

Brazil's Carandiru Massacre: 111 Dead, 13 years, No One Guilty

Contributed by Adital
Tuesday, 28 February 2006

Yet another injustice has been committed concerning the case of the Carandiru penitentiary massacre in São Paulo, Brazil. The slaughter occurred on October 2, 1992 when police entered Carandiru prison in order to quell a riot.

In doing so, the police shot and killed 111 prisoners, many at point blank range. Colonel Ubiratan Guimarães was in charge of the operation.

In 2001, Guimarães was brought before the court and charged as being responsible for the deaths of the inmates. The jury found him guilty, and the judge gave him a 632-year prison term. He appealed the decision and was released on his own recognizance.

The following year, the colonel won an election for state representative and was therefore automatically given the privilege of bringing his case before a special court of judges, and not of jurors.

Last week, February 15th, this court found Guimarães not guilty of the charges. They said that the judge presiding at the original trial had misinterpreted the jury.

At that trial, the jurors accepted the argument that the colonel was acting out of "strict compliance of legal duty", but that he had acted in an "excessive" manner. However, the judges said that if the jury accepted the former, then the latter is null.

Therefore, the jury really had the intention of absolving the colonel of any wrongdoing, but the judge had badly interpreted the jury's responses. The judges made this decision in spite of previous interviews of jury members who said that in fact they had wished to condemn the colonel.

Human rights groups are outraged over the decision. One grave concern is that now the other 84 police officers involved in the massacre will not be held responsible, as they too were acting on "strict compliance of legal duty." Another concern is that the decision once again legitimizes police violence and guarantees impunity.

Hundreds of people took to the streets to protest the decision, including Senator Eduardo Suplicy, a member of the Workers' Party, who joined 110 other protestors as they lay down on the ground in front of the Justice Tribunal of São Paulo, symbolizing those slain in the massacre.

Catholic bishop Pedro Luiz Stringhini also participated in the protest, and commented, "This decision is absurd. We fear that an uninformed public will not understand what a grave injustice this is. But we can not stand by quietly."

The massacre at Carandiru has already been the subject of books, films, news shows, and of innumerable reports from Amnesty International, Human Rights Watch, the Inter-American Commission on Human Rights, and others. According to the National Movement of Human Rights, the judges' decision damages once again Brazil's reputation in relation to human rights and the impunity in the country.

"This appeal represents a small but important point of reference, through which the penal justice system of Brazil will be evaluated, in terms of its determination to guarantee equal and universal access to justice, and its desire to promote and protect the human rights of all Brazilians," commented Tim Cahill, researcher for Amnesty International.

According to Amnesty International, no one is serving time for the massacre. Not one of the 84 police officers involved have been tried. The accusations against 29 other officers for having caused bodily harm have been dropped. Besides this, not one attempt has been made to determine the responsibility of the state governor or the Secretary of Public Security acting at the time.

In addition, authorities of São Paulo and Brazil have not entirely implemented cautionary measures stipulated by the Inter-American Commission on Human Rights in relation to this case. These measures include reparations to relatives of the victims and the implementation of measures to guarantee the rights of prisoners.

But, the story has not yet ended as the Public Ministry has announced that it intends to take the case to the Brazilian Supreme Court.

The Carandiru Massacre

On Friday October 02, 1992, José Ismael Pedrosa, director of the Casa de Detenção (State Prison) in São Paulo telephoned State Secretary of Security, Pedro Franco de Campos at 3.05 P.M. to inform him that a rebellion had broken out in Pavilion 9 of the prison.

Just over an hour later, Campos gave the following order to the chief officer of the military police at the prison, Ubiratan Guimarães, "You are on the spot, make an evaluation and do what has to be done". Thus started what was to be the bloodiest massacre of all time in a Brazilian jail.

Even though by 6.00 P.M. the State Governor, Antonio Fleury Filho, was informed that at least 90 prisoners had been killed, all official news bulletins during the next 24 hours spoke of the death of only 8 prisoners. According to police reporters, this distortion in the official news release was due to the fact that Saturday was election day in Brazil for mayors and councilors (vereadores).

According to such sources the gravity of the news was not released so as not to take votes away from the State Governor's candidate - Aloysio Nunes Ferreira, in the municipal elections. By Saturday evening, the number of prisoners killed was stated to be 111 whilst a number of police and other prisoners were said to have been injured.

In the day following the massacre, human rights entities condemned loudly and clearly the massacre and those who were responsible for it.

According to the National Movement of Human Rights (Movimento Nacional de Direitos Humanos - MNDH) the "crime (massacre) is a shame for Brazil and constitutes a genocide and collective crime which reminds us of the more sinister moments of Brazilian history".

The note from the MNDH went on to state that life is of fundamental value to be preserved in all circumstances and that those responsible for the massacre should be identified and punished. The MNDH statement said that the massacre "shows in a clear manner how the death sentence outside of the legal system is executed in Brazil with the active participation and support of some authorities". The MNDH is the umbrella entity for Brazilian human rights groups.

According to the Lawyer's Association of São Paulo (OAB /SP), what really happened on Friday evening in the Casa de Detenção was not a rebellion since the only weapons which the prisoners had access to were knives and pieces of timber. According to the OAB what really took place was a premeditated slaughter in which the prisoners were summarily executed in their cells and in the corridors.

The OAB made this statement after a visit of representatives of the organization to the prison. The OAB report stated that the prisoners had held no hostages and they had no escape plans made. It also stated that in one of the cells, the bodies of 10 prisoners were found.

The report went on to say "One of the prisoners told us that he saw a colleague being shot while he had his hands on his head and that others prisoners were shot whilst they carried the bodies of their dead colleagues".

A protest statement of the Cardinal of São Paulo at the time, Dom Paulo Evaristo Arns, contained the following comment: "During the period of office of the present Secretary (the Secretary for Public Security, Pedro Franco de Campos) the most horrible things were perpetuated that I have seen in my 26 and a half years as bishop of Sao Paulo."

A number of police officers present at the massacre and the prison director were temporarily relieved of their duties by the State Governor, Antonio Fleury Filho, waiting for an inquiry to be carried out.

Human rights organizations demanded that the governor dismissed the State Secretary of Public Security, Pedro Franco de Campos. Campos eventually resigned on Wednesday October 07.

This material appeared originally at Adital (Agência de Informação Frei Tito para a América Latina - Friar Tito Information Agency for Latin America)

Brazil Justice Net - www.braziljusticenet.org