



**PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS OFFICE
AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA**

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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 honor to refer to the joint communication AL BRA 2/2026 by the Special Rapporteur on the situation of human rights defenders and the Working Group on the rights of peasants and other people working in rural areas.

The Permanent Mission of Brazil in Geneva would like to forward the attached information from the Government of Brazil regarding the aforementioned joint communication.

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



Geneva, April 7th 2026

*To the Office of the United Nations High Commissioner for Human Rights
(OHCHR);*

Special Procedures Branch

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FEDERATIVE REPUBLIC OF BRAZIL

**OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN
RIGHTS (OHCHR)**

JOINTLY SIGNED LETTER OF ALLEGATIONS (AL BRA 2/2026)

ANTÔNIO FRANCISCO DE SOUSA ARAÚJO

RESPONSE FROM THE BRAZILIAN GOVERNMENT

April 2026

SUMMARY

1. INTRODUCTION.....	3
2. RESPONSE FROM THE STATE	4
2.1. Investigative measures	4
2.2. Integrity Protection Measures	6
2.3. Legal proceedings and land-related measures.....	9
2.3.1 Inventory Action No. 0000008-81.1984.8.10.0034	10
2.3.2. Possessory Actions and Civil Litigation	11
2.3.3. Multiple Legal Proceedings.....	12
3 FINAL CONSIDERATIONS	13

1. INTRODUCTION

This report presents information in response to a joint communication submitted by the Office of the United Nations High Commissioner for Human Rights (OHCHR), within the framework of the Special Procedures of the Human Rights Council, signed by the Special Rapporteur on the situation of human rights defenders and the Working Group on the rights of peasants and other people working in rural areas (AL BRA 2/2026), dated February 2, 2026.

The aforementioned Letter of Allegations details alleged threats and attacks against Mr. Antônio Francisco de Sousa Araújo, a human rights defender and leader of the rural community of Vergel, in the state of Maranhão, who works to denounce land grabs and logging operations in the region. It is detailed that Mr. Antônio Francisco de Sousa Araújo is a human rights defender and leader of the Vergel community, located 51 kilometers from the city of Codó, in the state of Maranhão. It is explained that the community was founded by rural workers over 100 years ago, with its residents living off small-scale agricultural activities. For many years, Mr. Araújo has been a prominent voice in denouncing illegal land grabbing and land seizures by farmers and loggers in the community. Four community members, all relatives of Mr. Araújo, have been murdered since 2007, including his brother in 2021. These murders, which occurred in the context of land conflicts in the community, remain unpunished to this day, according to the mandate holders.

This communication follows up on the previous letter (AL BRA 6/2024), documenting new events that occurred between June 2025 and January 2026 involving rural defender Antônio Francisco de Sousa Araújo, a leader of the Vergel community, located 51 km from the municipality of Codó, Maranhão. According to the information provided by the EACDH, the following recent incidents have occurred:

June 11, 2025: direct threat by an individual who entered Mr. Araújo's property;

September 15, 2025: invasion of the area with an attempt to fence it off for the introduction of cattle;

October 10–13, 2025: fencing off of the only existing water source on the property;

December 5, 2025: suspension of the land dispute proceedings by the Agrarian Court of the District of São Luís to facilitate an attempt at a settlement between the parties;

December 9, 2025: gunshots fired at the door of the defender's residence;

January 7, 2026: Armed invasion of the property, destruction of fences and rice fields, death threats, and the continued presence of armed individuals in the vicinity of the area.

Finally, they request that the Brazilian State submit information and observations as follows:

Please provide any additional information and/or comments that Your Excellency may have regarding the aforementioned allegations.

Please provide information on any additional measures taken since Your Excellency's Government's response to the previous communication regarding Mr. Araújo (JAL BRA 1/2025), to investigate and prevent the recurrence of the attacks against him detailed at that time.

Please provide information on any measures taken to ensure the physical safety of Mr. Araújo and his family, in light of the alleged attacks detailed above, as well as to identify and punish those responsible. If such measures have not been taken, please explain how this is consistent with Brazil's obligations under international human rights law.

Please provide information on the legal proceedings related to the case, including regarding the possible use of mediation, given the alleged acts of intimidation against Mr. Araújo and his family.

On this occasion, the Brazilian State respectfully provides the following information.

2. RESPONSE FROM THE STATE

2.1. Investigative Measures

With regard to the investigative measures and the verification of the supervening facts reported in the context of this communication, the Brazilian State informs that measures have been adopted at the police and prosecutorial levels, with a view to formalizing the criminal complaints, initiating investigative proceedings, and ensuring continuous institutional monitoring of the case.

First, it should be noted that the Public Prosecutor's Office of the State of Maranhão, through the 2nd District Attorney's Office of the District of Codó, initiated its own administrative proceeding to monitor the agrarian conflict in the Vergel Community (Administrative Proceeding SIMP No. 000075-259/2026), which includes measures aimed at ascertaining the facts described.

In the context of criminal prosecution, the Public Prosecutor's Office formally requested that the Civil Police initiate police inquiries and conduct specific investigative procedures, covering the main subsequent events, notably: (i) the firing of a firearm at the defender's residence, which occurred on December 9, 2025; (ii) the armed invasion accompanied by death threats, recorded on January 7, 2026; and (iii) the other incidents of trespassing and dispossession that occurred throughout the second half of 2025.

As a result of these requests, formal investigative proceedings were initiated by the Civil Police. Notably, Police Inquiry No. 3814/2026 was initiated specifically to investigate the gunshots fired at the defender's residence on December 9, 2025; this inquiry is currently in the investigative phase, with measures being taken to gather evidence.

Furthermore, in the context of this inquiry, a motion was filed for a precautionary search and seizure warrant, subsequently brought before the courts through Case No. 0802076-95.2026.8.10.0034, demonstrating the coordinated action between the Public Prosecutor's Office and law enforcement authorities in deepening the investigations and identifying the possible perpetrators of the incidents.

Regarding the events that occurred on January 7, 2026, involving an armed invasion with death threats, a criminal proceeding was initiated under Detailed Report No. 357/2026, currently pending in court under Case No. 0800528-35.2026.8.10.0034, in which a settlement hearing has been scheduled, without prejudice to the continued investigation of the facts and the adoption of appropriate judicial measures.

Additionally, regarding the incident that occurred on June 11, 2025, related to threats and the trespassing of an area occupied by the defender, Police Inquiry No. 15642/2025 was initiated, which is being monitored within the scope of judicial proceeding No. 0808463- 63.2025.8.10.0034, and is currently in the phase of investigative procedures requested by the Public Prosecutor's Office, including judicial approval of measures aimed at evidence gathering and victim protection.

With regard to the other incidents of trespassing and acts of dispossession, particularly those that occurred on September 15, 2025, and between October 10 and 13, 2025, it is reported that these events were also the subject of a ministerial request for investigation and have been included in the scope of the investigation conducted by law enforcement authorities, with the initiation of a specific investigative procedure currently in the evidence-gathering phase.

In parallel with the formal criminal investigation measures, it is noted that the Public Prosecutor's Office, through the Prosecutor's Office specializing in agrarian conflicts, conducted an *on-site* inspection in the community on February 3, 2026, during which it gathered preliminary information from the parties involved and expressly advised the defense counsel on the need to file police reports regarding the most recent events, as a condition for strengthening the evidence and potentially adopting additional investigative measures.

Notwithstanding this limitation, it is evident that the Public Prosecutor's Office has acted proactively by requesting investigative measures, monitoring the police inquiries initiated, seeking precautionary measures, and coordinating with public security agencies, thereby ensuring the continuity of the investigations and the progressive consolidation of the body of evidence necessary to hold the perpetrators accountable.

Finally, it should be noted that the set of measures adopted demonstrates the existence of formally initiated investigative procedures that are ongoing and under continuous institutional oversight, with the adoption of related judicial measures, including precautionary ones, demonstrating the Brazilian State's efforts to ensure the proper investigation of the relevant facts, in accordance with its obligations to conduct a diligent investigation.

2.2.Measures to protect physical and psychological integrity

Regarding the measures adopted to protect the physical and psychological integrity of the human rights defender involved in the case, the Brazilian State reports that continuous, structured actions have been implemented and progressively adjusted in light of the evolving risk scenario, in accordance with applicable national and international standards.

First, it should be noted that the defender Antônio Francisco de Sousa Araújo has been formally included in the State Program for the Protection of Human Rights Defenders of the State of Maranhão (PEPDDH/MA).

Inclusion in the PEPDDH constitutes a structural state protection measure, based on an individualized risk analysis, which recognized the situation of vulnerability arising from the agrarian conflict in the Vergel Community. Following this inclusion, multidimensional protection measures were implemented, encompassing continuous monitoring, inter-institutional coordination, and preventive actions aimed at risk mitigation.

At the operational level, permanent monitoring has been adopted through a direct channel with the Program's on-call team, *on-site* visits for situational assessment, the issuance of risk alerts in the face of critical events, and coordination with public security agencies and the justice system.

It is also worth noting that, in the face of supervening events of greater severity—such as the shooting at the defender's residence in December 2025 and the armed invasion with death threats in January 2026—institutional protection mechanisms were immediately activated, with formal risk alerts issued to the relevant State Secretariat and police reports filed, demonstrating a timely and coordinated state response.

It should be noted that these measures are periodically reassessed and adjusted in light of the persistent high risk, characterized by repeated episodes of violence, territorial invasions, direct threats, and a demonstrated capacity for harm on the part of the agents involved, as indicated in the technical reports produced by the competent state agencies.

It should be emphasized that the State's actions are in line with the provisions of the International Covenant on Civil and Political Rights (ICCPR), particularly with regard to Articles 2 and 6. Indeed, under Article 2 of the ICCPR, States Parties undertake to guarantee to all persons within their jurisdiction the rights recognized in the Covenant, adopting the necessary measures for their realization. This obligation encompasses not only duties of abstention but also positive duties of prevention, protection, and guarantee, especially in contexts of known risk.

In turn, Article 6 enshrines the right to life, imposing on the State the duty to adopt appropriate measures for its protection. The established interpretation within the United Nations Human Rights Committee holds that, once a real and immediate risk to a specific

individual has been identified, the State has a duty to adopt reasonable and proportionate measures to prevent the harm from occurring.

The contemporary interpretation of the right to life, as set forth in Article 6 of the International Covenant on Civil and Political Rights, was further elaborated by the United Nations Human Rights Committee through *General Comment* No. 36 (2018), which establishes binding parameters for state action in situations of risk.

Under the terms of the aforementioned General Comment, the right to life must be understood broadly, encompassing not only the prohibition of arbitrary deprivation of life but also the imposition of positive obligations of protection, especially when the State is aware of a real and foreseeable risk to specific individuals.

In this regard, the Committee establishes that States Parties must adopt “appropriate measures to protect life against reasonably foreseeable threats from private actors” (GC No. 36, § 21), and this duty is particularly demanding in situations involving human rights defenders, community leaders, and persons exposed to structural conflicts, such as those of a land-related nature.

Furthermore, according to the Committee, the duty to protect requires the State to act with enhanced due diligence, adopting measures that are reasonable in light of the specific circumstances, including mechanisms for individual protection, continuous monitoring, and a timely institutional response to incidents of violence or threats (GC No. 36, §§ 20–23).

The General Comment further clarifies that the assessment of state responsibility is not limited to the final outcome (whether or not harm occurred), but must consider whether the State adopted all measures that could reasonably be expected to prevent the materialization of the risk, taking into account the available means and the authorities’ level of knowledge regarding the situation (§ 21).

It is important to note that the protection mechanisms adopted under the PEPDDH are structured around the principle of consensual, contextualized, and localized protection, respecting the defender’s continued presence in their territory and the nature of the underlying agrarian conflict, which imposes operational limits distinct from traditional protection models based on compulsory displacement or isolation.

In this regard, any allegation of the absence or insufficiency of measures must be analyzed in light of the complexity of the specific case, in which the State not only adopted formal protection measures but also established a continuous system of monitoring and response, through constant inter-institutional coordination.

In the case under review, it is observed that the Brazilian State, by including the defender in a specialized protection program, implementing continuous monitoring measures, coordinating actions with public security agencies, issuing risk alerts, and responding institutionally to episodes of escalating violence, acted diligently, progressively, and in a manner proportionate to the identified level of risk and in accordance with the parameters established by the Committee.

Furthermore, it is important to highlight that General Comment No. 36 also recognizes that protection measures must be contextually appropriate and compatible with the autonomy and choices of the protected person, without requiring uniform or disproportionate solutions, such as compulsory removal from the territory, especially in contexts where remaining in the location is directly related to the legitimate exercise of rights, as is the case with human rights defenders (§ 23).

Furthermore, the Committee emphasizes that States must establish permanent institutional protection mechanisms capable of responding in a continuous and adaptive manner to contexts of dynamic risk. In this regard, specialized programs such as the PEPDDH fit precisely within the internationally recommended model by coordinating individual protection measures, territorial monitoring, and inter-institutional coordination.

Thus, in light of *General Comment* No. 36, it is concluded that the measures adopted by the Brazilian State in the present case meet the international standard of due diligence in the protection of the right to life, since they reflect preventive, continuous, proportional action adapted to the specific risk context, and do not constitute a state omission incompatible with the obligations assumed under the ICCPR.

2.3. Judicial Proceedings and Land-Related Measures

With regard to the area of judicial proceedings and land-related measures, the Brazilian State reports that the conflict involving the Vergel Community, in the municipality of Codó, Maranhão, is embedded in a complex procedural arrangement characterized by the overlap of contemporary possessory claims with a long-standing

judicial inventory, the proceedings of which date back to 1984 and remain unresolved to this day.

This circumstance constitutes a structural element of the conflict, insofar as the absence of a legal determination of ownership and the division of the land known as “Vergel” has contributed to the persistence of possessory disputes, the overlapping of ownership claims, and the proliferation of judicial and extrajudicial litigation.

2.3.1 Probate Case No. 0000008-81.1984.8.10.0034

The probate proceeding, filed in 1984, concerns the division of the estate of [REDACTED] and [REDACTED], covering an extensive rural area estimated at approximately 1,865 hectares. This is a proceeding marked by extreme factual and legal complexity, stemming from the large number of heirs, successive transfers of inheritance rights, allegations of document forgery, and repeated failures in the conduct of the proceedings by the appointed executors.

Throughout its proceedings, the case was subject to successive delays, resulting both from the inaction of the executors and the lack of cooperation from the interested parties; after nearly four decades, it has not even been possible to definitively consolidate the list of heirs or precisely delineate the assets comprising the estate.

Additionally, significant controversies arose regarding the validity of transfers of inheritance rights, with indications of documentary irregularities, which led the competent court to refer such issues to the ordinary courts, given the impossibility of resolving them within the scope of the probate proceedings, due to the need for specific evidentiary proceedings.

Given this scenario, and considering the impracticality of proceeding with the case without the effective participation of an executor and without resolving the incidental disputes, the court ordered the provisional suspension of the proceedings, pursuant to Joint Ordinance No. 20/2022 of the Court of Justice of the State of Maranhão, with the probate proceedings remaining suspended until such time as the interested parties file a motion.

The persistence of this uncertainty regarding succession constitutes a central factor of land instability, as it prevents the regularization of land ownership in the area and fosters the proliferation of parallel possessory disputes, often accompanied by episodes of violence.

2.3.2. Possessory Actions and Civil Litigation

In parallel with the probate proceedings, several possessory actions involving the disputed area have been filed, notably:

a) Case No. 0840951-44.2023.8.10.0001 (Repossession)

This is a repossession action filed by Antônio Francisco de Sousa Araújo against [REDACTED] and others, in which the plaintiff claims to be the legitimate possessor of the area and alleges the occurrence of dispossession.

In their defense, the defendants assert the existence of consolidated possession by families comprising a traditional community, exercised continuously and for subsistence purposes, questioning the validity of the possession exercised by the plaintiff.

This case is directly linked to the agrarian conflict under analysis and has been monitored by the State Commission for the Prevention of Violence in the Countryside and in the City (COECV), including the issuance of official letters to the Judiciary warning of the risks of preliminary injunctions in a context of overlapping claims with an uncompleted inventory and high levels of social conflict.

Furthermore, there was institutional communication regarding non-compliance with a court order within the scope of this case, which led to new coordination efforts with the Judiciary to ensure compliance with the decisions rendered and to mitigate risks in the territory.

b) Case No. 0801759-78.2018.8.10.0034 (Repossession)

This is a possessory action previously filed by the same plaintiff, in which, following a preliminary hearing, an agreement was reached between the parties and subsequently ratified by the court, providing for mutual respect of property boundaries until the conclusion of the estate inventory.

The agreement also established commitments to non-aggression and peaceful coexistence, resulting in the dismissal of the case on the merits.

However, as recorded by COECV, the aforementioned agreement was subsequently breached by the parties, which contributed to the resurgence of the conflict and the resumption of violent incidents in the territory.

2.3.3. Multiplicity of Legal Proceedings

In addition to the actions mentioned above, Technical Report No. 01/2026 COECV/NPPA identifies the existence of several other legal proceedings, both in the civil and criminal spheres, related to the same land conflict, highlighting the fragmentation of the judicial response and the repeated judicialization of the dispute.

In the civil sphere, notable cases include: 0801857-58.2021.8.10.0034 and other related actions involving possessory disputes and disputes over the area.

In the criminal sphere, there are multiple cases related to episodes of violence, threats, and conflicts arising from the territorial dispute, demonstrating the interrelationship between the land issue and the occurrence of criminal offenses.

Given the complexity of the situation, extrajudicial measures were adopted, notably the COECV's efforts to facilitate mediation and conflict resolution.

On May 17, 2022, an extrajudicial settlement hearing was held under the auspices of the Maranhão State Public Prosecutor's Office, with the participation of the Public Defender's Office and representative entities, during which the parties agreed on: respect for property boundaries; a prohibition on the transfer of inheritance rights; non-aggression commitments; and specific territorial adjustments (including the relocation of fences and measures to mitigate damage).

The agreement also provided for its judicial ratification and the dismissal of related possessory proceedings.

However, as noted, the agreement was not fully complied with, which highlights the limitations of consensual measures in a context of high conflict and the absence of definitive land regularization.

At the institutional level, COECV has been engaged in ongoing efforts aimed at conflict mitigation, including: sending official letters to the Judiciary warning of the risks of possessory rulings in areas with unclear land ownership; coordinating with land agencies (such as ITERMA and the Secretariat of Family Farming) to conduct a registry survey and georeference the area; requiring preliminary technical studies for the potential implementation of repossession measures; and monitoring the absence of proper property registration in the State's name, which underscores the need for comprehensive land regularization.

These measures demonstrate that state action is not limited to the repressive or judicial sphere, but incorporates an administrative and technical dimension aimed at understanding and addressing the structural causes of the conflict.

An integrated analysis of the legal proceedings reveals that the slowness of the probate process, the fragmentation of possessory claims, and the lack of a definitive determination of ownership are central factors in the perpetuation of the conflict and the escalation of violence.

The lack of a definitive solution within the inventory process prevents the stabilization of legal relations regarding the land, while the multiplicity of legal actions—often disconnected from one another—hinders the development of a coordinated institutional response.

In this context, the measures adopted by the Brazilian state—both judicially and extrajudicially—reflect ongoing efforts to address the land- y dispute, albeit constrained by the limitations inherent in the historical and legal complexity of the case.

3 FINAL CONSIDERATIONS

In light of the information presented, the Brazilian State reaffirms that it has adopted concrete, progressive, and coordinated measures to address the facts reported in this communication, comprehensively covering the areas of investigation, protection of integrity, and addressing the structural causes of the land conflict.

On the investigative front, formal proceedings have been initiated, coordinated action has taken place between the Public Prosecutor's Office and the Civil Police, and investigative steps and precautionary measures have been adopted to ascertain the relevant facts and hold those involved accountable, in accordance with the duty of diligent investigation.

With regard to the protection of integrity, of particular note is the inclusion of the defender in the State Program for the Protection of Human Rights Defenders (PEPDDH/MA), as well as the implementation of ongoing monitoring measures, inter-institutional coordination, and preventive action, in accordance with the parameters established by the International Covenant on Civil and Political Rights, especially in light

of the interpretation consolidated in *General Comment* No. 36 of the United Nations Human Rights Committee.

In the land tenure and judicial sphere, it became evident that the conflict stems from a complex overlap of possessory disputes and a judicial inventory that has remained unresolved for decades, a circumstance that constitutes a structural factor of instability and contributes to the persistence of tensions and episodes of violence. In this context, the State has acted both judicially and extrajudicially, through institutional mediation, coordination with land agencies, and ongoing technical monitoring by the State Commission for the Prevention of Violence in Rural and Urban Areas (COECV).

It is important to emphasize that the set of measures adopted demonstrates that the Brazilian State has acted with the due diligence required by international human rights law, especially in high-risk contexts involving human rights defenders in agrarian conflicts, through a combination of preventive, protective, and investigative actions tailored to the dynamics and complexity of the specific case.

Nevertheless, it is recognized that the persistence of land conflicts and the complexity of legal disputes require continuous, coordinated, and structural action, which is why the Brazilian State will continue to undertake efforts to ensure the continuity of investigations and the accountability of the perpetrators of any unlawful acts; and to promote institutional and consensual solutions to land disputes, while respecting the rights of the communities involved and applicable human rights standards.

Finally, the Brazilian State reiterates its commitment to fully comply with its international obligations, as well as its willingness to maintain constructive dialogue with the Special Procedures of the Human Rights Council, and remains available to provide any additional information that may be necessary.

Brasília, April 2, 2026.