
amnesty international

BRAZIL

The Candelária trial: a small wedge in the fortress of impunity

July 1996
63/01/99

SUMMARY

AI INDEX: AFR

DISTR: SC/CO/GR/PO

In July 1993 a gang of hooded men opened fire on a group of over 50 street children who were sleeping rough near the Candelária Church in Rio de Janeiro city. Seven children and one young adult were killed. The murder of street children in one of Rio de Janeiro's most prominent landmarks caused a national and international outcry. As a result, the authorities moved swiftly to investigate the killings and three military police officers and one civilian were charged with the murders. Subsequent investigations have implicated five other military policemen in the Candelária massacre, two of whom were indicted in June 1996. Investigations have focused on eyewitness identifications by survivors of the massacre.

In April 1996, the first trial in the case, Marcos Vinícius Borges Emanuel, a 29 year-old military policeman, was sentenced to a total of 309 years imprisonment for his part in the massacre. This sentence was subsequently reduced to a total of 89 years imprisonment at a retrial on 26 June 1996. No trial dates have yet been set for the other men who have been charged.

Amnesty International regards the conviction of Marcos Vinícius Borges Emanuel, one of the military policemen involved in the massacre, as a small step towards combatting Brazil's almost universal impunity for human rights violations. Despite this conviction, the organization remains concerned by the failure of the authorities to effectively investigate other extrajudicial executions and bring those responsible to justice. The organization also remains concerned that the authorities have failed to make adequate provision for the protection of witnesses to such

killings, including witnesses to the Candelária massacre. Only one witness to the massacre has received the full protection of the federal authorities, following a second attempt on his life in December 1994. The majority of the witnesses have returned to the streets where they are at risk of intimidation, and are too afraid of repercussions to testify in court.

KEYWORDS: INVESTIGATION OF ABUSES / MASS KILLING / STREET CHILDREN / ATTEMPTED KILLING / EXTRAJUDICIAL EXECUTION / IMPUNITY / WITNESSES / JUVENILES / HUMAN RIGHTS DEFENDERS / HUMAN RIGHTS ACTIVISTS / POLICE / PARAMILITARIES / LEGISLATION / TRIAL OBSERVATION /

This report summarizes a 14-page document (5,400 words), ; *Brazil: The Candelária trial: a small wedge in the fortress of impunity* (AI Index: AMR 19/20/1996) issued by Amnesty International in July 1996. Anyone wishing for further details or to take action on this issue should consult the full document.

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

amnesty international

BRAZIL

The Candelária trial: a small wedge in the fortress of impunity



July 1996
AI Index: AMR 19/20/1996
Distr: SC/CO/GR

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

BRAZIL

The Candelária trial: a small wedge in the fortress of impunity

THE CANDELÁRIA CASE

On 23 July 1993 a gang of hooded men opened fire on a group of over 50 street children who were sleeping rough near the Candelária Church in the centre of Rio de Janeiro city. Seven children and one young adult were killed. Four boys died instantly, a fifth was killed as he ran away. Three others were abducted in a car and two of them shot dead in the nearby Aterro do Flamengo gardens. One young adult died of his wounds four days later. Another young adult, Wagner dos Santos, who had been left for dead in the Aterro do Flamengo, survived a shooting in the face.¹

The murder of street children in one of Rio de Janeiro's most prominent landmarks caused a national and international outcry. As a result, the authorities moved swiftly to investigate the killings and three military police officers and one civilian were charged with the murders shortly after the massacre in 1993.

The charges against the four men were based mainly on the testimony of survivors of the massacre. Yet, despite repeated appeals by Amnesty International and other non-governmental organizations to the state and federal authorities to provide protection and a place of safety for the children who witnessed the massacre, many witnesses continue to sleep on the streets where they have been repeatedly threatened, allegedly by members of the military police. Only one witness, Wagner dos Santos, was afforded full federal protection, following a further attempt on his life in December 1994.

A total of nine men have now been implicated in the Candelária massacre: three military policemen and one civilian who were indicted in 1993; four further military policemen who were detained in April 1996, two of whom have since been indicted; and one other military policeman - killed in an unrelated incident in 1994. The first trial in the case, of one of the military policemen indicted in 1993, was conducted on 29 and 30 April 1996.²

The first Candelária trial

On 29 April 1996 the trial of **Marcos Vinícius Borges Emanuel**, a 29 year-old military policeman, on charges of aggravated homicide, attempted homicide, and other serious crimes, was opened. The following day Marcos Vinícius Borges Emanuel was sentenced to a total of 309 years imprisonment for his participation in the killings of seven street children and one youth outside the Candelária Church. Because his sentence is over 20 years he had the right to an automatic re-trial. As a result, his sentence was reduced to a total of 89 years imprisonment at his re-trial on 26 June 1996. Under Brazilian law he will be subject to a maximum prison term of 30 years.

¹See Appendix I for a chronology of the Candelária case.

² See Appendix II for a list of those implicated in the Candelária massacre.

In passing the original sentence on 30 April 1996 the judge said:

“The abhorrent nature of the crimes attributed to the defendant, driven by the shameful aim of exterminating socially marginalized children; the cruel manner in which they were executed, whereby defenceless victims faced a merciless death; the resulting irreparable consequences, including those experienced by the victims who survived, who will have to live for ever with the traumas of that night of terror and barbarism. All this leads inevitably to a judgement of the most profound condemnation.

These crimes, which disregard human rationality and strike at the very heart of universal justice, justify the application of maximum sentences. Here, the fact that the defendant is a first-time offender loses all relevance, since the carrying out of these actions reveals a violent personality lacking the most minimal sense of solidarity, and displaying a total contempt for the dignity of human life.”

[Amnesty International’s translation]

“A hediondez dos fatos imputados ao Réu, norteados pelo infamante propósito de exterminar menores socialmente marginalizados; a forma cruel como foram eles executados, quando as vítimas indefesas foram colocadas diante de uma expectativa inapelável da morte; as conseqüências irreparáveis advindas, inclusive para as vítimas sobreviventes, que terão de suportar para sempre os traumas vividos naquela madrugada de terror e barbárie. Tudo isto conduz, inevitavelmente, ao mais profundo juízo de reprovabilidade.

Estes fatos que negam a própria racionalidade humana e agridem a consciência jurídica universal justificam a aplicação da norma sancionatória básica no seu grau máximo. Aqui, perde qualquer relevância a primariedade básica do Réu, visto que a prática de fatos deste jaez revelam uma personalidade violenta e destituída de um mínimo sentimento de solidariedade, com total desprezo à dignidade e à vida do homem.”

Amnesty International sent two observers, Sir Ronald Wilson, ex-Justice of the Higher Court of Australia (Australia’s highest court), and an Amnesty International staff member, to observe the 26-hour trial on 29 and 30 April 1996. The trial was held according to Brazilian legal procedures.

Of the witnesses to the massacre who had previously submitted testimony, all but one were too afraid to testify in court. The only witness to do so was **Wagner dos Santos**.

In the original trial on 29 and 30 April 1996 Marcos Vinícius Borges Emanuel was found guilty of participation in six aggravated homicides, five attempted homicides, two fatal woundings and one serious wounding. Marcos Vinícius Borges Emanuel confessed in court to one of the killings. The jury accepted the prosecution's case that he was a co-participant in the entire massacre. At his retrial on 26 June 1996 Marcos Vinícius Borges Emanuel was cleared of four of the charges of aggravated homicide, and sentenced to 30 years each for the murder of two street children, **Valderino Miguel de Almeida**, aged 14, and “**Gambazinho**”,

aged 17. His sentence has now been reduced to a total of 89 years imprisonment - 60 years for the two aggravated homicides, and 29 years of the original sentence³.

After the trial of military policeman Marcos Vinícius Borges Emanuel on 29-30 April 1996, Amnesty International commented that it considers his conviction to represent "an encouraging but small wedge in the fortress of impunity for human rights violations in Brazil."

The trial of the three other men indicted in 1993 - two military policemen and one civilian - has been postponed. They were all released on 14 May 1996 pending trial. No date has yet been set for their trial. The two military policemen indicted in June 1996, both of whom have confessed to involvement in the massacre, are expected to be tried in August 1996. Amnesty International will monitor these forthcoming trials. In addition, the organization will continue to monitor investigations into the Candelária massacre and to call for all those responsible to be brought to justice.

Continuing judicial investigations

Shortly before the trial of Marcos Vinícius Borges Emanuel three further military policemen were detained in connection with the massacre, and a fourth military policeman came forward to confess his participation in the killings. In all, of the eight military policemen implicated in the massacre, three have now confessed to their involvement: Marcos Vinícius Borges Emanuel, and two of the four military policemen detained in April 1996.

Survivors of the massacre testified to the involvement of two cars and five to eight participants in the massacre. However, the three military policemen who have now confessed to the massacre allege that only one car and four military policemen were involved - themselves and a military policeman, nicknamed *Seixta Feira 13*, (Friday 13th), because of the terror he instilled in street children. *Seixta Feira 13* was himself killed in 1994. All three who confessed to involvement in the massacre place the burden of responsibility on this, now dead, military policeman. In maintaining this version of events in their confessions the three military policemen clear of responsibility the two military policemen and one civilian who were indicted in 1993 and who are still awaiting trial.

AMNESTY INTERNATIONAL'S CONCERNS

Witness protection

The prosecution of the Candelária case rests on the identification of the defendants by survivors of the massacre. The testimony of witness Wagner dos Santos was crucial in bringing about the conviction of military policeman Marcos Vinícius Borges Emanuel, but he was only able to testify in safety after securing the protection of the federal government, following a further attempt on his life which left his face partially paralysed (See *Brazil: The Candelária Massacre and Wagner dos Santos*, AMR 19/11/95, July 1995 and *Brazil: Witness protection: Wagner dos Santos*, AMR 12/24/95, October 1995). He is now in hiding

³ Only sentences of over 20 years qualify for automatic re-trial. The 29 years carried over from Marcos Vinícius Borges Emanuel's original sentence represents a total of the sentences of less than 20 years each that had been given for the serious and fatal wounding.

abroad under Federal Government protection, from where he returned briefly to Brazil in April 1996 in order to testify in the trial of Marcos Vinícius Borges Emanuel. All the other witnesses to the massacre were too fearful of repercussions to testify in court, and most have returned to the streets.

The Candelária case has highlighted the urgent need for a witness protection program in Brazil. Amnesty International has repeatedly called on the Brazilian authorities to introduce an effective witness protection program. The organization has documented many cases where witnesses to human rights violations have been threatened and, in some cases, killed⁴. The resulting fear often leads witnesses to withhold their evidence, making it hard to bring those responsible for human rights violations to justice, thereby perpetuating the climate of almost universal impunity in Brazil for such violations. Amnesty International believes that an effective witness protection program could help to break this cycle of impunity.

Despite the good will shown by the Federal Government in the case of Wagner dos Santos, Amnesty International is concerned that it is not giving the need for witness protection the priority it deserves. In November 1994 the government presented draft legislation to Congress designed to protect witnesses. However, the draft legislation was withdrawn by the current government in April 1996, ostensibly for "improvements". The Chamber of Deputies' Human Rights Commission commented that such "improvements" could have been made during its passage through Congress and that the withdrawal has had the effect of delaying the process, since the new draft will need to pass through several committee stages, a procedure which the first draft had already completed.

On 13 May 1996 the Brazilian Federal Government launched a National Human Rights Program. However, instead of committing itself to cooperation between federal and state governments⁵ in setting up and implementing a national witness protection program, the program merely proposes:

Supporting the creation in the states [of the federation] of programs for the protection of victims and witnesses of crimes, who are exposed to grave danger as a result of their collaboration or statements made in police investigations or criminal proceedings. [Amnesty International's translation]

Apoiar a criação nos Estados de programas de proteção de vítimas e testemunhas de crimes, expostas a grave e atual perigo em virtude de colaboração ou declarações prestadas em investigação ou processo penal.

Amnesty International supports the setting up by individual states of their own witness protection programs. However, this does not obviate the need for a federal witness

⁴See Appendix III for a list of witnesses who have been killed.

⁵Brazil is a federative republic with 26 states and a federal capital, Brasília. Each individual state has a state governor and state secretary for police, justice, and other branches of government. Individual states have a large degree of autonomy. The main police forces - the military and civil police - are state police forces answerable to each state's authorities. Whilst the investigation and prosecution of human rights violations is the responsibility of state authorities, the Brazilian Government at the federal level has responsibility for ensuring that human rights are respected throughout the country.

protection program to take up cases that cannot be addressed at the state level. A federal program should make provision for a coordination role for state programs, and for the transfer of witnesses from one state to another for their own safety. Furthermore, the political and legal commitment to witness protection varies from state to state, and therefore state level protection may not always be adequate. In the case of human rights violations committed by agents of the state, the authorities and police agents from the state in which the violations were committed may not be an appropriate source of protection to the witness or victim. This is demonstrated in the case of Wagner dos Santos, who was under Rio de Janeiro state protection⁶ when he was abducted and shot, allegedly by Rio de Janeiro military policemen, in December 1994.

Impunity

The fact that the Candelária case came to court at all, and that a conviction was secured against a military policeman, are important steps forward in the fight against impunity in Brazil. However, this was the trial of only one of the defendants in a complex and high profile case. In many other cases involving the killing of children and adolescents police investigations are not completed and cases never reach the courts. The widespread impunity enjoyed by those responsible for human rights violations in Brazil remains a principal concern of Amnesty International.

Most military policemen accused of human rights violations are only tried before special military courts, which have been slow to bring convictions. In the Candelária case, since police were presumed to be acting off-duty and not in uniform, they were charged by civilian courts. Amnesty International and other human rights organizations have long recommended that military police be answerable to civilian courts for human rights violations. The Brazilian Federal Government committed itself in its May 1996 National Human Rights Program to transferring jurisdiction from military to civilian courts for such cases. However, a week before the Program was launched, legislation designed to effect such a transfer, and which had already been passed in the Chamber of Deputies, was effectively halted by the Brazilian Senate as a result of changes made to it.

BACKGROUND: VIOLENT DEATHS IN THE STATE OF RIO DE JANEIRO

Killings of children and adolescents in Rio de Janeiro state since 1993

At the time of the brutal Candelária massacre it was believed that the attention drawn to the case would act as a watershed in terms of halting police and death squad violence against children and adolescents, thereby ending impunity for such violence. The massacre was also thought of as a potential catalyst for mobilizing Brazilian society to address a social climate in which poor children and adolescents are vulnerable to violence. Yet, since 1993 the number of children and adolescents violently killed in Rio de Janeiro state has risen dramatically. Some of these deaths are due to confrontational policing methods and to death squad activities.

⁶ In Rio de Janeiro city, the capital of the state of Rio de Janeiro, the Municipal Chamber recently voted to allocate funds to a municipal witness protection program for the city, but Amnesty International has no information that any steps have been taken towards implementing such a program.

Statistics for killings of children and adolescents in Brazil are notoriously incomplete. Investigations into such killings are rudimentary, if carried out at all, and much of the information collated lacks important evidence about the circumstances, manner and cause of death. For example, the statistics do not indicate whether the victims were killed as a result of private confrontations, gang fights, confrontations between police and armed drugs gangs, or in extrajudicial executions by the police or death squads. In the majority of cases there is no information about the perpetrators. Nor do the figures indicate the social origins of the victims - for example, whether or not they are street children. However, complementary studies by both the courts and non-governmental organizations have shown that street children make up only a small proportion of those killed - the vast majority of those killed are poor adolescents who live at home. These studies also show that the majority of victims are aged between 15 and 17.

Despite the difficulties in gathering information, figures from the 2nd Branch of Rio de Janeiro's Child and Adolescent Court (*2ª Vara da Infância e Adolescência do Tribunal de Justiça do Rio de Janeiro*) confirm a rising trend in violence in the state of Rio de Janeiro. In 1992, 450 homicides of children and adolescents were registered in Rio de Janeiro. Homicides were previously recorded as a separate category, but since 1994 this is no longer the case. In the absence of the category of homicide, figures for death by gunshot may provide the nearest equivalent. The 2nd Branch of Rio de Janeiro's Child and Adolescent Court has recorded that of a total of 1,138 violent deaths in 1995, 55.18% were from gunshots - giving a total of 628. This represents an increase on the 1994 figures: of 1,226 violent deaths in 1994, 46% or 574 were from gunshots.

In its analysis of these figures the court has emphasised that there has been a change in the pattern of killings with fewer death squad killings and more attributed to the drugs trade, to gang fights and to shoot-outs with police on duty. However in the absence of full investigations into all such killings, accurate information on the circumstances, manner and cause of death is lacking, as is the identification of the perpetrators. This not only promotes impunity, but hinders efforts to determine the full circumstances surrounding the killing.

In its National Human Rights Program, launched on 13 May 1996, the Brazilian Government committed itself to setting up national and state monitoring systems to collate statistics on human rights violations against children and adolescents. Amnesty International has recommended that, in addition, the authorities should collect and maintain statistics relating to progress in investigations and prosecutions for these killings. Amnesty International has also recommended that necessary resources, both human and material, be provided to enable official human rights bodies, including agencies for the protection and welfare of children, to play their designated role in preventing and investigating human rights abuses.⁷

Increased killings by Rio de Janeiro on-duty police personnel

Statistics on violent crime have risen dramatically in the state of Rio de Janeiro over the past years. The homicide rate for the state rose from 2,826 in 1980 to 8,408 in 1994. In 1995 the

⁷ *Beyond Despair: An agenda for human rights in Brazil*, AMR 19/15/95, September 1994.

homicide rate for the city of Rio de Janeiro rose 10.4% from 5,446 in 1994 to 6,012 in the first ten months of 1995.⁸

The increase in violence is largely attributable to the growing activity of armed drug gangs, and to the confrontational policing methods introduced to deal with this activity. High crime rates and open armed battles between rival drug gangs for territory, and between the police and drug gangs resulting in deaths of by-standers in cross-fire, have caused panic among the civilian population with regard to their safety. This often leads to public support for violent policing methods.

The current administration of State Governor Marcelo Alencar has used the language of a “war against crime” to describe the authorities’ public order campaign. Residents in shanty towns have suffered the brunt of this “war” - with military police entering shanty towns and reportedly firing arbitrarily in their attempts to control drugs gangs. Drugs gangs themselves have exercised methods of intimidation to extend their control over territory in different shanty towns. Citizens in the shanty towns are thus caught between two fires. They also suffer from prejudiced attitudes equating shanty town dwellers with criminals, when the vast majority of shanty town dwellers are ordinary law-abiding people.

The Rio de Janeiro police has started publicly reporting the number of fatal shootings in which its forces are involved whilst on duty. This has revealed a dramatic increase in the use of lethal force on duty, and in particular, since the current State Secretary of Public Security, General Nilton Cerqueira, took office in May 1995. Whilst from January to May 1995 military police reportedly killed an average of 3.20 people each month, since General Cerqueira took office on 18 May 1995 this monthly average has increased to 20.55, an almost 700% increase.

Police authorities claim that all these killings took place in the context of confrontations with heavily armed criminal suspects, mostly linked to the drugs trade. Amnesty International and other internationally recognized human rights organizations have received reports of several cases indicating that unarmed civilians were extrajudicially executed. An analysis of 201 killings between January 1995 and February 1996 by the newspaper *Jornal do Brasil*, has shown that 75% of the killings occur in shanty towns; that in the majority of cases the victims are not identified other than being classified as “*marginais*”, “marginals” or “*criminosos*”, “criminals”. In 14 such cases, there was no mention of the victims being in possession of weapons of any kind.

The police themselves face significant risks in attempting to fight drugs gangs that are heavily armed with sophisticated weapons, and police fatalities and injuries are high. However, they appear to be operating in a climate in which the kind of confrontational policing methods which leave both police and civilians vulnerable to death and injury are encouraged. A number of public declarations by Rio de Janeiro’s Secretary of Public Security, General Cerqueira, indicate that these confrontational methods are being directly stimulated by the state authorities. For example in September 1995, General Cerqueira was reported as declaring, “*O policial tem que dar o primeiro tiro. Depois confere*”, “The policeman has to fire the first shot. Then he checks”.

⁸The City of São Paulo also has a high homicide rate, with a 1995 average of 49.8 homicides per 100,000 inhabitants of the population. In the city of Rio de Janeiro this rate was 53 per 100,000 inhabitants between January and September 1995.

Colonel Marcos Paes, the commander of the 9th Military Police Battalion of Rocha Miranda, the battalion responsible for the highest number of fatal shootings - 75 between January 1995 and February 1996 - declared, "*Nosso desafio é exterminar os santuários do crime.*" "Our challenge is to exterminate the sanctuaries of crime".

In November 1995 the Rio de Janeiro state government introduced decree 21.753 whereby police involved in exceptional acts of bravery are decorated with medals and given an average pay increase of between 50% and 150%. Since then, in monthly public ceremonies, the Secretary of Public Security, the Commander of Military Police and the Chief of Civil Police read out citations, award medals and pay-rises to police involved in armed confrontations. These citations invariably end with the total of civilians killed by the individual receiving the award. Between November 1995 and April 1996, 257 such awards were given.

Amnesty International is aware of the problems faced by the Rio de Janeiro state authorities in maintaining public order and controlling crime. However, the organization believes that the authorities must at all times and in all places fully respect and uphold the human rights of everyone.

Appendix I

Chronology of Candelária case

1993

23 July

A group of gunmen - some hooded - opened fire on a group of about 50 street children sleeping rough beside Candelária Church in the heart of Rio de Janeiro, killing seven children and one youth. The names and ages of the victims are:

Paulo Roberto de Oliveira, 11
Anderson Thome Pereira, 13
Marcelo Candido de Jesus, 14
Valderino Miguel de Almeida, 14
“Gambazinho”, 17
“Nogento”, 17
Paulo José da Silva, 18
Marcos Antonio Alves da Silva, 20

Soon after, four men were arrested after being identified by one of the survivors.

September

Amnesty International expressed concern for the safety of child witnesses who, after having identified suspects in court, were returned to the streets where they were subjected to death threats and other forms of intimidation.

1994

February

Three military policemen were charged with the killings.

May

A further suspect was detained. Witnesses were called to make a further face-to-face identification. The suspect was subsequently charged. Amnesty International continued to call for measures to ensure the safety of witnesses.

9 December

Wagner dos Santos, aged 22 at the time of the massacre, a key witness who was shot in the face and left for dead during the massacre, suffered another attempt on his life. He was found unconscious with several bullet wounds. On recovering consciousness, he told the authorities that he had been abducted by a group of plainclothes policemen near the *Casa da Testemunha*, Witness House, a safe house where he was living under state protection. He said that the policemen handcuffed him and took him near to the railway station where, after beating him, they shot him several times and left him for dead. Wagner dos Santos said that the policemen made it clear that they were shooting him for having identified their colleagues in the killings.

1995

April

Amnesty International's Secretary General, Pierre Sané, visited Wagner dos Santos in hospital. Despite being discharged in January, Wagner dos Santos had to remain in hospital for his own protection. He

reported threats against him in hospital. Partly as a result of pressure from Amnesty International, he was moved to another hospital where he received an operation to mend a severed nerve in his jaw.

- May After being discharged from hospital, Wagner dos Santos was given military police protection in the Rio de Janeiro state Witness House. However, conditions at the Witness House were extremely poor and Wagner dos Santos felt isolated and imprisoned.
- 15 September Depressed by the conditions at the Witness House, and fearful of the consequences of appearing in court, after which he believed he would not be adequately protected, Wagner dos Santos reportedly cut his wrists, leaving superficial injuries.
- 21 September Wagner dos Santos visited the II Jury Court House in Rio de Janeiro and expressed his wish to be excused from further appearances in court and his desire to be able to lead a normal life. He said that he would keep in contact with the court and consider further appearances later, provided he received adequate protection.
- 28 September Wagner dos Santos left the city of Rio de Janeiro and travelled to a secret destination, assisted by non-governmental organizations, without police protection. He had to move location on several occasions.
- 26 October Following national and international appeals and considerable media coverage, the federal authorities agreed to provide Wagner dos Santos with a place of safety to ensure his well-being.
- Despite the difficult circumstances under which Wagner dos Santos had been living, he agreed to give evidence in court. On this occasion he recognized through photographs another four military policemen (not previously implicated) suspected of participating in the Candelária massacre.
- December Wagner dos Santos was moved to a place of safety outside Brazil.
- 1996**
- April Wagner dos Santos and Michael André de Aguiar agreed to appear in court to testify for the prosecution. Michael André de Aguiar subsequently withdrew his offer
- 12 April Arrest warrants were finally issued against the four further military policemen who had been identified by Wagner dos Santos in October 1995. Three were taken into custody. A fourth presented himself to the court, confessed to participation in the massacre, and was also taken into custody.
- 29/30 April Marcos Vinícius Borges Emanuel was tried and sentenced to a total of 309 years imprisonment for his participation in the massacre.

- May Another of the military policemen arrested in April confessed to participation in the massacre.
- The three men detained in 1993 and indicted for participation in the massacre were released pending trial.
- 10 May Two of the four military policemen arrested in April 1996 were released without charge.
- June The two military policemen arrested in April 1996 who confessed to involvement in the massacre were indicted. They are expected to be brought to trial in August 1996.
- 26 June The case of Marcos Vinícius Borges Emanuel was submitted for re-trial. His sentence was reduced from a total of 309 years imprisonment to a total of 89 years imprisonment. He retains the right of appeal.

Appendix II

Persons implicated in the Candelária massacre

I. Detained in 1993

1. Military Policeman Marcos Vinícius Borges Emanuel - identified by Wagner dos Santos. He has confessed to involvement in the massacre. He was tried and sentenced to a total of 309 years imprisonment on 29 April 1996. At a re-trial on 26 June 1996 this sentence was reduced to a total of 89 years imprisonment.
2. One military police lieutenant - identified by Wagner dos Santos in 1993. The identification was reaffirmed by Wagner dos Santos in April 1996. He was released in May 1996 pending trial. He has returned to work at the 5th Military Police Battalion, where he is said to be exclusively on desk duty.
3. One military policeman - released in May 1996 pending trial. He has returned to work at the 5th Military Police Battalion, where he is said to be exclusively on desk duty.
4. One civilian - identified by child witnesses. He was released in May 1996 pending trial.

II. Detained in April 1996

5. One military policeman - identified by Wagner dos Santos as having shot him in the face during the massacre. He was released without charge on 10 May 1996. A gun found on 12 April 1996 in his uncle's house is being tested to ascertain if it was used in the massacre.
6. One military policeman - released without charge on 10 May 1996.
7. One military policeman - indicted after confessing to involvement in the massacre and remains in detention. He is expected to be tried in August 1996.
8. One military policeman - presented himself to the court. Indicted after confessing to involvement in the massacre and specifically to shooting Wagner dos Santos in the face during the massacre. He remains in detention. In formal identification procedures Wagner dos Santos said that he did not recognise him. He is expected to be tried in August 1996.

III. Killed in 1994

9. One military policeman, nicknamed *Seixta Feira 13*, (Friday 13th) - three military policemen who have confessed to involvement in the massacre place the burden of responsibility on him.

Appendix III.

Extrajudicial executions of witnesses and death threats against human rights defenders

There are numerous cases of reported extrajudicial executions committed by members of state police forces where witnesses have been eliminated. The following are only a sample of the cases taken up by Amnesty International.

‘Doge’ – extrajudicially executed in March 1986 two weeks before he was due to testify to the involvement of four police in his torture and that of his friend **Cleber Goulart**, in Porto Alegre, Rio Grande do Sul, in 1985. The other witness, Cleber Goulart, was extrajudicially executed by police in May 1987, also in Porto Alegre.

Silas da Conceição - extrajudicially executed after denouncing the torture and “disappearance” in police custody of **Pedro de Almeida**, in Belo Horizonte, Minas Gerais, in October 1989.

Roberto Carlos da Costa and **Natalino José Batista** - extrajudicially executed after denouncing their torture in police custody, in Sapopemba, São Paulo, in September 1992.

Wilson Brito dos Santos - extrajudicially executed in November 1992 after denouncing the extrajudicial execution of his friend **Ademir Barbosa Correia**, and attempted extrajudicial execution of himself by military police in February 1992, in Salvador, Bahia.

Edmeia da Silva Euzébio - killed in circumstances which suggest an extrajudicial execution in January 1993 after testifying in court to police involvement in the “disappearance” of her son and ten friends in July 1990, in Rio de Janeiro.

Numerous witnesses to human rights violations have received death threats or suffered attempts on their lives.

Human rights activists are similarly the target of death threats. For example, **Caio Ferraz**, the administrator of the *Casa da Paz*, a community centre set up in the house where eight people died in the Vigário Geral massacre in Rio de Janeiro in 1993, after receiving a series of death threats.

Court officials in such cases are also at risk. State prosecutors and judges in human rights cases have been the subject of death threats and plots on their lives. In many cases those making the threats have been able to gain access to restricted telephone numbers in order to carry out the threats, suggesting that they have been passed privileged information as a result of complicity with elements within the police forces.