



FORM TO REQUEST PRECAUTIONARY MEASURES

SECTION I: INFORMATION ON PROPOSED BENEFICIARY AND APPLICANT

1. INFORMATION ON THE PROPOSED BENEFICIARY(IES)

Please provide information about the person or group in whose favor the application for precautionary measures is being presented (proposed beneficiary). In the event that there is more than one person, please create a new profile for each one.

- 1 -

Complete name	Michael Shellenberger
Name the proposed beneficiary identifies with	N/A
Gender	Male
Occupation	Journalist
Nationality	United States
Date of birth (dd/mm/yyyy)	16/06/1971
Mailing address	P.O. Box 8538, Albany, CA 94707
Telephone	1-415-710-1042
Fax	N/A
Email	michaelshellenberger@gmail.com
Additional information	<p>I am a working journalist at imminent risk of criminal prosecution by the Brazilian government for reporting legal and accurate information.</p> <p>I am writing to formally request your support to bring a "precautionary measure" before the Inter-American Commission.</p> <p>I am available to speak at any time.</p> <p>I describe my case here:</p> <p>https://public.substack.com/p/we-exposed-censorship-by-brazils</p>
Proposed beneficiary is deprived of liberty	No

If the application for precautionary measures is being presented in a collective manner, indicate as precisely as possible how many people are being counted as proposed beneficiaries, their locations, and characteristics that identify the members (for example, their location, belonging or being linked to a group, town, community, or organization):

N/A

2. INFORMATION ON THE APPLICANT

Please provide information about the person or group submitting the application for precautionary measures. In the event that it is a civil society organization, include the name of the designated person(s) who will receive communications. If there is more than one applicant organization or person, please create a new profile for each one.

In certain cases, the Commission can keep the identity of the applicant confidential if it is expressly requested along with presenting the respective reasons. This means that only the name of the person(s) proposed as beneficiary(ies) will be communicated to the State. Likewise, in the case that the IACHR grants the precautionary measure, the public resolution will not show the name of the applicant.

While it is possible to keep the applicant's name confidential, the processing of a request for precautionary measures requires that the State be informed of the identity of the proposed beneficiary, which is essential so that the State knows who must be protected if precautionary measures are adopted. In exceptional cases, the Commission could keep the identity of the proposed beneficiary confidential from the public in the documents that are published (as in a resolution), through the substitution of the full name with initials or the use of pseudonyms. The request to restrict the identity of the proposed beneficiary must be made expressly to the Commission, with a statement of the reasons.

In cases where the proposed beneficiary and the applicant are the same person(s) and you wish to restrict the identity of the person in his/her capacity as the applicant, the application must be written in the third person. An example of this would be: "the proposed beneficiary alleges that..." (and not "I was a victim of..." or "my son was a victim of...").

<i>Include the person completing this form as an applicant?</i>	Yes
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<i>Complete name</i>	Michael D. Shellenberger
<i>Organization</i>	Public News
<i>Acronym of Organization</i>	
<i>Nationality</i>	United States
<i>Mailing address</i>	P.O. Box 8538, Albany, CA 94707
<i>Telephone</i>	4157101042
<i>Fax</i>	
<i>Email</i>	michaelshellenberger@gmail.com

<i>In the case that this application is presented in favor of another person or group of people, do you have their express consent?</i>	Yes
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Explain why the absence of consent is justified.

N/A

<i>Reserve identity of applicant?</i>	No
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If checkbox is selected to keep applicant identity confidential, please explain:

N/A

3. IS YOUR PETITION RELATED TO A PREVIOUS PETITION OR PRECAUTIONARY MEASURE?

Have you previously submitted a petition to the Commission concerning these same facts?	No	
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Have you previously submitted an application for precautionary measures to the Commission concerning these same facts, or have you previously been beneficiary of a precautionary measure granted by the Commission?	No	
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SECTION II - BASIS OF THE APPLICATION

1. OAS MEMBER STATE REGARDING WHICH THE REQUEST FOR PRECAUTIONARY MEASURES IS PRESENTED:

Brazil

2. REQUEST

a) Indicate if the situation motivating your request is identified in any of the following cases:

	<i>Disappearance of persons</i>
	<i>Deportation or extradition</i>
	<i>Application of the death penalty</i>
	<i>Threats, harassment, and/or aggressions against life and personal integrity</i>
	<i>Lack of access to medical treatment that puts life, personal integrity and health in danger</i>
X	<i>Situations of risk regarding the exercise of freedom of expression</i>
X	<i>Precarious conditions of deprivation of liberty</i>
X	<i>Risk of losing family ties</i>
Other	N/A

b) Indicate which rights you consider to be at risk:

My freedom of speech, my freedom of expression, my freedom to travel safely to Brazil, and my freedom of assembly in Brazil.

c) Basis of the application:

i) Describe in a detailed and chronological manner the acts for which the rights of the proposed beneficiary(ies) are considered in a situation of risk in terms of Article 25 of the Rules of Procedure. Indicate precisely the circumstances of manner, time (dates), and place that sustain the risk situation (for example: respecting threats, harassment, persecution, acts of violence, or any other situation you consider pertinent to inform the Commission). If the

information is available, explain the source from which the situation originated (for example, if the events of risk come from acts or omissions of State authorities or agents, organized crime, third parties, etc.).

Supreme Court justice Alexandre de Moraes has weaponized the Federal Police, including against me, for publishing the Twitter Files in Brazil.

<https://x.com/shellenberger/status/1775516415023251835>

The Federal Police delivered two reports to de Moraes, one on April 18 and the other on April 19. The reports consist of a gigantic conspiracy theory, suggesting connections and relationships that simply do not exist.

Nobody from the Federal Police have interviewed me and instead are spreading disinformation about me.

The reports single me out and suggest it is somehow suspicious that I only have paid for one subscription on X, which is to Elon Musk. But there is nothing suspicious about this. I am paying Musk, not the other way around. And, as the Police report notes, Musk takes a percentage of the revenue of the people who subscribe to my content on X.

Two days ago, the Attorney General of the Union of Brazil suggested illegal activity. And yet it showed no evidence that either I or my coauthors Eli Vieira and David Ágape lied or presented inaccurate or illegal information in the Twitter Files - Brazil.

Rather, the Attorney General's office's six-page memo, released publicly, claims that I released "excerpts of content from confidential judicial decisions" in an "attempt to destabilize the democratic state."

This is untrue. None of the Twitter Files - Brazil contained "confidential judicial decisions."

The Twitter Files - Brazil were strictly emails between Twitter staff. There is not a single instance where we published "confidential judicial decisions."

But even if we had, the Brazilian constitution says, "the law may only restrict the publicity of procedural acts when the defense of privacy or social interests so require" (Article 5, LX).

In this case, it was imperative that we publish the Twitter Files precisely to protect the public's right to privacy, freedom of speech, and democracy.

What's more, the attack on me is highly selective. Brazilian news media have for years reported on confidential judiciary decisions and have not been subjected to such an outrageous criminal investigation like the one I am under.

Finally, there is no law against attempting to "destabilize the democratic state" through non-violent methods. The law only prohibits violent attacks on democracy. As such, the Attorney General is abusing his powers and acting as a lawmaker, usurping Brazil's Congress.

As Brazilian legal scholar André Marsiglia writes, if the judiciary considers "the revelation of confidential documents from Twitter Files to be an offense committed by journalists, it will be a serious mistake, one that violates the most basic legal principle of press freedom: "public interest in information prevails over secrecy."... Without it, we are all in the hands of governments..."

ii) Explain the reasons for which the alleged situation is serious, urgent, and requires precautionary measures to prevent irreparable harm in terms of Article 25 of the Rules of Procedure:

The announcement of criminal charges against me, causing a violation of my freedom of expression, appears imminent, given the Attorney General's report and the two Federal Police reports,

Such a charge would violate Article 25 of the IAC's Rules and procedures.

As such, I am requesting IAC bring a precautionary measure" to the Brazilian government to prevent this.

"In accordance with Articles 106 of the Charter of the Organization of American States," Article 25 says, "the Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures."

The evidence shows that the likely prosecution of me concerns a “serious and urgent situations presenting a risk of irreparable harm” to me.

This situation has already “been brought to the attention of the pertinent authorities” — after all they are the ones seeking my criminal prosecution.

I am giving you my consent to pursue a precautionary measure.

iii) Indicate if complaints were filed or if precautionary measures were requested before the state or local authorities, as well as the response obtained. If nothing was presented, explain why:

They have not filed criminal charges yet. They appear to be on the verge of doing so.

iv) Explain what type of measures the State would be required to adopt to protect rights. In case that there already is some means of protection, explain in detail what they consist of and why they are not considered adequate or effective in addressing the situation of risk:

The Brazilian Congress needs to investigate abuses of power by the Supreme Court and Attorney General of the Union against journalists including me.

v) If the situation is related to the application of the death penalty, inform of the status of the internal process and, if applicable, if there is a date scheduled for execution:

N/A

vi) If you consider the situation is related to a disappearance, indicate when you last had news about the proposed beneficiary(ies):

N/A

vii) If the situation is related to a possible deportation or extradition, indicate if there is a scheduled date. Likewise, clarify if an appeal was filed against the decision in question and the current status of the administrative and/or judicial proceedings:

N/A

SECTION III: RELEVANT DOCUMENTS

Attach the documentation you consider pertinent to substantiate the request for precautionary measures.

- The sending of documents can be useful to evaluate the situation of risk. If deemed appropriate, you can attach files such as images, videos, audios, photographs or screenshots of threatening messages, judicial and/or administrative decisions related to the situation of risk, medical certifications for health-related issues, complaints or requests for protection filed before authorities, among others.
- It is not necessary that the documents be certified or legally authenticated.
- Do not send original documents.
- The documents should be in the official language of the State, so long as it is an official language of the OAS (Spanish, English, Portuguese, or French). If this is not possible, the reasons should be explained (see question 1 of Section III, OAS Member State regarding which the request for precautionary measures is presented).

AGU Relatório Sobre Michael Shellenberger	INQ 4874 - Noticia de fato.pdf	214 Kb
Statement of Facts by Michael Shellenberger about Brazilian government persecution	We Exposed Censorship By Brazil's Supreme Court, And Now President Lula Is Persecuting Me.pdf	521 Kb

Brazilian Judge Pushes Conspiracy Theory	Brazilian Judge Pushes Nationalist Conspiracy Theory To Weaponize Federal Police Against Defenders Of Free Speech.pdf	917 Kb
Policia Federal Inquiry	Inq-4957-10-PET3622070587239678129.pdf	1784 Kb
Policia Federal Inq.	Inq-4957-11-DOCCOMPROB3232837514548813355.pdf	6064 Kb

SIGNATURE : michaelshellenberger@gmail.com

DATE : 25/04/2024 01:59 PM