

Brazil: Crimes Against Indians Go Unpunished

The killings and massacres of Indigenous people in Brazil, which continue with impunity, confirm that it is not enough to replace judges, or make the democratic system more transparent—both of which are necessary changes. Rather, the problem lies in the nature of the Brazilian state, which is controlled by and for the rich. The acquittal of ex-president Fernando Collor by the Supreme Federal Tribunal—in addition to causing indignation throughout the country—has shown that Brazilian justice is a justice based on class.

Cases such as that of Manuel Lucendo da Silva show how Brazil's justice system works. Manuel Lucindo, a contractor for rubber tapping, commanded the 1963 massacre of Oro-win Indians in the Southern region of Rondonia. He was finally convicted, over thirty years later, in May of 1994. He was sentenced to 15 years in jail, but remained at liberty until his appeal could be heard. He died before this ever took place. Ironically, this was the first conviction ever in Brazilian history for the crime of genocide.

The Tikuna Massacre

The "Massacre of Igarape Capacete" is another example of how Brazilian justice works when the victims are Indians or common people. Seven years ago, fourteen Tikuna Indians were murdered in the community of San Leopoldo in the state of Amazonas. Their massacre was organized by a logger named Castelo Branco who at the time was living illegally on their lands. Branco continues to live in liberty less than 15 miles from the Tikuna community in the city of San Antonio do Ica. His twelve alleged accomplices also remain free due to a writ of *Habeas Corpus*. The trial for

this crime has been postponed repeatedly due to interminable confusion over which branch of justice has jurisdiction. Finally a trial date was set for Dec. 12, but was postponed once again just one week before that date.

Assassination of Guaraní Leader Marcial de Souza Tupa-i

One of Brazil's best-known Indian leaders, the Guaraní activist Marcial de Souza Tupa-i was murdered in 1982. Libero Monteiro, a powerful landowner and leader of the rightist URD party is widely known to have ordered the assassination. At his trial in Mato Grosso do Sul, in March of 1993, over 300 civil, federal and military police were required to protect the proceedings. Throughout the trial, Monteiro displayed an arrogance suggesting that he knew he would be acquitted. Maucir Pauletti, legal advisor to CIMI (the Indianist Missionary Council), "the trial was full of irregularities and negligence. It was a festival of disappearances of evidence essential for convicting the guilty." Monteiro was, in fact, acquitted.

Xukuru-Kariri Chief Murdered

At dusk on Nov. 14, 1994, Luzanel Ricardo da Silva, the Chief of the Xukuru-Kariri community at Fazenda Canto was brutally murdered by a group of armed men who had entered the Indian Area. According to witnesses, after shooting the chief through the neck, the murderers subjected him to three further shots and various kicks and blows. Two other Indians were also wounded in the incident. The incident occurred less than an hour after a disagreement had taken place between the members of the Indian community and former chief Manoel Celestino.

Celestino (who had been removed from office owing to his ties with local landlords) was taking photographs of houses and people in the area on behalf of a landlord who claims to own the land. Immediately after this event, a taxi arrived coming from the direction of Palmeras dos Indios. It was driven by Luiz Ferreira da Silva and the passenger Luis Quijeiro shot from inside the car at the chief and those who tried to help him. For another half hour, they continued to shoot and insult the community in an attempt to start a larger confrontation. The accused men admitted committing the murder on Nov. 17, but claimed to be acting in self-defense.

The murder stems from attempts by the Xukuru-Kariri to recover their lands. In August, Luzanel Ricardo had participated in the occupation of two farms located within the traditional territory of the Xukuru-Kariri. Local farmers have been spreading a campaign to defame the victims. The atmosphere in Palmeira dos Indios is one very tense, and in view of the threats made against the Indian leaders, the surviving witnesses of this crime are in danger. Government officials have refused to provide protection either for the community as a whole or of the witnesses.

Please write letters demanding protection for Indian communities being threatened, and an immediate and fair investigation of these crimes to:

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*Information from Portantín and CIMI
(Indianist Missionary Council).*