

Decision No. 19/1994 (Brazil)

Communication addressed to the Government of Brazil on 22 April 1994.

Concerning: Francisco de Asís Pinto de Nascimento, Salvador Murao de Souza, Estevao Alberto Rocha da Silva, Manoel Privado, Francisco Souza Lacerdo, Alciro José Ferreira, Raimundo Francisco do Nascimento, Raimundo Pereira da Silva, Lindomar Gomez, Fransisco Dos Reis Dos Santos Chaves, and three unidentified minors, on the one hand, and The Federative Republic of Brazil, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than 90 days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 10/1994.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Brazil. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. The Working Group considers that:

(a) According to the allegation, Francisco de Asís Pinto do Nascimento, Salvador Murao de Souza, Estevao Alberto Rocha da Silva, Manoel Privado, Francisco Souza Lacerdo, Alciro José Ferreira, Raimundo Francisco do Nascimento, Raimundo Pereira da Silva, Lindomar Gomez, Fransisco Dos Reis Dos Santos Chaves, and three unidentified minors, all workers from the camp, were detained on 21 March 1994 by the military police in the municipality of Eldorado do Carajás. The 10 adults are reportedly being held at regional police headquarters in Marabá, where the first three were allegedly beaten, while the three minors are said to be in the custody of the court in the township of Curionópolis. The reason for the adults' arrest was given as the fact that they trespassed on the Abaeté plantation, which borders the camp; however, according to the allegation, the detentions are actually part of harassment measures against peasants and trade-union leaders. It also states that Francisco de Asís Pinto do Nascimento is the director of the Union of Rural Workers of Eldorado do Carajás and that Alziro José Ferreira is the son of Amaldo Delcidio Ferreira, who, while President of the same trade union, was shot to death by a gunman on 2 May 1993.

(b) The Government has provided no information whatsoever regarding the facts.

(c) The allegation does not provide precise information as to the reasons for the detention, but an interpretation of the motives behind it, and simply states that the detainees deny having trespassed on the land.

(d) Under these circumstances, it is not possible for the Working Group to adopt a decision until it receives further information.

6. In the light of the above the Working Group decides:

The case remains pending for further information.

Adopted on 28 September 1994.