

AI INDEX: AMR 19/04/98  
16 JANUARY 1998

### **Brazil: Victim of police brutality prosecuted while police walk free**

Mistaken for a drug trafficker, a young man is left half-paralysed and mentally incapacitated by police bullets. Months later, that same man faces prosecution by the Brazilian courts on what appear to be trumped up criminal charges.

Vágner Marcos da Silva is facing charges of drug trafficking and the attempted murder of two Rio de Janeiro state military police officers during an incident in which *he* was the one shot twice and left for dead by Rio police last August. There is compelling evidence to suggest that police fabricated evidence and the charges against him. The court hearings start on 19 January.

"A high crime rate can be no excuse for the criminal activities and violence of the police, who in Rio de Janeiro are completely out of control," said Amnesty International. "In this particular case, it looks as if the courts are colluding in a cover-up of police violence."

After being shot by police in the head and stomach while on his way to work on 27 August 1997, 26 year old Vágner Marcos da Silva – a clerical worker in an accounting firm – is said to have been dragged down a hillside and taken to hospital in the boot of a police car. On arrival, his teeth were found to be completely smashed, he was semi-paralysed and had suffered brain damage.

Eye-witnesses claim that a gun and a bag containing drugs were planted on him. In order to make it look like a shoot-out, the police fired a .38 revolver twice into the ground and placed the gun in Vágner Marcos da Silva's hand. The gun is reportedly a military police issue weapon.

"This case shows the total failure of the authorities to curb police violence and human rights abuses," Amnesty International said today. "Where is the justice when the victim is prosecuted and the police responsible for leaving him badly disabled are getting off scot-free?"

In a public statement, the acting commander of the Second Battalion commented, "This boy is only alive because we rescued him. If the police had wanted to kill him, they would have killed him. The dead don't talk."

No official inquiry has been opened into the incident, and no police suspended from duty. No official medical examination was carried out to assess the extent of his injuries.

Da Silva is still unable to talk or walk and can barely recognise his family. He has been detained throughout in the hospital wing of Bangu prison in Rio de Janeiro. He has received minimal medical treatment, but not the specialist care which he requires.

His lawyer's petition to have him released from prison pending trial was denied. When he was taken to court for pre-trial hearings he was reportedly handcuffed in his wheelchair by his paralysed arm.

Vágner Marcos da Silva's mother and sister have moved to another area in fear. Amnesty International now fears for the witnesses. In many cases of police brutality in Rio de Janeiro, witnesses have been threatened and suffered physical attacks.

The case has caused such outrage in Da Silva's neighbourhood that for once the community has broken its usual code of silence – the normal response to fear of police reprisals. Five hundred residents have signed a petition protesting his innocence and eight witnesses, including an 11-year old boy, are prepared to testify in court on his behalf. However, the witnesses fear for their safety as police from the battalion involved continue to patrol the *favela* (slum).

AI is urging an immediate, thorough and impartial investigation into the circumstances surrounding the police shooting and arrest of Vágner Marcos da Silva on 27 August 1997 and into allegations that police tampered with, and fabricated, evidence. Amnesty International believes that judicial proceedings against him should be halted at once pending the outcome of investigations into alleged brutality and excessive use of force by police.

## **BACKGROUND ON THE CASE**

Vágner Marcos da Silva was walking to work that morning from his home in the Dona Marta *favela*, in the Botafogo neighbourhood of Rio de Janeiro. He started running with a friend and as they passed a well-known drug-dealing spot, they met three military policemen from the Second Battalion coming uphill. The drug dealers fled, and the police opened fire on Vágner Marcos da Silva without warning. He was hit by two police bullets: one in the head, exposing brain tissue, and the other in the abdomen. Bystanders were ordered back into their houses by the police while police planted the gun and drugs on him.

According to a recent study, in the last two years, the average number of deaths resulting from police actions has doubled as a result of the "shoot first ask questions later" policies of the current state government. Police involved in shooting or wounding criminal suspects are rewarded financially. Most police killings of civilians are officially attributed to "armed confrontations" between police and violent, armed criminals. Around 75% of civilians killed or injured in these incidents reportedly have no criminal record.

ENDS.../