

EXTERNAL

AI Index: AMR 19/15/95

UA 191/95

Death Threats

1 August 1995

BRAZIL

Franco CANEVA Jr

Fernando César NUCCI

Stella KUHLMANN (f)

- public prosecutors (*promotores*)

Three public prosecutors at the Military Courts of São Paulo state are reported to have been receiving death threats because of their work to prosecute military police officers implicated in human rights violations.

According to the information received by Amnesty International, the threats are related to the prosecutors' investigations into the "House of Detention massacre" of October 1992 and other crimes committed by members of the military police, particularly the elite battalion known as ROTA (*Rondas Ostensivas Tobias de Aguiar*). The threats are also reportedly related to the prosecutors' public statements in favour of transferring the jurisdiction of certain human rights crimes from military to civilian courts.

The above-named prosecutors, especially Dr Stella Kuhlmann, have previously received death threats, in 1992 and 1994. However, the threats have intensified since 29 June 1995, when the three met with Justice Minister Nelsom Jobim and were urged by him to speed up proceedings against 120 military police officers and soldiers charged with homicide and other crimes for their participation in the 1992 massacre. According to recordings of the telephone calls, the callers use police-like codes and jargon.

BACKGROUND INFORMATION

On 2 October 1992 a rebellion erupted in the Casa de Detenção prison in São Paulo. Fighting broke out between prisoners who then seized control of Block 9 of the prison. Shock troops of military police stormed the prison to quell the rebellion. When they withdrew 11 hours later, 111 prisoners were dead. Eight separate inquiries into the massacre were established. All found that either "excesses" or "military crimes" had been committed and that most prisoners were killed while defenceless in their cells. The military justice prosecutor has brought charges against 120 military police officers and soldiers for homicide, attempted homicide and grievous bodily harm. The prosecutor described the massacre as "the largest slaughter recorded to date in a single prison in the world [where] detainees' prison sentences were arbitrarily and illicitly turned into death sentences."

Dr Stella Kuhlmann suffered extensive intimidation in 1992, when she and other prosecutors began an investigation into alleged murder and extortion by members of the ROTA military police battalion. In addition to the death threats, a number of bomb threats occurred at the courthouse where the trial members of a ROTA unit was held. The trial resulted in the convictions of two of four police defendants in August 1993.

This is the second case in Brazil in one month where public prosecutors investigating crimes by members of the military police have been threatened with death. In July public prosecutors Mauricio Assayag and José Muiños Piñeiro investigating a massacre by military police officers in Rio de Janeiro reportedly received death threats. In this case the judge in charge of the proceedings, was also threatened (see UA 167/95, AMR 19/13/95, 10 July 1995).

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Portuguese or in your own language:

- expressing concern for the safety of prosecutors Franco Caneva Jr, Fernando César Nucci and Stella Kuhlmann, following death threats against them;
- urging the authorities to take immediate steps to guarantee their physical safety;
- requesting that the threats be thoroughly investigated and those responsible brought to justice.

APPEALS TO:

Minister of Justice

Exmo. Sr. Ministro da Justiça
Sr. Nelson Jobim
Ministério da Justiça
Esplanada dos Ministérios, Bloco 23
70.064 Brasília, DF, Brazil

Faxes: +55 61 321 5145/224 2448

Telegrams: Ministro Justica, Brasilia, Brazil

Salutation : Vossa Excelência/ Your Excellency

Governor of São Paulo

Exmo Sr Governador do Estado de São Paulo
Dr Mário Covas
Palácio dos Bandeirantes
Av Morumbi s/n
05.598 São Paulo -SP
Brazil

Faxes: + 55 11 843 9271 (if recorded message, try again later)

Telegrams: Governador Covas, Sao Paulo, Brazil

Salutation : Vossa Excelência/ Your Excellency

State Secretary for Public Security, São Paulo

Exmo Sr Secretário de Segurança Pública
do Estado de São Paulo
Sr José Afonso da Silva
Avenida Higienópolis 758
CEP 01238-000
São Paulo, Brazil

Faxes: + 55 11 825 8813 (if recorded message, try again later)

Telegrams: Secretário de Segurança Pública, Sao Paulo, Brazil

Salutation : Sr Secretário/Mr Secretary

COPIES TO:

Núcleo de Estudos da Violência
Universidade de São Paulo
Rua do Anfitheatro 181- Colméia-Favo 11
Cidade Universitária
05508-900 São Paulo
Brazil

Procurator General, State of São Paulo

Procurador Geral de Justiça do Estado de São Paulo
Dr José Emanuel Burle Filho
Rua Libero Badaró 600

01008-908 São Paulo, SP, Brazil

and to diplomatic representatives of Brazil accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 September 1995.