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BRAZIL

Corumbiara and Eldorado de Carajás: Rural violence, police brutality and impunity

1. Patterns of impunity

This report examines two brutal massacres, only nine months apart, of landless peasants by state military police in the Amazon region. Military police killed nine landless peasants at the Santa Elina Estate, Corumbiara, Rondônia state on 9 August 1995, and slaughtered 19 landless peasants on the PA I50 road at Eldorado de Carajás, Pará state, on 17 April 1996.¹ Many more were injured and were submitted to torture and ill-treatment. The police who carried out the massacre have not yet come to trial and it appears that those with ultimate political and military responsibility for the military police's action will not be prosecuted.

The massacres in Corumbiara and Eldorado de Carajás form a chronicle of deaths foretold. Few, if any, lessons have been learned from previous incidents in the region (see Appendix A). The subsequent investigations into these massacres bear all the hallmarks of the botched and slow investigations into other high profile massacres in recent years in Brazil, such as the Carandiru prison massacre in São Paulo in 1992,² and the Candelária and Vigário Geral massacres in Rio de Janeiro in 1993.³

The tragedies in Corumbiara and Eldorado de Carajás occurred in a climate of local tension generated by conflicts over land. Amnesty International takes no position on the question of land ownership or distribution and does not enter into the merits of agrarian reform. However, the organization is extremely concerned in both cases at the failure by the federal and state governments to ensure a peaceful resolution of such conflicts. Eviction orders were issued before negotiations and legal solutions had been exhausted, in the knowledge that both situations were flashpoints and that violence was a

¹ Amnesty International sent a representative to accompany the initial investigation into the Eldorado de Carajás massacre, the findings of which are detailed here.

² See Amnesty International *Brazil: "Death has arrived" Prison massacre at the Casa de Detenção, São Paulo* AI Index: AMR 19/08/93 May 1993. Military police killed 111 prisoners in a São Paulo jail. Over five years later, judicial proceedings have barely begun.

³ Seven street children and one young adult were killed outside the Candelária Church in July 1993, and 21 residents of the Vigário Geral shanty town were killed in August 1993. See Amnesty International *Brazil: The Candelária Trial - a small wedge in the fortress of impunity* AI Index: AMR 19/20/96 July 1996 and *Brazil: Candelária and Vigário Geral: Justice at a snail's pace* AI Index AMR 19/11/97 June 1997 for an account of the problems with the investigation and prosecution of these crimes.

strong possibility. The state authorities appear to have been more influenced by the concerns of local landowners than by a concern for the physical safety of demonstrators, squatter peasants and police. Police employed excessive force, carried out extrajudicial executions and engaged in acts of torture and violence designed to wound, maim and terrorise the victims. The wounded were beaten and a number of peasants were extrajudicially executed after surrendering. The police were accompanied or assisted by civilians, associated with local landowners, who also committed human rights violations with apparent police acquiescence. Police acted illegally in the execution of the eviction orders, by carrying out the eviction in Corumbiara during the hours of darkness, and by removing their identification tags in Eldorado de Carajás. Both facts suggest that the police violence was premeditated rather than a spontaneous response to unexpected resistance.

Amnesty International believes that the process of bringing to justice those responsible for the Corumbiara and Eldorado de Carajás massacres has been hampered by factors common to the sad litany of other massacres mentioned above. Despite the multiplicity of investigations launched, most have been partial and inadequate. Military police removed or destroyed evidence, moving the dead bodies from the scene of the crime. They failed to seal off the site for forensic investigation. Ballistics tests were either not requested or only partially conducted, hindered by the failure by police to register properly the weapons used by police on active duty. Forensic investigation has been shoddy, and autopsy reports have been of variable reliability and utility in discovering what actually happened.

In Amnesty International's opinion, the inadequacy of the investigations has seriously compromised the process of bringing criminal charges against those responsible. In the five cases mentioned -- Carandiru, Candelária, Vigário Geral, Corumbiara, Eldorado de Carajás -- a large number of police were implicated in each incident (120, 8, 48, 22 and 155 respectively). The contamination of the scene of the crime, destruction of vital forensic evidence, poor ballistics testing and documentation, and the subsequent failure to take proper witness testimony and to protect witnesses from intimidation by the alleged perpetrators, nearly all of whom remain on active police duty -- all of these elements make it extremely difficult to attribute criminal responsibility to individual policemen for specific violations. This can paralyse the case altogether, as it is impossible to determine whom to charge with what. In the Candelária and Vigário Geral cases, the accused have tried to put the blame on their co-defendants and reversed their testimony several times, a successful tactic in the absence of complete forensic evidence and witness testimony.

Two principles should be paramount when bringing to justice those responsible in these types of human rights violations. The first is that of chain-of-command responsibility, whereby civilian and military superiors are held responsible for the actions

of those under their command. The second is that of individual responsibility by which degrees of culpability should be determined on a case by case basis.

Recent developments in the Eldorado de Carajás case illustrate well the frustrations of bringing to justice those responsible for ordering, allowing and carrying out these massacres. In September 1997, the Brazilian Federal Supreme Court decided to close an investigation into the possible responsibility of the Governor of Pará state for the Eldorado de Carajás massacre. The state Secretary of Public Security in Pará and the Commander-in-Chief of the state military police have also not been charged. The fact that human rights violations were committed by a subordinate does not absolve their civilian or military superiors from penal or disciplinary action. The closing of the investigation into the Governor of Pará and the failure to investigate the role in the massacre of the state Secretary of Public Security and the Commander-in Chief of the military police effectively prevents the culpability of those superiors being considered in a court of law. It is particularly disturbing that they should be absolved of responsibility without having to give testimony and without the full facts being made public.

In November 1997 153 military police were individually charged with the same crime: that of being co-authors in the killing of the 19 landless workers in Eldorado de Carajás. The prosecution case argues that all 153 were complicit in carrying out the killings. The joint charge was used due to the difficulties in producing forensic and ballistic evidence that would point to individual involvement in specific killings. As a result, the culpability of all 153 will be determined in a single jury trial, provisionally scheduled for the first half of 1998. In effect, the jury will be given the option of convicting, or absolving, all 153 at one go. It is not yet known whether the jury trial will occur in the local town of Curionópolis, as the defence prefer, where there are a number of doubts about the impartiality of a jury, or in the state capital of Belém do Pará, the location preferred by the prosecution.

Amnesty International considers that this approach reduces the possibility of attributing criminal responsibility for specific acts to individual police officers. Some would be unfairly punished for acts they did not commit, whilst others might get off relatively lightly for acts of premeditated brutality they did commit. The principle of individual responsibility is outlined in point nine, Appendix D below. It is also possible that the individual's right to a fair trial may be compromised if such a change were introduced.

The process of impunity starts long before the pre-trial hearings are held and the formal charges brought. The police must be properly trained, their weapons properly registered and monitored. Forensic investigations should be carried out promptly and efficiently by an impartial body, and any tampering with evidence treated as a serious disciplinary matter. Witness testimony is often key to establishing individual responsibility, yet so often testimony is not sought immediately from all relevant

witnesses. If police who are accused of human rights violations remain on active duty, witnesses will often be too fearful of giving testimony in court. In several of the cases mentioned above, witnesses have been intimidated and even physically attacked. Amnesty International is concerned that no military police are currently under arrest or have been withdrawn from active service in either the Corumbiara or Eldorado de Carajás cases. The organization has received reports that witnesses, investigators and lawyers have been threatened in connection with these cases.

The continuing division of jurisdiction over military police between civilian courts (for intentional homicide) and military courts (for all other violations) also complicates and slows down proceedings. In the Carandiru case, it has taken five years simply to establish that the case should be heard in a civilian court. Where there are a number of different charges, as in the Corumbiara case, some will be dealt with in a civilian court, others in a military court. The slow pace of justice in Brazil also contributes to the prevailing climate of impunity. Over two years after the Corumbiara massacre, no-one has yet been brought to trial. At the present rate, those responsible for the Eldorado de Carajás massacre may still wait years to be brought to justice. This is particularly serious when criminal charges are subject to a statute of limitations and have to be dropped once a certain period of time has elapsed. The longer investigations and judicial proceedings are drawn out, the higher the likelihood of impunity. There is an urgent need for the government to transfer jurisdiction to the civilian courts for all crimes against fundamental human rights committed by military police on active duty .

The civilian authorities have also shirked their responsibility to the victims. In the Candelária, Vigário Geral, Carandiru and Corumbiara cases, no relatives or victims have yet received compensation to which they are legally entitled. In the case of the Eldorado de Carajás massacre, the relatives of those killed have been compensated, but not those who were seriously wounded.

In all these cases the federal and state authorities promised that impunity would not prevail and that those responsible would not escape justice. Amnesty International has also closely monitored progress and corresponded with the authorities at each stage of the investigations.⁴ The Eldorado de Carajás massacre was the seventh massacre in nine years in which Amnesty International has called upon the federal authorities to take over directly the investigations.⁵ The lack of an independent and rigorous initial investigation

⁴ Amnesty International *Report 1995 and 1995*; UA 198/95 AMR 19/15/95 and update AMR 19/17/95; UA 107/96, AMR 19/16/96 19 April 1996; News Service items 78/96 AMR 19/15/96 and 81/96 AMR 19/17/96.

⁵ In its National Human Rights Program launched on 13 May 1996 the federal government committed itself to creating a mechanism for the "federalization" of certain human rights crimes. A

into human rights violations is a major factor in maintaining the climate of almost total impunity in Brazil. However, as in previous incidents, in the case of Eldorado de Carajás the federal agencies merely mounted parallel investigations which did not give them powers to collect and store evidence submissible in court. Indeed, a federal inquiry was not opened until four months after the massacre. More disturbingly, it was the Federal Attorney General who closed the investigation into the role of the state Governor in the massacre.

2. The context of land conflict

Constitutional Amendment (PEC 368/96) submitted by the government has been approved in the congressional Constitution, Justice and Drafting Committee but has yet to be voted on in Congress. As a prerequisite, the Committee also recommended drafting ordinary legislation defining "human rights crimes". This has not yet been done.

Violence and human rights violations in the Brazilian countryside occur within a context of conflict over access to land. Brazil has one of the most concentrated patterns of land distribution in the world.⁶ Large land holdings of over 1,000 hectares occupy 50% of cultivated land. By contrast, small and medium holdings of under 100 hectares occupy only 17.9% of cultivated land.⁷ Successive governments have announced land reform programs but these never been properly implemented. However, in the 1980s the possibility of losing their land through agrarian reform prompted landowners to organize themselves to exert political pressure on the government, and to take direct action to intimidate landless families and rural leaders. There was an increase in the formation of private militias and gunmen hired to commit selective assassinations of community and trade union leaders. Amnesty International has documented a large number of killings in the context of land disputes from that period.⁸

The current administration of President Fernando Henrique Cardoso has promised to settle 280,000 families on 11 million hectares of land by the year 1998.⁹ Land reform and land-related conflict have become the most pressing social issue for the Cardoso government, in part due to the massacres in Corumbiara and Eldorado de Carajás which provoked national and international condemnation. The Landless Rural Workers Movement (*Movimento dos Trabalhadores Rurais Sem Terra*) MST, has gained considerable public support through its tactic of occupying unproductive land in order to pressurise the government to speed up agrarian reform. The Cardoso administration has responded by speeding up land reform, by allocating more resources and introducing new legislation.

After the Corumbiara massacre, opposition parties proposed an anti-violence package of bills intended to accelerate land settlement procedures,¹⁰ regulate the granting of eviction orders and curb police excesses by ensuring that all evictions are

⁶ The government's own data show that land concentration has worsened, rather than improved, over the last fifty years. Presidência da República, Governo Fernando Henrique Cardoso *Agrarian Reform in Brazil* 1997, p. 23.

⁷ *ibid* p. 56 (source: INCRA).

⁸ Amnesty International *Brazil: Authorized violence in rural areas* AI Index AMR 19/16/88.

⁹ For further details on the context of land disputes in Brazil see Amnesty International *Brazil: Politically motivated criminal charges against land reform activists* AI Index: AMR 19/17 97.

¹⁰ The fast-track expropriation process passed in August 1996 allows for idle land to be more speedily expropriated, However, land occupied by the landless was explicitly excluded (Complementary Law No 88/96, promulgated 23 December 1996).

carried out in the presence of officials of the *Ministério Público* (state prosecution service).¹¹ After the Eldorado de Carajás massacre President Cardoso gave his support to these bills and they were passed in Congress and became law in the second half of 1996. In May 1997, the government set up a Parliamentary Committee for the peaceful resolution of land-related conflicts, and in June 1997, the federal government issued a package of land-reform measures intended to prevent land occupations, including a decree law with immediate effect that prevents any property that is unlawfully occupied from being inspected by INCRA for the purpose of possible expropriation for land reform.

The government's political will was also tested over the question of transferring competence for trying cases of human rights violations committed by military police from military to civilian courts. A bill proposed by federal deputy Hélio Bicudo that would allow all crimes by military police against civilians to be tried in civilian courts had been proceeding in Congress for some time. Following the Eldorado de Carajás massacre, the legislation was approved in the Chamber of Deputies but was severely modified in the Senate with the result that the legislation was restricted to apply only to "intentional homicide", with the investigations and the determination of intentionality being left to the military police. There is now a wider debate underway in the government about structural reforms of the police, including complete demilitarization.

Rural Violence

¹¹Law No 9.415 promulgated on 24 December 1996.

There has been a recent increase in conflict over land in Brazil, with frequent reports of excessive use of force, ill-treatment, torture and extrajudicial executions by military police and/or private hired gunmen carrying out land evictions. On 8 November 1995, thirteen peasants were seriously wounded when police evicted 50 families from the Fazenda Saudade in Paraná state (see AMR 19/29/95 *Ill-treatment of peasants in Paraná*). According to the Catholic church's Pastoral Land Commission, *Comissão Pastoral da Terra*, (CPT) 976 such murders of rural land activists have occurred between 1985 and 1996. Of those cases, only 56 have come to trial and only seven of these have resulted in convictions. In 1995 there were 41 killings and 43 attempted killings, and in 1996 there were 54 killings.¹²

According to the CPT, in 1995 and 1996, the first two years of President Cardoso's government, 1.3 million people were involved in 1,304 separate conflicts over land, mining rights and labour issues in Brazil's vast and lawless interior. Of the 750 conflicts in the countryside in 1996, the highest since 1988, 653 involved disputes over land ownership, an increase of 32.5% on 1995. The number of people involved in land disputes in 1996 rose 33.8% to 481,490 whilst the amount of land at stake rose just 4.2% to 3.4 million hectares indicating a sharp rise in demands for land. The CPT also recorded an increase in the number of eviction orders issued by Brazilian courts in response to petitions by landowners seeking to remove landless settlers from their land. Evictions are carried by the military police, thus there is a very real potential for a repetition of the tragedy in Corumbiara.

Murders in Pará State Related to Land Conflict

The south of Pará and the area in the immediate vicinity of the Greater Carajás Program, which covers the south of Pará, the north of Tocantins, and the west of Maranhão, has seen the greatest proportionate level of land conflict related violence in all of Brazil. Pará registered 34 land-related homicides in 1984, 98 in 1985, 77 in 1986, and 45 in 1987. These included massacres of groups of squatter peasants (*posseiros*), such as the killing of eight *posseiros* in the Castanhal Ubá in June 1985, and the killing of five *posseiros* in the Fazenda Princesa/Rio Itacaúnas in September 1985. Eldorado de Carajás and Curionópolis have been no strangers to such violence either. In April 1985, a local nun, sister **Adelaide Molinari**, was shot dead in the bus station of Curionópolis when a bullet aimed at the local trade union President hit her in the neck. **Arnaldo Delcidio Ferreira**, another trade union leader, had campaigned for *posseiros* to be given land titles instead of being evicted, was active in opposing deforestation and environmentally degrading practices in the Carajás region, and was associated with both Greenpeace and the National Rubber Tapper's Council. In the early hours of 2 May 1993, a hired gunman

¹² Comissão Pastoral da Terra *Conflitos no Campo* 96 July 1997.

entered his home and shot him dead as he lay sleeping in his bed. No-one has been brought to justice for any of these killings. Of 200 land conflict related murders between 1986 and 96 in Pará state, only three have come to trial. None of those convicted remain in custody; all are currently on the run. Impunity for hired gunmen and police is widespread in the state of Pará. Appendix A details a massacre of gold prospectors and their families on the Tocantins Bridge in 1987. No criminal investigation was ever opened into these reported extrajudicial executions, no police charged or suspended from duty and none brought to justice.

3. The Corumbiara Massacre, Corumbiara, Rondônia, 9 August 1995

At least 11 people (nine peasants and two military police officers) were killed and over 100 people wounded as a result of the violent confrontation on 9 August 1995 between Rondônia state military police and a group of 500 squatter peasant families. A thirteenth victim "disappeared" on 10 August and was found dead a number of days after the massacre. Autopsy reports have revealed that six of the ten peasants killed were shot in the back, some were shot in the head, and some at close range.

On 14 July 1995, an estimated 500 landless peasant families began occupying an uncultivated forest area on the Santa Elina estate, in Corumbiara municipality in the interior of Rondônia state. An attempt by some 40 military police to carry out an eviction order on 18 July was unsuccessful. The acting judge, when issuing the first eviction order, made an explicit recommendation to the police that they should exercise "consideration and great care so that this does not end in tragedy as generally happens in such cases."¹³ Despite this advice, a leader of the Rural Workers Union, **Adão Martins da Silva**, was wounded. A police report notes that this first eviction attempt was badly organized, without proper logistical planning or briefing.¹⁴ The report further notes that, "inexplicably", the military police failed to open an inquiry into the wounding of **Adão Martins da Silva**, or to report on the situation in the squatter camp. It concludes that "the tragedy was therefore foreseeable".

The local judge issued a second eviction order, apparently under pressure from the owner of the Fazenda Santa Elina and one of his neighbours. He requested police

¹³ *"Ponderação e muita cautela a fim de que não resulte em tragédia, como sói acontecer nestes casos"* cited in the report of the *Comissão Externa de Representação da Câmara dos Deputados* (CER), June 1995.

¹⁴ *Relatório Preliminar* Polícia Militar do Estado de Rondônia, Quartel do Comando Geral, Corregedoria, 12 February 1996.

reinforcements for its immediate execution, despite having been informed of the likelihood of confrontation, of the number of women and children in the camp, and of the existence of a negotiation committee. According to a report by the Commission of the Chamber of Deputies, CER, made up of four federal deputies who visited the area shortly after the massacre, "The judge did not worry about the lives of the peasants nor the policemen. He placed the right to private property over the right to life and any other consideration."¹⁵ The report also considers the decision by the military police to begin the eviction at 4am in the morning on 9 August 1995 to be "a very serious error"¹⁶ which was both illegal and unconstitutional.

On 8 August 1995, around 200 heavily armed military police from the Third Battalion entered the region and set up camp. They were reinforced by members of the Special Operations Company (*Companhia de Operações Especiais*) who were brought in from the state capital, Porto Velho, at the expense of the landowner.¹⁷ The police were reportedly accompanied by private guards from the Santa Elina estate,¹⁸ who had allegedly previously threatened the peasants in the area. On arrival at the Santa Elina estate negotiations were attempted in order to agree an alternative location for the peasant families, but these were unsuccessful.¹⁹ The squatters were given assurances that there would be no use of force to evict them. However, that night the commanding officer decided to take the camp by surprise.

On 9 August most of the peasants were still sleeping when police from the Vilhena Military Police Battalion and private hired gunmen -- some with their faces covered or blackened with paint -- reportedly entered the squatter encampment firing teargas and setting fire to the huts, causing panic amidst the smoke. Some peasants fired at the police and a violent confrontation ensued: two policemen -- Lieutenant **Rubens Fidelis Miranda** and military policeman **Ronaldo de Souza**-- were fatally shot in the head and neck. Police then not only fired indiscriminately into the crowd of fleeing

¹⁵ *"O juiz não se preocupou com as vidas dos policiais e posseiros, colocando o direito à propriedade acima do direito à vida e de qualquer outra consideração."* CER Op.Cit.

¹⁶ *"erro gravíssimo"* CER Op.Cit.

¹⁷ *ibid.*

¹⁸ Ministério Público do Estado de Rondônia, Procuradoria de Justiça, Inquérito No. 098/95.

¹⁹ Transcript of footage from TV Vilhena.

peasants, but also, once they had regained control of the situation, carried out extrajudicial executions, torture and severe beatings.

Military police involved in the events then sealed off the Fazenda Santa Elina and the surrounding area to independent access and verification for a period of 24 hours. During this time it is alleged that they set fire to the whole area destroying evidence of the massacre. Some rural leaders feared that peasants hiding in the forest, who were later reported as "disappeared", may have been killed during the time the area was sealed off.

According to press reports, and the findings of the CER investigation, the police allegedly tortured and killed the peasants. Peasants were made to lie on their stomachs while the police trampled on them, beating them with truncheons and kicking them. Some peasants were forced to carry the bodies of the dead and lift them into a truck. Testimonies concur that police forced three peasants to put bits of the brain of one dead man in their mouths, after one of them had shown signs of nausea. The peasant was reportedly told by a policeman "You feel sick. Pick up that bit of brain and put it in your mouth, boy. Then you'll lose your fear of a dead man."²⁰

According to the CER's report, the police commander in charge of the eviction admitted to attempting to surprise the peasants as though he were fighting a war against a regular army. In a televised interview he referred to the incident using the terms "guerrilla operation", "ambush", "fortunately we defeated the enemy".²¹ The report concludes that, "It is unquestionable that there was a massacre on the peasant encampment at Fazenda Santa Elina, and that the official number of victims is actually low considering the extent of the action taken."²²

The Killings

Maria dos Santos was in the kitchen cooking with her children **Vanessa**, aged seven, and **Romerito**, aged eight, when the shooting began. Dozens of women with their

²⁰ *"Ta com nojo? Pega esse miolo e coloca na boca rapaz. Assim, perdem o medo de defunto."* Veja 6 September 1995, p. 41.

²¹ *"operação de guerrilha", "emboscada", "felizmente vencemos o inimigo"* CER Op.Cit.

²² *"É inquestionável o fato de que no acampamento dos posseiros da Fazenda Elina houve uma chacina, cujo número oficial de vítimas foi até reduzido se consideramos a proporção da ação consumada"* CER Op.Cit.

children flooded into the kitchen screaming. Maria took her children by the hand and ran towards the nearby stream. Vanessa was shot in the spleen by police. Maria picked her up in her arms and crossed the stream, but by the time she reached the other side Vanessa had died. Maria ran another four kilometres with her dead child in her arms.

Police arrived at the hut used by the peasants as a pharmacy and shot all the bottles of medicine and painkillers. **Nelci Ferreira**, aged 23, was shot in the head with two bullets as he bent down to help another peasant who had been shot. After he reached the pharmacy for help, police grabbed him by the hair and kicked him in the face. Another rural worker,

Odilson Feliciano, was hit about the head until he fell, and then shot with a revolver in the back of the neck. As he dragged himself along the ground he was kicked and beaten in the back and head. **Nelci Ferreira** and **Odilson Feliciano** died on the way to hospital. Autopsy reports confirm that they were shot at close range in the back of the head and the neck. **José Marcondes da Silva**, aged 49, and **Ercílio Oliveira de Campos**, aged 41, reportedly gave themselves up and lay on the ground in surrender. Police grabbed women by the throats and used them as shields as they approached the two men who were lying on the ground.²³ The police then allegedly shot them where they lay. **Ercílio Oliveira de Campos'** autopsy reveals that he received 19 bullets in the heart, lungs and head. **José Marcondes da Silva** was unrecognisable due to massive head injuries. **Enio Rocha Borges** died in hospital from a bullet wound in the stomach.

After the killings and beatings, police made the men board trucks taking them away to detention in local police stations. In the nearby police camp, peasants were detained and beaten by police and by gunmen hired by a local landowner, who participated in beatings with the complicity of the police. **Sérgio Rodrigues Gomes**, aged 24, who had already been shot and was bleeding, was taken away from the camp in a blue Toyota pick-up, allegedly by the private gunmen. The truck returned without him. Two weeks later his dead body, showing marks of savage beating and gunshots to the head, was found in the river Tanaru 70 kilometres away from the Fazenda Santa Elina.

²³ Ministério Público do Estado de Rondônia Procuradoria de Justiça *Relatório Referente ao "Caso Corumbiara"* 18 September 1996.

The CER reported that one of the dead was completely unrecognisable because the entire face and head had been totally destroyed. The autopsy reports showed that the several victims had been shot in the head or in the back, and a number had been shot at close range, suggesting that they had been extrajudicially executed. Rosália Amâncio Bispo, aged 32 and one of the witnesses to the massacre, told reporters that she saw the police handcuff one peasant, tie him up with rope to a tree, beat him and finally kill him with machine gunfire. "I will never forget that scene," said Rosália.²⁴

Torture and Ill-treatment

Many of the peasants were ill-treated after the initial confrontation when they were made by the police to lie on the ground face down in rows for many hours. They were beaten with truncheons, kicked and stamped on, sustaining serious head injuries and some reportedly had burst eardrums. Some were extrajudicially executed after arrest. The following victims gave their testimonies to the CER: **Jeremias Gonçalves**, 18 years old, was beaten whilst lying face down; **Messias Ramos da Cruz** was shot in the neck and beaten with a rifle butt whilst lying on the ground; **Wanderlei Antonio Coelho** was shot twice in the legs and once in the foot as well as being beaten; **Felipe Sviderski** had his ribs broken and had a lot of difficulty talking due to injuries to his face; whilst he was lying face down **José de Souza Teixeira** was hit with a rifle butt which smashed his ear and knocked out four of his teeth; **Luiz de Souza** was shot in the leg and beaten around the face and body with a truncheon; **Jaime Alves** was shot in the mouth and beaten; **Genaro Rodrigues** was kicked in the face; three young women, **Zelina**, 26 years old, **Idalina Lúcia da Silva Medeiros**, 19 years old, and one adolescent girl, **Paula Alves**, 15 years old, were also beaten. The CER interviewed eight adolescents in the Gymnasium in Colorado do Oeste, where some 355 of the landless were being detained. They all showed signs of bruising and beatings.

²⁴ "Eu jamais vou esquecer aquela cena." *Veja* 16 August 1995, p. 37.

At the Vilhena Hospital the CER recorded on video **Mauro Batista Dias**, aged 35, who received broken ribs. Later he told journalists that he had been captured by military policemen who then threw petrol over him and threatened to set him on fire. "They humiliated us as much as they could", he recalled.²⁵ He confirmed that the peasants had already surrendered when the police began to beat them.

Moacir Camargo Ferreira was shot after having helped the police to load the dead bodies onto a lorry. One policeman allegedly hit **Alzira Monteiro**, aged 44, in the mouth with his elbow, broke her dentures and shouted in her ear, "You are rats, the landowner has money to pay and kill everyone."²⁶ The same policeman had allegedly boasted after returning from chasing peasants, "I've killed two, and will kill another 20."²⁷ In another incident, police removed the crutches from 21 year-old handicapped **José Carlos Moreira** and made him drag himself along the ground. The policeman then allegedly beat him with a piece of wood with a nail in it, that they believed he had used as a weapon.

After the massacre 30 seriously wounded peasants were transferred to hospitals in the towns of Colorado do Oeste, Cerejeiras and Vilhena. A further 100 wounded were among the 730 detained in police stations, the gymnasium and community centre of Colorado do Oeste, until their release a few days later. The State Secretary of Health led a delegation of two surgeons, an anaesthetist and a nurse from the state capital to Vilhena to assist local doctors attending the wounded. Two of the wounded were transferred to the state capital Porto Velho. Military police from the Special Tactical Actions Group (*Grupo de Ações Táticas Especiais*), allegedly tried to invade the room in which one of the wounded, an MST leader, was being treated at the Hospital de Base Dr Ari Pinheiro. Hospital staff intercepted them after police had entered the hospital through a back entrance.

The Full Toll of the Dead

As peasants fled in panic into the forest, it took weeks to locate all the survivors. It was feared that they might have been injured or killed in the period in which police sealed off the encampment immediately after the massacre, and before there was independent

²⁵ *"Eles humilharam o que puderam."* *ibid.*

²⁶ *"Vocês são ratos. O fazendeiro tem dinheiro para comprar e matar tudo mundo."* *Veja* 6 September 1995, p. 40.

²⁷ *"Matei dois, vou matar mais vinte."* *ibid.*

access. The body of one of those listed as "disappeared", **Sérgio Rodrigues Gomes**, was found in the river Tanaru two weeks. **Darli Martins Pereira** was also last seen with **Sérgio Rodrigues Gomes** and remains "disappeared". An investigation of morgue and hospital records in neighbouring municipalities revealed that two other peasants, **Oliveira Inácio Dutra** and **Jesus Ribeiro de Souza**, previously thought to be "disappeared", had died within two months of the injuries they sustained that day. The toll from the massacre is thus: thirteen peasant and two police fatalities and one peasant **Darli Martins Pereira** who remains "disappeared".

Gunmen interchangeable with the military police

Many of the peasants alleged that they saw gunmen from the Santa Elina estate acting together with the police in the operation on 9 August 1995. Two police sergeants confirmed in their testimonies to the military police inquiry that they and a third military policeman had been contracted to work during their holidays on the Santa Elina estate as armed guards from 17 July onwards. They further confirmed that, as employees at the Santa Elina Estate, they had provided logistical support to the police operation against the landless peasants, transporting food and other supplies to the police encampment. One of the sergeants acting as an armed guard on the estate stated that he helped to transport bodies from the massacre to the regional hospital in Vilhena. The military police inquiry blames the death of **Sérgio Rodrigues Gomes** on the "direct or criminal omission of the police, which allowed the presence and activities of suspected armed gunmen inside the military police operations base."²⁸

The Investigations

²⁸ "Pela ação direta ou omissão criminosa dos milicianos, que permitiram a presença e atividade de prováveis jagunços armados, no interior da Base de Operações da Polícia Militar" Inquérito Policial Militar No 119/95, Manifestação do Ministério Público Militar, 16 September 1996.

The Commander of Military Police for Rondônia state who defended the police action was dismissed. Investigations were opened by the Rondônia state civil and military police, and the Minister of Justice, who visited Rondônia after the massacre, ordered a parallel investigation by the federal police. The CER were accompanied to the area by the head of the National Council for the Defence of Human Rights and the Federal Citizens' Attorney General of the state of Rondônia. The CER called on the federal and state prosecution service to accompany all investigations. When the CER visited the site of the massacre, they found blood-stained clothes on the ground, domestic utensils scattered and approximately 40 shacks overturned or burnt to the ground. A local bishop, among others, alleged that the camp had been burnt by the police to eliminate evidence, an allegation denied by the military police.²⁹ The bodies of the dead were moved immediately, however, from the scene of the crime by the police. This was in violation of police procedure and makes forensic investigation of the incident much more difficult.

One of the first steps taken by the CER was to call for forensic pathologists to be brought from outside the state of Rondônia to ensure independence and transparency in carrying out autopsies. Two forensic doctors travelled from the neighbouring state of Mato Grosso to assist in the autopsies carried out by local forensic pathologists. They confirmed that six of the peasants had been shot in the back, and others shot in the head or at close range, after the victims had surrendered, calling into question the police's allegation that the police had been "ambushed" by the peasants.

²⁹ *Relatório Preliminar* Polícia Militar do Estado de Rondônia, Quartel do Comando Geral, Corregedoria, 12 February 1996.

The civil and military police inquiry reports were finally concluded in September 1996, more than a year after the massacre. The military police inquiry concluded that the police troop had been "ambushed" by the landless peasants, but that 17 military police -- eight officers and nine soldiers -- had been responsible for "abuses". The civil police inquiry, conducted by the civil police chief of Vilhena, concluded that ten peasants were victims of intentional homicide, that **Sérgio Rodrigues Gomes** was killed after being arrested, and that armed civilians had participated in the police action. The state prosecution service recommended charges be brought against two local men from a nearby *fazenda*, for hiring gunmen who allegedly abducted and killed **Sérgio Rodrigues Gomes**. The Preliminary Report of the Military Police Inquiry denies that there was any evidence of "cold-blooded executions"³⁰ however the later civilian police report concludes that the landless squatters were killed by firearms at short range.³¹ The Public Prosecutor's report goes further, noting, "Completely out of control, and without any command, the police, aside from torturing those they had overcome and arrested, inexplicably started to execute some of them at point blank range."³²

Charges were also recommended against four of the landless peasants for having organized the land occupation thus allegedly contributing to the conflict and therefore to the resultant fatalities. They are alleged to have enticed and duped impoverished peasants, not in order to gain land for them but rather to force a conflict with disregard for the lives of others. The state prosecution service alleges that they held the peasants "prisoners" in the encampment, trained them in "armed struggle against police authority, incited them to disobey the eviction order, and forced the peasants to use the women and children as a "human shield" against the police. They have been charged with violently seizing another's land, forming a criminal gang and civil disobedience. In the police report prepared by the civil police, 100 of the landless appear both as victims of the massacres, and as co-authors of the massacre, that is, the civil police recommended that charges be brought against the victims themselves.

A number of factors common to the recent massacres in Brazil appear in this case. Some of the military police were using their own firearms owing, to a shortage of official weapons, according to the Preliminary Report of the Military Police Investigation. This

³⁰ *ibid.*

³¹ Relatório, Inquérito Policial No. 098/95 Delegacia Regional de Polícia Civil de Vilhena, 23 July 1996.

³² "Completamente descontrolados e sem comando, os policiais, além das torturas a que submetiam as pessoas já dominadas e presas, inexplicavelmente passaram a executar algumas delas com tiros a 'queima roupa'" Ministério Público do Estado de Rondônia, Procuradoria de Justiça. Inquérito No. 098/95 27 September 1996.

makes ballistics testing, which depends on the meticulous registration of firearms used by the police, much more difficult. Ballistics tests linked bullets retrieved from victims' bodies to a number of police weapons. However, one year after the massacre, comprehensive ballistics tests had not been concluded.³³ Bodies were moved from the scene of the massacre, thus destroying important forensic information. Much of the evidence on the site was destroyed by fire. Forensic investigators were prevented from taking photographs in the military police base where peasants were being detained in the aftermath of the massacre.

³³ Relatório, Inquérito Policial No. 098/95 Delegacia Regional de Polícia Civil de Vilhena, 23 July 1996.

Twenty-two police have now been charged with specific offences related to the massacre. They have not been withdrawn from active service and they are not under arrest. In July 1996, new legislation transferred jurisdiction for intentional homicide by on-duty military police from military to civilian courts. Therefore, the military police will stand trial in three different courts: in civil courts for the charges of homicide, in special civil courts for the lesser charges of bodily harm which do not carry custodial sentences, and in military courts for disciplinary charges of abuse of authority and insubordination.³⁴

The crime of torture was introduced into the penal code in March 1997. However, it is not retroactive, therefore the police in the Corumbiara case must be charged with bodily harm rather than torture. The judicial process remains at a very preliminary stage over two years after the massacre.

The Survivors

The state government of Rondônia promised immediate compensation to the survivors of the massacre and the relatives of the dead, both of the landless peasants and of the two military policemen who were killed. A bill was submitted by the Governor to the state legislative assembly but two years later, it has not been voted on, and the relatives have received no compensation. In July 1997, the lawyer acting for the families submitted a claim for compensation for six of those injured in the massacre in the light of the state's inaction. The Fazenda Santa Elina remains in the hands of the landowner, and the survivors of the massacre are scattered throughout the state.

4. The Eldorado de Carajás Massacre, Pará, 17 April 1996

³⁴ Although the homicides were committed prior to July 1996, they will be tried in a civilian court, that is, its jurisdiction is retrospective. However, the crime of torture was only introduced into the penal code in March 1997 and carries a maximum sentence of 20 years, as opposed to bodily harm which has a sentence of up to three years. The charge of torture is not retrospective.

Eight months after the Corumbiara massacre, military police killed 19 landless peasants demonstrating on the PA-150 highway at Eldorado de Carajás in Pará on 17 April 1996. Amnesty International sent a delegate to accompany the investigation in the immediate aftermath of the massacre, followed by a second mission to the area in September 1996. Much of what follows is based on the findings of those two missions.

The landless peasants, members of the MST, had been awaiting settlement on land for some two years. Around 200 peasant families had previously been evicted from land granted to the mining company Companhia Vale do Rio Doce (CVRD) by the federal government. CVRD owns a total of 1,167,000 hectares of land in the state of Pará, including three forestry reserves. CVRD is officially responsible for executing the Carajás project, a major mineral extraction and development project which produces 95 million tonnes of iron ore a year, mainly for export.³⁵ The peasant families camped in the town of Paraupébas for eight months. In order to increase pressure in negotiations, they then occupied the grounds of the INCRA offices in the town of Marabá for a further eight months. They were offered land some 100 kms away and for which an access road still had to be built. In frustration, they occupied the Rio Branco Estate, which was expropriated after negotiations, and 250 families were settled there. This left a further 400 families without a solution. The national president of INCRA visited the encampment in October 1995 and discussions were held about the possible expropriation of the Macaxeira Estate for the settlement of landless families. However, in the seven months following the resignation of INCRA's head that same month, no further progress was made by the federal authorities in resolving the situation of the landless families. In the interim the families set up camp on some municipal land in Curionópolis. On 5 March 1996, MST members began to occupy the Macaxeira Estate whilst others camped along the PA-275 highway.

Since a deadlock had been reached, around 1,500 landless peasants and their families decided to march to Marabá, a nearby town, and on to Belém do Pará, the state capital, to present their demands. The march stopped at Eldorado de Carajás, as pregnant women and children were tired and needed to rest. The marchers blocked the busy PA150 road demanding that the authorities provide food and buses to take them on to Marabá. A truck full of food was stopped and looted by the marchers. A military police major was sent from the Paraupébas platoon to negotiate with the marchers. On receiving his promise to obtain food and transport, the marchers unblocked the road, setting a deadline for midday the next day. After the deadline passed with no response, the marchers re-occupied the road.

³⁵ The CVRD was privatised in May 1997.

In the interim however a climate of extreme tension had built up between the MST and landowners in the region. Several leaders of the MST had reportedly received explicit death threats from landowners. On 23 March, a group of landowners from the region held a meeting in Belém with the Governor of Pará and the state Secretary of Public Security in which they allegedly demanded action against the MST. Parts of this were filmed. Landowners were seen handing over to the Secretary of Public Security a list of MST leaders whom they wanted "removed" from the region. At another public meeting of landowners in Belém on 28 March, the President of the Union of Rural Producers of Paraupébas declared that landowners would remove the landless from the Macaxeira estate "by force of arms".

During March and April, federal deputy Paulo Rocha sent several telegrams to the Governor of Pará alerting him to the risks of violence in Eldorado de Carajás. He eventually obtained authorisation for a Special Commission of federal deputies to fly to the region in the week of 17 April to mediate in the conflict but in the event, the Commission arrived too late.

Events Unfold at Eldorado de Carajás

At about 4pm on 17 April 1996, 68 military police from the Paraupébas Platoon arrived and at 4.30pm 87 police arrived from the other direction of Marabá. The landless protesters were stationed at a curve in the road known as "the S-bend at kilometre 97". The peasants were then caught between two platoons of police.

There appears to be little doubt that abuses against the landless peasants were premeditated, and that there was no intention of negotiating the evacuation of the peasants.

Several eye-witnesses, including non-MST bystanders, declared that the Marabá troop had removed their identification tags before arriving at the scene. For a commanding officer to allow troops to remove their identification tags could only be a signal that abuses could be committed with impunity.³⁶

Among the non-MST witnesses were Marisa Romão, television reporter, and Osvaldo Araújo, cameraman, for O Liberal TV, a TV Globo affiliate. When Marisa Romão approached the commanding officer of the Paraupébas platoon to negotiate a peaceful evacuation, she was told to leave the area since he "couldn't guarantee her life". The film team returned to the landless encampment and filmed the following sequence:

³⁶ Military police who entered São Paulo's Casa de Detenção prison on 2 October 1992 to quell a riot were allowed to remove insignia and identification tags beforehand. As a result, 111 prisoners were extrajudicially executed after they had surrendered. See footnote 2.

The operation began with the Marabá troops approaching the MST barricade firing tear-gas and live ammunition into the air. The peasants threw sticks, stones and scythes at the police and began to run towards them. This forced police to retreat towards a truck blocking the road. One shot was fired from a revolver by one of the peasants in the direction of the police. In possible panic, police raised their machine guns to body level and began firing into the crowd. The crowd dispersed as people began to realise they were being shot at with live ammunition. The first to fall and die was apparently **Amâncio Dos Santos Silva**, known as "Surdo-Mudo" ("deaf-mute"). Unable to hear the shots, he took longer than the others to understand what was happening. According to witness Francisco Clemente de Oliveira, "We shouted at him to run but it didn't help. The soldiers got close and shot him in the head."³⁷

After the initial confusion it appears that the police regrouped and attacked the now dispersing crowd. The film team had taken refuge in a hut. As police approached, the TV reporter Marisa Romão went out and pleaded to them not to shoot since there were women and children sheltering there. She and cameraman Osvaldo Araújo were detained, and their camera equipment impounded. They were forced at gunpoint to hand over their film and to enter one of the police buses. They were detained on the bus for one hour from where they were able to witness some of what followed. Their last view before detention was of **Oziel Alves Pereira**, one of the MST leaders, being taken into custody. The detention and beating of Oziel Alves Pereira, later found among the dead, was witnessed by many of those present.

From autopsy information (see below) it seems clear that at least 10 of the peasants were extrajudicially executed after they had been overpowered. Others, although killed from a distance, were shot in the head or thorax. For example, **Josemar Pereira de Freitas**, himself injured, saw **Graciano Olímpio de Souza** shot dead in front of him from a distance by a marksman from the Paraupébas troop side. Such evidence, when collated with other testimony, suggests that particular individuals were targeted for execution. Landowners had allegedly already given the state authorities a list of MST leaders to be removed. A number of testimonies concur that, at the end of the operation, the commander of the Paraupébas platoon declared his regret that two specific MST leaders had not been present.

Two of the buses used to transport the police belonged to the Transbrasiliiana bus company and had been reserved for an operation on 16 April. Two of the buses were

³⁷ "A gente gritava para ele correr, mas não adiantava. Os soldados chegaram perto e atiraram na cabeça." Veja, 24 April 1996, p. 36.

provided by the CVRD. This was confirmed by CVRD's general manager who stated that the CVRD regularly provided buses, food and expenses for police taking part in operations in the region, and had provided funds for the construction of the military police barracks in Marabá as well as of hospitals in Curionópolis and Paraupébas.

It was also alleged that, among the police, there were gunmen from neighbouring estates dressed in police uniforms who could recognise particular MST leaders. The presence of gunmen working alongside military police during land evictions is not a new phenomenon in Pará State. This has been alleged in several cases, as has the presence of estate managers apparently directing police operations. A federal prosecution service investigation into 173 cases of land conflict-related killings involving hired gunmen revealed that 72 cases had the direct participation of military policemen. It is therefore possible that, in previous cases in which alleged gunmen were reportedly seen in police uniform, they were actually off-duty police employed as gunmen. This is what apparently happened in the Corumbiara case.

The Wounded

The most seriously wounded peasants were transferred to the Hospital dos Servidores in the state capital Belém. These included 16 year-old **José Carlos Moreira dos Santos** who was shot in the left side of the head and was feared to have brain damage. **Rubenita Justiniano da Silva** had been shot in the mouth and suffered a fractured left jaw. The others, **Elyomar Pereira da Silva, Domingos dos Reis da Conceição, Marcos Pereira da Silva, José da Natividade, Nilson Pereira de Souza** and **Michael Jackson Barbosa**, all had surgery for fractures to their legs or feet. Lawyers seeking access to the wounded were impeded by a directive from the Secretary of Public Security stating that only relatives could see the wounded. Penniless relatives who desperately wanted news of their relatives' state of health were some 500 kms away and could not make the journey. When access to the wounded was granted, it was noted that the injured were accompanied by a police guard and were treated like criminal suspects.

The state government of Pará announced that it would fund all medical treatment of the wounded. An Amnesty International delegate visiting the wounded in Marabá learned, however, that a radiologist had had to pay from his own pocket for x-rays of the wounded and that vital tetanus anti-sera had not been provided by the state. Official forensic doctors were so slow in visiting the wounded that many were discharged from hospital without having their injuries legally registered for future court proceedings.

Official Investigations

President Fernando Henrique Cardoso was quoted in the press as having dismissed the actions of both the landless and the police as representative of an "archaic" Brazil. He

subsequently condemned the massacre on a national television broadcast and called for the punishment of all those responsible, "Nothing justifies police shooting at people demonstrating for their opinions. It is unacceptable and unjustifiable. It embarrasses the nation and its President."³⁸

As has happened in many other cases, there was no shortage of investigations. The Human Rights Commission of the Chamber of Deputies and the Senate both set up special sub-commissions which arrived in Marabá the next day. The National Council for the Defence of Human Rights, linked to the Ministry of Justice, sent a representative of the Brazilian Bar Association and the Council's Executive Director while the federal prosecution service sent the Federal Citizens' Attorney General. The Minister of Justice, Dr Nelson Jobim, who flew to visit the Governor of Pará, Almir Gabriel, announced that 15 federal police agents and three federal forensic experts would be sent to the area without delay. They were never sent.

The Pará state authorities opened two official investigations: a military police inquiry to determine military police responsibility and a civil police inquiry to collect evidence of common crimes. The state prosecution service specifically allocated a military prosecutor and a civil prosecutor to accompany these investigations. The military prosecutor sought the preventive detention not only of the operational commander, in charge of the Marabá platoon, but also of the Commander-in-Chief of Military Police for the state of Pará while an investigation of his role in the chain of command was conducted. This request was ignored and the military prosecutor was transferred away from the case.

On arrival in Marabá, Amnesty International's delegate met with the head of the civil police investigation at the morgue. Civil police had already visited the scene of the crime and collected some physical evidence, had photographed bullet marks in trees, patches of blood and brain matter left in the grass. No attempt at a reconstruction of events had yet been made. Weapons confiscated from the MST protestors were being held in civil police custody. However, the civil police had no power over military police weapons.

³⁸ *"Nada justifica que policiais atirem contra pessoas que estão manifestando suas opiniões, é inaceitável, é injustificável, constrange o País e o Presidente da Republica."* Veja, 24 April 1996, p. 39.

The Catholic church's pastoral land commission conducted their own investigation and claimed that INCRA, the federal police and the army had been keeping the MST under surveillance and had infiltrated military police into the march in order to identify the leaders. A number of other criticisms have been made of the investigations: the uniforms of the police were never collected to test for bloodstains and other evidence; chemical tests were not carried out on the hands of the police to find traces of blood or gunshot residue, although such tests were carried out on the victims; the weapon registration forms from the Fourth Military Police Battalion in Marabá went missing on 22 April 1996; no reconstruction of the crime was ever conducted at the scene of the massacre by military police investigators.

Witnesses

Civil police received the testimony of the bus driver of one of the four buses that transported police from Marabá to Eldorado de Carajás. The driver alleged that, after the massacre, Commander Pantoja had shouted to the troops, "Mission accomplished. No-one saw anything."³⁹ The driver further alleged that two wounded peasants were brought handcuffed back to Marabá in the bus and taken to the barracks of the Fourth Military Police Battalion. Military police reportedly told him that the prisoners would be transferred to the civil police station. However, the civil police officer on duty at the station claimed never to have received any detainees from the military police. It is believed that these two may have been later found amongst the dead.

³⁹ *"Missão cumprida. Ninguém viu nada."* Ministério Público, Procuradoria de Justiça, Denúncia, p. 22, 12 June 1996.

One of the non-MST witnesses, Ana Azevedo, a teacher, described to the press the military police after the operation, "They clapped, even inside the bus. For them it was like a victory. Outside the police held up their arms and clapped . . . They were victorious . . . they were like soldiers returning from a war with an enemy country."⁴⁰ Fifty-three year old **Inácio Pereira** gave evidence of how he survived only by feigning death. After the initial confrontation, when police were dragging and executing individual peasants, he was unable to run away fast enough and so lay on the ground pretending to be dead. His body was dragged along the ground by the hair and thrown into a truck full of dead bodies. Two hours later, as bodies were unloaded at a clinic in Curionópolis, doctors found him, suffering from respiratory problems. He later learned that his 20 year-old son, **Raimundo Lopes Pereira**, who had only visited the encampment to bring his father some medicine, was amongst the dead.

Weapons and ballistic testing

The collection and identification of firearms and subsequent ballistic testing, or the lack of it, is crucial in the investigation of such cases. Amnesty International's delegate visited the Fourth Military Police Battalion in Marabá in order to verify what steps were being taken in this respect. The delegate arrived just as the Military Prosecutor was taking charge of the weaponry. This had apparently only been collected on 18 April at the insistence of a member of the National Council for the Defence of Human Rights. The military prosecutor compared a list of weapons and serial numbers provided by a military police colonel, with the weapon registrations filled in by the military police who had gone to the scene of the massacre on 17 April. Amnesty International's delegate noted with concern that the registrations had not been entered in a book, which would then be difficult to alter, but had been written down on small slips of paper which could easily be altered or destroyed. The military prosecutor was given a photocopy of these slips of paper. He noted a couple of inconsistencies in the lists, for example, one weapon was not accounted for and two weapons were included but not registered, and noted these for the record. The weapons -- 28 rifles, five revolvers and eight machine guns -- were taped up and sent to Belém for ballistic testing.⁴¹ Apart from the commanding officer, none of the police involved in the massacre had been suspended or detained. They were wandering around the barracks.

⁴⁰ "Eles batiam palmas, mesmo dentro de ônibus, para eles era uma vitória. Do lado de fora, os policiais levantavam o braço e batiam palmas . . . eram vitoriosos . . . pareciam soldados que voltavam de uma guerra com um país inimigo." O Globo, 27 April 1996.

⁴¹ The method of collecting bullets for testing was later shown on television. Shots were fired from weapons into a swimming pool, and bullets retrieved by a military police diver. Progress was very slow -- three weapons a day -- as the diver got exhausted.

Weapon identification also became an issue at the military police platoon in Paraupébas where no registrations were found. The platoon presented several explanations: that troops had had to leave for action so quickly they did not have time to fill in registration forms; that the disposable slips of paper had been destroyed. Whatever the case, following a well established pattern in police massacres in Brazil, evidence that might have clarified individual responsibility was withheld or destroyed. Military prosecutors commented on the small number of weapons handed in.

Autopsy Reports

The bodies were taken first to Curionópolis and then to the morgue at Marabá where they were laid on the floor of the store room. Three forensic pathologists from the Pará state Forensic Medical Institute (IML), travelled from the capital Belém to Marabá. They began autopsies on the afternoon of 18 April and concluded them at 3am the next morning.

The Amnesty International delegate accompanied a forensic pathologist from Rio de Janeiro Federal University, Dr Nelson Massini, who had been sent to the scene by the Chamber of Deputies' Human Rights Commission to observe and ensure transparency in the autopsies. When Dr Massini arrived, the Pará pathologists were writing up their autopsy reports in a room at times crowded with both policemen and journalists. The pathologists had not been provided with desks or files in which to store each autopsy report separately. Two of the pathologists were sitting on sofas writing up their notes on their knees, with piles of notes and papers beside them. Although some prior information on the identity of a few of the corpses had been obtained, all of the autopsies were marked 'unknown' and given a number. In one case, a pathologist failed to give a case number and was reminded to do so by Dr Massini. Although the pathologists were undoubtedly tired from working through the night, they did not appear to appreciate the significance of the case on which they were working, or to have any interest in discussing their findings with an outside expert of Dr Massini's reputation. The senior pathologist told the Amnesty International delegate that the injuries found were "typical of the kinds of conflicts we get here all the time".

The Pará state pathologists had initially promised the Federal Citizens' Attorney General that the bodies would not be released for burial until Dr Massini had reviewed the autopsy findings. However, on Dr Massini's arrival, the Pará state pathologists were reluctant to share their findings with him and the coffins had already been sealed. Only after the intervention of the Minister of Justice did the Governor of Pará give orders for all 19 coffins to be re-opened and the autopsies reviewed. Each pathologist discussed his findings and demonstrated wounds on corpses to Dr Massini who took his own notes and photographs. With the exception of two autopsies, which needed to be altered, Dr Massini agreed with the findings and methodology in all cases. The official autopsies

therefore remain those conducted by the Pará IML. The collaboration of an independent forensic expert, with experience in human rights investigations, assisted in interpreting the findings and drawing conclusions that contributed to future proceedings on the case.

According to Dr Massini, 12 of the 19 bodies had bullet wounds to the head or thorax and three of the bodies showed evidence of having been shot at point blank range. Seven of the bodies had no bullet wounds, but evidence of lacerations and other injuries indicated that, after they had been overpowered, the peasants had been beaten or hacked to death with their own farm implements. After Dr Massini's findings were reported in the Brazilian press, the head of the military police inquiry immediately took issue with the conclusions and made a series of layperson's comments about what different kinds of bullet wounds looked like. Such a public defence of those under investigation by the individual leading the inquiry has caused a number of jurists to question the impartiality of the inquiry.

The Secretary of Public Security sought a second opinion on the autopsy reports. In July 1996, forensic pathologist Dr Badan Palhares of Campinas University (UNICAMP) provided a nine-page report based on a reading of the original autopsy reports and a viewing of television footage of the beginning of the incident. No new autopsies were performed. The text, which made several personal and derogatory references to forensic pathologist Dr Nelson Massini, made a number of curious assertions: "there was no evidence of any injury caused by a close range gunshot either in the base or back of the neck that might be seen in lay terms as 'a sign of execution'"⁴²; "it remains to be ascertained how and why some 42% of the victims were killed with weapons not normally carried by the police."⁴³ The second opinion appeared to be an explicit defence of the military police action in the massacres,.

Amnesty International questions why the state government of Pará, which had declared itself keen to ensure transparency in the autopsy process and had welcomed the federal assistance of Dr Massini's presence, should have commissioned a second opinion. The aim of the second report appeared to be to undermine Dr Massini's observations which had been based on the original IML autopsies which Dr Massini confirmed. Many of these original autopsy reports speak for themselves. **Amâncio Rodrigues dos Santos**, "Deaf-mute" was killed with three gunshots, one to the head. **João Carneiro da Silva**

⁴² "Não se constatou nenhum ferimento que tenha sido produzido por disparo à curta distância localizados ao nível da nuca ou face posterior do pescoço o que seria na visão leiga 'Sinal de Execução'" Parecer Médico-Legal "Confronto Sem Terra" Eldorado do Carajás, Estado do Pará, Campinas, July 1996.

⁴³ "Resta demonstrar como e porque cerca de 42% das vítimas foram atingidas por armas não convencionais das forças policiais." *ibid.*

was hacked to death. His skull was smashed and brain tissue exposed, and his left hand nearly cut off. The state prosecution service report for the military court of justice comments, "The extreme violence and cruelty which the military police used is attested to in this autopsy report."⁴⁴ Several victims had injuries on their arms and forearms, consistent with an attempt to defend themselves. Others had been shot in the back or in the back of the legs and arms, indicating that they had been fleeing. Several had bullet wounds indicating they had been shot whilst sitting, lying down or squatting.

⁴⁴ "A extremada violência e crueldade de que se utilizaram os policiais militares, são atestadas no laudo em referência." Ministério Público, Procuradoria de Justiça, Denúncia, p. 17, 12 June 1996.

The state prosecution service in Curionópolis describes a number of the killings in its report recommending charges against the 155 military police. **Oziel Alves Pereira** was held handcuffed by police during the entire operation, turning up later among the dead. From the autopsy reports, "We conclude that Oziel was summarily executed. He had bruises all over his body and four gunshot wounds, two in the head, one of which was in the back of the neck."⁴⁵ The report similarly concluded that **Robson Vitor Sobrinho** had been shot at point-blank range whilst lying face down on the ground.

Burials

The review of the autopsies was only completed at 6pm on the 19 April after which the coffins were loaded onto a lorry and taken to a wake at the INCRA offices. The coffins reached Curionópolis where grieving families had been waiting since 1.30am. Then began the painful process of identifying the bodies, which were in a state of putrefaction. This could only be completed after the police chief arrived from Marabá at 4am with photographs of the bodies taken in the morgue and the list of coffin numbers attributed to them. A number of family members fainted from emotion during the wake for the dead. On Saturday 20 April, 18 of the bodies were buried at Curionópolis and one in Marabá.

Shortly after the death toll from the massacre was known, the state and federal authorities announced that the Macaxeira estate would be compulsorily purchased for the peasant families within the week. The compulsory purchase of the estate was later suspended when it was discovered that the title deeds of the estate were in doubt and that the present landowner had not paid the relevant rural taxes for a number of years. This also followed public protest at the possibility of the state paying substantial amounts of money in compensation to the

⁴⁵ "Concluimos que Oziel foi sumariamente executado. Ele apresentava hematomas por todo o corpo e quatro perfurações a bala, duas das quais na cabeça, inclusive uma na nuca." Ministério Público, Promotoria de Justiça de Curionópolis. Denúncia, p. 9.

landowners whose own part in the Eldorado de Carajás massacre was still under investigation.

The Aftermath

The public prosecutors, in their report recommending that charges be brought against the police in military courts, draw clear conclusions from the forensic evidence and testimony: "The accused, without any doubt, set out with the deliberate intention of killing and injuring the MST members."⁴⁶ They point to the lack of tactical planning, the destruction of weapon registration forms by the Paraupébas troops, the removal of identification tags, the arrest of the journalist and confiscation of the film as evidence that this action was premeditated, using as an excuse the court order to clear the road.

The initial police inquiry implicated 155 military police in the massacre, but under a collective charge of "participation" in the massacre, arguing that it was too difficult to assign individual responsibility for specific crimes. They were initially charged with "abuse of authority", which would have been tried as a disciplinary offence in the military courts and carried a maximum sentence of six months in prison. Despite the principle of chain-of-command control, neither the Governor, nor the then Secretary of Public Security, nor the Commander-in-chief of the Military Police have had their role in the massacre fully investigated, or been the subject of criminal charges. Despite clear evidence that a brutal and premeditated massacre occurred, a number of state authorities have, as in the case of the Corumbiara massacre, attempted to blame the MST itself for the tragedy. The report of the Regional Superintendency for the Southeast of Pará argues that the MST members were persuaded to disobey the order to clear the road by three MST leaders whom the report recommended be investigated. A special commission of the Citizens' Attorney General's office of the federal prosecution service met with Governor Almir Gabriel who reportedly commented that "several MST leaders wanted the conflict"⁴⁷ in an attempt to get national media attention. Three rural workers have been charged with committing bodily harm against eleven military police.

In September 1996, a further Amnesty International delegation visited Pará to determine what progress had been made in investigations into this and other cases of human rights violations in the state. After visiting the MST encampment on the Macaxeira estate and meeting with relatives of those killed on 17 April 1996, the

⁴⁶ "Os denunciados, inequivocamente, tiveram a intenção deliberada de matar e de ferir os integrantes do MST." Ministério Público, Procuradoria de Justiça, Denúncia, p. 20, 12 June 1996.

⁴⁷ "Algumas lideranças dos "sem-terra" queriam o confronto." Ministério Público Federal, Procurador Federal dos Direitos do Cidadão, *Relatório da Comissão Criada pelo Procurador-Geral da República*, Portaria No 178, 18 April 1996, p. 15.

delegates met with the state Governor, the state Secretary of Public Security and the deputy state Attorney General. The delegates were informed that, apart from the commanding officer of the military operation, none of the police involved in the massacre had been suspended from duty. They continued on armed active service in the locality. It is disturbing that the government of Pará had issued no new standing orders or guidelines to the military police for crowd control, and the authorities admitted that there were no plans for re-training the police in crowd control techniques. The state Governor cited lack of resources as the reason for not suspending police involved in the massacre, nor instituting re-training programs.

Legislation was passed in the Pará state Legislative Assembly awarding compensation to dependents of those killed in the massacres. However, six months after the killings, the state had not yet even registered all the widows and their children. The Amnesty International delegates met some of these at the Macaxeira encampment where conditions were extremely harsh. The children were noticeably sickly and malnourished. They had been subsisting on donations of food and medicines from church sources. During the massacre 69 landless workers were injured, and 12 so seriously that they have been unable to work. None has received adequate medical attention or compensation.

In March 1997 155 military police were charged with the aggravated homicide (*homicídio duplamente qualificado*) of the 19 peasants killed, and with causing bodily harm to the 69 who were injured. In November 1997, after preliminary hearings were concluded, a judge decreed that 153 military police would stand trial charged individually with joint participation in the murders of the 19 landless peasants.⁴⁸ It is anticipated that they will face a jury trial in a civilian court in the first half of 1998. All 153 of the accused remain on active duty. Point 10 of Amnesty International's 14-point Program for the Prevention of Extrajudicial Executions (Appendix D) recommends that, "Officials suspected of responsibility for extrajudicial executions should be suspended from active duty during the investigation."

The investigation was very slow and riddled with errors. The last judge allocated to the case resigned in February 1997 complaining of unnecessary obstacles, a poor quality investigation and continual threats. He also apparently protested that he was under pressure from the Ministry of Justice to bring to trial only the military police soldiers and had not been able to question the state Governor or the Secretary of Public Security. The MST lawyer accompanying the case has also been the target of death threats. Since March 1997, the investigation has been helped by the exclusive allocation of a new judge to this case. The number of defence witnesses that can be heard has also been cut by 80% in order to speed up proceedings. When the 153 military police were formally indicted in

⁴⁸ Of the original 155, one has fled and one has pleaded insanity, leaving 153 to face formal charges.

November 1997, Marisa Romão, the TV reporter who witnessed the massacre, reportedly began receiving death threats. She finally had to leave her home for her own safety and is currently under the protection of the civil and federal police.

The chain-of-command principle (see point two of Amnesty International's 14-point Program) establishes that those responsible for ordering, as well as for actually carrying out operations which result in excessive use of force or extrajudicial executions, should be brought to justice. In September 1997, the Supreme Court in Brazil shelved an investigation into the involvement of the Governor of Pará state in the Eldorado de Carajás massacre, and cleared him of all responsibility related to the incident. Although the Governor is ultimately answerable for the actions of the state military police, who fall under the aegis of the Secretary of Public Security, he argued that he could not be held responsible for the actions of the military police on 16 April 1996. The court accepted the view of the Federal Attorney General's Office that the Governor could not be held responsible for the "incompetence and disorganization" of the military police of the state of Pará. There can be no appeal against this decision as the inquiry itself had been opened at the request of the federal prosecution service and of the Federal Attorney General himself. Had the inquiry proceeded, it would have resulted in legal proceedings against the Governor.

The Secretary of Public Security himself was not charged in connection with the massacre, although he took full responsibility for having ordered the police to act "without violence". He reportedly had not informed the Governor, arguing, "The security bodies function independently of any other higher level of government."⁴⁹ The commanding officer in charge of the beginning of the eviction was also absolved. In April 1997, the Governor of Pará state had a law approved by the state assembly, preventing the Commander-in-Chief of the military police from facing criminal charges except with the express authorization of the state deputies. Point 11 of Amnesty International's 14-point program notes that, "The perpetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or conviction."⁵⁰

5. Recommendations

⁴⁹ *"Os órgãos de segurança funcionam independentemente de qualquer determinação superior"*
Correio Braziliense 16 September 1997.

⁵⁰ Amnesty International is also concerned about the immunity from criminal prosecution extended to elected representatives. This is relevant in the case of the Carandiru massacre as one of the senior military police commanders implicated in the massacre is currently a state deputy, and it is not yet clear whether he will face an investigation.

Whilst Amnesty International takes no position on land disputes, the organization is concerned at the pattern of almost universal impunity for violent attacks against peasants seeking settlement on land, and their leaders. Land conflict is increasing in Brazil and the number of land occupations and evictions has risen dramatically over the last two years. Amnesty International is concerned that lessons should be learned from the two massacres detailed here in order to avoid further police brutality and violence when evictions of landless peasants are carried out. Negotiation can peacefully resolve conflicts instead of the use of armed confrontations. The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state, "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of forces and firearms." Amnesty International welcomes recent legislation in Brazil requiring the presence of state prosecution service officials during evictions, whether in a rural or urban context, and the formation of a parliamentary commission for the peaceful resolution of conflict in the countryside. Where evictions occur, they should only be carried out by trained police personnel, in the presence of officials from the state prosecution service as provided for under Brazilian law. In practice, however, they are rarely present.

Amnesty International urges the federal and state governments in Brazil to minimise damage and injury and to respect and preserve human life during evictions. Lethal force should not be used except when strictly unavoidable in order to protect life. Police personnel should be instructed that they have the individual right and duty to refuse to obey any order to participate in an extrajudicial execution.

The United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state, "In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behaviour and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programmes and operational procedures in the light of particular incidents." In Brazil, policing is still largely the responsibility of the state governments. It is however the duty of the federal government to ensure that all state police forces are aware of these recommendations and that they review their operational procedures in the light of the lessons learned from these two massacres. Amnesty International continues to receive reports of evictions conducted by military police in a number of states other than Pará and Rondônia, where violence has erupted and both police and landless peasants have been killed or wounded.

Amnesty International has set out a 14-point program for the prevention of extrajudicial executions based on the United National Principles on the Effective

Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. If adopted and implemented, these would eliminate the practice of extrajudicial executions and impunity for those who commit them (see Appendix D). Amnesty International urges the federal governments and state government to adopt these principles and to ensure that all police personnel are familiar with these principles and abide by them. Officers with chain-of-command responsibility who order or tolerate extrajudicial executions by those under their command should be held criminally responsible for these acts.

The organization is also concerned at the participation of non-law enforcement personnel in evictions which should be carried out only by trained law enforcement officials. There is evidence in the both the case of Corumbiara and of Eldorado de Carajás that private individuals linked to local landowners were responsible for the torture, ill-treatment, abduction and murder of peasants with the apparent acquiescence of the police commanders in charge of the eviction operation. Very little has been done to stop this collaboration between private gunmen and the police since Amnesty International noted in a report in 1988, "Amnesty International is concerned at reports that alleged gunmen are frequently seen fraternising with police at local police stations, that they join forces to carry out eviction orders and that on some such occasions gunmen even wear police uniforms."⁵¹

⁵¹ Amnesty International *Brazil: Authorized violence in rural areas* AI Index AMR 19/16/88, September 1988.

When the police do commit human rights violations, the current state level mechanisms for investigation have proven woefully inadequate. Until major structural reform of the police and judiciary occurs to build the institutional capacity of law enforcement agencies and the criminal justice system to defend human rights, the federal government needs to take a more active role in ensuring that the police and their commanding officers and superiors do not go unpunished. In 1996, the federal government tabled a constitutional amendment enabling federal authorities to take over investigations and prosecution of human rights violations where the state authorities are unable or unwilling to carry out an impartial investigation.⁵² This so-called "federalization" amendment has been stalled for some time in Congress. Approval of this legislation would constitute a major step forward in ensuring impartial, speedy and effective investigations into human rights violations, one of the most important steps in breaking the old patterns of impunity. Human rights violations should be "federalised" in Brazil so that where "the established investigative procedures are inadequate because of lack of expertise or impartiality, because of the importance of the matter or because of the apparent existence of a pattern of abuse"⁵³ the federal government may take over investigations.

In light of this repeated pattern of flawed investigations into a number of recent massacres in Brazil, the prompt and independent collection, protection and storage of forensic evidence are crucial. All attempts to impede investigations should be investigated and those conducting investigations into abuses should be awarded full powers in accordance with the United Nations Principles for the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Forensic services also need to be given structural independence from the police and local pathologists need better training in carrying out autopsies. Ballistics testing needs to be much improved and made available to local forensic services. Above all, the police must keep better records when issuing and monitoring use of police firearms and private weapons used by policemen whilst on active duty. Autopsies should be conducted by a suitably qualified doctor who is able to function impartially. In order to ensure prompt, impartial and effective investigation of extrajudicial executions, forensic services should be independent of those allegedly responsible.

Impunity for state agents who commit human rights violations remains a major problem in Brazil. Amnesty International has welcomed the launch of the National Human Rights Program but remains concerned that very few of the recommendations

⁵² Proposta de Emenda à Constituição No 368, 1996.

⁵³ United Nations *Annex: Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions*.

contained in the program have so far been implemented. Amnesty International welcomes the recent transfer to civilian courts of jurisdiction over intentional homicide committed by military police against civilians. However, the government should transfer jurisdiction to the civilian courts for all crimes against fundamental human rights committed by military police on active duty. Major police reform is still needed and human rights violations committed by the security forces should be investigated by a force other than the one involved and should be tried in civilian courts. All those responsible for extrajudicial executions should be brought to justice and the perpetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or conviction.

Amnesty International notes that torture was finally characterised as a crime in the penal code in March 1997. In 1989 Brazil signed the Convention Against Torture which is monitored by the Committee Against Torture of the United Nations. However, the organization notes with concern that Brazil has so far failed to submit any periodic reports to the Committee Against Torture, as it is obliged to do under the terms of the Convention. By now Brazil should have submitted four reports on torture in Brazil. Amnesty International calls on Brazil to collaborate with the Committee Against Torture in submitting its first periodic report, and to take steps to eradicate the practice of torture by police in Brazil.

Amnesty International also calls on the Brazilian government to recognise the authority of the Inter-American Court of Human Rights and to ratify the first Optional Protocol to the International Covenant on Civil and Political Rights. This would allow individuals to take complaints about human rights violations to the Organization of American States and to the United Nations Commission on Human Rights when all domestic remedies have been exhausted and have failed. Given the prevailing climate of impunity in Brazil and the inadequacies and slowness of the criminal justice system, domestic remedies in Brazil are weak. It is therefore even more important that Brazilians have access to regional and international human rights fora.

Appendix A: The Tocantins Bridge Massacre, Pará, 29 December 1987⁵⁴

The state of Pará has a history of the use of excessive force by police. Land evictions are frequently carried out with brutal force and men, women and children have been beaten and subjected to cruel, inhuman and degrading treatment. The Fourth Military Police Battalion in Marabá was renowned for such operations. Just under 10 years ago, the battalion was involved in another operation with features similar to the tragedy of Eldorado de Carajás.

On 29 December 1987, on the orders of Pará State Governor Hélio Gueiros, 400 military police from the Fourth Military Police Battalion in Marabá and from the Shock Troops from Belém were sent to clear the Tocantins Bridge of protestors. Some 2,000 people, mostly gold prospectors and their families, had blocked a bridge over the Tocantins river for two days in protest against unsafe working conditions at the nearby open-cast gold mine of Serra Pelada where 27 people had died in mudslides in 1987. The bridge is used by the Carajás railway line to transport iron ore from the Carajás project to the coast for export, and the blockade was seen as economically damaging.

Those occupying the bridge had agreed to withdraw the blockade after the government had promised to meet prospectors' demands. However, the State Governor failed to counter a command for the military police to clear the bridge at all costs. Both ends of the bridge were sealed, tear-gas was fired into the unarmed crowd and military police advanced from both ends, beating people as they went, and firing live ammunition. Eye-witnesses, including federal police officers, reported that no warning was given and no time allowed for evacuating the bridge.

In the ensuing panic people threw themselves off the bridge and fell 200 feet into the river Tocantins and onto rocks below. According to reports, among those killed were an 18 year-old pregnant woman and a six year-old boy whose bodies were allegedly thrown over the side of the bridge by military police. Three prospectors were also later reportedly shot by military police after they had left the bridge.

Despite reports from federal police officers, who were eye-witnesses, that dozens had been killed, military police gave the official death toll as two. A week later, fishermen reported seeing 11 dead bodies in the river. Although military police were alleged to have recovered these bodies, the official death toll was not altered. The fishermen were allegedly threatened.

⁵⁴ For greater detail see Amnesty International *Brazil: Police killings of miners at Tocantins Bridge* AI Index AMR 19/02/88.

Many of the prospectors were injured, and there were reports of people being beaten after being taken into custody. The Pará branch of the Brazilian Bar Association conducted its own investigation and confirmed that 86 people were missing one month later. Many of these people may have scattered through the region. However, as no official investigation was ever mounted, and the descriptions of those seen dead were not matched with the list of 'disappeared', the true number of dead was never established.

Despite the reports by the federal police, and evidence that military police were trying to obscure the facts by hiding bodies and intimidating witnesses, neither the federal nor state governments opened investigations. Amnesty International repeatedly urged the federal government to conduct an investigation, particularly since the Tocantins Bridge was federal property and therefore under federal jurisdiction. The massacre was examined by the National Human Rights Council, which sent observers to the region. However, no criminal investigation was ever opened. If the military police tactics employed in the Tocantins Bridge massacre had been condemned by the authorities, an investigation opened and those responsible brought to justice, the Eldorado de Carajás massacre might have been averted.⁵⁵

⁵⁵The Pará Legislative Assembly passed a motion of censure against State Governor Hélio Gueiros for attacking Amnesty International's call for a full investigation. He said, "*Uns gaiatos lá do outro lado do mundo, que não tem o que fazer, e inventar que houve isso, aquilo e aquilo outro a 10 mil quilômetros de distância.*" "Some mouth pieces, on the other side of the world, who have nothing better to do but invent stories that this, that or the other occurred 10,000 kilometres away."

Appendix B: Victims of the Corumbiara Massacre**List of dead:****Alcino Correia da Silva** (m)**Ari Pinheiro dos Santos** (m)**Enio Rocha Borges** (m)**Ercílio Oliveira de Campos**, 41 (m)**José Marcondes da Silva**, 49 (m)**Nelci Ferreira**, 23 (m)**Odilon Feliciano** (m)**Vanessa dos Santos Silva**, 7 (f)One man, identified in the Denuncia as "**HO5**"**Sérgio Rodrigues Gomes** (found days after the massacre in the Tanaru river)**Oliveira Inácio Dutra** (died of wounds in hospital on 2 November 1995)**Jesus Ribeiro de Souza** (died of wounds in hospital on 29 November 1995)Military Policeman **Ronaldo de Souza**Military Police Lieutenant **Rubens Fidelis Miranda****Darli Martins Pereira** "disappeared"

Appendix C: Victims of the Eldorado de Carajás Massacre

List of dead

Abílio Alves Rabelo, 57, farmer
Altamiro Ricardo da Silva, 42, farmer
Amâncio dos Santos Silva, "Surdo-mudo" 42, farmer
Antônio Alves da Cruz, 59, farmer
Antônio Costa Dias, "Tônico", 27, farmer
Antônio Iran do Nascimento, "Irmão"
Graciano Olímpio de Souza, "Badé", 46, farmer
João Carneiro da Silva, photographer
João Rodrigues Araújo, farmer
Joaquim Pereira Veras, 32, farmer
José Alves da Silva, 65, farmer
José Ribamar Alves de Souza, 22, farmer
Leonardo Batista de Almeida, 46, farmer
Lourival da Costa Santana, 25,
Manoel Gomes de Souza, "Leiteiro", 49, farmer
Oziel Alves Pereira, 18, farmer
Raimundo Lopes Pereira, 20, tyre mender
Robson Vitor Sobrinho, 25, farmer
Valdemir Pereira da Silva, "Bem-Te-Ví"

Appendix D: Amnesty International 14-Point Program for the Prevention of Extrajudicial Executions

Extrajudicial executions are fundamental violations of human rights and an affront to the conscience of humanity. These unlawful and deliberate killings, carried out by order of a government, or with its complicity or acquiescence, have been condemned by the United Nations. Yet extrajudicial executions continue, daily and across the globe.

Many of the victims have been taken into custody or made to "disappear" before being killed. Some are killed in their homes, or in the course of military operations. Some are assassinated by uniformed members of the security forces, or by "death squads", operating with official connivance. Others are killed in peaceful demonstrations.

The accountability of governments for extrajudicial executions is not diminished by the commission of similar abhorrent acts by armed opposition groups. Urgent action is needed to stop extrajudicial executions and bring those responsible to justice.

Amnesty International calls on all governments to implement the following 14-Point Program for the Prevention of Extrajudicial Executions. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to stop extrajudicial executions and to work for their eradication worldwide.

1. Official condemnation

The highest authorities of every country should demonstrate their total opposition to extrajudicial executions. They should make clear to all members of the police, military and other security forces that extrajudicial executions will not be tolerated under any circumstances.

2. Chain-of-command control

Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit extrajudicial executions. Officers with chain-of-command responsibility who order or tolerate extrajudicial executions by those under their command should be held criminally responsible for these acts.

3. Restraints on use of force

Governments should ensure that law enforcement officials use force only when strictly necessary and only to the minimum extent required under the circumstances. Lethal force should not be used except when strictly unavoidable in order to protect life.

4. Action against "death squads"

"Death squads", private armies, criminal gangs and paramilitary forces operating outside the chain of command but with official support or acquiescence should be prohibited and disbanded. Members of such groups who have perpetrated extrajudicial executions should be brought to justice.

5. Protection against death threats

Government should ensure that anyone in danger of extrajudicial execution, including those who receive death threats, is effectively protected.

6. No secret detention

Governments should ensure that prisoners are held only in publicly recognized places of detention and that accurate information about the arrest and detention of any prisoner is made available promptly to relatives, lawyers and the courts. No-one should be secretly detained.

7. Access to prisoners

All prisoners should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

8. Prohibition in law

Governments should ensure that the commission of an extrajudicial execution is a criminal offence, punishable by sanctions commensurate with the gravity of the practice. The prohibition of extrajudicial executions and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency.

9. Individual responsibility

The prohibition of extrajudicial executions should be reflected in the training of all officials involved in the arrest and custody of prisoners and all officials authorized to use lethal force, and in the instructions issued to them. These officials should be instructed that they have the right and duty to refuse to obey any order to participate in an extrajudicial execution. An order from a superior officer or a public authority must never be invoked as a justification for taking part in an extrajudicial execution.

10. Investigation

Governments should ensure that all complaints and reports of extrajudicial executions are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. The body of the alleged victim should not be disposed of until an adequate autopsy has been conducted by a suitably qualified doctor who is able to function impartially. Officials suspected of responsibility for extrajudicial executions should be suspended from active duty during the investigation. Relatives of the victim should have access to information relevant to the investigation, should be entitled to appoint their own doctor to carry out or be present at an autopsy, and should be entitled to present evidence. Complainants, witnesses, lawyers, judges and others involved in the investigation should be protected from intimidation and reprisals.

11. Prosecution

Governments should ensure that those responsible for extrajudicial executions are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime. Trials should be in civilian courts. The perpetrators should not be allowed to benefit from any legal measures exempting them from criminal prosecution or conviction.

12. Compensation

Dependants of victims of extrajudicial execution should be entitled to obtain fair and adequate redress from the state, including financial compensation.

13. Ratification of human rights treaties and implementation of international standards

All governments should ratify international treaties containing safeguards and remedies against extrajudicial executions, including the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. Governments should ensure full implementation of the relevant provisions of these and other international instruments, including the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, and comply with the recommendations of intergovernmental organizations concerning these abuses.

14. International responsibility

Governments should use all available channels to intercede with the governments of countries where extrajudicial executions have been reported. They should ensure that training and transfers of equipment, know-how and training for military, security or police use do not facilitate extrajudicial executions, No one should be forcible returned to a country where he or she risks becoming a victim of extrajudicial execution.