesto) awaits trial, as we detail below.

Over the course of the past six years, Monte and his colleagues at the CDHMP have continued to press local authorities to bring the police officers and staff of the Secretariat of Public Security involved in killings attributed to the Golden Boys to justice, with partial success.²¹² One important advance was the conviction of Golden Boy police officer Jorge Luis Fernandes, known as "Jorge *Abafador*," or "Jorge the Smotherer," for

²¹⁰ Human Rights Watch, *Police Brutality in Urban Brazil* (New York: Human Rights Watch), 1997, pp. 88-92.

²¹¹ *Ibid.*, pp. 92-94. We have included information on the killing of Gilson Nogueira to explain the context of the threats to Monte and Plácido. The murder of Gilson Nogueira does not fall within the time frame of the report, 1997-2001.

²¹² For several years, Human Rights Watch, and in particular, its Brazil Office Director James Cavallaro, supported the CDHMP in its efforts to force investigation and prosecution of the abuses committed by the Golden Boys. Cavallaro and Human Rights Watch observed several trials and raised the issue of police violence in Natal through its publications and interventions in the Brazilian and international media. As we explain below, the active role of Human Rights Watch in this fight to prosecute police killers has led alleged members of the Golden Boys and elements within the Office of the Public Prosecutor to file several baseless civil and criminal suits alleging defamation against Cavallaro. These are summarized briefly below.

a double homicide committed on March 3, 1995 in the Mãe Luiza neighbourhood of Natal.

Civil Police Officer Plácido Medeiros de Souza (Plácido) performed a parallel investigation into Nogueira's murder, and learned that Jorge Luis Fernandes, in pre-trial detention at the time of the killing, was released from his place of detention on a frequent (though clearly unjustified) basis by authorities. Fernandes' departures and returns were registered in a logbook. Plácido discovered, in his review of this logbook, that Fernandes left his place of detention on October 19, 1996 and returned October 21, 1996, opening the possibility of his involvement in the murder of Nogueira on October 20, 1996. Shortly after Plácido's investigation, evidence of the exit and return of Fernandes on these dates disappeared from the initial police investigation into the case, which was closed without implicating anyone. As we describe below, a parallel investigation performed by Human Rights Watch and reporter-photographer John Maier led to evidence that prompted federal authorities to reopen the case and eventually indict former police officer Otávio Ernesto.

While Rio Grande do Norte authorities removed Maurílio Pinto de Medeiros (Pinto de Medeiros) from his position as Deputy Secretary of Public Security during the investigation into Nogueira's murder, six months later they reassigned Pinto de Medeiros to lead a special unit within the state police force. In late 2001, the Rio Grande do Norte State Secretary of Public Security, Anísio Marinho Neto, appointed Pinto de Medeiros as Sub-Coordinator of Central Intelligence in the Secretariat of Public Security. With this promotion, Pinto de Medeiros gained responsibility over investigations and the data gathered regarding suspects.

A Natal Court sentenced Jorge Luis Fernandes to forty-seven years in prison without parole in a penitentiary for a double murder committed in March 1995. However, according to sources in Rio Grande do Norte, Fernandes has been serving his sentence in the Cidade Satélite police station rather than in a secure facility as required by law. Moreover, Fernandes has continued as a public servant and recently received a promotion. The complicity runs further: a penal judge, Carlos Abel, granted Fernandes permission to leave the police station twice a week, an order without valid basis in Brazilian law.

Roberto Monte (Monte) has been the most important rights activist denouncing the role of Pinto de Medeiros, Fernandes, as well as other violent police officers in this and several other murders. As a result of this labour in the defence of human rights, Monte has been threatened with death in the past and has been subjected to frivolous lawsuits.

It is within this context that the most recent plan to murder Monte and Plácido came to light. An anonymous male first called Plácido on October 22, 2001 and then again made a call (which Plácido managed to record) the following day, October 23, providing information about the plan to kill him (Plácido) and Monte in the very near future.

In addition to these two calls to Plácido, the Global Justice Centre obtained information from a person in Natal who asked not to be identified. This person had also received a call—the third in the series—between November 8 and 9, 2001 from an anonymous caller, informing him or her that Fernandes planned to kill not only Plácido, but also Monte.

The Global Justice Centre obtained a transcript of the recorded phone call made to Plácido on October 23, 2001. The following segment confirms the status and urgency of the case:

Plácido: "...The guys who will make the attack, will they come to my house or somewhere else?"

Anonymous Caller: "No, I don't know. I don't know where...you know, I think it could be at any moment...The person who talked said that it could be at any moment...Today, when you leave there...any time...So be prepared to wear a [bullet-proof] vest, you know, be prepared, and have your gun out, almost in your hand..."

Plácido: "But these guys only shoot in the head...these guys only shoot for the head...they know [how to deal with] vests..."

Anonymous Caller: "Don't let any motorcycles get too close...these things...it would be good to have someone by your side, with his hand on his gun..."

Based on this information, on November 13, 2001, Plácido drafted a statement to be submitted to the Inter-American Commission on Human Rights summarizing the climate of intimidation in Natal and the telephone warnings of October 22 and 23, 2001.

Though Plácido could not determine the identity of the callers, the identification unit in his telephone noted the number: (84) 234-1337.

According to Plácido, this number traced to the public phones located near the police station where Jorge Fernandes was in detention.²¹³

Based on this information, on November 14, 2001, during an audience before the Inter-American Commission on Human Rights, the Global Justice Centre presented evidence of the risk to the lives of Monte and Plácido. The Global Justice Centre provided additional information in subsequent submissions to the Commission in the following days.

On Friday, December 7, 2001, the Commission authorised the Global Justice Centre's request for precautionary measures from the Brazilian government to protect Roberto Monte and Plácido Medeiros de Souza. In particular, the Commission urged the Brazilian government to provide protection to Monte and Plácido and to take urgent measures to assure that Jorge Luis Fernandes be transferred to a secure detention centre, without the right to leave the premises.²¹⁴

The Global Justice Centre received the decision on Monday, December 10, 2001, whereupon it sent Official Correspondence No. JG-RJ 228/01 to the UN Special Representative for Human Rights Defenders, Hina Jilani. That correspondence informed the Special Representative of the perilous situation of Monte and Plácido.

²¹³ The urgency of the situation was underscored by the nature of the communications. The calls were not threats made directly to the potential victims, but rather warnings from insiders who recognised an imminent and credible danger.

²¹⁴ Official Correspondence, Inter-American Commission on Human Rights to the Global Justice Centre, communicating the decision to adopt precautionary measures on behalf of Roberto Monte and Plácido Medeiros de Souza, Washington, December 7, 2001.

On December 13, 2001, Amnesty International circulated an urgent communication among its members, requesting them to write to state and federal authorities in Brazil to take action to protect Monte and Plácido. Hundreds of letters followed.²¹⁵

In January 2002, the Ministry of Justice wrote to Monte and Plácido to offer them the assistance of the PROVITA Witness Protection Program or other means of protection. Both Monte and Plácido responded to the effect that they would accept Federal Police protection, but not entrance in the PROVITA program.²¹⁶ The PROVITA program sent a second correspondence, on February 26, 2002, to inquire as to whether the two wished to enter the program.²¹⁷ Again, both refused while expressing interest in receiving Federal Police protection. According to the CDHMP, Fernandes has not been transferred to a secure facility, but his departures from his place of detention have been controlled.

Unwarranted Suits against James Cavallaro, former Brazil Office Director of Human Rights Watch, Natal, Rio Grande do Norte State

As noted above, a series of crimes committed by rogue police in Natal, allegedly coordinated by the Deputy Secretary of Public Security for Rio Grande do Norte, Maurílio Pinto de Medeiros, and known as the "Golden

²¹⁵ Amnesty International (Urgent Action Request), Fear for Safety, 13 December 2001; Brazil: Roberto Monte (Human Rights Defender), Plácido Medeiros de Souza (Police Chief) AI Index: AMR 19/002/2001, December 13, 2001.

²¹⁶ Global Justice telephone interview with Aluizio Matias dos Santos, Centre for Human Rights and Popular Memory (Centro de Direitos Humanos e Memória Popular, CDHMP), March 7, 2002.

²¹⁷ Official Correspondence No. 238 from the Witness Protection Program to Roberto Monte and Plácido Medeiros de Souza, February 26, 2002, and Global Justice interview with Aluizio Matias dos Santos, *op. cit.*

Boys,” gained national and international attention beginning in early 1995. In addition to the work of the CDHMP and the Special Commission of the Office of the Public Prosecutor of Rio Grande do Norte State, national and international human rights groups supported efforts to bring Natal’s criminal police to justice. Among those involved in these efforts was the Brazil office of Human Rights Watch and its director, James Cavallaro. Over the course of 1995-1998, Cavallaro travelled to Natal on a number of occasions to research and document these abuses, to confer with authorities to press for investigation and prosecution, and meet with local, national and international media. The research on Natal led to the publication of a comprehensive report on police violence in Brazil that featured the Golden Boys.²¹⁸

In 1998, in conjunction with reporter-photographer John Maier, on assignment for *Time* magazine and the BBC, Cavallaro met with a former police officer and participant in death squads in Natal. This officer, who insisted that his identity not be revealed, provided information about the actions of death squads (including the Golden Boys in Natal), including details about dozens of killings and the disposal of the bodies of the victims. The source informed Cavallaro and Maier of two methods of eliminating bodies. One involved covering them with corrosive substances and tossing them into wells. The other involved a clandestine cemetery. According to this source, the cemetery was located in an area on the outskirts of Natal belonging to former police officer Otávio Ernesto. In addition, this source told Cavallaro and Maier details about the October 20, 1996 murder of human rights activist Gilson Nogueira (see previous case),

²¹⁸ See Human Rights Watch, *Police Brutality in Urban Brazil* (New York: Human Rights Watch), 1997.

including the names and roles of the participants. According to this source, the murder was ordered and coordinated by Pinto de Medeiros and carried out by four members of the Natal death squads: Maurílio Pinto Jr. (Pinto de Medeiros’ son), Otávio Ernesto, Jorge Luis Fernandes and Admilson Fernandes.

Based on this information, several meetings were held with Federal Police authorities. These authorities planned a raid on Otávio Ernesto’s property, cited by the confidential source as the location of the clandestine cemetery. On November 16, 1998, Federal Police agents entered Otávio Ernesto’s property to search for the clandestine cemetery. The police did not locate remains on the area (which had been subject to recent modifications, suggesting, at least, the possibility of an attempt to hide remains). However, they did find several illegal weapons and munitions. Ballistic tests performed by the Federal Police on one of the weapons demonstrated conclusively that it matched the spent shells found at the scene of the killing of Nogueira.

This discovery led to the arrest and prosecution of Otávio Ernesto for the 1996 murder of Gilson Nogueira. Unfortunately, the others named by the confidential source as participants in the killing were neither arrested nor indicted. In the criminal prosecution of Otávio Ernesto, Judge Patrícia Gondim Moreira cited Cavallaro as a witness. In his testimony in this proceeding, Cavallaro cited the information received from the confidential source regarding the names of the participants in the plot to murder Nogueira.²¹⁹

²¹⁹ Inter-American Commission on Human Rights, Admissibility Report No. 12.058 (Case of Gilson Nogueira, Brazil), 2000.

The following day, Cavallaro provided an interview to the daily newspaper *Diário de Natal* in which he repeated the substance of his testimony the previous day in court. As a result of these statements, published in the *Diário de Natal*, Pinto de Medeiros filed a civil action for damages as well as a request (known as a *representação*) that the Rio Grande do Norte State Office of the Public Prosecutor indict Cavallaro for the crime of defamation.²²⁰ The Office of the Public Prosecutor complied with the *representação*, and filed an indictment against Cavallaro that was challenged by Cavallaro's attorneys based on legal deficiencies, including the Rio Grande do Norte State authorities' failure to cite Cavallaro personally.²²¹ The challenge to the legal action was dismissed by the state trial and appellate courts. An appeal to the federal court (via request for a *writ of habeas corpus*), however, proved successful. The Federal Superior Justice Tribunal declared the indictment null in a decision published on February 4, 2002.²²²

A separate criminal action for defamation stemming from Cavallaro's testimony, however, is still pending. This action, filed by Admilson Fernandes de Melo, is being processed under number 096/99 in the First Criminal Division of Macaíba, Rio Grande do Norte State.

²²⁰ Maurílio Pinto Jr. filed another suit against Cavallaro in small claims court, also for defamation. This action was dismissed due to its failure to comply with the requirements for service of process.

²²¹ The criminal case against Cavallaro in Rio Grande do Norte state is being processed as Case No. 001.99007376-0, Fourth Criminal District, Natal, Rio Grande do Norte state.

²²² See Request for *Habeas Corpus* No. RH 11451, Superior Justice Tribunal (from Case No. 001.99007376-0, Fourth Criminal District, Natal, Rio Grande do Norte state).

Kidnapping of Carlos Roberto Bezerra and Death Threats to the Staff of the Rio Grande do Norte State Office of the Public Prosecutor, Natal, Rio Grande do Norte State

In May 1998, three gunmen kidnapped a guard on duty at the Rio Grande do Norte State Office of the Public Prosecutor, located in the state capital of Natal, and made death threats to the staff members.²²³ The individuals targeted by name were Anísio Marinho Neto (Marinho), Chief of the Office of the Public Prosecutor, Paulo Leão, President of the Association of the Prosecutor's Office, Paulo Pimentel, public prosecutor for the district of Almino Afonso, and Edevaldo Alves Barbosa (Alves), Pimentel's counterpart in Lages district. All of these men were involved in the investigation of the November 1997 murder of the public prosecutor for the Pau dos Ferros district, Manuel Alves Pessoa Neto. According to newspaper reports, the prosecutors' investigation revealed that the murder had been ordered by a judge from Neto's district.

On May 12, 1998, at about 3:00 p.m., a man calling himself "Henrique" called the Office of the Public Prosecutor and asked to speak to Marinho's secretary. When the secretary took the call, the man stated in a threatening tone that there would be a kidnapping in the area, and that the prosecutors "would pay for what they had done."

At about 7:00 p.m. that day, three men armed with a twelve-calibre shotgun and a 380-calibre pistol got out of a dark-coloured Tempa parked in front

²²³ Many of the details of the incident are taken from two newspaper articles: "Invasão e ameaça a promotores," *Diário de Natal*, May 14, 1998; and "Vigia é seqüestrado e espancado," *Tribuna do Norte* (Natal), May 14, 1998.

of the Office of the Public Prosecutor. The gunmen grabbed the night watchman, Carlos Roberto Bezerra, and forced him into the trunk of their car. The men then drove to an abandoned area in the nearby town of Parnamirim.

Upon arriving in Parnamirim, the kidnappers took Bezerra out of the trunk and showed him several newspaper photographs of Marinho, Pimentel, Leão, and Alves, in addition to a photo of Bezerra himself. The men beat Bezerra, causing bruising on Bezerra's head and legs, and threatened to kill him. The men told Bezerra that they would inflict the same injuries upon the prosecutors they had shown in the newspaper photographs. Bezerra thought he recognised one of the kidnappers as having been involved in a January 1998 attempt on prosecutor Alves' life.

Bezerra managed to distract the kidnappers and flee towards a residential neighbourhood. The men fired three shots at Bezerra, but did not hit him. Bezerra arrived safely at the local police station, where he filed an incident report and contacted the Office of the Public Prosecutor.

The next day, Marinho met with the Secretary of Public Security, José Carlos Leite Filho, and the State Military Police Commander, Col. Franklin Gadelha, to strategize about how to guarantee the safety of the staff of the Office of the Public Prosecutor. Later that day, Marinho solicited assistance from the State Legislative Assembly and the State Supreme Court of Rio Grande do Norte.

The kidnapping and death threats received significant media attention over the course of the following week, prompting Deputy Wilson Guimarães to

request the involvement of the Human Rights Commission of the Federal Chamber of Deputies in the case. On May 26, 1998, the Commission responded by urging the Rio Grande do Norte State Secretary of Public Security to take measures to protect the prosecutors, and by launching its own investigation into the incident.²²⁴

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 029/02 to Paulo Roberto Dantas D. S. Leão, Director of the Office of the Public Prosecutor, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Death Threats to Isabel Cândido, Social Worker, Limeira, São Paulo State

When she received her first death threat in May 2001, Isabel Cândido had worked for nearly three years at the Centre for the Defence of Children and Adolescents (Centro de Defesa da Criança e do Adolescente, CEDECA) in Limeira, a small city in the state of São Paulo. Over the course of her tenure at CEDECA, Cândido had worked with many young victims of torture by civil and Military Police. At the beginning of 2001, CEDECA held a public forum with Military Police representatives to discuss the subject of violence. In the midst of the proceedings, a dispute ensued when CEDECA employees noticed a police lieutenant filming the event.

²²⁴ Official Correspondence No. 545/98-P from Deputy Eraldo Trindade, President of the Human Rights Commission of the Federal Chamber of Deputies, to Col. Sebastião Américo de Sousa, Rio Grande do Norte State Secretary of Public Security, May 26, 1998.

The lieutenant was pointing the camera at the youths in CEDECA's care that had accompanied the group to the event. The youths felt threatened by the presence of the camera and hid their faces. Cândido demanded that the taping stop and that the police show the footage they had already recorded. The police initially refused to do so, but relented under pressure from public officials not affiliated with the police in attendance at the forum. A viewing of the tape revealed that the lieutenant had focused solely on the youths' faces.

Beginning in May 2001, Cândido began to receive phone calls urging her to be careful, as she could become the victim of an attack. At first, Cândido believed that the calls themselves were not threats, but rather well-intentioned warnings to alert her to danger. Later that month, CEDECA headquarters suffered an overnight break-in. The intruders inflicted the heaviest damage on Cândido's office, destroying the door and a filing cabinet. Cândido believes that the intruders were looking for the youths' treatment records, which they did not find because Cândido had taken them from the office.

In August 2001, Cândido received a phone call saying that "the place was going to go up in flames, and if you had been at the CEDECA offices you would have gone up with it!" Cândido received another call in September, and began to question what she had interpreted as the good intentions of the caller. At the time, Cândido was working on a case in which police officers had beaten a youth and discharged pepper spray in his eyes. After accompanying the adolescent to the local police station to register a complaint regarding the actions of the officers to the district commander,

Cândido received a call warning her to be careful with whom she was dealing.²²⁵

Cândido still does not know who made the threatening phone calls, but has little doubt that they are related to her work defending the rights of adolescents.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 036/02 to Saulo de Castro Abreu Filho, Secretary of Public Security for São Paulo State, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Threats to Raquel Pântano De Gaspari, Limeira, São Paulo State

Raquel Pântano De Gaspari, twenty-five, works as an educator at the Centre for the Defence of Children and Adolescents (Centro de Defesa da Criança e do Adolescente, CEDECA) in the city of Limeira, São Paulo State.²²⁶ In mid-July 2000, adolescent F. S.,²²⁷ sixteen, came looking for De Gaspari at the CEDECA office, having fled from the Franco da Rocha Unit of the State Foundation for the Wellbeing of Minors (Fundação

²²⁵ Cândido told the Global Justice Centre that she filed a police report regarding these incidents. Global Justice Centre telephone interview with Isabel Cândido, March 11, 2002.

²²⁶ Information in this report comes from Global Justice Centre interview with Raquel Pântano de Gaspari, Limeira, São Paulo State, December 14, 2001.

²²⁷ Brazilian law prohibits publicizing of the names of minors alleged to be involved in illegal conduct.

Estadual do Bem Estar do Menor, FEBEM), a juvenile delinquency centre. F. S. had been interned at FEBEM for drug trafficking and theft. De Gaspari had been the first to attend to his case when F. S. was arrested, and for this reason he sought her out when he fled FEBEM.

F. S. told De Gaspari that he had been suffering repeated attacks within FEBEM. According to the adolescent, he was being threatened by other interned youths from the same city as F. S. and members of the same criminal organisation of which he had been a member.

De Gaspari and the other members of CEDECA, perceiving a real threat to F. S.'s life, provided him with a safe place to stay and continued to provide assistance. F. S. returned to school and began to frequent the Hip Hop group of CEDECA.

In February of 2001, F. S. brought his friend Rogério Arado, twenty-seven, to the Hip Hop group. Arado had belonged to the same gang as F. S. Arado was introduced to De Gaspari and after some time told her that he also no longer wanted to be part of the criminal organisation and that he wanted to give his life a new direction. At this time, Arado told De Gaspari how the criminal organisation functioned and that it was responsible for all the thefts of cargo and the trafficking of depressants in the region. He also told her that influential members of the community, such as legislators, businessmen, a judge, and a prosecutor were part of the organisation.

In June, De Gaspari and Arado decided to denounce this situation. De Gaspari asked State Legislative Representative Renato Simões, President of

the Human Rights Commission of the São Paulo State Legislative Assembly, for help in preparing the denunciation.

In August 2001, De Gaspari began to receive her first threats. One night she had gone out to eat with some friends, and when she returned she received a call from a man who said: "How was your dinner? Nice to meet up with friends, isn't it? But accidents happen! It will come down on your head! You've already been alive too long!" De Gaspari was shaken and passed the phone to her mother, who heard the man say the following: "She got nervous? She ought to be afraid!" The man then hung up.²²⁸

Since then, De Gaspari has received numerous telephone calls that contained the phrase "Accidents happen!". De Gaspari's mother purchased a caller identification device, but the telephone number of the caller (or callers) always appeared as 0000, 0024, or other incomplete numbers. De Gaspari, with help from the local telephone company, was able to determine that most of the calls had been placed from the state of Paraná, but it was impossible to identify the city.

Later in August, De Gaspari received another call, warning her to "keep alert, because there will be a robbery at CEDECA! It's coming down on your head! You won't live past today!!" In response to the call, De Gaspari filed a police report at the centre for the defence of women in her city.²²⁹

²²⁸ Global Justice Centre interview with Raquel Pântano de Gaspari, *op. cit.*

²²⁹ *Ibid.*

Between September and October of 2001,²³⁰ De Gaspari heard the sound of a motorcycle in front of her house while entertaining friends there. It was not possible to identify the person on the motorcycle, though they could see that it was a man. The man remained in front of De Gaspari's house, revving the engine of the motorcycle, until he sped away, firing a shot into the air.

On another occasion, one of De Gaspari's neighbours warned her that a man in a dark-coloured car had been waiting and observing, parked near their houses. When it grew dark, and the man had still not left, the neighbour called the Military Police who arrived on the scene and asked the man what he was doing there. The man replied that he was looking for a cabinet shop. According to De Gaspari, the neighbourhood where she lives is residential and there are no shops at all.

On or about December 6, 2001, Arado called De Gaspari to tell her that the organisation had ordered him to leave the city, and that he could not tell de Gaspari where he was going.

As of mid-December 2001, De Gaspari has continued to receive threats by telephone, saying, "Accidents happen!"

Killing of Maria Nivaneide Santos Costa, Nossa Senhora do Socorro, Sergipe State

²³⁰ De Gaspari told the Global Justice Centre that she could not remember the exact date of the occurrence. Global Justice interview with Raquel Pântano De Gaspari, Limeira, São Paulo, December 14, 2001.

Maria Nivaneide Santos Costa, twenty-seven years old, was a primary school teacher, a children's rights activist, and, since 1998, a public educator for the National Movement of Street Children (Movimento Nacional de Meninos e Meninas de Rua, MNMMR) in the state of Sergipe. In addition, she served as vice president of the State's Supervisory Council for Children and Adolescents (Conselho Tutelar da Infância e da Adolescência). Her husband, Edenilson Costa, is president of the Residents' Association for the Division and Development of Rosa de Maio (Associação de Moradores do Loteamento Rosa de Maio) located in the Nossa Senhora do Socorro municipality. He has lobbied for reinforcing security within his neighbourhood, the Rosa de Maio block located in the Aracajú metropolitan area, through the construction of a local police station.²³¹

At about 2:00 a.m. on February 4, 1999, Costa was sleeping in her home when six hooded men armed with guns attempted to break in. The men fired shots through the windows and doors and then attempted to kick down the front door. Costa tried to prevent them from entering and screamed for her neighbours' help.²³²

José Robério, a neighbour of Costa, heard her cries for his help and her pleas to the attackers, "Don't kill my children!" He attempted to open the

²³¹ Information provided by the State Commission for the National Movement of Street Children (Comissão Estadual do Movimento Nacional de Meninos e Meninas de Rua, MNMMR) and the Afro-Sergipe Society of Studies and Citizenship (Sociedade Afrosergipana de Estudos e Cidadania, SACI) in a report released to the Sergipe State Secretary of Public Security and other authorities in February - March, 1999.

²³² *Ibid.*

door of his house but was met with a shot fired in his direction. Unarmed, he was unable to help her.²³³

Costa, struck by the hail of fire that entered through the door and windows, died immediately.

The Afro-Sergipe Society of Studies and Citizenship (Sociedade Afrosergipana de Estudos e Cidadania, SACI) and the state commission of the MNMMR denounced the murder to the Sergipe State Secretary of Public Security, the Human Rights Commission of OAB/SE, the Office of the Public Prosecutor, and the State Secretary of Justice requesting investigation of the killing and the arrest of those responsible.²³⁴

On February 9, 1999, the Institute of Socio-Economic Studies requested that the Secretary of Public Security take measures to investigate the matter.²³⁵

On March 3, 1999, the President of the Human Rights Commission of the Federal Chamber of Deputies, Nilmário Miranda, requested information from the Secretary of Public Security about the measures taken in the case.²³⁶

²³³ *Ibid.*

²³⁴ *Ibid.*

²³⁵ Letter from Aurélio Vianna, Adjunct Executive Secretary of the Instituto do Estudos Sócio-Econômicos, to Gilson Garcia, Sergipe State Secretary of Public Security, February 9, 1999.

²³⁶ Official Correspondence No. 087/99-P from the Human Rights Commission of the Federal Chamber of Deputies to Gilson Garcia, Sergipe State Secretary of Public Security, March 3, 1999.

On March 19, 1999, the superintendent of the Civil Police for Sergipe State, Paulo Ferreira Lima, responding to the prior request for updates on the investigation, concluded that Costa's murder was not motivated by her work within the community or by that of her husband. He blamed the crime on the "abysses that exist between social classes." Within forty-eight hours, state authorities arrested four individuals believed to be responsible for the killing. Police detained a fifth suspect, along with the crime weapon and goods stolen from Costa's home. Three days later, the official police inquiry had been closed.²³⁷

On March 11, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 97/02 to João Eloi de Menezes, Superintendent of the Sergipe State Civil Police, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

²³⁷ Official Correspondence No. 338/99 from Paulo Ferreira Lima, Superintendent of the Civil Police, to Deputy Nilmário Miranda, President of the Human Rights Commission of the Federal Chamber of Deputies, March 16, 1999.

4. The Defence of the Environment: Conflict with Powerful Interests Often Turns Violent

On December 22, 1988, rubber tapper, union leader and environmentalist, Francisco Alves Mendes Filho, known as Chico Mendes, was ambushed and murdered in his hometown of Xapuri in the Amazon state of Acre. As the president of the rubber tappers union in Xapuri, where he was killed, Mendes had led a crusade to preserve the members' means of livelihood—the rainforest. Mendes' struggle to preserve the environment placed him in conflict with powerful landowners whose hired thugs had already unsuccessfully attempted to kill him two years prior to his December 1988 murder.

The killing of Chico Mendes, at the time of his death, a world-famous environmental activist, placed the issue of environmental rights defence in Brazil squarely on the international agenda. The United Nations Conference on the environment in Rio de Janeiro in 1992 (ECO-92) further underscored the importance of environmental defence in Brazil at a global level. Notwithstanding the globalisation of their cause, environmental rights activists in Brazil have continued to work in trying circumstances with little governmental support.

Ten years after ECO-92, the Brazilian environmental movement consists of some 800 organisations dedicated primarily to the defence of the Amazon rain forest and the coastal tropical and subtropical forest (Mata Atlântica).

Given that the demands of those who protect the environment often conflict with those of large landowners, it should not surprise us that these

activists often find themselves in situations of intimidation, threat of physical violence, and, in some instances, death. The risks to which environmental activists are subjected, not unlike the case of others in rural areas, are more intense in the Amazon region.

In Brazil, the Department of the Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis, IBAMA) is charged with oversight of environmental protection in Brazilian territory. In addition to problems such as a lack of adequate resources and corruption, IBAMA investigators face threats; several have been killed in connection with their work.

For example, the superintendent of IBAMA's Pará office, Paulo Castelo Branco, declared in December 1999 that he was suffering pressure and threats due to the implementation of a forest management project. As result of the threats, he was forced to leave the city of Belém (the capital of Pará State). To provide greater security to IBAMA's agents, Castelo Branco created an Ombudsman's Office to receive reports of threats or attacks on the physical integrity of its employees. Nevertheless, with only seventy-two agents to monitor over 140 municipalities, IBAMA is often unable to ensure enforcement and weed out corruption among its own agents, which Castelo Branco admitted was widespread.²³⁸

While much of the violence associated with environmental activism occurs in the Amazon and other isolated regions, the defence of the environment in urban areas is also a dangerous business. Frequently, those seeking to

²³⁸ "Greenpeace flagra contrabando de madeira," *Folha de S. Paulo*, December 13, 1999, p. 4.

guarantee the integrity of the environment find themselves in conflict with developers and others interested in urban construction. The case of Rogério Rocco, detailed below, provides a good example of how environmental defence may provoke violent reaction from urban developers.

Another context in which environmental defence may result in violent conflict involves protection of coastal areas. When these areas are located near major urban centres (such as Rio de Janeiro and São Paulo), the cost of environmental law enforcement is often quite high, in both financial and personal terms. A clear example of this type of conflict is the case of Mario Moscatelli, a leading environmental rights activist in Brazil. While the threats to Moscatelli fall outside the time frame of this report (1997-2001), we summarize them here to shed light on the nature of conflict in coastal regions in Brazil.

From 1989 to 1991 biologist Mário Moscatelli worked in the municipal government of Angra dos Reis, a coastal city and popular vacation area 150 kilometres from the city of Rio de Janeiro, as Chief of the Department of Environmental Control. His job involved the enforcement of environmental law, in particular, placing restrictions on construction and zoning in marshland and coastal areas. As such, Moscatelli found himself frequently “impeding and legally barring the construction of houses and apartments” in these valuable areas.²³⁹

²³⁹ Electronic mail from Mário Moscatelli to the Global Justice Centre, February 23, 2002.

In October 1989, Moscatelli received the first of four sets of telephone threats. The other three series came in January 1990, May 1990, and June 1991, all made to his parents’ home in Rio de Janeiro. Besides this, Moscatelli received a written warning that a contract had been taken out on his life. According to Moscatelli the threats must have come from powerful real estate speculators and the politicians associated with them. Real estate in coastal regions is a lucrative business, and new developments in previously virgin areas, which inevitably destroy marshland and coastal ecosystems, often yield the highest profits. By impeding speculators, Moscatelli feels, he was putting himself at risk.²⁴⁰

All of the threats were denounced to civil and Federal Police, as well as the state governor and the Ministry of the Environment, among others. While media pressure and the assistance of a few dedicated police permitted Moscatelli to continue in Angra for nearly two years, in 1991, he was forced to abandon his post and move to Rio de Janeiro. Upon leaving Angra, the threats ceased.²⁴¹ Construction in areas theoretically protected by Brazilian law in the region has continued.

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

Threats to Paulo Adário, Greenpeace Environmental Activist, Manaus, Amazonas State²⁴²

Paulo Adário is the International Coordinator for Greenpeace's Amazon Campaign. Greenpeace's campaign has primarily targeted illegal logging, which, though not the only practice causing deforestation, often facilitates further degradation of previously virgin tracts of forest. Greenpeace estimates that 80% of the wood that comes from the states of Amazonas and Pará is illegally harvested.²⁴³

According to Adário, the Department of the Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis, IBAMA) Brazil's federal environmental agency, does not have adequate resources and organisation to monitor and prevent illegal extraction and sale of wood. Furthermore, IBAMA officials responsible for certifying loggers' wood stocks often succumb to threats and bribes, granting extraction permits for quantities well above that which loggers own, and thus allowing loggers to sell wood they have purchased illegally from uncertified sources. To combat such practices, Greenpeace has built an intelligence-harnessing network in the Amazon that includes information gathering within rural communities, aerial reconnaissance, and LANSAT satellite photography.

²⁴² Information in this report comes from a telephone interview with Paulo Adário by the Global Justice Centre, March 4, 2002 and the newspaper article "Coordenador de campanha de Greenpeace terá proteção policial," *Folha de S. Paulo*, October 18, 2001, p. C3.

²⁴³ Adário explained to Global Justice that illegal wood, which does not pass through the process of certification, can be sold cheaper and at a higher profit than legal, certified wood. Thus as long as illegal wood floods the market, it will remain economically unviable to produce wood in a legal, sustainable way. Global Justice telephone interview, March 4, 2002.

In Amazonas State, Greenpeace has been successful in pressuring loggers to adopt legal, sustainable practices. A Greenpeace report issued in August 1999 generated an investigation by the Federal Office of the Public Prosecutor in Manaus (the state capital) into illegal practices that continues to this day. Greenpeace's information gathering has also helped IBAMA to confiscate illegal wood shipments and fine lawbreakers. Since 1999, wood production in Amazonas State has fallen by more than 60%.

In the state of Pará, Greenpeace discovered that mahogany in one of the last extensive reserves in the country, within the Kayapó Indian Reservation, was being illegally cut and sold.²⁴⁴ Local Kayapó indians were complicit in the sales, though they received only a tiny fraction of the market value of the mahogany. In September 2001, Greenpeace filed a report with the Federal Office of the Public Prosecutor in Pará requesting an investigation. In October and November of 2001, Greenpeace accompanied the Military Police and IBAMA in a massive operation that resulted in the largest confiscation of illegal mahogany in Brazilian history. Over US \$13 million worth of wood and a further US \$7 million in equipment were confiscated.

On October 2, an employee at the Greenpeace office in Manaus received a telephone call containing a death threat directed against Adário. The anonymous female caller said, "Tell the guy with the beard that he has to die, he deserves to die, and he will die." Adário is the only Greenpeace employee with a beard.

²⁴⁴ Brazilian law expressly prohibits the sale of mahogany from indigenous territories.

Adário immediately informed his attorney, former Minister of Justice José Carlos Dias, of the threat. Both believed it was directly linked to the Pará operation: aside from having been made only six days after the Greenpeace report was released to the media, the call was made to a telephone number which had been distributed in Greenpeace material in Pará but not in Amazonas. Dias obtained an audience with Minister of Justice José Gregori, who ordered the Federal Police to provide Adário with round-the-clock protection.

Despite the provision of Federal Police protection, authorities at both the federal and state level have apparently failed to investigate the threats. At this writing, neither Adário nor the employee who answered the threatening call had been asked to make a statement in any investigation.

In November 2001, a logger told a Greenpeace staff member in Pará that a price had been placed on Adário's head. Other Greenpeace staff have been told that as soon as the logging industry is out of the media spotlight, there will be a "reckoning." One staff member of the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI) who worked with Adário on the Pará operation also received death threats, as did a member of the City Council of Redenção, Pará.

In December 2001, Adário left the country for about two months, in part due to fear of violence. During this time, an employee of Greenpeace in Manaus, a boat pilot, received a number of threats. The first came in mid-December, when two men in a truck followed the pilot's car through the city. When the pilot stopped at a store and entered, the men followed him

and accosted him inside the store. "Aren't you ashamed to be working for *gringos*?" they asked the pilot. They also warned him to "watch out."

The next day, the pilot received the first of numerous phone threats. The language used in these calls was extremely graphic and brutal, threatening among other things to rape the pilot's children and wife in front of him, murder his wife and children, and murder the pilot himself. Throughout December, Greenpeace began to install a security system to ensure the safety of the pilot and the other employees. As a result, employees were able to record four of the later threats, while another threat was heard directly by police who were on-site at the moment of the call. In one of the recorded threats, the sound of a woman being tortured was heard; the caller then "killed" the woman (Adário suspects that the call was staged) and said, "The same thing is going to happen to you." The calls were all collect, placed from a public telephone in the interior of Amazonas State. The calls stopped just before Christmas.

The phone threats were reported to the Civil Police, who opened an inquiry. Greenpeace is still in the process of gathering evidence to hand over to the police in this case. Adário suspects that the threats are related to the closing of a logging company in Amazonas in December 2001. Greenpeace documented a number of violations on the property of the company, including illegal wood stocks. One week later IBAMA confiscated the illegal wood, handed out a fine, and provisionally closed the company's operations. The threats began soon afterwards.

Killing of Ademir Alfeu Federicci, coordinator of the Transamazonian and Xingu Development Movement, Altamira, Pará State²⁴⁵

Ademir Alfeu Federicci, known as “Dema,” was director of the Agricultural Workers’ Federation (Federação dos Trabalhadores na Agricultura, FETAGRI). He was also the president of the Rural Labourers (Sindicato dos Trabalhadores Rurais, STR) Union in Medicilândia, Pará State, and a council member of the Workers’ Party from 1996 to 2000. He was active in the fight to protect the Amazon river system from exploitation and degradation from both private and government developers. In particular, he served as coordinator of the resistance movement against the construction of new dams in Xingu organised by the Transamazonian and Xingu Development Movement (MDTX).

Federicci had helped prepare the document “SOS Xingu: A Call for Good Sense concerning the Damming of Amazon Rivers,” which raised concerns about the implantation of the Belo Monte hydroelectric plant in Altamira. Federicci organised significant local resistance to the Belo Monte project. Federicci also denounced the misuse of public moneys on projects financed by the now extinct Amazon Development Authority (Superintendência do Desenvolvimento da Amazônia, SUDAM) in the Transamazonian region. These denunciations helped the Federal Police arrest at least three local businessmen and politicians for fraud and embezzlement.²⁴⁶

²⁴⁵ In addition to the sources listed below, information on this case was taken from a press release from the Transamazonian and Xingu Development Movement (Movimento Pelo Desenvolvimento da Transamazônica e Xingu, MDTX), August 25, 2001; and “Brazil: Rural Activists Killed in New Wave of Violence,” Inter Press Service, September 3, 2001, published on the website [http:// www.corpwatch.org](http://www.corpwatch.org).

²⁴⁶ “Federais prendem empresário e ligam morte ao caso,” *O Liberal* (Belém), August 28, 2002.

At dawn on August 25, 2001, Federicci was asleep with his family when two individuals invaded his house. The individuals went to the room where Federicci was sleeping and forced him out of bed, whereupon they shot him in the mouth, killing him. The men then left Federicci’s house without harming other members of his family.

For those who knew Federicci and his work, the murder was clearly politically motivated and probably a contract killing. Federal Police Officer Hêlbio Dias Leite, who presided over the investigations into the financial irregularities at SUDAM, told reporters, “[Federicci’s] death was desirable to many people.”²⁴⁷ Leite mentioned that in addition to the businessmen and politicians brought down by the SUDAM investigation, Federicci also had enemies among local businessmen involved in illegal logging. State Legislative Representative José Geraldo of the Workers’ Party (Partido dos Trabalhadores, PT) concurred: “[Federicci’s] death was linked to those he denounced.”²⁴⁸

According to the vice president of the National Confederation of Agricultural Workers (Confederação Nacional dos Trabalhadores na Agricultura, CONTAG), Airton Faleiro, Federicci had been receiving threats for some time as a result of the help he provided to the police in their investigations of SUDAM-related fraud.²⁴⁹

In spite of the apparent political nature of Federicci’s murder, the leader of the investigation into the case, Civil Police Officer Carlito Martinez,

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

²⁴⁹ *Ibid.*

conducted his investigation under the working assumption that the killing was in fact a botched robbery and that the culprits had not intended to kill Federicci.

Martinez' leadership of the case came under fire. Federal Police officer Leite publicly stated, "I do not believe it was a robbery," pointing out that the assailants took nothing from Federicci's house. State Legislative Representative Zé Geraldo accused Martinez of partiality.²⁵⁰

On August 28, 2001, Officer Roberto Texeira was assigned to investigate the case, also making statements to the effect that he believed it was a robbery. Two days later, police captured Júlio César dos Santos Filho, who later confessed, in prison, to having murdered Federicci while attempting to rob his house. According to dos Santos Filho's confession, also present at the crime scene was a local man known as Daniel, who was and remains at large.²⁵¹

Texeira considered the case closed, but leaders of the MDTX and CONTAG publicly called into question the veracity of dos Santos Filho's confession, and demanded a more thorough investigation. Among other "holes" in the official version of the event, Texeira could not explain why dos Santos Filho had visited MDTX headquarters the day before the murder and yet claimed in his confession not to even know who Federicci was.²⁵²

²⁵⁰ *Ibid.*

²⁵¹ "Preso confessa que matou sindicalista," *O Liberal* (Belém), August 31, 2001.

²⁵² *Ibid.*

On September 6, 2001, the Global Justice Centre filed a report with UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions, Asma Jahangir concerning Federicci's murder and the probability of an inadequate police investigation.

In the months after Federicci's murder, his widow, Maria da Penha Federicci and her lawyer conducted their own investigation. In December 2001, da Penha petitioned Geraldo Rocha of the State Office of the Public Prosecutor to reopen the case on the grounds that new evidence had come to light. Among other things, de Penha presented testimony that de Santos Filho had confessed under torture and had later made statements to the effect that he had been paid to kill Federicci.²⁵³

In January 2002, Amnesty International (AI) launched a campaign to protect, among others, dos Santos Filho, who they believed to have been tortured into a confession. In its appeal, AI expressed fear that "there are people hiding behind the crime, trying to silence [dos Santos Filho]". AI petitioned the state governor to allow the Federal Police to investigate the crime.²⁵⁴

On January 30, 2002, a group of politicians and lawyers led by Representative Geraldo petitioned State Secretary of Public Security Paulo Sette Câmara to re-open the investigation into Federicci's murder and allow

²⁵³ "Advogado e viúva pedem a reabertura do 'caso Dema,'" *O Liberal* (Belém), December 11, 2001.

²⁵⁴ "Anistia pede proteção a ameaçados de morte," *O Liberal* (Belém), January 4, 2001.

the Federal Police to lead the investigation. The Minister of Justice assured Geraldo that the Federal Police would reopen the investigation.²⁵⁵

At this writing, dos Santos Filho remains the only suspect being held for Federicci's murder.

Death Threats to Luís Ivan Alves de Oliveira, Labour Organiser and Environmental Activist, Itaituba, state of Pará

In December 1999, Luís Ivan Alves de Oliveira (Alves), President of the local branch of the Rural Labourers' Union (Sindicato dos Trabalhadores Rurais, STR) and Executive Secretary of the Amazon Working Group (Grupo de Trabalho Amazônico, GTA Baixo-Amazonas) received a number of death threats from lumber industry representatives in Itaituba, Pará, one of Brazil's largest agricultural states.²⁵⁶ At issue was the proposed segmentation of Pará's Arraia agricultural area into small farm plots for distribution to landless workers. This project was part of a national agricultural reform program implemented by the National Institute of Colonisation and Agrarian Reform (Instituto Nacional de Colonização e Reforma Agrícola, INCRA). In fact, much of the land slated for expropriation, including the Arraia plantation, was actually government property that local plantation owners had settled and claimed illegally by means of falsified deeds, a process known as *grilagem*. The settled land supported a lucrative trade in unlawful lumber extraction from the nearby

²⁵⁵ "Segurança para petistas ameaçados," *O Liberal* (Belém), December 31, 2001.

²⁵⁶ Report on Denunciations (Relatório das denúncias) in the case of Luís Ivan Alves de Oliveira, Case No. 1557/00, Human Rights Commission of the Federal Chamber of Deputies, undated, 2000.

Amazon National Park. INCRA's proposed reforms imperilled the illegal lumber industry in Itaituba, and Alves' public support of the INCRA plan generated animosity from plantation and mill owners, who profited from the poached lumber.²⁵⁷

Confrontation between landholders and labour activists such as Alves was not new to this part of Pará. In one instance, on August 26, 1999, Valmir Climaco de Aguiar, President of the Plantation Owners' Union (Sindicato Rural Patronal, SRP), widely believed to have falsified land titles and to traffic in illegal lumber, beat Antônio Soares, a sixty-five-year-old labour organiser, in the presence of a police commander. Soares had arrived to oppose Climaco de Aguiar's attempt to claim nearly 5,000 hectares of land as his own and forcibly expel the twenty-two families that had been living there. After dispensing with Soares, Climaco de Aguiar succeeded in appropriating the land, and the families were rendered homeless.²⁵⁸

After the death threats to Alves, a number of environmental and labour groups, outraged by the violation of workers' rights and federal laws with police complicity, sent an open letter to the Governor of Pará and Brazil's President demanding action. The groups requested that the state government investigate the death threats against Alves and take measures to guarantee Alves' safety. In addition, they urged the replacement of the local administrators of the government's agricultural reform bodies, such as INCRA, who the letter's authors perceived as corrupt. The groups also

²⁵⁷ "Open Letter to the President of the Republic and the Governor of the State of Pará," signed by twenty local labour groups, including the GTA and the STR, Santarém, PA, January 3, 2000.

²⁵⁸ *Ibid.*

pressed for the protection of the Amazon National Park and settlement of 400 families on land already approved for segmentation.²⁵⁹

On January 12, 2000, the Human Rights Commission of the Federal Chamber of Deputies wrote to the Pará State Secretary of Public Security requesting that measures be taken to investigate the threats against Alves and to ensure his physical safety.²⁶⁰

On February 29, 2000, Secretary of Public Security for Pará State, Paulo Sette Câmara, informed the Commission that two officers of the Military Police were following the case, but added that “this is not the solution for this type of problem.” Câmara also stated that the police could not be held responsible for problems arising from INCRA’s failures.²⁶¹

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 067/02 to Paulo Sette Câmara, Pará State Secretary of Public Security, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

²⁵⁹ *Ibid.*

²⁶⁰ Official Correspondence 03/00P from the Human Rights Commission of the Federal Chamber of Deputies to the Pará State Secretary of Public Security, January 12, 2000.

²⁶¹ Official Correspondence 153/2000 from Secretary of Public Security for Pará State, Paulo Sette Câmara to the Human Rights Commission of the Federal Chamber of Deputies, February 29, 2000.

Threats against Rogério Rocco, Environmental Activist, Niterói, Rio de Janeiro State²⁶²

Rogério Rocco, thirty-four, an environmental activist, has worked at the NGO *Os Verdes* (The Greens) since 1987 and is also part of the *Onda Azul* (Blue Wave) Foundation in Rio de Janeiro. As explained below, Rocco has also served in the Secretariat for Environmental Affairs in the city of Niterói, the second largest city in the state of Rio de Janeiro, and part of the greater Rio de Janeiro metropolitan area.

While serving as Assistant Municipal Secretary for Environmental Affairs in Niterói, Rocco sought a judicial order to prohibit construction on the banks of a river in the municipality. Brazilian law prohibits all development within fifteen meters of river banks. In the community in question, a number of homes and businesses had been built on the banks in violation of this law. Further construction was under way, including the expansion of a bar-restaurant. Rocco’s office obtained a judicial order prohibiting future construction within the protected fifteen meter area.

Rocco had received a number of threats between 1997 and 2000 (mostly phone calls), something he considers part of his work for NGOs and the Secretariat: “Depending of the activities of an organisation, it is not unlikely that it will suffer threats,” Rocco told Global Justice. “Most of the threats are not explicit; they use irony or come in the form of ‘advice.’”²⁶³ However, he did not feel significant risk to his life until a series of incidents related to the river bank expansion. On February 24, 2000, shortly after

²⁶² This summary is based on Global Justice Centre interview with Rogério Rocco, Rio de Janeiro, December 21, 2001.

²⁶³ *Ibid.*

obtaining the judicial order, while visiting the site of the bar-restaurant expansion, Rocco noticed a group of people staring at him and taking pictures. The person taking photos approached Rocco and told him, “We’re taking your pictures so we’ll remember your face for when we have to settle accounts.” A police officer arrived on the scene shortly thereafter. Rocco was troubled by the fact that the officer appeared to spend more time conversing with the group taking the photos than with him. Although Rocco explained that he was the Assistant Secretary for Environmental Affairs and that he had a judicial order prohibiting the expansion that was proceeding on that site, the officer took all the parties present to the police station for questioning. The station chief of police agreed with Rocco that the order had to be respected and released all those present.

On February 29, Rocco arrived at the Secretariat to find his staff outside the building and all the entrances locked with chains and padlocks. The Secretary told Rocco that he had not authorised the closure of the building; nobody present knew who was responsible for the closure. Rocco ordered the locks opened by force and his staff returned to work. The following day, Rocco received a phone call from a man who spoke with him in a calm voice and explained that Rocco had “crossed the line of the [Red] Command and was now sentenced to death.” The Red Command (*Comando Vermelho*) is perhaps the largest drug trafficking criminal organisation in Rio de Janeiro and Brazil as a whole. The male voice explained that the Command had closed the Secretariat and that there was nothing that Rocco could do.

Rocco, distraught, contacted the Secretary. Together, they called the Office of the Mayor and the State Secretariat of Public Security. They requested a

tape recorder and a caller identification device for the phone lines of the Secretariat. They also registered the incident with the police. State Security Coordinator Luis Eduardo Soares and the Centre for the Safety of Environmental Activists (within the Secretariat of Public Security) gave Rocco personal safety advice (such as to avoid walking alone and to try new routes every day), but Rocco continued to fear for his life. To guarantee his safety, Rocco took thirty days’ vacation and travelled to another state. In the week after the closure of the Secretariat, while Rocco was on leave, there was a bomb threat in the Secretariat building. Rocco registered the bomb threat with the State Centre for the Safety of Environmental Activists. Rocco returned to work another nine months at the Secretariat. However, due to the continuing climate of insecurity, as well as other limitations on his ability to carry out the work of environmental enforcement,²⁶⁴ Rocco felt forced to leave the position in Niterói and returned to full-time work in Rio de Janeiro with environmental NGOs.

On February 26, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 086/02 to Col. Josias Quintal, Secretary of Public Security for Rio de Janeiro State, requesting further information on recent developments in this matter.

²⁶⁴ In urban communities, Rocco explained to Global Justice, those charged with enforcing environmental law encounter significant difficulties in having their authority respected, particularly in communities with an active presence of drug traffickers. In such areas, Rocco told us, authorities often encounter heavily-armed young men at the point of entry who may impede access to the communities, or may be the persons whom environmental authorities must inform of limits on noise levels (in night clubs, at dances, etc.) or other forms of pollution. These circumstances often leave enforcement agents with the sense that their authority is limited or non-existent. Global Justice interview with Rogério Rocco, Rio de Janeiro, December 21, 2001.

At this writing, the Global Justice Centre had not received a response.

Killing of João Dantas de Brito, Environmental Investigator, Nísia Floresta, Rio Grande do Norte State

On December 4, 2001, João Dantas de Brito (Dantas), Director of the Nísia Floresta National Forest, administered by IBAMA, was killed in Nísia Floresta, Rio Grande do Norte State. Dantas had retired from his career as an investigator for IBAMA and had been working in Nísia Floresta for six months.²⁶⁵ On the night of the killing, four men entered Dantas' home at night armed with pistols. They shot Dantas twice, once in the back and once in the eye. Dantas died shortly thereafter. Dantas' wife, who was present, was not harmed. The men also stole six firearms from Dantas' home along with ammunition, a camera and some money.²⁶⁶

The case was turned over to the Federal Police in Natal, the state capital, who opened a Police Inquiry into the matter under the charge of Officer Marcos Aurélio Carvalho. The Rio Grande do Norte State Secretary of Public Security also promised to investigate the case through the Flona Police Department under the direction of Officer Amaro Rinaldo. The executive management of the Rio Grande do Norte IBAMA office appointed an internal committee to look into the killing. This committee in turn asked the Federal Police to consider all hypotheses in their

²⁶⁵ Global Justice Centre interview with staff of the Nísia Floresta IBAMA office, February 22, 2002.

²⁶⁶ "Fiscal do Ibama é morto e armas são roubadas," *O Globo* (Rio de Janeiro), December 4, 2001.

investigation.²⁶⁷ As of February 14, 2002, the staff of the Nísia Floresta IBAMA office had not received further information on the state of the investigation.²⁶⁸

On March 5, 2002, the Global Justice Centre sent Official Correspondences JG/RJ No. 093/02 to Marcos Aurélio Carvalho of the Rio Grande do Norte Federal Police, JG/RJ No. 094/02 to the Natal IBAMA Office, and JG/RJ No. 095/02 to the Rio Grande do Norte Secretary of Public Security, requesting information on recent developments in this case.

At this writing, the Global Justice Centre had not received a response.

²⁶⁷ "Polícia Federal investiga assassinato de servidor do Ibama," published on the website <http://www.ambientebrasil.com.br> on December 5, 2001.

²⁶⁸ Global Justice interview with Nísia Floresta IBAMA staff, February 14, 2002.

5. Indigenous Rights Defence: The Struggle for the Recognition of Traditional Lands and Practices

The 1988 Brazilian Constitution requires federal authorities to provide definitive land title to indigenous communities over areas traditionally occupied. Yet, according to the Indigenous Missionary Council (Conselho Missionário Indigenista, CIMI), through mid-2001, there were 175 areas still awaiting official identification, 130 areas with identification procedures pending, thirty-nine areas awaiting recognition and ninety-eight areas awaiting registration. Of a total of 756 indigenous areas, in 442, transfer of title had not yet been completed, nearly eight years after the end of the Constitutionally-imposed deadline.

Another serious problem facing indigenous communities is the invasion of their lands. Indigenous rights activists estimate that 85% of indigenous lands (including those already demarcated) have suffered some form of invasion. These invasions range from squatting and adverse land claims to the utilization of indigenous lands for the development of governmental projects (colonisation projects, highway clearing, building of dams, transmission lines, waterways, railroads, gas pipe lines, oil pipe lines, mineral transport lines, environmental conservation projects, etc.). These invasions also include exploitation of natural resources (extraction of timber, fishing, hunting, etc.).

Those who defend the rights of indigenous peoples, and in particular, their right to have their traditional lands demarcated according to federal

constitutional law, often encounter violent resistance from large landholders and others with competing claims to, or interest in the resources on, traditional lands. As this chapter details, it is not uncommon for indigenous rights activists to face death threats and physical violence, including attempts on their lives. These threats are not limited to members of civil society. Even elected officials and those staff members of the National Indian Foundation that enforce Brazilian legislation on indigenous rights contrary to powerful local interests in rural Brazil often face violence or the threat of violence. One such example is Geraldo Rolim da Mota Filho, an attorney for the National Indigenous Foundation (Fundação Nacional do Índio, FUNAI) and president of the Brazilian Socialist Party (Partido Socialista Brasileiro, PSB) of Pesqueira, Pernambuco State, who was murdered on May 14, 1995, in the city of São Sebastião de Umbuzeiro. Before dying, Rolim identified local landowner Teopompo de Siqueira Brito Sobrinho and four accomplices as the perpetrators of the crime.²⁶⁹ Rolim, thirty-two years old, had been working to help demarcate the limits of the Xucuru Indian reservation. Because of his work, he had received threats from mercenaries and landowners in the region.²⁷⁰

Death Threats to Agnaldo Francisco dos Santos, City Council Member, Pau Brasil, Bahia State

In February 2001, Agnaldo Francisco dos Santos, City Council Member for the Workers' Party (Partido dos Trabalhadores, PT) in Pau Brasil, in the

²⁶⁹ Official Correspondence 134/95P from Deputy Nilmário Miranda, President of the Human Rights Commission of the Federal Chamber of Deputies, to Antônio Mariz, Governor of Paraíba, May 18, 1995.

²⁷⁰ Communication of the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI), Região Nordeste, May 15, 1995.

south of the state of Bahia, began to receive death threats from the city's Mayor, José Augusto dos Santos Filho. For nearly twenty years, the proposed demarcation of lands for indigenous peoples has been a contentious issue in Pau Brasil. Council Member dos Santos, a member of the local Pataxó Hã-Hã-Hãe indigenous community, supports demarcation, in opposition to Mayor dos Santos Filho, who supports the existing land ownership titles, many of which belong to the Mayor's relatives. While indigenous land claims are a matter of federal, rather than municipal jurisdiction, local disagreement over demarcation has fuelled violence against indigenous peoples. A legal action to nullify the existing land titles has been stalled for nineteen years, and is still awaiting a final decision by the Federal Supreme Court. During that time, some thirteen indigenous leaders have been killed in the region, according to the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI).²⁷¹ In 2001, Mayor dos Santos Filho threatened to make Council Member dos Santos the fourteenth such victim.

According to the Council Member, the immediate impetus for the death threats was a dispute over the Mayor's dismissal of 178 public sector employees, both indigenous and non-indigenous, on January 5, 2001. The Mayor cited purported irregularities in the employees' documentation in the Municipal Financial Registry dating back to 1997, the year the employees were hired. Council Member dos Santos publicly denounced the Mayor's action, stating that the employees had been wrongfully terminated, as the City Council had approved the terms of their employment in each of the

²⁷¹ "Vereador Indígena é ameaçado de morte na Bahia," Press Release (Informe) no. 450 of the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI), March 1, 2001.

previous three years. Council Member dos Santos filed a lawsuit against Mayor dos Santos Filho's administration on behalf of the dismissed employees. On February 23, 2001, a Bahia State judge ruled in favour of the employees, forcing the Mayor to reinstate them and compensate lost wages.²⁷²

The death threats began about two weeks before the judge handed down her ruling. On February 9, 2001, police officers visited the home of dos Santos' colleague, an indigenous chief named Gérson Melo. The police told Melo to "advise" dos Santos to drop the lawsuit against the Mayor, and that dos Santos' life was at risk. The officers warned that they could "summon" the Council Member, and according to Melo, "in the local language, that means 'kill.'"²⁷³ Fearing for his safety, on February 19, 2001, Council Member dos Santos had a group of 80 Pataxó Hã-Hã-Hãe accompany him to the courtroom. That same day, Council Member dos Santos received another threat from the police.

After the lawsuit, Council Member dos Santos continued his vocal criticism of the Mayor's position on indigenous land claims, as well as unethical practices by his administration, including nepotism. The threats did not stop. On June 11, 2001, dos Santos' party, the PT, released a report on the Mayor's ethical abuses. That same day, Council Member Wilson Augusto, the Mayor's brother, who had threatened to kill the director of the PT's

²⁷² Open denunciation by Council Member dos Santos, attached to Official Correspondence No. 076-01 from Bahia Legislative Representative Zilton Rocha to Deputy Nelson Pellegrino, President of the Human Rights Commission of the Federal Chamber of Deputies, June 18, 2001.

²⁷³ "Vereador Indígena é ameaçado de morte na Bahia," Press Release (Informe) no. 450, *op. cit.*

Pau Brasil office three days earlier, used abusive language against dos Santos, and threw a microphone stand at him, injuring him. In a written complaint to Bahia State Deputy Zilton Rocha, Council Member dos Santos stated that Pau Brasil had become a “powder keg,” and that the streets were filled with people carrying weapons.²⁷⁴

In response to the Council Member’s letter, Deputy Rocha contacted the Human Rights Commission of the Federal Chamber of Deputies, which requested that state and federal authorities take measures to protect dos Santos’ life.²⁷⁵ To date, these authorities have failed to take adequate measures to prevent further abuses or to investigate those responsible for past threats. The issue of land demarcation for indigenous use, still the principal source of friction between the two sides, remains unresolved.

On February 14, 2002, the Global Justice Centre sent Official Correspondences JG/RJ No. 049/02 to Fernando Steger Tourinho de Sá, Director of the Office of the Public Prosecutor of Bahia State, and JG/RJ No. 050/02 to Kátia Maria Alves Santos, Secretary of Public Security of Bahia State, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

²⁷⁴ Denunciation by Council Member dos Santos to Bahia State Legislative Representative Zilton Rocha, *op.cit.*

²⁷⁵ Official Correspondence No. 94/2001-P from Deputy Marcos Rolim, President of the Human Rights Commission of the Federal Chamber of Deputies, to Bahia Public Prosecutor Dr. Fernando Steger Tourinho de Sá, March 5, 2001; Official Correspondence No. 95/2001-P from Deputy Rolim to Bahia Secretary of Public Security Kátia Maria Alves Santos, March 5, 2001; Official Correspondence No. 96/2001-P from Deputy Rolim to Justice Minister Dr. José Gregori, March 5, 2001.

Threatened Expulsion of Winfridus Overbeek, Environmental Engineer and Indigenous Rights Activist, Aracruz, Espírito Santo State

In 1998, Winfridus Overbeek, a thirty-two year old environmental engineer and Dutch national, had been working for three years with the Tupinikin and Guarani tribes in the state of Espírito Santo as a consultant on sustainable production programs.²⁷⁶

On March 18, 1998, at 5:30 a.m., in front of the office of the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI), in the city of Aracruz, two unidentified men and one woman seized Overbeek and took him in a vehicle to Vitória, capital of Espírito Santo State. En route, the three informed Overbeek that they were agents of the Federal Police. In Victoria, the agents interrogated Overbeek for seven hours.²⁷⁷ According to Overbeek, “During the interrogation, no one explained to me what I was being accused of.”²⁷⁸

After the interrogation, the agents accused Overbeek of inciting conflicts between tribe members and local authorities over land tenure. Based on that accusation, the police altered the terms of Overbeek’s Brazilian visa,

²⁷⁶ Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI), Press Release: “Polícia Federal Seqüestra Missionário do CIMI,” March 18, 1998.

²⁷⁷ Official Correspondence from the Ecumenical Council on Human Rights, Quito, to the President of the Chamber of Deputies, Luiz Eduardo Magalhães, March 24, 1998.

²⁷⁸ “Religioso Nega Violência no ES,” *Folha de S. Paulo*, March 27, 1998.

reducing his permitted length of stay from two years to eight days. The agents informed Overbeek that if he were to overstay his visa he would be deported.²⁷⁹

Overbeek's interrogation and threatened deportation occurred in the midst of several acts of intimidation against the Tupinikin and Guarani tribes and their supporters. The conflicts began on March 11, 1998, when the tribes began demarcating what they considered to be their traditional land. Much of this land was then occupied by the multinational firm Aracruz Celulose, which has challenged the tribes' legal claims to the land. According to CIMI, Aracruz Celulose has also relied on intimidation and threats, with the support of the local president of the National Indigenous Foundation (Fundação Nacional do Índio, FUNAI), to paralyse the tribes' resistance to the company's presence.²⁸⁰

On March 26, 1998, Federal Judge Maria Cláudia de Garcia of the Third Federal Court in Espírito Santo annulled the Federal Police's deportation order in response to a request by Overbeek's lawyers.²⁸¹

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 078/02 to Fernando Queiroz Segovia Oliveira, Chief of Federal Police in Espírito Santo, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

²⁷⁹ *Ibid.*

²⁸⁰ Official Correspondence from the Indigenous Missionary Council, *op.cit.*

²⁸¹ "Religioso Nega Violência no ES," *op.cit.*

Death Threats to Gilney Viana, Indigenous Rights Defender and President of the Human Rights and Citizenship Commission of the Mato Grosso State Legislature, Cuiabá, Mato Grosso State

Gilney Viana (Viana), state representative and president of the Human Rights and Citizenship Commission of the Mato Grosso State Legislature, began to receive death threats by telephone in September 2001.²⁸²

For years, Viana has been an outspoken defender of indigenous land demarcation. In particular, he promoted studies for possible future demarcation of reservation land within the Xavante Corridor (*Corredor dos Xavantes*), which includes the municipalities Água Boa, Nova Xavantina, Campinópolis and Nova Nazaré.

In early September 2001, an unidentified caller began calling Viana's home incessantly. Each time, the caller would ask if it were really Viana's residence, then hang up without saying anything else. On Monday, September 8, 2001, the caller phoned a close acquaintance of Viana and asked that the person advise Viana to "put aside indigenous land issues, otherwise things might turn out bad."

According to a letter Viana's friend sent to the Mato Grosso State Secretary of Public Security, "[t]he people involved did not identify themselves, but the words were clear enough to make me feel threatened."²⁸³

²⁸² The details of the incidents related in this case are taken primarily from two newspaper articles: "Gilney Viana sofre ameaça de morte," *Diário de Cuiabá*, October 10, 2001; and "Assembléia Vistoria," *Folha do Estado* (Cuiabá), October 11, 2001.

²⁸³ "Gilney Viana sofre ameaça de morte," *Diário de Cuiabá*, *op. cit.*

Viana accused three landowner groups, the Agriculture Federation of Mato Grosso State (Federação da Agricultura do Estado do Mato Grosso, FAMATO), the National Agriculture Confederation (Confederação Nacional da Agricultura, CNA), and the Land Institute of Mato Grosso (Instituto de Terras do Mato Grosso, Intermat), of alarmism in relation to the studies. He also related the threats to FAMATO and Intermat's incitement of local landowners to militant resistance against indigenous groups and the official bodies that defend them.

In response to the threats, Viana requested protection from the Secretary of Public Security of Mato Grosso State, Benedito Corbelino. However, by October 10, 2001, protection for Viana had not been authorised. On that day, Viana filed a denunciation with the Federal Office of the Public Prosecutor concerning the death threats. He sent the same denunciations to the President of the Human Rights Commission of the Federal Chamber of Deputies, Nelson Pellegrino.

On October 10, at Viana's behest, the State Legislature created a Special Parliamentary Commission to oversee the demarcation process. On October 11, 2001, the Commission sent an official letter to the Minister of Justice, José Gregori, requesting measures to ensure Viana's physical protection.²⁸⁴

²⁸⁴ Official Correspondence No. 972/2001-P from the Human Rights Commission of the Federal Chamber of Deputies to José Gregori, Minister of Justice, October 11, 2001.

On March 6, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 096/02 to Secretary Corbelino requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Threats to Laudovina Aparecida Pereira and Elma Andrade Souza, Indigenous Rights Activists, Palmas, Tocantins State

Laudovina Aparecida Pereira, regional coordinators of the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI) of Tocantins State, and Elma Andrade Souza, of the same CIMI office, received numerous death threats beginning on November 11, 1998. On October 31, 1998, Pereira had organised a seminar dealing with the socio-environmental impacts of the Lajeado hydroelectric dam, which was under construction at the time. The seminar brought to the public's attention some of the potentially negative aspects of the dam, built less than fifty kilometres from Palmas, the capital of Tocantins State.²⁸⁵

After the seminar, the CIMI Tocantins office began receiving anonymous telephone calls making death threats against Pereira and Souza. In some of the calls, the caller also requested information about two of the speakers at the seminar: Saulo Feitosa, Executive Secretary of CIMI and Sadi Baron, member of the National Coordination Office of the Movement of Dam-

²⁸⁵ "Missionários do CIMI sofrem ameaças de morte no Tocantins," Press Release from the Indigenous Missionary Council (Conselho Indigenista Missionário, CIMI) of Tocantins State, November 19, 1998.

Affected People (Coordenação Nacional do Movimento dos Atingidos por Barragens, MAB).²⁸⁶

The telephone calls intensified in the days following the seminar. Pereira had the local telephone company install a caller identification device to view and record the incoming calls. The majority of the phone calls came from public phones. While the calls came from a variety of numbers, several were placed from the Miranom real estate agency.²⁸⁷ The caller sometimes remained silent during the calls, and other times made threats such as that of November 19, in which the caller stated, “She is going to die.”²⁸⁸

Pereira went to the local police station to report the death threats. The night officer initially refused to register the threats, insisting that they were of no importance and possibly juvenile pranks. “The officer treated us rudely, he sent us out of the office. Then he found out that we worked for CIMI and began to treat us better. But he said that we shouldn’t be insistent because they don’t work well under pressure.”²⁸⁹

On November 20, 1998, the Human Rights Commission of the Federal Chamber of Deputies sent an official correspondence to then-National Secretary of Human Rights, José Gregori, requesting measures that would

²⁸⁶ Official Correspondence 981/98P from the Human Rights Commission of the Federal Chamber of Deputies to the Minister of Justice, José Gregori, November 19, 1998.

²⁸⁷ Press Release from the Indigenous Missionary Council, *op.cit.*

²⁸⁸ Official Correspondence 981/98P from the Human Rights Commission of the Federal Chamber of Deputies, *op. cit.*

²⁸⁹ Correspondence from Laudovina Aparecida Pereira of CIMI, November 19, 1998.

guarantee the physical, moral, and psychological protection of the death threat victims.²⁹⁰

That same day, the Commission also sent an official correspondence letter to the Regional Prosecutor for Civil Rights, Mário Lúcio de Avelar, requesting precautionary measures to protect the lives of activists who defend the rights of the indigenous in Tocantins State.²⁹¹ In response, Avelar sent an official correspondence to prosecutor Edson Azambuja of the Federal Office of the Public Prosecutor, arguing that the case fell under the jurisdiction of the State Justice Department and requesting a criminal investigation.²⁹²

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 037/02 to Dr. Jacqueline Adorno de la Cruz Barbosa, Tocantins State Public Prosecutor, and Official Correspondence JG/RJ No. 038/02 to Dr. Napoleão de Souza Luz Sobrinho, Tocantins State Secretary of Public Security, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

²⁹⁰ Official Correspondence No. 981/98P from the Human Rights Commission of the Federal Chamber of Deputies, *op. cit.*

²⁹¹ *Ibid.*

²⁹² Official Correspondence No. 638/PRDC-TO from Mário Lúcio de Avelar, Regional Prosecutor for Civil Rights, Tocantins State Public Prosecutor’s Office, to Prosecutor Edson Azambuja, November 20, 1998.

6. The Defence of Labour Rights in Urban Brazil: Corruption Probes Lead to Violence

The defence of labour rights in Brazil, much like rights defence in other areas, is protected by law. Nonetheless, as in the other areas presented in this report, urban labour rights leaders face severe risks when they denounce irregular and corrupt practices. The clearest example of the dangers faced by urban union activists is presented by the severe violence inflicted on the leaders of the nurses and energy workers unions in Rio de Janeiro. Over a period of four years, four union leaders have been targeted and killed in Rio de Janeiro. In the past two years, three union leaders have been murdered. Unfortunately, at this writing, these cases had not been resolved by police investigators, allowing a climate of fear to continue unabated.

Killing of Aldamir Carlos dos Santos, Union Leader, Rio de Janeiro, Rio de Janeiro State

On November 24, 2001, an unidentified motorcyclist shot and killed thirty-nine year-old Aldamir Carlos dos Santos, president of the Energy Workers' Union (Sindicato dos Trabalhadores em Energia, Sintergia), in Rio de Janeiro.²⁹³ Dos Santos had headed Sintergia since 2000, and had also stood as a candidate from the Workers' Party (Partido dos Trabalhadores, PT) for the Rio de Janeiro State Legislature. On the night of the murder, dos Santos

²⁹³ This information is based on a statement by the President of the Rio de Janeiro Chapter of Sintergia, Alderizio Catarino da Silva, to the Global Justice Centre, January 10, 2002.

was driving home from a meeting with a local civil rights organisation. When he stopped at a traffic light, a gunman on a motorcycle pulled up alongside dos Santos' car and shot the union leader in the head, killing him. The rider then fled the scene.

On November 25, 2001, the Chief of the Twenty-Ninth Police District announced that he would treat the murder as an attempted robbery.²⁹⁴ The following day, members of the Unified Workers' Centre (Central Única dos Trabalhadores, CUT) and other union activists lobbied the Rio de Janeiro State Secretary of Public Security, Josias Quintal, for action in the case. Quintal promised a vigorous investigation, and on November 27, Rio de Janeiro Governor Anthony Garotinho told the press the authorities would solve the case within forty-eight hours.

Governor Garotinho's estimate proved optimistic. On December 7, 2001, Deputy José Dirceu held a public meeting with the Minister of Justice, at which dos Santos' widow, the current president of Sintergia, and other friends of dos Santos requested assistance from the federal government in the investigation.

At present, the case is being handled by investigators at the Organised Crime Unit (Delegacia de Repressão ao Crime Organizado, DRACO) of the state police. On January 9, 2002, law enforcement officials re-enacted the crime.

²⁹⁴ The murder was registered with the Twenty-Ninth Police District under Incident Report No. 124/01. Investigators from the Thirty-Fourth Police District opened Police Inquiry No. 5955/3401.

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 051/02 to Pedro Paulo Abreu, Chief of the Organised Crime Unit, requesting further information on recent developments in this matter. In response, on February 18, Deputy Police Chief Ricardo Hallak, also of the Organised Crime Unit, spoke with the Global Justice Centre by telephone. Chief Hallak reported that the investigation is still underway and that the official Police Inquiry²⁹⁵ had been sent to the Office of the Public Prosecutor on January 30, 2002 to request an extension to complete the investigation.

Killing of Guaraci Novaes Barbosa, Member of the Federal Nursing Council, Rio de Janeiro, Rio de Janeiro State

Guaraci Novaes Barbosa, fifty-nine, member of the Federal Nursing Council (Conselho Federal de Enfermagem, COFEN), died from numerous gunshot wounds received during an ambush in August 1997. Barbosa had recently submitted compromising documents to nursing authorities indicating corruption within COFEN, an autonomous Federal regulatory body under the Labour Ministry.

In 1996, at a congress held by the nursing community, nurses' unions, and other affiliates, Barbosa helped to form the Movimento AÇÃO group in the aftermath of investigations into "irregularities" at the Federal Nursing Council under the leadership of Gilberto Texeira and his wife, Hortência Maria da Santana. These irregularities included lack of professional oversight, corruption and embezzlement of funds.

²⁹⁵ Police Inquiry No. 45/2001 of the Organised Crime Unit (DRACO), Rio de Janeiro.

A large-scale mobilization of nurses, especially in Rio de Janeiro, where COFEN is headquartered, began in the 1996 congress. The Brazilian Nurses' Association (Associação Brasileira de Enfermagem, ABEN) and nurses' unions across Brazil organised public protests, held rallies, and made denunciations at nursing congresses. There was a political rupture within COFEN in which some council members, among them Maria Lúcia Tavares and Guaraci Novaes Barbosa, went to the ABEN and the Rio de Janeiro Nurses' Union with documents containing evidence of financial mismanagement. SERJ then denounced these irregularities to the Federal Financial Oversight Commission, the Labour Ministry, and the Federal Attorney General in Rio de Janeiro. At that time, Barbosa warned members of SERJ that they were risking their lives.

Maria Lúcia Martins Tavares, who had become president of COFEN, in an official letter sent to Federal Police Superintendent Jairo Kulman a few days before Barbosa's death, had requested police protection for Barbosa and herself. Bodyguards had been assigned to both.

Around 9:30 p.m., on a Tuesday in August of 1997, Barbosa, accompanied by her appointed bodyguard, Sgt. Jorge Frisch, was returning from Rio International Airport, where she had dropped off Tavares, who was flying to Belém, Pará State. Two men, armed with either pistols or 9mm automatics, overtook her car on Leão Godinho de Oliveira Street. The men opened fire, hitting Barbosa ten times and Frisch four times. Barbosa died immediately. Frisch was taken to the Central Hospital of the Military Police.

On February 19, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 073/02 to Col. Josias Quintal, Secretary of Public Security for Rio de Janeiro State, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Killing of Edma Valadão, President of the Rio de Janeiro Nurses' Union, and Marcos Valadão, President of the Brazilian Nurses' Association, Rio de Janeiro, Rio de Janeiro State

Edma Valadão (Edma) and Marcos Valadão (Marcos) were part of the MovimentAÇÃO group led by Guaraci Barbosa (cited above), which denounced financial irregularities within COFEN under the leadership of Gilberto Texeira and his wife, Hortência Maria da Santana. After Barbosa's death, Edma and Marcos demanded an investigation into her death. At that point, they began to receive death threats.

After the denunciations were made, Edma ran for president of SERJ against a ticket backed by COFEN. During the campaign both she and SERJ were the targets of a number of threats.

Edma won the election with 80% of the votes. On August 13, 1999, Edma was inaugurated as president of SERJ. On August 20, Edma and Marcos left their home to go to a State Nursing Conference at Rio de Janeiro State University (Universidade Estadual do Rio de Janeiro, UERJ). Edma and Marcos had stopped at a red light when two men on a motorcycle

approached them. The men were armed, and fired at the couple, first at Marcos, who was driving, then at Edma. The killers fled immediately thereafter. Marcos died at the crime scene, while Edma was taken to the Salgado Filho Hospital, where she died several hours later.²⁹⁶

ABEN, the National Federation of Nurses, and the Pan-American Federation of Nursing Professionals sent a statement to the Human Rights Commission of the Federal Chamber of Deputies denouncing the irregularities at COFEN. ABEN also sent a circular to a number of Brazilian authorities denouncing various occurrences over the previous few years, such as the death of Guaraci Barbosa and the death of Jair Barbosa, a driver for COFEN who was killed after having testified in the investigations of the murders of Guaraci Barbosa, Edma, and Marcos.²⁹⁷

The Human Rights Commission of the Federal Chamber of Deputies responded to the president of ABEN by creating a sub-commission of elected officials from Rio de Janeiro including Representatives Fernando Gabeira, Antônio Carlos Biscaia, Eber Silver and Carlos Santana, in order to oversee and expedite the investigations.²⁹⁸

On November 4, 1999, the President of the Human Rights Commission of the Federal Chamber of Deputies sent an official letter to the Rio de

²⁹⁶ Global Justice Centre interview with Solange G. Belchior, Rio de Janeiro, January 11, 2002.

²⁹⁷ Official Correspondence 1061/99P from the Human Rights Commission of the Federal Chamber of Deputies, to Eucléa Gomes Vale, national president of ABEN, October 5, 1999.

²⁹⁸ *Ibid.*

Janeiro State Secretary for Public Security, Col. Josias Quintal, requesting his personal intervention to expedite the police investigations.²⁹⁹

The police inquiry was delegated to the Organised Crime Unit of the State Police (Delegacia de Repressão ao Crime Organizado, DRACO). In August 2001, DRACO agents found four revolvers, a pistol and a carbine, which, according to tips received by the agents, had been used to kill Edma and Marcos.³⁰⁰

On December 12, 2001, the Rio de Janeiro State Legislature held a public hearing entitled “Assassinations of Union Leaders in Rio de Janeiro” to verify the progress of police inquiries into the deaths of, among others, Edma and Marcos.

On February 8, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 026/02 to Secretary Quintal requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response

Threats to Solange G. Belchior, Rural Union Activist, Rio de Janeiro, Rio de Janeiro State

²⁹⁹ Official Correspondence 1056/99P from the Human Rights Commission of the Federal Chamber of Deputies to Rio de Janeiro State Secretary of Public Security, Col. Josias Quintal, November 4, 1999.

³⁰⁰ “A luta contra a impunidade continua,” *Tempo de Luta* (official SERJ newspaper), October 2001, p.8.

Solange G. Belchior is president of the Rio de Janeiro State Nurses’ Union (Sindicato dos Enfermeiros do Rio de Janeiro, SERJ). She has worked with SERJ since 1998.

In 1996, at a congress held by the nursing community and its affiliates, the MovimentAÇÃO group was formed in response to investigations into irregularities at the Federal Nursing Council (Conselho Federal de Enfermagem, COFEN), including lack of professional oversight, corruption and embezzlement of funds. The COFEN is an autonomous Federal regulatory body (*autarquia Federal*) connected to the Labour Ministry.

In the 1999 elections, Edma Valadão (Edma) was elected president of SERJ, with Solange G. Belchior as vice president. When Edma was killed (see above), Solange became president of SERJ and followed Edma’s lead in denouncing the COFEN’s misuse of funds.

From August 18 to 20, 1999, Edma and Marcos Valadão, along with Belchior, attended the Rio de Janeiro State Health Conference at the Universidade Estadual do Rio de Janeiro (UERJ). On August 20, Belchior, while at the conference, received a phone call informing her that the Valadãos had been murdered while en route to join her. Belchior took advantage of the large audience at the conference to announce publicly what she had just heard. She reported that those angered by Edma’s denunciations of the COFEN had ambushed and murdered both Valadãos. She repeated the denunciations of the COFEN that she and Edma had made to authorities such as the Federal Financial Oversight Commission, the Labour Ministry, and the Federal Office of the Public Prosecutor in Rio

de Janeiro. Belchior then went to the crime scene and repeated to members of the press the statements she had made at the conference.³⁰¹

In response, the COFEN as well as some of their regional branch offices filed a number of lawsuits, alleging defamation.³⁰² In all, the COFEN filed twenty-nine criminal actions and twenty-three civil actions in various parts of Brazil, some against the SERJ and others against Solange personally.³⁰³ The goal of this litigation seems to have been to prevent Solange and the SERJ from continuing their work denouncing irregularities at the COFEN.

Following the initiation of these procedures, Belchior began receiving threatening phone calls both at home and at the SERJ centre. The callers warned that Belchior was talking too much. After the murder of Edma and Marcos, Belchior lived under police supervision for three months to protect her from the threats, while her children were forced to move in with her parents. After a caller identification device was installed, the caller ceased making threats, but continued to call and hang up. The calls had not stopped at the time of Belchior's statements to Global Justice.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 065/02 to Col. Josias Quintal, Secretary of Public Security for Rio de Janeiro State, requesting further information on recent developments in this matter.

³⁰¹ Global Justice Centre interview with Solange G. Belchior, Jan. 11, 2002.

³⁰² Under Brazilian law, calumny and defamation of character are criminal offences. See section 9 under "Recommendations" above.

³⁰³ Information obtained with the aid of the Law Offices of André Viz -- Lawyers and Associates, legal counsel of the SERJ.

At this writing, the Global Justice Centre had not received a response.

Death Threats to Daniel Rodrigues da Silva, Union Leader, Aracajú, State of Sergipe

On October 8, 1997, Daniel Rodrigues da Silva, President of the Security Services and Armoured Car Workers' Union (Sindicato dos Empregados em Empresas de Segurança e Vigilância, Transportes e Valores e Similares, or Sindivigilante) for the state of Sergipe, received a letter revealing a plot against his life. The letter's author wrote that Rodrigues' would-be assassin was Averaldo Vieira Miranda, Director of Operations at SSA Auxiliary Security Services Ltd., a major private security provider where the author worked as a supervisor.³⁰⁴ As a union leader, Rodrigues had upset SSA management by denouncing the firm's unlawful labour practices on numerous occasions to various public authorities, such as the Sergipe State Labour Board and the National Social Security Agency (Instituto Nacional de Seguridade Social, INSS).³⁰⁵ Rodrigues' whistle-blowing had resulted in a number of fines levied against the company. The letter further warned that its author had attended a meeting of executives in the beginning of August 1997 at which Director of Operations Vieira proposed "silencing" Rodrigues, and that a murder "would have to seem like an accident." Vieira added that if Rodrigues had been in Salvador, where the meeting took place, Vieira would have committed the deed himself. The letter concluded, "Since Vieira has a police record that would make anybody

³⁰⁴ Correspondence to Daniel Rodrigues da Silva, October 8, 1997. The Global Justice Centre has not identified the person who wrote the letter for security reasons.

³⁰⁵ Official Correspondence No. 154/97 from the Sergipe Sindivigilante to the Sergipe State Secretary of Public Security, October 10, 1997.

afraid of his threats, I am informing you of the situation, because in no way do I want to assist Vieira in silencing you.”³⁰⁶

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 60/02 to Gilberto Fernando Góes Passos, Secretary of Public Security for Sergipe State, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

³⁰⁶ Correspondence to Daniel Rodrigues da Silva. *op.cit.*

7. Elected Public Officials and Human Rights Defence: State Authorities Not Immune from Abuse

While Brazil has no national, independent human rights commission, over the past decade, a number of human rights commissions have been created in municipal, state and federal legislatures. The Human Rights Commission of the Federal Chamber of Deputies—to whom we owe a great debt for its assistance in the research of this report—created in 1995, has served to fill this gap at the federal level. Legislative human rights commissions in the states and in many municipalities have played an important role in the promotion and defence of fundamental rights at the local level.

It must be emphasized that these commissions have promoted, investigated and denounced violations of human rights abuse with significant independence and professionalism. Although they belong to the legislative branch of government and thus are part of the State, these commissions are widely viewed within Brazil as an additional element of civil society. Unfortunately, as this chapter demonstrates, this independence and disposition to investigate and denounce abuses has provoked reaction from those who violate human rights.

In recent years, in addition to these permanent human rights commissions, Brazilian legislative bodies at the federal and state level have established several parliamentary commissions of inquiry to investigate corruption, drug trafficking and other areas involving organised criminal activity. Many parliamentarians have demonstrated significant courage in the course of

these investigations. As the cases below exemplify, these public servants have faced threats to their lives and physical integrity as a result of their defence of human rights.

Threats to Naluh Gouveia, State Legislative Representative, Rio Branco, Acre State³⁰⁷

In testimony before the Parliamentary Commission of Inquiry (Comissão Parlamentar de Inquérito, CPI) on Drug Trafficking, on June 10, 1999, State Legislative Representative Naluh Gouveia provided information on drug trafficking in the state of Acre. Her testimony was decisive in bringing a group of traffickers with connections to the Acre State security apparatus to justice.

The Federal Chamber of Deputies, acting through the CPI, created a taskforce composed of members of the Federal Office of the Public Prosecutor, the Ministry of Justice, the Federal Police, the Federal courts, the national and Acre press, the Acre State legislature and Office of the Public Prosecutor, and civil society organisations. The taskforce helped identify people connected to international drug trafficking, as well as the paramilitary forces these people commanded, referred to as *grupos de extermínio* and *esquadrões da morte* (death squads).³⁰⁸

³⁰⁷ Information on this case comes from Global Justice interview with State Legislative Representative Naluh Gouveia on January 15 and 16, 2002, and a report sent by Representative Gouveia to the Global Justice Centre on February 21, 2002.

³⁰⁸ State Legislative Representative Naluh Gouveia's Report, *op. cit.*

The taskforce's work led to the imprisonment of more than fifty suspected drug traffickers, who were indicted, tried, and convicted by federal courts. Among those brought to justice as a result of the work of the taskforce was Acre deputy and Military Police officer, Hildebrando Pascoal. Pascoal was eventually indicted and imprisoned for commanding a death squad that dismembered and murdered victims using chainsaws. The investigation of the Pascoal case drew significant media attention at the domestic and international level.

After her testimony before the CPI, State Representative Gouveia suffered death threats. The Reserve Service of the Military Police identified people who, at Pascoal's orders, were planning to kill her. She began to receive calls, always from public telephones, saying that she had better stop making denunciations and that her children would be killed. In all there were six threatening calls. The Federal Police recorded one call made to Gouveia by Pascoal himself, in which he stated that he was going to kill her as soon as he got out of prison. Since then Gouveia has been under protection of the Military Police.

Death Threat to Deputy Nelson Pellegrino, Salvador, Bahia State

In August 1998, Nelson Pellegrino, Deputy for the state of Bahia from the Workers' Party (Partido dos Trabalhadores, PT), received a death threat in Salvador, Bahia.³⁰⁹ When he served as a member of the Bahia State Legislative Assembly, Pellegrino presided over its Human Rights Commission. In that capacity, Pellegrino had investigated a number of incidents of rights abuse, involving police, death squads and organised

³⁰⁹ "Deputado recebe ameaça de morte e pede proteção à Segurança Pública," *A Tarde* (Salvador), August 11, 1998.

crime. Pellegrino has also served on the Human Rights Commission of the Federal Chamber of Deputies, and was elected President of this body for the one-year term from March 2001-March 2002.

In the August 1998 incident, an unidentified man forced one of Deputy Pellegrino's aides at gunpoint into a car, where two other gunmen were waiting. One handed the aide a note made up of printed letters cut from newspapers. The note read, "Shall we take a look? Close all your doors and windows," and had a picture of Deputy Pellegrino. After showing the note to the aide, the men released her without further explanation. After the incident, Deputy Pellegrino filed a report with local authorities and requested police protection. Such measures were not unwarranted: in the two months before Deputy Pellegrino received the threat, hired assassins had murdered two City Council Members from Deputy Pellegrino's party and a witness from Bahia who had testified for the Human Rights Commission of the Federal Chamber of Deputies, on which Deputy Pellegrino sat.

In response to a newspaper article³¹⁰ about the threat to Deputy Pellegrino, fellow Deputy and PT member Walter Pinheiro solicited help from the Human Rights Commission to protect Deputy Pellegrino's life.³¹¹ Commission President Deputy Eraldo Trindade, in turn, requested special intervention from the Ministry of Justice and the Governor of Bahia.³¹² To

³¹⁰ *Ibid.*

³¹¹ Official Correspondence 112/98GWP from Deputy Walter Pinheiro to Deputy Eraldo Trindade, President of the Human Rights Commission of the Federal Chamber of Deputies, August 12, 1998.

³¹² Official Correspondence 791/98P from Deputy Trindade to Dr. José Renan Vasconcelos Calheiros, Minister of Justice, August 14, 1998; Official

date, Deputy Pellegrino has not received further threats. However, political killings of local authorities continue to occur in Bahia, as in much of the rest of Brazil.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 044/02 to Dr. César Augusto Borges, Governor of Bahia, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Assault and Attempted Murder of Yulo Oiticica Perreira, State Legislative Representative, Salvador, Bahia State

State Legislative Representative Yulo Oiticica Perreira (Oiticica), while serving as President of the Human Rights Commission of the Legislative Assembly of Bahia State, investigated the existence and activities of Bahian death squads. Beginning in early 2000, Oiticica began to receive threats by telephone.³¹³ An anonymous male made repeated, short calls in which he warned, "I'm going to get you" ("*Vou te pegar*"). Oiticica received these calls on his cell phone from February to March, 2000, always between 3:00 p.m. and 5:00 p.m.

Correspondence 792/98P from Deputy Trindade to César Augusto Borges, Governor of Bahia, August 14, 1998.

³¹³ Statement by Oiticica to the Twelfth Police District of the Metropolitan Police, Civil Police, Bahia State Secretariat of Public Security, April 3, 2000, p. 2.

On March 7, 2000, at about 10 p.m., Oiticica and his wife were driving into the São Raimundo parking lot in Salvador when they happened upon several officers of Shock Troop Platoon No. 1216 using physical force on Jêssica Sinai Silva Sousa (Silva), an employee in Oiticica's office in the Bahia Legislative Assembly.³¹⁴ Oiticica witnessed one of the officers slap Silva in the face, causing her to fall to the ground.³¹⁵ Oiticica attempted to interfere, asking the officers to calm down and inquiring as to what happened. At that moment, one of the officers hit Oiticica on the arm with his nightstick, causing a bruise. The officer proceeded to push Oiticica, causing injury. Oiticica then identified himself as a State Legislative Representative and the President of the Human Rights Commission of the Legislative Assembly of Bahia. Nevertheless, Oiticica was handcuffed and driven to the nearest police station. Only upon arrival at the station did two officers acknowledge Oiticica's identity and apologise for the incident.

On March 10, 2000, Deputy Nilmário Miranda, National Secretary of Human Rights for the Workers' Party (Partido dos Trabalhadores, PT), wrote to Bahia State authorities denouncing the mistreatment of Oiticica by the police.³¹⁶

³¹⁴ Correspondence from Oiticica, signed by fourteen other Bahia State deputies, to the Chief Criminal Prosecutor of the Bahia State Office of the Public Prosecutor, March 27, 2000, p. 3.

³¹⁵ Statement of Oiticica to the Eighteenth Military Police Battalion, Salvador, May 2, 2000, p.1.

³¹⁶ Official Correspondence No. OPT.SNDH. 012/00 from Deputy Nilmário Miranda to Colonel Adelson Guimarães de Oliveira, Chief of the Internal Affairs Division of the Bahia State Military Police, March 10, 2000; Official Correspondence No. OPT.SNDH. 013/00 from Deputy Miranda to Kátia Maria Alves de Souza, Bahia State Secretary of Public Security, March 10, 2000.

On March 27, 2000, Oiticica submitted a thirteen-page letter to the Chief Prosecutor of the Bahia State Office of the Public Prosecutor requesting that the officers involved in the incident be identified and charged with unjustified use of excessive force, unlawful detention, and abuse of authority.³¹⁷ Fourteen of Oiticica's fellow Bahia State Legislative Representatives signed the letter.

On March 30, 2000,³¹⁸ at around 11:00 p.m., Oiticica suffered an attempt on his life as he was taking one of his assistants home.³¹⁹ After leaving a meeting with the Auto Workers' Union in Salvador, Oiticica headed home in his car along Avenida Orlando Gomes. He noticed a white car, possibly a Gol, pull alongside his. When he looked over briefly, he saw a gun aimed in his direction. Oiticica then heard three shots, lost control of his car, jumped the curb, and came to a stop. After exiting his car, he ran to the nearby Vila Tropical condominium complex. By that point, the car with the gunman was gone.

Soon after,³²⁰ the Military Police recovered Oiticica's car, a Fiat Palio, and delivered it to the Twelfth Police District.³²¹ Investigators there found a thirty-eight-calibre bullet lodged in the side of the car, as well as the holes it and the other two bullets left in the car. However, this evidence was not

³¹⁷ Correspondence from Oiticica, *op.cit.*, pp. 12-13.

³¹⁸ Oiticica's statements to investigators are contradictory about the date of the incident. Oiticica's statement to the Twelfth Police District on April 3, 2000, cited above, gives the date as March 31, 2000, whereas Oiticica's statement to the State Public Service of the Office of the Bahia State Secretary of Public Security on March 31, 2000, gives the date as March 30, 2000.

³¹⁹ Statement by Oiticica, April 3, 2000, *op.cit.*, pp. 1-3.

³²⁰ As noted above, the dates are somewhat unclear.

³²¹ Statement by Oiticica to the State Public Service, March 31, 2000, *op.cit.*, p. 1.

sufficient to lead to any arrests. Due to the lack of lighting on the street, Oiticica was unable to identify his attackers and, thus, could not provide the names of any individual suspects.

On March 31, 2000, Oiticica wrote to Kátia Maria Alves de Souza, Bahia State Secretary of Public Security, requesting that Alves look into the incident and take measures to guarantee the safety of Oiticica and his family.³²² Oiticica also requested that Alves provide him with a bullet-proof vest.

On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 069/02 to Alves requesting further information on recent developments in the matter.

At this writing, the Global Justice Centre had not received a response.

Threats to Moema Isabel Passos Gramacho, State Legislative Representative, Salvador, Bahia State

Moema Isabel Passos Gramacho has been a Representative in the Bahia State Legislature since 1997, re-elected in 1999 with a mandate until 2003. Before being elected, Moema was a union leader and director of the National Institute for Workers' Health from 1990 to 1993. During her terms as State Legislative Representative, she served as president of the Special Commission to Combat Hunger in 1997 and 1998, and president of the Bahia State Commission on Human Rights in 1999 and 2001.

³²² Official Correspondence No. Yo./2000 from Oiticica to Alves, March 31, 2000; and Official Correspondence No. 05/2000 from Oiticica to Alves, undated.

In the two periods in which she presided over the Bahia State Human Rights Commission, Gramacho presented numerous denunciations concerning drug trafficking, theft of cargo, and death squads to the Parliamentary Commission of Inquiry (Comissão Parlamentar de Inquérito, CPI) on drug trafficking as well as other public bodies. Her activities as State Representative have aided the ongoing investigations of organised crime in Bahia. In late 1999, Gramacho began to receive death threats. She believes the threats to be connected to her work on the Human Rights Commission.

The first threat occurred on October 11, 1999, around 4:00 p.m., in a phone call placed to a line in Gramacho's office.³²³ State Representative Gramacho promptly filed a judicial complaint,³²⁴ seeking to identify the source of the call. However, she was not able to obtain the number nor location of the caller's telephone through legal action.

A second telephone threat occurred on June 2, 2000, at around 4:15 p.m.³²⁵ The call was made to another line in the State Representative's office. On June 8, 2000, a third threatening call was made, this time to her home phone. The caller stated, "Tell her that her time is coming."

State Representative Gramacho sent an official letter to the President of the Bahia State Legislature and the Human Rights Commission of the Federal

³²³ Official Correspondence No. 078/00 from Deputy Gramacho to Deputy Marcos Rolim, President of the Human Rights Commission of the Federal Chamber of Deputies, June 12, 2000.

³²⁴ Judicial Action No. 140.99.7112424, Tenth Criminal Court of Salvador, Bahia.

³²⁵ Official Correspondence No. 078/00, *op. cit.*

Chamber of Deputies, relating these threats and requesting that measures be taken.³²⁶

Other threats followed.³²⁷ Toward the end of June, 2000, the custodian of the building to which Gramacho was moving, Edmilson de Jesus Andrade, spotted a black Ford Escort circling the building on three occasions between June 27 and June 30. According to Andrade, the car contained four men, one of whom said, “Let’s get out of here; she isn’t living here yet. Her car isn’t in the garage.”

Due to the escalation of the death threats, on June 14, 2000, the Human Rights Commission of the Federal Chamber of Deputies requested the Ministry of Justice to take security measures.³²⁸

On July 12, 2000, the same black automobile appeared and was driven directly towards Andrade, who was guarding the property.³²⁹ According to Andrade, two men got out of the car, knocked him over, and asked, “Where is Moema?” Andrade responded that he did not know, and one of the men struck him in the face. Before leaving, the men stated that they would return to kill the State Representative. They also stole Andrade’s cell phone.

³²⁶ *Ibid.*

³²⁷ Undated letter from State Legislative Representative Gramacho to Deputy Nelson Pellegrino, Vice President of the Human Rights Commission of the Federal Chamber of Deputies, sent by fax from Pellegrino to the Commission, July 13, 2000, p. 3.

³²⁸ Official Correspondence No. 448/00-P from the Human Rights Commission of the Federal Chamber of Deputies to Justice Minister José Gregori, June 14, 2000.

³²⁹ Undated letter from Deputy Gramacho to Deputy Pellegrino, *op.cit.*

As a result of this last threat, on July 13, 2000, the Human Rights Commission of the Federal Chamber of Deputies reiterated its request to the Ministry of Justice that measures be taken.³³⁰ In response, the Ministry of Justice’s Office of Parliamentary Affairs, on July 14, 2000, informed the Commission that the case had been referred to the Director General of the Federal Police for analysis and adoption of the relevant measures.³³¹

On August 14, 2000, the Human Rights Commission sent an official letter to the Bahia State Secretary of Public Security and to the Governor of the State of Bahia³³² requesting urgent measures to guarantee the physical safety of State Representative Gramacho, rapid investigation of the denunciations already filed with the Secretary of Public Security, and information on the measures to be taken so that the Commission would be able to follow the case.

On March 11, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 098/02 to Kátia Maria Alves dos Santos, Bahia State Secretary of Public Security, requesting further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

³³⁰ Official Correspondence No. 529/00-P from Deputy Marcos Rolim, President of the Commission, to Justice Minister Gregori, July 13, 2000.

³³¹ Official Correspondence No. 790/00 from Maria do Carmo Porto Oliveira, Director, Ministry of Justice Office of Parliamentary Affairs, to Deputy Marcos Rolim, July 14, 2000.

³³² Official Correspondence No. 583/2000-P from the Commission to Kátia Maria Alves dos Santos, Bahia State Secretary of Public Security, August 14, 2000; and Official Correspondence No. 584/2000-P from the Commission to César Augusto Rabello Borges, Governor of Bahia, August 14, 2000.

Death Threats to Cozete Barbosa, ex-City Council Member and current Vice Mayor of Campina Grande, Paraíba State

In October 2000, Vice Mayor of Campina Grande Cozete Barbosa, then a city Council Member, denounced the systematic torture, extortion and intimidation of prisoners and family members in the Regional Penitentiary of Campina Grande–Serrotão.

In testimony before the Parliamentary Commission of Inquiry (Comissão Parlamentar de Inquérito, CPI) established by the State Secretariat of Justice, Barbosa presented photos, a letter, tape recordings, a *palmatória* (an instrument of torture designed for beating the palms of the victim's hands), and a few bullet casings. Since filing the denunciations, Barbosa has suffered a number of death threats by anonymous phone calls to his office at City Hall and to his home.

According to the newspaper *Correio da Paraíba*, the threatening phone calls repeated phrases such as, “You’re talking too much, and that can be dangerous. Nobody denounces the penitentiary and stays alive.”³³³

The final report of the CPI confirmed Barbosa’s accusations, finding Lt. Dinamarco Gomes Júnior and Director of Discipline Edson Sirney

³³³ “Testemunhas confirmam torturas nos presídios de CG – Cozete pede garantia de vida,” *Correio da Paraíba* (João Pessoa), October 24, 2000.

responsible for the torture sessions.³³⁴ On November 14, 2000, Gomes Júnior, Sirney, and four other staff members of the Serrotão penitentiary were relieved of their positions by Governor José Maranhão.³³⁵

In light of the various death threats, which grew worse after the disclosure of the Commission’s findings, the President of the Human Rights Commission of the Paraíba State Legislature, Luiz Couto, sent an official letter to the Human Rights Commission of the Federal Chamber of Deputies requesting that the Commission, along with the Ministry of Justice, guarantee Barbosa’s security.³³⁶

On October 31, 2000, in response to the request, Minister of Justice José Gregori ordered the Federal Police of Paraíba to protect Barbosa. The Federal Police provided protection to Barbosa from November 1 to November 30, 2000.³³⁷

An official Police Inquiry was opened on February 7, 2001, which led to the indictment of the following suspects: Lt. Dinamérico Gomes Júnior of

³³⁴ Official Correspondence CDH/097/2000 from State Legislative Representative Luiz Couto, President of the Human Rights Commission of the Paraíba State Legislature, to Paraíba State Secretary of Public Security Francisco Galuberto Bezerra, October 26, 2000.

³³⁵ “Governo afasta envolvidos,” *O Norte* (João Pessoa), November 15, 2000.

³³⁶ Official Correspondence CDH 098/2000 from State Legislative Representative Luiz Couto, President of the Human Rights Commission of the Paraíba State Legislature, to Deputy Marcos Rolim, President of the Human Rights Commission of the Federal Chamber of Deputies, October 31, 2000.

³³⁷ Official Correspondence 006/2002-NI from Renato Salazar Batista Lima, Chief of the Intelligence Unit of the Paraíba Federal Police, to the Global Justice Centre, February 22, 2002, in response to Global Justice Centre Official Correspondence JG/RJ 056/02 to Officer Nelson Teles Júnior of the Federal Police in Campina Grande requesting information on recent developments in the case.

the Military Police, and Veidmar Das Neves Campos, Edson Araújo Cirne, Moacir Alves Ramalho, and Odon Germano, all penitentiary agents. The case was sent to the Second Criminal Court Division of Campina Grande, where it was pending at this writing.³³⁸

Killing of Carlos Gato, Union Leader and Boquim City Council Member, Pedrinhas, State of Sergipe

On September 22, 2001, Carlos Gato, union leader and City Council Member for the municipality of Boquim, Sergipe, was murdered on a visit to the neighbouring town of Pedrinhas. Gato, a member of the Brazilian Social Democratic Party (Partido da Social Democracia Brasileira, PSDB), had provoked strong resentment from local landholders by campaigning for the eradication of child labour.

On September 25, 2001, fellow PSDB member Sérgio Reis, a deputy for the state of Sergipe, sent a special request to the Human Rights Commission of the Federal Chamber of Deputies for assistance in the investigation of the murder.³³⁹ The Commission in turn solicited the involvement of the Minister of Justice, the Sergipe State Secretary of Public Security, and the Sergipe State Office of the Public Prosecutor.³⁴⁰

³³⁸ *Ibid.*

³³⁹ Official Correspondence No. 215/2001 from Deputy Sérgio Reis to Deputy Nelson Pellegrino, President of the Human Rights Commission of the Federal Chamber of Deputies, September 25, 2001.

³⁴⁰ Official Correspondence No. 883/2001-P from Deputy Reis to José Gregori, Minister of Justice, September 26, 2001; Official Correspondence No. 882/2001-P from Deputy Reis to Dr. João Guilherme Carvalho, Sergipe State Secretary of Public Security, September 26, 2001; Official Correspondence No. 881/2001-P from Deputy Reis to Dr. Moacir Soares da Motta, Sergipe State Public Prosecutor, September 26, 2001.

On February 14, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 053/02 to Gilberto Fernando Goés Passos, Secretary of Public Security for Sergipe State. On February 15, 2002, the Global Justice Centre sent Official Correspondence JG/RJ No. 052/02 to Moacir Soares da Mota, Attorney General for Sergipe State. In both letters, the Global Justice Centre requested further information on recent developments in this matter.

At this writing, the Global Justice Centre had not received a response.

Appendix: United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms

The General Assembly,

Reaffirming the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

Reaffirming also the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

Stressing that all members of the international community shall fulfill, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

Acknowledging the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognise the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

Recognising the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

Reiterating that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

Stressing that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

Recognising the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

Declares:

Article 1

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

Article 3

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and

within which all activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

Article 4

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and commitments applicable in this field.

Article 5

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organisations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organisations.

Article 6

Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

Article 7

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

Article 8

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.

2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organisations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

Article 9

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.

2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorised representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights

or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.

3. To the same end, everyone has the right, individually and in association with others, *inter alia*:

(a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;

(b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;

(c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.

5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

Article 10

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.

2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Article 13

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

Article 14

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.

2. Such measures shall include, inter alia:

(a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;

(b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.

3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

Article 15

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

Article 16

Individuals, non-governmental organisations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

Article 17

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organisations have an important role to play and a responsibility in safeguarding

democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organisations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

Article 19

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

Article 20

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organisations contrary to the provisions of the Charter of the United Nations.