
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 24/2022**

Precautionary Measure No. 449-22
Bruno Araújo Pereira and Dom Phillips regarding Brazil
June 11, 2022
Original: Spanish

I. INTRODUCTION

1. On June 9, 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 *ARTIGO 19 Brasil e América do Sul*, Vladimir Herzog Institute, the Regional Alliance for Free Expression and Information, *Repórteres sem Fronteiras*, *Associação Brasileira de Jornalismo Investigativo* (ABRAJI), TORNAVOZ, and Washington Brazil Office (WBO) (“the applicants”), 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 Messrs. Bruno Araújo Pereira and Dom Phillips (“the proposed beneficiaries”). According to the request, the whereabouts or fate of the proposed beneficiaries has been unknown since June 5, 2022.

2. The Commission adopts this decision under the terms of Article 25(5) of the Rules of Procedure of the IACHR,¹ given that it considers that “the immediacy of the threatened harm admits of no delay.”

3. Having analyzed the submissions of fact and law furnished by the applicants, the Commission considers that the information provided shows *prima facie* that Mr. Bruno Araújo Pereira and Mr. Dom Phillips are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Consequently, the Commission requests that Brazil: a) redouble its efforts to determine the situation and whereabouts of Bruno Araújo Pereira and Dom Phillips, in order to protect their rights to life and personal integrity, and that they may continue to carry out their human rights defense work or journalistic activities, as appropriate; and b) report on the actions taken to investigate with due diligence the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

1. Information provided in the request

4. Mr. Bruno Araújo Pereira is an indigenous member of the National Indigenous Foundation (Funai), worked until 2016 as regional coordinator of the Funai in the city of Atalaia do Norte, state of Amazonas and participates in a project to monitor indigenous communities against explorers and drug traffickers, in an area allegedly coveted by mining and oil companies. Mr. Dom Phillips, an English citizen, is an independent contributor to the *The Guardian* newspaper and has articles published in newspapers

¹Prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay. In that circumstance, the Commission shall review that decision as soon as possible or, at the latest, during its next period of sessions, taking into account the information received from the parties.

such as The Guardian, Financial Times, Washington Post, New York Times, and The Intercept. Both proposed beneficiaries used to travel together since 2018, seeking information about the indigenous communities of the region, later published by Dom Phillips.

5. The request alleged that the proposed beneficiaries have been missing since June 5, 2022. According to the request, Bruno Araújo Pereira and Dom Phillips were traveling together through the Indigenous Land of the Vale del Javari, bordering Peru and Colombia. According to the information provided, the Indigenous Land of the Vale del Javari is the second largest indigenous land in the country, with 8.5 million hectares demarcated. Its territorial extension and natural resources have purportedly generated a scenario of violence against indigenous communities and human rights defenders by people identified by the applicants as illegal miners, loggers, and fishermen. It was indicated that the State has not taken adequate measures to prevent the presence of third parties in the territory.

6. It was indicated that when Mr. Araújo Pereira and Mr. Phillips disappeared, they were travelling to the city of Atalaia do Norte, in order to visit the Indigenous Surveillance team on the premises and conduct interviews. Although the trip should last two hours and the proposed beneficiaries were traveling with “adequate structure, compatible with their needs,” they did not reach their destination. According to the request, Mr. Araújo Pereira and Mr. Phillips were last seen around 7:00 a.m. in the São Rafael community, where they found their focal point.

7. In the request, particular concern was expressed about the alleged existence of previous threats by miners, loggers, and fishermen, especially directed against Mr. Araújo Pereira. In this regard, the applicants stated that there exists a context of acts of violence against human rights defenders and harassment against journalists and social communicators. In that sense, a Funai employee who worked in the Indigenous Land of the Javari Valley was allegedly killed in 2019. The *União dos Povos Indígenas do Vale do Javari* (Univaja) was allegedly the target of several attacks, including threats to set fire to the organization’s office. It was indicated that weeks before the disappearance, a letter was received with death threats against Bruno Araújo Pereira e Beto Marubo (coordinator of the organization). Similarly, a newspaper reportedly published a letter written by fishermen in the region, in which they claimed that they were going to “settle scores” with Mr. Araújo Pereira. Anonymous witnesses also reportedly told the press that the proposed beneficiaries had been ambushed.

8. After the disappearances were reported to the authorities, on June 6, 2022, the Military Command of the Amazon (CMA) of the Brazilian Army reportedly issued a note that reported on the status of the investigations. The applicants stated that in principle no action was taken and that no order was issued for ground searches, which is particularly important considering that the dense vegetation in the region creates difficulties for aerial searches. In this regard, the CMA reportedly stated that they were awaiting orders from higher levels to intervene.

9. As the search measures for the proposed beneficiaries were considered insufficient, Univaja, and the Ombudsperson’s Office of União filed a petition with the Federal Justice in the early hours of June 7, 2022. According to the request, the petition was filed in the framework of a public civil action already in process, with the aim of discussing the policy of protection of indigenous peoples in isolation and in recent contact. This request allegedly indicated that, as a result of the territorial extension (8,544,000 hectares) and the aerial visualization challenges imposed by the dense vegetation, the searches would succeed if carried out in a multimodal way, by air, river, and land, with intelligence teams who know the region. In that connection, measures such as the use of helicopters, the expansion of search equipment, and the expansion of the number of boats were requested. On June 7, 2022, faced with the visibility of the situation

by civil society, the Brazilian Navy reported that it had begun to use a helicopter, two boats, and a jet ski in the searches.

10. Furthermore, the Attorney General's Office published a note indicating that it was conducting searches in the area between the community of São Rafael and the municipality of Atalaia do Norte, where the disappearance allegedly occurred, without providing further details in this regard. Additionally, on June 8, 2022, a meeting was held between the Federal Public Ministry of Amazonas, the Ministry of Justice, the Federal Police, the Civil Police, the Navy, Funai, and Univaja, to "coordinate the logistical details of the operation." On its social media, the Ministry of Justice reportedly indicated that it was conducting operations by air, sea, and land, without providing details. Moreover, the National Human Rights Council (CNDH) had reportedly sent recommendations to State bodies regarding the strengthening of search teams.

11. On June 8, 2022, in response to a petition filed by Univaja and the Ombudsperson's Office, a federal judge determined that the State should facilitate the use of helicopters, boats, and search equipment for the location of the proposed beneficiaries. However, this decision allegedly did not detail the amount of equipment and the structure that should be adopted in the searches. According to the applicants, until June 8, 2022, the indigenous communities of the region had not identified a substantial movement of state officers in the region or sighted helicopters. Similarly, the equipment adopted by the authorities is purportedly insufficient, due to the extension of the area, and inadequate, with the use of long boats that are reportedly not adapted to the river conditions of the region.

12. The Brazilian authorities reportedly detained three people in the course of the investigations. Two of them were questioned at the police station and subsequently released. A third suspect is said to be detained since June 7, 2022, allegedly in possession of restricted drugs and ammunition. No additional information on the location of the proposed beneficiaries has been purportedly disclosed following the detention.

13. The applicants stated that, while State efforts began after the intense mobilization of civil society, the national and international press, and social media, the measures taken to date are insufficient. In this regard, the applicants indicated that state actions are not sufficient for the extension of the territory and other challenges for the location of the proposed beneficiaries. Moreover, there are allegedly no news regarding any request for international cooperation by the Brazilian State to the Peruvian and Colombian authorities, due to the existence of transnational criminal organizations in the region. In addition, the applicants affirmed that the President of the Republic of Brazil had made a public statement on June 7, 2022, with the following content: "[...] only two people, in a boat, in a region like this, [...] completely wild, is an adventure [...] that is not recommended. Everything can happen. It may be an accident; it may be that they were executed." Furthermore, the applicants stated that other members of Univaja, Funai, and indigenous communities in the region began to suffer threats and harassment after denouncing the "lack of an effective structure for the investigation of the case" or due to the "disclosure of new facts about threats received by [the proposed beneficiaries] before [their disappearance]."

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

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

15. 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, both protective and precautionary.² Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁴ Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the 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.⁵ 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.

16. 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

² 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.

³ 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].

⁴ 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].

⁵ See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 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.

exists.⁶ The IACHR recalls that it is not appropriate, in this proceeding, to rule on violations of rights enshrined in the American Convention or other applicable instruments.⁷ The analysis performed herein 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.⁸

17. Under the terms of Article 25 (6) of its Rules of Procedure, the Commission shall take into account the context in which a request for precautionary measures is made. In this regard, the Commission notes that, on June 10, 2022, the Office of the United Nations High Commissioner for Human Rights urged the State to “redouble its efforts” in the process of finding the proposed beneficiaries.⁹ In particular, it should be noted that the Office of the High Commissioner assessed that the Indigenous Land of the Javari Valley is the area where there is one of the highest concentrations of uncontacted indigenous peoples.¹⁰ According to the Office of the High Commissioner, the area is seriously affected by illegal trafficking, mining, and fishing, and is allegedly suffering an increase in the activities of armed groups.¹¹ In this context, as indicated by the Office of the High Commissioner, the two proposed beneficiaries have an important role in raising awareness on what is happening in the area and defending the rights of the indigenous peoples living there, which has included monitoring and reporting on illegal activities.

18. With regard to the analysis of the requirement of *seriousness*, in the instant matter, the IACHR observes, first, that the proposed beneficiaries have been missing since June 5, 2022, while traveling together through the Indigenous Land of the Vale del Javari, towards the city of Atalaia do Norte, with the purpose of visiting the Indigenous Surveillance team on the premises and conducting interviews. They were reportedly last seen in the São Rafael community, where they found their focal point. Since then, the applicants indicate that there is no information on the whereabouts of the two proposed beneficiaries, while anonymous witnesses allegedly told the press that they had been ambushed.

19. In this regard, the Commission notes that the applicants indicated that the proposed beneficiaries used to travel together since 2018, seeking to obtain on-site information regarding the situation of the indigenous communities of the region and disseminating it through the journalistic work carried out by Mr. Phillips. This allegedly gave them special visibility, knowledge of geography, and exposure to the various actors who live in the area. In this way, it is especially relevant the claim that Araújo Pereira had been the object of threats in time before his disappearance, and that the environment in which they had

⁶ 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 regarding Nicaragua. 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.

⁷ 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.

⁸ In this regard, the Court has stated that it “cannot, in a provisional measure, consider the merits of any relevant argument other than those strictly related to extreme gravity, urgency and the need to avoid irreparable harm 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].

⁹ Office of the High Commissioner for Human Rights, [Briefing notes on Brazil: Missing journalist and indigenous rights defender](#), June 10, 2022

¹⁰ Ibidem

¹¹ Ibidem

traveled had an “adequate structure and compatible with their needs” typical of the trip (see *supra* paras. 6 and 7).

20. Secondly, the Commission notes that, following the corresponding complaints and requests, various State entities have become aware of the disappearance of the proposed beneficiaries and, consequently, have taken action, such as the following ones:

- The Amazon Military Command purportedly reported on the status of investigations in the area (see *supra* para. 8);
- The Brazilian Navy reportedly used a helicopter, two boats, and a jet ski in the searches (see *supra* para. 9);
- The Office of the Attorney General of the Republic reportedly carried out searches in the area between the community of São Rafael and the municipality of Atalaia do Norte, where the disappearance allegedly occurred (see *supra* para. 10);
- An inter-institutional meeting between the Federal Public Ministry of Amazonas, the Ministry of Justice, the Federal Police, the Civil Police, the Navy, Funai, and Univaja was purportedly held on June 8, 2022. The Ministry of Justice reportedly indicated that it would be conducting operations by air, sea, and land (see *supra* para. 10);
- The National Human Rights Council (CNDH) allegedly sent recommendations to State bodies regarding the strengthening of search teams (see *supra* para. 10).

21. In view of the foregoing, the Committee notes that the situation of the proposed beneficiaries is widely known to the domestic entities, which purportedly even led to a statement by the President of the Republic on the alleged situation (see *supra* para. 13). In addition to the above, the Commission notes that a federal judge determined on June 8, 2022, that the State must facilitate the use of helicopters, boats, and search equipment for the location of the proposed beneficiaries (see *supra* para. 11).

22. Moreover, the Commission notes, based on public information, the decision of June 10, 2022, issued by the Federal Supreme Court (STF), following a request for precautionary measure filed by the *Articulação dos Povos Indígenas do Brasil* (APIB) within the framework of the *Arguição de Descumprimento de Preceito Fundamental* (ADPF) 709. In that decision, the Commission notes that it was alleged that: (i) the proposed beneficiaries disappeared in the vicinity of the Indigenous Land of the Vale del Javari; (ii) they were carrying out activities to strengthen territorial protection against invaders, in support of the local indigenous organization, given the State’s inadequacy, despite decisions of the Federal Supreme Court in the judicial procedure; and (iii) the disappearance occurred in an area of sanitary barrier determined in that judicial procedure, whose objective was to protect the entrance to the Indigenous Land of the Vale del Javari. In the judicial decision, the Minister-Rapporteur of the ADPF 709 requested that the State, *inter alia*, immediately take all necessary measures to locate both disappeared persons, using all applicable means and forces; take all necessary measures to guarantee the security of the premises; and investigate and punish those responsible for the disappearance.¹²

¹² Federal Supreme Court (STF). Barroso reinforces the determination that *União procure indigenista e jornalista desaparecidos na Amazônia*. June 10, 2022. Available at <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=488726&ori=1>

23. Considering the above, the Commission understands that, despite the various actions taken by the State and the assessments of judicial authorities, there is no controversy that to date the two persons continue to be missing since June 5, 2022.

24. Thirdly, when assessing the seriousness of the situation, the Commission takes into account that the proposed beneficiaries are in a specific situation presenting a risk, because they are journalists and defenders of the rights of indigenous peoples, who have reportedly disappeared in a context where third parties are said to be carrying out activities that the proposed beneficiaries seek to denounce or make visible, and in the context of an indigenous territory that faces the presence of third parties and the activities that they allegedly carry out. This is particularly worrying in view of the allegations presented that there is a context of violence and harassment in the area.

25. In these circumstances, taking into account that the whereabouts or fate of the proposed beneficiaries remains unknown, the Commission considers that, from the applicable *prima facie* standard, the rights to life and personal integrity of Bruno Araújo Pereira and Dom Phillips are at serious risk.

26. Regarding the requirement of *urgency*, the Commission deems that it has been met, inasmuch as the passage of time without establishing their whereabouts is likely to generate greater impact on the rights to life and personal integrity of the proposed beneficiaries.

27. Regarding the requirement of *irreparable harm*, the Commission upholds that it is fulfilled, insofar as the potential impact on the rights to life and personal integrity, by their very nature, constitutes the maximum situation of irreparability.

28. The Commission recalls that according to Article 25(5) of its Rules of Procedure “prior to the adoption of precautionary measures, the Commission shall request relevant information to the State concerned, except where the immediacy of the threatened harm admits of no delay.” In the instant matter, the Commission does not deem it necessary to request additional information, in view of the fact that, in the circumstances described, the alleged risk is reportedly already materializing against the rights of the proposed beneficiaries, and according to the available information, both that provided by the applicants and that publicly known, it is observed that the State is already aware of the alleged facts.

IV. BENEFICIARIES

29. The IACHR considers as beneficiaries of this measure Messrs. Bruno Araújo Pereira and Dom Phillips, who are duly identified within the framework of this procedure.

V. DECISION

30. 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, the IACHR requests that Brazil:

- a) Redouble its to determine the situation and whereabouts of Bruno Araújo Pereira and Dom Phillips, in order to protect their rights to life and personal integrity, and that they may continue to carry out their human rights defense work or journalistic activities, as appropriate; and

b) report on the actions taken to investigate with due diligence the alleged facts that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

31. The Commission requests the State of Brazil to report, within 7 days from the day following notification of this resolution, on the adoption of the required precautionary measures and to update that information periodically.

32. 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.

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

34. Approved on June 11, 2022, by Julissa Mantilla Falcón, President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Joel Hernández García; Roberta Clarke, members of the IACHR, members of the IACHR.