

**PUBLIC**

**AI Index: AMR 19/001/2003**

**UA 08/03**

**Fear for Safety**

**09 January 2003**

**BRAZIL**

**Dr Elma Novais (f), Lawyer  
Jefferson José de Freitas (m)  
Roxana Novais (f), aged 13**

---

Amnesty International is seriously concerned for the safety of Dr Elma Novais and her children Jefferson and Roxana, following what appears to be a campaign of veiled threats and intimidation against them. This campaign appears designed to intimidate Dr Novais who has been working tirelessly to bring to justice those responsible for killing her son, Josenildo João de Freitas Júnior. He was shot dead in Caruaru, Pernambuco in 1999 by a group of men who witnesses described as military policemen.

On the afternoon of 17 December 2002, while Dr Novais was waiting at traffic lights in a car with her police escort (she receives police protection during the day, but not at night), a young boy detonated an extremely loud firework next to her car, before running away. The firework seems to have been let off solely with the intention of intimidating Dr Novais. The next day, a black car pulled up outside her house. Two men got out and walked towards the house, but made a quick getaway after seeing that she was accompanied by a police officer.

On 27 December, Dr Novais' son Jefferson was detained without reason by military policemen at his place of work in the neighbouring town of Arcoverde. The police officers, who initially alleged that his papers were not in order, later claimed that he was a fugitive from a local prison. He was only released after intervention by the Pernambuco State Secretary for Social Defence. Police officers at the station, who refused to speak to Dr Novais, said that they had made a mistake.

On the same day Dr Novais' 13 year old daughter Roxana, who was out shopping in Caruaru, received a telephone call on her mobile phone from someone claiming to be Jefferson, her brother. The voice asked her to go as quickly as possible to her mother's house where he was waiting. At the time however, Jefferson was in police detention in Arcoverde. The caller asked her to describe the clothes that she was wearing, so that they could come and pick her up. Roxana did not follow these instructions.

#### **BACKGROUND INFORMATION**

Four police officers were arrested and charged with the murder of Josenildo João de Freitas Júnior in December 2001, after a national TV program broadcast an exposé on corrupt police in Caruaru. They were released in October 2002. Prior to their release, Amnesty International wrote to the Brazilian authorities expressing concern about numerous apparent irregularities in the judicial proceedings.

Dr Novais is well known for her efforts to bring to justice those responsible for killing her son. Since the release of the police officers accused of his murder, Dr Novais has received frequent messages saying that she will be left in peace if she drops her interest in the case. She has appealed against their release, but the appeal appears to have been delayed in the public prosecutor's office. Legal proceedings for defamation have also been brought against her. An Amnesty International delegation that spoke to detainees in Caruaru prison in April 2002 received numerous denunciations of torture and extortion naming some of the same police officers charged with the murder of Josenildo João de Freitas Júnior. GAJOP, an NGO based in the state capital Recife, is submitting the case to the Inter-American Commission on Human Rights.

The activities of criminals and corrupt police officers in Brazil are often supported by the activities of death squads who execute to order. Death squad members are often police officers, or individuals who act with the collusion of the police.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:**

- expressing your concern for the safety of Dr Elma Novais, her children Jefferson José de Freitas and Roxana Novais, and calling on the authorities to take appropriate steps, in accordance with their wishes, to protect them;
- calling for a full, prompt and impartial investigation into the illegal detention of Jefferson José de Freitas in Arcoverde on 3 January 2003, and calling for full disciplinary measures to be brought against those military policemen found responsible;
- calling for full investigations into all other allegations of threats against Dr Novais and her family;
- noting that Dr Novais receives military police protection but urging the authorities to provide her with 24 hour police protection;
- expressing your concern that despite the existence of substantial material evidence and eyewitnesses, that those responsible for the murder of Josenildo João de Freitas Júnior still have not been brought to justice;
- politely asking the authorities to inform you of the current status of the investigations into his murder;
- calling on the authorities to open a full, prompt and impartial investigation into military police corruption and death squad activity in Caruaru, that the results of these investigations be made public, and that those responsible be brought to justice.

**APPEALS TO:**

**Pernambuco State Governor**

Exmo. Sr. Governador do Estado de Pernambuco  
Jarbas de Andrade Vasconcelos  
Palácio Campo das Princesas  
Praça da República,  
Santo Antônio  
50010-040 Recife–PE, Brasil

**Telegrams: Governador do Estado de Pernambuco, Recife – PE, Brasil**

**Fax: +55 81 3224 8826**

**Salutation: Vossa Excelência / Your Excellency**

**Pernambuco State Attorney General**

Procurador Geral de Justiça do Estado de Pernambuco  
Francisco Sales de Albuquerque  
Rua do Imperador, 473  
Santo Antônio,  
50010-240 Recife–PE, Brasil

**Telegrams: Procurador Geral de Justiça do Estado de Pernambuco, Recife – PE, Brasil**

**Fax: +55 81 3419 7103**

**Salutation: Vossa Excelência / Your Excellency**

**Pernambuco Social Defence Secretary**

Exmo. Sr Secretário da Defesa Social do Estado de Pernambuco  
Gustavo Augusto Rodrigues de Lima  
Rua Odorico Mendes, 700  
Campo Grande  
52031-080 Recife–PE, Brasil

**Telegrams: Sr Secretário da Defesa Social do Estado de Pernambuco, Recife – PE, Brasil**

**Fax: +55 81 3303 5109 (If someone answers say “Fax, por favor.”)**

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

**COPIES TO:**

**Federal Secretary of State for Human Rights**

Exmo. Sr. Secretário de Estado dos Direitos Humanos  
Nilmaria Miranda  
Secretaria de Estado dos Direitos Humanos  
Ministério da Justiça  
Esplanada dos Ministérios,

Bloco T,41 andar , Sala 420  
70064-900 Brasília–DF, Brasil  
**Fax: +55 61 226 7980**

**NGO**

GAJOP  
Rua 13 de maio, 50  
Santo Amaro 50100-160 Recife – PE, Brasil

**Dr Novais c/o Lawyer's Association Caruaru**

Dr Elma Novais  
c/o  
Ordem dos Advogados do Brasil (OAB), Pernambuco  
Subsecção de Caruaru  
Rua Cônego Júlio Cabral 267  
55016-000 Caruaru – PE, Brasil

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 February 2003.