



*Permanent Mission of Brazil to the United Nations Office in Geneva*  
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NO 228/12

The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to send the attached information in response to the joint allegation letter sent by the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, and on and on extrajudicial, summary or arbitrary executions, of March 28, 2012.

The Permanent Mission of Brazil avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

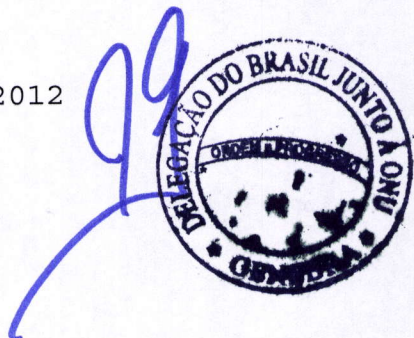
Geneva, July 3, 2012

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and other International Organizations in Geneva***  
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Brazil is fully committed, in all levels and powers, to the fight against threats and violence towards journalists.

2. Brazil identifies journalistic activities as those developed by human rights defenders. Such association derives not only from the intrinsic value itself attributed to the freedom of thought, opinion, manifestation and expression and to the rights to access to information and to justice to the fully exercise of the journalistic activity. It also derives from the instrumental role the exercise of this activity plays to the promotion of other categories of fundamental rights and freedom, to good governance and to the strengthening of democracy.
3. Journalists, as well as human rights defenders, have been exercising activities with important implications for the protection of various categories of rights, whether civil, political, economic, social or cultural. They have taken care of the observance of transparency and the good management in various governmental spheres. They have monitored electoral processes and contributed to expose violations and to mobilize public opinion in favor of the protection of the rights of groups in vulnerable situations. Furthermore, they have acted to expose violence, abuses or omission of authorities, regarding their duty to respect, promote and protect rights.
4. The list of subjects and preoccupations evidenced by the journalistic activity is extensive and shows how the lexicon of human rights could and should indivisibly and independently permeate the journalistic activity's performance. The Brazilian government values the important role played by journalists at informing society and enabling social control of the exercise of civil service.
5. Therefore, journalists, and also human rights defenders, deserve the recognition and special attention from the Government, not only when it regards the application of necessary measures in order to protect their lives and physical integrity, but also when it comes to confronting the reasons which expose them to a vulnerable situations and to the punishment of those responsible for threats

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or other acts that attempt against the free exercise of their profession, life and integrity.

6. Brazil pioneered, in 2004, when it launched the Program for the Protection of Human Rights Defenders. The program acts according to parameters defined by resolution 53/144, of the UN General Assembly, that approved the "Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms".

7. The program was later strengthened by the Presidential Decree n. 6.044, 2007, that instituted the basis for the National Policy on Protection of Human Rights Defenders. It will be considered a state policy after the approval of bill n. 4.575, proposed by Federal Government in 2007, that defines the legal framework for its execution. It is worth remembering that during the evaluation of Brazil by the UN Human Rights Council's Universal Periodic Review (UPR), in May 25, 2012, the Chairman of the Commission on Human Rights and Minorities in the House of Representatives, Congressman Domingos Dutra, informed that the bill's approval is a priority objective in the current legislature mandate. Such bill has already been approved by all competent commissions in the House of Representatives, and is waiting for the manifestation of the plenary of that House.

8. The management of the program includes active participation of civil society, who has a sit in both in national and state coordinations. Eight states of the federation - Bahia, Ceara, Espirito Santo, Minas Gerais, Pará, Pernambuco, Rio de Janeiro and Rio Grande do Sul - have already signed an agreement with the Federal Government to decentralize the implementation of their actions. Concerning States which have not yet joined the program, threatened defenders can appeal directly to the national coordination. Since its creation in 2004, the program conducted 721 cases and protected 344 human rights defenders. Currently, 299 individuals are under protection throughout the country.

9. The possibility that journalists that were victims of threats to their life or physical integrity receive a special protection of the State, certainly does not exclude the primary responsibility of the State to punish those responsible for these threats. This obligation of the State not only coincides with the effective fulfillment of the disposal of criminal law, but it is also, in the case of journalists, an additional guarantee of protection against those who dare to threaten or harm their life or integrity. Brazil, therefore, recognizes the imperative necessity to conduct a successful investigation into the circumstances and those responsible

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for the murders of Mario Randolpho Marques Lopes and Paulo Roberto Cardoso Rodrigues, as reported below.

ABOUT THE INVESTIGATION OF THE MURDER OF MARIO RANDOLPHO MARQUES LOPES E PAULO ROBERTO CARDOSO RODRIGUES

10. Authorities responsible for the investigation and criminal punishment of those implicated in the murder of Mario Randolpho Marques Lopes and Paulo Roberto Cardoso Rodrigues are committed to fulfill their statutory duty carrying out these investigations in a swiftly, thorough and impartial manner. Authorities participating in the investigation suspect that the deaths may actually be linked to complaints addressed by journalists against local authorities and militias. When the police investigations are completed, suspects of murdering Randolpho Mario Lopes Marques and Paulo Roberto Cardoso Rodrigues will be brought to justice in order to proceed to a rightful judgment.

11. The questionnaire responses submitted to the Brazilian Government by the Special Rapporteurs on Freedom of Opinion and Expression, on the Situation of Human Rights Defenders and on Extrajudicial, Summary or Arbitrary Executions are presented below.

a) Are the facts alleged in the summary of the case accurate?

The facts of the notification presented by the United Nations Special Rapporteurs are related to the information gathered so far by bodies responsible for criminal investigations. Investigations concerning the murder of Paulo Roberto Cardoso Rodrigues have not yet confirmed his alleged criticism of local authorities or his alignment with opposition candidates.

b) Have complaints been submitted on behalf of the victims?

Criminal investigations were opened in both cases. The Civil Police of the State of Rio de Janeiro has informed the General Attorney of the investigation of the murder of Mario Randolpho Marques Lopes.

c) Please, provide details and, if available, the results of any judicial investigations, criminal charges and other investigations related to these cases.

Mario Randolpho Marques Lopes

The crime was reported to the police on December 9, 2011 and filed through the Registry of Occurrence No. 0293/0088/2012. The procedure led to the establishment of Police Investigation No. 112/12, in the 88th civil police station of Barra do Piraí, in the state of Rio de Janeiro.

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On-site expertise of the homicide and autopsies of the victims were performed on the same date. It was not possible to collect usable pictures of security cameras located in the vicinity of the crime. Until last March 27, 23 witnesses had been heard. The Civil Police informed the prosecutor about the case and was waiting for the approval of necessary precautionary measures by the Judiciary. According to Jose Salomao Omena, the Chief of Police in charge, an analysis of the material published by Marques Lopes would also be performed, in order to identify any potential threats that could be related to the free practice of journalism.

Paulo Roberto Cardoso Rodrigues

The Civil Police of the State of Mato Grosso do Sul confirmed that the crime occurred in February 12, 2012. They adduced that the victim was targeted by four shots from a firearm. Although rescued alive, he died in the hospital, in the early hours of February 13. Police investigation nº 68/2012 was set up, in sequence, under the responsibility of the 1st Civil Police Station of Ponta Porã, Mato Grosso do Sul.

Police authorities responsible for the investigations believe that the journalist may have been victim of an execution perpetrated by two persons, who have acted upon payment of a third person. Images of the perpetrators were captured by a circuit of private security installed near the site. The material was sent to the Criminology Institute of the General Coordination of Forensics of the State of Mato Grosso do Sul.

Victims' breach of phone secrecy was requested to the Judiciary,. According to the 1st Civil Police Station of Ponta Porã, about 20 persons who had a relationship with the victim in professional, personal and family ambit had already been surveyed. A person suspected of involvement in crimes of murder upon payment was arrested provisionally, after the murder of Cardoso Rodrigues. A weapon found in the possession of that person would be subject to ballistic exam, for comparison with projectiles that hit Cardoso Rodrigues. Moreover, media which were in the journalist's possession are under analysis by the police. Police authorities of the State of the Mato Grosso do Sul pointed out that the officials responsible for the case have been engaged in the investigation in order to achieve rapid identification of suspects of the murder.

d) Please, provide information regarding the measures taken to ensure security of the journalists in Brazil and to ensure that journalists can perform their activities and to express their opinion without suffering acts of violence or persecution.

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Crimes committed against journalists in the course of their duty are aggravated, considering that, not only represent an aggression against human person, but also constitute attacks to freedom of opinion, manifestation and expression, as well as of the right of every citizen to have access to information.

When under threat, journalists can, as mentioned before, receive State protection by the National Program for the Protection of Human Rights Defenders. Brazil applies a global policy on protection of human rights defenders, which includes the appreciation of their work, treatment of the structural causes which expose them to risk, the monitoring of these risks, besides the application of police measures of protection.

Concerning the situation of journalists, the Ministry of Human Rights determined the creation, in May 2012, of a follow up committee to monitor and implement actions to combat violence against this sector. In 2011, bill n° 1078/2011 was presented to the National Congress, which provides the federalization of the trial of crimes against journalists, when there is omission or inefficiency of the competent authorities. The bill provides that, in these cases, the Federal Police will take part in the investigations.

12. Finally, the Brazilian government reiterates its commitment to the United Nations human rights system and is willing to provide any additional information on the above mentioned cases to the Special Rapporteurs on the Promotion and Protection of the right to freedom of opinion and expression, on the situation of human rights defenders and on extrajudicial, summary or arbitrary Executions.