



## Antonio Tavares Pereira, et al. v. Brazil

Report No. 96/09, Petition 4-04

**Country:** Brazil

**Region:** Americas

**Year:** 2009

**Court:** Inter-American Commission on Human Rights Inter-American Commission on Human Rights

**Health Topics:** Violence

**Human Rights:** Freedom of association, Freedom of movement and residence, Right to bodily integrity, Right to life

### Facts

Fifty buses worth of landless rural workers attempted to protest in Paraná's capital for agrarian reform as large amounts of the rural lands in the state were owned by a few landholders. The caravan was intercepted by military police. When passengers got off one of the buses to inquire what was happening, the military police opened fire on them, with no attempt whatever at negotiation or conversation and no reason that would justify the use of deadly force. Antônio Tavares Pereira died hours later and 185 other people were wounded.

At the time, a civil investigation of the incident was ongoing, but a criminal investigation had ended and a military judge had archived the case.

### Decision and Reasoning

The Commission found the case admissible.

The Commission found the case was not barred on exhaustion of domestic remedies as "military courts are generally insufficient to remedy human rights violations and because of the criminal investigation of the case ended due to a ruling by a military court.

The Commission found that the excessive use of force by the military police causing the wounding of 185 people and the death of Pereira would amount to violations of Articles 4.1 (right to life) and 5.1 (right to bodily and mental integrity). Furthermore, if the purpose of the police action was to stop the demonstration, then the action would amount to violations of Article 15 (right to assembly) and 22 (freedom of movement and residence).

### Decision Excerpts

"The IACHR has repeatedly held that normally military court systems (investigations and trials) lack effective remedies for human rights violations, so individuals who only have access to the military justice system are not required to exhaust domestic remedies before resorting to the Inter-American Commission (see *infra*). Other international human rights organizations have systematically applied the same reasoning." (Para. 27)