

PUBLIC

AI Index: AMR 19/013/2006

30 March 2006

UA 71/06 **Forced eviction/use of excessive force**

BRAZIL **468 families**

The municipal authorities in São Paulo are preparing to forcibly evict 468 families who have occupied a derelict building in the centre of the city for over two years, to clear the site for commercial development. The police have a history of using excessive force during similar evictions, and Amnesty International believes the families are in grave danger. No alternative accommodation has been arranged for them, and they are likely to be made homeless. Under international law forced evictions - carried out without consultations, due process of law or assurances of adequate alternative accommodation - are a grave violation of human rights.

The families, who originally numbered over 1,000, are mostly migrants from other parts of Brazil and other countries in South America. They moved into the building, a 22-storey abandoned clothes factory called Prestes Maia, on 3 November 2003. It had been empty for over 12 years, and had become known for drug-dealing and prostitution. Working with a local NGO, the *Movimento Sem-Teto do Centro* (MSTC), Homeless Movement of Central São Paulo, the families cleaned out the building, removing 300 truckloads of rubbish and large quantities of sewage. They pooled money and organised repairs and services including a library, a cinema, an art gallery and regular cultural events.

They were scheduled for eviction on 15 February, but after negotiations the municipal authorities allowed them a further 60 days to vacate the building, and they are now facing a deadline of 15 April. In the weeks leading up to the earlier eviction date, over a dozen police cars would park outside the building every day at 4am. When residents came to the windows, the heavily armed officers inside would wave their guns and shout threats. Because of this, and the long history of violent evictions by the *Batalhão de Choque* (riot police) in São Paulo, Amnesty International believes the residents of Prestes Maia are facing violent eviction that will cause serious injuries.

The municipal authorities have tried to pressure residents of Prestes Maia to leave the city and return to their state of origin, offering payments of around 5,000 Brazilian *reais* (US\$2,300) on condition that they sign documents renouncing any rights to council services, including schools, welfare and the issuing of work papers. During a recent mission to Brazil, Amnesty International researchers received several reports of similar sums of money being offered in attempts to break down community solidarity and clear out neighbourhoods for development.

BACKGROUND INFORMATION

According to estimates by the UN Special Rapporteur on Economic, Social and Cultural Rights, 10,000 people sleep rough on the streets of São Paulo. The city has a chronic shortage of housing for low-income families, who are often forced to live in the shanty towns on the outskirts. With the help of local NGOs, these families have begun squatting empty buildings. This has led to a series of violent evictions, carried out by the riot police using batons, CS gas, pepper sprays and rubber bullets. In August 2005, 79 families occupying a five-storey building on Rua Plínio Ramos, in the centre of town, were confronted by riot police. During the eviction, the police ordered all women and small children to leave, and then entered the building and beat several of the men and boys, some as young as 14. This was one of five evictions carried out by the municipal government during 2005, some of which involved riot police and use of excessive force.

Brazil is a party to the International Covenant on Economic, Social and Cultural Rights, and is therefore obliged to ensure that everyone in the country has adequate housing, and that no one is made homeless as the result of an eviction. It is also a party to the International Covenant on Civil and Political Rights, of which

Article 12 (1) guarantees to everyone lawfully within the territory of a State the right to liberty of movement and choice of residence.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Portuguese or your own language:

- expressing concern that the São Paulo municipal authorities are preparing to forcibly evict 468 families living in the Prestes Maia building in the centre of the city;
- calling on the government to thoroughly explore alternatives to the eviction, including offering secure tenure in adequate alternative housing;
- urging the authorities not to try to coerce residents into leaving the city and renouncing their rights to council services;
- if they have exhausted all alternatives, calling on the government to ensure that any eviction complies with national and international law, in particular Article 11(1) of the International Covenant on Economic, Social and Cultural Rights, which requires that residents should be given adequate notice of any eviction and information about how the eviction will be carried out; that the eviction should not be carried out in bad weather or at night; that identified representatives of the state should be present; that legal representatives of the residents should also be present; and that residents should be offered secure tenure in adequate alternative housing;
- urging the authorities to investigate patterns of violence and abuse by police during evictions in São Paulo.

APPEALS TO:

Mayor of São Paulo

Exmo. Prefeito de São Paulo, Viaduto do Chá 15, Centro - Edifício Matarazo
01002-020 - São Paulo/SP, BRAZIL

Fax: +55 11 3113.8015 **Salutation: Vossa Excelência/ Your Excellency**

Federal Human Rights Secretary Exmo. Ministro da Secretaria Especial de Direitos Humanos

Sr. Paulo Vannuchi, Esplanada dos Ministérios, Bloco T, 70064-900 - Brasília – DF, BRAZIL **Fax:**

+55 61 3226 7980 **Salutation: Vossa Excelência/ Your Excellency**

COPIES TO:

President of the Municipal Commission of Human Rights Exmo. Presidente da Comissão Municipal dos Direitos Humanos
Dr. José Gregori, Pátio do Colégio, 5 – Centro – São Paulo – SP, CEP 01016-040, BRAZIL

Fax: +55 11 3106 0030

Salutation: Vossa Excelência/ Your Excellency

The Homeless Movement of Central São Paulo

Movimento Sem-Teto do Centro, Avenida São João, 1495 - 2º andar, Metrô Santa Cecília
São Paulo, SP, CEP 01211-000, BRAZIL

Fax: +55 11 3361 3403

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 15 April 2006.