

# SYSTEMIC POLICE VIOLENCE IN BRAZIL

SUBMISSION TO THE 2023 REPORT OF THE UN HIGH  
COMMISSIONER FOR HUMAN RIGHTS PURSUANT TO UN  
HUMAN RIGHTS COUNCIL RESOLUTION 47/21 APRIL 2023

APRIL 2023

Amnesty International makes this submission in response to the call for inputs<sup>1</sup> for the preparation of the 2023 report of the United Nations High Commissioner for Human Rights pursuant to the United Nations 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.

## Systemic police violence is embedded in Brazilian public security policy and results in unlawful killings of young Black males at a disproportional rate

Racism in Brazil is systemic, institutional, and multi-layered. It intersects with gender and class oppression and contributes towards deepening the vulnerability and inequality of the Black population<sup>2</sup> in different spheres of Brazilian social life<sup>3</sup>. As stated by Ms. Gay McDougall, member of the Committee on the Elimination of Racial Discrimination (CERD), during the latest review of Brazil, “the country has exclusionary institutions, 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”<sup>4</sup>. For two decades, Amnesty International has documented incursions and operations in favelas leading to unlawful killings of predominantly young, Black males. This documentation reveals one of the most perverse aspects of systemic racism in Brazil: a public security policy that has the effect of criminalizing the Black population. Police operations resulting in deaths have often been praised by state authorities as “successful”<sup>5</sup>, justifying<sup>6</sup> the number of dead and criminalized victims by labeling them as “narcos” or “criminals”<sup>7</sup>. The Brazilian State has historically failed to respect, protect, and ensure human rights that are guaranteed by the Federal Constitution (1988), and protected under international law<sup>8</sup> pertaining to the use of force by law enforcement<sup>9</sup>. UN Special Rapporteurs for extrajudicial, summary, or arbitrary executions undertook missions<sup>10</sup> to Brazil in 2003 and in 2007. In their reports, Ms. Asma Jahangir<sup>11</sup> mentioned being “(...) overwhelmed with information of human rights violations perpetrated by security forces, in particular the military police, in total impunity”<sup>12</sup>. Mr. Philip Alston classified large-scale policing operations in the favelas of Rio de Janeiro as a “model of violence and impunity”<sup>13,14</sup>. Furthermore, during the past two decades, Special Rapporteurs have repeatedly expressed concerns on serious incidents of extrajudicial killings in Brazil such as the police operation in **Complexo da Maré**<sup>15</sup>, where seven people were killed by police officers. In 2017, Brazil passed a law allowing for military police officers to be tried by military court for crimes against civilians instead of being tried by civilian justice<sup>16</sup>.

In the context of deaths of people in deprivation of liberty, Amnesty International has documented, from 1992 until present, several cases related to police abuses. In October 1992, Amnesty international documented killings and other police abuses inside the Carandiru penitentiary (São Paulo House of Detention) where military police agents executed 111 prisoners (mostly young Black men). Since then, Amnesty International published four reports<sup>17</sup> that exposed some human rights violations perpetrated by the police during this massacre

and compiled testimonies of judges, police officers and prisoners<sup>18</sup> while also documenting the impunity and sluggishness that plagues justice and reparation in Brazil. After 30 years<sup>19</sup>, more than 70 police officers were convicted but none of them were arrested. **Amnesty International reiterates that the Carandiru massacre is an example of how Brazilian police forces operate and how the system maintains impunity for serious crimes committed against the Black population.** In the following years, Amnesty International continued to highlight how police abuse affects Black people in a disproportional rate, resulting in overrepresentation of Black people in these abuses: in 2005, Amnesty International published the report *“They Came in Shooting”: Policing socially excluded communities*<sup>20</sup>, in which the organization documented the events of March 31, 2005, where 29 people were killed in Baixada Fluminense (Rio de Janeiro). The report pointed out the excessive use of force by Military Police, contributing to an increase in the levels of violence in *favelas*. The document shows how the State uses police violence as a tool to “control” the territory – a narrative that is still used by the authorities to “justify” these crimes<sup>21</sup>. In 2006, Amnesty International published *“From burning buses to caveirões: the search for human security”*<sup>22</sup>, a report that documented the “Crimes of May”, a wave of police violence that led to the death of at least 500 people in São Paulo.<sup>23</sup> In 2015, Amnesty International published *“You killed my son: extrajudicial executions committed by Military Police in Rio de Janeiro”*<sup>24</sup>, which exposes that the so called “war on drugs” is used as a pretext by the police to continue carrying out unnecessary and excessive use of lethal force that culminates in thousands of extrajudicial executions<sup>25</sup>. In 10 years (2005-2014), 8,466 cases of unlawful killings<sup>26</sup> by police forces were registered in the state of Rio de Janeiro, 5,132 only in the capital.<sup>27</sup>

**Amnesty international urges the Office of the High Commissioner for Human Rights (OHCHR) to consider these specific instances as key case studies in its deliberations.**

Despite extensive documentation, complaints and recommendations, the current situation reveals a lack of oversight on public security forces, weak accountability mechanisms for the police and the persistent use of excessive force resulting in illegal killings that disproportionately affects Black men. Reports by the Brazilian Public Security Forum indicate that at least 43,171 people were killed by the action of civil or military police in the country, between 2013 and 2021. In 2013, there were 2,212 registered deaths, but this number increased to 6,412 in 2020 and 6,145 in 2021. In 2021, 99.2% of the victims of lethal acts by the police were male, and 84.1% of the victims of police action were Black people<sup>28</sup>. These rates could be even greater, due to underreporting, and frequent lack of government data disaggregated by race and color<sup>29</sup>.

During the past 10 years, Amnesty International has supported many families that lost their loved ones to police violence. All these victims were Black. Amnesty International calls for proper investigation and accountability for individual cases. Justice is yet to be delivered and impunity is entrenched. In the state of Bahia, the activist Pedro Henrique Santos Cruz (December 2018) and Alexandre dos Santos, Cleverson Guimarães Cruz, and Patrick Souza Sapucaia (March 2022) were brutally killed by the police, and these killings remain without accountability<sup>30</sup>. During the episode known as Chacina do Cabula in Bahia (December 2015) 12 Black adolescents and young males were killed by Military Police, and, after 8 years, there was no trials to hold those responsible accountable<sup>31</sup>. In the state of Ceará<sup>32</sup>, eleven people were killed by Military Police in the episode known as Chacina do Curió<sup>33</sup> (November 2015). As mentioned above, in São Paulo, 564 people were victims of the “crimes of May”<sup>34</sup> – a series of extrajudicial executions by the Military Police in 2006<sup>35</sup>. The lethal use of force by the police has not only disproportionately involved Black adult men, but also has involved Black children. In Rio de Janeiro, between 2007 and 2019, 68 Black children were killed by police forces in the state<sup>36</sup>. This pattern of police action has victimized *favelas* and marginalized mostly Black communities, throughout the country. Law enforcement officials have regularly used unnecessary, excessive, lethal, and arbitrary force and failed to observe international rules and protocols on the use of force and firearms<sup>37</sup>. Data from the Fluminense Federal University (UFF) shows that in the last 15 years, the state of Rio de Janeiro has registered at least one massacre every 9 days<sup>38</sup>.

It is important to point out that the recent massacres (Jacarezinho, Vila Cruzeiro, Penha, Complexo da Maré, Complexo do Alemão and Complexo do Salgueiro) were carried out despite the decision of the Brazilian Supreme Court (STF) in the judicial petition of non-compliance with a fundamental precept (ADPF) 635<sup>39</sup>, popularly known as the “ADPF *Favelas* Case” (“ADPF das Favelas”). This decision, 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 lethal police action during operations in the *favelas* of Rio de Janeiro. Since 2020, Amnesty International<sup>40</sup> and other human rights organizations<sup>41</sup> have pointed out that such recommendations have been routinely ignored by the authorities.

Despite the STF ruling, five of the most lethal massacres in the history of the state took place under the administration of the current Governor Claudio Castro, in an interval of less than two years<sup>42</sup>.

Brazilian law provides that the authority responsible for police accountability is the Office of the Public Prosecutor at the state level<sup>43</sup>. However, throughout the country police accountability has been weakened<sup>44</sup>. According to a study by the Brazilian Public Security Forum, 9 out of 10 cases of deaths caused by police officers are filed in Rio de Janeiro and São Paulo<sup>45</sup>. In May 2022, a year after the most lethal massacre ever recorded in the state of Rio de Janeiro, the Jacarezinho massacre, which left twenty-eight dead, the Public Prosecutor’s Office of the State of Rio de Janeiro filed 10 cases<sup>46</sup>. In 2021, Amnesty International launched the report *“Police in the spotlight: towards police accountability for human rights violations in the Americas”*, which documents the lack of police oversight in Brazil<sup>47</sup>. Rio de Janeiro’s government launched in March 2022 the Lethality Reduction Plan<sup>48</sup>, requested by the Supreme Court in the context of ADPF 635. However, in terms of effective measures to reduce police lethality there has been little progress in recent years. The installation of body cameras on the uniforms of police officers on duty was an important step– the state of São Paulo was a pioneer<sup>49</sup>. However, these efforts have not been adopted in a balanced way in the country and have even encountered strong resistance from local<sup>50</sup> authorities. In February 2022, the plenary of the Brazilian Supreme Court ordered the government of Rio de Janeiro to install cameras in the uniforms of all police officers in addition to microphones and GPS equipment in vehicles, within a period of six months. However, Governor Claudio<sup>51</sup> Castro has not yet implemented this decision.

Several monitoring systems based on facial recognition are being implemented by states across the country. However, civil society organizations<sup>52</sup>, experts and some international practice<sup>53</sup> highlight the dangers of adopting this technology and its tendency to deepen penal selectivity and racial profiling - given the strong potential for existing racist bias (such as those documented here) to be reinforced by these technologies<sup>54</sup>. A survey by the Rio de Janeiro Public Defender's Office in partnership with the National College of General Public Defenders pointed out that between 2012 and 2020 at least 90 false arrests were made based on the photographic identification of Black people<sup>55</sup>. Amnesty International has denounced these instances and has warned of the dangers posed by such technologies to the rights to privacy, protest, and freedom of expression<sup>56</sup>. In this context, since 2021, Amnesty International has globally embraced the campaign "Ban the Scan"<sup>57</sup>.

The Federal Supreme Court is currently discussing whether evidence gathered as a result of racial profiling by police forces could be disqualified.<sup>58</sup> The discussion is being held following an appeal from the Public Defender's Office of São Paulo to the Federal Supreme Court, which requested the annulment of a Black man's drug trafficking conviction, for possessing 1.5 grams of narcotics<sup>59</sup>. The São Paulo Public Defender's Office, as well as civil society organizations, have emphasized that the case is an example of racial profiling. In a statement made under this lawsuit, police officers declared that they approached the man because they identified in the distance a "Black individual who was standing next to the curb of a public road in a typical scene of drug trafficking".<sup>60</sup>

As demonstrated by the extensive research presented in this document, at least for the past three decades, the Brazilian government consistently failed to: reduce police violence; 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. Governments of both left and right-wing parties presided over high rates of unlawful killings of people belonging to the Black population and most of these cases remain unpunished. During these decades, Amnesty International and other civil society organizations have continued to expose a situation of extreme police violence that disproportionately affects young Black men<sup>61</sup>. Amnesty International reiterates that police operations and actions that led to the lethal use of force and extrajudicial executions are unacceptable. They must be adequately investigated and those responsible must be held accountable. Amnesty International continues to urge the Brazilian government to immediately act to prevent unlawful killings and present plans to reduce police violence, through an intersectional approach and in line with international human rights treaties and recommendations by UN human rights bodies. It is unacceptable that in Brazil the Black population is victimized daily and that families continue to suffer without access to justice.

On March 21, 2023, the new Federal administration (that was sworn in on January 1, 2023), published a Decree<sup>62</sup> creating an inter-ministerial working group to formulate a government policy named as "Black Youth Alive". The main objective of this policy is to promote measures to prevent unlawful killings of young Black men, reduce social vulnerabilities and combat the systemic racism. Amnesty International welcomes this as an important first step. The working group is composed of representatives from government Ministries<sup>63</sup> and provision has been made for civil society organizations to participate as consultants without the right to vote (Article 7 of the Decree). They have been given seven months to present a proposal. Amnesty International, however, remains concerned that many lives may be lost during this period. Additionally, the lack of permanent representation for civil society organizations and affected communities could weaken the chances for social participation in this process. Civic space has shrunk in the last several years, fueled by anti-rights discourse at the highest levels of State<sup>64</sup>. This trend should not continue under the new administration. Amnesty International calls the Brazilian government to implement effective and transparent processes in combating unlawful killings and to protect the Black population.

## Recommendations

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

1. Massacre of Gamboa (Bahia)<sup>65</sup>;
2. Massacre of Acari (Rio de Janeiro)<sup>66</sup>;
3. Massacre of May (São Paulo);<sup>67</sup>
4. Massacre of Cabula (Bahia);
5. Massacre of Curió (Ceará);
6. João Pedro Matos (Rio de Janeiro)<sup>68</sup>;
7. Davi Fiuza (Bahia)<sup>69</sup>;
8. Pedro Henrique Cruz (Bahia)<sup>70</sup>;
9. Massacre of Jacarezinho (2021) and other police operations in Rio de Janeiro that resulted on unlawful killings<sup>71</sup>;

Amnesty International further calls on OHCHR to consider the following recommendations and urge Brazil to:

1. Implement a plan, in line with international law and standards on use of force with concrete objectives, goals and accountability measures to reduce killings resulting from police lethality; gun violence; and extrajudicial executions. Such initiatives must be adequately resourced and ensure the effective participation of civil society organizations, Afro-Brazilians social movements and other affected communities. Moreover, Amnesty International urges that such initiatives should also take into consideration the intersectional aspects of unlawful killings by the police as well as the regional disparities and differences between states.
2. Entirely review the heavily militarized operational approach taken by security forces in densely populated areas. Steps should be taken towards a law enforcement approach that seeks to avoid the need to resort to the use of force, in particular lethal force. Steps

also should be taken to protect, as a **priority**, people living in populated areas and avoid loss of life. Authorities must stop their militarized interventions inside favelas which are guided by an enemy approach and the “war on drugs” agenda, shaping violent actions that are in violation of international human rights law and standards.

3. Impose strict control over the use of high-powered firearms (such as rifles) and automatic weapons and ensure that they are not used during police operations in favelas and other densely populated urban areas unless it is in line with international standards on the use of force under unavoidable and exceptional circumstances of extreme danger. Any use of force must respect the principles of legality, necessity, proportionality, and accountability.
4. Set out clearly, in laws and regulations, the responsibility of commanding officers and other superiors for unlawful conduct carried out by police.
5. Ensure that a full, independent, prompt, and impartial investigation of all killings resulting from police intervention is carried out, including investigation into possible racist motives and making sure that those involved to be brought to justice in fair trials.
6. Offer psychological support to all victims and families of victims of police violence and guarantee the right to effective participation in investigations, as provided for in the Minnesota protocol, including sections II and IV.
7. Ensure the protection of those involved in denouncing, investigating, and prosecuting police criminality, and conduct thorough investigations into the killing of and threats against those conducting such investigations.