

Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

Related to: Brazil

UPR Session: 13th session of UPR, 21 May – 4 June 2012

Submitted: 18 November 2011

1. The following submission has been prepared based on information received from independent human rights defenders (HRDs) in Brazil. Front Line is an international NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Introduction

2. The challenges and threats faced by HRDs in Brazil remain very high. Human rights defenders particularly at risk continue to be those working on the issues of land, environment, indigenous peoples, state corruption and impunity. The type of harassment and attacks experienced by HRDs active in Brazil include death threats, physical attacks, arbitrary arrests and lawsuits, disappearances and killings. The high number of killings in particular and the complete impunity for their perpetrators are of deep concern.

3. According to the *Comissão Pastoral da Terra* (Pastoral Land Commission – CPT) 1,855 rural workers and activists received death threats in the past 10 years, mostly linked to their work on the environment and land reform. The characterisation of HRDs as “enemies of the state” along with the criminalisation of their actions as a result of pressure from transnational companies and powerful economic groups have brought increased risks for human rights defenders.

4. Front Line commends Brazil for having accepted all recommendations in the previous UPR cycle. The country received one recommendation concerning HRDs, namely to “Intensify efforts for the security of human rights defenders and reinforce cooperation with all stakeholders, in particular the states and the military police”. In the past four years the Brazilian government made efforts to strengthen its National Protection Programme for Human Rights Defenders (NPPHRD). At present the programme is operational in five states and is being introduced into five more. Three more states are expected to join before the end of 2011. The government announced that in 2012 a national protection system will be created embracing the three existing protection programmes: NPPHRD, Provita (Witness Protection), and Children and Adolescents threatened with death. Their combined budget will be increased. Furthermore, the draft law 086/2007 –which aims at expediting lawsuit procedures dealing with witnesses, victims and protected people from the federal programmes– was approved by Congress and should be enacted by the President in the coming months.

5. While the NPPHRD plans to extend its reach nationwide, to date –given its limitations in terms of geographical coverage– the majority of human rights defenders at risk have not had access to

state protection, especially those in the north of Brazil where the state presence is not as strong. The number of officers from the *Força Nacional* (National Force) trained to protect human rights defenders is limited, and they are unable to respond effectively to the demand that exists from HRDs at risk. Other challenges include insufficient resources and the reigning climate of impunity. Furthermore, the programme was established by decree and a bill which should provide an overall regulatory framework remains pending in Congress. Finally, the protection of human rights defenders denouncing irregularities and corruption at the state level remains challenging since it is state authorities who are mandated to implement, through the military police, the protection measures.

Repression against human rights defenders working for the landless

6. Brazilian land records show that less than 2% of landowners control more than 50% of the land. The inequitable distribution of land gave rise to a series of movements seeking to reorganize the land structure in Brazil through land reform and the defense of the rights of rural labourers. The *Movimento dos Trabalhadores Rurais Sem Terra* (Landless Workers Movement – MST) is an example of such movements.

7. Landowners and powerful economic groups have reacted aggressively to such movements, which has increased the risks faced by those working to promote land rights. Human rights defenders and community leaders have received death threats and have been killed. The hiring of unregistered, and therefore illegal, security firms has been documented. HRDs working on land issues also face opposition by society and are accused of undermining government policies promoting economic development. This high risk situation is aggravated by an inefficient state presence in rural areas and a weak judicial system, resulting in sentences consistently in favour of those holding economic and political powers.

8. Other groups at risk include Quilombola communities¹ and traditional peoples², both of which have been criminalised for their work in defence of their rights.

9. On 25 July 2011, Fr **Inaldo Serejo**, Coordinator of the Maranhão State branch of the *Comissão Pastoral da Terra* (Pastoral Land Commission – CPT), and Mr **Diogo Cabral**, human rights lawyer with the *Comissão de Direitos Humanos da Ordem dos Advogados do Brasil* (Human Rights Commission at the Maranhão branch of the Bar Association – OABMA) received death threats as they attended a hearing in the municipality of Cantanhede, in the State of Maranhão. CPT is an organisation that works closely with trade unions, landless movements and small farmers in their struggle for land reform. The hearing (process no: 3432010) was to discuss the ownership of an area of 1089 hectares of land occupied by the Quilombola from Salgado, in Pirapemas. In October 2010 the courts had granted ownership of the contested land to the Quilombolas. Reportedly taking advantage of personnel changes in the District Court, the local landowners appealed the court decision and following a brief, 24-minute hearing, an eviction notice was served on the Quilombola community.

10. On 30 October 2010, human rights defender, Mr **Flaviano Pinto Neto**, community leader and president of the *Associação dos Pequenos Produtores Rurais do Povoado do Charco* (Association of Rural Small Producers of the Charco Community), was shot in the head several times and died as a result of his injuries.

11. On 27 May 2011 **Adelino Ramos** was shot and killed in Porto Velho, the capital of Rondonia. Adelino Ramos was coordinator of the *Movimento Campones Corumbiara* (Peasant Movement of

¹ Quilombola refer to diverse socio-ethnic groups which have developed resistance practices in the maintenance of their characteristic ways of life in a determined place.

² The term traditional peoples in Brazil refers to culturally differentiated groups with specific forms of social organization, whose cultural identity is dependent on the use of their land and natural resources and who make use of traditional knowledge and practices.

Corumbiara) and was involved for decades in land rights issues in Brazil. Adelino Ramos was a prominent land rights activist who had denounced the illegal logging activities occurring in the rain forest.

Repression against human rights defenders working for indigenous peoples

12. Indigenous rights defenders face considerable threats from landowners and other economic groups interested in exploiting natural resources. HRDs are especially at risk when they work on issues relating to the demarcation of traditional indigenous lands, which is guaranteed in the Brazilian Constitution.

13. HRDs currently face increased challenges as the Government of Brazil engages in a series of large-scale development projects called *Programa de Aceleração do Crescimento* (Growth Acceleration programme – PAC). The programme includes the construction of hydroelectric power plants that may negatively impact indigenous peoples living in the region, as can be seen in Santo Antonio, Jirau and Belo Monte. Those working to promote and protect the rights of indigenous communities living in the region are exposed to further risk of stigmatisation, attack and persecution.

Repression against environmental rights defenders

14. Environmental rights defenders in Brazil face serious threats as their work often goes against the interests of landowners and economic groups, whilst on the other side they do not count on government support to back their activities. Human rights defenders working in the Amazon region are especially at risk, a fact that is further aggravated by weak state institutions and the pervasive impunity in the area. The risks include intimidation, threat of physical violence, destruction of property and killings.

15. The Chamber of Deputies of the Brazilian Congress recently approved a new Forest Code. The amendments introduced are widely believed to weaken existing environmental control mechanisms and may therefore lead to an intensification of existing disputes. The new Forest Code grants an amnesty to landowners who have committed environmental crimes. This in turn contributes to a growing climate of impunity for crimes carried out against human rights defenders working on such issues.

16. On 31 July 2010, human rights defender Mr **Alexandre Anderson de Souza** suffered an assassination attempt against his person. Alexandre Anderson de Souza is head of the *Associação dos Homens do Mar* (Association of Seamen – AHOMAR), an organisation set up to defend the rights of fishermen working in Rio de Janeiro, particularly those affected by the construction of a gas pipeline for Petrobras. Alexandre Anderson de Souza and his wife were returning to their home when they noticed two unidentified armed individuals observing their house and looking in the windows. The human rights defender approached two military police officers who were nearby. The police officers went towards the house and the two unidentified men opened fire on them. The shooting lasted approximately 15 minutes. One of the attackers was taken into custody but was reportedly released shortly after. Alexandre Anderson de Souza had survived another assassination attempt in May 2009, when he was shot at four times by two individuals in an area near the gas pipeline works. In May 2009 **Paulo Santos Souza**, Treasurer of AHOMAR, was attacked in his home, beaten in front of his family, and shot in the head five times. The killing happened on the same day that the local environment agency ordered the suspension of work on the pipeline AHOMAR was opposing. Prior to this killing a number of members of the Association had reported receiving death threats.

17. On 24 May 2011 **José Cláudio Ribeiros da Silva** and **Maria do Espírito Santo da Silva** were ambushed near their home in Pará State by unknown individuals and shot repeatedly. They had received death threats in the past from loggers and cattle ranchers as a result of their work

defending the rainforest, and had reported said threats to the police. In November 2010, at an international conference in Manaus, José Cláudio Ribeiros da Silva expressed concern for his safety as a result of threats he had received, and predicted that he would be killed. The bodies of the couple were found inside the Praia Alta-Piranheira nature reserve, where they had been working for the past 24 years.

18. On 11 March 2008 human rights defender Mr **Welinton da Silva** was attacked in Maranhão. Welinton da Silva works with the *Movimento dos Trabalhadores Rurais Sem Terra* (Movement of Landless Peasants – MST) which is a part of the Vía Campesina network that supports the rights of the communities being affected by the construction of a dam in Estreito, Maranhão. Welinton da Silva was attacked while participating in an on-site demonstration in a quarry in Estreito, Maranhão, to protest against the building of a dam. He was sleeping in the camp of *Movimento dos Antingidos por Barragens* (MAB) (Movement of Dam-affected People), in the workers' area of the quarry, when he was shot in the leg by an individual who fired gunshots from a passing car. Members of CESTE (Consortio Estreito Energia), a company involved in the development of a hydroelectric project that requires the flooding of 400 square kilometres, affecting the lands and homes of 21,000 people, including the African-Brazilian communities of Bico do Papagayo, had reportedly been to the camp three times that same day to threaten those protesting.

Human rights defenders working on issues of state corruption

19. Human rights defenders combating state and police corruption remain at particular risk. In an effort to discredit complaints and reports of abuses by the police, the latter invokes a deterioration in general security in society to justify its actions. This argument contributed to the presence of illegal militias often set up by law enforcement officers in particular in Rio de Janeiro. In recent times these militias have recently grown in power and scope as well as violence. An emblematic case was the murder of Judge **Patricia Aciolli**, shot 21 times in front of her home in Rio de Janeiro in August 2011. She was known for battling police corruption and had sentenced more than 60 officers to prison.

20. Many human rights defenders working on the issue of police corruption have been defamed and tried for libel or the alleged “formation of criminal gangs”. In some states, such as Rio de Janeiro, those living in disadvantaged communities, including community leaders, have been put on trial for alleged association with drug traffickers and for denouncing or protesting against police violence in their communities. Human rights defenders involved in anti-corruption work also face more difficulties in accessing the NPPHRD as the programme requires the cooperation of state authorities.

Reigning impunity

21. All the aforementioned threats and attacks have taken place against a background widespread impunity enjoyed by those who threaten, intimidate and violate the physical integrity of human rights defenders. The judicial system often fails to investigate, try and punish both the material perpetrators of violations and the intellectual authors. Police officers, private security firms, large landowners and powerful industry leaders often remain free from any investigation or prosecution for many years after the commission of crimes.

22. CPT has reported that since 1985, more than 1,580 land and environmental rights defenders, small farmers, judges, priests and other rural workers have been killed in disputes over preserving land. The murders are mostly carried out by gunmen hired by loggers, ranchers and farmers to silence protest over the illegal cutting of trees in the forests. It is reported that fewer than 100 of the cases have gone to court and only one perpetrator was eventually sentenced.

23. Front Line calls upon the UN to urge the authorities in Brazil to prioritize the protection of human rights defenders, and in so doing so to:

1. Build on progress made in relation to the National Protection Programme for Human Rights Defenders (NPPHRD), ensure its expansion to the entire territory of Brazil and that adequate funds are available to the programme;
2. Conduct an independent inquiry into the source of threats, ill-treatment, and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report;
3. Ensure an immediate, thorough and impartial investigation in the numerous instances of killing of human rights defenders reported above;
4. Establish a high level task force mandated to investigate the issue of killing of human rights defenders, particularly in the North and North-east regions, and to devise strategies to address it;
5. Ensure full compliance with the precautionary measure issued by the Inter-American Commission on Human Rights on the construction of Belo Monte dam, as their implementation will contribute to improving the security of human rights defenders and community leaders defending the rights of the indigenous community in the region;
6. Ensure full cooperation with the mandate of the Special Rapporteur on Human Rights Defenders including a prompt response to all communications sent by the mandate;
7. Ensure that all human rights defenders in Brazil are free to carry out their human rights activities free from persecution and in particular to ensure effective protection measures are put in place for defenders of land rights, indigenous peoples rights and environmental rights.