

**PUBLIC**

**AI Index: AMR 19/036/2006**

**30 October 2006**

**UA 288/06**      **Forced eviction/use of excessive force**

**BRAZIL**      **468 families**

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The 468 families squatting in the derelict Prestes Maia building in central São Paulo will be forcibly evicted shortly if, as expected, a judge rejects their appeal against an eviction order. Similar previous evictions have been violent.

The judge said on 10 October that he would rule on the appeal "in 20 days". That deadline has now passed, but he has not yet issued a ruling.

The 22-storey Prestes Maia building was originally a clothes factory, and had been abandoned for over 12 years, and had become known for drug-dealing and prostitution, when it was squatted, in 2003. The squatters were mostly migrants from parts of Brazil and other countries in South America. Working with a local NGO, the *Movimento Sem-Teto do Centro* (MSTC), Homeless Movement of Central São Paulo, the families cleaned out the building, removing 300 truckloads of rubbish and large quantities of sewage. They pooled money and organised repairs and services including a library, a cinema, an art gallery and regular cultural events.

The municipal authorities now want to clear the site for commercial development. They had originally scheduled the eviction of the families for 15 February, but after negotiations this was postponed to 15 April. On 4 April the São Paulo State Supreme Court ruled in favour of an appeal lodged by the MSTC against the eviction order. (See UA 71/06, AMR 19/013/2006, 30 March 2006, and follow-up, AMR 19/016/2006, 11 April 2006). The municipal authorities appealed against this ruling, and lawyers working on the case say they now expect the judge to uphold the eviction order.

## **BACKGROUND INFORMATION**

According to estimates by the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, 10,000 people sleep rough on the streets of São Paulo. The city has a chronic shortage of housing for low-income families, who are often forced to live in the shanty towns on the outskirts. With the help of local NGOs, these families have begun squatting empty buildings. This has led to a series of violent evictions, carried out by the riot police using batons, CS gas, pepper sprays and rubber bullets. In August 2005, 79 families occupying a five-storey building on Rua Plínio Ramos, in the centre of town, were confronted by riot police. During the eviction, the police ordered all women and small children to leave, and then entered the building and beat several of the men and boys, some as young as 14. This was one of five evictions carried out by the municipal government during 2005, some of which involved riot police and use of excessive force.

Brazil is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Under the ICESCR, forced evictions can be carried out only as a last resort, after all avenues have been explored, in consultation with the people to be evicted. If they conduct a forced eviction, the authorities must ensure the wellbeing and safety of all those evicted.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:**

- expressing concern at reports that the São Paulo municipal authorities are planning to forcibly evict the 468 families now living in the Prestes Maia building;
- reminding the authorities that as a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), they are obliged to consult with the families and explore all alternatives to eviction, including offering secure tenure in adequate alternative housing;
- if they have exhausted all alternatives, calling on the authorities to ensure that any eviction complies with national and international law, in particular the requirement to give residents adequate notice of any eviction and information about how the eviction will be carried out; that the eviction should not be carried out in bad weather or at night; that identified representatives of the state should be present; that legal representatives of the residents should also be present (ICESCR Article 11(1) general comment 7.15);
- reminding the authorities that as a party to the ICESCR they are obliged to ensure the wellbeing and safety of anyone evicted from their place of residence;
- urging the authorities to investigate patterns of violence and abuse by police during evictions in São Paulo.

**APPEALS TO:**

Mayor of São Paulo

Exmo. Prefeito de São Paulo, Gilberto Kassab  
Viaduto do Chá 15, Centro - Edifício Matarazo  
01002-020 - São Paulo/SP, BRAZIL

**Fax: +55 11 3113 8015**

**Salutation: Vossa Excelência/ Your Excellency**

Federal Human Rights Secretary

Exmo. Ministro da Secretaria Especial de Direitos Humanos  
Sr. Paulo Vannuchi, Esplanada dos Ministérios, Bloco T, 70064-900 - Brasília – DF, BRAZIL

**Fax: +55 61 3226 7980**

**Salutation: Vossa Excelência/ Your Excellency**

**COPIES TO:**

President of the Municipal Commission of Human Rights

Exmo. Presidente da Comissão Municipal dos Direitos Humanos  
Dr. José Gregori, Pátio do Colégio, 5 – Centro – São Paulo – SP, CEP 01016-040, BRAZIL

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**Salutation: Vossa Excelência/ Your Excellency**

The Homeless Movement of Central São Paulo

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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 11 December 2006.