

EXTERNAL

AI Index: AMR 19/14/97

12 June 1997

Further information on EXTRA 82/97 (AMR 19/12/97, 9 June 1997) - Fear of unfair trial

BRAZIL José Rainha Junior, peasant leader

José Rainha Junior, a national leader of the *Movimento dos Trabalhadores Rurais Sem Terra*, MST, Landless Rural Workers' Movement, has been convicted and sentenced to 26½ years imprisonment on a charge of double homicide. Amnesty International is gravely concerned that the charge appears to have been politically motivated, that there is no credible evidence against him, and that the trial did not meet international standards of fairness.

Early on 11 June 1997, José Rainha was found guilty of the intentional homicide on 5 June 1989 of a local landowner, José Machado Neto, and of a policeman, Sergio Narciso da Silva, on the Ipuera estate in the municipality of Pedro Canário in Espírito Santo state. The verdict was passed by a majority of four jurors' votes to three.

José Rainha's lawyers had petitioned to have the trial moved to the state capital Vitória in the light of the hostility of local landowners to José Rainha's political activity as a campaigner for agrarian reform. A number of the jurors are local landowners.

The prosecution did not present a single witness placing José Rainha at the scene of the crime, and, in summing up, reportedly exhorted the jury to convict on the basis of José Rainha's membership of the MST. José Rainha's lawyers called five witnesses who testified that he was in the state of Ceará, some 1,000 kilometres away, at the time.

Anyone sentenced to over 20 years' imprisonment in Brazil has the automatic right to an appeal. José Rainha's appeal has been set for 16 September 1997, and he will await it at liberty. His lawyers will request to have the appeal held in the state capital.

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

- expressing deep concern that José Rainha Junior has been sentenced to 26½ years' imprisonment in a trial which failed to conform to international standards of fairness;
- noting that the prosecution were unable to present a single witness placing him at the scene of the crime, while five witnesses testified that he was over 1,000 km away at the time;
- noting that some of the jurors are local landowners known to be hostile to José Rainha's political activities campaigning for agrarian reform as a member of the *Movimento dos Trabalhadores Rurais Sem Terra*, MST;
- calling for José Rainha's appeal, 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;
- expressing concern at a pattern of apparently politically-motivated charges being used to harass and imprison land reform activists in Brazil.

APPEALS TO:

Federal authorities:

President

Exmo. Sr. Presidente da
República Federativa do Brasil
Sr. Fernando Henrique Cardoso
Gabinete do Presidente
Palácio do Planalto, 3º andar
Brasília, DF
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Salutation: Your Excellency/Vossa Excelência

Attorney General

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Salutation: Your Excellency/ Vossa Excelência

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
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Salutation: Your Excellency/ Vossa Excelência

COPIES TO:

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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 15 July 1997.