

UNIVERSITY OF ESSEX

DISSERTATION

SCHOOL OF LAW

LLM/MA IN:

STUDENT'S NAME:

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DISSERTATION TITLE

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UNIVERSITY OF ESSEX

SCHOOL OF LAW

MA in (Human Rights and Cultural Diversity)

2019

Supervisor: Judith Bueno De Mesquita

DISSERTATION

A comparative analysis of how the fundamental human rights of favela residents have been affected by the presence and now, gradual removal of the UPP (Pacifying Police Units) in Rio de Janeiro.

Name: Gemma Horrex

Registration Number (optional):

Number of Words: 19249

Date Submitted: 11/09/2019

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Introduction

Background

To provide a comparative analysis of how the fundamental human rights of favela residents have been affected by the presence and now, gradual removal of the UPP (Pacifying Police Units) in Rio de Janeiro, a chronological approach will be taken in this paper and will be conducted through the lens of an interdisciplinary analysis that will be synchronised with the current life of the police programme. The literature I will consult will be explicitly based on human rights, followed by the implicit uses of history, sociology, intersectionality theory, the economic theory of the capability approach, as well as literature pertaining to racial discrimination and poverty.

Beginning in 2008, with the inception of the Pacifying Police Units (UPP), to its current demise in 2019, it is my predicted aim for this piece is to show how, overall, UPP officers have negatively effected, threatened and jeopardised the rights of Rio's favela residents known as *favelado's* through

this programme of policing.¹ This paper will show it to be a result of two interlaced factors: the prejudicial treatment of *favelado*'s and authoritarian policing. 'Authoritarian policing' according to the *Oxford English Dictionary* is: " The enforcement or advocacy of strict obedience to authority at the expense of personal freedom."² Which includes: " lack of concern for the wishes or opinions of others."³

The prejudicial treatment of *favelado*'s is due to systemic social inequality practiced in Brazil. The marginalisation of the poor, who largely dwell in favelas, has influenced the human rights (HR's) violations committed against residents by pacification police. This will be indicated in my research by highlighting the experience of intersectional discrimination and *favelado*'s deficiency in basic capabilities. Secondly, I will exhibit how a lack of institutional reform has been a barrier to the success of the UPP as a program and its delivery of rights enjoyments and improvements for *favelado*'s.

Dissertation Plot

It is essential to provide an historical overview of the key social and historical phenomena that have given rise to the negative effects of the pacification policing programme in the twenty first century.

¹ 'favelado', <https://www.dictionary.com>, *Dicitionary.com*, <https://www.dictionary.com/browse/favelado>, accessed 8th July, 2019.

² 'authoritarianism', <https://www.lexico.com/en>, *Lexico Powered by Oxford*, <https://www.lexico.com/en/definition/authoritarianism>, accessed 8th July, 2019.

³ *Ibid.*

This will form the basis of my first chapter and is essential for exploring and understanding the issues that are dealt with in this paper.

Foremost, an overview will be given of what constitutes a 'favela'. By deducing the historical origins of this system of informal housing in the city, we will be able to highlight the social divide between *favelado's*, which for the most part constitutes the city's urban poor, with the formal city. It will put into context the social inequality and marginalization *favelado's* have faced, which informs the behaviour and HR's violations committed against residents by law enforcement today. The use of intersectional discrimination against *favelado's* is based upon race and class in Brazil. Analysing these forms of intersectional discrimination that favela residents experience, further allows us to understand to what extent and why *favelado's* basic civil and political rights have been affected by the role of the UPP in the present.

Moreover, within the context of *favelado's* experience of historic marginalization we must also understand the evolution of police brutality in this process, and how law enforcement continually violates the basic civil and political rights of *favelado's*. In part, this will inform us as to why there has been such an alarming rate of extrajudicial killings, torture, inhuman and degrading treatment used against *favelado's* by pacifying police units.

To understand this, I will look at colonial Brazil and how conflicts were managed, to understand the continual use of rights violations against its urban poor, in imperial and early republican Brazil.⁴ Further, this chapter will also provide essential context as to why the UPP and earlier models of policing have been implemented in the favelas of Rio de Janeiro. Moreover, I will also identify how this led to the emergence of increased acts of lethal forced committed by police in Rio de Janeiro that we see presently. This will be done by looking at the rise of drug trafficking and subsequent criminality and violence in favelas from the late 1980's onwards, which sowed the explosion of the narcotics market in South America. This made favelas fertile ground for the rise of drug factions or 'gangs' such

⁴ Desmond Enrique Arias, *Drugs and Democracy in Rio de Janeiro, Trafficking, Social Networks & Public Security*, (USA, 2006), p.19.

as the first organised group; *Comando Vermelho* (Red Command) an offspring of the military regime's repression that gripped Brazil until 1985. Through the use of the 'capabilities approach' traffickers have been able to improve the basic capabilities of residents to reach necessary and minimum levels of living relative to society.⁵

Chapter two will deal with the precedents to the UPP as a policing model. Such precedents have contributed to routine abuses of *favelado's* rights, as pre-existing programs have helped foster lethal and excessive uses of force and learnt behaviours and tactics, unchanged from Brazil's military regime era. The failure of these precedents, since Brazil's transition to democracy, have increased insecurity, violence and the use of extrajudicial killings by military police officers up until 2007. This led to the initiation of the *Unidade de Policia Pacificadora's* (Pacifying Police Units) by former governor of Rio de Janeiro, Sergio Cabral, in 2008. Yet, purposefully I will show, that precedents programs have overshadowed the UPP's successful operation and the rights benefits that it can offer residents. In this process an overview of the implementation of the UPP in its four phases, the mandate of the program and the consideration of the 2014 FIFA World Cup and 2016 Olympic Games, will also be outlined for this paper's comprehension.

Chapter three deals with assessing the negative effects of the UPP on the civil and political rights of residents and how the interlaced factors of authoritarian policing and the prejudicial treatment of *favelado's* are responsible. In the first half, I will indicate how the UPP as a policing program, has significantly improved security, the reduction of criminality and enjoyment of rights for *favelado's* during the first wave of pacification of favelas between 2008-2010. However, during the second wave of pacification from 2010 onwards, this paper will show that cracks soon emerged in this process. As UPP officers have been unable to eliminate authoritarian forms of policing that have resulted in an increase of excessive and lethal force overtime which has severely affected their civil and political liberties. This will further strengthen my argument, as it directly highlights how a lack of institutional

⁵ Ruth Lister, *Defining Poverty*, (UK, 2004), p.16.

reform has been a fundamental barrier to these continued improvements. However, this chapter will also show how this is not just limited to institutional reform but is also related to Brazil's severe social inequality and the prejudicial treatment of *favelado's*. Police officers' low salaries and reduced capabilities to reach certain minimally acceptable standard of living, increases their engagement in corruption as earnings are subsidized by the traffic.⁶ Furthermore, it increases their use of lethal and excessive force. This is because, as Janice Perlman notes, it is the first time, many police recruits are experiencing power and respect, which leads to abuses of this power.⁷

Following this, I will then indicate how the case of Amarildo de Souza, a brick layer from Rochina, who was brutally tortured and killed by UPP officers in police custody in 2013, cemented the official demise of the program through a lack of support and confidence. Souza's case marks the symbiotic decline of the UPP, as it encapsulates how Brazil's approach to policing has changed little from the model used during the military dictatorship, including the clear opposition between police and human rights.

Finally, in this section, in lieu of the insurgence of lethal and excessive force used by UPP officers. I will analyse the misuse of 'Resistance followed by death' as a procedure by military police officers to avoid impunity for extrajudicial killings. This will be exemplified by the case of Johnatha Oliveria Lima from Manguinhos favela and will exhibit the negative implications of pacification in favelas. As this procedure generates the arbitrary deprivation of rights for *favelado's*.

Moreover, chapter four asks whether the UPP has delivered any rights improvements or benefits for residents of favelas which has predominately been limited. Certain academics indicate that a reduction in lethal force is a positive of pacification, however, this chapter will highlight how this is

⁶ Sandra Fredman, 'The potential and limits of an equal rights paradigm in addressing poverty', *Stellenbosch Law Review*, Vol.22, (2011), p.573.

⁷Janice Perlman, *Favela: Four Decades of Living on the Edge in Rio de Janeiro*, (USA, 2010), p.181.

limited as the increase in extrajudicial killings in pacified favelas has offset this. Overall, this section will aim to strengthen my argument that UPP officers have negatively affected, threatened and jeopardised the rights of Rio's favela residents, which has been inhibited by the component of authoritarian policing still un-learnt from the military era.

Finally, chapter five reflects on the future of the UPP as a policing model and the institutions outward move to harder-line approaches of policing that further threaten *favealdos* rights. This is indicated by the *The Presidential Decree for the Guarantee of Law and Order*, inaugurated by former president, Michael Temer, which allowed the military to hold authority and intervene in the states favelas from February to December 31st, 2018.⁸ Since the military intervention in Rio, deaths during police interventions have increased. Further, the rights of *favelado*'s have been at further risk of abuses, as nationally in Brazil, the military are allowed a broader leeway with the use of force, which contravenes the international stature of the UN Principles on the 'Use of Force and Firearms by Law Enforcement Officials'.

This section will also highlight the proposed end of pacification and hence the failure of the UPP as a model. On April 26th, 2018, Rio's Federal Intervention Committee announced the closure of half of the cities 38 Police Pacification Units and currently a bill to provide for the complete eradication of the

⁸ Ernesto Londoño, Shasta Darlington, 'Brazil's Military Is Put in Charge of Security in Rio de Janeiro', 16th February, 2018, <https://www.nytimes.com>, *The New York Times*, <https://www.nytimes.com/2018/02/16/world/americas/brazil-rio-military-security.html>, accessed 28th August, 2019.

UPP is currently being discussed.⁹ Once more, highlighting the interlaced factor of authoritarian policing which the UPP model and the institution itself has been unable to eradicate. Lastly, this section will analyse the current dynamics of Jair Bolsonaro's presidency. Currently, the pendulum of policing has swung to traditional methods of policing that threaten *favelado's* basic and fundamental rights. As I will show, this is made evident by Bolsonaro's proposed implementation for the military polices 'license to kill' and the reduction of community policing efforts, shown through the descaling of the UPP in favelas.

It is hoped, that this interdisciplinary analysis will be able to contribute to the current gap in academic literature regarding the UPP. As most literature I have found and utilised only seems to cover the year up until 2018 and is yet to assess the overall impact of the policing program to this current day. Furthermore, there is few pieces of literature that pertain to understand the affect the presence of the UPP has had on the fundamental HR's of favela residents. Excluding the reports generated by *Amnesty International* and *Human Rights Watch*, the only academic literature that explicitly addressed this was HR's activist and former city councillor for Rio de Janeiro, Marielle Franco's article: "Pacification for Whom?" for the *International Journal On Human Rights*.¹⁰ And, Saima Husain, *In War Those Who Die Are Not Innocent: Human Rights Implementation, Policing, and Public Security Reform in Rio de Janeiro*.¹¹ Whereas other works on this topic, such as Sarah Oosterbaan and Joris Van Wijk's: 'Pacifying and integrating the favelas of Rio de Janeiro an evaluation of the impact of the UPP program on favela residents' and Janice Perlman's, *Favela: Four Decades of Living on the Edge in Rio de Janeiro*, use criminology, sociology and ethnographic field work and research. These are

⁹ Constance Malleret, 'The end of 'pacification': What next for Rio de Janeiro's favelas?', 18th May, 2018, <http://jerichoonline.com>, *Jericho*, <http://jerichoonline.com/2018/05/18/end-of-pacification-what-next-for-rio-de-janeiros-favelas/>, accessed 28th August, 2019.

¹⁰ Marielle Franco, "Pacification for Whom?", *International Journal On Human Rights*, Vol.15, (2018).

¹¹ Saima Husain, *In War Those Who Die Are Not Innocent: Human Rights Implementation, Policing, and Public Security Reform in Rio de Janeiro*, (Netherlands, 2006).

used to assess the overall impacts of the pacification program on residents socially, economically and politically and do not take into account a specific HR's evaluation. Emphasising, the clear gap in academic literature, that I hope to contribute toward.¹²

The Human Rights Theoretical Framework

This thesis will pay particular attention to the how the fundamental civil and political rights of favela dwellers known as *favelado's* are routinely abused and have been affected by the presence and now, gradual removal of the Pacifying Police Units (UPP) in Rio de Janeiro. I will focus on the use of extrajudicial killings and the use of torture or the cruel, inhuman or degrading treatment or punishment of favela residents and suspected traffickers by military police in Rio de Janeiro. Understood as the actions of both 'lethal' and 'excessive' force. 'Lethal' force being an amount of force likely to cause serious bodily harm or death to another person.¹³Whereas, 'excessive' force refers to the use of force greater than which should be reasonably used by an officer in any given circumstance.¹⁴ Specifically,

¹² Perlman, *Favela: Four Decades of Living on the Edge*.

¹³ 'Deadly Force', <https://www.thefreedictionary.com/>, *The Free Dictionary*, <https://legal-dictionary.thefreedictionary.com/Lethal+force>, accessed 20th June, 2019.

¹⁴ 'Excessive Force Law and Legal Definition', <https://uslegal.com>, *US Legal.Com*, <https://definitions.uslegal.com/e/extrajudicial-killing/>, <https://definitions.uslegal.com/e/excessive-force/>, accessed 23rd June, 2019.

this will be focused in regard to military police acting in the capacity of pacifying police officers, who are stationed in units inside 'pacified' favelas.

Further, it is essential for the understanding and synthesis of this paper to provide definitions of what constitutes 'extrajudicial killings' and 'torture or to cruel, inhuman or degrading treatment or punishment'.

According to the *US Legal Dictionary* an 'extrajudicial killing' is legally defined as: '....a deliberate killing not authorized by a previous judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples'.¹⁵ Expanding on this, with relevance to the topic at hand, the United Nation's *Manual on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (1991)* states that extrajudicial killings can include:

'.... deaths resulting from torture or ill-treatment in prison or detention, deaths resulting from enforced disappearances, deaths resulting from the excessive use of force by law-enforcement personnel, executions without due process...'.¹⁶

¹⁵ 'Extrajudicial Killing Law and Legal Definition', <https://uslegal.com>, *US Legal.Com*, <https://definitions.uslegal.com/e/extrajudicial-killing/>, accessed 23rd June, 2019.

¹⁶ The United Nation's Manual on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, *United Nations*, <https://www.un.org/en>, *UN Peacemaker*, https://www.un.org/ruleoflaw/files/UN_Manual_on_the_Effective_Prevention_and_Investigation%5B1%5D.pdf, accessed 23rd June, 2019.

Also within this context, the former Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, Christof Heyns, defined extrajudicial killings within the use of force in law enforcement in 2016 as:

“The intentional lethal use of force by law enforcement officials and others is permissible in very exceptional cases only, namely when its use against a perpetrator is strictly unavoidable in order to protect human life from unlawful attack (making it proportionate) and all other means are insufficient to achieve that objective (making it necessary).”¹⁷

He further defines this act as an ‘arbitrary deprivation of life’.¹⁸ Special Rapporteurs are part of the special procedures of the Human Rights Council (HRC) and are independent experts with mandates either of a thematic or country-specific nature whom report and advise on these issues.¹⁹

Moreover, a definition for ‘torture or cruel, inhuman or degrading treatment or punishment’ is explicitly found in CAT. According to article 1: ‘torture’ is an act in which severe pain or suffering is intentionally inflicted, whether it be physical or mental at the instigation or consent of a public official or a person

¹⁷ Christof Heyns, ‘Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on the right to life and the use of force by private security providers in law enforcement contexts’, 6th May, 2016, <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, OHCHR, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/39, accessed 10th July, 2019.

¹⁸ Ibid.

¹⁹ ‘Special Procedures of The Human Rights Council’, <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, OHCHR, <https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx>, accessed 10th July, 2019.

acting in official capacity.²⁰ Furthermore, in regards to ‘cruel, inhuman’ or ‘degrading treatment’ or ‘punishment’, article 16 of CAT concludes that:

“Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.”²¹

Indicating lesser and sever forms of ill-treatment are also prohibited if they are considered to be ‘inhuman’ or ‘degrading’.²² *General comment no. 20 (1992) on the Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment* by the HRC has further clarified that these acts include violations to the dignity, physical and mental integrity of the individual.²³

²⁰ United Nations, ‘Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment’, , <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, OHCHR, <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>, accessed 10th July, 2019.

²¹ Ibid.

²² Ibid.

²³ ‘Forty-fourth session (1992), General comment No. 20: Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment)’, <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, OHCHR, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en, accessed 10th July, 2019.

The use of excessive and lethal uses of force by Brazil's military police have violated Brazil's international obligations most explicitly to the *Universal Declaration of Human Rights of 1948* (UDHR) signed and ratified by Brazil in the same year²⁴. As well as, the *International Covenant on Civil and Political Rights of 1966* (ICCPR) signed and ratified by the state in 1992.²⁵

In particular, the use of extrajudicial killings and the use of torture or the cruel, inhuman or degrading treatment or punishment of favela residents and suspected traffickers by military police in Rio de Janeiro has violated an irrevocable core right, the right to: 'life, liberty, and security' found in article 3 of the UDHR and 6 of the ICCPR.²⁶ The right to life is a customary piece of international law and a core right that cannot be suspended under any circumstance including in emergency situations.²⁷ The right to life is an essential condition for the enjoyment of human dignity and the exercise of all other HR's.²⁸ Furthermore, Brazil is obligated to not arbitrarily deprive life and to take measures to protect and preserve this rights as was clarified in the Case of the *Sawhoyamaya community v. Paraguay*

²⁴ 'The Universal Declaration of Human Rights', , <https://www.un.org/en>, *United Nations*, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 10th July, 2019.

²⁵ ' Chapter IV International Covenant on Civil and Political Rights', <https://treaties.un.org/Pages/Home.aspx?clang=en>, *United Nations Treaty Collection*, https://treaties.un.org/Pages/ViewDetails.aspx?chapter=4&clang=en&mtdsg_no=IV-4&src=IND, accessed 10th July, 2019.

²⁶ 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>, accessed 10th July, 2019.

²⁷ 'International Covenant on Civil and Political Rights', <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, *OHCHR*, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed 12th July, 2019.

²⁸ Amnesty International, *You Killed My Son Homicides by Military Police in Rio de Janeiro*, (Brazil, 2015), p.17.

and case the *Ituango massacres v. Colombia* by the IACHR.²⁹ The HRC in General Comment number 38 (2018) also recognised that the right to life is the "...prerequisite for the enjoyment of all other human rights and whose content can be informed by other human rights."³⁰

Throughout this paper I will also allude to how military police officers acting in the capacity of UPP officers, have violated the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment as outlined in both articles 7 and 10 of the UDHR and ICCPR. Finally, some reference will be made to how these acts create derogations to *favelado*'s right to a fair and public hearing by an independent and impartial tribunal, found in articles 3 of the UDHR and 14.1 of the ICCPR.³¹

Moreover, this paper will also in-explicitly refer to Brazil's obligations and rights violations with reference to the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, also ratified in 1992.³² Regionally, I will also implicitly refer to The Organisation of American States (OAS) a regional HR mechanism that Brazil is party to, and the work of the Inter Commission on

²⁹ Ibid.

³⁰ Human Rights Committee, 'General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life', <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, OHCHR, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf, accessed 13th July, 2019.

³¹ 'The Universal Declaration of Human Rights,' <http://www.un.org/en/index.html>, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 10th July, 2019.

³² 'Chapter IV Human Rights International Convention on Economic, Social and Cultural Rights', <https://treaties.un.org/Pages/Home.aspx?clang=en>, *United Nations Treaty Collection*, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-3&chapter=4&clang=en, accessed 14th July, 2019.

Human Rights (IACHR).³³ The IACHR derives its said mandate from the OAS Charter and the *American Convention on Human Rights*, which Brazil signed and ratified 1992.³⁴ IACHR is mandated to protect and defend HR's regionally and acts as a consultative body to the OAS.³⁵

To strengthen my arguments, references will also be made to the recommendations and resolutions made in Brazil's second and third cycle of the United Nation's Universal Periodic Review, a mechanism a process which involves all a review of all UN Members HR's records by other member states under the auspices of the HRC.³⁶ Member states are reviewed every 4.5 years.³⁷ I will also reference general comments and individual communications made to treaty-based bodies. A treaty-based body, is made up of independent experts that monitor the implementation of core international HR's treaties.³⁸ These functions include, offering general comments to clarify standards, the

³³ 'American Convention on Human Rights Pact of San Jose, Costa Rica', http://www.oas.org/en/sla/dil/international_law.asp, OAS, https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm, accessed 14th July, 2019.

³⁴Ibid,

³⁵ https://www.oas.org/en/iachr/media_center/PReleases/2019/103.asp

³⁶ 'IACHR Concerned about Killings Committed by Police Officers in Brazilian Urban Contexts', 25th April, 2019, OAS, https://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights_sign.htm, <https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>, accessed 14th July, 2019.

³⁷ 'Cycles of the Universal Periodic Review', OHCHR, <https://www.ohchr.org/EN/HRbodies/HRC/Pages/Home.aspx>, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>, accessed 14th July, 2019.

³⁸ 'UN Documentation: Human Rights', <https://www.un.org/en/index.html>, United Nations, <https://research.un.org/en/docs/humanrights/treaties>, accessed 14th July, 2019.

consideration of state parties annual reports on the implementation of rights, as well as the consideration of individual or interstate communications received of violations against state parties.³⁹

Finally, to understand the alarming rate of torture and other inhuman and degrading treatment or punishment used by Military Police in Rio de Janeiro, acting as UPP officials, I will refer to a report made in 2016 on Brazil by the former *Special Rapporteur on Torture and other Cruel, In-Human or Degrading Treatment* on his mission to Brazil in 2016.⁴⁰ Finally, in my discussion of the act and procedure of ‘resistance followed by death’ in this paper, I will reference Brazil’s international commitment to the rules of legitimate force. This includes two United Nation’s documents that regulate force by public security agents: the “Code of Conduct For Law Enforcement Officials” and the “Basic principles on the use of force and firearms by law enforcement officials”.

Chapter One: Understanding the background: how social and historical phenomena have allowed the UPP to affect the fundamental rights of residents.

³⁹ Ibid.

⁴⁰ ‘Special Rapporteur on Torture and other Cruel, In-Human or Degrading Treatment on his mission to Brazil in 2016’, 29th January, 2016, <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, OHCHR, , https://ap.ohchr.org/documents/dpage_e.aspx?m=103, accessed 15th July, 2019.

What is a favela?

Simply put, by historian Bryan Mccan: "In practice the term describes a variety of neighbourhoods".⁴¹ The city's first and oldest 'favela' originated after soldiers returning from the Canudos war in North-Eastern Brazil settled on the hill known as Providencia or 'Morro da Providencia' in 1847.⁴²⁴³ It was also known formally as 'Morro da Favella'.⁴⁴The term originating from a plant that grew around Canudos; an extremely thorny and durable plant.⁴⁵As anthropologist Licia do Prado Valladares notes, many former combatants and soldiers took up residence at Providencia as a statement.⁴⁶ They wanted to pressure the Ministry of War to pay their hard-earned salaries.⁴⁷ However, as Valladares has noted, the phenomena of a 'favela' existed way before it was officially recognised as both a

⁴¹ Bryan Mccan, *Hard Times the Marvelous City*, (USA, 2014), p.22.

⁴² 'Rio Favela Facts', <https://catcomm.org>, *CatComm*, <https://catcomm.org/favela-facts/>, accessed 15th July, 2019.

⁴³ Similar material included in undergraduate dissertation: 'The Emergence of Drug Trafficking in the favelas of Rio de Janeiro'.

⁴⁴ Licia Do Prado Valladares, *The Invention of the Favela*, (USA, 2019), p.15

⁴⁵ Ibid.

⁴⁶Ibid.

⁴⁷ Ibid.

geographic and social space.⁴⁸ Quilombos, informal settlements, founded by runaway slaves in the city took form as early as the 17th century.⁴⁹

Since the inception of colonial Portuguese rule in Brazil in 16th century, the urban often non-white poor, have traditionally had their social welfare and housing disregarded, which amounted into a large and expansive system of informal housing.⁵⁰ Indeed, as Valladares adds, the 'formal sector' was not structured to provide affordable housing for the city's urban poor and working class, thus actors within the informal sector: "...stood ready to extract profit from their ability to control access to terrain".⁵¹ Gradually, according to Valladares, the term 'Moro da Favella' was extended to: "...any ground of shacks clustered without a street plan or access to public services, on invaded public or private land'.⁵² Over time, these began to multiply in the central, northern and southern zones of the city of Rio de Janeiro.⁵³ Local strongmen and property owners often divided these areas into lots and rented them out.⁵⁴

⁴⁸ Ibid.

⁴⁹ Kiratiana Freelon, 'Brazil's quilombos: the heart of Afro-Brazilian history', [https://www.lonelyplanet.com, Lonely planet, https://www.lonelyplanet.com/brazil/rio-de-janeiro/travel-tips-and-articles/brazils-quilombos-the-heart-of-afro-brazilian-history/40625c8c-8a11-5710-a052-1479d2754eb1](https://www.lonelyplanet.com/brazil/rio-de-janeiro/travel-tips-and-articles/brazils-quilombos-the-heart-of-afro-brazilian-history/40625c8c-8a11-5710-a052-1479d2754eb1), accessed 16th July, 2019.

⁵⁰ Arias, *Drugs and Democracy in Rio de Janeiro*, p.20.

⁵¹ Valladares, *The Invention of the Favela*, p.16.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

As anthropologist Janice Perlman adds, housing shortages between 1890-1906 in combination with the abolition of slavery in 1888 led to large scale migrations to Rio de Janeiro in 1889 from former-plantations, also further leading to the expansion of favelas.⁵⁵

Throughout the twentieth century as the poorest of workers such as those who worked in factories, hospital and public and semi-public institutions such as pensions, were granted land to erect shacks in the rear of these properties: "As families grew and residents rented sublots to newcomers, such nuclei grew into small favelas" as Perlman contends.⁵⁶ This contributed to greater black and mixed-race populations living in such areas, which is still apparent today.⁵⁷ This is largely owed to the legacy of colonialism.⁵⁸ As Mccan notes: "Black residents were inevitably concentrated more heavily in substandard, precarious urban spaces effectively reserved for those without full rights: Rio's favelas".⁵⁹ Furthermore, as Mccan adds: "...their blackness reinforced dominant understandings of these as zones beneath the protections of law and guarantees of citizenship".⁶⁰ A *favelado* is not synonymous with being black, however, many of the residents are black even though this percentage varies today.⁶¹

⁵⁵ Perlman, *Favela: Four Decades of Living on the Edge*, p.26.

⁵⁶ Ibid.

⁵⁷ 'Rio Favela Facts', <https://catcomm.org/favela-facts/>, accessed 15th July, 2019.

⁵⁸ Perlman, *Favela: Four Decades of Living on the Edge*, p.26.

⁵⁹ Ibid.

⁶⁰ Ibid, p.34.

⁶¹ Mccan, *Hard Times the Marvelous City*, p.33.

Today, most *favelado*'s still buy or rent their land or subplot on the informal market. Therefore, the majority of residents have an absence of property title and residents are not protected from eviction and cannot legally sell or pass on their properties. As Mccan notes this is a discrimination that: "...has remained the single most consistent characteristic of favelas for more than a century".⁶² Resultantly, throughout their history favelas have been rejected by the 'formal' city and consistently threatened with destruction.⁶³ As Mccan notes:

"the moment people began building their own homes and communities outside the control of the state or the market, they were seen as a menace to the city of privilege... "Since the late 1800s, in the ongoing effort to rid the city of these "leprous sores," laws have been passed, building codes established, eviction notices posted, civil and military police deployed, and fires set in the dark of night."⁶⁴

Further, as Valladares contend, beginning in the 18th century, these areas were defined as gateways to 'idleness' and 'crime' inhabited by *vagabundos* (bums), *malandros* (hustlers) and workers by the ruling elite. ⁶⁵Notably the newspaper *Jornal do Brasil* noted it was: "infested with vagrants and criminal that are shocking to families' 'in 1900."⁶⁶

⁶² Ibid, p.35.

⁶³ Ibid, p.26.

⁶⁴ Ibid,

⁶⁵ Valladares, *The Invention of the Favela*, p.14.

⁶⁶ Ibid, p.17.

Forced urban removals became a common feature throughout the twentieth century to social housing project especially during the military dictatorship between 1964-1985. By 1973, 175,785 residents from sixty-two favelas and their suburbs were removed to the margins of the city in the north zone known as the 'zona norte'.⁶⁷ These were far away from many of the residents jobs and the access they could gain to health care, social services, local schools, transportation and other essential amenities.⁶⁸

In all, this trajectory highlights the historical context of social inequality and marginalization and Rio's *favelado*'s have faced. This is an essential context that informs as to why fundamental HR's violations have been committed against *favelado*'s and why law enforcement officials continue to do so today in the capacity of UPP officers.

⁶⁷ Constance G. Anthony, 'Urban Forced Removals in Rio de Janeiro and Los Angeles: North-South Similarities in Race and City', *University of Miami Inter-American Law Review*, 4, (2013), p.348.

⁶⁸ Ibid.

The evolution of police brutality

As social scientist Desmond Enrique Arias notes, by looking at the colonial period in Brazil and how policing developed: "...we can come to a more nuanced understanding of the nature of civic violence and the imperfect system of policing that exists in Rio today".⁶⁹

The formation of organised policing in Brazil was heavily influenced by the slave trade.⁷⁰ Slaves were used from the early 16th century until abolition in 1888.⁷¹ According to Husain, after the relocation of the Portuguese crown in 1808 half of the population was enslaved and fear of revolts were high.⁷² Thus, in May 1809, organised policing first emerged in the city, in the form The *Guarda Real da*

⁶⁹ Arias, *Drugs and Democracy in Rio de Janeiro*, p.19.

⁷⁰ Husain, *In War Those Who Die Are Not Innocent*, p.56.

⁷¹ Ibid.

⁷² Ibid.

Polícia de Corte (The Royal Guard of Police of The Court).⁷³ However, the insurance of public order was a loose term, as the guards mandate was to suppress, subjugate and repress so they could protect the ruling elite in society.⁷⁴ As historian Thomas Holloway notes : “ the police in Rio de Janeiro were conceived from the earliest days as a ‘standing army fighting a social war’”.⁷⁵ However, instead of warfare against an external enemy; “...the objective was not to exterminate or eliminate the adversary. The goal was repression and subjugation, the maintenance of an acceptable level of order and calm, enabling the city to function in the interest of the class that made rules and created the police to enforce them”.⁷⁶

Thus, history has shown us that the practice of police brutality utilised through coercive and aggressive measures has been a repeated continuity since the formation of organized policing in colonial times and provides a longstanding barrier for Brazil to protect and respect HR's. As Arias supports:

“ The favelas and the violence that exists in Rio de Janeiro today are products of this complex- history- in which the Brazilian state and powerful members of society have sought to exploit the labour of usually non-white poor people while, at the same time, devoting relatively few resources to their social wellbeing or even, for that matter their policing”.⁷⁷

⁷³ Thomas H. Holloway, *Policing Rio De Janeiro: Repression and Resistance in a 19th Century City*, (USA, 1993), p.34.

⁷⁴ Ibid, p.70.

⁷⁵ Husain, *In War Those Who Die Are Not Innocent*, p.56.

⁷⁶ Holloway, *Policing Rio De Janeiro*, p.37.

⁷⁷ Ibid.

Today, the police system in Brazil is divided into two separate forces; the federal and state police forces. The federal police (*polícia civil*) in Brazil possess a purely judicial and investigative role. Article 144 of the 1988 Brazilian Constitution decrees that that ‘federal police’ investigate criminal offenses against the ‘...political and the social order or to the detriment of property, services and interests of the Union and of its autonomous government entities and public companies’.⁷⁸ This includes dealing with cases of terrorism, organised crime, immigration and other federal and fiscal crimes.⁷⁹ Whereas the military police (*polícia militar*) are structured into uniformed battalions, patrol the streets and are responsible for preserving public order and serve in a preventative function.⁸⁰

The continual marginalization of *favelado*’s and the case of intersectional discrimination

⁷⁸ ‘Constitution of the Federative Republic of Brazil 3rd Edition’, <http://english.tse.jus.br>, *Super Electoral Court*, <http://english.tse.jus.br/arquivos/federal-constitution>, accessed 16th July, 2019.

⁷⁹ Saima Husain, ‘On the Long Road to Demilitarization and Professionalization of the Police in Brazil’, ed. Niels A. Uldriks in *Policing Insecurity: Police Reform, Security, and Human Rights In Latin America*, (USA: 2009), p.49.

⁸⁰ ‘Constitution of the Federative Republic of Brazil’, <http://english.tse.jus.br/arquivos/federal-constitution>, accessed 16th July, 2019.

'Intersectional discrimination' as a theory first came into parlance in 1989.⁸¹ It was introduced by academic and legal scholar Kimberley Crenshaw.⁸² As Crenshaw notes: 'I think of intersectionality as a term that captures the fact that systems of oppression are not singular; they overlap and intersect in the same way that power does.'⁸³ Thus, intersectionality is understood by many as a theory for revealing the multiple dimensions of our social identities and how we can simultaneously experience our race, gender, class, age or so forth as experiences of privilege or discrimination.⁸⁴ As Crenshaw further clarifies:

"Intersectionality is what occurs when a woman from a minority group (...) tries to navigate the main crossing in the city (...) The main highway is "racism road". One cross street can be Colonialism, then Patriarchy Street (...) She has to deal not only with one form of oppression but with all forms, those

⁸¹ Dr. Yolande M. S. Tomlinson, 'Intersectionality: A Tool for Realizing Human Rights', 2nd November, 2015, <https://www.newtactics.org>, *New Tactics In Human Rights*, <https://www.newtactics.org/blog/intersectionality-tool-realizing-human-rights>, accessed 16th July, 2019.

⁸² Ibid.

⁸³ Kimberley Crenshaw, Patricia Schulz, 'Intersectionality in Promoting Equality', *The Equal Rights Review*, vol. 16, (2016), pp.210, 211.

⁸⁴ Tomlinson, 'Intersectionality: A Tool for Realizing Human Rights' <https://www.newtactics.org/blog/intersectionality-tool-realizing-human-rights>, accessed 16th July, 2019.

named as road signs, which link together to make a double, triple, multiple, a many layered blanket of oppression.”⁸⁵

Crenshaw has found issue with prevailing practices of law and other disciplines, such as HR's, whom have analysed different forms of discrimination such as racism and class separately.⁸⁶ As Crenshaw notes, although HR's and international discourses have used intersectionality for the last decade; "... What the question points to is not so much intersectionality's limited role outside of academic circles, but its limited circulation within a narrower sphere of political and governmental discourses".⁸⁷

Entrenched intersectional forms of discrimination are present in Brazil and the legacy of colonialism and slavery does need to be taken into account. Analysing the forms of intersectional discrimination favela residents experience further allows us to understand to what extent and why *favelado's* basic civil and political rights have been affected by the function of the UPP in the present.

Rio's *favelado's* are subjected to intersectional forms of discrimination on the basis of race and class rather uniquely.⁸⁸As anthropologist Donna Goldstein argues, there is a perception that society perceives poverty in Brazil as a class-based problem rather than a racial one.⁸⁹

⁸⁵ Kimberley Crenshaw, "Intersectionality and Feminist Politics", *European Journal of Women's Studies*, Vol. 13, (2006), p.196.

⁸⁶ Ibid,

⁸⁷ Crenshaw, Schulz, 'Intersectionality in Promoting Equality', p.213.

⁸⁸ Donna Goldstein, *Laughter Out of Place Race, Class, Violence, and Sexuality in a Rio Shanty Town*, (USA, 2003), p.105.

⁸⁹ Ibid.

A notable example of this is found in Donna Goldstein's: *Laughter Out of Place Race, Class, Violence, and Sexuality in a Rio Shanty Town*, taken from her anthropological observations. In particular, she uses the example of Eliana and her grandchild Fatsuo which indicates the racialised class system in Brazil and how it reflects a form of intersectional discrimination.⁹⁰ Eliana and her daughter are dark-skinned, however, her grandson is much lighter skin due to the parentage of the father.⁹¹ Thus, every time Eliana is with her grandson such as when she is shopping or in public areas she is perceived to be his 'baba' or nanny.⁹² As Goldstein notes: "The links between color and class are particularly clear in the case of Eliana and her grandson Fautso." Their colours taken together are naturally correlated to a class relationship⁹³

The use of intersectional form of discrimination, based upon race and class, however, has had much graver consequences for *favelado's* freedom from inhuman, degrading treatment and the fundamental right to life, liberty and security. As a report by *the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* on his mission to Brazil in 2016 indicated.⁹⁴ The Special Rapporteur, Nils Melzer, highlighted that: " Afro-Brazilians are at a significantly higher risk of mass incarceration, police abuse, torture and ill-treatment, medical neglect, being killed by the police,

⁹⁰ Goldstein, *Laughter Out of Place Race, Class*, p.102.

⁹¹ Ibid.

⁹² Ibid,

⁹³ Ibid, p.103.

⁹⁴ 'Special Rapporteur on Torture and other Cruel, In-Human or Degrading Treatment on his mission to Brazil in 2016', 29th January, 2016, https://ap.ohchr.org/documents/dpage_e.aspx?m=103, p.8, accessed 17th July, 2019.

receiving higher sentences than their white counterparts for the same crime”.⁹⁵ Melzer also indicated concern for reports of involvement in death squads “terrorizing black communities”.⁹⁶ Notably, many of these Afro-Brazilian populations are concentrated in favelas and are *favelado*’s. Moreover, the Brazilian non-governmental organisation *Cat Comms* notes; “The percentage of blacks in communities on the urban periphery is higher than in the general population: 67% versus the 52% national average.”.⁹⁷

This 2016 report produced by the Special Rapporteur arguably exhibits how *favelado*’s are discriminated on the basis of race and class which results in fundamental rights derogations. As political and social justice academic, Denise Ferreira da Silva, indicates favelas are: “the part of “Brazilian space” in which blackness “signifies the domain of social degeneracy, pathology, and illegality “ showing the intertwining of race and class-based discrimination *favelado*’s face.⁹⁸ Indeed, Jan Hoffman French also shows how *favelado*’s suffer discrimination on the basis of race and class from anthropological analysis of police violence in Brazil. Hoffman suggests that favelas are theorised as ‘black spaces’ and suggests that: “when those who live in favelas identify themselves as “poor,” they are referring to the “black, mestiço , and blackened white Brazilians”⁹⁹ that suffer a “racialised dimension of police terror.”¹⁰⁰

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ ‘Rio Favela Facts’, <https://catcomm.org/favela-facts/>, accessed 15th July, 2019.

⁹⁸ Denise Ferreira da Silva, ‘Towards a Critique of the Socio-Logos of Justice: The Analytics of Raciality and the Production of Universality’, *Journal of The Study of Race, Nation and Culture*, Vol. 7, (2001), p.441.

⁹⁹ ‘mestiço’ refers to individuals born of mixed ethnicities.

¹⁰⁰ Jan Hoffman French, ‘Rethinking Police Violence in Brazil: Unmasking the Public Secret of Race’, *Latin American Politics and Society*, Vol.55, (2013), p.170.

The Presence of drugs, criminality and violence in favelas from the late 20th century onwards: paving the way for the UPP

The explosion of the narcotics market in the 1980's which coincided with Brazil's gradual transition to democracy, increased the level of insecurity and acts of lethal force committed by the military police in Rio de Janeiro, which still constitute many of the serious rights violations committed today. Favelas became synonymous with armed drug factions, violence and drug use. As Husain notes "between 1985 and 1994 homicide rates in the state of Rio de Janeiro increased by 63%" whereas inside the city this doubled and was mostly related to fights within drug gangs or in police raids inside favelas.¹⁰¹ Notably, the successful implementation of drug trafficking factions into favelas explains why police models such as the UPP and its predecessors have been installed inside favelas.

Around 1985 the drug market exploded and Rio de Janeiro became the main South American transshipment point and repackaging centre for the export of cocaine and cannabis to America, Europe, South Africa.¹⁰² Accordingly, the Federal Police estimate that 20% of all cocaine that arrives

¹⁰¹ Husain, *In War Those Who Die Are Not Innocent*, p.63.

¹⁰² Luke Dowdney, *Neither War Nor Peace: Children and Youth in Organised Armed Violence*, (UK, 2003), pp.25,26.

is also sold internally, which has produced a lucrative internal retail drug market in the city.¹⁰³ This led to the emergence of armed drug factions, paving the way for drug-related violence and territorial disputes.¹⁰⁴

It is well known that between the years 1964 and 1985 a violent dictatorship gripped Brazil which heavily violated the fundamental civil and political rights of the city's urban poor concentrated in the favelas, at the time, former president and army general, Artur da Costa e Silva, immediately invoked *the Institucional Número Cinco* (Institutional Act Number Five).¹⁰⁵ This closed Congress and state legislatures allowed the government to arrest opposition politicians and extinguish their political rights.¹⁰⁶

Arguably, the emergence of drug factions that proliferate the city today is a direct consequence of the repression of the military dictatorship. There is cross discipline support for this notion from academics Elizabeth Leeds a prominent political scientist, cultural anthropologists, Ben Penglase and Janice Perlman, and social scientists Robert Gay, Claudio Ramos da Cruz and David H. Ucko. As a result, political criminals were housed with common criminals who were typically poor and came often or not from favelas.¹⁰⁷ As Perlman notes: "The students and leftist intellectuals started teaching the others

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ 'AI:5: 50 Years ago, Brazil Institutionalised Torture and Repression', <https://brazilian.report/>, *The Brazilian Report*, <https://brazilian.report/power/2018/12/13/ai-5-brazil-torture-repression/>, accessed 20th July, 2019.

¹⁰⁶ Ibid.

¹⁰⁷ Perlman, *Favela: Four Decades of Living on the Edge*, p.179.

about exploitation and injustice, while the criminals taught the leftists how to function outside the law.”¹⁰⁸ In addition, as Cruz and Ucko add , criminals learned ‘paramilitary principles’ such as hierarchical structures, guerrilla tactics and other ideas such as ‘revolution against the state’.¹⁰⁹ This gave birth to Rio’s first organised drug faction that is still powerful today; *Comando Vermelho* (Red Command) that is also known as ‘CV’. CV emerged out of an alliance between common criminals and political prisoners branded leftists at Candido Mendes on Ilha Grande island in Rio de Janeiro.¹¹⁰ This was a huge governmental error. Inmates organized themselves into groups called *falanges* (phalanx) .¹¹¹As both Perlman and Uzo and Cruz note, attempts in the mid-1980’s to weaken CV in Candido Mendes by transferring inmates to other correctional facilities only strengthened the organization.¹¹² Sending them to other prisons around the country only allowed CV to spread their knowledge.¹¹³

Thus, when the dictatorship ended and many got out of prison, they organized a collective called the Red Phalanx, later called the Comando Vermelho, what was Rio’s first powerful drug gang.¹¹⁴ Most favelas already had *bocas de fumo* (smoking spots) for locally grown marijuana where independent

¹⁰⁸ Ibid.

¹⁰⁹ Claudio Ramos da Cruz, David H. Ucko, ‘Beyond the Unidades de Polícia Pacificadora: Countering Comando Vermelho’s Criminal Insurgency’, *Small Wars & Insurgencies*, Vol.29, (2017), p.40.

¹¹⁰ Ben Penglase, ‘The Bastard Child of the Dictatorship The Comando Vermelho (CV) and the “Birth of Narco-culture” in Rio de Janeiro’, *Luso-Brazilian Review*, 45, (2008), p.118.

¹¹¹ Cruz, Ucko, ‘Beyond the Unidades de Polícia Pacificadora’, p.40.

¹¹² Ibid.

¹¹³ Perlman, *Favela: Four Decades of Living on the Edge*, p.170.

¹¹⁴ Ibid, pp.173, 179.

drug dealers sold it.¹¹⁵ These later became the focal points for cocaine dealers who set up shop inside the favelas, recruiting locals to help them.¹¹⁶ Indeed, as Cruz and Ucko note the terrain has benefited the drug dealers: "built over the hills and without proper planning, the favelas produce veritable labyrinths of narrow passages and dead ends. The geography discourages both police work and state presence while giving the traffickers, particularly those with local support, a safe operational environment."¹¹⁷ Drug factions such as CV are loosely affiliated networks of independent actors.¹¹⁸ Each *dono* (boss) is in accord with other *dono*'s whom also pertain to CV.¹¹⁹ Most traffickers are disproportionately young black and mixed race men and boys, many of whom enter the traffic as children and live knowing that they may not reach the age of 25 as Perlman indicated.¹²⁰

However, conflicts over the territories and spoils within the Comando Vermelho led to the creation of two splinter groups which have become bitter rivals—the Terceiro Comando (Third Command) and the Amigos dos Amigos known (Friends of Friends) known as 'AMA'.¹²¹ Thus as Penglase notes: "in a fairly direct sense, the Comando Vermelho was the bastard child of the dictatorship's attempt to

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Cruz, Ucko, 'Beyond the Unidades de Polícia Pacificadora', p.40.

¹¹⁸ Dowdney, *Neither War Nor Peace*, p.31.

¹¹⁹ Ibid.

¹²⁰ Perlman, *Favela: Four Decades of Living on the Edge*, p.307.

¹²¹ Ibid, p.178.

repress armed political opposition".¹²²¹²³ This resulted in excessive militarization of armed groups to 'defend' and 'control' the *bocas* and the communities in which they were placed.¹²⁴ Thus, leading to increased armed police interventions inside favelas and the introduction of policing models such as the UPP.

Inequality levels in Rio, and in Brazil, are amongst the highest in the world.¹²⁵ As *Oxfam International* has reported, it would take someone earning the national minimum wage to work 19 years to make the same money as a Brazilian from the richest 0.1% of the population.¹²⁶ Further, The United Nations Development Programme's Human development programme (HDI) has highlighted just how sheer inequality is in the city. In the neighbourhood of Gavea in the south zone, residents enjoy a quality of life comparable to that of Belgium, whereas, those inside Complexo de Alemão, one of the city's largest favela in the north zone, have a quality of life comparable to that of Vietnam.¹²⁷ There is striking income and quality of life difference between *favelado's* and non-*favelado's* and creates profound HR's implications such as equal access to justice as enshrined in Brazil's obligation to article 10 of the UDHR; "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."¹²⁸ Inequality also affects the right to an education enshrined in article 26.1 of the UDHR

¹²² Penglase, *The Bastard Child of the Dictatorship The Comando Vermelho*, p.125.

¹²³ Similar reference made in undergraduate dissertation: 'The Emergence of Drug Trafficking in the favelas of Rio de Janeiro'.

¹²⁴ Dowdney, *Neither War Nor Peace*, pp.33, 36,37.

¹²⁵ Perlman, *Favela: Four Decades of Living on the Edge*, p.176.

¹²⁶ 'Brazil: Extreme Inequality in Numbers', <https://www.oxfam.org/en>, *Oxfam International*, <https://www.oxfam.org/en/even-it-brazil/brazil-extreme-inequality-numbers>, accessed 20th July, 2019.

¹²⁷ Deepa Narayan, Patti Petesch, *Moving out of poverty : cross-disciplinary perspectives on mobility*, (UK, 2007), p.235.

¹²⁸ 'The Universal Declaration of Human Rights,' <http://www.un.org/en/index.html>, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 20th July, 2019.

and article 21.1 concerning the right to take part in one's country either directly or through 'freely chosen representation'.¹²⁹ Arguably, this social and economic inequality of *favelas*, perpetuate poverty and social exclusion which are drivers for the presence of drug trafficking, violence and subsequent police programs such as the UPP which aim to repress criminals in Rio. As the *Centre of Economic and Social Rights* note: "extreme inequality is a consequence as well as a cause of HR's deprivations".¹³⁰

Drug factions can also offer far more than employment to residents, they also provide necessary services. This also explains how factions were able to root themselves firmly inside favelas. If we apply development studies academic Amartya Sen's method of the 'capability approach' developed in her book *Development as Freedom*, we can see how traffickers have previously been able to so freely operate in communities. The capability approach, according to Sen focus on "ends".¹³¹ The approach focuses the shift away from the means in understanding poverty and deprivation causes such as to income, to methods of poverty reduction.¹³² As Sen argues there are certain 'basic capabilities' necessary to reach certain minimally acceptable levels of living relative to one's society.¹³³ These include food, housing and security.¹³⁴ Arguably, capabilities improvement is something traffickers in communities regularly use to guarantee protection and the respect needed to operate in favelas. As a

¹²⁹ Ibid.

¹³⁰ 'Inequality: can human rights make a difference?', <http://www.cesr.org>, *Centre of Economic and Social Rights*, <http://www.cesr.org/inequality-can-human-rights-make-difference-0>, accessed 20th July, 2019.

¹³¹ Amartya Sen, *Development as Freedom*, (USA, 1999), p.90.

¹³² Ibid, p.87.

¹³³ Lister, *Defining Poverty*, p.16.

¹³⁴ Sen, *Development as Freedom*, p.90.

youth trafficker imprisoned in a youth detention noted in an interview with Luke Dowdney, founder of the organisation *Fight For Peace*:

“ I treated everyone [in the community] well. Sometimes a resident would ask me to buy rice or a gas cylinder [used for cooking]. So what did I do? I’d go down and steal whatever they needed, put it all in a van, make up food parcels and give them out. Sometimes I’d even pay from my own pocket and buy [what they needed].”¹³⁵

Essentially traffickers and their factions have been able to enhance the *favelado*’s human capabilities which has helped improve their lives by reducing their deprivations. Yet, this can be sporadic and differ in each community as Saima Husain has identified. Despite Dowdney maintaining in his 2003 book; *Children of the Drug Trade: A Case Study of Children in Organised Armed Violence in Rio de Janeiro*, drug traffickers still need the community, meaning they still provide for and support residents. However, academic Husain argues otherwise. Using more recent research, in his 2007 book, Husain argues, that younger faction leaders tend to be more ‘ruthless’ and: “...often come from other communities than the ones they work in, therefore they tend to care less about giving back to the community. They use fear as opposed to social assistance to control the community”.¹³⁶

In all, this implementation of drug factions in favelas explains why police models such as the UPP and its predecessors have been installed inside favelas. Further, it also helps trace the emergence of insecurity and acts of lethal force committed by the military police in Rio de Janeiro against *favelado*’s today at the hands of the UPP.

¹³⁵ Dowdney, *Neither War Nor Peace*, p.56.

¹³⁶ Husain, *In War Those Who Die Are Not Innocent*, p.62.

Chapter Two: The operation and role of the *Unidade de Polícia Pacificadora (UPP)*

Precedents to the UPP: Approaches to policing favelas in the presence of narcotic gangs

The UPP is not a new approach to policing inside favelas. In fact, the precedents to the UPP's model of policing, have only contributed to abuses of *favelados* rights through learnt behaviours and methods of excessive force that remained unchallenged from the military regime era. Such as, the practice as the practice of extrajudicial killing, through the guise of 'resisting arrest followed by death' (*autos de resistência*) has shown. An act that is constituted when a victim puts an officer or another civilians life at risk.¹³⁷ This is a key contravene that violates residents and also traffickers right to life, liberty and security, freedom from inhuman, degrading treatment, punishment and torture and any hope of access to justice, through an individual's exercise of a fair and public hearing by an independent and impartial tribunal.¹³⁸

As Husain notes:

¹³⁷ Stephanie Gimenez Stahlberg, *The Pacification of Favelas in Rio de Janeiro Why the program is working and what are the lessons for other countries*, (Presented at the Conference Violence, Drugs and Governance: Mexican Security in Comparative Perspective), 2011, p.5.

¹³⁸ Rogerio F. Pinto, Maria Scarlet Do Carmo, 'The Pacifying Police Units of the State of Rio de Janeiro Incremental Innovation or Police Reform', *Public Administration and Development*, Vol. 36, (2016), p.122.

“The police do not use excessive force because they are inefficient or backward. Instead they use force because it is what is expected of them and they always get away with it. The police use of force was further reinforced by the free reign given to the police to quell subversives during military rule.

The 1979 Amnesty Law bolstered police impunity even more. Many police officers, who were schooled in repression, remained in the forces. There was no post-dictatorship purging so much of the repressive ideology remains within the forces.”¹³⁹

The 1979 Amnesty Law protects members of the former military government being put on trial for serious HR’s violations that have been committed.¹⁴⁰ A flaw, that has arguably allowed military policer officers to continue to use excessive and lethal of force, learnt during the military regime era. This breaches many *favelado*’s freedoms from inhuman, degrading treatment, punishment and torture and their most inherent right; the right to life, liberty and security.¹⁴¹

During Leonel Brizola’s time as governor, between 1983-1987 in the State of Rio de Janeiro, Brizola removed the *Secretaria de Segurança Pública* (Department of Public Safety) which as Rogerio Pinto and Maria Scarlet Do Carmo note, the department had a: “tradition of repressive policing and curbed

¹³⁹ Husain, *In War Those Who Die Are Not Innocent* , p.56.

¹⁴⁰ ‘Brazil: Five decades on, a key step towards truth and justice for dictatorship’s crimes’, <https://www.amnesty.org/en/>, *Amnesty International*, <https://www.amnesty.org/en/latest/news/2014/12/brazil-five-decades-key-step-towards-truth-and-justice-dictatorship-s-crimes/>, accessed 22nd July, 2019.

¹⁴¹ ‘The Universal Declaration of Human Rights,’ <http://www.un.org/en/index.html>, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 20th July, 2019.

the banning of favelas as dictated by the just ended military regime.”¹⁴² In its place Brizola created the “Conselho de Justiça, Segurança Pública e Direitos Humanos” (Justice, Public Safety and HR’s).¹⁴³ Furthermore, as both Pinto and Do Carmo add: “He also broke with tradition by appointing a black police officer to head the Military Police and instituted what amounted to the first UPP-like policing model, the Comitê Integrado de Polícia Comunitária (Integrated Committee for Community Policing), based on a participatory police model where associations of favela homeowners played an important role.”¹⁴⁴ Furthermore, his approach to policing was far more relaxed than previous programs, Brizola wanted to protect rather than oppress *favelado*’s.¹⁴⁵ This included halting the practice of police road blocks at the entry and exit of favelas.¹⁴⁶ Brizola also refused ‘subir o morro’ (invading the favelas) which many academics such as Penglase argue allowed traffickers to cement the presence and power rather than controlling crime and ensuring greater respect for HR’s standards.¹⁴⁷ Pinto and Do Carmo also support this notion.¹⁴⁸ However, Brizola failure to decrease crime in his first election as governor and second term between 1991-1995.¹⁴⁹

¹⁴² Ibid.

¹⁴³ Ibid, p.122,123.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ben Penglase, *Living with Insecurity in a Brazilian Favela: Urban Violence and Daily Life*, (USA, 2014), p.50.

¹⁴⁸ Pinto, Carmo, ‘The Pacifying Police Units of the State of Rio de Janeiro’, p.123.

¹⁴⁹ Ibid.

Between 1995–1999 during his tenure as governor, Marcello Alencar, a militant on crime, developed what was known as the “far-west bonus” police policy.¹⁵⁰ The motto then was “you fight violence with violence.” The policy awarded prizes and bonuses for police officers who took down violent criminals in and out of favelas under the guise of ‘resisting arrest followed by death’ (*autos de resistência*).¹⁵¹ This marked a wave of homicidal brutality and an array of unfit military police officers.¹⁵²

However, in 1999, when Antony Garotinho was elected Governor softer approaches to community policing once again emerged with the UPP equivalent; *Grupamento de Policiamento em Áreas Especiais* (GPAE) (Special Areas Police Details).¹⁵³ However, its adoption into the military police forces succumbed favelas to:

“... to rampant corruption amidst the military police force. Additionally, drug gangs were then able to equip themselves with military-grade weapons imported through Paraguay, which effectively out-gunned the military police. Again, the pendulum shifted, and community police was on the defensive, as a new wave of repressive police was in the making.”¹⁵⁴ According to Pinto and Carmo.

This included the continual use of extrajudicial killings, a familiar rhetoric used during Alencar’s time as governor. In HRW’s report, *Lethal Force*, (2009) in evidence collated prior to pacification, from the

¹⁵⁰ Ibid, pp.123,124.

¹⁵¹ Ibid, p.123.

¹⁵² Ibid.

¹⁵³ Pinto, Carmo, ‘The Pacifying Police Units of the State of Rio de Janeiro’, p.124.

¹⁵⁴ Ibid.

years 2003 until 2009, found alarming rates of extrajudicial killings. It found that “51 cases indicating that those killed in “resistance” episodes were in fact victims of extrajudicial executions. In some of the cases, the evidence highlights that the killings occurred after the alleged shootout had ended. In others, evidence indicates that no “shootout” took place at all” in Sao Paulo and Rio de Janeiro.”¹⁵⁵ By, 2007 when Sergio Carbral was elected governor, the power of drug gangs was firmly cemented, which included their armed organisation, possession of weaponry, and engagement in police corruption and lethal force. As political scientist, Stephanie Gimenez Stahlberg indicates: “Between 2003 and 2007 the police of the state of Rio de Janeiro killed 5669 people, and although almost all deaths were registered as *autos de resistência*, research done in 2003 shows that 65% of those killings had unmistakable signs of execution.”¹⁵⁶

Leading to Cabral’s creation of the new policing model the *Unidades de Polícia Pacificadora* (Police keeping Police Units) known most popularly as the acronym; the UPP.¹⁵⁷This was built upon the lessons and programmes developed at the municipal level separately in Bogotá and Medellín, Colombia.¹⁵⁸ According to Stahlberg, these lessons became high-profile and well respected in Brazil.¹⁵⁹

Overall, this indicates why *favelado*’s and specifically those *favelado*’s involved in narcotics, have routinely suffered fundamental abuses of their civil and political liberties. As during the initiation of

¹⁵⁵ Human Rights Watch, *Lethal Force Police Violence and Public Insecurity in Sao Paulo and Rio de Janeiro*, (USA, 2009), p.21.

¹⁵⁶ Stahlberg, *The Pacification of Favelas in Rio de Janeiro Why the program is working*, p.5.

¹⁵⁷ Ibid, p.8.

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

policing programs in the last decade the pendulum has always swung to hardline policing strategies which involves homicidal brutality in the form of extrajudicial killing and or excessive uses of force. As I will indicate, further, these are endemic flaws that overshadow the operation and role of the UPP today.

What is the 'UPP?'

As Stalhberg notes, the pacification project gained quick political and public support and rather ambitiously Cadral set the goal of 40 pacification units being installed by 2014.¹⁶⁰ However, economic, social and political considerations proved to be the determining factors for which favelas would be pacified, except for Batán, the project focused on favelas exclusively dominated by drug gangs and ignored those controlled by militias.¹⁶¹ 'Militias' as a term was first introduced around 2006, to describe groups of law enforcement official's such as off-duty police officers, the fire service and prison agents whom under the false pretence of 'freeing' communities of drug traffickers extorted local businesses and residents by imposing 'protection taxes' and by creating coercive monopolies on commodities and services.¹⁶² Additionally, the favelas chosen were also those closest to the wealthier south zone of the city, close to the city centre, as well as those favelas close to the main

¹⁶⁰ Ibid.

¹⁶¹ Ignacio Cano, Eduardo Ribeiro, 'Old strategies and new approaches towards policing drug markets in Rio de Janeiro', *Police Practice and Research*, Vol.17, (2016), p. 367.

¹⁶¹ Stahlberg, *The Pacification of Favelas in Rio de Janeiro Why the program is working*, p.6.

¹⁶² Cano, Ribeiro, 'Old strategies and new approaches towards policing drug markets in Rio de Janeiro', p.367.

infrastructural areas of the city.¹⁶³ These considerations were made in lieu of the need to reduce violent conflict in favelas for the upcoming FIFA World Cup and Olympics that the city would be hosting respectively, in 2014 and 2016.¹⁶⁴

The announcement of the programme came in December 2008, by the former State Secretary of Public Security, Jose Mariano Beltrame.¹⁶⁵ Beltrame declared that the intention of the UPP would be to pacify favelas controlled by drug gangs and in their place, install police pacification units.¹⁶⁶ Effectively, the Pacification project would induce a collaboration between different branches of the military police, the Special Operations Battalion (BOPE) and inside installed UPP units.¹⁶⁷ This would improve the overall security in favelas and return these communities back to residents by weakening criminal organisations and their dominance in favelas.¹⁶⁸ A second mandate of the project was also to integrate the favelas and residents into the 'formal city' by improving their quality of life by providing

¹⁶³ Patrick Ashcroft, Rachael Hilderbrand, 'Pacifying Police Unit (UPP) Installations Part 1: 2008-2010', 7th January, 2015, <https://www.rioonwatch.org>, *RioOnWatch*, <https://www.rioonwatch.org/?p=16065>, accessed

¹⁶⁴ Ibid.

¹⁶⁵ Tomas Salem, 'Diplomats or Warriors? The Failure of Rio's Pacification Project', *NACLA Report on the Americas*, vol.49, (2017), p.298.

¹⁶⁶ Beatrix Magloni, Edgar Franco, Vanessa Melo, 'Killing in the Slums: An Impact Evaluation of Police Reform in Rio de Janeiro', *Stanford Centre for International Development*, Vol. 556, (2015), p.12.

¹⁶⁷ Salem, 'Diplomats or Warriors?', p.300.

¹⁶⁸ Ibid.

economic, social and public opportunities and by reducing any discrimination or stigmatisation attached to the favelas and their residents.¹⁶⁹

Subsequently, UPP programme was implemented in four phases. In the first phase, BOPE (Operações de Policiais Especiais) a special elite police force trained in counterinsurgency and urban warfare tactics, whom are usually called upon to deal with heavy conflicts in favelas, were sent into 'pacify' favelas and clear the favelas of armed criminals.¹⁷⁰ In the second phase, forces swept the favelas, to clear it of remaining criminals or contraband in the form of drugs and weaponry.¹⁷¹ Once secured the favela is handed over to the UPP unit and its officers, made up of new and younger recruits of the military police with training that includes HR's.¹⁷² In the third phase UPP officials were mandated to inaugurate 'proximity policing' also known as 'community policing' which involves working closely with the communities.¹⁷³ This involved holding community meetings, the deployment of 'informal conflict resolution', military police engagement in community events and the providence of activities such as providing judo or soccer courses to children in the favelas.¹⁷⁴ It was hoped that this approach to policing would increase feelings of security and exert a positive experience of living

¹⁶⁹ Sarah Oosterbaan, Joris Van Wijk, 'Pacifying and integrating the favelas of Rio de Janeiro an evaluation of the impact of the UPP program on favela residents', *International Journal of Comparative and Applied Criminal Justice*, Vol. 39, (2014), p.181.

¹⁷⁰ Magloni, Franco, Melo, 'Killing in the Slums', p.8

¹⁷¹ Oosterbaan, Van Wijk, 'Pacifying and integrating the favelas of Rio de Janeiro', p.182.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Magloni, Franco, Melo, 'Killing in the Slums', pp.12,13.

inside favelas.¹⁷⁵ In the final phase, once the favela had achieved 'pacification', social and public services were supposed to be introduced or improved upon through 'UPP Social'.¹⁷⁶ Its aim was to reduce crime, improve security and integrate favelas into society, whilst improving their access to service.¹⁷⁷ Namely, the right of everyone to access the enjoyment of the highest attainable standard of physical and mental health, as obligated in 12.1 of the ICESCR.¹⁷⁸ However, in 2010 the 'UPP Social' was handed to the city government and is now managed externally by the *Periera Passos Institute*, a city planning think tank.¹⁷⁹ As of 2014, 'UPP Social' now operates under the title 'Rio Mais Social'.¹⁸⁰

¹⁷⁵ Oosterbaan, Van Wijk, 'Pacifying and integrating the favelas of Rio de Janeiro', p.182.

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

¹⁷⁸ 'International Covenant on Economic, Social and Cultural Rights',

<https://www.ohchr.org/EN/pages/home.aspx>, OHCHR,

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, accessed 24th July, 2019,.

¹⁷⁹ Geoffrey Ramsay, 'Making Rio's Pacification Work: The Limits of 'UPP Social'', 22nd August, 2014,

<https://www.insightcrime.org>, *insight crime.org*.<https://www.insightcrime.org/news/analysis/rio-pacification-limits-upp-social/>, accessed 24th July, 2019.

¹⁸⁰ Leandro Resende, 'Quem se lembra da UPP Social, criada pelo governo do Rio de Janeiro?', 10th

May, 2017, <https://www.folha.uol.com.br>, *Folha de Sao Paulo*,

<https://piaui.folha.uol.com.br/lupa/2017/05/10/quem-se-lembra-da-upp-social/>, accessed 24th July, 2019.

Chapter Three: Assessing the negative affects of the UPP on the civil and political rights of faveldos.

From initial success to failure: the emergence of cracks in the operation and role of UPP units

The program began its initiation in 2008 and has been installed in 38 favelas, there are 763 favelas in the city.¹⁸¹ The first unit set up was in the favela of Santa Marta by the Department of Security of the State of RJ.¹⁸² Soon after two others followed between December 2008 and February, 2009.¹⁸³ Most academic studies, reports and analysis drawn from the first initial phase of pacification in the favelas of Santa Marta the City of God and Batan in February, 2009, deemed these pacification successes.

¹⁸¹ David Klaubert, Jan Kruger, 'Armed Peace', <http://contario.net>, *Conta Rio*, <http://contario.net/armed-peace/>, accessed 24th July, 2019.

¹⁸² Rafael Dias, Jose Marcelo Zacchi, 'Interviews- Views on the Special Police Units For Neighbourhood Pacification (UPPs) in Rio de Janeiro, Brazil', *international journal on human rights*, Vol.9, (2012), p.200.

¹⁸³ Ashcroft, Hilderbrand, 'Pacifying Police Unit (UPP) Installations Part 1: 2008-2010', <https://www.rioonwatch.org/?p=16065>, accessed 24th July, 2019.

This was due to their 'humanitarian' operations and 'non-corrupt police forces' according to Patrick Ashcroft from the digital newspaper *RioOnWatch*.¹⁸⁴ As Ashcroft further notes:

“UPP units moved in and appeared to immediately achieve their principal goal of retaking the territory from drug gangs: top level traffickers fled, and with them the use of guns and sale of drugs, if not completely eradicated, became much less ostentatious, and armed violence fell dramatically. Especially in the South Zone, implementations led to an emergence of new businesses within the communities, an increase in tourism, and a subsequent blurring of the traditional favela/asphalt (informal/formal) divide of the city.”¹⁸⁵

Indeed, as Sarah Oosterbaan and Joris Van Wijk note from their research: “In the first pacified favelas, Santa Marta and City of God, a study conducted by *Fundação Getúlio Vargas* in 2009 revealed that 60% of the residents were of the opinion that security had improved after the implementation of the UPP program.”¹⁸⁶ Supportively, surveys taken by Vicente Riccio Marco, Aurélio Ruediger, Steven Dutt Ross and Wesley Skogan in 2009 from 600 residents, also from Santa Marta and City of God, indicated that 81% of residents believed they saw an improvement in HR's.¹⁸⁷

¹⁸⁴ Ibid.

¹⁸⁵ Ibid.

¹⁸⁶ Oosterbaan, Van Wijk, 'Pacifying and integrating the favelas of Rio de Janeiro', p.184.

¹⁸⁷ Vicente Riccio Marco, Aurélio Ruediger, Steven Dutt Ross, Wesley Skogan, 'Community Policing in the favelas of Rio de Janeiro', ed. Vicente Riccio Marco, Wesley Skogan in *Police and Society in Brazil*, (USA, 2017), pp.314,315.

Indeed, the further 3 installations and subsequent pacifications that occurred in *Babilônia, Chapéu, Mangueira, Avão, Pavãozinho, Cantagalo, Tabajaras* and *Cabritos* between June, 2009 to January, 2010 also officially indicated positive results such as the reduction of violence, trafficking and the promotion of services to these communities.¹⁸⁸ As T. Salem further supports:

“ The UPPs were generally conceived of as a broad success: the police received extensive financial support from local economical elites, and the project was met with widespread enthusiasm by the public, and careful optimism among many favela residents. Initial reports have shown that the strategy was effective in keeping the drug cartels out of the pacified territories and in reducing police lethality.”¹⁸⁹

However, as Salem also highlights, in the first wave of pacifications by the UPP, there were early warning signs of authoritarian behaviour and torture being committed certain UPPs, however, they were unpublicised and relatively unknown.¹⁹⁰

As Brazilian HR's organisation, *Justiça Global*, highlighted in a 2009 report; '*The Slum Walls and the Criminalization Process*', in many of these newly pacified favelas, in-human, degrading treatment and

¹⁸⁸ Ashcroft, Hilderbrand, 'Pacifying Police Unit (UPP) Installations Part 1: 2008-2010', <https://www.rioonwatch.org/?p=16065>, accessed 24th July, 2019.

¹⁸⁹ Tomas Salem, *Taming The War Machine Police, Pacification, And Power in Rio de Janeiro*, University of Bergen, (Norway, 2016), p.36.

¹⁹⁰ Ibid.

torture and violations to the right to life was committed by police, which included officers in UPP administered areas.¹⁹¹ Notably, it reported that: "On April 2, 2009, police from the 1st Battalion of the Rio de Janeiro State Military Police killed six people at *Morro da Coroa* an area inside one of the communities of *Morro dos Prazeres* and *Escondidinho* pacified in Santa Teresa, Rio de Janeiro."¹⁹²

The report also indicates that one of these victim's, 42 year old Josenildo Estanislau dos Santos, was killed in cold blood after being detained and immobilized by military police and was witnessed by: "...several people, two of whom were willing to testify in office."¹⁹³ According to *Justiça Global*.¹⁹⁴ The *Network of Communities and Movements against Violence*, argue Josenildo was assumed the label of "trafficker" according to Military Police.¹⁹⁵ Only three months earlier, Military police had been involved in the pacification of this community and installed a pacifying police unit in Morro da Coroa.¹⁹⁶ This, highlights how the UPP was unable to break from its authoritarian style of policing which characterizes military police through its use of excessive and lethal use of force. One key reason for

¹⁹¹ 'The Slum Walls and the Criminalisation Process', <http://www.global.org.br/>,, *Justiça Global*, http://www.global.org.br/wp-content/uploads/2016/03/r_jg_2009_muros_favelas.pdf, accessed, 25th July, 2019,

¹⁹² Ibid, p.8.

¹⁹³ Ibid, pp.8,9.

¹⁹⁴ Ibid, p.9.

¹⁹⁵ 'Indignation Before the Loss of Public Authorities For the Fight by Justice of Josenildo Estanislau Dos Santos Family', <http://redecontraviolencia.org/index.html>, *Network of Communities and Movements against Violence*, <http://redecontraviolencia.org/Documentos/810.html>, accessed 25th July, 2019.

¹⁹⁶ Patrick Ashcroft, 'Pacifying Police Unit (UPP) Installations Part 2: 2010-2011', <https://www.rioonwatch.org>, *RioOnWatch*, <https://www.rioonwatch.org/?p=20216>, accessed 25th July, 2019.

this is the fact that the UPP integrated many ex-BOPE officers as leaders who are experienced in implementing tactics of repression and lethal force¹⁹⁷. Furthermore, it also shows the clear disregard for HR's by UPP officials. Most notably, it marks the disregard for the the right to life, a core right, necessary for the enjoyment and exercise of all other rights, which the state are obligated to take appropriate measures to protect and preserve.¹⁹⁸

This report from *Justiça Global* further demonstrates that from the early inception how the UPP began to negatively affect the fundamental HR's of *favelado's*, through the deprivation of their most fundamental and inherent right ; an individual's right to life, liberty and security initiated through the practice of extrajudicial killing. As article 6.1 of the legally-binding ICCPR denotes: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."¹⁹⁹

Yet, Salem, Ashcroft and social scientist Rachael Hilderbrand have been able to explicitly pin point, unlike Cano, Ribeiro and Oosterbaan and Wijk, when the program began to fail. This occurred during

¹⁹⁷ Misha Glenny, *Nemesis One Man and the Battle For Rio*, (UK, 2015), p.250 .

¹⁹⁸ 'International Covenant on Civil and Political Rights',
<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed 25th July, 2019.

¹⁹⁹ Ibid.

the second wave of pacifications from 2010 onwards.²⁰⁰ Accordingly, cracks visibly emerged as the focus moved away from pacifying favelas in the south zone of the city, close to the touristic zones and wealthier neighbourhood, toward favelas in the central and northern zones surrounding the Maracanã Stadium, a host venue for the 2014 FIFA World Cup.²⁰¹ This included the communities of *Providencia, Morro da Cora, Fallet, Fogueteiro and Morro dos Prazeres/Escondidinho in central, Borel, Formiga, Andaraí, Sagueiro, Turano, Morro dos Macacos, São João, Matriz, Quietto and Complexo de São Carlos*, which were pacified between April 2010 and November, 2011.²⁰² Thereafter, public reports soon emerged of fundamental HR's abuses such as torture and the use of inhuman and degrading treatment.²⁰³ Therefore, it can be said, from the beginning, the program has overwhelmingly violated rather than protected favela dwellers rights by committing acts of excessive and lethal force.

The Institute for Public Security (Instituto de Segurança Pública – ISP), a Brazilian think tank, suggests, that the subjection to violence which cadets are subjected to during training shapes their conduct.²⁰⁴ Resultantly, the shift toward more human policing was hindered by greatly the institution had been formed by military influence.²⁰⁵ This stresses how the UPP has failed to undergo an

²⁰⁰ Ashcroft, Hilderbrand, 'Pacifying Police Unit (UPP) Installations Part 1: 2008-2010', <https://www.rioonwatch.org/?p=16065>, accessed 24th July, 2019.

²⁰¹ Ibid.

²⁰² Ibid.

²⁰³ Ibid.

²⁰⁴ Tristan Cavel, 'What LatAm Cities Can Learn From the Failures of Brazil's UPP Policing Model', August, 2017, <https://www.insightcrime.org>, *Insight Crime*, <https://www.insightcrime.org/news/analysis/what-latam-cities-can-learn-brazil-upp-policing-model/>, accessed 25th July, 2019.

²⁰⁵ Ibid.

institutional reform that would enable it to remove policing methods that swing toward the use of brute force which violates *favelado*'s rights. A clear remnant of policing behaviour that has transitioned over from the military dictatorship.

However, we must remember that the negative affect UPP officers generate against residents rights is not limited solely to a need for institutional reform. This is because many of the negative affects generated by UPP official's stem from Brazil's severe social inequality. Many military police officers come from low income families and live in favelas.²⁰⁶ On average officers only earn around 440-500 USD per month or 5,260-6000 USD a year.²⁰⁷ Such low salaries explains why police in Rio have a long history of engaging in corruption and not in using formal sanctions, accountability and transparency.²⁰⁸ Indeed, police can secure more effective weapons and greater earnings by being complicit in trafficking.²⁰⁹ As Perlman notes: "Many police officers meet up with the bandidos to divide the spoils when their workday is over".²¹⁰

Therefore, if we apply Sen's use of the 'capability approach', Brazil is failing to provide basic capabilities to its police officers which are necessary to reach certain minimally acceptable levels of living relative to its society.²¹¹ Such minimal acceptable capabilities include providing security for one's family.²¹² Many low-income officers and fellow *favelado*

²⁰⁶ Perlman, *Favela: Four Decades of Living on the Edge*, p.181.

²⁰⁷ Ibid.

²⁰⁸ Ibid.

²⁰⁹ Ibid.

²¹⁰ Ibid.

²¹¹ Fredman, 'The potential and limits of an equal rights paradigm in addressing poverty', p.573.

²¹² Ibid.

s face social exclusion, which fuels rights derogations.²¹³ As Perlman supports, policing; “..is a great leap upwards and puts them under pressure to “perform well” to support their families.²¹⁴ Thus: “The majority of police recruits are young men who are experiencing power and demanding respect for the first time. Once they get the rush of power that wielding a lethal weapon gives them, they are sorely tempted to abuse that power.”²¹⁵

Subsequently, this undermines the pacification programmes aim to increase security and also respect and protect the rights of residents as is formally included in their training.

The Case of Amarildo; the marked demise of the UPP

²¹³ Amartya Sen, *Development as Freedom*, p.94.

²¹⁴ Ibid.

²¹⁵ Perlman, *Favela: Four Decades of Living on the Edge*, p.181.

In 2013, Amarildo de Souza, a local brick maker who lived in Rochina, in RJ was returning home when he was detained by police on the 14th July, 2013.²¹⁶ Rochina, Rio's largest favela has a population estimated between 100, 200,000 inhabitants according to *Mundo Real* a community development organisation based in Rochina.²¹⁷ A year previous in 2012, Rochina, the home of the drug faction *Amigos do Amigos*, was occupied by the UPP, whom began its process of pacification.²¹⁸ Mr Souza was questioned in a sweep of drug trafficking suspects in Rochina.²¹⁹ However, his family have stated he had no involvement in drug trafficking.²²⁰ He died from torture in custody in the local Pacification Police Unit at the hands of UPP officials.²²¹ Allegedly, the UPP used electric shock

²¹⁶ Julia Carneiro, 'Amarildo: The disappearance that Rocked Rio', 18th September, 2013, <https://www.bbc.co.uk/news>, *BBC News*, <https://www.bbc.co.uk/news/world-latin-america-24143780>, accessed 26th July, 2019.

²¹⁷ 'About Rochina', <http://mundoreal.org>, *Mundo Real*, <http://mundoreal.org/about/about-rocinha>, accessed 26th July, 2019.

²¹⁸ 'The Show Resumes: Gang Strife Returns to Rocinha', 26th March, 2012, <https://www.rioonwatch.org>, *RioOnWatch*, <https://www.rioonwatch.org/?p=3276>, accessed 26th July, 2019.

²¹⁹ Simon Romero, 'Brazilian Officers Will Face Charges of Torture and Murder', 2nd October, 2013, <https://www.nytimes.com>, *The New York Times*, <https://www.nytimes.com/2013/10/03/world/americas/brazilian-officers-will-be-charged-with-torture-and-murder.html>, accessed 26th July, 2019.

²²⁰ Ibid.

²²¹ 'Police Charged in Rio Murder and Disappearance Case', 3rd October, 2013, <https://www.americasquarterly.org>, *Americas Quarterly*, <https://www.americasquarterly.org/content/police-charged-rio-murder-and-disappearance-case>, accessed 26th July, 2019.

treatment and asphyxiation before murdering him and leaving his body in an undisclosed location.²²² His body is still yet, unfound.²²³ Police denied Souza was ever in custody, despite video footage showing he had been detained.²²⁴ The Investigation also revealed that Major Edson dos Santos, commander of the Rochina UPP bribed two witnesses in the case to blame his murder on drug traffickers.²²⁵ 25 Police officers were charged with the murder in connection with the case, including the commander of the unit.²²⁶ The case generated large scale national protests in Rio and Sao Paulo, known as 'Cade o Amarildo? (Where's Amarildo?) and a large international media campaign known as 'Quem Matou Amarildo?'- Who Killed Amarildo?²²⁷.

The case highlights the clear opposition between police and HR's in Rio de Janeiro, as the case shows the practice of inhuman, degrading treatment, punishment and torture and extrajudicial killing of Mr Souza. Which includes the arbitrary, arrest and detention of Mr Souza which is internationally prohibited and has been signed and ratified by Brazil under article 9.1 of the UDHR which protects the

²²² Ibid.

²²³ Ibid.

²²⁴ Amnesty International, *Amnesty International Report 2014/15 The State of the Worlds Human Rights*, (UK, 2015), p.84.

²²⁵Police Charged in Rio Murder and Disappearance Case', <https://www.americasquarterly.org/content/police-charged-rio-murder-and-disappearance-case>, accessed 26th July, 2019.

²²⁶ Ibid.

²²⁷ Ibid.

life, liberty and security of a person and freedom from arbitrary, arrest, detention and exile.²²⁸ The case also routinely denied Mr Souza 9.3 of the article: "Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release..".²²⁹

Academics have argued that the case of Mr Souza tarnished the policing approach of the UPP. These academics have indicated that the case marked the early demise of support for the UPP. As Magloni, Vivanco and Mello have contended: " The Amarildo scandal not only disrupted the "pacification" in Rocinha, but seriously damaged the legitimacy of the UPP among the wider public."²³⁰ Salem also notes that the case lead to 'disenchantment with the project' and seriously "...damaged the UPP's credibility as a "new" policing approach."²³¹ Clearly, this case was symbiotic of stigmatization and HR's abuses that residents, such as Mr Souza, face at the hands of the UPP.

Former national secretary for public security in Rio, Luz Eduardo Soares has argued, it also fundamentally marked the actual overall a demise of the UPP as a policing approach.²³² He notes that

²²⁸ 'International Covenant on Civil and Political Rights',

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

²²⁹ Ibid.

²³⁰ Magloni, Franco, Melo, 'Killing in the Slums', p.7.

²³¹ Salem, 'Diplomats or Warriors?', p.300.

²³² Guilherme Azevedo, 'UPP failed because it's not enough, says former National Security Secretary', 1st June, 2017, <http://www.luizeduardosoares.com/>, <http://www.luizeduardosoares.com/upp-fracassou-porque-so-ela-nao-basta-diz-ex-secretario-nacional-de-seguranca/>, accessed 26th July, 2019,

the case of Amarildo de Souza was: "...the big symbol of this turn..".²³³Evidently, there is truth to Soares claim. As Magloni, Vivanco and Mello have shown: from 2008 to 2013, killings by the police decreased by more than 68%.²³⁴ However, after 2013, police lethal violence started to increase, and by 2017 it reached 1127 deaths in the state and 527 in the capital alone, almost as high as pre-reform levels.²³⁵ Further, as Cano supports:

"Since 2012, despite the lack of a comprehensive evaluation, the UPP project has shown various signs of crisis, such as: (a) an apparently increasing number of armed incidents in some favelas in which the police were involved, with both civilians and police officers killed; (b) an increased frequency of reports of police abuse, symbolized by the case of Amarildo".²³⁶

Conclusively, Souza's case is symbiotic of the decline of the UPP that academics have highlighted, one more highlighting how the rhetoric of how un-changed, un-reformed militant policing is responsible that are in clear opposition to HR's. This is apparent from the UPP's high usage of excessive and lethal force that is in direct contravene of residents rights. Supportively, HR's organisation *Conectas* notes that: 'The main legacies of the dictatorship are a model of public security based on repression and ideology of war.'²³⁷ Notably as *Conectas* has shown:

²³³ Ibid.

²³⁴ Magloni, Franco, Melo, 'Killing in the Slums', p.7.

²³⁵ Ibid.

²³⁶ Cano, Ribeiro, 'Old strategies and new approaches towards policing drug markets in Rio de Janeiro', p.371.

²³⁷ Ibid.

“...the current model has only contributed to the spread of violence: we have one of the deadliest police in the world. By 2016, more than 4,000 people were killed as a result of police intervention. In this same period, 437 public security agents were victims of homicide”.²³⁸

Thus, much notice must be paid to academic and Brazilian politician, Marcelo Friexo, who suggests that demilitarising the military police is not only necessary to overcome the use of repression inherited from the military regime but is also necessary to incorporate effective HR’s protection and promotion into policing:

“ Securing rights and protecting citizens must be paramount functions of any security policy, and police must be trained under these principles. In this sense, it is essential that we ask ourselves about which policing model we want. We want exclusively civilian police aimed at preserving life, and not prepared for war and the elimination of the enemy.”²³⁹

The Insurgence of lethal and excessive uses of force: the misuse of ‘Resistance followed by death’

²³⁸ Ibid.

²³⁹ Ibid.

There are international rules on the use of legitimate force that govern its usage by public security official's. At this level the United Nations (UN) documents which regulate the use of force by public security agents are the “Code of conduct for law enforcement officials” and the “Basic principles on the use of force and firearms by law enforcement officials”. Accordingly, police officers should only use firearms as a last choice and only when it is necessary for their self-defence or the defence of others against ‘imminent threat of death or serious injury’.²⁴⁰ Therefore, law enforcement authorities must only use force when there are no other methods of achieving a ‘legitimate objective’.²⁴¹ The degree of force employed must also only be proportional to the seriousness of its nature or damage and should be implemented to diminish or minimise harm or injuries.²⁴²

In addition, a report made to the United Nations HRC of the Special Rapporteur on extrajudicial, summary or arbitrary executions (2014) also specifies that:

²⁴⁰ United Nations, United Nations, ‘Basic Principles on the Use of Force and Firearms by Law Enforcement Officials Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990’, <https://www.ohchr.org/EN/pages/home.aspx>, OHCHR, <https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx>, accessed 28th July, 2019.

²⁴¹ Ibid.

²⁴² Amnesty International, *You Killed My Son Homicides by Military Police in Rio de Janeiro*, p.30.

“States must guarantee that their law enforcement officials – particularly police officers – respect the right to life, and protect life when it is threatened by third parties. Thus, failure of the State to properly investigate cases of death resulting from the use of force by its agents constitutes a violation of the right to life”.²⁴³

However, despite the international rules on legitimate force, Brazilian military police officers have overtly mis-used the procedure of ‘resistance followed by death’ or *auto de resistencia* to avoid prosecution for acts of unlawful killing such as those of an extrajudicial nature. This act, that has been perpetuated by the UPP, has severely and negatively impacted the basic and fundamental rights of residents. This is a systematic act that violates the non-derogable right to life and thus inevitably prohibits all other HR’s enjoyments of the individual.

In Brazil, when public security authorities are either informed or learn of a civilian dying as a consequence of a military or civil police intervention an incident report is drawn and is filed as ‘resistance followed by death’ which classifies the killing by police officers as being lawful and based upon the self-defence of the officer.²⁴⁴ This gives rise to a police inquiry carried out by the civil police chief for that particular policing district in which the crime has occurred. After investigations are ascertained to understand the circumstance of the incident, conclusions are sent to the Public Prosecution Services which adjudicates whether criminal proceeding should be brought or if the death

²⁴³ Christof Heyns, ‘Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns’, 1st April, 2014, <https://www.ohchr.org/en/hrbodies/hrc/pages/home.aspx>, Human Rights Council, https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A-HRC-26-36_en.doc, accessed 18th August, 2019.

²⁴⁴ Amnesty International, *You Killed My Son Homicides by Military Police in Rio de Janeiro*, p.30.

in question should be considered as arising from legitimate self-defence.²⁴⁵ However, as of 2012, all known cases in the state of Rio de Janeiro are reported as “killing from police intervention”.²⁴⁶ Yet, the state of Rio de Janeiro still produces statistics under the term ‘resistance followed by death’.²⁴⁷

According to a recent report made in 2016 on Brazil by the Special Rapporteur on Torture and other Cruel, In-Human or Degrading Treatment, police in cases where they have used excessive use of force, officers routinely file reports indicating “resistance to arrest followed by death” which the Special Rapporteur states, actively avoids bringing perpetrators to court.²⁴⁸ Despite civil police inquiries, many military police officers, including UPP officers, are offered impunity. In Brazil’s third UPR cycle, in May 2017, Germany and Venezuela urged expressed Brazil take action against extrajudicial killings committed by police and security forces and eliminate police impunity.²⁴⁹ The USA also urged impartial investigations be conducted into unlawful killings, abuse torture and corruption committed by security forces.²⁵⁰As the Special Rapporteur Torture and other Cruel, In-

²⁴⁵ Ibid.

²⁴⁶ Ibid,

²⁴⁷ Ibid.

²⁴⁸ Special Rapporteur on Torture and other Cruel, In-Human or Degrading Treatment on his mission to Brazil in 2016’, https://ap.ohchr.org/documents/dpage_e.aspx?m=103, accessed 15th July, 2019

²⁴⁹ ‘Database of Recommendations’, <https://www.upr-info.org/en>, UPR INFO, https://www.upr-info.org/database/index.php?limit=0&f_SUR=46&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=25&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly, accessed 28th July, 2019,

²⁵⁰ Ibid.

Human or Degrading Treatment also indicated in his 2016 report, numbers released from *Amnesty International*, highlighted that out 220 investigations only one led to one conviction.²⁵¹

The *Public Security Institute*, a state agency in Brazil stated that death in clashes with police increased 49% in Rio de Janeiro, in July, 2019, compared to the same month in 2018.²⁵² In July, 2019, 194 cases of 'resistance followed by death' were recorded, an average of 6 per day.²⁵³ Furthermore, from January to November, 2018 police killed 1,444 people in the state, the highest since data collection of this nature began in 1998, according to the *Public Security Institute*.²⁵⁴ This leads one to question whether Rio's military police usage of force is legitimate and if in fact, they are engaging in regular extrajudicial executions.

Exemplarily of this, on May 14th, 2014 Johnatha Oliveria Lima, who lived in Manginhos favela in the north zone of Rio, was killed by military police officers from the local UPP.²⁵⁵ Johnatha, on his way

²⁵¹ Ibid.

²⁵² 'Deaths in Clashes With the Police Increase 49 Percent in Rio de Janeiro', <https://riotimesonline.com>, *The Rio Times*, 23rd August, 2019, <https://riotimesonline.com/brazil-news/rio-de-janeiro/politics-rio/deaths-in-clashes-with-the-police-increase-49-percent-in-rio-de-janeiro/>, accessed 20th August, 2019,

²⁵³ Ibid.

²⁵⁴ 'Brazil: Police Killings at Record High in Rio Unlawful Actions Undermine Public Security', 19th December, 2018, <https://www.hrw.org>, *Human Rights Watch*, <https://www.hrw.org/news/2018/12/19/brazil-police-killings-record-high-rio>, accessed 18th August, 2019.

²⁵⁵ Amnesty International, *You Killed My Son Homicides by Military Police in Rio de Janeiro*, p.28.

home from at his grandmothers stumbled upon a situation between UPP officers and teenagers from his favela who had been throwing stones at officers for destroying their football pitch.²⁵⁶ An officer shot his gun into the air to disperse a growing crowd that had appeared, followed by another shot in the direction of running residents, hitting Johnatha in the back, who later died at the Manguinhos emergency care unit.²⁵⁷ Police filed ‘killing resulting from police intervention’ specifying there was ‘resistance’ from Johnatha in the form of gun shots, despite witnesses.²⁵⁸ However, in November, 2016 the UPP officer in question, Alessandro Marcelino was found guilty.²⁵⁹

Moreover, on May 26th, 2019, around 2000 people participated on the ‘‘Stop Killing Us’’ protest on Ipanema beach in Rio de Janeiro.²⁶⁰ Favela residents, social organizations and leaders of social movements and political representatives and mothers and family members of victims of extrajudicial killings committed by police in favelas and the peripheries of the city.²⁶¹ Protestors came together to demand the right to live peacefully from the government and to make a stand against the ongoing

²⁵⁶ Ibid.

²⁵⁷ Ibid.

²⁵⁸ Ibid.

²⁵⁹ Ibid, pp.28,29.

²⁶⁰ Carolina Medina Zárata, Daiana Contini , ‘Stop Killing Us!’ Drew 2000 to Rio Beachfront to Protest State Violence in Favelas’, 2nd June, 2019, <https://www.rioonwatch.org>, *RioOnWatch*, <https://www.rioonwatch.org/?p=53582>, accessed 22nd August, 2019.

²⁶¹ Ibid.

'massacre' according to *RionOnWatch*.²⁶² Indicating the severity and widespread nature of this issue, which concerns *favelado*'s right to life, liberty and security.²⁶³

Furthermore, use of this procedure, as *Amnesty International* has identified, places blame on the victim who is often stigmatized by a mixture of racism, the war on drugs and poverty.²⁶⁴ This also makes the use of the procedure 'resistance followed by death' dangerous for *favelado*'s and further limits their fundamental rights enjoyment and respect. As *Amnesty International* noted in its 2015 report *You Killed My Son Homicides By Military Police in Rio de Janeiro* :

"A significant part of Brazilian society accepts those deaths as legitimate and often even defends them. Expressions such as "a good crook is a dead crook" are commonplace in Brazil. According to a survey carried out by the Secretariat of Human Rights of the Presidency, 43% of Brazilians agree with that statement, with 32% agreeing fully with the

phrase. ".²⁶⁵

Overall, this highlights the negative implications police officers permanently based in pacification units, can generate for residents which is fueled by 'resistance followed by death' as a procedure and method of police impunity. As *favelado*'s face risk of the arbitrary deprivation of life, limited freedom of

²⁶² Ibid.

²⁶³ 'The Universal Declaration of Human Rights,' <http://www.un.org/en/index.html>, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 22nd August, 2019.

²⁶⁴ Amnesty International, *You Killed My Son Homicides by Military Police in Rio de Janeiro*, p.30

²⁶⁵ Ibid.

movement and a denial of a fair and public hearing for those alleged of trafficking who may become victims of this procedure. Finally, residents also face stigmatization which increases their vulnerability to extrajudicial killings.

Chapter Four: Has the UPP delivered any benefits for *favelado's*?

Academics have suggested that despite the most recent increase in lethal crimes that the UPP has generated, it has delivered some benefits for the rights of *favelado's*. However, as I will indicate, these have been severely limited and offset by the reversion toward military regime era styles of policing. This is a repercussion of the institutions failure to reform which has limited the pacification program from its beginnings.

Many argue that since pacification began, there has been a reduction in non-lethal crimes in favelas such as theft, domestic violence, rape and grievous bodily harm according to Oosterbaan and Van Wijk.²⁶⁶ Indicating how the UPP program has been able to achieve its aim to improve security for pacified favelas.²⁶⁷ However, many argue this is limited, as both academics report that from 2014 onwards non-lethal crimes have since increased.²⁶⁸

²⁶⁶ Oosterbaan, Van Wijk, 'Pacifying and integrating the favelas of Rio de Janeiro',p.182.

²⁶⁷ Ibid.

²⁶⁸ Ibid.

As Arias notes from data collected in 2016: “Rapes increased by a factor of 3.5, the most substantial increase of any of the crimes examined....²⁶⁹ A trend that Oosterbaan and Van Wijk claim is visible in all pacified favelas and to an extent the rest of the formal city.²⁷⁰ Cano and Ribeiro indicate that there are two main reasons for this:

“reports of non-lethal crimes increased significantly in UPP communities, due to two main reasons:

(a) a sharp reduction in non-reporting rates, since residents who had been traditionally wary of reporting crimes to the police were now driven into police stations in ; (b) the absence of former brutal authoritarian control by the ‘owner of the hill’ may actually have increased petty crime”.²⁷¹

Therefore, as Cano and Ribeiro show, it must be considered that the perceived increase in non-lethal crime may not necessarily indicate a true increase in non-lethal crime as it may also indicate that residents are more willing to report crimes now that police are actively present in their communities.²⁷² Suggesting the UPP has come some way in achieving its aim of making favelas safer. However, these benefits are limited and superficial if one considers the increase of extrajudicial killings the program has generated for *favelado*’s. This is a violation of the right to life, a non-derogable right. As

²⁶⁹ Enrique Desmond Arias, Nicholas Barnes, *Crime and plural orders in Rio de Janeiro*, *Current Sociology*, Vol. 63, (2017), p.459.

²⁷⁰ Oosterbaan, Van Wijk, ‘Pacifying and integrating the favelas of Rio de Janeiro’, p.182.

²⁷¹ Cano, Ribeiro, ‘Old strategies and new approaches towards policing drug markets in Rio de Janeiro’, p.368.

²⁷² Oosterbaan, Van Wijk, ‘Pacifying and integrating the favelas of Rio de Janeiro’, p.183.

HRC have clarified: 'it is the is the supreme right from which no derogation is permitted even in situations of armed conflict and other public emergencies which threatens the life of the nation'²⁷³.

Finally, there have been suggestions by academics that the UPP program has been able to reduce the social divide between the 'formal' and 'informal city' of the favelas. Michael Jerome Wolff contends that pacification has:

"...allowed for new businesses to flourish within these highly marginalised geographical areas. This is evident in the growth of favela tourism, the legalisation of a range of goods and services, and the elimination of barriers to political campaigning. Furthermore, due to more economic opportunities, housing and rental prices have increased in favelas".²⁷⁴

Furthermore, Wolff's 2014 report also indicates that according to one survey: "...72% of respondents felt more respected by outsiders due to the UPPs .".²⁷⁵ However, these survey results were published

²⁷³ Human Rights Committee, 'General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life',

<https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>, *Human Rights Committee*,

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf, accessed 1st August, 2019.

²⁷⁴ Michael Jerome Wolff, 'Policing and the logics of violence: a comparative analysis of public security reform in Brazil', *Policing and Society*, Vol.27, (2015), pp.565,566.

²⁷⁵ Candice Berkmann von der Wehl, 'The impact the Pacifying Police Units (UPPs) have on Rio de Janeiro's favelas', <https://www.universiteitleiden.nl/en>, *Leiden University*,

[https://openaccess.leidenuniv.nl/bitstream/handle/1887/38205/The%20Impact%20the%20Pacifying%](https://openaccess.leidenuniv.nl/bitstream/handle/1887/38205/The%20Impact%20the%20Pacifying%20)

in 2010, which as I have argued previously, is prior to the increased insecurity generated from the military polices increased usage, as well as publication, of excessive and lethal force from 2013 onwards. These have negated *favelado*'s life, liberty, security, their freedom from inhuman, degrading treatment, punishment and torture, as well as their freedom of movement as is enshrined in article 13 of the UDHR.²⁷⁶ This indicates the limited progress the UPP has actually made for the rights of *favelado*'s. As improvements in alleged social equality and economic opportunities for residents has been offset by police brutality. Supportively, social scientist Elizabeth Leeds has argued that the limited training UPP officers receive, may explain the limitations of the program. Notably, in terms of its deliverance of security and rights to residents. Leeds states that: "new UPP recruits were trained together with the general 'cadet' population for six months, and then given just two weeks of special training in community policing and HR's."²⁷⁷ Thus as Leeds adds officer training: "...was never sufficient to create the new paradigm of police-community relations necessary to shift ideology and practice"²⁷⁸.

Chapter Five: The future of the UPP: where do the rights of *favelado*'s stand?

[20Police%20Units%20have%20on%20Rio%20de%20Janeiro%27s%20favelas.pdf?sequence=1](#), accessed 1st August, 2019 p.7.

²⁷⁶ 'The Universal Declaration of Human Rights,' <http://www.un.org/en/index.html>, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 22nd August, 2019.

²⁷⁷ Cavel, 'What LatAm Cities Can Learn From the Failures of Brazil's UPP Policing Model', August, 2017, <https://www.insightcrime.org/news/analysis/what-latam-cities-can-learn-brazil-upp-policing-model/>, accessed 25th August , 2019.

²⁷⁸ Ibid.

The end of pacification: the failure of the UPP

On April 26th, 2018, Rio's Federal Intervention Committee announced the closure of half of the cities 38 Police Pacification Units in the city.²⁷⁹ Between June and December 2018, pacifications units based in Vila Kennedy, Batan, City of God, Sao Carlos and Duduqe de Caixas (the only unit outside the city), as well as Camarista Méier, Caiu, have all been removed.²⁸⁰ However, in February, 2019 a bill to provide for the complete eradication of the UPP is being discussed, currently, as a hill through the Rio de Janeiro State Legislative Assembly, which has so far won approval in the first round of voting.²⁸¹ The potential end of pacification exhibited by the initial reduction in its units, highlights the clear obstacles that face solving the divide between the formal and informal city and how to regulate policing in these matters. Evidentially, the police have been unable to eliminate authoritarian forms of policing that have resulted in an increase of excessive and lethal force overtime against residents which have severely affected their civil and political liberties.

²⁷⁹ Malleret, 'The end of 'pacification': What next for Rio de Janeiro's favelas?', <http://jerichoonline.com/2018/05/18/end-of-pacification-what-next-for-rio-de-janeiros-favelas/>, accessed 28th August, 2019.

²⁸⁰ Luisa Fenizola, 'This UPP Were Mine: With an End to Pacification, Residents Dream of Reoccupying Public Spaces', 11th March, 2019, <https://www.rioonwatch.org>, *RioOnWatch*, <https://www.rioonwatch.org/?p=51582>, accessed 28th August, 2019.

²⁸¹ Ibid.

According to *RioOnWatch*, Rio's public security cabinet have indicated the intention to relocate UPP officers to police departments linked to local battalions to cover the same geographic areas.²⁸² This would formally end community policing and would: "...mark a return to the old model characterised by periodic raids".²⁸³ In all, this could mark an increase in rights violations, as police interventions have a recorded history of extrajudicial killing and recorded violations to the right to life, liberty, security, freedom from inhuman, degrading, punishment and torture and the freedom of movement for residents.²⁸⁴ The *ISP* in Brazil indicated that in the first three months of 2019, 434 people were killed during 'police intervention' which naturally includes favelas.²⁸⁵ This is a 17.9% increase on the previous year.²⁸⁶

An official return to 'hard-line' policing; the further demise of *favelado*'s HR's protection

Since 2018, there has been a notable shift in the UPP's style of policing, from its mandated 'proximity' policing, toward a hard-line approach. In February, 2018, former president Michael Temer created a decree; *The Presidential Decree for the Guarantee of Law and Order*, which allowed the military to hold authority and intervene in the states favelas as a result of surging criminality and drug trafficking

²⁸² Ibid.

²⁸³ Ibid.

²⁸⁴ International Covenant on Civil and Political Rights',
<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed 30th August, 2019.

²⁸⁵ 'Brazil police shoot dead eight in Rio favela: official', <https://www.france24.com/en/>, *France 24*,
<https://www.france24.com/en/20190506-brazil-police-shoot-dead-eight-rio-favela-official-0>, accessed 28th August, 2019.

²⁸⁶ Ibid.

in the city.²⁸⁷ This marked the first federal intervention as a democracy since its transition toward a democratic state in the 1985, which lasted until December 31st, 2018.²⁸⁸ The main goal of the military's input was to lower crime rates across the city and improve citizen's safety, which includes favela residents in the informal city.²⁸⁹ The decree offered broad authority to the military to restore order and placed police forces under the command of military.²⁹⁰ According to Marielle Franco:

"The establishment of this type of measure has been described by organisations and researchers as unconstitutional and it is escalating the process of militarisation of the city, particularly the favelas and the urban fringes. The use of tanks and soldiers in the favelas exacerbates and exposes the racism and the criminalisation of poverty that are characteristic of the public security policy currently in place in the city. At least 25 complaints have been formally submitted to the Public Defender's Office by residents of Rocinha involving cases of torture, aggression and even sexual violence."²⁹¹

Franco's report highlights that severe HR's violations that *favelado's* experienced during the decree. This further symbolises the demise of the community policing methods employed by the UPP which

²⁸⁷ Londoño, Darlington, 'Brazil's Military Is Put in Charge of Security in Rio de Janeiro', 16th February, 2018, <https://www.nytimes.com/2018/02/16/world/americas/brazil-rio-military-security.html>, accessed 28th August, 2019.

²⁸⁸ Lise Alves, 'Federal Military Intervention in Rio de Janeiro Ends December 31st', 28th December, 2018, <https://riotimesonline.com>, *Rio Times*, <https://www.nytimes.com/2018/02/16/world/americas/brazil-rio-military-security.html>, accessed 25th August, 2019.

²⁸⁹ Ibid.

²⁹⁰ Ibid.

²⁹¹ Franco, "Pacification for Whom?", p.191.

aim to improve the rights and quality of life of residents. The decree has officially condoned a culture of policing that the UPP was created to change.²⁹² Which as Franco notes: "... is a genocidal policy that systematically violates the rights of the residents of the favelas".²⁹³ As the complaints from Rochina have shown in Franco's report.

Furthermore, the military in Brazil operate with much broader leeway when it comes to the use of lethal force. As *Human Rights Watch* note:

' The rules of engagement permit soldiers to use lethal ammunition, "as a last resort," when there is "a serious threat against their own physical integrity or that of third parties, against facilities and/or against material goods that are essential to the fulfilment of the mission." ²⁹⁴

In contrast, UN Principles on the 'Use of Force and Firearms by Law Enforcement Officials' only condone states to use deadly force when it unavoidable at all costs and to protect loss of life, never to prevent damage to property.²⁹⁵ The principles are an authoritative source of the restraint that should

²⁹² Ibid.

²⁹³ Ibid.

²⁹⁴ Brazil: Armed Forces Set Wide Leeway on Lethal Force', <https://www.hrw.org>, *Human Rights Watch*, <https://www.hrw.org/news/2018/03/29/brazil-armed-forces-set-wide-leeway-lethal-force>, accessed 28th August, 2019.

²⁹⁵ Ibid.

be applied to all law enforcement activity in Rio.²⁹⁶ These have severe rights consequences for *favelado*'s and their international protections against lethal force. Directly, it has provided greater derogations, as Brazil had diluted its international obligations to its legally binding commitments contained within the ICCPR AND ICESCR, which ensure the protection and promotion of all HR's and most poignantly, the right to life, liberty and security, freedom from torture, inhuman, degrading treatment and punishment and the highest attainable standard of living found in articles 6, 7, and 11.1 of the ICCPR.

These rights protections have arguably, steadily declined since the military's intervention in 2018. We can further see the terrible affect the use of military intervention has had, in coalition with the UPP officers, who are permanently based, and often are first to respond to incidents inside favelas. According to figures released from the *IPS* in May 2019, 434 people were killed during police interventions in the first three months of 2019, a 17.9% increase as compare to the same period in 2018.²⁹⁷ Overall, this indicates that the current shift toward hard-line policing marks increased negative effects for the rights of *favelado*'s. Evidently, the UPP's rhetoric to reduce crime and increase security has been forgotten.

The dynamics of Bolsonaro's presidency; what's next for residents?

²⁹⁶ Ibid.

²⁹⁷ 'Brazil police shoot dead eight in Rio favela: official', <https://www.france24.com/en/20190506-brazil-police-shoot-dead-eight-rio-favela-official-0>, accessed, 28th August, 2019.

Jair Bolsonaro, Brazil's current president, assumed office on January 1st 2019 and is a member of the Social Liberal Party (*Partido Social Liberal*) (PSL). PSL is socially conservative, economically liberal party.²⁹⁸ Bolsonaro has openly supported and defended Brazil's former military dictatorship.²⁹⁹

During his political campaign Bolsonaro openly emphasised that: "a good criminal is a dead criminal".³⁰⁰ Highlighting his favour toward the use of excessive and lethal force. Showing Bolsonaro's apparent indifference to Brazil's obligation to not arbitrarily deprive life as contained in article 6 of the ICCPR.³⁰¹ Furthermore, despite Bolsonaro's support for lethal and excessive use of force, Brazil is obligated to take measures to protect and preserve this right, in accordance with the law, as fundamentally stated in article 4 of the OAS *American Convention on Human Rights*.³⁰²

²⁹⁸ 'Brazil Country Profile', 3rd January, 2019, <https://www.bbc.co.uk/news>, *BBC News*, <https://www.bbc.co.uk/news/world-latin-america-18909529>, accessed 29th August, 2019.

²⁹⁹ 'Brazil Country Profile', 3rd January, 2019, <https://www.bbc.co.uk/news/world-latin-america-18909529>, accessed 29th August, 2019.

³⁰⁰Ernesto Londoño, Manuela Andreoni, 'We'll Dig Graves': Brazil's New Leaders Vow to Kill Criminals', <https://www.nytimes.com>, *The New York Times*, <https://www.nytimes.com/2018/11/01/world/americas/bolsonaro-police-kill-criminals.html>, accessed 29th August, 2019.

³⁰¹ 'The Universal Declaration of Human Rights,' <http://www.un.org/en/index.html>, <http://www.un.org/en/universal-declaration-human-rights/index.html>, accessed 22nd August, 2019.

³⁰²'American Convention on Human Rights pact of San Jose Costa Rica', http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.pdf, accessed 29th August, 2019.

During his presidential campaign in 2018, Bolsonaro suggested Brazil should be granted a 'license to kill'.³⁰³ He has expressed that crimes committed by on-duty police officers should not have to be tried in military courts, to legally protect them from the consequences of their actions.³⁰⁴ Currently, in the Brazilian congress, new proposals are underway to realise Bolsonaro's pre-presidential aim; which includes modifications to penalising "excesses in self-defence".³⁰⁵ This was introduced as part of a 'anti-crime law' package in February, 2019.³⁰⁶ According to this proposal an public security official whom: "prevents unjust and imminent aggression at his or her right, in armed conflict or at imminent risk of armed conflict" and can be considered self-defence.³⁰⁷ This would enhance impunity over polices engagement in excessive and lethal uses of force, such as extrajudicial killings., as judges would be able to relax penalties. Clearly, Bolsonaro has paid little attention the non-derogable nature of this right, as has been clarified by the UN HRC in general comment no.6 (1982) and general comment no. 36 (2018).³⁰⁸

³⁰³ Luisa Fenizola, 'Comparing Candidates: How Haddad and Bolsonaro Will Approach Favelas', <https://www.rioonwatch.org>, *RioOnWatch*, <https://www.rioonwatch.org/?p=48337>, accessed 29th August, 2019.

³⁰⁴ Ibid.

³⁰⁵ Ibid.

³⁰⁶ Ibid.

³⁰⁷ Ibid.

³⁰⁸ Human Rights Committee, 'General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life', <https://www.ohchr.org/EN/pages/home.aspx>, *OHCHR*, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf, accessed 29th August, 2019.

Thus, it seems Brazil and the state of Rio de Janeiro are doing little to improve the practice of extra-judicial executions and its illegitimate use of force by its military police as acts by the UPP had previously highlighted. Arguably this proposed change, will encourage the use of extra-judicial killings and excessive force, which prohibit Brazil's achievement of basic and fundamental rights to its citizens. These concern individual's freedom from torture, inhuman, degrading treatment or punishment and the assurance of a fair and public hearing by an impartial tribunal, for victims and police officers who commit criminal acts.³⁰⁹

Indeed, the pendulum of policing has clearly swung to more traditional, authoritarian methods of policing that threaten *favelado*'s basic and fundamental rights. Nominally, without the UPP, residents will likely be deprived of efforts to integrate the favela into the formal city, through the providence of services and community organisations that involve communities and officer's interaction.³¹⁰ This may also mean residents may be faced with increased hostility and social exclusion. Furthermore, it may also contribute to a surge in trafficking and subsequent police raids and shoot outs which endanger the lives of favela residents. This may promote further derogations to the freedom from discrimination as enshrined in article 2 of the UDHR, as well as the freedom of movement of all citizens, freedom from inhuman, degrading treatment and the non-derogable right to life.

Thus, one can deduce that the UPP model of policing is far more of a productive police model than the current confrontational replacement, that most crucially jeopardises the most supreme right of all; the right to life. A right that is fundamental for the enjoyment of all other rights and freedoms that Brazil has legally binding and customary commitments towards.

³⁰⁹ International Covenant on Civil and Political Rights',
<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>, accessed 30th August, 2019.

³¹⁰ Pinto, Do Carmo, 'The Pacifying Police Units of the State of Rio de Janeiro Incremental Innovation or Police Reform', p.122.

Conclusion

This paper aimed to show how, overall, UPP officers have negatively affected, threatened and jeopardised the rights of Rio's favela residents known as *favelado*'s through this program of policing. It was predicted, that this was a result of two related factors: the prejudicial treatment of *favelado*'s and authoritarian policing. It can be concluded, that this paper was able to achieve its predicted thesis.

Firstly, I identified the historical and social phenomena that has influenced, and prejudiced police conduct and behavior. Following this, I have indicated how a lack of institutional police reform has been a barrier to the successful protection, promotion and improvement of rights for *favelado*'s and to the overall success of the program. This was achieved using an interdisciplinary and synchronistic approach.

As this paper has exhibited historical and social phenomena has informed the prejudicial conduct of military police officers. This has directly influenced the rights violations committed by the UPP.. As I have shown, this is firstly a result of favela classification. Since their inception they have been labelled as home of criminality, vagrancy and idleness. These systems of informal housing have been theorized and imagined as spaces of 'blackness' social degeneracy, and illegality.³¹¹ Subsequently, residents face intersectional discrimination on the basis of their race and class, which informs police brutality and *favelado*'s severe civil and political rights violations.³¹² This was highlighted by The

³¹¹ Silva, 'Towards a Critique of the Socio-Logos of Justice: The Analytics of Raciality and the Production of Universality, p.441.

³¹² Ibid.

Special Rapporteur, Nils Melzer, who highlighted Afro-Brazilians higher risks of inhuman degrading treatment and violations to the right to life, liberty and security.³¹³ Furthermore, historical factors have also imparted the use of police repression by military officers today acting in the capacity of UPP official's today. Poignantly, the *Guarda Real da Polícia de Corte* (The Royal Guard of Police of The Court) was mandated to repress, subjugate and repress to protect the upper echelons of society.³¹⁴

Furthermore, this paper was also importantly able to establish why police models such as the UPP and its predecessor programs have been implemented inside favelas. This also pinpointed the emergence of increased lethal and excessive force used by officers against *favelado's* at the hands of the UPP and military officers. This research has shown that this was a result of the explosion of the narcotics trade in the 1980's and the successful implementation of drug factions inside favelas. Essentially, traffickers and their factions have been able to enhance the *favelado's* human capabilities which has helped improve their quality of life by reducing their deprivations and hence rights relating to food, housing and security. Yet, this can be sporadic and differ in each community, as Husain has identified. Overall, this analysis supports how the UPP generated negative implications for *favelado's* rights. Which, as predicted, is a result of the interlaced factors of prejudicial treatment and authoritarian policing.

Moreover, taken in the modern context of the implementation and operation of the UPP from 2008 to present, my research has deduced that the police institution's failure to reform a militant police force has sowed the failure of the pacification project and its HR's violations from its beginnings. This was made clear from a range of data on the rate of excessive and lethal force committed by UPP officers

³¹³ Special Rapporteur on Torture and other Cruel, In-Human or Degrading Treatment on his mission to Brazil in 2016', 29th January, 2016, https://ap.ohchr.org/documents/dpage_e.aspx?m=103, p.8, accessed 17th July, 2019.

³¹⁴ Holloway, *Policing Rio De Janeiro*, p.34.

in chapter three. Further, this was also strikingly exhibited from the inception of the program as academics such as Salem have highlighted. As my research has indicated, it became increasingly visible during and thereafter the second wave of pacification in the city from 2010 onwards. Visibly, the symbiotic case of Amarildo de Souza in 2013, encapsulates this.

Following this, I have also identified how a lack of institutional reform has also been a facet to why the policing program has delivered superficial and limited benefits which was offset by increased rates of extrajudicial execution by officers. Further, highlighting how authoritarian policing is a factor that has led to the negative effects generated by the UPP on *favelado*'s fundamental liberties. Academics such as Oosterbaan and Wijk have suggested that despite the most recent increase in lethal crime that the UPP has generated, it has delivered some benefits for the rights of *favelado*'s in terms of feelings of increased security, HR's enjoyment and the reduction of crime. Supportively, Wolff has argued that pacification has reduced the social divide between *favelado*'s and the formal city. However, as this paper has shown this data is prior to the increased use and visibility of excessive and lethal force.

Moreover, the alarming rate of UPP official's using 'resistance followed by death' as a procedure and method of police impunity, additionally highlights the problematic nature of having an un-reformed military police force which routinely derogates residents most supreme right; the right to life. This is alarming, especially in lieu of the police prejudice that is held against *favelado*'s, which increases resident's vulnerability to the misuse of 'resistance followed by death'. As *Amnesty International* noted a general rhetoric in Brazilian society is 'a good crook is a dead crook'.³¹⁵ Indicating, how 'resistance followed by death' is both an interlaced factor of prejudicial treatment and authoritarian policing, that produces negative effects on the fundamental rights of *favelado*'s.

³¹⁵ Amnesty International, *You Killed My Son Homicides by Military Police in Rio de Janeiro*, p.30.

Yet, as I have identified in chapter three, military police usage of lethal and excessive force is not just limited to institutional reform but also to societal inequality, which also effects many low-earning military police officers. Further, this reveals how the prejudicial treatment of *favelado's* is a contributing and interlaced factor which has once more, produced the negative effects of the UPP.

As Perlman has illuminated, many military police officers come from low income families and live in favelas. Police in Rio have a long history of engaging and being complicit in trafficking, where they can earn more money than their average 440-500 USD per month by being complicit in the traffic.³¹⁶ Furthermore, for the first-time many officers are experiencing power and respect, which results in abuses of these powers. These include violations to resident's rights, such as freedom from inhuman, degrading treatment and punishment. However, many low-income officers and fellow *favelado's* face social exclusion, which propels these rights derogations.³¹⁷ As Perlman has identified, being a police officer is a great leap upwards and puts officers under pressure to "perform well" to support their families.³¹⁸ Consequentially, Brazil is failing to provide basic capabilities to its police officers, which are necessary to reach certain minimally acceptable levels of living relative to its society.³¹⁹ Such necessary capabilities include providing security for one's family. ³²⁰

However, it must also be noted that my research has also produced unintended findings. As I intended, my findings have shown that *favelado's* are now experiencing a further retreat from their rights, as the state of policing has reverted back to more authoritarian and traditional forms of policing favelas. However, what I did not intend to discover from this research, is that despite the negative outcome the UPP has generated for *favelado's*, it is a far more productive police model than the

³¹⁶ Perlman, *Favela: Four Decades of Living on the Edge*, p.181.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Amartya Sen, *Development As Freedom*, p.94.

³²⁰ Ibid.

violent and confrontational alternative of authoritarian policing that the country has slowly been returning toward.

This has been highlighted by the UPP's reduction of police pacification units in favelas since 2017 and *The Presidential Decree for the Guarantee of Law and Order* from February to December 2018. This allowed the military to hold intervene and coalesce with the UPP inside favelas. Furthermore, President Jair Bolsonaro has most recently proposed measures that allow crimes committed by on-duty police officers to not to be tried in military courts. Bolsonaro's approach stipulates a retreat from the community policing efforts of the UPP. Currently these approaches only serve to further negate and jeopardise the fundamental civil and political rights of *favelado's*, as increases of extrajudicial executions has shown. This is an endemic flaw of police programs in Rio. As chapter two identified, the initiation of policing programs during the last decade has always swung to hardline policing strategies which has generated extrajudicial killing and or excessive uses of force. This same rhetoric led to the creation of the the *Unidades de Polícia Pacificadora* (Police keeping Police Units) by Cabral in 2008. This came after the failure of the *Grupamento de Policiamento em Áreas Especiais*, under former governor Garotinho.³²¹ Despite its intention of community policing, the *GPAE* led to corruption, repressive interventions and an alarming rate of extrajudicial killing .³²²

Yet, this research paper has not been without its challenges. The lack of previous HR's analysis on this topic has proven difficult for me to understand how pacification has affected rights holders. However, this facet has also made my research valuable to filling the current gap of literature. Notably, this paper has shed light on the current trajectory of authoritarian policing that is unfolding in Brazil and in the city of Rio de Janeiro in wake of the demise of the UPP. This is important, as awareness and activism needs to be generated on this new paradigm of policing that further violates

³²¹ Pinto, Carmo, 'The Pacifying Police Units of the State of Rio de Janeiro', p.124.

³²² Ibid.

and threatens the fundamental rights of *favelado*'s. Furthermore, this paper's analysis covers the years 2008 to the present, in 2019. Making my paper one of the most current approaches to understanding the overall impact of the UPP to this current day.

Finally, it is my recommendation that beyond the work of international organisation's, such as *Amnesty International*, that research academics in the field of HR's contribute to this study. I believe academics should turn their attention to finding and circulating alternative policing models, that comply with HR's. This is important in lieu of Brazil's dangerous transition back to authoritarian policing. As currently, this is being inaugurated by the state in defiance of its international and regional obligations.

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