



TERRA DE DIREITOS  
ORGANIZAÇÃO DE DIREITOS HUMANOS

Brasília, April, 13<sup>th</sup> 2016.

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

**URGENT**

**Human rights violations against rural workers at the Dom Tomas Balduino camp in Brazil**

**Dear Rapporteurs,**

*Taking notice* that while social movements have intensified popular protests to prevent backlash in public policies<sup>1</sup>, so have repression and criminalization increased;

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

*Emphasizing* the historic of violations perpetrated by the military police of Paraná in particular those perpetrated against rural workers and the fact that the state authorities have been condemned by the IACHR<sup>2</sup>;

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<sup>1</sup> United Nations Secretary General worries about the political instability in Brazil:  
<http://politica.estadao.com.br/noticias/geral,onu-se-diz-preocupada-com-a-tensao-no-brasil-e-pede-que-judiciario-seja-respeitado,10000025862>

<sup>2</sup> IACHR, Garibaldi vs. Brasil, 2009



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*Bearing in mind* that the Special Rapporteur on the Situation of Human Rights Defenders has received a report on April 11th sent by the Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos;

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

### **Dom Tomas Balduino camp massacre**

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

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<sup>3</sup> Editorial on the Dom Tomás Balduino camp <http://sismuc.org.br/noticias/13/formacao/5140/24-horas-num-acampamento-sem-terraok>

<sup>4</sup> Newspaper release: <http://www.gazetadopovo.com.br/vida-e-cidadania/confronto-entre-mst-e-policiais-em-quedas-do-iguacu-deixa-dois-mortos-3100lw98u6y2g03gj81w6xf2s>

<sup>5</sup> Statement by Landless Workers Movement MST regarding the facts: <https://www.brasildefato.com.br/2016/04/11/mst-pede-investigacao-e-punicao-aos-responsaveis-pela-morte-de-dois-sem-terra-no-para/>



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impartially. Thus, civil society made a request to the Ministry of Justice so the Federal Police could take part on the investigation.<sup>6</sup>

### **Arbitrary detention on political grounds**

Besides the executions, two members of the movement have had warrants of arrest issued against them on grounds of possession of firearm and attempted murder. The evidence provided by the Police officers and Public Ministry do not prove that either of the men had firearms or that they fired against the cops. In fact, the act of exhibition and apprehension shows that the ammunition found by the police was intact.

One of the detainees, Henrique Gustavo Souza Pratti, was subjected to a surgery due to the gunshot. He has been discharged and sent to prison, where there are no conditions for his recovery.

The second victim of the ambush against whom a warrant of arrest has been issued, Pedro Marcelino is still hospitalised. He was denied access to a legal counselor despite the illegal interrogation carried out by the police commissioner Anna Karyne Turbay Palodetto. The record of such interrogation was publicized at *Jornal Nacional*, the country's most popular live newscast.

Since the two men were arrested because they belong to the Landless Rural Workers' Movement and due to their political opinion the deprivation of liberty "aims towards or can result in ignoring the equality of human rights" (category V). In this sense the arbitrary character of detention can be understood.

The fact that the detainees were not granted immediate access to legal counsel violates Guideline 7 of the Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of His or Her Liberty by Arrest or Detention to Bring Proceedings Before Court.

Requests of the Working Group:

- a. to render an opinion to that effect and make recommendations to the Government of Brazil;
- b. to urge the authorities to determine the immediate release of the detainees;

### **Investigation of Extra-Legal, Arbitrary and Summary Executions**

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<sup>6</sup> For a detailed narrative please refer to the attached document sent to the Commission on Human Rights and Minorities of the Chamber of Deputies



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The state authorities have been trying to argue that a confrontation took place; nonetheless, civil society insists that there is an ongoing attempt to incriminate the Landless workers *ex post facto*.

There are elements to characterize the occurred as a massacre, since: a) at least 6 people were shot in the back; b) the rural workers reported that after the first attack they fled to the bushes but the military police followed them and continued to shoot; c) none of the cops was hurt; d) the policemen cleared the crime scene without the forensic medics, moving the bodies and removing the bullet casings.

In this sense there has been a manifest violation of the right to life that warrants immediate attention to prevent further deterioration.

Hence, requests of the Special Rapporteur on Executions:

- a. to transmit an urgent appeal to the Brazilian Government with regard to the alleged cases of extrajudicial, summary or arbitrary executions.
- b. to urge the competent authorities to undertake full, independent and impartial investigations with respect to those violations and to adopt all necessary measures to prevent further violations of the right to life while requesting to be informed of every step taken in this regard.
- c. to call for more effective action to counter this phenomenon in its annual report to the Human Rights Council and the General Assembly, in particular strongly recommending the demilitarization of the military police.

## Protection of Human Rights Defenders

Urgent measures must be taken by the Brazilian State in order to guarantee investigations, ascertainment of the facts, accountability of the involved, as well as the lives and integrity of the detainees involved the massacre in the Dom Tomas Balduino camp.<sup>7</sup>

For this reason, we hereby ask of the Special Rapporteur on the Situation Human Rights Defenders:

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<sup>7</sup>Amnesty International warns about the escalation of violence in rural area: <https://anistia.org.br/noticias/anistia-internacional-cobra-resposta-de-autoridades-para-escalada-de-violencia-campo/>; Article on impunity in rural conflicts: <http://www.gazetadopovo.com.br/opinioao/artigos/impunidade-e-concentracao-fundiaria-cvpj06032yta5k9900hek0q6s>; Manifest issued by the Paraná State Council on Human Rights <http://www.dedihc.pr.gov.br/modules/noticias/article.php?storyid=3754&tit=NOTA-COPED->



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- a) to make contact with the Government of Brazil through an ‘Urgent appeal’ regarding current and past violations;
- b) to urge the state authorities to take all appropriate action to investigate and address the alleged events and to communicate the results of its investigation and actions to the Special Rapporteur;
- c) to assure immediate protection of the Human Rights defenders of the camp, as well as necessary assistance to all the families that had their relatives killed or wounded in the attack;

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

### **Terra de Direitos**

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