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COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: ARDS/YH/KK/EMLER :

12 July 2022

**Subject: Letter to the Permanent Mission of Brazil to the United Nations Office and other international organizations in Geneva – Favela Vila Cruzeiro incident**

Excellency,

I am writing to you on behalf of the United Nations International Independent Expert Mechanism members mandated to advance racial justice and equality in law enforcement (the Mechanism), established pursuant to operative paragraph 10 of Human Rights Council resolution 47/21.<sup>1</sup>

The Mechanism writes in the spirit of dialogue to seek clarifications about the events of 24 May 2022, in the Favela Vila Cruzeiro neighbourhood in Rio De Janeiro, where at least 23 people, most of whom are of African descent, were killed during a police operation. We stand ready to enter a deep and respectful dialogue with Brazil to ensure racial justice and equality for People of African descent in the context of law enforcement, particularly in the context of our up-coming visit to Brazil as per your Note Verbale 111/2022 of 6 April 2022, which we hope to engage further on soon.

According to the information received, the above-mentioned operation was drug related. Reports suggest that in addition to ground law enforcement personnel, helicopters were also used. The raid resulted in major loss of life caused by stabbings and stray bullets. Private property was also damaged and various essential services in the neighbourhood, including 11 schools, health facilities, and shops had to close. The Mechanism notes that already in 2020, the Supreme Court issued its decision ADPF 635/2020,<sup>2</sup> prohibiting police raids in Rio De Janeiro except in “absolutely exceptional circumstances.”

These events must be viewed against repeated concerns over the killing of individuals of Afro-descent at the hands of law enforcement in the State of Rio De Janeiro. Allegedly,

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<sup>1</sup> The international independent expert mechanism to advance racial justice and equality in the context of law enforcement was established in July 2021 by the Human Rights Council to make recommendations, inter alia, on the concrete steps needed to ensure access to justice, accountability and redress for excessive use of force and other human rights violations by law enforcement officials against Africans and people of African descent. **Justice Yvonne Mokgoro** (South Africa, chairperson); **Dr. Tracie Keesee** (United States of America) and **Professor Juan Méndez** (Argentina) were appointed in December 2021 by the President of the Human Rights Council to serve as independent experts on the mechanism.

<sup>2</sup> APDF 635/2020 Supreme Court Decision  
<https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADPF635DECISaO5DEJUNHODE20202.pdf>



between 2007 and October 2021, 941 law enforcement operations were carried out in the metropolitan area of Rio De Janeiro. Reportedly over 400 deaths are estimated to have occurred in this context. The Mechanism is further concerned that these actions by the police may be part of persistent systemic and historical racial discrimination against Afro-Brazilians.

The Mechanism takes this opportunity to remind Brazil of its obligations to protect the right to life, freedom from torture and other cruel, inhuman, or degrading treatment or punishment, freedom from racial discrimination and equality before the law. These obligations are firmly grounded in the international human rights treaties that Brazil is a party to, including the International Covenant on Civil and Political Rights (ICCPR), Convention against torture and other cruel, inhuman, or degrading treatment or punishment (CAT), and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as well as the American Convention on Human Rights.

The Mechanism recalls Brazil has supported recommendations in the Universal Periodic Review on mandatory human rights training for police agencies, emphasising the use of force according to necessity and proportionality to reduce deaths from police action.<sup>3</sup>

To provide guidance and recommendations the Mechanism would be grateful if you could provide us with information regarding the incident, and we would welcome details on:

1. Further information or additional comments you may have on the events mentioned above.
2. Further information on the decision to proceed with the operation despite the Supreme Court decision that such police raids in Rio De Janeiro should be suspended during the COVID-19 pandemic.
3. Number and names of the persons killed and injured during the raid disaggregated by sex, age, race, or ethnicity.
4. Detailed reports on the use of force by the various law enforcement agencies involved that day, including at least: the number of law enforcement officers deployed; law enforcement agencies involved; type and manner of force used; type and amount of vehicles and weapons used (including ammunition); type and amount of protective equipment that was available to law enforcement officers; measures taken to avoid the use of force and de-escalate the situation; other measures taken to reduce the risk of injury and death; lessons learned on the use of force during the operation, in line with the general principles on the use of force.
5. Further information on ongoing investigations into the police actions mentioned above, including the reported killings. Please provide updated information on the status of such investigations, the steps taken or envisaged to be taken to ensure accountability of those responsible, and reparation to the victims, their families, and affected members of the community.
6. National and local legislation and/or police manuals or protocols on the use of force by law enforcement authorities in Brazil.
7. Further information on training for law enforcement on the use of force and human rights.

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<sup>3</sup> Universal Periodic Review Brazil <https://www.ohchr.org/en/hr-bodies/upr/br-index>



8. Further information on the measures taken to ensure racial justice and equality for Afro-Brazilians in the context of law enforcement in Brazil and measures for non-recurrence being taken.

Given the seriousness of the matter, the Mechanism would appreciate a response to these points at your earliest convenience. Please note that we make our views and concerns public and that any such public statement will reflect that we have raised our concerns with your Excellency's government.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

Yvonne Mokgoro  
Chairperson

Permanent Mission of Brazil to the  
United Nations Office and other  
international organizations in Geneva