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501 -- Human rights: the way forward is clear

One year ago today, on the occasion of the commemoration of Brazil's 500th anniversary, Amnesty International joined -- through the pages of this very newspaper -- the many voices expressing the hope that the anniversary would be a watershed in the country's history and herald a new approach to human rights protection for all.

Rather than ushering in a new dawn of accountability and respect for human rights, the events on that day -- with military police violently preventing indigenous, black and landless protestors from demonstrating against the official celebrations in Porto Seguro -- provided yet another example of the practices that have scarred Brazil's history: abuses committed against the marginalized and the dispossessed on grounds of public order, while those responsible remain beyond the reach of the law.

One year on, the use of excessive force by the police to break up the 500th anniversary demonstration has never been adequately investigated and not one single policeman has been brought to justice. Human rights organizations and federal prosecutors were the only ones to criticise the police enquiry and to continue the quest for truth and justice despite official attempts to legitimize the excessive use of force.

Amnesty International members worldwide have witnessed that this episode is only a symptom of a wider human rights crisis in Brazil. Unchallenged impunity continues to prevent the emergence of a culture of authentic respect for human rights.

Earlier this month the UN Special Rapporteur on Torture, Sir Nigel Rodley, presented his report on Brazil to the UN Human Rights Commission. The report is a damning indictment of the endemic use of torture throughout Brazil and of the failure of the state at every level to tackle this scourge. Although torture was criminalized in the penal code in 1997, Amnesty International is aware of only

a handful of successful prosecutions and only one definitive conviction on torture charges. The message is clear: for torturers it is business as usual.

Recent prison rebellions and outbreaks of violence have brought before the eyes of the world the reality of Brazil's inhuman penal system, where torture and ill-treatment are everyday occurrences. Appalling conditions in prisons and juvenile detention centres -- particularly in FEBEM units in São Paulo -- inevitably contribute to breed more violence. As one inmate told the Special Rapporteur, "They treat us like animals and expect us to behave like human beings when we get out".

In a typical show of the authorities' tendency to protect perpetrators of human rights violations rather than their victims, credit is given to unsubstantiated accusations that boys detained in FEBEM centres -- who are routinely tortured and ill-treated by the very people who are supposed to be taking care of them -- "autoflagellate themselves" to incriminate guards and monitors. The assault suffered in March by public prosecutors and human rights workers at the hands of prison staff during a riot at the Franco da Rocha unit are indicative of the risks faced by those daring to speak up on behalf of these minors as well as by anyone engaged in human rights protection.

Impunity, however, does not shelter torturers only. Law enforcement officials are often allowed to literally get away with murder. In the next few months the Brazilian justice system will be under scrutiny again as impunity for past massacres at the hands of military police is challenged in the courts. The retrial of military police involved in the as yet unpunished 1996 killing of 19 land activists in Eldorado do Carajas is scheduled for May, while in June the long awaited trial of commander Ubiratan Guimarães -- the military police officer in charge of the unit responsible for the horrific massacre of 111 inmates in the Casa da Detenção in 1992 -- will take place.

Sadly, the failure of a similar attempt to end impunity at the Corumbiara trail in Rondonia in 2000 does not bode well. All but three of the 12 military police officers brought to trial for the 1995 killing of 10 land activists in Corumbiara were acquitted for lack of evidence, whereas two land activists tried for the

killing of two police officers during the same incident were convicted despite the apparent absence of any direct evidence against them.

The violent deaths of two survivors of the 1993 Candelaria massacre further illustrate how dangerous it is to try to break the wall of impunity. One of them, Elisabeth Cristina de Oliveira Maia died at the hands of unknown gunmen outside her home shortly before she was due to testify once again against police officers accused of participation in the massacre.

There is no denying that Brazil is living a public security crisis. However, the cycle of violence which afflicts Brazilian society feeds off the failure to adequately address the culture of brutality and impunity in which state agents -- be they policemen or prison guards -- operate. This vicious circle will never be broken without root and branch reform throughout the criminal justice system, the police and prisons. An end to serious human rights violations in Brazil can only be achieved when those responsible for such terrible crimes know that they are not above the law. Without an authentic commitment to end impunity, and to give actual substance to the many human rights protection mechanisms Brazil has on paper, the rhetoric of today only paves the way for the human rights violations of tomorrow.

One of the crucial challenges for the new Brazil is to show that public order concerns can be met effectively while guaranteeing the fundamental human rights of all citizens. This is a lesson Brazil must learn from its history.

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