

Brasilia, April, 11th2016.

To Mr. Michel Forst
Special Rapporteur on the Situation of Human Rights Defenders
defenders@ohchr.org

c/o Office of the High Commissioner for Human Rights, United Nations Office CH- 1211
Geneva, Switzerland

URGENT

Sub: Violence rise in Brazil: first week of April registers attacks against Human Rights defenders, resulting in three deaths, two arrests, and ten injured victims in the country.

Dear Special Rapporteur,

The Brazilian committee of Human Rights defenders, civil society network of organizations working with Human Rights, hereby represented by the organizations **Artigo 19, Associação de Advogados de Trabalhadores Rurais no Estado da Bahia – AATR, Centro de Defesa dos Direitos Humanos da Serra –ES, Comissão Pastoral da Terra, Conselho Indigenista Missionário, Justiça Global, Movimento dos Trabalhadores Rurais Sem Terra, Movimento Nacional de Direitos Humanos, Sociedade Maranhense dos Direitos Humanos, Terra de Direitos** reports and calls for urgent recommendation:

Considering the alarming escalation of violence in Brazil, in which, only in the first week of April, led to three deaths, two arrests, and ten injured victims;

Taking notice that while social movements have intensified popular protests to prevent backlash in public policies, so have repression and criminalization increased;

Deeply concerned that in 2012 during the Universal Periodic Review (UPR) Brazil was recommended to demilitarize its police; nonetheless, of all the 170 recommendations formulated this was the only one denied;

Emphasizing the historic of violations perpetrated by the military police of Paraná in particular those perpetrated against rural workers and the fact that the state authorities have been condemned by the IACHR¹;

Keeping in mind that in February a document was delivered to this rapporteur stating that 08 Human Rights defenders had been assassinated in 2016 in Brazil, a higher number in comparison to the same date in 2015;

Disturbed that up until now 13 deaths of Human Rights Defenders have been accounted for this year, based on a report released by the Brazilian Committee of Human Rights Public Defenders, we inform your Excellency of the violence rise detailed below.

Detailed Report of recent events:

Dom Tomas Balduino camp massacre

1. In the afternoon of April 7th, families from the Landless movement (MST - Movimento dos Trabalhadores Rurais Sem Terra), organized in the Dom Tomas Balduino camp, in the municipality of Quedas do Iguaçu, Paraná state, were victims of an ambush promoted by the Military Police force from the region and private security guards from the company Araupel.
2. Vilmar Bordim, 44, married, father of three children, and Leomar Bhorbak, 25, married to a pregnant spouse, both rural workers, were murdered in the attack. Other 07 workers were severely wounded and two people were taken under custody to testify, but have already been released.
3. According to a Press release by MST, *“the ambush happened while 25 workers circulated by truck or motorcycle, 6 km away from the camp, within the perimeters declared public by the justice, when they were surprised by the entrenched officers and guards.”*
4. For almost two hours the area was isolated by the Military Police who prevented family members from accessing the place and denied assistance to the injured victims.
5. Since the Military Police was involved in the death of rural workers, there is the serious concern that the investigations were not carried out impartially. Thus, civil society made a request to the Ministry of Justice so the Federal Police could take part on the investigation.

¹ Garibaldi vs. Brasil, 2009

6. Human rights violations continue to take place in the region. Antonio de Miranda, MST leadership, received an anonymous death threat over the phone on April, 9th. Two other members of the movement are at the hospital and warrants of arrest have already been issued for them. They were also denied access to a lawyer.

Indigenous leaders detained

1. Also on April 7th, Rosivaldo Ferreira da Silva, Cacique Babau Tupinambá, and his brother, José Aelson Jesus da Silva, the Teity Tupinambá, were arrested by the Military Police (PM) in the municipality of Olivença. Both are community leaders who advocate for the final process of land demarcation of their traditional territory. Their arrest was determined for disagreeing with the commercial exploitation of an area within the Tupinambá Indigenous territory.
2. Both men are threatened defenders of Human Rights, included in the National Human Rights Defenders Protection Programme due to various murder attempts. The Cacique himself reported the escalation of violence to the United Nations Special Rapporteur on Human Rights of Indigenous Peoples in the occasion of her visit to the Tupinambá da Serra do Padeiro village in March, 13th, 2016.
3. The Ilhéus Federal Justice denied the taking place of a custody hearing, guaranteed by the Brazilian law as an indispensable act to assess the need of keeping the accused in prison. They were taken to the town's Penitentiary, where there are major concerns they may suffer more acts of violence.

Other human rights defenders under threat

4. In the evening of Wednesday, April, 6th, the land reform settled citizen Ivanildo Francisco da Silva, municipal president of the Workers' Party (PT) and city councilman surrogate in the town of Mogeiro, in Paraíba, was murdered with two gunshots. Victim of big landowners, the defender of workers died in front of his one year old daughter.
5. On Tuesday, April, 5th, there was another attack against an MST camp in Cacaúlândia, in the Jamari valley, Rondônia. A group of non-identified people set the Hugo Chaves camp on fire, located in the Km 4 by the interstate highway RO-140. Earlier this month locals had been expelled from the camp with gunshots. Approximately 300 people among which elders and children, fled the place and heard about their homes being on fire in the News.

6. It is important to highlight that the Rondônia state suffers from an increasing violence in 2016, led mainly by farmers and their staff. Two rural workers are missing in the State and a carbonized corpse has been recently found. The Human Rights organizations point out that this body, still in process of identification, is one of the missing persons.
7. Besides, in the last day of March, in the hinterland settlement Cruzeiro, in the municipality of Palmerândia, northern Maranhão, the rural worker Zé Sapo was found dead, victim of a gunshot. His death is related to the violent agrarian conflict that the region has faced for nearly a decade now.

Request:

In all the aforementioned cases, urgent measures must be taken by the Brazilian State in order to guarantee investigations, ascertainment of the facts, accountability of the involved, as well as the lives and integrity of the detainees.

For this reason, we hereby ask for support in giving international visibility to the reported cases, as well as pressuring Brazilian authorities to take urgent actions in the following terms:

- 1) Concerning the massacre in the Dom Tomas Balduino camp:
 - a) That the Federal Public Ministry, through the Federal Prosecutor of Citizens Rights, accompanies the investigations;
 - b) Immediate protection to the Human Rights defenders of the camp must be assured, as well as necessary assistance to all the families that had their relatives killed or wounded in the attack;
- 2) Concerning the incarceration of Cacique Babau and Teity:
 - a) Urge the Brazilian State to guarantee the lives and physical integrity of both men, as it was forwarded by the Associação de Advogados de Trabalhadores Rurais of Bahia to the United Nations Special Rapporteur on Human Rights of Indigenous Peoples;
- 3) In respect to the remaining cases:
 - a) Immediate investigation of all the murder cases and attacks in 2016;
 - b) Immediate action in the State of Rondônia for the investigation of the violations suffered by the rural workers as well as their physical integrity.
 - c) That the Brazilian state adopts immediate actions to protect the Human Rights Defenders in the country;

Assured by your comprehension, we sincerely thank you and count on your support,



Darci Frigo

On behalf of

The Brazilian committee of Human Rights defenders

Artigo 19

Associação de Advogados de Trabalhadores Rurais no Estado da Bahia – AATR

Centro de Defesa dos Direitos Humanos da Serra –ES

Comissão Pastoral da Terra - CPT

Conselho Indigenista Missionário - CIMI

Justiça Global

Movimento dos Trabalhadores Rurais Sem Terra

Movimento Nacional de Direitos Humanos

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