

AI Index: PRE 01/185/2008
11 July 2008

BRIEFING Brazil: Land activists renewed target of criminal justice system

Amnesty International is concerned by attempts to criminalise land activists by elements within Brazil's criminal justice system, undermining their fight for agrarian reform and violating their fundamental human rights.

These concerns follow a series of fabricated judicial measures against land activists in a number of states. In Rio Grande do Sul prosecutors and military police have targeted the Landless Workers Movement (MST) with spurious criminal charges and irregular and abusive land evictions. In the state of Pará land activists have been put at risk by legally unsound court rulings intended to undermine their work, while those who threaten and kill them continue to go unpunished.

"Brazil's agrarian boom must not occur at the expense of the rights of the most vulnerable or those defending them," said Tim Cahill, Brazil researcher at Amnesty International.

"The Brazilian federal and state authorities have the duty to protect the rights of all Brazilians, including the right to adequate housing, food and water."

In Rio Grande do Sul, state and federal prosecutors, with the support of the military police, have embarked on a campaign with the stated aim of declaring the Movimento dos Trabalhadores Rurais Sem Terra (MST - landless workers movement) illegal. The campaign has been characterised by the use of criminal charges against MST members, questionable legal challenges and irregular evictions of MST camps.

State military police and public prosecutors in Rio Grande do Sul have made repeated unsubstantiated allegations against the MST, accusing it of being, among other things, a criminal gang, a paramilitary organisation and of being a threat to national security. However, no credible evidence has been provided to back these allegations. Furthermore, a previous federal police investigation into similar accusations by landowners against the MST found no evidence to substantiate them.

Evictions of MST camps, although done on the basis of judicial orders, have often been carried out through the use of excessive force in violation of the minimum standards of the right to adequate housing and not to be subjected to forced eviction (as set out in Art. 11.1 of the International Covenant on Economic, Social and Cultural Rights, ICESCR). The State has also failed to take all the appropriate measures to ensure that evicted families are not rendered homeless or vulnerable to the violation of other human rights and to ensure that adequate alternative housing or access to productive land is available (Standard set out in para 16 of CESCR General Comment 7).

On 17 June military police evicted a number of MST families who had camped for three years on land ceded

to them by local landowners in the municipality of Carazinho. Police officers forced several families to leave their camp and destroyed crops, homes, a school, a church and a crèche as well as scattering livestock. The families have been forced to camp on the side of a major road.

In the Amazonian state of Pará, on 12 June, a federal court sentenced José Batista Gonçalves Afonso, a lawyer for the Catholic Church's Pastoral Land Commission (CPT), to two years and five months in jail. He was accused of orchestrating an MST occupation of a government building and holding officials against their will, though he was inside the building negotiating with said officials at the time it was invaded.

All others charged in the case were fined or sentenced to community service. Only in the case of José Batista was this overturned for a prison sentence, even though the judge recognised in his ruling that the lawyer had no control over the demonstrators. This has increased suspicion that the ruling was intended to undermine the work of human rights defenders in the state. He is presently appealing this in liberty.

The last few months have seen several other incidents which also highlight the pressure placed on those fighting for the rights of landless peoples across Brazil. In May a court in the state of Pará overturned the conviction of a farmer accused of ordering the murder of Sister Dorothy Stang, an outspoken defender of the environment and the landless. A number of leading judicial experts and members of the federal government questioned the legal basis for the ruling.

During the same month, landless families in the state of Paraná were attacked by hired gunmen who used a specially modified armoured lorry. A number of these gunmen, employees of private security company NF Segurança, were already charged for their involvement in the murder of an MST leader at a farm owned by the multinational Syngenta, in October 2007. Over a year after, a federal police investigation found that the staff and directors had committed a number of irregularities. NF Segurança continues to act as a security company as a regulatory federal police body and federal prosecutors have failed to follow up on these allegations.

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