

PUBLIC

AI Index: AMR 19/007/2004

09 July 2004

Further Information on UA 105/03 (AMR 19/006/2003, 16 April 2003) - Fear for safety

**BRAZIL
union activist**

Carmelia Pereira dos Santos (f), trade

**Killed: Father Luis Ferrari (m), priest
Nivaldo Brandão de Oliveira (m)**

Amnesty International has learned that the Public Prosecutor's Office in Bahia has presented criminal charges against the Andaraí police chief, a police officer and five others in connection with the April 2003 death in custody at Andaraí police station of Nivaldo Brandão de Oliveira, who had allegedly been tortured. Six others, including a junior police officer, are also facing charges. A judge now has to decide whether there is a prima facie case against the men before any trial can proceed.

The Bahia State government has sent two letters in response to appeals from the Urgent Action network. The first, from May 2003, stated that a joint investigation by the State's Ministry of Public Security and the Public Prosecutor's Office had been ordered into the killing of Brandão de Oliveira. It also said that death threats against human rights defenders Carmelia Pereira dos Santos and Father Luis Ferrari, who had campaigned on the case, were being investigated, and efforts were being made to guarantee their safety.

As a result of the investigation, the police chief and his junior were dismissed from the Andaraí police force. At the same time, the death threats against Carmelia Pereira dos Santos and Father Luis Ferrari stopped. The second letter, sent in May 2004, confirmed the dismissals, and said that the Public Prosecutor's Office had presented charges of criminal responsibility for the death in custody of Brandão de Oliveira against the two police officers and five other people.

Father Ferrari said that "the support received from Amnesty International was very important: all those who wrote really helped in clarifying the death of Nivaldo and the dismissals of those responsible."

Amnesty International welcomes the efforts made by the Bahia state government to clarify the circumstances in which Brandão de Oliveira died, to bring his killers to justice and to guarantee the safety of Pereira dos Santos and Father Ferrari.

Nivaldo Brandão de Oliveira went to Andaraí police station on 15 February 2003, to visit his girlfriend, who was detained there. He was reportedly arrested for jumping over a gate inside the building. During the night he was reportedly tortured and he subsequently died in custody. When Pereira dos Santos and Father Ferrari took up his case, they soon started receiving telephone threats warning them that their lives would be in danger unless they dropped the case.

BACKGROUND INFORMATION

Torture in Brazil is "systematic and widespread", according to a 2001 report by the United Nations Special Rapporteur on Torture. It is committed either by state agents, especially police and prison guards, or with their connivance. Amnesty International published two reports on torture in Brazil during its worldwide Campaign Against Torture: *They Treat Us Like Animals* (October 2001, AMR 19/022/2001) and *Subhuman* (March 2002, AMR 19/003/2002). Prosecutions under the 1997 Torture Law are rare. People who report acts of torture and other human rights violations by state officials often find themselves at risk.

Many thanks to all those who sent appeals on this case, which we hope will be a landmark in the battle against impunity for torture in Brazil. If possible, please send a final round of appeals to arrive as quickly as possible, in Portuguese or your own language:

- acknowledging the Bahia authorities' efforts to bring the people who tortured and killed Nivaldo Brandão de Oliveira to justice;
- welcoming their success in stopping the death threats against Pereira dos Santos and Father Ferrari;
- urging the authorities to charge those believed to have tortured Nivaldo Brandão de Oliveira under Brazil's 1997 Torture Law;
- asking to be kept informed of progress in the judicial proceedings.

APPEALS TO:

Bahia State Governor

Exmo. Sr. Governador do Estado da Bahia
Exmo. Sr Paulo Ganem Souto
Centro Administrativo da Bahia
Prédio da Governadoria
30 Avenida 390, Plataforma 4
41750-300 Salvador – BA, Brasil

Fax: + 55 71 371 0610

Salutation: Vossa Excelência / Your Excellency

Bahia State Attorney General

Procurador Geral de Justiça do Estado da Bahia
Exmo. Sr Achilles de Jesus Sirqara Filho
Av. Oceânica, 1949 – Ondina
40170-110 – Salvador – BA, Brazil

Fax: + 55 71 339 8447 ('If someone answers, say 'Fax, por favor.')

Salutation: Exmo. Sr Procurador / Dear Attorney General

Bahia State Secretary for Justice and Human Rights

Secretário de Justiça e Direitos Humanos do Estado da Bahia
Exmo. Sr Sérgio Sanche Ferreira
Centro Administrativo da Bahia - 4ª Av.
41750-300 – Salvador – BA, Brazil

Fax: + 55 71 370 8398

Salutation: Exmo. Sr Secretário

COPIES TO:

Human Rights Commission

Comissão de Direitos Humanos da Assembléia Legislativa da Bahia
Palácio Deputado Luís Eduardo Magalhães
Av. Luiz Viana Filho, s/nº
41746-900 – Salvador – BA, Brazil

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 20 August 2004.