

## BRAZIL:

### Prison Massacre in São Paulo

#### INDEX

<b>InIntroduction .....</b>	<b>p. 1</b>
<b>Prison Conditions in the Casa de Detenção .....</b>	<b>2</b>
<b>The Massacre .....</b>	<b>3</b>
<b>The Official Reaction to the Massacre .....</b>	<b>6</b>
<b>Suppression of Information .....</b>	<b>6</b>
<b>Treatment of the Relatives .....</b>	<b>7</b>
<b>Treatment of the Wounded.....</b>	<b>8</b>
<b>The Police.....</b>	<b>8</b>
<b>Conclusion.....</b>	<b>10</b>
<b>Recommendations .....</b>	<b>10</b>

#### Introduction

On October 2, 1992, São Paulo's military police stormed Pavilion 9 of the city's largest prison, Casa de Detenção, less than two hours after they were summoned in response to a disturbance among the prisoners. At least 111 inmates were killed, and 35 were wounded. No police lost their lives. Americas Watch, a division of Human Rights Watch, sent a representative to São Paulo to express our utmost concern at the massacre, call for a thorough, impartial and open investigation and to collect information about the massacre, its background and its aftermath. This newsletter is the result of this preliminary investigation.

On the basis of the evidence now available to us, we believe that the killings lacked any justification. We find no indication that the prisoners posed an imminent threat to the lives of anyone: not to each other, not to any prison staff member and not to any of the police seeking to retake the prison. No reasonable effort was made to restore control of the prison by means other than the use of lethal force. The testimony we obtained and the physical evidence we examined indicate that some of the prisoners had surrendered to the police and were naked and helpless at the moment that they were shot. Accordingly, Americas Watch finds that the deaths were summary executions by the police. Moreover, we find that the São Paulo authorities abused surviving prisoners, dealt with families of prisoners with extreme callousness and, up to this writing, have not demonstrated that they are prepared to conduct a good faith investigation nor to take measures to preclude further arbitrary deprivation of life.

Based on this information and our findings, Americas Watch has joined two other human rights organizations and filed a formal complaint against Brazil before the Inter-American Commission on Human Rights of the Organization of American States. Only a few days before the Casa de Detenção massacre, Brazil became a party to the American Convention on Human Rights, a binding multilateral treaty that creates solemn obligations for states to protect human rights and redress their violation. The complaint against Brazil, which will be filed jointly with the Núcleo de Estudos da Violência of the University of São Paulo and the Center for Justice and International Law (CEJIL), charges that Brazil has violated the rights of the Casa de Detenção inmates to life, to integrity of the person, and to due process of law. We intend to pursue the claim under the procedures set forth in the American Convention and to obtain a judgment from the Inter-American Commission on Human Rights about the behaviour of the state during the massacre and in its aftermath.

## Prison Conditions in the Casa de Detenção

Casa de Detenção, the largest prison in Latin America, holds more than 7,000 inmates. The institution, built in 1961, has the capacity for less than half that number of inmates. Pavilion 9, one of the largest in the institution, held 2069 inmates on the day of the massacre, distributed through 435 cells on five floors.<sup>1</sup> Such overcrowding has been a constant problem for years. When Americas Watch visited four years earlier, Pavilion 9 held 2,040 inmates.<sup>2</sup>

Security in Pavilion 9 is light. According to the authorities, cells are opened at 7 A.M. and locked for the night at 5:30 P.M. During the day, inmates are free to move about the five-floor building and the internal patio. On October 2, there were 15 guards on duty inside the building. On October 8, when Americas Watch visited, there were 11 guards.

Most of the prisoners in Pavilion 9 are young; most are awaiting trial; and of those who have been convicted, most are first offenders. (See below, "The Massacre" for demographic statistics about the victims. Since most of the victims seem to have been killed randomly, they were probably representative of the general population of Pavilion 9.)

In theory, Casa de Detenção is meant to house inmates awaiting trial or awaiting space in other prisons. In practice, however, according to officials, some inmates serve their entire long-term sentences there. One of those killed, according to his fellow inmates, had lived for nearly 20 years in the Casa de Detenção.

Inmates live in dilapidated, tremendously overcrowded cells. In one cell measured by Americas Watch, six prisoners shared less than 96 square feet. Each cell contains a hole-in-the-floor toilet with a pipe above it, for washing and drinking. Most cells have makeshift kitchens, with some sort of heating element. To make it physically possible to fit in all inmates, in several cells inmates sleep on plywood shelves above the living areas.

Complaints about food are widespread. Inmates eat in their cells the food that arrives from the main kitchen, often already cold. Those who are lucky enough supplement their diet with food brought in by relatives.

There is little natural light, requiring most cells to have electric lights on all day. Hallways are damp and dark. The only stairwell in the building is in a state of severe disrepair, with many stairs broken.

Although the main focus of our 1992 visit to Pavilion 9 was the October 2 massacre, we also received general complaints. The most frequent were allegations that inmates whose sentences have expired are not released promptly (see below) and that inmates who have completed portions of their sentences that, under the law, entitle them to transfer to a different type of institution are not transferred. We also heard repeated complaints about the poor quality of medical care and the fact that Pavilion 9 had no medical aid facility of its own for its more than 2,000 inmates and that the general infirmary in the prison was inadequate.

---

<sup>1</sup> *Veja*, October 14, 1992.

<sup>2</sup> See: Americas Watch, *Prison Conditions in Brazil*, (Human Rights Watch: April 1989), p. 23-25.

## The Massacre

Interviews with inmates, human rights activists and prison officials, an affidavit provided by three judges present at the scene, as well as numerous press accounts enabled us to determine the sequence of events that led to the storming of the prison by the Military Police.

At about 2 P.M. two inmates got into a fight in a hallway on the second floor. One was armed with a wooden plank, the other with a metal pipe. After one of the inmates sustained a serious injury (when Americas Watch interviewed him in the infirmary, he told us he was knocked unconscious), both men were taken out of the building by members of the staff. The guards locked the gate leading from the stairwell to the second floor. Inmates started a commotion and broke the lock. At about 2:50 P.M., all the guards left the building, apparently having been urged by inmates to leave, and announced that special police forces would be called in.<sup>3</sup> A further disturbance followed. Inmates interviewed by Americas Watch told us that there was no violence between the inmates following the departure of the staff. (It is obviously impossible to obtain an independent confirmation of this assertion, as there were no witnesses other than inmates. To our knowledge, the authorities conducted no physical examinations to verify or refute the claims by the prisoners.)

Inmates interviewed by Americas Watch told us that fights between inmates were not unusual. What they considered "not normal" was for the guards to lock up the second floor after escorting out the two participants in the fight. In any event, after they were left alone in the building, the inmates proceeded to destroy property: mostly various rooms on the ground floor, including a barber shop and one of the rooms holding inmates' files. Several minor fires were also started.

The military police were notified less than an hour after the fight erupted between the two inmates and arrived on the scene within minutes. The military police units that subsequently participated in the operation were: the Special Operations Commando (Comando de Operações Especiais), Shock Troop (Tropa de Choque), the Special Tactical Operations Team (Grupamento de Ações Táticas Especiais), and ROTA (Rondas Ostensivas Tobias de Aguiar), the most deadly unit of the military police in São Paulo.<sup>4</sup> The director of the prison also notified the judicial authorities with responsibility for prison oversight (the Vara das Execuções Criminais and Corregedoria dos Presídios).<sup>5</sup> When two magistrates, Fernando Antonio Torres Garcia and Ivo de Almeida, arrived at the prison at 3:45 P.M., they were met by the director of the prison, José Ismael Pedrosa, and a military police colonel, Ubiratan Guimarães. According to the judges' subsequent report: "We all headed toward Pavilion 9. There, one of the colonels present (we can't recall his name, given the great number of police on the scene) warned that he could not guarantee the physical integrity of the director and of the two judges if they wanted to enter the

---

<sup>3</sup> The director of the prison was quoted as saying: "The inmates...ordered the guards to leave Pavilion 9. I was in Pavilion 2." (*O Estado de S. Paulo*, October 6, 1992).

<sup>4</sup> See: Americas Watch, *Police Abuse in Brazil: Summary Executions and Torture in São Paulo and Rio de Janeiro*, (Human Rights Watch: December 1987).

<sup>5</sup> October 8, 1992, report by judges Luiz Augusto San Juan França, Fernando Antonio Torres Garcia and Ivo de Almeida, received by Americas Watch from the Governor of the state of São Paulo.

entry courtyard in Pavilion 9, because the rebels might be armed with firearms. There was an insistence on the attempt to negotiate on the side of the judges and the director, who was even carrying a loudspeaker."<sup>6</sup> The report states that the police provided the director with escorts and proceeded to open a solid iron gate that had been blocked from inside. After the ten or fifteen minutes that it took to open the gate, they attempted to enter but "fire was set to the first barricade built at the entry to the Pavilion, thus frustrating any possibility to undertake immediate negotiation. The beginning of the military occupation proper took place between 4:15 and 4:30 P.M."<sup>7</sup>

Another person who was present at the iron gate leading to the courtyard at the entry to Pavilion 9, has given a different version with regard to the prison director's attempts to negotiate. According to Antonio Filardi Luiz, the head of Penitentiary Affairs in the Secretariat of Public Security, the police commander gave an order that no civilian should attempt to enter Pavilion 9. Regardless of which version is true, the rapid sequence of events makes it clear that no serious effort was made to undertake negotiations and to avoid loss of life.

Reports indicate that some inmates resisted at the outset of the police occupation of the building. A small explosion injured two military commanders. (According to subsequent interviews, the explosion was probably caused by a combination of an imploding television set and an exploding cooking gas container, taken from the guards' kitchen, that inmates threw at the storming police).

We do not have a full picture of what followed. Accordingly, at this time we limit ourselves to information obtained from testimonies by witnesses who were in different parts of the building and to official information released by the government.

The official death toll, compiled by the government, stands at 111. All those killed were prisoners. In addition, at least 35 prisoners were wounded.<sup>8</sup> After the operation, the police listed 15 of its own men as wounded, that list subsequently rose to 22 and still later to 48.<sup>9</sup> There were no police deaths.

It is unclear how many inmates died in the immediate aftermath of the storming. Many witnesses testified that the police used automatic weapons. These accounts were supported by the configuration of bullet marks, of which Americas Watch was able to take photographs.

According to testimonies, when the police stormed, most inmates retreated into their cells where many of them were killed. In several cells visited by Americas Watch, it was impossible to obtain testimonies about the details of the killings because there were no survivors. For example, all six inhabitants of cell 385E were killed in the cell. Similarly, all six inmates in cell 383E died in their cell. Judging from the bullet marks, at least some of the inmates died in their beds. Because of the overcrowding, they slept on plywood shelves above the living area. Americas Watch counted at least eight bullet holes in the bottom of a shelf and several more on the ceiling,

---

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> *Folha de S. Paulo*, October 4, 1992.

<sup>9</sup> *Jornal da Tarde*, October 8, 1992.

indicating that the police shot at men who had taken refuge on their beds. In cell 375E, there were 12 inmates when the police entered, although ten lived there. All 12 were killed. There were several bullet marks and blood stains on the wall about a foot above the floor, suggesting that men who were being shot at were either lying on the floor or crouching. We observed similar marks, low above the floor, in several other cells.

The scenario was different in some other cells. In cell 379E, for example, there were six inmates. Three were ordered out of the cell, according to a survivor who was among those who left. The three who were ordered to stay were killed.

An inmate who survived in cell 512E, where six prisoners died, told us that police burst into the cell and shot without warning.

In one cell, Americas Watch's representative saw a small stool with blood stains and two bullet holes. Someone had apparently tried to protect his head with that stool, in vain.

One of the men we interviewed, who lived in cell 351I, said that his two cellmates were killed while sitting on the bed. He survived because he pulled their bodies over his own and avoided notice.

According to inmates' testimonies, the automatic weapons fire died down before nightfall, probably within an hour-and-a-half of the occupation (it gets dark in São Paulo between 6 and 6:30 P.M. at this time of year). Those who survived were ordered to strip naked and told to go to the patio on the ground floor.

Several prisoners reported that they were made to walk, run or crawl through gauntlets: two lines of soldiers standing in the hallway of the fifth floor or on the stairwell.

According to accounts by survivors we interviewed, after the order to evacuate to the patio was given, inmates were forced to run rapidly down the dilapidated stairwell, with their hands above their heads. Those who slipped were killed.

A man from cell 359E who survived the initial shootings unharmed, reported that after being discovered by the police, he was ordered to crawl through a gauntlet about 90 feet long. The police told him that if he managed to get to the end of the corridor, he would live. As he crawled, police beat him with bayonets and other metal objects. He suffered several head injuries (Americas Watch interviewed and photographed him in the infirmary).

The surviving inmates were made to crouch naked in the patio for several hours. Afterwards they were ordered to get up and walk into random cells without looking up at the faces of the police. According to one inmate's estimate, it was about 1:30 A.M.

Some inmates were ordered to carry corpses. One man interviewed by Americas Watch stated that he witnessed two men killed after collecting corpses. The name of one of the men executed under these circumstances was Adão Luis Ferreira de Aquino (according to official information, 23 years old, awaiting trial). The witnesses knew the other man whose execution he saw only by the nickname "Tubarão."

According to repeated testimonies, many inmates died offering no resistance. Several were killed after having stripped naked (and thus obviously obeying orders rather than fighting). A

priest who visited Pavilion 9 the next morning, when all but about 13 bodies had been removed, told us he saw at least two bodies with their hands high up behind their heads, in a gesture indicating that they were killed after having surrendered.

The total number of those killed is still unclear (see "The Official Reaction"). The official list of the dead has 111 names as of this writing. Prisoners have compiled lists containing several additional names; some witnesses estimated the number of victims as high as 200. At least 36 men were listed by the inmates as unaccounted for. The authorities subsequently provided background information about 104 of the victims, below we reproduce this information<sup>10</sup>:

#### JUDICIAL PROFILE

not yet convicted:	84
sentences up to 2 years:	1
sentences between 5 and 10 years:	4
sentences between 11 and 20 years:	6
sentences between 21 and 30 years:	5
sentences of more than 30 years:	4

#### AGE

21 or younger:	12
between 22 and 25:	39
between 26 and 30:	35
between 31 and 40:	16
more than 40:	1 <sup>11</sup>

### The Official Reaction to the Massacre

The official reaction was almost as distressing as the massacre itself.

#### Suppression of information

The news that something serious was going on at Casa de Detenção spread quickly around the city because traffic had been blocked on Avenida Cruzeiro do Sul, in front of the main gate to the prison. Helicopters were also spotted over the institution. A crowd of anxious relatives and many journalists gathered at the walls, hoping to receive information. No information was released to the press or relatives that night. Moreover, two photographers and a reporter were briefly detained by the police and taken to a precinct when they tried to photograph a ROTA car taking away bodies.<sup>12</sup>

---

<sup>10</sup> Source: Ministry of Public Security of São Paulo, reported in *Folha de S. Paulo*, October 8, 1992.

<sup>11</sup> The date of birth of one of the dead not available.

<sup>12</sup> *O Estado de S. Paulo*, October 4, 1992.

On Saturday, relatives tried various means to find out about the fate of their loved ones. A newspaper account described one woman standing on a ledge across the street from the windows of Pavilion 9 shouting the names of various inmates, and the prisoners, from a distance of about 600 feet shouting back whether a particular man was dead or alive.<sup>13</sup> Many relatives started their tours of city morgues.

By late Friday night, officials had known that the number of casualties was high. According to the judges' affidavit, cited above, at 10:30 P.M., the time they left the premises, they were informed by Col. Faroro of the Shock Troop that the number of dead was more than 50. On Saturday morning, at 8 A.M., according to the same document, the judges were told by the director of the prison, Mr. Pedrosa, that more than 110 inmates had been killed. This information was not released publicly until late afternoon that day.

In an interview with Americas Watch, Governor Luiz Antonio Fleury Filho said that he was out of town on Friday. He was informed by his aides at 4:30 P.M. on Friday that there was a disturbance at the prison but did not know the full extent of the problem. The Governor told us he received information about the number of dead at 2:30 P.M. on Saturday and released the news to the press at 3:30 P.M.

### **Treatment of the Relatives**

The official list of the dead was posted on the wall next to the main gate on Sunday morning.<sup>14</sup> That was *all* the government did to inform the relatives. In violation of the most basic international prison standards, relatives were not notified directly about the deaths.<sup>15</sup> Moreover, after finding the name on the list, the relatives had to undertake a tour of the city's morgues to locate the body. They had until midnight Tuesday to identify them; those not identified by that deadline were buried as unknowns.

As late as Wednesday afternoon, Americas Watch encountered a woman in front of the prison crying in despair because her son's name, José Carlos Clementino da Silva, was on the list but she had not found his body in any of the morgues.

Relatives of those who were not on the list were almost equally frantic and anxious. Not until Thursday, October 8, did the authorities come up with the list of those who remained alive in Pavilion 9. Because many reports indicated that the 111-name list was incomplete, relatives of those held in Pavilion 9 could not assume that their loved ones had survived just because they had not been listed as dead.

---

<sup>13</sup> *O Estado de S. Paulo*, October 4, 1992

<sup>14</sup> *Folha de S. Paulo*, October 5, 1992

<sup>15</sup> Rule 44(1) of the United Nations Standard Minimum Rules for the Treatment of Prisoners: Upon the death or serious illness of, or serious injury to a prisoner...the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner." United Nations, Department of Public Information, New York, 1984.

The government failed to establish any system to try to deal with all the inquiries. The only explanation provided was that the identification of survivors was difficult because prisoners burned the records. It is worth pointing out, however, that the dead had been identified through fingerprinting, a procedure that could be applied to those still alive. The least that a prison should be able to do is to confirm the identities of its prisoners.

## **Treatment of the Wounded**

According to the official list, at least 35 prisoners were wounded. Americas Watch visited a room in the prison infirmary where 11 of the most seriously injured were held. Some of the men were gravely ill; one man had sustained seven bullet wounds; another one, five; many were visibly in pain. Inmates told Americas Watch that until the morning of the day of our visit (Thursday, six days after the massacre) they did not have beds. They were also issued fresh sheets on the day of our visit. According to the wounded men, no official investigator had come to take their testimonies as of the day of Americas Watch's visit.

Americas Watch also visited a wounded man in a different cell who had sustained a severe beating during the massacre. The man, Anderson Marques, told us that his sentence had expired on September 12, almost three weeks before the massacre. A prison official present at the scene did not dispute this statement and explained that prisons do not release inmates without a judicial order.<sup>16</sup>

One man interviewed by Americas Watch in the infirmary who had sustained five bullet wounds told us that he was ordered to undress the corpses in the aftermath of the massacre. He was not given medical aid until the afternoon of the next day.

## **The Police**

The military police of São Paulo have a notorious reputation.<sup>17</sup> Every year, they kill hundreds of criminal suspects on the streets of São Paulo in purported shootouts. The number of these killings has grown under the current administration of Gov. Fleury Filho. Based on official police statistics, it has been calculated that in 1979-82, the police in São Paulo killed a suspect every 30 hours; between 1983-1990, every 17 hours; and currently every 7 hours.<sup>18</sup> The official statistics refer to the police victims as "marginais", a Portuguese word for "marginal" or "outlaw." The casualties on the side of the police have been consistently low<sup>19</sup>, casting doubt on the claim that

---

<sup>16</sup> This practice, which appears not to be limited to isolated cases, seems particularly absurd in a system as overcrowded as São Paulo's. We cited it in our 1989 report. Inmates have also called attention to this among their complaints, mentioned above. At the gate to the prison, a woman holding a small child handed this note to the representative of Americas Watch: "His sister is waiting for him. Sentence Expired. Juarez Oliveira Pereira."

<sup>17</sup> See: Americas Watch, *Police Abuse in Brazil*. An update of this report is currently being prepared by Americas Watch.

<sup>18</sup> *Folha de S. Paulo*, October 6, 1992.

<sup>19</sup> According to official statistics, in 1991 in São Paulo, 1,140 criminal suspects were killed, while the number of casualties on the side of military police was 78. As of October 2, 1992, 1,264 suspected criminals had been killed, an average of 140.4 a month or 4.6 per day. According to the *Jornal do Brasil*, the military



these are predominantly shootouts.

The police who stormed Casa de Detenção went in armed with automatic weapons. Aside from all the physical evidence, this was confirmed by the men who participated in the operation. Captain Wanderley Mascarenhas of the Special Operations Team said in an interview: "I was with my nine millimeter machine gun." "Did you pull the trigger?" the reporter asked. "I did."<sup>20</sup>

The police gave different numbers for their wounded on different occasions. The number mentioned most frequently was 22. Nine of the men, according to the official list released to journalists sustained bullet wounds. But when reporters checked some of those men, they found that in at least two cases, men listed as wounded with firearms sustained minor cuts and did not miss a work day.<sup>21</sup> There were no reports that any police were injured in a life threatening way.

The police alleged that prisoners were armed, including with firearms. In the aftermath of the raid, they produced more than 120 home-made knives, some of them very large, and 13 guns.

The presence of the guns poses many questions. If indeed there were guns in the prison, how did they get there? A prison official to whom that question was posed blamed family members and lawyers for bringing contraband in during their visits.<sup>22</sup> This raises extremely serious concerns about how the São Paulo prisons are being run. In press interviews, the director of the prison questioned the veracity of this allegation.<sup>23</sup> Inmates themselves stated in press interviews that they had knives but claimed that the bullet wounds sustained by police must have been inflicted by their colleagues and denied having guns.<sup>24</sup> The judges' affidavit states that, at about 7 P.M. on the evening of the massacre, the police displayed the confiscated weapons to them. According to the report, the judges saw numerous knives, makeshift knives, iron pipes, stones and sticks. The affidavit states: "No firearms were seen there."<sup>25</sup>

The police and the penitentiary system in São Paulo report to the same official, the Secretary of Public Security (the penitentiary system was recently moved from under the auspices of the Secretary of Justice by Governor Fleury). The Secretary of Public Security at the time of the storming, Pedro Franco de Campos, has refused to blame the police for what happened. Two days after the massacre, he was still quoted as asserting: "It is too early to say whether there was abuse or not during the invasion of Casa de Detenção."<sup>26</sup> He has categorically refused to use the word "massacre." Mr. Franco Campos resigned under pressure on Wednesday, October 7.

---

police estimate that the number of civilian casualties in São Paulo could reach 1,700 by the end of 1992.

<sup>20</sup> *O Estado de S. Paulo*, October 9, 1992.

<sup>21</sup> *Notícias Populares*, October 9, 1992.

<sup>22</sup> Interview with Antonio Filardi Luiz, October 8, 1992.

<sup>23</sup> See: *O Estado de S. Paulo*, October 6, 1992.

<sup>24</sup> *Jornal do Brasil*, October 4, 1992.

<sup>25</sup> Judges report obtained from the governor.

<sup>26</sup> *Folha de S. Paulo*, October 5, 1992.

The governor dismissed several of the military police commanders who were involved in the operation. Two of the men appointed in their place were quoted a few days later as saying, that "The operation was absolutely correct," and that they would "do everything all over again."<sup>27</sup> The representative of Americas Watch asked the governor how a similar situation was to be avoided in the future in light of these statements. He responded that the appointments were temporary and that the new Secretary of Public Security will make his own appointments. That same day, the new secretary, Michel Temer, confirmed the governor's appointments.

## Conclusion

After conducting a preliminary investigation of the killings at the Casa de Detenção, Americas Watch remains disturbed by the extreme and excessive violence used by the military police, which caused the deaths of at least 111 prisoners.

We find that there was no serious attempt on the part of the authorities to undertake negotiations or avoid loss of life. Rather, the response to a disturbance which was not known to pose a threat to the lives of anyone was extreme. According to repeated testimonies, the police fired randomly into cells and killed prisoners who were offering no resistance, including prisoners who had stripped naked. After retaking the prison, several inmates were also forced to walk, run or crawl through police gauntlets and some were forced to carry the bodies of the dead. It is clear to us that, contrary to the statements of several São Paulo public officials, a massacre did occur at the Casa de Detenção and that the force used by the military police was wholly disproportionate, arbitrary and extremely brutal.

Americas Watch believes that the poor conditions at the prison prior to the killings at Pavilion 9 were also partially to blame for the tragedy. Pavilion 9 was overcrowded -- holding 2076 inmates on the day of the massacre -- understaffed, offered poor medical facilities and medical care, and had inadequate living conditions. These conditions persisted at the Casa de Detenção despite repeated published reports, including one by Americas Watch in 1989, describing the poor conditions and urging speedy reforms.

Americas Watch is also troubled by the reaction of the São Paulo government to the killings. In particular, we believe that the government took an inordinate amount of time before releasing details about the assault on the prison, and treated the relatives of those incarcerated at Pavilion 9 in a callous and cruel fashion. In violation of the most basic international prison standards, the authorities delayed in releasing information about the casualties in the prison -- a complete, official list was not released until October 10 -- and took no steps to aid families in locating the corpses of those killed. The government failed to establish any system to deal with inquiries by the families of the victims, and it is feared that some bodies may have been buried before the families could view the corpses.

Statements by the São Paulo authorities in the wake of the massacre lead Americas Watch to question whether an adequate investigation into the killings will occur and whether steps will be taken to ensure that such a brutal assault does not occur again. Pedro Franco de Campos, the Secretary of Public Security who bears responsibility for ordering the assault, declined to blame the police for what occurred and refused to use the word "massacre" to describe the killings.

---

<sup>27</sup> *Folha de S. Paulo*, October 8, 1992.

Equally troubling are statements made to the press by the military police commanders who replaced those dismissed after the assault on the prison. They reportedly stated that they felt the attack was "absolutely correct."

## **Recommendations**

Americas Watch calls upon the São Paulo state authorities to undertake an adequate and rapid investigation of the killings to the Casa de Detenção and to prosecute those responsible to the full extent of the law. We also call on the São Paulo authorities to take immediate steps to see to it that prisoners are released when their terms of detention expire and to improve the conditions at the prison which, as indicated by the statistical profile of those killed in the massacre, primarily houses inmates awaiting trial.

Specifically, we call on the São Paulo government to:

- Release the results of autopsies, ballistics tests, and criminal investigations;
- Conduct exhumations of the bodies of the prisoners and serious, competent autopsies if initial autopsies are not performed or are found to be inadequate;
- Conduct medical examinations of the police wounded in the operation and disclose details about the nature of their injuries including, especially, information about bullet wounds and what weapons caused these wounds;
- Ensure that investigations are conducted by a responsible, competent body independent from the police force with adequate staff to conduct such investigations and with the participation of distinguished citizens with established reputations for independence, impartiality and integrity;
- Conduct a serious and credible prosecutorial inquiry in fulfillment of Brazil's new obligations under the recently ratified American Convention on Human Rights which requires such investigation and prosecution;
- Devise a set of procedures for handling prison disturbances that is designed to minimize violence and which includes a ban on the use of automatic weapons.

\* \* \* \* \*

This report was written by Joanna Weschler, the director of Human Rights Watch's Prison Project, and was edited by Aryeh Neier, executive director of Human Rights Watch. Ben Penglase, Americas Watch associate, provided research assistance. We would especially like to thank Paulo Sérgio Pinheiro and the staff of the Núcleo de Estudos da Violência and the Comissão Teotônio Vilela for their invaluable assistance in coordinating visits and interviews, and facilitating our research. We are also grateful to Governor Antonio Fleury Filho and other officials of the São Paulo government for meeting with us. We would also like to thank the inmates of Pavilion 9 for meeting with us and sharing with us their experiences.

**Americas Watch** was established in 1981 to monitor and promote the observance of internationally recognized human rights standards in the Americas. Americas Watch is one of the five regional divisions of Human Rights Watch. The Chair of Americas Watch is Peter D. Bell; Vice Chairs, Stephen L. Kass and Marina Pinto Kaufman; Executive Director, Juan E. Méndez; Associate Directors, Cynthia Arnson and Anne Manuel; Representative for Central America, David Holiday; Consultant, Robin Kirk; Research Associate, Mary Jane Camejo; Associates, Vanessa Jiménez, Ben Penglase and Clifford C. Rohde.

**Human Rights Watch** is composed of five regional divisions -- Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch -- and the Fund for Free Expression. Its Chair is Robert L. Bernstein; Vice Chair, Adrian W. DeWind; Executive Director, Aryeh Neier; Deputy Director, Kenneth Roth; Associate Director, Gara LaMarche; Washington Director, Holly J. Burkhalter; California Director, Ellen Lutz; Press Director, Susan Osnos; Counsel, Jemera Rone.