

PUBLIC

AI Index: AMR 19/002/2003

21 January 2003

UA 19/03 Fear for Safety

BRAZIL Juvenile detainees at the Franco da Rocha detention centre, São Paulo

Amnesty International is concerned for the safety of some 400 juvenile detainees held at the Franco da Rocha detention centre in the city of São Paulo. There have reportedly been several riots and incidents of beatings there in the last month, which press reports and human rights defenders claim were instigated by *monitores* (warders) at the centre. The increasing tension in the centre could lead to further serious violence.

The Franco da Rocha centre is part of São Paulo state's *Fundação do Bem-Estar do Menor* (FEBEM), Foundation for the Well-being of Minors system. During the last week, a rebellion took place at the centre during a routine visit by social workers. During the incident they made calls from their mobile phones denouncing *monitores* for instigating the rebellion by unlocking the cells. In an interview published in the *Diário de São Paulo* newspaper yesterday, an anonymous former detainee described how *monitores* incited the inmates to riot by withholding basic necessities such as soap and water, keeping them locked up for 24 hours a day and subjecting them to beatings. When the detainees became angry and agitated, the anonymous detainee claimed, the *monitores* then unlock cells and encourage the inmates to riot. Human rights defenders working in the FEBEM system have confirmed these allegations as a credible representation of recent incidents. According to press reports, between five and seven riots have taken place in the last month alone.

These disturbances have reportedly taken place in response to the appointment of a new director of the FEBEM system, who has promised to investigate and punish *monitores* found responsible for torturing or ill-treating inmates. Thirty-four *monitores* were suspended from duty following a violent incident in the Franco da Rocha centre on 12 January. The president of the union of *monitores* has made public statements attacking human rights defenders, including representatives of the Public Prosecutors Office, claiming that they are preventing *monitores* from carrying out their work, and has made repeated threats that all *monitores* will go on strike.

BACKGROUND INFORMATION

Amnesty International has documented several serious human rights abuses in the FEBEM system. In December 2002 the organization wrote to the Governor of São Paulo, calling for the closure of the Franco da Rocha centre. Under the Brazilian Statute of the Child and Adolescent, FEBEM units are supposed by law to provide educational, medical and recreational facilities to help reintegrate juvenile offenders into society. The Franco da Rocha centre provides none of these basic requirements.

Other centres in the FEBEM system have experienced similar levels of violence, reflecting the authorities' consistent failure to investigate and punish torture and ill-treatment of inmates by police and *monitores*. (See UA 59/01, AMR 19/013/2001, 14 March 2001 and follow-up, AMR 19/014/2001 12 April 2001; and report *Brazil: A Waste of Lives*, AMR 19/14/00 12 July 2000.)

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

- expressing concern for the safety of some 400 juveniles detained at the Franco da Rocha centre in São Paulo, who are at risk of further serious violence;
- expressing your concern that despite repeated denunciations for years of human rights violations in the FEBEM system by Amnesty International and other human rights organizations that the situation continues to deteriorate;

- welcoming recent statements by the newly appointed director of FEBEM that torture and ill-treatment of detainees will not be tolerated and confirming plans to close the Franco da Rocha unit;
- welcoming the suspension of *monitores* suspected of torture and instigation of rebellions, urge that, pending investigations, all such *monitores* be kept out of any contact whatsoever with the detainees;
- calling for any *monitores* found responsible for such actions to be brought to justice and punished under the appropriate law;
- reminding the authorities that all children and adolescents in detention must be treated in accordance with the Statute of the Child and Adolescent (ECA), and should be provided with educational, social, recreational and medical facilities;
- urging the authorities to complete their program of reform of FEBEM units, particularly to close down the Franco da Rocha centre as soon as possible;
- expressing concern that FEBEM staff have made public attacks on human rights defenders, including public prosecutors, and urging the authorities to support the vital work these people do, and ensure that they and others working with juvenile detainees can go about their work in safety and free from intimidation.

APPEALS TO:

Governor São Paulo State

Exmo. Sr. Governador do Estado de São Paulo

Sr. Geraldo Alckmin

Palácio dos Bandeirantes

Av. Morumbi 4500, Morumbi

05698-900, São Paulo - SP, Brasil

Telegrams: Sr. Governador do Estado de São Paulo, São Paulo - SP, Brasil

Fax: + 55 11 3745 3301/3751

Salutation: Vossa Excelência/Your Excellency

Secretary of State for Education

Secretário de Estado de Educação

Sr. Gabriel Chalita

Praça da República, 53

01045-903, São Paulo – SP, Brasil

Telegrams: Secretário de Estado de Educação de São Paulo, São Paulo - SP, Brasil

Fax: + 55 11 3258 6179

Salutation: Sr Secretário/ Dear Secretary

President of the FEBEM System

Presidente da Fundação Estadual do Bem-Estar

do Menor (Febem) de São Paulo

Sr. Paulo Sérgio de Oliveira

Rua Florencio de Abreu 848, Luz

01030- 001 São Paulo – SP, Brasil

Telegrams: Sr. Presidente da FEBEM de São Paulo, São Paulo – SP, Brasil

Fax: + 55 11 6846 9133 (If someone replies say 'Fax, por favor')

Salutation: Sr. Presidente/ Dear President

São Paulo State Attorney General

Procurador Geral de Justiça do Estado de São Paulo

Luiz Antonio Guimaraes Marrey

Procuradoria Geral de Justiça

Rua Riachuelo, 115,81 andar

01007- 904 São Paulo-SP, Brasil

Telegrams: Sr. Procurador Geral de Justiça do Estado de São Paulo, São Paulo – SP, Brasil

Fax: +55 11 3119 9633/9651

Salutation: Vossa Excelência/Your Excellency

COPIES TO:

Public Prosecutor's Office - with responsibilities for Children and Adolescents

Promotoria de Justiça da Infância e da Juventude da Capital

Rua Piratininga 105, Brás
3042-001, São Paulo – SP, Brasil

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 4 March 2003.