

EXTERNAL

AI Index: AMR 19/26/95

3 November 1995

Further information on UA 440/94 (AMR 19/25/94, 13 December 1994) and follow-up (AMR 19/02/95, 2 February; AMR 19/04/95, 31 March, AMR 19/10/95, 21 June, AMR 19/22/95, 5 October) - Fear for Safety

BRAZILWagner dos Santos, aged 22, witness to "Candelária Massacre"

Amnesty International has received information from the Brazilian Government confirming that on 26 October 1995, by decision of President Fernando Henrique Cardoso, Wagner dos Santos was escorted by officials of the Department of Federal Police to a secret location in order to secure his safety. Wagner dos Santos is the only adult witness to the Candelária massacre in which eight street children were killed in Rio de Janeiro on 23 July 1993.

After leaving the state Witness Protection House on 21 September 1995, Wagner dos Santos travelled to a secret destination assisted by non-governmental organizations, without police protection. He reportedly had to move location on several occasions. Despite the difficult circumstances under which Wagner dos Santos has been living, he agreed to give evidence in court on 26 October.

On this occasion, Wagner identified, through photographs, another four military policemen (not previously implicated) suspected of participating in the Candelária massacre. Although the court was considering issuing warrants for their arrest, as of 3 November no such warrants had been issued.

Following national and international appeals, the federal authorities agreed to provide Wagner dos Santos with a place of safety to ensure his well-being. According to the Brazilian Government, "the security measures consisted in escorting the witness from his hiding place to the court and from there to the airport to be flown to an unrevealed place of safety... out of Rio de Janeiro". The government is reported to have given a commitment to securing Wagner dos Santos's long-term safety, but this is not yet confirmed.

Amnesty International greatly welcomes the protection offered to Wagner dos Santos by the federal authorities, and hopes that the government will ensure that an effective national witness protection program will be set up and implemented shortly.

At this delicate stage in the proceedings, witnesses, lawyers for the prosecution, state prosecutors and the judge involved in the Candelária trial may be particularly vulnerable to threats and assaults. Amnesty International continues to be concerned for their safety.

BACKGROUND INFORMATION

Wagner dos Santos was both a witness and a survivor of the Candelária massacre in which he was beaten and shot. On 9 December 1994 he suffered a further attempt on his life, whilst staying at the Witness House in Rio de Janeiro, and still suffers from partial facial paralysis as a result, for which he still requires physiotherapy.

On Brazil's National Independence Day, 7 September, President Cardoso made a televised speech on human rights. He announced his support for the setting up of a witness protection program which he said would be of particular importance in human rights cases.

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

to the federal authorities:

- welcoming the measures taken to protect the safety of Wagner dos Santos, and noting that the measures represent an affirmation of the governments intent to implement policies outlined in the President's speech on 7 September 1995;
- asking what steps will be taken by the federal authorities to guarantee Wagner dos Santos's safety throughout and after the Candelária trial;

to the state authorities:

- asking what steps will be taken to ensure the safety and integrity of all other witnesses, lawyers for the prosecution, state prosecutors and the judge involved in the Candelária trial.

APPEALS TO:

FEDERAL AUTHORITIES

President

Exmo. Sr. Presidente da República Federativa do Brasil
Sr. Fernando Henrique Cardoso
Gabinete do Presidente
Palácio do Planalto,
70.150 Brasília,DF,Brazil

Faxes: +55 61 226 6241

Telegrams: Presidente Cardoso, Brasilia, Brazil

Salutation : Vossa Excelência / Your Excellency

Minister of Justice

Exmo. Sr. Ministro da Justiça
Dr. Nelson Jobim
Ministério da Justiça
Esplanada dos Ministérios, Bl. T
70.064-900 Brasília, DF, Brazil

Faxes: +55 61 226 7980 / 321 5172 / 224 2448

Telegrams: Ministro Justica, Brasilia, Brazil

Salutaton : Vossa Excelência / Your Excellency

STATE AUTHORITIES

Governor of Rio de Janeiro

Exmo Sr Governador do Estado do Rio de Janeiro
Sr Marcelo Alencar
Palacio Guanabara
Rua Pinheiro Machado s/n
22.231 Rio de Janeiro, RJ, Brasil

Faxes: +55 21 553 6090

Telegrams: Governador Rio de Janeiro, Brasil

Salutation: Vossa Excelência/ Your Excellency/Su Excelencia

State Secretary for Public Security

Exmo Sr. Secretário de Segurança Pública
do Estado de Rio de Janeiro
Gral Nilton Cerqueira
Rua Barão de Itambi N.60, 9 Andar, Botafogo

22.231 - Rio de Janeiro- RJ - Brazil

Faxes: +55 21 240 9159

Telegrams: Secretário de Segurança Pública, Rio de Janeiro, Brazil

Salutation: Sr Secretário/ Mr Secretary

COPIES TO:

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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 15 December 1995.