

FROM WINNIE MANDELA TO THE BAIXADA FLUMINENSE

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- *People's courts as a strategy to cope with death and make habitable worlds¹* •

ABSTRACT

In this article, I draw attention to the experience of establishing the Winnie Mandela People's Court and the People's Court of the Baixada Fluminense as spaces organised and designed by various social actors (relatives of the victims, grassroots movements, social movements and human rights organizations) interested in producing methodologies for political advocacy on rights violations and deadly violence perpetrated against black people. However, I am also interested in analysing them as bearers of experiences of the small points of everyday life: the slight misfortunes and minor calamities that, added to the existing precarious conditions, devastate the ways of living and of making the world for black people. It is a matter of understanding necropolitics from the standpoint of both big events marked by brutal and disruptive processes of black annihilation, and also the small points considered routine – minor losses and potential difficulties encountered in the pursuit of access to certain rights.

KEYWORDS

People's Court | Justice | Anti-black genocide | Mothers | Relatives

This article is the result of years of research and reflection on violence from a racial perspective. As a researcher interested in understanding the deadly violence against black youth from its anti-blackness bias² and the effects it causes on the black community, I often found myself at a loss to understand how the void left by the premature death of black youths (re)created, among the friends and relatives of the victims, strong and complex networks of self-care, resistance and collective recovery. This difficulty taught me multiple lessons: it encouraged me to revisit theoretical and analytical approaches to the mechanisms of negrogovernance³ present in the management of bodies, lives and populations; it connected me to the resilience of the relatives of the victims, while at the same time it prompted me to reflect on my own experiences⁴ as a researcher and a black woman – whose existence in the social world is crisscrossed by complex black self-care networks that are committed, on a daily basis, to coping with death, managing relationships and building habitable worlds.

In this article, I draw attention to the experience of establishing the Winnie Mandela People's Court⁵ and the People's Court of the Baixada Fluminense as spaces organised and designed by various social actors (relatives of the victims, grassroots movements, social movements and human rights organizations) interested in producing methodologies for political advocacy on rights violations and deadly violence perpetrated against black people. However, I am also interested in analysing them as bearers of experiences of the small points of everyday life: the slight misfortunes and minor calamities that, added to the existing precarious conditions, devastate the ways of living and of making the world for black people. It is a matter of understanding necropolitics⁶ from the standpoint of both *big events* marked by brutal and disruptive processes of black annihilation, and also the *small points* considered routine – minor losses and potential difficulties encountered in the pursuit of access to certain rights.

The people's court does not in itself have legal validity, since it is not part of the official legal system. In other words, it does not have state powers to enforce its decisions. As a result, many questions are raised about the effectiveness of the people's court as a methodology of political advocacy: why set up a court that has no legal force? Why expose the pain of the relatives of the victims if there is no legal standing? Is the court nothing more than a theater? I am frequently asked these questions.⁷ My proposal here is not to answer them all. What interests me in this analytical exercise is what, in the words of Viveiros de Castro,⁸ was defended as “taking native thinking seriously”. In practise, this means the exercise of not superimposing the legal sphere over the mundane (or its opposite), but of learning from the people involved in the people's court the meanings they attribute to it.

1 • The Winnie Mandela Court: “Our Steps Come From Afar”

The practice of setting up people's courts is not uncommon in Brazil and they have been established in response to very specific and local dynamics and motives. Some of the people's courts that have been set up in the past include: the **Tiradentes Court**,⁹ which held its first sessions in the 1980s, on matters of national security and the amnesty law; the **People's Court**

– **110 Norte**, organised in 1987 on the right to housing; the **People’s Court – the Brazilian State as the Defendant**, staged in 2008 on crimes against black youth; the **People’s Court – the Madeira Hydroelectric Dams as the Defendant**,¹⁰ which occurred in 2017, organised by rural social movements in Brazil and Bolivia; and more recently the **People’s Court of Women – Marielle Franco**,¹¹ held in May 2018 to judge among other matters the machismo culture.

However, since they are grassroots experiences, we are unlikely to find any complete written records about these courts, and it is often only possible to access them and understand their full magnitude orally.¹² For this reason, I invite the reader to accompany the oral reports related to me by Schuma Schumacher,¹³ which reveal important aspects of the “Winnie Mandela Court” (1988). Schuma is a Brazilian educationist, feminist activist and coordinator of the non-governmental organization (NGO) *Rede de Desenvolvimento Humano* (Network of Human Development or REDEH). What is described below is important for us to connect with what was discussed at the start of this article, when I mentioned the notions of *self-care*, *big events* and *small points of everyday life* as practices of existence and resistance by black women.

In 1988, the President of Brazil was José Sarney and Schuma served on the National Council on Women’s Rights (CNDM),¹⁴ a body of the federal government directly linked to the Ministry of Justice. The CNDM was structured by thematic commissions, with the “Commission on Black Women” coordinated by Sueli Carneiro. For the centenary of the *Lei Áurea* (the Golden Law, which abolished slavery in Brazil), the Commission on Black Women proposed a programme based on black appreciation, self-care and reporting racism: “*We knew there was nothing to celebrate, we knew we had to convey 1988 critically,*” said Schuma. At the time, black women were the protagonists of this historic struggle intent on denouncing “*the false abolition*”.

The “Commission on Black Women” understood racism as a global phenomenon and that its elimination would require a transnational struggle. Because of this, they chose the name Winnie Mandela for one of the central activities of the centenary: the people’s court that would judge the crimes committed by the state against the black population. See below what Sueli Carneiro highlighted in an interview with Matilde Ribeiro:

[it was] a symbolic event that was intended to judge the Lei Áurea, considering that it has been incapable of promoting real freedom and inclusion. In this way we denounced the existence of racism in Brazil and apartheid in South Africa [...] The Foreign Ministry was brought in and we had to explain the relationship between this court and South Africa and apartheid, to which we responded with criticisms of the dehumanisation of blacks¹⁵

If in the 1980s South Africa was plagued by the apartheid rule that had lasted more than three decades, in Brazil the ideology¹⁶ prevailed – and still prevails – that tries to conceal the existing racial rifts and extols “Brazilianness” based on the myth of racial democracy – a symbolic representation that masks racial tensions and converts them into conceptions

of “harmony” and “cordiality”. As Munanga reminds us, “Brazilian racism acts without demonstrating its rigours, it is not brought to light, it is ambiguous, sticky, viscous, but highly efficient in its objectives”.¹⁷ This was the context of the disputes that arose at the time by various sectors of the black movement. From the outset, the Winnie Mandela court faced the denial of racism by the state, which insisted on the Freyrean ideology of harmony between the races. This is apparent in an article in *Veja* magazine that highlights the clashes between the CNDM and Brossard, the Minister of Justice at the time:

*To begin with, it was the Lei Áurea that would be on trial. But this was not permitted by Minister Paulo Brossard, to whose office the Council on Women’s Rights is subject. It was changed to the judgement of racism. Another veto, **on the grounds that there is no racism in Brazil**. Finally, the minister agreed: on trial would be **only the generic topic of racial prejudice**.*¹⁸

Sueli Carneiro recalls the political pressure exerted by the state and she points out that the staging of the Winnie Mandela court was a feat of negotiation with the federal government. As far as she is concerned, the initiative was only possible “because the council members were very firm that it should take place”.¹⁹

The session of the Grand Jury of the Winnie Mandela Court was held at the University of São Paulo Law School and it was attended by various civil society organisations and a number of renowned political and legal figures.²⁰ The João Mendes Júnior Grand Hall of the Law School, whose layout resembled an authentic court, reinforced the sensation that this was the “*trial of the century*” – as claimed by the promotional poster of the Winnie Mandela Court released by the CNDM and the São Paulo State Bar Association (OAB-SP).

According to the CNDM bulletin,²¹ the jury heard a heated discussion between the defence and the prosecution. For the defence, Fausto Sucena Rasga Filho denied the existence of racism in Brazil, arguing that nationality was the value that governed social relations, allowing all citizens to enjoy the sensation of national belonging. For the prosecution, Antônio Claudio Martinz de Oliveira vigorously asserted that racism exists and used examples of daily routines experienced by black women to defend his claim of sub-citizenship for the black population. The charges²² brought by the prosecution were based on the argument that legislation is a product of the dominant sectors of society that do not recognise the value of black women. The claims of the prosecution used the example of one victim – a black woman born in 1887, the daughter of a slave mother who, according to the “law of free birth”, was presumably free to live a life marked by major events of brutal annihilations in Brazilian history – the dehumanisation by the state of the victim and her descendants forced her to establish strategies to resist and form “new worlds” given the hostility.

The experience of this court had a significant impact on the history of the black movement in Brazil and it is used to this day as a reference to assess the response of

black women to the dehumanisation of black people. The court also served to expose the myth of racial democracy, to promote resistance and denouncement on a transnational level, and to give visibility to self-care actions for black people.

2 • Life and survival in sensitive territories

The figure of “barons”, “colonels”, “bosses” or “masters” in the Baixada Fluminense²³ is not a thing of the past. Instead, they are still a fundamental feature in the social relations developed between residents of the Baixada. The region has a long history in which politics and deadly violence are used in the pursuit of territorial dominance and economic control. The region’s “bosses” or “masters” are individuals that have a monopoly over services that are officially considered public (water, healthcare, transport, public security) and that exercise exclusive control over the access to these services.

It is business as usual in the Baixada to *do politics* with the use of intimidation by those with armed control who can offer their electoral stronghold quicker access to public services. Locals report that scheduling appointments in public hospitals or guaranteeing places in public schools can only be done with the authorisation of local politicians: “If you want an appointment at the eye hospital,²⁴ only next year, but if you go to him [local politician], he’ll schedule it for tomorrow,” said one resident.²⁵

The Baixada is often likened to the American Wild West, an inhospitable environment full of “vigilantes” who enforce the law of the jungle. Some people compare the Baixada to the inland region of the Brazilian northeast, where “gunmen”, “colonels” and “bosses” fight between themselves for local power, land and politics. Others associate the Baixada with the imagery of “favelas”, with a semi-urban structure marked by simple unfinished houses and by a population that commutes to work and uses the territory as a “dormitory suburb”. These comparisons are useful to illustrate some of the dynamics present in the territory, but they are insufficient to capture the specifics of the region’s social relations. This is exactly what one resident suggested to me, by saying: “the Baixada can only be explained by the Baixada”.

In the 1950s and 1960s, an Alagoas-born strongman dominated the territory and became a symbol of local terror. Tenório Cavalcanti, the “King of the Baixada” or the “Man in the Black Cape”, as some called him, terrorised his opponents with a German submachine gun (that he called Lurdinha). He was a Rio de Janeiro state representative and federal congressman and several violent crimes have been attributed to him. However, thanks to his alliances with politicians and business leaders, his participation in these killings, although proven, never resulted in any legal punishment.

Stories such as the ones involving Tenório Cavalcanti and other figures linked to political positions and death squads can be found in the work of Alves²⁶ who sought to understand how iconic killers were mystically transformed into “heroes” of the Baixada,

and also the relationship between voters, murders and power. One interviewee recalls the figures described in Alves' book:

*I've known about the murders in the Baixada for 50 years. It's part of the context of the neighborhood where I live and has always been **naturalised**. The book "Barons of Death [A History of Violence in the Baixada Fluminense]", I know some of those characters. They're not just people we've heard about, they're people we knew personally. We knew Tenório Cavalcanti. In the final days of his life, he lived in his country house with a group of his men who were in charge of the favela and they decided who could stay and who would leave. A family fight was enough of a reason.*

In this territory, the relations between residents and political leaders belonging to death squads cannot be reduced to the concept of "coronelism" addressed by Vitor Nunes Leal²⁷ and José Murilo de Carvalho.²⁸ Although there are strong traces of "coronelism", "bossism" and "clientelism" in the local relations, it should be noted that in the Baixada the act of killing is a first step in the consolidation of local power. In the Baixada Fluminense, the right to "make some live" and "make others die" can be seen in the region's high murder rates.²⁹ In most cases, murders resulting from the direct actions of criminal groups linked to municipal politics, such as militias and death squads that transform murder into an excuse for combating crime, guarantee the moral order and the maintenance of good behaviour. According to this logic, as locals have reported, a fight between couples, assuming a stand on gender or sexuality, listening to forbidden funk music,³⁰ the use of illegal drugs, property crime (especially robberies) or any behaviour considered morally "rogue" or "errant" could be a justification for murder. In this regard, there is a "routine and often impersonal character – merely quantitative – of the murders",³¹ which confirms what one resident earlier in this article called the "naturalisation" of death.

Murder followed by hiding the body is a very common practice in the Baixada Fluminense. This is what a resident once told me when explaining the existence of secret cemeteries³² in his neighborhood: "the death squads do it a lot, they kill someone and throw the body in the nearby river and say it's food for the alligators".

3 • The Baixada Fluminense Court

The People's Court of the Baixada was staged in September 2018 and its central topic was "Genocide of Black Youth". The event was organised by the *Fórum Grita Baixada* (Shout Baixada Forum) in partnership with 26³³ organisations focused on the defence of human rights. The initiative was intended to make the Brazilian state the defendant and convict it for the high number of murders committed in the region of the Baixada.

The act of assigning the recurring murders committed against the black population to the concept of “genocide” has been a recurring practice by social activists, the relatives of the murder victims and black intellectuals, notably in the works developed by Nascimento (1978);³⁴ Vargas (2010a) (2010b)³⁵ and Flausina (2014).³⁶ According to these authors, the concept of genocide is not exclusively restricted to law – although it is based on and established by the Convention of 1948;³⁷ it is a category that is the subject of internal political disputes between actors interested in shedding light on the phenomenon and defining its specific characteristics in each territory.

In this respect, the People’s Court of the Baixada served as an agent in this dispute and opted to classify the experience of black people who are systematically killed as genocide. Its decision was based on the harsh reality identified by research³⁸ revealing that black people are over-represented in so-called “deaths resulting from police intervention” – those recorded as being caused by on-duty police officers and justified on grounds of legitimate self-defence. However, black people are also more likely than others to be part of the statistics of high rates of violent death, preventable death by disease, refusal of access to medical assistance and other indicators that illustrate the symptoms of anti-blackness processes.

The Court of the Baixada was strategically conceived by its organisers to be staged in a public place. The idea was to count on the mass participation of residents from the Baixada. As such, the trial occurred in the public square, Praça do Pacificador, located in the heart of the city of Duque de Caxias with unrestricted access by the local population. For this reason, in addition to the social activists who attended the trial, also present were curious passersby who decided to watch the event. In the words of one of the organisers of the court and an activist with *Rede de Mães e Familiares Vítimas da Violência do Estado na Baixada Fluminense* (Network of Mothers and Relatives of the Victims of State Violence in the Baixada Fluminense), this occurred due to the essentially educational nature of the court – which raised the concept of black genocide to be presented and debated in a public square:

The people’s court was an instrument of denouncement, to help draw attention to the genocide of young people in the Baixada, because in the Baixada people don’t even know what genocide is. Nobody knows what genocide is. They don’t consider the deaths in the Baixada as genocide, as part of a process of rights violations by the state, and neither do they know what types of rights violations the state commits.

The jury session that occurred in the Praça do Pacificador rallied relatives of victims, grassroots movements, social movements, human rights organisations and local residents and workers around the trial on the “genocide of black youth”. The debate between the lawyer for the prosecution and the lawyer for the defence was heated. The former drew on stories of violence and dehumanisation suffered by the black population from times of slavery until the present day – marked by a renewal of the ways of “making die” for the black population (mass incarceration, systematic summary executions and rights violations

targeted at residents of the favelas and poor urban outskirts) – and blamed the state and the police authorities for neglect in the investigation of deaths reported by police officers as being due to “resistance”. The latter denied that the state has any responsibility for the violent death of black people. It pointed out that the main problem lies with the Judiciary, since the Executive and Legislative branches in Brazil promote racial equality by offering the marginalised population reparations policies, such as affirmative action.

Observing the arguments raised by the lawyer for the defence, we can see similarities between the claims made in the Winnie Mandela court and the Baixada Fluminense court. After exactly 30 years, race and racism remain at the centre of the debate. This time, the defence appeared to acknowledge the existence of racism and stressed the efforts made in the area of education to mitigate the inequalities it has caused. However, it disclaims responsibility for the genocide against black youth. This reasoning corroborates what Vargas called the recycling of the ideology of racial democracy: it marginalises and kills black people while the state poses as democratic and inclusive.³⁹

The sense of impunity surrounding the high murder rates in the Baixada is present in the testimonies of residents who often call the Baixada “lawless land”, a description that reinforces the idea that in this territory murder goes uninvestigated and unpunished. As such, the silence in response to death is not only practised by the state, but also by many residents who fear putting their own lives and the lives of their family members at risk.

Whenever a death occurs, there is always silence because of the fear that the person who committed the crime is among us, or otherwise there is silence because everyone knows who did it. And it's never reported to the police. The residents are very supportive at times of death, they stand in solidarity with the family, but always silently, without making any comments. The motto here is: I didn't see anything, I don't know anything, wherever you are.

For the mothers and activists “silence” and “denouncing” are not conflicting practices – in the sense that one cancels out the effects of the other. As one mother puts it: “when we put up a banner or print a photo [of the loved one] on a t-shirt, it's a way for us to speak, for us to pay our respects. It's in silence, but it's a denouncement.” As such, the act of denouncing with objects has become just as important as denouncing orally. The objects (t-shirts, banners, documents, photos, items used by the deceased) are assigned the functions of *speaking*, attesting to the *mourning and the struggle* of the families, contesting the judicial system and *struggling* to preserve the memory of the deceased. These objects are necessary in the strategy of “silence” and “denounce”, because they are viewed as authentic witnesses of what occurred. There are times when silence does not mean keeping quiet, but instead letting the objects “come to life” and speak for themselves.

In the court, the mothers and relatives of the victims of violence were witnesses called by the lawyer for the prosecution to expose the seriousness of the genocide committed against

black youth. The mothers who testified before the court wore t-shirts made especially for the event with a picture of a black woman with a black power haircut carrying a sword in one hand and a white handkerchief in the other. In the background is a map of the Baixada Fluminense, painted red. Some of the mothers also carried banners with photos of their sons. As witnesses, they related the events that characterized *the big event* – the violent and premature death of their sons.

The mothers whose sons died while serving time at DEGASE⁴⁰ – in addition to relating the events of their deaths, also explained the *small points* – “minor” obstacles experienced in the detention system that were transformed into major daily barriers for them and their sons – such as the struggle for their sons to have access to the medicine necessary for their medical treatment, the poor quality of the food at DEGASE, the lack of basic items for survival (blanket, mattress, oral and body hygiene materials).

4 • “I want Justice!”: temporality and the struggle

Family and friends of murder victims struggle tirelessly to obtain reparations for the brutal loss of their loved ones. According to accounts by relatives, the judicial process is – above all – arduous, given that in Brazil it takes an average of eight years and six months to complete a murder trial.⁴¹ And it should be noted that the conclusion of a trial does not always provide the relatives of the victim with the long-awaited “sense of justice”. This leads us to believe that the struggle against genocide involves an assessment of the different notions of “justice” and “temporality” for each actor/actress involved in the dynamics of the judicial system.

Débora da Silva, founder and member of the Mothers of May movement,⁴² says that her *fight for justice* began after the loss of her son Rógerio – one of the more than 500 people who were killed by the police in 2006, in the Baixada Santista region in São Paulo. These murders became known as the Crimes of May, since the majority presented signs of execution: bodies with bullet holes in the chest and the head.

*To this day, they cover up the investigations. My issue today has completely changed: we've moved on from the stage of “my son is dead” to “who is responsible”. We can't identify who it was because we don't know. It's the state that should be giving me the answer, but they don't want to resolve this crime. The impunity can break you down. I still cry a lot. But the pain **drives me to pursue justice** and keep on going. (Debora da Silva).⁴³*

The tensions between the different temporalities produces distinct notions about what justice is and how justice should be done. The legal proceedings, the administrative cases, the preparation of autopsy reports and forensic exams that establish the cause of deaths and the narratives surrounding the death can be slow and bureaucratic if considered

only in terms of chronological time. However, from the viewpoint of “fighting for justice”, the perception of time is not always so drawn out. Often, it is viewed by the families as an intense experience that places the “fight for justice” in the dimension of the routine, the daily *small points* characterised by “pilgrimages to government agencies with various different documents and the preparation of expectations and ways of requesting legal recognition or sanctioning of the ‘event’”.⁴⁴

In this struggle against the sense of impunity, relatives are challenged to respond actively to the narratives built by the state or by the media when they make claims that contradict their understanding of the circumstances surrounding the crime (the perpetrator of the crime, the background of the victim and other elements involved). One time, a mother whose son was killed by the police tried to explain how, after his death, her routine was converted into a “fight for justice”. “I was everything! I was a forensic agent, I was a lawyer and a prosecutor”, she said, in reference to everything she had to do herself on account of the absence of the state – the ineffectiveness of mechanisms for resolving the cases and the illegal way bodies are handled in the territory.

Therefore, if making the world habitable after the death of a loved one requires assuming functions that should be the role of the state, to what extent is establishing a people’s court, overseen by relatives, a theatricality? It seems to me that making habitable worlds (including setting up people’s courts) lies in the exercise of invention⁴⁵ and in this case, invention as the ability to create and produce are acts that are unrelated to the construction of something “false”, but that reflect the idea of an ongoing metamorphosis “in which the forces, the world and the beings are always created and recreated from something pre-existing.”⁴⁶

In the construction of narratives about the *big event*, mothers place time at a crossroads, since organising the past implies keeping the memory of the deceased alive in the present and guaranteeing *justice* for the future. As such, in the narrative of the mothers, “the time that precedes the death” is counted by a moral construction of the life lived by the victim. They collect evidence (photos, witnesses, documents) to demonstrate that the deceased was “hard-working”, “studious”, a “good son” or an “upstanding citizen”. In other words, the struggle of the families consists of restoring the humanity of the victims who, on account of the manner in which they died, are viewed by many in society as expendable. The *fight for justice*, then, includes the re-inclusion of these deceased people, since if we take the maxim seriously “you die in the way that you live”,⁴⁷ then being killed in a trivial and negligible way is to have lived a sorry life. It is therefore necessary to change the manner of the death with an account that “denounces and challenges the way the person was killed and as such turn the corpse into a person”.⁴⁸

In this rewriting of the narratives, the “time of death” – which can be characterised as the day of the murder – is usually described by the family members in minute detail. As I noticed during the field work, the mothers meticulously described the time in which each detail of the event occurred. To do this, they draw on the statements of eye witnesses, objects that the

victim was holding at the time of death, the details of the scene where the murder took place and the “forebodings/intuitions of the mother” at the moment her son was killed.

For the mothers who “fight for justice”, the time after the death of their sons is characterised by mourning, but also by a capacity to get through it and to transform it into their “struggle”. As such, death does not represent an omission or a distant past, but is instead re-updated in the “present time” – that which encompasses past-present-future, since the experience of mourning and of struggle resides in “lending my life so my son can live for me”, as one mother of a victim told me.

Justice does not always mean the same thing for the families of the victims and the judicial system, which is why these families understand that they need to be directly involved in the task of “dispensing justice” / “pursuing justice” so the application of the law can be as close as possible to what they understand it to be. In the case of one mother whose son was killed by a death squad from the Baixada, besides the news of his death, she had to deal with the practice of hiding the corpse, as she did not know the whereabouts of her son’s body. For this mother, fighting for justice began with the search for her son in the neighborhood’s secret cemeteries. After finding the body, her struggle materialised in an arduous battle to get her son’s name on the death certificate. According to the mother: “I’m in the courts because I just want this, I just want his name on the death certificate. I don’t want anything else. This is my only wish.”

Although the mothers are aware that nothing the judicial system does will bring their sons back, this does not mean they are willing to forego justice. Instead, it implies that the justice they want is not necessarily financial, such as compensation, although this is extremely important in many cases.

Despite the specific circumstances of each case, it is possible to identify some elements of the idea of “justice” that are shared by the families. It is notable the frequency with which the mothers request: the resolution of the cases; recognition by the state that it is a violator of rights and, in many cases, the executor of the deaths; medical and psychosocial support for the relatives of the victims; and the creation of public policies aimed at preventing the repetition of deadly violence. In this regard, the people’s court is nothing more than the materialisation of a daily practice developed largely by black women (mothers) who want to build possible worlds, even when the brutal annihilation and the adversities of everyday life contribute systematically to the physical and symbolic obliteration of black people.

In short, the people’s courts are the materialisation of a common construction of disparate notions of “dispensing justice”. In this task, people’s courts serve as platforms where a patchwork between the big events and the everyday small points – which mainly impact black women – is woven. In this patchwork resides the mundane and often unheroic exercise of claiming rights and promoting resilience through gestures developed both in and outside domestic life.

NOTES

1 • I would like to thank the Sur International Journal on Human Rights, published by Conectas, for the grant I was awarded as an incentive and support for the development of this article. I am particularly grateful to: Sueli Carneiro, Thiago Amparo and Maryuri Grisales for carefully reading the article and for making suggestions for its improvement in every sense. The Observatório de Favelas (Favela Observatory), in particular Raquel Willadino and João Felipe Brito, who encouraged me to learn about the methodology of the people's courts in more depth.

2 • According to Vargas (2010), anti-blackness is a founding element of all modern states. Which is to say that the creation of these states occurred based on the "non-being" and "non-existence" of blacks as citizens with full rights. This system has been (re)arranged and (re)configured over the course of the years through a multifaceted perspective: racism, institutional racism, racial slander, etc., all of which are techniques used by an anti-black structure. João H. Vargas, *Never Meant to Survive: Genocide and Utopias in Black Diaspora Communities* (Maryland: The Rowman & Littlefield Publishing Group, 2010).

3 • In the words of Vianna, negrogovernance is a set of death management practices "woven into police, judicial, hospital and school routines that are capable of morbidly rearranging the well-known Foucauldian maxim of 'make live and let die' into 'make some die' and 'let a good many others die'" Adriana Vianna, "As Mães, Seus Mortos e Nossas Vidas," *Revista Cult*, no. 232 (Mar. 2018): 37.

4 • Authors such as Beatriz Nascimento, Lélia Gonzalez, Franz Fanon and others have drawn on the potential of using their own personal experiences as the basis for formulating valuable theoretical and conceptual analyses. This is what Strathern (2014) would later refer to as "the reflexivity necessary for the exercise of an auto-anthropology: that which can make us more aware, both of ourselves converted into an object of study,

as we learn about our own society, and of ourselves conducting the study, as we become sensitive to the methods and tools of analysis." Ann Marlyn Strathern, *O Efeito Etnográfico e Outros Ensaios* (São Paulo: Cosac Naify, 2014): 135.

5 • According to the Association of Judges for Democracy (AJD), the people's court is a methodology "that brings together people and organisations concerned with the effectiveness of the fundamental rights of the human person and that judge the acts and omissions of the Brazilian state from the perspective of civil society". See: "Tribunal Popular Fiscaliza o Poder Público," *AJD*, July 26, 2018, accessed November 19, 2018, <http://ajd.org.br/tribunal-popular-fiscaliza-o-poder-publico/>.

6 • The term necropolitics was coined by Mbembe as a way of filling the gaps left by the concept of Foucauldian biopolitics. According to Mbembe (2016), necropolitics is characterised by intelligent and advanced techniques to expose people to death. They are "the various ways in which, in our contemporary world, weapons are deployed in the interest of maximum destruction of persons and the creation of 'death-worlds', new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of living dead." Achille Mbembe, "Necropolítica," *Arte & Ensaios: Revista do PPGAV/ EBA/UFRJ*, no. 32 (dec. 2016):149.

7 • It should be noted that even before I had the idea of writing this article, I already participated as an activist in the meetings on the organisation of the People's Court of the Baixada Fluminense. Therefore, this text reflects my dual role: as an activist and partner of the "Fórum Grita Baixada" (Shout Baixada Forum) and the "Rede de Mães e Familiares Vítimas da Violência de Estado na Baixada Fluminense" (Network of Mothers and Relatives of the Victims of State Violence in the Baixada Fluminense), but also as an anthropologist

who is intellectually drawn to issues of race and deadly violence in the context of Rio de Janeiro.

8 • Eduardo Viveiros de Castros, "O Nativo Relativo," *Mana* 8, no. 1 (Apr. 2002).

9 • About Tiradentes Courts see: Homero de Oliveira Costa, "O Tribunal Tiradentes e o Julgamento do Congresso Nacional." *Nossa Ciência*, October 10, 2017, accessed October 12, 2018, <https://nossaciencia.com.br/artigos/o-tribunal-tiradentes-e-o-julgamento-do-congresso-nacional/>.

10 • For more information, see: "Veredito do I Tribunal Popular "Hidrelétricas do Madeira no Banco dos Réus," *Energia para Vida*, November 20, 2017, accessed October 12, 2018, <http://energiaparavida.org/veredito-do-i-tribunal-popular-hidreletricas-do-madeira-no-banco-dos-reus/>.

11 • For more information, see: "Tribunal Popular das Mulheres – Marielle Franco – Fama 2018," *Articulação de Mulheres*, March 22, 2018, accessed October 12, 2018, <http://www.articulacaodemulheres.org.br/2018/03/22/tribunal-popular-das-mulheres-marielle-franco-fama-2018/>.

12 • Welligton Pantaleao da Silva, "Dualidade no Poder: o Tribunal Popular e a Luta por Direitos Humanos no Jardim Ângela," master thesis (Programa de Pós-Graduação em Direitos Humanos e Cidadania da Universidade de Brasília, 2017): 83.

13 • Interview for this article with Schuma Schumacher, during the meeting of the Human Development Network (Rede de Desenvolvimento Humano - REDEH) on October 26, 2018.

14 • The National Council on Women's Rights (CNDM) was created in 1985 to promote public policies with the goal of eliminating discrimination against women and ensuring their participation in political, economic and cultural activities in the country. From 1985 to 2010, the functions and duties of the CNDM were changed significantly. In 2003, it became a part of the structure of the Office of Policies for Women (SPM).

15 • Matilde Ribeiro, *Políticas de Promoção da Igualdade Racial no Brasil (1986-2010)*, 1^a. ed. (Rio de Janeiro: Garamond, 2014): 141.

16 • The myth of democracy was the ideological framework formulated by several Brazilian works. Among them, "Casa Grande e Senzala" de Gilberto Freyre; "O Povo Brasileiro" e "Mestiço é que é bom" de Darcy Ribeiro.

17 • Kabenguele Munanga, "O Anti-racismo no Brasil," in *Estratégias e Políticas de Combate à Discriminação Racial*, org. Kabenguele Munanga (São Paulo: Edusp, 1996): 215.

18 • My emphasis. "Brossard Complica o Tribunal Mandela," *Revista Veja*, August 24, 1988.

19 • Matilde Ribeiro, *Políticas de Promoção da Igualdade Racial no Brasil (1986-2010)*, 1^a. ed. (Rio de Janeiro: Garamond, 2014): 141.

20 • Maria Cristina Olímpio (judge of the Court of Justice of Bahia); Dr. Antônio Cláudio Mariz de Oliveira (President of the Bar Association in SP); Benedita da Silva (Congresswoman); Lélia Gonzalez (anthropologist and Professor at PUC/RJ); Benedito de Jesus Batista Laurindo (parish vicar of the Metropolitan Cathedral); Zuleika Alambert (writer and consultant of the Council on Women Condition); Alda Marco Antônio (State Secretary for Minors in São Paulo); Alzira Rufino dos Santos (poet and coordinator of the Black Women Collective of Baixada Santista / SP); Antônio Carlos dos Santos (president of the Bloco Afro Ilê Ayê/BA); Carlos Moura (coordinator of cultural policy of the Ministry of Culture); Carmem Barroso (president of the Reproductive Rights Commission of the Ministry of Health); Clóvis Moura (sociologist, University of São Paulo); Eliane Potiguara (from the Potiguara nation, teacher, coordinator of the Union of Indigenous Nations); João Luiz Duboc Pinaud (member of the Federal Council of Bar Association); José Ferreira Militão (Secretary General of the Council for Development and Participation of the Black Community of SP); Jacqueline Pitanguy (sociologist and president of the National Council of Women's Rights); Kátia de Melo e Silva (director of the Union of Women of the Northeast); Katsunori Warisaka (director of the Center for Japanese-Brazilian Studies); Luci Montoro (president of the

Institute of Studies and Community Support / IBEAC); Maria Angela Berlofa (President of the Bar Association Women Advocate Committee); Maria da Penha Guimarães (lawyer); Margarida Genevois (sociologist); Rodolfo Konder (journalist and vice-president of the Brazilian section of Amnesty International); Sílvia de Oxalá (Yalorixá from Axé Ilê Obá); Thereza dos Santos (actress, advisor to the State Secretariat of Culture of São Paulo); Valdir Troncoso Perez (criminal lawyer); Vera Lúcia Lacerda da Silva (Bloco Ara Ketu/BA).

21 • “Informe Mulher,” Informativo do Conselho Nacional dos Direitos da Mulher - CNDM - Tribunal Winnie Mandela, 1988, REDEH file.

22 • Indictment of charges. Tribunal Winnie Mandela, 1988, REDEH file.

23 • The Baixada Fluminense is a region of the state of Rio de Janeiro located between the Serra do Mar mountain range and the Atlantic coast, from Itaguaí to Campos do Goytacazes. More specifically, it contains the municipalities to the north of the city of Rio de Janeiro, in the region that used to be known as Baixada da Guanabara. It should be noted that local residents usually abbreviate the name of the region, calling it just “Baixada”.

24 • Public hospital specialising in the treatment of eye-related diseases.

25 • I decided to preserve the identity of the people I interviewed when conducting the field work for my doctoral thesis. These testimonies appear in the article without the identification of the interviewees.

26 • José Claudio Souza Alves, *Dos Barões ao Extermínio: Uma História da Violência na Baixada Fluminense* (Duque de Caxias: APPH; CLIO, 2003).

27 • Victor Nunes Leal, *Coronelismo, Enxada e Voto* (São Paulo: Alfa-Omega, 1976).

28 • José Murilo de Carvalho, “Mandonismo, Coronelismo, Clientelismo: Uma Discussão Conceitual,” *Dados* 40, no. 2 (1997).

29 • According to Rio de Janeiro’s Public Security Institute (ISP), the data on violent deaths in the Baixada Fluminense between 2010 and 2015 is as follows: 9,626 murders, 683 dead bodies found

and 920 deaths caused by police interventions. For more information, see: <<<<http://www.ispvisualizacao.rj.gov.br/>>>> accessed November 06, 2018.

30 • A style of Rio de Janeiro funk music sold illegally. These funk songs usually glorify drugs and drug trafficking.

31 • “Homicídios na Baixada Fluminense: Estado, Mercado, Criminalidade e Poder,” *ISER, Comunicações do ISER* no. 71, year 37 (2018), p. 14, accessed December 16, 2018, <http://www.iser.org.br/site/wp-content/uploads/2013/12/2018-08-06-publicacao71-iser-WEB.pdf>.

32 • “There have long been secret cemeteries in the Baixada. The rivers are also used, in particular the Sarapuí and Guandu rivers, to hide bodies. Construction work on the Rio de Janeiro “Metropolitan Arch” highway unearthed bones that were analysed in the hopes that archeological remains had been found of the primitive people who used to live there. Some of them, however, turned out to be recent bones.” José Claudio Souza Alves, “Casos da Região,” in *Um Brasil Dentro do Brasil Pede Socorro: Relatório-Denúncia Sobre o Descaso Estatal com a Vida Humana na Baixada Fluminense e Possíveis Soluções Urgentes*, Fórum Grita Baixada, 2016, accessed December 16, 2018, p. 51, <http://www.cddh.org.br/assets/docs/Um%20Brasil%20dentro%20do%20Brasil%20pede%20socorro.pdf>.

33 • Movimento Negro Unificado – MNU, Rede de Mães e Familiares Vítimas da Violência de Estado na Baixada Fluminense, Centro de Direitos Humanos da Diocese de Nova Iguaçu, Rede de Comunidades e Movimento contra à Violência, Campanha Caveirão Não! Não à Intervenção!, Iser, Casa Fluminense, Unegro, OngCriola, Movimento Moleque, Visão Mundial, Comissão dos Direitos Humanos da Alerj, Defensoria Pública de Duque de Caxias, Ouvidoria Externa da Defensoria Pública do Estado do RJ, Voz da Baixada, Observatório de Favelas, Fórum Comunitário de Jardim Gramacho, Frente Estadual pelo Desencarceramento, Frente Estadual de Juristas Negros e Negras, Associação

- Apadrinhe um Sorriso, Comissão de Equidade Racial, Intolerância religiosa e Formas Correlatas da 24ª Subseção da OAB, Comissão de Segurança Pública e Drogas da 24ª Subseção da OAB e AMARJ.
- 34 • Abdias do Nascimento, *O Genocídio do Negro Brasileiro: Processo de um Racismo Mascarado* (Rio de Janeiro: Editora Paz e Terra S/A, 1978).
- 35 • Vargas, *Never Meant to Survive: Genocide and Utopias in Black Diaspora Communities*, 2010; e João H. Vargas, "A Diáspora Negra como Genocídio: Brasil, Estados Unidos ou Uma Geografia Supranacional da Morte e Suas Alternativas," *Revista da ABPN* 1, no. 2 (Jul.-Oct. 2010): 31-65.
- 36 • Ana Luiza Pinheiro Flauzina, "As Fronteiras Raciais do Genocídio," *Direito. UnB* 1, no. 1 (jan.-jun. 2014): 119-146.
- 37 • "Convention on the Prevention and Punishment of the Crime of Genocide," United Nations, 78 U.N.T.S. 277, December 9, 1948, accessed December 16, 2018, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-1&chapter=4&clang=_en.
- 38 • Ana Luiza Pinheiro Flauzina, *Corpo Negro Caído no Chão: O Sistema Penal e o Projeto Genocida do Estado Brasileiro* (Rio de Janeiro: Contraponto, 2008); Aline Maia Nascimento, "A Linha Tênué Entre os Vigias e os Vigíados: As Práticas Policiais de PMS Negros em Seus Encontros com a Comunidade Negra do Distrito Federal," bachelor degree thesis (Sociology Department, Institute for Human Sciences, University of Brasilia, 2014); and "Você Matou Meu Filho. Homicídios Cometidos pela Polícia Militar do Rio de Janeiro," Anistia Internacional, 2015, accessed 16 December 2018, https://anistia.org.br/wp-content/uploads/2015/07/Voce-matou-meu-filho_Anistia-Internacional-2015.pdf.
- 39 • Vargas, "A Diáspora Negra como Genocídio," 43.
- 40 • General Department for Social Education Program of Rio Janeiro (Departamento Geral de Ações Socio Educativas do RJ - DEGASE)
- 41 • Ludmila Ribeiro *et al.*, "O Tempo do Processo de Homicídio Doloso em Cinco Capitais." Slideshare, 2014, accessed October 13 2018, <https://pt.slideshare.net/justicagovbr/pesquisa-srj-tempoprocesso>
- 42 • Movement, founded in 2006, of mothers of victims after the death of 564 people in São Paulo.
- 43 • Interview with Débora da Silva by Portal Ponte – Direitos Humanos, Justiça, Segurança Pública. Disponível em: <<<<https://ponte.org/apos-7-anos-de-recursos-justica-mantem-condenacao-do-estado-por-crimes-de-maio/>>>> accessed October 14, 2018.
- 44 • Adriana Vianna e Angela Facundo, "Tempos e Deslocamentos na Busca por Justiça Entre 'Moradores de Favelas' e 'Refugiados,'" *Cienc. Cult.* 67, no. 2 (2015): 47.
- 45 • Roy Wagner, *A Invenção das Culturas* (São Paulo: Cosac Naify, [1975] 2010).
- 46 • Márcio Goldman, "O Fim da Antropologia," *Novos estud. - CEBRAP*, no. 89 (mar. 2011): 201.
- 47 • Octavio Paz, *El Laberinto de la Soledad* (México: Fondo de Cultura Económica, 1994).
- 48 • María Victoria Pita, *Formas de Vivir y Formas de Morir: El Activismo Contra la Violência Policial* (Buenos Aires: Del Puerto/CELS, 2010): 109.



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