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## FORCED LABOR IN BRAZIL

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Disturbing cases of forced labor in Brazil occur in the inaccessible forests of northern and western frontier states where *fazendeiros*, large estate owners, cut and burn enormous tracts of land for the purpose of turning the forest into cattle pasture. While environmentalists have alerted the world to the damage this practice causes the planet, and some economists bemoan the inefficient use of land for cattle raised for export, little attention has been paid to the third, human aspect of this practice: the brutal and illegal forced labor conditions imposed upon thousands of landless rural workers whom poverty obliges to work as the instruments of forest destruction.

Americas Watch findings, based on investigations in Brazil in June and July 1990,<sup>1</sup> confirm a troubling practice in which poor laborers are brought to estates under deceptive circumstances, held against their will through threats and acts of violence, and compelled to live and work in deplorable conditions.

The use of forced labor is contrary to the laws of Brazil, whether its purpose be to destroy the environment or engage in any other commercial venture. The cases of forced labor go unpunished, however, even on the rare occasions when the police have raided offending *fazendas* to free workers held there at gunpoint. Because of this impunity, *fazendeiros* and *gatos* (literally "cats"), their labor contractors, pay no criminal price for clearing the forests with the use of dirt-cheap labor.

Since the inauguration of President Fernando Collor de Mello in March, much international attention has been devoted to his radical efforts to curb Brazil's hyperinflation and to pare down the size of the bloated government bureaucracy, and to his nod to the worldwide environmental movement by appointing an environmentalist to a scientific post. But the Collor administration, while giving lip service to environmental goals, is failing to employ one obvious tool to accomplish these aims: stopping forced labor and enforcing Brazilian labor laws. Putting an end to illegal labor practices by criminal prosecutions does not require new legislation or a new bureaucracy. But enforcing labor standards will surely slow the destruction of the environment by increasing its cost.

## FORCED LABOR: AN OVERVIEW

In a testament to the failure of land reform efforts of the previous civilian government of President José Sarney (1985-90), the vast estates that typically use forced labor regularly cover thousands of acres. According to environmentalists, some of the burning of the forests is motivated by two related desires of landowners who have acquired large estates for speculative purposes: to avoid expropriation, or to take advantage of formerly available tax benefits by showing that the land is being utilized.<sup>2</sup> At times, this latter purpose is achieved by getting a gang of workers to clear the forest for pasture, and buying or borrowing cattle from a neighbor *fazendeiro*.

Frequently, the owners of these large estates live in remote cities and some are said never even to have visited their land. Instead, *fazendeiros* have typically delegated the management of the estate to a *gerente*, or director, and the hiring and overseeing of workers to labor contractors, known as *gatos*.

Because of the scarcity of labor in these frontier areas, the *gato* often recruits laborers from hundreds of miles away. Economic conditions in Brazil ensure that there are many candidates. As a result of Brazil's admittedly great concentration of land in the hands of a few,<sup>3</sup> recent governments, starting with the military dictatorships from 1964

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<sup>1</sup> This report was written by Jemera Rone, counsel to Human Rights Watch, based on investigations conducted in Brazil in June and July 1990 by Ms. Rone and Joanna Weschler, researcher on Brazil for Americas Watch. The report was edited by Cynthia Arnson, Americas Watch Associate Director.

<sup>2</sup> See, for example, Sue Bradford and Oriel Glock, The Last Frontier: Fighting Over Land in the Amazon (Zed Books, London: 1985).

<sup>3</sup> *Latifúndios*, or farms over 500 hectares (1235 acres), are less than two percent of the total number of farms in Brazil, but they occupy almost 55% of the

through 1985, have undertaken limited land reform. The Sarney government had less success than preceding governments, reaching only ten percent of its goals for numbers of families to receive land. Vast numbers of landless families -- between two million (according to the government) and five million (according to rural unions) -- live on the margins of the economy and of starvation in rural Brazil. Many have given up the struggle for survival in the countryside and have joined the ranks of the urban unemployed living in the slums that ring Brazil's major cities, where violent crime has soared to astounding levels. The landless poor who remain in the rural areas comprise a hungry labor pool vulnerable to the unscrupulous practices that lead to forced labor.

*Gatos* typically hire a group of men to perform a particular agricultural job, such as clearing forest, on a piecemeal basis (by hectare). Workers are usually illiterate and agreements are oral. In most cases workers are hired many miles away from the *fazenda* on which they are to work, without seeing the land to be worked. The *gato* provides transportation, frequently consisting of a ride standing up for hours or days on the back of his truck. Later the workers learn they have been charged for this transportation.

Often, the oral contracts made in town, where the workers are recruited, are broken once the workers arrive at the *fazenda*. Wages turn out to be lower, and the work more difficult and time-consuming than described. Food, if not prepared by the *gato*, must be bought at the company store, which is often the only outlet for many miles and where no receipts are given. The quality and price of food in either case are non-negotiable. Housing is often makeshift -- plastic tents, and hammocks, or the floor, for workers to sleep on. Sanitary facilities are nonexistent. Yet the workers are usually charged for this "lodging."

These conditions often prevail for migrant workers even where there is no forced labor. The owners and *gatos* have complete control over the labor relationship; because the *fazendas* are so geographically remote, the workers have little recourse except to quit and try to find their way home, with nothing to show for their efforts.

In addition, *gatos* often take advantage of the isolated living and working conditions by retaining a small private army of gunmen, or *pistoleiros*, to enforce wages and working conditions that could not prevail in a free market. Not only are the workers prevented from quitting, they are forced at gunpoint to work for wages to which they did not agree, for twelve or more hours a day. Uncooperative workers are beaten or threatened with death. In several reported cases, workers have even been killed for trying to escape or for protesting their treatment. Even those who have fallen ill with malaria (rampant in the areas covered in this report) or have suffered job injuries are compelled to continue working.

As a justification for the use of force to keep the workers at their jobs, the *gatos* create a debt trap which amounts to indentured servitude or private imprisonment. They claim that the worker cannot leave the *fazenda* until he has worked off the debt that he owes the *gato* or estate owner, which the laborer's weeks or months of arduous work are mysteriously insufficient to cover. In part, the crushing debt is due to the high costs assessed workers when they are recruited.<sup>4</sup> In part it is the result of deplorably low wages. Once indebted, the worker rarely sees a profit.

In one case described below, a group of laborers received wages averaging Cz\$2,000 (US\$54) for four months of twelve-hour days, six or more days a week. That amounts to at best five cents (US\$0.05) an hour.<sup>5</sup> And they

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farmland. By contrast, three million *minifúndios* (less than 10 hectares each) occupy less than three percent of the farmland. See *Fundação Instituto Brasileiro de Geografia e Estatística (IBGE), Anuario Estatístico do Brasil, Suplemento 1989.*

<sup>4</sup> The trap often begins at the moment a laborer is hired. Migrant agricultural workers, going from town to town looking for work, often stay in rooming houses. *Gatos* in search of contract labor customarily visit these houses and pay off the worker's rooming house bill. Sometimes the *gato* advances the worker a small amount of money for his family.

<sup>5</sup> In the past five years, the Brazilian currency has changed three times: from *cruzeiros* (Cz\$) to *cruzados* (Cd\$) in March 1986; from *cruzados* to *novos cruzados*

received that Dickensian pittance only after they escaped and complained to the police about nonpayment and forced labor conditions. In other cases, workers were not paid anything, and had to return to their families totally empty-handed after months of back-breaking work under the hot sun.

Faced with extremely harsh working conditions for which they will never earn any money for their families, workers naturally want to quit. In cases of forced labor, however, they are refused permission to leave and prevented from doing so by armed guards, usually on the pretext that they still owe money.

The workers' only alternative is escape, which is difficult and dangerous. Most *fazendas* using forced labor are located in remote and unfamiliar areas, inaccessible by vehicle, surrounded by dense forest and often patrolled by armed guards. Many who try to escape fail because they are tracked down by the *pistoleiros*, beaten and sent back to work under guard. Those who do escape frequently must spend days and nights hiding in the forest, often getting lost. That migrant workers, who customarily endure arduous working conditions from childhood, go to such extremes to escape is a disturbing commentary on the *fazenda* they are fleeing.

The forced labor practices described here are illegal under Brazilian law. In addition to labor regulations setting minimum wages and working conditions, Brazilian law forbids reducing a person to a condition analogous to slavery<sup>6</sup> (Penal Code, art. 149, punished by two to eight years in prison) and depriving a person of his liberty through private jailing or kidnapping (Penal Code, art. 148, punished by two to eight years in prison if the victim suffers physically or morally, or two to five years if the victim is deprived of his liberty for more than fifteen days). These provisions are honored in the breach.

It is no defense of these labor crimes that the victim owes money. Whatever the just debt might be, the owner and *gato* break the law when they deprive any worker of his freedom to leave the *fazenda* or when they use force to compel him to work off the debt.

Even after the police have raided offending *fazendas* to free workers forced to work there at gunpoint, those responsible have gone unpunished. Such raids are infrequent; most complaints do not result in any police action at all. On other shocking occasions, the police have detained "fugitive" laborers at the request of the *fazenda* manager.

In a few cases, *gatos* and *pistoleiros* have been detained, usually for brief periods, and accused of violating Brazil's labor code. To our knowledge, no owners have ever been arrested for the use of forced labor on their property.<sup>7</sup> Because the law is not enforced, *fazendeiros* and *gatos* pay no criminal price for clearing the forests or producing crops using forced labor.

It is difficult to obtain reliable figures on the extent of forced labor in Brazil. Total figures are difficult to compile

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(NC\$) in January 1989; and most recently from *novos cruzados* to *cruzeiros* in March 1990. (Business International) This last change is part of a sweeping economic austerity package -- introduced by the newly elected government -- that has slowed down, but not eliminated, the galloping rate of inflation.

The exchange rates used throughout this report are the average monthly rates for a given month as provided by Business International. As a result, dollar amounts cited in this document are approximate.

<sup>6</sup> The penal code uses the word *escravidão* or "slavery" without defining it further.

<sup>7</sup> In one civil case from 1983 which was brought to our attention, the freed workers sued the owner of the *fazenda* for damages. A judge ruled that there had been no labor relationship between the workers and the owner, and that the only responsible party was the *gato*. On appeal, that ruling was reversed, and the owner and the *gato* were determined to share financial responsibility. As of this writing, the workers have not been paid.

because many cases come to light only when some workers escape and dare to denounce the crime. The vast majority of escaping workers (or those freed by the police after their fellow workers escape and complain) are afraid to testify. They quickly scatter and return home, or to other *fazendas*, in search of work. The case studies that follow are far from comprehensive. They simply summarize eight cases of forced labor that occurred during the period between January 1989 and June 1990. Six murders and several disappearances are alleged to have occurred on four of the *fazendas* studied in this report. In addition, scores of beatings were reported on these and other *fazendas*. These eight cases cover at least 500 workers subjected to forced labor. Five of these cases took place in the state of Pará; the remaining occurred in Mato Grosso. Both states are in the Amazon region.

In assembling the following information, Americas Watch relied on interviews with witnesses and government officials, court documents, press articles and records provided by the *Comissão Pastoral da Terra* (CPT, the Pastoral Land Commission).<sup>8</sup> The two forced labor incidents in *fazenda* Arizona and *fazenda* São Luis, in Pará, which are described below in greatest detail, are typical of a continuing pattern of exploitation of the landless agricultural workers.

Letters to state and federal officials on these cases have gone unanswered.

## STATE OF PARÁ

### **Fazenda Arizona, in Redenção: one killed, one disappeared, several injured in 1990**

Americas Watch investigated a case of forced labor in late 1989 and early 1990 in *fazenda* Arizona, near Redenção in the northern state of Pará. We talked in June 1990 to some of the persons who had been held against their will at the *fazenda* and to police and human rights officials who had investigated the allegations of forced labor conditions, private jailings, beatings, torture, sexual abuse and humiliation. These officials had also investigated the murder of a worker identified only as Antônio ("Negão"), and the disappearance -- while attempting to escape -- of another named João Leitão de Dios. Workers who had made the denunciations to the police and to human rights officials also spoke of clandestine cemeteries on the *fazenda*.

Because of the beatings, lack of pay, and harsh conditions, and despite threats of punishment for escape, some of the workers fled the *fazenda*, about twenty miles from the town of Redenção, in late March 1990. The remaining workers were abruptly dismissed when the *gato*, Wilkens Martins, was about to be arrested, following the escapees' denunciation of the forced labor conditions at the *fazenda* to the state court judge in Redenção.

Wilkens and nine of his *pistoleiros* were detained for investigations. After the CPT and community organizations denounced the case, the owners of the *fazenda* (the Santana family) disclaimed responsibility for what had occurred there and paid off the workers. Before that time, however, the workers sought food and shelter from municipal authorities in Redenção. Prior to receiving their back wages, about 110 workers were required to sign rescission contracts which, after substantial discounts for "expenses" such as food, netted workers on the average only Cz\$2,000 (US\$54) for several months of work. The payment of these paltry wages was made in the presence of a representative of the Ministry of Labor.

The authorities' efforts on behalf of the workers ended there. After a superficial investigation of a range of criminal activities, and medical examinations corroborating the victims' accounts of beatings, the judge reversed the initial detention order for Wilkens and his *pistoleiros*, and abandoned the criminal case. Wilkens and his gang were back on the street as of June 1990, and reportedly have threatened those who testified against them.

A state police official told Americas Watch that the police concluded that the victims who had escaped and

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<sup>8</sup> The *Comissão Pastoral da Terra* is a human rights and advocacy group sponsored by the National Conference of Bishops of Brazil. The CPT monitors conditions in the countryside and the struggle for land and rural labor relations. It monitors rural human rights, and has national and regional offices.

denounced the crimes to the police were making up the story because they owed money to the *gato*<sup>9</sup> -- this despite the fact that the victims asked the police to free the other workers still held at the *fazenda*.

One of the most shocking aspects of the criminal "investigation" is that the state police went to the *fazenda* in search of the clandestine cemeteries not in the company of the worker-witnesses and victims, but in the company of the accused. Moreover, they went there more than thirty days after receiving the initial complaint from the workers. Not surprisingly, they failed to locate any clandestine cemeteries, human remains or other evidence of crime.

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<sup>9</sup> Interview with police *escrivão* (official) Diogo Martins de Leão, Redenção, Pará, June 24, 1990.

Specific crimes alleged by the victims in testimony given at the end of March 1990 include:

### **Murder of Antônio ("Negão")**

Detainee Moises Pereira da Silva,<sup>10</sup> a worker substituting for an absent *pistoleiro*, testified that he had been forced to accompany chief *pistoleiro* Levy and had seen Levy shoot Negão and leave him where he fell. He did not see whether the body was buried.<sup>11</sup>

Americas Watch interviewed a 30-year-old man (not interviewed by the authorities) who had worked at *fazenda* Arizona from January 10 until late March. According to his testimony, shortly after the witness arrived at the *fazenda*, Negão told him that he had escaped from another *fazenda* run by the same *gato*, Wilkens, one year before. He lodged a complaint with the federal police about being forced to work there. A year later, Wilkens found Negão, kidnapped him, and brought him to *fazenda* Arizona. The witness and other workers saw him being held for three days in a shack near them, hands tied, in a hammock and shoeless. Finally he was untied and taken out to work under guard.

According to the witness, on February 14 Negão left their camp with Levy and Negi.<sup>12</sup> Levy and Negi returned alone.<sup>13</sup> Levy bragged to his friend José (we have changed his name), a worker, that they had shot Negão. Levy said that he "had shut the mouth of the traitor," and that he would kill others.<sup>14</sup> José confided this to our informant adding that he saw Negão's unburied body on the ground where he was clearing land. José gave an oral but not written report to the police.

### **Depriving workers of their liberty by kidnapping or by maintaining a private jail, and an alleged disappearance**

The *gato* Wilkens used armed guards to prevent workers from leaving the *fazenda*. The guards also pursued and captured fleeing workers, with orders to bring them back and beat them for their escape attempt. One worker escaping with others on the night of March 25, 1990, João Leitão de Dios, disappeared and is believed to have been killed.

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<sup>10</sup> Unless otherwise stated, testimonies in this section come from court records. The *Comissão Pastoral da Terra* took many other testimonies in addition to those taken by the court, which corroborated the court testimonies and provided evidence of additional crimes.

<sup>11</sup> After conferring with *gato* Wilkens in the jail cell, Pereira da Silva retracted his testimony.

<sup>12</sup> Moises Pereira da Silva ("Neguinho" or "Negi").

<sup>13</sup> Gilberto Alves de Souza, 17, and Cezar Pantoja Brito, 46, fellow workers, testified in court that they saw the controller Levy and Neguinho take Negão from the camp and when they returned they claimed he had escaped, although they were carrying his boot. He never reappeared and they believed he was killed.

<sup>14</sup> In written CPT testimony our informant states that on February 28 Levy told José that he had killed Negão in Lote do Jovelino, on the shore of the Rio Agua Preta. Levy ordered José, at gunpoint, to keep quiet. Levy told our informant that Wilkens paid 30,000 *cruzeiros* (approx. US\$800 at the time) for each worker he killed, which he thought was very cheap.

- When matters came to a head and 34 workers fled the *fazenda* in a group late at night on March 25, the *gato* Wilkens, *pistoleiro* Levy and others chased after and shot at them as they fled down the road on foot. One worker, Leitão, was probably killed and was never seen again. The men told of hearing a groan in the dark after the *pistoleiros* shot into the forest after them. Leitão was the only one of the group who did not collect his pay later in Redenção.<sup>15</sup> To avoid capture, the men had to take cover in the bush and spend up to four days in hiding without eating.

Defendant Domingos dos Reis ("Dominginhos"), one of the *pistoleiros* who chased them, confirmed in his testimony to the court that on the night of March 25 there was an "uprising" on the *fazenda* and that he, Wilkens and others chased after the workers who fled, although they did not catch them.

- In a second episode, Bevenuto Gonçalves Neto escaped on October 24, 1989, but was caught, brought back, beaten, and forced to continue working without pay. He and others were contracted on October 12, 1989 to clear hedges; but when he arrived at the *fazenda*, Wilkens assigned them much more difficult work, threatening to beat them when they complained. On October 24, Gonçalves Neto fled to Redenção to denounce the mistreatment but did not find the federal police. Wilkens and two henchmen captured him as he was leaving town and took him back to *fazenda* Arizona where *pistoleiro* Firmino beat him harshly, threatening to kill anyone who denounced the work at the *fazenda*. Firmino said he would bribe the police to overlook the crime.

- Defendant Moises Pereira da Silva testified that workers who tried to flee were recaptured and beaten harshly. He admitted being armed and beating them sometimes, because all the other *pistoleiros* also beat them. Detainee Francisco Pereira da Silva ("Champagne") was promoted to *pistoleiro* on March 18, given a knife and gun, and received express orders that if a worker escaped, he had to go after him. If he captured him, he had to punish him by beating with a switch, sheath of a knife or the knife itself. If Pereira da Silva did not obey, he would be beaten. He stated that he helped beat three workers. Defendant Domingos dos Reis said that if a worker escaped and was recaptured, he was obliged to work.

### **Beatings and other forms of mistreatment**

*Pistoleiros* armed with .20 calibre guns stood over the workers, forcing their labor. When a worker was sick Wilkens forced him to work anyway, on threat of beating. Cezar Pantoja Brito, 46, saw Wilkens wear out a belt in flogging a worker who was sick, to make him work. Valdete Lima de Souza was obliged to work barefoot, with infected feet, under threat of beating. Detainee Vilmar Pereira de Souza admitted that the *pistoleiros* Baiano and Levy beat the workers out of meanness.

- Gilberto Alves de Souza, 17, testified he was beaten at least five times by Wilkens and his *pistoleiros* Levy and Antônio.<sup>16</sup> When Gilberto was sick he was forced by Wilkens to work. In mid-March 1990, he was taken by Wilkens to a brook, beaten with a leather strap and knife, dunked in the brook, and then had mud smeared on his face. A court-ordered medical exam indicated he had recent scars.

- Cezar Pantoja Brito, 46, was beaten by Wilkens and could not breathe well for several days afterwards. On the day after the beating, Levy threatened Pantoja Brito with a gun and thrashed him with a cane.

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<sup>15</sup> Two of those who fled, whose statements were not taken by the court, confirmed this court testimony.

<sup>16</sup> Antônio Pereira da Silva ("Toninho").



*Pistoleiro* Parazinho<sup>17</sup> struck him and held him underwater.

- As soon as he arrived at the *fazenda*, Euripedes Carlos de Oliveira, 51, was obliged by Wilkens to carry a sack of rice on his back for four kilometers, while Wilkens and a thug named Baiano<sup>18</sup> beat him with the sheath of a knife.

- In testimony taken by the CPT, one worker (whom we will call Santos) said that six days after he started work in January, the *pistoleiro* Champagne<sup>19</sup> pointed a shotgun at him while Levy hit him with a knife. When he tried to defend himself, Levy slashed his hand and cut it so badly that Santos could not work for three months. Aside from three pills, he received no medical care from his employer. His story was confirmed to Americas Watch by a fellow worker, who fed and cared for Santos while he recuperated.

- In testimony taken by the CPT, a worker (whom we will call Luis) said Levy and another *pistoleiro* named Celson cut him in the face with a knife, leaving a scar. Wilkens and Levy both threatened to kill Luis, whom they later accused of being a ringleader of the "uprising" and escape.

- A man whom we will call Fernandes told the CPT that a few days after he started working on February 27, the *pistoleiro* Antônio Pereira forced him to move a wasp hive. He was badly stung, but was threatened with a beating if he did not continue to work.

- According to Fernandes' statement to the CPT, *pistoleiro* Antônio Pereira hit a 60-year-old man, Esmeril, with a stick and knife, and made him carry a sixty kilogram (132 lbs.) rock on his head. The man was held under water until he was sick and could not work any more.

- A man whom we will call Costa also testified to the CPT that he saw worker Euripo, known also as Mineiro, hit by the knife of *pistoleiro* João Fileno. While at work three days later, he fainted from the pain of his injuries, and six men had to carry him to the shack. The next day, Wilkens ordered him back to work.

#### **Adhesion contracts**

For the most part workers at the *fazenda* had no written contracts before they started work, as required by law. In some cases they were forced to sign contracts after they arrived at the *fazenda* on unfavorable terms, and at gunpoint.

- Cezar Pantoja Brito, 46, was recruited by Wilkens at the Hotel da Marlene in Redenção in February 1990, but no wage was agreed upon. Wilkens promised a good salary, but when Pantoja Brito and others arrived at the *fazenda* they were forced at gunpoint to sign a contract to clear an *alqueire* (2.72 hectares)<sup>20</sup> for Cz\$800 (US\$34). All expenses were to be charged to the workers, from the plastic to cover their shacks to the stone to sharpen their work tools.

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<sup>17</sup> Paulo da Costa Silva ("Parazinho").

<sup>18</sup> Carlos Nascimento Santos ("Baiano").

<sup>19</sup> Francisco Pereira da Silva ("Champagne").

<sup>20</sup> One *alqueire* is 2.72 hectares (6.72 acres) in the State of Pará. (In Rio de Janeiro, Minas Gerais and Goiás states, one *alqueire* is equivalent to 4.84 hectares.)

- Rather than sign contracts with each worker, in another case a contract was signed only by the team leader, who was forced to do so at gunpoint, according to Fernandes' statement to the CPT.

- Costa told the CPT that the work contracts were signed only by the team leaders for Cz\$1,000 (US\$42) per *alqueire* for twenty *alqueires* (54.4 hectares) of clearing. The team leaders protested that the price was not enough for the work, but they were forced to sign the contract anyway. Anyone who stopped work was beaten or otherwise mistreated by Wilkens and his *pistoleiros*.

### **Sexual abuse and harassment**

Sexual abuse and harassment were apparently used to humiliate workers and to keep them in line.

- *Gato* Wilkens forced a cook, Alderina Pereira da Silva, to "marry" Jovetino Vilela da Silva, a friend of Wilkens. Alderina did not want to marry Joventinho, but was threatened by the *gato* with beatings if she did not comply. Many workers told the court they witnessed Wilkens' threat and then saw the "wedding ceremony" he performed. Defendant Perreira da Silva had the same account as the witnesses.

- Wilkens and Levy are alleged to have forced men to perform fellatio on each other, apparently in an attempt to punish and terrorize them, according to witnesses including Euripedes Carlos de Oliveira, age 51.

Fernandes told the CPT he saw Antônio Pereira and Wilkens beat men on various occasions until they would perform fellatio, hitting them with a stick, knife and leather strap.

Defendant Francisco Pereira da Silva ("Champagne") concurred that Levy made some male workers perform fellatio. Defendant Vilmar Pereira de Souza admitted that he heard many rumors that when Levy was bored, he ordered men to perform fellatio.

- In testimony taken by the CPT, Luis said Levy and Celson obliged his wife to have sex with *pistoleiro* Luiz.

### **Fazenda São Luis Agropecuária, Conceição de Araguaia, Pará: 42 held in conditions of forced labor**

On March 17, 1990, forty-two men from Balsas, Maranhão were contracted by a *gato* known as Raimundo to work in the pasture of *fazenda* São Luis Agropecuária, near Conceição do Araguaia, Pará, hundreds of miles from their home. They were trucked a night and a day to the *fazenda*, but were not fed en route as promised.

The contract with the *gato* Raimundo provided that the head of the team would receive Cz\$1,900 (US\$51) and provide food, tools, housing and other needs for workers on his team. They, in turn, would each receive Cz\$900 (US\$24) per *alqueire* cleaned. When the workers arrived, however, they saw that the work was much more difficult than described and that they would earn only about a third of what was promised. The team worked six and one half days a week, with only Sunday afternoons off.

After working for several days, some workers asked the *gato* for pay to send to their families. Raimundo informed them instead that they owed him money, and therefore could not leave the *fazenda*.

On April 2, others asked to leave, and were refused for the same reason. They disputed their debt and offered to forget about the money owed them and leave their belongings with Raimundo; they said that they just wanted to leave. Raimundo, armed and accompanied by another armed *pistoleiro*, detained the workers who were asking to leave.

Meanwhile, two other workers met with the manager of the *fazenda*, Mr. Conceição. They told him they were leaving and asked for their money. He replied that if they reached the shore of the Rio Araguaia, they would neither

cross it nor return to their shacks, a clear death threat. He said that the workers only left over his dead body and that the *fazenda* was surrounded by *pistoleiros*.

Despite the death threats, and because they saw no way to work themselves out of the alleged debt, fourteen men fled that night at 7:00 p.m. They walked a full night and a day and arrived at Vila Floresta, in the municipality of Conceição de Araguaia, state of Pará.

The day following the escape, Raimundo was advised that the group of workers had fled; he sent *pistoleiros* after them, saying he wanted to kill three of the fugitives to scare the rest. The *pistoleiros* did not find the escapees.

The manager, however, called ahead to the police in Vila Floresta and the "fugitives," as they were called by the manager and the *gato*, were detained in the police station at the manager's request. The escaped workers spent two nights in the police station.

On April 4 the manager went to Vila Floresta with the *gato* Raimundo and five other men, intending to take the workers back to the *fazenda*. At the police station, the workers adamantly refused to go. When the military police hesitated and decided to consult their superiors, the manager and his group of men withdrew. In the meantime various townspeople of Vila Floresta (who were bringing food to the prisoners) had notified the mayor and the commander of the military police about what was taking place.<sup>21</sup>

Three other workers later managed to escape from the *fazenda*, and arrived in Araguaiana several days later. As far as they knew, the rest of the workers, about 25 from Balsas and thirty from Fortaleza dos Nogueiras, Maranhão, were still being held at the *fazenda*.

### **Impunity at the federal level in fazenda Arizona and fazenda São Luis cases**

Although the federal government has jurisdiction over cases of forced labor when the laborer crosses state lines, it has totally reneged on its obligations in these two cases. This is so even though the cases were brought to the attention of federal authorities almost immediately by the victims from *fazenda* Arizona and by the Pastoral Land Commission of Conceição de Araguaia, Pará.

CPT representative Father Ricardo Rezende Figueira, along with fourteen members of Congress, met with Minister of Justice Dr. Bernardo Cabral on April 24, 1990.

Their principal demands were 1) for an investigation of the charges of forced labor at several locations in Pará and 2) for the freedom of those still being held in forced labor conditions at the São Luis (Conceição de Araguaia) and Arizona (Redenção) *fazendas*. (They also discussed four recent unrelated assassinations of rural activists in Pará and asked for protection.)

Minister Cabral said the government would investigate the São Luis case and free the workers.

Father Rezende and two former *fazenda* Arizona workers Horacio Carmo de Osinia Cimento and José Hermogines Carvalho also met in Brasilia with Attorney General (*Procurador*) Aristides Junqueira Alvarenga. The two workers told of the murders, beatings, and tortures at *fazenda* Arizona by the *gato* and his *pistoleiros*, and provided the *Procurador* with extensive documentation. Osinia also reported that he had only been paid the equivalent of US\$54 for seven months' work.

The *Procurador* promised that the federal police would open an investigation about ongoing forced labor at São Luis.

To date, however, there has not been any federal action in the *fazenda* Arizona or São Luis cases. When the Americas Watch delegation met with the Deputy Minister of Justice on June 27 and asked him whether any action

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<sup>21</sup> In Brazil, the military police, a force under civilian authority, is responsible for most police functions except the investigation of criminal offenses. During times of emergency, it may be called into service by the military, in which case the force is under the jurisdiction of the federal chief of staff of the armed forces.

had been taken, he responded that the Ministry notified the federal police but he did not know whether anything had been done.

### **Fazenda Santa Inês, Santa Inês, Pará: one killed, one wounded, one disappeared, 1989**

*Pistoleiro* Clóvis Souza allegedly killed Reginaldo Oliveira Chagas, a worker employed at the *fazenda* Santa Inês, near Santa Inês, Pará. According to Oliveira's brother-in-law, José Carlos de Almeida, Oliveira was killed in 1989 while trying to escape. Oliveira's brother-in-law later fled the same *fazenda*. It is believed that João da Cruz Pereira, another worker who disappeared at about the same time, is also dead.

After Almeida denounced the death and working conditions to the police in Marabá, they sent an investigator who verified that workers were being held against their will. The police entered and freed 43 workers and arrested several persons responsible for the forced labor, including *gato* Ademir Rodrigues de Oliveira. Rodrigues, it was alleged, recruited the workers and then "sold" them to the owner, Brás de Oliveira Bueno, for NC\$15 (approximately US\$4.25) each. Rodrigues was responsible for seeing that the workers did not flee the *fazenda*; otherwise, he would have to return the bounty. In addition, Rodrigues earned a percentage of the earnings of each worker.

Among the 43 freed were fourteen workers between fourteen and eighteen years old.<sup>22</sup>

The workers complained of earning only NC\$2 (US\$0.57) a day and of having meager and bad portions of food, including food cooked in diesel oil when cooking oil ran out. In four months the workers had had meat only twice, and had fallen ill because the cows slaughtered had been diseased.<sup>23</sup>

Judge Izilda Pastana of Marabá accused the civil police chief, Ivo Freitas, of accepting a bribe from *fazenda* owner Bueno, who sought to avoid arrest. When the judge asked Freitas why the owner had not been jailed, Freitas replied that Bueno lived in Brasília and would have to be deposed there. The same day the judge saw Bueno on the street in the state capital of Belém.

Ivo Freitas was not successful in cashing the NC\$20,000 (approx. US\$4,500) check he received from Bueno as a bribe, because the bank did not have enough money on hand to cover the amount. At the judge's request, Freitas was dismissed but he was not jailed. A new police chief was substituted for him.<sup>24</sup>

At the same time, however, the judge granted a *habeas corpus* petition filed by Bueno's attorneys. Since Bueno was not to be detained, she also freed the security guards, foremen, and other *fazenda* employees who had been jailed for violating the labor code.<sup>25</sup>

When the guards were released, workers who had testified against them fled town, fearing reprisal.<sup>26</sup>

### **Fazenda Espírito Santo, Xinguara, Pará: one killed, one wounded, 1989**

On September 13, 1989, *gato* Chico Gato, his driver Carlão, and two other *pistoleiros* shot dead José Paraná, 23, and tried to kill José Pereira Ferreira, 17, two workers who were escaping from forced labor conditions at the

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<sup>22</sup> "Trabalho escravo no sul do Pará," *O Liberal*, Belém, Pará, October 3, 1989.

<sup>23</sup> "José Carlos: miséria, fome e muita pancada," *O Jornal de Canaúais*, Marabá, Pará, October 20-26, 1989.

<sup>24</sup> "Juíza manda soltar os capatazes da fazenda Santa Inês," *O Liberal*, Belém, Pará, October 15, 1989.

<sup>25</sup> *Id.*

<sup>26</sup> "Alvará libera capatazes e trabalhadores da fazenda," *O Jornal de Canaúais*, Marabá, Pará, October 20-26, 1989.

*fazenda* Espírito Santo, Xinguara, Pará, according to Pereira.<sup>27</sup>

Pereira stated that he and fifteen others had been contracted by Chico Gato on September 5, 1989 to clear forest at the *fazenda*. Pereira and Paraná decided to escape after the *gato* refused to pay them for their work, saying that they owed him for the food he provided. The two young men fled the *fazenda* at dawn on September 13. That night, they were found on the road by four armed men, of whom Pereira could only identify two. The armed men shot Paraná in the neck and he died instantly. Chico Gato ordered Pereira to walk by the road, then shot him in the back of the neck.

But Pereira had put his hand on the back of his neck to protect himself and when he fell down he feigned death, not a difficult task since the bullet entered his head and exited near his right eye.

The *pistoleiros* wrapped both bodies in a cloth and discussed where to dump them. They decided on the edge of highway 150, near the *fazenda* Brasil Verde. Pereira managed to get to the *fazenda* house, and the manager of the *fazenda* had him taken to Xinguara for medical care. Three hospitals refused him treatment before a fourth admitted him on an emergency basis. He lost his right eye.<sup>28</sup>

Pereira was interviewed several days later in the Pará capital Belém by the federal police, who went to *fazenda* Espírito Santo a month later to investigate. The police did not find the body of Paraná, however, even though the manager of *fazenda* Brasil Verde said he saw a body on the edge of the road until October 16, when it mysteriously disappeared.<sup>29</sup>

Pereira believed that there were about sixty workers still on the *fazenda* who were being prevented from leaving, and insisted that two other persons had been killed at the *fazenda*.

The *fazendeiro* denied that he had forced labor on his 7,000 hectares (17,297 acres) and denied that Pereira ever worked on his *fazenda*.<sup>30</sup>

### **Fazenda Belauto, São Félix do Xingú, Pará:**

#### **39 workers from Maranhão and others held in slave conditions, 1989**

Thirty-nine men from Vitorino Freire, Maranhão, were contracted by a *gato*, Luiz Carlos Machado, on November 3, 1988, to work clearing forest for pasture on the 35,000 hectare *fazenda* Indústria Madeireira Belauto in Gleba Maguari, São Félix do Xingú, Pará.

Starting out that night at 10:00 p.m., they traveled the 800 km like cattle in the back of the truck, arriving at the *fazenda* on November 5. Their identity documents were taken from them and kept by the *gato*.

Upon arriving they saw a young man, about 25, who had tried to flee and was tracked down at the edge of the *fazenda* by four *pistoleiros*, who had tied his hands and feet. They threw him off the tractor (in which they had returned him to the *fazenda*) and beat him. Three days later the young man succeeded in fleeing.

About sixty armed men kept these and other workers in line. After working for a month, the workers did not earn any money because they had to pay for food, rent for a thatched-roof shack (where sixteen workers stretched out

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<sup>27</sup> The owner of *fazenda* Espírito Santo is Benedito Mutram, a wealthy landowner and the brother of the mayor of Marabá. Pereira also accused the owner of unlawfully cutting down chestnut trees (*castanhais*), which are protected. Carmen Coaracy, "Padre prova trabalho escravo no Araguaia," *Jornal de Opinião*, Belo Horizonte, November 11, 1989.

<sup>28</sup> Based on CPT reports.

<sup>29</sup> CPT report, Conceição de Araguaia, November 2, 1989.

<sup>30</sup> "PF investiga escravidão em fazenda no Pará," *Aconteceu* no. 522, Rio de Janeiro, October 31-November 6, 1989.

hammocks to sleep), work tools, and medicine for the malaria that infested the region.

According to one worker, Adão Santa Silva, he and four others (the only ones of the original sixteen in their shack who had not escaped) fled on January 14, 1989, about 8:00 p.m., spending four days and nights in the forest. One had malaria but left anyway.<sup>31</sup>

A similar story had been told a few months before by another worker who managed to escape from the same *fazenda*.<sup>32</sup> He saw the *gato* Luis Carlos Machado beating workers. One worker, José Alexandre da Silva, was pistol-whipped until he bled by the armed thugs the *gato* employed. The *gato* also owned the company store, where he overcharged, so that the workers remained in debt.

Although promised 15,000 *cruzados* (US\$165) per *alqueire* in Maranhão, when they arrived at the *fazenda* the workers were informed that they would receive only Cd\$12,500 (US\$138). They decided not to work. The *gato* then asked them to pay him the cost of the transport and expenses of the trip. Many workers felt they had no alternative but to stay and work off the debt.

Tools for work and all food had to be bought in the company store, which charged excessive prices. One worker spent a month's salary on the first day, paying for transport and work tools.

When they asked to leave during the second month of work there, they were informed that they still owed money to the company store. Despite the fact that several who had fled were recaptured and badly beaten by the *pistoleiros*, of whom there were at least twenty on the *fazenda*, and then obliged to pay Cd\$5,000 (US\$40) for gas expenses incurred in the capture, the workers attempted another escape. Two men, one with malaria, snuck out at 8:00 p.m. one night and spent twelve days in the bush, hiding from the *pistoleiros*, before, famished, they arrived at a town.<sup>33</sup>

The case of *fazenda* Belauto was denounced by the CPT, which presented the federal police regional superintendent, Roberto Araújo, with documentation and asked for an investigation, as did state deputy Valdir Ganzer.<sup>34</sup> According to a person who spoke to him, the superintendent promised to look at the documentation only "after Carnival, because the fight against drugs is the number one priority of the federal police."<sup>35</sup>

Jair Bernardino de Souza, cited in the CPT denunciation as being the *fazenda* owner, sued the CPT and others for defamation, claiming he and his industries (he is one of the wealthiest men in the state of Pará, according to him and others) did not own any agricultural land.<sup>36</sup> The federal agrarian reform agency, however, stated that Jair Bernardino de Souza, together with other family members, did indeed own an area of 35,774 hectares known as *fazenda* Belauto.<sup>37</sup>

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<sup>31</sup> "Peão relata vida cruel na fazenda," *Correio Braziliense*, January 27, 1989; Adão Santa Silva, declaration, January 23, 1989, Conceição de Araguaia, Pará.

<sup>32</sup> Antônio Alves de Macedo Filho, 41, declaration to CPT, May 11, 1988, São Félix do Xingú, Pará.

<sup>33</sup> "Fugitivo denuncia trabalho escravo," *O São Paulo*, July 7, 1988.

<sup>34</sup> "PF investiga caso de trabalho escravo," *Correio Brasiliense*, January 26, 1989; "Deputado quer CPI instalada," *O Liberal*, Belém, Pará, June 10, 1988.

<sup>35</sup> "Peão relata vida cruel na fazenda," *Correio Braziliense*, January 27, 1989.

<sup>36</sup> Complaint, Civil Court, Belém, January 31, 1989; "Empresário processa PT por difamação," *O Estado de São Paulo*, São Paulo, September 24, 1989.

<sup>37</sup> Memo from Regional Delegate of MIRAD to Valter Rodrigues Peixoto, March 1, 1989; "O rico empresário e o Pinochio," *Jornal Pessoal* no. 38, Belém, Pará, March 15, 1989.

**STATE OF MATO GROSSO**  
**Fazenda Reunidas Nossa Senhora de Fátima, Aripuanã:**  
**three workers killed, 150 held in conditions of forced labor in 1989**

Approximately 150 workers fled the *fazenda* Reunidas Nossa Senhora de Fátima,<sup>38</sup> in Aripuanã, Mato Grosso, in September 1989. The state police went to investigate the denunciations of five murders and forced labor conditions there. Police located the decayed bodies of workers "Paulista" and "Fuscão". Paulista had been shot in the head and Fuscão had been beaten with a blunt instrument, according to a medical exam.<sup>39</sup> The bodies of three others reported killed, "Osvaldo," "Mineiro," and "Cuiabano," were not found; of these it appears that Cuiabano was killed but Osvaldo and Mineiro died accidentally.

The *gatos* Antônio Vicente de Lima ("Cearense") and João Crisóstomo de Figueiredo ("Nilo")<sup>40</sup> are accused of ordering the killings.<sup>41</sup> Neither have been arrested. The case was to be investigated by the municipal delegation of the police of Várzea Grande.<sup>42</sup>

According to one version of the killings provided by some escaped workers, the men who later were murdered became ill with malaria and could not work for many days. While they were still sick, the *gatos* and their guards made the men work cutting down trees. When they could not work any more, the *gatos* decided to kill them and bury them on the *fazenda*.

A second version of their deaths<sup>43</sup> is that two of the men, Fuscão and Cuiabano, agreed that Cuiabano should notify the federal police of the miserable working conditions on the *fazenda*. Overseers had forced the workers at gunpoint to work an extra hour daily.<sup>44</sup> The workers also said that they were being cheated on their pay and forced to do more difficult work than that for which they had been contracted.

Cuiabano and Fuscão were both killed by *pistoleiro* Osvaldo, who himself later drowned while crossing a nearby river. Another worker shot by Osvaldo died a month later.

Other workers escaped and, according to a later press account, planned to sue for wages, since they had never been paid.<sup>45</sup>

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<sup>38</sup> The *fazenda* belongs to the Peralta group, which owns large supermarkets in São Paulo. The spokesperson is João Brunis da Silva. "Escravidão branca: nova denúncia em MT," *Diário Cuiabá*, Cuiabá, Mato Grosso, September 9, 1989.

<sup>39</sup> "Policia encontra corpos em fazenda," *Diário Cuiabá*, September 13, 1989.

<sup>40</sup> He lives in Várzea Grande, according to the *fazenda* owner. "Escravidão branca: nova denúncia em MT," *Diário Cuiabá*, September 9, 1989.

<sup>41</sup> "Policia encontra corpos em fazenda," *Diário Cuiabá*, September 13, 1989. One news article said that the nurse Valdemir da Silva Prado identified the killers as Osvaldo, Valdomiro and Paulista. "Trabalhadores denunciam regime de escravidão em fazenda no MT," *Correio do Estado*, September 11, 1989.

<sup>42</sup> "Policia encontra corpos em fazenda," *Diário Cuiabá*, September 13, 1989.

<sup>43</sup> "Escravidão branca: nova denúncia em MT," *Diário Cuiabá*, September 9, 1989.

<sup>44</sup> "Trabalhadores denunciam regime de escravidão em fazenda no MT," *Correio do Estado*, September 11, 1989.

<sup>45</sup> "Policia encontra corpos em fazenda," *Diário Cuiabá*, September 13, 1989.

**Fazenda Suiá Missú, São Félix do Araguaia:  
hundreds held in forced labor conditions, 1990**

On May 1, 1990, a group of men were contracted to cut down forest on *fazenda* Suiá Missú, São Félix do Araguaia, Mato Grosso, by a *gato* named Edineia. The oral contract was for Cz\$3,200 (US\$61) per *alqueire*.

When the workers arrived, they learned there were 15,000 *alqueires* on this *fazenda*, where 800 men were working, some with families. The new arrivals worked on the *fazenda* for twenty days and were not paid. They learned that no one there was being paid, and that when people tried to flee they were captured by the police in Porto Alegre and returned to the *fazenda*. One of the *pistoleiros*, Baiano, bragged that *gato* Edineia was always armed and accompanied by three armed men who often had caught escaping workers.

One of the complainants decided to flee when he learned that the *gato* confiscated workers' personal property on the grounds that workers owed him money. (This worker had a chain saw he did not want to lose.) He and another man fled, spending four days in the forest and nights on the road. These two were never paid for any work, although they cleared nine and one half *alqueires*.<sup>46</sup>

**Fazenda Escondida, Matupá: forced labor conditions in 1990**

Escaped workers from the *fazenda* Escondida, in Matupá, Mato Grosso,<sup>47</sup> said they were hired on January 2, 1990 to work the land for NC\$1,500 (US\$105) per *alqueire*. But when they arrived at the *fazenda*, the price was lowered to NC\$500 (US\$35). The workers complained that they wanted to quit, but were told they owed the owner money and could not leave until they had cleared 1,200 *alqueires*. Whomever tried to leave would be shot, they were warned.

Two months later, on March 19, four workers fled the *fazenda* and were pursued by *pistoleiros*. The workers escaped after spending several days hiding in the forest.

Others workers escaped in the following days and reported that wages had been lowered even further, to NC\$300 (US\$8) per *alqueire*. Three workers attempting to flee were captured by the *pistoleiros* who beat them and forced one at gunpoint to beat the two others. They were made to work under guard and locked up at night. One of the workers escaped again on March 27. According to a friend who escaped on March 30, the *pistoleiros* were looking for him, with orders to kill.

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

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<sup>46</sup> Sworn declaration to CPT on June 15, 1990, São Félix do Araguaia, Mato Grosso.

<sup>47</sup> "CPT denuncia trabalho escravo," *Folho de São Paulo*, April 26, 1990; declarations to CPT dated April 6, 1990.



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

*This copy of "Forced Labor in Brazil" incorporates a number of changes to the original version in order to ensure consistency throughout the text.*