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31st August 1972

His Excellency Senhor Sérgio Corrêa da Costa
Ambassador
Embassy of Brazil
32 Green Street
Mayfair
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Your Excellency,

Enclosed please find a copy of our report concerning the widespread allegations of torture in Brazil which have come to our attention in recent years. Information contained in the report itself, as well as the names of 1,081 reported victims included in the appendix, has been drawn from material collected and monitored by Amnesty International, from sources in Europe, America and Latin America, and from the international and Brazilian press. It is regrettable that the Brazilian government did not agree to a fact finding mission visiting Brazil and meeting those in prison and those in a position of responsibility.

The report is to be made public on September 5th, 1972. A second appendix, containing the names of 472 persons reported as responsible for torture, cross-referenced and indexed in order to indicate the congruity of multiple information sources, will be made available to you shortly; this report will not be published until such time as the Brazilian government has had the opportunity to respond to it, and to the report enclosed here.

We feel that the occasion of Brazil's 150th Anniversary would be a fitting occasion for the Brazilian government to indicate its respect for the principles embodied both in the Universal Declaration of Human Rights, ensuring freedom of speech, opinion and belief to its citizens, as well as in the United Nations Minimum Standard Rules for the Treatment of Prisoners.

Thus, we urgently petition Your Excellency to admit an international observer team to the country in order to investigate the allegations contained in this report. If such reports are untrue, Brazil can only gain by refuting them in a public and unbiased investigation. If such reports are verified, we urge most strongly that those responsible be brought to justice.

Yours faithfully,

Martin Ennals
Secretary General

Encls.

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Relatório Sôbre as Acusações de Tortura no Brasil

Report on Allegations of Torture in Brazil

Rapport sur des Accusations de Torture au Brésil

**Amnesty International Publications,
Turnagain Lane,
Farringdon St., London, E.C.4.**

REPORT on ALLEGATIONS of

TORTURE

in Brazil

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** This list is only being sent to the Brazilian government, and selected officials of other governments and of international organisations. It will not be made public until the Brazilian government has had an opportunity to reply to the report.

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

The first section of the report is a study of legislation passed in Brazil since 1964. Part two consists in part of depositions made by Brazilians living abroad. As the Amnesty inquiry received no cooperation from the authorities, its sources of information were necessarily one-sided. Evaluation of the information received was thus based on subjective impression of the complainant and his account, viewed in the light of any corroborative or contradictory evidence available. It was on this basis that the deposition material was included here and conclusions drawn. A response from the Brazilian government is invited.

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

The names of victims and perpetrators of ill-treatment submitted to Amnesty International were so numerous that it was decided to summarise the bulk of the material in the form of indices. Two appendices have thus been drawn up, and form the concluding section of the report: the first gives the names of reported victims, while the second (confidential and available only to a limited number of international organisations and officials of the Brazilian government) gives 472 names of those reported as responsible for ill-treatment. Each entry in the two appendices is cross-referenced to indicate the congruity of multiple information sources.

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

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

Sean MacBride,
Chairman,
International Executive Committee

GENERAL BACKGROUND(a) Historical note on Brazil

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

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

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

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

Since the 1964 coup, the military government has issued a number of decree laws to broaden its powers, justifying such acts - severe censorship and

other curtailments of civil liberties - by maintaining that Brazil is engaged in a war against subversive groups. Clearly, there has been urban guerrilla activity in recent years, but the numerous arrests of priests, nuns, professors, journalists and others, who are feared for their liberal ideas, indicates that repression has not only been directed at militants.

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

Throughout the ten years of its existence, Amnesty International has observed with horror that there has been a growing tendency throughout the world for governments to authorise or condone the use of torture, or cruel, inhuman or degrading treatment. There are several countries where, within a period of a few years, the use of torture, at the outset sporadic and exceptional, has become an invariable routine part of any interrogation. Amnesty International has been concerned for some time that such a situation has come to exist in Brazil.

Following the passage of Institutional Act Number 5, on the 13th December 1968, and the dissolution of Congress on the same date, Amnesty International has received an increasingly large number of complaints regarding violations of article 5 of the Universal Declaration of Human Rights, both by illegal groups and by the official police forces.

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

On 29th April '70, Amnesty International submitted extracts from the material received up to that date, as well as a list of names of torturers and the names of some persons reported to have died under torture, along with a proposed press release on the subject, to the Brazilian Embassy and to the Brazilian government, again asking that an independent inquiry be commissioned. No reply was received to this letter, or to a follow-up letter, and the press statement was duly issued on May 21, 1970.

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

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

After further approaches by Amnesty International, including a joint appeal for a mission of inquiry with 14 other human rights' organisations (Commission of the Churches on International Affairs, Catholic International Union of Social Service, Committee on Society, Development and Peace (SODEPAX), Confédération Mondiale, and others), the Brazilian Ambassador to London reiterated in a letter

dated 16th June 1971 that this position remain unchanged. In his letter, he stated that 'the Brazilian government has a deep and abiding respect for human rights, and is guided in its actions by its own domestic legislation and by the international conventions to which it is signatory'. The government continued to maintain that it was opposed to the use of torture, and that when torture occurred, it was only in isolated instances, and was not condoned or controllable by the central authorities.

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

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

Thus, as there appeared to be little chance of a mission to Brazil being permitted to enter the country in the near future, as the Brazilian Council on Human Rights has recently been restructured, and thus rendered even more unlikely to deal with such serious charges than has been the case in the past,

and as Amnesty International continued to receive widespread and recent reports of torture, the International Executive Committee of Amnesty felt that an attempt should be made to collect and assess available material and testimonies in Europe. It was considered that such material could usefully be analysed in an effort to determine the probable validity of the charges being raised, and as a means of calling the attention of the public and of the Brazilian authorities to the seriousness of the charges still being raised in this regard. It is this report that is presented here.

CHAPTER I
STUDY of LEGISLATION since 1964

The Doctrine of National Security

The present Brazilian government has elaborated a 'Doctrine of National Security' based on the following fundamental theoretical concepts: the division of the world into two antagonistic blocs with Brazil accepting the rôle of a 'privileged satellite' of the United States of America within the 'democratic and Christian' bloc; a non-competitive economy with relation to the USA; the sacrifice of a part of the national sovereignty in favour of an interdependence between the different American states in an effort to attain common objectives; the monopoly of power in the South-American sub-continent by Brazil, and struggle against communism and against all socialist ideologies, including those which arise within the Church.

State Organs

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

1. Executive power - In addition to the General Staff of the Armed Forces, the High Command of the Armed Forces, the Administrative Department of civilian personnel and an organism of general consultation, the Office of the President of the Republic is assisted by two new organs: the Council of National Security (CSN) and the National Information Service (SNI).... (Decree Law 200/67). The General Secretary of the CSN (Decree-Law 348/68) has the functions of a Prime Minister.
2. Legislative power - The CSN has reduced the number of parties represented to two and the law of 'sublegandas' has established the supremacy of the pro-governmental party. The functions of the legislative have been reduced to a minimum; in fact, the laws now in force have, for the most part, not been formulated by the legislative body.
3. Judicial power - The Judiciary supervises and controls the actions determined by the CSN. The Military Tribunal has jurisdiction over all citizens suspected of activities against the National Security. Consequently, the Supreme Federal Court is not the final authority. This function is performed by the CSN and the SNI who direct police and judicial activities related to the National Security.

Legislation Since 1964

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

A - The Laws1. The Laws of 'National Security'

Since the coup d'état of 31st March 1964, four laws of 'National Security' have been passed in succession:

Law -- 1802 : already in force in 1964

Decree 314 of 1967

Decree 510 of March 1969

Decree-Law 898 of September 1969

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

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

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

In this way, the field of proscribed activities was considerably widened: thus, alleged abuses of the press - which had previously been judged by

common-law courts - were denoted as political crimes; similarly strikes - forbidden throughout the national territory - were also defined as political crimes.

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

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

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

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

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

The death sentence is difficult to impose from the political point of view since each time such a sentence has been pronounced worldwide protests have been expressed. Thus, the first death sentence, passed in March 1971, against

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

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

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

2. Banishment

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

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

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

art. 2 : Any actions undertaken in conformity with this Act and the Complementary Acts arising from it, as well as the consequences thereof, are not subject to inquiry or judicial appeal.

art. 3 : This Institutional Act becomes operative from the present day and abrogates any contrary provisions. "

Complementary Act No.64 was signed immediately afterward banishing the first 15 Brazilians from their country - contrary to all Charters and Declarations signed by Brazil.

Several days later, the new Constitution - in force since the 30th October 1969 - revoking all the foundations on which had been based the fight for individual liberty, legalised the arbitrary power of the Executive on a judicial level.

Article 53 § 11 of the Constitution states:

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

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

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

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

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

3. Secret decrees

Decree 69.534, signed by President Medici on the 11th November 1971, is extremely important: it stipulates that "the President may draw up Secret or Limited Circulation Decrees relating to any subject concerned with the National Security!" These decrees will be published in the Official Journal "under a number only" and the government will furnish "only a brief resumé written in such a way as not to breach the secrecy".

In defence of Decree 69.534, government representatives in Parliament affirmed that the President "was only exercising the right guaranteed him by article 81, paragraphs 111 et IV of the Constitution".

However, article 81 of the Constitution of the 17th October 1969 states that

" The President of the Republic has the right to

III - sanction, promulgate and publish laws; ensure the passage of decrees and regulations necessary for the faithful execution of such laws

IV - veto Bills of Parliament "

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

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

Article 46 of the Constitution says:

" The legislative process includes the drafting of:

- I - amendments to the Constitution
- II - complementary laws to the Constitution
- III - ordinary laws
- IV - laws of delegation
- V - Decree Laws
- VI - legislative decrees, and
- VII - resolutions "

Article 55 concludes:

"The President of the Republic, in the event of an emergency or a matter of major public interest, and in the event of any increase in public spending, may promulgate Decree Laws on the following subjects:

- I - National Security
- II - Public finances including tax regulations
- III - Creation of public posts and the fixing of corresponding appointments

§ 1 - After publication, the text will come into force immediately and the NATIONAL CONGRESS WILL APPROVE OR REJECT IT within 60 days; if, within this period, no decision is made, the text will be considered as having been approved. "

Decree 69.534 did not conform to any of the constitutional norms as it was not sent to the National Congress nor was it published in the Official Journal so that the public could be informed of its content.

Decree 69.534 opened 'the era of mystery'. In the same way, the new Law of Human Rights, sanctioned by President Medici on 6th December 1971, also provides for 'secrecy in declaring that the meetings of the Council for the Defence of the Rights of Man, as well as its decisions, will be secret.

B. - The Procedure of political trials

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

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

These three phases are provided for in the new Code of Military Penal Procedure, in force since 1st January 1970. This Code, which revokes the former 'Code of Military Justice' of the 2nd December 1938, is the expression of the 'desideratum' of repression in Brazil: "... it is necessary to change the Code of Military Justice in order to conform to new requirements of the legal and political order ... the new Code was also intended to translate traditional military customs and usages

into definite regulations. Thus, throughout the police investigation and the judicial hearing until the passing of sentence, these principles are meticulously carried out." (explanation of objectives which precedes the Code of Military Penal Procedure).

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

1. The 'police investigations'

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

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

It should be noted that the detention of the accused is never communicated to the competent judicial authority, i.e. the military 'Auditoria'.

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

2. "Police inquiry" - surveillance

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

The second phase is the 'police inquiry' proper - I.P.M. Inquerito policial militar - officially, the preliminary investigation stage of the proceedings.

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

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

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

However, despite the express guarantees given in the statute of the Order of Lawyers, the person responsible for the inquiry never allows the lawyer to learn of the inquiry nor to have the slightest contact with his client (in order to preserve 'secrecy'); thus, 'incommunicability' is unlimited and we therefore have cases of numerous prisoners held incommunicado for several months.

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

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

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

The IPM is, according to article 9 of the Code of Military Penal Procedure, a "provisional hearing", the aim of which is to set out the facts necessary in order to take a decision as to whether or not to initiate a criminal action. This decision is the responsibility of the public prosecutor. Let us not forget, however, that it is on the facts set out during the provisional hearing that the tribunal will base its final verdict.

The interrogations carried out during the 'police investigation' are repeated at DEOPS since we find ourselves in the inquiry phase proper. The prosecution witnesses are heard and the evidence for the prosecution is presented.

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

3. The 'judicial hearing'

That is, the hearing before a judge, or rather a military tribunal.

The country is divided into eleven sections for the purposes of administering military justice (conscricao judicial militar), and each section has at least two 'auditorias militares' (military courts). In Rio de Janeiro, there are

three military courts supervised by the Army, two by the Navy and two by the Air Force. In Sao Paulo there are two Army courts and one Air Force court. Thus, throughout Brazil, there are more than twenty courts of this sort which, since 1968 have heard, on average, seventy to a hundred political cases a year. Trials involving only one defendant are infrequent, while it is likewise rare to see a case being brought to a definitive close.

The military tribunal is made up of 5 judges: 4 military, high-ranking officers, and one professionally-qualified civilian judge. The outcome of most cases is determined by the latter since the military judges, who do not have law degrees, do not vote during the trial except when a detention or release order has been requested and when the verdict is pronounced. The prosecutor and the clerk of the court are also civilians, as are the court-appointed lawyers.

The appeal court - Higher Military Tribunal - consists of five civilian magistrates and ten military generals, the latter representing the three services.

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

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

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

The trial itself, in its judiciary hearings stage has four sessions open to the public: interrogation of the accused, prosecution witnesses' testimony, defence witnesses' testimony, and the verdict. Reportedly, a list is drawn up every day of those who enter the building where the 'auditorias militares'

have their hearings, and as this list is sent to the political police, only close relatives and lawyers take the risk of being seen at these sessions.

The legal irregularities do not consist solely in non-adherence to the time-limits set down by law. In the majority of cases, the civilian judge or the military judges exert strong pressure on the prosecution witnesses.

Frequently, prosecution witnesses are police employees; they may even have tortured the accused. Such witnesses appear before the Council of Justice to state that the defendant has signed his statement of his own free will, and without being 'influenced'. Lawyers rarely call any longer on defence witnesses, since, frequently, these witnesses are later called to the police station to explain their sympathy for the accused.

SUMMARY of Chapter I

In examining the deterioration in the rule of law in Brazil, we find that laws are often contradictory and inconsistent, while institutional acts and secret decrees have abrogated provisions in the Constitution intended to protect basic human rights. Time limits for the completion of various stages of legal proceedings are not adhered to, and legal counsel, as well as witnesses, have been intimidated and threatened by the authorities. The protection accorded to lawyers in the statute of the Ordem dos Advogados has been set aside by various articles of the Code of Military Penal Procedure, allowing the lawyer no recourse when he feels that his own or his clients rights have been violated. Regulations have been passed to govern the activities of students and staff within universities; the death penalty has been established for the first time in modern Brazilian history. Congress has been suspended, the Council for the Defence of Human Rights has been restructured, so as to make it inoperative, and the concept of national security vastly and ambiguously extended. Press censorship makes the discussion of political developments in Brazil difficult, while only two official political parties are permitted.

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

CHAPTER II

REPORT of INQUIRY into ALLEGATIONS of
TORTUREPurpose of the inquiry

The purpose of the inquiry was to examine the allegations of torture made by political prisoners arrested under the Laws of National Security.

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

The documents selected cover the period from the 2nd March 1969 until the 14th June 1972.

Method employed

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

The method used by Amnesty International was the following:

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

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

Description of the documents

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

The documents completing the section are as follows:

- Jean Marc von der Weid's signed and dated document is authenticated by a Commissioner for Oaths, Mr. T. M. Simon.
- the deposition relating to the murder of Odijas Carvalho de Souza is dated, signed by Maria Yvonne de Souza Loureiro, witnessed by Lylia Da Silva Guedes, and authenticated by the clerk of the court, Arnaldo Maciel of Recife.
- a letter addressed by Carlos Alberto Soares' mother to the Legislative Assembly of the state of Pernambuco. It is also dated and signed.
- a letter from Mr. A. Campos to the Vatican which is also dated and signed

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

History of the Cases

Mr Antonio Expedito Carvalho Perera

1. Aged 41; lawyer and university professor arrested in Sao Paulo
2. Mr Perera affirms that he was arrested on the 3rd March 1969 in Sao Paulo and that violence was employed during his interrogation

3. Mr Perera testifies that he was tortured throughout the month of March in the barracks of the Military Police, rua Tutoia, near rua Abilio Soares, and on the third floor of the DEOPS headquarters in Sao Paulo, by successive teams under the command of General Luiz Felipe, captain Antonio Carlos Pivatto and officers Newton Fernandes and Simonetti - these last two mentioned also command the unit to which the soldier Passarinho, sergeant Robert, and civilians Passalacqua, Guimaraes, Caetano, Parra, Corbea and others belong. Perera underwent various forms of torture.

- electric shocks, mainly on the neck, head, tongue, ears, vertebral column, genital areas, toes and the soles of the feet
- introduction of instruments into the genital areas of the body
- blows to the body
- other forms of ill treatment
- physical and psychological torture to third parties: relatives, friends and clients.

4. Mr Perera gave as witnesses to this torture

- . Onofre Pinto (now living in Cuba)
- . Diogène de Oliveira (now living in Cuba)

The witness affirms that he was present at torture sessions at the Military Police quarters and at the DEOPS in the Tiradentes prison from the 3rd March 1969 until the 13th January 1971 (the date at which he was released).

Torture was carried out by different units, commanded usually by the army. It consisted of electric shocks, beatings, psychological torture and torture inflicted on third parties.

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

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

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

He did not receive any visit from his lawyer during the period of police interrogation and police inquiry, i.e. from the 3rd March 1969 until the 10th July 1969, but only once he was transferred to the Tiradentes Prison after the state of 'incommunicability' had been lifted, the 10th July 1969.

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

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

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

Mr Ladislav Dowbor

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

He affirms having undergone the following torture:

- 'pau de arara' (Brazilian torture technique - see letter from Marcos Pena de Arruda in Chapter III)
- electric shocks

- 4. Mr Dowbor cites the following witnesses to his torture:

- Maria do Carmo Brito
- Liszt Benjamin Vieira
- Betty Chachamovicz

He states that he witnessed torture being inflicted by Colonel Waldier Coelho of OB (Operacao Bandeirantes), by members of CODI, and of DEOPS in Sao Paulo, and of the Death Squad, in September of 1968 and from April to May 1970, both in the OBAN (same as OB) and DEOPS headquarters. This consisted in:

- 'pau de arara'
- the electric chair
- electric shocks

5. He was not taken to prison but was simply interrogated in interrogation centres in April and May of 1970. He was kept in solitary confinement. Medical aid: he was given a radiography examination to check his physical condition after a session of 'pau de arara' at the DEOPS. A strait-jacket was put on him and he was given injections and his wounds, bleeding as a result of the torture he had undergone, were treated.

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

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

He received no religious care.

Mr Lucio Flavio Uchea Regueira

1. 27 years old; lawyer and journalist; living in Rio de Janeiro at the time of his arrest.
2. Mr Regueira states that he was arrested on the 21st April 1970 in Rio de Janeiro by the Operations Centre for Internal Defence (CODI) and that torture was employed during his interrogation
3. He states that he was tortured from the 21st until the 25th April 1970 at the barracks of the Military Police, rua Barao de Mesquita, by Major Gomes Carneiro, Captain Ziembinski, Lieutenants Volio, Timoteo and Costa Lima.

Regueira states that he underwent various forms of torture:

- electric shocks to the eyes, mouth, genital areas and anus
- introduction of a stick in the anus
- immersion in water to the point of near drowning
- 'pau de arara'

- blows all over the body
- injection of 'truth serum'

The tortures were not used in isolation but in combination.

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

4. Mr Regueira gives as witnesses to his torture:

- . Sonia Regina Yessim Ramos
- . Samuel Aarao Reis
- . Cid de Queiros Benjamin

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

Throughout his imprisonment, at the military police barracks, he says he constantly saw the very people who had tortured him torturing others. He says, for example, that he had been greatly disturbed at witnessing the torture of Carlos Eduardo Fayal de Lira. In addition to better-known methods of torture (near-drowning, electric shocks, 'pau de arara'), Fayal de Lira also underwent the 'mad dentist' torture, a name given to his particular method of brutality by the torturers themselves. This consists of keeping the mouth open forcibly with an instrument whilst Fayal was attached to a 'dragon chair', his torturers meanwhile using a dentist's drill and electric shock treatment on him. Mr Regueira says that he saw the drill break three of his companion's teeth; but the latter, despite the pain and several attacks of fainting, remained strong until the end. A doctor saw him, revived him with an injection and indicated that the torture could continue. Mr Regueira said that he had to listen to Fayal's cries and the torturers' laughter for more than an hour, and it was the most painful session he ever witnessed. He was himself linked by an electric wire to the 'dragon chair' to which Fayal was attached and also received the electric shocks. He said he fainted three

times. This torture session took place approximately a fortnight after his arrest. Fayal was in his third month of torture.

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

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

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

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

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

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

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

No religious care was given him either during the interrogation period nor throughout the duration of his imprisonment.

6. Mr Regueira affirms that he was brought for the first time before a judge of the military tribunal six months after he was first detained. He was not tried and was released on the 14th January 1971.
7. When he was questioned by the Naval court in Rio de Janeiro, Mr Regueira said that the army officers who accompanied him occupied the hall with machine guns and the public was not allowed be present during his testimony before the military court. The judge, Jacob Goldenberg, did everything to prevent him saying what he wanted to, and distorted his complaints of ill-treatment in which he gave the names of his torturers. Mr Regueira said that he was once again tortured with electric shocks as a punishment for his deposition and also because his torturers wanted to know how he had learnt their names.

Miss Vera Silva Araujo Magalhaes

1. Aged 24; economics student in Rio de Janeiro at the time of her arrest
2. Miss Magalhaes says she was arrested on the 6th March 1970 in Rio de Janeiro by CODI (Operations Centre for Internal Defence - military police) and underwent much torture which left her with both legs paralysed for some time.
3. She states that she was tortured initially twenty days after her arrest since, being wounded with a bullet in the head, a minimum of medical attention was necessary before she was able to undergo interrogation.

She states that she was tortured beginning on the 20th March 1970 at the Army Police headquarters, at the CODI headquarters, rua Barão de Mesquita in the Tijuca area of Rio de Janeiro, by Major Gomez Cerneiro Ziembinski, by soldiers Felipe, José Alfredo Poe, Sergeant Volio and Major Fontenelle. She was subjected to all sorts of physical ill-treatment as well as psychological torture. Miss Magalhaes said that she remained for more than seven hours on the 'pau de arara' and was given different voltages of electric shocks during this period; water was put in her mouth and nose; she was beaten with a truncheon and whip all over the body, including the genital areas. She says that as she was very weak, the doctor officially responsible advised that the session be shortened and the torturers cut short the total duration of the session. She was then brought to the infirmary and later to the military hospital.

At the military hospital, she was once again examined; however, she was only registered as a patient on her first visit for attention to her head wound,

while her stay in hospital after the torture sessions was not registered in the hospital records.

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

4. Miss Magalhaes gives as witnesses to her torture at the army police barracks at CODI in Rio Barao de Mesquita, Tijuca, from the 26th to the 30th March 1970 the following people:

- . Regine Farah
- . Daniel Aarao Reis
- . Sonia Heins
- . Isabel Carvalho
- . Efigenia Imaculada

She says that she witnessed the torturing of the following people in the same barracks and during the same period as mentioned above:

- . Daniel Aarao Reis
- . Pedro Alves
- . Regina Farah
- . Efigenia
- . Eustáquio

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

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

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

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

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

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

Dental treatment consists in pulling out the teeth of the prisoners to avoid further decay. Doctors are public health doctors and show great indifference and little concern for the prisoners.

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

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

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

6. Miss Magalhaes says that she was brought for the first time before a judge in the military tribunal after a month and a half of detention - her trial was

already underway when she was arrested. But her case is an exception: generally the detained person is not brought before a judge until he has served approximately one year's detention.

She was tried and then released on the 15th June 1970.

Mr Fernando Paulo Nagle Gabeira

1. Journalist; arrested in Sao Paulo
2. Mr Gabeira states that he was arrested on the 28th January 1970 in Sao Paulo by the OB (combined organisation of the Army, the Navy, the Air Force and the military police). He states that violence was used during his interrogation.
3. He states that he was tortured in February 1970 at the military hospital of the IIInd Army and at the OB by two OB units commanded by Captains Mauricio and Albernaz. He affirms that he was injected with 'truth serum' (penthotal) at the hospital, and that he underwent electric shocks at the OB headquarters.
4. He gives as a witness to his torture, Jose Alprim Filho, a political detainee in Presidio Tiradentes.

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

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

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

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

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

He says he received no religious attention.

6. Mr Gabeira says he was brought before a judge at the military tribunal for the first time two months after the beginning of his detention and that he was not tried. He was released in June 1970.
7. Mr Gabeira adds that, in his opinion, the torture to which he was submitted, a combination of physical and psychological factors, was carried out in conformity with a strict 'technique'. He was twice sent to hospital for treatment of his stomach wound and of a kidney haemorrhage caused by machine-gun fire. He says he was held incommunicado for 45 days, without seeing his family, or his lawyer, in a dungeon known as 'surdo' where he was given nothing but rotting food. He says that the lack of a bed caused him to haemorrhage, which in turn prevented him from urinating. In addition, he was subjected to further ill-treatment at the hospital where he was brought for so-called 'medical examinations' (brother Tito de Alencar can testify to this).

Mr Tullo Vigevani

1. 29 years old; journalist; arrested in Sao Paulo
2. Mr Vigevani states that he was arrested on the 2nd August 1970 in Sao Paulo (rua D. Villares, Vila Guarany) by the military police and that violence was used during his interrogation.
3. He states that he was tortured from the 2nd to the 20th August 1970 at the OB and at the DEOPS by officers of the Armed Forces and members of the police force, Captains Albermaz, Homero, Mauricio, officer Gaeta, Corporal Roberto (all belonging to the OB) and by Carlinhos and others (from DEOPS). Those in charge were Major Waldir Coelho, Colonel Danton Confucio and General Canavarro.

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

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

5. Mr Vigevani says he was imprisoned in rua Tutoia, Largo General Osorio and in Presidio Tiradentes, in overcrowded unhygienic cells where the prisoners were very badly fed. He states that he received no medical attention during the interrogation period and received only superficial attention in Presidio Tiradentes.

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

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

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

Mr Roberto Cardoso Ferraz do Amaral

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

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

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

He says he underwent the following torture:

- 'pau de arara'
- near drowning
- electric shocks to the genital areas, the anus, the ears and fingers
- simulated executions
- truncheon blows to the entire body

4: Mr Ferraz do Amaral gives as witnesses to his torture:

- . Antonio Expedito Perera
- . Armando Augusto Vargas Dias
- . Antonio Ubaldino Perera
- . Pedro Chaves dos Santos
- . Aristenes Nogueira da Almeida

He affirms that he saw the following people tortured at the military police barracks, at the DEOPS, between the 2nd and the 9th March 1969 and the 9th March to the 17th June 1969; the same methods and units were employed as listed above:

- . Antonio Expedito Perera and his wife
- . Antonio Ubaldino and his son-in-law
- . Armando Vargas
- . Carlos Pitolio Eridano
- . Joao Leonardo
- . Argonauta Pacheco
- . Onofre Pinto
- . Diogenes Carvalho
- . Clemens and Ida
- . Francisco Sales Goncalves and his wife

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

At the DEOPS he was also incommunicado but in a cell of about 24 square metres where 10 to 12 prisoners were kept; it was impossible to leave the cell. Food was distributed three times a day.

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

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

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

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

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

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

He was released on the 14th January 1971.

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

Brother Tito de Alencar, O.P.

1. 26 years old; philosophy student in Sao Paulo at the time of his arrest
2. Brother de Alencar says he was arrested on the 4th November 1969 by Sergio Fleury and that violence was employed during his interrogation.
3. He says he was tortured between the 4th November 1969 and the 25th/28th February 1970 at DEOPS and at OB by Sergio Fleury, Raul, Captains Albernaz, Dalmo and Carlinhos. He states that he spent two hours at DEOPS on the 'pau de arara' with electric shocks to his head and testicles and blows to the feet and ears; at the OB he also underwent the 'pau de arara' treatment twice, and, as he could no longer be hung downwards, electric shocks were given to his head. The day when Captain Albernaz's team was 'on duty' he says he underwent more than ten consecutive hours of electric shock treatment.
4. He gives the following people as witnesses to his torture:
 - . Joven Mãe Sebastiana
 - . Doutor Persio

- . Genesio Iliveira
- . Cabo Mariani
- . Teresinha Zerbini
- . João Caldas
- . Giorgio Callegari

He himself saw the following tortured at the DEOPS and at OB between the 9th November 1969 and the 26th February 1970 by the Death Squad and Captain Albernaz:

- . Cabo Mariani
- . Genesio Iliveira
- . Joven Sebastiana
- . João Caldas
- . Jeova de Assis Gomes

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

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

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

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

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

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

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

He was tried and condemned to 1½ years' imprisonment for his participation in the Students Congress in Ibiuna (Sao Paulo state).

He was released on the 14th January 1972.

Mr Carlos Bernardo Vainer

1. 24 years old; student in Rio de Janeiro at the time of his arrest
2. Mr Vainer says he was arrested on the 20th April 1970 in Rio de Janeiro by a commando unit of the Internal Defence Corps (CODI). He says that violence was used during his interrogation.
3. Mr Vainer states that he was tortured on the 20th and 21st April without interruption and then, at irregular intervals for the following three days. This torture took place at the CODI headquarters, the 1st Battalion of the military police, rua Barao de Mesquita, Tijica, Rio de Janeiro. Mr Vainer gives his torturers as follows: Major Gomes Carneiro, Captain Ziembinski, Lieutenant Avolio, Corporal 'Bahiano' and several other officers whose names he cannot remember. He says he underwent several forms of torture:

- electric shocks to the mouth, head, penis, anus
- truncheon blows
- 'pau de arara'

He says he was wounded by a bullet in the left leg during his detention. This was not treated at all during the torture sessions. It was only two days after the torture was finished that his wound was examined. On the 22nd April he was given penthotal injections for four hours.

4. Mr Vainer gives as witnesses to his torture:

- Lucio Flavio Regueira
- Cid de Queiroz Benjamin
- Samuel Aarao Reis

He says that he saw, whilst in detention, other people tortured at CODI and at the Regimento Escola de Infanteria by the torturers already mentioned above. The main tortures utilised were electric shocks and the 'pau de arara'.

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

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

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

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

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

He was not tried.

He was released on the 14th January 1971.

Mr Jean Marc Von der Weid

1. Student in Rio de Janeiro at the time of his arrest
2. Mr von der Weid said that he was arrested on the 2nd September 1969 in Rio de Janeiro by the DOPS and CENIMAR and that violence was employed during his interrogation.
3. He was tortured from the 2nd until the 5th September 1969 in the rooms set up for torture sessions in CENIMAR, Ponta dos Oitis, Ilha das Cobras, by:
 - . Inspector Solimar
 - . Inspector Boneschi
 - . Colonel Neil
 - . Colonel Pereira de Carvalho

- Captain Inojosa
- Captain Ipojuca
- Captain de Mar and Guerra, José Clemente Monteiro

They were assisted by Doctor Coutinho.

Mr von der Weid states that he underwent the following torture:

- 'pau de arara'
- electric shocks
- 'telephone' (blows to the ears with cupped hands)
- near drowning
- simulated executions
- physical beatings

4. He says that he saw the following tortured at the CENIMAR barracks on the 3rd September 1969:

- Marcia Savaget
- Solange Santana
- Alduizio Moreira

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

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

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

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

He received no religious care.

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

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

Mr Andres A. Campos

1. Mr Campos was a member of the Latin American Secretariat of the JECI (International Young Catholic Students) and worked for the Laity Department of CELAM at the time of his arrest in Montevideo by the Uruguayan police who sent him back to Brazil (Sao Paulo)
2. He says he was handed over to the police of the OB in Sao Paulo on the 25th November 1971 and that violence was employed during his interrogation.
3. He says he was tortured from the 26th to the 29th November 1971 at the torture centre of the OB, 921 rua Tutoia in Sao Paulo, by teams specially trained in interrogation and torture.
4. Mr Campos states that he saw a young man of 19 tortured by beatings and electric shock in the same centre, by the same units, on the 28th November 1971.
5. Detention conditions in the interrogation centres were very bad; little attention was paid to hygiene.

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

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

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

CONCLUSIONS

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

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

(45)

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

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

2. The following torture centres were mentioned:

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

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

3. The three main types of torture given in the cases under review were the 'pau de arara', electric shocks and beatings. A number of people were said to have also undergone simulated executions, near drowning and penthotal injections. The majority of people were subjected to psychological pressure.
4. In different depositions and at different times the same people are accused of having practised torture:

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

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

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

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

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

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

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

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

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

Some other important points should also be noted :

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

.....

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

Capítulo / Chapter / Chapitre V

Anexo / Appendix / Annexe 1

Nota A

Êstas listas teem como finalidade reunir, sem comentários, as informações que foram publicadas até o presente, sôbre a tortura e o homicídio político no Brasil. As pessoas de língua portuguesa têm sempre numerosos nomes e sobrenomes. Alguns documentos que consultamos indicavam nomes e sobrenomes completos, outros sômente alguns sobrenomes e nomes incompletos e, outros ainda, um simples nome ou sobrenome. Em alguns documentos nós podemos controlar algumas inexatidões evidentes. Por esta razão, são anotados nas listas os nomes segundo a ortografia e as indicações que nos pareceram corretas e, entre parênteses, as indicações insuficientes ou inexatas. É possível que em certos casos essa interpretação esteja errada.

As indicações bibliográficas (Bibl.) se referem aos documentos (livros, jornais, revistas e arquivos), onde são descritas as torturas e os homicídios e onde são indicadas as vítimas e os responsáveis. As abreviações empregadas nas indicações bibliográficas estão contidas na lista de abreviações. Tôdas as pessoas que poderão retificar ou corrigir certas informações transmitidas nas listas nº1 e nº2, podem escrever ao Secretariado da Amnety International, indicando eventuais êrros. Novas listas poderão, assim, corrigir todo desmentido ou retificação.

A palavra "torturador" não é empregada nas lista, pois isto significaria um julgamento, que unicamente um verdadeiro tribunal poderia emitir, tendo cuidadosamente julgado os fatos.

Lista nº1: Lista nominal de pessoas indicadas nos documentos como vítimas de tortura, assassinadas por agentes de polícia ou por militares, ou desaparecidas nas prisões.

Lista nº2: Lista nominal de pessoas indicadas nos documentos como responsáveis pelas torturas ou homicídios. (confidencial; circulação limitada)

Note A

These lists present, without comment, details which have been published up until the present moment concerning torture and political assassinations.

In Portuguese-speaking countries, people often have several Christian and sur-names. Some of the documents that we have examined gave both Christian and surnames, others gave only incomplete names and others again just gave a surname. In some of the documents we were able to eliminate evident errors in transcription. For this reason, names and information which appears to be correct are given in the lists and insufficient or inexact data is given in brackets. It is possible that in some cases this interpretation of data may be correct.

The bibliographical notes (Bibl.) relate to documents (books, newspapers, revues and records) where torture and murder are described and where victims and torturers are listed. The abbreviations used in the bibliographical notes are explained in the list of abbreviations.

Persons able to rectify or correct any errors that may have occurred in the data listed in lists 1 and 2 are asked to kindly inform the International Secretariat of Amnesty International. Any new lists can thus take into account any contradiction or correction.

The word torturer is not used in the lists since this implies a judgement that only a court may make after having carefully studied the facts.

List No. 1 : list of persons noted in documents as having been subjected to torture, having been murdered by police or military, or having disappeared whilst held in prison

List No. 2 : list of persons noted in the documents as those responsible for the torture or assassinations (confidential; limited circulation)

Note A

Ces listes ont pour but de réunir sans commentaires des informations qui ont été publiées jusqu'à présent sur la torture et l'homicide politique.

Les personnes de langue portugaise ont souvent de nombreux prénoms et noms. Certains des documents que nous avons consultés, indiquaient prénoms et noms, d'autres seulement quelques noms et prénoms incomplets, d'autres encore un simple surnom. Dans quelques-uns des documents nous avons pu contrôler des inexactitudes d'orthographe évidentes. Pour cette raison sont notés sur les listes les noms selon l'orthographe et les indications qui semblaient correctes et entre parenthèses les indications insuffisantes ou inexactes. Il est possible, qu'en certains cas, cette interprétation soit erronée.

Les indications bibliographiques (Bibl.) se rapportent aux documents (livres, journaux, revues et archives) où sont décrits torture et homicide et où sont indiqués victime et responsable. Les abréviations employées dans les indications bibliographiques sont contenues dans la liste des abréviations.

Que tous ceux qui pourront rectifier ou corriger certaines informations transmises dans les listes N°1 et n°2 écrivent au Secrétariat d'Amnesty International en indiquant les éventuelles erreurs. De nouvelles listes pourront ainsi tenir compte de tout démenti ou rectification.

Le mot tortionnaire n'est pas employé dans les listes car cela signifierait un jugement que seulement un vrai tribunal pourrait émettre en ayant soigneusement jugé les faits.

Liste n°1 : Liste nominative de personnes indiquées dans les documents comme victimes de torture, comme assassinées par des agents de police ou par des militaires ou comme disparues dans les prisons.

Liste n°2 : Liste nominative de personnes indiquées dans les documents comme responsables de tortures ou d'homicides. (confidentielle; circulation limitée)

NOTA / NOTE / NOTE - B

<u>LISTAS</u>	1
<u>LISTS</u>	&
<u>LISTES</u>	2

Os numeros sublinhados indicam a proveniencia dos documentos (ver lista documentos); os numeros nao sublinhados indicam a relativa pagina ou folha. O catalogo de documentos originais em cima mencionados poderao ser inspeccionados por comissoes independentes e por quaisquer comissoes oficiais da investigacao nomeadas pelo governo do Brasil.

Underlined numbers indicate the source of the information (see the list of documents) while letters and numbers which are not underlined indicate the section of the document from which the information has been drawn. The originals of these documents, catalogued according to the above system, will be available for inspection by independent observer commissions, as well as to any body of inquiry appointed by the Brazilian government.

Les numeros soulignés indiquent la source de l'information (voir liste de documents) tandis que les lettres et les numéros non-soulignés indiquent la section du document relatif. Les originaux de ces documents, catalogués selon ce système, seront disponibles pour une inspection par des commissions indépendantes, ainsi qu'une commission d'enquête nommé par le gouvernement brésilien.

LISTA DOS PRISIONEIROIS TORTURADOS SEGUNDO INFORMES / LIST OF PRISONERS REPORTED TORTURED / LISTE DE PRISONNIERS QUI SELON LES RAPPORTS ONT ETE TORTURES

6

- 1 ABIGALL 12: A
- 2 ABRANTES Vania (Rio de Janeiro) 2: 14 - 12: A (Vania Arnovetty Abrantes)
- 3 ABUD João Antonio (São Paulo) 6: 38 - 7: 22
- 4 ACERCA André A. Campos 12: A
- 5 ADAIL Ivan (estudante UEG) 3: 17 - 9: 62
- 6 ADENINO 12: 26 - 12: A
- 7 AGAPITO Decio (estudante, São Paulo) 3: 12
- 8 AGRA Celso (operario, São Paulo) Conferença estampa Lelio Basso, Roma 7.6.1972
- 9 AIRES Emilia Rita (R.G. do Sul) 2: 18
- 10 ALBEIGES Xavier de Maupecu(d') 12: A
- 11 ALBUQUERQUE Manuel Mauricio 12: A
- 12 ALBUQUERQUE Mario Miranda 12: B
- 13 ALBUQUERQUE Romulo Noronha 12: A
- 14 ALCANTARA Abelardo Rausch (funcionario de banco, Brasilia) 9: 60 - 10: 2 (ficha n. 248 - doc. 52,53) - 12: Economie et humanisme, mai-juin 1971 - J. do Brasil 18.2.1970
- 15 ALCANTARA Aldo de Albuquerque (Guanabara) 1: 89 (Alcattara) - 3: 51 - 12: A
- 16 ALCANTARA José Sampaio (de) (pedreiro, São Paulo) 8: 1
- 17 ALENCAR Maria Elodia (operaria, Rio de Janeiro) 1: 71 (Elodia) - 10: 3 (ficha n. 86 - doc. 25,36,41, 50,49) - 3: 31 - 12: A - 12: Peace News 20.3.1970 13: 158 - 15: 8
- 18 ALFONSO José (advogado, Belo Horizonte) 1: 76 (Alfonso) - 10: 1 (ficha n. 186 - doc. 47,52) - 13: 89
- 19 ALFREDO José 12: A
- 20 ALMADA Isaias do Vale (periodista, São Paulo) 2: 35 - 3: 13 - 8: 2 - 7: 22
- 21 ALMEIDA Aristenes Nogueira (de) (São Paulo) 2: 17, 21
- 22 ALMEIDA Gerson Conceição (de) 12: Dial 19.2.1972
- 23 ALMEIDA Jaime (de) 12: J. do Brasil 9.6.1972
- 24 ALMEIDA Julio Antonio Betancourt (de) (estudante, Minas Gerais) 1: 82,87,88,99 - 12: A (Julio Antonio de Almeida) - 12: B - 12: Commonweal 24.4.1970 - 13: 122, 127
- 25 ALMEIDA Thiago Andrade (de) (estudante, Rio de Janeiro) 2: 41-42 (Thiago) - 10: 5 (ficha n. 90 - doc. 36,49, 50) - 12: A (Thiago de Almeida) - 15: 9
- 26 ALMEIDA Waldir (de) (sargento, Guanabara) 1: 90 - 3: 52 - 10: 6 (ficha n. 208 - doc. 48) - 12: A
- 27 ALMEIDA Luciano (estudante, Recife) 8: 4
- 28 ALMEIDA Antonio Mendes (de) Junior ("Paché") (estudante, Sao Paulo) 8: 3
- 29 ALMEIDA Nelson José (de) (estudante, Sao Paulo) 7: 22 - 9: 64 - 11: 3
- 30 ALMEIDA Romulo (de) 7: 22
- 31 ALMEIDA Clovis Bezerra (de) (estudante, Goias) 11: 48
- 32 ALPRIN José (operario, São Paulo) 13: 103
- 33 ALVARENGA Mara Curtiss (artesa, Porto Alegre, Belo Horizonte) 2: 16
- 34 ALVARENGA Afonso Junqueira (de) (funcionario, Porto Alegre) 2: 23-24 - 14: 7

- 35 ALVAREZ Marta Mota Lima (estudante, Rio de Janeiro) 1: 71 - 3: 22,30 - 12: A (Maria) - 12: A (Maria Mota Alma Alvarez) - 12: Peace News 20.3.1970 (Martha Alvarez) - 13: 138 - 15: 8
- 36 ALVES Francisco Xavier Castro (engenheiro, Porto Alegre) 2: 18
- 37 ALVES Diomar 12: 22, A, 22
- 38 ALVES Mario (jornalista, Rio de Janeiro) 2: 19, 39 - 9: 63 - 12: 27 - 12: Economie et humanisme, mai-juin 1970 - Herald Tribune 6.11.1970 - Jeune Afrique 6.11.1971 - Le Monde 16.5.1970 - 13: 106 - L'Express 989 del 22.6.1970
- 39 ALVES Pedro Filho (professor, Guanabara) 2: 19 - 12: A
- 40 ALVES João Lucas (ex sargento aeronautica, Rio de Janeiro) 3: 2 - 6: 23,24, 38,48 - 7: 12 - 9: 62 - 11: 3, 43 - 12: Economie et humanisme, mai-juin 1970 - Herald Tribune 6.11.1970 - 13: 96
- 41 ALVES Paulo Roberto (estudante, Salvador) 2: 32-33
- 42 ALVES José Gonsalvo (marinheiro, Belo Horizonte) 6: 20 - 11: 22 (Gonçalves) - 12: A
- 43 ALVES Antonio Francisco (operario, São Paulo) 8: 5
- 44 ALVES Celso Lima 9: 61
- 45 AMANO João Katsunobu (operario, São Paulo) 7: 22 (Alamo) - 8: 6 - 12: A
- 46 AMANO Takao (estudante, São Paulo) 2: 29,30 - 7: 14 - 10: 9 (ficha n. 120 - doc. 32,49,52) - 12: A (Takao Alamo) - 13: 99 - 15: 9
- 47 AMARAL Roberto Cardoso F. (estudante, São Paulo) 2: 17 - 7: 22 - 12: A
- 48 AMARAL Margarida Maria Lopes (do) 7: 22 - 12: A
- 49 AMARAL Marcia (estudante) 12: A - L'Unità 12.3.1972
- 50 AMORIM Almir (estudante, São Paulo) 8: 7
- 51 ANDERSON James 12: A
- 52 ANDRADE Francisco Carlos (estudante) 12: A - L'Unità 12.3.1972
- 53 ANDRADE Luis Edgard (de) L'Express n. 951 del 29.9.1969
- 54 ANDREW Valdemar 12: J. do Brasil 9.6.1972
- 55 ANGEL Stuart Edgard ("Henrique") (Rio de Janeiro) 9: 64
- 56 ANGELIM Ricardo (Belo Horizonte) 1: 74-76 - 10: 10 (ficha n. 187 - doc. 47,52) - 12: A - 13: 89
- 57 ANGELINA (Dona) 12: A
- 58 ANGELO José Rodrigues Jr. 12: J. do Brasil 9.6.1972
- 59 ANGELO Octavio (São Paulo) 10: 11 (ficha n. 252 - doc. 56) - Telegraph 18.3.1970 - N.Y. Times Mr. 16, 3 : 1
- 60 ANTONIO "Tonico" (estudante, Rio de Janeiro) 9: 64
- 61 APARECIDA A.Maria 12: J. do Brasil 9.6.1972
- 62 AQUINO Edgar Duarte (de) (fugileiro naval) L'Unità 12.3.1972 - 12: A
- 63 ARANTES José (ex presidente Une) 12: A - L'Unità 12.3.1972 - 9: 62
- 64 ARAUJO Walter Fernandes (de) (operario, Rio de Janeiro) 1: 90 - 3: 52 - 10: 12 (ficha n. 209 - doc. 48)
- 65 ARAUJO Almerio (operario, São Paulo) Conferença estampa Lelio Basso, Roma 7.6.1972 - Boll. IV Internat. 2.6.1972

- 66 ARAUJO Antonio Borges (de) (militar, Rio de Janeiro) 8: 8
- 67 ARAUJO Karim (profesora, São Paulo) Conferença estampa Lelio Basso, Roma
7.6.1972 - Lotta Operaia 15.6.1972
- 68 ARAUJO Pedro Inacio (de) (camponês, Paraíba) 9: 64 - 11: 3
- 69 ARNEIRA Herval 12: Bureau International du Travail 17.5.1972
- 70 ARROYO Raimundo (estudante, Rio de Janeiro) 10: 13 (ficha n. 63 - doc.
22 e 50)
- 71 ARRUDA Marcos Penna Sattamini (de) (geologo) São Paulo 8: 9 - 12: A -
12: 15 - 13: 104 (Marcos Arruda) - Washington Post 19.9.1971
- 72 ASSIS Gomes Jeova (ver GOMES Jeova Assis)
- 73 AUGUSTA Maria (ver CARNEIRO Maria Augusta Ribeiro)
- 74 AUGUSTIN (padre) 13: 168
- 75 AURELIO Marcos (jornalista, Rio de Janeiro) 1: 88 - 10: 14 (ficha n. 201 -
doc. 48, 50) - 12: A
- 76 AVELAR Marcos da Aquino (estudante, Rio de Janeiro) 11: 18
- 77 AVELAR Gilse Maria Cozenza (de) (assistente social, Belo Horizonte) 1: 72-74 -
2: 13-14 - 6: 56-58 - 10: 15 (ficha n. 175 - doc. 47,52,60) (Gisela) -
12: A - 12: Observer 15.3.1970 - 13: 88, 135 (Avelar Gilse)
- 78 AVELINE Carlos Cardoso (estudante, São Paulo) 3: 12 - 10: 16 (ficha n. 1 -
doc. 1 e 50) - 13: 82, 118, 119
- 79 AVELINE Carlos Lima (advogado, ex deputado, São Paulo) 6: 38 (C. Avellini) -
7: 22 (Avellini) - 10: 17 (ficha n. 242 - doc. 1 e 50) - 12: A -
12: 24 - 13: 82
- 80 AZEVEDO Afrenio Marciliano de Freitas 12: J. do Brasil 9.6.1972
- 81 AZEVEDO José Lima (de) (estudante) 12: A - Passe Sera 4.11.1969
- 82 AZEVEDO Ricardo (estudante, São Paulo) 7: 22 - 8: 10 - 12: A - 12: 26
- 83 AZEVEDO Geraldo (de) (estudante, Rio de Janeiro) 1: 71 - 3: 31 - 10: 18
(ficha n. 78 - doc. 25,36,39,50) - 12: A - 15: 8
- 84 AZUE Helena Moreira Serra 12: A
- 85 BACK Heriberto (estudante, São Paulo) Conferença estampa Lelio Basso, Roma
7.6.1972
- 86 BADYK Pamela 12: B
- 87 BARBARA Luis Antonio Santa (Bahia) 9: 63
- 88 BARBIERI Ivon 12: Observer 8.11.1970
- 89 BARBOSA Aryclenes (sacerdote, Riberão Preto) 3: 28
- 90 BARBOSA Maria Mendes (estudante, Belo Horizonte) 6: 17 - 8: 11, 12 - 12: B
- 91 BARBOSA Wilson do Nascimento (professor, Montevideo e Brazil) 3: 38 -
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- 1074 YSHII Nobue (commerciante, São Paulo) 3: 14 - 8: 127 (Yshii Nobue) - 7: 22 - 12: 26 - 12: I
- 1075 YOMA Akiko (Goiás) 11: 48
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- 1078 ZANIRATO Carlos Roberto (ex cabo do Exercito, São Paulo) 9: 61 - 10: 253 (ficha n. 12 - doc. 9) - 11: 3 - 12: 27 (Zaniratto) - 12: Z
- 1079 ZANIRATTO Ricardo 7: 22 - 12: Z
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GLOSSARIO / GLOSSARY / GLOSSAIRE

<u>Portuguese</u>	<u>English</u>	<u>French</u>
estudante	student	étudiant
UEG - Universidade do Estado de Guanabara		
operario	worker	ouvrier
R.G. do Sul - Rio Grande do Sul (a state in Brazil, un état du Brésil)		
funcionario de banco	bank employee	employé de banque
ficha	card	fiche
pedreiro	stone-mason	maçon
periodista	journalist	journaliste
sargento	sergeant	sergent
engenheiro	engineer	ingénieur
marinheiro	sailor	marin
Jornal do Brasil (J.do Brasil, jornal brasileiro, Brazilian newspaper, journal brésilien)		
UNE - Uniao Nacional dos Estudantes (National Union of Students, Union Nationale d'Etudiants)		
militar	soldier	militaire
campones	peasant	paysan
geologo	geologist	géologue
ver	see	voir
padre	priest	prêtre
assistente social	social worker	assistante sociale
advogado	lawyer	avocat
ex-deputado	ex-Parliamentary Deputy	ex-député du Parlement
sacerdote	priest	sacerdoce
menor de idade	minor	mineur
anos	years (old)	ans
ex-maritimo	ex-sailor	ex-marin
aposentado	retired	retraité
JEC - Juventude Estudantil Catolica (YCW - Young Christian Workers JOC - Jeunes Ouvriers Chrétiens)		
engenheiro agronomo	agronomic engineer	ingénieur agronome
medico	doctor	medicin
sociologo	sociologist	sociologue
comerciaro	shopkeeper	commerçant
dominicano	Dominican priest	dominicain
bancario	bank employee	employé de banque
escritor	author	auteur
advogado	lawyer	avocat

PortugueseEnglishFrench

condutor	driver	conducteur
tipografo	typographer	graphiste
torneiro	turner	tourneur
taxista	taxi-driver	conducteur de taxi
funcionario publico	civil servant	fonctionnaire
seminarista	seminarist	séminariste
major reformado	retired major	major à la retraite
PM - Policia Militar (Military Police, la Police Militaire)		
secretaria	secretary	secrétaire
sacerdote	priest	sacerdoce
diacono	deacon	diacre
sargento do Exercito	Army sergeant	sergent de l'Armée
agricultor	farmer	agriculteur
artista plastico	artist	artiste d'art plastiq
(286) retrat, parcialmente suas declaracoes	- partially retracts his allegations -	
	retire en partie ses déclarations	
sindical	trade union	syndical
diretor da cineteca do Museu de Arte Moderna no Rio	director of cinematheque in Museum of Modern Art in Rio	directeur de la Cinematheque du Musé d'art moderne de Rio.
empregado	employee	employé
esportista	sportsman	sportif
sapateiro	shoemaker	cordonnier
sexageneiro	sexagenarian	sexagénnaire
Marinha Mercantil	Merchant Navy	Marine Marchande
tecnico electricista	electrician	électricien
arquiteto	architect	architecte
juiz federal	federal judge	juge fédéral
fisico	physicist	physicien
Instituto de Pesquisas Nucleares	Institute for Nuclear Research	Institut des Recherches Nucleaire
carpinteiro	carpenter	charpentier
dentista	dentist	dentiste
escafandista	deep-sea diver	scafandrier
Dep.Nac. de Estradas de Rodagem	(National Highway Department, Departement National des Routes)	
lider campones	peasant leader	chef paysan
profesor primario	primary-school teacher	instituteur

<u>Portuguese</u>	<u>English</u>	<u>French</u>
dirigente sindical ferroviario	railway union leader	chef syndical des chemins de fer
contador	bookkeeper	teneur de livres
tecnico	technician	téchnicien
mecanico	mechanic	mécanicien
feroviario	railway worker	cheminot
major do Exercito	army major	major dans l'Armée
madre (Italian) mae (Port.)	mother	mère
fratello (Italian) irmao (Port)	brother	frère
moglie (Italian) mulher (Port)	wife	épouse
psichatra	psychiatrist	psychiatre
pescador	fisherman	pêcheur
fabriquante de pequenos barcos	small-boat maker	fabriquant de petits bateaux
marceneiro	cabinet-maker	menuisier
enfermeira	nurse	infirmière
agronomo	agronomist	agronome
biologo	biologist	biologiste
vereador	alderman	conseiller municipal
prendao domesticas	domestic	domestique
viajante	travelling salesman	voyageur de commerce
irma da caridade	sister of charity (nun)	soeur de charité (rel.)
profesor catedratico de odontologia	qualified dental professor	professeur titulaire d'odontologie
atriz	actress	actrice
padre operario	worker priest	prêtre ouvrier
pintor	painter	peintre
costureira	dress maker	couturière
ciencias sociais	social sciences	sciences sociales
ex-cabo	ex-corporal	ex-caporal
fugileiro naval	marine	marin

C.T.C. - Companhia de Transporte Comun - Public Transport Company - Compagnie de Transport Public

LISTA DOS DOCUMENTOSLIST of DOCUMENTSLISTE des DOCUMENTS

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** Listas estabelecidas por Amnesty International da documentação recebida do Brasil e de outros países

Lists compiled by Amnesty International, based on documentation received from numerous sources, within and outside Brazil

Listes, établies par Amnesty International, basées sur documentation reçue de sources diverses, en provenance du Brésil et d'ailleurs

LIST of CASES

- Antonio Expedito CARVALHO PERERA : arrested the 3rd March 1969
- Ladislav DOWBOR : arrested the 21st April 1970
- Lucio Flavio UCHOA REGUEIRA : arrested the 21st April 1970
- Vera Silva ARAUJO MAGALHAES : arrested the 6th March 1970
- Fernando Paulo NAGLE GABEIRA : arrested the 28th January 1970
- Tullo VIGEVANI : arrested the 2nd August 1970
- Roberto Cardoso FERRAZ do AMARAL : arrested the 2nd March 1970
- Brother Tito de ALENCAR : arrested the 4th November 1969
- Carlos Bernardo VAINER : arrested the 20th April 1970
- Jean-Marc VON DER WEID : arrested the 2nd September 1969
- Andres A. CAMPOS : arrested the 25th November 1971

Letter addressed to the Legislative Assembly of the State of Pernambuco from
the mother of a political prisoner

Dear Sirs,

I, Ana Daura de Andrade Moraes, mother of Carlos Alberto Soares, who is at present in prison, charged with political activities contrary to the regulations of the present government, call on your Assembly.

Having learnt of the torture undergone by my son at the Air Force barracks, and having unsuccessfully tried, in every way possible, to see him, I call upon you to allow me, by virtue of my rights as a mother, to give him all the physical and mental assistance that his present state of health requires.

I therefore bring to the attention of your Assembly the circumstances which I have witnessed and which I have undergone from the time of my son's arrest until now.

My son, Carlos Alberto Soares, was arrested on the 7th February of this year (according to information which I later received). It was only on the 27th February that I was able to see him in the headquarters of the Department for Social and Political Order. In March, he was transferred to the Dias Cardoso barracks where I was given permission to see him once a week until the 4th April, a Sunday: on my arrival on that day for my customary visit, I learnt that my son had been transferred to the Air Force barracks. The same day, I went to the Air Force base of Piedade where I was simply told that I could only speak with Colonel Camara during weekdays. So, I returned another day and Colonel Camara told me that my son was incommunicado but that he would soon be returned to the Dias Cardoso barracks.

On Monday, the 12th April, there was a hearing in the Chamber of Military Justice, at which time I was able to see my son. He arrived handcuffed and showed evident signs of torture. His face was swollen and he had hematomas in the left eye and was bruised about the throat, behind the ears, on the neck and on the stomach. His legs and hands were enormously swollen. His fingernails were badly marked. My son was in an extremely weak condition, he asked me for swimming trunks because his testicles were swollen: I got the trunks for him the very same day and I handed them in at the Air Force police station, but I do not know if they were ever given him since I have

not been allowed to see him since. The Army Council ordered on the same day that an examination be carried out to establish the facts of the torture. This was performed during an examination undertaken by the doctors at the Military Hospital.

The following day, I went once more to the Air Force barracks in Piedade to ask Colonel Camara to allow me see my son: permission was again refused. Colonel Camara then stated that my son would return to the barracks within 48 hours, this did not occur.

There was a new hearing in the court of Military Justice at which my son, Carlos Alberto, was to appear, but did not. I was very worried and returned once more to see Colonel Camara; I begged him to allow me to see my son, even at a distance, but was again refused.

In addition to the fact of having seen visible proof of torture, as did all those present in the court-room, I also received telephone calls, ostensibly from the Air Force barracks, informing me that my son's torture continued even after his lawyer submitted a request that a medical examination be carried out on Carlos and that the traces of torture be officially verified. Today, Sunday the 25th April, I went once again to the Dias Cardoso barracks and was informed that my son had not yet been transferred there.

Gentlemen, please be assured that I am aware of the charges against my son and of the penalties to which he will probably be condemned. I ask only that his rights as a defendant and my rights as a mother not be denied. I appeal to you to allow me to give physical and psychological assistance to my son, and to permit me, insofar as I am able, to bring him the moral support he needs.

Recife, 25th April 1971

Signed: Ana Daura de Andrade Moraes

Deposition regarding the murder of Odijas Carvalho de Souza

1. Odijas Carvalho de Souza was arrested on the 30th January 1971 in a house in Praia de Maria Farinha, along with another student, Lilia da Silva Guedes. The arrest was carried out by Inspectors Edmundo Brito de Lima, Fausto Venâncio da Silva Filho, Ivaldo Nicodemus Vieira and Severino Pereira da Silva of the Department for Social Safety (DSS) which was headed at the time by José Silvestre, now director of DOPS.

After the two were arrested, Odijas de Souza was subjected to torture from the 30th January until the 6th February at which time he was transferred to the Military Prison Hospital where he died on the 8th February.

The torture session was witnessed by Alberto Vinicius do Melo (Xanha) and by Lilia Guedes; his cries were heard by prisoners Carlos Alberto Soares, Claudio Marques Gurgel and Rosa Maria Barros dos Santos, who, at that time, were held on the first floor of the Secretariat for Public Safety. The bloodstains left by Odijas on the floor of the cell where he was left were seen by Claudio Gurgel and Carlos Alberto Soares. The latter was kept in Odijas Carvalho's cell after Odijas had died.

According to the death certificate, signed by Dr Ednaldo Paes de Vasconcelos, a lieutenant in the military police, Odijas was buried in Santo Amaro cemetery.

The doctors in the Military Hospital refused to sign a death certificate for Mr Carvalho de Souza who, on arrival at the said hospital, was seen in a coma by university students on a training course at the hospital.

One evening, Ordolito Azevedo, then director of DOPS, became aware of the treatment being inflicted on Odijas. Those mainly responsible were Carlos de Brito (Theft and Larceny Department), Aquino de Farias Rei (Accident Department), along with Inspectors Rocha (involved in a criminal trial at the Escada Tribunal for beating and wounding two political prisoners - one of whom has been admitted to the Centenario Hospital) and Cezario. This torture was carried out with the consent of José Silvestre and of the Secretary of State for Public Safety, Mr Armando Samico. Inspectors Edmundo Brito and Luiz Miranda also struck Odijas.

2. Odijas died without making any statement. That is to say, the police authorities did not manage to get the confessions they wanted from him.

That is why he was beaten to death.

The night before his transfer to the Military Hospital, Odijas Carvalho de Souza managed to have Mr Ordolito Azevedo called and informed the latter of the torture he had been subjected to and his bad state of health: he was unable to urinate because of the blows applied to his abdomen and he was vomiting blood. Mr Ordolito Azevedo saw the victim vomiting blood, for when the latter asked Azevedo for a glass of water and a cup was given him Odijas vomited blood. That same night, Mr Azevedo went to the office of Mr Armando Samico to inform him of Odijas' situation and to request urgent medical attention for the prisoner - this request was refused by Mr Samico with the excuse that it was just imagination on the part of the prisoner. Mr Samico went to the prison where he saw for himself Odijas' state of health; he then gave an unofficial order for his transfer to the Military Hospital. The doctors refused to admit the prisoner, as requested by Mr Samico, without an official order from the Secretariat of Public Safety. Mr Ordolito Azevedo then wrote out an official order for the transfer of Odijas to the Military Hospital and wished Mr Samico to sign it, but the latter asked that Mr Azevedo sign it first - this Mr Azevedo refused to do.

Finally, Odijas was given a blood transfusion at the Military Hospital, but the necessary operation could not take place for he died on the 8th February.

The firm of undertakers asked to carry out the burial is run by Inspector Edmundo Brito de Lima's son-in-law.

3. There is clear evidence that this death was due to torture:

- a) The Secretary of State reported in the Jornal do Comercio and the Diario da Noite the news of Odijas Carvalho's death, due to a pulmonary embolism, on the 28th February. That is to say, twenty days after his death, thus making impossible exhumation of the body to verify the cause of death.
- b) Officials made the news public along with other stunning news items, such as the discovery of two 'aparelhos' (1) and the arrest of a dozen terrorists, including Tarzan de Castro and his wife Maria Cristina Rizzi, both of whom took refuge in Uruguay but later returned in secret to Brazil. In fact, Tarzan de Castro and his wife had not even been indicted in a legal suit, although, despite Mr Samico's declarations to the press claiming that they were the organisers and leaders of the 'aparelhos' which had been discovered,

(1) 'aparelhos' - clandestine meeting places

they were in fact both arrested by the IV Army several months before the arrest of Odijas and Lilia. It seems that a press uproar (e.g. publication of photographs of other persons suspected of terrorism but not indicted in any trial whatsoever, as is the case of Antonio Espiridiao Neto; see for example the two newspapers mentioned above dated 28th February 1971) was created in an attempt to conceal the evidence concerning Odijas, and to deceive the public.

- c) The burial of Odijas was carried out by a funeral undertakers owned by the son-in-law of a DOPS inspector, as noted above.
- d) The body was not returned to the family as is customary. Odijas' wife, Maria Yvone de Souza Loureiro, was in prison at the time of her husband's death, and Mr Samico repeated that her husband was being held by the army everytime she asked him for news. He only came to tell her of Odijas' death on the 2nd March and this news led the prisoner, who broke down in a violent crying fit, to create a small scandal in the DOPS headquarters by declaring loudly and clearly that her husband had been murdered.
- e) According to his family, Odijas was a strong healthy young man and did not suffer from any known illness
- f) Odijas was buried without a pathologist's report or an autopsy
- g) In the event of Odijas dying a natural death, and given that he was a political prisoner, it was Mr Samico's responsibility to announce this death immediately and to hand over the body to competent authorities for examination in order to avoid the slightest doubt.
- h) Further: Mr Samico had the prisoners Claudio Gurgel, Lilia Guedes, Rosa Maria, Alberto Vinicius, Mario Miranda de Albuquerque and Maria Ivone Loureiro kept incommunicado so that they could not contact their lawyers and their families until the 6th March - this was evidently due to the delay of the Tribunal's decision (the request that their state of 'incommunicability' be terminated was submitted by the defence on the 16th February 1971.) In addition, Mr Samico did not have these prisoners transferred to the detention centre of the Good Shepherd Penitentiary in Recife in order to avoid, as he himself admitted in confidential circular no. 74/71 addressed to the Tribunal, the possibility of communication between the prisoners and the outside world. In fact, up to now, they have still not been transferred, and the women therefore remain imprisoned in the military police barracks (this is the first time since the revolution of the 31st March 1964 that women have been detained

in the military police barracks) and the men in the Dias Cardoso barracks.

i) Even now, the family of Odijas Carvalho de Souza do not know where he is buried.

4. These facts could be verified by:

- (1) questioning Mr Armando Samico
- (2) questioning Mr Ordolito Azevedo
- (3) questioning the above-named political prisoners
- (4) questioning the doctors at the Military Hospital and the student trainees who worked there the 6th, 7th and 8th February.
- (5) questioning the person who signed the death certificate, Carlos Rodrigues da Silva, who has been identified as an inspector in the DOPS (sic)
- (6) questioning those who carried out the brutalities
- (7) submittal of an official request to the Military Hospital for certified copies of Odijas' admission form as well as papers concerning his diagnosis, treatment, etc.
- (8) exhumation of the body (it is probable that Odijas had two ribs fractured)

5. It should be noted that the police did not officially report Odijas' death until the Tribunal, in accordance with the Law of National Security, had already been notified of his arrest. If such notification had not been made Odijas would quite simply have disappeared as have many others.

.....

The present report is a statement of the truth and has been prepared from information which I have assembled. I take entire responsibility for the contents, including the names and the persons mentioned therein. The report has been certified on each page by the clerk of the court, Arnaldo Maciel, in Recife on the 14th May 1971.

Signed: Maria Yvone de Souza Loureiro

Witness: Lilia da Silva Guedes

Letter from a lawyer to the General Prosecutor for Military Justice

14th June 1972

To the General Prosecutor for Military Justice:

I, Eny Raimundo Moreira, defence lawyer for Paulo de Tarso Vannuchi, address Your Excellency to bring the following to your attention -

The prisoner, Paulo de Tarso Vannuchi, has been at the disposition of the magistrate of the IIInd court of the IIInd CJM (Council of Military Justice) since the 8th February 1971, waiting to appear before this tribunal. By order of this magistrate, the prisoner has frequently been brought from prison to the DOI (formerly OBAN) of Sao Paulo, where he has been subjected to various forms of ill-treatment and torture. The defence therefore initiated an appeal for habeas corpus and the prisoner was returned to Tiradentes prison.

About a month ago, Paulo de Tarso was transferred to the detention centre where political prisoners were hunger striking in protest at their dispersal to various prisons throughout the state of Sao Paulo.

On the 9th June last, the magistrate ordered the transfer of my client to the DOI where he was force fed. At a hearing on the 13th June, the prisoner was seen in a pitiable condition having been brutally tortured by the specialised police services. He had a hematome * in the left eye, marks from hanging, hematomes on the sexual organs and the left leg, and multiple lesions and swellings.

In view of these facts, the defence lawyer summoned the judge who, with the prosecutor, saw Paulo de Tarso. The lawyer told the judge that in view of the prisoner's refusal to take food, the police had, in addition to the customary torture, forcibly distended the anal orifice to put in some milk; treatment which constitutes one of the worst humiliations that can be inflicted on a human being. The only reaction from the judge was to order the immediate return of my client to the detention centre and to promise that Vannuchi would not be sent again to the DOI.

Mr Prosecutor, the mere description of the facts speaks for itself and it is unnecessary to say anything further. I take the liberty of asking your Excellency that my client be:

* hematome - (medical) internal bleeding due to rupture of blood vessels

- (1) immediately examined by a competent doctor so that a report can be made of the treatment inflicted
- (2) transferred to a prison suitable for human beings

Signed: Eny Raimundo Moreira, lawyer at the
bar no.16.912 - D.A.B.G.B.

Defence witnesses for the facts described above in view of the lack of a certified statement of corpus delicti -

Mr Nelson da Silva Machado Guimaraes (Judge at the
2nd court of the 2nd CJM)

Mr Henrique Vaillate (Prosecutor at the 2nd court
of the 2nd CJM)

Mr Virgilio Egidio Ney (lawyer in Sao Paulo)

Mr Airton José Esteves (lawyer in Sao Paulo)

Mrs Maria Regina Pasquali (lawyer in Sao Paulo)

Mr Faid Tahan Sab (lawyer in Sao Paulo)

CHAPTER III
TORTURE and HOMICIDE

1. Torture

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

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

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

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

Senator Pell then asked the US Ambassador to Brazil, Mr William Rountree, what proportion of political prisoners are subjected to torture to obtain

* USAID - United States Agency for International Development

58.

information. Ambassador Rountree replied that he knew of the existence of torture but could not give valid statistical figures (Vega, 4.8.71, p.6). We include here statements of just two monks and a secular priest who are familiar with the situation:

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

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

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

The Places of Torture

The documents which have arrived at the International Secretariat of Amnesty in London show that torture seems to be a method employed in practically all Brazilian prisons. Nevertheless, there are organisations and prisons, in different states of Brazil, where specialised teams have adopted standard

methods which have unfortunately become notorious. In addition to DCPS (Department of Political and Social Order - Departamento de Ordem Politica e Social) in the different states, there is also the Bandeirantes Operation where the 'delegado' Sergio Paranhos Fleury (one of the best known leaders of the Death Squad) 'works'. There is CENIMAR (Information Centre for the Navy in Rio de Janeiro) which 'works' and tortures on the 5th floor of the Ministry of the Navy, next door to the US Naval Mission; there is the OB, the pride of the IIInd Army of Sao Paulo, rua Tutoloia 921, right in the centre of the city; there is Ilha das Flores, Ilha Grande in Guanabara; there is Vila Militar - 10th company of military police and 1st Army company; the prison of the 12th infantry regiment in Belo Horizonte (Minas Gerais); the Tiradentes prison in Sao Paulo, the Linhares prison in Juiz de Fora, the prison at Porto Alegre, the prisons in Recife, Fortaleza and Salvador; the CODI (Operations Centre for Internal Defence) and its branches in each state, the headquarters of which is in Guanabara; there is also the OI (Integration Operation, a fusion of elements from the OBAN and the military police in Sao Paulo); there is also a prison of the motorised regiment of Sao Paulo (REC-MEC).

Cenimar

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

"I have a copy here of an Associated Press story from Rio which says : 'US Naval mission here is on the same floor in the Brazilian Navy Ministry as a room in which political prisoners claim to have been tortured. One American assigned to the floor said recently - I have been hearing screams and groans for about two years. I was frightened.- Other US personnel were reported to have seen Brazilians being dragged to and from the interrogation room by Brazilian naval agents.'"

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

One could give many more details concerning what is taking place in the Naval Ministry, situated next door to the US Naval Mission. Many of the people listed as having undergone torture (annexe A) have personally experienced the torture methods used by CENIMAR.

L'Operacao Bandeirantes

The 'Operacao Bandeirantes' is a type of advanced school of torture. It can

be said that there are few people in Sao Paulo, and probably throughout Brazil, who have not read of Operacao Bandeirantes, or OBAN or OB, in the Brazilian press. Because Mr Theodore Brown, head of the USAID Mission in Brazil for Public Safety, has played an extremely important role in the technical training of the Brazilian police force, and because there are men from this mission in every state of Brazil in direct contact with the local police, the Sub-Committee wished to question Mr Brown at first hand.

Mr Holt : "What is Operation Bandeirantes ?

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

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

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

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

After declaring that all political prisoners in Tiradentes (nearly 400) are tortured, the document describes the methods utilised at 921 rua Tutoia in

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

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

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

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

Torture techniques at Operacao Bandeirantes

Senator Holt and the Sub-Committee of the Senate of the U.S. wanted to have more detailed information on the techniques practised by the Operacao Bandeirantes. Torture is applied at the Operacao Bandeirantes in a very precise manner, it does not vary and is routinely applied in a standardised fashion to all of the victims: torture plays an integral role within the system according to which the employees of the Operacao Bandeirantes work and this system is

generally adhered to. We will content ourselves with transcribing the depositions made relatively recently by a young man and woman to illustrate the methods of torture applied by army and police officers working in Operacao Bandeirantes and other prisons throughout the country. The two people selected are not 'terrorists'. The depositions were not prepared for an inquiry; they are two letters - one written to Pope Paul VI and the other to the judge of the Military Tribunal.

They are interesting in that they corroborate each other:

Letters of Marcos Settamini Pena de Arruda and Marlene de Souza Soccas

Marcos Arruda, a young geologist, son of an American mother, and Marlene Soccas, painter and dentist, had known each other for a short time and arranged to meet for dinner. Their meeting was the beginning of an agonising tragedy. Marcos Arruda is at present at liberty and abroad. Marlene Soccas, wrote an open letter from her prison cell in Tiradentes to the judge of the military tribunal which is to try her.

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

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

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

They ordered me to strip completely; I obeyed. They made me sit down on the ground and tied my hands with a thick rope. One of the six or seven policemen present put his foot on the rope in order to tighten it as much as possible. I lost all feeling in my hands. They put my knees up to my elbows so that my tiedhands were on a level with my ankles. They then placed an iron bar about 8 cm wide between my knees and elbows and suspended me by resting the two ends of the iron bar on a wooden stand so that the top part of my body and my head were on one side and my buttocks and legs on the other, at three feet from the floor. After punching me and clubbing me, they placed a wire in the little toe of the left foot and placed the other end between my testicles and my leg. The wires were attached to a camp telephone so that the current increased or decreased according to the speed at which the handle was turned. In this way, they began to give me electric shocks and continued to beat me brutally both with their hands and with a 'palmatoria' - a plaque full of holes - which left a completely black hematome, larger in size than an outstretched palm, on one of my buttocks. The electric shocks and the beatings continued for several hours. I arrived about 14.30 and it was beginning to get dark when I practically lost consciousness. Each time that I fainted, they threw water over me to increase my sensitivity to the electric shocks. They then took the wire from my testicles and began to apply it to my face and head, giving me terrible shocks on my face, in my ears, eyes, mouth and nostrils. One of the policemen remarked 'Look, he is letting off sparks. Put it in his ear now'. The group of torturers were under the command of Captain Albernaz and consisted of about six men, amongst them sergeant Tomas, Mauricio, Chico and Paulinho.

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

called for a doctor from the first-aid post. They said I was a soldier who was feeling ill. They gave me an injection and refused to give me water although my body was completely dehydrated. They left me to sleep in the same room in which I had been tortured.

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

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

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

When I was released from the hospital, my right eyelid was still paralysed (it

remained thus until the month of December) and I had a slight but constant shake in the shoulders, the left arm and leg; the latter, half paralysed, could not support any weight and I was obliged to use a broom stick for a walking stick.

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

I was carried into the room of a certain captain Dauro, who, along with another officer, offered me coffee and cigarettes and advised me in a comradely fashion to cooperate with them. I began by saying that I did not want to cooperate with them since they represented the institutions of force and violence which we are presently experiencing and because they used such inhuman treatment when dealing with people against whom they had no proof. They were irritated and began to torture the young woman once again in order to make me talk. Finally, they used violence on me again, along with insults and moral attacks, threats concerning members of my family and even attempts to strangle me. They blindfolded me and pushed a revolver against my forehead - all to the same end. After several hours, they carried the young girl and me back to our cells. Major Gil, head of OBAN, and Captain Dauro, Captain Faria, jailer Robert, a huge lieutenant with ginger hair and moustache, a young feeble-looking black and three others, about whom I can remember nothing, took part in this torture session.

66.

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

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

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

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

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

Signed: Marcos Pena Settamini de Arruda.

Letter from Marlene de Souza Soccas to the 'auditor' judge of the Military Tribunal

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

... As I have been under arrest for two years, I have vast and unhappy knowledge of Brazilian justice. In May 1970 I was arrested by OBAN; I was prevented from contacting my lawyer or even from informing my family.

I remained incommunicado for two months, twelve days of which were spent in OBAN headquarters - here I suffered all sorts of physical and mental torture. Brutally stripped by policemen I was put on the 'dragon chair' (a kind of metallic plate) with my hands tied to electric wires and the various parts of my body, including the tongue, ears, eyes, wrists, breasts and sex organs. I was then suspended from the 'pau de arara', an iron bar leaning on two stands, passing under the knees with the wrists and ankles tied together and the whole body hanging downwards defenceless. I was given electric shocks, was beaten about the kidneys and the vertebral column; I was burnt with cigarettes, I was tortured in the presence of naked political detainees, men and women, and suffered the insults of the policemen who threatened me with revolvers.

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

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

I am awaiting my trial in a building built in 1854, which served in the past for the buying and selling of slaves who laboured in the cultivation of Sao Paulo's coffee. It is a historical monument with an unhappy past, a place

where much suffering and death have occurred. The strange irony is that it bears the most significant name of Brazilian history, that of one of the martyrs for liberty - Tiradentes. Here both political and common-law prisoners are housed. After what I have seen and lived through, I am now better able to know what a 'democratic and Christian' society signified. All that I learnt at school and throughout my life about human dignity has been obliterated by my experiences inside these high and insurmountable walls.

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

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

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

In conclusion, just a brief remark : the world is changing daily. I am not the person who will make it change any quicker, nor can I prevent it from changing, because it is whole peoples who make history. Nothing will prevent these people, once they learn of their lot, from taking into their own hands the control of their destiny and constructing a world of justice and

and solidarity. Even death will not prevent this because those who die for the ideals of justice become symbols of a new life and serve as an inspiration for others to continue the struggle

Presidio Tiradentes, Women's Prison, March 1972

Signed: Marlene de Souza Soccas

2. Torture and the Death Squads

Torture in Brazil is not practised solely in what we might term as an 'official' context, i.e. in prisons and interrogation centres. It is also practised by groups recruited from amongst the police force: the Death Squads.

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

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

(US Senate Hearings)

According to the New York Times (JL 21,1: 3, 1970) "The Death Squads emerged in October 1964 when several policemen, colleagues of Milton LeCocq, from Rio de Janeiro, created a society in his memory. He had been killed by a criminal, who was in turn later assassinated. 'He had to die' said one of Milton Le Cocq's friends 'it was a question of honour'.

Throughout the years, the punishment and execution of 'marginais'* has become more than a question of honour. Corpses, found abandoned in numerous districts, showed signs of extreme sadism. After about seven years in existence, the 'Le Cocq Society' has, according to Jornal do Brasil (3.11.71) acquired a huge property (La Fazenda Piripora) in the state of Minas Gerais. It recently launched its own official newspaper, O Gringo, directed by a certain A. Carrasco (Jornal do Brasil, 24.5.72). O Gringo named as honorary president the Brazilian journalist David Nasser, director and editor-in-chief of the weekly O Cruzeiro and member of the International Press Association.

* marginais - deviants, petty criminals

Hundreds of assassinations

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

These Squads are therefore groups, made up largely of policemen, which kill under the protection of higher authorities. Generally the Squads are not satisfied simply to kill the individual, they believe to be 'irremediable'. In order to publicise their activities, their spokesmen do not hesitate to telephone the newspapers to announce in great detail how many 'marginais' will be assassinated by the Squad on the following day. They then give the exact location of the corpses, the 'presuntos' (the slang they use for their victims). The tortured victims are often found handcuffed, with obvious marks of torture and with macabre inscriptions (Realidade, January 1971 pp60-68) The Jornal do Brasil (on 20.4.70) reports : "In Guanabara and in the state of Rio alone, the number of deaths attributed to the Death Squad is more than 1000, i.e. almost 400 a year. The victims show signs of unnecessary cruelty. For example, between the 11th January and the 2nd July 1969, 40 bodies were found in the waters of the Macacu river, buried in the mud near the bridge between Maje and Itaborai. All of the bodies, in an advanced state of decomposition, still showed the marks of handcuffs and burns caused by cigarettes or cigars and multiple bruising; some of them were still handcuffed. According to the findings of the autopsy, it was noted that many had been tortured, shot and then drowned."

Suits filed against the Death Squads

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

When one person, condemned to death by the Squads, riddled with blows and left for dead, was found dying but was saved, indignation was expressed by the press and the public. Nevertheless, the director of the revue 'Veja' (3.3.71, p.6)

in reply to a question put by a reader, mentioned that out of 123 homicides attributed to the Death Squad in Sao Paulo, between the month of November 1968 and June 1970, only five murders had been investigated by the magistrature.

The Death Squad in the State of Spirito Santo

The Brazilian press recently published (O Estado de Sao Paulo, 16.4.72) the following telegram addressed to the President of the Republic. It accused the former Secretary of Public Safety of the state of Spirito Santo, Mr Jose Dias - brother of the former state governor, Mr Christiano Dias Lopes Filho - of being one of the heads of the local Death Squad:

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

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

The Death Squad in Bahia

The same situation exists in other states. For example, as reported in the Jornal do Brasil (10.6.71) : "During an audience with the President Medici, the governor of Bahia, Mr Antonio Carlos Magalhaes, told him that 'unfortunately the Death Squad has established itself in the Secretariat of Public Safety, not simply to steal, but also to kill. Policemen of varying ranks kill and steal with impunity.' The governor remarked that the worst aspect of the situation was the fact that the police of Bahia were afraid of delinquents, who were also police agents, and that therefore the regular police force could not control the situation.

* 'capixaba' - of or pertaining to the state of Spirito Santo

The new Death Squads

During the last months, the situation has dramatically worsened. 'The flight of vultures' writes O Globo (20.3.72) 'indicates the position where nameless corpses lie in the cemetery of the lowlands of Rio de Janeiro. Early in the morning - says an inhabitant - we often hear the sound of an engine, then some shots, and the car moves off. We immediately go and look for the bodies; we do not always find them straight away because they are often in the middle of a thicket, but you only have to wait a little while: the vultures soon indicate where the body is ...'

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

High ranking authorities have stated that the notion of assassination is the only valid one in order to 'resolve the social problems'. "We will kill all the 'marginais' who do not give themselves up, or who act suspiciously. We have the authority of the Secretary of Public Safety to act in this way and we are responsible for the consequences " said the regional 'delegado' for Nova Iguacu, Parides Goncalves. "When I kill a bandit, I make a report, for his information, of what I have done to the Secretary for Public Safety for the state of Rio". 'Delegado' Mesquita added "It is better to risk being tried for killing a 'marginais' than to have to answer for not doing so" (O Estado de Sao Paulo, 9.4.72)

The CCC and other murder squads

In addition to the better known squads, such as the 'Death Squads', there are groups throughout Brazil who have the same methods and protection but who have political names such as the CCC (Commandos to hunt communists). This group kills political adversaries, whether they are communists or not. It is sufficient to cite the attack on the student Candido Pinto, and a student representative for Pernambuco, who was paralysed as a result of being shot by a machine gun as he was going home one day, or the murder, after terrible torture, of Father Henrique Neto, guilty of having participated in meetings between parents and students in the aim of bringing the two generations closer together. Neither were communists, but they appeared on the list of people condemned to death by the CCC. Bishop Dom Helder Camara wrote on the 28th August 1969: "According to the depositions of two witnesses, the assassins shot down the student Candido Pinto shouting out the CCC slogan. The final part of the report established by the Commission of Inquiry confirms

this. One should not forget either, the bishop says, that, according to the same report, the telephone threats made to Father Henrique were also made in the name of the CCC. Why not, therefore, set up a thorough inquiry into this horrible CCC?" Cooperation between the CCC and the torture agencies, such as OBAN, was alleged in several depositions made by prisoners who recognised members of the CCC during their torture sessions at the OBAN.

Due to continual and firm pressure from the religious authorities and from the magistrates, an inquiry was initiated. The 'Jornal do Brasil' (25.5.72) writes: "The judge 'desembarcador', Agamemnon Duarte, indicated that the CCC and the CIA are implicated in the murder of Father Henrique Neto. He admitted that ... the American Secret Service (CIA) was behind the CCC... The judge said, amongst other things, 'the constant involvement of the CIA in terrorist acts throughout Latin America, in Mexico, and in southern Patagonia, is well known'."

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

The leaders of the Death Squads

It is sufficient to quote just a few examples in Sao Paulo to describe a few of the better known members of the Death Squad and to illustrate the patronage they enjoy. We will content ourselves with these few examples, but it is obvious that we could quote many others.

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

(1) Jose Alves da Silva (Ze Guarda)

Former sergeant in the military police, was the de facto assistant director of the Tiradentes prison (O Globo, 2.2.72) in Sao Paulo. He has been accused of being one of the worst torturers of prisoners. According to many policemen, he is also the Death Squad member with the greatest number of crimes on his record (OESP, 4.2.72) At the moment, Jose Alves da Silva is involved in a trial for the murder of Claudio

Jose Faria. According to information published in the press, he has already been indicted in 14 trials.

The psychological portrait of Ze Guarda, third sergeant of the military police, was drawn for the first time in 1964 by 'delegado' Benedito Nunes Dias who considered him a psycho-neurotic from birth. Dias, demanded preventative imprisonment for Ze Guarda for gang robbery. In the depositions, it is noted that Ze Guarda was employed for a long time by the civil police under the command of Helio Tavares, who provided him with a cover for all sorts of misdemeanours (Jornal do Brasil, 4.2.72). At the IIInd Auxiliary Jurisdiction, where Ze Guarda is being tried for the murder of Claudio Jose Faria (Claudio), the judge, Alberto Marino Junior, confirmed that, amongst other things, the third sergeant was a thief and a bandit. He himself participated in robberies when the plunder was substantial. In the less important cases, he just covered up for other thieves and then shared the takings with them. In addition, Ze Guarda was able to organise a huge network of drug trafficking. According to the judge, Ze Guarda killed all those who dared oppose him. Sometimes, Marino Junior went on, when he wanted to, Guarda killed possible witnesses. This was not due to fear of the law, since he had always despised it, but simply because he didn't want to be bothered. And this individual, concluded the judge; "even worked, not long ago, as the de facto assistant director of the Tiradentes Prison! And this, after being condemned as a thief and bandit in our courts! A man who has been prosecuted 14 times becomes the assistant director of a prison!" (O Estado de Sao Paulo, 29.3.72)

(2) Doctor Olintho Denardi

'Delegado' and director of the Tiradentes prison in Sao Paulo - one of the largest of Brazilian prisons for political and common-law prisoners. O Estado de Sao Paulo of the 26th April of 1972 gives the following details about him : "The judge at Guarulhos yesterday asked for the preventative imprisonment of 'delegado' Olintho Denardi, director of the Tiradentes prison, charged with belonging to the Death Squad ... The director of the Tiradentes prison, the 'delegados', the inspectors and the wardens are accused of taking eight detainees held in the prison away to be killed. The allegations of prosecutor Helio Bicudo went as follows: ' the victims were gathered together several times during 1970 in the Tiradentes prison as 'correcionais' prisoners. From there, they were kidnapped in dramatic circumstances, with the connivance of the

prison director, 'delegado' Olintho Denardi, and of subordinate officers. To hide the victims' presence in the prison, the prison employees and members of the DEIC (Departamento Estadual de Investigações Criminais) used different methods, amongst them, falsifying of dates on the DARC files (Section of the Archives and Criminal Registers) and of documents from the 'Valores' section of the prison. They also took away the goods of one of the victims and shared these out amongst themselves'."

(3) Doctor Sergio Paranhos Fleury

'Delegado' of DEOPS in Sao Paulo; he was mentioned by the Brazilian press as the head of the Death Squad in Sao Paulo, and in numerous allegations has been cited as one of the most unstinting torturers of political prisoners. He has, above all, made himself famous following a police operation which led to the death of the former deputy, Carlos Marighela - killed in the Sao Paulo centre. According to the submission of prosecutor Helio Bicudo (Veja, 30.2.70, p.22) 'delegado' S.P.Fleury is accused of having killed, together with other policemen, Airon Nery Nazareth (Risadinha) on Pinheirinho land near Suzano. Nazareth had been taken from the DEIC cell where he was being held. Fleury, is also accused, with 14 other policemen, of having taken eight prisoners from the Tiradentes prison in Sao Paulo with the purpose of killing them in revenge for the murder of policeman Agostinho Goncalves Carvalho (O Jornal do Brasil, 2.5.71)

In addition, Fleury is accused of having killed, along with men from his section, two drug traffickers (Luciano and Paraiba) because they said that they had a black list with the names of important police employees in Sao Paulo who were paid by the biggest drug traffickers. According to the charge, the police agents killed the victims 'cruelly'. Mr Fleury and his colleagues were recognised by the State Commission of Investigation (Veja, 30.12.70 p.22) as being guilty of corruption linked with the trafficking of drugs. All of these events were widely covered by the Brazilian press.

However, what is surprising in examining the case of Fleury is the arrogance with which he publicly treated the judges in charge of his trial. During the trial where, with 13 other policemen, members of the Death Squad, he was charged with the murder of Antonio de Souza Campos (Nego Sete), killed in Guarulhos, he not only refused to answer questions put to him by Judge Fernandez Braga (OESP, 22.10.70), but also wished to

call to his defence the highest military and civil authorities in the state. The list of defence witnesses for Mr. S.P.Fleury at the trial concerned with the death of Nego Sete, is as follows : General Airosa Da Silva, Commander-in-Chief of IIInd army; Colonel Luis Mariel Junior of the Air Force, President of the CCI - General Investigations Committee in Sao Paulo; Colonel Jose de Souza Leal, Head of Public Relations Section of the IIInd Army; Roncel Carneiro, former state prosecutor; Paulo Pestana, Secretary for Tourism; Celso Telles, Director of DEIC (Department for Criminal Investigation); Virgilio Lopes da Silva, Secretary for Labour; Luis Ferreira, doctor; Fernando Vieira de Melo, employee of the Television Record (O Estado de Sao Paulo, 22.10.70)

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

The DEOPS in Sao Paulo and the OB compete in the feild of torture. 'Delegado' SP Fleury, head of the DEOPS, is accused of being one of the worst torturers of common-law and political prisoners. His name almost always crops up in depositions of those tortured in Sao Paulo, but his torture activities are not confined to this state. A list, unfortunately incomplete, can be found in this present report; it cites the names of political prisoners noted in the newspapers as having been tortured by 'delegado' S.P. Fleury and his team. Only the names of those reported tortured (and not those people only threatened or insulted by the 'delegado', such as former federal deputy, Diogenes Camara, and lawyer Leopold Heitor) have been chosen.

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

As we explain in the note which precedes lists 1 and 2, it is possible that some of the names of those tortured are not correct, that some erroneously thought they recognised Mr Sergio Paranhos Fleury and members of his unit amongst their torturers. We have confined ourselves to simply noting the names of those persons who, in at least one of the documents studied, have reported that their torture was inflicted by Mr S.P. Fleury and by his unit. As we have been unable to verify each case in loco, we are ready and willing to publish any documented evidence which we may receive in contradiction of the enclosed list. Mr Sergio Paranhos Fleury may rectify any inexact information by writing an open letter to the Secretariat of Amnesty International.

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Lista dos prisioneiros politicos - segun informes - torturados pelo Senhor Fleury
 List of prisoners who according to reports have been tortured by Mr Fleury
 Liste des prisonniers qui - selon les rapports - ont été torturés par M. Fleury

<u>Nº:</u>	<u>Nomes /Names / Noms</u>	<u>Estado/State/Etat</u>
20	Isaias do Vale ALMADA	São Paulo
33	Mara Curtis ALVARENGA	Belo Horizonte
46	Takao AMANO	São Paulo
59	Otávio ANGELO	São Paulo
75	Carlos Cardoso AVELINE	São Paulo
79	Carlos Lima AVELINE	São Paulo
91	Wilson do Nascimento BARBOSA	Brasília
115	Nair BENEDITO	São Paulo
138	Jacques Emile BREYTON	São Paulo
143	Fernando de BRITO	Rio de Janeiro
150	Mário BUGLIANI	Ribeirão Preto
156	Vanderley CAIXE	Ribeirão Preto
159	Giorgio CALEGARI	São Paulo
184	Jairo de CARVALHO	São Paulo
187	Daniel José de CARVALHO	São Paulo
188	Derli José de CARVALHO	São Paulo
189	Joel de CARVALHO	São Paulo
226	CICERO	São Paulo
229	Luís Roberto CLAUSET	São Paulo
230	Rosemary Nogueira CLAUSET	São Paulo
255	Hamilton Pacheco da CUNHA	São Paulo
307	Delci FENSTERSEIFER	R.G. do Sul
318	Fernando Borges de P. FERREIRA	São Paulo
329	Joaquim Câmara FERREIRA	São Paulo
319	Irineu FERREIRA	Ribeirão Preto
331	Carlos Eduardo FLEURY	S.Paulo e Rio
334	Athon FON FILHO	S.Paulo e Rio
335	Antonio Carlos FON	S.Paulo
343	Rolando FRATTI	São Paulo
377	Jeová Assis GOMES	São Paulo

405	Sebastiana C.B. GUIMARÃES	São Paulo
407	Olavo HANSEN	São Paulo
411	Farid HELOU	São Paulo
414	Nobue KOKUCHE	São Paulo
416	Celso Antunes HORTZ	São Paulo
432	Jorge de Miranda JORDÃO	P. Alegre e São Paulo
447	Ida KREMER	São Paulo
448	Marcílio KRIGGER	São Paulo e Rio
457	José LAVECHIA	Vale da Ribeira
460	Eduardo "Bacuri" LEITE	São Paulo e Rio
468	Ives do Amaral LEBEAUXPINS	Rio de Janeiro
470	Carlos LICHTENSTEIN	São Paulo
478	Tito de Alencar LIMA	São Paulo
488	Elsa Ferreira LOBO	São Paulo
489	Pedro LOBO	São Paulo
493	Mário LORENZATO	Ribeirão Preto
501	Ariston LUCENA	São Paulo
568	Antenor MEYER	São Paulo
586	Genésio Borges de MELO	São Paulo
607	Áurea MORETTI	Ribeirão Preto
612	Claudiney NACCARATO	Ribeirão Preto
625	Wilson Barbosa do NASCIMENTO	R.G. do Sul
635	Vera NICOLETTI	S. Paulo e Rio
646	Ary NORONHA	São Paulo
656	Diógenes Carvalho OLIVEIRA	São Paulo
649	Lincoln OEST	São Paulo
668	Manoel Cirilo Neto de OLIVEIRA	São Paulo
680	Shizuo OSAWA	São Paulo
688	José PAIVA	São Paulo
708	Antonio Ribeiro PENA	São Paulo
709	Carlos Guilherme PENAFIEL	São Paulo
713	Antonio Expedito PEREIRA	São Paulo
715	Antonio Ulbadino PEREIRA	São Paulo

731	Roberto de Barros PEREIRA	São Paulo
816	Vicente ROIG	São Paulo
836	José Sabino SANTANA	São Paulo
856	Maria Aparecida dos SANTOS	São Paulo
862	Pedro Chaves dos SANTOS	Paranaíba
872	João Potta SATTAL	São Paulo
875	Clemens Frederic SCHRAGE	São Paulo
900	Carlos Gomes da SILVA	São Paulo
905	Francisco Gomes da SILVA	São Paulo
910	Hilda Gomes da SILVA	São Paulo
913	José Anselmo da SILVA	São Paulo
919	Luís Gonzaga da SILVA	Ribeirão Preto
923	Otacílio Pereira da SILVA	Goiás
931	Virgílio Gomes da SILVA	São Paulo
944	Reinaldo Guarani SIMÕES	São Paulo
993	João Caneo SUSUKI	São Paulo
1 000	Jean H. TALPE	Osasco
1 013	Ozar Akiito TERADA	São Paulo
1 019	Pedro TINTINO	Osasco
1 022	Pedro TREVISAN	São Paulo
1 032	João Antonio Caldez VALMER	São Paulo
1 037	Ana Vilma O.M. VASCONCELOS	São Paulo
1 039	Paulo de Tarso Brás VASCONCELOS	São Paulo

Summary

Torture and those responsible

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

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

In the list presented in appendix one, which is by no means complete, the names of people who have been reported as tortured in Brazilian prisons are given in alphabetical order. The lists have been compiled with the help of data from the international press and other lists and documents made available to Amnesty International.

Reasons for torture

Reasons for use of torture can be summarised in two categories: to serve both a police and a repressive function.

In the Middle Ages, torture had served, above all, a police function and was used to extract confessions. This is still the primary reason for the use of torture in Brazilian police stations today.

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

Torture as an instrument of power

Torture thus becomes an instrument of power and becomes a governmental preserve. Allegations that torture has become highly sophisticated and supervised by doctors suggests a very different situation from that of torture in the Middle Ages: modern torture appears to have schools, teachers and a specialised technical corps.

Each form of torture in Brazil has a specific name :

- . pau de arara (for description see p.53 and p.57)
- . dragon chair - electric chair
- . telephone - beating ears of victim with cupped hands
- . ferrinhos - application of hot irons
- . latinha - walking on open tins or cans
- . russian roulette
- . operating table
- . consecrated host
- . spiritual seance - as in OB of Sao Paulo where there is a complete ritual of torture. But the routine of torture has been evident from 1968 up till the present day throughout Brazil.

Torture and the Death Squads

Ruling Brazilian groups seem to have accepted the solution of the physical elimination of criminals ('marginais' is the term in present use) and of political adversaries considered dangerous. They have thus allowed the creation of Death Squads and torture centres. It is difficult to imagine that in a huge country with an authoritarian structure, civil servants despise the authorities to the extent of usurping the latter's power; it is also difficult to imagine that the authorities cannot ensure that their own employees respect the laws.

The Death Squads have become symbolic of torture and death. Even the most terrible of the activities undertaken by the Squad members are for the most part left unpunished. The authorities appear to believe that they are preferable to an increase in violence (O Estado de Sao Paulo, 12.12.71, 19.3.72, 2.4.72, 9.4.72, etc.).

The judiciary has reacted to reaffirm the existence of law by making examples of some Death Squad members (in the state of Spirito Santo at Vitoria, two policemen, local members of the Death Squad, were sentenced to 253 and 275

years respectively). But it is very rare that courageous judges of this sort have succeeded in such attempts. In some cases, well-known leaders of the Death Squads were detained but subsequently were mysteriously able to escape from prison (Jornal do Brasil 30.10.71, 19.1.72; O Estado de Sao Paulo 10.3.72; Veja 4.3.70, etc). On the other hand, the same prisons (for example, Tiradentes prison in Sao Paulo - where political prisoners are held - and the police stations in the lowlands of Rio) have been entered by men from the Death Squads, who were able, without difficulty and without danger, to kidnap people held in detention whom they themselves had condemned to death. Such persons were sometimes killed after torture. Their bodies were left in well-frequented areas so as to create general fear. According to the published reports of judges denunciations, such abductions were carried out in collaboration with the prison directors.

.....

Thus, the information asked of Mr Theodore Brown, Head of the Public Security Service of USAID in Brazil, and of Mr William Rountree, US Ambassador to Brazil, concerning what is torture in the prisons, what are the DOPS, CENIMAR, OB and Death Squads, can be found both in the international and in the Brazilian press.

CONCLUSION

Amnesty International

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

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

Considering that torture and murder are committed by other specialised groups such as the CCC (Comando de Caca aos Comunistas) and the Death Squad;

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

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

Urgently petitions the Brazilian government to

- (1) grant facilities to an international commission of inquiry
- (2) authorise the Commission to investigate, without hindrance, the accuracy or otherwise of the allegations of violations of articles 5, 9, 18 and 19 of the Universal Declaration of Human Rights identified in this document
- (3) authorise the preparation and publication of a report concerning the violations of article 5 of the Universal Declaration of Human Rights committed by the independent police groupings such as the Death Squad and the CCC, and in the procedures used in the interrogation of political prisoners within the prison and judicial systems
- (4) release, on the occasion of the 150th anniversary of the Independence of Brazil, all persons held in violation of articles 9, 18 and 19 of the Universal Declaration of Human Rights

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Addenda

Extracts from a report by Mr Georges Pinet, lawyer at the Paris bar, for the AIJD and AIJC about torture in Brazil

This appendix consists of extracts of a report made by Mr Pinet after a visit to Brazil in July of 1972. The inquiries carried out by Mr Pinet were undertaken at the request of the International Secretariat of Catholic Jurists and the International Association of Democratic Jurists.

We have, however, added this report to our own as an appendix because we feel that it provides an up-to-date series of observations on the present situation in Brazil.

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Extracts of a report made by M. Georges Pinet (lawyer at the Paris bar) of a mission of inquiry to Brazil, 15-22 July 1972

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

The Hunger Strike

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

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

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

The main point of interest lies in the reason for the strike.

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

They took this action because the unexpected and brutal removal of a prisoner at night from a detention centre has often indicated that the prisoner was to be transferred to a torture centre, or, quite bluntly, was to be killed. In prison, the detainee feels 'secure'; he can be located and accounted for, his disappearance can immediately be noted. Therefore, such transfers create anxiety and insecurity amongst the remaining prisoners. The arbitrary nature of the transfers, whatever statutory reasons are given, thus becomes an instrument of terror.

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

Torture: Existence, Institutional and Judicial Framework

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

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

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

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

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

On the basis of Institutional Act. no5, autonomous organs of repression, exempt from all judicial control, were created. For example, OBAN in Sao Paulo and CODI in Rio de Janeiro.

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

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

Secrecy is an instrument of terror.

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

There is a two fold advantage in using these new methods:

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

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

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

The victim is then subject to 'sophisticated' treatment for several days; unbearable noises, such as the sound of jet engines, screams of terror, deafening and nerve-shattering music, and flashing lights combine with

- thirst, cold and hunger to create delirium. Then, while the victim is under the illusion of fantasies resulting from this delirium, a vision of water is offered him, and a feminine voice suggests that his thirst will be satisfied if he confesses or signs a declaration.

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

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

It is said in Brazil that in the cities, approximately one family in three has been affected by repression: disappearance or imprisonment of a member of the family, blackmail, pressure, persecution of all sorts ... Whatever may be the case concerning the 'Brazilian miracle', presented in terms of figures which are distorted in large scale publicity campaigns,*the capitalist development regime in Brazil is incapable of resolving the tensions which have been created by the increase in its massive population. A variety of population movements, such as migration into the cities, peasant troubles in the north-east, instability in the huge slums (favelas) leading to crime and brutal repression, have not been halted nor controlled.

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

Ambitious strategic and publicity orientated efforts such as the 'Amazonia Highway' project, which will lead to large-scale population movements, will not resolve the difficulties.

Inauguration of an international system to maintain and defend human rights such as requested by the Forum on the Defence of Human Rights;*held in Montevideo in 1971, is the over-riding hope of Brazilians.

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

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

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

Amnesty International is an independent organisation which has consultative status with the United Nations and the Council of Europe. It endeavours to ensure the right for everyone to hold and express his beliefs. Amnesty International works, irrespective of political considerations, for the release of men and women who have neither used nor advocated violence, and for the implementation of the provisions of Articles 5, 9, 18 and 19 of the Universal Declaration of Human Rights.

Universal Declaration of Human Rights

- Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 9: No one shall be subjected to arbitrary arrest, detention or exile.
- Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

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