

STATEMENT OF MARSELHA GONÇALVES MARGERIN, ADVOCACY DIRECTOR
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KILLINGS BY POLICE IN BRAZIL: NOT A GAME

Congressional briefing, Tom Lantos Human Rights Commission

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Honorable Co-Chairs and Members of this distinguished Commission,

My name is Marselha Gonçalves Margerin and I serve as the Advocacy Director for the Americas for the United States section of Amnesty International here in Washington. On behalf of Amnesty International, I would like to thank you for your commitment to upholding human rights all over the world and for convening this briefing on police killings in Brazil.

Amnesty International has been reporting on excessive use of lethal force in Brazil during the past few decades and has issued two reports in the last year providing evidence of extrajudicial killings by the military police in the city of Rio de Janeiro. At this briefing, I will discuss how institutionalized police violence with a history of human rights violations raises concerns of heightened human rights violations leading up to and during the upcoming Olympic Games. I will also bring to your attention how U.S assistance to Brazilian security forces might be exacerbating the problem.

111 Shots, Four Military Police Officers, Five Young Men Dead

On the night of November 28, 2015, five young black men between the ages of 16 and 25 were shot and killed by military police officers from the 41st Military Police Battalion in the neighborhood of Costa Barros in Rio de Janeiro. Roberto de Souza Penha, 16, Wesley Castro Rodrigues, 25, Wilton Esteves Domingos Junior, 20, Cleiton Corrêa de Souza, 18, and Carlos Eduardo da Silva Sousa, 16, had spent the day together and wanted to find a place to have dinner. They were driving in their car when four police officers fired 111 shots at the car as it passed by. All five men were killed. Further investigations and information obtained by Amnesty International indicate that the police officers surrounded the vehicle and fired at it from different angles. There are also indications that they later manipulated the crime scene by placing a gun near the car in an attempt to justify the killings.

Within the last few decades, Brazil has experienced a rise in homicides, particularly extrajudicial executions and the use of lethal force by military police officers while on duty. Between 1980 and 2012, the country's homicide rate increased by a shocking 148.5%. By 2012, the average homicide rate in Brazil had reached 56,000 people, representing 29 per 100,000 inhabitants. Negative stereotypes associated with the youth, especially black young men living in favelas and other marginalized areas, have contributed to the trivialization of violence. In 2012, 50% of homicide victims were between the ages of 15 and 29, and 77% were black. Yesterday, a Brazilian Senate

investigation commission found that a Brazilian black youth is killed within the country every 23 minutes.¹

Historical Context

Violence and human rights violations were institutionalized as methods of policing under Brazil's military dictatorship, which lasted from 1964 to 1985. The security forces used torture and extrajudicial executions not only for political repression, but also for social control. While the pattern of brutal political repression eased with Brazil's transition from military dictatorship to a presidential democracy, the security structures largely remained. The military police are still responsible for policing the streets with the civil police in charge of investigations. There have been few, if any, efforts to reform the police. Abusive policing techniques persist with wealthier sectors of society demanding that the police act as a force for social control rather than as a measure to ensure public security.

According to Amnesty International's research, military police across Rio de Janeiro have regularly used unnecessary or excessive force during security operations in the city's favelas. Such killings are rarely investigated. When a person is killed as a result of police intervention, a civil police officer files an administrative report to determine if the killing was in self-defense or if criminal prosecution is required. In practice, many cases are filed as "resistance followed by death," which prevents independent investigations and shields perpetrators from civilian courts. By listing police killings as the result of a confrontation, even if there wasn't one, the authorities effectively blame the victims for their own deaths.²

In 2015, Amnesty International released the report *You Killed My Son: Homicides by Military Police in the City of Rio de Janeiro*, which reveals that at least 16% of the total homicides registered in the city in the last five years took place at the hands of on-duty police officers – 1,519 in total. In the favela of Acari alone, in the north of the city, Amnesty International found evidence that strongly suggests extrajudicial executions were committed in at least 9 out of 10 killings by the military police in 2014. Four of these cases involved killings by the military police officers from the Special Police Operations Battalion (BOPE) and two by the Riot Police Battalion.³

BOPE is a special police unit of the Military Police of Rio de Janeiro State (PMERJ). It utilizes equipment deemed more powerful than that used by traditional civilian law enforcement. It is also known for the use of violent and repressive methods, reinforced by its logo, which bears the image of a skull impaled by a knife over crossed pistols. According to the official BOPE website, the knife in the skull symbolizes "victory over death" and the crossed pistols are the symbol of the military police.

¹ Na última quarta (8), estive em Brasília para acompanhar a apresentação do relatório final da CPI do Assassinato de Jovens do Senado Federal. *Senado Federal*. Retrieved from <http://legis.senado.leg.br/comissoes/reuniao?2&reuniao=4978&codcol=1905>

² Amnesty International (2015). *You Killed My Son: Homicides by Military Police in the City of Rio de Janeiro*. *Amnesty International*. Retrieved from: http://www.amnestyusa.org/sites/default/files/youkilled_final_bx.pdf

³ Amnesty International (2015). *You Killed My Son: Homicides by Military Police in the City of Rio de Janeiro*. *Amnesty International*. Retrieved from: http://www.amnestyusa.org/sites/default/files/youkilled_final_bx.pdf

Imagine seeing an official armored vehicle emblazoned with a skull and a sword carrying police who come in shooting—first at the streetlights, then at the neighborhood's residents—announcing, *"We have come to take your souls."* This infamous vehicle is known as the BOPE's *caveirão*, or The Big Skull. Ten years ago in a report of the same name, Amnesty International documented this and the other intimidation and confrontation strategies BOPE uses to commit human rights violations, with almost no consequences. On that occasion, then-BOPE commander, Colonel Venâncio Moura explained, *"BOPE operates as it would in a conventional war, where the tank leads the way and the infantry surrounds the enemy."*

Amnesty International has information indicating that BOPE receives assistance and training from the U.S. Government. We urge the Commission to investigate this further.⁴

In the past, major sporting events in the city were accompanied by increased violence caused by forced evictions to clear land for new sports facilities and forced labor. As a result of the violence, the months around the events saw increased public protest to the violence, to which Brazilian security forces responded with increasing excessive force. In July 2007, Brazil hosted the Pan American Games. In May of that year, military and civil police, along with national security forces, conducted a major public security operation that resulted in the 19 deaths and several injured in the Alemão complex of favelas. Several years later in 2014, Brazil hosted the World Cup and experienced a rise in killings during police operations, many of which were extrajudicial executions. In the state of Rio de Janeiro, there was a 40% increase in police killings and in São Paulo, roughly an 80% increase in the months surrounding the World Cup.⁵

The city of Rio de Janeiro will soon be home to the Olympic Games in August of 2016. Given the history of human rights violations committed by Brazilian security forces surrounding major sporting events hosted in the country, Amnesty International is concerned about the potential risk of human rights violations prior to and during the Rio 2016 Olympic Games.

Amnesty International has worked since 2013 to document cases of police repression of mostly peaceful protests in the host cities of the World Cup and cases of extrajudicial executions and police killings in Rio de Janeiro. Amnesty International has also monitored the implementation of Brazilian national laws and policies related to public security and mega-sporting events. In 2013 and the weeks leading into the 2014 World Cup, Brazil witnessed numerous protests and demonstrations in which Brazilians expressed their discontent with increased public transportation costs, high World Cup spending, and insufficient investment in public services. The police response to the wave of protests was, in many instances, violent and abusive. Military police units used tear gas indiscriminately against peaceful protesters – in one case even inside a hospital – fired rubber bullets at people who posed no threat, and beat people with hand-held batons. During the period of the World Cup itself, restrictions on peaceful assemblies were strengthened and the police used unnecessary or excessive force against protesters.

⁴ Amnesty International (2005). Brazil Report: "They come in shooting": Policing socially excluded communities, seen at: <https://www.amnesty.org/en/documents/amr19/025/2005/en/>

⁵ Amnesty International. (2016). Rio 2016 Tactical Campaign: Violence has no place in these games! *Amnesty International*.

On April 2014, the streets of Rio de Janeiro's Maré complex of favelas, which are home to around 145,000 people, were subject to a military intervention by roughly 2,700 federal army troops. As a result of an agreement between state and federal authorities, the military forces were to remain there until shortly after the World Cup ended. However, they stayed for over one year, leaving in June 2015. The framework for this type of operation was defined in a December 2013 document issued by the Ministry of Defense called the "Guidelines for Law and Order." These guidelines provide for the use of armed forces in situations other than war. Namely, they outline law and order operations including those during mega-sporting events.⁷ Residents of Maré reported several abuses committed by the army during the period they were deployed there, including physical violence and indiscriminate shootings. In February 2015, 29-year-old Vitor Santiago Borges was shot by members of the armed forces in Maré. He was paralyzed as a result of his injuries. The authorities not only failed to provide him or his family with adequate assistance, they also did not conduct a full and impartial investigation into the shooting.

Considering the use of lethal force during past mega-sporting events and the prevalence of extrajudicial executions in Brazil, it is likely that Brazilian military and federal police authorities will re-adopt the above-mentioned security techniques for the 2016 Olympics. Armed forces will again be deployed to an unknown number of favelas, increasing the risk of abuses and the number of police killings and extrajudicial executions carried out during police operations. In March of 2016, the Brazilian Government approved a counter terrorism law to restrict the right to peaceful assembly and to criminalize protesters. The Counter Terrorism Law (Law 2015/2016), which has been criticized by local human rights organizations as well as the Organization of American States and the Office of the United Nations High Commissioner for Human Rights, contains vague definitions and is subject to arbitrary interpretations when applied. Furthermore, the law could easily be used to criminalize protesters and unduly restrict the rights to freedom of expression, association, and peaceful assembly.

U.S. Assistance to Brazil

According to the State Department, the United States and Brazil are committed to building a sustainable partnership that seeks to maintain economic and political relations on mutual concerns regarding economic growth, international peace and security, human rights, and the enhancement of defense and security. Particularly with the Olympics approaching, it is incredibly important for the U.S. to be conscious of the growing problems related to police abuse and lethal security tactics in Brazil.

Military and Police Training

The majority of U.S. assistance to Brazil is provided through the State Department and USAID and is funded through annual appropriations by the Department of Defense and the Department of State. In April 2010, the U.S. and Brazil signed a Defense Cooperation Agreement, which was followed by the establishment of the Defense Industry Dialogue and Collaboration on Law Enforcement in 2015. These agreements seek to promote military-to-military cooperation including information exchanges,

⁷ *ibid*

combined military training, and joint military exercises. Since the 1940s,¹⁰ the State Department has been providing International Military Education and Training (IMET) aid to Brazil, with approximately \$625,000 earmarked for 2015 and 2016.¹¹

Under Section 1004 of the 1991 National Defense Authorization Act, the U.S. Department of Defense is permitted to offer counter-narcotics aid to Brazil. In 2015, \$343,476 in counter-narcotics aid was earmarked for Brazil and approximately \$335,431 in 2016. For several years, U.S. SOUTHCOM has been training Brazilian law enforcement personnel. According to a 2015 report issued by SOUTHCOM, a total of 13 students from Brazil participated in training last year. Brazilian alumni from 2015 include the Brazilian Federal Police Coordinator for the 2016 Olympics and the 2014 World Cup, along with 10 federal police¹² leaders for the 2016 Olympics. In preparation for the 2014 World Cup, the FBI conducted civil disturbance training with over 800 Brazilian police from nine states in Rio de Janeiro, São Paulo, Ceará, and Brasília.

Amnesty International urges this honorable Commission to investigate the details of what type of assistance or training BOPE is receiving from the U.S., and to investigate the following questions:

- Which other security forces in Brazil are receiving assistance and/or training from the U.S. Government?
- Is the U.S. supplying Brazilian police forces with small arms? If so, which police forces?
- Does the U.S. government have supply contracts with Brazilian law enforcement bodies? If so, which ones?
- Are ROTA in Sao Paulo, riot battalions or federal police receiving any type of assistance? Which ones? What type of assistance/training?

Amnesty International respectfully recommends that

- The U.S. Government should suspend licenses for further exports of firearms, ammunition and related parts to Brazilian security forces pending credible progress in investigations into allegations of a pattern of extrajudicial killings and other serious human rights violations
- As required by the Leahy Law, the U.S. Government must stop any assistance or training to the military police units from Rio de Janeiro subject to credible allegations of serious human rights violations, including the Special Police Operations Battalion (BOPE), until adequate steps have been taken to bring those responsible to justice.

A full summary of Amnesty International's recommendations to different levels of the Brazilian government can be found in Amnesty's 2015 report *You Killed My Son: Homicides by Military Police in the City of Rio de Janeiro*.

¹⁰ Mott, W.H. (2002). United States Military Assistance: An Empirical Perspective. *Greenwood Press*. Westport, Connecticut.

¹¹ Brazil: Military and Police Aid (Programs). (2016). *Security Assistance Monitor*. Retrieved from: <http://securityassistance.org/data/program/military/Brazil/2010/2016>

¹² U.S. Department of Defense. (2015). Regional Defense Combating Terrorism Fellowship Program: Report to Congress FY15. *U.S. Department of Defense*. Retrieved from: http://open.defense.gov/portals/23/Documents/foreignasst/FY15_Regional_Defense_Combating_Terrorism_Fellowship_Program_Report_to_Congress.pdf