

UA 12/98

Fear for safety / Medical Concern

15 January 1998

**BRAZIL Vágner Marcos da Silva, aged 26, and family  
Witnesses**

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The trial of Vágner Marcos da Silva, accused of drug trafficking and the attempted murder of two Rio de Janeiro state military police officers, begins on 19 January 1998. Amnesty International is seriously concerned for the safety of his mother and sister, and of key witnesses prepared to testify that he has been framed by police. The organization is also concerned that Vágner Marcos da Silva has been denied the necessary medical treatment for the serious injuries he sustained as a result of being shot and ill-treated by police at the time of his arrest.

According to information received, on 27 August 1997 Vágner Marcos da Silva was walking to work in the Dona Marta *favela* (slum), in the Botafogo neighbourhood of Rio de Janeiro. He started running with a friend and as they passed a well-known drug-dealing spot, they met three military policemen from the Second Battalion coming uphill. The drug dealers fled, and the police opened fire on Vágner Marcos da Silva with no warning. He was hit by two police bullets, one in the head, exposing brain tissue and causing subsequent brain damage, and the other in the abdomen.

Bystanders were ordered back into their houses by the police who saw that Vágner Marcos da Silva was unarmed, and appeared to be dead. According to eye-witnesses, in order to make it look like a shoot-out, the police fired a .38 revolver twice into the ground and placed the gun in Vágner Marcos da Silva's hand. The gun is reportedly a military police issue weapon reported as lost several years ago. The police also placed on him a backpack containing drugs dropped by the drug-dealers.

Vágner Marcos da Silva was then allegedly dragged down the hillside and taken to a municipal hospital in the boot of a police car. On arrival his teeth were found to be completely smashed, he was semi-paralysed and had suffered brain damage. No official medical examination was carried out to assess the extent of his injuries and no laboratory tests conducted to determine whether he had chemical residue on his hands from having allegedly fired the gun.

Vágner Marcos da Silva is still unable to talk or walk and can barely recognise his family. He has been detained throughout in the hospital wing of Bangu prison in Rio de Janeiro. He has received minimal medical treatment, but not the intensive physiotherapy and psychiatric treatment which he reportedly requires. His lawyer's petition to have him released from prison pending trial was denied. When he was taken to court for pre-trial hearings he was handcuffed by his paralysed arm to the wheelchair.

Several eye-witnesses, including an 11-year old boy, are prepared to testify in court that the gun and backpack were planted on him, and that the only shots fired during the "confrontation" were fired by one policeman. However, the witnesses fear for their safety as police from the battalion involved continue to patrol the *favela*. Vágner Marcos da Silva's mother and sister have moved to another area in fear for their safety. In several cases of extrajudicial executions committed by the military police in Rio de Janeiro, Amnesty International has expressed concern about the safety of the witnesses who have been threatened and suffered physical attacks.

No inquiry has been opened into the incident, and no police suspended from duty. According to a recent study, in the last two years, the average number of deaths resulting from police actions has doubled as a result of the "shoot first, ask questions later" policies of the current state government. Police involved in shooting or wounding criminal suspects are rewarded financially. Most police killings of civilians are officially attributed to "armed confrontations" between police and violent, armed criminals. Around 75% of civilians killed or injured in these incidents reportedly have no criminal record.

The acting commander of the Second Battalion reportedly commented on this case, "This boy is only alive because we rescued him. If the police had wanted to kill him, they would have killed him. The dead don't talk."

The trial of Vágner Marcos da Silva could take several months.

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

- expressing concern at the shooting and ill-treatment of Vágner Marcos da Silva and that he has been denied access to adequate medical care and physiotherapy since his arrest;
- expressing concern at the failure by the authorities to open an official investigation into the excessive use of force by military police against Vágner Marcos da Silva, and urging the Rio de Janeiro authorities to do so;
- expressing concern for the safety of the witnesses, and urging that they be given all necessary protection as appropriate.

**APPEALS TO:**

Public Security Secretary, Rio de Janeiro

Exmo. Sr. Secretário de Segurança Pública do Estado de Rio de Janeiro  
 Gal. Nilton Cerqueira  
 Av. Presidente Vargas, N° 817, 15° andar, Centro  
 Rio de Janeiro RJ  
 20231-110 Brazil

**Faxes: +55 21 690 1090 (if voice ask for fax)**

**Telegrams: Secretário Segurança Pública, Rio de Janeiro, Brazil**

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

Attorney General, Rio de Janeiro

Procurador Geral do Estado de Rio de Janeiro  
 Dr. Hamilton Carvalhido  
 Procuradoria Geral de Justiça  
 Av. Nilo Peçanha N°12, 2° andar, Centro,  
 Rio de Janeiro RJ  
 20020-100 Brazil

**Faxes: +55 21 533 5137 (if voice ask for fax)**

**Telegrams: Procurador Geral, Rio de Janeiro, Brazil**

**Salutations: Vossa Excelência/ Your Excellency**

**COPIES TO:**

Judge Valmir dos Santos Ribeiro  
 1 Tribunal do Júri - 1 Vara Criminal  
 Rua Dom Manoel No. 29 - 2° Andar  
 Centro

Rio de Janeiro RJ 20010-090 Brazil

**Faxes: +55 21 588 2467 (if voice ask for fax)**

Secretary, Human Rights Secretariat

Exmo. Sr. Secretário dos Direitos Humanos

Dr. José Gregori

Secretário Nacional dos Direitos Humanos

Ministério da Justiça, Esplanada dos Ministérios

Bloco T, Anexo II, 2º Andar

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**Faxes: +55 61 225 0440 (if voice ask for fax)**

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 29 February 1998