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11 November 2003

### BRA41714.E

Brazil: Violent crime situation; state response to such crime (August 2002-October 2003)  
Research Directorate, Immigration and Refugee Board, Ottawa

Among the sources consulted by the Research Directorate, Polícia Militar (PM) is variously translated as "military police" or "patrol police." For the purposes of this Response, the term "patrol police" will be used to describe this force.

In 2003, the United Nations Office on Drugs and Crime (UNODC) reported an upward trend in Brazil's general crime rate as well as in the activities of the country's organized criminal groups, 9. Although the incidence of homicide fluctuates substantially from year to year, the general tendency is also upwards (US 3 June 2003), a consequence of the proliferation of firearms in the country among other reasons (UNODC 2003, 10). According to the BBC, Brazil's homicide rate is on average 26 per 100,000 population per year, which is one of the highest rates in the world (24 Oct. 2003). Compared with Brazil, individuals in Costa Rica in the 1990s were four times less likely to die of violent causes and nine times less likely in the case of Argentina (US 3 June 2003).

However, the incidence of homicide varies widely across the country, with the majority of killings occurring in state capitals (UNODC 2003, 19). In 2001, the violent death rate per 100,000 population was 67.6 in the City of Rio de Janeiro, 63.1 in the City of São Paulo, 83.8 in the City of Recife and 123.6 in Vitória, the capital of Espírito Santo (ibid.). State Public Security Secretariats (Secretarias Estaduais de Segurança Pública, SSPs) reported 293,539 assaults and 486,543 robberies countrywide in 2001 (ibid., 21-22). Although the rate per 100,000 population is not available for the country as a whole, the assault rate in 2001 was 763.7 in Rio de Janeiro, 1,067.1 in São Paulo, 525.6 in Recife and 324.3 in Vitória, while the 2001 robbery rate was 714.5 in Rio de Janeiro, 1,098.9 in São Paulo, 515.0 in Recife and 1,135.4 in Vitória (ibid., 21-22).

In rural areas, tension between landowners and agricultural workers has also resulted in violence (ibid., 28; Centro de Justiça Global Sept. 2003, 202). The Brazilian human rights group Global Justice Centre (Centro de Justiça Global), citing the Pastoral Land Commission (Comissão Pastoral da Terra, CPT), claimed that 1,280 of these workers were assassinated between 1985 and 2000, allegedly at the hands of gunmen hired by landowners (ibid., 203). A decline in the number of killings in the 1990s was attributed by the CPT to a shift in strategy on the part of the landowners, who began targeting the leaders of land reform advocacy organizations (ibid.). Between 1997 and August 2003, 331 such individuals were reportedly killed (ibid.).

The likelihood of one becoming a crime victim is dependent on a number of factors, including one's age, sex, place of residence and socio-economic status (UNODC 2003, 9). According to the UNODC, individuals from middle- and upper-income backgrounds are more likely to be the targets of property crimes, while low-income individuals are more likely to become victims of violence or homicide (ibid., 9-10). For example, at 4 per 100,000 population, the homicide rate in Rio de Janeiro's affluent southern neighbourhoods such as Copacabana and Leblon is similar to that of many European cities, while the homicide rate in the city's poor districts is as high as 150 per 100,000 (*Washington Times* 22 Sept. 2003; UNODC 2003, 9-10). On 24 October

2003, the BBC reported that armed violence is the leading cause of death in Rio de Janeiro for men between 15 and 29 years of age.

In a 3 June 2003 report, the United States Department of Justice cited Brazilian law enforcement officials as saying that the "huge increase in serious crime is ... intimately linked to drug trafficking, gang feuds, vigilantism, and disputes over trivial matters, in which young, unmarried, uneducated males are involved." According to *Freedom in the World 2003*, as much as 70 to 80 per cent of the country's violent crime is related in some fashion to the narcotics trade (11 June 2003). Although Brazil is not a producer of cocaine or heroin, its proximity to Colombia, Peru and Bolivia makes it an important transit point for the shipment of such drugs to North American and European markets (UNODC 2003, 8). Furthermore, domestic demand for narcotics is growing (ibid.), as seen in the case of cocaine, which is now consumed in Brazil at a rate second only to the United States (*Washington Post* 26 Oct. 2003).

According to the United States Department of Justice, following the crackdown on Colombia's drug cartels, Brazilian traffickers "evolved from mere go-betweens to the status of full-grown racketeers, members of an upper-middle class of mafiosi, with diverse criminal interests" (US 3 June 2003). It is believed that as many as 200,000 individuals are employed in the narcotics trade countrywide, with 5,000 "heavily armed gang members working for different drug-trafficking groups in Rio de Janeiro alone" (*Freedom in the World 2003* 11 June 2003).

Such groups exercise considerable influence over many shantytowns (known as *favelas*) in cities like Rio de Janeiro (ibid.; UNODC 2003, 6), controlling these areas by instilling fear in the residents, and using them as bases of operations and a source of recruits (ibid., 6; 11). Territorial disputes among these groups is a frequent source of violent conflict (ibid., 44), as in the case of Maré, Rio de Janeiro's largest *favela*, which is contested by the Red Command (Comando Vermelho), the Third Command (Terceiro Comando) and the Friends of Friends (Amigos dos Amigos) criminal gangs (Terra 12 Aug. 2003). Furthermore, such groups have the capacity to carry out violent acts in other areas of the city as well (*The Guardian* 19 May 2003). For example, in February 2003 the Red Command allegedly orchestrated a series of attacks throughout Rio de Janeiro, burning public buses, shooting at police stations and throwing homemade bombs at a beachfront area (*Jornal do Brasil* 17 July 2003; BBC 24 Feb. 2003). The violence was reportedly in retaliation for a police crackdown on gang activity (ibid.).

Public opinion polls indicate that Brazilians are worried about the lack of security in their communities (Agência Carta Maior 28 Apr. 2003) and that they have little confidence in the country's justice and law enforcement systems (US 3 June 2003). While the authorities have responded to these concerns by implementing a number of reform measures (Agência Carta Maior 28 Apr. 2003; ibid. 14 May 2003; *O Estado de S. Paulo* 15 Aug. 2003; UNODC 2003, 42), discussed below, they have also helped to create an atmosphere in which the summary punishment of crime suspects, either by vigilante groups or by police officers while on duty, is tolerated (AI 2003; US 3 June 2003; MSNBC 8 Oct. 2003).

Although state authorities have admitted that death squads operate in 15 of Brazil's 26 states (*Washington Post* 26 Oct. 2003; *Brazzil* Oct. 2003a), the Global Justice Centre claimed that they are in fact present in 24 states (Centro de Justiça Global Sept. 2003, 9), and that their membership generally includes police officers and other state agents (ibid.; *Brazzil* Oct. 2003a). Often employed by businesspeople as a means of eliminating "those deemed socially or politically undesirable" (Centro de Justiça Global Sept. 2003, 9), death squads' victims are, "almost without exception, poor, black men, between 15 and 24 years old" (*Brazzil* Oct. 2003a). Although no information on the number of individuals killed by death squads could be found among the sources consulted by the Research Directorate, Amnesty International claimed that they continue to act with impunity in certain regions of the country (2003). According to the magazine Los Angeles-based *Brazzil*, there are few signs that President Luiz Inácio Lula da Silva's government is responding to the perpetration of human rights abuses by death squads, despite Lula's promise to do so during the 2002 election campaign (Oct. 2003a). However, in October 2003 the federal government ordered the police to investigate the assassination of Gerson Jesus Bispo, who was killed in Santo Antonio de Jesus, Bahia, after he had spoken to a United Nations human rights envoy (Terra 10 Oct. 2003). Two police officers, who were said to be death squad members, were subsequently detained in connection with the death or disappearance of 42 people in the town, including Bispo (BBC 23 Oct. 2003).

Several reports published in 2003 characterized summary killings by police as a serious problem in Brazil (*Country Reports 2003* 31 Mar. 2003, Sec. 1; Centro Justiça Global Sept. 2003, 13; AI 2003; Agência Carta Maior 16 Sept. 2003). In an analysis of forensic reports by Amnesty International and the Global Justice Centre, the authors found that

40 percent of people slain by police last year were shot at close range, 61 percent received at least one shot in the head and for every civilian wounded in confrontations with police, three were killed. A third of all people killed by police showed signs of having been beaten (*Washington Post* 26 Oct. 2003).

While reliable statistics on police killings are scarce, the Global Justice Centre cited National Department of Public Security (Secretaria Nacional de Segurança Pública) figures as indicating that 1,442 individuals were killed countrywide by state patrol police officers in 2000, with an additional 77 killed by state judicial police (Polícia Civil) officers in the same year (Centro de Justiça Global Sept. 2003, 13-14). According to the Public Security Secretariat of the State of Rio de Janeiro, patrol and judicial police operating in the state reportedly killed 917 individuals in the first nine months of 2003, as compared to 900 in 2002 (*Terra* 17 Oct. 2003) and 289 in 1999 (*Brazil* Oct. 2003b). The authorities have reportedly done little to curb unlawful police killings (AI 2003; *Country Reports* 2003 31 Mar. 2003, Sec. 1; Centro de Justiça Global Sept. 2003). Only four jurisdictions, namely São Paulo, Pará, Minas Gerais, Rio de Janeiro and the Federal District, have a police ombudsman's office that investigates allegations of police brutality (HRW 2003), while 95 per cent of summary executions in the State of Rio de Janeiro are never investigated (*Brazil* Oct. 2003a).

The federal government has implemented several initiatives to reduce crime levels and enhance the effectiveness of the law enforcement system (UNODC 2003, 42). For example, in June 2000 it adopted a National Public Security Plan (Plano Nacional de Segurança Pública) (*O Estado de S. Paulo* 23 June 2002), a series of 15 commitments dealing with issues ranging from gun control and witness protection to the promotion of police professionalism and accountability (Brazil n.d.). While the newspaper *O Estado de S. Paulo* reported that while many of the actions called for by the plan, such as prohibiting the use of cellular phones and other radio communication devices inside prisons, have never been carried out, others have reportedly begun to take effect (23 June 2002). Among the measures that are in the process of being implemented are the Penitentiary System Restructuring Program (Programa de Reestruturação do Sistema Penitenciário), a US\$60 million initiative that includes training provisions for prison staff; the Threatened Victims and Witnesses Assistance Program (Programa de Assistência a Vítimas e Testemunhas Ameaçadas), to which US\$9 million has been allocated for the protection of those testifying against drug traffickers and members of organized crime groups; the Federal Police Modernization Program (Programa de Modernização da Polícia Federal), a US\$65 million initiative that has led to the establishment of 21 new police stations countrywide and the purchase of 1,000 vehicles; and the Amazon Surveillance System (Sistema de Vigilância da Amazônia, SIVAM), which seeks to improve the authorities' capacity to monitor and control this region's airspace and borders (UNODC 2003). However, despite these efforts, the UNODC claimed that the crime rate continues to increase in Brazil, and that additional measures to improve law enforcement and reform the prison system are urgently needed (*ibid.*).

President Lula promised to address the country's crime problem while campaigning for election in 2002 (*Miami Herald* 25 Oct. 2003). Since taking office in January 2003, his government has taken a number of steps designed to render law enforcement more effective in combating crime (Agência Carta Maior 14 May 2003). These include the negotiation of agreements with state governments to implement a Unified Public Security System (Sistema Único de Segurança Pública, SUSP), which provides for improved coordination among federal, state and municipal police forces in fighting organized crime (*ibid.*). As of May 2003, the system had already been adopted in the States of Rio de Janeiro, Rio Grande do Sul, Espírito Santo, Minas Gerais, Alagoas, São Paulo and Piauí (*ibid.*). In an interview with the Brazilian news agency Agência Carta Maior, José Vicente Tavares dos Santos, director of the Human Sciences Institute (Instituto de Ciências Humanas) at the Federal University of Rio Grande do Sul (Universidade Federal do Rio Grande do Sul, UFRGS), stated that while the SUSP is a very interesting initiative, there remains a need to improve police training, management methods and intelligence gathering capabilities (28 Apr. 2003).

In addition to spearheading the implementation of the SUSP, the Lula government is also endeavouring to crack down on money laundering in Brazil by requiring financial institutions to notify the central bank of all money transfers exceeding US\$35,000 (BBC 22 May 2003) and by establishing specialized police stations in São Paulo, Rio de Janeiro and Brasília mandated to conduct money laundering investigations (*O Estado de S. Paulo* 15 Aug. 2003). Other measures include the creation, in August 2003, of an Organized Crime Fighting Directorate (Diretoria de Combate ao Crime Organizado) within the Federal Police Department (Departamento de Polícia Federal, DPF) that would give special attention to arms trafficking and cargo theft (*ibid.*). Furthermore, in October 2003 members of congress approved a bill to restrict gun ownership in Brazil (BBC 24 Oct. 2003). The bill, which has yet to be ratified by the senate, includes provisions to implement a national gun registration system and impose longer prison sentences on those found guilty of illegal firearm possession (*ibid.*).

At the police force level, the authorities have adopted measures to combat crime in Rio de Janeiro

following violent incidents in early 2003 that were allegedly carried out by organized criminal groups operating in the city (*The Guardian* 19 May 2003; Terra 30 June 2003; Agência Carta Maior 14 May 2003). For example, in May 2003 the federal minister of justice, Márcio Thomaz Bastos, dispatched 50 members of an elite DPF unit to Rio de Janeiro to assist local law enforcement personnel in combating drug trafficking, arms smuggling and money laundering (ibid.). In June 2003, for the first time in Rio de Janeiro's history, a PM battalion command post was established inside a *favela* (Terra 30 June 2003). Approximately 700 police officers are based in the armoured facility, located in Maré, allowing them to patrol the community 24 hours a day (ibid. 12 Aug. 2003). While the Battalion's commander, Lieutenant-Colonel Álvaro Rodrigues Garcia, stated that the police presence in Maré has led to a decrease in the incidence of crime, unidentified sources cited by the media claimed that violence has diminished as a result of an informal understanding between organized crime groups and the authorities which allows the gangs to traffic arms and weapons so long as they do not disturb the peace (ibid.). No information corroborating this claim could be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please find below the list of additional sources consulted in researching this Information Request.

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Gabinete de Assessoria Jurídica às Organizações Populares (GAJOP)

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[Top of Page](#)

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