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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 25/2023**

Precautionary Measure No. 61-23

Members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands  
in the state of Bahia regarding Brazil

April 24, 2023

Original: Portuguese

**I. INTRODUCTION**

1. On January 24, 2023, the Inter-American Commission on Human Rights (IACHR) received a request for precautionary measures presented by the Coalition of Indigenous Peoples of Brazil; the Coalition of Indigenous Peoples and Organizations of the Northeast, Minas Gerais, and Espírito Santo; the Association of Lawyers for Rural Workers; the Brazilian Committee of Human Rights Defenders; Conectas Human Rights, the Missionary Indigenous Council; the Broad Democratic Front for Human Rights; *Instituto Hori Educação e Cultura; Justiça Global; y Terra de Direitos*, in favor of the members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands, in the state of Bahia (“the persons proposed as beneficiaries”). The request urges the IACHR to require the State of Brazil (“Brazil” or “the State”) to take the necessary measures to protect their rights to life and personal integrity. According to the information received, the persons proposed as beneficiaries are at risk in the framework of conflicts related to the determination of their territory, having been subjected to threats, harassment, and acts of violence, including the murder of three young Pataxós.

2. In accordance with Article 25 of its Rules of Procedure, on February 6, 2023, the Commission requested information from the State, who replied on February 24, and March 14 and 24, 2023. In turn, the applicants sent information on February 17 and March 24, 2023.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the members of the Pataxó Indigenous People located in the Barra Velha and Comexatibá Indigenous Lands in the state of Bahia are in a serious and urgent situation, given that their rights to life and personal integrity are at serious risk. Consequently, in accordance with Article 25 of the Rules of Procedure, the IACHR requests that Brazil: a) adopt the necessary measures to protect the life and personal integrity of the members of the Pataxó Indigenous People identified, including from acts perpetrated by third parties, taking into account the cultural relevance of the measures adopted; b) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged events that led to the adoption of this precautionary measure, so as to prevent such events from reoccurring.

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

**I. Information provided by the applicants**

4. The applicants informed that the persons proposed as beneficiaries are the members of the Pataxó Indigenous People of the Barra Velha and Comexatibá Indigenous Lands (IL), reaching the municipalities of Porto Seguro, Itamajuru, Itabela, and Prado, in the state of Bahia, Brazil. They are composed

of about 12,000 people, distributed in 29 communities,<sup>1</sup> which have their territorial situation in different stages of the demarcation process, some of which are already consolidated.

5. The applicants reported that some communities of Pataxós are allegedly facing judicial proceedings for eviction, despite the fact that, since 2009, the “Circumstantiated Report of Identification and Territorial Delimitation” “approves the identification and delimitation of the Indigenous Land (IL) Barra Velha, an area geographically located, in the municipalities of Porto Seguro, Prado, and Itamaraju in the south of Bahia/BA.” This report was published in the Official Gazette of the State and the Federal Government.

6. According to the information sent by the applicants, Barra Velha IL was initially approved in 1991, however, this process “disregarded technical criteria leaving aside areas considered necessary and useful for the survival of the Pataxó people,”<sup>2</sup> as recognized in a judicial decision. Therefore, the State initiated a process of review of the demarcation, which concluded in 2012 with an ordinance of the Minister of Justice declaring that the Pataxó indigenous group had permanent possession of the Barra Velha Indigenous Land with an area of approximately 52,748 hectares, according to an area delimited by the National Indigenous Peoples Foundation (FUNAI). After challenging this decision, in 2019, the Superior Court of Justice (STJ) declared, in a final and unappealable decision, that the Pataxó Indigenous peoples have the right to have their lands delimited under the name Barra Velha do Monte Pascoal Indigenous Land. It is understood from the information provided by the applicants that the “Barra Velha IL, a traditional occupation area already approved, and its review process to expand its limits is pending for a declaration ordinance.”

7. Regarding the Comexatibá IL, the applicants indicate that there is a Public Civil Action that requires the State to delimit it.<sup>3</sup> Additionally, in a precautionary measure of 2020, the Supreme Federal Court (STF) declared that “considering the presumption of veracity of the preliminary studies that indicate the property object of the litigation as an insertion in the area of traditional occupation of the Pataxó ethnic group, it would not be, at the very least, prudent to authorize the forced eviction of the indigenous people from the place.”<sup>4</sup> Furthermore, the Court considered that, if forced eviction were authorized, “fundamental legal property and interests, including the right to life, would be violated.”<sup>5</sup>

8. The Pataxó Indigenous people are in a situation that places them at risk, because even already consolidated communities, such as Aldeia Nova, have been the target of attacks. Furthermore, it is reported that the Boca da Mata and Cassiana Communities in the Barra Velha IL, which are the object of greater conflicts, serve as an entrance to the territory, affecting circulation, access to food and the river, and the health of all people in the territory, claiming that “vulnerabilities –risks to physical and psychological integrity– and the emergency affect everyone in the referenced areas.”

9. According to the applicants, the Pataxó People face a scenario of “continuous violence” since June 2022, when the members of this Indigenous People initiated a process of resumption and “self-demarcation,” considering that “all processes of demarcation and regularization of IL have been suspended, perpetuating/generating immense losses and breaches of indigenous rights in Brazil.” As a result, the persons

<sup>1</sup> Barra Velha IL (partially demarcated): Barra Velha Community; Bujigão Community; Xandó Community, Cassiana Community, Campo do Boi Community, Pará Community, Meio da Mata Community, Boca da Mata Community, Pé do Monte Community, Aldeia Nova Community, Jitai Community, Nova Esperança Community, Trevo do Parque I Community, Trevo do Parque II Community, Guaxuma Community, Craveiro Community, Águas Belas Community, Curubalzinho Community, Canto da Mata Community, Quero Ver Community.  
Comexatibá IL: Pequi Community, Tauá Community, Alegria Nova Community, Tibá Community, Kay Community, Monte Dourado Community, Gurita Community, Dois Irmãos Community, Mucujê Community.

<sup>2</sup> Restitution / Maintenance of Possession - Federal Civil and Criminal Court of the SSJ of Teixeira de Freitas - Bahia. Case No. 1002677-04.2022.4.01.3313.

<sup>3</sup> Public Civil Action No. 0002662-96.2015.4.01.3313, suspended by RE 1.017.365/SC, pending at the STF.

<sup>4</sup> STF. Suspension of court order 1,111 Bahia. April 6, 2020.

<sup>5</sup> Ibid.

proposed as beneficiaries have reportedly suffered reprisals through threats, armed sieges, shootings, defamation and disinformation campaigns, culminating in the murder of three indigenous people until the last time information was sent.

10. The situation that is said to be placing the beneficiaries at risk is reportedly perpetrated by “landowner and militiamen,” and it is “characterized by extrajudicial actions with serious consequences for the human rights of the Pataxó people.” In this regard, the applicants alleged a series of acts of violence and threats, including the use of firearms, such as on August 9 and 17, 2022, when the proposed beneficiaries were frightened by the “gunmen working for landowners” (“*pistolagem dos fazendeiros*”). In the latter occasion, there was allegedly a shooting in the Community of Boca da Mata, against the Pataxó People and “later it was shown that it was someone among the police who did the shooting for the landowners.” According to the leaders of the Pataxós, there is a direct involvement of the state security forces in the events placing them at risk. In these events, it is alleged that the police “clearly provide private services for the landowners”, “in all the headquarters of the estates (haciendas), grouping and supervising all those who pass through the region, stopping people on the roads, getting on buses, stopping cars, and having a grotesque attitude totally outside the law, even breaching the right to come and go.”

11. Furthermore, the applicant claimed:

- June 25, 2022: With the occupation of the Brasília estate, located within the Barra Velha Indigenous Lands, “a militia heavily armed with pistols and rifles has been circulating through the accesses to the villages, shooting at local residents, and spreading false information to defame indigenous people. Several families were prevented from travelling, unable to buy food or go to work, and there were frequent attacks and sieges by farmers and gunmen, who inspect community entrances and roads;
- June 26, 2022: Around 60 proposed indigenous beneficiaries received a death threat in the territorial occupation area called “Fazenda Brasília” by about 200 “landowners, gunmen, militiamen, and alleged military police who entered the occupied area with approximately 50 trucks and other vehicles, carrying large-caliber firearms (0.40 pistols, rifles, and 12 shotguns), armament restricted to the use of the armed forces, with dozens of weapons pointing in the direction of the indigenous people. Most of the individuals were hooded with balaclavas, one of them identified himself as the owner of Fazenda Brasília, and another as a CAEMA/BA police officer;”
- August 15, 2022: Armed men surrounded the communities of Boca da Mata and Cassiana. Several families remained surrounded and the traffic was blocked by farmers and gunmen who “inspected community entrances.” “In one episode, gunmen attempted to set fire to one of the wooden bridges that gives access to the villages of Boca da Mata and Cassiana;”
- August 17, 2022: Faced with a court decision favorable to the indigenous people to remain in the so-called “recovery” areas issued on that date, the village of Boca da Mata “was under intense shooting during the afternoon,” according to the video. “[T]he children who were inside the indigenous school were surrounded, terrorized, and prevented from leaving and returning home. Teachers and parents panicked. The shooting lasted about an hour and occurred while the children were taking sports classes, playing on the field next to the school.
- August 26, 2022: a landowner accompanied by four people armed with rifles went to Aldeia Nova in search for the Cacique (Chief). When they did not find him, they reportedly threatened the Community stating that “if they meet any Indians walking on the roads, they will kill them (sic);”
- September 4, 2022: G.S.C., a 14-year-old Pataxó, was killed in a “violent attack against a takeover of the Comexatibá Indigenous Land (IL)” and another Indigenous boy, a 16-year-old, was wounded by a firearm. “According to reports from the indigenous people, around five in the

morning, about twelve men in two vehicles attacked the Pataxos with firearms of various calibers and tear gas bombs. Images taken by the indigenous people show several bullet shells collected at the site and tear gas containers that were used during the attack. This attack has been allegedly preceded by an audio that circulated on WhatsApp in the region that said “(...) [a]s these police (...) are not going to solve it, we are going to go down with our group [arrastão<sup>6</sup>]. Put rifles in the chests of these faggot Indians. [...] separating only women and children, the ‘homi’ will all be shot” (sic). Furthermore, it was indicated that the young indigenous G.S.C. had published on social media a photo in which he held a poster that read “the Pataxó ask for help” (sic) days before his death;

- September 6, 2022: Armed men attacked the Aldeia Nova Community where “[t]wo armed men broke into the cacique’s house, but did not find him and attempted to set fire to the property. Residents of the community took refuge, some in a collective space and others in the surrounding forests.

12. Subsequently, on January 17, 2023, indigenous young men Samuel Cristiano do Amor Divino Braz (25 years old) and N.B. (16 years old) were shot dead while riding a motorcycle. They were chased by armed men in a vehicle, shot down, and executed with several shots. According to the applicant, the leaders had been denouncing the presence of a large group of armed men, who are “heavily armed with war machines” providing services to Fazenda Condessa. This group allegedly carries out shooting attacks against an indigenous community located on this estate (hacienda) “constantly,” “even leaving a house completely perforated.”

13. The applicant reported that the situation of the persons proposed as beneficiaries of the Pataxó people has been widely denounced (documents are provided). The applicant indicates that they sought the authorities of the state of Bahia, the Federal Police, and the Federal Prosecutor’s Office. Furthermore, the National Human Rights Council reportedly denounced the situation in August 2022, having subsequently carried out an *in situ* visit to the affected areas between October 15 and 17, 2022, reporting that the people proposed as beneficiaries had “made their right of transit to buy food, access to work, and education impossible, in the face of attacks and sieges by landowners and armed men.”<sup>7</sup>

14. In September 2022, Pataxós leaders and civil society organizations were in Brasilia to denounce the reported risk events and, shortly after the murder of the indigenous person G.S.C., again there were incidents with several authorities, stating:

Among several referrals made, it stands out the dialogue with the Rui Costa da Bahia Governor’s Office, the Ministry of Justice, the Human Rights and Social Development of Bahia, the National Council of Human Rights (CNDH), the Sixth Chamber of Coordination and Review of the Inspector General’s Office of the Republic, and the Regional Inspector’s Office of Brazil of the First Region [...]. Unfortunately, none of these actions of dialogue with the corresponding institutions could prevent two more lives from being taken from Pataxó in the first weeks of 2023.

15. According to the applicant, the Federal Police carried out an operation on October 6, 2022, in which they complied with search and seizure orders, arresting three military police officers suspected of participating in the murder of the young Pataxó G.S.C. In this line, the applicant alleges that what happened on January 17, 2023, “is a consequence of the problematic and violent performance of the Military Police of Bahia, which has acted as a kind of private militia of local landowners.” It is indicated that witnesses saw those

<sup>6</sup> “Arrastão” in Portuguese refers to the actions of a group for collective robbery in the middle of a crowd.

<sup>7</sup> National Human Rights Council; Brazilian Committee of Human Rights Defenders; Ombudsperson’s Office. [Report: Mission to the extreme south of Bahia to verify human rights violations against indigenous people of the Pataxó people](#). November 2022, p. 21.

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responsible for the events of January 17 entering the Fazenda Contessa and that, the next day, they have been reportedly seen leaving the Fazenda Brasília:

[...] the reports brought by Pataxó leaders report that the police, which is activated when these attacks occur, state that they have no authority to enter the estates where the armed men are located, although it is public and notorious that there is the common presence of this same police on rural properties near the indigenous retakes.

16. The applicant also argued that the alleged risk events are related to “the absence of inspection teams and the dismantling of administrative, regulatory, and indigenous land protection bodies, a process that was stimulated by direct action and omission of the federal government, as well as state governments.” They also report that on January 20, 2023, the first meeting of the crisis office of the Ministry of Indigenous Peoples was held with the representation of the leaders of the Pataxó People. According to the applicant, although some emergency measures were noted at the meeting, “the murders are not facts isolated facts and require immediate investigation.” Following the announcement of some measures, the actions of violence and threat allegedly tend to recede “until a new wave of attacks occurs, something that exasperates people daily, as it has been happening since June 2022 to date.”

17. In October 2022, the inclusion of 19 proposed beneficiaries in the Human Rights Defenders Protection Program has been reportedly requested. On November 8, 2022, the applicant found out that the agreement with the executing entity of the Program in Bahia allegedly ended without being renewed. The Program is in charge of the Ministry of Justice, and Human Rights and Development of the Government of the State of Bahia. In this regard, the Coordination of the Federal Protection Program was requested to include the 19 indigenous people, who responded that they had requested their inclusion in the state program. In this context, the applicant drew attention to the number of bodies involved in the management of cases, which potentially implies an increased risk for indigenous defenders, particularly given the alleged involvement of State security forces in the events of violence and threat.

18. On December 6, 2022, the representation received confirmation that the 19 persons indicated were included in the State Protection Program, and requested the inclusion of three other proposed beneficiaries. On February 14, 2023, the new institution responsible for the Program responded to the applicant indicating that it allegedly had not received the training yet and that it was scheduled for March. The institution confirmed that 17 Pataxós leaders were included in the Program, seven were reportedly under analysis and three names were not identified.

19. Regarding other protection measures, the applicant alleged that the Integrated Force to Combat Common Crimes involving Traditional Peoples and Communities, created after the murders of indigenous Pataxós on January 17, 2023, is composed of military police, civilians, technical police, and firefighters. The group created in September 2022, after the murder of G.S.C., is also composed of police forces and it “has been little concerned about its duties to guarantee the security and protection of the Pataxó people, proving to be scarcely available to address the complaints presented by the People.”

20. In this context, the leaders of Pataxós have been requesting the presence of the National Public Security Force, which has been allegedly denied by the Governor of the state of Bahia on February 14, 2023. Taking into account that the suspects arrested for the murders of the indigenous boys Samuel Cristiano do Amor Divino Braz and N.B. in January 2023 were also military police “suspected of acting as gunmen at the request of the landowners,” the persons proposed as beneficiaries demand that the security forces acting for their protection not be local. According to the representation, the Governor’s refusal to serve the indigenous people and to involve the National Force “allegedly reveals the neglect of the state government of Bahia in the crisis in the Pataxó territory.”



21. The applicant considers that, even with the measures taken by the State as from January 2023, the protection situation remains insufficient. They even report that they have stopped making official complaints, given the insecurity in relation to the public security forces. According to the allegations:

In this regard, it should be noted that, although the Ministry of Indigenous Peoples (MPI) has been vigilant in the face of the situation of extreme violation of the human rights of the Pataxó People, the confrontational measures go beyond the competence and attribution of the Ministry, therefore, we qualify the performance of the crisis cabinet as inefficient, since the conflict situation is of an enormous magnitude, thus requiring a commitment from all spheres of the federal and state government.

22. It is alleged that the measures defined within the Crisis Cabinet have not had the expected effects or have not occurred, such as: “i) *in situ* visit by a mission established by the Crisis Cabinet; ii) effective progress in the administrative process of demarcation of lands; iii) dispatch of the National Public Security Force; iv) collection of information regarding the inclusion of human rights defenders in the protection program of the state of Bahia, as well as their effective performance.”

23. In addition, it is indicated that the people proposed as beneficiaries have become the object of fake news and a “media offensive”, qualifying the proposed people as beneficiaries of “false Indians”, attributing the same crimes allegedly committed by the “armed militia”. In this sense, the Public Defender’s Office of the Union and the State of Bahia spoke on March 14, 2023, expressing “concern and repudiation” of the “false accusations of land invasions by indigenous leaders of the Pataxó people in the south of Bahia.” In this scenario in which, according to the applicant, “anger against indigenous peoples is increasingly stimulated,” they affirm that new conflicts may arise.

24. In July and August 2022, an action for Restitution of Possession and a Prohibitory Injunction against the persons proposed as beneficiaries were filed. In the same month of August, these actions were denied, “guaranteeing the circulation of the persons proposed as beneficiaries located in the Santa Luzia, Laranjeiras, Monte Alto Brasília, Santa Rita III, Conjunto Barreirinhas, Loteamento Santa Maria, and others allegedly owned by landowners in the region.” According to the decision in the Restitution of Possession action:

Therefore, with the information contained in the records, it is possible to state that the Pataxó occupation takes place within their own lands. Article 231, Paragraph 2, of CR/88 prohibits the expulsion of indigenous groups from their lands, except for constitutional reasons that do not apply to the case in question.<sup>8</sup>

25. Subsequently, and despite these decisions, new precautionary measures that determined the restitution of possession against the proposed beneficiaries were granted, allegedly violating hierarchically superior judicial determinations. The applicant’s report shows that the applicant became aware of the precautionary measures for the restitution of possession in March 2023, one of the decisions was issued on March 17 and the other on March 20, 2023. For this reason, the applicant began proceedings before the Federal Supreme Court (STF) to suspend the restitution determinations alleging “disobedience to the determinations of the Supreme Court by any lower court judge subject to binding decisions.” The proceedings are pending, “although the deadline<sup>9</sup> to evict the area is coming to an end.” This situation has caused several conflicts between the indigenous people and the alleged owners of the area, since there is no legal certainty about the permanence of the Pataxó in the place.

<sup>8</sup> Restitution / Maintenance of Possession - Federal Civil and Criminal Court of the SSJ of Teixeira de Freitas - Bahia. Case No. 1002677-04.2022.4.01.3313.

<sup>9</sup> From the documents sent, it seems that the deadlines, which have already expired, were 72 hours from the date of notification of the decision.

## II. State's response

26. The State alleged that this request for precautionary measures does not comply with the procedural requirements for its granting, given that “the Brazilian State has acted to end the conflict situation involving indigenous peoples located in the south of Bahia.” Furthermore, it emphasized the principle of subsidiarity, in which international protection of human rights is contributory or complementary to that offered by Member States. The State reported on its internal regulations for the protection of indigenous peoples, as well as on the process of demarcation of indigenous lands in Brazil.

27. The State recalled the historical context in which the Pataxó Indigenous People are inserted, indicating that: *i.* In the 1980s, the Barra Velha IL was demarcated with 8,627 hectares, but it was stated that much of the territory of traditional Pataxó occupation was outside this demarcation; *ii.* in 2009, FUNAI published a new detailed report identifying the area, based on supporting studies. The revised demarcation was called Barra Velha do Monte Pascoal IL, correcting the limits of the territory, which now has 52,748 hectares; *iii.* In 2013 a group of farmers and the Rural Union of Porto Seguro entered with six mandates in the Superior Court of Justice (STJ) requesting that the publication of the Declaratory Ordinance of the area by the Ministry of Justice, the next stage of the demarcation process, be prevented. The STJ granted the request in a precautionary measure, blocking the progress of the administrative process of demarcation of the Pataxó territory; *iv.* In 2019, the STJ unanimously annulled the precautionary measure, and recognized, in a decision on the merits, the legitimacy and validity of the demarcation of the Barra Velha do Monte Pascoal IL; *v.* The postponement of the period, by the STF, of the ruling regarding indigenous lands, “led to the paralysis of the processes of administrative demarcation and the consequent advance of conflicts.”

28. According to the State, the situation alleged by the applicant has reportedly intensified as of June 2022, “when the national mobilization in Indigenous Territories began, in which they ask the Supreme Court (STF) to resume the analysis of the ruling of the Temporary Framework.” The State provided the following chronology of the events and actions carried out by the authorities:

**June 2, 2022:** A group of 15 indigenous people occupied the Santa Rita estate in the municipality of Prado.

**June 25, 2022:** Around 180 indigenous people of the Pataxó ethnic group retook the place called Fazenda Brasília, located in the interior of the Barra Velha Indigenous Territory, municipality of Porto Seguro/BA.

**July 8, 2022:** The garrison of the Military Police was informed that, in the rural area of the municipality of Una, there was a confrontation between members of social movements, not specifying which one, with alleged indigenous people, which resulted in two dead persons and two injured.

**August 17, 2022:** Occupation of Fazenda Barreirinha, Porto Seguro/BA. Two off duty military police officers were injured. Faced with the confrontation scenario, the garrisons of the 8th BPM/Porto Seguro, the 7th CIPM/Eunapolis, the CIPT/Sur (RONDESP), and the CIPE/Mata Atlântica (CAEMA) went to the town, however, they met resistance, due to the presence of indigenous people obstructing the roads.

**September 1, 2022:** Occupation of Fazenda Terezinha, Prado/BA.

**September 4, 2022:** Homicide and attempted homicide of adolescents after the occupation of Fazenda Terezinha, Prado/BA.

**September 13, 2022:** A working group of the [Bahia Public Security Secretariat] is sent to Porto Seguro to prevent new conflicts between farmers and indigenous people in the far south of Bahia, as well as to support investigations of the crimes that occurred.

**October 6, 2022:** Arrest of the military police suspected of murdering a teenager on April 9, 2022, in Fazenda Terezinha, Prado/BA.

**January 17, 2023:** Double homicide on the shores of BR 101, the victims were identified as indigenous persons of the Pataxó ethnic group. Victims: Samuel Cristiano do Amor Divino (25 years old) and [N.B.] (16 years old).

**January 18, 2023:** Seizure of military equipment, in a mound during an approach in Itabela; the driver of the vehicle was caught with several rounds of firearms of various calibers. Police report No. 38232/2023, the seizure of more than 7,000 ammunition, boxes, and fuses, which could be used by one of the parties involved in the dispute;

**January 20, 2023:** Reinforcement of the then Task Force in the Far South. The TF [Task Force] now has three BPCHOQUE garrisons and three CIPE-MA garrisons, with a total of 24 military police officers spread across six garrisons per duty shift.

**January 24, 2023:** The Commander of the 7th CIPM of Eunapolis reinforced with garrisons the regions of Monte Pascoal and Montinhos.

**January 25, 2023:** Publication in the DOE of Joint Ordinance No. 01, of January 20, 2023, which established, within the scope of the Public Security System of the State –SESP, the Integrated Force to Combat Common Crimes Involving Traditional Peoples and Communities – FI/SSP; and Ordinance No. 018, of January 20, 2023, which activated the FI/SSP in the areas of the Integrated Public Security of Eunapolis and Teixeira de Freitas.

**January 27, 2023:** Compliance with three search warrants and one (failed) temporary arrest warrant in the far south, resulting in the seizure of four firearms, seven cell phones, and an on-the-spot arrest in Fazenda Brasília.

**January 29, 2023:** Compliance with three search warrants at the addresses of the suspects and their family members.

**January 30, 2023:** Voluntary presentation and compliance with the temporary arrest warrant of [soldier L.M.] [...]. The [soldier] was interrogated in Eunapolis/BA and transferred to custody in BPCHOQUE, in Salvador/BA.

**January 30, 2023:** Presentation of the Comprehensive Plan of Action to Combat Violence against Traditional Peoples and Communities by SIAP/SSP.

**February 2, 2023:** Presentation in the 1st DT of Teixeira de Freitas/BA, by a garrison of the PMBA, of the Municipality of Prado/BA, Fazenda Sacola, the indigenous identified by [M.M.O.], resident in Aldeia Nova, in whose possession was found a 32-caliber shotgun and, hidden in the foliage, a 12-caliber shotgun, a 45-caliber repeater shotgun, and ammunition of various calibers.

**February 3, 2023:** Custody hearing [soldier L.M.] (conversion from temporary to provisional arrest).

**February 7, 2023:** Compliance with a search warrant in a property purportedly related to the double homicide, resulting in the seizure of three 9mm caliber weapons, two cell phones, and computer. They are waiting for a micro-comparative ballistics report.

33. The State also highlighted the actions implemented to respond to the alleged situation placing the beneficiaries at risk, such as the creation and strengthening of a working group to prevent new conflicts, the detention of military police suspected of the murders of three Pataxós, the seizure of weapons and war materials, the reinforcement with garrisons of the security forces of the region, the creation of the Integrated Force to Combat Common Crimes involving Traditional Peoples and Communities, the presentation of the Integrated Action Plan to Combat Violence against Traditional Peoples and Communities, among others. According to the State, this shows “that the local security forces have acted proactively, in order to control the conflict situation in the region, as well as to elucidate the crimes committed in that context.” Furthermore, the State indicated that on January 17, 2023, the new management of the National Foundation of Indigenous Peoples began to monitor the case through its Regional Coordination of the South of Bahia.

34. The State recognizes that the investigations into the deaths of the three indigenous people suggest “that it is a consequence of the intensification of agrarian land conflicts in the territories in question.” In addition to the temporary detention of the alleged perpetrators, the State informed that the Internal Affairs Department of the Military Police is waiting to receive a copy of the inquiries in order to initiate the investigation process.



35. The State adds that as of January 2023 “the ministerial structure began to be integrated, for the first time in the history of the country, by the Ministry of Indigenous Peoples,” which was responsible for the establishment of the Crisis Office on January 18, 2023, changed to include members of the Pataxó People, and for the activation of the Federal Police, which, as of February 2023, became part of the Integrated Force. In this regard, the State claims that “it is noteworthy the response of the Brazilian State with the deployment of security forces to the south of Bahia” and that the State is already complying with the adoption of monitoring and follow-up mechanisms in dialogue with the applicants, which is a request of the latter.

36. According to the State, the Crisis Office conducted:

- clarifications to the Pataxó people on the indigenous land demarcation process;
- the necessary movement for the continuation of the indigenous land demarcation process, with the technical and legal analysis of FUNAI’s process;
- a study of the most current legal actions in progress before the Federal Court in the State of Bahia, in order to verify the existence of risk of judicial decisions adverse to the Pataxó people;
- after the study in question, appropriate legal measures were adopted for the defense of the Pataxó people in the legal proceedings identified [...].

37. Regarding the judicial proceedings requesting the reestablishment of possession against the persons proposed as beneficiaries, these were denied according to the last substantive report sent by the State, indicating that “the Brazilian Justice, in fact, protected the rights of indigenous peoples to land tenure, denying the requests for preliminary measures to be removed from the areas.”

38. The State sent a summary of the progress of the demarcation process of the indigenous lands of the Pataxó People. In this context, the State indicated that there was a conciliation process with the Chamber of Conciliation and Arbitration of the Federal Administration, due to the fact that the new indigenous land boundaries overlapped with a settlement area related to the agrarian reform and a conservation unit. According to the State “[b]ased on the understanding that the demarcation process of the Barra Velha do Monte Pascoal Indigenous Land no longer raised any controversy, at the end of February 2012, the conciliation deadline was finally consolidated. Thus, on April 20, 2012, the Attorney General of the Union approved Term No. CCAF-CGU-AGU-005/2012/VIW.

39. Finally, on March 24, 2023, the State sent a note informing that no additional information was available within the scope of this request for precautionary measures.

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

40. 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 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. Moreover, and the precautionary measures mechanism is described in Article 25 of the 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.

41. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures

have a dual nature, both protective and precautionary.<sup>10</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights<sup>11</sup>. 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 were not adopted<sup>12</sup>. Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations<sup>13</sup>. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

42. In the analysis of these requirements, the Commission reiterates that the facts that motivate the request for precautionary measures do not need to be fully proven, and the information must be evaluated from a *prima facie* perspective that allows the identification of a situation of seriousness and urgency.

43. Preliminarily, the Commission notes that the alleged situation placing the beneficiaries at risk is framed in the context of disputes over the territorial definition of the areas occupied by the Pataxó People, which generated situations of violence in recent months, including the murder of young indigenous people of the Pataxó People (see *supra* paras. 11-12 and 35) and the presence of armed persons in the region (see *supra* paras. 10-12 and 35). In this regard, the Commission notes, based on the information available, that the Pataxó People have part of their lands recognized by the State, as well as the conclusion of the demarcation process of other parts, which are at different stages of this process. In this context, the Commission emphasizes that, according to the State, given the pending decision of the Federal Supreme Court on the term of the indigenous

<sup>10</sup> See in this regard: I/A Court H.R. Matter of the Yare I and Yare II Capital Region Penitentiary Center. Request for Provisional Measures presented by the IACHR in relation to the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures. Order of July 6, 2009, considerandum 16.

<sup>11</sup> See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Matter of Fernández Ortega et al. Provisional measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>12</sup> See in this regard: I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. Asunto del Internado Judicial Capital El Rodeo I y El Rodeo II. 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.

<sup>13</sup> See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. Matter of “El Nacional” and “Así es la Noticia” newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. Matter of Luis Uçátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

lands, at present, the administrative demarcation processes remain at a standstill, which intensifies the conflicts (see *supra* para. 34).

44. The Commission notes, based on the information available, that the State has issued judicial decisions, including those of the Superior Court of Justice and the Federal Supreme Court, recognizing the territorial rights of the Pataxó People and the traditional occupation of their lands (see *supra* paras. 6-7 and 34), including the request for their protection against possible forced expulsions (see *supra* paras. 7, 24 and 34). Recently, and in line with the aforementioned judicial decisions, the Commission notes that, in August 2022, a judicial decision ensured the displacement of the proposed beneficiaries in the estates involved in the territorial dispute (see *supra* para. 24). The State also referred to a court decision denying the request for expulsion of the Pataxó People from the areas (see *supra* para. 40). However, the information from the applicant reflects that new judicial decisions were issued that contradict the decisions of higher courts and would have ruled in favor of the vacancy of the areas, and therefore it is filing cases before the Supreme Court, which has not yet issued a decision (see *supra* para. 25). Within this prevailing contextual framework, while the Commission notes that territorial disputes have been addressed internally, it recalls that the Inter-American Court affirmed, in the *2018 case of the Xucuru Indigenous People and their members v. Brazil*:

that the lack of effective delimitation and demarcation by the State of the limits of the territory over which an indigenous people's collective property right exists may create a climate of permanent uncertainty among the members of their communities, since they do not know with certainty how far their collective property right extends geographically and, consequently, they do not know how far they can freely use and enjoy their respective properties<sup>14</sup>.

45. Similarly, in its report on the 2021 human rights situation in Brazil, the Commission indicated that:

finds the situation of indigenous peoples and communities in Brazil to be serious and worrisome. For those whose territories are under threat of invasion by non-indigenous people, there are profound challenges with respect to the titling and protection of their lands and, in many cases, indigenous peoples and communities find themselves without the necessary protection from the State. Accordingly, the Commission expresses its grave concern over the process of revising the country's indigenous and environmental policies, which has favored illegal occupations of ancestral lands, encouraged acts of violence against indigenous leaders and communities, and authorized the environmental destruction of their territories<sup>15</sup>.

46. In addition, the Commission recalls that the precautionary measures mechanism is not suitable for resolving disputes over land ownership, as these require an analysis on the merits of possible violations of the American Convention on Human Rights and other applicable instruments, claims that are proper to the petition and case system. Thus, the resolution at hand does not express itself on the legality of the so-called "resumption" processes, nor does it determine who the owners of the disputed lands are, or whether the processes initiated in this matter comply with the guarantees of the American Convention. As indicated above, the precautionary measures mechanism performs a *prima facie* analysis to establish the existence of a situation of serious and urgent risk of irreparable harm. In this sense, the analysis below, while taking into account the context indicated, in accordance with Article 25.6 of the IACHR Rules of Procedure, will focus on the aspects and information that allow for the assessment of risk in accordance with the procedural requirements.

47. Notwithstanding the above observations, and in line with the relevant contextual considerations, the Commission notes that there is currently a serious territorial conflict in the region, which has led to acts of violence and the murder of indigenous people of the Pataxó People, as well as the high presence of firearms in the area. The IACHR understands, based on the information available, that this context

<sup>14</sup> I/A Court H.R. Case of the Xucuru Indigenous People and its Members v. Brazil. Preliminary Objections, Merits, Reparations, and Costs. Judgment of February 5, 2018. Series C No. 346, para. 118.

<sup>15</sup> IACHR. Human Rights Situation in Brazil February 12, 2021, para. 56.

prevails and may intensify due to the actions taken by the parties, as well as the judicial decisions issued in this regard. Consequently, the Commission proceeds to examine the situation presented in the context discussed above.

48. The Commission notes that the request for precautionary measures identifies the members of the Pataxó Indigenous People of the so-called Comexatibá and Barra Velha IL as proposed beneficiaries. The State also referred to the situation of the proposed beneficiaries themselves. The Commission notes that, according to the applicant, these people share the same level of risk. In this regard, it is noted that, according to the applicant, the Pataxós communities are under attack and threat regardless of the stage of demarcation of the territory in which they are located, including attacks on already consolidated communities. In addition, they argued that the Boca da Mata and Cassiana Communities, which serve as an entrance to the territory, are particularly threatened, impacting access to food, the river, health, and the circulation of other territories, exposing their respective inhabitants to risks, including the rest of the proposed beneficiaries who require such goods. This situation was noted by the National Human Rights Council after visiting the region in October 2022 (see *supra* para. 13).

49. The Commission notes that the alleged risk events are not centered in a single community, and risk events reach different communities over time. Additionally, all proposed beneficiaries identify themselves as Pataxó and demand the demarcation and protection of their territory. Considering these observations and the argument presented by the applicant regarding the identification of the proposed beneficiaries and the absence of disputes between the parties with respect to this delimitation, the IACHR begins to examine compliance with the requirements of serious, urgency, and irreparable harm.

50. The applicant indicated that since June 2022, with the beginning of the “retaking” by members of the Pataxó People, they began to suffer threats, persecution, and acts of violence, allegedly perpetrated by landowners, militias, and state actors of the security forces. The Commission notes that in addition to indicating that there were “constant” attacks against different Pataxó indigenous communities, as well as sieges aimed at inspecting the entrances and roads of the communities. In this regard, at least the following events of risk were alleged against persons proposed as beneficiaries (see *supra* paras. 10 and 11):

- June 25, 2022: Armed attack by a “heavily armed” militia that shot at the population during the occupation of the Brasília farm;
- June 26, 2022: Around 60 proposed indigenous beneficiaries received death threats in the territorial occupation zone called “Fazenda Brasília” by some 200 “farmers, gunmen, militiamen, and alleged military police.” The alleged perpetrators entered the area carrying a firearm for restricted use by the armed forces;
- August 15, 2022: Armed men surrounded the communities of Boca da Mata and Cassiana. Several families remained surrounded and prevented from circulating. “In one instance, the gunmen attempted to set fire to one of the wooden bridges that gives access to the villages of Boca da Mata and Cassiana.”
- August 17, 2022: Shootings for more than an hour during the afternoon in the town of Boca da Mata, exposing children taking sports classes to particular risk;
- August 26, 2022: A landowner accompanied by four people armed with rifles went to Aldeia Nova and reportedly threatened the Community stating that “if they come across Indians walking on the roads, they will kill them”;
- September 4, 2022: The murder of a 14-year-old Pataxó. He was killed in a “violent attack against a retake in the Indigenous Land (TI) Comexatibá.” Another indigenous man, 16 years old, was reportedly wounded by a firearm. This attack has been allegedly preceded by an audio that circulated on WhatsApp in the region that said “[...] [and] that these police [...] are not going to solve it, we are going to go down with our trawl. Put rifles in the chests of these faggot Indians. [...] separating only women and children, the men will all be shot” (sic).

- September 6, 2022: Armed men attacked the Aldeia Nova Community where “[t]wo armed men broke into the cacique’s house, but did not find him and attempted to set fire to the property. Residents of the community took refuge, some in a collective space and others in the surrounding forests.
- January 17, 2023: Murder of the indigenous youths Samuel Cristiano do Amor Divino Braz (25 years old) and N.B. (16 years old). They were allegedly chased by armed men in a vehicle, knocked off their motorcycle and shot several times;
- In March of 2023: False and stigmatizing news against the proposed beneficiaries circulated in the media, which reinforced the context of animosity against them and led to the pronouncement of the Federal and State Public Defender’s Office of “concern and repudiation”;

51. The Commission notes the seriousness of the facts reported by the applicant, several of which have been confirmed by state communication (see *supra* para. 35). Furthermore, it should be noted that the alleged episodes include the significant presence of material perpetrators in large numbers - in one attack there were some 200 “farmers, gunmen, militiamen, and alleged military police” - armed, carrying tear gas, weapons for the exclusive use of the State, and firing frequent gunshots. Moreover, the Commission attributes particular seriousness to the allegations that some of the persons responsible for the acts of violence are agents of the State, such as the military police, since they play a role related to the guarantee and protection of rights.

52. In this scenario, the Commission notes that irreparable harm had already been done, with three members of the Pataxó Indigenous People, two of them adolescents, having been killed, in addition to another young man having been wounded by firearms. In addition, the IACHR notes that the situation of the Pataxó People described by the applicant is framed in a context of animosity against the Pataxó Indigenous People, which stimulates “a growing anger against the Indigenous People”, as also identified by the Public Defender’s Office of the Union and the State of Bahia (see *supra para.* 23). This aspect has an impact on the seriousness of the situation when considering that the alleged events of risk continue and are repeated over time.

53. According to the applicant and considering the information sent by the State, it is necessary to evaluate the effectiveness of the State’s actions in the situation described. First, the Commission notes that the applicant acknowledges the close monitoring of the situation by the newly created Ministry of Indigenous Peoples. In the same sense, the IACHR positively evaluates the measures adopted by the State to establish channels of communication with the proposed beneficiaries and their representatives, the creation and strengthening of Task Forces, the Integral Force to Combat Common Crimes involving Peoples and Communities, the Crisis Cabinet, among others (see *supra* paras. 35-36 and 38). The measures indicated by the State, adopted by the Crisis Cabinet that seek to promote the resolution of the source of the conflict over the definition of land ownership (see *supra* para. 39). In particular, the IACHR positively highlights the identification of suspects in the murders of the three young Pataxós G.S.C., Samuel Cristiano do Amor Divino Braz and N.B., recalling the relevance of the investigation and the punitive actions of those responsible for mitigating dangerous situations.

54. Without prejudice to the foregoing, the Commission recalls that, for the measures adopted by the State to be adequate and effective, they must be, respectively, adequate to protect the persons at risk, and they must produce the expected results so that the risk ceases<sup>16</sup>. For the measures to be adequate, they must, by their very nature, make it possible to confront the risk at hand, protecting the life and integrity of the person threatened, as well as guaranteeing, for example, that work is carried out to promote and defend human rights<sup>17</sup>. In this regard, the Commission notes that the implementation of certain actions by the State is still pending, as reported by the parties. In this regard, the Commission notes that:

<sup>16</sup> IACHR. Second Report on the Situation of Human Rights Defenders in the Americas. 2011, para. 521.

<sup>17</sup> *Ibid.* para. 522.



- Several measures adopted by the Crisis Office did not materialize, such as: i) *on-site* visit by a mission established by the Crisis Cabinet; ii) effective progress in the administrative process of land demarcation; iii) deployment of the National Public Security Force; iv) collection regarding the inclusion in a protection program for human rights defenders in the state of Bahia, as well as its effective implementation (see *supra* para. 22).
- It was also indicated that the security measures taken are mainly based on the police forces, in relation to which some members, it is alleged, are directly involved in the events of risk, being even identified as suspects in the assassinations of September 4, 2022, and January 17, 2023. The Commission notes that even with the Bahia Public Security Secretariat Task Force created in 2022, two murders were not prevented in January 2023.
- The Commission notes that the proposed beneficiaries indicated that the members of the police “ostensibly provided private services to farmers” (see *supra* para. 10). Furthermore, they argued that the security forces “have been disregarding their duties to guarantee the security and protection of the Pataxó people, showing little availability to attend to the complaints filed by the People.” In this context, the IACHR notes that the persons proposed as beneficiaries have even stopped making official complaints, “given the insecurity in relation to the public security forces.” The Commission notes the seriousness of this situation in view of the information provided by the applicant indicating that there was “constant” shooting against the communities, giving the example of a house that was “completely perforated by bullets” (see *supra* para. 12). In this scenario, the Commission highlights that the allegations of the beneficiaries were also verified by the National Human Rights Council; Brazilian Committee of Human Rights Defenders; Public Defender’s Office of the Union in an *on-site* visit in October 2022 (see *supra* para. 13).
- The Program for the Protection of Human Rights Defenders did not operate adequately (see *supra* paras. 17-18). In this regard, the Commission notes that as of March 2023, the new entity responsible for the implementation of the Program in the state of Bahia had not been trained. Moreover, it is not evident that the Program has implemented concrete protection measures, not even for persons already included in the Program. The Brazilian State did not comment on the measures adopted for the members of the Pataxó People included in the Program.
- Despite the fact that more than nine months have elapsed since the beginning of the situation placing the beneficiaries at risk as described herein and despite the multiple complaints filed by the applicant (see *supra* paras. 13-14), the Commission does not identify the implementation of adequate and effective concrete security measures in their favor, especially those that address the described context of armed attacks, by numerous perpetrator groups, and with the alleged participation of state actors.

55. The IACHR notes that the above is aggravated considering the position of vulnerability in which the indigenous populations in Brazil are inserted given the “historical discrimination to which they have always been subjected”<sup>18</sup>, requiring specific protection measures. The Commission also notes the particular risks faced by the indigenous children and adolescents proposed as beneficiaries, who have allegedly been exposed to acts of violence that have even culminated in two deaths. The Commission notes the continuation of a scenario of unprotected rights to life and personal integrity of the persons proposed as beneficiaries and evaluates that, according to the applicable *prima facie* standard, they are at serious risk.

56. Regarding the *urgency requirement*, the Commission considers that it has been met in view of the continuity and repetition of events of threat and violence against the proposed beneficiaries, including the recent murders, which indicates, in view of the situation of lack of protection, the possibility that new high-risk incidents may occur again at any time. The first considers that members of the Pataxó Indigenous People do not have “legal certainty about the permanence of the Pataxó” in certain places, keeping legal proceedings

<sup>18</sup> IACHR. Human Rights Situation in Brazil 2021, para. 15.

ongoing, which potentially indicates that it may raise new conflicts. All of this indicates that violations of their rights to life and personal integrity may materialize at any time.

57. Regarding the requirement of *irreparable harm*, the Commission considers that this requirement is met, since the possible impairment of the rights to life and personal integrity constitutes, by its very nature, the maximum degree of irreparability.

58. Finally, with respect to the claim of the principle of complementarity, the Commission recalls that this principle informs the Inter-American System in a cross-cutting manner and that international jurisdiction is “adjuvant” to national jurisdictions, without substituting them<sup>19</sup>. The Commission considers, however, that the invocation of the principle of complementarity as an argument of inadmissibility for the adoption of precautionary measures presupposes that the State concerned satisfies the burden of proof to demonstrate 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 substantial impact on the reduction or mitigation of the situation placing the beneficiaries at, in such a way that it is not possible to assess a situation that meets the requirement of seriousness and urgency that precisely requires international intervention to avoid irreparable harm.<sup>20</sup>

59. Therefore, considering the analysis carried out previously, the Commission considered that the procedural requirements were met and it is appropriate to activate the precautionary measures mechanism in accordance with Article 25 of its Rules of Procedure.

#### **IV. BENEFICIARIES**

60. The Commission declares the members of the Pataxó Indigenous People of the Comexatibá and Barra Velha Indigenous Lands as beneficiaries. The beneficiaries are identifiable in accordance with Article 25.6.b of the IACHR Rules of Procedure.

#### **V. DECISION**

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

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

<sup>19</sup> See *inter alia*: IACHR. [Resolution 31/2017](#). Francisco Javier Barraza Gómez regarding Mexico (PM-209-17). August 15, 2017 22; IACHR. [Resolution 49/2017](#). Paulina Mateo Chic regarding Guatemala (PM 782-17). December 1, 2017, para. 34; IACHR. [Resolution 47/2019](#). Members of the Guyaroká Community of the Guarani Kaiowá Indigenous People with respect to Brazil. September 29, 2019, para. 31

<sup>20</sup> *Ibid.*

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62. The Commission requests the Government of Brazil to inform the Commission, within 20 days from the date of this communication, on the adoption of the precautionary measures agreed upon and to update this information on a regular basis.

63. 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.

64. The Commission instructs its Executive Secretariat to notify this Resolution to the State of Brazil and to the representation. In addition, entrusts it to carry out the corresponding management in the terms formulated in this resolution and the coordination component of the precautionary measures granted.

65. Approved on April 24, 2023, by Margarete May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Joel Hernández García; Julissa Mantilla Falcón; and Carlos Bernal Pulido, members of the IACHR.

Norma Colledani Toranzo  
By authorization of the Executive Secretary