

13 December 2000

Further information on UA 243/00 (AMR 19/21/00, 16 August 2000) and follow-up (AMR 19/22/00, 23 August 2000) - Fear for safety / Torture

BRAZIL

Dona Iraci Oliveira dos Santos (f)

José (not his real name), aged 16, son of the above

One of the police officers accused of torturing 16-year-old "José" apparently attempted to intimidate him when he went to the state capital to receive specialist medical treatment for the psychological trauma he suffered as a consequence of the torture.

On 6 December his mother, Dona Iraci Oliveira dos Santos, arrived with him and his cousin in Belém, the capital of Pará state, where José is receiving specialist medical treatment for the psychological trauma he suffered while being tortured by police in June 1999. The state authorities, who have been ordered by a judge to pay for Jose's medical treatment, had chosen the family's hotel. However, as they were leaving the hotel, they saw a van cruise slowly by and stop for a few moments. Seeing Jose's alleged torturer with another man in the van, they were extremely scared and went back inside the hotel. They have since moved to a different residence.

A local human rights organization has established that the authorities knew José's alleged torturer would be in Belém when José was to arrive in the city to begin treatment. Despite this, they apparently took no steps to prevent any acts of intimidation or threats.

The accused police officer was transferred from Xinguara police district to the state capital, where he is now reportedly working at the *Delegacia de Menores*, a police station dealing with juveniles. It is extremely worrying that the authorities have failed to suspend those accused of torturing José pending the outcome of a judicial investigation into the case, and that at least one of those accused have been transferred to a post where he might place other minors at risk of torture or ill-treatment.

José was arrested by the civil police in the town of Xinguara in June 1999. He was tortured and suffered severe mental and physical trauma as a result. Since an investigation was opened into the case, José and his mother have been harassed and intimidated by those accused of the torture. As a result of national and international pressure calling for them to be protected, the two officers accused of the torture were eventually transferred from the town of Xinguara, although they were not suspended from duty. The result of the judicial investigation is pending.

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

- calling on the authorities to take effective action to guarantee the safety of Dona Iraci Oliveira dos Santos and her son, known as "José", and to ensure that they are not intimidated or threatened;
- expressing your concern that the authorities have failed to prevent one of José's alleged torturers from attempting to threaten and intimidate him;
- expressing your dismay that one of the alleged torturers has been transferred to a position where he might put others at risk, and repeating your calls for all those under investigation to be immediately suspended from active service, pending the outcome of the investigation;
- noting that the continuing practice of transferring police officers accused of human rights violations within the service is placing others at risk and could constitute criminal liability on the part of the authorities;
- asking to be kept informed of progress in the investigation into the torture of José, and calling for all those found responsible to be brought to justice.

APPEALS TO:(If a voice answers a fax number, please ask for "*sinal do fax, por favor*")

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Minister of Justice

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COPIES TO:

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and to diplomatic representatives of<Brazil accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 24 January 2001.