

Universal Periodic Review

June 2012 - Brazil

Justiça Global and Dignitatis Assessoria Técnica Popular Performance of death squads in the states of Pernambuco and Paraíba, threats and killings of witnesses and human rights defenders, and federalization of the murder of lawyer Manoel Mattos – JOINT UPR SUBMISSION – BRAZIL

November 28 2011



Justiça Global (“Global Justice”) is a Brazilian not-for-profit organization that was founded in 1999 to promote and protect human rights, to expose the most serious human rights violations in Brazil, and to develop strategies to challenge the attitudes and policies that allow them to persist. *Justiça Global* aims to strengthen civil society and democracy, to enhance access to justice, and to promote much-needed reforms and public policies by addressing the institutional weaknesses and related factors that contribute to patterns of the human rights violations in Brazil.

Contact Person: Andressa Caldas

Av. Beira Mar, 406, sala 1207 Rio de Janeiro, RJ – 20021-900 Phone: +55 21 2544 2320 fax +55 21 2524 8435

E-mail: andressa@global.org.br Website: www.global.org.br

Dignitatis – Assessoria Técnica Popular (Technical Advice People's) was founded in 2003 and its mission is to build, promotion, realization and reflection of human rights, democracy and peace, as processes of affirmation of the autonomy of nations, peoples, social movements and their organizations in pursuit of social justice, development of ethnic and socio-cultural development and an egalitarian society.

Contact Person: Tatyane Guimarães Oliveira

Av. Miguel Couto, 251/203, Centro. João Pessoa – PB - Phone: (83) 3031-3107

Email: dignitatis@gmail.com Website: <http://dignitatis-assessoria.blogspot.com/p/nossa-historia.html>

Crimes of death squads in the states of Pernambuco and Paraíba, threats and killings of witnesses and human rights defenders, and federalization of the murder of lawyer Manoel Mattos

INTRODUCTION AND BACKGROUND

Federalization of crimes involving serious human rights violations

1 - The Incident Competence Shift (IDC) is a mechanism built into the Federal Constitution of Brazil in 2004 that allows the federation, ie the displacement of local authorities to the federal level (Federal Police, Federal Prosecutor's Office and Federal Courts), the competence to investigate and prosecute crimes in cases of serious human rights violations in which there is a risk of breach of obligations under international treaties signed by Brazil.

2 - investigations and prosecutions of crimes that have active participation of state officials, local public agencies are considered less free and independent, is the involvement of its managers and employees, whether by coercion and threats they face.

3 - In this sense, the federalization of crimes involving serious violations of human rights is seen by academics, lawyers, organizations and legal entities as a tool to ensure the dismantling of criminal networks in some regions of the country where politicians, judges, police and other public control and organize, inside the state, death squads and other violent activities.

4 - Although guaranteed by the Constitution since 2004, the Attorney General's Office asked the courts to establish Incident Displacement Powers only twice, and the courts awarded only once, only the end of 2010, despite the numerous cases violations that meet the legal requirements of the IDC and the numerous petitions submitted by human rights organizations calling for the federalization of such cases.

5 - In 2005, the PGR asked the federalization of the murder of U.S. missionary Dorothy Stang, denounce the actions carried out by illegal ranchers and loggers in the state of Pará The court denied the request.

6 - In 2009, the PGR asked the federalization of the murder of lawyer and human rights defender Manoel Mattos, killed by death squads working to report the states of Pernambuco and Paraíba. At the end of 2010, the Superior Court of Justice (STJ) finally passed the investigation and prosecution of the murder of Manoel Mattos and all crimes related to this responsibility of federal authorities.

7 - After this decision, the RMP does not forward any request for federalization to justice, despite pressure from civil society organizations so emblematic cases such as murders and disappearances committed by police in May 2006 in São Paulo, be federalized. In addition, organizations that follow the murder of Manoel Mattos denounce the slowness with which the federal investigations are being made

The murder of Manoel Mattos

8 - Manoel Bezerra de Mattos was a lawyer, counselor of Itambé and vice president of the Workers Party (PT) of Pernambuco. He devoted much of his life to the defense of rural workers and the termination of the tireless work of death squads in the border region between the states of Pernambuco and Paraíba in northeastern Brazil actively participating in two Parliamentary Committees of Inquiry in the state and federal level.

9 - On January 29, 2009, after nearly a decade by announcing publicly that he ran the risk and requiring authorities to ensure their protection, Mattos was executed by gunmen in the city of Pitimbu (PB). To date, the principals of the crime were not arrested.

10 - The murder of Manoel Mattos showed the power of death squads operating in the region, the State's inability to dismantle these groups, the fragility of policies to protect the human rights defenders and non-compliance by the Brazilian state of international treaties which is a signatory.

CHRONOLOGY OF FACTS

The first complaints

11 - In 1995, the former state deputy Luiz Couto, representing the Legislative Assembly of the State of Paraíba, was to investigate a complaint of abuse in the county jail Stones of Fire, near the border with Pernambuco. There he met two men: the farmer Flavio Manoel da Silva, and Jose da Silva Martin, Joe paraffin, who served as "chief" of the station - "fake" police in the local language.

12 - known as Pacifier, Flavio, was one of the inmates reported that not only the diligence of ALPB cases of mistreatment and torture, but went further and spoke about the multiple workings of organized crime in the region and on the relationship between agents excuse public and people then called "vigilantes."

13 - It was from this meeting that the complaints about the activities of death squads in the border region between EP and BP is amplified. Other visits were made. Numerous attempts to create Parliamentary Committees of Inquiry (CPI) were blocked in the Legislative Assembly. In parallel, the rapid growth was sensitive organized crime on the border.

14 - The two men who spoke with the deputy in 1995, the first, Flavio, was killed in 2003, after speaking with a rapporteur on summary executions of the UN. The second, Joe paraffin, was arrested in 2009, accused of being one of the executors of Manoel Mattos. That is, since the first reports, local authorities had more than 14 years to prevent the murder of Manoel Mattos.

Parliamentary Committees of Inquiry (CPIs)

15 - The role of the lawyer and social policy Manoel Mattos arises in this context. Since 2000, when he was elected alderman of the city voted Itambé in Pernambuco, Mattos has become a leading voice complaints about summary executions in the region.

16 - That year, the CPI of drug trafficking, cargo theft and banditry was introduced in the Legislative Assembly of the state. However, with the depletion resulting from political

pressures, it was felt the lack of a better exchange of data and eyewitness accounts of neighboring municipalities in the states of Paraíba and Alagoas, and the lack of referrals to point out other ways of investigating complaints in the final report.

17 - In 2001, two PICs were installed in the state of Paraíba: that of the Drug Trafficking and Violence in the Countryside. If using information from three CPIs, Deputy Luiz Couto has coordinated a wide cross-sectional study that drew a good map of organized crime in both states. Later, the CPI supported the work of death squads of the Committee in its final report, published in 2005, there are nominal quotations from at least eight policemen, two guards, two police officers, a prosecutor, a judge, two aldermen and a state representative, and three former mayors of the region, all charged with integrating the death squads. Among them, an indication appears a man identified only by surname and occupation: "'Joe Paraffin' - possibly 'fake' police'".

Threats, executions, the OAS and UN

18 - By this time in partnership with the promoter region of Itambé, Dr. Rosemary Souto Maior, Manoel Mattos documented the actions of death squads and sent numerous letters and dossiers to state agencies, the press and civil society organizations various states. In 2001, federal authorities sent him to a different document on the situation in the region. Among the recipients officiated, then-President Fernando Henrique Cardoso, his Minister of the Federal Republic, Mr. José Gregori, and the Attorney General, Mr. Geraldo Brindeiro.

19 - No action was taken. In 2001, the delegate Mozart Santos Araujo, who began an investigation into the efficient work of death squads, no justification has been removed from Itambé with your group. At the same time, were more frequent death threats to those who dared to challenge the local authorities.

20 - The Global Justice visited the region in 2002 and, given the inertia of the authorities against the volume of complaints triggered the Commission on Human Rights of the OAS, which accepted the request for precautionary measures and determined that the Brazilian State undertook a work research and guarantee effective protection of life of Manoel Mattos, Rosemary and the promoter of an ex-gunman who had cooperated with the investigations of the CPI Drug ALPB.

21 - It was not enough. Luiz Tomé da Silva Filho, known as Lula, was severely wounded in an attack in late 2002. To make matters worse, Dr. Rosemary and Manoel Mattos remained without police protection, in flagrant breach of the precautionary measures and, consequently, of international treaties signed by Brazil.

22 - In February 2003, the reports of death squads in PB were the subject of a hearing at the OAS headquarters in Washington, the United States. Luiz Tomé died less than two months later, with strong evidence that medical malpractice has never been properly cleared.

23 - In September, a joint between the lawyer Manoel Mattos, Dr. Rosemary Souto Maior and civil society organizations has enabled the visit to the region of Pakistan Asma Jahangir, UN special rapporteur for summary executions, who spoke to the farmer Flavio Manoel da Silva -

who told eight months before he knew the delegation of the Legislative Assembly of Paraíba. Four days after the hearing, Flavio was shot to death by gunmen.

Two shots at close range

24 - Manoel Mattos was only given police protection after that, on the eve of the elections that year in October. There followed an in-depth reports, involving international bodies, state actors, social movements and human rights organizations such as Global Justice and the Technical Advisory Dignitatis People.

25 - At the same time, prosecutor Rosemary Souto Maior documentation continued his work in front of the prosecutor in the district of Itambé. In less than ten years, raised more than 200 cases of summary executions attributed to death squads in Pernambuco side only.

26 - Between 2003 and 2008, the OAS has repeatedly renewed the precautionary measures to protect the life of a promoter and de Mattos, officially confirming the determination of an efficient research work. At this time, the lawyer was an adviser to Congressman Fernando Ferro - who had been vice president of CPI Narcocontráfico introduced in the House in 1998 - has established himself as a member of the Human Rights Commission of the Bar of Pernambuco (OAB-SP) and as vice president of the PT state. Still, the human rights defender Manoel Bezerra de Mattos spent the entire year of 2008 without any police protection.

27 - On January 24, 2009, two masked men stormed a house where Manoel Mattos was in the city of Pitimbu on the coast of Paraíba. Carried a 12 gauge shotgun. Surrendered all present and Manoel executed with two shots at close range. One hit his chest, the other head.

28 - Investigations led to the withdrawal of five men, who were arrested. Among them, the main accused, Jose da Silva Martin, Joe paraffin.

Federalization and threats to family members, witnesses and advocates

29 - Four days after the murder of Mattos, Global Justice and Dignitatis asked the Attorney General's Office (PGR) the establishment of Competence Shift Incident (IDC), a judicial order that transfers to the federal jurisdiction to investigate and hold accountable in court.

30 - A request for federalization was reinforced publicly by the governors of Pernambuco and Paraíba, the President of the Republic, the Ministry of Justice and the Department of Human Rights. Several human rights groups in Brazil and abroad, also demonstrated, as well as organs such as the Bar Association of Pernambuco (OAB-SP) and the State Council for Human Rights Parliament.

31 - In June 2009, the PGR formalized in the Superior Court of Justice a request for federalization of the murder of Manoel Mattos and more than 200 crimes attributed to death squads raised by promoter Rosemary Souto Maior de Almeida.

32 - Dona Nair Avila, mother of Manoel Mattos, gained prominence in the search for justice and the struggle for federalization and has been threatened in a grim evidence of the circle of violence undertaken by the death squads.

33 - On June 1, 2010, the UN rapporteur Philip Alston released a paper on Summary Executions in Brazil and cited the case directly Manoel Mattos and delay in the process of federalization.

34 - On June 9, 2010, a witness in the process of investigating the execution Mattos was attacked in the city of the bullet Itambé in Pernambuco. Witnesses said a man in the back of a bike made four shots from a firearm against the dealer Maximian Rodrigues Alves, 45, who was hit by a bullet that grazed in the head. To date the authors of the shots were not arrested and the reasons of the crime remain unknown.

35 - On July 27, 2010, the OAS issued precautionary measures renewed determination to protect the life of the extended promoter Rosemary and federal representatives Luiz Fernando Couto and Iron, and the owner Nair and six other family of Manoel Mattos: his father , his brothers, his sons and his wife.

36 - On October 27, 2010, almost two years after the crime and after two postponements, the Superior Court of Justice ordered the federalization of the murder of Manoel Mattos and all crimes related to it.

37 - Despite the federalization, threats to family members, witnesses and human rights defenders continued. On December 13, 2010, the door of the headquarters of the Technical Advisory Dignitatis People, an organization that works directly with the case of Manoel Mattos, was damaged by a 22-gauge shotgun that broke the beam inside of the door.

38 - On January 31, 2011, was the seat of Dignitatis arrombada. Um computer, a camera and other valuables were stolen. Until today did not discover the perpetrators of attacks on the headquarters of Dignitatis, nor their motives, but witnesses said that police cars were seen prowling about the place near the time of the crime.

39 - On February 5, 2011, Vicente Manuel do Nascimento, a former employee and campaigner of Manoel Mattos, was shot four times in the back in an attack. The authors of the shots were not arrested, and it is unknown whether the causes of crime.

40 - On March 18, 2011, the Human Rights organizations Dignitatis Technical Advisory-People, Office of Legal Assistance to Grassroots Organizations (GAJOP) and Global Justice sent a report to the UN reporting the intimidation suffered by associates and Dignitatis situation of systematic violence experienced by the Human Rights Defenders in Brazil.