



***Permanent Mission of Brazil to the United Nations Office
and other International Organizations in Geneva***

No. 459/2021

The Permanent Mission of Brazil to the United Nations and other International Organizations in Geneva presents its compliments to Office of the United Nations High Commissioner for Human Rights – Special Procedures Division – and, with reference to letter AL BRA 4/2021, dated 31 May 2021, has the honor to transmit herewith the response from the Brazilian Ministries of Women, Family and Human Rights and of Justice and Public Security to the request of information presented by the Special Procedure mandate holders signatories of the abovementioned communication.

The Permanent Mission of Brazil in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.


Geneva, 21 July, 2021



To the
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations CH-1211 Geneva 10, Switzerland
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In attention to letter AL BRA/4 2021, the Brazilian State notes at the outset that the police operation that took place on 6 May 2021, in the community Jacarezinho, in Rio de Janeiro-RJ, was carried out with the objective of carrying out apprehension and arrest warrants, in a case of enticement of minors for criminal activities. The Brazilian State regrets the deaths which occurred during the operation and informs that the competent authorities of the State of Rio de Janeiro have ordered an independent and impartial investigation into the facts occurred. At the same time, the Brazilian State reiterates its commitment to fight the organised crime, drug trafficking and other illicit activities in Rio de Janeiro, with the aim of protecting the lives of everyone, especially the residents of that city, who are also victims and hostages of criminal activities.

2. In this regard, it should be noted that the Public Ministry of the State of Rio de Janeiro (MPRJ) - an independent body with the constitutional authority to the external control of police activity - was immediately called in, and was able to follow the early developments of the facts that occurred in the context of the police operation in Jacarezinho.

3. The MPRJ informed (see annex I) that it immediately took the following steps: called in an independent forensic; sent a forensic physician to the the Forensic Medical Institute to accompany the forensics; and initiated a Criminal Investigation Procedure (see annexes II and III). The objectives of the CI procedure were: (a) to exercise external control of police activity, as later reaffirmed by the Federal Supreme Court, in the decision of the Claim of non-compliance with a fundamental precept (ADPF) n. 635, and (b) to strengthen the independence the independence and credibility of the the result of the investigation, which is confidential (see Annex IV), and thus contribute to the elucidation of the facts.

4. After noting that there were 13 points of conflict during the Civil Police operation at Jacarezinho, held on 6 May 2021, the MPRJ determined the opening of several separate enquiries. Besides that, it created specific Task Force, with the participation of four prosecutors, to act in investigations of the deaths that occurred during operation. Dozens of statements have already been collected and the MPRJ has received the autopsy reports of the bodies of the persons killed during the police operation.

5. The MPRJ also provides assistance to the families of the victims through the Coordination of Human Rights and Minorities (CDMH) and the Coordination for the Promotion of the Rights of Victims (CDV), both parts of the structure of the General Coordination of Promotion of the Dignity of

the Human Person. The people directly or indirectly victimized are being assisted by the multidisciplinary technical team of the Nucleus of Support to Victims (NAV/MPRJ), subordinated to the CDV.

6. On the same vein, the Brazilian Bar Association and the Public Defender's Office of the State of Rio de Janeiro have acted in the sense of filing actions for compensations.

7. The Brazilian State emphasises that, under the terms of the Federal Constitution of 1988, the federated entities enjoy a relative autonomy, including in the area of public security. In this area, the federated states constitute specific organisations, with responsibilities within the limits of their territories to carry out preventive and repressive actions.

8. Nevertheless, the police operation in the community of Jacarezinho, as well as its consequences, are subject to monitoring by supervisory bodies at the federal level. The 4th Meeting of the Working Group "Observatory on the Human Rights of the Judiciary", in the scope of the National Council of Justice, examined the case, having received prompt information from the Attorney General of Rio de Janeiro on the case.

9. The Federal Supreme Court, in turn, requested measures to the Federal Public Ministry (MPF) and the Public Prosecutor's Office of the State of Rio de Janeiro in order to clarify the case and keep the Court informed of investigative developments. Indeed, the MPF has requested the Governor of Rio de Janeiro and other state authorities and agencies to clarify the circumstances of the police operation carried out in the Jacarezinho community. Later on, the Federal Supreme Court determined that the MPF open its own procedure to investigate possible non-compliance with the decision of the justice by the public security authorities of Rio de Janeiro in the operation in Jacarezinho.

10. It is also worth noting that Law 13,675/2018, established the National Policy on Security and Social Defense, which include the principles that should govern the relationship between the state and society on issues related to this area of activity.

11. In its article 4, items I, II and III, the mentioned law provides for due respect for the national legal order, the protection of human rights and the promotion of citizenship and dignity of the human person without distinction of any kind.

12. Under this law, the federal government has implemented a series of programmes and projects aimed at tackling the causes of violence and crime in Brazil in a comprehensive manner. The federal government seeks to encourage all institutions with responsibility for public security to adopt mechanisms aimed at reducing violent lethality, whether by ordinary citizens or, especially, by agents of the state.

13. In relation specifically to the agents of the state, in all levels of the federation, the federal government frequently participates in the development and offer of continued training programs, with emphasis on the themes of community policing, human rights, preservation of life, good practices of criminal prevention and police procedures in situations of confrontation that can culminate in loss of life. Through these training processes, the Ministry of Justice and Public Security seeks especially to raise awareness of the Brazilian police officers to a professional practice that has, as a precept, the police-citizen relationship inserted in the development of a culture of peace.

14. Among the initiatives recently undertaken by the federal government that are preventive in nature and dedicated to reducing the rates of violence in the country, the following should be highlighted:

(a) Program to Confront Homicide and other Violent Crimes, through a pilot project in the municipalities of Ananindeua/PA, Cariacica/ES, Goiânia/GO, Paulista/PE and São José dos Pinhais/PR, with high criminal indices, especially homicides, obtaining very satisfactory results, which recommends its expansion to a new set of municipalities in accordance with the National Public Policy on Security and Social Defense.

(b) Implementation of the Project for the Prevention of Domestic Violence and Family Violence against Women (ProMulher) in the context of Public Security, through the Ordinance Senasp nº 41/2020, whose goal is to implement, until the 2022, actions in the scope of public security, in the levels of primary, secondary and tertiary levels of prevention, to contribute to the reduction of domestic and family violence against women.

(c) Project of violence prevention, created by the National Program of Public Security with Citizenship - PRONASCI (Law nº 11.530/2007), entitled MULHERES DA PAZ and PROTEJO, through which the Executive Branch grants financial assistance to young people recently discharged from compulsory military service, as well as to young adults and adolescents exposed to domestic and urban violence, homeless people, and to social activists women.

(d) Promotion of preventive actions based on the doctrine of Community Policing, in a cross-cutting manner to the Program to Combat Homicide and other Violent Crimes. These actions are guided by the search for innovation, the use of technology, reducing crime rates through initiatives integrated with public security authorities of the federated entities.

(e) The upcoming launch of protocols of assistance, under the coordination of the Ministry of Justice and Public Security, such as the National Protocol of Investigation and Expertise on Penal Offenses against children and adolescents, the National Guidelines for Police Attendance to Women in Situations of Domestic Violence and Family Violence and the National Guidelines for the Implementation of Public Security to Vulnerable Groups.
