

# **LabJaca's written submission to the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement**

## **Introduction**

Dear Independent Experts,

LabJaca, submit this contribution to help your organization with the visit to Brazil later this year. LabJaca is a research laboratory that produces data, diagnostics, and narratives about favelas. We aim to produce data from the favelas that correspond to the realities on the ground, aiming to inform public policies and articulate favelas' demands through science. Moreover, LabJaca also uses communication to translate science into a language that everybody can grasp and to change narratives that construct favelas as an issue rather than potency.

The laboratory emerged during the COVID-19 pandemic, first through its founders' participation in the struggle for achieving food security and essential items (for example, hygiene supplies). Secondly, by the perception that governmental data regarding the pandemic was not cory respondent to the realities in Jacarezinho led to an understanding that an initiative focused on citizen-generated data could contribute to efficient and effective public policies.

Currently, LabJaca produces studies and advocates for reducing violence, climate change, gender, and technology, all based on a racialized lens that is underlined by our Afro-diasporic context.

This submission is a response to EMLER's call for inputs: Justice, accountability, and redress. It focuses on Investigation, prosecution, sentencing, and other accountability and redress measures, including disciplinary proceedings; independent and well-resourced oversight, and complaint procedures.

## Key-recommendations

- **Require rapid process and independent investigations regarding police shootings.**
- **Held the *Ministério Público* accountable for not fulfilling its duty as control of police activities.**
- **Guarantee that activists are not targets of intelligence actions.**

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## Require rapid and independent investigations regarding police shootings

On 8 July 2021, a pregnant Black woman called Kathlen Romeu was shot by a police officer in the Lins favela, in Rio de Janeiro. As a result, both Kathlen and her unborn child were killed. The police officers involved in this shooting were conducting an illegal raid called *Tróia* (Troy) by favela inhabitants; that is, law enforcement agents concealed themselves in a house to surprise and execute narcotraffickers<sup>1</sup>.

The initial treatment of the shooting was a firefight between police officers and narcotraffickers, but witnesses exposed that there was not a confrontation happening now and evidence collected by Romeu's family, and friends, showed a different version than that told by the agents involved in the shooting. Without the family's and friends' struggle, the chance for accountability would be inexistent, even though the process is not finished – even almost three years later. In this sense, we require a rapid finalization of this process so that the family of Kathlen can finally rest.

The investigation of homicides (involving or not police officers) is conducted by the Civil Police, which is different from the Military Police that shot Kathlen Romeu. Even though her case had an excellent crime scene expert – a rare event –, police officers from both corporations regularly destroy evidence manipulate the crime scene, and receive corporative support during the investigations. This context leads to impunity regarding homicides committed by law enforcement in Rio de Janeiro and

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<sup>1</sup> For more information on *Tróia*, access: <https://www.amnesty.org/en/documents/amr19/2068/2015/en/>. Last access: 06/05/2024.

A similar case was the execution of Councilwoman Marielle Franco in 2018. This Black woman was executed by a professional contractor, who was protected from investigation by the lead investigator and the then-chief of the Civil Police. According to a deal signed by the assassin, both were working for the same mafia that ordered Franco's execution; then, they were damaging the investigation from the beginning, impeding Federal oversight, and protecting those involved in the assassination. This is another example that underlines the necessity for an independent investigation into homicides, involving or not police officers.

An example of such initiatives is the project *Mirante*, organized by the public defenders in Rio de Janeiro and São Paulo. The project used independent expertise to gather evidence concerning police-involved shootings, such as photos, videos, geocoordinates, etc.<sup>2</sup> Initiatives such as *Mirante's* should become State policy to prevent investigations as in the case of these two Black women, Kathlen Romeu and Mariele Franco, from happening again.

### **Held the *Ministério Público* accountable for not fulfilling its duty as control of police activities**

According to Brazil's Constitution, the *Ministério Público* (Public Ministry) has the duty of external control of police activities, such as prosecuting police officers involved in illegal shootings. The *Ministério Público* regularly drops proceedings, impeding further investigation and prosecution of police officers, even in cases such as the *Jacarezinho Chacina* where there is compelling evidence of torture and execution. It is usual to see the reproduction of law enforcement narratives in the *Ministério Público* claims to close proceedings into police-related shootings<sup>3</sup>.

Importantly, most prosecutors, judges, and other important positions in the Brazilian judiciary are white persons and subject to white standpoints regarding judgments<sup>4</sup>. The

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<sup>2</sup> For more information, access: <https://oglobo.globo.com/rio/noticia/2024/01/17/peritos-independentes-a-pedido-da-defensoria-investigam-se-houve-execucao-em-mortes-envolvendo-policiais-do-rio-e-sp.ghtml>. Last access: 06/05/2024

<sup>3</sup> For more information, access: [https://dcp.uff.br/wp-content/uploads/sites/327/2020/10/Tese-de-2013-Orlando-Zaccone-D\\_Elia-Filho.pdf](https://dcp.uff.br/wp-content/uploads/sites/327/2020/10/Tese-de-2013-Orlando-Zaccone-D_Elia-Filho.pdf). Last access: [https://dcp.uff.br/wp-content/uploads/sites/327/2020/10/Tese-de-2013-Orlando-Zaccone-D\\_Elia-Filho.pdf](https://dcp.uff.br/wp-content/uploads/sites/327/2020/10/Tese-de-2013-Orlando-Zaccone-D_Elia-Filho.pdf).

<sup>4</sup> For more information, access: [https://files.cercomp.ufg.br/weby/up/1154/o/Encarceramento\\_em\\_Massa\\_Feminismos\\_Plurais\\_Juliana\\_Borges.pdf?1599239135](https://files.cercomp.ufg.br/weby/up/1154/o/Encarceramento_em_Massa_Feminismos_Plurais_Juliana_Borges.pdf?1599239135). Last access: 06/05/2024.

solution to this issue is more profound than holding the *Ministério Público* accountable for arching police-related shootings and not prosecuting most police officers, but there should be accountability in this sense because the police do not kill alone.

### **Guarantee that activists are not targets of intelligence actions**

A report acquired by the *O Globo* newspaper exposed that a lawyer-activist named Joel Luiz Costa was monitored by the Military Police intelligence<sup>5</sup>. Joel is an Afro-Brazilian lawyer and activist who was born and raised in the Jacarezinho favela, particularly after the Jacarezinho massacre in 2021, Joel became a community leader. He has been pushed away from his community due to death threats; he was forced to leave his house and leave everything behind for it.

But even after the threats stopped, this intelligence report underlines that his monitored by the Military Police and was termed a lawyer of drug trafficking faction that rules the Jacarezinho favela. To advocate it is necessary to sign documents confirming that you are a lawyer to a specific person, and the lack of these juridical documents proves that Joel has never advocated for the people mentioned in the report (the faction's leadership). As a criminal lawyer, Joel focuses on PAD arrested for small quantities rather than the leadership of factions.

The Brazilian Lawyer Organization<sup>6</sup>, activists, and civil society organizations protested the monitoring of Joel and considered it an intimidation tactic. The field of organizers feels threatened since everyone can be a target for monitoring; then, this was a form of collective intimidation to the field instead of solely to Joel. It is important that EMLER pressure Brazil to improve its protection to activists, specially those working in their territories.

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<sup>5</sup> For more information, access: <https://oglobo.globo.com/rio/noticia/2024/05/16/inteligencia-da-pm-monitorou-atuacao-de-politicos-e-advogado-de-direitos-humanos-na-favela-do-jacarezinho.ghhtml>. Last access: 20/05/2024.

<sup>6</sup> For more information, access: <https://oglobo.globo.com/rio/noticia/2024/05/16/oab-critica-monitoramento-da-pm-a-atuacao-de-advogado-no-jacarezinho-acena-para-criminalizacao-da-advocacia.ghhtml>. Last access: 20/05/2024.