

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

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

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (33-27)  
BRA 3/2011

6 July 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 8/3, 16/4 and 16/5.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the killing of **Mr. Adelino Dinho Ramos**; **Mr. José Cláudio Ribeiros da Silva**; **Ms. Maria do Espírito Santo da Silva**; and **Mr. Erenilto Pereira dos Santos**.

Mr. Ramos was the coordinator of the *Movimiento Campones Corumbiara* (Peasant Movement of Corumbiara) an environmental movement that advocates for greater respect for the right to land, in particular for peasant farmers. Mr. Ramos had been involved in denouncing illegal logging which was taking place in the Amazon rainforest.

Mr. Ribeiros da Silva and Ms. Espírito Santo da Silva were leaders of *Projeto Agroextrativista Praia Alta-Piranheira* (Agro-extractive Project Praia Alta-Piranheira) and members of the *Conselho Nacional das Populações Extrativistas* (National Council of populations working on forestry and fishery), organisations dedicated to the protection of the Amazon rainforest and working in denouncing illegal deforestation in Pará State.

According to the information received:

On 24 May 2011, Mr. Ribeiros da Silva and Ms. Espírito Santo da Silva were allegedly ambushed and shot repeatedly by unknown individuals. Their bodies were found inside the *Praialta-Piranheira* nature reserve where they had been working. According to the information received, both Mr. Ribeiros da Silva and Ms. Espírito Santo da Silva had received death threats in the past reportedly from loggers and cattle ranchers. It is alleged that such death threats had been reported to the police.

On 27 May 2011, Mr. Ramos was reportedly shot dead in Porto Vehlo, Rodondia. It is alleged that an investigation has been launched into the killing of Mr. Ramos; however, to date, no arrests have been made.

It is further alleged that Mr. Pereira dos Santos was shot dead on 28 May 2011. It is believed that his killing may be linked to the killing of Mr. Ribeiros da Silva and Ms. Espírito Santo da Silva as it is believed that the victim may have witnessed the incident.

According to the information received, the aforementioned killings took place in the context of a Congressional debate regarding amendments to Brazil's Forest Code.

Grave concern is expressed about the killing of Mr. Ramos, Mr. Ribeiros da Silva, Ms. Espírito Santo da Silva, and Mr. Pereira dos Santo. Further concern is expressed that the killing of Mr. Ramos, Mr. Ribeiros da Silva, and Ms. Espírito Santo da Silva could be linked to their legitimate work in the defence of human rights, in particular, the protection of the rainforest.

We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. We would like to refer your Excellency's Government to the fundamental principles applicable under international law to this case. 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 person shall be arbitrarily deprived of his or her life (article 6). Additionally in its General Comment No. 31, the Human Rights Committee has observed that "...the positive obligations on States Parties to ensure Covenant rights will only be fully discharged if individuals are protected by the State, not just against violations of Covenant rights by its agents, but also against acts committed by private persons or entities that would impair the enjoyment of Covenant rights .... There may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities. ... As with failure to investigate, failure to bring to justice perpetrators of such violations could in and of itself give rise to a separate breach of the Covenant. These obligations arise notably in respect of those violations recognized as criminal under either domestic or international law, such as ...., summary and arbitrary killings (article 6)." (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18).

We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council at its 8th Session in Resolution 8/3 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4), stating that all States have "to conduct exhaustive and impartial investigations

into all suspected cases of extrajudicial, summary or arbitrary executions”. The Council added that this includes the obligation “to identify and bring to justice those responsible ...to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions.”

Given our concern that the killing of Mr. Ramos, Mr. Ribeiros da Silva, and Ms. Espírito Santo da Silva may be linked to their advocacy work to protect the rainforest, 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 ICCPR, 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.”

In this connection, we would also 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 article 12, paras 2 and 3 of the mentioned 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 like to call to the attention of your Excellency’s Government the Human Rights Council Resolution A/HRC/RES/13/13 of 15 April de 2010, which recognizes “the immediate need to put an end to and take concrete steps to prevent threats, harassment, violence, including gender-based violence, and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms for all” as well as to adopt the necessary measures to prevent such acts. In this Resolution the Human Rights Council also “urges States to

promote a safe and enabling environment in which human rights defenders can operate free from hindrance and insecurity.”

Furthermore, the Special Rapporteur on the situation of human rights defenders, in her report to the General Assembly A/65/223 of 4 August 2010, stated that “the responsibility of non-State actors to respect the rights of human rights defenders does not relieve the State of its obligations under human rights law to respect, protect and fulfil human rights, including those of human rights defenders. (...)” The Special Rapporteur argued that the State’s obligation to protect “first, involves ensuring that defenders do not suffer from violations of their rights by non-State actors. Failure to protect could, in particular circumstances, engage the State’s responsibility. Secondly, States should provide defenders victims of human rights violations with an effective remedy. To that end, all violations of the rights of defenders should be investigated promptly and impartially and perpetrators prosecuted. Fighting impunity for violations committed against defenders is crucial in order to enable defenders to work in a safe and conducive environment.”

We urge your Excellency’s Government to take all necessary measures to guarantee that the physical and psychological integrity of human rights defenders is 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 cases under consideration:

1. Are the facts alleged in the above summary of the cases accurate?
2. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to these cases. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
4. Please clarify whether compensation has been made available to the victims’ families?

5. Please provide information on the protection measures taken after the death threats against Mr. Ribeiros da Silva and Ms. Espírito Santo da Silva had been reported to the police. Please provide details pertaining to the protection measures that exist for human rights defenders, in particular, those working on environmental issues.
6. Please provide details about the implications that the proposed amendments to the Forest Code are likely to have on the legitimate work carried out by human rights defenders, particularly those working on environmental issues related to the Amazon rainforest.

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.

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

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