

BRAZIL

The Killing Continues: The Murder of Two Adolescents in Mato Grosso

Amnesty International is concerned at allegations which indicate that two adolescents killed in Várzea Grande, Mato Grosso state, Brazil, on 29 November 1993, were extrajudicially executed.

According to the information received by Amnesty International, the two youths **Marcos José do Espírito Santo**, age 17, and **Hemisfério Peres Ferreira**, age 16, were detained, together with two other youths, on 29 November by a group of military police officers headed by the commander of the 3rd Company of the Mato Grosso military police, based in the Cristo Rei quarter of the town of Várzea Grande. Marcos José do Espírito Santo and Hemisfério Peres Ferreira's bodies were found two days later in a lagoon in the outskirts of the town. They had both died of several bullet wounds. The commander of the 3rd Company of the military police, a military police lieutenant, acknowledged having detained the four youths but claimed that the two deceased had escaped from his custody. However two boys that survived accused the lieutenant and two other police officers of the killings. Although a civil and a military police inquiries were reportedly opened into the killings, by mid-January the police lieutenant and the other military police officers suspects of the crime continued in active duty.

THE TESTIMONIES

The Survivor

Amnesty International has received a copy of the judicial testimony of one of the surviving youths. According to his statement, Marcos José do Espírito Santo, Hemisfério Peres Ferreira, another boy and himself were outside a café, lanchonete, in the Cristo Rei quarter of town of Várzea Grande, when they were detained by two military police officers who arrived in a motorbike. The youths were ordered to lay down and wait for the arrival of the local commander, a military police lieutenant, in a police car. When the said lieutenant arrived he accused Marcos José do Espírito Santo of making death threats against him and threatened to take the four boys to a lagoon and kill them all: "We are going to take you to the lagoon and kill the four of you. You won't have any mouths left" (in other words that they would be shot in the faces) "Vamos para a lagoa que vou matar os quatro. Não vai ter boca".

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According to the youth's testimony, the lieutenant told to the bar owner that "you had not seen anything", "você não viu nada", and took the boys to the military police company headquarters in the Cristo Rei neighbourhood, where the youths were allegedly seen by several military police officers. The lieutenant then ordered Marcos José do Espírito Santo and Hemisfério Peres Ferreira to lay down on the floor of the car and locked up the other two youths in the boot of the vehicle. The youths were then allegedly taken in the police vehicle towards the "Parque do Lago", in the outskirts of town, and after driving for a long time through a dirt road the lieutenant ordered the car to stop. The lieutenant allegedly took Marcos José do Espírito Santo out of the car and ordered him to lay down. The survivor state that they heard him pleading the lieutenant not to kill him but he was shot several times. The police officers then took Hemisfério Peres Ferreira out of the car. Hemisfério apparently managed to run away but was shot and wounded by the police officers and fall into the lake where he was shot again and killed.

After the killings the lieutenant told the two surviving youths that he would spare their lives but that they should not speak or otherwise he would "get them". "Se falarem alguma coisa, eu vou atrás de vocês". The youths were then taken back to the military police unit, where José do Espírito Santo's mother was waiting for her son. Seeing the woman the lieutenant allegedly told the youths that he would handcuff them to pretend that he was bringing them into detention and that if the mother asked anything they should say that José do Espírito Santo had escaped. The youths were later released after being further threatened.

The youth told José do Espírito Santo's mother what happened to her son and testified in court against the police officers. In his court testimony he said that he was very afraid because when he went to court to give testimony he was made to meet face to face with the lieutenant and one of the police officers that was with him on the day of the killings and that the lieutenant told the police officer not to forget the youth's face and told the youth that he knew where he lived.

The mothers

In her judicial testimony Marcos José do Espírito Santo's mother, Maria Amélia dos Santos Paixão, said that the lieutenant had come to her home in October 1993, looking for Marcos José and that on that occasion he had fired three shots and ordered everybody out of the house. Maria Amélia dos Santos Paixão stated that on the afternoon of 29 November her son Marcos José, together with a friend called Fernando, went to a nearby café, lanchonete. About half an hour later a woman neighbour advised her that the said lieutenant had detained Marcos José, Fernando plus two other boys. She was also told that the lieutenant had beaten up her son, hitting him on the head with a revolver and that he had handcuffed him and taken him together with the other youths in a car.

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Maria Amélia dos Santos Paixão went in search of her son to the military police company headquarters in Cristo Rei. She was told that her son was not there. In spite of the denial Maria Amélia dos Santos Paixão remained in the military police unit waiting for the lieutenant, who arrived about two hours later with two youths, among them, Marcos José's friend Fernando. Maria Amélia dos Santos Paixão however did not speak to the lieutenant on that occasion and went back home. About two hours later she returned to the police unit together with her husband. A police officer told them that their son had been detained but that he had escaped by breaking a window of the police car in which he was being transported. Maria Amélia dos Santos Paixão also stated that the owner of the café where her son had been detained confirmed to her that several youths had been detained by the police in front of his café but that he was not sure if Marcos José was among the detainees.

The following morning Maria Amélia dos Santos Paixão returned to the military police unit where the lieutenant acknowledged having detained her son but reiterated that he had escaped, together with another boy, by breaking a window of the police car and jumping a wall of the police unit building. The lieutenant showed her the car with a window out of place and said that her son had been seen later in the street by a woman who advised the lieutenant by telephone.

Maria Amélia dos Santos Paixão said that later that evening one of the boys that had been detained together with her son visited her and told her what had really happened to her son. On 1 December Maria Amélia dos Santos Paixão was advised that her son's body had been found. The following day she went to recognize it to the Forensic Medical Institute, Instituto Medico Legal, IML. She said that Marcos José's body was "unrecognizable" and that the body was badly battered and bruised. She added that she recognized her son's body because of his feet.

Maria Madalena Peres Barbosa, mother of Hemisfério Peres Ferreira, stated that on the afternoon of 29 November, having been told that her son had been detained, she went to the 3rd military police company headquarters. The lieutenant in command told her that Hemisfério and Marcos José do Espírito Santo had escaped by climbing a wall of the building. Maria Madalena Péres Barbosa replied to the lieutenant that as the detaining officer he should be responsible for finding him and presenting the youth to the juvenile court. She alleged that subsequently the lieutenant ordered two police officers to go out in search of the boys but that the officers returned shortly saying that they couldn't find them. Maria Madalena Peres Barbosa was then told by the lieutenant to go back home as he would advise her of any news.

The following day, when her daughter and a friend returned to the police unit seeking news about Hemisfério's whereabouts, her daughter was verbally mistreated by the lieutenant who shouted that her disappeared brother was "good for nothing and a junkie", "seu irmão não presta, é maconheiro". The following day, Wednesday 1 December, Madalena Peres

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Barbosa continued the search for her son and denounced his "disappearance" to the courts. That evening she was advised by an employee of the local Forensic Medical Institute that her son's body had been found in a nearby lagoon. At the Forensic Medical Institute she was told that Hemisfério had been killed by a bullet in his head and several in his body.

Maria Madalena Peres Barbosa said that the two surviving boys told her how Marcos José do Espírito Santo and her son had been killed. They told her that after first being shot Hemisfério continued to plead for his life and the lieutenant commented "how he was hard to die", "que menino duro de morrer". Maria Madalena Peres Barbosa told the court that her family and herself were very scared of what it could happen to them.

The Lieutenant

In a statement to the press the lieutenant acknowledged having detained the youths but denied having killed them. He attributed the accusations to a smear campaign. He claimed he had the backing of the local people and pledged to continue working day and night fighting "bandits": "One day the people will understand that I work against the bandits and in defence of the population", "Um dia as pessoas vão entender que eu trabalho contra os bandidos e na defesa da população". According to journalistic reports, on 1 December, two days after the alleged killing of the two boys, while interviewing the Commander of the 3rd Company of the Military police, five youths were being punched and kicked by police officers in a room next to the commander's office. In this occasion the commander reportedly justified the beatings saying that "shouting was no good as people would not talk and that with him it was by force". "Se a gente ficar apenas gritando, ninguém fala nada. Comigo é no pau". By mid January 1994 the lieutenant continued in active service although he was relieved of his command of the 3rd Company of the Military Police and assigned to other duties in the Cuiabá Police Command.

On 2 December a Mato Grosso state deputy stated that about 60 days before the killings, the father of Marcos José do Espírito Santo contacted her to denounce that his son was being persecuted by the lieutenant and that the lieutenant was intimidating his family. The deputy reportedly passed the information to the commander of the state military police, who assured her that he would relieve the lieutenant of his functions and protect the youth.

Judicial and Military Police Inquiries. The next steps

Both a civil and military police inquiries have been opened into the killings. According to the current military penal code crimes committed by military police in uniform and on duty with police weapons are subjected to military justice and are tried in separate military courts. However, the civil judge supervising the civil inquiry has, despite alleged threats, stated her intent to try the case in a criminal court.

BACKGROUND

In Brazil the military police forces are responsible for what is called policiamiento ostensivo, that is the control of crime in the streets, and the maintaining of public order and internal security in each state. They may therefore often arrest criminal suspects, but not necessarily be involved in investigating a particular crime. They are responsible both to the secretary of Public Security of the relevant state and to the General Inspectorate of Military Police, which is under the command of the Chief of Staff of the Armed Forces. Organized in battalions, members of this police force are subjected to military justice. Many human rights lawyers believe that the militarization of the police has led to a tendency to combat crime and public order problems with tactics more appropriate to a military operation than to normal police procedures. Successful prosecution of police officers charged with human rights violations are rare and can take years. Following the massacre of 111 prisoners by São Paulo military police at the Casa de Detenção prison in October 1992, draft legislation has been before Congress to alter the jurisdiction for crimes by military police from military to civilian courts. In August 1993 the Brazilian Minister of Justice, Dr Mauricio Corrêa stated his personal backing for legislation to try military police before civilian courts.

According to figures from the Federal Attorney's General's Office, between 1988 and 1991 5,644 children and adolescents between the ages of 5 and 17 met violent deaths in Brazil. To Amnesty International's knowledge the vast majority of these crimes remain unpunished and in many cases no police inquiry was completed or sent to the judiciary. In the absence of full investigations, figures often do not discriminate about the causes and perpetrators of these crimes. However the Federal Parliamentary Commission of Inquiry into the Extermination of Minors concluded in February 1992 that the involvement of civil and military police in the killing of children and adolescents is "far from exceptional" and that police killings were the third largest cause of homicide of children and adolescents.