

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the rights of Indigenous Peoples**

Ref.: AL BRA 6/2025  
(Please use this reference in your reply)

17 December 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the rights of Indigenous Peoples, pursuant to Human Rights Council resolutions 52/4, 53/4 and 60/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the killing of indigenous leader Vicente Fernandes Kaiowá on 16 November 2025 and continued severe violations of the human rights of the Guarani-Kaiowá indigenous people in the south of Mato Grosso do Sul.**

**Vicente Fernandes** was an indigenous Guarani-Kaiowá leader in the Pyelito Kue *tekhoa*, part of the Iguatemipeguá I Indigenous Land in the Iguatemi municipality in the south of Mato Grosso do Sul.

Serious concerns as to the human rights situation of the Guarani-Kaiowá community of Pyelito Kue have previously been raised with your Excellency's Government on 6 November 2012 ([BRA 13/2012](#)), regarding grave violations of the human rights of the indigenous inhabitants of Pyelito Kue, and on 9 October 2015 ([BRA 7/2015](#)), concerning the killing and attempted killing of indigenous Guarani-Kaiowá leaders and human rights defenders in Mato Grosso do Sul. We thank your Excellency's Government for its [reply](#) to BRA 7/2015, dated 9 December 2015, providing information on the response of the Federal Government to the attacks.

In addition, the killing of Mr. Fernandes and the attack on the Guarani-Kaiowá peoples was the subject of a [press release](#) issued on 20 November 2025 by Special Procedures mandate holders.

According to the information received:

In November 2007, an agreement was reached between indigenous leaders, the Fundação Nacional dos Povos Indígenas (FUNAI), the Federal Public Prosecutor's Office and the Federal Ministry of Justice for the demarcation of 36 Guarani-Kaiowá territories by 2010.

In 2013, three years after the agreed deadline, the Iguatemipeguá I Indigenous Land was delimited, covering over 41,000 hectares, however, the process has since stalled, and the land is yet to be demarcated. As a result, the Guarani-Kaiowá indigenous people in the Pyeltio Kue *tekhoa*, within the delimited indigenous land, have been living in extremely poor conditions on 97 hectares

of land surrounded by eucalyptus plantains, with very limited space for growing crops.

In response to the failure of the authorities to demarcate the land and uphold the protection, respect and fulfillment of the constitutional, regional and internationally recognised rights of the Guarani-Kaiowá, the indigenous people have engaged in reoccupations of their traditional territory in the area.

In October 2025, the Guarani-Kaiowá families in the Pyelito Kue tekhoa reclaimed part of their territory in the Iguatemipeguá I Indigenous Land which overlaps with a large cattle farm – the Cachoeira Farm.

On 3 November 2025, they moved from the area they had initially reoccupied into an open field. Following this, they were attacked for two consecutive nights by organised gunmen who fired live rounds and rubber bullets at them, while also attempting to burn down the small structures the Guarani-Kaiowá had erected, with the attack leaving several people injured.

On 16 November 2025, the Guarani-Kaiowá community members were again attacked, on this occasion by a group of approximately 20 heavily armed men who opened fire on them, shooting indigenous leader Vicente Fernandes in the head and killing him. The attackers allegedly attempted to take the body of Mr. Fernandes after killing him but were stopped by the community. Four other Guarani-Kaiowá were shot during the attack, including one teenager who was shot in the arm with live ammunition, and three others who were shot with rubber bullets reportedly restricted to use by the state security forces.

While we do not wish to prejudge the accuracy of these allegations, we express our extreme concern at the killing of indigenous leader Vicente Fernandes Kaiowá and about the security of the indigenous Guarani-Kaiowá of the Pyelito Kue *tekhoa*, who we deem to be at high risk of suffering further fatal attacks.

We express our dismay that, despite an agreement concerning the demarcation of Guarani-Kaiowá lands in Mato Grosso do Sul being reached in 2007, and the provisions guaranteeing the rights of indigenous and other traditional peoples to their lands in the Brazilian Constitution, these land, like many other indigenous territories in the country, remain unrecognized. As highlighted in the report of the Special Rapporteur on the situation of human rights defenders following her official country visit to Brazil in 2024, much of the violence against human rights defenders in the country is rooted in conflict over land, with indigenous human rights defenders among those most exposed, and Gaurani-Kaiowá leaders among those most targeted. As stated in the Special Rapporteur's report, “Remedying injustice and inequality in relation to land is key to the protection of those human rights defenders. In order to stop the killings there must be demarcation, titling and land reform. Invaders must be removed and the crimes that have been perpetrated must be prosecuted, with the intellectual authors brought to justice along with those pulling the trigger.” ([A/HRC/58/53/Add.2](#), para. 41).

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 any information as to any investigation that has been carried out into the killing of Vicente Fernandes and the violent attacks on the Guarani-Kaiowá from the Pyelito Kue tekhoa that are alleged to have occurred since the beginning of November 2025, along with their results. If no such investigation has been carried out, please outline how this is compatible with Brazil's obligations under international human rights law (see annex).
3. Please provide updated information on the status of any ongoing efforts to demarcate the Iguatemipeguá I Indigenous Land and other traditional Guarani-Kaiowá lands in Mato Grosso do Sul, as well as the measures adopted to accelerate this process in light of the persistent violent attacks and human rights violations suffered by Guarani-Kaiowá Indigenous Peoples in the state.

This communication and any response received from your Excellency's Government 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.

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.

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 your Excellency's Government to clarify the issues in question.

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

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Morris Tidball-Binz  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Albert K. Barume  
Special Rapporteur on the rights of Indigenous Peoples

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the international norms and standards applicable to the case.

We would firstly like to call the attention of your Excellency's Government to articles 3 and 9 of the Universal Declaration on Human Rights (UDHR), which guarantee the rights to life and security of person, and to Brazil's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which it acceded on 24 January 1992. In particular, we would like to recall the obligations of your Excellency's Government under articles 6 and 9 of the ICCPR.

In connection to article 6, which guarantees the right to life, we would like to highlight the Human Rights Committee's general comment No. 36. 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" (Human Rights Committee, *general comment No. 36*, CCPR/C/GC/36, para. 7). The Committee further held 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" (Human Rights Committee, *general comment No. 36*, CCPR/C/GC/36, 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." (Human Rights Committee, *general comment No. 36*, CCPR/C/GC/36, para. 27).

We also wish 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.

We would further like to refer to article 9 of the Declaration, which in its paragraph 3(c) states that everyone has the right, individually and in association with others, to offer and provide professionally qualified legal assistance in defending human rights and fundamental freedoms. Finally, we would like to refer to article 12 paragraph 2 of the Declaration, which holds that States shall take all necessary measures to ensure the protection of any person, acting individually or 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 Declaration.

In connection with these provisions of the UN Declaration on Human Rights Defenders, we would like to highlight the report of the Special Rapporteur on the situation of human rights defenders, presented at the 46<sup>th</sup> session of the Human Rights Council in May 2021, on threats and killings of human rights defenders (A/HRC/46/35), and in particular references to the elevated risks of killings faced by indigenous persons in the exercise of their right to defend human rights. We recall that the Special Rapporteur noted that the protection of indigenous leaders as “inherently linked to the protection of their communities and peoples. It can only be fully achieved in the context of a holistic approach that includes the strengthening of democratic institutions, the fight against impunity, a reduction in economic inequality and equal access to justice.” (A/HRC/46/35, para. 54).

In addition, we wish to recall Human Rights Council resolution 31/32, which in 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. In this context, 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. The Committee further clarified that the State duty to protect requires States to take proactive actions to ensure economic, social and cultural rights are not infringed upon by the activities of businesses and investors either at home or abroad.

As affirmed in the United Nations Declaration on the Rights of Indigenous Peoples, indigenous peoples have the right to the lands, territories and resources they have traditionally, owned, occupied or otherwise used or acquired, and to the legal recognition of these rights with due respect for their customs, traditions and land tenure systems (art. 26). In line with the Press Release of 20 November 2025, we urge your Excellency’s Government to promptly finalise the demarcation of Guarani-Kaiowá lands, as well as all Indigenous Peoples’ territories, in accordance with Brazil’s international human rights obligations. We further emphasize that the protection of these rights and territories is essential to achieving global environmental and human rights commitments.

We would finally like to make reference to the recommendations made in the report of the Special Rapporteur on the situation of human rights defenders following her official country visit to Brazil in April 2024 (A/HRC/58/53/Add.2), in which she outlined the severe risks for human rights defenders engaged in struggles over land, including indigenous leaders, and highlighted the risks faced by indigenous human rights defenders in Mato Grosso do Sul in particular. We would like to underline recommendations 112a and 112b from the report, which state:

*The Special Rapporteur recommends that the Government and relevant organs of the States of Bahia, Pará and Matto Grosso do Sul:*

- (a) *Prioritize, as a matter of urgency, investigations into killings and threats against human rights defenders, ensuring that perpetrators are brought to justice and that all human rights defenders at risk are offered effective and appropriate protection.*
  
- (b) *Facilitate, to the maximum extent possible, the demarcation and titling of Indigenous, Quilombola and other traditional peoples' land, including by reviewing the legality of all existing concessions given to companies that affect such land, including their conformity with the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). (A/HRC/58/53/Add.2, p. 18).*