

People on Society's Fringe Seem Fair Game

# Brazilian Justice and the Culture of Impunity

By JAMES BROOKE

**A**CCORDING to Brazilian legend, a 16th-century Portuguese bishop coined a novel recruiting pitch to lure skeptical colonists to settle in faraway Brazil. Addressing his devout flock, the cleric decreed: "No sin exists south of the equator."

Almost five centuries later, modern Brazil at times seems to have incorporated this motto as its moral cornerstone.

Impunity is a common thread that runs through a year-long series of horrors and outrages that culminated last week with the news that gold miners hunted down and killed dozens of Yanomami Indians deep in the Amazon forest 180 miles west of here.

The spate of crime without punishment began last October, when the military police in São Paulo killed 111 inmates in a heavyhanded response to a prison uprising; to date no officer has been convicted in the worst massacre carried out by the police in Brazil's notorious prisons.

In February, the condemned killers of Francisco (Chico) Mendes, the renowned environmental champion of the Amazon, made a mockery of Brazil's justice system by walking out of jail and disappearing without a trace. In July, Paulo César Faries, the aide to President Fernando Collor de Mello whose extortion racket helped bring down his boss, mysteriously vanished minutes before an arrest warrant was to be served.

And in July, a long-running series of crimes against Rio de Janeiro street youths suddenly erupted across front pages worldwide when eight youths were shot and killed as they slept on downtown sidewalks. Survivors have identified three military policemen as the killers.

Many Brazilians are wondering whether such brazen episodes are symptoms of a flawed social fabric peculiar to this vast land. Encompassing a striking spectrum of both teeming modernity and undeveloped natural wonder, Brazil is perhaps enduring the worst of both worlds. In the densely populated coastal regions, where inequities abound and the legal system and social services are both severely strained and eroded by corruption, individual rights and due process are more often the province of the better-off. In the sprawling, undeveloped Amazon interior, a Wild West frontier spirit prevails, and the lawlessness that that often implies. In addition, since Brazil's long era of military rule ended only in 1985, democratic traditions have barely had time to take hold.

"Impunity in Brazil is part of a culture that doesn't have a tradition of allocating responsibility," said Roberto da Matta, a Brazilian anthropologist.

To many Brazilians, the nation's traditional tolerance of abuse of the weak has been sharpened recently by an increasingly ineffectual central Government and widespread insecurity over a depressed economy and 32 percent monthly inflation.



Associated Press

Murders of Brazil's street children, including these found by a roadside Nov. 15, have reportedly tripled this year.

"We have a weak government and a decomposing state, and this is creating a dangerous vacuum," said Carlos Alberto Ricardo, executive secretary of the Ecumenical Center for Documentation and Information, an Indian rights group.

Recalling the recent killings of prisoners, street youths and Indians, one newsweekly, *Isto É*, said in an editorial: "In all three episodes, there is one common element: the victims belong without distinction to that wide stratum of people on the margin of society."

"But they are not the only ones," continued the magazine. "Swelling this defenseless army are the 60 million Brazilians forced to live below the misery line, a contingent that only continues to grow because of a recession that already lasts more than a decade."

## Justice on Paper

On paper, Brazil's legal system is a model of fairness. But in reality, it fails to punish criminals.

The United States, with 250 million people, has 1.1 million in jail. By contrast, Brazil, with a population of 150 million, has 126,000 in jail. Built for 52,000 people, the prison system has two inmate rebellions a day.

With a million major crimes a year committed in Brazil, there are 345,000 outstanding arrest warrants. Of Brazilians who end up in jail, 98 percent cannot afford a

lawyer, according to a Justice Ministry survey.

Wealthy people benefit from laws that may be unique to Brazil. Criminal suspects with clean records are virtually exempt from pretrial detention, and people who can afford competent lawyers are rarely convicted. A suspect who is a college graduate has a right to an individual cell. Edmundo Oliveira, who directed the Justice Ministry survey, said, "The only penalty for the rich is to pay dearly for a good lawyer."

Brazil has no death penalty but, taking the law into their own hands, the military police kill thousands of "criminal suspects" each year on the nation's streets. And with courts hopelessly clogged with untried cases, vigilantism now verges on respectability.

"My standing order in kidnapping cases is to kill," Rezende de Andrade, the Safety Secretary for Minas Gerais state, told an interviewer last week. The next day, he said he got "carried away" in ordering the police to take no prisoners in the war on kidnappers. But he was quick to add that his remarks, publicized nationally, had provoked "hundreds of telephone calls from all over the country supporting me."

Alarmed by this deathly cycle of impunity in vigilantism, *Globo*, Rio's largest selling newspaper, warned last week in an editorial: "The disappearance of the worst bandits does not compensate the risk for the institutions and for the national conscience."