

EXTERNAL

AI Index: AMR 19/34/95

UA 267/95 Legal concern / Possible prisoner of conscience 30 November 1995

**BRAZILFrei Anastacio Ribeiro, Franciscan priest, aged 51**

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Frei Anastacio Ribeiro was detained on 27 November 1995 by Federal Police agents in the municipality of Conde in the north-eastern state of Paraíba. He has reportedly been charged with "forming a criminal gang" ("*formação de quadrilha or bando*"), with inciting land occupations, and with ill-treating children.

Amnesty International is concerned that his detention and the use of this charge may be part of what appears to be a pattern of harassment of those campaigning for land reform. He is being held in the 5th Military Police battalion in the state capital João Pessoa.

His arrest is in connection with the occupation by some 300 landless rural workers (men, women and children), on 20 November, of disused land on the Jacumã and Tabatinga estate (Fazenda Jacumã e Tabatinga), in the municipality of Conde. Frei Anastacio Ribeiro was accused of leading the occupation. On 27 November the judge of Alhandra issued an eviction order, in which he required Frei Anastacio Ribeiro to carry out the eviction within 72 hours. On the same day the judge issued an arrest warrant for him, with the charges outlined above, and he was detained. The judge reportedly justified the charge of "ill-treating children", with the argument that by stimulating peasant families to occupy land, small children would be put in precarious conditions (makeshift huts).

Lawyers submitted a *habeas corpus* petition on his behalf to the state Appeals Court, Tribunal de Justiça. On 28 November this was rejected on the grounds that more information was needed (regarding the land occupation which continues), and the number of communications received in favour of releasing Frei Anastacio Ribeiro which required analysis. Another appeals court judge also publicly declared the Court's anger at receiving so many faxes. After the consideration of his *habeas corpus* petition was postponed, Frei Anastacio began a hunger-strike on 28 November.

**BACKGROUND INFORMATION**

There has been a recent increase in conflict over land in Brazil, with frequent reports of excessive use of force, ill-treatment, torture and extrajudicial executions by military police carrying out land evictions. Ten peasants and two policemen were killed on 9 August 1995 when military police evicted 500 peasant families from the Santa Elina estate in Rondônia state (See UA 198/95, AMR 19/15/95 and update, AMR 19/17/95). On 8 November, 13 peasants were seriously wounded when police evicted 50 families from the Fazenda Saudade in Paraná state (see AMR 19/29/95 *Ill-treatment of peasants in Paraná*).

At the same time increasing numbers of people have been detained in different parts of the country and charged with "forming a criminal gang" for their part in land occupations and campaigns for agrarian reform. In São Paulo two members of the *Movimento Dos Trabalhadores Sem Terra*, Landless Rural Workers Movement, were held in custody in high security prisons for two weeks and they and 11 others were charged with "forming a criminal gang". This appeared to be a manoeuvre to force other peasants to leave an estate they were occupying in the interior of the state. In November four peasants were detained in Xamboia, Tocantins state for occupying land, that had reportedly since March 1995 been expropriated for settling peasants under the government's agrarian reform program.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters in Portuguese, Spanish, English or French or your own language:**

- expressing concern that the charge of "*Formação de quadrilha ou bando*" appears to be being increasingly used as a means of harassment against those campaigning for agrarian reform;
- asking for urgent clarification of the legal situation of Frei Anastacio Ribeiro;
- expressing concern at the reported postponement of the consideration of a *habeas corpus* petition on his behalf, on the grounds that people were campaigning for his release. The *habeas corpus* procedure is an urgent guarantee of fundamental rights and should be respected at all times;
- seeking assurances that he is not being ill-treated in custody, that his *habeas corpus* petition will be considered without delay, and that if his detention is shown to be arbitrary, he will be immediately and unconditionally released;
- urging that if the eviction order is carried out at the Fazenda Jacumã e Tabatinga, that maximum restraint is used to avoid casualties.

**APPEALS TO:**

Paraíba State Governor

Exmo. Sr. Governador do Estado de Paraíba  
 Sr. Antônio Mariz  
 Palácio da Redenção  
 Praça João Pessoa, Centro  
 João Pessoa PB, CEP 58000 Brazil

**Faxes: +55 83 222 3857**

**Telegrams: Governador do Paraíba, Joao Pessoa PB, Brazil**

**Salutation : Your Excellency/ Vossa Excelência**

Paraíba State Attorney General

Procurador Geral do Estado de Paraíba  
 Dr. Antonio Batista da Silva Neto  
 Procuradoria Geral de Justiça  
 Rua Rodrigues de Aquino s/nº  
 Praça João Pessoa, Centro  
 João Pessoa PB, CEP 58000-001 Brazil

**Telegrams: Procurador Geral do Paraíba, Joao Pessoa PB, Brazil**

**Salutation : Your Excellency / Vossa Excelência**

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil  
 Dr. Nelson Jobim, Ministério da Justiça  
 Esplanada dos Ministérios, Bloco 23  
 Brasília, DF, CEP 70064-900 Brazil

**Faxes: +55 61 321 5172 / 224 2448 / 226 7980**

**Telegrams: Ministro Justica, Brasilia, Brazil**

**Salutation : Your Excellency / Vossa Excelência**

Federal 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 Brazil

**Faxes: +55 61 313 5444**

**Telegrams: Procurador Geral da Republica, Brasilia, Brazil**

**Salutation : Your Excellency / Vossa Excelência**

**COPIES TO:**

Church Land Commission, Paraíba

Comissão Pastoral da Terra

Mostero São Bento

Avenida General Osorio s/n

58.010-780 Centro, João Pessoa, PB, Brazil

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 after 10 January 1996.