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Brazil: Carandiru, 13 years of impunity

On 15 February, a court in São Paulo will hear the appeal lodged by Colonel Ubiratan Guimarães against the 632 year sentence he was handed in June 2001 for his role, as commanding officer, in the 1992 Carandiru prison massacre.

“This appeal hearing marks a small but important benchmark by which Brazil’s criminal justice system will be measured in its determination to ensure equal and universal access to justice and in its desire to promote and protect the human rights of all Brazilians,” said Tim Cahill, Amnesty International researcher on Brazil.

Col Guimarães led the Military Police shock troops into São Paulo’s Casa de Detenção prison -- popularly known as Carandiru -- on 2 October 1992 and was later found to be responsible for the killing of 111 unarmed detainees.

Col Guimarães remains at liberty while his appeal against his conviction continues to go through the courts. During this time he has been elected to a seat in the state’s Legislative Assembly.

So far nobody is serving a prison sentence for their role in the massacre.

None of the 84 police officers charged with homicide has been brought to trial. Charges of causing physical injury against a further 29 police officers have expired under the statute of limitations. Furthermore, no attempts have been made to establish responsibility of the then state governor or state secretary of public security.

“The widely felt sense of impunity around the Carandiru massacre has been compounded by the authority’s failure to ensure chain of command responsibility for the killings, in accordance with international human rights standards,” said Tim Cahill.

There remain, however, greater lessons to be learnt from this crime. To this day the São Paulo and Brazilian authorities have failed to fully implement cautionary measures stipulated by the Inter-American Human Rights Commission in relation to this case. These include compensating family members and the implementation of measures to guarantee the rights of those in detention.

Further recommendations by various UN human rights bodies and national and international NGOs to guarantee the rights of detainees and ensure impartial and effective investigations of suspected extra-judicial executions also languish unimplemented.

“The clouds of impunity that have overshadowed the memory of Carandiru for so long must be banished.”

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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