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## U.S. Department of State

### Brazil Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

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#### BRAZIL

Brazil is a constitutional federal republic composed of 26 states and the federal district. In 1994 voters elected a new president, two-thirds of the senate, and 513 federal deputies. It was the second time since the end of military rule in 1985 that citizens freely chose their president and elected the legislative bodies in accordance with the 1988 Constitution. Fernando Henrique Cardoso became President on January 1, 1995, and is serving a 4-year term, reduced from 5 years by a 1994 constitutional amendment.

Police forces fall primarily under the control of the states. State police are divided into two forces: The civil police, who have an investigative role, and the uniformed police, known locally as the "Military Police," who are responsible for maintaining public order. Although controlled by the individual state governments, the Constitution provides that the uniformed police can be called into active military service in the event of an emergency, and they maintain some residual military privileges, including a separate judicial system. The federal police force is very small and plays little role in maintaining internal security. State police officers are charged with many serious human rights abuses.

Brazil has a market-based economy, although the Government has traditionally played a dominant role in shaping economic development. The Government is encouraging greater private sector participation in the economy through privatization of state enterprises, deregulation, and removal of impediments to competition. Industrial production, including mining operations, and a large and diversified capital goods sector, accounts for approximately 34 percent of gross domestic product (GDP); agriculture contributes about 13 percent. Brazil exports both manufactured and primary goods. Among the principal

exports are coffee, soybeans, textiles, leather, metallurgical products, and transportation equipment. GDP was \$563 billion in 1995, and the economy grew at a rate of 4.1 percent. The large gap in income distribution narrowed slightly in 1995. The poorest tenth of the population earned 1 percent of national income, compared with 0.7 percent in 1993, while the richest tenth earned 47.1 percent, down from 49 percent in 1993.

The most serious human rights abuses continued to be extrajudicial killings and torture. State police killed 19 landless workers in southern Para in April; they summarily executed at least 10 of the victims. In urban areas, the police are frequently implicated in killings and abuse of prisoners, but special courts for the uniformed police are, in many cases, overloaded, rarely investigate effectively or bring fellow officers to trial, and seldom convict abusers. This separate system of special state police courts contributes to a climate of impunity for police elements involved in extrajudicial killings or abuse of prisoners and is thought to be the single largest obstacle to eliminating such abuses by police. It is too early to tell what may be the effect upon impunity of the new legislation giving civil courts jurisdiction over crimes of intentional homicide committed by uniformed police officers.

The poor bear the brunt of most violence, whether committed by the police or by criminals. Prison conditions range from poor to harsh. The judiciary has a large case backlog and is often unable to ensure the right to a fair trial. Justice is slow and often unreliable, especially in rural areas where powerful landowners use violence to settle land disputes and influence the local judiciary. Violence against homosexuals and women and discrimination against women and minorities are problems. Child prostitution is also a problem. Despite constitutional provisions safeguarding their rights, indigenous people continue to be victimized by outsiders who encroach on Indian lands and to be neglected by governmental authorities. The authorities do not adequately enforce laws against forced labor, and the sugar and charcoal industries exploit children. A free press and active human rights organizations expose abuses and demand action to stop them.

The Government introduced an action plan to address human rights abuses, but many human rights groups expressed concern about congressional opposition to some elements of the plan and about what specific means would be used to accomplish its goals. President Cardoso created an interministerial group in late 1995 to fight what he publicly acknowledged as Brazil's serious problem with racism and discrimination. In addition, the Government has increased significantly the number of roving inspectors charged with clamping down on forced labor, and it launched a national effort, in partnership with state governors and local organizations, aimed at eradicating child labor. The government tourist agency embarked on a nationwide campaign against sex tourism and the attendant problem of child prostitution. However, the increased commitment by politicians at the national level still has not had a significant impact in many of the states where human rights violations are most common.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

Extrajudicial killings continued to be a serious problem throughout the country. In urban areas, a high crime rate, a failure to apprehend most criminals, and an inept criminal justice system all contribute to public acquiescence in police brutality and killings of criminal suspects.

According to the newly created Sao Paulo police ombudsman office, police killed 119 citizens in the first 6 months of 1996, a figure that does not include persons who are wounded and die later in a

hospital. The figure reflects both the city's high level of violent crime and excessive use of force by the police. Many Sao Paulo-based human rights groups claim that the uniformed police, who openly doubt the judiciary's ability to convict those they apprehend, often decide to summarily execute suspected criminals rather than apprehend them.

In May the authorities arrested a Sao Paulo police officer, Jose Rogerio de Araujo Felismino, and his brother and charged them with the murder of a prominent AIDS activist; they were awaiting trial at year's end. In a separate case, Sao Paulo police badly beat 36-year-old Jaerte Antonio at his home, where a drunk Antonio had threatened his mother with violence. They took Antonio to a hospital, where he died soon afterward. The police Inspector General is investigating Antonio's death but had charged no one by the end of the year. In February police shot a man in the coastal town of Peruibe, Sao Paulo, twice after his arrest on drug possession charges. According to the man's family, the police shot him while in custody, later tortured him, then took him to a hospital, where he died 3 days later from his injuries. An internal police investigation was still in progress at the end of the year.

By mid-December, there had been 155 victims in 47 instances of "mass murder" in Sao Paulo. Although suspects had been identified in only 10 of these execution-style killings, most appeared to be perpetrated by criminal gangs and drug traffickers. Human rights monitors and public prosecutors believe that police are responsible for some of the unresolved cases, which often result from police involvement in drug deals gone awry or from retaliation for witnesses' cooperation with prosecutors or investigators. These monitors point as evidence to the wave of arrests of low-ranking police officers, and some senior officers, in the first half of the year for involvement in a variety of criminal activities. For example, the authorities arrested 4 military police officers, all members of the elite "Rota" strike force, and charged them with the murders of 25 people in 6 separate massacres, and with 3 bank robberies. The leader of the four, Hellmans Hoffman de Oliveira, was known as "Robocop" because he illegally carried a .45 caliber revolver. The gang members are under detention pending trial in a civil court.

Sao Paulo Governor Mario Covas continued to push for reforms intended to curb abuses by the state police. He appointed human rights activists as his attorney general and secretaries of public security, justice, and state prisons; he also created Sao Paulo's first civilian police ombudsman. The ombudsman has been effective in calling attention to police abuses and bringing to trial criminal elements within the police. From November 1995 through June--principally due to the ombudsman's efforts--Sao Paulo police opened more than 100 internal criminal investigations; prior to 1996, the annual number of internal investigations had never exceeded 40. Private citizens seemed to take full advantage of the opportunity to lodge complaints, as the ombudsman's office received an average of 90 calls a week on its toll-free telephone number. The ombudsman convinced the police to increase community patrols in peripheral neighborhoods, where violence is common, while the state public security secretary added courses on human rights and discrimination to the civil police training curriculum. In addition, since September 1995, Sao Paulo police officers who kill citizens are removed from their jobs and obliged to participate in a program in which they receive psychological counseling as well as classes on community policing, abuse of power, and the Penal Code. According to the weekly magazine *Veja*, the number of people killed by Sao Paulo police dropped from an average of 33 per month when the program was instituted to 18 per month by the end of March.

Acts of intimidation often hindered investigations, including death threats against witnesses, prosecutors, judges, and human rights monitors. In May Valdemir Lima de Oliveira, a witness against three policemen accused of corruption, was murdered as he was leaving a Sao Paulo police station after giving a deposition. The civil police chief in Franco da Rocha, and members of his staff, have received death threats since beginning their investigation of the clandestine dumping site for the victims of death squads; one investigator resigned as a result.

At least 596 minors in Rio de Janeiro were victims of homicide in 1995, according to the Rio-based Advanced Institute for Religious Studies. Execution-style killing of street children continued in 1996, but comprehensive statistics were not available. On April 23, two unidentified street youths were shot at point-blank range in the head and neck in Rio de Janeiro's affluent Laranjeiras neighborhood. The use of unprofessional autopsy procedures and inexplicable delays in the investigation led human rights groups to suspect that the murders were the work of police officers. No suspects have been identified.

In early March, three street children--Gilmar Ferreira de Franca, 14, Jamil Martins Murilo, 15, and Junior Santos Marques Lelo, 17--were found dead in the Taquaril neighborhood of Belo Horizonte. Their hands were tied, and they had been shot in the

back. A group calling itself "Reaction" claimed responsibility,

writing in a note that the minors had been killed to protest the low salaries paid to civil police. According to human rights groups in Belo Horizonte, there is significant evidence that Reaction is composed of active duty and former police officers. A police investigator charged one police officer in the slaying and said that several others are under investigation.

The number of citizens killed in conflicts with Rio police rose significantly. According to the daily newspaper *Jornal do Brasil*, prior to June 1995, an average of 3.2 persons per month were killed by police, while that figure rose to 20.5 per month in the first 6 months of 1996. Human rights groups blame financial awards and promotions for police "bravery," instituted in November 1995 by Nilton Cerqueira, the Rio state secretary for public security, for encouraging police to use excessive force. When the Brazil-based representative of Human Rights Watch/Americas privately urged Cerqueira to announce that he would give the awards only to police officers who brought in suspects alive, Cerqueira reportedly replied that the important point was that criminals should be stopped, dead or alive.

In June the President of the Federal Chamber of Deputies human rights committee visited Manaus, the capital of Amazonas state, to urge state officials to investigate the activities of a death squad known as "the firm." According to the state bar association, local human rights organizations, and a state prosecutor, current and former police officers comprise this group, which is involved in summary executions, illegal arrest, torture, and drug trafficking. The death squad is suspected, among other crimes, of executing 20 people and torturing 8 adolescents in the first 6 months of 1996.

A deputy prosecutor general in Brasilia recommended that the President order federal intervention in the western state of Acre to prevent the systematic violation of human rights there. Federal prosecutors in Acre reported that there had been a "dizzying increase in urban violence" during the previous 2 years, due almost exclusively to widespread human rights violations committed by the state's uniformed police. The situation worsened dramatically on June 30, when convicted drug trafficker Jorge Hugo shot and killed Itamar Pascoal, a police officer and brother of a state deputy (and retired policeman) Hidelbrando Pascoal. Hugo went into hiding, while the police, under the personal command of Hidelbrando Pascoal (according to the prosecutors' report), went on a rampage of kidnaping, torture, and murder. The federal prosecutors' report quoted Hidelbrando Pascoal as saying he would kill Hugo and anyone who had helped him to escape. The state governor was unwilling or unable to exercise any control over the military police.

The Permanent Forum Against Violence, a human rights organization in the northeastern state of Alagoas, condemned what it called an "uncontrollable rise in criminality and brutal disrespect for human rights" in the state and involvement by elements of the public security apparatus. The Forum reported that 192 murders were committed in the state in the first 3 months of 1996, a 21 percent increase over

the same period in 1995. Suspects were identified in only 47 cases, 25 percent of whom were military or civil policemen.

The state police killing of 19 landless workers on April 17 in El Dorado de Carajas, in the northern state of Para, illustrates the tensions created by land invasions and the excessive violence often used by policemen in dealing with squatters. Several hundred landless workers blocked a highway to focus attention on the group's demand to be resettled, and to have state officials provide food and buses to take the marchers to Belem, the state capital. The state authorities sent 157 policemen to clear the highway. After erecting barricades on either side of the protestors, the police launched canisters of tear gas into the crowd and fired machine guns into the air to disperse it. It is unclear who began firing first--each side accused the other--but the police opened fire with machine guns from both sides of the crowd. Autopsy reports subsequently revealed that 10 of the victims had been summarily executed; 3 had been shot at point-blank range, and 7 had been killed with knives or sickles. The authorities charged all 157 policemen involved in the massacre with intentional homicide and will try them in a civil court.

Human rights groups cite the high level of crime and the failings of the judicial system as contributing factors to public tolerance of vigilante lynchings of suspected criminals. According to the daily newspaper *Correio Braziliense*, citizens lynched 22 people in the northeastern state of Bahia, usually the leader among states in this category, through mid-December. In an incident on September 3, 15 bus passengers in the city of Salvador beat to death a man who had tried to rob 2 couples riding on the bus.

In rural areas, new conflicts between rural landowners and the landless intensified in 1996, in part due to land invasions organized by the rural Landless Workers' Movement (MST) to pressure the federal Government to speed up settlement of landless families. The MST illegally occupied hundreds of plots of land identified as unproductive, blocked highways, and occupied government buildings, raising tensions and increasing confrontations with landowners, their gunmen, and, in many cases, policemen. Forty-five people died in land disputes in the first 8 months of 1996. Such killings usually go unpunished, because the landowners thought to be responsible for many of them often control the police in isolated areas, and intimidate local judges and lawyers with violence and threats of violence.

After significant pressure from human rights groups, the governor of the northeastern state of Rio Grande do Norte suspended his assistant secretary for public security, Maurilio Pinto de Medeiros, pending clarification of his involvement in serious human rights abuses. The most serious allegation against Medeiros is that he is suspected of heading a death squad composed of uniformed and investigative policemen, according to a report by a special commission of prosecutors formed in May 1995 to investigate the many allegations against Medeiros. As a result of the commission's investigation, the authorities filed a number of criminal complaints against Medeiros in a local court, but no trial date has been set. Francisco Gilson Nogueira, a prominent local human rights attorney and public critic of Medeiros, was fatally shot on October 20. The federal police are investigating the case but had not arrested any suspects at year's end.

The authorities charged the commander and 19 other police officers involved in the August 1995 massacre of 9 squatters in Corumbiara, Rondonia, with intentional homicide, meaning the accused will be tried in regular courts rather than a special police tribunal. They also charged four squatter leaders with intentional homicide for the deaths of two policemen, as well as for the deaths of the nine squatters. The authorities justified the latter charges by declaring that the leaders were responsible for the land invasion that sparked the confrontation. The medical examiner reported that most of the squatters killed had been shot in the back at short range and that many of the bullets had traveled from the top of the body downward, indicating that the victims had been killed from behind while kneeling.

In April a court convicted Rio de Janeiro police officer Marcos Vinicius Emmanuel for his involvement

in the 1993 massacre of eight street children in downtown Candelaria square after he confessed to the crime, and sentenced him to 309 years in prison (reduced to 89 years on appeal). The courts convicted another policeman, Nelson Cunha, on similar charges in November and sentenced him to 261 years in prison. Cunha has the right to a retrial, but no date has been set. The trial of a third policeman, Marcos Aurelio Alcantara, who also confessed his involvement in the Candelaria killings, is set for May 1997. Candelaria survivor and key witness Wagner dos Santos identified policeman Carlos Jorge Liaffa Coelho as one of those who shot him. Although the authorities briefly detained Liaffa after they found a gun reportedly used in the massacre in his father's home, they subsequently released him for lack of evidence. A jury acquitted three of the original suspects in the case on December 10, at the request of both the prosecution and the defense, even though Dos Santos had consistently maintained that one of them was involved in the killings.

The investigation of police gang members accused of murdering 21 Vigario Geral residents in 1993 continues to progress slowly.

In March the Sao Paulo civil police's Department of Homicides and Personal Protection (DHPP) took over the investigation from the local police in the case of Franco da Rocha, one of Sao Paulo state's poorest communities, and location of a clandestine dumping site for the victims of death squads. Since 1993 at least 212 bodies have been found there, 50 victims killed with bullets to the head, while the arms and heads of some of the bodies had been removed in an apparent attempt to conceal the victims' identities. Investigators succeeded in identifying most of the victims, and linking them to previously unexplained disappearances. By year's end, the DHPP had not arrested or charged any suspects, but both human rights groups and Franco da Rocha police agreed that a thorough investigation was being conducted.

Progress in the investigation of the 121 Sao Paulo police accused of the 1992 Carandiru prison massacre was effectively stalled by disagreement over which court had jurisdiction--the special police courts or a civil court. The legislation signed in August by President Cardoso transferring all trials of uniformed police charged with intentional homicide to regular courts is likely to apply to the defendants in the Carandiru case. The Inter-American Commission on Human Rights (IACHR) began censure pr