

Defense Department files. The documents were still awaited at the end of October 2001.

In August, Argentine Judge Rodolfo Canicoba sent a letter rogatory to the State Department requesting a deposition by former Secretary of State Henry Kissinger to aid the judge's investigation of Operation Condor. In addition, French judge Roger Le Loire requested Kissinger's cooperation with judicial inquiries into the "disappearance" in Argentina of French nationals. Although de-classified documents showed that Kissinger was informed about Operation Condor, he did not contribute any information to the French or Argentine courts. The *Washington Times* on August 1 quoted an unnamed White House source as saying that the courts' demands were "unjust and ridiculous."

Relevant Human Rights Watch Reports:

Reluctant Partner: The Argentine Government's Failure to Back Trials of Human Rights Violators, 12/01

BRAZIL

HUMAN RIGHTS DEVELOPMENTS

Extrajudicial killings, ill-treatment, and torture continued to be Brazil's most serious human rights problems, with police and prison officials being the primary perpetrators of these abuses. In addition, land reform activists and indigenous people involved in land disputes were harassed, assaulted and killed in circumstances that suggested the acquiescence of public authorities. From police stations to prisons, and from urban centers to the vast territories of Brazil's interior, those responsible for abuses enjoyed widespread impunity. Efforts by the government to address these problems consistently fell short of achieving significant change.

In a landmark ruling, Col. Ubiratan Guimarães—the first military police officer of the rank of colonel or above to be criminally prosecuted in a civilian court—was found responsible for a massacre that left 111 inmates dead after a 1992 prison riot. On June 30, Colonel Guimarães received a 632-year sentence for his role in leading a military police squad that quelled a riot at Carandirú, Brazil's largest prison complex. Police under his command had opened fire on prisoners, many of whom were in their cells, using machine guns and semi-automatic weapons. Subsequent investigations confirmed that the vast majority of the victims died as a result of gunshot wounds, principally to the head and thorax regions. No police were killed in the operation.

While the verdict represented a welcome departure from Brazil's long-standing tradition of impunity, the final outcome of the prosecution remained uncertain. Guimarães was immediately freed after sentencing pending his appeal, which was

likely to take at least another year, and he was allowed to continue in his post as director of a private security firm. Another eighty-five military police implicated in the killings were also to be tried, although no trial date had been set as of this writing.

The case shone a spotlight on the brutality of the country's prisons, still a pressing concern. Just months before the trial, in February, another inmate riot at Carandirú had turned bloody, leaving fifteen prisoners dead. Most were killed by riot police, some in circumstances suggesting extrajudicial executions. The uprising quickly spread to several other states, paralyzing the overburdened prison system and grabbing headlines worldwide. Conditions remained subhuman in most of the country's prisons, jails, and police lockups, and riots and escape attempts were frequent.

After the February rioting at Carandirú, officials from the Justice Ministry promised to close the prison, although the closure date was later pushed back repeatedly. Announced plans to build eleven new detention facilities around the state of São Paulo would, according to state prison officials, create space for 8,256 prisoners, including some 7,200 to be transferred from Carandirú. Yet with the total number of inmates growing by approximately nine hundred each year, the problem of insufficient space appeared unlikely to be resolved.

On March 11, police allegedly fired rubber bullets on juvenile detainees after a riot in Unit 30 of the São Paulo state juvenile detention facilities (Fundação Estadual para o Bem-Estar do Menor, FEBEM), in Franco da Rocha. The uprising left one prison guard dead, and thirty-three young inmates wounded. According to reports, after the juveniles had been subdued, police poured powdered soap and pepper on their open wounds. Angered by the death of their colleague, guards beat a priest called in by the state to negotiate with the inmates.

Torture remained a "systematic and widespread" practice in detention facilities, according to a report issued at the end of March by Sir Nigel Rodley, the U.N. special rapporteur on torture. The U.N. report, which corroborated years of research by Brazilian and international human rights organizations, found that state agents routinely commit acts of torture during all phases of detention, including police investigations, short- and long-term imprisonment, and in centers for juvenile offenders. In addition to describing the overcrowded and unhealthy conditions discovered during the special rapporteur's visit to five Brazilian states and the national capital, the report included an appendix detailing 348 cases of torture in eighteen Brazilian states.

Police abuse outside of the detention context also remained a serious concern. Deaths resulting from the excessive use of force by police, or in circumstances suggesting extrajudicial executions, continued throughout the country. Despite the widespread nature of the abuses, only five of Brazil's twenty-seven states had an office of police ombudsman (ouvidoria) to receive complaints of police brutality and monitor police actions. Low wages, poor training, and inadequate equipment all contributed to the widespread corruption and violence of the police forces. In July, a massive police strike to protest these problems in Bahia state resulted in a rash of looting and killings, which were only halted when the army was called in to restore control.

According to the São Paulo police ombudsman, military police in that state killed 272 people in the first half of 2001, an average of three killings every two days. While shocking, these numbers actually represented a decrease from comparable figures from 2000. Most victims of police killings had no prior criminal record. Notably, black and dark-skinned people were disproportionately subject to fatal police shootings.

A particularly egregious case of police violence in Mato Grosso state involved a minor, fifteen-year-old Nilson Pedro da Silva. According to reports, da Silva was killed in the pre-dawn hours of March 30, shot in the head and stomach by military police. Da Silva was apparently unarmed and did not resist arrest. Another young man, Ronilson Oliveira Ferreira, age nineteen, was shot in the leg, but managed to escape. A camera crew from a local television station, TV Cidade, caught the incident on film. The two soldiers involved in the incident, identified in news reports as Macedo César Filho and Denis Coutinho, were dismissed from their posts but not incarcerated. Rights groups urged Mato Grosso state authorities to prosecute the officers and to offer Oliveira the security of the state's witness protection program.

A hauntingly similar case from 1999 went unpunished. On August 27, 1999, Daniel Silva Cartarino, age fifteen, Vando Almeida Araújo, age twenty, and a sixteen-year-old now known as AAS were arrested by military police in the city of São Bernardo do Campo, made to strip naked, and shot, execution style. AAS was able to escape by pretending to be dead. He later identified the police officers and was granted entry into the São Paulo state witness protection program. In July, police officers Ivair Roberto de Souza, Isaías Mendonça Silva, Wagner Augusto Pinheiro, and Emerson Roberto de Sisto were acquitted of the killings. Officials from the Public Ministry in São Bernardo do Campo said that they would appeal the case to the Supreme Court.

Justice in a case involving 149 military police accused of killing nineteen landless peasants and wounding sixty-six others also remained elusive. The incident occurred in April 1996, in Eldorado dos Carajás, during a protest roadblock organized by members of the Landless Movement (Movimento dos Sem Terra, MST). Charges against the three commanding officers were dropped by a jury in August 1999, a decision that was later reversed by the Pará state Justice Tribunal. A retrial was originally set for May 2001, but was suspended after judge Eva Coelho de Amaral barred the entry into evidence of a report thought to discredit police claims that protesters fired the first shots. Under pressure from civil society and the human rights community, the judge later ruled that the report was admissible in the proceedings, but ordered a counter-investigation that was expected to delay the trial even further.

Although the case of Eldorado dos Carajás was the most high profile example of rural violence, killings and threats against rural workers were frequent throughout the year. According to the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), 1,532 people were assassinated in rural areas from 1988 to September 2001, among them workers, religious agents, lawyers, and labor leaders. In most of these cases, those responsible were never brought to justice. In the state of Pará, where many of the violations were concentrated, the CPT counted six people killed in the four-month period from April to August, hundreds more imprisoned, and more

than 1,500 families displaced in military police operations. The majority of displaced families had been occupying areas of land for more than two years and had registered to take legal title to the land.

In one of the many serious attacks against rural activists and landless peasants in southern Pará state, José Pinheiro de Lima, his wife, and their fifteen-year-old son were killed by gunmen in their home in Morada Nova, Marabá, on July 9. The murders came just five days after another peasant worker, Manoel Messias Colono de Souza, was shot dead on a nearby farm. Following the killings, federal police sent a team to Marabá to help with the investigation, four months after they had themselves alerted state authorities about death threats against Lima, a leader in the movement to expropriate land on the Fazenda São Raimundo. Later that month, the former owner of the Fazenda São Raimundo, who had lost title to his land due to Lima's efforts, was arrested for ordering the killing.

On August 25, Ademir Alfeu Federicci was murdered in his home in Altamira, in western Pará state. Federicci, a coordinator for the Movement for the Development of the Transamazon and the Xingu Area (Movimento pelo Desenvolvimento da Transamazônica e do Xingu), worked to promote sustainable development in the region. Although police called his killing the result of an armed robbery, Federicci's leadership in the fight against dam construction, illegal logging, and corruption, made a political motive appear more likely.

Indigenous people were also a frequent target in land disputes, and they continued to be moved off their land, threatened, and killed. According to a report released by Guarani leaders, in November 2000 members of the Guarani community were fired on by police allegedly hired by a cattle rancher who had taken over their land. Among those injured was a baby, who was hit in the head by a rubber bullet. In February, the then-president of the Human Rights Committee of the Chamber of Representatives, Marcos Rolim, reported several cases of alleged sexual abuse by army soldiers against Yanomami women in the Surucucus region of the Amazon.

On August 23, indigenous leader Francisco de Assis Santana was murdered in Pesqueira, Pernambuco, apparently in connection with his struggles for Xucuru land rights in the territory, demarcated as an official reserve in April 2001. De Assis Santana, known as "Chico Quelé," was killed in an ambush as he made his way to a meeting with an authority from the country's indigenous rights organization (Fundação Nacional do Índio, FUNAI).

Attacks against and harassment of lesbians and gays were also of concern. The Gay Association of Bahia, a gay rights advocacy group, reported frequent murders of gay men, claiming that less than 10 percent of such crimes were successfully prosecuted in the courts. But in February, in an encouraging development, José Nilson Pereira da Silva and Juliano Filipini Sabino were sentenced to twenty-one years in prison for beating a gay man to death. José Edson Neris da Silva and his partner Dario Pereira were attacked in downtown São Paulo in February 2000, apparently because they were holding hands. Neris da Silva died as a result of the attack. A third suspect was acquitted of the murder but convicted of assault, while a fourth was sentenced to three years and four months in prison for attempted murder.

Freedom of expression was undermined by violence against journalists, censor-

ship, exorbitantly high lawsuits against the press, and proposed gag laws. On August 16, the day before he was to testify in a defamation trial brought by two municipal officials whom he had accused of misappropriating funds, journalist Mário Coelho de Almeida Filho was murdered. According to reports, Coelho, who lived in Magé, in the state of Rio de Janeiro, had been threatened because of his writing, and a company linked to one of the municipal officials had recently tried to buy his silence. In September, a retired military police officer was arrested for the crime; the officer had previously served as a bodyguard for the daughter of one of the two municipal officials.

On July 21, Judge Ana Paula Braga Alencastro ordered the confiscation of the next day's issue of the newspaper *Tribuna Popular*, published in São Lourenço do Sul, in the state of Rio Grande do Sul. The confiscation was carried out at the request of a local prefect whose administrative improprieties were described in an article to be published that day. The Inter American Press Association condemned the action as an act of "prior censorship."

Efforts to extend the "Pinochet precedent" to Brazil were initiated, part of an international movement to bring former dictators to justice. In December 2000, a Paraguayan judge issued a detention order against former Paraguayan ruler Gen. Alfredo Stroessner, whose thirty-five-year reign was characterized by human rights abuses such as political killings and "disappearances." As of this writing, however, Stroessner continued to enjoy immunity in Brasília, where he was granted political asylum and has lived since 1989.

Brazil's aggressive efforts to combat the HIV/AIDS pandemic were one positive element in its overall human rights picture, with the country's national HIV/AIDS program being rightly hailed as a model. Although the country had the highest number of AIDS-affected persons in Latin America, mortality from AIDS declined sharply over the past few years as the government ensured that persons with HIV had access to a treatment regimen based on generic drugs.

DEFENDING HUMAN RIGHTS

The president of the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) in Paraná, Dinísio Vandressi, reportedly received several death threats over the course of the year. On May 24, members of congress asked the Justice Ministry to intervene to ensure the protection of Vandressi and his family.

Father Júlio Lancellotti of the Catholic Church's Youth Pastoral was assaulted by FEBEM guards during the March 11 rioting at the Franco da Rocha youth detention facility. Although Lancellotti had been invited by the state to negotiate with inmates, his arrival was greeted not by officials, but by a group of prison guards who were angry over a colleague's death in the uprising. The priest was hit in the face by guards, and the cross he was wearing around his neck was ripped off.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

As described above, the report of the U.N. special rapporteur on torture was comprehensive, forceful, and accurate. Following a recommendation contained in the U.N. report, and under pressure from human rights organizations, the government invited the U.N. special rapporteur on extrajudicial executions, Dr. Asma Jahangir, to visit Brazil. She was expected to begin research in the country in early 2002.

In May, the Committee against Torture reviewed Brazil's record of implementing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The committee noted the "remarkably frank and self-critical character" of the Brazilian government's report on implementation. Among other things, the committee expressed concern over the frequency of torture and inhuman treatment, and the impunity enjoyed by the perpetrators of such acts.

Organization of American States (OAS)

In 2001, the Brazilian government began directly negotiating with parties involved in litigation before the Inter-American Court of Human Rights. The initiative was welcomed as a sign of increased government cooperation and as a means to obtain faster results in remedying human rights violations. According to the Brazil office of the nongovernmental Center for Justice and International Law (CEJIL), Brazil conducted direct negotiations in six cases pending before the Inter-American Court.

In April, the Inter-American Commission on Human Rights decided the case of Maria da Penha. It was the first case involving Brazil that the Inter-American Commission had accepted based on violations of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Da Penha had been repeatedly beaten by her husband, Marco Antônio Heredia Viveiros. The beatings culminated, in 1983, in an attempted homicide that left her paraplegic. In its ground-breaking decision, the commission found numerous rights violations and recommended that Brazil adopt measures to remedy the problem of state tolerance of domestic violence against women.

United States

The United States, Brazil's main trade partner, remained the major source of direct foreign investment, including investment by a number of major U.S. companies. Brazil was not, however, a major recipient of direct U.S. foreign assistance. The State Department's chapter on Brazil in its *Country Reports on Human Rights Practices for 2000* fairly portrayed the country's human rights situation.

Under pressure from pharmaceutical companies, the United States had initiated a trade dispute with Brazil, complaining that the Brazilian authorities violated patent protections in manufacturing and distributing generic anti-AIDS drugs. In

late June, however, the U.S. government dropped its objections to Brazil's successful anti-AIDS effort.

European Union

Bilateral trade between Brazil and the members of the European Union (E.U.) remained substantial, with Brazil being the E.U.'s principal market in Latin America. The E.U. committed 150 million euros to cooperation projects in Brazil in 2000.

CHILE

The landmark indictment of former dictator Gen. Augusto Pinochet and its confirmation by the Santiago Appeals Court were the year's signal human rights achievements. Yet the suspension of criminal proceedings against Pinochet in July, ostensibly for medical reasons, undermined hopes that all Chileans were genuinely equal before the law.

Encouraging, but partial, progress was also made in the area of freedom of expression. Congress repealed several objectionable provisions of the State Security Law, and took steps toward ending film censorship.

HUMAN RIGHTS DEVELOPMENTS

On December 1, 2001, Judge Juan Guzmán indicted Pinochet on eighteen counts of aggravated kidnapping and fifty-seven counts of homicide. The former dictator was accused of ordering killings committed by the "Caravan of Death," a helicopter-borne military squad that toured the country in October 1973, removing political prisoners from their cells and secretly executing them. Pinochet's lawyers appealed the indictment, arguing that Judge Guzmán had failed to take a deposition from Pinochet before charging him, as the law required. On December 20, the Supreme Court upheld the appeal, annulled the indictment, and ordered Judge Guzmán to question Pinochet within twenty days. The court did not make it a requirement, as Pinochet's lawyers had urged, that Pinochet undergo medical tests *before* the deposition. Six days later, however, the Supreme Court issued a "clarification" of its earlier ruling that said that the medical tests had to be conducted beforehand, giving Pinochet's defense another opportunity to fend off criminal charges.

Between January 10 and 13, a team of six psychiatrists and neurologists, with one expert observer from either side, examined and tested Pinochet at the military hospital. They found him to be suffering from "light to moderate" sub cortical dementia caused by a series of mild strokes (in their final report, they termed the dementia "moderate"). Reviewing the team's report, Judge Guzmán concluded that