

# URGENT ACTION

## POLICE ABUSE DURING PEACEFUL PUBLIC ASSEMBLY

**Military police in São Paulo, southeast Brazil, threw tear gas, pepper spray and rubber bullets in an attempt to block a public assembly gathered to discuss and protest against police abuses in the city. Protesters were surrounded, harassed and intimidated by police. Several protesters, including lawyers, were arbitrary arrested and assaulted.**

On 1 July two lawyers, **Daniel Biral** and **Silvia Daskal**, were arrested and assaulted by São Paulo's Military Police after questioning a police officer about her lack of identification provided during public order operations. The lawyers were attending a public assembly with around 500 other people that took place at Praça Roosevelt in the city of São Paulo, to discuss and protest against the abuses committed by São Paulo military and civil police during recent protests, including the arbitrary detentions of two protesters, **Fábio Hideki Harano** and **Rafael Lusvarghi**. Activists, civil society representatives and intellectuals were invited as speakers. Just before the event, more than fifteen military police special troops surrounded the area to stop and search citizens gathered there and asked for identification documents in order to intimidate them. Military police also filmed protesters and speakers and arbitrarily arrested at least six of them. In the attempt to break up the peaceful gathering and protest, military police used excessive force, including deploying tear gas, rubber bullets, and pepper spray towards protesters and journalists from short range.

Daniel Biral was assaulted by officers inside a police car while being transported to a police station. He was beaten on the head, causing him to faint, and dragged to São Paulo's 78th police station. The police chief refused to accept his charges against the police officers and only registered the military police's statement. Daniel Biral was released later that evening but is now under investigation for "contempt for authority" (*desacato*) based on his questioning of a police officer's failure to provide identification when breaking up the peaceful protest.

### Please write immediately in Portuguese, English or your own language:

- Urging the authorities to ensure a prompt, thorough, independent and impartial investigation into allegations of police abuse and excessive use of force towards protesters and journalists, including Daniel Biral and Silvia Daskal, that took place at Praça Roosevelt in São Paulo on 1 July 2014;
- Urging them to ensure that all those detained during protests, including Fábio Hideki Harano and Rafael Lusvarghi, have full access to legal advice and assistance, and that lawyers are allowed to perform their professional functions without intimidation, hindrance, harassment or improper interference;
- Urging them to guarantee the right to peaceful assembly and protest and to stop acting in a manner that intimidates peaceful protesters.

### PLEASE SEND APPEALS BEFORE 14 AUGUST 2014 TO:

Governor of São Paulo  
Geraldo Alckmin  
Palácio dos Bandeirantes  
Av. Morumbi, 4500, Portão 3, 2º andar  
São Paulo, SP, Brazil  
CEP 05650-905  
Telephone: +55 11 2193-8344,  
+55 11 2193-8000 (Portuguese only)  
Twitter: @geraldoalckmin  
@governosp  
Email: secretariaparticular@sp.gov.br  
**Salutation: Dear Governor**

State Secretary of Public Security  
Fernando Grella Vieira  
Rua Libero Badaró, 39, 12º andar,  
Centro  
São Paulo, SP, Brazil  
CEP 01009-000  
Twitter: @SegurancaSP  
Email: fernandogrella@sp.gov.br  
seguranca@sp.gov.br  
edsferreira@sp.gov.br  
**Salutation: Dear Secretary**

**And copies to:**  
President of São Paulo Bar Association (OAB/SP)  
Marcos da Costa  
Endereço: Praça da Sé, 385, Centro,  
São Paulo, SP, Brazil  
CEP 01001-902  
Telephone: +55 11 3291-8100  
Telephone of the cabinet: +55 11 3291-8241 / 3291-8242 (Portuguese only)  
Email: presidencia@oabsp.org.br  
Fax: +55 11 3291-8255  
**Salutation: Dear President**

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Since June 2013, thousands of Brazilians have taken to the streets in unprecedented mass protests. They have complained about increases in public transportation costs, high World Cup spending and insufficient investment in public services. Hundreds have been injured in cities across the country after military police fired rubber bullets at people who posed no threat and beat individuals with hand-held batons.

On 5 June, one week prior to the World Cup, Amnesty International launched the report '*They use a strategy of fear: Protecting the right to protest in Brazil*' (<http://www.amnesty.org/en/library/info/AMR19/005/2014/en>) which analyzes the catalogue of abuses committed by the security forces in the context of peaceful protest, including the indiscriminate use of tear gas and rubber bullets against peaceful protesters, arbitrary arrests and the misuse of laws to stop and punish those who had taken to the streets. This report further documents the abuses suffered by Daniel Biral, who is a volunteer attorney that provides free legal aid to individuals detained during protests in São Paulo. In addition to the abuse suffered when detained by police, Daniel Biral was warned by an unidentified armed man to stop representing protestors just after visiting a hospitalized protestor. Daniel Biral claims that the man told him to "drop [the protester's] case; the police are right. Don't meddle in this case. Mad men are out there with the state's authorization, and you know that mad men shoot".

Many protesters, including Daniel Biral, are under investigation for the crime of "contempt for authority" (*desacato*) based on statements or comments made to police. The offence carries a penalty of six months to two years' imprisonment. Lawyers have also reportedly been arrested under this law – though not formally investigated – after questioning the police about why protesters were detained. Lawyers in São Paulo and Rio de Janeiro which have acted in the context of the protests have been intimidated on the streets. They have also been denied access to detained protesters on several occasions when they have visited police stations. "Contempt for authority" laws are generally incompatible with the right to freedom of expression.

Name: Daniel Biral (m), Silvia Daskal (f), Fábio Hideki Harano (m), Rafael Lusvarghi (m) and around 500 other peaceful protesters in São Paulo  
Gender m/f: both

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