

**Mandates of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
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3 August 2017

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 28/11, 35/15 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of human rights defender, Mr. **Rosenildo Pereira de Almeida**, by unidentified assailants in Rio Maria Pará on 7 July 2017, as well as the killing of 10 other land rights defenders, Mr. **Antônio Pereira Milhomem**, Mr. **Bruno Henrique Pereira Gomes**, Mr. **Hecules Santos de Oliveira**, Ms. **Jane Julia de Oliveira**, Mr. **Nelson Souza Milhomem**, Mr. **Ozeir Rodrigues da Silva**, Mr. **Regivaldo Pereira da Silva**, Mr. **Ronaldo Pereira de Souza**, Mr. **Weldson Pereira da Silva**, and Mr. **Weclebson Pereira Milhomem** on 24 May 2017 in the municipality of Pau D'Arco.

Mr. Rosenildo Pereira de Almeida was a land rights defender and a rural worker. He was one of the leaders of the Santa Lúcia settlement, a peaceful occupation to demand land rights and land reform, located at the border of Santa Lúcia farm in Pau D'Arco, Pará, Brazil.

Mr. Antônio Pereira Milhomem, Mr. Bruno Henrique Pereira Gomes, Mr. Hecules Santos de Oliveira, Ms. Jane Julia de Oliveira, Mr. Nelson Souza Milhomem, Mr. Ozeir Rodrigues da Silva, Mr. Regivaldo Pereira da Silva, Mr. Ronaldo Pereira de Souza, Mr. Weldson Pereira da Silva and Mr. Weclebson Pereira Milhomem were land rights defenders who aimed to reclaim the Santa Lúcia farm located in the municipality of Pau D'Arco in the south of Peru by peaceful means.

According to the information received:

On the morning of 24 May 2017, a group of 25 land rights defenders and landless workers attempted to peacefully reoccupy the Santa Lúcia farm, located in the municipality of Pau D'Arco, in the south of Pará. A large number of other workers were initially supposed to have joined the group, however, their vehicle broke down and they subsequently failed to reach the site. The group of 25 who did

arrive at the site camped temporarily in the woods, approximately 300 meters from the old farmhouse.

At 6.30 a.m. that same morning, four police vehicles approached the site, causing the 25 land rights defenders to flee into a neighbouring forest. The police officers pursued them and, according to survivors, started to shoot towards the unarmed group, who were standing under a tent, taking shelter from the rain. Consequently, human rights defenders Mr. Antônio Pereira Milhomem, Mr. Bruno Henrique Pereira Gomes, Mr. Hecules Santos de Oliveira, Ms. Jane Julia de Oliveira, Mr. Nelson Souza Milhomem, Mr. Ozeir Rodrigues da Silva, Mr. Regivaldo Pereira da Silva, Mr. Ronaldo Pereira de Souza, Mr. Weldson Pereira da Silva and Mr. Weclbson Pereira Milhomem were allegedly killed by the police.

Since the Pau D'Arco killings, Federal Police have allegedly been deployed to the area in order to investigate the case. According to the Prosecution Office, which is also reported to be investigating the case, the killings were premeditated.

On 10 July 2017, 11 military police and two civil police officers were arrested at the request of the Prosecution.

On 7 July 2017, approximately one month after the killing of the 10 land rights defenders, Mr. Pereira de Almeida fled the Santa Lúcia settlement when he allegedly realized that he was being followed by unknown individuals. The human rights defender went into hiding in the Rio Maria village, over 60 kilometres away. On the same day two unidentified assailants on a motorcycle shot at and killed Mr. Pereira de Almeida while he was exiting a church in Rio Maria, Pará, Brazil.

Mr. Pereira de Almeida had allegedly received multiple threats as a result of his work, with the number of threats reportedly increasing following the killing of the other land rights defenders, who, like him, were also members of the Santa Lúcia settlement, on 24 May 2017.

According to information we have received, these killings are not isolated cases but rather part of a growing pattern of incidents of violence and killings against land rights defenders which has been recorded in Brazil, and most notably, in Pará, over the past number of years. According to the Comissão Pastoral da Terra - CPT (Land Pastoral Commission), the Frei Henri settlement in Pará, also known as Fazendinha (small farm), which hosts more than 200 families on the margins of the PA 273 highway, is one of the most at risk. Since 2010, defenders have allegedly been struggling for the land to be included under the agrarian reform program. Despite repeated favourable judicial decisions, the authorities have allegedly failed to enforce court decisions and to ensure the safety of the defenders and their families. In 2016 CPT recorded 1079 incidents related to land disputes in the country, an increase compared to 771 cases in 2015. In Pará, between 1995 and 2010, 408 incidents were allegedly recorded, with 61 people

killed. In the micro-region encompassing Pau D'Arco and its surroundings 72 land rights defenders have allegedly been killed between 1990 and 2017.

The Brazilian Human Rights Defenders Committee has reported 66 killings of human rights defenders in 2016. 32 of these murders allegedly occurred in the north of the country. Most were reportedly related to land conflicts. In 2017, the Committee has so far reported 43 killings of human rights defenders.

Violence against human rights defenders has reportedly escalated since the dismantling of the Ministry of Women, Racial Equality and Human Rights, the Ministry for Rural Development as well as the institution of the Agrarian Ombudsman. In addition, high profile public officials in the country have allegedly made several negative statements against civil society movements and organisations, suggesting that their actions are of a criminal nature. Such statements contribute to stigmatisation and delegitimisation of the work of land rights and environmental defenders. The Minister of Justice has allegedly declared in previous statements that the Movimento dos Trabalhadores Rurais sem Terra – MST (Landless Worker's Movement) used “guerrilla tactics” during its latest protests.

Grave concern is expressed at the killing of land rights defenders. Particular concern is expressed that these killings were in direct retaliation against the defenders' legitimate and peaceful work in defence of human rights in Brazil.

General concern is expressed at the increasingly restrictive environment for land rights defenders in Brazil, the alarmingly increasing number of incidents of violence and killings against land rights defenders which have been recorded as well the abolition of several state institutions which may have contributed towards these negative developments.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide any additional information on the ongoing investigation by the Federal Police and the Prosecution Office into the killings of Mr. Antônio Pereira Milhomem, Mr. Bruno Henrique Pereira Gomes, Mr. Hecules Santos de Oliveira, Ms. Jane Julia de Oliveira, Mr. Nelson Souza Milhomem, Mr. Ozeir Rodrigues da Silva, Mr. Regivaldo Pereira da Silva, Mr. Ronaldo Pereira de Souza, Mr. Weldson Pereira da Silva and Mr. Weclebson Pereira Milhomem.
3. Please provide information on whether there is also an ongoing investigation into the killing of Mr. Rosenildo Pereira de Almeida. Also, please elaborate on whether Mr. Pereira de Almeida made an official complaint or requested protection regarding the escalating threats he received prior to his killing. If so, what was the response from the authorities?
4. Please provide any additional information on allegations that in spite of repeated favorable judicial decisions towards land rights defenders in Pará who are struggling for their land to be included under the agrarian reform program, the authorities have repeatedly failed to enforce these court decisions and to ensure the safety of land rights defenders.
5. Please explain the reasons behind the dismantling of the Ministry of Women, Racial Equality and Human Rights, as well as the Ministry for Rural Development and the Agrarian Ombudsman, particularly in light of the aforementioned reports by the Comissão Pastoral da Terra and the Brazilian Human Rights Defenders Committee whose statistics of violence and killings against land rights defenders suggest a need for such ministries.
6. Please indicate what measures have been taken to ensure that human rights defenders in Brazil are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

John H. Knox

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Michel Forst  
Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), which Brazil acceded to on 24 January 1992, and in particular to articles 6, 21 and 22 which guarantee the right to life, the right of peaceful assembly and the right to freedom of association.

In its General Comment No. 31, the Human Rights Committee observed that there is a positive obligation on States to ensure protection of Covenant rights of individuals against violations by its agents and by private persons or entities, which includes the duty to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice and to redress the harm caused by non-state actors. A failure to investigate and bring perpetrators of such violations to justice could, in and of itself, give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). Moreover, the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, stress the obligation to conduct thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions.

Furthermore, we would like to remind your Excellency's Government of the duty to guarantee "[e]ffective 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", according to Principle No. 4 of the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

We would also like to refer to Human Rights Council Resolution 22/6, which urges States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law.

Resolution 24/5 of the Human Rights Council "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise and promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law".

In addition, Human Rights Council resolution 31/32 in its paragraph 1 reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization

of those rights, including as they relate to environmental and land issues as well as development.

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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (a), which provides for the right to meet or assemble peacefully;
- article 12 (1), which provides for the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms;
- article 12 (2), which provides 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 present Declaration.