

PUBLIC

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UA 133/06 Fear of persecution

BRAZIL Conceição Paganele (f), human rights defender

Police have begun investigations into a number of apparently politically motivated allegations against Conceição Paganele, who runs a mothers' organisation that monitors conditions inside Brazil's juvenile detention centres, and visits detainees. As one of the key critics of São Paulo's juvenile detention system, known as the FEBEM (*Fundação Estadual do Bem-Estar do Menor*), Conceição Paganele's work has been vital in exposing the grave human rights abuses that have long dogged the centres.

Conceição Paganele is the President and founder of the *Associação de Mães e Amigos de Crianças e Adolescentes em Risco* (AMAR), The Association of Mothers and Friends of Children and Adolescents at risk. She is being investigated by the Civil Police for a series of crimes including criminal damage, inciting riots inside the detention centres, conspiracy, formation of a criminal gang and aiding and abetting escape from a juvenile detention centre. In total Conceição Paganele is subject to three separate police investigations linking her work to recent riots within the FEBEM.

Conceição Paganele regularly visits FEBEM units, and has been a vocal critic of the system, which has been condemned both in Brazil and internationally for ill-treatment, torture and inhumane conditions. No clear evidence has been produced to back up the accusations levelled against her. Nor have any reasons been provided as to why Conceição Paganele has been singled out, when she has always visited FEBEM units accompanied by representatives of other NGOs. Amnesty International believes these charges are politically motivated, intended to undermine her work as a human rights defender.

Over the past year the authorities have sought to make AMAR and the human rights movement the scapegoat for the systemic failures within the FEBEM. In October 2005, the then Governor of São Paulo, Geraldo Alckmin, publicly criticised Conceição Paganele and her organisation for "always acting against the government" and "creating problems". In response, Conceição Paganele has said that she never expected government hostility toward her organisation, and that "we should be partners."

Since she reported on torture in the Vila Maria FEBEM complex in January 2005, Conceição Paganele has been receiving anonymous death threats, and her family have been threatened. In spite of intimidation and attempts to discredit her work, Conceição Paganele remains a tireless campaigner for the rights of the adolescents held inside the FEBEM.

BACKGROUND INFORMATION

São Paulo's overcrowded FEBEM has a long history of grave human rights abuses, including ill-treatment and torture of inmates. It has been the subject of damning reports from the UN Special Rapporteur on Torture (2000), the UN Special Rapporteur on Summary executions (2003), Human Rights Watch and Amnesty International. AMAR and other local NGOs have been active in condemning conditions inside FEBEM units and calling on the authorities to introduce comprehensive reform. In November 2005 the Inter-American Court of Human Rights ordered Brazil to "adopt without delay the measures necessary to prevent juvenile detainees from being subjected to cruel, inhuman, and degrading treatment."

Conceição Paganele set up AMAR in 1998, together with other mothers who wanted to defend the rights of their sons held in the FEBEM. She was given the 2001 National Human Rights Prize by President Fernando Henrique Cardoso. Two years later, AMAR was awarded the same prize.

The authorities have entirely failed to address systemic problems within the FEBEM. This year, they have come under intense pressure as rioting and unrest have spread through the system.

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

- expressing concern that the accusations being levelled against Conceição Paganele appear to be politically motivated, and without foundation;
- stating that should she be charged, Amnesty International would be likely to adopt her as a prisoner of conscience;
- expressing grave concern that it is increasingly difficult for Conceição Paganele to carry out her legitimate work on behalf of those in detention in FEBEM because of this harassment by the police;
- calling on the authorities to thoroughly investigate the threats and intimidation suffered by Conceição Paganele in connection with her work as a human rights defender, and to bring those responsible to justice;
- calling on the authorities to produce concrete policy proposals for the implementation of the principles of the UN Declaration on Human Rights Defenders, and to make these proposals public;
- urging the authorities to comply with UN recommendations and rulings from the Inter-American Court of Human Rights by investigating allegations of torture within the FEBEM, and introducing urgent reforms, including the improvement of detention conditions in line with international standards.

APPEALS TO:

Governor of São Paulo

Sr. Cláudio Lembo, Governador do Estado de São Paulo
Palácio dos Bandeirantes, Av. Morumbi, 4500, CEP 05650-905 - São Paulo, Brazil

Fax: +55 11 2193 8908

Salutation: Vossa Excelência/Your Excellency

President of FEBEM

Sra. Berenice Maria Giannella, Presidente da Fundação Estadual do Bem-Estar do Menor
Rua Florêncio de Abreu, 848 – Luz, CEP 01030-001 - São Paulo – SP, Brazil

Fax: 55 11 6846 9024

Salutation: Vossa Excelência/Your Excellency

Special Secretary of Human Rights

Ministro Paulo Vannuchi, Secretaria Especial de Direitos Humanos
Esplanada dos Ministérios - Bloco T - Sala 420 - Edifício Sede do Ministério da Justiça
CEP 70064-900 - Brasília – DF, Brazil

Fax: +55 61 32267980

Salutation: Vossa Excelência/ Your Excellency

COPIES TO:

Organisation of detainees' mothers

AMAR (Associação de Mães e Amigos de Crianças e Adolescentes em Risco)
R. Pedro Américo, 32 – 13o andar, Centro – São Paulo – SP, Cep 01045-010, 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 27 June 2006.