

**URGENT APPEAL ON: HUMAN RIGHTS VIOLATIONS AS A CONSEQUENCE OF
THE POLICE VIOLENCE AGAINST PEACEFUL PROTESTERS, IN SAO PAULO,
BRAZIL ON 13TH JUNE, 2013**

June 19th, 2013

To the following United Nations Special Procedures

Mr. Maina KIAI, Special Rapporteur on the rights to freedom of peaceful assembly and of association

Mr. Frank LA RUE, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ms. Margaret SEKAGGYA, Special Rapporteur on the situation of human rights defenders

Mr. Juan MENDEZ, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Mr. El Hadji Malick SOW, Chair Rapporteur of the Working Group on Arbitrary Detention

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Summary

Conectas Human Rights, a non-governmental organization based in Sao Paulo, Brazil, whose main objective is to promote the realization of human rights and the consolidation of the rule of law, presents, through this letter, an urgent appeal to the UN Special Procedures due to serious human rights violations perpetrated by the Military Police of São Paulo, Brazil on June 13th, 2013.

Starting on June 6, 2013, various civil society actors have been organizing a series of peaceful protests against the public transport fare increase which took effect earlier this month in the State of São Paulo. From the 6th to the present time, six acts, which brought together thousands of people in different locations in downtown Sao Paulo, were organized. During the June 13th demonstrations, protesters were surprised by the truculent actions of the Sao Paulo State Military Police that violated their rights.

To suppress the demonstrations, the police used tear gas, pepper spray, and rubber bullets against unarmed civilians, abridging the demonstrators' freedoms of association, expression, and movement. Many people, including professional journalists, were arbitrarily arrested and injured. These facts represent a clear affront to Articles 3 (personal safety), 5 (prohibition of cruel and inhumane treatment), 8 (access to justice), 9 (prohibition of arbitrary detention), 13 (freedom of movement), 19 (freedom of expression) and 20 (peaceful assembly and association) of the Universal Declaration of Human Rights.

Although new cases of violent repression of peaceful protests were not recorded during the two following protests in São Paulo (on June 17 and 18), it is essential that: 1) the facts of what took place on the 13th are investigated, 2) public officials, both those directly responsible for the repression and their superiors who coordinated the actions, are held accountable, 3) the victims are properly compensated, and 4) clear rules to protect the free exercise of the freedom of expression and protest are established.

¹ Conectas Human Rights was accorded [consultative status](#) with the ECOSOC-UN in 2006.

I. Introduction

In the month of June 2013 a readjustment of bus and subway rates was put into effect in the City of São Paulo, through the Municipal Decree n° 53.935, of May 24, 2013. This readjustment raised the price of public transportation in the city. **Today, the population of São Paulo pays the highest transport fare in Brazil to have access to transportation².**

To oppose the increase of the transport prices, a widespread popular movement comprised of civil society organizations, political parties, students and other stakeholders has taken root. These protests were organized mainly through social media networks, and protestors took to the streets to demonstrate peacefully against the raise.

On the **6th, 07th and 11th of June**, acts were carried out against the public transport fare increase in different parts of the city. These events brought together between five t and ten thousand people³. According to the protest organizers, on all occasions there were reports of the disproportionate use of violence by the police to suppress the demonstrations in addition to arbitrary detentions and violations of the right to freedom of peaceful assembly and expression.⁴

On **June 13th, 2013**, the fourth day of demonstrations, police forces, particularly the Military Police, who report directly to the Governor, exceeded all imaginable limits of legality in order to suppress the protest without any opposition from the municipal administration of São Paulo,.

In a press conference held on June 12, the day before the forth protest took place, Sao Paulo State Governor Geraldo Alckmin made clear his absolute intolerance regarding demonstrations, summarizing the movement in what he called "a bunch of troublemakers" whose sole purpose would be the destruction of public property.⁵

The police operation on June 13th against protesters violated not only Brazilian constitutional law, but also the commitments undertaken by Brazil internationally in the field of human rights.

We hereby request that the UN Special Procedures ask the Brazilian authorities, in particular the Government of the State of São Paulo and São Paulo City Hall, for an investigation of the facts, that those public officials, both those directly responsible for the repression and their superiors who coordinated the actions, are held accountable, victims are properly compensated, and clear rules to protect the free exercise of the freedom of expression and protest are established.

² PORTAL DE NOTÍCIAS TERRA, "Infográfico: Tarifas de ônibus" - "First place: São Paulo – R\$3,20 the highest of Brazil, the raise is valid as from the 2nd of June, 2013" (The lowest is in the Federal District: R\$1,5), article without a date, available at: <http://www.terra.com.br/noticias/infograficos/tarifas-de-onibus/>

³ MOVIMENTO PASSE LIVRE SÃO PAULO (MPL), "Nota pública No. 1: sobre a manifestação do dia 6 de junho de 2013", published on the 10th of June, 2013, available at: <https://www.facebook.com/notes/passe-livre-s%C3%A3o-paulo/nota-n%C2%BA-01-sobre-a-manifesta%C3%A7%C3%A3o-do-dia-0606/528654787190777>

⁴ Idem.

⁵ PORTAL DE NOTÍCIAS UOL MAIS, Video: "Alckmin classifica como intolerável os protestos em São Paulo", published on 12/6/2013 at 15h02, available at: <http://mais.uol.com.br/view/cphaa0gl2x8r/alckmin-classifica-como-intoleravel-os-protestos-em-sp-04028D183370E0A14326?types=A&>

1. Violation of freedom of assembly (art. 20 of the UDHR), freedom of expression (art. 19 da of the UDHR) and freedom of movement (art. 13 of the UDHR) of protesters

Members of this organization who were present during the protests that occurred on June 13th can confidently testify that **the protests were peaceful**, and included calls for “non-violence”.

Allegedly with the aim of preventing the protests from reaching Avenida Paulista (one of the city’s main “arteries”), military policemen **began to very unexpectedly throw teargas bombs and fire rubber bullets at protesters**. Policemen also closed side streets, preventing protesters from leaving the scene. Protesters were thus trapped, unable to escape from the teargas that was being thrown directly at them.

The São Paulo State government ordered the Military Police to act with the **Riot Police** (“Tropa de Choque”, or Shock Troops), equipped with batons and shields. Additionally, the State mobilized the **Calvalry**, and policemen from this force brandished their swords at unarmed protesters.

It is worth noting that the statute of the “Tropa de Choque”, adopted in 1975 during the military dictatorship, mandates that this force is responsible for “maintaining public order in the State of São Paulo, in urban and rural counter-guerrilla operations”.⁶Clearly, it is a force trained to repress and not to protect freedom of expression.

2. Torture and cruel, inhuman and degrading treatment (art. 3 and art. 5 of the UDHR)

There are numerous reports and evidences of cruel, inhuman and degrading treatment directed against unarmed individuals who had surrendered, were lying down, and were not resisting in any way. Many of those individuals were **beaten and shot with rubber bullets**. One of these bullets reached a Conectas’ staff member who was peacefully talking to a group of friends in the Santa Cecília neighborhood, in downtown São Paulo. Fortunately, he was wearing a backpack that prevented the bullet from hitting his body.

There is evidence of violence against **individuals who were not participating in the protests**, including senior citizens and children⁷. There are also reports of policemen **invading hospitals** in order to find protesters.⁸

Moreover, after most of the protesters had dispersed, **police invaded commercial establishments searching for protesters** and hurt some individuals according to press reports and photographs.⁹

According to accounts made by the event organizers, police brutality has caused injuries to more than 100 people.¹⁰

⁶ See Regulamento Geral da Polícia Militar (Decreto Estadual nº 7.290, de 15 de dezembro de 1975, alterado pelo Decreto Estadual nº 17.658, de 02 de setembro de 1981) available at:

<http://www.policiamilitar.sp.gov.br/unidades/cpchq/index.html>

⁷ See, for instance, PORTAL DE NOTÍCIAS TERRA, “Bomba de gás lacrimogêneo atinge carro de um idoso que estava de passagem”, video published on June 14th 2013, available at:

<http://terratv.terra.com.br/videos/Noticias/Brasil/Cidades/4828-474261/Bomba-de-gas-lacrimogeneo-cai-dentro-de-carro-em-protesto-em-SP.htm>

⁸ See Coletivo Antiproibicionista de São Paulo, “PM retira feridos a força de hospital e impede atendimento”, June 14th 2013, available at: <http://coletivodar.org/2013/06/pm-retira-feridos-a-forca-de-hospital-e-impede-atendimento/>

⁹ See, for example, JORNAL FOLHA DE SÃO PAULO, “Após confronto casal é agredido por PMs na região da Paulista”, June 14th 2013 00h52, available at <http://www1.folha.uol.com.br/cotidiano/2013/06/1294916-apos-confronto-casal-e-agredido-por-pms-na-regiao-da-paulista.shtml>

2. a. Aggressions against journalists (art. 19 of UDHR)

It is equally clear the breaches committed **against freedom of expression and constraints imposed on the press**, notably when police agents deliberately aimed non-lethal ammunition at photographers and journalists covering the events.¹¹ According to data from the Union of Journalists, 20 reporters got injured during the June 13th demonstrations¹².

3. Arbitrary detentions and violations of the right to access to justice (art. 9, art. 13 and art. 8 of UDHR)

On the evening of June 13, **235 people were detained**.¹³ According to the Public Defender's Office of São Paulo: "contrary to what the Code of Criminal Procedure determines, in which personal search is only authorized in case there is REASONABLE SUSPICION of guns or illegal goods possession, military police were indiscriminately stopping and frisking all people heading to the demonstration".¹⁴

For detention purposes, the Military Police has made use of the "detention to investigate" forbidden by the Brazilian Criminal Code. According to police reports gathered by the Public Defender's Office, hundreds of people were subjected to the illegality of these detentions simply for carrying, for instance, flags, loudspeakers, face paint, paint brushes and vinegar, which is used to ease the effects of tear gas. The majority, was however, detained only for appearing to be protesters¹⁵ (see Annex 1).

It is worth noting that, according to reports made by the Public Defender's Office, in the day of the detentions Military Police prevented the access of public defenders to the detained, in violation their right to be assisted by a lawyer.

According to voluntary lawyers assisting protesters in some Police stations, Police chiefs have determined bails between R\$ 1.356,00 (equivalent to two minimum wages in Brazil) and R\$ 5.824 for each protester who was not arrested.¹⁶

¹⁰ Figures on the number of injured people are still being consolidated by the MPL, the Public Defender's Office of Sao Paulo. For more on the figures, see: JORNAL FOLHA DE SÃO PAULO: "Dos 235 detidos em protesto, 231 são liberados após prestar depoimento", 14 June 2013, 07h25, available at: <http://www1.folha.uol.com.br/cotidiano/2013/06/1294960-dos-235-detidos-em-protesto-231-sao-liberados-apos-prestar-depoimento.shtml>

¹¹ JORNAL FOLHA DE SÃO PAULO, "Em protesto seis repórteres da Folha são atingidos, 2 levam tiro no rosto", 13 de junho de 2013 21h13 available at: <http://www1.folha.uol.com.br/cotidiano/2013/06/1294799-em-protesto-seis-reporteres-da-folha-sao-atingidos-2-levam-tiro-no-rosto.shtml>

¹² See tentative account for the number of journalists injured at SINDICATO DOS JORNALISTAS, "SJSP protesta e exige apuração da violência contra jornalistas", 14 June 2013, 13h48, available at: http://www.sjsp.org.br/index.php?option=com_content&view=article&id=4295&catid=4295

¹³ JORNAL FOLHA DE SÃO PAULO, "Dos 234 detidos em protesto, 231 são liberados após prestar depoimento", 4 June 2013, 7h25, available at: <http://www1.folha.uol.com.br/cotidiano/2013/06/1294960-dos-235-detidos-em-protesto-231-sao-liberados-apos-prestar-depoimento.shtml>

¹⁴ DEFENSORIA PÚBLICA DO ESTADO DE SÃO PAULO, Habeas Corpus Preventivo, 17 June 2013, page 4.

¹⁵ Idem, pages 8 and 9.

¹⁶ JORNAL ESTADO DE SÃO PAULO, "Depois de pagar fiança 15 presos nos protestos em São Paulo são soltos", 14 de junho de 2013 23h23, available at: <http://www.estadao.com.br/noticias/cidades,depois-de-pagar-fianca-15-presos-nos-protestos-em-sp-sao-soltos,1042573.0.htm>

II. Conclusion

We present an urgent appeal to the UN Special Procedures on human rights violations in Sao Paulo, Brazil with regard to the police operations in the central regions of the city during the protests of June 13th, 2013.

During this operation, it is clear that the State violated the human rights of protesters through the disproportionate use of force and cruel, inhumane or degrading treatment, in clear violation of their right to freedom of movement, expression, speech, assembly and its personal integrity.

These violations demonstrate a lack of commitment to human rights standards, particularly by Sao Paulo's state and local authorities during this operations and their inability to ensure that the human rights of protesters were respected.

After the 13th demonstration in which over 100 people were injured by rubber bullets, the Governor decided to ban the use of rubber bullets in the following protest (06/17 and 18) and also dispensed the Tropa de Choque. These necessary changes demonstrate the lack of the State government's preparedness to handle the protection of the protesters and the improvisation of the measures adopted by the authorities.¹⁷ A decision of this magnitude that could endanger the lives and physical integrity of the protesters cannot depend on the good will of the ruling authority.

In light of the facts, Conectas asks the UN Special Procedures, to urge Brazilian authorities, particularly in the state and local governments, to:

- a. Provide the UN Special Procedures information on the situation on the ground;
- b. Refrain immediately from carrying out further human rights violations and comply with human rights standards in future protests;
- c. Investigate and prosecute the perpetrators of human rights abuses, granting compensation to the victims in accordance with national and international legislation;
- d. Establish clear and public conduct protocols so that security forces guarantee the right to free expression and assembly.

¹⁷ JORNAL ESTADO DE SÃO PAULO, "Alckmin proíbe balas de borracha em manifestações", 17 de junho de 2013 15h21, available at: <http://www.estadao.com.br/noticias/geral,alckmin-proibe-balas-de-borracha-em-manifestacoes,1043500,0.htm>