

THE CYCLE OF SILENCE:

Impunity in murders
of communicators in Brazil

2018



ARTICLE 19 BRAZIL

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PUBLISHERS NOTE:

- This is not an an exhaustive report on the status of individual cases. New information may emerge as cases develop, further reports are released, and official investigations progress.

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INTRODUCTION



Being a communicator in Brazil requires dedication and courage. Getting information and alternative opinions out to the different corners of Brazil is no easy task. Very often communicators must be persistent in the face of threats from opponents, investigative difficulties and lack of financial resources. However, there is one critical situation that has been identified but still not tackled by the authorities, and it is one that has restricted the freedom of expression of many professionals around the country: the risk of death. Principally where they are most exposed to the discretion of the local powers, such as in small towns and in the peripheries of Brazil's large cities, communicators' voices have been silenced by contracted, and often barbaric, crimes, that expose a very real breakdown in democracy that we have a duty to uncover.

According to the Inter-American Court of Human Rights, "journalism can only be exercised freely when those who carry out this work are not victims of threats or physical, mental or moral attacks or other acts of harassment." Guided by this vision, the following pages represent a brief at-

tempt to expose this situation of lethal violence that, once better understood, may - and herein lies our hope - be altered in benefit of the lives of the communicators. Therefore, understanding their stories, recognizing the patterns of activity adopted by their tormentors, and studying initiatives that have proven successful, have become our primary tasks. Furthermore, publicizing these cases, and demanding effective measures from the authorities and public organs, is also a tribute to these brave individuals, who cannot be forgotten amid the maze of state bureaucracy.

The path we must take will not be easy since, mainly in the hinterland of Brazil, the law of silence prevails. It is not written into any code or contained in any public discourse, but it is known to all. Ultimately, the physical elimination of communicators, whose lives and deaths we are presenting, seems to be the final solution of bad politicians or corrupt businesspeople for the perpetuation of their interests. Moreover, the governments that tolerate this end up condoning their ends. But we do not, and we are not alone.

1. IACHR. Case of Vélez Restrepo and Family Members vs. Colombia. Preliminary Objection, Merit, Reparations and Costs. Decision dated September 3, 2012. Series C, Nr. 248. § 209.

OUR PROPOSAL

This ARTICLE 19 report is the result of a collective push to investigate and monitor cases of serious violations of freedom of expression in Brazil. Its main aim is to create a safe environment for the free circulation of ideas, opinions and information in Brazilian society, which is currently being restricted through the use of violence, and culminating, in extreme cases, in the arbitrary murder of communicators who we have previously presented. Within this scenario, we are all victims of authoritarianism and reduced democracy. But we cannot forget the communicators who are dying. They include journalists, broadcasters, bloggers and other media professionals who are being persecuted and murdered. Brazil is a very dangerous country for these professionals and this must change.

With this report, we aim to provide a tool designed to stop the violence towards communicators, most importantly lethal violence. This is why we are attempting to ensure that these arbitrary murders are not forgotten in two ways. The first involves declaring that these deaths exist and occur as a result of the victims' profession, and this should, therefore, be considered a prime factor when police investigate executions. The second involves monitoring cases, thereby pressuring the authorities and institutions to expose the crimes and guarantee freedom of expression to everyone, everywhere.

METHODOLOGY

This year, the report monitored 22 cases that took place between 2012 and 2016, of which the first 12 were covered in the first edition of this report, published in 2016, and have been updated in this edition. The new 10 cases in this report are considered in more detail. Previous cases (from 2012, 2013 and 2014) and new cases (from 2015 and 2016) are presented separately for comparative analysis and to help show how the situation of communicators dying has evolved in Brazil with its changing social context.

Our sample was territorially representative with cases recorded in 11 Brazilian states. Many cases that took place during the study period remain in the shadows legally speaking, not even being considered as arbitrary executions of communicators. Our selection was, inevitably, incomplete. We have focused on media cases or cases that were reported by local partners, which proved to be sufficient, allowing us to detect patterns in all the cases, including in relation to the histories of the victims and the dynamics of the crimes.

Before going any further, we should clarify two concepts that are important to this study: what we consider to be a violation of freedom of expression and what constitutes an arbitrary execution of a communicator. The violation of freedom of expression is any action, be it performed by the state or not, that either directly or

indirectly interferes with the free circulation of ideas, opinions or information. If practiced by the State, an omission, when it should be acted upon, is also understood as an attack on the freedom of expression. The arbitrary execution of a communicator, on the other hand, is a qualified intentional murder, usually in the form of an ambush and motivated by negative opinions or criticisms. In all the cases analyzed, there were at least two parties involved: the mastermind behind the crime (the person or party ordering the murder) and a perpetrator. It's important to note that the police investigations do not always reach the same conclusions.

The cases were built around three different narratives, all of which complimented each other. These involve: the personal circle, that includes family members and close friends; the professional circle, such as work colleagues and communicators in the region, sometimes contacted through the local journalists' union; and the justice system, which includes a variety of players. The players from the justice system who were contacted varied depending upon the length of the respective investigations, where in the early stages the words of the officers responsible for the police inquiries were more important, but when they were more advanced, the prosecutors responsible for the criminal cases became the protagonists. Other public agents were also listened to, but only in a secondary manner, whenever new information strengthened the understanding of specific cases.

For ethical and legal reasons, we have not made value judgments on the final or enforceable decisions made for the few cases that reached the stage of judgment, since only a jury trial with access to all the evidence against the accused holds jurisdiction for such an evaluation. Assessing the justice involved in the convictions or acquittals would be inappropriate. Therefore

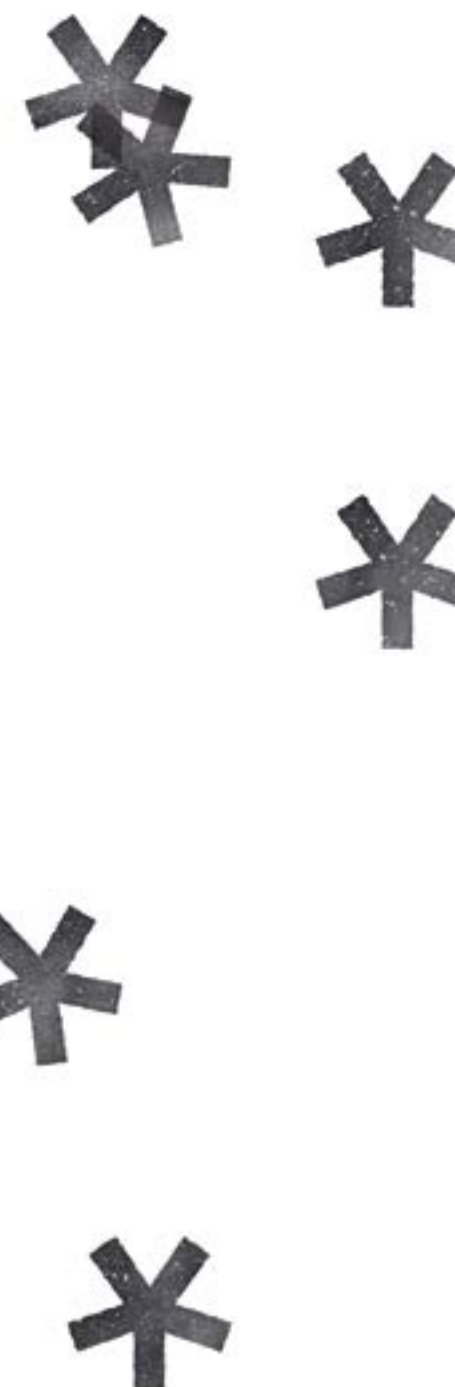
we consider where responsibility has been decided in a case: that the evidence had been filed with the Court in the form of a criminal case and has been the object of a decision on the merit, regardless of whether an appeal could still be filed.

The majority of cases, however, are still in the investigation stage, even though years have passed since the crime was committed, which means there are additional difficulties, since the police inquiry is confidential and its dissemination could put the collection of evidence or the capture of the criminals at risk. To understand the evolution of the cases it was essential to listen to informers from outside the justice system, thus allowing the reconstruction of the particular context of violence and the dynamic of the conflicts with communicators in their respective activities. Many informants still feel insecure when discussing the cases seeking action from the authorities. This was also one of the main reasons that many police inquiries have remained unresolved or only partially resolved, according to what we were told by the officers and prosecutors themselves.

PRELIMINARY RESULTS AND CONCERNS

Very often, public exposure of a case creates a protective sphere around the witnesses, but, in some cases, it can increase their vulnerability or hamper police investigations. Therefore, each case has been analyzed sensitively and, even when certain pieces of information are not revealed, they have served as another element within the context of communicators' deaths and have helped us to draw conclusions and recommendations to be followed.

The aim of this study is not to assist with police investigations, but rather to bring together elements to avoid new crimes in the future. The report aims to bring visibility to the issue of impunity for murders of communicators, providing information so that the players involved can implement measures with a view to providing greater security for communicators. We have realized that, very often, simply asking for information or direct contact with the responsible authorities results in steps being taken and a strengthening of the commitment to solving the case. When other communicators have been contacted, they say that they feel safer knowing that the surveillance performed by ARTICLE 19 is providing them with support, and this strengthens the work performed by these professionals and contributes to the exercising of freedom of expression and democracy.



THE MURDER

OF COMMUNICATORS

IN BRAZIL

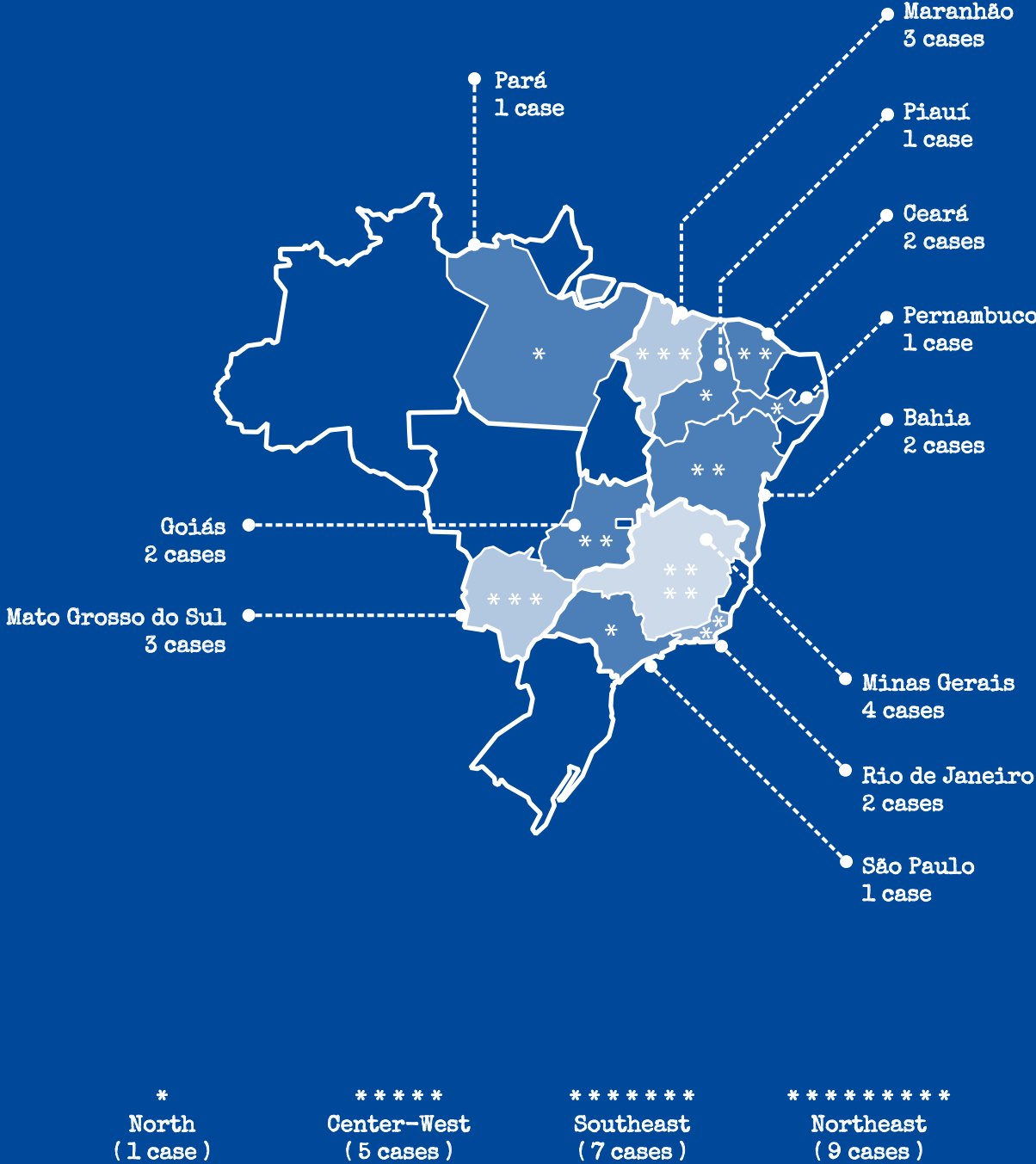
The 22 cases monitored by ARTICLE 19, which involve homicides that took place in 11 Brazilian states between 2012 and 2016, are representative of the lethal violence suffered by communicators. This has allowed us to address current crimes since they have many characteristics in common, regardless of the geographical region or social class of the communicators. The similarities have also allowed us to confirm that there is a pattern to the murders of communicators in Brazil, and this needs to be revealed and understood. And it is this that we aim to do.

PROFILE OF THE VICTIMS

The cases monitored involved eight bloggers, six broadcasters, five journalists, two businesspersons and one photographer. However, when we consider only the most recent cases, we can see an alteration in the profile, with a reduction in the number of journalists and a rise in the number of bloggers. Broadcasting, however, remains stable as the second most dangerous profession. They work for small communication outlets, without a commercial focus or aiming simply to support their families, while they very often perform other activities to supplement the family income. Within this context, the communicator is very often the owner of the outlet or communication channel, as is the case with the bloggers, or they have their own personal program, as is the case with the broadcasters, which helps explain why the work carried out by the outlets either stopped or was noticeably reduced after their death.

Small cities, with less than 100,000 inhabitants, are where communicators' lives are most at risk. This fact is nothing new, but it was noted that there was a drastic shift of the crimes against freedom of expression to small towns. In the investigation performed in 2016, three of the victims were killed in state capitals whilst in 2018 this figure dropped to zero. Furthermore, the average population of the cities where the crimes take place reduced from 315,000 inhabitants to 50,000. Although they do suffer other types of violence in large cities, it is in small cities that their lives are most at risk. This is due to the closer proximity between the one making the accusation or criticism and those being accused.

The advance of the Internet in small, upstate municipalities has led to a new consequence, the result of a trend observed in previous years. The majority of murdered communicators are bloggers who have their own blog and remote access to the Internet, through which they host small news sites and/or personal electronic diaries, or use their social networks as part of their work. The second large group is broadcasters who are traditionally in out-of-the-way regions where the only economically viable means of broadcasting – before the expansion of the Internet – was radio. The rest: professional journalists, owners of small media outlets, and photographers are also in danger but the number of victims within this profile has decreased compared to bloggers and broadcasters.



PROFILE OF THE CRIMES

The main objective of the arbitrary executions of communicators is to physically eliminate enemies considered to be dangerous or inconvenient due to the investigation they pursue or their criticisms that destabilize power distribution in the region. Therefore, since the main targets of these communicators are politicians, authorities and criminals operating at municipal or inter-municipal level (whilst sometimes, as is the case in the Northeast of Brazil, the nearest cities are in different states), these are the main suspects of masterminding the murders. The executors, those who put together the ambush and pull the trigger, are usually hired for this purpose, in a relationship that is popularly known as a 'crime de pistolagem' or hitman crime.

The first important piece of information is the hierarchical chain involving one mastermind and one or more perpetrators, who, with common aims, and each one having their specific role, carefully plan and execute the murder. In this type of contracted crime, the murderers or gunmen are professionals, sometimes contacted through intermediaries, which makes it difficult to demonstrate a partnership of all involved in the crime. The crimes are meticulously planned, with traps and tricks always being used to surprise the victims, who are killed using firearms. The most commonly used means of transport is the motorcycle, since it allows an easy escape, and requires, moreover, the participation of at least two people. This dynamic is almost always present, in both old and new cases, with there being no geographical variations.

The second fact is that these crimes aim to eliminate the target communicator, but they have a much more wide-reaching effect on everyone else, who start to fear the groups involved and

limit their criticisms. A great deal of brutality can also be seen in some cases, with the use of torture and dismemberment being noted. The communicators especially suffer from a lack of legal support to continue investigating problems or exposing local situations. This means that, through self-censorship, the freedom of the press is distorted in these regions.

There is also a shift in scenario that should be highlighted. While the majority of crimes monitored in 2012, 2013 and 2014 occurred in the Central Western and South-Western regions, in 2015 and 2016, they are more highly concentrated in the Northeast, which is now almost entirely responsible for the deaths of communicators. We do not know if this is a structural alteration or whether it represents a mere variation within a wider scenario, but this trend is also perceived in other violations against communicators in the last years.

Many communicators receive threats prior to the crime, but it has not always been possible to establish a direct relationship between them and the crimes. The matter remains unresolved since the threats are usually made anonymously and at random times, and do not always refer to the accusations made at the times of the crimes. It can be seen, however, that the communicators are often threatened, sometimes publicly, and suffer from many different types of violations before being murdered, indicating a situation of general vulnerability and need to be addressed to avoid more serious crimes in the future. Many informants have revealed that the victims did not manage to apply personal security protocols or received no support from the state when they went to the authorities, but were afraid for their lives and the lives of their colleagues and close family members.



Politician
(7 cases)



Police officer
(3 cases)



**
Public official
(2 cases)



Organized crime
(5 cases)



**
Businessman
(2 cases)



Unknown
(3 cases)



**77% of the victims had suffered
previous threats or attacks**

The police phase, represented by the police inquiry, is notable for its relative lack of success. It is during this stage that the majority of cases are to be found, even years after the crimes themselves, when the investigation of the remnants of the crime has already been handicapped. Especially when immediate measures were not taken and specialized and sufficient technical personnel have not been made available, the crimes remain forgotten in a silence that is dangerous for the freedom of expression. It can be seen that it is extremely difficult to resolve the cases that remain in such a situation for more than one year. Sometimes the delay is caused by the length of time it takes to get expert reports completed or by the lack of professionals in the cities where the crimes are committed. But, in general, the crimes that remain in this limbo of oblivion are those that have not garnered sufficient attention from the authorities.

The investigations with a greater chance of success, on the other hand, have been those performed by specialist homicide units, that have the expertise and necessary structure to investigate this type of crime. The cases that were monitored by the Public Prosecutor's Office from the initial investigative phase, which is uncommon, had a greater chance of exposure and

produced harder evidence for the criminal case. One of the biggest difficulties highlighted by police officers and prosecutors was the lack of personnel to undertake the investigations, which also leads to a subsequent accumulation of cases being handled by very few professionals.

Police officers and prosecutors generally agree that the accusations and criticisms made by the communicators might be the probable motivation for the crimes, but this personal conviction cannot always be proven nor is it privileged as a line of investigation in the police inquiry. However, both witnesses and communicators seem to have no doubt about this relationship. It is a difficult parallel to draw, but whenever a mastermind was captured, the hypothesis confirmed that the crime was ordered due to the accusations and criticisms made by the communicators.

Research conducted by ARTICLE 19 has identified the turnover of the authorities as another problem. This happens principally in the smaller cities or judicial districts. Police officers and prosecutors currently responsible for the cases are not the same officials who were in charge when the crime was carried out. In many cases, they are not aware of the police inquiry and almost never act, considering them, when they are not resolved quickly, to be "difficult" or

"impossible to solve". They attribute this to the circumstances of the crimes, that are planned and executed in such a way as to not leave any traces of a clue, and to the lack of structure of the organ investigating the crime and which is externally controlling the police activity. In fact, this external control does not seem to exist, even in regions with a history of involvement of police officers or ex-police officers in previous homicides.

None of the investigations were concluded within the legal period of 30 days, a fact that is nothing special in the crimes that we evaluated, but is standard practice in Brazilian criminal justice system. Despite being customary and legal, this delay undermines the democratic environment in the regions where communicators have been assassinated. Our informants have told us that they feel threatened, have no faith in the police and are afraid to ask the authorities to take action. As we can see, the existence of a police investigation has not always created a greater sense of security amongst witnesses. Both the authorities and our informants confirm that the gun culture and the fear of exercising one's right to the freedom of expression were either reduced or ceased to exist in the cases in which the investigation was successful and the case came before a court.



CONSIDERING PREVENTION

Several executed communicators had previous problems with threats and acts of violence. However, few of them reached for the police authorities and even when they did, no legal actions were taken in order to protect these professionals. Considering the crimes among which the unfolding of facts is known, they were perpetrated following the surveillance of the victim's life and planning of the ambush. Many communicators adopted security protocols by themselves, such as reporting threats to the police or keeping doors and windows from their houses always locked. These strategies nonetheless failed before the level of elaboration and sophistication of the crimes.

Scattered and unarticulated measures have proven ineffective to counter lethal violence against communicators, a fact that demands the urgency of considering new solutions. In some cases, satisfactory outcomes were reached when authorities responded clearly and incisively, stating that such violations will not be tolerated and preventing the repetition of lethal episodes. However, there is a lack of integration between vulnerable communicators and well-structured media organizations, such as major newspapers and trade unions, in order to develop security protocols for communicators subject to clear threats.

PROACTIVE AUTHORITIES AND EXTERNAL CONTROL OF POLICE ACTIVITY

The cases with better outcomes in capturing perpetrators and masterminds were those that received effort and dynamism from responsible authorities. Integration between police forces and public ministry shows positive signs over the course of investigations; even when crimes are not solved, this cooperation displays a clear message for the community that something is being done, which reflects for instance in the decrease of executions of communicators and in the increase of a security perception, especially for other communicators of the same region.

Unfortunately, in all the states researched, there is no plan of action or public policies on security considering protection measures for communicators. Neither the executive, nor the judicial power are carefully observing the life of communicators, who, by the very nature of their profession, are more susceptible to severe violations than the general population.

Specifically about the external control of police activity, this is still a task to be accomplished. In Brazil, control of police activity is either extremely fragile or even nonexistent, impairing the legal supervision of the agents work on the streets and police stations. This role is constitutionally ascribed to the public ministry, which has not yet discovered how to properly perform it.

Most of the times when we spoke with a district attorney responsible for this external control of police activity we could not obtain any relevant and unclassified information, a situation that indicates there is no effective control. Some of the cases even consisted of procedures paralyzed for years in police stations, where

nothing is done, not even the filing of the process. When the public attorneys were asked about these cases, their reaction was not solicitous, blaming the lack of structure for the poor accomplishment of the constitutional task of external control.

PUBLIC PRESSURE, SOCIAL CONTROL AND ACCESS TO INFORMATION

Ascribing all the responsibility of controlling the police activities to the public ministry is not the best choice. Even though the institution must accomplish this special attribution, for this mission to be successful society must act and supervise all the instances, from the neighborhood police station to the federal government. This public pressure must be attentively received by authorities, helping to prioritize immediate security actions in the short-term, and protection policies to communicators and freedom of expression in the mid-term.

The lack of transparency from the authorities concerning the unfolding of the investigations has to be highlighted, especially from police stations and the departments of public safety. Relying on the argument that the investigations are classified or that any kind of statement could interfere with the police work, no information, of any level whatsoever, is shared. This not only makes it more difficult for civil society to follow up the investigations, but also impacts the victim's family who, in the absence of information, remains helpless and feeling unsafe.

As these murders become notorious and their existence reveals a risk for other communicators, we should also highlight the importance of their proper coverage by newspapers, professional associations and third sector organizations. Being able to know individual cases and to have official indexes that document the occurrences helps society to acknowledge the problem and consider specific solutions. However, this work is undermined by the lack of information, which brings forgetfulness, the spread of hoaxes or of hypothesis already discarded by the police. Data must be gathered in a safe and centralized way with the guard of the states and the federal government, facilitating the monitoring of cases and the creation of counter-strategies to lethal violence against communicators.

GOOD INVESTIGATIVE PRACTICES

The best investigations are those that follow some specific factors, whose thorough articulation results in the identification of masterminds and perpetrators, therefore holding them accountable for their crimes. They are the following:

(1)

The police quickly shows up at the crime scene, facilitating the preservation of the scene, the gathering of clues difficult to preserve and also the contact with witnesses;

(2)

Endeavor from authorities, avoiding long waits between the necessary legal actions required for the investigation, such as the requests for diligences and legal authorizations;

(3)

Engaging of specialists, either more experienced officers or officers specialized in particular types of crimes, as well as experts on ballistic examinations and on obtaining fingerprints.

(4)

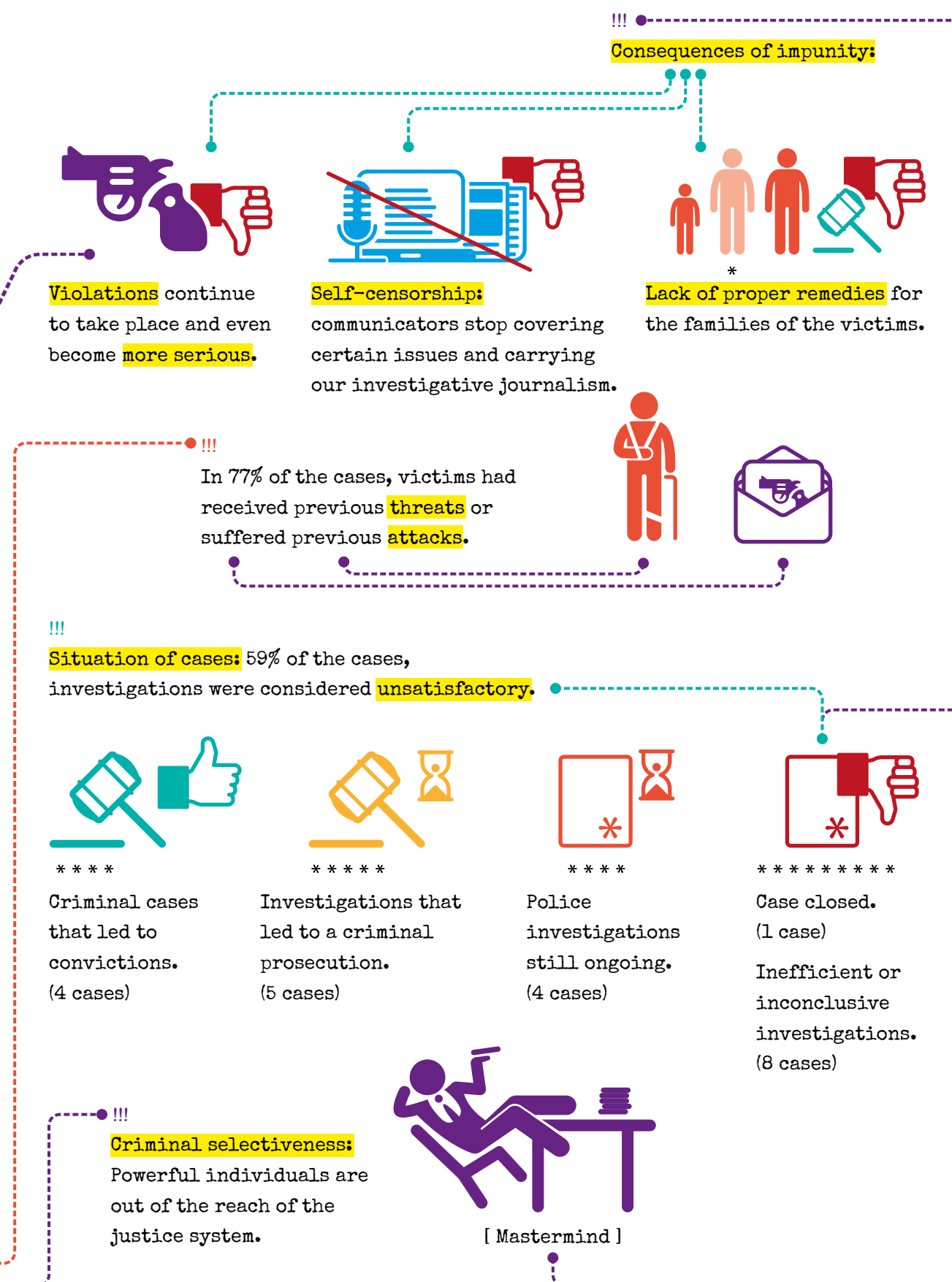
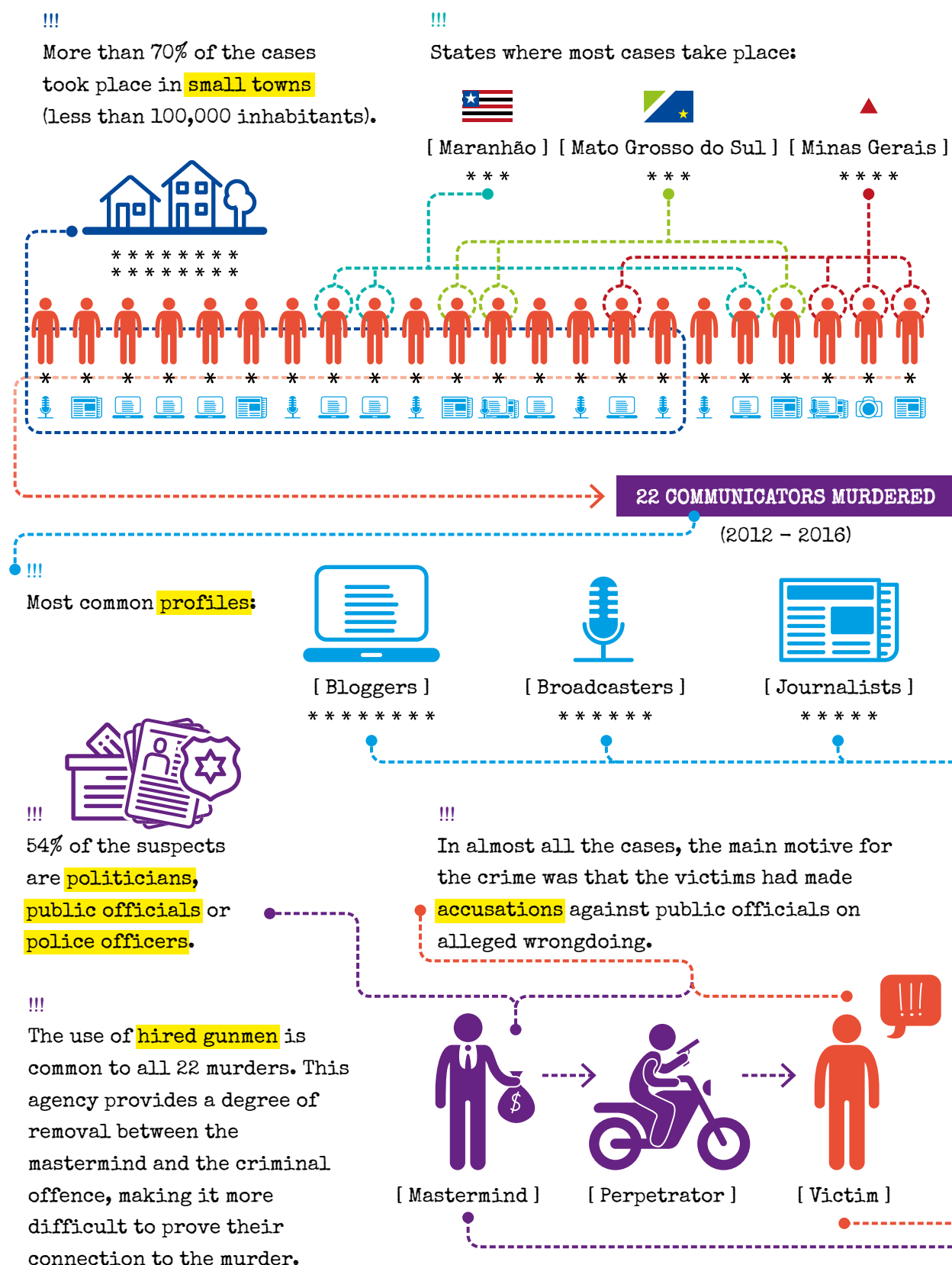
Maintenance of the same team of authorities, as it has been seen that most of the cases properly solved, the crime was investigated under the supervision of the same police officer and district attorney from the beginning to the end.

THE PROBLEM OF PUNITIVISM

A well investigated homicide, one that identifies perpetrators and masterminds and legally holds them accountable for their crimes is the goal to be reached. There is no impunity when these steps are fulfilled rigorously and speedily. Even being a rare scenario, this is what we expect for all the cases in which communicators were killed because of their profession.

However, it must be clear that the search for the safety of communicators and for freedom of expression itself is not going to be attained only by punishing the authors behind the crimes. Much more is needed and the strategy should aim for prevention rather than punishing. This is the only way for these professionals to keep their job of broadcasting information and criticizing, therefore building a more democratic society.

THE CYCLE OF IMPUNITY



HISTORY
OF THE CASES
OF MURDERED
COMMUNICATORS

2016 CASES



Name:

WALTER ETNA DUVALL FILLARDIS E LIMA

City/State:

ABEL FIGUEIREDO/PARÁ

Murder Date:

12/27/2016

Activity:

BLOGGER

Case information:

POLICE INQUIRY UNDER WAY

Walter, who signed his column on the “Últimas 24 horas” (“The Last 24 Hours”) blog as “Negão”, had a great love for the Portuguese language and was passionately committed to social causes. Well-known for his openness to dialog and his belief in tolerance, he was a defender of human rights and black cultural identity. Angolan by birth, he lived in the southeast region of Pará state, in Abel Figueiredo, a small village of 7,000 inhabitants that lies beside a state highway and was only awarded municipal status in 1993. In this town, he won admiration from many for his analyses

of the political situation in the country, state and municipality in which he had chosen to live. But, with these observations, very often inflated with criticisms of the local authorities, Walter “Negão” awoke the anger of those in power.

His murder displays all the characteristics of a hired gun crime. On the evening of December 27, soon after the Christmas celebrations, someone called for Walter at the door of his house. Walter went to the door and was shot three times in the head. His wife was present at the crime, but could not identify the person responsible due to one interesting factor: there had been an electricity blackout in the area a little while before the attack, meaning the houses and roads were all dark at the time of the crime, and it was pouring with rain. The gunman fled as he had arrived, unscathed, leaving behind the already lifeless body of the communicator, with his terror-stricken wife and his daughters aged 1 and 3 in tears.

His wife testifies that he had been receiving threats. His final publication was a stringent criticism of the local Town Council, outlining problems concerning the delay in payments and infrastructure, suggesting that there had been a diversion of municipal funds and nominally citing supposedly dishonest politicians, all linked to the livestock sector. Despite the evidence being convincing, the official police inquiry has still not been able to establish whether the reason for the murder was his activity as a communicator. The local police have faced serious infrastructure problems and the expert analysis of the communicator’s cell phone and computer, for example, one year after the crime, have never been performed. Our informants, including authorities, have little hope of the case being solved.



Name:

LUCIANO FERNANDES

City/State:

PIRIPIRI/PIAUI

Murder Date:

10/25/2016

Activity:

BLOGGER

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

Before becoming a communicator, Luciano Fernandes was a teacher. His students still remember the classes that he gave at the Antônio Rezende School, in the small town of Piripiri, a municipality in the north of Piauí state. Every day, Luciano woke up early and left his house at around 6.30am, along with his stepson who went to the same school. In his social networks, he recorded times of happiness as well as strong criticisms about the daily life of the town. Parallel to his work as a teacher, he had been developing a news blog project that he called “Olhos de Águia” or “Eagle’s Eyes”. The blog attracted attention due to the controversy it caused, sometimes being accused of twisting the stories to increase the repercussions.

The blogger was killed at 6.40am on a Tuesday morning, when he was leaving his house to take his stepson to school. The boy witnessed this cowardly attack close-up. Luciano was shot whilst sitting in his car and was hit by at least three bullets. The killer jumped onto the back seat of a motorcycle and fled with his accomplice immediately following the shots. An ambulance was called but the medics found him dead at the scene.

Luciano had received many threats, principally due to his critical writing. He always started his articles with the words: “My disapproval today is aimed at...” and concluded his

posts with: “I die and have not seen everything”. However, the communicator’s activity is not the only suspected reason given as motivation for the crime. The police officer responsible for the investigation has explained that there are at least two other lines of inquiry: the first that it was a mistaken murder, with the correct target being the lover of a wife of an enraged husband who had ordered him to be killed; and the second being a murder involving his wife and her ex-husband. None of these hypotheses were confirmed by the police.

According to a local informant, the investigations have stopped. The family’s lawyer at the time stated that the inquiry had been made confidential and that the lack of progress was the consequence of a lack of structure in the local justice department, which did not have a lower court criminal judge, meaning all court cases were sent to a judge in another, nearby, judicial district. The line of inquiry that considers the crime to have been motivated by Luciano’s posts still carries the most weight, but should be carefully considered. The communicator’s blog was deactivated at the time of his death, with the social networks being the sole vehicles used for his publications. He had announced his return on his Facebook page and had promised to express his feelings on a daily basis. Luciano would not manage to keep his promise.



Name:

MAURÍCIO CAMPOS ROSA

City/State:

SANTA LUZIA/MINAS GERAIS

Murder Date:

08/17/2016

Activity:

MEDIA OUTLET OWNER

Case information:

CRIMINAL PROSECUTION UNDERWAY

Maurício was the owner of the fortnightly newspaper “O Grito” (“The Scream”) in Santa Luzia, in Greater Belo Horizonte. For years the free newspaper had been printed and distributed to the readers in the small Minas Gerais town. According to one of Maurício’s journalist friends, the newspaper published various accusations and, more recently, had been monitoring a scheme set up by local councilors for the rental of trucks to provide garbage collection services in the municipality.

The businessman was shot one Wednesday night, next to a vehicle bearing the name of his small publication. Seven shots were fired, of which one hit him in the neck and another four hit him in the back. No witnesses were found. Despite being severely wounded, he was rushed to the local medical center, from where he was transferred to the Risoleta Tolentino Neves Hospital in the Minas Gerais state capital, where he died. The crime scene was sealed off and the police investigation work was quickly begun. The “O Grito” newspaper was closed down and the employees are all frightened.

Maurício’s work colleagues, employees who had been on the newspaper for many years, were unaware of the threats he had been receiving. The public outcry, however, influenced the first line of investigation, that pinpointed the suspected mastermind as being a councilor about whom Maurício had published poignant articles. Another suggested possibility at the time was that the crime was the result of personal disagreements. Fortunately, police intelligence led to the location of the gunman hired to kill the businessman, allowing the case to be solved. The information set out below provides a reconstruction of the events as established by the police inquiry.

The name of the murderer is Paulo César Florindo de Almeida. He was hired by one of the mayor’s trusted advisors, Alessandro de Oliveira Souza, and was assisted by two associates, David

Santos de Lima, who was responsible for monitoring the victim, and Gustavo Sérgio Soares Dias, the group’s driver. As it was established that the victim did not have a set routine that allowed for him to be intercepted without putting the plan at risk, they decided to set up an ambush. Alessandro, who was known to the victim, invited him to his house and, when he was leaving, contacted the gunman, who approached and shot him before he reached the newspaper vehicle that he used. The intermediary and the three killers are imprisoned by order of the court. The inquiry further concluded that the one who ordered the murder was the then mayor of the city, Roseli Ferreira Pimentel, whose provisional imprisonment was decreed in September 2017 and who is currently under house arrest. In May 2018, in order to avoid impeachment and preserve her political rights, Roseli resigned as head of the municipal executive power. She denies the accusations.

The case was discovered because the “gunman who killed Maurício” was shot and needed medical attention. Having received this information, the police investigated patients entering the local hospital suffering from gunshot wounds. By doing so they located Paulo, who they interrogated but who denied the crime. However, his height was an important clue. The gunman was taller than the victim, a fact that was established by the ballistics examination that showed that the bullets had entered the victim’s body from above. Furthermore, Paulo was already under investigation for murder. The police activity, that involved the questioning of various different people in the community where Paulo lived, upset those involved in the local drug trade, who excluded the gunman from the operations. On the walls of the district could be seen the words “Paulo César pé-de-pato”, which literally translates as saying that he has ‘webbed feet’ and is local crime slang for a killer.

The investigations, that were conducted confidentially, discovered images recorded by security cameras showing that the car that carried the killers overtook the victim’s car and remained waiting in front of Alessandro’s house, in the knowledge that the intended victim would visit it, and indicating that the killers knew where the victim was headed. This raised suspicions about Alessandro who came under investigation. Following this, statements taken from city council employees confirmed that the belongings that the victim had with him when he was taken to the medical center were taken to the offices of the mayor Roseli, and they also stated that she had ridiculed the messages on the confiscated cell phone. At this point, the expert investigation into the victim’s computer reinforced the mayor’s connection to the crime, exposing a scheme involving blackmail and diversion of public funds.

The last piece of the puzzle was the payment to the gunman. After receiving threats from Paulo due to not having paid the agreed sums, Alessandro received a deposit of almost R\$ 20,000 (US\$ 5,600) from a city council account, which he forwarded on to an account belonging to an accomplice of the gunman. The motive for the murder was the request for R\$ 100,000 that the businessman had made to the mayor to guarantee his support for her candidacy and not expose what would have been a major scandal concerning the diversion of public money from the municipal healthcare department that was coordinated by Roseli, and which siphoned off 80 million reais from municipal funds. It is also suspected that the gunman was paid using public money. With the end of the investigation, the case was filed with the Justice Department and is currently in its pre-trial evidentiary phase, at the end of which, provided that there is enough evidence, the accused will be convicted.



Name:

JOÃO MIRANDA DO CARMO

City/State:

SANTO ANTÔNIO DO DESCOBERTO/GOIÁS

Murder Date:

07/24/2016

Activity:

JOURNALIST

Case information:

POLICE INQUIRY UNDER WAY

(IN CONCLUSION PHASE)

João was an experienced journalist, responsible for his own online news portal called “SAD Sem Censura” (“Uncensored SAD”), where he published various news items about the small municipality on the outskirts of Brasília. His reports ranged from police cases to problems involving urban infrastructure. His friends remember him as a brave journalist who, over his career of 15 years, was fondly recognized by some and hated by others. João was also the Communication Secretary for the PCdoB (the Brazilian Communist Party), which issued a press release stating that “the circumstances of his death are reason enough for everyone to be arrested, since he had made accusations, involving the local public administration, which could lead to the belief that the crime was political.” Moreover, the communicator intended to stand for election as a councilor in the forthcoming elections.

The manner in which João was murdered lead us believe that the crime was planned. Two men went to his house one Sunday, the first was a driver of a red Fiat Palio and the second went up to the door of his house and called out to him by name. João went to see who was calling him, opened the door and was shot 13 times. The case had immediate repercussions. The communicator had been receiving death threats for six months, suspected to have been motivated by his accusations of politicians, public officials and criminals. His car was set alight in 2014 and he attributed this to revenge for what he had published. A few

days before he died, João published a video in which the city’s mayor handed money over to a secretary in front of the town’s courthouse.

During the investigations, the police officer in charge of the case suggested another line of inquiry that led to the provisional imprisonment of two suspects. This involves the revenge theory, that although not confirmed by the police authorities, was widely reported in the media. On his website, the communicator published news of the imprisonment of the brother of the then head of asset security of the mayor, who would have felt outraged. However, disclosure of the case has more recently demonstrated that the suspects were innocent.

Upon being questioned, the investigating police officer confirmed that the case was confidential and in its final phase, but he could not divulge any information since information leaked from the inquiry in the past had caused problems for the investigations. Through its press agency, the Goiás State Department for Public Security announced that the case had been investigated by the Civil Police’s Homicide Investigation Unit, based in Águas Lindas, a town neighboring onto that where the crime took place. Four people were accused, of whom three have been imprisoned for other crimes and one is on the run. The investigations have been concluded and sent to the Public Prosecutor’s Office so that a criminal case can be filed to establish the responsibility of those involved.



Name:

ROBERTO LANO

Real name:

ORISLÂNDIO TIMÓTEO ARAÚJO

City/State:

BURITICUPU/MARANHÃO

Murder Date:

11/21/2015

Activity:

BLOGGER

Case information:

CASE CLOSED

“Someone who knew how to liven things up like no one else,” was the description that a friend gave of Roberto Lano, the pseudonym of Orislândio Timóteo Araújo, a radio announcer and blogger in the small town of Buriticupu, in the west of Maranhão state. Over the years, Roberto Lano’s talent and joy brought him great fame, leading him to start working in the area of events. His ability to communicate also opened doors in politics. Indeed, it was this developing relationship with the public sphere that led him to create and run his own blog, where he looked at local news stories and made harsh criticisms of local politicians. His last publication, on November 18, 2015, three days before his death, was entitled “Vampiragem da Saúde” (“The Vampirism of Healthcare”) which exposed the spurious relations that existed between government officials, including the city’s mayor at the time, and the third sector. It looked at a scheme that was supposedly diverting funds from the municipal health system.

About one year after the accusations, the Federal Police would initiate the ‘Operation Ser-

mon of the Fishes’, that confirmed the existence of a criminal organization that was diverting funds from the state health system, but Roberto did not live to see his accusations investigated. He was murdered with a single shot to the head whilst riding a motorcycle with his wife riding pillion. She was witness to all the events as they unfolded and still feels frightened. A man on another motorcycle sneaked up on them, fired the shot and was gone. The police were called, and they collected images from security cameras and searched for the killer, but to no avail.

The Homicide and Protection of Individuals Department led the investigations in the case, but no clues were found that could solve the communicator’s murder. Even though the inquiry involved a lot of investigation, it was not possible to put together enough evidence to accuse anyone. The Public Prosecutor’s Office, upon receiving the finalized, but inconclusive, report, ordered it to be shelved with the court. In this case, no one has been held responsible, but all the branches of the justice system were involved in the attempt to do so.



Name:

ÍTALO EDUARDO DINIZ BARROS

City/State:

GOVERNADOR NUNES FREIRE/MARANHÃO

Murder Date:

11/13/2015

Activity:

BLOGGER

Case information:

POLICE INQUIRY UNDER WAY

Whoever accessed the blog run by Ítalo Diniz, now off the air, would have read in the introduction that the small news and opinion site “was born out of the public’s desire for a communication vehicle that reclaimed the rights of the people”. Despite not being affiliated to any specific political party, the young blogger was closely involved with the politics of his city in upstate Maranhão, and his main work was as press officer to the mayor at the time. On his blog, he reproduced the main news from the region and published his own reports. It was the articles voicing his political opinion, however, that caused the greatest controversy, since they were known for the accusations they made regarding political adversaries in the region.

And this is why one of the most promising lines of inquiry concerns the theory that the reason for his murder was his activity as a communicator. The evidence for this is strong. Ítalo died from multiple bullets, fired in a busy commercial area by two men on a motorcycle. The killers quickly fled the scene, taking the local highway to leave the small city. Ítalo was hit by four bullets and died before the emergency services could arrive. A friend who was with him at the time of the ambush was hit in the arm and the back, but managed to survive.

Ítalo had been receiving threats for a while in a context of great political polarity between the candidates for mayor of the city. Some of the threats were public, such as that made by the ex-mayor who promised he would die, or by a municipal guard who threatened him in full view of a Council Chamber session. Others were

made via social media, such as on Facebook. Through his blog, Ítalo brought these threats to the public’s attention, and took them to the police where he registered official reports. But the police could not guarantee the communicator’s safety. The day before his death, the blogger told his colleagues in the press about the threats that he had been receiving. The conversation was recorded in a WhatsApp group, with the victim, whilst not mentioning any names, stating that the threats were from “mayors, councilors, supporters and security personnel”.

The day after the communicator’s death, the Secretary of Security sent a specialist team to assist with the investigations and perform forensic tests. In charge of the case was a police officer, from the homicide department located in the interior of the state, who had taken part in the investigations into the death of another communicator two years earlier, and who does not dismiss the idea that the death occurred as a result of Ítalo’s activity as a communicator. The police spoke to Ítalo’s wife, other family members and work colleagues. During the week leading up to the murder, his mother also received a death threat.

The case has been highlighted by various international organizations and is the second in the state of Maranhão in less than two years. At the time of writing, no one has been identified as having ordered or carried out the murder. Despite there still not being any criminal prosecution, the case is being monitored by the Justice Department in view of the fact that one of the suspects has privileged trial status.



Name:

ISRAEL GONÇALVES DIAS

City/State:

LAGOA DE ITAENGA/PERNAMBUCO

Murder Date:

11/10/2015

Activity:

BROADCASTER

Case information:

THE CRIMINAL TRIAL HAS
LED TO A CONVICTION

Israel was a husband and father to two teenagers who he took to school every day. As well as a broadcaster, he was a public worker with the City Guard of the small town of Lagoa de Itaenga in the forest area of Pernambuco state. In his work for the municipality, he saw up close the problems that the population faced and spoke out about how things could improve, principally in the area of public safety. It was his eloquent way of speaking that led him to his profession as a communicator, that he performed as representative of the “Portal de Voz da Vitória” (“Voice of Victory Portal”) and had his own show on the “Itaenga FM” community radio station. The show, called “Microfone Aberto” (“Open Mic”) was famous amongst the local residents because anyone could air their grievances live, on air, thus reducing the distance between the people and the authorities. The show was so successful that listeners from neighboring towns would tune in to listen. But exposing problems and local politicians infuriated his opponents.

One Tuesday morning, just after dropping his children off at school, Israel was approached by two men on a motorcycle. The passenger climbed off the bike and unloaded a number of shots from a high-caliber weapon, one of which hit Israel in the arm and another in the neck. Even though the ambush had taken him by surprise, Israel had received death threats. Moreover, he had filed a report at the local police station and discussed the threats live on his radio show fifteen days before being killed. Friends and family members confirm that the broadcaster feared for his life. His brother, who had witnessed

threatening scenes and suspicious motorcyclists in front of the broadcaster’s house, confirms that Israel was afraid, but he was not a fighter, with his routine being restricted to work and home. Even though he had informed the police, nothing was done and it would appear that his report was simply ignored by the agents of the law.

The uproar in the town was so great that Israel’s body was laid out for mourning in the Council Chamber and the funeral procession was accompanied by 5,000 people, who remembered him with banners and white balloons. In a sign of protest to the crime, local storeowners closed their doors as the cortège passed by. The murder had international repercussions, attracting the attention of Brazilian and foreign organizations to the violence against communicators. The mayor of the city decreed an official period of mourning and assemblymen publicly called for fast and effective investigations. And it would appear that the pressure from the public worked!

Despite the difficulties faced by the state government in establishing delegates in the city, resulting in a high turnover of public officials, the investigations were effective. Three suspects were identified and, following formal accusations from the Public Prosecutor’s Office, they were tried and convicted of the crime. The guilty individuals were: Henrique Luiz da Silva Ferreira, convicted to serve 27 years and 4 months in prison; Fabio Ricardo dos Santos Silva, convicted to serve 23 years and 10 months in prison; and Mailson dos Santos Lira, convicted to serve 15 years and 5 months in prison.



Nome:

GLEYDSON CARVALHO

City/State:

CAMOCIM/CEARÁ

Murder Date:

08/06/2015

Activity:

BROADCASTER

Case information:

CRIMINAL PROSECUTION UNDERWAY

Gleydson Carvalho, father of two girls, was a dedicated broadcaster based on the north coast of Ceará state, where he worked for community broadcasters and commercial radio stations. As the years passed, he was put in charge of the “Liberdade FM” station, where he hosted an afternoon show called “Revista Regional” (“Regional Magazine”), that he used to pressure the authorities and make accusations against poor administrators. Known to his listeners as “Amigão”, he started the business in the small town of Martinópolis, 350 kilometers from the state capital Fortaleza. Due to problems with the local mayor, he moved his antennas to Camocim, a town where the station is still established. Because of his challenging tone, he made enemies with a lot of politicians, since the radio had extensive regional reach. He was constantly receiving threats, including some that were made live on his program. As a result he took a number of security measures, but these, unfortunately,

were not enough to avoid the audacious murder.

It was a contracted killing, planned to the minutest detail and involving numerous people. The implementation phase involved studying the area and the victim’s routine. The plan was put into practice very precisely, taking advantage of the weak points that had been identified. Two men entered the radio station offices a few minutes after the broadcaster, and explained to an employee that they were interested in advertising on the radio then, as soon as they had been admitted, took everyone present hostage. While one man watched the hostages, the other went into the studio and fired one shot at the victim’s head. Ricardo Rodrigues, Gleydson’s sound assistant, was an eyewitness to the events and also heard two more shots which hit the victim in the chest. Meanwhile, outside, according to one of the employees held hostage, the other attacker smiled upon hearing the shots. The broadcaster received immediate medical attention in an ambulance on his way to hospital, but did not survive.

The gunmen escaped on a motorcycle. Reports led the police to a rented house in the neighboring town of Senador Sá, which acted as the killers’ base. As well as seizing documents and arms used in the crime, the police detained two suspects at the house and another two, who escaped, were found a few days later in Goiás state. The killers were identified as Israel Marques Carneiro, 31, and Thiago Lemos da Silva, 22. In total, nine people, including the killers themselves, intermediaries and masterminds, were formally accused by the Public Prosecutor’s Office. The police inquiry, presided over by the regional delegate Herbert Ponte e Silva, established that the broadcaster had been killed “for speaking too much”. Based on the investigations, the public prosecutor concluded that

those who ordered the crime were Francisco Pereira da Silva, better known as ‘Chico Dentista’, and his brother João Batista Pereira da Silva, or ‘Batista Dentista’. Both are relatives of James Martins Pereira Barros, the mayor of Martinópolis and political adversary of the murdered broadcaster.

Of those accused, the only one not questioned at the time was the then mayor, James Barros, due to the executive privilege he held through his office as mayor, but he is not under investigation. For the prosecutor in the case, the aim of the crime was to silence and intimidate any opponents to ensure that the perpetrators’ political group and family would be reelected in the cities of the region. Francisco Antônio Carneiro Portela and Daniel Lennon Almada Silva, the latter being the ex-treasurer for Martinópolis, are accused of being involved in the crime, but there is not sufficient proof to provisionally arrest them. The actual killers, Thiago and Israel, are wanted by the Justice Department and their girlfriends, Regina Rocha Lopes and Gisele de Souza Nascimento, accused of participating in the crime, are defending themselves whilst held in captivity. Valdir Arruda Lopes, accused of collaborating on the logistics of the plan, and Francisco Pereira da Silva, one of those responsible for contracting the crime, were found and arrested by agents of the Intelligence Coordination Unit of the Ceará Department of Public Security. According to the most recent information available, João Batista Pereira da Silva, who had contracted the gunmen, is still at large. Also being sought is an intermediary known only as ‘Roberto’, about whom little is still known. The criminal process is running its regular course, with those involved being questioned and checks being run on the evidence to establish whether it is sufficient to lead to a conviction.



Name:

DJALMA SANTOS DA CONCEIÇÃO

City/State:

CONCEIÇÃO DA FEIRA/BAHIA

Murder Date:

05/23/2015

Activity:

BROADCASTER

Case information:

INSUFFICIENT OR INCONCLUSIVE INVESTI-
GATIONSOU INCONCLUSIVAS

Djalma Batata, as the broadcaster with a forceful personality, Djalma Santos da Conceição, was known, hosted the “Acorda, Cidade!” (“Wake Up, City!”) show on the RCA community radio station. The show, that was broadcast every day early in the morning, had a large audience in Conceição da Feira, a city 110 kilometers from the state capital of Bahia, Salvador. With his voice as its reference, the small town learned of all that was important and new on any given day. The show mainly covered crime and the violations committed by politicians in the region. Very often, it was Djalma himself who personally investigated the cases, such as the time he decided to look into the murder of a teenage girl, allegedly killed by drug dealers operating in the town. In this case, he managed to recover the body of the young woman and return it to her family so that they could give her a proper burial.

Djalma was brutally murdered and his body left beside the BR 101 highway in the rural region of Timbó. He was 54 years old when he died, at the peak of his career as a broadcaster. The attack took place in a small bar in the town of Governador Mangabeira that the victim owned to supplement his income. He was kidnapped by three hooded men in front of incredulous witnesses during a party at around 11.30pm on a Friday night. Djalma was forced at gunpoint into the trunk of a car that has still not been identified. The next day, his body was found on a dirt road, with 15 bullet wounds, from different

caliber guns, to his right eye, leg, chest, abdomen and chin. People in the neighborhood say that they heard shots in the middle of the night. His tongue had been cut, suggesting that he may have been tortured before being killed.

There have been different lines of inquiry, including some that were related to the victim’s personal life. According to the officer in charge of the case, although the investigation was sent to the Justice Department, no suspects have been found and it has not been established whether the victim’s words on air provided the motive for the killing or not. Djalma had received threats and wore a bulletproof vest, since he was one of the most controversial people in the region. He made a lot of enemies because of the criticisms he made on his show because, during the one and a half hours it was on air every day, he did not spare politicians, police officers or criminals from accusation.

His family is frightened. His wife and children do not want to speak out as they have been threatened. According to our informants, another communicator was also recently killed in the region. His work colleagues understand that his criticisms could have led to the hired killing, but some believe that the real cause could also be some dangerous business that he was involved in. From what has been found, it has not been possible to reach a definitive conclusion, but his death has been condemned by the UN, which has called upon the authorities for clarification of the facts.



Name:

EVANY JOSÉ METZKER

City/State:

VALE DO JEQUITINHONHA/MINAS GERAIS

Murder Date:

05/18/2015

Activity:

BLOGGER

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

Evany José Metzker is remembered fondly by those who knew him during his professional life. He was a reporter who diligently pursued his role as an investigator, going after his stories wherever they led him. As such, he spent a good part of the week away from his family, so to reduce this absence from the home, he was in constant contact with his wife Ilma, with whom he had a daughter. The time he spent away from home, led to him making many friends who all remember him for his courage. His work as a reporter inspired many children in the region, including his own daughter, who has decided to follow a career in journalism in homage to her father. A short while before his murder, Evany was invited to give a talk about his profession at the high school in the small town of Padre Paraíso, home to 20,000 inhabitants, where he stayed for around 90 days. Unfortunately, the premature death of the “Coruja do Vale” (“Owl of the Valley”) as the journalist was known, silenced his voice forever.

The scene where his body was discovered, along a bumpy dirt road, 20 kilometers from the town, was horrific. Evany had been stripped, tied up and tortured. He had been decapitated at the shoulders, and his head was found 100 meters from his body, probably having been dragged there by dogs, who were still eating parts of his body including his skin and eyes. His body was only found days after his death when

it was already showing signs of decomposition. The expert examination found evidence of anal bleeding and bruising to the genitalia. Those responsible for the murder did not bother to hide the victim’s documents, bank cards or other personal objects, that lay beside the body. Evany was 67 years old when he was killed, after more than a decade of dedicated journalism. His corpse was found wearing a black work shirt, on the front of which was a yellow owl, the symbol of his blog, and on the back the word PRESS. The bad smell and the fast decomposition prevented a wake taking place, even in a sealed coffin. There were no flowers at his funeral and the coffin remained unburied for days as the burial ceremony awaited court authorization.

Despite, initially, the repulsive nature of the communicator’s murder not having stimulated the attention of the police or the public authorities, the wide exposure of the crime in the media had the desired effect. A task force was soon sent to the small town of Pedro Paraíso from the state capital Belo Horizonte, which assumed the investigations which were then placed under court confidentiality. Since then, other communicators in the region have declared that they too have received threats. One of these is the blogger Valseque Bomfim, who was a friend of the victim. The sense of insecurity caused by the death, led UNESCO, the branch of the UN responsible for defense of freedom of expression and freedom of the press, to issue an official notice calling for a full investigation and establishment of those responsible.

Other communicators have confirmed that Evany had received threats and his wife,

who followed each step of his investigations, says that he died as a result of his profession. Everything leads one to believe that this is a highly probable theory. The journalist had been developing an in-depth investigation of crime in the region and had always maintained good relations with the military and civil police. He concentrated his investigations on child prostitution in the small town where he was staying and which lay beside the BR 116 highway and was frequented by truck drivers who stopped there overnight and refueled their vehicles. Without the attention of the State, this and other crimes were thriving in the small town and this was what was in Evany’s sights. Drug trafficking, for example, had been gaining ground and was dividing the attention of the small local police force with the trading of stolen motorcycles and environmental crimes.

However, months of investigation were not enough to conclude that Evany was murdered as a result of his professional activities. The inquiry has been on hold for around one year and it is unknown whether any lines of investigation have had any results. The local police departments have problems maintaining delegates and very often operate with only the police officers themselves. The Public Prosecutor’s Office is unable to monitor the cases and the prosecutor responsible declared that he was unaware of the communicator’s death and only applied to see the court records following our contact. In this case especially, the information provided by the authorities was either precarious or non-existent. This silence only increases the fear amongst other communicators in the small cities of Minas Gerais.

2014 CASES



Name:

MARCOS DE BARROS LEOPOLDINO GUERRA

City/State:

UBATUBA/SÃO PAULO

Murder Date:

12/24/2014

Activity:

BLOGGER

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

This communicator in a small coastal city of 85,000 inhabitants was well-known for his controversial opinions which he published on his own blog called “Ubatuba Cobra” (“Ubatuba Snake”). He was murdered at home in the middle of the night by men who took nothing with them. This suggests it was a straightforward murder rather than a robbery. His relatives have withdrawn from the public eye and are extremely frightened as there has been no success in identifying the criminals.

The police inquiry has been closed and the records forwarded to the Justice Department, where the case has been confidential and underway since 2015, while still officially in the police inquiry phase. This means that the investigations have not yet been concluded, the only thing being that a judge has authorized investigative acts such as the breach of confidentiality and extension of the time limits. The most recent movement in the case took place in November last year, but since then the inquiry has been halted.



Name:

GEOLINO LOPES XAVIER

City/State:

TEIXEIRA DE FREITAS/BAHIA

Murder Date:

02/27/2014

Activity:

BROADCASTER

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

Geo Lopes, as he was known, was a councilor in the small city of Teixeira de Freitas, with 160,000 inhabitants, between 2004 and 2008. He had worked as a television presenter and, more recently, ran the ‘Portal N3’ website. He was killed in an ambush in which a car stopped beside his, at a time when he was intending to run for a new elected position. The shots also wounded his girlfriend. Some evidence of the crime was lost, the inquiry never made it out of the police department, and those close to the victim still fear for their lives today.

We have not been able to make telephone contact with our informants, nor have we received replies to the e-mails we have sent to them. In articles on the Internet, I have identified that Joris Gel, a name similar to that of an old contact in the case and son of the victim, is now a councilor in the city of Teixeira de Freitas, a position that the contact had mentioned he intended running for during the last contact made and which is consistent with the political trajectory of the victim, who was also a councilor in the city. However, I have been unable to confirm whether this is the same person.

Other contacts, including institutional ones, were avoided. Our main contact, Joris, had requested that such a move should not be made before 2017, since he feared for the safety of his family who were afraid for their lives.



Name:

PEDRO MIGUEL DE LANCASTRE
MONTENEGRO PALMA

City/State:

MIGUEL PEREIRA/RIO DE JANEIRO

Murder Date:

02/13/2014

Activity:

JOURNALIST

Case information:

POLICE INQUIRY UNDER WAY

This communicator worked on his own newspaper called “Panorama Regional”, and lived in a small, upstate town of 25,000 inhabitants. He was well-known for making accusations against those with power in the region, especially politicians. He was killed as he arrived home, his murderer firing shots at him from a motorcycle. His death is being investigated by the specialist Homicide Department.

There is a new prosecutor on the case who assumed the position about one month ago, replacing Dr. Bruno Gaspar, and he has still yet to be introduced to Patrícia, the victim’s wife.

The previous public prosecutor felt that they had made great advances in the investigation, having established suspects in relation to both the killers and those who ordered the attack. The line of inquiry was established and steps were taken to obtain proof over the course of the last year. The inquiry, however, is being conducted in secret because specific provisional measures are still being taken to better ascertain the participation of the suspects and any publicity could adversely affect the investigations.

The expectation is that a well-grounded criminal case will be filed shortly, even though this was the same expectation cited by the public prosecutor in 2016.



Name:

WALGNEY ASSIS CARVALHO

City/State:

CORONEL FABRICIANO/MINAS GERAIS

Murder Date:

04/14/2013

Activity:

PHOTOGRAPHER

Case information:

THE CRIMINAL TRIAL HAS
LED TO A CONVICTION

This communicator was a colleague of Rodrigo Neto and there are reasons to suspect that their deaths are related. He worked as a freelancer on the “Vale do Aço” newspaper, and lived in a town of 110,000 inhabitants neighboring Ipatinga. He was killed in an ambush at night. The shots that killed both Walgney and Rodrigo were fired from the same gun. It is supposed that the crime was planned by a group of hired killers, but the investigations have not been able to ascertain the name of the mastermind. The killer himself has been tried and convicted.

The press agency of the Minas Gerais Public Prosecutor’s Office has informed us that there have been no developments in the records and nothing new to report on the case in the last year, since a decision was reached in the criminal case, with the accused parties being convicted. Moreover, Dr. Juliana, the public prosecutor in the case who was interviewed as part of our original research, is no longer with the judicial district in question.

More up-to-date information on the monitoring of the process was only made available after we had made contact, but we were unable to take anything from the records that would lead to any concern in relation to establishing the responsibility of the convicted parties.



Name:

RODRIGO NETO FARIA

City/State:

IPATINGA/MINAS GERAIS

Murder Date:

03/08/2013

Activity:

JOURNALIST

Case information:

THE CRIMINAL TRIAL HAS
LED TO A CONVICTION

This communicator worked in a town located in the Vale do Aço region of Minas Gerais. He worked on police stories for the Diário do Aço and the Itatiaia radio station. When he was killed he was working on his own (printed and online) newspaper. He was ambushed by a motorcycle and killed, outside his work hours, by a man known as ‘Pitote’, the author of various other crimes in the region. It is supposed that the crime was planned by a group of hired killers, but the investigations have not been able to ascertain the name of the mastermind. Two people were tried and are now imprisoned, including one ex-police officer.

According to the Minas Gerais Public Prosecutor’s Office, every effort was made and the case has been closed. However, the father of Pitote, the latter being one of those convicted of murdering the journalist, was killed by shots fired on his farm in January 2017. The circumstances of the death are unknown. For the authorities, the case was a type of watershed, since it led to the restructuring of the external control of the police activity in the region, collaboration aimed at ensuring that more violence against communicators did not take place, and drastically reducing the number of gun crimes.



Name:

MAFALDO BEZERRA GOIS

City/State:

JAGUARIBE/CEARÁ

Murder Date:

02/22/2013

Activity:

BROADCASTER

Case information:

CRIMINAL PROSECUTION UNDER WAY

Mafaldo was killed by five bullets as he drove to work, in circumstances that are typical of contracted killings, since the aggressors ambushed the victim using a motorcycle. His death was ordered by Dyones Nunes Soares from prison, and carried out by Gledson José da Silva Lima and Matheus Pereira de Aquino. The region where the communicator lived is well-known for the activity of death squads, and as such, ARTICLE 19's informants were frightened to talk and the show hosted by the victim was taken off the air.

According to Dr. Edilson Izaías, the public prosecutor in the case, there have been advances in the criminal prosecution, that is now in the phase of closing statements, and once these have been concluded, it will go to judgment. If convicted, the suspects will still face a trial by jury. Of the four suspects, three are imprisoned and awaiting judgment, whilst the fourth was released in September 2017, since, after being held for three years, no reliable evidence of his participation had been found. The released suspect is a man known as "Miúdo", accused of having participated in the ambush as the lookout. It was the public prosecutor himself who requested that he be released.

There have been no new crimes against communicators in the region and the public prosecutor believes that the establishment of responsibility of the killers helped to achieve this. However, another two communicators were killed in Ceará in 2017.

2012 CASES



Name:

EDUARDO CARVALHO

City/State:

CAMPO GRANDE/MATO GROSSO DO SUL

Murder Date

11/21/2012

Activity:

JOURNALIST

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

The co-proprietor of the "Última Hora News" ("Latest News") newspaper, this communicator was a retired police officer dedicated to making political criticism in the region, whilst he also wrote a police column on his blog. A number of police reports were filed against him. He was killed as he arrived home one evening, in an attack that also wounded his girlfriend, who was with him.

The contacts established in this case were originally made through the communicator Geraldo Durte, a militant human rights activist in the state of Mato Grosso do Sul who focuses his work on issues involving communicators in the region. The interview conducted with him was the only one to provide any sort of relevant information. It was not, however, possible to make contact with him for this year's report, either by telephone or by e-mail.

On the Internet there is no new information, indeed, for the 2016 study it was discovered that the information provided by this channel was already out of date. Other informants lead us to believe that there is little chance of this case being solved.



Name:

LUIS HENRIQUE GEORGES

City/State:

PONTA PORÃ/MATO GROSSO DO SUL

Murder Date:

10/04/2012

Activity

MEDIA OUTLET OWNER

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

Generally known as 'Tatu', this communicator was a businessman who worked in different sectors, including as owner of the "Jornal da Praça" ("Town Square Paper") newspaper where Paulo Rocaro worked. The murder, which was notable for its violence, used an incredible amount of firepower. The gun used was a war-grade weapon adapted to fit onto the body of a vehicle, and which hit the victim with multiple shots whilst inside his moving car. Two security guards were hit, one of whom also died. The inquiry was not concluded, but there is evidence of involvement with drug trafficking.

The contacts established in this case were originally made through the communicator Geraldo Durte, a militant human rights activist in the state of Mato Grosso do Sul who focuses his work on issues involving communicators in the region. The interview conducted with him was the only one to provide any sort of relevant information. It was not, however, possible to make contact with him for this year's report, either by telephone or by e-mail.

On the Internet there is no new information, indeed, for the 2016 study it was discovered that the information provided by this channel was already out of date. Other informants lead us to believe that there is little chance of this case being solved.



Name:

VALÉRIO LUIZ DE OLIVEIRA

City/State:

GOIÂNIA/GOIÁS

Murder Date:

7/5/2012

Activity:

BROADCASTER

Case information:

CRIMINAL PROSECUTION UNDER WAY

This communicator was highly respected for his 35 years in the profession during which he developed a style of journalism that involved strong accusations in the sports sector, having been involved in a controversy over the purchase and sale of sports results by the Atlético Clube Goianense football club and its directors. He was ambushed by the military police corporal Ademá Figueiredo Aguiar Filho and other individuals who participated in the planning of the attack. The criminal process is still under way, with an appeal currently being considered by the STJ.

According to the Valério Luiz Institute, an organization created to preserve the memory of the journalist, Maurício Sampaio, the one who ordered the crime and who is not under arrest whilst he defends himself, had a Habeus Corpus denied on June 12, 2017, by Justice Ricardo Lewandowski of the STF. The accused requested that his statement in the criminal procedure be annulled. On June 14, the term for the defendants to file an appeal with the STJ against the decision sending them to stand before a popular Jury ended. On June 20, the final appeal open to the defendants - an Extraordinary Review Appeal - was filed with the STF.

According to information from the Internet, the last appeal was denied on June 27, 2017, by Justice Ricardo Lewandowski. Now, five years later, the five suspects, including the boss Maurício, will be submitted to the Jury Court, a date for which has yet to be set.



Name:

ALDENÍSIO DÉCIO LEITE DE SÁ

City/State:

SÃO LUIS/MARANHÃO

Murder Date:

04/23/2012

Activity:

BLOGGER

Case information:

THE CRIMINAL TRIAL HAS LED
TO A CONVICTION

This communicator worked on a large state newspaper, “O Estado do Maranhão”, and also published his own personal blog called “Blog do Décio”. The murder was planned and performed by an organized crime group, involving an ambush and a motorcycle, from which the shots were fired. The crime was ordered by Gláucio Alencar Pontes Carvalho and performed by Jhonathan de Souza Silva and Marcos Bruno Silva de Oliveira, being motivated by accusations of money lending and murders that he made on his blog.

We spoke with a communicator from the region who said that there is still a sense of persecution in the region. There is a legal battle between those in power and the communicators, who feel censored and frightened of making harder criticisms. There has been one new case of homicide in the region, about which information is still incomplete.

According to ARTICLE 19 research, the one accused of ordering the crime, Gláucio Carvalho (the mastermind, together with his father, of the poorly organized gang), who was being held in the Pedrinhas Prison Complex, was released on March 25 2017, on the orders of Justice Ribeiro Dantas of the STJ. He is now free and awaiting judgment. Gláucio is also accused of ordering the murder of the businessman Fábio Brasil, and the release of reports connecting his name to that of the victim on the “Blog do Décio” was the main motive for the crime against Décio de Sá.

In relation to the other accused party, José Raimundo Sales Chaves Jr, one of the killers, a Habeus Corpus was preliminarily denied by Justice Rosa Weber, of the STF, on July 28, 2017. On October 16, the Habeus Corpus was finally shelved.



Name:

PAULO ROBERTO CARDOSO RODRIGUES

City/State:

PONTA PORÁ/MATO GROSSO DO SUL

Murder Date:

02/15/2012

Activity:

JOURNALIST

Case information:

CRIMINAL PROSECUTION UNDERWAY

This journalist was the head of the newsroom of the “Jornal da Praça” newspaper, that was distributed in the small city of Ponta Porã, home to 78,000 inhabitants, and the surrounding region. He also wrote about politics and criminal issues on his blog “Mercosul News”, and was well-known and respected in the town, often visiting government offices. He was killed by 16 shots fired from a motorcycle which hit him whilst he was inside his moving car. The region is on the border with Paraguay and is infamous for drug trafficking, although the cause of death has still not been established.

According to information from the Internet, the inquiry has been concluded, with Sr. Cláudio Rodrigues, known as Claudinho Meia Água, being accused. The investigations point to the murder being politically motivated, since the victim and his killer differed in their opinions on the nomination of the PT (Worker’s Party) candidate for mayor of the city, and Paulo Rocaró threatened to expose Claudinho’s criminal record if his candidate did not withdraw from the running. The gunmen, Hugo Stancati Ferreira da Silva and Luciano Rodrigues da Silva, were contracted on the recommendation of Lorenzo Spindola, a retired Paraguayan gunman.

A wide range of evidence was collected supporting the involvement of the accused parties, including telephone recordings. The mastermind was arrested following the crime, but has since been released. According to the police, there is information that none of the accused are now in the country. There is no information on the court case available since the proceedings are confidential.



Name:

MÁRIO RANDOLPHO MARQUES LOPES

City/State:

BARRA DO PIRAÍ/RIO DE JANEIRO

Murder Date:

02/09/2012

Activity:

BLOGGER

Case information:

INSUFFICIENT OR INCONCLUSIVE
INVESTIGATIONS

Mario was the target of a number of threats and murder attempts, finally being killed, along with his girlfriend, in the middle of the night. Due to his scathing accusations he made a lot of enemies in Vassouras in the Vale do Paraíba region of Rio de Janeiro state, although he was killed in the neighboring Barra do Piraí, a town of 97,000 inhabitants. The process was ordered to remain confidential by the court and nothing else is known about the solving of case.

Our contact with a communicator from the region revealed that there is still a significant lack of investigation being made into the crime. According to another communicator in the region, the fact that so much time has passed since the crime, investigation is now virtually impossible. In the case of Mario Randolph, there still exists the problem that the possible suspects are all very powerful people who have vested interests in the case being closed without convictions.

However, there have been no new crimes in the region. The only recent development is that another communicator, friend of Mario's, was summonsed by the Public Prosecutor's Office which claimed that the content of his radio show broadcasts untruths and upsets a great many people.

CONCLUSIONS

The study developed by ARTICLE 19 noted a phenomenon that is far from being new in the Brazilian justice system: the immunity from criminal responsibility of powerful people or groups, a practice that highlights the selective approach of the State criminal prosecution agencies. Despite the murders of communicators being crimes that have a higher rate of resolution and punishment than other homicides, it was noted that the real masterminds are almost never bothered by the hand of justice. Whenever those involved in a murder are convicted to serve a prison sentence, it is almost always the gunman rather than the party that ordered the killing.

Some conclusive observations can be made in relation to the police investigations of the cases covered in this study. More crimes were solved when the primary line of investigation into the possible motive for the crime is the victim's activity as a communicator. Also fundamental to the identification of the criminals was the need for the evidence to be attached to the inquiries as quickly as possible. The cases that were filed for court proceedings are those where there has been no delay in the conducting of the investigations, including requests for the opening up of phone records, expert examinations and questioning of witnesses.

One very important factor was the participation of special official bodies during the initial investigative phase. Police departments specialized in homicide or inter-institutional working groups are important because they reduce the risk of the investigations being tampered with and offer better resources for the police work. The incisive work of the Public Prosecutor's Office, principally through special unities, also contributed to ensuring that some crimes do not simply become forgotten statistics. This participation was doubly positive in that it meant an external control of the police activity and the mobilization of efforts for the effective conclusion of the inquiries. In

relation to the external control, one reservation should be noted, since despite the existence of institutional guidelines for its application, there is no systematic and articulated exercising of this function by the ministry organ.

In the cases analyzed, whenever the media actively intervened with accusations in the attacks and in the call for them to be resolved by the authorities, this intervention was positive. The normalization of deadly violence needs to be surpassed by the exercising of citizenship. To do so, both the commercial and alternative vehicles play a fundamental preventative role. When a death cannot be avoided by using media pressure, its simple presence continues to be important as a way of discouraging other crimes of this type from being committed.

One aspect that left a great mark on all the cases monitored was the difficulty the communicators had in individually guaranteeing their safety. This happened because, considering the typical dynamic of the murders of communicators, the crimes are planned and executed in the form of an ambush. This is why public policies are necessary at all federative levels to guarantee the safety of these professionals. Regions with a high incidence of death of communicators need to be monitored not only by civil society but also by the public bodies. It needs to be clear that the safety of the communicators is a responsibility that is also shared by the administrative heads, lawmakers and judges.

Therefore, to ensure a safer environment for the communicators and the exercising of freedom of expression, the institutions and civil society need to act in cooperation with a focus on prevention. The vulnerability of the communicators and the crimes committed against them cannot be resolved without a strategy being jointly developed by all involved, articulating various levels of government, to prioritize the protection of these professionals and the continuity of their activities.

RECOMMENDATIONS

RECOMMENDATIONS TO THE
FEDERAL GOVERNMENT

- 1 -

Broadly disseminate the initiatives and programs developed or supported by the governments that reduce the vulnerability and increase the protection of communicators in Brazil, seeking spokespersons in professional associations and representative entities to do so.

- 2 -

Develop and finance the development of studies that seek to identify the principal causes and territories where violence against communicators occurs, with this serving to develop recommendations for the different levels of government and society for the direct and strategic work aimed at reducing the violations suffered by communicators.

- 3 -

Offer immediate protection to the communicators who are suffering attempts on their lives or receiving death threats, making the proper adaptation of the Federal Government's Human Rights Defenders and Communicators Protection Program (PPDDH in its Portuguese acronym) to meet the needs of these professionals' reality.

- 4 -

Guarantee the effective participation of civil society in the protection mechanism, bringing to its operations expertise from different parts of the country and different profiles of victims.

- 5 -

Train public officials and agents, including those who work for compliance with laws, on how to offer a fast and effective response when a communicator is threatened, and on what the proper procedure is for the forwarding of requests for protective measures.

- 6 -

Create a public observatory of crimes against communicators, with the objective of monitoring and disseminating the status of the investigation and establishment of responsibility in all the crimes against communicators, that develops, moreover, statistical data and relevant information on these crimes, paying special attention to communicators working informally and whose data has not, therefore, been collected or systematized by professional associations or representative entities.

- 7 -

Encourage media companies to offer security and self-protection training, as well as safety equipment to employed or freelancing communication professionals.

- 8 -

Create institutional support and cooperation networks to collect intelligence information that will help prevent the homicide of communicators, whilst respecting privacy and legal procedures.

- 9 -

Encourage and promote the work of civil society and media organizations that work in the area of human rights, recognizing the importance of this work as part of the process for the combating of the crimes, and maintain transparent relations with these organizations, providing means for them to monitor the initiatives of the State in the combating of violence against communicators.

- 10 -

Encourage and promote visits by special rapporteurs from international organizations to monitor the situation of freedom of expression in Brazil.

- 11 -

High-level authorities should make public statements condemning serious violations against communicators, which put pressure on local authorities to act upon the cases and helps to create a public discourse against these violations.

RECOMMENDATIONS TO STATE GOVERNMENTS

- 1 -

Create police departments that specialize in the investigation of cases of homicide and organized crime, providing the resources and personnel necessary for them to conduct fast investigations, arrive at the crime scenes quickly and perform the proper expert examinations.

- 2 -

Strengthen inter-institutional cooperation in order to unite intelligence efforts to prevent crimes against communicators, whilst respecting privacy and legal procedures.

- 3 -

Officially monitor crimes against communicators, instructing the Departments of Public Security and the military and civil police to adopt specific communication and investigation protocols when a crime of this nature comes to their attention

- 4 -

Create and strengthen the internal control regarding police activity, providing resources and autonomy for the internal Magistrates and Ombudsmen and, moreover, make the public aware of these forums to enable access to them by defenders of human rights and communicators in situations of vulnerability, including anonymously.

- 5 -

Create and strengthen the social control of police activity by means of external Ombudsman departments which have the resources, means and autonomy to work effectively in the civil and military police forces. The members of these departments should be chosen by civil society, and the existence of this resource should be communicated to human rights defenders and communicators in situations of vulnerability.

- 6 -

Implement in partnership with the Federal Government, local Protection Programs for Communicators and Human Rights Defenders, allowing for the protection mechanism to be more effective in the immediate protection of communicators in risk.

RECOMMENDATIONS TO THE PUBLIC PROSECUTOR'S OFFICE

- 1 -

Approve and properly implement directives for the prioritization of the criminal prosecution of crimes against life, physical integrity and threats, be they attempted or performed, that are practiced against journalists, press professionals and communicators in Brazil, while exercising their profession or as a result of it. These directives have been drafted and set out as a Recommendation presented for approval by the National Council of the Public Prosecutor's Office under Proposal nr. 1.00513/2018-48.

- 2 -

Perform external control of police activity, with systematic and strategic measures, structured at national level, with a view to reducing the vulnerability of defenders of human rights and communicators in Brazil.

- 3 -

Create and strengthen the Special Organized Crime Fighting Action Groups, instructing them on the specific characteristics of the crimes against communicators through exchange programs between prosecutors with experience and expertise in these cases.

- 4 -

Participate actively and in cooperation with the state police in solving crimes against communicators, taking into consideration the importance of promptness in the adoption of investigative measures and protection of witnesses and victims for the solving of the cases.

RECOMMENDATIONS TO THE INTERNATIONAL COMMUNITY AND ORGANIZATIONS

- 1 -

Prioritize the protection of communicators as part of these organizations' concerns with respect to human rights on their respective agendas.

- 2 -

Help Brazil to comply with its international obligations on human rights, in accordance with international legislation, including the monitoring of the implementation of important decisions and judgments of international human rights organisms, such as the Inter-American Court of Human Rights, and the Human Rights Commission of the United Nations.

- 3 -

Promote international cooperation between States in the area of safety for communicators, especially in situations of border conflict.

- 4 -

Monitor the violence against communicators in Brazil and stand up and speak whenever it is felt that the discovered facts go against international standards.

- 5 -

In relation to the Brazilian State, reinforce the importance of dialog and cooperation with international organizations when called upon to issue official information or adopt specific measures.

- 6 -

Produce audiovisual material, reports and information on the situation of the freedom of expression in the world that include up-to-date and detailed information on Brazil.

- 7 -

Help to promote the visits of special rapporteurs from international organizations, so they can conduct official missions in the country with the aim of strengthening the defense of human rights.

RECOMMENDATIONS TO CIVIL SOCIETY AND MEDIA ORGANIZATIONS

- 1 -

Produce consolidated data and specific information on crimes against communicators and publish this work with the aim of strengthening other initiatives for the analysis, monitoring and prevention of violence against communicators.

- 2 -

Quickly draw the public's attention to crimes against the freedom of expression of communicators, thereby contributing to society and the State's awareness of the cases with sufficient time for initiatives to be employed for the protection of these professionals.

- 3 -

Offer security and self-protection training, as well as security equipment, to employed or freelance communication professionals, whilst ensuring that this is periodically performed as part of the organizations' routine operations.

- 4 -

Monitor and draft analyses on the safety of communicators, as well as the situation of freedom of expression in Brazil, whilst strengthening efforts to neutralize these violations.

- 5 -

Monitor police inquiries and court proceedings of the cases of crimes against communicators, seeking official information from the authorities in the investigations and other important aspects concerning the exercising of freedom of expression.

- 6 -

Monitor hate crimes and threats against communicators, especially those made using the Internet, strengthening information and support for the victims so that they can turn to the authorities and, ultimately, the Judiciary, with the aim of establishing preventative control of more serious crimes.

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