

PUBLIC

AI Index: AMR 19/07/00

UA 54/00

Fear for safety/ Extrajudicial execution

1 March 2000

**BRAZIL** Marcelo Barbosa dos Santos, bus driver

**Alexandre Barbosa dos Santos, student**

---

Amnesty International is concerned for the safety of Marcelo and Alexandre Barbosa dos Santos, both witnesses to the killing by military police of their brother, Fábio Barbosa dos Santos, in São Paulo on 5 December 1999. Police from the 22<sup>nd</sup> Military Police Battalion (the same as those accused of killing Fábio) allegedly threatened Marcelo on 23 February 2000.

Marcelo had accompanied his mother to the 22<sup>nd</sup> Military Police Battalion where she had been summoned to testify. While her testimony was being recorded Marcelo, a bus driver, was approached by two policemen who told him that if anything happened to the policemen charged with his brother's murder he should be careful because "he never knew who might be travelling in the bus." ["nunca sabia quem estava dentro da lotação"]

Fábio was allegedly shot in the back as he passed two policemen in a police vehicle. He was riding on the back of a motorbike. Alexandre was on another motorbike ahead of him and Marcelo was standing nearby. Marcelo alleges that the police did nothing to help his brother and that when he ran to help him one of them put a gun to his head and told him he would kill him unless he lay down. Fábio died on the spot.

When Fábio's parents reported his killing to the civil police (responsible for investigating crimes), the police chief allegedly refused to record their complaint. They later reported the killing to the São Paulo Police Ombudsman's office and the two police officers have since been charged with homicide.

#### **BACKGROUND INFORMATION**

Threats to witnesses are common in Brazil, and witnesses have been killed to prevent them from testifying against police.

According to the São Paulo Police Ombudsman's 1998 report, 5,600 civilians were killed by police in the city between 1989 and 1998. Military police were responsible for 80 - 90% of these killings. Ninety-eight police were killed on active duty over the same period. Although numbers of killings of civilians by police have reduced over recent years, the annual death toll is still high, and between 1994 and 1998 averaged 450.

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

- expressing concern at allegations that military police of the 22<sup>nd</sup> military police battalion threatened Marcelo Barbosa dos Santos, a witness to the killing, on 5 December 1999, of his brother, Fábio dos Santos;
- calling on the authorities to immediately investigate these threats and to suspend from duty any police officer involved, pending disciplinary procedures;
- calling on the authorities to conduct a full, prompt and impartial inquiry into the death of Fábio Barbosa dos Santos, and to suspend from duty and bring to justice any police officer implicated in his killing.

**APPEALS TO** (please note that many Brazilian fax numbers are also telephones. If a voice answers ask for the fax signal - "*Sinal do fax, por favor*").

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil  
Dr. José Carlos Dias  
Ministério da Justiça  
Esplanada dos Ministérios, Bloco 23  
70064-900 - Brasília - DF  
Brazil

**Telegrams: Ministro Justiça, Brasília, Brasil**  
**Faxes: + 55 61 224 2448 / 322 6817**  
**Salutation: Vossa Excelência / Your Excellency**

Public Security Secretary - São Paulo

Exmo. Sr. Secretário de Segurança Pública do Estado de São Paulo  
Dr Marco Vinício Pedrelluzzi  
Secretaria de Segurança Pública  
Av. Higienópolis 758, Higienópolis  
01238-000 - São Paulo - SP - Brazil

**Faxes: + 55 11 3823 5708**  
**Salutation: Exmo. Sr. Secretário / Dear Sir**

Commander 22<sup>nd</sup> Military Police Battalion - São Paulo

Exmo. Sr. Comandante do 22º BPM  
Rua José Antunes D. Cerdeira, 140  
Bairro Parque América  
04841-070 - São Paulo - SP - Brazil

**Telegrams: Comandante 22º BPM, Sao Paulo, Brazil**  
**Faxes: + 55 11 520 1414**  
**Salutation: Exmo. Sr. Comandante / Dear Sir**

**COPIES TO:**

Victims' mother

Da. Cléia Mercedes Barbosa dos Santos  
Rua Elisabete Linley, 166  
Americanópolis  
04411-180 - 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 18 April 2000.