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REFERENCE: EMLER/AMF/kk

19 October 2022

Subject: Response to NV 298/2022 of 5 September 2022 from the Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva

Excellency,

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

The Expert Mechanism acknowledges receipt of your Government's response of 5 September 2022, through Note Verbale 298/2022 to our letter requesting clarification of the events of 24 May 2022 in the Favela Vila Cruzeiro in Rio de Janeiro.

We acknowledge the information in your letter on the various investigations launched, including criminal investigations by the Ministry of Justice and Public Security and the Office of the Prosecutor of the State of Rio de Janeiro. The Expert Mechanism also takes note of the police inquiries initiated under the Assistant Police Authority of the Capital Homicide to determine the responsibility for and circumstances of the deaths.

We note the steps taken by Brazil to conduct training for law enforcement officials, including in human rights, ethics, and the selective use of force and less lethal operations. We also note various legislation and policies on the use of force, such as: Law 13060, Inter-ministerial Ordinance 4.226, the National Public Security and Social Defence Policy, and the National Public Security and Social Defence Plan 2021.

In follow-up to the information provided, the Expert Mechanism would appreciate receiving detailed information on the following outstanding and follow-up questions in order to enable us to offer recommendations:

1. Please provide further information on the decision to proceed with the operation in light of the Supreme Court's decision to suspend such police raids in Rio De Janeiro during the COVID-19 pandemic.¹
2. Please provide further information on the findings of the autopsies performed by the Department of Technical-Scientific Police of the State of Rio de Janeiro. Please include the number, names, and cause of death of the persons killed during the raid disaggregated by race or ethnicity, as well as by sex, age and other factors.
3. Please provide further information on the number and names of persons injured during the raid disaggregated by race or ethnicity, as well as by sex, age, and other factors.

¹ APDF 635/2020 Supreme Court Decision

<https://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/APDF635DECISaO5DEJUNHODE20202.pdf>

4. Please provide detailed reports on the use of force by the Military Police of the State of Rio de Janeiro (PMERJ) and the Federal Highway Police (PRF) involved that day, including at least: the number of law enforcement officers deployed; 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 actions taken to reduce the risk of injury and death, and to ensure respect for the principles of necessity, proportionality and precaution; as well as any lessons learned during the operation, in line with the general principles on the use of force.
5. Please provide updated information on the criminal investigations initiated on the aforementioned events, and on measures adopted to ensure independent, impartial, prompt, thorough, effective, credible and transparent, investigations and prosecutions.
6. Please provide information on the steps taken or which you envisage taking to ensure accountability of those responsible and redress to the victims, their families, and affected community members.
7. Please provide further information on the mandate of the Department of Homicide and Protection of the Person (DGHPP) of the Secretariat for Civil Police of the State of Rio de Janeiro (SEPOL). Please indicate if this mandate is set out in a constitutional, legislative or other formal text, and provide information on its composition, powers and sphere of competence.
8. Please explain the guarantees taken to ensure that the officials of the DGHPP/SEPOL conducting the investigation are independent from the agency implicated in the events of 24 May 2022 in the Favela Vila Cruzeiro.
9. Please indicate whether the Military police officers involved in the incidents were suspended or have been suspended pending the outcome of judicial proceedings.
10. While taking note of the legitimate objective stated by Brazil, to combat organized crime, drug trafficking and other illicit activities, please provide further information on the measures taken to ensure racial justice and equality for Afro-Brazilians in the context of such law enforcement operations, and efforts made for non-recurrence.

We look forward to your replies to the above questions on this important matter, and to pursue our constructive dialogue with Brazil towards ensuring racial justice and equality for people of African descent in the context of law enforcement.

We hope to engage further with Brazil by way of a country visit in 2023, in line with our mandate, and in relation to your note Verbale 111/2022 of 6 April 2022, for which we are grateful.

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