

URGENT ACTION amnesty international **DOSSIER** SECTION 7 **URGENT ACTION**

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Further information on UA 230/82 (AMR 19/10/82 1 October) - Legal Concern

BRAZIL: Juvêncio MAZZAROLLO

Amnesty International has now received reports that the Superior Military Tribunal (STM) has rejected an appeal lodged by Juvêncio Mazzarollo against a one-year sentence imposed by the Auditoria Militar (military court) in Curitiba on 27 September 1982. Although the Curitiba court acquitted Juvêncio Mazzarollo of charges under Articles 14 and 36 of the Law of National Security (*Lei de Segurança Nacional*), he was sentenced under Article 42 paragraph V: "To make subversive propaganda: by insulting, slandering or detracting from either a body or an organization exercising public authority or a civil servant in respect of his/her authority".

The charges against Juvêncio Mazzarollo relate to articles printed in the journal *Nosso Tempo*, of which he is editor, in 1981. The articles criticized government officials and bodies and described the eviction of peasants from lands in the Itaipu area. For several years Juvêncio Mazzarollo has published material on the Itaipu hydroelectric project which is under construction near Foz de Iguaçu in Paraná, near the Paraguayan border. In 1980 he produced a report published by the *Comissão Pastoral da Terra* (Church Land Commission) which was critical of the government and described some of the effects of the project on the area, including the eviction of a large number of peasant farmers and their families. He had in the past faced charges in connection with articles on this subject.

Juvêncio Mazzarollo has not been given the right to *sursis* (suspended sentence) because legal proceedings on separate charges under the Law of National Security have not been completed. In July 1981 Juvêncio Mazzarollo was sentenced to one year's imprisonment but on that occasion he was given the right to *sursis* and permitted to await his appeal to the Supreme Military Tribunal in freedom. His appeal on this charge - Article 33 of the Law of National Security - is still pending. (Article 33: "To offend the honour or dignity of the President or Vice-President of the Republic, of the Presidents of the Federal Senate, the Chamber of Deputies or the Supreme Federal Tribunal, of Ministers of State or State Governments, or of the Governors of the Federal Districts or the Territories")

Juvêncio Mazzarollo is being held in the Penitenciaria Central de Piraquara, 20 kilometres from Curitiba.

Amnesty International considers Juvêncio Mazzarollo to be a prisoner of conscience detained for the exercise of his right to freedom of expression, as guaranteed by Article 19 of the Universal Declaration of Human Rights: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

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Further recommended action:

Please send additional letters to the Brazilian authorities urging the immediate and unconditional release of Juvêncio Mazzarollo as a prisoner of conscience, and expressing concern about the application of the Law of National Security to detain individuals for the peaceful expression of their beliefs.

Letters should be sent to:

Presidente da República Federativa do Brasil
General João Baptista Figueiredo
Gabinete do Planalto
70.000 Brasilia
Brazil

(President)

Ministro da Justiça do Brasil
Exmo. Sr. Ibrahim Abi Ackel
Ministério de Justiça
Esplanada do Ministérios Bloco B
70.000 Brasilia
Brazil

(Minister of Justice)

Copies of appeals may be sent to Brazilian diplomatic representatives in your country.

Check with the International Secretariat if sending appeals after 16 February 1983.

Please take action as soon as you receive this Urgent Action appeal. Carefully read the recommended action. If possible, send a telegram or express letter immediately to one or more of the addresses given. Other letters can be sent afterwards.

Telegrams and letters should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to relevant provisions in international law, such as the United Nations Universal Declaration of Human Rights:

Article 3 – “Everyone has the right to life, liberty and security of person.”

Article 5 – “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Article 9 – “No one shall be subjected to arbitrary arrest, detention or exile.”

The name of Amnesty International may be used, although letters written in a private or personal capacity are often more effective.

Copies of appeals should be sent to relevant diplomatic representatives in your country.

In Urgent Action cases, Amnesty International has to act rapidly to prevent the ill-treatment of prisoners. An appeal is issued when Amnesty International believes it has received reliable and accurate information in such cases. It is not always possible to verify all details independently and in some instances the situation outlined in the appeal may change. Urgent Action participants are always notified of any significant new information.

Copies of any replies received from government authorities should be sent immediately to your national section Urgent Action coordinator or direct to the International Secretariat. If appropriate, thank the official who has replied and ask to be kept informed about the case.