

BRAZIL:
EXTRA-JUDICIAL KILLINGS AND USE OF LETHAL FORCE

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WEDNESDAY, MAY 5, 2010

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The committee met, pursuant to call, at 1:30 p.m. in Room 2247, Rayburn House Office Building, Hon. James P. McGovern [co-chairman of the commission] presiding.

Mr. McGOVERN. The Committee will come to order. I would like welcome you to today's hearing of the Commission on one of our most important allies in Latin America, Brazil. Not only the largest country in Latin America, it is also the largest recipient of foreign direct investments. The geostrategic importance of Brazil to the United States from a regional security and economic development perspective is reflected in our strong and deepening bilateral ties and our close cooperation in multilateral fora to preserve the rich biodiversity of the Amazon region, the preservation of unique indigenous cultures, and our fight against climate change.

With a population of over 190,000,000 people, Brazil as a society also faces human rights challenges which find their expression in an incredibly high level of violence. The U.N. Special Rapporteur on extrajudicial summary or arbitrary execution, Phillip a justice are supported by a sizable proportion of the population who fear high crime rates and who perceive that the criminal justice system is too slow to prosecute criminals effectively."

The Human Rights Watch Report from December 2009, entitled Lethal Force, police violence and public security in Rio de Janeiro and Sao Paulo confirm the highest level of violence fueled by drug gangs which prominently target police in police posts as well as rival gang members. What both the U.N. Special Rapporteur and Human Rights Watch noted with grave concern, was the high level of lethal force employed by Brazilian police departments. The concerns were further highlighted by our State Department in their annual country reports on human rights practices, 2009 in the Brazil chapter.

Human Rights Watch reported that the police departments of Rio and Sao Paulo alone have collectively killed more than 11,000 people since 2003. What is deeply troubling about this is the fact that all too often the use of lethal force is explained by police officers as so-called resistance killings, meaning that an officer reported the use of lethal force as an act of self-defense, as an individual either opened fire on them, or in another threatening way resisted arrest. To be absolutely clear nobody in their right mind can either downplay or minimize the fact that those Brazilian police officers who enforce the law in these high crime and drug gang

controlled areas, do not face death on a daily basis with the beginnings of their shifts and even thereafter; however, when 11,000 people have been killed by police in two cities since 2003, Brazil must heed the advice or the recommendations of the U.N. special rapporteur, the international NGO community, as well as Brazilian civil society. Vigilante justice only further fuels the level of violence and will inevitably lead to the killing of innocent bystanders. Tragically, this is exactly what happened to a constituent of mine, Joseph Martin. Joseph was fatally shot on the night of May 25, 2007 in front of a nightclub in Rio where he and his friends were celebrating his 30th birthday.

Witnesses said that Joseph was attempting to prevent an off duty officer from shooting a young boy who had stolen a purse. The officer shot Joseph, who was unarmed. He was shot three times. He died hours later in a city hospital. In March of this year, the officer was acquitted. His trial began at 3:00 p.m. and the verdict was delivered a mere 10 hours later. As Joseph's Aunt Marilyn told the Worcester Telegram and Gazette, "'all along we have tried to be respectful of the differences between American and Brazilian cultures, but this just leaves us cold". Joseph's family has been remarkably steadfast in their quest for justice and I am honored that another of Joseph's aunts, Elizabeth Martin, is here today to share their story. His Aunt Marilyn is also with us today.

The 2016 Summer Olympics have recently been awarded to Brazil. Brazil will also host the 2014 World Cup. The world will be watching. The culture of impunity that continues to exist for extra-judicial killings must come to an end. The excessive use of force, the ability to murder at will, the lack of investigation by police of police crimes, including murder, which results in cases either never going to trial or prosecutors not be able to win convictions, this is the norm that has to change. This is a question of political will. The day that those responsible for murdering innocent people are actually convicted and thrown in jail will be the day that the cycle of impunity begins to come to an end.

I hope that today's witnesses will have recommendations for Brazil, the Obama administration and the U.S. Congress about what must be done to break this culture of violence and impunity while helping Brazil address the real threats of crime and drugs that currently plague its major cities. So I am pleased to now turn to our witnesses. We have an excellent panel. We have Elizabeth Martin who is Joseph Martin's aunt James Cavallaro, the Executive Director of the Human Rights Program at Harvard Law School; Daniel Wilkinson, the Deputy Director of the Americas Division Human Rights Watch; and David Dixon, the Brazil Country Specialist with Amnesty International USA. I am very pleased that all of you are here today. This is an incredibly important hearing. I would like to begin with Elizabeth Martin. Again, we want to express our sympathy over the death of Joseph and we are honored that you are here today. You could proceed as you wish.

STATEMENT OF ELIZABETH MARTIN, RELATIVE OF JOSEPH MARTIN

Ms. MARTIN. Thank you. I would like to thank the members of the Tom Lantos Human Rights Commission, and especially Congressman McGovern, who helped make this possible. It is an honor and a privilege to be here to tell our story. I feel compelled to begin with a startling fact that is difficult to comprehend. Fifteen percent of all the murders committed in Rio are committed by the police. My nephew, Joseph Martin, was one of the 15 percent. On May 25, 2007, Joe was celebrating his 30th birthday in Rio. He engaged in a verbal altercation with an off duty policeman. The policeman shot Joseph from 16 feet away. Our father, Joseph's grandfather, was a policeman in Worcester, Massachusetts, for over 30 years.

Although we appreciated the complexity of the relationship between police in the United States and those they are charged to protect, we certainly did not expect Joe to die at the hands of a policeman. We soon came to learn that what we thought was a private pain was, in fact, the result of a chronic and institutionalized problem with the Rio police, well-documented, debated and reported on by NGOs and the United Nations. The months and years ahead would be a series of unkept promises by the Brazilian government and either inept or corrupt police work. Ambassador Patriota promised support and a thorough investigation by the public secretariat. Four times I wrote the ambassador for updates and was either put off or ignored.

In my final two emails asking for the promised investigation update, I was reduced to pleading: please reply, please reply, and I was met with silence. Senator Kennedy's office called on several occasions and was also ignored. Finally, while watching TV coverage of the passing of Senator Kennedy and frightened at the prospect of losing an ally, I wrote the embassy with a draft press release that included a paragraph about their ignoring Senator Kennedy. Perhaps out of embarrassment or simply a coincidence, just a few days later I was informed that a trial date was set. There are two police forces in Rio: a civil police that conducts investigations and the military police who are on the streets.

The civil police department was charged with investigating Joe's murder. The policeman who shot Joe was also a civil policeman. Coincidentally, Joseph was shot in front of a crowd of people, but the only witness the police found supported the policeman. It wasn't until the U.S. Consulate sent staff to the streets did they find two credible eyewitnesses. Four witnesses had gone to the police station the day after the murder but they were never interviewed. A report filled out at the police station with their contact information was mysteriously removed from the files so neither the prosecutor, nor the defense attorney was even aware of their existence.

This conspicuous omission was either an act of corruption or shocking incompetence. Two of those four witnesses were found just days before the trial held last month. They each asked the Judge if he could protect them if they testified. The Judge explained that he could not guarantee their safety. On the stand, their testimony amounted to them explaining that, in fact, they didn't see anything. The defense strategy at the trial was one of anti-American jingoism. As Joe's mother,

Frances, and I sat in the courtroom, we realized that the missing document about witnesses, the failure to investigate thoroughly and the outcome that the policeman who killed Joe was found innocent was all a foregone conclusion.

Our day in Court was not unlike other trials of police in Rio. We are here today not because of what happened to Joe, but because it happens 1,000 times a year to other men, women and even children in Rio. In April 2008, the commander of a precinct in Rio, Col. Marcus Jardim, was quoted as saying that the police ""are the best social insecticide". This man would soon be promoted to top commander of the military police forces in the city of Rio. That same year, the Secretary for Public Security, José Mariano Beltrame, commented that while police did their best to avoid casualties, one could not ""make an omelette without breaking some eggs". These repugnant statements exemplify the police relationship to the community.

We are aware of the incredible crime that occurs daily in Rio, the extent of gang violence and the crippling drug trade. As the daughter of a policeman, I lived most of my life knowing that my father's job put him at risk. Rio police are not doing crime prevention, nor are they solving crimes. A statistic on the number of arrests each year by the Rio police as compared to the number of people they kill annually is graphic in demonstrating the lethality of police tactics. The Rio police kill and arrest in a ratio of 1:23. In Sao Paulo, the ratio is 1:348. In the United States, it is 1:37,750. There is a training program popular throughout Latin America called the Giraldi method. This method trains police in diffusing volatile situations and has proven to reduce the use of lethal force.

Sao Paulo police ombudsman Antonio Funari Filho said the Giraldi method ""is a doctrine that takes into account the original role of police officers. That is, their duty to protect citizens and preserve life". Rio refuses to implement this training method. I can't help but believe that this sort of training would have prevented Joe's death. The crime in Rio has frightened citizens, visitors and the police. The breathtakingly beautiful city, so disfigured by violence, has confused order and authority with state violence and police depravity. Either the police are acting on behalf of their government or the alternative is that the government has no control over their police.

Let me say again 15 percent of all the murders committed in Rio are committed by the police. Because the record shows that the police clearly exhibit a culture of killing rather than concern for the protection of the people of Rio, it is clear that all who go to Rio are at risk. We hope that in the few years ahead before the citizens of the world descend on Rio for the World Cup and the Olympics that the Brazilian government will implement the necessary changes to ensure that all people in Rio, both visitors and residents, are safe. President Lula promised the Olympic Commission that he would put more police on the streets during the Olympics. However, if we follow this strategy to its logical and grotesque conclusion, the murder rate in Rio will increase during the Olympics because the number of murderers on the street will increase.

A poorly trained policeman who lacks oversight is as dangerous in a favela, or a slum, as in a tourist destination, such as Copacabana. The blatant disregard for life and a police culture of killing does not change depending on where a policeman

stands. This situation is morally wrong. Rio can do better, and for the Olympics and the World Cup, we believe Rio must do better.

[The prepared statement in unavailable:]

Mr. McGOVERN. Thank you very much for your powerful statement. We appreciate it very much. Mr. Cavallaro?

**STATEMENT OF JAMES CAVALLARO, EXECUTIVE DIRECTOR,
HUMAN RIGHTS PROGRAM, HARVARD LAW SCHOOL**

Mr. CAVALLARO. Thank you very much, Mr. Chairman, for the opportunity to be here today. I am a clinical Professor of law at Harvard Law School and the Executive Director of the School's Human Rights Program. Over the past two decades I have lived and worked on human rights issues in Brazil, focusing in particular on violations in the criminal justice system. In the course of that work, I have had occasion to research and publish dozens of articles and books on issues on human rights in Brazil and in Latin America. Based on that, I would very much appreciate the opportunity to address three points quite briefly.

First, the historical context for the public security crisis and widespread abuse now occurring in Rio de Janeiro and in many other urban centers as well in Brazil, second, briefly, the case of Joseph Martin, and three, the current challenges for police reform in Rio de Janeiro and in Brazil. Brazil fell under an extended military dictatorship from 1964 to 1985 in which police and military authorities engaged in widespread institutionalized torture and other forms of rights abuse, including summary executions and forced disappearances. State abuse targeted armed opposition, nonviolent opponents, labor organizers, students and other dissidents.

Impunity for official abuse was assured by the following: 1] sham military and police led investigations of fellow officers; 2] manipulated crime scenes; 3] poorly prepared, and sometimes falsified, coroner's reports; and 4] special military jurisdiction for most police offenses. In 1988, Brazil adopted a new constitution. In 1989, the first direct elections for president were held. Over the past two decades, Brazil has made enormous strides in democratizing society and in promoting economic growth. Yet, despite vital changes since the transition to democracy took hold two decades ago, changes that have made the country, as the Chair has recognized, a regional and global leader in many ways, the criminal justice system has lagged far behind.

Tragically, the police continue to be extremely violent. They continue to engage in torture, they continue to kill shockingly high numbers of civilians. When they commit abuses, many of the same techniques applied during the military dictatorship continue to ensure their impunity. These include today still: 1] sham, police led investigations of fellow officers; 2] manipulated crime scenes; 3] poorly prepared, and sometimes falsified, coroner's reports; and 4] special military jurisdiction for many police offenses. To be sure, as has been noted, Brazilian police and the criminal justice system have had to address rising crime and the threat of drug trafficking led by criminal syndicates. Yet, their response, particularly the abusive focus of the Rio de Janeiro authorities, has done little to reduce violence.

In fact, the extreme violent tactics employed by Brazilian police have intensified overall levels of homicide and insecurity. From 1980 to 2002, the homicide rate in Brazil more than doubled from 11.4 per 100,000 to 28.4. In the City of Sao Paulo, for example, the rate more than tripled. In Rio de Janeiro, a similar spike in homicide rates occurred earlier, moving from 2,800 in 1980 to 8,400 in 1994. Over the past 15 years, homicide rates in Rio have remained among the highest of any urban area in the Americas. Unfortunately, rather than combating violence with professionalization, with community engagement and modern techniques, Rio authorities have focused on what they have termed confrontations with suspected criminals and drug traffickers.

Researchers, journalists and rights defenders, including myself, have demonstrated through analysis of forensic, testimonial and other evidence that these confrontations are, in fact, often extra-judicial executions. The sheer volume suggests as much. The Chair has cited some of the numbers, as has Liz Martin. A total of 2,500 people killed in Rio de Janeiro in two years, 2007 and 2008. Another indicator of the illegitimate use of force is the ratio of those killed by police to police killed. More than 43:1 in Rio de Janeiro. In other words, in alleged shootouts with allegedly armed and dangerous suspects, the police somehow manage to kill 43 individuals for every police fatality.

Close review of this universe of cases reveals the following. First, that many of the extra-judicial executions are not shootouts, as the police allege. Second, the vast majority of these killings occur in poor areas of the city, targeting disproportionately the Afro-Brazilian population. Third, police routinely paper over these incidents by classifying them as ones in which the victim resisted arrest. Fourth, police investigations of these incidents are generally extremely deficient. Fifth, prosecutors rarely bring charges against killer police, and when they do, they almost never get convictions. The case of Joseph Martin tragically highlights many of the great flaws in the public security system.

As Elizabeth Martin has explained, Joseph Martin was killed by a Rio de Janeiro police officer on May 25, 2007. The poor investigation of the incident reveals serious deficiencies in the system, deficiencies that led to the March 2010 acquittal of the officer responsible despite the pressure by some present today, by the U.S. Embassy, by the family of Joseph Martin. In that case, police either actively undermined or badly bungled the investigation. Given a flawed police file, the prosecution failed to convince jurors who rightfully feared for their safety. The killing of Joseph Martin is now one of thousands of similar homicides committed by police in Rio de Janeiro in the past several years for which no one has been held accountable.

While different in some respects, the killing of Joseph Martin is like many other police homicides in Rio de Janeiro and Brazil. The Brazilian civil police, of which the police officer who killed Joseph Martin was a member, are generally responsible for conducting criminal investigations. The fundamental conflict of interest that arises from assigning police investigators the responsibility of investigating their colleagues is compounded by a strong culture of loyalty to other police, but not the law within the police force. This problem took concrete form in

Joseph's case as the civil police responsible for investigating one of their own failed to gather essential and easily available witness testimony.

As Liz Martin has mentioned, four witnesses appeared on their own account at the police station to offer statements. The police failed to take these statements and failed even to inform the prosecutor of the existence of these four individuals. The foreseeable consequence of the trial, as Liz Martin observed and noted, was the acquittal of Joseph Martin's killer. Finally, part of the focus on Brazil moving forward, particularly for the international community, must concern the World Cup to be held in four years and the Olympics to be held in 2016, as the Chair has noted. A fair question to be asked in this context is whether authorities in Rio de Janeiro, in the case of the Olympics, and the various sites that will host the World Cup will implement a security policy for these global encounters that is consistent with even the most minimal standards of international human rights law.

In this regard, the 2007 Pan-American Games in Rio is a worrisome precedent. In the run up to those games, police killings and other abuses increased significantly. In June 2007, just weeks before those games, police killed 19 people in a single day in the Complexo do Alemão complex community in Rio de Janeiro. Police investigators remarkably failed to take so much as a single crime scene photograph in connection with the 19 killings. That case remains stalled to this day, despite the fact that a panel of forensics experts commissioned by the Brazilian federal government concluded that the police had committed extra-judicial executions. To date, Brazilian authorities, with few exceptions, have responded to the challenges presented by insecurity and crime by intensifying state violence and concomitant rights violations.

Attempts at meaningful reform have been met with harsh responses by affluent residents, corrupt political forces, media, and, most worrisome, by police themselves. In the months proceeding the decision of the Olympic Committee, authorities in Rio, for example, took measures to surround poor, visible, high crime areas with large walls, in effect hiding, rather than addressing, the problems of urban violence, gross inequality and official neglect and abuse. In conclusion, unless radical change of the police and security system in Rio de Janeiro occurs in the next several years, one can expect extraordinary levels of police abuse and low levels of citizen and visitor security. The international community, the people of Brazil and its authorities must work together to ensure a new approach, one grounded in citizen engagement, popular participation and respect for fundamental rights if we are to avoid the mistakes of the past. I thank you for your time and attention.

[The prepared statement is unavailable]

Mr. McGOVERN. I thank you very much. All those buzzers going off means that there is a vote on. I am going to try to get through the testimony as much as we can, and then we have to take a little break before we do the questions. I just wanted to give everybody the heads up. So, Mr. Wilkinson, why don't you proceed. Thank you.

STATEMENT OF DANIEL WILKINSON, DEPUTY DIRECTOR OF THE AMERICAS DIVISION, HUMAN RIGHTS WATCH

Mr. WILKINSON. Thank you, Mr. Chairman, for the invitation, thanks for showing me how to use the microphone. It is an honor to appear here for this very important hearing on the problem of police violence in Brazil. Human Rights Watch has been reporting on the human rights situation in Brazil for over two decades, and one of the issues that we have been particularly concerned about all this time is this problem of police violence. Last December, as you mentioned, we released this report. It is a 122 page report based on a very extensive two year investigation looking at the problem of extra-judicial executions by police in Rio and Sao Paulo. I would just like to use my time to share some of the very sobering findings of that report.

You already cited one figure that we mentioned, that since 2003 the police in the states of Rio and Sao Paulo together have killed more than 11,000 people. The numbers are in now for 2009, and last year another more than 1,500 people were killed, so we are talking about more than 12,000 people since 2003. The Rio state police, in particular, have typically killed more than 1,000 people every year, which is three times the number of police killings in the entire United States every year. The number of police killings in Sao Paulo is significantly less, but still very high relative to other places.

Over the past five years, the police in Sao Paulo State have killed more people than the police in the entire country of South Africa, and South Africa has a much higher general homicide rate than Sao Paulo State. Now, some local authorities argue that these high numbers merely reflect the fact that police are facing violent criminals, and it is true that both states have been plagued for years by violent crime, much of it carried out by illegal drug trafficking gangs. In Rio, these heavily armed gangs effectively control hundreds of neighborhoods and are largely responsible for the city having one of the highest homicide rates in the Americas. In Sao Paulo, there has been an encouraging decline in homicide rate over the past decade, but gang violence is still a major problem.

These gangs in both states carry out brazen attacks, often in broad daylight, against the police and against rival gang members. Reducing violent crime, containing these gangs certainly represents a daunting, and, at times, a very dangerous challenge for the police forces in both states. Too often, though, rather than curbing the violence, police officers in both states have contributed to it through the unlawful use of lethal force. In nearly all the cases over the last few years in which the police in Rio and Sao Paulo have killed people while on duty, the officers involved have reported the shootings as legitimate acts of self-defense, claiming they shot only in response to gun fire from criminal suspects.

In Brazil, these shoot out cases are referred to as resistance killings. Given that police officers in both states do often face real threats of violence from gang members, many of these resistance killings are likely the result of the use of legitimate force by police. Many others, however, clearly are not. You have already heard a bunch of figures from all of us, but I think these numbers are very dramatic and are important for getting a sense of the scope of the problem, so here are a few

more. Between 2004 and 2008, the Sao Paulo Shock Police Command, an elite police unit, killed 305 people in what they claimed were resistance killings. In all these alleged shoot outs they killed 305 and they injured only 20, and there was only one police officer killed.

Now, I think just common sense shows that ratios like these are not what you would expect if these were, in fact, shoot outs and police were using lethal force only as necessary. They killed 305 and they only injured 20. Similarly, in Rio in 2008, police in 10 military policing zones were responsible for 825 shoot out killings while suffering only 12 police casualties. Now, we conducted this two year investigation looking at these figures, and these figures are official figures. This is coming from the state governments. We also examined in detail scores of case files, investigation reports, and we spoke to dozens of officials, police officials, prosecutors, other government officials, and based on this extensive research, we found the evidence that we compiled made it absolutely clear that a substantial portion of these resistance killings were simply extra-judicial executions.

In addition to those, there is another number added to that 12,000 of killings by police officers who are involved in death squads or, in the case of Rio, who are involved in illegal, armed militias outside of work. We also found that in many purported resistance killings and killings by death squads, police officers take steps to cover up the true nature of what took place and they often fail to take necessary measures to determine the nature of the killing, helping to ensure that criminal responsibility cannot be established and that those responsible remain unpublished. Now, criminal justice officials, prosecutors in both states with whom we spoke to, including the attorneys' general, recognize that unlawful police killing is a serious problem.

Several key public prosecutors insisted with us that extra-judicial executions and subsequent cover ups are commonplace. Indeed, both states have implemented some measures to curb police abuses, such as creating police ombudsmen's office, and, in the case of Sao Paulo, implementing the method of defensive policing techniques, the Giraldi method. In Sao Paulo, these measures may have contributed to a drop in reported police killings from their overall peak in the 1990s, but they have not come close to eliminating the problem. In Rio, they appear to have had virtually no impact at all. The principal reason that these reform measures have fallen short is that they have not tackled the fundamental issue of accountability.

Police officers responsible for unlawful killings in Rio and Sao Paulo are rarely brought to justice. There have recently been some progress in reigning in certain high profile militias involving police in Rio, as well as arresting some death squad members in Sao Paulo, but impunity for extra-judicial executions remains the norm today in both states. Now, many factors contribute to this chronic impunity but one in particular stands out, which is that the criminal justice systems in both states currently rely almost entirely on police investigators to resolve these cases. In other words, the police are left to police themselves. This arrangement is simply a recipe for continued abuse. So long as it remains unchanged, police impunity will prevail, police homicide rates will stay high and the states' legitimate efforts to curb violence and lawlessness will suffer. Thank you.

[The prepared statement in unavailable]

Mr. McGOVERN. Thank you very much. We are going to have to pause right now because they ran out of time, so I apologize. If we could just hold, we will get three quick votes and then I will be right back, okay? I am sorry.

[Recess.]

Mr. McGOVERN. The hearing will reconvene. I apologize again for the votes. That is one thing I have no control over. So I appreciate your patience in waiting. Mr. Dixon, we left off right before you were to testify. Welcome.

**STATEMENT OF DAVID DIXON, BRAZIL COUNTRY SPECIALIST,
AMNESTY INTERNATIONAL USA**

Mr. DIXON. Thank you. Thank you for organizing this important hearing on human rights in Brazil. As you know, Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all. Our supporters, like yourselves, are outraged by human rights abuses but inspired by hope for a better world, so we work to improve human rights campaigning through international solidarity. What I would like to do is since some of this material has already been covered, I will just underscore some of the points made and therefore, as I am going through this, I am editing some of my remarks.

Mr. McGOVERN. Okay. Your entire statement will appear in the record.

Mr. DIXON. Yes, it will appear in the record for sure, which has been submitted. So I will provide a little background discussion and maybe cover two or three points that perhaps was not touched upon. So just for some basic background information, as many of you know, Brazil does, or it boasts some of the most progressive legislation in the world which were set out in the 1988 constitution and subsequent legislative reforms. The country, as you may be familiar with, was one of the first to develop a national human rights plan and has recently launched its third plan. Similarly, since the transition to democracy, which was mentioned earlier, the space that has opened up for the scrutiny and criticism from a wide and diverse media, as well as a strong and developed civil society, has been notable.

Under President Lula, extensive social investment under the Bolsa familia plan, which provides grants to poor families in exchange for schooling their children, has been recognized as reducing socioeconomic disparity. At the same time, the government has launched numerous plans and projects to address various human rights related issues. Also, Brazil continues to be an active participant in the U.N. system, recently undergoing the universal periodic review process, and being one of the first countries to extend a standing invitation to the U.N. Special Procedures, having been visited by numerous special rapporteurs. Above all, the last two governments have been largely open to human rights problems that they face. Recognizing many of the worst violations, they are sometimes seeking support from the international community to address these problems.

However, the openness of the governments and the strength of the law have not been matched by the full and effective provisions and protections of human rights for the populations. These have been hindered by a number of factors: A] the large socioeconomic disparity, which has denied millions access to human rights; B] the

high level of urban criminality and gun violence; C] the extensive prevalence of organized crime and corruption, especially involving law enforcement agents, which was touched upon; D] a slow and discriminatory criminal justice system; E] short-term policymaking directed by vested political and economic interest; and F] the inconsistency and weakness of certain state institutions.

Also what we see is that human rights groups over the years have raised serious issues related to police violations and public security, torture and prison conditions, access to land, the rights of indigenous and Afro-peoples, slave labor, as well as cases of violations against women and minorities. In such a society, deeply divided and given the inevitable confrontation with the vested political and economic interests, the concept of human rights has been persistently attacked and undermined. As a consequence, it is often described as being merely, i.e., the defensive criminals. Human rights defenders continue to suffer threats, attacks and even killings, while the space for discussing human rights is under threat.

I do believe perhaps the most troubling and most recent example of this has been the furor surrounding the presentation of Brazil's third national human rights plan. Though the plan itself is broad and inconsistent in parts, it undoubtedly stands as a strong, and democratic and transparent recognition by Brazil of its need to meet national and international obligations, being signed by all the ministers and the President. However, the third national human rights plan promises to set up a truth and reconciliation commission to look into human rights violations of the military regime, ensure peacefully negotiated land evictions of land activists and supports women's sexual and reproductive rights, have now been challenged by the minister of defense and the armed forces, the agricultural lobby and the Catholic Church, respectively.

So what we find is that now the Brazilian government is backtracking, the President, relative to this national development plan, immediately denied knowledge of the details of the plan, and all three presidential candidates have effectively distanced themselves from human rights. What we see is also, I think, important to mention that was not covered specifically here was that this message has been further reinforced following a decision by the Federal Supreme Court on Thursday, that is, April 29 of last week, to uphold the 1979 Amnesty for Torturers, Killers and Rapists of the Military Regime, a decision which has sold compromise over justice and was supported by all of the presidential candidates.

So what I will do is since many of these issues have been covered, public security I think has been covered, police killings and extra-judicial executions I think have been covered, we have some of the same numbers there and I don't think I should just reiterate the same numbers, maybe I will just for like one minute talk about the organized death squads and just really briefly about impunity. I think it is important to mention the intersection of what Ms. Martin was saying, Wilkinson and Cavallaro about death squads and how death squads operate. What we find is that during 2009 and 2010 there have been recurrent reports of human rights violations by federal and state police officers involved in corrupt and criminal activity and killings perpetuated by death squads involving active, and former, members of the police.

In Rio de Janeiro, investigations into parapolicing uncovered a web of corruption, violence and intimidation which extended into the heart of state

institutions. At least 17 public officials have received death threats from militias and criminal gangs, including three Judges, seven prosecutors, five police chiefs and the head of the parliamentary inquiry into militias. They are now all receiving police protection. In 2008, a parliamentary inquiry into the role of parapolicing groups was launched. The inquiry has uncovered extensive links between corrupt police officers, parapolicing groups and state deputies accused of profiteering from the protection of mafia style controlled local businesses and assuring their own election in militia dominated areas through intimidation and coercion.

As a result of the inquiry, several key militia leaders have been imprisoned, though efforts to challenge their financial activities have not been implemented. One of the areas of concern I think also I think I would like to touch briefly on, and I think it intersects nicely with what was said versus going over all of the key issues here, is the impunity for past violations. I think this is what Ms. Martin was speaking about, and Mr. Wilkinson and Mr. Cavallaro. What we find is that one of the contributions of the national human rights plan, that is the plans that Brazil produces over time, is a promise to set up the truth and reconciliation commission to investigate abuses under the country's military dictatorship from 1964 to 1985.

Some NGOs and relatives of victims criticized the initial proposals as the commission's remit did not appear to include the prosecution of past violators. However, even this limited proposal has been strongly criticized by the Brazilian military with the minister of defense attempting to further weaken it. Nevertheless, increasing challenges have been made to the longstanding impunity for crimes committed during the military era. In August, the Supreme Court ruled that Uruguayan national colonel Manuel Cordero Piacentini could be extradited to Argentina to face charges in connection with enforced disappearance of Uruguayan and Argentinean citizens and torture in the context of Operation Condor, a joint plan by southern military governments in the 1970s and 1980s.

In addition, a submission by the Brazilian Bar Association and a leading judicial expert to the Supreme Court challenging the interpretation of the country's amnesty law was overturned in April of 2010. That is the decision from last week. The Supreme Federal Court Judges ruled seven to two to uphold the interpretation that crimes committed by members of the military regime were political acts and therefore covered by amnesty. The ruling flouted Brazil's obligation under numerous international and national human rights laws. The heritage of the failure to prosecute the crimes committed by members of the military regime lingers today. Few of those responsible for extra-judicial executions, excessive force killings and acts of torture committed in Brazil are never investigated, let alone brought to justice.

Notable massacres from the 1990s. The Carandiru in 1990s, the killing of 111 unarmed detainees in Sao Paulo; the Vigário Geral 1993 massacre of 20 unarmed favela residents in Rio de Janeiro; and also the Eldorado dos Carajás massacre in 1997 in which 19 land activists by members of the military police in the State of Para. All of these cases are still lingering in the Courts. What we find is that one of the few cases where persistent national and international campaign has helped to ensure some justice is the murder of environmental and land activist Sister Dorothy Stang. Only a few days ago one of the men who ordered her killing was sentenced to 30 years in prison, a rare occurrence in a land related to killings in Brazil.

Conclusion. If there is one message that the U.S. Congress can send to Brazil, it is to remind Brazil that it is developing a key role in regional and world affairs, which gives it a greater responsibility to adhere to national and international human rights obligations. It is essential time and again to remind Brazil that the concept of human rights in public space is important. Amnesty International is eager to work with members of Congress, including the Tom Lantos Human Rights Commission to Improve Human Rights Conditions in Brazil, and we, along with this Commission, are available to make concrete recommendations about ways to move this forward. Thank you very much.

[The statement of Mr. Dixon follows:]

PREPARED STATEMENT OF DANIEL DIXON

Ms. Daniel Dixon
Amnesty International USA
Testimony for the Tom Lantos Human Rights Commission
Brazil: Extra-Judicial Killings and Use of Lethal Force

May 5, 2010

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights for all. Our supporters are outraged by human rights abuses but inspired by hope for a better world, so we work to improve human rights through campaigning and international solidarity. We have more than 2.8 million members and supporters in more than 150 countries and regions and we coordinate this support to act for justice on a wide range of issues.

Background

The human rights record of Brazil since the transition from democracy in 1985 has been essentially about gaps between promise and delivery and between the vast divide in the socio-economic conditions of the population. Although there have been innumerable advances, the promotion and protection of human rights has fallen far short of Brazil's obligations. Brazil boasts some of the most progressive legislative protections in the world, which were set out in the 1988 constitution and subsequent legislative reforms. The country was also one of the first to develop a National Human Rights Plan, and has recently launched its third plan. Similarly, since the transition to democracy, the space that has opened up for scrutiny and criticism from a wide and diverse media as well as a strong and developed civil society has been notable. Under President Lula, extensive social investment under the 'bolsa familia' plan, which provides grants to poor families in exchange for schooling their children, has been recognized as reducing socio-economic disparity. At the same time, the government has launched numerous plans and projects to address various human rights-related issues.

Brazil continues to be an active participant of the UN system, recently undergoing the Universal Periodic Review process and being one of the first countries to extend a standing invitation to the UN Special Procedures, having been visited by numerous Special Rapporteurs. Above all, the last two governments have been largely open to the human rights problems that they face, recognizing many of the worst violations and sometimes seeking support from the international community to address these problems.

However, the openness of government and the strength of the law have not been matched by the full and effective provision and protection of human rights for the population. These have been hindered by numerous factors such as: the large socio-economic disparity which has denied millions access to their human rights; high levels of urban criminality and gun violence; the extensive prevalence of organized crime and corruption, especially involving law-enforcement agents; a slow and discriminatory justice system; short term policy-making directed by vested political and economic interests; and the inconsistency and weakness of certain state institutions.

Human rights groups have raised issues related to police violations and public security, torture and prison conditions, access to land, the rights of indigenous and Afro peoples, slave labor, as well as cases of violations against women and minorities. In such a socially divided society, and given the inevitable confrontation with vested political and economic interests, the concept of human rights has been persistently attacked and undermined. As a consequence, it is often discredited as being merely the 'defense of criminals'. Human rights defenders continue to suffer threats, attacks and even killings, while the space for discussing human rights is under threat.

The most recent and troubling example of this has been the furor that surrounded the presentation of Brazil's third national human rights plan (PNDH 3). Though the plan itself is broad and inconsistent in parts, it undoubtedly stands as a strong, democratic and transparent recognition by Brazil of its need to meet its national and international obligations, being signed by all ministers and the president. However, the PNDH 3 promises to set up a 'Truth and Reconciliation' commission to look into the human rights violations of the military regime, ensure peacefully negotiated land evictions of land activists and support women's

sexual and reproductive rights have been challenged by the Ministry of Defense and the armed forces, the agricultural lobby and the Catholic church respectively.

Such has been the vehemence of these attacks that the very concept of human rights has been threatened. The president immediately denied knowledge of the details of the plan and all three presidential candidates have effectively distanced themselves from it as 'human rights' have become seen as a threat to candidates. This message has been further reinforced following a decision by the Federal Supreme Court on Thursday to uphold the 1979 Amnesty for the torturers, killers and rapists of the military regime, a decision which sought compromise over justice and was supported by all presidential candidates.

Main Concerns

Public Security

Brazil is suffering from extreme levels of criminal violence, with exceptionally high numbers of homicides. The vast majority of homicides, especially gun related killings, are concentrated in socially excluded areas where there is a lack of state presence. These communities suffer some of the highest homicide rates in the world. For several decades the state has responded to this by adopting military-style policing. This has resulted in police adopting a conflict mentality against whole communities, effectively criminalizing all residents within. Tactics involve violent short term incursions into communities; random firing of high powered weapons putting all residents including women and children at risk; the misuse of military equipment such as armored vehicles; the use of intimidating, violent and corrupt practices against residents; the lack of proper judicial warrants for what are effectively invasions into private homes; consistent attempts to cover-up human rights violations and the failure to properly investigate them. Far from protecting the communities, the process has placed communities at greater risk. Until recently, though federal and state governments have acknowledged human rights violations by elements in the police, in many cases they continue to support this style of policing. Several state governments have promoted a discourse and a policy based on combat and containment of crime in socially excluded communities. Recent efforts by state and federal governments indicate that they may be starting to recognize the need for a different approach. The federal government's security policy (PRONASCI) has sought to support alternative security, better policing and social investment for high crime urban areas, while states like Rio de Janeiro, Pernambuco, Minas Gerais amongst others have invested in alternative security projects designed for socially excluded / high crime areas with mixed results. Nevertheless, there remains an overall lack of long term policy, fundamental reform and effective federal and state collaboration to genuinely address the problem.

In São Paulo, the state government continues to adopt "saturation operations" in favelas. These operations involve military-style occupations of communities for a period of 90 days followed by police withdrawal. Members of the community of Paraisópolis, São Paulo, reported to Amnesty International cases of torture, excessive use of force, intimidation, arbitrary and abusive searches, extortion and theft by police officers during a saturation operation in February 2009.

Residents of the Acari and Maré favelas in Rio de Janeiro reported to Amnesty International that violent police operations regularly coincided with children's return from school, putting pupils at risk and forcing schools to close. Cases of torture, intimidation, illegal and arbitrary searches, extortion and theft were also reported.

Police killings, extra-judicial executions and excessive use of force

Since 2000 thousands of people have been killed annually by police in situations described as "resistance followed by death", a term which invariably turns the victims into aggressors. Most of these cases are not investigated, crime scenes are invariably tampered with, witnesses are intimidated and authorities fail to follow up on reports of violations. Statistics for police killings in Rio de Janeiro have increased dramatically since 1999, reaching a peak in 2007 and strongly suggesting a clear policy decision to adopt combative and violent methods against drug factions in shanty towns. In 2006 police killings were equivalent to 14% of killings in the state.

In 2009 authorities in Rio de Janeiro and São Paulo continued to describe killings by police as "acts of resistance", contrary to the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and to the third national human rights plan. Hundreds of killings were not properly investigated and little, if any, judicial action was taken. A study by the Public Security Institute attached to Rio de Janeiro's state Secretariat of Public Security found that between January 1998 and September 2009, 10,216 people were killed in the state in incidents registered as "acts of resistance". In Rio de Janeiro, between January and September 2009, police killed 805 people in reported "acts of resistance". In São Paulo the comparable figure was 499, an increase of 34 per cent over 2008, with killings by military police increasing by 57 per cent. In October, three police officers were killed in Rio de Janeiro when a police helicopter was shot down during a conflict between rival drug factions. Gang members began burning buses and driving residents from their homes in an attempt to distract police from their attack on a rival community, during which the helicopter had been downed. Police mounted a series of operations, described by a senior officer as "retaliation". Over a period of a week, more than 40 people were killed, including a 24-year-old woman hit by a stray bullet as she held her 11-month-old baby, and a 15-year-old boy, who was putting out the rubbish and was also reportedly shot by police.

Organized crime and "death squads"

During 2009 and 2010 there have been recurrent reports of human rights violations by federal and state police officers involved in corrupt and criminal activity, and of killings perpetrated by "death squads" involving active and former members of the police.

In Rio de Janeiro investigations into para-policing groups (off-duty police, firemen and soldiers, known locally as milícias, who have taken over parts of the city) uncovered a web of corruption, violence and intimidation which extended into the heart of state institutions. At least seventeen public officials have received death threats from the milícia and criminal gangs,

including three judges, seven prosecutors, five police chiefs and the head of the parliamentary inquiry into the militias. They are now receiving police protection.

In 2008 a parliamentary inquiry into the role of para-policing groups was launched. The inquiry has uncovered extensive links between corrupt police officers, para-policing groups and state deputies accused of profiteering from protection rackets and mafia-style control of local businesses, and ensuring their own election in militia-dominated areas through intimidation and coercion. As a result of the inquiry several key militia leaders have been imprisoned, though efforts to challenge their financial activities have not been implemented.

Prison conditions and torture

Detainees continue to be held in cruel, inhuman or degrading conditions. Torture is regularly used as a method of interrogation, punishment, control, humiliation and extortion. Overcrowding remains a serious problem. Gang control of detention centers results in high levels of violence between prisoners. Lack of independent oversight and high levels of corruption contribute to perpetuating entrenched problems of violence in the prison system, as well as in the juvenile detention system. Mechanisms for the implementation of the Optional Protocol to the Convention against Torture had still not been put in place by the end of the year.

Some of the harshest conditions of detention continue to be reported from Espírito Santo state. There are reports of torture, as well as of extreme overcrowding and the use of shipping containers (known as “microwaves”) as cells. There are reports of prisoners dismembering other prisoners. Following extensive pressure from local human rights groups and official state and national monitoring bodies, some building projects were initiated. In March, an illegal ban on monitoring visits to the prison system was finally lifted.

In December 2009, after evidence emerged of torture and attempted homicide in the Urso Branco prison in the state of Rondônia, the Inter-American Court of Human Rights issued a new resolution – its seventh since 2002 – calling on the Brazilian government to ensure the safety of the prisoners held there. A decision on the Attorney-General’s call for federal intervention in October 2008 was still pending before the Supreme Court at the end of 2009.

Human rights defenders

The human rights defenders program was introduced in a further two states and was operational in a total of five states by the end of 2009. However, in many cases effective protection has not been provided and defenders remain at grave risk because of the lack of political will to confront systemic human rights violations.

□ In January 2009, Manoel Mattos, Vice-president of the Workers’ Party in Pernambuco state and member of the local bar association’s human rights commission, was killed by two hooded men who broke into his home and shot him at point-blank range. He had long campaigned against the spread of death squads and police violence. Despite repeated death threats, federal police had withdrawn the protection he was receiving at the end of 2007.

Land disputes

Conflict over land continues to generate human rights abuses committed by both gunmen hired by farm owners and police officers. According to the Pastoral Land Commission, between January and mid-November 2009, 20 people were murdered in land-related conflicts in Brazil.

□ In Rio Grande do Sul state 2009, landless worker Elton Brum da Silva was shot dead by military police in August during an occupation of the Southall ranch in Santa Casa municipality. In the same month, local NGOs accused police of torture – including beating with batons, kicks, punches and the use of tasers – in the aftermath of an eviction in São Gabriel.

□ In August, 50 military police evicted a group of landless workers from the Pôr do Sol farm in Maranhão state, beating up several landless leaders and threatening others verbally. They set fire to houses and destroyed personal belongings, including documents.

□ In October, 20 armed, hooded men led by a local farmer attacked a settlement of 20 families in the municipality of São Mateus, Espírito Santo and Maranhão states. Threats from gunmen to kill any families settled in the area continued following the attack.

Right to adequate housing

Urban homeless groups suffer threats, attacks and excessive use of force at the hands of the police. In São Paulo a series of forced evictions suggests that a policy of slum clearance to make way for development projects is being pursued without regard for the rights of those made homeless as a consequence.

□ On 18 June 2009, riot police in São Paulo charged at a group of 200 families living by the side of the road who had been evicted on 16 June from abandoned government offices. Police used pepper spray, teargas and batons against the residents, who set up burning roadblocks. According to the Homeless Movement of Central São Paulo (Movimento dos Sem Teto do Centro, MSTC), five homeless people were injured, including a child.

□ In August 2009, riot police used rubber bullets, teargas and helicopters during evictions at the Olga Benário community in Capão Redondo in the south of São Paulo. Some 500 families were left homeless in extremely precarious conditions. In December, after national and international protest, the São Paulo state authorities agreed to repossess the land for social housing.

Plan for Accelerated Growth

The government's 2007 Plan for Accelerated Growth, (Programa de Aceleração do Crescimento, PAC) has been praised for having contributed to the country's economic stability. However, there are reports that some of the projects threaten the human rights of local communities and Indigenous Peoples. The projects, which include the building of dams, roads and ports, have sometimes been accompanied by forced evictions, loss of livelihoods and threats and attacks against protesters and human rights defenders.

□ In August 2009, community leaders Father Orlando Gonçalves Barbosa, Isaque Dantas de Souza and Pedro Hamilton Prado received a series of death threats. The three were put under surveillance by unidentified men, and armed men forced their way into Father Barbosa's house. This followed their campaign to stop the building of a port at Econtro das Aguas, Manaus, Amazon state, an environmentally sensitive area and home to fishing communities. The development of the port was being funded under the PAC. On September 2, Father Barbosa was forced to leave Manaus for his own safety.

Indigenous Peoples' rights

In March 2009, the Supreme Court rejected a challenge to the legality of the Raposa Serra do Sol reservation in Roraima state. The ruling was seen as a victory for the Indigenous movement, but also contained a number of conditions that weakened future claims.

Mato Grosso do Sul continues to be the focus of grave human rights abuses against Indigenous Peoples in Brazil. The state government and the powerful farm lobby have used the courts to block the identification of Indigenous lands. Guarani-Kaiowá communities were attacked by security guards and gunmen hired by local farmers. Local NGOs have called for federal intervention to ensure the security of the Indigenous Peoples and the demarcation of their lands.

□ In October 2009, members of the Apyka'y community, who had been evicted from traditional lands in April and were living in extremely precarious conditions by the side of a highway near Dourados, were attacked in the middle of the night by armed security guards employed by local landowners. Their homes were burned and one man was shot in the leg.

□ In November 2009, two Indigenous teachers, Genivaldo Vera and Rolindo Vera, went missing after the forced eviction of the Pirajui community from traditional lands on 30 October by a group of armed men. The body of Genivaldo Vera was subsequently found in a stream, bearing injuries consistent with torture. Rolindo Vera remained missing, feared dead at the end of the year.

□ In December 2009, President Lula decreed the "homologation" (the penultimate step in the demarcation process) of nine Indigenous lands in Roraima, Amazonas, Pará and Mato Grosso do Sul states. One week after the announcement, the Supreme Court upheld an appeal lodged by local farmers, suspending the Presidential decree in relation to the Guarani-Kaiowá Arroio-Korá reservation in Mato Grosso do Sul. The Supreme Court's decision was based in part on commentaries attached to the Raposa Serra do Sol ruling which requires land claims to be based on land occupancy in 1988, when the Constitution was promulgated.

Impunity for past violations

One of the contributions of the national human rights plan is a promise to set up a truth and reconciliation commission to investigate abuses under the country's military government (1964-1985). Some NGOs and relatives of victims criticized the initial proposals, as the commission's remit did not appear to include the prosecution of past violators. However, even this limited proposal has been strongly criticized by the Brazilian military, with the Minister of Defense attempting to further weaken it.

Nevertheless, increasing challenges have been made to the long-standing impunity for crimes committed during the military era. In August, the Supreme Court ruled that Uruguayan national Colonel Manuel Cordero Piacentini could be extradited to Argentina to face charges in connection with the enforced disappearance of Uruguayan and Argentine citizens and torture in the context of Operation Condor, a joint plan by Southern Cone military governments in the 1970s and 1980s to eliminate opponents.

A submission, by the Brazilian bar association and a leading judicial expert, to the Supreme Court challenging the interpretation of the country's Amnesty Law was overturned in April 2010. The Supreme Federal Court judges ruled seven to two to uphold the interpretation that crimes committed by members of the military regime were political acts and therefore covered by the amnesty. The ruling flouted Brazil's obligations under numerous international and national human rights laws.

The heritage of the failure to prosecute the crimes committed by members of the military regime lingers today. Few of those responsible for the extra-judicial executions, excessive force killings and acts of torture committed in Brazil are ever investigated, let alone brought to justice. Three notable massacres from the 1990's, Carandiru (the 1992 killing of 111 unarmed detainees in a São Paulo Prison), Vigário Geral (the 1993 massacre of 21 unarmed favela residents in Rio de Janeiro by a military police death squad) and Eldorado dos Carajás (the 1997 massacre of 19 land activists by members of the military police in the state of Pará), are still lingering in the courts. One of the few cases where persistent national and international

campaigning has helped to ensure some justice is the murder of environmental and land activist Sister Dorothy Stang. Only a few days ago, one of the men who ordered her killing was sentenced to 30 years in prison, a rare occurrence in land-related killings in Brazil.

Conclusion

If there is one message that the US Congress can send to Brazil, it is to remind Brazil that its developing role on the regional and world stage lend even greater significance to its willingness and ability to adhere to its national and international human rights obligations. It is an essential time to regain and strengthen the concept of human rights and the public space available to defend them in.

AI is eager to work with Members of Congress, including members of the Tom Lantos Human Rights Commission, to improve the human rights conditions in Brazil.

Mr. McGOVERN. Thank you very much. I appreciate the testimony that all of you have presented here today. You know, there is much about Brazil that is praiseworthy, some of the initiatives that we have entered into with them, you know, I mentioned some of the environmental collaborations. President Lula has made it has mission to eradicate extreme poverty and to try to eliminate hunger, which is something that I admire very much. I co-chair the House Hunger Caucus as well. So, on that level, there is things that we can praise, but you have all outlined very clearly and with great detail, and the numbers are staggering, that there is a real problem in terms of human rights when it comes to the enforcement of law, or the lack of enforcement of law, by law enforcement officials.

I mean, the numbers of deaths in just those two communities that we mentioned, I mean, it is kind of unreal to sit here and to listen to those numbers. I hope you would agree with me on this, that the issue here is not that there just are a few bad apples in the police force, but the issue here is that Brazil has an institutional problem that the institution, the police, are corrupted, you know, operate with impunity, and there needs to be some action to deal with that head on, otherwise, this is going to just get worse. I mean, you know, to be honest with you, it was the Martin case that made me focus on the realities in Brazil. You know, when I thought about countries that have human rights challenges, Brazil didn't come to the top of the list.

The more and more I investigate, the more and more I learn about what is going on there, the more and more stunned I am that there is not a greater effort to try to change things. Now, Mr. Dixon, you mentioned the case of Sister Dorothy Stang, a native of Dayton, Ohio, who was murdered for standing on the side of small, poor farmers in the Amazon. The three gunmen who shot her were convicted of the crime, but the two powerful ranchers who ordered and paid for the murder remain untouched. Over the past two weeks, both of these men were convicted and sentenced to a 30 year term in Brazil's prisons.

When I look at that case, that was a case that received a lot of international attention, there was a lot of pressure on the Brazilian government, and, you know, I think it took a lot of political will, and a lot of political courage, and a lot of pressure and attention by Brazilian groups and the international community to bring these powerful land owners to trial and to make them pay for their crimes, but I think it does show that where the political will exists, change can happen. I think this is exactly what is needed when it comes to confronting the impunity of the Brazilian police in major urban areas. So I guess my question is, you know, where does that political will come from? I mean, there need to be legislative changes. Why can't President Lula, you know, or the head of the Justice Department down there, why

can't they make this a priority, you know, and actually put forward some concrete action to change this? I mean, I don't know if anyone has any comment. Mr. Cavallaro?

Mr. DIXON. But I think the answer is in your question.

Mr. McGOVERN. Mr. Dixon. Yes.

Mr. DIXON. The answer is in your question. The particular case like this was the international community. This case received tremendous amount of international attention, and that is where the political will came from.

Mr. McGOVERN. Mr. Cavallaro?

Mr. CAVALLARO. I would concur in that assessment. Where there is significant pressure and where that pressure from without Brazil, the international community, as Mr. Dixon has noted, merges with pressure from within Brazil, then there is at least a significant possibility of investigation and prosecution. So it is also important to recognize that in the case of Dorothy Stang there is an active and vibrant community of rural poor, many organizations tied to the Catholic Church, that mobilize significant resources to press for investigation and prosecution. Unfortunately, in the case of urban violence, the issue before us today, many of those who are the victims of police abuse do not have the same value as constituents, they don't have the organizations that are as developed as the organizations that are fighting for justice in the rural sector, so that is one factor.

Mr. McGOVERN. But they have mothers, they have aunts, they have sisters and brothers. I mean, the reason why we are doing this hearing today is because the Martin family has raised this issue, and, you know, has said, you know, Congress, you have got to start doing something about this, you have to start seeing what is going on here, someone we love very much was murdered unjustifiably, you know, and there is no justice, and so, you know, we are doing this hearing. I mean, are there efforts, you know, in the urban areas, you know, amongst the mothers and the relatives to try to -- maybe someone could explain for the record what is going on. Yes?

Mr. CAVALLARO. So thank you, Mr. Chair. If I could just continue with this.

Mr. McGOVERN. Sure.

Mr. CAVALLARO. I am sure my fellow panelists may have comments as well. Liz Martin and the Martin family are unique in many ways. Ms. Martin's eloquence, her capacity to speak, her persistence, her drive, her passion are wonderful characteristics, and she has been able to raise this issue before this honorable chamber and before other institutions that are able to apply pressure. Unfortunately, that is not the case of all of the literally thousands of victims over the past six, seven, eight years in Rio de Janeiro and before the figures. Many, or most, of those victims are very poor people who live in urban shanty towns, in favelas, some of them are marginally literate, some are illiterate, and they are barely surviving and they don't have the same wherewithal or capacity to make their case heard the way that Liz Martin has, and they don't have a remarkable advantage, which is important, of U.S. citizenship, which matters, and it is one of the reasons why the U.S. Consulate was as engaged in this case.

This case came close to having a conviction, where many other cases don't. Just in response to your initial question, which a point I would like to make and I will finalize, is you asked if the Ministry of Justice, if other federal authorities are not able to take measures to resolve the issues that we have identified. One of the major problems in Brazil in dealing with public security is that public security is addressed at a state level. What that means is that federal authorities have very limited jurisdiction and generally are not interested in expanding their jurisdiction because public security is viewed largely in Brazil as a potential problem, as something that can cost you votes if you are a politician.

So if you are a federal authority and the state authorities have to address that issue, you let the state authorities address that issue. Also, unfortunately, the authorities who do have responsibility, the ones in the state, curry favor by promoting a tough on crime, law and order discourse, which is a thin veil for authorizing the police to go up into shanty towns and to shoot and kill anyone who looks like he or she might be a criminal suspect. So there are political problems, and there are also structural legal problems in the federal system.

Mr. McGOVERN. Right, but, you know, I mean, the U.N. Special Rapporteur, amongst the recommendations, one was that on the federal level the federal government should implement more effective measures to tie state funding to compliance with measures aimed at reducing the incidence of extra-judicial executions by police. I mean, there is some level on the federal level. State governors, secretaries for public security, and police chiefs and commanders should take the lead to make publicly clear that there will be zero tolerance for the use of excessive force and the execution of suspected criminals by police. I mean, these aren't kind of radical, you know, ideas. I mean, this is pretty basic stuff.

I mean, if we can't get state governors, and secretaries for public security, and police chiefs and commanders to publicly make these statements and these commitments, then we have got a huge problem here. Maybe the focus needs to be how you remove some of these people because, you know, they don't belong there. I mean, the police are there to protect civilians, and, you know, I mean it is a little bit astounding that you can't get, you know, that kind of commitment by the people who are in charge of your security. So I guess, you know, I mean I think on the federal level, you know, there are some leverage that we can, you know, and some pressures that we could push, but, I mean, I think the U.N. Special Rapporteur's recommendation as to what the state should do, you know, is also clear. I guess, you know, how do we make this happen? How do we encourage that to happen?

Mr. CAVALLARO. So a final word in response, and then I understand Mr. Wilkinson has comments. I am merely describing the tensions in Brazil and explaining, to some extent, the reasons why there has not been a more robust response from federal authorities or from state authorities. I fully concur in your assessment that this is an issue of political will and that if there is significant pressure from, for instance, the United States Congress and the international community, change can occur. If I can add a footnote there which is important.

Mr. McGOVERN. Sure.

Mr. CAVALLARO. Because often when there is pressure for change, the change is designed to provide security for those who are perceived to be the relevant

stakeholders and those who have political clout. So I mentioned earlier that walls have been placed up, were placed up at the time that the Olympic Committee was investigating to hide what is unfortunate to look at. If you go to Rio de Janeiro you might notice that the security in the Zona Sul, the southern zone, the upscale area where there are hotels, and nice restaurants, and beaches, et cetera, security is very good there, much better than it is in the rest of the city.

So if I could just emphasize, I think it is essential that this body and any other international body that is pressing the Brazilian government or the Rio de Janeiro government to take measures, that they press them to develop coherent, comprehensive measures on security that provide security for all in Rio de Janeiro and not just around five star hotels, which has unfortunately tended to be the solution. So I think it is important that in exerting pressure we don't strengthen the worst tendencies, which is, okay, now we need to protect the Americans and the five star hotels.

Mr. McGOVERN. Right. I know that is not the intention of any of us up here. It is more than just about, you know, the protection of Americans, or, in this case, the fact that one of my constituents was killed. I mean, we agree with you. I mean, it is about, you know, the protection of all citizens in Brazil, as well as those who visit. Mr. Wilkinson?

Mr. WILKINSON. In response to your first question, to underscore what Professor Cavallaro said, there are thousands of families in Brazil, Brazilian families like the Martin family, who have experienced the enormous pain and anguish that they have gone through. Most of them don't have the wherewithal to do what they have done in pursuing this case for the reasons that Professor Cavallaro gave. Often, you know, economic, social, access to lawyers.

Mr. McGOVERN. I understand that. I guess my question was is the Catholic Church organizing an effort? I understand the people don't have the wherewithal that the Martins may have, but nonetheless, there are institutions, you know, like the church, for example, that could serve as kind of the --

Mr. WILKINSON. No. I think it is an important point. I think it is an important question. What I would also like to stress is I think it is very important the way the Martin family and the Chairman, in this case, have expanded this issue because the others don't have the wherewithal, and instead of, you know, in addition to focusing on their case, their own personal loss, to highlight this problem that is shared by many others who are not in the position to do what they do. Now, there are groups of families, there are some who try. It is very difficult. It is difficult, first, because people who speak out living in poor communities can face serious consequences, including violent reprisals.

We document in our report people who denounced abuses the way the Martin family did were receiving death threats, and, in some cases, actually being attacked. So they can pay a very high price for trying to shed lights on this issue. Then there is a broader obstacle which is, you know, a very strong, popular public demand for increased and improved public security. Now, the demand for improved public security by the general population is entirely valid and legitimate because the crime problem is a very real problem. Unfortunately, what we see in Rio and elsewhere, and it is not unique to Brazil, we see this, you know, in other countries throughout the

region, we see this at times and in places in the United States, is a misperception, a common misperception that public security and human rights are somehow conflicting objectives that in order to go after the criminals, you need to give the police free reign to do whatever they want.

This misperception is very unfortunate because for politicians who need to show the leadership, they are reluctant to take on the human rights issues and be tarnished as being soft on public security. The real challenge here is for those advocating public security, and many do understand this, including some in Brazil, that these things go hand in hand. What Rio needs, what other cities in Brazil need is effective policing. It needs a police force that is trusted by the communities they work in. Currently, you have a police force that is feared because in many parts of Rio it is out of control and it is killing people, and so what is needed, there are concrete changes that need to be made and we have them detailed in our report, but there is this broader issue of political will of leaders willing to confront that common misperception and advocate improved public security and improved respect for human rights, and a police force that is accountable.

When it is accountable, it means it is more professional and it does its job well. It is that recrafting the public perception that will be key going forward. Now, in going forward, and just as a last point I make right now, this problem has been around for a very long time. Professor Cavallaro was just showing a report that he did with Human Rights Watch, you know, many years ago. Very similar problems that we described here. Brazil is in an interesting moment, though, as I think you alluded to in your comments, with the Olympics coming up and the World Cup coming up. The world attention will be on Brazil, and on Rio in particular, in the way it hasn't been before.

This poses a certain risks because, as Professor Cavallaro mentioned, the last time Rio held an international sporting event there was actually a spike in these killings. The approach was to clean up the streets and do it the old fashioned way, which was the use of violence. There is a risk that will happen now. In other words, this situation could get significantly worse if the pressure to clean up Rio in advance of these events is, the response of the authorities is the one we have seen in the past. However, it also could be an opportunity because the world will be watching and leaders in Rio concerned with the image of their city should take note. They need to find more effective ways of improving public security, and that means a police force that is accountable and professional and respects fundamental rights.

Mr. McGOVERN. Ms. Martin, do you want to add anything? One of the things that I get concerned about as well is as we try to encourage change, that we do so in a way that doesn't backfire. In other words, it is not the U.S. that is demanding this. Again, as I said, there is some very important progress in Brazil in a whole bunch of areas, and again, I have great respect for the President of the country. Sometimes, you know, people do the opposite of whatever the United States recommends, so it is kind of a delicate balance of how you encourage change without having it backfire. What I am interested in, you know, is what would be constructive steps for members of Congress to take on this subject?

Is it useful, for example, for us to engage the Olympic Committee, you know, on the issues that you just raised, Mr. Wilkinson, about, you know, the concern that

the actual killings of innocent people might get worse in the short-term, to express concern to them directly, and hopefully get them to be able to put some pressure on the Brazilian authorities to, you know, be sensitive to this issue. Is it useful, you know, to try to raise awareness of this issue more in the United States Congress to a respectful resolution expressing our concern over some of the activities that are going on in Brazil that, from a human rights perspective we think, you know, need to have attention called to them?

I mean, are there things that we can offer to be helpful to make this transition? For example, I mean, if there needs to be legal reform, you know, we have the American Bar Association that is always willing, that tells me, and they have been very effective in going down to particular countries and helping them kind of deal with some of the legal reform issues. I don't know whether that is something that could be used or not. Are the Brazilian police or the Brazilian authorities saying, you know, that their ability to gather evidence or their ability to gather intelligence is somehow flawed? That they need help with that? They need better equipment? I mean, our FBI could be of assistance in kind of working with them, you know, if that is the excuse.

You know, or is it really just a matter of political will, that the system is just filled with some people who don't want to follow the law and until you get rid of those people, you know, we are not going to see any kind of change? I am just trying to figure out from, you know, where we are sitting here that, you know, this hearing ends and you all go, you know, what is my assignment? What is the assignment of members of this Commission and members of Congress? How do we play a constructive role in kind of moving in the direction that you all suggested, the right direction to move in. I think that most people in Brazil, I mean I would think, you know, they want their streets safe.

Again, I acknowledged at the very beginning that being a police officer in Brazil with all that is going on is not an easy job. I mean, a lot of good police officers are threatened on a daily basis. So, you know, but I think majority of people in Brazil would like a law enforcement agency that cracks down on criminals but doesn't kill civilians. I think that is kind of what we are saying here. So, you know, how do we exert pressure in a constructive way so that this doesn't backfire? I mean, does it help for me to go down to Brazil? I mean, you know, or does that backfire? I think I would like everybody to kind of give me suggestions on this. Mr. Cavallaro?

Mr. CAVALLARO. So first, Mr. Chair, far be it from me to provide an assignment.

Mr. McGOVERN. You know better than I would to do so.

Mr. CAVALLARO. To you or to this Commission. I am happy to provide suggestions and ideas.

Mr. McGOVERN. Just don't grade us. That is all.

Mr. CAVALLARO. First, I would just like to reiterate what Daniel Wilkinson has said to emphasize that whatever the engagement or pressure that is done, the messaging is essential. Unfortunately, and the context is important and really needs to be underscored, in virtually every incident, not just the Pan American Games in 2007 in which authorities in Rio de Janeiro, and largely in Brazil, have felt the need to provide security for a major event back to the 1999 ECO conference in

Rio de Janeiro, the response has been to ensure site security and to ensure security in and around the relatively privileged areas of the city, if it is Rio, or other city in which the event is taking place.

So I think it is very important that, for instance, if you or other members of this Commission were to engage, were to visit Rio de Janeiro and/or Brazil, that one be very conscious of the message. So, for instance, if you were to go to Rio de Janeiro, I think it would be important to visit not only the sites of venues for Olympic events, but to visit other areas, perhaps randomly selected, to give a very clear sense that the international community wants to know what the public security plan for Rio de Janeiro is, not how you will deploy the military or special forces to make sure that these eight, or 10, or 12, or 20 venues are "secured". I think that is a message hopefully that will expand beyond this Commission to others who might visit Brazil or might apply pressure to Brazil.

Then, just generally speaking in response to your question, yes, I think more engagement is better. Precisely, as Daniel has said, Rio is facing a fork in the road moving up to 2014 with the World Cup and 2016. It is entirely possible that security forces may intensify their abuses if they adopt a wrong-headed or continue with the wrong-headed approach to securing international events, so you can't be too careful in your engagement. So it is very important, first, to recognize that, but second, if the engagement is driven by a human rights approach, as no doubt this Commission would have but others might not share to the same extent, but if it is driven by a human rights approach and a public security that respects rights approach, then any of the suggestions that you made I think would be excellent, if there were greater engagement resolution by this body, greater offering of resources through the ABA, possibly through the FBI, in part because I imagine that it is possible that the Brazilian government might refuse the assistance but then would be forced or pressured into enhancing its own response. So pride might well work in favor of a change from within. Again, I cannot possibly emphasize enough the importance of a holistic, pro human rights security and not merely picking and choosing the sites that Rio authorities might care to show.

Mr. McGOVERN. Thank you. Mr. Wilkinson?

Mr. CAVALLARO. There are some very lovely sites in Rio de Janeiro. I lived there.

Ms. MARTIN. But, Jim, what about the notion of approaching the Olympic Commission and expressing concern? You think there is merit in that?

Mr. McGOVERN. Yes. No. The reason why I raise that is because, again, you all may be well aware of the fact that things could get worse rather than get better, you know, because the Olympics are coming there. We saw what happened in China, what was done in China. I mean, entire neighborhoods were razed, I mean people were arrested for, you know, complaining about the fact that their houses were torn down, you know, but it all looked nice to the world, but there were a lot of very serious human rights that went on in China. I mean, you know, I still believe the President should never have gone to the opening ceremonies of the Olympics because of what went on there. I wouldn't want that to happen again.

I guess the question is, you know, maybe the Olympic Committee is the place to, you know, maybe for some of us to express some concern to see whether or not

they can, you know, again, I mean, they are not a political body, but on the other hand, I mean, I don't believe it is in their interest to see the human rights situation get worse rather than get better. I throw that out as just one -- I am trying to figure out different avenues here where some constructive pressure might be applied with a positive income. I am sorry. A positive outcome. Because we are not just interested in a nice, safe place for foreign visitors to come during the Olympics, we are interested in helping the people who don't have a voice who have been victimized.

You know, the mothers, and the fathers, and the brothers and the sisters who have lost loved ones, you know, unnecessarily and unjustifiably to police violence where there has been no accountability, you know, so I am very sensitive to what you said about being expansive. So I am just trying to look at ideas of things that we might do that, you know, are not in your face but are constructive, you know, that could help actually strengthen the powers in Brazil that want reform, that could help strengthen President Lula in his attempt, or help strengthen good people on the state level who want to clean things up, you know? So that is what I am looking for. So that is why I threw these things out. I would love to visit Rio de Janeiro, but it may be the worst thing in the world to do to try to get a message, or maybe it would be a good thing to go visit some of the areas, you know, that are outside of the main city. I am just looking for some guidance on, you know, so that we can actually do some follow-up here, and I expect we will do more hearings on this, too, but that is where I am looking. Mr. Wilkinson?

Mr. WILKINSON. I think that there are real political sensibilities, you know, that came up even in the trial there and that others have alluded to, but that is not a reason not to engage. What is needed is effective engagement. When the Secretary of State, Hillary Clinton, visited Brazil, one of the key issues on the agenda was public security, but the way Secretary Clinton and the Obama administration approached it was this is a collective concern, we are in this together in the region, and similarly, in Mexico. We need collectively to work on these issues together. That is a very sensible approach because ultimately a lot of these problems when they involve public security and transnational trafficking of illegal drugs and so on, it very much is a phenomenon that crosses borders, and we need to work together.

Now, again, on that public security issue, human rights needs to be a central part, but that kind of approach, that collectively we have a shared interest in improving public security and human rights, is one that I think should be pursued in multiple venues that you have suggested. I think approaching the Olympic Committee is a very good idea because clearly the Olympics, the Olympic Committee, the world community involved in the Olympics has an interest in Olympics being held as an event that reinforces, you know, the broader spirit of, you know, celebrating humanity. To have an event like that which is so important not just to Brazil, but the entire world, be marred by atrocities, by killing of innocent people, is something that affects everyone. I think it is entirely legitimate for the Olympic Committee to be raising this.

There are other actions as well. You mentioned Bar committees. That is another good way to approach. There are, as you have alluded to, multiple actors in Rio and in Brazil who are allies on this issue. The Bar association in Rio in fact is one. They have done a lot of very good work on this issue. There are civil society

groups, there are members of government. The attorney general's office, the prosecutors. There are people who care about this issue and I think would appreciate the constructive engagement and exchange. Maybe in your case it is fellow legislatures. If you go to the legislature of the State of Rio, and there are elected officials there who share these concerns and that kind of approach where it is one of a constructive engagement, we have reason to be concerned, we want to see how the United States can be helpful and we are watching these issues, I think could be very helpful.

Mr. McGOVERN. Mr. Dixon?

Mr. DIXON. If I understand the question, I think that the operative word is what could Congress do without it backfiring?

Mr. McGOVERN. Right.

Mr. DIXON. Or what we call the negative, unintended consequences. I would say that, first, in terms of recommendations, if we kept it within the context of international human rights, to review the recommendations of the Special Rapporteur, Amnesty's, Human Rights Watch's recommendations over the years with respect to policing and sort of bring together some of those recommendations in order to present, if the U.S. Congress wanted to act on that. Those recommendations would be based on what the international community has said and also civil society groups in Brazil. Bring those recommendations together and it doesn't seem as if the U.S. Congress is saying this, it would appear as international human rights organizations have said this. In other words, not to reinvent the wheel. I think it would be very effective is that if in your constituent base, or in other members', if they have Brazilians living in your constituents' base, to have a constituent base in Newark, or in Worcester, Massachusetts.

Mr. McGOVERN. Call it Worcester.

Mr. DIXON. Worcester. Exactly, exactly. Worcester. Okay. To have sort of a symbolic representation of Brazilians living in the United States linking up with Brazilians in Brazil as a day against violence.

Mr. McGOVERN. That is a good suggestion.

Mr. DIXON. That way it is not coming from the bad U.S. Congress because relative to what they would -- now, I don't see a bad U.S. Congress because, as you know, there is this concept with the Brazilians of very good, as it is called, reciprocity. We need the visas to go to Brazil. Why? Because Brazilians need visas to come here. They photograph Americans when we go to Brazil. Why? Because Brazilians are photographed when they come here. Thus, the U.S. Congress telling the Brazilians about police, it could backfire about policing here. So, you know, cobble up the recommendations that have been made and maybe identify constituencies of Brazilians here to do antiviolence and police work connected to Brazil and the Olympic Committee.

Mr. McGOVERN. Okay. Ms. Martin?

Ms. MARTIN. You know, I am just overwhelmed at these suggestions. I think it is wonderful, I think it is exciting. The notion of having a voice and not having it backfire is wonderful. The Martin family, we are going to be focusing in the next six years around the Olympics because, you know, when all of this ended I went to Jim and I said now what can I do? Similar to what you are saying. What can

I do? So the Martin family is going to be focusing on educating people because, you know, they are going to be descending on Rio for the World Cup and the Olympics, and, you know, as much as we have talked about what happens in the slums and when the police do these sweeps around drug busts, you know, our situation is an example of when poorly trained police, when there is just this spillover, when we see what the nature of policing is in Rio.

It is going to happen again. It is going to happen again. The mothers' group that we spoke of, you know, my sister, Frances, and I joined with them when we were in Rio and we did a number of protests with them. We stood alongside an elderly couple whose 11 year old granddaughter was murdered by the police, a woman whose 13 and 18 year old sons had witnessed a police murder and days later were found executed, a man whose two and a half year old was murdered by the police 17 years ago and he was still going to these protests. So the families are quite united, but I think that they are in many ways powerless.

Mr. McGOVERN. Well, I think part of what we need to figure out is how to give those voices a little bit more power. I think that is I think what this Commission I think is dedicated to trying to do. I mean, as I said, this may be the first of several hearings that we do on this, but to try to figure out how best to -- I mean, again, I mean, there are really good people in Brazil who agree with all of you and want to fix this right. Really, it is not good for the country, but it is a human rights abomination. So how we empower them and give them the assistance that they need, you know, and how we empower the families, give them a louder voice, I mean, that is where we need to figure out how we can kind of work together and move forward. Ms. Martin, for the record, I mean I think it is important for you to put on the record kind of, basically, in the case of your nephew, the police officer was acquitted, and what are the next steps that are still open to your family to pursue justice in your case here?

Ms. MARTIN. Well, two things are happening. One is the prosecutor has submitted the paperwork to appeal, and then there is also, and I don't yet know about this, there was talk of there being a formal investigation into this missing document about the four witnesses. Of course, that is done. You know, the witnesses, two of them they can't locate and two essentially said that they went to the police department to report that they didn't see anything. Presumably, there will be an investigation into that. My other question, though, that remains, that lingers, is whether or not he is back on the police force. He had actually lost a position at one point. He was fired from a police position that he had for abusing authority and possession of an unlawful weapon. He was moved to a different unit. So he had already been in trouble in the past.

Mr. McGOVERN. That doesn't seem like punishment, to go from one unit to another unit.

Ms. MARTIN. Right. As I said, right now I don't know if he is still working.

Mr. McGOVERN. And how long of a process is an appeal? Does anyone know? It could go on for months or?

Mr. CAVALLARO. It could easily go on for months or years.

Mr. McGOVERN. Let me just ask you, also, because, you know, as a U.S. Congressman, I want to make sure that our government is doing everything that we can, but in terms of your interaction with the U.S. Embassy, they have been good?

Ms. MARTIN. Extremely supportive. The consulate from the get go was just very, very supportive. Very generous with time, information. Very good allies in all of this. You know, you said something earlier that I am struck by. It feels to me like, you know, you are as overwhelmed by the numbers and the information as I have been. It feels like there has been this, it is almost as if it is a dirty secret in the United States, that people don't understand what is going on in Brazil, and, you know, for me, some of what I want to do is just educate people that this is going on because when we think about Brazil, this is not what we think about. I think that there has been very a skillful job in some ways to just think of this as something that happens in the slums, or I don't know. I continue to be struck by how amazing these numbers are.

Mr. McGOVERN. I was stunned when I saw the numbers. I didn't realize that it was that much. I want to tell you, Ms. Martin, I am also really impressed and inspired by you and your family and the way you are approaching this issue because it is about your nephew, but it is also about what is right and it is about the people of Brazil. I mean, you are looking at this not just from the view of one family, but from the view of all the families that have lost loved ones. I can't imagine the pain that your family has gone through. If anything ever happened to my son or my daughter, I don't know. I respect you for being here and admire your courage and the fact that you are not giving up and that you are going to try to make, you know, try to improve things. Again, as I said in the beginning, I mean, what I want to figure out here is how we can move things in the right direction, and to work cooperatively with the Brazilian government and to those who are sympathetic to what we are talking about here who I know want a country where impunity is not the norm, and that people who commit murder, even if they are police officers, get investigated, go to trial and go to jail.

When that begins to happen, then, you know, what ends up happening is the institutions begin to change and people start to understand they can't get away with anything. So I want to thank everybody for being here. I want to work with all of you to figure out how best we approach the Olympic Committee. I want to follow-up, you know, on ways that we can better give voice to some of the people who are unfortunately in your situation, Ms. Martin, who have lost loved ones, and, you know, to engage the Brazilian government here, in Washington, at their embassy, more directly about -- again, if we are going to change things, it needs to be kind of a collaborative effort, not something that a U.S. Congressman or the U.S. Congress thinks is appropriate.

That is, you know, Brazil has to decide on its own, the people of Brazil have to decide on their own what is best for their future. My guess is that if we could provide them some support, that they will want to choose, you know, a better way. By the way, the reports that you provided here have been really quite incredible. I appreciate, you know, the work of Human Rights Watch and the work of Amnesty International. I mean, you have done some really incredible work. I feel, you know, a little bit ashamed that if it wasn't for the tragedy that happened to one of my constituents, I am not sure I would have read your reports on Brazil.

I try to read as much as I can, but there are a lot of hot spots all over the world that we are dealing with. I think we are at a key moment. You have the Olympics

coming up. I think this is an opportunity for collaboration, this is an opportunity to give voice to people who have lost loved ones. Let us see whether we can figure out concrete, specific steps to help improve the situation. I look forward to working with all of you. Thank you all very much for being here.

[Whereupon, at 3:38 p.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)
Hearing Notice**

Brazil: Extra-Judicial Killings and Use of Lethal Force

**Wednesday, May 5th 2010
1:30-3:00 p.m.
2247 Rayburn HOB**

Please join the Tom Lantos Human Rights Commission at a hearing on extra-judicial killings and the use of lethal force by the police in Brazil. The hearing is open to the media and the public.

Brazil is the largest country in Latin America with a population of over 190 million. It is a strategically important country to the United States both from a regional security and economic development perspective. Brazil is the largest recipient of foreign direct investments in the region and the United States has long been the number one foreign investor in Brazil and number one export market to Brazil. However, while our bilateral relationships with Brazil are strong and continue to expand, serious human rights concerns have been raised, including the implementation of protection laws and charges of violations of those laws by Brazilian federal and local authority agents.

The State Department's *Country Reports on Human Rights Practices for 2009* chapter on Brazil documents a range of serious human rights abuses, including the excessive use of lethal force by police forces in Brazil, which constitute extra-judicial killings. According to the December 2009 Human Rights Watch (HRW) Report: *Lethal Force*, the Rio and São Paulo police forces kill more than 1,000 people collectively every year in violent confrontations. HRW documented 51 cases in which police appeared to have executed alleged criminal suspects and then reported that the victims had died in shootouts while resisting arrest.

Tragically, U.S. citizen Joseph Martin was among those who were killed by a police officer on the streets of Rio de Janeiro. In May of 2007, Mr. Martin was shot to death outside of a bar in Rio by a police officer who later claimed self-defense, even though Mr. Martin was unarmed. In March, a Brazilian court cleared the police officer of any wrongdoing.

To discuss these important issues, we welcome the following witnesses:***

James Cavallaro, executive director, *Human Rights Program*, Harvard Law School
Daniel Wilkinson, deputy director of the Americas division, *Human Rights Watch*
Elizabeth Martin, relative of Joseph Martin
David Dixon, Brazil country specialist, *Amnesty International USA*

If you have any questions, please contact Hans Hogrefe (Rep. McGovern) or Elizabeth Hoffman (Rep. Wolf) at 202-225-3599.

James P. McGovern, M.C.
Co-Chairman, TLHRC

Frank R. Wolf, M.C.
Co-Chairman, TLHRC

