

UA 16/01

Fear for

BRAZILGustavo dos Reis Gazzola]

Roberto de Campos Andrade] Public prosecutors

Thomás Mohuyico Yabiku]

Detainees held in Sorocaba Public Jail

Public prosecutors (*Promototes*), who are bringing charges against 26 police officers and prison guards for torturing prisoners at a public jail, have received death threats. Amnesty International is concerned for their safety, and for the safety of the prisoners, who reportedly continue to be ill-treated.

On 28 July 2000 prisoners at the public jail in the town of Sorocaba, São Paulo state, were forced to walk in their underpants past two rows of policemen and prison guards (a punishment known as *corredor polonês*) while being punched, kicked and beaten with sticks, broom handles and electricity cables, after knives were found hidden in some prison cells during an inspection. Sixteen prisoners suffered severe injuries. Relatives of the victims reported the incident to the local public prosecutor's office, where pro-active public prosecutors took the unusual step of gathering evidence and bringing charges against the prison guards in one of the first indictments of its kind under an anti-torture law adopted in 1997.

Roberto de Campos Andrade, one of the public prosecutors working on the case, received an anonymous call on his mobile phone warning him he would be killed. His phone identified his wife's mobile phone number as the origin of the threatening call, but when he called her it appeared that she was safe and had not used the phone. It seems that the interference with the phone number was a further attempt to intimidate Roberto de Campos Andrade and his colleagues by demonstrating the far-reaching power of those behind the threats.

Another prosecutor working on the case, Gustavo dos Reis Gazzola, received an anonymous call. The caller warned him that he would be killed on his way home from the university where he lectures.

The officers and guards indicted for torturing the prisoners remain on duty at Sorocaba public jail and continue to have access to the prisoners, who have reportedly been subject to repeated beatings in an attempt to make them withdraw their testimony.

In November 2000 an Amnesty International delegation met the São Paulo State Secretary for Public Security (*Secreatrio da Segurança Pública*) and representatives of the São Paulo State Prosecution Service (*Ministerio Públco*) and the São Paulo Civil Police Internal Investigations Unit (*Corregedoria da Policia Civil*). They all took credit for the important precedent set by the indictments under the anti-torture legislation in the Sorocaba case. Amnesty International believes that the failure of the authorities to ensure the safety both of the prisoners who were tortured, and of the prosecutors working on the case, may be an indication that the state authorities are not committed to implementing anti-torture legislation.

BACKGROUND INFORMATION

Police and prison officers routinely resort to torture and ill-treatment as a means of extracting confessions and controlling detainees. Few allegations

of torture are ever investigated, and many injuries are attributed to "resisting arrest". Many police suspected of practising torture are transferred to other postings and very few are prosecuted under the anti-torture law. Detainees who report torture risk severe reprisals; there are no systems available for placing those who make reports in safe custody. By the end of 2000 there had been no reported convictions under the 1997 anti-torture law.

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

- calling on the authorities to guarantee the safety of public prosecutors Gustavo dos Reis Gazzola, Roberto de Campos Andrade and Thomás Mohuyico Yabiku;
- calling for a full and impartial investigation to be carried out into the death threats made against them, asking that those responsible are brought to justice;
- urging the authorities to take immediate steps to monitor the prisoners who reported the torture and to place them in safe custody, noting that transfer to another jail without adequate protection would not ensure their safety;
- calling for all the police officers and prison guards under investigation to be suspended pending the outcome of the judicial proceedings;
- reminding the authorities of the obligation to take all steps at their disposal to ensure that anti-torture legislation is fully implemented.

APPEALS TO:

Public Security Secretary - São Paulo

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 - Brazil

Salutation: Exmo. Sr. Secretário/Dear Sir

Telegrams: Secretário Segurança Pública, SP, Brazil
Fax: + 55 11 3823 5708

State Attorney General - São Paulo

Procurador Geral de Justiça
do Estado de São Paulo
Dr. José Geraldo Brito Filomeno
Procuradoria Geral de Justiça
Avenida Brigadeiro Luis Antonio 35,8º andar
São Paulo SP
CEP 01007-904 Brazil

Salutation: Exmo. Sr /Dear Sir

Fax: + 55 11 3119 9633/9651

Federal 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

Fax: + 55 61 224 2448 / 322 6817

COPIES TO:

Public Prosecution Service in Sorocaba

Promotoria,
Rua Maria Cinto de Paggia 130,
Santa Rosalia, Sorocaba,
18095-410, SP, Brazil

Pastoral Church Prison Mission

Pastoral Carcerária - CNBB
Praça da Sé 184 - s. 1101
01001-000, 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 6 March 2001.