

**URGENT
ACTION**

amnesty
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Amnesty International opposes by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or deported persons in those countries where they have used or advocated violence

For action only by the following countries: CANADA, FRANCE, FRG, NETHERLANDS, SWITZERLAND, USA

26 August 1981

Further information on UA 51/81 (AMR 19/01/81 4 March) - Legal Concern

BRAZIL: Luis Inacio DA SILVA and 10 other trade unionists

On 25 February 1981 a São Paulo military court tried Luis Inacio da Silva (known as "Lula") and 12 other members of the metal workers' union on charges under the Law of National Security. The charges related to a six week strike by metal workers in São Paulo in 1980. Amnesty International expressed concern that although neither the defendants nor their lawyers were present in the court, the judge proceeded to try them *in absentia*, which is contrary to the military penal code. The defendants and their lawyers' absence from the court was in protest against the severe restrictions imposed on entry to the court. Lula and 10 of the trade unionists were sentenced to terms of imprisonment; two others were acquitted.

The lawyers are now appealing to the Superior Military Tribunal (STM) that the trial be annulled because of the irregularities in the earlier procedures. The appeal will be heard in the STM in Brasilia at 1.00 pm on 2 September 1981. There are fears that the sentences of some of the accused may be upheld.

Amnesty International considers all these trade unionists to be prisoners of conscience.

Luis Inacio da Silva: known as "Lula", was elected first secretary of the Sao Bernardo union in 1972. He was elected the union's President in 1975 and 1978. He is the national president of the *Partido dos Trabalhadores* (PT - Workers' Party). He is married with three children. He was sentenced to three and a half years' imprisonment.

Djalmo de Souza Bom: born in Minas Gerais in 1939. He first worked as a metal worker in 1962 and joined the metal workers' union in 1965. In 1975 he was elected to the union's finance committee and became treasurer. He is now a member of the State Executive Committee of the PT. He is married with 2 children. He is a quality controller but is currently unemployed. He was sentenced to three and a half years' imprisonment.

Juraci Batista Magalhães: aged 31, born in Bahia. He arrived in São Paulo in 1969. He trained as a carpenter and joined Volkswagen in 1972. In 1972 he joined the metal workers' union and in 1978 became shop steward for the Mercedes Benz plant. He is a member of the PT. He is married with two daughters. He is a machine operator but is now unemployed. He was sentenced to two and a half years' imprisonment.

Enilson Simões Moura: known as "Alemão", aged 31 and from Minas Gerais. In 1972 he came to Sao Paulo where he worked as a mechanic. In 1975 he joined Volkswagen as a quality controller. In 1979 and 1980 he was a member of the Wage Committee of the São Bernardo union

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and although he was not a shop steward for the union he became a well-known leader, particularly after the arrest of the union's executive in 1980. He is a member of the labour department of the *Partido do Movimento Democrático Brasileiro* (PMBD - Party of the Democratic Brazilian Movement). He is married with two children. He was sentenced to three and a half years' imprisonment.

Manoel Anísio Gomes: born in Pernambuco. A metal worker in São Paulo since 1964, he joined the union in 1976. He was a member of the factory commission at Scania but was sacked in 1977. He is a member of the Municipal Executive Committee of the PT. He is married with four children. He is now unemployed. He was sentenced to two and a half years' imprisonment.

Gilson Luiz Correia de Menezes: born in Bahia in 1949. He joined the union in 1973. In 1976 he was a member of the Scania factory commission. He is currently unemployed and is in charge of the strike fund. He is a member of the Municipal Committee of the PT in Diadema. He is married with three children. He was sentenced to two and a half years' imprisonment.

Nelson Campagnolo: born in the interior of São Paulo state. In 1963 he went to São Paulo and a year later joined the union. In 1972 he became a member of the union executive, a post he held until he lost his right to hold public office. After the imprisonment of the other union leaders he led strike meetings. He is a member of the PT. Aged 39, he is married with two children. He is a welder but is now unemployed. He was sentenced to two years' imprisonment.

Osmar dos Santos Mendonça: from Minas Gerais. He went to São Paulo to study to become a mechanic. In 1976 he joined the union. After the arrest of the leaders of the union in 1980 he was one of the main organizers until his arrest in São Bernardo. He is a member of the state committee of the PT. Now aged 30, he is married with one child. He is a boiler-maker. He was sentenced to two and a half years' imprisonment.

Jose Maria de Almeida: aged 23 and born in the interior of São Paulo state. He joined the union in 1976. In 1977 he was arrested and tortured for distributing pamphlets calling for a 1 May meeting. He was tried and acquitted. He was arrested again in 1978 for participating in a meeting of the Socialist Convergence. He is a member of the Municipal Executive Committee of the PT in Santo André. He is unmarried. He was sentenced to two and a half years' imprisonment.

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- Please take immediate action as soon as you receive this Urgent Action appeal. Carefully read the Recommended Action.
- Letters and telegrams should be brief and courteous. Stress that your concern for human rights is not in any way politically partisan. Refer to the 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 can be used unless stated otherwise; although, letters written in a private or professional capacity may be more effective.
- Information about the alleged connection of any person with an organization which is banned in their country is provided as background only and should not be included in appeals.
- In Urgent Action cases, where Amnesty International has to act rapidly to prevent the possible ill-treatment of prisoners, appeals are issued when the circumstances of a person's arrest or disappearance make such treatment likely. Do not make direct accusations and, unless otherwise instructed, do not use the word "torture".
- Send at least one telegram or express letter immediately. Other letters can be sent afterwards to the addresses listed. Copies of letters should be sent to the relevant diplomatic representatives in your country. Copies of any replies received should be sent immediately to the International Secretariat, or to your national section or Urgent Action coordinator. Thank the official who has replied, requesting that you be kept informed about the case.

Rubens Teodoro de Arruda: born in the interior of São Paulo state. Since 1965 he has held a number of important trade union positions including that of vice-president. He is a member of the PT and is 42 years old, married with three children. He lost his job as a production supervisor but has bought a small grocers shop. He was sentenced to three and a half years' imprisonment.

Wagner Lino Alves: born in São Paulo. In 1978 he began to work in São Bernardo. In 1980 he was part of the negotiating team with the management of Termomecanica. He is the treasurer of the strike fund in São Bernardo. He is a member of the PT. He is aged 33 and unmarried. He is a lathe operator. He was sentenced to two years' imprisonment.

Jose Timoteo da Silva: became an active union member in Santo Andre in early 1970. Although he has never held any official post, he is highly regarded among trade unionists. Before 1980 he had been arrested on at least eight occasions. He is a lathe operator, a member of the PMDB and is married with one child. He was acquitted.

Jose Cicotti: born in the interior of São Paulo state, age 44. In 1963 he went to Santo Andre and started work in the Pirelli factory. In 1972 he was elected to the financial committee of the metal workers' union. In 1975 he became an executive member until he lost his right to hold public office. He is a member of the Municipal Committee of the PT in Santo Andre. He is currently unemployed and is married with four children. He was acquitted.

Amnesty International is concerned that these trade unionists were sentenced under the Law of National Security for peaceful and legitimate trade union activities. There is also concern that the trial proceedings were conducted in the absence of the defendants and their lawyers in contravention of Article 431, paragraph 4, of the Código Processo Penal Militar, and that unusually severe restrictions were imposed by the military judge prohibiting the attendance of suitably qualified observers; which give rise to anxiety about whether the defendants received a fair and just trial.

RECOMMENDED ACTION: PLEASE ORGANIZE ABOUT 20 APPEALS.

Telegrams expressing concern about the manner in which the trial of these trade unionists was conducted in February 1981 and urging that the appeal hearing of these cases by the Superior Military Tribunal will result in a just decision which will reassure public opinion that the right to a fair trial is being respected in Brazil.

APPEALS TO:

Presidente da República Federativa do Brasil
General João Baptista Figueiredo
Gabinete do Presidente
Palacio do Planalto
70.000 Brasilia D.F.
Brasil

Ministro da Justiça do Brasil
Ibrahim Abi Ackel
Ministério da Justiça
Esplanada dos Ministérios bloco B
70.000 Brasilia D.F.
Brasil

Copies of appeals may be sent to the following newspaper:

O Estado de São Paulo
Av. Eng. Caetano Alvares 55
São Paulo, Brasil

and to Brazilian diplomatic representatives in your country.

Please send appeals as soon as possible, preferably to arrive before 2 September 1981.

PLEASE BRING THESE CASES TO THE ATTENTION OF TRADE UNION ORGANIZATIONS IN YOUR COUNTRY AND ASK THEM TO SEND APPEALS.