**Questionnaire for Civil Society by the**

**UN Special Rapporteur on the situation of human rights defenders**

**Mary Lawlor, August 2020**

The UN Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor invites you or your organization to respond to the questionnaire below. Submissions received will inform the thematic report of the Special Rapporteur on the issue of killings of human rights defenders, which will be presented to the UN Human Rights Council in March 2021.

The questionnaire and related concept cote on the report are available at OHCHR website in English (original language) as well as in French, Spanish, Russian and Arabic (unofficial translations): (<https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/SRHRDefendersIndex.aspx>).

All submissions received will be published in the aforementioned website, unless you/your organization clearly indicated that you did not wish to have your input be made publicly available when submitting your response.

There is a word limit of 2500 words per questionnaire. Please submit the completed questionnaire to [defenders@ohchr.org](mailto:defenders@ohchr.org)

Deadline for submissions: **5 October 2020**

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional. (edited for public release)

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| --- | --- |
| Type of Stakeholder (please select one) | ☒ Civil Society Group or Organisation  ☐ Individual human rights defender  ☐ Academic/training or research institution  ☐ Other (please specify): |
| Name of Stakeholder/Organization (if applicable)  Name of Survey Respondent | Justiça Global  Terra de Direitos |
| Email |  |
| Telephone |  |
| Address |  |
| Can we attribute responses to this questionnaire to you or your organization publicly? | x Yes ☐ No  Comments (if any): |

**Questions**

Human rights defenders are persons, who individually or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.

1. Have you, any of your colleagues or your organization received online/offline threats and attacks since 1 January 2019 up 30 June 2020?
2. If yes, can you please detail and in the case of Facebook preferably provide screenshot with URL?
3. Did any of these threats/attacks escalate into killings - can you please chart the path as you see it?
4. Have any of your colleagues been killed since 1 January 2019 up to 30 June 2020?

Brazil continues to be one of the most dangerous countries for those defending human rights. Besides being constant, impunity is one of the main issues affecting men and women who are human rights defenders. From January 1st to December 31, 2019, Justiça Global and Terra de Direitos have documented the total figure of 36 murders, 25 of which occurred in rural areas and 11 in cities. Between January and June of 2020, there were 13 murders, 10 of which happened in rural areas and 3 in cities.Over the years,struggles for land and territory register most of the murders of human rights defenders in Brazil.However, it is important to highlight that the Brazilian State militarization process has provoked an increase in violations in urban areas.It is also noteworthy that human rights defenders that are linked with struggles and the defense of rights associatedwith mining-related companies and corporate development projects have been suffering from an increase of violations and threats.

1. If so in what context did the killing(s) occur? Have there been any convictions for the killing(s)?

Some emblematic cases of land struggle and violence in rural areas in Brazil were taken to the Regional Human Rights System. Despite the concrete recommendations made by the Commission and the stipulations addressed in a sentence by the Inter-American Human Rights Court, the murders of male and female human rights defenders remain unpunished.

More than 20 years have passed since the murder of Mr. **Sétimo Garibaldi**and more than 10 years have passed since the publication of the Inter-American Court’s sentence, and the Brazilian State remains not adopting concrete and efficient initiatives to combat impunity. With the connivance of local authorities, the murder investigation of the rural worker, killed in 1998 during an operation carried out by hooded gunmen who undertook the criminal eviction of an MST encampment, was shelved and no one was even indicted, despite the pieces of evidence and countless witnesses regarding the crime’s mastermind and executor. The decision of shelving the denouncement was confirmed by the Superior Court of Justice, in contradiction to the Inter-American Court’s determination.

Likewise, the murder of the rural worker **Antônio Tavares Pereira**, committed by military policemen[[1]](#footnote-1)during the violent repression of a rally for agrarian reform occurred on May 2020 remains unpunished. The criminal accountabilityfor the crime was hampered by common Justice, due to the Military Justice’s decision that exempted the police officer of responsibility. The Brazilian State hasn’t adopted any concrete measure to reopen the case. On the contrary, in 2017 the Federal Law No. 13.491 was approved, broadening the competence of the military jurisdiction in Brazil to judge intentional crimes against life committed by military men from the Armed Forces against civilians.

The murder of**Sebastião Camargo Filho**, which occurred in 1998 also involved the action of a private militia group linked to ruralists in the context of an illegal eviction of landless families. In this case, one might observe the situation of flagrant impunity, especially regarding high-rank officials, to whom was ascribed the responsibility for the militia action which resulted in the worker’s murder. The investigation of the fact was never reopened and many people who decisively participated in the crime were not and will not be held accountable due to the criminal time-barring institute since 20 years have passed after the murder.

Despite being the object of an Agreement of Friendly Resolution signed before the IACHR in 2010 and supposedly counting with greater institutional commitment in the criminal investigation and identification of the responsible, the murder of the union leader José Dutra da Costa (**Dezinho**), which occurred in November 2000, in Pará, remains unpunished. Out of the six commitments related to criminal accountability, only one was fully complied by Brazil. It is worth noting that the lack of accountability of its perpetrators reinforces **the current situation of threat and risk** in which the female human rights defender Maria Joel Dias da Costa, widow of José Dutra da Costa, current President of the Rural Workers Union of Rondon from Pará and his lawyer. The last threats suffered were made in the context of a session of the Jury Court involving one of the accused.

Impunity regarding human rights violations is especially important in cases of landless workers since it’s one of the main causes of violence in rural areas in Brazil. Despite the monitoring of cases by international organs of rights protection, the engines of impunity continue to operate in Brazil.The police investigation and criminal prosecution regarding the executors of this type of crime have more chance to thrive, however, there’s the inertia of public authorities in fulfilling prison orders, even those resulting from final decisions. Regarding the accused as a principal, several cases haven’t even advanced the stage of the police investigation, being summarily shelved with confirmation by local and superior courts.It is verifiable in this type of case, unjustified inertia, or even retreat from the Public Prosecutor’s Office, an accuser institution that should propel criminal prosecution in cases of homicide. Besides, judicial debates made on the scope of some Courts (especially the local ones) highlight an institutional discourse of “criminalization of the fight for agrarian reform”, the defense of the property right, besides the identification of judges with the defendants, rural landowners, accused of crimes.

The broadening of military jurisdiction in Brazil associated with legislative changes that hamper or exempt the responsibility of state agents, characterize a worsening of the problem in Brazil because it’s no longer institutional tolerance, but the evident fostering of impunity.

1. Do you normally report death threats? If so, where?

In general, organizations in Brazil have pointed out difficulties and challenges related to public policies of protection of male and female human rights defenders in the state and national spheres. The extreme weakening of policies for the protection of Human Rights Defenders in Brazil in the last yearsis an effect of the non-prioritization of the human rights agenda by the Brazilian State.

Regarding procedures of protection of human rights defenders, Justiça Global and Terra de Direitos participate in the management of the executive secretary of the Brazilian Committee of Male and Female Human Rights Defenders, which is an network of organizations that act in the monitoring, follow-up, and combat of situations of risk, threat, attack and criminalization due to the action for the safeguard of rights.

Another used procedure is advocacy, through incidence for construction and monitoring of human rights policies, as well as the political incidence on national and international organizations and organisms in the human rights field. Litigation is also an activated strategy during situations of threats, being carried out both the sending and the monitoring of petitions and precautionary measures in the scope of the Inter-American Commission of Human Rights, as well as mechanisms from the United Nations.

Regarding prevention strategies, workshops of full protection to male and female human rights defenders are carried out, as well as the monitoring when they find themselves in situations of threats.

It is worth highlighting the role of the National Human Rights Council, which has been systematically acting on the protection and safeguard of human rights.

7) What in your/Organization’s experience has worked well to respond to death threats? And to prevent them from escalating into the actual killing(s) of human rights defenders?

The organization of on-site missions by networks of civil society organizations in order to support endangered human rights defenders has proved to be a strategy with good results. Using the on-site missions to be present inconflict areas has been an essential strategy for addressing severe violations, withconcrete achievements in different dimensions: qualification in the process ofgathering information, with on-site verification of case contexts and violationspecificities, thus enabling strategies to be built together with local movements andorganizations; increased visibility and achievement of far-reaching repercussionthrough national and eveninternational communication outlets; reduced risk when implementing actions for the immediateprotection of victims, family members and witnesses; intensification of pressure onlocal authorities to address the causes of violations and prevent new conflicts;advocacy in favour of the implementation of the public policy on protection.

1. An uncontroversial fact recognized both nationally and internationally. [↑](#footnote-ref-1)