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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 extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers.**

REFERENCE: UA G/SO 214 (3-3-16) G/SO 214 (33-27)  
BRA 6/2011

19 August 2011

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the independence of judges and lawyers pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5 and 17/2.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding Ms. **Patrícia Lourival Acioli**, a 47-year-old Brazilian judge of the State of Rio de Janeiro, who was killed in the night of Thursday, 11 August 2011. Ms. Acioli was known for her efforts to confront criminal gangs and brutal militia death squads in São Gonçalo and the Rio de Janeiro area, and for convicting members of vigilante gangs and corrupt police officers.

According to the information received:

On the night of 11 August 2011, Ms. Patrícia Lourival Acioli, a mother of three children, was ambushed and killed outside her home in Niteroi, State of Rio de Janeiro, by hooded gunmen who arrived on motorcycles and reportedly fired 21 bullets into her car. It was reported that the bullets of caliber 45 and 40 are usually exclusively used by the Brazilian armed forces and civil and military police. Judge Acioli's death is reported to have come only days after she delivered tough sentences against former policemen who allegedly turned to crime.

Judge Acioli was responsible for judging cases of murder in the second most populous municipality of Rio de Janeiro, including so-called cases of "acts of resistance", that is, deaths allegedly caused by the police when confronting suspects. She is reported to have delivered several judgments against police officers and former police officers members of militia groups who were arrested in Rio de Janeiro. It is also reported that Judge Acioli dealt with cases involving

death squads, drug dealers, illegal trade on fuel and public transportation and illegal gambling.

Ms. Acioli had allegedly received recurring death threats, but had no police escort at the time of her death. It is also reported that she was on a handwritten “death list” issued by a leading member of a vigilante militia group who was recently arrested in Guarapari, Espírito Santo.

Reports mention that many judges are under threat because of their functions. The National Council for Justice allegedly reported 69 threatened judges all over Brazil. Studies from the Brazilian Justice Ministry also allegedly reported that more than 90 judges are on a “most wanted” death list.

It was also reported that if impunity for crimes such as the assassination of Judge Acioli prevails, the work of Brazilian judges will be put at serious risk, thereby impinging on the effective independence of the judiciary and the consolidation of the rule of law and democracy.

We wish to express our concern about the lack of effective and adequate protection measures for the security and safety of judges in Brazil, especially judges who are under particular threat as a consequence of dealing with particularly sensitive cases, and the impact of crimes, such as the one described above, on the independence of the judiciary, the rule of law and democracy in Brazil.

We wish to stress that everyone has the fundamental right to life and security of the person as set forth in article 3 of the Universal Declaration of Human Rights (UDHR) and in article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which Brazil acceded to on 24 January 1992. The right to life shall be protected by law and no one shall be arbitrarily deprived of his life. We also wish to refer 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.” Principle 9 further insists on the need to conduct thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions.

With regard to the alleged threats to, and death of, Judge Acioli, we wish to refer to the Basic Principles on the Independence of the Judiciary (adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985) whose principle 2 stipulates that “[t]he judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason.” Principle 11 of the Basic Principles on the Independence of

the Judiciary provides further that “The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.” The need to adequately protect judges against intimidation and guarantee their security in the law in order to safeguard their independence was also underlined by the Human Rights Committee in its General Comment No. 32 on article 14 of the ICCPR. (CCPR/C/GC/32, para. 19).

We urge your Excellency’s Government to take all immediate and effective measures to guarantee that the investigation of Ms. Acioli’s death is undertaken with due diligence and in accordance with the above mentioned standards and principles.

We also wish to remind your Excellency’s Government of the Urgent Appeal letter sent on 11 July 2011, by the Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, to which we have not yet received an official reply. The Urgent Appeal letter concerned the situation of Ms. Fabíola Michele Moura, a Brazilian national and judge of the State of Pernambuco, allegedly subjected to threats and attacks by police officers for performing her professional functions.

We therefore further urge your Excellency’s Government to take all immediate, effective and adequate measures to protect the rights to personal security, integrity and life of all judges in Brazil, especially those who have been reported to be under threat.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to properly investigate Ms. Patrícia Lourival Acioli’s death in accordance with the above-mentioned 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 accurate?
2. Please provide the full details of any investigation undertaken in relation to Judge Acioli’s death, including on possible links between her death and her work to combat organized crime and corruption.
3. Please provide detailed information on the measures taken to ensure that judges in Brazil are able to discharge their functions without intimidation or threats in accordance with international standards as enshrined, inter alia, in the Basic Principles on the Independence of the Judiciary.

4. What specific protection measures have been put in place to protect the rights to life and security of judges who have received threats? Is there a specific law or national programme for protection of judges at risk?

5. Please also indicate if Ms. Acioli's family members have also received threats, and in case they have, please provide detailed information on the measures taken to protect their right to life and security.

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

Gabriela Knaul  
Special Rapporteur on the independence of judges and lawyers