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**FORCED LABOR IN BRAZIL RE-VISITED:
On-site investigations document that practice continues**

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INTRODUCTION

On a recent mission to Brazil, an Americas Watch researcher entered two *fazendas* (large estates) in the state of Mato Grosso, interviewed witnesses and laborers there and observed, first-hand, forced labor conditions. Americas Watch also documented several other instances of forced labor in southern Pará, and confirmed the findings regarding forced labor contained in previous reports.¹ What Americas

was able to document first-hand during the June-July mission.

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¹ Americas Watch was able to document first-hand

Watch has noted in the past remains true today: in the inaccessible forests of the central and western states of Brazil *fazendeiros* (large estate owners) use forced labor to cut and burn enormous tracts of land for the purpose of turning the forest into cattle pasture. Though the environmental damage caused by burning Brazil's forests has become well known, less attention is usually paid to the human aspect of this practice: the brutal and illegal forced labor conditions imposed upon thousands of landless rural workers.

In addition to the abuse of laborers in the Amazon, Americas Watch found that conditions that approximate forced labor persist in other agricultural and industrial endeavors throughout Brazil. Though not new, the use of forced labor in these non-Amazon settings appears to be on the rise. According to the Comissão Pastoral da Terra (CPT), a Catholic-church based human rights monitoring group, in 1992 eighteen cases of forced labor were registered in nine states.² Apart from the typical Amazon deforestation operations, cases of gross violations of Brazilian labor law were found to occur in distilleries, sugar cane plantations, factories, *carvoarias* (large charcoal-making enterprises) and lumber mills.

In virtually all these cases certain common elements prevail: poor laborers are brought to estates or other work sites under deceptive circumstances, they are held against their will through acts and threats of violence, and are compelled to live and work in deplorable conditions. And although the use of forced labor is contrary to the laws of Brazil, as well as international law, these cases go unpunished.³ Violators have gone free even on the rare occasions when the police have raided the offending fazendas to free workers held there at gunpoint.

Because of this impunity, *fazendeiros*, *gatos* (labor contractors, literally "cats") and *fiscais* (their overseers), pay no criminal price for the use of dirt-cheap labor. As we document below, one case of forced labor reported in 1993 involved a gato who had been denounced in court as a forced labor camp director as early as 1985. Not only was that gato not prosecuted for operating a forced labor camp in which at least one worker was severely beaten and forcibly drugged, but he was elected *vereador* (councilman) in the municipal assembly. Without doubt, this impunity is

² Comissão Pastoral da Terra (CPT), *Conflitos no Campo '92: Luta e Sonho na Terra*, (Goiânia, Goiás: Secretariado Nacional da CPT, March 1993), p.78.

³ Article 149 of the Penal Code defines the crime of forced labor (known in Brazil as slave labor, or *trabalho escravo*) as: "reducing someone to a condition analogous to that of a slave" ("*reduzir alguém a condição análoga à de escravo*"). This crime is punishable by a sentence of two to eight years in prison. Penal Code, art. 207 prohibits the enticement of workers in order to transport them to another part of the national territory ("*aliciar trabalhadores com o fim de levá-los de uma para outra localidade do território nacional*"), punishable by two months to one year in prison. Penal Code art. 203 prohibits the frustration, through fraud or violence, of rights insured in the labor code ("*frustrar mediante fraude ou violência, direito assegurado pela legislação do trabalho*"), punishable by one month to a year in prison, in addition to the penalty commensurate to the violent act.

International law prohibits both slavery and forced labor practices. For example, Brazil is a party to the 1956 Supplementary Convention on the Abolition of Slavery, and has ratified Conventions 105 and 29 of the International Labor Organization. For more details on Brazil's legal obligations, see, Americas Watch, *The Struggle for Land in Brazil*, pp.53-55.

a critical element permitting the widespread practice of forced labor in certain regions of Brazil.

Although forced labor has been denounced widely in Brazil and internationally, neither the federal nor the state governments have yet to design a coordinated and effective program designed to eradicate the practice. Not only is the practice not repressed by law enforcement authorities, but even when those engaged in the practice are apprehended they are rarely brought to justice. In some cases, police authorities have been shown to be directly implicated in cases of forced labor.

The judicial response to forced labor can generously be described as indifferent, and more cynically characterized as complicit. Because of its near total failure to repress this practice, despite notice of the existence and the extent of the practice, the state bears a great responsibility for the crimes. Americas Watch believes that the failure of the Brazilian government to take meaningful steps to end forced labor, as detailed below, constitutes a violation of its duties under international law. It is simply inadequate for governmental authorities to attempt to avert their responsibility in this area by pointing to the private actors who are more directly liable for the practice. The complete lack of a system to enforce laws prohibiting the functional equivalent of slavery—an atrocity abolished by law in Brazil more than a century ago—results in the responsibility of the Brazilian state for the continued practice of forced labor before the international community.

FORCED LABOR: AN OVERVIEW

"Classic" Forced Labor: Deforestation in the Amazon

According to environmentalists, some of the burning of the Amazon forests is motivated by landowners who have acquired large estates for speculative purposes. In particular, to avoid expropriation of land held under dubious legal title, landowners must show that the land is being utilized. A cheap and frequently-used method to achieve this aim is to employ a gang of workers to clear the forest for pasture, and buy or borrow cattle from a neighboring fazendeiro.

Frequently the owners of these large estates live in remote cities and some are said never to even have visited their land. Instead, fazendeiros typically delegate the management of the estate to a *gerente*, or manager, who in turn hires workers through labor contractors, known as *gatos*. These *gatos*, in turn, often delegate the supervision of the labor itself to overseers, known as *fiscais*, who often patrol the work sites with weapons. An example of the fazendeiros' lack of direct involvement in the management of their properties is provided by the fazenda "WS" case described below. On separate parts of the same fazenda, Americas Watch documented a section where forced labor was practiced and another where reasonably fair employment standards prevailed. The difference in the labor conditions varied according to the *gatos* in charge. When confronted with the existence of forced labor conditions on part of his "WS" fazenda, the owner appeared to be actually unaware of the situation on his property.

Although many fazendeiros may be unfamiliar with the precise details of the operation of their properties, at the least they have reason to suspect that the totally unsupervised contract relations they allow to exist on their fazendas lend themselves to forced labor. In addition, the relatively widespread publicity the issue has received in both local and national press should put fazendeiros on notice about the possibility of forced labor on their remote ranches. In the fazenda WS case noted above, the owner maintained none of the employment documentation he

was required by law for the laborers on his land and told Americas Watch that all the fazendeiros in the region allowed the gatos to run their properties. It should come as a surprise to no one, therefore, that some gatos abuse the virtually unlimited authority given them by absentee fazendeiros.

Often, because of the scarcity of labor in frontier areas, gatos recruit laborers from hundreds of miles away. Yet even when local laborers are available, abusive gatos often transport workers several hundred miles to the work site. In most cases, laborers are hired many miles away from the fazenda on which they are to work, without first seeing the land to be worked. The gato provides transportation, frequently consisting of a ride standing up for hours or days on the back of his truck. In many cases, the gatos only tell laborers that they have been charged for this transportation when they arrive at the work site, and then deduct the cost from their wages. The vast distance between a worker's home and the site of his employment is not only an essential element in creating a debt trap (the worker is later held liable for the cost of transportation) but it also serves to render return home by the laborers extremely difficult and quite costly.

Gatos typically hire a group of men to perform a particular agricultural job, such as clearing a forest, on a piecemeal basis (by hectare). Laborers are generally told that the work is easier than it really is and are thus led to believe that they will be able to complete much more work per unit time than is possible. This strategy of promising high wages (by distorting workers' expectations of their earning potential) allows the gatos to later blame the laborers' indebtedness on their low production, rather than the gatos' misrepresentations.

Workers are usually illiterate and agreements are oral. In the rare cases in which a written contract is entered into, and on many occasions, even if not, the gatos retain workers' identification documents on the pretext that these will be needed to complete the necessary paperwork. Although this paperwork is almost never completed, the gato retains these documents as yet another means of restraining the laborers' freedom of movement.

Often, the oral contracts made in town, where the workers are recruited, are broken once the workers arrive at the fazenda. In some instances, as in the Usina Ibaiti case detailed below, workers are made to sign new agreements, with new terms upon their arrival at the work place. Once on site, workers find that their wages are considerably lower than promised and work is more difficult and time-consuming than described. Food, if not prepared by the gato, must be bought at the *cantina* (company store), which is often the only outlet for many miles. No receipts are given and the quality and price of goods in these cantinas are non-negotiable. Generally, workers are not even aware of the often exorbitant prices they are paying for the items until they settle accounts at the end of the season.

Housing conditions are almost uniformly sub-standard: generally, only the extent of misery varies. In the forced labor camps in the Amazon region, housing consists of makeshift tents. These tents—plastic sheets stretched over several poles—are built by the laborers themselves. Those workers lucky enough to bring hammocks with them to the work site sleep on them during the work season; others simply sleep on the ground. Sanitary facilities are non-existent. Yet, in many cases, workers are charged for this lodging.

These conditions often prevail for migrant workers even when there is no forced labor. The owners and gatos have complete control over the labor relationship; because the fazendas are so geographically remote, the workers have little recourse except to quit and try to find their way home, with nothing to show for their efforts. In many cases, refusing to accept that they have

toiled for months in vain, workers remain beyond the point when it should be obvious that they will not be paid, in the hope that they will somehow be compensated. The significant investment of time and effort that the workers have made facilitates their continued exploitation by gatos who string along workers by promising that they will be compensated for their months of work.

Gatos often take advantage of the isolated living and working conditions by retaining a small private army of gunmen, or *pistoleiros*, to enforce wages and working conditions. Not only are the workers prevented from quitting, they are often forced at gunpoint to work for wages to which they did not agree, for twelve hours a day. Uncooperative workers are beaten and sometimes threatened with death and are tracked down and brought back if they escape. In cases previously documented by Americas Watch, workers have been killed for attempting to flee or for protesting their treatment.⁴ Laborers who fall ill with malaria or cholera, or who have suffered work-related injuries, are forced to continue laboring and are denied access to medical care. This denial, as in one case detailed below, can be fatal.

To keep the workers at their jobs, gatos create a debt trap which amounts to indentured servitude or forced imprisonment. They claim that the worker cannot leave the fazenda until he has worked off the debt that he owes the gato or fazendeiro. The gatos use this artificially created "debt" to justify their use of violence as a means of keeping workers at the site. Mysteriously, the laborer's weeks or months of arduous labor almost never suffice to pay this debt. In part, the crushing debt is due to the high costs assessed workers when they are recruited. Often, the laborers will arrive at the fazenda already seriously indebted. In some instances, as noted above, the laborer will be charged for transportation to the fazenda. In others, laborers who arrive in Amazon cities from distant regions will have their debts to local hotels paid by the gato, thus beginning a cycle of debt. Yet another means of creating a debt trap before work begins is the cash advance paid to the worker or his family. This advance, though rarely more than \$20 to \$40, is a burden that is almost never overcome by the laborer.

Once begun, the debt trap is maintained by the use of deplorably low wages. Americas Watch spoke with numerous laborers in Mato Grosso who had toiled for four months without having received any monetary compensation. One team of workers in this situation hoped to earn \$80 for four months work—less than a dime an hour. However, even the hope that they would receive this miserable wage depended on an honest calculation of the cost for gasoline and other supplies that they still owed to the gato.

Although workers often realize they have been deceived, most of those with whom Americas Watch spoke believed that they could not leave without paying their debt. Most were surprised to find out that, even though the gato claimed that they owed money, it was not legal for them to be held against their will.

The workers' only alternative is escape, which is difficult and dangerous. Most fazendas using forced labor are located in remote and unfamiliar areas, inaccessible by vehicle, surrounded by dense forest and often patrolled by armed guards. Many who try to escape fail because they are tracked down by the *pistoleiros*, then beaten and returned to work under guard. Indeed, one fiscal admitted to Americas Watch, that it is standard practice when a worker escapes to chase after him in a vehicle. Should the gatos and fiscais catch the laborer, this

⁴ See the case of the fazenda Arizona, Americas Watch, *Rural Violence in Brazil*, (New York: Human Rights Watch, February 1991) pp. 91-97

fiscal continued, they try to "convince" him to return. Those workers lucky enough to avoid the search parties sent after them must spend days and nights hiding in the forest, often getting lost. That migrant workers, who customarily endure arduous working conditions from childhood, go to such extremes to escape says a great deal about the conditions at the fazenda they are fleeing.

Non-traditional Forced Labor

Some observers believe that the incidence of classic, Amazon forced labor is decreasing. Professor José Souza Martins, an internationally-recognized expert on forced labor who has studied the subject for two decades, believes that forced deforestation in the Amazon is in decline, mainly because the expansion of new ranches in the Amazon is declining.

Unfortunately, though, many elements of the exploitative labor relations that characterize the traditional Amazonian forced labor situation and the earlier master-slave relations in colonial Brazil appear to be increasingly common in other industries and agricultural contexts. And, the economic crisis which has plagued the nation since the beginning of last decade has guaranteed that exploitative labor recruiters have no shortage of anxious workers. In the first six months of 1993, according to some calculations, unemployment throughout the country ran at approximately 15 percent, with rates in the poorer rural regions even higher.

In 1985 and 1986, the Agrarian Conflicts Center of the Ministry of Land Reform and Development (Ministério de Reforma e do Desenvolvimento—MIRAD) compiled documentation pertaining to numerous reports of forced labor in a wide variety of non-Amazon labor contexts. In a 1986 report, in addition to deforestation in the Amazon, MIRAD documented situations which it characterized as forced labor in the following activities and areas of production: sugar cane and orange plantations in the state of São Paulo; tea harvesting in Paraná; sugar cane cutting and processing for alcohol distilleries in Pernambuco, Paraíba, Alagoas, Rio Grande do Norte and São Paulo; coffee plantations in Bahia; reforestation projects in Minas Gerais, Bahia and São Paulo; carbon production in Minas Gerais; and gold mines and rubber-tapping operations in the Amazon.⁵

In its newer forms, this kind of forced labor may be developing higher levels of sophistication, thus affording it quasi-legal status within Brazilian law. Americas Watch visited an exploitative labor situation in the state of Paraná during our recent trip to Brazil which may well be typical of a growing trend in Brazil. In that case, as described in greater detail below, workers were lured some 1,400 km (870 miles) from their homes by false promises of high wages, and were then left to work under miserable conditions for paltry wages. Although the workers were not physically

⁵ According to MIRAD, the laborers for most of these non-Amazon endeavors were *boias frias*, or rural wage laborers. These laborers typically travel from work-site to work-site according to agricultural season. *Boias frias* (literally "cold lunches") tend to live in the areas surrounding the work site, as opposed to on the site itself. (Because they commute to work, these laborers bring their own cold lunches to the work site, thus the name.) *Boias frias* generally travel to the seasonal work sites themselves, and are not recruited by *gatos* as are laborers in forced labor camps. There is some indication that the use of laborers recruited by *gatos* is increasing in these operations formerly the exclusive domain of *boias frias*. See, *Coordenadoria de Conflitos Agrários, Trabalho Escravo: Conflitos da Terra, Volume - IV*, (MIRAD: Brasília, December 1986).

impeded from leaving, a combination of fear and severe economic limitations combined to make return to their homes a virtual impossibility.

The 1992 report of the Comissão Pastoral da Terra, the Catholic church based entity which best details cases of forced labor in Brazil notes a significant increase in the number of cases and persons exposed to non-traditional forced labor in recent years. Of the 18 cases involving some 16,442 laborers which it documented in 1992, only four involved deforestation. These four cases involved 128 workers; the vast majority of the more than 16,000 laborers subjected to forced labor conditions were engaged in the following less traditional activities: sugar cane cutting (5 cases, 3,893 laborers); carbon production (2 cases, 8,800 laborers); coffee picking (1 case, 60 laborers); lumber clearing and related activities (2 cases, 450 laborers); forcible eviction of land occupiers (1 case, 60 laborers); other agricultural labor (3 cases, 3,051 laborers). In 1991, the CPT reported a total of 8 cases involving 4,883 laborers in traditional and non-traditional forced labor situations.

IMPUNITY

Human rights organizations in Brazil have denounced the practice of forced labor for two decades.⁶ Americas Watch has documented cases of forced labor in Brazil and has published reports denouncing the practice for the last three years.⁷ To some extent, the Brazilian press has given coverage to forced labor, though experts in the field believe that the major media do not provide adequate attention to the problem.⁸ Even governmental authorities recognize that forced labor is a widespread and serious problem in Brazil. As early as 1986, the report issued by the MIRAD, a federal government body (cited above), analyzed some 167 cases of forced labor and abusive labor practices in Brazil, about which it had received complaints in its first eighteen months of existence.⁹ Americas Watch spoke with attorneys in the Procuraduria Geral da República (the Attorney General's office) charged with investigating cases of forced labor. These officials recognized forced labor to be the most serious criminal justice problem in rural Brazil. Similarly, the head of the Federal Police in Pará, the state with the greatest number of forced labor complaints, rated forced labor investigations as his agency's number two priority, second only to combatting drug trafficking.

⁶ To the extent that forced labor constitutes a continuation of the exploitive labor relations of slavery, it has been denounced for far longer than two decades.

⁷ See, Americas Watch, "Forced Labor in Brazil," *News From Americas Watch*, (New York: Human Rights Watch, December 1990); Americas Watch, *Rural Violence in Brazil*, (New York: Human Rights Watch, February 1991); and Americas Watch, *The Struggle for Land in Brazil: Rural Violence Continues*, (New York: Human Rights Watch, May 1992).

⁸ At least one expert, José Souza Martins, believes that the principal Brazilian media give short shrift to cases of forced labor. Souza Martins explains that during the last years of the military dictatorship, media opponents of that regime used forced labor denunciations as a form of negative pressure. Since the return to democracy, however, forced labor has lost its attractiveness, and has therefore not received the media attention demanded by the gravity of the problem. Americas Watch interview with Prof. José Souza Martins, São Paulo, May 31, 1993.

⁹ Coordenadoria de Conflitos Agrários, *Trabalho Escravo*.

Yet, despite widespread recognition of the seriousness of the problem, little has been done to prosecute or otherwise hold responsible those who perpetrate these crimes. Although Brazilian law permits the expropriation of land on which forced labor occurs, no land has ever been taken on this basis, according the Procuraduria Geral da República. Neither has anyone ever been successfully prosecuted for violating article 149 of the Brazilian Penal Code, which prohibits reducing a person to a condition analogous to slavery.

There are many explanations for the near total lack of enforcement of Brazilian law prohibiting forced labor. To be fair, the nature of the practice does render prosecutions difficult, insofar as laborers, who are initially recruited to work at distant sites, cannot reasonably be expected to testify in legal proceedings which occur hundreds of miles from their homes. Yet other factors, more directly within the control of Brazilian authorities, contribute to this impunity.

Perhaps most important is the lack of political will thoroughly to investigate and prosecute. This absence of political will characterizes the attitude of most state authorities, and to a lesser extent, many federal agents. In rural areas these state and local authorities share close personal and economic ties with the fazendeiros and other elites involved in the practice of forced labor. As a result, they are ill-disposed to ally themselves with peasants from distant regions and enforce the law. Not only do local authorities fail adequately to investigate, they often assist fazendeiros and gatos accused of running forced labor camps. Thus, there have been cases in which local authorities have told those operating such camps to disband before federal authorities or journalists arrived. In at least one case documented by Americas Watch in a previous report, at the request of the gerente of a fazenda where forced labor was being used, local police in the town of Vila Floresta, Pará, detained "escaping" workers and held them in jail for two days. The workers were nearly "returned" to the fazenda by the police, but they adamantly refused to leave and residents of the town intervened to help secure their release.¹⁰ The Federal Police, though they recognize that forced labor is a problem, appear to be uninterested in investigating all but the most air-tight cases. Geraldo José Chaves, the Coordinator of the Federal Police at the time of Americas Watch's visit, said that although he believes that it is common for labor laws to be violated, forced labor virtually never occurs.¹¹ Similarly, the Federal Police Chief for Pará, the state with the greatest incidence of forced labor, told Americas Watch there had been just two actual cases of forced labor in the state. The CPT, on the other hand, has registered 20 cases of forced labor in Pará in the past three years. Prior to this most recent report, Americas Watch itself had documented seven cases in the state. Nevertheless, due to a lack of resources and the difficulties inherent in investigating these cases, the Federal Police are rarely able to obtain *in flagrante* evidence of the existence of forced labor camps. As a result, they tend to regard as unsubstantiated the many complaints they receive and fail to investigate.

An additional obstacle is presented by the federative nature of Brazil's government. Although the attorneys from the federal Procuraduria Geral da República's office have demonstrated genuine interest in prosecuting cases of forced labor, they are limited in their

¹⁰ See the case of fazenda São Luiz Agropecuária, in Americas Watch, *Rural Violence in Brazil*, p. 98-99.

¹¹ Americas Watch interview with Dr. Geraldo José Chaves, Coordenador, Coordenação Central de Polícia Federal, Brasília, June 2, 1993.

ability to pursue these cases through to conviction. First, because the Federal Police usually only have a police station located in the state capitals, the prosecutors must rely on local authorities, to whom forced labor reports are often first made, to undertake the critical initial investigations. Frequently, these authorities will not call on federal agents to intervene unless they are certain that forced labor exists. As the Santana cases detailed below demonstrate, even numerous consistent sworn statements by escaped laborers will not suffice to persuade state authorities to seek federal police intervention. Lack of interest by state authorities often signifies the end of any investigation.

Another difficulty is presented by the lack of resources available to federal law enforcement authorities. Although this lack easily could be rectified by the national government if it deemed repression of forced labor a sufficiently high priority, in the short run it hinders investigations. As noted above, in most states, no matter how vast their territory, there is a single Federal Police *delegacia* (police station). As a result, the nearest Federal Police station to the remote Amazon fazendas where forced labor occurs may be hundreds of miles away. Federal Police agents contend that they are often unable to respond to distant complaints because they lack the funds necessary to purchase gasoline to travel to the site of the forced labor camp. Even if they are able to travel to the remote fazendas, the time needed to make such a trip often suffices to put the fazendeiros and gatos on notice so that they can destroy the evidence of forced labor conditions.

Even if federal authorities are alerted to the existence of forced labor, and even if they have the funds to investigate, they must proceed with legal actions in the local state court system. Under current Brazilian law, when federal criminal laws are violated, legal proceedings ordinarily take place in state courts, directed by state prosecutors, before state judges. As a result, even those cases investigated by federal authorities drag on in unreceptive state courts. As Professor Souza Martins stated in summarizing the factors complicating the successful prosecution of such cases, "everything conspires in favor of the crime of forced labor."

Yet the principal problems undermining prosecution of forced labor recruiters and fazendeiros—both the jurisdictional difficulties caused by the federative system, as well as the absence of resources devoted to the problem by both federal and state governments—could be rectified by Brazilian authorities. What is lacking is the political will to do so.

FAZENDA PANTERA AND FAZENDA WS, ALTA FLORESTA, MATO GROSSO

Human rights groups in Mato Grosso were alerted to the existence of forced labor conditions in the Alta Floresta area in June 1993, when several escaped workers made their way back to Cuiabá, Mato Grosso from labor camps some 840 km (525 miles) to the north. The workers appeared in the offices of a politician with the Partido dos Trabalhadores (Workers' Party), who directed them to the local Comissão Pastoral da Terra (CPT) office. There they denounced the practice of forced labor on a fazenda near the town of Alta Floresta.

Before the fazenda owners or operators were notified, a delegation of human rights activists, representatives of the Federal Ministry of Labor and local civil police¹² was assembled to visit the site. The delegation included representatives from the Comissão Pastoral da Terra, Americas

¹² The Federal Police were alerted to the reports of forced labor in the fazenda Pantera, yet declined to accompany the delegation.

Watch and the Centro de Direitos Humanos Henrique Trindade. The delegation's trip marked the first time in its eleven years of operation that the CPT office in the state of Mato Grosso had been able to visit a forced labor camp while abuses were going on.

On Monday, July 7, the group departed from Cuiabá, travelling more than 740 km (460 miles) and arriving in Alta Floresta by nightfall. The following morning, the delegation proceeded some 60 miles, mostly on unpaved roads to the two fazendas. Once there, the group was able to observe firsthand the labor conditions at the fazendas and speak with numerous laborers. In addition, Americas Watch interviewed overseers (*fiscais*) and one fazenda owner, as well as several laborers who had escaped from the camp and returned to Cuiabá. The information presented below is based on these interviews and the on-site examination of the labor conditions at the fazendas.

Fazenda Pantera

On March 12 or 13, three men began recruiting workers in the Jardim Vitória section of Cuiabá. One of them already resided in the neighborhood, and his house was used as a meeting point for men in the neighborhood interested in finding work. The three men—Adolfo García, Pedro (or Pedrão) and Jonas—promised the men high wages for work that would last 30 to 40 days. The recruiters offered (and paid) an advance of 1,000,000 cruzeiros (approximately \$46) to married men and 600,000 (\$27) for single men.¹³ The recruiters promised roughly \$50 for each *alqueire* cleared.¹⁴ Numerous workers who had been recruited in the Jardim Vitória neighborhood corroborated these facts. They also uniformly stated that they were never told that they would be charged for transportation, food, lodging or any of the other incidental costs they later incurred.

On March 14, about thirty men set out for the fazendas in the back of a flat-back truck. Jonas and Pedro oversaw the men, several of whom were drunk (many of the un-married men spent part of their advances on liquor). The truck took at least one detour off the main road to avoid a police inspection point on the highway. The truck stopped to pick up more workers in the towns of Acorizal and Rosário, located north of Cuiabá. There too, *gatos* had been recruiting workers with similar deceptive promises. With the two additional stops, more than 40 additional passengers got on the truck. For the remainder of the trip—nearly a full day—the 70 men stood, packed together on the back of the truck. The truck stopped for the men to eat and hard liquor was served.

On arrival, the men stayed in a large *barraco* (shack) the first night. The following day, they were divided into groups of about eight men each. They were issued tools and food on credit.

The goods issued on credit included axes, sickles, *facões* (machetes), pots, rice, beans, sugar, coffee and plastic (to cover the makeshift tents that would be their homes at the fazenda). All items were charged to the workers' accounts. When Americas Watch investigated the fazenda

¹³ Because of Brazil's rampant inflation, running at over 30 percent a month in 1993, all currency exchange rates are only approximations. The calculations used in this report are based on the average monthly rate for the month in which each transaction happened.

¹⁴ The surface measured by an *alqueire* varies from region to region. In this area one *alqueire* equals 4.84 hectares.

Pantera and spoke with workers there, we discovered that none of the workers knew the prices of any of the goods they had been purchasing on a weekly basis. No one had ever seen a receipt for any item purchased. Such receipts were only shown when accounts were settled, a procedure that almost no one at the camp undertook.

After receiving their goods the first day, the men were sent out into the dense brush to clear out a small area and set up the huts where they would remain for the duration of the work period. These huts—which Americas Watch saw—were a series of sticks covered with a large sheet of plastic. There were no amenities (sanitary or otherwise) of any kind. Men who did not bring hammocks slept on the ground.

The men labored in crews of eight, usually from before sunup until sundown, six days a week. Each group of eight was given a plot of land—usually 42 alqueires (203 hectares)—to clear. The men were told that when they finished their area of land, the workers would be free to go. The work was divided into light clearing, which could be performed by men with machetes and axes, and heavy tree cutting, which was done by a worker with a chainsaw. On Sundays, the workers would walk to the company store—generally a walk of more than an hour through the brush—to purchase supplies on credit.

The camp was patrolled by fiscais who supervised the quality of the clearing. Many of these fiscais were armed with machetes, shotguns and revolvers. The fiscais that Americas Watch saw were almost uniformly quite large—over six feet tall and well-built. These fiscais did not allow anyone to leave the camp without permission. On the few occasions that workers sought permission to leave, they were refused.

When Americas Watch visited the fazendas, we were able to speak with more than two dozen workers. Although their experiences varied slightly, most recounted the same story. After completing the first plot of roughly 40 alqueires (approximately 200 hectares), which took about three months, the men were told that the gato in charge was not able to settle accounts with them. The justifications that the workers were given varied. Some were told that the forms needed to settle accounts had run out. Others were told that the gato in charge was away for a few days. Whatever the story, the workers were given new plots of land to be cleared. None of the workers with whom we spoke at the fazenda Pantera had been paid anything. Only one group of workers with whom we spoke had settled accounts for all costs except gas, oil and chains used with the chain-saws, but had not been paid anything. Even if the men had been paid the per alqueire raise they were promised to correct for inflation, after deducting their consumption at the company store, they would have earned about \$80 per man for four months work—before having their wages discounted for gas, oil and chains. Because these men had no idea of what they would be charged for gasoline,¹⁵ oil and chains, there is no way to tell what, if anything, they would have been paid. No one else we spoke with had any reasonable expectation of being paid anything.

Americas Watch visited the cantina, or company store. When the delegation arrived, we surprised the fiscais working there. We asked those working in the company store the prices of several items. The cantina clerk indicated that he did not know the prices of anything, even

¹⁵ These men said that they had used 270 liters of gasoline. If they were charged at the market price at that time, this would have reduced their earnings to less than \$70 each for four months work.

though he was responsible for noting all sales on the workers' debit sheets. When pressed on the price of one item, he gave us a price which was half of that noted on debit sheets that we inspected in that same storeroom.

The workers with whom Americas Watch spoke uniformly told us that they were not free to leave. As long as they had not settled accounts and been given permission, they simply could not leave the work site. The only means of leaving was to escape, an option which many of the workers had taken. In fact, according to the workers who formed part of the initial group of 70 that left from Cuiabá, Acorizal and Rosário, roughly half had fled before Americas Watch arrived. This high number of workers managed to escape despite the difficulties involved. The men knew that escapees would be hunted down, possibly beaten or worse, and returned to the fazenda if caught. Americas Watch verified the cases of three workers who were beaten when they were caught and forcibly returned to the camp. Virtually all the laborers with whom Americas Watch spoke in the camp knew of these cases, and told Americas Watch that this is what would happen to them if they tried to escape.

Even if they were not caught, workers also knew that escape was quite difficult. Men who successfully fled told Americas Watch about two day walking trips, often without food or water with most of the actual travelling done at night. Once they had arrived at a safe distance from the fazenda, the men then had to find some means of earning the money needed to return home.

Beatings

On the 8th or 9th of May, five workers who decided that they would never be paid for their work chose to escape. The five, including one 58 year old father and his son, set out one afternoon on the road to Alta Floresta. The men recounted to Americas Watch how they had travelled overnight, rested, and continued the next day. At about two o'clock the next afternoon, the men were caught by four or five of the fiscais and gatos in a car. The fiscais and gatos were armed with revolvers and shotguns. The man driving the car told them, "Don't resist. Things are different with me. I shoot." The men were forced to get on the back of the truck. They rode for about 10 minutes, then got off and walked another 8 miles to the fazenda. When they neared the fazenda, Pedro, one of the gatos, apparently upset by something that the escaped laborer Carlito said, beat Carlito with the blunt edge of his facão several times. The beating left Carlito bleeding, scarred his back, and rendered him unable to work for three days. Pedro also grabbed another one of the escapees by the hair and pushed him to the ground.

Pedro also beat another laborer, Antônio Belarmino da Silva, when da Silva explained that he wanted to leave the fazenda. Da Silva recounted the incident to Americas Watch. After more than three months at the fazenda, he had approached Pedro to explain that he no longer wished to remain there, and that he wanted to be paid and allowed to leave. Pedro said that he could work as a cook or as a *meloso* (errand boy) which was not as difficult, but that he could not leave the fazenda. When da Silva insisted on leaving, Pedro beat him on the back with his facão, about eight times. Pedro, who was carrying a 20-gauge shotgun at the time, told da Silva that if he said anything about the incident that Pedro would shoot him in the head. Pedro then took him to work with a different fiscal, named Vadinho.

Denial of Medical Care

The workers with whom Americas Watch spoke indicated that there was a total absence of medical care at the fazenda. Injured workers had to be driven to town—nearly an hour and a half away—if they were hurt. Yet this was simply not done. Americas Watch spoke with one

man who had been struck by a falling tree that opened a large gash on his shoulder. He asked Totinho, a fiscal, to take him to see a doctor, but Totinho refused. When we interviewed the man he still had a seven-inch scar on his shoulder. Totinho, when asked about the incident, confirmed its accuracy, alleging only that he did not have any vehicles to take the injured man to receive medical attention. The injured man denied this, as did several other workers who were present.

Workers were particularly worried about the lack of medical care as they were constantly exposed to venomous snakes. One group of workers told Americas Watch that they had killed eight venomous snakes in less than four months of work. While work groups were cutting brush they were often at least an hour-and-a-half walk from their camp—a distance in which they stated that they could easily have died if bitten by a snake.

Fazenda WS

Several of the same gatos and fiscais that oversaw the clearing operations at the Fazenda Pantera also supervised forced laborers at the nearby Fazenda WS. Americas Watch spoke with workers who had left the forced labor camp at fazenda WS as well as a fiscal engaged in overseeing deforestation operations under forced labor conditions on the fazenda itself.

One laborer explained to Americas Watch that he had been recruited in Pontes e Lacerda in the state of Rondônia along with 40 other men by the gatos Adolfo and Vadinho, both of whom also oversaw operations at the Fazenda Pantera. The voyage from Pontes e Lacerda took three days. On the trip, the truck stopped only for the men to eat. The men were taken to one part of the fazenda WS, an estate quite close to the fazenda Pantera. Once at the fazenda, the laborers were subjected to conditions similar to those at the fazenda Pantera. They were divided into groups of six to eight men and given plots of roughly 40-50 alqueires (200 to 240 hectares) to clear. The men were promised 800,000 cruzeiros (\$36) per alqueire,¹⁶ clear of any costs for transport, food or lodging.

The men knew that they were not permitted to leave the work site until they had finished their plots and been given permission to go. Fiscais, some of whom were armed, supervised the men, as in the fazenda Pantera. A laborer named Ilson with whom we spoke told us that he knew of at least eight workers who fled the camp. After three months, the men on Ilson's crew had finished 52 alqueires (252 hectares), and sought to settle accounts with Adolfo. Adolfo told them that he did not owe them anything. Because they were unaware of the prices in the cantina, they did not argue. Adolfo let these men go, apparently because he also decided to leave the fazenda.¹⁷

These men left the area where they had been working and proceeded to another part of the fazenda WS, which was under the direction of different gatos. There, Americas Watch interviewed several men who were working under better conditions. In this part of the fazenda, the workers had few complaints. They were paid without deductions for food and lodging. We calculated their monthly wages to be about \$192, or roughly twice the monthly minimum wage.

¹⁶ This was the price promised in March. Subsequently, this price was readjusted for inflation.

¹⁷ Americas Watch spoke with a fiscal, who worked for Adolfo. According to this fiscal, Adolfo left the area suddenly and paid no one, not even his fiscais.

SANTANA DO ARAGUAIA, PARÁ

In the summer of 1993, the *promotor* (prosecutor) in the southern Pará town of Santana do Araguaia began to receive reports of forced labor conditions existing in fazendas in the region. The promotor, who was new to the town, began to investigate the allegations, and in a few months he documented what appeared to be a widespread forced labor ring operating openly in the town and the outlying areas. The promotor forwarded several affidavits relaying details of forced labor operations to the state promotor's office in Belém. Despite substantial evidence of serious criminal violations (detailed below), the state promotor decided not to advise the federal police. When asked by Americas Watch why she had not sought federal investigation, she responded that she did not want to bother the federal police with "mere allegations" that were rarely credible.

The first reports of forced labor surfaced after a local laborer's visiting brother denounced his family's situation to the local Rural Workers' Union (Sindicato de Trabalhadores Rurais—STR). Osvaldo Pereira da Silva came to Santana do Araguaia to visit his brother's family in June. When he arrived, he found that his brother, his brother's wife, and their three young daughters were all gone, and was told that they were working at a fazenda located about 40 miles from Santana do Araguaia. After he denounced the situation to the STR, two Rio de Janeiro based journalists investigating rural violence and forced labor began to investigate the case. Americas Watch spoke with the local promotor, the journalists, the regional CPT, the worker and his family, and reviewed court documents to reconstruct the events related below.

Fazenda Mata Azul¹⁸

Lourival Alves Lopes, an unemployed laborer relatively new to Santana do Araguaia, sought out a man he knew to be a recruiter of deforestation laborers. The man, Francisco Andrade Chagas, known by his nickname "Chicô," arranged for Lopes to work on a fazenda roughly 40 miles from Santana. Chicô promised Lopes 1,200,000 cruzeiros (\$32) per alqueire cleared.¹⁹ Lopes left with his friend Geremias Cabral da Silva and a teenager known as Nego who worked as their assistant, carrying fuel and aiding with other tasks. The three worked together clearing brush for twenty-four days. During that time, they worked seven days a week, from early morning until shortly before sundown. The camp where the men worked was supervised by fiscais, some of whom were armed. The fiscais oversaw the quality of the work. No one was permitted to leave without Chicô's authorization. The men lived in a makeshift tent which consisted of several large sticks covered by a large piece of plastic. The men had to purchase the plastic covering, used, from the cantina.

After twenty-four days, the two men had cleared the area assigned to them, and were permitted to settle accounts with Chicô and leave. Following this period of work, Chicô told them that they owed 900,000 cruzeiros (\$24) based on his accounting of their expenditures while at the fazenda. Chicô dropped them off in the city and four days later, proposed a second period

¹⁸ Those with whom we spoke differed as to the name of the fazenda, recalling it as either Mata Azul, Agua Azul or Serra Azul.

¹⁹ In the northern states of Brazil, including Pará, an alqueire is equivalent to 2.72 hectares.

of service in the same fazenda. The two laborers accepted, believing that they actually owed Chicô the money he claimed. Chicô paid Lopes and da Silva an advance of 2 million cruzeiros (\$54) each. The men left most of this money with their families.

The two returned to the fazenda for the second period of work, along with the boy Nego, and Maria de Fátima, Lopes' wife, who accompanied them as their cook. Later during the job, she was compelled to serve as cook for a number of laborers, without any compensation for this work. In the meantime, Lopes and his wife left their daughters in the care of neighbors.

Death in the Camp

As they were being driven into the fazenda, the men saw a pick-up truck leaving the fazenda with the body of man who had recently died. Lopes told Americas Watch that the body was covered with blood and wrapped in a net. Chicô told the young man driving the pick-up truck to take the body to the fazenda, and that he (Chicô) would take the body to the city. Lopes never heard more about the incident.

During the second service period, the conditions were essentially the same as the first. No one was permitted to leave the fazenda without permission from Chicô, and then only if they did not owe money according to his records. During this second service period, at least three workers escaped from the fazenda.

Prior to this second service, Lopes had agreed with Chicô that the latter would periodically give money to Lopes' daughters for food and other necessities. Chicô gave the three girls about \$10 for food on one occasion, then later gave them another \$2. When the girls sought more money for food several days later, Chicô told them he had nothing to give them because their father owed him money. Instead of giving the girls money as agreed, Chicô took them to the fazenda. Once there he dropped them off four kilometers from their parents' camp, and left them to walk through the dense foliage alone. Lopes was enraged that Chicô had taken his daughters from home and school and deposited them in the middle of rough jungle, yet he felt powerless to complain. He knew he was not permitted to leave, and also feared that complaining would only make his situation worse. He decided to try to work off his debt, so that his family could return to Santana.

Unfortunately, a few weeks later, Lopes' co-worker, da Silva, was struck by a falling tree and seriously injured. Da Silva was taken to a hospital in Santana. Although a tree trunk had fallen on his leg incapacitating him and rendering walking impossible, da Silva was not x-rayed, nor did he receive any treatment other than being prescribed a few pills. Once in the hospital, da Silva was visited by João Roberto Ripper, one of the journalists who uncovered the forced labor camp in Santana. Da Silva told Ripper about the general work conditions at the camp, as well about his personal experiences there. The next day, Chicô came to visit da Silva to interrogate him about what he had told the journalist. On the day after Chicô's visit, da Silva was discharged from the hospital, despite the fact that he was in severe pain, and still could not walk.

Meanwhile, Chicô's *cantineiro* (store clerk) told Lopes that he would have to undertake a third service period. The *cantineiro* explained that because his "partner" (da Silva) had fallen ill, Lopes would be responsible for paying the costs of da Silva's medical treatment. Lopes told Americas Watch that although he desperately wanted to return with his family to Santana, he felt that he had no option but to continue laboring until his "debt" had been paid. A few days after the Rio-based journalist interviewed da Silva in the hospital, Lopes finished the third service period. Chicô's fiscais determined that Lopes had paid his debt, and he collected his earnings for his time

at the fazenda: 200,000 cruzeiros (\$5).²⁰

During this period, Ripper spoke with another laborer, who recounted his experiences in a forced labor camp run by Chicô. The description of the location of the fazenda, its name (Agua Azul, Serra Azul or Mata Azul), and other details provided by this worker to Ripper corresponded to the accounts of the fazenda where Lopes and da Silva labored. This laborer told Ripper about a laborer who had fallen ill on the fazenda, with what appeared to be cholera. The laborer, who was vomiting and had dysentery, was refused permission to leave the fazenda. According to the witness, one of Chicô's fiscais told the ill man "to either get well fast or die fast." Chicô himself saw the man's condition, and refused to permit him to leave. After several days, the ill worker died.

Investigation of Chicô's case

When this information was made available to the promotor in Santana, Dr. Eliezer Monteiro, he reviewed court records on Chicô and found another outstanding case against Chicô which also involved allegations of forced labor and physical mistreatment of workers. That case, from 1985, came to the attention of the Santana judicial system after a worker who had been severely beaten and injected with an unidentified substance by three of Chicô's fiscais complained to police. The police took statements from the three fiscais, the laborer and Chicô. According to those statements, the laborer, Francisco Carlos Ferreira de Souza, had been recruited to work on the deforestation of a fazenda in the locality of Nova Barreira, in the Santana municipality. Souza began working on an area of 13 alqueires (35 hectares). After completing seven alqueires (19 hectares), he had a disagreement with one of his coworkers and sought to leave. When he went to the cantina on August 2, 1985 to settle accounts and request work in the cantina itself, he was told that he was not allowed to leave, and that he had to return to work. When Souza protested, three men—all of whom Chicô admitted worked for him as fiscais—beat him. In addition to using their fists, the three men beat Souza with facões (machetes). Afterwards, they gave him an injection without explaining what it was or why he received it. The following day, the victim, still hurting badly, was required to work. In their statements to the police, the men who beat Ferreira da Silva admitted that they had done so, explaining that it was necessary to beat the man to prevent him from "escaping." Despite the admissions of the fiscais, the police released them and performed no further investigation into the case.

The promotor in Santana reviewed these documents and concluded that Chicô had committed the crime of "Reducing a person (or persons) to a situation analogous to slavery," which is penalized by article 149 of the Brazilian Penal Code. In his submission to the Judge in Santana requesting Chicô's arrest, the promotor lashed out at the police for performing a shameful investigation, and the criminal justice system for permitting this type of crime to go unpunished. Based on the 1985 incident, and the testimony regarding the 1993 incidents, the promotor sought a warrant for Chicô's arrest. Although a case was opened by the judge against Chicô, his preventive detention was not ordered. As a result, he will be permitted to respond to the charges in freedom.

²⁰ In his report seeking Chicô's preventive detention, promotor Monteiro noted the coincidence of the journalists' presence and Lopes' release from the camp as suspicious. Monteiro told Americas Watch that he had no doubt that Lopes was released because of the pressure caused by the publicity.

Other Evidence of Forced Labor in the Santana Area

At the same time that he was compiling this dossier on Chicô, the promotor became aware of other information which indicates that the practice of forced labor in the Santana area is widespread. One woman gave a statement to the promotor in which she explained that her husband had died in a labor camp. The woman came to the promotor to seek his assistance in recovering the wages owed to her husband under law. Another man gave a statement in which he described forced labor conditions at another fazenda run by a gato know as Deusdeth. According to this witness, in that camp, laborers were refused permission to leave until they had paid their debts. Of course, the only ones with access to accounts were the gatos and their employees. Another laborer, Angelito Barros Dantas, gave a statement in which he indicated that he had received death threats which he attributed to an attempt to coerce him into not talking about conditions at the labor camps where he had worked. Dantas gave a statement to the promotor in which he told of having worked in numerous forced labor camps for several different gatos. In that statement, Dantas named several well-known gatos who apparently freely recruit laborers in the Santana area.

Santana promotor Dr. Monteiro received another statement from a guest house owner who admitted the ties between his business and the practice of forced labor. According to this man, laborers from other states routinely stay in guest houses in Santana without paying in advance. They are permitted to run up a debt with the guest house owner for food and lodging. These debts are generally paid by gatos, who pay the laborers' balance to the guest house owner in exchange for the right to take the laborer to a particular work site. Laborers whose services are acquired in this way rarely earn enough money to repay their debts, and, like other forced laborers are generally allowed to leave the work camps only when the work season has ended.

USINA DE ALCOOL DE IBAITIA LIMITADA (DAIL), IBAITI, PARANÁ

On Thursday, June 24, two laborers who had escaped from the Usina Ibaiti arrived at the Sindicato dos Trabalhadores na Industria de Construção Civil (a construction workers' union) in the town of Londrina in the southern state of Paraná. The laborers, from the distant state of Minas Gerais, told of their recruitment, based on promises of high wages, and the contrast with the reality of long hours, miserable living conditions and poor pay that they were receiving at the Usina. Though this case stops short of Americas Watch's classification of forced labor—no overt threats or violence were used to maintain the workers at the fazenda—it is instructive of the more subtle methods and series of deceptions that labor contractors use to deny workers freedom of movement, create a debt trap, and hold workers in a situation very nearly analogous to forced labor.²¹ Many observers feel that because of the on-going economic crisis in Brazil, these situations of "quasi-legal" forced labor are becoming increasingly common.²²

²¹ Indeed, many Brazilian observers do not distinguish between cases where overt violence or threat of violence are used and those where less extreme forms of pressure are applied to deny workers their freedom. As a mandate matter, because Americas Watch does not deal with labor or work condition issues, we chose to research cases that met our working definition of forced labor (i.e., use of force to oblige to work). This case, though, arguably falls in a grey area.

²² As explained below, this situation is quasi-legal in that the operators of the Usina in Ibaiti maintained an appearance of legality. After recruiting the laborers

In this particular case, the labor contractors recruited poor, un-educated and desperate peasants, gave them false promises of good pay and good food, failed to mention that the workers would be discounted for food and transportation, mislead them as to the location of the work site and its distance from their homes, kept the workers' legal documents, and hired more workers than needed in order to ensure that "lazy" or uncompliant workers could be easily fired. Though the workers were "technically" free to leave, they felt that their situation was so desperate that they pooled their meager earnings to enable a group to "escape" and denounce the poor conditions. Though armed gunmen did not patrol the area, workers who were fired were forced to sign their dismissal slips at gunpoint, and at one stage an armed policeman threatened striking workers.

The day after the escaped workers arrived in Londrina, a delegation was formed to investigate the *usina* (a sugar mill and sugar cane plantation) to determine whether forced labor was being practiced. The delegation consisted of representatives of the CPT, Americas Watch, press from Londrina and Curitiba (the state capital), state and federal deputies, and the Promotora da Justiça from the town of Ibaiti. Early Monday morning, June 27, groups departed from Curitiba and Londrina, met in Ibaiti, and then headed for the fazenda. The following account is based on personal observations at the fazenda, interviews with dozens of laborers and employees and directors of the usina, local authorities, and press accounts.

In mid-May, recruiters from the usina arrived in Araçuaí, in the state of Minas Gerais, to round up workers for sugar cane cutting at the usina. The recruiters included the gerente of the usina, Sebastião Mendes, and the gatos José Roberto and Cleomar. These men promised the potential workers high wages, good living conditions, and restaurant-quality food. They failed to mention that the men would have their wages discounted for these provisions. They further promised wages of 600,000 to 700,000 cruzeiros (\$16 to \$19) per day for even the least productive workers. Finally, the recruiters promised that the usina was located in the state of São Paulo, half the distance from the place of recruitment to the location of the actual site, and also better known for its employment possibilities in cane cutting.²³ These promises were well received by the rural laborers in the region, a particularly poor section of Minas Gerais. More than 200 men agreed to travel to the work site from the area. Eventually, some 420 laborers would arrive at the fazenda.

At the usina, the men found the conditions were quite different from what they had been promised. First, they realized that they had not been taken to São Paulo, but to Paraná, almost

with false promises, they forced them to sign new labor contracts. The Usina operators then paid the workers the minimum legal wage, from which they deducted food, board, and other costs which nearly always approached the workers' entire earnings. This labor situation is quasi-legal in the following sense: the operators could have produced paperwork for many laborers which would have indicated a normal work situation.

These cases of quasi-legal forced labor, like the others documented by Americas Watch, generally evade prosecution. According to the promotora investigating the Ibaiti case detailed here, the subject usina had some 200-300 unresolved labor complaints filed against it in the local Ibaiti labor court.

²³ Several of the laborers with whom we spoke had previously worked at cane cutting operations in the state of São Paulo. These laborers, who were familiar with piecemeal rates of pay, inquired as to the price per meter cut, and were told a price roughly three times higher than the rate at which they were compensated.

150 km (93 miles) away from where they had been promised they would be working.²⁴ A bus ticket back from Paraná to Minas Gerais, a trip of approximately 1,400 km (870 miles) would have cost the men approximately \$50, much more than they earned per month after before being discounted for food and board.

Shortly after arriving, the men were required to sign contracts which guaranteed them the minimum wage, less than one-third of what they were promised. In order to fill out these forms, the gerente and his agents collected the laborers' work documents, and, in most cases, still retained them when the delegation arrived.

The laborers also discovered that the labor would not be compensated at anywhere near the promised rate. First, the price per unit was less than half of that promised. Second, the men were permitted to cut cane only a few days a week; on the other days, they were required to perform other tasks for which they were paid significantly less. Neither did the living conditions or the food match up to the promised standards. The men lived in overcrowded bunks and were served low quality food. One of the dormitory rooms which Americas Watch observed was roughly 20 feet by 20 feet and had 19 bunks crammed inside. There were roughly 12 other rooms like this in which more than 200 men resided. In another part of the usina, 150 laborers lived in small, equally overcrowded bunk rooms. The food was not restaurant-quality, consisting instead of two meals a day, and coffee and bread in the morning.

After their wages were discounted for food and lodging, the men earned roughly \$20-\$35 per month.²⁵ Any debts with the cantina were separate from this amount. When their accounts were tallied, many workers left with less than \$20 earned for six weeks of work. Others were forced to turn their pittance over to the gato who ran the cantina, and thus returned home with nothing.

Medical services, for which the workers had their salaries deducted, were virtually non-existent. One worker who accidentally cut a deep flesh wound in his arm with a machete was left to walk 30 minutes each way to the cantina for medical supplies. The worker was docked for the time he missed due to the injury, and was charged an exorbitant price for the bandages sold to him at the cantina.

After several weeks at the work site, the laborers grew disenchanted with their working and living conditions. One group of about 200 workers decided not to board the company bus to work one morning, and instead struck, demanding better conditions. They were persuaded to go to work that first day, but again decided to strike the following day because the managers of the usina had not agreed to their demands. On the second day, the gerente, Sebastião, accompanied by several *jagunços* (thugs) decided to negotiate with the laborers. He asked them to select five representatives to negotiate with him. While the workers were selecting their representatives, an armed police officer arrived. According to the eyewitness versions of

²⁴ The men were transported in several buses. Some men told Americas Watch that they were told several hours into the journey that they were going to Paraná and not São Paulo. Others stated that they were told only on their arrival. In either case, the laborers were not informed until after it was too late. Although they complained, they thought it best to see what the work conditions were like.

²⁵ The men remained at the camp for slightly more than one month. Calculations of the monthly wages are based on the payments given to the workers as part of the settlement reached following the delegation's visit to the work site.

numerous workers present that day, the officer drew his revolver, slipped it behind the belt buckle of his pants and said: "so, are you going to work?"²⁶ The vast majority of laborers boarded the bus and went to work. Still, a group of about 70 remained behind, refusing to work until the usina complied with its promises.

Another tactic used by the fazenda to control the workers was the hiring of surplus laborers. The gerente in charge of the usina admitted that he had hired 420 laborers, even though only 350 were needed. After a few weeks, he dismissed those laborers who he claimed "really didn't want to work." According to those laborers who remained at the camp, the usina's managers forced the 70 discharged laborers to sign documents ending their employment, at gunpoint when necessary. The workers were then taken to the nearest town, Ibaiti, and left there.

During the commotion caused by the strike and the arrival of the police, the two workers who reported the conditions at the usina to union officers in Londrina fled.²⁷ The prior evening, after the first work stoppage, 150 laborers living in one section of the usina combined their money in a pool, and gave it to two laborers, Nazir Pereira da Silva and Antonio Augusto Ferreira dos Santos, so that they could go to town and seek help for them. The two men took advantage of the next day's work stoppage to leave unnoticed. They made their way to Ibaiti, and then took a bus to Londrina. Once there, they contacted a construction workers' union, the Sindicato dos Trabalhadores da Industria de Construo Civil, who then helped organize the delegation to assess conditions in the usina.

The visit of the delegation to the usina caused a great deal of attention in the local press, appearing on the television news the day of the visit, and on the front page of the local papers the next day. Most probably as a result of this negative publicity, the gerente worked out an arrangement with the promotora through which any laborer who wanted to return to his hometown would be given free passage home. The workers would first be paid what salary was due them, less discounts for food and lodging. The following day, the usina provided three buses to transport laborers back to Araua. Several of the members of the delegation, including the Americas Watch representative, returned to observe the return of the workers. Although there was some concern about their safety and repeated complaints that the usina was paying even less than what it had promised after the workers' arrival, the workers were excited to be leaving. The following day, the rest of the workers still at the usina left. Most returned home, but some went to the state of So Paulo to seek cane-cutting jobs while they were still in season. That all the laborers left the camp when given the opportunity to do so freely, many to return home to no jobs, says a great deal about conditions at the usina.

²⁶ Sebastião Mendes, the gerente in charge of the usina, admitted to the delegation that he had called the police to the usina. He claimed, though, that he did so to prevent the striking laborers from impeding the access to the buses of those laborers who wanted to work. Every laborer present that day with whom we spoke flatly denied that any of the laborers attempted to prevent access by other laborers to the buses.

²⁷ The workers differed in their opinions as to whether or not they could freely leave the usina. Many believed that they could, though they had not tried. Most thought the question was moot, since without money, and some 1,400 km (870 miles) from home, there was no alternative.

RECOMMENDATIONS

There can be little doubt that forced labor is a serious problem in Brazil, and one of national dimensions. Because the practice almost always involves workers from one state that are brought into another, a federal response is required for its suppression. Americas Watch believes that federal authorities in Brazil must take a significantly more active role in the investigation, criminal prosecution and punishment of the crimes of forced labor and forced labor recruitment. Experience to date has shown that state authorities are generally either unprepared or uninterested in suppressing these crimes.

A first step in the process of combatting forced labor would be enhanced funding for the Federal Police, with funds specially designated for the suppression of forced labor. Such an allocation of resources would result in improved federal police investigations, at the same time that it would eliminate the convenient excuse, often offered by federal authorities, that they would like to investigate, but lack the resources.

Yet another weapon which could be made available to federal authorities would be the power to seize lands on which forced labor is practiced without having to show actual knowledge on the part of the owner, or by allowing the knowledge of his subordinates to be imputed to him. In addition to making such seizures a realistic possibility, such a practice would put fazendeiros on notice that they can not simply turn over responsibility for the management of deforestation operations to gerentes and gatos and expect to escape responsibility.

The Federal Police Chief for the state of Pará, Fabio Caetano suggested in an interview with Americas Watch that a useful step would be to enhance preventive police action. Thus, random searches of fazendas in remote areas by Federal Police might serve to deter the practice of forced labor. In the ideal world, this preventive investigation might have a deterrent effect. In the short run, however, suppression of the crime would be greatly advanced if the federal police could be counted on simply to respond in a timely fashion to the tips they already receive. The lack of interest of the federal police to investigate the fazenda Pantera, despite the request of perhaps the most important national human rights organization, indicates that much can be done to improve that institution's capacity to respond to known cases of forced labor.

Although Ministry of Labor officials are empowered to investigate cases of labor law violations and to file civil suits against offenders, they are not authorized to arrest offenders, even when caught in the act. One Ministry of Labor official suggested that granting this agency arrest powers would significantly enhance their ability to force compliance with Brazil's labor code. Americas Watch agrees that empowering labor investigators to detain persons caught in the act of committing gross violations of labor law could have a significant deterrent effect on the practice of forced labor.

In addition to enhancing the ability of the federal police and labor authorities to act effectively, changes in the criminal justice procedure used to prosecute violators are in order. Professor Souza Martins has suggested that federal authorities be given enhanced authority to investigate and prosecute violations of the labor code that involve forced labor. In particular, he has recommended that these cases be brought in federal court in Brasília, far from the pressures that often doom trials held in local courts in rural areas. Because of the hardship this might cause for laborers forced to appear in Brasilia to testify, special procedures could be designed to facilitate their ability to provide testimony in the jurisdiction where they reside. Other possibilities include the use of affidavits, already widely accepted in Brazilian criminal procedure, videotaped testimonies, where possible, or transport to Brasília for key witnesses at

government expense.

Although we believe that federal authorities must take a more vigorous role in the prosecution of forced labor offenses, we do not believe that state and local authorities can escape their share of blame for the persistence of the problem. Even if greater jurisdiction were granted to federal prosecutorial and judicial authorities, because local authorities are often the first to receive reports of forced labor, they will always play a critical role in the suppression of this crime. Thus, Americas Watch calls on local authorities diligently to investigate claims of forced labor and to forward all reports of serious labor abuses to federal authorities immediately, without first screening them to determine whether they are meritorious.

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