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Amnesty International
International Secretariat
1 Easton Street
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United Kingdom

November 1999

**BRAZIL:
"NO ONE HERE SLEEPS SAFELY",
APPEALS CASES**

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- 2) Marli José da Silva Barbosa & Rosana Lage Ligerio
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1) OTÁVIO DOS SANTOS FILHO

BEATEN UP, DENIED MEDICAL HELP, AND LEFT TO DIE

[Photo caption: Otávio dos Santos Filho lies in his coffin. © Private]

Otávio dos Santos Filho died in the São Paulo police lockup, DEPATRI, on 13 October 1997, after being brutally beaten by police on 9 October 1997. Nineteen of his fellow inmates witnessed civil police and jail guards repeatedly slam his head against the metal bars of the cells and against the wall. He was taken several times to the nearest hospital emergency room to have his injuries treated, but was beaten up again on the way there and back. His condition worsened, but the police ignored his pleas to see a doctor and beat him yet again. He died four days later, on the morning of 13 October. When the police finally took him to the emergency centre, he was already dead. His fellow inmates say that he was left for several hours agonising and groaning in a corridor.

The response of the authorities has been to cover up his death and deny responsibility. The director of DEPATRI claimed that, according to the police report, "He beat up and injured himself, either due to drugs, sexual frustration or some other reason." His body was sent to the police *Instituto Médico-Legal*,

IML, (Forensic Medical Institute) for an autopsy and would have been released to the family in a sealed coffin. However, they insisted that the coffin should be opened and found that his body had extensive bruising and swelling, as well as a stitched head wound. The official autopsy report, released months later following pressure by the Public Prosecution Service, gave the cause of death as septicaemia. However, the medical evidence outlined in the report pointed to the victim having been severely beaten. The family and the Public Prosecution Service employed an independent forensic expert, whose autopsy report gave the cause of death as “internal haemorrhage”, consistent with allegations that he died as a consequence of police brutality.

The first public prosecutor was removed from this case in 1998, after allegedly suffering threats. No police have yet been prosecuted, despite the eye witness testimony and the conclusions of the second autopsy report. One of the excuses given for the failure to prosecute, is that the police station claims not to know who was on duty on the day Otávio dos Santos Filho was beaten. His family fear that the case has been shelved.

Otávio dos Santos Filho left a widow and two young daughters aged three and seven. If the state of São Paulo accepts responsibility for his death, then they will receive compensation.

There have been many reports of police brutality at DEPATRI, a large police station in the centre of São Paulo, which specialises in investigating crimes against property. In February 1998 members of the civil police’s Special Armed Unit for the Prevention of Robbery entered DEPATRI and allegedly beat many of the 356 prisoners held there, resulting in welts, lacerations, bruising and broken bones. After complaints by human rights groups, nearly 130 prisoners had their injuries recorded by the Forensic Medical Institute. A police investigation is currently underway. Amnesty International has received more complaints of ill-treatment since then.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Express concern at the death of Otávio dos Santos Filho, allegedly as a result of beatings received by police in São Paulo’s DEPATRI police station;
- Express concern that investigations into his death appear to have been shelved;
- Express concern that the official autopsy report appears to have attempted to cover up the cause of Otávio dos Santos Filho’s death;
- Call on the authorities to carry out a thorough and impartial investigation into Otávio dos Santos’ death, and for those implicated to be suspended from duty pending completion of legal proceedings;
- Call on the authorities to ensure that forensic doctors are provided with the training and resources necessary for the diagnosis of all forms of torture and other human rights violations.
- Note that the death of Otávio dos Santos Filho is one of many reports of ill-treatment of detainees in DEPATRI police station;
- Note that torture, ill-treatment and deaths of detainees are widespread throughout São Paulo’s prisons and police stations;
- Ask what strategy the authorities are implementing to monitor and prevent deaths in custody.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice
 Exmo Sr Ministro da Justiça do Brasil
 Dr. José Carlos Dias
 Ministério da Justiça

Esplanada dos Ministérios, Bloco 23
70064-900 - Brasília - DF - Brazil
Salutation: Vossa Excelência/ Your Excellency
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São Paulo state government:

State Secretary for Public Security

Exmo Sr Secretário de Segurança Pública do Estado de São Paulo
Dr Marco Vinício Pedrelluzzi
Secretaria de Segurança Pública
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Catholic Prison Ministry
Pastoral Carcerária
Praça da Sé 184, 11º Andar Conjunto 1101
01001-000 - São Paulo - SP - Brazil

You may also write letters of support to the family care of the Prison Ministry (address above). Please address your letters to: Família de Otávio dos Santos Filho

DEATHS IN CUSTODY IN BRAZIL

Every year, detainees die in state custody from a variety of causes, but the Brazilian authorities do not know who they are, how many they are, or what could have been done to prevent their deaths. Some die as a result of severe beatings or torture in custody. Others are extrajudicially executed by police called in to end a disturbance. Many prisoners, even those with a life-threatening condition, are deliberately denied medical care and die as a result. Some inmates are killed by other prisoners, whose reign of intimidation and violence is unhindered, or even encouraged, by the state authorities.

Ill-treatment by civil police and prison guards, such as that experienced by Otávio dos Santos Filho, is widespread in Brazil's police stations and prisons as a means of controlling detainees crammed into appalling conditions in overcrowded cells. The consequences of ill-treatment and unsanitary conditions can be fatal for detainees. No health care is provided within the system for the thousands of prisoners in police detention who rely on a police escort in order to be treated at a local health clinic. Prisoners are frequently beaten by police en route and returned in a worse state of health than when they left.

Amnesty International is concerned about the professional standards of conduct of some medical personnel linked to the prison system or police service. Some Brazilian prison doctors allegedly refuse

to touch their patients, and conduct only cursory visual examinations. Others have also neglected or refused to treat patients in their care. Some medical professionals working with the Forensic Medical Institute, generally linked to the security forces, have given apparently inaccurate or misleading information and conclusions on autopsy reports in cases of deaths in custody, possibly to disguise what could be deaths resulting from torture and ill-treatment, or from extrajudicial executions.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

If you would like to know more about Amnesty International's work for human rights in Brazil, please contact:

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International Secretariat,
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London WC1X 0DW,

or consult our website: <http://www.amnesty.org>

2) MARLI JOSÉ DA SILVA BARBOSA & ROSANA LAGE LIGERO

TORTURED AND SEXUALLY ASSAULTED

[Photo caption: © Private]

Marli José da Silva and Rosana Lage Ligerio, a lesbian couple, were tortured and sexually assaulted by civil police in the Piedade police station, Jaboatão dos Guararapés, Pernambuco state, when they were interrogated in connection with a murder inquiry in June 1996. Despite a national campaign for the torture allegations to be fully investigated and those responsible brought to justice, no action has been taken against the policemen involved.

On 24 May 1996, Joseth Pessoa Siqueira, the concierge in Marli and Rosana's apartment building, was murdered. Along with a number of other residents, the couple gave interviews to the police. A fellow resident appears to have accused them of carrying out the murder. They were called back to the police station on 19 June 1996 where they were split up, interrogated, and subjected to two days of torture - including the threat of rape - by a number of police officers, including the police chief.

Marli alleges that she was slapped and shoved by the police chief, who called her a "dirty black tart" and stole R\$ 250 from her wallet. She claims that he told her that Rosana had already accused her of the murder. However, when she refused to sign a confession, he slapped her on both ears. Another policeman then hit her on the soles of her feet and palms of her hands with a long strip of rubber cut from a car tyre (the so-called "viola"). The police chief returned with another policeman, saying "you see him - he loves to mess around with dykes". They both lowered their trousers and rubbed their penises in the face of Marli who was handcuffed. They threatened to remove her pants "so that you can learn to be a proper woman". She was also beaten with a truncheon.

Rosana alleges that she was also interrogated and slapped in the face by the police chief, and that she was also verbally abused in relation to her sexual orientation and her relationship with Marli. A second policeman came in and beat her on her feet and hands with the "viola". One of the policemen who had sexually threatened Marli took off Rosana's clothes and his own, then discovered that she was menstruating. He pulled her hair and rubbed his penis in her face.

The couple say that this treatment continued for two days, during which they were not permitted to drink, eat, wash or have contact with a lawyer. The police allegedly also asked for bribes. When they were finally allowed to wash under a water pipe it was in the presence of a policeman and male prisoners. They were finally able to speak briefly to a lawyer before being transferred to another police station, where they were held incommunicado for four days while their lawyers tried to discover their whereabouts.

When they were finally transferred to the women's prison, staff noted their visible injuries and tried to persuade them to have a medical examination. However, they refused - as in order to get to the Forensic Medical Institute, they would have had to travel with a police escort made up of the same police who had tortured them.

On 17 July 1996 they were taken from the prison for another interrogation session in the police station, which was stopped through the intervention of their lawyer and the prison governor. However, they were photographed against their will, apparently for the newspaper. When they protested they were beaten again.

They remained in prison for 11 months, charged with having hired a policeman and a taxi driver to murder the concierge. In a hearing before a judge, the couple alleged ill-treatment by the police, but the judge has not taken steps to investigate their allegations of torture, despite the existence of a medical

report and eye-witness testimony to their injuries by prison staff. An appeal against the judge's ruling that they must face a jury is pending in the Supreme Court of Justice.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Express concern at the allegations of torture by civil police of Marli José da Silva Barbosa and Rosana Lage Ligerio;
- Express concern that no action appears to have been taken, despite the seriousness of the allegations;
- Call for immediate, thorough and impartial investigations into the allegations;
- Call for the immediate suspension from duty of any police officers implicated pending the outcome of investigations, in line with the United Nations Human Rights Committee's recommendations under Article 20 of the Concluding Observations on Brazil's report on its implementation of the International covenant on Civil and Political Rights;
- Note that torture, of the kind suffered by Marli José da Silva Barbosa and Rosana Lage Ligerio, continues to be routine throughout Brazil;
- Call on the authorities to ensure that members of the security and penal services carrying out acts of torture are prosecuted for the crime of torture;
- Ask what strategy the authorities have in place to end the practice of torture.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Carlos Dias

Ministério da Justiça

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Pernambuco state government:

Governor

Exmo. Sr. Governador do Estado de Pernambuco

Sr. Jarbas Vasconcelos

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Secretary of Public Security

Secretário da Defesa Social do Estado de Pernambuco

General Adalberto Bueno da Cruz

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TORTURE IN BRAZIL

The use of torture to extract confessions is widespread in Brazil's police stations. One of the factors perpetuating the use of torture is that prosecutions are rarely thrown out of court on the grounds that a confession was obtained under torture. Torture can be difficult to prove: some prisoners are kept incommunicado for several days until their injuries heal, while certain methods used by the Brazilian police, such as asphyxiation, electric shocks and near drowning leave few visible signs. More significant, however, is the fact that torture is rarely reported, as the complaints procedures available to victims of torture are extremely weak. Where torture is reported the mechanisms for investigating allegations are entirely inadequate.

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 one police officer successfully being prosecuted for torture. The charge does not appear to be used by the public prosecution service - instead, police continue to be charged 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.

In 1996, the United Nations Human Rights Committee, in its concluding observations on Brazil's report on its implementation of the International covenant on Civil and Political Rights, called for "stringent measures" against impunity, including that the authorities "should ensure that ... those members of the [security] forces against whom allegations of [serious] offences are being investigated be suspended from their posts pending completion of the investigation." However, police officers implicated in human rights violations are rarely suspended from duty.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

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or consult our website: <http://www.amnesty.org>

3) POLICE STATIONS IN BELO HORIZONTE, MINAS GERAIS STATE

PRISONERS TORTURED AND INVESTIGATORS ATTACKED

[Photo caption: Detainees in the DERF. ©AI]

On 24 September 1999, public prosecutors making a surprise visit to one of Minas Gerais state's notorious police stations were attacked by police when they caught them torturing common prisoners in their care. This incident, which was witnessed by the local press, shocked local opinion. An inquiry has been opened and police have been suspended from duty. However, the practice of torture is deeply entrenched in police stations in Minas Gerais, and numerous incidents go unreported or uninvestigated.

Public prosecutors from the *Vara de Execuções Criminais* (the court that oversees prison sentences) made the surprise inspection after receiving a report that a prisoner had been tortured in the *Delegacia de Roubo e Furtos* (DERF), Theft and Robbery police station, in the state capital, Belo Horizonte, and that others were about to be tortured. Initially, they were denied access, even though the Prosecution Service is legally required to monitor the police. Eventually they were allowed in by the police chief, and discovered a range of instruments in a small bathroom on the ground floor, known to be used for torture sessions. These included wet towels (which are placed over the victims head), electrical devices from which bare wires protruded (for applying electric shocks), and a metal bar (from which victims are suspended upside-down by their ankles and wrists - the so-called "parrots perch" - *pau-de-arara*).

They found the prisoner, whose torture session had evidently just been interrupted by their arrival, back in his cells, with fresh marks on his body. The prosecutors identified 18 prisoners with marks consistent with torture. As they began to take names and details, police appear to have attempted to incite prisoners to riot, in order to have a pretext for removing the prosecutors from the cells area and preventing them from leaving the police station - although throughout this incident no prisoners actually left their cells. When they were finally allowed to leave, the police and jailers at the station subjected them to a barrage of abuse, and threatened them with firearms. Three other Prosecution Service employees waiting outside the station to ensure that police did not try and take torture victims out through other exits were also subjected to abuse: their car had been taken by police officers and returned covered with abusive graffiti with its tyres slashed.

The police chief and nine policemen have now been removed from their duties. The state attorney general has set up a special commission to investigate the treatment of the public prosecutors as well as the allegations of torture. However, Amnesty International is aware of several cases of torture, ill-treatment and "disappearance" in police stations in Belo Horizonte which the authorities have failed to resolve. For example, on 10 November 1998, Jorge Natale was arrested and taken to the DERF for questioning, "to a sort of bathroom where, after they made him strip naked, they tied his arms and legs and hung him from a metal pole over a trestle. Then they took a piece of rubber tied to a stick, beat him on the soles of his feet and on his head. Then they applied electric shocks to his scrotum, his buttocks, ribs, head, chest and arms. Then they soaked his shirt and wrapped it around his head so that he nearly suffocated, especially when they pushed his head under the shower.... in consequence of which he confessed to having taken part in the crime." As far as Amnesty International is aware, no action has been taken against his torturers. Amnesty International has also received reports of similar torture sessions in other police stations, including the *Departamento de Roubo de Veículos*, Vehicle Theft police station.

Prisoners have also "disappeared". In 1992, three Argentinian prisoners were tortured in custody. One, Carlos Fontecillo Bustos, died as a result. Another, Luis Goñi, remains "disappeared". On 8 June 1998 George de Assis and Guilherme Henrique were taken for questioning to the DERF. Witnesses have testified that the two were tortured. Neither has been seen since. The authorities claim that they were transferred to a prison and then released. On 25 November 1998, Wellington da Silva Ferreira

was arrested for questioning and has not been seen since. Two friends arrested with him and later released claim that they heard his screams, followed by silence. His mother and sister waited all night outside the police station, and in the morning were informed via the Judge Inspector's office that he had "escaped".

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Note that public prosecutors investigating allegations of torture in the DERF on 24 September were attacked by police;
- Welcome the opening of an inquiry into this incident, and the suspension of the police involved;
- Call on the authorities to ensure that police involved in acts of torture are charged with the crime of torture as made possible by its inclusion in the Brazilian penal code in 1997;
- Express concern, however, that this incident is a symptom of the routine use of torture in police stations in Minas Gerais;
- Express concern that a number of detainees have "disappeared" while in police custody;
- Ask what the authorities are doing to investigate and prosecute acts of torture and "disappearance" which occurred prior to the 24 September incident ;
- Ask what strategy the authorities are implementing to monitor and prevent deaths in custody and torture in police stations.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Carlos Dias

Ministério da Justiça

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70064-900 - Brasília - DF - Brazil

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Minas Gerais state government:

State Secretary for Public Security

Secretário de Segurança Pública do Estado de Minas Gerais

Dr Mauro Ribeiro Lopes

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30140-010 - Belo Horizonte - MG - Brazil

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State Attorney General

Procurador Geral do Estado de Minas Gerais

Dr Epaminondas Fulgêncio Neto

Procuradoria Geral de Justiça

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30170-001 - Belo Horizonte - MG - Brazil

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State Head of Civil Police

Diretor da Polícia Civil
Dr Nilton Ribeiro do Carvalho
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Catholic Prison Ministry
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30330-460 - Belo Horizonte - MG - Brazil

Public Prosecutors' Office

Promotoria de Justiça da Vara de Execução Penal
Av. Augusto de Lima 1549 Sala 3805, Bairro Preto
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TORTURE IN BRAZIL

The use of torture to extract confessions is widespread in Brazil's police stations. Torture and ill-treatment are also used to intimidate and exert control over prisoners crammed into cells that were not designed to hold large numbers of long-term prisoners. Overcrowding in Brazil's jails means that thousands of pre-trial and convicted prisoners are held in civil police station lock-ups where some of the most serious human rights violations occur.

One of the factors perpetuating the use of torture is that prosecutions are rarely thrown out of court on the grounds that a confession was obtained under torture. Torture can be difficult to prove: some prisoners are kept incommunicado for several days until their injuries heal, while certain methods used by the Brazilian police, such as asphyxiation, electric shocks and near drowning leave few visible signs. More significant, however, is the fact that torture is rarely reported, as complaints procedures available to victims of torture are extremely weak. Where torture is reported the mechanisms for investigating allegations are entirely inadequate. As this case illustrates, even public prosecutors, who have a legal duty to inspect the police and investigate allegations of torture, were prevented from doing their job.

Although torture is forbidden by the 1988 Federal Constitution, and has been formally characterized as a crime in law since April 1997, Amnesty International is aware of only one successful prosecution of police officer on a charge of torture. The charge does not appear to be used by the public prosecution service - instead, police continue to be charged 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.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

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4) JESSÉ CORREIA DE OLIVEIRA FILHO

KILLED BEFORE HE COULD IDENTIFY HIS TORTURERS

[Photo caption: © Private]

Jessé Correia de Oliveira Filho was one of the hundreds of Brazilians who are tortured by police each year. Like most people who are tortured, he feared reprisals from his torturers, and it was several weeks before he summoned up the courage to bring a complaint against the policemen involved. Despite intimidation by police he was determined that his case should be investigated. On 9 July 1999 - the evening before he was due to attend an identification parade to identify his torturers - he was shot dead in the street near his home in Recife, capital of Pernambuco state.

Six months before he died, on 27 January, Jessé Correia de Oliveira Filho had received a summons to appear at the *Delegacia de Polícia do Cordeiro* (Cordeiro Police Station) in connection with the theft of a sound system. When he arrived - with a lawyer - he was told that he was in fact being questioned about a homicide. He alleged that the policeman interviewing him hinted that the situation could be "resolved" with the payment of a bribe. However, Jessé Correia de Oliveira Filho insisted on following legal procedures and gave a statement.

A few days later he was arrested in the street and taken to the police station, where he was told to strip naked and left in a cell for several hours. Then he was taken to a room, where his hands were tied behind his back, and four policemen tried to force a confession out of him by repeatedly placing a plastic bag over his head and standing on him. On one occasion he passed out, and was resuscitated with a glass of cold water. Eventually he agreed to confess, and was coached in what to say in his statement to the police clerk, until they were satisfied that he had learned it off by heart.

Jessé Correia de Oliveira Filho was released later the same day, after a release payment had allegedly been negotiated between a lawyer and the police chief. His family claim that they paid R\$900 (about US\$500) via the lawyer for his release.

Following this incident, police appeared outside his house on several occasions in an intimidatory manner. Eventually, he brought an official complaint against the police. Shortly before he died, he was called in to the same police station to make another statement in connection with another homicide. While he was there the police let him know that they had received notice of his complaint, in what was a clear attempt to intimidate him. A few days later he was shot dead in the street by a hooded man in front of several witnesses. The witnesses have been too frightened of reprisals to come forward.

Following his death, policemen continued to display threatening behaviour towards Jessé Correia de Oliveira Filho's sisters, who were also witnesses in this case. The authorities have taken steps to protect the family, but have been unable to guarantee their safety in their own home, and they have been forced to move. Although an investigation has been opened, the policemen accused of torturing Jessé have been transferred to civil police headquarters.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or your own language:

- Express concern at the torture and killing of Jessé Correia de Oliveira Filho;
- Note that investigations into both the torture and killing of Jessé Correia de Oliveira Filho have been opened;

- Express concern at threats against members of Jessé Correia de Oliveira Filho's family, and note that as a result of threats they have been uprooted from their home;
- Call for the immediate suspension from duty of those police officers under investigation, in line with the United Nations Human Rights Committee's recommendations under Article 20 of the concluding observations on Brazil's report on its implementation of the International covenant on Civil and Political Rights;
- Note that torture, of the kind suffered by Jessé Correia de Oliveira Filho, continues to be routine throughout Brazil;
- Call on the authorities to ensure that members of the security and penal services carrying out acts of torture are prosecuted for the crime of torture;
- Ask what strategy the authorities have in place to end the practice of torture.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Carlos Dias

Ministério da Justiça

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Pernambuco state government:

Governor

Exmo. Sr. Governador do Estado de Pernambuco

Sr. Jarbas Vasconcelos

Palácio do Campo das Princesas, Praça da República. S/N

50010-040 - Recife - PE - Brazil

Salutation: Vossa Excelência/ Your Excellency

Fax: +55 81 224 8826

Secretary of Public Security

Secretário da Defesa Social do Estado de Pernambuco

General Adalberto Bueno da Cruz

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52031-080 - Recife - PE - Brazil

Salutation: Exmo. Sr./ Dear Sir

Fax: + 55 81 241 9155

Police Ombudsman

Exmo. Sr. Ouvidor Geral do Estado

Dr. Frederico Carlos Barbosa

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52050-000 - Recife - PE - Brazil

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Human rights organization

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TORTURE IN BRAZIL

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If you would like to know more about Amnesty International's work for human rights in Brazil, please contact:

Amnesty International,
International Secretariat,
1 Easton Street,
London WC1X 0DW,

or consult our website: <http://www.amnesty.org>

5) CASA DE DETENÇÃO, CARANDIRU PRISON COMPLEX, SÃO PAULO

"ARE WE STILL HUMAN BEINGS?"

[Photo caption: Isolation cell, Casa de Detenção. © AI]

"For all the prisoners here, convicted or not, life here is unbearable! Even during the night you sleep uneasily, because you never know for certain if something is going to happen. You live from one day to the next, and witness unimaginable violence between detainees. Why is there no one who will do something about it? Throughout these months that I have been in the House of Detention, I have witnessed police killing prisoners in cold blood during a revolt. I have been caught up in flying bullets, shot by a policeman with a machine-gun. I have seen prisoners kicked and beaten by the police, while they were already lying heavily wounded on the floor. I was forced to watch prisoners killing someone under the shower and afterwards dancing on his body. I have witnessed someone's hands being cut off and killed afterwards with at least 20 knife-thrusts. Are we still human beings here in Carandiru? Or is it really that no-one bothers about us any more because we committed a crime?"
(Letter from a prisoner.)

The *Casa de Detenção*, House of Detention, in the middle of São Paulo city, is Latin America's largest prison, holding over 7,000 prisoners. The authorities make no pretence to be in charge of what goes on in this prison. A complex internal economy has developed in which prisoners can buy "privileges" which should be rights - a decent cell, for example. Those who cannot afford this, who have made enemies within the prison, or are being punished, are generally placed in worse conditions. Thousands of prisoners have not yet been convicted, and may be kept in appalling conditions for up to two years before coming before a judge.

In one wing of the prison, Amnesty International delegates saw up to 10 prisoners confined 24 hours a day in cells designed to hold a single inmate. Most air and natural light were blocked out by a metal plate fixed over the window, through which airholes were drilled, and the atmosphere was fetid and dank. The toilets in the corner of the cells were often blocked, and there was only a trickle of water with which to wash and clean the toilets. Rats and cockroaches thrive.

In another isolation wing, prisoners reported that the guards enter at night and beat them with iron bars and wooden sticks, and then soak the floor and mattresses with water so that they cannot sleep comfortably. A number of prisoners had marks and cuts which appeared consistent with beatings. An Amnesty International delegate saw a cupboard in the guards' room containing wooden sticks and iron bars - one of them had the words "human rights" written on it.

No one knows how many people die there every week. Some die from sheer medical neglect. Many are killed by fellow-inmates, as the prison is controlled by powerful gangs, and guards and police are easily paid to turn a blind eye. Prisoners are also killed by military police. On 24 March 1999, a military policeman patrolling the perimeter wall fired onto a patio crowded with prisoners and guards, killing the prisoner, John Robert Lamartine Soares. According to witnesses, the policeman had urinated on a prisoner sitting at the foot of the wall. When this prisoner swore at him, he opened fire. The policeman has not been charged.

Impunity continues to be a factor in perpetuating ill-treatment and killings within the prison system. No one has yet faced trial for a massacre on 2 October 1992, in which military police, called in to quell a rebellion, killed 111 prisoners and injured another 108. Evidence clearly showed that defenceless prisoners were massacred in cold blood, and the survivors forced to strip naked and made to run a gauntlet of military police who beat them with truncheons and set dogs on them. Wounded prisoners

were shot dead by the police, as were prisoners who had been forced by the police to remove the bodies from the cells, thus destroying witnesses and evidence.

Although the authorities claim that they intend to close the *Casa de Detenção* when their prison building program is complete, all those connected with the prison system doubt that this will happen. Prisoners moved on to other prisons are immediately replaced by prisoners brought in from São Paulo's critically overcrowded police stations.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Express concern at the appalling catalogue of human rights violations in the *Casa de Detenção*, including: deaths in custody at the hands of police, guards, fellow-prisoners, or from medical neglect; regular beatings of prisoners by guards; cruel, inhuman and degrading conditions of detention;
- Express concern that the authorities do not appear to have control either of prisoners, or of prison staff;
- Note that the authorities have promised that the *Casa de Detenção* will be closed and call upon them to proceed with this closure without undue delay;
- Call upon the authorities administering São Paulo's prison system to:
 - launch independent investigations into *all* deaths in custody and allegations of torture and ill-treatment;
 - set up an effective, independent and transparent monitoring system;
 - set up an effective complaints procedure to allow prisoners to report human rights violations without fear of reprisals;
 - provide all prison staff with the training and clear policy guidelines necessary for them to fulfil their duty to work towards the reform and rehabilitation of the prisoners in their care;
 - provide adequate free legal assistance to defendants without resources;
 - ensure that prisoners have access to physical and mental health care.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil
Dr. José Carlos Dias
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

São Paulo state government:

São Paulo State Governor

Exmo Sr Governador do Estado de São Paulo
Mário Covas
Palácio dos Bandeirantes
Av Morumbi 4500, Morumbi
05698-900 São Paulo - SP - Brazil
Salutation: Vossa Excelência/ Your Excellency
Fax: + 55 11 845 3738

Secretary of Prison Administration

Secretário de Administração Penitenciária do Estado de São Paulo
Dr João Benedito Azevedo Marques
Avenida São João 1247, 10º andar
São Paulo SP, CEP 01035-100, Brazil
Salutation: Exmo. Dr./ Dear Sir
Fax: + 55 11 225 4713

Copies:

Catholic Prison Ministry

Pastoral Carcerária
Praça da Sé 184,
11º Andar Conjunto 1101
01001-000 - São Paulo - SP - Brazil

A PRISON SYSTEM IN CRISIS

Approximately 170,000 ordinary prisoners are currently incarcerated in Brazil, in more than 500 prisons, thousands of police stations, and municipal jails. Many of these penal facilities are violent, life-threatening places. Prisoners live in constant fear of assault by other prisoners. Every year, scores of deaths in custody occur as a result of violence on the part of police and prison officers, denial of medical care, and negligence on the part of the authorities in preventing violence between detainees. The vast majority of these deaths in custody go uninvestigated and undocumented. Prisoners are also at risk of being beaten or tortured by prison officers and police. In a number of notorious cases, military police reacted to a prison disturbance, such as a riot or escape attempt, with excessive force and brutality, shooting prisoners dead, and injuring others. Special police forces sent in to search cells and contain disturbances have created a climate of terror, shooting randomly, beating and humiliating prisoners, and destroying their few possessions.

The Brazilian prison system is in crisis. Weekly riots and violent incidents suggest that prisons and police lock-ups are not being effectively administered, and that the authorities are not in full control of these penal establishments. Convicted prisoners remain in cramped, insanitary conditions in police stations for months, their transfer to prison delayed due to lack of space, inaction by the judiciary or corruption. Conditions of detention in many of Brazil's prisons and police stations are appalling, and amount to cruel, inhuman and degrading treatment and punishment. Detainees run the risk of contracting potentially lethal medical conditions such as tuberculosis or HIV, and those who suffer from such conditions are not adequately treated. Paraplegic prisoners have died in custody from medical neglect. Staffing levels are very low, and armed police are often used in place of trained, professional prison officers. The conditions in which children and women are held are not much better.

In response to the crisis, Brazil has embarked on a major prison construction program to reduce overcrowding. However, the structural flaws and systematic disregard for human rights have simply been exported to the new installations where riots and violence are already breaking out. The minority of prisons which do manage to safeguard the dignity and physical integrity of prisoners serve to highlight the chronic failure of the system as a whole. They also show that with political will improvements can be made on limited resources.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

If you would like to know more about Amnesty International's work for human rights in Brazil, please contact:

Amnesty International,
International Secretariat,
1 Easton Street,
London WC1X 0DW,

or consult our website: <http://www.amnesty.org>

6) THE ROGER PRISON, JOÃO PESSOA, PARAÍBA

A CATALOGUE OF VIOLENT DEATHS

[Photo caption: Polica conduct a cell-search in the Roger Prison. State authorities claim that this practice ended in 1999, however, measures to prevent it are insufficient. © O Norte]

On 29 July 1997 eight prisoners in Roger Prison in João Pessoa, capital of Paraíba state, were brutally killed after they had taken hostages in a failed escape attempt. The military police stormed the prison before negotiations had been completed; the hostages escaped and police shot and wounded the hostage takers. The police then withdrew shouting that they had "won a war". Prison officers and a number of inmates from the kitchens then took over, and used crowbars and knives to murder the injured prisoners. Most of the bodies were left with multiple stab wounds, slit throats and crushed skulls. One prisoner had been shot three times in the groin, another had his eye gouged out.

Although a number of police have been charged and removed from active duty as a result of the massacre, the authorities have failed to address the issues of prisoner-on-prisoner violence, and of killings of prisoners by police - usually during escape attempts - in the Paraíba penal system. As far as Amnesty International is aware, a series of violent deaths in Paraíba since the July 1997 massacre have not been investigated, and no steps have been taken to prevent further deaths.

The July 1997 massacre was followed by more violence in the Roger prison, leaving 11 dead and scores injured over a three-month period, including a further riot on 8 September 1997, in which 89 prisoners were stabbed and beaten by other prisoners, and in which at least one prisoner was raped by fellow inmates.

On 8 March 1999, two men, Jefferson Suelo Martins and Osias Belinto de Oliveira, died after being shot by military police guarding the perimeter wall of the Roger prison during an escape attempt. A month later on 17 April 1999, Edson Marcelino de Freitas and Wilson Roberto de Souza Santos were killed during an escape attempt and three other prisoners were injured. On 24 April in the Serrotão Campina Grande prison, two men, Wilson Candido de Souza and Edvaldo de Oliveira Sequeira, were killed during an escape attempt, followed on 16 May by the killing of Rubenaldo de Oliveira - again during an escape attempt.

When Amnesty International delegates were finally granted permission to visit the Roger prison in June 1999 (having been refused the year before) the newly-appointed prison director was unable to tell them how many deaths in custody had occurred that year, pointing vaguely to the case files, and saying "if a prisoner dies, it will be in his case file."

This spate of killings demonstrates that the authorities have effectively lost control of the prisons which suffer from low levels of staff who are not adequately trained to deal with prisoners. Conditions are appalling and there are high levels of overcrowding. There are no procedures in place aimed at preventing violence. Military police are clearly not trained in the appropriate use of force. An added complication is that while the state Secretary of Justice is responsible for the prisons, it is the Secretary of Public Security who is responsible for the police who guard the prison walls and who are called in during rioting. There appears to be no communication between the two Secretariats. When Amnesty International asked the Secretary of Justice for updated information on the prosecution case against police involved in the July 1997 massacre, he was unable to provide information, claiming it was outside his jurisdiction.

Amnesty International delegates had been refused permission to enter the Roger prison during a visit to Paraíba in 1998, on the basis of a bizarre *habeas corpus* petition filed by the prison's legal aid lawyers

which sought to prevent "foreign organizations" from "interrogating" prisoners in private and thereby "denying them the right to have a lawyer present". This was the only penal establishment to which Amnesty International was denied access outright.

Once allowed inside the Roger prison in June 1999, delegates found it to be in a very poor physical condition. Conditions are extremely unsanitary, with prisoners packed into leaking cells. Many of the sewer pipes are broken, spilling sewage into the prison yard. Piles of rubbish, including decaying food stuffs, lay in the prison yard. The triage and isolation cells where the July 1997 massacre took place are small, and windowless, with filthy and bloodstained walls and floors. The 600 prisoners (of which 265 are awaiting trial) have no work, or educational facilities. Prisoners claimed that they were forced to wait for days or weeks to see the prison doctor. They also alleged that the legal aid provided was insufficient and that petitions for benefits to which they are legally entitled were subject to intolerable delays in the *Vara de Execução Penal* (court responsible for sentencing).

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Express concern at the appalling catalogue of deaths in custody in prisons in Paraíba;
- Note that while criminal charges have been brought against police involved in the July 1997 Roger Prison massacre, there do not appear to have been any investigations into other deaths in custody;
- Call upon the authorities to launch full, prompt and independent investigations into *all* deaths in custody in order to ascertain the cause and manner of death;
- Call upon the authorities to introduce measures to reduce deaths in custody - including training police and prison guards in the appropriate use of force;
- Call upon the authorities to bring to justice any police officer or prison guard responsible for human rights violations;
- Express concern that the authorities in Paraíba do not appear to have control of prisoners, police or prison staff;
- Call upon the authorities to:
 - set up an effective, independent and transparent monitoring system;
 - set up an effective complaints procedure to allow prisoners to report human rights violations without fear of reprisals;
 - provide all prison staff with the training and clear policy guidelines necessary for them to fulfil their duty to work towards the reform and rehabilitation of the prisoners in their care;
 - provide adequate free legal assistance to defendants without resources;
 - ensure that prisoners have access to physical and mental health care.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Carlos Dias

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

Paraíba state government:

Paraíba Secretary of Justice

Secretário da Justiça e Cidadania

Dr Adalberto Targino de Araújo
Av João da Mata, s/n
Bloco II, 4º andar, Jaquaribe,
58015-020- João Pessoa - PB - Brazil
Salutation: Exmo. Dr./ Dear Sir
Fax: + 55 83 241 3465

Paraíba Secretary of Public Security
Secretário da Segurança Pública
Dr Pedro Adelson Guedes dos Santos
Avenida Hilton Souto Mayor, s/nº
Mangabeira I
58055-460- João Pessoa - PB - Brazil
Salutation: Exmo. Dr./ Dear Sir
Fax: + 55 83 238 5583

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Conselho Estadual de Defesa
dos Direitos do Homem e da Cidadão
Rua Profesora Alice Azevedo 461
2º Andar, Salas 272/276, Centro,
58013-480 - João Pessoa - PB - Brazil

A PRISON SYSTEM IN CRISIS

Approximately 170,000 ordinary prisoners are currently incarcerated in Brazil, in more than 500 prisons, thousands of police stations, and municipal jails. Many of these penal facilities are violent, life-threatening places. Prisoners live in constant fear of assault by other prisoners. Every year, scores of deaths in custody occur as a result of violence on the part of police and prison officers, denial of medical care, and negligence on the part of the authorities in preventing violence between detainees. The vast majority of these deaths in custody go uninvestigated and undocumented. Prisoners are also at risk of being beaten or tortured by prison officers and police. In a number of notorious cases, military police reacted to a prison disturbance, such as a riot or escape attempt, with excessive force and brutality, shooting prisoners dead, and injuring others. Special police forces sent in to search cells and contain disturbances have created a climate of terror, shooting randomly, beating and humiliating prisoners, and destroying their few possessions.

The Brazilian prison system is in crisis. Weekly riots and violent incidents suggest that prisons and police lock-ups are not being effectively administered, and that the authorities are not in full control of these penal establishments. Convicted prisoners remain in cramped, insanitary conditions in police stations for months, their transfer to prison delayed due to lack of space, inaction by the judiciary or corruption. Conditions of detention in many of Brazil's prisons and police stations are appalling, and amount to cruel, inhuman and degrading treatment and punishment. Detainees run the risk of contracting potentially lethal medical conditions such as tuberculosis or HIV, and those who suffer from such conditions are not adequately treated. Paraplegic prisoners have died in custody from medical neglect. Staffing levels are very low, and armed police are often used in place of trained, professional prison officers. The conditions in which children and women are held are not much better.

In response to the crisis, Brazil has embarked on a major prison construction program to reduce overcrowding. However, the structural flaws and systematic disregard for human rights have simply been exported to the new installations where riots and violence are already breaking out. The minority of prisons which do manage to safeguard the dignity and physical integrity of prisoners serve to

highlight the chronic failure of the system as a whole. They also show that with political will improvements can be made on limited resources.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

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or consult our website:
<http://www.amnesty.org>

7) FEBEM JUVENILE DETENTION CENTRES IN SÃO PAULO

CRUEL, INHUMAN, DEGRADING AND OUT OF CONTROL

[Photo caption: Boys rounded up after a riot in FEBEM in 1998. © Lourival Nonato/ ECA em revista]

Severe overcrowding in São Paulo's juvenile detention system forced a crisis in September 1999 when a spate of riots broke out. Within two weeks over 1,000 boys escaped from various detention centres in 12 separate incidents. Television scenes of hooded warders beating boys, and riot police firing rubber bullets at anxious relatives waiting for news outside the detention centres raised a public outcry that has highlighted years of neglect and abuse of young offenders. At the time of the writing of this appeal case, the crisis was continuing. In the most recent incident, on 24 October 1999, four boys were allegedly killed by fellow-inmates during a riot, which was apparently triggered off when detainees learned that police riot troops would replace warders who were planning a strike.

The *Fundação do Bem-Estar do Menor* (FEBEM), (Foundation for the Well-being of Minors), is the body that oversees the detention centres that house young offenders detained by court order in São Paulo. The number of detention orders has increased in recent years, and in August 1999 the two main FEBEM detention centres were stretched far beyond their capacity. Tatuapé centre - with a capacity for 800 - was housing 1460 boys. Imigrantes centre capacity had been exceeded more than four-fold, with a population of 1648 boys in a complex with the capacity for 364.

Amnesty International and other human rights organizations who have visited FEBEM centres have found conditions in these centres to be appalling. Boys sleep on filthy mattresses on concrete floors - often without sheets - two to three boys per mattress. The cells are so overcrowded that many have to sleep sitting up. Because boys are not permitted to go to the bathroom during the night, mattresses are soiled with urine. Even during the day, the sanitary provision is so poor (six broken toilets for a wing of 360 boys) that boys are sometimes forced to soil their clothes. One bar of soap is shared among dozens of boys, and they queue in order to be allowed to stand for 20 seconds under the shower. Most suffer from skin problems. They have nothing to do all day except sit around in the yard, without so much as a football. Capacity for basic literacy courses in Imigrantes centre is limited to 40 boys a day.

The boys are supervised by warders (*monitores*) who are severely understaffed (1 *monitor* to 80 boys) and undertrained. Boys report regular beatings by *monitores*, and told Amnesty International delegates that at night staff frequently slapped, punched and beat them with sticks and iron bars kept outside the main gates. The delegates found items which fit this description. Military police brought in to control break-outs have also beaten boys. In one incident, on 22 August 1999, 69 boys were hurt.

Although Brazilian law specifies that children should only be detained as a last resort, large numbers of young offenders are detained provisionally for up to 45 days by judges pending a court hearing. Most of the boys in the Imigrantes centre are in this situation. The limit for their provisional detention is often exceeded, and young offenders may find themselves detained for up to three months before receiving sentence. Once in detention they are not separated by age, seriousness of crime or by provisional or convicted status. Some judges have admitted that they use provisional detention deliberately to "frighten" young offenders out of crime, although statistics on re-offending demonstrate that this approach does not work. A recent report by a human rights organization estimates that 70% of the boys in the Tatuapé centre could have been given one of the five non-custodial corrective orders available to judges under Brazilian law. However, provision to enable such non-custodial corrective orders to be carried out is extremely limited.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Express concern at the routine ill-treatment of boys detained in FEBEM centres, and at the cruel, inhuman and degrading conditions under which they are held;
- Express concern that the recent spate of riots and break-outs indicate a loss of control of the FEBEM system on the part of the authorities;
- Express concern that military police and warders have used excessive force against boys trying to escape from FEBEM and their relatives, resulting in injuries;
- Call upon the authorities to ensure that allegations of ill-treatment by police or warders be thoroughly investigated, and those found responsible brought to justice;
- Call upon the authorities to ensure that all FEBEM staff and military police should be properly trained in the appropriate use of force in responding to incidents involving detainees;
- Express concern at the high rates of incarceration of juveniles in São Paulo;
- Call upon the authorities to examine ways to reduce the number of suspected young offenders detained pending a court's decision, and to reduce the number of children who receive custodial sentences for petty and non-violent offences;
- Note that the Brazilian *Estatuto da Criança e do Adolescente* (ECA) sets out in detail safeguards and provisions relating to the incarceration of minors, in line with international human rights standards;
- Express concern that the ECA appears to be largely ignored by juvenile courts and by the authorities administering the juvenile detention system;
- Call upon the authorities to implement the ECA in full, as required by Brazilian law.

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Carlos Dias

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

São Paulo state government:

São Paulo State Governor

Exmo Sr Governador do Estado de São Paulo

Mário Covas

Palácio dos Bandeirantes

Av Morumbi 4500, Morumbi

05698-900 São Paulo - SP - Brazil

Salutation: Vossa Excelência/ Your Excellency

Fax: + 55 11 845 3738

São Paulo Secretary for Social Assistance and Development

Exma Sra Secretária de Assistência e Desenvolvimento Social

Marta Teresinha Godinho

Rua Bela Cintra 1032, 11º Andar

014515-000 - São Paulo - SP - Brazil

Salutation: Exma. Sra. Secretária/ Dear Secretary

Fax: + 55 11 223 9346

Copies:

Conselho Estadual dos Direitos da Criança e do Adolescente (CONDECA)

Rua Antonio de Godoy 122, 7º Andar, Centro

01034-000 - São Paulo - SP - Brazil

CHILDREN IN DETENTION IN BRAZIL

Children convicted or suspected of committing a crime suffer many of the same human rights violations as adult detainees in Brazil. When they are picked up and questioned by police, they are frequently beaten and humiliated. Their legal rights are often ignored: their parents are not informed of their whereabouts; they may be held longer than the 24 hours in police custody allowed by law; and they are sometimes held in cells with adults. Many juvenile detention centres are effectively prisons, and are overcrowded and chronically understaffed, with cramped filthy cells and little to offer by way of education or training. Amnesty International has received many allegations of ill-treatment and beatings by members of staff. Some boys have been subjected to violence, including sexual abuse, by older juvenile detainees.

Young offenders are defined by Brazil's *Estatuto da Criança e do Adolescente* (ECA), Children and Adolescents Statute, as children between the ages of 12 and 17 who have committed any criminal act under the adult penal code. Children do not receive a criminal sentence, but rather one of six types of "socio-educational" correctional orders: warning; reparation of damage; community service; probation; day release; and detention. Suspected juvenile offenders may be detained at a juvenile facility for up to 45 days pending a juvenile court's decision. The ECA stipulates that the decision to detain children pending a court decision should only be used as a last resort, yet custodial sentences for children are overused by some courts, and children are also more likely than adults to receive a custodial sentence for the same criminal offence.

A number of children have reportedly been arrested for activities which are not, in fact, against the law.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

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International Secretariat,
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London WC1X 0DW,

or consult our website:

<http://www.amnesty.org>

8) DEGASE JUVENILE DETENTION CENTRES IN RIO DE JANEIRO

ILL-TREATMENT AND SEXUAL ABUSE

[Photo caption: Educandário Santo Expedito juvenile detention centre. © Custódio Coimbra, O Globo]

For years, boys detained in juvenile detention centres in Rio de Janeiro have suffered ill-treatment and cruel, inhuman and degrading conditions. Some have also suffered sexual abuse. Despite efforts on the part of the authorities to improve conditions, and to implement a training program for staff working with young offenders in conjunction with the University of Rio de Janeiro, they are failing to protect the basic human rights of young offenders.

The *Departamento Geral de Ações Socio-Educativas* (DEGASE), (General Department for Socio-Educational Measures), is the body that oversees the detention centres that house young offenders detained by court order in Rio de Janeiro. There are three units for boys: Escola João Luis Alves (EJLA) and Educandário Santo Expedito (ESE - formerly known as Muniz Sodré), both housing convicted young offenders; and Instituto Padre Severino (IPS), housing boys awaiting a court hearing and sentence. Another unit, the Escola Santos Dumont, houses girls.

Amnesty International has received reports of beatings and ill-treatment in all of these units. In a visit by Amnesty International to the ESE and the IPS in June 1999, boys alleged that they were regularly beaten by *monitores* (warders). A strict set of rules is employed in these units. For example, boys are known by number, not by name; they must walk with their hands behind their backs; and when ordered, must line up in order of age. One boy interviewed by AI in the ESE reported being taken by *monitores* to a room where he was beaten around the head and stomach, apparently because he allowed a boy younger than himself to stand in front of him in the line.

The ESE - a discarded adult prison building, deployed after a riot destroyed the EJLA in 1997 - is completely unsuitable as a juvenile detention centre. In a previous visit by AI delegates in 1998, four to five boys were found to be sleeping in tiny decaying cells on wet floors. The authorities assured AI at the time that the use of this building was only a temporary measure. However, it has now been officially incorporated into the DEGASE system. Although the wings have now been painted, and overcrowding has been reduced (two boys to each one-bunk cell), conditions are still poor, and there are no recreational or educational facilities whatsoever, and boys spend the entire day locked up in the wings.

While the IPS has more educational and recreational facilities, boys continue to report ill-treatment by *monitores* and the use of a punishment cell in which boys may be locked up for several days. In September 1999, the IPS director was arrested, after being caught *in flagrante* sexually abusing a boy. A number of other boys reported sexual abuse by the director. There have been previous incidents of sexual abuse within the DEGASE system. In March 1996 evidence came to light that boys in the EJLA were being sexually abused by a group of older boys convicted of violent offences. They acted in league with a *monitor* who lent them his gun and took photos of the sexual abuse of the younger boys.

Families of boys killed and injured on New Year's Eve 1996 are still waiting for compensation. Two boys set fire to a mattress after staff locked the 190 boys up early and went and held a party in another part of the building. As the fire spread, boys attempted to escape. Military police and members of staff gave chase, dragging those they caught back to the IPS. One boy's badly burned back clearly showed the imprint of the boot of a military policeman who had deliberately stamped on his burns. In the first 24 hours after the fire, many of the teenagers were refused medical assistance and were kept in the IPS. At least 45 boys suffered third-degree burns, one died the day after the fire, and five more in the

ensuing days. Such urgent medical care as was provided came from local human rights groups. Police and *monitores* have not been held accountable for negligence and ill-treatment.

Amnesty International has also received reports of the use of a punishment cell in the newly reconstructed EJLA. Recently, in September 1999, the Secretary of Justice was forced to dismiss the newly appointed Coordinator of DEGASE, when information came to light that in 1995 he had beaten six girls in the Escola Santos Dumont - one of whom was pregnant - with a piece of wood studded with nails.

WHAT YOU CAN DO

Write politely worded letters, preferably in Portuguese, otherwise in Spanish, if fluent, or in your own language:

- Note that the Brazilian *Estatuto da Criança e do Adolescente* (ECA) sets out in detail safeguards and provisions relating to the incarceration of minors, in line with international human rights standards;
- Welcome the implementation, in conjunction with the University of Rio de Janeiro, of a training program for staff working with young offenders;
- Express concern, however, at reports of continued ill-treatment of children detained in DEGASE centres, including beatings, confinement in punishment cells and sexual abuse;
- Call upon the authorities to ensure that they also address the issue of impunity within DEGASE and that all allegations of ill-treatment by warders be thoroughly investigated, and those found responsible brought to justice;
- Express concern that young offenders continue to be held in conditions which violate their rights under the ECA and under international human rights law;
- Call upon the authorities to ensure that all young offenders are held in conditions commensurate with the ECA;
- Express concern at the high rates of incarceration of juveniles in Rio de Janeiro;
- Call upon the authorities to examine ways to reduce the number of suspected young offenders detained pending a court's decision, and to reduce the number of children who receive custodial sentences for petty and non-violent offences;

ADDRESSES FOR APPEALS:

Federal Government:

Minister of Justice

Exmo Sr Ministro da Justiça do Brasil

Dr. José Carlos Dias

Ministério da Justiça

Esplanada dos Ministérios, Bloco 23

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CHILDREN IN DETENTION IN BRAZIL

Children convicted or suspected of committing a crime suffer many of the same human rights violations as adult detainees in Brazil. When they are picked up and questioned by police, they are frequently beaten and humiliated. Their legal rights are often ignored: their parents are not informed of their whereabouts; they may be held longer than the 24 hours in police custody the law allows; and they are sometimes held in cells with adults. Many juvenile detention centres are effectively prisons, and are overcrowded and chronically understaffed, with cramped filthy cells and little to offer by way of education or training. Amnesty International has received many allegations of ill-treatment and beatings by members of staff. Some boys have been subjected to violence, including sexual abuse, by older juvenile detainees.

Young offenders are defined by Brazil's *Estatuto da Criança e do Adolescente* (ECA), Children and Adolescents Statute, as children between the ages of 12 and 17 who have committed any criminal act under the adult penal code. Children do not receive a criminal sentence, but rather one of six types of "socio-educational" correctional orders: warning; reparation of damage; community service; probation; day release; and detention. Suspected juvenile offenders may be detained at a juvenile facility for up to 45 days pending a juvenile court's decision and large numbers of young offenders are detained on this basis. The 45-day limit for their provisional detention is often exceeded, and young offenders may find themselves detained for up to three months before receiving sentence. Once in detention they are not separated by age, seriousness of crime or by provisional or convicted status. The ECA stipulates that the decision to detain children pending a court decision should only be used as a last resort, yet custodial sentences for children are overused by some courts, and children are also more likely than adults to receive a custodial sentence for the same criminal offence. A number of children have also reportedly been arrested for activities which are not, in fact, against the law.

For more information about the treatment of detainees in Brazil's police stations and prisons, consult Amnesty International's detailed report, *Brazil: 'No one here sleeps safely' - human rights violations against detainees* (AI Index: AMR 19/09/99), published in June 1999.

If you would like to know more about Amnesty International's work for human rights in Brazil, please contact:

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