

# Universal Periodic Review

## June 2012 - Brazil

### Justiça Global – Institutional Violence and Public Security in Rio de Janeiro –UPR SUBMISSION – BRAZIL

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**Justiça Global** (“Global Justice”) is a Brazilian not-for-profit organization that was founded in 1999 to promote and protect human rights, to expose the most serious human rights violations in Brazil, and to develop strategies to challenge the attitudes and policies that allow them to persist. *Justiça Global* aims to strengthen civil society and democracy, to enhance access to justice, and to promote much-needed reforms and public policies by addressing the institutional weaknesses and related factors that contribute to patterns of the human rights violations in Brazil.

Our organization is dedicated to protecting the right to life, liberty and security of person; and freedom from torture, inhuman and cruel treatment. While Brazil is gaining ground in the public imagination as an economic powerhouse and successful post-dictatorship democracy, those most fundamental of human rights are violated daily in a society known for its stark income disparities, its “criminalization” of the poor, its tolerance of excessive police violence in the name of public security, and the murder and intimidation of its human rights activists in the vast, resource-rich interior of the country.

*Justiça Global* works in four priority areas:

- pushing for reforms of Brazil’s notoriously violent **prison system** and **police forces**, calling for their practices to be brought into line with international standards of fairness and effectiveness
- responding when Brazil’s **human rights defenders** come under attack, and helping develop national policies to protect their ability to work unhindered by threats and assaults
- promoting **access to justice** for the victims of the most severe human rights violations, and
- advancing the **social and economic human rights (especially land claims) of vulnerable communities** when they encounter violent resistance.

*Justiça Global’s* work stands out in many ways, starting with its national scope – the organization is active in 16 of Brazil’s 27 states. It has developed exceptionally close working ties with grassroots groups across the country. This gives the organization ready access to primary sources of information (for instance, interviews with victims and authorities) after a massacre or forced relocation, as well as an informed perspective on the systemic nature of the violations of central concern to *Justiça Global*.

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## **Submission by Global Justice for the 2012 UPR of Brazil, with respect to Institutional Violence and Public Security in Rio de Janeiro**

### **Introduction, Methodology and Context**

1. Although several references were made to Brazil's lack of public security during the interactive dialogue of the country's Universal Periodic Review in 2008, the country has done little to improve the situation. Examples of such references include those made by: (i) the Republic of Korea – stating that a number of international human rights organizations had repeatedly drawn attention to Brazil's lack of public security and requesting that the country give more consideration to this issue; (ii) the Russian Federation – articulating that public security must continue to be a priority for the Brazilian government and asking for more details on the practical implementation of measures used to reduce urban violence and investigate cases of extrajudicial killings; and (iii) Belgium – noting the country's persistent difficulties and human rights violations relating to the Brazil's efforts to address public security.<sup>i</sup> Recommendations that were examined by and received the support of Brazil included one of “giving a more thorough consideration to the issues of . . . lack of public security.”<sup>ii</sup>
2. Global Justice (Justiça Global) has been supporting civil society efforts to resist the Public Security Politics of Rio de Janeiro, especially as the city prepares to host two international sporting mega-events in the upcoming five years. For this purpose, Global Justice has worked to: mobilize civil society organizations and activists; document and denounce human rights violations; and organize the visit of the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions, which resulted in the devastating report on Rio de Janeiro – highlighting executions committed by police and condemning police mega-operations, as well as the police policy of confrontation. This report is based on the information obtained by Global Justice during the course of its operations and research.

### **Sport Mega-Events, Police Mega-Operations and Acts of Resistance**

3. The year of 2007, with the achievement of the Pan-American Games in Rio de Janeiro, was a landmark for the deepening of social crises already acutely present in the city, such as, for example: the Security policy used during the confrontation, as well as the sanitation, forced eviction, repression and criminalization of social movements and of poverty, among others. The situation of Rio de Janeiro in 2007 has since been exacerbated by the upcoming realization of the 2014 World Cup and the 2016 Olympic Games.
4. As the city prepared for the Pan-American games, a massacre occurred (the “Pan massacre”) in the Complexo do Alemão community, resulting in 19 official deaths. Portrayed by state and federal authorities as a successful operation, the massacre gave legitimacy to the continuation of police mega-operations in Rio de Janeiro's favelas, which have produced and continue to produce an extremely large number of deaths.
5. The so-called “acts of resistance” – documents filed when police officers kill someone who was supposedly violently resisting a police action – are normally used to gauge police violence, as they are widely understood to cover up cases of actual summary execution. Because of this, as well as the high number of international denunciations made with respect to acts of resistance, the Brazilian government was forced to change its plan of action, although not its actual Security policy.

6. One of the government's principal initiatives in this regard consisted of a change in the composition of the Public Security Institute of the Secretary of Security of the State of Rio de Janeiro, which is the body responsible for producing crime statistics for the state. As part of this change in composition, the institute's anthropologist Ana Paula Miranda, who was originally responsible for producing crime statistics, was fired. She was subsequently replaced by a Military Police coronel, Mário Sérgio Duarte.
7. This change was strategic for the government for the following reason: in order to maintain its "War on Drugs," logic, it needed to present results without being questioned about them. The trafficking of drugs and arms are organized, not at the edge of State-control, but rather by the State itself. And, the discourse of a War on Drugs is merely a cover-up mechanism for Security politics, spinning on the gears of corruption and violence in the plot between the State, crime and the criminalization of poverty – a plot in which police forces play a central role in crime and in the construction of a private-enterprise city.
8. After the government implemented the changes mentioned above, the Public Security Institute came to present a significant drop in the number of recorded homicides and filed acts of resistance in Rio de Janeiro. According to the Public Security Institute,<sup>iii</sup> in 2007 the total number of acts of resistance filed was of 1,330, a number which decreased to 1,137 in 2008, to 1,048 in 2009 and to 855 in 2010. In the first semester of 2011, there were merely 374 acts of resistance filed, as compared with the 505 occurring during the same period just one year prior.
9. Acts of resistance began to be siphoned into and absorbed by other categories. For instance, the total number of disappeared persons underwent an alarming increase, climbing constantly from 4,633 in 2007 to 5,473 in 2010. In the first semester of 2011, that number jumped to 2,879, from a total of 2,643 in the same period in 2010.
10. It is impossible to assess exactly how many assassinations caused by police officers have been transformed into disappearances by means of hiding bodies. Nevertheless, the parallel that can be drawn between the decrease in one death index, accompanied by the increase in another, may indicate a change of strategy in how the government deals with deaths produced as a result of police violence.<sup>iv</sup>

### **Favela Occupations and Police Pacification Units**

11. The most important aspect of the public safety transformation in Rio de Janeiro in recent years has been the installation of permanent police garrisons, or Police Pacification Units – UPPs, and the occupation of communities by security forces. In spite of the publicized success of the militarized occupations carried out in the communities of Rio de Janeiro, various denunciations of abuse have been made – most notably, warrantless invasion of homes, arbitrary searches<sup>v</sup> and violent confrontations due to the imposition of rules on residents.
12. The UPPs are described by the State as having the goal of "consolidating state control of communities which are under strong influence of the ostensibly armed crime factions and returning public peace and tranquility to the local population, as necessary for their full exercise of citizenship, which serves as a guarantee for social and economic development."<sup>vi</sup> These would be the first steps toward implementation of public services.
13. The first of the city's UPPs was inaugurated in 2008 in the community of Morro Santa Marta. To this day, the much-promised works for urbanization have yet to be completed. Today, there are a total of 19 installed UPPs, covering more than 30 communities in Rio

de Janeiro. Nonetheless, the UPPs have not provided much aside from police action – that is, most occupied favelas still lack healthcare, daycare, schools, social assistance and outlets for recreational activities.<sup>vii</sup> Residents of occupied favelas themselves criticize these installations by contrasting the presence of police with the absence of social programming.<sup>viii</sup>

14. Furthermore, the process of installing UPPs has proven to be extremely violent. At the end of 2010, almost 40 people were killed in crossfire in Rio, including a teenage girl who was hit by a stray bullet as the city's police overtook two additional favelas to install their UPPs.<sup>ix</sup>
15. Other criticisms coming directly from the communities themselves denounce the way in which police command has been implemented in the favelas – acting as an intermediary between the community and the implementation of other public services, and placing itself directly in the middle of the relationship between residents and the State.<sup>x</sup> Both the selective implementation of the UPPs merely in areas of economic interest and the prohibition of certain community events, are among the different criticisms being raised.<sup>xi</sup> There are also indications that some of the community leadership organizations have been pressured by UPP Police officers to not adopt a stance of resistance with respect to, for example, attempts at forced eviction.<sup>xii</sup>
16. More than repression and control, the installation of UPPs has been primarily focused on the city's preparations for the World Cup and Olympic Games and the valorization of the city's real estate market. The chosen location of the UPPs clearly expresses the strategy of guaranteeing safety for very specific areas of the city (South Zone, Downtown, Tijuca and Barra da Tijuca).
17. The most recent favela occupation and UPP installation occurred on November 13 of this year, in the favela of Rocinha, situated in the South Zone of the city. The Human Rights Commission of the Legislative Assembly of Rio de Janeiro, directed by Marcelo Freixo, visited the favela a week after the UPP's installation and reported a total lack of infrastructure in the area – including innumerable garbage piles and open-air sewage canals – making it clear that, in spite of government jubilation, there is much to be done in terms of guaranteeing basic rights such as running water, public sanitation and slope retention projects in the community.<sup>xiii</sup>

## **Militias**

18. Last of all, in recent years, actions carried out by militias in the communities of Rio de Janeiro intensified significantly.<sup>xiv</sup> To a certain degree, these militias act as a legacy of the extermination squads of the 1970s and 1980s, demonstrating the following new relationship between security forces and crime: direct participation in the criminal exploitation of communities, instead of merely passive operation, for example, by means of corruption.
19. The fact set forth in the preceding paragraph was already the subject of an investigation carried out by the Legislative Assembly of Rio de Janeiro, which, as a result, produced an extensive report – identifying potential individuals involved in the city's militias and recommending a series of actions to be taken by the Public Prosecutor's Office.<sup>xv</sup> Nonetheless, the militias have yet to be the target of any effective governmental action, as exemplified by the existence of only one community originally controlled by militias now being occupied by a UPP. All of the remaining communities continue under drug traffic control.

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<sup>i</sup> A/HRC/8/27, 22 (May 2008), Human Rights Council, Eighth session, Agenda item 6, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/136/68/PDF/G0813668.pdf?OpenElement> (last visited November 25, 2011).

<sup>ii</sup> Ibid.

<sup>iii</sup> All of these statistics can be accessed on the Public Security Institute's Website: <http://www.isp.rj.gov.br>.

<sup>iv</sup> This theory is raised in the report of Débora Lerrer for Fazendo Media. Available at:

<http://www.fazendomedia.com/os-desaparecidos-do-rio-de-janeiro>.

<sup>v</sup> See: <http://global.org.br/programas/manifestacao-publica-de-organizacoes-de-dh-sobre-alemao-e-vila-cruzeiro>.

<sup>vi</sup> Available at: <http://www.isp.rj.gov.br/Conteudo.asp?ident=261>.

<sup>vii</sup> Marcelo Freixo, *Rio de Janeiro: Não haverá vencedores* [Rio de Janeiro: There will be no winners], Folha de São Paulo (November 28, 2010).

<sup>viii</sup> Ibid.

2010).

<sup>ix</sup> John Lyons, *Rio de Janeiro Violence Rises, Deaths Mount as Police Battle Gangs in Slums; Worry Over Olympics, World Cup*, Wall Street Journal (November 26, 2010).

<sup>x</sup> See: [http://issuu.com/ibase/docs/democraciaviva\\_ed46\\_web](http://issuu.com/ibase/docs/democraciaviva_ed46_web).

<sup>xi</sup> See: <http://www.fazendomedia.com/desconstruindo-o-consenso>.

<sup>xii</sup> Information provided by Sister Fátima, community leader of the favela called Estradinha.

<sup>xiii</sup> Bulletin No.º38 – Mandato II – of November 24 to December 1, 2011, Marcelo Freixo Mandate (PSOL/RJ) – State Representative.

<sup>xiv</sup> More detailed information is presented in the report, *Segurança, Tráfico e Milícias no Rio de Janeiro* [Security, Drug Traffic and Militias in Rio de Janeiro], available at: [http://global.org.br/wp-content/uploads/2009/12/Relatorio\\_Milicias\\_completo.pdf](http://global.org.br/wp-content/uploads/2009/12/Relatorio_Milicias_completo.pdf).

<sup>xv</sup> Report available at: <http://www.marcelofreixo.com.br/site/upload/relatoriofinalportugues.pdf>.