

PUBLIC

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Fear for safety/death threats

21 September 2005

BRAZIL

**Antonio FERNANDEZ SAENZ (m), lawyer**  
**Jussara BARBATO (f), the wife of Antonio FERNANDEZ SAENZ**  
**Manuel Fernando FERNANDEZ SAENZ (m), evangelical minister**  
**José FERNANDEZ SAENZ (m), evangelical minister**  
**Dirce RAMIRO DE ANDRADE (f), journalist working for the evangelical church**

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Amnesty International is concerned for the safety of those named above. They are reportedly being threatened by the military police, who broke into the office of Antonio Fernandez Saenz and stole documents which allegedly incriminate civil and military police officers in human rights violations.

Antonio Fernandez Saenz is a lawyer who provides legal assistance to the socially deprived inhabitants of the Jardim Lavínia, Silvinha and Montanhão neighbourhoods in São Bernardo do Campo, a town south of São Paulo. He also provides voluntary legal support to the human rights chapter of the Pentecostal and Apostolic Church of the Mission of Jesus in São Paulo, run by his brothers Manuel Fernando Fernandez Saenz and José Fernando Saenz, who like him have dual Spanish Brazilian citizenship.

After midnight on 3 September, several military police officers reportedly forced their way into Antonio Fernandez Saenz's office in São Bernardo do Campo. The officers were said not to have presented a search warrant and allegedly took several documents containing statements by local residents accusing civil and military police of torture, extortion and the sexual assault of children.

The next day, Antonio Fernandez Saenz and his wife, Jussara Barbato, reported the robbery to the Military Police. Upon their arrival, officers from the 2<sup>nd</sup> Company of the 6<sup>th</sup> Battalion in the State of São Paulo reportedly tried to dissuade Antonio Fernandez Saenz from filing a complaint by threatening and intimidating him and his wife. Journalist Dirce de Andrade, who works at with the same church as Antonio's brothers was reportedly also threatened with detention and prohibited from taking any photographs at the scene.

Despite the intimidation, Dirce de Andrade, Antonio Fernandez Saenz and his brothers went to the 2<sup>nd</sup> police station of São Bernardo do Campo to file a complaint. The civil police officer on duty reportedly called them "defenders of criminals" (*defensores de bandidos*) among other things. They were apparently surrounded by 12 military police officers, one of whom reportedly said "let's take these sons of b... and dispose of them..." (*tem mais é que levar e sumir com esses filhos da p...*). They were then reportedly forced to sign a number of documents and effectively held for more than ten hours. According to reports, they were charged with "disobedience" and "disrespect of authority" before finally being released.

Antonio Fernandez Saenz was eventually able to file a complaint regarding the unlawful entry to, and the theft of documents from, his office, thanks to the intervention of the local police commissioner (*delegado*). Amnesty International has been informed that the men continue to receive anonymous telephone calls threatening them and urging them to drop the complaint.

#### **BACKGROUND INFORMATION**

Amnesty International has consistently been reporting and denouncing the threats, intimidation, attacks and killings suffered by human rights defenders in Brazil. Those working for the protection of the human rights of others, especially those from most marginalised groups, such as socially and economically excluded communities as well as rural and indigenous groups, have suffered death threats, intimidatory legal measures including politically motivated arrests, defamation suits, and killings. Though the federal government has set out a National Plan for the Protection of Human Rights Defenders there still exists a lack of measures, at federal and state level, to ensure the suitable and effective protection of those under threat.

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

- expressing concern for the safety of Antonio Fernandez Saenz, Jussara Barbato, Manuel Fernando Fernandez Saenz, José Fernandez Saenz and Dirce Ramiro de Andrade;
- urging the authorities to take immediate steps to guarantee their safety, in accordance with their wishes;
- calling on the authorities to initiate an independent and transparent investigation into the alleged theft of documents from Antonio Fernandez Saenz's office, and to bring all those responsible to justice;
- calling on the authorities to initiate an independent and transparent investigation into the intimidation, harassment and threats that he, his wife, his two brothers and the journalist suffered during their detention in the police station, and to bring all those responsible to justice;
- calling on the authorities to publicly recognise the role played by human rights defenders such as the Fernandez Saenz brothers, and to introduce effective measures for their protection nationally.

**APPEALS TO:**

Governor of São Paulo State

Exmo. Sr. Governador do Estado de São Paulo

Sr. Geraldo Alckmin

Palácio dos Bandeirantes

Av. Morumbi 4500, Morumbi

05698-900, São Paulo - SP, Brazil

**Fax: + 55 11 2193 8621**

**Salutation: Vossa Excelência/Your Excellency**

São Paulo Public Security Secretary

Exmo. Secretário de Segurança Pública do Estado de São Paulo

Sr. Saulo de Castro Abreu Filho

Secretaria de Segurança Pública

Av. Higienópolis 758

01238-000 - São Paulo – SP, Brazil

**Fax: + 55 11 3291 6834**

**Salutation: Exmo. Sr Secretário/Dear Secretary**

Minister of Justice

Exmo. Ministro da Justiça

da República Federativa do Brasil

Dr. Márcio Thomaz Bastos

Ministério da Justiça

Esplanada dos Ministérios, Bloco T

70712-902 - Brasília - DF, Brazil

**Fax: + 55 61 3322 6817**

**Salutation: Vossa Excelência/Your Excellency**

**COPIES TO:**

Pastoral de Direitos Humanos / Igreja Missão Jesus

Rua Conselheiro Furtado, 885

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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 2 November 2005.