

**TERROR**

**IN**

**BRAZIL**

**A DOSSIER**

**APRIL 1970**

# WE CANNOT REMAIN SILENT

We cannot remain silent in the face of the overwhelming evidence of the flagrant denial of human rights and dignity coming to us from Brazil. This dossier is but a fraction of that evidence. Significantly, several documents were written by Brazilians and smuggled out of Brazil at great risk to those involved. They accepted the possible penalties in order to inform the people of the world of the fact that terror and torture are used in their country as instruments of government.

We cannot remain silent. To do so would make us accomplices of those who are the authors and perpetrators of this repression. We call upon the readers of this dossier to raise their voices in protest with us.

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## ABOUT THIS DOSSIER

In this dossier, the reader will find a variety of documents that are faithfully and accurately reproduced, and bear upon the current crisis in Brazil. There are, for example, laws, decrees and summary "institutional acts" upon which the present military regime has legitimated its right to virtually unlimited power. There are also personal and eye-witness accounts about torture, terror and repression, clearly among the consequences of that unlimited military power. All the documents, however, are authentic and have been rendered into reliable English translations.

Almost all the "legal" documents contained herein originally appeared in the Brazilian press. Precisely because the press has been subjected for several years to self-censorship and, of late, to varying degrees of direct government control, the texts from which the present translations are drawn must be considered "official".

The personal and eye-witness accounts of torture, terror and repression have several origins: public statements to the Brazilian and world press by prominent and courageous Brazilian leaders such as Dom Helder Camara, Archbishop of Recife and Olinda; detailed reports secretly written and remitted abroad by unrenowned but equally courageous Brazilian citizens, often times the very victims of torture.

But, the reader may unhesitantly endow even the latter accounts of torture with absolute credibility. In fact, all but one of those accounts translated here, whether of public or clandestine origin, appeared originally in journals, magazines and other publications of utmost reliability and responsibility. The December 1969 issue of the Paris monthly, *Croissance des Jeunes Nations*, carried, under the title "Livre Noir: Torture et Terreur au Brésil", eleven documents, several reproduced here; almost all of them had been presented earlier to the Holy Father, Paul VI, in a dossier whose veracity was attested to by sixty of Europe's prominent intellectuals and religious leaders of all faiths. Moreover, the "Livre Noir" was endorsed by eight international organizations which subsequently established the International Support Committee. The January-February 1970 issue of *Mensaje*, the national monthly of the Jesuit Order in Chile, was another source of some of the documents contained in the dossier which the reader now has in his hands.

It is true that almost all of the material in the present dossier refers to events which took place chiefly, although not exclusively, in 1969. The reader may wish to know precisely what is happening today and might ask, "Is torture still going on, now, in April, 1970, six years after the Brazilian Army took power by force?" There is, unfortunately, a time lag between events in Brazil where a dictatorial situation prevails and the arrival of information abroad. But, as recently as March 6, 1970, a French delegation having just returned from an eight-day mission in Brazil, declared, "the situation in Brazil today is considerably more serious than that observed in Greece last year" (see *Le Monde*, March 8-9, 1970). The two lawyers, sent on behalf of the International Federation of the Rights of Man and the French branch of Amnesty International, further affirmed that torture is not only taking place, but it has now become "systematic and generalized". Finally, the two European spokesmen, who interviewed public, religious and private persons, confirmed that there were in March, 1970, slightly less than 12,000 political prisoners held in jails all over the country and that the average age of these prisoners was 22 years!

A chronology has been included to help guide the reader through Brazilian political events since 1964. But, this dossier is by no means an attempt to study that long and tortuous process which, in the name of the "democratic and Christian traditions of the West", has claimed so many victims. Rather, this dossier is but a footnote, tragic, authentic and crying out desperately for expressions of human indignation and humanitarian solidarity, to the contemporary history of Brazil.

THE AMERICAN COMMITTEE FOR INFORMATION ON BRAZIL



# I. CHRONOLOGY OF EVENTS

1964

March 31

The Brazilian Armed Forces lead a successful coup d'etat against the government of Joao Goulart, which they accuse of having promoted the spread of communism and corruption. (The military officers in Brazil, while sharing a dislike for the previous regime, are divided on questions of how the country should be run. During the next years, "soft line," "hard line," "nationalist," "Yankeeophile," and "technocratic" elements in the military would be struggling to impose their solutions to Brazil's institutional crisis. This chronology will point to some of the events which show a progressive increase in repression against civilian forces.)

April

A provisional, "revolutionary" military junta announces radical changes in the economic and social policies of the nation: Many of the laws passed by the preceding nationalist government are declared null and void, among them, the profit remittance law regulating the export of capital by foreign companies, the nationalization of oil refineries, and the distribution of non-cultivated lands near federal roads to landless peasants.

April 15

The leaders of the "March 31 Movement" name Marshal Castelo Branco to the Brazilian presidency. Institutional Act No. 1 increases the power of the Executive and suspends some constitutional guarantees.

April-June

Mass arrests. Many political leaders (including the last three elected Presidents) lose their political rights for ten years. Several state governors and 112 members of Congress are deposed. Two thousand military men are forced to retire. Federal 'interventors' take over key trade unions. Peasant leagues are disbanded and national and state student unions are outlawed. Thousands of "Investigation Commissions" run by military officials are established in local institutions throughout the country to eliminate dissidents at a grass roots level.

July 14

The Inter-American Commission of the Alliance for Progress approves the request of Roberto Campos for \$888 million in economic aid during 1965 and 1966.

1965

February 11

Brazil and the U.S. sign a treaty insuring American investments in Brazil against losses due to revolution or inflation. Damages are to be paid to businesses by the U.S. government and charged to the Brazilian dollar debt to the U.S.

May 22

Brazilian troops fly to Santo Domingo to join US-commanded forces in cordoning off Dominican Constitutionalist insurgents.

October 5

Elections for governors are held in several states; those opposition groups which are allowed to campaign sweep the more important contests with impressive pluralities.

October 6

The junta decrees that control of state police and security agencies will be taken over by the Federal Government.

October 27

The military junta responds to the failure of the "revolutionary" candidates to win popular support with "Institutional Act No. 2; all political parties are dissolved and the powers of the Executive are further increased; henceforth the President and the state governors will be chosen by the "purified" Congress, rather than by direct popular vote of their constituencies.

October 29

Senator Wayne Morse asks for an end to economic and military aid to Brazil as a protest against Institutional Act No. 2.

November

Two parties are organized under strict control of the Government. One is designated as the government party (Alliance for National Renovation - ARENA), the other as the "loyal opposition" (Brazilian Democratic Movement - MDB).

1966

February 7

Former U.S. Ambassador to Brazil, Lincoln Gordon, ('61-'66) on questioning during Senate hearings on his nomination to Assistant Secretary of State for Inter-American Affairs, vigorously defends the political and economic policies of the Brazilian government and friendly American relations towards it.

April 13

An AID report to U.S. Congress praises the conduct of the Brazilian government since the coup.

October 4

The War Minister, General Costa e Silva, is elected President by the Congress. Only the ARENA deputies vote; the others abstain. The opposition terms the act "an electoral farce."

1967

January 23

A new Constitution is adopted which incorporates the "Institutional Acts" issued since 1964.

1967 (cont.)

- Jan. 23 cont. It gives the President the right to promulgate laws and to declare a "state of emergency" (Martial Law) without consulting Congress. A Press Law providing severe penalties for anti-government reports is promulgated.
- March 2 Thousands of students gather secretly in Rio de Janeiro for the purpose of reorganizing the student movement on an underground basis. They issue a document condemning the "dictatorship" as a servant of Yankee Imperialism.
- March 11 A National Security Law is issued which permits the military to interpret any opposition as treason.
- August 350 student representatives travel clandestinely from all over Brazil and meet secretly to re-construct the National Student Union (UNE) which has been outlawed since 1964. This is UNE's 29th annual Congress. They elect leaders and agree that the student movement should not concentrate on university issues, but should help mobilize popular resistance to the "dictatorship."
- August 30 A broad coalition of major pre-coup political personalities unites to work for a return to civilian government and democratic liberties. This "Frente Ampla" included former President Kubitschek, most of the center-left, and even militantly anti-communist Carlos Lacerda, but gained little support from any politicians in office.
- 1968
- March 28 Police kill a student during a peaceful demonstration in Rio.
- March 30 His funeral turns into a mass protest. Army tanks occupy the city.
- April 3 Violent clashes erupt between students and police in Rio, Sao Paulo, Brasilia, Salvador, and other cities. The demonstrators vehemently condemned American support for the dictatorship.
- May Student-led demonstrations in major cities gain wide-spread public support. Hundreds of people are imprisoned.
- June 10 The "Frente Ampla" coalition is outlawed by decree.
- June 16 Sixteen-thousand students strike in Rio.
- June 22 Police kill six people during demonstrations in Rio. Five hundred students occupy the Congress in Brasilia.
- June 27 One hundred thousand people demonstrate in Rio, calling for "the end of the dictatorship." Large demonstrations take place in Brasilia, Recife, Salvador, Porto Alegre.
- June June becomes known as "the month of blood." During this month the dissolution of the "Frente Ampla," the massacre of peaceful demonstrators, and the massive police intervention in all centers of political ferment cut off all remaining avenues of open opposition to the regime.
- July 21 The National Confederation of Bishops condemns the Government's "fascist" doctrines of national security.
- Aug.-Dec. Radical resistance movements launch a series of dramatic bank hold-ups and violent symbolic attacks against military-governmental buildings and United States corporate and government offices. Extreme right terrorist organizations step up assassination activities, with alleged governmental collaboration. Among them, the most notorious of the professional killers are the Command for Communist Hunting (CCC) and the Anti-Communist Movement (MAC).
- October One thousand university student representatives meeting secretly in Sao Paulo for the 30th Congress of the National Student Union are arrested. This stroke wipes out the leadership of the Brazilian student movement.
- December 13 Marshal Costa e Silva promulgates the "Institutional Act" No. 5. The Congress is dissolved. This ultimate anti-democratic move is believed to be a "coup within the coup," handing state power over to the most authoritarian sectors of the Army.
- December Mass arrests. Witch hunts against critics in the civil service and armed forces. Total censorship of the press, radio and television. Loss of political rights, loss of jobs, jailing, and constant harrassment of independent liberal news editors, writers, and politicians.
- United States financial aid to Brazil amounted to more than \$948 million in loans from 1964 to 1968.

1969

- January The Brazilian Supreme Court of Justice is restructured. Three judges are purged and deprived of political rights for ten years.
- February 6 The Minister of Internal Affairs, General Albuquerque Lima, thought to represent moderate nationalist sectors of the army, is discharged by dominant hard-line pro-U.S. generals.
- May 30 Father Henrique, assistant to the Bishop Dom Helder Camara is tortured and murdered by a right wing death squadron. This assassination provokes intense conflict between the clergy and the government.
- August 15 Resistance groups in Sao Paulo seize a radio station for thirty minutes. They broadcast that a very important event will soon take place.
- August 31 Institutional Act. No. 12 replaces President Costa e Silva, victim of a heart attack by a military triumvirate instead of the Vice-President, a civilian, who was constitutionally mandated to assume the office.
- September 4 The American Ambassador, Burke Elbrick, is kidnapped in Rio. His captors demand the freedom of 15 political prisoners and the broadcasting of a manifesto as conditions for the release of Mr. Elbrick. Both sides carry out the agreement.
- September 9 Institutional Act No. 14 imposes the death penalty for "the crime of psychological warfare and revolutionary or subversive war." The Republic of Brazil never previously had a death penalty.
- Sept-Present U.S. security agents flood Brazil. Mass arrests, terror and tortures of political prisoners are conducted in a volume and brutality far exceeding the wanton brutality of Cuba under Batista.
- October 17 A new Constitution is promulgated which removes virtually all constitutional limitations on the President's actions.
- October 25 The command of the armed forces chose Four-Star General Garrastazú Médici as the new President of Brazil. The "purged" Congress (about 200 of its members have been ousted since 1964) is reopened in order to ratify his name.
- November 4 Carlos Marighela, the most important guerrilla leader is killed in Sao Paulo.
- Nov.-Dec. Many Dominican priests, charged with collaboration with the resistance movement, are arrested and tortured.
- November Sixty European clergymen and intellectuals deliver to the Pope a dossier documenting tortures in Brazil. They form the "International Support Committee" to aid Brazilian refugees.

1970

- February 9 (From The New York Times). As of this date the number of persons deprived of their political rights for ten years has reached 1,116. Student leaders affirm that approximately one thousand students have been expelled from Brazilian Universities for alleged political activities.
- February 11 A government decree establishing pre-sale police censorship of books, magazines, and foreign publications is issued with the avowed aim of keeping pornography off the market.
- March 7 In his first news conference General E. Garrastazú Médici characterizes the Brazilian regime as a "Revolutionary State". "The military", he says, "will continue in office as long as it takes." The Institutional Act No. 5, which empowers the president to govern by decree and to suspend constitutional guarantees, will not be annulled "soon". In his words, "It was instituted too late, and it is still too early to revoke it."
- March 11 Nobuo Okuchi, Japanese consul general in Sao Paulo is kidnapped by underground militants. They demand the freedom of five political prisoners and a guarantee of the humane treatment of all other political prisoners as the conditions for the release of the diplomat. The list of prisoners includes a mother of three children (whose eighteen year old step-son took part in the kidnapping), a Japanese Brazilian, and a Catholic Mother Superior. Upon landing in Mexico two days later they all testify to having been tortured.



## II. STATEMENT OF FEMALE PRISONERS HELD AT ILHA DAS FLORES, RIO DE JANEIRO

We have written this letter from where we are imprisoned on the Ilha das Flores (Isle of Flowers) in Rio de Janeiro. Only now is information starting to trickle out about the atrocities that have been committed against political prisoners in our country; thus, the Brazilian public may still doubt that these criminal acts are really taking place. We can assure everyone that TORTURE DOES EXIST IN BRAZIL. What's more: ALL THAT HAS BEEN SAID ABOUT THE METHODS OF TORTURE IS VERY LITTLE COMPARED WITH THE TRUE FACTS. Here on the Ilha das Flores we have been victims of and witnesses to torture. We consider it our duty to truth and justice to bring these facts to light.

Many persons may ask why it is only now that revelations are being made in every corner of the country. Up to now threats of more torture and even death have kept us silent. Recent statements, however, both by the President of the Republic and the Minister of Justice as well as reports in the domestic and international press, lead us to believe that we have some protection against reprisals.

### The Facts

1. Ziléa Resnik, 22, arrested June 5, 1969 and accused of belonging to the MR8 revolutionary organization, was kept incommunicado for 45 days-- 35 more than even the military code allows; she was frequently beaten.
2. Rosane Resnik, 20, Ziléa's sister, arrested July 27, 1969 on the same charges, was stripped naked by her torturers, beaten, and subjected to electric shocks on various parts of her body, including her nipples.
3. Ina de Souza Medeiros, 20, wife of Marco Antonio Faria Medeiros, arrested July 6, 1969 in Curitiba on the same charges, was made to witness the tortures inflicted upon one of her friends, Milton Gaia Leite. He was hanging naked from a pole while a mass was being transmitted by a radio playing full blast to drown out his shrieks. At the jail of the political police (DOPS), she was told that her husband, who had been arrested two months before, had died. She panicked, though the information later proved to be false. After she was brought to the Ilha das Flores, she was beaten, underwent electric shocks, and was threatened with sexual assault.
4. Maria Candida de Souza Gouveia, 22, arrested July 3, 1969 in Curitiba, on the same charges, was beaten and kicked on the spot. Her wrists and ankles were twisted. She was made to strip.
5. Maria Mota Alma Alvarez, 20, arrested July 9, 1969 in Rio de Janeiro, was stripped and beaten. One of her fingers was broken, evidence for which can be seen in photographs taken by journalists at the time they were invited to meet members of MR8.
6. Maryjane Vieira Lisboa, 22, arrested September 2, 1969 in Rio de Janeiro, accused of being a member of the Popular Action revolutionary movement, was stripped, beaten, and subjected to electric shocks that were stopped only when she fainted from a heart failure.
7. Marcia Savaget Fiani, 24, arrested same date, place, and on same charges (as 6) received same treatment except that dowsing in water intensified the electric shocks, resulting in the partial paralysis of her right fingers. She was kept incommunicado for 14 days.
8. Solange Maria Santana, 25, as above (7) went insane for a while.
9. Ilda Brande Siegl, 25, arrested October 29, 1969 in Rio, was stripped, beaten, and subjected to electric shocks even on her nipples.
10. Maria Elódia Alencar, 38, arrested a day later, as above. Strangling forced her to sign her last will and testament. Her torturers kept threatening to arrest and torture her 15-year old son.
- 11, 12, and 13. Priscila Bredariol, 23, Vania Esmanhoto, 24, and Victoria Pamplona, 26, militant members of Catholic Student Youth (JEC), arrested October 31, 1969 in Rio on charges of belonging to Popular Action, were all beaten and forced to listen to the cries of Priscila's husband, Celso Bredariol, and of Geraldo Azevedo, Victoria's fiancé. Both were being tortured next door at the offices of the Naval Information Center (CENIMAR).
14. Dorma Tereza de Oliveira, 25, arrested October 30, 1969 in Rio, got the usual beatings and electric shocks plus strangling and dowsing. Pincers applied to her breasts produced wounds, as did needles thrust under her finger nails.
15. Marta Maria Klagsbrunn, 22, arrested September 1969 in Rio, was tortured by her jailers who several times threatened to take her to see her husband, Victor Hugo Klagsbrunn, who was also undergoing torture.
16. Arlinda-----, arrested November 14, 1969 in Rio, is still incommunicado on the day we write this letter (December 8, 1969).

We can also testify to many other cases of torture. We can cite, for example, the case of Jean Marc Van der Weld, president of the National Student Union. For six days he was beaten, suspended from a pole, and subjected to electric shocks. As a result his ear drums have been perforated and he suffers from serious neurological disorders. Also tortured were Celso Bredariol and Mario Fonseca Nete. The latter, along with Milton Gaia Leite, underwent the torture called "cock-on-a-string" ("galeto"): a bonfire is set under a body hanging from a pole.

Maria Luiza Garcia Ros, 18, was another case. She was arrested in Rio, raped, and then released, for her innocence of membership in a revolutionary organization was established. (Translator's note: the passive voices here make it impossible to render into the active voice: who raped her? who proved her innocence?)

We have arrived at four principal conclusions:

1. Torture sessions are generally held at the Ilha das Flores prison, at the offices of the Naval Information Center on the fourth floor of the Naval Ministry, and at the jails of the political police (DOPS) in Rio and Curitiba.

2. The torturers are high-ranking officers of the Naval Information Center. Their torturing is known to their commanding officers and to all military personnel on duty here. Torturers try to hide their identity under false names such as Dr. Claudio, Commander Mike, Dr. Alfredo, Dr. Breno and others.

3. Some petty officers and privates also take part in torture sessions, namely Sgt. Alvaro and Pvt. Sergio.

4. Torturers often visit the Ilha das Flores as "technical advisers" of the commanding officer, Comdr. Clemente José Monteiro Filho.

We know that our present stance of revealing torture can spark reprisals against us. We are afraid, because it would not be the first time that "attempt-to-escape" or "suicide" have been faked so as to conceal the facts and to "verify" the official version of the facts. All persons interested in getting at the truth and in punishing the guilty should know that we are subject to all kinds of violence. To bring this state of affairs to an end, we need more than ever before the help of everyone in the country.

Ilha das Flores, 8 December 1969

Note: All these cases of torture have been made known to

Marshall Garrastazú Médici, President of the United States of Brazil  
Monsignor Monzonni, Papal Nuncio  
Jaime Cardinal Camara, Archbishop of Rio de Janeiro, and other authorities.

The sole result: renewal of press censorship and a nation-wide ban in all mass media on reference to torture of political prisoners.

### REVISED NATIONAL SECURITY LAW OF 1969

The following decree, published in March, 1969, significantly increases the categories of acts considered as crimes against national security and stiffens the penalties for such acts. It creates the concept of "adverse psychological warfare", establishes military courts to judge civilians, defines subversive propaganda, takes away (in practice) the right of defense, and gives the armed forces power to imprison any citizen without due process of law.

The following articles constitute the key provisions:

#### Article 12

(It is prohibited) to form, to join, or to maintain any type of association, committee, or organization of class or group which, under the orientation or with the aid of a foreign government or international organization, carries on activities harmful or dangerous to the national security. Penalty: Imprisonment from two to five years for organizers or maintainers, and from six months to two years for others.

(Translator's observation: In determining whether or not an organization is harmful to the national security, the President of the Republic and his Council have absolute discretion.)

#### Article 14

It is prohibited to divulge, by any mass means of communication, false or tendentious news, or a true fact truncated or slanted so as to create or attempt to create ill-will among the people against the constituted authorities. Penalty: Detention from three months to one year.

##### Paragraph 1

If such divulgence provokes a disturbance of public order or exposes to danger the good name, the authority, the credit, or the prestige of Brazil, the penalty shall be detention from six months to two years.

##### Paragraph 2

If the director of or person responsible for the newspaper, magazine, radio or television station is found accountable for the divulgations, he will also be fined an amount of 50 to 100 times the value of the local minimum wage, the fine to be doubled should the terms of the previous paragraph apply.

##### Paragraph 3

The penalties shall be applied in double in the event the infraction is repeated.

(Translator's observation: Under this article, anyone who criticizes any action of a governmental authority may be found guilty of "attempting to promote ill-will among the people against the government", and may be imprisoned for "committing a crime against the national security".)



### III. THE TRAGIC DEATH OF CHAEL CHARLES SHREIER

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(This document is a compilation of information from several sources.)

Chael Charles Shreier, a 23 year old medical student from São Paulo, was arrested together with two friends in Rio de Janeiro on November 21, 1969, for belonging to a subversive organization.

Shreier resisted arrest, but he and his companions were taken forcibly to Guanabara State Police headquarters. Considered to be important prisoners, the trio was transferred to Army headquarters at the Vila Militar in Rio de Janeiro under the command of Captain João Luis. Late that very night, Shreier's body was removed to the Central Army Hospital; Brigadier General Galeno da Penha Franco asserted that Shreier was dead on arrival.

Only three days later did the victim's parents, Emilia Brickman Schreier and Ari Schreier, learn of their son's death. An autopsy signed by Dr. Rubem Pedro Macuco attributed the cause of the student's death to "abdominal contusion with rupture of the transverse mesocolon and mesentery, with internal hemorrhage".

Leading Rio newspapers, JORNAL DO BRASIL and O GLOBO, reported on the incident. Their accounts appear to be based on information provided by the same police sources who were holding the three prisoners incommunicado. From these bits and pieces, Shreier's ordeal is beginning to emerge. During the interrogations at police headquarters in Rio de Janeiro, police agents became convinced that Shreier and his friends were purposely giving false information. At that point, the trio was taken - alive - to the Vila Militar; but, from it Shreier emerged dead only several hours later.

Besides the certificate of autopsy, the strongest evidence that Shreier had been savagely tortured and beaten to death came at his burial service. His body had been flown from Rio de Janeiro to São Paulo and taken to the Jewish Cemetery. There in compliance with the Jewish ritual of purification, the coffin was opened (but not without difficulty, perhaps because those who had sealed it shut were unfamiliar with Jewish rites and, moreover, simply never expected the coffin to be opened). The body showed signs of the autopsy: stitches on the thorax and legs; there were also signs of blood in nostrils and purple bruises over the face and abdomen. One of Shreier's cousins remarked upon leaving the ceremony, "He was beaten like a dog."

The Shreier case did not close with the burial of his mortal remains. Ten of his former colleagues at the São Paulo Medical School who attended the funeral were called in by the police for questioning. Soon after, the editorial staff of the Brazilian weekly magazine, VEJA, (which had published the above facts in its issue of December 10, 1969, number 66) was paid a visit by military officers who threateningly prohibited publication of any further denunciations of torture. (See THE NEW YORK TIMES, January 6, 1970.)

#### Article 39

The following constitute subversive propaganda:

- I. The utilization of whatever means of mass communication, such as newspapers, magazines, periodicals, books, bulletins, pamphlets, radio, television, movies, theater and the like, as vehicles of propaganda of psychologically adverse warfare or of revolutionary warfare.
  - II. The recruitment of persons in their places of work or study.
  - III. A rally, public meeting, parade or march.
  - IV. A prohibited strike.
  - V. Abuse, calumny, or defamation directed at an organ or entity which exercises public authority, or at a public official because of his functions.
  - VI. A manifestation of solidarity with any one of the acts mentioned in the preceding items.
- Penalty: Detention from six months to two years.

#### Paragraph

If any of the actions specified in this article causes a threat to or an attack upon the national security, the penalty shall be detention from one to four years.

#### Article 44

Civilians as well as military personnel shall be subject to the military courts described in Article 122, Paragraphs 1 and 2, of the Constitution, as amended by Institutional Act Number 6 of February 1, 1969, in relation to the process and judgement of the crimes defined in this decree, as well as those perpetrated against military institutions.

#### Article 45

The special military court established in this decree shall prevail over any other, even as regards crimes committed by means of the press, radio or television.

#### Article 46

The Code of Military Justice shall be applied in the proceedings and trials insofar as it does not conflict with the dispositions of the Constitution and this decree.

#### Article 47

During the police investigations, the accused may be imprisoned up to thirty days by the officer in charge of the inquiry, who should inform the proper judicial authority of the imprisonment. This period may be extended once, by means of a documented request presented by the officer in charge of the inquiry to the authority who nominated him.

#### Paragraph 1

The officer in charge of the inquiry may hold the accused incommunicado up to ten days if this measure becomes necessary for the police and military questionings.

#### Paragraph 2

If he considers it necessary, the officer in charge shall solicit, within the period cited or its extension, the preventive imprisonment of the accused, observing the dispositions of Article 149 of the Code of Military Justice.

(cont. next page)

## IV. STATEMENT OF DOM HELDER CÂMARA ON THE MURDER OF FATHER HENRIQUE

Recife, May 27, 1963.

1. We hereby fulfill the painful duty of condemning the barbaric murder of Father Antonio Henrique Pereira Neto, committed last night, May 26th, here in the city of Recife.
2. Father Antonio Henrique, who was 28 years old and had been a priest for the past three and a half years, had consecrated his life to apostolic work among young men and women especially among university students. According to the testimony of several couples, he spent yesterday afternoon and evening until 10:30 p.m. at a meeting in Parnamirim /a Recife neighborhood/ with a group of parents and their children, in line with his deep commitment to bridging the generation gap.
3. This crime bears all the marks of refined perversity (among other cruelties, the victim was bound, hung, dragged across the ground and shot three times through the head); but what makes it particularly grave is the moral certainty that this brutal offense is just one more in a premeditated series that has included threats and warnings.
4. First, there were threats written on the walls of buildings, sometimes followed by gunshots. The Manguinho Palace /the archdiocesan chancery office/ has been covered with numerous graffiti of this type. Shots have been fired at Jiriquití /the central office for the different services administered by the archdiocese/, while the Archbishop's residence at the Fronteiras church has also been fired upon and covered with graffiti.
5. Then came the threatening phone calls announcing that the next victims had already been marked. The first was Candido Pinto de Melo, an engineering student in his fourth year and President of the Union of Students of Pernambuco. Today he is paralyzed with a broken spine. The second was a young priest whose only crime had been to exercise his apostolate in student circles.
6. As Christians, following the example of Christ and Saint Stephen, the first martyr, we ask God to forgive the murderers, repeating the words of the Master: "They know not what they do". But, we believe in the right and duty to raise up our protest so that, at the very least, the sinister work of this new death squad may not continue.
7. May Father Antonio Henrique's sacrifice obtain God's blessing on both the continuation of the work for which he gave his life and the conversion of his executioners.

Recife, May 27, 1969

Helder, Archbishop of Recife and Olinda  
 José Lamartine, auxiliary bishop and vicar general  
 Msgr. Arnaldo Cabral de Sousa, episcopal vicar  
 Msgr. Isnaldo Alves de Fonseca, episcopal vicar  
 Msgr. José Hernani Pinheiro, episcopal vicar

### Article 48

The provisions concerning preventive imprisonment contained in the Code of Military Justice are applicable at any stage of the proceedings.

### Article 49

Individual or collective proceedings may be instigated against the infractors of any of the provisions of this decree.

### Article 54

The defense, in the course of the proceedings, may indicate two witnesses for each of the accused, and the two witnesses should present themselves, whether or not they are served with a summons, on the day and hour set for the inquiry.

#### Paragraph

Defense witnesses who fail to appear at the appointed time without a justifiable motive verified by the Council, will no longer be heard; their absence will be considered desistance.

(Translator's observation: According to Article 53, the prosecution may name up to three witnesses; the defense is entitled to only two. It is not required that defense witnesses be summoned, and if the latter do not appear because they were not served, they will be considered as desisting and their testimony will no longer be heard.)

### Article 62

An individual condemned to imprisonment for more than two years will also be subject to suspension of his political rights from two to ten years.

### Article 63

Suspended sentences for crimes described in this decree are prohibited.

### Article 64

Imprisonment shall be imposed in a military or a civilian jail, at the criteria of the judge, but without penitentiary regime.

### Article 65

Probation will be governed by the terms of military penal legislation.

### Article 66

No bail will be permitted for the crimes described in this decree.

## V. TESTIMONY OF AN ARRESTED PEASANT LEADER

"On July 13, 1968, the police committed a barbarous crime against the people of Pindaré Mirim, a village in the northern state of Maranhão. Seven policemen, armed with rifles and submachineguns, fired on rural workers who were waiting to be treated at the Medical Center. They gravely wounded Manuel Conceição, president of the peasant union of Pindaré Mirim... The union issued this report of how the crime took place:

"I, Manuel Conceição dos Santos, president of the union of rural workers of Pindaré Mirim, deny the veracity of the reports published in the São Luis papers and above all of the statements made by the Secretary of the State Police on July 27th in regard to my case.

"In the name of truth, I must declare the following: On the morning of the 13th of July last, several workers were waiting to be treated at the union's medical center. A pickup truck stopped nearby; seven men armed with rifles and revolvers got out. The police commissioner, accompanied by a soldier, called to me and I walked towards him. To my utter surprise, the soldiers seized me and fired five shots into my legs as well as opened fire upon many witnesses, among them women and children. I was thrown into the truck like an animal and driven from the scene to the prison suffering serious wounds in both feet. Only around 5:00 p.m. did I receive first aid. Three days later they treated me again after my toes had become half rotten. On the 17th, they freed me; so as not to die I had to go to São Luis to have a leg cut off because of gangrene."

### "SELF CONTROL" OF THE PRESS

THE FOLLOWING IS AN ABRIDGEMENT OF AN ORDER SENT BY THE MINISTRY OF JUSTICE TO ALL EDITORS OF NEWSPAPERS AND OWNERS OF TELEVISION AND RADIO STATIONS THE WEEK BEFORE MR. NELSON ROCKEFELLER'S VISIT TO BRAZIL, IN JUNE 1969.

- No news about, comment upon or interviews with anyone who has had his political rights taken away;
- No reporting about student movements which have been dissolved by the government, nor about student political activity;
- No criticism of government action taking away political rights of citizens or dismissing them from their employment;
- No publication of anything that might create hostility toward government officials;
- No criticism of the economic policy of the government;
- No news about political arrests, except when provided by the government;
- No news about the political activity of the clergy, no manifestos of church leaders or interviews with them that might create tensions 'of a religious nature';
- No news about workers' movements, strikes or other acts considered subversive which may occur in Brazil or in foreign countries;
- No news of opposition to the Rockefeller visit whether that opposition occurs in Brazil or in other countries.



## VI. THE REGIME VS. DOM WALDYR CALHEIROS

### Introduction

In July, 1969, Dom Waldyr Calheiros, the 46 year old Bishop of Volta Redonda, the center of the Brazilian steel industry, joined eleven of his priests in a letter charging that a labor leader of his diocese had been tortured during an interrogation at a local army unit. The general in charge of the unit where the labor leader was being held ordered an inquiry at which the alleged torture victim and his physician were questioned. The general closed his hearing asserting that there had been no torture and that the bishop was an agitator.

On December 4, 1969, a military court indicted Dom Waldyr on charges of subversion; fifteen priests of his diocese were also brought up on charges but, their trial, like the bishop's is pending; no date has yet been set.

The following undated letter from Dom Waldyr to his fellow bishops illuminates the army's role in sowing discord within the ranks of Brazil's clergy:

### Letter from Msgr. Valdir Calheiros to Brazilian Bishops

I believe I am following the wishes of my fellow bishops by informing them of the military case brought against me and 15 priests of the Diocese. During the inquiry, 25 priests were called to testify at the barracks of the First Armoured Battalion by Col. Moacyr Pereira. This created a climate of anxiety. A few days before the investigations began, the secretary of the Priests Council came to see me to say that a group of 12 priests had met to request intervention of the Holy See in the Diocese. Later, at the general meeting and retreat of the clergy, one of the priests told me that the colonel had let it be known to these priests that "if a request for intervention was made they would not be subjected to inquiry and that if it was accepted and the Bishop removed, he would drop the case". Only two priests accepted this proposal. The group of 12 broke up soon after, but there was a rift among the clergy and the climate of distrust has not yet completely disappeared. A characteristic of such inquiries is the attempt to pit priests against their Bishop.

The priests who are accused are at peace with themselves because they do not feel abandoned because the Bishop is involved in the case.

The local press is at the service of the military authorities and only publishes what is slanderous, detrimental or lacking in respect to the Bishop, the priests and the Church. Colonel Pereira states over the radio that I am a Communist. The Brazilian press has never heard my side; only the foreign press has.

The reactions of our brothers of the Episcopacy are varied. Some are worried and have visited me personally to show their sympathy or have sent representatives. Others think we should try and seek a compromise with the military authorities; some believe it's simply a "personal matter".

1. I cannot see how this can be considered "a personal matter" when the superiors of the colonel who presides over the case are lending their support and bringing me before the Court. It is these men who govern the country, who drag the local Church before the tribunals and slander the Bishop not only in his own diocese but all over Brazil, since the fact that we are criminally accused is common knowledge. Even if the case is not followed up, the inquiry and defamation remain.

2. They bring 16 Priests into disrepute before their parishes and do it in such a way as to leave, at least one, in a very difficult position.

3. They bring discredit to the Church wherever they can and by every possible means.

4. The less enlightened Catholics are in doubt, for they hear on the radio and read in the newspapers accusations and insults against us and accusations that we are Communist agitators and subversive agents.

After all that has happened it is impossible to take steps which would appear as a request for clemency. I do not consider that a bishop is humiliated by sitting on the bench of the accused when the crime imputed is that of preaching the Gospel and of defending a poor tortured workman. To excuse oneself before the oppressor for being oppressed would be really humiliating. This is not pride, but conviction of my responsibilities for my own acts. I understand better today the words of the Lord: "If I have spoken ill, prove it, but if I have spoken well, why beatest thou me?" (John 18: 23). These men should be called to account. But by whom?

On thinking over the events with a group of workmen, one of them said to me: "Your Honour, who can speak?... If you are accused of having spoken, being who you are, what would happen to us, who are simple workmen?"

It would be a crime to keep silent in face of the facts. Is that to be subversive? To be silent? To acquiesce? Perhaps they would prefer that the Church remain dumb in the face of clamorous facts. Then they would not try to silence the Church.

Please try to understand: I am neither depressed nor hurt by the hostility against me and the local Church. No. I have merely wanted to state the truth faithfully. I am at the disposal of any who wish to clarify any points which might seem unclear to them.

### LAW PERTAINING TO SCHOOLS AND UNIVERSITIES (Decree 477)

TEACHERS, STUDENTS AND EMPLOYEES OF EDUCATIONAL INSTITUTIONS WHO PARTICIPATE IN STRIKES, DESTROY PROPERTY (INSIDE OR OUTSIDE OF SCHOOLS), PARTICIPATE IN STREET MARCHES AND UNAUTHORIZED RALLIES, OR DISTRIBUTE "SUBVERSIVE MATERIAL", WILL BE PUNISHED UNDER DECREE 477 BY THE FOLLOWING PENALTIES: PROFESSORS AND EMPLOYEES WILL BE SUMMARILY DISMISSED, AND BANNED FROM EMPLOYMENT IN ANY OTHER EDUCATIONAL INSTITUTION DURING A FIVE YEAR PERIOD; STUDENTS WILL BE EXPELLED, AND BANNED FROM MATRICULATING IN ANY OTHER EDUCATIONAL INSTITUTION DURING A THREE YEAR PERIOD. IF THE STUDENT IS ON SCHOLARSHIP, HE SHALL LOSE IT AND BECOME INELIGIBLE FOR ANY SCHOLARSHIP AID FOR A PERIOD OF FIVE YEARS (IF A FOREIGNER, THE SCHOLARSHIP STUDENT WILL BE EXPELLED FROM THE COUNTRY). DECREE 477 WAS ISSUED ON FEBRUARY 26, 1969.

The text of the decree includes the following: "Under the authority conferred on him by the first paragraph of the second article of Institutional Act Number 5, of December 13, 1968, the President of the Republic decrees:

#### Article 1

A teacher, student, official or employee of any public or private educational institution commits a disciplinary infraction if he:

- I. Promotes or incites the outbreak of a movement which has as its objective the paralysis of academic activity, or if he participates in such a movement;
- II. Attacks persons or destroys property, whether within or without school buildings or grounds;
- III. Acts to organize, or participate in subversive movements, street marches or unauthorized rallies;
- IV. Produces, prints, possesses, or distributes subversive material of any nature;
- V. Kidnaps or holds captive the director or any member of the faculty, official or employee of an educational institution, or a government agent or student;
- VI. Uses the school building or grounds for subversive purpose or to commit any act against morals or public order.

#### Paragraph 1

The infractions defined in this article shall result in the following punishment:

- I. If the infractor is a member of the teaching staff, and official or an employee of the educational institution, the penalty shall be dismissal and prohibition from being appointed, admitted, or employed by any other educational institution for a period of five years.
- II. If the infractor is a student, the penalty shall be expulsion and prohibition from matriculation in any other educational institution for a period of three years.

#### Paragraph 2

If the infractor is the beneficiary of a scholarship or any governmental funds, he shall forfeit same and will become ineligible for such aid during a period of five years.

#### Paragraph 3

If the infractor is a foreign scholarship recipient, he shall be asked to leave the country immediately.

#### Article 2

The investigation of the infractions to which this law-decree refers shall be conducted in summary proceedings to be concluded within an inextensible period of twenty days.

#### Paragraph 1

When there is suspicion of a crime, the director of the educational institution shall take immediate steps to facilitate a police investigation.

#### Article 3

The summary proceedings shall be prepared by an official or employee of the educational institution, designated by the director. He shall carry out the necessary investigations and shall cite the infractor to present his defense within forty eight hours. If more than one infractor is involved, a period of ninety six hours shall be applicable to all.

#### Paragraph 1

The accused shall be suspended from his functions or employment until the time of the verdict, or if he is a student, prohibited from attending classes, upon request of the hearing officer.

#### Article 6

This decree shall become effective upon the date of its publication, revoking all provisions which are contrary to its terms.

MENSAJE  
Number 186  
January-February, 1970  
Santiago, Chile

## VII. THE STATE AND THE DOMINICAN ORDER

Among the Catholic clergymen singularly condemned by the military regime as "subversives" and "communists" are the priests of the Dominican Order. Even prior to the military coup of 1964, conservative forces in Brazilian society had spent considerable sums of money to portray the Dominicans' commitment to social change and justice as an anti-democratic conspiracy. That objective seems at the heart of the most recent accusations of the regime against the Order, even though the latest "angle" is clearly unique. In November, 1969, army personnel trapped and slaughtered Carlos Marighela, an old-line communist party leader and present-day guerilla chief, in cold blood in one of the back alleys of Sao Paulo. Immediately after, stories in the Brazilian press, considered by reliable sources to have been planted by the military, charged two Dominican priests with having "betrayed" Marighela. Behind the slander was the government's attempt, first to persuade the public that the Dominican Order was intimately linked to a wing of the Brazilian communist movement, and second, to sow doubts in the minds of non-Catholics about the trustworthiness and intentions of those Catholics who are in the forefront of Vatican II-inspired ecumenical movements.

Shortly after the shooting of Marighela, leading scholars, theologians and intellectuals of the Dominican Order in France and Belgium addressed an evaluation of the present climate affecting church and state in Brazil to Maurice Cardinal Roy, President of the Pontifical Commission on Justice and Peace. The text of the letter follows.

\* \* \* \* \*

Your Eminence:

The world press has recently repeated certain news items referring to the implication of two of our brothers of the Dominican Province of Brazil in the events surrounding the death of the political leader Marighela and the arrest of several others. These reports would seem to be suspect on several counts: 1. they were issued by agencies wholly submissive to the censorship of the regime now in power; 2. their accounts of the facts contain too many apparent falsehoods; 3. they combine allegations concerning personal morals with political accusations, thus becoming in effect defamations of character; and 4. they all too obviously serve the interests of the regime by encouraging a double division: on the one hand, between the various opposition movements, specially between Christian and non-Christian groups, and, on the other hand, between a "terrorist" minority, which is thus to be excluded, and a "moral" majority, which is asked to isolate itself from the first-mentioned group in all points of view.

While we wait for further reports which are verifiable and verified, we wish to call your attention, and through you that of the Holy Father and Catholic opinion throughout the world, to the fact that the role being played by Christians in movements opposed to the present regime is by no means limited to these Dominicans. Members of the young laity and Catholic Action groups, of both secular and religious clergy, not to mention Protestant circles, are engaging themselves in ever greater numbers. As for the Hierarchy, whose legitimate caution is well known, even it has felt obliged, as you know, to denounce the dictatorial character of the present regime.

Under these conditions, we firmly believe that any effort aimed at disassociating the case of our Dominican brothers from that of the whole Church and its role in the present situation in Brazil would simply be to fall into the trap laid by those in power. Any such effort would create a precedent making it all the easier for a repressive policy, whose efficacy lies in its selective character, to eliminate successively other sectors of the Church, including any Bishops who fail to agree with it, and beginning with the whole Dominican Province of Brazil. It would thus succeed in the end in utterly neutralizing the Gospel.

As for the particular case of our arrested brothers, and quite apart from any reservations or disagreements we might have with their methods, we know that their action was above all motivated by a situation which poses a veritable defiance to the conscience of any believer and to that of any moral individual for whom politics means the development of the whole man and of all men. They are among those who, in today's Brazil, strive to help the people to speak up and who, for that reason, are being reduced, one after another, to silence. For this cause, we believe that they have every right to the name of Christian and that they deserve respect for wanting to lead their lives according to their faith. They therefore have our full support.

That is why we declare ourselves determined to do all in our power to guarantee their honor and their physical safety. Not to cast the light to which we are entitled on the accusation of "treason" made against them, only favors the impression of an accidental death which people can attribute to the vengeance of the opposition, all to the benefit of the regime. For both these ends, we appeal here and now for the assistance of lawyers and international organizations, and we alert public opinion, starting with the publication of this letter,

We ask you to do all you can from your side to counteract the maneuvers and pressures which may be directed against the Church under these conditions and to see to it that the problem imposed on the Christian conscience by the present situation in Brazil is confronted and discussed as it deserves at the highest levels of the Church.

We close by recalling the example of Father Lebreton. This man, to whom the encyclical Populorum Progressio, and hence your Commission, owes so much, had a predilection for Brazil to which he devoted a



number of his works and much of his energies. He was also one of our brothers. That, we think, is sufficient reason to justify our initiative.

Please accept, Eminence, this expression of our gratitude for the reception you and the members of your Commission may be good enough to give to our urgent petition. To it we add the assurance of our profound respect and confidence.

Pere J. KOPF, Provincial O. P. de Toulouse  
 Pere N. RETTENBACH, Provincial O. P. de Paris  
 Pere D. BELAUD, Provincial O. P. de Lyon  
 Pere A. M. CARRE Prieur O. P.  
 Pere P. A. LIEGE, Prieur O. P.  
 Pere M. D. CHENU O. P.  
 Pere Y. CONGAR O. P.

Pere M. J. PERVIS O. P.  
 Pere V. COSMAO O. P.  
 Pere M. BARTH O. P.  
 Pere B. D. DUPUY O. P.  
 Pere P. BLANQUART O. P.  
 Pere Chr. REVON O. P.

Copies to: Monsieur le Cardinal VILLOT, Monseigneur GREMILLION, Rme Pere Aniceto HERNANDEZ.

(translated from the French)

## THE VATICAN RESPONSE ON TORTURE IN BRAZIL

### Pontifical Commission Justice and Peace Statement of H. E. CARDINAL ROY

The Pontifical Commission Justice and Peace makes known the following Statement of its President, H. E. Cardinal Maurice Roy:

In reply to the letter with accompanying documents on cases of torture in Brazil, signed by a group of seventy persons, Cardinal Roy has sent a letter in French to Mrs. Marcella Glisenti, Secretary General of the Italian Committee "Europa-Americana Latina".

In this letter, dated January 20, Cardinal Roy writes that the document was brought to his attention on January 8. In compliance with the signatories' desire, the Cardinal submitted the document to the Holy Father who "with vigilant attention is following the situation of the Church in Brazil, on which He is constantly kept informed".

"The Pontifical Commission Justice and Peace" - His Eminence continues in his letter - "aims at arousing in the People of God an ever increasing awareness of its obligations to promote justice, peace, the development of the human person, and the progress of peoples".

"This is a service", writes the Cardinal, quoting the Holy Father, which the Commission has to render "to help the Church to keep her eyes open, her heart sensitive and her hands ready to carry out the work of charity it is called to perform for the world, in order that every Christian conscience may learn, in the name of the Lord, to examine itself, to reflect and to act".

"However, if it is not up to the Pontifical Commission to pronounce a judgement on any political situation", continues His Eminence, "we cannot remain deaf to the appeals of those Christian consciences who justly react against the attacks and violations and against the rights of the human person which take place in many countries".

The Cardinal then stresses the fact that, publicly and repeatedly, the Brazilian Episcopate has clearly expressed its opinion, inspired by a very vivid pastoral concern; he attaches to his letter the texts of the statement of the Central Commission of the Brazilian Conference of Bishops, dated 20 September 1969, and of the communication of H.E. Cardinal Agnello Rossi, Archbishop of Sao Paulo and President of the same National Conference, of 10 November 1969. Cardinal Roy also mentions the Pastoral letter of Cardinal Eugenio de Araujo Sales, Archbishop of Sao Salvador da Bahia, and Consultor of the Pontifical Commission, who "denounces terrorism, tortures and executions without trials which have been verified in some regions of the country".

Original Text: Italian

## VIII. APPEAL BY 38 PRIESTS

"Truly I say unto you, as you did it to one of the least of these my brethern, you did it to me." Math. 25:40

"...whatever violates the integrity of the human person, such as mutilation, torments, inflicted on body or mind, attempts to coerce the will itself...all these things and others of their like are infamies indeed. They poison human society, but they do more harm to those who practice them than those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator." Vatican II, The Church Today

Excellencies,

When Brazil signed the "Universal Declaration of Human Rights" it promised to respect the dignity of the human person. From the moment in which Institutional Act no. 5 constituted a threat to these very rights, the National Conference of Bishops found itself obliged to warn the authorities and the people of this fact in a declaration issued on February 18 by its Central Commission:

"The situation which was institutionalized last December opens the door to all manner of arbitrary procedures, including the violation of Fundamental Rights: the right of defense, of legitimate expression of thought, of information; the new situation is a threat to human dignity in both a physical and moral sense".

The bishops were right in taking this position, for it was already clear in Belo Horizonte from the imprisonment of priests and deacons of the parish of "Horto" that arbitrary acts were no longer only a possibility, but already a reality.

In his homily of December 15, our archbishop, Dom João Resende Costa made the following denunciation: "They have been violently beaten and tortured. I am making this denunciation so that there shall be eliminated once and for all from all investigations, those procedures which dishonor all those who practice them and render the process of justice suspect."

In so far as such procedures have not been suppressed, but have been, on the contrary, multiplied, we, signatories of this letter, priests of the archdiocese of Belo Horizonte, called by the Master to the ministry of the Word and the Eucharist, find ourselves confronting a painful dilemma: If, on the one hand, we feel ourselves compelled by the duty that is rightfully ours to denounce the arbitrary acts practiced in our city, we feel constrained, on the other, to refuse to give too many details about facts and persons, so that the latter shall not have to undergo still more suffering.

Leaving aside all political considerations, but with full knowledge of the case at hand, we denounce:

- Outrages against the human person, moral as well as physical.
- Violation of the Fundamental Rights of man perpetrated not simply on occasion but over and over again.

We base our denunciation on the following first hand reports from political prisoners:

- violent blows and tortures practiced by the police as a means of obtaining confessions, accusations against persons connected with the prisoner, or simply for reasons of vengeance.
- the imprisonment of citizens, without time limit and without any justification whatsoever except for a simple note mimeographed on newsprint, including the signature of the person responsible.
- an incalculable number of arbitrary detentions of innocent persons simply on suspicion or for the purpose of obtaining eventual information about others.
- jailing and detaining persons "incomunicado" without any justification.
- breaking into homes during the night by police armed with submachineguns.
- absolute contempt for the right of parents to know the whereabouts of their children. Young people are imprisoned without their parents being informed, nor are they told of the place of their child's detention.
- the imprisonment and torture of relatives as a means of pressuring prisoners to reveal information.
- violence done to women, they are stripped naked and beaten, electric shocks are applied to their breasts.

Since it is impossible to publish the detailed list of tortures and the names of the tortured - the latter for the security of political prisoners, their families and ourselves - we want, however, to specify the kinds and places of torture, of which we have exact knowledge:

- violent blows over the whole body (DOPS, DOS, CPOR and the Commissariat of Theft and Larceny)
- "Pau de arara", the prisoner is tied, then hung by the knees and by the hands (Commissariat of Theft and Larceny)
- electric shocks to the most sensitive parts of the body including the genital organs (Commissariat of Thefts).
- Transistors tuned to several radio stations and placed, at full volume next to the ears of the prisoners (in the Department of Investigation and in the Commissariat of Thefts)
- violent blows on the hands, with the aim of forcing out the fingernails (Commissariat of Thefts)
- cigarette burns
- isolation of prisoners in a cell, a veritable pit, for 40 consecutive days (at the CPOR)

-jailing the prisoner with handcuffs for 15 days, without removing them even to eat or sleep (at CPOR)

In making this denunciation, we are not washing our hands of the matter and considering our task done.

In accordance with our commitment to the gospels such as it was made explicit by Vatican II and renewed at Medellin, we believe that a declaration by the bishops would be necessary; a declaration which would respond to the legitimate aspirations of an important part of the People of God. This is even more important since the Hierarchy constitutes, at the moment, the only social and moral force capable of raising its voice and perhaps of making itself heard.

We are conscious of the gravity of the accusations we have just drawn up and we feel that it would be dishonest on our part not to give them the guarantee of our signature. However, for reasons of personal security, we have left our names off this sheet and are sending them under separate cover to the President of CELAM and the Secretary General of the National Conference of Bishops of Brazil (Respectively, Dom Avelar Brandão, bishop of Terzinha and Dom Aloiso Lorscheider-NDLR). Respectfully, a letter by 38 priests from Belo Horizonte, July 10, 1969.

## IX. A CLASS ON TORTURE

The use of torture against the opponents of the present military regime now appears to surpass all other techniques of police investigation and inquiry. Torture has become so commonplace that the three armed services have organized courses.

One such class was held in October, 1969, at the headquarters of the State Police of Minas Gerais in the city of Belo Horizonte. The following excerpt about that class was taken from a document collectively issued by twelve male political prisoners on December 19, 1969:

"On the eighth of October (1969) a class in Interrogation was held at PE/State Police headquarters for a group of about a hundred (one hundred) military men, the majority of them sergeants from the three branches of the armed forces. Just before the class, Mauricio (de Paiva) was given electric shocks 'to see if the equipment was in good working order,' in the words of a private named Mendonça. At about 4 p.m. just before the class was to begin, the (following ten) prisoners were led up to the classroom where the session was already in progress: Mauricio de Paiva, Angelo Pezzuti, Murilo Pinto, Pedro Paulo Bretas, Afonso Celso Lara, Nilo Sérgio, Júlio A. Antonio, Irany Campos, and an ex-MP from Guanabara and another prisoner known as Zezinho. Immediately after, they were ordered to enter the room and strip. While Lt. Haylton was showing slides and explaining each type of torture, its characteristics and effects, Sergeants Andrade, Oliveira, Rossoni and Rangel, together with Corporals Mendonça and (an illegible name) and the soldier Marcolino were torturing the prisoners in the presence of the hundred military men in a 'live' demonstration of the various torture methods in use. Mauricio suffered electric shocks, Bretas had a finger put in irons, Murilo was forced to stand on top of cutting edges of tin cans, Zezinho was hung from the 'parrot's perch', and the ex-MP was clubbed while Nilo Sérgio had to hold his balance on one foot while heavy weights were hung from his outstretched arms."



## THE LAWS OF REPRESSION

The Brazilian government has produced institutional acts and decrees by the dozens, in an attempt to legitimize its situation. Under such legislation all rights are in reality held by the armed forces, publicly represented by a General-President. The power to legislate and the functioning of the judicial system are subordinated to the criteria of the Executive, who can cancel the terms of office of Congressmen and of Supreme Court judges without having to justify his actions. The accused persons are not even informed of the charges which led to their punishment. The same kind of treatment is meted out to university professors, members of the liberal professions, etc., and even to military officials themselves who are not in agreement with the arbitrary acts which are being committed. The principal laws of repression are: Institutional Act Number 5; the National Security Law; the Press Law; and the Law Pertaining to Schools and Universities (Decree Number 477).

### INSTITUTIONAL ACT NUMBER 5

This act, published on December 13, 1968, gives absolute powers to the President of the Republic to decree a Congressional recess, to intervene in state government, to suspend summarily the rights of citizens, including Supreme Court judges, to confiscate personal holdings, and with the Act the right of Habeas Corpus is eliminated. This Act was annexed in its entirety to the Constitution promulgated in 1967.

The principal articles follow:

#### Article 1

The Constitution of January 24, 1967 is maintained, as well as the State Constitutions, with the modifications which this Institutional Act contains.

#### Article 2

The President of the Republic may decree the recess of the National Congress and State Legislative Assemblies and the Municipal Councils by a Complementary Act, whether during a State of Siege or not; these bodies shall reassume their functions only when convened by the President of the Republic.

##### Paragraph 1

When legislative bodies have been recessed by decree, the corresponding Executive Power is hereby authorized to legislate in all matters pertaining to the Constitutions or to the Organic Law of the Municipalities.

#### Article 3

The President of the Republic, in the national interest, may decree intervention in the States and Municipalities, exempt from the limitations provided in the Constitution.

##### Paragraph 1

State and Municipal Interveners (Interventores) shall be named by the President of the Republic and shall carry out all the functions and have all the powers which are attributed to the Governors and Mayors, and shall have all the rights, salaries, and benefits determined by law.

#### Article 4

For the purpose of preserving the Revolution, the President of the Republic, upon the advice of the National Security Council, and exempt from the limitations provided in the Constitution, shall have the power to suspend the political rights of any citizen for a period of ten years and to cancel all elected terms of office, whether federal, state or municipal.

#### Article 5

The suspension of political rights based on this Act shall simultaneously signify:

1. Cancellation of the privilege of special legal status due to prerogative of function;
2. Suspension of the right to vote or to be voted for in labor union elections;
3. Prohibition of activities and manifestations concerning subjects of a political nature;
4. Application, when necessary, of the following security measures;
  - a. freedom under surveillance
  - b. prohibition against visiting certain specified places
  - c. fixed domicile

##### Paragraph 1

The Act which decrees the suspension of political rights may fix restrictions or prohibitions related to any other public or private rights.

#### Article 6

Constitutional or legal guarantees of lifetime duration, of stability in office, as well as of the exercise of functions for a fixed period of time are hereby suspended.

##### Paragraph 1

The President of the Republic, by means of decree, may dismiss, remove, retire or displace any holders of the guarantees referred to in this article, as well as employees of the self-governing boards (autarchies), public enterprises or associations of mixed capital, and dismiss, transfer to reserve status, or change the status of military personnel or members of the Military Police, providing, when due, payments or benefits proportional to the time of service.

##### Paragraph 2

The provisions of this article and its first paragraph apply also to the States, Municipalities, Federal District and the territories.

#### Article 7

The President of the Republic, in any of the cases covered by the Constitution, may decree a State of Siege and prolong it, fixing the period of its duration.

#### Article 8

The President of the Republic, following investigation, may decree the confiscation of the possessions

(cont. next page)

of all those who have illicitly become wealthy in the exercise of their public offices or functions, including autarchies, public enterprises, or associations of mixed capital, in addition to the corresponding legal sanctions.

Paragraph 1

If the legitimacy of the acquisition of these possessions is proved, restitution shall be made.

Article 10

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

Article 11

There shall be no judicial review of any measure carried out in accord with this Institutional Act and its Complementary Acts, nor of the corresponding results.

Article 12

The present institutional Act takes effect on this date, revoking any provisions to the contrary.

Brasilia

December 13, 1968

**COMPLEMENTARY ACT NUMBER 38**

The following Complementary Act Number 38, was promulgated simultaneously with Institutional Act

**Number 5:**

"The President of the Republic, using the powers conferred upon him by Article 9 of Institutional Act Number 5 on December 13, 1968, has decided to promulgate the following Complementary Act:

Article 1

In the terms of Article 2 and its paragraphs of Institutional Act Number 5 of December 13, 1968, the recess of the National Congress is decreed as of this date.

Article 2

The present Complementary Act takes effect on this date, revoking all provisions to the contrary."

Brasilia

December 13, 1968

**HOW THE PRESENT BRAZILIAN PRESIDENT WAS "ELECTED"..**

1. The present President of Brazil was chosen by consulting 239 officers of the Armed Forces.
2. The Electoral College was made up of 118 Army generals, 60 Admirals and 61 Air Force Generals.
3. The only eligible candidates were the "electors" themselves, i.e., two-, three-, or four-star generals.
4. For "hierarchical" motives, a three-star general preferred by the troops in the Northeast, the most underdeveloped region of Brazil, was excluded from the dispute for succession.
5. The name chosen by the Army High Command, the Admiralty Council of the Navy, and the Military Aeronautical Council as capable of preserving unity and representing the military, was that of General Garrastazú Médici, Commander of the Third Army. A symbolic list of three names, which in addition to General Médici included the Army Chief of Staff and the Chief of Staff of the Armed Forces, was organized.
6. Congress, whose membership had already undergone successive purges, was reopened in order to ratify, in the name of national security, the name selected by the upper echelons of the military.

# AN APPEAL:

The documents speak for themselves.

Torture, terror and repression are the order of the day; the privation of fundamental human rights continues unabated; the Brazilian -- student, worker, intellectual -- now joins the ranks of the world's political refugees. In all, a critical situation now exists about which almost nothing is known outside Brazil.

For these reasons, scholars, writers, religious leaders, spokesmen for civil liberties as well as other friends of Brazil met in New York in February 1970 and founded the American Committee for Information on Brazil. (A number of signatories to the preamble of this dossier are founders and members of the Committee).

The Committee's aims are:

1. To obtain and encourage the obtention of accurate knowledge and information about the contemporary situation in Brazil;
2. To disseminate and publicize this information to concerned individuals and organizations;
3. To promote assistance to the victims of Brazilian Repression;
4. To promote the implementation of the principles contained in the United Nations' Universal Declaration of Human Rights.

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Additional copies of this dossier available from the AMERICAN COMMITTEE FOR INFORMATION ON BRAZIL, Post Office Box 1091, New York, N.Y. 10027. Contributions to defray the costs of printing and mailing are voluntary.

## ADDITIONAL COPIES:

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I want to express my solidarity: (Check one or more)

- \* ☐ Add my name to the list of signers of the Preamble.
- \* ☐ Here is my contribution to defray costs of this dossier.
- \* ☐ Send me periodic information on the Brazilian situation.

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