

URGENT ACTION

SEVEN KILLED DURING JOINT SECURITY OPERATION

Seven men were killed during a joint security operation of the Civil Police and the Army in São Gonçalo, Rio de Janeiro State. The case is not being investigated, and could remain unpunished after a law transferring the competence to try crimes committed by military personnel to military courts was approved.

Seven men were killed in the early hours of 11 November in the Salgueiro group of favelas in the municipality of São Gonçalo, Rio de Janeiro State, during a joint security operation of the Civil Police and the army. The operation included dozens of men as well as armoured cars. Civil Police officers present initially told the Homicide Division, who initiated investigations, that they did not fire their weapons and that only military personnel used firearms. The military personnel contradicted this version and stated that they did not use their firearms or shoot anyone during the operation. Witnesses claim that some of those killed were extrajudicially executed, and some of them shot point blank.

The Homicide Division of the Civil Police publicly said they could not further investigate the case as they are prevented from investigating military personnel actions. Since the entry into force of Law No. 13.491 in October 2017, they are unable to interrogate them or conduct any forensic analysis of their weapons. The Law also transfers to military courts the competence of trying human rights violations, including crimes against life (murder or attempted murder, among others) committed by military personnel. Given this new regulation is in place, the case is not being investigated and could go unpunished.

1) TAKE ACTION

Write a letter, send an email, call, fax or tweet:

- Calling on the authorities to ensure thorough, prompt, and impartial investigation of the seven killings during the security operation in São Gonçalo and to ensure that those suspect of responsible of criminal responsibility are brought to justice in ordinary civilian courts;
- Calling on them to ensure that all crimes committed by military personnel during policing operations are subject to thorough, prompt and impartial investigations by the civil and judiciary police;
- Calling on them to guarantee justice, truth and reparation for the families of the seven men killed during the security operation in São Gonçalo.

Contact these two officials by 11 January, 2018:

Minister of Justice
Torquato Jardim
Ministro da Justiça
Esplanada dos Ministérios, Palácio da Justiça, Bloco T, Edifício Sede
CEP: 70064-900, Brasília, DF, Brasil
Salutation: Dear Minister

Ambassador Sergio Silva do Amaral, Embassy of Brazil
3006 Massachusetts Ave., NW, Washington DC 20008
Phone: 1 202 238 2700 | Fax: 1 202 238 2827
Email: ambassador@brasilemb.org
Twitter: @BrazilinUSA
Salutation: Dear Ambassador

2) LET US KNOW YOU TOOK ACTION

[Click here](#) to let us know if you took action on this case! *This is Urgent Action 259.17*

Here's why it is so important to report your actions: we record the actions taken on each case—letters, emails, calls and tweets—and use that information in our advocacy.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

On 13 October, the Brazilian President sanctioned Law No. 13.491 (previously numbered in Congress PLC 44/2016), which amends Law No. 9.299/2016. Under the sanctioned law, military courts will try human rights violations, including crimes against life (murder or attempted murder, among others) committed by military personnel against civilians. This violates Brazil's obligations under international law, including the right to a fair trial, as military courts do not guarantee judicial independence. The Attorney General should now appeal to the Supreme Court in order to stop the law from entering into force, as it violates international human rights treaties and a ruling by the Inter-American Court of Human Rights. Human rights and civil society organizations in Brazil have expressed additional concerns about the law, since it will increase impunity in the cases of human rights violations committed by the military. The UN Human Rights Committee, the UN Committee against Torture, the Inter-American Court of Human Rights and the Inter-American Commission on Human Rights have all stated that military jurisdiction must be restrictive and exceptional, applied only to the members of the military for breaches of military discipline. In addition, the Inter-American Court has directly ruled that Brazil must refrain from using military jurisdiction to investigate and prosecute military personnel for human rights violations. The Inter-American Commission of Human Rights issued a press release on 13 October positioning itself against this Law after the Senate approved it. For more information, see Urgent Action: <https://www.amnesty.org/en/documents/amr19/7340/2017/en/>.

Amnesty International has long documented the shocking 'shoot first, ask questions later' tactic used by police in Rio de Janeiro during their security operations in favelas. In August 2015, the organization launched the report "*You killed my son: homicides by the military police in the city of Rio de Janeiro*" (<http://www.amnesty.org/en/documents/AMR19/2068/2015/en/>) denouncing the unnecessary and disproportionate use of force by police in Rio de Janeiro and strong examples of extrajudicial executions. Over a 10-year period (2005-2014), 8,466 cases of police killings were registered in the State of Rio de Janeiro, including 5,132 only in the city of Rio de Janeiro. Since 2014, the number of people killed by the police in the state every year has been increasing. In 2014, 580 people were killed by the police in Rio de Janeiro State; in 2016, 925 people were killed by the police. The vast majority of victims are young black men from favelas and marginalized areas. Cases of police killings are rarely investigated and brought to justice and impunity fuels the cycle of violence. When reviewing the status of all 220 investigations of police killings opened in 2011 in the city of Rio de Janeiro, Amnesty International found that after four years, only one case led to a police officer being charged. As of April 2015, 183 investigations were still open. With the new Law 13.491 / 2017 the probability that the cases will not be investigated is even higher.

Name: Seven men (name withheld for security reasons)
Gender m/f: male

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