
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION OF PRECAUTIONARY MEASURES 59/2022**

Precautionary Measure No. 449-22

Identified members of the “União dos Povos Indígenas do Vale de Javari” -UNIVAJA
(Union of Indigenous Peoples of Vale do Javari - UNIVAJA)

October 27th, 2022

(Extension and Follow-up)

Original: Spanish

I. INTRODUCTION

1. On July 27, 2022, the Inter-American Commission on Human Rights (IACHR) received a request for an extension in favor of (1) Beto Marubo, (2) Cristóvão Pissango Negreiros, (3) Eliesio da Silva Vargas Marubo, (4) Higson Dias Castelo Branco, (5) Juliana Oliveira, (6) Manoel Barbosa da Silva, (7) Natália France Neves Carvalho, (8) Orlando Possuelo, (9) Paulo Dollis, (10) Varney Kanamary and (11) Valdir Estevão Marubo, members of the “Union of Indigenous Peoples of Vale do Javari” (UNIVAJA) (the proposed beneficiaries”), urging the IACHR to request the State of Brazil (“Brazil” or “the State”) to adopt the necessary measures to protect their rights to life and personal integrity. According to the information received, the proposed beneficiaries are at risk due to their work protecting the Vale do Javari indigenous peoples and their territory, as well as for their direct participation in the searches for Bruno Araújo Pereira and Dom Phillips and their demand for justice regarding their murders.
2. The Commission requested information from the State, in accordance with Article 25 of its Rules of Procedure, on August 24, 2022, to which the State replied on September 22, 2022. Separately, the beneficiaries’ representation sent information on July 27, August 18 and October 5, 2022.
3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the 11 persons identified are in a serious and urgent situation, given that their rights to life and personal integrity are at serious risk. Consequently, in accordance with Article 25 of the Rules of Procedure of the IACHR, Brazil is requested to: a) adopt the necessary measures to protect the life and personal integrity of the 11 persons identified, taking into consideration the cultural appropriateness of the measures adopted; b) adopt the necessary measures to guarantee that the proposed beneficiaries can continue to carry out their work as human rights defenders without being subjected to threats, harassment, or acts of violence during the exercise of their duties; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. BACKGROUND INFORMATION

4. The Inter-American Commission granted precautionary measures in favor of Bruno Araújo Pereira and Dom Phillips on June 11, 2022, through Resolution 24/2022¹. At that time, considering that since June 5, 2022, their whereabouts or fate were unknown, the IACHR requested Brazil to redouble its efforts to determine the situation and whereabouts of Bruno Araújo Pereira and Dom Phillips, in order to protect their rights to life and personal integrity, and to allow them to continue their work as human rights defenders or to carry out their journalistic activities, accordingly; and report on the actions

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IACHR. [Resolution 24/2022 \(MC 449-22\)](#). Bruno Araújo Pereira and Dom Phillips regarding Brazil. July 11, 2022.

taken to investigate with due diligence the alleged facts that gave rise to the adoption of this precautionary measure and thus to prevent such events from reoccurring.

5. The Commission has been following up on PM 449-22 through information requests to the parties. Considering that the precautionary measures were granted without requesting information from the State considering that the immediacy of the potential harm did not allow further delay, in the terms of Article 25(5) of its Rules of Procedure, the Commission must review the decision adopted as soon as possible or, at the latest, at the following session, taking into account the information provided by the parties.

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

I. Information provided by the representatives

6. The representatives informed that “the Vale do Javari Indigenous Land is specifically the scene of innumerable human rights violations. At 8.5 million demarcated hectares, it is the second largest indigenous land in the country. The Vale do Javari Indigenous Land is rich in resources sought by mining workers, fishers and loggers, creating a scenario of extreme violence against local indigenous people, as well as those working to protect the peoples and the region’s resources.”
7. The representatives indicated that the members of the Union of Indigenous Peoples of Vale do Javari (UNIVAJA) played a leading role and have actively participated in the search process for Bruno Araújo Pereira and Dom Phillips. UNIVAJA continues to report indigenous peoples’ rights violations in the Vale do Javari, and demand justice for the murders of beneficiaries. The representatives highlighted that the UNIVAJA Surveillance Teams (EVU), composed of indigenous and indigenists, were the only people who conducted day and night searches since day one of the disappearance of Bruno Araújo Pereira and Dom Phillips. In this scenario, UNIVAJA members are reportedly receiving threats and are being persecuted. The beneficiaries’ representation pointed out that, in the same week of their disappearance, the UNIVAJA team reportedly received threats during their field activities.
8. Eleven proposed beneficiaries were identified who, because of their particular role as defenders of indigenous peoples’ rights in the area, their relationship with Bruno Araújo Pereira and their search efforts following the disappearance report, reportedly acquired particular visibility. These persons have allegedly received “more direct” threats:
 - i. *Beto Marubo*: indigenous leader in the Vale do Javari. Together with Mr. Araújo Pereira, he established the UNIVAJA Surveillance Teams (EVU);
 - ii. *Orlando Possuelo*: indigenous person and EVU’s collaborator. He was the one who noticed the return delay of Bruno Araújo Pereira and Dom Phillips. Actively participating in the searches, he has provided information to the national and international press;
 - iii. *Cristovão Pissango Negreiro*: known as “Tataco”, an EVU’s member and works directly in monitoring and surveillance the indigenous lands activities. He has worked directly with Mr. Araújo Pereira and is known for always going up and down the river during his field activities in the local communities;
 - iv. *Higson Días Castelo Branco*: an EVU’s member and also worked with Bruno in surveillance actions. He is known by local communities for constantly going down and up the river;
 - v. *Valdir Estevão Marubo*: an EVU’s member and performs field work on a daily basis. He is also seen by the local communities constantly going up and down the river;

- vi. *Paulo Dollis*: he is an indigenous person and UNIVAJA's coordinator. He signs UNIVAJA's complaints about the invasions of indigenous lands to the authorities;
 - vii. *Varney Kanamary*: is an indigenous person and UNIVAJA's Deputy Coordinator. Together with Paulo Dollis, he signs the organization's complaints. Throughout 2021 and 2022, both sent more than 20 communications to the authorities with invasions complaints;
 - viii. *Eliesio da Silva Vargas Marubo*: the legal UNIVAJA's representative. He works with the information analysis collected by the field teams, identifying possible illicit activities. He worked directly with Mr. Araújo Pereira in the programming of field activities;
 - ix. *Juliana Oliveira*: she is an anthropologist and collaborates with UNIVAJA along with the proposed beneficiaries;
 - x. *Natália France Neves Carvalho*: she is a lawyer and has been acting in legal proceedings in favor of Vale do Javari together with Eliesio da Silva Vargas Marubo; and
 - xi. *Manoel Barbosa da Silva*: indigenous person, UNIVAJA's collaborator.
9. According to the representatives, there is a broad context of threats and violence against indigenous peoples and their defenders in the area, as well as a lack of adoption of concrete measures by the State to protect them and investigate the alleged violations of their rights. In this regard, the murder of Maxciel Pereira dos Santos was reported on September 6, 2019, shot dead, in front of his family, in the Tabatinga downtown area. He was a collaborator of the National Indian Foundation (*Fundación Nacional de los Indígenas*, FUNAI) - a state body for the indigenous peoples' rights protection - and worked in the control of the Vale do Javari region, particularly in the fight against illegal fishing, hunting, mining and timber exploitation activities. Mr. Maxciel Pereira dos Santos had received threats, addressed also to his family. He and Bruno Araújo Pereira worked together at Vale do Javari.
10. The FUNAI base where Maxciel Pereira dos Santos worked, called Ituí-Itacoaí, reportedly suffered four attacks from 2018 until his murder. Even so, the State has not adopted protection measures for its officials. The investigation into the murder of Maxciel Pereira dos Santos is not yet concluded. The rbeneficiaries' representation added that the region's indigenous people reported receiving new threats from their land invaders after the murder, indicating that "more deaths could occur".
11. According to the representatives, an External Committee of the Chamber of Deputies in 2022 noted that:
- Maxciel's murder occurred shortly after an action commanded by Bruno [Araújo Pereira] in the Vale do Javari region, which resulted in the explosion of rafts, thereby predatorily destroying the Amazonian rivers with the practice of illegal mining. Following the action, widely publicized, Bruno was exonerated from his position as FUNAI coordinator and Maxciel was killed. This fact is important in the timeline to understand the other death threats also suffered by Bruno and his eventual murder.
12. In a diligence carried out by the External Commission of the Chamber of Deputies between June 30 and July 1, 2022, in Vale do Javari, some indigenous people indicated that they are exposed to the same risks as Bruno and Dom on a daily basis, stating:
- "[s]they were approached [some indigenous people] by armed persons, with masks, they do not know who they are and they asked them not to go any further [down the Javari River near the Army platoons]. [...] they are directly threatening us. Zero security";
 - "I walk into a restaurant today and I'm already scared. People stare at you"; and
 - "[...] frequent threats [...] we fear for our lives. We don't go around saying what's here, what's here. That's why we run. If we accidentally start mentioning names here, we are at risk of being flagged. [sic].

13. The representatives alleged that the situation has been extensively reported to the competent authorities. However, no security measures have been taken in the region, whether for indigenous peoples, their leaders, FUNAI personnel, or UNIVAJA members. A list of complaints regarding land invasions, illegal resources exploitation and threats was provided, filed at least since the beginning of February 2021², for which no adequate measures were reportedly taken.
14. The representatives provided examples to illustrate the alleged regional lack of security measures benefitting human rights and environmental defenders in the Vale do Javari. Thus, after the murder of Mr. Araújo Pereira and Mr. Phillips, some FUNAI workers requested to be transferred to Brasilia, given that they are in a situation of vulnerability, but they were not assisted. This had been the same position of FUNAI after the aforementioned murder of Maxciel Pereira dos Santos in 2019. In addition, the FUNAI personnel claimed they suffered “moral harassment” and “administrative sanctions”.
15. In this scenario, it was reported that on July 1, 2022, two men whom refused to identify themselves went to FUNAI’s headquarters in Atalaia do Norte indicating that they were looking for a specific official, asked to enter the indigenous lands, without informing which ones, and asked about the case of Mr. Araújo Pereira and Mr. Phillips. Next, they went to UNIVAJA’s headquarters, making the same request. Both organizations considered these events suspicious and registered the respective complaint. A few days later, FUNAI officials in the Jandiatuba River, mostly Matis Indians, in the Vale do Javari Indigenous Land, were visited by illegally armed mining workers, “with clear intention to intimidate the officials”. More recently, security cameras recorded a man in a mask on a motorcycle without a badge following FUNAI officials.
16. The representatives alleged that the present request for precautionary measures has a factual connection with PM 449-22. This is because the proposed beneficiaries would be exposed to the same risks as the present precautionary measures beneficiaries “insofar as they are engaged in the same fight for rights in the Vale do Javari and in confronting the illegal exploitation of economic resources in this territory”. In this regard, it was indicated that the threats received by Bruno Araújo Pereira, resulting in his murder, “were never directed only at him”.
17. On September 28, 2022, UNIVAJA members located the communication device used by Dom Phillips and wallets with his and Bruno Araújo Pereira’s documents. This, according to the representatives, demonstrates the active role of the UNIVAJA members in the clarification of the facts and the great vulnerability of the proposed beneficiaries in relation to those interested in the case’s impunity.
18. It was indicated that Mr. Beto Marubo is unable to return to the Valle del Javari, because he has allegedly received threats along with Bruno Araújo Pereira and others. The proposed beneficiary reportedly received information that unknown persons, including foreigners, would be looking for him in Atalaia do Norte, Benjamin Constant and Tabatinga cities. On April 19, 2022, the proposed beneficiaries Orlando Possuelo, Cristóvão Pissango, and Valdir Estevão Marubo were reportedly threatened in the Atalaia do Norte square while eating with their families. One of the perpetrators tried to punch Pissango in the face. On that occasion, the perpetrators indicated to them that, if they called the police, they too could allegedly “suffer” as they knew their residences and “similar to what had happened to Maxciel Pereira dos Santos, he will reportedly shoot Cristóvão in the face with a firearm,” explicitly referring to the FUNAI collaborator murdered in 2019.
19. On April 20, 2022, the proposed beneficiary Eliesio da Silva Vargas Marubo, while accompanying proceedings that resulted in the 10 people imprisoned for environmental offenses and against indigenous peoples in the Vale do Javari, received direct threats from the people detained. Two days

² The representation indicated, providing the numbering of the communications, that complaints were filed on February 2, 5 and 22, March 16, April 5, July 16, December 30, 2021; March 8, 7, 12, 25, 25, 28, April 29, 6, 10 May 26, 2022.

later, on April 22, 2022, an anonymous envelope reportedly was left in the proposed beneficiary's office with the following message:

"[I] know that you are the one persecuting the workers who are fishing to survive, we are already tired of this persecution by you 'Indians' against the workers' family. I know who you are and we'll find you to settle the score. I know that those who are against us are Beto (Marubo) "Indian" and Bruno from Funai, who told the "Indians" to go to the area and take our engines and our fish. The "Indian" Tumi is the one who commands the "Indians" along with a certain Orlando, and the brother of the coffee catraieiro. We know that the one who speaks out in court against our family and harms our work is you, filthy lawyer. I'm just going to warn you this time, if you keep this up, it'll be worse for you. There's no point in looking for us because we know who the scoundrels are who are chasing the workers and they're not even cops. If you want to cause harm, you better get ready. You are warned³."

20. The representatives clarify that such threat refers to the proposed beneficiaries Orlando Possuelo, Cristóvão Pissango, Beto Marubo and Eliesio Marubo. Following this threat, some proposed beneficiaries adopted self-protection measures, such as the installation of security cameras in their homes, as in the case of Orlando Possuelo. In addition, it was reported that Eliesio Marubo has received threats through messages from people linked to crime in the border region, particularly after he made media public appearances to coordinate the search for Bruno Araújo Pereira and Dom Phillips.
21. Regarding the proposed beneficiaries Juliana Oliveira and Natália France Neves Carvalho, the representatives indicated that they work very closely with the other proposed beneficiaries. Mrs. Oliveira currently resides in Eliesio Marubo's house, where the envelope with threats was found on April 22, 2022. She would have supported the search for Bruno and Dom, demonstrating publicly, acquiring particular exposure. On August 1, 2022, Eliesio Marubo's private security indicated to her that motorcyclists were looking for her in the city of Tabatinga. Unidentified persons had searched for her at the gym she frequents and at a restaurant near her residence. Regarding Natalia France Neves Carvalho, it was alleged that when unknown persons were looking for Eliesio Marubo in the border region, they were also looking for her. Furthermore, on the day the searches for Bruno and Dom were concluded, motorcyclists wearing hoods were looking for her at the headquarters of the Order of Attorneys of Brazil (*Orden de los Abogados de Brasil, OAB*) in Tabatinga. These people reportedly refused to identify themselves, and "in a gruesome manner" indicated that they could only deal with her because "she was with Eliesio Marubo". The representatives interpret this as an indication that they were seeking to "do her some harm".
22. Regarding Cristóvão Pissango Negreiro, Higson Dias Castelo Branco and Valdir Estevão Marubo, it was indicated that shots were fired in the jungle in the direction of the indigenous people and the EVU technical consultants. The organization added, on June 6, 2022, that it had already formalized complaints on the situation.
23. The representatives alleged that the State had not adopted sufficient protection measures. In June 2022, the names of the people threatened were reportedly sent to the Protection Program for Human Rights Defenders in Brazil (*Programa de Protección a Defensores de Derechos Humanos, PPDDH*). The Program did initiate contact with them, however, according to a report dated October 4, 2022, all of them continued without response and protection measures, apart from receiving an information

³ This is an adapted version of the message to allow for comprehension and translation into other languages. The original version contains informal language and is in full Portuguese: "sei que são vcs que estão perseguindo os trabalhador que pescam pra sobreviverem, já tamo cansado dessa perseguição de vcs índio contra a família dos trabalhador. Sei quem são vcs e vamo achar pra assertar as conta. Sei que quem é contra nois e o beto índio e bruno da funai quem manda os índio irem pra área prender nossos motor e tomar nosso peixe. O índio tumi é quem comando nos índio junto com um tal de orlando e o irmão do café catraiarero. Nos sabe que quem fala na justiça contra nossa família e prejudica nosso trabalho é vc seu advogado safado. So vou avisar dessa vez que se continuar desse jeito vai ser pio pra vcs. Não adianta procurar nos não pq nos sabem quem são os safado que persegue trabalhador e nem policia é. Se querem da prejuízo melho se aprontarem. Ta avisado" [sic].

safety brochure, which was considered insufficient. In this regard, the representatives pointed out that, despite the legal determinations allowing the deliberation and after taken the urgent decision to include people in the PPDDH, the latter has not yet been made, keeping the proposed beneficiaries without concrete protection measures. It was reported that the Deliberative Council of the Program has not met since September 2021.

24. The representatives added that the Protection Program was established in the Amazonas state, initiating the transfer of cases from the federal PPDDH to the Amazonas one. However, this allegedly did not translate into concrete protection measures. At the same time, the representatives expressed concern about the Program's effective scope, stating: "[i]n addition to budgetary problems and the absence of the Program in the region, the PPHRD does not have national guidelines and protocols for risk analysis, the definition of measures and approaches addressing aspects of gender, race, ethnicity and sexual diversity of the beneficiaries".
25. With regard to the measures adopted by the State, the representatives alleged that they are "quite initial efforts, in terms of establishing dialogue channels between authorities". The security reinforcement itself has reportedly not yet materialized. It was indicated that the number of people assigned to the National Security Force has been reduced since the deaths of Bruno Araújo Pereira and Dom Phillips: eight people in July, four in August and two in September. In addition, these people had not received proper equipment and weaponry, with no boats or specific weapons to work in open areas. According to the proposed beneficiary Beto Marubo, "[w]e have not yet seen any action on the part of the public authorities to protect the population of Vale do Javari. This is true at all levels, regional, local and national. We've seen federal deputies and senators talking to our families. But in terms of concrete actions, we haven't seen anything."
26. Likewise, the representatives alleged flaws in the respective investigations. Beyond highlighting the Maxciel Pereira dos Santos murder case, for which no one was found responsible, it was indicated that "no public agent reported by the indigenous leaders was seriously investigated". Particularly in relation to Bruno Araújo Pereira and Dom Phillips murders, the representatives alleged that important investigative lines were not considered, Mr. Phillips' role as a journalist and the broader context of the threats that Mr. Araújo Pereira lived in was ignored.
27. The beneficiaries' representation expressed concern about the relationship between local authorities and the defense of the now material defendants in Bruno and Dom's murder. In this regard, it was indicated that on August 5, 2022, an attorney who was hired for the defense was appointed extraordinary secretary of the Municipal Civil House of Benjamim Constant. Within this context, UNIVAJA has been requesting the presence of the National Public Security Force in the region, since it is formed by police officers from different regions of Brazil, with no connection to the local powers.
28. Finally, the representatives requested the creation of "a special monitoring team", in reference to the precautionary measures granted in favor of Javier Ortega Reyes, Paúl Rivas Bravo and Efraín Segarra Abril in Ecuador and Colombia. According to the representatives, "[t]his special follow-up team is to be created with the objectives of providing technical advice and progress monitoring of the investigation and punishment of those responsible, accompanying the comprehensive care of the victims' families, and advising and supporting the State in the adoption of non-repetition structural measures".

II. Response from the State

33. The State reported that on June 15, 2022, after carrying out different search procedures, the responsible teams located two bodies approximately three kilometers away from where the

belongings of the beneficiaries Bruno Araújo Pereira and Dom Phillips were found. Subsequently, a medico-legal expert confirmed that the bodies belonged to the aforementioned beneficiaries.

34. The State indicated that it maintains the initiatives coordinated by the Federal Public Prosecutor's Office with the aim of strengthening security in the Vale do Javari. Likewise, on June 19, 2022, the Republic's Attorney General and other state authorities were in Tabatinga for meetings with public bodies, local authorities and indigenous leaders. One of the results of these proceedings reportedly was the "mobilization of the Attorney General related to the Amazonas state governor, the FUNAI's president, the Federal Police director-general and the Ministers of Justice, Defense, and Communications", with the objective to "ensure the implementation of several measures to increase the security of the indigenous people, residents and public officials working in Vale do Javari".
35. The State referred to the National Policy on the Search for Missing Persons. The State referred to the National Policy on the Search for Missing Persons. It also indicated that the three main persons investigated for Bruno Araújo Pereira and Dom Philips's murder are under pretrial detention. A fourth person, allegedly connected to illegal fishing funding, is also in pretrial detention. The State noted that on August 6, 2022, the Federal Police executed another seven pretrial detention and 10 search and seizure warrants related to their case.
36. On its report of September 22, 2022, the State indicated that it had informed UNIVAJA representatives on how to request inclusion in the Protection Program for Human Rights Defenders (PPDDH) and on the possibility of activating the Victim and Witness Protection Program (PROVITA). On June 30, 2022, the State reported that a request was received for the inclusion of six people from the Vale do Javari region in the PPHRD "following the region's conflict increase, as a result of the indigenist Bruno Pereira and journalist Dom Philips's murders". On July 6, 2022, the federal program team personally assisted the applicants in Brasilia, where they reported that, in January 2022, UNIVAJA had received an anonymous letter with threats and requested the inclusion of four more people in the PPDDH.
37. Considering the "conflict and murder context" in Vale do Javari and Arariboia, and the "high level of threats that led to the request for the inclusion of the UNIVAJA leaders", it was indicated that "the federal team of the PPDDH evaluated the relevance of due diligence in the institutional articulation actions aimed at the adoption of police protection measures on an emergency basis". In this regard, security measures like police escorts were evaluated "for the Vale do Javari indigenous people and national and international agencies journalists, in view of the displacement between Maranhão's Imperatriz and Zutiwa village in the Araribóia Indigenous Land".
38. The State provided a list of proceedings consisting of the communication sent, some of which were destined for Maranhão state institutions and others for the Amazonas state, where Vale do Javari is located. Through these communications, the State reportedly requested more information on the persons requesting protection measures; periodic patrols in favor of an indigenous leader; and a boat for the transfer of an indigenous leader with an escort.

The State argued that the extension of PM 449-22 is "inadequate" since the granting of the precautionary measure "was only due to the disappearance of the victims Bruno Araújo Pereira and Dom Phillip, so it should not be extended to cover other situations that were not the subject of initial analysis." Notwithstanding this, the State affirmed that it has been implementing efforts for the protection of all human rights defenders seeking state guardianship. Thus, the State alleged that in August 2022, the Program for the Protection of Defenders in the State of Amazonas was implemented to ensure the closeness of the technical team with the defenders and the effectiveness of the protection measures.
39. Finally, in response to the request for representation for the creation of a special monitoring team, the State indicated that "the National Secretariat for the Promotion of Policies for Racial Equality (*la*

Secretaría Nacional de Promoción de Políticas para la Igualdad Racial, SNPIR), of the Ministry of Women, Family and Human Rights (*Ministerio de la Mujer, de la Familia y de los Derechos Humanos, MMFDH*), recalling its scope of action, is available to compose the special mechanism for monitoring the precautionary measure in question, if it includes in its activities the proposal of policies for the protection of the indigenous communities of the Javari Valley and the promotion of racial equality.”

III. ANALYSIS OF THE REQUIREMENTS OF URGENCY, SERIOUSNESS, AND IRREPARABLE HARM

40. The precautionary measures mechanism is part of the Commission’s function of overseeing Member States’ compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR. The precautionary measures mechanism is described in Article 25 of the Rules of Procedure of the Commission. In accordance with that Article, the Commission grants precautionary measures in serious and urgent situations in which these measures are necessary to avoid an irreparable harm.
41. The Inter-American Commission and the Inter-American Court of Human Rights (hereinafter “the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.⁴ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights⁵. To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁶ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.⁷ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

4 See in this regard: I/A Court H.R. Matter of the Yare I and Yare II Capital Region Penitentiary Center. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures. Order of July 6, 2009, considerandum 16.

5 See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

6 See in this regard: I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. Matter of the Criminal Institute of Plácido de Sá Carvalho. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

7 See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. Matter of “El Nacional” and “Así es la Noticia” newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

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- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
 - b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
 - c. “irreparable harm” refers to a violation of rights which, due to their nature, would not be susceptible to reparation, restoration, or adequate compensation.
42. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists.
 43. As a preliminary point, the Commission recalls that Article 25.7 of its Rules of Procedure establishes that “[t]he decisions to grant, extend, modify and lift precautionary measures shall be issued by means of reasoned resolutions [...]”⁸. Likewise, the Commission identifies that the decision to extend precautionary measures, before this body, or provisional measures, before the Inter-American Court, has been a constant practice in the Inter-American System⁹.
 44. In the framework of precautionary measures, the Commission also recalls that a requirement for their extension is that the facts alleged in the request for extension have a “factual connection” with the events that justified the initial adoption of the precautionary measures¹⁰. In this regard, the IACHR must first assess whether this requirement is met, and subsequently, assess compliance with the three requirements of Article 25 of its Rules of Procedure. Whether it is a decision to extend this register of precautionary measures, or an award under a new register of precautionary measures, the Commission must also support compliance with the regulatory requirements.
 45. Regarding the element of “factual connection”, the Commission notes that the State argued that the extension procedure would be “inappropriate”, since the precautionary measures under registration MC 449-22 were restricted to Bruno Araújo Pereira and Dom Phillips, then disappeared, “so it should not be extended to cover other situations that were not the subject of initial analysis”. In this regard, the Commission agrees with the State, in the sense that the initial object of protection was related to the situation of Mr. Araújo and Mr. Phillips, whose whereabouts were not known at the time the IACHR made its decision. However, it is noticed that the context in which the disappearance of the current beneficiaries was inserted is the same as that which has been alleged by the representation in its request for extension. At the same time, it has been alleged by the representation that the disappearance of the two beneficiaries was preceded by threats, and other risk events that have materialized in murders in the Vale do Javari Indigenous Land area in Brazil, particularly towards all those who work for the rights of indigenous peoples.
 46. In addition, the Commission notes that the situation of the 11 identified persons of UNIVAJA is related to the work that this organization initially undertook to denounce the disappearance of the two beneficiaries and to promote and participate in the search efforts. Following confirmation of the death

⁸ IACHR. Internal Regulations. 2013, art. 25.7

⁹ See, for example: IACHR. Resolution No. 94/21.PM 600-15 - Ángel Omar Vivas Perdomo and his family, Venezuela. November 27, 2021; IACHR. Resolution No. 1/16. PM 388/12 – Edgar Ismael Solorio Solís et al., Mexico January 13, 2016; IA Court H.R. IA Court H.R. Matter of Juan Sebastián Chamorro et al regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of May 25, 2022. IA Court H.R. Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 22, 2017.

¹⁰ In this sense, see, IACHR. Resolution 10/17. Precautionary Measure No. 393-15 - Detainees in “Punta Coco” with respect to Panama. March 22, 2017, para. 28; and IA Court H.R. Case of Fernández Ortega et al. v. Mexico. Provisional Measures. Order of the Inter-American Court of Human Rights of November 23, 2010, considerandum 11.

of the current beneficiaries, the representation alleged that the proposed beneficiaries would continue to demand justice for their murder. Consequently, the IACHR considers that the “factual connection” requirement has been met with respect to the current proposed beneficiaries. The Commission not only takes into account that the context and risk factors are similar, but also that several of the proposed beneficiaries have worked directly with Mr. Araújo Pereira and have been jointly threatened.

47. Considering the above, the Commission proceeds to analyze compliance with the regulatory requirements.
48. Under the terms of Article 25(6) of its Rules of Procedure, the Commission shall take into account the context in which a request for precautionary measures is made. In this regard, on a preliminary basis, the Commission recalls that, in July 2022, it has indicated, jointly with UN Human Rights, “that the State must carry out investigation, sanction and reparation processes in relation to incidents of threats, attacks and violence against members of indigenous peoples, caused by state or private agents because of territorial and environmental defense activities by indigenous peoples. They also urge to protect the role and integrity of individuals and groups who defend the human rights of indigenous peoples and the environment.”¹¹
49. In the instant matter, the IACHR observes that the proposed beneficiaries live in a context of “violence and harassment” that was identified at the time of granting the precautionary measures in favor of Mr. Araújo Pereira and Mr. Phillips¹². As assessed in the granting resolution of June 11, 2022, the Vale do Javari is “seriously affected by illegal trafficking, mining, and fishing, and is allegedly suffering an increase in the activities of armed groups.”¹³ Consistent with this context, the representation reported on events of violence and threats against people working for the rights of indigenous peoples. The Commission notes that it referred to events that have occurred since 2018, including the following: (i) attacks on FUNAI; (ii) the murder of FUNAI official Maxciel Pereira dos Santos; (iii) death threats by invaders of indigenous lands; (iv) gunfire against UNIVAJA members while they were carrying out field activities; and (v) the recent murder of Messrs. Araújo Pereira and Phillips. The Commission also notes that the situation of violence in the Vale do Javari has been brought to the attention of State entities through various communications over time (*see supra* para. 13). Even the FUNAI personnel who complained about the lack of protection measures allegedly “suffered moral harassment and even administrative sanctions” (*see supra* para. 14).
50. The IACHR takes the context described into consideration when analyzing the regulatory requirements, insofar as they give special seriousness to the allegations.
51. Regarding the requirement of *seriousness*, the IACHR considers that this is fulfilled. The Commission notes that the 11 proposed beneficiaries have received threats and harassment because of their work as defenders, as individuals demanding justice for the murder of Araújo Pereira and Phillips in the scenario described above. In this regard, the IACHR notes that the representation indicated that:
 - i. On April 19, 2022, the proposed beneficiaries Orlando Possuelo, Cristóvão Pissango and Valdir Estevão Marubo were allegedly threatened in the Plaza de Atalaia do Norte while eating with their families. On that occasion, one of the perpetrators tried to beat the proposed beneficiary Pissango, told him that, if they called the police, they allegedly “suffer” because

¹¹ IACHR. [Press Release 161/22](#). July 15, 2022.

¹² IACHR. [Resolution 24/2022 \(MC 449-22\)](#). Bruno Araújo Pereira and Dom Phillips with respect to Brazil. 11 July 2022, paras. 17 and 24.

¹³ Office of the United Nations High Commissioner for Human Rights, “[Briefing notes on Brazil: Missing journalist and indigenous rights defender](#),” June 10, 2022. See also: IACHR. [Resolution 24/2022 \(MC 449-22\)](#). Bruno Araújo Pereira and Dom Phillips with respect to Brazil. 11 July 2022

- they knew their residences, and referred to the murder of Mr. Maxciel Pereira dos Santos, indicating that “similar to what had happened to him [...], he would shoot Cristóvão in the face [...] with a firearm” (see *supra* para. 18);
- ii. On April 20, 2022, the proposed beneficiary Eliesio da Silva Vargas Marubo, was threatened while accompanying proceedings that resulted in the imprisonment of 10 people for environmental offenses and crimes against indigenous peoples in the Vale do Javari (see *supra* para. 19);
 - iii. On April 22, 2022, an anonymous envelope was left in the office of the proposed beneficiary Eliesio Marubo with a threatening message against him and the proposed beneficiaries Orlando Possuelo, Cristóvão Pissango, Beto Marubo and Eliesio Marubo (*vid supra* para. 19);
 - iv. In June 2022, after the conclusion of the searches by Mr. Araújo Pereira and Phillips, the proposed beneficiary Natalia France Neves Carvalho was allegedly sought by motorcyclists wearing hoods, who refused to identify themselves, at the headquarters of the OAB in Tabatinga (see *supra* para. 21);
 - v. On July 1, 2022, two men with suspicious behavior appeared at the headquarters of UNIVAJA, refused to identify themselves and requested entry to the indigenous lands, without informing which ones and after having gone to one of the headquarters of FUNAI, where they also did not identify themselves (see *supra* para. 15);
 - vi. On August 1, 2022, the proposed beneficiary Juliana Oliveira reportedly learned that motorcyclists were looking for her in the city of Tabatinga, as well as that unknown people had looked for her in the gym she frequents and in a restaurant near her residence (see *supra* para. 21).
52. The representation also added that unknown persons are reportedly looking for the proposed beneficiary Beto Marubo in three different cities, who received threats along with Bruno Araújo Pereira previously. The proposed beneficiary Eliesio Marubo reportedly receive threats from people linked to crime in the border region since his performance in the searches for Mr. Araújo Pereira and Phillips. Unknown individuals have also reportedly been looking for proposed beneficiary Natalia France Neves Carvalho in the border region. In addition, the proposed beneficiaries Cristóvão Pissango Negreiro, Higson Días Castelo Branco and Valdir Estevão Marubo are reportedly members of the EVU, who received threats in their field work.
53. The Commission notes that, according to the representation, the proposed beneficiaries have acquired greater visibility after what happened to Mr. Araújo Pereira and Mr. Phillips, placing them in a particularly vulnerable situation. Likewise, in assessing the seriousness, the IACHR notes that the threats have included family members of the proposed beneficiaries (see *supra* para. 18); death threats (see *supra* paras. 18-19); and references to the residences of some of the proposed beneficiaries (see *supra* para. 18). It is also noted that some of the threats are allegedly racist towards the indigenous population (see *supra* para. 19). In this regard, the IACHR notes the State’s special protection duties in favor of populations in vulnerable situations, such as those historically marginalized, including indigenous peoples¹⁴. In view of this situation, the Commission notes that some proposed beneficiaries have taken self-protection measures, such as security cameras in their homes, private security and even distancing themselves from the Vale do Javari, as in the case of the proposed beneficiary Beto Marubo (see *supra* para. 18).

¹⁴ I/A Court H.R. Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, Reparations, and Costs. Judgment of June 17, 2005. Series C No. 125, para. 63.

54. Likewise, the IACHR notes that the representatives alleged situations of threats and harassment that recur over time, with certain peak moments. For example, during the field work of UNIJAVA members (*see supra* para. 22); after the detention of persons related to the alleged human rights violations (*see supra* para. 19); and in the face of the denunciation and search for justice by Mr. Araújo Pereira and Mr. Phillips. In this regard, the IACHR recalls that, when assessing the requirement of seriousness, it takes into consideration the repetition of threats or cycles of harassment over time:

With regard to the recurrence of the attacks, the IACHR considers that the sequence of acts that have occurred over a period of time should be analyzed, taking into account the series of intimidations, threats, and physical and verbal attacks that the defender person involved may have suffered; the group of defenders to which he or she belongs, and even whether the attacks are carried out against the defender's immediate family. It should also be considered in particular whether the most recent attacks have taken place in a recent period when the State's protection is requested.¹⁵

55. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission notes that the State referred to a "context of conflicts and murders" in the Vale do Javari (*see supra* para. 37) and indicated that it maintains initiatives coordinated by the Federal Public Prosecutor's Office with the aim of strengthening security in the area. The State also reported on *on-site* visits to the region; institutional liaisons for meetings and the sending of communications to mobilize authorities and take action; and the process for the inclusion of UNIVAJA defenders in the PPDDH, among others. Although the IACHR appreciates the initiatives for the protection of the proposed beneficiaries, it notes that the representatives indicated that, despite the steps reported by the State, it did not implement concrete protection measures in favor of the proposed beneficiaries, despite the complaints filed throughout 2021 and 2022 (*see supra* paras. 13; 15; 22) about the events they have allegedly faced in the context indicated.

56. In addition, although the representatives indicated that they had requested the inclusion of the proposed beneficiaries in the PPDDH in June 2022, those persons reportedly do not have protection measures, at least as of the date of the last report sent by the parties. In this regard, it was indicated that the information provided by the State reflected "fairly initial efforts to establish channels of dialogue between authorities." In addition, the representatives alleged that the National Public Security Force assigned after the murders of Mr. Araújo Pereira and Mr. Phillips was being reduced from eight to two people, who, moreover, did not have the necessary equipment for their functions. In view of the above, the IACHR notes the lack of sufficient, effective, and adequate protection measures implemented in favor of the proposed beneficiaries. Thus, it is noted that the 11 identified members of UNIVAJA reportedly continue without security measures to enable them to carry out their human rights work in safe conditions.

57. It should be recalled that "in order for the measures to be adequate, they must be suitable to protect the situation of risk in which the person is found and, to be effective, they must produce the expected results in such a way that the risk to the person being protected ceases"¹⁶. Suitability means that "the measure, by its very nature, allows to face the risk that the human rights defender faces, in such a way that while protecting his or her life and personal integrity, it guarantees his or her continuity in the exercise of the activities of promotion and defense of human rights"¹⁷. In this regard, the IACHR notes that the proposed beneficiary Beto Marubo is reportedly unable to return to the Vale del Javari, which limits his work as a human rights defender.

58. Likewise, when analyzing the situation of lack of protection of the proposed beneficiaries, the Commission observes that part of the information sent by the State is not sufficient to infer whether

¹⁶ IACHR. Second Report on the Situation of Human Rights Defenders in the Americas . 2011, para. 521.

¹⁷ IACHR. Second Report on the Situation of Human Rights woman and man Defenders in the Americas. 2011, para. 522.

the indicated measures are indeed in favor of one or more beneficiaries or whether they are actually being implemented. The State referred to the issue of communications and their dates, or pointed to “initiatives,” meetings or the existence of public policies, such as the National Policy for the Search for Missing Persons (*see supra* paras. 34-35; 37-38). However, no information was identified on how such actions impact on the security situation of the proposed beneficiaries or on the mitigation of the alleged situation of risk. Furthermore, the Commission notes that part of the State information refers to the Araribóia Indigenous Land or was addressed to institutions of the State of Maranhão, which are not reportedly related to the proposed beneficiaries of this request for extension.

59. Regarding the investigations of the risk events against the beneficiaries and the murders of Messrs. Araújo Pereira and Phillips, the Commission recalls the relevance of investigating, determining, and punishing those responsible for mitigating a situation posing a risk.¹⁸ In the instant case, given the connection between the murders of Mr. Araújo Pereira and Mr. Phillips and the situation of risk faced by the proposed beneficiaries, the Commission, while appreciating the progress reported by the State, such as the determination of those allegedly responsible and the measures adopted in the criminal proceedings, notes that the situation of risk faced by the proposed beneficiaries has continued over time, and the possible perpetrators of the specific acts they faced have not been identified to date.
60. In this regard, in view of what has been stated by both parties, and given the situation that the proposed beneficiaries face together with the lack of adequate and effective concrete protection measures, particularly in the context in which they are inserted, the Commission assesses that, from the applicable *prima facie* standard, the rights to life and personal integrity of Beto Marubo, Cristóvão Pissango Negreiros, Eliesio da Silva Vargas Marubo, Higson Dias Castelo Branco, Juliana Oliveira, Manoel Barbosa da Silva, Natália France Neves Carvalho, Orlando Possuelo, Paulo Dollis, Varney Kanamary and Valdir Estevão Marubo, are at serious risk.
61. Regarding the *urgency* requirement, the Commission considers that it has been met in view of the continuity and repetition of events of threats and violence against the proposed beneficiaries. The IACHR also takes into consideration the continued involvement of the proposed beneficiaries in the search for justice for the murder of Bruno Araújo Pereira and Dom Phillips, which recently, on September 28, 2022, included the location of a communication device and their wallet, with potential impact on the case and aggravation of their situation of risk. All this indicates that violations of their rights to life and personal integrity can materialize at any time, especially since several of the proposed beneficiaries are in the Vale do Javari, exercising their work as human rights defenders and without protection measures that have allowed them to mitigate their situation by providing security conditions.
62. With respect to the requirement of *irreparable harm*, the Commission considers that it is met, since the possible impact on the rights to life and personal integrity constitutes, due to their own nature, the maximum situation of irreparability.
63. Finally, the Commission appreciates the actions carried out to search for and locate the bodies of the indigenous activist Bruno Araújo Pereira and the journalist Dom Phillips, as well as the progress made in the investigation of these events (*see supra* para. 33). This is a fact condemned by various international bodies, as this Commission did at the time¹⁹.
64. In complying with the provisions of Article 25(5) of its Rules of Procedure, the Commission notes that the representatives requested the creation of “a special follow-up team” focused on the component of investigation, accompaniment of family members and structural measures to ensure non-repetition.

¹⁸ IACHR, [Comprehensive Policies for the Protection of Human Rights Defenders](#), 2017, para. 335

¹⁹ IACHR, [Press Release R138/22](#). It condemns the murders of the beneficiaries of precautionary measures, journalist Dom Phillips and indigenous expert Bruno Araújo Pereira in Brazil. June 18, 2022

Finally, in response to the request for representation for the creation of a special monitoring team, the State indicated that the National Secretariat for the Promotion of Policies for Racial Equality (*Secretaría Nacional de Promoción de Políticas para la Igualdad Racial*, SNPIR), of the Ministry of Women, Family and Human Rights (MMFDH), recalling its scope of action, is available to compose the special mechanism for monitoring the precautionary measure in question, “in the event that its activities include the proposal of policies for the protection of the indigenous communities of the Javari Valley and the promotion of racial equality.”

65. The IACHR welcomes the State’s willingness to consider the proposal for representation. However, it notes that it has different positions on the scope of the possible special follow-up team or mechanism in the case in question. For this reason, the Commission makes itself available to the parties considering its openness to constructive dialogue. For this purpose, the Commission decides to convene opportunities for consultation with the parties, such as a working meeting, to evaluate this possibility. It also instructs its Executive Secretariat to contact the parties to accompany the necessary dialogues. The Commission takes this decision on the basis of the consultation component of the precautionary measures and the willingness expressly expressed by the parties in this matter.

IV. BENEFICIARIES

66. The Commission declares as beneficiaries: (1) Beto Marubo, (2) Cristóvão Pissango Negreiros, (3) Eliesio da Silva Vargas Marubo, (4) Higson Dias Castelo Branco, (5) Juliana Oliveira, (6) Manoel Barbosa da Silva, (7) Natália France Neves Carvalho, (8) Orlando Possuelo, (9) Paulo Dollis, (10) Varney Kanamary and (11) Valdir Estevão Marubo, current members of the “União dos Povos Indígenas do Vale de Javari” (UNIVAJA). All these persons are duly identified in this procedure.

V. DECISION

67. The Inter-American Commission on Human Rights considers that the matter at hand meets *prima facie* the requirements of seriousness, urgency and irreparable harm set forth in Article 25 of its Rules of Procedure in the terms indicated throughout this resolution. Consequently, the IACHR requests that Brazil:
- a. take the necessary measures to protect the lives and personal integrity of the 11 persons identified, taking into account the cultural relevance of the measures taken;
 - b. take the necessary measures to ensure that beneficiaries can continue to carry out their duties as human rights defenders without being subjected to threats, harassment or acts of violence in the course of their work;
 - c. consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
 - d. report on the actions taken to investigate the events that led to the adoption of the precautionary measures at hand, so as to prevent such events from reoccurring.
68. The Commission requests that the Government of Your Excellency inform the Commission, within a period of 15 days, as from the date of this communication, on the adoption of the precautionary measures that have been agreed upon and to periodically update such information.
69. The Commission emphasizes that, pursuant to Article 25(8) of the Commission’s Rules of Procedure, the granting of precautionary measures and their adoption by the State shall not constitute a prejudgment on the possible violation of any right protected by the American Convention or other applicable instruments.

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70. The Commission instructs its Executive Secretariat to notify this Resolution to the State of Brazil and to the representatives. Likewise, it instructs it to take the corresponding steps in accordance with the terms set forth in this resolution and the consultation component of the precautionary measures granted.
71. Approved on October 27, 2022, by Julissa Mantilla Falcón, President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary