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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 28/2024**

Precautionary Measure No. 50-24

Members of the Tapeba Indigenous People of Caucaia regarding Brazil

May 9, 2024

Original: Portuguese

**I. INTRODUCTION**

1. On January 17, 2024, 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 Federal Public Defender’s Office of the Federative Republic of Brazil (“the applicant”) 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 Tapeba Indigenous People of Caucaia (“proposed beneficiaries”). It was indicated that the proposed beneficiaries are suffering episodes of violence and threats by organized crime and the police, as well as expulsions from their villages due to the lack of completion of the demarcation and protection of their territory.

2. On March 4, 2024, in accordance with Article 25 of its Rules of Procedure, the Commission requested information from the State and the applicant. The State responded on March 28 and April 1, 2024, after having asked for a time extension, which was granted by the Commission. For its part, the applicant sent a more updated communication on March 15, 2024.

3. Upon analyzing the submissions of fact and law presented by the parties, the Commission considers that they *prima facie* show that the members of the Tapeba Indigenous People of Caucaia 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 IACHR Rules of Procedure, it requests that Brazil: a) adopt the necessary and culturally appropriate measures to protect the life and personal integrity of the members of the Tapeba Indigenous People of Caucaia, including against acts perpetrated by third parties. These measures must allow the leaders of the Tapeba 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, persecution, or acts of violence; b) coordinate the measures to be implemented with the beneficiaries and their representatives; and c) report on the actions taken to investigate the events that led to 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 Tapeba Indigenous People of Caucaia has a population of approximately 7,038 indigenous people distributed in 20 villages,<sup>1</sup> in the territory located in what is now the municipality of Caucaia, state of Ceará, Brazil. Since the 1980s, the Tapeba Indigenous People have been seeking the demarcation of their territory, a process that remains unfinished. On August 31, 2017, the Ministry of Justice published the Tapeba Indigenous Land Declaratory Ordinance (Ordinance No. 734 of August 31, 2017) declaring 5,294 hectares as the permanent possession of the Indigenous People.

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<sup>1</sup> Sobradinho, Ponte, Itambé, Capoeira, Capuã, Jandaiguaba, Jardim do Amor, Carnaúbal, Cipó, Vila dos Cacos, Lagoa das Bestas, Lagoa I, Lameirão, Lagoa dos Tapeba, Campo Grande, Bom Jesus, Água Suja, Coité, Vila Nova, Trilho.

5. According to the applicant, on February 19, 2016, the Tapeba leaders, the Mayor's Office of Caucaia, the National Foundation of Indigenous Peoples (FUNAI), and the Federal Government entered into a Term of Agreement for the completion of the demarcation, whose full application was pending: "the physical demarcation of the Indigenous Land, which is the exclusive responsibility of FUNAI and which should have taken place in September 2018; the construction of the Nueva Aldea de Ponte, which is the responsibility of the state of Ceará; and the revitalization of the Ceará River with the objective of enabling transit and bathing in water, of fundamental importance for the traditional activities of said People, such as fishing and displacement." The requesting party warned of, at least, 20 lawsuits against the demarcation or to the detriment of the possessory protection of the Tapeba Indigenous People. In some cases, members of the Indigenous People "were not even summoned to participate in the process as part of it." Similarly, FUNAI Technical Information No. 34/2023/Segat was highlighted,<sup>2</sup> which states:

In the more than 40 years since the first land claims, there have been countless takeovers, leaders have been killed, and others remain under death threat to this day. Part of the original territory has been lost due to the expansion of the city of Caucaia and real estate speculation, generating considerable territorial pressure on the areas used by the indigenous people. Forest areas and nature reserves such as sands and boulders have been densely degraded.

6. Currently, according to the applicant, there are risks to the right to collective property of the Tapeba People and FUNAI identifies the risk of compulsory removal of some of the proposed beneficiaries from areas of land they traditionally occupy by means of a Possessory Reintegration Action<sup>3</sup> and a Prohibitory Interdiction Action.<sup>4</sup> There is also an Order of Execution<sup>5</sup> of the Federal Attorney General's Office in the state of Ceará "to guarantee compliance with the judicial decisions to remove the indigenous people from part of their territory." According to the information available, both lawsuits are still pending before the Federal Regional Court of the 5th Region.

7. The applicant added that, in the context of territorial uncertainty described, the persons proposed as beneficiaries are allegedly subjected to persecution, threats, and violence against their life and personal integrity. As detailed, both the police forces and organized crime -specifically the presence of the factions "Comando Vermelho," "Massa,"<sup>6</sup> "Guardiões do Estado" and "Tudo Neutro"- would be responsible for a history of threatening acts perpetrated against members of the Tapeba Indigenous People:

## 2019

- January 9: Organized crime members allegedly attempted to set fire to the basic indigenous health center in the village of Carnaubal and subsequently threatened to return to the village;
- October 8: A proposed beneficiary was<sup>7</sup> allegedly approached by police officers as he was on his way to bathe in the Jandaiguaba dam. The police officers allegedly asked him about the "hiding place of an element known as 'baranga'." When he indicated that he did not know him, one of the police officers "slapped him twice on the back and told him that if he lied they were going to come back and drown him in the dam";
- October: expulsion of a Tapeba family from the village of Capoeira and another from the village of Ponte "due to threats provoked by a criminal faction."

<sup>2</sup> FUNAI. n° 34/2023/Segat - CR-NE-II/DIT - CR-NE-II/CR-NE-II-FUNAI. October 18, 2023.

<sup>3</sup> Federal Regional Court of the 5th Region. Possessory Reintegration Action - Interlocutory Appeal n° 0815839-50.2023.4.05.0000.

<sup>4</sup> Federal Regional Court of the 5th Region. Prohibitory interdiction action n° 0808097-71.2023.4.05.0000.

<sup>5</sup> Executive Resolution - n. 00001/2023/NUMF/PFCE/PGF/AGU.

<sup>6</sup> It would be a dissidence of the Red Command, based in the city of Caucaia.

<sup>7</sup> The proposed beneficiaries, alleged victims of violence, requested anonymity in public documents for security reasons.

## 2020

- February: A technical team from the Environmental and Territorial Management Service of the Northeast II Regional Coordination mapped 66 homes of Tapeba indigenous people, 26 of which were reportedly raided by the Military Police of Ceará. According to FUNAI, complaints of police violence can be described as “[...] a series of individual cases with collective repercussions; they reiterate the existence of physical, psychological, and patrimonial damages that affect, in addition to certain indigenous people, the entire community and, therefore, characterize impacts on the social, political, economic, cultural, and territorial organization of the ethnic group”;
- March 2: agents of the Motorized Tactical Command of the Military Police allegedly raided the house of a proposed beneficiary in the village of Capoeira, causing material damage. When filing the complaint, the proposed beneficiary reported that two other houses had also been raided and that he feared reprisals, requesting protection from FUNAI;
- March 5: another indigenous person from Tapeba filed a police complaint stating that he and his family were taken by surprise by the “violent presence” of military police in their home, who “came asking about the ‘capuan drug trafficker’”. Then, they began to break objects, for instance: they knocked down and broke the fence of the victim’s property, then broke the front door of the house, then entered the property and began to break two closets, a stove, threw clothes on the floor of the house, threw three mattresses randomly putting the victim’s house in total disorder.” Apparently, the police searched the house for drugs, but found nothing;
- March 15: The military police allegedly violently entered the home of a family in the town of Jandaiguaba, “[t]hey also knocked down furniture and broke objects inside the house”;
- March 18: Police reportedly shot a person who was riding a motorcycle through the village of Jandaiguaba. A community leader reportedly asked the police “to be careful when shooting in the area because there are children in the town.” He states that, in response, “he was handcuffed by the police and taken to the police station ‘so that he could learn’.” The police also allegedly tried to hang the proposed beneficiary “by making him drool, turn purple, roll his eyes and almost faint from shortness of breath” in front of his young daughter. In addition, during the approach, when they mentioned to the authorities that Jandaiguaba was an indigenous area, the police allegedly said: “indigenous area are my balls. We don’t care about that”;
- April 10: Two Tapeba Indians were shot dead, allegedly by members of the Comando Vermelho organized crime group;
- June 14: The proposed beneficiary, who was allegedly assaulted on March 18, was threatened and assaulted again, along with his family, by police officers, with “torture (assaults on the face, neck, and head, and shocks to the tongue and testicles). As a result, the family reported being forced to leave the town.” Other indigenous families, fearing the approach of the police, would also be abandoning the village;
- June: first expulsion of 13 indigenous families from the village of Capoeira by criminal groups;
- November: a Tapeba indigenous man from the village of Capoeira reported that, given the risk he was at, he could not return to his village. His house, as well as those of other members of the community, had been destroyed by members of organized crime.

## 2022

- January: second expulsion of indigenous families from the village of Capoeira by criminal gangs;
- December 22: expulsion of an indigenous family from the Aldeia Lameirão by a criminal organization. According to the requesting party, “on the day of the expulsion there was also torture, threats and theft of electronic devices and appliances from the house.” He also stated that “they were photographed while the aggressors ordered them not to file a complaint with the police and to leave the house.” Other families were also evicted on the same day;

- December: First invasion of the village of Sobradinho by about 20 armed people who threatened the proposed beneficiaries, firing on their houses.

### **2023 (first semester)**

- January: invasion of the village of Lagoa by people involved in organized crime;
- February 24: expulsion of an indigenous family from the village of Sobradinho due to the murder of one of its members by a criminal group;
- February 25: second invasion of the village of Sobradinho by organized crime with the murder of a Tapeba indigenous man inside his own house and the gunshot wound of his son;
- February: Tapeba indigenous leaders denounce that “criminal groups threaten leaders and use the territory as a hideout and to dump corpses.” They said that the proposed beneficiaries have stopped exploiting some areas of forest or carnauba due to the presence of criminal groups. They said that “we have lost several indigenous people” in the midst of this conflict, some of whom join these groups because they assume that “it is going to be one situation and they end up in another”;
- March 25: Third invasion of the village of Sobradinho, with the murder of an indigenous man in front of his partner. “Faced with these episodes, the families who lived there, fearing further attacks, progressively fled the territory”;
- April: two deaths in the village of Sobradinho as a result of a dispute between criminal factions;
- May 2: murder of the son of the indigenous man killed on February 24, although he had already been expelled from the territory. According to his family, “they beat his body and head and shot him in the face,” “[...] they broke his head with an iron bar.” The family “[...] continues to receive threats, does not have any psychological or economic help, lives in precarious conditions and has to beg on the street to survive.”

8. The applicant stated that the threatening events narrated had been denounced to the authorities, either by registering a police complaint or by denouncing them to FUNAI, among others. The Northeast Regional Coordination II of FUNAI indicated that, between 2019 and 2023, it had “more than 20 open cases related to the following complaints: murders, threats, property damage, physical and psychological attacks and expulsions of indigenous families from the Tapeba land due to the actions of criminal factions and/or the occurrence of alleged abuses by police authorities.” It is estimated that the number of episodes is much higher, given that the proposed beneficiaries suffer threats “that they attribute to criminal organizations/factions in collusion with state agents” to prevent them from reporting.

9. The requesting party also reported on the initiation of investigations, inter-institutional meetings, exchange of offices and the inclusion of some of the proposed beneficiaries in the Program for the Protection of Human Rights Defenders of the State of Ceará - PPDDH/CE. They also acknowledged that some institutions had taken steps in relation to the reported facts, and argued that these actions were insufficient to protect the population of Tapeba, as well as that the supervisory and security bodies “most of the time act only as a matter of urgency, that is, after the damage has already been done.”<sup>8</sup> Similarly, they said that they had requested the creation of a Crisis Office, which has not materialized.

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<sup>8</sup> Regarding the numerous inter-institutional links undertaken by FUNAI to protect the human rights of the Tapeba Indigenous People, [the technical information produced] provides an important study that demonstrates the inadequacy of the treaty in the face of the absolute omission of other sectors of the State, in particular the public security portfolio, for example:

a) a community base and itinerant community security groups to operate in the Indigenous Territory, according to dialogue in September 2022 - these have not been installed;

b) there was no action to promote the safe return of the 13 families expelled from the Village of Capoeira to their territory of origin;

[...]

10. According to the information sent to the IACHR, the Program for the Protection of Human Rights Defenders includes seven Tapeba leaders proposed as beneficiaries.<sup>9</sup> These measures reportedly began in July 2016 with leaders of the villages of Lagoa dos Tapeba and Jandaiguaba. In 2017, a third person was included, and in 2022 there were three other inclusions of Tapeba leaders in the program, all residents in the Campo Grande II village. In September 2023 there was a seventh incorporation. The requesting party affirms that “there are more than a dozen Tapeba indigenous people accompanied [by a protection program] [...], without the situation of conflict in the territory diminishing or abating.” There is reportedly “an important contingent of indigenous people from the most varied localities of the Tapeba territory” waiting to be included in protection programs. Likewise, they pointed out that the Program “has indicated since the beginning of this year that its accounts are empty, and therefore it cannot adopt more effective protection measures, including periodic visits to the territory and financial or structural support to protected persons.”

11. In this context, the requesting party warned of the recent events against the proposed beneficiaries:

- September 26, 2023: “police from the *Rondas de Ações Intensivas e Ostensivas* group [...] went to the community and broke the doors and windows of a house that belongs to the mother-in-law of the main indigenous leader of the village of Sobradinho [...]”. The action, allegedly “extremely incisive,” allegedly responds to a complaint that the house had weapons and was a drug trafficking center. The police officers involved did not give their names, they checked the mobile phones of two proposed beneficiaries present and asked about the death of “Vieira,” saying “if they do not open their mouths, they all die”;
- Late February 2024: after the arrest of a leader of the criminal group “Massa,” content circulated via messaging application threatening the proposed beneficiaries: “these Indians are all going to die”; “you are going to see, these X-9 [faction informers]”; “we are going to shoot these Indians”;
- March 4, 2024: The director of the Tapeba Indigenous School, who was also a Tapeba indigenous, was killed with “three shots, in front of his wife and daughter, during the day, and on the public highway.” The murder was allegedly in retaliation for the principal’s opposition to the marketing of illegal narcotics in indigenous schools. The applicant pointed out that this fact demonstrates the collective nature of the risk faced by the members of the Tapeba Indigenous People, since “the murdered indigenous person lived in the village of Lagoa dos Tapeba, the nucleus of the ethnic group, which was not a territory of constant conflict between criminal factions, and he was not even included in a Protection Program, due to the lack of previous threats against him”;
- March 7, 2024: there was another murder, this time in Aldeia da Ponte, “in broad daylight and in front of the Basic Indigenous Health Unit.” According to the requesting party, the “brutality of the recent murders has brought a climate of terror to the territory.” In this scenario, the proposed indigenous leaders continue to be threatened, a significant part of the indigenous population has left their villages and “other families who still live there have been exposed to repeated intimidation and threats by the criminal organization that operates in the territory.” Of the

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d) there was no response on the follow-up of the complaints and the status of the investigations by the Federal Police (diligence agreed on 09/18/2020);

e) there was no specific moment between the Integrated Operational Planning Coordination of the SSPDS-CE, the Intelligence Coordination of the SSPDS-CE, the Federal Police, the Environmental Police Battalion (BPMA/PMCE), the State Public Security Academy of Ceará, indigenous peoples’ organizations and CR-NE-II-Funai for a detailed dialogue on a Technical Cooperation Agreement that could point to alternatives for inter-institutional and intersectoral action on the issue of public security at the interface with indigenous peoples and indigenous lands in Ceará (diligence agreed on 18/09/20);

f) an Inter-institutional Working Group (with indigenous participation) has not been created to organize safe flows of information exchange, follow-up of complaints, intelligence actions and training processes with the Police (diligence agreed on 04/17/2020); [...].

<sup>9</sup> A leader of the Village of Lagoa dos Tapeba, a leader of the Village of Jandaiguaba, a leader of the Village of Capoeira, three leaders of the Village of Campo Grande II, and a leader of the Village of Sobradinho.

members of the Tapeba Indigenous People who have been evicted from their homes, the applicant said that they live precariously with other family members, detailing that, for example, “due to the eviction, they cannot carry out their typical artisanal activities, nor can they grow food on the land. Today the families live on a single property surrounded by garbage and open sewage, which has contributed to the repeated illnesses of the children, who now live with rats and scabies.”

12. According to the requesting party, FUNAI has made a diagnosis of the main consequences of the violence caused by the factions against the Tapeba Indigenous People:

i) murders of indigenous people; ii) evictions of indigenous families (in increasing numbers over time); iii) physical attacks; iv) death threats; v) damage to property; vi) exploitation of the natural assets of the Indigenous Land to finance drug trafficking; vii) loss of housing; viii) loss or difficulty of access to productive areas; ix) loss or restriction of access to ecosystems and biomes essential for the well-being, permanent possession and exclusive usufruct of the wealth existing on the Indigenous Land; x) loss or restriction of access to sacred areas, places of enchantment and spaces relevant to the realization of traditional festivals (which compromises physical and cultural reproduction processes); xi) loss of access to indigenous health policy; xii) loss of access to indigenous school education policy; xiv) physical and psychological illness (with different repercussions, especially for indigenous women, youth and children); xv) co-optation of indigenous children and youth to work in drug trafficking; xvi) compromise the work of traditional leaders due to the scenario of death threat; xvii) affectation of the socio-political organization and learning processes; xviii) articulation of interests between illegal occupiers and factions (fed back in turn by the impacts caused by large companies and economic activities that affect the Indigenous Land), which demonstrates the collective damage and the repercussions of the described context on the social, territorial, environmental and cultural rights of the Tapeba People.

13. The requesting party expressed great concern about the lack of effective protection measures that address the collective nature of the reported risk, arguing that the methodology for the individualization of the protection of the PPDDH/CE has been insufficient and there is a lack of effective public policies contextualized with the indigenous agenda, especially in the field of public security.

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

14. The Brazilian State recognized that the process of demarcation of the territory of the Tapeba Indigenous People “suffered multifactorial impacts, including the shortage of public officials, the outbreak of the COVID-19 pandemic and the lack of definition of the legal-constitutional status of the relations of possession of the areas of traditional indigenous occupation in light of the rules provided for in Article 231 of the constitutional text, under the judgment of the Supreme Federal Court - STF.” The State recalled the detailed history of the demarcation process, which began in “mid-1985<sup>10</sup>.”

15. It added that, on August 31, 2017, the Ministry of Justice and Public Security issued Ordinance 734, declaring the borders of the Tapeba Indigenous Land in the permanent possession of the Tapeba Indigenous People. According to the State, this is the third phase of the demarcation process, pending the approval process, compensation for works derived from occupation in good faith, among others. The State argued that, despite being demarcated, the Tapeba Indigenous Land “is the subject of discussion before the Common Federal Court, in addition to being subject to the consequences derived from a future decision of the

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<sup>10</sup> In this regard, the State affirmed that, during the administrative contentious period, provided for in Decree no. 1775/1996 [administrative procedure for the demarcation of indigenous lands], which regulates the issue, 42 (forty-two) challenges were filed, all of which were duly analyzed in their technical and legal aspects by the competent sectors of FUNAI and the [Ministry of Justice], and failed to point out the existence of technical or administrative defects, neither in the administrative procedure nor in the detailed report, and were rejected due to the absence of elements capable of disqualifying the traditionality of indigenous occupation in the terms of Art. 231 of the Federal Constitution of 1988.

Supreme Federal Court on the thesis of the time frame,<sup>11</sup> “in compliance with the legal system, which guarantees due process of law to each and every jurisdiction.” For this reason, the State alleges that it is unreasonable for the IACHR to grant precautionary measures based on the lack of completion of the demarcation of the territory.

16. The State reported on the powers of the Federal Police, clarifying that “the judicial police of the Union, which corresponds to the investigation of crimes committed to the detriment of the Union, should not be confused with the ostensive or public order preservation police, which, as a rule, does not correspond to the Federal Police.”<sup>12</sup> In concrete, with regard to crimes that occur on indigenous lands, the “Federal Police is responsible for investigating those in which there is a direct prejudice to the interests of the Union, mainly when indigenous people are affected in their collective rights, [...]. In other cases, the ostensible police and the judicial police must be exercised, respectively, by the Military Police and the Civil Police, in obedience to the constitutional structure and the guidelines on public security.”

It is essential to understand that indigenous lands are especially protected in the Brazilian legal system due to their historical, cultural and social value, but this does not mean that these places are subject to their own public security regime.

17. The State reported on five ongoing investigations.<sup>13</sup> These include an investigation into the expulsion of 23 indigenous families from the Sobradinho village, which reportedly occurred since March 25, 2023, due to the action of criminal factions; as well as an ongoing investigation into threats to the Tapeba communities by criminal organizations, which would also invade and sell indigenous lands. Similarly, the investigation into alleged environmental impact crimes in the area that would be the Tapeba indigenous land was indicated.

18. In this regard, the State argued that, within the premises established for the action of the Federal Police, it has undertaken concrete measures to investigate and hold accountable the facts of the case and that they have been the subject of attention by the Brazilian State.

19. In addition, the State explained that the Program for the Protection of Human Rights Defenders of the State of Ceará (PPDDH/CE) is accompanying seven leaders of the Tapeba Indigenous People of Caucaia. According to the State, the first two incorporations took place in July 2016, “when leaders of the villages of Lagoa dos Tapeba and Jandaiguaba were in a situation of threat due to the context of struggle for the demarcation of the territory with misappropriation of land by non-indigenous people, police violence and the presence of criminal organizations in the territory.” The third incorporation, in 2017, “was due to the threats and intimidation suffered by the leader of the village Capoeira, as a result of conflicts with non-indigenous people due to his militancy in defense of the territory.”

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<sup>11</sup> According to the State, it is the “thesis that says that indigenous people can only claim lands that they already occupied on the date of promulgation of the Constitution, October 5, 1988.”

<sup>12</sup> Specifically, it alleges that “with regard to indigenous lands, being federal property, it is possible to affirm that the Federal Police has the power to preserve public order in the areas of its property located in the border region, without prejudice to the action of the Armed Forces, as inferred from the provisions of Art. 142, *caput*, and in Art. 144, §1, subsection III, of the Federal Constitution, as well as curbing the disorder and dispossession on those lands, in compliance with the mandate contained in Art. 27, §7, of Law no. 10.683/03, with the exception, as explained above, that the preservation of public order in the area is the responsibility of the Military Police, and it is the responsibility of the Federal Police to provide assistance to stop possible disorders or dispossession.”

<sup>13</sup> EPOL no. 2023.0054807-DMA/DRPJ/SR/PF/CE, on the expulsion of 23 indigenous families from the Sobradinho Village on March 25, 2023, by criminal factions; EPOL 2022.0046480-DMA/DRPJ/SR/PF/CE, on the illegal sale of plots of indigenous land, denouncing possible threats to the Tapeba indigenous people of Caucaia and the invasion of a criminal faction; EPOL 2023.0050668-DMA/DRPJ/SR/PF/CE, on deforestation in part of the land that would belong to the Tapeba Indigenous Land; EPOL 2021.0060458-DMA/DRPJ/SR/PF/CE on the construction of a sanitary landfill in Indigenous Land without environmental authorization; EPOL 2023.0039066 -DMA/DRPJ/SR/PF/CE on damage to a Permanent Preservation Area in the Tapeba Indigenous Land, in the course of the works and construction of a sanitary landfill.

20. In December 2022, three other Tapeba leaders, from the Campo Grande II village, entered the PPDDH and later, on September 26, 2023, the seventh person joined, according to the State. The latter leader “resides and carries out activism in the village of Sobradinho, a territory that, in March 2023, had 23 indigenous families evicted as a result of the actions of organized crime.” The State indicated that, the proposed beneficiary who was recently included in the Protection Program, “was provided with personal protective equipment, with replacement of doors and installation of protection bars.”

For all indigenous leaders under protection, the PPDDH/CE has been continuously monitoring, in addition to exerting constant pressure on the environmental inspection bodies (federal, state and municipal), the Secretariat of Social Defense and Public Security of the State of Ceará, FUNAI and other state bodies, including the Secretariats of Health and Racial Equality. Articulations are also made with judicial bodies such as the Public Prosecutor’s Office of the State of Ceará, the Federal Public Prosecutor’s Office, the General Public Defender’s Office of the State of Ceará, the Public Defender’s Office of the Union, among others. These initiatives aim to strengthen the protection of defenders in the territory so that they can carry out their activism in defense of their territory in a protected way and without threats.

21. Considering the foregoing, the Brazilian State argued that “although the situation can be considered serious, there is no action or omission of the state institutions that impacts the protected rights,” affirming that there would be no state omission in the conclusion of the demarcation process. Regarding the applicant’s allegations regarding the risk of eviction of the beneficiaries from the lands they occupy, the State indicated that “the requirement of urgency is not met, associated with the possibility that the passage of time affects the rights of the alleged beneficiaries, not even with the requirement of imminent risk of irreparable harm.”

22. The State also affirmed that the applicant did not demonstrate “that the police investigations initiated and the criminal actions derived from them have not been adequate to investigate the reported facts in order to demand due responsibilities from those responsible.” In this regard,

many of the events described are already being examined by the official authorities, who have mobilized the entire apparatus, mechanisms and agents, with a view to investigating all the circumstances surrounding the attacks and the alleged violations of rights. In other words, the State, through its structures, has the competence, technical capacity and professional qualification to clarify the crimes in question and hold the culprits accountable.

23. The Brazilian State alleges that this request for precautionary measures does not meet the requirements for the granting of precautionary measures and that the situation is already the subject of Petition 1340-17, so that any analysis of the merits of the claim would constitute *bis in idem*.

24. The State also added that domestic remedies had not been exhausted, and that “the request to the inter-American system is premature, given the rule of subsidiarity and complementarity of the competence of international bodies.” According to the State, the applicant has not demonstrated “that the domestic measures, used or not, are insufficient and ineffective for the protection of the human rights in question.”

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

25. The precautionary measures mechanism 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.

26. 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, both protective and precautionary<sup>14</sup>. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>15</sup> 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.<sup>16</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under consideration by the IACHR. They aim to safeguard the rights 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 guarantee the ordered reparations.<sup>17</sup> In the process of reaching a decision, and according to Article 25(2) of the 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.

27. In analyzing those 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>18</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, in this proceeding, it is not appropriate to rule on violations of rights enshrined in

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<sup>14</sup> Inter-American Court of Human Rights (I/A Court H.R.), Case 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; Case of Carpio Nicolle et al. v. Guatemala, Provisional Measures, Order of July 6, 2009, considerandum 16.

<sup>15</sup> I/A Court H.R., Matter of 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 et al., 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.

<sup>16</sup> I/A Court H.R., Matter of Milagro Sala, Request for Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5; Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center, Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; Matter of the Criminal Institute of Plácido de Sá Carvalho, Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6.

<sup>17</sup> I/A Court H.R., Matter of 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.

<sup>18</sup> 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 August 23, 2018, considerandum 13; Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA. Request for extension of provisional measures regarding Brazil. Order of July 4, 2006, considerandum 23.

the American Convention or other applicable instruments.<sup>19</sup> This is better suited to be addressed by the Petition and Case system. The following analysis relates only to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without determining the merits.<sup>20</sup>

28. Preliminarily, the IACHR notes that the requirement of exhaustion of domestic remedies, referred to by the State, is related to the criteria for the admissibility of a petition.<sup>21</sup> As indicated above, the precautionary measures mechanism is governed by Article 25 of the Rules of Procedure of the IACHR, which, according to subsection 6, establishes that: “[i]n considering the request the Commission shall take into account its context and the following elements: a. whether the situation has been brought to the attention of the pertinent authorities or the reasons why it would not have been possible to do so [...]”.<sup>22</sup>

29. In the same vein, the Commission emphasizes that, given the *prima facie* nature of the precautionary measures mechanism, focused on preventing irreparable harm, the presentation and subsequent analysis by the IACHR of a petition or a case related to the alleged situation regarding the proposed beneficiaries of a precautionary measure does not incur a prejudgment on possible violations of the Inter-American Convention and/or other applicable instruments, in accordance with Article 25 (8) of its Rules of Procedure. In this sense, contrary to what is alleged by the Brazilian State, the eventual granting of a precautionary measure linked to a pending petition does not incur a duplication of proceedings (*bis in idem*).

30. Also preliminarily, the Commission emphasizes that it is not called upon on this occasion to determine who the owners of the disputed lands are or to determine the alleged international responsibility of the State for violations of the American Convention and/or other applicable instruments due to the current lack of completion of the demarcation process of the lands of the Tapeba Indigenous People of Caucaia, as alleged by the applicant. These claims require determinations on the merits, which should be analyzed in a petition or case<sup>23</sup>.

31. 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 this is filed. In this regard, in its 2021 report on the *Situation of Human Rights in Brazil*, the IACHR recorded 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, emphasizing that, in countless cases, indigenous peoples and communities find themselves without the necessary protection from the State.<sup>24</sup> 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

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<sup>19</sup> IACHR, Resolution 2/2015, Precautionary Measure No. 455-13, Matter of Nestora Salgado regarding Mexico, January 28, 2015, para. 14; Resolution 37/2021, Precautionary Measure No. 96/21, Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua, April 30, 2021, para. 33.

<sup>20</sup> In this regard, the I/A Court H.R. has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See: I/A Court H.R., Matter of James et al. regarding Trinidad and Tobago. Provisional Measures. Order of August 29, 1998, considerandum 6; Case of Barrios Family v. Venezuela. Provisional Measures. Order of April 22, 2021, considerandum 2.

<sup>21</sup> Article 46 of the American Convention, which provides, among others, for the exhaustion of domestic remedies, refers to the “petition or communication lodged in accordance with Articles 44 or 45 [...]”, which refer exclusively to the petition and case system. It should be noted that Articles 44 and 45 of the American Convention refer to “denunciations or complaints about violations” of the Convention. The function of the precautionary measures mechanism is not to establish the existence or not of one or more violations (see Article 25(8) of the Commission’s Rules of Procedure), and the consequent international responsibility of the State, but rather, as stated in Article 25 of the Commission’s Rules of Procedure, precautionary measures “[...] shall concern serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the inter-American system.”

<sup>22</sup> IACHR, Rules of Procedure of the Inter-American Commission on Human Rights. 2013. Article 25(6) See also: IACHR, [Resolution No. 11/19](#), PM 1450-18 - Julio Renato Lancellotti and Daniel Guerra Feitosa, Brazil. March 8, 2019, para. 27.

<sup>23</sup> IACHR, [Resolution No. 47/19](#), PM 458-19 - Members of the Guyraroká community of the Guarani Kaiowá Indigenous People, Brazil. September 29, 2019, para. 21.

<sup>24</sup> IACHR, [Situation of human rights in Brazil](#). OEA/Ser.L/V/II, February 12, 2021, para. 56.

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.”<sup>25</sup> Specifically regarding the thesis of the “Temporary Framework” cited by the State, the IACHR has pointed out on several occasions that it considers it contrary to international and inter-American human rights norms and standards, since it ignores the countless cases in which indigenous peoples had been violently expelled from the territories they traditionally occupied, and for this reason alone they did not occupy them in 1988<sup>26</sup>.

32. In light of the above context, entering into the analysis of the *seriousness* requirement, the IACHR observes a history of threatening events, since 2019, against the members of the Tapeba of Caucaia Indigenous People, alleged by the applicant. In this regard, the Commission considers that these events include:

- i. aggression and intimidation, whether carried out by members of the police, with episodes of alleged hangings of proposed beneficiaries, threats of drowning, physical aggressions and use of electric shocks; as well as by organized crime, with death threats disseminated by a messaging application, acts of “beating” and “torture” against members of the Tapeba People. The threats would also imply the prohibition of reporting the facts suffered.
- ii. destruction of property, mainly in a violent manner. Among them, the attempt by organized crime to burn the basic indigenous health center in the village of Carnaubal, as well as the destruction of the homes of the proposed beneficiaries, making it impossible for them to return to their villages. Similarly, the Military Police have violently stormed the homes of members of the Tapeba Indigenous People, destroying their belongings.
- iii. use of firearms, both by the police, even in the presence of children, and by organized crime, which has invaded some villages and threatened the Tapeba indigenous people with gunfire against their homes, killing and injuring the proposed beneficiaries with firearms.

33. Likewise, the IACHR notes with concern the seriousness of the alleged risk situation against the members of the Tapeba Indigenous People, which includes damage caused to their lives and personal integrity, with attacks carried out by police and the murder of several people by organized crime since 2019. In particular, on March 4 and 7, 2024, two new murders were recorded in Tapeba villages. Regarding both murders, the Commission notes that the applicant recorded their “brutality,” insofar as they were carried out with firearms, in front of relatives of the alleged victims, in “retaliation” and “in broad daylight.” In this regard, the Commission also observes that the acts of risk reported have been repeated over time and extend to the present. 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.<sup>27</sup>

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<sup>25</sup> Ibidem, para. 86. In this context, the IACHR granted precautionary measures to members of the Guapo’community and the Guaraní Kaiowá Indigenous People in October 2022, and subsequently, in April 2023, to members of the Pataxó Indigenous People, both in Brazil. In these precautionary measures, the beneficiary Indigenous Peoples indicated that they faced risks to their lives and personal integrity due to threats and violence, often perpetrated by police and armed groups, in scenarios of territorial insecurity. See: IACHR, [Resolution No. 50/22](#), PM 517-22 - Members of the Guapo’y Community of the Kaiowá Guaraní Indigenous People, Brazil, October 2, 2022; IACHR, [Resolution No. 25/23](#), PM 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.

<sup>26</sup> IACHR, [Situation of human rights in Brazil](#). OEA/Ser.L/V/II, February 12, 2021, para. 66. See also: IACHR, [Press Release 103/23](#). Brazil: IACHR Concerned That the “Temporary Framework” Legal Argument Would Jeopardize Indigenous Peoples’ Rights. May 31, 2023; IACHR, [Press Release 240/23](#). IACHR Welcomes the Fact That Brazil’s Temporal Landmark Judicial Doctrine on the Demarcation of Indigenous Territories Has Been Declared Unconstitutional. October 6, 2023.

<sup>27</sup> IACHR, [Resolution No. 41/23](#), PM 196-23 - Indigenous Carib Community of Chinese Landing, Guyana, July 21, 2023; [Resolution No. 25/23](#), PM 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.

34. The IACHR notes that the processes of violence have a differentiated impact on indigenous peoples given, among other things, their particular relationship with the land.<sup>28</sup> For this reason, the presence of criminal gangs in the Tapeba villages, as well as the alleged police violence, represent, in the Commission's evaluation, factors that deepen the risks historically faced in the defense of indigenous rights that the proposed beneficiaries carry out. The IACHR also observes that several Tapeba families have had to leave the lands they inhabit since at least 2019. Partly, out of fear of being targeted by organized crime or the police themselves, and partly as a direct action of expulsion carried out by the factions present in the area. Specifically in relation to indigenous peoples, forced territorial displacement –especially when it extends over time– has a cultural implication that must be taken into account by the State.<sup>29</sup> In the instant matter, the Commission observes that the members of the Tapeba indigenous people who are reportedly outside the lands they inhabit could not carry out their daily subsistence activities, which would also affect their economic livelihood conditions.<sup>30</sup> These types of scenarios, given the lack of implementation of measures to mitigate the lack of subsistence conditions for their protection, potentially represent a threatening situation. In this sense, the Commission reiterates that:

[...] the lack of access to ancestral territories and the State's inaction in this regard expose indigenous and tribal peoples to precarious or subhuman living conditions in terms of access to food, water, decent housing, basic services and health and, consequently, have an impact -among others- on higher rates of child mortality and malnutrition, and greater vulnerability to diseases and epidemics. To this extent, the lack of guarantee by the State of the right of indigenous and tribal peoples to live in their ancestral territory may involve subjecting them to situations of extreme lack of protection that entail violations of the rights to life, personal integrity, dignified existence, food, water, health, education and the rights of children, among others.<sup>31</sup>

35. For example, the IACHR highlights the allegations of the applicant indicating the situation of vulnerability in which some of the evicted beneficiaries currently find themselves, who live in an unhealthy manner, "reside precariously," "in the midst of garbage and open sewage," "live with rats and scabies" (*vid. supra* paras. 7 and 11).<sup>32</sup>

36. The Commission takes note of the information sent by the State on the protection measures adopted in favor of the proposed beneficiaries, which mainly include investigations initiated by the Federal Police and the inclusion of seven Tapeba indigenous leaders in the Program for the Protection of Human Rights

<sup>28</sup> *Vid. supra* para. 12. FUNAI's diagnosis points to particular consequences of violence against Indigenous Peoples in this case, including loss or restriction of access to ecosystems and biomes essential for well-being, permanent possession and exclusive usufruct of the wealth existing on Indigenous Land; loss or restriction of access to sacred areas, places of enchantment and spaces relevant to the realization of traditional festivals (which compromises physical and cultural reproduction processes); loss of access to indigenous health policy; loss of access to indigenous school education policy; affectation of the work of traditional leaders by death threats; affectation of the socio-political organization and their own learning processes; articulation of interests between illegal occupiers and factions (in turn fed back by the impacts caused by large companies and economic activities that affect Indigenous Land), which demonstrates the collective damage and the repercussions of the described context on the social, territorial, environmental and cultural rights of the Tapeba People.

<sup>29</sup> IACHR, Resolution No. 13/24, PM 1109-23 - Certain families of the native Kichwa community of Santa Rosillo de Yanayacu, Peru, March 25, 2024, para. 52.

<sup>30</sup> *Ibidem*.

<sup>31</sup> IACHR, Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources: Norms and Jurisprudence of the Inter-American Human Rights System, OEA/Ser.L/V/II, December 30, 2009, para. 57.

<sup>32</sup> In addition, the situation of expulsion and forced displacement of Indigenous Peoples may entail risks of rupture of the ethnic and cultural fabric of the group. As the Inter-American Court points out: [...] in accordance with its constant jurisprudence on indigenous matters, through which it has recognized that the relationship of indigenous people with the territory is essential to maintain their cultural structures and their ethnic and material survival, the Court considers that the forced displacement of indigenous peoples outside their community or their members may place them in a situation of special vulnerability, which "due to its destructive consequences on the ethnic and cultural fabric [...], generates a clear risk of extinction, cultural or physical, of indigenous peoples", for which it is essential that States adopt specific protection measures considering the particularities of indigenous peoples, as well as their customary law, values, uses and customs to prevent and reverse the effects of said situation. I/A Court H.R., Case Chitay Nech et al. v. Guatemala, Preliminary Objections, Merits, Reparations, and Costs, Judgment of May 25, 2010, Series C No. 212, para. 147.

Defenders (PPDDH/CE). In this regard, it is up to the IACHR to assess whether they are adequate and effective, that is, whether they are suitable to protect the persons at risk and produce the expected results so that the risk ceases.<sup>33</sup> For the measures to be suitable, 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, for example, that work to promote and defend human rights continues<sup>34</sup>.

37. In light of the above criteria, in particular with regard to the work of the PPDDH/EC, the Commission, while expressing concern about the alleged lack of budget for the program to be properly carried out (see *supra* para. 10), notes that the PPDDH/CE provides support to leaders who are part of the program, including the provision of personal protective equipment.<sup>35</sup> However, in line with the arguments of the applicant, the IACHR notes the individualized protection approach of the PPDDH is not sufficient to respond to the situation of collective risk faced by the proposed beneficiaries, who are allegedly being threatened in multiple villages and even outside them (*vid. supra* paras. 7 and 13). Along these lines, the Commission observes the permanence over time of the alleged threatening situations, even though the PPDDH/CE has been working with the Tapeba indigenous people since 2016. Moreover, it considers that the actions of the Program have not been sufficient to deter events of risk against other proposed beneficiaries, confirming the ongoing threats by both the public force and organized crime, new events of violence, and the realization of irreparable harm, with the murder in Tapeba villages as recent as March 4 and 7, 2024 (see *supra* para. 11).

38. Furthermore, the Commission highlights the information sent by the representation, which indicates that inter-institutional meetings were held, offices were exchanged, and the creation of a “Crisis Office” was requested, among other things, to respond to the threatening situation alleged against the Tapeba People. According to the applicant, although agreements have been reached with the responsible State bodies,<sup>36</sup> these have not been complied with or have not had concrete results. In view of the applicant’s allegation of the insufficiency of the measures implemented by the State described above, the IACHR notes that Brazil has not been able to accredit effective protection measures implemented that consider the alleged police participation in part of the facts of risk, as well as measures specifically aimed at confronting the criminal groups present in the area. In this regard, the Commission observes that the State clarifies the functions envisaged for the Federal Police; however, it does not report on actions or operations of the protection security force in the villages; or, even, the implementation of measures to prevent risks to members of the Tapeba Indigenous People more broadly.

39. Regarding the investigative measures indicated, the Brazilian State limited itself to indicating the opening and processing of certain causes. In that regard, although the IACHR values the five ongoing investigations reported by the State, it notes that no concrete progress has been identified that would allow to clarify the facts, those responsible, and that would contribute to mitigate the situation, despite the time that has elapsed since several of the alleged threatening events materialized. In particular, it is worrisome for the Commission, the lack of information relating to investigations and possible criminal or administrative sanctions of the police officers who allegedly made threats and acts of violence against the proposed beneficiaries.

40. In this sense, the Commission observes a scenario of unprotected rights to life and personal integrity of the members of the Tapeba Indigenous People of Caucaia who are proposed as beneficiaries, and evaluates that in the applicable *prima facie* standard, they are in a situation of serious risk.

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<sup>33</sup> IACHR, *Second Report on the Situation of Human Rights Defenders in the Americas*. (in Spanish), 2011, para. 521.

<sup>34</sup> *Ibidem*, para. 522.

<sup>35</sup> For example, replacing doors and installing protection bars for the latest leader incorporated in the Protection Program.

<sup>36</sup> As an example, it was pointed out that an Inter-institutional Working Group has not been created to organize safe flows of information exchange, the follow-up of complaints and investigations by the Federal Police has not been fed back, nor has a community base and itinerant community security groups been installed to operate in the Indigenous Territory, as would have been agreed between the institutions in April and September 2020 and September 2022, respectively.

41. Regarding the requirement of *urgency*, the IACHR considers it met in light of the continuity and intensification of risk events over time, which, given the uninterrupted presence of organized crime groups and the alleged police violence, suggests that new threats, persecutions, and acts of violence could materialize at any time, especially given the recent materialization of two murders in Tapeba villages and the insufficiency of protection measures for the proposed beneficiaries to face this situation.

42. Regarding the requirement of *irreparable harm*, the Commission finds it met, insofar as the potential impact on the rights to life and personal integrity, by their very nature, constitutes the maximum situation of irreparability.

43. Finally, as for the claim of the principle of complementarity, the Commission recalls that this principle informs the inter-American system in general and that international jurisdiction is “auxiliary” to national jurisdictions, without replacing them. However, the Commission considers that invoking the principle of complementarity as an argument of inadmissibility for the adoption of precautionary measures presupposes that the State in question meets the burden of demonstrating that the beneficiaries are not in a situation established in Article 25 of the Rules of Procedure, given that the measures adopted by the State itself have had a substantive impact on the reduction or mitigation of the situation placing the beneficiaries at risk, in such a way that it does not allow an assessment of a situation that meets the requirement of seriousness and urgency that precisely requires international intervention to avoid irreparable harm.

#### **IV. BENEFICIARIES**

44. The Commission declares the members of the Tapeba Indigenous People of Caucaia as beneficiaries. The beneficiaries are identifiable in accordance with Article 25(6)(b) of the IACHR Rules of Procedure.

#### **V. DECISION**

45. 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. Consequently, 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 Tapeba Indigenous People of Caucaia, including against acts perpetrated by third parties. These measures must allow the leaders of the Tapeba 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, persecution, or acts of violence;
- b) coordinate the measures to be implemented with the beneficiaries and their representatives; and
- c) report on the actions taken to investigate the events that led to this precautionary measure, so as to prevent such events from reoccurring.

46. The Commission requests that the Government of Your Excellency inform you, within a period of 20 days from the date of this communication, on the adoption of the precautionary measures agreed upon and to periodically update this information.

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47. The Commission emphasizes that, pursuant to Article 25(8) of the Rules of Procedure of the Commission, 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.

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

49. Approved on May 9, 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.

Tania Reneaum Panszi  
Executive Secretary