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BRAZIL

Police brutality against AIDS awareness activist

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This document details police brutality against an HIV/AIDS¹ community activist in Brazil. Claudio Orlando dos Santos, a gay man, who was developing full-blown AIDS and who worked on HIV prevention with transvestite prostitutes, was beaten by the military police and subsequently hospitalised. He died in hospital. The police inquiry into his ill-treatment was closed and no-one was ever charged.

Amnesty International is concerned at the general failure of the Brazilian authorities to bring to justice police who commit human rights violations. In addition, the organization has documented many cases of police brutality against individuals who belong to "socially marginal" urban groups such as street children, the homeless, prostitutes and sexual minorities, and those who are involved in advocacy and outreach work with these groups. Human rights violations by police against these groups are very often inadequately investigated and rarely result in the prosecution and conviction of those responsible.

Brazil has the highest absolute number of AIDS cases in Latin America, and ranks third in the world. Some 50% of notified AIDS cases are concentrated in the conurbations of Rio de Janeiro and São Paulo. The World Health Organisation has estimated that by the year 2000 the state of São Paulo will have at least 250,000 people with AIDS/HIV. The World Bank is currently financing one of the most far-reaching and ambitious AIDS control and prevention projects ever developed. The US\$ 300 million project specifically supports NGOs and community based organizations in delivering services and information to commercial sex workers, street children and intravenous drug users. Claudio Orlando dos

¹ Human Immuno-Deficiency Virus (HIV) and Acquired Immuno-Deficiency Syndrome (AIDS).

Santos was involved in this type of community and grassroots activity as an outreach worker providing HIV prevention services to a particularly vulnerable and socially marginalised group, that of transvestite prostitutes.

***"I was handcuffed, humiliated, dragged, treated like an animal."
Claudio Orlando dos Santos, Florianópolis, June 1994.²***

Claudio Orlando dos Santos, an AIDS activist from southern Brazil, alleged that he was beaten up and verbally harassed by Florianópolis Military Police officers, on 24 May 1994. He was 30 years old at the time and President of the Florianópolis Association for the Defence of Homosexual Rights (*Associação de Defesa dos Homossexuais de Florianópolis*), in Santa Catarina, a non governmental organization. He was working on AIDS prevention with transvestite prostitutes in Florianópolis.

On 24 May 1994, Claudio Orlando dos Santos was distributing condoms to the transvestites in the Avenue Ivo Silvera, Capoeiras neighbourhood, Florianópolis, on behalf of the Santa Catarina health authority. At 9pm Military Police arrived and the transvestites who were in the area ran away. According to a letter Claudio Orlando dos Santos wrote to the president of the Brazilian Lawyers Association in Santa Catarina, dated June 1994, the Military Police officers began to harass him and threatened to arrest him. He ran to a public telephone and called the Captain of the Military Police, Edsom Luiz, Coordinator of *Centro de Operações da Polícia Militar, COPOM*, to report what had happened. The Military Police officers came back and started to beat him with truncheons and kick him. After he lost consciousness, he was handcuffed and moved, in the boot of the Military Police vehicle, to the 8th Civil Police Precinct, where he was again beaten and insulted by the Military Police, and his personal belongings destroyed. A Civil Police officer who witnessed his ill-treatment at the hands of the Military Police allegedly did nothing to prevent what was happening and told Claudio Orlando dos Santos that "human rights inquiries never got anywhere"³. The Military Police initially prevented Claudio Orlando dos Santos from making a formal complaint. However, he was later released and he filed a complaint against the Military Police officers.⁴

Claudio Orlando dos Santos, who was HIV-positive and was already beginning to develop full blown AIDS, was subsequently admitted to hospital with severe gastroenteritis, possibly brought on by being ill-treated by the police. He remained in hospital until his death on 3 November 1994. It is alleged by his mother, who reported the attack to the press, that after the incident Claudio Orlando dos Santos was threatened by the same Military Police officers at least twice whilst he was in the hospital, as a consequence of having filed a complaint against them. He reported that he was feeling psychologically harassed.

² Extract from the letter sent by Claudio Orlando dos Santos to the President of the Brazilian Lawyers Association, in Santa Catarina, dated June 1994.

³ Ibid.

⁴ Complaint filed n° 432/94.

AIDS affects the body's immune system and its capacity to fight off disease and infection. This leaves the body very vulnerable to "opportunistic" infections, which can cause severe debilitation and even result in death. Traumatic events can lower still further the body's already weakened resistance to infection. Therefore, the trauma suffered by Claudio Orlando dos Santos when he was beaten up by police may well have contributed to a lowering of his body's defences to infection, and thus to his eventual death.

According to reports received by Amnesty International, the military police investigation was closed because of lack of evidence, and therefore no police officer was ever charged or brought to trial in connection with the beating of Claudio Orlando dos Santos. He was beaten up by military police in a civil police station, and his ill-treatment was allegedly witnessed by a Civil Police officer who did nothing to stop the abuse.⁵

In Brazil, the military police itself investigates human rights violations committed by members of the military police.⁶ Amnesty International has urged the Brazilian authorities for many years to ensure that all human rights violations committed by police are thoroughly and independently investigated by an agency other than that to which those involved in the incident belong.

KEYWORDS: COMMUNITY WORKERS1 / TORTURE/ILL-TREATMENT1 / POLICE / HOMOSEXUALS / AIDS/HIV / INVESTIGATION OF ABUSES / PHOTOGRAPHS /

⁵ In Brazil, policing falls mainly under the authority of the state governments. The military police carry out policing on the streets, and arrest criminal suspects. The Civil Police have responsibility for investigating crimes.

⁶ In December 1996 jurisdiction for intentional homicide committed by the Military Police was transferred to civilian courts. However, this case would probably not be classified as one of "intentional homicide".

Please send courteously worded airmail letters, telegrams or otherwise English, Spanish or French, or in your own language if you are a member of Amnesty International.

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM

Please write to the Secretary of Public Security by the following points:

- ✓ explain that Amnesty International is a worldwide organization active in all countries that you have campaigned on in order to bring attention to human rights on all countries and not only on Brazil;
- ✓ express concern about the allegations of ill-treatment of Orlando dos Santos by Military Police officers (give names if possible);
- ✓ ask whether there was a Civil Police investigation into the case; if not, whether an officer reportedly witnessed Claudio Orlando dos Santos being ill-treated by officers;
- ✓ call for a thorough, independent and impartial investigation into the case by Military Police.

Secretary of Public Security, Santa Catarina

Exma. Sra. Secretária de Segurança Pública do Estado de Santa Catarina
 Lúcia Maria Stefanovich
 Secretaria de Segurança Pública
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Salutation: Sra. Secretária

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