

URGENT

PRESS RELEASE

INTERNATIONAL COMMISSION OF JURISTS

COMMISSION INTERNATIONALE DE JURISTES - COMISION INTERNACIONAL DE JURISTAS
INTERNATIONALE JURISTEN-KOMMISSION

109, route de Chêne, 1224 Chêne-Bougeries/Geneva, Switzerland - Tel: 35-19-73
CABLE ADDRESS: INTERJURISTS

EMBARGO

IMMEDIATE

Embargo is to facilitate
your work and our work.
Please help us to keep it.

Geneva, January 18, 1973

**INTERNATIONAL COMMISSION OF JURISTS
URGES RESTORATION OF HABEAS CORPUS IN BRAZIL TO END TORTURE OF DETAINEES
AS FOUND BY INTER-AMERICAN COMMISSION ON HUMAN RIGHTS**

The International Commission of Jurists today makes public the text of
... a letter it sent to the Minister of Justice in Brazil last October (see
Appendix).

The letter firstly invites the Minister to state whether the Brazilian Government has set up an enquiry into allegations of torture, abuse and maltreatment of detainees in Brazil in accordance with the recommendation last May of the Inter-American Commission on Human Rights of the Organisation of American States. The Inter-American Commission found that evidence submitted inter alia by the International Commission of Jurists leads to the "persuasive presumption" that serious cases of torture, abuse and maltreatment had occurred, and asked the Brazilian Government to carry out a thorough and independent investigation, "the results of which the Inter-American Commission would like to consider at its next regular session".

Secondly, the letter proposes the early restoration of the remedy of habeas corpus in Brazil. The International Commission of Jurists comments that experience in all parts of the world has shown that whenever police or military authorities acting under special powers are freed from any form of judicial control, the almost inevitable consequence is that they descend to committing acts of brutality against detainees. Northern Ireland is cited as a recent example.

No reply has been received by the International Commission of Jurists to its letter, which it accordingly makes public after due notification to the Brazilian Minister of Justice.

It can only be assumed that it is the intention of the Brazilian Government to ignore the decision of the Inter-American Commission on Human Rights.

* * * * *

A P P E N D I X

Copy of letter from the Secretary-General of the
International Commission of Jurists to the Minister of Justice, Brazil

October 11, 1972

Your Excellency,

In a resolution of May 3, 1972, the Inter-American Commission on Human Rights of the Organisation of American States, referring amongst others to a communication presented by the International Commission of Jurists, decided that "the evidence collected ... 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". Consequently, the Inter-American Commission recommended to the Brazilian Government that it should "carry out a thorough investigation ... in charge of independent judges not subject to military or police influence". The object of this enquiry would be to determine whether acts of torture, abuse and maltreatment of prisoners had been carried out by certain named members of the army and police.

The International Commission of Jurists would be very grateful if Your Excellency would be so good as to inform them whether this enquiry has been set up and whether it has been able to begin its work.

At the same time it would seem that the decision of the Inter-American Commission on Human Rights raises a wider question of principle in underlining the need for the activities of the army and the police to be subject to wholly independent judicial control. The International Commission of Jurists believes it should bring to the special attention of Your Excellency the primary importance of this point. Indeed, experience in all parts of the world has proved conclusively that whenever the army or the police, by virtue of so-called special powers, are completely free to act in their sole discretion and are no longer subjected to judicial control, they almost always descend to committing acts of brutality against persons they have detained. To quote only one recent example, Northern Ireland has given striking evidence of this inevitable process. To state that Brazil has not been able to escape the process, any more than other countries, is in no way to show prejudice or hostile feelings towards Brazil.

The International Commission of Jurists is confident that the setting aside, to a considerable extent, of the judicial power and the diminution of the irreplaceable role which it traditionally plays in safeguarding fundamental liberties, is one of the major causes of the ills from which Brazil has suffered and which have disturbed all international circles concerned with the respect for human rights. We see in the return to normal judicial procedures the only really effective remedy against this state of affairs.

.../2.

URGENT

The International Commission of Jurists would like to suggest to Your Excellency that the first steps in this direction could, and should, be the early re-establishment of the procedure of habeas corpus. Once again, experience has shown that habeas corpus has at all times and places proved to be an extremely effective remedy for protecting the rights of individuals. On the other hand, there has been no case in which it has operated as a serious hindrance to the maintenance of public order or as a danger to the security of the State. It is certainly most unfortunate that it has been suspended, its re-establishment would not seem to raise any great difficulties, and it would be both opportune and welcome, internally and abroad. Finally, we are convinced that it would bring about a considerable improvement in a situation which, in the field of human rights, continues to cause grave concern.

Yours respectfully and sincerely,

(signed) Niall MacDermot
Secretary-General

H.E. Mr. Alfredo Buzaid
Minister of Justice
Ministry of Justice
Rio de Janeiro, Brazil

INTERNATIONAL COMMISSION OF JURISTS
URGENT RESTORATION OF HABEAS CORPUS IN BRAZIL TO END TORTURE OF DETAINEES
AS FOUND BY INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

The letter firstly invites the Minister to state whether the Brazilian Government has set up an enquiry into allegations of torture, abuse and maltreatment of detainees in Brazil in accordance with the recommendation last May of the Inter-American Commission on Human Rights of the Organisation of American States. The Inter-American Commission found that evidence submitted later also by the International Commission of Jurists leads to the "persuasive presumption" that serious cases of torture, abuse and maltreatment had occurred, and asked the Brazilian Government to carry out a thorough and independent investigation, "the results of which the Inter-American Commission would like to consider at its next regular session".

Secondly, the letter proposes the early restoration of the remedy of habeas corpus in Brazil. The International Commission of Jurists comments that experience in all parts of the world has shown that whenever police or military authorities acting under special powers are freed from any form of judicial control, the almost inevitable consequence is that they descend to committing acts of brutality against detainees. Northern Ireland is cited as a recent example.

No reply has been received by the International Commission of Jurists to its letter, which it accordingly makes public after due notification to the Brazilian Minister of Justice.

S-3051 (a)

It can only be assumed that it is the intention of the Brazilian Government to ignore the decision of the Inter-American Commission on Human Rights.

S-3051 (a)