

L'OBSERVATOIRE

pour la protection des défenseurs des droits de l'Homme

THE OBSERVATORY

for the protection
of Human Rights Defenders

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para la Protección
de los Defensores de Derechos Humanos

OPEN LETTER TO LUIZ INÁCIO LULA DA SILVA PRESIDENT OF THE FEDERAL REPUBLIC OF BRAZIL

Paris-Geneva, December 30, 2004.

Mr. President,

The International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT), within their joint programme, the Observatory for the Protection of Human Rights Defenders, wish to draw your attention to the situation of human rights defenders in Brazil, and in particular of those who defend the right to access to land.

The Observatory is extremely concerned by the persisting violence and grave acts perpetrated against defenders of the right to access to land in Brazil. The situation has been made worse by the existence of private militias working for landowners (*fazendeiros*). Defenders have been continuously subjected to threats, acts of harassment as well as murder in connection with their activities.

One of the most recent cases was the attack on November 20, 2004 against the settlement of the Landless Workers Movement (MST) called *Promised Land*, located at Felisburgo, Jequitinhonha Valley, which is one of the poorest regions in the Minas Gerais State. Five landless peasants who were among those responsible for coordinating the settlement were then murdered and 20 other landless peasants wounded.

The *Promised Land* settlement's landless families had previously presented a complaint before the public authorities about threats they had been receiving by the farm's owner since 2002. The prosecutor, Mr. Alfonso Henrique de Miranda, coordinator of the *Centre for Operational Support in Conflicts over Land* of the Public Ministry of Minas Gerais, was one of the first to receive in 2002 the document submitted to the authorities by the landless peasants along with the *Pastoral Land Commission* (CPT), reporting the threats. The Observatory hopes the Federal Police action will result in the punishment of both the perpetrators and planners of these acts and eventually help to move towards a resolution of the conflict.

Moreover, the Observatory has been informed that the situation at the occupied areas of the *Fazenda da Barra*, a farm located near the city of Ribeirão Preto, São Paulo State, has deteriorated. About 600 families, settled in the property since an inspection carried out by the National Colonization and Agrarian Reform Institute (Incra) in 2000, resulted in the recognition of the area as suitable for expropriation. These landless families may be expelled from the lands cultivated by them due to a legal demand by two companies, Participações Ltda. and Robeca Participações Ltda. In December 2004, several actions have been taken threatening to remove them. For instance, 400 policemen once encircled the settlers and were ready to force them out when the expulsion order was eventually suspended. According to the information received, the fate of these families now depends on the issuing of an expropriation decree by the Presidency.

Amongst the most worrisome events that took place in 2004 concerning human rights defenders in rural areas in Brazil are the following:

In June 2004, an international investigation mission on Land Reform was carried out in Brazil, under the auspices of two international organizations for the defence of peasants' rights, *Via Campesina* and FoodFirst Information and Action Network (FIAN). During its presence, from June 3rd to 9th 2004, the mission was attacked by a landowner, who shot at them near the city of Montes Claros, Minas Gerais State. Although the perpetrator was condemned to a high prison sentence, he was subsequently released pursuant to the Fleury Law (1973), which states that a first-time convicted may be released during the appeal procedure.

Mr. **Epitácio Gomes da Silva**, President of the Independent Rural Workers Movement (MTRI), who was coordinating peasants for the preparation of a peaceful occupation of non-explored lands, was murdered on March 23, 2004, at the municipality of Tailândia, State of Pará. The Pará State investigation has not been brought into a conclusion up to now.

On February 7, 2004, Mr. **Ribamar Francisco dos Santos**, agrarian policy coordinator at the Rural Workers Union of Rondón do Pará, was assassinated in front of his residence, shot in his head by two gunmen. According to information by CPT, Mr. dos Santos had received threats for several weeks before being murdered and his name had been included in a "death list". Despite the denouncing of these facts before the authorities, the security forces did not provide him with any protection. The investigation initiated by the State authorities has not bore any results so far.

Likewise, two gunmen murdered Mr. **Ezequiel de Moraes Nascimento**, President of the Workers Association at Santa Maria das Barreiras, at his residence in Redenção (Pará State) on January 29, 2004, before his wife and 7-year-old daughter. According to information by the Centre for Global Justice (*Justiça Global*), Mr. Nascimento, who had been denouncing the violent acts perpetrated by *fazendeiros* in the region, had already been subjected to death threats. The investigation initiated by the State authorities has not presented any results so far.

These assassinations are exclusively due to the work carried out by these social leaders in defence of rural workers' rights and their fight for agrarian reform.

Governmental employees working in defence of rural workers' rights have also been subjected to grave threats and violent acts. On January 26, 2004 in Minas Gerais, Messrs. **Erastótenes de Almeida Gonçalves**, **Nelson José da Silva** and **João Batista Soares Lages**, employees of the Ministry of Labour, were murdered as they intended to carry out an investigation into the use of slave workforce in this State (See Observatory Press Release of January 30, 2004). The Federal Police have carried out an investigation, which resulted in the arrest of several suspected perpetrators and a landowner, Norberto Mânica, who has been accused of having ordered the assassination of the labour inspectors. Moreover, Mr. Mânica and his brother, Antério Mânica – recently elected mayor of Unaí –, shall be brought to trial for having violated the rights of employees who work in their properties.

The Observatory recalls that the work of rural leaders and unionists is paramount in some Brazilian States, where the dimensions of the agrarian issue are particularly acute and the degree of violence against landless peasants particularly high. In 2003, there have been 55 failed attempts to kill landless peasant workers. Even though, according to the information by CPT, there has been an improvement in these records in 2004, the number of murdered rural workers and leaders remains one of the highest throughout Latin America.

As often denounced by the Observatory (see Press Release of April 7, 2004), the impunity issue reinforces this serious climate of insecurity for human rights defenders. According to investigations carried out by CPT, only 75 out of 1,349 cases of murder related to the fight for access to land in Brazil from 1985 to 2003 have been brought before a court.

Moreover, many of those convicted for grave human rights violations do not actually serve their prison sentences. Such is the case of the planners of the murder of Mr. **João Canuto de Oliveira**, President of the Rural Workers Union at Rio Maria, in 1985. Despite their being sentenced to a 19 years and 10 months prison term on May 23, 2003, they remain free in accordance with the Fleury Law (see the Observatory Report titled “Process against the planners of the murder of João Canuto de Oliveira – The Landless Workers and Defenders in the State of Pará”, May 2003).

Trusting in your commitment to human rights, the Observatory considers essential that the necessary measures to put an end to these violations of the right to life and violent acts be taken by your administration. In particular, by ensuring the security and physical integrity of human rights activists in rural areas and by addressing the root causes of this type of violence.

In addition, the Observatory urges Your Excellency to ensure the adoption of all necessary measures to fight against impunity in such cases and oversee that investigations be carried out in an exhaustive, impartial manner, with aims to apply the appropriate measures whenever responsibility has been recognized, and otherwise, to identify those responsible, bring them to trial and apply the penal sanctions provided by the law.

In hope you will take these requests into consideration,

We remain,

Sidiki KABA
President of FIDH

Eric SOTTAS
Director of OMCT