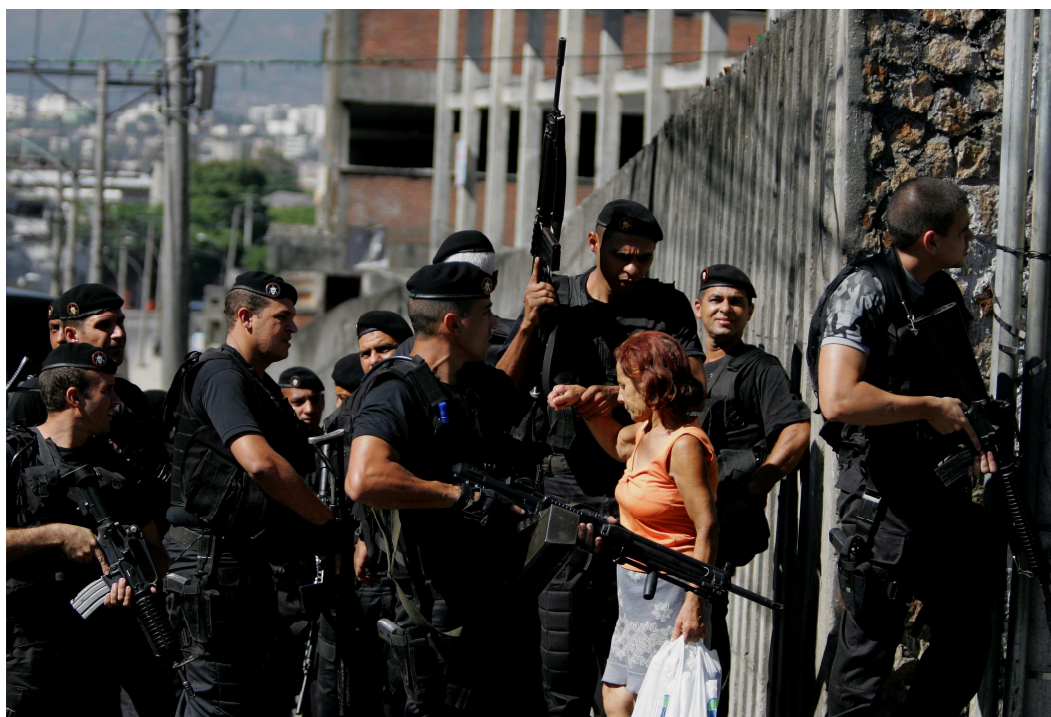

amnesty international

Brazil

‘From burning buses to caveirões’: the search for human security



AI Index: AMR 19/010/2007

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

Cover photo: Members of the military police's elite force, the BOPE, remove a resident during an operation in the Complexo do Alemão in March 2003. During the operation two people, including one police officer were killed, while four bystanders were injured by stray bullets. Marco Antônio Teixeira - RI

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Summary

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In December 2005 Amnesty International launched a major new report *Brazil: ‘They Come in Shooting’: Policing socially excluded communities*.¹ The report looked at the high levels of violence that have long plagued Brazil’s urban centres. It showed how years of state neglect had trapped poor neighbourhoods between the violence of criminal gangs and police brutality. This “criminalisation of poverty” had not only put residents’ lives at risk, but had reinforced patterns of social exclusion that have sustained human rights abuses. A lack of long-term policy-making had put everyone at risk – including the police. Amnesty International urged the federal and state authorities to put forward detailed, long-term plans to stop the bloodshed and reverse the slide into ever greater lawlessness.

Since Amnesty’s report was launched, the issue of public security has hit the headlines with a series of shocking episodes. In May 2006 São Paulo suffered a wave of criminal violence which brought South America’s largest city to a standstill. Hundreds died as a criminal gang went on the rampage, attacking police stations, shooting police officers, torching buses, and coordinating revolts and hostage-taking in around half of the state’s prisons. The police responded in kind, killing over a hundred “suspects”. More recently, in Rio de Janeiro, a night of gang violence left 19 people dead – including 7 burnt alive inside a bus. The attacks were thought to be a response to the growing power of the “*milícias*”. These para-police groups – off-duty officers and firemen - now control more than 90 *favelas* in Rio de Janeiro through extortion. The *milícias* threaten to further destabilise the city, as they vie with traffickers for territory and income.

Rio de Janeiro and São Paulo have reached a tragic impasse. Criminal gangs – be they drug factions, death squads or para-police – have rushed to fill the vacuum left by the state, balkanising the cities into a patchwork of violent fiefdoms. The crumbling prison system has incubated sophisticated organised crime rings. The police themselves have been left vulnerable to attack, weakening their ability to play their part in protecting Brazilian citizens. Meanwhile, poor communities continue to suffer

¹ See Brazil: ‘They come in shooting’: policing socially excluded communities AMR 19/025/2005; <http://web.amnesty.org/library/Index/ENGAMR190252005>

– hit by stray bullets, placed under effective curfew during police operations, and extorted by militias or traffickers.

The events of 2006 dramatically raised the stakes of the public security debate. After many years of public security being seen as a low priority, no politician can now afford to ignore the gravity of the situation in Brazil's cities. The scale of the recent violence was a vivid demonstration of the price paid by successive governments' unwillingness to address the state's responsibility to provide security for all Brazilian citizens, be they rich or poor.

As the new administrations take office, this short report updates Amnesty International's public security campaign. It summarizes the recent shocking events and assesses the state and federal governments' responses to them. In the light of the increasing vulnerability of the state to criminality, it looks at failures across the criminal justice system, including widespread corruption that has allowed organised crime to set down roots, and fundamentally undermined society's trust in the justice system and the police.

In conclusion the report reiterates Amnesty International's core concerns including:

- police forces that are poorly trained and resourced, and that have little intelligence-gathering capacity, making them inefficient as well as vulnerable to attack;
- state neglect of poorer communities which have become lawless zones, suffering disproportionately from both criminal and police violence;
- a lack of a coherent, long-term public security policy that focuses on the root causes of violence and social exclusion;
- a prison system on the verge of collapse in which overcrowding, mistreatment of inmates, corruption and organised crime have become entrenched.

This report summarizes a 30 page document (8,844words), : Brazil, 'From burning buses to caveirões': searching for human security (AI Index: AMR 19/010/2007) issued by Amnesty International in May 2007. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: http://www.amnesty.org/email/email_updates.html

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

Brazil

‘From burning buses to caveirões’: the search for human security¹

“It is not the responsibility of the governor, nor the President nor the city mayor;
Brazilian society is to blame”²

*President Lula defends Governor Lembo in the wake of the outbreak of violence in
São Paulo, May 2006*

“We’ve reached the point when we have to ask for help. We can’t bear to lose any
more friends, relatives and children to armed violence. Changing this deadly scenario
is urgent.”³

*Hércules Mendes, President of the Caracol residents association, Complexo da Penha
talking in a meeting in Rio de Janeiro between the community leaders and the chief of
police, Colonel Ubiratan Ângelo, 26, March, 2007.*

Introduction

In December 2005 Amnesty International launched a major new report *Brazil: ‘They Come in Shooting’: Policing socially excluded communities*.⁴ The report looked at the high levels of violence that have long plagued Brazil’s urban centres. It showed how years of state neglect had trapped poor neighbourhoods between the violence of criminal gangs and police brutality. This “criminalisation of poverty” had not only put residents’ lives at risk, but had reinforced patterns of social exclusion that have sustained human rights abuses. A lack of long-term policy-making had put everyone at risk – including the police. Amnesty International urged the federal and state

¹ Amnesty International believes in the indivisibility and the interdependence of human rights. This means that effective security can only be guaranteed when people are safe from criminal and police violence, from hunger, disease and inadequate housing. The provision of “human security” is about the provision and protection of all rights so that people can live without fear and without need.

² “O problema não é do governador, o problema não é do presidente ou do prefeito, o problema é da sociedade brasileira”, in Estado de São Paulo, 22 May, 2006.

³ “Chegamos ao ponto de pedir socorro. Não agüentamos mais perder amigos, parentes e crianças para a violência armada. Mudar esse cenário de morte é medida urgente”

O Globo, 26 March 2007: <http://oglobo.globo.com/rio/mat/2007/03/26/295086279.asp>

⁴ See Brazil: ‘They come in shooting’: policing socially excluded communities AMR 19/025/2005; <http://web.amnesty.org/library/Index/ENGAMR190252005>

authorities to put forward detailed, long-term plans to stop the bloodshed and reverse the slide into ever greater lawlessness.

Since Amnesty's report was launched, the issue of public security has hit the headlines with a series of shocking episodes. In May 2006 São Paulo suffered a wave of criminal violence which brought South America's largest city to a standstill. Hundreds died as a criminal gang went on the rampage, attacking police stations, shooting police officers, torching buses, and coordinating revolts and hostage-taking in around half of the state's prisons. The police responded in kind, killing over a hundred "suspects". More recently, in Rio de Janeiro, a night of gang violence left 19 people dead – including 7 burnt alive inside a bus. The attacks were thought to be a response to the growing power of the "*milícias*". These para-police groups – off-duty officers and firemen - now control more than 90 *favelas* in Rio de Janeiro through extortion. The *milícias* threaten to further destabilise the city, as they vie with traffickers for territory and income.

Rio de Janeiro and São Paulo have reached a tragic impasse. Criminal gangs – be they drug factions, death squads or para-police – have rushed to fill the vacuum left by the state, balkanising the cities into a patchwork of violent fiefdoms. The crumbling prison system has incubated sophisticated organised crime rings. The police themselves have been left vulnerable to attack, weakening their ability to play their part in protecting Brazilian citizens. Meanwhile, poor communities continue to suffer – hit by stray bullets, placed under effective curfew during police operations, and extorted by militias or traffickers.

The events of 2006 dramatically raised the stakes of the public security debate. After many years of public security being seen as a low priority, no politician can now afford to ignore the gravity of the situation in Brazil's cities. The scale of the recent violence was a vivid demonstration of the price paid by successive governments' unwillingness to address the state's responsibility to provide security for all Brazilian citizens, be they rich or poor.

As the new administrations take office, this short report updates Amnesty International's public security campaign. It summarises the recent shocking events and assesses the state and federal governments' responses to them. In the light of the increasing vulnerability of the state to criminality, it looks at failures across the criminal justice system, including widespread corruption that has allowed organised crime to set down roots, and fundamentally undermined society's trust in the justice system and the police.

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São Paulo

The May violence

“[The violence in São Paulo] reflects the incompetent way in which the state security system resolves its problems. It resulted from the fact that we have a fragile social fabric, riven with corruption, from the top down. You have a police force that has no intelligence, which is not equipped to act as a public security body – it is more geared up for a fight against criminals than to provide public security that addresses the needs of the population.”⁵

Hélio Bicudo, *Folha de São Paulo*, 25 May 2006

Over nine days in May 2006, 493 people were shot dead in São Paulo State⁶ - three times the normal rate of gunshot deaths. The victims were concentrated in Greater São Paulo and along the state's littoral, but there were also shootings throughout the interior. The catalyst for the violence was widely attributed to a decision to transfer 765 members of the criminal gang known as the *Primeiro Comando da Capital*, First Command of the Capital, or (PCC) to the Presidente Venceslau prison, a secure facility in the interior of São Paulo. In protest against the transfer, the PCC reportedly issued orders to gang members to begin prison revolts, and start violently targeting the police.

On 11 May, the first day of the violence, the criminal organisation known as the PCC shot 7 policemen dead, and wounded a further 8. The following day rebellions spread through the prison system, many involving hostage taking (often of relatives of prisoners), as the attacks continued. By the end of the second day, 22 police officers and five prison guards had been shot dead. Gang members, including some of the over 12,000 inmates on temporary release for Mother's Day, were now sowing panic in the city, burning buses, throwing grenades and hand-made bombs at banks, police stations and public buildings. São Paulo was gridlocked by a 100km tailback as people tried to get out of the city centre, where many of the attacks were taking place. Small

⁵ “[A violência em São Paulo] é reflexo da maneira pouco competente de o sistema de segurança do Estado resolver suas questões. Decorre do fato de nós termos um tecido social frágil e, dentro dele, um apelo à corrupção, que vem de cima para baixo. Você tem uma polícia que não tem informação nenhuma, não está preparada para atuar como órgão de segurança pública. Ela está mais preparada para a luta contra a criminalidade, não para impor à sociedade uma política de segurança pública compatível com a necessidade da população.” *Folha de São Paulo*, 25 May 2006 <http://www1.folha.uol.com.br/fsp/cotidian/ff2505200621.htm>

⁶ See report from *Conselho Regional de Medicina de São Paulo* (Cremesp) launched in June and updated with analysis in September which analysed records from 23 IMLs (Medical Legal Institutes) around São Paulo state between 12 and 20 May 2006. The report put state-wide deaths from firearms at 492 – three times the normal rate. See: <http://www.cremesp.com.br/?siteAcao=Noticias&id=1187>

businesses and shopping centres closed, public transport shut down, school children and university students stayed at home.



Burnt remains of buses following attacks by the PCC in São Paulo, July 2006.

©AP Photo/Andre Penner

Monday 15 May marked the high point of the violence: according to morgue records, analysed by the *Conselho Regional de Medicina de São Paulo*, São Paulo Regional Medical Council⁷, there were 117 firearms-related deaths in a single day across the state, with many of the corpses arriving riddled with bullets. Prison rebellions had spread to around half of the prisons in São Paulo state, as well as PCC-dominated prisons in neighbouring states of Mato Grosso do Sul and Paraná. That afternoon, the federal government offered the acting governor of São Paulo, Claudio Lembo, assistance, which included a 4,000-strong National Security Force (*Força Nacional de Segurança*) - an elite group formed of police from all states and trained by the federal police - along with military forces, should they be necessary. The offer was rejected.

Several media commentators and public security experts subsequently interpreted the offer and its rejection as being politically motivated. With upcoming presidential and

⁷ *Op cit.* See Tabela A, <http://www.cremesp.com.br/?siteAcao=Noticias&id=1187>

gubernatorial elections it was feared that the politically opposed federal and state governments were making vital security decisions with a view to the polls rather than to guaranteeing peace in the state.



A bullet hole is seen in a police station attacked by members of the PCC in São Paulo, Brazil, in May, 2006. ©AP Photo/Andre Penner

As the attacks against the police began to subside, reports of killings by police officers and allegations of revenge killings in the poorer periphery of the city began to increase. After several days of violent counter attack, one commanding officer is reported to have said “the hunt hasn’t finished yet - we have to eliminate them”.⁸ On Thursday, 18 May the Secretary of Public Security, Saulo Abreu Filho, announced that the police had killed 107 “suspects” – 11 of whom were buried as “indigents” without formal forensic investigation. Under intense pressure from civil society, the media and the judiciary, Abreu Filho initially refused to provide any further information, but following a threat of legal action by the public prosecutor’s office state authorities reluctantly released the names and details of those killed by the police. A degree of normality returned to São Paulo at the end of the week, as reports of police violence tailed off and the prison rebellions were brought under control. But

⁸ *Reação da polícia à ação do PCC fogue do controle: “a caçada não termina agora – temos que eliminar”* Carta Maior, 17 May 2006

the killings continued, in what has been described as a “settling of scores”. Several cases were reported of masked men, sometimes on motorbikes, gunning down victims on the periphery of São Paulo. The attacks were extremely violent with morgues recording an average of 6 bullets per corpse. Many of the victims were reported to have no prior convictions and no apparent links to criminal activity, while several witnesses claimed to have seen police officers removing evidence from crime scenes.

According to official figures released at the end of that week there had been a total of 294 attacks by the PCC, including 136 directed at the police, 82 buses torched, 59 attacks against the houses of policemen, with attacks also against banks, supermarkets and a metro station. The official death toll was 246, including 123 “suspects” and 41 law enforcement officials – more than half of whom were off duty. In response, the senate’s *Comissão de Constituição e Justiça*, The Commission for Justice and Constitutional matters (CCJ) proposed a set of 11 emergency measures, aimed at clamping down on organised crime, including extending the use of the *Regime Disciplinar Diferenciado* (RDD) or Exceptional Disciplinary Regime (an extreme form of solitary confinement), seizure of prisoner’s assets to pay for reconstruction of prisons after riots, tougher sentencing, severe punishment for the use of mobile phones in prisons, and forcing mobile companies to block phone signals in prisons.

Two less violent waves of attacks hit São Paulo in the aftermath of the turmoil in May. Between 11 and 14 July, PCC gang members burnt almost 100 buses. From 7 to 9 August, there was further unrest, with over 200 PCC attacks. Using home made bombs, the PCC targeted public buildings such as the *Ministério Público*, *Secretaria Estadual de Justiça*, and *Poupatempo* – a document issuing service. The PCC continued to pursue prison guards, killing 15 as well as one prison director in the months following the May violence, while the police killed 13 PCC members during a pre-emptive operation in June, aimed at stopping a planned attack on the São Bernardo do Campo Provisional Detention Centre.

Public security in São Paulo State

Since the end of the military dictatorship in 1985, some positive steps have been made to reform the public security apparatus. Amnesty International has welcomed the creation of limited oversight mechanisms (such a police ombudsman), community based policing pilot projects and the introduction of mechanisms for the public to participate in policing decisions at a local level. Small municipal-led community policing projects, such as in Diadema and Jardim Angela, have had some impact on

reducing homicide rates, as have important preventative work done by local human rights groups in Sapopemba and Parque Novo Mundo.⁹

However, the overall tenor of public security policy remains violent and confrontational. Over the years, public security policy has chopped and changed, with little or no coordination across the criminal justice system. The police force remains poorly resourced and institutionally fragmented. Human rights violations have continued to underpin the various strategies used to combat crime, fuelling the violence.

The May violence exposed the deep flaws in the state's approach to public security, which has long been characterised by reactive, *ad hoc* measures. Under Governor Geraldo Alckmin (2001-2006) and his state secretary of public security, there appeared to be a clear decision to adopt a highly repressive approach to law and order. As a result, killings by police officers, registered as "resistance followed by death", peaked, reaching over 900 in one year, before dropping off in subsequent years. Police violence was accompanied by reports of active "death-squads" in the towns of Guarulhos and Ribeirão Preto. Incarceration rates climbed at an unsustainable rate – in 2003 increases were running at over 1,000 prisoners per month; between 2003 and 2006, the prison population rose from around 100,000 to 145,000.

It is important to note that under the State Secretary of Prisons Administrations some reforms were introduced, such as the creation of smaller, better managed units, the *Centros de Ressocialização* (Rehabilitation Centres). Also the creation of *Centros de Detenção Provisória*, (Provisional Detention Centres), were vital in diminishing the overcrowding in the state's police stations, which had been the focus of many protests from police officers and human rights activists alike. Nevertheless, these reforms were unable to address the rapid increase in the prison population and overall the system became dangerously overburdened. Inadequately trained prison staff were susceptible to intimidation and corruption; an overcrowded, porous system became increasingly difficult to manage. The state lost control over significant parts of the system and has been forced to resort to increasingly harsh punishments to prevent its total collapse or, in the case of the PCC, negotiate directly with criminals in order to maintain order.

The rise of the PCC

The *Primeiro Comando da Capital* (PCC) took advantage of the turmoil within the prison system. The PCC was founded in 1993 in the *Taubaté Casa de Custódia*, a

⁹ However, much remains to be done to independently evaluate these statistics and these projects.

high security detention centre in the interior of São Paulo, in the wake of Brazil's worst ever prison massacre in which 111 prisoners were killed by members of the military police in São Paulo's *Carandiru* prison.¹⁰ From its inception the PCC claimed to be campaigning in defence of prisoners' rights, including an end to torture, guaranteeing prisoner visits and decent conditions for inmates, but in time it developed into an organised crime outfit, involved in gun-running, drug trafficking, money laundering, prostitution, kidnapping and bank heists. According to accounts from lawyers, journalists and human rights groups the gang was able to grow dramatically within the prison system as it offered detainees a form of security that the overcrowded and understaffed prison system was unable or unwilling to provide. Using a diffuse cell structure and forcing recruits to pay monthly contributions – said to be R\$50 a month for those in prison, rising to up to R\$500 for those who have been released – the PCC grew in strength and resources.



A grenade and several guns captured by the police from suspected members of the PCC during the attacks in São Paulo, in May 2006. ©AP Photo/Jonne Roriz-AGENCIA ESTADO

¹⁰ See Amnesty International report, 'Death has arrived': Prison massacre at the Casa de Detenção, São Paulo, AMR 19/08/93.

The extent of the PCC's power first became clear in February 2001 when, with the aid of smuggled mobile telephones, the gang were able to coordinate what became known as the "mega-rebellion", with 29 prisons rioting simultaneously across São Paulo state. In March 2003, gang members killed the investigating judge António José Machado Dias. In November of the same year, attacks on more than 50 police stations resulted in the deaths of three police officers. By 2003, the PCC posed a profound threat to the security of São Paulo state. The government's response, however, would further jeopardise the situation.

Government response to the PCC

Once the PCC had gained a foothold in the prison system, the government was either negligent or introduced counter-productive measures. Management of the prison population has been one of the key problems. Separating prisoners in terms of the gravity of offence is essential to maintaining control. But in the overcrowded and disorganised São Paulo prison system, hardened gang members are lumped together with first-time offenders and petty criminals making them vulnerable to intimidation and recruitment. In a desperate attempt to quell rioting and intra-gang violence, authorities have resorted to dividing prisoners by gang membership, reinforcing gang culture within the system. Furthermore, attempts to isolate gang bosses by dispersing leaders of the PCC around the country backfired, spreading gang membership to other states rather than containing its growth.

Amnesty International has long denounced intimidation, beatings and torture, which not only violate international standards and Brazilian national law, but have increased the sense of grievance and the appeal of the PCC amongst inmates as a counter-weight to state violence. A new development has been the introduction of the RDD, (*Regime Disciplinar Diferenciado*) or Exceptional Disciplinary Regime, and the lesser RDE (*Regime Disciplinar Especial*), or Special Disciplinary Regime – both extreme forms of solitary confinement modelled on the Super-Max style prison regime of the United States. Under the RDD, introduced in 2003, prisoners found guilty of serious infractions, threats to internal order, or being involved in a criminal gang can be secluded in a cell for a period of 360 days. This period can be extended for further periods of 360 days, up to a sixth of the prisoner's total sentence. The prisoners are kept in their cells, confined for 22 hours per day, without speaking to anyone, watching television or listening to the radio. These systems have been poorly administered and excessively punitive. They have been challenged on constitutional grounds, and violate international and national human rights standards which prohibit holding prisoners in cruel, inhuman and degrading conditions.

While attempts to contain the PCC within the prison system failed, investigations into the gang's criminal operations on the outside have been extremely poor. Even the State Secretary for Prison Administration, who resigned his post shortly after the attacks, said in an interview that there was "a lack of interest on the part of the police to investigate the PCC".¹¹

With no hard intelligence to work with, illegal measures were adopted. In the notorious Castelinho case, 12 alleged members of the PCC were shot dead when a bus they were travelling in was ambushed by the police in March 2002. Subsequent independent forensic examinations suggested that the PCC suspects had been extrajudicially-executed. Further investigations showed that police cleared the scene of the conflict and video footage of the shooting was never made public.

Following the revelations surrounding the Castelinho case, investigations unearthed evidence of a "death squad" allegedly working from within the state secretariat of public security, under the guise of a special unit set up to investigate hate crimes. Investigations into the unit, known as *Grupo de Repressão e Análise dos Delitos de Intolerância* (GRADI), Group for Combating and Analyzing Hate Crimes, found a scheme where detainees were illegally released from prison and then forced, reportedly under torture, to infiltrate suspected criminal gangs, namely the PCC. Once embedded in the gang they assisted members of the police in trapping and executing them.¹²

Police response to May 2006 attacks

Amnesty International and local human rights groups condemned outright the criminal attacks of the PCC and expressed their sympathy for the police who had come under violent and unprovoked attack. However, serious questions have subsequently been raised about the legality of the police response. A number of reports have been published alleging excessive use of force, extrajudicial execution and death squad activity.¹³

¹¹ "Me elegeram o Culpado da Vez", *Caros Amigos*, Ed 113, August 2006.

¹² "Summary Executions in Brazil 1997 – 2003", *Global Justice*, September 2003, pgs 139 – 149; Criminal investigations initiated by the state Public Prosecutor's office led to charges against 53 police officers in December 2003, which continue to proceed through the judicial system today. Charges against the state secretary of public security and two judges, accused of participating in the actions of what was effectively a "death squad", were dropped after judicial hearings held "in camera" found a lack of evidence against them. The case is now pending before the Inter-American Commission on Human Rights.

¹³ Report into records from 23 IMLs (Medical Legal Institutes) around São Paulo state between 12 and 20 May 2006 by the *Conselho Regional de Medicina de São Paulo* launched June 2006, updated with

Forensic investigation of the 124 cases registered as “resistance followed by death” between 12 and 20 May, showed that the majority of the victims were shot at close range, from above - more characteristic of extra-judicial execution than an exchange of fire. In 72 cases the police removed the bodies before forensic experts reached the scene, severely compromising investigations. All these cases were written up in police bulletins as incidents in which a person was wounded during a confrontation, rescued by the police, but died en route to hospital. On many occasions the police did not actively seek witness testimony, questioning the seriousness and thoroughness of the investigations. Amnesty International has also been informed that several families of victims of police violence did not officially report their cases through fear of retaliation.

Death squad activity appears to have surged during the May violence. In September, the *Ouvidoria do Estado de São Paulo* (the São Paulo Ombudsman Office) released an investigation into alleged death squad activities during the May attacks. According to the report, there were 82 people shot with an average of over five bullets each by death squads. One victim was shot 21 times. Many of the victims lived on the periphery of São Paulo and were gunned down close to their homes or work places. The Ombudsman concluded that they were victims of death squads linked either to the police or criminal gangs. “In all cases, hooded men dressed in black killed innocent people with no police record,” said the São Paulo police ombudsman, Antônio Funari Neto. “The attacks were carried out brutally, with high-calibre guns.”¹⁴

Guarulhos (Greater São Paulo) was one of the epicentres of the May violence, with 56 shot dead in the space of a week. 34 were shot in the head at close range with high-calibre guns, generally used by state security forces. There were ten cases of double homicides, two triple homicides and one incident in which five men were shot in a bar. Several cases involved masked men operating in groups.

analysis, September 2006; report into the death squad activities during the first wave of attacks by Ouvidoria da Polícia de São Paulo, Police Ombudsman of São Paulo, September, 2006; List of killings by police and death squads between 12 and 31 of May 2006, compiled by the Observatório das Violências Policiais-SP, www.ovp-sp.org/lista_de_mortos_por_policiais_e_encapuzados.pdf; ‘Crimes de Maio’, O CONDEPE, Conselho Estadual de Defesa dos Direitos da Pessoa Humana, February 2007.

¹⁴ Revista *Época*, 419, May 2006 ‘Eles Voltaram’: “Em todos os casos, homens encapuzados, vestidos de preto, mataram inocentes que não tinham passagem pela policia. Os ataques foram sempre com armas de grosso calibre e de forma cruel.”

Rio de Janeiro

“What will solve the problem is each one of us looking at what happened in Rio de Janeiro and not blaming the state government, the President of the Republic, or the Mayor of the city, because what is happening is the result of historical errors, accumulated by Brazilian society as a whole.”¹⁵ *Excerpt from President Luiz Inácio Lula da Silva’s inauguration speech, referring to an outbreak of gang violence in December 2006 which left 19 dead 1 January 2007.*

“I don’t blame the criminals – it’s the fault of the state, which let a barbarity like this happen.”¹⁶

Bia Furtado, a 30-year-old model who escaped with severe burns to 35% of her body after gang members set fire to a bus during a wave of criminal violence in December 2006.

Introduction

In 1999 Anthony Garotinho took office as governor of Rio de Janeiro promising to introduce profound reforms to combat years of spiralling criminal violence. The newly appointed team set out a series of measures including the use of intelligence to target the fight against crime, introducing human rights and community based policing and cleaning out the corruption and criminality that had infiltrated all the ranks of the Rio de Janeiro police force.

But when Rosinha Matheus Garotinho (wife of Anthony Garotinho, and his successor as governor of Rio de Janeiro) ended her term in office in December 2006, Rio was still mired in violence. Seven years on the homicide rate was still running at over 6,000 deaths a year, with official statistics for killings by police hovering around the 1,000 mark per year. Drug factions were entrenched in most of the city’s *favelas* as well as dominant in the prison system. The police were resorting to increasingly

¹⁵ “O que vai resolver é cada um de nós voltar os nossos olhos para o que aconteceu no Rio de Janeiro e não ficar culpando o governo do estado, não ficar culpando o Presidente da República ou o prefeito da cidade, porque aquilo que está acontecendo é resultado de erros históricos acumulados por toda a sociedade brasileira, que precisa, também, a sociedade como um todo...” For full text see transcript in Folha de São Paulo: <http://www1.folha.uol.com.br/folha/brasil/ult96u88201.shtml>.

¹⁶ “Eu não culpo os bandidos. O culpado é o estado, que deixou uma barbaridade como essa acontecer.” Veja, edição 2000, 21 March 2007, p 73.

militaristic approaches to public security, including the sporadic use of the armed forces. Corruption and criminality remained embedded in law enforcement agencies. And in a more recent development which threatens to further destabilise the city, para-policing groups' or "*milícias*" have begun contesting control of favelas in the vacuum left by the state.



A member of the Rio de Janeiro State Police Special Operations Battalion (BOPE) stands guard next to an armoured vehicle, popularly known as the caveirão in the Morro da Fé favela. © Tom Phillips

During Anthony and Rosinha Garotinho's period in office public security became politicised. As the focal point of a conflict between the state government and the federal government, the public security debate often centred around gaining political capital rather than working together to find solutions. When they left office they had not only failed to introduce promised reforms, but they apparently left in place strong vested interests which support continuing criminality and violence in poor communities.

As a new administration takes office in 2007, Rio de Janeiro stands at the crossroads. If Rio is to avoid dropping deeper into the abyss of criminal violence, Sérgio Cabral, the state's new governor, must begin to address the long-term, structural change needed to turn the city around.

Policing and operations

Policing in Rio de Janeiro continues to be characterised by large-scale operations in which heavily armed police units “invade” *favelas* only to pull out once the operation has been completed. These operations come at a great cost to communities with little in return. They place the lives of all, including the police, at risk. Damage to property and infrastructure, the closure of businesses and curfew-like conditions preventing people from going to work and studying, impose financial and social costs long after the operation is over. Once the police withdraw, drug factions or militias resume control. The underlying problems - social exclusion, criminality - are left untouched while the community is buffeted by waves of both criminal and police violence.



Residents of the Complexo do Alemão meet, in October 2006, to protest against police violence and human rights violations during invasive operations. Behind them the banner says, “The police has to treat the population of the Complexo do Alemão with respect and equality because *favela* residents also pay taxes.” ©Sadraque Santos / Imagens do Povo

In October 2006 military police “occupied” the Complexo do Alemão, a group of *favelas* in the north of the city, for a period of two weeks, with armoured cars and helicopters. During the invasion police ordered the cutting off of water and electricity supplies in some communities. Residents complained of threats, intimidation, beatings and property damage. Towards the end of the occupation, while residents gathered to call for an end to the violence, a 64 year old grandmother, Alice Bertock da Silva, was killed by a stray bullet during a shoot-out between criminals and police officers.

Four months later, in February 2007, the Complexo do Alemão faced another “invasion”. Civil and military police were joined by the federal government’s *Força Nacional de Segurança*, National Security Force (FNS) in an operation to capture an arms cache. The operation lasted three days and included the use of helicopters and the armoured vehicle known as the *caveirão*. It resulted in six deaths, including that of a bystander, Carlos Alberto da Silva Fernandes, who worked in a supermarket. Following the operation police announced they had apprehended one gun, one grenade and three motorcycles and had made just one arrest. During this time residents reported being unable to travel to or from work, that children were forced to stay home from school and access to other social services was cut.

On 6 March 460 members of the civil and military police launched yet another operation against the Complexo do Alemão. Once again the operation was aimed at capturing an arms cache and arresting a leader of the local drug faction. Two people were killed including one police officer, while four bystanders, including a school teacher, were injured by stray bullets. Though police managed to capture an extensive arsenal of weapons, as well as a large quantity of drugs no arrests were made. In the same week, a separate operation to arrest criminals in the Morro do Macaco a thirteen year old girl, Alana Ezequiel, was killed in the cross-fire between police and criminals.

The continued dependence on such operations, ostensibly to target drug factions embedded in these communities, begs serious questions as to the objectives of public security policy. Seven years after the Garotinhos came to power little effort has been made to integrate the vast majority of poor communities with the provision of effective policing as well as social services.

The new Governor, Sérgio Cabral, has begun his term in office talking of deep reforms to public security policy. Amnesty International welcomes some of his early statements, including those encouraging restrictions on use of the armoured police vehicle, known as the *caveirão* (see below), and increased cooperation between the states in the South-East and the Federal government in tackling organised crime. However, as violent operations launched against the Complexo do Alemão continue,

police strategy is still characterised by blunt repression. It remains to be seen whether Cabral can muster the political will to make fundamental changes within the state's police forces.

Killings

Rio de Janeiro state and city's homicide rates have remained roughly the same between 1998 and 2005. An average of 6,336 homicides took place in the state each year, a rate of 43.5 deaths per 100,000. This figure rises to 57.3 in the Baixada Fluminense, the agglomeration of poor municipalities outside the state capital and a long term focus of extreme poverty and "death-squad" activity.¹⁷ The consistency and extent of the killing and its concentration in areas less protected by the state highlights the continued dependence on reactive policies and legislation which serve merely as a sop to the population rather than an effective solution to the violence.

Dependence on heavy-handed policing coincided with the sudden and dramatic rise in killings by police officers in situations officially documented as "resistance followed by death" or "records of resistance" (*autos de resistência*). Killings rose from 300 in 1997 to 1195 in 2003 falling slightly to 1098 in 2005. This increase was matched by an ever more belligerent and combative discourse coming from both the State Secretariat for Public Security and the governor. In a meeting in April 2005 with the state secretary for public security Amnesty International was told that "*a partir que a polícia trabalha mais mata mais*", "if the police are more active they will kill more people".

In reality, repressive and violent policing has placed both officers and bystanders at risk. Between 1 January and 12 March 2007, 13 people were killed and 26 people were injured by stray bullets in shoot-outs between criminals and police officers in the city of Rio de Janeiro. Following the publication of this figure the state secretary of public security promised to keep an official record of deaths by stray bullets, confirming that at present they were recorded either as homicides or, more bizarrely, as "*autos de resistência*" (implying they were killed while resisting arrest).

As this report was going to press the state secretary of public security announced that the state government was requesting the provision of non-lethal weapons from the federal authorities as part of an initiative to reduce police lethality in the state. Amnesty International cautiously welcomes this news as the organization believes

¹⁷ Homicide figures as cited by *Centro de Estudos de Segurança e Cidadania* of Candido Mendes University from: Registros de Ocorrência da Polícia Civil. Dados obtidos nas planilhas ASPLAN (1991-2000) e no Diário Oficial do Estado – Incidências por delegacia (2001 a 2005) [<http://www.isp.rj.gov.br>].

tackling police lethality is one of the key objectives for reducing overall violence in Rio de Janeiro. Amnesty International will continue to monitor the implementation of these measures.



Members of the Civil Police fire into Vila Cruzeiro, one of the *favelas* that makes up the Complexo do Alemão, during an operation in August 2006. The operation reportedly resulted in three deaths, and one arrest. The religious graffiti on the wall reads, "Commit thy way unto the Lord, trust also in him and He shall bring it to pass..." © Marcia Follett / A.G O GLOBO RI

Impunity

Few of these killings were ever effectively or independently investigated. The few that were, invariably as a result of widespread national and international protest, often suggested acts of extra-judicial execution or excessive use of force. Even when investigations are carried out, convictions are rare. In the highest profile case to date, the random killing of 29 people in the Baixada Fluminense region on 31 March 2005, eleven police officers were arrested, six of whom were subsequently released. At the time of writing only one had been tried and convicted.

Militarization of policing

A potent symbol of the increasing militarization of policing is the adoption of the *caveirão*, an armoured vehicle used by the Rio de Janeiro military police in many of

its operations. Amnesty International recognises the need to ensure that police officers are provided with all equipment necessary to both ensure their safety and ensure the minimum use of force at any given opportunity. Yet the use of the *caveirão* has been associated with indiscriminate and repressive policing. Time and again reports of its use in communities point to random shooting and discriminatory treatment of community residents.

Following the police operation in the Complexo do Alemão in October 2006, one resident was reported by a local NGO, *Observatório de Favelas*, as saying:

“We’re scared of talking, because the police retaliate. The other day the *caveirão* entered the *favela*, the police officer got out and shouted at everyone “the weapon to kill residents¹⁸ has arrived”. We’re scared of speaking out, of reacting.”¹⁹

After local protests, police chiefs have met with community leaders, promising to control the use of the *caveirão*. Amnesty International has been informed by human rights groups that since the launch of the local and international campaign against the use of the armoured car, there has been a reduction in its use across the city. Following reports that *caveirões* were being used prior to operations by the *milícias* Rio de Janeiro’s recently appointed head of the military police promised to institute controls to allow senior officers to always know the whereabouts of the vehicles at all times. Sérgio Cabral has made several public statements vowing to end the use of the *caveirão* yet, as recent operations in the Complexo do Alemão demonstrate, both the *caveirão* and the policing it symbolises continue to be used in operations across the city’s favelas.

The use of the army in policing operations is also a worrying development. In March 2006 the army took to the streets of Rio de Janeiro, following the theft of ten rifles and a pistol from a barracks. The operation involved 1,200 soldiers who entered ten *favelas*, exchanging fire with armed gangs placing communities at risk, searching residents and impeding children from attending school and people from going to work. The army acted on the jurisdiction of one search warrant provided by a military judge, effectively placing tens of thousands of residents under suspicion. Neither the federal

¹⁸ Trans. note: *Morador* or resident is the term often used to denote a person from the favela who is not involved in crime.

¹⁹ “Temos medo de falar, pois a polícia faz represálias. Outro dia o *caveirão* entrou na favela, o policial desceu e gritou pra todo mundo: ‘chegou a arma de matar morador!’ .A gente tem medo de falar, de reagir”.
<http://www.observatoriodefavelas.org.br/observatorio/noticias/noticias/4381.asp>

government nor the state government requested the operation but nor did they contest the army's right to take on a role for which they had no mandate, training or oversight.



Members of the armed forces patrol in the morro da Providência *favela* in the centre of Rio de Janeiro in March 2006. ©Ricardo Leoni RI

The only challenge to the operation was mounted by federal prosecutors, who claimed the operation was unconstitutional. After ten days the army withdrew its troops following an alleged anonymous tip off indicating the hiding place of the stolen arms. There were no reports of arrests. According to press reports, a deal was struck between a criminal gang and the army to end the occupation and recover the rifles in the territory of a rival faction.

At the time of writing the governor of Rio de Janeiro has made several appeals to the federal government to allow the use of the armed forces in Rio de Janeiro for policing, for a period of a year. This request was widely criticised by both federal and state officials and public security experts, and appeared to undermine those working in the state government for an effective and consensual approach to the problem. Nevertheless it was publicly welcomed by the President and certain media commentators, highlighting the continued appeal of reactive responses. Final implementation was pending further discussions.

Prison system

Amnesty International has long denounced the violations of Rio de Janeiro's prison system, including the use of torture and excessive force as well as the cruel, inhuman and degrading conditions in which detainees are kept. During the time of this campaign, though, it was made clear that the methods adopted by the state's authorities in the prison system were not only violating the human rights of the prisoners but were in fact directly contributing to the growth of drug factions and criminality in the state.

In November 2005 the Inter-American Commission ordered all detainees held in the Polinter pre-trial detention centre to be transferred out and that no further detainees should be held at the centre. The ruling followed denunciations made by local NGOs *Justiça Global*, *Grupo Tortura Nunca Mais – Rio de Janeiro*, *Associação pela Reforma Prisional (ARP)* and *Laboratório de Análise da Violência da Universidade Estadual do Rio de Janeiro (UERJ)*. Among other criticisms, this group of organisations revealed that the state was forcing all detainees to declare themselves members of one or other of the city's drug factions upon arrival into the system. Detainees were then forced to sign a document taking full responsibility for their security based on this choice.

Corruption undermines human rights

Though the extent of corruption in Rio de Janeiro's police force has been widely reported, only recently have Federal Police investigations uncovered how deep the corruption ran. In December 2006, federal officers detained 78 police officers (one

civil police officer, the rest military police officers) for involvement in drug trafficking and illegal gambling operations. At least one Colonel in the Military Police, the highest ranking officer, was detained.

Later that same month, Federal Police officers divulged that Alvaro Lins, former head of the state's civil police force and recently elected state deputy, was under investigation for having led a ring of civil police officers who were working for mafias running illegal gambling operations in the state. Exempt from prosecution thanks to his position as a state deputy, federal police reports claimed to have phone tap evidence including a recording of Lins thanking mafia bosses for supporting his electoral campaign. Former state Secretary of Public Security, now federal deputy, Marcelo Itagiba, said in media interviews that when in office he had tried to dismiss Lins but had been blocked by the then governor, Rosinha Matheus Garotinho.

The increasing evidence of high level links to organised crime within the police have confirmed the long held belief that without profound reform Rio de Janeiro's public security system has no vested interest in combating those behind the real causes of the violence in the state. The police and the criminal justice system's focus on low level criminals, shows a reluctance to address those who direct and oversee the drug and gun trafficking which is at the heart of Brazil's criminal violence today.

Milícias

2006 saw the dramatic growth of a potentially destabilising phenomenon in Rio de Janeiro: *milícias*, para-policing groups made up of off duty police officer, prison guards and firemen, often with the support of local politicians. *Milícias* have existed in Rio de Janeiro since the 1970's, controlling a handful of *favelas*, but in a period of six months these groups began contesting spaces with drug factions. By December 2006 it was reported that *milícias* controlled 92 of the over 500 *favelas* in city.

Initial reports covering this recent, sudden expansion depicted the *miliçias* very much as a form of alternative security, offering communities the opportunity to rid themselves of the domination of drug factions, and providing them with security. Some community members, media commentators, politicians and even the mayor of the city initially gave militia groups their support.

It was not long before reports coming from communities contradicted this image. *Milícias* took communities violently, and then sustained their presence by demanding a weekly levy on residents for providing security. Residents reported that *milícias*, like the drug factions, imposed curfews and strict rules on communities on pain of violent punishments. Amnesty International was further informed that *milícias*

controlled the provision of many services to residents, including sales of gas, electricity, and alternative transport systems.

A resident of one community controlled by *milícias* informed Amnesty International that all local shop keepers had been told not to provide any gas and that all gas would be sold only by *miliçia* members, at elevated prices. Amnesty International was also informed, by the same source, that a bus company that serviced the community was threatened and told not to return, ensuring a monopoly over local transport.

Communities have been further put at risk by the constant threat of revenge attacks. The same resident told Amnesty that since his community had been taken by *milícias* in November 2006, his community had been attacked three times by members of the ousted drug faction. A total of 12 people were reportedly killed in these attacks, including one bystander.

In December 2006 drug factions launched a series of attacks on police and civilians across the city in apparent retaliation to the advance of the *milícias*. Gangs burnt buses and bombed public buildings. Nineteen people were killed, including ten civilians, two police officers and seven criminal suspects. In one incident criminals killed seven people when they burnt the bus they were on. Two passengers later died of severe burns in hospital, and a further 14 were seriously injured. Police subsequently arrested three men and confiscated guns, grenades and ammunition.

The newly elected state government has been quick to recognise the threat posed by the *milícias*. Both the new state secretary of public security and the head of the military police have confirmed their existence and have initiated investigations into police suspected of involvement in illegal activity linked to these “para-policing” groups. However, the police and the prosecutor’s office have claimed that membership of a *miliçia* is not a criminal offence under Brazilian law, making it far harder to prosecute *milícias* as a group. As a result the spread of the *milícias* has been left unchecked, and continues to pose a serious threat to the stability and security of hundreds of thousands of Brazilians living already precarious lives in the *favelas* of Rio de Janeiro.

Crime in the rest of Brazil

Amnesty International's campaign focused largely on the criminal violence and public security policies of Rio de Janeiro and São Paulo as they are the country's two major cities and the two most documented contexts. However, the situation in many other states around Brazil is equally troublesome. The latest version of the *Mapa de Violência* (map of violence) by Julio Jacobo Waiselfisz, published in February 2007, documented the continued rise in homicides across the country between 1994 and 2003 with a slight fall in 2004 in the wake of the introduction of the disarmament statute.²⁰ Between 1994 and 2003 homicides rose from 32,603 to 51,043, falling back to 48,374 in 2004.²¹ Of these 34,187 were gun related killings.²² According to the report Brazil had the 4th highest homicide rate in the world, at 27 per 100,000 of the population, 30 or 40 times that of countries such as England, Germany, Japan or Egypt.²³ The report showed concentrations of homicides among young, afro-descendent males. In some states seven black or mixed race people were killed for every white person.²⁴

The report also documented the rapidly growing levels of violence in small towns in the interior of the country. This trend coincides with greater urbanization and migration to these towns, but equally to the notable lack of a state presence in these areas especially in terms of effective policing. The study shows towns in Mato Grosso, Mato Grosso do Sul, Espírito Santo, Pará and Goiânia recording the highest homicide rates, coming in above 100 per 100,000.²⁵ Another disturbing phenomenon was revealed in the 2005 a parliamentary investigation into death squad activities in the northeast of Brazil (*CPI dos Grupos de Extermínio no Nordeste*²⁶) which found that the phenomenon was widespread and deeply entrenched across the region.

In 2006 Amnesty International visited the Northeastern states of Pernambuco, Bahia and Sergipe. Here the organization heard reports of criminal violence and policing tactics which reflected many of the underlying problems that have been documented in Rio de Janeiro and São Paulo. Just as in the southeast, concentrations of violence, especially homicides, had developed in socially excluded communities. Residents in

²⁰ Waiselfisz, Julio Jacobo "Mapa Da Violência Dos Municípios Brasileiros", Organização Dos Estados Ibero-Americanos Para A Educação, A Ciência E A Cultura - February 2007, pg 21

²¹ Ibid, pg 21

²² Ibid, pg 173

²³ Ibid, pg 22

²⁴ Ibid, pg 24

²⁵ Ibid, pg 56

²⁶ To download the *CPI dos Grupos de Extermínio no Nordeste* go to:
<http://www.luizcouto.com/ger/relatoriosdascpis.shtml>

these communities consistently informed Amnesty International of violent and discriminatory policing being the norm. In all three states Amnesty International heard reports of killings strongly suggesting the presence of “death-squads”, reportedly with the active participation of police officers.

In 2004 Pernambuco registered the highest homicide rate in the country, at 50.1 per 100,000.²⁷ Amnesty International visited several socially excluded communities on the outskirts of Recife, including Paulista, Mustardinha, Ibura where time and again it was informed of extreme levels of criminal violence being matched by violent and repressive policing. During a visit to the Casa de Passagem, in Santo Amaro, a group working with young girls from the community, Amnesty International delegates were told in detail by a group of 13 and 14 year old girls how they were routinely forced to hide under their beds to protect themselves from gun-fire.

The state was also marked by the high number of women suffering violent deaths. The “*Fórum de Mulheres de Pernambuco pelo fim da Violência contra Meninas e Mulheres*” (Forum of Pernambucan women for the end of violence against women and girls) documented 1,193 killings of women between 2002 and 2005, underlining the lack of policies in place to protect women in the home and in the community.

In Bahia extensive research was being done by the *Fórum Comunitário de Combate à Violência* (Community Forum to Combat Violence) of the federal university of Bahia, documenting the concentration of violence in the most socially excluded communities in Salvador. Amnesty International visited communities of Uruguay, Mata Escura, Lobatos and Brotas where persistent reports of violence and abusive policing were repeated. Delegates were also given extensive reports of active “death-squads” a fact that was recognised by the state authorities who had set up a special police unit to combating them.

In Sergipe two men previously accused of heading a “death squad” known as “the Mission”²⁸ during the 1990s were appointed as the state’s Secretary of Public Security and head of the Military Police. Members of the State Human Rights Commission documented 206 homicides from January to April 2006, 80 per cent of which remained unsolved. In one incident in April witnessed by over 50 people, three teenage boys were taken away by members of the elite unit of the military police in the community of Mosqueiro. One of the boys was allegedly tortured until he fainted and later regained consciousness in a wood. One year on there were still no clues as to

²⁷ Ibid, pg 22

²⁸ On the activities of the Mission, see references in: Brazil: Human rights defenders: Protecting human rights for everyone <http://web.amnesty.org/library/Index/ENGAMR190081998?open&of=ENG-BRA>

the whereabouts of the other two boys. The police officers involved remained on active duty. Amnesty International also visited the rundown suburb of Santa Maria (also known as Terra Dura), where high levels of violence and a deep distrust of the police had left extremely poor residents paying private security companies for protection.

In all three states new administrations took office in 2007. Amnesty International received several reports of each administration taking steps to devise new policies for the provision of security based on discussions with members of civil society. Amnesty International will continue to monitor this process.

Conclusion

One and half years after Amnesty International first launched its campaign on public security and social exclusion in Brazil there appears to be little to celebrate. The promises of reform seem long forgotten, and criminal violence has evolved to present increasingly complex problems to the few working to find genuine solutions.

In São Paulo some advances have been made. As Amnesty International documented in 2005, several projects, principally at municipal and local level, appear to have contributed to a sustained reduction in homicides across the state. However, the violence that erupted in May 2006, as well as the extreme police response, suggest that the structural problems which plague the state's criminal justice system persist.

A largely unreformed public security system, based on repressive and punitive measures, has failed Paulistas. Most marginalized communities remain outside the protection of the state with little recourse to justice. The prison system is unable to cope with the demands placed on it. Law enforcement agents are unprepared and under resourced, depending on human rights violations instead of effective professional policing methods to combat crime. Lack of policy coordination has allowed organized crime to flourish – especially within the criminal justice system itself, among those who are supposed to be in the custody of the state.

In Rio de Janeiro long term political negligence has allowed powerful vested interests to control events and quash reform. Profound corruption and criminality within the state's police and prison systems have blocked any meaningful, structural change to public security policy. What has emerged is a complex mix of criminal, police and para-police violence. The city's most marginalized communities have never appeared so bereft of protection or abandoned by the state.

In the first few weeks of Sergio Cabral's mandate some early positive messages were noted, including promises to reduce the use of the *caveirão* and reduce police lethality. This will have to be measured against his public endorsement of operations such as those seen in the Complexo do Alemão as well as his request for the use the army on the streets before an assessment of his government can be made.

In January, during his inaugural speech, President Luiz Inácio Lula da Silva promised to make public security one of the main focuses of his second term in office. This in itself was an important step. The federal government was finally talking about one of the principle issues that continues to condemn millions of Brazilians to lives trapped in a cycle of poverty and fear. But by comparing the criminal attacks to terrorism and

insisting the need for a “tough hand”²⁹ the president betrayed the spirit of the *Sistema Único de Segurança Pública*, Single Public Security System (SUSP), the proposals for human rights based public security reform set out during his first term.

Both the new governors of São Paulo and Rio de Janeiro, along with President Lula, have promised to ensure that public security will be one of the central issues of their mandates. Yet time is running out. They need to collaborate in the construction of broad based, multi-sectoral security policies, which seek to ensure the protection of all Brazilians equally.

Recommendations:

Amnesty International’s December 2005 report *Brazil: “They Come in Shooting”*: *Policing socially excluded communities* urged the government to adopt a National Action Plan to reduce and prevent criminal and police violence, focusing on the prevention of homicides. It pointed out that homicides predominantly affect poor communities – the very neighbourhoods which have been neglected by policy makers. The envisaged plan would focus on three main areas: human-rights based policing, a programme to reduce and prevent police killings and efforts to control the proliferation of small arms.

Since the launch of the report, Amnesty welcomes the fact that, despite the loss of the referendum on gun control, the federal government continued to address the issue of the proliferation of small arms by backing the resolution 'Towards an Arms Trade Treaty' at the UN General Assembly. However, little has been achieved to improve standards of policing and reduce criminal and police violence in social excluded areas.

Amnesty International reiterates its call on all levels of government to adopt a National Action Plan aimed at breaking the links between violence and social

²⁹ On 1 January 2007 President Luiz Inácio Lula da Silva said during his inauguration speech: “This barbarity that took place in Rio de Janeiro cannot be treated like an ordinary crime. This is terrorism and has to be fought with a tough line and the strong arm of the Brazilian state... what happened in Rio de Janeiro was the most violent terrorist act I have ever seen in this country, and as such, it must be combated.”; “Essa barbaridade que aconteceu no Rio de Janeiro não pode ser tratada como crime comum. Isso é terrorismo e tem que ser combatido com uma política forte e com uma mão forte do Estado brasileiro... o que aconteceu no Rio de Janeiro foi uma prática terrorista das mais violentas que eu tenho visto neste País e, como tal, tem que ser combatida.”. For full text see transcript in Folha de São Paulo: <http://www1.folha.uol.com.br/foha/brasil/ult96u88201.shtml>.

exclusion and reducing overall levels of criminal and police violence. The plan should contain, among other measures³⁰:

1. The introduction of human-rights based policing, including:

- A statutory Code of Ethics based on human rights standards, in particular the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- Procedural codes, in compliance with the statutory Code of Ethics and based on human rights standards, related to the key functions of the police, including arrest and detention, public order, and criminal investigation.
- Improved data collection and provision of analyses of patterns of violence.

2. A concerted programme to reduce and prevent police killings, including:

- A programme to retrain the police in the legitimate use of force and alternatives to the use of firearms according to international standards including the UN Code of Conduct for Law Enforcement Officers and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- The creation of an external investigation mechanism, dealing specifically with complaints involving the police, able to carry out investigations using its own independent investigators;
- An end the use of the designation “resistance followed by death” to be replaced by a register of cases of police lethality. Independent investigation should be held into the case of every death suspected to be at the hands of public security forces.
- Measures to tackle police corruption and involvement in criminality.

3. Prison reform aimed at ensuring the security of prison guards and detainees, including:

- Increasing resources/staffing, including investments in the training of guards and improved facilities;
- Categorising prisoners according to severity of crime, segregating those who are a danger to prison staff and other detainees;

³⁰ For a full list of recommendations see Brazil: ‘They come in shooting’: policing socially excluded communities AMR 19/025/2005; <http://web.amnesty.org/library/Index/ENGAMR190252005>; pp. 79-81. For comprehensive recommendations on the prison system, see: Brazil: ‘No one sleeps here safely’: Human rights violations against detainees, AMR 19/09/99 pp 30-33.

- Ending the practice of dividing prisoners by gang membership;
- Urgently reviewing the use of the RDD, which according to prison experts is being used disproportionately as a punitive, rather than management measure, without adequate oversight.