

**Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change and the Special Rapporteur on the situation of human rights defenders**

Ref.: AL OTH 45/2025  
(Please use this reference in your reply)

29 April 2025

Dear Mr. Korchinsky,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 53/3, 57/31 and 52/4.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received **concerning alleged threats and intimidation of indigenous Ka'apor human rights defenders, including Itahu Ka'apor and Mariuza Ka'apor, in the state of Maranhão, Brazil, in connection with their opposition to a carbon credit project proposed on indigenous land by Wildlife Works.**

**Itahu Ka'apor** and **Mariuza Ka'apor** are members of the Tuxa Ta Pame, which in the Kaapor language means the Ka'apor Management Council. Since 2013, this six-person body has been the Ka'apor representative authority in the Alto Turiaçu Indigenous Territory. It manages health care, education and self-protection strategies for local communities. The Alto Turiaçu Indigenous Territory extends across 531,000 hectares of land in the remains of the eastern Amazon, in Maranhão State, and

is home to Ka'apor, Temb  and Awa peoples, some of whom are in isolation or uncontacted. It was demarcated by the Brazilian Government through Decree 88.002 in 1982. Protected areas were established along the borders of the territory by the Ka'apor people from 2013 onwards to protect the communities living there from attacks by loggers and protect the Amazon from deforestation. From this moment onwards, a significant drop in deforestation in the area has been recorded.

According to the information received:

Since 2013, when the creation of the protected areas along its borders started, nine Ka'apor indigenous people from the Alto Turia u Indigenous Territory have been brutally murdered, including several whose bodies were mutilated. None of these murders have been properly investigated and all remain unpunished. Two further Ka'apor people from the territory were murdered between 2011 and 2012. In 2022, a Ka'apor leader and member of the Tuxa Pa Pame died after allegedly being given poisoned fish to eat, in another possible killing.

Since at least February 2023, the US-headquartered company Wildlife Works Carbon LCC has been seeking to develop a carbon credit project within the Alto Turia u Indigenous Territory. As part of their efforts to develop the project, which would require the free, prior and informed consent of all Indigenous and other traditional peoples directly and indirectly affected, Wildlife Works has allegedly sidelined the Tuxa Ta Pame in favour of engaging with another association which does not represent the peoples of the Alto Turia u Indigenous Territory. In mid-February 2023, the company signed a memorandum of understanding with this association, leading to a division among those living in the territory. This agreement was signed almost one year prior to the company's first engagement with the Tuxa Ta Pame, which took place on 23 January 2024 through an email sent to the Ka'apor leaders, in which the company invited them to a meeting. The Tuxa Ta Pame responded on 31 January 2024, demanding the suspension of the company's activities and withdrawal, stating that they would not accept the company's presence in the Alto Turia u Indigenous Territory.

On 30 October 2024, the Tuxa Ta Pame filed a lawsuit before the 3<sup>rd</sup> Federal Court of the Federal Judicial Section of Maranh o against the Federal Government, FUNAI (Fundac o Nacional dos Povos Ind genas) and Wildlife Works for the implementation of a carbon credit project in the Alto Turia u Indigenous Territory without the prior, free and informed consent of the Ka'apor indigenous people. In the suit, the Tuxa Ta Pame sought an injunction suspending all activities of Wildlife Works in the Alto Turia u Indigenous Territory, and an inspection of the companies' activities therein by FUNAI and the Federal Government.

On 10 February 2025, at around 10 p.m., two Ka'apor indigenous people who support the Wildlife Works carbon credit project came to Itahu Ka'apor's home and threatened him, warning him to drop the lawsuit filed by the Tuxa Ta Pame against Wildlife Works or else he would face the consequences. This threat led the human rights defender to take security measures for his protection.

The incident on 10 February 2025 is allegedly only one instance in a pattern of threats and intimidation against Ka'apor human rights defenders, including Itahu Ka'apor and Mariuza Ka'apor, by people in favour of the carbon credit project.

At the time of writing, the case brought by the Tuxa Ta Pame against Wildlife Works, the Federal Government and FUNAI was ongoing before the 3<sup>rd</sup> Federal Court of the Federal Judicial Section of Maranhão.

Without wishing to prejudge the accuracy of the allegations, we express serious concern for the threats to the safety of Itahu Ka'apor and Mariuza Ka'apor, along with their fellow Indigenous human rights defenders in the Alto Turiaçu Indigenous Territory, in light of the alleged threats they have received in connection with the carbon credit project proposed by your company, Wildlife Works. Our concern is aggravated by the history of violent killings of Ka'apor people in Brazil, and the persistent impunity for these crimes. We express further concern at the risks posed to the rights of local Indigenous peoples by the project proposed by your company, including those guaranteed to them under ILO convention 169 and the UN Declaration on the Rights of Indigenous Peoples.

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 on the human rights due diligence policies and processes put in place by Wildlife Works to prevent, identify, mitigate and remedy any adverse human rights impacts potentially arising from its proposed carbon credit project in the Alto Turiaçu Indigenous Territory, including risks for human rights defenders, in accordance with the UN Guiding Principles on Business and Human Rights.
3. Please provide information about specific due diligence or impact assessment measures taken by Wildlife Works in relation to the development of the carbon credit project. Please highlight how your company has conducted meaningful consultation with affected stakeholders and, in particular, with the Indigenous Peoples and communities in the territory, before and after the commencement of the project.
4. Please provide specific information on the steps taken by Wildlife Works to respect the right of indigenous peoples to give or withhold their free, prior and informed consent for projects affecting their lands in response to the clearly stated opposition of the Tuxa Ta Pame to the development

of the proposed carbon credit project in the Alto Turiaçu Indigenous Territory.

5. Please provide specific information on the steps taken by Wildlife Works to ensure public access to information on climate change and human rights in relation to carbon credit projects, including on how these projects make a genuine contribution to emission reductions globally, and prevent negative environmental and human rights impacts locally.
6. Please provide information on the steps taken by Wildlife Works to establish, implement and/or enforce an operational-level grievance mechanism, in line with the UN Guiding Principles, in order to address the adverse human rights impacts caused or contributed to by your company's operations

This communication and any response received from you will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that a letter on this subject matter has been also sent to the Governments of Brazil and the United States of America.

Please accept, Mr. Korchinsky, the assurances of our highest consideration.

Lyra Jakulevičienė  
Chair-Rapporteur of the Working Group on the issue of human rights and  
transnational corporations and other business enterprises

Elisa Morgera  
Special Rapporteur on the promotion and protection of human rights in the context of  
climate change

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw your attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31). The guiding principles were unanimously adopted by the Human Rights Council in 2011, through resolution A/HRC/RES/17/31, after years of consultations between participating governments, civil society and the business community. These guiding principles are based on the recognition of:

- a) The existing obligations of States to respect, protect and fulfil human rights and fundamental freedoms.
- b) The role of business as a specialised organ of society that performs specialised functions and must comply with all applicable laws and respect human rights.
- c) The need for rights and obligations to be accompanied by adequate and effective remedies in the event of non-compliance".

The guiding principles apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure. The guiding principles are the authoritative global standard for business to prevent and address business-related adverse human rights impacts. The responsibility to respect human rights constitutes a global standard of conduct applicable to all businesses, transnational and otherwise, regardless of their size, sector, location, ownership and structure. It exists irrespective of the capacity and/or willingness of States to meet their own human rights obligations and does not diminish those obligations. It is a responsibility additional to that of complying with national laws and standards for the protection of human rights.

The guiding principles identify two main components of the corporate responsibility to respect human rights, which require that "enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities and address those impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts" (guiding principle 13).

To meet their responsibility to respect human rights, enterprises should have policies and procedures that are appropriate to their size and circumstances, including:

- a) "A policy commitment to meet their responsibility to respect human rights.
- b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights.
- c) Processes to enable the remediation of any adverse human rights impacts

they cause or to which they contribute.” (guiding principle 15)

Furthermore, principle 22 states that if companies “identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.”

We wish to underscore that the guiding principles recognize the important and valuable role played by independent civil society organizations and human rights defenders. In particular, principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts.

We would also like to refer to the fundamental norms set out in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, otherwise known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to article 1 of the Declaration, which states that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.

Further, we refer to the Working Group on business and human rights’ report on ensuring respect for human rights defenders (A/HRC/47/39/Add.2) which highlights the need for addressing the adverse impact of business activities on human rights defenders and unpacks for States and business the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.

We would further like to refer to the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly on 13 September 2007 and convention 169 of the International Labor Organization on Indigenous and Tribal Peoples.

We would also draw your attention to the 2024 reports of the UN Special Rapporteur on Climate Change and Human Rights, which underscored concerns that the majority of carbon offsets appear to be of very low quality and should not be relied upon to make claims of having reduced emissions or achieved climate neutrality; and that many voluntary carbon credits have been found to inaccurately reflect emission reductions actually achieved or likely to be achieved. In particular, the Rapporteur underscored that nature-based carbon credits have been associated with widespread displacement and increased human rights harms and risks for people whose livelihoods depend on nature, including Indigenous Peoples (A/HRC/55/37).

The UN Special Rapporteur on Climate Change and Human Rights clarified that public access to information on carbon credits must include:

- calculations of carbon capture;
- expected local impacts on land and waters, tenure rights and other human rights;

- confirmation of consent of all affected communities, including free, prior and informed consent of Indigenous Peoples;
- revenue throughout the project life cycle, including the sale price of carbon credits;
- distribution of revenue and other benefits to the project developer, national and local governments and affected communities;
- the identity and purpose of those buying credits associated with the project, including whether credits are being used to offset preventable emissions.
- to allow credit buyers to easily understand the potential risks of the credit they are purchasing; and
- use of technologies (remote sensing, artificial intelligence and digital platforms) to measure carbon storage, and to issue and trade carbon credits, because they collect and use data from communities beyond their control (A/79/176).