

Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Working Group of Experts on People of African Descent; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

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(Please use this reference in your reply)

29 January 2026

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Working Group of Experts on People of African Descent; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, pursuant to Human Rights Council resolutions 52/36, 45/24, 54/14, 53/4 and 54/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the failure to investigate, prosecute, and provide reparations in relation to the events known as the "Crimes of May," which involved the alleged excessive and lethal use of force by law enforcement officers resulting in mass executions and enforced disappearances. The "Crimes of May" occurred in the State of São Paulo between 12 and 21 May 2006.**

Allegations of excessive and lethal use of force by law enforcement officials in Brazil, the disproportionate impact on people of African descent and impunity for such human rights violations have been brought to your attention by multiple communications, including [BRA 11/2022](#); [BRA 9/2022](#); [BRA 7/2022](#); and [BRA 14/2021](#).

According to the information received:

"Crimes of May"

Between 12 and 21 May 2006, coordinated operations were reportedly carried out by members of the São Paulo State Military Police and other State security forces in retaliation for attacks against law enforcement officers. These operations resulted in mass executions and enforced disappearances across several municipalities, including Santos, São Vicente, Praia Grande, and Guarujá. The majority of the victims were unarmed civilians, many shot at close range, with ballistic evidence showing clustered entry wounds and downward trajectories consistent with execution-style killings.

Reportedly, at least 564 deaths, 110 injuries, and 4 enforced disappearances took place during the "Crimes of May." The victims were primarily young men of African descent from economically marginalized neighborhoods in cities across the Baixada Santista region. The Independent Movement "Mothers of May",

formed by relatives of those killed and forcibly disappeared, and civil society organizations have been leading efforts to obtain justice, accountability, and reparation for these victims for nearly two decades.

Reportedly, investigations into police brutality, extrajudicial killings, and enforced disappearances at the time were deeply flawed. Crime scenes were not preserved, projectiles and cartridges were not collected or submitted for forensic analysis, witness statements were omitted, and photographic documentation of death sites was not requested. The police inquiries focused on the victims' alleged criminal backgrounds rather than on identifying perpetrators. Most cases were closed under the classification of "resistance followed by death," despite consistent signs of summary execution and extrajudicial killings. Reports indicate that more than 70% of the investigations were dismissed without any attribution of responsibility, and in some instances, police officers involved were even commended for their actions.

The Public Prosecutor's Office and judiciary reportedly failed to ensure effective accountability, contributing to a prolonged state of impunity. Families of victims have not received compensation, psychosocial assistance, or access to justice. The lack of material support has resulted in extreme vulnerability among the "Mothers of May" members, many of whom continue to suffer severe emotional and physical consequences from the loss of their relatives and the ongoing denial of justice.

Recent Judicial Proceedings

In 2018, the São Paulo State Human Rights Prosecutor's Office filed a public civil action seeking moral and material reparation for the victims' families and collective moral damages, as well as State obligations to establish the truth and advance justice under the framework of transitional justice. The trial court dismissed the case, invoking the five-year statute of limitations set forth in Decree No. 20.910/1932, which restricts actions against the State to a five-year period from the date of the harm.

The Public Defender's Office of São Paulo subsequently filed a Special Appeal before the Superior Court of Justice (STJ), seeking recognition that the Crimes of May constitute serious human rights violations that are not subject to statutory limitation under international law. The appeal has been referred to the STJ's First Panel of Public Law, reflecting its significant implications for jurisprudence on transitional justice in Brazil. On 4 September 2025, STJ began appraising the appeal and a final judgment is currently pending.

While we do not wish to prejudge the accuracy of the allegations, we express our serious concern regarding the apparent lack of prompt, effective, independent impartial and thorough investigations, as well as the absence of accountability for State agents in relation to allegations of police brutality, enforced disappearances, and summary and extrajudicial killings reportedly committed during the events known as the "Crimes of May". If confirmed, these allegations would amount to serious violations of Brazil's international human rights obligations under, inter alia, the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the

Elimination of All Forms of Racial Discrimination (ICERD), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention for the Protection of All Persons from Enforced Disappearance, among others. In this regard, we recall Brazil's obligations under articles 2(3), 6, and 14 of the ICCPR, which require the State to ensure the right to life, equal protection before the law, and access to effective remedies, including through independent, impartial, prompt, thorough and transparent investigations into all potentially unlawful killings and enforced disappearances. We further recall Brazil's obligations under articles 2, 5(b), and 6 of ICERD to prevent, investigate, punish, and provide redress for acts of racial discrimination, including those committed by public authorities and law enforcement officials.

In addition, States have a duty to investigate every potentially unlawful death, including deaths resulting from the use of force by law enforcement officials. Such investigations must be prompt, thorough, independent, impartial and transparent, and conducted in accordance with the standards set out in the United Nations Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). Investigations must be capable of establishing the facts and circumstances, including the cause and manner of death, and of identifying all those responsible, with a view to ensuring accountability, where violations are found. States must also ensure access to effective remedies, including truth, justice, and reparations, for victims and their families. Articles 2, 4, 8, 12 and 24 of the ICCPED establish that each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law, that statutes of limitations should be long and proportionate to the extreme seriousness of the offence of enforced disappearance and cannot be applied until it ceases, the right of any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities and that each victim (understood as the disappeared person and any individual who has suffered harm as the direct result of the enforced disappearance) has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person. Moreover, we would like to call to your Excellency's attention article 7 of the ICCPR, read alone and in conjunction with article 2(3) of the ICCPR, with regard to the relatives of the disappeared person, as well as other obligations under the CAT and the United Nations Declaration on the Protection of All Persons from Enforced Disappearance.

We further note with concern that the reported impunity surrounding the "Crimes of May" occurs within a broader and persistent context of continued allegations of excessive use of force by police and the disproportionate incarceration and lethal victimization of Afro-Brazilian communities. These concerns have been consistently raised in previous communications by Special Procedures mandate holders (BRA 11/2022, BRA 9/2022, BRA 7/2022, BRA 14/2021, BRA 4/2021), as well as in the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance following her visit to Brazil (A/HRC/59/62/Add.1). In her report, the Special Rapporteur underscored the need for Brazil to address past and ongoing injustices perpetrated by law enforcement authorities, including through structural reforms and accountability measures, in full compliance with its obligations under the ICERD (para. 31, 42-50). Moreover, we would like to refer to the Working Group on Enforced or Involuntary Disappearance's General Allegation to Brazil (132nd session (29 January – 2 February 2024) on enforced

disappearances commenced during the military dictatorship, between 1964 and 1985; as well as on those that began after the establishment of democracy in Brazil.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide up-to-date information on the investigations, prosecutions, and accountability measures taken in relation to the “Crimes of May” by your Excellency’s Government, particularly since 2018.
3. Please provide detailed information on the steps taken to ensure that the investigations are prompt, thorough, independent, impartial and transparent, and explain how they complied with the requirements set out in the United Nations Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), including in relation to evidence preservation, forensic examinations, chain of custody, witness interviews, family participation, and the pursuit of accountability and remedies.
4. Please indicate the Government’s position on the applicability of statutes of limitations to the “Crimes of May,” and clarify how such limitation may be reconciled with Brazil’s obligations to investigate, prosecute, and provide effective remedies for serious human rights violations, including extrajudicial killings and enforced disappearances.
5. Please provide information on the measures taken to search for the persons forcibly disappeared in the context of the “Crimes of May”, establish their fate and whereabouts and, in the event of their death, locate, respect, identify and return their remains to the families.
6. Please explain whether reparations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, have been provided to the families of victims of “Crimes of May,” including members of the Mothers of May movement.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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

Ashwini K.P.

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

Isabelle Mamadou

Chair-Rapporteur of the Working Group of Experts on People of African Descent

Gabriella Citroni

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Bernard Duhaime

Special Rapporteur on the promotion of truth, justice, reparation and guarantees of
non-recurrence

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we wish to draw the attention of your Excellency's Government to the right to life, as enshrined by article 3 of the Universal Declaration of Human Rights (UDHR) and article 6 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Brazil on 24 January 1992. The right to life constitutes an international customary and *jus cogens* norm, from which no derogation may be made under any circumstances as provided for in article 4(2) of the ICCPR. Moreover, article 2(1) of the ICCPR, requires that States parties must ensure all provisions of the Covenant, including articles 6 and 7, without distinction of any kind, including race.

Human Rights Committee's general comment No. 36 underscores that the right to life is the supreme right from which no derogation is permitted even in situations of armed conflict or other public emergencies that threaten the life of the nation. It is inherent to every human being and essential to the enjoyment of all other human rights. Protecting this right effectively is therefore fundamental to the realization of the Covenant as a whole. General comment No. 36 further clarifies that article 6 must be upheld without distinction of any kind, including on the basis of race. It outlines the obligations of States parties to the ICCPR to prevent the arbitrary deprivation of life by law enforcement officials. These obligations include adopting legislation that strictly regulates the use of lethal force; ensuring that law enforcement operations are carefully planned to minimize risks to human life; and establishing mandatory systems for the reporting, review, and investigation of all lethal and other life-threatening incidents.

General comment No. 36 further draws attention to the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. These standards provide that Law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties (article 3 of the code). The use of force and firearms must be avoided to the greatest extent possible, employing non-violent means before resorting to force (principle 4). Force used must be proportionate to the legitimate objective to be achieved (principle 5). 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 (principles 5 and 10). Intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life (principle 9). Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles (principle 8). Moreover, it highlights the importance of supplying forces responsible for crowd control with effective, less-lethal means and adequate protective equipment in order to obviate their need to resort to lethal force. In this regard, we would also draw attention to Guidance on the Use of Less Lethal Weapons, published by the Office of the High Commissioner for Human Rights (OHCHR) in 2020.

An integral component of the protection guaranteed to the right to life under the ICCPR, is the duty of States parties, where they know or should have known of

potentially unlawful deprivations of life, to investigate and prosecute the perpetrators, including in cases involving allegations of excessive use of force. Such investigations and prosecutions must conform to the relevant international standards, including the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, as recommended by Economic and Social Council resolution 1989/65 of 24 May 1989, and the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016). The investigations must be directed at bringing those responsible to justice, promoting accountability and preventing impunity. Pursuant to paragraph 2 of the aforementioned Principles of 1989, the investigations should examine the legal responsibility of superior officials for violations of the right to life committed by their subordinates and ensure a clear chain of command over all officials authorized by law to use force and firearms. It is pertinent that investigations are, at all times, independent, impartial, prompt, thorough, effective, credible and transparent. Where a violation is established, full reparation must be afforded, including adequate measures of compensation, rehabilitation and satisfaction. State parties are obligated to adopt measures to prevent recurrence of similar violations. It bears emphasis that a failure to investigate violations of the ICCPR and to bring perpetrators to justice may, in and of itself, constitute a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, para. 15).

In addition, the right to due process and a fair and public hearing by a competent, independent, and impartial tribunal, as guaranteed by article 14 of the ICCPR and clarified in general comment No. 32, is essential to ensuring accountability for violations of the right to life and other rights. These guarantees safeguard access to justice, equality before the courts, and the proper administration of justice. Failure to conduct independent, impartial, prompt, and effective investigations and prosecutions in cases of unlawful killings or enforced disappearances constitutes a procedural breach of articles 2, 6, and 14 of the ICCPR. The independence and impartiality of the judiciary, prosecutors, and lawyers are further protected under the Basic Principles on the Independence of the Judiciary (1985) and the Basic Principles on the Role of Lawyers (1990), which require States to protect judicial actors from interference and to ensure fair, transparent, and timely judicial proceedings.

We further recall that the absolute prohibition of enforced disappearances and the corresponding obligation to investigate them have attained the status of *jus cogens*.

Articles 2, 4, 8, 12 and 24 of the ICCPED establish that each State Party shall take the necessary measures to ensure that enforced disappearance constitutes an offence under its criminal law, that statutes of limitations should be long and proportionate to the extreme seriousness of the offence of enforced disappearance and cannot be applied until it ceases, the right of any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities and that each victim (understood as the disappeared person and any individual who has suffered harm as the direct result of the enforced disappearance) has the right to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person.

We also wish to recall that the Guiding Principles on the Search for Missing Persons of the United Nations Committee on Enforced Disappearances establish that

the search for missing persons must be carried out without delay (principle 2); respect the right of the family of the missing person to participate (principle 5); be considered a permanent obligation (principle 7); and be interrelated with criminal investigation (principle 13).

In accordance with the Declaration on the Protection of All Persons from Enforced Disappearance (1992), no State may practice, permit, or tolerate enforced disappearance under any circumstances, including situations of war, internal political instability, or other public emergencies (articles 2 and 7). When deprivation of liberty is not acknowledged by the State, individuals are placed outside the protection of the law, deprived of due-process rights and judicial safeguards, and their families are left in a state of total defenselessness. The Declaration further requires that all persons be held only in officially recognized places of detention and be brought promptly before a judicial authority, and that accurate information on the detention and whereabouts of all persons be made available to their families and legal representatives (article 10). The continuing failure to determine the fate or whereabouts of disappeared persons constitutes an ongoing violation of the right to life, liberty, and recognition as a person before the law.

The United Nations Declaration on the Protection of All Persons from Enforced Disappearances,¹ establishes that no State shall practice, permit or tolerate enforced disappearances (article 2), that States shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority (article 13), and that the victims or family relatives have the right to obtain redress, including adequate compensation (article 19).

Similarly, we draw the attention of Your Excellency's Government to the General Comment of the Working Group on Enforced or Involuntary Disappearances on "the right to truth in relation to enforced disappearances", which states that the right to truth also ensures that the State has an obligation to provide protection and assistance to victims, witnesses, and other interested parties. The pursuit of truth often leads perpetrators and others to attempt to prevent its disclosure through threats and even attacks against those involved in the investigation. Therefore, the State has an obligation to ensure effective protection for those affected.

Regarding reparations, we would like to recall that individual and collective reparations may be granted concurrently and they do not exclude each other, given that both their essence and purpose are different. Collective reparations respond to collective harm or harm to society. Public apology or acceptance of responsibility as well as the construction of monuments or memorials for victims of enforced disappearances are possible forms of collective reparation (A/HRC/22/45, paras 64 and 66).

Furthermore, the Report of the Working Group on Enforced or Involuntary Disappearances on standards and public policies for an effective investigation of enforced disappearances establish that impunity can have a multiplying effect, which causes additional suffering and anguish to the victims and their families and that investigations related to enforced disappearance must be carried out until the fate of the disappeared person has been clarified. The Working Group has interpreted that, as a

rule, the investigation should also extend to the clarification of the whereabouts of the victim,²⁴ and that these principles are based on the continuing nature of the crime of enforced disappearance.

We would like to also recall that article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Brazil on 27 March 1968, establishes the prohibition of all forms of racial discrimination. Under ICERD, States parties, including Brazil, have committed to pursuing the realization of a domestic and international community free of racism. To this end, States must neither engage in acts of racial discrimination nor further programmes that produce racial inequality. Where racism, racial inequality or racial discrimination exist, States are under an obligation to take effective and immediate action, this obligation to act is absolute. The duties to prevent racial inequality and racial discrimination require not only remedial but also preventive measures. Obligations to secure racial equality and ensure non-discrimination extend across all areas of governmental policy and influence, including law enforcement and security services. States must ensure that racial and ethnic groups enjoy the full scope of their human rights, as encompassed in ICERD article 5. Which obligates State parties to prohibit and eliminate racial discrimination in all its forms and to guarantee, without distinction as to race, colour, or national or ethnic origin, equality before the law, including the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.

In addition, article 4 of ICERD calls for immediate positive measures to address discrimination or incitement to discrimination grounded in ideas or theories of the superiority of one race or of persons of one colour or ethnic origin; this includes upholding the impermissibility of public authorities or public institutions, from promoting or inciting racial discrimination of any kind. The Committee on the Elimination of Racial Discrimination, in its general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, clarifies the obligation to develop, through appropriate education programmes, training for law enforcement officials in respect for human rights, tolerance and friendship among racial or ethnic groups, and sensitization to intercultural relations. It further indicates that States parties should foster dialogue and cooperation between police and judicial authorities and representatives of the relevant groups to combat prejudice and build trust. In parallel, paragraph 71 of the Durban Declaration and Programme of Action urges States, including their law enforcement agencies, to design and fully implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel that is motivated by racism, racial discrimination, xenophobia and related intolerance, and to prosecute perpetrators.

We also recall article 7 of the ICCPR, which prohibits torture and cruel, inhuman or degrading treatment or punishment, and article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Brazil on 28 September 1989, which provides that each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction and that no exceptional circumstances whatsoever may be invoked as a justification of torture. Article 7 of CAT establishes a duty to submit cases of alleged torture to competent authorities for prosecution, while article 12

obliges States parties to ensure prompt and impartial investigation by competent authorities wherever there is reasonable ground to believe that an act of torture has been committed.

In this context, victims of human rights violations have a right to remedy under the applicable international legal provisions. Article 2(3) of the ICCPR affirms that victims of violations of their Covenant rights are entitled to an effective remedy determined by competent judicial, administrative or legislative authorities. Article 6 of ICERD conveys a duty to provide protection against racial discrimination and to ensure access to remedies for all acts of racial discrimination. In addition, article 14 of CAT makes clear that victims of torture are entitled to redress, including compensation and rehabilitation. In addition, article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right of everyone to the highest attainable standard of physical and mental health. This provision obliges States to take positive measures to ensure access to appropriate medical and psychological care, particularly for victims of violence and their families, consistent with the duty of rehabilitation under CAT. The 2005 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law set out five principal forms of remedy and reparation: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The Guidelines highlights that guarantees of non-repetition play a preventive role, which entails not only ensuring that individual victims do not suffer the same treatment again, but also systematically adopting measures, such as legislation, training and awareness-raising, to ensure that similar violations do not occur in the future.

We would also like to recall to your Excellency's Government that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in her report on the visit to Brazil (A/HRC/59/62/Add.1), noted that mothers of African descent are disproportionately those "who lose their children, particularly their sons, to the excessive and lethal use of force by law enforcement officials and other forms of violence, including homicide" (para. 31). "Limited access to legal aid and tedious judicial processes further subject them to extreme trauma," and "significant unmet psychosocial needs [exist] among those affected by State violence" (para. 31). In that regard, the Special Rapporteur recommended that Brazil to "dedicate significant additional resources to anti-racial discrimination efforts to address the historical underinvestment in marginalized racial and ethnic groups, provide reparations for historical harms and accelerate the pace of change towards substantive racial equality" (para. 66).