

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the
Special Rapporteur on violence against women, its causes and consequences**

REFERENCE: AL
BRA 6/2014:

25 September 2014

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 26/12 and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the summary executions of several people in the community of Acari, in Rio de Janeiro during military police operations in 2014.**

According to the information received:

On 24 February, a 31-year-old male was killed by the police in the early hours of the morning after being shot at least four times. After being surrounded, he raised his arms. Despite doing so, the police officer approached him and then shot and killed him.

It is also reported that, between 15 July and 4 August, nine men were killed in the community of Acari, in Rio de Janeiro, as a result of Military Police operations.

On 4 August between 4pm and 5pm, a thirty-year-old man who was the organizer of a local music and dancing event was shot dead while he went out to buy ice.

It is alleged that since the end of the World Cup, police operations and incursions carried out in the community by different Military Police units, such as the 41st Battalion troops, the Riot Police unit, and the Special Operations Battalion (BOPE) happen almost on a daily basis, sometimes by an armored vehicle called caveirão ("big skull").

It is reported that the police use "master keys" to enter houses with no prior warning and without any search warrants, destroy people's belongings and steal

objects and money; threatening, insulting and beating women. On several occasions mothers risked holding children in their arms while looking for a safe place but had nowhere to go.

Since the beginning of 2014, around 30 deaths have been caused by Military Police operations. It is reported that a number of these killings could be considered as extrajudicial executions of people who had already been surrendered.

We express grave concerns about the use of firearms unnecessarily or indiscriminately during police operations in the community of Acari, putting all residents' lives at risk. We also express concern about allegations on the situation of women who may have been beaten and insulted during police operations. We also express concerns about the legal framework of security forces incursions in private residences without legal warrants.

In connection with above alleged facts and concerns, please refer to the **Reference to international law Annex** where the applicable international human rights instruments and standards that we would like to recall are outlined.

In view of the urgency of the matter, we would appreciate a response on the measures taken by your Excellency's Government to investigate these cases and to prevent their occurrence in the future.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary accurate?
2. Please provide the full details, and where available the results, of any investigation, medical examinations, and judicial or other inquiry undertaken in relation to these allegations. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. In the event that the alleged perpetrators of the cases mentioned above are identified, please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

We undertake to ensure that your Excellency's Government's response is reflected in the report we will submit to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights of the above mentioned are respected

and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Christof Heyns
Special Rapporteur on extrajudicial, summary or arbitrary executions

Rashida Manjoo
Special Rapporteur on violence against women, its causes and consequences

Annex

Reference to international human rights law

In connection with the concerns expressed in this letter, the following international human rights standards appear to be relevant:

Articles 3, 5, and 8 of the Universal Declaration of Human Rights as well as article 6(1) of the International Covenant on Civil and Political Rights which Brazil acceded to on 24 January 1992.

The Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles) provide an authoritative interpretation of the limits on the conduct of the security forces public order. Principle 9 of the Basic Principles, in particular, provides that:

Firearms may only be used by law enforcement officials in self-defence or defence of others against an imminent threat of death or serious injury ... and only when less extreme measures are insufficient to achieve these objectives.

It is emphasised in particular that Principle 9 of the Basic Principles provides that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

According to these instruments, the force used must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated, including giving a clear warning of the intent to use force and to provide sufficient time to heed that warning, and providing medical assistance as soon as possible when necessary.

The obligation to carry out thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions as set forth in principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. This principle was reiterated by the Human Rights Council at its 26th Session in Resolution 26/12 on the “Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions”. The Council added that this obligation includes identifying and bringing to justice those responsible; granting adequate compensation to the victim or his family; and taking steps to end impunity and the recurrence of such executions.(A/HRC/26/12, Op. 4).

The United Nations Declaration on the Elimination of Violence against Women stipulates in article 4 b that States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should refrain from engaging in violence against women. Moreover, article 4 c calls on States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, including those perpetrated by the State.