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Verdicts in Brazilian Massacre Trials Reinforce Impunity

by LADB Staff

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Acquittals in two recent high-profile trials have renewed charges of official impunity and outraged human rights workers. Despite prosecutors' efforts to overturn one verdict, Brazil's international image has suffered, and the credibility of its legal system and agrarian-reform program have been questioned.

On May 27, human rights groups criticized the acquittal of former police officer Julio Cesar Braga, accused of participating in one of Brazil's bloodiest shantytown massacres, saying it reinforced the country's reputation for police impunity. After a six-hour session, a criminal court in Rio de Janeiro acquitted Braga for lack of evidence. Hooded assailants opened fire on the residents of the Vigario Geral favela in August 1993, killing 21 people, including two children, and wounding four others.

The massacre is believed to have been revenge for the deaths of four police killed the previous night in an ambush by alleged drug traffickers from the slum (see NotiSur, 1998-12-18). "There has been a pattern of impunity and acquittals in these high-profile cases," said Fiona Macauley of London-based Amnesty International's Brazil research team. "If this is what happens in a high-profile case, one can only guess what happens in those which get less attention."

In November 1998, the same court acquitted 10 other police officers accused of participating in the killings. Only two of the 52 police originally charged have been convicted in separate trials in 1998. The trial of another defendant began Aug. 24 in Rio.

Para jury acquits officers of massacre

On Aug. 19, a seven-member jury in Para acquitted three Policia Militar (PM) officers on trial for the massacre of 19 campesinos April 17, 1996, at Eldorado dos Carajas (see NotiSur, 1996-04-26, 1997-11-21). The campesinos were among 1,500 demonstrators blocking a road to protest land distribution.

Para Gov. Almir Gabriel sent in the militarized police to clear the road. They fired on the campesinos, killing 19 and injuring more than 60. A video by a local television reporter showed several campesinos being shot at point-blank range after surrendering. Several victims were hacked to death with their own machetes. At the end of 1998, the trial was about to begin when the daily Folha de Sao Paulo reported that, of 21 selected jurors, 13 had ties to large landowners in the region.

Despite original accusations against Gov. Gabriel and the head of the police, only three officers and 147 subordinates were brought to trial. The judge decided to try the accused in small groups in 27 sessions, expected to last through December, in Belem, 1,500 km northwest of Rio de Janeiro. The three officers Col. Mario Colares Pantoja, Maj. Jose Maria Oliveira, and Capt. Raimundo Almendra Lameira pled not guilty and said the campesinos instigated the violence. "I did not see any of my

men fire at the landless," said Pantoja, who headed the operation. He also reportedly testified that he was following orders from the governor.

Gabriel, of the governing Partido da Social Democracia Brasileira (PSDB), has blamed Pantoja for letting things "get out of hand." The judge allowed the governor and his secretary of public security Paulo Sette Camara to testify in the governor's residence. Prosecutors said police opened fire on protesters in collaboration with local landowners, who had paid Pantoja US\$85,000 to eliminate 10 leaders of the Movimento dos Trabalhadores Rurais Sem Terra (MST), with which the protesters were aligned. A bus driver testified that Pantoja congratulated his men, saying "mission accomplished," after the massacre.

Prosecutor Marco Aurelio Nascimento said the police removed their identification badges from their uniforms and filed the serial numbers off their guns prior to the operation, showing premeditation. A key piece of evidence was the news video showing a police officer firing a submachine gun at the advancing protesters. Juror Silvio Queiroz demanded a second viewing of the video and said it showed that protesters fired the first shots.

The judge refused to let Nascimento respond to the juror's observations because they came after closing arguments. Others who saw the video said it was clear that only one campesino was armed with a pistol and that the police fired at least two shots first, using automatic weapons.

Verdict widely condemned

"I think this tells the big landowners they are immune from punishment," said MST leader Joao Pedro Stedile. "This will make them more arrogant, and they will continue killing." President Fernando Henrique Cardoso, "speaking as a citizen," said the acquittal was lamentable. "I hope there really is an investigation of responsibilities," said Cardoso. "I can't say who are responsible, but it can't be nobody. It has to be somebody."

The government's human rights secretary, Jose Gregori, who is calling for the decision to be overturned, was even more outspoken. "Justice has not been done," he said. "It's hard to understand that the commanders of a police operation that ends with 19 deaths, and apparently six executions, don't deserve some kind of punishment."

Leftist opposition party leaders in Brasilia protested the acquittal, lighting candles outside Congress and carrying a coffin symbolizing the death of Brazil's justice system. "Police in Brazil often act as if they had a license to kill, and they frequently do," said Julia Rochester of Amnesty International (AI). "This decision will simply encourage them."

Prosecutors call for mistrial

The day after the verdict, Nascimento filed a motion with the Tribunal de Justicia asking that a mistrial be declared. He also asked the Para court to suspend the trial of the lower-ranking police pending the decision on the mistrial motion, since an innocent verdict of the three officers almost guarantees an acquittal of the subordinates. When the judge denied the request, Nascimento walked out of the court, forcing the judge to suspend the process. When the judge denied the request, Nascimento walked out of the court, forcing the judge to suspend the process.

On Aug. 24, the Tribunal de Justicia ruled that the trial of the other defendants must continue. The following day, Para Attorney General Geraldo Rocha said he grudgingly accepted the decision but will fight the acquittal all the way to the Supremo Tribunal Federal (STF) if necessary.

Meanwhile, the national attorney general has opened an investigation into allegations that at least one juror was bribed. The Para public prosecutor's office also requested a court order to examine bank records of the jurors. In an interview with La Epoca magazine, Julia Carepa, deputy mayor of Belem, said that, during the trial, juror Queiroz allegedly asked another juror if he would accept US \$70,000 to vote for acquittal. Reporters have said Queiroz told them he hated the MST.

Massacre was pivotal point in land struggle

The massacre focused national and international attention on rural violence and pressured Cardoso to step up land reform in a country where 46% of arable land is owned by 1% of the population and 5 million campesino families are without land. Cardoso's government has given land to nearly 300,000 families since 1995, but land violence has not subsided.

The Catholic Church's Comissao Pastoral da Terra (CPT) said 1,168 people were killed in land disputes between 1985 and 1999, but only 47 cases went to trial, with 18 convictions. In 1998 the number of rural workers killed rose to 47 from 30 in 1997, and disputes increased to 1,110 in 1998 from 736 in 1997. [Sources: Clarin (Argentina), 08/16/99; CNN, 08/16/99, 08/19/99; BBC, 08/19/99; Reuters, 05/27/99, 08/16/99, 08/19/99, 08/20/99; Associated Press, 08/16/99, 08/17/99, 08/19/99, 08/21/99, 08/23/99; Notimex, 08/16/99, 08/19/99, 08/23/99; Inter Press Service, 08/16/99, 08/23/99; Spanish news service EFE, 08/08/99, 08/16/99, 08/17/99, 08/19/99, 08/20/99, 08/24/99, 08/25/99]

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