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

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

**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 9/2012

23 August 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 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 concerning alleged death threats against human rights defender Mr. **Júnior José Guerra**.

Mr. Júnior José Guerra is the former chairperson of Conselho Fiscal da Associação de Moradores do Plano de Assentamento Areia (Supervisory Board of the Residents Association in the Areia Settlement), and was involved in the filing of formal complaints against issues including illegal logging and corruption in the Areia Settlement of Trairão, Pará State.

On 20 October 2011, Mr. Júnior José Guerra and Mr. João Chupel Primo reportedly submitted a formal complaint to the Public Prosecutor of Altamira concerning illegal logging activities in the Riozinho do Anfrísio Extractive Reserve and Trairão National Forest. On 22 October, Mr. João Chupel Primo was shot in his workplace in Itaituba and subsequently died from his injuries. The alleged killing of Mr. Primo was the subject of a communication sent to your Excellency's Government on 11 April 2012 by the Special Rapporteur on the promotion and protection of the right to freedom of expression, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions. Regrettably, no response has yet been received from your Excellency's Government in relation to this communication.

According to the information received:

On 22 June 2012, Mr. Júnior José Guerra returned to his home in the Areia Settlement, Pará to give testimony in the case of the alleged killing of Mr. Primo. Mr Guerra's return followed his temporary relocation as a result of death threats he had been receiving and an attempted attack. During his period of relocation, Mr. Guerra's home was reportedly set on fire on 24 May 2012 by unidentified individuals. Four days subsequent, Mr. Guerra's pets were allegedly poisoned and killed, with the following message found on his fence: "Vai morrer em 20 dias" (You will die in 20 days). Furthermore, the caretaker of Mr. Guerra's home reportedly received five death threats since December 2011.

On 2 December 2011, Mr. Júnior José Guerra was reportedly chased by unidentified individuals and travelled to another town in order to avoid being attacked. He subsequently relocated with his family and was temporarily accepted into the National Protection Programme for Human Rights Defenders.

Concern is expressed the alleged death threats against Mr. Júnior José Guerra may be directly linked to his legitimate and peaceful human rights activities, in particular work to end alleged illegal logging activities and his submission of testimony in the case of the alleged killing of Mr. João Chupel Primo. Grave concern is expressed for the physical and psychological integrity of Mr. Júnior José Guerra, as well as that of other human rights defenders in the state of Pará, particularly those involved in the filing of complaints against alleged illegal logging.

While we do not wish to prejudge the accuracy of these allegations, 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 12 paragraphs 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 refer your Excellency's Government to paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 according to which it is incumbent upon States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats". We wish to stress that everyone has the fundamental right to life and security of the person as set forth in article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to on 24 January 1992 by your Excellency's government.

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 (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."

We would further like to appeal to your Excellency's Government to take all necessary steps to ensure the right to freedom of association, as recognized in article 22 of the ICCPR, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

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 Mr. Júnior José Guerra 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 Mr. Júnior José Guerra?
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?

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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Júnior José Guerra 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.

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 Sekagya  
Special Rapporteur on the situation of human rights defenders

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

