



**MISSION PERMANENTE DU BRESIL AUPRES DE L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES A GENEVE**
Chemin Camille-Vidart 15, 1202 Genève

Nº 307 / 2022

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honor to refer to the letter AL BRA 7/2022, dated 20 June 2022, from the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group of Experts on People of African Descent; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Working Group on discrimination against women and girls.

The Permanent Mission of Brazil in Geneva would like to forward the attached observations of the Government of Brazil, as well as its two annexes, regarding the aforementioned letter.

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, 6th September, 2022.



*To the Office of the United Nations High Commissioner for Human Rights (OHCHR)
Special Procedures Branch
Chief*

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COMMENTS FROM THE GOVERNMENT OF BRAZIL REGARDING LETTER AL BRA 7/2022 (JUNE 20, 2022)

The Government of Brazil refers to the communication AL BRA 7/2022, which conveys the request for information received from five mandate holders of Special Procedures regarding alleged homicides and forced disappearances during police operations or amid periods of detention between 1999 and 2020.

The Government of Brazil reiterates its commitment to ensure impartial and objective investigation of alleged crimes committed in operations undertaken by public security forces or during periods of detention, in accordance with its domestic law and the international obligations assumed by the country.

As established by the Federal Constitution of Brazil, the police forces of the states and the federal district bear the primary responsibility for maintaining public order and conducting investigations on criminal violations. In order to guarantee the due exemption of the supervisory activity, the public ministries at the federal unit level are responsible for the external control over the police activity, including with regard to investigations into alleged crimes committed by public security forces during their activities.

For this purpose, Brazil has a comprehensive legislation on misconduct carried out by public security agents, among which the following legal provisions stand out:

- a) The Brazilian Penal Code, Decree-Law No. 2.848, of December 7, 1940 - Although this legal framework applies to the population in general, it is a norm that also indicts criminal conduct undertaken by public security agents, such as homicide, bodily injury and unlawful threatening;
- b) Law No. 13.869, of September 5, 2019 – this law deals with the crime of abuse of authority and determines the punishment for specific crimes committed by public security agents, in order to curb and punish such misconduct;
- c) Law No. 9455, of April 7, 1997 – this law defines the crimes of torture and establishes a qualifying factor to increase the penalty sentence to crimes committed by security force agents, as well as categorizes as a crime of torture the submission of a prisoner to physical or mental suffering by means of an act not provided for by law or not resulting from a legal measure;
- d) Law No. 12,847, of August 2, 2013 – this law created the National System to Prevent and Combat Torture (SNPCT, by its acronym in Portuguese), the National Committee for the Prevention and Combat of Torture (CNPCT, by its acronym in Portuguese) and the National Mechanism to Prevent and Combat Torture (MNPCT, by its acronym in Portuguese). This law also established bodies to monitor, encourage actions and inspect places of custody, aiming at the prevention of violence by agents working in public security institutions or agents who work in places authorized to receive individuals restricted of freedom.

With respect to the cases enlisted by the mandate holders of the Special Procedures, the Government of Brazil would like to transmit, in its Annex I, the

information requested on 13 individuals. The data was obtained by means of consultation of the Brazilian federal government to the secretariats of public security and other competent agencies of the federal units through the Single System of Public Security.

The information requested for the remaining cases enlisted in the communication received from the mandate holders of the Special Procedures will be promptly sent in complement to the present communication.

Furthermore, the Government of Brazil would like to inform that federal bodies carry out important activities related to training, capacity-building, and education in human rights addressed to public security agents at all levels of the Brazilian federation. Likewise, authorities at the federal unit level also offer courses and develop initiatives with a similar objective.

In particular, the Ministry of Women, Family and Rights (MMFDH, by its acronym in Portuguese), along with the Ministry of Justice and Public Security (MJSP, by its acronym in Portuguese) and the Public Ministries (MPs, by their acronym in Portuguese), have worked proactively towards the capacity building of public agents vis-à-vis groups and populations in vulnerable situations, as can be seen in Annex II.