

ANNEX
INFORMATION FROM THE GOVERNMENT OF BRAZIL REGARDING
THE COMMUNICATION ARDS/YH/KK/EMLER, DATED JULY 12TH 2022.

With regard to the communication ARDS/YH/KK/EMLER, dated July 12th 2022, from the Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (EMLER), on the request for clarification about the events of the 24th of May 2022 in the Favela Vila Cruzeiro neighbourhood in Rio de Janeiro, the Brazilian Government would like to convey the following information.

2. The Government of Brazil regrets the deaths that occurred during the police operation conducted in Vila Cruzeiro and informs that the competent state and federal authorities are monitoring the investigation of the incidents, to ensure that it is conducted independently and impartially. In this context, the Government of Brazil reaffirms its commitment to respecting international standards for the defence and protection of human rights and its repudiation of acts of human rights violations.

3. The Brazilian Ministry of Justice and Public Security and the Office of the Prosecutor of the State of Rio de Janeiro launched a criminal investigation procedure to determine the facts regarding the deaths in Vila Cruzeiro, having requested information from the authorities related to the case, including the names of the police officers involved.

4. The police operation in Favela Vila Cruzeiro, in Penha, Rio de Janeiro, was carried out by the Military Police of the State of Rio de Janeiro (PMERJ) and the Federal Highway Police (PRF), jointly, planned for months and initiated on an emergency basis, in the context of the alleged migration of drug traffickers to other regions of the city of Rio de Janeiro.

5. The investigation into the deaths that took place in the Operation has been conducted by the Department of Homicide and Protection of the Person (DGHPP), of the Secretariat for Civil Police of the State of Rio de Janeiro (SEPOL), a state government body that acts in an efficient, quick and impartial manner, based on the principle of technical investigative proceedings.

6. After the Operation, the following police inquiries were initiated and are in progress, under the Assistant Police Authority of the Capital Homicide Police Station/DHC: 901-00429/2022, 901-00441/2022, 901/00449/2022, 901-00450/2022 and 901/00451/22, to determine the responsibility for and circumstances of the deaths.

7. The autopsies were performed by the Department of Technical-Scientific Police (DGPTC) of the State of Rio de Janeiro, where post-mortem examinations were carried out, in accordance with strict technical protocols.

8. Brazil does not condone any action or omission that seeks to violate human rights, including any type of discrimination based on race, skin colour, sexual orientation, nationality or ethnicity.

9. In the Department of Specialized Police of the State of Rio de Janeiro, the Police Station for Racial Crimes and Intolerance Crimes/ DECRADI is in charge of combatting the crimes of racism, homophobia, prejudice, religious intolerance of any denomination, including against religions of African origin. The crimes of racism committed against ethnic-racial groups are rigorously fought by the Brazilian public agents.

10. The Government of Brazil reiterates its commitment to combating organized crime, drug trafficking and other illicit activities, without neglecting the proper protection of the human rights of each individual. Law enforcement authorities in Brazil aim at protecting the lives of all, with special attention to those who are most vulnerable to harm resulting from criminal activities.

11. The Government of Brazil, through the National Secretariat for Public Security, under the Ministry of Justice and Public Security, with the purpose of developing public policies for public security, has acted against violent crime and for social protection. In that regard, the Government of Brazil underscores the following: i) the National Public Security and Social Defence Policy (PNSPDS), created by Law 13,675, of June 11th, 2018 and amended by Law 14,330, of May 4th, 2022; and ii) the National Public Security and Social Defence Plan 2021 - 2030 (PNSP), established by Decree No. 10,822, of September 28th, 2021.

12. The National Public Security and Social Defence Plan 2021 - 2030 (PNSP), established by Decree 10,822, contains strategic measures and as target 1: to reduce the national murder rate to below 16 deaths to 100,000 inhabitants until 2030, in line with the objectives of the National Public Security and Social Defence Policy related to the target (article 6 of Law 13,675, of June 11th, 2018), as follows:

IV - encourage and support measures for the prevention of violence and crime, with priority given to the preservation of life for the young black population, women and other vulnerable groups;

XVII - promote permanent actions to combat organized crime and corruption;

XXIII - prioritize policies to reduce lethal violence;

XXIV – strengthen the mechanisms for investigating heinous crimes and homicides;

XXV - strengthen the measures for the inspection of firearms and ammunition, with a view to reducing armed violence. Thus, through Strategic Action 02 of the PNSP, the aim is to develop and to support the "implementation of programmes and projects that favour preventive and repressive actions coordinated with other stakeholders, public and private, to reduce crimes and social conflicts, specifically focusing on standardized conducts on the part of public security and social protection agencies.

13. Furthermore, the Office for the Prevention of Violence and Crime, under the Ministry of Justice and Public Security, develops programmes and projects related to prevention policies in public security, especially oriented to social integration to promote

participatory management in public security; to the implementation of preventive police models; and to priority and vulnerable to violence groups.

14. Brazil has regulations on the progressive use of force, such as Law 13060, dated December 14th 2014, which sets forth restrictions for the use of lethal weapons by law enforcement agents and establishes guidelines for the rational use of force by public security agents in Brazil. The legislation regulates the use of force in public security by police officers and other public agents, for the benefit of the protection of the agent himself or herself and of third parties, as a basic requirement for the effective fulfilment of the mandate legally assigned to public security agents.

15. Furthermore, Inter-ministerial Ordinance 4.226, dated December 31st 2010, establishes the guidelines on the use of force by public security agents.

16. The Government of Brazil, through the Federal Police, has continuously sought to improve public security services to Brazilian society, participating in institutions related to the defence of human rights, such as the National Human Rights Council. In this connection, the Government of Brazil has administrative bodies dedicated to human rights, under the Ministry of Justice and Public Security, such as: the Human Rights Division (DDH/CGMADH); Environmental and Human Rights Related Crimes Branch, (CGMADH/DICOR/PF); Hate and Child Pornography Crimes Unit (SERCOP/DRCC/CGFAZ/DICOR/PF), among others.

17. Through the National Police Academy, the Federal Police incorporates human rights and ethics as subjects into its courses and training, in addition to lessons on the selective use of force and less lethal operations. Likewise, the Federal Police keeps the training of police officers in accordance with international commitments to combat racial discrimination.

18. The Federal Police maintains educational programmes with the purpose of complying with the law and with obligations resulting from the various international agreements to which Brazil is a party, in particular those related to human rights. In these classes, students are introduced to the principles of the selective use of force, relevant Brazilian legislation and international obligations, the levels of resistance and force to be used, as well as non-lethal instruments and the techniques for their use.

19. In this connection, in various training courses of the National Policy Academy, the subject “Less Lethal Operations” is also taught, for example, in the following courses: Intervention Techniques Course, Crisis Management and Negotiation Course, Tactical Operations Course, among others. The subject “Less Lethal Operations” also presents the principles of the selective use of force, as well as the theory and practice of the several non-lethal instruments. The National Policy Academy offers to all federal police officers the Electronic Control Device Course - Taser X26, first in the online format and then in-person. Today, the Federal Policy has more than a thousand officers trained to use such equipment.

20. In addition, the Operational Training Service (SEOP) is developing another specific course on the selective use of force to start in the near future. The objective will be to deepen the knowledge of federal police officers not only in the theory of the selective use of force but also in the use of the various non-lethal instruments, in order to avoid deaths in police operations, whenever possible.

21. According to the Planning and Assessment Service of the National Police Academy, between 2019 and 2022, around 3,000 professionals took courses on human rights in the professional training courses of that institution.

22. In addition, the National Police Academy and the Crimes against Human Rights Division of the Federal Police are developing an educational course, to be offered in an online format initially, to promote training for Federal Police officers specifically with regard to the issues of the LGBTI community. In this connection, the SEOP might create a course to officers of the Federal Police for educational training regarding to the fight against racial discrimination, in accordance with international commitments, including the Durban Declaration and Programme of Action and General Recommendation 31 of the Committee on the Elimination of Racial Discrimination

23. In the Government of Brazil, the National Secretariat for Policies for the Promotion of Racial Equality (SNPIR), under the Ministry for Women, Family and Human Rights, coordinates with other Executive Branch bodies such as the Ministry of Justice and Public Security, which is responsible for law enforcement officers, and with Federal Prosecution Office (Public Ministry) and the subnational state's Prosecution Offices, which are responsible for police oversight. As a result of that coordination, the aforementioned State bodies and agency have been working to eliminate racial discrimination in several areas, in particular among public security agents.

24. The Government of Brazil informs that its Ministry for Women, Family and Human Rights has a "Dial 100" hotline, under the National Human Rights Ombudsman, through which violence and human rights violations can be reported to the authorities.

25. On December 17, 2020, the Chamber of Deputies of the Brazilian National Congress established the Commission of Jurists to bring proposals with a view to improving legislation to fight structural and institutional racism. The Commission's final report is available at the following website:

<https://www2.camara.leg.br/atividade-legislativa/comissoes/grupos-de-trabalho/56a-legislatura/comissao-de-juristas-combate-ao-racismo-no-brasil/documentos/outros-documentos/relatorio-final>.