

Report

International Fact-finding Mission

Human Rights Situation in the State of Pará, Brazil

Alternative report to the UN Human Rights Committee

29 May to 3 June 2005
Belém, Altamira, Anapu and Brasília

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Introduction

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Mission Objectives

The insecurity, the violence including several deaths and the very serious administration of justice deficiencies in the State of Pará (Brazil), have prompted the FIDH and its Brazilian member organisations to establish a mission whose aim is to collect further information concerning these issues.

The report will be presented in October before the United Nations Committee of Human Rights for its regular evaluation of Brazil.

The six-day mission started with a visit to the city of Altamira, in the northeast of the state of Pará. It then spent a day in Anapu. Several meetings took place over two days in Belém, the capital of the State of Pará. Finally, it spent three days in Brasília where it met with federal authorities (see Annex 2 for the complete list of bodies).

The first section of the report refers briefly to the history of Brazil, including essential facts on the institutional organisation of the country, which helps to understand the division of powers and responsibilities in this particular conflict. The second part is devoted to describing the facts observed by the mission.

I. Context

As mentioned in the FIDH report “Brasil: Graves Violações aos Direitos Humanos” [Brazil: Serious Human Rights Violations] (No. 299/3, December 2000, hereinafter referred simply as “FIDH 2000”), Brazil is a rich country inhabited mainly by poor people. This inequality is one of the main causes of violence.

A. Brazil Data

Brazil covers a territory of 8,514,215 km² and is the fourth largest country in the world just behind Russia, Canada and China. It is divided into 26 federal states and one federal district.

The last census count in 2000 identified a population of 169,799,170 persons, but it is estimated that this number has currently reached 184,138,046 inhabitants (see www.ibge.gov.br). The large majority of the population is catholic.

In the 2000 census, 45.3% of the population identified themselves as black or mulatto, 54% as white and 0.6% as light-skinned or indigenous (see www.ibge.gov.br). While Brazil is known as a ‘racial democracy’, the country’s socio-economic data show that levels of development, life expectancy, literacy and access to the labour market of the black African population are much lower compared with the white population (see MINISTRY OF JUSTICE, Secretary of State for Human Rights. *Segundo Relatório Nacional sobre os Direitos Humanos no Brasil* [Second national report on human rights in Brazil]. Brasília, 2002, page 30).

Among 177 countries, Brazil holds the 72nd position in the PNUD’s Human Development Index (see PNUD, “Human Development Report”, 2004, available at www.undp.org), appearing along countries with medium development. Life expectancy is 68 years of age, unemployment rate is 11.5% (2004) and illiteracy affects 11.3% of the population (2003) (see www.ibge.br).

According to data from the World Bank, the average income of the richest 20% is 25 times greater than that of the poorest 20% in Brazil, while this rate does not exceed 5% in the Netherlands or even India (see WORLD BANK. *World Development Indicators*. 2001). As highlighted by Paes de Barros and Carvalho, two researchers from the Applied Economic Research Institute [Instituto de Pesquisa Econômica Aplicada]

(IPEA), “Brazil is in fact one of the countries belonging to the 10% group of most unequal countries worldwide. The huge disparity in Brazilian income obviously has very serious consequences on our poverty level. For example, if Brazil distributed its income equally, as is done in Uruguay, even without altering the total volume of resources available in the country, we would only have 12% of people living in poor families instead of the current 35%. In other words, the poverty in Brazil would only be a third of what it is today, based on the fact that resources which we already have would be distributed in the same way as Uruguay distributes its own” (PAES DE BARROS, Ricardo and CARVALHO, Mirela de. “Desafios para a Política Social Brasileira” [“Challenges to Brazilian social policy”], *IPEA - Texto para Discussão n° 985*, Rio de Janeiro: IPEA, October 2003, page 3).

B. Principal Historical Facts

Brazil became a Portuguese colony in 1500. In 1822, it achieved peaceful independence with the declaration of independence from Pedro I, son of the Emperor of Portugal João VI. Thus, the Empire of Brazil was born.

The country was a significant market for slave trafficking. Historical data suggests that the slave trade in Brazil started in 1533, with slavery being formally abolished in 1888 with the Áurea law.

The republic was proclaimed in 1889. Its first ten years were marked by political, economic and social unrest. From 1898, Campos Salles established the so-called “politics of the governors”, which would last until the 1930 Revolution. This policy was based on the idea that joint political support from the various state governors controlling the oligarchies needed to be obtained to avoid the frequent obstacles set by the Legislative powers. Campos Salles therefore started the era of the “Coffee and Milk Republic”, which became known as the alternating of power between the states of São Paulo and Minas Gerais.

Between the end of the 19th century and the start of the 20th century, Brazil welcomed three million immigrants, adding various aspects of the European culture to the Luso-African identity. Subsequently, Japanese, Arabic and Jewish peoples joined the immigrant influx.

In 1930, a coup d'État known as the "1930 Revolution" led to Getúlio Vargas, governor of the state of Rio Grande do Sul, seizing power and government office under the provisional title of "Delegate of the Revolution" by representing the Armed Forces and the people. In 1937, Getúlio Vargas established a fascist dictatorship known as the "New State" (FIDH 2000, page 4), which would last until 1945 with the deposal of Vargas and the election of General Eurico Gaspar Dutra.

In 1950 Getúlio is elected president. It is at this point that the Fourth Republic of Brazil founded on presidentialism and federalism is established. The presidencies of Juscelino Kubitschek, Jânio Quadros and João Goulart followed.

In 1964, a military coup with the support of the United States unseated João Goulart. The Military Council published the First Institutional Act (AI-I), abrogating the political rights of hundreds of Brazilians. During this period, "Brazil will then experience a true economic miracle, to the detriment of social justice and the respect of human rights. A 'conservative modernization' was developed against the popular classes. Due to the lack of any concrete agrarian reform, millions of people were forced to migrate to the large cities and concentrate around the 'favelas' (slums). It is true that the repression was not as bloody as in other Latin American countries. Still, 200 people were assassinated and hundreds were tortured, imprisoned or exiled. Freedom of expression was denied and political parties were banned for almost twenty years." (FIDH 2000, page 5)

Twenty one years later in 1985, the military handed the power back to the civilians. Tancredo Neves was elected in indirect elections. However, due to a serious illness, Tancredo never managed to take power and the vice-president elected, José Sarney, took over the Presidency.

On 5 October 1988, a new Constitution is proclaimed. "By promising great advances, it acts to strengthen social protection and free syndicalism from state guardianship. It also guarantees freedom of expression and the right to strike. It recognises the rights of the poor indigenous peoples and the 'quilombo' people (descendants of slaves who fled from plantations and established communities) and also provides for the transfer of resources from the State to states and regions." (FIDH 2000, page 5)

In 1989, Fernando Collor de Mello becomes the first president to be elected by universal suffrage. His economic policy, which even included confiscating a certain amount of

savings from every citizen, very quickly become unpopular. Involved in cases of corruption, he faced impeachment by National Congress in 1992. The vice-president, Itamar Franco, then took over the Presidency.

Fernando Henrique Cardoso (FHC) was elected president in 1994 and re-elected in 1998 (after a constitutional amendment which allowed him to dispute a re-election). The two Cardoso periods enabled the Brazilian state to adapt to the globalization of capital movements. Faleiros summarises FHC's policy as follows: "Privatization enabled the transfer of state assets to private companies, of all that is public to the market, and affected the very centre of the State. In other words, collective services provided by the Public Power became the domain of private companies, and the majority became assets for multinationals." (FALEIROS, Vicente de Paula. "A Reforma do Estado no Período FHC e as propostas do Governo Lula" [State reform during the FHC period and Lula Government proposals], in INESC. *A Era FHC e o Governo Lula: Transição?* [The FHC era and the Lula Government: Transition?]. Brasília: INESC, 2004, page 41).

President Lula's arrival to power in 2003 generated great expectations for social change among the population. The first years of the Lula Government point to a continuity in the State model defined during the Cardoso period. The model established during the Cardoso presidency became even more entrenched in the economy – proof of this is the agreement made with the International Monetary Fund and the decision to increase the initial surplus to a record 4.15% GDP until 2007, at a cost of significant cuts to social resources. In its penultimate year, the Lula Government was practically paralysed by accusations of corruption.

C. The Administration of Justice

Articles 92 through 126 of the Federal Constitution set forth the rules applicable to the organisation of the Judicial Branch. The organs of the Judicial Branch are: the Federal Supreme Court; the High Court of Justice; the Federal Regional Courts (FC Article 108) and the Federal Judges (FC Article 109); the labour courts and judges (FC Articles 111 and 114); the military tribunals and judges and the judges of the states and the Federal District and territories (FC Article 92). The Federal Supreme Court consists of eleven ministers appointed by the president of the Republic and it is the highest organ of the Judiciary. Its basic function is to defend the Federal Constitution, which is deemed to be the vehicle which expresses

Brazilian social and political values. The High Court of Justice, consisting of no fewer than thirty-three ministers appointed by the President of the Republic is the organ which articulates and defends federal objective law. The Federal Supreme Court and the high courts are located in the federal capital and their jurisdiction extends throughout the national territory.

The Federal Union has the authority to organise and maintain the Judiciary, the Ministry of Justice and the Public Defender's Office of the Federal District and the territories. For their part, the federated states have the authority to organise their justice systems, provided that they respect the principles set forth in the Federal Constitution.

D. Structure of the Public Security System

The authority to enforce, organise, and guarantee public security is shared between the federal government and the states; there are federal police and, in each state, civil police and another named "military" police (although they are not under the command of the Armed Forces).

The *Federal Police*, within the federal jurisdiction, report to the Ministry of Justice and are active nationwide. The main function of the federal police is "to uncover criminal offences against the political and social order and against the goods, services, and interests of the federal government, its autonomous bodies, and public enterprises, as well as other offences with interstate or international repercussions, or which must be uniformly repressed, as provided by law. They are also responsible for the prevention and control of illicit trafficking in narcotics and similar drugs, contraband, and of attempts to evade the maritime, air, and border police and federal police enforcement".

The state police are divided into civil police and "military" police. The "*military police*" perform typical civil police duties, reporting directly to the executive branch (Governor and Secretary of Public Security, respectively, in each state) but it is not an internal force of the national military. "The 'military police' is responsible for public policing and for preserving public order. Their primary duties are daily patrols and pursuing criminals. Regarding subordination, both the civil and military state police report to the Governors of the states, the Federal District and the territories (Art. 144.6 of the Federal Constitution). The state's Chief of Police is the Secretary of Public Security, who directly assists the Governor

and is responsible for any acts of law enforcement and crime prevention in the course of duty." (Inter-American Commission on Human Rights - IACHR. Report on the Human Rights Situation in Brazil. Report approved by the Commission on 29/09/97, during the 97th Ordinary Period of Sessions, p. 29).

"The *civil police*, function as state judicial police and investigate criminal offences with the exception of military offences and those offences under the jurisdiction of the federal police" (*idem.*, p. 30).

E. Institutional Violence

In 2002, the Ministry of Justice recognised that "serious violations to civil and political rights persist throughout the country, (...) in particular the practice of summary, arbitrary or extrajudicial executions, torture and arbitrary detentions involving police and staff in prisons and special institutions for young delinquents." (MINISTRY OF JUSTICE, *op. cit.*, p. 21).

Also, according to limited Ministry of Justice data (related only to 5 States, namely São Paulo, Rio de Janeiro, Bahia, Pará and Rio Grande do Sul), 1,479 people died in confrontations involving police that year. In 2001, this figure rose to 1,538 (see MINISTRY OF JUSTICE, *op. cit.*, p. 21).

As highlighted by Brazilian human rights organisations, "some of these deaths are a result of confrontations between civilians and the police, where civilian death is inevitable. However, the majority of deaths perpetuated by the police are due to illegal activity carried out by police officers, due to abuse of lethal power during confrontations or due to the summary executions of civilians" (see CONECTAS HUMAN RIGHTS. *Amicus Curiae in ADIN 3486*, São Paulo, June 2005).

Given this situation, Brazil was visited by the United Nations Special Rapporteur for Summary, Arbitrary and Extrajudicial Executions, Mrs. Asma Jahangir in 2003. In her report, she highlighted "throughout the visit, the Special Rapporteur heard numerous accounts of killings by members of the police in situations alleging excessive use of force or extrajudicial executions. (...) For the years 2000 and 2001, the Special Secretariat for Human Rights was able to gather information from six States, namely Pará, Bahia, the Federal District, Rio de Janeiro, São Paulo and Rio Grande do Sul, and reported a total of 3,017 civilians killed by the military and civil police on and off duty. Among these deaths, 1,126 persons were killed by on-duty military police (often explained away as killing

during encounters and armed confrontation), while 186 were killed by the civilian police. Off-duty military and civil police were allegedly responsible for the remaining 1,705 killings. (...)” (JAHANGIR, Asma, *Extrajudicial, summary or arbitrary executions, Report of the Special Rapporteur, Asma Jahangir, Addendum, Mission to Brazil*. UN Doc. E/CN.4/2004/7/Add.3, January 2004, p. 11, our translation)

Torture, on the other hand, continues to be tolerated by the Brazilian authorities. Torture is carried out at police headquarters, in prisons, detention centres and special institutions for young delinquents (see RODLEY, Nigel. *Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant the Commission on Human Rights resolution 2000/43, Addendum, Visit to Brazil*. UN Doc. E/CN.4/2001/66/Add.2, March 2001).

Among other measures to end impunity in Brazil, the Rapporteur for Summary Executions recommended a simplification of the legal procedures and a profound legal reform. She added that it was necessary to strengthen Public Prosecution Offices and to temporarily suspend the police indicted of extrajudicial killings until their trial is concluded (JAHANGIR, *op. cit.* p. 20).

F. The Agrarian Issue

The agrarian structure in Brazil dates back to the colonial period. To ensure supply, the Portuguese monarchy would distribute large plots of land to those with sufficient ready capital to cultivate them. On the other hand, and for many years, it allowed small labourers (leaseholders) to cultivate pieces of land without granting them any ownership rights. Once motorways were being developed, the landholder farmers took advantage of this legal loophole to appropriate the land from the leaseholders with the help of bandits (FIDH, 2000, p. 8).

Currently, there is enormous confusion concerning the rights over a large share of the land. Brazil extends over 850 million hectares, but the official real estate register of the National Institute of Colonization and Agrarian Reform [Instituto Nacional de Colonização e Reforma Agraria] (INCRA), barely accounts for 415 hectares of rural real estate including the land with disputed ownership, which is less than half (see the *Jornal O Estado de S. Paulo / Journal of the State of S. Paulo*, 30 August 2005, p. A2).

The process behind rural development favours the concentration of land. Today, the distribution of land ownership in

Brazil is disgraceful. According to the National Rapporteur for Human Rights on Adequate Food, Water and Rural Land, Dr. Flavio Luiz Schieck Valente, “analyses of the official real estate register of the National Institute of Colonization and Agrarian Reform (INCRA) for 1998 indicate that the mini-holdings and the so-called small rural properties (area below 4 modules) came to a total of 3,183,055 landed properties (88.7% of total landed properties), spanning 92.1 million hectares (barely 22.2% of the total registered real estate area)” (Report by the National Rapporteur for Human Rights on Adequate Food, Water and Rural Land, Dr. Flavio Luiz Schieck Valente, March 2003 version, para. 79).

“Concerning this, the so-called large properties came to a total of 104,744 properties (2.9% of the total landed properties), yet spanning 238.3 million hectares (57.3% of the registered real estate area in the country). The inequality is extreme with 21 thousand mega large estates (landed properties with an area above 50 modules), barely representing 0.6% of the total registered rural estate, yet spanning over 149 million hectares, namely close to 36% of the registered real estate area in Brazil” (*idem*, also see the Report by the Special Rapporteur on the rights to food, Mission to Brazil, E/CN.43/2003/54/Add. 1, 3 January 2003, para. 10).

The 1988 Constitution introduced the social function of private properties as a constitutional guarantee. Art. 184 stipulates: “It is up to the federal government to disappropriate rural landed property that is not fulfilling its social function, for social interests and for the purposes of agrarian reform, by paying prior and appropriate damages in the form of negotiable instruments for agrarian debt (...)”.

Article 186 adds: “The social function is fulfilled when the rural real estate, according to the required criteria and measures established by law, observes the following conditions:

- I - Rational and appropriate development.
- II - Appropriate use of available natural resources and protection of the environment.
- III - Respecting the provisions that regulate labour relations.
- IV - Farming favouring the well-being of the landowners and workers.”

The National Institute of Colonization and Agrarian Reform (INCRA) is the executive organ responsible for agrarian reform. The declaration for the disappropriation of land for

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social interests and for the purposes of agrarian reform, performed by presidential decree, was granted with the expert report produced by INCRA upon inspecting the real estate attesting to non-fulfilment of its social function.

The agrarian reform process progresses very slowly. The INESC informed the mission that the 2005 budget dedicated to INCRA was insufficient as well as being under-allocated. Up to 13 May 2005, INCRA had only allocated 11.1% of its 2005 budget. The same situation occurred in 2004 (for 2004 see INESC, Nota Técnica 90: “Gastos do Governo com a Reforma Agrária estão Abaixo do Esperado” [Technical Note 90: “Government expenditure with agrarian reform below the expected”], June 2004. According to INESC data, the insufficiency of resources is due to the use of funds for the payment of liabilities (63.3% of the 2005 annual public budget was allocated to payment of amortization, interests and liability charges).

The Movement for Landless Rural Workers [Movimento dos Trabalhadores Rurais Sem Terra] (MST) declared in August of this year that “agrarian reform is progressing at a snail’s pace” (MST Report of 9 August 2005, http://www.mst.org.br/informativos/mstinforma/mst_informa96.htm). The movement suggests that one of the culprits is the illusion that agriculture business will resolve poverty in the rural areas, while truthfully, this agricultural model is barely of benefit to the exporters and transnational companies in the sector.

The lack of significant advances in agrarian reform is the root of violence in the countryside. As indicated by the Inter-American Commission on Human Rights in its Report on the Human Rights Situation in Brazil, the “tension between the real picture and the constitutional provisions provide a high degree of instability, thus ensuring a stream of confrontations concerning landed property and the usufruct of land.” (CIDH, para 15, page 126)

In its last report, the Pastoral Land Commission [Comissão Pastoral da Terra] (CPT) highlighted the increase in violence of the Public Power, in particular the Judicial system, during the first years of the Lula Government. The CPT found a 10.8% increase in the number of detainees with 421 prisoners and a 5.5% increase in the number of homeless families, namely 37,220, the largest number since the CPT began to keep registers. One in every 5.8 families involved in conflicts was served an eviction order (CPT, “Conflitos no Campo Brasil 2004,” Apresentação [“Conflicts in the Brazilian countryside 2004,” Presentation]).

G. The State of Pará

The State of Pará is the second largest Brazilian state with an area of over 1.2 million square kilometres. It is the greatest producer and exporter of wood in the Brazilian Amazon region, meeting 40% of production and 60% of all exports in all the Amazon states. Similarly, this region contributes to more than a third of total deforestation in Brazil (GREENPEACE, “Pará Estado de Conflito” [Pará, State of Conflict], 2004, p. 8).

Pará leads the way with slavery indices in Brazil. During the first semester of 2003, 60% of all workers freed in Brazil were from Pará (*idem*, p. 18).

Pará has one of the highest indices of public and private violence against social movements. It is in this state that 19 landless workers were assassinated in 1996, known as the massacre of Eldorado de Carajás (see FIDH 2000, *op.cit.*).

II. Facts observed during the mission

A. Executions and threats of rural workers

A. 1. Assassination of Irmã Dorothy Stang

In 2005, the conflict in the visited Pará region gained international visibility with the murder of Irmã Dorothy Stang, a nun with the Notre Dame order, who worked alongside the rural workers of Anapu for 28 years in their struggle for land.¹

Irmã Dorothy was murdered on 12 February 2005. She was shot dead while she was walking to a meeting of the Sustainable Development Project (Projeto de Desenvolvimento Sustentável - PDS) - Esperança, in Pará State. The perpetrators of this act would be two men working for Mr. Dnair Freijó da Cunha, who recently appropriated some land lots belonging to PDS-Esperança after having violently evicted workers and their families from their lots.

In the past, Sister Dorothy Mae Stang had already been facing death threats from landowners in the region. She had been named an honorary citizen of Pará State on December 10, 2004. The investigation into her assassination was conducted by the Anapu Civil Police delegate, Marcelo Ferreira de Souza.

Representatives of the Civil Police orally stated that the first of the detainees, Raifran das Neves Sales (known as “Fogoió”), accused one of the rural workers of the death of Irmã Dorothy. Raifran said it was “Chiquinho do PT” who perpetrated the crime. In a document to the mission, the workers, on the other hand, suggest that “the Anapu civil police persuaded the gunman to incriminate ‘Chiquinho do PT’.” (“Violência contra os Direitos Humanos, Omissão do Estado, Atentado contra a vida humana, Oeste do Pará” [Human Rights Violence, State Nonfeasance, Murder Attempt, West of Pará], 29 May 2005, page 28).

Currently, those accused of the murder of the nun are Raifran das Neves Sales (“Fogoió”), Clodoaldo Carlos Batista (“Eduardo”), Vitalmiro Bastos de Moura (“Bida”) and Regivaldo Pereira Galvão (“Taradão”).

The General Prosecutor of the Republic requested that jurisdiction for the sentencing of the crime be transferred to Federal Justice. Federalization is a measure incorporated in the Federal Constitution by Constitutional Amendment No. 45,

approved in December 2004 and which, in cases of grave human rights violations, prescribes that the General Prosecutor of the Republic may call upon the transfer of jurisdiction to Federal Justice (article 109, § 5º). During a mission, an interview was held with a judge from the High Court of Justice, who related the “federalization” incident concerning the Irmã Dorothy case. On 8 June 2005, when the mission had already been completed, the High Court of Justice unanimously rejected the request for federalization based on the principles set out below:

“...the state authorities are determined to investigate these facts, with the aim of punishing those responsible, thereby reflecting the intention and duty of the State of Pará in efficiently responding to the violation of the greatest and most significant of human rights, which withdraws the need to transfer the original jurisdiction to Federal Justice as a subsidiary measure, and in this case, under the pain of stirring up the criminal process and procrastinating over the solution to the dispute by using the instrument created by the constitutional requirement (art. 109, § 5º) to disfavour its actual finality, which is to combat the impunity of crimes of grave human rights violations.

Thus, the transfer of jurisdiction — in that the crime practiced with grave violation to these rights is assumed to be admissible — should respond to the principle of proportionality (adequacy, necessity and proportionality in its strict sense), which should be included in clearly demonstrating the risk of not complying with the current obligations in international treaties signed by Brazil to the inert and inadequate actions of the originally competent National Justice branch, as much as to the other state organs responsible for the investigation (Judicial Police) and prosecution (Public Ministry), which was not provided as evidence. In addition, observing the principle of plausibility, of a constitutional nature, is also opposed to the prosecution within the context related in this IDC.

Conclusion: The action proceeds by what has been made evident. The General Prosecutor of the Republic refused the present request for the transfer of jurisdiction without any prejudice to that provided for in Law No. 10.446 dated 8/5/2002, which, without releasing the public security organs of their responsibilities as stipulated in Art. 144 of the Constitution, specifically the State Military and Civil Police, authorised the Federal Police to proceed with the investigation into the crimes ‘concerning the

1. Please see press release of the Observatory for the Protection of Human Rights defenders (FIDH / OMCT), dated February 16, 2005.

human rights violations, which the Federal Republic of Brazil is committed to fight in accordance with the international treaties of which it is a member' (art. 1º, inc. III)."

The case, therefore, will continue to proceed under state jurisdiction.

A. 2. Extrajudicial executions, threats to rural workers

Extrajudicial Executions²

On 29 January 2004, Mr. **Ezequiel de Moraes Nascimento**, Chairman of the Workers' Association of Santa Maria das Barreiras, was assassinated by two men at his home in Redenção (Pará State), in front of his wife and seven-year-old daughter. Mr. Nascimento had spoken out against the violence perpetrated by some of the region's *fazendeiros*, and had already received death threats.

On 7 February 2004, Mr. **Ribamar Francisco dos Santos**, agrarian policy coordinator for the Trade Union of Rural Workers (Sindicato de Trabalhadores Rurais - STR) of Rondon do Pará, was killed in front of his home with two bullets to the head, by two strangers. Mr. dos Santos had received threats several weeks before his murder and his name had been added to a 'death list'. These facts had been reported to the authorities, but the security forces had offered him no protection.

Since Mr. Santos' assassination, two other trade union leaders from STR Rondon have received death threats, often by means of anonymous phone calls. This is notably the case of Mrs. **Maria Joelma Dias da Costa**, chairwoman of the union and widow of Mr. **José Dutra da Costa**, former chairman of STR Rondon, who was assassinated on 21 November 2000. Her name is also on the 'death list' and she is regularly subjected to threats. Moreover, although her husband's murderer, Mr. Wellington de Jesus Silva, is currently in prison in Marabá, Pará State, the man believed to have ordered the killing, the *fazendeiro* José Décio Barroso Nunes, was held for 13 days and then released before the evidence against him could be properly examined.

On 23 March 2004, Mr. **Epitácio Gomes da Silva**, head of the Independent Peasants' Movement (MTRI), was assassinated in the town of Tailândia, Pará State. He had been coordinating a peasant action in preparation of a peaceful occupation of unexplored land.

Threats

In fact, many rural workers linked in one way or another to the agrarian reform process and participants in or supporters of the "settlements" were (are) regularly faced with death threats. INCRA technicians also feel threatened. Among the material handed out to the participants of the mission was a note addressed to the Federal Police Delegate, dated 23 February 2005, which showed a list of people facing death threats in the State of Pará, drawn up by the Secretary of Services of the Pastoral Land Commission [Comissão Pastoral da Terra] of Marabá. There are 36 names on the list (please see annex 2).

Vera Tavares, president of the Pará Association for Human Rights [Associação Paraense de Direitos Humanos] which actively accompanied the mission throughout the Pará lands, was herself the target of anonymous phonecalls at home during the days prior to and at the start of this mission.

During the 29/5/2005 audience by the FIDH mission at the Universidade de Altamira, three witness accounts from social movements [Fundação Viver, Produzir, Preservar (Ana Paula); Movimento Defesa da Vida (Rosa Pessoa) and representatives for the farmers (Estanislau Buffon) established in "settlements" of the State of Pará, 55 km away from Altamira] were heard.

All of them referred to the permanent presence of those involved in "settlements" being threatened with guns by woodworkers and landowners, and the aiding and abetting, and protection given to those denounced and accused of crimes against workers by the authorities. Documents complaining of and exposing these facts and denouncing the passivity of some authorities were delivered to the authorities. Also, during this collective audience, the need for regular assessments – as an external audit – concerning the functioning and working methods of the police forces was upheld.

During a meeting held in Anapu, various accounts reiterating these revelations were heard. It was suggested that the threats were not direct, but rather through third parties or anonymous notes left in the homes of the rural workers. This general intimidation "programme" includes a highly effective technique, which consists in drawing up lists of people who, allegedly, "are going to die." It is said of one or the other that "this one will die, he is on the list...!"

2. Please see annex 1 of this report (List of Human Rights Defenders executed), and annual report 2004 of the Observatory for the Protection of Human Rights Defenders (FIDH/OMCT), pp. 131-136.

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“Sister Jane,” from the same order as “Sister Dorothy”, records that whenever there was any progress in the judicial process concerning the murder of “Sister Dorothy” there was a resurgence of threats and violence against the workers, often with the participation of the police authorities and the connivance of the state judicial system which unfairly accepts without question all the denunciations against the workers, even going so far as to decide on their detention or preventive remand without any valid grounds and on the basis of unclear facts or indications.

Such intimidation, according to “Sister Jane,” creates a “pressure cooker” effect, which could lead to an explosion of violence at any moment.

The National Programme for the Protection of Human Rights Defenders was launched in the state of Pará on 3 February 2005. The aim of this programme is to ensure personal protection for the members of those groups which feel threatened. At the time of the visit there were 8 individuals being provided with some form of protection –during the day and/or being accompanied to the settlements (assentamentos) in the region. Another 8 persons under threat were without protection –were not met or did not accept the protection offered (see *power point* “Programme for the Protection of Human Rights Defenders, State of Pará”, submitted to the mission by Adalberto da Mota Souto, Provincial Director of the Public Attorney’s Office of the State of Pará).

However, this process is not always well received by the most significant members of the activist groups nor by the leaders of the workers in the settlements as it also means a restriction on their movements and, as they see it, “constant information” about their activities which is not always used in their support.

It should be noted that “Sister Dorothy” and “Father Amaro,” important members of the Pastoral Commission of Anapu, always opposed inclusion in this programme although they accepted general protection from the authorities for the workers and families located in the settlements.

These members of the activist groups favoured the idea of collective security for the people, which should be the norm and provided regularly by the police authorities in any properly organized democratic state.

Thus they reject the idea of permanent “exceptional circumstances”, in which it would appear that the state authorities wish to restrain them and limit their activities for the upholding of rights, including the right to live a normal civilized life.

Instead they wish to see a presence on the part of the “State” in the form of police forces and judicial structures and the establishment of property and civil registries or, at another level, of health and education authorities and public works bodies with the specific task of building transport networks which would permit sustained economic and social development for the settlements and support their agricultural activities.

The mission was not informed of verification and confirmation of any of the reports of threats submitted by the rural workers. On the contrary, as has been said, they complained that, although the whereabouts of those persons making the threats was public knowledge, these people had never been investigated or arrested as a result of the complaints against them. In other words no legal proceedings have been initiated which would lead to a criminal investigation of the facts reported.

The presence of the army and the federal police offers some reassurance to the rural workers. The army contingent was initially 2000 men but had now been reduced to 30 men and a truck. The federal police force has a presence of 8 men, one vehicle and a helicopter. The workers fear that the departure of the federal forces will unleash further violence. The Ministry of Justice informed the FIDH delegation in an interview that the federal police would remain in the region until the end of the year.

However, the FIDH mission was informed that, in a conflicting but highly significant shift, the city councillors and the Prefect of Anapu had defended the withdrawal of the federal police and the army, allegedly because they were hindering the economic development of the region; that is, they were hindering, in some way, even if limited, the process of brutal deforestation and thus the functioning of the logging companies working there and consequently affecting business in the city which provides supplies and workers for this activity.

Declarations to this effect from these local authorities are to be found on tapes recorded from local radio programmes.

During the visit to Anapu and in the hearing carried out by the FIDH mission, reference was made to the direct involvement of the civil police force in the arson to the houses (barracos) of the workers in the Gleba de Mandaquary settlement and in acts of terrorization of its population. Some of the landowners of this region have threatened that, once the army has pulled out, they will use their gunmen to “clean up the area”. It was also noted that, following complaints, a judge had ordered the arrest of one of these gunmen but that the civil police had not obeyed the order.

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As an example of this constant intimidation it was noted that in Gleba 124 10 homes had been burned down by order of the landowners (a certain Dr. Paulo was mentioned, living in the city of S. Paulo and apparently bidding for this land, who appears to be the doctor and landowner identified in "O Liberal" of 30 May, 2005, as Paulo Medeiros Carvalho).

In Gleba 128 a certain "Xico Leiteiro", a kind of "overseer" for the aforementioned Dr. Paulo, threatened that he would shift the farmers settled there one way or another.

In Gleba 127 a certain "Dominguinho" was accused of having set fire to the "barraco" of a farmer. This individual, according to depositions, was a straw man for the landowners and set fire to the "palhas" – houses made of straw – evicted the residents and then, on the same site, built wooden houses which he subsequently sold or let.

Reference was also made to a certain "Zildo" as being in the pay of the loggers and who made the defamatory accusations against "Father Amaro" with respect to the sale and supply of weapons to the workers.

Similarly, an Anapu businessman by the name of "Zé Carlos" was named as someone who regularly talked about the existence of a list of those "condemned to death", using this as a form of intimidation.

A leader of the Union of Farm Workers by the name of "Gabriel" received a letter containing a death threat. In this letter he was advised to "spend more time with his children" if he wanted to see them grow up.

This leader reported the threat to the police and indicated who he considered to be the authors but, as far as we know, the police did nothing about it.

On the day of Sister Dorothy's funeral this same Gabriel was threatened in public by one of these individuals without anyone in authority intervening.

The hearing held by the FIDH mission on 31 May in Belém do Pará with members of the police forces, including "Chief Officer Marcelo", reinforced the impression that the aforementioned member of the state police – and also its leadership – was heavily and negatively influenced against the persons making up what they call the "Sister Dorothy group".

During the hearing whenever the activities of the gunmen acting on the orders of the landowners and loggers were

mentioned "Chief Officer Marcelo" repeatedly reiterated that the "others", the "Sister Dorothy gang", "were not saints either" and that there were those who said that they possessed and purchased weapons.

When questioned directly by members of the FIDH mission as to whether this had ever been investigated he responded finally that this "was what people said but that there were, in fact, no valid grounds for an investigation."

When questioned directly as to whether Father Amaro was being investigated for his alleged involvement in arms sales to the workers on the settlement in Anapu he said that he "had heard talk of it but that the information was not credible."

When asked about protection given by the Anapu police station to a family who sought refuge there after having made accusations that "Father Amaro was supplying weapons to the workers in the settlements," he said that he did believe that information.

He did not, however, explain why, in that case, this family was still receiving protection at the police station.

This is, however, only one concrete case of the recurrent "incriminating discourse" used by members of the civil police of the state of Pará with respect to the workers and families who are part of any "settlement" programme.

This "police discourse" is aimed at publicly attaching the same level of criminality to the activities of the landowners, loggers and their gunmen as to those of the members of the activist groups, be they workers, leaders of the associations, priests or nuns who live among them and support the "settlements."

The criminal activities of the landowners, loggers and their gunmen in general remain unpunished.

For example it took almost 10 years to obtain, on 23 May 2003, the sentence of Mr. Adilson Laranjeira, former mayor of Rio Maria, and Mr. Vantuir de Paula, a farmer, to 19 years and 10 months in prison by the Popular Court of Belém (Tribunal de Júri Popular de Belém), for having ordered the assassination of Mr. **João Canuto de Oliveira**, chairman of the Trade Union of Rio Maria Rural Workers, in 1985.

Despite this sentence, the judge decided to let the convicted men free, to await the result of an appeal, in accordance with the 'Fleury' Act (1973), by which a person convicted of a first

offence may be set free pending appeal. Moreover, the Court of Justice of Pará (Tribunal de Justiça do Estado do Pará - TJE) refused to organize an appeal case heard by a jury.

Mr. Adilson Laranjeira and Mr. Vantuir de Paula lodged a request for the original sentence to be overturned. This request was unanimously rejected by the TJE on 14 September 2004.

On 8 October 2004, the convicted men appealed this last decision at the Superior Court of Justice (Superior Tribunal de Justiça) and the Federal Supreme Court (Supremo Tribunal Federal), in Brasília. The appeal is still pending.³

Henri Burin des Roziers, a priest and a lawyer, who has been very active in defending the landless's rights and who took a very important role in the prosecution of MM. Laranjeira and Vantuir de Paula, was the subject of new threats after their trial (in 1999, his name had been put on a death list, together with the name of Dorothy Stang). On February 2005, he was placed under police protection, upon request of the Brazil Bar of Lawyers.

B. Irregularities in the proceedings and conditions of detentions of members of activist groups

B.1. Irregularities in the proceedings

At the time of the mission at least 5 rural workers were in prison, accused of murder. The mission personally interviewed three of them in Altamira jail on Sunday, 28 June.

José dos Passos Rodrigues dos Santos and Júnior Alves de Carvalho have been detained since 27 February, 2004, accused of the murder of a guard from the Rio Anapu estate on a date prior to the murder of Sister Dorothy.

During the interview they and their lawyer, António Lima Santos, recounted a series of irregularities in the judicial process, which may be summed up as follows:

- Arrest took place almost 12 hours after the act, without there having been any evidence collected; it could not therefore be described as "flagrante delicto;"

- The accusation of "flagrante" was established by the judge of Pacajá who did not personally interview the detainees (in accordance with current practice and the law in force);

- The Public Prosecutor (PP) made the formal accusation three months after receiving the police findings (18 June, 2004, on the 203rd day of imprisonment) exceeding the legal limit by 5 days;

- The judicial interrogation took place after 233 days of detention (14 October, 2004);

- The weapon had not yet been examined;

- After a lengthy period of inaction the next procedural step took place during the mission on Monday 29 June when the date was fixed for the hearing of witnesses.

"Sister Dorothy" was also accused in this process. Two further rural workers, Urzulas Araújo de Sousa and Cláudio Bezerra da Costa were arrested in the same case and then released.

After the end of the visit, on 7 June, 2005, the Federal Supreme Court accepted the plea of Habeas Corpus and ordered the prisoners to be released.

The third prisoner interviewed, Luis Morais de Brito was arrested by order of the judge in Pacajá on 2 May, 2005, accused of the murder of Adalberto Xavier Leal ("o cabeludo") which occurred on the day after the assassination of Sister Dorothy, that is, on 12 February, 2005. Luis Morais, primary school teacher and coordinator for the "Esperança 1" Association of Rural Workers, had accused certain persons of threatening him. These were the individuals known as "Bida" and "Taradão" and two others who worked for the former, Tato (Amair Feijoli da Cunha) and Fogoió (Rayfran das Neves Sales), implicated and/or accused in the case of Sister Dorothy.

He made the first accusation when these individuals occupied his "barraco", that is, his home. The second was a consequence of the first and included threats with firearms against him and his family. Sister Dorothy lodged a complaint on behalf of Luis which was not accepted by the authorities and they did not follow it up.

3. Please see the report of the judicial observation mission of the Observatory for the protection of the Human Rights defenders (FIDH/OMCT), 22 and 23 May 2003 and annual report 2004 of the Observatory.

Some days later Luis returned to his “barraco.” In order to intensify the threat the aforementioned “Tato” had built another “barraco” next to that of Luis. From it he fired shots at Luis’ home. Luis once again complained, in vain, to the chief of the civil police in Anapu that he had been threatened with firearms. There was no follow-up to this complaint either.

This process also throws up some disturbing aspects and a number of irregularities:

- Chief Officer Marcelo of the State Police did not need to intimidate Luis into going to the Anapu police station. He invited him to do so and this he did of his own free will. This makes it difficult to understand the nature of the “arrest warrant” which followed;
- The warrant for preventive detention did not, in fact, identify the person by name but indicated “a certain Luis” (without further detail);
- The only witness of the murder supposedly committed by Luis Morais is “Mr. Vicente” who was the contractor employing “Bida”;
- The witness did not testify in the presence of the defendant. He was shown three identity cards from which he was to identify the killer. This action is not reported in the process as far as we have been told.

On the day of the murder of Adalberto Xavier Leal, Cláudio Dantas Munis (“o Matogrosso”), a rural worker, was also assassinated. According to the workers the investigation into this killing was relegated to a lower level. A gunman known as “Chapeuzinho” was initially arrested and released a few days later. The organizations accuse Chief Officer Marcelo of accepting payment to secure this release (see “Violência contra os Direitos Humanos, Omissão do Estado, Atentado contra a vida humana, Oeste do Pará,” 29 May, 2005, page 29, para 5.4).

One recurring complaint to the FIDH mission concerned the unequal treatment by police and judiciary of complaints against landowners and loggers and those against workers and activist leaders.

These say that they are always subject to negative discrimination and this has even been recognized by some of the judicial authorities who note that a significant part of the police and judicial systems identifies with the interests of the landowners and loggers.

B.2. Penal Code, shortcomings of the legislative and judicial system

These facts and the related “procedural irregularities” detected by the FIDH mission are, to a large degree the result of the uncontrolled power granted by the Brazilian Penal Code to the police forces at the police inquiry stage of proceedings. These forces generally conduct the investigation without any direct supervision or practical guidance from the Public Prosecutor (PP) or the Examining Magistrate (articles 4 to 23 of the Penal Code).

The power of the PP to conduct and complete the police investigation themselves has been questioned by certain sectors of the legal system and a long-awaited decision from the Federal Supreme Court on the subject is still outstanding.

The police powers that they do not view favourably any direct power of supervision and guidance for the PP in respect of police inquiries, given the high degree of autonomy enjoyed by the Brazilian PP, and the judges say that they believe, but without further explanation, that involvement and responsibility of the PP in investigations would mean that this body could not remain “impartial” in the court proceedings.

Article 13 of the Penal Code (PC) does indeed appear to give sole power to the police in the conduct of police inquiries.

However, Article 129-1 of the Federal Constitution assigns to the PP the task of “privately promoting public penal action,” which could, given the scope of the wording, imply a possibility of direct conduct and supervision of inquiries, above and beyond what is stipulated in point VIII of the same article of the Basic Law, with respect to the power to involve the police in investigations.

What actually happens, as we have been told, is that “police investigations” take place as a rule without any supervision from the PP or the judge and this allows all sorts of arbitrariness.

In addition, the Brazilian Penal Code does not oblige the Examining Magistrate to chair the first interrogation of the accused party (Articles 311 to 316 of the PC). This takes place in the police stations without there being any legal obligation for the PP to be present.

Moreover, in a meeting held at the civil police station of the state of Pará on the evening of 31 May, 2005, we were told that, at the police investigation stage, the accused is not, as a

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rule, questioned in the presence of his attorney, which is a clear violation of the respective provisions contained in articles 6 and 185 to 196 of the Brazilian Penal Code.

Meanwhile in Altamira, the FIDH mission was told that, during the investigative phase, the police oblige the accused by various means to make a written “confession” and “impose” the wording of witnesses’ depositions and that the Examining Magistrate then legalizes the arrest solely on the basis of the written depositions from the police and a formal verification of the validity and lawfulness of the preventive arrest, without, as a rule, hearing in person either the accused or the witnesses.

Finally, the Brazilian Penal Code does not stipulate any formal maximum preclusive time limits for each procedural phase of preventive custody which thus allows the courts to interpret its duration freely (Articles 311 and 316).

The FIDH mission had the opportunity of discussing these questions with representatives of the State and Federal PP and with judges from the High Court of the State of Pará and the Federal Supreme Court and came to the conclusion that no reform of this Code is being undertaken, as has been the case in other Latin American countries.

A tough, almost “civil war” type approach to the fight against criminality and the violence which often accompanies it would seem to be the reason for this inertia which affects even the more progressive sectors of Brazil’s legal and judicial society which are much more dynamic in their defence of citizens’ rights in other areas.

Nonetheless, the truth is that, despite some reforms introduced in the meantime, generally speaking the Brazilian Penal Code continues to reflect the mentality and ideology of the era in which it first entered into force (October 1941).

Even more seriously, legal and court practices –within the limits of the Penal Code itself–seem unable to take on board a new language of rights, freedoms and guarantees as contained in the Federal Constitution and in the Human Rights conventions subscribed to by Brazil.

B.3. Conditions in the detention cells of Altamira police station

The mission also paid a visit to Altamira police station. The station’s capacity is 40 but at the time of the visit 82 men were being held there. They were accommodated in three

areas: one large cell which we did not visit, a small one at the entrance to the cell sector (which serves as a “security” zone) and a fourth space (former office) in which there were 2 men.

Conditions in the security cell were inhuman. Fifteen men were being held in a space of 3 by 4 metres. They were unable to go into the fresh air or carry out any activity outside the cell. They were not allowed to use the bathroom and were obliged to urinate into soft drinks bottles which were removed by the guards several times a day. There was excrement on the floor. The stench was unbearable. The prisoners bathed once a week using a hose inside the cell. Several bore signs of violence although it was not possible to establish the cause of the marks. Some of the prisoners informed us that they had been in the police station for 16 days.

The state authorities –Secretary for Social Defence (Defesa Social) of the state of Pará, Manoel Santino– informed us that in 60 days these cells were to be taken out of use and, in the meantime, measures would be taken to improve conditions.

B.4. Preventive detention: situation and possible procedural causes

In the meeting on 31 May at Belém between the FIDH mission and the State Secretariat for Security, the public attorney and the police chiefs it was pointed out that in recent years 2000 new vacancies had been created in the prisons of Pará state.

It was also noted that of the approximately 5000 prisoners in Pará state, 60 to 70% were being held in preventive detention.

This high number of preventive detentions may be a result of the aforementioned shortcomings of the Brazilian Penal Code which, as we have said, does not stipulate any formal maximum preclusive time limits for each procedural phase of preventive custody and also of the enormous number of phases involved in the penal process.

B.5. Preventive detention: situation and possible causes related to the organization of judicial process

On the other hand, in a meeting at the headquarters of the High Court of the state of Pará on 31 May the FIDH mission was told that the number of judges in the state would appear to have declined, considering the needs for the judicial system to serve its 6 million inhabitants.

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We were told that there were only 9 federal judges in the state of Pará, 259 state judges and 30 High Court judges (Desembargadores) – judges of the second Instance in the state justice system.

This scarcity of judges and magistrates may also be a factor in the duration of the cases and the continued existence of such a large number of preventive detentions.

As far as the Public Prosecutor's Office was concerned, in a meeting on 31 May with the Solicitor General of the state of Pará the FIDH mission heard that there were probably just over 200 state prosecutors, (promotores estaduais), in the entire state.

The budget of the PP in the state of Pará represents about 2% while the budget of the Judiciary is around 6% (N.B. in Brazil the PP is not part of the Judiciary but is an autonomous authority among the various sovereign bodies of the State). This percentage is considered to be insufficient.

This small number of prosecutors means that one member of the PP will be responsible for various functions within one judiciary district (comarca).

We were told that there is shortly to be a competition to recruit a further 40 prosecutors. It is also planned to have a permanent prosecutor in Anapu and two more to be shared with other judiciary districts.

In a meeting with the federal PP of Belém (Dr. Ubiratán Cazetta) we met with greater understanding of the political and social phenomena behind the problems of violence in Anapu than was usual among the other authorities with whom we had contacts in Pará.

Along the same lines, in Belém only the Commander of the PM stated clearly that "there can be no police or judicial solution to this question without resolution of the land question".

The federal PP informed us of the existence of a plan to increase the presence of the federal PP and the federal police force in the area, with visits to the settlements at least once a week.

Dr. Ubiratán recorded his conviction that there was a strategy on the part of the loggers and landowners to use the police and judicial system to intimidate and put pressure on the farm workers of the settlements. His opinion thus confirms the fears expressed to us by the members of the activist groups in Altamira and Anapu.

In this context it may be useful to point out the existence of 188 public attorneys in the state of Pará. 44 municipalities have titular attorneys and there are 97 itinerant attorneys. We were assured that there would shortly be one attorney based in each municipality.

One of the reasons given for the poor defence of the accused was that many private lawyers are ill-prepared when they become involved as defence attorneys in the case in the early stages while the public attorneys tend to be better prepared due to their previous activities.

To sum up on this matter, we can say that the shortage of judges, public prosecutors and public defence attorneys in the state of Pará contributes to a large degree to the high percentage of preventive detentions.

On the one hand it is difficult to determine the legality of such preventive detentions, due to the aforementioned shortage of judges, prosecutors and public defence attorneys. On the other hand the judicial practice involved, whereby a judge carries out a formal examination of the information gathered in the police investigation, is inefficient and does not safeguard the prisoners' rights.

In a second analysis of the lawfulness of preventive detention it is found that there is no definition in the Penal Code of maximum periods for this coercive measure, with reference to the different phrases in the case, and clearly there is no unanimous opinion within the legal system on any such definition.

Taken altogether, this makes it possible for the abuses which we have noted and recorded to occur.

III. Conclusions

The Absence of the State

With regards to the State obligations under article 2 and 50 of the UN Covenant on Civil and Political Rights, the mission considers that all the steps are not taken by Brazil to ensure that all individual in the state of Para can enjoy their political and civil rights.

The social organizations have persistently called for a greater presence of the Public Administration in the region. For instance, they call for the State Public Prosecutor to be more in evidence – represented in Altamira by only one permanent attorney who has to cover the whole municipality which means that he is frequently absent. The People's Forum of Altamira (on 4 April 2005) called for the provision of two permanent attorneys and two specialized attorneys offices (environment and consumer rights).

The situation in Anapu is even worse as the State authorities are absent from all areas. In Anapu there is no office for the registration of births which means that parents are obliged to travel 80 km to Pacajá at a cost of 30 reais. There are few schools in the settlements and health care is poor.

The mission noted that the State, in its various manifestations –justice, security, schools, health, public works– is rarely present and, in the Anapu area, is totally absent from the scene.

However, it is to be noted that the temporary presence of the army and the small detachment of the police in the region, following Sister Dorothy's murder, led to a diminution of direct violence against the workers and of the process of deforestation.

Lack of progress in Land Reform

It is the general feeling among the people and the activist groups that all that happened after the death of Sister Dorothy was window dressing to impress the international press. The CPT describes these actions as a "kit" of measures aimed at defusing the crises caused by the massacre of squatters, the landless, rubber workers and indigenous people. They

included indignant declarations from the president and his ministers, visits by ministers to the site of the incident, promises of relentless punishment and imprisonment of the three or four suspects. As the Union of Rural Workers of the Municipality of Anapu indicated in a note addressed to the Commander of the "Integrated Management Group" on 17 April, 2005, "two months and four days have passed without the families of the settlers receiving anything concrete from the federal government, notwithstanding the fact that postponement and bureaucracy continue (....)."

The background to the conflict is the lack of any definition of land ownership. The insecurity and violence are the consequence of the conflict over land ownership which can not be resolved by the security forces. All that they can do is to contain the violence temporarily.

The FIDH believes that land reform can progress. Indeed, during its mission, the FIDH was informed that the land in question was, for the most part, owned by the Union. Expropriations are thus not necessary in order for it to be given to the landless families. All that is required is for the formalities of boundary demarcation and title deeds to be completed under the responsibility of the INCRA (Agrarian Reform Institute).

We were unable to identify any current or imminent concrete action to regularize the land situation. We were informed of some initiatives, still at the planning stage:

The Federal Public Prosecutor's Office announced a project to be carried out together with Army Engineers to survey the zone in which Land Reform is planned and which will depend on funding from the government of the Union.

The Ministry of the Environment announced the establishment of 17 bases (Sustainable Amazonia Programme), one of which would be in Altamira. The Police, Ministry of Labour, IBAMA and INCRA would all work together on these bases.

INCRA and the Special Secretariat for Human Rights did not provide any information on this subject.

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In an analysis of the figures in the federal public budget for 2005 the activist organizations demonstrated a lack of budgetary provision for these projects, which goes to show that land reform is not, in fact, a priority among the policies of the federal government.

The mission was able to note that, despite political statements from those responsible for this sector, there was, in reality, no real coordination of projects and no political agreement which would allow us to consider that there was any genuine plan to implement land reform, gradually but surely, with a view to resolving the social problems of the populations which need this land to work and provide for their families.

In spite of official plans, speeches and declarations to this effect, land reform is not, in practice, a priority policy for the Federal government and this is clearly demonstrated by the lack of any resources actually earmarked for this purpose.

There is an overlapping of roles, plans and projects, which leads to a scattering of the efforts of the different federal and state authorities resulting in a general lack of accountability on the part of the relevant bodies concerned, their managers or civil servants. No authority would thus appear to be effectively responsible for what is going on in the region visited.

If rapid progress in the land reforms in the region is not made, with the land correctly registered and handed over to the small farmers and labourers, if funds are not made available for the development of these smallholdings and if provision is not made by the state and public authorities for health care and schools, proper courts and policing, then, in the short term, there could be an eruption of uncontrollable violence.

The right to life and the rules of due process are not respected

In the Anapu/Altamira area of the state of Pará there is an ongoing strategy of intimidation and slander against the rural workers and their leaders, based on false accusations without sustainable evidence. This is brought about through the actions of the state police forces and the existence of irregular judicial practices, leading to the arrests of the accused. This is also facilitated by the uncontrolled power granted by the Brazilian Penal Code to the police forces at the police inquiry stage of proceedings. These procedures are aimed at giving the impression that there are also killers among the rural workers and that the authorities are only trying to mediate in a conflict between two parties, both of which use illegal methods.

The procedures for the arrest of the workers are pushed through at great speed, frequently marked by irregularities and glaring deficiencies while, on the other hand, no progress is made in cases against landowners. The workers claim that, for every step taken in the Sister Dorothy case, another is taken in "dreamt up" parallel prosecutions of rural workers.

There would seem to be an obvious and total lack of will on the part of the police and even the judicial authorities to investigate seriously the extra-judicial executions and the violent attacks on the rural workers, their families and the activist leaders who support them. This inaction by those responsible for security in the State and Courts leads to the creation of a climate of impunity which is a blatant violation of the rights protected by the UN covenant on civil and political rights and gives rise to even greater violence in a process of cause and effect and which is detrimental to the image of the state and its legitimacy both among the perpetrators and the people who are their victims.

IV. Recommendations

On State presence

1. It is important that the state and federal authorities increase their presence in the region by setting up civil and land registries, police stations for civil, military and even federal police, PP departments, public attorneys' offices and judiciary district bodies with efficient and experienced staff, in compliance with articles 2 and 50 of the UN Covenant on Civil and Political Rights.

2. The rural workers and their families must be guaranteed access to health care and education when they move on to the land assigned to them as part of the land reform, in compliance with articles 12 and 13 of the International Covenant on Economic, Social and Cultural Rights.

3. It is essential to provide the necessary infrastructures for each holding thus created, i.e. housing and roads, to permit social and economic development for the farms and farm workers and enable them to market their products in an economically viable manner, in compliance with article 11 of the International Covenant on Economic, Social and Cultural Rights.

On human rights defenders, rural workers' representatives and witnesses

4. Guarantee in all circumstances the physical and psychological integrity of all human rights defenders, in particular the defenders of the landless people, rural workers' representatives and witnesses;

5. Ensure that independent and impartial inquiries be conducted into extra-judicial killings and threats against human rights defenders, rural workers' representatives and witnesses and that the authors of such acts be duly sanctioned;

6. Conform with the UN Declaration on Human Rights defenders, that was adopted by the UN General Assembly on December 9, 1998, in particular to its article 1 which states that everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels"; article 12.2 which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually or in association with others, against any violence, threats,

retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration;"

7. Guarantee sufficient funds to and further develop initiatives like the PROVITA Witness and Victims' Protection programme or the National Programme for Human Rights' Defenders' Protection.

On the agrarian reform issue

8. A real and coherent programme of land reform which will permit sustained social, ecological and economic development for the populations of the region visited in the state of Pará is indispensable. According to the Brazilian Constitution, art. 184, the Union is entitled to "expropriate for social interest reasons and in order to implement the agrarian reform, any landowner whose rural estate is not fulfilling its social function (...)." Furthermore, according to the International Covenant on Economic, Social and Cultural Rights, art. 11, the State party "recognizing the fundamental right of everyone to an adequate standard of living (...) including adequate food and housing (...) shall take (...) the measures needed to improve methods of production conservation and distribution of food (...) by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources (...)."

9. Economic, technical and administrative resources must be made available by the state and federal authorities for the implementation of this programme so that there can be social and legal consolidation of the farms created by the land reform. It is essential to increase the staff of INCRA by organizing an open competition which will guarantee its independence. Up-to-date equipment must also be provided.

On the administration of Justice for Brazil to comply with its obligations under article 14 of the International Covenant on Civil and Political Rights

10. Effective implementation in all judiciary districts (comarcas) of a programme to ensure availability of a sufficient number of public attorneys, adequately prepared for their job of defending

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rights, freedoms and constitutional guarantees and able, when necessary, to provide the mandatory legal support to those accused and indicted in criminal investigations and trials is necessary.

11. The transfer of competence from the state to the federal justice should be guaranteed in cases of severe human rights abuses (in particular, in the case of Sister Dorothy Stang) in compliance with article 109 § 5 of the Brazilian Constitution.

11. In order to counter the *fazendeiros* and *madeiros*' strategies consisting in using the police and judicial systems to intimidate or pressure rural workers, it is necessary to strengthen the legal mechanisms to ensure impartiality of the various state and federal authorities and entities involved in the process of land reform and planning for Amazonia and to create independent bodies which will regularly check on the spot that their recruitment procedures and actions are fair.

On legal reforms

The current practice, which favours police investigations into their own crimes over the intervention of the public prosecutor's office, is perhaps the single factor that most facilitates impunity.

13. The FIDH mission believes a fundamental reform of the Brazilian penal procedures, the practices of the PP, the judicial authorities and the attorney system to be necessary in order to monitor the observance of the rights, freedoms and constitutional guarantees for citizens involved in criminal proceedings, more particularly during the preliminary and investigative stages of the case, but also during the trial and appeal stages. To this end we recommend:

a) A strict legal definition of the maximum time limits for preventive detention for the different phases preceding trial and subsequently during this and the appeal stages.

b) The clear legal definition, in accordance with Article 129 of the Federal constitution, of the actual powers of the PP to pursue criminal proceedings and thus to determine and control criminal investigations *ab initio*.

c) Clarification of the PP's powers to investigate and verify the legality of police action when inquiries are delegated to the police authorities by the members of the PP tasked with the case.

d) A legal obligation for the judge to hear all those held in preventive custody in the presence of the PP and the accused's attorney quickly after arrest (48 hours) in order to validate the detention or to decide on another measure of constraint held to be more appropriate in the light of the evidence and which might infringe his personal rights and constitutional guarantees, in compliance with article 9 of the International Covenant on Civil and Political Rights.

e) A strict legal requirement for prior judicial authorization for any actions in a criminal investigation which might infringe the rights, freedoms and guarantees of a citizen suspected of an offence and thus subject to investigation.

14. It is essential to improve conditions of detention in the region – particularly in respect of overcrowding in cells – to comply with article 10 of the International Covenant on Civil and Political Rights.

On hiring and controlling the police

15. The recruitment procedures and requirements of police constables and officers should be reviewed. All new police members should be screened for any affiliations with criminal gangs and their orientation towards human rights should be tested.

16. The quality of training for the police should be scaled up and include a human rights component with full training of uses of deadly force as a last resort to protect life.

17. Police officers indicted of extrajudicial killings must be temporarily suspended until the conclusion of their trial.

(JAHANGIR Asma. *Extrajudicial, summary or arbitrary executions, report of the Special Rapporteur, Asma Jahangir, Addendum, Mission to Brazil*. UN Doc. E/C. 4/2004/7/Add.3, January 2004, p. 21, 23)

V. Annexes

Annex 1 - List of Human Rights Defenders executed since 2001 (non exhaustive)

Euclides Francisco De Paula, Ex-presidente do STR de Parauapebas, assassinado em maio de 1999
José Dutra Da Costa, Ex-presidente do STR de Rondon do Pará, assassinado em 21/11/2001
José Plinheiro Lima, Ex-diretor do STR de Marabá, assassinado em 9/7/2001
Ribamar Francisco dos Santos, dirigente sindical, assassinado em 06/02/2004
Ivandro Rodrigues Lima, Líder comunitário/sindicalista, assassinado em janeiro de 2005
Irma Dorothy Stang, Missionária norte-americana, ameaça cumprida em 12/02/05
Bartolomeu Moraes da Silva, conhecido como Brasília -sindicalista, residente no município de Altamira, assassinado em 2002
Oswaldino Almeida Viana, conhecido como Profeta, líder comunitario, residente no município de Afuá, assassinado em 2001
José Orlando de Souza, sindicalista, residente no município de Santarém, assassinado em 2003
Rose Ribamar, líder comunitaria/sindicalista, residente no município de Rondon do Pará, assassinada em 2004
Ezequiel de Moraes, líder sindical, residente no município de Redenção, assassinado em 2004
Daniel Soares da Costa Filho, sindicalista, residente no município de Parauapebas, assassinado em 2005
Antonio Matos Filho, residente em Parauapebas, assassinado em 2005.

Annex 2 - List of Human Rights Defenders threatened of death

1. ABIDIEL PEREIRA, Ex-coordenador da FETAGRI, no Sul do Pará
2. ADÃO ARAÚJO DE JESUS, Ex-presidente do STR de Vitória do Xingu - Trabalha na Séc. Munic. De Agricultura e Meio Ambiente de Vitória do Xingu
3. AIRTON LUIZ FALEIRO, Ex-presidente da FETAGRI-PA e atualmente deputado estadual pelo PT-PA
4. ALUÍZIO SAMPAIO DOS SANTOS, Liderança rural em Castelo dos Sonhos - Altamira
5. AMARO, Padre - Anapu
6. ANTÔNIA MELO DA SILVA, Diretora do MDTX e trabalha com o Movimento das Mães dos Emasculados de Altamira. É membro do Conselho Tutelar de Altamira
7. ANTÔNIO DE SOUZA CARVALHO, Ex-secretário de política agrária da FETAGRI-PA e seu atual presidente
8. ANTÔNIO FERREIRA DE ALMEIDA SILVA, Liderança rural da Comunidade de Castelo dos Sonhos - Altamira
9. BRUNO KEMPNER, Ex-juiz classista, ex-diretor do STR de Altamira, ex-diretor do MDTX e atual executor do INCRA Altamira
10. CARLOS CABRAL PEREIRA, Ex-presidente do STR de Rio Maria
11. CÍCERO PEREIRA DA SILVA OLIVEIRA, Presidente do STR de Trairão
12. CLAUDIO WILSON SOARES BARBOSA, Coordenador do Comitê de Desenvolvimento Sustentável de Porto de Moz
13. DOMINGOS, Coordenador da FETAGRI - Regional Sul
14. ELPÍDIO DA GLÓTRIA TORRES, Ex-Presidente do STR de Baião. Eleito vereador à Câmara de Baião
15. EDINALDO CAMPOS LIMA, Filho de José Pinheiro Lima, executado em julho/2001
16. EUCLIDES FERREIRA LIMA, Ex-coordenador Regional da FETAGRI - Alto Tocantins
17. EURIVAL MARTINS CARVALHO, Membro da direção estadual do MST
18. FRANCISCO (CHIQUEIRO), Presidente do STR de Anapu
19. FRANCISCO DE ASSIS SOLIDADE DA COSTA, Liderança rural do Sudeste, ex-coordenador da FETAGRI Regional, ex-viceprefeito de São Domingos do Araguaia e atualmente no cargo de coordenador da FETAGRI Regional Sudeste

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20. FRANCISCO SALVADOR, Ex-Secretário agrário do STR de Rondon do Pará
21. GERALDO SOARES FERNADES (EUGENO), Sec de política Agrária do STR de Rondon do Pará
22. GREGÓRIO VALE MARTINS, Membro do Conselho Municipal de Desenvolvimento Rural de Marapanim; presidente da Associação Agrícola Vale do Paramau e ex-presidente do STR de Marapanim e militante do MS Salgado
23. HERENALDO FERRAZ DE SOUZA, Líder sindical que tem sua atuação na Fazenda Tulipa Negra
24. HENRI DES ROSIERS, Frei, Advogado e coordenador da CPT em Xinguara
25. IVANILDES PRESTES, Irmã do pecuarista Adilson Prestes, assassinado em Novo progresso
26. ISMAEL RODRIGUES SIQUEIRA, Secretário do STR de Tucuruí
27. IZALDA ALTINO BRANDÃO, Diretora da FETAGRI Sudeste do Pará
28. IDALINO NUNES DE ASSIS, Presidente do STR de Porto de Moz
29. JOÃO BATISTA NASCIMENTO, Líder sindical na fazenda Prata - São João do Araguaia
30. JOÃO EVANGELISTA LIMA OLIVEIRA, Presidente do STR de Tucuruí
31. JOSÉ CLAUDIO RIBEIROS DA SILVA, Líder sindical de Nova Ipixuna
32. JOSÉ GERALDO TORRES DA SILVA, Deputado Federal do PT-Pará
33. JOSÉ SOARES DE BRITO, Ex-Presidente do STR de Rondon do Pará
34. LEÔNIDAS DOS SANTOS MARTINS, Coordenador da CPT - Regional Xingu; Coordenador da ARCAFAR-Pará
35. LÚCIO DA FONSECA, Pastor da Igreja Luterana de Altamira
36. LUIZ DA MATA, Líder dos garimpeiros em Serra Pelada
37. LUÍS GONZAGA, Direção estadual do MST-Pará
38. LUÍS IVAN ALVES DE OLIVEIRA, Ex-Presidente do STR de Itaituba
39. LUZIA PINHEIRO, Coordenadora da FVPP - Transamazônica - Altamira
40. MARIA CREUZA, STR de Porto de Moz
41. MARIA DAS GRAÇAS DIAS DA SILVA, Liderança da Fazenda Tulipa negra
42. MARIA IVETE BASTOS DOS SANTOS, Presidenta do STR de Santarém
43. MARIA JOEL DIAS DA COSTA - JOELMA, Viúva de José Dutra da Costa, Presidenta do STR de Rondon do Pará
44. MARIA MEDRADO, Liderança em Rondon do Pará
45. MANOEL DA COSTA FERREIRA - BADÉ, Está sendo ameaçado por empresas madeireiras por ser o articulador da criação da Reserva extrativista de Prainha
46. MANOEL, Liderança da Comunidade Deus te Ama - Rondon do Pará.
47. NICINHA, Diretora do STR de Rondon do Pará
48. OLACIR FIRMINO
49. OSINO SILVA MONTEIRO, Presidente da Associação Carlos Fonseca, em Parauapebas
50. RAIMUNDO NONATO COELHO DE SOUZA, Direção estadual do MST Pará
51. RAIMUNDO NONATO CARMO SILVA, Coordenador do CEAP
52. RAIMUNDO NONATO DOS SANTOS, Líder sindical da Gleba Penetecaua
53. RAIMUNDO NONATO SANTOS SILVA, Ex-Coordenador regional da FETAGRI - Sudeste e atual secretário de Política Agrária.
54. RAIMUNDO BORGES CAÇULA CRUZ, SEC. DA APPRA II
55. ROOSEVELT DE OLIVEIRA, Liderança rural em Castelo dos Sonhos - Altamira
56. SEBASTIÃO PEREIRA, Líder sindical da ocupação da Fazenda Três Poderes
57. TARCÍSIO FEITOSA DA SILVA, Membro do Conselho Indigenista Missionário
58. ULISSES MANAÇAS CAMPOS, Direção estadual do MST
59. VANDEILSON CARNEIRO DOS SANTOS, Coordenação estadual do MST
60. WALDIR JOSÉ HOSS, Presidente do STR de Tailândia
61. WALNEI DE MIRANDA SILVA, Líder comunitário em Santarém - Região de Arapiuns - Gleba Nova Olinda
62. ZIO, Diretor do STR de Rondon do Pará

Annex 3 - Facts as reported in the Brazilian press and gathered by the FIDH mission

During the short period of time that it spent in the region the FIDH mission collected copies of several newspapers and news agency communiqués which help us to understand better the situation in the Pará region with respect to violations of human rights in the context of redefinition and reform of land use in Amazonia. The Belém do Pará daily, *O Liberal*, was chosen as offering the most detailed analysis as it is a local paper and was accessible in the area to the members of the FIDH mission.

Although these reports are based on facts not directly collected by our mission, we feel it is important to present them here in that, due to that very fact, they may confirm the quality of our own observations.

1. *O Liberal*

O Liberal is a daily newspaper belonging to the “Globo” group and published in Belém do Pará. Its content reflects the different dynamics and social contradictions revealed by this process and which became most visible after the assassination of Sister Dorothy.

1. *O Liberal*, 27/2/2005 - “Explanatory note/Ecological Plans for Amazonia”

This note is in response to an article in the same paper on 25/2 entitled “Settler tells how he was expelled from the land.” It gives the “Ecological Plans for Amazonia” company’s version of its activities and also that of another company “CR Almeida SA, Engineering and Construction,” which works in the area and whose activities are challenged by the Pastoral Commission for the Land (CPT), by officials of the IBAMA and by national and international NGOs. The aforementioned note concludes with the announcement of legal action to be taken in the criminal and civil courts against the representatives of the CPT and IBAMA.

2. *O Liberal*, 18/4/2005 - “Man and monkey”

This is an article signed by an engineer and federal assemblyman (whose full name is not given) who casts doubt on a strictly ecological view of the problems of Amazonia and upholds a more developmentalist approach which would generate employment and wealth.

It concludes basically as follows: “Amazonia belongs to the Brazilians. The monkeys will forgive me but man is fundamental.”

3. *O Liberal*, 30/4/2005 - “TENSION/Climate of war in Anapu –squatters and loggers dissatisfied with the programme created by Sister Dorothy announce a ‘radical battle’ after the withdrawal of the Army”

This article tells of the declared intention of the “loggers” and “squatters” to take possession of the PDS lands, an area of 240 000 hectares, which belong to the Union.

A representative of this group, identified only as João, accuses members of the PDS of possessing arms and announces that, once the army has left, he will remove the PDS farmers “by fair means or foul” and criticizes the army presence.

The article also tells of the arson and violent attacks on PDS farmers by landowners, loggers, squatters and members of the civil and military police, as reported by the activist groups.

4. *O Liberal*, 1/5/2005 - “PARÁ IN THE NEWS/The state is the only one in the North-North-East of Brazil to be mentioned in a Report by the United Nations Organization”

This article is about the report by the UN Special Rapporteur Leandro Despouy on the independence of judges and attorneys in the Commission for Human Rights and the Economic and Social Council, which contains praise for the “Balcão dos Direitos” [access to rights] programme developed by the Pará state public attorney’s office in collaboration with Special Secretariat for Human Rights of the federal government, launched in August, 2004.

There is a brief reference in the article to the question of the Brazilian PP’s powers of investigation and to the difficulties of access to and slowness of the legal system and the resulting negative effects on more vulnerable social groups, such as children, indigenous people, homosexuals, transvestites, “quilombolas” (descendants of escaped slaves), people of African descent and the sick.

Special reference is also made to the difficulty of access to the legal system which, according to Leandro Despouy, “...can also

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be observed in the case of activist groups such as landless workers and environmentalists, victims of a legal system which reproduces the same discrimination in the law that they are already suffering in society in general.”

5. *O Liberal*, 20/5/2005 - “SPECIAL LAW FOR CHILDREN”, “CPI TO INVESTIGATE CRIMES AGAINST CHILDREN”, “IN 2004 35 ABUSES OF CHILDREN IN THE STREETS BY TRANSPORT POLICE”

This series of articles reports on infringements of the rights of children and mentions in particular the problem of sexual exploitation and the efforts of the political and judicial authorities, the PP and the police to deliver an effective response.

6. *O Liberal*, 20/5/2005 - “LAND REFORM/MINISTER DENIES KNOWLEDGE OF AGREEMENT WITH THE LANDLESS”, “ANAPU GETS DATE FOR SURVEY”

The first of these articles refers to diverging information from the Minister of Agriculture, Roberto Rodrigues, regarding the Ribeirão Preto region, with respect to an agreement signed between the government and the Association of Landless Workers (MST) for the settlement of 115 thousand families.

The second refers to the start of a survey by INCRA of the land in the Anapu region with a view to the settlement of 490 families in the “Sustainable Development Projects” (PDS) called “Virola Jatobá” and “Esperança.”

7. *O Liberal*, 29/5/2005 - “RURAL VIOLENCE / AGRARIAN REFORM HAS STAGNATED IN PARÁ - Despite measures announced by the Government following the assassination of Sister Dorothy Stang, the Military abandon the region and ‘land-grabbers’ continue”

In an article written by Ronaldo Brasiliense in *O Liberal* of 29 May, nine days after the news item referring to the geographical reference of land by considering the settlement of 490 families from the Sustainable Development Projects [Projectos de Desenvolvimento Sustentável] (PDS) called “Virola Jatobá” and “Esperança”, the real intentions of the Government were now called into question by Father Henry Burin Dês Roziers.

The article tells how the Sister Dorothy trial has stagnated and its project abandoned by the “Esperança” PDS, how threats against farmers is growing, and the fact that the State of Pará was relegated to the back burner concerning the development of the national agrarian reform programme despite experiencing the largest number of conflicts over land ownership.

The steps taken by INCRA and the Ministry for Agrarian Development were also criticized for yielding to the “heavily armed gunmen in the region of Santana de Araguaia who invaded a landed estate of 89 thousand hectares intended as a settlement for at least 800 families.”

The explanatory editorial that accompanied the article listed 6 measures that were not fulfilled by the external senate commission, established to assist the investigations into the assassination of Sister Dorothy, and were recommended to facilitate the agrarian reform process in the region of Anapu. It mentioned that still nothing had been done three months later.

8. *O Liberal*, 1/6/2005 - “SISTER DOROTHY/STJ DECIDES ON THE 8TH THAT FEDERALIZATION WILL OCCUR”, “THE JUDGE SPEEDS UP THE PACE AND DECIDES TO PRONOUNCE HIS SENTENCE FOR THE MIDDLE OF THE MONTH.”

The first of these articles relates how the “federalization” process of the trial for the murder of “Sister Dorothy” is developing. The second article details the continuation of the aforementioned trial with the state justice and talks about the visit of the FIDH mission (erroneously attributed to the Inter-American Commission for Human Rights), followed by the cases of the detainees visited by our mission in Altamira.

2. Other newspapers and large scale communication means

The mission also had access to other sources of information, identified over the Internet, which included the Folha de S. Paulo, which appeared to have in-depth coverage of the “Sister Dorothy” case.

For example, the magazine *Época* dated 21/2/2005 gathered together a large file concerning the assassination of “Sister Dorothy” and the socioeconomic conditions of Anapu and the political, social and institutional climate that enabled this crime and current acts of violence to occur as the agrarian reform process in the State of Pará both stops and starts in turns.

On 1 June, a publication published in the State of Sábado, called *Folha Ciência* [Science Journal] refers to articles in the *New York Times*, which denounce the deforestation while also attacking the governmental policy concerning this deforestation.

On 4 June, the newspaper “*Correio Braziliense*” in Brasília includes an interesting article called “Máfia na Floresta” [The

mafia's in the Woods] which reveals a serious case of fraud and corruption by large timber yard companies obtaining the illegal authorisation to clear forests of timber.

The Agência Folha and the Folha de S. Paulo, consulted over the net, also provide an in-depth account of the facts related in this Report and a political and socioeconomic analysis, very much resembling the reports and testimonies collected by the mission, whether in Altamira, Anapu or Belém.

3. Communication means detailing economic activities related to timber exploration and agriculture companies

An obvious example of this type of publication is the magazine *HOJE* published in Altamira.

The cover story of its No. 3 issue, published in March 2005, expresses this type of opinion and concerns. The article attempts to highlight the economic activities viewpoint giving rise to the conflicts and the violent events present in Pará.

In an article written by Mário Barbosa, Director of the Magazine, the following affable data can be read:

“The magnitude of the Amazon issue was further deepened in February 2005 with the death of the activist and Catholic missionary Dorothy Mãe Stang in Anapu (AP). The world press, detached from our reality, punished and punishes the Pará image: it is such a ‘perfect’ sensationalist terrorism which forgets that the Amazon region is not a refuge for criminals but a region of workers; that a foreign nun does not deserve any more attention than our own Brazilian Dema or our 19 boys castrated in Altamira; that there is violence in the countryside because agrarian reform is not proceeding at the necessary pace because that is what the government wants. With this in mind, the federal government should be considered the main culprit behind the death of Dorothy. The union is not present in the Amazon region, with this extra job subsequently landing on the shoulders of local workers and activists of foreign NGOs. In summary, those present are the poor worker, a group of invaders and a blind government. Lula sometimes says that ‘we have been intellectually colonised.’ Unfortunately, I would tend to agree.”

3.1 The following titles concerning this subject can also be read:

- “ONGS, IGREJA CTÓLICA E PT QUEREM TRANSFORMAR A AMAZÔNIA EM COBAIA ECOLÓGICA DO PLANETA” [NGOs, Catholic Church and PT want to transform the Amazon region into the planet's ecological guinea pig].
- “A AUTONOMIA DO ESTADO DO PARÁ E DO SETOR PRODUTIVO SÃO IGNORADAS” [Autonomy for the State of Pará and the productive sector are ignored].
- “INTERNACIONALIZAÇÃO DA AMAZÔNIA/PAÍSES DESENVOLVIDOS JÁ ENSAIAM OS PRIMEIROS PASSOS” [Internationalization of the Amazon region / Developed countries already take the first steps].
- “AUTORIDADES BRASILEIRAS SÃO COOPTADAS/ MEIO AMBIENTE E ÍNDIO SÃO USADOS COMO SUBTERFÚGIO” [Brazilian authorities are co-opted / Environment and indigenous people are used as a form of subterfuge].

3.2 The cover of the aforementioned publication shows a picture of a priest in the background wearing a cassock with a cross of Christ around his neck, a star, and a cap made out wood with the US flag, handing a Brazilian ‘real’ note to an Indian.

3.3 On page 20, there is an article entitled “Amazônia Ameaçada” [Threatened Amazônia] and a box to the side reading “ONGs ESTRANGEIRAS COMO O GREENPEACE E WWF SE INFILTRAM NO BRASIL PARA INFLUENCIAR POLÍTICA AMBIENTAL E PÔR EM RISCO A NOSSA SOBERANIA SOBRE A AMAZÔNIA” [Foreign NGOs, like Greenpeach and WWF, infiltrate Brazil to influence environmental policy and risk our sovereignty over the Amazon region]. This box gives us an idea of the article's real meaning.

FIDH represents 141 Human Rights organisations

141 organisations

Albania -Albanian Human Rights Group	Colombia -Comite Permanente por la Defensa de los Derechos Humanos	Humanos de Guatemala	l'Homme	l'Homme
Algeria -Ligue algérienne de défense des droits de l'Homme	Colombia -Corporación Colectiva de Abogados Jose Alvear Restrepo	Guinea -Organisation guinéenne pour la défense des droits de l'Homme	Malta -Malta Association of Human Rights	Scotland -Scottish Human Rights Centre
Algeria -Ligue algérienne des droits de l'Homme	Colombia -Instituto Latinoamericano de Servicios Legales Alternativos	Guinea Bissau -Liga Guineense dos Direitos do Homem	Mauritania -Association mauritanienne des droits de l'Homme	Senegal -Organisation nationale des droits de l'Homme
Argentina -Centro de Estudios Legales y Sociales	Congo Brazzaville -Observatoire congolais des droits de l'Homme	Iran -Centre des défenseurs des droits de l'Homme en Iran	Mexico -Liga Mexicana por la Defensa de los Derechos Humanos	Senegal -Rencontre africaine pour la défense des droits de l'Homme
Argentina -Comite de Accion Juridica	Croatia -Civic Committee for Human Rights	Iran (France) -Ligue de défense des droits de l'Homme en Iran	Mexico -Comisión Mexicana de Defensa y Promoción de los Derechos Humanos	Serbia and Montenegro -Center for Antiwar Action - Council for Human Rights
Argentina -Liga Argentina por los Derechos del Hombre	Czech Republic -Human Rights League	Iraq -Iraqi Network for Human Rights Culture and Development (United Kingdom)	Moldova -League for the Defence of Human Rights	South Africa -Human Rights Committee of South Africa
Austria -Österreichische Liga für Menschenrechte	Democratic Republic of Congo -Ligue des Electeurs	Ireland -Irish Council for Civil Liberties	Morocco -Association marocaine des droits humains	Spain -Asociación Pro Derechos Humanos
Azerbaijan -Human Rights Center of Azerbaijan	Democratic Republic of Congo -Association africaine des droits de l'Homme	Israel -Adalah	Morocco -Organisation marocaine des droits humains	Spain -Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos
Bahrain -Bahrain Human Rights Society	Democratic Republic of Congo -Groupe Lotous	Israel -Association for Civil Rights in Israel	Mozambique -Liga Mocabicana Dos Direitos Humanos	Sudan -Sudan Organisation Against Torture (United Kingdom)
Bangladesh -Odhikar	Djibouti -Ligue djiboutienne des droits humains	Israel -B'tselem	Netherlands -Liga Voor de Rechten Van de Mens	Sudan -Sudan Human Rights Organization (United Kingdom)
Belarus -Human Rights Center Viasna	Ecuador -Centro de Derechos Economicos y Sociales	Israel -Public Committee Against Torture in Israel	New Caledonia -Ligue des droits de l'Homme de Nouvelle-Calédonie	Switzerland -Ligue suisse des droits de l'Homme
Belgium -Liga Voor Menschenrechten	Ecuador -Comisión Ecuemenica de Derechos Humanos	Italy -Liga Italiana Dei Diritti Dell'uomo	Nicaragua -Centro Nicaraguense de Derechos Humanos	Syria -Comité pour la défense des droits de l'Homme en Syrie
Belgium -Ligue des droits de l'Homme	Ecuador -Fundación Regional de Asesoría en Derechos Humanos	Italy -Unione Forense Per la Tutela Dei Diritti Dell'uomo	Niger -Association nigérienne pour la défense des droits de l'Homme	Tanzania -The Legal & Human Rights Centre
Benin -Ligue pour la défense des droits de l'Homme au Bénin	Egypt -Egyptian Organization for Human Rights	Ivory Coast -Ligue ivoirienne des droits de l'Homme	Nigeria -Civil Liberties Organisation	Thailand -Union for Civil Liberty
Bhutan -People's Forum for Human Rights in Bhutan (Nepal)	Egypt -Human Rights Association for the Assistance of Prisoners	Ivory Coast -Mouvement ivoirien des droits de l'Homme	Northern Ireland -Committee On The Administration of Justice	Togo -Ligue togolaise des droits de l'Homme
Bolivia -Asamblea Permanente de los Derechos Humanos de Bolivia	El Salvador -Comisión de Derechos Humanos de El Salvador	Jordan -Amman Center for Human Rights Studies	Pakistan -Human Rights Commission of Pakistan	Tunisia -Conseil national pour les libertés en Tunisie
Brazil -Centro de Justicia Global	Ethiopia -Ethiopian Human Rights Council	Jordan -Jordan Society for Human Rights	Palestine -Al Haq	Tunisia -Ligue tunisienne des droits de l'Homme
Brazil -Movimento Nacional de Direitos Humanos	European Union -FIDH AE	Kenya -Kenya Human Rights Commission	Palestine -Palestinian Centre for Human Rights	Turkey -Human Rights Foundation of Turkey
Burkina Faso -Mouvement burkinabé des droits de l'Homme & des Peuples	France -Ligue des droits de l'Homme et du Citoyen	Kosovo -Conseil pour la défense des droits de l'Homme et des libertés	Panama -Centro de Capacitación Social	Turkey -Insan Haklari Dernegi / Ankara
Burundi -Ligue burundaise des droits de l'Homme	French Polynesia -Ligue polynésienne des droits humains	Kyrgyzstan -Kyrgyz Committee for Human Rights	Peru -Asociación Pro Derechos Humanos	Turkey -Insan Haklari Dernegi / Diyarbakir
Cambodia -Cambodian Human Rights and Development Association	Georgia -Human Rights Information and Documentation Center	Laos -Mouvement lao pour les droits de l'Homme (France)	Peru -Centro de Asesoría Laboral	Uganda -Foundation for Human Rights Initiative
Cambodia -Ligue cambodgienne de défense des droits de l'Homme	Germany -Internationale Liga für Menschenrechte	Latvia -Latvian Human Rights Committee	Philippines -Philippine Alliance of Human Rights Advocates	United Kingdom -Liberty
Cameroun -Maison des droits de l'Homme	Greece -Ligue hellénique des droits de l'Homme	Lebanon -Association libanaise des droits de l'Homme	Portugal -Civitas	United States -Center for Constitutional Rights
Cameroun -Ligue camerounaise des droits de l'Homme (France)	Guatemala -Centro Para la Accion Legal en Derechos Humanos	Lebanon -Foundation for Human and Humanitarian Rights in Lebanon	Romania -Ligue pour la défense des droits de l'Homme	Uzbekistan -Legal Aid Society
Canada -Ligue des droits et des libertés du Québec	Guatemala -Comisión de Derechos	Lebanon -Palestinian Human Rights Organization	Russia -Citizen's Watch	Vietnam -Comité Vietnam pour la défense des droits de l'Homme (France)
Central African Republic -Ligue centrafricaine des droits de l'Homme		Liberia -Liberia Watch for Human Rights	Russia -Moscow Research Center for Human Rights	Yemen -Human Rights Information and Training Center
Chad -Association tchadienne pour la promotion et la défense des droits de l'Homme		Libya -Libyan League for Human Rights (Switzerland)	Rwanda -Association pour la défense des droits des personnes et libertés publiques	Yemen -Sisters' Arabic Forum for Human Rights
Chad -Ligue tchadienne des droits de l'Homme		Lithuania -Lithuanian Human Rights Association	Rwanda -Collectif des ligues pour la défense des droits de l'Homme au Rwanda	Zimbabwe -Zimbabwe Human Rights Association Zimrights
Chile -Comite de Defensa de los Derechos del Pueblo		Malaysia -Suaram	Rwanda -Ligue rwandaise pour la promotion et la défense des droits de l'Homme	
China -Human Rights in China (USA, HK)		Mali -Association malienne des droits de		

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