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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 34/2022**

Precautionary Measure No. 408-22  
Benny Briolly Rosa da Silva Santos and members of her work team  
regarding Brazil  
July 11, 2022  
Original: Spanish

**I. INTRODUCTION**

1. On June 1, 2022, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission” or “the IACHR”) received a request for precautionary measures filed by the *organizações Criola, Instituto de Defesa da População Negra, Instituto Marielle Franco, Justiça Global, Terra de Direitos*, and *Instituto Internacional sobre Raça, Igualdade e Direitos Humanos* (“the applicants”), urging the Commission to require the State of Brazil (“the State” or “Brazil”) to adopt the necessary measures to protect the rights to life and personal integrity of Benny Briolly Rosa da Silva Santos. According to the request, the proposed beneficiary is a councilor in the municipality of Niterói and is at risk due to a series of death threats following her identification as a black *transvestite* woman and her work as a human rights defender. The request also seeks to protect members of her work team in the municipality of Niterói.

2. Under the terms of Article 25(2) of its Rules of Procedure, the IACHR requested information from the applicants and the State on June 10, 2022. The applicants submitted additional information on June 22, 2022. Following the State's communication of June 22, 2022, which requested a time extension, the IACHR granted the State a time extension on the same day. The State submitted its response on June 24, 2022. The applicants sent updated information on June 30, 2022.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiary is in a serious and urgent situation, given that her rights to life and personal integrity are at risk of irreparable harm. Consequently, the Commission requests that Brazil: a) adopt the necessary measures to protect the rights to life and personal integrity of Ms. Benny Briolly Rosa da Silva Santos and three members of her work team,<sup>1</sup> considering the ethnic-racial and gender approaches; 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.

**II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES**

**A. Information provided by the applicants**

4. The request states that the proposed beneficiary, Benny Briolly Rosa da Silva Santos, is a black *transvestite* woman, human rights defender and since 2020, holds a position as a councilwoman in the

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<sup>1</sup> Advisors (1) Marcos Paulo Pereira Costa and (2) Matheus Pereira Costa, and advisor (3) Ariela do Nascimento Marinho.

municipality of Niterói in the State of Rio de Janeiro, in Brazil. The request also seeks to protect members of her work team.<sup>2</sup>

5. The proposed beneficiary was the first *transvestite* woman to hold a position as parliamentary adviser in the city of Niterói. In this context in 2018, during the “*Ele Não*” (“Not Him”) movement, a political demonstration organized by women’s social movements against the then presidential candidate and current president of Brazil, police officers in a vehicle playing a jingle of the presidential campaign allegedly tried to lead the proposed beneficiary to the Police Delegation for not presenting her ID. However, with the help of an attorney and a federal deputy, the police were unable to take her. Subsequently, when the proposed beneficiary lived in the “Morro do Estado”, police officers allegedly entered her residence without showing a warrant. The officers stated that they were reportedly searching for her neighbor. On that occasion, one of the police officer allegedly said: “So you live here, right?” in an intimidating tone. Subsequently, during another police operation in the “Morro do Estado”, police officers allegedly accessed her residence balcony, which frightened her.

6. On December 7, 2020, the proposed beneficiary, who had been recently elected as a councilor of the city of Niterói, received a threatening email. In the applicants’ opinion, this was part of a coordinated attack as other black and LGBTI women from left-wing political parties received similar threatening emails. The email contained the following threat:

“You’re an aberration. Stinky slum-dweller monkey, hairy nest of *mafagafos*, (...). I swear, I truly swear, if you don’t GIVE UP YOUR MANDATE, I’m gonna buy a 9mm gun at Morro do Engenho here in Rio de Janeiro and a one-way ticket to NITERÓI, and I’m gonna kill you. I already have all your information and I’m going to show up at your house [Ms. Benny Briolly’s address]. After I put a bullet in your face and kill whoever’s with you, I’m gonna put a bullet in my head. It’s useless to notify the police or have security guards around. Nothing in the world will stop me from killing you and then killing myself. I’ll kill you the same way my group killed Marielle.”<sup>3</sup>

7. The applicants stressed that this email explicitly included the proposed beneficiary’ address. In addition, the death threat refers to the death of Marielle Franco, a councilwoman from Rio de Janeiro who was murdered in 2018. This threat was reported on December 8, 2020 in the Delegation for Women’s Affairs (*Delegacias Especializadas no Atendimento à Mulher, DEAM*) of Niterói. On December 18, 2020, a meeting was held with the president of the Superior Electoral Court (*Tribunal Superior Eleitoral, TSE*), who agreed to activate the Municipal Council of Niterói for security measures in favor of the proposed beneficiary.

8. The request mentioned that a councilman of the city of Niterói, who belongs to a different political party, has harassed and threatened the proposed beneficiary. In this sense, on December 29, 2020, the aforementioned councilor of Niterói allegedly incited demonstrators, who were in front of the Municipal Council of Niterói, to attack the proposed beneficiary. She was reportedly escorted out of the building by

<sup>2</sup> According to the request for precautionary measures, the work team of the proposed beneficiary is composed of 10 advisors. The applicants specifically refer to the following advisors (1) Marcos Paulo Pereira Costa and (2) Matheus Pereira Costa, and (3) Ariela do Nascimento Marinho.

<sup>3</sup> Translation of the original text in Portuguese: “*Sua aberração. Macaco favelado fedorento, cabelo ninho de mafagafos [...]. Eu juro, mas eu juro que SE VOCÊ NÃO RENUNCIAR AO MANDATO vou comprar uma pistola 9 mm no Morro do Engenho aqui no Rio de Janeiro e uma passagem só de ida para NITERÓI e vou te matar. Eu já tenho todos os seus dados e vou aparecer aí na sua casa [endereço da senhora Benny Briolly]. Depois de meter uma bala na sua cara e matar qualquer um que estiver junto com você, vou meter uma bala na minha cabeça. Não adianta avisar a polícia ou andar com seguranças. Nada no mundo vai me impedir de te matar e me matar em seguida. Vou te matar do mesmo jeito que meu grupo matou a Marielle!*”.

the Municipal Guard. This incident was reported to the Delegation for Racial Crimes and Crimes of Intolerance (*Delegacia de Crimes Raciais e Delitos de Intolerância, DECRADI*) on April 12, 2021.

9. According to the request, the threats against her continued in 2021. On January 8, 2021, the councilor of the city of Niterói published a message on his social networks that referred to the proposed beneficiary in the male gender (“*garotão*” which translates to “big boy”) and stating that she would have to tolerate those pronouns. On January 19, 2021, the councilman of the city of Niterói turned to his social networks to publish that the proposed beneficiary was a “*psolist aberration*”, in reference to his political party “*Partido Socialismo e Liberdade*” (PSOL). According to the councilor of the city of Niterói, the proposed beneficiary allegedly presented a bill so that “whoever was called João could be called Maria in schools”. Furthermore, on February 24, 2021, the councilor of the city of Niterói replied to a person on his social networks and once again stated that proposed beneficiary belonged to the male gender. According to the applicants, on February 25, 2021, the councilor of the city of Niterói directly sent the proposed beneficiary sent a message with transphobic content through social networks.

10. On January 12, 2021, an official letter was sent to the Presidency of the Municipal Council of Niterói. This letter included social media posts of photos of councilor of Niterói where he is seen with a weapon within the Municipal Council. This is allegedly prohibited by internal regulations. In addition, security measures were requested for Ms. Benny Briolly. On January 20, 2021, a new official letter was sent to the Presidency of the Municipal Council of Niterói, once again requesting security measures in favor of Ms. Benny Briolly. However, no response was obtained. On February 4, 2021, an official letter was sent to the Attorney General of the Republic to communicate the lack of measures taken in this regard.

11. On May 13, 2021, due to the threats received, the PSOL political party decided to temporarily remove the proposed beneficiary from Brazil. In view of the above, it was indicated that Benny Briolly's situation which placed her at risk had already been reported to the state institutions. In an interview, the proposed beneficiary stated that she could not sleep, she felt constant fear of death, and was prevented from exercising her parliamentary work due to the lack of response of the State to the threats she suffered. Consequently, on May 14, 2021, Benny Briolly was included in the Program for the Protection of Human Rights Defenders (*Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas, PPDDH*) and guaranteed a focal point in the Military Police. Thus, her weekly agenda is sent to the 12th Battalion of the Military Police along with information of the events that the proposed beneficiary will attend. In addition, there is a focal point in front of the Municipal Council of Niterói and another in front of the residence of the proposed beneficiary. Protection in other locations is allegedly subject to police availability. In this sense, if there is a need for police escort for any event, it is necessary to request the Police through the PPDDH. However, every time police escort was requested, no response was received. In addition, her political party PSOL began to bear the costs for the rental of an armored vehicle, which will be offered to her until the end of 2022. After her inclusion in the PDPDH, the proposed beneficiary decided to return to Brazil.

12. Despite the proposed beneficiary's inclusion in the PPDDH, it was stated no security escort was reportedly assigned to the proposed beneficiary, that there is no provision of financial resources for her protection, and that there was no risk analysis with a gender and race perspective. In addition, it was pointed out that it would be inadmissible for her protection to be summarized as focal points in front of the Niterói Municipal Council and her residence. This would imply, despite the threats she received, she would be offered no protection measures during travel or during events that arise as a result of her work as councilor. It was alleged that requests for police escort are not answered or simply rejected. For example, on May 21, 22, 26 and 29, 2021, no response was obtained from the Police. In this sense, between May 21 and June 5, 2021, 12 offices were sent by the PPDDH and the Police did not respond or rejected the request. Furthermore, on May 24 and June 1, 2021, the Federal Police of Rio de Janeiro denied the

police escorts as that protection is reportedly in their responsibilities. Therefore, the request stated that it would not be reasonable for requests for police escorts to depend on the judgment of the Military Police.

13. As of December 2021, the threats against the proposed beneficiary allegedly increased. On December 19, 2021, she received an email with the title “I’m already counting bullets”, from a person who identified themselves as C.S. and who was assumed to be racist. They expressed that “So you ‘blacks’ love to victimize yourself and believe that anything is racism now? Let’s see if you believe that when I unload my gun on his face, aberration.” On December 20, 2021, the proposed beneficiary reported this threat before the DECRADI.

14. On December 22, 2021, the proposed beneficiary received four more emails with threats and insults. On the same day, these emails were forwarded to the DECRADI. The first email had the same content as the email from December 19, 2021. The second email insulted the proposed beneficiary by calling her a: “thief, scoundrel, shameless”. The third mail also contained insults as a result of her political work. The fourth mail, in addition to the content, contained a new death threat:

“Or you will end up like Marielle Franco, this is the last warning because the bullets are already counted. The “terreiro”<sup>4</sup> of macumba is only good to ignite fire, do you know about purification by fire? That’s what we’ll do at every macumba ceremony in the country. [...]”<sup>5</sup>

15. On December 24, 2021, the proposed beneficiary received an email which the title itself already stated that the author identified themselves as a Nazi and that they were going to kill her. The content of this email is detailed below:

“My Nazi friends finally convinced me to go to RJ<sup>6</sup> to murder Councilman Benny, I am a minor so in three years I would be free. Remember when they sent you the address? We have the updated one [...] Impunity is safe. HEIL HITLER.<sup>7</sup>

16. Moreover, on December 30, 2021, the proposed beneficiary received two other emails, with the same content. However, these emails also included her family members in the threats. On January 3, 2022, the individual who identified themselves as C.S sent her another email. They indicated that they had a “present” for the proposed beneficiary and attached a photo of a weapon. Subsequently, on January 9, 2022, the proposed beneficiary received new mail with a kidnapping threat, along with racist and transphobic insults. In it, they called the proposed beneficiary a “monkey” and a “gorilla” and threatened to kidnap her. On January 23, 2022, she received a new email calling her “Benilson” (male deadname), with a photo of a gun and a message that read “you are all crazy ‘blacks’”. Subsequently, on January 25, 2022, she received another threatening email stating that “it is useless to cry, Councilman Benny, your time will come”. On January 26, 2022, she received another email which the title stated that they would give her a “mercy shot on her forehead” and new death threats:

<sup>4</sup> Refers to a location to celebrate religious rituals of African matrix religions in Brazil.

<sup>5</sup> Translation of the original text in Portuguese: “*Ou vai terminar igual Marielle Franco, esse é o último aviso pois as balas já estão contadas. Terreiro de macumba serve apenas para se tacar fogo, conhece a purificação pelo fogo? É isso que faremos em todo terreiro de macumba existente no país. [...]*”.

<sup>6</sup> Refers to the state of Rio de Janeiro.

<sup>7</sup> Translation of the original text in Portuguese: “*Meus amigos nazistas finalmente me convenceram a ir até o RJ para assassinar o vereador Benny, sou menor de idade então em 3 anos estaria limpo. Lembra quando te mandaram o endereço? Temos o atualizado [...] A impunidade é certa. HEIL HITLER.*”.

“Exactly what you just read, I'm a complete ghost and I'm sure of impunity. I already have everything ready to flee the country. Neither you nor the lazy pigs of the niteroi civilian will be able to trace the IP of this email. The federal police won't either, as they have no jurisdiction in Germany. Why do you think no one has found the person responsible for killing Marielle Franco the taurus sinarm numbering 200100279521220 was discarded in guanabara bay. No one else will find it. Waiting for a visit from my Glock g25 380 caliber. Tic toc...<sup>8</sup>

17. On January 25, 2022, the proposed beneficiary sent mail to DECRADI regarding the threat received on January 23, 2022, in order to attach it to the previous submission made on December 20, 2021. On January 31, 2022, another mail included a rape threat against proposed beneficiary and stated that the author of the mail would be “infiltrated” in the Federal Police, and would therefore have impunity for possible crimes:

“Yes, YOU DONKEY WHORE, I'm undercover in the PF and nothing can stop me. I am way above the cybercrime company because I have LEGAL impunity (by age) and I have FRIENDS in the institution, I have even already contacted the police of your region and none will receive complaints of your rape, you dairy cow. I will rape you and NOTHING can stop me [...]”<sup>9</sup>

18. On February 2, 2022, the proposed beneficiary allegedly received an email that questioned the quality of the Civilian Police intelligence services, detailing the possible use of third-party data for threats. On February 18, 2022, the proposed beneficiary' license plate was disclosed on social networks. On February 19, 2022, she received an email stating that they were going to explode her cabinet if she did not resign her position as councilwoman within 90 days. On March 3, 2022, the proposed beneficiary received another email with threats against her:

“Come on, I want to rip your head off with a chainsaw and hang your filthy body from a hose. Make no mistake, this is not a joke, “nigger” [...]. There's a wooden board with some nails on the end and that's what I'm going to whip you with. We will pick you up at dawn and take you to a shed I have here, there you will learn how your people are treated here. We're not going to stop there, we're going to get you and hang you, we're going make a feast of you for the vultures. I have strong contacts in these parts, I'll get a cannon to blow up your door as soon as you lay down to sleep. [...] Sleep with your eyes open.”<sup>10</sup>

<sup>8</sup> Translation of the original text in Portuguese: “É isso mesmo que você leu, sou um completo fantasma e tenho certeza da impunidade. Já tenho tudo preparado para fugir do país. Este e-mail também você nem os porcos vagabundos da civil de niterói conseguirão rastrear o ip. A polícia federal também, já que eles não possuem jurisdição na Alemanha. Por que acha que ninguém achou o responsável por matar Marielle Franco a taurus de numeração sinarm 200100279521220 foi descartada na baía de guanabara. Ninguém mais vai achar! Aguarde a visitinha da minha Glock g25 calibre 380. Tic tac...”

<sup>9</sup> Translation of the original text in Portuguese: “Pois é, PUTA BURRA, eu estou infiltrado na PF e nada pode me deter. Estou muito acima da companhia de crimes cibernéticos porque tenho impunidade LEGAL (pela idade) e tenho AMIGOS na instituição, inclusive já comuniquei com os policiais da sua região e nenhum irá receber denúncias de estupro da sua pessoa, vaca leiteira. Eu irei te estuprar e NADA pode me parar [...]”

<sup>10</sup> Translation of the original text in Portuguese: “Venha que eu quero arrancar-lhe a cabeça com uma motosserra e pendurar o seu corpo IMUNDO em uma mangueira. Não se engane, aqui não é brincadeira, neguinho. [...]. Há uma tábua de madeira com uns pregos na ponta e é com isso que eu vou te açoitar. Pegaremos você logo ao amanhecer e te levaremos para um galpão que eu tenho aqui, lá tu vais saber como sua gente é tratada aqui. [...] Não vamos parar por aí, vamos pegar você de jeito e te enforcar, faremos de você um banquete para os urubus. Tenho fortes contatos nessas bandas, arrumo um canhão para explodir tua porta assim que você deitar para dormir. [...] Durma de olhos abertos”.

19. On March 12, 2022, the proposed beneficiary received a link, through her *Instagram* social network. This link led to a “rape guide”, where she was called “monkey with AIDS”. Moreover, the text indicated a reward for the murder of Benny Briolly, with her photo and male deadname: “I will pay 4,500 reais for Benny Briolly’s head, but the ideal way would be to shoot him, cut his throat, burn his body and remove his dental arch, so he will be unrecognizable”.

20. On May 19, 2022, the proposed beneficiary was officially notified of a judicial decision of April 11, 2022 in her favor, in the framework of a public civil action. This public civil action was filed by the Federal Public Prosecutor’s Office (*Ministério Público Federal, MPF*) before the Federal Justice, with the aim of adopting security measures to safeguard the life and integrity of Ms. Benny Briolly. In the judgment of April 11, 2022, it took into account the history of threats against the proposed beneficiary as a parliamentary advisor and as a councilwoman, in addition to being the first *transvestite* woman councilwoman of Niterói and the expressly racist content of the threats. The federal judge considered that the measures taken by the State were “frankly insufficient and disproportionate” in view of the threats, and that there was an omission from the Public Administration in this regard. The judgment determined personal escort and other security measures to protect the proposed beneficiary, and allow her to continue the exercise of her mandate. One month was established as term for compliance. The applicant claimed that this decision is generic and offered no details of the other security measures that the Federal Union and the State of Rio de Janeiro should adopt, and did not consider their viewpoint. To date, it was indicated that their protection has not improved, and it was stated that the protection of the Police against their residence and the Municipal Council is currently occurring in an irregular manner.

21. The request also reports that on April 27, 2022, an official letter was received from the Undersecretariat of Intelligence of Rio de Janeiro with a questionnaire for the risk analysis of the proposed beneficiary. However, it was alleged that she had already answered a questionnaire for risk analysis of the PPDDH at an earlier stage. She was afraid of sharing intimate information again and did not want to be revictimized as a result of the lack of communication and coordination between the institutions. At the request of the proposed beneficiary, the PPDDH agreed to share the questionnaire with the aforementioned Undersecretariat.

22. According to the applicants, on May 17, 2022, a state deputy from Rio de Janeiro, known for having broken a sign in tribute to Marielle Franco, during an ordinary session of the Legislative Assembly of Rio de Janeiro, indicated that the proposed beneficiary is a “male councilman, because he was born with a penis and testicles”, but at that time it would be an “aberration of nature” due to what “they call gender”. This incident was recorded in the DECRADI on May 20, 2022.

23. On May 21, 2022, after a series of meetings with community leaders in the city of Itaboraí, in the state of Rio de Janeiro, the proposed beneficiary returned to her residence at night, between 11:00 p.m. and midnight. Her advisor Marcos Paulo Pereira Costa, accompanied by her other advisor Matheus Pereira Costa, realized that, when leaving her at her residence, there was another vehicle parked on the street. After the consultant got into his vehicle to leave, the parked vehicle began to follow him. According to the applicants, this showed that the vehicle knew the proposed beneficiary’s address and her activities. On May 28, 2022, at around midnight, in a restaurant in the city of Niterói, an armed man approached the advisor of the proposed beneficiary, Ariela do Nascimento Marinho, a trans woman, and indicated that he knew her, in a threatening manner. The owner of the restaurant removed the consultant and her boyfriend from the situation. These incidents were reported to the Police Delegation on May 30, 2022 and June 7, 2022.

24. On June 23, 2022, an email which was in the spam folder was verified. The proposed beneficiary had received this email on May 25, 2022. The title was “I am already counting bullets”, and it was allegedly sent from the official email of a state deputy:

“Councilman Benny, so you filed a complaint against me in DECRADI and you're going to sue me just because I told some truths about you? You're not a woman because you were born with a penis and a testicle, so you're a man. But in your case you're not a man at all, you're a lewd faggot, a scrotum faggot, a disgusting faggot. [...] You're a stinking black slum-dwelling monkey. [...] I broke Marielle Franco's bitch's plate and nothing happened, I said in Aldeia Maracanã that those who like Indians should go to Bolivia and nothing happened. You think it's gonna matter because I spoke badly about you, you fucking transvestite? Fuck DECRADI, fuck justice, I'm with the president [...] and nothing is going to happen, I can say whatever I want, nothing is going to happen. It won't come to anything just like the other times. I am with our Brazilian army [...] What are you going to do? [...] If you don't withdraw the case against me, I'll shut your rotten mouth forever. Yours and that cow Renata Souza's, it was all her fault”.<sup>11</sup>

25. The email sent on May 25, 2021 was communicated to DECRADI. In addition, in a video posted on her social networks, Ms. Benny Briolly expressed her disgust at the threats she had received. The state deputy subsequently denied the authorship of the mail, referring to the proposed beneficiary in the male gender, which was considered by the applicants as an insult to their gender identity. Therefore, his political party requested an expert opinion in order to verify the authorship of the mail. According to the expertise, “the sender, in order to impersonate the deputy [...], reported used a foreign service hosted in Asia, more specifically in Kuala Lumpur, according to the analysis of the IP address of the service from which the false email was sent”. Furthermore, the expert indicated that “it was with a *spoofing* technique<sup>12</sup> of mail that we are able to guarantee, with 100% certainty, that the message does not come from the sender [official mail of the mentioned deputy], however, it can be said that the offender is a person who has knowledge of the facts, as well as the address of the personal email of the offended party”. The applicants state that the use of the *spoofing* technique is serious, to the extent that it demonstrates a sophistication in the threats, in addition to using an institutional email of the Legislative Assembly of Rio de Janeiro.

26. The request alleges that the criminal investigation, initiated on December 21, 2021, regarding the threats received by virtual means against the proposed beneficiary, did not yield significant results to date. Thus, it was indicated that only one step had been taken in this regard, which was the issuance of communications to police authorities of two Brazilian states to question two possible perpetrators. With regard to the other emails, no steps had been taken in the police investigations, although the initial deadline for the investigation had expired, and the MPF granted a new deadline of February 4, 2022.

<sup>11</sup> Translation of the original text in Portuguese: “Vereador Benny, quer dizer que você registrou ocorrência contra mim na Decradi e vai me processar só porque falei umas verdades de você? Você não é mulher pois nasceu com pênis e testículo, então é homem. Se bem que no seu caso você não é mesmo homem, é um boiola assanhado, uma bicha escrota, um viado nojento. [...] Você é um macaco preto favelado fedorento. [...] Eu quebrei a placa da vagabunda da Marielle Franco e não deu em nada, eu disse na Aldeia Maracanã que quem gosta de índio que vá pra Bolívia e não deu em nada. Acha que vai dar em alguma coisa porque eu esculachei você seu traveco de merda? Foda-se a Decradi, foda-se a justiça, estou com o presidente Bolsonaro e nada vai acontecer, posso falar o que eu quiser que não dá em nada. Isso não vai dar em nada como das outras vezes. Estou com nosso Exército Brasileiro [...]. Você vai fazer o que? [...] Já você não deve falar nada e nem me processar. [...] Se você não desistir do processo contra mim vou fechar essa sua boca podre pra sempre. A sua e a da vaca da Renata Souza, foi culpa dela isso tudo.”

<sup>12</sup> *Spoofing* is a technique known in the cybersecurity world as someone who impersonates or attempts to impersonate the sender in virtual scams.

However, after over four months, the investigations have not made any progress in identifying the perpetrators of the threats.

27. Lastly, the applicant states that, to date, allegedly no police escort was assigned to the proposed beneficiary, the armored vehicle is still being paid for by its political party, there was no reinforcement of security measures at the entrance of the Municipal Council of Niterói, and no information was shared on the investigations regarding the threats suffered with the proposed beneficiary.

### **B. Response from the State**

28. The State referred to domestic legislation regarding the protection of human rights defenders, noting the National Policy for the Protection of Human Rights Defenders, provided for in Decree No. 6.044/2007; and the Program for the Protection of Human Rights Defenders, Communicators and Environmentalists (PPDDH) and the Deliberative Council for this program, provided for in Decree 9.937/2019, which exist within the framework of the Ministry of Women, Family and Human Rights (MMFDH). In the state of Rio de Janeiro, the PPDDH is executed in accordance with Law no. 9.322/2021.

29. Regarding the protection measures in favor of Ms. Benny Briolly, the State reported that the proposed beneficiary was included in the PPDDH. In addition, it reported that its request to strengthen protection measures had been met through Public Civil Action No. 5022213-71.2022.4.02.51.01, submitted by the Federal Public Prosecutor's Office (MPF). In this regard, the federal judge issued a decision, with urgent guardianship, determining escort and other security measures to guarantee the physical integrity of the proposed beneficiary and the continuity of the exercise of her mandate.

30. Furthermore, the State indicated that, between May 5, 2021 and January 6, 2022, the protection measures in favor of the proposed beneficiary were executed through the 005/2020 Collaboration Agreement, signed between the MMFDH and the civil society organization *Centro de Derechos Humanos de Nova Iguaçu (CDHNI)*, since no agreement was signed with the State Secretariat of the Rio de Janeiro. As of January 13, 2022, the State Secretariat for Social Development and Human Rights of Rio de Janeiro began to implement the protection measures.

31. After notifying the situation of threats that the proposed beneficiary was experiencing, the PDPDH of Rio de Janeiro has held several meetings with the president of the Municipal Council of Niterói. They indicated security weaknesses identified in the legislative house and requesting an armored vehicle and specialized driver for the proposed beneficiary, and requested to strengthen the security measures at the entrance of the Municipal Council. In addition, meetings were held with the Public Ministry of the State of Rio de Janeiro (MPERJ).

32. In this regard, the State indicated that the Coordination of the Program for the Protection of Life of the Secretariat of the State for Social Development and Human Rights, jointly with the Presidency of the Deliberative Council, the councilwoman's team, the PPDDH team, and representatives of civil society, held monthly meetings in February and March 2022 to define security measures and strategies for the protection of the proposed beneficiary. It was indicated that the councilwoman's team and the PPDDH team have contact with the focal point in the Military Police. Due to the request that the proposed beneficiary sent the PPDDH, monitoring cameras were installed and a focal point was made available.

33. On January 28, 2022, the State reported that a meeting was held, at the request of the PDPDH of Rio de Janeiro, at the headquarters of the 12th Battalion of the Military Police. The police coordinator of the region and the representative of the Secretariat of Social Development and Human Rights of the State of Rio de Janeiro were present. On that occasion, it was decided that the police patrol would be constantly



based near the proposed beneficiary's house, as well as on her office in the Municipal Council of Niterói. In addition, regarding the proposed beneficiary's inter-municipal travel, an escort should be requested along with her Military Police focal point and the corresponding agenda sent five days in advance. It was also indicated that the 12th Battalion of the Military Police would reportedly carry out reinforced surveillance for the proposed beneficiary's safety.

34. On May 11, 2022, a meeting was held with the presence of representatives of the General Coordination of the Programs for the Protection of Life of the MMFDH, of the Federal, Military and Civil Police of Rio de Janeiro, to ensure the following measures: the Military Police is responsible for the councilwoman's commute between her residence and her workplace, as well as for the police patrol in her residence and in her office in the Municipal Council, without prejudice to other measures that may be necessary in the future; and the Civil Police, through its intelligence sector, will prepare a risk map, a relevant instrument to articulate the security mechanisms for the protection of the life of the proposed beneficiary.

35. The State argued that the measures to protect the proposed beneficiary are efficient and coordinated with the proposed beneficiary and her representatives. Lastly, regarding the investigations regarding the threats against the proposed beneficiary, it was reported that a criminal investigation and a criminal action are pending before the 2nd Criminal Court of Niterói.

### **III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

36. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with human rights obligations, as 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, while the precautionary measures mechanism is described 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.

37. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, protective and precautionary.<sup>13</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>14</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of State actions to address the situation described, and the degree of vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted<sup>15</sup>. 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

<sup>13</sup> 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.

<sup>14</sup> 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].

<sup>15</sup> 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].

at risk until the petition 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.<sup>16</sup> 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;
- 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.

38. In analyzing these requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt. The information provided should be assessed from a *prima facie* standard of review to determine whether a serious and urgent situation exists.<sup>17</sup> Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any individual liabilities for the facts alleged. Moreover, it is not appropriate, in this proceeding, to rule on violations of rights enshrined in the American Convention or other applicable instruments.<sup>18</sup> This is better suited to be addressed by the petition and case system. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>19</sup>

39. When analyzing this request, the Commission recalls the provisions of Article 25 of its Rules of Procedure. In particular, paragraph 6 states that “[t]he Commission shall consider the request [for interim measures] in its *context*”. Along the same lines, the Inter-American Court has indicated that it is possible to assess the set of political, historical, cultural or any other factors or circumstances that affect the proposed beneficiary or place him in a situation of vulnerability at a given time and expose him to injury

<sup>16</sup> 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.

<sup>17</sup> See in this regard: I/A 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 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. [Matter of Children Deprived of Liberty in the “Complexo do Tatuapé” of the Fundação CASA](#). Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

<sup>18</sup> IACHR. [Resolution 2/2015](#). Precautionary Measure No. 455-13. Matter of Nestora Salgado regarding Mexico. January 28, 2015, para. 14; IACHR. [Resolution 37/2021](#). Precautionary Measure No. 96-21. Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua. April 30, 2021, para. 33.

<sup>19</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertinent to issues other than those which relate strictly to the extreme seriousness, urgency, and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. [Matter of James et al. regarding Trinidad and Tobago](#). Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case of Barrios Family v. Venezuela](#). Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

to his rights.<sup>20</sup> The Inter-American Court has understood that this situation may increase or decrease over time depending on countless variables.<sup>21</sup>

40. In this matter, the Commission identifies that the proposed beneficiary identifies as a black *transvestite* woman and a human rights defender. The IACHR has already recognized that *transvestite* identity is within the umbrella term “trans,” which is used to describe the life experiences of persons whose gender identities and expressions are not consistent with the gender assigned to them at birth.<sup>22</sup> In this regard, the IACHR has indicated that *transvestite* women are located within the framework of trans femininities.<sup>23</sup> The IACHR has highlighted that in Latin America, specifically in countries such as Brazil, the term has been vindicated in terms of identity and politics,<sup>24</sup> within the trans community. Therefore, the applicable standards and understandings of the inter-American system are those that protect trans persons and, in general, LGBTI persons.

41. With this understanding, the Commission recalls that, in its Report on Violence against Lesbian, Gay, Bisexual, Trans, and Intersex Persons in the Americas, the IACHR found that LGBTI persons are particularly vulnerable to violence, which is reinforced by the spread of “hate speech” directed at this community in different contexts, such as through virtual media. In this regard, it was noted that crimes against LGBTI persons are often preceded by a context of high levels of discrimination.<sup>25</sup> In addition, it was noted that trans people, in particular trans women, suffer a cycle of violence, discrimination and criminalization.<sup>26</sup> Among the most vulnerable to violence are transgender and *transvestite* women who are human rights defenders.<sup>27</sup> Attacks on the lives of women human rights defenders have a multiplier effect that goes beyond the victim in question.<sup>28</sup> Regarding the intersectionality between gender and ethnic-racial factors, the Inter-American Court affirmed that violence against women in Brazil is a structural and widespread problem, reinforcing that there is a significant racial division in the country, to the extent that black women are more likely to suffer acts of violence.<sup>29</sup> In its monitoring function, the IACHR has received information about high levels of discrimination and violence against LGBTI people of African descent in the Americas.<sup>30</sup> In Brazil, people of African descent are particularly vulnerable to discrimination based on sexual orientation or gender identity.<sup>31</sup>

42. With regard to Brazil, in its 2021 Report on the Situation of Human Rights in Brazil, the Commission observed a decline in the data on violence, which particularly affects groups such as trans persons and human rights defenders.<sup>32</sup> The Commission also noted with concern that violent deaths in the country tend to disproportionately victimize segments suffering from structural and intersectional

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<sup>21</sup>Ibidem

<sup>22</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Para. 20. The Commission indicated: Trans people, is the umbrella term frequently used to describe the different variants of gender identities (including transsexuals, transvestites, transformists, among others), whose common denominator is that the sex assigned at birth does not match the gender identity of the person. Gender identity is not determined by body transformations, surgical interventions or medical treatments. However, these may be necessary for the construction of the gender identity of some trans people.

<sup>23</sup>IACHR, [Report on Trans and Gender Persons and their Economic, Social, Cultural and Environmental Rights](#), OEA/Ser.L/V/II, August 7, 2020. Para. 78

<sup>24</sup>Ibidem.

<sup>25</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Paras. 166 and 213.

<sup>26</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Para. 26.

<sup>27</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Para. 336 and 339.

<sup>28</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Para. 336 and 339.

<sup>29</sup>/A Court H.R. *Barbosa de Souza et al. v. Brazil*, Judgment of September 7, 2021. Paras. 46 and 53.

<sup>30</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Para. 357

<sup>31</sup>IACHR. [Report on Violence against LGBTI Persons](#). OAS/Ser.L/V/II.rev. Nov. 12, 2015. Para. 364

<sup>32</sup>IACHR. [Report on the Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. February 12, 2021. Para. 272

discrimination, such as people of African descent.<sup>33</sup> In addition, the data on violence showed that Brazil is hostile to the activities of human rights defenders, who have been frequent victims of violence perpetrated by private individuals and State officers.<sup>34</sup> In this report, the IACHR recommended that the State adopt legislative and political measures to prevent violence and discrimination against LGBTI persons, taking into account the intersection of factors that may intensify violence, such as racial and ethnic origin,<sup>35</sup> and strengthen the Program for the Protection of Human Rights Defenders with sufficient structure to ensure the effective and comprehensive protection of human rights defenders.<sup>36</sup>

43. Similarly, considering that the proposed beneficiary holds the position of councilwoman in the municipality of Niterói in the State of Rio de Janeiro in Brazil, the Commission recalls that, in May 2021, within the framework of the 179th period of sessions of the IACHR, at the thematic hearing on the “Situation of political and intersectional rights of gender, diversity and race in Brazil”, civil society organizations warned about the risk faced by black (cis and trans) women parliamentarians in the country.<sup>37</sup> In this regard, on May 20, 2021, the IACHR called on the State of Brazil to act with due diligence in the investigations related to Ms. Benny Briolly, the proposed beneficiary of this request, and reiterated the recommendation to guarantee the life and personal integrity of councilors and their work teams.<sup>38</sup>

44. With regard to the *seriousness* requirement, the Commission considers that it has been met. Taking into account that the alleged facts are inserted in the context indicated above, the Commission notes that the risk for the proposed beneficiary would be related to the existence of a series of death threats and particularly hostile messages, mainly through virtual means, with explicit allusions to the intention of aggression and murder against her, as well as mocking and racist and transphobic messages. This has continued over the last few years, and it is possible to understand that it has increased from December 2021 to present day. The Commission also notes that these threats are closely linked to the work that the proposed beneficiary has carried out as a councilwoman in Niterói since 2020, in addition to her work as a human rights defender.

45. According to the information submitted by the applicant, Ms. Benny Briolly has suffered several acts of harassment, intimidation, and death threats in recent years. In analyzing these allegations as a whole, the Commission understands the following:

- i. These acts call to attack or kidnap the proposed beneficiary either for her work as a councilwoman or for identifying herself as a *transvestite* black woman, being labeled by a gender with which she would not identify or as an “aberration of nature”.
- ii. The messages report awareness on the personal address of the proposed beneficiary, and threats against the proposed beneficiary's family members, and the license plate of her vehicle was recently published on social networks.
- iii. The death threats include messages such as: “your time will come”; that they would give her “a mercy shot on your forehead”; that they would have a “little present” for the proposed beneficiary along with a picture of a gun; “I will buy a gun [...] and a one-way ticket to Niterói and I will kill you”; “[...] put a bullet in your face and kill anyone who is with you”; “nothing in the world will

<sup>33</sup>IACHR. [Report on the Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. February 12, 2021. Para. 277

<sup>34</sup>IACHR. [Report on the Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. February 12, 2021. Paras. 292 and 296.

<sup>35</sup>IACHR. [Report on the Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. February 12, 2021. Recommendations. Para. 54.

<sup>36</sup>IACHR. [Report on the Situation of Human Rights in Brazil](#). OAS/Ser.L/V/II. February 12, 2021. Recommendations. Para. 66.

<sup>37</sup>IACHR. Public hearing. 179th session. March 23, 2021. Political rights and intersectionality of gender, diversity and race in Brazil. Available at: <https://www.youtube.com/watch?v=wzpPeXAXKYU>.

<sup>38</sup>IACHR statement on *Twitter*. May 20, 2021. Available at: <https://twitter.com/CIDH/status/1416754185358487565>

stop me from killing you”; “I’m already counting bullets”; “you will end up like Marielle Franco”; “I want to rip your head off with a chainsaw and hang your disgusting body from a hose”; “I will get a cannon to explode your door as soon as you go to sleep”; “I’ll shut your rotten mouth forever”; that they reportedly offer a cash reward “for Benny Briolly’s head”; and that the ideal way to kill the proposed beneficiary would be “shoot her, cut her throat, burn her body and pull out the dental arch so she’ll be unrecognizable.”

- iv. The threats also call for the rape of the proposed beneficiary and that if such aggression is committed there will be no consequences for those responsible. On one occasion, a “rape guide” was sent to her, where there was a text offering a cash reward for her death, with her picture and her male deadname.
- v. The applicants have described these messages as transphobic and racist in content. In this sense, it is observed that she has been qualified as “damned *transvestite*”, “monkey with AIDS”; “donkey whore”; “dairy cow” “crazy blacks”; “nigger”; “rascal, shameless”; “lewd faggot”; “disgusting faggot”; and “stinking black slum-dwelling monkey”.
- vi. The threats of aggression also calls to explode the cabinet where the proposed beneficiary works if she does not resign.

46. In this regard, the Commission notes that the threats against the proposed beneficiary, received mostly through emails, have been constant and have particularly intensified since December 2021. This situation led her political party deciding to remove the proposed beneficiary from the country in May 2021. In addition, the Commission expresses its concern at the explicit content of references to physical and sexual assault, as well as death threats along the lines of racist and transphobic messages. The Commission also observes that specific events have occurred near the proposed beneficiary’s home, including the monitoring of an unidentified vehicle to advisors of the proposed beneficiary after dropping her off at her home on May 21, 2022. The Commission also notes that, on May 28, 2022, an unknown person reportedly approached another advisor of the proposed beneficiary and indicated, in a threatening manner, that he knew her. The Commission is aware that the applicants alleged that after an expert opinion carried out in May-June 2022, it was identified that they could be using the *spoofing* technique, and it was indicated that someone was sending threatening messages to the proposed beneficiary using an account with an institutional address.

47. The Commission takes note of the information provided by the State and appreciates the actions taken to protect the life and personal integrity of the proposed beneficiary. According to the available information, the proposed beneficiary was included in the PPDDH on May 14, 2021. The State reported that initially the security measures were the result of a collaboration between a civil society organization and the MMFDH, and only from January 13, 2022 they were implemented by the State Secretariat for Social Development and Human Rights of Rio de Janeiro (see *supra* para. 30). Thus, the proposed beneficiary reportedly has access to a focal point at the Military Police, a focal point in front of the Municipal Council of Niterói and another in front of her residence. To have a security escort, she should request it before the Military Police by sending her agenda in advance (see *supra* para. 33).

48. For its part, the State reported that the proposed beneficiary was allegedly receiving protection through the PPDDH, along with a focal point available in the Military Police, and police patrols based in the Municipal Council of Niterói and in her residence on an uninterrupted basis (see *supra* para. 33). Furthermore, the PPDDH has held meetings with the president of the Niterói Municipal Council to request an armored vehicle and a specialized driver for the proposed beneficiary, as well as to strengthen security

measures in the Municipal Council (see *supra* para. 31). In addition, it was indicated that a series of meetings were held between February and March 2022 with the Coordination of the Program for the Protection of Life of the Secretariat of the State for Social Development and Human Rights (*Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas*, PPDDH), civil society and the councilwoman's team to agree on security measures (see *supra* para. 32). The State also reported that the Civilian Police, through its intelligence sector, will prepare a risk map, which is an instrument to articulate the security mechanisms to protect the proposed beneficiary (see *supra* para. 34).

49. However, the applicants claimed that the measures taken are reportedly sufficient and effective. In this regard, the Commission understands that the proposed beneficiary has not been assigned a police escort, and whenever a police escort was requested for events or displacements as a result of her work, there would have been no response or rejections. In addition, it was alleged that the rental of the armored vehicle for the proposed beneficiary continues to be paid for by her political party, insofar as it was alleged that there are no financial resources available for her protection. The security measures at the entrance of the Niterói Municipal Council was reportedly not enforced either. Lastly, based on the information available, the Commission understands that a risk analysis that takes into account the gender and race perspective has not been carried out to date (see *supra* para. 12), which is relevant for the State to take into account all the risk factors that are part of the proposed beneficiary's situation, as well as the situations of vulnerability in which she could find herself in light of such perspectives in the current context. Despite her inclusion in the PPDDH, which occurred only the day after the news was released that the proposed beneficiary had left the country due to threats, the risk situation has intensified.

50. In addition to the foregoing, the information provided by the parties indicates that the Federal Court, in an emergency protection decision of April 11, 2022, determined the assignment of security escorts and other security measures in favor of proposed beneficiary. This was after recognizing that the measures adopted would be "frankly insufficient and disproportionate" to the threats suffered by the proposed beneficiary (see *supra* para. 20). However, despite the fact that over two months have elapsed since that decision, Ms. Benny Briolly is still without an escort and does not have adequate measures for her protection, inasmuch as the information provided by the State did not indicate in a concrete manner any effective actions to comply with the provisions of the judicial decision. Due to the foregoing, the Commission verifies that the protection measures adopted by the State authorities to date are insufficient or ineffective to guarantee the protection of the proposed beneficiary. The Commission observes that, despite its inclusion in the PPDDH on May 14, 2021 and the federal court decision of April 11, 2022, the proposed beneficiary continues to receive serious death threats and the measures adopted by the State would not have mitigated the alleged risks. The Commission also notes that the incidents that imply risk have been addressed to the State over time. However, there is no information on significant progress in the investigations, which contributes to the situation that places the proposed beneficiary at risk.

51. Therefore, the Commission concludes that, from the applicable *prima facie* standard applicable, it is sufficiently proven that there is a serious risk to the rights to life and personal integrity of Ms. Benny Briolly. In addition, the Commission considers that the three advisors identified in this request are at risk due to their working relationship with the proposed beneficiary, insofar as they have been recently involved in concrete events of risk against her.

52. With regard to the requirement of *urgency*, the Commission considers that it has been met. In this regard, the Commission considers the continuity of the alleged threats over the years, which have been reportedly increasing since December 2021, despite the proposed beneficiary inclusion in the PPDDH. The Commission also highlights the explicit content of the death threats, which call for the aggression and rape of the proposed beneficiary, as well as the racist and transphobic content. In such circumstances, the rights to life and personal integrity of the proposed beneficiary could be put at risk, and immediate

measures for her protection are therefore necessary, bearing in mind that the proposed beneficiary currently continues to perform her duties as a councilwoman of Niterói and as a human rights defender.

53. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, since the potential impact on the rights to life and personal integrity constitutes, by its very nature, the maximum situation of irreparability.

## V. BENEFICIARIES

54. The Commission declares that the beneficiary of this precautionary measure is Benny Briolly Rosa da Silva Santos, who is duly identified in this case. Moreover, the following are considered beneficiaries: (1) Marcos Paulo Pereira Costa and (2) Matheus Pereira Costa, and (3) Ariela do Nascimento Marinho, who are also duly identified.

## VI. DECISION

55. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Consequently, Brazil is requested to:

- a) adopt the necessary measures to protect the rights to life and personal integrity of Ms. Benny Briolly Rosa da Silva Santos and three members of her work team,<sup>39</sup> considering the ethnic-racial and gender approaches;
- 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.

56. The Commission requests that the State of Brazil report, within 15 days from the day following notification of this resolution, on the adoption of the required precautionary measures and to update that information periodically.

57. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

58. The Commission instructs its Executive Secretariat to notify the State of Brazil and the applicants of this Resolution.

59. Approved on July 11, 2022, by Julissa Mantilla Falcón, President; Edgar Stuardo Ralón Orellana, First Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Mario López-Garelli  
By authorization of the Executive Secretary

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<sup>39</sup> Advisors (1) Marcos Paulo Pereira Costa and (2) Matheus Pereira Costa, and advisor (3) Ariela do Nascimento Marinho.