

EXTERNAL (for general distribution)

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UA 309/92 Etrajudicial executions

5 October 1992

BRAZIL: Killing of 111 inmates in Sao Paulo Prison

Amnesty International is concerned about the circumstances of the killing of at least 111 prisoners and the wounding of at least 35 others at the Detention House jail, Casa de Detenção, on 2 October 1992, in São Paulo Brazil, suggesting that they may have been extrajudicially executed.

The state governor of São Paulo announced that inquiries into the incident will be conducted by the state civil and military police and by the military justice. Amnesty International does not believe this would be an adequate response to the extremely grave situation and is seeking mass appeals to support the demand for an independent commission of inquiry. Given previous ineffective inquiries into human rights violations in Brazil, Amnesty International believes an independent inquiry is essential if further such abuses are to be prevented.

According to a state security spokesman, quoted in the press, the violence at the jail began in the afternoon of Friday 2 October, when rival gangs in Pavilion 9 attacked each other with home made knives, clubs and guns in the pavilion's central patio. The conflict allegedly spread into a general uprising of the 2076 prisoners in that pavilion, leading prison officers to call in military police. After efforts to negotiate allegedly failed, several hundred São Paulo state Military Police officers, backed by helicopters, moved in to take control of the prison at dusk. Most of the inmate deaths allegedly resulted from gunshots. The authorities acknowledged that the police used machine guns against the prisoners. No police officer was killed during the action, but 22 were reportedly injured. The police reported that 13 revolvers and dozens of home made knives were recovered from inside Pavilion 9. The police didn't allow the prison wardens into the prison until the following day and news about the number of victims were not released until Saturday evening.

According to reports received by Amnesty International the prisoners denied that they were armed with guns and said that no shots were fired at the police and that no prisoner was killed by their fellow prisoners. They denied that there were any plans for a massive escape as claimed by the state authorities. They alleged that the police fired machine guns indiscriminately against the prisoners and that at a later stage some prisoners were extrajudicially executed after they had locked themselves into their cells. The Catholic Chaplain of the prison told Amnesty International that most of the bodies he saw appeared to have several shot wounds in the chest and head and that at least two of them had their hands joined behind their heads.

The State Secretary for Public Security, Pedro Franco de Campos has, according

to journalistic reports, justified the use of machine guns alleging that it was necessary to control the situation and prevent a mass escape that would have put the population of the city at risk. He is quoted as saying that in a situation like that the police has orders to shoot to kill. He allegedly said that the use of machine guns was not outrageous because, after all, the lives of law enforcement officials were at risk. "*Num caso como esse, a Polícia tem order de atirar para matar. Não é nenhum absurdo o fato de terem sido utilizadas metralhadoras, afinal a vida dos homens da lei estava em jogo.*"

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BACKGROUND INFORMATION

The Detention House, Casa de Detenção, is Brazil's largest prison. Built to hold 3500 inmates its current population is estimated at about 7,350 prisoners, from first-time offenders to maximum security prisoners.

The condition of 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. Beatings are common in reprisals for prisoners' rebellions. There is also evidence that in the past the police has carried out extrajudicial executions in the aftermath of prison riots. (See "Torture and Extrajudicial Execution in Urban Brazil" AI Index AMR 19/05/90).

In October 1991 twenty four inmates died as a result of a fire, allegedly started by prison officers and at least 18 others were injured reportedly from beatings in a prison in Rio de Janeiro. On 28 February 1992 seven prisoners were killed by members of the Assault Battalion (Batalhão de Choque) of the Military Police during a riot at the Aníbal Bruno prison in Recife, Pernambuco state. In July 1992 twelve prisoners and a prison officer were killed during an attempted breakout from the 64th Police Station, Delegacia Policial, in São João de Meriti, Rio de Janeiro state.

RECOMMENDED ACTIONS: Please send telegrams/telexes/faxes/express and airmail letters either in Portuguese, French, Spanish, English or your own language:

- expressing your concern at the apparent excessive use of lethal force resulting in the killing of at least 111 prisoners and the wounding of at least 35 others at the Detention House, Casa de Detenção, in São Paulo on 2 October 1992, and about allegations that some of the inmates were extrajudicially executed;

- requesting that an independent commission of inquiry be appointed to carry out a thorough and impartial investigation into the incident and that the findings be made public.

APPEALS TO:

1) State Governor of São Paulo:
Exmo. Sr. Luiz Antônio Fleury
Governador do Estado de São Paulo
Palacio dos Bandeirantes
Av. Morumbi s/n
05.598 São Paulo - SP
Brasil

**Telegrams: Governador São Paulo,
Brasil**

Faxes: + 55 11 8439271

**Salutation: Vossa Excelência /
Your Excellency**

2) State Secretary of Public Security:
Sr. Secretário de Segurança Pública
do Estado de São Paulo
Sr. Pedro Franco de Campos
Av. Higienópolis, 758
01.238 São Paulo - SP
Brasil

**Telegrams: Secretário Segurança
Pública, São Paulo, SP,
Brasil**

Telexes: 11 21 521

Faxes: +55 11 8258813

Salutation: Sr. Secretário / Dear Sir

COPIES TO:

1) Human Rights Commission:

Sub Comissão de Direitos Humanos OAB São
Paulo
Praça da Sé 385 3o andar
01001 Capital - SP
Brasil

Faxes: +55 11 375219

2) Newspaper:

Folha da Tarde
Folha de São Paulo
Alameda Barão de Limeira 425
Campos Elísios
01202 São Paulo
Brasil

Faxes: +55 11 223644

and to diplomatic representatives of Brazil accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Please check with the International Secretariat,
or your section office, if sending appeals after 16 November 1992.