

Lethal Violence Against Homosexuals in Rio de Janeiro City: General Characteristics¹

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Introduction

According to a number of researchers and activists, Brazil should be considered “the world champion in the murder of homosexuals” (MOTT 2000; MOTT & CERQUEIRA 2001), and homophobic violence is increasingly the center of concern for the organized gay movement. Slowly and desultorily, Brazilian authorities are beginning to give more attention to this issue, and in some states and cities special security policies concerning homosexuals are being adopted on an experimental basis. However, studies of the phenomenon are still few, and the data they use are almost exclusively taken from news stories published by the general press. The present article, based on information on the murder of male homosexuals collected by the police and the justice system, is an attempt to fill this gap and deal with the issue on a more serious basis.

Our point of departure is the belief that violence is a category that may take on

¹ The present article is one of the preliminary results of the research project Homosexuality, Violence and Justice, conducted at Universidade do Estado do Rio de Janeiro’s Institute of Social Medicine (IMS), coordinated by Sérgio Carrara. In its first phase the project had financial support from the Ford Foundation, Brazil Office; and Sabrina Pereira Paiva and Marcelo Natividade, two students at the IMS master’s program, worked on it. The general purpose of the investigation is to examine how Brazilian courts have responded to so-called “violence against homosexuals,” particularly as regards cases that result in death — that is, in what ways the homosexuality of the victims and/or defendants influences the course of the investigations and how the cases are viewed by policepersons, judges, prosecutors, defense attorneys, etc. In this way we are attempting to find out how homophobia is manifested in the judicial system (CARRARA et al 2001).

different shades of meaning, and that actions or attitudes seen as violent by some people may not be classified as such by others. But it is not only the definition of violence that varies; there is also considerable variation in the degree of exposure to violent acts by such diverse groups as gays, lesbians, transvestites, transgendered persons and so on, frequently grouped together in the generic category “homosexuals.” As we shall see, the violence that victimizes transvestites, in particular those involved in prostitution, is quite different from that affecting other homosexuals, in particular those who do not publicly display signs of their “difference.”

In addition, we know very well that homosexuals do not discuss much of what they experience as unfair aggression even with those closest to them, let alone with the authorities responsible for repressing and preventing violent acts. It is quite clear that the data we are using makes up only a small segment (though it attracts most public attention because it involves violent deaths) of the full spectrum of violent acts affecting homosexuals in Brazil. On the basis of 500 episodes reported to the Rio de Janeiro State Public Security Secretariat’s Gay Defense Hot Line² in its first 18 months of existence (from June 1999 to December 2000), show that only 6.3 percent of reports have to do with murder; complaints of discrimination (20.2 percent), physical (18.7 percent) or verbal (1.9 percent) aggression and extortion (10.3 percent) are far more common (RAMOS & BORGES 2001).³ So it is important to bear in mind that the cases examined here, though revealing, do not add up to a statistically significant sample of the lethal violence affecting homosexuals in Rio de Janeiro City.

1. The Data Collected

At first, all the information we had came from the Rio press, collected in a dossier

² A service implemented by the state government in partnership with Rio de Janeiro activists for the purpose of receiving reports of violence against gays, lesbians and transvestites and monitoring police investigations. For further information, see MARTINS 2002.

³ As to physical violence, these figures seem consistent with the results of surveys conducted in the ‘80s and ‘90s on the victimization of gays in such countries as the U.S., Canada, Great Britain, Australia and New Zealand, where 20 percent of gay men reported this kind of violence (MASON 2002).

of press clippings kept by the gay activists of Grupo 28 de Junho.⁴ Even though it was not a systematic survey of cases reported by the press, through it we learned about 200 cases that basically referred to the murder of homosexuals in Rio de Janeiro City. Stories about such murders kept surfacing throughout the '70s, '80s and '90s. This dossier helped us gather information from police and justice system sources. Through the Civil Police Planning Service (ASPLAN), we were able to collect information about 105 homicides involving 108 victims, all male,⁵ classified as homosexuals by the newspapers.⁶

As the first official report of a crime, the incident report provides information that is more precise than the newspaper stories concerning the victim, the witnesses, the crime and the suspect, if any. For 57 crimes, this information was complemented with data from the police investigation and the judicial proceedings. However, in 28 percent of the cases we found no reference to homosexuality in the incident reports or in the proceedings. In addition, in one of the cases we examined the information collected suggests that one of the victims in a double-homicide case was heterosexual (see **Figure 1**). Even so, we decided not to exclude any of the victims from our analysis, since they either engaged in homosexual practices, although the fact was not included in the official documents we examined, or else the kind of violence that victimized them seemed to the common sense of policepersons and journalists to be of the type that tends to affect homosexuals. Be that as it may, these cases were part of the phenomenon that was being investigated, and were therefore included in the analysis.

⁴ More comprehensive files on this kind of news are being kept by the Grupo Gay da Bahia for years, but we have not been able to include them at this stage of our study.

⁵ In the press clippings we used there were no reports of cases of murder of lesbians in Rio de Janeiro City. This fact may be explained both by the lower visibility of female homosexuality vis -à-vis its male counterpart and by the fact that number of female victims of lethal violence is significantly lower than that of men. In 1992, according to the sample used by SOARES et al. 1996, women accounted for only 9 percent of murder cases. Clearly the number of female perpetrators of lethal violence is also much smaller than that of males, so cases of murder involving women are correspondingly fewer.

⁶ Many cases could not be identified, mostly because the press does not always provide precise information as to the place and time of the crime and the names of victims and suspects. In addition, as our data show, references to the victim's homosexuality published in newspapers are sometimes not confirmed in the police documentation.

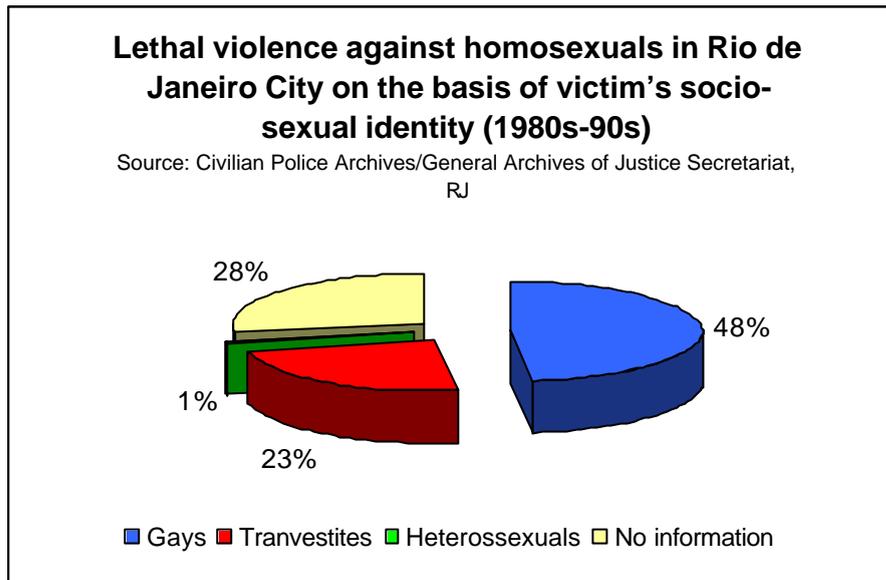


Figure 1

2. The Different Scenarios of Lethal Violence Against Homosexuals: A General Overview

The lethal violence against homosexual men in Rio de Janeiro City in the '80s and early '90s is characterized by unique traits that set it apart from the sort of violence that affected males in general during the same period. Discussing the global data on lethal crime in Rio, Soares and his team observed that “lethal crime still remains an almost exclusively male universe,” and that “the preferential victims are young, black and brown, poor and uneducated” (SOARES et al. 1996: 230). As we shall see, in the case of violence against homosexuals this generalization must be qualified. Although we do not have very precise data as to the level of education or social status of the victims, what information we do have seems to point in a quite different direction.

Regarding these crimes, two different planes intersect each other and must be distinguished. On the first plane we have the official classification used in the documents, which state that the most common categories are homicide and *latrocínio* (robbery followed by death), respectively covered by Articles 121 and 157 of the Brazilian Penal Code. There

is also a small number of “suspicious deaths,” which at the end of the police investigation are in some cases reclassified as suicide or natural death. **Figure 2** below gives the rates of incidence of the different types of murder according to this official classification:

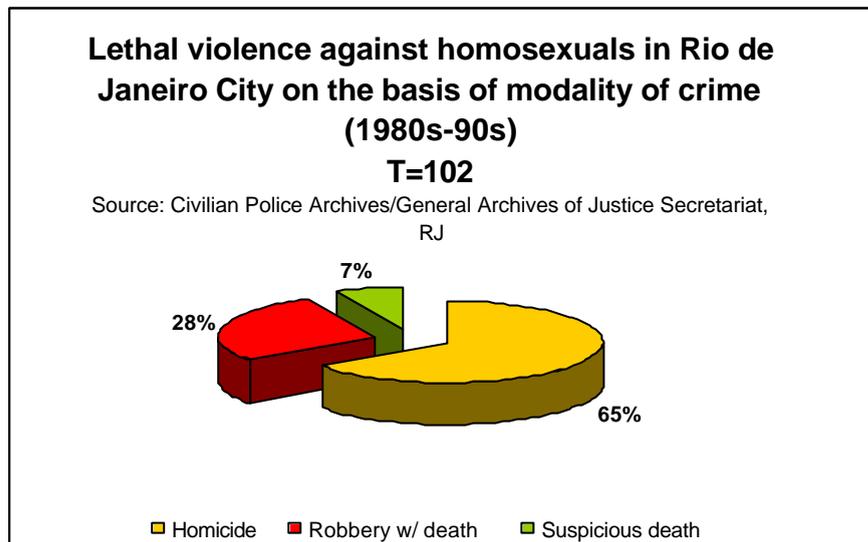


Figure 2

Note the significant number of robberies followed by death where the murder of homosexuals is concerned. In his research, Soares et. al affirmed that, according to police data, in 1992, of 3,548 victims of murder only 4.4 percent had been classified as cases of robbery followed by death (SOARES et al. 1996: 219); but when the victims are homosexuals this figure rises to 28 percent. However, once this formal categorization is set aside, a careful reading of the documentation suggests a somewhat different classification. Some cases of homicide were reclassified as robbery followed by death, amounting to 34 percent of cases. Also, within the category homicide further subcategorizations seemed to suggest themselves (see below, **Figure 3**).

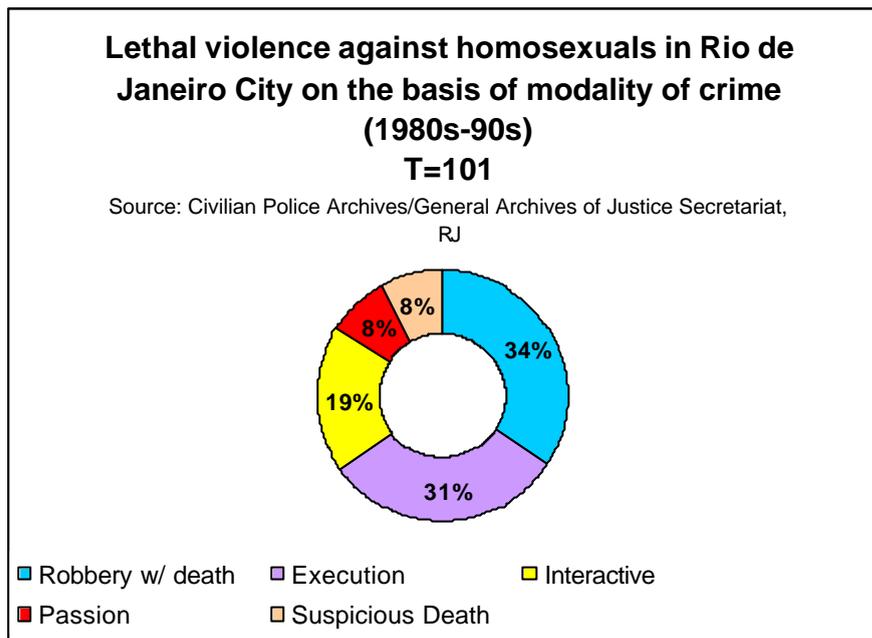


Figure 3

The data indicate a large number of homicides of the type we have classified as *executions*, amounting to 31 percent. We use the term to refer to murders taking place in the street, with the use of firearms and without witnesses. Another significant proportion — 27 percent — corresponds to crimes classified as *interactive*: that is, homicides that generally take place at home, in which there is some evidence that victim and murderer knew each other and no evidence of robbery exists. Out of these, 8 percent are clearly *crimes of passion*, whereas the remaining 19 percent have to do with various kinds of conflict: unpaid debts, quarrels between neighbors or friends.

These figures are sharply divergent from those in Soares et al. (1996) in two ways. First, we have found a larger number of homosexuals killed in executions, as compared to the 15.2 percent of male murder victims in the data studied by Soares et al. Also, the percentage of fatal victims of interpersonal conflicts between homosexuals seems to be quite larger than the 19.3 percent found by Soares et al. The most common motivation of homicides in the Soares study is involvement with drugs (56.6 percent). In the universe we have studied, there is clear evidence of involvement in the drug trade in some of the cases

classified as executions.

The violence affecting homosexuals also presents unique characteristics in relation to the place where violent deaths occur. According to Soares et al., of all homicides victimizing males in Rio in 1992, 72.2 percent took place in the street, 10 percent at home and 2.1 percent at the workplace (SOARES et al. 1996: 236). As **Figure 4** (below) shows, our figures suggest a symmetrically opposite situation, in which 63 percent of murders occur at the victim's home and only 31 percent in the street. In 6 percent of cases death occurs in such other places as hotels (2 cases), the workplace (one case), a nightclub (one case) and prisons (2 cases).⁷

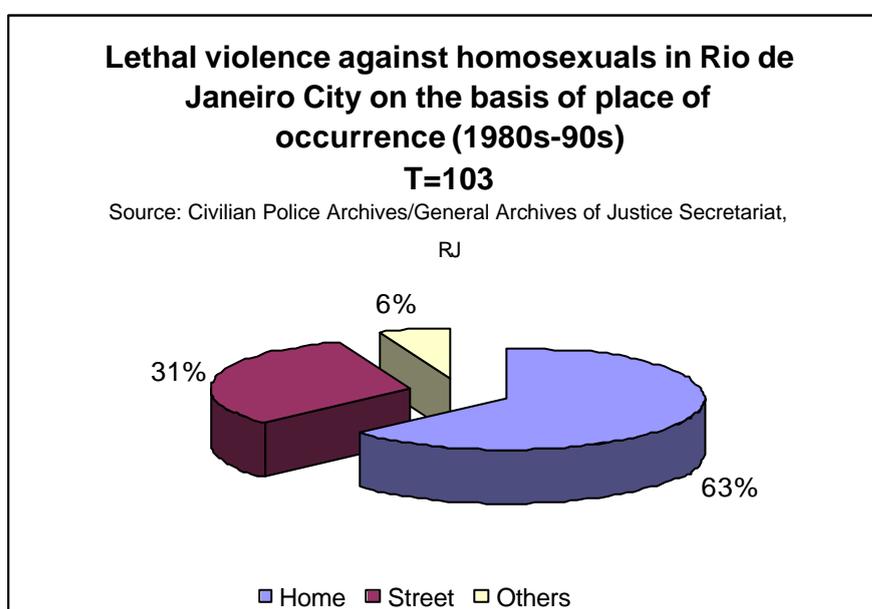
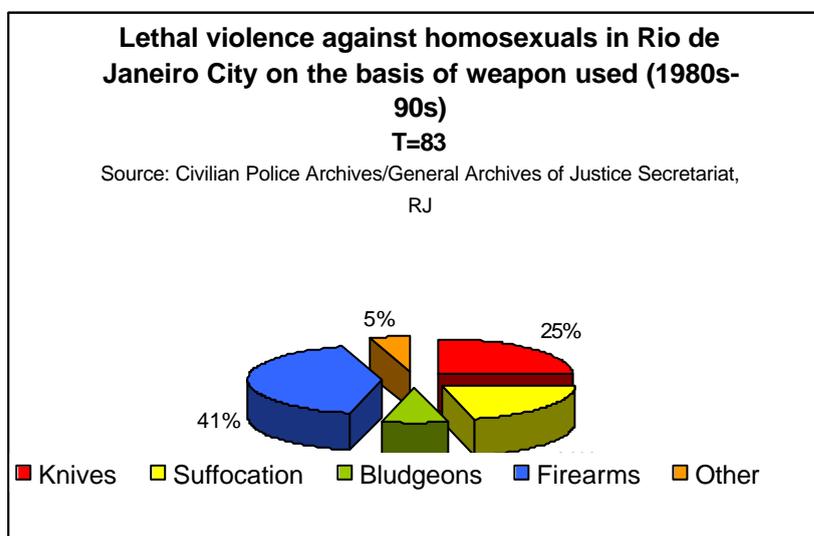


Figure 4

⁷ Working with 130 cases of murders of homosexuals notified by Brazilian newspapers in 2000, Mott & Cerqueira arrive at different results. According to them, 24.6 percent of cases occurred at the victim's home, 31.5 percent in the street, 20.7 percent in unidentified places, and the remaining cases (about 23 percent) in a large number of different places (bus stop, room in church premises, grassy plot, sandy area, etc.) (MOTT & CERQUEIRA 2001: 142). The divergence between the two sets of data, particularly as regards the relative occurrence of murders in the street and in the victim's home, is partly due to the kinds of source used and the classification criteria adopted. Since crimes occurring at home offer the press more precise information, they are usually easier to locate in police files, so that this category tends to be overrepresented in our sample.

Again, murders of homosexuals are distinguished by the weapon used. In the Soares study 92 percent of all homicides with male victims were perpetrated with guns (SOARES et al. 1996: 234). The data we are examining point to a quite different situation (see **Figure 5**, below). Although guns still account for the majority of cases, they appear in no more than 41 percent of all homicides. If one excludes the 5 percent of cases about which there is no information as to the weapon used, knives were used in 25 percent of the remaining murders, suffocation in 21 percent and bludgeons in 8 percent.⁸ This is partly due to the fact that the cases we are dealing with involve a large number of interactive crimes and crimes of passion, which take place in homes, and in which the murder either had no previous intention of killing the victim or avoided the use of firearms, which would produce noise. Of the 65 homicides taking place at home, only 15 involved the use of guns. In a large number of robberies followed by death the same pattern can be observed: the murderer uses improvised weapons found in the victim's home, or his bare hands. In the 35 cases classified as robberies followed by death, leaving out 5 cases for which there is no information as to the weapon used, 15 were cases of death by suffocation, 10 involved knives, 4 involved bludgeons, and a firearm was the cause of death in only one case.⁹



⁸ Here our data diverge from those analyzed by Mott & Cerqueira as to the category suffocation and strangling (which accounted for only 4.6 percent of the cases they studied) and the category beatings and bludgeons (17.7 percent) (MOTT & CERQUEIRA 2001: 139).

⁹ In various cases more than one weapon was used against the victim. In these cases we have adopted for purposes of classification the deadliest weapon employed.

Figure 5

As to the sociological characterization of the victims, the documentation we have is rather unrevealing, particularly when the only source is the incident report. Again, as to age our data differs considerably from the figures presented by Soares et al. for the male population in general. In their study, the age bracket most affected by fatal violence is the 18–29 range. In 1992, young men in this bracket amounted to 20.4 percent of the city's population but accounted for 57.7 percent of murder victims. Persons above 35 years of age, which then made up 38.3 percent of the population of the municipality, were fatal victims of murder in only 19.7 percent of the cases. As **Figures 6 and 7** indicate, our data point to a more homogeneous pattern of victimization as far as age is concerned, with a significant proportion of cases (20 percent) in which the victims are homosexual men over 50. If we take the age of 35 as the cutoff point, the contrast with the global figures for homicides in the city is even more evident. In the Soares study, which considered both robberies followed by death and homicides in which the victims either men or women, the vast majority of victims (77.8 percent) were below 35. In our study, victims are about evenly divided between those who are below and those who are above 35. This is clearly a consequence of the cases of robbery followed by death in our sample. As the Soares data already indicated, the age of the victim in this type of crime tends to be considerably higher (SOARES et al. 1996: 232).¹⁰

¹⁰ On the basis of newspaper reports, Mott & Cerqueira found higher numbers of young people below 25 (MOTT & CERQUEIRA 2001: 134).

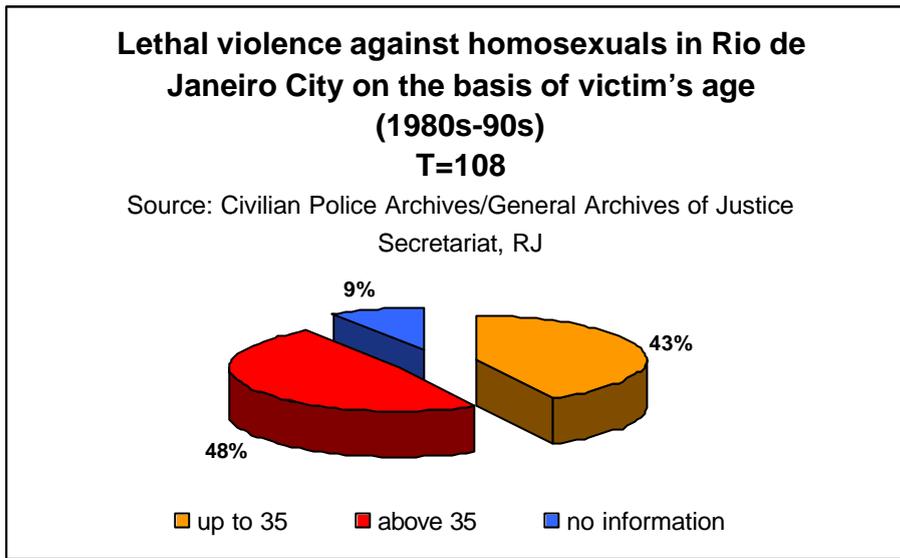


Figure 6

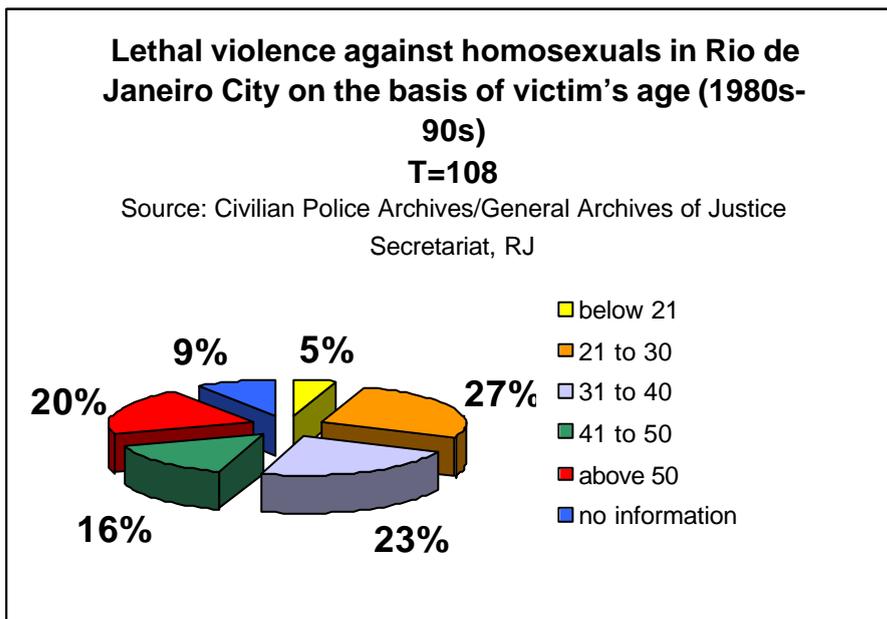


Figure 7

The characterization of the victims as to social class can be established only approximately, by crossing various sorts of information, such as race, place of residence, occupation and educational level. Our data must be examined with caution. Almost all

incident reports contain information about race, but this is a very subjective classification, and in those cases where we have access to the full judicial proceedings we find that the color of the victim may vary. This variation always involves the category *pardo* (“brown”), which may be reclassified as either white or black.¹¹ Data relative to place of residence tend to be more complete, though they are generally absent in cases of execution. Data concerning occupation are much more precarious, and information as to level of instruction is almost nonexistent.

As to race, 63 percent of victims were classified by police agents and medical examiners as white, 17 percent as brown and 10 percent as black (see below, **Figure 8**). As to place of residence, there is a striking concentration of cases in Rio’s South Zone (a mostly middle-class area), particularly Copacabana, where 25 of the 34 murders took place (**Figure 9**). Concerning occupation, as we have seen, the data are rather precarious: some information exists for only half of the 108 victims, and even then heterogeneous categories are employed. Sometimes we are told only that the victim was retired; in other cases the victims is said to be an agronomist; in yet other cases the victim is described as a public servant, but no further information is given. Nevertheless, it is important to observe that in those cases about which we do have information 20 percent of the victims had occupations that required a high-school or college-level education: physician, university professor, geologist, diplomat, bank clerk, flight attendant, journalist, etc. There are also occupations requiring only a lower educational level, such as mechanic, hairdresser, dressmaker, doorman, chauffeur, etc.

¹¹ Whenever we had access to the full proceedings we were able to use the classification given in the medical examiners’ post-mortem report.

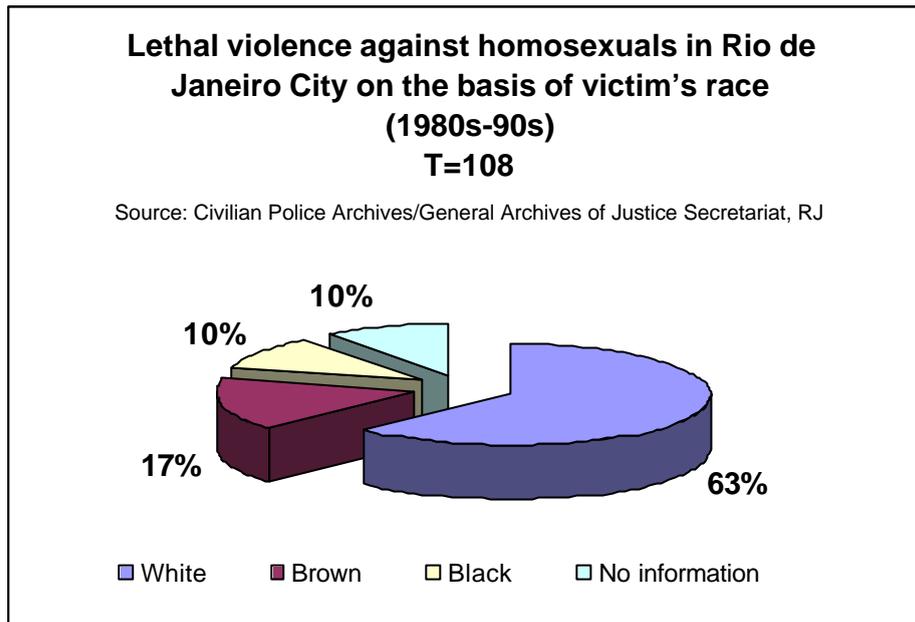


Figure 8

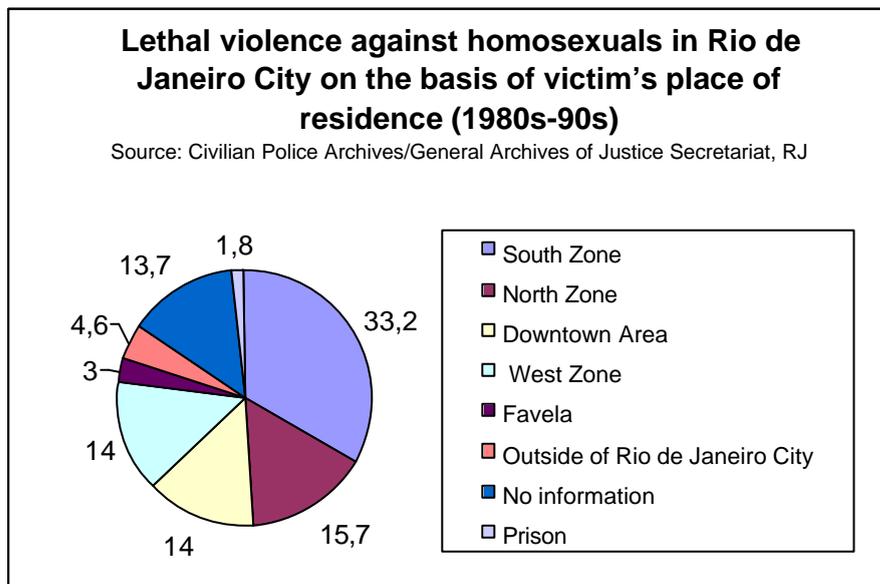


Figure 9

Generally speaking, on the basis of the same sources used by Soares et al., we may

say that in contrast with their general characterization of victims of legal crime in Rio de Janeiro City (young, black and brown, poor, uneducated), the typical male homosexual victimized by crime is white, above 30 years of age, a member of the middle- or lower-middle class, with a high-school or college-level education.

However, as we shall now see, this generalized characterization is profoundly affected when one takes into account the victim's socio-sexual identity, breaking down the victims into the categories "gays" and "transvestites."¹² The sort of lethal violence that victimizes transvestites and the sociological profile of such victims are entirely different from the data relative to gays. Since transvestites are a minority in our sample (23 percent), the general information we have presented so far is much more expressive of the situation of gays.

3. Gays and Transvestites: Divergent Realities

When the victims are characterized according to their socio-sexual identities, we get entirely different patterns of victimization for gays and transvestites. Here we shall consider only a few aspects of victimization so as to give an idea of the differences involved. As to the place of the crime, as Figure 10 shows, one may say that the situations are symmetrically opposed. Gays tend to be victimized at home in the same proportion that transvestites tend to be killed in the streets.¹³

¹² We have classified as "gay" all those victims for whom, according to the descriptions given by justice officials, policepersons and witnesses, there was no evidence either of cross-dressing or anatomic alterations. Whenever such evidence was present the victim was classified as "transvestite."

¹³ In this respect, our results agree with those found by Mott & Cerqueira (2001: 142).

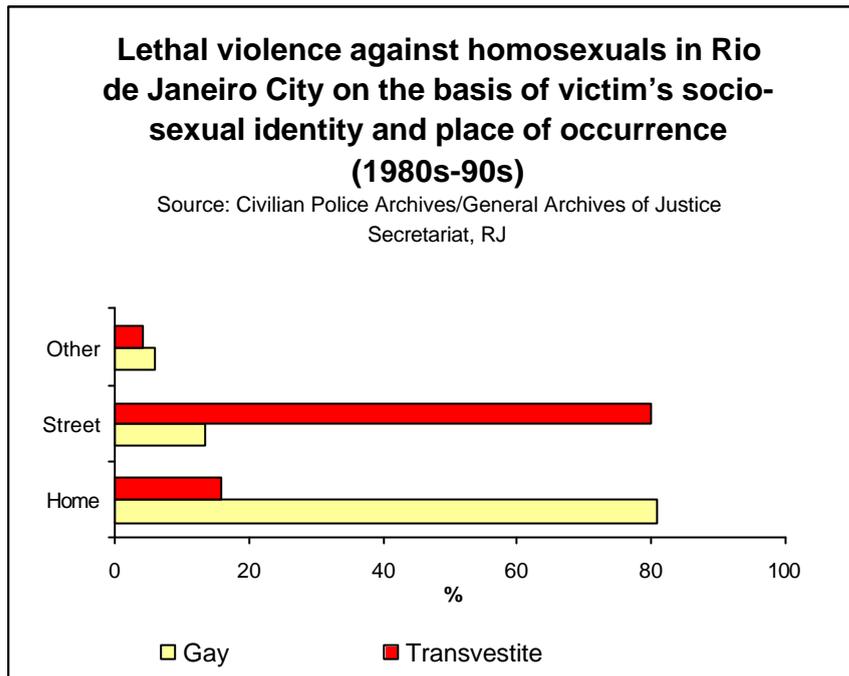


Figure 10

This contrast is closely related to the modality of lethal violence that affects gays and transvestites. As **Figure 11** indicates, transvestites are the preferential victims of executions. As we have discussed elsewhere (Carrara et al. 2001), this is due both to their involvement with prostitution, which places them in a situation of greater public exposure, and to the way they are affected by homophobia. Thus there are cases in which the victim's socio-sexual identity — the fact of being a transvestite — seems to be the determining factor for the execution, which may be characterized as a hate crime. In other cases involving transvestites the motivation seems to be associated with other circumstances, such as the victim's involvement with the drug trade or conflicts brought about by the payment of “protection fees” to pimps, who control certain streetwalking areas.

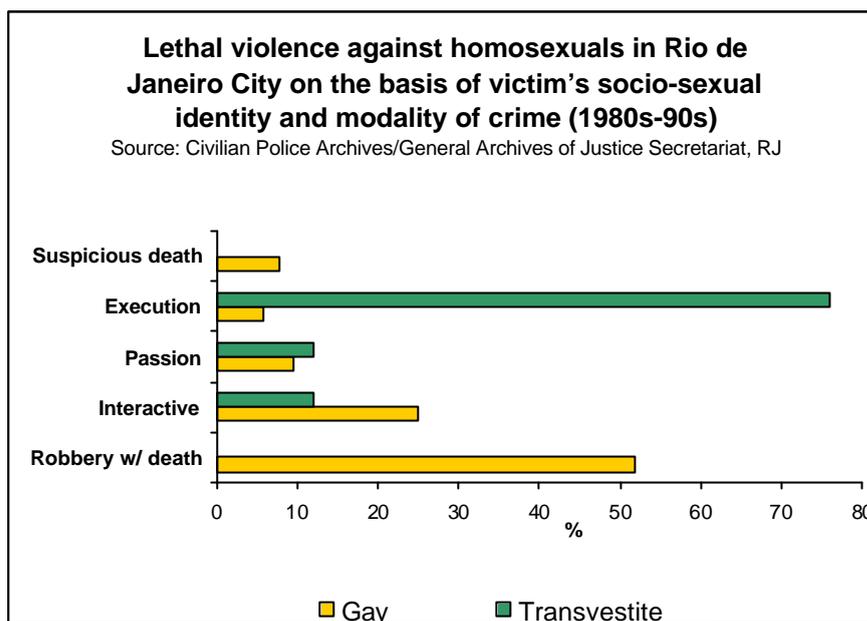


Figure 11

In cases of victims classified as gays, the higher rates of robbery followed by death are evident. The few murders by execution here do not display the typical traits of hate crimes, such as the one that victimized Edson Neris da Silva in São Paulo in February 2000.¹⁴ There are only two cases of executions in which there is explicit mention of the victim's homosexuality. One of the cases is a triple homicide involving drug trafficking, in which witnesses testified that one of the victims was homosexual. In the other case the victim is also suspected of involvement with drug trafficking. The two categories present slightly closer victimization indices when interactive crimes are examined, particularly crimes of passion. In many of these cases, it should be stressed, both victim and aggressor are identified as homosexual.

The different patterns of victimization are also quite clear when we consider the victim's socio-sexual identities and the type of weapons used in the crime. As **Figure 12** shows clearly, while 68 percent of transvestites were killed with firearms, only 23.5 percent of gays were victimized this way. On the other hand, when one considers crimes

¹⁴ Edson Neris da Silva was beaten to death by a group of young men on a square in downtown São Paulo, with no other apparent reason than the prejudice against homosexuals.

perpetrated with knives, strangling and bludgeons, the proportions are inverted: these modalities are involved in 60.7 percent of deaths of gays and in only 20 percent of deaths of transvestites.

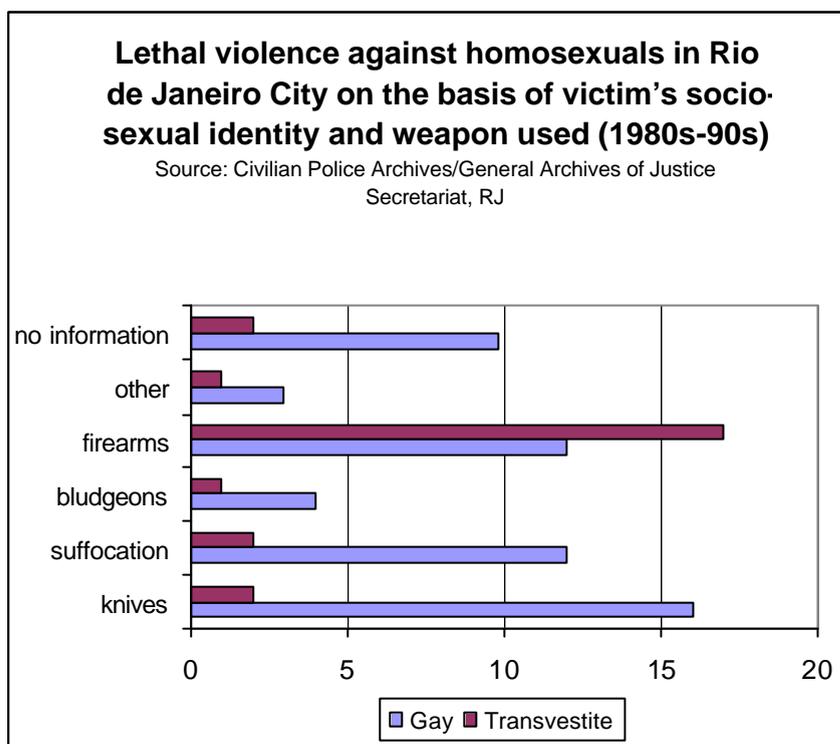


Figure 12

Generally speaking, the data we have highlight the clear social distance between transvestites and those homosexuals here classified as “gays.” Although it would be difficult to establish a more precise sociological characterization on the basis of the available data, the correlation between the victim’s race as attributed by policepersons and medical examiners and the victim’s socio-sexual identity, as **Figure 13** indicates, provides a good measure of this distance. Clearly, among black and brown persons the number of transvestites is higher than that of gays, a fact that indicates their origin among the poorer sections of the Brazilian population.

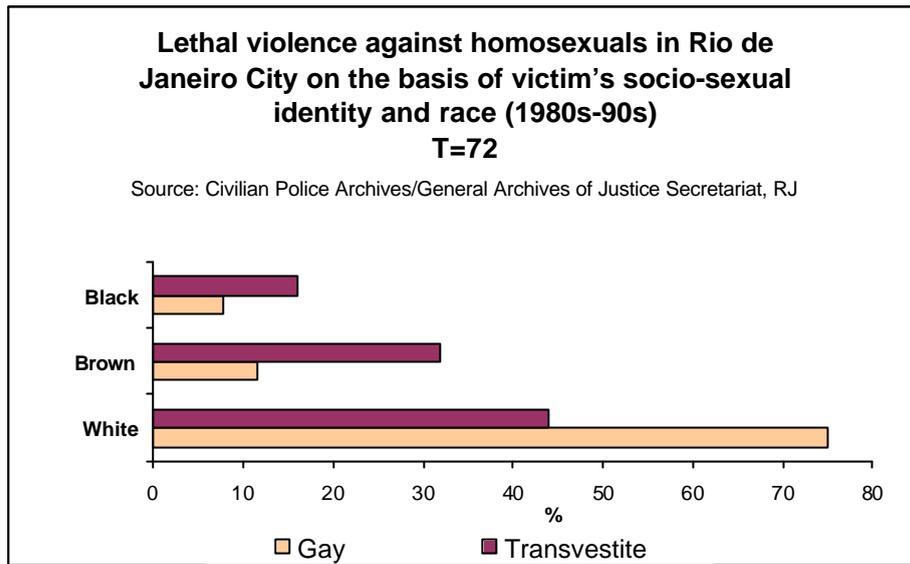


Figure 13

3. The Reaction of the Judicial System

Finally, to conclude our overview of the data, some observations on the handling of these cases by the Rio de Janeiro judicial system are in order. Of the 105 cases reported at different police stations, we have information on the situation of 85 judicial proceedings based on those cases. **Figure 14** shows the general proportions of dismissed cases, convictions and acquittals. It should be stressed that although the number of dismissed cases is quite high for this sort of crime (homicides and robberies followed by death), the proportion of cases actually brought to court (19 percent) is not negligible.¹⁵

¹⁵ Though the figure seems to us exaggerated and based on inconsistent data, Soares et al.'s estimate as to impunity in cases of lethal violence, based on the number of dismissed cases in Rio de Janeiro City, is 92 percent for 1992 (Soares et. al 1996: 239).

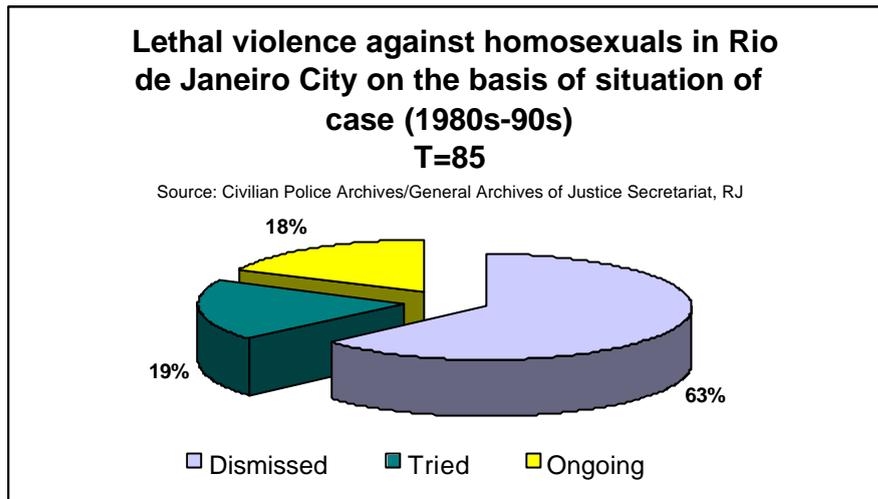


Figure 14

If we consider only cases in which the defendants were taken to court (22), we have 16 convictions and six acquittals, as **Figure 15** shows.

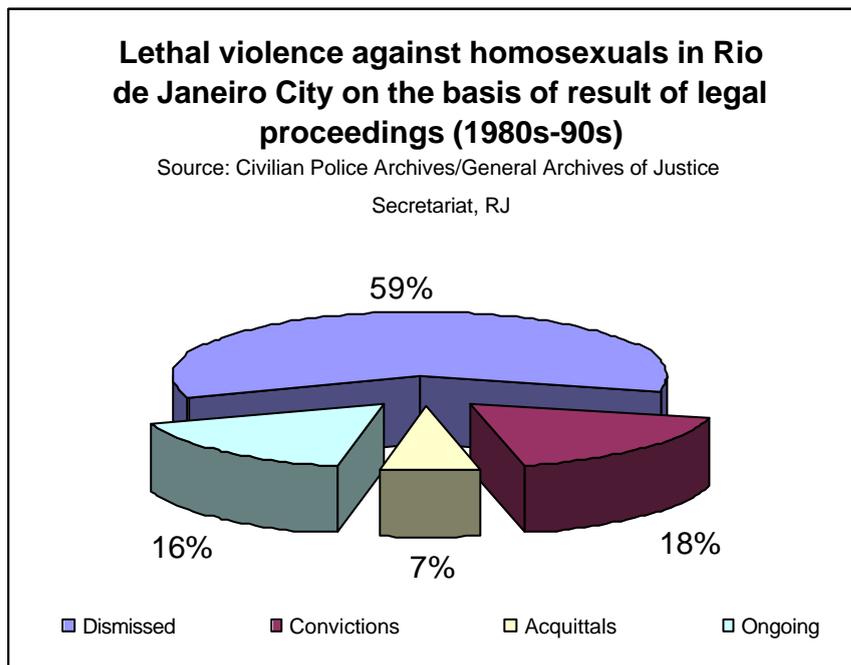


Figure 15

What happens to the cases in the judicial system varies considerably according to the modality of crime involved (see below, **Figure 16**). Cases of execution tend to be mostly dismissed (78 percent); only one conviction occurred, which corresponds to 4.5 percent of cases in this modality. If one considers that executions affect transvestites in particular, one begins to grasp the degree of impunity that characterizes lethal crime against this group. Although the ongoing judicial proceedings included in our sample involved mostly crimes that are classified as interactive and crimes of passion as to their apparent motivation, here the number of dismissed cases is rather lower (52 percent) and there were two convictions, amounting to 9.5 percent of cases. As to robbery followed by death, where the victims are always gays, although there is still a large number of dismissed cases (50 percent) the number convictions is considerably higher: 13 defendants, amounting to 34 percent of the total of such cases.

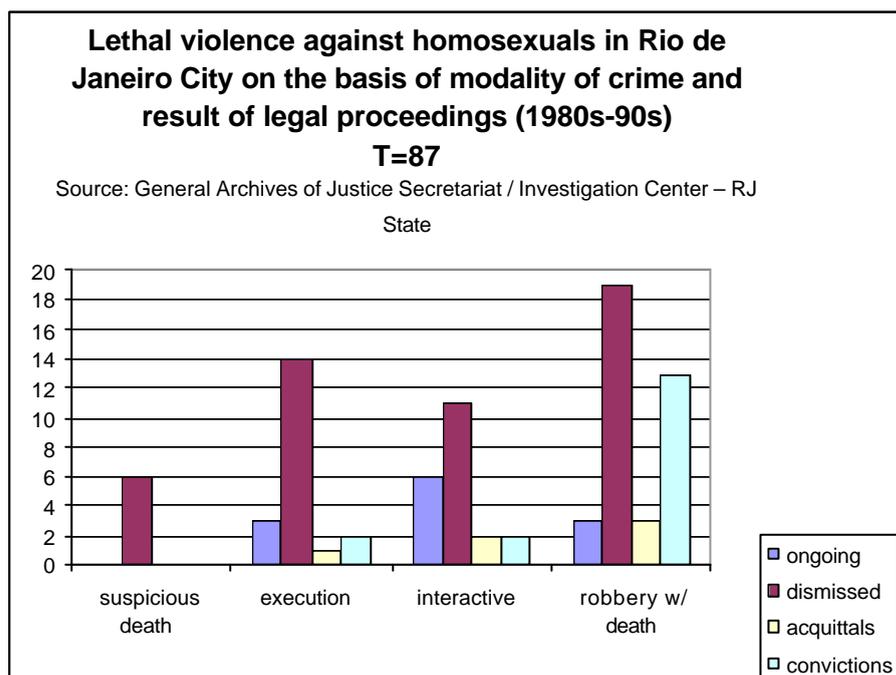


Figure 16

Conclusions

The data analyzed here clearly indicate the diversity of the contexts of interaction in which homosexuals are killed. The generic category “violence against homosexuals” includes quite different dynamics, at least in cases of lethal violence. On the one hand, we need to know more about the lethal violence taking place in the context of previously established relationships between lovers, companions or acquaintances in general (neighbors, co-workers, etc.). On the other hand, it is of the utmost importance to analyze more closely cases involving prostitution, which include both vulnerable transvestites who are sex workers and gays who pick up male hustlers and streetwalkers, which account for a significant part of persons involved in cases of robbery followed by death.

It is also necessary to investigate the models of understanding and intervention promoted by the police and by legal agents in these cases; otherwise it will be impossible to understand the different proportions of convictions and acquittals according to the different types of homicide. As to the course of investigations and the trial of defendants, for instance, the contrast between executions and robberies followed by death is evident, and it may be partly explained by the fact that executions are more difficult to investigate, the social position of the victim also seems to be a relevant factor, for, as we have seen, it tends to be higher in cases of robbery followed by death. If in the case of interactive crimes we have two convictions and two acquittals, whereas in robbery followed by death we have three acquittals and 13 convictions. This seems to suggest not only that the real or supposed homosexuality of the victim does not always have the effect of guaranteeing the impunity of the defendants, but also that the reaction of the judicial system to lethal violence against homosexuals is conditioned by the interaction between the different hierarchies of gender/sex, class and race.

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