INITIAL BRIEF

No. 68759406

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International Criminal Court Tribunal,

The Hague, Netherlands

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XIA HER, on behalf of (Brazil),

PLAINTIFF,

v.

(GOVERNMENTS OF PORTUGAL)

DEFENDANTS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

BRIEF OF THE INTERNATIONAL CRIMINAL COURT TRIBUNAL, IN SUPPORT OF THE (Plaintiff) ON THE ISSUES ADDRESSED

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**BACKGROUND**

Before the Age of the Exploration started, Portugal was the first European nation to explore the Atlantic Coast leading them the way to Africa, India, and Asia. They started their expeditions in 1400s (1418). [[1]](#footnote-1) They were looking for trade routes to the East Indies to trade for species, raw materials, and silks because they wanted to get riches and spices were among the most expensive and demanded products. As they made their voyages, they created many trading posts. Other European nations started hearing about Portugal’s success in finding a route to India. Spain was especially envy about Portugal’s success. In 1942, Spain sent Columbus on an expedition to India. But he landed in an island in South America which he thought it was actually India. When Columbus got back from his voyage, a conflict came up between Spain and Portugal. Both the nations were disputing about who discovered India first. Later, Pope Alexander VI steps in the dispute and created the Treaty of Tordesillas which both Spain and Portugal signed in 1494. The Treaty of Tordesillas gave the lands to the east to Portugal and the lands to the west to Spain.[[2]](#footnote-2) This gave Brazil to Portugal. But Portuguese did not explore or settle in Brazil until much later. In April 22, 1500 Pedro Alvares Cabral discovered Brazil and claimed it for Portugal. Like Columbus, Cabra landed in South America when he was supposed to go to India. Even though Cabral claimed Brazil, the Portuguese did not settle in until 3 decades later. At the time they found nothing in their interest beside the Brazil wood which was used as dye to European titles. Portuguese’s only reason to settle in Brazil was to find gold and slivers along with conquering new lands. Portuguese’s first settlement in Brazil was in 1530s. As they settled in and failed to find gold or silvers, they turned the forests into sugarcane plantations. They also started to use Native Americans as slaves to do their labor works. Later on, they realized that the Native Americans cannot be used as slaves since their immunity couldn’t handle the European diseases. This caused the Native Americans a large scale of deaths. [[3]](#footnote-3) Portugal then turned to African slaves and many years later they explored the interior of Brazil and finally they found gold.

**ARGUMENT**

This case is coming to court to bring justices to the Native Americans. When the Portuguese settled into Brazil cleared out Natives’ forests and turned into sugar plantations without even asking or paying for the lands. They caused a great amount of deaths to the Native Americans with their diseases and mistreatment. They used the Natives as slaves until they started dying off and later imported Africans to be the Natives’ replacement. Imperialism has brought negative and positive impact to the imperialized and former imperial powers should be punished for not doing anything about it because the imperialist is in a country that they don’t even know and they’re not respecting the people that lived there. The people accepted them in and what the imperialist do to them is take advantage of them.

Below are the charges of the Defendant:

a) Forceful removal of people from lands belonging to them without fair payment

b) Unfair and unequal treatment of colonized peoples by the colonizers

c) Unjust deaths of thousands of native people protesting the illegal colonization of their lands

1. **Allegation #1.** *Forceful removal of people from lands belonging to them without fair payment*

After the Portuguese settled in Brazil they started to take over the Native Americans’ lands without asking or paying the Natives. As Portuguese failed to find gold and silvers they turned to agricultures. Portuguese cutted down all the forests and used the Brazil wood as dye. After clearing all the forests they began to plant sugar cane plantations. Base on the Modern World History Book the Portuguese cleared a lot of lands from the Native Americans, “Clearing out huge swaths of forest land, the Portuguese built giant sugar plantations. They settled even for more lands for the production of sugar. The Portuguese enslaved a great number of the land’s original inhabitants.” [[4]](#footnote-4) This shows that many of the Native Americans’ lands were turned into agricultural lands. The lands where the Native Americans grew up and spent their daily lives were destroyed as the Portuguese used it for sugar plantations. Base on the article of *Indigenous peoples in Brazil,* “For hundreds of years, the indigenous people of Brazil lived a semi-nomadic life, managing the forests to meet their needs.” This proves that their homes were destroyed and they were forced to move. Native Americans hunts, fish, gathers, and live in the wilderness.[[5]](#footnote-5) But with their home destroyed they had no choice but to go find another area to live on. After looking at the evidences, it’s clear that the Native Americans were forced to move out of their lands. They had no choice to stay since the forests that they hunted and lived on were destroyed. The Portuguese pushed the Natives to move out without even paying for the lands they turned into sugar plantations.

1. **Allegation #2.** *Unfair and unequal treatment of colonized peoples by the colonizers*

Since the Portuguese settled into Brazil and planted their sugar cane productions, they were in demand for labor workers. Based on the article *The Portuguese in Brazil*, the Portuguese see the Native American as some, “stone age men and women, hunting game and fishing, naked, illiterate and innumerate,”[[6]](#footnote-6) They forced the Native Americans that they had conquered into slavery. Many of Native Americans worked as slaves until they died from hunger and Portuguese’s diseases. According to Mr. Schumacher, “Many thousands of Native Americans died from hunger and the work they did.” [[7]](#footnote-7) The evidences showed that because of the Native Americans’ knowledge’s, the Portuguese think they could just turned their lands into agricultural and forced them to work. The Portuguese enslaved the Native Americans’ lands and that’s not enough to them that they enslaved the people too. The Portuguese see themselves as advanced people with advanced technologies. They think that with their knowledge they could just make the Native Americans whose “illiterate and innumerate” do whatever they want.

1. **Allegation #3.** Unjust deaths of thousands of native people protesting the illegal colonization of their lands

Many Native Americans had lost their lives because of the Portuguese. When the Portuguese came to Brazil they passed on their Europeans’ diseases. No one was aware of it during the time. But as the Portuguese enslaved the Native Americans and made contact with them they passed their diseases to the Natives. The Natives has weak immune systems to the diseases due to the fact that they have never experienced anything like it before. Their body couldn’t handle it so it killed them. Diseases such as measles, smallpox, and influenza are what the Portuguese had. According to Ojibwa, “Hundreds of thousands of Indians died of European diseases during the first two centuries following contact. In terms of death tolls, smallpox killed the greatest number of Indians, followed by measles, influenza, and bubonic plague.”[[8]](#footnote-8) Beside Ojibwa the Historical Boys’ Clothing also stated, “The Native Americans died in large numbers, both because of slave raiding, mistreatment, and the lack of resistance to European diseases.” This proves that the Native Americans died because of slavery, unfair treatments, and the Europeans’ diseases. Evidence that shows many Native Americans had died is from the Historical Boys’ Clothing. Based on the Historical Boys’ Clothing, “The Portuguese found captured Africans to be a valuable trading commodity as Europeans began to settle the Caribbean islands. They also began transporting Africans to their Brazilian colony.”[[9]](#footnote-9) This proves that many Native Americans were dying and they needed more slaves to work on their sugar plantations. So, that’s why they turned to African slaves for replacement and also because African slaves have a good immunity systems that protected them from the diseases of the Europeans.

**CONCLUSION**

In conclusion, the defendant should pay for what they did to the Native Americans in Brazil. They’re guilty of forcing the Natives to move out, mistreating them, and for causing the deaths of many Native Americans. The Native Americans opened up and let the Portuguese in Brazil but in return the Native Americans lost their lives and homes. The defendant should be found guilty and pay for what they did to the Native Americans. The imperialism should be punished for their actions and former imperial should be at fault too in order for them to learn a lesson about consequences.

Respectfully submitted,

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Dated: January 30, 2013

Works Cited

“Age of Discovery,” last modified 28 January 2013

<http://en.wikipedia.org/wiki/Age_of_Discovery>

“Treaty of Tordesillas,” last modified on 24 January 2013

<http://en.wikipedia.org/wiki/Treaty_of_Tordesillas>

“Brazil-Portugal relations,” last modified on 10 January 2013

<http://en.wikipedia.org/wiki/Brazil%E2%80%93Portugal_relations>

Roger B. Beck, Linda Black, Larry S. Krieger, Phillip C. Naylor, and Dahia Ibo Shabaka, *Modern World History: The Holocaust, 1999 (United States of America: McDougal Littell Inc.)* 107

“Indigenous peoples in Brazil,” last modified on 21 January, 2013

<http://en.wikipedia.org/wiki/Indigenous_peoples_in_Brazil>

“The Portuguese in Brazil,” last access 29 January, 2013

<http://www.theworldeconomy.org/impact/The_Portuguese_in_Brazil.html>

“Early Colonization,” last access 29 January, 2013

<http://www.49online.org/webpages/nschumacher/index.cfm?subpage=506084>

### “Native American Netroot,” last modified Sat Nov 12, 2011

<http://www.nativeamericannetroots.net/diary/1142/american-indians-and-european-diseases>

“Slavery in Brazil,” last modified 27 September, 2012

<http://histclo.com/act/work/slave/am/sa-bra.html>

1. “Age of Discovery,” last modified 28 January 2013

   <http://en.wikipedia.org/wiki/Age_of_Discovery> [↑](#footnote-ref-1)
2. “Treaty of Tordesillas,” last modified on 24 January 2013

   <http://en.wikipedia.org/wiki/Treaty_of_Tordesillas> [↑](#footnote-ref-2)
3. “Brazil-Portugal relations,” last modified on 10 January 2013

   <http://en.wikipedia.org/wiki/Brazil%E2%80%93Portugal_relations> [↑](#footnote-ref-3)
4. Roger B.Beck, Linda Black, Larry S. Krieger, Phillip C. Naylor, and Dahia Ibo Shabaka, *Modern World History: The Holocaust, 1999 (United States of America: McDougal Littell Inc.)* 107 [↑](#footnote-ref-4)
5. # “Indigenous peoples in Brazil,” last modified on 21 January, 2013

   <http://en.wikipedia.org/wiki/Indigenous_peoples_in_Brazil> [↑](#footnote-ref-5)
6. “The Portuguese in Brazil,” last access 29 January, 2013

   <http://www.theworldeconomy.org/impact/The_Portuguese_in_Brazil.html> [↑](#footnote-ref-6)
7. “Early Colonization,” last access 29 January, 2013

   <http://www.49online.org/webpages/nschumacher/index.cfm?subpage=506084> [↑](#footnote-ref-7)
8. ### “Native American Netroot,” last modified Sat Nov 12, 2011

   <http://www.nativeamericannetroots.net/diary/1142/american-indians-and-european-diseases> [↑](#footnote-ref-8)
9. “Slavery in Brazil,” last modified 27 September, 2012

   <http://histclo.com/act/work/slave/am/sa-bra.html> [↑](#footnote-ref-9)