

EXTERNAL

AI Index: AMR 19/20/97

31 July 1997

Further information on EXTRA 82/97 (AMR 19/12/97, 9 June 1997) and follow-up (AMR 19/14/97, 12 June 1997) - Fear of unfair trial/new concern: potential prisoner of conscience

BRAZIL José Rainha Júnior, peasant leader

José Rainha Júnior's lawyers have formally petitioned that his second trial be moved to Vitoria, the capital of Espírito Santo state. José Rainha, a leader of the *Movimento dos Trabalhadores Rurais Sem Terra* (MST), Landless Rural Workers Movement, was convicted and sentenced to 26½ years' imprisonment on charges of homicide on 10 June 1997. Amnesty International believes that the charges are politically motivated and intended to curtail his legitimate activities in campaigning for land reform. The organization believes that his trial failed to meet international fair trial standards, and has stated that he will be considered a prisoner of conscience if the conviction is upheld.

Under Brazilian law, all sentences over 20 years are subject to an automatic second jury trial by a court of equal status with the court which handed down the original sentence. At present, the second trial is scheduled for 16 September, in the same court in Pedro Canário, Espírito Santo, where the original trial was held. Amnesty International believes that local hostility to José Rainha and other land reform activists prejudice José Rainha's chances of receiving a fair trial, and has called for the trial to be moved to a location where the impartiality of the jury can be better guaranteed.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in Portuguese or in your own language:

- expressing concern that José Rainha Júnior, a national leader of the *Movimento dos Trabalhadores Rurais Sem Terra* (MST), was found guilty on 10 June 1997 on charges of homicide and sentenced to 26½ years' imprisonment in a trial which did not meet international fair trial standards;
- saying that the trial was held in a locality in which the impartiality of the jury could not be reasonably assured; where the basic principle of presumption innocence was not respected; and where the accused's political activities in the MST were reportedly permitted to carry more weight than material evidence in the arguments presented by the prosecution and in the verdict formed by the jury;
- expressing the view that the charges against José Rainha Júnior, and his subsequent conviction and sentencing, appear to have been politically motivated and used with the intention of curtailing his political activities in campaigning for land reform;
- expressing the view that a fair second trial cannot be guaranteed for José Rainha Júnior in Pedro Canário, where the influence of local landowners might intimidate or bias jurors and witnesses;
- calling for José Rainha's second trial, set for 16 September 1997, to be moved to the state capital Vitória, given that local interests prevent him from receiving a fair trial in Pedro Canário.

APPEALS TO:

Federal Authorities:

Minister of Justice

Exmo. Sr. Ministro da Justiça

Dr. Iris Rezende
Ministério da Justiça
Esplanada dos Ministérios, Bloco 23
70064-900 Brasília, DF, Brazil

Fax: +55 61 224 0954

Telegrams: Justice Minister, Brasilia, Brazil
Salutation : Vossa Excelência / Dear Minister
Attorney General

Exmo Sr. Procurador Geral
da República
Dr. Geraldo Brindeiro
Procuradoria Geral da República
Ed. Sede da PGR
Av. L2 Sul, Q. 603, lote 23
Brasília, DF
CEP 70200-901 Brazil

Fax: +55 61 313 5444

Salutation: Your Excellency/ Vossa Excelência

Espírito Santo state authorities:
Governor, Espírito Santo

Exmo. Sr. Governador do Estado do Espírito Santo
Sr. Vitor Buaiz
Palácio Anchieta
Vitória, Espírito Santo, CEP 29015-110 Brazil

Fax: +55 27 223 0815

Salutation: Your Excellency/ Vossa Excelência

State Attorney General

Procurador Geral do Estado de Espírito Santo
Dr. Elcy de Souza
Procuradoria Geral de Justiça
Av. Governador Bley, N°236
Ed. Fábio Rusky, 11° andar
Vitória ES, CEP 29010-150 Brazil

Fax: +55 27 222 4422 [if voice, ask for fax (extension (ramal) 159)]

Salutation: Your Excellency/ Vossa Excelência

COPIES TO:

President, Espírito Santo Supreme Court

Exmo. Sr. Desembargador Presidente do
Tribunal de Justiça do Espírito Santo
Rua Desembargador Homero Mafra S/N
Vitoria ES, CEP 29055-221, Brazil

Movimento dos Trabalhadores Rurais Sem Terra

Rua Ministro Godoy, 1484
Perdizes
05015-900 São Paulo SP Brazil

Fax: +55 11 871 4612

and to diplomatic representatives of Brazil accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals 28 August 199