

PUBLIC

AI Index: AMR 19/001/2009

08 January 2009

UA 5/09

Fear for safety

BRAZIL

**José Luís da Silva (m), peasant farmer and land rights activist
Severina dos Santos Silva (f), his wife
and their family**

José Luís da Silva, his wife Severina dos Santos Silva and their 25-year-old daughter Edisandra, have received death threats in relation to a court case brought against four men they allege were involved in a violent attack on their family in December 2007. The family believe that they were targeted specifically because of their fight for land rights, which has involved a long-running dispute with a local farm owner. They may face further attacks and intimidation before the next court hearing, which is scheduled for 10 February.

The court case was brought following a violent attack on 9 December 2007. At around midnight in the community of Sitio Quirino, in Jaurez Távora municipality, Paraíba state, 10 heavily armed men broke into the home of José Luís da Silva and his wife, Severina dos Santos Silva, who were at home with their 15-year-old son and two of their daughters, aged 10 and four. The men, some of whom the family identified as having links to the landowner, threatened and beat up José Luís da Silva, Severina dos Santos Silva and their son. Severina dos Santos Silva was dragged into a bedroom and raped using a piece of piping doused in insecticide. The men also smashed up furniture and stole a motorcycle, a television, a DVD player and 700 reais in cash (around US\$318). They left saying that would come back and kill the family, as well as community leader Severino Luís da Silva, who is the brother of José Luís da Silva.

Since the last court hearing in November 2008, members of the family have received a series of anonymous telephone calls, threatening them with death. In one call, Edisandra Luís da Silva was told that she would be raped. Armed men have been seen near their house at night. Severina dos Santos Silva has been followed on her way to work on a number of occasions. At the last court hearing, the farm owner suspected of ordering the attack took photographs of the family and told them that their house would be demolished.

Since the attack the authorities have provided no protection for the family who have complained about the difficulties they have accessing the local police.

The family has lived in a peasant farming community on the Quirino farm for over 20 years. In 1998, after the community had been threatened with eviction by the owner of the farmland, the National Institute of Colonisation and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária*, INCRA), the federal body responsible for the implementation of land reform) ruled that the land the community lives on should be turned over to the peasant farmers who live there as a part of the agricultural reform process. Since this ruling, the owner of the farm has been fighting this decision in the courts, while allegedly threatening and intimidating the settlers (*posseiros*), some of whom have lived on the land for up to 50 years.

BACKGROUND INFORMATION

The slow pace of land reform in Brazil has put rural families at risk of violence and intimidation. Amnesty International regularly receives reports of gunmen hired by farmers and on occasion supported by local politicians and police, to intimidate families who are fighting for their rights to land. In 2005 a parliamentary inquiry into death squads in north-eastern Brazil found that the use of gunmen (*pistoleiros*) in the region was widespread, especially in areas earmarked for land reform.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:

- expressing concern for the safety of José Luís da Silva, Severina dos Santos Silva and their family;
- calling for a thorough and independent investigation into the threats they have been suffering and ensuring that those involved are brought to justice and that the findings are made public;
- calling for adequate protection for the family, according to their wishes;
- urging the authorities to carry out the process of land reform as quickly as possible, so as not to place rural families at risk of violence and intimidation;
- urging authorities to implement recommendations in the parliamentary inquiry into death squads in order to disarticulate rural militias.

APPEALS TO:

Governor of Paraíba state

Exmo. Sr. Governador do Estado da Paraíba
Governador Cássio Rodrigues da Cunha Lima
Palácio da Redenção,
Praça João Pessoa,
s/nº - Centro 58.013-901
João Pessoa/PB

Fax: +55 83 3222-3857

Salutation: Vossa Excelência/Your Excellency

Secretary of Public Security of Paraíba state

Exmo. Sr. Secretário do Estado da Segurança e da defesa social
Sr. Secretário Eitel Santiago de Brito Pereira
Av. Hilton Souto Maior, s/nº
Mangabeira I 58.055-460
João Pessoa/PB

Fax: +55 83 3213-9090

Salutation: Vossa Excelência/Your Excellency

Federal Human Rights Secretary

Secretaria Especial de Direitos Humanos
Exmo. Secretário Especial
Sr. Paulo de Tarso Vannuchi
Esplanada dos Ministérios - Bloco "T" - 4º andar
70.064-900 - Brasília/DF – Brasil

Fax: + 55 61 3226 7980

Salutation: Vossa Excelência/ Your Excellency

COPIES TO:

AACADE (Associação de apoio aos assentamentos e comunidades quilombolas)
Rua Duque de Caxias n. 59, sala 07
Centro
58010-823 - João Pessoa PB
Brasil

and to diplomatic representatives of Brazil accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 19 February 2009.