
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 38/2024**

Precautionary Measure 61-23

Members of the Pataxó Hã-Hã-Hãe indigenous people regarding Brazil

(Extension)

June 3, 2024

Original: Portuguese

I. INTRODUCTION

1. On March 6, 2024, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for extension of precautionary measures filed by the Brazil’s Indigenous People Articulation (APIB); the Articulation of Indigenous Peoples and Organizations of the Northeast, Minas Gerais and Espírito Santo (APOINME); the Brazilian Committee of Human Rights Defenders (CBDDDH), the Broad Democratic Front for Human Rights (FADDH); *Instituto Hori Educação e Cultura*; *Justiça Global*; and *Terra de Direitos* (“the representation”) urging the Commission to require that the State of Brazil (“Brazil” or “the State”) adopt the necessary measures to protect the rights to life and personal integrity of the members of the Pataxó Hã-Hã-Hãe Indigenous People (“the proposed beneficiaries”). The proposed beneficiaries inhabit the Caramuru-Paraguaçu Indigenous Land, in the south of the state of Bahia, and are reportedly experiencing episodes of violence and threats due to disputes over the designation of their territory and due to the presence of organized crime groups in the area.

2. On March 14, 2024, pursuant to the provisions of Article 25 of its Rules of Procedure, the Commission requested information from the State in order for it to comment on the extension request. The State responded on March 25 and April 1, 2024. For its part, the representation sent a more recent communication on April 17, 2024.

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 members of the Pataxó Hã-Hã-Hãe Indigenous People 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, the IACHR requires that Brazil: a) adopt the necessary and culturally appropriate measures to protect the life and personal integrity of the members of the Pataxó Hã-Hã-Hãe Indigenous People, including from acts perpetrated by third parties. These measures should allow the leaders of the Pataxó Hã-Hã-Hãe Indigenous People to continue carrying out their work in defense of human rights, as well as guarantee that the beneficiaries can return to their villages without being subjected to threats, intimidation or acts of violence; b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and c) report on the actions taken to investigate the facts that gave rise to this precautionary measure, so as to prevent them from reoccurring.

II. BACKGROUND INFORMATION

4. On April 24, 2023, the Commission granted precautionary measures to the members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil.¹ The IACHR noted that the beneficiaries were at risk in the context of conflicts related to the

¹ Inter-American Commission on Human Rights (IACHR), [Resolution 25/2023](#). Precautionary Measure No. 61-23, Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil, April 24, 2023.

determination of their territory, and recognized that they had been subjected to threats, harassment, and acts of violence, which includes the murder of three young Pataxós. Therefore, it requested that Brazil:

- a) adopt the necessary measures to protect the life and personal integrity of the members of the Pataxó Indigenous People identified, including from acts perpetrated by third parties, taking into account the cultural relevance of the measures adopted;
- b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

5. The Commission has been monitoring the implementation of this measure and has been receiving periodic communications from the parties. In addition, the IACHR held a working meeting with the State and with the beneficiaries' representatives at its 188th Period of Sessions.

III. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES

a. Information sent by the representation

6. The Pataxó Hã-Hã-Hãe People inhabit the Caramuru-Paraguaçu Indigenous Land, in the same region of the Barra Velha and Comexatibá Indigenous Lands of the Pataxó Indigenous People, in the south of the state of Bahia. Since 2012, the proposed beneficiaries have recorded 32 deaths of indigenous leaders, seven of which occurred between January and September 2023. According to the representation, between December 2023 and March 2024 there was a "substantial escalation of violence" which included threats, armed sieges, and the murder of two indigenous leaders.

7. According to the representation, the cumulative requirements for the extension of these precautionary measures are met. The context of violence faced by the proposed beneficiaries is reportedly similar to the situation identified for the Pataxó People of the Barra Velha and Comexatibá Indigenous Lands, who are current beneficiaries of PM 61-23, in relation to conflicts over the determination and protection of their territory.

8. The Pataxó Hã-Hã-Hãe people are in a process of "self-demarcation"² on their own initiative. According to the representation, while awaiting the completion of the demarcation of their lands, which was initiated in the 1930s, the Pataxós Hã-Hã-Hãe people occupy areas that they deem traditional within what they consider their indigenous territory. On May 2, 2012, the Supreme Federal Court (STF) ruled on the Original Civil Action 312,³ instituted in 1982. It recognized the nullity of the property titles that overlapped the delimited indigenous area, thereby enabling the reconstitution of indigenous property. As a result of this decision, the National Foundation of Indigenous Peoples (*Fundação Nacional dos Povos Indígenas*, FUNAI) was able to proceed with the regularization of indigenous property, although the process could not be completed "due to delays and lack of political will."

² The representation adds that the Federal Public Prosecutor's Office pronounced itself on the legitimacy of the indigenous self-demarcation processes through Statement 6CCR No. 47: The self-declaration of territories by traditional peoples and communities is legitimate and generates legal repercussions, independent of and accessory to state recognition and titling procedures, and should influence and induce various public policies, such as those related to territorial and environmental issues. In this sense, it is the duty of the Federal Public Prosecutor's Office to defend these initiatives both extrajudicially and judicially. (Available only in Portuguese)

³ Supreme Federal Court. Original Civil Action (ACO) 312 BA.

9. In this context, the Pataxó Hã-Hã-Hãe people have a history of threats and violence, at the hands of landowners (*fazendeiros*), police, and organized crime. In this regard, the proposed beneficiaries, who are members of the Trajano family and known for their struggle for the territory, reported the murder of their relative Antônio Alvez Farias in the village of Behetá on February 23, 2021. That same year, his son was murdered inside his own house. The Trajano family stated that, since then, they have lived under the “permanent threat of being trafficked.” On October 15, 2022, individuals set fire to the house where Jakson da Silva Santana, who is a proposed beneficiary and member of the Trajano family, resided. Mr. Da Silva Santana managed to escape through the window. He and other family members have reportedly received death threats and threats of further arson via *WhatsApp* and messages from third parties for having denounced members of organized crime. Therefore, they requested that FUNAI provide protection measures in January 2023 and decided to leave the territory.

10. The representation indicated that, in October 2023, it denounced to the Federal Public Prosecutor’s Office the irregular actions of a private entity in the areas of occupation of the Hã-Hã-Hãe Indigenous People, which is allegedly carrying out the following actions: *i.* irregular collection of the union tax on indigenous pensions, not authorized by their holders; *ii.* co-optation of indigenous leaders through bribery; *iii.* appropriation through purchase of plots of land within the area of the Caramuru-Paraguaçu Indigenous Land; *iv.* possible involvement in the smuggling of illicit substances and other associated crimes; and *v.* threats to indigenous people who are against the actions of the organization. Among the people threatened is the proposed beneficiary *Cacique* (Chief) Nailton Muniz. On that occasion, the representation also denounced the murder of a young indigenous man, known as I.,⁴ which occurred on September 25, 2023, in the Caramuru-Paraguaçu Indigenous Land area. He was allegedly killed for refusing to accept the smuggling activities and illegal appropriation of lands by this private entity. According to the representation, threats and acts of violence against proposed beneficiaries who oppose the activities of the private entity led the Federal Public Defender’s Office to request that two leaders be included in protection programs.

11. Similarly, members of the Pataxó Hã-Hã-Hãe people were allegedly attacked by the Military Police of the state of Bahia. In early 2024, proposed beneficiary Itamar Cardoso Oliveira was allegedly chased and then beaten by police officers while he was on his way to the indigenous occupation. He claimed he had been kicked and beaten with a plank while being insulted and questioned about the location of certain weapons, which he was allegedly unaware of.

12. Given the context of legal insecurity regarding land ownership, the representation denounced the assassination of the *Cacique* Lucas Kariri-Sapuyá⁵ on December 21, 2023 and of the *majé* (female shaman) Nega Pataxó Hã-Hã-Hãe⁶ on January 21, 2024, social and spiritual leaders of the proposed beneficiaries. The murders also reportedly took place in the context of the territorial dispute, as *Cacique* Kariri-Sapuyá was assassinated days after the National Congress overrode the presidential veto against fragments of the Temporary Framework Law (*Lei do Marco Temporal*)⁷ and *Majé* Nega Pataxó was killed the same week that a team from the Ministry of Indigenous Peoples (MPI) visited the region.

⁴ In the context of precautionary measures, the IACHR automatically protects the identity of children and adolescents.

⁵ The representation stated that *Cacique* Lucas Kariri-Sapuyá was coordinator of the southern region of Mupoiba, community sports mobilizer, and an advocate of indigenous school education, Copiba state councilor and president of the Municipal Board of Directors of the Sustainability Network. The leader is survived by his wife and two children, and leaves behind an important legacy in the protection of the rights of the traditional peoples of Bahia.

⁶ For her part, Nega Pataxó was a spiritual leader and teacher who played an important role with indigenous youth and women and was part of traditional knowledge networks in Brazilian universities, she held a PhD in Education by Notorious Knowledge from the Federal University of Minas Gerais.

⁷ “The temporal framework restricts the demarcation of lands to those already occupied by indigenous peoples on October 5, 1988”, Agência Câmara de Notícias, [Congress overturns veto on timeframe for indigenous lands](#), December 14, 2023 (Available only in Portuguese); Congress enacts the time frame for indigenous lands, but controversies continue in the courts, January 3, 2024. (Available

13. The visit by the MPI was reportedly a result of the representation's requests for the construction of an Action Plan in favor of the current beneficiaries in the Barra Velha and Comexatibá territories. It was also prompted by a joint recommendation sent on October 6, 2023, to the Governor of Bahia by the Federal Public Prosecutor's Office, the Federal Public Defender's Office, and the Public Defender's Office of the State of Bahia, advocating for the "adoption of structural measures capable of ensuring effective protection for the traditional peoples and communities of the state." MPI then visited the territories of Barra Velha, Coroa Vermelha and Comexatiba, of the Pataxó people, and the area known as TI Caramuru-Paraguaçu of the Pataxó Hã-Hã-Hãe people, to prepare Territorial and Environmental Management Plans.

14. The representation reported that those responsible for the murder of *Cacique* Lucas Kariri-Sapuyá have not been identified and have not been held accountable. Additionally, *Majé* Nega Pataxó Hã-Hã-Hãe was shot and killed, allegedly by a 19-year-old who is the son of a landowner. On that occasion, through the so-called *Movimiento Invasão Zero* (Zero Invasion Movement)⁸ via *WhatsApp*, the Bahia Military Police, hired killers, and landowners allegedly organized a criminal action against the Pataxó Hã-Hã-Hãe people. The aim was to reportedly take back the Caramuru-Paraguassu territory, in the municipality of Pau Brasil. The action was carried out without a judicial decision, by their own violent means, and with the use of lethal weapons. Among the proposed beneficiaries, *Cacique* Aritanã and Nailton Muniz Pataxó received gunshot injuries to the kidney and intestine, respectively, which required hospitalization, in addition to others who received less serious injuries.

15. *Cacique* Aritanã stated that he alerted the Military Police command to halt the advance of the group of ranchers, and the police responded that "they could act because there were too many people for the limited number of policemen available." In this regard, the representation advised that it had received reports of direct police involvement during the attack that took place on January 21, 2024, and that they had not assisted the proposed beneficiaries who were injured. The proposed beneficiary Nailton Muniz Pataxó, who was present at the incident, reported the following:

Fifteen police vehicles arrived, talked to us, and said they were there to mediate with us. We told them that we were already talking to the [Federal Public Prosecutor's Office] and the [Ministry of Indigenous Peoples] and that the police should mediate with the landowners and kick them out. Subsequently, the police positioned vehicles on both sides and cleared the way, which meant the landowners were right in front of us. The landowners started advancing while shooting and beating us with sticks, they also burned two of our cars.

16. The representation argued that there is collusion between the Military Police and the actions of these armed groups, and added that some police agents are allegedly even participating as private security guards in their free time. It was noted that after the attack that caused the death of the *Majé* Nega Pataxó Hã-Hã-Hãe, the police published a note blaming the indigenous people for the attack. This publication was subsequently deleted. The Federal Public Prosecutor's Office, the Federal Public Defender's Office, and the

only in Portuguese); See also: IACHR, [Situation of Human Rights in Brazil](#), OEA/Ser.L/V/II, February 12, 2021, para. 66; [Press Release 103/23 Brazil: IACHR Expresses Concern over "Temporary Framework" Legal Thesis That Risks Indigenous Peoples' Rights](#), May 31, 2023; [Press Release 240/23, Brazil: IACHR Welcomes Judgment That Temporary Framework Legal Thesis Is Unconstitutional](#), October 6, 2023.

⁸ Federal Public Prosecutor's Office, [Technical Note PFDC No. 3/2024](#), April 15, 2024: "The method employed by *Invasão Zero* is similar to the illegal 'recovery' attempts that occur in several states of the country, which include threats, gunshots, use of the criminal record of administrative apology for crime, of structures of the Public Power and of the public security forces themselves outside the legal hypotheses, which can culminate in serious bodily injury and homicide, as in the case of Nega Pataxó. [...] Nor does *Invasão Zero's* claim to be fighting invaders and/or criminals seem legitimate/legal. [...] The Federal Prosecutor's Office for Citizen's Rights, an organ of the Federal Public Prosecutor's Office, considering the above scenario, expresses its understanding of the matter and its real concern for the growing violence in the countryside and for the methods of the organizations involved in the *Invasão Zero* movement, calling on the Powers of the Republic to join efforts in order to prevent the occurrence of events such as the one that victimized Nega Pataxó in January 2024". (Available only in Portuguese).

Public Defender's Office of the State of Bahia issued a joint note⁹ following the attacks that took place on January 21, 2024. They expressed their concern over the lack of effective measures in the face of the "continuous and repeated attacks suffered by the indigenous peoples of the state." Furthermore, they added that "since the beginning of 2023, therefore, for more than a year, they have made several requests to state entities, requesting a security program aimed at the needs and specificities of these vulnerable groups. However, the response so far has been insufficient."

17. In addition, the representation added that death threats are ongoing. Proposed beneficiary Olinda Muniz Silva Wanderley, niece of *Cacique* Nailton Pataxó Hã-Hã-Hãe, stated that she received several audio messages containing threats against her and her husband on March 30, 2024. These threats were allegedly from an indigenous man who had been co-opted and "is now considered one of the worst smugglers in the village." He reportedly went to an area that the proposed beneficiary owns, broke and replaced three padlocks, and broke the window of a property. The alleged purpose was taking over the area to carry out illicit activities. On April 5, 2024, *Cacique* Som Pataxó Hã-Hã-Hãe reported that he can no longer enter his territory due to intimidation by a group of indigenous and non-indigenous smugglers. The proposed beneficiary explained that his sister remains in the indigenous area and that they are threatened, as a result she is unable to leave this area. *Cacique* Som Pataxó Hã-Hã-Hãe added that he has been filing complaints with the authorities for two years and has not yet received a response. On March 28, 2024, he was denied his request for his inclusion in the Program for the Protection of Human Rights Defenders (PPDDH) and the relocation of his family from the territory.

18. The representation indicated that one proposed beneficiary is registered in the PPDDH, and five others are currently being assessed for inclusion. However, they highlighted that the program is largely ineffective and contact is "scarce, delayed, and generally does not result in any concrete protection measures." In the same sense, the representation alleged the lack of resolution and punishment of those responsible for the murders denounced before the IACHR, both in relation to the current Pataxó beneficiaries of the Indigenous Lands of Barra Velha and Comexatibá,¹⁰ as well as the Pataxó Hã-Hã-Hãe proposed beneficiaries.

19. Regarding the State actions proposed by the MPI consisting of a "Integrated Action Plan to Combat Violence against Traditional Peoples and Communities" and the "Integrated Force to Combat Common Crimes involving Traditional Peoples and Communities," the representation alleged that the State had not yet provided any of the information it has been requesting since October 2023 to learn more about their implementation. Specifically, regarding the Integrated Force, the representation recalled that its strengthening was one of the agreements reached with the State at the working meeting held by the IACHR on November 9, 2023, during its 188th Period of Sessions. However, as denounced by the region's leaders on April 12, 2024, there are practices "aimed at intimidating our people and gathering information in a coercive manner." As a result, it was indicated that the Integrated Force reportedly does not respond to the indigenous peoples request in a timely manner and, in some cases, prioritize responding to the calls made by landowners. For its part, the Action Plan "does not have concrete effectiveness."

b. Response from the State

20. In its communication of March 25, 2024, the State provided details about the field mission carried out by the Ministry of Indigenous Peoples (MPI) between January 15 and 19, 2024. The State confirmed that the visit concluded the need to develop or review the Environmental and Territorial Management Plan for the Indigenous Lands that had been inspected "considering the redefinition of the boundaries of indigenous

⁹ DPU, DPE, and MPF, Joint Note DPU/DPE/MPF No. 01/2024. See: DPE, '[Ombudsperson's Office of Bahia, DPU, and MPF demand effective measures against the attacks experienced by indigenous peoples in the state](#)', January 22, 2024. (Available only in Portuguese).

¹⁰ IACHR Resolution 25/23, Precautionary Measures No. 61-23 - [Members of the Pataxó Indigenous Peoples located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil](#), April 24, 2023, paras. 11 and 12.

lands, environmental degradation, protection of water sources, the processes of retaking areas of traditional occupation, the dynamics of urban expansion and real estate speculation, citizen security, inter-ethnic conflicts, among other aspects.”

21. During the visit, on January 18, 2024, a meeting was held with the Bahia state Military and Civil Police, the Federal Police, members of the Bahia State Government’s Secretariat for the Promotion of Racial Equality, FUNAI, the SESAI [Indigenous Health Secretariat], the Bahia State Public Ombudsperson’s Office and the region’s indigenous movements. At this meeting, the Integrated Action Plan to Combat Violence against Traditional Peoples and Communities, dated March 22, 2023, was presented, as well as the Integrated Force to Combat Common Crimes involving Traditional Peoples and Communities, created on January 20, 2023. According to the State, at that time there was a consensus on the need for collaborative efforts between the various levels of government and increased participation of indigenous peoples, particularly in the Integrated Plan Management Committee, “with the aim of enhancing the effectiveness of territorial security for the indigenous peoples of Bahia.”

22. In addition, shortly after the assassination of leader Nega Pataxó Hã-Hã-Hãe, the Minister of Indigenous Peoples, Sônia Guajajara, visited the region on January 22, 2024. Since then, the MPI has allegedly been seeking dialogue with the government of the state of Bahia to “implement improvements in the Integrated Plan, in the chain of command for the performance of the Security Forces, with the goal of enhancing and adjusting the Security Forces within the context of Indigenous Lands.”

23. On April 1, 2024, the State reported that on January 22, 2024, an Inter-institutional Working Group was created at the state level to develop peaceful solutions to the land problems that affect the traditional peoples of Bahia. Additionally, on January 23, 2024, the Government of the state of Bahia established the Independent Company for the Mediation of Agrarian and Urban Conflicts (*Companhia Independente de Mediação de Conflitos Agrários e Urbanos*) within the Military Police. The purpose of this company is to coordinate and carry out public safety actions when executing court orders for property maintenance or recovery and in other situations of conflict over urban and rural land ownership.

24. The MPI also requested that the Bahia State Public Security Secretariat provide a police escort and video surveillance in favor of the Pataxó Hã-Hã-Hãe *Caciques* Nailton Muniz and Aritanã Pataxó, proposed beneficiaries of the Pataxó Hã-Hã-Hãe people, due to the threats they have been receiving. In addition, the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (PPDDH) has incorporated an indigenous Pataxó Hã-Hã-Hãe, while the inclusion of five others is under assessment. According to the State, the risk assessment and the development of individual protection plans of the PPDDH are in progress. Although it did not specify who these reported actions favored among the members of the Pataxó and Pataxó Hã-Hã-Hãe peoples, the Program reportedly intensified the monitoring of the people included in the program and relocated some defenders to Salvador, given the worsening of the situation due to the reported murders. In addition, the PPDDH arranged for some individuals to file complaints in specialized police stations, considering that they did not feel comfortable filing complaints in local police stations. They were also allegedly offered temporary shelter and economic subsidies, among other protection measures specific to each case or context. The State also indicated that it is allegedly evaluating the signing of a new agreement with the Program for the Protection of Human Rights Defenders of the State of Bahia, including the implementation of a new headquarters in Porto Seguro, which is a city located closer to the proposed beneficiaries.

25. Regarding the measures to investigate the reported incidents, the State indicated that the MPI requested information from the Public Prosecutor’s Office of the state of Bahia about the agency’s oversight of police activity, particularly in light of allegations of involvement by members of the Bahia Military Police in the murders that occurred in early 2023. However, to date, they have not received a response. According to the

State, MPI also requested that an investigation be opened into the possible involvement of *Movimiento Invasão Zero* in the murders and the crime of forming a private militia.

26. The State also reported on the investigations of the murders of indigenous people that occurred in the south of Bahia between June 2022 and October 2023. In this regard, the investigation into the murder of the indigenous resident of the Caramuru-Paraguçu Indigenous Land, Daniel de Sousa Santos, on April 15, 2023, is reportedly still ongoing. Regarding the murder of *Cacique* Lucas Kariri-Sapuyá, competent authorities have allegedly taken measures to interview witnesses and receive evidence. Following the discovery of “various crimes and murders” within the boundaries of the Caramuru-Paraguçu Indigenous Land, an alleged task force was formed to implement a security, investigation, and ostensive policing plan to counter the murders, drug trafficking, and other illicit activities in the area.

27. In turn, the investigation into the murder of the *Majé* Nega Pataxó Hã-Hã-Hãe, through a ballistics report, it concluded that the perpetrator of the shooting was J.E.F.A., a veterinary medicine student. He and A.C.S.S., a retired military policeman, were arrested during the incident on January 21, 2024. Investigations into the murder of the *Majé* Nega Pataxó Hã-Hã-Hãe also indicated that the assassination took place during a confrontation with landowners, in which six other indigenous people were injured and property was damaged. The State alleges the following:

On January 29, in the municipality of Pau Brasil and in the Caramuru Indigenous Territory - Paraguaçu, at the Caramuru Paraguaçu Indigenous State School, Superintendent Patrícia Pataxó and her team reportedly met with teams from the Federal Police and the Military Police Internal Affairs Department to conduct procedures related to the police investigation of violent incidents. Superintendent Patrícia Pataxó, along with her team, met with Federal Police and Military Police Ombudsperson’s Office personnel, who were already on site, to conduct procedures related to the police investigation into incidents of aggression against indigenous people during the armed attack by landowners, which reportedly involved the presence of police forces. This event led to the death of indigenous leader and *Majé* Maria de Fátima Muniz de Andrade on January 21, 2024, as well as numerous other acts of violence that ensued.

28. *Majé* Nega Pataxó Hã-Hã-Hãe was dead on arrival to the hospital, while her brother *Cacique* Nailton underwent surgery and was subsequently taken to the hospital, under reported escort by order of the State Government, which also sent a delegation to the indigenous area the day after the confrontation. It also reported on the actions and interviews with victims and witnesses, as well as the request of the Secretariat of Indigenous Policy for police reinforcements at the hospital where the injured indigenous people were being treated.

29. Regarding the investigations into the law enforcement officers allegedly involved in the aforementioned incidents, the State affirmed that the Department of Internal Affairs of the Military Police of the state of Bahia had interviewed 29 police officers and seven indigenous people about the attack that occurred on January 21, 2024. They stated that the investigation was in the concluding stage. An administrative disciplinary process was also allegedly initiated against A.C.S.S., a retired police officer who was reportedly involved in the assassination of the *Majé* Nega Pataxó Hã-Hã-Hãe.

30. In view of the foregoing, the State concluded that the extension of these precautionary measures is allegedly unjustified, given that the IACHR had previously analyzed the representation’s allegations when granting Resolution PM-61-23. Thus, the Commission had already highlighted the regional and national context of the indigenous peoples when evaluating the serious situation faced by the Pataxó Indigenous People, and stated that “the request for the extension of precautionary measures presents facts that were already considered by the IACHR on the occasion of the granting of precautionary measures through

Resolution No. 25/2023 regarding the State of Brazil and referred to the protection of the human rights of the beneficiaries.” Moreover, the State argued that State measures are being adopted to address the issue at hand, “[t]he local and federal authorities have acted diligently to resolve the reported situation, adopting measures to protect the beneficiary population, as well as investigating the recent events, in particular the murders of the *Cacique* Lucas Kariri-Sapuyá and the *Majé* Nega Pataxó Hã-Hã-Hãe.”

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

31. The mechanism of precautionary measures is part of the Commission’s function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the IACHR Statute. The mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. 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 to persons.

32. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have repeatedly stated that precautionary and provisional measures have a dual nature, one protective and the other precautionary.¹¹ Regarding the protective nature, these measures seek to avoid irreparable harm and preserve the exercise of human rights.¹² To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.¹³ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the study of the IACHR. They aim to safeguard the rights at risk until the petition pending before the inter-American system is resolved. Its object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, in this way, 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 allow the State concerned to comply with the final decision and, if necessary, implement the ordered reparations.¹⁴ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- 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;

¹¹ I/A Court H.R., Matter of the Yare I and Yare II Capital Region Penitentiary Center (Yare Prison), Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; Matter of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16.

¹² I/A Court H.R., Matter of the Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela. Order of February 8, 2008, considerandum 8; Matter of Bámaca Velásquez, Provisional measures regarding Guatemala. Order of January 27, 2009, considerandum 45; Matter of Fernández Ortega and others, Provisional measures regarding Mexico. Order of April 30, 2009, considerandum 5; Matter of Milagro Sala, Provisional measures regarding Argentina. Order of November 23, 2017, considerandum 5. (Available only in Spanish)

¹³ I/A Court H.R., Matter of Milagro Sala, Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); Matter of the Capital Judicial Boarding School El Rodeo I and El Rodeo II, Provisional Measures regarding Venezuela. Order of February 8, 2008, considerandum 9; Matter of the Plácido de Sá Carvalho Criminal Institute, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6, (Available only in Spanish).

¹⁴ I/A Court H.R., Matter of the Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela. Order of February 8, 2008, considerandum 7; Matter of “El Nacional” and “Así es la Noticia” newspapers, Provisional Measures regarding Venezuela. Order of November 25, 2008, considerandum 23; Matter of Luis Uzcátegui, Provisional Measures regarding Venezuela. Order of January 27, 2009, considerandum 19.

- 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 injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

33. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. As a preliminary point, the Commission recalls that Article 25 (7) of its Rules of Procedure refers to decisions to extend precautionary measures: “[t]he decisions to grant, extend, modify and lift precautionary measures shall be adopted by means of reasoned decisions [...]”.¹⁵ In the same way, the granting of extensions of precautionary and provisional measures has been a constant practice in the inter-American system.¹⁶ Taking the above into account, the Commission recalls that a requirement for the extension of precautionary measures is that the facts alleged in the extension request have a “factual connection” with the facts that justified the initial adoption of the precautionary measures.¹⁷

34. In this regard, the IACHR observes that the factual connection is met insofar as the situation of the members of the Pataxó Indigenous People, current beneficiaries, and that of the proposed beneficiaries of the Pataxó Hã-Hã-Hãe Indigenous People share the following factual elements: *i.* an identified regional context, in the south of Bahia, characterized by violence, threats, and intimidation in a context of alleged delay in the demarcation of their ancestral territories; *ii.* part of the alleged threats and acts of violence perpetrated directly involve members of the security forces in alliance with landowners. They act in a manner similar to that initially identified in the case of the beneficiary Pataxó People, i.e., sieges and armed attacks, at times with the massive participation of landowners and hired assassins;¹⁸ and *iii.* both Peoples share some state responses and, therefore, their effects in terms of protection, such as the “Integrated Action Plan to Combat Violence against Traditional Peoples and Communities” and the “Integral Force to Combat Common Crimes Involving Traditional Peoples and Communities.”

35. Preliminarily, the Commission emphasizes that it is not called upon on this occasion to determine who the owners of the disputed lands are, nor to establish the alleged international responsibility of the State for violations of the American Convention or other applicable instruments due to the current lack of completion of the demarcation process of the lands of the Pataxó Hã-Hã-Hãe Indigenous People alleged by the representation. These claims require determinations on the merits, which should be analyzed in a petition or case.¹⁹ Moreover, the Commission observes that, other than the information derived from the Original Civil Action 312 resolved by the Supreme Court of Justice on May 2, 2012, it has no data that indicates the existence

¹⁵ IACHR, Rules of Procedure, 2013, Art. 25.7.

¹⁶ See, for example: IACHR, Resolution No. 94/21, Precautionary Measures No. 600-15 - Ángel Omar Vivas Perdomo and his family, Venezuela, November 27, 2021; Resolution No. 1/16, Precautionary Measures No. 388-12 - Edgar Ismaio Solorís et al., Mexico, January 13, 2016; I/A Court H.R., Matter of Juan Sebastián Chamorro et al. regarding Nicaragua, Extension of Provisional Measures. 388-12 - Edgar Ismael Solorio Solís et al., Mexico, January 13, 2016; I/A Court H.R., Matter of Juan Sebastián Chamorro and others regarding Nicaragua, Extension of Provisional Measures, Order of May 25, 2022; Matter of the Members of the Miskitu Indigenous People of the North Caribbean Coast Region regarding Nicaragua, Extension of Provisional Measures, Resolution of August 22, 2017 (all in Spanish).

¹⁷ IACHR, Resolution 10/17, Precautionary Measure No. 393-15 Detainees in “Punta Coco” regarding Panama, March 22, 2017, para. 28; and IACHR, Matter of Fernández Ortega et al. v. Mexico, Provisional Measures, Resolution of November 23, 2010, considerandum 11 (all only in Spanish).

¹⁸ IACHR, Resolution No. 25/23, Precautionary Measure No. 61-23 - Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil, April 24, 2023, para. 11, for example: June 26, 2022: Around 60 proposed indigenous beneficiaries received a death threat in the territorial occupation area called “Fazenda Brasília” by about 200 “landowners, gunmen, militiamen, and alleged military police who entered the occupied area with approximately 50 trucks and other vehicles, carrying large-caliber firearms (0.40 pistols, rifles, and 12 shotguns), armament restricted to the use of the armed forces, with dozens of weapons pointing in the direction of the indigenous people. Most of the individuals were hooded with balaclavas, one of them identified himself as the owner of Fazenda Brasília, and another as a CAEMA/BA police officer;”

¹⁹ IACHR, Resolution No. 47/19, Precautionary Measure No. 458-19 - Members of the Guyraroká community of the Kaiowá Guaraní Indigenous People, Brazil, September 29, 2019, para. 21 (Available only in Spanish).

of judicial determinations on the removal or permanence of any of the parties involved in the territorial conflict in the area in question. Similarly, it was alleged that the proposed beneficiaries have been living on the land they are currently claiming, which is also the site where the reported acts of violence are alleged to have taken place.

36. When analyzing compliance with the procedural requirements of a request for precautionary measures, Article 25(6) of its Rules of Procedure establishes that the Commission must take into account the context in which the request is filed. In this regard, in its 2021 report on the *Situation of Human Rights in Brazil*, the IACHR noted with concern the threats of invasion of indigenous territories by non-indigenous people, as well as the profound challenges in terms of titling and protection of their lands, highlighting that, in countless cases, indigenous peoples and communities do not have the necessary protection from the State.²⁰ In this regard, “the IACHR underscores that the weakening of State protection for indigenous territories heightens the risk of extermination of ancestral populations, be it through clashes with invaders, destruction of the environment and of their means of subsistence, or through cultural assimilation and other ways of subjecting those populations to the wishes of majorities.”²¹

37. In this context, the IACHR recalls that it granted precautionary measures to members of the Guapo’y community of the Guaraní Kaiowá Indigenous People in October 2022; in April 2023, to members of the Pataxó Indigenous People; and, subsequently, in May 2024, to members of the Tapeba Indigenous People of Caucaia, all regarding Brazil. In the aforementioned precautionary measures, members of the beneficiary Indigenous Peoples highlighted facing threats to their lives and personal integrity, often from police and armed groups, in contexts of territorial insecurity.²²

38. In analyzing the requirement of *seriousness*, the Commission observes that the situation of the proposed beneficiaries of the Pataxó Hã-Hã-Hãe Indigenous People is framed in the national context of limited state protection for indigenous peoples, as well as in the specific scenario identified in southern Bahia of “serious territorial conflict in the region, which has led to acts of violence and the murder of indigenous people of the Pataxó People, as well as the high presence of firearms in the area.”²³ In this context, the representation alleged that the proposed beneficiaries had a history of threats and violence against them, which is worsening, including the occurrence of irreparable damage to their rights. In this regard, the Commission notes that, since 2021, reports have been received of the following:

- More than seven murders of members of the Pataxó Hã-Hã-Hãe Indigenous People. These include the murders of two members of the Trajano family in 2021, indigenous Daniel de Sousa Santos on April 15, 2023, a young indigenous individual known as I. on September 25, 2023, as well as two leaders: *Cacique* Lucas Kariri-Sapuyá on December 21, 2023, and *Majé* Nega Pataxó Hã-Hã-Hãe on January 21, 2024. These facts are allegedly consistent in time, given that the representation also reported an attempted murder by burning down the house of the proposed beneficiary Jakson da Silva Santana, while he was sleeping, in 2022;
- Assaults on the proposed beneficiaries, including by members of the police, with the participation and alleged acquiescence of police officers in the criminal attack of January 21, 2024, as well as following and beating the proposed beneficiary Itamar Cardoso Oliveira with

²⁰ IACHR, *Situation of Human Rights in Brazil*. OEA/Ser.L/V/II, February 12, 2021, para. 56.

²¹ *Ibidem*, para. 86.

²² See: IACHR, [Resolution No. 50/22](#), Precautionary Measure No. 517-22 - Members of the Guapo’y community of the Guaraní Kaiowá Indigenous People, Brazil, October 2, 2022; [Resolution No. 25/23](#), Precautionary Measure No. 61-23 - Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia, Brazil, April 24, 2023; [Resolution 28/24](#), Precautionary Measure No. 50-24 - Members of the Tapeba Indigenous People of Caucaia, Brazil, May 9, 2024.

²³ IACHR, [Resolution No. 25/23](#), Precautionary Measure No. 61-23 - Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia regarding Brazil, April 24, 2023, para. 47.

a plank, also in early 2024. Destruction of property was also alleged during the events that took place on January 21;

- Threats, both from organized crime and from landowners and police, mainly against leaders and other proposed beneficiaries who oppose the activities of criminal groups. In this line, we highlight the threats received by the proposed beneficiary Olinda Muniz Silva Wanderley and her husband in March 2024, and by the *Caciques* Nailton Muniz and Som Pataxó Hã-Hã-Hãe, who were no longer able to enter their territory due to intimidation by a group of smugglers;
- A collective armed attack against members of the Pataxó Hã-Hã-Hãe Indigenous People on January 21, 2024. In this episode, a group of landowners and police officers allegedly coordinated and, despite not having a court order, entered the area while shooting and assaulted the proposed beneficiaries in an area of indigenous occupation. In addition, they alleged failure of the security forces to address this situation despite their presence.

39. Considering the aforementioned points, the IACHR notes with concern the situation that the members of the Pataxó Hã-Hã-Hãe Indigenous People face, whose alleged threatening events have been repeated over time and continue to the current date. In the analysis carried out by the IACHR, the repetition of events that place the proposed beneficiaries is relevant to the extent that “[it takes into account] all the acts of intimidations, threats, physical assaults, and verbal attacks that the individual human right defender concerned and the group to which he or she belongs may have experienced, and even if the attacks are produced against the defender’s family unit”²⁴ for the analysis of the seriousness requirement. Furthermore, the Commission gives particular seriousness to the allegations that some of those responsible for the acts of violence are agents of the State, such as military police, since they have a function related to the guarantee and protection of rights.²⁵

40. The IACHR also warns that the presence of third parties has a differentiated impact on the dynamics of life of the members of an indigenous community, either by the acts of violence they carry out or due to the activities alien to their customs that are imposed upon them.²⁶ In this context, the Inter-American Court has emphasized that non-consensual interference by non-indigenous persons in indigenous communities and activities that deviate from traditional customs impact their traditional forms of subsistence and can cause “real damage to cultural identity.”²⁷ These include the undermining and weakening of the social fabric, particularly when social leaders leave the territory for a long period of time,²⁸ as is the case with the members of the Pataxó Hã-Hã-Hãe Indigenous People.

²⁴ IACHR, Second Report on the Situation of Human Rights Defenders in the Americas, OEA/Ser.L/V/II., 2011, December 31, 2011, para. 515.

²⁵ IACHR, Resolution No. 41/23, Precautionary Measures No. 196-23 – Indigenous Carib Community of Chinese Landing, Guyana, July 21, 2023; Resolution No. 25/23, Precautionary Measures No. 61-23, Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia, Brazil, April 24, 2023; Resolution 28/24, Precautionary Measure No. 50-24 - Members of the Tapeba Indigenous People of Caucaia, Brazil, May 9, 2024, para. 33.

²⁶ IACHR, Resolution 13/2024, Precautionary Measures No. 1109-23 - Certain families of the native Kichwa community of Santa Rosillo de Yanayacu, Peru, March 25, 2024, para. 44.

²⁷ I/A Court H.R., Case of Indigenous Communities of the Lhaka Honhat Association (Nuestra Tierra) v. Argentina, Merits, Reparations and Costs, Judgment of February 6, 2020, para. 284 (only in Spanish).

²⁸ See, for example: I/A Court H.R., Case of Chitay Nech et al. v. Guatemala, Preliminary Objections, Merits, Reparations, and Costs, Judgment of May 25, 2010, Series C No. 212, para. 147: “[...]conforming to the constant jurisprudence on indigenous matters, through which the relationship of the indigenous groups with their territory has been recognized as crucial for their cultural structures and their ethnic and material survival, the Tribunal considers that the forced displacement of the indigenous peoples out of their community or from their members can place them in a special situation of vulnerability, that for its destructive consequences regarding their ethnic and cultural fabric, generates a clear risk of ‘extinction and cultural or physical rootlessness of the indigenous ‘groups, for which it is indispensable that the States adopt specific measures of protection considering the particularities of the indigenous peoples, as well as their customary law, values, uses, and customs, in order to prevent and revert the effects of said situation.”; UN, Peru: Changes to forestry law will threaten survival of indigenous peoples, UN expert warns, January 31, 2024.

41. The Commission takes note of the complaints filed by the proposed beneficiaries with the responsible state entities. Similarly, it emphasizes that the parties have acknowledged an internal recognition by the entities involved in protecting the members of the Pataxó Hã-Hã-Hãe People, highlighting their need for specific and effective security measures. Among these entities are, at minimum, the Federal Public Prosecutor's Office, the Federal Public Ombudspersons' Office, the Public Ombudspersons' Office of the State of Bahia, and the Ministry of Indigenous Peoples (see *supra* para. 13). In this line, the State mentioned that the visit carried out by the MPI in January 2024 concluded that it was necessary to elaborate or revise the Environmental and Territorial Management Plan for the territories inspected, including the Caramuru-Paraguaçu Indigenous Land; and that there was consensus among the entities present and the indigenous organizations that attended the meeting of January 18, 2024, within the scope of the aforementioned visit, on the need for a joint effort of the different governmental spheres and greater participation of the Indigenous Peoples "with a view to improving the work and improving the effectiveness of the territorial security of the indigenous peoples of Bahia."

42. In this regard, the IACHR acknowledges the measures implemented by the State, such as the aforementioned field mission carried out by the MPI in January 2024; the inter-institutional meetings; the visits of high-level State authorities to the affected region; the referral of the proposed beneficiaries to special police stations to file complaints in a more appropriate manner; the police protection of the proposed beneficiaries who were injured and were admitted to the hospital after the events of January 21, 2024, among other actions. Despite the relevance of these measures, it is up to the IACHR to evaluate whether they are adequate and effective, that is, whether they are appropriate to protect the persons in the situation of risk which they face and whether they produce the expected results so that the risk ceases.²⁹ For the measures to be adequate, they must, by their very nature, make it possible to confront the risk at hand, protecting the life and integrity of the person threatened, as well as guaranteeing the continuity of work to promote and defend human rights.³⁰

43. Taking into account the above criteria, the Commission observes, for example, that the "Integrated Action Plan to Combat Violence against Traditional Peoples and Communities" and the "Integrated Force to Combat Common Crimes involving Traditional Peoples and Communities" were created on March 22, 2023, and January 20, 2023, respectively. Moreover, they reportedly did not prevent the murders of the *Cacique* Lucas Kariri-Sapuyá, on December 21, 2023, and of the *Majé* Nega Pataxó Hã-Hã-Hãe, on January 21, 2024. At least since October 2023, the representation has requested the reinforcement of the Integrated Force and has requested further information on both actions, in order to learn about their execution and effectiveness (see *supra* para. 19) but has not received a response to date. The IACHR also takes note of the representation's statements, which have not been refuted by the State, that the Integrated Force is not generating the expected results. On the contrary, the representation alleges that it has been used to "terrorize" and "intimidate" the indigenous people, in contrast to having been allegedly deployed in a timely manner in response to the landowners' calls.

44. The Commission also observes that a significant part of the state actions that were mentioned correspond to measures whose concrete results have not been reported or are pending implementation. In the same vein, it should be noted that the scope and possible results of the following mechanisms, institutions or processes are unknown: Inter-Institutional Working Group, created at the state level; elaboration and implementation of an updated Environmental and Territorial Management Plan; MPI request for escorts and video monitoring for *Caciques* Nailton Muniz and Aritanã Pataxó, proposed beneficiaries of the Pataxó Hã-Hã-Hãe people; dialogues between governmental agencies to "implement improvements in the Integrated Action Plan, in the command flow for the performance of the Security Forces"; an Independent Company for the Mediation of Agrarian and Urban Conflicts created within the Military Police; a task force to implement a security plan for crimes occurring within the boundaries of the Caramuru-Paraguaçu Indigenous Land, among

²⁹ IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*, OEA/Ser.L/V/II, 2011, December 31, 2011, para. 521.

³⁰ *Ibidem*, para. 522.

others. Similarly, according to the State itself, the risk assessment and individual protection plans to be implemented by the Program for the Protection of Human Rights Defenders (PPDDH) are still under development, and the signing of a new agreement with the PPDDH in the state of Bahia is being analyzed, including a new headquarters in Porto Seguro, closer to the proposed beneficiaries.

45. In particular, with regard to the Protection Program, the IACHR notes that only one proposed beneficiary is currently included and that five are still awaiting consideration for admission, although the Federal Public Ombudsperson's Office has requested the incorporation of two leaders in protection programs. Moreover, the Commission observes that while the State reported an escalation in monitoring individuals within the Program following the incidents of violence between December 2023 and January 2024, which included provisions for temporary shelter and economic aid, it failed to specify whether this reinforcement encompassed the intended beneficiaries or extended to other Indigenous communities in southern Bahia, such as the Pataxós, who are already beneficiaries (*see supra* para. 24). In this regard, the representation highlighted the ineffectiveness of the PPDDH and stated their communication is "scarce, delayed, and generally does not result in any concrete protection measures" and gave as an example the case of the *Cacique* Som Pataxó Hã-Hã-Hãe, whose inclusion in the Program and relocation of his family were denied, despite the fact that he claimed to have been filing complaints with the authorities for two years.

46. In light of the above, regarding the adequacy and effectiveness of the protection measures adopted by Brazil, the IACHR warns of the inadequacy of the State's response to the seriousness and persistence of the risks faced by the members of the Pataxó Hã-Hã-Hãe Indigenous People. Similarly, the Commission expresses its concern about the lack of information on the security measures implemented, especially the participation and alleged connivance of law enforcement agents in events of risk, including the armed attack of January 21, 2024.

47. In relation to the above, the Commission acknowledges the investigations mentioned by the State, conducted by the Department of Internal Affairs of the Bahia Military Police regarding the attack on January 21, 2024. It also notes the Administrative Disciplinary Process against retired policeman A.C.S.S., who is allegedly involved in the murder of *Majé* Nega Pataxó Hã-Hã-Hãe. Additionally, it acknowledges the MPI's request to the Bahia State Public Prosecutor's Office regarding the agency's oversight of police activity, which remains unanswered to date. While recognizing the significance of these measures, it's important to note that they currently address only the incident on January 21 and are still awaiting completion. In this context, with regard to the investigation of other murders, threats, and acts of violence perpetrated against the proposed beneficiaries, although the IACHR was informed of the steps taken to take testimony and collect evidence, it notes that most have not resulted in the identification and punishment of those responsible, despite the time that has elapsed. Thus, the Commission values positively the identification of the persons suspected of the murder of the *Majé* Nega Pataxó Hã-Hã-Hãe and emphasizes that the clarification of the facts that give rise to a situation of risk and the punishment of those responsible allows for the generation of a mitigating effect.³¹

48. In this regard, the Commission notes the seriousness of the situation in which proposed beneficiaries face, given that the risk events indicated reflect *i.* damage already done to life and personal integrity; *ii.* "permanent" or "constant" threats; *iii.* the departure of the proposed beneficiaries from their communities, their return being restricted or prevented due to the threats and violence and its differential impact on the social fabric of the Indigenous People; *iv.* the participation of state agents in the identified events that place the indigenous peoples at risk; *v.* the insufficient state protection against the reported events that generate the risk; and *vi.* the limited progress in the investigation. Thus, in light of the information presented by both parties, the Commission observes a lack of protection of the rights to life and personal integrity of the

³¹ IACHR, Resolution 28/24, Precautionary Measures No. 50-24 - Members of the Tapeba Indigenous People of Caucaia, Brazil, May 9, 2024, para. 39.

members of the Pataxó Hã-Hã-Hãe Indigenous People who are proposed as beneficiaries and assesses that, according to the applicable *prima facie* standard, they are in a situation of serious risk.

49. As for the urgency *requirement*, the IACHR considers it to be met in light of the continuity and intensification of the risk events over time, which suggests that new threats, intimidation, and acts of violence could materialize at any time. This is mainly due to the fact that irreparable damage to the lives of members of the Pataxó Hã-Hã-Hãe Indigenous People has already materialized, and especially taking into account the insufficiency of protection measures for the proposed beneficiaries to face this situation.

50. Regarding the requirement of *irreparable harm*, the Commission believes that it has been met, insofar as the possible impact on the rights to life, personal integrity, by their very nature, constitutes the maximum situation of irreparability.

IV. BENEFICIARIES

51. The Commission declares the members of the Pataxó Hã-Hã-Hãe Indigenous People as beneficiaries. The beneficiaries are identifiable in accordance with Article 25(6)(b) of the IACHR Rules of Procedure.

V. DECISION

52. The Inter-American Commission on Human Rights considers that this matter meets *prima facie* the requirements of seriousness, urgency, and irreparable harm contained in Article 25 of its Rules of Procedure in the terms indicated in this resolution. Accordingly, the IACHR requests that Brazil:

- a) adopt the necessary and culturally appropriate measures to protect the life and personal integrity of the members of the Pataxó Hã-Hã-Hãe Indigenous People, including from acts perpetrated by third parties. These measures should allow the leaders of the Pataxó Hã-Hã-Hãe Indigenous People to continue carrying out their work in defense of human rights, as well as guarantee that the beneficiaries can return to their villages without being subjected to threats, intimidation or acts of violence;
- b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the facts that gave rise to this precautionary measure, so as to prevent them from reoccurring.

53. The Commission also requests the Government of Brazil to provide details, within 20 days from the date of notification of this resolution, on the adoption of the requested precautionary measures and to update this information on a regular basis.

54. The Commission emphasizes that, pursuant to Article 25(8) of its 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.

55. The Commission instructs its Executive Secretariat to notify this resolution to the State of Brazil and the representation.

56. Approved on June 3, 2024, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

María Claudia Pulido
Assistant Executive Secretary