

**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; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders**

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Excellency,

We have the honour to address you in our capacity 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; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 37/8, 35/15, 32/32 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **intimidation and death threats made against environmental human rights defenders, Messrs. Ageu Lobo Pereira, Pedro Braga da Silva and Francisco Firmino da Silva (known as Chico Caititu), in relation to their human rights activities on behalf of Montanha and Mangabal communities.**

**The Association of Montanha and Mangabal communities** represents the Montanha and Mangabal Agroextractivist Settlement Project, which was created by the National Institute for Colonization and Land Reform (INCRA) on 3 September 2013 by executive order no. 11. Montanha and Mangabal are riverine communities located on the margins of the Tapajós River, in the south-west of the Brazilian Amazonian state of Pará. The formal recognition of the Montanha and Mangabal communities' rights to the land was declared through the civil law case no. 1.39.02.000512/0, brought in 2006 by the Federal Public Prosecutors' office in Santarém, Pará, which provisionally banned the circulation of outsiders within the communities' territory.

**Mr. Ageu Lobo Pereira** is the president of the Association of Montanha and Mangabal communities. Mr. Pereira has promoted the communities' right to free, prior and informed consent in lectures and conferences, as well as reported on the impact of governmental projects and land occupiers in the region. As president of the Association, he liaises with federal, state and municipal authorities on behalf of the communities, calling for improvements in education and public health services.

Mr. **Pedro Braga da Silva** is the vice-president of the Association. He pursues alliance-building with other organizations, when the president is away for meetings with authorities. Mr. Braga participated in an awareness campaign that involved talking to Tapajós River riverine communities about the dangerous effects of the construction of the São Luiz do Tapajós hydropower dam.

Mr. **Francisco Firmino da Silva** (known as Chico Caititu) has been active in the advocacy for the territory's recognition and played a crucial role in the establishment of the alliance between the Montanha and Mangabal community and the Munduruku people. He was acclaimed as a cacique (the name given to indigenous leaders) due to his role in the auto-demarcation of the Sawré Muybu Indigenous Land. Caititu's experience in the auto-demarcation of the Munduruku land was essential for defining the strategy in the defence of the Montanha and Mangabal territory.

According to the information received:

Following the land rights recognition, the Montanha and Mangabal communities requested the transformation of their land into an extractive reserve. As a protected area, the extractive reserve is publicly owned but allows the people who live there to use it for traditional extractive practices such as hunting, fishing and harvesting wild plants. It would also provide the communities with access to rural credit as well as to public health and education.

In 2013, an executive order created the Agroextractivist Settlement Project, welcomed by the Montanha and Mangabal communities, and gave the National Institute for Colonization and Land Reform (INCRA) one year to carry out topographical studies and define the perimeter of the settlement. INCRA allegedly did not start implementing the order until the second semester of 2017, despite the importance of demarcating the boundaries of the project in order to warn unauthorized trespassers about the existence of the federal protected area.

Given the lacking effort by INCRA, since 2017, the Association of Montanha and Mangabal communities have started carrying out the demarcation themselves. The auto-demarcation by the communities revealed many unauthorized access paths leading into the territory, along with alarming traces of illegal activities, such as heart of palm extraction, logging, and gold mining with traces of mercury-contaminated water and tracks of backhoe loaders. On the locations of such illegal activities, the community members installed signs announcing the protected area and registering GPS coordinates.

The demarcation process by the Association has faced serious obstruction in the form of threats issued to the community leaders. On 13 September 2017, the intimidation started when a vehicle used by the Association was intercepted by a

group called the ‘baianos’, who were allegedly involved in illegal logging and gold mining in the western part of the Agroextractivist Settlement Project. The group claimed that the vehicle was inside their claimed property and disputed the communities’ rights over the territory. They demanded to see the map that the community members were using to demarcate the territory and called for a meeting to be held at a popular meeting place for gold miners and other occupiers in the area. Ten representatives of the communities went to talk with the gold miners and occupiers to explain the demarcation process. During that meeting, the ‘baianos’ affirmed that they did not accept the perimeter of the Agroextractivist Settlement Project perimeter because the maps used for the demarcation were wrong. They stated that the land is theirs and that they did not recognize the legitimacy of the Agroextractivist Settlement Project. The “baianos” were reportedly armed and threatened the Association representatives, who consequently feared to stay in their homes.

In October 2017, after the Federal Public Ministry (*Ministério Público Federal*) had been informed of the incident, the ministry issued a communiqué recalling the 2006 decision that prevents any claims of land possession inside the territory of Agroextractivist Settlement Project from anyone other than the members of the families that form the Montanha and Mangabal communities. The communiqué, affixed in places frequented by gold miners and loggers along the Transamazon highway, advised trespassers and occupiers to cease any activities involving the exploitation of natural resources inside the area.

In November 2017, INCRA’s superintendent for the region reportedly visited the Agroextractivist Settlement Project and promised to conclude the georeferenced limits of the protected area, carry out improvements in the roads along the project, and address illegal occupations and communicate charges involving environmental infractions to the Federal Environmental Agency (IBAMA). The attention of the federal agencies is said to have caused concern among the occupiers, and it has added to the vulnerability of the Montanha and Mangabal communities because of the lacking tangible follow-up actions.

Due to their environmental human rights work, Messrs. Chico Caititu, Pereira and da Silva have faced threats and intimidation. At the end of February 2018, a source close to Mr. Chico Caititu working in an illegal logging camp overheard the heads of the camp talking about plans to kill him. In March 2018, Mr. Pereira was informed of death threats through a private messenger. The threats raised particular concerns given that a woman from Montanha and Mangabal was murdered in 2015 allegedly by the operator of a dredger.

Due to the death threats, Mr. Ciatitu and Mr. Pereira had to leave their community for safety reasons, which has also compromised their environmental work in

relation to the Agroextractivist Settlement Project. All routes to the project's territory are usually used by the illegal miners and occupiers, which renders the passage for members of the Montanha and Mangabal communities dangerous. The remaining 21 kilometres of the territory remain undemarcated by the Association until the communities receive better protection for their security.

We are deeply concerned about the safety of the environmental human rights defenders, Messrs. Chico Caititu, da Silva, and Pereira, and the members of the Montanha and Mangabal communities, due to the death threats and intimidation, which were made in relation to their legitimate environmental, land and indigenous peoples' rights work.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Excellency's Government's attention to articles 6, 9, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Brazil on 24 January 1992, which provide for the rights to life and security of person, to freedoms of opinion and expression, as well as of peaceful assembly and association. In its General Comment No. 31, the Human Rights Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by its agents. A failure to investigate violations of the Covenant 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, para. 15).

We also wish to refer 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, articles 1, 2, 5, 6 and 12.

We recall Human Rights Council resolution 31/32, which 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.

Additionally, we wish to refer to the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), which summarize the main human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. Namely, the Framework Principle 1 provides that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights. In the same vein, Principle 2 reiterates that States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment. Principle 4 reaffirms

that States should provide a safe and enabling environment in which human rights defenders that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

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 the above-mentioned persons in compliance with international instruments.

As 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 be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on any investigation or prosecution being carried out by authorities in connection with the above-mentioned allegations.
3. Please provide the details of the measures taken by the Government with regard to its obligations relating to the environment and land rights of the indigenous peoples, including the concerns raised by the Montanha and Mangabal communities in the context of the delayed implementation of the Agroextractivist Settlement Project.
4. Please provide information on the security measures adopted to protect Messrs. Chico Caititu, da Silva, and Pereira in their capacity as human rights defenders and including in the context of the national programme for protection of human rights defenders.
5. Please kindly indicate what measures have been taken to ensure that environmental 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.

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 responsible of 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

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