

`NO ONE HERE SLEEPS

Killings, torture and abuse of prisoners in Brasil

‘We committed a crime and we are paying our debt to society. But no one deserves to be treated like this, like animals.’

A Brazilian prisoner

‘All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.’

Article 10, International Covenant on Civil and Political Rights

‘For a month and a half we were tortured by the police riot troops every other day. They would drag us out of our cells, make us strip and kneel down, force us to beat one another... when our families sent us food, the riot troops would drag us out and beat us and when we went back to our cells, the food was mixed with faeces.’

A prisoner in Manaus, Amazonas State

Prisoners in the Osasco prison in São Paulo, Brazil, will never forget 10 December 1998 — the 50th anniversary of the Universal Declaration of Human Rights. Police officers came to the prison that day on the pretext of conducting a cell search. They pulled some 400 terrified prisoners out of their cramped cells and for eight hours they assaulted and humiliated them. Prisoners were forced to run past rows of policemen who kicked and beat them, while the judge who had authorized the “operation” looked on. As they went past the policemen shouted, “Today is human rights day, and this is what prisoners’ rights are!”

Prisoners forfeit their liberty, not their fundamental human rights. The right to freedom from torture does not stop at the prison gates. International and Brazilian laws set out detailed standards and guarantees about the treatment of prisoners. Many of these are being routinely flouted throughout Brazil.

The authorities regularly turn a blind eye to torture and deaths at the hands of police officers, prison guards and “elite” prison gangs in many police stations and prisons. Prisoners are packed into dark, airless, vermin-infested cells where they are exposed to life-threatening diseases, such as AIDS and tuberculosis, for which they receive little or no medical treatment. They can be held in such conditions for years with little or no information about their cases and without seeing a lawyer.

Women, children and adolescents fare little better in detention. Many are crammed into filthy cells where they are at risk of violence and intimidation by police and prison guards. The system takes little or no account of the specific needs of pregnant women and mothers, or of the distress and disruption faced by families when women are separated from their children. Brazilian law states that minors should only be detained as a last resort. Despite this, children and adolescents can be picked up by police and interned for 45 days simply for being a nuisance, and children who commit a criminal offence are more likely to receive a custodial sentence than adults.

Brazil’s system of detention is in crisis. Weekly riots and almost daily serious assaults indicate that in many prisons the authorities have lost control. Corruption is rife. Staff entrusted with the care and rehabilitation of prisoners do not have the resources to carry out their jobs. Doctors who fail to turn up for work are not disciplined, and there are simply too few legal aid lawyers to guarantee prisoners an adequate defence. Prison guards do not receive professional training in important skills such as restraint methods, and themselves risk violence and illness. Despite the enormous responsibilities of their work, they have no official guidelines to direct them and are not effectively monitored. If they

beat, torture or kill a prisoner, there are no effective complaints mechanisms in place to hold them accountable for their actions. Very few investigations result in a criminal prosecution.

In response to the crisis, Brazil has embarked on a major prison construction program to reduce overcrowding. However, the structural flaws and systematic disregard for human rights have simply been exported to the new installations where riots and violence are already breaking out. The minority of prisons which do manage to safeguard the dignity and physical integrity of prisoners serve to highlight the chronic failure of the system as a whole. They also show that with political will improvements can be made on limited resources. Amnesty International is calling for extensive reforms in line with international standards in order to end the appalling spiral of human rights violations in Brazil's prisons and police stations.

Eight prisoners were brutally killed when police officers stormed the Roger Prison after a hostage-taking incident in July 1998. The police overpowered the prisoners and then opened fire on them as they sat huddled in a corner. They shot dead two prisoners and wounded others, including Jailson Santos de Castro who was shot several times in the groin. Police then deliberately left the survivors in the hands of a violent prison gang who tortured and mutilated them. Six prisoners were killed by the gang, including Josivaldo Mendes da Silva; his eye was gouged out and his throat cut. In a visit to the prison in 1998, Amnesty International was denied access to prisoners.

‘The prisons are purgatory, but the police stations are hell.’
Brazilian government official

For prisoners held in lock-ups in civil police precincts in Belo Horizonte, Minas Gerais State, humiliation and torture are part of everyday life. Prisoners are not allowed even the most basic personal possessions. They are regularly herded naked into the courtyard while their cells are being searched. They are then hosed down with water by police officers standing on the roof. A special room has been set aside for torturing prisoners. J. confessed to a crime after he was tortured there. He was stripped naked, suspended over a metal pole with his wrists and ankles tied, beaten on the soles of his feet with a rubber pipe, and had electric shocks applied to his scrotum, buttocks, head and chest.

Since a fire destroyed the João Luis Alves detention centre in December 1997, boys convicted of crimes in Rio de Janeiro have been packed into the Muniz Sodré prison wing. The building is so dilapidated that it was closed down as an adult prison some time ago. In each tiny, decaying cell, between four and five boys sleep on filthy scraps of foam on wet floors. There is no space for them to exercise in the open air, so the boys spend all day indoors in cramped conditions, with little in the way of education or recreation. Sanitation is so poor that the boys have to urinate into plastic bottles which are left to stand on the window sill. The boys complain that the guards resort to violence to maintain control. Although the João Luis Alves centre has been rebuilt and is functioning again, so many custodial sentences are being handed down that around 300 boys continue to be held in the Muniz Sodré centre.

Beatings and solitary confinement are used to punish women in the Talavera Bruce prison in Rio de Janeiro. The prison administration denied the existence of punishment cells, but an Amnesty International delegation visiting the prison found several women who had been locked up in such cells since an escape attempt in February 1998. Two of the women — F., who was seven months pregnant, and T., who had mental health problems — had been severely beaten by male prison staff. The arms of

another woman who had a history of self-mutilation were covered with suppurating cuts. The women had been kept in solitary confinement for a month.

WHAT YOU CAN DO

Publicize the information in this leaflet among relevant people in your government and among organizations in your country. Urge them to write to the addresses below and to use any contacts they may have with Brazil in order to ask the Brazilian authorities to:

- * launch independent investigations into all deaths in custody and allegations of torture and ill-treatment in detention and bring to justice those responsible;
- * set up effective, independent and transparent monitoring of prisons and police stations at federal and state level;
- set up an effective complaints procedure to allow prisoners to report human rights violations without fear of reprisals;
- * provide all prison staff with the training and clear policy guidelines necessary for them to fulfil their duty to work towards the reform and rehabilitation of the prisoners in their care;
- * implement the safeguards and provisions relating to the incarceration of minors in Brazil's own Statute of the Child and Adolescent;
- * draw up policy guidelines to address the specific needs and rights of women detainees.

Addresses:

Minister of Justice: Exmo. Sr. Ministro da Justiça do Brasil, Dr. Renan Calheiros, Ministério da Justiça, Esplanada dos Ministérios, Bloco T, 70064-900 - Brasília - DF, Brazil

Secretary of State for Human Rights: Exmo. Sr. Secretário de Estado dos Direitos Humanos, Dr. José Gregori, Secretaria de Estado dos Direitos Humanos, Ministério da Justiça, Esplanada dos Ministérios, Bloco T, Ed. Sede, sala 420, 70064-901 - Brasília - DF, Brazil

If you would like to know more about Amnesty International's work for human rights in Brazil, please contact:

or Amnesty International, International Secretariat, 1 Easton Street,
London WC1X 8DJ, United Kingdom

<http://www.amnesty.org>

This leaflet summarizes a report, 'Brazil: No one here sleeps safely' — human rights violations against detainees (AI Index: AMR 19/09/99), published in June 1999.

Captions

Armed police rounding up a group of children in the streets of Manaus, Amazonas State

Police officers stand over naked prisoners crouched in a prison corridor while police conduct a cell search in Roger Prison in João Pessoa, Paraíba State

Prisoners crammed into a small local police station in São Paulo State, November 1997. Overcrowding in Brazil's crumbling jails means that thousands of pre-trial and convicted prisoners are held in civil police station lock-ups where some of the most serious human rights violations occur.

A boy huddles in the corner of his cell in the Muniz Sodré juvenile detention centre, Rio de Janeiro

A prison guard watches a woman holding her six-month-old baby. The prison system takes little or no account of the specific needs of pregnant women or mothers