

Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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(Please use this reference in your reply)

16 June 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 and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 61/35 and 53/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the reportedly excessive and lethal use of force by military police against Mr. Marco Aurélio, a 22-year-old medical student of Indigenous, Brazilian, and Peruvian descent**. Such allegations are manifestations of alleged patterns of the sustained and systemic use of excessive and lethal force resulting in the arbitrary deprivation of life in Brazil, with a disproportionate impact on marginalized racial and ethnic groups, and continuing impunity for such violations.

Excessive and lethal use of force and its disproportionate impact on marginalized racial and ethnic groups have been the subject of several previous communications, including BRA 16/2004; BRA 10/2018; BRA 9/2019; BRA 4/2021; BRA 14/2021; BRA 7/2022; BRA 9/2022; and BRA 1/2026. We extend thanks to your Excellency's Government for responses to the relevant previous communications sent by the special procedures.

According to the information received:

On 20 November 2024, in Vila Mariana, a district of São Paulo, Mr. Aurélio, left the Hotel Flor, where he was staying, accompanied by his girlfriend. As he passed Avenida Conselheiro Rodrigues Alves, a military police patrol unit approached him. Body camera footage from military police officers suggest that the military police officers did not have an objective basis to suspect and therefore stop Mr. Aurélio. Such footage captures them saying: "Have you seen his ideas?" "Let's chase this kid, I just want to see if he's going to get hit."

Footage from the scene captures Mr. Aurélio running away after the police start to approach him. Mr. Aurélio ran toward the Hotel Flor, accidentally bending the rearview mirror of the police car while running. Police officers [REDACTED] pursued Mr. Aurélio in the direction of the hotel. Body camera footage captures the policemen articulating a pre-meditated intention to shoot Mr. Aurélio. The officers said: "you're going to get screwed" and "you're going to get shot".

Footage captured by cameras at Hotel Flor shows Mr. Aurélio arriving back at the hotel, followed by the officers. Mr. Aurélio sought to get back to his hotel room but access to the rooms was blocked. At this point, the police officers caught up to Mr. Aurélio. One of the police officers, already holding a gun, grabbed Mr. Aurélio's arm and kicked him. Within a matter of seconds and with no attempts at de-escalation, or the use of less lethal force, one of the police officers shot Mr. Aurélio. Mr. Aurélio was unarmed and had only tried to shield himself from the force used by the police. He was shirtless, wearing shorts and flip flops, making it clear that he was unarmed.

After being shot, Mr. Aurélio was lying on the floor, conscious but struggling to breathe. Footage of the scene captures the police officers saying several times to Mr. Aurélio "if you move, you'll be shot again". Medical assistance was requested by the police officers, but it took a long time to arrive at the scene. Mr. Aurélio's parents are both medical doctors and arrived at the scene before the requested medical assistance. They were denied access to their son to provide medical help. When the medical assistance requested by the police arrived, Mr. Aurélio was taken to Ipiranga Hospital. He subsequently died at the hospital.

The alleged facts in the case of Mr. Aurélio are emblematic of broader patterns of sustained and systemic police violence and lethality in Brazil, including the reported killing of more than 120 persons on 25 October 2025 during *Operation Containment* (*Operação Contenção*), a police raid launched in the neighborhoods of [Penha](#) and [Alemão](#) of Rio de Janeiro. In the State of São Paulo, the number of deaths due to intervention by state agents increased by 61.31% in 2024, following an increase of almost 20% in 2023, according to the Map of Public Security of the Ministry of Justice and Public Security.¹ A study by the Brazilian Public Security Forum and UNICEF showed that the deaths of children and adolescents have increased by 120% under the current São Paulo government.² The same study reveals an increase of more than 130% in the number of deaths as a proportion of the number of arrests between 2022 and 2024. The 2024 yearbook of the Fórum Brasileiro de Segurança Pública clearly demonstrates the disproportionate impact of such violence on young men from marginalized racial and ethnic groups.³

Mr. Aurélio's family have faced severe barriers to accessing justice, despite an abundance of video evidence from the police officer's body cameras and security cameras. There are concurrent investigations by the Civil Police Inquiry and the Military Police Inquiry. There have been reported attempts to obstruct justice, including the civil police report initially stating that the officers involved were not wearing body cameras and the disseminations of false narratives that the police were acting in self-defense. There are reports that one of the key officials in the Civil Police Inquiry, who was responsible for not ordering the arrest of the two police officers at the beginning of the investigation, is subject to internal investigations. The inquiries have reportedly failed to examine

¹ <https://www.gov.br/mj/pt-br/assuntos/sua-seguranca/seguranca-publica/estatistica/download/dados-nacionais-de-seguranca-publica-mapa/mapa-de-seguranca-publica-2025.pdf>

² <https://publicacoes.forumseguranca.org.br/items/d7c91fce-0fca-4b8a-9f2d-df2a2aa8af2f>

³ <https://publicacoes.forumseguranca.org.br/items/f62c4196-561d-452d-a2a8-9d33d1163af0>

whether the use of force was consistent with the principles of legality, necessity and proportionality. Mr. Aurélio's family have experienced issues with the Military Police Inquiry, including not being able to access any of the relevant records. In addition, the family have faced significant delays in the proceedings for the case.

In late June 2025, an appellate court, composed of three judges, decided to maintain the police officer's release and deny requests for their detention. Two weeks later, during the evidentiary hearing held on 10 July 2025 at the Barra Funda Criminal Court, the detention of the two officials was again denied. On 9 October 2025, new video evidence from the body cameras was released. This release sparked a renewed request for the arrest and detention of the officers. This was again denied. On 23 February 2026, 461 days since Mr. Aurélio's death, a court issued the decision to refer the two military police officers to trial before a Jury Court but again denied preventative arrest and detention. Throughout the lengthy proceedings, the police officers have been able to continue armed policing duties in close proximity to Mr. Aurélio's family. They also continue to receive salaries from the Brazilian State.

Such barriers to justice for the families of victims of police violence are commonplace in Rio de Janeiro and Brazil and contribute to systemic impunity for grave human rights violations perpetrated by law enforcement officials.

While we do not wish to prejudge the accuracy of the information received, we wish to express our grave concern at the alleged excessive and lethal use of force against an unarmed young man, who was stopped despite the absence of reasonable suspicion based on objective criteria. We are deeply troubled by the reports of the excessive and lethal use of force, in a seemingly disproportionate and unnecessary manner. In this regard, we wish to remind your Excellency's Government that under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. We are seriously concerned that the allegations received indicate that the lethal violence used against Mr. Aurélio contravenes international human rights standards.

We would like to highlight the importance of conducting independent, impartial, prompt, effective, thorough and transparent investigations into all potentially unlawful killings in accordance with international standards, particularly the United Nations Revised Manual for the Effective Investigation of Extra-Legal, Arbitrary and Summary Executions (The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016)). We highlight that a number of UN human rights bodies, including the Committee on the Elimination of Racial Discrimination⁴ and the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement⁵, have expressed concern about the tendency of military justice systems in Brazil to shield law enforcement officers implicated in grave human rights violations from accountability. We stand ready to support your Excellency's Government in this regard and remain available to provide any relevant technical assistance.

⁴ CERD/C/BRA/CO/18-20, para.34 (f)

⁵ A/HRC/57/71/Add.1, para.48

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 information about why Mr. Aurélio was stopped by Military Police officials, clarifying how objective criteria and reasonable suspicion applied to the circumstances.
3. Please explain how the use of such force deployed by the police officers against Mr. Aurélio meets the principles of legality, necessity and proportionality. Please also clarify whether the use of such force was used as a last resort and if attempts were made by officers to de-escalate the situation. In addition, please discuss whether the use of force deployed on 20 November 2024 was in line with the operational guidelines of the Military Police.
4. Please provide up to date information about the current criminal and/or other forms of investigations that have been instigated into the death of Mr. Aurélio and how the compliance of these investigations with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), is being ensured, as required by the National Council of Public Attorneys (*Conselho Nacional do Ministério Público*) resolutions 310 and 330, of 29 April 2025 and 28 April 2026 respectively.
5. Please provide any findings that are currently available from any such investigations, including steps that have been taken or are foreseen to pursue criminal sanctions against law enforcement officers implicated and/or provide remedies, including compensation, public apology and psycho-social support, to Mr. Aurélio's family.
6. Please explain what steps will be taken to ensure the transparency, credibility, independence and impartiality of all investigations into the death of Mr. Aurélio.
7. Please clarify why the police officers involved in the death of Mr. Aurélio have been allowed to continue armed policing duties in close proximity to Mr. Aurélio's family and to still receive salaries from the Brazilian State.
8. Please provide information on the measures taken to prevent the excessive and lethal use of force, in line with relevant international standards, including Human Rights Committee general comment No. 35, Code of

Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and Guidance on the Use of Less Lethal Weapons. Please also elaborate on measures, taken or foreseen, to de-militarize the police in Brazil.

9. Please provide information about steps taken to address racial bias among law enforcement officials in Brazil, in line with relevant international standards, including the Durban Declaration and Programme of Action and the Committee on the Elimination of Racial Discrimination's general recommendation No. 31. Please include information about any relevant human rights training on anti-racial discrimination, as well as any legislation, standards, policies and/or protocols in place to prevent racial profiling.

We hereby reiterate our mandate's willingness and availability in the framework of contractive dialogue and cooperation, to offer technical advice and assistance, including on forensic matters, to help ensure truth, justice, reparations and non-repetition in cases of unlawful deaths.

This communication, and any response received from your Excellency's Government, will be made public via the communications reporting [website](#) at the 60 days mark. Should Your Excellency's Government respond within 60 days, both the communication and the response, may be published before the 60 days mark. The communications and responses will also be made available in the subsequent periodic 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 persons responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

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.

We wish to refer to Human Rights Committee, general comment No. 36 on the right to life. In particular, we wish to stress that the right to life is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies that threaten the life of the nation. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights. The general comment No. 36 also makes clear that article 6 should be ensured without any form of distinction, including race. The General Comment explicates the obligations of State parties to the ICCPR to prevent the arbitrary deprivation of life by law enforcement officials. This obligation includes a duty to put in place appropriate legislation controlling the use of lethal force by law enforcement officials, procedures designed to ensure that law enforcement actions are adequately planned in a manner consistent with the need to minimize the risk they pose to human life and that mandatory reporting, review and investigation of lethal incidents and other life-threatening incidents.

General comment No. 36 also indicates that the obligation to protect the right to life requires States Parties to take special measures to protect persons in vulnerable situations whose lives have been placed at particular risk by specific threats or pre-existing patterns of violence, including children (CCPR/C/GC/36, para. 23).

The 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 as far as possible be avoided, using non-violent means before resorting to violent means (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 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 important element of the protection afforded to the right to life by the Covenant is the obligation on the States parties, where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents, including incidents involving allegations of excessive use of force with lethal consequences.

In its 2023 concluding observations on Brazil, the Human Rights Committee expressed its concern at “numerous reports indicating that the use of lethal force by police and security personnel has remained excessively high for more than a decade, affecting disproportionately young people of African descent and lesbian, gay, bisexual and transgender persons.” The Committee, bearing in mind general comment No. 36 (2018), recommended that “the State party should take all measures necessary to prevent the excessive use of force during law enforcement operations, and in particular it should: (a) Ensure that the domestic legislation and operational procedures governing the use of force and firearms by law enforcement officials are in full conformity with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement; (b) Ensure that all law enforcement officers systematically receive training on the use of force based on the Basic Principles and the Guidance and ensure that the principles of legality, necessity and proportionality are strictly adhered to in practice.”

The Committee’s concluding observations also articulated concern about ‘the use of racial profiling and the lack of accountability for excessive use of force and extrajudicial killings by law enforcement officers, and in particular by the absence of effective, timely and independent investigations, prosecutions and convictions of those responsible, as well as by the lack of appropriate reparations for victims. The Committee regrets the suppression of the Group of Specialized Action in Public Security in Rio de Janeiro. The Committee also notes with concern the reports about security forces destroying or manipulating evidence and/or falsely reporting cases as *auto de resistência* (resistance followed by death of a suspect at the hands of a member of security forces) to cover up unlawful killings. It recommended that Brazil: “redouble its efforts to promptly, independently, impartially and thoroughly investigate all allegations of excessive use of force and extrajudicial killings, in line with the Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions, ensure that all perpetrators are prosecuted, and, if found guilty, punished, and ensure access to justice and provide full redress and compensation for victims of such violations, including in relation to the neighbourhood raid in Complexo da Maré and the police operations in Jacarezinho and Vila Cruzeiro; (b) monitor the application of *auto de resistência* to avoid its being used as a way to cover up unlawful killings; (c) consider the use of body cameras by law enforcement officers across states and the Federation, among other strategies, to improve monitoring and accountability; and (d) collect and publish disaggregated data on the excessive use of force and violations of the right to life by law enforcement officers, including on the basis of the victim’s race, gender, sexual orientation and indigeneity, as well as on homicide rates, and take appropriate measures to avoid the use of racial profiling.”

Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by the Economic and Social Council resolution 1989/65 of 24 May 1989, and the Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity. Investigations should explore, inter alia, the legal responsibility of superior officials with regard to 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 pursuant to paragraph 2 of the abovementioned Principles. They must always be independent, impartial, prompt, thorough, effective, credible and transparent. In the event that a violation is found, full reparation must be provided, including adequate measures of compensation, rehabilitation and satisfaction. States parties are also under an obligation to take steps to prevent the occurrence of similar violations in the future. A failure to investigate violations of the ICCPR and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15).

We also wish to highlight that article 2 (1) of the ICCPR, which makes clear that State parties should ensure that all provisions of the Covenant, including articles 6 and 7, are upheld without distinction of any kind, including race. With regard for the alleged disproportionate impact of the excessive and lethal use of force on those from marginalised racial and ethnic groups, we would like to recall that article 2 of the International Convention on the Elimination of Racial Discrimination (ICERD), which Brazil ratified on 27 March 1968, establishes the prohibition on all forms of racial discrimination. Under ICERD, State parties, including Brazil, have committed to pursuing the realization of a domestic and international community free of all forms of racism. Article 2 of ICERD requires that in order to facilitate the substantive realization of racial equality, State parties must ensure that they neither take part in any act of racial discrimination nor further programs that lead to racial inequality. Furthermore, where racism, racial inequality, or racial discrimination exist, they have an obligation to take effective and immediate action. This obligation to act is absolute. State parties' obligations to prevent racial inequality and racial discrimination require them not only to undertake remedial action, but also preventive action. Obligations to achieve racial equality and ensure non-discrimination extend to all areas of governmental policy and influence, including all 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 and in each human rights treaty, including the rights to life and freedom from cruel, inhuman or degrading treatment or punishment. Article 5 of ICERD obligates States Parties to prohibit and eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of a number of rights. This includes 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 based upon the on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin. Article 4 of

ICERD explicates that the scope of positive measures should include upholding the impermissibility of public authorities or public institutions, national or local, promoting or inciting racial discrimination of any kind.

The Committee on the Elimination of Racial Discrimination general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system elucidates an obligation to develop, through appropriate education programmes, training in respect for human rights, tolerance and friendship among racial or ethnic groups, as well as sensitization to intercultural relations, for law enforcement officials. It also makes clear that State parties to ICERD should take steps to foster dialogue and cooperation between the police and judicial authorities and the representatives of the various groups referred to in the last paragraph of the preamble, in order to combat prejudice and create a relationship of trust. In addition, paragraph 71 of the Durban Declaration and Programme of Action (DDPA) 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 which is motivated by racism, racial discrimination, xenophobia and related intolerance, and to prosecute perpetrators of such misconduct.

In its 2022 concluding observations, the Committee on the Elimination of Racial Discrimination expressed deep concern about “the persistent use of excessive and lethal force by law enforcement and military officials in Brazil. It is gravely concerned that, according to the Brazilian Yearbook of Public Security 2022, 84.1 per cent of victims of police violence in 2021 were Afro-Brazilians. In particular, the Committee is concerned about: (a) Multiple incidents of highly militarized police raids in favelas carried out by law enforcement officials from multiple State security entities, including the military, the civilian police and the federal highway police; (b) The use, during these raids, of heavy and indiscriminate machine gun fire in densely populated areas, resulting in the death and injuries of predominantly Afro-Brazilian civilians, who are residents of favelas, including pregnant women and children; (c) Reports of other forms of serious violence perpetrated by law enforcement officials during raids in favelas, including sexual violence and beatings perpetrated against predominantly Afro-Brazilians; (d) Such raids taking place during the COVID-19 pandemic despite Federal Supreme Court judgments ordering their cessation; (e) Inconsistent implementation of other Federal Supreme Court judgments, including those ordering the use of body cameras by law enforcement officials; (f) Legal provisions and practices that shield law enforcement officials from accountability, including a lack of effective and timely independent investigations into grave incidences of the excessive and lethal use of force, the presumption that force was justified and the application of military law in certain cases of excessive and lethal use of force that took place during civilian policing activities; (g) Reports that legislative proposals (bill No. 733/2022) would, if adopted, expand the legal protection afforded to law enforcement officials who engage in the excessive and lethal use of force; (h) A lack of access to justice and remedies among victims and their families.” The Committee recommended that Brazil take immediate and decisive action to end the excessive and lethal use of force by law enforcement and military officials, including by: (a) Ensuring the demilitarization of law enforcement activities in Brazil; (b) Ensuring that guidelines and manuals used to train all relevant law enforcement and security officials outline protocols for the use of force, according to the principles of proportionality, necessity and legality, along with standards relating

to racial equality, and that training is effective and frequent; (c) Ensuring the deployment of less lethal weapons during policing activities, particularly in areas densely populated with civilians, including Afro-Brazilians; (d) Fully complying with and effectively implementing all judgments of the Federal Supreme Court relating to the excessive and lethal use of force; (e) Strengthening independent oversight mechanisms with regard to all law enforcement entities in the State and ensuring that protocols for timely, effective and independent investigations, which give due consideration to concerns of racial discrimination, are in place and rigorously applied in all cases of the use of force by law enforcement officials resulting in the death or injury of civilians; (f) Identifying and amending legal provisions and practices that are hindering accountability among law enforcement officials who engage in the excessive and lethal use of force against Afro-Brazilians, including pending legislative proposals that would expand protection afforded to law enforcement officials and ending the application of military law in cases of excessive or lethal force that took place during civilian policing activities; (g) Providing effective remedies that guarantee non-repetition of violations, compensation and public apologies for all victims of police brutality and their families; (h) Consulting with representatives of Afro-Brazilian communities on all measures to address police brutality.”

The Expert Mechanism on visited Brazil in 2023 and also expressed concern about accountability within the Military Police. In its report to the Human Rights Council (A/HRC/57/71/Add.1), the mechanism stated: “The Mechanism received information on the serious gaps inside the processes of Brazil's inquiry into police killings and the substantial shortcomings in the investigative process, including its lack of independence. Internal accountability measures, in which the civil police investigates the military police, fosters a conflict of interest that compromises the credibility and impartiality of the investigations. This internal investigation framework fails to meet the standards required for a fair and unbiased scrutiny of police conduct. Any system that uses police officers as investigators on cases against other police officers, is inclined to be partial. An existing internal police culture of taking care of each other in all types of situations does not help in this regard. Other systemic failures in gathering evidence and conducting autopsies were also mentioned, such as unjustified delays, insufficient forensic examinations, and lack of transparency, especially to families. Also, the testimony of police officers tends to carry more weight than other evidence, leading to an overall bias in their favour and recurrent acquittals. These practices hamper accountability and obstruct justice for victims and their relatives, and demonstrate a failure to comply with international standards, such as the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and the Minnesota Protocol on the Investigation of Potentially Unlawful Death.” The mechanism recommended that Brazil: “Adopt a national law on the use of force that complies with international human rights standards on the use of force and firearms by law enforcement officials - particularly the principles of legality, precaution, necessity, proportionality, accountability and non-discrimination, and the obligation to protect and respect the right to life. Further ensure that these principles apply uniformly to all law enforcement agencies and all kinds of operations across the country; and ensure that all laws, policies, procedures and practices to regulate the use of force - at federal and state levels - are in compliance with these standards. Appropriate and robust law enforcement training should be rolled out in this regard; Eliminate all racial profiling. Ensure that racial profiling is clearly defined and prohibited by law, and establish clear

guidelines to prevent and combat its use. Investigate all allegations of racial profiling and prosecute accordingly. Ensure that all law enforcement agencies collect, analyse and publish data disaggregated by race or ethnic origin on all incidents, complaints and investigations on racial profiling. Ensure that law enforcement officers receive adequate training to acknowledge and tackle this widespread practice. Monitor and regulate new technologies, like facial recognition tools using artificial intelligence, to avoid racial and other biases; and Ensure accountability in all cases of excessive use of force and other human rights violations by law enforcement officials, by conducting prompt, effective and independent investigations, including criminal investigations, and holding perpetrators accountable. Initiate ex officio criminal investigations on all killings and serious injury for use of force. Investigate, prosecute, and provide redress to victims and their families in relation to all allegations of excessive use of force by police, not only killings. Given the severity and the large number of cases, accountability cannot be carried out only by focusing on individual high-profile cases. There are clearly identified patterns that must be tackled at the root, including by holding accountable superiors with command responsibility, and not only those officers directly involved. Further, hold accountable law enforcement agencies as institutions. Ensure the correct application of the Minnesota protocol in all investigations. Examine the role that systemic racism played in the alleged violations. Promptly address the backlog of judicial cases pending.”

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance visited Brazil in 2024. In her report (A/HRC/59/62/Add.1) to the Human Rights Council the Special Rapporteur expressed her concern about “frequent stops made on the basis of non-objective, discriminatory criteria can lead to escalation of the situation, resulting in the use of excessive and lethal force.” The Special Rapporteur further reported that: “publicly available data reinforces reports that the Special Rapporteur received about the shocking prevalence of police brutality. According to the 2024 yearbook of the Fórum Brasileiro de Segurança Pública, 6,393 people died because of civil and military police interventions in 2023, with the States of Bahia, Rio de Janeiro and Pará having the highest number of lives lost; according to the same data, 82.7 per cent of victims were Black, 41.5 per cent were aged between 18 and 24 years and 99.3 per cent were male. Such horrifying violence seems to continue with impunity due to many factors, such as legal provisions and practices hindering accountability among law enforcement officials and a degree of societal normalization of these atrocities.” The Special Rapporteur further commented that a “a significant paradigm shift is urgently needed to ensure greater focus on addressing the root causes of systemic police brutality within law enforcement. Such a shift is necessary to reduce the militarization of civilian policing and to ensure that the use of force is deployed in strict accordance with the principles of proportionality, necessity and legality and with international human rights standards relating to racial equality.” The Special Rapporteur recommended that the State of Brazil: “consider ways to achieve a paradigm shift in Brazilian law enforcement to effectively address the root causes of systemic police brutality by law enforcement agencies and reduce the militarization of civilian policing; ensure that laws and policies to guarantee that the use of force is deployed in accordance with the principles of proportionality, necessity and legality, and in line with international human rights standards relating to racial equality, are in place and effectively implemented; and ensure that remedy mechanisms are in place to provide for effective restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in all cases of racial discrimination.

We also wish to refer to article 7 of the ICCPR, which prohibits torture and cruel, inhuman or degrading treatment or punishment, as well as to article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Brazil ratified on 28 Sep 1989. Article 2 of CAT states that: “Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction. No exceptional circumstances whatsoever (...) may be invoked as a justification of torture (...)”. Article 7 of CAT established a duty to submit cases of alleged to competent authorities for prosecution and article 12 obligates State parties to ensure prompt and impartial investigation by competent authorities.

In this context, we would like to make clear that victims of human rights violations have a right to remedy under relevant international legal provisions. Article 2(3) of the ICCPR elucidates that victims of violations of their rights under the Covenant are entitled to access remedy, as determined by competent judicial, administrative or legislative authorities. Article 6 of the ICERD conveys a duty to provide protection against racial discrimination and to ensure access to remedies for all acts of racial discrimination. In additional article 14 of the CAT makes clear that victims of torture are entitled to redress, including compensation and rehabilitation.

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 main elements of remedy and reparations for human rights violations: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. The guidelines explicate that the principle of guarantee of non-repetition plays a part in preventing human rights violations. Guarantee of non-repetition has been interpreted as an obligation not only to ensure that individual victims do not suffer the same treatment again but also to systematically ensure through measures, such as legislation and training and awareness raising, that similar violations to others do not take place in the future.⁶

⁶ William A Schabas, Nowak’s CCPR Commentary 3rd Revised Edition (2019), article 2 CCPR, para.85.