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Brazil: To Burst Ropes and Chains

On the Sentencing of 23 Prisoners for the 2014 Protests

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July 30, 2018

Retrieved on 17th June 2021 from crimethinc.com

lib.edist.ro

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lic nurseries, crime is the expensive and overcrowded buses, crime is what is practiced daily in the favelas that are left bloody by the genocide of black and poor people. These are crimes! And these crimes, you can be sure, will not go unpunished forever.

In times of serious attacks on labor and social rights, it is essential to unfurl the flags of freedom of expression and assembly, without which no other rights can be defended, much less obtained. This is all the more important when Rio is under military occupation and we see officials speaking openly about the possibility of a military coup in the country on an almost daily basis. We call on all fighters, workers, students, collectives, activists, intellectuals, and democrats to speak out loudly in this campaign. It is not only for the 23—it is for all who fight!

Fighting is not a crime!

Fascists, today and always: they shall not pass!

Long live the days of June 2013!

Signatories

In Brazil, 23 people accused of participating in demonstrations against the World Cup have been sentenced to seven years in prison for “criminal association.” Globally, in conjunction with the torture cases in Russia, this represents another step towards criminalizing people on the basis of their politics and relationships. We have to keep abreast of these developments and mobilize international solidarity to deter governments from employing these strategies more and more widely.

To Burst Ropes and Chains

“The constitution did indeed guarantee freedom of speech, but the laws punished anything that could be considered an attack on state security. One never knew when the state would start screaming that this word or that was an attempt on its security.”

-Milan Kundera, *The Book of Laughter and Forgetting*

Brazil is going through dark times. While the electoral landscape is divided between a proto-fascist right wing that spreads false information and threatens researchers at universities and a left that is chiefly concerned with saving its party bureaucracy, daily life is invaded by the most deadly authoritarianism. Military intervention in Rio de Janeiro; massacres in the peripheries and penitentiaries; record numbers of people incarcerated and murdered—Brazil has the third largest prison population on the planet and witnesses about 60,000 homicides per

year. The military is increasingly involved in the political life of the country, occupying ministries and issuing opinions ceaselessly via corporate networks and social media.

The execution of Marielle Franco (PSOL councilor for Rio de Janeiro), carried out brutally and surgically in March 2018, illustrates the current state of affairs. Brazil is no longer a democracy, even formally speaking, although it is not yet a dictatorship with a permanent suspension of civil rights. We are experiencing a democracy in a perpetual state of exception for the sake of “security.” This is growing more common around the world, and is carried out with the broad involvement of the armed forces in the criminal justice system.

In this context, on July 17, 2018, Judge Flávio Itabaiana de Oliveira Nicolau of the 27th Criminal Court of Rio de Janeiro issued a ruling sentencing 23 people detained in demonstrations against the FIFA World Cup in 2014. The police investigation had been so absurd that at one point the government’s list of suspects included the anarchist Mikhail Bakunin, dead for over a century. The proceedings dragged on for three years, full of flaws and misunderstandings; nevertheless, they concluded with a 7-year sentence for criminal association (article 288 of the Penal Code) and corruption of minors (article 69 of the Penal Code and 244B of ECA). This sentence illustrates the ways that terror functions as a tool of law enforcement, from the police right up to the judge—not to mention jailers, political leaders, and businessmen.

Known as the “23 arrested during the World Cup,” this court case concludes the political repression that the state launched after the massive protests of June 2013. The 23 people are

With this sentence, Mr. Itabaiana enters history through the back door. He will always be remembered as the one who relentlessly persecuted the youth of June 2013. Let it be recorded: what was done in Rio de Janeiro involving persecutory procedures, abusive prisons, invasions of residences, illegal infiltration, wiretapping lawyers, and informal “plea bargaining” (with Felipe Braz, whose testimony is practically the only “proof” cited to condemn us) had no match anywhere else in Brazil. Perhaps the executioners are proud of their service; in response to this “pride,” we believe it is more coherent to say: SHAME!

Yes, because it is shameful that protesters against the FIFA spree are condemned when today most of the World Cup organizers themselves are imprisoned! When the ex-governor who savagely repressed us is imprisoned! When the country is brought to the brink of hunger and social devastation by the same vampires who shook with hatred as young people took to the streets! When Rede Globo,⁷ who haunted us, has not yet explained its negotiations around the mega-events!

Any word on the “condemnable conduct” and “distorted personality”⁸ of these people, Mr. Judge?

We reaffirm what we have said for years: FIGHTING IS NOT A CRIME! Crime is the state of calamity offered to the people waiting in the lines at hospitals, crime is the lack of space in pub-

⁷ Translator’s note: Rede Globo is the largest commercial TV network in Brazil. Globo played a major role in helping the Brazilian Military coup in 1964.

⁸ Translator’s note: These are terms used by Judge Itabaiana to describe the condemned activists.

communities that had been evicted and the breakdown of public services?

Did we dare to participate, as students and workers, shoulder to shoulder with millions of people in the largest mass demonstrations in the country's recent history?

Did we dare to act alongside independent popular movements, which do not bow down or sell themselves to the "dark transactions"³ of the official politics that misgovern us, the chief symbols of which are Pezão⁴ and Temer?⁵

If they accuse us of these things, we must accept what our executioners say with pride. Because that's exactly what we did: we fought. Everyone needs to understand that they seek to condemn and intimidate our entire generation with this infamous sentence. But they will not accomplish that: we carry the stubbornness of those who insist on having faith in life, faith in the struggle, faith in the people. The stubbornness of the thousands who marched at Saens Peña Square on the day of the World Cup final, just hours after dozens of activists were arrested and sent to the Bangu Penitentiary Complex.⁶ We choose a side, and it is not the oppressors' side. If they accuse us of all this, we should be thankful.

³ Translator's note: This is a reference to "Vai Passar" by Chico Buarque and Francis Hime, a famous song protesting the Brazilian Military Dictatorship.

⁴ Translator's note: Pezão is Rio de Janeiro's current governor.

⁵ Translator's note: Michel Temer is Brazil's current president. He took the position after the impeachment of Dilma Rousseff in 2016.

⁶ Translator's note: The Gericinó Penitentiary Complex, formerly Bangu Penitentiary Complex, is one of Brazil's biggest penitentiary complexes.

scapegoats who were chosen by the authorities and the media to pay for the unrest we have seen all over the country and especially in Rio de Janeiro in the past several years. Demonstrations that began with a specific demand related to public transport costs and the challenges of urban life sparked a series of struggles against an administration that proclaimed itself to be "popular." Most of the arrestees had never even met before. They were arrested in their homes days before the final match of the World Cup; most of them had never been arrested before at any other demonstration. There is no evidence of criminal organization or illegal action of any kind.

After the popular uprisings of June 2013, the demonstrations in Rio de Janeiro addressed many things: police violence in the favelas and during demonstrations—the laws of exception, such as the General Law of the Cup nº 12.663 / 2012—the executions inside the Pacifying Police Units (UPPs), exemplified by the case of Amarildo de Souza—arbitrary and violent evictions, like those at Vila Autódromo and Aldeia Maracanã—the repression of wildcat strikes like the ones carried out by teachers in October 2013 and garbage collectors in 2014—and finally, the media discourse from both the right and the left which identified "black blocs" as dangerous terrorists.

As usual, the real issue here is the freedom to protest. The judgment of Judge Flávio Itabaiana is intended to silence any form of dissent that defies the mighty, their mafias, their militias, their judges with their robes full of blood. It acknowledges the June 2013 uprising as something that is still ongoing in contemporary social struggles.

The judge's words reveal his bias against the accused. In the text, he repeats several times that demonstrators have a "distorted personality." He acknowledges that he has no factual evidence apart from objects seized in the house of one of the accused, but he refers to "crime[s] of mere conduct and abstract danger." His sentencing attributes the leadership of the demonstrations to one of the accused without any logical justification, following a conspiracy theory contrived in the media.

What really irritates Judge Itabaiana is the anarchism of the demonstrators. At one point he points to what he calls "direct action groups" as responsible for "acts of vandalism and violence." In addition to purporting to diagnose what he calls "distorted personality," the judge, in the fashion of a nineteenth-century psychiatrist, promotes an image of the anarchist as a dangerous subject. In addition to demonstrating the bias and racism characteristic of criminal law, his sentence is the expression of his own fearful delusions.

This sentence is a violent blow to the civil liberties promised by a democratic regime. If there are no consequences, it will mark the crossing of a threshold deeper into authoritarianism in Brazil, just as the execution of Marielle Franco did. That is why we repudiate it beyond the legal arguments. No judge is worth more than a teacher, a student, or anyone else who dares question the acts of the powerful.

Many of the politicians who were opposed to the 2013 and 2014 demonstrations are imprisoned today for pilfering from the public purse. This confirms what we have been proclaiming on the streets for years.

For all these reasons, we fight for the freedom of the 23 people who have been sentenced!

Against the authoritarianism of security democracy in Brazil and its authoritarian judiciary, we affirm: *every prisoner is a political prisoner!*

The above text appears in Portuguese here. Below follows a translation of a statement signed by 13 of the 23 activists who were convicted for participating in the protests of June 2013 and against the 2014 FIFA World Cup in Brazil.

Declaration of the Activists Condemned for the 2013–2014 Demonstrations

On July 17, Judge Flávio Itabaiana de Oliveira Nicolau finally delivered the service for which Sérgio Cabral had hired him four years earlier: he condemned all 23 activists involved in the protests against the FIFA spree to penalties ranging from 5 to 13 years in prison.

What crimes did we commit?

Did we dare to denounce the misdeeds of Sérgio Cabral,¹ Pezão² and many others, covered all the time by the Judiciary and by Rio Public Ministry?

Did we dare to denounce the FIFA World Cup spree, the only "legacy" of which left to the people was the debris of the

¹ Translator's note: Sérgio Cabral was the Governor of Rio de Janeiro from 2007 to 2014.

² Translator's note: Luiz Fernando "Pezão" was the Vice-Governor of Rio de Janeiro from 2007 to 2014.