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Brazil: Amnesty International welcomes progress towards ending impunity for killings by police

Amnesty International welcomes the new resolution passed by the Council for the Defense of Human Rights, under the presidency of the National Secretary for Human Rights, on 28 November, calling on states to stop registering all killings committed by police as “acts of resistance” or “resistance followed by death” and defining them as “death due to police intervention”.

Crucially, the resolution specifies that the legitimacy of a killing committed by a police officer can only be verified following the ‘most ample criminal investigation and in the course of a criminal prosecution.’ It then recommends that all such killings be investigated and that the scene of the killing, all the evidence should be submitted to a full forensic examination and that regular state and national statistics on killings by police be published.

“The use of terms like ‘acts of resistance’ has served to legitimize police violence, especially against young black men living in the favelas and slums of Brazil’s cities,” said Atila Roque, Executive Director of AI Brazil.

While Amnesty International recognises the police’s right to self defence, registering all police killings as ‘acts of resistance’ as a matter of course potentially turns victims into aggressors preempting any investigation. The few investigations that do take place are rarely thorough or impartial, which has created a culture of impunity. At the same time this has served to place police in the front line at greater risk of attack from armed criminal gangs.

The resolution comes following recommendations by the UN Human Rights Committee, the UN Special Rapporteur on extrajudicial executions, local and international NGOs as well as by the Brazilian government’s own current human rights plan. In 2007, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston described the practice of registering killings as acts of resistance as “constituting a carte blanche for police killings”.

This new resolution has to now be translated into practice. It is essential that all state governments abolish the use of the terms ‘resistance followed by death’ and ‘acts of resistance.’ In addition it is imperative that the authorities ensure the effectiveness and impartiality of all investigations into these killings. To this end they should create an independent body to investigate all killings involving police officers, to ensure the provision of swift and transparent justice.