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@The Candelaria Massacre and Wagner dos Santos

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Wagner dos Santos, 22 years old this June, is the only adult witness that has come forward to testify in the trial of those accused of killing seven street children and one youth outside Candelária Church in down-town Rio de Janeiro on 23 July 1993. He himself was seriously wounded in what has become known as the "Candelária Massacre". Based mainly on Wagner dos Santos' testimony, three military police officers were charged and are awaiting trial for the killings. Wagner suffered a further attempt on his life in December 1994. He has since been subjected to death threats and is living under very difficult circumstances. The trial of those accused of the children's killings is expected to take place in August.

On the night of 9 December 1994, Wagner dos Santos was found unconscious near Rio de Janeiro's main railway station, *Central do Brasil*. He had several bullet wounds, allegedly inflicted by a group of policemen in plainclothes. Seriously ill, Wagner was taken to hospital for emergency treatment and then transferred to the Firemen's Hospital, where he was placed under police and hospital protection.

While in hospital Wagner received repeated death threats. The hospital authorities reported that in mid-January they received an anonymous telephone call threatening to abduct Wagner from the hospital. In the week of 19 March 1995 Wagner received further threats, in an attempt to force him to change his testimony against one of the military police officers that he has identified as participating in the Candelária killing.

In April, an Amnesty International delegation headed by the Secretary General, Pierre Sané, visited Wagner in hospital. Wagner confirmed to the Secretary General that he had received unwanted visits from the lawyer of one of the military policemen accused, who allegedly tried to persuade him to change his testimony. He also claimed that other unidentified individuals - believed to be members of the military police - had visited him in the night, and physically harassed him. He clearly stated that he did not feel safe in the hospital. The Secretary General publicly denounced Wagner dos Santos's condition and sought that the authorities guarantee his safety and well being.

In a letter to his lawyer dated 3 April 1995 Wagner asked for a place to stay until his trial because, he wrote, "I have been placed in a room and prevented from going out to walk in the corridor or talk to people, which means that I am held incommunicado". The letter continues: "I know that this is unnecessary. I can see that I am being treated as a prisoner, but even prisoners have the right to fresh air and to talk to whoever they choose. Why deprive me of this right if I am not a prisoner?"

On learning of the new treatment of Wagner dos Santos the Secretary General wrote to President Fernando Henrique Cardoso reiterating the organization's concern for his physical safety. The letter stressed the organization's belief that the new treatment described by Wagner dos Santos was in reprisal for public denunciations made about intimidation in the hospital, and urged President Cardoso to take action to ensure the Brazilian state fulfilled its obligation to guarantee the safety of the witness.

During March Dra. Maria Lucia Capibaribe, the judge in charge of the Candelária case, who has final responsibility for the safety of the witnesses asked the Secretary of Public Security for Rio de Janeiro to transfer Wagner dos Santos to another state hospital that had the necessary equipment to provide tests and medical treatment for him, which was lacking at the Firemens' Hospital, and would offer better conditions of safety. The then Secretary of Public Security, General Euclimar da Silva informed the judge that the relevant military hospitals, that might provide both security and the necessary medical treatment, fell within the jurisdiction of the federal authorities, and that at state level nothing more could be done. Amnesty International brought these considerations to the attention of the federal government in the letter of 5 June 1995. Nevertheless, as far as Amnesty International is aware the federal authorities did not offer Wagner dos Santos either protection or treatment in a military hospital.

In late April Wagner dos Santos was moved to the Rio de Janeiro state Public Servants' Hospital, *Hospital do Servidor Publico*, where he reportedly had better living conditions and medical attention. In May he was discharged from hospital and lodged in the so-called Witnesses Safe House, *Casa da Testemunha* in Rio De Janeiro. Living conditions at the house are reportedly poor and food is scarce. Military police have been assigned to guard Wagner for his protection but relations between him and his protectors are reported to be

tense. Amnesty International still has concerns for Wagner's' safety given that the December 1994 attempt on his life was made while he was staying in the Witnesses Safe House under state protection.

The trial of the three military police and one civilian charged with the Candelaria killings is expected to start in the second half of August, although no specific date has been announced. As a key witness of the Candelaria massacre, Wagner has been under enormous psychological pressure and, after the December 1994 attempt to his life, physical pain. Isolated from his friends and with no contact with his family, he has had no option but to rely on the care and protection of the same state whose agents have killed his friends and twice allegedly attempted to kill him. As far as Amnesty International is aware, he is no longer receiving medical treatment. One side of his face remains paralysed from bullet wounds received in the December 1994 attempt against his life. As the date of trial nears, psychological pressure on Wagner is likely to increase. As he put in his letter: "Because when the trial is over, if the accused are not condemned, they will have the same liberties which I cannot enjoy now and at the same time I would have been kept as a prisoner having done nothing."

Amnesty International has always placed the safety of victims and witnesses of human rights crimes at the top of its concerns. Wagner dos Santos is both a victim and a witness of such a crime. The organisation will continue to press the authorities to protect Wagner's physical safety and to show solidarity to Wagner by letting him know that he is not alone in his quest for justice.

Amnesty International continues to be concerned for the additional child and youth witnesses in the Candelária trial, for whom there is currently no state protection. These include Fábio de Oliveira (Barão), Michael André de Aguiar, Marcos Pereira Muniz, Fábio Ribeiro, Elizabeth Cristina Borges de Oliveira Maia (Beth), Rogério da Silva, Sérgio Dias Gomes, Leonardo Teixeira de Sá and Neilton Pereira dos Santos , who have already testified in preliminary court hearings, but also a further 40 children who were present near the Candelária church on the night of the killings, the vast majority of whom remain on the streets, who have received threats in relation to the massacre.

The following is a translation of the letter Wagner dos Santos wrote to his lawyer, Dr Cristina Leonardo on 3 April 1995. Following his letter Wagner was moved to another hospital. He is now living in a "witnesses safe house."

Auntie Cristina,

I wish you could find me a place for me to stay until the date of the trial, because here in the hospital is not good.

I have been placed in a room and prevented from going out to walk in the corridor or talk to people, which means that I am held incommunicado. I know that this is unnecessary. I can see that I am being treated as a prisoner, but even prisoners have the right to fresh air and to talk to whoever they choose. Why deprive me of this right if I am not a prisoner?

The worst is that when the trial is over, if the accused are not condemned, they will enjoy the same freedoms that I am now being deprived and, worst of all, I would have been kept as a prisoner having done nothing. If possible, find me a place where I have both security and freedom. A place where I would feel at ease. I wish you to understand this, because, in a way, I already spent half of my life imprisoned in institutions [schools] until I was nineteen. I know that in this life I already suffered enough. But I know that was an irony of destiny, that what is written could not be changed. Nobody is to blame for what happened but those who made it happen. Suffering has no mystery for me because I have known suffering since I was six. However, I never thought I would have to go through what has been going for the last two years. Other sufferings I could bear because I had friends and colleagues. But being kept as prisoner without friends and colleagues for something I didn't do, this I cannot take anymore.

Wagner dos Santos

The following is a photocopy of the original letter in Portuguese sent by Wagner dos Santos to his lawyer, Dr, Cristina Leonardo on 3 April 1995.