

May 6, 2011

**Honorable Dilma Vana Rousseff**

President of the Federative Republic of Brazil

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Dear President Rousseff,

We are writing to express our deep concerns regarding the implementation of the precautionary measures (MC-382-10<sup>1</sup>) 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, and according to Brazilian media,<sup>2</sup> threatening to pull funding from the Inter-American Commission on Human Rights.

If implemented, both these decisions 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 and abstain of the intention to withdraw funding from the OAS. As organizations that work on human rights issues, we are interested to see 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

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<sup>1</sup> <http://www.cidh.org/medidas/2011.port.htm>

<sup>2</sup> <http://oglobo.globo.com/pais/noblat/posts/2011/04/30/dilma-retalia-oea-por-belo-monte-suspende-recursos-376625.asp>

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 IACHR<sup>3</sup>. The Federal Public Prosecutors' Office (MPF) has also filed many civil lawsuits against the project that are all indefinitely in the Brazilian judicial system, making the project practically a fait accompli. Various reports from Brazilian federal agencies, scientists, experts, the MPF, and the Brazilian Council for the Defense of Human Rights (CDDPH)<sup>4</sup>, 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.

Given the support for the IACHR's decision, we feel the federal government's is extreme, uncalled for, and dangerous for the protection of human rights in the Americas. On April 30th, the media published that Brazilian government threatened to cut funding to the Commission as a response to the IACHR decision. This unprecedented reaction follows unilateral measures taken earlier to withdraw its candidate for a new Commissioner on the IACHR. We strongly believe that 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. 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 UN Conference on Sustainable Development (Rio+20) in 2012. However, the government's recent responses threaten to tarnish its global status as a country committed to multilateralism and its institutions.

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 of Human Rights and the OAS.

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<sup>3</sup> <http://www.xinguvivo.org.br/2011/04/13/audiencia-publica-aprova-manifesto-em-apoio-a-oea/>

<sup>4</sup> <http://agenciabrasil.ebc.com.br/noticia/2011-04-13/conselho-de-direitos-humanos-aponta-ausencia-absoluta-doestado-em-belo-monte>

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

**3. Amazon Watch - USA**

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. Bank Information Center – USA**

Paulina Garrido

**8. Bianca Jagger Human Rights Foundation**

Bianca Jagger

**9. Center for Biological Diversity – USA**

Rose Braz

**10. Center for International Environmental Law (CIEL) - USA**

Kristen Genovese

**11. Centro Amazónico de Antropología y Aplicación Práctica (CAAAP)**

Ada Chuecas

**12. Centro de Derechos y Desarrollo (CEDAL) - Perú**

Dr. Francisco Ercilio Moura

- 13. Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM)**  
Susana Peñafiel A.
- 14. Centro de Políticas Públicas y Derechos Humanos - Perú**  
Javier Mujica
- 15. Centro para la Sostenibilidad Ambiental, Universidad Peruana Cayetano Heredia - Perú**  
Ernesto F. Ráez-Luna
- 16. Centro Regional de Derechos Humanos y Justicia de Género - Santiago**  
Carolina Carrera Ferrer
- 17. Colectiva de Mujeres Hondureñas (CODEMUH) - Honduras**  
María Luisa Relagado
- 18. Colectivo de Abogados Jose Alvear Restrepo (CCAJAR) - Colombia**  
Jomary Ortega Osorio
- 19. Comisión Colombiana de Juristas - Colombia**  
Camilo Mejía Gómez
- 20. Comisión de Derechos Humanos (Comisedh) - Peru**  
Miguel Huerta
- 21. Comisión de Solidaridad, Desarrollo y Justicia (Cosdej)**  
Norbel Mondragón
- 22. Comisión Ecuménica de Derechos Humanos (CEDHU) – Ecuador**  
Hna. Elsie Monge
- 23. Comisión Intereclesial de Justicia y Paz – Colombia**  
Danilo Rueda, Liliana Ávila
- 24. Comisión de Justicia Social de Chimbote - Peru**  
Silvia Alayo
- 25. Comité de Familiares de las Víctimas de los sucesos ocurridos entre el 27 de febrero y los primeros días de marzo de 1989 (COFAVIC)**
- 26. Committee of Loretto Community – USA**  
Valeria Novak
- 27. Coordinadora Nacional de Derechos Humanos (CNDH)**  
Rocío Silva Santisteban

**28. Corporación para la Defensa y Promoción de los Derechos Humanos Reiniciar - Colombia**

Jahel Quiroga Carillo

**29. Corporate Ethics International- USA**

Michael Marx

**30. DC Friends of the MST – USA**

Lindsay Hughes

**31. Department of Zoology of the University of British Colombia – Canada**

Dr. David Suzuki

**32. Disciples Justice Action Network – USA**

Rev. Ken Broker

**33. Due Process of Law Foundation – USA**

Katya Salazar

**34. EarthWorks – USA**

Jennifer Krill

**35. Environmental Defender Law Center (EDLC) - USA**

Fernanda Venzon

**36. Espacio Público de Venezuela - Venezuela**

Carlos Correa

**37. FERN – UK**

Jutta Jill

**38. Free the Slaves – USA**

Indika Samarawickreme

**39. Friends of Earth – Germany**

Lutz Fahser

**40. Friends of Earth – Sweden**

Anna-Karin Feragen

**41. Friends of Earth – USA**

Erich Pica

**42. Forest Peoples Programme – UK**

Vanessa Jimenez

**43. Forum Ökologie and Papier – Germany**

Evelyn Schönheit

**44. Fundación EcuMénica para el Desarrollo y la Paz (FEDEPAZ)**

David Velasco

**45. Fundación Étnica integral La fei – Republica Dominicana**

Willian Charpantier

**46. Fundación para la Justicia y la Defensa de los Derechos Humanos (FUNJUDEH) – Guatemala**

Lic. Oswaldo Enríquez C.

**47. Global Exchange – USA**

Carleen Pickard

**48. Guatemala Human Rights Commission – USA**

Amanda Martin

**49. Grupo de Formación e Intervención para el Desarrollo Sostenible (Grufides)**

Mirtha Vasquez

**50. Grupo de Mujeres de San Cristóbal de las Casas, A. C - México**

Martha Figueroa Mier

**51. Guatemala Human Rights Commission – USA**

Amanda Martin

**52. Indigenous Communities and Conserved Areas Consortium – Switzerland**

Dr. Grazia Borrini-Feyerabend

**53. Indigenous Environment Network – USA**

Tom B.K. Goldtooth

**54. Indigenous Peoples International Centre for Policy Research and Education – Philippines**

Joji Carino

**55. Instituto de Defensa Legal (IDL)**

Carlos Rivera

**56. Instituto de Derechos Humanos de la Universidad Centroamericana - El Salvador**

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**57. Instituto de Estudios Legales y Sociales del Uruguay (IELSUR) – Uruguay**  
Jorge Pan

**58. Instituto Nacional para la Paz (Irepaz) - Perú**  
Nidia Alegria

**59. International Accountability Project – USA**  
Joanna Levitt

**60. International Rivers**  
Aviva Imhof

**61. Land is Life – USA**  
Brian Keane

**62. Latvian Ornithological Society – Latvia**  
Viesturs Kerus

**63. Maryknoll Office for Global Concerns – USA**  
David Kane

**64. Rainforest Action Network – USA**  
Bill Barclay

**65. Rainforest Foundation US – USA**  
Suzanne Pelletier

**66. Rainforest Information Center – Australia**  
John Seed

**67. The Robert F. Kennedy Center for Justice and Human Rights – USA**  
Marselha Goncalves-Margerin

**68. Pakistan Fisherfolk Forum [PFF] - Pakistán**  
Saeed Baloch

**69. Pro REGENWALD – Germany**  
Simone Hörner

**70. Provea – Venezuela**  
Marino Alvarado Betancourt

**71. Sierra Club - USA**  
Rachel Ackoff

**72. Sinergia, Asociación Venezolana de Organizaciones de Sociedad Civil**

**73. Survival International – UK**

Fiona Watson

**74. Vicaría de Derechos Humanos – Caracas**

Jose Gregorio Guarenas

**75. Vicaría de Sicuani - Cusco**

Ruth Luque

**76. Vicariato Apostólico San Jose del Amazonas - San José del Amazonas**

Monseñor Campos Vicariato

**77. World Rainforest Movement – Uruguay**

Ana Filippini

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