

Verdict in Marabá, 4th April 2013.



Arriving in the morning at the court I was finally able to get a decent photo. The judge with his white sash sitting just under the picture, the prosecutor (speaking) and you can just make out the blue uniforms of the 3 accused men on the right. The court was full to bursting with 9 TV cameras lined up at the back – the reason I was able to take the picture openly.



I heard that the trial had continued on last night until about 10 p.m. so that more witnesses could be heard. One had been dismissed for perjury and today the prosecution stated that they would open a case against this woman who had claimed to be an alibi of one of the accused.

The morning was taken up with summaries of the evidence from the defence and prosecution lawyers. This was extraordinary (from a British perspective) as both sides were able to present videos and make speeches that gave a context to the trial and included social, environmental and political material. This would have been considered 'irrelevant' and disallowed in a British court. One prosecuting lawyer said, 'The importance of this trial is bigger than these 3 accused as it represents the possibility to stop the appropriation of public land for private use' and she called for an end to these kinds of killings, of people like Chico Mendes. 'This trial affects the people in the jury too as it is their land, water, health, environment and food sources that are being impacted.'

The defence lawyers pointed out the huge public interest in the case and especially the international interest, and linked this to the international grab for resources in the Amazon and also international pressure to save the forest. They showed 4 videos, one was in English, showing the destruction of the Amazon forest by loggers and miners ... he mentioned that 98% of the niobium reserves in the world are found in Brazil. They seemed to be implying that it was international pressure that brought this case to the courts, when previous assassinations had not been brought, that this was because José and Maria were forest defenders he claims that his clients were victims ... the international community were somehow insisting that someone should be found guilty but there were others behind this murder not these 3 men. He then showed a video of a miscarriage of justice and asked the jury how they would feel if it was someone in their family who was found guilty of a crime they did not commit?

After a little more debate the Judge read out to the 7 jury members around 34 questions to which they had to answer yes or no. They were not allowed to talk to each other during the

whole trial nor were they allowed to discuss with other members of the jury during this decision time. The Judge is with them and explains all of the questions again and then as each question is put to them they each decide yes or no by putting a yes or no card in a box. These are then counted but no-one knows who put which card in and so this is a method to protect them, for their own security. Then these individual decisions are counted and the majority decision taken (4 or more).

The questions were all to be answered about each of the 3 individual accused and also about the 2 murdered, which is why there were so many questions. The questions were:-

1. Was this accused person responsible for the killing?
2. Did the person plan the killing (not spontaneous)?
3. Do you want to absolve this person?
4. Was the reason/motivation for the killing related to the land conflict?
5. Did the killer let the victim defend themselves (the penalty is less if they did)?
6. Was the murder brutal (this related to the ear being cut off)?

The court then adjourned for almost 3 hours. During this time I talked with various people who had come in specially for the trial. There were a group of catholic nuns who work in the community on health and education. They gave a great deal of background about the local practice of hiring gunmen to carry out these kinds of murders and it reminded me of wild west cowboy films and in fact the culture around Marabá is rather similar – horses, guns, cattle, cowboy hats!

One of the interesting 'facts' I was told by a local journalist who has covered these issues over a long period of time was a confirmation that land ownership is hotly contested. There seems to be no land registry and I was told that there is much confusion over who owns or is entitled to live on which portions of land – indigenous reserves, public land for settlements, private land..... The land in Pará (which is roughly twice the size of France) has multiple 'owners' and if you add all of the land that these different 'owners' claim then apparently it comes to three times the actual area!!

At last the court re-convened and the judge read out the results, verdicts and sentences to a hushed court. The jury had decided that there was not enough evidence to convict one man. The other two were found guilty and given the basic sentence of 19 years each and then got 2 years and 4 months on top of that for brutality and because it was over land. Then because there had been two murders of both José and Maria Cláudio this was increased to 45 years for each of the two men. At this there was a shriek from one of the family members of the convicted. A while later as the Judge was still talking there were loud shouts and chants from the majority of people out in the waiting area of 'Justice' and 'United we win'.



The atmosphere got more and more confused. The prosecutor made an impassioned speech about how the verdict would be appealed as the 3rd man must be convicted too and how the prosecutor would dig deeper to get more evidence and the defendants lawyer said how he would appeal against the 2 convictions. These speeches along with polite thanks from both sets of lawyers, whilst the noises were coming from outside made for a rather surreal atmosphere.

No-one was satisfied and especially as it was the guys who had been paid to do the murder who had been convicted rather than the 'brains behind the killings'.



Outside, the people who had come to demonstrate for justice, to try and put an end to the impunity, to stop the murders from continuing – most of which could not be done with just this one trial, nor even by the judicial system alone – erupted into chants and cries of 'Maria, José, the struggle continues', 'The people united will never be defeated', 'Justice, Justice'.

The crosses were taken down from the railings and people started to block the main road, drums were beaten, a fire was started at the walled entrance to the court where the crosses had been piled in some charcoal, and the wall was painted with 'Justice for the People', 'Free Brazil'.

Soon the riot squad came out and it could have turned ugly except that the leaders of the various movements called for calm, asked people not to throw stones, and various speakers started to explain that this was not the end of the process. The CPT lawyer said that 2 of the killers were now paying the price for the murders, and that although one man had been freed, nevertheless they would appeal the decision and within a year they would try and get a new trial to be held in Belém, and that they needed a higher court to get justice.

The Bishop also came to the crowd and made a statement calling for peace and pledging his support for the cause of human rights and protection.

People began to disperse. So we said our good-byes and also left.

What a strange feeling, of anti-climax, confusion, sadness. The problem of the human rights abuses and the murders of people defending the forests and trying to stop the huge mining, dam, and agribusiness projects is, of course, still here. The underlying causes of the murders and the destruction of the environment are not being dealt with. The huge streams of financial capital flooding into the region to exploit the remaining resources are not being stemmed. Today, however, **was** a partial victory and I am glad we were able to be present to show solidarity with the embattled people here and add our voices to the growing call to end the impunity of the rich and powerful behind the assassinations.

