

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Working Group on the rights of peasants and other people working in rural areas**

Ref.: AL BRA 6/2024  
(Please use this reference in your reply)

12 November 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Working Group on the rights of peasants and other people working in rural areas, pursuant to Human Rights Council resolutions 52/4 and 54/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning threats and attacks against human rights defender Antônio Francisco de Sousa Araújo in the state of Maranhão, concerns for his physical safety and for that of other human rights defenders in the rural Vergel community.**

Mr. **Antônio Francisco de Sousa Araújo** is a human rights defender and leader of the Vergel community, located 51 kilometres from the town of Codó in the state of Maranhão. The community was founded by rural workers over 100 years ago, with its residents living from small-scale agricultural activities. For many years, Mr. Araújo has been prominent in denouncing illegal land grabbing and land occupations by farmers and loggers in the community, four members of which, all of whom were relatives of Mr. Araújo, have been murdered since 2007, including his brother, in 2021. These killings, which have occurred in the context of land conflict in the community, currently remain in impunity.

According to the information received:

Since at least 2015, Mr. Araújo has been subjected to threats in response to his defence of the land rights of his community in the face of attempts by farmers and loggers to enter and control land in the area. These threats have been made against Mr. Araújo directly, in person.

In March 2023, a new series of attacks by persons seeking to control land in the Vergel community began. On 6 July 2023, the human rights defender filed a lawsuit at the Agrarian Court of the District of São Luís, which has jurisdiction to act in cases of collective agrarian conflicts, seeking protection for his family's land, and obtained a favourable decision ordering the removal of persons who had invaded his property. On the same date, the human rights defender filed a request to be included in the State Programme for the Protection of Human Rights Defenders (PPDDH). This request was rejected by the State Secretariat of Human Rights of the State of Maranhão.

On 12 October 2024, an armed man attempted to break into Mr. Araújo's home. Upon noticing the intruder, Mr. Araújo and his family closed the doors and windows and hid. On 24 October 2024, a second attempt was made to break into the human rights defender's home, reportedly by the same man.

Without wishing to prejudge the accuracy of the information received, we express concern as to the physical security of Mr. Antônio Francisco de Sousa Araújo, his family and fellow community members, and fear that they may be at risk for seeking to defend their human rights. We stress that human rights defenders in remote and isolated areas face aggravated security risks, and urge the State to review Mr. Araújo's need for protection, in light of the above detailed allegations.

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.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to any investigation that may have been carried out in response to the alleged attempts to break into Mr. Araújo's home on 12 and 24 October 2024.
3. Please confirm whether a request was received to incorporate Mr. Araújo into the state protection mechanism for human rights defenders, whether this request was accepted or rejected, and, in the case it was rejected, why.
4. Please provide information as to the status of investigations carried out into the alleged killings of four of Mr. Araújo's relatives since 2007, including information as to measures taken to bring the perpetrators to justice, ensure accountability for the victims and their family members, and guarantee the safety of the Vergel Community more broadly.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Geneviève Savigny  
Chair-Rapporteur of the Working Group on the rights of peasants and other people  
working in rural areas

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights norms and standards.

In particular, 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 and 9, which guarantee the right to life and to security of person.

In connection to article 6 of the ICCPR, we would like to highlight the Human Rights Committee's general comment 36, concerning the right to life. In its General Comment, the Committee stated that the obligation of State parties to respect and ensure the right to life “extends to reasonably foreseeable threats and life-threatening situations” (CCPR/C/36 para. 7). Concerning human rights defenders specifically, the Committee stated that the duty to protect the right to life requires State parties to take “special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence” and that such persons “include human rights defenders” (para. 23). The Committee also stressed that State parties to the Covenant have an obligation, “where they know or should have known of potentially unlawful deprivations of life, to investigate and, where appropriate, prosecute the perpetrators of such incidents.” (Para. 27)

The right to security of person refers to protection against physical or psychological injury, or attacks on physical and moral integrity, and obliges State parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or non-State actor. As the Human Rights Committee has underlined, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders, and should take appropriate measures to protect the victims of such violence (CCPR/GC/35 para. 9).

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, article 1, which states that everyone has the right, individually and 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 article 2, which provides 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.

We would further like to make specific reference to article 9 of the Declaration on Human Rights Defenders, which holds that in the exercise of human rights and

fundamental freedoms, including the promotion and protection of human rights as referred to in the Declaration, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights, as well as to article 12 of the Declaration, which states that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone exercising their rights under the Declaration against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action.

In addition, we wish to 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.

We would also like to refer to general comment No. 26 of the Committee on Economic, Social and Cultural Rights, on the connections between land and the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (E/C.12/GC/26). In the General Comment, the Committee cites the UN Declaration on Human Rights Defenders, reiterating the State duty to respect human rights defenders and their work, including where it connects with struggles over land.

Finally, we would like to refer to the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, adopted by the Human Rights Council on 28 September 2018, including article 12, which affirms that Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights, and article 17, which gives Peasants and workers in rural areas the right to access their lands and to be free from unlawful evictions.