

8 July 1998

Further information on UA 12/98 (AMR 19/03/98, 15 January 1998) and follow-up (AMR 19/07/98, 2 February 1998) - Fear for safety / Medical concern

BRAZILVágner Marcos da Silva, aged 26, and his family
Witnesses

Amid renewed concerns that Vágner Marcos da Silva's health is deteriorating even further, the charges against him of drug dealing and attempted homicide of two military police still stand following a ruling that his case should proceed to trial. The trial is scheduled to take place in the 1st Jury Court of Rio de Janeiro in August.

No investigation has yet been opened into the alleged shooting and ill-treatment of Vágner Marcos da Silva by four military policemen on 27 August 1997. Since then, he has been held in Bangu Prison Hospital. He has received only minimal medical treatment and none of the specialist medical care which he requires.

Vágner Marcos da Silva's family fear that his physical condition is actually deteriorating. He is still paralysed down his right side and can only walk with difficulty, on crutches. He is unable to talk because all his teeth were smashed whilst in police custody. He has great difficulty eating prison food without teeth. Being semi-paralysed, he cannot feed himself. His family report that prison staff charge them US\$200 dollars a week to provide special food and to feed him.

During his arrest, Vágner Marcos da Silva was hit by a police bullet in the head, exposing brain tissue. He continues to be mentally confused and has suffered some memory loss. On several occasions his family has found him to be heavily sedated. He urgently requires dental care, physiotherapy, examination of his head injuries and a special diet, none of which has been provided to date by the prison authorities.

The presiding judge has twice refused petitions by Vágner Marcos da Silva's lawyer to have him released on bail in order to receive medical treatment and be cared for by his family. The judge alleges that he is not eligible for bail because the charges against him are considered "heinous crimes". Preventive detention is generally used for prisoners who pose a threat to society, or are likely to flee or intimidate witnesses.

The United Nations Standard Minimum Rules for the Treatment of Prisoners state under 22 (2) that "Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals".

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

- expressing concern that, in contravention of the UN Minimum Rules for the Treatment of Prisoners, Vágner Marcos da Silva has still not received adequate medical treatment;
- urging the authorities to immediately provide him with the specialist medical care he requires, either within Bangu hospital, or in a civil hospital;
- calling on the authorities to exercise their discretionary powers to release Vágner Marcos da Silva on bail, given the inability of the prison authorities to provide him with adequate, statutory care;

- calling for an immediate, thorough and impartial investigation into the circumstances surrounding the police shooting and arrest of Vágner Marcos da Silva on 27 August 1997, and into allegations that police tampered with and fabricated evidence;
- calling for judicial proceedings against Vágner Marcos da Silva to be halted at once pending the outcome of investigations into his alleged attempted extra-judicial execution by military police.

APPEALS TO:

Secretary of Justice, Rio de Janeiro

Secretário de Justiça

Exmo Sr Secretário de Justiça do Estado de Rio de Janeiro

Desembargador Jorge Lorette

Rua Barão Itambí 60, 9º Andar

22231-000 Rio de Janeiro, RJ, Brazil

Telegrams: Secretário Justiça, Rio de Janeiro, Brazil

Faxes: + 55 21 551 3748 (if voice ask for fax)

Salutation: Sr. Secretário / Dear Secretary

Public Security Secretary, Rio de Janeiro

Secretário de Segurança Pública

Exmo. Sr. Secretário de Segurança Pública do Estado de Rio de Janeiro

Dr. Noaldo Alves Silva

Av. Presidente Vargas, N° 817, 15ºandar, Centro

20231-110 Rio de Janeiro RJ, Brazil

Telegrams: Secretário Segurança Pública, Rio de Janeiro, Brazil

Faxes: + 55 21 252 8252 (if voice ask for fax)

Salutation: Sr. Secretário / Dear Secretary

COPIES TO:

Judge Valmir dos Santos Ribeiro

1 Tribunal do Júri - 1 Vara Criminal

Rua Dom Manoel No. 29 - 2º Andar Centro

20010-090 Rio de Janeiro, RJ, Brazil

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

Advocacia Dr Nilo Batista (Vágner Marcos da Silva's lawyer)

Avenida Beira Mar 216, 3º Andar

20021-060 Rio de Janeiro, RJ, Brazil

Faxes: 00 55 21 532 3435

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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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 19 August 1998.