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EXTERNAL

AI Index : AMR 19/02/83

Distr: SC/CO/AD

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BRAZIL

A REPORT ON THE APPEAL TO THE
SUPREME MILITARY TRIBUNAL BY
FATHER ARISTIDE CAMIO AND FATHER FRANÇOIS GOURIOU
AND THIRTEEN POSSEIROS

BRASILIA 2 - 3 DECEMBER 1982

June, 1983

INTRODUCTION

On 3 December 1982 Brazil's Supreme Military Court, (Superior Tribunal Militar STM) gave its ruling following an appeal by two French priests Aristide Camio and François Gouriou. The Court found the defendants guilty of inciting "violent struggle between social classes" and of "collective disobedience of the laws" (Article 36, paragraphs III and IV of Law No. 6.620/78, Law of National Security). It slightly reduced the severe sentences imposed by the Military Court in Belém on 22 June 1982. Father Camio's sentence was reduced by five years to 10 years' imprisonment, Father Gouriou's by 2 years to 8 years. As the Court's decision was not unanimous, the priests have the right to make a second appeal to the STM. After a ruling on first appeal, expected in June 1983, an appeal to Brazil's highest civilian court, the Supreme Federal Tribunal (Supremo Tribunal Federal), is still possible.

A separate case against the priests under Brazil's Law on Foreigners (Lei dos Estrangeiros) which could lead to their expulsion, is still pending. The acting President, Aureliano Chaves, promised on 5 November 1981 that the priests would not be expelled until all legal proceedings had been completed.

Father Aristside Camio and Father François Gouriou, who have been adopted by Amnesty International as prisoners of conscience, have been in detention since August 1981. They are currently held in the barracks of the Policia Militar in Brasilia.

The STM on 3 December also upheld the conviction against the co-defendants, 13 peasant squatters (posseiros), of having used "violence for reasons of dissidence or socio-political non-conformity against those in authority" (Article of 31 of Law of National Security): 9 years' imprisonment for João Matias da costa, 8years imprisonment for Simplicio Vieira, Raimundo Resplandes Coelho, Antonio Resplandes Coelho, Milton Souza Almeida, Venancio Pereira de Anunciação, José de Araujo de Silva, José Ribamar Rodrigues, José Pereira de Araujo, Leônidas Alves Furtado, Arnaldo Lopes Querez, Raimundo Resplandes da Silva and Raimundo Pereira da Anunciação.

The two French priests and the 13 posseiros had been arrested after an incident on 13 August 1981 near São Geraldo do Araguaia, in the State of Pará. In the course of a land conflict, the posseiros are alleged to have attacked a convoy of government agents, federal policemen and hired gunmen, killing one man and wounding six others. Father Camio and Gouriou were accused of inciting the posseiros at a mass five days before the incident.

The posseiros were arrested on 19 August 1981 and are currently detained in the 1° COMAR (1° Comando Aéreo Regional), Air force barracks in Belém.

The Appeal to the Superior Militar Tribunal

The appeal by Father Aristide Camio and Father François Jean-Marie Gouriou and the 13 posseiros to the STM opened at 8.30 a.m. on 2 December 1982 in Brasilia and ended at 6.40 a.m. the following morning. Lasting a total of 22 hours, it was reportedly the longest hearing in the history of this court.

In marked contrast to the June 1982 trial at Belém's Military Court (see Amnesty International's report AMR 19/07/82), the hearing took place without an excessive military presence outside the courtroom. Visitors, journalists and observers were allowed easy access to the courtroom and the atmosphere was calm.

About 200 people attended the hearing, among them posseiros from the Araguaia region and members of the Church Land Commission (Comissão Pastoral da Terra). Apart from a registration of identity cards there were no security checks and press and TV were allowed to work without restrictions. Thirteen Brazilian bishops followed the proceeding, including Dom Luciano Mendes (Secretary General of the Brazilian Bishops' Conference - Conferência Nacional dos Bishops do Brasil - CNBB), Dom Vicente Zico (Belém), Dom Patrício Hanrahan (Conceição do Araguaia), Dom Alano Pena (Marabá), Dom Moacyr Grecchi (Acre) and Dom Antonio Fragoso (Crateús, Ceará). The president of the Justice and Peace Commission, Margarida Genevois, and its Rio de Janeiro Secretary, Marina Bandeira, were present along with politicians Senator Teotônio Vilela (former president of the Congress' Mixed Commission on Amnesty) and Odacir Klein (chairman of the largest opposition party, the Partido do Movimento Democrático Brasileiro, PMDB Party of the Brazilian Democratic Movement) and a French Consular official, François Beseme. An Amnesty International observer, Peter Klein, also attended the hearings.

The STM is normally composed of 15 ministers, five civilian judges and ten military officers. One minister, Deoclécio Siquera, was absent for health reasons from the appeal.

The appeal proceeded as follows:

- (1) A presentation by the priests' defence counsel requesting the priests' presence at the hearing; ruling on this presentation;
- (2) Reading of the relatório - a report on the background to the case and previous hearings;
- (3) Presentations by the prosecutor and the defence lawyers:
 - (a) Arguments presented by the Public Prosecutor of Military Justice, Milton Menezes da Costa Filho;
 - (b) Pleading of the posseiros' lawyer, Djalma de Oliveira Farias;
 - (c) Pleadings of the French priests' lawyers, Luis Eduardo Greenhalgh and Heleno Claudio Fragoso;

- (4) The vote of the ministers;
- (5) The formal pronouncement of the STM's decision.

1. Presentation by the priests' lawyers requesting their presence at the trial

Immediately after the opening of the appeal by the STM President, Brigadier Faber Cintra, the Court dealt with a request submitted by their lawyers that the priests be allowed to attend the hearings. This request was rejected unanimously, on the grounds that Brazilian legal proceedings do not provide for the accused to be present in the second instance and that it is usual practice for the STM not to admit them. The admission of only two of the 15 co-defendants, it was argued, could be considered biased; some ministers felt that the priests' presence could constitute a potential pressure both on the public and on the judges and could prejudice the hearing.

2. The reading of the "Relatório"

The relatório is the basic document in an appeal and is designed to give the ministers background information and details on the earlier judicial proceedings to enable them to make a considered ruling on the case in question. A taped reading of the relatório by the Rapporteur - Ministro Relator - was played in the courtroom and lasted almost five hours. A written copy of the relatório was also distributed to the ministers and to the lawyers.

Almost three quarters of the relatório's 100 pages is taken up with extracts from the preliminary findings of the police enquiry. At the hearing in Belém the defence had severely criticised the police inquest and maintained that the investigation conducted by the federal police had been severely flawed.

In only two small sections of the relatório detailed reference to the defence case is to be found: pp 81-82 and pp 96-100.

Footnote: The relatório contained:

- extracts from the police inquiry (pp 2-74)
- court rulings on a habeas corpus petition (pp 74-77)
- judicial appeals by posseiros and priests (pp 77-78)
- arguments put forward by the public prosecutor (pp 79-80)
- summary of the Belém proceedings (pp 81-83)
- the verdict and sentences of the Military Tribunal in Belém (pp 83-95)
- summaries of the statements by the public prosecutor and the posseiros' and priests' defence lawyer

The defence lawyer Prof. Heleno Fragoso criticized the nature of the material presented in the relatório. He stated "it would have been desirable for the relatório to have been drawn up in as much detail as it has been but using the evidence produced in court since this is the evidence which really counts."

Most of the information from the police inquiry selected by the Rapporteur referred to the books, brochures and posters found in the house of Father Aristide Camio (pp 29-55) and Father François Gouriou (pp 58-74). The Minister used quotations from these books and assorted documents to attempt to show the Marxist influence on theology (P. 29). He concluded that virtually all the material found in the house of the accused had a marxist-leninist content. However as Amnesty International stated in its Report of the trial in Belém (AMR 19/07/82), these books "were either freely on sale in Brazil or were official church documents" (AI Report, p.8). There was no suggestion that the quotations selected by the Minister had been used by the priests in their pastoral work.

The Minister in his report then referred to the "established" involvement of Father Camio in another killing.

The defence objected to this part of the relatório not only on the grounds that the Minister was introducing new material which had not been part of the prosecution's original case in the appeal proceedings but also because Father Camio's "involvement" was neither an established fact not even the subject of police investigation.

During the STM hearings, as in Belém, the prosecution failed to produce evidence which demonstrated how the priests' actions were clearly and unmistakably linked to the criminal act of 13 August 1981 nor that their actions had incited the posseiros. The prosecution's case rested on two alleged statements by Father Camio. The first: "João, a group is coming from Marabá to move you all from the land and even arrest you. It is time to act João, show that here there is not just Mary but Joseph too."

Father Camio has denied making this statement. The accusation is based solely on the declaration of one of the co-defendants, João Matias.

The second statement Father Camio is alleged to have made during his sermon at the mass held on 8 August 1981: "One bee on its own can be killed, but when there are many it is hard for them to be beaten and the posseiros should act because he, Father Aristide, would defend them."

On this point, the defence had presented evidence to the Belém court stating that only two of the 13 posseiros had attended the mass and in their initial statement to the police they made no reference to Father Camio's sermon.

They cited disturbing evidence of coercion brought to on the co-defendants after they were taken into custody to make them change their statements and implicate the two priests.

The defence later took up these points from the relatório and reminded the court that the unsupported testimony of co-defendants is not considered sufficient proof in itself for a conviction. In the relatório there is no indication that Father Gouriou made any statements which could have had direct and positive bearing on the incident of the 13 August 1981.

3. Presentations by the Prosecutor and Defence Lawyers

(a) Arguments of the Public Prosecutor, Procurador Geral da Justiça Militar Milton Menezes da Costa Filho

On 15 October 1982 a 121-page document outlining the prosecution's case was presented and made public. At the appeal, Milton Menezes Filho initially stated that it was not the church as an institution which was on trial, but violent acts resulting from incitement by members of the clergy. He pointed to the difference between charges of incitement heard by civil courts and charges of incitement under the Law of National Security, heard by military courts. He argued that the priests had sown hatred and he contrasted the priests' guilt to the innocence of "illiterate posseiros" who, he maintained, were the victims in the case. He then attacked the church authorities and the clergy, accusing them of having drawn erroneous conclusions from the Puebla Conference of Latin American Bishops (1978) which form a basis for the Church's work in Brazil.

The Public Prosecutor asked the ministers to uphold the sentence passed by the Military Court in Belém against the priests, but to refer the posseiros case to the Civil Court arguing that military justice was incompetent in these cases, since there was no evidence that the posseiros' actions had been designed to undermine the structure and institution of the government.

(b) Arguments of the posseiros' Lawyer, Djalma de Oliveira Farias

In his presentation posseiros' lawyer stressed that in order to prove offences under the LNS clear evidence of political motivation or intent has to be provided. He argued that the posseiros, whose involvement, he said, in the ambush was not in question, did not have any political antecedents and were uneducated and illiterate individuals who would not know the meaning of "dissidence" or "socio-political non-conformity".

Djalma de Oliveira Farias directly accused the posseiros co-defendants, the two French priests, of incitement and quoted from the Law of National Security. He argued that during the time the priests had been in the region, such had been their influence that it had led to a complete loss of individual and independent will on the part of the posseiros.

He called for the acquittal of the posseiros, unless the request of the Procurador Geral to transfer their case to Civil Court was granted by the court.

(c) Arguments of the two priests' lawyers, Luis Eduardo Greenhalgh and Dr. Heleno Cláudio Fragoso

On 15 November 1982 the defence lawyers of the priests, Heleno Cláudio Fragoso, Luis Eduardo Greenhalgh, Egidio Sales Filho, José Carlos Castro and Luis Carlos Sigmaringa Seixas, had published a "Memorial - in defence of Aristide Camio and François Gouriou". At the end of this 30-page document, the defence counsel concludes:

"The case against Father Camio and Father Gouriou is artificial and inconsistent. With regard to Father Gouriou the accusation is the fruit of a deliberate attempt to persecute church workers carrying out their pastoral mission."

At the appeal hearing Dr. Luis Eduardo Greenhalgh described the whole trial as "a judicial farce". He criticised the evidence produced by the prosecution for being deficient in every instance. He referred once again to the many irregularities and weaknesses in the prosecution's case:

- that the hotel bills of prosecution witnesses were paid by Djalma de Oliveira Farias, the co-defendants' lawyer;
- that the prosecution witnesses were advised by a judge before the hearing;
- that there was evidence that the co-defendants had been subjected to coercion;
- that in their first statements none of the posseiros had linked the mass of 8 August 1981 to the ambush on 13 August 1981;
- that 11 of the 13 posseiros had never met Father Gouriou;
- that there were numerous contradictions in the statements of the posseiros concerning their presence at the mass and the nature of the sermon delivered by Father Camio.

Doctor Greenhalgh said these irregularities "undermined" the whole trial, which seemed "designed to use Brazilian Military Justice as an instrument of spurious interests".

Dr. Heleno Fragoso stressed the negative impact caused by the continued use of the Law of National Security in Brazil to the country's international image. He too described the trial against the priests and posseiros as a farce the aim of which was to prejudice the pastoral work of the Catholic church in the Baixa Araguaia Region. He added that the Church had firmly decided to defend humble posseiros against the powerful interests which, in conjunction with police and GETAT,* replace judicial authority with force in the region.

*GETAT: Grupo Executivo das Terras do Araguaia e Tocantins - a Government land agency

Dr. Fragoso stated that the posseiros were "hostages" who had been subjected to "shameful manipulation" and who had not committed any crime against National Security. He argued that the posseiros had been convinced that they might free themselves by the simple expedient of wrongly accusing others. He drew attention to the police presence in the courtroom in the town of Belém during the earlier hearing and added that during his long career working with the Military Justice he had never witnessed such a spectacle.

He concentrated his defence on maintaining the complete innocence of Father Gouriou, who had only been in that region for a few months and had merely accompanied Father Camio to the mass at which he did not speak. Father Gouriou's task had been to sell pamphlets and sing hymns. Repeatedly, Dr. Fragoso questioned how Father Gouriou could be accused of real or direct involvement in inciting the peasants.

Summing up, Dr. Fragoso stated: "The priests have committed no crime at all against National Security, since they have committed incitement (of any kind), let alone subversive incitement; they have not committed incitement to collective disobedience of the laws, nor have they incited violence between social classes."

4. The Vote of the Ministers

Introduction to the Vote

Before presenting the vote of the ministers, the Rapporteur distributed a document entitled "introduction to the vote". This described the geographical situation of the Araguaia region, the social problems of the region; the founding of GETAT and the work of the church in the area.

Reading of the Arguments and Vote of the Rapporteur

After giving another introduction to the criminal act and the sentence of the Belém Military Court, the Rapporteur, General Reynaldo Mello de Almeida, undertook a long and detailed analysis of the appeals of the Public Prosecutor and the defence related to posseiros and the two priests.

Firstly the Rapporteur rejected both the appeal of the prosecution to increase the sentences against the posseiros as well as the appeals of the defence of the posseiros asking for their acquittal. He affirmed that

(a) no pressure had been exerted by the priests on the posseiros to undertake the ambush;

(b) the posseiros could not claim as part of their defence the legitimate right to defend their property because only João Matias was in possession of a land title, the other 12 were "invaders";

(c) attacking the GETAT convoy was deliberate because the ambush was undertaken in full daylight and the cars were clearly to be recognized as belonging to GETAT.

As for the priests, after dealing with three arguments on the inadmissibility of evidence based on procedural irregularities, the Rapporteur dealt in depth with the question of the violation of the Law of National Security by the priests. The Rapporteur ruled that "the accused priests by inciting class struggle between posseiros and/or invaders, against farmers and landowners, have together with the accused posseiros unquestionably threatened one of the permanent national objectives, Social Peace."

He stated that since 1945 the Tocantins-Araguaia region has been beset by conflicts over land. He explained how GETAT was directly subordinate to the National Security Council. He then concluded, that by law "the problem of land in the Tocantins-Araguaia region was a problem of National Security".

The Rapporteur firstly dealt with the question of the alleged incompetence of the Military Justice in relation to the posseiros. He ruled that the posseiros were guilty of "socio-political non-conformity" because of their hostility to measures implemented by the Federal Government. Their case had therefore come quite properly before a military court. Next the Rapporteur specified the ways in which he considered the priests had individually been guilty of the act of incitement. Father Camio's alleged remarks about the "bees" and the allegory of Mary and Joseph were taken as sufficient proof of his guilt. In the case of Father Gouriou his silence at the mass on 8 August 1981 was taken by the Rapporteur to imply consent to the act of incitement by Father Camio.

Another minister, Dr. Antonio Carlos de Seixa Telles, explained that he had reached the same decision as the Rapporteur. He added a comment on Father Gouriou's cases saying that "silence is a form of expression".

5. The Formal Pronouncement of STM's Decision

The decision of the STM was finally pronounced at 6.30 am on 3 December 1983. The ruling - acórdão - was formally recorded on 25 March 1983. The STM unanimously rejected the claim by the defence that the first hearing in Belém had been vitiated by a number of irregularities in the proceedings.

The ministers rejected by 11 votes to two the appeal of the defence for the case against Father Camio to be declared outside the competence of the military justice and moved to ordinary civilian justice. A similar appeal from the posseiros defence was rejected by ten votes to three.

The STM unanimously rejected the appeal by the Belém prosecutor for the sentence of 12 of the posseiros to be raised. The appeal by the defence of one of the posseiros João Matias, for a reduction in his sentence was rejected by a majority.

The sentence of Father Camio was reduced from 15 years to ten, Father Gouriou's from ten to 8. Four ministers voted in favour of acquitting Father Gouriou because of insufficient evidence, the absence of just cause and the ineptness of the indictment. Three judges recommended Father Gouriou's acquittal and the transfer of the case of the posseiros to the civilian court of justice; two of them recommended the transfer of the case of Father Camio to the civil court.

Among the ministers dissenting from the majority verdict were Dr. Jacy Guimarães Pinheiro, Admiral Julio de Sá Bierrenbach and Dr. Gaulter Godinho who presented separate votes.

Minister Jacy Guimarães Pinheiro stated that there was insufficient evidence to convict Father Gouriou and deplored the fact that the trial was a "combination of inter-linked occurrences involving private and political interests which had undoubtedly affected the good judgment of the judge". He also complained that the hearing had not clarified whether the victim of the ambush was a hired gunman with a criminal record or an innocent employee of a local farmer.

Dr. Gaulter Godinho declared that the case of the posseiros fell outside the competence of military justice and recommended that it be transferred to a civilian court. On the principle of the indivisibility of legal proceedings Father Camio's case should also be transferred. Once the defendants were no longer being tried under the LNS they could await the outcome of the legal proceedings in freedom. Dr. Godinho voted to acquit Father Gouriou after commenting on previous decisions of the STM related to the admissibility of testimonies from co-defendants.

Admiral Julio de Sá Bierrenbach when explaining his vote to acquit Father Gouriou took the opportunity of reading extracts from the cross-examination of the priests and the posseiros which took place on 15 April 1982. He showed that nine out of ten co-defendants had never spoken a word to Father Gouriou. The minister declared that this evidence was a clear refutation of the charge of indictment.

Amnesty International's Assessment of the Case Against the French Priests and the 13 Posseiros

A careful study of all the documents and statements presented at the appeal to the Superior Tribunal Militar in Brasília leads Amnesty International to conclude that its assessment made public after the trial in Belém is still valid. Amnesty International reaffirms its view that Father Aristide Camio and Father Gouriou are prisoners of conscience detained for the expression of their conscientiously held beliefs in the course of their normal pastoral duties.

No evidence was presented which showed the direct responsibility of the priests for the charges brought against them. Moreover the manifest weaknesses and contradiction of the police investigations appear not to have been given due consideration during the appeal although these were not described in detail in the Memorial prepared by the defence.

Amnesty International was encouraged however by the difference in climate between the two hearings (there was no military presence whatsoever in the courtroom in Brasília) and by the measures of independence shown by several judges.

During the appeal several ministers questioned the evidence presented by the Rapporteur and the Public Prosecutor and a number of irregularities and errors in the earlier hearing were highlighted. Moreover, the voting of the judges was not unanimous which enables the defendants to make further appeals.

Though the prison conditions in which the priests are held are apparently reasonable Amnesty international is concerned about the duration of the legal proceedings and the delays which have occurred. The priests and posseiros have now spent over twenty months in detention awaiting the outcome of the case. This is in marked contrast to other LNS cases where defendants charged under the law for the first time have been granted the rights to sursis (conditional liberty) pending the completion of legal proceedings.

The length of the proceedings seriously affects the posseiros and their families. Amnesty International called on the Military Court in Belém to transfer the posseiros from the military barracks in which they are held to a regular detention centre in Marabá or Conceição do Araguaia where there isolation would be lessened and they would be nearer their families. Furthermore they would be free from the possibility of further harassment and ill-treatment, which some of the posseiros allege they were subjected to in the 1° COMAR.

Amnesty International reiterates its concern that the posseiros were not given adequate defence. In March 1983 the Pará Bar Association asked for permission to interview the posseiros in private after receiving reports that a number of them wished to change their defence counsel.

The military authorities at the air base, where the posseiros are held, refused the Bar Association private interviews and allegedly threatened relatives of those posseiros who had asked the Bar Association for help. However by April 1983 seven posseiros were able to dismiss their lawyer, Djalma Farias, and accept the services of Deusedith Freire Brasil and José Quadros de Alencar who had been proposed by the Bar Association.

The new lawyers have submitted statements from their clients to the STM which repeat previous allegations of torture, coercion and ill-treatment. Raimundo Resplandes Coelho alleged that he was tortured with electricity by the Federal Police. Antonio Resplandes Coelho and Simplicio Vieira alleged they were ill-treated in order to make them falsely accuse the two priests. Another prisoner, Raimundo Anunciação, alleges that all the posseiros were told that would be acquitted if they implicated the priests. Finally the defendants claim that their former defence counsel, Djalma, Farias, was party to this coercion.

Although Amnesty International has not adopted the 13 posseiros as prisoners of conscience, the organization believes that judicial proceedings under Articles 31 and 46 of the Law of National Security cannot be justified. There is disturbing evidence to support the assertion of the lawyers, Deusedith Freire Brasil and José Quadros de Alencar, that the whole case was brought under the jurisdiction of the Law of National Security merely to involve the two priests. The matter should have been referred to the civilian courts, which have dealt with similar cases involving land conflicts in Brazil.

EXTERNAL (for general distribution)

AI INDEX: AMR 19/02/83
Distr. SC/CO/AD

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APPENDIX

Appendix A; Aftermath of the Appeal

1.

AFTERMATH OF THE APPEAL

Immediately after the appeal, early in the morning of 3 December 1982 the two priests were visited in the barracks of the 1° Batalhão da Polícia Militar in Brasília, and were informed of the outcome of the trial firstly by Dom Luciano Mendes and other bishops and later by their lawyers. The Amnesty International observer was allowed to accompany the lawyers and meet the priests who appeared to be in a good physical and psychological state. They expressed their desire to make further appeals to the various courts and to exhaust all remaining legal possibilities. They would not consider expulsion as a means of securing early release, since they believed their trial was important both for Church-State relations in Brazil and for land problems and issues in the country.

On 3 December, the CNBB issued a press statement in which it described the reduction of the sentences as a "step forward in proving the innocence of the priests, particularly the four votes for the acquittal of Father Gouriou".

The 13 posseiros are still held in the 1° COMAR barracks in Belém. Two posseiros who refused to implicate the priests (Venâncio Pereira da Anunciação and Raimundo Pereira da Anunciação) are held apart from the others.

Though the conditions of their detention are believed to be reasonable, the posseiros are kept in strict isolation and are allowed two visits each per week, each visitor having 10-15 minutes allocated to them. Due to the distance of the barracks from their homes in the São Geraldo region, they are rarely visited by their families.

At Christmas/New Year the Juiz Auditor Militar (Military Judge) in Belém granted the posseiros provisional liberty for ten days to enable them to visit their families. The posseiros were divided into two groups: the first was to travel for Christmas; the second for New Year. After the judge's decision became public the priests' lawyers announced that they too would request provisional liberty for their clients. The judge then withdrew his decision, calling back the first group of seven posseiros who had already left Belém and preventing the second group from leaving the barracks.

A request by the posseiros' lawyer for the posseiros' transfer from Belém to São Geraldo was rejected because the military judge stated that 2° Batalhão de Engenharia e Construções do Exército (2° BEC) (Second Army Engineering and Construction Battalion) in São Geraldo did not have the necessary facilities for their detention.

Protest against the continued detention of the priests and the posseiros was planned to coincide with one of the most important religious festivals in Belém (Procissão do Cirio de Nazaré) on 10 October 1982. On 8 October 1982, police raided the Comissão Pastoral da Terra (CPT), the printing

house Grafica Suyá and the offices of the Pará Society for the defence of Human Rights (SDDH) and confiscated leaflets and posters calling for the release of the priests and posseiros. Thirty persons were reportedly arrested during the raid. Amnesty International later learned that charges under the Penal Code or LNS may be brought against the following people: Paulo Roberto Ferreira, José Maria Pedroso, Luiz Maklouf de Carvalho, Carlos Boução, Luiz Daniel Veiga and Humbero Cunha.

The priests' defence lawyers have now presented a petition to the STM calling for a detailed review of the case in view of the four dissenting votes by the court following appeal. The petition highlights the fact that the ruling was based largely on the relatório rather than the hearing or the evidence produced in court. The defence lawyers reject the prosecution's contention that the priests, using religious canticles, had incited the posseiros to the ambush which took place on 13 August 1983 in São Geraldo.

The defence lawyers stated that the texts which the prosecution maintain are "subversive" are taken from the bible and that therefore "the Bible has become a pretext for charging and convicting the priests". Another point raised in the petition refers specifically to the case against Father Gouriou and challenge the statement of Minister Seixas Telles that "one can incite by remaining silent". The defence lawyers contend neither penal legislation nor the LNS provide for the crime of "incitement by silence".