

**SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW
(FOURTH CYCLE): 41ST SESSION OF THE UPR WORKING GROUP, NOVEMBER 2022**

REPORT: MILITARY JUSTICE IN BRAZIL



The **Instituto de Defesa do Direito de Defesa** (Institute for the Protection of the Right to Defense) is a civil society organization that seeks to protect the right to defense, in its broadest dimension; to disseminate and strengthen the notion that defense is a citizen's right, contributing to people's awareness of the practical meaning of criminal and procedural guarantees. It was responsible for organizing this report with the contribution of the organizations and collectives below.



The **Grupo de Estudos dos Novos Ilegalismos** (New Illegalities Study Group) of Universidade Federal Fluminense (GENI-UFF) is a research group specialized in topics associated with different forms of violence and social conflicts, working with public safety policies, among other lines of research.



Conectas Direitos Humanos is a civil society organization with the mission to enforce human rights and to fight inequalities in order to build a fair, free, and democratic society.



The **Iniciativa Direito à Memória e Justiça Racial** (Right to Memory and Racial Justice Initiative) is an organization that seeks to combat State violence and debate Public Safety in the Baixada Fluminense region (Rio de Janeiro/Brazil) with a focus on racism.



The **Instituto de Defesa da População Negra** (Institute for the Defense of the Black Population) is a non-profit entity organized to champion the complete exercise of citizenship and respect towards the dignity of the black population, offering free legal services to the black, poor, and peripheral peoples.



Justiça Global (Global Justice) is a civilian association dedicated to the promotion of social justice and human rights through research, training and the elaboration of materials on the status of human rights in Brazil; its institutional goals include the submission of complaints to regional and universal human rights protection systems.

INTRODUCTION

- 1.** The expansion of the jurisdiction of the Military Justice system, whether to prosecute and try members of the Armed Forces who commit intentional crimes against the lives of civilians or to prosecute and try civilians who commit crimes against military institutions, is unconstitutional, since the Federal Constitution 1988 expressly states that intentional crimes against life will be prosecuted and tried by a Jury Court (art. 5, item XXXVIII, “d”) and that it is incumbent upon the Military Justice system to prosecute and try the military crimes that are defined by law.
- 2.** However, both by the advent of recent laws and by the maintenance of the Military Penal Code and the Military Penal Procedure Code, the legal definition of what is considered to be a military crime has also been expanded; as such, abuse of authority and torture practice crimes are prosecuted and tried by the Military Justice system. Even in times of peace, depending on the context or the scene of the crime, civilians are allowed to be subjected to the Military Justice system, even if the circumstances do not indicate an attack on military institutions.
- 3.** The lack of a definitive rupture with a legal precept that was established prior to the 1988 Constitution demonstrates the fragility of Brazilian democracy, in addition to the vulnerability to which the institutes and institutions provided for therein are subjected, such as the Jury Court and due legal process, as well as the commitments made to the international community in relation to impartial judgments.
- 4.** There is a consensus among the International Courts of Human Rights, Constitutional Courts and recommendations of the Inter-American Commission on Human Rights and of the United Nations that the jurisdiction of military courts should be restricted only to crimes committed by the military and never be extended to prosecute and try civilians, thus demonstrating that the situation in Brazil regarding the Military Justice system is incompatible with the agreement signed and also with the commitments assumed internationally, as will be demonstrated.

METHODOLOGY

5. This report presents the evaluations of the recommendations, indicating the degree of compliance with them as “Fulfilled”, “Partially Fulfilled” or “Not Fulfilled”. In the latter case, indicating whether the evaluated subject, in addition to not being fulfilled, is also undergoing setbacks. The evaluations are accompanied by a small text containing data (laws, public policies, official publications, newspaper articles, among others) that justify the arguments raised. Finally, an association shall be made with one or more of the Sustainable Development Goals (SDGs) of the 2030 Agenda and a list of annexes with additional information shall also be presented.

OVERALL ASSESSMENT

6. Recommendation **64 (France)**, which determines that acts of violence committed by members of the safety forces should be duly prosecuted in order to combat impunity, is not being complied with and is undergoing evident setbacks due to the unconstitutionality committed by the Brazilian State highlighted in this report, in particular with the expansion of the jurisdiction of the Military Justice system.

7. In the same sense, this report sheds light on the failure to comply with recommendations **32 (United Kingdom of Great Britain and Northern Ireland)**, **33 (Italy)**, **34 (Malaysia)**, **42 (Colombia)**, **59 (Rwanda)**, **69 (Haiti)**, **70 (Venezuela)** dealing with legislation on extrajudicial executions committed by safety forces, as well as non-compliance with recommendations **62 (Botswana)** and **63 (Czech Republic)**, dealing with legislation on investigations into cases of police violence, since the unconstitutional displacement of the judgments that should be carried out by the Jury Court to the Military Justice system interfere in a decisive way in the progress of investigations and consequent accountability, or rather, the non-accountability for crimes committed by police officers on duty.

8. Unconstitutional acts are present in the current Brazilian context on all fronts related to Military Justice, due to the maintenance of **the Military Penal Code** and the **Military Criminal Procedure Code** in conjunction with the laws passed from 2017 onwards, with the

most serious consequence being the expansion of the framework regarding what are considered military crimes. In particular, **item XXXVIII of Article 5 of the 1988 Federal Constitution**, which determines that intentional crimes against life must be prosecuted and judged by the Jury Court, is not being observed.

9. The Federal Constitution establishes in Article 124 the jurisdiction of the military justice system over military crimes, which must be defined by law. The **Military Penal Code (Decree no. 1.001/1969)** and the **Military Penal Procedure Code (Decree no. 1.002/1969)** were published during the Brazilian civil-corporate-military dictatorship (1964-1985) and continue to provide the legal basis - or part of it - for the characterization and processing of military crimes. The crimes and procedural rules described in these Decrees therefore bind the operation of the Federal Military Justice system and the State Military Justice systems.

10. As explained in the Open Letter of Civil Society Institutions concerned with the expansion of the jurisdiction of the Military Justice system, sent to the Brazilian Congress in October 2021 by Conectas Human Rights, NOSSAS and Rede Justiça Criminal, “the expansion of the jurisdiction of the Military Justice system, whether to prosecute and try members of the Armed Forces who commit intentional crimes against the lives of civilians, or to prosecute and try civilians who commit crimes against military institutions, is manifestly unconstitutional”^[1].

11. In October 2017, **Law No. 13,491** was passed, representing an unprecedented expansion of the scope of military crimes in Brazil. This was due to the expansion of the concept of military crimes beyond the specific legislation, insofar as, by amending **art. 9, II, of the Military Penal Code, Law No. 13.491/17** limited the concept of “military crimes in times of peace” not only to the crimes provided for in the Military Penal Code, but also to those provided for in the ordinary criminal legislation when committed in the situations provided for in the paragraphs “a”, “b”, “c”, “d”, and “e”. In addition to being extremely broad, such determinations include crimes committed by military personnel against civilians^[2]. In this way, depending on the military individual's engagement situation, all common criminal legislation can be transfigured and enforced by the military justice system

in Brazil, characterizing conducts that have nothing to do with military activity or the need to protect military hierarchy and troop discipline.

12. The incompatibility of such legislative changes with international human rights standards was vehemently criticized by the Office for South America of the United Nations High Commissioner for Human Rights (OHCHR) and by the Inter-American Commission on Human Rights (IACHR). The two bodies argue that, since it has agreed to international human rights instruments that guarantee all persons a trial by competent, independent, and impartial courts, such as the International Covenant on Civil and Political Rights and the American Convention on Human Rights, the Brazilian State must comply with these agreements^[3].

13. A few months after the Law was passed, more than a thousand cases were transferred from the common justice system to the military justice system^[4]. Contrary to the constitutional provision stating that intentional homicides committed by state military personnel must be prosecuted in the common courts and judged by a Jury Court, data analyzed by the Public Defender's Office of the State of Paraná reveal that even these types of cases were investigated through military inquiries in 71% of the homicides analyzed in the survey^[5].

14. Another situation that is an example of the seriousness of the changes regarding the expansion of the jurisdictional competence of the Military Justice is the processing of **Draft Bill No. 9,432, of 2017**. Produced by the Committee on Foreign Affairs and National Defense, with General Peternelli (PSL-SP) as the rapporteur, this Draft Bill amends provisions of **Decree-Law No. 1001, of October 21, 1969 (Military Penal Code)**, and **art. 1 of Law No. 8072, of July 25, 1990 (Law on Heinous Crimes)**.

15. Passed by the Lower House of Representatives in February 2022, and currently in the Federal Senate for assessment, Draft Bill No. 9432/2017 determines that intentional civilian deaths perpetrated by federal military personnel will be tried by military courts. As a result, the civilian police no longer have the power to conduct investigations into federal military officers who kill civilians in the course of peacekeeping operations and law-and-order

actions, among other subsidiary activities. The investigation and prosecution of these crimes, which were previously conducted by civilian authorities in civilian courts, are now left to the military.

16. This is, therefore, an extremely worrying state of affairs, since the validation of this type of legislative proposal does not do away with the unconstitutionality and abuses promoted by the laws already in force – it merely reinforces all of them, infringing the commitments assumed by Brazil before the international community in relation to impartial judgments. Therefore, there is an evident setback in relation to recommendations **62 (Botswana)**, **63 (Czech Republic)** and **64 (France)**.

17. This legislative proposal also sheds light on the lack of ruptures with the period of the Civil-Corporate-Military Dictatorship, determining the maintenance of provisions that violate the Constitution of 1988. This very serious connection between the current Brazilian political context and the authoritarian period of the Dictatorship has been broadly denounced by entities dedicated to the defense and assurance of Human Rights and, with regard to the reform of **the Military Penal Code**, we must highlight the articulation of civil society in the campaign named “Sem licença pra matar” (Without a license to kill)^[6], which publicly discusses the fact that **Draft Bill No. 9,432, of 2017**, distorts the concept of legitimate self-defense, constituting a protection or a sort of “License to kill” for agents of the Armed Forces and the police who may claim to have felt threatened in the situations under trial.

18. This type of “license to kill” is also present in other legislative proposals drawn up from the year 2017 onward, with the purpose of expanding the legal cases of exclusion of illegality, such as **Bills 6125/2019, 7883/2017 and 1595/2019**. These bills nullify any possibility of action by the Legislative Branch adhering to the **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**, adopted at the Eighth United Nations Congress for the Prevention of Crime (1999); with the **Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, adopted by the United Nations General Assembly (1984); and with the **Code of Conduct for Law Enforcement**

Officials, adopted by the United Nations General Assembly (1979), in addition to other human rights treaties in which Brazil is a signatory.

19. Violations of civil rights resulting from the expansion of the jurisdiction of the Military Justice in cases involving civilians continue to occur on a daily basis. Numerous cases brought up against the Brazilian State before the Inter-American Human Rights System indicate the non-accountability resulting from the processing in the Military Justice of cases involving human rights violations against civilians, as in the cases of Jaílton Neri Fonseca (Case No. 11,634) and Wallace de Almeida (Case No. 12,440) involving the execution of young favela residents by safety forces in 1992 and 1998, respectively, a pattern that continues to repeat to this day^[7].

20. In addition to the efforts undertaken by the Brazilian State to expand the jurisdiction of the Military Justice, there have been increasing proposals to protect public safety agents who may commit human rights violations. This goes beyond non-accountability. In other words, the stance taken by the Brazilian State has been to increasingly corroborate these violations and ensure corporatism in all instances. Examples include Draft Bill No. 4,363/01, which proposes an organic law for the country's military police^[8].

21. The expansion of the jurisdiction of the Military Justice in Brazil can be observed in emblematic cases, such as the actions that resulted in the deaths of the musician Evaldo Rosa and the recyclable material collector Luciano Macedo in the Salgueiro massacre. In the first episode, ten soldiers who were present when the army set fire to Rosa's car, which was wrongly identified as belonging to a felon^[9], were detained, but later released by the Superior Military Court^[10]; in the case of the Salgueiro massacre, the investigations conducted by the military were criticized for ignoring evidence linking military personnel to the murder of eight people during a joint operation by police and military forces^[11].

22. The **Law and Order Guarantee Operations** (GLO) are an indispensable aspect of this context of rights violations in Brazil. The decision to employ the Armed Forces to ensure law and order is under the exclusive purview of the President of the Republic, according to Decree No. 3,897, of August 24, 2001^[12], and the arguments employed to justify this type of

operation have become diversified over the last six years. In 2014, **Normative Ordinance No. 186/Md, of January 31, 2014**^[13], was published by the Ministry of Defense – General Staff of the Armed Forces, and is currently in force.

23. According to data recently updated by the Head of Joint Operations of the Ministry of Defense, between 1992 and 2021, 145 Law and Order Assurance Operations were carried out in Brazil, divided into those carried out due to “major events” (26.9%), “Military police strikes” (17.9%), “guarantee of voting and vote counting” (16.6%), “urban violence” (15.9) and “others” (22.8%)^[14]. One must note that the total funds allocated to this set of operations add up to a total of BRL 2,662,201,686.83^[15].

24. The failure to explain the reasons and demands for the implementation of certain GLO operations, that is, the choice of not explaining the type of operation, allocating it in the “others” set, which add up to 22.8% of the total number of operations carried out since 1992, must be noted. One must question why operations whose “mission” is to protect the external perimeter of federal penitentiaries are considered “others” by the Ministry of Defense, as in the corresponding table (annex 5.1). It is also worth noting that the GLO operation named Operação São Cristóvão, carried out between May and June 2018 covering the entire national territory, had the mission, according to the Ministry of Defense, “of contributing to the preservation of public order and of the safety of people and property”, with an amount of BRL 80,000,000.00 having been spent for that purpose^[16].

25. Recent operations have also been described by the Ministry of Defense under the “others” subset, such as Operação Verde Brasil, carried out between August and October 2019, and Operação Verde Brasil 2, carried out between May 2020 and April 2021; these operations stand due to having occurred in indigenous territories, border strips and federal areas in the states of the “Legal Amazon” (in the states of Roraima, Rondônia, Pará, Tocantins, Acre, Mato Grosso, Amazonas, Amapá, and Maranhão), resulting in a high number of arrests: 127 in the first operation and 337 in the second. According to the Ministry of Defense, these operations were meant to carry out “preventive and repressive actions against environmental crimes”, including the “execution of subsidiary attributions, especially in surveying and fighting forest fire outbreaks”^[17].

26. Both operations show that military activity is no longer considered exceptional and is instead characterized as ordinary, with the investigation, processing and judgment of these crimes by civil authorities being displaced to the scope of the Military Justice system. Thus, the civic field – understood in its most literal sense – is reduced in the face of the greater militarization of everyday life, notably the most delicate aspect of state activity: the monopoly of the use of force. In other words, these are de-civilizing measures.

27. This de-civilizing character is evident in the case of the torture of four men who were detained in the Penha Complex and taken into army barracks during the period in which the state of Rio de Janeiro was under a federal public safety intervention. One of the witnesses stated that he was taken to a facility belonging to the 1st Division of the Army, in a Military area, and when he arrived at the scene he was taken to a red room in which there were four hooded soldiers – three agents interrogated the four detainees under torture, while another agent typed the information on a computer; the witness also stated that the questions were followed by beatings and whipping with electric wires^[18].

28. In this context, the mobilizations in the field of defense and guarantee of Human Rights are manifested at the appropriate instances: at least six (6) constitutional actions are being appraised at the Federal Supreme Court dealing with the expansion of the jurisdiction of the Military Justice system, of which three (3) are scheduled for a decision so far: the **Direct Action of Unconstitutionality (ADI) No. 5032**, the **Direct Action of Unconstitutionality (ADI) No. 4,164** and the **Allegation of Noncompliance with a Fundamental Precept (ADPF) No. 289**. The latter deals with the definition of the authority with jurisdiction to investigate, prosecute and try the murder of civilians and other human rights violations committed by members of the Armed Forces in the exercise of atypical functions, such as when they intervene in the public safety of Brazilian cities during operations to guarantee Law and Order.

29. The stance of the United Nations Human Rights Committee on the subject is also of note, since it strongly defends that military courts should not have jurisdiction to try civilians

and that it is the role of the State to ensure that civilians accused of committing criminal offenses of any nature be tried by civilian courts^[19].

30. This submission of civilians to the jurisdiction of the Military Justice system during peacetime is considered extremely concerning. In addition to the elements that were already explained in this report, this context violates the Democratic Rule of Law, the right of a natural judge, the principle of material due process, and articles 124 and 142 of the Brazilian Constitution.

31. The right to an impartial trial is not being assured in Brazil, since within the Military Justice system, judges are usually active members of the armed forces, which prevents Brazilian military courts from being unbiased.

32. Objectively, one could not say that the right of access to justice is being assured in Brazil; after all, the Brazilian state is not currently assuring the rights to a fair trial, an effective investigation, much less to effective compensation for human rights violations – as established by multiple international and regional human rights treaties. The International Covenant on Civil and Political Rights (ICCPR)^[20], the American Convention on Human Rights (ACHR)^[21], the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment^[22] and the Inter-American Convention to Prevent and Punish Torture^[23], all ratified by Brazil^[24], all guarantee this right. This right is also guaranteed by other important international instruments that focus on human rights, including the American Declaration of the Rights and Duties of Man, the European Convention on Human Rights (ECHR) and the African Charter on Human and Peoples' Rights (Banjul Charter)^{[25][26][27]}.

33. Finally, considering the Sustainable Development Goals of the 2030 Agenda, in particular objective 16 - Peace, justice and effective institutions, this report explains that Brazilian political decisions made in different spheres of power, mainly Federal and state government decisions in the realm of public safety, are moving in the opposite direction of 1) significantly reducing “all forms of violence and related mortality rates” (SDG 16) and 2) promoting the Rule of Law, assuring equal access to justice for all people (SDG 16).

RECOMMENDATIONS OF THE PRESENT ORGANIZATIONS

34. Revise the wording of the Federal Constitution, which authorizes the establishment of the jurisdiction of the Military Justice system by infra-constitutional rules, demanding a restrictive interpretation of this authorization in order to acknowledge the normative system that establishes civilian control over the armed forces, currently undermined by the inversion of values promoted by current legislation;

35. Expand the scope of the national debate on core issues on the assurance of judicial protection, due legal process, broad defense, among other principles that underpin the rule of law and the protection of human rights, ensuring ample social participation in these spaces of debate;

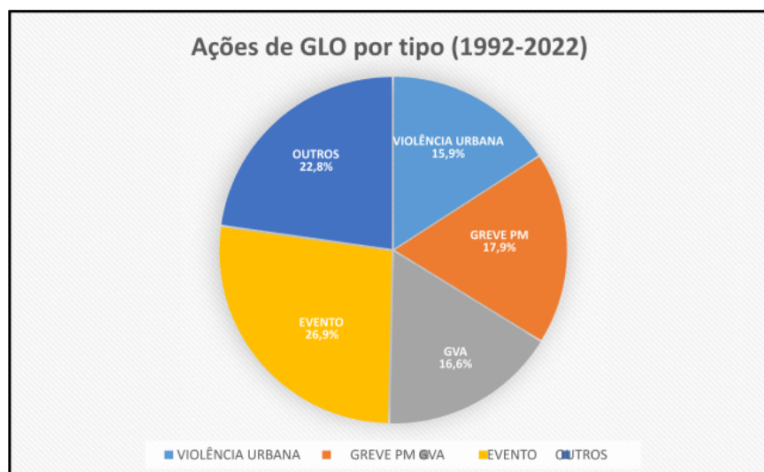
36. Ensure that investigations into alleged perpetrators of human rights violations are carried out by an independent and impartial body, without any institutional or hierarchical relationship with the parties involved in the allegations;

ANNEXES

37. Summary updated by the Ministry of Defense on the history of law and order guarantee operations in Brazil

LEGENDA	
S PUB	Segurança Pública
GVA	Garantia da Votação e Apuração
EVENTO	Grandes Eventos

RESUMO		
TIPO	QUANT	PORCENTAGEM
VIOLÊNCIA URBANA	23	15,9%
GREVE PM	26	17,9%
GVA	24	16,6%
EVENTO	39	26,9%
OUTROS	33	22,8%
	145	100%



[Legend: Segurança pública = Public safety; Garantia da votação e apuração = Guarantee of voting and vote counting; Grandes eventos = Major events; Resumo = Summary; Tipo = Type; Quant = Quantity; Porcentagem = Percentage; Violência urbana = Urban violence; Greve PM = Military police strike; Outros = Others]

Source: Ministry of Defense; History of GLOs

38. Matrix of recommendations made to Brazil in the 3rd Cycle of the UPR on the subject of Military Justice.

Recommendation	Recommending country	Brazil's stance	Topics covered	Degree of implementation	Suggested new recommendations
32. Introduce mandatory human rights training for law enforcement institutions and implement an evidence-based policing program to reduce police killings by 10% over the Universal Periodic Review cycle;	United Kingdom of Great Britain Northern Ireland	Supported	A53 Professional training in human rights; A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	Unfulfilled	
33. Implement human rights training programs for safety forces, emphasizing the use of force according to the criteria of necessity and proportionality;	Italy	Supported	A53 Professional training in human rights A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	Unfulfilled	
34. Continue to improve human rights education and training for law enforcement agencies, civil servants and prison officers;	Malaysia	Supported	A53 Professional training in human rights D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials	Unfulfilled	
42. Redoubling capacity building efforts for all safety forces with the goal of preventing racially-biased or race-oriented practices, among others, against vulnerable minorities, such as against LGBTI persons;	Colombia	Supported	B31 Equality & non-discrimination A42 Institutions & policies - General G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Unfulfilled	
59. Strengthen measures to prevent abuse by some law enforcement officials, including through appropriate human rights training;	Rwanda	Supported	A42 Institutions & policies - General A53 Professional training in human rights D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - law enforcement / police officials	Unfulfilled	

<p>62. Ensure the continuity of investigations and the application of recommended actions against abuses committed by law enforcement officers as a way to prevent further violations;</p>	Botswana	Supported	<p>D51 Administration of justice & fair trial D1 Civil & political rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials</p>	Unfulfilled	
<p>63. Strengthen the prevention and effectiveness of investigations on cases of police brutality through the more efficient supervision and training of law enforcement officers in the subject of human rights, especially the military police, and ensuring accountability for any acts of police brutality that are committed;</p>	Czech Republic	Supported	<p>B51 Right to an effective remedy A53 Professional training in human rights B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials</p>	Unfulfilled	
<p>64. Ensuring that acts of violence perpetrated by members of the safety forces are duly prosecuted in order to fight impunity;</p>	France	Supported	<p>B51 Right to an effective remedy B52 Impunity S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials</p>	Unfulfilled	
<p>69. Take all necessary measures to reduce homicide rates among Afro-Brazilian men, particularly through robust educational programs tailored to their needs, following second cycle recommendations 119,138, 119,154, 119,157, 119,158, 119,159, and 119,160;</p>	Haiti	Supported	<p>E51 Right to education - General A42 Institutions & policies - General G1 Members of minorities S10 SDG 10 - inequality S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups</p>	Unfulfilled	
<p>70. Refrain from resorting to violence and extrajudicial executions committed by safety forces, especially with regard to the “war on drugs”;</p>	Bolivarian Republic of Venezuela	Supported	<p>D22 Extrajudicial, summary or arbitrary executions S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - law enforcement / police officials</p>	Unfulfilled	

[1] Open Letter from Civil Society Institutions concerned with the expansion of jurisdiction of the Military Justice system. Conectas Direitos Humanos; NOSSAS; Rede Justiça Criminal, 2021.

[2] Art. 9 of the Military Penal Code “During peacetime, the definition of military crimes encompasses: (...) II – the crimes described in this Code and those described in the penal legislation, when committed a) by a soldier in active duty or similar status against a soldier in the same or similar status; b) by a military member in active duty or similar status, in a place subject to military administration, against a retired military member, or similar, or a civilian; c) by a soldier in active duty or working as a result of their function in a commission of a military nature, or in a graduation process, even if outside a location subject to military administration against retired or reformed military personnel or civilians; d) by a soldier during maneuvers or exercises against a retired or reformed member of the military or a civilian; e) by a soldier in active duty or similar status against property under military administration, or against the military administrative order;”

[3] CIDH. UN Human Rights and the IACHR categorically reject the bill that expands the jurisdiction of military courts in Brazil (October 13, 2017). Available at: https://www.oas.org/en/iachr/media_center/PReleases/2017/160.asp.

[4] O GLOBO. A new forum for the military has already removed a thousand lawsuits from common courts, from threats to torture. 2018. Available at: <https://oglobo.globo.com/brasil/novo-foro-dos-militares-ja-tirou-mil-aco-es-da-justica-comum-de-ameaca-tortura-22659068>

[5] Inquiries were opened by the civil police in 27% of cases and by the Public Prosecution Office in only 1.2% cases. PARANÁ. Technical Note No 01/2021 - NUPEP/DPE-PR, 2021. Available at: <https://docplayer.com.br/209312008-Nota-tecnica-no-01-2021-nu pep-dpe-pr.html>

[6] <https://www.semlicencapramatar.org.br/>

[7] Del Río, A.; Gomes, J. C. A. Direitos humanos e relações cívico-militares: o caso da expansão da competência da justiça militar no brasil. Mural Internacional, Rio de Janeiro, Vol.11, e48807, 2020.

[8] Draft Bill No. 4,363/01. Processing information and full content available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=26946>

[9] Exclusive: the disastrous Army Operation that led to the death of Evaldo Rosa. Available at: <https://apublica.org/2020/04/exclusivo-a-desastrosa-operacao-do-exercito-que-levou-a-morte-de-evaldo-rosa/>

[10] CIDH. Human Rights Situation in Brazil (February 12, 2021) OEA/Ser.L/V/II Doc. 9 [339-40]. <http://www.oas.org/pt/cidh/relatorios/pdfs/Brasil2021-pt.pdf>

[11] São Gonçalo Massacre: documents reveal that investigators ignore evidence linking murders to military personnel. Available at: <https://oglobo.globo.com/epoca/rio/chacina-em-sao-goncalo-documentos-revelam-que-investigadores-ignoram-provas-que-ligam-assassinatos-militares-24889542>

[12] http://www.planalto.gov.br/ccivil_03/decreto/2001/d3897.htm

[13] “GARANTIA DA LEI E DA ORDEM”, 2ª edição – 2014, available at: https://www.gov.br/defesa/pt-br/arquivos/2014/mes02/md33a_ma_10a_gloa_2eda_2014.pdf

[14] https://www.gov.br/defesa/pt-br/arquivos/exercicios_e_operacoes/glo/2-tabelas-glo_atualizada_em_jan_22.pdf

[15] https://www.gov.br/defesa/pt-br/arquivos/exercicios_e_operacoes/glo/6-glo-2010_2022_custos_e_efetivos_jan_2022.pdf

[16] https://www.gov.br/defesa/pt-br/arquivos/exercicios_e_operacoes/glo/6-glo-2010_2022_custos_e_efetivos_jan_2022.pdf

[17] https://www.gov.br/defesa/pt-br/arquivos/exercicios_e_operacoes/glo/2-tabelas-glo_atualizada_em_jan_22.pdf

- [18] De mãos atadas. Relatos de Tortura na intervenção do Rio. Época Magazine, n.1064, November 2018.
- [19] United Nations Human Rights Committee, E/CN.4/Sub.2/2005/9, Principle no. 4: "Military courts should, in principle, have no jurisdiction to try civilians. In all circumstances, the State shall ensure that civilians accused of a criminal offence of any nature are tried by civilian courts". Available at: <http://www2.ohchr.org/english/bodies/subcom/57/aevdoc.htm>
- [20] Pacto Internacional sobre os Direitos Civis e Políticos (PIDCP), Artigos 2(3) e 14.
- [21] American Convention on Human Rights (ACHR), Articles 1(1), 8 and 25(1).
- [22] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Articles 12 and 14.
- [23] Inter-American Convention to Prevent and Punish Torture, Article 8.
- [24] United Nations Treaties Database. Ratification status for Brazil. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=24&Lang=EN; CIDH.
- B-32: American Convention on Human Rights. Available at https://www.cidh.oas.org/basicos/portugues/c.convencao_americana.htm
- [2 5] American Declaration of the Rights and Duties of Man (American Declaration), Article XVIII.
- [2 6] European Convention on Human Rights (ECHR), Article 6.
- [2 7] African (Banjul) Charter on Human and Peoples' Rights, Article 7.