
Brazil

Significant human rights abuses continue in Brazil. Human rights defenders suffer threats and attacks; police are often abusive and corrupt; prison conditions are abysmal, and rural violence and land conflicts are ongoing. And while the Brazilian government has made efforts to redress human rights abuses, it has rarely held to account those responsible for the violations.

Police Violence

Brazil's intractable problems of police violence and death squads reached a grisly zenith in the early morning hours of March 31, 2005, when armed men executed twenty-nine people—including women and children—outside Rio de Janeiro. Only one person escaped. The Baixada Fluminense area, where the killings occurred, is notorious for its high murder rate and for death squads connected to the military police. In the wake of mass demonstrations by Brazilian rights groups, and a public outcry from around the world, unprecedented cooperation between state and federal authorities led to the arrest of eleven police, who are being held in police custody pending trial.

Authorities believe that the Baixada massacre was committed in retaliation for the previous detention of nine police officers accused of killing two people and leaving their bodies behind a police station in Duque de Caxias, in the Baixada region. The police, whose actions were caught on film, decapitated one of the bodies and threw the head into the station. In September 2005, rights groups requested that the Rio de Janeiro State government adopt a permanent program to reduce civilian deaths in police operations. Many deaths continue to be registered under the much-criticized category of “resisting arrest,” which is often used to cover up extrajudicial executions.

Police violence is one of Brazil's most systemic, widespread, and longstanding human rights concerns, disproportionately affecting the country's poorest and most vulnerable populations. Cases of police abuse all too often end in impunity.

Death Squads

The Public Security Secretary of Ceará was ousted in June 2005 after military police under his command were found to be involved in death squads acting as illicit private security guards. Twelve people were accused of participating in this criminal group, and six were placed in pretrial detention in August.

Conditions of Detention

The inhumane conditions, violence, corruption, and overcrowding that have historically characterized Brazilian prisons remain one of the country's main human rights problems. National and international

governmental and nongovernmental sources all agree that prisons and other places of detention hold inmates in scandalously abusive conditions.

Children and adolescents confined in Brazil's youth detention facilities face similar conditions. Severe overcrowding is endemic to these facilities. In some cases, such as the Padre Severino youth detention unit in Rio de Janeiro, facilities are operating at more than twice their design capacity. Staff shortages also create real threats to the security of inmates and staff. In March 2005, clothing and food shortages, as well as a lack of opportunities for recreation and rehabilitation, led to a series of riots and escapes from youth detention facilities in São Paulo.

Rural Violence and Land Conflict

Indigenous people and landless peasants face discrimination, threats, violent attacks, and killings as a result of land disputes in rural areas. According to a report by the Pastoral Land Commission, twenty-eight people were killed in rural conflicts from January to August 2005. By not intervening to guarantee the safety of people in these contexts, and by not punishing those who have carried out attacks, authorities encourage continued violence.

On February 16, 2005, in Goiás state, two people were killed and dozens of others were wounded in a police operation to evict some 3,000 families from a 130-hectare property near a luxury apartment block. Although precautions were taken to avoid violence, state authorities later acknowledged that the police demonstrated a "lack of proper restraint" in the operation.

Impunity

Impunity is the rule in Brazil, with few human rights crimes being effectively investigated or prosecuted. In December 2004, in an effort to remedy this glaring problem, the Brazilian government passed a constitutional amendment to make human rights crimes federal offenses, a change that international organizations such as Human Rights Watch had recommended for many years. The change allows certain human rights violations to be transferred to the federal—as opposed to the state—justice system for investigation and trial. Authority to order such transfers rests with the Superior Tribunal of Justice, in response to requests by the Attorney General of the Republic.

In another positive step, the federal government has made efforts to open files from the military archives and has opened a reference center on political repression during Brazil's military government, which will contain documents, films, and victims' statements from the period.

In August 2005, the Supreme Court granted pretrial release to Norberto Mânica, who is accused of ordering the execution of three agents investigating slave labor, and their driver, in the city of Unaí in Minas Gerais in January 2004. None of the four men accused of the crime have been punished to date. In another controversial ruling, in September, the Supreme Court ordered that Lt. Col. Mário Pantoja be released on bail. Pantoja had been sentenced to 228 years in prison as one of those responsible for the

1996 murder of nineteen rural workers in the Eldorado de Carajás case, but he was granted a retrial, which is pending.

Human Rights Defenders

Human rights defenders face threats, intimidation, and physical attack. While the government launched the National Protection Program for Human Rights Defenders in October 2004, the program has not been effective in shielding those brave enough to stand up for victims of human rights abuses.

A seventy-four-year-old U.S. missionary and activist, Sister Dorothy Stang, was shot dead as she walked to a meeting on February 12, 2005, in the western city of Anapu, Pará state. Sister Dorothy had worked in the region for over twenty years. She had met with federal and state officials, including members of the federal Human Rights Secretariat, to discuss death threats against rural workers just a week before she was killed.

In another prominent case, Father Paulo Henrique Machado, who had played a key role in mobilizing family members of the victims of the Baixada massacre, was shot to death on July 25, 2005, in Nova Iguaçu, just outside Rio de Janeiro. Although the Federal Program for Protection of Victims and Witnesses (Provita) was put in place in the Baixada area after the massacre, Father Machado's murder was understood as part of an effort to discourage human rights work in its aftermath.

Adamor Guedes, president of the Amazonian Association of Gays, Lesbians, and Transvestites, was stabbed to death in his home on August 28. Guedes was a recognized defender of the human rights of gay people.

Key International Actors

The European Union pledged 6.5 million Euros to Brazil's Support Program for Police Ombudsmen and Community Policing. The objective of the program is to ensure that Brazil's police forces respect human rights and find less violent methods to combat crime.

Brazil decided to turn down \$40 million in U.S. global AIDS money in May 2005 because of a requirement that funding recipients condemn prostitution. Supported by public health and human rights groups, Brazilian officials insisted that anti-prostitution policies undermine efforts to stem the spread of HIV.

In March 2005, in an official report, the U.N. Special Rapporteur on the Independence of Judges and Lawyers blasted Brazil for lack of access to justice, nepotism, and discrimination based on gender and ethnicity, among other problems. Hina Jilani, the U.N. Special Representative on Human Rights Defenders, was scheduled to visit Brazil in December.

By early 2005, the first two cases against Brazil had been sent to the Inter-American Court of Human Rights. The first involved Damião Ximenes Lopes, a young psychiatric patient who was tortured to death in state custody in 1999, and the second involved Gilson Nogueira de Carvalho, a human rights lawyer in Rio Grande do Norte who was killed by a death squad in 1996.