

PUBLIC

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UA 243/00

Fear for Safety/Torture

16 August 2000

BRAZIL

Dona Iraci Oliveira dos Santos (f)
"José" (not his real name) age 16

Dona Iraci Oliveira and her 16 year old son, "José" have been continually intimidated by the two police officers accused of torturing "José" last year. Amnesty International is concerned for their safety.

"José" - his real name cannot be legally revealed as he is a minor - was arrested by the civil police in the town of Xinguara, in the State of Pará, on 7 June 1999. He was tortured while in their custody and suffered intense psychological trauma as well as physical injury. An investigation has been opened into the allegations against two officers, but they have not yet been detained or suspended and remain on active duty in Xinguara.

The two police officers under investigation have repeatedly attempted to intimidate those involved in the case in the hope of forcing them to withdraw the charges. They regularly drive past Dona Iraci's house, in full view of "José" adding to his distress while in this vulnerable state. One of the officers insisted on accompanying Dona Iraci from the Police Station to her home after she had testified in her son's case. The same police officers have made a point of personally delivering the summonses to the homes of witnesses who also have to testify.

One of the officers in the case was transferred to Xinguara in 1999 following previous accusations of torture and the investigation is being led by a senior officer who was also transferred to Xinguara at the same time as a result of the same accusations.

The *Comissão Pastoral de Terra* (CPT), Pastoral Land Commission, has filed legal complaints to Pará State authorities regarding the torture charges, violations of due process and the on-going intimidation against Dona Iraci and "José". No investigation into the threats has taken place to date. As a result of their efforts the CPT has been attacked in the press by members of the civil police (see UA 134/00, AMR 19/13/00, 25 May 2000; and follow-up UA134/00, AMR 19/19/00, 25 July 2000).

BACKGROUND INFORMATION

Amnesty International has documented hundreds of cases of police brutality and torture throughout Brazil, and is concerned that the Brazilian authorities have consistently failed to implement the law on torture (Law 9.455) adopted in April 1997. According to information received by Amnesty International, there have still been no convictions under this law, four years after its introduction, in any part of the country. It is this form of impunity which has allowed the practice of torture and ill-treatment in Brazil's police stations and prisons to continue unabated.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Portuguese or your own language:

- expressing concern for the safety of Dona Iraci Oliveira dos Santos, her son (please do not refer to him as "José" in your letters), and the witnesses involved in the case;
- calling for an immediate investigation into the threats, and intimidation being made against them and for those found responsible to be brought to justice without delay;
- urging the authorities to open a full and independent investigation into the torture of Dona Iraci Oliveira dos Santos's son, for any officers involved to be suspended from duty and for those found responsible to be brought to justice;
- urging the Brazilian government to adhere to torture Law 9.455 adopted on 07 April 1997, and reminding the authorities of their commitment to ensure

that human rights violations and crimes of torture are investigated and prosecuted wherever they occur in Brazil.

APPEALS TO:

Governor Pará State
Exmo. Sr. Governador do
Estado do Pará
Sr. Almir José de Oliveira Gabriel
Palácio dos Despachos
Rod. Montenegro KM 9
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Salutation: Vossa Excelência/Your Excellency

Public Security Secretary, Pará State
Secretário de Segurança Pública
do Estado do Pará
Dr. Paulo Celso Sette Câmara
Rua Arcipreste M. Teodoro 305
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Minister of Justice
Exmo. Sr. Ministro da Justiça
do Brasil
Dr. José Gregori
Ministério da Justiça
Esplanada dos Ministérios, Bloco 23
CEP 70064-900
Brasília - DF
Brazil
Fax: +55 61 224 2448/322 6817
Salutation: Vossa Excelência/Your Excellency

COPIES TO:

Pastoral Land Commission- Xinguara
Comissão Pastoral da Terra - Xinguara
Rua Pau Brasil 40
Caixa Postal 57
CEP 68555-000
Xinguara -Pará - PA,
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O Liberal (Newspaper)
Redação
Av 23 de Setembro 2473
66093-000, Belem - PA, Brasil
Fax: + 55 91 276 5615 / 216 5615

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 September 2000.