

**December 9, 1990**

## **ON TRIAL IN BRAZIL RURAL VIOLENCE AND THE MURDER OF CHICO MENDES**

The Brazilian state of Acre in the Amazon was the scene of the best known of all the assassinations of rural activists ever. Chico Mendes, the leader of the rubber tappers union, was shot dead in his hometown of Xapuri on December 22, 1988. In contrast to other rural labor leaders in Brazil whose deaths in recent years have attracted scant international attention, Mendes's murder made headlines all over the world. By fighting for the rights of his fellow rubber tappers, or *seringueiros*, Mendes had attracted the attention of a global environmental movement concerned with the destruction of the Amazon rainforest. Not before Mendes's death had environmental and human rights concerns come together so tragically before the world community.

*Seringueiros* are forest dwellers who extract latex from rubber trees. They thus need to live off the forest without destroying it. This need to preserve the jungle, so central to Mendes' efforts on behalf of all *seringueiros*, clashed head-on with the interests of cattle ranchers, Brazilian government officials, and land-hungry peasants, all engaged in the burning of forest for economic or nationalistic reasons.

The vast rainforests of Brazil are an important source of global oxygen; their burning helps deprive the earth of atmospheric replenishment, and also contributes significant amounts of carbon dioxide, believed by scientists to be a major culprit in global warming. Mendes's death occurred just a few months after the United States and Europe had experienced one of the hottest summers on record. The terms "greenhouse effect" and "ecological disaster" began creeping into everyday discourse. Press reports frequently pointed to fires in the Amazon jungle as among the chief causes of the apparent warming of the planet. Mendes's struggle and death thus acquired significance thousands of miles away.

As this update goes to press, the trial of those accused of Chico Mendes's murder is scheduled to begin in Xapuri, Acre, on December 12. The trial's outcome will reflect on the status of human rights in Brazil and on the future of efforts to save the rainforest from destruction.

### **BACKGROUND TO THE STRUGGLE: THE NATURE OF THE RUBBER ECONOMY**

Unlike some sections of the Amazon which have undergone extensive burning, 97% of Acre's territory is still covered by rainforest. *Hevea brasiliensis*, the rubber tree, exists in abundance, and from the mid-1800s until the 1970s, when the Brazilian government started implementing a massive plan to colonize the Amazon, Acre's entire economy was related to rubber. Acre's fortunes rose and fell in tandem with the world rubber market. A boom in the late nineteenth and early twentieth century gave way to decline caused by competition from cheaper Asian suppliers, who by 1922 supplied over 90% of world rubber; when the Japanese blocked access to Asian materials during World War II, there was new demand for Brazilian rubber. Since the late 1940s, the rubber economy has been in a slump.

For centuries, Indians living in the rain forest have been making everyday objects of the rubber trees' sap for their own use. The commercial exploitation of rubber trees began in the late 1700s and consisted of

extracting the latex from trees and exporting it in coagulated, semi-processed form abroad. In these early years, rubber tappers came to the Amazon from other parts of Brazil, collected and smoked the latex and then transported it down a tributary of the Amazon River to sell it in town. The more aggressive tappers soon laid informal claims to parts of the forest and began to employ others to do the tapping. As more and more migrants came from the poorest parts of Brazil in search of jobs, a system known as *aviamentos* (forwarding) was born. Those who had laid claim to the forest acted as middlemen, collecting rubber from tappers in their employ and paying the tappers with goods.

Because of the remoteness of the rubber tapping areas, the rubber bosses served as the tappers' only link with the outside world. This dependence conveyed tremendous power on the middlemen, who remained free to set the price for tappers' latex and control tappers' access to money and goods. Most tappers lived in a situation of deep indebtedness. But every tapper family used a tract of forest large enough to extract enough latex to make a living without damaging the rubber trees. Many tappers' families lived in the same area for generations.

A decision by the Brazilian government in 1966 to colonize the Amazon threatened the sustainable forestry practiced by the rubber tappers. In the 1970s, Acre governor Wanderley Dantas launched a publicity campaign to attract to Acre investors and land buyers from the wealthier southern portions of Brazil. When Dantas took office in 1972, 75% of the state was unclaimed public land. A few years later, virtually all public land had been claimed, sold, and resold by land speculators and investors, most of whom intended to convert the land to cattle pasture. Many of the transactions involved bribery or fraud. And the transactions ignored that thousands of people - Indians and tappers - had been living on the land for generations without formal titles. Because Brazil bought Acre from Bolivia in 1903, the situation of land titles in Acre was additionally complicated by the existence of old Bolivian titles to land now claimed by Brazilian investors and speculators.

The new land owners wanted their tracts cleared of anyone living there, and used various methods - including threats and violence - to expel the inhabitants from newly acquired property. As a result, 5,000 tappers (and by some estimates several times that number) left for Bolivia during the 1970s. Others streamed into Rio Branco, Acre's capital, which in 1971 had 30,000 inhabitants, and by 1990 had 200,000. Most of the new arrivals took up residence in the *favelas*, or slums, around the city. The price of land, especially along the newly-built roads, jumped a hundredfold.

Some tappers, however, chose to stay. Beginning in the late 1970s they organized to resist encroachment on their traditional lands and to prevent forest destruction. The tappers adopted a tactic known as *empate* or stalemate, in which union members - and later their entire families - sat in on tracts of land that were to be cleared. Members of the clearing crews, themselves usually migrant workers who were as poor or poorer than the tappers, were not interested in violent confrontations and usually gave up easily. The tactic of *empate* was quite successful and tensions between tappers and new landowners, mostly cattle ranchers, grew.

Hints of the political violence that would emerge came at a July 1980 public meeting in Brasília, a town 65 miles from Xapuri, at which tappers and ranchers vented their differences. The meeting was broadcast live on a local radio station and included a threat from a municipal employee from Xapuri:

**"The only way to resolve the land conflicts here is to kill the president of the union, the delegate from [the national federation of rural unions] CONTAG, and the priests who are instigating the rubber tappers. Soon there will be many widows in Acre."**<sup>1</sup>

<sup>1</sup> Andrew Revkin, *The Burning Season: The Murder of Chico Mendes and the Fight for the Amazon Rain Forest*, (Houghton Mifflin, Boston 1990) at page 156.

## **THE ASSASSINATION OF WILSON PINHEIRO AND THE RETALIATORY KILLING OF NILO DE OLIVEIRA**

It was not long after the heated public meeting in Brasília that Wilson Pinheiro, head of the Rural Workers Union, was assassinated in the union hall. Pinheiro, 47 years old and a father of eight, had been elected union head in 1977, and during his tenure was particularly successful in organizing *empates*. His assassination on July 21, 1980 marked the beginning of a more violent phase in the struggle between rubber tappers and those attempting to colonize the Amazon.

Tappers suspected that ranch manager Nilo de Oliveira, who had earlier threatened Pinheiro after an *empate* won by the tappers, was responsible for the murder. Pinheiro's colleagues announced that they would give the authorities seven days to find the killers and threatened to take justice into their own hands if the deadline was not met. When by the seventh day the police did not make any progress in the investigation, several dozen armed tappers met de Oliveira on a road and killed him.

The murder unleashed a campaign of terror by police, who arrested more than 100 tappers and tried to gain a forced confession of who killed de Oliveira. Several of those arrested were severely tortured. In addition, five union leaders, some of whom had not even been in the area at the time of de Oliveira's killing and whose only crime was to have delivered speeches at a rally following union leader Pinheiro's death, were charged in a military tribunal with violations of the national security law by allegedly fomenting violence. The five men were briefly imprisoned but absolved of any crime in 1984. Two of those arrested were Luiz Inácio da Silva, "Lula," who in 1989 became the presidential candidate of the leftist Workers' Party, and Chico Mendes, a tapper leader from Xapuri. Ironically, in his speech after Pinheiro's death, Mendes had urged the tappers to refrain from violence.

Twenty-eight tappers were charged with killing de Oliveira, but the case never went to trial and the detainees were released within a month for lack of evidence. The investigation of the killing of Wilson Pinheiro also went nowhere.<sup>2</sup>

## **VIOLENCE AGAINST TAPPERS IN 1988**

During the 1980s, Chico Mendes continued union organizing. He eventually found powerful allies - both Brazilian and foreign environmental activists - in his fight to save the rainforest. At their urging, Mendes began pressing his cause outside the Amazon, in large Brazilian cities and abroad.

In 1988 the situation in Xapuri was particularly tense because tappers, using the tactic of *empate*, scored some victories in preventing forest cutting. On May Day, pamphlets were found in various places in Xapuri which threatened Chico Mendes, Gomercindo Rodrigues, an agronomist working for the tapper union, Raimundo de Barros, union activist and Mendes's cousin, and other union leaders.

Violence accelerated in late May, when tappers organized a peaceful occupation of the Xapuri forestry office. Because Brazilian law prohibits the deforestation of areas containing particularly valuable species, the tappers were attempting to force the revocation of a permit issued to a local landowner to cut down 125 acres of forest containing rubber trees. On the night of May 26, several dozen tappers were sleeping in and outside the forestry office. At 2 a.m., Darci and Oloci Alves, sons of local rancher Darly Alves, rode by on a

---

<sup>2</sup> In the aftermath of the killing of Chico Mendes, the investigation into the killing of Nilo de Oliveira was reopened in 1989. In 1990, according to the prosecutor in Brasília, interviewed by Americas Watch, the investigation of the killing of Wilson Pinheiro was reopened as well, because "new facts have come to light." As of this writing, there were no new developments in either of the cases.

motorcycle. They stopped briefly and fired randomly into the group of tappers. A 15-year-old boy was hit seven times, and a seventeen-year-old tapper was hit twice. The assailants fled. The victims, although seriously injured, survived.<sup>3</sup>

Within weeks of the shooting episode, a 26-year old union leader and candidate for town council, Ivair Higino de Almeida, was assassinated. The day of his death, local papers had published an open letter to Brazilian authorities from several human rights activists expressing concern about the violence and intimidation directed by landowners and members of the Alves family at rubber tappers and unionists. Prior to his death, de Almeida had received threats from the Alves clan. Others have alleged, however, that a competing candidate in the election was responsible for the death of de Almeida. As of this writing, his assassination remains unsolved.

June 1988 was marked by a further violent incident when gunmen fired three bullets at the house of the Brasília tapper union leader Osmarino Amâncio Rodrigues in the middle of the night.

In early July two tappers - Manoel Carlos da Silva and Francisco Jorge Souza - were victims of an attempted assassination. On September 11 an ex-tapper, José Ribeiro, was assassinated by two gunmen. Prior to his death he had had a fight with some of the Alves sons and they publicly vowed to kill him. As of this writing no charges have been filed in this assassination. Another tapper, José de Souza Santos, was killed on September 12 in Xapuri.

---

<sup>3</sup> It was only after the murder of Chico Mendes that the gunmen were arrested. Their trial was held in Xapuri on June 22, 1990. They were convicted of attempted murder and sentenced to twelve years in prison.

## THE ASSASSINATION OF CHICO MENDES<sup>4</sup>

Francisco Alves Mendes Filho, commonly known as Chico Mendes, was the tapper union leader in Xapuri. Like Pinheiro before him, Mendes organized *empates* and similarly earned the enmity of ranchers and landowners. There were numerous attempts to intimidate him. In early 1980, for example, four hooded men bundled Mendes into a car in Rio Branco, severely beat him and dumped him on a street. By 1988, he had survived five attempts on his life.

In the mid-1980s, Mendes joined his effort to save the forest with Brazilian, American and Western European environmentalists. He travelled abroad to address decision-makers in the West. He and his allies managed to put the burning of the Amazon on the international agenda and pushed major international development banks to require that their projects include environmental impact assessments.

As tension in Xapuri grew during mid- and late 1988, Mendes believed that the Alves family constituted the most immediate threat to his life. The Alves's had a reputation for being extremely violent and dangerous,<sup>5</sup> and after a successful *empate* organized by Mendes earlier that year, had made open threats against him.

Mendes hoped that he could protect himself using legal means. He and several friends from environmental groups discovered that there had been a 1973 arrest warrant against the family's leader, Darly Alves, for an earlier murder in the state of Paraná. An attorney retained by the Institute of Amazonian Studies, a Brazilian environmentalist group with which Mendes had been working, obtained a copy of the warrant from a Paraná judge. The lawyer delivered the warrant to the head of Federal Police in Acre, Mauro Spósito, on September 27.

That same afternoon, Mendes spotted Alves drinking beer near police headquarters. Mendes called Spósito's office, talked to the police chief's deputy, and asked that the warrant to arrest Alves be executed. Nothing happened.<sup>6</sup> The warrant was finally sent by mail to Xapuri to be executed in the hometown of the wanted man and on October 18 the local judge ordered the capture. By that time, Alves was in hiding. He had found out about the warrant ahead of time.<sup>7</sup>

Mendes made several more attempts to protect himself from his enemies, sending telexes to state and federal authorities which named Alves clan members as his potential assassins. He never received any responses from the federal government. Local authorities assigned Mendes military police bodyguards, whose guns apparently did not work. Ultimately, the guards proved useless in saving Mendes's life.

---

<sup>4</sup> The killing of Chico Mendes has been described in detail in numerous press articles and several books. In this section we give a brief summary of the facts and include information gathered during an Americas Watch fact-finding trip to Acre in July 1990.

<sup>5</sup> This reputation was well deserved. Two of the Alves brothers, Darci and Oloci, were found guilty in June 1990 of the May 1988 shooting of tappers at the forestry office. In addition, according to the prosecutor in Xapuri, Dr. Eliseo Buchmeier de Oliveira, there were 10 murder investigations underway in Xapuri as of July 1990. Members of the Alves family were implicated in five of them.

<sup>6</sup> One of the explanations for not arresting Alves given by Spósito after Mendes's death was that there had been some irregularities in the way the warrant had been delivered to him.

<sup>7</sup> After Mendes's death, a court clerk in Xapuri, Raimundo Dias Figueiredo, said in a deposition taken by police that "...In September or October [1988]...he was approached at his workplace by the individual known as Darly Alves, who was trying to find out about the existence of an arrest warrant from the state of Paraná." When the witness said he knew nothing about such a warrant, Alves, according to court records, said "that he was certain that this warrant has already arrived and was at the Federal Police and that the victim himself, Chico Mendes, had a copy of it..."

On December 22, 1988, shortly after six p.m., Mendes finished a game of dominoes (with his bodyguards), took a towel and stepped out the back door of his house and headed toward the shower located in a little shack in the yard. Shots rang out and he stumbled back into the house, bleeding profusely. The four bodyguards literally ran for their lives, leaving the dying Mendes in a puddle of blood.

Because of Mendes's prominence in the international environmental movement, his killing, to the surprise of many Brazilians, received enormous international publicity. As a result, police set out to investigate the assassination with greater energy than otherwise would have been the case. A manhunt for Darly Alves was begun. Four days after the killing, Darci Alves, 21, one of Darly's sons, gave himself in to the police and confessed to the crime, citing a personal vendetta. On January 7, 1989, the elder Alves, who had been hiding in the forest for weeks, also surrendered to the police. Darci Alves was charged with murder, and his father with having ordered the crime and thus having participated in it.

Both suspects are currently in jail, scheduled to go on trial on December 12.<sup>8</sup> Various legal motions have repeatedly delayed the setting of a trial date.

The investigation of Mendes's murder lasted a little over two months. It never pursued any leads about a possible conspiracy, despite several indications that there might have been one.

- A newspaper in Rio Branco ran an editorial on December 6 saying that a "megabomb" would soon explode in Acre. In retrospect, the editorial could have been an allusion to plans to murder Chico Mendes. In January 1989 the paper argued that the reference was to a corruption scandal in one of the nearby towns, hardly a major item.

- The same newspaper had two reporters and a photographer on the scene of the murder an hour and a half after Mendes's killing. The journalists claimed that they received a call in their office in Rio Branco after the killing and rushed to Xapuri by car. According to all accounts and to the personal experience of the Americas Watch delegation, it is impossible to cover the 100 miles of very bad road between Xapuri and Rio Branco in an hour and a half. In addition, persons at the scene of the murder when the journalists arrived told Americas Watch that the hood of their car was cool and the car was clean, not covered with mud that would have characterized a long voyage on an unpaved road. Mendes's colleagues speculated that the journalists were waiting for the news of the killing in a nearby ranch, which would obviously confirm the theory of a broader conspiracy. The Chief of Civil Police in Acre confirmed to Americas Watch that police had made no attempt to interrogate the journalists from Rio Branco.

- A Rio Branco doctor overheard a conversation five days before Mendes's death that Mendes would be killed before Christmas. After Mendes was killed, the doctor went to the local bishop. The bishop, Dom Moacir Grechi, told Americas Watch that he went to notify the police but that they did not take the information seriously. The doctor was never formally interrogated. The doctor, according to the bishop, is afraid for his life and refuses to talk about the incident.

- Police did not arrest Darly Alves, now indicted for murdering Mendes, although an arrest warrant on separate murder charges was on the desk of the state Federal Police Superintendent, Mauro Spósito. The national head of Federal Police, Romeu Tuma, promised to investigate the negligence displayed by Spósito. If such an investigation ever occurred, its results were never made public. Mauro Spósito is now working in Tuma's office in the federal capital of Brasília.

---

<sup>8</sup> A third person named in the indictment, Jardeir Pereira, an employee of the Alves family, has not been apprehended.

- Police did not investigate who leaked to Darly Alves that an arrest warrant for him had been delivered to the federal police. Other than Mendes's lawyer, the bishop and one of Mendes's closest collaborators, Gomercindo Rodrigues, only the federal police themselves knew that a warrant had been issued and delivered to the Acre federal police.

- Police did not investigate allegations, made by several friends of Chico Mendes, that Darly Alves was being paid by wealthy landowners to kill tapper leaders. In an interview with Americas Watch, one of the tapper leaders, Gomercindo Rodrigues, indicated that Alves was not a wealthy rancher; until the end of 1987, for example, he and his men always used the bus. In 1988 Alves began to be seen in a brand new truck, in the company of several paid workers. The police investigation did not explore the source of Alves's new-found prosperity.

During its July 1990 trip to Acre, Americas Watch came across a possible connection between the Chico Mendes case and the human rights abuses of the military dictatorship that ruled Brazil between 1964 and 1985. Americas Watch was told in an interview that a defense lawyer for the accused killers, João Lucena Leal, appeared on a list of 444 torturers compiled by the *Brazil nunca mais* ("Brazil Never Again") project, which documented torture under the military government. Independently, *Veja*, Brazil's most important newsweekly magazine, confirmed the allegation that Lucena was a torturer and published a story on the subject on September 5, 1990. As of this writing, the Brazilian Bar Association is further studying this matter.

## **CURRENT SITUATION**

Following the killing of Chico Mendes, several of his relatives and people close to the investigation have received death threats.

The most frequent target of persistent threats is the Brasília tapper leader generally perceived as Mendes's successor, Osmarino Amâncio Rodrigues. He has made several public appeals to police and federal authorities asking for protection.

According to Acre's Secretary of Public Security, Carlos Alberto Silva, during 1989 and the first half of 1990, police conducted five investigations into the threats against Rodrigues, without conclusive results. Silva also stated that the police would be willing to provide police protection at any time Rodrigues wishes. Silva told Americas Watch that in May 1990 they placed at Rodrigues's disposal four policemen, but that Rodrigues notified them in a written statement that he did not want any protection. In fact, what Rodrigues asked was that the guards be removed because he could not afford to pay for their food, accommodation and transportation. As Rodrigues later explained to us, the police were not willing to cover any expenses of the guards outside Brasília. Rodrigues travels most of the time due to his union responsibilities.

Gomercindo Rodrigues, an agronomist and union activist, and Raimundo Barros, a tapper leader and Mendes's cousin, both from Xapuri, have told Americas Watch that they have received numerous death threats and that they lived in fear and avoided certain activities as a precaution.

The Rio Branco bishop, Dom Moacir Grechi, also told Americas Watch that he received a phone call two days after Mendes's death from a man who claimed he had been hired to kill the bishop. Several days later, while the bishop was travelling in his jeep on a country road, he was stopped by a man who threatened him.

The Xapuri judge, Dr. Adair Longhini, has also been a target of numerous threats. He has changed his home phone number more than once since the killing because of that. In addition, he told Americas Watch that his wife received threatening phone calls in her office.

**Dr. Eliseo Buchmeier de Oliveira, the current prosecutor in Xapuri (he is the fourth since the Mendes killing) who successfully prosecuted the case against Darci and Oloci Alves in June 1990 for the May 1988 shooting of tappers, was told shortly afterwards that relatives of the defendants were surprised that "he was still not afraid to walk around town after dark."**

**There has been one recent assassination that may be related to the Mendes case. On January 22, 1990 a man named José Britos was assassinated. According to Buchmeier, Britos was a witness in the case against Darci and Oloci Alves; several days after the attempted murder, he bought the murder weapon from Oloci. One of the tapper union leaders interviewed by Americas Watch said that after Britos's death, he learned that Britos had been trying to get in touch with the union leadership to convey to them an important piece of information about the Mendes case.**

**In addition, according to persons interviewed by Americas Watch, members of the Alves family had been frequently seen until recently on the streets of Xapuri, brandishing weapons. The Xapuri prosecutor interpreted this as a way of intimidating potential jurors in the trial.**

**In May 1990, a list of 25 names circulated in Xapuri, which included relatives of Chico Mendes and union leaders. According to a document prepared by the rubber tappers union for the police and the press and attributed to an unnamed source, these 25 persons were to be eliminated before the trial of the Mendes's alleged killers.**

**The attention generated by the assassination of Chico Mendes has undoubtedly sped up some investigations of rural violence in Acre. It also helped the tappers to achieve one of their major goals: the creation in March 1990 of a 2,398,781-acre extractive reserve to be used for rubber extraction and nut gathering. The preserve was named after Chico Mendes, in one of the last moves of outgoing President José Sarney.**

**Ironically, the creation of the reserve may have temporarily contributed to increased tension in Acre. Some of the thousands of tappers who left Brazil for Bolivia during the past twenty years are now coming back. Landowners in particular are alarmed about the potential growth of the *seringueiro* movement. That concern, too, contributed to renewed threats against union leaders.**

**José da Silva Pereira, a tapper leader interviewed by Americas Watch in Brasília said that shortly after the creation of the reserve, Gentil Alves da Silva (a relative of Darly and Darci Alves) told him that "if he continued to defend *extractivistas* (nut gatherers) and tappers, his days would be counted."**

**On April 10, a landowner Paulo Silvestre barged into the office of the tappers' union in Brasília. According to witnesses, Silvestre threatened to "kill everybody one by one, from the top to bottom, because he had enough bullets." Silvestre had been planning to cut 500 protected trees when tappers reported it to the authorities. The authorities issued an injunction, enraging Silvestre. He eventually was able to have the government decision reversed and started clearing the forest on May 7.**

**On April 28, according to union documents, landowners Joaquim Medeiros and Marcelo Medeiros threatened with death two rubber tappers legally working within their assigned tracts of forest.**

**On May 4, gunmen allegedly working on orders from a landowner named Baiano, threatened 14 rubber tappers with death and destruction of their houses if they did not stop expanding their tracts deeper into the reserve.**

**Thus, although investigations in the Mendes case were sufficient to bring it to trial, it does not appear that the violence directed against less prominent activists is being investigated or that the perpetrators are being prosecuted. For now, the general level of violence in Acre is down, no doubt due to the glare of international publicity surrounding the trial of Chico Mendes's murderers. The real test will be what happens in Acre when the spotlight of world attention is turned off.**

\*\*\*\*\*

***For more information, contact Joanna Weschler  
or Susan Osnos at (212) 972-8400***

***Americas Watch* is a non-governmental organization that was created in 1981 to monitor human rights practices in Latin America and the Caribbean and to promote respect for internationally recognized human rights standards. The Chairman is Adrian DeWind; Vice-chairmen, Peter Bell and Stephen Kass. Its Executive Director is Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel.**

**Americas Watch is part of *Human Rights Watch*, an organization that also consists of Africa Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein; Vice-Chairman, Adrian DeWind. Aryeh Neier is Executive Director; Deputy Director, Kenneth Roth; Washington Director, Holly J. Burkhalter; California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone.**