

Letter nº 13/2013

Rio de Janeiro, July 12<sup>th</sup> 2013.

Mr. Christof Heyns - UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions  
C/c Working Group on Arbitrary Detention (WGAD)  
C/c Office of the High Commissioner for Human Rights CH-1211, Geneva, Switzerland

Via e-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Ref: Information regarding human rights violations in Rio de Janeiro occupied “favelas” - the case of the “Unidades de Polícia Pacificadora” (Police Pacifying Unit) and recent killing during the protest season in Brazil.

Dear Special Rapporteur,

Global Justice, together with Manguinhos Social Forum (Fórum Social de Manguinhos), the Human Rights and Citizenship Defense Committee of the State Assembly of Rio de Janeiro and the Office of the City Councilor Renato Cinco hereby present information regarding to the human rights violations taken place in Rio de Janeiro “favelas” where the Police Pacifying Units (Unidade de Polícia Pacificadora or UPPs) where installed. This report presents the current daily life of the territories occupied by the Military Police in Rio de Janeiro, through its UPPs project. It also narrates representative cases of human rights violations that took place after the installation of the first UPP in “favela” Santa Marta, in December 2008.

In order to analyze different obstacles in the struggle against institutional violence, that still characterize public safety proposals and policies in Rio de Janeiro State, we chose to focus on actions and situations identified as the main barriers to uphold human rights of those who live in the territories occupied by the military forces. We consider the acts and violations here reported as systematic and as being inseparable of the “pacifying” governmental projects, led by the Rio de Janeiro's process of urban restructuring as a city-host of mega events.

### **Background**

Global Justice carried out a study on human rights violations and police activity in “favelas”. The study analyzes the current situation on the territories that are occupied by the Rio de Janeiro State Military Police, mainly through the so-called UPPs (“Unidades de Polícia Pacificadora” - Policy Pacifying Unit), and contains emblematic murder cases carried out by UPPs officers. Additionally, it

contains a description of recent and serious facts that took place in Maré<sup>1</sup> (a complex of “favelas”) during June 24<sup>th</sup> and 25<sup>th</sup>, when the police executed ten (10) people.

The police officer that commanded this operation<sup>2</sup> in ‘Favela da Maré’ last month is same one involved in the Wallace de Almeida's extrajudicial execution carried out in 1998. The case (12.440 Wallace de Almeida v. Brazil) was presented by Global Justice to the Inter-American Commission on Human Rights (“IACHR” or “Commission”) in 2001. The Commission admitted and decided the case in 2006 and published its decision in 2009<sup>3</sup>. Wallace was a young black army soldier that was murdered fifteen years ago at “Morro da Babilônia” - another “favela” in Rio de Janeiro. The police officer accused of participating in the killing of Wallace was promoted in the carrier and was in charge of the above-mentioned police operation in Maré. This is a clear proof that the State chooses not to sanction the ones responsible for gross human rights violations, but instead rewards them.

Rio de Janeiro is going through a very peculiar moment. Especially due to the preparations for the present and forthcoming mega-events planned to take place in the city of Rio de Janeiro<sup>4</sup>. These preparations and the mega events themselves have been used as an excuse to promote and perpetrate human rights violations. Rio de Janeiro has been going through an extensive urban transformation characterized mainly by the disproportional impact suffered by the poor communities. This process of urban transformation includes state interventions aimed at imposing discipline and control over populations through the excessive use of force and increasing militarization. These strategies to keep control over the population are part of a political scenario marked by discourses pushing for moralizing actions<sup>5</sup>.

### **Human Rights Violations in Maré's “Favelas”**

On June 24<sup>th</sup> and 25<sup>th</sup>, different Rio de Janeiro State Military Police units occupied the Maré's “Favelas”. Among them was the Military Police Special Operation Squad (known as Bope). The equipment used by Bope during the operation is considered war-only weaponry, including helicopters, assault rifles and an armored vehicle for military operations called “caveirão” (literally

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<sup>1</sup> The Mare is a complex of Favelas that up to this moment still do not have a UPP installed. However, due to the seriousness of the acts and also to the fact that the Rio de Janeiro Government has announced that intends to install a UPP in that territory, the petitioners decided to include these facts in the present report. Please visit <<http://g1.globo.com/jornal-da-globo/noticia/2013/06/governo-do-rio-de-janeiro-diz-que-instalara-upp-no-complexo-da-mare.html>> (only in Portuguese) to see the government’s intention to install the UPP.

<sup>2</sup> Please visit <<http://g1.globo.com/videos/rio-de-janeiro/rjtv-1edicao/t/edicoes/v/major-do-bope-fala-sobre-operacao-na-mare/2654094/>> (only in Portuguese) to see the interview of the commander of the operation speaking about how the operation was carried out.

<sup>3</sup> IACHR. Case 12.440. Wallace de Almeida v. Brazil. Admissibility and Merits (Publication) Report. 2009. Paragraphs 17 and 182. Available at < <http://www.cidh.org/annualrep/2009eng/Brazil12440eng.htm>>.

<sup>4</sup> This city has just hosted FIFA's Confederation Cup, its currently receiving the Pope for the World Youth Journey, will host 2014 World Cup and 2016 Olympic Games.

<sup>5</sup> As was the case during the “Operação Rio”, in late 1994, through an agreement between Federal Government and Rio de Janeiro State Government for Army and Military Police coordinated action. The operation aimed to fight drug trafficking and to eliminate criminal gangs. It consisted in mission to the “favela” territories. The operation became famous because of its excesses. Torture, arbitrary detentions, excessive use of lethal force and other were common.

translated as big skull)<sup>6</sup>. This military occupation took place just after a social protest in the neighborhood of Bonsucesso calling for the reduction of the bus fare. The same kind of public manifestation was taking place all over Brazil since June 6<sup>th</sup>. The police action led to the death of one of Maré inhabitants on the night of June 24<sup>th</sup>. A police sergeant also got killed and the police brutality increased dramatically with nine other killings by the police. This indicates that these deaths are likely to be a response by the police officers to their colleague's death.

Legitimate expressions of popular indignation have been distorted and also used as an argument to justify violent operations and military occupations. It has been the "*modus operandi*" against people protesting on the streets or in "favelas" and ghettos. Maré's "Favelas" occupation showed, once more, the perverse side of the state authorities' typical argument to continue its historical practices towards the "favelas", its population and popular resistance. By claiming to be repressing a possible wave of violence, the State used excessive force against Maré inhabitants –sadly, a usual practice towards those who live in "favelas".

Also in these last events, the execution of the favela inhabitants was reported as being the result of confrontation between police officers and drug dealers. It is important to point out that this is the typical way used by the police to describe the deaths that result from the operations, in an attempt to legitimize its actions. Recognizing the severity of these practices, the Council for the Defense of the Rights of the Human Person (Conselho de Defesa dos Direitos da Pessoa Humana - CDDPH) issued, in December 2012, its Resolution n°8, recommending the end of the generic name known as "auto de resistência" e "resistência seguida de morte" (resistance and resistance followed by death<sup>7</sup>) and proposing the use of the term "death as a result of police intervention" or, when the case calls it, "physical injury as a result of police intervention". Inhabitants of the "Favelas" like the entire population have the right to protest in public, organize themselves and to occupy public space. However, in order for that to happen, these kinds of police killings cannot happen. The right to life continues to be systematically violated in Rio de Janeiro "favelas" and ghettos, as well as in other cities across the country. All of them have been suffering with an historical process of criminalization and social segregation.

Different street protests are taking place all over the country and intensively in Rio de Janeiro. In these last weeks, police brutality became the rule and the population experienced a *de facto* state of siege while a multitude was assaulted in the streets. On the June 20<sup>th</sup> protest, with around one million people on the streets, the state mobilized its Military Police that made indiscriminate use of the so-called "non-lethal weapons" (meaning pepper spray, tear gas and rubber bullets). The operation counted with the Special Operations Squad, Police on Horse Back, Dogs' Squad and the National Security Forces. The result was intense violence against the people and spreading terror across the city. The situation was noted by the Inter-American Commission on Human Rights, that, on June 20<sup>th</sup>, issued the press release n° 44/13 in which the body expresses its concern with the aggressions and arbitrary detentions of protesters, and also highlights that the use of force during public

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<sup>6</sup> Rio de Janeiro Military Police has three types of armored trucks, adapted to military operation: "Caveirão", "Paladino" (Paladine) and "Pacificador" (Pacifier). They were made to resist heavy weaponry and bombs. They all have lateral shooting slots and a 360° shooting tower. Amnesty International, AI: AMR 19/007/2006, Brasil "Vim buscar sua alma": O Caveirão e o Policiamento no Rio de Janeiro, p. 2, London, 2006.

<sup>7</sup> Free translation from Portuguese original.

manifestation must be an exception and only under extremely necessary circumstances, as demanded by international human rights standards.

### **Murders Cases in UPP Areas:**

Four years after the installation of the first Policy Pacifying Unit (UPP), there are today 32 units distributed unevenly through the 26 city regions: two located in the West Zone (Batan and Cidade de Deus); five in the Central Area (Escondidinho/Prazeres, Fallet/Fogueteiro/Coroa, Providência, Caju and Barreira/Tuiuti); thirteen in the North Area (Andaraí, Borel, Penha Complex, Alemão Complex, Formiga, Macacos, Mangueira, Salgueiro, Turano, São Carlos, São João/Matriz/Quieto, Manguinhos and Jacarezinho); and six in the South Region (Chapéu Mangueira/Babilônia, Pavão-Pavãozinho/Cantagalo, Rocinha, Santa Marta, Tabajaras/Cabritos and Vidigal)<sup>8</sup>.

Each Police Pacifying Unit has distinct ways of operating: routine activities of police officers and the way in which they interact with the residents of the occupied “favelas” are commonly connected with, among other things, political stances and military moral codes (either by high or low ranking officers). The relations between police forces and local residents, however, have something in common across the different teams and UPPs; they are tied to a relationship historically characterized as authoritarian and repressive – mainly through the Military Police – in its interactions with these populations. These arbitrary actions deeply affect the daily lives of individuals living in the “favelas”. The police occupation of the “favelas” shows excessive militarization, repression and surveillance, characterized by curfews and the criminalization of cultural activities. The State Public Safety Secretary, regulates events in the occupied territories through its Resolution nº 013. Although this resolution dates from January 2007, its present form has its origins in legislation created during the Brazilian dictatorship. The resolution transfers this control to the hands of the military police commander and civil police chief, giving them power over an area that was never within the governance sphere of the Public State Secretariat, and much less of the Military Police<sup>9</sup>.

The current political climate is marked both by the return of moralizing and civilizing actions and discourses and simultaneously by governmental interventions that impose discipline and control over populations through the excessive use of force and investments in militarization. The aggressive and violent practices by the military police should be denounced. Searches and other routine activities in militarily occupied territories are commonly characterized by the excessive use of force, which

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<sup>8</sup> The division of these 26 units doesn't correspond to the geographical limits of a said “favela”. In the area named as Alemão Complex, for example, today, we have four units – Nova Brasília, Fazendinha, Alemão and Adeus/Baiana. Here, we present the territorial division and the state naming to refer to these different units. More information is available at <<http://www.upprj.com/>> and <<http://www.uppsocial.org/territorios/>>. It is important to point out that on April 29th, the Cerro-Corá, Guararapes and Vila Cândido “favelas”, located in the South Area, were occupied by military forces in order to prepare the installation of new UPPs.

<sup>9</sup> “Paragraph – Considering the nature and type of the event that is to be held, the authorities mentioned in this Resolution can require, exposing its reasons, other requirements in order to preserve the personal and property integrity, and ensure the repression of criminal activities. Likewise, these authorities can suppress, presenting its reasons, some requirements, considering the minimal degree of risk to public safety and the nature of the artistic, social and/or sport event of small or medium size, in respect to the proportionality principle.”

unleashes reactions by the residents that are framed as contempt of authority<sup>10</sup> or the crime of disobedience<sup>11</sup> – producing a significant increase in the number of arbitrary detentions and arrest threats. Equally important is the fact the state agents that work in the UPPs oftentimes work without proper identification or even uniforms.

We highlight, as well, the indiscriminate use of so-called “non-lethal” weapons by the police forces working in the UPPs. These weapons, when not provided by the police authority, is purchased by individual police officers who believe they are essential to his or her work in the occupied “favelas”. The residents of the “favelas” denounce incidents in which pepper spray is used by police officers - against even children - poisoning them and causing allergic reactions. The highest degree of severity in the use of these so-called “non-lethal” weapons took place in Manguinhos “favela”, where a taser killed Mateus Oliveira Casé, 17 years old, as presented in the next part of this report.

*André de Lima Cardoso Ferreira, Pavão-Pavãozinho – June 6<sup>th</sup>, 2011*

On the morning of June 12, 2011, André de Lima Cardoso Ferreira, was walking to lunch and was approached by police officers of the Pavão-Pavãozinho/Cantagalo UPP in a back alley inside the “favela” where he lived. According to resident's accounts, the officers were not wearing uniforms and appeared to be under the influence of alcohol. André was immobilized by the officers, who threw him on the ground and kicked him, while verbally harassing him. After the beating, they released him, waited until he had taken some steps and shot him point-blank in the back, and then fled the scene. André was taken to the hospital by other residents, but he did not survive.<sup>12</sup>

André was 19 years old, worked at a supermarket and his girlfriend was eight months pregnant.<sup>13</sup> The report written by the officers involved stated that there had been a shooting, which led to the first “resistance” killing or act of resistance (“auto de resistência”)<sup>14</sup> by UPP officers. After investigations began, the shooting version did not hold up and the police officers Paulino Mendes Ferreira e Diego Goulart were prosecuted by the Public Prosecutor, charging them with murder. The judge accepted the charges in November 2011<sup>15</sup>, but the case is still on its hearing's phase. Even after André's murder, the conduct of the local UPP police officers continues to be characterized by arbitrary actions and violations that have been denounced by the residents through available channels, specifically through the Human Rights Bureau of the Public Defense Officer<sup>16</sup>.

The UPP that covers the “favelas” of Pavão, Pavãozinho and Cantagalo was established on December 23rd, 2009.

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<sup>10</sup> Article 331 of the Brazilian Penal Code: “Disrespecting a public officer in the exercise of his or her job or because of it”.

<sup>11</sup> Article 330 of the Brazilian Penal Code “Disobeying a public officer legal order.”

<sup>12</sup> See <<http://www.estadao.com.br/noticias/impresso,familia-contesta-versao-de-pm-para-morte-em-favela-pacificada,733037,0.htm>> and <<http://www.redecontraviolencia.org/Casos/2011/814.html>>.

<sup>13</sup> See <[http://www.youtube.com/watch?v=vWgqp\\_OJLw](http://www.youtube.com/watch?v=vWgqp_OJLw)>.

<sup>14</sup> “Auto de resistência” is the name of the official document written by the police in cases of police killings when, allegedly, the person killed was resisting police action.

<sup>15</sup> See <<http://www.redecontraviolencia.org/Noticias/885.html>>.

<sup>16</sup> See <<http://rioonwatch.org/?p=3764>>.

*Jackson Lessa dos Santos, Morro do Fogueteiro – June 6<sup>th</sup>, 2012*

On the afternoon of June 07, 2012, Jackson Lessa dos Santos was murdered by military police officers in Fogueteiro “favela” in front of a bar where he had gone to buy food at the request of his wife. According to eye-witnesses, the officers came from an alley already shooting and as they approached Jackson, they shot him from a short range. The shots were fired in the direction of the victim’s face. Another inhabitant present at the time from the Coroa “favela,” a nearby community, found a part of the victim's dental arch. Police officers removed Jackson’s body from the scene and took it to Souza Aguiar Hospital, alleging that they were trying to provide aid for the victim. It was evident, however, that Jackson was already dead and that this action was an example of a common practice by the Rio de Janeiro State Military Police in similar situations: tampering with the crime scenes in order to prevent proper forensic inspections and investigations necessary for a criminal prosecution.<sup>17</sup>

Jackson was 20 years old, married, with three children. He worked as a mechanic and helped his father in a construction site in the “favela”. Upon hearing the gunshots, his father tried to approach the scene, but was prevented by the police officers who threatened him with their rifles and pistols<sup>18</sup>. The official announcement by the Pacifying Police Coordinating Office claimed the incident was a shooting and that the victim was found with a 9mm weapon, a radio transmitter and drugs (crack, marijuana, cocaine and hashish)<sup>19</sup> by the police.

On June 12, an independent forensic inspection of the crime scene, observed by the Public Defense Office of Rio de Janeiro, proved that Jackson was executed<sup>20</sup>. “They are not coming to bring peace. They are coming to strike terror.”, said one of Fogueteiro residents, during a news coverage of the inspection. The case is currently being watched over by the Human Rights Council of the State of Rio de Janeiro and by the Human Rights and Citizenship Defense Committee of the State Assembly of Rio de Janeiro.

The UPP that covers the “favelas” of Coroa, Fallet and Fogueteiro was installed on February 25, 2011.

*Thales Pereira Ribeiro D’Andrea, Fogueteiro – June 6<sup>th</sup>, 2012*

On the night of June 25, 2012, a grey van entered the Fogueteiro “favela” with about ten police officers of the BOPE (Special Operations Squad of the Military Police) and, upon arriving at Maria Carreira Avenue, they opened fire. Two young dwellers were hit: Thales Pereira Ribeiro D’Andrea, 15

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<sup>17</sup> See <<http://odia.ig.com.br/portal/rio/corpo-de-mec%C3%A2nico-morto-no-fogueteiro-%C3%A9-enterrado-1.450352>> and <<http://www.redecontraviolencia.org/Noticias/854.html>>.

<sup>18</sup> See <<http://anovademocracia.com.br/blog/?p=3736>>.

<sup>19</sup> See <<http://oglobo.globo.com/rio/familia-acusa-policia-de-executar-mecanico-na-upp-do-fogueteiro-5154082>>.

<sup>20</sup> See <<http://anovademocracia.com.br/blog/?p=3736>>.

years old, and Wesley Abilio de Barros, 17 years old. Thales was hit in the groin and chest, dying at the scene. Wesley was also hit, but survived the wounds<sup>21</sup>.

Thales had just exited a cyber cafe, stopped at a snack bar and met with Wesley in his way home. Some residents were told about the operation upon the officer's arrival by the BOPE squad. One resident said that she heard two sentences that express the cruelty of the agents involved in the operation: "Today, we are going to make a lot a mothers cry. Today is war."<sup>22</sup> The Military Police, through an official statement, declared that the BOPE operation in Fogueteiro on that day was a result of an anonymous complaint regarding drug trafficking in the area. It did not clarify who had activated the squad or authorized the operation.<sup>23</sup>

Since Fogueteiro already had a UPP installed, the BOPE operation made even more clear the weaknesses of the “pacifying” program put forth by the State Administration of Rio de Janeiro. The possibilities of intervention by different military police units – be it by the BOPE, Riot Contention Squad or local battalions – or by Civil Police Units, like the Special Resources Coordinating Body (CORE), in the territories that already have a UPP, is another element in the body of uncertainties related to the governance regiments produced by the implementation of this “pacifying” project. This overlapping of different police bodies is being analyzed by the Human Rights and Citizenship Defense Committee of the Rio de Janeiro State Assembly, that is watching over the murder case of Thales Pereira Ribeiro D’Andrea.

The UPP that cover the “favelas” of Coroa, Fallet and Fogueteiro was installed in February 11, 2011.

### *Paulo Henrique dos Santos Benedito, Cidade de Deus – March 20<sup>th</sup>, 2013*

On Wednesday March 20<sup>th</sup>, 2013, Paulo Henrique dos Santos Benedito was shot in the head while driving a motorbike, in an area known as Laminha, in the Cidade de Deus “favela”. The shot was fired by a police officer working at the local UPP. According to Paulo Henrique’s neighbors, the officer approached a resident in a brutal manner, which led to a disturbance at the site. In response to the situation, one officer would have shot upwards and another towards Paulo Henrique<sup>24</sup>. In local news coverage, the residents were shown protesting against what happened and it showed Paulo Henrique’s jeans covered with blood<sup>25</sup>. The two officers were heard at the 32rd Precinct and insisted that there were a confrontation. According to them, Paulo Henrique was at the back of the motorbike and shot at the police officers, while they search a resident for drugs. Upon reacting to the shots, the officers shot the victim’s face<sup>26</sup>. A murder investigation was initiated in the 32rd Precinct and from

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<sup>21</sup> See <<http://extra.globo.com/casos-de-policia/os-policiais-nao-deram-tempo-de-ele-virar-homem-ele-mal-botou-bigode-chora-mae-de-menino-morto-no-fogueteiro-5329737.html>> and <<http://www.redecontraviolencia.org/Noticias/860.html>>.

<sup>22</sup> See <<http://extra.globo.com/casos-de-policia/pm-nao-explica-por-que-tropa-de-elite-precisa-entrar-em-area-pacificada-5337305.html>>.

<sup>23</sup> Idem.

<sup>24</sup> See <<http://extra.globo.com/casos-de-policia/pm-diz-que-motoboy-baleado-em-upp-da-cidade-de-deus-tinha-passagem-por-furto-mas-desmentida-pela-policia-civil-7902113.html>>.

<sup>25</sup> See <<http://videos.r7.com/jovem-e-baleado-na-cabeça-em-tiroteio-com-policiais-na-cidade-de-deus-rj-/idmedia/514a487ae4b069c7a23af161.html>>.

<sup>26</sup> Idem.

the beginning the civil police stated that the confrontation did not took place, discrediting the officer's version.<sup>27</sup>

Paulo Henrique was taken to Jacarepaguá's Emergence Care Unit and then to Lourenço Jorge Hospital, where he underwent surgery. Outraged by what happened, Cidade de Deus residents went to the Care Unit. Later, a group of about forty motorcycle workers staged a protest in solidarity to their neighbor and work colleague<sup>28</sup>. Paulo Henrique was 25 years old and married. He had a four years old son and worked double-shifts as an office assistant and motorcycle worker, to increase his house income. After the operation, he was transferred to Souza Aguiar Hospital and place in the Intensive Care Unit. He died on April 18<sup>th</sup>. The two police officers involved in the case were removed<sup>29</sup>, but there are no information regarding the legal procedures that should have being initiated.

The UPP covering Cidade de Deus was installed in February 16<sup>th</sup>, 2009.

### *Mateus Oliveira Casé, Manguinhos – March 17<sup>th</sup>, 2013*

Early on the morning of March 17<sup>th</sup>, police officers of Manguinhos' UPP approached Mateus Oliveira Casé, 16 years old, near Américo Júnior Square, in the Manguinhos' area know as Vila Turismo. Mateus was with a group of friends when the police car used by the local UPP stopped near them. One of the police officers who previously had a disagreement with Mateus said, "look what fell from my hand"<sup>30</sup>. Upon hearing that, Mateus ran, but was hit by a taser used by those officers. He was electrocuted and fell on the ground, hitting his head on the floor. The police officers said to a friend of his that Mateus would wake up in two hours and left without providing aid to the victim<sup>31</sup>. The residents of Vila Turismo brought Mateus to Manguinhos' Emergence Care Unit, where he died.

According to the Military Police, as stated by the press office for the UPPs, Mateus had been the target of a routine search. In this official statement there is a peculiar information regarding the use of taser weapons: "The information regarding police brutality is inadequate, since that UPP does not have this kind of equipment at its disposal. According to the Emergence Care Unit doctors, the youngster did not have any bruises relating to this weaponry."<sup>32</sup> This statement regarding the taser show the lack of control, not only of the UPP agents actions, but as well of the equipment being used by the police officers in their daily work in the occupied "favelas".

<sup>27</sup> See <<http://extra.globo.com/casos-de-policia/policia-civil-derruba-versao-de-pms-de-upp-descarta-troca-de-tiros-na-cidade-de-deus-7914192.html>> and <<http://odia.ig.com.br/portal/rio/pms-que-atiraram-em-rosto-de-homem-na-zona-oeste-t%C3%A0Am-armas-apreendidas-1.563509>>.

<sup>28</sup> See <<http://odia.ig.com.br/portal/rio/homem-%C3%A9-baleado-na-cidade-de-deus-e-moradores-protestam-1.563079>> e <<http://extra.globo.com/casos-de-policia/mae-de-motoboy-baleado-por-policiais-da-upp-da-cidade-de-deus-diz-eles-sao-uns-monstros-7902161.html>>.

<sup>29</sup> See <<http://extra.globo.com/casos-de-policia/morre-motoboy-baleado-por-policiais-da-upp-da-cidade-de-deus-8158259.html>>.

<sup>30</sup> Information provided to Global Justice by members of the Manguinhos Social Forum, after hearing reports from witnesses that where with Mateus at the time.

<sup>31</sup> See <<http://extra.globo.com/casos-de-policia/moradores-de-manguinhos-acusam-policial-de-upp-de-ter-matado-jovem-com-choque-pm-nega-7894149.html>>.

<sup>32</sup> See <<http://extra.globo.com/casos-de-policia/moradores-de-manguinhos-acusam-policial-de-upp-de-ter-matado-jovem-com-choque-pm-nega-7894149.html>>.

During our visit to Manguinhos and other occupied “favelas”, we saw some police officers carrying tasers, which are easily recognized by their yellow color – characteristics of the Taser X26, a specific type of “Electronic Control Apparatus”, popular because of its high “incapacitating power” of the victim<sup>33</sup>. If, as the official letter stated, that UPP did not had “this kind of equipment”, we can conclude that these weapons are being purchased privately by the officers and used on a daily basis without any kind of state control.

Mateus Oliveira Casé’s case reveals that this extralegal practice by the Military Police agents that work in these “favelas” is present not only in the use of non-lethal weaponry. During the resident’s protest after the announcement of Mateus death, officers used privately owned .40 gauge pistols, to fire against civilian population – which was recorded by a local TV news network<sup>34</sup>. Pepper spray, stunt bombs and physical violence were also used during the action<sup>35</sup>. During the protest, Mateus’ family and neighbors heard the police shouting at the women who were present, calling them “faveladas”<sup>36</sup> or “tramps” and saying that they should go back home<sup>37</sup>. A military police investigation was initiated and three of the officers involved in the action were removed<sup>38</sup>.

The UPP that covers Manguinhos’ area was installed in January 16<sup>th</sup>, 2013.

*Alielson Nogueira, Jacarezinho – April 4<sup>th</sup>, 2013*

During the night of April 04<sup>th</sup>, 2013, residents of Jacarezinho were protesting after a 10-year-old neighbor was hit in the face by a stunt bomb and in response to the arbitrary detention of two residents that were framed for “disrespecting authority” by police officers that worked at the local UPP.<sup>39</sup> The repression of the protest was characterized by violent assault and the use of firearms, including the shooting of three residents. One of them was Aliélson Nogueira, who was eating a hot-dog in the area known as Pontilhão. Aliélson was shot in the head and died at the scene. The residents surrounded his body in order to prevent the police from removing it and claiming to help the victim, but actually trying to prevent forensic investigation.<sup>40</sup>

Alielson, 21years old, lived in Jacarezinho for 5 years. He worked in a recycling warehouse and his girlfriend was three months pregnant<sup>41</sup>. After his death, the protest, that had begun earlier, grew and was repressed through the use of stunt bombs. There are also reports and video recording showing the

<sup>33</sup> See <<http://br.taser.com/produtos/policia/taser-x26>>.

<sup>34</sup> The video is available through <<http://r7.com/Fg6l>>.

<sup>35</sup> See <<http://noticias.r7.com/rio-de-janeiro/noticias/apos-morte-de-jovem-moradores-de-manguinhos-entram-em-confronto-com-policiais-20130320.html>> e <<http://www.anovademocracia.com.br/no-107/4628-rj-povo-contra-a-upp-em-manguinhos>>. We support these claims on information put forth, at the time, by the Manguinhos Human Rights Laboratory.

<sup>36</sup> “Favelada” is a derogative way to refer to “favela” dwellers.

<sup>37</sup> See <<http://www.youtube.com/watch?v=6QJcXjOVtas&list=UU7G7saR0vFSMh-SdEyF3Utg&index=2>>.

<sup>38</sup> See <<http://odia.ig.com.br/portal/rio/policiais-de-upp-afastados-ap%C3%B3s-tiros-em-manguinhos-1.563572>>.

<sup>39</sup> See <<http://extra.globo.com/casos-de-policia/um-morador-morre-outros-dois-ficam-feridos-apos-confronto-com-policia-na-upp-do-jacarezinho-8033173.html>>.

<sup>40</sup> See <[https://www.youtube.com/watch?feature=player\\_embedded&v=PAAvYFG7Hjc](https://www.youtube.com/watch?feature=player_embedded&v=PAAvYFG7Hjc)>.

<sup>41</sup> See <<http://extra.globo.com/casos-de-policia/rapaz-morto-em-confronto-envolvendo-policiais-da-upp-do-jacarezinho-deixa-namorada-gravida-8034465.html>>.

use of firearms<sup>42</sup>. The Military Police Special Operations Battalion was called to contain the protest. The case was registered in the 25<sup>th</sup> Precinct, in Engenho Novo, and the commissioner declared that the two versions – that of the police and that of the residents – did not match. He also pointed out that the officers that registered for the first time about the protests in Jacarezinho did not state anything about the shooting<sup>43</sup>. According to the Military Police, the officers were reacting to shots fired by someone leaving from a back alley carrying a rifle. This version was denied by the witnesses of the murder.

The UPP that covers Jacarezinho area was installed in January 16<sup>th</sup>, 2013.

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Because gravity of the facts narrated above, the organizations that subscribe the present letter find it to be of crucial importance the review by the Rapporteur of the complaints presented here.

Thank you for your attention and we are available to provide further clarification and information by phone (+ 55 21 2544 2320), fax (+ 55 21 2524 8435) or via e-mail (justica@global.org.br).

Sincerely,



*Sandra Carvalho/Isabel Lima/Alice di Marchi/Juliana Farias*



*Eduardo Baker*



*Alexandra Montgomery*

**Global Justice**

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<sup>42</sup> See <[https://www.youtube.com/watch?feature=player\\_embedded&v=PAAvYFG7Hjc](https://www.youtube.com/watch?feature=player_embedded&v=PAAvYFG7Hjc)> e <<https://www.youtube.com/watch?v=RslNfiReGGU>>.

<sup>43</sup> See <<http://extra.globo.com/casos-de-policia/um-morador-morre-outros-dois- ficam-feridos-apos-confronto-com-policia-na-upp-do-jacarezinho-8033173.html>>.