

[PRESS-KIT]

## **Inter-American Court of Human Rights (I/A Court of HR): Brazil may be sentenced internationally for crimes against quilombolas from Alcântara (MA)**

*The Brazilian State will be judged by the Inter-American Court next week, 36 years after the first removals of quilombolas from Alcântara (MA) for the construction of a rocket launching base. The traditional territory has not yet been titled.*

SANTIAGO DO CHILE, 04/20/2023 – The Inter-American Court of Human Rights will judge the charge of systematic violations by Brazil against the quilombolas regarding the construction of the Alcântara Launch Center, in the metropolitan region of São Luís (MA), a project of the Brazilian Air Force. The hearing will be held between April 26 and 27 at the Court's traveling session at the seat of the Constitutional Court of Chile, in Santiago. Sessions begin at 2:30 pm Chile time (GMT -4 or 3:30 pm Brasilia time) on Wednesday and at 9:00 am (10:00 am) on Thursday. It will be the first time that the Brazilian State will be judged for a case involving quilombolas. It is also the first case in which the Armed Forces are confronted in an international court.

The session will be broadcast live on both Justiça Global and the Court's social media (sign up [here](#)). The public can also follow along through real-time coverage on social media under the hashtag #AlcântaraÉQuilombola, boosted by the Black Coalition for Rights.

The charge was presented to the Inter-American Commission on Human Rights in 2001 by representatives of the quilombola communities of Maranhão, the Movement of People Affected by the Space Base (MABE), Justiça Global, the Maranhão Society of Human Rights (SMDH), the Federation of Workers in Agriculture of the State of Maranhão (FETAEMA), Rural Workers' Union of Alcântara (STTR) and the Federal Public Defender's Office (DPU). Over the two decades of processing the charge at the IACHR, the Brazilian government had several opportunities to recognize and repair the violations, but it failed to do so. The Quilombos of Alcântara still do not have collective property titles over their traditional territories. In January of this year, the case was presented to the Court.

The violations are a result of the installation of a launch base for Brazilian Air Force rockets, as well as a result of the failure of the Brazilian State to grant definitive property titles to the quilombolas. In addition to expropriations and compulsory removals, the loss of territory impacted the right to culture, adequate food, free movement, education, health, basic sanitation, and transportation of a hundred quilombola communities.

### **Case Summary**

The Alcântara Launch Center project began in the 1970s, during the military dictatorship. During the Redemocratization, between 1986 and 1988, 312 families from 32 villages were expropriated from their lands. No sociocultural and environmental impact studies or prior consultation and consent processes were conducted by the Federal or State Government, as recommended by Convention 169 of the International Labor Organization (ILO), ratified by Brazil in 2002 and entered into force in 2003.

In the seven agrovilas (agricultural villages) where the communities were resettled, they endured a change in their current customs and practices and are still deprived of

adequate living conditions, with a lack of basic sanitation and public policies on education, transport and health, freedom in the territory and social organization.

The titling process, opened even before the filing of the charge, has been ready for signature by the Federal Executive since 2008, without any referral to date, which further compromises the guarantee of traditional forms of organization and livelihood. The communities were certified by the Palmares Cultural Foundation in 2004 and identified and delimited by the National Institute of Colonization and Agrarian Reform (INCRA) in 2008.

Families expelled from their territories still suffer the impacts on their food and income systems. The land in the agrovilas is not big or of sufficient quality for agriculture and the cultivation of essential food, as described by quilombola woman Maria Luzia Silva Diniz, known as Luzia do Marudá (the name of her former village), who was removed in 1987 to one of the agrovilas.

"It was very difficult for us. The Air Force took us away from the greatest wealth of natural resources and placed us here in this area where the land was unproductive, with no conditions for the livelihood of the families. There were no fruits, and the fishing site was extremely far away. The people lived from fishing and farming. From then on, we have come to face hunger. Before, we didn't have a beautiful brick house. We had humble wattle and daub houses covered in babassu coconut straw. But we were happy. Our children played and were happy because they had something to eat, there was a beautiful river and good water to drink. Everything was left behind", describes Luzia do Marudá.

Communities were also prevented from accessing certain sites, such as the territory where their ancestors were buried, and the coast, which compromised their hunting and fishing activities. In addition, the arbitrary definition of new settlements (through draws) did not respect neighborhood relations, as well as friendship and kinship ties that are part of the social organization of the ethnic territory. The Brazilian government also reduced the rural module (minimum agricultural plot size) of Alcântara from 35 to 15 hectares.

To this day, the children of families displaced to agrovilas must share the small plots granted to their parents. With no concrete possibility of subsistence, many youths move to urban centers, mainly to the neighborhoods of Camboa, Liberdade, and Vila Embratel in the state capital São Luís.

A resident of the Espera agrovila, Inaldo Fautino Silva Diniz was resettled in 1988 and tells that one of the government's strategies was to focus on quilombola youth to act in the eviction. "Still very young, at the end of the 70s, I heard the elders saying that a big project was coming to Alcântara. In the early 1980s, this materialized in an expropriation decree that said that, eventually, these communities that lived on the coast would be transferred. Around 1982, the first military arrived in Alcântara, recruiting [for training in São Paulo] some youths to join the military, with the pretext that they were going to have their lives changed. But what really happened, though, was that they were called to tell their parents and convince them that years later they would be transferred".

The groups that remained in their traditional territories have since then been under constant tension and threats of new removals for the expansion of the air base along the coast, with projects planned and/or carried out by the State in recent years without consideration for the local population. The situation generates enormous insecurity about the future of the various communities.

They have also experienced limitations imposed by the Brazilian government on the relationship between the Quilombolas of Alcântara and the environment, such as the prohibition of fishing in certain periods and the restriction on the construction of new

houses in some areas. Moreover, the villages that are crossed by the space project do not have any information about the potential air or noise pollution from, even if rare, rocket launches.

"The attitude of the Brazilian government ended up depriving the Quilombolas of Alcântara of being able to relate to their sacred sites, to worship and care for their ancestors", report members of MABE.

Over the two decades of processing the charge in the Inter-American System, the Brazilian government had several opportunities – including those provoked by the IACHR – to recognize and repair the violations. However, the government sustained an arbitrary, violent, and disrespectful stance against the quilombola communities of Alcântara, attesting to institutional racism against Brazilians of African descent.

Among the most recent violations, the 2008 arbitrary action in the territory stands out, which led the leaders of Alcântara to denounce the State to the ILO, through the Rural Workers' Union, for once again failing to comply with Convention 169 on the Alcântara Cyclone Space Project – Brazil-Ukraine Technological Cooperation Agreement. The contracted companies encroached on and destroyed swiddens in the communities of Mamuna and Baracatatiua to set up three other launch sites for rent.

In 2019, the Agreement on Technology Safeguards signed for commercial purposes by the government of Jair Bolsonaro with the United States disregarded the recommendation of the Inter-American Commission on Human Rights made at the second hearing to conduct a prior study and consultation with the quilombolas.

(Check out the [Base text for the community protocol on Consultation and Prior and Informed Consent \(CCPLI\) of communities in the ethnic territory of Alcântara/MA](#), 2019).

The following year, amid the Covid-19 pandemic, Bolsonaro Government determined new removals for this project – which would affect at least 800 families, mainly from the communities of Mamuna and Canelatiua. The eviction, however, was suspended by the courts and, after the US Senate vetoed the use of the country's money for the removal of quilombola communities, Brazil revoked the resolution.

On the eve of the trial, on March 29, a truculent attempt to repossess the Community of Vista Alegre by air force and riot police agents ([see the note from local movements](#)) attests to the government's lack of interest in following human rights guidelines toward the quilombola peoples, restating the racism in Brazilian society. The raid is [contested](#) by the Association of the Quilombola Ethnic Territory of Alcântara (ATEQUILA).

The city of Alcântara, in the metropolitan region of São Luís, has the largest quilombola population in the country, with more than 17 thousand people, distributed in almost 200 communities. More than 150 have already been affected by the project. One of the first Brazilian regions to receive enslaved Black people from Africa in 1822, on the eve of the country's independence, Maranhão had around 55% of enslaved people, the highest percentage in the Empire. It was in the early 19th century that the registration of quilombos in the Alcântara region, whose first occurrences date from the beginning of the 18th century, increased significantly.

### **Petitioners' requests**

The charge was considered admissible by the Court in 2006. In the merits report issued in 2020, after two hearings (in 2008 and 2019), the Commission recommended titling the

territory, conducting a prior consultation regarding the agreement signed with the United States, financial compensation for those forcibly removed, and a public apology. None of this has been done so far. In view of the seriousness of the facts, in January 2022, the Inter-American Commission took the case to the Court.

In the request, the group argues that the Brazilian State violated rights and freedoms guaranteed by the Pact of San José, Costa Rica, of the American Convention on Human Rights, in the following points:

- Articles 8, 21, and 25, due to the lack of titling of the quilombola territory;
- *Articles 4, 16, 17, 21 e 22*, for the impacts on the rights to association, family, free movement, residence, and a dignified culturally adequate life, arising from the lack of titling;
- Articles 8, 15, 21, 22, 25 e 26, for the forced displacement of part of the quilombola communities of Alcântara and the lack of payment of the due indemnities in accordance with domestic law;
- Articles 21 e 23, for failing to guarantee the right to consultation and consent of the quilombola communities of Alcântara;
- Article 24, for discrimination against the quilombola communities of Alcântara;
- Article 26, for violating the rights to water, food, adequate housing, a healthy environment, and participation in the cultural life of the quilombola communities of Alcântara.

Also, the group denounces the violation of Article 13 of the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, in relation to Article 1.1 of the American Convention on Human Rights, for the failure to guarantee the right to education of children of quilombola communities in Alcântara.

Based on this, the representatives ask the Court to implement the following measures of compensation:

- The titling of the quilombola territory and the execution of a culturally appropriate procedure of consultation and prior, free, and informed consent, based on the Community Consultation Protocol of the Quilombola Communities of Alcântara, developed in 2019, including a retroactive consultation on the administrative decision that determined the reduction, by 12,645 hectares, of the traditional territory to be titled as collective property, in addition to the area of 8,713 hectares used by the Alcântara Launch Center (CLA) and the area of 543 hectares used by the Brazilian Space Agency (AEB);
- Besides publicizing any condemnatory decision of the Brazilian State in newspapers of wide circulation, through the publication of its summary, and in official government gazettes, the Representatives understand that it is pertinent to make a formal apology at a ceremony to be held in Alcântara;
- Financial compensation for Material and Immaterial Damage to Non-Resettled Communities, given the threats of new appropriations of part of the territory by the Brazilian State, harming at least 800 families and considering the

harmful effects of the lack of protection of lands and territories, such as historical abandonment, systematic discrimination, disregard, and lack of state presence. As a result, the rights of these communities to a healthy environment, adequate food, access to water, land, housing, and cultural rights have been violated.

- Financial compensation for Material and Immaterial Damage to Non-Resettled Communities, given the abrupt displacement imposed on members of 31 Quilombola communities, who are in a situation of continuous displacement, in agrovilas, in addition to the condition of poverty and deprivation caused by the drastic limitations on the use of their traditional livelihoods;
- The determination for the Brazilian State to refrain from carrying out acts that allow agents of the State or third parties, acting with the consent or tolerance of the State, to displace Quilombola communities, unless the State obtains prior, free and informed consent from the said persons and until the concession of the collective property title of the quilombola territory of Alcântara is carried out;
- The creation of a community development fund that includes a plan for the exercise of the rights to food, water, a healthy environment and housing in consultation and coordination with the identified Quilombola communities.

#### **Petitioners' comments**

"The trial is of historic importance. It is the first time in the history of the country that Brazil will be judged in an international court for crimes committed against quilombolas; and it constitutes a significant opportunity for the Inter-American Court itself to consolidate its jurisprudence for the protection of ancestral territories of Afro-descendant communities in the region".

Danilo Serejo, quilombola from Alcântara (MA), jurist, political scientist, and member of the Movement of People Affected by the Space Base (MABE) and the Black Coalition for Rights.

"The imposition of the construction of the Alcântara Launch Center (CLA) in a traditional territory, deteriorating ways of life and family ties, and trying to erase a part of our history, shows how environmental racism guided the State's policy. Therefore, Brazil has a duty, before the Inter-American Court, to recognize its responsibility for the violations against the Quilombolas of Alcântara, as well as to proceed immediately with the titling of the territory. In the coming days, what is at stake in the Court is the Brazilian State's real commitment to confronting racism."

Glauca Marinho, executive director of Justiça Global.

"The titling of the traditional territory is provided for by the Brazilian Constitution and by international human rights treaties. In Alcântara, a plan that began in the civic-military period has prevented countless quilombola communities from having their rights respected. This judgment by the Inter-American Court of Human Rights is an opportunity to reverse this situation and, by condemning the Brazilian State, finally moving from a reality of violation of rights to a moment of guaranteeing and promoting the rights of these people and communities that have long been waiting for a fair answer."

Eduardo Baker, lawyer and coordinator of the International Justice program at Justiça Global.



"The remnants of the Quilombola communities of Alcântara have the right to collective ownership of their lands guaranteed by the Constitution and by the American Convention on Human Rights. The connection between these communities and their territory not only generates rights regarding the territory but encompasses protecting its natural resources. There is overwhelming evidence that the Brazilian State has continually violated this right since the implementation, in an authoritarian and violent manner, of the Alcântara Launch Center. We expect compensation for the forced resettlements that took place in the 1980s, the recognition of the right to collective property, and the non-expansion of the Launch Center to avoid further violations of the economic, social, and cultural rights of these communities."

Leticia Osório, lawyer for the Movement of People Affected by the Space Base (MABE).

"The Inter-American Court judgment session dedicated to the Quilombos of Alcântara/MA case is a milestone. For the first time, the international human rights system will judge the Brazilian State for violating the rights of quilombola communities. In this sense, Alcântara is quite representative of the historical struggle of the Black population in Brazil. For more than four decades they have been resisting a state project that involves actions and omissions of the Executive, Legislative, and Judiciary Powers and encompasses acts at the federal, state, and municipal levels. What the Court will judge, in fact, is Brazil's ability to respect or not international and domestic norms and decisions that have long consolidated traditional peoples and communities as subjects of their own rights, which must be permanently respected."

Yuri Costa, regional human rights defender (DPU) in Maranhão.

### **About the Inter-American Court**

The Inter-American Court is an international court for the protection of human rights, which is part of the Inter-American Human Rights System. It determines, in submitted cases, whether the country has violated rights recognized by the American Convention. Its decisions are binding on Brazil since the ratification of the Pact of San José, Costa Rica.

### **About the trial**

The hearing is part of the 157th Regular Session of the Inter-American Court and will take place between April 26 and 27. However, it will occur in the Constitutional Court of Chile, instead of the seat of the Court in San Jose. The event will be opened by the secretary of the Court and then the parties involved will be heard: the Inter-American Commission on Human Rights representative, the petitioning organizations, the witnesses, and the Brazilian State, in addition to the experts and commissioners. Besides the case of Alcântara, the court will also analyze the case of Pueblos Indígenas U'wa and its members v. Colombia and the Case of Córdoba y otro v. Paraguay.

### **About MABE - Movement of People Affected by the Space Base**

The Movement of People Affected by the Space Base of Alcântara, MABE, is an organization that unites the communities of the ethnic territory of Alcântara around the defense of their rights and their dignity in the face of the socio-environmental damage caused by the implementation of the Rocket Launch Base undertaken by the Air Force and by the Brazilian Space Agency. Founded in 1999, after the seminar "Alcântara: the Space Base and Social Impasses" held in May of that year, MABE came to strengthen a struggle that has existed since 1980, led by the STTR of Alcântara, and which is rooted in the historical resistance to slavery that indigenous peoples and quilombolas from

Alcantara have carried out. The recognition of the ethnic factor in the conflict made explicit the territorial rights of the quilombo communities.

#### **About the Rural Workers' Union of Alcântara (STTR)**

Founded in 1971, the entity was consolidated based on two collective acts: resistance to the State Government's colonization measures in 1975, which tried to divide the "terras de Santa Tereza" – former Carmelite lands – into 50 hectares plots, and the demolition of fences as a response to measures of arbitrary enclosure of public lands in 1978 and 1979 from the village of Frederico and on the border of the municipality of Bequimão. The seminar "Alcântara: the Space Base and Social Impasses" was organized by the STTR of Alcântara with the support of CONTAG, FETAEMA, the then municipal mayor José Wilson Bezerra de Farias, and the lawyer Domingos Dutra. This event brought together quilombolas from all over Alcântara and also scholars, politicians, and lawyers, as well as black movement militants (CCN, PVN-SDDH) and voluntary associations from the civil society to discuss the economic, social, environmental and cultural problems caused by the implementation of the Base, as well as to define strategies to defend the territorial and ethnic rights of quilombola communities.

#### **About Justiça Global**

Headquartered in Rio de Janeiro, Justiça Global has established itself over its 25-year trajectory as one of the main Brazilian civil society organizations involved in litigation in the Inter-American System of Human Rights. The organization is a petitioner in more than 30 cases before the Inter-American Court, based on the principle of partnership with people and groups in the affected territories. The non-profit, non-governmental organization works to protect and promote human rights.

#### **About the Federal Public Defender's Office**

The Public Defender's Office is "a permanent institution, essential to the jurisdictional function of the State. As an expression and an instrument of the democratic regime, its fundamental task is judicial guidance, the promotion of human rights, and the full and free of charge defense, at all levels, both judicially and extrajudicially, of individual and collective rights of the needy," according to art. 134 of the Federal Constitution. From the explicit recognition of fundamental rights, inspired by the Universal Declaration of Human Rights, the Constitution not only legitimizes access to justice as one of the essential functions of the Public Defender's Office but also authorizes the enforcement of extrajudicial mechanisms in the defense of these rights, granting prominence and expanding the role of the DPU since its inception.

#### **More information and interviews:**

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