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PROCEDURES SPECIALES DU
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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: AL G/SO 214 (67-17) G/SO 214(107-9) G/SO 214(33-27)
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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; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 16/4, 16/5, and 17/5.

In this connection, we would like to bring to your Excellency Government's attention information we have received concerning the alleged assassination of Messrs. **Mario Randolpho Marques Lopes** and **Paulo Roberto Cardoso Rodrigues**. Mr. Marques Lopes was editor-in-chief of the news website *Vassouras na Net* and a human rights defender who frequently reported on corruption among local officials, most recently the local judiciary. Mr. Cardoso Rodrigues was editor of the daily newspaper *Jornal Da Praça* and the news website *Mercosul News*. He reported on political matters.

According to the information received:

In July 2011, Mr. Marques Lopes was reportedly shot five times in the head by an unidentified gunman who entered the Vassouras na Net newsroom. After three days in a coma, Mr. Marques Lopes recovered. On 8 February 2012, he and his girlfriend were reportedly abducted from his home in Barra do Piraí, Rio de Janeiro state. On 9 February 2012, both individuals were allegedly found dead.

On 12 February 2012, Mr. Cardoso Rodrigues was reportedly shot dead in Ponta Porá, near the border with Paraguay, by two men riding a motorcycle who allegedly fired at least five times. Shortly before his death he had reportedly criticized the local mayor and shown support for an opposition candidate. At the time of his alleged assassination he was driving home from a meeting with the opposition candidate.

According to the information received, since 2010, seven journalists have been killed in Brazil.

Concern is expressed that Messrs. Paulo Roberto Cardoso Rodrigues and Mario Randolpho Marques Lopes may have been killed because of their legitimate exercise of their right to freedom of expression. Further concern is expressed that this may form part of a pattern with regard to journalists in Brazil.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government to the international principles and norms applicable to the present cases.

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, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life (article 6). 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, to conduct a thorough, prompt and impartial investigation of all suspected cases of extrajudicial, arbitrary and summary executions to clarify the circumstances of each death. This principle was reiterated by the Human Rights Council at its 17th Session in Resolution 17/5 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4). 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."

Furthermore, 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, 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 like to call the attention of your Excellency's Government to General comment number 34 of the Human Rights Committee, which urges states to "put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression"; stresses that under no circumstance "can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19" of the International Covenant on Civil and Political Rights; observes that "[j]ournalists are frequently subjected to such threats, intimidation and attacks because of their activities"; and affirms that "[a]ll such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress".

In light of our concern that the killing of Mr. Marques Lopes may be linked to his efforts to expose corruption among local officials, including the judiciary, 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 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, 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 urge your Excellency's Government to take all necessary measures to ensure that any person responsible for the alleged violations is identified and brought to justice. We also request that your Government adopts effective measures to prevent the recurrence of these acts.

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 observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?

2. Have complaints been lodged on behalf of the victims?
3. Please provide the details, and where available the results, of any judicial investigation, or any criminal charges, and other inquiries carried out in relation to this case.
4. Please provide information on the measures taken to guarantee the security of journalists in Brazil and to guarantee that journalists can carry out their professional activities and express their opinions without suffering acts of violence or persecution.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports 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