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Brazil: Carandiru ruling – a shock to the human rights community

Brazil's criminal justice system has failed to uphold international human rights standards, allowing grave human rights violations to go unpunished, said Amnesty International after São Paulo's state Supreme Court annulled Col. Ubiratan Guimarães' conviction and absolved him of responsibility for the 1992 massacre in the Carandiru prison.

According to initial reports the state Supreme Court annulled the original conviction and absolved Col. Guimarães on the grounds that he was acting strictly in line with his duties.

Amnesty International is extremely concerned that this ruling contravenes international human rights standards. The ruling appears to accept that the commanding officer has strictly complied with his duties even when failing to prevent excessive use of force by the police officers under his command.

In its 1993 report on the Carandiru massacre, Amnesty International identified numerous ways in which the chain of command failed to ensure that excessive use of force was avoided during the operation. These included: ignoring international codes of practice on the use of force and firearms; allowing military police to enter the prison with their identity tags removed; and sending in police units with past records of multiple fatal shootings to quell the disturbance.

"In the light of this ruling nobody has been held responsible for the 111 deaths in the Carandiru prison 13 years ago. This is an affront to the victims and their relatives and sends the message that excessive use of force is acceptable in policing operations," said Tim Cahill Amnesty International's researcher on Brazil.

Amnesty International awaits the opportunity to examine the decision made by the state's most senior judges.

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