

EXTERNAL (for general distribution)

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Death threats / Fear for safety

10 July 1995

BRAZIL

Mauricio ASSAYAG, public prosecutor  
José MUIÑOS PIÑEIRO, public prosecutor  
Maria Lucia CAPIBERIBE (f), judge

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Public prosecutors (*promotores*) Mauricio Assayag and José Muiños Piñeiro and Judge Maria Lucia Capiberibe, all from the Second Criminal Court (*II Tribunal do Júri*) of Rio de Janeiro, are reported to have been receiving increasingly frequent death threats. The threats are believed to be related to their role in the court proceedings against a number of military and civil police functionaries charged with the "Vigário Geral Massacre", in which 21 residents of the Vigário Geral shanty town (*favela*) in Rio de Janeiro were extrajudicially executed on 31 August 1993.

On that date, over 30 hooded and heavily armed men attacked the shanty town of Vigário Geral, on the outskirts of Rio de Janeiro. The attack was reportedly committed in revenge for the killing, two days earlier, of four military police officers by alleged drug traffickers based in the shanty town. Following an initial investigation, police charges were brought against 28 military policemen, three civil police and two members of the state Public Security Department.

In recent court hearings, many of the details of the massacre have been revealed.

In an attempt to implicate others, some of the police officers in preventive detention secretly taped their co-detainees' statements in which they admitted responsibility for the killings and gave details of the operation. The officers also named a number of other people, not yet charged, as having been involved.

Evidence produced in last week's court hearings appear to confirm that the killing was a police operation. Thirty-six people, most of them military police soldiers and officers from the 9th Military Police Battalion, allegedly participated in the killings. It was also revealed that at least four participants in the killings were murdered by their accomplices to prevent them giving evidence and that there were plans to murder prosecutors Assayag and Piñeiro and Judge Capiberibe.

#### BACKGROUND INFORMATION

The scale and barbarity of the Vigário Geral massacre stunned Brazilian public opinion and became international news. These killings, however, were only remarkable because of the number of victims and the number of assailants involved. Similar incidents, although on a smaller scale, go unnoticed and almost unreported in the poor quarters of Brazil's main cities. There are no comprehensive or reliable figures on which to base an estimate for the number of extrajudicial executions in Brazil. However, in Rio de Janeiro, in the 10 months between the Vigário Geral massacre in September 1993 and June 1994, 1,200 people were reported to have been killed by death squads. The vast majority of these cases remain unresolved. The Vigário Geral case has become a test case of the Brazilian justice ability to punish according to the law those responsible for the killings.

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

- expressing concern for the safety of prosecutors Mauricio Assayag and José Muiños Piñeiro and Judge Maria Lucia Capiberibe 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;
- stressing the need for justice to be done in the case of the Vigário Geral massacre, and thus for full support to be given to law officers involved in trying the case, as well as witnesses and families of victims.

**APPEALS TO**

Governor of Rio de Janeiro

Exmo Sr Governador do Estado do Rio de Janeiro  
Sr Marcelo Alencar  
Palacio Guanabara  
Rua Pinheiro Machado s/n  
22.231 Rio de Janeiro, RJ, Brasil

**Faxes: +55 21 553 6090**

**Telegrams: Governador Rio de Janeiro, Brasil**

**Salutation: Vossa Excelência/ Your Excellency/Su Excelencia**

State Secretary for Public Security

Exmo Sr. Secretário de Segurança Pública  
do Estado de Rio de Janeiro  
Gral Nilton Cerqueira  
Rua Barão de Itambi N.60, 9 Andar, Botafogo  
22.231 - Rio de Janeiro- RJ - Brazil

**Faxes: +55 21 240 9159**

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

**Salutation: Sr Secretário/ Mr Secretary**

**COPIES OF YOUR APPEALS TO:**

Second Criminal Court

Segundo Tribunal do Júri do Rio de Janeiro  
Rua Erasmo Braga 115, 2o andar, Corredor C, sala 213  
Rio de Janeiro, Brazil

Jornal "O Dia"

Rua do Riachuelo 359  
20235-900, Rio de Janeiro,  
Brazil

**Faxes: (+) (55 21) 5071228**

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 20 August 1995.