

AMNESTY INTERNATIONAL

Public

AMR 19/030/2005 December 2005

BRAZIL - APPEAL CASE

Four men shot dead by military police in Morro do Borel, Tijuca, Rio de Janeiro

All these events took place on 17 April 2003.

Carlos Magno de Oliveira Nascimento was just 19 years old when he died. A Swiss resident, he was spending his holidays in Brazil with his grandmother. On the afternoon of 17 April, he went to have his hair cut with his childhood friend, 19-year-old **Tiago da Costa Correia**. As they came out of the hairdresser's they were gunned down by police positioned on a nearby roof. Carlos Magno died immediately; Tiago was badly wounded but survived. For half an hour he writhed around on the ground, crying out for help. According to one newspaper report, the police responded to his pleas by shouting back that he was a criminal ("*bandido*"), and that he was going to die. While police stood by, Tiago bled to death.

Carlos Alberto da Silva Ferreira, 21, had three jobs: he was a painter and decorator, a builder, and in the summer he worked on allegoric floats for the Rio carnival. On 17 April, he had the day off. On the way home from playing football, he decided to go to the hairdresser. That was when the shooting started. As he ran from the scene, he was hit by a bullet in the head.

Everson Gonçalves Silote, 26, was a taxi driver. On 17 April, after sorting out documents for his car in town, he returned to Borel. He was walking up a hill when he was approached by police. He tried to identify himself, but he was shot five times before he could produce his papers.

As is often the case with police killings, the deaths of these young men were designated as *autos de resistência* (records of resistance) – a term which implies legitimate self defence on the part of the police. Their version of events was that the four men were drug traffickers killed in a shoot-out. This was subsequently discredited by official autopsies that showed the men were killed with shots to the back and the head.

With no knowledge of the legal processes involved, and poorly advised by a lawyer, relatives did not report the killings for over a month. An investigation was only undertaken following public demonstrations by family members and residents of Borel. By then, scene-of-the-crime evidence had been disturbed and forensic evidence was compromised.

Of the sixteen police who were involved in these incidents, five were charged. Two have so far been absolved; families of the victims are appealing the ruling.

In response to the killings, the families of the young men set up the "*Posso me identificar?*" (Can I identify myself?) campaign, named after the attempts that the young men made to identify themselves to the police before they were shot. The relatives subsequently joined with the families of other communities to form the *Rede de Comunidades e Movimentos Contra a Violência* (Network of Communities and Movements against Violence) a group of relatives of victims campaigning against human rights violations at the hands of police officers in the socially excluded communities of Rio de Janeiro.

TAKE ACTION

Write to the Brazilian authorities:

Express your concern regarding the Borel killings and the failure to fully investigate these incidents of suspected extra-judicial executions.

- say that inadequate investigation of police killings is contributing to high levels of impunity.
- state that the government has a responsibility to ensure the security of all its citizens and that policing based on human rights violations and social discrimination have failed to bring protection to a large part of the population;
- call on the government to take specific steps towards reforming public security policy, focusing special attention towards the high level of killings by police in Rio de Janeiro, and the apparent lack of investigations into them.
- urge the government to end of the use of the *autos de resistência*, (records of resistance) for victims of police interventions, to be replaced by a register of cases of police killings, which should be fully and independently investigated.

Please send letters to:

Rio de Janeiro State Public Security Secretary
Exmo. Secretário de Segurança do Rio de Janeiro

Sr. Marcelo Zaturansky Nogueira Itagiba
Secretaria de Segurança Pública
Av. Presidente Vargas, 817 - 15º andar - Centro
20071-004 - Rio de Janeiro - RJ
Brasil
Salutation: Exmo. Sr. Secretário

Secretary of Rio de Janeiro State for Human Rights

Secretário de Estado de Direitos Humanos
Coronel PM Jorge da Silva
Av. Presidente Vargas, nº 817 - 26º andar
20.071-004 Rio de Janeiro - RJ
Brasil
Salutation: Exmo. Sr. Secretário

Send copies of letters to:

Sub-Secretary of State for Human Rights:

Exmo. Subsecretario de
Direitos Humanos
Sr. Mário Mamede Filho
Subsecretaria da Secretaria-Geral da
Presidência
Esplanada dos Ministérios
Bloco T
70064-900 - Brasília - DF
Brasil
Salutation: Vossa Excelência

⇒ **Publicize this case in your national and local news media**

For more information on the issues involved in this case, see the AI report *Brazil: "They come in shooting" - policing socially excluded communities*. (AMR 19/025/2005, December 2005).

AMNESTY INTERNATIONAL

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AMR 19/030/2005 December 2005

BRAZIL - APPEAL CASE

Four shot dead by military police in Caju, in the north of Rio de Janeiro

This event took place on 6 January 2004.

On the night of 6 January, 2004, **W. D. G. de M. (13)**, **J. C. P. de J. (16)**, **Flávio Moraes de Andrade (19)**, **E. M. de A. (17)** and **José Manoel da Silva (26)** were sitting in a bar playing dominos when two policemen burst in. The boys tried to identify themselves but were reportedly brought down by a hail of bullets. The sister of **W. D. G. de M.**, Elizabeth Maria de Souza, described the aftermath: "in front of the Ribeiro market" there was "a lot of blood on the ground and pieces of brain and hair" and "walls smeared with blood" ("*... em frente ao mercado Ribeiro... muito sangue espalhado no chão e pedaços de cérebro e cabelo no local... paredes sujas de sangue...*").

The following morning, three of the five bodies were found in the neighbourhood - dumped in a mud patch behind a bus company office. They were left there for hours before being collected by the forensics team – the Medical Legal Institute (*Instituto Médico Legal*). While the families waited by the bodies, the police watched on, one taunting them: "One less pig for us to arrest" ("*Menos um porco para a gente prender*").

An inquiry was launched into the incident; however the police responsible for the killings continue working in the community and the victims' families have been given no protection by the state. The investigation is currently stalled because crucial forensic evidence has gone missing.

On 2 June 2005, **Luis Manoel da Silva**, brother of José Manoel da Silva, was reportedly executed by members of a military police unit who entered the community with their faces camouflaged. On calling at the civil police station to report the incident, Elizabeth was informed that Luis Manoel had been killed in a shoot-out and that his death had been registered as an "*auto de resistencia*" (record of resisting arrest). However, witnesses to the incident contradicted this version of events.

In the wake of the killings, the community formed a group – the *Mães do Caju* (Mothers of Caju) – campaigning for justice for the victims of the killings and against police violence and intimidation. The *Mães do Caju* have now linked up with other communities in the *Rede de Comunidades e Movimentos Contra a Violência* (Network of Communities and Movements against Violence). Like many human rights defenders in Brazil, the campaigners have since faced threats and intimidation from the police. In April 2005, Elizabeth Maria de Souza told Amnesty International that she feared for her safety and that of her three daughters.

TAKE ACTION

Write to the Brazilian authorities:

Express your concern regarding the Caju killings and the failure to fully investigate these incidents of suspected extra-judicial executions.

- say that inadequate investigation of police killings is contributing to high levels of impunity.
- state that the government has a responsibility to ensure the security of all its citizens and that policing based on human rights violations and social discrimination have failed to bring protection to a large part of the population;
- call on the government to take specific steps towards reforming public security policy, focusing special attention towards the high level of killings by police in Rio de Janeiro, and the apparent lack of investigations into them.
- urge the government to end of the use of the designations *resistência seguida de morte* (resistance followed by death) and *autos de resistência* (records of resistance) for victims of police interventions, to be replaced by a register of cases of police killings, which should be fully and independently investigated.

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Secretary of Rio de Janeiro State for Human Rights

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AMR 19/030/2005 December 2005

BRAZIL - APPEAL CASE

Operation Saturation, Jardim Elba

These events took place in August-September 2005.

At five o'clock in the morning of 28 August 2005, members of São Paulo's military police invaded Jardim Elba, a *favela* in Sapopemba in the east of São Paulo. According to reports, the police entered by helicopter, in cars and on horse-back. Members of social movements from Sapopemba described the scene in a public statement:

"There were many police and many cars. It was as if there was a war. Police invading our "*favela*" from top to bottom and from bottom to top. The officers who walked up were like army patrols, while others descended by ropes from helicopters, occupying the whole *favela*. The streets were cordoned off, as the military [police] on horseback blocked all pedestrian access."

During the operation, codenamed Saturation [*Saturação*], there were numerous human rights violations committed by the police, including: entering houses without warrants; abusive and violent searches of women – often by male police; threatening behaviour, such as holding guns to the heads of residents; damage to property and petty theft.

In more specific cases, a five year old girl had her leg broken after being reportedly trodden on by a military police officer. In another serious incident, a young woman was allegedly tortured by police in her own home. According to the Sapopemba Centre for Human Rights [*Centro de Direitos Humanos do Sapopemba*], police found some drugs in a raid of the young woman's house. Instead of arresting her, they tortured her there and then, applying electric shocks to her breasts. They also prevented a neighbour from alerting the young woman's mother as to what was going on.

Operation Saturation fits into a pattern of discriminatory policing in São Paulo's poor neighbourhoods. What happened in Jardim Elba is symptomatic of a two-tiered public security system in which poorer communities are criminalised, treated as the enemy, and subject to illegal police practices that would never be tolerated in wealthier districts.

As a group of teenagers from the Jardim Elba community wrote in a letter to the authorities: "The police call members of our community low-lives, idiots, bums and criminals. We are human beings and we deserve respect... Above all we want to be able to access our rights." [*Os policiais chamam os moradores de vagabundos, idiotas, safados e marginais. Somos seres humanos e merecemos respeito... Desejamos, acima de tudo, acesso aos direitos.*"]

TAKE ACTION

Write to the Brazilian authorities:

Express your concern about the use of large scale police invasions, like “Operação Saturação”, recently carried out on the *favela* of Jardim Elba, São Paulo, which fail to bring security to the community or improve relations with the police.

- state that the government has a responsibility to ensure the security of all its citizens and that policing based on human rights violations and social discrimination have failed to bring protection to a large part of the population;
- call on the government to take specific steps towards reforming public security policy, focusing special attention on illegal practices used in socially excluded communities;
- urge the government to end of the use of “*mandatos de busca e apreensão coletivos*” (“generalised search and arrest warrants”) served on *favela* communities for police operations in socially excluded communities.

Please send letters to:

São Paulo Public Security Secretary

Exmo. Secretário de
Segurança Pública do
Estado de São Paulo
Sr. Saulo de Castro Abreu Filho
Secretaria de Segurança Pública
Av. Higienópolis 758
01238-000 - São Paulo - SP
Brasil
Fax: + 55 11 3823 5708 / 3291-6834
Salutation: Exmo. Sr. Secretário

São Paulo Secretary of State for Justice
Exmo. Secretário de Estado da Justiça
Sr. Hélio Silva Júnior
Pátio Do Colégio, 148/ 184
01016-040 - São Paulo/SP

Brasil
Fax: (11) 3242-9582
Salutation: Exmo. Sr. Secretário

Send copies of letters to:

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Subsecretaria da Secretaria-Geral da
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