



LATIN AMERICA BUREAU
Division for Latin America Department of International Affairs

United States Catholic Conference
P.O. Box 6066, 1430 K St., N.W., Washington, D.C. 20005
Phone: 202/628-9840

December 6, 1971

Mr. Luis Reque, Executive Secretary
Inter-American Commission on Human Rights
Organization of American States
Washington, D.C. 20006

Dear Mr. Reque:

This letter and accompanying documents are in response to your letter of April 8, 1971, to Rev. Louis M. Colonnese, and the documents which accompanied it.

Your letter refers to the claim presented to the Inter-American Commission on Human Rights of the Organization of American States by the Division for Latin America, U.S. Catholic Conference, together with the Latin America Department of the National Council of Churches, on June 25, 1970, concerning violations of human rights in the Republic of Brazil. You state that the Commission requested pertinent information from the Government of Brazil in a note dated Sept. 18, 1970, and that the Government of Brazil answered that request in a note dated Jan. 11, 1971, accompanied by several documents.

With your letter you transmitted to us, as per the decision of the ICHR in its 25th session, "the pertinent parts of the answer of the Government of Brazil so that (we) might be made aware of and reply to them."

We consider the answer of the Government of Brazil, as represented in the documents transmitted to us, and in its negative reply to the Commission's request to be allowed to visit the country to gather information as reported in the Brazilian and world press (The Washington Post, Mar. 7, 1971), to be insufficient and unsatisfactory.

In the following sections of this letter and the documents which accompany it, we submit to you our response, in detail, to the documents transmitted. These include observations and comments plus additional information and documentation of new cases of violations of human rights in the Republic of Brazil.

In the concluding section we again press for an on-site investigation of these charges of torture and repression in Brazil as previously requested by the above-mentioned letter of June 25, 1970, and for which the consent of the Brazilian Government was asked by the ICHR of the OAS, in accordance with Article II, part c) of its Statute and Article 50 of its Regulations as reported to us by your letter of Nov. 9, 1970.

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COMMENTS ON THE DOCUMENT TITLED:

"Chapter II - There are No Political Prisoners in Brazil"

"There are no extraordinary tribunals in Brazil."
(By "extraordinary tribunals" is meant the bringing of a case before a court which would not ordinarily have jurisdiction, e.g., bringing a civil case before a military court.) "Criminals answer for offense against national security before Military Judiciary, which is an integral part of the Judicial Power (Constitution of the Republic, Article 153, 15)."

In this regard we direct the Commission's attention to the series of laws and institutional acts issued since 1964 when the military took over the Government of Brazil, especially the National Security Law and Institutional Acts 5 and 6. These measures have institutionalized much which had previously been considered the exception. Some examples include suspending the right of habeas corpus; enlarging the category of crimes included under the National Security Law and increasing the penalties set forth in it; giving the military courts jurisdiction over cases which had until then come under the jurisdiction of civil courts; concentrating in the hands of the President powers which previously were shared with the legislative and judicial branches.

The Brazilian Government's contention that "There are no extraordinary tribunals in Brazil" is seen to be specious since that government has, by its own decrees, simply transferred those offenses it wished from one jurisdiction to another. This has not changed the essentially civil character of those offenses which would previously have been tried in civil courts.

"In Brazil no one is tried or imprisoned for a crime of opinion; writers, journalists, lawyers, religious, artists or students carry out their activities independently since the Government respects the constitutional principles of freedom of work, freedom of worship and freedom of political and philosophical convictions... But there cannot be included in this category those who rob banks, kidnap diplomats, murder defenseless officials, vandalize public and private buildings, steal automobiles and jewelry, hijack airplanes and interrupt the means of communication. Those who act this way are common criminals; their actions are not political crimes, they are offenses against National Security."

This exclusion does not respond in any way to the many documented cases of political prisoners who have committed none of the offenses named. Some examples of those named in the documentation previously submitted to the Commission who must be considered political prisoners even if the exclusion above were granted are: Father Antonio Soligo, Friar Jan H. Tolpe, lawyer Antonio Expedito Pereira, lawyer Marcilio Krieger, Friar Tito de Alencar Lima, Jean Marc Van der Weid, Marijane Vieira Lisboa, Marcia Savaget Fiani, Marta Klogsbaum. To the cases previously documented we add here the following:

1. Professor Caio Prado Jr., sentenced in Sao Paulo to four and a half years in prison for having given a "subversive" interview to a student paper. This sentence was commuted to 18 months by the Supreme Military Court on Sept. 2, 1970. The student who interviewed Professor Prado, Antonio Mendes de Almeida Jr., was also tried and sentenced. Both are still in prison today.

2. Pedro Marcos Viana, 22, an economist and university professor, asked the Chilean Embassy for asylum after he, his mother, one of his sisters and his sister's husband and mother-in-law were imprisoned.

Viana sent a letter (attached) to the director of the Mathematics Institute of the University of Rio de Janeiro, recounting his experiences and his reasons for leaving Brazil.

3. The Leonardo da Vinci Bookstore in Rio de Janeiro--which sells books of French origin and which is frequented by intellectuals and students--is obliged to report to the political police the names of persons requesting that books be imported for them and the titles of the books they request. (annex #1)

4. The Brazilian Lawyers Association, Federal District Section, sent a long communication to Minister of Justice Alfredo Buzaid on Feb. 26, 1970, telling of--and requesting action against--the "despicable treatment" given to a lawyer, Jose Oscar Pelucio Pereira, by police of the Federal Police Department. Pereira was imprisoned on Feb. 2, 1970. The police wanted him to confess that he had participated in a certain meeting of the Brazilian Communist Party. The letter continues: "We note, with satisfaction, but without any surprise, the statements given the press by your Excellency..., in which it became clear that violence would not be tolerated and torturers would be punished. But a lawyer has just been taken prisoner and his right to come and go has been violated. Imprisoned and tortured to make him confess something he didn't do and for which he has already been charged in a regular trial..." (annex #2)

5. Antonio Carlos Callado, journalist and writer, had his political rights suspended and was kept from getting work in any newspaper, radio, TV or educational organization. During World War II, Callado was a correspondent in London and was one of the first correspondents to go to

France after the Normandy invasion. Editor-in-Chief of Correio de Manha from 1950-1960, he later joined the editorial staff of Jornal do Brasil. He has written extensively about social conditions in the Northeast of Brazil, about the sugar cane workers and the rural labor unions. He was imprisoned in 1965 and again in January, 1969.

6. Julien Beck, Judith Malina and 13 other members of the North American "Living Theatre" group, who were presenting their plays to the public in the streets, were arrested on July 1, 1971, accused of sale and use of marijuana and later also of suspected subversive activities. Among the irregularities that their lawyer, Ariosvaldo Campos Pires, pointed out in a habeas corpus petition is the fact that marijuana was not found among those living in Julien Beck's community. Brazil's President Emilio Garrastazu Medici later decreed the expulsion from Brazil of 13 members of the "Living Theatre" including Julien Beck and Judith Molina. (annex #3)

7. Journalist Helio Fernandes was arrested by the political police at the end of August, 1971, and publication of Tribuna da Imprensa, the newspaper he headed, was suspended for 48 hours. The action was a reprisal for his publication of a signed editorial which said that Brazil's military was supporting an unpopular government instead of moving to free the country from foreign economic oppression. (annex #4)

8. On Aug. 12, 1971, the Superior Military Tribunal relaxed the decree of preventive imprisonment of sociologists Arthur Jader da Cunha Neves and his wife, Angela Maria da Cunha Neves, who had been in prison a year and a half for having sent out of the country news of the

ill-treatment of political prisoners in Brazil. The hearings also brought out charges against Miguel Darci de Oliveira, a Brazilian diplomat and Maria Porciuncula de Moraes, a staff-member of the Itamarati and a journalist, both of whom were dismissed from their positions and placed in preventive detention, as well as Professor Mario Pedrosa who sought asylum in the Chilean Embassy. (annex #5)

9. In Porto Alegre, Rio Grande do Sul, the Military Tribunal is trying the Rev. Oscar Albino Fuhr for having allowed six people to put on a play, "The Boss and the Worker," in his parish hall at the Church of St. Paul the Apostle, in Canoas. Six actors, including Leonilde Boscaine, an ex-nun, were imprisoned.

10. On Aug. 6, 1971, the Brazilian Federal Supreme Court unanimously acquitted a student, Jose Wilson Lopez Pereira, who had been condemned to a year and two months in prison for having written a letter of unfavorable criticism of the educational authorities on the occasion of his resigning the presidency of the History Center of the University of Sao Paulo. (annex #6)

11. In a letter to the Brazilian bishops, the Bishop of Barra do Pirai and Volta Redonda, D. Waldir Calheiros, stated:

"I believe I am following the wishes of my fellow members of the episcopacy in bringing to your attention the charges in military court being brought against me and 15 other priests of this diocese... During the investigation, 25 priests were called to testify in the Headquarters of the First Battalion of Armored Infantry of Barra Mansa, by Colonel Moacyr Pereira, and this created a climate of anxiety... Later, during a

general meeting and clerical retreat, one of the priests told me that the colonel had let the priests know that if a plea for intervention (by the Pope) were made, they would not be subjected to the investigation and, if the petition were accepted and the bishop transferred, the colonel would drop the charges... The local press is at the service of the military and publishes only that which is offensive, prejudicial and disrespectful toward the bishop, priests and the Church. Colonel Pereira says on the radio that I am a Communist. The Brazilian press has never heard my side, only the foreign press has done that..." (annex #7)

12. A military judge of Juiz de Fora, Minas Gerais, said at the beginning of August, 1971, that he had begun the interrogation of 33 priests and religious who, three years before, had signed a document protesting the killing of the student Edson Louis by the Military Police of Rio de Janeiro, during a street demonstration in March, 1968. (annex #8)

* * *

"There are no secret trials. From the charge to the execution of the sentence, the judicial process is public; that is, carried out before observers in open door hearings which may be attended by anyone." (emphases in the original)

In contrast to the excellent words above, we bring to your attention the attached documentation of occasions on which political prisoners have been allowed to testify at their trials and have begun to describe

the violent methods of interrogation to which they were submitted, the prolonged periods during which they were held incommunicado and could not defend themselves through their lawyers--then they have not been allowed to continue their testimony, their statements have been excluded from the record and, on some occasions, the courtroom has been cleared of spectators.

The question of the right to a public trial is also closely related to the next point and we refer you to the documented contradictions below.

* * *

"There is no restriction of the right of defense."

As in the case of the institutionalization by decree of what would once have been considered extraordinary courts, denial of habeas corpus, and other repressive measures, some of which have been noted above, the restriction of the right of defense began in the National Security Law itself, amended on Mar. 21, 1969, which in Article 52 gives to the prosecution the right to "enroll up to three witnesses and, in the case of more than one defendant, there may be heard one more..." On the other hand, in Article 54 the defense is limited to indicating only "two witnesses for each defendant which (witnesses) must be presented without intimidation, on the day and hour fixed for the hearing," and it adds, only for the witnesses for the defense, one more restriction in a single paragraph: "Defense witnesses who fail to appear for an appointed hearing, without grave cause approved by the judge, will not be heard anymore,

their non-appearance being understood to mean they have desisted."

Beyond the limitations which have been "legalized," in many cases even the limited protection of their right to defense that the law now affords has not been extended to political prisoners. Various prisoners have spent long periods totally incommunicado without right to see lawyer or family, in violation of the law.

Various prisoners have remained imprisoned for long periods without charges being brought against them before any competent judicial body, as the law requires. In this way, they cannot officially be considered prisoners, but rather kidnapped, and they remain without right to defense and unjustly deprived of the liberty which the law guarantees.

The following are a few illustrative cases of limitation of the right to defense of political prisoners in Brazil:

1. In November, 1970, according to the Lawyers Association of Rio de Janeiro, three eminent lawyers, including Dr. Heleno Fragoso, member of the Council of the Association, were detained by the police. All three had indicated that they would defend political prisoners.
2. The mother of Theodomiro Romeiro dos Santos, a 19-year-old who was condemned to death in Salvador, Bahia, on Mar. 18, 1971, stated that she was not able to find a lawyer willing to defend her son in that city. His defense was handed over to a lawyer of this court--a civil servant whose earnings come from that same military court.

3. The newspaper, O Sao Paulo, of the Archdiocese of Sao Paulo, published on Feb. 6, 1971, a notice (attached) in which the Metropolitan

Archbishop, Dom Evaristo Arns, responded to articles which had appeared in Sao Paulo newspapers under the headline "Two Subversives Arrested in Slum" and "Subversive Priest Imprisoned," declaring that the news had been given by Delegate Alcides Cintra Bueno of State Department of Political and Social Order in a press conference. The Archbishop said that Rev. Giulio Vicini and social worker Yara Spadini "were tortured in ignominious fashion, in the DEOPS of our Capital" and that "we and the Episcopal Vicar of the South Region were able to verify this personally." He also said that "neither Father Giulio nor Mrs. Yara could be taxed with subversion without being judged in the proper court and with the right to ample defense." This notice received the unanimous support of the Senate of the Archdiocese and was posted on the doors of all the parish churches and other public oratories of the Archdiocese of Sao Paulo. Father Giulio and Mrs. Yara are still in prison at this writing. (annex # 9)

4. Rev. Geraldo de Oliveira Lima, of the Parochial leadership of Crateus, was arrested July 9, 1971, and accused of carrying subversive printed material. He remained incommunicado for 11 days. His preventive imprisonment was ordered on July 21, 1971, and to date he is still in prison. The Federal Police raided the regional office of the CNBB, according to information published in the Brazilian Bishops' Bulletin "Noticias," in search of "subversive material." Rev. Carmil Vieira was also arrested and freed the following day. (annex #10)

"The state, on the contrary, observes juridical principles, arresting (offenders) according to the law..."

As the above cases demonstrate, the juridical processes currently in effect in Brazil are not those of a democratic regime but rather a modification of Brazilian law to serve the objectives of the current government--and even these modified laws have not been respected in a number of cases.

1. Anina Alcantara de Carvalho, a lawyer who has defended more than a thousand political prisoners before Brazilian military courts since 1965, and who maintains personal contact with political prisoners whom she defended in Sao Paulo, left Brazil (legally) at the end of February, 1971, because, in her own words, she cannot defend her clients since "for a lawyer, legal work is currently virtually useless in Brazil." Besides mentioning the innumerable pressures to which lawyers who try to defend political prisoners are subjected, Miss Carvalho--who has no connection with any Brazilian political party or with any Brazilian revolutionary organization--points out various cases of violation of the law by the authorities. (annex # 11)

She says: "The most serious violation of the law is the disrespect by authorities, the police and the judiciary, for the due process deadlines prescribed by law. There are, in Brazil, prisoners who wait more than two years to come to trial while the penal code of military justice sets a limit of 70 days between the beginning of the process and the final judgment." This is, among others, the case with Friar Carlos Alberto Libania Christo who was in prison from November, 1969

to Sept. 13, 1971, awaiting trial, waiting for judgment. (annex #12)

Miss Carvalho continues: "Despite the very clear determinations of the statute of the lawyers association which says that 'They may communicate personally and in secret with their clients even when the clients are considered incommunicado and are detained in places under the authority of civil or military police' (article 89, III of Law 4.215/74.63) the authorities refuse not only to grant them this authorization--it is at this time that their clients are tortured--but deny even the existence of the prisoner."

We point out here, among innumerable cases of prolonged periods spent incommunicado, the geologist, Marcos Penna Sattamini de Arruda, who spent five and a half months incommunicado and (according to the document attached) only met his lawyer for the first time when he was freed approximately nine months after his imprisonment. (annex # 13)

2. "The national headquarters of Young Catholic Workers (JOC) and the Brazilian Institute for Development (IBRADES) were raided by the police, and members of the two organizations taken prisoner, in addition to the many cases of priests and laymen who have been jailed in open disregard for the norms clearly established by the laws of the nation which demand that any detention be brought to the attention of the competent court and impose limits on the period of a person's incommunicability," says a communication (Oct. 7, 1970) to the Ecclesiastical Commission of the National Conference of Brazilian Bishops.

This Commission proceeded to investigate the imprisonment of the priests and laymen of JOC and IBRADES, hearing the testimony of

Bishop Aloisio Lorscheider, then Secretary General of CNBB; Rev. Fernando Avila, S.J., director of IBRADES; and Rev. Pedro Valloso, Jesuit Provincial in Brazil. The three were detained in IBRADES headquarters for four hours after the police raid. The conclusions of the investigation, as reported by Cardinal Vincente Scherer, were:

-- The decrees which the government published in September, 1969, with regard to imprisonment and detention incommunicado were violated by the police who made the raid and captured members of JOC and IBRADES.

-- The September and October imprisonment of four priests and various laymen associated with JOC alarmed large sections of the populace because of the "abrupt manner" of the Army Police inasmuch as several weeks passed before the prisoners could be located and because, up to the moment of this investigation, one month later, not a single formal charge had been made.

-- The four priests visited by the Cardinal were found to be in good physical condition but they insisted on the ending of their state of incommunicability.

Not only have the modified laws not been respected as is shown in the cases cited above but in many cases no juridical process has been followed--the officials simply deny the existence of the prisoner or any knowledge of his whereabouts, as for example the young Stuart Jones and engineer Jorge Leal, both from the State of Guanabara. (annex #14)

3. Perhaps the most blatant--certainly the most widely known--example of contradictory statements by Brazilian officials, following upon their illegal actions and culminating in their ultimate refusal to accept any responsibility, is the case of Rubens Paiva.

Engineer and ex-deputy Rubens Beyrodt Paiva was arrested on Jan. 20, 1971, without the presentation of any civil or military warrant; his house was invaded by armed men of the First Army in Rio de Janeiro. The following day, his wife and 15-year-old daughter, Eliana, were taken prisoner leaving in the house only three minors of less than 12 years of age. After a night of interrogation, Eliana was let go at 9:00 a.m., Jan. 22. (Statements of Dr. Paiva's lawyer, Dr. Lino Machado, published in Jornal do Brasil, Jan. 27, 1971.)

To date the engineer has not been seen. His wife was held incommunicado for 12 days. On June 18, 1971, Deputy Nina Libeiro, in the name of ARENA (Government political party), spoke in the Congress, alleging that the First Army had issued a document explaining that the ex-deputy had been kidnapped by terrorists in Alto da Boa Vista. Deputy Pedroso Horta, of MBD (the official opposition party), had already requested a series of measures because "the authorities of the First Army answer for Paiva's safety and for his life."

According to testimony in a letter sent to the Council for the Defense of the Human Person, in Brazil (whose President is the Minister of Justice, Alfredo Buzaid), by Mrs. Paiva, she and her husband, Rubens Paiva, as well as their daughter, Eliana, were imprisoned in the headquarters of the Army Police at Barao de Mesquita Street, in Rio de Janeiro. There she was shown a registry of prisoners which contained her own photo, her daughter's and her husband's. They told her, during long hours of interrogation, that her husband was also being held there. Her letter (attached) clearly reveals the series

of contradictions in which the military authorities were caught in an attempt to explain her husband's disappearance. One month after Dr. Paiva's arrest, Minister Alfredo Buzaid told Mrs. Paiva and her father-in-law that Rubens Paiva was in the hands of the Army--was under investigation for subversion--but that he was well and would be freed soon.

In the August 12, 1971 meeting of the Council for the Defense of Human Rights, its president, Minister Buzaid, accepted the explanation that the Army, a month earlier, had made public that Dr. Paiva had been kidnapped from the police agents by unknown terrorists on the morning of Jan. 22, a month before the Minister had personally told the Paiva family that Dr. Paiva was well.

All of this is in total contradiction of the words of one more authority, the ex-commander of the First Army, Gen. Sizenio Sarmento, who stated to the Supreme Federal Tribunal, shortly after Dr. Paiva's arrest, that the First Army had nothing to do with his disappearance.

Dr. Paiva's whereabouts remain unknown and his case has been sent to the archives of the council for the Defense of the Human Person. (annex #15)

* * *

"...And gather them in the penal establishments where they receive humane treatment. Presidio Tiradente, in Sao Paulo, Presidio Ilha das Flores, in Guanabara, the penitentiary of Linhares, in Juiz de Fora and Presidio das Pedras Brancas, in Rio Grande do Sul are some such model organizations."

Political prisoners' rights are recognized by Brazilian as well as international law, but innumerable political prisoners have charged that these rights are regularly violated.

We cite here some such comments about living conditions in the Presidios or military prisons best known in Brazil, believing that these will be more eloquent than any argumentation.

1. Letter of Presidio Ilha Grande, inserted in the Congressional Record of Aug. 3, 1971, at the request of Congressman Dellums.

2. Letter of the Prisoners of DOPS of Recife, Mar. 2, 1971.
(annex #16)

3. Ilha das Cobras Prison, Feb. 19, 1971. (annex #17)

4. "The most recent concentration camp of the Brazilian fascist dictatorship" about Presidio Ilha Grande.

5. Letter of Friar Giorgio Callegari to the Apostolic Nuncio in Brazil and to other religious authorities and civil and military authorities, Sept. 13, 1970. (annex #18)

6. Documents written by 33 political prisoners, Mar. 13, 1971, regarding the administration of the Carandiru Sao Paulo prison.
(annex #19)

Faced with such testimony, all that is left is to ask if it is only the Brazilian authorities who are responsible for such horrors or, if we ourselves, who are aware of all of these facts and keep silent, are not also accomplices.

We repeat that, while an international commission sent by the Inter-American Commission of Human Rights or by some other international organization such as the Red Cross is not allowed the opportunity of verifying personally the truth of the facts described and presented in abundance to the Inter-American Commission, it is probable that the

"dialogue of the deaf" between the Commission and the Brazilian Government will continue. The former brings to light the most grave charges of violation of human rights by Brazilian authorities and the latter simply denies such charges without any substantial change occurring in this sad situation.

* * *

COMMENT ON THE DOCUMENT TITLED:
"Chapter V - The Question of Tortures"

In this document, the Government of Brazil makes no attempt to respond to the charge that political prisoners have been and continue to be tortured in Brazilian prisons. Rather, the document attempts to attribute all the charges of torture in Brazil to a campaign to discredit Brazil which, it claims, is part of "the psychological warfare technically planned by the international Communist movement."

We point out that this is unresponsive to the charges and is not logical. Whether or not the Communist Party (Brazilian or other) has publicized a charge does not affect the truth of the charge.

The document also repeats (p. 35-42-46) that the charges all "originate from the same source" (referring to the supposed Communist conspiracy) and simply ignoring the likelihood that the charges do, in fact, stem from the same source, i.e., the prisons of Brazil.

In no way does the document refer to, much less account for, the fact that authorities of international renown--such as those we now cite--and beyond those, the Holy Father and Cardinal Alfrink, of Holland, have already made statements against the tortures mentioning--directly and indirectly--Brazil as the location of these violations of human rights. (annex #20)

Nor does the document mention the numerous torture charges made by individual Brazilian bishops and the National Conference of Brazilian Bishops. It turns a deaf ear to the testimony of Col. Jarbas Passarinho, Minister of Education, who recognized publicly that "torture unfortunately exists in our country."

In the penultimate section (p. 44 / .23) of this document, the Government of Brazil adverts to the "classical principle" that "The burden of proof belongs to the one who alleges the fact, not on the one who denies its existence."

The Government of Brazil thus ignores its own obligation to allow the necessary investigation of the charges, letting an impartial international commission hear the persons involved, visit the locations mentioned and judge for itself the truth or falsity of the charges. The Government of Brazil should be the first to demand such an exoneration.

As Dom Helder Camara said in an interview with Orina Fallaci, published in the magazine "Siete Dias Ilustrados" (Buenos Aires, Oct. 5, 1970), "We can be excused for having had doubts about the torture in the beginning; there had not yet been proof, but to doubt them today is absurd: there is so much proof that the report of the International Jurist Commission was full of them (proofs) with names and dates. I hope the scandal in the foreign press and the reaction of the Church throughout the world helps to improve things."

Attached to this letter are the following documents from organizations and persons respected in Brazil and throughout the world whose words cannot be met with a simple negation nor by unfounded accusations of "inspiration by the international Communist movement."

1. A protest to the Brazilian Government, signed Feb. 23, 1970, by a large number of North American intellectuals. (annex #21)
2. A letter of protest against the repression and torture in Brazil sent to the Secretary General of the United Nations, U Thant, June 16, 1970, by a large number of university authorities, labor leaders

and students, intellectuals and artists, senators, congressmen and political leaders in Chile. (annex #22)

3. Repression and Terror in Brazil, published June 5, 1970, by the National Council of Churches of Christ of the United States. (annex #23)

4. The letter of the Conference of Canadian Catholic Bishops, Sept. 4, 1970, denouncing repression and torture in Brazil and expressing solidarity with the Brazilian bishops who made the same charge on May 27, 1970. (annex #24)

5. Report on political repression and torture inflicted on opposition and political prisoners in Brazil, published by the International Commission of Jurists, July 22, 1970. (annex #25)

6. Message of the Episcopal Commission of the National Conference of Brazilian Bishops, Northeast I, charging terror and torture practiced against priests imprisoned by the Brazilian military authorities for political activity. This message was signed Aug. 25, 1970, by 15 bishops of the States of Ceara, Maranhao and Piaui. (annex #26)

7. Letter of Dom Antonio Batista Fragoso, Bishop of Crateus, to President General Garrastazu Medici, Nov. 10, 1970, charging repression against members of the hierarchy and Young Catholic Workers, torture of the priest prisoners, and requesting the liberation of prisoners and an end to police violence. (annex #27)

8. Document of the Evangelical Church of the Lutheran Confession of Brazil on Church-State relations, adopted unanimously by the seventh general senate of that 750,000 member church at their meeting in

Curitiba, Oct. 22-25, 1970, and presented to President General Garrastazu Medici. In this document, the Lutherans adopt a firm position against the violation of human rights by torture of political prisoners and those suspected of subversive activities. (annex #28)

9. The Statement of Solidarity of the Sisters of the North, Maranhao, made public at the end of January, 1971, signed by 13 North American religious missionary sisters. In this document the sisters not only charged that Brazilian military authorities repressed and tortured political prisoners but also condemned the North American Government which "silently supports this type of government by continuing to do business with it." (annex #29)

10. The official communication of the Archdiocese of Sao Paulo in relation to the imprisonment and torture of Father Giulio Vicini and social worker Yara Spadini, made public Feb. 4, 1971, and posted on the doors of parish churches and public oratories of the Archdiocese. (annex #30)

11. Letter of Dom Waldyr Calheiros, Bishop of Volta Redonda, to the National Conference of Brazilian Bishops, January, 1971, charging various cases of torture of priests and members of Young Catholic Workers. (annex #31)

12. Two documents presented to the Commission for Human Rights of the United Nations, Mar. 23, 1971, signed by numerous international organizations. This contains charges of systematic violation of human rights by Brazilian authorities. (annex #32)

13. Speech by Senator William Proxmire, Mar. 16, 1971, in a session of the North American Senate, in which he accuses the military

and federal police in Brazil of torture and deplores aid given by the North American Government for the training and equipping of repressive Brazilian forces. (annex #33)

14. Speech by Congressman Dellums, Aug. 3, 1971, in a session of the North American House of Representatives, in which he proposes an amendment to a previous bill according to which no assistance would be given and no sales made to Brazil until after the Inter-American Commission on Human Rights determines that the Brazilian Government is not torturing political prisoners. (annex #34)

* * *

COMMENT ON: Some documents
on individual cases

Several of the documents of the Government of Brazil which were transmitted to us treat cases of individual victims in which various violations of human rights, torture and even murder have been charged. Not surprisingly, these documents simply detail the Brazilian Government's version of the history of the cases.

* * *

--- "Chapter I - Killing of
Father Antonio Henrique Pereira Neto"

After the crime which took the life of Father Henrique, the document says that the police dedicated themselves to investigating the case, searching for those who committed the crime and its cause. The high point to which these investigations led them was the indication of "the possibility that the criminals may have been youths who were drug addicts and traffickers in marijuana and who were wreaking vengeance on the priest..." The emphasis is ours. In fact, nothing was made clear about the crime or about the criminals. No concrete proof was presented by the police as the basis for any conclusion. Everything remained in the area of "possibilities." In the meantime, this Special Commission of the Minister of Justice, named by the Brazilian Government to examine the case and clarify the charges of possible implications of the police in the commission of the crime, concluded--despite its inability to explain

CONCLUSION

We present to the ICHR in this letter and accompanying documents a limited response to the documents of the Brazilian Government transmitted to us by the Commission. Although our response, observations and documentation could be continued almost interminably, we do not believe that would serve any purpose.

These materials are, we believe, sufficient to demonstrate that the case cannot be closed, that the charges have not been answered, that the truth has not been established.

However, it becomes obvious that the continuing exchange of charges, claims and documents can continue forever without achieving any satisfactory results.

Therefore, we again appeal to the Commission requesting an investigation, in loco, by an impartial, international commission, of these and previous charges.

We have noted in the world press that the Brazilian Government has refused to allow such a commission to conduct such an investigation as was requested by ICHR. (annex #35a) The Brazilian Government is reported to have refused because it considers that such an investigation would constitute interference in Brazil's internal affairs. (Jornal do Brasil news agency as reported by Reuters' Dispatch - Washington Post)

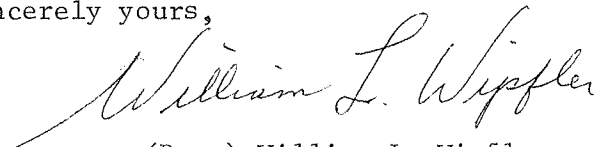
We respectfully point out that there does exist a precedent for on-site investigation of charges of violation of human rights in Brazil which was invited by the Brazilian Government. (annex #36)

We understand such an investigation as we request to be in accordance with Article II, part c) of your Statutes and note from your previous correspondence as above that you are prepared to carry out such an investigation.

We respectfully urge that the matter continue to receive the fullest possible attention and urge that the fullest action possible be taken at the earliest possible date.

Sincerely yours,


(Rev.) Frederick A. McGuire, C.M.
Director
Division for Latin America
UNITED STATES CATHOLIC CONFERENCE


(Rev.) William L. Wipfler
Director
Latin America Department
NATIONAL COUNCIL OF CHURCHES