

# BRAZIL

## The criminalization of rural activism: the case of Frei Anastácio Ribeiro

Frei Anastácio Ribeiro, a Franciscan priest and prominent land reform campaigner in the northeastern state of Paraíba, has been sentenced to four years and ten months imprisonment. The sentence relates to charges brought against the priest in November 1995 in connection with his activities in campaigning for land reform, and was pronounced in his absence on 7 August 1996 by the judge of Alhandra in the interior of Paraíba. Frei Anastácio Ribeiro had not been informed that a date had been set for his sentencing, and was not aware of the sentence until court officials informed him of it at his home on 20 August 1996.

Frei Anastácio Ribeiro remains at liberty pending the hearing of an appeal against the sentence, which has been lodged by his lawyers with the Appeals Court of Paraíba. If he is imprisoned, Amnesty International will consider him to be a prisoner of conscience<sup>1</sup>. The organization believes that the charges against him are solely related to his peaceful activities in campaigning for land reform.

The Roman Catholic Church in Brazil takes an active and important role in denouncing violent attacks on rural workers and in calling for comprehensive agrarian reform to benefit the landless. Frei Anastácio Ribeiro is Paraíba state Coordinator of the *Comissão Pastoral da Terra* (CPT), Church Land Commission, which was established in 1975 to monitor land conflicts and encourage priests and lay workers in rural areas to help the rural poor.

The four year and ten month sentence of imprisonment relates to four charges made against Frei Anastácio Ribeiro when he was detained in November 1995 for four days by Federal Police agents in the municipality of Conde in Paraíba. On 20 November 1995 some 300 landless rural workers had occupied disused land on the Jacumã and Tabatinga estate officially known as Fazenda LUPASA (*Lundgren Pastoril e Agrícola*) in Conde. Although he did not participate in the occupation, Frei Anastácio Ribeiro was accused of playing a leading role, and on 27 November 1995 the judge of Alhandra issued an eviction order against the rural workers in which he required Frei Anastácio Ribeiro to

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<sup>1</sup>Amnesty International defines as prisoners of conscience those people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language - who have not used or advocated violence. Amnesty International calls for the unconditional release of all prisoners of conscience.

carry out the eviction order within 72 hours. On the same day the judge issued an arrest warrant for him on charges of *esbulho possessório* (taking of property by force), *formação de quadrilha ou bando* (forming a criminal gang), resisting the execution of a judicial order, and ill-treating children.

In passing sentence the judge argued that although Frei Anastácio Ribeiro was not present when the landless rural workers occupied part of the estate, he had given them moral support and was therefore an accessory to the occupation. The charge of 'forming a criminal gang' relates to Frei Anastácio Ribeiro's activities as a leading figure in the CPT, which the judge described as a 'clandestine organization'. Again, although he was not present, Frei Anastácio Ribeiro was also held responsible for the failure of the land occupiers to comply with the eviction ordered by the judge, justifying the charge of resisting the execution of a judicial order. Finally, the judge justified the charge of 'ill-treating children', with the argument that by stimulating families of landless rural workers to occupy land, small children would be placed in insalubrious conditions.

Police carried out the eviction of over 100 families from the Jacumã and Tabatinga estate on 1 December 1995. The landless rural workers settled on land nearby, and the following March planted crops on the Jacumã and Tabatinga estate. These were destroyed in March 1996 upon the order of the judge of Alhandra. In May 1996 some of the rural workers occupied a large shed on the estate, and were subsequently evicted by police.

During the eviction in May 1996, six landless rural workers were arrested, **Dorival Fernandes**, a member of the CPT and **Iris de Fatima do Nascimento**, **Rosilda de Fatima**, **Marinaldo dos Santos**, **Elias Rodriguez**, and **Clodoaldo dos Santos**. They have all been sentenced to between three and five years' imprisonment on the same charges as Frei Anastácio Ribeiro. They too are at liberty pending the hearing of an appeal. They were arrested on 28 May 1996 during an operation to evict the rural workers from the estate, and subsequently released on 4 June 1996. In the event that they are

imprisoned, Amnesty International will investigate the cases to determine the validity of the charges. The rural workers were able legally to return to the estate on 29 May 1996, the day after the eviction, after the *Instituto de Colonização e Reforma Agraria* (INCRA), (the federal land reform agency) determined the land unproductive and that day - 29 May 1995 - the papers officially expropriating the occupied land were signed.

### BACKGROUND

Brazil is said to have one of the most concentrated land structures in the world. The Government's last agricultural census of 1985 carried out by the *Instituto Brasileiro de Geografia e Estatística*, Brazilian Institute of Geography and Statistics, showed that 0.4 % of landowners own 15% of cultivated land, 1.2% of landowners own nearly 42% and 53% of farmers own 1.2% of cultivated land. Under Brazil's 1988 Constitution the federal government retains the power to expropriate (compulsorily purchase) unproductive land from landowners in the social interest for the purpose of land reform.

Amnesty International takes no position on competing claims for land ownership, or on questions relating to judicial decisions over land tenure. However, the organization is concerned over a recent increase in human rights violations in the context of land disputes

#### On his release from prison in December 1995

**Frei Anastácio Ribeiro wrote a letter of thanks to all his supporters, in which he described his feelings about being imprisoned.**

*Quero partilhar com vocês o significado desta experiência. Fiquei em regime de prisão especial, com relativo conforto: quarto espaçoso com banheiro, TV, ventilador, duas janelas, telefone. Mas o fato de ser cercado, impedido na liberdade de ir e vir, me deixava mais cansado e tenso do que os dias normais de trabalho, correndo de um lado para o outro. Durante os quatro dias que passei nesta situação, pude colocar-me na pele de tantos que são presos - agricultores, lideranças de movimentos sociais, sindicalistas, porque lutam pela justiça. Tive condições privilegiadas, imagine quem não teve.*

I wish to share with you the significance of this experience. I was detained with special privileges in relative comfort: a large room with bathroom, TV, fan, two windows, telephone. But the fact of being restricted, prevented from having the freedom to come and go, left me more tired and tense than on normal working days, running from one place to another. During the four days that I spent in this situation I was able to identify with so many who are imprisoned - rural workers, leaders of social movements, trade unionists - because they fight for justice. I was held in privileged conditions, imagine how it is for those who are not.

in Brazil, with frequent reports of excessive use of force, ill-treatment, torture and extrajudicial executions by military police carrying out land evictions, and over continuing impunity for violent attacks on rural workers by hired gunmen.

The use of the charge 'forming a criminal gang' appears to be increasingly used as a means of harassing those campaigning for agrarian reform. In November 1995 in the state of São Paulo, **Diolinda Alves de Souza** and **Márcio Barreto**, both members of the *Movimento Dos Trabalhadores Sem Terra* (MST), Landless Rural Workers Movement - a legal organization which campaigns for agrarian reform and has staged a number of land occupations - were held in custody in high security prisons for two weeks, charged with 'forming a criminal gang'. The detentions appeared to be a manoeuvre to force rural workers to leave an estate they were occupying in the interior of the state. Similar charges were issued against 11 others.

Diolinda Alves de Souza was re-detained on 25 January 1996 in Alvares Machado in the interior of São Paulo state, again on the charge of 'forming a criminal gang'. However her detention appeared less connected to any evidence linking her to a specific crime, than an attempt to pressure the MST to halt land occupations and for her husband **José Rainha Júnior** and Márcio Barreto, who were in hiding, to surrender themselves to the courts where they faced similar charges. On 2 February 1996 the police chief in the case informed her lawyer, in the presence of the judge and prosecutor, that Diolinda Alves de Souza and three other detainees, **Felinto Procópio**, **Laércio Barbosa** and **Claudemiro Marques Cano** would be released if José Rainha Júnior gave himself up.

On Tuesday 12th March 1996 the Higher Court of Justice, *Superior Tribunal de Justiça*, ruled on one of four *Habeas Corpus* petitions presented on behalf of Diolinda Alves de Souza, Felinto Procópio, Laércio Barbosa and Claudemiro Marques Cano. The court ruled that the four be released on bail of approximately US\$700 each and that 'forming a criminal gang' was not an appropriate charge for those involved in land occupations. The Higher Court of Justice also ruled that the preventive detention orders against Diolinda Alves de Souza's husband, José Rainha Júnior, and Márcio Barreto be suspended upon posting of bail. Frei Anastácio Ribeiro and six landless rural workers have been found guilty of 'forming a criminal gang' by the judge of Alhandra, in spite of this Higher Court of Justice ruling that such charges are inappropriate in cases of land occupation. Although jurisprudence is not binding in Brazil, the Higher Court of Justice's ruling is expected to be taken into account by lower courts.

The charge of 'disobeying a judicial order' has also been used to harass activists. In 1995 in the western Amazonian state of Acre, Antônio Batista de Macedo, a rubber tapper and campaigner for the rights of rubber tappers and indigenous people, was sentenced to one year and four months' imprisonment on 20 September 1995 for 'inciting rubber tappers to disobey an eviction order', although he was not in the region at the time. He was given conditional release after one week's imprisonment but is obliged to comply with court conditions for a two-year period. Amnesty International adopted him as a prisoner of conscience, believing that the case was brought against him to deter him from his peaceful activities in promoting rubber tappers associations and cooperatives.

Within less than nine months Brazil has been witness to two brutal massacres of landless rural workers by Military Police in the states of Rondônia and Pará. On 9 August 1995, nine landless rural and two military police were killed when military police evicted 500 landless rural worker families from the Santa Elina estate in Corumbiara, Rondônia State. Investigations revealed that police shot indiscriminately into a crowd of fleeing men, women and children, killing seven-year-old Vanessa dos Santos, and extrajudicially executed at least six men after they had surrendered. Military police are alleged to have carried out acts of extreme barbarity against the rural workers. Over 170 people were wounded.

On 19 April 1996, 19 landless rural workers were killed when 200 military police were sent to clear the PA 150 road at Eldorado de Carajás of 1,800 men women and children who were demonstrating for land reform. Autopsies carried out by forensic pathologists on the 19 bodies confirmed that three of the dead were shot at point blank range. Seven others died of injuries consistent with blows from machetes and scythes, indicating that they had been killed with their own tools after being overpowered. Witnesses to the massacre reported that police deliberately targeted known MST activists.