

cooperation, and secretly interned them in the detention camp at Campo de Mayo, from where they “disappeared.” The memorandum reports how a tip-off led to the arrest of twelve other Montoneros who were on their way by bus to Argentina from Brazil, Paraguay, and Uruguay. Another document, containing an organizational chart of the 601st Battalion, traced a chain of command leading directly up to Galtieri.

BRAZIL

Brazil made only limited progress in curbing such long-standing human rights problems as police brutality, inhumane prison conditions, assaults on freedom of the press, and forced labor. Positive steps taken by the outgoing administration of President Fernando Henrique Cardoso included the passage of a renewed National Human Rights Program and the opening of police archives containing information on abuses committed during the 1964-1985 dictatorship.

The October election to the presidency of the Workers’ Party candidate, Luiz Inácio Lula da Silva, raised hopes for human rights improvement. Although human rights issues were not central to his political campaign, President-elect da Silva publicly committed himself to promoting the welfare of Brazil’s marginalized populations.

HUMAN RIGHTS DEVELOPMENTS

Extrajudicial killings and abusive police practices continued to be a severe problem in many parts of the country. In the coastal state of Espírito Santo, for example, a paramilitary vigilante group called Scuderie Detetive Le Cocq—composed mainly of members of the civil and military police forces—was known to operate freely, engaging in death squad activity as well as organized crime.

In July, the country’s top official human rights body—the federal Human Rights Defense Council (Conselho de Defesa dos Direitos da Pessoa Humana, CDDPH), headed by Justice Minister Miguel Reale Junior—recommended that the federal government intervene in Espírito Santo to re-establish order. The council’s recommendation for federal intervention was made after the local bar association filed a complaint claiming that the state government had been infiltrated by organized crime and after the president of the bar association had received several death threats. Federal Attorney General Geraldo Brindeiro overruled the council’s request for federal intervention, arguing that it was not a viable option during an election year. This decision, supported by President Cardoso, prompted Reale Junior’s resignation, as well as that of the head of the Federal Police and other high-ranking law enforcement officials.

Instead of intervening in Espírito Santo, the federal government decided to cre-

ate a joint federal and state police task force to investigate organized crime and human rights abuses. At this writing, the task force was investigating the murder of human rights lawyer Joaquim Marcelo Denadai (described below), the links between the Scuderie and the state’s public authorities, and several death threats against state judges.

Despite widespread police abuses, only four of Brazil’s twenty-six states (São Paulo, Pará, Minas Gerais, and Rio de Janeiro), and the Federal District, had a police ombudsman’s office to respond to complaints of police brutality. Low wages, poor training, and inadequate equipment all contributed to widespread corruption and violence among police forces. In certain cases, police allegedly resorted to extrajudicial killings to eliminate potentially incriminating witnesses. On May 29, for example, two hooded men—who according to local press reports were members of São Paulo’s military police—murdered José Luciano do Nascimento, a construction worker with no previous criminal record. Nascimento had previously filed a complaint for grievous bodily harm against police sergeant Wagner Gomes de Oliveira, who shot him in the knee during a police operation in Vila Bulow, causing serious injuries and forcing him to use crutches.

Violence against rural workers remained widespread and sometimes involved police participation. According to the Pastoral Land Commission (Comissão Pastoral da Terra, CPT) a total of 1,548 rural workers were killed in land disputes in Brazil from 1988 to August 2002. In 2002 alone, at least sixteen rural laborers were murdered in land conflicts and seventy-three people received death threats.

Violence against rural workers was primarily directed at the leaders of peasant organizations. On January 19, for instance, Jose Rainha Junior, the general coordinator of the Rural Landless Worker’s Movement (Movimento dos Trabalhadores Rurais Sem Terra, MST), was shot in the shoulder as he escaped an ambush in western São Paulo state. According to a Brazilian rights group, the ambush was organized by a local landowner whose farm had been occupied by MST members earlier that day. On June 27, Ivo Laurindo do Carmo, another MST leader, was stabbed to death in the Irituia region, in the east of Pará state. Do Carmo was a prominent land reform activist who promoted occupation of farms and plantations by peasants as a means of putting pressure on the government to accelerate land reform. According to MST officials, in the months prior to his killing Do Carmo had received repeated threats from gunmen hired by plantation owners. On July 23, another MST leader from the state of Pará—Bartolomeu Morais da Silva—was tortured (both of his legs were broken) and killed with twelve shots to the head. As with Do Carmo, Da Silva had received anonymous death threats prior to his assassination, and believed that local landowners were responsible.

Cases of rural violence, including killings, were rarely prosecuted, and criminal prosecutions rarely ended in convictions. An exception was the case of the Eldorado dos Carajás massacre, which came to trial in 2002. The massacre occurred in 1996 during a protest roadblock organized by members of the MST. On April 16, 1996, around 1,500 peasants blocked a rural highway in Eldorado dos Carajás, in the Amazonian state of Pará, to demand agricultural reform and to draw attention to their petition for the right to settle on idle farmland nearby. On April 17, the state governor of Pará, Almir Gabriel, and the secretary of public security, Pablo Sette

Cbmara, ordered the military police to disperse the crowd. In the ensuing confrontation, nineteen landless peasants were killed and sixty-nine were wounded. According to judicial investigations, some of the victims were shot at point-blank range, while others were killed at a considerable distance from the site of the clash. The three commanding officers in charge of the operation were Col. Mario Pantoja, Maj. Jose Maria Oliveira, and Capt. Raimundo Lameira, all members of Pará's military police force.

In May 2002, a Pará court found Colonel Pantoja guilty of the murder of the nineteen peasants, sentencing him to 228 years in prison. Major Oliveira, one of Pantoja's subordinates, was sentenced to 158 years in prison: eight years and four months for each of the people killed. Despite their convictions, Pantoja and Oliveira were not arrested, being allowed to appeal their sentences in freedom. Captain Lameira, the third commanding officer charged in the case, was acquitted. The tribunal also absolved nine police sergeants and another 126 military police officers, ruling that they had only "fired their weapons into the air" and not at peasants. The prosecutors handling the case announced plans to appeal the acquittals, arguing that "the condemnation of the high-ranking officers and not those who perpetrated the massacre is absurd."

The government officials with political responsibility for the institutions that carried out the massacre—the governor of the state of Pará, Almir Gabriel, and the general commander of the military police at that time, Colonel Fabiano Lopes—were not prosecuted for the massacre. The MST and the Pará Society for the Protection of Human Rights, both of which withdrew from the trial claiming that judges were subject to pressure from local politicians and landowners, continued their efforts to transfer cases involving human rights violations to federal courts in Brasilia. Advocates of federalizing human rights crimes believed that such transfers were needed because of the undue influence of local authorities and powerful land-owning elites over trials affecting their interests. At this writing, a bill was pending before Congress that would grant the federal government jurisdiction over serious human rights violations.

The torture of criminal suspects remained a widespread practice. A particularly notorious case of torture and negligent treatment was that of Fernando Dutra Pinto, who died in January 2002. Dutra Pinto had kidnapped Brazilian media tycoon Silvio Santos and his daughter, killed two police officers, and then turned himself in to the local authorities. The governor of São Paulo state, Geraldo Alckmin, publicly guaranteed Pinto's safety, promising him protection from police retaliation. Only six months later, however, Dutra Pinto was dead. According to the Teotônio Vilela Human Rights Commission (Comissão Teotônio Vilela de Direitos Humanos), a respected nongovernmental organization (NGO), Dutra Pinto was attacked and severely beaten by prison guards at the Belém Temporary Detention Center (Centro de Detenção Provisória do Belém). He was denied adequate medical treatment in prison and, as a result, died of a pulmonary infection three weeks later.

The living conditions of many of Brazil's penitentiaries, jails, and police lockups remained inhumane, and violence against prisoners was common. A central problem was the overcrowding of Brazil's penal system, especially in the states of São

Paulo, Rio de Janeiro, Bahia, Rio Grande do Sul, and Pernambuco. According to official figures, as of April, Brazil's 903 penal institutions housed 235,000 inmates, well above the system's capacity of 170,000. The lack of space, combined with an underfunded and understaffed penal system, led to frequent prison riots and other outbreaks of violence.

In January, for example, twenty-seven inmates were killed during a prison riot in the Urso Branco penitentiary, near the Rondonia state capital of Porto Velho. The uprising began after a failed escape attempt and a protest against overcrowding and restrictions on circulation inside the prison. According to local press reports, the victims were stabbed, shot, hung, or flung from the roof of the penitentiary by prisoners belonging to rival gangs.

A similar incident occurred in late May, when twelve inmates and a guard were killed during a riot at a maximum-security prison in Manaus, Amazonas. Prisoners organized the riot to protest the death of an inmate who, according to press reports, had been beaten and tortured to death by prison guards. Inmates also demanded improved health care and that steps be taken to address overcrowding.

On September 15, São Paulo state authorities shut down the largest prison in Latin America, the Casa de Detenção, in the Carandirú prison complex. The prison was notorious as the site of a 1992 massacre in which 111 inmates were killed by riot police. Prisoners were transferred to smaller and more modern penitentiaries in the state's interior.

Youth within the penal system were also subject to a range of abuses and ill-treatment. Human Rights Watch research in northern Brazil revealed that it was common practice for youth detention facilities to punish inmates through improper cell restriction, sometimes for periods of a month or more. Many detained youth were deprived adequate health care and education, despite the requirements of Brazilian law. They were also vulnerable to violence. Responding to a disturbance in a facility in the state of Pará in April, military police shock troops fired tear gas and rubber bullets at the youth inside, and beat some of them with batons and tree branches.

Censorship prior to publication, exorbitantly high lawsuits against the press, and violence against journalists continued to undermine freedom of expression in Brazil. Federal and local judges repeatedly banned publications and ordered the confiscation of newspapers and magazines under the guise of protecting "honor and integrity." On May 24, Judge Marcelo Oliveira da Silva censored *CartaCapital*, a weekly magazine published in the city of São Paulo. The magazine was ordered not to disclose the contents of taped conversations between presidential candidate Anthony Garotinho and Guilherme Freire, a donor to Garotinho's previous campaigns, or else incur a U.S.\$200,000 fine. Media outlets suffered disproportionately high monetary damages in civil lawsuits involving libel charges. Journalists investigating acts of corruption and embezzlement often ended up facing criminal prosecution.

Violent attacks against journalists, including threats and killings, were also of concern. According to the National Newspapers Association (Associação Nacional de Jornais, ANJ), an organization of newspaper publishers, nine journalists were murdered since 1995. At the time of this writing, most of these crimes remained

unsolved, contributing to impunity and encouraging further violence against members of the press. A particularly violent case involved Tim Lopes, an investigative reporter for the Brazilian television network TV Globo who disappeared on June 2. Lopes was last seen in a shantytown in the city of Rio de Janeiro, where he was investigating drug trafficking and the sexual exploitation of minors. According to police reports, Lopes was executed by Elias Pereira da Silva, a powerful local drug trafficker. Lopes was tortured and dismembered, after which his body was burned and buried in a clandestine cemetery. On August 8, Maurício de Lima Matias, a suspected accomplice in the assassination, was killed in a shoot-out with police officers. At this writing, seven suspects in Lopes' murder were in custody, including Pereira da Silva.

Journalist Domingos Sávio Brandão, owner and publisher of the *Folha do Estado* daily newspaper, was killed by two unidentified gunmen on September 30. According to local press reports Brandão's death was related to his investigations of drug trafficking and corruption among public officials. However, no suspects had been apprehended at this writing.

Violence against gay men and lesbians was also a cause of concern. Hate crimes against gay men were believed to be especially serious in the states of São Paulo, Pernambuco, and Bahia, and in the Federal District.

Forced labor—formally abolished in 1888—re-emerged over the past years, especially in the northern states' ranches and timber industries. According to the Catholic Church's Pastoral Land Commission, at least twenty-five thousand people were subject to forced labor in Brazil in 2002, and local authorities—including state police forces, attorneys, and courts—largely tolerated such abuses. Earlier in the year the Ministry of Labor's special antislavery Mobile Enforcement Team reported that 1,400 workers had been freed, many of them showing signs of malnourishment and suffering from potentially deadly diseases such as malaria and hepatitis.

In September, the federal government opened police archives from the 1964-1985 dictatorship, bringing to light information regarding the killing or disappearance of hundreds of activists who had opposed the military government. However, the archives were only made available to victims and their families, as well as to a special commission investigating the crimes committed during this period.

In May, President Cardoso launched a renewed version of the 1996 National Human Rights Program, created to curb discrimination and protect the rights of minority groups, including blacks, indigenous people, lesbians and gay men, and the elderly. The right to same-sex unions, which permitted the transfer of property and the extension of social security and health benefits to partners of the same sex, was one of the highlights of the 518-item program. Some of the measures, like the right to same-sex marriages, were discussed in Congress.

While this program represented a step forward, history indicated the need for sustained attention to the program's implementation. For six years, the Cardoso administration had failed to adequately put into practice the 1996 human rights plan and to bring about significant improvements in human rights conditions.

DEFENDING HUMAN RIGHTS

Human rights defenders faced death threats and harassment. A report released in early 2002 by Brazil's Global Justice Center and Ireland's Front Line analyzed fifty-six cases of violence against human rights activists over the preceding five years. The report identified nineteen homicides and thirty-seven other incidents, including attempted murders, beatings, kidnappings, and disappearances.

The paramilitary group Scuderie Detetive Le Cócq, active in the state of Espírito Santo, was believed to be responsible for the murder of local human rights lawyer Joaquim Marcelo Denadai on April 15. Prior to his assassination, Denadai had accused the Scuderie of "death squad" killings and complained about widespread corruption in the state's police forces, including police participation in numerous illegal activities. At this writing, police officer Dalberto Antunes da Cunha, an alleged member of the Scuderie, was awaiting trial. A police detective who had been investigating the Scuderie, Francisco Badenes, also received death threats.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

In January, United Nations High Commissioner for Human Rights Mary Robinson visited the country for three days. She met with Ministry of Justice officials to follow up on the implementation of the results of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She also met with President Cardoso and participated in a number of activities organized by the World Social Forum in Porto Alegre.

Jean Ziegler, U.N. special rapporteur on the right to food, visited Brazil in March. After meeting with the president, other political and judicial figures, and NGO representatives, he declared that serious and chronic malnutrition in a country as rich as Brazil was unacceptable and constituted a violation of the right to food.

In March, Brazil extended a standing invitation to the United Nations Commission on Human Rights to send special thematic rapporteurs to investigate human rights conditions in the country.

Organization of American States

In February, the Inter-American Commission on Human Rights (IACHR) issued a report on the 1993 extrajudicial execution of Deniz Bento da Silva—a landless activist—by members of the military police of Paraná state. The commission concluded that the police violated da Silva's right to life, among other rights.

In March, the IACHR urged the Brazilian government to take measures to protect inmates at the Urso Branco penitentiary, in the city of Porto Velho, state of Rondônia, after a January prison riot ended in the killing of twenty-seven inmates. The

government's failure to adopt such measures, leading to the killing of ten more inmates after the commission's report, forced the intervention of the Inter-American Court of Human Rights, which in June ordered the government to adopt measures to prevent further inmate deaths at Urso Branco.

European Union

Bilateral relations between the European Union and Brazil were strengthened in 2002. The European Union remained Brazil's main trading partner, absorbing the largest share of its exports, and serving as the most important source of development aid and foreign investment. As of April, the European Union had committed €210 million (roughly U.S.\$205 million) to cooperation projects in Brazil.

United States

In its 2002 human rights report, the U.S. Department of State identified police brutality as an ongoing problem, observing that state police forces engaged in extrajudicial killings, arbitrary detentions, and torture. The State Department also lamented the failure of state governments to adequately investigate and prosecute human rights violations. Other issues addressed in the report were harsh prison conditions, violence against land reform leaders, the harassment of human rights defenders, child abuse and prostitution, and violence against women and gays and lesbians.

At this writing, the United States government had not engaged in any programs aimed at addressing human rights issues in Brazil.

CHILE

The Chilean courts persevered in efforts to clarify the fate of victims of the military dictatorship and to hold accountable those responsible for killings, "disappearances," and other serious abuses. In two separate cases, however, the Supreme Court and the Santiago Appeals Court ruled that the mental infirmity of former dictator Gen. Augusto Pinochet was serious and irreversible, leading them to exempt him from prosecution for human rights crimes. The government of President Ricardo Lagos suffered reverses in its efforts to ratify important human rights treaties, including the Rome Statute establishing the International Criminal Court. Congress approved a law abolishing film censorship and began discussion of a bill to strengthen free expression guarantees.