



BRAZIL

Photos of persons killed by state authorities during the Brazilian military dictatorship. At the request of the Brazilian Association of Relatives of Disappeared People, in 1996 EAAF identified and/or analyzed the cause of death of these individuals. Clockwise, from left: Iuri Xavier Pereira, Ana Maria Nacinovic Correa, and Alex de Paula Xavier Pereira.

An investigation into the Guerrilla Group of Araguaia and an investigation into the identities and causes of death of the remains of five persons who disappeared during the last Brazilian military government.

In 1996 and 1997, at the invitation of the Association of Relatives of Disappeared People, EAAF conducted three missions to Brazil. EAAF's work was sponsored by the Special Commission of Inquiry, which was created by the Brazilian government on December 14, 1995 (Law Number 9.140). The Commission's mandate includes to conduct investigations into human rights abuses committed under the former Brazilian military dictatorship (1964-1985). One of its primary responsibilities is to determine the fates and/or the real causes and manner of death of the approximately 339 Brazilians who were killed or disappeared during military rule.

EAAF'S TWO 1996 MISSIONS: THE FATE OF THE ARAGUAIA GUERRILLA GROUP

Historical background

In 1962, Brazilian Communist party split into two factions. One supported a peaceful transition to power, while the other advocated an armed struggle based in rural areas. The second faction adopted the

name Brazilian Communist Party (PC do B).

In 1966, during the presidency of Castelo Branco, PC do B members established themselves in Brazil's northern state of Para, in the jungle area on one bank of the Araguaia River, near the small towns of Sao Geraldo and Sao Domingo. The main cities in the region are Maraba and Xambioa, both in Para State. The guerrillas chose this region because it was underdeveloped, had long been ignored by the central government, and borders two other states, Maranhao and Goias. The group was never large, but by 1970 approximately seventy guerrillas had been trained in the Araguaia jungle.

Most of the guerrilla members were professionals from the cities of Rio de Janeiro and Sao Paulo. Initially, they dedicated themselves to performing social work in Araguaia, providing medical assistance and agricultural advice to the local peasant population. According to collected testimonies, the guerrillas did not engage in major attacks until the early 1970s. Their armed actions were small operations concentrated in rural areas, sometimes targeting the "fazendas" — large rural estates.

In 1971, however, construction of the Trans-Amazon highway began in the northern part of the state, and the central government developed a colonization plan for the area. Land values began to rise, causing tensions between the peasants, large landowners (*fazenderos*), and gold-panners

(*garimpeiros*).

In April 1972, the Brazilian Army entered the area at the orders of the Federal government, and began to harass and torture peasants and urban dwellers suspected of being in contact with the guerrilla movement. Between 1972 and 1975, the armed forces deployed approximately 10,000 troops during three military campaigns in the jungle aimed at eliminating the guerrilla movement. Prolonged warfare resulted in deaths on both sides. The final campaign, which ended in February 1975, succeeded in destroying what was left of the guerrilla group.

A few PC do B members were taken prisoner and were charged, tried and sentenced under the National Security Law. Four served jail sentences of varying

succeeded in keeping the national media from reporting on these events. Even after democracy returned to Brazil and government documents concerning repression during the dictatorship were made public, very little information emerged about the Araguaia guerrilla movement.

The army has remained in the Araguaia region until the present. The 23rd Jungle Infantry Brigade and the 52nd Jungle Infantry Battalion are currently stationed eight km from the Trans-Amazon highway. The surrounding region has been transformed, and most of the area where the guerrillas used to operate has been cleared of trees. The largest remaining tract of jungle land is occupied by the "Sororo" reservation of the Surus Aikewara Indians.

When the survivors of the Araguaia guerrilla movement were released, they began to speak out. One, Crimeia de Almeida, joined the Brazilian Commission of Relatives of Disappeared Persons and worked on the investigation into the locations of the other disappeared combatants.

The First Mission to Araguaia

In May 1996, the Brazilian national newspaper *O Globo* published a number of interviews with a peasant who had guided the military during their counterinsurgency campaigns in Araguaia. This person claimed to know the places where the guerrilla members had been secretly buried by the army.

A new investigation was begun in response to this news. Ms. de Almeida returned to Araguaia, this time as an advisor to the Government-sponsored Special Commission of Inquiry. At the invitation of the Commission and the local Association of Relatives of Disappeared People, EAAF member Luis Fondebrider joined the investigation to help locate the graves. In addition to members of the Commission and the Association, one state official from the Para State accompanied the delegation. The trip took place from May 8 to May 11, 1996. Fondebrider's travel expenses were paid for by the Commission.

The delegation visited three sites in Para State where mass graves containing the remains of guerrilla members were allegedly buried. These sites were: 1) the cemetery of Xambioa City, on the bank of the Araguaia River; 2) the estate Fazenda Fortaleza in



Susana Lisboa and Janaina Teles, representatives of the Association of Relatives Disappeared People; Crimeia Almeida, survivor from the Araguaia guerrilla group; Patricia Bernardi, EAAF member; police officers; and local residents on their way to exhumation sites in Xambioa.

durations, and were alive when Brazil returned to democracy.

Some of the other guerrilla members died in combat. According to survivors and other witnesses, however, approximately sixty were summarily executed in the jungle, or were taken to illegal detentions centers in the cities of Maraba and Xambioa, where they were tortured and subsequently killed.

None of the bodies of these sixty individuals were returned to their families, and their locations remained unknown.

The military government denied the very existence of a guerrilla movement in Araguaia and

Sao Domingo; and 3) the abandoned facilities of the National Department of Roads (*Departamento Nacional de Estradas de Rodagem*, or D.N.F.R.) in the city of Maraba on the Itacaiunas River.

The delegation members marked possible burial sites in each of the three locations. In addition, the



Excavations underway at Xamboia.

delegation collected new testimonies by interviewing local residents. Fondebrider presented a report, which included a brief description of each site, conclusions, and recommendations, to the Brazilian Commission of Inquiry.

The Second Mission to Araguaia

Invited again by the Special Commission of Inquiry of the Ministry of Justice and the Association of Relatives of Disappeared People, three EAAF members – Patricia Bernardi, Luis Fondebrider and Anahi Ginarte – traveled to Brazil between June 30 and July 25, 1996. The goal of the mission was to conduct excavations in sites where information collected during the first mission suggested that the remains of former guerrillas might have been buried, as well as several new sites. The sites were located in the states of Para and Tocantins.

The delegation that conducted this mission included Ms. Almeida and Ms. Susana Lisboa as representatives to the Commission of the Association of Relatives of Missing Persons, other Commission members, police personnel, and the three EAAF members.

Archaeological excavations were carried out in eight sites located in the states of Para and Tocantins.

- 1) Xambioa, a city on the Araguaia River, in the

state of Para. According to several different testimonies, a mass grave containing the remains of several guerrilla members was located in the city's cemetery. Within the cemetery, several locations were identified as possible sites of the graves in question.

Three human skeletons were exhumed. These were labeled X1, X2, and X3. Skeletons X1 and X3 corresponded to two male individuals, between 55 and 65 years old at the time of death. They were buried in a coffin. No external evidence of trauma was evident.

Skeleton X2 had been exhumed in 1991 under the supervision of Dr. Pallares, a Brazilian forensic pathologist. Non-trained personnel had conducted the exhumation in an unscientific manner. Several dental pieces and bones were lost or damaged. Deciding that these remains did not belong to former guerrilla members, Dr. Pallares ordered that they be reburied in a plastic bag.

EAAF members re-exhumed the remains and re-examined them. On the basis of sex, age, dental restorations, and probable peri-mortem trauma, EAAF determined that the remains might belong to disappeared members of the Araguaia guerrilla movement.

After analyzing the available historical records, as well as pre-mortem information about the disappeared persons provided by the Association of Disappeared Persons, EAAF concluded that the remains could correspond to any of six members of the guerrilla group.



The remains of a human skeleton exhumed from a secondary burial at the Xamboia cemetery.

EAAF was not able to positively identify the remains, due to the loss of bones and dental pieces and the lack of sufficient pre-mortem information. Accordingly, EAAF recommended comparing genetic material from the skeleton with that from members of the families of the possible victims.

2) **Fazenda Fortaleza**, a large rural estate located 36 km from the town of Sao Domingo, which is itself 57 km from the city of Maraba, in Para State. Eyewitnesses indicated that Ms. Almeida's husband had been buried outside the now-abandoned house of the estate in a very shallow grave.

Excavations did not produce any findings. The location identified as the gravesite slopes down towards a river. Given the depth of the grave, the inclination of the terrain, and the time elapsed since the burial, the most likely hypothesis is that if remains had been buried there, they had subsequently been uncovered and scattered or washed into the river.

3) The city of **Maraba**, on the Itacaiunas River, in the state of Para. Witnesses identified the facilities of



Aerial view of the DNER compound in Maraba. Prisoners were allegedly tortured and killed in the buildings to the left of the photo, and buried under the trees just outside.

the National Department of Roads (Departamento Nacional de Estradas de Rodagem, or D.N.E.R.) as another possible grave site. These facilities consist of a fenced compound, which is closed to the public. Inside the compound is a now-abandoned house, which, according to some testimonies, was used during the dictatorship as an illegal detention center. Witnesses also indicated that shots were heard inside the compound.

Excavations were conducted at the site, but no human remains were found.

4) The **Sororo Indian Reservation**, a reservation of 26,256 hectares located in the municipality of Sao Geraldo, 114 km northwest of Maraba city.

A witness identified two possible grave sites in a jungle area on the reservation. Both sites were located approximately 50 meters from a dirt road.

Human remains corresponding at least to two individuals were found at a depth of 54 cm at one of the sites. The skeletons were very incomplete: only the lower limbs, some vertebrae, and nine dental pieces, some of which showed dental restorations, were found. Cords were found binding the lower limbs at the ankles. A 9mm bullet was also discovered in the grave.

The spatial distribution of the remains within the grave, and the fact that the skeletons were very incomplete, strongly suggests that the site had been tampered with or disturbed by human activity.

The incomplete state of the remains and the fact that they were poorly preserved prevented EAAF from making a positive identification.

Sites 5 to 8) The remaining four sites identified in this second mission were located at **Sao Geraldo**, **Serra dos Andorhinas**, **Fazenda Oito Barracas**, and **Fazenda Brazil Espanha 3**. No human remains were found at any of these sites.

Before the second mission, EAAF had recommended that the Special Commission conduct further historical investigations into the cases before beginning the excavation phase. This was not done and, as a result, the findings from the second mission were poorer than expected. The poor results were also due in part to the fact that many of the remains had been buried in very shallow graves of approximately 40 cm depth, which made them vulnerable to the depredations of local fauna and erosion by the weather over the intervening 21 to 24 years.

Conclusions to the First and Second Missions

In its report to the Special Commission, EAAF recommended that historical investigations into the case be continued and broadened, so that other possible burial sites can be located and examined.

EAAF'S 1997 MISSION

In 1997 the Brazilian Association of Relatives of Disappeared People invited EAAF to analyze the skeletal remains of five persons killed by Brazilian

security forces under the military dictatorship that ruled the country between 1964 and 1985. In all five cases, the causes of death as officially stated by the Brazilian government needed to be re-examined, and in two cases the identities of the victims were also investigated.

Accordingly, between January 12th and 17th, EAAF member Luis Fondebrider conducted a mission to the city of Rio de Janeiro. This work was conducted under the supervision of the Special Governmental Commission. The mission was sponsored by the Special Commission, the Association, and EAAF.

Background

1) **The Pereira and Reichner case.** On January 20th, 1972, Alex de Paula Xavier Pereira and Gelson Reichner, both members of National Liberation Action (ALN), an armed guerrilla group, died in a car in the vicinity of the Republica do Libano Avenue, San Paolo. The official version of the incident stated that both died in a confrontation with security forces. According to research conducted by their families, however, both Pereira and Reichner were shot by police from Team B of the Detachment of Internal Operations/Operational Command for Internal Defense (DOI/CODI), a special unit created by the Brazilian army to combat guerrilla organizations.

The family of Alex Pereira unsuccessfully attempted to find his body. In Brazil, as in Argentina, it has been a common practice for the authorities to hide bodies of political victims during repressive periods. The authorities dealing with such cases usually interred the bodies of the presumed guerrillas as "N.N.s" (John Does) in cemeteries and other sites. In most instances they did not inform the victims' families of the locations of the remains. In Pereira's case, his family eventually learned that he had been buried under the false name of Joao Maria de Freitas, in the Don Bosco de Perus cemetery in San Paolo. In November 1980, his family succeeded in exhuming his remains and transferring them to a cemetery in Rio de Janeiro. At this time, however, the military dictatorship was still in power, and the family was unable to learn the cause of death or obtain a positive identification.

In 1992, members of the human rights NGO Tortura Nunca Mas-Rio de Janeiro (GTNM-RJ) gained

access to the files of the Department of Political and Social Order, in Rio de Janeiro's Division of Permanent Documentation. The files, compiled by Brazilian security agencies, contain hundreds of documents, including autopsy records, concerning persons who were disappeared or executed during the Brazilian dictatorship. Through detailed study of these documents, GTNM-RJ has been able to determine the fates of many disappeared persons.

With the assistance of GTNM-RJ, Pereira's family obtained access to an autopsy on his case located in the Institute of Legal Medicine of Sao Paolo. However, as the families of many victims of political repression had accused the Institute of lack of impartiality in such investigations, Pereira's family doubted the veracity of this information.



Excavations underway at the DNER comound.

2) **The Nacinovic Correa, Nonato da Fonseca, Xavier Pereira and Bicalhao Lana case.** On June 14th, 1972, Ana María Nacinovic Correa, Marcos Nonato da Fonseca, Iuri Xavier Pereira, and Antonio Carlos Bicalhao Lana, all ALN members, gathered in a Sao Paolo restaurant. The owner, a police informant, alerted the DOI/CODI to the presence of the four in the restaurant. Agents arrived at the scene and staged an ambush, and a brief confrontation took place. According to Bicalhao Lana, who was injured but managed to escape, his three comrades were detained by security forces and executed shortly after.

As in the case described above, and in many other cases of activists and guerrillas killed by security forces and officially declared dead, the Institute of Legal Medicine of Sao Paolo conducted autopsies on the three bodies, which their families found unsatisfactory.

3) **The Angel Jones family case.** Political militant Stuart Angel Jones, whose mother was the famous Brazilian hair stylist Zuleika (Zuzu) Angel Jones, was detained on May 14th, 1971 in the city of Rio de Janeiro by agents of the Center for Aeronautical Information (CISA). Other prisoners saw Stuart Angel on the grounds of CISA's offices the day he was detained. According to the prisoners' accounts, security force members tortured and killed him by tying him to a jeep with his mouth around the exhaust pipe and dragging him through the courtyard.

After the death of her son, "Zuzu" Angel Jones became a vocal critic of the Brazilian dictatorship, and actively attempted to make what had happened to

it was also necessary to confirm the identities of the remains. Fondebrider began the investigation by exhuming the remains of these five persons.

In this case, the principal obstacle to carrying out a complete analysis of the remains was that the five corpses had already been exhumed from their original graves at different times. These prior exhumations had been conducted for administrative reasons or at the request of the families of the victims by personnel working in the cemeteries who took no special care with the remains. As a result, bones and possibly other associated evidence (such as firearm projectiles) had been lost, and the majority of the remaining bones were broken and/or eroded. Consequently, it was difficult in some cases to distinguish peri-mortem lesions suffered by the



Clelia Moraes, a member of the Brazilian group Tortura Nunca Mais, holds up a picture of disappeared prisoner Jose Raimundo da Costa.

Stuart known both within and outside the country. As Stuart Angel was an American citizen the case also had some repercussions in the U.S.

On April 14th, 1976, Zuzu died in an automobile accident while driving through Rio de Janeiro. She was forty-one years old at the time. Only a week earlier she had announced that if she died in an accident or some other fashion, it should be known that the murderers of her son had killed her. The autopsy indicated "multiple traumas" as the cause of her death, but her relatives doubted its conclusions.

The Role of EAAF

In each of the three cases discussed above, there were serious doubts concerning the causes and circumstances of death of the five dead persons. In the case of the two brothers Alex and Iuri Xavier Pereira,

individuals with post-mortem lesions that occurred during the exhumations. (Peri-mortem lesions are those occurring at the time of, immediately before, or immediately after, the time of death.)

Moreover, when the skeletal remains were exhumed for a second time, it was discovered that they had been deposited in small plastic boxes, and were very badly preserved.

The remains were washed, reconstructed, and arranged anatomically for analysis. The following results were obtained.

Laboratory Findings

1) Causes of death. Regarding the causes of death, important results were arrived at in two of the cases:

In the case of Ana María Nacinovic Correa, although it was not possible to observe the two

wounds described in the autopsy record, three firearm projectiles were found in the box containing her remains. This fact alone is of great significance, given that the autopsy describes only two wounds, one of which was caused by a bullet which entered and exited her body. In other words, the presence of the three projectiles suggests that the medical practitioner who performed the autopsy probably did not describe all the wounds.

In the case of Iuri Xavier Pereira, EAAF determined the trajectory and location of the bullet wounds to the skull. This was of great importance in determining the circumstances and means of death. Two gunshot wounds to the head were found, one entrance bullet wound at the nape of the neck, and another in the right parietal, indicating a strong possibility that the victim was executed. These findings contradict the official version of events — that he was killed during a shoot-out — and gave support to the testimony of Bicalhao Lana, the sole survivor of the incident.

Unfortunately, in the remaining three cases it was impossible to arrive at any definite conclusions regarding the causes of death of the other victims. Despite EAAF's reconstruction and reassembly of the skeletal remains, they were in such an advanced state of deterioration that a clear diagnosis was impossible.

2) Identifications. In the cases of Iuri and Alex Xavier Pereira there were serious uncertainties as to the identities of the remains. Accordingly, EAAF took bone samples from the skeletons for genetic analysis. The samples were analyzed by Dr. Daniel Corach at the Digital Genetic Fingerprinting Service of the Faculty of Pharmacy at the University of Buenos Aires, Argentina. Iara Xavier Pereira, sister of Iuri and Alex, subsequently traveled to Buenos Aires, and allowed Dr. Corach to take a blood sample. Dr. Corach extracted genetic material from the bone and blood samples, and compared the results. The test results strongly suggested that the remains of one individual were those of Iuri Xavier Pereira, but they did not quite reach the 99% certainty level, which is generally considered a conclusive positive identification. However, on the basis of both the test results and the circumstantial evidence Iuri Xavier Pereira's relatives announced that the remains had been identified.

The other remains were identified as belonging to Alex Xavier Pereira in Brazil.

As a result of this work, the cases of Iuri and Alex Pereira were included in the Special Investigative Commission's cases, allowing their families to claim

economic compensation. This was an important result, because the Brazilian government, as described above, had previously maintained that Iuri and Alex Pereira had died in a shoot-out, and that under Brazilian law his family was therefore ineligible for compensation.

Other Activities

In the spirit of the collaborative relationship between EAAF and the Association of Relatives of Disappeared People, several different meetings were held between Fondebrider and members of the Association to identify future common projects. Of these, the most important are:

a) Continuation of the investigation into the location of the remains of 61 armed guerrillas killed between 1972 and 1975 in the Araguaia region, during the so-called "Guerrilla War of Araguaia."

b) The analysis of more than 1000 skeletons exhumed in 1990 from the Don Bosco de Perus cemetery. The remains of guerrillas who were killed or disappeared are thought to be among these skeletons.

Fondebrider also met with James Cavallaro, Director of the Brazilian office of Human Rights Watch/America, a U.S.-based non-governmental organization. The two discussed EAAF's potential future projects — described above — and the assistance the Brazilian Human Rights Watch office might be able to provide in these investigations.

Finally, Fondebrider visited the Institute of Legal Medicine of Rio de Janeiro. As a result of the level of violence that prevails in the city, the Institute is one of the busiest such institutions in the world, with an average intake of 40 corpses a day.