

SYSTEMIC AND RACIST POLICE VIOLENCE IN BRAZIL

SUBMISSION TO THE 2024 REPORT OF THE UN HIGH
COMMISSIONER FOR HUMAN RIGHTS PURSUANT TO UN
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SYSTEMIC AND RACIST POLICE VIOLENCE IS EMBEDDED IN BRAZILIAN PUBLIC SECURITY POLICY AND RESULTS IN UNLAWFUL KILLINGS OF YOUNG BLACK MALES AT A DISPROPORTIONAL RATE

Amnesty International submits information regarding the preparation of the 2024 report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council Resolution 47/21

This contribution is based on documentation carried out on the situation in Brazil and it focuses on systemic racism and violations of international human rights law by law enforcement agencies against people of African descent in Brazil.

In April 2023, Amnesty International made a submission regarding the same topics, this is a follow up submission which emphasizes that law enforcement and police violence continue to reproduce racism as systemic, institutional, and multi-layered. Racism intersects with gender and class oppression and contributes towards deepening the vulnerability and inequality of the Black population in different spheres of everyday life.

SYSTEMIC RACISM AND HUMAN RIGHTS VIOLATIONS IN BRAZIL

Systemic and multi-layered racism in Brazil is the most significant factor affecting the Black population's full enjoyment of their social, economic, cultural, political, and civil rights¹. Racism in Brazil is a deeply rooted system of power and oppression, intersecting with gender, class, sexuality, age, territory, religion, and other

¹ Instituto Brasileiro de Geografia e Estatística. Desigualdades sociais por cor ou raça no Brasil, 2022, <https://biblioteca.ibge.gov.br/index.php/biblioteca-catalogo?view=detalhes&id=2101972>

characteristics and producing a complex context of inequalities and marginalization experienced by Black and Indigenous populations across all aspects of life². As stated by Ms. Gay McDougall, member of the Committee on the Elimination of Racial Discrimination (CERD), during the last review of Brazil, “the country has exclusionary institutions, the racist social fabric is widespread and stereotypes about race speak to the persistence of racialized domination to this day. (...) And in the political sphere, this is a minority government reminiscent of Apartheid South Africa”³. Amnesty International has pointed out a series of issues related to human rights violations towards the Black population in Brazil in the last CERD review in 2023 and the Human Rights Committee review in 2023⁴.

135 years since the formal abolition of legalized enslavement, the Brazilian State has consistently fallen short in its efforts to redress the legacies of slavery, colonialism, white supremacy, racial hierarchy to dismantle the structures of racial subordination and inequality, and to eliminate systemic racism. Different governments have failed to address systemic racism in an adequate and timely manner and ensure access and enjoyment of social, economic, civil, political, and cultural rights of the Black population⁵. The impact of systemic racism in Brazil, particularly concerning the excessive use of force by law enforcement agents, often leads to high numbers of unlawful killings, commonly referred to as “chacinas” or massacres. This issue disproportionately affects Black people residing in favelas and peripheral areas. In this context, this submission encapsulates the findings of Amnesty International that span two decades of documenting unlawful killings, excessive use of force, racial profiling, home searches, threats, intimidation, enforced disappearances, and other serious human rights violations arising in the context of police operations and incursions targeting favelas and peripheral areas in Brazil, regions predominantly inhabited by Black people. Additionally, it outlines Amnesty International's concerns regarding the violence, exclusion, and deprivation experienced by Black women in the context of the “war on drugs”.

² See: CEDRA, Conjunto de dados. Available at: <https://cedra.org.br/destaques/>

³ See, Committee on the Elimination of Racial Discrimination, 2931st Meeting, 108th Session, Consideration of Brazil, 16 November 2022, available at: <https://media.un.org/en/asset/k1n/k1n1gwi4lk>

⁴ Amnesty International Brazil, Anistia Internacional Brasil relata na ONU as falhas do Brasil no Combate à discriminação racial, November 16, 2022, <https://anistia.org.br/informe/anistia-internacional-brasil-relata-na-onu-as-falhas-do-brasil-no-combate-a-discriminacao-racial/>, Amnesty International, Brazil: Submission to the Committee on the Elimination of Racial Discrimination, 108th Session, 7 November – 2 December 2022 (AMR 19/6139/2022), 17 October 17 2022, <https://www.amnesty.org/en/documents/amr19/6139/2022/en/> (hereafter *Amnesty International CERD Submission 2022*) and Brazil: Submission to the Human Rights Committee 138th Session, 26 Jun 2023 – 28 Jul 2023 (AMR 19/6837/2023), 29 May 2023, <https://www.amnesty.org/en/documents/amr19/6837/2023/en/> (hereafter *Amnesty International CCPR Submission 2023*)

⁵ Black people in Brazil are the contingent most vulnerable to poverty and food insecurity, especially families headed by black and single women. In the labour market, in addition to being generally less remunerated for similar functions performed by non-black people, they are the social group most vulnerable to work analogous to slavery. The right to education, a recognized fundamental element in determining social mobility, has not been guaranteed in a balanced way for the black community. Inequalities in access to school run through the different stages of basic education. Also, the articulation between racism and sexism continued to affect black women in a particular way. Black women are the most affected by femicide, domestic violence and rape. In Brazil, Black women tend to be the most affected by extreme climate events as they represent most residents of subnormal conglomerates and risk areas. Black women, heads of families, are the most affected by rains, floods, and landslides – and suffer from violations of their rights to adequate housing, basic sanitation, water, and minimum income. The National Integral Health Policy for the Black Population, a claim bequeathed by the black women's movement in Brazil since democratization, has not yet been properly implemented. Institutional racism systematically negatively impacts the life expectancy of the black community, also by hindering access to medical treatment. See: Amnesty International CERD Submission 2022.

DISPROPORTIONATE EFFECTS OF EXTRAJUDICIAL EXECUTIONS, ENFORCED DISAPPEARANCES, EXCESSIVE USE OF FORCE AND OTHER VIOLATIONS IN THE CONTEXT OF THE “WAR ON DRUGS” ON BLACK COMMUNITIES

For two decades, Amnesty International has documented⁶ how the “war on drugs” narrative has been used to justify militarized operations and target favelas and Black communities to address problems related to the sale of illegal drugs. As systemic racism is embedded in the way the police operate, targeting areas with highest concentration of Black population is a form of racial profiling and based on racial biases that criminalize Black people - it shows the over policing of Black people. Such narrative has led to the use of unnecessary and excessive use of force by law enforcement officials that, in many instances, has resulted in extrajudicial executions, mostly of Black male teenagers and young adults living in favelas. This documentation reveals one of the most central aspects of systemic racism in Brazil: a public security policy that targets and has the effect of criminalizing the Black population. Despite extensive documentation, complaints, and recommendations from international human rights mechanisms, the current situation reveals a lack of public monitoring of public security forces, weak accountability mechanisms of law enforcement and the persistent use of unnecessary and excessive use of force resulting in unlawful killings that disproportionately affect Black people. Reports by the Brazilian Public Security Forum indicate that at least 43,171 people were killed by the actions of state civil and military police in the country between 2013 and 2021⁷. In 2013, there were 2,212 registered deaths, but this number increased to 6,412 in 2020 and 6,145 in 2021⁸. In 2022, a total of 6,429 deaths were registered, which represents 17 people killed by the police each day. More than 83% of the victims killed by the police in 2022 were Black. All the fatal victims of police brutality were Black in 448 cities⁹. For the first time, the state of Bahia has surpassed Rio de Janeiro in the total number of killings by the police. In 2022, the civil and military police of Bahia, a state with over 15 million people, killed 1,464 people during police actions¹⁰. In comparison, this number of deaths exceeded the ones recorded during the same period in the United States, a country with more than 330 million inhabitants where, according to a survey by Mapping Police Violence, all security forces together killed 1,201 people¹¹. The numbers of people killed by police in Brazil could be even higher due to under-reporting and a lack of government data disaggregated by race, skin colour, and ethnicity.

There are multiple cases of enforced disappearances and extrajudicial executions by law enforcement officials, being monitored by Amnesty International together with family members and victims of state violence throughout Brazil and particularly in the state of Rio de Janeiro. Almost the totality of the victims are Black, many of them being children and teenagers. Amarildo de Souza, 43, was the victim of an enforced

⁶ See: Amnesty International, “They Come Shooting”: Policing socially excluded communities, December 2005, AMR 19/025/2005, <https://www.amnesty.org/en/documents/AMR19/025/2005/en/> and Amnesty International, “From burning buses to caveirões: the search for human security”, May 2007, AMR 19/010/2007, <https://www.amnesty.org/en/documents/amr19/010/2007/en/> see also Amnesty International, “You killed my son: extrajudicial executions committed by Military Police in Rio de Janeiro”, August 2015, AMR 19/2068/2015, <https://www.amnesty.org/en/documents/amr19/2068/2015/en/>

⁷ Fórum Brasileiro de Segurança Pública, Anuário de Segurança Pública, 2022, <https://forumseguranca.org.br/wp-content/uploads/2022/06/anuario-2022.pdf?v=15>

⁸ *Ibidem*.

⁹ Alma Preta, 2024, available at: <https://almapreta.com.br/sessao/cotidiano/exclusivo-em-448-cidades-brasileiras-todas-as-vitimas-da-policia-foram-pessoas-negras/>

¹⁰ *Ibidem*.

¹¹ Mapping Police Violence, 2023, <https://mappingpoliceviolence.us/>

disappearance during a police raid in the Favela da Rocinha, Rio de Janeiro (July 2013)¹². Davi Fiuza, 16, was also a victim to an enforced disappearance during a police raid in Salvador, Bahia (October 2014)¹³. Amnesty International reported the case to the UN Committee on Enforced Disappearances. After eight years, the case remains unsolved by Brazilian authorities, who were unwilling or unable to disclose his fate and whereabouts. In the state of Rio de Janeiro, Amnesty International has been following for decades the struggle for justice by the family of Maicon de Souza Silva, 2, a toddler who was killed by a stray bullet during a police operation in the Acari favela (April 1996)¹⁴.

The registration of the deaths by the police as “auto de resistência” (or resistance followed by death) has functioned as a major obstacle to guarantee justice to victims of killings by the police¹⁵. Police officers are required by law to file an Administrative Register of Occurrence to initiate a process to determine if a killing was in self-defence or if a criminal prosecution is required. “Autos de resistência” documented by Amnesty International containing signs of a possible extrajudicial execution invariably included statements by police officers describing a situation of confrontation with alleged criminals¹⁶. Usually, this version is backed by the police forces and prosecutors, often linking the victim to organized crime without conducting an independent and impartial investigation¹⁷.

642 children and teenagers were shot between 2016 and 2023, an average of one every four days¹⁸. Amnesty International has been following the cases of several other victims, including children and adolescents, killed in the context of police operations in Rio de Janeiro: Eduardo de Jesus, killed with a rifle shot at the age of 10 in April 2015 while playing in front of his house in Complexo do Alemão¹⁹. It is important to point out that recent massacres in Rio de Janeiro (Jacarezinho²⁰, Vila Cruzeiro²¹, Penha²², Complexo da Maré, Complexo do Alemão and Complexo do Salgueiro²³) were carried out despite the decision of the Brazilian Supreme Court (STF) in the judicial complaint of non-compliance with a fundamental precept (ADPF) 635²⁴, popularly known as the “ADPF Favelas Case” (“ADPF das Favelas”). This decision (2020), in addition to prohibiting police incursions in the *favelas* during the COVID-19 pandemic, provided for numerous important measures demanded by civil society, with the aim of reducing the use of force by the police during operations in the *favelas* of Rio de Janeiro. Despite the STF ruling, according to the media,

¹² Amnesty International, “Brazil: “Suspect” goes missing from police custody: Amarildo Souza Lima”, August 2, 2013, <https://www.amnesty.org/fr/documents/amr19/006/2013/en/>

¹³ Amnesty International Brazil, “Desaparecimento Forçado De Davi Fiuza Completa 8 Anos Sem Solução”, October 24, 2022, <https://anistia.org.br/informe/desaparecimento-forcado-de-davi-fiuza-completa-8-anos-sem-solucao/>

¹⁴ Amnesty International, “You killed my son: extrajudicial executions committed by Military Police in Rio de Janeiro”, August 2015, AMR 19/2068/2015, <https://www.amnesty.org/en/documents/amr19/2068/2015/en/>

¹⁵ *Ibidem*.

¹⁶ *Ibidem*.

¹⁷ *Ibidem*.

¹⁸ Futuro Exterminado, 2024, available at: <https://futuroexterminado.com.br/>

¹⁹ Amnesty International, Brazil: Court archives case of killing of young boy during military police operation, November 29, 2016, <https://www.amnesty.org/en/latest/press-release/2016/11/brazil-court-archives-case-of-killing-of-young-boy-during-military-police-operation/>

²⁰ Amnesty International Brazil, Chacina do Jacarezinho: lamentável e injustificável, May 6, 2021, <https://anistia.org.br/informe/chacina-do-jacarezinho-lamentavel-e-injustificavel/>

²¹ Amnesty International Brazil, Um ano após a chacina da Vila Cruzeiro, favelas do Rio acordam sob terror, violência e medo, May 24, 2023, <https://anistia.org.br/informe/38939/>

²² Amnesty International Brazil, Anistia Internacional Brasil exige providências do Ministério da Justiça e Segurança Pública diante de ações da Polícia Rodoviária Federal seguidas de chacina e de morte por asfixia, May 27, 2022, <https://anistia.org.br/informe/anistia-internacional-brasil-exige-providencias-do-ministerio-da-justica-e-seguranca-publica-diante-da-morte-de-genivaldo-santos-durante-acao-da-policia-rodoviaria-federal/>

²³ Amnesty International Brazil, Operações policiais no Rio de Janeiro escancaram alta letalidade do governo Cláudio Castro, November 26, 2022, <https://anistia.org.br/informe/nota-publica-operacoes-policiais-no-rio-de-janeiro-escancaram-alta-letalidade-do-governo-claudio-castro%e2%80%af%e2%80%af/>

²⁴ ADPF (Claim of Non-compliance with a Fundamental Precept) constitutional claim. Case No. 635, also called in Brazil ADPF das Favelas.

three of the most lethal massacres in the history of Brazil took place during this period in an interval of less than two year²⁵.

Over the years, Amnesty International has also documented killings by security forces in other regions for which there has still been no justice or accountability. In the state of Bahia, the activist Pedro Henrique Santos Cruz (December 2018) was killed by the police, and these killings remain unresolved²⁶. During the episode known as the Cabula Massacre in Bahia (December 2015), 12 Black adolescents and young males were killed by Military Police and, after 8 years, there has been no trial to hold those responsible accountable²⁷. In São Paulo, 564 people were victims of the “crimes of May” – a series of extrajudicial executions by the Military Police in 2006²⁸. To this day, impunity persists for these human rights violations. In 2023, an interministerial working group was established to prevent the extrajudicial killing of Black young men. Though it opens space for civil society participation, it does not allow permanent representation or voting capacity²⁹. In the state of Ceará, 11 people were killed and 7 were injured by Military Police in the episode known as Curió Massacre (November 2015)³⁰. Between June and September 2023, 20 of the 34 police officers indicted for taking part in this case were tried. Six of them were convicted of murder and torture and 14 were acquitted. Another 13 police officers have yet to be judged³¹.

Between the end of July and the end of September 2023, media reports showed at least 123 people were killed in police operations in the states of Bahia, Rio de Janeiro, and São Paulo³². Amnesty International and other human rights organizations called attention to a crisis on public security in Brazil in this period.

In the Baixada Santista region of São Paulo state, a Military Police operation called “Operation Escudo” launched on 28 July 2023 as a response to the death of the soldier Patrick Bastos Reis the day before, resulted in the arrest of 958 people and 28 deaths up to the morning of 5 September³³.

On this day, after the Public Defender’s Office of the State of São Paulo and the civil society organization Conectas Human Rights filed a Public Civil Action requesting the mandatory use of body cameras for all agents involved in Operation Escudo⁴², the São Paulo State Public Security Department announced the end of the operation³⁴. However, less than a week later, on 8 September, the São Paulo State Government announced the launch of a new phase of Operation Escudo, focusing on the city of São Vicente, also in the

²⁵ Folha de São Paulo, Gestão Castro tem 3 das 5 operações mais letais do Rio de Janeiro, July 22, 2022, <https://www1.folha.uol.com.br/cotidiano/2022/07/gestao-castro-acumula-3-das-5-operacoes-policiais-mais-letais-do-rio-de-janeiro.shtml>

²⁶ Amnesty International Brazil, Anistia Internacional Brasil cobra justiça por morte de ativista, em Tucano (ba), February 13, 2023, <https://anistia.org.br/informe/anistia-internacional-brasil-cobra-justica-por-morte-de-ativista-em-tucano-ba/>

²⁷ Amnesty International, Brazil: Twelve people killed by military police, Brazil: Twelve people killed by military police, February 16, 2015, <https://www.amnesty.org/en/documents/amr19/0002/2015/en/>

²⁸ Amnesty International, ‘From burning buses to caveirões’: the search for human security, May 2, 2007, <https://www.amnesty.org/en/documents/amr19/010/2007/en/>

²⁹ United Nations General Assembly A/HRC/54/66, page 10.

³⁰ Amnesty International Brazil, Chacina do Curió Termina com 6 PMs condenados e 14 absolvidos, September 17, 2023, <https://anistia.org.br/informe/chacina-do-curio-juri-termina-com-6-pms-condenados-e-14-absolvidos-anistia-internacional-brasil-esta-ao-lado-das-maes-e-familiares-por-justica-verdade-e-reparacao/?preview=true>

³¹ Amnesty International, Chacina do Curió (CE): júri termina com 6 PMs condenados e 14 absolvidos, September 17, 2023, <https://anistia.org.br/informe/chacina-do-curio-juri-termina-com-6-pms-condenados-e-14-absolvidos-anistia-internacional-brasil-esta-ao-lado-das-maes-e-familiares-por-justica-verdade-e-reparacao/?preview=true>

³² See: Amnesty International, Brazil: Authorities must immediately cease and investigate highly lethal police operations, August 8, 2023, <https://www.amnesty.org/en/latest/news/2023/08/brazil-must-cease-investigate-lethal-police-operations/> and Amnesty International Brazil, Combate ao “Crime Organizado” não é licença para matar, September 28, 2023, <https://anistia.org.br/informe/bahia-combate-a-crime-organizado-nao-e-licenca-para-matar/>

³³ Secretaria de Segurança Pública, Em 40 dias, Operação Escudo prende 900 criminosos e apreende quase 1 tonelada de drogas, September 05, 2023, <https://www.saopaulo.sp.gov.br/sala-de-imprensa/release/em-40-dias-operacao-escudo-prende-900-criminosos-e-apreende-quase-1-tonelada-de-drogas/>

³⁴ G1, Governo de SP anuncia fim da Operação Escudo, na Baixada Santista, September 6, 2023, <https://g1.globo.com/jornal-nacional/noticia/2023/09/06/governo-de-sp-anuncia-fim-da-operacao-escudo-na-baixada-santista.ghtml>

Baixada Santista region³⁵. The operation was reportedly initiated in response to a series of attacks that resulted in the shooting of two police officers and the death of a retired sergeant of the Military Police in São Vicente between 9-10 September³⁶. The Public Security Department justified the decision, stating that Operation Escudo had been carried out since January 2023 in incidents where police officers faced hostilities³⁷. After the beginning of the new phase of the operation, two more individuals were killed, bringing the total number of deaths during Operation Escudo (since 28 July) to 30, the deadliest police operation in the state of São Paulo in three decades³⁸. On 23 September, an injunction granting the request of Public Defender's Office of the State of São Paulo and Conectas Human Rights about the mandatory use of body cameras was granted and suspended the same day - the chair of São Paulo Court of Justice accepted an appeal by the São Paulo State Government to overrule the injunction granted by the judge of the case, and argued that the order would cause "damage that would be difficult to repair to order, the economy and public safety".³⁹

On 26 January 2024, Marcelo Augusto da Silva, soldier of the São Paulo Military Police was killed in the Baixada Santista. His death led to the authorization of a new phase of Operação Escudo on 27 January⁴⁰. In 2 February, the operation escalated after the death of Samuel Wesley Cosmo, a police agent of the São Paulo Military Police. In the first two weeks of operation, the two suspects of murdering the soldier were arrested, and 8 other people were killed. On 1 March, the number had raised to 39 deaths after the beginning of this new phase of the operation⁴¹, being considered the most lethal police operation in the state since the Carandiru Massacre in 1992. A report of the São Paulo Public Prosecutor's Office revealed a total of 52 killings by police intervention in the first two months of the year, a huge raise compared to the 10 killings registered in the previous year.

Besides the extrajudicial killings, São Paulo Military Police is also being accused of torture in testimonies of the local population collected by a committee composed by the São Paulo Public Defender's Office, the São Paulo Police Ombudsman, and São Paulo State Representatives⁴². There are also accounts of the Military Police attempting to intimidate families and relatives of the victims by unexpectedly showing up in the funerals and breaking into the home of families and relatives⁴³.

Furthermore, despite the complaints and recommendations, deaths resulting from police excessive use of force have also continued to increase in the states of Bahia and Rio de Janeiro. In the state of Bahia, police operations conducted in different neighbourhoods in the metropolitan region of Salvador and in the interior

³⁵ O Globo, PM faz nova edição da Operação Escudo três dias após governo anunciar seu fim, September 13, 2023, <https://oglobo.globo.com/brasil/sao-paulo/noticia/2023/09/13/pm-faz-nova-edicao-da-operacao-escudo-tres-dias-apos-governo-anunciar-seu-fim.ghtml>

³⁶ O Globo, PM faz nova edição da Operação Escudo três dias após governo anunciar seu fim, September 13, 2023, <https://oglobo.globo.com/brasil/sao-paulo/noticia/2023/09/13/pm-faz-nova-edicao-da-operacao-escudo-tres-dias-apos-governo-anunciar-seu-fim.ghtml>

³⁷ O Globo, PM faz nova edição da Operação Escudo três dias após governo anunciar seu fim, September 13, 2023, <https://oglobo.globo.com/brasil/sao-paulo/noticia/2023/09/13/pm-faz-nova-edicao-da-operacao-escudo-tres-dias-apos-governo-anunciar-seu-fim.ghtml>

³⁸ Agência Brasil, Operação Escudo completa 30 dias, com registro de mais de 20 mortes, August 28, 2023, <https://agenciabrasil.etc.com.br/radioagencia-nacional/geral/audio/2023-08/operacao-escudo-completa-30-dias-com-registro-de-mais-de-20-mortes#:~:text=Com%20o%20registro%20de%2022,quando%20a%20opera%C3%A7%C3%A3o%20vai%20terminar>

³⁹ G1, Justiça de SP suspende liminar que determinava que todos os policiais da 'Operação Escudo' utilizassem câmeras corporais, September 23, 2023, <https://g1.globo.com/sp/sao-paulo/noticia/2023/09/23/justica-de-sp-suspende-liminar-que-determinava-que-todos-os-policiais-da-operacao-escudo-utilizassem-cameras-corporais.ghtml>

⁴⁰ Metrôpoles, available at: <https://www.metrolopes.com/sao-paulo/pm-anuncia-nova-operacao-escudo-no-litoral-apos-morte-de-soldado>

⁴¹ Agência Brasil, available at: <https://agenciabrasil.etc.com.br/direitos-humanos/noticia/2024-03/sobe-para-39-os-mortos-por-policiais-militares-na-baixada-santista>; https://www.correiobraziliense.com.br/brasil/2024/02/6810773-sp-operacao-escudo-chega-a-38-mortos-em-menos-de-dois-meses.html#google_vignette

⁴² Agência Brasil, available at: <https://agenciabrasil.etc.com.br/direitos-humanos/noticia/2024-03/sobe-para-39-os-mortos-por-policiais-militares-na-baixada-santista>; <https://agenciabrasil.etc.com.br/direitos-humanos/noticia/2024-02/relatorio-denuncia-execucao-sumaria-pela-pm-de-sp-na-operacao-escudo>

⁴³ Brasil de Fato, available at: <https://www.brasildefato.com.br/2024/03/05/pm-vai-a-enterros-e-invade-casas-de-familiares-de-vitimas-da-operacao-escudo-na-baixada-santista>

of the state by the Military, Civil, Federal and Federal Highway Police between 28 July and 28 September 2023 resulted in the death of at least 86 people⁴⁴. In September at least 52 deaths were recorded. At the end of July, in just four days (September 28th and 1st) 30 people were killed in operations carried out in the cities of Itatim, Camaçari and Salvador⁴⁵. On August 19, another four people were killed in the Pituba neighbourhood⁴⁶. Also in Salvador, between September 3 and 7, 11 people were killed in military police action in the Alto das Pombas and Calabar neighbourhoods⁴⁷. On September 6, seven men were killed in an operation in Porto Seguro and one man in Salvador⁴⁸. On September 10, two men were killed in a police operation in Engenho Velho da Federação⁴⁹. Almost a week later, an integrated operation between federal, civilian and military agents in the capital's Valéria neighbourhood resulted in the deaths of four civilians and Federal Police agent Lucas Caribé Monteiro. Two other PF agents were injured⁵⁰. After this, the operation continued, resulting in the deaths of 11 people in different neighbourhoods of Salvador between September 16 and 21⁵¹. On September 22, a police operation in the Águas Claras neighbourhood, also in Salvador, left another 6 people dead and the following day (23) another 5 people were killed in an operation in the Crisópolis neighbourhood in Salvador⁵². In September 27, 5 people were killed and 2 were injured in an operation in Acajutiba, metropolitan region of Salvador⁵³.

In the state of Rio de Janeiro, a police operation launched on 2 August 2023 resulted in 10 deaths and four injuries⁵⁴ in Vila Cruzeiro neighbourhood, according to media reports, where just a year before, in May 2022, police conducted one of the deadliest operations in the state that resulted in 25 people dead⁵⁵. On 7 August 2023, Thiago Menezes, aged 13, was killed by police while riding a motorcycle on the main street leading to the Cidade de Deus⁵⁶. On 4 September 2023, the Rio de Janeiro court ordered the preventive detention of four police officers, charged with tampering with evidence with the aim of incriminating Thiago Menezes⁵⁷.

⁴⁴ Amnesty International Brazil, Combate ao “Crime Organizado” não é licença para matar, September 28, 2023, <https://anistia.org.br/informe/bahia-combate-a-crime-organizado-nao-e-licenca-para-matar/>

⁴⁵ Estadão, Sobe para 30 mortos pela polícia na Bahia; MP investiga ações, 4 August, 2023, <https://www.estadao.com.br/brasil/mortos-pela-policia-na-bahia-mp-investiga-acoes-nprm/>

⁴⁶ G1, Quatro homens morrem após confronto com policiais militares no bairro da Pituba, em Salvador, 20 August, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/08/20/quatro-homens-morrem-apos-confronto-com-policiais-militares-no-bairro-da-pituba-em-salvador.ghtml>

⁴⁷ G1, Com moradores deixando casas, tiroteios entre facções, mortes e confronto policial, bairros de Salvador são marcados pela violência, September 7, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/09/07/com-moradores-deixando-casas-tiroteios-entre-faccoes-mortes-e-confronto-policial-bairros-de-salvador-sao-marcados-pela-violencia.ghtml>

⁴⁸ G1, Após sete mortes durante operação policial, grupo protesta e bloqueia via no extremo sul da BA, September 07, 2023 <https://g1.globo.com/ba/bahia/noticia/2023/09/07/apos-sete-mortes-durante-operacao-policial-grupo-proteta-e-bloqueia-via-no-extremo-sul-da-bahia.ghtml>

⁴⁹ G1, Dois homens são mortos em confronto com a Polícia Militar em Salvador, September 10, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/09/10/pessoas-morrem-em-confronto-com-a-policia-em-salvador.ghtml>

⁵⁰ G1, PF e mais 4 homens morrem em operação na Bahia; suspeitos se esconderam em mata, diz governo, September 15, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/09/15/confronto-valeria-salvador.ghtml>

⁵¹ G1, Suspeitos de envolvimento no confronto que matou PF na BA são mortos em nova troca de tiros, September 21, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/09/21/suspeitos-morrem-em-confronto-com-a-policia-na-rms.ghtml>

⁵² G1, Cinco homens morrem após confrontos com policiais no interior da Bahia, diz PM, September, 09, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/09/23/cinco-homens-morrem-apos-confrontos-com-policiais-militares-no-interior-da-bahia.ghtml>

⁵³ G1, Cinco homens morrem e dois ficam feridos em ação policial na BA; nº de mortes em confronto com a polícia em setembro passa de 50, September 27, 2023, <https://g1.globo.com/ba/bahia/noticia/2023/09/27/cinco-homens-morrem-e-dois-ficam-feridos-em-acao-policial-na-ba-n-de-mortes-em-confronto-com-a-policia-em-setembro-sobe-para-50.ghtml>

⁵⁴ Folha de São Paulo, Operação Policial no Complexo da Penha no Rio deixa 10 mortos e 3 feridos, August 2, 2023 <https://www1.folha.uol.com.br/cotidiano/2023/08/operacao-policial-no-complexo-da-penha-no-rio-deixa-10-mortos-e-tres-feridos.shtml>

⁵⁵ Amnesty International Brazil, Anistia Internacional cobra respostas do Governo do estado do Rio de Janeiro e do Ministério Público diante de chacina da Vila Cruzeiro, May 25, 2022, <https://anistia.org.br/informe/anistia-internacional-brasil-cobra-respostas-do-governo-do-estado-do-rio-de-janeiro-e-do-ministerio-publico-diante-de-chacina-da-vila-cruzeiro/>

⁵⁶ G1, PMs envolvidos na morte de jovem na Cidade de Deus são indiciados por fraude processual, August 24, 2023, <https://g1.globo.com/rj/rio-de-janeiro/noticia/2023/08/24/pms-envolvidos-na-morte-de-jovem-na-cidade-de-deus-sao-indiciados-por-fraude-processual.ghtml>

⁵⁷ *Ibidem*.

On 12 August 2023, Eloah Passos, aged 5, was killed while playing inside her home on Ilha do Governador. On 16 August, Heloísa Santos, aged 3, died after being shot in the neck and shoulder by agents of the Federal Highway Police while riding in a car with her family in Baixada Fluminense⁵⁸.

As numerous cases documented by Amnesty International and other human rights organizations show, the Brazilian government has consistently failed to reduce police violence and police lethality; improve police accountability; implement a public security policy based on the protection of people; and implement damage and risk management policies based on human rights principles. Brazilian authorities have failed to address the high rates of unlawful killings of Black people and most of these cases remain without justice or accountability.

IMPUNITY AND ACCESS TO JUSTICE

Criminal investigations by the Public Prosecutor's Offices into killings by the police are rare and, when initiated, they are often flawed and slow and do not investigate racially discriminatory motives. In an emblematic example of historical impunity, in August 2021, the Rio de Janeiro State Court acquitted five police officers charged with the unlawful killing of 13 people in the 1994 massacre in Nova Brasília favela⁵⁹, Rio de Janeiro, in an investigation prompted by a ruling of the Inter-American Court of Human Rights⁶⁰.

The Public Prosecutors' Office only pressed charges in two out of 27 cases involving three or more killings by the police in Rio de Janeiro over the last 15 years despite police officers being responsible for 35.4% of all killings in the Metropolitan Region of Rio in the last three years⁶¹. Data gathered by the Fórum Brasileiro de Segurança Pública similarly revealed that Public Prosecutor's Offices in Rio de Janeiro and São Paulo requested in 2016 to archive nine out of ten cases of deaths caused by police violence in these cities⁶². More recently, the Public Prosecutor's Office closed the investigation into 24 out of the 28 deaths during a police operation in the Jacarezinho favela in May 2021 for lack of evidence⁶³. While investigations into the Vila Cruzeiro massacre, which left at least 23 people dead in May 2022, are still ongoing, state authorities has claimed that the killings were the result of a legitimate police operation and reinforced harmful racial biases and stereotypes against favela residents, who are mostly Black, such as the victims' alleged involvement with organized crime and the assumption that the killings were the result of violent confrontations with "dangerous criminals"⁶⁴.

Amnesty International identified additional factors that directly hinder access to justice for unlawful killings by the police, including different treatment given by public prosecutors to killings resulting from police activity compared with the treatment given to homicides in general⁶⁵. Investigations into killings by the police are

⁵⁸ Folha de São Paulo, Morre menina de 3 anos baleada em ação da PRF no RJ, September 16, 2023, <https://www1.folha.uol.com.br/cotidiano/2023/09/morre-menina-de-3-anos-baleada-em-acao-da-prf-no-rj.shtml>

⁵⁹ Amnesty International (2021), "Chacina de Nova Brasília – Impunidade Crônica perpetua ciclo de violências e violações de direitos humanos", 21 August 2021, available at <https://anistia.org.br/informe/chacina-de-nova-brasilia-impunidade-chronica-perpetua-ciclo-de-violencias-evilacoes-de-direitos-humanos-afirma-anistia-internacional-brasil/>

⁶⁰ Inter-American Court of Human Rights, Favela Nova Brasília v. Brazil, 16 February 2017. The Court found Brazil responsible for the violation of the right to the judicial guarantees due to the lack of independence and impartiality of the investigation, due diligence, and a reasonable time established in Article 8(1); the right to judicial protection established in Article 25; and the right to personal integrity established in Article 5(1) of the American Convention on Human Rights.

⁶¹ Grupo de Estudos dos Novos Ilegalismos, "Chacinas Policiais no Rio de Janeiro: Estatização das mortes, mega chacinas policiais e impunidade", May 2023, available at <https://geni.uff.br/2023/05/05/chacinas-policiais-no-rio-de-janeiro-estatizacao-das-mortes-mega-chacinas-policiais-e-impunidade/>

⁶² UOL, MP pede arquivamento de 90% de mortes cometidas por policiais em SP e Rio, November 12, 2023, <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2021/11/12/denuncias-e-arquivamentos-mortes-policiais-rj-sp.htm?cmpid=copiaecola>

⁶³ Folha de São Paulo (2022), "Investigação de Massacre no Jacarezinho chega quase ao fim com 24 das 28 mortes arquivadas", 5 May 2022, <https://www1.folha.uol.com.br/cotidiano/2022/05/investigacao-de-massacre-no-jacarezinho-rj-chega-quase-ao-fim-com-24-das-28-mortes-arquivadas.shtml>

⁶⁴ Jota (2022), "Não houve chacina alguma, diz governador", 1 June 2022, <https://www.iota.info/stf/do-supremo/nao-houve-chacina-alguma-diz-governador-do-rj-sobre-operacao-com-ao-menos-23-mortos-01062022>

⁶⁵ Amnesty International (2015), "You killed my son: Homicide by military police in the city of Rio de Janeiro" available at <https://www.amnesty.org/en/documents/amr19/2068/2015/en>

marked by gaps in evidence gathering, frequently impaired by alteration of crime scenes by law enforcement officials, including the removal of bodies and the planting of evidence⁶⁶. There is also a lack of investigation of racially discriminatory motives, the lack of race-conscious approaches to the unlawful killings investigations and these are often permeated with racial biases, prejudice and discrimination. Moreover, judges overvalue police officers' testimonies that often describe violent confrontations and many times investigations are conducted by the same agencies involved in the killing itself⁶⁷. The lack of proper investigations to prosecute and bring to justice those responsible for extrajudicial executions and other unlawful killings sends out a message that those deaths are permitted and tolerated by the authorities. Systemic racism continues, then, to be sustained by law enforcement. Furthermore, the absence of effective mechanisms to protect witnesses, victims, relatives, and human rights defenders who denounce police abuses impairs investigations and feeds a cycle of increased violence⁶⁸.

In 2023, Rio de Janeiro's Court held the hearings for João Pedro Matos case. After 6 sessions, three police officers that were accused were granted the right to return to their activities⁶⁹. Moreover, the case remained without a response regarding the trial of those responsible.

Amnesty International has been following the struggle of Ana Paula Oliveira, the mother of Johnatha Oliveira, who, 10 years after her son was shot in the back by a police officer, is still fighting for justice and for Johnatha's memory - who is unjustly accused of being a "drug dealer" as a justification for his execution⁷⁰. In March 2024, after the trial, the police officer, Alessandro Marcelino was convicted of manslaughter, i.e. without intent to kill. The families still seek for justice.

DISPROPORTIONATE EFFECTS OF POLICE VIOLENCE ON THE LIVES OF BLACK WOMEN AND GIRLS

Black women and girls have faced specific abuses committed by police and other security forces in the context of the "war on drugs", including sexual violence and other forms of torture⁷¹. In 2017, the Inter-American Court found Brazil to be responsible in the case of Favela Nova Brasília for the use of sexual violence as a form of torture by the police against three young women⁷². Mothers and other female relatives of victims of extrajudicial executions and other police abuses have also carried the burden when trying to seek justice and reparations for these violations, facing severe negative effects on their physical and mental health⁷³. Victims and their families have reported numerous obstacles in accessing information about the progress of investigations regarding police abuses and unlawful killings without support from the State⁷⁴.

Black women face a daily struggle to ensure the survival of their families in both economic terms and in terms of developing strategies to protect their children from police abuses. These women safeguard the survival of their communities and are at the frontline of the struggle for human rights. Many women whose

⁶⁶ *Ibidem*.

⁶⁷ *Ibidem*.

⁶⁸ *Ibidem*.

⁶⁹ Brasil de Fato, November 2023, available at: <https://www.brasildefato.com.br/2023/11/26/caso-joao-pedro-justica-do-rio-de-janeiro-voltara-a-ouvir-policiais-acusados-do-assassinato>

⁷⁰ Amnesty International, 2024, 10 years without justice for Johnatha, available at: <https://anistia.org.br/informe/10-anos-de-luta-por-justica-para-johnatha/>

⁷¹ Amnesty International, "Picking up the pieces: Women's experiences of urban violence in Brazil" (AMR 19/001/2008), April 17, 2008, <https://www.amnesty.org/en/documents/amr19/001/2008/en/>

⁷² Inter-American Court of Human Rights, Favela Nova Brasília v. Brazil, 16 February 2017

⁷³ Amnesty International, "Picking up the pieces: Women's experiences of urban violence in Brazil" (AMR 19/001/2008), April 17, 2008, <https://www.amnesty.org/en/documents/amr19/001/2008/en/>

⁷⁴ *Ibidem*.

relatives have been killed by the police have also been stigmatized, harassed, or threatened for fighting to preserve the memory of their loved ones, often tarnished by official narratives which often deem them as criminals⁷⁵. Additionally, long-term closures of schools, businesses, and health clinics during police operations have had a huge impact on women who are generally responsible for the care work, that tend to reinforce historical patterns of social exclusion⁷⁶.

Women have been also disproportionately affected by criminal drug law enforcement, facing increased risks as their participation in the drug trade has been on the rise especially among women who lack education and economic opportunities or that have been victims of violence. While fewer women are incarcerated than men, the number of women in detention is increasing at an alarming rate due to the more visible and risky positions women often take in criminal organizations. Across Brazil, nearly 37.000 women were deprived of their liberty in 2020 and this number reached more than 45.000 in 2021⁷⁷. Most women have been detained for drug-related offences, especially drug trafficking, in many cases after the discriminatory application of Law No. 11,343/2006 that defined drug possession for personal use as a crime but one not to be punished with imprisonment. As a result, many women used as couriers to distribute small amounts of drugs are given especially longer sentences when compared to those commonly handed down for drug trafficking⁷⁸.

According to the Ministry of Justice, three out of five women in detention were charged with drug trafficking⁷⁹, while 60% of the total female prison population are Black women⁸⁰. While the female prison population only represents about 6% of the total prison population in Brazil, women represent 11% of all prisoners incarcerated for drug-related offences⁸¹, showing a higher proportion of persecution of women for drug trafficking than to other offences. According to experts, this disparity stems from selective strategies of law enforcement and institutional incentives for keeping people in detention⁸². Furthermore, according to the National Penitentiary Department, more than 12.000 women deprived of their liberty are mothers of children up to 12 years old⁸³. Civil society groups have reported that a substantial number of mothers, pregnant women, and caregivers are not accorded access to house arrests or other alternatives to prison, as they are entitled to by Law No. 13,769/2018⁸⁴. Moreover, half of all Brazilian prisons (in general) have no medical facilities equipped for providing adequate services for women in specific and the rest lack medical staff⁸⁵.

⁷⁵ Amnesty International (2015), "You killed my son: Homicide by military police in the city of Rio de Janeiro" available at <https://www.amnesty.org/en/documents/amr19/2068/2015/en>

⁷⁶ Centro de Estudos de Segurança e Cidadania - CESEC, Favelas na mira do tiro: impactos da guerra às drogas na economia dos territórios, September 18, 2023, <https://drogasquantocusta.proibir.com.br/biblioteca/favela-na-mira-do-tiro-relatorio-completo/>

⁷⁷ Brazilian Public Security Forum, Anuário Brasileiro de Segurança Pública 2022, <https://forumseguranca.org.br/wp-content/uploads/2022/06/anuario-2022.pdf?v=5>

⁷⁸ Amnesty International, "Picking up the pieces: Women's experiences of urban violence in Brazil" (AMR 19/001/2008), April 17, 2008, <https://www.amnesty.org/en/documents/amr19/001/2008/en/>

⁷⁹ Departamento Penitenciário Nacional (2018), Levantamento Nacional de informações penitenciárias INFOPEN Mulheres, 2018, available at https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf

⁸⁰ Departamento Penitenciário Nacional (2018), Levantamento Nacional de informações penitenciárias INFOPEN Mulheres, 2018, available at https://conectas.org/wp-content/uploads/2018/05/infopenmulheres_arte_07-03-18-1.pdf

⁸¹ Machado, MR, et al. 2019. "Incarcerating at Any Cost: Drug Trafficking and Imprisonment in Brazilian Court Reasoning", Journal of Illicit Economies and Development, 1(2), pp. 226–237.

⁸² Ibidem.

⁸³ See compiled data of pregnant women, women with children, elderly or sick from the National Penitentiary Department (2020). Available http://www.susepe.rs.gov.br/upload/1588195416_SEI_MJ11429916Informao_final.pdf

⁸⁴ Instituto Terra, Trabalho e Cidadania (2021), Implementação da prisão domiciliar para mulheres no Brasil na luz da lei de acesso a informação, 2021, available at <https://ponte.org/wp-content/uploads/2021/12/Relatorio-LAI.pdf>

⁸⁵ Penal Reform International (2021), "Global Report Prison Trends 2021", May 2021, available at <https://cdn.penalreform.org/wp-content/uploads/2021/05/Global-prison-trends-2021.pdf>

RECOMMENDATIONS

Amnesty International urges OHCHR to consider following cases documented and commented on above as important case studies:

1. Gamboa Massacre (Bahia);
2. Acari Massacre (Rio de Janeiro);
3. May Massacre (São Paulo);
4. Cabula Massacre (Bahia);
5. Curió Massacre (Ceará);
6. João Pedro Matos (Rio de Janeiro);
7. Davi Fiuza (Bahia);
8. Pedro Henrique Cruz (Bahia)
9. Jacarezinho Massacre (2021) and other police operations in Rio de Janeiro that resulted on unlawful killings;
10. Operação Escudo (São Paulo);
11. Thiago Meneses (Brazil);
12. Johnatha Oliveira (Brazil);

Amnesty International recommends that Brazil:

- Entirely review the heavily militarized approach to the control of illicit drugs, especially in favelas and Black communities, and shift towards an approach that puts the protection of public health and human rights at the centre, including the decriminalization of the use, possession, and cultivation of drugs for personal use and an expansion of health and other social services to address the risks related to the use of drugs.
- Restrict the use of the armed forces in the maintenance of public order to only a temporary measure in exceptionally serious circumstances in which it is impossible to rely solely on law enforcement agencies. In such exceptional circumstances, their participation must be subordinated and complementary to civilian police forces and be regulated and supervised by civilian authorities. Investigations on human rights violations by military authorities occurring in these situations should be carried out by civilian courts and incorporate a race-conscious approach.
- Stop using an “enemy approach” and terminology provided by the “war on drugs” narrative that shapes how security forces conduct their operations heavily justified in racial and discriminatory biases and stereotypes, often in violation of international human rights law and standards.
- Take immediate steps to tackle systemic racism in Brazilian society and the central role it plays in policing and criminalizing favelas and Black communities, including in anti-drug operations. Racism is pervasive and affects Black cis and trans women and men of every age range and income level in different ways. Thus, it is fundamental that the measures to combat racism take an intersectional approach into account.
- Investigate promptly, independently and impartially all allegations of racial profiling and racial discrimination among law enforcement and other security forces and implement all appropriate reforms to prohibit racial profiling in the conduct of policing.
- Publicly condemn, at the highest level of government, extrajudicial executions, enforced disappearances and other unlawful killings committed in the context of police operations and send public messages that racism in police operations will no longer be tolerated.
- Guarantee that all killings resulting from police intervention – regardless of classification – are investigated as homicides, and includes investigating racially discriminatory motives of homicides, and that the changes in the terms used in the case records do not give rise to a lack of transparency and/or loss of information regarding the number of deaths caused by police.



- Amend law [13.491/2017](#) that transferred the jurisdiction from civilian courts to military courts for all crimes committed by military personnel against civilians and ensure that any human rights violation committed by military personnel is investigated and prosecuted by ordinary civilian courts, and discriminatory motives are investigated.
- Ensure that police external accountability and monitoring mechanisms are truly independent and provided with institutional legitimacy, structure, powers, and capacity to access information and proactively review and propose changes to law enforcement policies and practices.
- Set out clearly in laws and regulations the responsibility of commanding officers and other superiors for unlawful conduct by police, including racial discrimination in the use of force and other policing tactics.
- Provide effective protection and offer psychological support to all victims and families of victims of police abuses and guarantee the right to access to justice and adequate reparations, including compensation and guarantees of non-repetition.
- Adopt legislative or other measures required to permit victims of offenses or their family members to take part, formally and effectively, in the investigation of crimes conducted by the police or the Public Prosecution Service.
- Gather and make public, information and statistical data about killings resulting from police intervention. This process should be standardized at the national level to make sure that all states provide timely, accurate, and periodic information about the number of people killed and injured in police operations disaggregated by gender, race, ethnicity and other relevant markers.
- Implement a national plan, in line with international law and standards on the use of force, with concrete objectives, goals and accountability measures to reduce killings by the police with the effective participation of civil society organizations, movements against anti-Black racism and other affected communities. Such initiatives must take into consideration the intersectional discrimination affecting various marginalized groups as well as regional disparities and differences between states.
- Establish policies for victims of human rights abuses and their families that ensure timely and effective support regardless of judicial decisions, including mental health, protection services, and legal representation.
- Take urgent steps to revise anti-drug laws, particularly Law No 11,343/2006, and establish alternatives to the criminalization of minor non-violent drug-related offenses that do not cause harm to others.