

# Torture accepted in Brazil

By B. Joyce

It is a commonly acknowledged but frequently ignored fact that governments of many countries routinely violate the provisions of the United Nations Universal Declaration of Human Rights, despite their professed adherence to that Declaration, in order to repress political opposition. What is perhaps less well known is the extent to which some governments have gone in institutionalizing torture as a means of political repression. One country that can be singled out for its systematic use of increasingly sophisticated techniques is Brazil. The country sends its experts to other Latin American countries as instructors in police and military academies. This fact along with the fact that arbitrary arrests are frequent and commonly followed by long periods of detention during which torture is used, have been investigated and documented by the human rights organization, Amnesty International as part of its continuing campaign for the abolition of torture.

Torture has become an integral part of the Brazilian political system as a result of the proclamation of a series of Decree Laws, Institutional Acts, Secret Decrees, and constitutional changes purportedly designed to protect Brazilian national security. Inflation accompanied by political and trade union unrest prompted the army to seize power in a 1964 coup d'etat. Soon after the coup legislation was passed regarding censorship and repression of political dissidents in an effort to quell student demonstrations, prevent trade union strikes and ensure the continued dominance of the ruling party. But by 1968 some military authorities felt that these measures were inadequate to control political opposition and demanded the passage of more stringent legislation. As a result one of the most infamous laws affecting human rights, Institutional Act number 5, was proclaimed. It consolidated power in the hands of the executive, provided for stricter censorship, and suspended **habeas corpus** for political crimes, thus providing government sanction for extended periods of detention without recourse to legal advice. Subsequently, two Decree Laws were promulgated in which a number of crimes were reclassified as political rather than common-law crimes, and the penalties for political crimes were stiffened to include, for the first time since 1822, the death penalty. Yet another Institutional Act was signed in 1969, this one authorizing the banishment from Brazilian territory of persons found to be "undesirable, harmful, or dangerous to the national security". Shortly there-

after a new constitution was adopted in which the President of the Republic was granted certain powers with regard to national security matters, including the power to issue Secret or Limited Circulation Decrees. These Decrees relate to the execution of laws and provide police and military officials with guidelines for dealing with alleged political crimes. Thus, it is apparent that abuses of fundamental human rights have become institutionalized in legislation that has become increasingly severe and repressive.

In 1970 a Code of Military Penal Procedure designed to "conform to new requirements of the legal and political order" was issued. Under the Code, there are three stages in the detention and trial procedures used in conjunction with persons arrested for political crimes: police investigation, police inquiry, and judicial hearing. Once in the custody of military police or special security forces, a prisoner may be held incommunicado for a period of up to 50 days in order that a police investigation may be carried out. After the police investigation is complete and a detainee has signed a confession relating to the charges against him, a provisional hearing or "police inquiry" is held. The Code stipulates that the police inquiry stage may last up to 30 days and provisions of the Code permit authorities to hold a prisoner incommunicado for the entire 30 day period. In theory, then, political prisoners may be held for up to 80 days without access to legal council. Once signed statements in which the prisoner confesses his guilt have been obtained, the third stage -- a judicial hearing -- is initiated. Hearings are held before a military tribunal made up of four military judges and one civilian judge.

Despite the Brazilian government's refusal to permit representatives from the Organization of American States or from Amnesty International to investigate first-hand allegations of torture, documents supported by corroborative material, interviews with released prisoners, statements by prominent Brazilian lawyers, politicians, scholars and clergymen, and articles in the Brazilian and foreign press provide indisputable evidence that ill-treatment, torture and even murder are common occurrences during the detention and trial proceedings of political prisoners. In 1972 Amnesty International released a report on its inquiry into torture. The report included a statement alleging that torture is widely practised by police and security forces during interrogations, and a petition to the Brazilian government to permit an



international commission to investigate and prepare a report on these allegations of torture. To date the Brazilian government has not responded except to ban the publication of the Amnesty International reports and statements.

In preparing its report Amnesty International obtained signed depositions from Brazilian political prisoners still in custody and from former political prisoners now residing abroad. In addition, it interviewed witnesses of torture, collected a variety of documents from sources within Brazil, and quoted newspaper accounts of torture and murders by paramilitary death squads. From its inquiry Amnesty International was able to conclude that police activities in the name of national security are numerous and widespread. Time limits placed on the various stages of detention and trial procedures by the Code of Military Penal Procedures are frequently disregarded. Torture is used to extract confessions from detainees. Torture techniques are well-studied and developed as indicated by the fact that names (parrot perch, dragon chair, operating table, etc.) rather than descriptions are used by interrogators in reference to torture methods. Disappearances and deaths of prisoners in the custody of police and security forces are becoming more frequent. Death squads and murder squads made up largely of policemen and members of right-wing groups torture and

execute deviants and political adversaries under the protection of the Secretary of Public Safety.

It is evident that torture is used by Brazilian authorities not only to extract confessions from detainees alleged to have committed political crimes, but also to intimidate and thereby control the Brazilian people. Nevertheless, there are forces within Brazil, among them members of the opposition party and the clergy, who have protested against arbitrary arrests and torture and who are working towards the restoration of human rights. Their efforts in the face of a regime that has made torture an integral part of the political system deserve the support of world public opinion. The Halifax group of Amnesty International has information regarding the recent disappearances of some 25 detainees including four members of the opposition party. When prominent Brazilian clergymen, politicians and family members protested these disappearances, the Brazilian Minister of Justice denied knowledge of their whereabouts. However, in the past, appeals to Brazilian authorities from Canadians and others have resulted in the release of political prisoners or reductions in their prison sentences. Additional information on these prisoners and what can be done to further their release may be obtained by contacting the Halifax group of Amnesty International at 443-1623 or 823-2966.

## Entertainment

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This year has been set aside for the first internationally recognized salute to women - their creative energies, collective aspirations and artistic achievement.

The Atlantic Symphony Orchestra, itself comprised of almost two dozen of the world's finest female musicians, takes great pleasure in being a part of the world-wide celebrations with a special musical tribute to International Women's Year.

Two great ladies of the concert stage have been brought together for the first time in live performance

of Mahler's *Kindertotenlieder* during the Symphony's 8th performing year - the A.S.O. STAR\*BURST Season.

This sixth Halifax concert pair will feature Canada's LOIS MARSHALL whose splendid soprano voice the *New York Times* described as 'Overwhelming in its dramatic power' as well as the rediscovered genius of Dr. Antonia Brico, the only conductor declared by Sibelius himself to be 'A Master'.

DR. ANTONIA BRICO, born in the Netherlands and brought to Amer-

ica as a child, graduated from the University of California at Berkeley with a degree in music and major in piano. Determined to become a conductor, she applied and was accepted at the Master School of Conducting at the Berlin State Academy of Music, University of Berlin, making her European debut as a conductor with the Berlin Philharmonic. The Berlin School, one of the most demanding and prestigious musical schools of Europe, had not accepted an



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