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@Rubber Tappers' Leader

Antônio Macedo

Prisoner of Conscience

Antônio Batista de Macedo, a rubber tapper and campaigner for the rights of rubber tappers and indigenous people in the Alto Juruá region of Acre state, in the western amazonian region of Brazil, was detained by police on the evening of 20 September 1995 during a court hearing. Early on the morning of 21 September he was transferred to the prison outside Cruzeiro do Sul, *Colônia Penal Guimarães Lima*, to begin serving a prison sentence of one year and four months, following conviction for "inciting rubber tappers to disobey an eviction order" "*incitar seringueiros a desobedecer uma ação de despejo*". Another rubber tappers' leader, Damião Gonçalves da Silva has been summoned to appear in court in connection with the same case, and may face similar imprisonment.

Amnesty International has adopted Antônio Macedo as a Prisoner of Conscience, believing that his imprisonment is solely related to his peaceful activities promoting rubber tappers associations and co-operatives in the region. The organization believes that the case has been brought against him to deter these activities, which are opposed by powerful rubber and logging interests in the state. Antônio Macedo claims he was outside Brazil, in the United States, at the time of the incident in connection with which he has been convicted.

Amnesty International defines as Prisoners of Conscience those people detained anywhere for their beliefs or because of their ethnic origin, sex, colour or language - who have not used or advocated violence. Amnesty International calls for the unconditional release of all Prisoners of Conscience. The last Prisoner of Conscience adopted by Amnesty International in Brazil was released in 1984.

The imprisonment is the latest act in a campaign of official harassment of Antônio Macedo. Born and raised on a rubber holding, a rubber tapper, and then *sertanista* (indigenous expert) he has been a long-standing campaigner for the rights of rubber tappers and indigenous communities in the western-most region of Acre state. He has done much to draw indigenous peoples and rubber tappers closer together. In early 1988 rubber tappers' trade union leader, Chico Mendes, invited Antônio Macedo to join the National Council of Rubber Tappers, *Conselho Nacional dos Seringueiros*, (CNS). As is well known, Chico Mendes was himself assassinated in December 1988. Antônio Macedo was coordinator of the CNS for the Alto Juruá region until early 1993.

Following campaigns lead by Chico Mendes and others in the National Council of Rubber Tappers, Extractive Reserves were set up by the Brazilian Government in a number of areas, providing special rights to rubber tappers to harvest rubber and other forest products in reserves held in trust by the nation. Antônio Macedo's campaigning and leadership in the Cruzeiro do Sul region contributed to the setting up of an official Alto Juruá Extractive Reserve in March 1990 covering 500 square kilometres. When previously working for the National Indian Foundation, *Fundação Nacional do Índio* (FUNAI), Antônio Macedo successfully worked for the demarcation of indigenous reserves for the Poyanawa and Kampa indigenous groups. These activities and the promotion of associations and co-operatives to assist rubber tappers to become independent of commercial monopolies operated by rubber companies, have earned Antônio Macedo the wrath of powerful interests in the state of Acre. Antônio Macedo is currently an adviser on the commercialization of forest products of rubber tappers and indigenous communities.

Antônio Macedo has received threats and intimidation on many occasions. In May 1989, shortly after the National Rubber Tappers Council was established in the Alto Juruá region, he was reportedly called to a meeting of rubber estate owners in Cruzeiro do Sul. He was allegedly struck in the face by one of the largest rubber estate owners in the region, resulting in his glasses being broken. Since January 1995 the rubber estate owner in question has been the Governor of the state of Acre. In September 1991, in front of a police officer, a man linked to local logging interests held a gun to his face and pulled the trigger three times; the gun did not go off. No legal action was taken against the assailant, who was released without charge after being briefly detained. Following this incident the non-governmental organization Action for Citizenship, *Ação pela Cidadania*, made up of respected national figures, visited Cruzeiro do Sul to investigate the campaign of harassment against the rubber tappers' movement.

Antônio Macedo is being imprisoned in relation to charges brought in 1991 against himself and Damiano Gonçalves da Silva, President of the Rubber Tappers Co-operative of Cruzeiro do Vale.

The charges related to an incident in June 1991, when police trying to execute an eviction order by a logging and rubber company against the 29-year-old settlement of rubber tappers lead by Damiano Gonçalves' brother Manoel Gonçalves da Silva, were prevented by an *empate* of rubber tappers.

The *empate*, or check-mate, is a traditional method of civil disobedience used by rubber tappers to prevent the destruction of the forest. Whole families stand in the face of loggers or police and refuse to move. The rubber tappers community at Riozinho Cruzeiro do Vale had refused to pay rent-in-kind to the company for rubber trails, which they claimed were not owned by the

company. The company then sought and gained an eviction order against them. As far as Amnesty International is aware no violence was used by the rubber tappers; police withdrew on seeing the group of some 60 rubber tappers who had also been joined by members of a local indigenous community. Since the company reportedly did not have legal title to the land in dispute, it later abandoned its claim and the rubber tappers continue to work rubber trails in the area.

Damião Gonçalves da Silva claims he only reached the settlement as the *empate* was occurring. According to his version of events, his brother Manoel Gonçalves da Silva, the district rural trade union representative, *delegado sindical*, can neither read nor write, and therefore did not read the piece of paper containing the judicial order for their eviction. He claims that the rubber tappers were not fully aware that the eviction was the result of a court order, since they claim police and court officials had often acted in the past on the direct orders of rubber estate owners without judicial orders. Damião Gonçalves denies allegations by a court official that he made aggressive remarks about the judge during the *empate*.

Antônio Macedo claims that he was travelling abroad at the time, attending meetings in New York and Washington DC, participating in an 'Amazonian Week' organized by the non-governmental organization Amanakaa. He claims that he did not even know that an *empate* was organized, and had not visited the community of Riozinho Cruzeiro do Vale since the founding of the Rubber Tappers and Rural Workers Association there.

Antônio Batista de Macedo at the NGO Global Forum at the UN World Conference on Environment and Development in Rio de Janeiro in June 1992.

The rubber tapper leaders were originally convicted and sentenced in June 1992 to sixteen months imprisonment. Sentences of under two years in Brazil are normally suspended for those with no previous convictions, as was the case of both the accused. However, the sentence was only suspended on condition that the two men spent one day a week for two years doing

compulsory community service cleaning the toilets and bathrooms of a public hospital in Cruzeiro do Sul. Since Damião Gonçalves's smallholding is two days' boat-journey from Cruzeiro do Sul, this would effectively take up five days of every week, making it impossible to maintain his rubber tapping livelihood to support his family. A further condition of suspending the sentence, was that the two men present themselves to the court every 30 days, and not leave the municipality without permission of the judge during the two year period.

Lawyers for the defence appealed against the entire case to the State Appeals Court *Tribunal de Justiça do Estado* on the grounds that Antônio Macedo had had nothing to do with the *empate*, and that the eviction order had been based on an unfounded claim against the rubber tappers in the Riozinho Cruzeiro do Vale, which was later dropped. The Acre State Appeals Court rejected the appeal on 6 June 1995. Neither of the men were informed of the Appeal Court's decision until on 20 September Antônio Macedo was called to attend a new sentencing hearing at the court in Cruzeiro do Sul. Protesting his innocence, he stated that because of his work visiting the Alto Juruá Extractive Reserve for periods of two to three months at a time, he would be unable to comply with the requirement to report to the court every 30 days. He stated that he was therefore unable to sign this legally-binding undertaking. Without access to a lawyer, Antônio Macedo was then arrested, taken to the police station and transferred the following day to the state prison on Cruzeiro do Sul, *Colônia Penal Guimarães Lima*. Although previously held with other common prisoners, he is now being held in a single cell.

Amnesty International is concerned for his physical well-being and safety in the prison and calling on the authorities to guarantee these. Amnesty International believes, however, that as a prisoner of conscience Antônio Batista de Macedo should be immediately and unconditionally released and is calling for this.

Translation of a letter written by Antônio Batista de Macedo in the *Colônia Penal* in Cruzeiro do Sul on 21 September 1995

"I am the victim of injustice in the name of the law. I am imprisoned for defending the liberty and citizenship of the less favoured classes.
What do I feel in the face of the flagrancy of the episode that I am

now living ?

I feel ever more convinced of the importance of continuing to participate in the process of struggle for the liberation and healthy citizenship of people in these classes and even more convinced that if through all this life, I am left with some essence of light, it will permeate people's hearts to regain liberty and the truth."

BACKGROUND

In recent years rubber tappers have tried to promote co-operative associations to enable rubber tapper families to both sell their rubber commercially and to buy-in stocks. This is an attempt to by-pass the monopolies established by rubber plantation owners. These monopolies have traditionally kept rubber tappers in a form of servitude by restricting their access to goods other than those sold in the "company store" where the price of rubber is unilaterally set by the store and exchanged for goods, without money changing hands. The remoteness of rubber tappers holdings - often several days' boat-journey from the nearest town - makes them dependent on these arrangements, unless alternatives, such as co-operatives, can be provided. Rubber tappers throughout Acre lead by the National Council of Rubber Tappers have also long campaigned for the end of payment of rent-in-kind, which they believe to be illegitimate and a further form of imposing servitude on them. Rubber tappers in areas outside the official Extractive Reserves, continue to face intimidation from rubber estate owners and logging companies, who have opposed the setting up of their associations and co-operatives with violence and intimidation.

Rubber estate owners have gained the support of the judiciary and the police in carrying out eviction orders against rubber tappers who attempt to avoid monopolies. For instance, courts in Cruzeiro do Sul have issued injunctions banning independent traders and non-governmental organizations from travelling up certain rivers and creeks along which rubber tappers live. The courts regularly issue eviction orders against rubber tappers refusing to pay rent-in-kind. Rubber estate owners also attempted to prevent barges carrying goods for co-operatives financed by a federal government investment bank, Bank of Economic and Social Development, *Banco*

Nacional do Desenvolvimento Economico (BNDES), trading along rivers passing through their estates. In response to this the Federal Attorney General's Office initiated a public civil action in 1989 to investigate inter alia conditions in the Upper Tejo river. One of the objectives specified in the public civil action was "to eradicate a labour system which maintains rubber tappers in a permanent state of subjection, even in a situation which can be characterised as falling within the terms of article 149 of the [Brazilian] penal code (reducing someone to a condition analogous to slavery)."

Labour inspectors, state and federal police alike have displayed their prejudice against rubber tappers and rubber tapper leaders. Federal police undertaking the investigation called by the Federal Attorney General's office proposed that charges be brought against Antônio Macedo for leading movements for the independence of rubber tappers, rather than against the rubber estate owners being investigated. Nevertheless the Federal Public Ministry's public civil action did propose further investigation of fourteen rubber estate owners with a view to bringing charges for holding rubber tappers in conditions of servitude. As far as Amnesty International is aware, this case has failed to make progress.

A number of human rights activists in different states in Brazil have faced criminal prosecution for libel, for denouncing police violence and slavery-like practices, in recent years. However, in previous cases, prison sentences have never been enforced, and convictions have been revoked on appeal.