

PUBLIC

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UA 18/06 Fear for safety
BRAZIL Maria Aparecida Denadai (f), lawyer
Killed: Marcelo Denadai (m), lawyer, her brother

Maria Aparecida Denadai, a lawyer working in the state of Espírito Santo, near Rio de Janeiro, has received death threats. It is feared that these threats may be linked to the killing of her brother, lawyer Marcelo Denadai, in 2002, as he was preparing to reveal evidence on political corruption in Espírito Santo state. Maria Aparecida Denadai may be in grave danger.

Since the assassination of Marcelo Denadai on 15 April 2002, five witnesses in the case have been killed. Maria Aparecida Denadai, one of the remaining witnesses, received death threats in 2002 following public denunciations of the police investigation into the killing (see UA 176/02, AMR 19/007/2002, 12 June 2002 and follow-up). Federal police protection provided at the time was withdrawn in December 2004. Since the withdrawal of protection measures, Maria Aparecida Denadai claims that she has been repeatedly threatened and intimidated. She states that she has received several threatening messages from a man suspected of ordering the killing of her brother. Two men claiming to be military police officers reportedly tried to enter her home, claiming that they had information about the death of her brother. They were later identified as former military police officers who had been charged with homicide. In December 2005 she avoided an apparent attempt on her life when an armed man reportedly entered the office where she works, before being escorted from the building. In January 2006, Maria Aparecida Denadai reported that her car was followed by two men on a motorcycle, who only left her when she stopped outside a police station. All these incidents have been reported to the federal police.

Several state and national investigations have linked human rights violations, "death squad" activity, corruption, organized crime and attacks against human rights defenders in the state to the police organization *Scuderie Detetive le Coq* (SDLC), which was reportedly acting in conjunction with powerful political and economic groups in the state. Though SDLC was outlawed by a federal judicial ruling in November 2004, it is believed that many of its former members continue to be active in the state's police forces and in political office.

BACKGROUND INFORMATION

Following her visit to Brazil in September-October 2003 the UN Special Rapporteur on Extra-Judicial Executions wrote in her final report that "The situation in...Espírito Santo is a particularly striking example of the penetration of death squad activities into the highest levels of legislative, judicial and executive branches of a state."

In 2002, a national human rights commission headed by the Minister of Justice recommended that the federal government should intervene in Espírito Santo. The recommendation was rejected by the Federal Attorney General following discussions with Fernando Henrique Cardoso who was then the Brazilian President. Instead a joint investigation of federal and state authorities began into systemic human rights violations, organized crime and impunity. This led to the detention of several leading figures involved in organized crime, including politicians, senior police officers and even judges.

In 2003, newly-elected President Luiz Inácio Lula da Silva promised to continue the fight against organised crime and human rights violations in the state. However, the persistent failure to conclude major homicide investigations and protect witnesses, coupled with the recent information of the illegal bugging of a major

news outlet in the state, have increased concerns that state and federal efforts to combat organised crime have dwindled. The recent replacement of people heading state and federal investigative teams is also believed to have undermined this process.

In March 2003 Judge Alexandre Martins de Castro Filho was killed following his investigation into allegations that detainees in the prison system were being temporarily released to commit assassinations. Nobody has yet been brought to trial for his killing, nor for the killing of Marcelo Denadai, perpetuating the long history of impunity surrounding the deaths of those fighting against human rights violations and corruption in Espírito Santo.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:

- urging the federal authorities to take immediate measures to protect Maria Aparecida Denadai, according to her wishes; and to carry out a full and public investigation into the threats against her, with those found responsible to be brought to justice;
- expressing concern at the persistent failure of the investigations into the killings of Marcelo Denadai and Judge Alexandre Martins de Castro Filho, underlining the long pattern of impunity surrounding killings of those fighting corruption and human rights violations in the state;
- asking the state and federal authorities what steps they have taken and will continue to take to ensure that consistent allegations of organized crime and killings in the state of Espírito Santo are investigated and those responsible brought to justice;
- calling on federal and state authorities to investigate the circumstances that lead to the illegal bugging of a major news organization in the state, and urging that those found responsible be brought to justice;
- urging the state and federal authorities to ensure that Human Rights defenders are able denounce human rights abuses without fear of threat or intimidation.

APPEALS TO:

Minister of Justice, (Federal Government)

Exmo. Ministro da Justiça

Dr Márcio Thomaz Bastos

Esplanada dos Ministérios, Bloco "T", 70712-902 - Brasília/DF, Brasil

Fax: + 55 61 3322 6817

Salutation: Vossa Excelência/ Your Excellency

Federal Secretary of Human Rights

Exmo. Secretario Especial de Direitos Humanos

Sr. Paulo Vannuchi

Esplanada dos Ministérios, Bloco "T", 70064-900 - Brasília – DF, Brasil

Fax: + 55 61 3226 7980

Salutation: Vossa Excelência/ Your Excellency

Governor, Espírito Santo State

Exmo. Governador de Espírito Santo

Sr. Paulo César Hartung Gomes

Palácio Anchieta - Praça João Clímaco, s/nº

Cidade Alta, 29015-110 - Vitória – ES, Brasil

Fax: + 55 27 3223 0815

Salutation: Vossa Excelência/ Your Excellency

COPIES TO:

Brazilian Lawyers' Association

Ordem dos Advogados do Brasil - Espírito Santo, Rua Soldado Abílio dos Santos, N°9
29015-620, Vitória - ES, Brazil

Non-governmental organization

Comissão de Justiça e Paz

Rua Soldado Abílio dos Santos, 47, CEP 29015 620 - Cidade Alta - Vitória – ES, Brazil

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 9 March 2006.