



ARTICLE 19

THE CYCLE OF SILENCE:

Impunity in murders
of communicators in Brazil

2016



ARTICLE 19 BRAZIL

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PUBLISHERS NOTE:

This is a short version of a much longer
and more detailed report available only
in Portuguese. To access to the full text
in Portuguese, please visit:

www.artigo19.org

Nor is this 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

This report is in response to the urgent need for systemic change in the way the State responds to serious violations¹ of the right to freedom of expression of communicators, (such as journalists, bloggers and media workers in a variety of organizations and campaign groups).

ARTICLE 19 has analysed the progress made in the investigations of 12 murders of communicators in Brazil in 2012 - 2014, as reported in ARTICLE 19's "Violations Against Freedom of Expression" series. During the period, ARTICLE 19 analysed 86 cases of serious violations¹ against communicators. Among the 86 cases reported by ARTICLE 19, 14 referred to murders, of which 12 continue to be considered as related to the exercise of freedom of expression by these professionals.

A major cause of the recurrence and intensification of these violations is impunity for the perpetrators of these crimes against freedom of expression. We know that with a more precise understanding of the different aspects that create an environment of endemic impunity, it will be possible to identify actions that can be taken to tackle the problem more effectively.

For reasons of methodology, this report focuses solely on murder cases for being the most extreme and emblematic of human rights abuses within a very broad picture of violence.

For the study, we interviewed witnesses, communicators and authorities about the inves-

tigations, the criminal proceedings and security in those areas where the crimes took place. We set out to check how and when the police inquiries have advanced, what difficulties were found during the criminal prosecution, and what initiatives actually worked or failed in relation to increasing security for communicators.

The most important objective of this study is to explore the issue as widely as possible, creating data and analysis on the problem, so that government initiatives and public policies can be strengthened.

Notably, Brazil was part of a small group of states that in September 2016 led the adoption of a progressive resolution on the safety of journalists at the UN Human Rights Council. This report finds that the Brazilian government is failing to deliver the freedom of expression commitments it has made on the international stage.

We are seeking an end to violations against freedom of expression of communicators and an end to impunity for these crimes. We join with other human rights defenders in calling on the authorities to prevent and protect against these attacks, and for the justice system to effectively investigate, prosecute and provide redress into these cases. Victims' families have the right to know what happened to their loved ones, and this information is crucial to all of us.

¹ "Serious violations" is the term adopted by ARTICLE 19 Brazil in its annual monitoring reports to refer to murders, attempted murders, death threats and kidnapping cases.

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SOME

CHARACTERISTICS OF

IMPUNITY IN BRAZIL

-

GENERAL CHARACTERISTICS OF THE CASES

The information collected by ARTICLE 19 describes a scenario that is representative of the murder of communicators throughout Brazil, and which has caused grave concern due to the scale of the violence that runs through all these cases. Even though the outcomes are not always the same, the cases analysed here contain various elements in common and demonstrate that communicators are open to certain vulnerabilities, repeated in different contexts and regions.

Who are the murdered communicators?

The victims are communicators who are well-known in the town, or owners of newspapers which hold significant local influence. All were involved in covering politics or police work, specially carrying out investigative journalism and publicizing information on wrongdoing by public officials. Two of them operated in bor-

der regions which made the investigations into the crimes much more difficult. They are, in general, adult males who work for small or family-owned publications.

The communicators who died in Brazil between 2012 and 2014 are journalists, radio journalists, bloggers and the owners of newspapers with small distribution, limited to the town or region in which they are located. It is through these newspapers, and through blogs and radio programs, that local communicators call on public opinion and seek investigations into illegalities and corruption, or call for solutions to the area's problems. In general, these are communicators working on public issues of local interest.

It is therefore also important to consider the effects that these crimes have on freedom of expression in the region and on the damage caused to the flow of information for the inhabitants of these towns. In numerous cases, persons interviewed by ARTICLE 19 stated that the victim had been the only communicator who still performed investigative journalism and, with his death, this type of approach had disappeared in the region.

Where did the crimes take place?

Communicators are more vulnerable in small towns.

Of the 12 cases analysed in this study, half of them took place in towns with less than 100,000 inhabitants. Even though this confirms a general trend observed in other violations against communicators², it is in murder cases that the size of the town seems to be more relevant. One possible reason for this is the greater proximity between the communicator making the accusation and those being accused, as well as the influence of local power groups over local law enforcement bodies.

In general, these are towns in isolated areas or distant from urban centers. The places are characterized by the long presence of the same family or couple of families in local politics. Law and order agencies are more fragile; a sense of lack of accountability among their agents is more present than in urban centers, where public officials and civil servants are more subject to monitoring by oversight bodies and to the scrutiny of the media and civil society. Actually, in these small towns, the very few journalists that do exercise such scrutiny are the same ones victims of violence and murder.

Of the 4 cases amongst the 12 where more progress has been seen in the investigation and prosecution of perpetrators, 2 took place in state capitals (large cities) and 2 took place in towns where there was strong media and civil society mobilization around the cases.

² Please refer to the annual monitoring reports released by ARTICLE 19 on freedom of expression violations in Brazil: violacoes.artigo19.org <https://www.artigo19.org/data/files/medialibrary/38351/ARTICLE-19-BRAZIL-Violations-Report-2015.pdf>.



of the Human Rights Defenders' Protection Program³, maintained by the State, is an urgent need. The State must ensure accountability for all allegations of violence, threats and attacks through impartial, prompt, thorough, independent and effective investigations. States must bring the perpetrators of these crimes to justice, and provide redress to victims and their families.

In many cases in which the threats were known about, there was no report registered at the police station and the investigation into the relationship between the threats and the homicides was hampered. This can be explained by the fact that many of the victims are afraid that the local police authorities may be involved or are in collusion with those making the threats.

The absence of a proper investigation very often generates a lack of confidence in relation to the police, discouraging the victims from reporting what has occurred. When asked about what happened after the police had been made aware of the threats, the witnesses confirmed that nothing whatsoever was done to reduce the risks to communicator's safety, ultimately leading to their deaths.

This underscores that where there is a lack of faith in the competence of local authorities to investigate an incident of violence, including because of their possible involvement in the perpetration of the crime in issue, there should be access to authorities outside of the sphere of influence of local authorities (for example, at the federal level).

Previous threats

In eight of the 12 cases, there is information that the victim had received threats prior to their murder and, in three cases, there were previous assassination attempts.

This confirms the need for an immediate and effective response by the State to all forms of violence and attacks against communicators, including threats. Where a communicator is at risk, they should be given immediate access to the authorities and protection measures tailored to their needs. The expansion and strengthening

³ The Protection Program, despite designed for human rights defenders, has received journalists in the past. It currently faces a number of challenges and needs to be strengthened to better serve its beneficiaries, but is an important seed for the creation of effective preventive and protection measures to improve security of both communicators and human rights defenders. For further information on this, access:

<https://www.article19.org/data/files/medialibrary/38516/Joint-Submission-to-UPR-of-Brazil.pdf>
<http://www.global.org.br/wp-content/uploads/2016/10/RPU-Defensores.pdf>

ute responsibility to the perpetrators. In all of the cases, those interviewed by ARTICLE 19 noted the accusations made by the communicators who died against those suspected of committing the crimes as a motive for the murders having taken place.

Another notable characteristic of these types of murder is that they are assassinations performed by hired gunmen; individuals paid to carry out a crime masterminded by someone else. In these gun crimes, the murder is not the end in itself, but rather a means of silencing the victim and sending an intimidating message to other communicators. They are also notable for the rationality involved and the detailed planning, rather than for their emotional nature or spontaneity.

We are talking here about a type of crime that involves powerful individuals who are willing to hire the services of a paid gunman and, therefore, make it difficult to clarify whether they had any definite relationship with the crime.

It is therefore crucial that investigations seek to establish a connection between a communicator's assassination and the subject of their reports at the earliest possible stage. Ending impunity for violence against communications will only be achieved if masterminds are held accountable as well as their foot soldiers.

Crime suspects and their motives

One factor common to all the cases concerns those suspected of committing the crimes: in every case, they include individuals who hold political, economic or military power in the region.

In nine of the 12 cases analysed in the report, politicians or police officers (grouped together into the category of "public officials") are suspected of having plotted the murder. In the other three cases, the suspects are business people or individuals connected with organized crime.

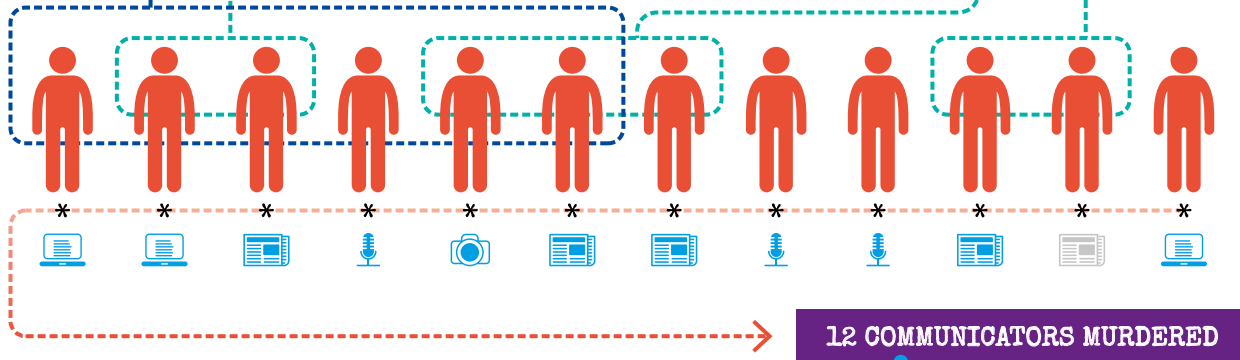
This profile of the crime suspect says a great deal about the motives for the murders as well as about the failure of the State to attrib-

THE CYCLE OF IMPUNITY

!!!
Half the cases took place in **small towns** (less than 100,000 inhabitants).



!!!
States where most cases take place:



12 COMMUNICATORS MURDERED

(2012 - 2014)

!!!
Most common **profiles**:

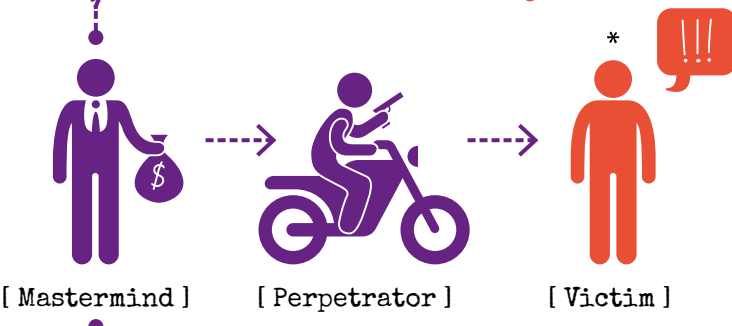


!!!
75% of the suspects are **public officials** or **police officers**.



!!! In all the cases, the main motive for the crime was that the victims had made **accusations** against public officials on alleged wrongdoing.

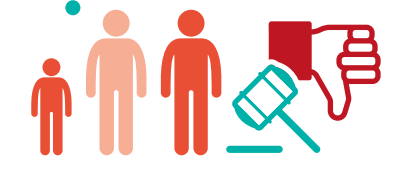
!!!
The use of **hired gunmen** is common to all 12 murders. This agency provides a degree of removal between the mastermind and the criminal offence, making it more difficult to prove their connection to the murder.



Violations continue to take place and even become **more serious**.



Self-censorship: communicators stop covering certain issues and carrying our investigative journalism.



Lack of proper remedies for the families of the victims.

Consequences of impunity:

!!!
In eight of the 12 cases the victims had received previous **threats** or suffered previous **attacks**.



!!!
Situation of cases: In half the cases, investigations were considered **inefficient or inconclusive**.



!!!
Criminal selectiveness: Powerful individuals are out of the reach of the justice system.



[Mastermind]

Besides the general characteristics of the crimes, as described above, the study helped us to understand how each case progressed through the criminal justice system. From the detail analysed below it is possible to observe how a culture of impunity has been created and is sustained.

1)

Lack of confidence in authorities, a sense of insecurity, and self-censorship

One very important fact revealed by the study was that the simple existence of a police investigation did not provide the witnesses with a greater sense of security. In at least four cases, individuals close to the victims felt that the police work was either hindered or manipulated by the interests of alleged perpetrators. In such cases, suspected perpetrators held public offices. Witnesses and families felt unsafe to put pressure on police authorities to move on with the investigations. On the other hand, when the Public Prosecutor's Office (PPO) became actively involved, exercising external oversight of police activities, the scenario of insecurity was notably altered.

We also noted that the existence of a judicial process did not increase the sense of security amongst the communicators either, despite it having created an "atmosphere of justice" regarding the particular case addressed. This occurred because investigations and judicial processes around one crime would not break up criminal groups believed to be implicated in the murder of the communicator or impact their activities, as threats against the lives of other communicators would continue.

ARTICLE 19 believes that it is important to not only shed light on the individual cases but indicate where responsibility should be apportioned. Without systematic and coordinated action by different State institutions and branches, it is impossible to guarantee the security of the communicators and their right to freedom of expression. The mapping of risks and violations, the analysis of information from investigative work and the oversight of police activities, all seem to be more efficient to ensure safety of communicators than judicial processes which are not followed by more entrenched and long-term measures.

In addition to this, we also recognize that, in many cases, other communicators close to the victim became the targets of threats, or were placed in situations of greater risk following the original crime. In interviews given to ARTICLE 19, there was a general sense that the crime had increased insecurity for the victims' colleagues, which could in turn lead to self-censorship or even a change in the coverage they provide.

In some reports, it is stressed that the victim was the only person in the region performing investigative journalism and publishing accusations against public officials on alleged wrongdoing or against organized crime. This meant that the crime had a very real and broader impact on the freedom of expression within the local context. The fear of retaliation means that many communicators stop doing certain types of reporting, whilst others who continue are assassinated. A hostile environment such as this ends up eating away at the foundations of freedom of expression and the diversity of journalism and reporting in these regions.

2)

Oversight, monitoring and public pressure on the police authorities

In the State of Minas Gerais, an emblematic change can be noticed in the fight against crimes against communicators. In 2013, two communicators were assassinated in the 'Vale do Aço' region by a gunman who passed himself off as a police officer (having gained free access to the local police station). The crime, which seemed to have little chance of being resolved, was investigated and the person impersonating an officer was held to Justice.

Solving this case was the result of work by the Public Prosecutor's Office and its special unit focused on organised crime. This unit had managed to bring down criminal groups and reduce abuses of the system. Another important factor in this case had been the strengthening of the internal affairs departments responsible for monitoring police activity on the inside. Although reforms on these bodies are still necessary, the structures of the civil and military police in Minas Gerais underwent a "clearing out" process, which came to be seen as a model in the State.

Another factor that was identified as important for solving crimes was the active involvement of civil society. In the case of the murder of journalist Rodrigo Neto, in the State of Minas Gerais, colleagues from the journalism profession established a committee in his name. The committee put pressure on the authorities to discover and charge those responsible for the murder, but also ensured that the investigations that Rodrigo had been working on, and which led to his murder, could continue.

According to our research, pressure from the media is also a major factor. The many different cases studied proved the theory that the reporting by press outlets, on the crimes against communicators, was essential for effective investigation into the cases and for holding those responsible for the crimes, accountable.

3)

Difficulty in establishing the relationship between the crime and the activity of communication

All the cases involving the murder of communicators led to an investigation opened at the police station in the police district in which the crime was committed. In all five cases that led to criminal prosecution, police departments specialising in murder or the Public Prosecutor Office were called in to add to the efforts to solve the crime. One of the biggest difficulties highlighted by officers and public prosecutors involved establishing a relationship between the victim's professional activities and their murder. Notably, the cases investigated by specialist departments or with support from special groups were solved more quickly and stronger evidence was collected for the investigation of the criminal case.

In general, officers and public prosecutors considered the accusations and criticisms published by the communicators as probable motives for the crimes, but were unable to confirm this theory in the police inquiry. However, and different from the authorities, the sources interviewed by ARTICLE 19, and who included

witnesses to the crimes and other communicators, seem to have no doubt about this relationship. It is a link that is difficult to trace, but, in the four cases in which someone involved in a crime was arrested, the theory that the crime had been ordered due to the accusations and criticisms made by the communicators was confirmed.

4)

Difficulties in gathering evidence in contracted crimes

Another common factor in the murders of communicators was their premeditated nature. All the murders involved ambushes and were generally performed by more than one individual. These are deaths in which a gunman or assassin is hired by a 'client'. The pattern these crimes follow involves the victims being hit with several rounds of bullets with no chance to defend themselves.

In at least 10 cases, the gunmen approach the victims on motorcycles whilst they are entering or leaving places that they regularly frequent, such as their homes, places of work or restaurants. The use of images from cameras that have caught the gunmen in action as evidences are relatively common in the police investigations, in some cases assisting in the identification of the perpetrators of the crimes. Very often, however, the images are of poor-quality, meaning that the investigators are unable to confirm the license plates of the motorcycles used by the gunmen, who generally do not remove their helmets at the moment of the crime.

According to the Brazilian legal system, police authorities have 30 days to conclude their investigations of a crime that is officially brought to their attention. In the cases analysed

in this report, none of the investigations were concluded within this time period, with extensions always required. This is common practice not only for cases involving the murder of communicators, but for all investigations within the criminal justice system broadly.

However, it was noted that long investigations do not necessarily result in crimes being solved. Often the most important evidence, such as statements from witnesses or technical experts, prove effective only when gathered immediately following the crime. The three murders that resulted in the criminal prosecutions and convictions of perpetrators are those in which the investigations were concluded quickly and in which the judicial process was analysed by the Judiciary within one year.

5)

Access to information on the progress of the investigations

The publicity attached to the cases should not come solely from media organisations such as newspapers, radio stations and blogs. State institutions should also assume the responsibility of making information on the police investigations and judicial procedures available.

In the study, we established that there is enormous difficulty for those who are not involved in the legal world to obtain information on the crimes and their resolution by the justice system, even when they actively request such information. This difficulty is a reality not only for communicators and civil society in general, but also for the victims' family members. This situation hinders journalism and the exercise of freedom of expressions. It also creates a sense of fragility in what needs to be a robust investigative process.

6)

Criminal selectivity

In five cases in which communicators were murdered, police inquiries resulted in criminal prosecution, a rate that is higher than other murder cases in Brazil. However, it was established that those accused were almost always those carrying out the act, i.e. the hired assassin, rather than the instigators of the crime. This shows that it is very difficult for organised criminal groups to be challenged or broken down by the police and the Public Prosecutor, and consequently the masterminds at the top of these criminal enterprises remain immune from being held criminally responsible by the judiciary.

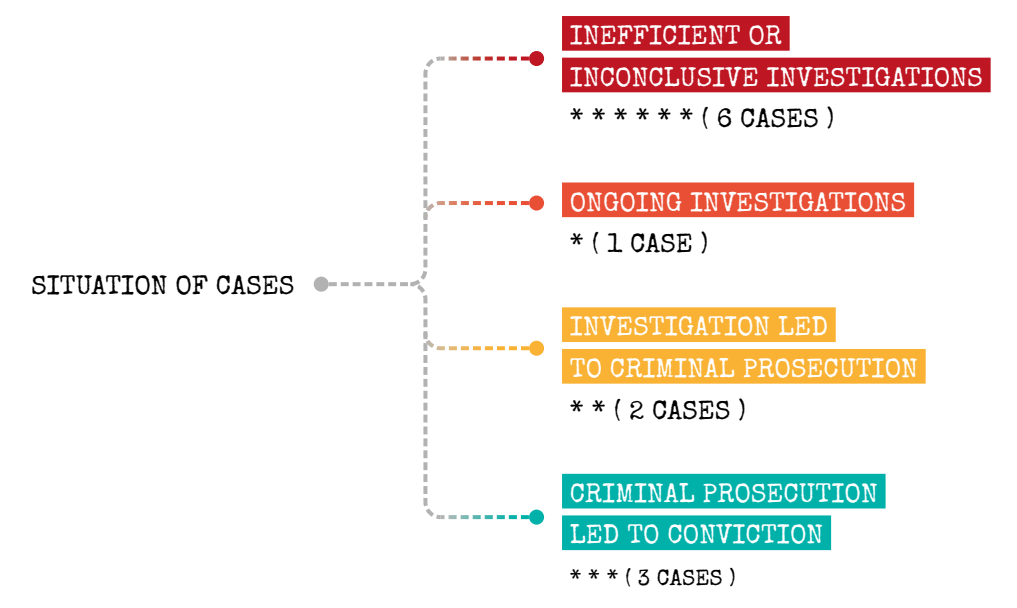
This phenomenon does not happen only in the murder of communicators, but is a constant presence in the Brazilian justice system, suggesting a structural weakness where powerful criminal masterminds evade justice. While the 'foot soldiers' of the crimes, who are usually from the lower classes of society and hold little political influence, are eventually punished, those who give the orders rarely receive criminal sentences. The threat of being held responsible occurs only when the case generates a significant interest in the media.

Of the cases analysed in this report, only one resulted in the sentencing of the individual who ordered the murder. This can be seen as an exception that proves the rule.



- 3 -

THE
CASES





MÁRIO RANDOLPHO MARQUES LOPES

Town/State:

BARRA DO PIRAI/RJ

Date of Murder:

09/02/2012

Activity:

BLOGGER

Case Information:

**INEFFICIENT OR
INCONCLUSIVE INVESTIGATIONS**

Mário Randolpho was a blogger who ran a number of internet vehicles, such as the blogs “Boca Maldita Online” and “Vassouras na Net”. He originally lived in Vassouras, a municipality in Rio de Janeiro State, but had moved to the neighboring municipality of Barra do Pirai, with a population of 97,000, after an attempt was made on his life.

Mário was the victim of many murder attempts. In one of them, a bomb was thrown into his house; in another, men tried to knock him off his motorcycle.

The most serious and last murder attempt took place shortly before he was killed. He miraculously survived after the killers broke into his home and shot him five times while he was laid down on his back. One of the bullets lodged itself in the communicator’s head.

According to a work colleague, Mário was a fearless journalist who collected enemies. Despite police authorities having applied themselves to solving the crime, our sources informed that the case was being held in secrecy by Court order during police investigations and many suspicious measures were adopted. For example, a police investigator was prevented from freely accessing the expert technical evidence of the crime; access to it was controlled by the judge. In general, our sources referred to an undue intervention of some judicial authorities over the investigations and have pointed out to the fact that Mario had made grave accusations of wrongdoing against a judge of a neighboring town.

The case has still not been solved nor any responsible individual prosecuted or sentenced, and our sources have no expectations that this will happen.



PAULO ROBERTO CARDOSO RODRIGUES

Town/State:

PONTA PORÁ/MS

Date of Murder:

13/02/2012

Activity:

JOURNALIST

Case Information:

**INEFFICIENT OR
INCONCLUSIVE INVESTIGATIONS**

Paulo Rocaro, as the journalist was known, lived and worked in Ponta Porã, a city of 78,000 inhabitants in the State of Mato Grosso do Sul on the border with Paraguay. He was the chief editor on the “Jornal da Praça” newspaper and also wrote about politics and police issues for his blog “Mercosul News”.

Active in local politics, Paulo had also written a book on cases of killings by death squads in the region. According to a friend, Sebastião Neves Prado, who is also a journalist, Paulo was well liked and respected.

Being a border town, Ponta Porã suffers a great deal from organised crime, mainly from gangs smuggling and dealing drugs. One of our sources confirmed that, in general, people with power and influence regularly spent time in the same social spaces as big-time criminals. On top of this, the Brazilian town and its Paraguayan neighbour are infamous for the high number of murders, including against local communicators.

On February 13, 2012, Paulo Rocaro was killed while driving his car. The killers approached on a motorcycle and shot 16 bullets at close range whilst the vehicles were still in motion. According to interviewees who spoke to ARTICLE 19, the inhabitants of Ponta Porã are convinced that this was a killing connected to the victim’s journalistic work.

The journalist’s family continue to live in great danger, even though they have left Ponta Porã to live in another state. Geraldo Duarte Ferreira, ex-president of the professional journalists’ union of Mato Grosso do Sul, told ARTICLE 19 that Paulo believed in an independent and robust media and had said that “the pen is my weapon and the notepad my shield”.

The inquiry into the murder has still not been concluded and no one who could possibly have ordered the killing has been named. There is a great deal of fear in attempts to solve the crime since the region of Ponta Porã has a long history of gun deaths. Due to his death, Paulo’s personal blog, where the journalist made most of his accusations, ceased to exist.



ALDENÍSIO DÉCIO LEITE DE SÁ

Town/State:

SÃO LUIS/MA

Date of Murder:

23/04/2012

Activity:

BLOGGER

Case Information:

CRIMINAL PROSECUTION

LED TO CONVICTION

Décio worked for an important newspaper called “O Estado do Maranhão”, but also ran his own blog on the internet called the “Blog do Décio”, where he published investigative reports on illegal schemes practiced by criminals and politicians. The journalist had also broken stories on the diversion of public funds and extortion involving moneylenders.

In 2009, Décio published a story on a big scheme involving the robbery of vehicles that led to a suspect being arrested by the Federal Police and another going on the run. One public official to whom ARTICLE 19 gained access confirmed that “due to the publications on the blog, the journalist made things very difficult for this gang for a long time, and that is why his death was arranged.”

Actually, Décio’s murder was planned and executed by a criminal consortium. The ambush took place on the night of April 23, 2012, in São Luís, the capital of Maranhão, which has a population of around a million. The journalist was in a bar in the city when he was shot five times.

The police investigations were successful in explaining the crime, with the killer confessing and naming 10 other people. The investigations involved different public bodies, including a special police unit specialized in murder investigations. The case also counted with the active participation of Public Prosecutor’s Office, monitoring the police investigation procedures.

The inquiry discovered that the journalist’s death resulted from his investigative work for his personal blog. One of the victim’s writing colleagues revealed that, until the crime was solved, the most commonly held suspicion was that the local police were responsible for the crime, due to the threats that journalists had received as a result of the positions they adopted.

He also said that, after the murder, the atmosphere in the region was one of fear, with other journalists being threatened and others feeling intimidated into not writing.

Those who carried out the killing of Décio have not been tried yet, but are currently under pre-trial detention.

Even though in this case the justice system has sent a message to society, communicators in São Luis still feel insecure. In an interview with ARTICLE 19, one blogger said that threats against communicators in the region are still constantly being received and, even though they have been officially reported to the police department, nothing is done. The sentencing of Décio’s killers, however, has been favourable to freedom of expression. “Anyone who thought they could get away with killing a blogger has backed off.”



VALÉRIO LUIZ DE OLIVEIRA

Town/State:

GOIANIA/GO

Date of Murder:

05/07/2012

Activity:

RADIO JOURNALIST

Case Information:

**INVESTIGATION LED TO
CRIMINAL PROSECUTION**

Valério was a well-known sports journalist in Goiânia, the capital of the State of Goiás, which has around 1.5 million inhabitants. He had spent 35 years in the profession and was well-respected, and at the time of his death worked for the “Jornal 820AM” radio station, and made a program for the PUC TV television station. His radio colleagues confirmed that he was not a person to mince words, and who would always be making very damning accusations. Prior to his death, Valério had been heavily criticizing the directors of the “Atlético Clube Goianiense” soccer club.

According to the journalist’s son, the attorney Valério Luiz Filho, his father was known as “the most controversial man on radio” for not using his words lightly in the “acid criticisms” that he directed at the policies of the State’s bosses, citing names and definite facts, and “turning his back on the generic comments adopted by other professionals”.

The journalist was killed on the afternoon of July 5, 2012, as he left his place of work. The executor of the crime, the soldier of the Military Police, Ademar Figueiredo Aguiar Filho, shot Valério six times before fleeing. According to a witness statement, the first Military Police car to arrive at the scene threatened the workers on a nearby construction site who could have “seen too much”.

After the police investigation, all those accused of the crime were sent before a popular jury in August 2014, with this decision being confirmed by the Goiás State Court of Justice in April 2015. The Supreme Court of Justice of the State of Goiás is currently considering a final appeal filed by the defendants. It is expected that a decision from the popular jury will be proffered by 2017. Media coverage of Valerio’s case was strong and crucial for the progress of investigations.



LUIS HENRIQUE GEORGES

Town/State:

PONTA PORÃ/MS

Date of Murder:

04/10/2012

Activity:

OWNER OF A COMMUNICATION OUTLET

Case Information:

INEFFICIENT OR INCONCLUSIVE INVESTIGATIONS

Luis Henrique George lived in Ponta Porã, a town in Mato Grosso do Sul on the border with Paraguay. Luis Henrique was a businessman who was active in a number of different sectors, including being the owner of the “Jornal da Praça” newspaper. This is the same newspaper at which Paulo Rocaro, a communicator in the same town and who died in the same year, worked before he was killed. The two murders seem to have been related, even though the police investigations in both cases have still not allowed this to be confirmed.

Luis Henrique’s murder using heavy weaponry, took place on October 4, 2012. The businessman was in an armored car and was accompanied by private security guards when he was ambushed and shot with a .50 caliber anti-aircraft gun. The gunman was on the back of a pickup truck.

In the same attack, two other employees who were with Luis Henrique were hit; Felipe Neri Vera did not survive the attack, but Ananias Duarte managed to recover and later moved to another country.

The police inquiry into the case has still not been concluded and the police official responsible has various lines of investigation open, including family fights and issues relating to drug dealing. However, for ARTICLE 19, the theory that the crime could have been committed due to articles published in Luis Henrique’s newspaper, which would mean it should be considered an attack on freedom of expression, cannot be discarded and should have been fully investigated at the earliest stages. This is because the publication frequently attacked the political interests of its adversaries.

After Luis Henrique’s death, his newspaper, “Jornal da Praça”, one of the most traditional in Ponta Porã, ceased publication. Sources who spoke to ARTICLE 19 have stated that the murder of Paulo Rocaro and Luis Henrique in the same year, was a determining factor in the newspaper shutting down.



EDUARDO CARVALHO

Town/State:

CAMPO GRANDE/MS

Date of Murder:

21/11/2012

Activity:

JOURNALIST

Case Information:

INEFFICIENT OR INCONCLUSIVE INVESTIGATIONS

Eduardo Carvalho was the third communicator to be killed in the State of Mato Grosso do Sul in 2012 that ARTICLE 19 has monitored. He lived and worked in the state capital, Campo Grande, and was co-owner of the “Última Hora News” newspaper.

In his newspaper, Eduardo had made accusations concerning irregularities in the municipal councils in the region, and had exposed cases of corruption and diversion of public funds, whilst he had also written a regular police column. Shortly before his death, he had published articles in which he turned the spotlight on the trading of influence and power, and cases of abuse of authority.

Eduardo was murdered at 10.40pm on November 21, 2012. When he arrived home with his wife, he was shot five times by two men on a motorcycle. His wife survived the attack.

Up until the publication of this report, the police inquiry that had been opened to investigate the crime at the 3rd Police Precinct of Campo Grande had still not reached a conclusion.



MAFALDO BEZERRA GOIS

Town/State:

JAGUARIBE / CE

Date of Murder:

22/02/2013

Activity:

RADIO JOURNALIST

Case Information:

**INVESTIGATION LED TO
CRIMINAL PROSECUTION**

Mafaldo was a radio journalist in a small town in the State of Ceará called Jaguaribe, which has a population of around 35,000. Known for reporting on criminal groups in the region, he worked for the “Rio Jaguaribe” radio station, and had previously been threatened, although he had not officially informed the police of the fact.

On February 22, 2013, when he was leaving work, Mafaldo was hit five times by bullets fired from a firearm. The police investigations successfully identified two gunmen who used a motorcycle to commit the crime.

The killing of Mafaldo was ordered by Dyones Nunes Soares from inside prison, and executed by José da Silva Lima and Matheus Pereira de Aquino, all of whom were identified as being members of a gang that Mafaldo had accused of crimes in his reporting. All of the accused are in prison, but have not received a criminal conviction to this date.

The police program presented by Mafaldo stopped being broadcast after his murder.



RODRIGO NETO FARIA

Town/State:

IPATINGA / MG

Date of Murder:

08/03/2013

Activity:

JOURNALIST

Case Information:

**CRIMINAL PROSECUTION
LED TO CONVICTION**

Case number: 0066365-79.2013.8.13.0313

Rodrigo was a professional communicator living and working in Ipatinga, a town with a population of around 260,000 located in the Vale do Aço region of Minas Gerais. His most memorable work was done at a small newspaper that he himself founded, which had a print run and an internet site, publishing material drawn from journalistic investigations seeking to solve crimes.

According to one communicator from the region, “Rodrigo worked in the fight against impunity in cases that remained unsolved in the town and was forced to feel the result of his work.” He was also writing a book in partnership with another newspaper in the region about unresolved crimes involving police officers.

On the evening of March 7, 2013, Rodrigo stopped at a restaurant with a friend. Upon leaving the restaurant at around 12.27am that night, he was shot in an ambush, with bullets striking him in the back, chest and head. His friend who accompanied him was also the target of many shots and almost died. After the crime, the newspaper for which Rodrigo worked, ceased publication and along with it all the investigative journalism that he performed.

A committee was created by friends and former colleagues of work and was baptized with his name. The committee was important to draw constantly attention of local media to the case, which helped to put more pressure in the authorities to solve the murder .

Two individuals were accused of having committed the crime and both of them were tried by the Lower Court. However, the investigations only identified part of the perpetrators of the crime - the masterminds remain unpunished.. Alessandro Neves was sentenced to 16 years in prison in June 2015, and Lúcio Leal was sentenced to 12 years in August, 2014. They have appealed of the sentences but are currently in jail.



WALGNEY ASSIS CARVALHO

Town/State:

CORONEL FABRICIANO / MG

Date of Murder:

14/04/2013

Activity:

PHOTOGRAPHER

Case Information:

CRIMINAL PROSECUTION

LED TO CONVICTION

Case Number: 0065791-25.2013.8.13.0194

Walgney Assis Carvalho was a freelance photographer on the “O Vale do Aço” newspaper and was a colleague of Rodrigo Neto (above). He was shot on the evening of April 14, 2013, by one of the same gunmen who murdered Rodrigo, also in an ambush using a motorcycle. There is a strong suspicion that the two murders were related.

According to the court records, “the accused, with the intention of killing, using a means that made it difficult for the victim to defend himself, and with the aim of ensuring impunity from another crime, fired shots from a firearm at the victim Walgney (...)” The records also mention the actions of a death squad in the Vale do Aço, despite this hypothesis not having been demonstrated during the trial.

In August 2015, the Lower Court sentenced Alessandro Neves Augusto, accused of being the executor of the killing, to 13 years in prison, a sentence that was upheld after appeal. There is no information on who ordered the crime, however the perpetrator is the same person responsible for the murder of journalist Rodrigo Neto Walgney’s colleague murdered one month before him. Walgney was investigating Rodrigo Neto’s murder and claimed to know who the mastermind was.



**PEDRO MIGUEL DE LANCASTRE
MONTENEGRO PALMA**

Town/State:

MIGUEL PEREIRA/RJ

Date of Murder:

13/02/2014

Activity:

JOURNALIST

Case Information:

ONGOING INVESTIGATIONS

Pedro Palma was a journalist who owned his own newspaper, the “Panorama Regional”. He lived and worked in Miguel Pereira, a town in the State of Rio de Janeiro with around 25,000 inhabitants, where he was highly critical of the local government administration.

Amongst other things, Pedro performed far-reaching investigations into corruption in the municipality, such as the bidding procedures implemented for the purchase of medicines. In talks with members of his family, ARTICLE 19 learned that Pedro had been well-liked in the town and had been thinking of running for office. Neither his wife or daughter live in Miguel Pereira any longer out of fear for their lives.

Pedro received many threats during his career. In one of the most serious cases, a woman visited his office with the intention of killing him after he had accused her of using a false identity. The police were informed of the matter, but nothing was done about it. Afterwards, Pedro took a number of security precautions and implemented a set of fixed protocols designed to mitigate any risk. None of this was enough.

On February 13, 2014, Pedro was shot as he was returning home. A security camera recorded the killer riding up on a motorcycle, but it was not possible to identify him from the images.

In an interview given to ARTICLE 19, the Public Prosecutor who handled the case said that, as the accusations of corruption made by the victim against public officials involved a number of people, the investigation was extremely complicated. However, following more recent investigations, the prosecutor confirmed that he was sure that the perpetrator of the crime would be identified by the end of 2016.



GEOLINO LOPES XAVIER

Town/State:

TEIXEIRA DE FREITAS/BA

Date of Murder:

27/02/2014

Activity:

RADIO JOURNALIST

Case Information:

**INEFFICIENT OR
INCONCLUSIVE INVESTIGATIONS**

Geolino Lopes had been a radio journalist since 1989 and one of the most traditional political reporters in Teixeira de Freitas, a town in the State of Bahia with around 160,000 inhabitants. His last job was as director of the website “Portal N3”, having worked as a television presenter and local council member between 2004 and 2008. He was also preparing to run for office once again, this time as a congressman.

On the evening of February 27, 2014, Geolino was shot whilst parking in order to give a lift to a work colleague. His girlfriend was also shot, but survived. The shots were fired by a person wearing a hood who had gotten out of another car beside Geolino’s.

The circumstances of the communicator’s death continue to remain unclear. According to sources who spoke to ARTICLE 19, and who prefer to remain anonymous for fear of placing their lives at risk, many images from security cameras that could have helped in shedding light on the case were mislaid. According to the Public Prosecutor’s Office, the investigations have not advanced and the perpetrators could not be identified. Based on all information collected about this case, ARTICLE 19 has concluded that there are indications that the police investigation has been manipulated to avoid further evidence to be collected.



MARCOS DE BARROS LEOPOLDO GUERRA

Town/State:

UBATUBA/SP

Date of Murder:

24/12/2014

Activity:

BLOGGER

Case Information:

**INEFFICIENT OR
INCONCLUSIVE INVESTIGATIONS**

The communicator Marco Guerra, aged 51, had run a blog called “Ubatuba Cobra” since 2005. The blog reported local problems and criticized the public authorities of Ubatuba, a town on the north coast of São Paulo State with a population of around 85,000. According to one source, Marcos was well-known for his controversial opinions and for the direct manner in which he criticized politicians, having even accused mayors and council members.

The blogger was killed at his home during the night of December 24, 2014. He was at home with his father when he was shot with three bullets that hit him in the face, chest and abdomen, killing him immediately. His neighbours confirm that two men left the house and escaped on a motorcycle soon after the shots were fired. Nothing was taken from the house.

The police inquiry is currently at the original police station. Relatives of the victim still feel very threatened and avoid talking about the case, even with authorities, as a form of protection. ARTICLE 19 tried to contact the police department in Ubatuba, but was unable to interview the police officer responsible for the case.

CONCLUSIONS

The research performed by ARTICLE 19 has identified a phenomenon that is nothing new in the Brazilian justice system: the immunity of powerful individuals or groups in relation to criminal responsibility, and the selective practices of the State criminal investigation agencies. Despite the murder of communicators being crimes that have seen a greater degree of positive outcomes than regular crimes, due to the attention called to the cases and their investigations, it is obvious that the real instigators are almost never held accountable. Whenever those responsible for a murder are given a prison sentence, it is almost always only the gunman, and rarely the instigator.

A number of conclusions can be made concerning the police investigations of the cases monitored in this study. More crimes were solved when the principal line of investigation into the motive was accepted as being the victim's professional activity as a communicator. Quick gathering of evidence during the inquiries was also essential in identifying the criminals. Those cases which progressed to criminal prosecution are those where during the investigation requests for tapping of telephone calls, expert examinations and witness statements were performed quickly.

One very important factor in successful investigations was the participation of special groups or units during the early stages of the case. Police departments specialized in murders or inter-institutional working groups are im-

portant since they reduce the risk of the investigations being manipulated and offer better resources for the police work. The incisive actions of the Public Prosecutor, principally through the Special Action Groups for the Combating of Organized Crime (GAECO), also meant that there was less chance of some crimes simply becoming forgotten statistics. This participation was positive in a dual sense, since there was external control of police activity, and different departments were mobilized for the effective conclusion of the inquiries.

In relation to the oversight and accountability mechanisms concerning police activities, despite being the responsibility of the Public Prosecutor's Office, such monitoring is not carried out systematically and no detailed rules have been adopted to guide the work of Prosecutors.

As shown in Rodrigo Neto's case, the pressure exerted by media proved very positive for the development of investigations. In this sense, both the commercial and alternative media outlets play a fundamental preventative role. When a murder cannot be avoided because of the media pressure, this is still important as a means of discouraging new crimes from being committed.

One aspect that was extremely common to all the cases monitored was the difficulty communicators have in personally guaranteeing their own safety. This occurs because, following the typical manner in which the murders of the communicators are carried out, the crimes are

planned and then executed by means of ambush. As a result, public policies that guarantee the safety of these professionals are necessary at all federative levels. Regions with a high incidence of murders of communicators need to be monitored not only by civil society, but also by the public administrations. It needs to be clear that the safety of communicators is a responsibility that is also shared by heads of the Executive branch of government, members of parliament, and the judiciary. Members of all these branches should be trained on the issue of safety of communicators, and the applicable laws and policies in place to address this.

Therefore, to create a safer environment for communicators and for the exercise of freedom of expression, it is necessary for the institutions and civil society to act preventatively and in cooperation. The state of vulnerability and the crimes against communicators cannot be resolved without a joint strategy including all those involved - articulating various levels of government - that privileges the protection of these individuals and the continuity of their work.

RECOMMENDATIONS

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RECOMMENDATIONS
TO THE FEDERAL GOVERNMENT

- 1 -

Develop, and finance the development of studies that seek to identify the main causes and incidences of violence against communicators, in order to draft recommendations for government agencies and society to act directly and strategically in the reduction of crimes suffered by communicators.

- 2 -

Offer immediate and tailored protection measures to communicators who suffer murder attempts or are threatened with violence or attacks, developing articulated preventive and protective measures. The strengthening of the State-led Protection Program should also be considered a priority, as well as its reform to better receive communicators.

- 3 -

Create a State-led monitoring program focused on crimes against communicators, with the objective of monitoring and publishing the status of the investigation and accountability of all the crimes against communicators, that will also bring together statistical data and relevant information on these crimes, paying special attention to unregistered communicators whose information is not gathered or organized by professional organisations or representative bodies.

- 4 -

Increase the number of authorities that can request the transfer of investigations of human rights crimes to a 'federal instance', that is, when the local authorities or other government bodies may be somehow involved in the crimes, the investigation shall be transferred to another authority outside the jurisdiction or scope of action of the local authority



RECOMMENDATIONS TO STATE GOVERNMENTS

- 1 -

Incorporate specialised departments in the investigation of murder and organised crime cases, and provide them with the necessary resources and personnel for them to perform independent, speedy and effective investigations and suitable expert examinations. For example, arriving at the crime scenes as quickly as possible: establishing the motivation of the murder s early is crucial and presuming a connection between the crime and the communicator's work until this line of inquiry is exhausted.

- 2 -

Strengthen inter-institutional cooperation in order to unite intelligence efforts to prevent crimes against communicators, whilst respecting privacy and the due process of law.

- 3 -

Create and strengthen oversight and accountability mechanisms of police activities, conferring resources and autonomy on the Internal Affairs Departments and Ombudsmen and, moreover, disseminate the existence of these bodies to allow communicators who are in vulnerable situations to contact them - anonymously if necessary.

- 4 -

Public officials must publicly, unequivocally and systematically condemn violence and attacks against communicators, including in the media.

- 5 -

Establish systems to ensure effective access to information about the circumstances, investigation and prosecution of crimes against freedom of expression.

RECOMMENDATIONS TO THE PUBLIC PROSECUTOR

- 1 -

Carry out external oversight of police activity to ensure effectiveness and accountability, using systematic and strategic measures, articulated at a national level, and designed to reduce the vulnerability of defenders of human rights and communicators in Brazil.

- 2 -

Establish protocols for the prosecution of crimes against communicators to ensure evidence is collected to bring the masterminds behind attacks to justice and to safeguard the independence of prosecutors from the influence of persons who may be implicated in the crime.

- 3 -

Ensure adequate training for prosecutors on crimes against freedom of expression, in particular communicators.

A NOTE ON

METHODOLOGY

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This study monitored twelve cases of murders of communicators in eight Brazilian states, all of which took place between 2012 and 2014. Despite being the total of crimes committed against communicators due to the exercise of freedom of expression monitored by ARTICLE 19 during that period, they may not represent the absolute total for the period. They were all chosen for inclusion in the reports of ARTICLE 19 from previous years and due to their being cases in which our research team managed to understand and uncover information directly from informants and authorities.

First, we understand the term “murder” to mean intentional killing, commonly practiced to silence the victims as communicators, often by means of ambush. Despite the circumstances and witnesses to which ARTICLE 19 had access suggesting the participation of at least two people being involved in the crime [an executor (gunman) and an instigator (mastermind)] the police investigations did not always reach these conclusions.

In all the cases, our research sought to listen to three different perspectives, each of which were involved in the crimes: those who were part of the victim’s family and professional circles, public authorities, and other communicators working in the same region as the victim. Our conclusions are not final, but they do allow for the identification of behavioral patterns that have been outlined in the report.

Amongst the cases investigated, there exist some that are in the police inquiry phase and some that are in the judicial phase. When we tried to contact institutions involved in investigating and prosecuting the crimes, we sought

direct contact with the police officials and public prosecutors responsible for the cases. Other public agents were heard simply to provide supporting information.

One area of great concern that emerged whilst the research was being conducted was the safety of our informants. Whenever contact was made with individuals from the victim’s close circles or with other communicators, we offered the option for their names and sensitive information to remain confidential. Very often, public exposure can provide a protective sphere around the witnesses, but, in some cases, it can increase their vulnerability or hinder the course of the police investigations. Therefore, each case was analysed with sensitivity and, in certain cases, we opted not to publish information that we felt could place someone at risk.

We preferred personal contact between the informants and ARTICLE 19’s researchers, but, due to logistical issues or when there were risks to the security of the team, we performed interviews by telephone. Whenever an interview was conducted, the interviewee provided their informed consent and were given the option of anonymity.

ARTICLE 19 also had access to various documents provided by our informants or which are publically available. Whenever an official document, such as an incident report or court process, is cited, we have sought to provide it in its literal form.

Finally, it is worth mentioning that the study is not designed to assist in the police investigations, but rather to make a serious situation more visible, providing elements for the relevant authorities to be able to take steps towards providing greater safety for communicators in Brazil.

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