

PUBLIC

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31 March 2006

Further Information on 18/06 (AMR 19/004/2006, 26 January 2006) Fear for safety

BRAZIL

Maria Aparecida Denadai (f), lawyer

Killed

Marcelo Denadai (m), lawyer, her brother

Maria Aparecida Denadai, a lawyer working in the state of Espírito Santo, is again in grave danger after protection being provided for her by the Federal Police was withdrawn without explanation.

Maria Aparecida Denadai has reported receiving persistent death threats and has been subjected to intimidation as a result of the investigation surrounding the killing of her brother, lawyer Marcelo Denadai, in 2002. He had been preparing to reveal evidence on political corruption when he was killed, and since then, another five witnesses in the case have also been killed.

Following a UA by Amnesty International in January and the submission of her case to the Inter-American Commission on Human Rights, the Federal Police began to provide Maria Aparecida Denadai and her family with protection. In a letter dated 2 March 2006, the Brazilian ambassador to Ireland stated that “the Brazilian government has been aware of the threats to Ms. Denadai” and that “police protection is being provided for Ms. Denadai and her daughter since February 18th [2006]”.

Despite the government's acknowledgement of the threats against Maria Aparecida Denadai, according to information provided by Maria Aparecida Denadai, the Federal Police stopped providing protection for her and her family on 24 February. She has not received an explanation from the Federal Police or from the Federal Government.

BACKGROUND INFORMATION

Following her visit to Brazil in September-October 2003 the UN Special Rapporteur on Extra-Judicial Executions wrote in her final report that “The situation in...Espírito Santo is a particularly striking example of the penetration of death squad activities into the highest levels of legislative, judicial and executive branches of a state.”

In 2002, a national human rights commission headed by the Minister of Justice recommended that the federal government should intervene in Espírito Santo. The recommendation was rejected by the Federal Attorney General following discussions with Fernando Henrique Cardoso who was then the Brazilian President. Instead a joint investigation of federal and state authorities began into systemic human rights violations, organized crime and impunity. This led to the detention of several leading figures involved in organized crime, including politicians, senior police officers and even judges.

In 2003, newly-elected President Luiz Inácio Lula da Silva promised to continue the fight against organised crime and human rights violations in the state. However, the persistent failure to conclude major homicide investigations and protect witnesses, coupled with the recent information of the illegal bugging of a major news outlet in the state, have increased concerns that state and federal efforts to combat organised crime have dwindled. The recent replacement of people heading state and federal investigative teams is also believed to have undermined this process.

In March 2003 Judge Alexandre Martins de Castro Filho was killed following his investigation into allegations that detainees in the prison system were being temporarily released to commit assassinations. Nobody has yet been brought to trial for his killing, nor for the killing of Marcelo Denadai, perpetuating the long history of impunity surrounding the deaths of those fighting against human rights violations and corruption in Espírito Santo.

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

- asking the federal authorities why the measures to protect Maria Aparecida Denadai were withdrawn after 24 February 2006;
- urging the federal authorities to resume the protection of Maria Aparecida Denadai with immediate effect and according to her wishes; and to carry out a full and public investigation into the threats against her, with those found responsible to be brought to justice;
- expressing concern at the persistent failure of the investigations into the killings of Marcelo Denadai and Judge Alexandre Martins de Castro Filho, underlining the long pattern of impunity surrounding killings of those fighting corruption and human rights violations in the state;
- asking the state and federal authorities what steps they have taken and will continue to take to ensure that consistent allegations of organized crime and killings in the state of Espírito Santo are investigated and those responsible brought to justice;
- urging the state and federal authorities to ensure that Human Rights defenders are able denounce human rights abuses without fear of threat or intimidation.

APPEALS TO:

Minister of Justice, (Federal Government)

Exmo. Ministro da Justiça

Dr Márcio Thomaz Bastos

Esplanada dos Ministérios, Bloco "T", 70712-902 - Brasília/DF, Brasil

Fax: + 55 61 3322 6817

Salutation: Vossa Excelência/ Your Excellency

Federal Secretary of Human Rights

Exmo. Secretario Especial de Direitos Humanos

Sr. Paulo Vannuchi

Esplanada dos Ministérios, Bloco "T", 70064-900 - Brasília – DF, Brasil

Fax: + 55 61 3226 7980

Salutation: Vossa Excelência/ Your Excellency

Governor, Espírito Santo State

Exmo. Governador de Espírito Santo

Sr. Paulo César Hartung Gomes

Palácio Anchieta - Praça João Clímaco, s/nº

Cidade Alta, 29015-110 - Vitória – ES, Brasil

Fax: + 55 27 3223 0815

Salutation: Vossa Excelência/ Your Excellency

COPIES TO:

Brazilian Lawyers' Association

Ordem dos Advogados do Brasil - Espírito Santo, Rua Soldado Abílio dos Santos, Nº 29015-620, Vitória - ES, Brazil

Non-governmental organization

Comissão de Justiça e Paz

Rua Soldado Abílio dos Santos, 47, CEP 29015 620 - Cidade Alta - Vitória – ES, Brazil

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 11 May 2006.