



*Permanent Mission of Brazil to the United Nations Office in Geneva
Chemin Camille-Vidart, 15 – 1202 - Genève*

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The Permanent Mission of Brazil to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to refer to the joint communication AL BRA 4/2024, dated August 20th 2024.

The Permanent Mission would like to forward the attached information from the Government of Brazil regarding alleged threats against “quilombola” human rights defenders from the Quilombo Onça, municipality of Santa Inês, State of Maranhão, Brazil.

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

Geneva, October 22nd 2024.



To the
Office of the United Nations High Commissioner for Human Rights
(OHCHR), Special Procedures Branch
ohchr-registry@un.org



FEDERATIVE REPUBLIC OF BRAZIL

HUMAN RIGHTS COMMITTEE
ALLEGATIONS BR. 4/2024
QUILOMBO ONÇA (MA)
STATE REPORT
OCTOBER 2024

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has sent to the Brazilian State an allegation letter (AL BRA 4/2024) jointly signed by four mandate holders of the Human Rights Council's special procedures, requesting information on alleged threats against “quilombola” human rights defenders from the Quilombo Onça, located in the municipality of Santa Inês, State of Maranhão (MA).

The communication was signed by the Chair-Rapporteur of the Working Group of Experts on People of African Descent, Ms. Barbara Reynolds; the Special Rapporteur on the Right to Food, Mr. Michael Fakhri; the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, Ms. Gina Romero; and the Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor.

The document conveys allegations presented to the aforementioned special procedure mandate holders concerning alleged attacks against Mr. Antonio Alves, Mr. Antonio Jean, Mr. Valdivino Lopes, and Mr. Reginaldo da Conceição, all members of the Maranhão Quilombola Movement (MOQUIBOM) and the National Quilombos Coordination, due to their activism and defense of the recognition and titling of traditional community lands. It is reported that the intimidating actions were carried out by local farmers and landowners, including death threats and the destruction of crops and community fields.

Regarding Mr. Antonio Jean and Mr. Reginaldo da Conceição, the allegation letter indicates that, due to previous threats, both were already included in the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH), in partnership with the state government, but were not being adequately protected by the Program.

The allegation letter also reports that, since 2010, the Quilombo Onça has been seeking the title to its traditional lands, which have been subject to invasions and deforestation by cattle ranchers. It is reported that, on April 19, 2024, a farmer and six of his employees released a herd of 250 cattle onto the fields and plantations of the community, destroying the source of sustenance for local families, an issue that has not been investigated.

Beyond the context of intimidation and threats by "private security" of local farmers and landowners, the letter also reports an incident of assault and attempted murder against Mr. Antonio Alves, aged 73, which occurred on May 30, 2024. It also indicates that the victim filed a police report with the Civil Police, detailing the threats

made during the same incident against Mr. Antonio Jean, Mr. Valdivino Lopes, and Mr. Reginaldo da Conceição, but no updates have been received.

The organization requested the State to submit its observations by October 19, 2024.

Accordingly, the State presents its observations.

1. Introduction

The Transitional Constitutional Provisions Act, from the 1988 Constitution of the Federative Republic of Brazil, states, in its Article 68, that "the remaining members of the quilombo communities who are occupying their lands are recognized as having definitive ownership, and the State shall issue them the respective titles." This provision represents a true right of ownership for quilombo remnants.

The Decree 4887/03 describes quilombo communities, for the purposes of the aforementioned Decree, as ethno-racial groups, according to criteria of self-identification, with a unique historical trajectory, possessing specific territorial relations, and presumed black ancestry related to resistance against historical oppression. Quilombolas are socioeconomically vulnerable groups, necessitating the participation of the State to ensure the protection of their collective rights.

In recent years, Quilombola Communities, Traditional Peoples and Communities of African Descent, and Terreiros Peoples, have experienced several episodes of racism and violence. At the end of 2022, a national study by the government indicated a serious scenario, pointing to the need for structural and systematic responses to overcome this situation.

Currently, a broad process is underway to rebuild Brazil's policy regarding Quilombola Communities, Romani People, Traditional Peoples and Communities of African Descent, and Terreiros Peoples. A policy that addresses racism, religious racism, and violence and discrimination against the black urban and rural population.

In this context, the government of Brazil has introduced the "Quilomba Brasil Program", established by Presidential Decree No. 11.447, dated March 21, 2023. The program includes actions aimed at the following objectives: access to land and territory; infrastructure and quality of life; productive inclusion and local development; rights and citizenship. The program is managed by a committee composed by 12 Ministries and Social Movements, seeking ways to coordinate the execution of essential public policies to overcome the Institutional Racism that has plagued Brazilian society for many years.

Over the past months, the committee has established two working groups: one focusing on a National Titling Agenda, and another that developed the National Quilombola Territorial Environmental Management Policy. The Working Group developing the National Titling Agenda for Quilombola Territories in Brazil has been working on creating criteria and guidelines to assist with the titling process of more than 3,000 Quilombola Communities certified by the Cultural Palmares Foundation.

The Secretariat for Policies for Quilombolas, Peoples and Traditional Communities of African Descent, Terreiros Peoples, and Romani People understands the need to immediately build a policy that can assist in the development strategies for Quilombola Communities in Brazil, coordinating, through a process of dialogue and consultation, the necessary public policies for these communities. In this context, the Decree No. 11.786/23 was issued in 2023, establishing the National Quilombola Territorial Environmental Management Policy.

2. Information on the investigations into the attack against Mr. Alves and the death threats reportedly made against Mr Antonio Jean, Mr. Valdivino Lopes and Mr. Reginaldo da Conceição on 30 May 2024

According to information provided by the 7th Military Police Battalion, on September 17, 2024, it was determined that a team from the Tactical Force would travel to the Quilombo Onça Community to verify the situations contained in the Letter of Allegations.

A team from the Tactical Force went to Quilombo Onça, where they maintained contact with Mr. Antonio Alves, Mr. Antonio Jean and Mr. Valdivino Lopes, who reported that the conflicts between the quilombolas and a farmer, which previously occurred with certain frequency, no longer occurred. According to them, there is currently a peaceful atmosphere in the region. Neither the farmer nor his workers, who herded the cattle, have been recently seen in the region, not even in the nearby village, called Calando, which is on the banks of BR-222.

The Military Police informed that the quilombola leaders reported that they registered police reports with the Civil Police of Santa Inês and through other Human Rights channels, seeking protection, as they were under constant threat, even with the Military Police frequently going to the Quilombo Onça. They informed that until the date of the visit, a decision from the National Institute of Colonization and Agrarian Reform (INCRA) and the Institute of Colonization and Land of Maranhão (ITERMA) was pending.

The leaders stated that the farmer's cattle had been removed from the quilombo's lands, but only after they had destroyed the fields. The military police reported that the latest incident referred to an attack on Mr. Antonio Alves by a farmer's employee, while he was traveling from the quilombo to the town of Calango, to catch a vehicle heading to Santa Inês. On that occasion, a garrison of the Military Police promptly went to the location, where, together with a municipal ambulance, they removed Mr. Antonio Alves to the Municipal Hospital of Santa Inês. Since that date, intimidation by the farmer and his workers has ceased.

The Military Police informed that, through the 7th BPM, it carries out periodic patrols in that location, having responded promptly to all calls from that community.

3. Information on the investigations into the destruction of the crops and fields of the Quilombo

The Brazilian government has been in close dialogue with the Quilombola Communities of Maranhão, including participating in an Interinstitutional Mission with the National Commission on Combating Violence in the Countryside (CNEVC).

Additionally, a virtual meeting was held with representatives of the Quilombola Onça Community, attended by the State Secretary of Human Rights of the State of Maranhão, where the delicate situation facing the entire community was discussed. From this meeting, a closer dialogue with the National Institute for Colonization and Agrarian Reform was directed to assist in advancing the titling process.

Regarding the measures adopted in the case of the Quilombola Onça Community in Santa Inês/MA, involving activities from the State Program for the Protection of Human Rights Defenders (PEPDDH-MA) and the State Commission for the Prevention of Violence in the Countryside and City, the State Secretariat of Human Rights and Popular Participation/Maranhão reported the following:

1. Developments of the Case in 2024: On April 16, 2024, the COECV was informed, through the on-call service, about the presence of armed men, wearing hoods, in the community's territory, riding horses and cars, under the orders of local farmers. According to the reports, a suspect allegedly told residents that he was acting on behalf of a farmer to address land possession issues within the community. Additionally, videos were received denouncing that the farmers' livestock were destroying the community's crops, intensifying the conflict and local indignation.
2. Based on this information, SEDIHPOP took the following measures:
 - a) SEDIHPOP sent a piece of information to the Public Security Secretariat (SSP) to request the presence of the Military Police and the opening of an investigation to investigate the received threats
 - b) SEDIHPOP and SSP organized a meeting with community leaders, including a request for an investigation through Official Letter SSP 117/2024, Process SEI 2023.54000.01333 (still under investigation). On April 30, 2024, a visit was made to the community with representatives from SEDIHPOP, SEIR, ITERMA, SSP,

and INCRA to listen to the residents' accounts and to outline measures to address the conflict. During the visit, few measures were agreed, including:

- a) Maintaining regular patrols by the Military Police to monitor the situation;
- b) Working with the Santa Inês police station to demand the opening of an investigation into the crimes suffered by the community and collecting the testimonies of those involved;
- c) Integrating community representatives into INCRA and ITERMA quilombola tables;
- d) Prioritizing the titling process with INCRA to conclude, with priority, the RTID;
- e) Producing demarcation of the territory by ITERMA for defining community boundaries and instructing the INCRA process (in cooperation);
- f) Secretaries' trip to ministries to request prioritization of the case and the allocation of resources so that INCRA completes the titling. Subsequently, a meeting was held with the Ministry of Human Rights and Citizenship - MDHC and SEDIHPOP in Brasília to discuss the community's situation and seek further steps regarding territory defense and case prioritization, such as the allocation of resources so that INCRA completes the titling. Moreover, given the situation where rural workers in the community were prevented from accessing the land for agricultural production, the State Government, through SEDIHPOP, delivered 150 (one hundred and fifty) basic food baskets to community residents on June 25, 2024. Since then, the COECV team has been monitoring the case to prevent risks and direct public policies to ensure Human Rights for the community members.

The case of the Quilombola Onça Community remains under continuous monitoring by SEDIHPOP, through COECV and PEPDDH-MA. The main goal of this monitoring is to prevent risks and direct public policies to ensure the Human Rights of the community members.

4. Information on the inclusion of Mr. Antonio Jean and Mr. Reginaldo da Conceição in the Protection Mechanism (PPDH)

The Federal Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) monitors cases of human rights defenders in the federation units where there is no implemented State Protection Program. Once a State-level PPDDH is established, cases are transferred, and information under the custody of the Federal Program is passed on to the State Programs.

The State of Maranhão has an active State Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PEPDDH/MA), which is responsible for managing the Program within the state jurisdiction.

Given the complexity of the conflicts and the actions of the perpetrators, the following individuals were included in the PEPDDH/MA: Mr. Antônio Jean da Conceição Borges (Gato Preto), Mr. Reginaldo da Conceição Borges, and more recently, Mr. Valdivino Lopes da Silva (Vaim), recognized as key leaders and consequently, major targets of threats.

The following protective measures were adopted under the program, provided by the PEPDDH technical team:

WORD AXIS	MEASURES
Ensuring Physical Integrity	<p>MP 01 – Conducting visits to the defenders' place of operation to analyze the case and assess the risk or potential threats;</p> <p>MP 07 – Periodic monitoring of the activities of human rights defenders to verify the persistence of risk and threat situations;</p> <p>MP 08 – Requesting security intelligence protection measures from public security agencies in cases of serious threats;</p> <p>MP 10 – Training for education in human rights, self-protection, and consensual conflict resolution measures, where applicable.</p>

<p>Legal Support</p>	<p>MP 04 – Coordinating actions to adopt measures with any of the powers of the Union, States, Federal District, and Municipalities aimed at overcoming or reducing causes that may generate or aggravate threats to human rights defenders;</p> <p>MP 02 – Conducting public hearings, dialogue tables, meetings, and other actions that may help resolve or mitigate risks and threats;</p> <p>MP 09 – Coordinating with Union, State, Municipal, and Federal District agencies to investigate and address human rights violations committed against human rights defenders;</p> <p>MP 06 – Monitoring investigations, complaints, and judicial and administrative proceedings where human rights defenders are parties, particularly when related to their activities..</p>
<p>Strengthening Organization</p> <p>Social</p>	<p>MP 02 – Conducting public hearings, dialogue tables, meetings, and other actions that may help resolve or mitigate risks and threats;</p> <p>MP 03 – Coordinating actions to raise visibility for the activities of human rights defenders in promoting, protecting, realizing, and defending human and fundamental rights before businesses and any of the Powers of the Union, States, Federal District, and Municipalities, unless such measures increase the risk or threat to human rights defenders;</p> <p>MP 04 – Coordinating actions to adopt measures with any of the powers of the Union, States, Federal District, and Municipalities aimed at overcoming or reducing causes that may generate or aggravate threats to human rights defenders;</p> <p>MP 05 – Coordinating with other Federation Units as well as with any public or civil society entities for</p>

	<p>the execution of public policies, actions, or programs related to the field of activism of human rights defenders, with the goal of reducing risk or overcoming threats;</p> <p>MP 12 – Provision of mechanisms or security, protection, and communication equipment for the cases included, whenever the necessity and seriousness of the threat or risk situation are confirmed, by acquiring, installing, and maintaining such equipment or by contracting specialized services..</p>
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It should be noted that specific actions for each Protective Measure (MP) cannot be disclosed due to the confidentiality of Defenders' information and the protection methodologies of the Program. This is to prevent the weakening of the protective process for those assisted, in accordance with Article 4, Section III, Article 6, Article 23, Sections III and VIII, Article 25, and Article 31 of Federal Law No. 12,527, dated November 18, 2011.

5. Information on the specific measures that have been put in place to ensure quilombola leaders and human rights defenders

According to information from the PEPDDH-MA, dated August 16, 2024, monitoring of the Quilombola Onça Community began in 2021, following reports of deforestation and territorial invasion by of farmers in the region. The complaints indicated that the community's leaders were being threatened, with the main point of contention being the sale of traditionally owned lands to third parties for the community's work and housing purposes. Given this information, SEDIHPOP adopted the following measures:

- a) Sending information to the Public Security Secretariat (SSP) to request the presence of the Military Police and the opening of an investigation to investigate the threats received;
- b) Referral to the Threatened Persons Protection Center (NPPA) to assess the possible inclusion of threatened leaders in the protection program.

On May 10, 2024, SEDIHPOP held a meeting with the leaders of the Onça community, accompanied by lawyers from the Pastoral Land Commission, the Secretary of State for Human Rights and Popular Participation, representatives of the Secretary of State for Racial Equality and the State Commission of Combating Violence in the Countryside and in the City of Maranhão, representatives of the Ministry of Racial Equality, the Ministry of Agrarian Development and the Ministry of Justice and Public Security.

The leaders of the Onça community reported situations of human rights violations suffered as a result of the conflict and highlighted the need for land regularization in the territory. After listening to the reports from the leaders, the Ministry of Racial Equality agreed to keep on monitoring the case with the National Commission for Combating Violence in the Countryside. The aforementioned ministry has also committed to talk to the National Institute of Colonization and Agrarian Reform (Incra) in order to speed up the process of land regularization of the quilombola territory.

Subsequently, the Ministry of Human Rights and Citizenship (MDHC) and SEDIHPOP had a meeting in Brasília to discuss the situation of the community and to adopt measures related to the defense of the territory and prioritization of the case, such as the allocation of resources for INCRA to complete the titration.

Furthermore, given the scenario in which the community's rural workers were prevented from accessing land for rural production, the State Government, through SEDIHPOP, delivered 150 (one hundred and fifty) basic food baskets to the community's residents on 25 June 2024. Since then, the COECV team has been monitoring the situation of the case, with the aim of preventing risk situations and directing public policies to guarantee the Human Rights of community members.

5.1.Strengthening the PPDDH nationwide

In structural terms, it's important to highlight that the Sales Pimenta Technical Working Group (GTT) began operating at the end of 2023, with the aim to restructuring

the PPDDH and proposing a legal framework for the program. The Technical Working Group was created by Decree No. 11,562, of June 13, 2023, with the aim of preparing proposals for the National Protection Plan and a drafting law on the National Policy for Human Rights Defenders, to Communicators and Environmentalists.

The GTT is made up of members of the Ministry of Human Rights and Citizenship (MDHC) and the ministries of Justice and Public Security; Environment and Climate Change; of Indigenous Peoples; of Women; of Racial Equality; Agrarian Development and Family Farming; and by members of the General Secretariat of the Presidency of the Republic and the General Attorney's Office of the Union. The Working Group also includes representatives of civil society who were chosen through an electoral process coordinated by the Permanent Commission of Human Rights Defenders and Confronting Criminalization of Social Movements by the National Human Rights Council (CNDH).

The following organizations, representing the civil society, are members of the GTT: Article 19, Global Justice, Landless Rural Workers Movement (MST), Maranhão Human Rights Society (SMDH), Terra de Direito, National Human Rights Movement (MNDH Brazil), Coordination of the Associations of the Remaining Communities of Quilombos of Pará (MALUNGU), National Confederation of Rural Workers, Farmers and Family Farmers (CONTAG), Brazilian Association of Lesbians, Bisexuals, Gays, Transvestites, Transsexuals and Intersexes (ABGLT), National Forum for Democratization of Communication (FNDC).

As substitutes, they include: the National Association of People Affected by Dams (ANAB), National Association of Peasant Women (ANMC), Feminist Center for Studies and Advice (CFEMEA), Ideas Assessoria Popular, Instituto DH Promotion Research and Intervention in Human Rights and Citizenship, Tortura Nunca Mais-Bahia Group (GTN), Nova Iguaçu Human Rights Center (CDHNI), Brazilian Union of Women (UBM), Vladimir Herzog Institute, Brigadas Populares.

To achieve dialogue between public bodies and civil society, the process of public consultations and public hearings began in March 2024 to collect contributions from civil

society, including people included in federal and state protection programs. So far three public meetings were held, respectively on July 24, August 7, and August 29, 2024.

On June 11, 2024, a meeting of the GTT was held at the Ministry of Human Rights, with the participation of the Inter-American Commission on Human Rights (IACHR) and the presence of representatives from the government and civil society – including organizations that are not part of that GTT, but are part of the Joint Working Table. During the meeting, the official designated by the Executive Secretariat of the IACHR explained the Inter-American standards in relation to the protection of human rights defenders, about actions that can be implemented, about the State's duty to protect, about the duty to investigate and about elements that must be analyzed in the risk assessment. On June 12th and 13th, 2024, GTT meetings were held to discuss the public hearings.

The draft of the National Plan for the Protection of Human Rights Defenders is expected to be presented on 11/26/2024.

6. Final remarks

The case of the Quilombo Onça remains under continuous monitoring by the Brazilian government, as mentioned in this report. The central objective of this monitoring is to prevent risk situations and direct public policies to guarantee the Human Rights of community members.

This is the available information regarding the alleged threats against quilombola human rights defenders from the Quilombo Onça, located in the municipality of Santa Inês (MA).

Brasília, October 2024.