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EMBASSY OF THE UNITED STATES
OF AMERICA

DEC 27 1975

BRASILIA

HUMAN RIGHTS ABUSES STIR BRAZIL

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Summary

The death of a prominent São Paulo television journalist while in police custody--the most dramatic of numerous recent incidents brought about by increasingly frequent political arrests--has provoked strong protests and has focused international and domestic attention on human rights violations in Brazil. The public outcry is likely to strengthen the hand of hardliners within the government who have argued that President Geisel's program of political relaxation would undermine the permanence of the 1964 "revolution."

The recent arrests are reminiscent of the late 1960s and early 1970s, when Brazilian security forces crushed subversive movements and other leftist groups. Now, however, unlike five years ago:

- The Geisel administration differs with the security forces over the latter's proper function and tactics.
- The press has been considerably freer, and the revitalized political opposition has prospects of significant electoral gains.
- The economy is suffering from severe strains and a slower growth rate.
- No credible threat to public order exists that might justify extraordinary security measures to much of the Brazilian public.
- President Geisel has promised publicly to hold free local elections in 1976.

The security forces retain both the apparatus and the will to suppress discussion of human

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rights. More stringent press censorship and further arrests of student leaders, journalists, and political figures appear probable.

More fundamentally, the regime's abuses of human rights:

--again show the failure of post-1964 political institutions to provide the basis for a smooth transition from authoritarian to more democratic government; and

--probably will remain the most formidable obstacles to such a change.

* * * * *

gibberish - reluctance of the military to relinquish any of its controls constitutes "most formidable obstacle" to transition to more democratic govt.

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The Herzog Case

The death of well-known São Paulo newsman Vladimir Herzog on October 25 while in the custody of army security investigators produced strong protests in that city, along with fears of further arrests among students, journalists, and opposition politicians. Brazilian security forces claim that Herzog, who voluntarily submitted to questioning, hanged himself after confessing to membership in the Communist Party, but the circumstances of his death suggest strongly that Herzog died under torture and that the suicide story was a fabrication.

Herzog was only one of several São Paulo journalists arrested and allegedly tortured by army security agents during the same period. Moreover, his was the second alleged suicide by hanging and the third death at the São Paulo Department of Internal Security Operations (DOI) in recent months.

News of Herzog's death produced an unusually sharp reaction in São Paulo and elsewhere among elements frequently critical of the military-based regime:

- Students and faculty boycotted classes at the University of São Paulo, the most prestigious and one of the largest universities in the country.
- Approximately 7,000 persons attended an ecumenical mass in the city's cathedral presided over by the Archbishop of São Paulo, Cardinal Arns, a long-time critic of the regime's policies on human rights.
- The Brazilian Newsmen's Association demanded that President Geisel initiate an investigation of the case.
- The press gave broad coverage to this and other human rights cases, including strongly critical editorials in the country's most influential newspapers, O Estado de São Paulo and Rio's Jornal do Brasil.

--Important journalists' unions, the Federal Bar Association, and the Catholic bishops of São Paulo State joined the protest with messages of solidarity.

--São Paulo's Roman Catholic bishops proclaimed November 14 a day of fasting in protest.

The São Paulo State military police reportedly were prepared to invade the University of São Paulo and close it, but they held back, probably out of reluctance to provoke a possibly violent confrontation and to provide the press with additional sensational news in an already tense atmosphere. Students and other protesting groups exercised great caution, and the situation calmed somewhat.

The Human Rights Situation in Brazil

Political Arrests. Despite Geisel's efforts on behalf of political liberalization, in recent months the volume of arrests has approached that of 1969-70, when security forces took drastic measures to crush subversive movements and other leftist groups critical of the regime.

Brazilian internal security forces enjoy almost unlimited powers of arrest under a series of extraconstitutional "institutional acts" promulgated since 1964. The most stringent measures include:

--Institutional Act 5, enacted in 1968, which suspends the guarantee of habeas corpus in cases of "political crimes against national security, social and economic order, and consumer economy."

--The National Security Law of 1967, which permits the police to hold a prisoner incommunicado for 10 days in any case, for 30 days with notification to appropriate judicial authority, and for an additional 30 days with permission of that authority.

Many prisoners have been denied these minimal provisions.

The arbitrary nature of these measures is enhanced by the virtual autonomy with which the security forces operate. Despite recurring reports that President Geisel has attempted to bring them under executive control, there is no evidence that his efforts have been successful. Recent public statements in which Geisel praised the security forces and effectively announced the end of his political liberalization

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program probably have contributed to the numerous political arrests during the past several weeks.

Number of Prisoners. There are no reliable figures on the current number of political prisoners in Brazil, though estimates range from about 500 to several thousand. Arrests under the National Security Law tend to come in cycles. During February-April 1974 (as Geisel was assuming the Presidency), more than 100 persons were apprehended. The current wave began in March of this year with the discovery of two clandestine printing presses of the illegal Brazilian Communist Party (PCB) in São Paulo and Rio de Janeiro.

Since July at least 200 political arrests in various parts of the country have been reported in the Brazilian press. Relatively few of these appear to have any direct connection with the PCB. Among those arrested were members of the legal opposition party, MDB, in the state of São Paulo and various editors and reporters.

Other arrests believed to have occurred have not been reported in the press, and some estimates of the total number of persons detained since January exceed 1,500. At least 50 members of the state military police reportedly were detained in July for alleged PCB connections. One of these prisoners died while in jail, apparently from injuries sustained while being tortured, though police claimed he was a suicide.

Treatment of prisoners varies widely:

- Many subjects are held only a few hours and then released without ill treatment; the primary intention in such instances apparently is intimidation.
- Others are subjected to varying degrees and types of physical and psychological torture.
- Some prisoners have been killed either purposely or accidentally by interrogators; four such cases have occurred since July.
- A number of detainees have simply disappeared, and the Brazilian Government has been unwilling or unable to provide families with information about them.

The cases of Paulo Stuart Wright, Stuart Angel Jones, and Ana Rosa Kucinski, in which there has been some US interest,

fall into the last category. A list of 22 such "missing persons" was submitted to the Ministry of Justice early this year, but the official reply denied any knowledge of their whereabouts.

The Brazilian Government has refused to cooperate with attempts by the Inter-American Commission on Human Rights to investigate alleged abuses and is unlikely to do so in the future.

"Cassations." The institutional acts also permit the executive to suspend an individual's political rights for 10 years without judicial process. Several hundred such "cassations" took place after the 1964 coup, as well as a large number in 1968 and 1969. This measure has been employed most frequently to remove offending politicians from office and place them "on ice" for several years thereafter. The Geisel administration has used this instrument relatively sparingly thus far, mostly for dealing with corruption and recalcitrant local governments. The only overtly political use was against a congressman removed from office and sentenced to prison for making "offensive" statements about Chilean President Pinochet.

Press Censorship. Brazilian censorship, always somewhat erratically enforced, eased noticeably after Geisel assumed office. In recent months there has been some retrogression. Most publications are self-censored and voluntarily omit stories on subjects declared sensitive. Lists of proscribed topics are sent to editors of newspapers, who must sign the notices and return them. This system apparently was adopted to prevent circulation of possibly embarrassing documents to the regime's critics.

A few publications remain under prior censorship and must submit copy to Brasilia for approval. These include the respected newsmagazine Veja and the intellectual weeklies Opinião and Movimento, all of which have been critical of the regime. O Estado de São Paulo also had a resident censor until January of this year.

The Inter-American Press Association (IAPA), which met in São Paulo on October 19-24, issued a statement denouncing the absence of press freedom in Brazil and calling on President Geisel to end prior censorship. The debate on Brazil was dramatically prefaced by the announcement by IAPA President Julio de Mesquita Neto (owner of O Estado) that three São Paulo reporters had been arrested.

Despite continuing strictures, the press enjoys considerably more latitude in reporting now--including, for example, events surrounding the Herzog case--than under the Medici administration (1969-74). Most newspapers have cooperated by giving very cautious treatment to potentially sensitive subjects; legal action has been taken against some publications that have exceeded the administration's guidelines. There is widespread concern, however, that the events of recent weeks and the IAPA's strong statement will reinforce the already visible tendency toward increasing press censorship.

Human Rights in Brazilian Politics

A number of political factors militate against the Geisel administration's suppression of domestic dissent on as wide a scale as that practiced by the Medici regime:

- disunity between the Geisel administration and the security forces over the proper function and tactics of the latter, in distinct contrast with the unanimity of purpose under Medici;
- a revitalized and somewhat less intimidated MDB, which has the prospect of making significant electoral gains, as opposed to a thoroughly demoralized political opposition decimated by the 1968-69 cassations and arrests;
- an economy suffering from severe internal and external strains and a significantly slowed growth rate, unlike the 10-percent annual growth rate, declining inflation, and improving balance of payments that enhanced the regime's support among most middle- and upper-class Brazilians five years ago;
- increased public awareness of political arrests and abuses of prisoners, owing to far more extensive press reportage than in the past;
- the absence of any credible threat to public order by subversive organizations that might justify extraordinary security measures;
- a public commitment by President Geisel to hold free municipal elections in 1976 and to permit direct voting for governors and congressmen in 1978.

It is not clear how hard the MDB will press the administration on human rights. The opposition party was defeated

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earlier this year in its efforts to form a congressional committee of inquiry on the issue, and there is virtually no prospect of effecting any real change in the short run. Indeed, the MDB is faced with the uncomfortable choice between:

- continuing to support the President because he is the only real force in the country attempting to eliminate the most outrageous abuses; or
- intensifying its public opposition of the regime's infringements of human rights and thereby run the risk of arrests and cassations, which would destroy its electoral prospects and any hopes of exerting even limited pressure on the administration.

President Geisel himself remains in a somewhat delicate position, despite indications of firmer military support won by his recent concessions to hardliners. Geisel's visit to São Paulo following the Herzog incident helped calm passions, but his meetings with state MDB leaders (particularly state assembly leader Alberto Goldman, who is generally considered a prime candidate for arrest by security forces) may well erode some of his recently regained conservative support. The gesture is likely to be interpreted as a sign of sympathy for the protesters.

So far, all sides have shown restraint by declining to force a confrontation. Opposition elements apparently recognize that they lack both organization and political clout.

--The Church continues to give rhetorical and moral support to the human rights issue, but even Cardinal Arns reportedly has despaired of seeing any significant improvement in the near future.

--Despite renewed stirrings of student activism in São Paulo, Bahia, and Rio, student groups are disorganized, infiltrated by security agents, and reluctant to undertake a fight they have no hope of winning.

--Organized labor remains divided, frustrated, and intimidated, although a few isolated and easily suppressed strikes have occurred recently; there is no real prospect of major labor unrest unless unemployment in the principal industrial centers becomes a serious problem.

The security forces, on the other hand, retain both the apparatus and the will to suppress a vigorous discussion of

human rights in Brazil and would certainly strongly oppose any genuine investigation into past abuses. Insistence by Geisel on such an inquiry is improbable. The official line appears to be that stated by the ARENA (government party) senate leader, who lamented the "suicide" but pointed out that the investigation had already begun with the autopsy and medical report released by the army. He added that the threat of subversion means that arrests and investigations must continue.

Outlook

The recent manifestations of opposition in São Paulo will tend to reinforce the arguments of the conservatives that political liberalization would endanger the 1964 "revolution," notably the economic growth that has taken place since 1964. Indeed, the most reactionary elements in the security forces may have hoped to provoke public protests in order to dramatize the need for continued vigilance against subversives.

By the same token, the proliferation of such causes célèbres as the Herzog case makes a return to civilian power all the more difficult because one consequence of that transition would undoubtedly be an investigation into past human rights violations. The armed forces, and the army in particular, are inextricably involved in such practices and remain adamantly opposed to "placing the revolution in the prisoner's dock."

99? The human rights situation in Brazil is therefore unlikely to improve in the near future. Once emotions aroused by the Herzog case have quieted, the security forces are likely to clamp down harder on student activists. Harassment of journalists, clergymen, labor leaders, and opposition politicians probably will continue or even intensify.

7 President Geisel may be awaiting the scheduled retirement of some of the more intransigent hardliners next year in order to reform the internal security forces. The adverse publicity and damage to the army's image caused by the Herzog case might prove useful to Geisel in this context. As far as can be determined, however, sentiment within the armed forces seems to be moving against further liberalization, and the hard-line position is apparently growing in strength.

The failure of Geisel's political liberalization program and the concurrent wave of arrests demonstrate again the

inability of post-1964 political institutions to provide the basis for a smooth transition from authoritarian to more democratic government. Human rights and the regime's abuse of them probably will remain the most formidable obstacle to effecting such a change successfully.

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