

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Brazil has in recent years consolidated its place as one of the most influential democracies in regional and global affairs but continues to face important human rights challenges. Faced with high levels of violent crime, some Brazilian police officers engage in abusive practices instead of pursuing sound policing policies. Detention conditions in the country are inhumane. Torture remains a serious problem. Forced labor persists in some states despite federal efforts to eradicate it. Indigenous and landless peoples face threats and violence, particularly in rural conflicts over land distribution.

Most of Brazil's metropolitan areas are plagued by widespread violence perpetrated by criminal gangs and abusive police. Violence especially impacts low-income communities. There were over 40,000 intentional homicides in Brazil in 2008. In Rio de Janeiro, hundreds of low-income communities are occupied and controlled by drug gangs, who routinely engage in violent crime and extortion.

Police abuse, including extrajudicial execution, is a chronic problem. According to official data, police were responsible for 561 killings in the state of Rio de Janeiro alone in the first six months of 2009. This amounts to roughly three police killings per day, or at least one police killing for every six "regular" intentional homicides. The number of killings by police in So Paulo, while less than in Rio de Janeiro, is also comparatively high: in 2008, for example, there were more police fatal shootings in alleged confrontations in So Paulo state (397) than in all of South Africa (351), a country with a higher homicide rate than So Paulo.

Police claim these "resistance" killings occur in confrontations with criminals. While many police killings undoubtedly result from legitimate use of force by police officers, many others do not, a fact documented by Human Rights Watch and other groups and recognized by Brazilian criminal justice officials. Reform efforts have fallen short because state criminal justice systems rely almost entirely on police investigators to resolve these cases, leaving police largely to police themselves.

Some police officers also commit abuses while off duty. In Rio de Janeiro, police-linked militias control dozens of neighborhoods at gunpoint, extorting residents and committing murders and other violent crimes. A December 2008 report, which was unanimously approved by the Rio de Janeiro legislature, documented that 171 neighborhoods in the state were "dominated" by militias. The government has undertaken significant efforts to combat some of these groups-particularly following the release of the legislative report-but the problem remains critical.

In March 2009 civil police investigators in Itapeverica da Serra, So Paulo, uncovered a military police death squad known as the "Highlanders," a nickname derived from the group's practice of cutting off the heads and hands of their victims in an effort to cover up their crimes (a practice in the 1986 fictional film "Highlander"). The So Paulo Police Ombudsman's Office also tracked 32 killings in the first six months of 2009 by unknown assailants suspected of being police officers.

Brazil's prisons and jails are plagued by inhumane conditions, violence, and severe overcrowding. Delays within the justice system

contribute to overcrowding; some 45 percent of all inmates in the country are pretrial detainees. The National Justice Council, the judiciary's oversight body, reported in 2009 that approximately 60,000 inmates were being held arbitrarily.

The use of torture is a chronic problem within the penitentiary system. A 2008 report by the multiparty National Parliamentary Commission of Inquiry on the Penitentiary System concluded that the national detention system is plagued by "physical and psychological torture." In one case from Gois, the Commission received evidence that the National Security Force subjected female detainees to kicks and electric shocks, stepped on the abdomen of a pregnant woman, and forced another woman to strip naked.

The National Justice Council received reports of torture from inmates in several Brazilian prisons and jails in 2009. In August 2009 the Council confirmed that 10 inmates had suffered grave injuries, reportedly from prison personnel, in the state of Paraba.

In October 2009 a federal delegation from the Special Secretariat for Human Rights visited eight detention centers in Espirito Santo, concluding that "inhuman conditions" are "predominant" in the state's detention centers. The delegation also noted that complaints of "torture and/or mistreatment" were made "in all of the centers visited." In October 2009, 88 women were found locked up in severely overcrowded metal containers in the state's prisons. It was reported that the containers had no ventilation, and that several of the women had skin diseases, as well as respiratory and gynecological problems. Earlier in the year several men were also found incarcerated in containers in Espirito Santo.

There were continued reports of substandard conditions at Rio de Janeiro's juvenile detention centers run by the General Department of Socioeducational Actions (DEGASE). In September 2009 state prosecutors filed suit against the Rio de Janeiro government for failing to adhere to every single clause of a 2006 agreement with the State Prosecutor's Office that mandated improved conditions in DEGASE centers, including in the areas of health, hygiene, and education.

Since 1995 the federal government has taken important steps to eradicate forced labor, including creating mobile investigation units to monitor conditions in rural areas. However, the Pastoral Land Commission collected reports of 6,997 persons in conditions of forced labor in 2008. Of these, 5,266 have since reported as having been freed. Criminal accountability for offending employers remains relatively rare.

Indigenous and landless peoples face threats and violence, particularly in land disputes in rural areas. According to the Pastoral Land Commission, 28 people were killed and 168 arrested in rural conflicts throughout the country in 2008.

In August 2009, Elton Brum da Silva, a member of the Landless Rural Workers' Movement, was killed during a police operation to remove landless families from a farm in Rio Grande do Sul. Also in August 2009, rural union leader Elio Neves, was attacked and seriously wounded in his home by an unidentified gunman. He had reported receiving repeated death threats prior to the attack.

Brazil has never prosecuted those responsible for atrocities committed during the period of its military dictatorship (1964-1985). A 1979 amnesty law has thus far been interpreted to bar prosecutions of state agents. At this writing, the Supreme Federal Tribunal is considering a petition by the Brazilian Bar Association arguing that the amnesty law does not cover crimes such as torture when committed by state agents.

The federal government is reportedly considering setting up a truth commission to investigate dictatorship-era abuses but at this writing no formal plan has yet been announced.

Some human rights defenders, particularly those working on issues of police violence and land conflicts, suffer intimidation and violence. In January 2009, Manoel Mattos, a human rights lawyer, was shot and killed in the border area between the states of Paraba and Pernambuco. The main suspect, a police officer linked to a death squad under investigation by Mattos, has been arrested. The Brazilian attorney general has requested that federal prosecutors take over the case to ensure an independent investigation and prosecution, but the judiciary has yet to rule on his request.

In July 2009 a court issued an injunction prohibiting the newspaper *O Estado de So Paulo* from publishing stories containing information from the "Operao Faktor" (formerly known as "Boi Barrica") police investigation involving Fernando Sarney, son of Senate President Jos Sarney. Despite strenuous criticism from national and international press freedom organizations, the ruling was confirmed by the Court of Appeals in October. At this writing the restrictions are still in force.

In March 2009 the Inter-American Commission on Human Rights filed an application at the Inter-American Court against Brazil regarding the "Guerrilha do Araguaia" case. The Commission asked for the state to be held accountable for the enforced disappearance of members of the guerrilla force carried out by the Brazilian military in the 1970s, during the military dictatorship. It called on Brazilian officials to investigate the crimes, prosecute the perpetrators, and provide information and official documents on the "disappearances," including on the fate and location of the victims.

The Inter-American Court of Human Rights issued a ruling against Brazil in July 2009 in the case of *Escher et al. v. Brazil*, declaring that Brazilian authorities had violated the rights to privacy and freedom of association of members of the Landless Rural Workers' Movement. Police had illegally wiretapped the organization's phones and then broadcast nationally some of the conversations they had illegally recorded.

At the United Nations Human Rights Council, Brazil has often been reluctant to support efforts to scrutinize the human rights record of abusive governments, thereby undermining the Council's performance.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice

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