

METHODOLOGY

The Marielle Franco Institute has prepared this report, evaluating and proposing recommendations based on its networking activities in monitoring cases of police violence in the country. The information was gathered based on letters and other documents prepared by the Institute for Brazilian institutions and international organizations, as well as on research produced by other civil society organizations and media reports.

EVALUATIONS

1. Recommendations 32, 33, 34, 42, 58, 59, 60, 61, 62, 63, 64, 68, 70, 71, 73, 98, 103 and 106 on police violence are not being followed. As will be seen below.

2. In the case of **Arguição de Descumprimento de Preceito Fundamental nº 635**, the Supreme Court decided that police operations carried out in the state of Rio de Janeiro could only occur in "absolutely exceptional" cases, for the duration of the COVID-19 pandemic. Furthermore, among other things, the Supreme Court ordered

- I) Investigation of police operations carried out during the pandemic by the Federal Public Ministry (MPF);
- II) Elaboration of a plan to reduce police lethality and control human rights violations by the State of Rio de Janeiro;
- III) Prohibition of the use of helicopters as a shooting platform;
- IV) Prohibition of the use of schools and hospitals as operational bases for the civil and military police;
- V) Preservation of crime scene remains, avoiding undue removal of bodies, documentation of forensic evidence, necropsy reports and exams, in order to ensure the possibility of independent review;
- VI) Observance of the Minnesota Protocol;
- VII) Installation of cameras in vehicles and in police uniforms;
- VIII) Publicity of protocols of police action for the surveillance of society;
- IX) Presence of ambulances in previously planned operations where there may be armed confrontation.

3. The decision, however, was not compiled in many respects. Decree 47.802/2022 of the State of Rio de Janeiro, which establishes the plan to reduce police lethality in the State, in general, does not observe several aspects of the decision in ADPF 635: the State still provides for the use of helicopters, as well as determines the communication of operations to the Natural Prosecutor within 24 hours after they take place, instead of prioritizing communication prior to the police operation. Furthermore, social participation in the Plan's Monitoring and Management Commission is non-existent.

4. On 5/6/2021, the **Jacarezinho Slaughter** took place, which resulted in the death of 28 people, mostly young black men. Besides summary executions, residents reported torture, abuse of authority, houses invaded by police without warrants, confiscation of residents' cell phones, and helicopters shooting randomly at houses. The health facility that administers covid-19 vaccines had to be closed. Soon after the massacre, Rio's Civil Police Secretariat imposed a five-year secrecy on all documents of operations carried out since June 2020, including the one in Jacarezinho, which was official, that is, endorsed by the state authorities, and was the most lethal in Rio de Janeiro's history since the country's re-democratization in 1988.

5. On 6/8/2021, **Kathlen Romeu**, a young black pregnant woman, was murdered with a rifle shot during an action involving Military Police officers from the Pacifying Police Unit (UPP) of the Complexo de Lins Vasconcelos, in Rio de Janeiro. The bullet casings were collected and the place of death was changed by the military police themselves, which may result in the crime not being investigated. In the last five years, 15 pregnant women were shot in the metropolitan region of Rio de Janeiro. Besides Kathlen, seven other women could not resist the injuries and died¹.

6. On 11/22/21, a **slaughter took place in the Salgueiro Complex in São Gonçalo (RJ)**², which also showed serious signs of executions and left at least 11 dead. The police left the bodies, with torture marks, in the local swamp, which had to be removed by the residents themselves. There was no immediate communication from the Military Police to the Civil Police and the Public Prosecutor's Office about the existence of the bodies in the community, nor was the place secured, which was essential for the investigation³. This episode was the 59th massacre in the Rio de Janeiro metropolitan region in 2021. From January to April 2021 alone, the monthly average of police operations was 41.7, resulting in a total of 134 deaths in the period, surpassing the indicators for the period before the preliminary injunction in the ADPF 635⁴. The cases thus represent violations of the ADPF 635 decision. On October 31, 2021, in the city of **Varginha, in southern Minas Gerais, another police operation resulted in 26 deaths.**

7. In 2020, at least 12 children between 4 and 14 years of age died from gunshots in the State of Rio de Janeiro in police operations. Among the most striking episodes are the case of **Emilly Victoria, 4, and Rebecca Beatriz, 7**, killed while playing outside their home in Duque de Caxias, in Baixada Fluminense (RJ), and also the case of **João Pedro, 14**, who was killed during an operation in Complexo do Salgueiro, in São Gonçalo, in May 2020. This

¹ Data from the Fogo Cruzado Institute.

² Data from the report for the IACHR made by the Marielle Franco Institute and the Race, Equality and Human Rights Institute.

³ <https://defensoria.rj.def.br/noticia/detalhes/11831-Nota-Publica>

⁴ Data from the Geni/UFF group.

scenario of police violence is not exclusive to Rio de Janeiro, but affects all of Brazil, the country had almost 5,000 violent deaths of children and adolescents in 2019, 75% were black children and adolescents⁵. In July 2016, 14-year-old **Mario Andrade**, a resident of the Ibura neighborhood, a neighborhood on the outskirts of Recife, Pernambuco, Northeast Brazil, was murdered by military police officer Luiz Fernando Borges. Since 2014, Rute Fiuza has been demanding answers from the state for the forced disappearance of her son **Davi**, then 16 years old, after a police approach in Salvador⁶.

8. In Bahia, Northeast Brazil, 1,137 people were killed by police in 2020⁷. In the same year, in Salvador, capital of Bahia, all people killed by the police were black⁸. In 2021, **Maria Célia de Santana, 73, and Viviane Soares, 40**, two black women, were killed by military police officers in front of their house in the Curuzu neighborhood of Salvador. On 1/3/2022, in the Solar do Unhão community in the Gamboa region of Salvador, police killed Alexandre dos Santos, 20, Cleverson Guimarães Cruz, 22, and Patrick Souza Sapucaia, 16, an occasion that became known as the **Chacina da Gamboa**.

9. Episodes like these have been happening for decades. The **Cabula Massacre** was a massacre of 12 young black men in Vila Moisés, a poor community in the Cabula region of Salvador, Bahia, by military police officers on February 6, 2015, which remains unsolved. Nine police officers were indicted by the Public Ministry and eventually acquitted. Currently, the case is still under secrecy⁹. Another case that became widely known in 1990 was the **Acari Massacre**, with the kidnapping of 11 young people in Baixada Fluminense, who were kidnapped by military police officers and never found. One of the mothers of the kidnapped youths, Edméa da Silva, was murdered in 1993 for having obtained new evidence about the case. According to a complaint filed in court in 2014, the crime was allegedly ordered by Colonel and retired PM and former state deputy Emir Campos Larangeira.

10. The current federal government aims to dismantle the policy of Prevention and Combat of Torture: Decree 9831/2019 determined the dismissal of the 11 experts who worked at the National Mechanism for Prevention and Combat of Torture (MNPCT), turning their activities into unpaid work, directly affecting the functional independence of the body, responsible for monitoring, in addition to prisons, places of shelter for children and the

⁵ Data from the 14º Anuário Brasileiro de Segurança Pública (14th Brazilian Public Security Yearbook), released in October 2020 by the Fórum Brasileiro de Segurança Pública (Brazilian Public Security Forum).

⁶<https://ponte.org/por-que-o-governo-da-bahia-nao-reduziu-a-violencia-policial-mesmo-com-15-anos-de-pt-no-poder/>

⁷ Data from the 15th edition of the Anuário Brasileiro de Segurança Pública (15th Brazilian Public Security Yearbook)

⁸ Data from the research "Pele Alvo: A cor da violência policial"(Targeted Skin: The color of police violence), from the Rede de Observatórios da Segurança (Safety Observatories Network).

⁹<https://ponte.org/por-que-o-governo-da-bahia-nao-reduziu-a-violencia-policial-mesmo-com-15-anos-de-pt-no-poder/>

elderly, psychiatric hospitals, therapeutic communities and units for compliance with socio-educational measures. The changes made under this Decree are clearly illegal, as they make changes that directly impact Federal Law 12,847/2013, which creates the National System for Preventing and Combating Torture. ADPF 607 questions the decree before the Supreme Court.

11. This scenario highlights the lack of transparency of police actions in the State, the policy of criminalization of poverty and anti-black genocide, and reveals the perpetuation of the false "war on drugs" model. These are some examples of police violence that are structural in the country. It is a model of public security based on the logic of the internal enemy, and it has its origins in the country's history of slavery and colonial subalternization and exploitation. Thus, it is important to mention the need for demilitarization of the police, as well as the recurrent state tactic in launching programs like Pacto Pela Vida (Pact for Life), UPPs [Unidade de Policia Pacificadora (Pacifying Police Units)] or Cidade Integrada (Integrated City), whose in the name of fighting crime, produce and reinforce instruments of violence and death to black and poor populations. In this sense, we emphasize that the role of the Judiciary in legitimizing police violence, which occurs with impunity for the perpetrators of this violence, as well as through the acceptance of evidence obtained through torture, evidence obtained by entering homes without a warrant, or even testimonial evidence from the police officers themselves as the only evidence in criminal cases, also occurs from criminal selectivity, which promotes the over-incarceration of black and poor people in penal establishments internationally recognized for torture and violation of human rights, as is the case of the Urso Branco penitentiaries (Rondônia, North of the country) and the Curado Complex (Pernambuco). In this sense, Brazil not only systematically ignores international norms on police violence, to which it is bound, but also repeatedly fails to comply with recommendations and resolutions issued by international organizations.

12. The Brazilian State is not ensuring that the police forces and the justice system are held accountable for violent and racist operations against the Afro-Brazilian population. This impunity allows the repetition of similar acts and the perpetuation of structural racism. The perpetuation of this pattern evidences i) the presence of a significant and persistent pattern of racial discrimination, as evidenced in social and economic indicators; ii) the lack of an adequate legislative framework that defines and holds accountable all forms of racial discrimination or the lack of effective mechanisms, including the lack of appeal procedures; iii) policies or practices of impunity regarding violence against members of a group identified on the basis of race, color, descent, or national or ethnic origin by State officials or private actors.

RECOMMENDATIONS

13. In view of the evaluations outlined, the following recommendations are requested:

- 1) That the Brazilian State refrain from using helicopters as shooting platforms or instruments of terror and present a plan for the demilitarization of the police, establishing such commitments in law;
- 2) That the communication of police operations to the Natural Prosecutor always be carried out before they take place, establishing such commitments in law;
- 3) That Brazil conducts a survey of all cases of police violence, ensuring independent investigation and accountability in cases and the provision of financial, psychological and physical reparation to the families of victims, and that the country makes a commitment of non-repetition with the creation of a national plan for the reduction of police lethality;
- 4) Identify and take concrete measures to address the root causes of the proliferation of such racist manifestations and thoroughly investigate the phenomenon of racial discrimination targeting, in particular, black and poor people;
- 5) About the state of Rio de Janeiro:
 - 5.1 That the social participation, of the Protection Program for Human Rights Defenders and civil society organizations committed to the promotion of human rights be guaranteed in the plan to reduce police lethality in Rio de Janeiro;
 - 5.2 To request the Civil Police Secretariat of Rio de Janeiro, in order of transparency, public accountability and respect for human rights, to abandon the decree that made access to information about operations organized by the civil police confidential.