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Brazil: Blatantly unfair trial of leader of landless rural workers

Amnesty International is outraged at yesterday's sentencing of José Rainha Junior, a national leader of the *Movimento dos Trabalhadores Rurais Sem Terra*, MST, Landless Rural Workers' Movement. He was convicted of a murder of which he is demonstrably innocent, and sentenced to more than 26 years in jail in a blatantly unfair trial.

"This charge was clearly politically motivated and obviously intended to harass members of the landless rural workers' movement," Amnesty International said today. "If José Rainha is imprisoned, we will consider him a prisoner of conscience and demand his immediate and unconditional release."

José Rainha has been the victim of politically motivated yet unfounded charges in the past due solely to his activities within the movement. Over the past two years, he has been charged with "forming a criminal gang" along with other MST members and has been subjected to three separate preventive detention orders issued in the state of São Paulo. In each case *habeas corpus* were granted on their behalf by the Supreme Federal Tribunal.

"It is intolerable that such groundless criminal charges are being used against José Rainha and other rural activists as a form of political intimidation. The authorities have clearly failed to ensure the minimum standards for a fair trial," Amnesty International said.

José Rainha was yesterday convicted of the murders on 5 June 1989 of a local landowner and a policeman on the Ipuera estate in the municipality of Pedro Canário in Espírito Santo state where José Rainha was a local peasant leader. The two men were killed and several peasants injured during a conflict over the occupation of part of the estate by MST members.

The prosecution lawyers were unable to provide any evidence, or to call a single witness to place José Rainha at the scene of the crime. The defence, however, called five credible witnesses to testify that he was in the state of Ceará, some 1,000 kilometres away, at the time. Lacking material proof on which to convict Rainha, the prosecution lawyers then urged the jury to convict on the basis of José Rainha's membership of the MST alone. The guilty verdict was passed by a majority of four votes to three.

Rainha is currently awaiting an automatic retrial scheduled for 16 September. This is standard practice in Brazil for sentences over 20 years. He will be imprisoned if his conviction is upheld.

His lawyers feared that he would not receive a fair trial in Pedro Canário given the influence of local landowners. However, their petition to have the trial moved to the state capital of Vitória was denied. Several rural trade unionists have been killed by gunmen in this area in recent years, and the local powerful landowners are very hostile to the MST. The composition of the jury appears to have been deliberately biased and included a number of local landowners.

The MST is a legal and peaceful organization which campaigns for agrarian reform and has staged a number of land occupations. It has become a major voice of opposition to the current government which has attempted to characterise the MST as a criminal body and recently urged state authorities to crack down on it.

Rainha's wife, Diolinda Alves da Souza, was adopted as a prisoner of conscience by Amnesty International in March 1996 when she was detained in order to force the MST to cease its land occupations and to persuade her husband to give himself up for arrest.
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