



'NO FOUL PLAY, BRAZIL!' CAMPAIGN

Protests during the World Cup 2014 Final Overview

Introduction

With the arrival of the World Cup in Brazil, protests gained momentum in the country, especially in the cities hosting matches. At the end of the World Cup, it is possible to take stock of the protests and potential abuses committed during this period and in the days leading up to commencement of the event. The Federal Government made a positive move, stating that it would not support any new legislation on protests. However, the Legislative Assembly in São Paulo approved an unconstitutional state bill that restricts the right to peaceful protest. There were further episodes of use of excessive force and "less-lethal" weapons by the Military Police, detention and assault of peaceful demonstrators, actions of possible intimidation of demonstrators, attacks against journalists and violations of the legal privilege of lawyers working during the demonstrations and/or on behalf of people detained in relation to the protests. These abuses occurred in a context in which a minority of protesters also resorted violence on some occasions, including harassing journalists, throwing objects at police and vandalized certain targets, such as bank branches, stores and public property.

Freedom of expression and peaceful assembly are human rights. The police should ensure that the response to violence during demonstrations is graduated, and should not use the acts of violence of a minority of protesters as an excuse to deny peaceful demonstrators their right to protest. Police may act legitimately to restore order and investigate acts of violence in demonstrations, but must not use excessive or unnecessary force, or commit any other kind of abuse.

Amnesty International's preventive campaign "*No foul play, Brazil*", in defence of freedom of expression and peaceful assembly in Brazil, was launched internationally on 8 May 2014 with an online petition (www.aiyellowcard.org). On 5 June, the report "*They use a strategy of fear: protecting the right to protest in Brazil*" was published, relating cases of use of excessive force and so-called "less-lethal" weapons by the Military Police in protests since June 2013, misapplication of existing legislation in relation to detained protesters and the risk of new legislative proposals that could result in restriction of the rights to freedom of expression and peaceful assembly in the country.

Since the start of the campaign, Amnesty International has been monitoring - through the press, direct interviews with demonstrators, gathering of official documents and audiovisual evidence, among other sources - the reaction of the authorities and security forces to the protests. This document is a final overview of the protests and possible abuses committed during the World Cup and the days leading up to the start of the event.



1) Response of the security forces to acts of violence by demonstrators

Various protests have taken place in recent weeks and, on the whole, they have been peaceful. However, in some cases, demonstrators have been responsible for acts of violence. In **Belo Horizonte (Minas Gerais)**, on 12 June, for example, a peaceful protest was reportedly interrupted by acts of violence when it approached Liberty Square, where the World Cup clock is located. Some people are said to have aimed fireworks at the cordon formed by the Military Police, who responded with stun grenades and other less-lethal weapons. Bank branches, store fronts, a police vehicle and a cinema were allegedly damaged by demonstrators. In **Curitiba (Paraná)**, similarly, on 16 June, some of the 200 or so demonstrators reportedly used violence, ransacking banks and setting fire to bins. Likewise, in **São Paulo**, on 19 June, after the dispersal of a protest organized by the Free Fare Movement (MPL) to commemorate the anniversary of the cancellation of the bus fare increase in São Paulo, a group of people who had been at the demonstration reportedly broke into a luxury car dealership and some bank branches, ransacking the premises and blocking vehicle traffic in the area.

In these situations, the Military Police and other security forces should first use non-violent means before resorting to the use of force. However, if the use of force is unavoidable, security forces should "exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved", in accordance with the UN's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Military Police and other security forces on duty during the World Cup should be clear about their role and act to guarantee peaceful demonstrations.

2) Conduct of the security forces during the policing of protests

Overview:

On some occasions, in various cities, the Military Police used excessive force and so-called less-lethal weapons to quell and disperse peaceful protests. Specific actions were also taken to try to prevent demonstrations from happening. There are reports of peaceful demonstrators being detained and assaulted and cases of journalists being wounded by the Military Police.

In **São Paulo**, on 9 June, student Murilo Magalhães, who is the head of the Students' Union for the Law course at São Paulo's PUC university and a representative on the university council, says he was detained by the Military Police and assaulted at São Paulo's central police headquarters. Murilo is a member of the Free National Assembly of Students (ANEL) and was participating in a protest in support of the strike called by the São Paulo Metro workers and against the riot police repression of the strike. During the protest, he was reportedly immobilized by the police and taken to a room at the police HQ under an arrest warrant. In that room, he says he was forced to remove his clothing and was beaten by the police officers. Despite complaints having been filed, there is no information about whether the officers responsible are being investigated.

There is strong evidence that, on 12 June, the **São Paulo** Military Police used excessive force and less-lethal weapons (tear gas and stun grenades) to quell a peaceful demonstration, which was just starting in São Paulo's East Zone. Various people were wounded, including at least three journalists who were covering the demonstration. There is also evidence that, on the same day, the Military Police in **Rio de Janeiro** used excessive force and less-lethal weapons (tear gas) to disperse a peaceful demonstration that was approaching the Carioca Aqueduct. Some peaceful demonstrators were detained, but all of



them were released the same day. One of those detained was later remanded in custody (on 18 July) on the accusation of criminal association.

In **Belo Horizonte (Minas Gerais)**, on 14 June, the Military Police reportedly cordoned off the area around Sete de Setembro Square, preventing people from joining the main demonstration and restricting people's right to protest. On that day, there seemed to be a disproportionate police presence, with accounts indicating that there were six Military Police officers to every demonstrator. On 23 June, a court decision determined that the Minas Gerais Military Police should not prevent the holding of public demonstrations and prohibited it from using demonstrator kettling tactics, but the decision has since been repealed.

In **Fortaleza (Ceará)**, on 17 June, the Military Police is said to have used excessive force and intensive use of less-lethal weapons to disperse a demonstration, disregarding the recommendations issued by the Public Prosecution Service. There are reports of demonstrators being searched and detained at random and without justification, and of police officers recording demonstrators' details during the protests. Members of social movements and activists were summoned to give statements on the same day and at the same time as a protest was scheduled in the city. A 15-year-old boy was reportedly assaulted by police then handed over to a crowd which proceeded to attack him further. He sustained several wounds to the face and body, but managed to escape and seek the support of journalists and a lawyer who were in the vicinity. The National Network of People's Lawyers (RENAP) has lodged complaints with the Public Prosecution Service and the Military Police Complaints Commission.

There is strong evidence that, in **Recife (Pernambuco)**, on 17 June, Military Police used excessive force and less-lethal weapons (rubber bullets, tear gas, pepper spray) to clear José Estelita Wharf. Around 100 people had been occupying the space since mid-May in protest against the urban development plans proposed for the site. The demonstrators were in negotiations with the local authorities, with the involvement of the Public Prosecution Service, and had been assured that 48 hours' notice would be given in the event of repossession of the site. There is evidence of demonstrators being wounded during the eviction and reports of equipment being confiscated and the camp being destroyed. Some occupiers were arrested on the accusation of forming a gang, but have since been released. The eviction resulted in 35 reports of police violence to the Public Prosecution Service, which is investigating the case. Some 40 people continue to occupy the outer part of the wharf and say that they are still suffering intimidation.

In **Rio de Janeiro**, during a demonstration on 20 June, four demonstrators were reportedly detained by the Military Police merely for having masks in their backpacks and one member of an independent media collective is said to have been detained for carrying an external mobile phone battery, which the Military Police claimed was an explosive device. They were all later released.

In **São Paulo**, on 23 June, as a demonstration that had taken place peacefully was dispersing, Civil Police officers arrested two demonstrators, student Fabio Hideki Harano and teacher Rafael Lusvarghi. A habeas corpus application was denied and, as of 24 July, both of them continued to be held on remand on the charges of carrying explosive materials, criminal conspiracy and incitement to violence. Both deny the charges and there are witnesses who state that the police fabricated the alleged crime of possession of explosive materials.



On 25 June, the São Paulo Military Police reportedly prevented people from joining a protest and blocked its route as it was starting near São Paulo Museum of Art (MASP). The protest was against the arbitrary arrests that have occurred in recent demonstrations.

On 1 July, two lawyers, Daniel Biral and Silvia Daskal, were detained and assaulted by São Paulo's Military Police after questioning a police officer about her lack of identification during public order operations. The lawyers were attending a public meeting with around 500 other people at Praça Roosevelt in the city of São Paulo, to discuss and protest against the abuses committed by São Paulo Military Police and Civil Police during recent protests. In the attempt to break up the peaceful gathering and demonstration, Military Police used excessive force, including deploying tear gas, rubber bullets and pepper spray against demonstrators and journalists from short range.

In **Rio de Janeiro**, on 12 July, the temporary imprisonment for five days of more than 20 people was ordered. 19 people were arrested and two minors were detained. The Civil Police justified the arrests by saying that there was evidence that the persons in question were planning to commit crimes the following day, the final day of the World Cup, during a protest that had been scheduled. Those arrests on the eve of the protest seemed to replicate a pattern of intimidation that had already been identified before the start of the World Cup, when demonstrators were taken to give statements in the lead-up to protests planned in the city.

On 13 July, Rio de Janeiro's Military Police suppressed a peaceful protest in Sáens Peña Square (near Maracanã Stadium), using unnecessary and excessive force, including less-lethal weapons. The number of Military Police policing the protest was disproportionate and much greater than the number of demonstrators. The police officers formed a cordon around the square and prevented the demonstrators from marching. Although the demonstration was peaceful, police used tear gas, rubber bullets, stun grenades and pepper spray to disperse the demonstrators, resulting in several people being injured, including journalists. Police also beat demonstrators with truncheons, including 27-year-old astronomer Loloano Silva, whose left arm was broken and required surgery. The Military Police blocked access to the square for some hours, preventing the demonstrators from leaving and other people from reaching the area. A few days later, a Military Police inquiry was opened to investigate possible abuses committed by four military police officers on 13 July.

In the course of the week, the demonstrators arrested on 12 July were granted habeas corpus. However, some of them were not released. On 18 July, a judge issued a preventive arrest warrant for 23 people accused of forming a gang. The temporary imprisonment of 21 of them had been ordered on 12 July. On 23 July, a chief judge granted a habeas corpus to those under arrest, which will enable them to respond to the charges in freedom. The judge in question mentioned that he had encountered difficulties gaining access to the police inquiry containing the investigation documents on which the application for the arrest warrants had supposedly been based.

Use of firearms during protests

There is strong evidence that police officers used **firearms** during the demonstration on 15 June in **Rio de Janeiro**. A group of people were protesting against the World Cup in the vicinity of Maracanã Stadium and, as police tried to contain the demonstration, firearms were reportedly discharged by a uniformed Military Police officer and a plain-clothes Civil Police officer. In **São Paulo**, on 23 June, as another demonstration against the World Cup



was dispersing, a teacher is said to have been accosted by several plain-clothes police officers who attempted to arrest him without giving plausible reasons. To scare off other protesters who were trying to prevent the arrest of the demonstrator, a Civil Police officer reportedly shot a firearm into the air several times.

In **Rio de Janeiro**, on 25 June, two people – one of whom was a 14-year-old girl – appear to have been wounded after Military Police used firearms during a protest in the district of Quitanda, in the neighbourhood of Costa Barros. This spontaneous protest was a reaction by local residents to an operation of the 41st Battalion of the Military Police in the area, which resulted in the death of a boy aged just three years, who died one hour after being shot in the head.

Identification of police officers: Although the majority of police officers use identification badges, there is evidence that, on more than one occasion, Military Police officers in Rio de Janeiro and São Paulo – especially members of the riot police – have not been wearing identification during demonstrations.

Conclusions and recommendations:

All reports of use of excessive force by security forces policing protests must be immediately investigated, in an impartial and independent manner, and the competent authorities must take appropriate administrative or penal measures.

The police and other security forces involved in policing protests must not use firearms or lethal ammunition, as the only circumstances in which the use of such weapons is acceptable is when there is an imminent threat of death or serious injury. Any incident in which there is proof or reasonable evidence that firearms were used must be immediately and impartially investigated.

The police and other security forces, including the military, which are responsible for policing protests must ensure that their members can be individually identified during law enforcement operations, by means of visible identification badges stating their name or number. If protective equipment is used in such a way that it conceals the officers' individual identification, another means of clearly identifying officers must be used.

3) Intimidation of demonstrators

Overview:

In **São Paulo**, on 30 May, various members of the Free Fare Movement (MPL) were summoned to give statements at a police station on the same day and at the same time as a protest criticizing the World Cup had been scheduled. The police inquiry aimed to frame them for the crime of forming a gang. None of those summoned went to give their statements, as they identified the move as a way of intimidating them and discouraging them from taking part in the protests, as some of them were summoned simply for having participated in previous demonstrations or for "liking" certain pages on social networks.

In **Brasília (Distrito Federal)**, members of the People's Committee of the World Cup (Comitê Popular da Copa) report having been approached, on 10 June, by persons claiming to be from the Electoral Court, to confirm personal details and routine information. The Electoral Court has stated that it does not use this type of approach or method to confirm and update its records. Therefore, the members of the Committee, which organizes protests



criticizing the World Cup, believe that they have been the target of an intimidation tactic in the lead-up to the event.

In **Rio de Janeiro**, on 11 June (one day before the start of the World Cup), around 20 people were taken by agents of the Cyber Crime Prosecution Department to give statements and information about supposed acts of violence during protests in 2013. One of those people is Elisa Quadros, who, on the afternoon of that same day was due to give evidence in proceedings against Major Fábio Pinto Gonçalves and First Lieutenant Bruno César Andrade Ferreira on charges of coercion.

In **Curitiba (Paraná)**, 26 people received a summons to report to the Regional Superintendency of the Federal Police of Paraná on 16 June to provide information. Many of them had been involved in organizing public demonstrations or had expressed opinions on online social networks. Demonstrations criticizing the World Cup had been scheduled in the city of Curitiba on that same date. A police inquiry was set up and people were summoned to give statements, without there being any actual crime to investigate. Reference, in the case, to the National Security Act, which was established during the military regime and includes the crime of "subversion of the political or social order", is entirely inappropriate for a democratic context of popular demonstrations.

Conclusions and recommendations:

Amnesty International expects that demonstrators are not subjected to any kind of intimidation or reprisals. The summoning of potential demonstrators to provide information, for no apparent plausible reason, on days when protests have been planned, could be construed as an attempt to restrict the rights of freedom of expression and peaceful assembly. We urge the Federal Police, the Civil Police and the competent authorities not to use any form of intimidation against potential demonstrators.

The Brazilian authorities must ensure that people are not detained or prosecuted simply for exercising their right to peacefully participate in public demonstrations.

4) Violence against journalists and curtailment of press freedom

Overview:

In **São Paulo**, on 12 June, a journalist from the international news network CNN and at least two other journalists who were covering the demonstration were wounded after Military Police used excessive force and less-lethal weapons to disperse the demonstration, which was taking place peacefully.

In **Belo Horizonte (Minas Gerais)**, on 12 June, Karinny de Magalhães, a member of the Ninja Media (Mídia Ninja) collective, was covering a demonstration when she was detained by the Military Police and taken, unlawfully, to a Military Police barracks (6th Company) on the charge of causing damage to a police vehicle. However, at the time the damage was caused, Karinny had been broadcasting images live from a location some way from the scene of the incident. She claims that she was subjected to physical and psychological violence, and was beaten by police officers until she lost consciousness. She was held in custody for two days, being released on 14 July.

In **Rio de Janeiro**, on 12 June, two members of the independent media collective Mariachi were assaulted and detained by Military Police while covering a protest in Copacabana. They were released the same day.



Also in **Rio de Janeiro**, on 15 June, the journalist Vera Araújo, from O Globo newspaper, was detained by the Military Police on grounds of “contempt of authority” for filming police officers as they detained an Argentinian football fan. After putting Vera Araújo in their vehicle, the officers did not go directly to the police station to register the case, but instead drove around various neighbourhoods (Benfica, São Cristóvão and Jacaré) for over an hour. During that time, the Military Police sergeant confiscated the mobile phone of the journalist, who was trying to contact Military Police representatives and her newspaper to explain the misunderstanding, and handcuffed her. Vera Araújo lodged a complaint of “abuse of authority”. In a statement, the Military Police said that the sergeant in question “will be held in administrative custody at the barracks where he is stationed”.

Evidence and reports released by ABRAJI (Brazilian Association of Investigative Journalism) indicate that, during the World Cup, at least 18 journalists were assaulted while working in cities including São Paulo, Porto Alegre, Rio de Janeiro, Belo Horizonte and Fortaleza. One of these cases, in Belo Horizonte, appears to have been an attack by demonstrators.

In Rio de Janeiro, on 13 July, the last day of the World Cup, at least 15 journalists, photographers and filmmakers (Brazilian and foreign) working during a protest in Sáens Peña Square were assaulted by Military Police officers. Some of them had their equipment broken.

Conclusions and recommendations:

Press freedom is a fundamental element of defending human rights. Members of the press and other media - whether large outlets or independent media activist collectives - must be guaranteed security and freedom while covering protests and must be respected by both police and demonstrators. Cases of assaults or and/or kettling of journalists and members of the press and media must be immediately investigated and those responsible held to account.

The police and other security forces must allow journalists, including individuals taking photographs and recording video footage, to work freely and without interference.

6) Access to legal assistance and advice

Overview:

Lawyer's privilege: In São Paulo, on 25 June, the lawyer Benedito Barbosa was detained and says that he was assaulted by Military Police officers while acting in his professional capacity during an eviction process at a squat in central São Paulo. The lawyer, who was reportedly prevented from accompanying his clients, became involved in the case after receiving a complaint that the police had behaved abusively and that the families were being prevented from overseeing the removal of their property. The São Paulo branch of the Brazilian Lawyers' Association is investigating the infringement of legal professional privilege in this case.

In Rio de Janeiro, FIFA's refusal to grant the Public Defenders' Office unlimited access to the official competition venues, particularly Maracanã Stadium, compromises the Office's ability to guarantee the right to full legal assistance and prevent possible abuses or rights violations on match days.



Lawyers defending demonstrators arrested in Rio de Janeiro on 12 July also report not having been given access to the police inquiry, which they claim compromised the right to a full defence of the accused.

On 23 July, newspapers in Rio de Janeiro that had access to the police inquiry published the information that (court-authorized) telephone tapping of at least ten lawyers acting in defence of demonstrators had taken place. The telephone line of the Institute of Human Rights Defenders (DDH), an organization that provides legal assistance not only to demonstrators but also to victims of human rights violations and abuses by the State, had also been tapped. Legal experts and the Brazilian Bar Association have spoken out against this, condemning the breaking of the lawyers' telephone secrecy.

Conclusions and recommendations:

The authorities must ensure that all persons detained during protests have full access to legal advice and assistance, and that lawyers are able to perform their professional role without intimidation, obstruction or improper interference. Prior to and during the World Cup, Amnesty International requested that the Public Defenders' Office be granted full authorization to act in all stadiums hosting World Cup matches.

Surveillance of lawyers' communications constitutes an interference with the rights to privacy, freedom of expression, and access to justice. Targeted surveillance is only justifiable when it is carried out in accordance with the law, is strictly necessary to meet a legitimate aim (such as fighting serious crime) and is conducted in a manner that is proportionate to that aim.

5) Blanket ban on the use of masks during protests

Overview

On 4 July, the Legislative Assembly of São Paulo State approved a bill that establishes a blanket ban in that State on the use of masks during protests. On 11 June 2014, the Legislative Assembly of Minas Gerais State approved a bill that restricts the use of masks during protests, although the approved text states that the restriction may only be applied in the event of a "well-founded concern of the use of camouflage with the intention of engaging in vandalism or other types of crime, in the view of the competent authority". In the State of Rio de Janeiro, the use of masks during protests has been banned since September 2013, following the approval of the corresponding State Law. The Brazilian Bar Association (Rio de Janeiro section) has stated that the law is unconstitutional as "the use of masks cannot be banned *a priori*, although police officers may ask suspicious individuals to show their identification and remove their masks". In other States and in the National Congress, there are various bills banning the use of masks during demonstrations.

Conclusions and recommendations:

To the extent that these laws and legislative proposals ban masks that are worn for an expressive purpose, they raise serious concerns under the right to freedom of expression.



Actions of Amnesty International since the launch of the "No foul play, Brazil" campaign

From 8 May to 21 July, the online campaign petition (www.aiyellowcard.org) was signed by more than 140,000 people worldwide.

On 5 June, Amnesty International organized an action in Brasilia to mark the partial delivery of the signatures gathered by that date (87,000) together with the "They use a strategy of fear" report, which was released the same day. Neither the Brazilian presidency nor the President of Congress received the organization's representatives, so the signatures and report were instead submitted via an official procedure.

Amnesty International sections in other countries (Spain, Netherlands, Chile, Italy, Paraguay) also organized actions on 5 June outside the Brazilian Embassies in their countries. The Amnesty International representatives were not received by the Embassy representatives either, to deliver the signatures and report. Other campaign actions, such as photos of people giving Brazil a "yellow card" for the repression of protests, have been happening in various countries since the launch of the campaign. The promotional video for the campaign, available in four languages, has already been viewed 260,000 times.

In Brazil, before the start of the World Cup, Amnesty International sent official letters to the Governors and Security Secretaries of the 12 states that would be hosting matches, expressing our concerns about the conduct of the police during possible protests and enclosing the following documents: Good practice guidelines when policing demonstrations, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms. Other official letters, requesting clarifications and actions, and setting out recommendations, were sent to authorities in Rio de Janeiro and São Paulo, the Federal Government, the National Congress and the Federal Police.