



DOSSIER ON

Miguel Otávio's

CASE



POR TODAS AS MULHERES • POR TODOS OS DIREITOS

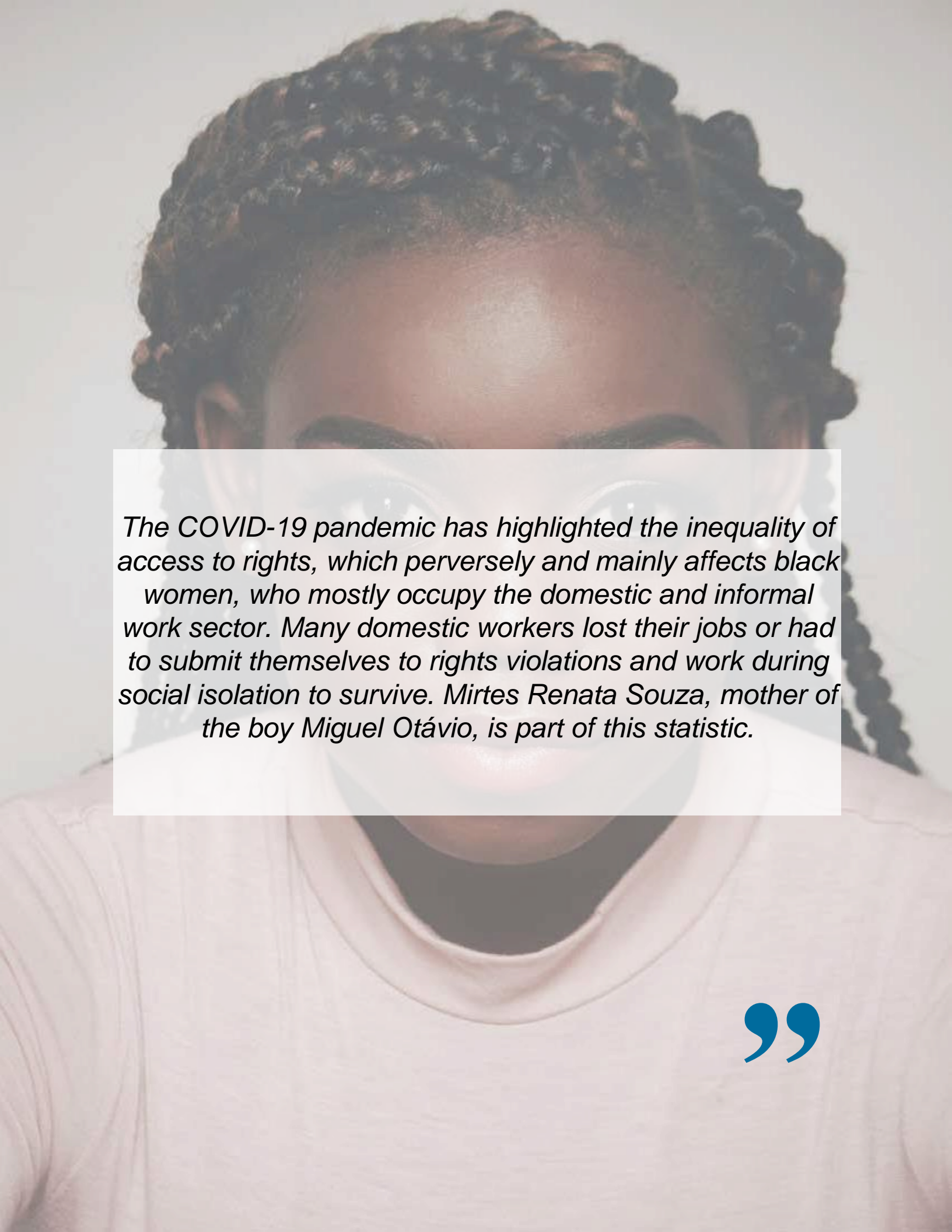
| Dossier on Miguel Otávio's case

The Curumim Group elaborated this dossier to contribute to Miguel Otávio's memory and the fight for justice in the process that investigates his death. This document summarizes what has happened in the past 12 months since Miguel Otávio's death. The information presented here is based on what has been released by media outlets' accounts and Mirtes Renata Souza's advocacy.

Miguel Otávio, a black child, son of Mirtes Renata Souza, was under the care of Sarí Gaspar Corte Real, his mother's employer, when he was exposed to the neglect that led to his death. Sarí Gaspar Corte Real is a white, bourgeois woman with strong influence in the elite and politics in the Brazilian state of Pernambuco.

It is worth mentioning that the death of Miguel, as well as the trial that is being conducted in the Brazilian justice system, takes place in a political environment of extreme right-wing extremism in Brazil. There, the population has been systematically suffering setbacks in the field of human rights, worsening all forms of oppression and the consolidation of racism. This affects all of society and dramatically impacts the poor and black population's access to their rights.

The COVID-19 pandemic has highlighted the inequality of access to rights, which perversely and mainly affects black women, who mostly occupy the domestic and informal work sector. Many domestic workers lost their jobs or had to submit themselves to rights violations and work during social isolation to survive. Mirtes Renata Souza, mother of the boy Miguel Otávio, is part of this statistic. Black woman, domestic worker, head of a family, who did not have the right to stay home during the lockdown with a guarantee of her monthly income. She worked even though infected by the virus. It is not possible to exclude the State's responsibility, which did not adopt effective inspection during the lockdown, putting the lives of black women and their children at risk, to the detriment of rich and powerful families, "the Brazilian elite." The Curumim Group intends to continue recording the facts to serve as reflection and denunciation until the process is concluded and justice is done.



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| Editorial

The death of the boy Miguel Otávio Santana da Silva on June 2, 2020, amid the Covid-19 pandemic and global protests against racism, shocked Brazil and made headlines worldwide.

Miguel Otávio Santana da Silva, only 5 years old, fell from the 9th floor of a luxury building in Recife, capital of Pernambuco, while under the care of Sarí Gaspar Corte Real, until then, the employer of Mirtes Renata Souza, Miguel's mother.

A year has passed, and the criminal process is still in the phase of hearing witnesses. It is still going on with some irregularities concerning the defense witnesses of the defendant, Sarí Gaspar Corte Real. For example, according to the court, one of the witnesses was not found at the address informed by Sarí Gaspar Corte Real's lawyers and has still not been heard one year after the event. Another irregularity was that one of the witnesses had her testimony taken without the presence of the prosecution assistants, which violates the right of the prosecution to "request questions to the witnesses" under article 271 of the Code of Criminal Procedure (CPP).

The Criminal Law in Brazil, article 564 of the CPP, should guarantee the annulment of the wiretapping of the witness in this case. Despite being in the law, the annulment of the wiretapping of the witness requested by Mirtes Renata's lawyer had not been granted until May 23, 2021, the day we wrote this document.

This dossier brings together milestones of this tragedy. It sheds light on elements of the structural racism rooted in Brazilian society, marked by the heritage of almost four centuries of enslavement of black people and evidence of the selectivity of access to the law in the country's criminal justice system. At the same time, it retraces the steps of Mirtes Renata Souza, mother of the boy Miguel, who lost her only son and for love of him gathered the strength to go on and fight for justice.



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| The day

On June 2, 2020, amid the Covid-19 pandemic, Mirtes Renata Souza was leaving her home in the neighborhood of Barro, on the periphery of Recife, to work. Mirtes Renata's employers had previously been infected with the coronavirus. She also tested positive, yet she was forced to work. As Mirtes Renata was not released from her duties, she went on to work as a housecleaner in the apartment of the Sarí Corte Real and Sérgio Hacker - first lady and mayor of Tamandaré, a city in the interior of Pernambuco, respectively. Their apartment is on the fifth floor of a luxury building in the central area of the capital of Pernambuco.

That Tuesday, the boy Miguel was off from school, and the Hotelzinho, the daycare center he attended, was closed due to quarantine measures to reduce the contagion of Covid-19. Since she had a regular workday, Mirtes Renata had to take her son with her. On the morning of June 2, Miguel played with the employers' daughter inside the apartment. At one point, Mirtes Renata had to go downstairs and take Sari's dog for a walk. As agreed between employer and employee, Sarí Corte Real was responsible for taking care of Miguel at that moment. There began a series of absurdities that no mother in the world should go through.

While still at the building's lobby, Mirtes Renata went to pick up an order and learned that someone had fallen. She ran to see who it was and found out it was her son, Miguel.

In interviews, Mirtes Renata Souza reported that she still found her son Miguel alive, struggling to breathe. A doctor who lived in the building provided first aid but said that he would need urgent care. Then, without waiting for the arrival of the Public Emergency Medical Service - SAMU, Mirtes Souza and Sarí Corte Real took him to the Hospital da Restauração. Miguel arrived at the hospital in his mother's arms while still alive, but he could not resist his injuries and died shortly after that.

A young boy with short dark hair, wearing a white short-sleeved shirt, is smiling and looking down into a ball pit. The ball pit is filled with colorful balls in shades of blue, yellow, pink, green, and purple. A large green balloon is floating above him. The background is a bright orange wall. A large blue quotation mark is positioned to the left of the boy.

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| The report

On the same day, the Military Police, Civil Police, and the Criminalistics Institute moved to the crime site. The investigations took place under the command of Chief Ramón Teixeira--then, head of the Santo Amaro Sectional Police Station-- and was carried out by the expert André Amaral.

According to preliminary information from the expert, the little Miguel took the elevator and went up alone to the ninth floor. There, he climbed onto the building parapet that gave access to a machine room, placed both feet in the compressor box, and climbed a height of 1.2 meters (3.9ft), at which point a piece came loose, and he fell to a drop of approximately 35 meters (115ft).

Miguel Otávio's funeral was held on Wednesday, June 3, 2020. Sarí Corte Real and Sérgio Hacker went to the ceremony and supported Mirtes Renata, who was unaware of all the facts that led to her son's death. The day after the funeral, a video recorded by the elevator's security camera came public. Thus, Mirtes saw that her son Miguel went up to the 9th floor. The video showed Sarí Corte Real taking Miguel out of the elevator a few times and, lastly, pressing a button on the elevator cover that led to some floor above her apartment's floor. Afterward, she released the equipment door, with the boy Miguel alone inside it.

Sarí Corte Real was even taken to the police station and was arrested in flagrante delicto for manslaughter--when there was no intention to kill. However, she bailed out, paying 20,000 Brazilian reais (approximately 4,000 American dollars). After a month of the child's death, the Civil Police concluded the investigations. The Public Ministry of Pernambuco (MPPE) denounced Sari Corte Real--the first lady of Tamandaré and former employer of Mirtes Renata-- for Neglect and Abandonment, resulting in death. The denouncement included aggravating crimes against children and in the event of public calamity due to the Covid-19 pandemic. According to the investigation, even though she did not intend to kill the boy, Sarí Corte Real left him intentionally in the building's elevator.



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| The process

According to Chiara Ramos, professor, and co-founder of the Abayomi Black Jurists Collective, for the Leia Já Portal, "The legal system works differently depending on the quality of the citizen."

In Brazil, we have a class of upper-citizens above the law, which only takes their privileges from this system but does not receive punishment and sanctions. It is called whiteness, the people of a higher financial class. And we have a class of sub-citizens, inserted in the system, but only to receive the punishment."

In this context, and in contradiction to what is foreseen in the law of Abuse of Authority (13,869), Sarí Corte Real's name was hidden from police reports and, consequently, from journalistic coverage for a long time during the beginning of the investigations. Sarí Corte Real's privileges also ensured that Police Station Chief Rámon Teixeira opened the 1st Civil Police Station in Santo Amaro, central Recife, two hours earlier than usual just to hear her.

On December 3, 2020, six months after the tragedy that took Miguel's life, the first hearing of the case was held by the Court of Justice of Pernambuco (TJPE), conducted by Judge José Renato Bezerra, head of the 1st Circuit Court of Crimes against Children and Adolescents (Cica). The hearing lasted 8 hours, and eight prosecution witnesses were heard, including Miguel's mother and grandmother (Marta Maria Santana Alves). After that, the justice heard four defense witnesses.

At the time, Mirtes Renta Souza's lawyer, Rodrigo Almendra, said that Sarí Corte Real's defense tried to portray her as someone psychologically incapable of foreseeing the consequences of leaving little Miguel in the elevator. Her defense also tried to portray the boy, who was five years old, as someone who could take care of himself. Mirtes Renata confirmed the remark at a press conference held at the Office of Legal Aid to Popular Organizations. She said that they tried to demonize her son Miguel. "They want to turn my son into a demon and Sarí into a saint. My son was a healthy, well-mannered child, and they want to turn my son into the worst child in the world," she said.

This May, Mirtes Renata Souza's lawyers requested canceling a hearing held by the Court of Justice of Pernambuco (TJPE), which would have been conducted without the presence of representatives of Miguel's mother. Until the dossier's completion, the second hearing, intended to question Sarí Corte Real, had no date set to take place.



The Washington Post



Time Magazine

| Repercussion

Since the day of Miguel Otávio's death, the case quickly gained national and international repercussions. Several protests in person and online, from social movements, politicians, and artists, have grown demanding justice for Miguel. The Black Movement of Pernambuco (ANEPE) has made important advocacy in defense of Mirtes Renata and for justice for Miguel.

Among the manifestations is the online petition, still active, currently with more than 2.5 million signatures asking for justice.

On June 05, 2020, hundreds of people protested in front of the Pier Maurício de Nassau Condominium, where Mirtes Renata's former employers' family lives. Several other protests followed. On June 06, 2020, Protests painted the boy's face in front of the building where the crime occurred. On June 09, 2020, artists held a protest on boats on the Capibaribe River in Recife, one day after Miguel's seventh-day mass.

Photo of the twin towers: <https://www.pinterest.co.uk/pin/829506825087290873/>

The following month, social movements and Mirtes Renata, relatives, and friends of Miguel's family held a march through Recife's downtown. In that action, demonstrators carried signs calling for justice and walked to the police station where the case is being investigated.

Other actions are being carried out in Pernambuco state. Last May 09, Mother's Day, the first day that Mirtes Renata went without her son, the Women's Forum of Pernambuco graffitied a wall with Miguel's picture and a request for justice. Also, in May, Mirtes Renata called-- alongside social movements--for an act to put pressure on the judiciary.

The repercussions of the case went beyond national borders and were the subject of major American newspapers such as Time, The Guardian, The Washington Post, and a UN report for the Human Rights Council with the theme Covid-19, systemic racism, and global protests.

Today, the struggle for justice for Miguel has gained national and international proportions, including black and brown and Black women's movements, anti-racist and human rights movements from various segments, and anti-racist feminist organizations and educational and research institutions.

The struggle for Justice for Miguel and to combat racism continues actively. From May 30 to June 05, 2021, the International Week of Justice for Miguel will take place.

Justice for Miguel. Justice for the lives of Black children in Brazil!



The Washington Post

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Justice for Miguel. Justice for the lives of Black children in Brazil!

[Criança de 5 anos morre após cair do 9º andar de prédio no Centro do Recife](#)

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