



*Permanent Mission of Brazil to the United Nations Office and other International
Organizations in Geneva
Chemin Louis Dunant 15 - 1202
Geneva -, Switzerland*

Agnes Callamard,

Special Rapporteur on extrajudicial, summary or arbitrary executions;

Leilani Farha,

*Special Rapporteur on adequate housing as a component of the right to an adequate standard
of living, and on the right to non-discrimination in this context;*

Michel Frost,

Special Rapporteur on the situation of human rights defenders;

Dubravka Simonovic,

Special Rapporteur on violence against women, its causes and consequences;

Michal Balcerzak,

Working Group of Experts on People of African Descent;

E. Tendayi Achiume,

*Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and
related intolerance;*

Victor Madrigal-Borloz,

*Independent Expert on protection against violence and discrimination based on sexual
orientation and gender identity;*

Juan Pablo Bohoslavsky,

*Independent Expert on the effects of foreign debt and other related international financial
obligations of States on the full enjoyment of all human rights, particularly economic, social
and cultural rights;*

Philip Alston

Special Rapporteur on extreme poverty and human rights;

Alda Facio,

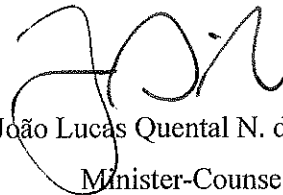
Working Group on the issue of discrimination against women in law and in practice

Geneva, 23 March, 2018

To the above mentioned special procedure mandate holders,

I refer to the joint communication AL BRA 3/2018, dated 22 March 2018, on the murder of Rio de Janeiro's councilwoman mrs. Marielle Franco and her driver. On behalf of the Brazilian Government, I attach the following preliminary comments on the case.

Please accept the assurances of its highest consideration.



João Lucas Quental N. de Almeida
Minister-Counsellor

Permanent Mission of Brazil to the United Nations Office in Geneva

The Permanent Mission of Brazil to the United Nations in Geneva has received the Joint Allegation Letter AL/BRA/3/2018, dated March 22nd, and has the honour to inform the Office of the UN High Commissioner for Human Rights that it was forwarded to the relevant Brazilian authorities, which will present a formal response in due time.

Without prejudice of further detailed information to be presented by the Brazilian government, the Permanent Mission of Brazil found some imprecisions in AL/BRA/3/2018 and would like to present preliminary comments in that regard.

AL/BRA/3/2018 mentions that “she [councilwoman Marielle Franco] had previously denounced police abuse and extrajudicial executions and the decree issued on 16 February 2018 transferring public security to the military police in the state of Rio de Janeiro”.

Councilwoman Marielle Franco did denounce police abuse and extrajudicial executions and also did criticize the federal intervention in the public security of the State of Rio de Janeiro. Mrs. Marielle Franco fought for human rights, particularly the rights of women, people of African descent and LGBTI persons. She was an active, important and respected voice against violence, racism and inequality in Rio de Janeiro.

However, it is important to clarify that the federal decree 9288, of February 16th 2018, does not transfer public security to Rio de Janeiro’s military police (“polícia militar”).

Public security is constitutionally enforced at state level by two distinct and complementary police forces: “polícia militar”, a state level gendarmerie, deployed solely to act as a deterrent against the commission of crime (units do not conduct criminal investigations), and the “polícia civil”, the investigative police which undertakes detective work, forensics and prosecutions. Both polices in Brazil, as per the Constitution, answer to the state governors.

The federal intervention in Rio is an exceptional and time bound measure provided for by the Brazilian Constitution in view of the serious situations of public disturbance.

With the federal decree 9288, of February 16th 2018, the “polícia civil” and “polícia militar” in Rio will respond, until 31st December, to the head of the intervention, appointed by the President of the Republic, instead of responding to the Governor of the State of Rio de Janeiro.

The recent decision to authorize federal intervention in the area of public security in the State of Rio de Janeiro was taken with the consent of the state Government and approval by the Brazilian Congress. It also was taken in consultation with the Republic and National Defense Councils, composed by ministers, public authorities, parliamentarians and representatives of civil society.

AL/BRA/3/2018 also mentions that “Preliminary information about ammunition used appears to indicate that they were of a type originally sold to the Federal Police”. In this regard, it is important to clarify that investigations are still ongoing. Preliminary investigations report that the ammunition used appears to belong to a lot acquired by the Federal Police in 2006, which was stolen and remains partially unaccounted for. Shells from this lot have been used in several crimes, by different actors and in different Brazilian states, since then. Besides the investigations on the murder of council woman Marielle Franco conducted by the “policia civil” of Rio de Janeiro, the Federal Police has established an internal procedure to determine the exact origin of the ammunition and the circumstances surrounding the capsules found at the scene of the crime.