



# Two years since the deaths of Dom and Bruno: What has the Brazilian state done?

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# **Two years since the deaths of Dom and Bruno: What has the Brazilian state done?**

5 June marks two years since the disappearance and death of indigenist Bruno Pereira and journalist Dom Philips. The pair disappeared in 2022 during a 72-kilometre journey from the community of São Rafael to Atalaia do Norte in Brazil's second-largest indigenous reserve, the Javari Valley Indigenous Land.

The region, located in the far west of the Amazon on the shared border between Brazil, Peru, and Colombia, was well known to Dom and Bruno, who travelled through the Javari Valley to tell the story of the resilience of Amazonian communities in protecting the forest from threats of drug trafficking, mining, and illegal fishing. On their last trip, which was brutally interrupted, they were aiming to interview the Indigenous Surveillance team near Lago do Jaburu.

According to members of the Union of Indigenous Peoples of the Javari Valley (Univaja), who mobilised to organise search groups and disseminate information following Dom and Bruno's disappearance, the resources and equipment provided by the Brazilian state were insufficient to identify the whereabouts of the two defenders – especially given that Dom and Bruno received constant threats from miners, loggers, and fishermen. Univaja itself had also been the target of several attacks, which only intensified when Dom and Bruno's disappearance was reported.

## **Request for help from the Inter-American Commission on Human Rights**

Faced with the inadequacy of the measures employed by the state (which only came about after intense mobilisation by civil society and the national and international press), as well as the public statement on 7 June 2022 by then-President Jair Bolsonaro, who blamed the victims for the possible 'accident', civil society organisations submitted a request for precautionary measures to the Inter-American Commission on Human Rights (IACHR).

The request was drawn up by the civil society organisations ARTICLE 19 Brazil and South America, the Vladimir Herzog Institute, the Regional Alliance for Free Expression and Information, Reporters Without Borders, the Digital Journalism Association, the Brazilian Association of Investigative Journalism, the Tornavoz Institute, and the Washington Brazil Office. The request was motivated by the gravity of the situation and the risk of irreparable harm to the rights to life and personal integrity of Don Phillips and Bruno Pereira, based on Article 25(5) of the IACHR Rules of Procedure.

On 11 June 2022, the Commissioners approved the Precautionary Measures (MC 449-22) requested, ordering Brazil to redouble its efforts to locate Dom and Bruno; to ensure that Dom and Bruno continue to carry out their human rights defence work and journalistic activities; and to inform the IACHR of the actions taken to investigate the facts with due diligence and thus prevent similar events in the future.

In the grounds for the decision, the IACHR highlighted the specific risks facing Dom and Bruno, as a journalist and defender of indigenous peoples' rights who disappeared in a context in which their main activity was to denounce and raise awareness of rights violations. For the IACHR, the gravity and urgency of the situation was demonstrated by previous communications from the UN High Commissioner for

Human Rights and the IACHR itself, which urged Brazil to prevent illegal activities in indigenous territories.

In approving the precautionary measures, the IACHR indicated that the Brazilian state should redouble its efforts to locate the victims, and pointed out that the Javari Valley Indigenous Land is seriously affected by illegal trafficking, mining, and fishing and an increase in the activities of armed groups.

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At the same time, the Federal Supreme Court issued a decision in a precautionary measure presented by the Articulation of Indigenous Peoples of Brazil, in the context of the Argument for Failure to Comply with a Fundamental Precept (ADPF) 709, ordering the Brazilian state to (among other things) adopt all necessary measures to locate both of the disappeared, using all the means and forces appropriate, and to guarantee security in the area by investigating and punishing those responsible.

Even without efficient support from the state, Univaja's search efforts resulted in the remains of Dom and Bruno being located on 15 June 2022. According to the expert report by the Federal Police, Bruno was shot three times (twice in the chest and once in the head) and Dom was shot once (in the chest).

## **New beneficiaries**

On 17 August 2022, motivated by inadequate progress in the investigation and a lack of effective measures to prevent recurrence, the organisations that requested the Precautionary Measures, together with Univaja and the Observatory for the Human Rights of Isolated and Recently Contacted Indigenous Peoples, asked for the IACHR to extend those measures.

The organisations stressed that impunity for threats and murders in the Javari Valley puts people who continue to fight for rights and territories in the region at risk, and requested protection for 11 other people linked to the case of Dom and Bruno.

In the face of the exploitation of the Javari Valley's natural resources, all those involved in the struggle for rights in the region are threatened by strategies that aim to silence indigenous rights defenders. The murders of Dom Phillips and Bruno Pereira were yet another human rights violation in a long sequence of violence against people defending the Javari Valley Indigenous Land and its peoples.

In approving the extension of the precautionary measures for the 11 defenders of the Javari Valley, the IACHR highlighted several facts that illustrate the risk situation in the region:

1. Attacks on the National Foundation for Indigenous Peoples (FUNAI);
2. The murder of Maxciel Pereira dos Santos, a FUNAI employee who worked with Bruno, in 2019;
3. Death threats from invaders of indigenous lands;
4. Gunfire used against Univaja members during field activities; and
5. The murders of Dom and Bruno themselves.

## **The landmark creation of a Joint Working Group**

When civil society organisations requested the extension of Precautionary Measures, they also asked the IACHR to create a special mechanism to monitor the implementation of those measures, focusing on investigating the murders, supporting the relatives, and guaranteeing the adoption of structural measures to prevent the recurrence of violence.

While the Commission had created such an initiative twice before (in cases when journalists disappeared on the border between

Ecuador and Colombia and defenders disappeared in Mexico), it was unprecedented in Brazil.

The envisaged Joint Working Group would be made up of representatives of the Brazilian state and the petitioning organisations, under the supervision of the IACHR, and would aim

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to contribute to full compliance with the precautionary measures granted; to ensure a space for coordination and complementarity nationally and internationally; and to guarantee the direct participation of the beneficiaries, the petitioning organisations, and their representatives. Its work would be organised by an Action Plan approved by Brazil and the petitioning organisations.

Negotiations to set up the Joint Working Group lasted throughout 2023. On 11 December 2023, the Action Plan was finally launched, with specific measures divided into three pillars: investigation and accountability, protection and security, and memory and truth.

## **The investigation into the murders of Dom and Bruno**

The Working Group's two main objectives are to monitor the processes intended to hold all those involved in planning and executing the killings and threats against the beneficiaries accountable, and to establish a transparency channel that promotes constant access to information on the investigations. The Action Plan also includes the creation of national standards for investigating and punishing the perpetrators of crimes against human rights defenders, journalists, and communicators, based on technical cooperation with the IACHR. So far, Brazil has not fully complied with any of these measures.

The investigations have been permeated with problems from their initial stages. By treating the crimes as isolated facts, they have disregarded the history of complaints and threats suffered by Bruno and reported to the authorities; Dom Phillips's journalistic work of recording environmental crimes in the region; the relationship between invasions of the Javari Valley Indigenous Land and consequent illegal activities (fishing, drug trafficking, mining); and the involvement of public servants and local politicians in such practices.

Initially, the investigation completely disregarded the possibility of a mastermind behind the crimes, presenting Amarildo da Costa Oliveira, Oseney da Costa Oliveira, and Jefferson da Silva Lima as the only people responsible and treating the death of Dom Phillips as 'collateral damage' to the murder of Bruno Pereira. This stance even enabled the defence lawyers to argue that the murderers of Dom and Bruno acted in self-defence.

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Later, in interviews with media outlets, those responsible for the federal police investigations concluded that the crime against Dom and Bruno was premeditated by a gang that had connections to the government and operated in illegal fishing and hunting, money laundering, tax evasion, embezzlement of public funds, and corruption. This change in the line of investigation led to the arrest of Ruben Dario da Silva Villar (alias Colombia), who was accused of ordering

the crime and being the head of a criminal organisation operating in Brazil and neighbouring countries, and Jânio Freitas de Souza, who was accused of being his informant, right-hand man, and former employee of the Atalaia do Norte city hall, where he stopped working shortly after the double murder.

The Brazilian state claims that the investigation has progressed, yet it



has failed to provide clear information about how these investigations have advanced in uncovering the whole truth about the human rights violations in the Javari Valley. The State also has not facilitated access to the judicial processes related to the arrests already made. This prevents the civil society from knowing the specific crimes attributed to each person - except in the case of Amarildo, Oseney and Jefferson - and what role each person played in the threats against the defenders and in the murders of Dom and Bruno.

The little information shared is evidence of a weak investigation. Combined with the procedural protection strategies employed by the defendants' legal team, this makes the possibility of accountability remote.

The reality is that human rights defenders, in their fight against activities harmful to indigenous communities, territories, and the environment, are up against the interests of powerful individuals operating in the region, such as members of corporations, criminal, and paramilitary groups. For the IACHR, impunity in cases like Dom and Bruno's leads to the chronic repetition of human rights violations. The lack of investigation and accountability – and the denial of justice and truth – not only affects the victims and their families but also enables further violations.

## **Protection and security in the Javari Valley**

In terms of protection and security, the main objective of the Action Plan is to implement urgent protection measures for the living beneficiaries of the precautionary measures, who continue to operate in the Javari Valley. According to the Brazilian state, these measures must be guaranteed through the Protection Program for Human Rights Defenders, Communicators, and Environmentalists (PPDDH) of the Ministry of Human Rights and Citizenship. As per the Action Plan, the National Coordination of the Program must

monitor the risk analysis processes, the construction of individual protection plans, and their proper implementation by the PPDDH team in the state of Amazonas.

In its communications to the IACHR, the Brazilian state claims that the measures are in progress. However, the initial step of analysing the risk to the beneficiaries took more than a year to complete, and the protection and monitoring measures offered to the threatened beneficiaries so far are superficial and insufficient, considering the level of risk they face.

Neither have the implementation of the IACHR's advisory services and technical cooperation with the PPDDH (especially regarding the protection of indigenous peoples, communicators, and environmentalists) or the establishment of a dialogue between the Joint Working Group and the Sales Pimenta Technical Working Group (which is responsible for building a National Protection Policy in the country) taken place yet.

It is worth remembering that the weaknesses of the PPDDH, including limited financial resources and lack of personnel, are already known to Brazilian society and the Inter-American Human Rights System itself. They are especially evident when it comes to the complex logistics required to protect those who defend the rights of indigenous peoples and communities in the Amazon.

The Action Plan also sets out to identify opportunities for strengthening the security and collective protection of indigenous peoples, communicators, and environmentalists in the Javari Valley. Even before the murder of Dom Philips and Bruno Pereira, the Brazilian state had been accused of failing to take measures to protect the region and its peoples from illegal invaders. This was the subject of Public Civil Action 1004249-82.2018.4.01.3200, in which the Brazilian state claims it has already drawn up a Territorial Protection Plan, including provisions for repressing illegal acts committed in the Javari Valley and holding those responsible accountable. Even so, the state

refuses to share clear information with the organisations involved in protecting the region about the protection measures it intends to adopt and the timetable for their implementation.

Among its protection and security measures, the Plan establishes the need to speed up the process of Brazil ratifying the Escazú Agreement: the first environmental treaty in Latin America and the Caribbean, which incorporated the right to freedom of expression and access to information into environmental law. The Agreement was the first international treaty to provide for specific protection mechanisms for environmental defenders, based on the recognition that defenders and journalists are fundamental for communities to have access to information about the exploitation of natural resources, and thus be able to develop resistance strategies.

## **Memory and truth**

With regard to memory, truth, and non-repetition, the Brazilian state has committed itself in the Action Plan to adopting measures to recognise, promote, and value the work of journalists and human rights defenders in the Amazon, and thus to recognise that human rights defenders are one of the most important pillars for protecting rights in any society.

Among the measures to be adopted is an official apology, from the highest offices of the state, for the Presidency of the Republic spreading defamation and promoting hate against Dom and Bruno following their disappearance and death in 2022. This also involves recognising Dom and Bruno's fundamental work in the region, the fundamental role of indigenous peoples and Univaja in searching for and locating their bodies, and of local journalism and popular and community communication in ascertaining and disseminating accurate information about the case. The Action Plan also provides for the establishment of a memorial for human rights defenders in the Javari Valley.

Some steps have already been taken to preserve the memory of the case, including the president of FUNAI issuing a note of retraction, and

the Order of Rio Branco being posthumously awarded to Dom Phillips and Bruno Pereira in 2023. An event in their honour is also scheduled to take place in Brasilia on 5 June 2024. However, an official apology by the Presidency of the Republic has yet to materialise.

## **The struggle for justice for Dom and Bruno and for rights in the Javari Valley**

Two years on from Dom and Bruno's deaths, few effective changes have taken place in Brazil. The agreement and approval of a joint Action Plan represented an important step forward in the cooperation between civil society and the state in defending these rights, but indigenous people, communicators, and human rights defenders in the Javari Valley continue to face the same risks and pressures as in recent years, with no greater state presence nor state protection.

The petitioning organisations have been working hard to ensure the Joint Working Group does not become merely a bureaucratic vehicle for the federal government to pass on information. In order to implement the cooperation mechanisms with the IACHR that have already been planned, the Brazilian government must commit to dialogue with the organisations – with a view to achieving concrete results – and must listen to the specific demands of rights defenders in the Javari Valley Indigenous Land region.

Only then can the circumstances that led to the deaths of Dom Phillips and Bruno Pereira change, bringing hope that such crimes never repeat themselves.

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