

## Case BRA 031116

### **Violent killings of children deprived of liberty/Torture and Ill-Treatment/ Fear for personal safety and physical integrity of children in the socio-educative system of Pernambuco**

The International Secretariat of the World Organisation Against Torture (OMCT) and the Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP) request your **URGENT** intervention in the following situation in **the state of Pernambuco, Brazil**.

#### **Brief description of the situation**

The International Secretariat of the World Organisation Against Torture (OMCT) and the Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP) have been informed by reliable sources about the death in just one week (25-31 October 2016) of 11 teenagers during riots in two units of deprivation of liberty in the State of Pernambuco, Brazil.

In the early morning of the 25 October 2016 there was a riot at the Unit Centro de Atendimento Socioeducativo of Timbaúba (CASE/Timbaúba) where 4 teenagers died and many others were injured.<sup>1</sup> During the visit of inspection in the unit, after the riot<sup>2</sup>, we received information that one teenager that died was in a “punishment cell”<sup>3</sup>, handcuffed, when he was surprised by the aggressors without possibility of defense.

Following the events, in the night of the 30 October 2016, a new riot happened in another socio-educative unit of the state, CASE Caruaru, that resulted in the death of 7 teenagers leaving many others injured.<sup>4</sup> GAJOP had visited this unity a few weeks before and informed the State of the imminent possibility of a violent riot. According to testimonies, the killings were a response to a beating with iron bars, conducted by state officials that work in the unit, the night before.<sup>5</sup> The youngsters have also claimed that state officials themselves incited violence among them.

According to the same information and our own evidence, these units are often overcrowded; have precarious infrastructure and systematic practices of torture and ill-treatment by “socio-educative officials”. A situation that places in imminent danger all the 1.526 children that are still under custody in the state of Pernambuco, and particularly the 200 children that are still deprived of liberty in the CASE/Caruaru (that has a capacity for 90 children), and the 58 children that are in the CASE/Timbaúba. Just in 2016 there have been already 16 riots in the 23 units of deprivation of liberty in the Juvenile Justice System of Pernambuco.<sup>6</sup>

Other characteristics of those units are insufficient and bad quality food, and the great lack of social and educational activities aiming their reinsertion in society.

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<sup>1</sup> More info : <http://agenciabrasil.ebc.com.br/geral/noticia/2016-10/rebeliao-de-juvenis-infratores-deixa-tres-mortos-e-oito-feridos-em-pernambuco> ; <http://radiojornal.ne10.uol.com.br/noticia/2016/10/26/interno-ferido-em-rebeliao-na-funase-de-timbauba-morre-na-restauracao-50189>

<sup>2</sup> <https://www.timbaubaagora.com/noticia/2016-10-26/Entidades-cobram-posicionamento-do-estado-sobre-mortes-na-Funase-de-Timbauba>

<sup>3</sup> The so called « Punishment Cells” are places with reinforced security used to avoid flights, or as punishment for transgression of rules. The place is also used to protect teenagers that have received death threats. Since it is a “protected location” the use handcuffs cannot be justified. In addition, the access of other inmates to the location raises questions concerning the direct involvement of prison guards.

<sup>4</sup> [http://www.diariodepernambuco.com.br/app/noticia/vida-urbana/2016/10/31/interna\\_vidaurbana,672771/rebeliao-na-funase-de-caruaru-deixa-sete-adolescentes-mortos.shtml](http://www.diariodepernambuco.com.br/app/noticia/vida-urbana/2016/10/31/interna_vidaurbana,672771/rebeliao-na-funase-de-caruaru-deixa-sete-adolescentes-mortos.shtml)

<sup>5</sup> <http://www.folhape.com.br/noticias/noticias/cotidiano/2016/11/02/NWS,4745,70,449,NOTICIAS,2190-MOTIM-FUNASE-PODE-TER-SIDO-INCITADO-DIZ-GAJOP.aspx>

<sup>6</sup> <http://g1.globo.com/pernambuco/noticia/2016/11n/ovo-presidente-da-funase-quer-reduzir-numero-de-juvenis-internados.html>

## Background Information

These deaths happened in the context of a crisis in the socio-educative system of the State with serious violations of human rights of children deprived of liberty and a sequence of riots that resulted in deaths and institutionalized practices of torture, that have killed in the past 5 years 40 children deprived of liberty under State custody just in that state. The great majority of those killings were brutal, by decapitation, dismemberment, children burned alive, or killed with improvised weapons.

States have a positive obligation to take special measures to guarantee fundamental rights of children deprived of liberty, including their right to life, physical and psychological integrity, in accordance with their best interest.

The state of Pernambuco counts with a state mechanism for the prevention and fight against torture, that realizes daily monitoring visits to different centres. In addition, this year the National Preventive Mechanism has also realized monitoring visits in those units and so did the UN Subcommittee for the Prevention of Torture (SPT) in their last visit. Civil society has been sending periodically reports to state and international institutions about the harshening of the situation of children deprived of liberty in this state.<sup>7</sup> Despite all those efforts, governmental actions have been superficial and inefficient<sup>8</sup>, indicating a disdain for monitoring bodies and the non-compliance with its recommendations, and with national and international legislation on rights of children.

## Action requested

Please write to the authorities of Brazil urging them to:

- i. Take all necessary measures to improve substantially the conditions of detention of children and make profound reforms in the socio-educative system; in particular, with more urgency, to fight against the over-crowdedness and improve access to educational activities for children deprived of liberty;
- ii. Use deprivation of liberty of children as a last resort, and for the minimum necessary period, taking into account the best interest of the child. In addition, alternative measures to deprivation of liberty must be promoted with the objective of a complete reintegration of children into society;
- iii. Implement safeguards for the protection of children deprived of liberty and guarantees that all deaths and allegations of torture will be investigated immediately, diligently and impartially, and that law enforcement officers responsible for such abuses against children deprived of liberty will be duly prosecuted and punished according to the law. Furthermore, to ask that the Fundação de Atendimento Socioeducativo em Pernambuco (FUNASE) publishes monthly reports about the investigations and criminal, civil and administrative sanctions that are been applied to state officials, as well as the number of deaths and injuries in socio-educative centres;
- iv. Urgently take all necessary measures to guarantee the safety, physical and psychological integrity of children deprived of liberty in the state of Pernambuco;
- v. Ensure that all children affected by riots are examined by independent doctors and receive an adequate medical assistance. To ensure as well that, in relation to the children that have died in the riots, their bodies are released to their families, after comprehensive medical examinations, in a reasonable period of time, as promptly as possible;

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<sup>7</sup> <http://www.folhape.com.br/noticias/noticias/cotidiano/2016/10/06/NWS,1451,70,449,NOTICIAS,2190-RELATORIO-APRESENTADO-ONU-MOSTRA-SITUACAO-SISTEMA-SOCIOEDUCATIVO-BRASIL.aspx> ;

<http://tvjornal.ne10.uol.com.br/noticia/ultimas/2013/11/13/ongs-denunciam-a-onu-violencia-e-falta-de-estrutura-nas-funases-de-pernambuco-10744.php>

<sup>8</sup> <http://g1.globo.com/pernambuco/noticia/2016/10/diretor-da-funase-de-timbauba-e-exonerado-apos-mortes-em-rebeliao.html>

- vi. Give adequate reparation to the families of children that died under State custody;
- vii. Guarantee that a state response is in conformity with the Convention of the Rights of the Child, the Convention against Torture, the Inter-American Convention on Human Rights, and other international and national laws that protect children.

**Addresses :**

- Sr. Michel Miguel Elias Temer Lulia – President of Brazil. Fax:(61) 3411.2222 - [gabinetepessoal@presidencia.gov.br](mailto:gabinetepessoal@presidencia.gov.br)
- Sr. Alexandre de Moraes – Minister of Justice and Citizenship. Fax: (61) 2025.9556 - [agenda.ministro@mj.gov.br](mailto:agenda.ministro@mj.gov.br) - [chefiadegabinete@mj.gov.br](mailto:chefiadegabinete@mj.gov.br)
- Sr. José Serra – Minister of Foreign Affairs. (61) 2030.8097 - [sg@itamaraty.gov.br](mailto:sg@itamaraty.gov.br)
- Sra. Regina Maria Cordeiro Dunlop – Ambassador of the Permanent Mission of Brazil in Geneva - FAX: + 41 22 910 0751 - [delbrasgen@itamaraty.gov.br](mailto:delbrasgen@itamaraty.gov.br)
- Sra. Flavia Piovesan – National Secretary for Human Rights - 61 2025.3900 - [direitoshumanos@sdh.gov.br](mailto:direitoshumanos@sdh.gov.br) -
- Sr. Claudio Augusto Vieira da Silva – Coordinator of the National Socio-educative System of the Human Rights Secretariat - [claudio.silva@sdh.gov.br](mailto:claudio.silva@sdh.gov.br)
- Sr. Rodrigo Janot – Federal Attorney General - Fax: (61) 3005.3156 - [rodrigob@pgr.mpf.gov.br](mailto:rodrigob@pgr.mpf.gov.br)
- Sr. Paulo Henrique Saraiva Câmara – Governor of the state of Pernambuco - [governo@governadoria.pe.gov.br](mailto:governo@governadoria.pe.gov.br)
- Sr. Isaltino Nascimento – Secretary of Social Development, Children and Youth of the state of Pernambuco- [isaltino\\_nascimento@yahoo.com.br](mailto:isaltino_nascimento@yahoo.com.br) / [isaltinonascimento.sdscj@gmail.com](mailto:isaltinonascimento.sdscj@gmail.com)
- Sr. Fábio Paes – President of the National Counsel for Children and Adolescents - Fax: (61) 3224.8735 - [conanda@sdh.gov.br](mailto:conanda@sdh.gov.br)
- Sra. Lourdes Vinokour – President of the State Council for the Defence of the rights of Children and Adolescents in Pernambuco- Fax: (81) 3184.7000 - [cedca@cedca.pe.gov.br](mailto:cedca@cedca.pe.gov.br)

Please also write to the diplomatic representations of Brazil in your respective countries.

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

**For more information :**

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