

THE STRUGGLE FOR LAND IN BRAZIL

Rural Violence Continues

An Americas Watch Report

Human Rights Watch

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ABBREVIATIONS

CIMI	Conselho Indigenista Missionario (Council for the Indigenous Missions)
CNBB	Conferência Nacional dos Bispos do Brasil (National Conference of Brazilian Bishops)
CPT	Comissão Pastoral da Terra (Pastoral Land Commission)
CPI	Comissão Parlamentar de Inquérito da Violência no Campo (Congressional Inquiry Committee on Rural Violence)
CUT	Central Única dos Trabalhadores (Sole Workers' Central)
DOPS	Divisão de Ordem Política e Social (Division of Order and Social Policy)
DRT	Delegacia Regional do Trabalho (Regional Labor Delegation)
IBAMA	Instituto Brasileiro do Meio Ambiente (Brazilian Environmental Institute)
IFPAAW	International Federation of Plantation, Agricultural and Allied Workers
ILO	International Labor Organization
INCRA	Instituto Nacional de Colonização e Reforma Agrária (National Institute of Colonization and Agrarian Reform)
INSS	Instituto Nacional de Segurança Social (National Institute of Social Security)
ITCF	Instituto de Terras, Cartografia e Florestas (Institute of Lands, Cartography and Forests)
MST	Movimento dos Trabalhadores Rurais Sem Terra (Movement of Landless Rural Workers)
PDC	Partido Democrático Cristão (Christian Democratic Party)
PDS	Partido Democrático Social (Social Democracy Party)
PMDB	Partido do Movimento Democrático Brasileiro (Party of the Brazilian Democratic Movement)
PST	Partido Socialista do Trabalho (Social Labor Party)
PT	Partido dos Trabalhadores (Workers Party)
SPM	Serviço Pastoral do Migrante (Pastoral Service for Migrants)
UDR	União Democrática Ruralista (Democratic Rural Union)

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1. INTRODUCTION AND SUMMARY OF FINDINGS

The Struggle for Land in Brazil: Rural Violence Continues is an update of a previous Americas Watch report on the same subject published in February 1991.¹ Both reports focus on the chronic problem of impunity in Brazil in the context of the struggle over land use and agrarian reform. This report highlights four states in as many regions: Pará in the north, Maranhão in the northeast, Mato Grosso do Sul in the midwest, and Paraná in the south. It concludes that impunity—or government failure to enforce criminal laws, permitting and encouraging further criminal behavior in the context of the struggle for land—exists in these regions and throughout Brazil.

Of the 1,681 murders of rural workers and others linked to the land struggle tabulated by the Pastoral Land Commission (*Comissão Pastoral da Terra*, CPT) from January 1, 1964 through January 31, 1992, there have been trials in only twenty-six cases, of which a mere fifteen resulted in convictions of some of the defendants.² There were acquittals in eleven cases. These numbers illustrate the total failure of the Brazilian justice system to cope with and deter rural violence directed at rural workers, landless peasants, activists, and those linked in the struggle for land.

Although not dealt with extensively in this report, rural violence has also claimed a heavy toll in the number of deaths of indigenous people in Brazil. In 1991, according to the indigenous rights monitoring organization CIMI, twenty-seven indigenous people were assassinated.³ During the same year CIMI also registered nine homicide

¹ See Americas Watch, *Rural Violence in Brazil* (New York: Human Rights Watch, 1991).

² The CPT, an organization linked to the National Conference of Brazilian Bishops (*Conferência Nacional dos Bispos do Brasil*, CNBB), was formed by the Catholic church in 1975 to monitor human rights abuses in Brazil's countryside and to serve and assist landless peasants and rural workers. The CPT's headquarters are in Goiânia, the capital of the state of Goiás. This report refers to the CPT Nacional and its regional offices in separate references.

³ CIMI, "A Violência Contra Os Índios em 1991" (Brasília, Distrito Federal [DF]: March 31, 1992). CIMI, or the *Conselho Indigenista Missionario* (Council for the Indigenous Missions), was created by the Catholic Bishops Conference (CNBB) in 1972 to assist Brazil's Indian population and monitor indigenous rights.

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attempts, fourteen death threats, fourteen illegal imprisonments, and twenty-one suicides. Disease, though, was by far the largest killer, and CIMI registered 206 deaths due to the outbreak of epidemics. Malaria alone was responsible for 121 deaths. Of the assassinations, twenty-one were directly related to the invasion of indigenous lands, mainly by *fazendeiros* (large landowners), and four were caused by *garimpeiros* (gold prospectors). Between 1983 and 1991, CIMI estimates that 166 indigenous people were assassinated.⁴ Impunity with regard to these assassinations has also been a major problem. Of the twenty-seven assassinations that took place in 1991, CIMI knew of only eleven cases in which there was any sort of official action, and only two killings resulted in the arrest of those responsible.

HUMAN RIGHTS AND THE ENVIRONMENT IN BRAZIL

The June 1992 United Nations Conference on the Environment and Development in Rio de Janeiro may serve to emphasize the relation between the degradation of the environment and the parallel degradation of human rights. The marginalized subsistence farmers confront the same enemy that faces the environmentalists: the large landowners who want no government interference in their use of land, and who certainly do not want to have portions of their enormous domains confiscated for agrarian reform.

Land still remains the basis not only of wealth but also of political power, and Brazil has one of the highest degrees of concentration of land ownership in the world. In 1989 *latifúndios* (large estates) of over 500 hectares each occupied half the land, although they constituted less than 2 percent of the farms.⁵ At the opposite end of the scale, three million *minifúndios* averaging 3.25 hectares each comprised the majority of Brazil's five million farms, yet occupied less than 3 percent of the country's farmland.⁶ Brazil's distribution of income is also

⁴ CIMI, *1983 a 1991-Uma Cronologia da Violência Contra os Índios*, (Brasília, DF: October 12, 1991). Statistics in this report, which included a partial list of eleven assassinations of indigenous people in 1991, were updated to include the final number of twenty-seven assassinations for the year.

⁵ One hectare is equal to 2.47 acres.

⁶ Secretária de Planejamento e Coordenação da Presidência da República and Fundação Instituto Brasileiro de Geografia e Estatística (IBGE), *Anuário Estatístico de Brasil, 1989* (Rio de Janeiro: IBGE, 1989), p. 293.

extremely inequitable. In 1989 the wealthiest 20 percent of Brazil's households accounted for 62.6 percent of the nation's total household income while the bottom 20 percent accounted for 2.4 percent.⁷

That pattern of concentration of landownership in a small number of rich hands, a legacy of colonialism, has never been broken. Modernization of agriculture through the 1970s—where it has occurred mostly in the south—has meant use of new techniques, fertilizers, and machinery to produce crops for export by agribusinesses expanding into settled areas, pushing small farmers into the cities and the Amazon. This same pattern persists as well on the Amazon frontier (despite the fact that land there is more plentiful), and remains the result of incentives and tax breaks for large owners that were distributed during the two decades of military dictatorship that lasted until 1985. These mostly absentee owners speculate in land, log the timber for export, or destroy the trees—often by burning—to clear pasture for cattle. Because of their financial ability to hire large teams to follow bulldozers through the rain forests, clearing everything in their wide paths, they can cause much more rapid environmental damage than a legion of small farmers. And because the large landowners can get away with breaking practically every protective labor law, the cost of hiring these teams is incredibly low.

It is fair to state that the Brazilian economy has been vastly mismanaged. Rich in natural resources and with a large industrial base, the country has the largest debt in the developing world and an economy that is entering its second decade of acute crisis.⁸ Tragically, Brazil is not able to provide an adequate standard of living for its 148 million people, two-thirds of whom were malnourished in 1985, their misery caused and compounded by lack of access to the land.⁹

The rural population, which in 1990 comprised 25 percent of the total population, has fewer and fewer ways to earn a subsistence living from the land.¹⁰ The landless can remain marginalized as day laborers,

⁷ The World Bank, *World Development Report 1991* (Washington, D.C.: World Bank, 1991), p. 263.

⁸ Brazil's total external debt for 1989 was just over \$111 billion, or 24 percent of its GNP. The average annual inflation from 1980-1989 was 228 percent. World Bank, *World Development Report 1991*, pp. 245, 251 & 229.

⁹ Susan George, *A Fate Worse Than Debt* (New York: Grove Weidenfeld, 1990), pp. 137-138.

¹⁰ United Nations Development Program (UNDP), *Human Development Report 1991*,

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migrate to the frontier or the cities, or stay and struggle for land.¹¹ Those who do not migrate but stay and fight are often met with violence, the traditional mode of operation of large landowners.

The option of migrating to the frontier may result in only temporary placement. Often laborers are hired for the purpose of cutting the forest for a large landowner who wishes to show his land was "productive" and thus not subject to expropriation under prior agrarian reform laws. Laborers may also migrate to prospect for gold or find a small plot of unused land to which a claim could be staked. All of these alternatives have environmental consequences—deforestation, mercury poisoning of rivers, etc.—for which these mostly illiterate men cannot be held responsible; their greater responsibility lies with the immediate need to put food on their family's table. And, it almost goes without saying, they have not had any training in environmental conservation techniques.

Finally, while contaminating rivers with mercury in the search for gold may wreck the environment and poison the Amazon's inhabitants, the struggle for land reform has been even more deadly. In the rural struggle the poor must confront not only large landowners, ranchers, their gunmen, and the social elite, but also the hostility of the courts and the police who act much more quickly in defense of property rights than to protect the landless union member from the hired assassin's bullet. Violence, official indifference, and the lack of access to land drive segments of the rural poor to prospect for gold, which in turn leads to the poisoning of the environment and of the region's inhabitants. This situation is only one sad example of the destructive cycle that links environmental degradation and human right abuses.

IMPUNITY: DENIAL OF HUMAN RIGHTS

(New York: Oxford University Press, 1991) p. 136.

¹¹ Migration to the cities is an alternative for many and as a result Brazil has twelve cities with more than one million in population; industrial São Paulo with 11 million people is the largest city on the South American continent. In recent years, urban growth was fastest on the Amazon frontier, with two Amazonian cities, Belém and Manaus, reaching populations of over 1 million. But the urban economy is unable to provide the vast numbers of jobs needed, resulting in a very high crime rate and social disintegration.

In last year's report, *Rural Violence in Brazil*, Americas Watch identified three problem areas in the administration of justice in the rural regions. The first, concerning the assassinations of rural union activists and their allies, was the resulting unsatisfactory investigation and prosecution by the civil police and judicial branch of government, and their failure to seriously examine repeated death threats directed at the eventual victims. The second, involving evictions of settlers or squatters in land disputes, was the lack of due process in the issuance of judicial eviction orders and use of excessive military police force to execute the orders. And the third problem area, regarding forced labor used to clear the wilderness on *fazendas* (large ranches or estates), was the failure to enforce criminal and labor laws that prohibit landowners and labor contractors from using brutal coercion to enforce debt slavery.

Forced labor, an abusive and illegal system where migrant workers are lured by promises of high wages, hauled hundreds and often thousands of kilometers from their homes, and beaten into a situation of debt slavery, remains as critical a problem as it was when Americas Watch issued its first report last year. Debt slavery is a form of permanent bondage resulting when workers are charged inflated prices for their food and lodging, and paid wages so low that they can never work off the debt to their employer. The victims of this practice are usually illiterate and impoverished men, far from home, who are not unionized and so without resources that even if freed from a situation of debt slavery, must move on to the next low-paying job immediately. Thus, they cannot return to offer testimony even in those cases where the state criminal justice system has the will to prosecute those responsible for debt slavery. The federal criminal justice system, although it has jurisdiction over many of the crimes associated with the prevalent practice of forced labor, had not produced even one trial in these cases, much less a conviction, at the time of the November 1991 visit by Americas Watch; this is true even though the practice of forced labor is a vestige of slavery, which was abolished in 1898, and is prohibited by the Brazilian penal code (see Chapter 4).

While debt slavery is widespread in Brazil, Americas Watch focuses on those cases in which force has been used to compel workers to work off their indebtedness. The cases of forced or slave labor that are reported constitute just the tip of the iceberg, but they occur mainly in the frontier Amazon regions where large landowners continue to use forced labor to clear the forest. Enforcing the criminal and labor laws would provide an additional weapon for curtailng this destruction, but President Fernando Collor de Mello's administration does not seem interested in using it.

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As for assassinations, the situation remains extremely negative. Killers of rural activists continue to get away with murder because the police and the judicial system, with few exceptions, have fallen down on the job. As previously noted in this report, the CPT registered 1,681 killings of rural workers in connection with land questions in Brazil from January 1, 1964 to January 31, 1992. Only twenty-six cases with fifty victims have been tried, however, and of these, only fifteen cases resulted in convictions. In these fifteen cases the thirty-seven victims included eighteen Indians, fourteen rural workers, three attorneys, and two priests. The other eleven cases all ended in acquittal, but in three of these acquittals the jury verdicts were annulled on appeal.¹²

Thus in a twenty-seven-year period, only 2.8 percent of the murders have been tried. Of the sixty-eight defendants in these cases only twenty-eight were convicted.¹³ Five of the twelve fazendeiros tried were convicted, and more than half (nineteen among twenty-nine) of the *pistoleiros* (hired gunmen) were convicted. Of the four accused *posseiros* (squatters) who were tried for the murder of Xacriabá Indians, all were convicted.¹⁴ Of the twenty-seven military policemen accused of killing a rural worker, twenty-three were tried and all were acquitted.¹⁵

The most famous of all the cases that have been tried is that of Chico Mendes, the environmental and union leader assassinated on December 22, 1988 in the small Amazon state of Acre. Due to intense international interest in the case, it was investigated and tried within two years, and resulted in a December 1990 conviction by jury in

¹² CPT, *Relação dos Julgamentos* (Goiânia, Goiás: CPT Nacional, documentation center, January 31, 1992).

¹³ The January 31, 1992 CPT report compiling trials for rural killings lists twenty-nine convictions. This figure, however, could not reflect the February 28, 1992 annulment of the conviction of Darly Alves da Silva, a fazendeiro originally convicted of ordering the assassination of Chico Mendes (see below).

¹⁴ Posseiros have *posse* or possession and use of the land, a right that is distinct from title. Posse may be acquired by squatting unchallenged for a year and a day, and those who have it may not—in theory—be evicted without due process. The 1988 Xacriabá Indian case was tried in federal court and the five defendants, a fazendeiro and four posseiros, were convicted of genocide. Sentences were 27 years (for the fazendeiro), and 20 years, 20½ years, 12 years, and 2½ years (for the four posseiros).

¹⁵ CPT, *Relação dos Julgamentos*.

Xapurí, Acre, of the confessed triggerman, Darci Alves Pereira, and his rancher father, Darly Alves da Silva, a frequent adversary of Mendes and his union. They were each sentenced to nineteen years in prison.

On February 28, 1992, the appellate court in Rio Branco, Acre, by a vote of two to one, reversed the conviction of the father for planning the murder, and ordered a new trial. The two judges (*desembargadores*) who voted to overturn the conviction, Eliser Matos Scherrer and Francisco das Chagas Praça, stated that there was not enough proof to convict Darly Alves da Silva. Scherrer, in particular, stated that the testimony of Genésio Barbosa da Silva, one of the prosecution's three main witnesses, was "heavily biased."¹⁶ The conviction of Darci Alves Pereira, the son and triggerman, was not overturned because he confessed to the crime.

The lawyers for the Mendes family have appealed the decision to the Supreme Court, in order to avoid a new trial. Until then, Alves, who also faces charges of murdering three people in the state of Paraná in 1978, should remain in prison. However, many rural activists feel that a message has already been sent. Benedita Esteves, a spokesperson for the Xapurí rubber tappers union, stated that "with this decision ranchers across the Amazon won't feel so worried about picking up their shotguns and killing anyone who stands in their way."¹⁷

Even prior to the repeal of the conviction of Darci Alves Pereira in the Chico Mendes case, violence against the rubber tappers persisted. On September 17, 1991, Gumerindo Rodrigues, one of Mendes's closest collaborators in the National Rubber Tapper's Council (*Conselho Nacional dos Seringueiros*), barely survived an assassination attempt. He received two gunshot wounds and was seriously injured. Two other leaders of the rubber tappers union, Pedro Ramos and Antônio Luis Macedo, were also attacked in 1991.

In 1990 there were four other trials aside from that of Mendes, two being separate convictions of two defendants in the killing of Sebastião Lan, the president of the Rural Workers Union in Cabo Frio in the state of Rio de Janeiro. The other two trials also resulted in convictions.¹⁸

In 1991, however, of six trials involving the assassination of rural activists or their allies, two resulted in acquittals. A fazendeiro and a

¹⁶ Todd Lewan, "Brazil Court Orders New Trial for Rancher Convicted of Killing Chico Mendes," *Associated Press*, February 28, 1991.

¹⁷ *Ibid.*

¹⁸ CPT, *Relação dos Julgamentos*.

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gunman accused of killing two Guajajara Indians were finally tried, eleven years after the 1980 crime, and acquitted in Barra do Corda, Maranhão, a town with a reputation for strong anti-Indian sentiment. The second acquittal came in a case of military justice, where a military tribunal in the state of Pará tried and acquitted twenty-three of twenty-seven soldiers involved in the execution of a rural labor leader in Pará in 1985. Of the four who were not tried, one died before the verdict was rendered, two are fugitives from justice, and the last is mentally ill.

Among the four convictions in 1991 was that of a fazendeiro and gunman convicted for the killing of a posseiro in Piauí in 1989, and the conviction of the person who hired the gunmen responsible for killing Sebastião Lan.

In January 1992 four pistoleiros were convicted of the killing of a husband, his pregnant wife, and 12-year-old son in Bahia in 1984.¹⁹ Also in 1992, in a particularly high-profile case in the state of Paraíba, the man responsible for the death of Severina Rodrigues de França, a mother of eleven children known as "Dona Bila," was found guilty of murder and sentenced to twenty-seven-and-a-half years in prison.

Dona Bila's death, as often is the case, was related to an earlier assassination, the killing of José Francisco Avelino, also known as "Zé da Lela," a community leader of a group of rural workers; he was assassinated in front of his house in Gurugi II, Paraíba, on December 29, 1988. Despite the fact that the pistoleiro responsible for the murder, called "Zequinha," was well known in the area and had an outstanding arrest warrant (*prisão preventiva*), local authorities took no action. The gunman remained free for three months, provoking the ire (and fear) of the local population.

Dona Bila was part of a group of eighty unionists and rural workers who gathered at the courthouse in nearby Alhandra to ask the judge to enforce his arrest order. As the group of workers awaited their meeting with the judge, and rested in the shade of a gas station directly across from the courthouse, the uncle of the assassin, Severino de Sena Mariano, known as "Biu Mariano," exited the courthouse. Biu Mariano started up his truck and drove directly into the crowd of protestors, running over several of them and then reversing his truck to hit them again. Biu Mariano then got out of his truck and shot at the wounded workers who lay bleeding on the ground, emptying his pistol, reloading it, and firing again. He then got back into his truck,

¹⁹ Ibid.

ran over several other people, and drove off. During this entire incident, the judge of Alhandra, Dr. Antônio Leobaldo, witnessed the carnage but took no action to arrest Biu Mariano. Altogether, twenty-eight people were wounded, eight of them seriously (and two of them children). Under the circumstances, it is amazing that the only person who died was Dona Bila, who was run over twice.

This case was considered especially important not only because of the brutality displayed by the killer, but because, according to the CPT's local coordinator, during the past thirty years almost twenty rural workers and unionists have been killed in Paraíba. Out of these assassinations, only four cases have gone to trial, and only the killing of Dona Bila has resulted in the conviction of the murderer.²⁰

The total number of killings tabulated by the CPT in connection with the struggle for land was less in 1991 than in 1990: fifty-one compared to seventy-five.²¹ Because of the variations in that number from year to year, however, this does not mark a consistently downward trend. Some of the decrease in numbers of killings is probably due to increased attention paid to the problem in the press in Brazil and abroad, particularly with the December 1988 killing of Chico Mendes. The numbers of prosecutions each year are so low that they appear to have little bearing on the total numbers of killings.

Year	Killings	Prosecution	6	Conviction
1985	125	s		s
1986	105	0		0
1987	109	0		0
1988	93	3		0
1989	56	6		4
1990	75	3		1
1991	54	5		5

²⁰ CPT, "Condenado Autor da Chacina na Paraíba" (João Pessoa, Paraíba: CPT Paraíba, February 28, 1992).

²¹ CPT, *Relação dos Assassinatos no Campo* (Goiânia, Goiás: CPT Nacional, 1991).

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4	Conflicts
	636
	634
	582
	621
	500
	401
	383

The level of injuries, death threats, and evictions where force is used fluctuates as well. In 1991 there were eighty-eight people wounded in conflicts over land, 253 people threatened with death, 2,286 families evicted with judicial orders, and 413 families expelled from their lands illegally.¹ In 1990 by contrast, 130 people were wounded, 190 were threatened with death, 2,544 families were evicted by judicial order, and 1,681 families were evicted illegally.²

Sadly, many of the deaths involving land conflicts were predictable. The practice of threatening to kill rural activists is a common means of intimidating and scaring them away from their activities in Brazil. But the police response to the real possibility of murder remains grossly negligent.

These threats usually begin as rumors; anonymous phone calls or letters are not the practice in Brazil. Rather, in the style described by Gabriel García Márquez in his novel, *Chronicle of a Death Foretold*, rumors circulate through the community until everyone in town is aware that a certain person is marked for death. Often in Brazil, people will take heed of the warning and abandon their political activities and residence.

The threats are carried out often enough to give them credibility. When the intended victims try not to be bullied and insist on their rights, their requests for federal and/or state police protection invariably are ignored. Even when the rare activist succeeds in securing some form of police protection, it usually is a severe impediment to his union activities. And the presence of a police bodyguard does not guarantee his life. Chico Mendes, for instance, was killed despite the presence of four armed guards, who failed to apprehend the assassins.

In order to draw attention to the problem of periodic savage killings that follow chronic threats, the CPT in 1991 published a partial list of 108 rural activists so threatened. Published in their 1990 report, the list includes 203 people who had been threatened; four of those threatened whose names appeared on the list were subsequently killed.³ They included Expedito Ribeiro Souza, the Rural Workers' Union president from Rio Maria, Pará, in hiding because of these

threats at the time of the June 1990 Americas Watch visit to Rio Maria; we visited his wife, mother, and ten children instead. His subsequent death unfortunately coincided with the publication of *Rural Violence in Brazil*, which detailed the threats to him and his search for police protection.²²

Ribeiro's death was quickly followed by the attempted murder of his successor; federal police protection was provided to three surviving Rio Maria union leaders for a few months, then discontinued for three months. It was only revived after enormous pressure from the Attorney General's (*Procurador Geral da Justiça*) office and abroad.

According to the CPT, the three individuals most frequently threatened were: Father Ricardo Rezende, the parish priest of Rio Maria, Pará; Valdir Ganzer, federal deputy from Pará for the PT (*Partido dos Trabalhadores*, Workers Party); and Socorro Gomes, also a federal deputy from Pará for the PC do B (*Partido Comunista do Brasil*, Communist Party of Brazil).²³

The federal Attorney General (*Procurador Geral da República*), who has a quasi-independent constitutional position, is an exception to the dismal picture of impunity in Brazil.²⁴ Aristides Junqueira, the current Attorney General, and his first Assistant Attorney General (*Sub-Procurador*) Alvaro Ribeiro Costa, have received high marks from nongovernmental organizations concerned about rural violence. They have been responsive to the complaints community groups and unions have brought about lack of prosecution of various crimes and lack of federal police protection where crimes have been threatened. Attorney General Junqueira has instructed the assistant attorneys general under his jurisdiction to follow through on these complaints in order to bring an end to impunity in rural violence.

The Attorney General and his staff, however, have not had great

²² Americas Watch, *Rural Violence in Brazil*, p. 84.

²³ "Ameaças de morte atingem 108 pessoas, afirma Pastoral da Terra," *Folha de São Paulo*, São Paulo, February 9, 1991.

²⁴ He or she is named by the President after his or her name is approved by a majority of the federal Senate. The two-year term may be extended but the Attorney General may not be dismissed by the President without the authorization of a majority of the Senate (Constitution, art. 128). The Attorney General is the head of the Public Ministry (*Ministério Público*), which represents the state in penal actions, among other things (Constitution, art. 129).

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success in moving the federal Ministry of Justice and federal police, under the jurisdiction of the Ministry of Justice, forward on the question of rural violence. In 1991, during his second term in office, the Attorney General even went so far as to publicly complain to the federal Congressional Inquiry Committee on Rural Violence (*Comissão Parlamentar de Inquérito da Violência no Campo*, CPI) that the federal police had not acted in a number of cases of rural violence that he had repeatedly brought to their attention, including the case of the Mutran family in Marabá (see Chapter 3).²⁵

The only area showing progress involves curbing police brutality during evictions, although this is restricted to a few states such as Paraná and Maranhão where the governors have decided that in some or all evictions, the military police will not be used to evict settlers, even under court order. This executive decision, however, is usually linked to efforts to negotiate land purchases for and settlements of landless farmers; in Maranhão, it only applies to half of the conflictive lands, while in Paraná the police apparently disregarded the directive shortly after it was issued.

The decision not to involve military police in evictions is a welcome measure. But it has not been taken nationwide, and in the most conflictive state, Pará, the military police continue to be called out to enforce a sharply increasing number of evictions ordered without any vestige of due process.

Excessive use of force by the military police and lack of professional controls on the same continue to be a problem in other rural conflicts, as seen in an October 1991 strike at a sugar and alcohol refining complex in Mato Grosso (see Chapter 7). There the military police teamed up with the plant's private security guards, and shot into a crowd of striking migrant cane cutters, killing one and wounding another. These frequent, coordinated operations only result in the police and the guards blaming one another for causing the fatalities, while investigations move all too slowly.

²⁵ "Junqueira acusa DPF de omissão nos crimes agrários," *Jornal do Brasil*, November 8, 1991. The federal CPI, an official congressional investigation commission headed by Deputy Roberto Rollemberg of São Paulo (PMDB), was formed to investigate the causes and consequences of rural violence throughout Brazil. During the 180 days of its existence, it held more than twenty public meetings and travelled to five states to investigate specific denunciations. However, the CPI was not empowered to draft legislation or conduct criminal investigations, and its activities were boycotted by conservative members of Congress. Various state legislatures also have formed their own CPI's to investigate rural violence.

1. Letter from CPT documentation center, April 27, 1992. See also CPT, *Conflitos No Campo-Brasil 1991*, Terra, *Água E Paz-Viver É um Direito* (Goiânia, Goiás: CPT, April 1992).
2. CPT, *Espinhoso Caminho para a Liberdade: Conflitos no Campo-1990* (Goiânia, Goiás: CPT Nacional, April 1991), tables 3 & 4.
3. CPT, *Espinhoso Caminho para a Liberdade: Conflitos no Campo-1990*, (Goiânia, Goiás: CPT Nacional, April 1991), Table 8.

2. BACKGROUND: THE JUSTICE SYSTEM AND AGRARIAN REFORM

POOR QUALITY INVESTIGATORS AND IMPUNITY

The poor quality of local civil police investigators is a contributing factor to the problem of impunity. Unless the local officials act promptly to investigate a crime—preserving the evidence, immediately interviewing eyewitnesses, and following up on all leads—chances greatly increase that the guilty will never be identified.

The state civil police are responsible for the investigation of crimes. They are not all trained police officers, however, and although there are police academies in most states and the career officers must have law degrees, there are still large numbers of non-career civil police delegates or *calças curtas* (shorts or cut-offs, referring to their informal dress) in charge of the civil police stations in many rural municipalities. Often these are men who have lived in the municipality all their lives.

We were told by many, including career police officers resentful of the *calças curtas*, that it was not an accident that the rural areas happened to have the most sloppy and untrained (and most corrupt, some added) civil police officials. The large landowners or loggers who dominated the economies of those areas would not tolerate an independent, trained, police official. Rather they wanted, and through their political pull, succeeded in having appointed, police who would not challenge their interests.

In the case of especially inept civil police delegates, it appears that the clerk or *escrivão* carries out most of the day-to-day work in these small police stations consisting of from two to six employees. Thus, in an Americas Watch interview in Pinhão, Paraná, the civil police delegate, who jokingly identified himself as a *calça curta*, was honestly not able to locate or remember the principal facts of a double assassination that occurred only a few months before, such as names of the victims, place, time, date, and so forth, where the victims were not the landless but gunmen. The *escrivão* was out of the office (see Chapter 6).

The non-career civil police delegate of Rio Maria, Pará, Pedro Vieira, sat on his hands following a series of political assassinations of union leaders, several of whom he had arrested and been forced to release for lack of evidence before they were killed. After four such killings in three weeks in 1990, Vieira was dismissed by Pará Governor

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Gueiros. He was substituted by Eleovaldo de Jesus Miranda de Souza, whom Americas Watch interviewed on June 23, 1990, in Rio Maria. Miranda pointed to a number of deficiencies in the investigation carried out by Vieira, an untrained policeman.¹

Upon returning to Rio Maria in December 1991, Americas Watch found that Miranda, a long-term police investigator but a non-career official, had been removed for health reasons although we saw him passing the time of day in the streets of Rio Maria. A new delegate, Francisco Edi, had taken his place in October 1991, and he pointed to a number of errors made by Miranda, among them accepting a house and food from the mayor, which undermined the police official's appearance of independence. Edi, just graduated from the police academy, was an attorney who had practiced law for several years in the rough gold prospecting areas of Pará.

Edi's hiring was the result of an effort made by the state of Pará to cope with the problem of the low quality of rural police delegates. In 1991 a crash program of hiring new delegates was initiated, according to Edi. After a competitive exam, attorneys were sent through the three-month training course in the police academy, and ninety-four graduated to supplement the 120 delegates throughout the state. Now there are 230 police delegates. The target, he told Americas Watch, is that by January 1992 all municipalities in the state with "problems" were to be staffed with career police delegates.²

LACK OF FEDERAL OR STATE PROGRAMS TO CURB RURAL VIOLENCE

The public authorities might respond to the problem of rural violence with efforts to identify and impose stiffer penalties on hired assassinations and control possession of firearms. These avenues have not been pursued at all.

The criminological phenomenon of the hired assassin is a serious one; the endless economic and social problems of the country have produced a large underclass of asocial young men on whom to draw. They are often recruited across state lines, as has been the case in

¹ Americas Watch, *Rural Violence in Brazil*, pp. 74-77.

² In an additional gesture of support for police work, ninety new vehicles were recently designated for the civil police. Interview, Rio Maria, Pará, December 2, 1991.

Paraná, where by 1991 the importation of these thugs by fazendeiros resulted in a sharp increase in violence in the struggle for land.

When Americas Watch attempted to discuss efforts the federal government might take to tackle the problem of hired assassins, even such minor efforts as creating a task force to study the problem and make recommendations for legislation, the question was quickly dismissed by federal officials. The chief of staff of the Federal Police (*Chefe de Gabinete da Polícia Federal*), Mauro Spósito, defensively answered that a U.S. assassin killed President Kennedy.³ His superior, who at the time of the Americas Watch visit was Justice Minister Jarbas Passarinho, equated the pistoleiros with the land "invaders" and preferred to only discuss the latter phenomenon.⁴ Perhaps even more disturbing, the newspaper *O Estado de São Paulo* reported that the head of the Federal Police, Romeu Tuma, stated in a deposition to a Congressional committee investigating rural violence that the Federal Police had information indicating that leaders of the Movement of Landless Rural Workers (*Movimento dos Trabalhadores Rurais Sem Terra*, MST) were undergoing training in guerrilla warfare in Cuba in order to coordinate actions in southern Pará.⁵ After provoking a diplomatic incident with Cuba, Tuma apologized, saying that he had meant that seven people associated with the MST had attended courses on farming techniques in Cuba.⁶

Even without new efforts to understand the phenomenon of hired assassins, the government still could make use of the laws that are

³ Interview, Brasília, November 20 & 21, 1991. Prior to becoming the *Chefe de Gabinete* of the Federal Police, Mauro Spósito was the chief of the Federal Police in the state of Acre. In that position he gained a certain notoriety by failing to act quickly on an arrest warrant for Darly Alves da Silva, who was later responsible for ordering the killing of Chico Mendes. See Andrew Revkin, *The Burning Season: The Murder of Chico Mendes and the Fight for the Amazon Rain Forest* (Boston: Houghton Mifflin Company, 1990), p. 265.

⁴ Interview, Brasília, November 20, 1991. As part of a major cabinet shake-up, Minister of Justice Passarinho offered his resignation to President Collor on March 30, 1992. On April 3, Passarinho was replaced by Célio Borja, a career lawyer and a former member of the pro-military ARENA party.

⁵ "Cuban-Trained Guerrillas Reportedly Returning," *O Estado de São Paulo*, June 26, 1991; in *Foreign Broadcast Information Service* (FBIS), July 1, 1991, p. 42.

⁶ "Tuma Denies Accusing Cuba of Guerrilla Training," *O Globo*, June 29, 1991; FBIS, July 2, 1991, p. 24.

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already on the books. But there is no creative or clever use made of criminal laws that might deter the spiraling violence without the burden and expense of the jury trial required in a murder case. For instance, gun control laws, used in other countries to jail persons who might be engaging in crimes more difficult to prove than illegal possession of firearms, are of no interest to law enforcement officials in Brazil.

Americas Watch was surprised to find a real diversity of opinion among the law enforcement officers and prosecutors interviewed—even in the same state—on what is the law regarding gun control. We attribute that to the fact that laws regulating firearms are not enforced at all, even though there is a profusion of guns in Brazil and one police officer estimated that 99 percent of the arms in the country are illegal.⁷

Although some efforts have been made to look into illegal importation of arms, as in the case of those coming into Paraná from neighboring Paraguay (see chapter 6), the official attitude toward gun control is incredibly lax, except when it comes to guns in the hands of small farmers who might be involved in a land conflict.

Gun control legislation is weak. Even if the laws regarding gun control were enforced, penalties for illegal possession of firearms are slight: from fifteen days to six months in jail or a fine, according to the financial capacity of the defendant. If a crime such as homicide is committed with the illegally possessed firearm, then the lesser crime of illegal possession is merged into the greater crime of homicide. Few are arrested or tried solely for illegal possession of firearms.⁸ Americas Watch believes laws regulating possession, if enforced, could help to prevent violence.

Under the law, not only must a gun be legally purchased and registered, the person who carries it outside his or her home must also have a gun license, obtained from the state police and valid nationwide.

The requirement for the individual to secure a gun permit is even more easily evaded than the requirement to legally purchase and register guns. There was significant disagreement among police and judicial authorities and prosecutors interviewed by Americas Watch about whether a fazenda qualifies as a house or workplace for which

⁷ Interview, Arlindo Raposo, Regional Civil Police Delegate, Bacabal, Maranhão, November 27, 1991.

⁸ Ibid.

only the owner is required to have a gun license. On the one hand, the regional police delegate in Bacabal, Maranhão opined that guns may not be carried inside a fazenda on the same basis as inside a private dwelling and that all guns carried on fazendas are illegal unless there is a license for them.⁹ On the other hand, there exists the belief that a fazenda, no matter how many tens of thousands of hectares it covers, is the equivalent of a private dwelling or home and that guns carried inside the fazenda need not be registered. There is additional disagreement on whether, even if the gun is licensed, the person who carries that firearm must have his or her own individual gun permit if operating it inside the fazenda or workplace.

Some police officers and prosecutors believe that a licensed gun can be given by the fazendeiro to an unlicensed employee for use inside the fazenda. Even officials such as the Procurador Geral of Paraná who is actively trying to stop the proliferation of guns in his state, especially guns in the hands of fazendeiros threatening to use them to start a war against the landless, takes the view that the individual bearing arms inside the fazenda does not need an individual permit, which is quite hard to obtain (see Chapter 6).

This means that a fazendeiro may give a gun to a convicted murderer to protect the fazenda, as long as the murderer uses the gun inside the fazenda. The catch is of course the definition of "inside the fazenda," which is precisely what is at issue. Since the fazendeiro is claiming land also claimed by settlers, letting the fazendeiro arm anyone he wants inside what he considers to be his fazenda is a recipe for violence.

UNEVEN ENFORCEMENT OF THE LAW AND BIAS OF LAW ENFORCEMENT OFFICIALS AGAINST RURAL ACTIVISTS

The blurry state of the gun control law results in its uneven enforcement—usually in favor of fazendeiros and against the small farmers. This phenomenon is not limited to gun control, as witnessed near Fazenda Mata Azul, Xinguara, Pará. The police arrested farmers who lived adjacent to an area occupied by squatters and confiscated the farmer's shotguns. The authorities refused to return the shotguns even after the farmers' warrantless arrests were disallowed by a judge. The police even admitted at the time that no permit was required for

⁹ Ibid.

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work implements such as shotguns used for hunting (see Chapter 3).

As far as can be determined by Americas Watch, similar treatment has not been meted out to fazendeiros. When we asked police in Paraná and Pará about the possibility of entering a fazenda to confiscate illegally purchased arms, they protested that they would have to have a warrant to do that.

Most troubling of all, many law enforcement officials tend to prejudge the legitimacy of farmers' claims, instead of focusing on the violence and trying to prevent and punish serious felonies. This demonstrates their bias against rural activists.

Minister of Justice Jarbas Passarinho divided those involved in the struggle for land into four categories: two good and two bad.¹⁰ The public authorities were going to interest themselves in the two good groups, and the two bad groups would be left to fight it out. The two "bad" groups, according to him, were the pistoleiros and the landless activists who occupied other people's lands, ignoring the fact that the pistoleiros' sole job is killing for hire, a much more serious crime than trespassing.

In particular, the Justice Minister dismissed the violence and continued threats to Rio Maria activists and attributed the trouble there to the PC do B. He singled out Father Ricardo Rezende by name as a troublemaker, suggesting that the land occupations in the area had provoked the unionists' problems.¹¹

Given the record of assassinations suffered by the Rio Maria, Pará group of activists in the past few years, this attitude of official indifference and cynicism was nothing short of shocking, but it certainly illustrates the underlying dynamics of impunity. Passarinho has jurisdiction over the federal police. Although giving lip service to justice in international forums, many officials remain unwilling to enforce the law vigorously, even in murder cases, because they believe that those challenging the social and economic order by resorting to tactics such as land occupations have "brought it on themselves." By

¹⁰ Passarinho is a retired Army colonel and held government minister posts (of Labor, Education and Social Welfare) during the military regimes of Generals Artur Costa e Silva (1967-69), Emílio Garrastazú Médici (1969-74) and João Batista de Figueiredo (1979-85). Prior to his appointment as Minister of Justice by President Collor in October 1990, Passarinho was a senator from Pará and a party leader of the conservative PDS (*Partido Democrático Social*, Social Democratic Party).

¹¹ Interview, Justice Minister Jarbas Passarinho, Brasília, November 20, 1991.

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abdicating responsibility, they permit the strongest to win in these unequal struggles, and the strongest are those with the most money and the greatest ability to import guns and gunmen.

Americas Watch remains convinced that those responsible for the administration of the justice system must dedicate themselves to equitably enforcing the laws, especially in cases of personal violence, or be guilty of complicity. Those who permit private parties to "shoot it out" or take justice into their own hands are consenting to the law of the jungle, and they should not hold public office.

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AGRARIAN REFORM AND THE CAUSES OF RURAL VIOLENCE

There is little dispute as to the causes of rural violence, one of which is the concentration of land ownership in the hands of a powerful few who can block all reforms from environmental controls to rural labor laws to redistribution of land. Minister of Agriculture Antônio Cabrera said:

The violence in the countryside is, in its essence, the result of an unjust agrarian structure that, besides generating tensions and deaths for possession and use of the land, constitutes the heart of the problem of accelerating urban growth.¹²

The conservative Minister noted that there was a concentration of land and income in the hands of a few, impeding the access of a larger number of people to rural property and hindering the process of modernization of the rural economy. Cabrera emphasized the necessity to democratize property first, that is, to distribute it to those who needed it, because the development of the internal market and the growth of industry depended on it. He pointed to agrarian reform as the way to integrate the agrarian sector with the other productive sectors; the use of unused lands or the employment of modern agricultural techniques would permit that part of the population currently living in subhuman conditions to participate in the country's development.

Cabrera said that the state had been inefficient in complying with its obligations regarding rural development because of excess bureaucracy, lack of resources, and lack of preparation of its agents. He blamed the increasing concentration of landownership on lack of governmental financial support for small and medium farmers, something that forced those farmers to sell their properties and move to the city. He cited the increased value of land as a cause of violence in some regions, leading absentee landlords to try to retake lands from those who possessed them, in order to sell them free of occupants.¹³

Pope John Paul II has added his voice to those calling for the

¹² Opening remarks of Minister of Agriculture and Agrarian Reform Antônio Cabrera to the Congressional Inquiry Commission on Rural Violence (*Comissão Parlamentar de Inquérito da Violência no Campo, CPI*), Brasília, June 17, 1991.

¹³ Ibid.

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federal government to take action on agrarian reform, to continue to expropriate land, and to redistribute it to the landless. When he visited São Luís, Maranhão in October 1991, he stated that the high concentration of land in Brazil required a just agrarian reform.¹⁴ Speaking of criteria for justice in the countryside, he declared that the goods of this world were created by God for the good of all. Private property, which is important and necessary, should be at the service of this objective and not impede it. The possession of the means of production is just and legitimate if it is used for useful work. The possession of land becomes illegitimate, however, when it is not made useful or when it serves to impede the work of others.

He also indirectly cautioned those who participate in land occupations, saying that neither justice nor common welfare permit injuring anyone or invading his property, under any pretext, but it is the principal duty of the state to guarantee private property through means of wise laws and it is incumbent on the state to assure a just system of land distribution.¹⁵ Nevertheless, the Brazilian government's agrarian reform program has virtually halted, and reform through expropriation of land has halted altogether.¹⁶

In 1988, after heated debate, the federal constitutional convention settled on agrarian reform language that, while providing for expropriation of rural property that was not fulfilling its social function, exempted "productive property."¹⁷ Article 184 (3) of the Constitution states that secondary legislation should provide for expeditious judicial hearings prior to expropriation. That legislation, however, has never been passed.

¹⁴ The Pope defined agrarian reform as "to give assistance to modernization of work relations in the countryside, to create productive occupations in the rural area, to restrain the manifestations of violence that have already killed so many people, including priests, to promote education, health, financial credits, creating conditions of citizenship for more than a dozen million farmers. All of this will also benefit the cities." "Papa Defende a Reforma Agrária," and "A Palavra do Papa no Maranhão [text]," *Pastoral da Terra* (Goiânia, Goiás: CPT, September/October 1991).

¹⁵ Ibid.

¹⁶ For background on agrarian reform, see Americas Watch, *Rural Violence in Brazil*, pp. 24-27.

¹⁷ Constitution, Arts. 184-185.

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In a 1991 motion for a preliminary eviction order, a federal judge in Mato Grosso do Sul struck down an agrarian reform expropriation and was upheld on appeal on August 21, 1991, on the grounds that there was no enabling legislation and therefore the proceedings were not authorized by law.¹⁸ The appellate court concluded that the federal government had no authority to expropriate any property for agrarian reform purposes, especially since the Constitution made expropriation for agrarian reform conditional on the land not being used for productive purposes.¹⁹

The president of the National Institute of Colonization and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária*, INCRA), João Mendossa de Filho, told Americas Watch in November 1991 that the organization had appealed two such adverse decisions in Mato Grosso do Sul and one in São Paulo to the appellate court that has jurisdiction over both states. They lost the appeals. The current policy of the government and INCRA is to avoid expropriations of land except in those cases where the owner agrees to voluntarily sell the property. He admitted that there were very few cases in which the owner wanted to sell, adding that in South America, landownership and power go hand in hand.²⁰

The fiscal crisis and budget cuts have also crippled agrarian reform. In March 1991 the Secretary of Agrarian Reform and the president of INCRA were dismissed. The post of the first was abolished. In addition, 5,000 out of 9,000 INCRA employees were declared "excess" and would be dismissed.²¹

¹⁸ According to the press, a few months after issuing this opinion the federal judge, Luiz Calixto de Bastos, was cited by a CPI on Drug Trafficking, for having released a drug trafficker, and the federal appeals court decided to dismiss him. He was also being sued by the local bar association for, among other things, threatening to kill attorneys, and was accused of overvaluing (by a factor of four, or 50 billion cruzeiros) land taken for agrarian reform. "Tribunal afasta Calixto do cargo," *Correio Do Estado*, Mato Grosso do Sul, November 23 & 24, 1991.

¹⁹ Mandado de Segurança, MS 21.348-5/160-MS (Medida Liminar), *Diário da Justiça*, August 26, 1991, Seção I, 11373.

²⁰ Interview, Brasília, November 21, 1991. The president of INCRA was appointed in March 1991 to his position.

²¹ "Confusão no ministério," *Veja*, March 20, 1991, p. 32-33.

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INCRA was abolished then revived without its own budget some four years ago. By 1991 it received a budget, according to its president, of 410 billion cruzeiros (\$2,119,000).²² These funds would have been sufficient to meet one third of the government goal of settling families; it would have been sufficient for 100,000 families, at a cost of approximately \$12,000 per family over a two year period, he calculated.²³

Because of the fiscal crisis of the government and the entire country, some 30 to 40 percent of INCRA's budget had been frozen in 1991, however, and may never be available. Nevertheless, the government has striven to create the appearance of agrarian reform activity. Agriculture Minister Cabrera announced in August 1991 that the government was going to allocate 172 billion cruzeiros (\$462 million) to settle more than 100,000 landless families by January 1992.²⁴ The long-term goal was to settle 500,000 families on five million hectares of land. Claiming that in the first year of the Collor government (March 1990-March 1991) they had distributed land to 103,000 families, with a cost of 40 billion cruzeiros (\$107 million), the Minister expressed his belief that by the end of Collor term in March 1995 the current total of two million landless families would be reduced by 25 percent.²⁵

The CPT and others have pointed out, however, that almost all of the land "distributed" by the Collor government to date was land that was already placed in the pipeline by the previous government. The Collor government itself has expropriated or acquired little if any land for agrarian reform. As Minister of Agriculture Cabrera told the press, what the Collor government has done in the year and a half since March 1990 is to give titles (*titular*) to 107,000 families, what he himself characterizes as the final step in the process of agrarian reform.²⁶

²² The average exchange rate in January 1991 was \$1 for 193.45 cruzeiros. Throughout this report, exchange rates are calculated on a monthly basis and all dollar amounts refer only to U.S. dollars. It is difficult to rationalize the numbers over time because of the steep rate of inflation in Brazil.

²³ The average exchange rate in November 1991 was \$1 for 743.9 cruzeiros.

²⁴ The average exchange rate in August 1991 was \$1 for 372.0 cruzeiros.

²⁵ "Governo libera Cr\$172 bilhões para reforma agrária," *Jornal do Brasil*, August 1, 1991.

²⁶ "Projeto de lei do Executivo vai regulamentar a reforma agrária," *Jornal do*

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Indeed, in October 1991, Minister Cabrera said that since the August 1991 court ruling striking down an expropriation by the federal government for lack of enabling legislation, they were "juridically impeded from further expropriations," adding that they had 1.22 million hectares ready to be expropriated but they "could not lift a finger."²⁷ Congress would first have to legislate the definition of productive property and the summary procedure for expropriation. Without legislation on these two items, the government could not expropriate, Cabrera said.²⁸

In November 1991 INCRA had some 700,691 hectares that had already been expropriated by court order, some with and some without issuance of title, according to the president of INCRA. There were another 1,022,000 hectares ready for expropriation (i.e. the administrative procedures such as demarcating the land were complete) and INCRA was only awaiting legislation under article 184 of the Constitution to proceed with these expropriations.

Aside from these 1,022,000 hectares already registered in INCRA, according to Minister Cabrera, there were 200-250,000 hectares that could be acquired without need for expropriation.²⁹

In all, according to the INCRA president, there was a deficit of 17,183,000 hectares in the federal government's agrarian reform plans. They targeted settling 400,000 families from 1992 through 1994, and for that they required 18,700,000 hectares, of which only 1,517,000 were available at the time of the Americas Watch interview.³⁰ That is, they had only 8 percent of the needed lands.

On January 24, 1992, President Collor announced the launch of a new, ambitious agrarian reform plan, titled the *Programa da Terra* (or "Plan for the Land").³¹ Overall, the plan, which was drawn up by a

Brasil, October 31, 1991.

²⁷ Ibid.

²⁸ "Governo pretende assentar 400 mil famílias até o final do mandato," *Gazeta Mercantil*, São Paulo, October 31, 1991.

²⁹ Included in these registered lands are 172,000 hectares in Maranhão and 130,000 in Pará. "Governo pretende assentar 400 mil famílias até o final do mandato," *Gazeta Mercantil*, São Paulo, October 31, 1991.

³⁰ Interview, Brasília, November 21, 1991; INCRA figures tentative.

³¹ "Collor Launches Agrarian Reform Measures," *O Estado de São Paulo*,

special seven-person ministerial group led by Agriculture Minister Antônio Cabrera, promised to settle 400,000 families on approximately eighteen million hectares (an area that the newsweekly *Veja* pointed out was almost as large as Uruguay); the plan would also regularize the land titles of 229,000 other families before the end of the Collor administration in 1994.³² The government proposal would also extend technical assistance, credits and infrastructure development to the newly-settled farmers, and proposes new legislation to enable and streamline the expropriation process. The total cost of the program was set at 8 trillion cruzeiros, or approximately \$6 billion. In 1992 alone, the plan seeks to settle 50,000 families, at the cost of 1,708 trillion cruzeiros.

It remains to be seen whether the Collor government can live up to such ambitious goals (or even find the money to begin implementing the reform). The CPT, among others, has observed that in the past the government has not managed to live up to its promises for agrarian reform (a promise which was one of President Collor's election slogans). In 1991, for example, despite repeated pledges by President Collor and Minister Cabrera to expropriate one million hectares, by the end of the year the government had only expropriated eight fazendas.³³ Of these expropriations, one fazenda had already been donated to the government prior to 1991 but had not been demarked, three were areas whose orders for expropriation had been signed by the previous Sarney administration but had lapsed due to inaction, and one was an area whose expropriation was challenged in the Supreme Court in July 1991.³⁴

The agrarian reform process is so bureaucratic and so uncertain that, even when an expropriation is started and the land demarked, settlers find it necessary to continue to pressure INCRA to be sure that the land is finally expropriated and the title issued to them. In São

January 25, 1991; FBIS, March 6, 1992, p. 21; and Reuters, "Brazil Launches \$6 Billion Agrarian Reform Program," January 24, 1992.

³² "Fundamentals of Agrarian Reform Plan Defined," *Veja*, January 1, 1992; FBIS, January 31, 1992, p. 29. See also "Programa da Terra: metas de reforma agrária" (Brasília: Ministério da Agricultura e Reforma Agrária, January 1992).

³³ CPT, "Marketing e Reforma Agrária no Governo Collor" (Goiânia, Goiás: CPT Nacional, December 13, 1991). And CPT, *Conflitos no Campo-Brasil 1991*, (Goiânia, Goiás: CPT Nacional, April 1992).

³⁴ CPT, *Conflitos no Campo-Brasil 1991*.

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Luís, Maranhão, there was a week-long sit-in at the INCRA offices by forty-two rural workers from Lago do Junco to bring the attention of the organization to the need to take prompt action to purchase the property marked for expropriation before the time periods permitted in the law had elapsed.³⁵ Americas Watch talked to another group of workers from the village of Aldeia that had to conduct a long sit-in at those offices during the week of November 25, 1991, for the same purpose.

³⁵ *Sociedade Maranhense de Defesa dos Direitos Humanos*, "Levantamento dos Conflitos de Terra Ocorridos no Maranhão entre 01 de Janeiro e 31 de Agosto de 1991" (São Luís, Maranhão: Sociedade Maranhense de Defesa dos Direitos Humanos, October 1991), p. 54.

3. PARÁ

JUDICIAL AND POLICE INVESTIGATIONS INTO CASES OF ASSASSINATIONS IN THE SOUTH OF PARÁ

The state of Pará—particularly its southern sector within the Amazon region—is examined in this report because the rate of rural violence there is the highest in Brazil, and because it remains so despite enormous efforts to bring international, national, and state attention to the situation.¹

Pará outranks other states in killings of rural workers in land conflicts: there were fourteen in 1991, 26 percent of the fifty-four such killings nationwide.² In 1990 the national number was seventy-five killings, and Pará's share, still larger than any other state, was twenty, which was 27 percent of the total.³

From 1985 to November 1991 in the south of Pará alone there were 137 rural workers killed in land conflicts.⁴ Over a twenty-seven-year-period, 1964-91, a third of the 1,681 victims of rural violence tabulated by the CPT were killed in the state of Pará. Of the twenty-six cases that have reached the trial stage, only two were in Pará: and one was an acquittal. That was the case of Armando de Oliveira Silva, killed in 1985. The accused included twenty-seven military police, twenty-three

¹ The south of Pará refers to the seven municipalities (*municípios*) in the diocese of Conceição de Araguaia: Santana de Araguaia, Santa Maria de Barreiras, Conceição de Araguaia, Redenção, Rio Maria, Xinguara, and São Geraldo.

² CPT-Nacional, *Conflitos no Campo-1991*, April 24, 1992.

³ CPT, *Espinhoso Caminho para a Liberdade: Conflitos no Campo-1990* (Goiânia, Goiás: CPT Nacional, April 1991), pp. 48-49.

⁴ Father Ricardo Rezende Figueira, Rio Maria, Pará, "Violação dos Direitos Humanos dos Camponeses no Brasil," presented to the 48th session of the Commission of Human Rights of the United Nations, February 5, 1992, in Geneva. During that period, 698 rural workers were arrested, 347 threatened with death, 300 beaten or wounded, and 240 houses were burned or destroyed in the south of Pará. Letter, Father Ricardo Rezende Figueira, CPT, to Pérez Esquivel, Rio Maria, Pará, December 4, 1991.

of whom were brought to trial. As previously mentioned in the introduction, the military tribunal of the state of Pará on March 11, 1991 absolved twenty-three of the accused; of the four who were not tried, one was already dead, two were fugitives from justice, and one was mentally ill.⁵

The sole conviction in Pará came in the case of the murder of Paulo Vieira da Silva, a rural worker killed in 1989. Two pistoleiros, Orlando Padilha Martins and Edilson Rodrigues de Souza, were convicted of the crime on September 19, 1990, and sentenced to thirty and twenty-six years respectively. The intellectual author, Joaquim Matos Português, was himself assassinated by his foreman in 1989.⁶

Americas Watch was greatly disturbed by the murder of Expedito Ribeiro de Souza, assassinated in Rio Maria on February 2, 1991, a mere two days after the publication of *Rural Violence in Brazil* where his case was discussed as an example of governmental negligence and lack of police protection to a union leader living under multiple death threats.⁷

A month after Ribeiro de Souza's death, on March 4, 1991, his successor as Rio Maria Rural Workers Union President, Carlos Cabral, was shot but escaped death. Cabral was in the company of fellow union activist Roberto Neto at the time; both Cabral and Neto, who had been repeatedly threatened, had asked for police protection for some time. In April 1990 four of their colleagues, Bras Antônio de Oliveira and Ronan Rafael Ventura, and José and Paulo Canuto, were assassinated in two separate incidents by the same group of gunmen. In 1985 João Canuto, the Canuto brothers' father and the Rio Maria Rural Workers' Union president at the time, was shot to death.

These connected cases, in which there are survivors, witnesses, and local institutions closely following their progress, illustrate the manner in which even well-publicized cases that have been the focus of international attention are frustrated. To date, there have been no trials much less convictions despite flurries of arrests. The proceedings against the confessed gunman in the Cabral case have been stalled since September 1991 and the defendant, released because the investigation was not finalized within the mandatory period, has been

⁵ CPT, *Relação dos Julgamentos*.

⁶ Ibid.

⁷ For details of the threats and lack of police protection in this case, see Americas Watch, *Rural Violence in Brazil*, p. 84.

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given permission by the judge to move to another state. In the four 1990 murders (with three overlapping defendants) only one defendant is in custody. Another defendant managed to escape from jail and in a separate jailbreak a key witness escaped and is believed dead.

From afar, the way in which these cases have been mishandled might seem to be the result of ineptitude. On closer inspection, however, the series of mishaps, mistakes, delays, lost files, excuses, and inflated scrupulosity with which the letter of the law, usually ignored, is applied on behalf of powerful defendants, take on a more sinister appearance and add up to a deadly form of impunity.

One theory offered for the paralyzation of the criminal justice system in the face of persistent violence against rural activists here is that the fazendeiros opposing them, who are believed to be responsible for planning and financing the assassinations, are connected with organized crime, drug trafficking, and important politicians, giving them a greater likelihood of impunity than would ordinarily be the case.

Whatever the reasons, those pressing for the prosecutions credit whatever progress has been made in these cases during 1991 to international pressure, the new young prosecutors assigned to Rio Maria and Xinguara, and the extended vacation that the Rio Maria judge, Dr. José Cândido de Moraes, who had sat on cases in the past, took until June. In his absence, acting judge Dr. Roberto Gonçalves Moura of Xinguara vigorously disposed of pending motions and pushed the cases along. With Dr. Moraes's return from vacation, activity on the cases virtually ceased.

Dr. Moraes, when told of the concerns held by the Americas Watch monitors regarding rural violence and the functioning of the justice system, said, "There is nothing abnormal in Brazil."⁸

Expedito Ribeiro de Souza

Expedito Ribeiro de Souza was assassinated the night of February 2, 1991. He was forty-three years old, president of the Rural Workers Union of Rio Maria, and vice president and founder of the local PC do B at the time of his death, which brought to five the number of people associated with that union who had been killed in a period of ten months.

Ribeiro de Souza, the father of ten children, was murdered at night a few hundred meters from his Rio Maria home as he was returning

⁸ Interview, Rio Maria, Pará, December 2, 1992.

alone. As he approached his residence he was shot in the head three times. One witness to the killing, a young man named Francisco, was riding his bike and talking to a friend at the time of the shooting. Francisco saw Ribeiro de Souza returning home, but he had walked approximately fifty steps past him when Francisco heard several shots. He did not witness the shooting itself, but immediately realized that Ribeiro de Souza must have been shot, as Francisco knew that the union leader had been threatened. Then a man whom Francisco recognized passed by him, carrying a gun in his left hand and hurrying away from the direction of the shots. Although the man was wearing a hat, Francisco recognized him as a local pistoleiro because he had seen him two or three times in a local rodeo.

José Serafin Sales, having told various persons that he was hired to kill Ribeiro de Souza and later having told others that he had committed the crime, was identified by eyewitnesses and arrested.⁹

On February 21, 1991, Francisco Assis Ferreira (Grilo), the manager of fazenda Nazaré in Parauapebas, Pará, was arrested and charged with contracting the pistoleiro for 200,000 cruzeiros (\$901).¹⁰ The manager confirmed the statement of the pistoleiro who said he received a 30,000 cruzeiro (\$135) advance.¹¹

The arrest was made by police delegate Éder Mauro of the Division of Order and Social Policy (*Divisão de Ordem Política e Social*, DOPS), a unit of the state civil police based in Belém. Mauro was in charge of the investigation of the four Rio Maria killings of 1990 and succeeded in making some arrests.

The pistoleiro Sales in his statement to the police on February 7 identified seven fazendeiros involved in the crime, among them Jerônimo Alves de Amorim, owner of fazenda Nazaré. On February 26, the judge asked the police of Goiás to arrest Alves, a member of the UDR, at his home in Goiânia.¹²

⁹ "Depoimento de peões levou a confissão," *Folha de São Paulo*, São Paulo, February 9, 1991.

¹⁰ Fazenda Nazaré was occupied by posseiros in a separate dispute in May 1991. See below.

¹¹ The average exchange rate in February 1991 was \$1 for 221.9 cruzeiros.

¹² The Democratic Rural Union (*União Democrática Ruralista*, UDR) was formed to counteract the government's 1985 agrarian reform program and threatened to defend landowners' rights with violence.

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On March 8, 1991, the pistoleiro José Serafim Sales, accomplice Francisco de Assis Ferreira (both in detention), and the intellectual author fazendeiro Jerônimo Alves de Amorim (not in custody), were charged with the crime. On May 7, 1991 the judge, Dr. Roberto Gonçalves de Moura of Xinguara, still substituting for the vacationing judge, Dr. José Cândido de Moraes in Rio Maria, indicted (*pronunciou*) the three. He ordered the arrest of the fazendeiro Amorim and the continued detention of the other two. The fazendeiro was arrested the same day.

On May 14, the defense appealed this decision to the Tribunal de Justiça in Belém, which rejected the appeal but authorized the transfer of fazendeiro Amorim from the state penitentiary to the military police barracks in Belém for health reasons. He was freed on habeas corpus by that same tribunal on September 16, 1991, but with charges pending. The habeas corpus on behalf of the other two was rejected in November 1991. As of the writing of this report, the case is on appeal.

The motion for change of venue due to the climate of fear in Rio Maria, made by the private prosecutors for the victim's family (*acusadores particulares*), will not be decided until the appeals are resolved. Two defendants remain in custody.

Carlos Cabral Pereira

The brother-in-law of the Canutos, a PC do B activist, and since Ribeiro de Souza's death in February 1991, president of the Rural Workers' Union of Rio Maria, Cabral was the target of an assassination attempt in that town on March 4, 1991, in which he was wounded. Cabral and PC do B union official Roberto Neto were walking past the old cemetery in Rio Maria at about 6 P.M. on March 4, 1991. They were returning from a planning meeting for a rally against violence to be held the following week. As they passed the cemetery, they heard one shot, coming from a crack in the cemetery wall. They ran. A second shot hit Cabral in the left inner thigh.

Cabral did not have any police protection at that time, although he had frequently requested it. Indeed, two days after the death of Ribeiro de Souza, PC do B federal deputy Socorro Gomes met with Justice Minister Jarbas Passarinho and presented him with a list of union members whose lives were threatened. Carlos Cabral's name was on that list.¹³ Also on the list were Rio Maria parish priest and CPT activist Father Ricardo Rezende and union officers Roberto Neto and Orlando

¹³ Thaís Oyama, "Dobra número de atentados a líderes rurais, diz CPT," *Folha de São Paulo*, São Paulo, March 18, 1991.

Canuto.¹⁴

A businessman, Paulo César Pereira, was jailed on March 5 and confessed to the attempted murder, stating his motive as his desire to avenge himself for Cabral's supposed accusations that he was involved in arms trafficking.

On August 13 a judge granted a petition of habeas corpus for Pereira, the only defendant, and released him due to the delays in the case; under Brazilian law, a defendant can be jailed no more than eighty-one days unless the judge has ordered him bound over for trial.

The case has been stalled since September 23, 1991, with the main delay being the judge's decision as to whether he should indict (*pronunciar*) Paulo César Pereira, who has confessed to the shooting. Even more outrageous, Judge Moraes allowed Pereira to move from Rio Maria to Goiânia, Goiás, on November 27, 1991.

Paulo and José Canuto

Paulo and José Canuto, brothers and union activists, were kidnapped from their home on April 22, 1990 in Rio Maria along with their brother Orlando. They were assassinated the same night and their bodies were found in the jurisdiction of Xinguara, where the case is pending before Judge Roberto Gonçalves de Moura. Their brother Orlando although wounded managed to escape.¹⁵ On July 19, 1990, three pistoleiros were accused of the crime: José Ubiratan Matos Ubirajara, Edson Matos dos Santos (both then in jail), and João Diniz Filho (João Guedes), at the time a fugitive.¹⁶ The accomplice (*intermediário*) Aprígio Menezes Soares, and the intellectual author, fazendeiro Geraldo de Oliveira Braga, were also accused.

¹⁴ This list was also given to the former Justice Minister Bernardo Cabral in April 1990 after the Canutos killings in which Orlando Canuto was almost killed along with his two brothers. Minister Cabral also promised protection. Tereza Amaral, "Polícia prende suspeitos da morte de sindicalista," *Folha de São Paulo*, São Paulo, February 6, 1991.

¹⁵ For details of the case, see Americas Watch, *Rural Violence in Brazil*, pp. 73-74.

¹⁶ Matos Ubirajara escaped from jail in Curionópolis on August 26, 1991, but was recaptured. Matos dos Santos escaped from jail in the military police barracks in Belém on January 11, 1992, and was not recaptured. Guedes was subsequently arrested on a forced labor charge. He was released from jail within twenty-four hours, even though the judge knew that he was a suspect in the murder of the Canuto brothers.

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On May 7, 1991 the judge indicted the two jailed pistoleiros, absolved the fazendeiro Braga, and asked the Public Prosecutor to open proceedings against a different fazendeiro, Gerdeice Ferreira Marques, as intellectual author; Marques had purchased the fazenda from Braga and owned it on the date of the assassinations. Charges were brought against him on October 25, 1991.¹⁷

The appellate court upheld the absolution of fazendeiro Braga on December 8, 1991, but the decision is due to be further appealed by representatives of the victims' family before the Supreme Court in Brasília.

Not surprisingly, there have been reports that the trial court judge has received death threats. According to a July 7, 1991 story in the Belém paper *O Liberal*, he was the target of an assassination plot. The pistoleiro Elias Moreira Rozeno, who had been arrested in connection with another crime, mentioned in the course of his testimony to the court that he had also been hired to kill the Xinguara judge, in connection with the case against the killers of the Canuto brothers. The fazendeiro allegedly ordering the crime, Raimundo João de Oliveira (Raimundo Matador), remains at large.¹⁸ Despite the admission of the threats, the prosecutor in Xinguara (probably as a result of the threats)

¹⁷ The prosecutor also said that Braga had sold the fazenda before the date of the killing. Interview, Xinguara, December 2, 1991. According to the research of one journalist, the fazenda was called Suaçui at the time of the assassination of Braz de Oliveira on April 3, 1990, and it was owned by Geraldo de Oliveira Braga. After the assassination of the Canutos on April 22, 1990, the fazenda was sold to Gerdeice Ferreira Marques, and its name changed to fazenda Reunidas. It was then sold on or before February 1991 to João Paulo Ferreira and its name changed again, to São João. Tereza Amaral, "Polícia procura principal suspeito de assassinato no PA," *Folha de São Paulo*, São Paulo, February 7, 1991. The prosecutor of Xinguara said that there was no proof in the record of hostility between Braga and the union. But the fazenda had been occupied in 1988, and in 1989 its owner Braga sought out union leader Expedito Reibeiro de Souza to negotiate an agreement, contingent on INCRA indemnification. He then changed his mind and the posseiros were expelled by pistoleiros who reoccupied the area in May 1989. Since it was believed that this conflict was connected with the 1990 killing of the Canuto brothers, a warrant was issued for the arrest of Braga in that case. See Americas Watch, *Rural Violence in Brazil*, p. 80.

¹⁸ Comitê Rio Maria, Rio Maria, Pará, July 12, 1991. The Comitê Rio Maria (Rio Maria Committee) is a human rights group working with rural workers in southern Pará.

chose not to prosecute Rozeno on the first charges. In addition, the police did not open an inquiry into the threats against the judge. It should not be surprising, given the past record, that in the eleven jury trials that have occurred in Xinguara since the court opened, all have ended with acquittals. In the case of the Canuto brothers, the Supreme Court of Pará (*Tribunal da Justiça*)—setting a potentially important precedent—decided in March 1992 to change the venue of the case to Belém, where it is hoped that intimidation of the judges, lawyers, and juries, will be less intense.

Not surprising either is the escape of a defendant from jail; in many cases of rural violence the defendants and even convicted felons have escaped from the notoriously lax jails.¹⁹ In this case, there were two jailbreaks. In one, defendant Edson Matos dos Santos escaped from jail in January 1992. The second jailbreak was earlier, in August 1991, involving his codefendant, José Ubiratan Matos Ubirajara.²⁰ Ubirajara's escape attempt ended in his recapture, but an escaped key witness in this case and the connected case of Braz Antônio de Oliveira (see below), Marivaldo Ribeiro da Silva (Pássaro Preto), was not recaptured. It is suspected that Ribeiro da Silva was later assassinated to prevent him from testifying. Of the two defendants in the killing of the Canuto brothers, only Ubirajara remains in custody.

In a disturbing turn of events, José de Ribamar Rodrigues Lopes (Zé de Bomba), a pistoleiro also held in the Curionópolis jail, was released in part for good behavior because he did not participate in the jailbreak. He had been accused of assassinating Sister Adelaide Molinari in the town of Eldorado, southern Pará, on April 14, 1985. It is believed that Sister Molinari was killed by accident, and that the intended target was a local trade union representative, who was standing next to her at the time.²¹ Almost seven years after the killing,

¹⁹ For another example, involving the repeated escapes of the killer of CPT activist Father Josimo Moraes Tavares, see: CPT, *Conflitos no Campo-1990*, p. 34.

²⁰ Ubirajara's escape attempt occurred in Curionópolis, Pará, to which he had been transferred at the request of the Curionópolis judge, Mairton Marques Carneiro. Yet the judge had allegedly been advised by a sub-lieutenant of the military police from Belém that the jail in the Curionópolis civil police station was not secure. The sub-lieutenant offered additional protection, but the judge is said to have refused that offer.

²¹ Amnesty International, "Brazil Briefing: Killing with Impunity" (London: Amnesty, September 1988).

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the Curionópolis judge has yet to move to indict Zé de Bomba or the three fazendeiros believed to have ordered the killing (one of whom has since died).²²

In light of the escape of a defendant, the fact that a suspect was allowed to leave the jail seems minor, but still typical of the completely benign attitude local officials take toward the gunmen hired by fazendeiros in their war against posseiros.

Braz Antônio de Oliveira and Ronan Rafael Ventura

Both Braz Antônio de Oliveira and Ronan Rafael Ventura were killed on April 3, 1990. Oliveira was a mechanic and supporter of the rural workers' union and Ventura was his assistant. The case is pending in Rio Maria.²³

On July 19, 1990, four of the five men accused in the similar killing of the Canuto brothers were accused of killing Oliveira and Ventura. They were pistoleiros João Diniz Filho (João Guedes), a fugitive, and José Ubiratan Matos Ubirajara (the luckless defendant in the Canuto case who escaped from jail and was recaptured), the accomplice Aprígio, and the fazendeiro Geraldo de Oliveira Braga, the intellectual author.

On January 24, 1992, the prosecutor asked for an indictment (*pronuncia*) of the four. As of the writing of this report, the judge has not moved to take any action on the case and the accused have not yet been indicted.²⁴

João Canuto de Oliveira

João Canuto de Oliveira, killed on December 18, 1985, was the father of the Canuto brothers and the president of the Rural Workers' Union. The police investigation was never completed but various arrests were ordered from 1985 until 1988; all the detainees were subsequently released. The investigation was stalled from 1988 until Canuto's two sons were assassinated in 1990, then it was reopened.

²² Telephone interview with CPT attorney Father Henri des Rozières, April 24, 1992.

²³ For details of the case, see Americas Watch, *Rural Violence in Brazil*, pp. 74-78.

²⁴ Interview with CPT attorney Father Henri des Rozières, April 24, 1992.

On February 27, 1991 the police delegate informed the judge in Rio Maria that the witnesses were no longer in the jurisdiction. On March 25 the prosecutor asked that the case be returned to the police for further investigation and to hear various other witnesses. Thirteen persons were heard and there were three line-ups in which witnesses viewed suspects.

The recent testimonies revealed that several statements taken by the police early in the investigation, which contained allegations of those who may have been responsible for ordering the crime (including important regional landowners and politicians), had disappeared from the file.

On June 21, 1991 the civil police delegate in Rio Maria concluded the inquiry, declining to accuse anyone as an intellectual author. The results of the investigation, forwarded as required to the judge on June 24, remained with the judge until August 1. The prosecutor, who was reportedly scandalized by the poor quality of the investigation into the killing, asked that the case be forwarded to the state investigators (DOPS) on August 9. Judge José Cândido de Moraes finally passed the case on in December. Although DOPS promised in February 1992 that the investigation into the case would soon be completed, there is as of yet no indication that they have in fact completed the investigation.

Belchior Martins Costa

Belchior Martins Costa, a rural worker and local activist, was killed on March 2, 1982, his body riddled with 140 bullets. Luiz Bernardino de Paula was gravely wounded at the same time at the fazenda Cachoeira in Rio Maria. The case was investigated but the file disappeared until 1991 when the prosecutor ordered the opening of a new investigation in April. The testimony of four witnesses was heard and they accused fazendeiro Valter Valente, his son-in-law José Herzog, and pistoleiro Tota of the murder of Martins Costa. On May 29, 1991, the three men were accused (*denunciados*) and their arrest ordered. Only José Herzog was captured, and he was questioned by the judge on June 19. The missing file was located the next day in the clerk's office of the neighboring court of Xinguara, when it should have been in Rio Maria, and was forwarded to the Rio Maria judge on July 9.

On August 17, 1991 Herzog was released on bail by Rio Maria judge José Cândido de Moraes. While Herzog still remains a defendant, no further action has been taken in the case despite the fact that two witnesses presented by the attorneys for the victim testified on February 11, 1992 in the city of Goiânia, that they had seen him shoot Belchior. As of the publication of this report, Herzog has not

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been indicted.

Official Hostility to the Victims and the Activists

In early December 1991, Nobel Prize winner Adolfo Pérez Esquivel, who was awarded for his work on behalf of the disappeared of Argentina, visited Brasília, Belém, and Rio Maria to express his concern about the violence afflicting the south of Pará. After many bureaucratic hassles with city authorities, the Rio Maria Committee that was planning his reception received permission from the town authorities for the placement of a plaque, to measure approximately one by one-and-a-half meters, in a divider in the broad street running through the center of this town of 40,000 people.

Pérez Esquivel attended the ceremony for the laying of this commemorative plaque honoring the eight Rio Maria unionists who were killed. The morning after the departure of the Nobel Prize laureate, however, Mayor Sebastião Emídio de Almeida informed the Rio Maria Committee that he did not agree with the contents of the plaque and that it would be removed that afternoon.²⁵ When journalists attempted to photograph the mayor and his friends digging up the plaque, the mayor prevented them, even kicking a photographer. Shouting and threatening the observers of this bizarre operation, the mayor's group removed the plaque and returned to his office. After receiving a telegram in protest from Pérez Esquivel, the mayor substituted another plaque in the same place, which said: "The Rio Maria Committees: on this day December 4, 1991, we pay homage to the winner of the Nobel Prize for Peace 1980 Adolfo Pérez Esquivel and we thank him for his visit for Peace to our municipality."²⁶ This plaque did not mention the victims on whose behalf Pérez Esquivel made his journey. After the events of that day, four different judicial complaints were filed against the mayor, several by the photographer. The proceedings, though, remain stalled in the Belém state capital.

The Mutran Family of Marabá, Pará: A Notorious Case of Impunity Investigated by the Congressional Commission of Inquiry on Rural Violence

²⁵ The plaque said, "The Rio Maria Committees: On this day December 4, 1991, in the presence of the Nobel Prize Laureate Adolfo Pérez Esquivel, we pay homage to the martyrs of the land in Rio Maria" and then listed the names of the eight followed by their dates of death.

²⁶ Letter, Comitê Rio Maria, Rio Maria, Pará, December 9, 1991.

A high-profile example of impunity came to national attention in November 1991 involving a state deputy of Pará, Oswaldo (Vavá) Mutran of the Social Democracy Party (Partido Democrático Social, PDS), and his son, Marabá Mayor Nagib Mutran Neto, of the Christian Democratic Party (Partido Democrático Cristão, PDC), and others belonging to this powerful fazendeiro family. They were accused in October 1991 by Vavá's former private chauffeur, Joatan Ribeiro Lima, of a variety of crimes, including the killing of rural workers. The driver made these denunciations to the federal police in Marabá, to the Procurador Geral of the Republic, Aristides Junqueira Alvarenga, and to the CPI; he testified about murders of workers on the Mutran fazendas and the existence of clandestine cemeteries there.²⁷

Ribeiro Lima also said that criminal prosecutions were thwarted because a state court judge in Marabá, Ezilda Pastana, was the common law wife of Oswaldo Mutran Junior, son of Vavá Mutran and brother of the mayor Nagib.²⁸ The chauffeur, Ribeiro Lima, who made the allegations after he escaped from a private jail in which the Mutran family was holding him, asked for federal police protection because he feared reprisals from the Mutran family on account of his testimony.²⁹

Ex-chauffeur Ribeiro Lima said he witnessed the assassination of the worker "Neguinho," an employee of Vavá Mutran's fazenda Virasebo.³⁰ In all, he gave a 300-page statement in which he accused

²⁷ A dossier prepared by the Workers Party (*Partido dos Trabalhadores*, PT) deputies and PT Executive Regional Commission and presented to the CPI alleged that Vavá invaded the city council building of Marabá various times to attack or threaten the opposition city council members, and that the brother of the deputy, PDC city council member Guido Mutran, threatened to kill five members of that council. Vavá also threatened PT state assembly deputy Edmilson Rodrigues. There were six complaints made against Vavá to the police in Marabá since 1989, for death threats and physical and verbal acts of aggression, including one against a priest and another against a Marabá representative of TV Liberal. "Dossiê do PT aponta violências em Marabá," *O Liberal*, Belém, Pará, September 12, 1991.

²⁸ One newspaper said that this judge fled the city after the Mutran family was accused by the Procuradoria Geral of responsibility of several crimes. *Folha de São Paulo*, October 14, 1991.

²⁹ Office of Social Communication, Procuradoria Geral da República, "Vitima de Violência no Pará Denuncia Politicos e Pede Garantia de Vida ao Procurador Geral da República," 1991.

³⁰ "Ex-motorista depõe em CPI da Câmara e acusa Vavá Mutran," *O Liberal*,

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Vavá Mutran and his son of responsibility for eleven assassinations in Marabá.³¹

This was not news to the human rights community, however. Of twenty-one land conflicts registered by the CPT in Marabá from 1976 to 1984, according to a PT dossier, five involved the Mutran family, accused of everything from threats to beatings to ordering the killing of posseiros.³²

In addition, another scandal concerning the Mutran family and Vavá himself broke in Marabá, Pará in November 1991 involving the use of child labor to clean the city streets, and the sexual abuse to which the young employees were subjected to in the presence of state deputy Vavá Mutran.³³ This was denounced by the CPT and exposed in an article in a São Paulo newspaper:

Fifty children from eight to 15 years of age work eight hours daily as street-sweepers in Marabá, Pará. They sweep the streets of the city barefoot, without gloves or other protection. They do not go to school and they affirm that on payday they are submitted to sexual abuse as a condition of receiving their 6,000 cruzeiros weekly pay.³⁴

After the press attention, Mayor Nagib Mutran Neto fired those under

Belém, Pará, October 11, 1991.

³¹ "Jarbas promete apurar denúncias de violência," *O Liberal*, Belém, Pará, November 7, 1991.

³² In 1988 the *Jornal do Brasil* reported that pistoleiro Sebastião da Terezona confessed to having worked for the Mutran brothers, Vavá and Aziz, and said Vavá and the owner of that area of Pau Preto, José Edmundo Ortiz Vergolino, were responsible for the death of nine people at the Ubá Brazil-nut grove (*castanhal*), in São João do Araguaia, in 1985. "Dossiê do PT aponta violências em Marabá," *O Liberal*, Belém, Pará, September 12, 1991.

³³ Journalist Lucia Vaz, who investigated the allegations, reported that the children confirmed the episode related by the ex-chauffeur. "CPI investiga trabalho de garotos no Pará," *Folha de São Paulo*, November 18, 1991. The Public Ministry (*Ministério Público*) was to open an inquiry and report to the Brazilian Center for Infancy and Adolescence (*Centro Brasileiro da Infância e Adolescência*).

³⁴ Lucia Vaz, "CPI investiga trabalho de garotos no Pará," *Folha de São Paulo*, São Paulo, November 18, 1991.

the age of fifteen, and hired in their place minors between sixteen and eighteen years of age, who also are not paid the minimum wage.³⁵ The state Attorney General (Procurador Geral do Estado) was to investigate the matter.

How far these allegations, which received wide publicity, are going to be investigated will be yet another test of how the Brazilian justice system functions when the accused are politically and financially powerful. It appears that parliamentary immunity is available to the family members who are elected officials.

Procurador Geral of the Republic Aristides Junqueira complained to the CPI that the federal police had not acted in this case, or in others. He testified that, based on the sworn allegations of Ribeiro, he had asked the federal police to open an inquiry into these matters, and to provide protection for the former chauffeur. He received no response from the federal police, however.³⁶ At the same time, Justice Minister Jarbas Passarinho (to whom the federal police report), promised a delegation of concerned church officials and others from Pará that he would see that the allegations were investigated.³⁷

Vavá Mutran was summoned to give a statement to the CPI presided over by Party of the Brazilian Democratic Movement federal deputy Roberto Rolemberg (Partido do Movimento Democrático Brasileiro, PMDB), in late November 1991, which was the first time he had ever been questioned about any allegations.³⁸ The CPI, however,

³⁵ "Prefeitura de Marabá demite 50 meninos," *O Liberal*, Belém, Pará, November 20, 1991.

³⁶ "Junqueira acusa DPF de omissão nos crimes agrários," *Jornal do Brasil*, Rio de Janeiro, November 8, 1991.

³⁷ "Jarbas promete apurar denúncias de violência," *O Liberal*, Belém, Pará, November 7, 1991.

³⁸ Among the many subplots attending to his testimony was that Vavá Mutran presented a certificate from the police showing that there were no charges pending against him. Democratic Workers Party (*Partido Democrático Trabalhista*, PDT) Deputy Giovanni Queiroz from Pará then produced a document from the police station in Marabá confirming that there were various criminal complaints against Vavá. "Procuradoria decide se abre inquérito," *O Liberal*, Belém, Pará, November 29, 1991. Queiroz reported that his wife had received two anonymous phone calls at their home in Brasília that day, in which the caller referred to her husband as "the deceased." "Mutran depõe na CPI e se diz vítima de perseguição política," *O Liberal*, Belém, Pará, November 29, 1991.

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does not have the power to prosecute but can draft federal legislation, make recommendations and bring public attention to national problems.

Mutran defended himself before the CPI by claiming there was a political plot against him and his family and that the more than twenty depositions accusing him of various crimes had been paid for by his enemies. He made a similar statement when he was summoned to testify before the CPI investigating children's rights.³⁹

Ex-chauffeur Ribeiro Lima described two clandestine cemeteries in his nine hour deposition to the Attorney General's office: one in the fazenda Virasebo belonging to Vavá, and the second in fazenda Jequibáia, belonging to Guido Mutran. The first Assistant Attorney General Alvaro Ribeiro Costa asked the Minister of Justice to see that the federal police investigate these allegations. The federal police delegate in Marabá, José Herman Almeida, told the newspaper *Folha de São Paulo*, however, that they had not conducted any investigation in the fazendas owned by the Mutran family.⁴⁰

The *Folha de São Paulo* then investigated the claims of clandestine cemeteries. Journalists did find dozens of unmarked graves of unidentified victims in the public cemetery in Nova Marabá, a suburb of Marabá. The grave digger, Clodomiro Siqueira, stated that he had buried more than 1,000 unidentified people during the six years of his employment, of whom about 40 percent had been killed, and all were peasants. He told the newspaper, "it's the Mutran [family] who order these people to be buried."⁴¹ José Herman Almeida, federal police delegate in Marabá, said that the civil police should investigate the graves. The Marabá civil police delegate, Antonio Pauxis, said it was within the jurisdiction of the federal police, not the state.⁴² In a letter to a newspaper, Vavá Mutran invited the federal police to conduct a rigorous inspection on his properties.⁴³

³⁹ "Mutran depõe na CPI e se diz vítima de perseguição política," *O Liberal*, Belém, Pará, November 29, 1991.

⁴⁰ "Deputado é acusado de assassinatos," *Folha de São Paulo*, November 19, 1991.

⁴¹ Ibid.

⁴² Ibid.

⁴³ "Vavá pede providências a AL," *Folha da Tarde*, Belém, November 15, 1991.

In the most recent incident involving Vavá Mutran, on April 4, 1992, he and three men invaded the home of the inspector of the state farm of Marabá, Daniel Mourão, and killed him.⁴⁴ According to the local CPT, this assassination occurred because Mourão neglected to attend to Vavá's request to release a truck-full of twenty head of cattle, which had been impounded because the taxes on the cattle had not been paid. This killing angered the population of Marabá, who staged a demonstration of over 5,000 people demanding that Mutran be discharged from his duties as a federal deputy, arrested, and punished for the various crimes that he has committed. Despite this action, the CPT also reported that a recent public opinion poll in Pará revealed that almost 63 percent of the population was convinced that the deputy was guilty, but thought that he would not be punished.

The Mutran family, according to observers of rural life on the Brazilian frontier, is no different from other owners of vast domains. They believe they are kings and therefore above the law. Unfortunately, the impunity they enjoy seems to prove them right.

THREATS, POLICE PROTECTIONS AND THE CASE OF FATHER RICARDO REZENDE

At least five persons have been seriously threatened and are in need of police protection in Rio Maria: Carlos Cabral, Roberto Neto, Orlando Canuto, Father Ricardo Rezende, and João Martins Arruda.⁴⁵ In addition, although not involved in these issues until 1991, Luiz Barbosa's life was threatened by those associated with fazenda Big Valley in Xinguara, Pará. Barbosa denounced forced and slave labor conditions at this fazenda to the federal police with the help of the Rio Maria rural workers' union.⁴⁶

After the death of rural worker's union president Expedito Ribeiro de Souza in February 1991 and the assassination attempt on his

⁴⁴ CPT-Pará, CPT-Amapá, CUT-Pará, CNBB-Norte II, Caritas Brasileira, SPDDH, and others, "Nota Pública: Pela Justiça em Marabá," Belém, Pará, April 15, 1992.

⁴⁵ On February 4, 1992, the International Anti-Slavery Society, based in London, announced that Father Ricardo Rezende would receive their 1992 award, in recognition of the work he has done to alert Brazil and the world to the continued practices of forced labor and debt slavery in Pará.

⁴⁶ See Chapter 4, Forced Labor.

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successor Carlos Cabral in March 1991, the federal police began to provide protection to three Rio Maria union officials, Carlos Cabral, Roberto Neto, and Orlando Canuto. The request for federal police protection was seconded by the Attorney General of the Republic, Aristides Junqueira, in March 1991 in a report to then Minister of Justice Jarbas Passarinho, who has jurisdiction over the federal police.⁴⁷ This protection, however, was intermittent in character. It lasted from April until late August 1991, and was then revived in late November 1991.

The need for protection of rural activists was vividly demonstrated on the night of August 21-22, 1991, when at about 2 A.M. a gunman fired six shots at the electric meter of the parish house where Father Rezende lives, cutting off the electricity in the house. The meter is located on the outside of the wall surrounding his house, a few meters from his bedroom.

The federal police notified Cabral, Neto, and Canuto that their protection would be suspended after September 3, 1991, despite the attack on Father Rezende, the release of Cabral's assailant from jail on habeas corpus, and the jailbreak of one of the accused in the Canuto case. It was not restored until late November, although the federal police claimed prior to that date, including the Procurador Geral, that it had been. During the time they lacked federal police protection, the three did not dare stay in Rio Maria for any period of time, or if they were in Rio Maria they did not dare to circulate freely. Thus union activities were seriously curtailed during this period.

All involved credit the reappearance of the federal police protection on November 25, 1991, to the pending visit to Rio Maria by Nobel laureate Pérez Esquivel on December 4, 1991. Protection for the unionists Canuto, Cabral, and Roberto Neto, which had been suspended in August 1991, was reinstated two days before Esquivel's visit. Protection has continued since then, though the Minister of Justice and the Federal Police have periodically expressed a desire to terminate protection.

The state military police began to provide protection for Father Rezende and João Martins Arruda, an important witness in the João Canuto case, beginning in late March 1991. João Martins' protection, though, was discontinued after a short time because his guards were given guns that did not work, and they insisted on visiting fazendeiros and pistoleiros who had threatened Martins. As a result, Martins was

⁴⁷ "Procurador pede proteção policial para sindicalistas," *Folha de São Paulo*, March 17, 1991.

uncomfortable with their presence, to say the least.

POLICE VIOLENCE IN LAND CONFLICTS

From 1985 to November 1991 there were 2,681 families evicted from their homes in the south of Pará. The number of eviction orders seemed to accelerate after May 1991, compared to a much lower number in prior years. In 1991 some 900 families were evicted by judicial eviction order, and another 600 were under judicial order of eviction not yet executed.⁴⁸ The numerical breakdown for evictions from 1985 to 1991, not all of which were carried out with judicial order, was:

Year	Families
1985	697
1986	600
1987	80
1988	98
1989	165
1990	141
1991	1500

At the same time, agrarian reform has noticeably slowed. During the Sarney government from 1985 to 1990 in the south of Pará, there were fifty-one areas of contested ownership expropriated—totalling 335,331 hectares—for the benefit of 4,477 families. Another forty-two areas of conflict, covering 324,149 hectares and involving 3,211 families, were not touched. In the first twenty months of the Collor government, through November 1991, there was only a small area of 948 hectares expropriated, legalizing an old occupation of the land by twenty-five families in Conceição do Araguaia.¹

Preliminary eviction orders are issued in defiance of the most fundamental and basic concepts of due process such as notice and a

⁴⁸ Letter, Father Ricardo Rezende Figueira, CPT, to Pérez Esquivel, Rio Maria, Pará, December 4, 1991.

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hearing. The landlord may secure an eviction order based on a short petition; Americas Watch has read several such petitions and the subsequent eviction orders, issued only a few days later and without notice to the settlers. While it is within the discretion of the court to give notice and an opportunity to be heard to the defendants, this procedure is not followed in the south of Pará.

The lack of opportunity to be heard has resulted in violence, sometimes by the military police and thugs employed by the fazendeiro, and less frequently by posseiros trying to defend their plots and homes. Indeed, the only rationale for proceeding in this *ex parte* fashion seems to be to enable the police to mount a surprise attack on the settlers and expel them. This rush to justice on behalf of plaintiff landlords, while murder cases in which landlords are defendants languish in the same courts, makes the courts appear to be mere instruments of the landowning class.

If the settlers received notice of the court hearing they might be able to challenge the case on the merits and peacefully avoid expulsion. Indeed, twice in a few months of 1991 in the south of Pará there have been eviction orders issued *ex parte* in which the state court lacked subject matter jurisdiction (that is, jurisdiction over the lands) because the lands were under federal jurisdiction. In one case, fazenda Pioneira (Aldeia) in Santa Maria das Barreiras, the land had already been expropriated by the federal government for agrarian reform purposes, a fact not revealed by the landowner to the state judge.⁴⁹ In another fazenda, Jequié in Parauapebas, the judge issued an eviction order without notice even though he did not have jurisdiction over the case because the fazenda was property of the federal government, thus outside state court jurisdiction. Even if it were in state jurisdiction, the fazenda was not located in the territorial jurisdiction of the court issuing the order.⁵⁰

Certain political controls on the use of military police are said to have been instituted, but this scarcely cures the basic due process failings. Efforts to better control execution of eviction orders are welcome, but it is curious that they fail to insist on judicial procedures that could obviate many occasions for violence.

⁴⁹ Unfortunately, after many incursions by the fazendeiros' gunmen onto this agrarian reform land, including destruction of a bridge, the posseiros' attempts to defend their homes and claim culminated in an ambush in which three gunmen were killed on August 5, 1991.

⁵⁰ Interview with CPT attorney Father Henri des Rozières, December 2, 1991.

According to Commander Roberto of the military police brigade in Xinguara, all cases of preliminary eviction orders since July 1991 when this brigade was established, required the General Commander of the military police in Belém to authorize use of the military police to execute all court-ordered evictions. The governor also must be consulted and can veto the use of military police for an eviction.

Similar procedures requiring approval or signing-off by higher police and political authorities before using police to evict rural workers exist in other states as well. Some of those states, such as Paraná and Maranhão (discussed below), have gone one step further, however. The governors there have halted all use of police for evictions resulting from occupations that took place prior to a certain cut-off date, with the promise of negotiating settlements, usually purchases, of the land. These commitments do not exist in Pará.

The Xinguara military police commander had five eviction orders pending execution at the time of the Americas Watch interview in December 1991 (two of which had substantial jurisdictional questions and all of which were *ex parte*). Even with such a sign-off procedure there may still be problems, for in past cases when the police arrive, they are accompanied by gunmen employed by the fazendeiro who have harassed the farmers in the past. Obviously they are a potential source of violence and their participation does not contribute to the appearance of impartiality on the part of the military police.

The Xinguara military police commander admitted that the military police sometimes ask employees of the fazendeiro to accompany the military police as guides since they know the area. He said that the police go in first with the guides to see how large a contingent to take, what the condition of the roads are, and other things. But even going once or twice is not enough to get the lay of the land, so they have to take the fazenda employees with them for the raid. This commander (who personally commands evictions) does not allow the guides to carry arms.

Female Bystander Seriously Wounded in Arrest Attempt at Fazenda Nazaré

The former owner of fazenda Nazaré, Jerônimo Alves de Amorim, was accused of being the intellectual author of the murder of Ribeiro de Souza. When he was arrested May 7, 1991, many landless farmers occupied the fazenda, and the military police entered later that month to enforce a rapidly-issued eviction order. They burned some of the barracks erected by the settlers and some 180 families were evicted. The *ex parte* eviction order was issued by the judge of Xinguara although allegedly the fazenda lies in the jurisdiction of a different

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municipality.

Commander Roberto of the military police in Xinguara, who directed the eviction proceedings at Nazaré, said the judge asked the police to remain on the fazenda. He refused because the fazenda is very far from their base and because "We do not serve as security from invaders," meaning the evicted settlers.

Some of the workers then returned to the site. On July 13 employees at fazenda Nazaré were ambushed inside the fazenda. One tractor driver was killed and four others were wounded. DOPS and the military police quickly arrested five men who had been connected with the occupation of fazenda Nazaré.⁵¹

Eugenio Viano da Cruz and his friend José Horacio de Almeida Ferreira were arrested for the crime on July 23, 1991, in fazenda Marajuara, forty kilometers from Nazaré. Viano's wife, Azenai Paulina Costa da Cruz, witnessed the arrests.⁵² When she went to the police station to visit her husband the day after his arrest she saw that he had been beaten and his chest was bruised as a result. He told her that he had been beaten and received electric shocks. In the brief time they had to talk, he asked her to bring him medicine. Ferreira also told her he had been beaten. The military police at the station told her that "they were bandits and they all deserved to die." Though she brought her husband medicine the police refused to let him have it.

Two others were arrested the same day, Sebastião Rodrigues Santo and Pedro José Coleta, who were found at home in fazenda Marajuara. The fifth man arrested was Paulo Lauriano dos Santos.⁵³

Two months later, on September 18, 1991, the police seeking to arrest another two suspects, opened fire on the same house in which Rodrigues Santo and Coleta were arrested. They wounded one

⁵¹ DOPS, a special state civil police investigative unit is also investigating the killings of Expedito, the Canutos, and Braz Oliveira in Rio Maria. See above.

⁵² Interviewed in Xinguara, Pará, on December 1, 1991. Mrs. Costa da Cruz said her husband and his friend had participated in the settlement of Nazaré, but after the police dispersed the settlers in May, the two did not return and were not there during the July ambush. They were working in their field at the time. But her husband's documents were found when the police searched Nazaré during the eviction.

⁵³ According to his wife, Rodrigues Santo did not even participate in the occupation of Nazaré. Interview with Devaira de Faria Rodrigues, Xinguara, Pará, December 1, 1991.

suspect, Devaira de Faria Rodrigues, mother of two young children. She is the wife and sister of some of the July 23 detainees, and had moved to another brother's house in fazenda Marajuara, after her husband's arrest. The house was constructed of flimsy wood with a thatched roof and it consisted of one room, which was a kitchen with a sleeping area. There were no interior walls. Also staying in the house were friends of the family who were helping them farm, Miguel Ferreira Barbosa and Antônio Luis da Silva, and Devaira's twelve-year-old son and his friend.

Devaira went to sleep in a hammock at 9:30 P.M. on the 18th. At about midnight she heard the police shout, "The house is surrounded, come out with your hands on your heads." Both men got out of their hammocks, and the military police started to shoot. Devaira saw Ferreira run outside, where he was shot in the shoulder. While she was still in the hammock, frozen with fear, she was shot in the right side and back. Having recovered, Devaira now has two large scars on her right back above the waist and a third smaller scar near her spine. Her son and his friend were sleeping in a bed nearby and they jumped out of it and hit the floor when the shooting started. Two bullets actually hit the bed, close to where their heads had been.

The police were only two to five meters from the house, but no one heard them until they started to shout. They started shooting less than two minutes later. While the police had a flashlight, there was no other light and there had been only candles in the house, none of which were burning. The house is seventeen kilometers from the nearest electric power.

Isidoro, a plainclothes civil police investigator in Xinguara, accompanied the military police. Devaira recognized him since he was the one who arrested her husband. The police did not show any arrest warrant, although according to the Xinguara civil police they had an order of detention from the judge at Xinguara.

Americas Watch interviewed the two detainees, Miguel Ferreira Barbosa and Antônio Luis da Silva, in the Xinguara jail on December 3, 1991. They said that they were asleep and did not hear the police as they surrounded the house; they only heard shots. Ferreira Barbosa, frightened, was shot by the police as he fled in the dark. The bullet penetrated his back, traveled through his right shoulder and exited near the collarbone.

One of the two participated in the May 1991 occupation of the Nazaré fazenda; when the police entered he ran off, leaving some of his identity documents in the barracks. He thinks that the police must have captured the documents. He did not return to Nazaré, and was not there when the tractor driver was killed. Both denied participating

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in the ambush or having had anything to do with the killing.

The military and civil police in Xinguara conducted an investigation into the wounding of suspects Ferreira Barbosa and Devaira. According to Commander Roberto, eight military policemen participated in the arrest operation with an additional civil policeman.⁵⁴ They had received information regarding the daily routine of the two suspects, who generally left home very early and did not return until late at night. The police surrounded the house after dark and planned to wait until daylight to make the arrests; the reason being that arrest warrants may not be executed without judicial permission after dark, according to several sources.

The military police later told investigators that they heard noises inside the house at about midnight, indicating that their presence had been detected. They yelled out that they were police, and then those in the house shot at them. (The suspects told Americas Watch they did not shoot at the police.) The sergeant did not give any order to shoot but some four police fired anyway, and he told them to stop. They did not know that a woman and two children were also in the house. The civil police secretary who investigated the case said that one of the men was shot when he ran out of the house after the police announced their presence.⁵⁵

Afterwards, the police captured a shotgun in the house but had no capacity to conduct a paraffin test so they could not determine if it had been fired recently.⁵⁶ The police took Devaira to the hospital in Marabá where she spent an hour and twenty minutes in the operating room and remained hospitalized for fourteen days.

The military police commander, although he believed the police version of events, forwarded the case to the military police prosecutor in Belém for proceedings against the four who opened fire. As of April 24, 1992, the military police had not yet concluded their investigation. The public prosecutor in Xinguara asked the internal investigation division (*corregidor*) of the civil police in the state capital to open an investigation as well.⁵⁷ This investigation has not produced any results

⁵⁴ Interviewed in Xinguara, Pará, December 3, 1991.

⁵⁵ Elita Pinheiro, escrivão of civil police, Xinguara, interviewed in Xinguara, Pará, on December 3, 1991.

⁵⁶ Commander Roberto, Xinguara, Pará, December 3, 1991.

⁵⁷ Interview, Xinguara, Pará, December 2, 1991.

either, but the four posseiros who were arrested for their alleged involvement in the ambush remain imprisoned.

Farmers Living Next to Occupied Area Illegally Arrested on Fazenda Mata Azul, Xinguara

In at least one case the prosecutor has asked that action be taken against the civil police for abuse of authority in connection with illegal arrests. This unusual step was taken after they arrested farmers who were not even involved in the occupation by posseiros of Fazenda Mata Azul. The farmers simply had the misfortune to live nearby.

One settler, whom we shall identify as Oscar, moved onto Mata Azul in August 1991 with other landless farmers who observed that the fazenda, located some sixty kilometers from Xinguara, was little used. They estimated there were at most a hundred head of cattle grazing.⁵⁸ At first eleven men arrived, then twenty-two families (without the women or children), then six, eight, ten more came, all in groups. The settlement is almost three kilometers from the nearest road and the settlers built barracks, each having room for nine people. There was no violence and no pistoleiros or military police arrived immediately. Deciding it was safe, the women and children joined the men.

The families did not know who the land belong to, but after a month Fabio de Abreu Vieira appeared with one other man with a gun, stating he was the owner of Mata Azul. He asked the settlers' leaders to attend a meeting. At the meeting, Vieira told them that the land belonged to three owners and he had documents of purchase and sale to prove it, which he showed the settlers. He also told them they could not have the land since there was not much of it as he had only 400 alqueires and this was only enough for his children.⁵⁹

When the settlers asked him to give them a piece of land to work, Vieira refused and threatened to take the case to court. If he did not win in court, he said he would hire pistoleiros and use force to throw the settlers off the land. Then they tried to negotiate a sharecropping agreement, whereby the settlers would pay Vieira an annual twelve

⁵⁸ Interview, Xinguara, Pará, December 1, 1991.

⁵⁹ One alqueire equals 2.72 hectares or 6.72 acres in Pará. In the petition for eviction, Vieira's attorney maintained that the size of the fazenda was 4,448.94 hectares, equivalent to 1,635.64 alqueires, an area far larger than the sixty families were farming. Petition, Otilio de Abreu Vieira, et al. v. Daniel, et al., Xinguara court, August 27, 1991 (livro 01, folha 100).

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sacks of rice per family. (Other small farmers had entered into this agreement with a fazendeiro nearby.) Vieira refused, stating "all or nothing," and the settlers heard later that he threatened to kill some of their leaders.

True to his word, Vieira sought a court order of preliminary eviction in a petition dated August 29, 1991, and the order was promptly issued on September 2 without notice or a hearing by Judge Roberto Gonçalves de Moura of Xinguara. Since the owner's allegations in the petition were accepted by the judge, the court order took public or judicial notice, without an offer of proof, that the trespassing and occupations were carried out in the region by a "band of invaders." Taking such judicial notice of facts that are so highly contested—especially without a hearing—makes a mockery of due process. Unfortunately, this is not the only court order seen by Americas Watch where such judicial notice has been taken.

The court order was directed to those named in the petition; no one was identified by his full name as required by law. It imposed a fine of five minimum monthly salaries for disobedience of the writ and gave the respondents fifteen days to answer the petition.⁶⁰

On September 6 the court requested a contingent of military police to accompany the judicial official to enforce the eviction order. According to the settlers, the military police went to the site only to discover that everyone had left. There had been sixty families living there, but the farmers posted as guards had warned them. Although the court order did not authorize the destruction of property, the military police took it upon themselves to destroy the houses they found there; the only penalty imposed in the court order was a substantial fine for disobeying the order. Some families later returned to the site.

On October 4, the attorneys for the landlords went to the police to ask them to investigate the invasion on the theory that it disturbed their right of possession (*esbulho possessorio*).⁶¹ Not long after, on November 1, the police illegally arrested five men without a warrant and held them five days in the Xinguara jail (longer than permitted by law). The arrested were not those responsible for occupying the Mata Azul fazenda, but other farmers who owned small, adjacent plots.

⁶⁰ In August 1991 the average exchange rate was \$1 for 372 cruzeiros and a minimum monthly salary was 42,000 cruzeiros (\$112.90), so the fine would be equivalent to \$564.50.

⁶¹ Interview, Elita Pinheiro, clerk (escrivão) of the civil police in Xinguara, Pará, December 3, 1991.

One of the five, Osvaldo Rodrigues Carneiro, father of nine children, farmed twenty alqueires he bought adjacent to Mata Azul fazenda. He was clearing his field when thirty soldiers arrived on November 1, 1991 at 7:30 A.M. They asked his name and then arrested him and his seventeen-year-old son. The soldiers then searched his house and found three shotguns left there by the Mata Azul settlers and two .38 revolvers that were his.⁶² Rodrigues's wife and eight of their younger children were home during the search.

The police, accompanied by a court official who directed them to make the arrest and search the house, did not show Rodrigues a search warrant or any document before entering his house. Vieira, who knows Rodrigues and also reportedly knows that he bought and paid for the land, arrived with the police. The police claimed that all the guns belonged to Rodrigues, and accused him of being a pistoleiro and a land defrauder. He told them the shotguns belonged to the posseiros. While they were taking Rodrigues and his son away, the police fired two shots in the air, frightening his wife and young children.

Rodrigues and his son were in custody for eighty-one hours in Xinguara. Three other farmers who lived outside of Mata Azul were jailed at the same time and their guns were seized. The five men were released without charges after a CPT lawyer intervened with the judge on their behalf. Nevertheless, Rodrigues was extremely upset that, despite no prior arrest, the police treated him and his son "like criminals."⁶³

The public prosecutor in Xinguara requested that the civil police open an inquiry on abuse of authority against the Xinguara civil police delegate Norberto José Emidio Bezerra for detaining the five farmers without a warrant and holding them for five days.⁶⁴ The police nevertheless held onto the shotguns they took prior to the illegal detentions, while admitting that shotguns were work implements and that no one needed a permit for such a gun kept only in the house. "It would be arbitrary" to release them, Elita Pinheiro, the clerk said, showing considerable hostility to those whom she called "invaders."⁶⁵

⁶² The posseiros from Mata Azul had previously passed by his house and asked if they could leave three shotguns there and Rodrigues agreed.

⁶³ Interview, Xinguara, Pará, December 1, 1991.

⁶⁴ Interview, Xinguara, Pará, December 2, 1991.

⁶⁵ Interview, Elita Pinheiro, Xinguara, Pará, December 3, 1991.

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Pinheiro also surprisingly claimed that the police did not need a judicial search warrant but could issue their own, according to an old form she showed us, labeled "order of search and seizure" (*mandado de busca e apreensão*), issued by the "judiciary police" of the state secretary of public security of Pará. Perhaps this form predated the 1988 constitution, which guarantees the inviolability of the home; she has been clerk of this police station for seventeen years, while the delegates come and go, she said.⁶⁶ According to a CPT attorney there has been an usually high rate of turnover of the delegates in the Xinguara station. (In the course of one year there were at least four different delegates.)

In referring to the police search warrant, "it depends on the situation," Pinheiro said, affirming that they only use it in cases of extreme necessity but if there were such a necessity they would use it even if the judge were available. The fact that the delegate was being investigated for abuse of authority seemed to affect her not at all.

1. Ibid.

⁶⁶ The Constitution, Art. 5, XI, states: "The house is the inviolable refuge of the individual, and no person may enter without consent of the resident, except in cases of crime being committed or a disaster, or to provide emergency assistance, or during the day, by judicial determination."

4. FORCED LABOR

Poverty-stricken rural workers, squeezed off the land by large landowners and land swindlers, are enticed by unscrupulous labor contractors (*gatos*, which translates literally as cats) to take jobs cutting down the forest in Brazil's Amazon. Transported hundreds of kilometers from their families to malaria-infested regions and relegated to plastic tents for shelter in the forest, they are trapped by debt resulting from illegally low wages and inflated charges for food, shelter, medicine, transportation, and work implements at the company or labor contractor-run store. No matter how hard they work, they cannot get out of debt. If they try to leave they are threatened with physical punishment and the pistoleiros retained by the labor contractors even track down those who try to escape, and bring them back to continue working off their "debt."

Not so coincidentally, the large landowners ultimately responsible for these abuses are also abusing the environment: they hire these impoverished workers for the purpose of clearing the forest—for logging, cattle grazing, or agriculture—on their vast landholdings. It is these landowners who can finance teams capable of large-scale destruction far greater than that contemplated by individual subsistence farmers.

If there were real commitment to preserving the environment by the Brazilian government, the federal and state authorities could use the existing labor legislation and criminal code to stop these labor practices, which are the direct cause of so much environmental devastation. This would be an additional tool for environmental protection, one that would not depend on the technical surveys from the strained resources of the official environmental agency (*Instituto Brasileiro do Meio Ambiente*, IBAMA), but that could function independently of IBAMA and even retard forest cutting in areas where it cannot reach. Use of labor legislation and criminal prosecutions for violence by labor contractors and landowners against employees would also put the landowners on notice that clearing the forest is not cost free.

Americas Watch has previously documented certain cases of forced labor in *Rural Violence in Brazil*.¹ Upon returning to Brazil in late

¹ See *News From Americas Watch*, "Forced Labor in Brazil," December 30, 1990; Americas Watch, *Rural Violence in Brazil*, pp. 86-99.

1991, it was confirmed that the problem remains unchanged and the governmental response is still lackadaisical at best, complicitous at worse. In this report as in prior reports, Americas Watch focuses on cases of slave labor where violence is used against workers to prevent them from leaving, to punish them for trying to escape, or to force them to work.²

THE LEGAL FRAMEWORK

The two federal crimes involved in cases of slave labor are recruitment through false promises or deception of workers for the purpose of taking them to another locality in the national territory and frustrating, by means of fraud or violence, a right guaranteed in labor legislation.³ These two crimes, however, carry very low penalties, detention for one or two months to a year plus a fine. Reducing a person to a condition analogous to slavery is also a federal crime when it involves interstate transportation, as many of these cases do, and carries a two to eight year jail term.⁴

Reducing a person to slavery has been defined as suppressing the individual's right to liberty, leaving him totally subjected to the domination of another.⁵ This includes buying or selling or ceding a person, without his consent, or using him without recognizing his right to remuneration.⁶

² Penal Code, art. 149, forbids reducing a person to a condition analogous to slavery, punished by two to eight years in prison. This is referred to in Brazil as slave labor.

³ Penal Code, art. 207: Aliciar trabalhadores, com o fim de levá-los de uma para outra localidade do território nacional (punished by detention from two months to one year and a fine); and Penal Code, art. 203: Frustrar, mediante fraude ou violência, direito assegurado pela legislação do trabalho (punished by detention for one month to one year, and a fine, in addition to the penalty corresponding to the violent act).

⁴ Penal code, art. 149: Reduzir alguém a condição análoga à de escravo.

⁵ E. Magalhães Noronha, *Direito penal* (São Paulo: Saraiva, 1977) p. 178.

⁶ Heleno Cláudio Fragoso, *Lações de direito penal* (São Paulo: Forense, 1987), vol. 1, parte especial, pp. 221-222.

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States have jurisdiction over the crimes of depriving a person of his liberty through private jailing or kidnapping.⁷ Beatings and murders are crimes that are to be investigated by state authorities.

The Universal Declaration of Human Rights, art. 4, states that "No one shall be maintained in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." The International Slavery Convention of 1923, as amended, states the parties recognize that "recourse to compulsory or forced labor may have grave consequences." They therefore agree "to take all necessary measures to prevent compulsory or forced labor from developing into conditions analogous to slavery," and agree that compulsory or forced labor may be exacted for public purposes only. In territories where it survives for private purposes, the parties to the convention agreed in article 5 that they:

shall endeavour progressively and as soon as possible to put an end to the practice. So long as such forced or compulsory labor exists, this labor shall invariably be of an exceptional character, shall always receive adequate remuneration, and shall not involve the removal of the labourers from their usual place of residence.

Brazil is also a party to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. That instrument requires the parties to take:

all practicable and necessary legislative and other measure to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices:

(a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services. . . as security for a debt, if the value of those services as responsibly assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and

⁷ Penal Code, art. 148: Privar alguém de sua liberdade, mediante sequestro ou cárcere privado. The penalty is jail for one to three years. If the victim is deprived of his liberty more than fifteen days, the penalty is jail for two to five years. If the victim suffers grave physical or moral injury as a result of ill-treatment or by nature of his confinement, the penalty is two to eight years.

defined. . . (art. 1).⁸

Convention 105 of the International Labor Organization (ILO), ratified by Brazil on June 18, 1965, abolishes forced labor, debt slavery, and servitude. ILO Convention 29, art. 4 (2), requires that where:

forced or compulsory labor for the benefit of private individuals, companies or associations exists at the date on which [the convention is ratified], the Member shall completely suppress such forced or compulsory labor from the date on which this Convention comes into force for that Member.

Convention 29, art. 2 (1), also ratified by Brazil, defines forced or compulsory labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

Brazil, which is a party to these instruments, has failed to comply with their requirements. The total absence of any convictions for these crimes, would be pathetic did it not appear to be deliberate.

THE CONTINUED PRACTICE

As of April 1992, the CPT, the human rights office most closely monitoring rural labor conditions, had registered twenty-seven complaints of slave labor for the year 1991, involving 4,883 people in eleven states: the Amazonian states of Pará and Mato Grosso, the central west state of Mato Grosso do Sul, the northeastern states of Alagoas and Bahia, the southeastern states of Espírito Santo, Minas Gerais, Rio de Janeiro, and São Paulo, and the southern states of Paraná and Rio Grande do Sul.⁹

This was in addition to the eighteen cases in three states documented in 1990, in which 1,599 workers were involved.¹⁰ The

⁸ Inducing another person to place himself into servile status resulting from debt bondage, an attempt to perform such acts, being an accessory thereto, and being a party to a conspiracy to accomplish such acts "shall be a criminal offence under the laws of the States Parties to this Convention and persons convicted thereof shall be liable to punishment," art. 6.

⁹ CPT-Nacional, letter to Americas Watch, April 30, 1992.

¹⁰ CPT-Nacional, "Trabalho Escravo No Brasil," January 21, 1992, p. 3.

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number of victims of these abuses increased a sharp 205 percent in one year, and the reported practice spread from three to eleven states. Nevertheless, Americas Watch was informed by Mauro Spósito, the chief of staff (*chefe do gabinete*) of the Federal Police, that as of November 1991 there were no prosecutions pending in federal court in cases of slave labor, although they had several cases under investigation.¹¹

On the national level, the CPT registered 9,218 people in the four years from 1988 through 1991 working under a condition of slave labor, but this is believed to be only the tip of the iceberg.¹²

Total	
Year	Cases
1988	16
1989	8
1990	12
1991	27

¹¹ Interview, Brasília, November 20, 1991. Spósito said that the federal police had forwarded to the ILO all slave labor cases they had investigated in the past three years, and showed Americas Watch a computer printout with names and other information on the cases, but did not provide any statistics.

¹² According to information available as of late 1991, the most offending states were Mato Grosso (15 fazendas, 2,787 people), Pará (17 fazendas, 1,062 people), and Rio Grande do Sul (4 fazendas, 1,028 people). The others were: Rondônia (900 people), Bahia (800 people), Espírito Santo (587 people), São Paulo (550 people), Mato Grosso do Sul (446 people), Tocantins (250 people), Rio de Janeiro (243 people), Goiás (194 people), Amazonas (56 people) and Maranhão (19 people). See CPT-NACIONAL, "Trabalho Escravo No Brasil."

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People*

2,189

597

1,599

4,833

9,218

*CPT-Nacional, "Trabalho Escravo No Brasil"; 1991 statistics updated from CPT-Nacional, letter to Americas Watch, April 30, 1992.

The International Federation of Plantation, Agricultural and Allied Workers (IFPAAW) complained to the ILO in November 1991 of several cases of forced labor violating international labor conventions, in particular ILO Conventions Numbers 29 and 105.¹³ Among the concerns raised by IFPAAW are slave labor conditions on various fazendas in Pará and Mato Grosso, at acacia-cutting enterprises run by Tanagro S.A. in the southern state of Rio Grande do Sul, and in the Cachoeira Distillery, in Rio Brilhante, Mato Grosso do Sul (see chapter 7).¹⁴

The ILO Committee of Experts on the Application of Conventions met in March 1992 to discuss these violations. A report on their findings was scheduled for release in May 1992.

FORCED LABOR CASES IN THE SOUTH OF PARÁ

Since 1980 in the south of Pará, the CPT has denounced slave labor

¹³ The IFPAAW's associate trade unions in Brazil are the Departamento Nacional Dos Trabalhadores Rurais of the Central Unica dos Trabalhadores (CUT) and the Movimento Sem Terra (MST). Letters of November 14 and 18, 1991, to ILO Director General Michel Hansene from IFPAAW. Among these cases are the eight detailed in *News from Americas Watch*, "Forced Labor in Brazil," December 30, 1990.

¹⁴ On May 23, 1991, the Gaúcho Association of Labor Inspectors (*Associação Gaúcha dos Inspetores do Trabalho*, AGITRA) submitted a complaint to the ILO about several Brazilian cases violating ILO Conventions Numbers 29 and 105, among them the cases that occurred in Paqueta (200 families) and Cidreira (50 families), both in Rio Grande do Sul, and in Paraibuna (66 persons), São Paulo. Since that time, other groups have denounced additional cases in Rio Grande do Sul.

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on thirty-two large properties, involving 3,144 men, women, and children.¹⁵ Among those cases registered by the CPT in Pará in 1991, the eight cases involving more than 620 people do not represent all of those that took place. Many migrant workers escaping from brutal and unpaid labor do not go to the police, human rights organizations, or unions, because they have no roots in the community, no where to live, and have to find other work quickly. One attorney who handles labor matters in the south of Pará told Americas Watch that he has to turn away many of the cases of unpaid labor and slave conditions that he receives because of the large distances between his office and the nearest court; he said a large number of complainants come from fazendas in the Xinguara area. The regional federal police delegation in Marabá receives about two or three people a day who come to complain about slave labor and cheating of workers, such as gatos or owners who pay for only one alqueire when one and a half have been cleared.¹⁶

The following consists of four forced labor cases in Pará from 1991 and seven cases of slave labor registered in Pará from 1990. The status of two of these older cases also follows.¹⁷

According to Dr. Sidney José Seixas, the regional federal police delegate in Marabá, Pará, there were one hundred federal cases under investigation in his office in December 1991, but only six were slave labor cases.¹⁸ The federal police also have jurisdiction over such crimes as drug use, bank fraud, stealing wood from indigenous territories, among others.

Seixas claims credit for charging three fazendeiros and two managers with slave labor practices since his arrival at the Marabá

¹⁵ Father Ricardo Rezende Figueira, Rio Maria, Pará, "Violação dos Direitos Humanos dos Camponeses no Brasil," presented to the 48th session of the Commission of Human Rights of the United Nations, February 5, 1992, in Geneva.

¹⁶ Interview, Marabá, Pará, November 29, 1991.

¹⁷ CPT, *Espinhoso Caminho para a Liberdade, Conflitos no campo--1990* (Goiânia: CPT, 1991), p. 55; *News From Americas Watch*, "Forced Labor in Brazil."

¹⁸ In this regional office, there are fourteen federal agents for twenty-three municipalities in a vast geographical area. Seixas, appointed in April 1991 to this office, is an attorney with twenty-eight years of experience in the federal police, specializing in drug trafficking.

office in April 1991. None of those accused are in custody, however. He said that in addition five gatos were arrested and charged in slave labor cases he has investigated and their cases forwarded to the Attorney General and federal judge in Belém for trial. In some cases, however, the accused have been released from police custody because of delays in processing their cases; Brazilian law allows an accused to be conditionally freed if he is not indicted within eighty-one days of detention. Seixas said that four gatos who were jailed had since been released on habeas corpus for that reason. As far as Americas Watch could determine, there was only one gato in jail at the time of the November 1991 visit.

Fazendas Santo Antônio do Indaiá and Santana do Indaiá, Ourilândia do Norte, Pará

As of late November 1991, three people were accused but not arrested for the crimes of frustrating labor rights and slavery committed against the workers from April to July at fazendas Santo Antônio do Indaiá and Santana do Indaiá, located near Ourilândia do Norte, Pará, 120 kilometers from Redenção.¹⁹ The workers said about 200 men worked there during this period, although many of them had fled before the police raided the fazenda on July 2, 1991.²⁰

Many workers were recruited in the neighboring state of Maranhão. The gato for Santana do Indaiá, Francisco Pedro da Silva (Chico Cazuza), lives in Dom Pedro, Maranhão. He recruited the men by going from door to door, offering jobs. Since they ordinarily only subsisted by farming small plots of land in this drought-stricken state, they jumped at the chance to make the kind of money he promised.

¹⁹ Interview, Marabá, Pará, November 29, 1991. Under investigation were gatos Francisco Pedro da Silva (Chico Cazuza) and Adão dos Santos Franco, owner of Empreiteira Reunidas Ltda., Santana do Araguaia, Pará, and pistoleiro José dos Reis Campos Rezende (Bimba), according to a letter from the federal police delegate Raimundo Batista de Moraes Lima, September 25, 1991. Also under investigation were Eleusino Batista Mattos and Carlindo Bueno. The owners are Dr. José Maurício Dias and Marcos Augusto Pereira Vale, respectively; the administrator of the two fazendas is Tarley Helvécio Alves. (Because the two fazendas are administered by one person, they are referred to as a single unit for the purpose of this section.) Statement, CPT de Conceição de Araguaia, Pará, August 20, 1991.

²⁰ Except where indicated, the information in this section comes from interviews with workers conducted near their homes in Dom Pedro, Maranhão, on November 25, 1991.

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One group of fifteen men left on April 2, 1991, and another group of sixty-eight left on April 15 with Cazuza. Three were minors and some were given pay advances for their families. In clear violation of the labor law, they did not have a signed agreement before they left; migrant workers rarely do. Nor did they have a clear understanding of how much they would receive for their work. They were enticed with the promise of receiving from 12,000 to 20,000 cruzeiros (\$47 to \$79) per alqueire for "easy" work, which they were told they could finish in forty days.²¹ "We were taken like cattle, in a covered truck," José de Ribemar Dias said. It rained on the way and it took them three days to reach the fazenda. They slept inside the truck, parked on the road at night. They received food only twice during the trip—rice, beans, and macaroni—and they had to pay for it. The trucks detoured from the asphalt road in order to avoid the transit police, who maintain checkpoints along the road and require gatos transporting such truckloads of men to show signed contracts.

When the migrant laborers from Maranhão began work they discovered that they had been deceived. The labor conditions were so bad and the pay so low for such arduous work that workers would only remain at the fazenda if they were guarded and physically threatened by armed guards or pistoleiros who kept them from escaping. If they tried to flee, they were brought back and beaten. Indeed, workers told Americas Watch that almost 150 of the 200 men working on that fazenda fled before the police raided it on July 2, 1991.

A minor, Edilton Lopes da Costa, 16, tried to escape with three other workers, after they were forced at gunpoint to work on a Sunday. They encountered a pistoleiro, who made them and others who were fleeing at the same time to return. Edilton and his friends tried again the next night. After getting lost all night in the bush, they were caught by pistoleiros. For punishment, they were forced to take off their clothes and sit near a stream for three hours, thus exposed to mosquitos. Edilton was told by another group of workers who tried to flee that one of their group, known only as Milton, ran into the bush and a pistoleiro known as Lambretão ran after him; they heard a shot and never saw Milton again.²²

A young man, nineteen-year-old Antônio da Conceição Bezeira, got fed up only a week after they arrived in April 1991. While he had

²¹ The average exchange rate in April 1991 was \$1 for 252.2 cruzeiros.

²² Signed statement of Edilton Lopes da Costa to CPT, Redenção, Pará, July 4, 1991.

worked in another fazenda in Pará where it was not so bad, Bezeira could see that he was only going to earn "enough for a snack" for very hard work. He fled with two other workers and they got as far as Mata Geral, Pará, some seventy kilometers from the fazenda. They traveled day and night, on foot, on the road and in the bush, not hitching any rides. They were on the side of the road when the men tracking them caught up with them. The three were captured by eight pistoleiros and Cazuza, all armed with .20 gauge shotguns and revolvers.

The pistoleiros told Bezeira he had to go back because he was "obliged" to. They claimed he owed 18,000 cruzeiros (\$71) for the food, clothing, work tools, and other things he bought from the company store. The three captured laborers were walked at gunpoint to the pistoleiros' truck. They slept on the road, and arrived at the fazenda the next day.

Upon their arrival, still without being fed, they were taken to the cantina at Santo Antônio do Indaiá. There the fazenda's gato and labor contractor (*empreiteiro*), Adão Franco, hit Bezeira on the head with the butt of a grass-cutting knife, provoking him to say "You're only beating me because I'm poor and a peon." Franco claimed he was owed 7,000 cruzeiros (\$27), which he laid out for the journey, adding "Your obligation is to work until you paid off the bill and then you can leave."²³

The pistoleiros made the three captive workers, still deprived of food, remove their clothing and cut the long, sharp grass next to the cantina. Bezeira got sick and at about 4 P.M. sat down, saying he could not cut any more. If they wanted they could kill him but he refused to cut any more. He was released from this punishment but was kept working forty days clearing thirteen alqueires with seven other workers, then sent to work for fifteen days on another plot, then another three and a half days elsewhere.²⁴ At the end of this time, after repeated demands for his wages, he received 12,800 cruzeiros (\$42.92) for sixty-five and a half days of work.²⁵

²³ The federal police took the declaration of João Bezerra de Souza, who witnessed Franco hitting Bezeira. Declaration of João Bezerra de Souza, Redenção, Pará, July 4, 1991.

²⁴ In Pará, an alqueire is equivalent to 2.72 hectares or 6.72 acres. Fifteen alqueires is equivalent to 40.8 hectares or 100.8 acres.

²⁵ Statement of Antônio da Conceição Bezeira, Redenção, Pará, July 4, 1991; interview, Dom Pedro, Maranhão, November 25, 1991.

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Lourenço Pereira Silva made a statement to the federal police in which he said that he had tried to flee on April 8, 1991, at midnight with eight other men. Six were captured by armed pistoleiros and brought back to the fazenda. Then Lourenço and two others were apprehended by three pistoleiros, who took them back to the company store, beating one of them with a rifle butt.²⁶

Some were forced to work by the pistoleiros even when they were sick with malaria. Francisco das Chagas Lima stated that when he had malaria and was running a high fever, he was made to continue working, threatened by a pistoleiro, Bimba Rezende or Lambretão.²⁷

In general, once they arrived at the fazenda, the men were divided into teams of four to eight men, and each team was taken immediately to work in the forest. They lived in isolated areas near their work and the dispersed groups did not see one another often. The workers had to construct their own barracks in the middle of the jungle from plastic sheeting that they purchased at the cantina and slept in hammocks or on canvas on the ground. They also had to purchase their own work implements, an extra and unanticipated cost also deducted from their wages.

They typically worked from sunrise to sunset. One team had to walk two kilometers to the work site, which took about thirty minutes. The job they were hired to do was to cut down the brush with a machete, cleaning up after the heavy growth was cut first by another team with an electric saw. Actually, many workers were assigned to cut thick brush by hand, which took much longer than originally described.

Their water was carried from the Garapé River for they had no plumbing. Without any preventative medicine for malaria, many got sick, and then had to buy their medicine from the gato at the cantina. A team member would have to go to the closest of the two or three cantinas, which would be two or three kilometers away, and bring back the medicine for the sick teammate; no other medical assistance was available.²⁸ They did not get to communicate with the outside

²⁶ Statement of Lourenço Pereira Silva, federal police, Belém, Pará, July 27, 1991.

²⁷ Statement of Francisco das Chagas Lima, Redenção, Pará, July 4, 1991.

²⁸ An exception was Lourenço Pereira Silva and another worker, who received medical care for their bad cases of malaria from a nurse at the fazenda house and, not improving, were taken to a hospital in Santana do Araguaia and left there. Statement of July 27, 1991.

world since the only communications were on the radio at the cantina, controlled by the gato.

Many complained that they were cheated at the company store, the only place they could purchase food. These stores were coincidentally owned by the gato Adão Franco, of Empresa Reunidas de Santa Araguaia. Items they had not bought were added to the bill and prices were very high. All of the food was deducted from their wages. One man commented, "The more you work, the more the bill increases."

The gatos and the pistoleiros told them that they could not leave until they paid off their debt. The pistoleiros were always armed and traveled together in groups of two or three. Many workers testified that they worked while under guard by pistoleiros. At the store the workers exchanged information and discovered that some were beaten, but they were afraid to talk openly with others about this.

The wage the teams were promised was 12,000 to 20,000 cruzeiros (\$47 to \$79) per team for each alqueire cleared; most were told 12,000 cruzeiros, to be divided among team workers.²⁹ Later they were told that the owner of the fazenda, who lives in the state of Paraná thousands of kilometers to the south, paid 75,000 cruzeiros (\$297) to the labor contractor for each alqueire cleared.

The workers were originally told that the work was so easy that a team could clear an alqueire in four days. Even at 12,000 cruzeiros per alqueire, divided by six men, this would be a good wage for four days of such unskilled work in rural Brazil. However, it is not the daily minimum wage mandated by law of 1,500 cruzeiros per day; some 6.2 million Brazilians in a work force of over 57.4 million earned salaries equivalent to a half minimum wage in 1987.³⁰

The catch was that the work was so difficult that it could never be completed in such a short period. One man said the work was so hard that it took his team two months to clear thirteen alqueires; another team of eight took two months to cut down three alqueires; another team of five cleared only five alqueires in three months.³¹ These

²⁹ The average exchange rate in April 1991 was \$1 for 252.2 cruzeiros. By July the rate was \$1 for 329 cruzeiros and 12,000 cruzeiros dropped in value to \$36.

³⁰ IBGE Anuário Estatístico do Brasil 1989 (Rio de Janeiro: 1989), p. 127. The monthly minimum wage at the time for urban and rural labor was 42,000 cruzeiros (\$166) or about 1,500 cruzeiros (\$5.95) per day for a twenty-eight-day month.

³¹ The CPT states that the plan for deforestation in 1991 was twenty-five

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workers never even saw a fraction of the wages they counted on, however, because of the high prices charged for food and other necessities at the company store, which had a monopoly on their business. A team that cleared thirteen alqueires received only 7,625 cruzeiros (\$23) each, not enough to cover their bus fare home.³²

Many never saw any money for their months of labor under extremely rough conditions in the jungle. Damião de Lima cleared ten alqueires with five men in ninety days and was not paid anything. He vowed he would never return to Pará to work.³³ Raimundo Ramos da Silva cleared ten alqueires with four men in seventy-five days and his team ended up owing the cantina 20,000 cruzeiros.³⁴ Deusdete de Souza Rocha was not paid anything for working from April 5 until July 2, 1991:

with five companions we started with a plot of nine alqueires. During this time we worked under guard of the "controllers" (*fiscais*) of the fazenda. They were armed with 20 gauge shotguns. In the beginning I worked while I was sick with a bruised leg. . . . I went to work at 7 A.M. and only returned when it started to get dark. When we went to settle accounts with the store owner, we all owed money [even after all our wages were applied to the debt]. I had a debt of 9,000 cruzeiros. After this we started another job to clear another eight alqueires To finish these eight alqueires we worked about fifty-six days and the four of us earned nothing. During this time I wanted to leave but I could not because I owed money. If I fled they would go after me as they did with others who fled and who were beaten after being captured. On July 2 the police and others came to the fazenda and asked if I wanted to leave; I

alqueires (sixty-eight hectares) in fazenda Santo Antônio do Indaiá and 150 alqueires (408 hectares) in Santana do Indaiá.

³² The team of eight was told they would receive 16,000 cruzeiros for each alqueire. They cleared thirteen alqueires and should have received 208,000 cruzeiros for the job. Some 87,000 cruzeiros were deducted for food for all eight, plus the advance of 60,000 cruzeiros extended to six of them. By July 1991 the average exchange rate was \$1 for 329.4 cruzeiros.

³³ Interview, Dom Pedro, Maranhão, November 25, 1991.

³⁴ Statement, Raimundo Ramos da Silva, Redenção, Pará, July 4, 1991.

agreed and we came to Redenção.³⁵

After the Ministry of Labor raided the fazenda, the contractors offered in settlement a daily wage of 1,500 cruzeiros, the monthly minimum wage at the time. This settlement was paid to only twelve workers; four others received different amounts depending on their circumstances.³⁶ Since 150 of the 200 men had already fled the fazenda before the police raid, they could not be compensated when the government agencies finally intervened.

On May 2, 1991 worker Ivan Elite Vieira escaped on his second attempt, after pistoleiros threatened to kill him. He reached Redenção where he gave a statement to the police and the CPT about the abusive situation at the fazenda. The contractor Adão Franco was summoned and made a statement before the Redenção civil police but no other steps were taken.³⁷

In the middle of June 1991, Lourenço and Francisco Pereira da Silva, who were allowed to leave the fazenda because of severe malaria, denounced the harsh labor conditions to the CPT coordinator in Araguaia Tocantins, Father Patrício Sullivan.³⁸ The federal police also took their statements in Belém, including their allegations of clandestine cemeteries used to dispose of workers' bodies.

Journalist Abnor Gondim of Brazil's foremost weekly newsmagazine, *Veja*, started investigating the story and notified the federal police of the slave labor conditions at that fazenda.³⁹ Governor

³⁵ Statement of Deusdete de Souza Rocha, Redenção, Pará, July 4, 1991.

³⁶ Official Settlement Agreement between Empreiteira Reunida Ltda. and sixteen workers, Redenção, Pará, July 3, 1991. Under this agreement, twelve of the workers received 13,493 cruzeiros each for an unspecified number of days (in most cases over fifty). At the daily rate a worker employed for sixty days would gross 90,000 cruzeiros. This is equivalent to a piece work rate of 41,538 per alqueire for a six-man team clearing a thirteen alqueire plot in sixty days.

³⁷ Statement, CPT de Conceição de Araguaia, Pará, August 20, 1991.

³⁸ CPT, "Trabalho Escravo, Fazenda Santana e Santo Antônio do Indaiá, Município de Ourilândia do Norte, PA," August 20, 1991.

³⁹ On or before June 25, 1991, he notified Dr. Roberto Porto of the federal police in Belém and Mauro Spósito, chief of staff of the federal police, in Brasília. Ibid., p. 3.

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Jáder Barbalho sent state Secretary of Labor Dr. Roberto Ribeiro Corrêa to investigate and on July 2, 1991, he and other officials, press and human rights representatives appeared at the fazenda, accompanied by the uncle of one of the minors being held there.⁴⁰ According to worker José de Ribemar Fernando Ferreira da Silva who was on the fazenda, the gato and pistoleiros were warned that the federal police were on their way to the Santana do Indaiá fazenda four days earlier, on Saturday, June 29, by a companion using a radio. The gato arranged to conceal operations as he moved Ferreira da Silva and other workers further into the bush for another day. Transporting fifteen workers from the fazenda in his truck, they passed a car the pistoleiros mistakenly thought belonged to the police. In a panic they jumped out of the truck and hid in the bush. They later continued on their way to the nearby town of Santana de Araguaia, where they were paid and dismissed. Ferreira da Silva was paid 16,000 cruzeiros (\$53) for the work he did from April 5 to June 30, 1991, or 242 cruzeiros (\$0.81) per day.⁴¹

When the state investigators arrived at the fazenda on July 2, they had to walk three hours through the bush to locate a work site. They found fifty-two men, women and children, including sixteen chain saw operators with their wives and children; all were living in plastic tents. Vicente Aniceto and Damião de Lima were working when the delegation of state military police and others arrived at 3 P.M. The police ordered everyone to go the cantina where they, the CPT, and others addressed the workers and the police took statements. When asked, all the workers said they wanted to leave the fazenda. Gato Chico Cazuza gave a statement to the police at the fazenda, but they did not think they had the jurisdiction to make arrests so released him.

The police transported the laborers to Redenção where they stayed for three days, with shelter and food provided by the local parish. Later, the Ministry of Labor representative obliged the contractor to

⁴⁰ CPT, "Trabalho Escravo, Fazenda Santana e Santo Antônio do Indaiá," p. 4. The secretary of Labor's advisor Dr. Sebastião da Silva Ramalho, the labor prosecutor Antônio Carlos Carral Secco, the *Veja* journalist and his photographer, civil police investigator Raimundo Noleto Mendonça of Redenção, CPT representatives Nivando Vieira do Nascimento and Ana de Souza Pinto, and Cleber Fontenele Lima of the MEB in Redenção were in the group.

⁴¹ Statement, José de Ribamar Fernando Ferreira da Silva, Redenção, Pará, July 4, 1991. In June 1991 the average exchange rate was \$1 for 298.2 cruzeiros.

pay 12,000 cruzeiros (\$36) to twelve workers and other sums to four other workers, intended to cover the cost of transport home. Since the bus fare back to Maranhão was 9,000 cruzeiros (\$30), they returned with virtually nothing.

Vicente Aniceto, one of the lucky twelve, spent most of his 12,000 cruzeiros on bus and meals during the trip home. In his absence, his wife had to buy groceries on credit and since he brought home nothing, they were still paying their creditors five months later.

This case is unusual in one respect: a civil suit was filed for eleven workers against the gato Chico Cazuza on September 5, 1991 in state court in Dom Pedro, Maranhão by a CPT attorney. They are demanding 215,000 cruzeiros (\$496) each, representing unpaid wages and legally required benefits such as severance pay and paid vacations.⁴² After several delays, on April 9, 1992, the judge of Dom Pedro, Dr. Milton Bandeira Lima, heard the arguments of the workers and asked Chico Cazuza if he could offer any reimbursement. Cazuza refused, claiming that he was too poor and had been fooled by the labor contractor of the fazenda, Adão Franco. The judge accepted this excuse, and stated that Franco should be responsible for reimbursing the workers. He left the final determination until June 11, by which time the court was to have been able to determine Franco's assets and whether he could pay the workers.⁴³

Usually, workers who have not been paid and have successfully escaped before the rare police raid, have no remedy. In this case, coordination between the different CPT offices and the availability of a CPT attorney in Maranhão has given these workers a chance at some compensation.

On July 4, 1991 two days after the state police raid, regional federal police delegate Dr. Sidney José Seixas took the statements of six workers in Redenção where they had taken refuge; among the six were three minors. Seixas said he made no arrests because he did not participate in the raid, and did not catch the guilty *in flagrante delicto*. In fact, the fazenda had been raided before he took action by state authorities, nongovernmental organizations, and *Veja* (which published an article on the practice of slave labor).⁴⁴ The federal police were notified in advance of the state raid, however. The results of the

⁴² The average exchange rate in September 1991 was \$1 for 432.8 cruzeiros.

⁴³ Letter from CPT-Maranhão to Americas Watch, April 13, 1992.

⁴⁴ Abnor Gondim, "Senzala Amazônica," *Veja*, July 29, 1991.

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federal police investigation were forwarded to the Attorney General, who returned the case to the police for further investigation. Dr. Raimundo Batista de Moraes Lima, federal police delegate, informed the CPT on September 25, 1991, that the inquiry was stalled for lack of funds.⁴⁵ This, despite claims in November by Seixas that two owners and one manager were still being investigated.

Fazenda Big Valley, Xinguara, Pará

Luiz Barbosa Vale was recruited for work at the Big Valley fazenda in Xinguara, Pará, on June 8, 1991, by gato Antônio Guedes at a bus stop outside Marabá.⁴⁶ Guedes asked if Vale wanted a job, which he claimed paid 22,000 cruzeiros (\$66) per alqueire for clearing pasture.⁴⁷ Vale said that the owner wanted to clear the forest to prevent the landless from invading.

Also recruited at the same time from the Hotel Pihoneiro, were nine other men whom Vale knew by sight. The recruiters took the men in a bus to Sapucaia where they waited in the Hotel Rodeio a few days for some fifty more workers from Jacundã municipality. Then they all left by truck to the fazenda seven hours away, arriving on June 11 at 5 P.M.

Another worker, Jesus Lourenço, was also recruited for the job by Guedes and likewise promised 22,000 cruzeiros per alqueire. He was brought to the fazenda at about the same date in a truck with forty men, and upon arriving noticed three armed pistoleiros who were to guard their barracks all night.⁴⁸ When they arrived at the fazenda house, according to Vale, they were surrounded by twenty men armed with carbines and .38 revolvers. Guedes told them they could not leave and if they tried to, they would be beaten.

The next day, at 7 A.M., according to both Vale and Lourenço, they were marched off into the forest for some seven kilometers, with a tractor clearing the way, until they arrived at a site where they spent four days building their barracks. While the barracks was under construction they slept on the ground or in hammocks. They were accompanied by twenty pistoleiros.

⁴⁵ CPT Nacional Bulletin, Goiânia, October 8, 1991.

⁴⁶ Interview, Marabá, Pará, November 29, 1991.

⁴⁷ The average exchange rate in July 1991 was \$1 for \$329.40 cruzeiros.

⁴⁸ Statement of Jesus Lourenço, Rio Maria, Pará, July 27, 1991.

Once there the workers were informed they were going to be paid only 11,000 cruzeiros (\$33) per alqueire. When Vale protested and said Guedes had promised 22,000, the contractor denied it. According to Lourenço, Guedes said he was going to pay 11,000 cruzeiros because the work was lighter and he only wanted them to clear brush so that the chain saw could get in to cut down the heavy growth.

After the workers had been there for another seven days and cleared seven alqueires, the pistoleiro Nonato told them the work was not well done, and they had to do better for the same price, 11,000 cruzeiros. He threatened them with his gun, according to Lourenço, who was there with Vale and two other workers. Young Vale objected, saying he could publicly denounce these practices, adding that he had been in the army for over a year and was a reservist. The workers then retreated to their barracks and later that day Guedes sought out Vale and offered him 22,000 cruzeiros per alqueire. (Vale recalls Guedes offering him 22,000 cruzeiros and Lourenço believed it was 15,000). Shortly thereafter a worker who had been assigned to stand guard over the other workers overheard Guedes and his men plotting to kill Vale, who he warned.

Very early in the morning of the next day, Vale fled toward Xinguara, sixty kilometers away. He traveled on foot through the bush, often getting lost before he found the road, where he hitched a ride to Rio Maria where the rural workers' union took him to the federal police to make a statement. Lourenço, who remained behind waiting for the police to come, said that after Vale escaped the gato recruited another forty men, making it a contingent of seventy workers.

On about July 24, three workers, whose names Lourenço did not know, claimed they were going fishing but fled instead. The pistoleiros Gordo and Nonato went after them and returned the next day. When one of the workers asked what happened to the three, Nonato said he did not bring them back, because it was too much trouble. He had wanted to kill one of the workers in front of everyone, to serve as an example, he said. Then he added that the three were "not going to be giving anyone any problems anymore." Lourenço and others interpreted this to mean that the three had been killed (no doubt as it was intended regardless of whether they were actually captured).

In a separate case that took place at the end of June, one of three brothers was refused permission to leave since he still owed money to the store. The boy nevertheless packed his bag and left, but pistoleiro Nonato went after him and grabbed him in full view of the other workers. The boy sat down on the ground in protest and Nonato struck him hard on the back with his carbine and made him return to

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work; leaving him in pain for many days. At the same time, when Lourenço wanted to leave he was told that with all that he owed the store he had only earned 1,250 cruzeiros (\$3.79) for forty-five days of work, so he stayed in order to earn more.⁴⁹

After Vale denounced the case to the governor's office in Belém, a contingent of the Divisão de Ordem Política e Social (DOPS) was sent to Xinguara to investigate with a map of the fazenda he gave them. The DOPS officers detained Antônio Guedes in Xinguara in connection with the Canuto murder of April 1990. The civil police delegate permitted Guedes to leave the jail to have lunch with his attorney during which time he apparently warned the fazenda by radio of an impending raid.

Back at the fazenda that same day, the manager came to warn João Guedes, a pistoleiro and Antônio's brother, that he received a message on the radio that the police had arrested Antônio and they were coming to arrest João. The other pistoleiros grabbed their guns and left on the run, according to Jesus Lourenço. The military police, DOPS, two federal police, Orlando Canuto, Antônio, and his attorney arrived at the fazenda later that same day.⁵⁰ The civil police called everyone together, detained João Guedes (who said his last name was Pereira da Silva), and confiscated all the record books from the store.

The police asked the workers if any wanted to leave; only Lourenço did. Others remained behind because they owed money to the store and they were afraid of the pistoleiros, Lourenço said. Lourenço left the work site in the federal police car and they went to the fazenda house to see if Lourenço could recognize any of the pistoleiros. No one was there. Those who stayed behind did not fare well. Raimundo Eugênio Rodrigues, was never paid for the work he did from June 13 to August 18, 1991 by either the gato or the owner, José Português, because he supposedly owed money to the store.⁵¹

The state judge in Xinguara heard Jesus Lourenço's testimony about conditions of work at the fazenda, but did not charge the two detainees João and Antônio Guedes with any crimes connected to labor law violations. They were released after twenty-four hours in jail. The two federal police told Canuto that since they did not find any

⁴⁹ The average exchange rate in July 1991 was \$1 for 329.4 cruzeiros.

⁵⁰ Antônio Guedes had denied that Guedes was his name and that he had a brother by the name of João Guedes.

⁵¹ Statement, Raimundo Eugênio Rodrigues, Rio Maria, Pará, August 21, 1991.

pistoleiros when they entered the fazenda, they could not affirm that it was a case of slave labor.

Vale went to the fazenda with the federal police three months later. The police arrested two pistoleiros and captured fourteen guns. At the time, there were only about six workers there, guarded by the two pistoleiros. The six workers were freed and left with the federal police. Pedro Paraná threatened Vale three times, saying that since he had caused him so much trouble, when he caught up with Vale "it would not be to talk to him." In late November 1991 Vale was told that the manager, his son and four fazendeiros he does not know threatened to kill him. The federal police delegate, Sidney Seixas, said he found out about this case two or three months afterwards, despite the fact that there were two federal police on the spot with Orlando Canuto on July 24.⁵² While admitting that the owner was exploiting the workers and deserved punishment, Seixas accused Vale of making up some of the allegations.⁵³

The federal police have accused Antônio Guedes in this case and are on the trail of João Guedes; no one is yet arrested but the case has been forwarded to the Attorney General for prosecution, according to Seixas.

Fazenda Padre Cícero, Curionópolis, Pará

On a Sunday in early September 1991, the federal police responded to a complaint from an escaped laborer, José Batista de Carvalho Filho, and raided fazenda Padre Cícero in the municipality of Curionópolis, some eighty kilometers from Marabá on the banks of the river Itacaiúnas. They encountered 198 workers in a "regime of slavery" and told them they did not have to stay there; the workers elected to leave with the police, who transported them to Marabá. Among these workers were five women with children and twelve minors between the ages of fourteen and seventeen. The police arrested Brás Antônio Ferreira, a labor contractor. Prior to the raid the police had arrested Raimundo Nonato do Nascimento, another labor contractor operating in Araguaína, Tocantins.

Although José Batista de Carvalho Filho had managed to escape,

⁵² Americas Watch surmises that they were assigned to protect Canuto from further assassination attempts, since he had continually requested this protection.

⁵³ The facts we have cited herein have been corroborated by statements of other workers, primarily Jesus Lourenço.

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another seven workers who had tried to flee were recaptured by the gato Nascimento and beaten, according to the police. The workers told the police that they were taken to the fazenda on August 20 with promises of high wages; these promises were not lived up to and they were overcharged at the company store, leaving them with no earnings.⁵⁴

The federal police informed the press that this was the second time they had received complaints of forced labor and labor law violations at this fazenda, which was previously named Fazenda Maravilha. The owner was to be charged (*indiciado*) by the police.⁵⁵ Federal police delegate Sidney Seixas said that the police investigation had been finished and the case forwarded to the federal court for prosecution; however, the two gatos were freed on habeas corpus.⁵⁶

Fazenda Santa Inês, Curionópolis, Pará

Fazenda Santa Inês has had repeated complaints of forced labor. Americas Watch cited it as a place where forced labor occurred in 1989, and one worker was killed and another wounded in an escape attempt.⁵⁷ The state criminal court investigation went nowhere and, as in other crimes, the impunity resulted in more violations of law.

On October 10, 1991 the federal police conducted a raid together with a state Ministry of Labor representative.⁵⁸ The police found twenty-nine workers thirty-five kilometers from the seat of the fazenda

⁵⁴ "Polícia Federal liberta 190 peões escravizados em Marabá," *O Liberal*, Belém, Pará, September 17, 1991; interview with Sidney Seixas, regional federal police delegate, Marabá, Pará, November 29, 1991.

⁵⁵ The fazenda belonged to Grupo Fazendas Bopil King Rancho Ltda., de Jauzeiro do Norte, Ceará. The president of the group is José Tavares Lopes, who lives in Ceará. The administrator is Nilton Pereira de Freitas. "PF intima dono da fazenda que mantinha 200 escravos," *O Liberal*, Belém, Pará, September 19, 1991; "Polícia Federal liberta 190 peões escravizados em Marabá," *O Liberal*, Belém, Pará, September 17, 1991; interview with Sidney Seixas, Marabá, Pará, November 29, 1991.

⁵⁶ Interview with Sidney Seixas, Marabá, Pará, November 29, 1991.

⁵⁷ *News From Americas Watch*, "Forced Labor in Brazil," December 1990, pp. 10-11.

⁵⁸ Federal Police File 041/91, reviewed in Marabá, Pará, November 29, 1991.

who denounced the bad treatment. They had not been paid and were prevented from leaving by gatos Geraldo José Pereira (Geraldão) and José Ferreira Souza (Gordo). Raimundo Augusto de Souza was beaten by the two gatos when he tried to escape. He and twenty workers arrived on September 9, 1991 and Augusto de Souza tried to flee the same night. He was caught and was forced to continue to work until the federal police raided the place three weeks later. A medical exam of Augusto de Souza done on October 11, 1991 for the federal police showed lacerations, contusions, and other wounds in the face produced by a blunt instrument.

Geraldão, who had been a gato for nineteen years, said in his defense that Augusto de Souza wanted to flee on the first day without agreeing on who would pay the hotel expenses; he said that Augusto de Souza threatened the gato with a long work knife and the gato protected himself with a stick. The police apprehended Geraldão in a bar, armed, but Gordo got away; his 20 gauge shotgun was found at the fazenda. Geraldão, who was in custody at the time of an Americas Watch review of the files in November 1991, is accused of violating Penal Code articles prohibiting the act of reducing a person to a condition of slavery and frustrating labor rights.⁵⁹

Fazenda Forquilha, Redenção, Pará

In October 1990 a group of workers successfully fled the Fazenda Forquilha, outside of Redenção, Pará, where they had been working for three months. The workers, according to João Jasso da Silva and Edson Rodrigues da Silva, two who escaped, were recruited with twenty-one others in Goiânia to work on the property of Jairo Andrade, a resident of their state of Goiás. They were promised 25,000 cruzeiros (\$262) per alqueire for clearing fields.⁶⁰ It took them four days of travel to reach the fazenda but they only received two meals during that time, and a pistoleiro from the fazenda hit one of the workers during the trip.

After three months of work, they went to settle accounts with contractors Epaminondas and Luiz Carlos M. dos Reis, who informed them that the price was 4,000 cruzeiros (\$42) per alqueire, not 25,000. The workers were presented with a bill from the store showing that, even after applying all their wages to the bill, they still owed 106,506

⁵⁹ Penal Code, arts. 149 and 203.

⁶⁰ The average exchange rate in October 1990 was \$1 for 95.1 cruzeiros.

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cruzeiros (\$1,119) and would have to labor until December to work off that debt.

The workers offered to forget their claim to wages and abandon the shacks they constructed at the work site if the bosses would only take them to the highway and let them hitch a ride home from there. The contractors refused and threatened that if the workers tried to slip away they would track them down and kill them. The workers believed these threats; frequently Epaminondas and other pistoleiros appeared at their shacks, all heavily armed, saying that if the work was not done well, they would kill them. The workers fled anyway at 11 P.M. on October 27, walking the one hundred kilometers to Redenção. They complained to the CPT and the federal police of their treatment.⁶¹ A year later, this case was neither being prosecuted nor the subject of police investigation.

Fazenda Arizona, Redenção, Pará

In February 1991 Americas Watch reported on this case and criticized the incomplete police investigation. The police took the accused gatos, not the accusing workers, to the fazenda to locate clandestine cemeteries. Not surprisingly, they found none. A state prosecutor in Redenção, Dr. Lucia Rosa da Silva, told Americas Watch that the investigation done by the civil police in 1990 was not satisfactory to her office, so they asked the federal police to look into it.⁶² The federal police heard the testimony of the workers who could be located, but none among those interviewed had seen the reported murder of the worker identified by his fellow workers only as Antônio (Negão). No family member has come forth to complain of a missing person. The federal police did excavations but found no bodies. The case is still in the instruction phase in state court, because the migrant workers have not reappeared to testify in court; almost two years have elapsed since the fazenda was raided by police and the captive workers freed.

⁶¹ Statement given to the CPT, Marabá, October 31, 1990.

⁶² Interview Redenção, Pará, December 3, 1991.

5. MARANHÃO

In the northeastern state of Maranhão the numbers of rural workers assassinated in land conflicts has been steadily creeping upward over the past three years.¹ In 1989 six people were killed or 11 percent of the national total of fifty-six.² In 1990 eight people were killed or 11 percent of the national total of seventy-five.³ And in 1991 there were thirteen people killed or 24 percent of the national total of fifty-four.⁴

There were thirty-five conflicts over land in 1990 involving 28,261 people and 145,843 hectares. Eight assassinations of rural workers occurred, three attempted assassinations, sixteen death threats, and six people were injured in 1990.⁵ In 1991 there were thirteen assassinations in cases of rural violence, eleven assassination attempts, eighteen death threats, 1,632 families threatened with expulsion from land they were occupying, and thirty-six large-scale land conflicts affecting 16,947 people.⁶ Of all these cases only one assassination—the 1986 murder of Father Josimo de Moraes Tavares, a popular CPT activist—has resulted in a conviction.⁷

Without constant denunciations of the violence in the countryside by the nongovernmental organizations there would have been even more assassinations in 1991, according to Deputy José dos Santos

¹ The state's population in 1990 was 5,274,797 and the land area 328,663 kilometers, a density of sixteen per square kilometers. CPT, *Espinheiro Caminho para a Liberdade, Conflitos no Campo-1990* (Goiânia, Goiás: CPT, April 1991), p. 44. See also Americas Watch, *Rural Violence in Brazil*, pp. 51-57.

² CPT, *Conflitos no Campo-Brasil 89* (Goiânia, Goiás: CPT Nacional, 1989), p. 39.

³ CPT, *Conflitos no Campo-1990*, p. 45.

⁴ CPT Nacional, *Conflitos no Campo-Brasil 1991*, April 24, 1992. And, CPT Nacional, letter to Americas Watch, April 30, 1992.

⁵ CPT, *Conflitos no Campo-1990*, p. 45.

⁶ CPT-Nacional letter to Americas Watch, April 30, 1992.

⁷ CPT-Nacional, *Relação dos Julgamentos*, January 31, 1992.

Costa, former president of the Human Rights Committee of the state Assembly. So little progress is made that many workers give up and go to the Amazon as migrant labor, settlers, gold prospectors or they move to the cities.⁸

PISTOLEIRO VIOLENCE AGAINST SETTLERS IN BOM JESUS, LIMOEIRO DA MATA

Among those who have not migrated are some sixty families from Limoeiro da Mata, municipality of Olho d'Agua das Cunhãs in Maranhão. They began a formal occupation on June 3, 1991, five kilometers from the main house on Capinorte fazenda. The area in dispute involved 974 hectares of the 12,000 hectare fazenda owned by José de Arimateia Martins Magalhães. This case illustrates the type of violence that continues to be employed by landlords—short of assassination—against farmers in land disputes.

The village of Limoeiro suddenly appeared when farmers moved in and began farming, rent free, around 1936. Raimundo, a farmer, said that he arrived in Limoeiro da Mata in 1956 and all the land there belonged to the state (*terra devoluta*). He and the others worked the land without any problem or opposition from anyone, and never paid rent.⁹ Deputy Costa noted that land fraud was widespread in this part of Maranhão twenty or thirty years ago, and that some of the land taken by fraud was public land which is not supposed to be sold to private parties.

In 1984 Dr. José Arimateia Martins Magalhães claimed to have legitimately purchased the land and prohibited the workers from planting the fields they had cultivated for decades. Several years later the land was sold to another owner who also would not permit people to continue to use it for farming, and many longtime residents were squeezed out.

A woman who had lived in Limoeiro for thirty-eight years (since 1953), claimed there had been 400 families living in the community, but by 1991 there were only seventy-three families left. Even these families had to work land distant from Limoeiro and pay high rents. In June 1991 many of the families decided to reclaim the land in Limoeiro

⁸ Interview, São Luís, Maranhão, November 28, 1991.

⁹ Interview, Limoeiro da Mata, November 26, 1991.

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from which they had been displaced. They constructed a provisional campsite, which they called Bom Jesus, near the fields they had traditionally worked. It lay one kilometer from their houses in Limoeiro, and totaled 974 hectares. The group included 279 men, women and children.¹⁰

The harassment began on June 12 when pistoleiros indiscriminately fired their guns, but did not injure anyone. They were led by a man known to the workers as Francisco Gonçalves Pereira (França), who had been a villager, but went to work for the fazendeiro after a dispute with the workers. Guards were stationed to warn of the pistoleiros, but the precautions were not adequate to avoid other incidents. On the morning of July 3 twenty workers were attacked by fifteen pistoleiros while they were in the fields. The pistoleiros had been hiding in the cover of the bush and behind palm trees at the edge of the field about one hundred meters away. Still undetected, the pistoleiros opened fire without warning and yelled "cowards, sons of bitches," when the workers scattered.

They fired approximately 500 shots, hitting José Pereira dos Santos, who was closest to the attackers when they opened fire. He was wounded on his left chin, right shoulder, and right arm by three different bullets. The workers returned fire as they ran from the open field so the pistoleiros, who followed them for roughly 200 meters, gave up the chase. The attack produced the desired results, however, since the posseiros abandoned their efforts to farm that field.¹¹

The landlord, Agro-Pecuária Esperança SA, brought suit for possession of the land (*reintegração de posse*), and an eviction order was issued in August 1991, but the head of the police and the governor's office ruled out the use of police force to evict the farmers. This decision by the state authorities was part of a larger strategy to negotiate a settlement in fifty-one of the one hundred similar land conflicts pending in Maranhão. Critics of the government pointed to the imminent visit of Pope John Paul II to the state capital of São Luís on October 13 as the reason why the state hastened to resolve these disputes. It represented a reversal of the policy followed earlier in the administration of Governor Edilson Lobão, who took office in March 1991, of issuing and enforcing many eviction notices. Those evictions

¹⁰ There were 96 children below the age of 14; 69 between the ages of 15 and 25; and 114 adults.

¹¹ Interview, José Pereira dos Santos, Bom Jesus, Limoeiro da Mata, November 26, 1991.

were often accompanied by destruction of the settlers' property.

On August 13 Lobão and Secretary of Public Security Dr. Agostinho Noleto met with the Catholic bishops of Maranhão to discuss how to achieve peace in the countryside. The governor promised to find a negotiated solution to all the invasions that occurred prior to August 1991, implying purchase or expropriation of land for the landless. After that date, there were to be no more occupations.

In Bom Jesus, however, which fell within the governor's plan, the landlord did not trust the state's motivations and continued to violently assert his position. According to the regional civil police delegate in Bacabal, Arlindo Raposo, the fazendeiro had twenty security guards who were also workers.¹² At about 2 P.M. on September 11, 1991, seventeen-year-old Maria Leidia, a member of one of the families living in Bom Jesus, was shot as she was bicycling to Limoeiro da Mata one kilometer away. She fell off the bicycle and as she ran was hit with twenty-seven buckshot pellets.¹³ On that same night, according to the residents, two houses in Limoeiro da Mata were burned. Their occupants had moved to the Bom Jesus and were not home at the time.

On September 18 the workers in the Bom Jesus campsite heard five very loud explosions at about 9:15 P.M., one right after the other. Amidst the confusion, people awoke and scattered, running away from the noise. The next day at 5 P.M. they found an unexploded bomb, a homemade device, near the spot where the five others were detonated. They turned it over to the Secretary of Public Security in São Luís.¹⁴

On September 25, 1991 at 8 A.M., two men, one woman and a boy were shot at as they traveled on foot from another village to attend mass in Limoeiro. As they ran, they did not see anything and were not injured. On the same day at about 7:30 P.M., two houses in Limoeiro da Mata, one kilometer from the campsite, were burned to the ground. An Americas Watch monitor saw the rubble of the two houses on the main road in the village and learned their occupants were at the campsite at

¹² Interview, Bacabal, Maranhão, November 27, 1991.

¹³ Interview with father of Maria Leidia, Bom Jesus, Limoeiro da Mata, Maranhão, November 26, 1991.

¹⁴ "Bomba caseira é jogada no acampamento B. Jesus," *O Estado do Maranhão*, October 10, 1991.

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the time. A neighbor saw two men running from the scene, one of whom was wearing red bermuda shorts and a blue shirt. The police did not take his statement nor that of another neighbor who saw the two strangers.¹⁵

On September 27 at 2 A.M., nine other explosions similar to those set off on September 18 were heard. These were on the opposite side of the Bom Jesus campsite.

On October 1, 1991 there was another attack on the workers as they were out in the fields. Raimundo Prudêncio de Oliveira was shot about 200 meters from the campsite while he was working with twenty others. The bullet passed through the back of his right shoulder. The pistoleiros, who snuck up on the workers, were about fifty meters away when they opened fire.¹⁶

On October 12, 1991 at about 7 P.M., eighty-one-year-old Maria Gorgina do Carmen was attacked on a road near Limoeiro as she was walking home. She was shot in the neck and leg. Residents of Limoeiro heard her cries for help, but neither she nor her rescuers saw the assailants.

The workers continued to complain to the police and political authorities and even took their case to the governor. An agreement was reached in the nearby town of Bacabal on November 18 whereby the owner would not shoot inside the 974 hectare area. The governor's representative, the workers, the landlord, and the state deputies, including José dos Santos Costa, were in attendance. The government agreed to buy 400 of the 974 hectares, but the owner was said to be reluctant to sell because the prior governor had agreed to an unconsummated land deal the previous year, according to Deputy Costa.

In a move intended to put a stop to the violence, the agreement in Bacabal stipulated that if any weapons were fired inside the disputed area, the responsible party would forfeit all rights to the land. The regional civil police delegate in Bacabal, Arlindo Raposo, was assigned to oversee this case. In the first week after the agreement, however, the workers claimed that the fazendeiro and his pistoleiros were responsible for four separate incidents of gunfire in as many days involving approximately thirty shots. Pursuant to the agreement, they registered these incidents with the local police delegate.¹⁷

¹⁵ Interview, Limoeiro da Mata, Maranhão, November 26, 1991.

¹⁶ Interview, Bom Jesus, Limoeiro da Mata, Maranhão, November 26, 1991.

¹⁷ Ibid.

THREATS AGAINST RURAL ACTIVIST FRANCISCA ANTÔNIA SALES AND KILLING OF FRANCISCO DE ASSIS FERREIRA

Francisca Antônia Sales, or Francitônia as she is known, has been the representative of the Rural Workers Union in Independência, Maranhão, for the past nine years. She was also a candidate for elected office, running unsuccessfully for the city council in 1988 on the Workers Party (PT) ticket. At about 3 P.M. on November 5, 1991, in an incident reminiscent of the Chico Mendes assassination that took place three years earlier on the other side of the country, she was almost shot in her backyard as she went to bathe.

Hearing her dogs barking, Sales opened the back door and saw two men crouching behind some banana trees next to the bath shed. One of the men, known as "Corda," she later recognized from newspaper pictures, but the other one Sales could not identify. Corda was wearing a dark brown shirt, jeans, and a blue cap with "Nacional" (a Brazilian bank) printed on it. The two men fired approximately thirty times as she ducked back inside her house to run out the front door, taking the twelve-year-old son of a fellow unionist with her. She sent the boy to call his uncle for help; her husband was not home. The assailants had left by the time Sales returned with her neighbors.¹⁸

At about 11:30 A.M. of the same day, Francisco de Assis Ferreira, an activist and the union delegate in Conceição de Salazar as well as the father of the boy who fled with Sales, was assassinated while working in a field. Sales did not know of his death at the time of her own attack. Assis had been frequently threatened and after receiving a warning on September 23, 1991 by two posseiros that the pistoleiros of a landlord were after him, he and his son went to live in town with Sales and her husband.

At 2 A.M. that morning, Sales's husband Pedro had heard the dogs barking and someone trying to open the kitchen window. Assis was sleeping in a room next to the kitchen. Pedro told Americas Watch that he got his gun and went outside only to witness two armed men fleeing from the area next to the bath shed. They escaped along the back street in a creamy blue passenger car with no plates.

Assis had been chronically threatened for two years prior to his

¹⁸ Interview, Francisca Antônia Sales, Independência, Maranhão, November 25, 1991.

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death, but the threats escalated in nature in the two months before he was finally killed. He and Sales went to the police station in Codó to report the death threats made against them and other activists in July, September, and twice in October 1991. They accused a pistoleiro from Independência, Natal José de Souza, as being one of the five individuals responsible for the threats. The police did not even record the complaints.¹⁹

Tensions stemming from an ongoing land conflict (see below), came to a head on October 5, when the fazendeiro Jonas da Cruz Rocha put up a barricade of logs and stopped all traffic in front of Natal's house in Capinzão on the main road to Codó. He stationed pistoleiros there as well. The union representatives went to the police station to denounce the death threats made while the barricade was still in place. The police again dismissed them, saying it was "all talk" (*era conversa*). The barricade lasted from October 5 to November 5, when Assis was killed in the fields in Conceição de Salazar about eighteen kilometers from the road block. He was killed by two shots to his chest and right side. In response to the assassination of Assis, the union and community groups called the state chief of police and human rights groups in the state capital São Luís. Military and civil police were sent from São Luís and made arrests at the road block.

The dispute leading to the roadblock and to Assis's subsequent death arose in connection with land that was expropriated on June 10, 1989. The land had been occupied by farmers for as long as ninety years in some cases and Assis had lived there twenty years. Rocha claimed ownership in 1985 and tried to charge rent, but no one ever paid. According to the local oral tradition, the land had been owned by a Portuguese woman who donated it to her former slaves long ago. There are more than 400 posseiro families near Conceição de Salazar, most the descendants of slaves; to the best recollection of a ninety-year-old woman who was born there, the land never had any other owner.

¹⁹ There was one minor exception, on October 4, 1991. Agripinho Roça Lima, a union member, was threatened by Natal, who was armed. Agripinho was a trader and had traded with the posseiros; the landlord wanted to cut them off from all commerce. Sales and Agripinho went to the police station in Peritoró to complain. Two military police accompanied Agripinho to his house for protection, but the union members had to pay the police 5,000 cruzeiros "for gasoline for the car." The police summoned Natal to the station and he appeared with the fazendeiro Jonas da Cruz Rocha. The civil police apparently believed their denials and took no further action.

Rocha threatened 100 of the 400 families and put his gunmen on the road, just before the roadblock, to close off the area and prevent exports on the road from Codó to Coroatá, where the bus passes through every day. He was trying to prevent people from trading with the posseiros. The landlord sued for an eviction (*reintegração de posse*) in 1989 in the court in Codó. His petition for a preliminary eviction order (*liminar*) was denied because there was not enough proof. After the judge died a month later (of natural causes), the landlord attacked the area and set fire to at least one house. Despite all the threats, no one had even been wounded before Francisco Assis was killed.

Following his murder, five armed men were captured at the roadblock with twenty heavy arms and two pistols. Resisting arrest, five of them escaped. When the police arrived at the fazenda almost five kilometers away, it was deserted but still outfitted for radio communications. Those accused of the death of Assis included Natal and Corda (who shot at Sales later in the day).

The five arrested at the roadblock confessed in the civil police station that they were paid 5,000 cruzeiros daily by Jonas Rocha (and 5,000 cruzeiros for every night they worked). They halted their testimony when their attorney arrived and on the eighth day they were released.

There were many more threats after the release. The union activists complained three times about these threats at the police station in Peritoró. Threats were even circulated against a PT state deputy Domingos Dutra, who before his election in 1990 had been an attorney for the landless. He had accompanied other state officials to the area on November 5, the day of the Assis's assassination.

6. PARANÁ

In 1991 the southern state of Paraná experienced an upsurge of rural violence as landlords announced they were arming themselves to fend off "occupiers." While at the highest levels of political leadership in the state there was a forceful rejection of that approach, the lower levels of rural police continued to function in an atmosphere of toleration of fazendeiro violence. The increased numbers of shootings and threats have occurred with little recourse for the victims, as impunity spreads.

Although Paraná in the nineteenth century became home to thousands of German, Polish, Italian, and other European colonizers who were granted farming homesteads, their descendants found it increasingly difficult to make a living farming smaller and smaller plots of land. They were squeezed off the land in the 1960s as they were unable to buy or rent land because competition from large growers converting the land from food production to export agribusiness pushed land prices in this agriculturally rich area beyond their means. Many whose parents had had their own farms became landless. They turned, in the early 1980s, to organized movements to put pressure on the government to live up to its promises of land reform, and specifically to occupy unused land. The MST was first organized in Paraná and the other states of southern Brazil.

By 1990 Paraná was populated by 9.3 million people in 199,554 square kilometers, a density of 46.8 persons per kilometer.¹ Almost half of all agricultural farms and cattle ranches were less than ten hectares each, holding only 6.4 percent of the land. A tiny 0.3 percent of the farms, those over 1,000 hectares in size, held 25.37 percent of the land. Due in large part to the history of European colonization and homesteading, the 212,587 farms from ten to 100 hectares in size made up 45 percent of all farms and held 33.47 percent of the land.²

Since 1983 there have been nineteen assassinations of rural workers

¹ CPT, *Espinheiro Caminho para a Liberdade: Conflitos no Campo-1990* (Goiânia, Goiás: CPT, April 1991), p. 44.

² There were 229,717 small farms out of a total of 467,826 landholdings, or 49.1 percent; the small farms held 1,131,714 hectares out of 17,495,810; and there were 1,586 farms over 1,000 hectares in size. CPT, *Conflitos no Campo-1990*, Tables 11 & 12.

in land conflicts in Paraná; three occurred in 1990 and four in 1991. There were also three assassination attempts in 1990. Then in 1991 there were seventeen assassination attempts, and seven people threatened with death.³

There were fifteen conflicts over land in Paraná in 1990 (involving 32,873 hectares and 10,155 people), with eighty-six families evicted, all by judicial order.⁴ In 1991 there were thirty-one conflicts, involving 48,756 hectares and 17,915 people. Evictions and expulsions also increased in 1991, with thirty-six families being evicted by judicial order and 227 families expelled through illegal means.⁵

THE GOVERNOR'S DECISION TO HOLD OFF USE OF MILITARY POLICE IN EVICTIONS AND THE LANDLORDS' DECISION TO ARM THEMSELVES

The landless poor in Paraná and elsewhere have increasingly turned to the state governments to protect their interests and needs. Some state officials have responded, such as State Attorney General Luis Chemin Guimarães, who took a role by intervening in eviction proceedings and asking for the removal of these cases to the federal court; he believes this had an important effect on slowing down evictions and therefore reducing violence in 1989 when there were forty occupations.⁶

In 1991 Governor Roberto Requião decided that land conflicts were a social—not a police—problem and declined to permit the use of state military police to enforce court orders of eviction against squatters, preserving the status quo while searching for a negotiated settlement to each of the cases. Americas Watch noted in its last report on this topic that there were often abuses committed by the military police in the process of evicting settlers.⁷ The organization welcomes the total

³ CPT-Paraná, "Assassinatos no Campo do Estado do Paraná: 1983-1991;" and CPT-Nacional, letter to Americas Watch, April 30, 1992.

⁴ CPT, *Conflitos no Campo* - 1990, p. 46.

⁵ CPT-Nacional, letter to Americas Watch, April 30, 1992.

⁶ Interview, Curitiba, Paraná, November 19, 1991.

⁷ Americas Watch, *Rural Violence in Brazil*, pp. 119-121.

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ban on the use of military police to enforce evictions, something that is a direct and simple solution to the problem.

The governor's decree No. 643 issued in August 1991 required prior approval from a commission headed by Requião before the military police could be used to conduct a judicially-ordered eviction.⁸

According to the CPT, there were about one hundred occupied areas in Paraná in mid 1991, including those that had already been legally expropriated by the state, involving a total of about 4,000 families. In forty-three of the one hundred, there were petitions for eviction.⁹ The landowners responded aggressively to the announced withdrawal of state power to enforce their interests, holding public meetings at which they set forth their agenda. In August and September 1991 the Paraná newspapers carried several accounts of landlords threatening to hire, and then hiring, pistoleiros from out of state to enforce court orders for evictions and to protect their property from "invaders." The president of the state UDR, a very conservative association of large farmers and ranchers, stated that they were arming and were going to defend themselves, and that the bloodbath was inevitable. The press also printed several chilling interviews with the recently-contracted gunmen themselves and regarding the illegal trafficking in arms in the region from Paraguay.¹⁰

The CPT, Sole Workers' Central (*Central Única dos Trabalhadores*, CUT), and MST denounced the formation of these private militias, and the failure of the government to act with regard to the threats of

⁸ "Secretário de Segurança intimado a fazer despejo," *O Estado do Paraná*, Curitiba, Paraná, October 10, 1991. Shortly thereafter, however, the military police conducted a court-ordered eviction in Fazenda Guairacá, Lerroville, sixty kilometers from Londrina, in which fifteen landless, out-of-work migrant laborers were wounded and four detained. The shacks they had constructed were destroyed. ("Despejo de sem-terra tem 15 feridos" *Folha de Londrina*, Londrina, Paraná, August 10, 1991.) The police reacted to criticism of their role by claiming that they had been attacked. The CPT sued the governor and commander of the military police of Londrina. "CPT processa governo por despejo em Lerroville," *Folha de Londrina*, August 14, 1991.

⁹ "CPT, CUT e MST denunciam milícias," *Indústria e Comércio de Curitiba*, September 13, 1991.

¹⁰ "Um passeio entre os jagunços," *Folha de Londrina*, Londrina, Paraná, August 23, 1991; "Fazendeiros armam jagunços contra invasões," *Folha de Londrina*, August 27, 1991; "Cresce Comércio Ilegal de Armas na Região de Foz," *Folha de Londrina*, Londrina, Paraná, September 1, 1991.

violence made by the fazendeiros. They petitioned for official action against the fazendeiros who were forming private militias to attack workers who occupy fazendas.¹¹

The recourse of these activists to the judicial system did not prove pointless, as have other such efforts. Governor Requião and Attorney General Guimarães announced on September 16, 1991, that they were going to endeavor to find out who was responsible for arming the fazendeiros. A special police delegate would conduct the inquiry, accompanied by a special prosecutor. The governor promised that, at the same time that he would contain land invasions, he will jail "any troglodyte who tries to transform the lands of Paraná into a battlefield," noting that the landlords were arming themselves with military arms.¹²

The governor said that there were already temporary solutions to two of the seven land invasions that had occurred during his term, and that all were being negotiated. Force would be used only as a last resort, he promised, and he also warned against further invasions.¹³

Police delegate Leonel da Cunha Pinto was designated to conduct the inquiry into land invasions on both rural and urban lands and into the formation of militias by fazendeiros. The prosecutor Daniel Romaniuk da Silva was designated to assist the inquiry.¹⁴

Again taking the creative legal initiative, the CPT and CUT on September 30, 1991 filed a demand with the designated official (*deseembargador*) of the Supreme Court of Justice of Paraná that a criminal investigation be opened against twelve named persons, including the presidents of certain landlords' associations, for violation of the criminal code, specifically threats (article 147), inciting to crime (article 286), and justifying criminal acts (article 287). The demand was based on public statements made by the twelve indicating they were forming private militias. The CPT and CUT, joined by MST, made a similar demand to the Attorney General.

¹¹ "Entidades pedem fim das milícias de fazendeiros," *Folha de Londrina*, Londrina, Paraná, September 15, 1991.

¹² "Requião adverte a direita: guerra não," *Correio de Notícias*, Curitiba, Paraná, September 17, 1991.

¹³ Ibid.

¹⁴ "Delegado vai ouvir FAEP e UDR por armamento no campo," *Folha de Londrina*, Londrina, Paraná, September 20, 1991.

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The legal battle was far from over, however. Judge Rogério Coelho of the ninth civil section of Curitiba ordered the eviction of about 5,000 families occupying a fourteen kilometer strip along the abandoned federal railways in Ferroviária, in Curitiba, the state capital. When that order was not enforced by the police, pursuant to the governor's decree 643, that judge held the decree unconstitutional and ordered the Secretary of Public Security, José Moacyr Favetti, to enforce the order within twenty-four hours and evict the occupiers of Ferroviária. He also threatened to open a proceeding against Lt. Col. Miroslau Bruno Bieszczad, commander of the military police of the 13th Battalion, for contempt of court for refusing to enforce the judge's order to evict the settlers.¹⁵

Despite an ongoing stand-off between the Governor, who has persisted in refusing to allow the police to conduct evictions, and the state judiciary, which claims that in refusing to evict the landless the state government is failing in its legal duties, the Governor has so far remained firm in his promise and evictions have not occurred.¹⁶ Though the government has attempted to curb military police violence, other forms of violence in land conflicts persist, largely due to impunity.

Although police investigations into the formation of militias and illegal arms trading have not been completed, a report by the Federal Police on their investigations was sent to PT Federal Deputy Edésio Passos in November 1991; it does not present an encouraging picture and reflects official bias against the landless. The Federal Police detail six "invasions" of fazendas by landless peasants, and describe how their actions and the limitations placed on police intervention have "created for the rural landowners a climate of insecurity in which they do not know who to turn to in order to defend their property."¹⁷ The report then briefly mentions the confiscation of several shotguns, rifles, and Uzi automatic pistols from a fazendeiro and a gun-smuggler in November 1991, but states that investigations have not been able to prove the existence of widespread contraband in weapons.

¹⁵ "Secretário de Segurança intimado a fazer despejo," *O Estado do Paraná*, Curitiba, Paraná, October 10, 1991.

¹⁶ Telephone interview with CPT attorney Darci Frigo, April 28, 1992.

¹⁷ Sérgio Fidelis Brasil Fontoura, Delegado da Polícia Federal, Gabinete do Diretor da Polícia Federal de Londrina, "Solicitação de desarmamento de proprietários rurais do Norte e Oeste do Estado do Paraná," Despacho Nº 085/91 GAB/DPF.1/LDA, October 11, 1991.

The report closes by stating that land invasions are an affront to the right to private property, a violation of the law, and an injustice for those who do not participate but "passively await settlement by the government"; the report also concludes that land invasions are responsible for disseminating violence, creating anger on both sides, and straining governmental institutions. The recommendation of the report, which ostensibly deals with police investigations into the smuggling of weapons and the formation of private militias, suggests that a law be approved to ensure that those who participate in land invasions lose their rights to be settled on expropriated land or to receive any other form of government assistance.

PISTOLEIROS WOUND TWO CHILDREN IN PINHÃO AREA

Another instance of violence by pistoleiros hired by fazendeiros occurred on October 29, 1991, when a ten-year-old girl was shot as she sat in a one-room schoolhouse with thirty-seven other children and a teacher in Faxinal dos Silvérios, Pinhão municipality. About seventeen gunmen, in hot pursuit of a landless farmer, Arlindo Ribeiro, twenty-one, fired their weapons as he ran away, hitting the house in which he was staying and the schoolhouse some twenty yards away. They believed Ribeiro was responsible for killing two pistoleiros earlier in the year in connection with a conflict arising from the occupation six months earlier of Faxinal dos Silvérios (1,212 hectares) by thirty-one families.

The girl, Ivanice de Fátima Barbosa, one of five children from a family taking part in the occupation, had to be taken ten kilometers on horseback to the road and from there to Pinhão, forty-five kilometers away.

Ribeiro's mother, Doralina, described the attack. She and her son were standing in the front of his house at 3 P.M., waiting for the rain to let up so they could go back to the field to work, when suddenly seventeen armed men appeared, commanded by Joventino Lieber, whom Doralina recognized. "Don't get involved, we're the police," they yelled to Doralina as her son ran and they started shooting. She yelled back, "Don't shoot, for love of God, this place is full of children." One of her daughters was inside the school, where there was pandemonium among the children. Lieber belatedly ordered the gunmen to stop shooting. Many of the men, whose full names she did not know, had previously worked as gunmen for Zattar, a local logging company directed by João José Zattar.

A week after the shooting, the mayor of Pinhão visited the

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schoolhouse and the surrounding area. The prosecutor also arrived to take testimonies. The civil police delegate of Pinhão in charge of the investigation, Dinarte Veiga, had taken several testimonies by the time we interviewed him.¹⁸ He had, however, a decided bias against the landless who occupied land, claiming that "they lie and are very united." He referred to Ribeiro as a killer, although he was unable to provide any details of the case in which he is accused, such as the date, place, or name of the victim. He had not taken the steps necessary for a ballistics test in the shooting of the schoolgirl; that would require a summons to the gunmen at the Zattar firm to bring in their arms for such tests, which had not been done. According to Veiga, he not only lacked the ability to perform a ballistics test in Pinhão (though he could have had it done in the capital, Curitiba); he also did not believe that the bullet found by the police at the site of the shooting was the one responsible for wounding the girl, as many shots were fired at the schoolhouse.

In a separate incident on November 10, 1991, two gunmen shot at a group of posseiros in Faxinal de Ribeiro; the victims were standing near a corn storage shed on a work break, drinking herb tea (*chimarrão*). The gunmen were hiding under a tree 120 meters from the shed, stretched on the ground. Thirteen-year-old Vanderli Aparecida da Silva was hit by the only shot fired, and the bullet passed through her right forearm and entered her body near her navel, causing internal bleeding. Her brother and brother-in-law, standing next to her, grabbed their guns and went after the gunmen, but could not find them. They carried Vanderli the two kilometers to the road where a car took her to the hospital.

Her uncles, working in the fields 200 meters away, saw two men whom they knew to be guards at Zattar's estate cross through the woods on burros belonging to the Zattar firm shortly thereafter. They were coming from the direction of the corn storage shed. The uncles knew one to be Erondi Monteiro Taques.

The victim and her relatives were all members of an extended clan of fifteen families who have claimed the land as "old" posseiros. The victim's grandfather lived there for eighty-seven years. The family had brought an action against the Zattar firm, asking the court to declare their right to the land based on their long-term occupancy. They did this because they had been threatened by the Zattar logging firm,

¹⁸ Interview, Pinhão, Paraná, November 18, 1991. Veiga, a *calça curta* (or non-career officer), had been in the position of delegate for four years and was born in the area.

which was interested in the trees. As a result of these threats, the family was taking precautions. The posseiros were not logging the land, however, but farming an already-cleared part of it.

The family lost an initial court suit, and at the time of this incident the case was on appeal. It is possible that the Zattar firm did not want to await or trust the outcome of an appeal.

Police delegate Veiga took the statement of the uncle who recognized one of the gunmen. Veiga protested, however, that he did not want to handle the case. "This is a fight and I do not have anything to do with them. I want them to name a special investigator." He has not taken steps to have any ballistics tests done in this case, either.¹⁹

A third serious attack on posseiros in the Pinhão municipality finally pushed the local authorities into action, although the results were limited and short-lived. On November 22, 1991 a group of Zattar pistoleiros ambushed posseiros at Faxinal Taquaras, wounding three people, shooting at others, and setting fire to three partially-filled granaries which also served as temporary shelters for the workers. The attack began at about 11:00 A.M., when the heavily-armed pistoleiros approached Cesílio Ribeiro Chagas, a posseiro who was working in the fields. They shot him in the arm, but he managed to flee into the nearby forest. The pistoleiros then proceeded to Ribeiro's granary, where they fired at his wife, Cedalina Gonçalves Ribeiro, who was hit in the arm but managed to take cover in the granary and then escape. The pistoleiros set fire to this granary, and proceeded to another nearby granary, which belonged to Ribeiro's nephew, Jorge Antônio dos Santos, who having heard the gunshots immediately ran into the forest. The gunmen fired at dos Santos as he retreated; a bullet grazed his head above his right ear, wounding him seriously, but he managed to escape. The pistoleiros then set fire to his granary and to another nearby shelter.

The local police and the delegado arrived at the area later in the afternoon but were not able to find the pistoleiros. The officials departed at around 5 P.M. Approximately half-an-hour after the departure of the police the pistoleiros returned and attacked the houses of several other settlers, including Ribeiro's son and brother-in-law, which were located approximately two kilometers from the site of the first attack. The pistoleiros shot at the house of Domingos dos Santos, where twelve people, including four children, were seeking refuge. "By a miracle" according to the posseiros, they escaped from

¹⁹ Ibid.

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the house without anyone being wounded. The gunmen then fled into the forest.²⁰

The various victims and eyewitnesses later identified six of the seven pistoleiros as: Erondi Monteiro Taques, Alcides Marinho de Mello, João Maria Diniz, Lauro Ferreira Dias, Antônio Rodrigues Padilha, and Amazonas de Matos. All were employed as "guards" ("*seguranças florestais*") by the Zattar logging firm. According to a local priest, Father Afonso Maria das Chagas, the attack on the posseiros had been preceded by a visit to the area by Cláudio Líber, a local fazendeiro who warned the posseiros that the attack was imminent unless they left the area.²¹

This group of posseiros had a long history of conflict with the Zattar firm, dating back to 1975, when the posseiros (some of whom say that they've lived in the area for more than fifty years) began a legal action to seek legitimate title to their land. In October 1975 five Zattar pistoleiros attacked the area, burned and destroyed Cesílio Ribeiro das Chagas's house, and threatened to kill him. According to Ribeiro, this attack was in retaliation for his refusal to sign a rental contract with the Zattar firm, whose employees were forcing the local posseiros, at gunpoint, to sign the forms and thereby relinquish their claim of ownership.²² Despite denunciations of these threats to the police, the authorities took no action at that time.

The Paraná Military Police responded to the attack on Ribeiro and the other posseiros of Faxinal Taquaras in November 1991 by conducting a disarmament operation in the region. The operation, which was carried out by a battalion of sixty policemen authorized by a court search warrant (*mandado de busca e apreensão*), resulted in the confiscation of three rifles and three pistols carried without the necessary permits by Alcindo Silvério Caldas, an employee of the Zattar logging firm who was also arrested.²³

Despite this limited action (which was only designed to disarm the

²⁰ CPT-Paraná, "Sete Pistoleiros Atacam Posseiros no Faxinal das Taquaras," Curitiba, Paraná, December 4, 1991.

²¹ "Em Pinhão mais três posseiros são baleados," *Folha de Londrina*, Londrina, Paraná, November 23, 1991.

²² CPT-Paraná, "Sete Pistoleiros Atacam Posseiros no Faxinal das Taquaras."

²³ "CPT diz que desarmamento é insuficiente," *O Estado do Paraná*, Curitiba, Paraná, November 27, 1991.

people in the region and not arrest those directly responsible for the violence) the Military Police somehow failed to search the premises of the Zattar firm or to confiscate weapons that could have been used for ballistics tests in the various criminal investigations. In addition, pistoleiro Caldas stated upon his arrest that he would escape from jail and kill, in the local church, Fathers Edson Dubsk and Afonso Maria das Chagas, who he apparently felt were responsible for the problems in the region.²⁴ Despite these threats, Caldas was released after being charged with illegal possession of weapons, greatly worrying the priests and posseiros.

On December 4, 1991 the prosecutor (*promotor público*) of Pinhão, Hugo Cesar Hoeschl, asked for the detention (*prisão preventiva*) of six of the pistoleiros involved in the attack at Faxinal dos Taquaras: Alcides Marinho de Mello, Erondi Monteiro Taques, João Maria Diniz, Lauro Ferreira Dias, Antônio Rodrigues Padilha, and Amazonas de Matos. The six were arrested later that month, but on March 13, 1992, were released, and have reportedly returned to their "work" at the Zattar firm. The release of the pistoleiros was highly irregular and apparently the result of pressure put on the Pinhão judge and prosecutor by an official of the state Supreme Court (*Tribunal da Justiça*), Leandro de Freitas Oliveira. Freitas's son is apparently a political ally of the manager of the Zattar firm, and representatives of the Tribunal da Justiça were seen in Pinhão the day that the pistoleiros were suddenly released. The prosecutor of Pinhão, Hoeschl, who had moved quickly to request the arrest of the pistoleiros, was apparently accused of "harassing" the prisoners. Hoeschl, who was on temporary assignment to Pinhão, was also subsequently replaced. The local CPT in Paraná has little hope that the pistoleiros will have a speedy trial, or that those who have contracted the gunmen and directed the violence against the local posseiros will be accused.

LOGGERS HARASS AGRARIAN REFORM BENEFICIARIES AND ILLEGALLY CUT TREES

Although much of Paraná has long been cleared for agriculture and pasture, the less desirable and more hilly areas are now being settled by the landless. In several of these areas, the principal enemy of settlement may be not the cattleman but the logger, intent on stripping

²⁴ CPT, "Sete Pistoleiros Atacam Posseiros no Faxinal das Taquaras" (Curitiba, Paraná: CPT-Paraná, December 4, 1991).

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away the last of the forest.

In several cases reviewed by Americas Watch, the rights to the lumber were most important. The state environmental agency, the Institute of Lands, Cartography and Forests, (*Instituto de Terras, Cartografia e Florestas*, ITCF), has become involved in some cases but is accused by landowners of helping the landless.

The loggers can be aggressive even on land for which small farmers have title. In the case of Cachoeirinha, Vale do Rio da Areia, the tenants had been sharecroppers for over twenty years, forced to sign contracts at gunpoint by the landlord's gunmen, which obliged them to pay rent in produce or, if the crop failed, in cash. Tenants resisted; in the late 1970s, the father of one of the current posseiros refused to sign a contract and he was expelled and his house destroyed by the landlord's gunmen. He was shot and wounded by the pistoleiros in an exchange of fire, then spent eight months in jail, according to his son, who in contrast signed all contracts presented to him at gunpoint.

Then "the movement arrived" in about 1984, and the tenants and newcomers demanded that the area be expropriated. The expropriation was finalized through INCRA and the federal court, with title to 837 hectares issued in 1989 to thirty-five families, each having about five alqueires (60 acres) where they raise rice, manioc, vegetables, beans, and corn.²⁵ In 1991 there was a drought and the families, numbering some one hundred children among them, went into financial crisis. They cut some trees from their land to sell for food, and others to use to build houses.

The Zattar firm accused the farmers of theft of the trees. João José Zattar claimed that, although the soil had been expropriated, the trees had not, and the trees still belonged to the logging company, which was the prior owner. Authorities consulted by Americas Watch, including the head of INCRA, could not recall a single case in which INCRA had expropriated the land and not the trees and everything else on the land.²⁶

Nevertheless, seven armed gunmen working for Zattar entered the farmer's property on November 7, 1991, a Thursday, and went from house to house looking for the men they claimed were responsible for "robbing" their trees. They captured a twenty-year-old man, Nelíhor

²⁵ One alqueire is 4.84 hectares or 11.95 acres.

²⁶ Interview in Brasília, November 21, 1991.

Borges Leal, in a cornfield where he was working. They said they were going to take him to give a statement to the police, according to his mother.²⁷ He was captured at noon and escaped at 6 P.M. During that time, he was dragged from house to house and through the underbrush, looking for four other men accused of "stealing" wood. The pistoleiros stationed themselves along the only road to the area and returned daily for a week looking for these men, but they had gone into hiding. One of the pistoleiros told Eva Ferreira, whose husband was sought, that they wanted the farmers to sign a contract, which the farmers took to mean that they wanted the farmers to revert to their old position as sharecroppers. The farmers had not had any such contracts for the past five or six years, since the commencement of the expropriation process.

At the same time, the loggers took advantage of the climate of fear they created to start cutting trees near the houses. The posseiros complained to the mayor, who arrived with ITCF, which forbade the cutting of the forest on November 11, 1991, but Madereira Zattar continued to cut trees in the area, nevertheless.

²⁷ Interviewed by Americas Watch, Vale do Rio da Areia, asentamento Cachoeirinha, Paraná, November 17, 1991.

7. MATO GROSSO DO SUL

In the west-central Brazilian state of Mato Grosso do Sul, migrant sugarcane cutters went on a wildcat strike at Cachoeira Distillery, a complex producing alcohol for fuel that had been frequently inspected and fined by state labor and health authorities. The military police, with the private security guards, fired into the crowd, killing one and injuring another. The state civil and military police promised to investigate the incident.

Americas Watch concludes that this was an excessive use of force against unarmed strikers, since there was no imminent threat of death or serious injury to anyone posed by the strikers. Americas Watch urges the state authorities to promulgate guidelines for use of force and firearms in keeping with the United Nations Code of Conduct for Law Enforcement Officials and to insure that police follow them. In addition, the organization urges the state to ban joint operations by police and private security guards.

MIGRANT LABOR USED ON SUGAR/ALCOHOL COMPLEXES

Working conditions in sugar cultivation have barely improved since slavery and colonial times, when it was carried out on the Brazilian coast, on the large plantation model developed by the Portuguese in their African colony of São Tomé.¹ The slaves were imported, too, mainly from Angola, to work on the sugar estates.² Old-style sugar plantations, called *engenhos*, were replaced by more efficient factories, called *usinas*, in the late nineteenth century because of the labor crisis brought on by the abolition of slavery in 1889 and the advances in technology—making the old plantations obsolete. Former slaves left the original plantations to find work as laborers living at scattered points on the estates.³

¹ J. H. Galloway, "Brazil," in Harold Blakemore and Clifford T. Smith, eds., *Latin America, Geographical Perspectives*, 2d ed., (New York: Methuen, 1983), p. 332.

² Werner Baer, *The Brazilian Economy*, 3rd ed. (New York: Praeger, 1989), p. 11.

³ Engenho literally means mill, but was applied to the entire complex of

As Brazil sought to enter the industrial age in the mid-twentieth century, it became apparent that traditional cultivation techniques "were not satisfactory for continued agricultural growth at the pace required to sustain expansion in the industrial sector."⁴ Advances in agricultural technology were adopted as the potential for export earnings attracted financing from the industrial sector, and agriculturally specialized production for export became the trend in the late 1960s and early 1970s.⁵

The nature of rural labor was fundamentally altered, as permanent resident laborers were expelled from the large latifundios (the internal minifundios were absorbed by the fazendeiros) in favor of seasonal migrant laborers. Each of these steps was designed to streamline agro-business units and eliminate inefficiencies and redundancies inherent in the old system.⁶

This transformation occurred almost exclusively in the agricultural export sector and mainly in the southeast.

Sugarcane production received special incentives after 1973 because of its export-earnings potential; Brazil, as a petroleum importing country, faced enormous inflation as a result of the oil shock. In 1977 the government established PROALCOOL, a program to promote the production of alcohol fuel from sugarcane as a petroleum substitute.⁷

Mato Grosso do Sul is populated by 1.8 million people and has a density of only 5.37 persons per square kilometers.⁸ It is on the western

fields where the cane was grown, the mill that crushed the cane, and the factory in which the sugar was manufactured. Blakemore & Smith, *Latin America, Geographical Perspectives*, pp. 332, 345-346.

⁴ Baer, *Brazilian Economy*, p. 347.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

⁸ CPT, *Espinheiro Caminho para a Liberdade: Conflitos no Campo-1990* (Goiânia, Goiás: CPT, April 1991), p. 44. Mato Grosso do Sul was originally part of the state of Mato Grosso, but that vast state, originally 1.2 million square

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border of the state of São Paulo, which surpassed the northeast as the major sugarcane producing region of Brazil some years ago; in 1979, the state of São Paulo alone accounted for 45 percent of Brazil's sugar production.⁹ Following São Paulo's success, nine or ten usinas began operating in Mato Grosso do Sul in the late 1970s and mid 1980s as a result of the state's proximity to São Paulo and government incentives. All but one of the usinas produce only fuel.

Despite the adoption of improved farming techniques, labor relations on these giant complexes have remained primitive, in part because they continue to depend on seasonal labor to harvest the vast sugarcane fields that are part of the integrated complexes. In the Rio Brilhante, Mato Grosso do Sul area, there are 10,000 salaried workers in the usinas and fazendas, the highest concentration of the 20-25,000 such workers in the state. One usina may use as many as 1,200 temporary workers during the harvest season, according to a worker with the Pastoral Service for Migrants (*Serviço Pastoral do Migrante*, SPM), who assists the migrant laborers.¹⁰ These workers are primarily illiterate and unorganized; only 1,300 are union members in the Rio Brilhante area.¹¹

Every year cane cutters are recruited to participate in the cane harvest that lasts from May through November. Since Mato Grosso do Sul residents generally shun this back-breaking twelve-hour-a-day work, the cane cutters are recruited for the season's work by the gatos or labor contractors in the cane-producing states of the impoverished Northeast of Brazil and from among the state's Guaraní Indian population.

The system of recruitment of migrant laborers, called *bóias-frias* or "cold lunches," referring to the inadequate lunches they eat while in

kilometers, was divided into two roughly equal populations in 1979 for administrative purposes.

⁹ Blakemore & Smith, *Latin America, Geographical Perspectives*, p. 364.

¹⁰ The SPM was created by the National Council of Brazilian Bishops and operates as part of its Pastoral Social Sector. It is intended to work with migrant laborers and study the reasons for their migration (drought and land concentration in their places of origin, principally the northeast) and the conditions under which they labor. SPM, *Migrantes Temporários: Desafio à Igreja e à Sociedade*, (São Paulo, Brasil: Edições Loyola, 1991).

¹¹ Interview, Campo Grande, November 12, 1991.

the fields, is primitive. One of its principal defects is that it allows the owners and managers of the large usinas to avoid their responsibilities under labor regulations by delegating hiring to labor contractors who promise migrant workers the moon, but are in no position to deliver anything.¹² Similar to recruiting methods described in previous sections of this report, the workers are transported hundreds or thousands of kilometers from their homes in trucks or buses and charged for this transport; when they arrive at the usina they are broke and in no position to bargain with the owner.

In 1990 the CPT counted thirty bóias-frias killed nationwide, some as the result of industrial accidents.¹³ During 1991 that number grew to fifty-four. While there were no such laborers killed in Mato Grosso do Sul in 1990, in 1991 there were two killed in the area of Rio Brilhante within a two-month period. One was shot during a strike and one was shot by the private security guard of a usina.

KILLING OF A STRIKER BY MILITARY POLICE AND PRIVATE GUARDS AT CACHOEIRA DISTILLERY

Cícero Caetano da Silva, a thirty-six-year-old cane cutter from Alagoas, was killed during a strike at Cachoeira Distillery in Nova Alvorada, Rio Brilhante, Mato Grosso do Sul, in October 1991. A second worker was injured when six military police and four private security guards shot into the crowd outside the gates of the plant. Americas Watch views this as an excessive use of force under the circumstances.

The Cachoeira Distillery was an integrated operation growing sugarcane for processing into alcohol fuel.¹⁴ It had been the subject of government investigations for violations of the labor code since 1989, according to the state Regional Labor Delegation (*Delegacia Regional do*

¹² The state Regional Labor Delegate (*Delegacia Regional do Trabalho*, DRT), headed by Antônio Piretti, in 1991 prohibited the use of *gatos* to recruit workers, but the practice was not abolished. Workers interviewed by Americas Watch said they were recruited by *gatos* in that year.

¹³ CPT, *Conflitos no Campo - 1990*, p. 55.

¹⁴ An investigative journalist listed José Pessoa, intimate friend of President Fernando Collor, as the owner of Cachoeira. "Bóia-fria alagoano acaba fuzilado em greve no MS," *Folha de Londrina*, Londrina, Paraná, November 1991.

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Trabalho, DRT), which in 1990 had inspected the facility and issued a warning, including recommendations to improve the sanitary and other living conditions of the workers.¹⁵ The fines imposed were not paid, and the plant continued to operate.

In November 1990 a commission composed of CPT, SPM, and other human rights groups investigated the terrible conditions at the plant and met with the managers on November 14, 1990, who promised improvements.

In May 1991, at the beginning of the harvest season, twenty workers complained to the authorities in the state capital, Campo Grande, that the director of Cachoeira, Marco Antônio Lins, had cut off the food for the workers for a period of three days, to punish them for low productivity. He admitted to a local newspaper that he had ordered that the supply of food for a "small group" of workers be "interrupted" because the workers from Minas Gerais "are very indolent, they do not work."¹⁶ The workers complained of physical threats and bad working conditions. The paper reported that Cachoeira had already hired 250 of the planned 700 cane cutters for the harvest of 3,500 tons of sugarcane, but that many of the workers were approaching social service agencies for fare to return home or to look for work elsewhere because of these terrible working conditions.¹⁷

In response to this complaint, the DRT team visited the distillery a second time. They confirmed complaints of beatings of workers by security guards and military police, as well as disgusting sanitation. José Rodrigues da Cruz said he was beaten by a security guard after he complained of bad food.¹⁸ When the inspection team asked if workers would go home if their passage was paid, a long line of more than one hundred people formed to leave.¹⁹ The CPT complained about this situation to the federal police and the federal attorney general.

¹⁵ "Comissão faz nova inspeção em usina," *Correio do Estado*, Campo Grande, Mato Grosso do Sul, October 10, 1991, p. 7; and International Federation of Plantation, Agricultural and Allied Workers (IFPAAW), letter to International Labor Organization (ILO), November 18, 1991.

¹⁶ "Denunciada escravidão em usina," *Correio do Estado*, May 10, 1991, p. 7.

¹⁷ *Ibid.*

¹⁸ CPT-Campo Grande, Mato Grosso do Sul, memorandum of May 15, 1991.

¹⁹ "DRT confirma semi-escravidão," *Correio do Estado*, May 14, 1991, p. 7.

The DRT delegate, Francisco Pieretti, told the press and human rights groups in May 1991 that the complaints of police beatings would be taken to the state Secretary of Public Security, José Rizkallah, who should also take measures with regard to the armed security guards. He described the shower and latrine area and the structure of the lodgings as "uninhabitable." He gave the management a week to clean it up, improve the quality of food, and make other improvements.²⁰

According to a later press account, the agency, in the company of federal police, returned to the plant a week later and found there were few changes. Pieretti and the state director of the National Institute of Social Security (*Instituto Nacional de Segurança Social*, INSS), Antônio Marcos da Silva, met with the manager and decided to give management more time before moving to intervene in the enterprise. Fines were imposed, totalling about thirty million cruzeiros (\$109,729), but nothing more was done.²¹

The state Legislative Assembly in June 1991 formed a Parliamentary Inquiry Commission (CPI), headed by Social Labor Party (*Partido Socialista do Trabalho*, PST) deputy Alberto Rondon, to investigate the continuing problems at Cachoeira and other alcohol distilleries in the state. The deputies were particularly worried about allegations that Guaraní Indians as young as six-years-of-age worked twelve hours a day cutting cane.²²

The commission visited the Cachoeira distillery in September.²³ But their interest and the rather ineffectual activities of state officials did not improve the situation, which continued to fester. The deleterious health and safety conditions were aggravated by low wages paid the laborers.²⁴

²⁰ Ibid.

²¹ The average exchange rate in May 1991 was \$1 for 273.4 cruzeiros. "Secretária quer punir destilaria," *Correio do Estado*, October 21, 1991, p. 5.

²² "Assembléia ataca usineiros que escravizam trabalhadores," *Correio do Estado*, June 10, 1991, p. 3.

²³ "Destilarias: deputados confirmam más condições," *Diário da Serra*, Campo Grande, Mato Grosso do Sul, September 14, 1991, p. 6.

²⁴ Ominously, the labor contractor who had brought workers from Alagoas "abandoned" them in September and returned to the northeast, according to one of those he recruited, leaving them to finish out their contracts without his

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On the morning of October 15, 1991 a wildcat strike broke out among the cane cutters. According to some who took part, they stopped work at 9 or 10 A.M. in the cane fields. By 2 P.M. about 200 workers had gathered at the entrance to the distillery, where they prevented trucks loaded with cane from entering and unloading their cargo. The trucks parked in the area in front of the guardhouse at the entrance to the fenced-in distillery and office complex.

This was a wildcat strike in part because two unions were involved in litigation over who would have jurisdiction over the cane cutters: the Union of Alcohol Production Workers (*Sindicato dos Trabalhadores na Indústria de Fabricação de Alcool de Rio Brilhante*) and the Rural Workers' Union (*Sindicato dos Trabalhadores Rurais*). The first ordinarily represents workers in the distillery but was seeking to expand its jurisdiction to encompass the many hundreds of temporary cane cutters hired for the harvest.²⁵

The distillery's private security guards, according to the account they gave later to the civil police, called in the military police who arrived at 2:30 P.M. The military police called in reinforcements, who arrived shortly thereafter. Except for work implements, the cane cutters were unarmed; one worker told Americas Watch that the usina's security guards searched the barracks every two weeks for arms, never finding any.

There were twenty military police backing up five private security guards; both groups were armed and uniformed. According to the military police sergeant present, Sgt. Edeni Barbosa da Silva, the security guards were not under the command of the military police, but operated independently.²⁶ Sgt. Barbosa told Americas Watch that there had been four strikes in the distilleries around Rio Brilhante in the past two years, but this was the first time they had been called to Cachoeira Distillery. He was at the scene and negotiated with one of the leaders of the wildcat strike, whom he identified as Fernando Morengo Dias. He tried to get the workers to permit the trucks to move, but they refused.

One of the workers present at the time was Aguinaldo José de Silva, born in Alagoas, who had been cutting cane for twenty years or

mediation with the plant.

²⁵ "Cortadores estão sem amparo," *Correio do Estado*, October 16, 1991, p. 13.

²⁶ Interview with Sgt. Edeni Barbosa da Silva, Rio Brilhante, Mato Grosso do Sul, November 14, 1991.

since the age of thirteen. His mother was also a cane cutter; he never knew his father. He had been recruited by the Alagoas contractor along with a large gang of men from the same drought-stricken state; they shared sleeping quarters in a large barrack with a dirt floor at Cachoeira, sleeping on bunk beds.

Silva remembered that the military police addressed them, saying that their claim was just, but asking them to remain quiet. The workers milled about, and demanded that the manager of the plant meet with them to discuss their salary demands. By some accounts, the manager refused to come out and instead asked them to send a delegation of four or five inside. The workers, being afraid of retaliation and with no union representative in sight, refused.

Sergeant Barbosa left, after securing a promise from the workers that they would not destroy the trucks, according to his account. He left behind a contingent of seven military police under the command of a lieutenant. At nightfall, the lieutenant left, leaving a corporal in charge. At about 7:45 P.M., according to one worker, some of the strikers threw about fifteen stones at the guardhouse.

At about 8 P.M., approximately ten or twelve men in the crowd of 200 striking workers began to smash the windows of the trucks parked at the entrance. (No employees were inside the trucks.) The trucks were some fifteen to twenty meters from the guardhouse where the security guards and military police were. One worker said the police told them to stop, although many workers did not hear the police say anything. Light from the distillery (100 meters from the entrance) and the guardhouse illuminated the area. There were six police and four security guards present at the time.²⁷

According to police accounts given later to the press, eight trucks, some tractors, and a vehicle belonging to the military police were damaged.²⁸ Other police reports referred to windows of the principle offices being broken and twenty-five shots fired, all by military police or private security guards.²⁹

Accounts differ on the time elapsed between the smashing of truck windows and the shooting. One worker said that after the windows

²⁷ "Cortadores mantêm greve em Cachoeira," *Correio do Estado*, October 21, 1991, p. 3.

²⁸ "Interditada Destilaria Cachoeira," *Diário da Serra*, October 25, 1991, p. 13.

²⁹ "Cortadores mantêm greve em Cachoeira," *Correio do Estado*, October 21, 1991, p. 3.

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were broken the police and security guards went to the plant office to confer with the manager for about twenty minutes, before returning to yell a warning and then to shoot. Others said no such interval occurred and the shooting started while the windows were being broken.

Silva heard one shot from the guardhouse and then saw the military police and security guards leave the guardhouse and enter the yard where they opened fire. The workers immediately took flight in a panic, heading away from the shooting and the distillery/office complex and toward their barracks, which were several hundred yards from the entrance. Some of the police grabbed fleeing workers and beat them. Workers later told the press that security guard Enair Cardoso was responsible for opening fire.³⁰

Cícero Caetano da Silva fell face down on the ground with blood on his neck, said his friend Aguinaldo José de Silva, who lived in the same barrack. He had not been in the group smashing truck windows. Caetano was still alive when he fell, but his eyes were closed and he did not say anything. After the shooting subsided, some ten minutes later, according to several accounts, several workers ventured to help Caetano to the guardhouse and the military police then took him to the hospital. He died in the hospital on October 17, 1991, two days after he was wounded in the head.³¹

Antônio Carlos Bedeleque was about thirty meters from the guardhouse, but heard no warning shot when the police and guards opened fire. He started running, but the father of three was shot in the leg; the bullet passed through. A friend helped him to the hospital, from which he and Caetano were sent in an ambulance to the hospital in the state capital, Campo Grande. Bedeleque was hospitalized for three days; the doctors said he should not work for forty days or until he recovered.³²

Fernando Morengo Dias, a striking cane cutter accused of being a strike leader, was the only person detained that night. The military police beat him upon arrest at the scene and held him until 3 P.M. the next day without food or water. Then he was sent to the civil police, and ten days after his arrest, the case was transferred to the federal police, in whose jail he spent the next four days. His first statement was taken by the federal police. Charges against him were dropped

³⁰ "Destilaria Cachoeira sob tensão," *Diário da Serra*, October 20-21, 1991.

³¹ "Morre o 20 ferido em confronto," *Diário da Serra*, October 18, 1991.

³² Interview, Rio Brilhante, Mato Grosso do Sul, November 14, 1991.

and he was freed fourteen days after his arrest.³³ The federal police concluded that he had not incited the destruction of property and trespass as charged.³⁴

The *escrivão* or clerk of the civil police in Rio Brilhante, Walter Pael Chaves, arrived at the scene of the crime at 11 P.M. the same night. By that time, all the workers were back in their barracks.³⁵

The civil police had until November 21 to complete its investigation. The clerk said that they were not waiting for the military police to complete their parallel investigation, but he admitted that the civil police had not taken statements from the military police. The civil police delegate in charge of the investigation is Venizelos Papcosta Filho of Rio Brilhante.

The commander of the Interior Police Commando (*Comando do Policiamento do Interior*), Lt. Col. Borges, held a press conference the day after the shooting in which he said that the military police would be investigating whether there was negligence on the part of the six military police present during the incident, and whether the shots that injured the two workers were fired by the military police or the private security guards. There was never any claim that the workers had shot at the police or guards. The Lieutenant Colonel said that if it was proved that the police overstepped their bounds, they would be accused and could even be prosecuted by the Military Prosecutor.³⁶

An autopsy on Cícero Caetano da Silva was performed by the Instituto Medico Legal and a bullet was retrieved. A ballistics test was being performed on the military police weapons by the military police, Americas Watch was informed in November. The clerk of the civil police had in his possession the weapons belonging to the security guards, which he was going to forward to Campo Grande for civil police ballistics tests.

Despite promises by both the Military and State police to investigate the shooting, more than six months after the death of Caetano neither investigation has been completed and no one has yet

³³ Interview, Campo Grande, Mato Grosso do Sul, November 12, 1991.

³⁴ "Federal acaba inquérito sobre tumulto em usina," *Correio do Estado*, October 26-27, 1991, p. 7.

³⁵ Interview, Rio Brilhante, Mato Grosso do Sul, November 14, 1991.

³⁶ "Confronto entre PM e bóias-frias," *Correio do Estado*, October 16, 1991, p. 13.

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been arrested. According to the local CPT, the investigation has been stalled because both police forces claim that they lack the proper jurisdiction to collect evidence.

Although Americas Watch asked all state officials with whom it met (including elected officials, state labor and justice officials, civil and military police, and others) what internal guidelines the military police followed, no one was able to say with certainty that any guidelines at all existed for police conduct in this or any other situation. Even if such guidelines do exist, it appears that they are so little known as to be useless. If there are no guidelines, that is even more serious.

The international standards appear in the Code of Conduct for Law Enforcement Officials, adopted by the United Nations General Assembly on December 17, 1979, which states in article 3: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

In August 1990 the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials," to be used for "the more effective implementation of the Code of Conduct for Law Enforcement Officials." Special Provision 9 of the Basic Principles states:

Law enforcement officials shall not use firearms against persons except in self-defense or defense of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Americas Watch concludes that the military police exceeded the U.N. guidelines and used excessive force against the strikers at Cachoeira Distillery on October 15, 1991.

Based on the evidence detailed above, it does not appear that there was an "imminent threat of death or serious injury" from the actions of the strikers, that is, vandalism of trucks. Protection of property does not justify the use of lethal force under the U.N. guidelines.

Although the strikers outnumbered the police and security guards, they were not directing their actions against those persons, so that the exception for use of force "in self-defense or in defense of others" did

not arise. Even if the police and guards had felt physically threatened (by the rock-throwing at the guardhouse that occurred and stopped before the trucks were vandalized), the reaction of firing into the crowd was excessive under the circumstances. The workers did not have firearms, and at most some twenty of the 200 strikers were actually breaking the windows of the trucks, which were at least twenty meters from the guardhouse holding the security guards and police. The police and guards were not surrounded or cut off, they could easily have retreated from the guardhouse to the plant offices 100 meters away, and they had the opportunity of phoning for nearby reinforcements, as they had already done once that day. In addition, they could have fired a single warning shot into the air instead of many shots into the crowd. Nor does it appear that the police and guards felt personally threatened, since after shooting at the crowd and causing the workers to disperse they ran after the workers and beat those they could catch.

In the initial stages of the investigation the military police attempted to cast the blame on the security guards for firing the fatal shot. Regardless of who fired that shot, Americas Watch considers the police responsible for the overall operation and their decision to conduct a joint operation with private security guards to be completely irregular and highly improper. The guards were not necessary reinforcements as demonstrated earlier in the day when the police numbered as many as twenty. By the time of the incident, however, there were six police and four security guards. The police had no command or control over the security guards, letting them act as they pleased, and since the security guards were hired to protect the plant property the police were supposed to serve a different function: public safety, which means that consideration for the life and health of the public comes before the sanctity of property. The police are supposed to have training in crowd control and procedures to avoid inflaming such situations.

When police are brought in to back up private armed guards, over whom they have no control, the police are made to appear to be no more than additional gunslingers hired by the plant owner to control the workers.

The strike and the killing caused officials to again investigate the conditions at Cachoeira. A delegation composed of the Bar Association, the Secretary of Justice, the DRT, CUT, and the CPT, met with 160 workers on October 18 to hear complaints of bad working conditions, beatings, and employment of minors fifteen to seventeen

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years-of-age.³⁷ Heading the commission were Manfredo Alves Corrêa, the adjunct secretary of the state Justice and Work Department, and the state deputy José Orcírio of the Workers' Party (popularly known as Zeca do PT), a member of the Parliamentary Inquiry Commission. Both had visited the distillery before to hear similar complaints.³⁸ The commission later met with the state Secretary of Justice and Work, Augusto Corrêa da Costa, to ask the state to intervene in the situation.³⁹ In addition, the CPT complained that one manager at the distillery threatened to kill their pastoral agent, Norail Gerónimo, if he tried to enter the premises.⁴⁰ Six strikers were being threatened with death during the strike, as well.⁴¹

Another team of five experts from the state Labor department visited the distillery from October 21-24. They found such serious safety violations at the plant, with such "imminent and serious risk" of industrial accidents, that it was shut down while they were there to correct the deficiencies. The INSS cited the bad state of repair of the machines in the distillery as the reason for the shutdown.⁴² They cited in their report of October 25 other serious and imminent risks, such as lack of protection against the noise of the machinery for workers on twelve-hour shifts. Noting that the sleeping quarters, showers, and latrines were "very bad," they recommended an investigation by the Health department. The plant was only shut down some three days.⁴³

In addition, according to their separate report of October 29, 1991, there were a series of violations of the labor codes, such as not

³⁷ "Operários ameaçados de demissão em massa," *Diário da Serra*, October 19, 1991, p. 14.

³⁸ "Comissão reúne trabalhadores," *Diário da Serra*, October 20-21, 1991.

³⁹ "Estado vai apurar os abusos na destilaria," *Correio do Estado*, October 22, 1991, p. 11.

⁴⁰ "Estado vai apurar os abusos na destilaria," *Correio do Estado*, October 22, 1991, p. 11.

⁴¹ "Crise em usina é debatida hoje," *Correio do Estado*, October 23, 1991.

⁴² "Interditada Destilaria Cachoeira," *Diário da Serra*, October 25, 1991, p. 13.

⁴³ "DRT confirma que usina está liberada," *Correio do Estado*, October 29, 1991, p. 9.

permitting a weekly rest of twenty-four consecutive hours for workers, not permitting a minimum period of eleven consecutive hours to rest between two consecutive work days, requiring them to work on holidays without requisite permission or dire need (as in the case when a harvest would be lost), and discounting the wages without authority.

The state Health department visited the plant and workers' housing on October 29, 1991, particularly the kitchen, bathrooms, and barracks. The three-person technical team found in a report issued on October 31 that there were a large number of sites of contamination and discomfort, "in violation of almost all the applicable existing legal requirements." They found in the kitchen, among other things, a total lack of control of insects and rodents, a large number of flies, lack of hygiene in the machines used to prepare food, bathrooms with direct access to the kitchen in which food and clothing were stored, spiders on the walls and roof, damaged utensils, wash basins, tile floors, lack of sealed containers in which to store food, among many other infractions. "Total lack of hygiene in the bathrooms," was another conclusion, where the septic tanks were full and without adequate closure. The sleeping quarters were adapted from hangers, some with dirt floors, with inadequate lighting and ventilation; some had neither natural nor artificial light. There were no individual or communal closets. Fire protection was nonexistent.⁴⁴

While the state Labor secretary claimed that the INSS's Division of Labor Relations (*Divisão das Relações do Trabalho* formerly *Delegacia Regional do Trabalho*, DRT), directed by Maria Consula Lima, has sole jurisdiction over the situation, she claimed that the DRT did not have to power to close a plant because of unhygienic and inhuman living conditions, unless there was an imminent danger to the workers such as the possibility of an explosion of a boiler.⁴⁵ She confirmed that the situation was under continual investigation by the DRT and that "fines

⁴⁴ "Relatório de Inspeção das Condições Sanitárias e de Conforto nos Locais de Trabalho, na Destilaria de Alcool Cachoeira, Distrito de Nova Alvorada, Rio Brilhante/MS," October 21, 1991, by Eng. Ademair Ale, Diretor de Segurança e Medicina do Trabalho - DSMT/SEJTRAB/MS; and Dr. Joaquim Lopes C. Barros, Médico Veterinário/Fiscal de Vigilância Sanitária da Sec. Estado de Saúde/MS.

⁴⁵ "Secretaria quer punir destilaria," *Correio do Estado*, October 21, 1991, P. 5; "CPI quer que INSS faça interdição de destilaria," *Correio do Estado*, October 22, 1991, p. 5.

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are imposed almost every week," now totalling over thirty million cruzeiros.⁴⁶ Because of deepening inflation, the unpaid fine continued to shrink in value.⁴⁷

The management threatened to dismiss all the workers for cause, since they remained on strike.⁴⁸ Many workers from Alagoas wanted to leave and return home, alleging that they had been recruited with a promise that they could return to Alagoas in September for the October sugarcane harvest there, but when they arrived in Cachoeira in May they were forced to sign six month contracts.⁴⁹ Most remained on strike while the military police continued at the site, although there were no further confrontations.⁵⁰

According to one account, dismissal for cause would save the plant twenty million cruzeiros (\$34,188) in unpaid wages.⁵¹ The workers claimed that management wanted to create bad conditions and provoke them to leave without receiving their entitlements, including return passage.

The management published its version of events, claiming that the dispute was over the termination date of the contract, not higher prices or working conditions, as the workers claimed.⁵² One version by the workers is that the management verbally promised, on October 12, to pay between eighteen and twenty cruzeiros per meter cut, but then reneged the next day and lowered the price to twelve cruzeiros.⁵³

⁴⁶ "Crise em usina é debatida hoje," *Correio do Estado*, October 23, 1991.

⁴⁷ The average exchange rate for January 1991 was \$1 for 193.45 cruzeiros and by November it was 743.9 cruzeiros.

⁴⁸ "Operários ameaçados de demissão em massa," *Diário da Serra*, October 19, 1991, p. 14.

⁴⁹ "Destilaria Cachoeira sob tensão," *Diário da Serra*, October 20-21, 1991.

⁵⁰ "Cortadores mantêm greve em Cachoeira," *Correio do Estado*, October 21, 1991, p. 3.

⁵¹ "Estado vai apurar os abusos na destilaria," *Correio do Estado*, October 22, 1991, p. 11. The average exchange rate in October 1991 was \$1 for 585.0 cruzeiros.

⁵² "Nota de Esclarecimento," *Diário da Serra*, October 23, 1991, p. 3.

⁵³ "Federal acaba inquérito sobre tumulto em usina," *Correio do Estado*,

Another is that the workers went on strike when the management decided to reduce the rate from sixteen to eight cruzeiros; the workers demanded twenty.⁵⁴

On October 31, 1991 the fifteen-day-old strike was settled, through mediation of the labor judge and state officials. The written agreement, signed by one of the two unions, the Alcohol Production Workers' Union, did not provide for an increase in wages.

October 26-27, 1991, p. 7.

⁵⁴ IFPAAW letter to ILO, November 18, 1991.