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BRAZIL

‘They treat us like animals’ Appeals Cases: Torture in Brazil

September 2001

SUMMARY

AI INDEX: AMR 19/024/2001

DISTR: SC/CO/GR

The scourge of torture is currently high on the public agenda in Brazil. In the closing months of 2000, the United Nations Special Rapporteur Against Torture made his first visit to Brazil and reported that use of torture was ‘widespread and systematic’ throughout the country. In March 2001 the Brazilian government presented its first ever submission to the UN Committee against Torture. This submission was welcomed by Amnesty International as ‘thorough’. The international and Brazilian media has followed these developments closely.

Amnesty International has documented and campaigned against the use of torture in Brazil for over 30 years. Torture of criminal suspects and detainees is widespread throughout Brazil’s police stations and prisons and can be used as a means to extract confessions, to dominate, humiliate and control those in detention, or even to extort money or serve the criminal interests of corrupt officials. Torture of criminal suspects can be difficult to prove: some prisoners are kept incommunicado for several days until their injuries heal, while certain methods used, such as asphyxiation, electric shocks and near drowning, leave few visible signs. A factor perpetuating the use of torture is that judges often accept confessions extracted under torture as valid evidence in the prosecution of criminal suspects. More significant, however, is the fact that torture is rarely reported, as victims fear for their safety or do not believe the authorities will investigate allegations. Where torture is reported the mechanisms for investigating allegations are often not implemented, either due to a lack of training or resources, or due to negligence on the part of state officials.

Although torture is forbidden by Brazil’s 1988 Federal Constitution, and has been formally characterized as a crime in law since April 1997, Amnesty International is aware of only a handful of successful prosecutions against state officials for torture. The charge is not

readily used by the public prosecution service which prefers to charge police with lesser crimes such as abuse of authority. Victims of torture, or witnesses to it, have also been intimidated verbally and physically; the authorities have done little to prevent this - police officers implicated in human rights violations are rarely suspended from duty.

In September 2001 the Brazilian government is set to launch, in partnership with national NGOs, a public campaign against torture. This will include the setting-up of a telephone hotline for callers to make anonymous complaints and the establishing of federal and state commissions to monitor the progress of torture cases through the judicial system. While Amnesty International welcomes this campaign, the organisation has noted in the past that such initiatives do not go far enough towards implementing the fundamental reforms necessary to eradicate the practice of torture and secure prosecutions of those state officials who use it.

For this reason Amnesty International will continue to monitor the Brazilian government's proposals closely to see if they produce real change on the ground. By following the progress of these appeals cases through the justice system, the organisation intends to gauge the commitment of the authorities to ensuring that torturers can no longer act with impunity in Brazil.

This appeals cases document accompanies the report *"They treat us like animals", Torture and ill-treatment in Brazil* (AMR 19/022/2001) October 2001.

KEYWORDS: IMPUNITY1 / TORTURE/ILL-TREATMENT1 / ADDRESSES / CONFESSIONS / JUVENILES / MEDICAL CONFIRMATION / PHOTOGRAPHS / POLICE / PRISON CONDITIONS / WOMEN

This report summarizes a 14-page document: BRAZIL Appeals Cases: Torture in Brazil (AI Index: AMR 19/024/2001) issued by Amnesty International in October 2001. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.web.amnesty.org/web/news.nsf/thisweek?openview>

**INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW,
UNITED KINGDOM.**

LIST OF CASES:

- 1) 'José' - a minor
- 2) Espírito Santo state - three women tortured in a supermarket
- 3) Alexandre Madado Pascoal
- 4) Dacar 1 Women's Prison, São Paulo
- 5) Alexandre de Oliveira
- 6) Hildebrando Silva de Freitas
- 7) Wander Cosme Carvalheiro

ATTACHMENTS:

Amnesty International's 12 point action plan to stamp out torture in Brazil (English and Portuguese versions).

Appeals Cases: Torture in Brazil (AMR 19/024/2001)

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**BRAZIL
APPEALS CASE**

'José' - a minor

Police officers accused of torture are transferred, only to torture again.

Fifteen year old 'José' (this is not his real name - under Brazilian law, minors cannot be named publically when involved in legal proceedings) left his home in Xinguara, Pará state, on the afternoon of 7 June 1999. His mother, Dona Iraci Oliveira dos Santos, became concerned when he did not return that night and searched for him in local hospitals before going to the police station where she was told he had been detained.

José later told his mother that he had been followed by the civil police when he left home, and had become scared and fallen off his motorbike. He said that when the police stopped, they aimed their guns at him, kicked and threatened to kill him. They drove him to an unknown location where they beat and threatened him again. Finally he said that he was taken to the police station, accused of possessing a small amount of cannabis and a handgun. In the evening, the police took José into the corridor of the police station and beat him once again. Other boys held in the police station said that the beating was so severe they thought he would be killed. Since his release José has suffered from psychological problems and has been admitted to a psychiatric institution on several occasions for periods of one or two months. He continues to receive medical treatment today. Amnesty International has been informed that although the State government was instructed by the courts to pay for José's medical care as well as transportation costs for him and his mother to the state capital, Belém, where he receives treatment, as yet no compensation has been made available to them. His mother has often been forced to borrow money to be able to make the trip. The Pará *Instituto Médico Legal* (IML), Forensic Medical Unit, recently declared that the psychological trauma suffered by José was a direct result of his torture.

Amnesty International has received reports that those believed to have been involved in torturing the boy had all been transferred to Xinguara from a nearby town following previous accusations of torture. Amnesty International has been concerned to hear that since then those accused have again been transferred to other police stations, where they reportedly remain on active duty.

Amnesty International has recently been informed that following widespread international pressure, a special prosecutor was assigned to investigate the case and that charges have been brought under the Brazilian Torture Law No. 9455/97, against all the accused. It is essential that pressure be maintained on the Pará state authorities in order to ensure that those responsible be successfully prosecuted for their crime.

Appeals Cases: Torture in Brazil (AMR 19/024/2001)

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in English, or in your own language. Please attach Portuguese copies of the twelve point action plan (which is attached to this document) to your letters:

- state that you are writing as part of Amnesty International's worldwide campaign against torture and in conjunction with the AI report "They treat us like animals". Torture and ill-treatment in Brazil (Portuguese Title: "Eles nos tratam como animais." Tortura e maus-tratos no Brasil);
- that you are concerned by reports that 'José', the son of Dona Iraci Oliveira dos Santos, was beaten and tortured by civil police officers in Xinguara in June 1999;
- insist that all police officers accused of involvement in the torture of José be suspended from duty pending investigations;
- express your concern at the continued practice of transferring police officers accused of torture or ill-treatment to other police stations where they can continue to act with impunity;
- express your concern at reports that despite being ordered to do so by the courts, that the Pará state government has failed to uphold its obligation to pay treatment and travel costs for 'José' and Dona Iraci Oliveira dos Santos;
- urge the Pará state government to ensure that these payments are made, and remind them that in addition to covering these costs, the authorities have an obligation to adequately compensate victims of torture;
- urge the Brazilian federal and state governments to adhere to Torture Law No. 9455/97, and remind the authorities of their commitment to ensure that crimes of torture and all other human rights violations be investigated and prosecuted wherever they occur in Brazil;
- note that torture such as that suffered by 'José' continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;
- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Gregori

Ministério da Justiça

Esplanada dos Ministérios, Bloco 23

70064-900 - Brasília, DF Brazil

Salutation: Vossa Excelência/ Your Excellency

Fax: +55 61 224 2448/322 6817

Pará State Government:

Pará State Governor

Exmo. Sr. Governador do

Estado do Pará

Sr. Almir José de Oliveira Gabriel

Palácio dos Despachos

Rodovia Augusto Montenegro KM 9

66823-010 Belém, PA Brasil

Salutation: Vossa Excelência/ Your Excellency

Fax: +55 91 248 0133

Pará State Attorney General

Procurador Geral de Justiça

do Estado de Pará

Dr. Geraldo de Mendonça Rocha

Procuradoria Geral de Justiça

Rua João Diogo 100

66015-160 Belém, PA

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Salutation: Vossa Excelência/ Your Excellency

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Pará State Public Security

Secretário de Segurança Pública
do Estado do Pará

Sr. Paulo Celso P. Sette Câmara

Rua Arcipreste Manoel Teodoro 305

66023-700 Belém, PA

Brasil

Fax: +55 91 225 2644

Salutation: Sr. Secretário/Dear Secretary

Pará State Civil Police Chief

Superintendente da Polícia Civil

Sr. Lauriston Goes

Delegacia Geral da Polícia Civil

Av. Nazaré, 489, Nazaré

66035-170 Belém, PA

Brasil

Fax: +55 91 212 3857

Salutation: Sr. Superintendente/Dear Superintendent

Please send copies of your letters to:

Human Rights Organisation

Pastoral Land Commission - CPT Xinguara

Rua Pau Brasil 40 Caixa Postal 57

68555-000 Xinguara, PA

Brasil

Newspaper

O Liberal

Chefe de Redação

Almir Botelho

Avda. 25 de Setembro, 2473

66093-000 Belém, PA

Brasil

Fax: + 55 91 276 5615

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**BRAZIL
APPEALS CASE**

ESPIRITO SANTO

**TORTURED AND ASSAULTED BY SECURITY GUARDS AND POLICE OFFICERS IN A
SUPERMARKET**

On 16 March 2000, three women were detained on suspicion of shoplifting by the manager of a supermarket in Vila Velha, in the state of Espirito Santo. Amnesty International received reports from local human rights defenders that the three women, aged between 20 and 30 years, were taken by supermarket security staff into a back room where they were made to kneel in the dark. They were then allegedly beaten with a truncheon and punched. After some time, the women demanded that the police be called and were informed that the police were on their way. However, the women stated that when three military police officers arrived the beatings intensified. The women reported that the police officers made them take their clothes off, and one woman was forced to perform oral sex on a police officer: this stopped only when she pretended to faint. After several hours the women were released from the supermarket and one of the police officers reportedly threatened to kill them if they lodged an official complaint.

The women reported the incident to the police and an investigation was opened by the gender crimes unit of the civil police [*Delegacia da Mulher*] in Vila Velha. Amnesty International has received information that, following an investigation, charges have been brought against the staff of the supermarket and the military police officers for "causing physical injury" [*lesão corporal*]. None of the police officers has been charged under the Torture Law. According to information received by Amnesty International the military police agents involved continue to be on active duty.

Human rights defenders moved the three women to a safe house after the home they shared was destroyed by an arson attack. As far as Amnesty International is aware the authorities have not taken steps to provide them with official protection.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, English, or in your own language. Please attach Portuguese copies of the twelve point action plan (which is attached to this document) to your letters:

- state that you are writing as part of Amnesty International's worldwide campaign against torture and in conjunction with the AI report "They treat us like animals". Torture and ill-treatment in Brazil (Portuguese Title: "Eles nos tratam como animais." Tortura e maus-tratos no Brasil);
- that you are concerned by reports that three women detainees were tortured and sexually assaulted by security guards and military police officers in a supermarket in Vila Velha, Espirito Santo in March 2000;
- express your concern that despite the seriousness of the allegations, none of those implicated in the incident have been charged under Brazil's torture law No 9.455/97;
- further express your concern that Amnesty International has received reports that the military police officers involved in the incident continue to be on active duty;
- call for the immediate suspension of all police officers believed to have participated in acts of torture or other violations of human rights;
- express your concern that the authorities have not taken steps to provide official protection for the women;

- note that torture continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;

- remind the authorities that they have an obligation to compensate victims of torture;

- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture and ensure that perpetrators are prosecuted under the appropriate law.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil

Dr. José Gregori

Ministério da Justiça

Esplanada dos Ministérios

Bloco 'T', 4º Andar, Sala 400

70064-900 Brasília, DF

Brasil

Fax: + 55 61 322 6817/ 225 0289

Salutation: Vossa Excelência/Your Excellency

Espírito Santo State Government:

Espírito Santo State Governor

Exmo. Sr. Governador do Estado de Espírito Santo

Sr. José Ignacio Ferreira

Palácio Ancieta

Praça João Clímaço s/nº

29015-110 Vitória, ES

Brasil

Fax: +55 27 3223 0815

Salutation: Vossa Excelência/Your Excellency

Espírito Santo State Attorney General

Procurador Geral de Justiça do Estado de Espírito Santo

Sr. José Maria Rodrigues Filho

Procuradoria Geral de Justiça

Av. Governador Bley 236

Ed. Fábio Ruschi, 11º Andar

29010-150 Vitória, ES

Brasil

Fax: + 55 27 3322 1053

Salutation: Vossa Excelência/Your Excellency

Espírito Santo Public Security Secretary

Secretaria de Segurança Pública

do Estado de Espírito Santo

Coronel PM Edson Ribeiro do Carmo

Av. Governador Bley, 236

Ed. Fábio Ruschi, 7º andar

29010-150 Vitória, ES

Brasil

Fax:+ 55 27 3322 1053

Salutation: Sr. Secretário/Dear Secretary

Espírito Santo Military Police Commander

Comando Geral da Polícia Militar

do Estado do Espírito Santo

Cel PM João Carlos Batista

Avenida Maruípe, 2111
Maruípe 29045-231 Vitória, ES
Brasil

Fax: + 55 27 3334 9200/9238

Salutation: Sr. Comandante/Dear Commander

Please send copies of your letters to:

Human Rights Organisation

Associação de Mães e Familiares Vitimas de Violência e Impunidade
(*Association of Mothers and Relatives of Victims of Violence and Impunity*)

Presidente: Maria das Graças Nacort

Avenida Jerônimo Monteiro 490

Edifício Ouro Verde, Sala 607

29010-002 Vitória, ES

Brasil

Newspaper

A Gazeta

Editor Chefe

Sérgio Egito de Oliveira

Rua Chafic Murad, 902

29050-901 Vitória, ES

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Fax: + 55 27 3323 6695

A Tribuna

Editor Chefe

João Luis Caser

Rua Joaquim Plácido da Silva, 225

29040-790 Vitória, ES

Fax: 00 55 27 3223 7340

**BRAZIL
APPEALS CASE**

ALEXANDRE MADADO PASCOAL

BEATEN FOR FIVE HOURS

The case of Alexandre Madado Pascoal was cited in the UN Special Rapporteur on Torture's report on Brazil (30 March 2001E/CN.4/2001/66). On 30 August 2000, the Special Rapporteur visited the Moniz Sodr  provisional detention facility [*casa de custod  Moniz Sodr *], part of the Bangu penitentiary complex in Rio de Janeiro. There he met with a number of inmates who reported that following a search of their cell by guards, inmates had complained that a number of personal items had gone missing. They told the Special Rapporteur that they were then taken to the courtyard where they were severely beaten for five or six hours by some 50 prison guards and members of special police units using wooden clubs and iron bars, some with wires tied around them.

Alexandre Madado reportedly suffered the most serious injuries as a result of the beatings, which were said to have taken place at the Moniz Sodr  facility on 28 August 2000. He allegedly lost consciousness four times. On 30 August, Alexandre Madado was presented before a magistrate who reportedly refused to hear him and ordered his immediate transfer to an emergency room. Alexandre Madado reported that he was then transferred to a hospital where a doctor ordered his hospitalization, but the guards who accompanied him refused to allow this. He allegedly received no medical treatment, not even painkillers. He was then taken to the Forensic Medical Unit [*Instituto M dico Legal (IML)*], where his injuries were said to have been recorded. He did not complain about the beatings for fear of reprisals since a guard from Muniz Sodr  was constantly present.

At the time of his interview with the Special Rapporteur he had two large haematomas on his lower back and a large bump at the back of his head; he could not move his right leg or left arm; his lips were cut; he had bruises all over his body, in particular on his forehead; and some of the fingers of his left hand seemed to be broken. He was said to be vomiting blood. With the help of the officer-in-charge of the Vieira Ferreira Neto penitentiary, Alexandre Madado was then taken on a stretcher to a medical unit next door, where a doctor examined him and ordered his transfer to a hospital.

Informed of the situation by the Secretary of State for Justice, the Assistant-Secretary for Human Rights and the Head of Security for the Penitentiary System joined the Special Rapporteur and recorded the testimony of Alexandre Madado. They assured him that he would receive proper medical treatment and would be protected against reprisals. The Special Rapporteur was also informed that the Secretary of State for Justice had already taken the decision to suspend the director of Muniz Sodr  and his head of security pending investigations.

Amnesty International has since been informed that Alexandre Madado is recovering well, both physically and mentally. According to information from both the Assistant-Secretary for Justice and Human Rights as well as a member of the State Legislature's Commission for Human Rights, he will shortly be released as he has completed his sentence. Alexandre Madado is presently held in Bangu 3 prison, where he was transferred following a request from the State Legislature's Commission on Human Rights. Amnesty International was also informed that the prison guard believed responsible for leading the torture session was temporarily suspended from duty, although he was reportedly later appointed to the prison system's shock troops. After a further complaint from the state Commission for Human Rights he was suspended again and is reportedly awaiting an internal investigation. The criminal case is now with the Public Prosecutor's Office awaiting a decision on whether to prosecute.

WHAT YOU CAN DO

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- that you are concerned by reports that Alexandre Madado Pascoal was beaten and tortured by prison guards and police officers in the Moniz Sodr  provisional detention facility [*casa de custodia Muniz Sodr *], part of the Bangu penitentiary complex in Rio de Janeiro;
- express your concern that despite the seriousness of the allegations, no criminal prosecution of those believed responsible has yet taken place;
- that any prison guard or police officer believed responsible following such investigations be prosecuted under Brazil's torture law No 9.455/97;
- note that torture such as that suffered by Alexandre Madado Pascoal continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;
- remind the authorities that they have an obligation to compensate victims of torture;
- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture and ensure that perpetrators are prosecuted under the appropriate law.

ADDRESSES FOR APPEALS:

Federal Government:
Minister of Justice
Exmo. Sr. Ministro da Justi a do Brasil
Dr. Jos  Gregori
Minist rio da Justi a
Esplanada dos Minist rios
Bloco 'T', 4  Andar, Sala 400
70064-900 Bras lia, DF
Brasil
Fax: + 55 61 322 6817/ 225 0289

Salutation: Vossa Excel ncia/Your Excellency

Rio de Janeiro State Government:

Rio de Janeiro State Governor
Exmo. Sr. Governador do Estado do Rio de Janeiro Sr. Anthony William Garotinho
Pal cio da Guanabara
Rua Pinheiro Machado s/n 
22238-900 Rio de Janeiro, RJ
Brasil
Fax: + 55 21 2553 6162/6247

Salutation: Vossa Excel ncia/Your Excellency

Rio de Janeiro State Attorney General
Procurador Geral da Justi a do
Estado do Rio de Janeiro

Sr. José Muiños Piñeiro Filho
Av. Marechal Câmara, 370, 8º Andar
20020-080 Rio de Janeiro, RJ
Brasil
Fax: +55 21 2550 9044/9054
Salutation: Vossa Excelência/Your Excellency

Rio de Janeiro Justice Secretary
Sr. João Luiz Duboc Pinaud
Secretaria de Justiça
Rua Barão de Itambi 60, 9º Andar
Botafogo
22231-000 Rio de Janeiro, RJ
Brasil
Fax: +55 21 551 3748
Salutation: Sr. Secretário/Dear Secretary

Rio de Janeiro Public Security Secretary
Exmo. Sr. Secretário de Segurança Pública do
Estado de Rio de Janeiro
Coronel Josias Quintal de Oliveira
Avda. Presidente Vargas 817
15º Andar, Centro
20071-004 Rio de Janeiro, RJ
Brasil
Fax: + 55 21 2399 1000/1001
Salutation: Sr. Secretário/Dear Secretary

Please send copies of your letters to:

Human Rights Organisation:

Comissão de Defesa dos Direitos Humanos e da Cidadania da Assembleia Legislativa do
Rio de Janeiro
(*Rio de Janeiro State Human Rights Commission*)
Presidente: Chico Alencar
Rua 1º de Marzo s/nº
Palácio Tiradentes, sala 307
20010-090 Rio de Janeiro, RJ
Brasil

Newspapers:

Jornal do Brasil
Director de Redacção Mário Sérgio Conti
Avenida Brasil 500
6º Andar
São Cristóvão
20949-900
Rio de Janeiro, RJ
Brasil
Fax: + 55 21 2574 4428

O Globo
Diretor de Jornalismo Merval Pereira Filho
Rua Irineu Marinho 35
4º Andar
20230-901
Rio de Janeiro, RJ
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Fax: + 55 21 2534 5535

O Dia
Diretor de Redacção
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**BRAZIL
APPEALS CASE**

**DACAR 1 WOMEN'S PRISON,
SAO PAULO**

**665 DETAINEES INJURED BY MILITARY
POLICE SHOCK TROOPS**

At around 2am on 22 April 2001, detainees held at DACAR 1 women's prison in the city of São Paulo were awoken by gunshots. Members of the *Grupo de Operações Especiais* (GOE), military police shock troops, entered the detention centre and began shooting randomly and beating the women. The GOE were accompanied by the prison officer responsible for discipline. According to information received by Amnesty International the GOE entered DACAR 1 following protests by inmates.

On 25 April 2001, an independent delegation, including a member of Christian Action for the Abolition of Torture [*Ação dos Cristãos para Abolição da Tortura* (ACAT)], a representative of a federal deputy, a municipal deputy and a state deputy visited DACAR 1. They found the detainees kept in groups of between 10 and 12 to a cell. All the women had been kept awake since the morning of the raid three days earlier.

The detainees informed the delegation of widespread beatings and ill-treatment by prison guards, abuse, humiliation of visitors, and lack of medical assistance and treatment. Since their protest they had had no electricity or water and they only had the clothes they were wearing as all their belongings had reportedly been destroyed by the members of the GOE.

The delegation testified to the fact that most of the 675 prisoners had bruises on their bodies as well as other evidence of ill-treatment, including: gunshot wounds in their feet, legs and shoulders; cuts to their heads; cuts on their fingers reportedly caused by blows with metal

bars; and broken teeth. The delegation was also informed that pregnant women had been kicked in their stomachs; that prisoners were suffering from serious tuberculosis crises, could not speak and were coughing blood; that others were suffering from HIV and could not stand. Delegates reported finding a hole in the wall of one the cells reportedly made by a gunshot and empty shells and bullet fragments on the floor. The conditions of the detention centre also shocked delegates, who stated that there was rubbish everywhere and that a horrible stench permeated the whole building.

Some of the prisoners were examined by a doctor, although others did not seek assistance for fear of more reprisals. During their visit delegates found around 15 or 20 prisoners in the medical wing with more serious wounds or failing health.

The delegation has since passed on the information of their visit to the proper authorities, but according to information received by Amnesty International, no investigation has been opened and the military police and prison officers allegedly involved continue on active duty.

Appeals Cases: Torture in Brazil (AMR 19/024/2001)

WHAT YOU CAN DO

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- state that you are writing as part of Amnesty International's worldwide campaign against torture and in conjunction with the AI report "They treat us like animals". Torture and ill-treatment in Brazil (Portuguese Title: "Eles nos tratam como animais." Tortura e maus-tratos no Brasil);
- that you are concerned by reports that female detainees were tortured and beaten during a raid on Dacar 1 women's prison in April 2001;
- that when an independent delegation visited the prison they were informed by prisoners that beatings and ill-treatment by prison guards were commonplace;
- express your concern that despite the seriousness of the allegations, no action appears to have been taken by the authorities;
- call for immediate, full and impartial investigations into the allegations and the suspension from duty of any police officers and prison guards implicated pending the outcome of those investigations;
- that any police officer or prison guard believed responsible following such investigations be prosecuted under Brazil's torture law No 9.455/97;
- call on the authorities to ensure that male guards respect the rights of all female prisoners and are always accompanied by a female guard;
- remind the authorities that they have an obligation to compensate victims of torture;
- note that torture continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;
- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture and ensure that perpetrators are prosecuted under the appropriate law.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil
Dr. José Gregori
Ministério da Justiça
Esplanada dos Ministérios
Bloco 'T', 4º Andar, Sala 400
70064-900 Brasília, DF
Brasil
Fax: + 55 61 322 6817/225 0289

Salutation: Vossa Excelência/Your Excellency

São Paulo State Government:

São Paulo State Governor

Exmo. Sr. Governador do Estado de São Paulo
Dr. Geraldo Alckmin
Palácio dos Bandeirantes
Av. Morumbi 4500, Morumbi
05698-900 São Paulo, SP
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Fax: + 55 11 3745 3301

Salutation: Vossa Excelência/Your Excellency

São Paulo Attorney General

Procurador Geral de Justiça do Estado de São Paulo
Dr. José Geraldo Brito Filomeno
Procuradoria Geral de Justiça
Rua Riachuelo 115
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01007-904 São Paulo, SP
Brasil
Fax: + 55 11 3119 9633/9651

Salutation: Vossa Excelência/Your Excellency

São Paulo Public Security Secretary

Exmo. Sr. Secretário de
Segurança Pública do Estado de São Paulo
Dr. Marco Vinício Petrelluzzi
Secretaria de Segurança Pública
Av. Higienópolis 758, Higienópolis
01238-000 São Paulo, SP
Brasil
Fax: + 55 11 3823 5708

Salutation: Sr. Secretário/Dear Secretary

São Paulo Military Police Commander

Comandante Geral da Polícia Militar
do Estado de São Paulo
Coronel Ruy Cesar Melo
Praça Coronel Fernando Prestes 115
Bairro Luz
01124-060 São Paulo, SP
Brasil
Fax: + 55 11 3327 7005

Please send copies of your letters to:

Human Rights Organisation:

ACAT (Christian Action for the Abolition of Torture)

Pr. Clóvis Beviláqua 351, Sala 501
01018-001 São Paulo, SP
Brasil

Newspapers:

Estado de São Paulo

Diretor de Redação
Sandro Vaia
Avenida Eng. Caetano Álvares, 55
Bairro do Limão
02598-900 São Paulo, SP
Brasil
Fax: + 55 11 3856 2940

Folha de São Paulo

Diretor de Redação
Otávio Frias Filho
Alameda Barão de Limeira, 425
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01202-900 São Paulo, SP
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Fax: + 55 11 223 1644

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**BRAZIL
APPEALS CASE**

ALEXANDRE DE OLIVEIRA

TORTURED AND ACCUSED OF RAPING HIS OWN DAUGHTER

23-year-old Alexandre de Oliveira, a waiter, was arrested as he drove to accompany his wife and one year old daughter in the municipal hospital of Bom Jardim in Minas Gerais state on 12 January 2001. The police who arrested him accused Alexandre de Oliveira of the rape of his daughter who had recently been hospitalised after suffering from bleeding in her genital area.

He was taken to the police station at Bom Jardim where he denied the accusations. Members of the civil police then reportedly handcuffed him and beat the soles of his feet with a stick wrapped in sticky tape, and using a small instrument, applied electric shocks to his neck. Alexandre de Oliveira further reported that the police officers told him that the torture would not stop until he signed a confession, because a doctor at the hospital had already informed them that the cause of the bleeding was rape. He signed a confession, although he stated that he was not given an opportunity to read its contents. Four days after his arrest Alexandre underwent a medical inspection in the presence of one of his torturers. The doctor's report for this inspection stated that there were no injuries on his body.

On 17 January 2001, Alexandre de Oliveira was released after further medical examinations reportedly found that a tumour was the cause of the bleeding from his daughter's genital organs. These examinations found no evidence to suggest that she had been the victim of a sexual assault. Alexandre himself also underwent new medical tests which revealed wounds consistent with the acts of torture that he had described. The police internal investigations office of Minas Gerais has since opened an investigation into the incident and six civil police officers have been officially named as suspects. This case stands as a clear example of the widespread failure of police to conduct professional and scientific investigations, who often prefer instead to base their charges on confessions extracted under torture.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, English, or in your own language. Please attach Portuguese copies of the twelve point action plan (which is attached to this document) to your letters:

- state that you are writing as part of Amnesty International's worldwide campaign against torture and in conjunction with the AI report "They treat us like animals". Torture and ill-treatment in Brazil (Portuguese Title: "Eles nos tratam como animais." Tortura e maus-tratos no Brasil);
- that you are concerned by reports that Alexandre de Oliveira was tortured by civil police officers in Bom Jardim, Minas Gerais in January 2001;
- call for immediate, full and impartial investigations into the allegations and the suspension from duty of any police officers implicated pending the outcome of those investigations;
- urge that any police officer believed to have been involved in the torture of Alexandre de Oliveira following such investigations be prosecuted under Brazil's Torture Law No 9.455/97;
- remind the authorities that they have an obligation to adequately compensate victims of torture;
- note recommendations *u* and *v* of the report submitted by the United Nations Special Rapporteur after his visit to Brazil regarding the need for strong measures to secure the impartiality of qualified medical professionals in investigating allegations of torture;
- note that torture such as that suffered by Alexandre de Oliveira continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;

- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture and ensure that perpetrators are prosecuted under the appropriate law.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil

Dr. José Gregori

Ministério da Justiça

Esplanada dos Ministérios

Bloco 'T', 4º Andar, Sala 400

70064-900 Brasília, DF

Brasil

Fax: + 55 61 322 6817/ 225 0289

Salutation: Vossa Excelência/Your Excellency

Minas Gerais state government:

Minas Gerais State Governor

Exmo. Sr Governador do Estado

de Minas Gerais

Sr. Itamar Cautiero Franco

Palácio dos Despachos

Praça da Liberdade

30140-912 Belo Horizonte, MG

Brasil

Fax:+55 31 3250 6210/6339 /6059

Salutation: Vossa Excelência/Your Excellency

Minas Gerais Attorney General

Procurador Geral de Justiça

Dr. Nedens Ulisses Freire Vieira

Av. Álvares Cabral 1690, 12º Andar

Bairro Santo Agostinho

30170-001 Belo Horizonte, MG

Brasil

Fax: +55 31 3291 6362

Salutation: Vossa Excelência/Your Excellency

Minas Gerais Public Security Secretary

Secretário de Segurança Pública
do Estado de Minas Gerais
Sr. Márcio Barroso Domingues
Praça da Liberdade s/nº 2º andar
Bairro Funcionários
30140-010 Belo Horizonte, MG
Brasil
Fax: + 55 31 3236 3292

Salutation: Sr. Secretário/Dear Secretary

Minas Gerais Civil Police Chief

Superintendente da Polícia Civil
Sr. Jaci Abreu
Praça da Liberdade s/nº, 3º Andar
Bairro Funcionários
30140-010 Belo Horizonte, MG
Brasil
Fax:+ 55 31 3236 3190

Salutation: Sr. Superintendente/Dear Superintendent

Please send copies of your letters to:

Human Rights Organisation

Centro de Defesa dos Direitos Humanos
Rua Henrique Surerus, 30 - Sala 14
36010-030 Juiz de Fora, MG
Brasil

Newspaper

Estado de Minas
Diretor de Redação Josemar Gimenez Resende
Avda. Getúlio Vargas, 291
30112-020 Belo Horizonte, MG
Brasil
Fax: + 55 31 3263 5070/ 5161

amnesty international

**BRAZIL
APPEALS CASE**

HILDEBRANDO SILVA DE FREITAS

THREATENED WITH SEXUAL ASSAULT BY POLICE OFFICERS

In November 1997 Hildebrando Freitas, a bar owner in Belém, capital of Pará state, was reportedly beaten by members of the civil police who allegedly had links with one of his business rivals. One night, two police chiefs and 10 police officers entered Hildebrando's bar, and threatened him with violence if he did not take steps to close it. After an argument ensued he was arrested on charges of "showing disrespect for authority". Hildebrando Freitas was reportedly beaten in the police car as he was being taken to the police station.

When he arrived at the police station, he was reportedly beaten again on the genitals and then taken to a cell, where he was threatened with sexual assault and told by police officers "you are going to become a woman now". His family managed to arrange his release and immediately took him to a doctor for an independent medical examination. To this day Hildebrando Freitas still suffers from health problems resulting from his beatings. At the time the Public Prosecutor's Office did not take up the case, which was later archived on the grounds that there was not enough evidence to identify the perpetrators.

The Belém police Ombudsman's office (an internal oversight body for investigating complaints against police) tried to reopen the police investigation and raise publicity for the case, giving several interviews to the local press. One of the police chiefs involved attempted to instigate the dismissal of the Ombudswoman, Rosa Marga Roth, and took out five separate law suits against her in an obvious attempt at intimidation. All the cases brought against her were rejected by a judge. However, the police chief has appealed on two of the suits. The practice of intimidating Ombudsmen or human rights defenders by pursuing law suits is common practice in Brazil. Other attempts have been made to close down Ombudsman's Offices or to reduce their already limited powers.

Following pressure from human rights organisations the case was reopened, but was closed then again by the State Attorney General [*Procurador Geral de Justiça do Estado*]. However, the *Sociedade Paraense de Direitos Humanos* (SPDDH), a Belém based NGO, protested and put forward evidence from three witnesses confirming Hildebrando Freitas' version of events. On 14 June 2000, two police chiefs [*delegados*] and four other police investigators were charged under the Torture Law. All of the accused continue to be on active duty, except for one of the police chiefs who has retired on a full pension. None of the accused have been disciplined by the internal investigations unit.

On 6 August 2001 the lawyers defending the police made a successful petition to have the charges dropped. Lawyers from the *Sociedade Paraense de Direitos Humanos* (SPDDH) have lobbied the Public Prosecutor's office to get this decision overturned. The Public Prosecutor's office took up the case and the appeal against the decision now rests with the state supreme court.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, English, or in your own language. Please attach Portuguese copies of the twelve point action plan (which is attached to this document) to your letters:

- state that you are writing as part of Amnesty International's worldwide campaign against torture and in conjunction with the AI report "They treat us like animals". Torture and ill-treatment in Brazil (Portuguese Title: "Eles nos tratam como animais." Tortura e maus-tratos no Brasil);
- that you are concerned by reports that Hildebrando Silva de Freitas was tortured by civil police officers in Belém, Pará state in November 1997;
- express your concern that the police officers accused of having tortured Hildebrando Silva de Freitas continue on active duty. Urge the authorities to take steps to ensure that any police officers accused of human rights violations be relieved of duty pending full and independent investigations;
- urge that following such investigations, any police officer believed to have been involved in the torture of Hildebrando Silva de Freitas be prosecuted under Brazil's Torture Law No 9.455/97;
- express your concern that legal proceedings appear to have been brought against those investigating the case with the intention of intimidating and harassing them;
- note that torture such as that suffered by Hildebrando Silva de Freitas continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;
- remind the authorities that they have an obligation to compensate victims of torture;
- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture and ensure that perpetrators are prosecuted under the appropriate law.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice
Exmo. Sr. Ministro da Justiça do Brasil
Dr. José Gregori
Ministério da Justiça
Esplanada dos Ministérios
Bloco 'T', 4º Andar, Sala 400
70064-900 Brasília, DF
Brasil
Fax: + 55 61 322 6817/ 225 0289

Salutation: Vossa Excelência/Your Excellency

Pará State Government:

Pará State Governor
Exmo. Sr. Governador do
Estado do Pará
Sr. Almir José de Oliveira Gabriel
Palácio dos Despachos
Rodovia Augusto Montenegro KM 9
66823-010 Belém, PA
Brasil
Fax: +55 91 248 0133

Salutation: Vossa Excelência/Your Excellency

Pará State Attorney General
Procurador Geral de Justiça
do Estado de Pará

Dr. Geraldo de Mendonça Rocha
Procuradoria Geral de Justiça
Rua João Diogo 100
66015-160 Belém, PA
Brasil
Fax: + 55 91 224 7198

Salutation: Vossa Excelência/Your Excellency

Pará State Public Security Secretary
Secretário de Segurança Pública
do Estado do Pará
Sr. Paulo Celso P. Sette Câmara
Rua Arcipreste Manoel Teodoro 305
66023-700 Belém, PA
Brasil
Fax. +55 91 225 2644

Salutation: Sr. Secretário/Dear Secretary

Pará State Civil Police Superintendent
Superintendente da Polícia Civil
Sr. Lauriston Goes
Delegacia Geral da Polícia Civil
Av. Nazaré, 489, Nazaré
66035-170 Belém, PA
Brasil
Fax: +55 91 212 3857

Salutation: Sr. Superintendente/Dear Superintendent

Please send copies of your letters to:

Human Rights Organisation

Sociedade Paraense de Defesa dos Direitos Humanos
(*Pará Society for the Defence of Human Rights*)
Trav. Dom Pedro, 475
Umarizal
66050-100 Belém, PA
Brasil

Newspaper

O Liberal
Chefe de Redação
Almir Botelho
Avda. 25 de Setembro, 2473
66093-000 Belém, PA
Brasil
Fax: + 55 91 276 5615

amnesty international

**BRAZIL
APPEALS CASE**

WANDER COSME CARVALHEIRO

“Did you get beaten up, you crook?...Well go back and get your beating then.”

Wander Cosme Carvalho, a 28 year old food delivery man, lives in São Paulo with his partner and their four children. Prior to the events described here, he had no criminal record. On 1 February 2001, Wander Cosme was arrested by civil police officers who had held his parents and his wife at gunpoint to discover his whereabouts. He was taken to DEPATRI, one of the main police stations in the city of São Paulo, where he was reportedly blindfolded, gagged and hung on the “parrot’s perch” [*pau de arara*] while his torturers drank whisky. This means that his hands were bound beneath his feet and that he was then hung upside down from a bar. According to Wander Cosme his hands and feet were tied with electrical wires, he was beaten on the soles of his feet with truncheons, kicked and punched, then covered in a wet cloth and given electric shocks all over his body, including his genitals. He stated that this abuse lasted for several hours. Following his torture, Wander Cosme was made to sign a confession which implicated him in a robbery in which a police officer had been shot. He says that he was not allowed to read the confession.

Wander Cosme was then taken for examination to the Forensic Medical Unit (*Instituto Médico Legal*) of the largest hospital in São Paulo. He was accompanied on both occasions by his alleged torturers. He was reportedly never left alone with a doctor, nor did he even take his clothes off during the examination. Not only did the doctors fail to examine him properly, but one of them was said to have asked him, “Did you get beaten up then, you crook?” [*Você apanhou ladrão?*]. As he was still in the presence of his torturers Wander Cosme stated that he had not been beaten. The doctor allegedly replied, “Well go back and get your beating” [*Então volta para apanhar*]. On 2 February 2001, Wander Cosme’s family, having received no information of his whereabouts, hired a lawyer. When he enquired at the DEPATRI as to the details of the charges against Wander Cosme, the lawyer was reportedly informed by the police that they did not have the key to the filing cabinet and could not access his file. Wander Cosme was held incommunicado until 7 February 2001 as the family and the lawyer were unable to gain access to the details of his case.

From the DEPATRI, Wander Cosme was transferred to the 77th police station. His cell mates there, testified to his injuries. His sister was allowed to visit him and told NGO representatives that he had bruises all over his body and wounds on his feet and mouth. Wander Cosme was then transferred to the provisional detention centre, Belém II, where on 4 March 2001 he was finally able to meet his family and his lawyer in private. There he

informed them of the torture he had suffered. The family and the lawyer subsequently lodged a complaint about the incident with the civil police internal investigations unit and the Public Prosecutor's Office. The civil police internal investigations unit has reportedly opened an investigation, although complaints made to the Public Prosecutor's Office by Wander Cosme's family have allegedly not been followed up. According to information received by Amnesty International, no police have been charged so far and those accused continue to be on active duty. The doctor who examined Wander Cosme is under investigation by the [Conselho Regional de Medicina] Regional Medical Council for possible negligence in this case.

Wander Cosme continues to suffer psychological problems as a result of the extensive torture to which he was subjected. At the time of writing, he continues to be held in a pre-trial detention centre waiting for his case to come to court.

Appeals Cases: Torture in Brazil (AMR 19/024/2001)

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, English, or in your own language. Please attach Portuguese copies of the twelve point action plan (which is attached to this document) to your letters:

- state that you are writing as part of Amnesty International's worldwide campaign against torture and in conjunction with the AI report "They treat us like animals". Torture and ill-treatment in Brazil (Portuguese Title: "Eles nos tratam como animais." Tortura e maus-tratos no Brasil);
- that you are concerned by reports that Wander Cosme Carneiro was brutally tortured by civil police officers in the DEPATRI police station in São Paulo during February 2001;
- express your concern that despite the seriousness of the allegations, no action appears to have been taken by the authorities;
- call for immediate, full and impartial investigations into the allegations and the suspension from duty of any police officers implicated pending the outcome of those investigations;
- note recommendations *u* and *v* of the report submitted by the United Nations Special Rapporteur after his visit to Brazil regarding the need for strong measures to secure the impartiality of qualified medical professionals in investigating allegations of torture;
- note that torture such as that suffered by Wander Cosme Carneiro continues to be, in the words of the United Nations Special Rapporteur against Torture, 'widespread and systematic' throughout Brazil;
- remind the authorities that they have an obligation to compensate victims of torture;
- citing examples from the AI twelve point action plan to stamp out torture in Brazil, ask what concrete steps the Brazilian authorities will take to end the practice of torture and ensure that perpetrators are prosecuted under the appropriate law.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo. Sr. Ministro da Justiça do Brasil
Dr. José Gregori
Ministério da Justiça
Esplanada dos Ministérios
Bloco 'T', 4º Andar, Sala 400
70064-900 Brasília, DF
Brasil
Fax: + 55 61 322 6817/ 225 0289

Salutation: Vossa Excelência/Your Excellency

São Paulo State Government:

São Paulo State Governor

Exmo. Sr. Governador do Estado de São Paulo
Dr. Geraldo Alckmin
Palácio dos Bandeirantes
Av. Morumbi 4500, Morumbi
05698-900 São Paulo, SP
Brasil
Fax: + 55 11 3745 3301

Salutation: Vossa Excelência/Your Excellency

São Paulo Attorney General

Procurador Geral de Justiça do Estado de São Paulo
Dr. José Geraldo Brito Filomeno
Procuradoria Geral de Justiça
Rua Riachuelo 115
8º Andar
01007-904 São Paulo, SP
Brasil

Fax: + 55 11 3119 9633/9651

São Paulo Public Security Secretary

Exmo. Sr. Secretário de
Segurança Pública do Estado de São Paulo
Dr. Marco Vinicio Petrelluzzi
Secretaria de Segurança Pública
Av. Higienópolis 758, Higienópolis
01238-000 São Paulo, SP
Brasil

Fax: + 55 11 3823 5708

Salutation: Vossa Excelência/Your Excellency

São Paulo Civil Police Chief

Chefe da Polícia Civil
do Estado de São Paulo
Marco Antônio Desgualdo
Rua Brigadeiro Tobias 527, 9º Andar
01032-902 São Paulo, SP
Brasil

Fax:+ 55 11 227 3251

Please send copies of your letters to:

Human Rights Organisation

ACAT (Christian Action for the Abolition of Torture)

Pr. Clóvis Beviláqua 351, Sala 501
01018-001 São Paulo, SP
Brasil

Newspapers

Estado de São Paulo

Diretor de Redação
Sandro Vaia
Avenida Eng. Caetano Álvares, 55
Bairro do Limão
02598-900 São Paulo, SP
Brasil

Fax: + 55 11 3856 2940

Folha de São Paulo

Diretor de Redação
Otávio Frias Filho
Alameda Barão de Limeira, 425
Campos Elíseos
01202-900 São Paulo, SP
Brasil

Fax: + 55 11 223 1644

**AMNESTY INTERNATIONAL
A TWELVE POINT ACTION PLAN TO STAMP OUT TORTURE IN BRAZIL**

Amnesty International is urging the Brazilian government to implement the following recommendations to stamp out torture and to take steps to ensure that its public security system is both effective and aimed at upholding justice and respect for human rights.

Amnesty International calls on the Federal Government:

1. To use its legislative, financial and other powers to encourage, and if necessary require, states to comply fully with international standards for the protection of all human rights, and to continue to work towards 'federalisation' of all human rights violations, including torture.
2. To provide statistical information on the number of homicides, torture cases and other cases of human rights violations committed by agents of the State, as well as information on the progress and number of investigations into such violations.

Amnesty International calls on State Governments:

3. *To ensure that all State agents responsible for acts of torture be brought to justice under Brazil's torture law No. 9455/97.*
4. To give the police adequate resources and training to enable them to carry out their work without resorting to human rights violations, including torture.
5. To take steps to establish an adequately resourced public defenders office [*defensoria pública*] to provide legal representation for all criminal suspects.
6. To establish a specialist human rights unit in every state Public Prosecutor's Office to oversee the prosecution of State agents accused of committing human rights violations, in order to guarantee the independence of these investigations.
7. To establish an independent monitoring body for police-stations and prisons that is given full legal access to enter units at all times, without prior notice.
8. To end the holding of pre-trial detainees and convicted prisoners in the custody of the Civil Police.
9. To set up a protection system for detainees not currently covered by witness protection schemes, to ensure the adequate protection of victims and witnesses of torture held in detention.
10. To give detainees prompt access to an independent medical expert specifically where torture or ill-treatment is alleged or suspected.
11. To ensure that male guards respect the rights of all female prisoners *and are always accompanied by a female guard.*
12. To implement the safeguards and provisions relating to the incarceration of children and adolescents in Brazil's own Statute of the Child and Adolescent

(ECA).

October 2001

ANISTIA INTERNACIONAL

PLANO DE AÇÃO DE DOZE PONTOS PARA PÔR FIM À TORTURA NO BRASIL

A Anistia Internacional insiste junto ao Governo Brasileiro pela tomada de providências para garantir a eficácia do sistema de segurança pública do país, cujo objetivo deve ser a preservação da justiça e do respeito pelos direitos humanos, bem como pela implementação das recomendações abaixo, com o propósito de pôr fim à tortura:

A Anistia Internacional pede ao Governo Brasileiro que:

1. Faça uso de seus poderes legislativos, financeiros e outros para incentivar e, se necessário, exigir dos estados a conformidade total com os padrões internacionais relativos à protecção dos direitos humanos.
2. Forneça informação estatística sobre o número de casos de homicídio, tortura e outras formas de violação dos direitos humanos cometidas por agentes do Estado, bem como informação sobre o andamento e o número de investigações em curso relativamente a tais violações, e continue o trabalho com vista a federalização de todas as violações dos direitos humanos, incluindo tortura.

A Anistia Internacional pede aos governos estaduais que:

3. Cuidem para que todos os agentes do Estado responsáveis por atos de tortura sejam encaminhados à justiça nos termos do instrumento legal brasileiro sobre a tortura, a lei nº 9455/97.
4. Proporcionem à polícia recursos e treinamento adequados para permitir que a mesma faça o trabalho que lhe compete sem recorrer a violações dos direitos humanos, inclusive tortura.
5. Tomem medidas para estabelecer uma defensoria pública dotada de recursos adequados para proporcionar representação legal a todos os suspeitos criminais.
6. Instituem uma unidade especializada de direitos humanos em todas as Promotorias Públicas estaduais, incumbida da supervisão das acções movidas contra agentes do estado acusados de violação dos direitos humanos, para garantir a independência de estas investigações.
7. Instituem um órgão monitor independente para as delegacias policiais e prisões, com plenos direitos legais de acesso às instalações, a qualquer momento e sem aviso prévio.
8. Ponham fim à permanência de presos provisórios e condenados sob custódia da Polícia Civil.
9. Estabeleçam um sistema de protecção dos detentos que não se enquadram nos atuais esquemas de protecção de testemunhas, a fim de assegurar protecção adequada a vítimas e testemunhas de tortura que se encontrem sob detenção.
10. Proporcionem aos detentos acesso imediato a assistência médica especializada independente, especificamente em caso de alegação ou suspeita de tortura ou maus-tratos.
11. Cuidem para que os agentes carcerários masculinos respeitem os direitos de todas as detidas do sexo feminino e sejam acompanhados por uma agente feminina em todas as ocasiões.
12. Implementem as garantias e disposições referentes ao encarceramento de

crianças e adolescentes constantes do instrumento legal brasileiro pertinente, o Estatuto da Criança e do Adolescente (ECA).

Outubro de 2001