

May 6, 2011

Honorable Dilma Vana Rousseff

President of the Federative Republic of Brazil

Brasilia, DF, Brazil

Fax: (+55-61) 3411-2222

Email: gabinetepessoal@presidencia.gov.br, casacivil@planalto.gov.br

Dear President Rousseff,

We are writing to express our deep concerns regarding the implementation of the precautionary measures (MC-382-10^{1[1]}) requested by the Interamerican Commission on Human Rights (IACHR) on April 1st 2011 to safeguard the rights of indigenous peoples - including groups living in voluntary isolation - threatened by the construction of the Belo Monte Hydroelectric Dam Complex in the Amazonian state of Pará. We are also deeply distressed by your government's recent reaction to withdraw its candidate for Commissioner in 2012.

If implemented, this decision will weaken the respect for human rights and environmental protection in Brazil and the Americas and tarnish the countries' reputation as a leader in the region. Therefore we respectfully request that the Brazilian government comply with the IACHR resolution.

As organizations that work in the promotion of human rights, it is in our interest that the Brazilian government respects the decision from such an important body for the protection of human rights in the OAS. This is especially crucial given Brazil's binding commitments under both the American Declaration and Convention of Human Rights to guarantee the human rights of all people in its jurisdiction.

In November 2010, local communities and grassroots and civil society organizations in Brazil, led by the *Movimento Xingu Vivo para Sempre*, filed a request for precautionary measures with the IACHR. That request provides a well-documented and in-depth analysis of problems related to the approval of the Belo Monte Dam Complex, with particular emphasis on the lack of free, prior and informed consultations and consent among indigenous peoples. Indigenous consultation is mandated by article 231 of the Brazilian Constitution, as well as international agreements including Convention 169 of the International Labor Organization and the UN Declaration on the Rights of Indigenous Peoples.

After carefully reviewing the petition presented by Brazilian civil society organizations, the IACHR provided an opportunity for the federal government to submit a written response, which occurred in March 2011. Only after careful analysis of this response did the Commission conclude that the government had not taken adequate steps to ensure the human rights of indigenous communities affected by the Belo Monte Dam Complex, justifying a request for precautionary measures. As such, we firmly believe that the decision of the Commission was properly grounded and informed, taking into full account the arguments of the Brazilian government.

The decision of the IACHR is clearly supported by other Brazilian institutions. On April 7th 2011, the Human Rights Commission of the Brazilian House of Representatives approved a

resolution supporting the decision of the IACHR². The Federal Public Prosecutors' Office (MPF) has also filed many civil lawsuits against the project that are all heavily delayed in the Brazilian judicial system. Various reports from Brazilian federal agencies, scientists, experts, the MPF, and the Brazilian Council for the Defense of Human Rights (CDDPH),³ all conclusively demonstrate that the planning and concession of licenses of the Belo Monte Dam Complex has disregarded relevant environmental and human rights legislation, including the right of indigenous peoples to free, informed and informed consent.

Brazil should rise to fulfill its reputation as a global leader in meeting the challenges of sustainable development in the 21st century, including its status as host country to the 2012 UN Conference on Sustainable Development (Rio+20), the 2014 World Cup and the 2016 Olympic Games. However, we strongly believe that the government's negative reaction to the IACHR's resolution and its possible retaliation measures are contradictory to this position and Brazil's reputation as a country committed to multilateralism and international institutions. In addition, this reaction jeopardizes not only the rights and well-being of indigenous peoples in the Xingu Basin, but also the independence and effectiveness of important bodies such as the Inter-American Commission on Human Rights and the respect for the Rule of Law in the region.

Although Brazil needs to continue developing its economy, this cannot happen at the expense of human rights and the environment. There exists numerous alternatives to projects such as Belo Monte and there are many measures available to prevent the serious and irreparable social and environmental harms that this project can cause. We trust that the Brazilian government is fully capable of implementing these.

Given the above considerations, we respectfully request that your government reconsider its position regarding implementation of the IACHR precautionary measures MC-382-10 and retract its threats to the Commission. These steps will help ensure full recognition of indigenous peoples' rights as guaranteed by the Brazilian Constitution and international law, and also respect for multilateral institutions such as the Interamerican Commission and the OAS. It would be extremely unfortunate and unprecedented that any country, especially a regional leader such as Brazil, would respond in this manner before the IACHR. The Inter-American System has various mechanisms available for States to express their disagreement, but a reaction of this magnitude is uncalled for and undermines the protection of human rights in the Americas.

Thank-you very much your attention to this urgent matter. We look forward to hearing a response at your earliest convenience.

Sincerely,

1. Abogadas y Abogados para la Justicia y los Derechos Humanos

Carmen Herrera

2. Acción Solidaria en VIH/Sida

Feliciano Reina

² <http://www.xinguvivo.org.br/2011/04/13/audiencia-publica-aprova-manifesto-em-apoio-a-oea/>

³ <http://agenciabrasil.ebc.com.br/noticia/2011-04-13/conselho-de-direitos-humanos-aponta-ausencia-absoluta-do-estado-em-belo-monte>

- 3. Amazon Watch – EUA**
Atossa Soltani
- 4. Asociación Paz y Esperanza**
Germán Vargas
- 5. Asociación Pro Derechos Humanos (Aprodeh) – Perú**
Francisco Soberón Garrido
- 6. Asociación Servicios Educativos Rurales (SER) – Perú**
Paulo Vilca
- 7. Center for International Environmental Law (CIEL) – EUA**
Kristen Genovese
- 8. Centro Amazónico de Antropología y Aplicación Práctica (CAAAP)**
Ada Chuecas
- 9. Centro de Derechos y Desarrollo (CEDAL) – Perú**
Dr. Francisco Ercilio Moura
- 10. Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM)**
Susana Peñafiel A.
- 11. Centro de Políticas Públicas y Derechos Humanos – Perú**
Javier Mujica
- 12. Centro para la Sostenibilidad Ambiental, Universidad Peruana Cayetano Heredia –Perú**
Ernesto F. Ráez-Luna
- 13. Centro Regional de Derechos Humanos y Justicia de Género – Santiago**
Carolina Carrera Ferrer
- 14. Colectiva de Mujeres Hondureñas (CODEMUH) – Honduras**
María Luisa RelagadoC.c. Comisión Interamericana de Derechos Humanos, cidhoas@oas.org
- 15. Colectivo de Abogados Jose Alvear Restrepo (CCAJAR) – Colombia**
Jomary Ortegón Osorio
- 16. Comisión Colombiana de Juristas – Colombia**
Camilo Mejía Gómez
- 17. Comisión de Derechos Humanos (Comisedh) – Perú**
Miguel Huerta
- 18. Comisión de Solidaridad, Desarrollo y Justicia (Cosdej)**
Norbel Mondragón

- 19. Comisión Ecueménica de Derechos Humanos (CEDHU) – Ecuador**
Hna. Elsie Monge
- 20. Comisión Intereclesial de Justicia y Paz – Colombia**
Danilo Rueda, Liliana Ávila
- 21. Comisión de Justicia Social de Chimbote – Perú**
Silvia Alayo
- 22. Comité de Familiares de las Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989 (COFAVIC)**
- 23. Coordinadora Nacional de Derechos Humanos (CNDH)**
Rocío Silva Santisteban
- 24. Corporación para la Defensa y Promoción de los Derechos Humanos Reiniciar – Colombia**
Jahel Quiroga Carillo
- 25. Environmental Defender Law Center (EDLC) – EUA**
Fernanda Venzon
- 26. Espacio Público de Venezuela – Venezuela**
Carlos Correa
- 27. Fundación Ecueménica para el Desarrollo y la Paz (FEDEPAZ)**
David Velasco
- 28. Fundación Étnica integral La fei – Republica Dominicana**
Willian Charpantier
- 29. Fundación para la Justicia y la Defensa de los Derechos Humanos (FUNJUDEH) –Guatemala**
Lic. Oswaldo Enríquez C.
- 30. Grupo de Formación e Intervención para el Desarrollo Sostenible (Grufides)**
Mirtha Vasquez
- 31. Grupo de Mujeres de San Cristóbal de las Casas, A. C – México**
Martha Figueroa Mier
- 32. Instituto de Defensa Legal (IDL)**
Carlos Rivera
- 33. Instituto de Derechos Humanos de la Universidad Centroamericana - El Salvador**
Benjamín Cuéllar
- 34. Instituto de Estudios Legales y Sociales del Uruguay (IELSUR) – Uruguay**
Jorge Pan

35. **Instituto Nacional para la Paz (Irepaz) – Perú**
Nidia Alegria
36. **Pakistan Fisherfolk Forum [PFF] – Pakistán**
Saeed Baloch
37. **Provea – Venezuela**
Marino Alvarado Betancourt
38. **Sinergia, Asociación Venezolana de Organizaciones de Sociedad Civil**
39. **Vicaría de Derechos Humanos – Caracas**
Jose Gregorio Guarenas
40. **Vicaría de Sicuani – Cusco**
Ruth Luque
41. **Vicariato Apostólico San Jose del Amazonas - San José del Amazonas**
Monseñor Campos Vicariato
42. **Bank Information Center – USA**
Paulina Garzon
43. **Center for Biological Diversity – USA**
Rose Braz
44. **Committee of Loretto Community – USA**
Valeria Novak
45. **Corporate Ethics International – USA**
Michael Marx
46. **DC Friends of MST – USA**
Lyndsay Hughes
47. **Department of Zoology of the University of British Columbia – Canada**
Dr. David Suzuki, Emeritus Professor
48. **Disciples Justice Action Network – USA**
Rev. Ken Broker
49. **Due Process of Law Foundation – USA**
Katya Salazar
50. **EarthWorks – USA**
Jennifer Krill
51. **FERN – UK**
Jutta Kill

52. **Free the Slaves – USA**
Indika Samarawickreme
53. **Friends of the Earth – Germany**
Lutz Fähser
54. **Friends of the Earth – Sweden**
Anna-Karin Feragen
55. **Friends of Earth – USA**
Erich Pica
56. **Forest Peoples Programme – UK**
Vanessa Jimenez
57. **Forum Ökologie and Papier – Germany**
Evelyn Schönheit
58. **Global Exchange – USA**
Carleen Pickard
59. **Guatemala Human Rights Commission – USA**
Amanda Martin
60. **Indigenous Communities and Conserved Areas Consortium – Switzerland**
Dr. Grazia Borrini-Feyerabend
61. **Indigenous Environment Network – USA**
Tom B.K. Goldtooth
62. **Indigenous Peoples International Centre for Policy Research and Education – Philippines**
Joji Carino
63. **International Accountability Project – USA**
Joanna Levitt
64. **Land is Life – USA**
Brian Keane
65. **Latvian Ornithological Society – Latvia**
Viesturs Kerus
66. **Maryknoll Office for Global Concerns – USA**
David Kane
67. **Rainforest Action Network – USA**
Bill Barclay

68. **Rainforest Foundation US – USA**

Suzanne Pelletier

69. **Rainforest Information Center – Australia**

John Seed

70. **The Robert F. Kennedy Center for Justice and Human Rights – USA**

Marselha Goncalves-Margerin

71. **Save America’s Forests – USA**

Carl Ross

72. **Pro REGENWALD - Germany**

Simone Hörner

73. **World Rainforest Movement – Uruguay**

Ana Filippini

C.c. Comisión Interamericana de Derechos Humanos, cidhoea@oas.org