

URGENT ACTION

SEVEN KILLED DURING JOINT SECURITY OPERATION

Seven men were killed during a joint security operation of the Civil Police and the Army in São Gonçalo, Rio de Janeiro State. The case is not being investigated, and could remain unpunished after a law transferring the competence to try crimes committed by military personnel to military courts was approved.

Seven men were killed in the early hours of 11 November in the Salgueiro group of favelas in the municipality of São Gonçalo, Rio de Janeiro State, during a joint security operation of the Civil Police and the army. The operation included dozens of men as well as armoured cars. Civil Police officers present initially told the Homicide Division, who initiated investigations, that they did not fire their weapons and that only military personnel used firearms. The military personnel contradicted this version and stated that they did not use their firearms or shoot anyone during the operation. Witnesses claim that some of those killed were extrajudicially executed, and some of them shot point blank.

The Homicide Division of the Civil Police publicly said they could not further investigate the case as they are prevented from investigating military personnel actions. Since the entry into force of Law No. 13.491 in October 2017, they are unable to interrogate them or conduct any forensic analysis of their weapons. The Law also transfers to military courts the competence of trying human rights violations, including crimes against life (murder or attempted murder, among others) committed by military personnel. Given this new regulation is in place, the case is not being investigated and could go unpunished.

Please write immediately in Portuguese, Spanish, English or your own language:

- Calling on the authorities to ensure thorough, prompt, and impartial investigation of the seven killings during the security operation in São Gonçalo and to ensure that those suspect of responsible of criminal responsibility are brought to justice in ordinary civilian courts;
- Calling on them to ensure that all crimes committed by military personnel during policing operations are subject to thorough, prompt and impartial investigations by the civil and judiciary police;
- Calling on them to guarantee justice, truth and reparation for the families of the seven men killed during the security operation in São Gonçalo.

PLEASE SEND APPEALS BEFORE 11 JANUARY 2018 TO:

Minister of Justice

Torquato Jardim
Ministro da Justiça
Esplanada dos Ministérios, Palácio da
Justiça, Bloco T, Edifício Sede
CEP: 70064-900, Brasília, DF, Brasil
Salutation: Dear Minister

Public Security Secretary of Rio de

Janeiro State
Antonio Roberto Sá
Secretário de Segurança Pública
Praça Cristiano Ottoni s/nº, 4º andar,
Centro, Rio de Janeiro, RJ
CEP: 20.221-250 Brasil
Salutation: Dear Secretary

General Public Prosecutor of Rio de

Janeiro
José Eduardo Gussem
Av. Marechal Câmara 370
Centro, Rio de Janeiro, RJ
CEP: 20020-080 Brasil
**Salutation: Dear General Public
Prosecutor**

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR EDUARDO DOS SANTOS, Embassy of Brazil, 14/16 Cockspur Street SW1Y5BL, 020 7747 4500, info.london@itamaraty.gov.br twitter: @BrazilEmbassyUK, www.brazil.org.uk.
Salutation; Your Excellency

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

SEVEN KILLED DURING JOINT SECURITY OPERATION

ADDITIONAL INFORMATION

On 13 October, the Brazilian President sanctioned Law No. 13.491 (previously numbered in Congress PLC 44/2016), which amends Law No. 9.299/2016. Under the sanctioned law, military courts will try human rights violations, including crimes against life (murder or attempted murder, among others) committed by military personnel against civilians. This violates Brazil's obligations under international law, including the right to a fair trial, as military courts do not guarantee judicial independence. The Attorney General should now appeal to the Supreme Court in order to stop the law from entering into force, as it violates international human rights treaties and a ruling by the Inter-American Court of Human Rights. Human rights and civil society organizations in Brazil have expressed additional concerns about the law, since it will increase impunity in the cases of human rights violations committed by the military. The UN Human Rights Committee, the UN Committee against Torture, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights have all stated that military jurisdiction must be restrictive and exceptional, applied only to the members of the military for breaches of military discipline. In addition, the Inter-American Court has directly ruled that Brazil must refrain from using military jurisdiction to investigate and prosecute military personnel for human rights violations. The Inter-American Commission of Human Rights issued a press release on 13 October positioning itself against this Law after the Senate approved it. For more information, see Urgent Action: <https://www.amnesty.org/en/documents/amr19/7340/2017/en/>.

Amnesty International has long documented the shocking 'shoot first, ask questions later' tactic used by police in Rio de Janeiro during their security operations in favelas. In August 2015, the organization launched the report *"You killed my son": homicides by the military police in the city of Rio de Janeiro* (<http://www.amnesty.org/en/documents/AMR19/2068/2015/en/>) denouncing the unnecessary and disproportionate use of force by police in Rio de Janeiro and strong examples of extrajudicial executions. Over a 10-year period (2005-2014), 8,466 cases of police killings were registered in the State of Rio de Janeiro, including 5,132 only in the city of Rio de Janeiro. Since 2014, the number of people killed by the police in the state every year has been increasing. In 2014, 580 people were killed by the police in Rio de Janeiro State; in 2016, 925 people were killed by the police. The vast majority of victims are young black men from favelas and marginalized areas. Cases of police killings are rarely investigated and brought to justice and impunity fuels the cycle of violence. When reviewing the status of all 220 investigations of police killings opened in 2011 in the city of Rio de Janeiro, Amnesty International found that after four years, only one case led to a police officer being charged. As of April 2015, 183 investigations were still open. With the new Law 13.491 / 2017 the probability that the cases will not be investigated is even higher.

UA: 259/17 Index: AMR 19/7524/2017 Issue Date: 30 November 2017