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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27)  
BRA 4/2012

11 April 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 16/4, 16/5, and 17/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the alleged killing of Mr. **Joao Chupel Primo** and the alleged death threats against Ms. **Lygia Zamali Fernandes**.

Environmental rights defender Mr. Joao Chupel Primo was one of the leaders of the Area Settlement Project in the Riozinho Anfrisio Reserve in the state of Pará and the coordinator of the Miritituba Catholic Community.

Ms. Zamali Fernandes works as a technical advisor with the Federation of Communities from Big Lake Land Area (FEAGLE), an organisation which seeks to promote the economic, social and cultural rights of 140 traditional communities in the state of Pará. She also assists human rights defenders affiliated with other associations in the Alto do Tapajós region, state of Pará, in their dealings with the authorities.

According to the information received:

On 20 October 2011, Mr. Joao Chupel Primo and two fellow human rights defenders submitted a formal complaint to the State Public Prosecutor in Altamira concerning illegal logging activities in the Riozinho do Anfrisio Reserve and Trairao National Forest.

Reportedly, on 22 October 2011, at approximately 2:00 p.m., Mr. Chupel Primo was approached by two men in the car repair shop where he worked in the city of Itaituba, state of Pará. They are alleged to have called the human rights defender by his name and asked for mechanical assistance, before shooting him in the head and departing the scene. Mr. Chupel Primo is reported to have died from his injuries.

According to reports, on 17 February 2012, the Federal Public Ministry ordered the inclusion in the National Protection Program for Human Rights Defenders of the two human rights defenders who, along with Mr. Chupel Primo, had submitted the aforementioned illegal logging complaint. Reports indicate that Ms. Lygia Zamali Fernandes assisted the human rights defenders in requesting protection from the authorities.

On 18 February 2012, at 10:48 a.m., Ms. Zamali Fernandes reportedly received a telephone call from a man who spoke with what appeared to be a São Paulo accent. The caller is reported to have told the human rights defender that she is at risk and to cease her human rights work. He is also alleged to have mentioned her young son. Reportedly, the same person rang again at approximately 3:00 p.m. that day and warned Ms. Zamali Fernandes that “stubborn people die young”.

It is reported that Ms. Zamali Fernandes received calls with similar threats between 18 and 24 February, always between 10:30 and 10:40 a.m.

Sources indicate that the most recent call was received on 29 February 2012. The caller is reported to have remained silent during the call. Around the same time on that day, Ms. Zamali Fernandes’ mother, who was reportedly over 3,000 kilometres away in the city of Santarém, is alleged to have received an anonymous phone call. The caller reportedly said that Ms. Zamali Fernandes should desist from carrying out her human rights activities.

Sources indicate that Ms. Zamali Fernandes has temporarily moved from her home to another part of Brazil. She is reportedly in contact with officials from the National Protection Program for Human Rights Defenders regarding her safety and has been advised to stay away from the state of Pará for a period of time.

Concern is expressed that the threats against Ms. Lygia Zamali Fernandes and the killing of Mr. Joao Chupel Primo may be directly related to their legitimate human rights work, in particular their efforts to bring alleged illegal logging activities in the Riozinho do Anfrísio Reserve and Trairao National Forest to the attention of the authorities. Grave concern is expressed for the physical and psychological integrity of Ms. Zamali Fernandes and her relatives, as well as that of other human rights defenders in the state of Pará, particularly those involved in the filing of complaints against illegal logging activities with the authorities.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government's attention to the relevant principles of international law. The International Covenant on Civil and Political Rights (ICCPR), which Brazil acceded to on 24 January 1992, provides that every individual has the right to life and security of the person, that this right shall be protected by law and that no one shall be arbitrarily deprived of his or her life (Article 6).

In relation to the alleged killing of Joao Chupel Primo and the death threats received by Ms. Lygia Zamali Fernandes, we would like to remind your Excellency's Government of the principle whereby there must be a "thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death" (Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions).

Further, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 6, point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.

- article 6, points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

- article 9, para. 3, point c) which provides that everyone has the right, individually and in association with others to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.

- article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would also like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned persons are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with the above international instruments.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victims?

3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please provide full details of any protective measures put in place to ensure the physical and psychological security and integrity of Ms. Lygia Zamali Fernandes and her family.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to freedom of  
opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions