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**UNITED NATIONS**  
**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; the Special Rapporteur on the independence of judges and lawyers; 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 (3-3-16) G/SO 214 (33-27)  
BRA 11/2012

10 October 2012

Excellency,

We have the honour to address you in our capacities 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; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 16/4, 16/5, 17/2, and 17/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged attacks, death threats and judicial harassment faced by lawyer, **Ms. Sandra Paulino**.

Ms. Paulino has practised as a human rights lawyer in Embu das Artes since 1996 and has represented several military police officers who reportedly faced false accusations as a result of denouncing acts of police abuse and violence, often referred to as "chacinas" or massacres. Ms. Paulino has widely appeared in the Brazilian media reporting on such acts and identifying alleged perpetrators.

According to the information received:

Ms. Paulino has been the victim of harassment, criminalization, attacks and death threats since 1998, allegedly by military police officers, judges and prosecutors, as well as members of OAB (Ordene de los abogados de Brasil – Order of Lawyers of Brazil) and TJM (Tribunal de Justicia Militar – Military Justice Court). She has been the subject of several police investigations and criminal cases, reportedly as a result of her work in defending police officers facing fabricated accusations, and reporting on cases of human rights violations by police and members of the judiciary. Ms. Paulino was first arrested in 1998, reportedly as a result of defending a police officer. On 21 May 2005, she was

reportedly issued with an arrest warrant in relation to an attempted killing, a charge from which she was subsequently cleared of.

On 12 September 2006, whilst working in a military police unit in Embu das Artes, Ms. Paulino was reportedly violently arrested in relation to her representing a police officer who allegedly received death threats as a result of his refusal to cooperate with acts of police corruption. Following her arrest, Ms. Paulino had no further contact with the police officer, until he contacted her again in 2011 seeking representation. On 4 September 2011, the police officer was reportedly shot eighteen times outside his home by two unidentified individuals on a motorbike who had stopped and asked him for information. He subsequently died from his injuries while being transported to hospital.

On 28 April 2007, unidentified individuals reportedly broke into Ms. Paulino's home and subjected her and her husband to beatings. It is reported that Ms. Paulino and her husband were subsequently transported to a police station and presented with false accusations. Despite submitting an official complaint, no official record of the alleged break-in and attack was reportedly recorded by police. Shortly after this incident, Ms. Paulino began to be harassed by a military police officer, who was accused of being involved in organized crime and was being investigated by federal police, a judge and a district prosecutor, who allegedly accused Ms. Paulino of suffering from "mental problems", an accusation she has reportedly faced since 1996. It is reported that there are currently a total of 30 cases against Ms. Paulino and that she is being defended by a lawyer.

On 12 April 2011, Ms. Paulino reportedly made a phone call to a senior member of the military police. Following their conversation, the person in question did not hang up and Ms. Paulino recorded his subsequent conversations for two and a half hours, during which time the individual reportedly acknowledged that Ms. Paulino was assaulted by police in 2006 and that her house was broken into in 2007. The recording was submitted to the police by Ms. Paulino and an investigation into the matter was opened. It is alleged that a member of Government contacted Ms. Paulino and requested that she "forget everything", including the recording. She refused and was subsequently threatened by the individual. Sources also report that upon returning to their home on 1 December 2011, Ms. Paulino and her family were attacked a number of times by unknown individuals. Shots were also fired at her home and her offices in Embu das Artes and Cotia.

Ms. Paulino's name allegedly appeared on an internal police list, dated 1 June 2011, of persons who "should die in the western region" of Sao Paulo State for having "denounced" police or local government officials.

Grave concern is expressed for the physical and psychological integrity of Ms. Paulino and her family in light of the seriousness of the above allegations of judicial harassment, intimidation, attacks and death threats, which have taken place since 1998. Concern is expressed that the alleged acts may be related to Ms. Paulino's legitimate human rights work in Brazil, namely providing legal assistance to military police officers.

We would 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), acceded to on 24 January 1992, 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 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 paragraph 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; and

- 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 ICCPR.

Moreover, we would like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. 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.

In this context, we would like to refer your Excellency's Government to the Basic Principles on the Role of Lawyers, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990, and in particular principle 16, which states: "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."; principle 17, which states: "Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities."; and principle 18, which states: "Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions."

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 Ms. Sandra Paulino 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 victim?
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 clarify whether protective measures have been, or will be, put in place to guarantee the safety and protection of Ms. Sandra Paulino 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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Sandra Paulino 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 and take the necessary steps to protect the safety of Ms. Paulino and her family.

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

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

