

**TLHRC Hearing**

***Brazil: Extra-Judicial Killings and Use of Lethal Force***

**May 5, 2010**

**2247 Rayburn House Office Building**

**Opening Remarks by Rep. James P. McGovern**

Good afternoon, ladies and gentlemen:

I would like to 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 geo-strategic 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 multi-lateral 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 million 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 Executions, Philip Alston, reported on March 23, 2009, after his Mission to Brazil that: "Brazil has one of the highest homicide rates in the world, with over 48,000 people killed each year. Murders by gangs, inmates, the police, death squads and hired killers regularly make headlines in Brazil and around the world. Extrajudicial executions and vigilante justice are supported by a sizable proportion of the population, who fear high crimes rates and who perceive that the criminal justice system is too slow to prosecute criminals effectively." The Human Rights Watch Report from December 2009, *Lethal Force: Police Violence and Public Security in Rio de Janeiro and São Paulo*, confirmed the high level of violence fueled by drug gangs, which prominently target police officers and police posts, as well as rival gang members.

What both the U.N. Special Rapporteur and HRW noted with grave concern was the high level of lethal force employed by Brazilian police departments. These concerns were further highlighted by our State Department in their Annual Country Reports on Human Rights Practices 2009 in the Brazil chapter. HRW reported that the police departments of Rio and São Paulo alone have collectively killed more than 11,000 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 beginning 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 and recommendations of the UN 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 30<sup>th</sup> 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, 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've 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.

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 being 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.