

amnesty international

BRAZIL



Torture and extrajudicial execution in urban Brazil

Throughout the world thousands of people are in prison because of their beliefs. Many are held without charge or trial. Torture and executions are widespread. In many countries men, women and children have "disappeared" after being taken into official custody. Still others have been put to death without any pretence of legality: selected and killed by governments and their agents.

These abuses—taking place in countries of widely differing ideologies—demand an international response. The protection of human rights is a universal responsibility, transcending the boundaries of nation, race and belief. This is the fundamental principle upon which the work of Amnesty International is based.

This briefing is part of Amnesty International's worldwide campaign for the international protection of human rights.

Amnesty International is a worldwide movement independent of any government, political persuasion or religious creed. It plays a specific role in the international protection of human rights:

- it seeks the *release of prisoners of conscience*. These are people detained for their beliefs, colour, sex, ethnic origin, language or religion who have not used or advocated violence;
- it works for *fair and prompt trials* for all *political prisoners*;
- it opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

Amnesty International is impartial. It does not support or oppose any government or political system, nor does it support or oppose the views of the prisoners whose rights it seeks to protect. It is concerned solely with the protection of the human rights involved in each case, regardless of the ideology of the government or the beliefs of its victims.

Amnesty International, as a matter of principle, condemns the torture and execution of prisoners by anyone, including opposition groups. Governments have the responsibility for dealing with such abuses, acting in conformity with international standards for the protection of human rights.

Amnesty International does not grade governments according to their record on human rights: instead of attempting comparisons it concentrates on trying to end the specific violations of human rights in each case.

Amnesty International has an active worldwide membership, open to anyone who supports its goals. Through its network of members and supporters Amnesty International takes up individual cases, mobilizes public opinion and seeks improved international standards for the protection of prisoners.

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Cover photograph: Military police deployed in Vila Ramos, eastern São Paulo, April 1988

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Violent death is a common occurrence in Brazil and a significant proportion of the killings has been attributed to death squads. Death squad violence has increased in nearly all Brazil's major urban centres. There is evidence that police officers participate in death squads

Beyond the law

Brazil's criminal justice system is in crisis. Violent crime has escalated and the prisons are bursting. Popular anxiety about the crime rate and the prevailing climate of lawlessness has put pressure on the Brazilian police to show results. There is evidence that the police have responded to increasing social violence by taking the law into their own hands, torturing and killing ordinary criminal suspects and prisoners. Torture is an everyday occurrence in Brazil and extrajudicial execution is common.

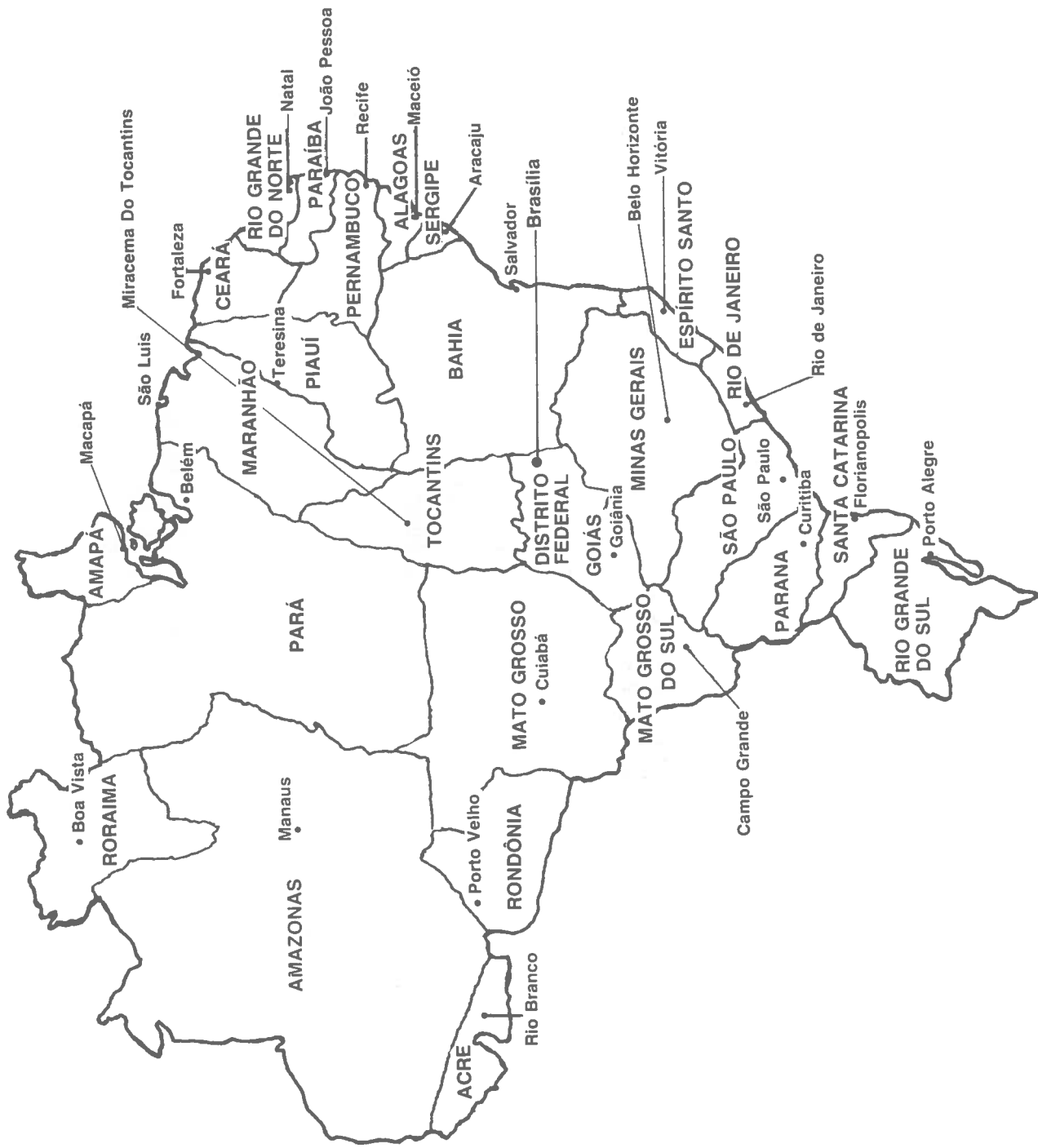
For 21 years Brazil was ruled by its army. The military government centralized power and weakened the state's civil institutions. Few resources were allocated to the civil police and some of their duties were transferred to a militarized police force controlled by the army. The military government divested the civilian judiciary of much of its authority. Civilian justice became more and more inefficient: hampered by lengthy procedures and inadequately resourced.

In 1985 Brazil returned to civilian rule. The new government began to dismantle the repressive legislation it had inherited. In 1988 guarantees for fundamental human rights were provided by a new constitution. Important international human rights standards have since been ratified. Amnesty International has welcomed these positive steps.

However, passing laws and ratifying international instruments are only the first steps towards guaranteeing respect for human rights. The Brazilian Government must find the political will, and dedicate the resources, to translate its constitutional obligations into reality. Without this, legislation to protect human rights soon becomes a dead letter.

Torture and killing by civil and military police may not be official policy, but to tolerate these abuses is to condone them. The alarming incidence of unlawful killing, torture and cruel and inhuman treatment of citizens in official custody indicates that the authorities are not taking effective steps to eradicate these practices. Many state officials, judges and police officers deplore such abuses. Effective action has often been promised after particular incidents are highlighted in the press. But official inquiries are often left incomplete, or fail to result in prosecution or disciplinary action.

To fulfil their commitment to protecting human rights the Brazilian authorities must send a clear message, through the chain of command of the civil and military police forces, that unlawful killing and all forms of physical or psychological ill-treatment and torture are forbidden and will be punished with the full force of the law.



the Inter-American Convention to Prevent and Punish Torture.

This report is the result of four years' research into torture, ill-treatment, death in custody and extrajudicial executions. The information was collected during a series of fact-finding visits to the country, during which Amnesty International met state authorities, local human rights organizations, lawyers and relatives of victims of human rights violations in several Brazilian states. In 1988 the organization published *Killing with Impunity*, a report on human rights violations during land disputes in Brazil. □

Brazil in profile

BRAZIL is the largest country in South America, covering half of the region's area, with a population of 141 million. It is a federal republic comprising 27 states, including the federal district of Brasília.

In March 1985 Brazil returned to civilian government after 21 years of military rule. It has a presidential system of government with a two-chamber National Congress made up of the House of Deputies and the Senate. Each state has a governor and legislative assembly. In 1987 there were direct elections for state governors, state legislatures and

the economy, reforming the state and environmental problems. His government faces major economic problems: Brazil has an external debt of some US\$112 billion and the rate of inflation in 1989 was 1,765 per cent.

In 1989 Brazil ratified the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and



Silas da Conceição — deliberately killed

Eighteen-year-old Silas da Conceição was arrested on 20 September 1988. Two weeks later he was found dead with a bullet in the back of his neck.

Silas da Conceição was arrested with 20-year-old Pedro de Almeida, in Belo Horizonte, the capital city of Minas Gerais State, on suspicion of robbery. He was released on 26 September after his mother lodged a *habeas corpus* petition. Pedro de Almeida was never seen again despite three *habeas corpus* petitions.

Silas da Conceição said that they had both been tortured in the 16th Police Precinct of Belo Horizonte: suspended by their wrists and ankles from an iron bar — a practice so common in Brazil that it has a nickname, the *pau de arara* (parrot's perch) — and beaten, given electric shocks and had



Pedro de Almeida — tortured to death

normal police procedure. Silas da Conceição hid in his house for 11 days after his release. All charges relating to his arrest and alleged death under torture were dropped on the grounds that there was no record of his detention and no corpse was found. The trial of the police officers accused of killing Silas da Conceição had not begun by February 1990.

The Brazilian police frequently act as if they are beyond the law, torturing with impunity and increasingly resorting to extrajudicial executions. Silas da Conceição is not the only person who has been killed to conceal police culpability in cases of gross human rights violations.

Torture is endemic in Brazil. It can happen at any time and anywhere — in police stations and vehicles, in prisons, and in secret. It is so common that highly placed officials admit it is one of the main techniques the police use to "solve" crime. In September 1989 the *Jornal do Brasil*, a leading daily newspaper, claimed that "far from being an isolated incident, violence in police stations is routine in the country. In the absence of modern and civilized methods of investigation, many inspectors and detectives, as well as military police, admit in informal conversations that beating suspects is an efficient means of obtaining information, or simply punishing them." In December 1988 a Pernambuco state official showed an Amnesty International delegate a wooden bat found in a police station inscribed with the words "human rights". He said

into the two deaths and another received death threats, believed to come from the police, as have witnesses and a town councillor. Their efforts, assisted by the archdiocese human rights commission, are largely responsible for forcing the police to investigate the case. The judge appointed to the case delayed the proceedings in March 1989 when he set the first date for questioning the police officers for June 1990. He brought it forward by 11 months when the public prosecutor protested.

One police inquiry was opened into the two deaths and another

The Brazilian police

public order in each state and are answerable only to military courts. They normally carry out arrests and control street crime. They have frequently been criticized for torture and excessive use of force, both when policing public demonstrations and when detaining criminal suspects.

Many human rights lawyers believe that the militarization of the police has led to the tendency to combat crime and public order problems with tactics more appropriate to a military operation.

THE civil and military branches of the Brazilian police are charged with separate duties, but frequently act in unison.

The civil police in each state are responsible for investigating crimes. Serious allegations of torture and ill-treatment have been levelled against the civil police throughout Brazil. Many judges, and even former state attorneys general, admit that the police regularly use torture.

The military police are organized in battalions. They are responsible for maintaining



One military police officer punched Sol in the stomach, while another one restrained the boy

station, where they continued filming. Sol was again assaulted by military police. When Pitico arrived at the police station his face was covered in blood and badly bruised; he had no such injuries when arrested. The police claimed he had injured himself when he tried to escape and fell over.

After these scenes were shown on the television news the São Paulo secretary of public security admitted that "there were excesses on the part of the military police, who beat the detainees while they were handcuffed", but tempered this statement by adding that "in confrontations with criminal slum-dwellers the police have to be energetic". He promised that those responsible would be identified and punished. The local military police commander initiated an inquiry into the incident. Some of the 18 officers involved were briefly detained and three were dismissed.

All the boys were released shortly afterwards, except for Pitico, who was remanded in youth custody for carrying out "antisocial" acts. The police claimed that he was highly dangerous and had committed a number of murders, but his lawyer said he had no criminal record and had never been detained before. He was released one month later. Despite the evidence and the publicity the case received, it did not come to trial, possibly because the victims claimed that they could not identify any of the officers responsible for the assault. In 1987 the three who had been dismissed were reinstated.

Those least able to defend themselves against the arbitrary use

of the police to the local police



An arrest in Rio de Janeiro. Anyone arrested for a criminal offence is at risk of torture

Constitutional rights

The following rights are enshrined in Article 5 of the Brazilian Constitution:

- no one shall be arrested without a judicial warrant unless they are caught in the act of committing a crime;
- detention and place of custody shall be immediately notified to the relevant judge and to the prisoner's family or a person of the prisoner's choice;
- the prisoner shall be informed of his/her rights including the right to silence and the right to see his/her family and a lawyer;
- the prisoner has the right to be informed of the identities of those arresting or interrogating

him/her;

- no one shall be considered guilty until convicted by a court;
- no one shall be subjected to torture, or to inhuman or degrading treatment;
- the crime of torture is not subject to bail, amnesty, pardon or statute of limitations;
- there is no death penalty except when war has been declared;
- habeas corpus* shall be granted to anyone at risk of or suffering violence or restriction of their freedom of movement through unlawful means or through the abuse of power;
- evidence obtained by illicit means is not admissible in court.

Torture on television

TELEVISION footage of a prisoner being beaten in a police station in Belém, the capital of Pará State, was shown on an evening news program in June 1989.

A military police patrol had invited a television crew from the Brazilian Amazonian Network (RBA) to record their ability to capture a prisoner "alive" without resorting to excessive force.

The film was made on 8 June. Four military police officers apprehended a suspect, Aginaldo Silva, and took him to a local civil police station in the Sacramento district on the outskirts of Belém. At this point the police thought the crew had stopped filming; in fact their cameras were still recording and

shocks to make him give the names of members of the gang. Jeremias de Souza Santos was a deaf-mute — he could neither hear nor speak. He was also mentally retarded. When his relatives finally tracked him down they found him suffering from convulsions. They rushed him to hospital in Belém, the state capital, where he died shortly after being diagnosed as suffering from neurological and cardiac disorders. No charges are

likely to be brought in this case as no witnesses were prepared to testify against the military police. Dozens of people have died after being tortured in custody and most of the victims have been young, poor and black. The police have even dragged their victim from a hospital emergency ward. Sidnei Pires Costa was found lying in the road, on the afternoon of 27 June 1987, in the Sacramento district of Belém. He had been



© Hamilton Trindade

the following sequence of events was shown on the main news program that evening.

As soon as he arrived at the police station Aginaldo Silva was threatened by a detective. On the way to the interrogation room he was repeatedly threatened by the military police escort. The next scene showed Aginaldo Silva being beaten with truncheons on his arms, legs, shoulders and stomach by one civil police officer, while another stood by and watched. One of the military police officers joined in and beat him

On 9 June the RBA news editor received an anonymous telephone threat. On the same day Aginaldo Silva was presented at a press conference and told reporters that he had not felt any pain or sustained any injury.

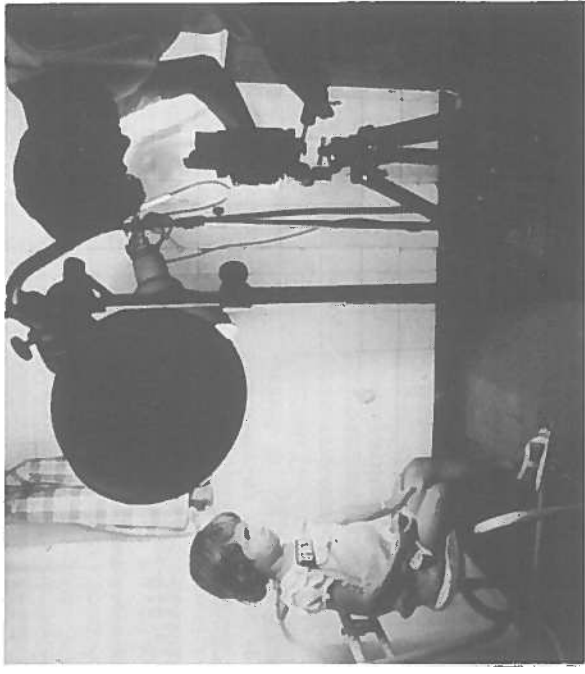
However, reporters noted that he was walking with difficulty and his left shoulder had collapsed.

When questioned by the press about the incident, state governor Hélio Gueiros replied: "Why is there all this fuss about the beating of a down and out?"

shot and the back of his shirt was soaked in blood. He was bleeding but still conscious. According to his mother, he said he had been shot by police officers. He was taken to the municipal emergency hospital, where doctors put him on a serum drip in anticipation of urgent surgery.

At 1.30 the following morning the chief of police arrived at the hospital with several of his men and, ignoring the protests of the doctor on duty, removed Sidnei Pires Costa from the hospital "to be identified and interrogated". His mother followed the police vehicle in a taxi but was unable to keep up with it. The police brought him back four and a half hours later. His physical condition had deteriorated severely. He could neither speak nor stand and had difficulty in breathing. It was obvious from his condition and marks on his body that he had been tortured. Although he could not speak he kept gesturing at his throat as if to indicate that he had been throttled. He died at midday on 28 June, from "mechanical asphyxiation, breathing in blood, caused by rupture of the blood vessels in the neck and trachea". There have been no charges in this case.

There is no way of knowing how many people have suffered torture, but the evidence suggests that almost anyone arrested in connection with a criminal offence



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A five-year-old has her photograph taken for records in the state children's institute in São Paulo. State children's institutes, known as FEBEM, were created to care for minors and to help integrate those in an "irregular" situation into the community. A 1987 survey of these institutes, by the National Bishops' Conference, found "...constant reports, from most areas, of violence, escape attempts and even deaths".



The sight of children begging is common in Brazil's cities. Some seven million children fend for themselves on the streets

is at risk. Torture of political prisoners was widespread during the two decades of military rule in Brazil which ended in 1985. Now most of the cases reported to Amnesty International concern the torture and ill-treatment of criminal suspects. However, people detained on political grounds experience similar treatment.

Ivan Brito de Assis, a leader of the Landless Rural Workers' Movement (MST) was detained on 29 August 1989 in Quebrangulo, Alagoas State. He was released the following day and alleged that he had been tortured in order to make him give information about the MST, which is a legal organization. He said he had been repeatedly beaten and threatened with summary execution, a rope had been tied around his testicles and he had been tortured with electric shocks while hanging on

electric cables to my feet and my genitals and started to give me electric shocks. They kept asking me the same question, 'Where's the house?' I couldn't answer because I didn't know what they were talking about... They tied me to a wooden pole that they passed between my legs and arms and kept giving me electric shocks. This continued for a time. I can't be certain how long because I fainted".

Police behaviour is sometimes so arbitrary that even a casual encounter with them can have serious consequences. In March 1988 a group of six workers from São Francisco do Sul, in Santa Catarina State, were travelling home on their motorbikes when they were stopped by a military police patrol. A military police officer tried to commandeer one of the bikes. Its owner refused, allegedly because the officer would not give

him a written confiscation order, and tried to speed off.

The men were chased and eventually stopped by the police, who immediately started beating them. Oracilio da Luz, who had been riding pillion on one of the bikes, was hit on the head, fell off the bike, fractured a vertebra and lost consciousness. All the workers were then forced into a police van. They claimed they were beaten repeatedly on the way to the police station, and that when they arrived they continued to be beaten in front of the police chief, as a result of which they signed confessions to involvement in a number of offences such as drug-trafficking, resisting arrest and the illegal possession of firearms. Oracilio da Luz was too weak to sign the confession. He claimed he was repeatedly kicked and assaulted even though he could not stand. He spent the night in a cell and

JUDGES have a supervisory role. They are required to inspect prisons and police stations and must act on allegations of torture. In March 1988 the newspaper *Folha de São Paulo* reported that a judge had acted on information that a prisoner was being tortured in the 2nd Police Precinct in São Bernardo do Campo. The judge visited the police station and confiscated a box with electric cables attached to it, similar to the notorious *pimentinha* which generates

electricity for torture. The police claimed it was an extender appeal court judges interviewed by Amnesty International have stated that many judges simply accept or tolerate ill-treatment of prisoners as a routine aspect of prison life. Few ever make visits of inspection, although required to do so by

their terms of office.

In a recent case it was reported that a judge condoned ill-treatment. Peasant farmers arrested on 11 March 1989 and taken to Sobradinho jail in Rio Grande do Sul alleged that the local judge watched them being ill-treated and beaten. He told them: "I am the judge of Sobradinho. From this moment you are no longer farmers. You are bandits and criminals at the disposal of the justice system. And you will be treated as such".

'I am the judge of Sobradinho'

tortured in a police station in Osasco, São Paulo State. Former appeal court judges interviewed by Amnesty International have stated that many judges simply accept or tolerate ill-treatment of prisoners as a routine aspect of prison life. Few ever make visits of inspection, although required to do so by

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Twenty-five-year-old José Carlos de Santos Pinheiro was threatened with death for stealing a bicycle. He was arrested with a friend on 10 June 1989 and taken to the police station in Cachoeiras de Macacu, Rio de Janeiro State.

The police accused them of stealing the bicycle from a local landowner. When they denied that they had anything to do with it they were taken to an interrogation room, gagged to stop them shouting and tortured for two hours.

According to José Carlos de Santos Pinheiro: "Two police officers tied me up and one began to hit me in the face with a floorcloth so that I'd confess to stealing the bike. Then they carried out the 'telephone torture' [simultaneous blows to both sides of the head]. I was stripped and they kicked me and tramped on my head. They broke a mop handle in half and both hit me with one piece each. I was kicked in the pit of my stomach,

'We'll kill you and throw you into a ditch'

kicked and hit with the mop handle on my back. They beat my genitals and all over my body.

"They gave me electric shocks in my mouth, genitals and all over. They said it was 225 volts. Then they nearly choked me with an electric wire. They punched me in the eyes and threatened to put the mop handle up my anus... They threatened to kill my wife and my two children if I didn't confess to the theft."

He also said that the police threatened to kill him and his friend and throw their bodies into a ditch.

The next morning José Carlos de Santos Pinheiro was released. He went to the court in Cachoeiras de Macacu to lodge a complaint.

The judge ordered him to have a medical examination, which found that he was in great pain and vomiting blood. His vision was impaired, one eye was bruised, and he had bruises on his back.



Homeless teenage girls in São Paulo. Teenage prostitutes on the streets of Recife have suffered miscarriages after being kicked and beaten by military police

was sent to hospital the next morning. There he spent 20 days handcuffed to a bed under armed guard. He was charged with possession of a firearm and cocaine.

The incident received wide publicity and the public security secretary removed the police chief from his post. However there were no criminal proceedings against the police chief or the military police officers involved. Six months earlier, 20-year-old José Roberto Bento, had been found hanging in his cell at the same police station. According to the post-mortem his body was bruised and lacerated; at the time of his death his feet were tied.

A number of reasons have been advanced for arbitrary and illegal behaviour by police officers: poor



Street children often band together to support each other. Forced to fend for themselves, many turn to petty crime. State governments periodically round up homeless children and take them to FEBEM. Children in FEBEM who have not been arrested for a criminal offence have no right to habeas corpus

and had also directly practised violence, possibly thinking he had immunity from prosecution and relying on support from particular judges. The commission also noted that he was supported, politically and financially, by an organization run by local businessmen with the objective of increasing security in the town. He was officially removed from his post in August 1987, because, in the words of the official report, the conduct of police work in his area "goes beyond the limit of human dignity. Statements testify to the fact that assaults, torture, asphyxiation, blows and beatings with sticks are a constant occurrence". However no criminal charges were brought against him and within a year he was promoted to the post of chief disciplinary officer in the Federal Territory of Roraima, in charge of supervising and disciplining civil police officers.

The lack of thorough investigations and prosecutions for serious abuses such as torture and extrajudicial execution effectively condones such actions. This is not a recent phenomenon. There have been no prosecutions for the widespread abuses, such as torture and "disappearance", which occurred during the two decades of military rule from which Brazil emerged five years ago. In 1979 an amnesty law was passed which benefited those accused of political crimes and members of the security forces implicated in human rights abuses.

The names of hundreds of torturers are known, according to the human rights group Torture Never Again, which was formed in 1985 with the objective of bringing the abuses of the previous 20 years to public attention. But not one person has been brought to trial. In 1986 the Archdiocese of São Paulo published *Brazil: Never Again*, a report on human rights violations under the military government. The report documented 283 types of torture centres and 444 individual torturers. It was based on the records of military court proceedings during the period. It found that even when "the facts of torture were presented before a military court, confirmed by witnesses and even recorded officially by medical examiners, [this did not result in] any steps to eliminate such practices or to make their perpetrators criminally responsible".

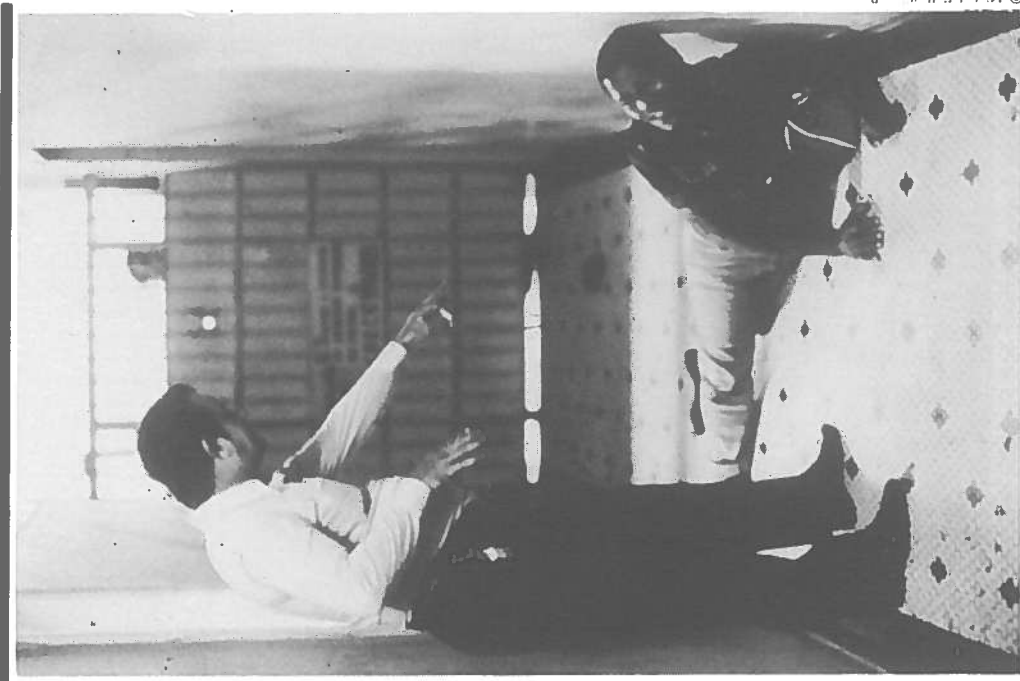
In 1988 a new constitution was

approved explicitly prohibiting torture or inhuman or degrading treatment. It also made torture a crime for which there can be neither bail, amnesty, pardon, nor statute of limitations. The 1967 constitution had obliged the authorities to respect the physical and moral integrity of detainees and prisoners. Until 1988 a law-enforcement officer accused of torture or ill-treatment could be charged with the offence of abuse of authority, which carried the relatively minor penalty of up to six months' imprisonment (provided the case was brought within two years of the offence), or with common assault. Legislation to bring the penal code into line with the stronger provisions of the 1988 constitution is still awaited. Meanwhile, a new law extending the period of "temporary detention" permissible, before suspects are charged, to 10 days may facilitate torture.

Successful prosecutions of police officers charged with human rights violations can take years, 10 years in one recent case. In March 1988 civil police chief Luis Alberto Abdalla was sentenced by a civilian court to 14½ years' imprisonment for torturing a 21-year-old youth to death in 1978. The youth, Robson Silveira da Luz, had been taken into custody in April in Guaianazes, Greater São Paulo, on suspicion of stealing some boxes of fruit. The day after his arrest he was taken to hospital, where he died on 5 May. He had injuries to his feet, legs, thighs, penis, abdomen, thorax, arms and face. The police had claimed he injured himself while attempting to escape.

In August 1987 a military police officer in Belo Horizonte, Minas Gerais State, was sentenced by a military court to two years' imprisonment for killing 18-year-old Rogério de Jesus Raimundo four years earlier. The unarmed boy was suspected of having stolen a box of cakes from a market stall and was shot in the back. The only civilian judge in the trial had recommended an 18-year prison sentence but was overruled. In his dissenting vote he argued, "It is true that the victim was a little thief, a slum-dweller, black and many other sad things that we see in this unfortunate country, but that does not authorize such drastic police conduct — to shoot him in the back, and cause his death."

In another case in Belo Horizonte proceedings took six



Scene in a Rio de Janeiro police station. A 1986 survey found that police did not believe criminals should have the same rights as law-abiding citizens

the discovery of the bodies on a rubbish tip outside the city. They had been beaten, shot and had their throats cut. All three of the military police officers sentenced had previously been investigated, but not convicted, for killing criminal suspects and juveniles.

One had been the subject of 26 investigations. The killing of Marcellus Gordilho, a 24-year-old swimming instructor, on 17 March 1987 in Rio de Janeiro came to trial mainly because of his mother's determination to bring a court case against the police.

Marcellus Gordilho and two friends were driving back from the beach when one of his tyres punctured. He was forced to stop in Cidade de Deus, on the outskirts of the city, where military police were conducting a drugs raid. They apparently thought he was a drug dealer and, when he could not produce identification, they arrested him, beat him and repeatedly knocked his head against the van with such force

that he sustained a fatal injury. Five officers were convicted of manslaughter, but their convictions were quashed on appeal. Regina Helena Gordilho received threats as a result of her efforts to bring the case to trial.

Death threats are not to be taken lightly in Brazil. They have been carried out in dozens of cases.

One of the most common reasons why prosecutions of police charged with human rights violations fail to progress is that witnesses withdraw their evidence after being threatened. This happened in a torture case in Nova Viçosa, in the extreme south of the state of Bahia.

The case concerned three teenage boys: one died, one was seriously injured and the third fled from the area. Rodrigo Borges de Carvalho, Manoel Mendes dos Santos and Elias Lopes de Lima were arrested by military police at the beginning of May 1987 on suspicion of breaking into a number of local holiday homes. Rodrigo Borges de Carvalho page 10



The Delegacia de Roubo e Furtos in Belo Horizonte. In 1985 prisoners held here organized a lottery of death in protest against overcrowding

de Detenção. It was built to house 3,200 prisoners. By April 1989 it was holding 7,200. There are frequent reports of ill-treatment from this prison. In July 1987 an Amnesty International delegate interviewed members of the prisoners' commission in the Casa de Detenção. They gave her a copy of a letter they had sent to the state authorities calling for a judicial investigation of their claims that prisoners were taken at night to a cell in Pavilão 6 of the prison, suspended from a bar by handcuffs and beaten.

On 25 October 1989 lawyers from the São Paulo bar association and doctors from the regional medical council visited the Casa de Detenção and the state penitentiary to investigate the prisoners' state of health. In their subsequent report they commented on the appalling standard of medical care and recommended that 20 prisoners be given urgent medical treatment. One man, Claudemir de Oliveira, had been waiting for more than a year for an operation to remove a bullet from his spine. He was unable to stand erect or to walk. He died, without treatment, in December 1989.

Prisoners held in the Casa de Detenção have also claimed that the free legal aid scheme, designed to help prisoners obtain reclassification to a less severe regime, does not function. Few lawyers are prepared to defend prisoners on a legal aid basis — in 1987 there were only 72 lawyers to represent some 20,000 prisoners in São Paulo's state penitentiaries.

Prisoners held in Pavilão 9 of the Casa de Detenção rioted on 7 July 1987. After the riot Amnesty International received reports that

Crisis in the prisons

some prisoners had been tortured, including members of the prisoners' commission and others who had not been involved in the rebellion. On 24 July the organization wrote to the state secretary of justice asking for an investigation into allegations made by prisoners and some officials that inmates were systematically tortured by guards. In his reply the secretary of justice said an official inquiry had been opened into the torture allegations. Amnesty

prisoners in São Paulo is the Casa

International did not receive a copy of the inquiry's report.

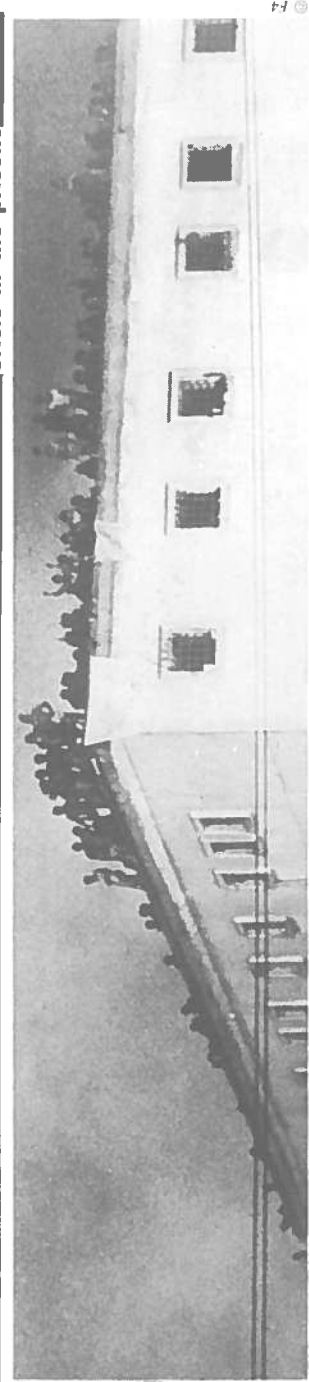
There have been further violent incidents at the Casa de Detenção. On 27 February 1989 two prisoners tried to escape and killed their hostage. There were reports that more than 1,000 prisoners were severely beaten for six hours after this incident.

A joint commission of human rights organizations interviewed some of the prisoners and verified these reports. According to the commission's report, military police stationed at the prison removed prisoners from their cells, made them strip and ordered them to kneel with their hands against the wall, so that they could not see their assailants. Prison guards then beat them with bits of wood, iron bars, cables and rubber truncheons or cut them with knives. The commission noted innumerable fractures of legs, arms and ribs in addition to bruising on the prisoners interviewed. The official inquiries had made no progress by February 1990.

Prison guards are poorly trained and badly paid. Corruption is widespread in the prisons; by bribing the guards prisoners can receive better food, better cells and more opportunity to pursue applications for parole. Brutality and ill-treatment by guards has been reported from most prisons.

On 16 August 1989 two prisoners, Adilson da Silva and Elias Sena Dias, attempted to escape from the Fernando Guilhon Penitentiary in Santa Isabel, Pará State, but were caught by prison guards. Lawyers from the Pará Human Rights Society were informed by the men's wives that, after the escape attempt, the prisoners had been held incommunicado in the punishment cells for 54 days, 24 days in excess of the legal maximum. The prisoners alleged that prison guards and military police had beaten them and set dogs on them.

Prison authorities have generally failed to act on allegations of torture and ill-treatment in the penitentiaries. Inquiries have often been promised, but much less frequently carried out. In 1987 a promised inquiry into allegations that a prison governor had supervised a beating failed to materialize. The incident occurred in the island prison of Cândido Mendes, near Rio de Janeiro. The prisoners claimed that on 14 December 1987 Sérgio Rodrigues dos Reis was beaten in his cell by



Prisoners line the roof during a rebellion at the Casa de Detenção in 1985

four prison guards at the instigation of the prison governor, who watched the beating. Four days later, the director of the state prison service visited the prison and, according to the inmates, verified what had occurred and promised them that his office would open an internal inquiry. The state bar association's human rights commission visited the prison in April 1988. Its report noted that no action had been taken to investigate

The Casa de Detenção was built for 3,200 prisoners. By April 1989 it was holding 7,200

the beating of Sérgio Rodrigues dos Reis or other allegations of ill-treatment.

In September 1986 a prisoner trying to escape from Papuda prison in Brasília was shot dead on a bus by military police. The prisoner's name was Edmilson Santana de Lima. A year earlier he had been punished for seeking redress for ill-treatment.

On 30 May 1985 Brasília's public security secretary visited Papuda prison. During his visit Edmilson Santana told him that he had been severely beaten and burned with cigarettes by prison guards. The prison authorities confined Edmilson Santana to a

visited Brasília and received confirmation that the punishment cells had been closed the previous month after a campaign by the federal district bar association's human rights commission. However, the prisoner considered to be at risk had not been transferred and none of the prison staff responsible for beating prisoners had been disciplined.

One of the main obstacles to thorough investigations into some of the worst abuses has been prisoners' reluctance to testify because they fear reprisals. This has often meant that, even when there is an official inquiry, prison guards involved in serious human rights violations cannot be identified and charges cannot be pressed. In some prisons, prisoners elect committees to represent cases of ill-treatment and arbitrary punishment to the prison administration. Prison authorities are generally hostile to these committees. Some have been suppressed and there is evidence of reprisals against prisoners elected to them.

Former São Paulo appeal court judges have told Amnesty International that prisoners who demand their rights are frequently victimized and transferred, sometimes to the Taubaté maximum security prison. In November 1987 prisoners at the São Paulo state penitentiary stopped working and refused to already volatile situation. □



Military police used dogs to control women prisoners with AIDS who were protesting against lack of medical care. A human rights delegation to the Talavera Bruce women's prison in Rio de Janeiro reported that women were put in punishment cells for 90 days at a time — three times as long as permitted by law; breastfeeding babies were taken away from their mothers — to punish the women

leave their cells for one day in protest against humiliating treatment of their relatives by the guards. The eight prisoners who had acted as spokesmen during the strike were beaten by guards and placed in solitary confinement. They began a hunger-strike in protest. At the end of November three of them were sent to Taubaté prison and one, Fernando Cardoso, who was reportedly cut

In 1987 just 72 lawyers were prepared to represent 20,000 inmates in São Paulo State

and bruised from the beating, was put into a special cell in the hospital wing previously used as a bathroom for inmates suffering from AIDS. This was apparently done to frighten him as he was not given any medical treatment.

Fear of AIDS is widespread among prisoners. A 1987 survey by the São Paulo prison authorities found that 15 per cent of new prisoners arriving at the Casa de Detenção carried the AIDS virus. By 1989 it was estimated that as much as 30 per cent of this prison's population carried the virus. The fear of contracting AIDS is one further factor fuelling an already volatile situation. □

one further factor fuelling an already volatile situation. □

A death squad in action

A death squad, she immediately left the house to report the incident to the police. On the way she saw a military police patrol and implored them to start looking for her sons. They refused orders to do so. At the police station the police chief told her she had to wait for 24 hours before she could report the boys missing. When she resumed her search at 6am the following morning she overheard someone in a local bakery saying that the bodies of two young men had been found nearby. She had found her sons.

The men forced their way in and produced neither arrest warrants nor identification. They told the boys' mother that they had to take her sons to the police station for questioning. Fearing that the men might be

gave the following account of events in a statement to the subsequent police inquiry into the case. He said that they had been taken to an isolated police post near the beach at Mata and tortured for five consecutive days to make them confess to the break-ins. They had been beaten, whipped, suspended on the *pau de arara* and sexually abused. They were also burned with melted plastic. They were released on 7 May and warned to say nothing.

Elias Lopes de Lima was found on 8 May with severe burns and other serious injuries by Diva Alencar Rodrigues, a former journalist, in the street outside her home. She took him to a health centre for treatment and says that he had third-degree burns, his buttocks were covered in running sores and his anus was swollen. He told her the police were responsible for his injuries and denied being involved in robberies. He was sent to hospital in the town of Teixeira de Freitas, where he died three days later.

The police chief and four military police officers were arrested on 9 May. Rodrigo Borges de Carvalho was flown to the state capital, Salvador, by the police chief heading the investigation so that the secretary of public security could see his injuries.

Diva Alencar Rodrigues was one of the witnesses in the case. After she gave a statement to the initial police inquiry she said she was threatened by relatives of some of the police officers accused of the crime. The first court hearing was scheduled for August 1987 at the court in Caravelas, some 400 kilometres from Nova Viçosa. Diva Alencar Rodrigues travelled to Caravelas to give evi-

correct defence lawyers' assertions that she was the adopted mother of the dead boy and a known enemy of the local police. The case proceeded slowly. In April 1988 a new judge was appointed. He released the police officers accused. Diva Alencar Rodrigues was warned that armed men, including a relative of one of the accused, were waiting outside her house and publicly threatening to kill her. Although she was still prepared to testify, all the other prosecution witnesses had retracted their statements. One police officer, Manoel Marinho, had told the police inquiry that he had seen police gag Rodrigo Borges de Carvalho with

his shirt to stop him screaming. He also stated that he had seen the boy handcuffed to the police van. In October 1987 he retracted his statement. There has been no further progress in this case. When military police staged a midnight raid on a public jail in Rondonopolis, Mato Grosso State, in February 1989 they were acting, to all intents and purposes, as a death squad. There were 20 to 30 of them, wearing black hoods, and they were seeking revenge. On 6 February, a few hours before the raid, the prisoners had attempted to escape from the Vila Aurora jail which was then holding almost double its capacity. A São Paulo state prosecutor subsequently visited the jail and was quoted in the press as saying that it did not provide even "the minimum conditions compatible with human dignity — even for terrible criminals — no security, hygiene, health or basic functioning". The police prevented the escape but a military police officer who had been taken hostage by the



A van tours Rio's Baixada Fluminense region daily to collect the victims of the previous night's violence — an average of 10 bodies a day.

prisoners was accidentally shot dead by a colleague in the course of the operation.

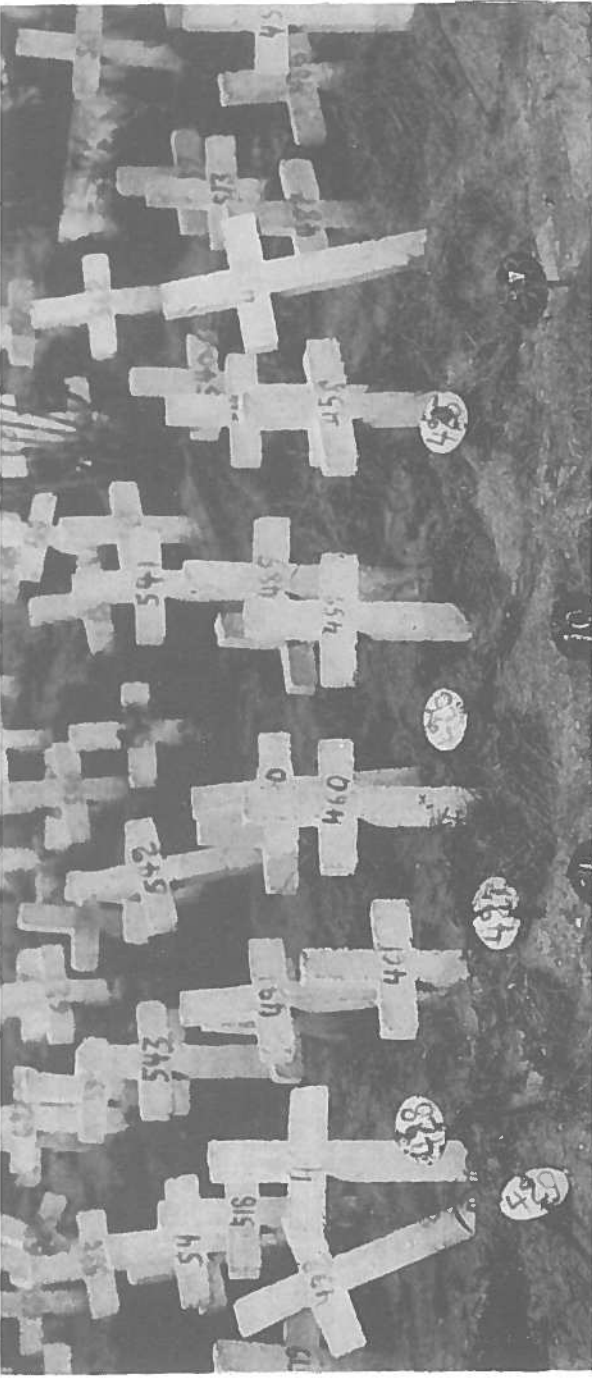
The midnight raid was the military police's second attempt at reprisals for their colleague's death. Immediately after the attempted escape they had tried to lynch some of the prisoners but had been prevented from doing so by the jail's director. Following this a judge had recommended that the prisoners be transferred for their own safety. His recommendation was ignored.

The military police stormed the jail at 12.30am on 7 February, tied up police officers on duty and started taking prisoners out of the cells. One of the prisoners was a former military police officer who recognized his ex-colleagues and shouted out their names. This led to charges against 13 police officers.

The police death squad killed seven prisoners in revenge for their colleague's death, including the former officer who had recognized them. Two were shot dead inside the jail and two outside; another two bodies were found the next day on a waste-tip and the seventh was found a few days later, floating in the River Vermelho. Both of the bodies found on the waste-tip bore marks of torture. One prisoner had had his arm and leg broken and had been stabbed several times: both had been shot in the anus. When the police kill in secret they often kill brutally. Their victims have been tortured and mutilated, as if to serve as an example and a deterrent to others. Killing in secret is increasing as more police turn to death squad activities.

Simone Amaral Cerqueira was brutally killed. She was a 17-year-old girl, with dual Australian-Brazilian nationality. She was found dead with an 18-year-old friend, Disney Erwin Rodrigues, on a waste-tip on the outskirts of Nova Friburgo, Rio de Janeiro State, in December 1988. According to his friends, Disney Rodrigues had denounced police officers in the city for extortion in drugs-related cases. Simone Cerqueira and Disney Rodrigues were abducted on 4 December by five men in plain clothes, four of whom were later identified as members of the military police. Their bodies were found the next morning. One of Simone Cerqueira's eyes had been gouged out before she was shot in the head at close range. She had been raped. Disney Rodrigues had been knifed in the face. Criminal proceedings were initiated against two military police officers but the trial had not begun by February 1990.

Violent death is a common occurrence in Brazil. Many of the



The bodies of many unidentified death squad victims are buried in this cemetery in Vila de Cava, Nova Iguaçu, Rio de Janeiro

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Violent death is a common occurrence in Brazil. Many of the

killings are carried out by individuals or result from feuding between rival gangs, but a significant proportion have been attributed to death squads or "extermination groups". Death squad violence has increased in nearly all Brazil's major urban centres in recent years. There is evidence linking police officers to death squads. The death squads' victims are usually poor and often destitute: most are suspected petty criminals and many are young. In September 1989 the Brazilian Institute of Social and Economic Analysis (IBASE) published *Children and Adolescents in Brazil: The Stunted Life*, a report on violent deaths of children in Brazil since 1983 which was compiled with the assistance of the National Street Children's Movement. They drew their information from official sources and reports in the media. Their analysis of the records of forensic medicine institutes in nine Brazilian states between 1984 and

July 1989 supports the conclusion that increasing numbers of children are dying violently. Their report noted that the figures for the first six months of 1989 had already equalled those for the whole of the previous year. Eighty per cent of the victims were male and aged between 15 and 18. Although the data was not available in all records, in those where ethnic origin had been noted 82 per cent of the victims were black or of mixed race.

The IBASE report also provides evidence that increasing numbers of children are falling victim to the death squads. IBASE analysed press reports of 624 violent killings of children in 15 Brazilian states during the 18 months to July 1989. In 21 per cent of the cases — some 130 children — the killings had been attributed to death squads. In Pernambuco State over half the violent killings of children in the first six months of 1989 were attributed to death squads, more than double the number of



Seventeen-year-old death squad victim. A 1989 report by the Brazilian Institute of Social and Economic Analysis concluded that children were being killed by death squads in order "to clean up the streets".

such cases reported in 1988. The report concluded: "These facts... show the marked presence of organized actions for the elimination of people, in this case children and adolescents, with a view to 'cleaning up the streets', 'removing witnesses', or 'guaranteeing the security' of a given area... these groups are acting in practically the whole country, without their activities being properly investigated or punished."

Homicide is the most common cause of death for adults in São Paulo city. In 1989 the average rate of homicide was eight to 10 a day in the inner city, rising to 12 a day in the Greater São Paulo area. In 80 per cent of these cases the authorities were unable to attribute responsibility. Lack of public confidence in the ability of the police to detect or deter crime seems to have stimulated the growth of death squads and vigilante groups, known as *justiceros*, which are paid by local businesses to



Death squad victim found in Rio. There were 500 violent killings in Greater Rio in April 1989. Many were attributed to death squads. In Pernambuco State, corpses are often found with their hands tied or the marks of handcuffs around their wrists

dispose of suspected petty thieves in various parts of São Paulo State. One of these groups was run as a private security firm by a former employee of the civil police. The firm used the name "ROTA" — the acronym of the São Paulo military police patrols. The head of the security firm publicly acknowledged that he "hunted down" criminals.

Many of the 124 killings reported in 1987 in Embú, São Paulo State, were attributed to *justiceiros*. The highest death toll in a *justiciero* killing in 1988 came from the Jardim Santo Eduardo district of Embú. On 30 January nine youths, aged between 18 and 25, were playing music outside a bakery when they were challenged by men claiming to be police, who shot seven of them dead. Following a considerable public outcry, a number of people were arrested, including a police officer witnessed at the scene of the crime.

Since 1987 fewer killings by *justiceiros* have been reported in São Paulo but killings by military police have shown a marked increase. In 1987, 254 people were killed by military police; in 1988 there were 411; but by 1989 the figure had risen to 585. Few of these killings were the result of armed confrontations with dangerous criminals. Some of the deaths were due to poor police judgment; many others appeared to be deliberate killings of criminal suspects by police.

In July 1989 the São Paulo state

evidence would have been virtually impossible to retrieve. Three steelworkers were killed on 9 November 1988 and several were injured when soldiers opened fire on workers occupying the National Steel Company plant at Volta Redonda in Rio de Janeiro State. Two of those killed were shot, the third was bludgeoned to death.

Four military officers who took part in the operation were awarded medals for bravery. On May Day 1989 a statue in memory of the three dead workers was unveiled. The following day it was blown up. Neither of the inquiries into the killings at Tocantins Bridge and the Volta Redonda steelworks has publicly reported its findings. This may have encouraged members of the security forces to assume that the use of lethal force against unarmed workers is sanctioned at the highest level of government.

Lethal force

Police officers then advanced on the crowd, firing live ammunition and beating people. Many protesters threw themselves off the bridge and fell onto rocks in the river bed, 65 metres below. Ten deaths were confirmed by these incidents, official inquiries have not been completed, nor have members of the security forces responsible for excesses been disciplined.

On 29 December 1987 Pará state military police killed an unknown number of gold prospectors and their relatives who were protesting against unsafe working conditions at the open-cast Serra Pelada gold mine. The crowd was occupying the bridge over the Tocantins River near Marabá. Negotiations for the peaceful evacuation of the bridge were almost complete when, according to several witnesses and federal police officers, both ends of the bridge were blocked and tear-gas was thrown into the crowd. Military

police chief announced a campaign to improve the public image and conduct of the civil police. However, the campaign seems to be directed against police involvement in drug-trafficking and not to extend to human rights abuse. In 1989, 170 São Paulo police officers were expelled from the force for corruption and unjustified violence, including unlawful killings. It is difficult to obtain official statistics about the number of police officers disciplined or prosecuted for unlawfully killing or torturing detainees. When these are available the exact nature of the crimes under investigation and the date on which they occurred are not specified.

The State of Rio de Janeiro has the highest incidence of violent killings, with 1,175 recorded in Rio's seven most populous municipalities during the first six months of 1989. In April alone there were 500 violent killings in Greater Rio. Many of these killings have been attributed to death squads. The Rio State Government established a commission of inquiry into death squads in 1983. During the following three years it investigated 200 cases, most of which were cases of murder involving police officers. According to public prosecutors, the state authorities have found it difficult to bring prosecutions because witnesses were being intimidated and killed. The cases resulted in 23 convictions and the dismissal of many police officers believed to be linked to death squad activities. In 1990 the Rio police department told Amnesty International that, during 1989, 137 cases were examined by the commission; only 34 of these investigations were completed. They gave no figures for prosecutions.

In September 1987 a new state civil police chief was appointed in Rio de Janeiro. In the five days following Hélio Saboya's appointment, between 11 and 16 September, the bodies of 78 people, mostly petty criminals, were found in deserted parts of the city. Many had been tortured before being shot, and had notices pinned to their chests detailing their alleged crimes. A note left beside two of the bodies, addressed to the new police chief, said: "Long live the great Saboya! Let's fight violence!"

A year and a half later, Hélio Saboya was instrumental in securing the prosecution of a police death squad. On 24 January 1989

two police officers armed with machine-guns raided a bar in Quatis, near Barra Mansa in the interior of the state. The bar's owner was suspected of involvement in a killing a few days earlier, which was being investigated by the 87th Police Precinct in Barra Mansa. He was not there that afternoon, but the officers arrested four youths — João Carlos Guilon, who worked in the bar, and three others, Lourival da Silva, aged 19, Rogério Carlos de Carvalho, aged 18, and Carlos Antônio dos Santos.

The four youths were last seen by several witnesses being driven away by two officers from the 87th Police Precinct. When they failed to return home that night their families became concerned and went to the police station in Barra Mansa to register their "disappearance". There they were told that they could not make a formal complaint until their sons had been missing for 48 hours. The families then had days of torment as they searched hospitals and morgues for any trace of the youths. Whenever they went to the police station they were made unwelcome and told they were impeding the investigation. The police did not open a file on the case until 1 February.

The Barra Mansa judge ordered the detention of the two police officers, but they were released two months later when the appeals court granted their *habeas corpus* petition. Key witnesses were threatened and some fled from the area. The 14-year-old brother of one of the victims, Adriano de Carvalho, who was also a witness, left Quatis and went into hiding after one of the police officers tried to abduct him. A woman who had been in the bar when the youths were taken into custody refused to testify and a nun working with the youths' families received threats.

The local community campaigned for the police officers who had abducted the youths to be prosecuted. Film of their protests and demonstrations was shown on local television. Hélio Saboya then visited Barra Mansa and after being informed about the case ordered that it be transferred to the state commission of inquiry into death squad crimes. This resulted in the two police officers being sentenced to four years' imprisonment for kidnapping. They could not be charged with murder because no bodies were found.



This photograph of a torture session was taken by a police inspector. The victim, a street cleaner known as Doge, and the 19-year-old friend who was tortured with him have both been killed

In June 1989 eight men suspected of being a death squad were arrested as they were attempting to murder a man in Belford Roxo in the Baixada Fluminense district of Rio de Janeiro. Four were police agents and two had been given official accreditation as court employees. They had been drinking at a bar when they tried to shoot a man on suspicion that he was a "bandit", merely because he was running along a street.

Officials in the northeastern state of Pernambuco have taken death squads in Recife to death squads. Most of the victims were poor, black, and petty criminals aged between 18 and 25. Most

of the victims were in the state military police command expelling two officers from the 6th Battalion for participating in death squads. Three others, one of whom is a sergeant, are currently detained pending the results of a police investigation into alleged involvement in death squads. The state civil police chief has also acted on allegations made to a military police inquiry by one

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of the military police officers expelled from the 6th Battalion for participating in death squads. Three police chiefs have been transferred.

A report prepared by GAJOP, a human rights organization based in Recife, Pernambuco's capital, recorded 171 violent killings attributed to death squads in 1987. In 1988 it attributed 212 violent deaths in Recife to death squads. Between January and March 1989 GAJOP attributed 88 of 114 violent deaths in Recife to death squads. Most of the victims were poor, black, and petty criminals aged between 18 and 25. Most

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Overcrowded cells in Lagoinha police remand centre, Minas Gerais State

crisis in the prison system; in 1988 there were 3,125 prisoners in Pernambuco with cell space for 1,956. Over 9,000 arrest warrants could not be carried out because there was nowhere to put the prisoners. He believed that many of the victims had been known to the police who had found their own methods of disposing of them. In 1989, throughout Brazil, 239,664 judicial arrest warrants had not been carried out.

In Manaus, the capital of Amazonas State, the problem of police involvement in death squads became so acute that, on 4 July 1989, the state government announced it was disbanding the civil police force. According to press reports, former civil police officers in Amazonas State who wish to work in the newly created judicial police force will have their past records carefully scrutinized before they are accepted.

However, action such as this is rare. The level of police involvement in extrajudicial execution merits an energetic response. Without that response the police will continue to act with impunity, joining death squads and threatening and killing witnesses to their illegal activities.

On 1 March 1986 a street cleaner, known as Doge, was shot dead in Porto Alegre, the capital of Rio Grande do Sul State. He was killed two weeks before he was due to testify against four police officers he had identified as torturing him and a friend, Cléber

Portrait of a prison riot

IN September 1986 some 2,000 prisoners rioted at the Presidente Venceslau Penitentiary in the north of São Paulo State. One of the causes of the riot was ill-treatment by prison guards. Military police shock troops were sent into the prison to quell the riot and their action was filmed by Brazilian television and broadcast on the news bulletins, so there is little dispute about the events.

The riot began at 1.30pm on 15 September when a group of 15 prisoners, some armed with knives, occupied the administrative section of the prison and took several guards hostage. The prison authorities retained control over the rest of the prison. At 9pm prisoners in other sections were locked into their cells and all the guards were withdrawn. A few prisoners who had not been locked up then opened the cell doors and a full-scale riot ensued.

On the morning of 16 September military police stormed the prison; the rebels surrendered

the stomach and killed his brother. The family then moved to another part of the city, where Doge was killed less than a month later.

Cléber Goulart, the remaining witness in the case, was shot dead by police on 14 May 1987. The police said he had tried to resist arrest when he was caught robbing a supermarket. A witness to this shooting was also detained and died while he was being taken to the police station, allegedly because he was beaten to death by police officers.

As the victims were dead the torture case against the police officers collapsed. However, two members of the local human rights organization, which had campaigned on behalf of the victims, were convicted of calumny.

These few cases reflect the pattern of growing police involvement in death squad crimes and



Widow of a prisoner killed in the São Paulo state penitentiary in 1987

harassment of visiting relatives. Fear of AIDS is widespread, so much so that the threat of the disease is used to psychologically torment prisoners.

Maladministration has resulted in miscarriages of justice for hundreds of prisoners. A 1988 census of the 8,500 prisoners in the Rio de Janeiro state prison system revealed numerous irregularities. It identified 300 prisoners who had completed their sentences but had not been released. A further 500 remand prisoners had been waiting years to come to trial. One prisoner, Luis Carlos Francisco Sales, was released at the end of September 1988. He had been held on remand in Evaristo de Morães prison for nine years. He had never been tried, nor could he have been, as the case against him had been closed for years.

Overcrowding is one of a number of complaints. Prisoners also report torture and ill-treatment by the guards, lack of legal and medical assistance, delays in reclassification to a less severe category, ill-treatment and



Prisoners were forced to strip after the 1987 São Paulo state penitentiary riot was quelled

The desperate situation in Brazil's prisons has resulted in a spate of protests, riots and escape attempts. Most of these rebellions have been crushed by the police, often with lethal force, although in one case eight armed prisoners were allowed to escape from the central prison in Porto Alegre in exchange for 30 hostages.

Beatings are common in reprisal for prisoners' rebellions. There is also evidence that the police are carrying out extrajudicial executions in the aftermath of prison riots.

Eighteen prisoners were asphyxiated during reprisals which followed an unsuccessful escape attempt at the 42nd Police Precinct in São Paulo city.

At the time, on 5 February 1989, there were 63 prisoners in the precinct, crammed into cells designed to hold 25. The escape attempt was prevented by civil and military police. The prisoners were made to strip naked and run a gauntlet of police who allegedly beat and kicked them. The civil police duty officer then ordered that the prisoners be locked up in an illicit punishment cell. Some-

how the police managed to force 51 prisoners into this cell, which measured 3.6 by 1.4 metres. Its air vent had been soldered shut and when the door was closed it cut off all ventilation for those inside. The prisoners cried out for help and shouted warnings that they were suffocating, but the door was kept closed for two hours.

Only one of the 51 prisoners was still conscious when the door was opened. Nine were already dead; another nine died before reaching hospital.

Twenty-one police officers were charged with aggravated homicide following civil and military police inquiries, but there had been no progress in judicial proceedings by February 1990.

The 18 military police officers charged are to appear before a military court but have not been suspended from active duty. After 30 days' suspension, two of the three civil police agents charged were transferred to active duty on the police disciplinary board, which was investigating the case, where they had access to information about witnesses' statements and whereabouts. In September 1989 there were reports that the wives and children of some of the survivors had been threatened with death if the prisoners were



Woman waits for news of her husband's fate after a riot in the Casa de Detenção in 1985

to testify against the police.

The highest death toll in a prison uprising in 1987 came from the São Paulo state penitentiary. On 29 July an attempted escape developed into a two-day riot with

prisoners taking hostages. Military police shock troops were sent in; 29 prisoners and one prison guard were killed, and over 100 prisoners wounded. There were reports that some prisoners were taken from their cells and deliberately killed after the riot was over.

It was also alleged that vital evidence had been removed from the scene. The official inquiry concluded that energetic police action had been necessary to rescue hostages. It did not categorically exclude the possibility that excesses might have occurred during the operation, but stated that this was understandable, as the police had faced a life-threatening situation. It also accepted that some prisoners might have been ill-treated after the riot by guards and military police.

The São Paulo bar association conducted its own inquiry and interviewed over 200 survivors and hostages. It concluded that most of the deaths had occurred after the prisoners had been subdued and the hostages released, and that the prisoners had been savagely beaten. It was also alleged that evidence had been removed from the scene.

In April 1989 prisoners attempted to escape from Carumbé Prison in Cuiabá, the capital of Mato Grosso State. The attempt failed

and resulted in the deaths of 11 prisoners, one police officer and one prison guard — and many were injured. On Sunday 9 April, during the afternoon visiting period, some 15 prisoners took hostage about 80 visitors, half of whom were children, and demanded escape vehicles and arms.

After 24 hours of negotiations the secretary of public security ordered a detachment of 400 armed military police into the prison. Some of the hostages have alleged that the prisoners had already surrendered before the prison was stormed by military police.

The widow of one of the prisoners killed had been a hostage. She told the press that the prisoners were attacked after they had surrendered and when most of them, including her husband, were disarmed and lying face-downwards. The autopsy on her husband's body found that he had been shot in the back of the neck and through the right eye.

A study of post-mortem reports filed by the Mato Grosso forensic medicine institute revealed that the 11 prisoners killed had multiple injuries. Some had been shot in the back of the head. Some had stab wounds in addition to bullet wounds; two died from stabbing injuries to the head. Some of the bodies were extensively bruised on the back of the torso and around the eyes. In one case pathologists stated that extensive bruising and abrasions to the back of the body had been sustained at least 24 hours before a fatal gunshot in the ear.

The Mato Grosso military and civil police are investigating the deaths and injuries which followed the Carumbé riot. However, the judge has given them an indefinite period of time to complete their inquiries.

The state public security secretary later stated that, although he regretted the fatalities, the police action should be recorded in history for its bravery. The city council passed a motion commending the police. This is by no means a unique manifestation of the lack of public concern over the killing of prisoners and criminal suspects. Public opinion surveys in some cities have found support for violent police tactics to deal with the rise in violent crime.

A survey of public attitudes to punishment was conducted in Recife in 1986 by the Ministry of Justice — Streets in Peace Program. Most of those questioned

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The Mato Grosso military and civil police are investigating the deaths and injuries which followed the Carumbé riot. However, the judge has given them an indefinite period of time to complete their inquiries.

The state public security secretary later stated that, although he regretted the fatalities, the police action should be recorded in history for its bravery. The city council passed a motion commending the police. This is by no means a unique manifestation of the lack of public concern over the killing of prisoners and criminal suspects. Public opinion surveys in some cities have found support for violent police tactics to deal with the rise in violent crime.

A survey of public attitudes to punishment was conducted in Recife in 1986 by the Ministry of Justice — Streets in Peace Program. Most of those questioned



Prisoners' relatives reading the list of those who died in the 1987 riot at São Paulo state penitentiary

FULL medical investigation of injuries sustained in police custody is vital. A medical report is often the only evidence a torture victim has to substantiate a complaint, just as an autopsy is often the only evidence of death under torture.

Each state has its own forensic medicine institute which is a branch of the state public security secretariat. Forensic pathologists have recently campaigned for these institutes to have autonomy from the police. Under Brazilian law only a medical examination authorized by a police authority is valid in court. A well-founded fear of reprisals has meant that victims have often been reluctant to seek authorization from the police station in which they were tortured; instead they have had independent medical examinations registered by a public notary.

In 1988 the impartiality of forensic pathologists at the state forensic medicine institute was called into question after the institute issued a series of inconclusive post-mortems into deaths in a police station in Curitiba.

One of the victims, 19-year-old Aginaldo Santos Figueiredo, died in the Cuiabá emergency hospital on 20 January 1988. He had been arrested on suspicion of burglary three days

earlier. A post-mortem by the forensic medicine institute found that the cause of death was "Septicemia, perforation of a duodenal ulcer". Aginaldo Santos' relatives were not satisfied with this because his body had borne marks of external injury. A second autopsy was carried out by state forensic pathologists from São Paulo. They also found that the cause of death was a perforated ulcer, but noted other injuries and irregularities in the original autopsy. The head of the Mato Grosso forensic medicine institute claimed

that these irregularities were due to administrative error. On 21 April 1988 a former footballer for the Dom Bosco Club, Filinto Albuquerque da Silva, known as Xaxa, died at his home three days after being arrested on suspicion of petty theft. Xaxa was detained for 24 hours. After his release his relatives found him on the pavement near his house. There were over 20 wounds on his body. Blood was trickling from his nose, mouth and one ear, and he could not speak. He later vomited water and blood. Another

use of force and police violence is not clearly distinguished by the military police officer, who always exceeds these limits". In 1985 political scientists Paulo Sérgio Pinheiro and Emir Sader observed that "...organizations and individuals who struggle to establish a state which prioritizes respect for the human rights of all its citizens... have suddenly been put on the defensive, forced to



A prisoner's relative pleads with military police sent to crush a riot at the Casa de Detenção

man detained at the police station alleged that Xaxa had been tortured.

Because of public disquiet over this case, the state civil police chief gave authorization for two independent doctors and a state deputy acting for Xaxa's family to witness the autopsy. The head of the forensic medicine institute refused to allow this on the grounds that it constituted interference in the institute's affairs.

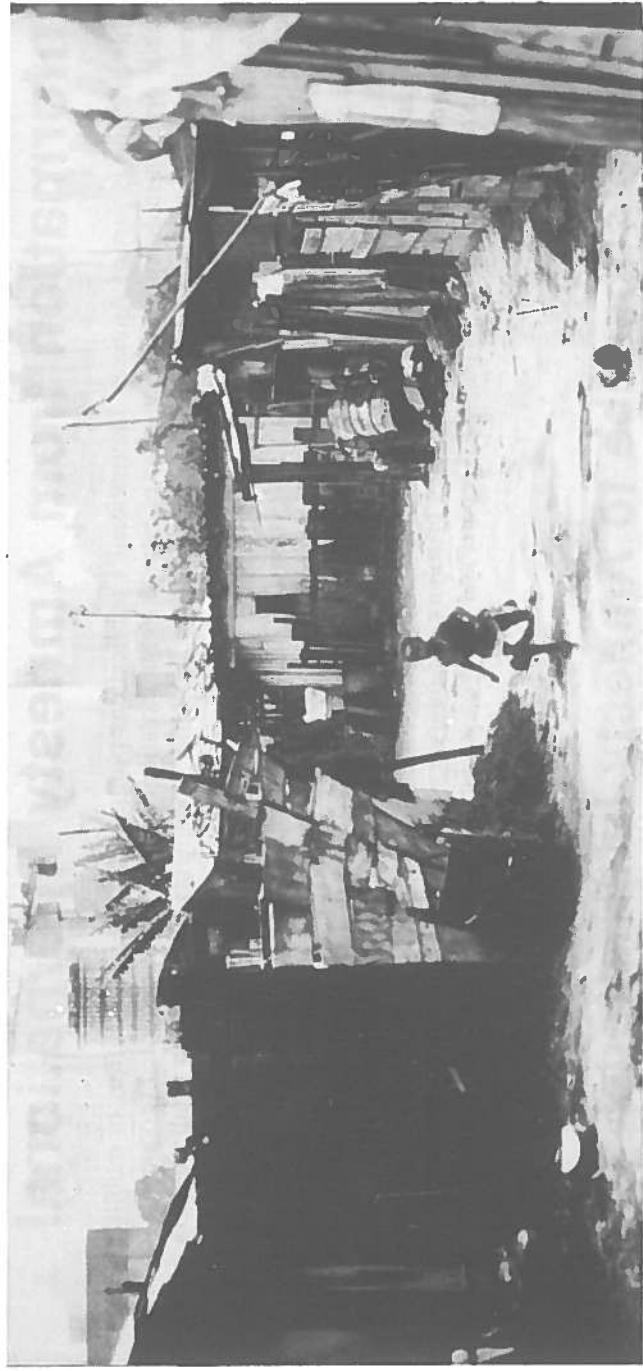
The autopsy found that Xaxa had died from head injuries. The local police chief claimed that he had not been injured in the police station and suggested that, as he had been drunk when arrested, he had probably had a fit after his release.

Two pathologists issued libel writs against the state deputy, who was also acting for Aginaldo Santos' family. In one case this was for having suggested that Aginaldo Santos had arrived dead at the emergency hospital and that the pathologist had falsified the autopsy; in the other, for having alleged that a member of the forensic medicine institute had given courses to police trainees on how to torture without leaving marks. Several police officers were suspended from duty and charged with killing Aginaldo Santos. No charges have been brought in the Xaxa case.

respond to the most varied accusations, principally that defending human rights amounts to no more than defending the 'rights of bandits'...

Nevertheless, the last decade has seen increased concern for human rights, witnessed by the growth of organizations which aim to defend the rights of all citizens, including the poorest. These range from neighbourhood associations in shanty towns to specialized human rights sections within many of the state bar associations. According to the National Movement for Human Rights, a non-governmental organization based in Brasília, there are now more than 300 local human rights committees throughout Brazil. Journalists have also played an important role in investigating and documenting state involvement in human rights violations.

The Brazilian Catholic Church has consistently taken an important stand on human rights. The interdenominational Base Christian Communities working with the poor have been instrumental in



São Paulo slum. A 1986 survey of Rio's military police found that most regarded slum-dwellers as criminals

helping people defend themselves against abuses by the police. Many bishops and other clergy have spoken out against such abuses. Dom Mauro Morelli, the Bishop of Duque de Caxias, received death threats in July 1989 because he had publicly denounced the killings of children and adolescents in the Baixada Fluminense area of Rio de Janeiro. A few months earlier, on 8 February, the Baixada Fluminense police chief was questioned by the press about the existence of a secret cemetery used by death squads and had replied: "It's the Bishop's communists who are spreading these lies".

Local communities have also organized campaigns against police abuses. After a series of incidents involving the police station in Abreu e Lima, near Recife, some 20 community groups in the town formed an action group. They collected testimony about illegal arrests, beatings and the fatal shooting of a 12-year-old boy by police officers. In August 1988 they presented a dossier of 22 cases to the secretary of public security, seeking the dismissal of the police chief and his staff and a change in police training methods. The police chief was transferred to another police station, his second transfer on similar grounds. On 2 September one of the action group's leaders was arrested, punched in the face, insulted and threatened.

Brazilian lawyers have taken a leading part in the campaign to protect human rights. Several

state bar associations have formed sub-commissions on human rights whose vigorous, and unpaid, work on behalf of victims has brought torture and extrajudicial execution to public attention and sometimes secured redress against these abuses.

Public outrage at the level of violent crime has resulted in a backlash against human rights defenders. In September 1987 lawyers from the Pernambuco bar association were publicly criticized by the local press for taking up the case of 12 alleged bank



Members of the Teotônio Vilela human rights commission visiting São Paulo state penitentiary. There are now 300 human rights organizations in Brazil, dedicated to protecting the rights of all citizens

robbers who had been tortured in a police station in Recife. Luis Tenetini, was kidnapped and tortured after publicly stating that he had little confidence that the police chief would take effective action against those involved in death squad crimes. He was driving home at night from a meeting with bishops in the town of

investigate reports that three de-

Olinda when he was stopped by armed men blocking the road. He was forced into the back of his car at gunpoint and driven to Arejão, a place where the bodies of death squad victims are dumped. His assailants burned him with cigarettes and led him to believe he was going to be killed. He was released, but warned not to investigate death squad killings.

Others have paid with their lives. In 1986 three military police officers were charged with the murder of a 31-year-old journalist, Mário Eugênio de Oliveira, who worked for the *Correio Brasiliense* newspaper and *Rádio Planalto* in Brasília. He was shot dead in the *Rádio Planalto* car-park on 12 November 1984. Before he was killed, Mario Eugênio de Oliveira had been investigating the involvement of the military police high command in death squads in Brasília and had received numerous death threats.

In September 1988, without consulting lawyers for the journalist's family, the public prosecutor's office closed an investigation into allegations that a former state secretary of public security had ordered the killing.

On 29 December 1988 Luis Otávio Monteiro, a journalist for the Manaus-based newspaper *Amazonas em Tempo*, was shot dead and dumped on a stretch of wasteland where the bodies of death squad victims are often found. He was believed to have been investigating civil police involvement in death squads and organized crime in the city. □

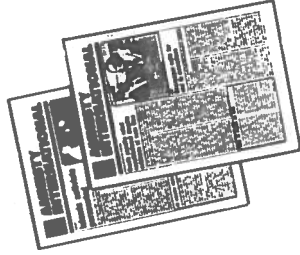
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