

Press Release 17/2025 English

BRAZIL IS INTERNATIONALLY RESPONSIBLE FOR THE FORCED DISAPPEARANCE OF A RURAL WORKER AND HUMAN RIGHTS DEFENDER

San José, Costa Rica, March 11, 2025. In the judgment, notified today, the Inter-American Court of Human Rights (I/A Court HR) found the State of Brazil internationally responsible in the case of *Muniz da Silva et al. v. Brazil*, for the forced disappearance of Almir Muniz da Silva, rural worker and human rights defender of the rural workers in the state of Paraíba. Moreover, it declared the responsibility of the State for the lack of due diligence in the investigation of the facts and search for the victim, as well as the violation of the rights to the truth, to defend human rights, personal integrity, rights of the family and rights of the child. Consequently, the Court determined the violation of Articles 3, 4(1), 5(1), 7(1), 8(1), 13, 16(1), 17, 19 and 25(1) of the American Convention, in relation to Articles 1(1) and 2 thereof.

The official summary and the full text of the judgment can be accessed [here](#).

Almir Muniz da Silva was a rural worker and member of the Rural Workers' Association of the Communal Land of Mendonça. On May 9, 2001, during his testimony before the Congressional Investigative Commission (Comissão Parlamentar de Inquérito, CPI) on rural violence, he named a civilian police officer from the city of Itabaiana, who was also the administrator of Fazenda Tanques, as "the main person responsible for the violence against the workers in the region." The police officer had threatened several persons in the region, including Mr. Muniz da Silva.

This case relates to the forced disappearance of Mr. Muniz da Silva, who was last seen on June 29, 2002, on his way home after dropping off two family members in the municipality of Itabaiana, Paraíba. The Court determined that the facts occurred in a context of militias and armed groups in the State of Paraíba, which included the participation of police officers and members of the military, who performed acts of violence against rural workers.

The facts were denounced by his next of kin, who also searched for him, before the Civilian Police. The complaint was received in the city of João Pessoa, Paraíba, on July 1, 2002. During the investigation mainly interviews were held. Moreover, the police commissioner in charge reported several times that there was a shortage of resources for the investigation by the authorities. Finally, after the police commissioner in charge of the investigation was changed, on October 31, 2008, the final report of the investigation was issued. The new police commissioner in charge indicated that there was "a high probability that a crime was committed against the tractor driver" and that there was information on file incriminating the civil police officer that had made the threats. However, from the evidence gathered they had not found sufficient evidence to prove it."

The disappearance of Almir Muniz da Silva was investigated at the Congressional Investigative Commission (CPI) on Killings of the Northeast, which issued its final report in 2005. In the report the CPI singled out the police officer who made the threats for his participation in violent acts against rural workers in the region. The report recommended, among other, investigating the police officer who made the

threats on his relationship to the private militias. Regarding the latter, it recommended to the Public Security Secretariat of Paraíba to remove him from his functions as a police officer while there were open judicial proceedings and suggested to the Public Prosecutor's Office of the state of Paraíba to file a complaint against him for the crime of criminal association. Moreover, the CPI recommended investigating the possible criminal conduct of "breach of trust of a public official" by the police commissioner initially in charge of the investigation into the disappearance of Almir Muniz da Silva.

In this case the State made a partial acknowledgment of responsibility for the violation of the right to judicial guarantees and judicial protection due to the "inefficiency in the handling of the case" which affected access to justice, as well as the "violation of the right to mental and emotional well-being of the next of kin" of Mr. Muniz da Silva.

Upon analyzing the case, the I/A Court HR found that it was sufficiently proven that Almir Muniz da Silva was forcibly disappeared on June 29, 2002, based on several elements: i) the context of violent acts of private militias and extermination groups in the rural areas of Brazil at the time of the facts; ii) the specific actions of those groups in the region where Almir Muniz da Silva lived and acted as leader of the Rural Workers' Association; iii) the previous threats received by Mr. Muniz da Silva and his next of kin, allegedly from a civilian police officer, who was also a fazenda administrator in a context of conflict over agrarian claims; iv) the conclusion of the Congressional Investigative Commission (CPI) on Killings of the Northeast, whereby it was the police officer who had made the threats to Mr. Muniz da Silva who could be linked to private militias and participation in murders related to agrarian conflicts; v) the lack of clarification of the facts by the State; vi) the indications of breach of trust of a public official in the investigation by the police commissioner in charge; and vii) the context of impunity of the facts of rural violence.

In addition, the Court highlighted that the State violated the right to defend human rights, considering that Mr. Muniz da Silva was a human rights defender. It observed that although the facts occurred in a context of violence against defenders of the rights of rural workers and direct threats to the victim, the State did not take measures to guarantee the conditions of security necessary for Mr. Muniz da Silva to freely exercise his work as a human rights defender and member of the Rural Workers' Association of the Communal Land of Mendonça. Moreover, it determined that the State failed in its obligation to investigate the facts after they occurred. All of the foregoing constituted noncompliance with the obligations derived from the special duty of protection of a human rights defender.

Regarding the next of kin, the Court declared the violation of the rights to judicial guarantees and judicial protection, specifically the absence of immediate and diligent work to investigate and find the whereabouts of the victim once the authorities learned of the facts. It also declared the violation of the right to the truth and the obligation to adopt domestic legal effects due to the lack of criminal definition of the crime of forced disappearance at the domestic level.

Finally, the Court declared the violation of the rights to personal integrity, rights of the family and rights of the child, the latter to the detriment of one of his sons, who was a child at the time of the facts. In its analysis, the Court found that the forced disappearance of Mr. Muniz da Silva gravely affected the life project of his wife and kids. His absence caused a drastic change in their conditions and their daily dynamic, irreparably affecting the course of their lives, which undoubtedly negatively modified their plans and future projects.



Based on these violations, the Court ordered the following reparation measures, among other: (i) continue the investigation into the forced disappearance of Almir Muniz da Silva; (ii) immediately continue the actions to search for the whereabouts of Mr. Muniz da Silva; (iii) hold a public act of acknowledgment of international responsibility and public apology; (iv) adapt the domestic body of law to include the criminal classification of the crime of forced disappearance; (v) create and implement a protocol to search for disappeared persons and to investigate the forced disappearance of persons; (vi) review and adapt the existing mechanisms, including the Program for the Protection of Human Rights Defenders, Communicators and Environmental Activists, both at the federal and state level; and, (vii) prepare a diagnosis of the situation of human rights defenders in the context of rural conflicts, in the framework of the activities of the work group created as per the orders of the Court in the case of *Sales Pimenta*.

Judges Eduardo Ferrer Mac-Gregor Poisot and Ricardo C. Pérez Manrique shared their joint partially dissenting opinion.

The Court's composition for the issuing of this judgment was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Humberto Antonio Sierra Porto (Colombia); Judge Eduardo Ferrer Mac-Gregor Poisot (México); Judge Ricardo C. Pérez Manrique (Uruguay); Judge Verónica Gómez (Argentina) and Judge Patricia Pérez Goldberg (Chile). The Court's Registrar, Pablo Saavedra Alessandri and Deputy Registrar, Gabriela Pacheco Arias, were also present. Judge Rodrigo Mudrovitsch, of Brazilian nationality, did not participate in the hearing or deliberation of this order, in conformity with that set forth in Articles 19(1) and 19(2) of the Rules of Procedure of the Court.

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