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Report on Allegations of Torture in Brazil

AMNESTY INTERNATIONAL

The following documents compose the bulk of an intensive and thorough study of Brazil's alleged violations of the Universal Declaration of Human Rights. The study has been submitted to President Garrastazu Medici of Brazil, the United Nations Human Rights Commission, the Brazilian Ambassador to Great Britain, the Secretary General of the United Nations, and—jointly with the Latin America Department of the National Council of Churches of Christ in the U.S.A. and the Division for Latin America of the United States Catholic Conference—to the Human Rights Commission of the Organization of American States. It is being sent to all United States senators and congressmen, and to a hundred and thirty-two United Nations delegations. Amnesty International is an independent, non-sectarian, and non-governmental organization, with international headquarters in London and U.S. national headquarters in New York. It has consultative status with the United Nations, UNESCO, and the Council of Europe. On September 5, 1972, the first part of this report, which includes the names of 1,081 alleged victims of torture in Brazil, was released. The second part, which appeared shortly thereafter, contains the names of alleged torturers (see foreword by Sean MacBride). In his foreword, Mr. MacBride invites a response from the Brazilian government. In Brazil, the only responses to date have been repeated verbal attacks against Amnesty International and a new press law forbidding the mention of Amnesty's name.—The Editor.

Foreword

The Amnesty International inquiry into allegations of torture in Brazil was carried out in April and May of 1972. As Brazil has consistently refused to allow representatives of organizations—such as the Organization of American States and Amnesty International—to enter the country to investigate reports of torture, the present report was compiled from material available in Europe and North America. A representative of Amnesty International has carefully considered available documents in an effort to choose only the most soundly based allegations for inclusion in this report.

As the Amnesty inquiry received no cooperation from the authorities, its sources of information were necessarily one-sided. Evaluation of the information received was thus

based on subjective impressions of the complainant and his account, viewed in the light of any corroborative or contradictory evidence available. It was on this basis that the deposition material was included here and conclusions drawn. A response from the Brazilian government is invited.

The documents dealing with torture and homicide had been sent to our representative by or on behalf of persons unable, for various reasons, including continued imprisonment, to report personally on their experience. In such cases where it was not possible for the Amnesty representative to interview those involved, an effort was nonetheless made to select documents which appeared reliable and which were corroborated by supportive material.

The names of victims and perpetrators of ill treatment submitted to Amnesty International were so numerous that it was decided to summarize the bulk of the material in the form of indices. Two appendices [not included in the IDOC edition] have thus been drawn up: the first gives the names of reported victims, while the second (confidential and available only to a limited number of international organizations and officials of the Brazilian government) gives 472 names of those reported as responsible for ill treatment. Each entry in the two appendices is cross-referenced to indicate the congruity of multiple information sources.

The present report, necessarily limited and incomplete, deals with the period from December 13, 1968 to July 15, 1972.

Although Brazil has not permitted an independent body of observers to enter the country to investigate such charges, we feel that such precise and specific accusations have been made that it is difficult to discount their substance. We ask, therefore, that the Brazilian government respond to the very serious charges raised here, and that an independent commission of inquiry be permitted to enter Brazil in order to investigate, without restriction, accusations of serious violations of Articles 5, 9, 18, and 19 of the Universal Declaration of Human Rights.

Sean MacBride
Chairman
International Executive Committee
Amnesty International

Background to the Report

In March of 1970, after receipt of information from numerous sources, both within Brazil and abroad, representatives of Amnesty International visited the Brazilian Embassy in London in order to express concern at reported torture. During the ensuing discussion, Amnesty's representatives suggested that an independent mission to Brazil could serve to improve Brazil's image abroad if the charges were proved to be inaccurate. The embassy was unwilling to commit itself to such a mission, but did promise to investigate a number of cases of prisoners who were thought to have been freed. Although a list of such persons was supplied to them, the promised information was never received.

On April 29, 1970, Amnesty International submitted extracts from the material received up to that date—as well as a list of names of torturers and the names of some persons reported to have died under torture, along with a proposed press release on the subject to the Brazilian Embassy and to the Brazilian government, again asking that an independent inquiry be commissioned. No reply was received to this letter, or to a follow-up letter, and the press statement was duly issued on May 21, 1970.

Despite the public outcry which followed this and other statements concerning torture in Brazil, reports of ill treatment of an extremely alarming nature continued to reach Amnesty International from many sources, and in September of 1970, the International Executive Committee of Amnesty proposed that a mission be undertaken to Brazil in order to investigate the reports that had been received.

In November of 1970, the Brazilian Embassy in London was approached with regard to such a mission. Amnesty's letter of inquiry stressed that permitting such an investigation could not but add to the stature of the Brazilian nation which had played a leading role in the work which culminated in the Inter-American Convention on Human Rights. The letter continued that Amnesty International was "anxious to be able to report favorably upon the workings of the Brazilian Council on Human Rights." Again, however, approval was not forthcoming.

After further approaches by Amnesty International, including a joint appeal for a mission of inquiry with 14 other human rights organizations (Commission of the Churches on International Affairs, Catholic International Union of Social Service, Committee on Society, Development and Peace [SODEPAX], Confederation Mondiale, and others), the Brazilian ambassador to London reiterated in a letter dated June 16, 1971 that this position remain unchanged. In his letter, he stated that "the Brazilian government has a deep and abiding respect for human rights, and is guided in its actions by its own domestic legislation and by the international conventions to which it is signatory." The government continued to maintain that it was opposed to the use of torture, and that when torture occurred, it was only in isolated instances, and was not condoned or controllable by the central authorities.

The ambassador's letter stated that "in the event of the government feeling that at any time it would be in the national

interest for members of the international community to be given access to matters concerned with Brazil's internal jurisdiction, it would turn to the United Nations or the Organization of American States." In fact, the Inter-American Commission on Human Rights of the Organization of American States asked permission in 1970 to investigate allegations of torture in Brazil *in loco*, but the request was refused. The Brazilian government did say at that time, however, that it would not ignore requests for information, and subsequently submitted a dossier to the Inter-American Commission. After examination of this dossier, along with other submissions on the subject, the commission stated, after its 28th session held on May 1-5 of this year, that "because of the difficulties that have hindered examination of this case, it has not been possible to obtain absolutely conclusive proof of the truth or untruth of the acts reported in the denunciations. However, the evidence collected in this case leads to the persuasive presumption that in Brazil serious cases of torture, abuse, and maltreatment have occurred to persons of both sexes while they were deprived of their liberty."

The commission further recommended that the government carry out a thorough investigation, the results of which would be examined by independent judges at the commission's next session. The committee requested that Brazil punish, to the full extent of the law, those persons that the evidence proves to have been responsible for violations of human rights. Again, response from the Brazilian authorities has been negative; officials continue to maintain that their own organs, such as the Council for the Defense of Human Rights, can deal with the isolated reports of torture that do occur.

Thus, as there appeared to be little chance of a mission to Brazil being permitted to enter the country in the near future, because the Brazilian Council on Human Rights has recently been restructured and thus rendered even more unlikely to deal with such serious charges than has been the case in the past, and as Amnesty International continued to receive widespread and recent reports of torture, the International Executive Committee of Amnesty felt that an attempt should be made to collect and assess available material and testimonies in Europe. It was considered that such material could usefully be analyzed in an effort to determine the probable validity of the charges being raised, and as a means of calling the attention of the public and of the Brazilian authorities to the seriousness of the charges still being raised in this regard. It is this report that is presented here.

Study of Legislation Since 1964

The doctrine of national security

The present Brazilian government has elaborated a "doctrine of national security" based on the following fundamental theoretical concepts: the division of the world into two antagonistic blocs with Brazil accepting the role of a "privileged satellite" of the United States of America within the "democratic and Christian" bloc; a non-competitive economy with relation to the U.S.; the sacrifice of a part of the national sovereignty in favor of an interdependence between the different American states in an effort to attain

common objectives; the monopoly of power in the South American subcontinent by Brazil; and the struggle against communism and against all socialist ideologies, including those which arise within the church.

State organs

To achieve these aims it has been necessary for the structure of Brazil to change in the following ways:

1. *Executive power.* In addition to the general staff of the armed forces, the high command of the armed forces, the administrative department of civilian personnel, and an organ of general consultation, the Office of the President of the Republic is assisted by two new organs: the Council of National Security [CSN], and the National Information Service [SNI] (Decree-Law 200/67). The general secretary of the CSN (Decree-Law 348/68) has the functions of a prime minister.
2. *Legislative power.* The CSN has reduced the number of parties represented to two and the law of *sublegandas* has established the supremacy of the pro-governmental party. The functions of the legislative have been reduced to a minimum; in fact, the laws now in force have not been formulated, for the most part, by the legislative body.

3. *Judicial power.* The judiciary supervises and controls the actions determined by the CSN. The military tribunal has jurisdiction over all citizens suspected of activities against the national security. Consequently, the Supreme Federal Court is not the final authority. This function is performed by the CSN and the SNI, who direct police and judicial activities related to the national security.

Legislation since 1964

The severe repression in Brazil at the present time can be studied in a number of ways. But, in order to understand the situation fully, it is also necessary to have some idea of the legal framework, that is, of the laws on which the government has based its actions in order to maintain some appearance of legality in the eyes of the world. For example, it is necessary to consider the texts of the laws, as well as the procedure according to which cases are to be judged before the military tribunals; procedures which are, in fact, never adhered to—thousands of political prisoners have been awaiting trial for more than three years.

A. THE LAWS

1. The laws of "national security"

Since the coup d'état of March 31, 1964, four laws of "national security" have been passed in succession:

- Law 1802—already in force in 1964
- Decree 314 of 1967
- Decree 510 of March, 1969
- Decree-Law 898 of September, 1969.

A simple study of these four laws reveals the escalation in their severity. A study of police repression will show us, at the same time, a parallel development in two sorts of violence: legal violence and police violence.

Historical Note on Brazil

Brazil covers about half the area of South America: it is as large as the United States minus Alaska. Ninety-three million people live in the country, a figure exceeded by only seven other countries. The large majority of the population is Catholic. Industrial and economic development have been concentrated in a few large cities, creating a situation of tremendous inequalities between various regions and sectors of the population.

The country was settled by Portuguese colonists in the sixteenth century; independence was declared in 1822. The country was ruled by an emperor for the next 77 years, then, in 1889, it became a republic. Until the dictatorship of Getulio Vargas, beginning in 1937, the country was organized mainly as a collection of distinct regions governed by local political bosses with state militias at their command. No true system of national politics existed.

Getulio Vargas, "Father of the New Brazil," sought to rectify this situation by creating a strong central government and a system of political institutions strong enough to unify the huge country. He developed a congress, which functioned adequately, a well-organized judicial system, and a powerful government bureaucracy. The political system, which existed in Brazil from Vargas's time until the military takeover in 1964, is usually described as a "corporate" system; it was based on the incorporation of interest groups into national political groups before they could become too powerful.

The army, always a powerful force in Brazilian politics, ousted Vargas from his position as dictator in 1945. The presidents who followed were faced with increasingly complex problems in the social, economic, and political spheres, but did not attempt radical reform. Joao Goulart, elected in 1961, did attempt such change, but dismay over the deteriorating economic and political situation in Brazil, combined with the belief that civilians were unable to govern the country effectively, prompted the army to stage a coup on March 31, 1964. Since then, the country has been ruled by a military government, under the leadership of Presidents Castello Branco and Costa e Silva up to 1968, and then following the "coup within a coup," which took place in that year, under the present President, General Garrastazu Medici.

Since the 1964 coup, the military government has issued a number of decree-laws to broaden its powers, justifying such acts as severe censorship and other curtailments of civil liberties by maintaining that Brazil is engaged in a war against subversive groups. Clearly, there has been urban guerrilla activity in recent years, but the numerous arrests of priests, nuns, professors, journalists, and others, who are feared for their liberal ideas, indicates that repression has been directed not only at militants.

Illegal right-wing groups have been active as well, particularly the notorious "Death Squads," groups of off-duty policemen who capture persons they consider to be criminals and dispose of them. The Death Squads are discussed in more detail elsewhere in this report.

Law 1802 gave quite simply a list of crimes against the state and the corresponding punishments (Article 1: "The crimes defined and punished in the articles of this law are considered as crimes against the state and the political and social order"). Thus, we see that Law 1802 was concerned *stricto sensu* with crimes against the state.

Decree 314: For the first time, we find a definition of the concept of "national security." "National security guarantees the realization of national objectives against all opposition, whether internal or external." This law, which came into force three years after the coup d'état, clearly showed that the government needed a legal instrument of repression stronger than the previous law in order to protect its objectives, that is, the variety of motives which engendered the coup d'état. This incipient severity corresponded to the first student demonstrations and the first attempts at trade union organization and strike action.

In this way, the field of proscribed activities was considerably widened: thus, alleged abuses of the press—which had previously been judged by common-law courts—were denoted as political crimes; similarly, strikes, forbidden throughout the national territory, were also defined as political crimes.

However, the most disturbing aspects of this law are evident in Articles 1 and 48. Article 1 says that "all entities, corporate or individual, are responsible for the national security." And Article 48 declares that "any person involved in a political trial will lose his post (both in the private and public sector) until he has been acquitted." Thus, an economic sanction is imposed before guilt or innocence has been established.

Several months later, the measures of control set out in Decree 314 were no longer considered adequate.

Thus, on December 13, 1968, the President of the Republic, Marechal Costa e Silva, signed Institutional Act No. 5, a discretionary act which adjourned Congress for an indeterminate period, suspended habeas corpus for political crimes, suspended the rights of the individual, and gave full powers to the president. This act—which is still in force—was accompanied by a list of the names of thousands of citizens whose civil and political rights were to be revoked. Many intellectuals, considered to be "dangerous," were thus *cassados*; consequently, many university chairs remained unoccupied and many university courses could not be given because of the shortage of professors.

Several months later, in March of 1969, Decree 314 was in turn modified and Decree 510 was promulgated. This decree increased the penalties and added to the already existing list of political crimes others which had previously been dealt with under common law. Even holdups became political crimes.

But the situation worsened, and, in this "spiral of violence" (so well defined by Archbishop Helder Camara), in September of the same year, the fourth law of national security was promulgated. This measure, Decree-Law 898, which is still in force, modifies Decree 510 and re-introduces in Brazil the death penalty for political crimes, although not for common-law crimes. The death sentence had been abolished in 1822 on the occasion of the nation's independence, the 150th anniversary of which is presently being celebrated.

The death sentence is difficult to impose from the political point of view since each time such a sentence has been

pronounced, worldwide protests have been expressed. Thus, the first death sentence, passed in March of 1971, against a young man 19 years old, Teodomiro Romeiro dos Santos, was commuted to one of life imprisonment (this penalty had previously not existed, either, and was also introduced by Decree-Law 898). In November of 1971, three new death sentences were pronounced. The condemned were: Ariston de Oliveira Lucena, Diogenes Sobrosa de Sousa, and Gilberto Faria Lima. These sentences were commuted in June of 1972. There is some reason to believe that international opinion may have been influential in this decision. Nonetheless, the condemned men still risk the danger of being killed during "an escape attempt," or during "a confrontation with the authorities," or perhaps they will be reported as having committed suicide—although this version of events frequently given by the police deceives no one.

In addition to the laws of national security, other laws, decrees, and institutional acts have been promulgated. They are too numerous for us to cite them all. However, we must refer to Decree-Law 477, dating from January of 1970, dealing with the universities. Under the terms of this decree-law, important police powers are given to heads of faculties who can exclude a professor from teaching for five years, and a student from studying for three years, for so-called "subversive" activities carried out within, or even outside, the university. This decision is in no way subject to an inquiry by the police authorities or to any action or sanction on the part of the judiciary.

We should also mention Institutional Act No. 13, which has established banishment as a penalty (such a penalty is forbidden in the Universal Declaration of Human Rights), and Decree 69.534, which authorizes the President of the Republic to promulgate "secret decrees."

2. Banishment

On September 5, 1969, Institutional Act No. 13, authorizing banishment, was signed. The text is as follows:

The Ministers of State for the Navy, the Army, and the Air Force, in the exercise of the duties assigned to them by Article 1 of Institutional Act No. 12 of August 31, 1969, have decided:

Article 1. The power of the Executive may be employed, at the suggestion of the Ministers of State for Justice, the Navy, the Army, and the Air Force, to banish any Brazilian found to be undesirable, harmful, or dangerous to the national security from the national territory. The proceedings against the banished person, as well as the enforcement of the sentence passed against him, are suspended for the duration of the period of banishment. Likewise, there will be no prescribing of the trial or the passing of sentence.

Article 2. Any actions undertaken in conformity with this act and the complementary acts arising from it, as well as the consequences thereof, are not subject to inquiry or judicial appeal.

Article 3. This institutional act becomes operative from the present day and abrogates any contrary provisions.

Complementary Act No. 64 was signed immediately afterward, banishing the first 15 Brazilians from their country—contrary to all charters and declarations signed by Brazil.

Several days later, the new Constitution—in force since October 30, 1969—revoking all the foundations on which had been based the fight for individual liberty, legalized the arbitrary power of the Executive on a judicial level. Article 53, Paragraph 11 of the Constitution states:

In accordance with the law, the death sentence, life imprisonment, banishment, or confiscation of goods cannot be applied except in cases of a foreign war or an internal and psychological, revolutionary, or subversive struggle.

Thus, the initial effects of banishment were felt, and soon thereafter 130 Brazilian citizens were deprived of the right to leave and return to their country freely.

Banishment amounts to "civil death." According to the penal code for common-law crimes, death is the only circumstance which can interrupt a penal hearing; while the trial of a banished person is suspended it continues for the others accused in the same indictment. Consequently, the banished person cannot produce any evidence in his favor during a hearing which continues without him. Even though sentence is not pronounced against him, all the evidence for the prosecution will be produced.

In the eyes of the Brazilian administration, his wife is considered a "widow": she may collect a pension; she will be regarded as the "head of the family" and will take the father's place.

Furthermore, although the decree of banishment does not provide for loss of nationality, the authorities refuse to return identity cards and passports to banished persons and leave them entirely dependent on the country which receives them.

3. Secret decrees

Decree 69,534, signed by President Medici on November 11, 1971, is extremely important: it stipulates that "the President may draw up secret or limited circulation decrees relating to any subject concerned with the national security." These decrees will be published in the official journal "under a number only" and the government will furnish "only a brief resume written in such a way as not to breach the secrecy."

In defense of Decree 69,534, government representatives in Parliament affirmed that the President "was only exercising the right guaranteed him by Article 81, Paragraphs III and IV of the Constitution."

However, Article 81 of the Constitution of October 17, 1969 states that:

"The President of the Republic has the right to: (III) sanction, promulgate, and publish laws; ensure the passage of decrees and regulations necessary for the faithful execution of such laws; and (IV) veto bills of Parliament."

Consequently, it is seen that the "decrees" which can be promulgated by the President of the Republic are those relating to the execution of the laws of the country.

Institutional Act No. 5

Article 1. The Constitution of January 24, 1967 and the State Constitution with the manifest modifications of this institutional act are maintained in force.

Article 2. The President of the Republic is authorized to decree the recess of the National Congress, of the legislative assemblies, and of the municipal governments by a complementary act, with or without martial law; they will enter into function again only when they will be convoked by the President of the Republic.

While the parliamentary recess is decreed, the Executive Power is authorized to legislate in all subjects specified in the constitutions or the organic laws of the municipalities.

Article 3. The President of the Republic, if it is in the interest of the nation, can decree intervention in the states and municipalities without the limitations specified in the Constitution.

Article 4. In preservation of the revolution, the President of the Republic, after having consulted with the Council of National Security and without the limitations specified in the Constitution, will be authorized to suspend the political rights of any citizen for a term of ten years and make void elective political mandates.

Article 5. The suspension of political rights based on this act means simultaneously:

1. Suspension of the privilege of ecclesiastics to be tried by their own courts in virtue of their function.
2. Suspension of the right to vote and to be elected in the elections of the trade unions.
3. Prohibition of activities and demonstrations on political matters.
4. Application, if necessary, of the following security measures:
 - a. Liberty under observation;
 - b. Prohibition of visiting certain places;
 - c. House arrest.

The decree for suspension of political rights can determine restrictions or prohibitions with relation to the exercise of any other public or private rights.

Article 8. The President of the Republic can decree the confiscation of goods of all who have enriched themselves unlawfully during the exercise of public functions, including... public enterprises and companies of mixed economy, without prejudice of the indicated penal sanction.

Article 10. The guarantee of habeas corpus is suspended in cases of political crimes against national security, economic and social order, and the popular economy.

Article 11. All acts practiced in accordance with this institutional act and its complementary acts, as well as the respective effects, are excluded from any juridical judgments.

Furthermore, in the section concerning the "legislative process," we find the constitutional rules which apply to everyone, including the President, Garrastazu Medici. The "legislative process" is the exclusive responsibility of the National Congress and it is this body that is responsible for setting out the laws.

Article 46 of the Constitution says:

The legislative process includes the drafting of: (I) amendments to the Constitution; (II) complementary laws to the Constitution; (III) ordinary laws; (IV) laws of delegation; (V) decree-laws; (VI) legislative decrees; and (VII) resolutions.

Article 55 concludes:

The President of the Republic, in the event of an emergency or a matter of major public interest, and in the event of any increase in public spending, may promulgate decree-laws on the following subjects: (I) national security; (II) public finances including tax regulations; (III) creation of public posts and the fixing of corresponding appointments.

Paragraph 1. After publication, the text will come into force immediately and the National Congress will approve or reject it within 60 days; if, within this period, no decision is made, the text will be considered as having been approved.

Decree 69,534 did not conform to any of the constitutional norms, as it was neither sent to the National Congress nor published in the official journal so that the public could be informed of its content.

Decree 69,534 opened "the era of mystery." In the same way, the new Law of Human Rights, sanctioned by President Medici on December 6, 1971, also provides for secrecy in declaring "that the meetings of the Council for the Defense of the Rights of Man, as well as its decisions, will be secret."

B. THE PROCEDURE OF POLITICAL TRIALS

It is useful to remember that the legal procedure is never adhered to since there are thousands of political prisoners in Brazil who have been awaiting trial for almost three years.

We can examine, from the procedural point of view, three different phases: the "police investigations" stage; the "police inquiry" proper; and the "judicial hearings."

These three phases are provided for in the new Code of Military Penal Procedure, in force since January 1, 1970. This code, which revokes the former "Code of Military Justice" of December 2, 1938, is the expression of the desideratum of repression in Brazil: "... it is necessary to change the Code of Military Justice in order to conform to new requirements of the legal and political order... the new code was also intended to translate traditional military customs and usages into definite regulations. Thus, throughout the police investigation and the judicial hearing until the passing of sentence, these principles are meticulously carried out." (Explanation of objectives which precedes the Code of Military Penal Procedure.)

Thus, we see for the first time in Brazil a code which is preceded by an account of the objectives of the code stating that it was established to "conform to needs of the political order."

1. The "police investigations"

The new Code of Military Penal Procedure mentions "police investigations" for the first time. During this phase, the detainee remains in the police or army barracks reserved for "interrogations."

Despite Article 17 of the Code of Military Penal Procedure, which ensures that police surveillance "incommunicability" cannot last longer than three days during the inquiry stage, and despite Article 20, which affirms that the "inquiry should be brought to an end within 20 days if the accused is in detention," Article 18 of the same code allows for the detention of the accused for a period of 50 days during the "police investigation": "Except where the accused has been caught in the act, the accused may remain in detention during a 'police investigation' for a period of up to 30 days, his arrest to be communicated to the competent legal authority; This time limit may be prolonged for 20 days."

It should be noted that the detention of the accused is never communicated to the competent judicial authority, that is, the military *auditoria*.

Thus, it is the law itself which, in speaking on the one hand of "police investigations" (Article 18) and on the other of "inquiries" (Articles 17 and 20), differentiates between them and provides for and authorizes detention in secret for a period of 50 days, permitting therefore a long period of physical and mental suffering, since—as we know—it is during this time that most of the torture sessions take place.

2. "Police inquiry": surveillance

We have seen that surveillance exists throughout the period of "police investigation." It should be emphasized that this phase of the proceedings exists only for political trials. In common-law trials, surveillance cannot last for more than three days (Article 21 of the Penal Code).

The second phase is the "police inquiry" proper (*inquerito policial militar*, or I.P.M.), which is officially the preliminary investigation stage of the proceedings.

Once the phase of "police investigations" is completed, and after the prisoner has confessed or admitted the charges brought against him, he leaves the interrogation center for the DOPS [Department of Political and Social Order]. DOPS is a commissariat, or central police station, under the Department for Public Safety for each state, specializing in political inquiries. (There are thus 22 DOPS, which correspond to the 22 states.) In view of the fact that no inquiry goes to the *auditoria* without a statement having been signed by the accused, it is difficult for the Secretary of Public Safety to deny what is going on in DOPS; it is difficult for him to deny that the prisoners who refuse to sign their statements are returned for further torture.

Article 71 of the Code of Military Penal Procedure states: "The person responsible for the inquiry may hold the prisoner incommunicado for three days at the most, if the latter has been arrested in accordance with the law."

On the other hand, in contradiction to this legal stipulation, Article 16 states that the entire "inquiry is secret but the person carrying out the inquiry may allow the defense lawyer to be informed."

However, despite the express guarantees given in the statute of the Order of Lawyers, the person responsible for the inquiry never allows the lawyer to learn of the inquiry or to have the slightest contact with his client (in order to preserve "secrecy"); thus, "incommunicability" is unlimited and we therefore have cases of numerous prisoners held incommunicado for several months.

The clear stipulations of the statute of the Order of Lawyers of Brazil, confirmed by Article 75 of the Code of Military Penal Procedure ("the lawyer will have the rights guaranteed him in the statute of the Order of Lawyers"), provides that "lawyers may communicate in person and in private with their clients, even if the latter are detained in secret in a civil or military police barracks" (Article 89, Paragraph III, of Law 4215 of April 27, 1963).

However, in practice, the authorities not only refuse to give such permission, but, in many cases, they even go so far as to deny for weeks, or even months, that the person in question is under arrest.

Institutional Act No. 5 of December 13, 1968 abolished habeas corpus and allowed at the same time a wide variety of irregularities, of both a police and a judicial nature, in contradiction to the terms of the law and, in particular, to the time limits imposed by the law. As we have noted, a lawyer has no legal recourse at all against such abuses.

The *inquerito policial militar* is, according to Article 9 of the Code of Military Penal Procedure, a "provisional hearing," the aim of which is to set out the facts necessary in order to make a decision as to whether or not to initiate a criminal action. This decision is the responsibility of the public prosecutor. Let us not forget, however, that it is on the facts set out during the provisional hearing that the tribunal will base its final verdict. The interrogations carried out during the "police investigation" are repeated at DOPS since we find ourselves in the inquiry phase proper. The prosecution witnesses are heard and the evidence for the prosecution is presented.

We have already mentioned that, according to Article 20 of the Code of Military Penal Procedure, the inquiry should be completed within 20 days if the accused is under arrest. It has also stated that, during this entire period, the prisoner remains completely incommunicado with no contact with his lawyer or family. Finally, when the inquiry is brought to a close, after all of the accused have signed their depositions, and the evidence for the prosecution is prepared, the prisoner leaves the police barracks and is transferred to one of the prisons in the city. Some prisoners, however, remain in the military barracks, or even at the police station, to facilitate further interrogations—if this proves necessary. If we turn once more to the time limits already cited in Articles 18 (duration of "police investigations") and 20 (duration of the inquiry), the prisoner remains at least 70 days at the police station without any contact with people outside whatever. But let us reiterate that in fact these time limits are never respected.

3. The "judicial hearing"

The "judicial hearing" is the hearing before a judge, or rather,

before a military tribunal. The country is divided into 11 sections for the purposes of administering military justice (*conscricao judicial militar*), and each section has at least two *auditorias militares* (military courts). In Rio de Janeiro, there are three military courts supervised by the army, two by the navy, and two by the air force. In Sao Paulo, there are two army courts and one air force court. Thus, throughout Brazil, there are more than 20 courts of this sort which, since 1968, have heard, on an average, 70 to 100 political cases a year. Trials involving only one defendant are infrequent; it is likewise rare to see a case being brought to a definitive close.

The military tribunal is made up of five judges: four military, high-ranking officers, and one professionally qualified civilian judge. The outcome of most cases is determined by the latter, since the military judges, who do not have law degrees, do not vote during the trial except when a detention or release order has been requested and when the verdict is pronounced. The prosecutor and the clerk of the court are also civilians, as are the court-appointed lawyers.

The appeal court, or higher military tribunal, consists of five civilian magistrates and ten military generals, the latter representing the three armed services.

When the case reaches one of the courts of the military tribunal, the lawyer may finally be officially informed and can then request permission to meet his client for the first time.

Article 390 of the Code of Military Penal Procedure provides that if the accused is under arrest, the hearing before the military tribunal should be completed within 50 days of the judge's decision, based on the evidence brought before him by the prosecutor, to proceed with the charges. The prosecutor has five days to present his indictment and the judge then has 15 days to decide whether or not there are grounds to continue the prosecution (Article 79 of the Code of Military Penal Procedure).

Thus, if one adds up the time allowed under Articles 79 and 390, the trial, including the hearing before the military tribunal, should be completed within 70 days at the maximum. However, we know of hundreds of prisoners who have been awaiting trial for more than three years and who may continue to wait some months.

The trial itself, in its judiciary hearings stage, has four sessions open to the public: interrogation of the accused, prosecution witnesses' testimony, defense witnesses' testimony, and the verdict. Reportedly, a list is drawn up every day of those who enter the building where the *auditorias militares* have their hearings, and as this list is sent to the political police, only close relatives and lawyers take the risk of being seen at these sessions.

The legal irregularities do not consist solely in non-adherence to the time limits set down by law. In the majority of cases, the civilian judge or the military judges exert strong pressure on the prosecution witnesses. Frequently, prosecution witnesses are police employees; they may even have tortured the accused. Such witnesses appear before the Council of Justice to state that the defendant has signed his statement of his own free will, and without being "influenced." Lawyers rarely call any longer on defense witnesses, since, frequently, these witnesses are later called to the police station to explain their sympathy for the accused.

Summary

In examining the deterioration of the rule of law in Brazil, we find that laws are often contradictory and inconsistent, while institutional acts and secret decrees have abrogated provisions in the Constitution which intended to protect human rights. Time limits for the completion of various stages of legal proceedings are not adhered to, and legal counsels, as well as witnesses, have been intimidated and threatened by the authorities. The protection accorded to lawyers in the statute of the *Ordem dos Advogados* has been set aside by various articles of the Code of Military Penal Procedure, allowing the lawyer no recourse when he feels that his own or his clients' rights have been violated. Regulations have been passed to

govern the activities of students and staff within universities; the death penalty has been established for the first time in modern Brazilian history. Congress has been suspended, the Council for the Defense of Human Rights has been restructured so as to make it inoperative, and the concept of national security has been vastly and ambiguously extended. Press censorship makes the discussion of political developments in Brazil difficult, while only two official political parties are permitted.

The legal and political situation has greatly deteriorated in Brazil since the 1964 coup. Another point—the manner in which prisoners are interrogated by official and non-official security forces—is equally disturbing in its development since the coup.

Report of Inquiry Into Allegations of Torture

Purpose of the inquiry

The purpose of the inquiry was to examine the allegations of torture made by political prisoners arrested under the laws of national security.

Given the lack of cooperation on the part of the Brazilian authorities, only the prisoners' version of the facts could be studied. In addition, as it was impossible to visit the prisons in Brazil, the inquiry was held for the most part with former prisoners who have left Brazil; some cases, of people who are still in prison and whose signed depositions were forwarded to Amnesty International, have also been included.

The documents selected cover the period from March 2, 1969 to June 14, 1972.

Method employed

Between March 11 and May 30, 1972, a representative of the French section of Amnesty International consulted the archives maintained in Europe by various international organizations and met with former political prisoners living abroad. Several organizations showed themselves willing to put at Amnesty International's disposal signed depositions sent from Brazil by political prisoners; also, a certain number of former political prisoners were ready to make written depositions.

The method used by Amnesty International was the following:

1. A preliminary inquiry was undertaken among political prisoners living abroad, and a certain number of these seemed willing to make depositions; others were afraid of reprisals, particularly against their families in Brazil. Approximately 50 questionnaires were issued. Of the duly completed documents returned (questions were limited to essential information), Amnesty chose nine of the depositions, since these presented no risk to the persons concerned or to their families.

2. Three documents belonging to Amnesty International are also included, along with a deposition sent to the Vatican. Choice of documents was highly selective. Out of an overwhelming amount of material, only individual cases whose authenticity could not be questioned were retained. The documents for the inquiry were dated and signed by the persons concerned, in the presence of two witnesses. The quantity of material used was therefore deliberately limited, but this selection thus makes it all the more difficult to refute its authenticity.

Description of the documents

In nine cases the depositions are in the form of questionnaires signed and dated by the person concerned. Questions relate to the civil status of the individual, the circumstances and treatment undergone at the time of arrest, the interrogation, possible witnesses, conditions of detention, and medical, legal, and religious facilities. These depositions were drawn up after the individuals concerned had left Brazil. They were all signed in the presence of two witnesses.

The documents completing the section are as follows:

- Jean Marc von der Weid's signed and dated document is authenticated by a commissioner for oaths, Mr. T. M. Simon.
- The deposition relating to the murder of Odijas Carvalho de Souza is dated, signed by Maria Yvonne de Souza Loureiro, witnessed by Lylia Da Silva Guedes, and authenticated by the clerk of the court, Arnaldo Maciel of Recife. [Not included in IDOC edition.]
- A letter addressed by Carlos Alberto Soares' mother to the legislative assembly of the state of Pernambuco. It is also dated and signed. [Not included in IDOC edition.]
- A letter from Mr. A. Campos to the Vatican, which is also dated and signed.

All of these documents are descriptive accounts of interrogations and detention conditions. Some additional documents complete the evidence.

History of the cases

Antonio Expedito Carvalho Perera

1. Aged 41; lawyer and university professor arrested in Sao Paulo.
2. Mr. Perera affirms that he was arrested on March 3, 1969 in Sao Paulo and that violence was employed during his interrogation.
3. Mr. Perera testifies that he was tortured throughout the month of March in the barracks of the military police, rua Tutoia, near rua Abilio Soares, and on the third floor of the DOPS headquarters in Sao Paulo, by successive teams under the command of General Luiz Felipe, Captain Antonio Carlos Pivatto, and officers Newton Fernandes and Simonetti; these last two mentioned also command the unit to which the soldier Passarinho, Sergeant Robert, and civilians Passalacqua, Guimaraes, Caetano, Parra, Corbea, and others belong. Perera underwent various forms of torture: electric shocks, mainly on the neck, head, tongue, ears, vertebral column, genital areas, toes, and the soles of the feet; introduction of instruments into the genital areas of the body; blows to the body; other forms of ill treatment; physical and psychological torture to third parties: relatives, friends, and clients.
4. Mr. Perera gave as witnesses to this torture: Onofre Pinto (now living in Cuba); and Diogene de Oliveira (now living in Cuba).

The witness affirms that he was present at torture sessions at the military police quarters and at the DOPS in the Tiradentes prison from March 3, 1969 to January 13, 1971 (the date on which he was released). Torture was carried out by different units, commanded usually by the army. It consisted of electric shocks, beatings, psychological torture, and torture inflicted on third parties.

5. He affirms that he was brought on March 3, 1969 to the military police quarters and from there to the DOPS on March 18, 1969. He was returned to the military police on March 20 and was then brought to Presidio Tiradentes on July 10, 1969.

His interrogation took place in the military police barracks, in the DOPS, and at the military tribunal before Judge Nelson da Silva Guimaraes.

He received no medical aid; the only assistance available was dispensed by doctors who were fellow prisoners, such as Dr. Antonio Carlos Madeira.

He did not receive any visit from his lawyer during the period of police interrogation and police inquiry, that is, from March 3, 1969 until July 10, 1969, but only after he was transferred to the Tiradentes prison, after the state of "incommunicability" had been lifted, on July 10, 1969.

He received no visits from members of his family until July 10. These visits were always in public and had to be authorized beforehand by Judge Nelson da Silva Guimaraes.

He received no religious attention. There were, however, and still are, priests in prison serving sentences. He said that his attempts to have an authorization for religious facilities were all refused and that, in addition, Masses held in the cells were regarded as "political meetings."

6. He was brought for the first time before the judge of the military tribunal eleven months after his arrest, in February of 1970. He was not tried but was released along with a group of others.

Ladislav Dowbor

1. Aged 31; economist arrested in Sao Paulo.
2. Mr. Dowbor swears that he was arrested on April 21, 1970 in Sao Paulo by the Bandeirantes Operation. During his interrogation, violence was employed.
3. He affirms that torture was inflicted on him from April 21, 1970 at the Bandeirantes Operation, at the DOPS in Sao Paulo--that is to say rua Tutoia and Praca General Osorio--by Colonel Waldir Coelho of CENIMAR, body of the Second Army, by the Bandeirantes Operation, and by the Death Squad in Sao Paulo.

He affirms having undergone the following tortures: "pau de arara" (Brazilian torture technique; see letter from Marcos Pena de Arruda, page 25; see also pages 3-4 of this issue).

4. Mr. Dowbor cites the following witnesses to his torture: Maria do Carmo Brito; Liszt Benjamin Vieira; and Betty Chachamovicz.

He states that he witnessed torture being inflicted by Colonel Waldir Coelho of OB [*Operacao Bandeirantes*], by members of CODI, and of DOPS in Sao Paulo, and of the Death Squad, in September of 1968 and from April to May of 1970, both in the OBAN [same as OB], and DOPS headquarters. This consisted of: "pau de arara"; the electric chair; electric shocks.

5. He was not taken to prison but was simply interrogated in

interrogation centers in April and May of 1970. He was kept in solitary confinement. Medical aid: he was given a radiography examination to check his physical condition after a session of "pau de arara" at the DOPS. A strait jacket was put on him and he was given injections, and his wounds, bleeding as a result of the torture he had undergone, were treated.

He was kept incommunicado and never received any visits or legal assistance from his lawyer.

Family visits: he was visited once by his brother-in-law in the interrogation room; this visit lasted three minutes.

He received no religious care.

Lucio Flavio Uchoa Regueira

1. 27 years old; lawyer and journalist; living in Rio de Janeiro at the time of his arrest.

2. Mr. Regueira states that he was arrested on April 21, 1970 in Rio de Janeiro by the Operations Center for Internal Defense [CODI] and that torture was employed during his interrogation.

3. He states that he was tortured from April 21-25, 1970 at the barracks of the military police, rua Barao de Mesquita, by Major Gomes Carneiro, Captain Ziembinski, Lieutenants Volio, Timoteo, and Costa Lima.

Regueira states that he underwent various forms of torture: electric shocks to the eyes, mouth, genital areas, and anus; introduction of a stick in the anus; immersion in water to the point of near drowning; "pau de arara"; blows all over the body; injection of "truth serum."

The tortures were not used in isolation but in combination.

From the second day onwards, he was tortured with electric shocks and beatings to the body, and throughout his period of imprisonment was psychologically tortured: simulated executions, constant threats of physical torture, and so forth. He was awakened at all hours of the night, a black hood was placed over his head, and he was brought to a place where executions were simulated. This lasted throughout the nine months of detention. In this way, they tried to get him to reveal information about individuals and meeting places, and tried to weaken him psychologically by keeping him in a constant state of fear.

4. Mr. Regueira gives as witnesses to his torture: Sonia Regina Yessim Ramos; Samuel Aarao Reis; and Cid de Queiros Benjamin.

He affirms that he underwent torture throughout his time of detention. According to Mr. Regueira, the terrible atmosphere in Brazilian prisons is due to the fact that prisoners are forced to be present while fellow prisoners are tortured.

Throughout his imprisonment, at the military police barracks, he says he constantly saw the very people who had tortured him torturing others. He says, for example, that he had been greatly disturbed at witnessing the torture of Carlos Eduardo Fayal de Lira. In addition to better known methods of torture (near-drowning, electric shocks, "pau de arara"), Fayal de Lira also underwent the "mad dentist" torture, a name given to this particular method of brutality by the torturers themselves.

This consists of keeping the mouth open forcibly with an instrument while Fayal was attached to a "dragon chair," his torturers meanwhile using a dentist's drill and electric shock treatment on him. Mr. Regueira says that he saw the drill break three of his companion's teeth; but his companion, despite the pain and several attacks of fainting, remained strong until the end. A doctor saw him, revived him with an injection and indicated that the torture could continue. Mr. Regueira said that he had to listen to Fayal's cries and the torturers' laughter for more than an hour, and it was the most painful session he ever witnessed. He was himself linked by an electric wire to the "dragon chair" to which Fayal was attached and also received the electric shocks. He said he fainted three times. This torture session took place approximately a fortnight after his arrest. Fayal was in his third month of torture.

5. He affirms having been held in the army prison from April 21 to June 3, 1970, at the Regiment of Infantry School of the Vila Militar from June 15, 1970 to January 8, 1971, at the DOPS in Guanabara from June 3-15, 1970, at the army police barracks in Vila Militar from January 8-11, 1971, and at the air force base at Galeao from January 11-14, 1971.

During his detention he said he was kept in cells where there were no windows and that he had not once seen the sun. The cells were very small, but a great many prisoners were held in each one. The torture rooms were painted violet and were very cold. The prisoners were kept naked during interrogation; torture was carried out by specialized teams which worked in relays when the sessions were unusually long (the shortest session lasted three hours).

In prison, he said that he never saw the sun, that he was unable to exercise, was not allowed to read or listen to the radio.

He says that he was visited for the first time 45 days after his arrest; visits took place before policemen once a fortnight for 15 minutes. They were not allowed during the interrogation phase.

Food consisted of, in the morning, a glass of mate (tea) and a piece of stale bread; at lunchtime, a spoonful of beans and rice; at supper, a piece of poor quality meat and a few vegetables. The prisoners assumed that these were the leftovers from the officers' meals.

Regueira states that he received no medical attention. The doctors in the torture chambers were there to diagnose the resistance capacity of the victims for the succeeding session; there was no medical attention at the end of the session or during the period of detention as a whole.

During the interrogation period, a lawyer may not see his client. Mr. Regueira swears that he was never allowed to speak with a lawyer in private. He was allowed to see him once a month, but always in the prison and always in the presence of a policeman.

No religious care was given him either during the interrogation period or throughout the duration of his imprisonment.

6. Mr. Regueira affirms that he was brought for the first time before a judge of the military tribunal six months after he was first detained. He was not tried and was released on January 14, 1971.

7. When he was questioned by the naval court in Rio de Janeiro, Mr. Regueira said that the army officers who accompanied him occupied the hall with machine guns and the public was not allowed to be present during his testimony before the military court. The judge, Jacob Goldenberg, did everything to prevent him from saying what he wanted, and distorted his complaints of ill treatment in which he gave the names of his torturers. Mr. Regueira said that he was once again tortured with electric shocks as a punishment for his deposition and also because his torturers wanted to know how he had learned their names.

Vera Silva Araujo Magalhaes

1. Aged 24; economics student in Rio de Janeiro at the time of her arrest.

2. Miss Magalhaes says she was arrested on March 6, 1970 in Rio de Janeiro by CODI [Operations Center for Internal Defense—military police] and underwent much torture which left her with both legs paralyzed for some time.

3. She states that she was tortured initially 20 days after her arrest since, being wounded with a bullet in the head, a minimum of medical attention was necessary before she was able to undergo interrogation.

She states that she was tortured beginning on March 20, 1970 at the army police headquarters, at the CODI headquarters, rua Barao de Mesquita in the Tijuca area of Rio de Janeiro, by Major Gomes Carneiro Ziembinski, by soldiers Felipe, Jose Alfredo Poe, Sergeant Volio, and Major Fontenelle. She was subjected to all sorts of physical ill treatment as well as psychological torture. Miss Magalhaes said that she remained for more than seven hours on the "pau de arara" and was given different voltages of electric shocks during this period; water was put in her mouth and nose; she was beaten with a truncheon and whip all over the body, including the genital

Key to Frequently Used Acronyms

CENIMAR	<i>Centro Informacoes da Marinha</i> —Information Center for the Navy
CODI	<i>Centro de Operacoes de Defesa Interna</i> —Operations Center for Internal Defense
CSN	<i>Conselho de Seguranca Nacional</i> —Council of National Security
DOPS	<i>Departamento de Ordem Politica e Social</i> —Department of Political and Social Order
OB	<i>Operacao Bandeirantes</i> —Bandeirantes Operation
OBAN	Same as OB
PE	<i>Policia do Exercito</i> —Military Police
SNI	<i>Servico Nacional de Informacoes</i> —National Information Service

areas. She says that as she was very weak, the doctor officially responsible advised that the session be shortened and the torturers cut short the total duration of the session. She was then brought to the infirmary and later to the military hospital.

At the military hospital, she was once again examined; however, she was only registered as a patient on her first visit for attention to her head wound, while her stay in hospital after the torture sessions was not registered in the hospital records.

The most serious consequence of the torture undergone by Miss Magalhaes was paralysis of her legs.

4. Miss Magalhaes gives as witnesses to her torture at the army police barracks at CODI in Rio Barao de Mesquita, Tijuca, from March 26-30, 1970 the following people: Regine Farah; Daniel Aarao Reis; Sonia Heins; Isabel Carvalho; and Efigenia Imaculada.

She says that she witnessed the torturing of the following people in the same barracks and during the same period as mentioned above: Daniel Aarao Reis; Pedro Alves; Regina Farah; Efigenia; and Eustaquio.

They were tortured by Major Gomes Carneiro Ziembinski, by soldiers Ailton Joachim, Marco Antonio Povoreli, by Sergeant Andrade Oliveira, and by Captain Guimaraes. The torture consisted of electric shocks, "pau de arara," beatings, sexual ill treatment, near drowning, and sleep deprivation. The torturers forced the detainees to stay naked in a given position in a freezing cold place and doused them with water. After ten hours of this one position, without food, the "dragon chair" means of torture (electric chair) was employed.

Another method of torture consisted in keeping the person hanging head downwards while being beaten and subjected to electric shocks.

Another consisted in applying hot metal plates to the legs and arms—this caused wounds which still have not healed.

Among the prisoners who were particularly badly tortured, Miss Magalhaes cites the case of Daniel Aarao Reis, a friend who was arrested at the same time as Miss Magalhaes. His scars are still visible.

5. Medical care: Miss Magalhaes states that in the military hospital doctors gave her no medical care, contenting themselves with giving sedatives which weakened her psychologically. At the army barracks no attention at all was paid to hygiene; there were rats and mice in the cells and in the infirmaries. Interrogation took place in the torture room of the military police—this room is well kept, as it is often visited by army officers.

Miss Magalhaes says that the food in the military police prison of Tijuca was impossible to swallow and that hygiene was nonexistent. She states that medical attention was lacking and that, in general, the doctors are in attendance only to control the amount of torture to which a patient may be submitted or to prescribe sedatives to aid in interrogation. Medical attention is only given in cases of serious or contagious illnesses.

Dental treatment consists in pulling out the teeth of the prisoners to avoid further decay. Doctors are public health

doctors and show great indifference and little concern for the prisoners.

She says that her lawyer was Dr. Evaristo and that she was allowed to see him only with someone else present; Dr. Evaristo had great difficulty in getting permission to see Miss Magalhaes and was not allowed to go into the interrogation room. He could not contact his client until the torture stage was completed. Only then, with the court's permission, can a lawyer visit his client in prison, but this is always difficult to arrange. The time limits set by the law were never respected. Miss Magalhaes managed to see her lawyer while she was still in hospital because proceedings against her were in their final stages.

She states that she received very brief visits from her family while in hospital but these were always in the process of CODI officers. Neither relatives nor lawyers are allowed into interrogation rooms. In prison, visits are controlled; as she was held in the military police barracks and in the hospital, visits allowed Miss Magalhaes were very irregular. In view of her physical condition, the authorities wished to prevent her family from seeing her and she reports that she saw them only three times in three months.

She received no religious assistance. In all events, such care is not generally allowed and is never permitted during the interrogation period.

6. Miss Magalhaes says that she was brought for the first time before a judge in the military tribunal after a month and a half of detention—her trial was already underway when she was arrested. But her case is an exception: generally the detained person is not brought before a judge until he has served approximately one year's detention.

She was tried and then released on June 15, 1970.

Fernando Paulo Nagle Gabeira

1. Journalist; arrested in Sao Paulo.

2. Mr. Gabeira states that he was arrested on January 28, 1970 in Sao Paulo by the OB [combined organization of the army, the navy, the air force, and the military police]. He states that violence was used during his interrogation.

3. He states that he was tortured in February of 1970 at the military hospital of the Second Army and at the OB by two OB units commanded by Captains Mauricio and Albernaz. He affirms that he was injected with "truth serum" (pentothal) at the hospital, and that he underwent electric shocks at the OB headquarters.

4. He gives as a witness to his torture Jose Alprim Filho, a political detainee in Presidio Tiradentes.

He says that in February he saw other people tortured at the OB headquarters, at the DOPS in Sao Paulo, and on Ilha das Flores by OB and PE teams under the direction of Captains Mauricio, Albernaz, Homero (in Sao Paulo) and Gomes Carneiro (in Rio de Janeiro). He says that he saw various methods of torture employed, for example, in the case of Corporal Jose Mariani, the "dragon chair": the victim is held head downwards while the testicles are crushed. He saw several cases of torture, nearly always involving electric shock treatment.

5. Mr. Gabeira says that he was arrested after being wounded in the stomach, liver, and kidneys. He was operated on and cared for at the military hospital and then at the naval hospital.

He states that he was imprisoned in the OB, then at the DOPS in Sao Paulo and Rio de Janeiro, at Ilha das Flores, in the 31st police district, at the Presidio Policial da Penitencia Lemos de Brito on Ilha Grande and at the PE of the army in Barao de Mesquita.

Mr. Gabeira affirms that he received no legal aid until after the second month and that even then contact with his lawyer was difficult.

He said that visits from his family were impossible during the interrogation stage and that afterwards, on Ilha Grande, rules permitted only one visit a month.

He says he received no religious attention.

6. Mr. Gabeira says he was brought before a judge at the military tribunal for the first time two months after the beginning of his detention and that he was not tried. He was released in June of 1970.

7. Mr. Gabeira adds that, in his opinion, the torture to which he was submitted, a combination of physical and psychological factors, was carried out in conformity with a strict "technique." He was twice sent to hospital for treatment of his stomach wound and of a kidney hemorrhage caused by machine gun fire. He says he was held incommunicado for 45 days, without seeing his family, or his lawyer, in a dungeon known as *surdo* where he was given nothing but rotting food. He says that the lack of a bed caused him to hemorrhage, which in turn prevented him from urinating. In addition, he was subjected to further ill treatment at the hospital where he was brought for so-called medical examinations (Brother Tito de Alencar can testify to this).

Tullo Vigevani

1. 29 years old; journalist; arrested in Sao Paulo.

2. Mr. Vigevani states that he was arrested on August 2, 1970 in Sao Paulo (rua D. Villares, Vila Guarany) by the military police and that violence was used during his interrogation.

3. He states that he was tortured from August 2-20, 1970 at the OB and at the DOPS by officers of the armed forces and members of the police force, Captains Albernaz, Homero, Mauricio, officer Gaeta, Corporal Roberto (all belonging to the OB), and by Carlinhos and others (from DOPS). Those in charge were Major Waldir Coelho, Colonel Danton Confucio, and General Canavaro.

He states that he was made to undergo the "pau de arara," electric shocks, blows from truncheons, *palmatorias*, and cigarette burns.

4. He states that he witnessed the torture of other individuals between August 2-20, 1970 at the OB, where the same methods were employed by the same units, and he says he can give the names of people who witnessed his torture.

5. Mr. Vigevani says he was imprisoned in rua Tutoia, Largo

General Osorio, and in Presidio Tiradentes, in overcrowded unhygienic cells where the prisoners were very badly fed. He states that he received no medical attention during the interrogation period and received only superficial attention in Presidio Tiradentes.

He says he received no legal aid until he had been in detention five months and could see his family only after four months' detention. He says there was no religious care provided during the interrogation phase, and, in prison, such care as was provided was, in his opinion, insufficient.

6. Mr. Vigevani says he was brought for the first time before a judge of the military tribunal after six months' detention, but he adds that ordinarily the detainees do not see the judge for one or two years.

He states that he was tried and was released on February 3, 1972.

Roberto Cardoso Ferraz do Amaral

1. 31 years old; printer and student in Sao Paulo at the time of his arrest.

2. Mr. Ferraz do Amaral said he was arrested on March 2, 1969 in Sao Paulo by the military police and says that violence was employed during his interrogation.

3. Following his arrest on March 2, he says he was tortured for a week at the military police barracks by Majors Beltrao and Lameira, Captain Pivato, Lieutenant Agostinho, Sergeants Braga and Jose Roberto, Corporals Pascour and Marco Antonio (nicknamed "Passarinho"—little bird), officers Vanderico, Newton Fernandes, Simonetti, inspectors Arruda Telles, Passalacqua, and others.

He says he underwent the following tortures: "pau de arara"; near drowning; electric shocks to the genital areas, the anus, the ears, and the fingers; simulated executions; and truncheon blows to the entire body.

4. Mr. Ferraz do Amaral gives as witnesses to his torture: Antonio Expedito Perera; Armando Augusto Vargas Dias; Antonio Ubaldino Perera; Pedro Chaves dos Santos; and Aristenes Nogueira da Almeida.

He affirms that he saw the following people tortured at the military police barracks, at the DOPS, between March 2-9, 1969 and March 9 to June 17, 1969; the same methods and units were employed as listed above: Antonio Expedito Perera and his wife; Antonio Ubaldino and his son-in-law; Armando Vargas; Carlos Pitolio Eridano; Joao Leonardo; Argonauta Pacheco; Onofre Pinto; Diogenes Carvalho; Clemens and Ida; and Francisco Sales Goncalves and his wife.

5. He says he was imprisoned in the military police barracks on March 2, 1969, was transferred to DOPS on March 9, 1969 and was then held from June 15, 1969 until January 14, 1971 at Presidio Tiradentes and Carandiru. At the military police barracks he was kept incommunicado, in solitary confinement. He underwent torture every day and received only two meals daily.

At the DOPS he was also incommunicado but in a cell of about 24 square meters where 10 to 12 prisoners were kept; it

was impossible to leave the cell. Food was distributed three times a day.

At Carandiru he was in a common-law solitary confinement cell and received three meals a day. He was allowed to exercise in the open air for two hours a week, or when the warden was in good humor.

In Tiradentes, he was in a common-law cell measuring about 40 square meters and holding 14 to 18 prisoners; twice a week he was allowed outside in the open air (one hour each time).

He says that medical care was given by fellow prisoners and not by the prison personnel; this was also true for the other prisons in which he was kept.

Mr. Ferraz do Amaral says that he was not visited by any lawyer during the interrogation phase (he was held incommunicado from March 2 to July 2, 1969, and the lawyer could only visit him in accordance with the prison regulations. As is customary, family visits were forbidden during the interrogation period. Once the detainee was transferred to prison, visits of two hours' duration were permitted once a month.

There were no religious facilities. Imprisoned priests rendered such assistance as was necessary.

6. Mr. Ferraz do Amaral says he was brought for the first time before the judge of the military tribunal one year after his arrest—on March 2, 1970.

He was released on January 14, 1971.

7. Mr. Ferraz do Amaral adds that during his 22 months' detention, he saw the judge only once. Mr. do Amaral's trial has not yet taken place. He also states that the director of the Presidio Tiradentes has been accused of collaboration with the death squad and that the trial is currently underway.

Brother Tito de Alencar, O.P.

1. 26 years old; philosophy student in Sao Paulo at the time of his arrest.

2. Brother de Alencar says he was arrested on November 4, 1969 by Sergio Fleury and that violence was employed during his interrogation.

3. He says he was tortured between November 4, 1969 and February 25-28, 1970 at DOPS and at OB by Sergio Fleury, Raul, Captains Albernaz, Dalmo, and Carlinhos. He states that he spent two hours at DOPS on the "pau de arara" with electric shocks to his head and testicles and blows to the feet and ears; at the OB he also underwent the "pau de arara" treatment twice, and, as he could no longer be hung downwards, electric shocks were given to his head. The day Captain Albernaz's team was "on duty," he says he underwent more than ten consecutive hours of electric shock treatment.

4. He gives the following people as witnesses to his torture: Joven Mae Sebastiana; Doutor Persio; Genesio Iliveira; Cabo Mariani; Teresinha Zerbini; Joao Caldas; and Giorgio Callegari. He himself saw the following tortured at the DOPS and at OB between November 9, 1969 and February 26, 1970 by the Death Squad and Captain Albernaz: Cabo Mariani; Genesio

Iliveira; Joven Sebastiana; Joao Caldas; and Jeova de Assis Gomes.

With women, electric shocks were introduced into the vagina. With the men, scars from surgical operations were reopened, tubes were pushed up into the nostrils to induce suffocation (method of torture employed when a person is on the "pau de arara"). There was also the "dragon chair" and electric shocks.

5. Mr. de Alencar says he was transferred to Presidio Tiradentes on December 15, 1969 where conditions were extremely bad. There is no water in the cells, the pit which served as a toilet was so blocked that the smell of excrement was insufferable.

Medical aid, nonexistent during the interrogation phase, was administered very haphazardly in prison, primarily by imprisoned doctors.

Lawyers' visits were strictly forbidden during the interrogation stage. It was said at OB that it was necessary to forget "human rights." In prison, visits from a lawyer were allowed once a week and were supervised by the wardens. From time to time, the lawyers were rigorously searched.

Family visits, forbidden during the interrogation stage, were allowed once a week or once a fortnight in prison.

Religious facilities, also forbidden during the period of interrogation, were limited in prison to a weekly Mass celebrated by a Sao Paulo public forces chaplain.

6. Mr. de Alencar says he was brought before a judge of the military tribunal seven months after his arrest.

He was tried and condemned to one and a half years' imprisonment for his participation in the Students' Congress in Ibiuna (Sao Paulo State).

He was released on January 14, 1972.

Carlos Bernardo Vainer

1. 24 years old; student in Rio de Janeiro at the time of his arrest.

2. Mr. Vainer says he was arrested on April 20, 1970 in Rio de Janeiro by a commando unit of the Internal Defense Corps [CODI]. He says that violence was used during his interrogation.

3. Mr. Vainer states that he was tortured on April 20 and 21 without interruption and then, at irregular intervals, for the following three days. This torture took place at the CODI headquarters, the 1st battalion of the military police, rua Barao de Mesquita, Tijica, Rio de Janeiro. Mr. Vainer gives his torturers as follows: Major Gomes Carneiro, Captain Ziembski, Lieutenant Avolio, Corporal "Bahiano," and several other officers whose names he cannot remember. He says he underwent several forms of torture: electric shocks to the mouth, head, penis, anus; truncheon blows; and "pau de arara."

He says he was wounded by a bullet in the left leg during his detention. This was not treated at all during the torture sessions. It was only two days after the torture was finished

that his wound was examined. On April 22, he was given pentothal injections for four hours.

4. Mr. Vainer gives as witnesses to his torture: Lucio Flavio Regueira; Cid de Queiroz Benjamin; and Samuel Aarao Reis. He says that he saw, while in detention, other people tortured at CODI and at the Regimento Escola de Infanteria by the torturers already mentioned above.

The main tortures utilized were electric shocks and the "pau de arara."

5. He said he was brought to the DOPS prison in Rio de Janeiro on May 25, 1970 and to the Regimento Escola de Infanteria on June 16, 1970, where he remained until January 11, 1971. He was held in the military police prison from January 11-14, 1971.

He received no visits from his lawyer or his family for the first two months. Throughout his detention he was unable to read and was not allowed to leave his cell. In prison he never saw the light of day. The food consisted of a spoonful of rice and one of beans for lunch and dinner. Sometimes there was milk or orange juice at lunch. No medical aid was given him except that administered two days after his arrest for his leg wound.

The lawyer's visits were irregular throughout the period of detention. They always took place in the presence of a police officer responsible for recording the conversation. But, as in previous cases, his lawyer was not allowed to see him during the interrogation stage.

During the first two months, he was not allowed a visit from his family. Afterwards, these took place every fortnight for a period of ten minutes.

Mr. Vainer said he was brought before the judge of the military tribunal for the first time after six months of detention.

He was not tried.

He was released on January 14, 1971.

Jean Marc von der Weid

1. Student in Rio de Janeiro at the time of his arrest.

2. Mr. von der Weid said that he was arrested on September 2, 1969 in Rio de Janeiro by the DOPS and CENIMAR and that violence was employed during his interrogation.

3. He was tortured from September 2-5, 1969 in the rooms set up for torture sessions in CENIMAR, Ponta dos Oitis, Ilha das Cobras, by: Inspector Solimar; Inspector Boneschi; Colonel Neil; Colonel Pereira de Carvalho; Captain Inojosa; Captain Ipojuca; and Captain de Mar and Guerra, Jose Clemente Monteiro. They were assisted by Doctor Coutinho.

Mr. von der Weid states that he underwent the following torture: "pau de arara"; electric shocks; "telephone" (blows to the ears with cupped hands); near drowning; simulated executions; and physical beatings.

4. He says that he saw the following persons tortured at the CENIMAR barracks on September 3, 1969: Marcia Savaget; Solange Santana; and Alduizio Moreira. They were

tortured by the same people as himself and were given electric shocks and physically beaten.

5. He was brought to the prison on Ilha das Flores. He said that the conditions of detention in the interrogation centers were very bad. The detainees were constantly subjected to ill treatment. Nutrition was unreliable and visits were not permitted. During his internment on Ilha das Flores, these conditions improved somewhat.

He says that in the CENIMAR center, medical treatment given by Doctor Coutinho was intended only to increase the pain the victim was experiencing as the result of torture, while keeping him alive so that he could not be regarded as a martyr. Mr. von der Weid was examined at the Central Naval Hospital at the end of December, 1969.

He states that he received no legal aid until he went to prison; family visits to Ilha das Flores were allowed three times monthly and, in some rare cases, once a week.

He received no religious care.

6. He was tried and later released in January of 1971.

7. Mr. von der Weid made his declaration for Amnesty International in the presence of the Commissioner for Oaths, Mr. T. M. Simon.

Andres A. Campos

1. Mr. Campos was a member of the Latin American Secretariat of the JECI [International Young Catholic Students] and worked for the Laity Department of CELAM at the time of his arrest in Montevideo by the Uruguayan police, who sent him back to Brazil (Sao Paulo).

2. He says he was handed over to the police of the OB in Sao Paulo on November 25, 1971 and that violence was employed during his interrogation.

3. He says he was tortured from November 26-29, 1971 at the torture center of the OB, 921 rua Titoia, Sao Paulo, by teams specially trained in interrogation and torture.

4. Mr. Campos states that he saw a young man of 19 tortured by beatings and electric shock in the same center, by the same units, on November 28, 1971.

5. Detention conditions in the interrogation centers were very bad; little attention was paid to hygiene.

At the end of the interrogation he was examined by a doctor to determine if he was still marked by the torture; he could not be released until such marks had disappeared.

He says that he was never visited by a lawyer, his family, or a priest.

6. He was not tried and was released on December 10, 1971.

Conclusions

1. In this report we have considered the depositions of 11 people, one of whom was a woman. Four of them were living in Rio de Janeiro, and seven in Sao Paulo, at the time of their arrest.

Four arrests took place in 1969, six in 1970, and one in 1971. The first release took place on June 15, 1970; the most recent was on February 3, 1972.

The police services implicated are as follows: CODI, OB, and the military police, noted three times each; DOPS is cited in two cases, and in one case CENIMAR is named, in conjunction with DOPS.

All the arrested persons affirm that violence was employed during their interrogation and that they had been tortured.

2. The following torture centers were mentioned:

In Rio de Janeiro: the CODI four times and the CENIMAR once. Victims state that they were tortured in the CODI quarters by members of the Policia do Exercito.

In Sao Paulo: OBAN is cited five times, DOPS four times, and the Policia do Exercito three times. Three people said they were tortured at OBAN and at DOPS, one at the Policia do Exercito base and at DOPS, and one at OBAN and at the Policia do Exercito center. Two people mention the Death Squad in their depositions.

3. The three main types of torture given in the cases under review were the "pau de arara," electric shocks, and beatings. A number of people were said to have also undergone simulated executions, near drowning, and pentothal injections. The majority of people were subjected to psychological pressure.

4. In different depositions and at different times the same people are accused of having practiced torture:

In Rio de Janeiro: Messrs. Gabeira, Regueira, Vainer, and Miss Magalhaes say they were tortured by a certain Captain Ziembinski.

In Sao Paulo: Captain Albernaz is accused of torturing Brother de Alencar, O.P., Messrs. Vigevani and Gabeira. Sergeant Jose Robert, Antonio "Passarinho," "delegados" Newton Fernandes and Simonetti are equally accused by Messrs. do Amaral and Perera. Captain Mauricio is mentioned as a torturer by Messrs. Vigevani and Gabeira, and Major Waldir Coelho is cited by Messrs. Vigevani and Dowbor.

It should be noted that Mr. Gabeira stated that he was tortured in both these cities.

5. In Rio de Janeiro, Carlos Bernardo Vainer, having been arrested on the eve of the arrest of Lucio Flavio Uchoa Regueira, affirms that he saw the latter undergoing torture (corroborative fact). In addition, each of these two witnesses mention Cid de Queiroz Benjamin and Samuel Aarao Reis as witnesses to their own torture.

In Sao Paulo also, Roberto Cardoso Ferraz do Amaral says he saw Antonio Expedito Perera, who had been arrested the night before, being tortured.

Although this present report was established from a very limited selection of material, several points of importance are brought out.

All of the individuals indicate the multiplicity of security services implicated in their case. They also refer frequently to the various services acting either in conjunction with each other or separately. This point indicates the extent of police activities.

The abundant vocabulary and the precise terms which often replace descriptions of torture used in the depositions lead to the supposition that torture presents a vast field, that it has been well studied and developed, and that the terms used have entered into the realm of common knowledge.

In addition, the direct testimonies, as well as the coherent descriptions of the conditions of interrogation and detention, tend to corroborate each other. The fact that in many depositions the same people are named as guilty of torture hardly seems due simply to chance.

Some other important points should also be noted:

- The presence of doctors during interrogation has frequently been mentioned.
- Out of the 11 prisoners involved, seven of them were released without trial.
- The refusal of the judge to allow Mr. Regueira to make a complaint.

The depositions about cases of torture would lead one to conclude that torture continues in Brazil. In view of the coherence of the material, it seems indispensable that an inquiry take place. The Brazilian authorities must give an explanation to the world.

Torture and Homicide

TORTURE

During the month of May, 1971, the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, United States Senate, under the chairmanship of Democratic Senator Frank Church, interrogated the United States Ambassador to Brazil, Mr. W. Rountree, Mr. W. Ellis, Director of USAID-Brazil [United States Agency for International Development], and the Chief Public Safety Adviser of USAID in Brazil, Mr. Theodore Brown. Senator Church and several colleagues were concerned at the reports of torture in Brazil and the consequences these could have for the prestige of the United States. To some extent, Brazil considers itself a "privileged satellite" of the United States, as the Americans have provided Brazil with considerable amounts of economic and technical aid, especially for the army and police.

Thus, no report on torture in Brazil can ignore the fundamental problems which the subcommittee posed, and which are discussed briefly below (Hearings Before the Subcommittee on Western Hemisphere Affairs, Committee on Foreign Relations, United States Senate, Ninety-Second Congress, First Session, May 4-5 and 11. Washington, United States Government Printing Office, 1971):

Senator [Claiborne] Pell: "...I think some of us have done a fairly effective job of trying to hold down the maltreatment, the abuse, of the prisoners in Greece by publicizing it, by putting in the *Record* the names of the torturers and their victims. I, as only one individual, am doing this, and so are the Council of Europe and a variety of other people.

"One hears more and more reports about the maltreatment of political prisoners in Brazil, and I think this is the sort of thing that bothers a good many of us. If people are willing to accept a paternal form of government or a despotism and they are happy under it or content or do not object, more power to them. But it is when individuals are abused and this abuse is used as a method of keeping that government in power that I think the public conscience of the world should be aroused. The maltreatment of political prisoners in Brazil seems to have exceeded even that in Greece. ..."

Senator Pell then asked the United States Ambassador to Brazil, Mr. William Rountree, what proportion of political prisoners are subjected to torture to obtain information. Ambassador Rountree replied that he knew of the existence of torture but could not give valid statistical figures (*Veja*, August 4, 1971, p. 6). We include here statements of two monks and a secular priest who are familiar with the situation:

Alberto Libano Christo (Brother Betto), who is still in detention, writes: "In my cell [in the Tiradentes prison in Sao Paulo] there are thirty-five prisoners and I am the only one who has not undergone physical torture. ... If politicians wish to study this subject we are ready to furnish all necessary data." (A. Libano Christo, *Dai sotterranei della storia*, Ed. A. Mondadori, 1971.)

The Belgian priest J. Talpe states: "The slightest suspicion and

you are brought to the torture room. ... If the suspect cannot be located, members of their family are taken as hostages. The prisoner, whether suspect or hostage, is subjected to the most brutal torture. One of my friends, a university professor, was hung naked by the feet and was 'worked over' for two hours with baton blows and with electric shocks to the most sensitive parts of the body. A young girl, whom he did not know, was forced to watch the proceedings and later, in the presence of my friend, was treated in the same shameful manner. For weeks, my friend was forced to undergo torture of this kind. Another prisoner was interrogated while his wife was raped in front of his very eyes by one of his torturers. Often the victim is tortured to death. Sometimes the body is found with fingernails and toenails pulled out, eyes gouged, and the body terribly mutilated. ... " (Padre J. Talpe, *Tortura in Brasile*, Ed. Cultura, 1970, pp. 47-48.)

Tito de Alencar (Brother Tito), after having described the torture to which he was subjected for several consecutive days in the headquarters of the OB—tortures which forced him to consider suicide as the only form of possible protest—declares, "My case is by no means exceptional, it is the rule rather than the exception." (T. de Alencar, *Military Violence in Brazil*, Ed. F. Maspero, 1971, Doc. 13, pp. 149-153.)

The places of torture

The documents which have arrived at the International Secretariat of Amnesty in London show that torture seems to be a method employed in practically all Brazilian prisons. Nevertheless, there are organizations and prisons, in different states of Brazil, where specialized teams have adopted standard methods which have unfortunately become notorious. In addition to DOPS [*Departamento de Ordem Politica e Social*—Department of Political and Social Order] in the different states, there is also the Bandeirantes Operation where the "delegado" Sergio Paranhos Fleury (one of the best known leaders of the Death Squad) "works." There is CENIMAR [Information Center for the Navy] in Rio de Janeiro, which "works" and tortures on the fifth floor of the Ministry of the Navy, next door to the U.S. Naval Mission; there is the OB, the pride of the Second Army of Sao Paulo, 921 rua Tutoia, right in the center of the city; there is Ilha das Flores, Ilha Grande in Guanabara; there is Vila Militar, 10th company of military police and 1st army company; the prison of the 12th infantry regiment in Belo Horizonte (Minas Gerais); the Tiradentes prison in Sao Paulo, the Linhares prison in Juiz de Fora, the prison at Porto Alegre, the prisons in Recife, Fortaleza, and Salvador; the CODI [Operations Center for Internal Defense] with headquarters in Guanabara and branches in each state; there is also the OI [Integration Operation, a fusion of elements from the OBAN and the military police in Sao Paulo]; there is also a prison of the motorized regiment of Sao Paulo [REC-MEC].

CENIMAR

The subcommittee of the U.S. Senate received disturbing information concerning CENIMAR, but wished to have more specific details. Senator Holt asked General Beatty (Chairman, U.S. Delegation, Joint Brazil-U.S. Military Commission) about an Associated Press report:

"I have a copy here of an Associated Press story from Rio which says: 'U.S. Naval Mission here is on the same floor in the Brazilian Navy Ministry as a room in which political prisoners claim to have been tortured.

"One American assigned to the floor said recently, "I have been hearing screams and groans for about two years. I was frightened." Other U.S. personnel were reported to have seen Brazilians being dragged to and from the interrogation room by Brazilian navy agents."

The statement made by the Associated Press was not contradicted by General Beatty.

One could give many more details concerning what is taking place in the naval ministry situated next door to the U.S. Naval Mission. Many of the people listed as having undergone torture have personally experienced the torture methods used by CENIMAR.

L'Operacao Bandeirantes

The *Operacao Bandeirantes* is a type of advanced school of torture. It can be said that there are few people in Sao Paulo, and probably throughout Brazil, who have not read of *Operacao Bandeirantes*, or OBAN or OB, in the Brazilian press. Because Mr. Theodore Brown, head of the USAID Mission in Brazil for Public Safety, has played an extremely important role in the technical training of the Brazilian police force, and because there are men from this mission in every state of Brazil in direct contact with the local police, the subcommittee wished to question Mr. Brown firsthand.

Mr. Holt: "What is Operation Bandeirantes?"

Mr. Brown: "I have heard that expression and it slips my mind right at the moment what it is."

Reading the Brazilian press would have given detailed facts on the *Operacao Bandeirantes*. In the Sao Paulo review *Veja*, of November 12, 1969, one can read: "In Sao Paulo, the OB, an organization created by the commander of the Second Army with the exclusive aim of arresting terrorists and subversive elements, has a more or less autonomous character. However, it receives and continues to receive a great amount of information from the secret service of the Army, *Centro de Informacoes do Exercito* [CIE] and of the navy, *Centro Informacoes da Marinha* [CENIMAR], etc., all located in Guanabara, the brain center for anti-terrorist activities. . . ." The *Operacao Bandeirantes* has recently changed its name and will from now on be called DOI—*Departamento de operacoes internas do Exercito*.

English-language newspapers have also denounced the *Operacao Bandeirantes* as responsible for the most fearful tortures. The *Herald Tribune* of November 6, 1970 published the following news: "The OBAN was created in September, 1969 by a group of 78 to 80 right-wing individuals from the army, navy, air force, and the police force. The aim was to create a team of specialized police to crush the guerrilla groups and to 'work over' any 'suspects.'"

OBAN worked in the elegant district of Sao Paulo, Ibarapuera. The methods adopted by OBAN were set out in a declaration signed by 11 well known Brazilian journalists who had been imprisoned in the prison-fortress of Tiradentes. The declaration, addressed to the 13th Congress of Journalists, which took place in Salvador, Bahia state, reached Europe on August 23. It furnished details of torture in Tiradentes prison and elsewhere.

After declaring that all political prisoners in Tiradentes (nearly

400) are tortured, the document describes the methods utilized at 921 rua Tutoia in Ibarapuera, an old police station (36th police district of the city) now OBAN headquarters. Tortures range from simple but brutal blows from a truncheon to electric shocks. Often the torture is more refined: the end of a reed is placed in the anus of a naked man hanging suspended downward on the "pau de arara," and a piece of cotton soaked in petrol is lit at the other end of the reed; pregnant women have been forced to witness such torture of their husbands. Other wives are hung naked beside their husbands and are given electric shocks on the sexual parts of their body, while subjected to the worst kind of obscenities. Children are tortured daily before their parents and vice versa. The length of sessions depends upon the resistance capacity of the victims; sessions have sometimes continued for days at a time.

"We should emphasize the active participation of members of the Commandos to Hunt Communists [CCC] in the torture rooms of the OB; this illustrates the extent to which this right-wing terrorist organization has infiltrated the security services and the degree of protection which they are given. These are the people now heading the CRUNA [Nationalist Crusade]."

The journalists concluded their declaration by saying, "It is not necessary to continue. This suffices to show the total violation by the authorities concerning the most elementary principles of respect for the human being, and of the international agreements which Brazil has signed and included in its constitution in the chapter devoted to the rights and guarantees of the individual."

This document was successfully sent out of Brazil in Portuguese and the signatures are those of eminent journalists: Alipio Raimundo, Vianna Freire, Carlos Alberto L. Christo (Frei Betto), Carlos Guimaraes de Penafiel, Jacob Gorender, Jorge Batista Filho, Jesse Adolfo de Granville Ponce, Luis Roberto Clauset, Magnus Dadona, Vera Lucia Xavier de Andrade, Sinval Iticarambi Leao, and Elza F. Lobo (the integral text of the letter can be found in *Pau de Arara: La violence militaire du Bresil*, Ed. F. Maspero, 1971, Doc. 19, pp. 162-167).

Torture techniques at Operacao Bandeirantes

Senator Holt and the subcommittee of the U.S. Senate wanted to have more detailed information on the techniques practiced by the *Operacao Bandeirantes*. Torture is applied at the *Operacao Bandeirantes* in a very precise manner; it does not vary and is routinely applied in a standardized fashion to all of the victims: torture plays an integral role within the system according to which the employees of the *Operacao Bandeirantes* work, and this system is generally adhered to. We will content ourselves with transcribing the deposition made relatively recently by a young man and woman to illustrate the methods of torture applied by army and police officers working in *Operacao Bandeirantes* and in other prisons throughout the country. The two people selected are not "terrorists." The depositions were not prepared for an inquiry; they are two letters—one written to Pope Paul VI and the other to the judge of the military tribunal. They are interesting in that they corroborate each other.

Marcos Arruda, a young geologist, son of an American mother, and Marlene Soccas, painter and dentist, had known each other for a short time and arranged to meet for dinner. Their meeting was the beginning of an agonizing tragedy. Marcos

Arruda is at present at liberty and abroad. Marlene Soccas wrote an open letter from her prison cell in Tiradentes to the judge of the military tribunal which is to try her.

Letter from Marcos Settamini Pena de Arruda to Pope Paul VI

Here is the letter which Marcos Settamini Pena de Arruda sent to the Vatican on February 4, 1971:

"Please find herewith an account of all that happened to me during almost nine months' imprisonment. . . I was arrested on May 11, 1970 in Sao Paulo on my way to dinner with a young lady whom I had recently met. I learned afterwards that she belonged to a political organization. She had been arrested several days previously and violently tortured and taken to Operacao Bandeirantes.

"I was picked up even before I reached the meeting place and taken off in a car (the license plate was not an official one) by four armed policemen. We went to the OBAN headquarters. During the journey the leader of the group ordered the young lady to show me her hands so that 'I could have an idea of what awaited me.' She lifted her hands, which were handcuffed, and I saw that they were greatly swollen and were covered with dark purple hematomas. I learned that she had been badly beaten with a type of "*palmatoria*." Once the car stopped in the OBAN courtyard, they began immediately to punch and kick me in the presence of some people seated on benches in front of the main building. I was beaten as I went up the steps to a room on the top floor where they continued to slap me, hit me about the head, and bang my ears with cupped hands (telephone torture); they took the handcuffs off and continued to hit me with their truncheons while questioning me.

"They ordered me to strip completely; I obeyed. They made me sit down on the ground and tied my hands with a thick rope. One of the six or seven policemen present put his foot on the rope in order to tighten it as much as possible. I lost all feeling in my hands. They put my knees up to my elbows so that my tied hands were on a level with my ankles. Then they placed an iron bar about eight centimeters wide between my knees and elbows and suspended me by resting the two ends of the iron bar on a wooden stand so that the top part of my body and my head were on one side and my buttocks and legs on the other, at three feet from the floor. After punching me and clubbing me, they placed a wire in the little toe of the left foot and placed the other end between my testicles and my leg. The wires were attached to a camp telephone so that the current increased or decreased according to the speed at which the handle was turned. In this way, they began to give me electric shocks and continued to beat me brutally both with their hands and with a "*palmatoria*"—a plaque full of holes—which left a completely black hematoma, larger in size than an outstretched palm, on one of my buttocks. The electric shocks and the beatings continued for several hours. I arrived about 14.30 [2:30 P.M.] and it was beginning to get dark when I practically lost consciousness. Each time that I fainted, they threw water over me to increase my sensitivity to the electric shocks. Then they took the wire from my testicles and began to apply it to my face and head, giving me terrible

shocks on my face, in my ears, eyes, mouth, and nostrils. One of the policemen remarked, 'Look, he is letting off sparks. Put it in his ear now.' The group of torturers were under the command of Captain Albemaz and consisted of about six men, among them Sergeants Tomas, Mauricio, Chico, and Paulinho.

"The torture was so serious and long-lasting that I thought I would die. I began to feel completely drained; my body was covered in a cold sweat; I could not move my eyelids; I was swallowing my tongue and could only breathe with difficulty; I could no longer speak. I tried throughout this time to think of great men who had suffered horrible things for a noble ideal. This encouraged me to fight on and not give way to despair. I felt that my hands would become gangrenous because circulation was blocked for some hours. I moaned 'My hands, my hands!' and they continued to beat my hands with their clubs. I think I eventually lost consciousness. When I came to, they had lowered the bar and laid me out on the ground. They tried to revive me with ammonia but I didn't respond. They struck me on the testicles with the end of a stick; they burnt my shoulders with cigarette stubs; they put the barrel of a revolver into my mouth saying they would kill me. They threatened me with sexual abuse. Suddenly, my whole body began to tremble and I began to writhe as if shaken by an earthquake. The policemen were alarmed and called for a doctor from the first-aid post. They said I was a soldier who was feeling ill. They gave me an injection and refused to give me water although my body was completely dehydrated. They left me to sleep in the same room in which I had been tortured.

"The following morning I was violently shaken by the shoulders. I realized that I was still shaking, my eyelids were shut, my tongue was paralyzed, and I felt strange muscular contractions on the right side of my face. My left leg was like a piece of wood, the foot turned downwards and toes had contracted and would not move. The small toe was totally black. After enduring many insults, I was carried to the general military hospital of Sao Paulo. The sole of my left foot was again forcibly struck in order to try and return it to its normal position and make it fit into my shoe. Despite shooting pains, the foot would not move. The torturers took me by the arms and legs and brought me like a sack to the courtyard where I was thrown into the back of the van.

"I later learned that at the hospital they gave me only two hours to live. The military chaplain came to hear my confession. I asked the soldiers who were on guard in my room to leave us alone but they refused. In these circumstances, the priest could only give absolution *in extremis* in case I should die. For several days I was subjected to interrogation at the hospital despite the fact that my condition had not improved. The fifth day after I was admitted to hospital two policemen opened up the door to my room saying, 'Now that you are alone we are going to get rid of you. You are going to die. . . and one of them began to hit me about the face and body. I tried to protect myself and to cry out but I was still shaking and could hardly move. In addition, my twisted tongue prevented me from crying out loudly. I could not see them well because my eyelids still would not move. The policeman continued to say, 'No one can hold out against Sergio Adao, you are going to die. . . ' He went out for a

moment with the other to see if anyone was coming and then returned to continue. Eventually, I managed to cry out loudly. They were frightened and left me. . . .

"I remained in the general hospital for about a month and a half. During this time I was visited several times for questioning. My family had been trying to help me and for over a month had been trying unsuccessfully to find me. I finally received a note which told me that they had discovered where I was. But I remained incommunicado, without permission to see my family, for five more months, and I received no visit from a lawyer throughout the duration of my detention.

"When I was released from the hospital, my right eyelid was still paralyzed (it remained thus until the month of December) and I had a slight but constant shake in the shoulders, the left arm and leg; the latter, half paralyzed, could not support any weight and I was obliged to use a broomstick for a walking stick.

"I was sent back to OB, put in a cell, and told to write out a statement. . . . I finished this in three days, at the end of which time I was brought face to face with the young woman whom I had been on my way to meet at the time of my arrest. It was six o'clock when I was carried into the room where she was kept. They wanted me to admit the name of the organization of which they believed I was a member and they wanted me to give names of supposed comrades. They began to carry the young woman off into another room and gave her a strong electric shock in order to make me talk (they were afraid to torture me again in view of my poor physical condition). I heard the cries of the girl being tortured and when they brought her back into my room she was shaking and totally distraught. I was paralyzed with fear at witnessing such cruelty and even more terrified when they threatened to do the same to members of my family if I didn't tell them what they wanted to know. They repeated the electric shock treatment on the girl and, seeing that they were not achieving anything, decided to call the doctor to examine me physically to see if I was fit to undergo more torture. The doctor ordered certain tablets and said that I should not be given food. They brought me back to my cell and were to return for me later. Having seen that they were ready to torture the young woman again, and possibly members of my family as well, I decided to try and protect these people and I agreed to write out another deposition.

"I was carried into the room of a certain Captain Dauro, who, along with another officer, offered me coffee and cigarettes and advised me in a comradely fashion to cooperate with them. I began by saying that I did not want to cooperate with them since they represented the institutions of force and violence which we are presently experiencing and because they used such inhuman treatment when dealing with people against whom they had no proof. They were irritated and began to torture the young woman once again in order to make me talk. Finally, they used violence on me again, along with insults and moral attacks, threats concerning members of my family, and even attempts to strangle me. They blindfolded me and pushed a revolver against my forehead—all to the same end. After several hours, they carried the young girl and me back to our cells. Major Gil, head of OBAN, and Captain Dauro, Captain Faria, jailer

Robert, a huge lieutenant with ginger hair and moustache, a young feeble-looking black, and three others, about whom I can remember nothing, took part in this torture session.

"The following evening, when they came for me I was again suffering from contractions, my right side was paralyzed, I dribbled, my body twitched constantly. . . .

"The next morning I was carried into court. My condition had considerably worsened and my seizures were continual and more visible. I was photographed, my fingerprints were taken, and I was then brought into a room on the same floor as the torture room. A sergeant in a military police uniform with his name band covered with a sash, interrogated me calmly for 45 minutes. He threatened me alternately with torture and death if I refused to confess. Later, he told me that he was a doctor and knew that I would die if he permitted me to be tortured again. In the end, he gave me an injection for my spasms and told me that I ought to be taken back to the hospital. Throughout the night, I was locked up in a bathroom and was then taken to a doctor, Primo Alfredo, who had recently been arrested. Throughout the night, we heard as usual the terrible screams of people being tortured. The following morning I was once again brought to the military hospital.

"Two days later my condition began to worsen and I lost consciousness and became delirious; this condition lasted more than ten days. I learned afterwards what had happened during that period. . . .

"... It is clear that my case is not exceptional, as such events have become commonplace during the last few years in Brazil.

"... I thank Your Holiness for your interest and the action taken in an attempt to secure my release. I beg you to do the same for the other thousands of men and women who suffer the same treatment in Brazil and in other countries, . . . unfortunate human beings who continue to be tortured

Signed: Marcos Pena Settamini de Arruda.

Letter from Marlene de Souza Soccas to the "auditor" judge of the military tribunal

Marlene de Souza Soccas saw Marcos Pena Settamini de Arruda while both were undergoing torture and she mentions it in her letter:

"... As I have been under arrest for two years, I have a vast and unhappy knowledge of Brazilian justice. In May of 1970 I was arrested by OBAN; I was prevented from contacting my lawyer or even from informing my family. I remained incommunicado for two months, 12 days of which were spent in OBAN headquarters; here I suffered all sorts of physical and mental torture. Brutally stripped by policemen I was put on the 'dragon chair' (a kind of metallic plate) with my hands tied to electric wires and the various parts of my body, including the tongue, ears, eyes, wrists, breasts, and sex organs. I was then suspended from the 'pau de arara,' an iron bar leaning on two stands, passing under the knees with the wrists and ankles tied together and the whole body hanging downwards

defenseless. I was given electric shocks, was beaten about the kidneys and the vertebral column; I was burnt with cigarettes, I was tortured in the presence of naked political detainees, men and women, and suffered the insults of the policemen who threatened me with revolvers.

"Two months after my arrest, when I was in Tiradentes prison, I was brought back to OBAN again. My torturers believed that I was in contact with the geologist Marcos Settamini Pena de Arruda, who had been tortured for the last month. I was carried into the torture room and one of the torturers, an army captain, said to me, 'Get ready to see Frankenstein come in.' I saw a man come into the room, walking slowly and hesitantly, leaning on a stick, one eyelid half closed, his mouth twisted, his stomach muscles twitching continuously, unable to form words. He had been hospitalized between life and death after traumatic experiences undergone during violent torture. They said to me, 'Encourage him to talk, if not the "gestapo" will have no more patience and if one of you doesn't speak we will kill him and the responsibility for his death will lie with you.' We did not speak, not because we were heroic, but simply because we had nothing to say. Thanks to his family, who have relations abroad, Marcos Arruda was able to avoid being placed on the list of those 'killed in gun battle' and one year later he was acquitted.

"I am a painter and when I was arrested, the police took 18 paintings, an easel, and cases full of clothes, shoes, books, and so forth. The stolen paintings were all dated and could be used in my favor at my trial since the dates prove that I was absent from Sao Paulo at the time in question. I was painting at Laguna (in the state of Santa Catarina), where I was born, and was completely cut off from any political activity. All of these possessions were taken by OBAN and none have yet been returned to me. What words can one use to describe such actions?

"I am awaiting my trial in a building built in 1854, which served in the past for the buying and selling of slaves who labored in the cultivation of Sao Paulo's coffee. It is a historical monument with an unhappy past, a place where much suffering and death have occurred. The strange irony is that it bears the most significant name of Brazilian history, that of one of the martyrs for liberty—Tiradentes. Here both political and common-law prisoners are housed. After what I have seen and lived through, I am now better able to know what a 'democratic and Christian' society signified. All that I learned at school and throughout my life about human dignity has been obliterated by my experiences inside these high and insurmountable walls.

"I very often heard, from beneath my cell, the deafening noise made by *correcionais* prisoners detained here illegally by the police, who are piled up for months at a time on cold cement without mattresses or coverings. There were terrible scenes each time a young newcomer arrived in the cell for there was no lack of sexual perverses there. The youth was obliged to submit, in view of the silent complaisance of the prison employees, and was not left alone until he was covered in blood. . . . I have often asked that something be done about these inhuman conditions which provide a lugubrious amusement for the jailers and police.

"... Returning from the DOPS one day and crossing the courtyard on the men's side, I witnessed a sad spectacle which would not have been allowed even in a Nazi concentration camp: three *correcionais* detainees were thrown into a well, with water reaching to shoulder level; they were surrounded by the military police and jailers with clubs and sticks in their hands. They kept the heads of the three men under the water with their feet; it was winter and the unfortunate victims were trembling convulsively, eyes wide open, staring, fixed, appealing, their faces skeletal due to the freezing water.

"... I have reported here, Your Honor, the experiences that I have undergone. They are not relevant just for me but also for the millions of people who have followed the same path. When I was a young girl, I was taught to love Brazil, respect its flag, to do my best for its people, to dedicate to my country my brains, my work, and, if necessary, my life. These sentiments have not changed, the small girl is still inside me, but I know that the illusions died an abrupt death when I was tortured under Brazil's flag and the portrait of the Duke of Caxias.

"In conclusion, just a brief remark: the world is changing daily. I am not the person who will make it change any quicker, nor can I prevent it from changing, because it is whole peoples who make history. Nothing will prevent these people, once they learn of their lot, from taking into their own hands the control of their destiny and constructing a world of justice and solidarity. Even death will not prevent this because those who die for the ideals of justice become symbols of a new life and serve as an inspiration for others to continue the struggle.

Signed: Marlene de Souza Soccas
Presidio Tiradentes, Women's Prison, March 1972

TORTURE AND THE DEATH SQUADS

Torture in Brazil is not practiced solely in what we might term as an "official" context, that is, in prisons and interrogation centers. It is also practiced by groups recruited from among the police force: the Death Squads.

Senator Church: "Mr. Brown [Theodore Brown, Chief Public Safety Adviser, USAID-Brazil], you are in a position to tell us about the Death Squads in Brazil, are you not? Do you know about them? ... What are these death squads, based upon what you have read and what you know, engaged in doing in Brazil?"

Mr. Brown: "Well, it is alleged that they are a group of irresponsible police that has taken the law into their own hands, so to speak, and felt that it was their duty to take direct action and not bother about recourse to the courts." (U.S. Senate Hearings.)

According to *The New York Times* of July 21, 1970: "The Death Squads emerged in October, 1964, when several policemen, colleagues of Milton LeCocq, from Rio de Janeiro, created a society in his memory. He had been killed by a criminal, who was in turn later assassinated. 'He had to die,' said one of Milton LeCocq's friends, 'it was a question of honor.'"

Throughout the years, the punishment and execution of *marginais* [deviants; petty criminals] has become more than a question of honor. Corpses, found abandoned in numerous districts, showed signs of extreme sadism. After about seven years in existence, the "LeCocq Society" has, according to *Jornal do Brasil* (November 3, 1971) acquired a huge property (*La Fazenda Piripora*) in the state of Minas Gerais. It recently launched its own official newspaper, *O Gringo*, directed by a certain A. Carrasco (*Jornal do Brasil*, May 24, 1972). *O Gringo* named as honorary president the Brazilian journalist David Nasser, director and editor-in-chief of the weekly *O Cruzeiro* and member of the International Press Association.

Hundreds of assassinations

Many authorities who welcomed these semi-private organizations, like the "LeCocq Society," and offered them protection, felt it necessary to face the problem of crime by organizing other groups along the lines of the "LeCocq Society" so that they could be entrusted with the trial and summary elimination of supposed criminals. Thus, in Rio de Janeiro, Sao Paulo, and later in other Brazilian states, Death Squads recruited from the police force came into being.

These squads are, therefore, groups made up largely of policemen, which kill under the protection of higher authorities. Generally the squads are not satisfied simply to kill the individual they believe to be "irremediable." In order to publicize their activities, their spokesmen do not hesitate to telephone the newspapers to announce in great detail how many *marginais* will be assassinated by the squad on the following day. They then give the exact location of the corpses, the *presuntos* (the slang they use for their victims). The tortured victims are often found handcuffed, with obvious marks of torture and with macabre inscriptions (*Realidade*, January, 1971, pp. 60-68). The *Jornal do Brasil* (of April 20, 1970) reports: "In Guanabara and in the state of Rio alone, the number of deaths attributed to the Death Squad is more than 1,000, that is, almost 400 a year. The victims show signs of unnecessary cruelty. For example, between January 11 and July 1, 1969, 40 bodies were found in the waters of the Macacu River, buried in the mud near the bridge between Maje and Itaborai. All of the bodies, in an advanced state of decomposition, still showed the marks of handcuffs and burns caused by cigarettes or cigars and multiple bruising; some of them were still handcuffed. According to the findings of the autopsy, it was noted that many had been tortured, shot, and then drowned."

Suits filed against the Death Squads

Unfortunately, the journalists and magistrates have been unable to reconstruct the criminal activities of the Death Squads, except in a limited number of cases, because the squads get rid of any possible future witnesses who could pose a danger to them. The squads follow the witnesses to their homes or even to their cells in prison in order to kill them--this has been reported in the Brazilian press.

When one person, condemned to death by the squads, riddled with blows, and left for dead was found dying but was saved, indignation was expressed by the press and the public. Nevertheless, the director of the review *Veja* (March 3, 1971, p. 6), in reply to a question put by a reader, mentioned that out of 123 homicides attributed to the Death Squad in Sao Paulo between November, 1968 and June, 1970, only five murders had been investigated by the magistrate.

The Death Squad in the state of Spirito Santo

The Brazilian press recently published (*O Estado de Sao Paulo*, April 16, 1972) the following telegram addressed to the President of the Republic. It accused the former Secretary of Public Safety of the state of Spirito Santo, Mr. Jose Dias--brother of the former state governor, Mr. Christiano Dias Lopes Filho--of being one of the heads of the local Death Squad:

"We bring to Your Excellency's attention the new and disturbing evidence against the former Secretary of Public Safety in the state of Spirito Santo, Mr. Jose Dias, who has been singled out as one of the principal members of the group of policemen known to belong to the Death Squad which has stained with blood the land of *capixabas* [of or pertaining to the state of Spirito Santo] by brutally killing Brazilian citizens and burying them on the beach of Jucu about 12 kilometers from the town of Vitoria. In addition to the cold-blooded murders committed, the local Death Squad is responsible for thefts of arms (several machine guns and other armaments), car thefts, financial scandals involved with the game of *bicho*, and of white slavery. All the high ranking members of the police force who worked with the ex-secretary have also been indicted [12 depositions have been made].

The *capixaba* people have confidence in their legal system and in their Public Prosecutor and hope that justice will be done and that the person responsible for the crimes committed by the infamous Death Squad will be punished. . . . We beg Your Excellency to be good enough to record these facts and to demand an inquiry into their veracity by the security organs so that no aspect of this tragedy will be overlooked." [12 depositions were enclosed with the statement]

The Death Squad in Bahia

The same situation exists in other states. For example, as reported in the *Jornal do Brasil* (June 10, 1971): "During an audience with President Medici, the governor of Bahia, Mr. Antonio Carlos Magalhaes told him that 'unfortunately the Death Squad has established itself in the Secretariat of Public Safety, not simply to steal, but also to kill. Policemen of varying ranks kill and steal with impunity.' The governor remarked that the worst aspect of the situation was the fact that the police of Bahia were afraid of delinquents, who were also police agents, and that therefore the regular police force could not control the situation."

The new Death Squads

During the last months, the situation has dramatically worsened. "The flight of vultures," writes *O Globo* (March 20, 1972), "indicates the position where nameless corpses lie in the cemetery of the lowlands of Rio de Janeiro. Early in the morning, says an inhabitant, we often hear the sound of an engine, then some shots, and the car moves off. We immediately go and look for the bodies; we do not always find them straight away because they are often in the middle of a thicket, but you only have to wait a little while: the vultures soon indicate where the body is. . . ."

Groups of policemen from Rio have begun killing without even hiding behind the anonymity of the Death Squad.

High ranking authorities have stated that the notion of assassination is the only valid one in order to "resolve the social problems." "We will kill all the *marginais* who do not give themselves up, or who act suspiciously. We have the authority of the Secretary of Public Safety to act in this way and we are responsible for the consequences," said the regional '*delegado*' for Nova Iguaçu, Parides Gonçalves. "When I kill a bandit, I make a report, for his information, of what I have done to the Secretary for Public Safety for the state of Rio." "*Delegado*" Mesquita added, "It is better to risk being tried for killing a *marginal* than to have to answer for not doing so." (*O Estado de São Paulo*, April 9, 1972.)

The CCC and other murder squads

In addition to the better known squads, such as the Death Squads, there are groups throughout Brazil who have the same methods and protection but who have political names such as the CCC [Commandos to Hunt Communists]. This group kills political adversaries, whether they are communists or not. It is sufficient to cite the attack on the student Candido Pinto and a student representative for Pernambuco who was paralyzed as a result of being shot by a machine gun as he was going home one day; or the murder, after terrible torture, of Father Henrique Neto, guilty of having participated in meetings between parents and students in the aim of bringing the two generations closer together. Neither were communists, but they appeared on the list of people condemned to death by the CCC. Bishop Dom Helder Camara wrote on August 28, 1969: "According to the depositions of two witnesses, the assassins shot down the student Candido Pinto shouting out the CCC slogan. The final part of the report established by the Commission of Inquiry confirms this. One should not forget either, the bishop says, that, according to the same report, the telephone threats made to Father Henrique were also made in the name of the CCC. Why not, therefore, set up a thorough inquiry into this horrible CCC?" Cooperation between the CCC and the torture agencies, such as OBAN, was alleged in several depositions made by prisoners who recognized members of the CCC during their torture sessions at the OBAN.

Due to continual and firm pressure from the religious authorities and from the magistrates, an inquiry was initiated. The *Jornal do Brasil* (April 25, 1972) writes: "The judge *desembarcador*, Agamemnon Duarte, indicated that the CCC and the C.I.A. are implicated in the murder of Father Henrique Neto. He admitted that... the American Secret Service [C. I. A.] was behind the CCC.... The judge said, among other things, 'the constant involvement of the C.I.A. in terrorist acts throughout Latin America, in Mexico, and in southern Patagonia, is well known.'"

These allegations, addressed by a Brazilian judge to the United States, and published in the Brazilian newspapers, should be carefully considered by the United States Senate Subcommittee on Foreign Affairs.

The leaders of the Death Squads

It is sufficient to quote just a few examples in São Paulo to describe a few of the better known members of the Death

Squad and to illustrate the patronage they enjoy. We will content ourselves with these few examples, but it is obvious that we could quote many others.

Those involved in São Paulo are of major importance. The first, who has been charged several times in court, is accused of being a murderer, a thief, a drug addict and dealer, a torturer, and a white slaver: Jose Alves da Silva. He acted as a de facto assistant director of the huge Tiradentes prison in São Paulo. The second, Olintho Denardi, is the present director of Tiradentes prison. The third, '*delegado*' Sergio Paranhos Fleury, is without any doubt the most famous head of the Brazilian political police.

Jose Alves da Silva (Ze Guarda)

Former sergeant in the military police, was the de facto assistant director of the Tiradentes prison (*O Globo*, February 2, 1971) in São Paulo. He has been accused of being one of the worst torturers of prisoners. According to many policemen, he is also the Death Squad member with the greatest number of crimes on his record (*O Estado de São Paulo*, February 4, 1972). At the moment, Jose Alves da Silva is involved in a trial for the murder of Claudio Jose Faria. According to information published in the press, he has already been indicted in 14 trials.

The psychological portrait of Ze Guarda, third sergeant of the military police, was drawn for the first time in 1964 by "*delegado*" Benedito Nunes Dias who considered him as psycho-neurotic from birth. Dias demanded preventive imprisonment for Ze Guarda for gang robbery. In the depositions, it is noted that Ze Guarda was employed for a long time by the civil police under the command of Helio Tavares, who provided him with a cover for all sorts of misdemeanors (*Jornal do Brasil*, February 4, 1972). At the Second Auxiliary Jurisdiction, where Ze Guarda is being tried for the murder of Claudio Jose Faria (Claudio), the judge, Alberto Marino Junior, confirmed that, among other things, the third sergeant was a thief and a bandit. He himself participated in robberies when the plunder was substantial. In the less important cases, he just covered up for other thieves and then shared the takings with them. In addition, Ze Guarda was able to organize a huge network of drug trafficking. According to the judge, Ze Guarda killed all those who dared oppose him. Sometimes, Marino Junior went on, when he wanted to, Guarda killed possible witnesses. This was not due to fear of the law, since he had always despised it, but simply because he did not want to be bothered. And this individual, concluded the judge, "even worked, not long ago, as the de facto assistant director of the Tiradentes Prison! And this, after being condemned as a thief and bandit in our courts! A man who has been prosecuted 14 times becomes the assistant director of a prison!" (*O Estado de São Paulo*, March 29, 1972.)

Doctor Olintho Denardi

"*Delegado*" and director of the Tiradentes prison in São Paulo, one of the largest of Brazilian prisons for political and common-law prisoners. *O Estado de São Paulo* of April 26, 1972 gives the following details about him: "The judge at Guarulhos yesterday asked for the preventive imprisonment of '*delegado*' Olintho Denardi, director of the Tiradentes prison, charged with belonging to the Death Squad.... The director

of the Tiradentes prison, the '*delegados*,' the inspectors, and the wardens are accused of taking eight detainees held in the prison away to be killed. The allegations of prosecutor Helio Bicudo went as follows: 'The victims were gathered together several times during 1970 in the Tiradentes prison as *correcionais* prisoners. From there, they were kidnapped in dramatic circumstances, with the connivance of the prison director, '*delegado*' Olintho Denardi, and of subordinate officers. To hide the victims' presence in the prison, the prison employees and members of the DEIC [*Departamento Estadual de Investigações Criminais*] used different methods, among them, falsifying the dates on the DARC files [Section of the Archives and Criminal Registers] and of documents from the *Valores* section of the prison. They also took away the goods of one of the victims and shared these out among themselves.'

Doctor Sergio Paranhos Fleury

"*Delegado*" of DOPS in Sao Paulo; he was mentioned by the Brazilian press as the head of the Death Squad in Sao Paulo, and in numerous allegations has been cited as one of the most unstinting torturers of political prisoners. He has, above all, made himself famous following a police operation which led to the death of the former deputy, Carlos Marighela, killed in the Sao Paulo center. According to the submission of prosecutor Helio Bicudo (*Veja*, February 20, 1970, p. 22) "*delegado*" S. P. Fleury is accused of having killed, together with other policemen, Airon Nery Nazareth (Risadinha) on Pinheirinho land near Suzano. Nazareth had been taken from the DEIC cell where he was being held. Fleury is also accused, with 14 other policemen, of having taken eight prisoners from the Tiradentes prison in Sao Paulo with the purpose of killing them in revenge for the murder of policeman Agostinho Goncalves Carvalho (*Jornal do Brasil*, May 2, 1971).

In addition, Fleury is accused of having killed, along with men from his section, two drug traffickers (Luciano and Paraiba) because they said that they had a black list with the names of important police employees in Sao Paulo who were paid by the biggest drug traffickers. According to the charge, the police agents killed the victims "cruelly." Mr. Fleury and his colleagues were recognized by the State Commission of Investigation (*Veja*, December, 1970, p. 22) as being guilty of corruption linked with the trafficking of drugs. All of these events were widely covered by the Brazilian press.

However, what is surprising in examining the case of Fleury is the arrogance with which he publicly treated the judges in charge of his trial. During the trial where, with 13 other policemen, members of the Death Squad, he was charged with the murder of Antonio de Souza Campos (Nego Sete), killed in Guarulhos, he not only refused to answer questions put to him by Judge Fernandez Braga (*O Estado de Sao Paulo*, October 22, 1970), but also wished to call to his defense the highest military and civil authorities in the state. The list of defense witnesses for Mr. S. P. Fleury at the trial concerned with the

death of Nego Sete, is as follows: General Airoso Da Silva, Commander-in-Chief of Second Army; Colonel Luis Mariel Junior of the air force, president of the CCI, General Investigations Committee in Sao Paulo; Colonel Jose de Souza Leal, Head of Public Relations Section of the Second Army; Roncel Carneiro, former state prosecutor; Paulo Pestana, Secretary for Tourism; Celso Telles, director of DEIC; Virgilio Lopes da Silva, Secretary for Labor; Luis Ferreira, doctor; Fernando Vieira de Melo, employee of the Television Record (*O Estado de Sao Paulo*, October 22, 1970).

"Delegado" S. P. Fleury, his team and torture

The DOPS in Sao Paulo and the OB compete in the field of torture. "*Delegado*" S. P. Fleury, head of the DOPS, is accused of being one of the worst torturers of common-law and political prisoners. His name almost always crops up in depositions of those tortured in Sao Paulo, but his torture activities are not confined to this state.

The Death Squads and torture have their most important and well-known representative in the person of "*delegado*" Fleury.

Torture and those responsible

In our report, we have applied the term *torture* to the ill treatment meted out to prisoners by military or civilian employees under the command of higher authorities, or with the protection of these authorities. The torture of an individual detained by the constituted authorities is an extremely serious occurrence, and everything that takes place in a collective organization implies responsibility on the part of the head of that organization.

It was thought until recently that torture was confined to the Middle Ages. However, in recent years, information on torture in Brazilian prisons and military barracks has unfortunately been overwhelming; hundreds of depositions and testimonies have been made.

Reasons for torture

Reasons for the use of torture can be summarized in two categories: to serve both a policing and a repressive function. In the Middle Ages, torture had served, above all, a police function and was used to extract confessions. This is still the primary reason for the use of torture in Brazilian police stations today.

But the actual psychological reason which leads governments to employ torture is doubtless found in the fact that torture has an immense capacity for intimidation which often succeeds in controlling the thoughts and will of people. Many are defeated by the fear of torture and accept situations which are offensive to their human dignity. Governments can then ignore all laws and rights with the confidence that the people will not dare to register any protest.

Petition From Amnesty International to the Brazilian Government

AMNESTY INTERNATIONAL,

Considering the number of verified arbitrary arrests in Brazil cited by lawyers, scholars, politicians, churchmen, released prisoners, direct witnesses, and the Brazilian and international press;

Considering further the extent, the systematic nature, and the increase in the use of torture, which, since 1968, appears to have been practiced with a steadily increasing expertise in the police stations and interrogation centers of Brazil;

Considering that torture and murder are committed by other specialized groups such as the CCC [*Comando de Caca aos Comunistas*] and the Death Squad;

Recalling that the existence of torture and the malpractices of the specialized groups have been recognized by the highest authorities in Brazil, which have, nevertheless, failed to prevent these activities;

Recognizes that the extent and gravity of past and current allegations, from identified and multiple sources, constitute serious, widespread, and specific charges,

Urgently petitions the Brazilian government to:

(1) Grant facilities to an international commission of inquiry;

(2) Authorize the commission to investigate, without hindrance, the accuracy or otherwise of the allegations of violations of Articles 5, 9, 18, and 19 of the Universal Declaration of Human Rights identified in this document;

(3) Authorize the preparation and publication of a report concerning the violations of Article 5 of the Universal Declaration of Human Rights committed by the independent police groupings such as the Death Squad and the CCC, and in the procedures used in the interrogation of political prisoners within the prison and judicial systems;

(4) Release, on the occasion of the 150th anniversary of the Independence of Brazil, all persons held in violation of Articles 9, 18, and 19 of the Universal Declaration of Human Rights.

Universal Declaration of Human Rights

Article 5: No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.

Article 9: No one shall be subjected to arbitrary arrest, detention, or exile.

Article 18: Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

Report by Georges Pinet

Georges Pinet, who is a lawyer at the Paris bar, made this report after a visit to Brazil in July of 1972. The inquiries carried out by M. Pinet were undertaken at the request of the International Secretariat of Catholic Jurists and the International Association of Democratic Jurists. Amnesty International has added to its own report, as an appendix, the following extracts from M. Pinet's report, feeling that they provide an up-to-date series of observations on the present situation in Brazil.

I arrived in Sao Paulo on July 15, 1972 with a mandate from the International Secretariat of Catholic Jurists and the International Association of Democratic Jurists. I returned to Paris on July 22 after also having spent some time in Rio de Janeiro. I met with approximately ten Brazilian lawyers, the president of the Order of Lawyers in Sao Paulo, a parliamentary deputy, a general in the reserve forces, two journalists, a number of religious personalities, including Monsignor Arns, Archbishop of Sao Paulo, and his assistant, Dom Lucas, Monsignor Lorscheider, Secretary General of the National Conference of Brazilian Bishops, a representative of the committee for assistance to prisoners, and a number of relatives of persons who have been imprisoned, or who have "disappeared." I also had an interview with the president of the Military Tribunal of Sao Paulo during an adjournment in the tribunal session at which I was present. Among other requests, I asked the president to allow me to visit certain prisoners. He replied that it was not within his power to give such authorizations. I was not able to enter a single prison, so that an undertaking which would normally be encompassed within the framework of a fact-finding mission, could only take place in Brazil as a mission of intervention.

The hunger strike

I was asked to carry out the mission of inquiry because of a long hunger strike which was undertaken by 36 political prisoners as a symbol of protest against, and a demand for the return of six of their number, including three Dominican priests suddenly and arbitrarily transferred to the Mato Grosso frontier.

The strike ended on the night of July 11-12, having lasted 33 days, without any assurances being given that the requests of the prisoners would be met.

This strike, including the tortures and maltreatment imposed, in particular on two of the strikers accused of being the leaders, cannot be isolated from the history of the struggle in Brazil for the guarantee of minimum rights for all prisoners.

It is significant that 36 men, given their situation as prisoners, risked their health and lives in order to protest the transfer of six persons out of Tiradentes prison.

Reasons for the strike

They took this action because the unexpected and brutal removal of a prisoner at night from a detention center has often indicated that the prisoner was to be transferred to a torture center, or, quite bluntly, was to be killed. In prison,

the detainee feels "secure"; he can be located and accounted for, his disappearance can immediately be noted. Therefore, such transfers create anxiety and insecurity among the remaining prisoners. The arbitrary nature of the transfers, whatever statutory reasons are given, thus becomes an instrument of terror.

The hunger strike of Sao Paulo then had as its only cause and objective the protection of the health and lives of the prisoners. Despite censorship, the Brazilian public realized this and was profoundly moved. The strike was not a means of political agitation, or an action controlled from abroad, but purely and simply, as has been very much stressed in Brazil, an "existential" action.

Torture: existence and institutional and judicial framework

Much has been written and reported concerning torture in Brazil, although unfortunately this is not the only country to employ this technique.

What should be stressed here is its institutional character, and the fact that an entire apparatus exists to carry out torture, with no other justification than the maintenance of the present regime.

The most serious aspect of torture in Brazil is that, within the framework of the present regime, it does not appear reasonable to hope that the authorities will return to a respect of the most basic human rights.

Torture in Brazil is not and could not be the result of individual excesses; neither is it nor can it simply be an over-reaction to terrorist attempts to overthrow a regime already in difficulty, and, in its turn, provoking the famous "cycle of violence." This cannot be the case because armed struggle no longer exists in Brazil.

Torture is a manifestation and the necessary result of a political model, with a judicial framework and a socio-economic content.

On the basis of Institutional Act No. 5, autonomous organs of repression, exempt from all judicial control, were created, for example, OBAN in Sao Paulo and CODI in Rio de Janeiro.

These units operate through organized terror and secrecy. Duplicating the activities of the official political police [DOPS], these autonomous groups kidnap, torture, and often kill suspects; suspects whose crimes are defined, ever more widely, under the terms of the law of national security, thus opening the door to such persecution. Demands for habeas corpus do not stand in their way. In the rare instances where such requests were accepted by legal authorities, they would be ignored by these units.

Furthermore, it is impossible to locate persons detained by OBAN or CODI, or to know their exact number.

Secrecy is an instrument of terror.

The freedom enjoyed by these institutions of repression in their use of torture is one of the marks of its institutionalization; another is what can be termed as the "sophistication" of torture.

There is a twofold advantage in using these new methods:

First, should any medical examination even be carried out as a result of public protest campaigns, it will not be possible to verify any physical injury.

Furthermore, we know that after a certain threshold is passed, or after a certain period of time, physical pain becomes psychologically bearable for the sufferer. Scientific research, in which doctors must necessarily have participated, has made it possible to identify the maximum suffering that the various systems of the body can endure, without resulting in death. This is why, rather than continuing to rely on methods of physical coercion ("pau de arara," electric shock, beatings, suffocation by water, and all manner of other cruelties, including sexual abuse), the regime now employs terrible methods of psychological torture in addition to the use of electronic equipment.

Testimonies reveal that, after having undergone interrogation, stripped, and with the head covered by a hood, the suspect is isolated in a tiny refrigerated room, given no food or water, and given no other means of carrying out natural body functions other than in the room itself.

The victim is then subject to "sophisticated" treatment for several days; unbearable noises, such as the sound of jet engines, screams of terror, deafening and nerve-shattering music, and flashing lights combine with thirst, cold, and hunger to create delirium. Then, while the victim is under the illusion of fantasies resulting from this delirium, a vision of water is offered him, and a feminine voice suggests that his thirst will be satisfied if he confesses or signs a declaration.

The use of such audio-visual and psychological methods suggest that human, material, and therefore substantial budgetary resources are being used, and therefore, that such methods are an integral part of the system.

Thus, in Brazil, torture is not the expression of a passing crisis or a single scandalous phenomenon, but is an integral part of the political system which affects a growing proportion of the population.

It is said in Brazil that in the cities approximately one family in three has been affected by repression: disappearance or imprisonment of a member of the family, blackmail, pressure, persecution of all sorts. Whatever may be the case concerning the "Brazilian miracle," presented in terms of figures which are distorted in large-scale publicity campaigns,¹ the capitalist development regime in Brazil is incapable of resolving the tensions which have been created by the increase in its massive population. A variety of population movements, such as migration into the cities, peasant troubles in the northeast, instability in the huge slums [*favelas*] leading to crime and brutal repression, have not been halted or controlled.

The middle classes, who are not in favor of sharing the gains of the "Brazilian miracle," except through insecure and uncertain speculation on the stock exchange, are frightened; the fear can only increase in view of the fact that the concentration of profits will only continue at the cost of a continual reduction in the purchasing power of the poorest sectors of society.

Ambitious strategic and publicity-oriented efforts such as the "Amazonia Highway" project, which will lead to

¹ Entrusted, on 150th anniversary of Brazil's independence, to a North American firm specializing in public relations.

large-scale population movements, will not resolve the difficulties.

Inauguration of an international system to maintain and defend human rights such as requested by the Forum on the Defense of Human Rights,² held in Montevideo in 1971, is the overriding hope of Brazilians.

That this hope is expressed, sometimes with intensity, by all kinds of people—ecclesiastics, lawyers, politicians of all shades of opinion—toward whom the families of those who "disappear" or are imprisoned turn, in the hope of some information or intervention, not only indicates a strong internal opposition, but is also an appeal for active support to which Europeans should be the first to respond. They know the results of allowing, through indifference and silence, the development of a political system in which the demand for human rights became, as it has now become in Brazil, a crime against the state.

² The confidence placed in the possible effectiveness of inter-governmental intervention, by itself, was shaken by the failure of the U.N. to name a High Commissioner of Human Rights—in view of the fact that it would be the governments themselves who would be on trial.

PRISONERS

Amnesty for the Defense

The atrocity stories flow into the spartan London headquarters of Amnesty International from all over the world: political prisoners beaten, shocked, drugged or maimed for the crime of criticizing their government. Says American Lawyer James Becket, who is preparing a worldwide survey of the subject for A.I.: "Rulers of the past often openly institutionalized torture to better defend their power and privilege. Their counterparts today solemnly deny it publicly while they are busily refining the technology of torture and the theory of order without law."

In a sobering, 40-page report issued in London last week, Amnesty International zeroed in on such practices in South Viet Nam, where, it estimates, more than 100,000 people have been jailed as political prisoners. Describing varieties of torture in agonizing detail, A.I. said: "There can be no doubt that [torture] is widely used in the areas controlled by the [Saigon government] not only as an instrument of intimidation but as an end in itself." The report is another step in A.I.'s newly launched campaign to "raise a public outcry throughout the world until torture becomes as unthinkable as slavery."

For A.I., the anti-torture campaign represents a broadening of its original mandate. A sort of Red Cross of political warfare, the organization has hitherto limited itself to seeking freedom for political prisoners round the world. Since its founding in 1961, it has taken up the cases of some 13,000 such captives; as a result of its efforts, more than 7,500 have been released.

Among those who have been helped by A.I. are Ghana's former Finance Minister Joseph H. Mensah, who was imprisoned after a recent coup; an Indonesian novelist held without trial for eight years; and Rhodesian Journalist Peter Niesewand, who was first sentenced to prison and then deported for violating his country's rigid Official Secrets Act (TIME, May 14). A.I. makes an almost sanctimonious effort to remain politically neutral; individual cases are carefully investigated to prevent the organization from being used for essentially nonpolitical crimes.

And who cares
about
political prisoners
today?



POSTER PRESSES A.I. CAUSE

Started on a shoestring by London Lawyer Peter Benenson, A.I. has recently grown in both size and influence. In 1971 its annual budget was \$130,000; this year it is \$425,000. About 70% of its money comes from contributions by members, the rest from foundations and private sources. Along with a full-time staff of 50, it now has more than 30,000 members in 61 countries. A.I. is accorded consultative status at the United Nations, the Council of Europe, the Organization of American States and the Organization of African Unity.

One of its favorite tactics is a massive international mail campaign on behalf of its "adopted" prisoners. The letters are written by A.I. members that have specific responsibility for individual prisoners. Says Amnesty Chairman Séan MacBride, a onetime Foreign Minister of the Irish Republic: "The avalanche of mail bags is still the biggest single annoyance to most governments. Mail piles up. It's a nuisance. Sooner or later the matter is at Cabinet level and everyone is wondering whether the prisoner is worth all this trouble. The answer is frequently no."

Spreading Repression. National vanity is another target. "Politicians want to be loved," says Amnesty Spokesman Mark Grantham. "When we're alleging all over the world that they're acting in a rather crude way, it embarrasses them. It hurts for their ambassador at the U.N., who is there to make an impressive speech against world hunger, to be asked about a sordid case of torture."

The organization's move into the area of political torture was hastened by the fact that such repression seems to be spreading. The Soviet Union's habit of putting dissenters into mental institutions, for example, is now being copied in Argentina. Behavior-altering techniques—like torturing a prisoner while he is being shown slides of his family—are showing up in Brazil. (The prisoner comes to associate his wife and children with pain—and the effects seem to endure.) In Greece, a favorite technique is the *falanga*, in which the soles of the feet are beaten to a pulp with sticks. South Viet Nam is accused of using a well-known form of torture in which soapy water is pumped into a victim's stomach and then forced out through the nostrils.

Amnesty International contends that some governments not only practice torture but indirectly admit it to intimidate other dissenters. Margaret Pappandreu (wife of the former Greek Cabinet minister) charges that Greece's military government "wants people to know that it is torturing prisoners"—although it imprisons those who dare discuss the matter openly.

To get its anti-torture campaign rolling, Amnesty is seeking a million signatures to a petition drawn from Article Five of the U.N.'s Universal Declaration of Human Rights: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." The petition urges the U.N. to "immediately outlaw the torture of prisoners throughout the world." Until the U.N. attains more political clout, that call may be ignored. But as far as Amnesty International is concerned, a start will have been made.

Peace With Honor

By Anthony Lewis

LONDON, July 15—"Torture during interrogation, or as a disciplinary measure within prisons, is no longer even motivated by a desire to gather 'intelligence' . . . torture is widely used not only as an instrument of intimidation but as an end in itself . . . in many instances torture has become no more or less than a matter of habit."

Those are some phrases—some of the milder ones—from a report recently issued by Amnesty International, the highly respected independent organization concerned with political prisoners around the world. The subject was the situation of the 100,000 or more civilians detained by the Saigon Government.

The report described in revolting detail what is done to human beings in the prisons and interrogation centers of South Vietnam: the use of electricity, beating, water; the crippling and death that result. It named victims and described cases in convincing detail. It called the situation, altogether, "one of the most serious cases of political repression in the world today."

The Amnesty report rated a few paragraphs in some serious British and American newspapers. Most of the mass media paid no attention at all. It was just some more of the familiar horror of Vietnam.

It is not surprising that people turn off the moral pain of Vietnam. There are limits to outrage, to tears. Tales of misery, however true, eventually weary the audience. People instinctively protect themselves from being incapacitated by despair.

But individual escape cannot end public responsibility. Mass injustice anywhere claims the concern of mankind, for it diminishes and threatens

all of us. Nor can the cases of mistreatment of American war prisoners in North Vietnam excuse massive and continuing official terror in the South.

Can the stories be true? That is what some people in the West would ask, finding it difficult to face the horrors reported. But there is no escape that way. For the situation of political prisoners in South Vietnam has been seen and graphically described by a wide variety of observers: American Congressmen, correspondents, doctors and many others.

The leading British commercial television company, Granada, did a careful program on Saigon's political prisoners. Among others, it interviewed two American physiotherapists, Jane and David Barton, in a hospital in Quang Ngai.

"People come to the prisoner ward at the hospital often immediately after they've been tortured," Jane Barton said, because prison officials "prefer not to have a dead body at the interrogation center. . . . The torture that we see the results of most frequently is [attaching] electrical wires to people's toes, or fingers, or sensitive parts of their bodies."

The Bartons had films and still photographs of some of the victims. Two were women who had been beaten on the head until their skulls fractured and they became paralyzed on one side of their bodies. One was a young girl, the other a 67-year-old woman.

Granada also showed 60-year-old Mrs. Ba Chau, who was blinded by lime thrown in her face by guards when she was held in the tiger cages on Con Son Island. Granada showed other freed prisoners from Con Son being treated by a former American Air Force doctor, John Champlain. Dr.

Champlain described how various prisoners lost the use of their legs by being confined in the cages or shackled to their beds.

The Saigon Government of Nguyen Van Thieu is marvelously cynical in its discussion of these matters: It says that there are no "political prisoners" at all: Everyone in its jails is either a common criminal or a "Communist."

In fact, as everyone in South Vietnam knows, people are arrested for having sheet music of an antiwar song, for carrying rice at night, for any reason that strikes a police whim. Many are not tried but held indefinitely on suspicion. Just two weeks ago a union leader held without trial after a strike for higher wages was reported to have been tortured to death.

In evident embarrassment over its political prisoners, the Thieu Government has been reclassifying them as guilty of common crimes such as disturbing the peace—often again without trial, of course. And it has announced that it will turn over to the Vietcong, as "Communists," some of the best-known persons arrested because they opposed the war or Mr. Thieu. A neat solution.

It is especially wrong for the United States to avert its public eye from these realities. For the police system of South Vietnam is an American creation. The Central Intelligence Agency devised the Phoenix program to hunt out V.C. suspects, which began the official torture. William Colby, the new director of the C.I.A., testified that between 1968 and May, 1971, alone 20,587 suspects were killed.

More than \$14 million in American money is still available or budgeted for aid to the Saigon police and prisons. Rather than helping, the United States should be protesting police inhumanity in South Vietnam.

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(in consultative status with the United Nations, the Council of Europe, the Organization of American States, the Organization of African Unity, and UNESCO.

WHAT YOU CAN DO

AMNESTY was started in 1961. Its purpose: to work for the release of persons imprisoned, restricted, or otherwise detained because of their political, religious, or other conscientiously held beliefs, or by reason of their ethnic origin, color or language, provided they have neither used nor advocated violence. These persons are called Prisoners of Conscience. AMNESTY also opposes the death penalty and the torture or otherwise cruel, inhuman or degrading punishment for all prisoners.

Today AMNESTY remains the only organization of its kind, with Groups in 36 countries, members in a further 58 countries and a total membership of 30,000+. Through them, it mobilizes public opinion, works for the release of prisoners, and protects their families from hardship. AMNESTY acts with complete impartiality. It is a humanitarian movement with no political or religious affiliation of any kind.

BECOME A MEMBER

As an individual member (\$15.00 per year) you support the organization, receive its bi-monthly newsletter and other literature, and add your voice to those who are concerned with the observance of basic human rights.

FORM A GROUP OR JOIN A GROUP

There are over 1,200 groups throughout the world. Each one adopts three prisoners—one from the Capitalist, one from the Communist, and one from a non-aligned country. They work directly for the release of prisoners and the relief of their families.

SEND A DONATION

Prisoners can be released, lives saved, families cared for—but it requires funds. Funds to investigate cases thoroughly, to send representatives to trials, to support prisoners' families, to prepare and publish reports, disseminate information, to do more effective work.

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