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RIGHTS  
WATCH

# RAINFOREST MAFIAS

How Violence and Impunity Fuel Deforestation in Brazil's Amazon



## **Rainforest Mafias:**

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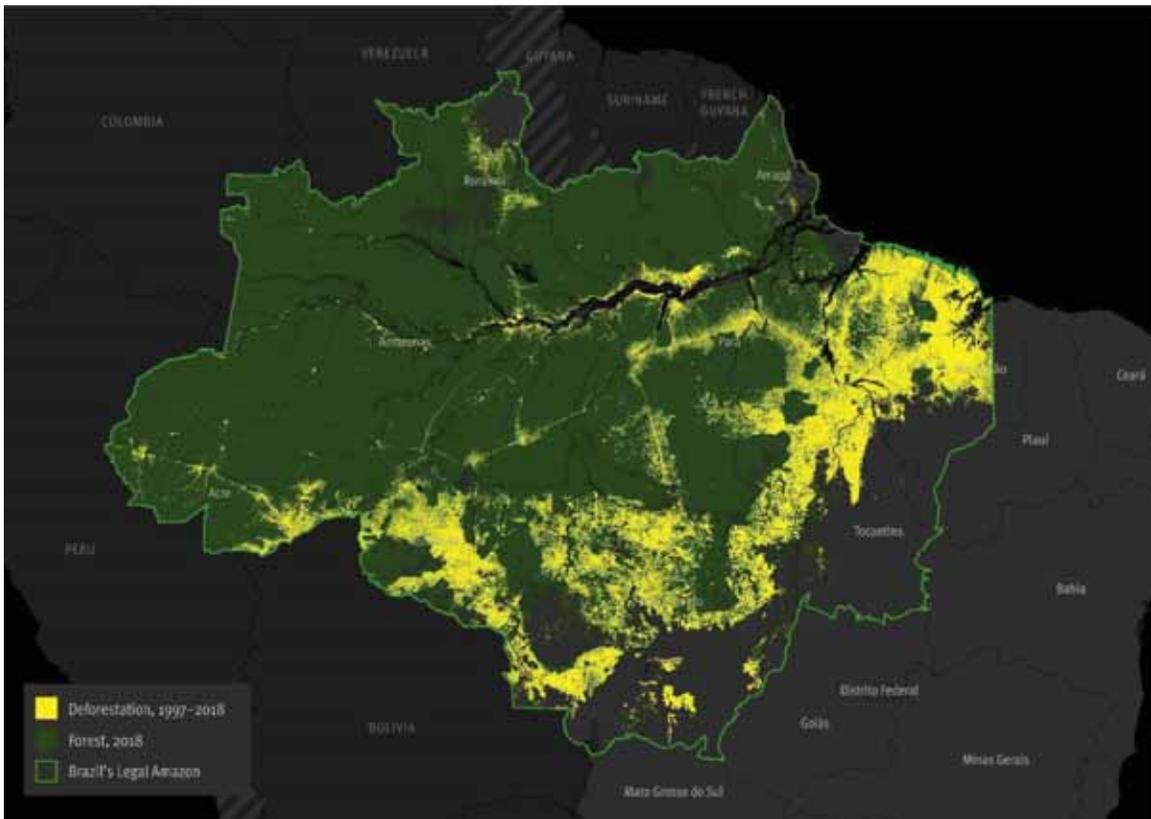


# Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon

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# Map



## Summary

Every day, people in Brazil put themselves at risk to defend the Amazon rainforest from illegal logging. They are public officials who work for the country's environmental agencies and police officers who fight environmental crime; they are small farmers who dare to tell authorities the names of those sending in chainsaws and wood-hauling trucks; they are Indigenous people who patrol their territories on foot, in boats, and on motorcycles, armed with bows and arrows and GPS, to protect the forests that they depend on to sustain their families and preserve their way of life.

The defenders take this risk with little expectation that the state will protect them as they confront loggers who brazenly violate Brazil's environmental laws — and who threaten, attack, and even kill those who stand in their way.

Illegal deforestation in the Brazilian Amazon is driven largely by criminal networks that have the logistical capacity to coordinate large-scale extraction, processing, and sale of timber, while deploying armed men to protect their interests. Some environmental enforcement officials call these groups “*ipê mafias*,” referring to the ipê tree whose wood is among the most valuable and sought-after by loggers. Yet these loggers' quarry includes many other tree species — and their ultimate goal is often to clear the forest entirely to make room for cattle or crops.

The stakes of the showdown between the forest defenders and these criminal networks extend far beyond the Amazon, and even the borders of Brazil. As the world's largest tropical rainforest, the Amazon plays a vital role in mitigating climate change by absorbing and storing carbon dioxide. When cut or burned down, the forest not only ceases to fulfill this function, but also releases back into the atmosphere the carbon dioxide it had previously stored. Sixty percent of the Amazon is located within Brazil, and deforestation accounts for nearly half of the country's greenhouse gas emissions, according to government data.

For more than a decade, preserving the Amazon rainforest has been a central component of Brazil's commitment to take measures to curb global warming. Under the 2015 Paris

Agreement on Climate Change, it committed to eliminating all illegal deforestation — which accounts for 90 percent of all deforestation — in the Amazon by 2030.

A 2019 report of the Special Rapporteur on human rights and the environment states that the right to a safe, clean, healthy and sustainable environment includes a safe climate, and that “failure to fulfill international climate change commitments is a prima facie violation of the States’ obligations to protect the human rights of its citizens.”

For Brazil to meet its Paris Agreement commitment it will need to rein in the criminal groups that are driving much of the deforestation. And that, in turn, will require protecting the people who are struggling to defend the forest from their onslaught.

During his first year in office, President Jair Bolsonaro has shown little interest in doing either. On the contrary, he has scaled back enforcement of environmental laws, weakened federal environmental agencies, and harshly criticized organizations and individuals working to preserve the rainforest. His words and actions have effectively given a green light to the criminal networks involved in illegal logging, according to environmental officials and local residents. By doing so, he is putting both the Amazon and the people who live there at greater risk — and he is undercutting Brazil’s ability to fulfill its commitment to reduce its greenhouse gas emissions and help mitigate global warming.

## **Violence Linked to Illegal Deforestation**

The problem of violence by loggers in the Amazon did not begin with Bolsonaro. Human Rights Watch conducted more than 60 interviews with federal and state officials involved in environmental or criminal law enforcement in the Amazon region, as well as another 60 with members of Indigenous communities and other local residents, and found a broad consensus that this violence has been a widespread problem in the region for years.

More than 300 people have been killed during the last decade in the context of conflicts over the use of land and resources in the Amazon — many of them by people involved in illegal logging — according to the Pastoral Land Commission, a non-profit organization affiliated with the Catholic Church that keeps a detailed registry of cases based on information gathered largely by its lawyers, who monitor cases of rural violence throughout the country. There are no comparable statistics compiled by government agencies, and

federal prosecutors cite the commission's numbers as evidence of the scope of the violence by loggers.

This report documents 28 such killings, most of them since 2015 — plus four attempted killings and more than 40 cases of death threats — in which Human Rights Watch obtained credible evidence that the perpetrators were engaged in illegal deforestation and the victims were targeted because they stood in the way of their criminal enterprise. Some of these victims were environmental enforcement officials. Most were members of Indigenous communities or other forest residents who denounced illegal logging to authorities or sought in other ways to contribute to Brazil's efforts to enforce its environmental laws. Examples documented in this report include the following:

- Environmental defender Dilma Ferreira Silva and five other individuals were killed in Pará state in 2019 under orders — according to police — of a landowner involved in illegal logging who feared Silva and the others would report his criminal activities.
- A resident of the Terra Nossa settlement in Pará state was killed and another disappeared after they announced plans to report illegal logging to authorities in that settlement in 2018. The brother of one of the victims, who was investigating the crime, was also killed, as was the leader of a small farmers' trade union after he too announced plans to report the illegal logging. Residents of the settlement told Human Rights Watch that all four men were killed by members of an armed militia working for a criminal network of local landowners involved in illegal logging. An internal report by inspectors from INCRA, the federal land reform agency, found that the landowners were indeed responsible for illegal deforestation in the area, as well as illegal mining and the occupation of federal lands.
- Naraymi Suruí, a leader of the Suruí Paiter Indigenous people, was attacked by gunmen two weeks after confronting illegal loggers inside the Sete de Setembro Indigenous Territory in Rondônia state in 2017. Two people whom he recognized as loggers fired gunshots five times at him and his wife, Elizângela Dell-Armelina Suruí, without striking either.

- State police sergeant João Luiz de Maria Pereira was killed by a suspected logger while participating in an anti-logging operation in the Jamanxim National Forest in Pará state in 2016.
- Environmental defender Raimundo Santos was killed in 2015 after reporting illegal logging in the Gurupi Biological Reserve in Maranhão state. A landowner allegedly involved in illegal logging confessed to police that he had hired a retired police officer who, in turn, hired two active officers, to murder Santos.
- Eusebio Ka'apor — a leader of the Ka'apor people involved in organizing forest patrols to prevent loggers from entering Alto Turiaçu Indigenous Territory in Maranhão state — was shot in the back and killed by two attackers on a motorcycle in 2015. Shortly after his death, six of the seven members of the Ka'apor Governing Council, which coordinates the patrols, received death threats from loggers.
- Osvalinda Marcelino Alves Pereira and her husband, Daniel Alves Pereira, both small-scale farmers, have suffered repeated death threats for nearly a decade since they began reporting illegal logging by a criminal network near their home in Pará state. In 2018, they found two simulated graves dug in their yard, with wooden crosses affixed on top.

While most of the cases documented by Human Rights Watch occurred in the states of Pará or Maranhão during the past five years, the report also includes examples from previous years and from other states that support the claim by federal and state law enforcement officials that violence by loggers is a widespread and longstanding problem in the Brazilian Amazon.

## Failure to Investigate and Prosecute

Perpetrators of violence in the Brazilian Amazon are rarely brought to justice. Of the more than 300 killings that the Pastoral Land Commission has registered since 2009, only 14 ultimately went to trial. Of the 28 killings documented in this report, only two did. And of the more than 40 cases of attacks or threats, none went to trial — and criminal charges have, to date, been filed in only one case.

This lack of accountability is largely due to the failure by police to conduct proper investigations into the crimes, according to federal and state prosecutors, and environmental officials. Local police, who themselves acknowledge shortcomings in the

investigations, told Human Rights Watch that the lack of effective investigations is due largely to the fact that the crimes tend to occur in remote communities or places that are far from the nearest police station.

To assess the dynamics of impunity described by officials, Human Rights Watch examined how the police responded to killings in one region of Maranhão state — encompassing four Indigenous territories — where Indigenous peoples who have taken a stand against illegal logging report being victims of violent reprisals by loggers. There have been 16 killings reported in this region since 2015, including at least eight which local Indigenous leaders believe were reprisals by loggers. None have been successfully brought to trial.

Human Rights Watch interviewed police officers involved in the investigations of six of the 16 killings and identified serious flaws in their handling of the cases: in at least two, police investigators did not visit the crime scene and in five, there was no autopsy. A local police chief claimed that the remote locations of the crimes contributed to these failures. Yet Human Rights Watch found that in at least four of the six cases, the deaths occurred in urban centers with local police stations, not remote locations.

Federal police and prosecutors told Human Rights Watch that such omissions were commonplace in the investigations of killings by loggers conducted by state police, who have jurisdiction over ordinary cases of homicide.

Undoubtedly, there are cases of violence by loggers in which the remoteness of the crime scene could complicate efforts to conduct prompt investigations. But it need not make it impossible. Indeed, Human Rights Watch documented 19 killings and three attempted killings in remote locations in the Amazon in which police did conduct investigations that led to criminal charges being filed. The different police response, however, may be explained by the fact that 17 of these killings attracted national media attention.

Investigations of death threats by loggers fare no better. Officials and victims told Human Rights Watch of cases in which police in both Maranhão and Pará states refused to even register complaints of threats.

By failing to investigate the death threats, authorities are abdicating their duty to try to prevent violence by the criminal groups involved in illegal deforestation, and increasing

the likelihood that the threats will be carried out. In at least 19 of the 28 killings documented in this report, the attacks were preceded by threats against the victims or their communities. If authorities had conducted thorough investigations of these prior acts of intimidation, they might have averted the killings. Examples documented in this report include the following:

- Gilson Temponi, president of a farmers' association in Placas, Pará state, reported illegal logging and death threats from loggers to state and federal prosecutors in 2018. In December of that year, two men knocked on his door and shot him to death.
- Armed men threatened and attacked small farmers at Taquaruçu do Norte, in Mato Grosso state, for more than a decade to try to expel them from their land so that loggers could exploit timber in the area. In 2007, they killed 3 farmers and tortured at least 10 others, the Pastoral Land Commission reported. Residents also reported to the police attacks and threats in 2010, 2012, and 2014, but investigations never progressed, a Mato Grosso public defender told Human Rights Watch. In April 2017, armed men killed nine residents of Taquaruçu do Norte in what came to be known as the “Colniza massacre.”

## **Inadequate Protections for Forest Defenders**

Since 2004, Brazil has had a program to protect defenders of human rights, including environmental defenders, which, in theory, should be able to provide protection to forest defenders who receive death threats. More than 400 people are currently enrolled in the program countrywide, most of them defenders of Indigenous rights, rights to land, or the environment.

The program aims to provide an array of protection measures to those enrolled, such as visits from program staff to defenders, maintaining phone contact, giving visibility to their work, and mobilizing other institutions to provide protection. Its mandate also includes developing “institutional strategies” to address the root causes of risk or vulnerability for those under protection.

However, government officials and forest defenders interviewed by Human Rights Watch unanimously agreed that in practice the program provides little meaningful protection. Generally, it involves nothing more than occasional phone check-ins.

In Pará, the state with the highest reported number of killings in conflicts over land and resources, prosecutors sued the state and federal governments in 2015 after finding that the federal program to protect human rights defenders was “completely ineffective.” In April 2019, a judge agreed with the prosecutors, ordering state and federal officials to provide more robust protection to five forest defenders threatened by loggers.

## The Human Cost of Inadequate Environmental Enforcement

In 2016, Brazil signed the Paris Agreement on Climate Change and committed to eliminating illegal deforestation by 2030 in the Amazon. Between 2004 and 2012, the country had reduced overall deforestation in the Amazon by more than 80 percent, from almost 28,000 square kilometers of forest destroyed per year to less than 4,600. But deforestation began to climb in 2012, and by 2018 it had reached 7,500 square kilometers. That total is expected to be significantly larger in 2019.

Brazil’s success in curbing deforestation prior to 2012 was in part a result of the use of near real-time satellite imagery to locate and shut down illegal logging sites. It was also due to the creation of protected areas — conservation reserves and Indigenous territories — encompassing hundreds of thousands of square kilometers throughout the Amazon region, where special legal restrictions on land-use protect the forest.

But several developments combined to reverse this progress. Among them, loggers turned increasingly to techniques for removing trees that make it more difficult for satellite surveillance to detect the scope of the damage that is underway. At the same time, the country’s federal environmental enforcement agencies suffered budget and personnel cuts that have reduced the number of field inspectors available to conduct deforestation-monitoring operations.

Indigenous communities and other local residents have long played an important role in Brazil’s efforts to curb deforestation by alerting authorities to illegal logging activities that might otherwise go undetected. Several studies based on satellite data show that

deforestation is much lower in land securely held by Indigenous peoples than in other comparable areas of the Brazilian Amazon, indicating that Indigenous territories are particularly effective as barriers against illegal logging. This contribution has become all the more vital in recent years given the diminished ability of Brazil's environmental agencies to deploy inspectors to monitor what is happening on the ground.

In Maranhão state, for example, as the capacity of federal government agencies to enforce environmental laws has diminished, members of four Indigenous communities – whose territories include some of the state's last patches of pristine forest – have organized as “forest guardians.” The “guardians” patrol their territories and report the illegal logging they encounter to authorities. The patrols have been instrumental in bringing about enforcement operations on some occasions. Yet they have also resulted in community members being threatened, attacked, and according to community leaders, killed by loggers.

The experience of these four communities illustrates the dynamic at play wherever forest defenders are confronting illegal loggers in the Brazilian Amazon today. The scaling back of the enforcement capacity of the country's environmental agencies generates greater pressure on Indigenous peoples to take a more active role in defending their forests – and, in so doing, put themselves at risk of reprisals by loggers.

At the same time, the failure to investigate these reprisals allows the violence and intimidation by loggers to continue unchecked, fueling a climate of fear that reduces the likelihood that more people, both Indigenous people and local residents, will take that risk – thereby depriving Brazil's environmental agencies of local support that is vital for their efforts to fight illegal deforestation.

## **President Bolsonaro's Anti-Environmental Policies**

To end illegal deforestation and meet its commitments under the Paris agreement to reduce greenhouse gas emissions, Brazil needs a government that is committed to upholding the rule of law in the Amazon. That means taking a clear stand to protect the country's forest defenders – including both environmental enforcement officials and members of Indigenous and other local communities – as they seek to contain the criminal networks that engage in illegal logging.

Instead, Brazil has a leader who seems determined to do precisely the opposite. President Jair Bolsonaro appointed a foreign minister who opposes international efforts to address climate change — claiming they are “a globalist tactic to instill fear and obtain power” — and an environment minister who dismisses global warming as an issue of “secondary” importance. Both ministers have eliminated the climate change units within their respective ministries, while the environment minister has also cut the budget for the implementation of the Climate Change National Policy by 95 percent.

The Bolsonaro administration has moved aggressively to curtail the country’s capacity to enforce its environmental laws. It slashed the discretionary budget of the Ministry of the Environment by 23 percent — eliminating funds that were destined for enforcement efforts and for fighting fires in the Amazon. And on a single day in February, it fired 21 of IBAMA’s 27 regional directors responsible for approving anti-logging operations. As of August, nearly all of these senior enforcement positions remained unfilled.

The administration then enacted policies that effectively sabotage the work of the enforcement agents who remain. One is dismantling the department that coordinated major anti-deforestation operations involving various federal agencies and the armed forces. Another is a requirement — verbally communicated to agents but not written — that agents leave intact the vehicles and equipment they find at remote illegal logging sites, rather than destroying them as they are authorized to do by Brazilian law. Agents now have to remove that equipment through the rainforest, making them vulnerable to ambushes by loggers trying to retrieve it.

The administration has also moved to minimize the consequences faced by those caught engaging in illegal logging. During Bolsonaro’s first eight months in office, the number of fines for infractions related to deforestation issued by IBAMA fell by 38 percent compared to the same period the year before, reaching the lowest number of fines in at least two decades. In April, the government established that all environmental fines must be reviewed at a “conciliation” hearing by a panel presided over by someone who is not affiliated with the country’s environmental agencies. The panel can offer discounts or eliminate the fine altogether. And while the hearings are pending, the deadlines for payment are suspended. According to Suely Araújo, who was president of IBAMA until December 2018, the requirement of a conciliation hearing will cripple IBAMA’s ability to

sanction environmental violations by delaying proceedings that already take years to complete.

The administration has also moved to limit the ability of Brazilian NGOs to promote enforcement efforts. In April, President Bolsonaro issued a decree abolishing committees made up of officials and members of NGOs, which played an important role in the formulation and implementation of environmental policies. Among those affected was the steering committee of the Amazon Fund, a fund run by Brazil that has received 3.4 billion reais (more than US\$820 million) in donations to preserve the Amazon rainforest. Ninety-three percent of the money has come from Norway and the rest from Germany. Both countries warned the Bolsonaro administration that they opposed changes to the representation of NGOs in the Fund's steering committee, which approves the conservation projects. But in June, the government dissolved the committee. In response, Norway suspended its contributions to the Fund, the future of which is now uncertain.

These policy moves have been accompanied by expressions of open hostility by the president and his ministers toward those who seek to defend the country's forests. As a presidential candidate, Bolsonaro attacked IBAMA and ICMBio, calling them "industries of fines" and vowing to put an end to their "festival" of sanctions for environmental crimes. In May, he told journalists that he was "removing obstacles" to economic opportunity imposed by the "Shia environmental policies" of previous administrations, using the word for one of the two branches of Islam as a synonym for radicalism.

Bolsonaro has been especially hostile toward the nongovernmental organizations (NGOs) that defend the environment and the rights of Indigenous peoples, claiming they "exploit and manipulate" Indigenous people and promising to fight their "Shia environmental activism." Similarly, Bolsonaro's vice president has said that Brazil's economic potential is tied down by the "Shia environmentalism" of NGOs. And his environment minister has complained about the existence of "an industry of eco-Shia NGOs."

This hostility has also extended toward European governments that have supported conservation efforts in the Amazon. While alleging that this support is motivated by a desire to exploit the forest's riches for themselves, President Bolsonaro said in July 2019: "Brazil is like a virgin that every pervert from the outside lusts for."

At the same time, the administration has signaled support for those responsible for the deforestation of the Amazon. After the mass firing of senior officials at IBAMA, Bolsonaro boasted to a gathering for landowners that he had personally ordered his environment minister to “clean out” the country’s environmental agencies. In July, shortly after assailants torched a fuel truck delivering gas for IBAMA helicopters conducting anti-logging operations Rondônia state, the environment minister met with loggers in the town where the assault had taken place and told them that the logging industry “needs to be respected.”

The anti-environmental policies and rhetoric of Bolsonaro and his ministers have put enforcement agents and local forest defenders at greater personal risk, according to senior federal prosecutors in the Attorney General’s Office, who say that reports of threats by criminal groups involved in illegal logging have increased since Bolsonaro took office. “It’s disturbing to see the state inciting threats against the state itself,” the head prosecutor in the environmental unit told Human Rights Watch. “Bashing government agencies is like music for illegal economic actors,” the head of the Indigenous rights unit said. “Loggers understand Bolsonaro’s statements as authorization to act.”

Since Bolsonaro’s election, the illegal logging by criminal networks in the Amazon has become more brazen, according to enforcement officials and residents. “They believe that they will be able to do whatever they want, and we won’t be able to impose fines on them or destroy their equipment,” one senior IBAMA official explained. Community leaders in two regions of Pará state told Human Rights Watch that they used to see trucks removing illegally-harvested timber from the forest only at night, but since Bolsonaro’s election, the trucks also pass in unprecedentedly large numbers and in broad daylight. Just in January, loggers invaded at least four Indigenous territories.

The impact on the rainforest has been dramatic. During Bolsonaro’s first eight months in office, deforestation almost doubled compared to the same period in 2018, according to preliminary official data. By August 2019, forest fires linked to deforestation were raging throughout the Amazon on a scale that had not been seen since 2010.

Such fires do not occur naturally in the wet ecosystem of the Amazon basin. Rather, they are started by people completing the process of deforestation where the trees of value have already been removed, and they spread through the small clearings and discrete

roads that have been carved by loggers, leaving veins of dryer, flammable vegetation that serve as kindling to ignite the rainforest.

According to federal and local law enforcement, the fires in 2019 were the result of an “orchestrated action” prepared in advance by the criminal organizations involved in illegal deforestation.

But rather than confront these criminal networks, the Bolsonaro administration responded to the fires with the same formula it has used to advance its anti-environmental agenda throughout the year. It sought to downplay the problem, claiming initially that dry weather was responsible for the fires. It then attacked the country’s environmental NGOs, with the president going so far as to accuse them, without evidence, of starting the fires in an effort to embarrass the government. And it lashed out at foreign leaders, dismissing international concerns about the damage being wrought to the world’s largest rainforest and one of its most important carbon sinks.

Only after a growing number of Brazilian business leaders raised concerns that the government’s response to the fires was damaging the country’s international image did Bolsonaro announce the deployment of the armed forces to put them down.

What the Bolsonaro administration has not done is announce any plan to address the underlying problem that drives the deforestation: the ability of criminal networks to operate with near total impunity in the Amazon, threatening and attacking the forest defenders who attempt to stop them. As long as this violence continues unchecked, so too will the destruction of the rainforest, the preservation of which is crucial to Brazil’s efforts to reduce greenhouse gas emissions and to the world’s effort to mitigate climate change.

## Key Recommendations

**Brazil should take urgent steps to end impunity for acts of violence related to illegal deforestation in the Amazon.**

- The Minister of Justice should convene federal and state law enforcement authorities including prosecutors, police, and environmental agents, to draft and implement a plan of action – with meaningful input from civil society representatives – to address the acts of violence and intimidation against forest defenders and dismantle the criminal networks involved in illegal deforestation in the Amazon region.
- The Federal Attorney General should make the issue of violence in the Amazon a top priority, including by conducting extensive reviews of documented cases of violence and threats to identify patterns and perpetrators, seeking federalization of cases of serious human rights violations that are not properly investigated by state authorities, and ensuring that its Amazon working group has sufficient resources and personnel to investigate and prosecute those responsible for illegal deforestation and violence.
- Congress should establish a Congressional Investigative Commission (CPI in Portuguese) and conduct public hearings to examine the criminal networks responsible for illegal deforestation and acts of violence and intimidation against forest defenders in the Amazon.

**Brazil should support and protect its forest defenders.**

- The Bolsonaro administration should express clear public support for all the forest defenders who seek to uphold the law in the Amazon region and commit itself to dismantling the criminal networks involved in illegal logging and to holding their members accountable for their crimes.
- Federal and state authorities should establish mechanisms whereby police, prosecutors, and environmental agencies meet regularly and maintain direct channels of communication with communities and individual forest defenders so that they can report illegal deforestation and acts of violence or intimidation.

- The Ministry of Human Rights should improve the federal program to protect human rights defenders, including forest defenders, by:
  - Tailoring protection plans in consultation with forest defenders at risk to address their specific circumstances, through such measures as providing internet connections, installing security cameras, and covering the cost of deploying law enforcement agents to accompany them or monitor their situation.
  - Coordinating with local NGOs and pressing state and federal authorities to address reports of illegal deforestation and violence filed by forest defenders.
- Congress should ratify the Escazú Agreement, which requires states to guarantee a safe and enabling environment for those who defend the forest by protecting them and investigating crimes committed against them.

### **Brazil should strengthen environmental protection in the Amazon rainforest as part of its human rights obligations.**

- The Bolsonaro administration should repair the damage done to the state agencies responsible for environmental protection and ensure that their enforcement agents have the autonomy, tools, and resources needed to safely and effectively carry out their mission.
- The Bolsonaro administration should end its verbal attacks on – and unsubstantiated allegations against – environmental and other nongovernmental organizations and re-establish collaboration between federal agencies and civil society groups working to protect forest defenders, Indigenous rights, and the environment.
- The federal government should take adequate measures to meet Brazil’s commitments to mitigate climate change, in particular its pledged reductions in deforestation and greenhouse gas (GHG) emissions, by both protecting forest defenders and strengthening environmental protection, as laid out in the recommendations above.

## Methodology

In researching this report, Human Rights Watch interviewed more than 170 people, including more than 60 members of Indigenous and non-Indigenous communities who have suffered violence or threats from people involved with illegal logging; as well as civil and federal police officers; state and federal prosecutors; public defenders; representatives of the federal agencies IBAMA, ICMBio, and FUNAI; other state officials; representatives of civil society organizations; and academics.

We conducted most interviews in person in Maranhão October 24–November 4, 2017 and June 3–12, 2018; in Brasília, April 3–4, 2018, October 15–16, 2018, January 14–15, 2019, April 24–27, 2019, July 2–5, 2019, and August 15–17, 2019; in Pará, April 27–May 4, 2019; and in Amazonas, on June 27, 2019. We also conducted interviews by telephone and messaging services between November 2017 and July 2019.

For data on killings in conflicts over land and resources we relied on the work of the Pastoral Land Commission, a Catholic Church affiliated non-profit organization founded more than 40 years ago with attorneys around the country who track and collect information on those cases and provide legal and other assistance to victims and their families. State and federal authorities do not gather data about cases involving conflicts over land and resources. The federal Attorney General's Office itself uses the Pastoral Land Commission's data.

Human Rights Watch selected Maranhão, Pará, and Amazonas states to conduct on-the-ground research in consultation with local organizations working on rural violence and Indigenous rights. In Maranhão, Human Rights Watch staff traveled to the Indigenous territories of Alto Turiaçu, Araribóia, Caru, and Governador because the Ka'apor, Tenetehara (also known as *Guajajara*) and Pyhcop Catiji (also known as *Gavião*) people living there have established forest patrols to defend their land. That environmental defense work has made them vulnerable to threats and attacks from loggers. Pará is the state with the highest number of killings due to conflicts over land and resources. Amazonas is the state with the largest section of the Amazon rainforest. We also conducted phone interviews about cases in Mato Grosso and Rondônia states.

In Brasília we interviewed authorities and activists during several visits. We also interviewed Indigenous people participating in an annual gathering known as “Free Land Camp” in April 2019.

Human Rights Watch staff conducted most interviews in Portuguese. We conducted two interviews in Indigenous languages, translated into Portuguese by Indigenous people, and a few interviews in English with English-speaking activists. Interviews were one-on-one and, in a few instances, in groups, depending on the preferences and customs of the interviewees.

Human Rights Watch identified interviewees through NGOs, officials, news media, and witnesses, who referred us to other people with whom we could speak.

Human Rights Watch has withheld publication of the identities of four witnesses for security reasons, and of seven public officials who requested that their names be kept confidential because their superiors had not authorized them to speak publicly or because they feared reprisals if they spoke openly about the failings of state institutions.

Human Rights Watch informed all participants of the purpose of the interview and that the interviews might be used publicly. They consented orally. No interviewee received compensation for providing information. We reimbursed the cost of transportation, modest lodging, and meals to three interviewees who traveled to a central location to meet with us.

Human Rights Watch examined copies of statements witnesses made to authorities, data provided by government agencies during meetings and upon request, case files, judicial decisions, and publicly available official information. We also reviewed academic publications and reports from research centers and NGOs.

## **Glossary of Terms and Acronyms**

### **Amazon**

For the purposes of this report, Brazil's "Amazon" refers to the area known as "Legal Amazon" under Law 1,806/1953 that includes the states of Acre, Amapá, Amazonas, Mato Grosso, Pará, Rondônia, Roraima, Tocantins, and the western part of Maranhão.

### **Amazon Task Force**

A working group of federal prosecutors specialized in combatting environmental crimes in the Amazon region, established by the attorney general in 2018. The group has a federal prosecutor working exclusively for the task force, while others combine it with their regular duties. Because of the limited resources, the Task Force currently focuses mostly on fighting deforestation in the southern part of Amazonas state.

### **Conservation Reserves**

Nature areas with special restrictions on the use of land and waters. Federal conservation reserves are managed by ICMBio, while those created by states and municipalities are managed by local government entities. Law 9985 of July 18, 2000, which regulates conservation reserves, divides conservation reserves into two types: (1) Integral Protection Conservation Reserves, which bar human settlement inside the reserve but allow for research and, in some cases, visiting; and (2) Sustainable Use Conservation Reserves, which allow people to live inside the reserve as long as they use resources in a sustainable manner.

### **Demarcation of Indigenous Territory**

The process whereby the federal government recognizes a claim by Indigenous peoples to a certain geographic area and establishes exclusive use of the territory for those peoples. Brazil's Constitution entrusts the federal government with the obligation to demarcate Indigenous territories. The process includes conducting anthropological and other studies to assess the claim to the territory and define the territory's limits, and an administrative approval process that ends with a decree by the president and the registration of the Indigenous territory in Brazil's land registry.

## **DETER**

Real-Time Deforestation Detection System (DETER), a system created by Brazil's National Space Research Agency (INPE) to provide near real-time alerts of deforestation for enforcement purposes based on satellite imagery. The alerts are an indication of deforestation but, because of cloud cover and other factors, they are not as accurate to estimate total deforestation as the data produced by the Deforestation of the Legal Amazon Satellite Monitoring Project (PRODES), also created and run by INPE.

## **Environmental crime**

For the purposes of this report, we consider environmental crimes those crimes related to the damage or destruction of the environment by individuals or companies, as established by Brazilian law. Under Brazil's 1998 Environmental Crime Law, those crimes include harvesting timber in government-owned forests and transporting, buying, or selling illegally-harvested timber, among others. Federal and state police enforce environmental criminal law.

## **Environmental defender**

For the purposes of this report, we consider environmental defenders those people who fall under the definition of "environmental human rights defenders" laid out by the UN special rapporteur on human rights defenders in 2016: "Individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna."

## **Environmental infraction**

For the purposes of this report, we consider environmental infractions those established by Brazilian law. The 1998 Environmental Crime Law establishes criminal and administrative punishment for individuals and companies for harming the environment. Decree 6514 details what constitutes administrative environmental infractions, such as deforesting inside conservation reserves or transporting and buying or selling illegally-obtained timber, and the corresponding fine. Those provisions are enforced by IBAMA and ICMBio at the federal level, and by states and municipal environmental agencies at the local level.

### ***Fazendeiro***

Rancher or large farmer in Portuguese.

### **Forest defender**

For the purposes of this report, we consider forest defenders anyone who takes steps to protect the forest from illegal deforestation, such as local residents who seek to provide information about environmental crimes to police and prosecutors, Indigenous people who patrol the forest, Indigenous leaders who set up and support those patrols, and public officials who plan or conduct environmental law enforcement operations and activities.

### **FUNAI**

The National Indian Foundation (FUNAI), the federal agency that protects and promotes Indigenous rights.

### **IBAMA**

The Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), the country's main federal environmental protection agency. It is tasked with civil enforcement of federal environmental law throughout Brazil. It can fine those who violate these laws.

### **ICMBio**

The Chico Mendes Institute for the Conservation of Biodiversity (ICMBio), the federal agency that manages and protects federal conservation reserves. ICMBio agents have authority to conduct civil enforcement of environmental law within federal conservation reserves and the surrounding "buffer zone."

### **INCRA**

The Colonization and Land Reform National Institute (INCRA), the federal government agency that carries out land reform by creating rural settlements for poor farmers and establishing land titling and property rights in public lands.

### **INPE**

Brazil's National Space Research Agency (INPE), a research agency of the Ministry of Science, Technology and Innovation that provides annual official estimates of deforestation in the Amazon, near real-time deforestation alerts for enforcement purposes, and near real-time forest fire information, among other activities.

### **Indigenous Territory**

For the purpose of this report, we consider Indigenous territories those defined by Brazil's law. Brazil's Constitution defines the territories as those on which Indigenous people "live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions." The Constitution grants the federal government ownership of Indigenous territories (Article 20) and Indigenous people the exclusive use of those territories (Article 231).

### **PRODES**

The Deforestation of the Legal Amazon Satellite Monitoring Project (PRODES), a system run by the National Space Research Agency (INPE) that produces annual official estimates of clear-cut deforestation in Brazil's Amazon through analysis of satellite imagery.

### **Protected Areas**

For the purpose of this report, we consider protected areas to be conservation reserves and Indigenous territories, as defined by Brazilian law. Legal restrictions on land-use protect the environment in these areas.

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### **Note on the Use of Indigenous Names**

Some Indigenous people use their names in their Indigenous language, which are different from their legal names in Portuguese. When interviewees provided their Indigenous names, the report uses those names and provides their Portuguese names in footnotes. Some Indigenous persons have as their last name in Portuguese the name of their people, and others use it by choice as an affirmation of their identity. A 2012 joint resolution by the National Council of Justice and the National Council of Federal Prosecutors grants Indigenous people the legal right to use the name of their ethnic group as their last name. Because of that, many of the Indigenous people interviewed in this report have as their last name the Portuguese name of their ethnic group, such as Gavião, Guajajara, and Ka'apor.

# I. The Fight against Illegal Deforestation

## Climate Change and the Amazon

For more than a decade, Brazil has identified the fight against illegal deforestation of the Amazon rainforest as a central component of its contribution to global efforts to mitigate climate change.

In 2016, following the adoption of the Paris Agreement on Climate Change, Brazil committed to reduce its greenhouse gas (GHG) emissions by 2025 to 37 percent of its 2005 levels, and 43 percent by 2030.<sup>1</sup> Deforestation is a primary source of the country's GHG emissions, accounting for 46 percent in 2017, according to government data compiled by the Climate Observatory, an NGO.<sup>2</sup> Moreover, more than 90 percent of the deforestation in 2017 and 2018 was illegal, according to the government.<sup>3</sup> Brazil pledged in 2009 to reduce deforestation in the Amazon to below 3,925 square kilometers per year by 2020; in 2016,

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<sup>1</sup> Federative Republic of Brazil, "Intended Nationally Determined Contribution Towards Achieving the Objective of the United Nations Framework Convention on Climate Change", NDC Registry, September 21, 2016, p. 1, <https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Brazil/1/BRAZIL%20iNDC%20english%20FINAL.pdf> (accessed July 9, 2018).

<sup>2</sup> The Greenhouse Gases Estimate System, established by the Climate Observatory, an umbrella organization of environmental NGOs, compiles emission data from various government sources. It identifies deforestation as "changes in land use". "Emissões totais," SEEG, n.d., [http://plataforma.seeg.eco.br/total\\_emission](http://plataforma.seeg.eco.br/total_emission) (accessed June 19, 2019); Phillippe Watanabe, "Emissões de gases do efeito estufa no Brasil caem em 2017," Folha de São Paulo, November 21, 2018, <https://www1.folha.uol.com.br/ambiente/2018/11/emissoes-de-gases-do-efeito-estufa-no-brasil-caem-em-2017.shtml> (accessed June 21, 2019).

<sup>3</sup> In 2018, the federal government started calculating how much deforestation was authorized by federal, state, and municipal agencies, and how much was not. The first data published showed that environmental agencies authorized deforesting 500 square kilometers from August 2016 to July 2017—7.2 percent of the total deforestation that year—, and 615 square kilometers from August 2017 to July 2018—7.8 percent of total deforestation. "Taxa de desmatamento na Amazônia Legal," Ministry of the Environment news release, November 23, 2018, <http://www.mma.gov.br/informma/item/15259-governo-federal-divulga-taxa-de-desmatamento-na-amazonia.html> (accessed July 1, 2019). The Ministry of the Environment established the system to help it achieve its commitments under the Paris Agreement. Portaria MMA No. 373/2018, September 19, 2018.

when it signed up to implement the Paris Agreement, it committed to reducing illegal deforestation in the Amazon region to zero by 2030.<sup>4,5</sup>

Although Brazil succeeded in reducing deforestation in the Amazon by 83 percent from almost 28,000 square kilometers of forest destroyed in 2004 to less than 4,600 square kilometers in 2012, since 2012 deforestation in the Brazilian Amazon has climbed, reaching 7,500 square kilometers in 2018.<sup>6</sup> This is almost double the amount it had committed, in 2009, to reaching by 2020.<sup>7</sup> Between August 2018 to June 2019, deforestation increased by 15 percent when compared with the same period the year before, according to Brazil's National Space Research Agency, INPE.<sup>8</sup>

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4 Brazil pledged at the 2009 United Nations Climate Change Conference, known as the Copenhagen Summit, to reduce deforestation in the Amazon region by 80 percent by 2020 compared to average annual deforestation in the region between 1996 and 2005. That average was 19,625 square kilometers, which means that to achieve its pledge, Brazil would have to reduce deforestation to 3,925 square kilometers per year by 2020. Brazil established a National Policy on Climate Change by law in 2009, implemented by Decree 7,390 in 2010, which was replaced by Decree 9,578 in 2018. The decrees incorporated into domestic law the pledge that Brazil made at the Copenhagen Summit. Law 12,187, December 29, 2009, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2009/lei/l12187.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2009/lei/l12187.htm) (accessed June 30, 2019); Decree 9,578, November 22, 2018, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2015-2018/2018/Decreto/D9578.htm](http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Decreto/D9578.htm) (accessed June 30, 2019). For a discussion of Brazil's commitment see: "Para cumprir acordo internacional, Brasil precisaria reduzir desmatamento em 43%," Instituto Socioambiental, June 18, 2018, <https://www.socioambiental.org/pt-br/noticias-socioambientais/para-cumprir-acordo-internacional-brasil-precisaria-reduzir-desmatamento-em-43> (accessed June 19, 2019).

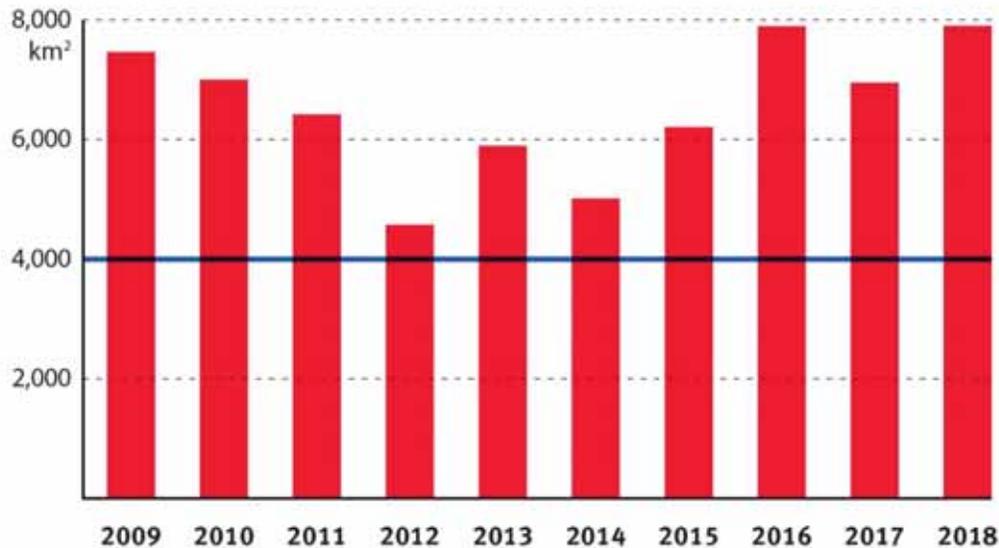
5 Federative Republic of Brazil, "Intended Nationally Determined Contribution Towards Achieving the Objective of the United Nations Framework Convention on Climate Change", NDC Registry, September 21, 2016, p. 3, <https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Brazil/1/BRAZIL%20iNDC%20english%20FINAL.pdf> (accessed July 9, 2018).

6 Official deforestation data come from Brazil's National Space Research Agency (INPE), which produces annual estimates of how many square kilometers the "Legal Amazon" area loses to clear-cut deforestation through the Program to Calculate Amazon Deforestation (PRODES). The system only counts deforested areas that are bigger than 6.25 hectares. The yearly data reported by PRODES cover the 12-month period from August 1 of the previous year through July 31. INPE - Coordenadoria Geral de Observação da Terra programa Amazonia (Projeto PRODES), "Metodologia para o Cálculo da Taxa Anual de Desmatamento na Amazônia Legal," October 30, 2013, [http://www.obt.inpe.br/prodes/metodologia\\_TaxaProdes.pdf](http://www.obt.inpe.br/prodes/metodologia_TaxaProdes.pdf) (Accessed August 22, 2019). "Legal Amazon," a legally defined area that includes all Brazilian states in the Amazon basin: Acre, Amapá, Amazonas, Mato Grosso, Pará, Rondônia, Roraima, Tocantins, and the west part of Maranhão (Law 1,806/1953). For more information about "Legal Amazon" see: "O que é a Amazônia Legal," ((o))eco, November 20, 2014, <https://www.oeco.org.br/dicionario-ambiental/28783-o-que-e-a-amazonia-legal/> (accessed October 14, 2018).

7 "Monitoramento do Desmatamento da Floresta Amazônica Brasileira por Satélite," INPE - Coordenação-Geral de Observação da Terra, n.d., <http://www.obt.inpe.br/OBT/assuntos/programas/amazonia/prodes> (accessed July 1, 2019); "Taxa de desmatamento na Amazônia Legal," Ministry of the Environment news release, November 23, 2018, <http://www.mma.gov.br/informma/item/15259-governoc-federal-divulga-taxa-de-desmatamento-na-amazonia.html> (accessed July 1, 2019); "INPE consolida 7.536 km<sup>2</sup> de desmatamento na Amazônia em 2018," INPE news release, June 25, 2019, [http://www.inpe.br/noticias/noticia.php?Cod\\_Noticia=5138](http://www.inpe.br/noticias/noticia.php?Cod_Noticia=5138) (accessed July 19, 2019).

8 Monthly data is from the Real-Time Deforestation Detection System (DETER), a satellite system used by INPE to provide near real-time information for enforcement purposes. "Alertas do DETER na Amazônia em junho somam 2.072,03 km<sup>2</sup>," INPE - Coordenação-Geral de Observação da Terra, July 10, 2019, <http://www.obt.inpe.br/OBT/noticias/alertas-do-deter-na-amazonia-em-junho-somam-2-072-03-km2> (accessed July 29, 2019).

## Deforestation in Brazil's Amazon



The blue line shows Brazil's 2009 commitment to reduce total deforestation in the Amazon to below 3,925 square kilometers per year by 2020. The yearly figures reported by INPE cover the 12-month period from August 1 of the previous year through July 31.<sup>9</sup> Source: INPE.

Success in curbing deforestation prior to 2012 resulted, in part, from the creation of protected areas – conservation reserves and Indigenous territories – encompassing hundreds of thousands of square kilometers throughout the Amazon region, where special legal restrictions on land-use protect the forest.<sup>10</sup> Brazil also stopped providing subsidized

<sup>9</sup> INPE - Coordenadoria Geral de Observação da Terra programa Amazonia (Projeto PRODES), "Metodologia para o Cálculo da Taxa Anual de Desmatamento na Amazônia Legal," October 30, 2013.

<sup>10</sup> Conservation reserves are nature areas with special restrictions on the use of land and waters for environmental protection. Under article 15 of the 1998 Environmental Crime Law, committing environmental crimes inside those areas is an aggravating factor. Indigenous territories are areas owned by the federal government inside which one or more Indigenous peoples have the exclusive use of natural resources, which they can use only in a sustainable way. Environmental Crime Law, Law 9,605, February 12, 1998, [http://www.planalto.gov.br/ccivil\\_03/leis/l9605.htm](http://www.planalto.gov.br/ccivil_03/leis/l9605.htm) (accessed August 21, 2019); Constitution of the Federative Republic of Brazil, art. 20, 230-231, [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

A 2010 study by Britaldo Soares-Filho from Minas Gerais Federal University and other authors calculated that, between 2002 and 2009, Brazil designated 709,000 square kilometers as protected areas in the Amazon region, including Indigenous territories, strictly protected conservation reserves, and sustainable use conservation reserves. The study found there was less deforestation in areas inside protected areas, compared to similar areas outside, and concluded that their creation contributed to the steep decline in deforestation during that period. Britaldo Soares-Filho et al. (2010). "Role of Brazilian Amazon protected areas in climate change mitigation," *Proceedings of the National Academy of Sciences*, 107(24), June 15, 2010, pp. 10821–10826, <https://www.pnas.org/content/107/24/10821> (accessed June 17, 2019).

loans to rural producers in the Amazon who lacked legal title to the land or did not comply with environmental regulations.<sup>11</sup> But possibly the most important factors were the use of near real-time satellite imagery to locate illegal logging sites and forceful law enforcement to shut them down.<sup>12</sup>

In recent years, this progress has been undermined by a variety of factors, including cuts to funding and personnel of the major enforcement agencies, an amnesty for illegal deforestation included in the 2012 Forestry Code, as well as by loggers adopting techniques for removing trees that are not as susceptible to detection by satellite surveillance.<sup>13</sup>

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11 In 2008, Brazil's Central Bank published Resolution 3,545 that conditioned the concession of subsidized rural credit in the Amazon upon proof of legal title to the land and compliance with environmental regulations. A 2016 study estimated that total deforestation from 2008 to 2011 was about 60 percent smaller than it would have been in the absence of the policy. Juliano Assunção et al., "The Effect of Rural Credit on Deforestation: Evidence from the Brazilian Amazon," Climate Policy Initiative, September 2016, [https://climatepolicyinitiative.org/wp-content/uploads/2013/01/CPI\\_Technical\\_Paper\\_Does\\_Credit\\_Affect\\_Deforestation\\_UPDATE\\_set2016.pdf](https://climatepolicyinitiative.org/wp-content/uploads/2013/01/CPI_Technical_Paper_Does_Credit_Affect_Deforestation_UPDATE_set2016.pdf) (accessed August 23, 2019).

12 A study by the Climate Policy Initiative, an international think tank, highlights the crucial role played by the implementation of the System for Real-time Detection of Deforestation (DETER), which provides near real-time alerts to IBAMA of deforestation sites. Juliano Assunção and Clarissa Gandour, "Combating Illegal Deforestation. Strengthening Command and Control is Fundamental," Climate Policy Initiative White Paper, February 2019, <https://climatepolicyinitiative.org/publication/combating-illegal-deforestation/> (accessed June 22, 2019).

13 The 2012 Forestry Code gave an amnesty for illegal deforestation before 2008. Experts believe the amnesty discouraged investments in recovering deforested areas. Human Rights Watch phone interview with Carlos Rittl, executive secretary of the Climate Observatory, a coalition of environmental NGOs, July 16, 2019.



A deforested area inside Governador Indigenous Territory, Maranhão state, in November 2017. Non-Indigenous people removed valuable timber and then burned the area to plant crops. Photo by César Muñoz Acebes.

## Environmental Law Enforcement and Forest Conservation

Brazil has a comprehensive legal framework for environmental protection. The 1998 Environmental Crime Law establishes criminal and administrative punishment for individuals and companies for harming the environment, such as harvesting timber in government-owned forests and transporting, buying, or selling illegally-harvested timber.<sup>14</sup> Punishment includes prison sentences for individuals and for companies, suspension of activities and a prohibition on signing contracts with the government.

Decree 6514 details what constitutes administrative environmental infractions and the corresponding fines. Under the Brazilian Forestry Code, private landowners in the Amazon

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<sup>14</sup> Environmental Crime Law, Law 9,605, February 12, 1998, [http://www.planalto.gov.br/ccivil\\_03/leis/l9605.htm](http://www.planalto.gov.br/ccivil_03/leis/l9605.htm) (accessed August 21, 2019).

region must maintain 80 percent of the forest on their property as a nature reserve.<sup>15</sup> They can only extract timber from the reserve if environmental agencies authorize a forest management plan of selective cutting of trees that will maintain biodiversity and forest cover and facilitate growth of native species.<sup>16</sup> In addition, they must maintain the forest around streams and lakes and other special geographic areas.<sup>17</sup>

Law 9985 regulates “conservation reserves,” nature areas with special restrictions on the use of land and water for environmental protection.<sup>18</sup> Committing an environmental crime in those areas is an aggravating factor. There are two types of conservation reserves: (1) Integral Protection Conservation Reserves, which bar human settlements but allow research and, in some cases, visiting; and (2) Sustainable Use Conservation Reserves, which allow people to live inside the reserve as long as they use resources in a sustainable manner. Federal, state, and municipal authorities can create conservation reserves after conducting technical studies about the area and, in most cases, public consultation.<sup>19</sup>

Indigenous territories are also protected areas, as the law prohibits non-Indigenous people from carrying out logging or any other economic activity inside them, and allows

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15 Forestry Code, Law 12,651, May 25, 2012, art. 12, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2011-2014/2012/Lei/L12651.htm](http://www.planalto.gov.br/ccivil_03/_Ato2011-2014/2012/Lei/L12651.htm) (accessed August 21, 2019). “O que é reserva legal,” ((o))eco, August 20, 2013, <https://www.oeco.org.br/dicionario-ambiental/27492-o-que-e-reserva-legal/> (accessed June 19, 2019).

16 Forestry Code, Law 12,651, May 25, 2012, arts. 17, 20-24.

17 Forestry Code, Law 12,651, May 25, 2012, art. 4. “O que é uma Área de Preservação Permanente,” ((o))eco, August 12, 2013, <https://www.oeco.org.br/dicionario-ambiental/27468-o-que-e-uma-area-de-preservacao-permanente/> (accessed June 19, 2019).

18 Law 9985, July 18, 2000, [http://www.planalto.gov.br/ccivil\\_03/leis/l9985.htm](http://www.planalto.gov.br/ccivil_03/leis/l9985.htm) (accessed September 2, 2019). For a discussion of the types of conservation reserves see: “O que são Unidades de Conservação,” ((o))eco, April 19, 2013, <https://www.oeco.org.br/dicionario-ambiental/27099-o-que-sao-unidades-de-conservacao> (accessed June 19, 2019).

19 Law 9985, July 18, 2000, arts. 16, 22, [http://www.planalto.gov.br/ccivil\\_03/leis/l9985.htm](http://www.planalto.gov.br/ccivil_03/leis/l9985.htm) (accessed September 2, 2019).

Indigenous peoples to use resources only in a sustainable way.<sup>20</sup> Brazil's Constitution entrusts the federal government with the obligation to "demarcate" Indigenous territories.<sup>21</sup> Demarcation is an administrative process of legal recognition of lands "traditionally occupied" by Indigenous peoples.<sup>22</sup> The process includes conducting anthropological and other studies to assess the Indigenous people's claim to the territory and to define the territory's limits, and an approval process that ends with a decree by the president, the removal of any non-Indigenous resident from the territory, and the registration of the Indigenous territory as property of the federal government.<sup>23</sup>

There are multiple government agencies that play a role in enforcing this legal framework and curbing illegal logging in Brazil. At the federal level, these include:

- **The Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA)**, tasked with civil enforcement of federal environmental law throughout Brazil.<sup>24</sup> It can fine those who violate the law. It does not have criminal law enforcement authority, although under Brazilian law IBAMA agents — just like any other citizen — are legally authorized to detain someone in the act of committing an environmental crime and hand them over to police.<sup>25</sup>

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20 Brazil's Constitution considers Indigenous territories (*terras indígenas* in Portuguese) those on which Indigenous people "live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions" (Article 230). The Constitution grants the federal government ownership of Indigenous lands (article 20) and to Indigenous people the exclusive use of those lands. Article 231 establishes that "the lands traditionally occupied by Indians (*sic*) are intended for their permanent possession and they shall have the exclusive usufruct of the riches of the soil, the rivers and the lakes existing therein." The Constitution allows Indigenous people to use those resources for their subsistence, according to their customs and traditions, without restrictions. The Constitution does not forbid Indigenous people from carrying out commercial logging activities. If they do, they would have to respect all environmental laws, including sustainable forest practices and the prohibition of exploiting certain tree species. For a discussion of the legal framework see: Instituto Socioambiental, "Atividades econômicas," *Povos Indígenas no Brasil*, n.d., [https://pib.socioambiental.org/pt/Atividades\\_economicas](https://pib.socioambiental.org/pt/Atividades_economicas) (accessed June 22, 2019). Constitution of the Federative Republic of Brazil, art. 20, 230-231, [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

21 Constitution of the Federative Republic of Brazil, art. 231, [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

22 The process is regulated by Decree 1775, January 8, 1996, [http://www.planalto.gov.br/ccivil\\_03/decreto/d1775.htm](http://www.planalto.gov.br/ccivil_03/decreto/d1775.htm) (accessed September 2, 2019).

23 For a description of the demarcation process, see: <http://www.funai.gov.br/index.php/2014-02-07-13-24-53> (accessed September 2, 2019).

24 IBAMA, "Sobre o IBAMA," January 12, 2018, <https://www.ibama.gov.br/institucional/sobre-o-ibama> (accessed June 19, 2019).

25 Article 301 of Brazil's Criminal Procedure Code says: "Any person can, and police authorities and officers should, detain whomever is in the act of committing a crime." Decree 3,689, October 3, 1941, [http://www.planalto.gov.br/ccivil\\_03/decreto-lei/del3689.htm](http://www.planalto.gov.br/ccivil_03/decreto-lei/del3689.htm) (accessed July 8, 2019).

- The **Chico Mendes Institute for the Conservation of Biodiversity (ICMBio)**, manages and protects federal reserves.<sup>26</sup> ICMBio agents have authority to conduct civil enforcement of environmental law within federal conservation reserves and the surrounding buffer zone.<sup>27</sup>
- The **Federal Police**, in charge of criminal enforcement of environmental laws in federal areas, including Indigenous territories and federal conservation reserves.
- The **Federal Attorney General's Office**, responsible for prosecuting illegal logging in Indigenous territories, federal conservation reserves, and other federal lands, since these are federal crimes. In 2018, the attorney general created the Amazon Task Force, a group of federal prosecutors specialized in combatting environmental crimes in the Amazon region.<sup>28</sup> The group only has one federal prosecutor working exclusively for the task force, while other prosecutors must fit it in along with their regular duties. Because of limited resources, the Task Force focuses mostly on fighting deforestation in southern Amazonas state.<sup>29</sup> Federal prosecutors have jurisdiction over criminal investigations in cases involving "collective rights and interests, especially those of Indigenous communities," regardless of whether the crime occurred on federal land or not.<sup>30</sup> The federal attorney general can also request the Superior Court of Justice to approve the federalization of cases of serious violation of human rights that are not properly investigated and prosecuted by state authorities.<sup>31</sup>
- The **National Indian Foundation (FUNAI)**, the federal agency that protects and promotes Indigenous rights. It plays a crucial role in environmental enforcement by alerting environmental agencies, police, and prosecutors when loggers encroach onto Indigenous territories.

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26 ICMBio, "O Instituto," n.d., <http://www.icmbio.gov.br/portal/o-instituto-destaque> (accessed June 19, 2019); Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açaílândia, October 31, 2017.

27 Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açaílândia, October 31, 2017.

28 "Força-tarefa do MPF vai atuar no combate à macrocriminalidade na Amazônia," August, 22, 2018, <http://www.mpf.mp.br/pgr/noticias-pgr/forca-tarefa-do-mpf-vai-atuar-no-combate-a-macrocriminalidade-na-amazonia> (accessed July 31, 2019).

29 Human Rights Watch phone interview with Amazonas federal prosecutor Michelle Diz y Gil Corbi, a member of the Amazon Task Force, August 21, 2019.

30 Law number 75, May 20, 1993, art 5, para. III, [http://www.planalto.gov.br/ccivil\\_03/leis/lcp/lcp75.htm](http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp75.htm) (accessed June 24, 2019).

31 Constitution of the Federative Republic of Brazil, 1988, art. 109, [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

At the state level, the government agencies involved in enforcing environmental laws include:

- **Environmental secretariats**, which promote environmental protection on state lands, manage state conservation reserves, and carry out environmental licensing at the state level.<sup>32</sup>
- **State military police**, which has specialized units that fight environmental crime by conducting patrolling operations in rural areas and detaining any loggers they encounter in the act of destroying the forest.
- **State civil police**, which investigates environmental crimes on state, municipal, and private lands.
- **State prosecutors**, who prosecute environmental crimes in those same areas.

IBAMA and ICMBio can fine loggers, confiscate equipment used for illegal logging, and, in extreme cases, burn that equipment when its transport is inviable or would put the environment or its agents at risk.<sup>33</sup> IBAMA and ICMBio often conduct joint operations with support from federal and state police. Federal and state police can detain people engaged in illegal logging anywhere.<sup>34</sup>

While these federal and state agencies were able to make important progress in curbing illegal deforestation prior to 2012, personnel and budget cuts have weakened their capacity to enforce environmental laws.

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<sup>32</sup> ICMBio has jurisdiction to fight environmental crime within those federal reserves and “buffer” areas around the reserves. Some of those buffer areas are within Indigenous territories. The states’ environmental agencies — including Maranhão’s SEMA — do not have jurisdiction inside Indigenous territories, but their work also impacts these territories. For instance, those state agencies need to ensure that the permits they issue for sawmills and forest management projects are not used to pass timber illegally obtained in Indigenous lands for legally harvested wood.

See for instance a description of Maranhão State’s Environmental Secretariat: “A Secretaria”, SEMA, January 10, 2017, [http://www.sema.ma.gov.br/conteudo?/404/A\\_SECRETARIA](http://www.sema.ma.gov.br/conteudo?/404/A_SECRETARIA) (accessed June 17, 2019).

<sup>33</sup> Decree 6,514, July 22, 2008, art. 111, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2007-2010/2008/decreto/d6514.htm](http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2008/decreto/d6514.htm) (accessed August 21, 2019). The decree regulates the 1988 Environmental Crimes Law, law 9,605. IBAMA started using the power to destroy loggers’ equipment around 2011, after drafting internal procedures for implementation. Human Rights Watch interview with Roberto Cabral, then chief of enforcement operations at IBAMA, Brasília, April 4, 2018.

<sup>34</sup> Police can detain loggers for a variety of crimes besides illegal logging, such as belonging to a criminal organization, forging documents, money laundering, and occupying public lands. See as an example, “Operação desarticula quadrilha de desmatadores que movimentou R\$1,9 bi no Pará,” IBAMA news release, June 30, 2016, <http://www.IBAMA.gov.br/noticias/58-2016/147-operacao-desarticula-quadrilha-de-desmatadores-que-movimentou-r-1-9-bi-no-para> (accessed July 1, 2019).

In 2009, IBAMA employed some 1,600 inspectors throughout Brazil.<sup>35</sup> By 2019, it employed 780.<sup>36</sup> Only a fraction of these inspectors is devoted to the Amazon region, leaving large swaths of rainforest with limited presence of IBAMA inspectors. For instance, there are just eight IBAMA inspectors for the western half of Pará, an area almost as big as France.<sup>37</sup> Similarly, the number of FUNAI staff has declined by about 30 percent since 2012, from 3,111 to 2,224 in 2019.<sup>38</sup>

The reduction in personnel has taken place in the context of reduced state funding for these agencies. From 2016 to 2018, IBAMA's annual expenditures in real terms — corrected for inflation — fell by eight percent, and FUNAI's by 11 percent.<sup>39</sup>

## Organized Crime and Illegal Deforestation

Illegal deforestation in the Amazon is a multi-million dollar business that involves both illegal logging, illegal deforestation, and illegal occupation of public land.<sup>40</sup> A single trunk of *ipê*, the trees of the *Handroanthus* genus that are a preferred target of loggers for their hardwood, fetches between 2,000 and 6,000 reais (between US\$500-\$1,500).<sup>41</sup>

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35 The 1,600 inspectors in 2009 and the 780 in 2019 included field agents and others who work borders and airports. Human Rights Watch interviews with Suely Araújo, then IBAMA president, Brasília, April 3, 2018; and Luciano Evaristo, then director of director of environmental protection at IBAMA, Brasília, April 3, 2018.

36 Open letter by IBAMA agents to IBAMA president, August 26, 2019, copy on file at Human Rights Watch.

37 Human Rights Watch interview with a high-level IBAMA official, Pará, May 3, 2019. He asked that his identity be kept confidential because he did not have authorization from his superiors to speak publicly.

38 FUNAI provided Human Rights Watch the staff numbers upon request. Staff numbers include employees originally assigned to other government agencies but temporarily working at FUNAI.

39 According to the Office of the Comptroller General, ICMBio's expenditures were 561 million reais (US\$144 million, at September 2019's exchange rate) in 2016 and 586 million (US\$151 million) in 2018; IBAMA's expenditures were 1.31 billion reais (US\$334 million) in 2016 and 1.33 billion (US\$342 million) in 2018; FUNAI's expenditures were 487 million reais (US\$125 million) in 2016 and 478 million (US\$123 million) in 2018. Data available through a search on the federal government's transparency platform: <http://www.portaltransparencia.gov.br/busca?termo=icmbio%20or%C3%A7amento> (accessed June 21, 2019). Human Rights Watch corrected expenditures for inflation (IPC-A index) using the Brazil Central Bank's online calculator, available at: <https://www3.bcb.gov.br/CALCIDADA0/publico/exibirFormCorrecaoValores.do?method=exibirFormCorrecaoValores&aba=1> (accessed June 21, 2019).

40 For instance, in 2017 Ibama dismantled a criminal organization that generated 1.9 billion reais (US\$600 million) from 2012 to 2015. "Operação desarticula quadrilha de desmatadores que movimentou R\$1,9 bi no Pará," IBAMA news release, June 30, 2016, <http://www.IBAMA.gov.br/noticias/58-2016/147-operacao-desarticula-quadrilha-de-desmatadores-que-movimentou-r-1-9-bi-no-para> (accessed July 1, 2019). In another example, the Instituto Socioambiental, a Brazilian environmental NGO, loggers extracted timber worth 208 million reais (US\$63 million at the time) from the Riozinho do Anfrísio Reserve just in 2017.

41 A square meter of ipê sells for about 2,000 reais (US\$500) once sawn and each ipê has between one and three square meters of usable timber, federal police said. Human Rights Watch interview with federal police officers Julio Sombra Oliveira and Romiron Souza Lima, São Luís, November 2017.

Over the past decade, loggers have relied on several tactics to evade enforcement of the laws restricting deforestation. One involves the use of lumber extraction methods that are less likely to be detected by satellite surveillance. They typically begin by cutting only the most valuable timber, opening only small clearings, and leaving other vegetation “to fool the satellite,” according to Luciano Evaristo, who served as the director of environmental protection at IBAMA for a decade, until January 2019.<sup>42</sup> While small-scale clearings accounted for only a quarter of deforestation in 2002, by 2012 they accounted for more than half, according to an estimate by the Climate Policy Initiative, an international think tank.<sup>43</sup> Loggers also build their camps under trees so that they are not visible from helicopters and keep cut timber in the forest and bring it out slowly instead of accumulating large quantities in sawmills, where it can be discovered.<sup>44,45</sup>

The impact “is like termites,” discretely eating away the forest at a multitude of sites, Maranhão state federal prosecutor Alexandre Soares told Human Rights Watch.<sup>46</sup> Only once they have managed to remove all the valuable wood do they set fire to what remains, openly large swaths of land for cattle or, less frequently, farming.

Much of the illegal logging taking place in the Amazon today is carried out by criminal networks that have the logistical capacity to coordinate large-scale lumber extraction and

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<sup>42</sup> Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018.

<sup>43</sup> The Climate Policy Initiative considers small clearings those that are smaller than 25 hectares. Juliano Assunção and Clarissa Gandour, “Combating Illegal Deforestation. Strengthening Command and Control is Fundamental,” Climate Policy Initiative White Paper, February 2019, <https://climatepolicyinitiative.org/publication/combating-illegal-deforestation/> (accessed June 22, 2019); Juliano Assunção and Clarissa Gandour, “Strengthening Brazil’s Forest Protection in a Changing Landscape,” Climate Policy Initiative (CPI) and the Pontifical Catholic University of Rio de Janeiro (PUC-Rio), Climate Policy Initiative, August 2015, <https://climatepolicyinitiative.org/publication/strengthening-brazils-forest-protection-in-a-changing-landscape/> (accessed July 7, 2018); Rhett Butler, “Amazon Paradox: Drop in Large-Scale Deforestation Makes Enforcement More Difficult,” Mongabay, August 19, 2015, <https://news.mongabay.com/2015/08/amazon-paradox-drop-in-large-scale-deforestation-makes-enforcement-more-difficult/> (accessed July 7, 2018). A study using a different database shows clearings smaller than one hectare had increased by 34 percent between 2001-2007 and 2008-2014 in the whole Amazon basin. Its authors considered the “pervasive” rise of small-scale deforestation “a new and alarming challenge for conservation efforts in Amazonia, as they are inherently more difficult to monitor and control.” Michelle Karamandeen et al., “Pervasive Rise of Small-scale Deforestation in Amazonia,” *Nature’s Scientific Reports*, 8(1), January 25, 2018, <https://www.nature.com/articles/s41598-018-19358-2> (accessed August 22, 2019).

<sup>44</sup> Human Rights Watch interview with Yuri Costa, federal public defender, São Luís, October 25, 2017.

<sup>45</sup> Human Rights Watch interview with Elizângela Ambé, chief of enforcement at IBAMA in Maranhão State, São Luís, October 26, 2017.

<sup>46</sup> Human Rights Watch interview with Alexander Soares, federal prosecutor, São Luís, October 25, 2017.

deploy violence against those who would seek to stop them. IBAMA officials call these crime groups “*ipê mafias*,” a reference to the ipê wood that they harvest.<sup>47</sup>

Attorney General Raquel Dodge concurred.<sup>48</sup> “Organized crime is responsible for deforestation in the Amazon,” she said, explaining that the logistics of timber harvesting, in remote locations, transportation, and sale abroad require “an organization.”

Criminal networks provide the capital to buy heavy equipment and hire workers, coordinate with sawmills, and arrange methods to pass illegally-harvested timber as a legal product. They are often led by *fazendeiros* (ranchers or large farmers in Portuguese), who hire local men to work in the forest for weeks at a time, frequently under degrading and abusive working conditions.<sup>49</sup> They open paths within Indigenous territories and other federal and state forests using chainsaws, tractors, and trucks to extract the most valuable timber.<sup>50</sup>

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47 Human Rights Watch interview with a high-level IBAMA official, Pará, May 3, 2019. He asked that his identity be kept confidential because he did not have authorization from his superiors to speak publicly.

48 “Crime organizado é responsável pelo desmatamento da Floresta Amazônica, afirma Raquel Dodge,” Attorney General’s office news release, September 2, 2019, <http://www.mpf.mp.br/pgr/noticias-pgr/crime-organizado-e-responsavel-pelo-desmatamento-da-floresta-amazonica-afirma-raquel-dodge> (accessed September 9, 2019).

49 Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018. Article 149 of Brazil’s Penal Code states that degrading working conditions and exhaustive working conditions reach the level of slave-like conditions. Even though the penal code does not define those terms, labor inspectors often associate those conditions with risks to the health and life of the workers, and the violation of basic human rights. As an example of slave-like conditions in deforestation operations by criminal groups, see: “Operação desarticula quadrilha de desmatadores que movimentou R\$1,9 bi no Pará,” IBAMA news release, June 30, 2016, <http://www.ibama.gov.br/noticias/58-2016/147-operacao-desarticula-quadrilha-de-desmatadores-que-movimentou-r-1-9-bi-no-para> (accessed July 1, 2019).

50 Human Rights Watch interviews with Yuri Costa, federal public defender, São Luís, October 25, 2017; Ruhan Saldanha, Chief of Monitoring at the Gurupí Biological Reserve, Açailândia, October 31, 2017; Ione Missae da Silva Nakamura, Pará State prosecutor, Santarém, May 2, 2019; Francisco Fermio Silva, community leader in the Montanha Mangabal INCRA settlement in Pará, Itaituba, April 30, 2019; and Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, June 8, 2018.



A dirt path opened by loggers to access timber in Alto Turiaçu Indigenous Territory, Maranhão, in November 2017. Photo by César Muñoz Acebes.

If they succeed in removing the most valuable lumber without being stopped, the loggers or other members of the criminal network typically cut the remaining vegetation, a process that is labor-intensive and requires substantial investment.<sup>51</sup> Once cut vegetation is dry, they set it on fire. And then, they most often turn those areas into grass land for cattle; more than 60 percent of deforested areas end up as cattle ranches, while six percent are used for crops.<sup>52</sup>

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<sup>51</sup> Human Rights Watch interviews with Ruhan Saldanha, chief of monitoring at the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017; with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018; with an ICMBio official, Brasília, August 15, 2019; and with an IBAMA inspector, São Paulo, August 15, 2019. The officials asked that their name be withheld for fear of reprisals.

<sup>52</sup> Human Rights Watch phone interview with Clarissa Gandour, senior researcher at the Climate Policy Initiative, August 8, 2019. A study by INPE and the Brazilian Company for Agricultural Research (EMBRAPA), a government-owned company, showed 62 percent of the deforested areas in the Amazon region in 2014 were turned into grass for cattle ranching. Only 6 percent of deforested areas were dedicated to crops, and 0.2 percent to mining. The rest was covered by secondary vegetation. Similar percentages were registered in years prior to 2014. No updated data is available. "TerraClass 2004 a 2014. Dinâmica na cobertura e no uso da terra no período de 10 anos nas áreas deflorestadas da Amazônia Legal Brasileira," TerraClass Project Powerpoint presentation, May 5, 2016, copy on file at Human Rights Watch. For a description of TerraClass Project see its website: <https://www.terraclass.gov.br/> (accessed August 8, 2019).

The criminal networks may keep those lands, dividing them into smaller plots and fabricating titles to the name of frontmen.<sup>53</sup> Or they may raise cattle there for a few years, when the land is most productive, and then sell it, again with fabricated titles, a practice known as *grilagem* in Brazil, officials told us.<sup>54</sup> For this, they count on other actors in the criminal networks: experts in geoprocessing who forge land surveys to register lands occupied by *fazendeiros*. Some crime networks are also involved in illegal mining in the areas they control.<sup>55</sup> To protect and further their business, they sometimes bribe public officials and police.<sup>56</sup>

A crucial part of these criminal networks is the armed men who protect their illegal activities. “They are very similar to militias,” Diego Rodrigues Costa, a Mato Grosso public defender, told Human Rights Watch, referring to the violent criminal organizations that operate in Rio de Janeiro and other urban centers in Brazil, dominating geographic areas and using violence and intimidation against the local population.<sup>57</sup> Marco Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General’s Office, concurred that some *fazendeiros* involved in illegal logging are forming “rural militias.”<sup>58</sup>

Like the urban militias, these crime networks wield considerable economic power, which they use to influence or control local politics, officials and residents told Human Rights

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53 Human Rights Watch interview with an ICMBio official, Brasília, August 15, 2019. The official asked that their name be withheld for fear of reprisals.

54 Human Rights Watch interviews with Ruhan Saldanha, chief of monitoring at the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017; with an ICMBio official, Brasília, August 15, 2019; and with an IBAMA inspector, São Paulo, August 15, 2019. The officials asked that their name be withheld for fear of reprisals. Occupying and selling public land is called *grilagem* because of the practice of putting the false titles in a box with crickets (*grilos*, in Portuguese), who gnaw at and yellow the documents with their excrement, making them appear to be old. Pastoral Land Commission, “Conflitos no Campo 2017,” June 2018, pp 39-45.

55 See Terra Nossa case below as an example.

56 See Boca do Acre case below as an example. A white paper by the Climate Policy Initiative found that crime and corruption are “deeply ingrained in the illegal practice of land occupation and conversion of vegetation” in Brazil and concluded that combating illegal deforestation requires combating crime and corruption. Juliano Assunção and Clarissa Gandour, “Combating Illegal Deforestation. Strengthening Command and Control is Fundamental,” Climate Policy Initiative White Paper, February 2019, <https://climatepolicyinitiative.org/publication/combating-illegal-deforestation/> (accessed June 22, 2019).

57 Human Rights Watch phone interview with Mato Grosso public defender Diego Rodrigues Costa, May 30, 2019.

58 Human Rights Watch interview with Marco Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General’s Office, Brasília, April 26, 2019. Luciano Evaristo also told Human Rights Watch in 2018, when he was director of environmental protection at IBAMA, that militias involved in illegal logging and land grabbing operate in some areas of the Amazon. Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018

Watch.<sup>59</sup> “In a town, you can have 20 sawmills supporting 400 workers and their families, which means up to 1,600 people directly dependent on the logging industry,” said an IBAMA enforcement agent.<sup>60</sup> State and federal officials said it is common for members of the crime groups involved in logging to assume positions as council members, mayors, and state representatives.<sup>61</sup>

Loggers launder timber by making it pass as legally-harvested lumber that ends up in domestic and, according to several Greenpeace investigations, international markets.<sup>62</sup> For that, they work through companies that use fraudulent documentation to obtain logging permits, such as overestimating the volume of timber in the area to be legally logged, according to officials and agroecology experts.<sup>63</sup>

A study by Brazilian and American forestry researchers that analyzed logging permits and timber volumes in Pará state — the largest timber producer in the Amazon — estimated that 74 percent of the 33,000 cubic meters of lumber licensed to be logged in 2017 was very likely overestimated.<sup>64</sup> The timber did not actually exist in the areas where logging was permitted, and the “surplus” licenses would be used to legalize illegally-harvested timber,

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59 Human Rights Watch interviews with Alexander Soares, federal prosecutor, São Luis, October 25, 2017; Paulo Russo, ICMBio’s general coordinator of socioenvironmental management, Brasília, April 4, 2018; Ione Missae da Silva Nakamura, Pará State prosecutor, Santarém, May 2, 2019; Paulo de Tarso Oliveira, federal prosecutor in the state of Pará Santarém, May 2, 2019; Francisco Gonçalves da Conceição, Maranhão’s state secretary of human rights and social participation, São Luis, June 4, 2018; Osváldina Pereira, a community leader in the Areia INCRA settlement, April 24, 2019 (place withheld); and Maria Márcia Elpídia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, April 29, 2019.

60 Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

61 Human Rights Watch interviews with Alexander Soares, federal prosecutor, São Luis, October 25, 2017; Paulo Russo, ICMBio’s general coordinator of socioenvironmental management, Brasília, April 4, 2018; and a high-level IBAMA official, Pará, May 3, 2019 (name withheld).

62 Human Rights Watch interview with Eder Carvalho, coordinator of the technical department at IBAMA in Maranhão state, São Luis October 2017; Greenpeace, an international environmental NGO, has produced several reports that show that European, Canadian, Japanese, and American companies purchased lumber from Brazilian companies that laundered illegally-harvested timber. See, for instance, “Blood-stained Timber,” Greenpeace report, November 22, 2017, [https://www.greenpeace.org.br/hubfs/Greenpeace\\_BloodStainedTimber\\_2017.pdf](https://www.greenpeace.org.br/hubfs/Greenpeace_BloodStainedTimber_2017.pdf) (accessed September 2, 2019); and “Imaginary Trees, Real Destruction,” Greenpeace report, March 20, 2018, <https://www.greenpeace.org/international/publication/15432/imaginary-trees-real-destruction/> (accessed September 2, 2019).

63 Human Rights Watch interview with Eder Carvalho, coordinator of the technical department at IBAMA in Maranhão state, São Luis October 2017; with Danielle Celentano, professor at the Agroecology Program at Maranhão State University, October 25, 2017; and telephone interview with a public official at the Maranhão environmental agency, SEMA, who requested anonymity, February 8, 2018.

64 Pedro Brancalion et alia, “Fake legal logging in the Brazilian Amazon,” *Science Advances*, Vol. 4, no. 8, August 15, 2018, <https://advances.sciencemag.org/content/4/8/eaat1192> (accessed September 2, 2019).

the authors explained. In Maranhão, IBAMA officials told Human Rights Watch in 2017 that most of the logging permits in the Amazon region of the state were based on fraudulent information and had been cancelled.<sup>65</sup>

*Fazendeiros* raising cattle in illegally deforested and occupied land in the Amazon escape controls by either selling it to clandestine slaughterhouses, passing it for cattle raised in legal ranches, or selling it to cattle ranchers who specialize in cattle fattening and who in turn sell it to legal slaughterhouses.<sup>66</sup>

- A criminal organization deforested 180 square kilometers, an area the size of Washington, D.C., in the municipality of **Boca do Acre** in Amazonas state in the last few years, according to federal police.<sup>67</sup> *Fazendeiros* illegally logged in and occupied federal forests, and had five IBAMA employees on their payroll to protect their business, including the director of IBAMA in Acre state, according to the Amazon Task Force, the group of federal prosecutors specialized in combatting environmental crimes.<sup>68</sup> They also employed four state police officers as “a private militia” to protect their activities, said prosecutors. Using police cars, weapons, and uniforms, that militia threatened and attacked local residents — including attempting to kill a man, who suffered gunshot injuries but survived in March 2018,

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65 Human Rights Watch interview with Eder Carvalho, coordinator of the technical department at IBAMA in Maranhão state, São Luiz, October 26, 2017.

66 Human Rights Watch phone interview with Beto Veríssimo, senior researcher at Imazon, a research institute that focuses on conservation and sustainable development in the Amazon, August 30, 2019; and André Campos, “JBS, Marfrig e Frigol compram gado de desmatadores em área campeã de focos de incêndio na Amazônia,” *Repórter Brasil*, August 31, 2019, <https://reporterbrasil.org.br/2019/08/jbs-marfrig-e-frigol-compram-gado-de-desmatadores-em-area-campea-de-focos-de-incendio-na-amazonia/> (accessed September 2, 2019).

67 Senildo Melo, “PF e MPF apresentam balanço de Operação Ojuara,” *agazeta.net*, May 8, 2019, <http://www.agazeta.net/policia/21835-pf-e-mpf-apresentam-balanco-de-operacao-ojuara> (accessed July 11, 2019); “PF combate crimes ambientais, lavagem de dinheiro e corrupção,” Federal Police news release, May 8, 2019, <http://www.pf.gov.br/imprensa/noticias/2019/05/policia-federal-deflagra-a-operacao-para-reprimir-crimes-ambientais-lavagem-de-dinheiro-e-corrupcao> (accessed July 11, 2019).

68 “Operação Ojuara: MPF denuncia 22 envolvidos em crimes ambientais no AC e no AM,” Amazônia Federal Prosecutor’s Office news release, June 19, 2019 <http://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/operacao-ojuara-mpf-denuncia-22-envolvidos-em-crimes-ambientais-no-ac-e-no-am> (accessed July 7, 2019).

- prosecutors allege.<sup>69</sup> Federal prosecutors charged 22 people with several crimes in June 2019, including forming a “criminal organization.”<sup>70</sup>
- A criminal organization deforested 290 square kilometers in the municipality of **Altamira**, in Pará, from 2012 to 2015, an area almost three times the size of Paris, according to IBAMA.<sup>71</sup> They deployed groups of 10 workers in public forests who lived in camps under degrading conditions and were paid only after felling all the valuable timber in the area, IBAMA reported.<sup>72</sup> The loggers kept some tall trees to preserve canopy cover and operated undetected by satellites. They eventually deforested the areas completely and registered the land with forged documentation under the name of frontmen, IBAMA said. Members of the criminal group allegedly raised cattle there themselves or rented out the land. The racket generated 1.9 billion reais (US\$600 million at the time) from 2012 to 2015, said IBAMA. In 2016, federal prosecutors charged 23 people with forming a criminal organization, money laundering, provoking fires, and corruption, among other crimes.<sup>73</sup>
  - A network of *fazendeiros* involved in illegal logging have gradually taken over much of the **Areia INCRA** settlement, in Pará, established in 1998 to provide plots to small families, according to an internal INCRA report obtained by Human Rights

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69 Ibid.; Human Rights Watch interview with an Amazonas federal prosecutor, Manaus, June 27, 2019, name withheld upon request; charging document in case number 5253-29.2017.4.01.3200, May 27, 2019, <http://www.mpf.mp.br/am/sala-de-imprensa/docs/denuncia-ojuara-crime-de-milicia> (accessed July 7, 2019).

70 “Operação Ojuara: MPF denuncia 22 envolvidos em crimes ambientais no AC e no AM,” Federal prosecutors’ news release, June 19, 2019, <http://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/operacao-ojuara-mpf-denuncia-22-envolvidos-em-crimes-ambientais-no-ac-e-no-am> (accessed July 8, 2019).

71 “Operação desarticula quadrilha de desmatadores que movimentou R\$1,9 bi no Pará,” IBAMA news release, June 30, 2016, <http://www.ibama.gov.br/noticias/58-2016/147-operacao-desarticula-quadrilha-de-desmatadores-que-movimentou-r-1-9-bi-no-para> (accessed July 1, 2019); Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018; and “Rios Voadores: maior desmatador da Amazônia pode pegar até 238 anos de prisão,” Pará Federal prosecutors’ news release, December 9, 2016, <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/rios-voadores-maior-desmatador-da-amazonia-pode-pegar-ate-238-anos-de-prisao> (accessed July 8, 2019).

72 Ibid.

73 “Rios Voadores: maior desmatador da Amazônia pode pegar até 238 anos de prisão,” Pará Federal prosecutors’ news release, December 9, 2016, <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/rios-voadores-maior-desmatador-da-amazonia-pode-pegar-ate-238-anos-de-prisao> (accessed July 8, 2019).

Watch.<sup>74</sup> Those *fazendeiros* use the settlement to access protected forests, residents told Human Rights Watch.<sup>75</sup> The Instituto Socioambiental, a Brazilian environmental NGO, estimated loggers used the Areia settlement to illegally extract 23,000 cubic meters of timber from the Riozinho do Anfrísio Reserve just in 2017, worth 208 million reais (US\$63 million at the time).<sup>76</sup> The *fazendeiros* employ armed men to protect their activities and intimidate and kill those who obstruct their activities, community leaders reported.<sup>77</sup> “They have organized armed groups. It’s a militia inside [the settlement],” Daniel Alves Pereira, a resident, told Human Rights Watch (see Section II).<sup>78</sup>

- A network of *fazendeiros* had already illegally occupied federal land and exploited its timber when INCRA created the Terra Nossa settlement in Pará state more than a decade ago, according to community leaders in the settlement.<sup>79</sup> INCRA inspectors who visited the area in 2017 confirmed in an internal report, obtained by Human Rights Watch, that these *fazendeiros* were involved in illegal deforestation, illegal occupation of federal land, and illegal gold mining.<sup>80</sup> They carried out illegally-harvested Brazil nut trees and other valuable timber over the only road out of the settlement, according to the community leaders.<sup>81</sup> The loggers employ armed

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74 A 2013 report by INCRA inspectors states that INCRA “abandoned” the families in the settlement, which allowed illegal loggers to progressively take control of the area by purchasing the plots. Selling and buying INCRA plots is illegal as long as the settlers do not have the final land title. The INCRA inspectors found more than 70 percent of the plots were in the hands of landowners who engaged in illegal logging and cattle ranching. INCRA, “Relatório Circunstanciado de Vistorias para Supervisão da Situação Ocupacional do PA Areia,” May 2013. On file at Human Rights Watch. For the rules about the sale of plots see: INCRA, “Assentamentos”, n.d., <http://www.incra.gov.br/assentamento> (accessed August 21, 2019). Residents told Human Rights Watch that besides buying, local illegal loggers simply occupied some of the plots. Only 30 families remain in the settlement, said the residents. Human Rights Watch interviews with Osvalinda Maria Marcelino Alves Pereira and Daniel Alves Pereira, place withheld, April 24, 2019.

75 Human Rights Watch interviews with Osvalinda Maria Marcelino Alves Pereira, Daniel Alves Pereira, and Antonio de Paula e Silva, place withheld, April 24, 2019.

76 “Madeireiros avançam sobre o Riozinho do Anfrísio,” Instituto Socioambiental, December 22, 2017. <https://www.socioambiental.org/pt-br/noticias-socioambientais/madeireiros-avancam-sobre-o-riozinho-do-anfrisio> (accessed June 21, 2019).

77 Human Rights Watch interviews with three Areia residents, 2019, name, place and exact date withheld for security reasons.

78 Human Rights Watch interview with Daniel Alves Pereira, place withheld, April 24, 2019.

79 Human Rights Watch interviews with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, Pará, April 29, 2019; and Antonio Marcos Lacerda, vicepresident of the Nova Vitória Rural Producers Association, Itaituba, Pará, April 29, 2019.

80 INCRA, “Relatório de atividade minerária da empresa Chapleau Exploração Mineral Ltda. no Projeto de Desenvolvimento Sustentável – PDS Terra Nossa,” Santarém, Pará, October 2017. On file at Human Rights Watch.

81 Human Rights Watch interviews with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, Pará, April 29, 2019; and Antonio Marcos Lacerda, vicepresident of the Nova Vitória Rural Producers Association, Itaituba, Pará, April 29, 2019.

men who operate as “a militia” — one of the community leaders told Human Rights Watch — and are apparently responsible for threatening and residents who have threatened their interests (see Section II).<sup>82</sup>

- A *fazendeiro* who illegally harvested timber in the Gurupi Biological Reserve employed armed men to harass and attack the **Rio das Onças** community and expel them from their land in Maranhão state, the director of the Reserve told Human Rights Watch.<sup>83</sup> In 2015, the *fazendeiro* hired a retired police officer, who in turn hired two active military police officers to kill community leader Raimundo Santos, the *fazendeiro* later confessed to police (see Section II).<sup>84</sup>
- In **Colniza**, Mato Grosso state, *fazendeiros* and loggers who harvested timber illegally employed a group of hitmen known as “the hooded ones” to intimidate and attack local residents — even committing some killings — and expel them from their land, prosecutors said (see Section II).<sup>85</sup>

## The Role of Indigenous Peoples and Other Local Residents

Indigenous peoples and local communities have always played an important role in enforcement efforts by providing government authorities with tips about illegal logging activities, according to IBAMA and federal police.<sup>86</sup> This role has become more crucial with the loggers’ use of tactics to avoid satellite detection and the decrease in the number of inspectors. Given the vastness of the Amazon forest in Brazil — 3.5 million square kilometers — “it’s simply impossible to deploy [IBAMA] agents to control all this territory,”

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82 Human Rights Watch interview with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, Pará, April 29, 2019.

83 Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

84 Human Rights Watch interview with Julio Sombra Oliveira, federal police officer in charge of the investigation, São Luis, October 27, 2017.

85 “MPMT pede a pronúncia de dois participantes da chacina de Colniza,” Mato Grosso prosecutors’ news release, April 9, 2019, <https://www.mpmt.mp.br/conteudo/58/76904/mpmt-pede-a-pronuncia-de-dois-participantes-da-chacina-de-colniza> (accessed July 8, 2019); “Edital de Citação,” a court order signed by Judge Ricardo Frazon Menegucci, August 17, 2017, on file at Human Rights Watch.

86 Human Rights Watch interviews with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, April 3, 2018; with a high-level IBAMA official, Pará, May 3, 2019, who asked that his identity be kept confidential because he did not have authorization from his superiors to speak publicly; with Elizângela Ambé, chief of enforcement at IBAMA in Maranhão State, São Luis, October 26, 2017; and with Julio Sombra, federal police officer, São Luis, October 26, 2017.

said Luciano Evaristo in 2018, when he was director of enforcement actions at IBAMA.<sup>87,88</sup> Instead, they need to rely on members of Indigenous and other local communities to report illegal logging activities to them.

Evaristo gave as an example a 2016 operation against loggers who had destroyed 290 square kilometers of rainforest in Altamira, mentioned above. It was only possible because the Kayapó Indigenous people reported the illegal activity; satellites had not detected the clearing of the forest, he said.<sup>89</sup>

Human Rights Watch saw firsthand the importance of information from local communities for enforcement efforts. In June 2018, following tips from an Indigenous leader, a Human Rights Watch researcher found a sawmill about five kilometers from Governador Indigenous Territory, and a few hundred meters from a busy dirt road on the outskirts of the small town of Amarante do Maranhão, in Maranhão state. It stood in a clearing, uncovered by vegetation. Nobody was there, but the tracks on which the saw was mounted were shiny and free of dust — a sign of recent use. A thick coat of sawdust covered everything else. The electrical wire bringing power disappeared into a wooded area, where the researcher could hear sawing. Human Rights Watch deployed a drone and, from the air, discovered a second sawmill. Local police told us there were no legal sawmills in Amarante. They said any sawmill operating there used illegally-harvested timber from Indigenous territories.<sup>90</sup> Human Rights Watch provided images and GPS location of the two sawmills to two federal police officers and a federal prosecutor in Maranhão in June and October 2018, but received no response.

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87 For the size of the Amazon rainforest in Brazil see Juliano Assunção and Clarissa Gandour, “Combating Illegal Deforestation. Strengthening Command and Control is Fundamental,” Climate Policy Initiative White Paper, February 2019, p. 2, <https://climatepolicyinitiative.org/publication/combating-illegal-deforestation/> (accessed June 22, 2019).

88 Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018.

89 Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, April 3, 2018; “Operação desarticula quadrilha de desmatadores que movimentou R\$1,9 bi no Pará,” IBAMA news release, June 30, 2016, <http://www.IBAMA.gov.br/noticias/58-2016/147-operacao-desarticula-quadrilha-de-desmatadores-que-movimentou-r-1-9-bi-no-para> (accessed July 1, 2019).

90 After discovering the two sawmills, the researcher went straight to the civil police station in Amarante to report the activity. Pedro Porto Filho, a civil police officer, said there were no legal sawmills in Amarante. Human Rights Watch showed him the photographs of the first sawmill, but Porto Filho neither noted its location nor asked for copies of the photographs. “Show them to the military police,” he said, and turned to his pile of papers. On June 21, 2018, Human Rights Watch sent pictures, video, and the GPS location of the sawmills to a federal prosecutor and a federal police officer in Imperatriz. In October 2018, we told a federal police officer in São Luís and sent the information to him and, again, to federal police in Imperatriz. We received no response.



One of two illegal sawmills found by Human Rights Watch stands on the outskirts of Amarante do Maranhão, June 2018. Photo by Brent Stirton.

Members of Indigenous communities tend to be among the most active in supporting enforcement efforts aimed at curbing deforestation, according to federal authorities.<sup>91</sup> This may explain why only three percent of all deforestation recorded from August 2017 to July 2018 in Brazil's Amazon region occurred in Indigenous territories, even though those territories comprise 23 percent of the area.<sup>92</sup>

A 2016 study by the World Resources Institute, a nongovernmental research organization with headquarters in the United States, found that deforestation on lands securely held by Indigenous peoples was 250 percent lower than in other comparable areas of the Brazilian

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<sup>91</sup> Human Rights Watch interviews with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, April 3, 2018; and with Julio Sombra, federal police officer, São Luis, October 26, 2017.

<sup>92</sup> Indigenous territories lost 267 square kilometers of forest in that period. Eighty percent of the forest destruction occurred in just 10 Indigenous territories that are under intense pressure from loggers. "Desmatamento em Terras Indígenas cresce 124%, mas segue concentrado em áreas críticas," Instituto Socioambiental, December 12, 2018. <https://www.socioambiental.org/pt-br/noticias-socioambientais/desmatamento-em-terras-indigenas-cresce-124-mas-segue-concentrado-em-areas-criticas> (accessed June 19, 2019).

Amazon.<sup>93</sup> It also estimated that if Brazil secured existing Indigenous lands for the next two decades, it could avoid yearly greenhouse gas emissions derived from deforestation equivalent to taking more than 6.7 million cars off the road for one year.<sup>94</sup> The study concludes that demarcation and other measures to secure Indigenous lands can slow deforestation and reduce emissions.<sup>95</sup>

Yet, the demarcation process, which as a final step requires a presidential decree establishing the Indigenous territory as demarcated land, has slowed down in recent years.<sup>96</sup> Between 2007 and 2010, under President Luiz Inácio Lula da Silva, the federal government demarcated 77,000 square kilometers of Indigenous territories in the Amazon region. In the next four years, under President Dilma Rousseff, it demarcated 20,000 square kilometers. During Rousseff's truncated second term, from 2014 to May 2016, it demarcated an additional 12,000 square kilometers. Under President Michel Temer, it demarcated just 192 square kilometers from May 2016 to December 2018. Since President Jair Bolsonaro took office in January 2019, the federal government has demarcated zero square kilometers, as of July 2019.<sup>97</sup>

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93 Helen Ding et al., "Climate Benefits, Tenure Costs: The Economic Case for Securing Indigenous Land rights in the Amazon," Executive Summary, World Resources Institute, October 2016, Figure 2, p.3., <http://www.wri.org/publication/climate-benefits-tenure-costs> (accessed June 19, 2019). The study defines tenure security as both the certainty that a person's rights over their land will be recognized by others and that it will be protected against specific challenges. It states that tenure security can be promoted and achieved by a range of actions, such as legal recognition, demarcation and mapping, land titling, and eviction of unwanted intruders. The study measured the effect of tenure security by comparing the rate of deforestation inside Indigenous forestlands with the rate on forestland outside that is similar in terms of the characteristics that drive deforestation. An earlier study, from 2006, by a tropical ecologist at the Woods Hole Research Center, a climate change think tank, found that Indigenous lands were "the most important barrier to Amazon deforestation" in Brazil. Using satellite maps, it found that many Indigenous territories "prevented deforestation completely," despite high rates of deforestation along their boundaries, and that the occurrence of fire was four times higher outside Indigenous lands than inside. Daniel Nepstad et al., "Inhibition of Amazon Deforestation and Fire by Parks and Indigenous Lands," *Conservation biology*, 20(1), pp. 65-73, January 23, 2006, <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1523-1739.2006.00351.x> (accessed June 19, 2019).

94 Helen Ding et al., "Climate Benefits, Tenure Costs: The Economic Case for Securing Indigenous Land rights in the Amazon," Executive Summary, World Resources Institute, October 2016, p. 59., <http://www.wri.org/publication/climate-benefits-tenure-costs> (accessed June 19, 2019); "Secure Land Rights in Amazon Brings Billions in Economic and Climate Benefits, Says New WRI Report," World Resources Institute, October 6, 2016, <http://www.wri.org/news/2016/10/release-secure-land-rights-amazon-brings-billions-economic-and-climate-benefits-says> (accessed May 5, 2019).

95 "Secure Land Rights in Amazon Brings Billions in Economic and Climate Benefits, Says New WRI Report," World Resources Institute, October 6, 2016, <http://www.wri.org/news/2016/10/release-secure-land-rights-amazon-brings-billions-economic-and-climate-benefits-says> (accessed May 5, 2019).

96 Instituto Socioambiental, "Demarcation," Povos Indígenas no Brasil, n.d., <https://pib.socioambiental.org/en/Demarcation> (accessed July 9, 2019).

97 Email to Human Rights Watch from Fany Ricardo, coordinator of Indigenous peoples issues, Instituto Socioambiental, July 2, 2019.

## CASE STUDY: The “Forest Guardians” of Maranhão

### *Shortcomings in Environmental Enforcement*

The state of Maranhão lies on the eastern border of the Amazon region. The Amazon forest once covered about 110,400 square kilometers of the state, scientists estimate.<sup>98</sup> By 1988, when the National Institute for Space Research (INPE) started monitoring the Brazilian Amazon, 61,100 square kilometers of this forest had been cleared – the lands since devoted to agriculture and cattle ranching. Since 1988, an additional 24,600 square kilometers have been destroyed, leaving 24,700 square kilometers of rainforest in the state.<sup>99</sup>

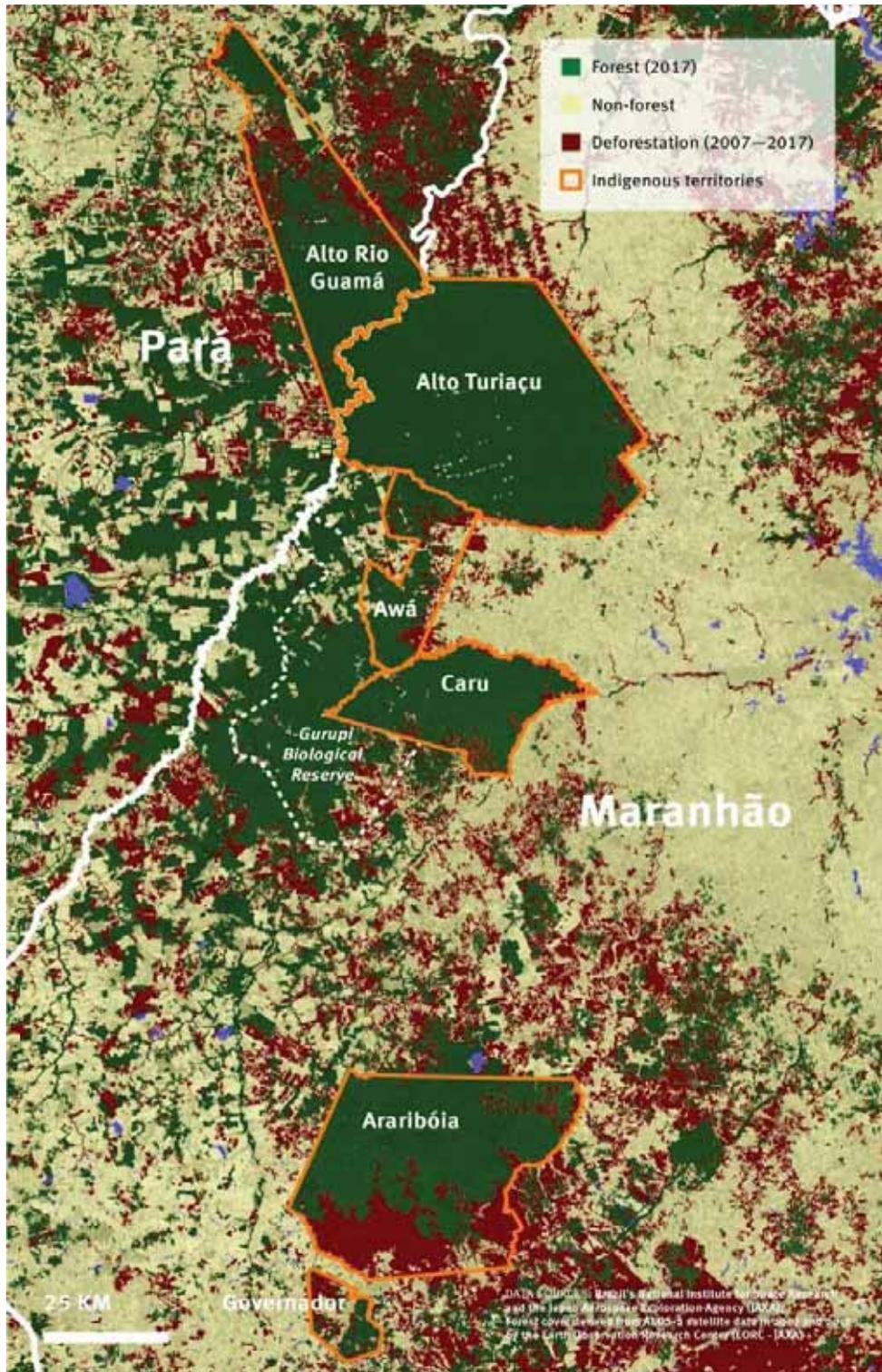
Of the remaining Amazon forest in Maranhão, almost half lies within the boundaries of Indigenous territories. An additional quarter of the forest lies within the ICMBio Gurupi Biological Reserve and other protected areas, and the rest in private land and in land reform settlements established by the National Institute of Colonization and Land Reform (INCRA), a federal agency, to provide plots to poor small farmers.<sup>100</sup>

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98 Danielle Celentano et al., “Towards zero deforestation and forest restoration in the Amazon region of Maranhão state, Brazil,” *Land Use Policy*, 68, November 2017, p. 693, <http://dx.doi.org/10.1016/j.landusepol.2017.07.041> (accessed July 9, 2018).

99 *Ibid.*, p. 694.

100 Satellite data show that Maranhão retains about 24,700 square kilometers of Amazon forest. The Indigenous territories contain 11,200 square kilometers of Amazon forest cover; the Gurupi Biological Reserve, a federal reserve managed by ICMBio, has 1,900 square kilometers of forest cover; other protected areas contain 4,200 square kilometers; and 7,400 square kilometers are within private lands and in INCRA settlements. Data compiled by Danielle Celentano, professor at Maranhão State University, based on satellite data from INPE’s PRODES project. Email message sent by Danielle Celentano to Human Rights Watch, October 5, 2018; Danielle Celentano et al., “Towards zero deforestation and forest restoration in the Amazon region of Maranhão state, Brazil,” *Land Use Policy*, 68, November 2017, p. 694, <http://dx.doi.org/10.1016/j.landusepol.2017.07.041>, (accessed July 9, 2018).



Alto Turiaçu, Awá, Caru, Araribóia and Governador Indigenous territories and the Gurupi Biological Reserve, managed by ICMBio, maintain the largest blocks of Amazon forest cover in Maranhão state (marked in green). The map shows in red the advance in deforestation along the edges of those reserves from 2007 to 2017.

During the last decade, federal and state enforcement agencies have worked together to curb illegal logging in Maranhão. With the assistance of the federal and state police, IBAMA and ICMBio have carried out a dozen major raids against illegal loggers operating on Indigenous lands and in the Gurupi reserve, seizing thousands of cubic meters of illegal timber and destroying trucks, tractors, and sawmills.<sup>101</sup> The Maranhão state environmental agency (SEMA) has revoked most forest-management licenses in the Amazon region of Maranhão after finding they were used to disguise illegally-logged timber as wood lawfully obtained in authorized areas.<sup>102</sup>

But environmental officials and police officers interviewed by Human Rights Watch in Maranhão acknowledged that enforcement efforts are insufficient.<sup>103</sup> The chief problem is the lack of resources and staffing to carry out their job, they said.

For the entire state of Maranhão, IBAMA had only nine field inspectors in 2018 to monitor environmental crime of all kinds — not only deforestation. Maranhão is the eighth largest state in Brazil, totaling about 332,000 square kilometers, making it larger than Italy.<sup>104</sup> An IBAMA official in São Luís, the state capital, told Human Rights Watch that the agency conducted only four monitoring operations a year in Indigenous territories, which maintain the largest blocks of remaining forest in Maranhão besides the Gurupi Biological Reserve, which is monitored by ICMBio agents. Even for those operations, the official said, IBAMA had to request support from staff in other states and from state police.<sup>105</sup>

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101 Danielle Celentano et al., “Desmatamento, degradação e violência no “Mosaico Gurupi” – A região mais ameaçada de Amazônia,” *Estudos Avançados*, 32(92), Jan/Apr 2018, p. 324, <http://www.scielo.br/pdf/ea/v32n92/0103-4014-ea-32-92-0315.pdf> (accessed August 24, 2019); document describing ICMBio operations in and around Gurupi Biological Reserve provided by Ruhan Saldanha, chief of monitoring for the Gurupi Biological Reserve, on file with Human Rights Watch.

102 SEMA has revoked all but four forest management licenses for the municipalities that comprise the Gurupi biological reserve and the Indigenous territories of Alto Turiaçu, Araribóia, Awá, Caru, and Rio Pindaré in Maranhão. Previously, those licenses enabled loggers to cut some areas outside of Indigenous territories and the Gurupi reserve; Danielle Celentano et al., “Desmatamento, degradação e violência no “Mosaico Gurupi” – A região mais ameaçada de Amazônia,” *Estudos Avançados*, 32(92), Jan/Apr 2018, p. 324, <http://www.scielo.br/pdf/ea/v32n92/0103-4014-ea-32-92-0315.pdf> (accessed August 24, 2019); Human Rights Watch interview with Eder Carvalho, IBAMA officer, São Luis October 2017; and telephone interview with a SEMA public official who requested anonymity, February 8, 2018.

103 Officials from environmental agencies IBAMA, ICMBio and SEMA, from FUNAI, from the federal prosecutor’s office, the federal public defender’s office, the federal police, and civil police working off four different cities in Maranhão, told us enforcement efforts are insufficient and more resources are needed to fight environmental crime in the state.

104 IBAMA had 14 inspectors in Maranhão at the end of 2017, of whom five were in leadership positions and nine operated in the field. Human Rights Watch interview with Elisângela Ambé, chief of enforcement at IBAMA in Maranhão, São Luis, October 26, 2017.

105 Ibid.

In 2018, the Maranhão state environmental agency, SEMA, had at most 30 inspectors to monitor environmental crime, a high-level SEMA official told Human Rights Watch.<sup>106</sup> While SEMA does not have authority to operate inside Indigenous territories, the agency is responsible for monitoring the borderlands outside those territories. These are the areas in which illegal sawmills are most often located.

The federal police chief in Imperatriz told Human Rights Watch that she lacked manpower to respond to all reports of environmental crimes. She said 30 federal police officers were stationed in Imperatriz, including those in charge of administrative tasks. That number is “clearly insufficient,” she said.<sup>107</sup>

In 2016, FUNAI signed an agreement with the Maranhão state government to conduct joint state police and FUNAI operations against environmental crime within Indigenous territories.<sup>108</sup> But the agreement was never implemented because FUNAI could not fund the logistics or the daily allowance for police officers.<sup>109</sup>

In 2018, FUNAI had 26 employees in Maranhão, where 37,000 Indigenous people live. The agency had 12 vehicles, but ten were out of commission due to lack of maintenance. Eliane Araújo, then coordinator of FUNAI in the state, told Human Rights Watch that the FUNAI office in Maranhão had no yearly budget to maintain its vehicles and to develop its work.<sup>110</sup> “I prepare the planning, but we don’t follow it,” Araújo explained, because she depended on the FUNAI headquarters in Brasília to release the funds, and they did not. “Indigenous people want the presence of FUNAI in their territories, but we are not there” for lack of resources, she said.

For travel by any employee, Araújo had to ask for authorization ten days in advance. This made it impossible to respond quickly to any urgent situation, such as a call from Indigenous people who encounter loggers in their territory, she said. The day Human Rights Watch interviewed Araújo, she said she was going to travel all night by bus from

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<sup>106</sup> Human Rights Watch telephone interview with a SEMA official for Maranhão who requested anonymity, February 8, 2018.

<sup>107</sup> Human Rights Watch interview with Juliana Ferraz Barros Alves, chief of federal police in Imperatriz, Imperatriz, October 30, 2017.

<sup>108</sup> Acordo de Cooperação Técnica Número 001/2016, copy on file at Human Rights Watch.

<sup>109</sup> Human Rights Watch interview with Thayane Tavares, Indigenous affairs counselor at the Maranhão State Human Rights Secretariat, São Luís, June 4, 2018.

<sup>110</sup> Human Rights Watch interview with Eliane Araújo, then coordinator of FUNAI in Maranhão, Imperatriz, June 12, 2018.

Imperatriz to São Luís for a meeting, with a ticket she would pay for herself.<sup>111</sup> “It’s the worst moment at FUNAI in my 30 years here,” said Araújo.

Federal prosecutors in Imperatriz denounced the “chaotic” situation in Governador and Araribóia Indigenous Territories and accused federal and state authorities of failing to both fight illegal logging and protect Indigenous people.<sup>112</sup> The prosecutors pointed out that FUNAI and IBAMA lack sufficient funding to execute their duties.

### *Indigenous Peoples Defend the Forest*

The Tenetehara, Pyhcop Catiji, and Ka’apor people of Maranhão consider land crucial for their survival. They depend on it for crops, including mandioc, rice, açai palm, pumpkins, and beans. The land also provides them with fruits, fish, and animals; building materials, natural medicine, and materials for handicrafts; pigments for body paints; and raw material for musical instruments that they use in rituals. More than a source of materials, the land is the essence of their very culture; songs, dances, and ceremonies are about nature and their place in it, now and in the afterlife.

“The forest is our home; it heals our soul. Without it, we are nothing,” said Iracadju Ka’apor, a Ka’apor village chief.<sup>113</sup>

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<sup>111</sup> Ibid.

<sup>112</sup> Federal prosecutors made those claims in a lawsuit they filed in August 2018 against FUNAI, IBAMA, and the federal and state governments, in which they asked a judge to order the federal and state governments to develop and implement a plan to protect Governador and Araribóia Indigenous territories. The lawsuit was pending before an appeals court as of June 2019. Lawsuit signed by Maranhão federal prosecutors Jorge Maurício Porto Klanovicz, Catarina Sales Mendes de Carvalho, and José Mário do Carmo Pinto, August 23, 2018, copy on file at Human Rights Watch; Human Rights Watch communication via messaging service with Maranhão federal prosecutor Jorge Maurício Porto Klanovicz, June 18, 2019.

<sup>113</sup> Human Rights Watch telephone interview with Iracadju Ka’apor, village chief of Alto Turiaçu Indigenous Territory, March 18, 2019.



Ka'apor boys in Alto Turiaçu Indigenous Territory, Maranhão state, in November 2017. Photo by César Muñoz Acebes.



Tenetehara youth use ink made from juice from the *jenipapo* fruit as body paint in Araribóia Indigenous Territory, Maranhão state, in November 2017. Photo by César Muñoz Acebes.

Eýy Cy, a Pyhcop Catiji village chief, told Human Rights Watch of the sadness he feels when he discovers areas deforested by illegal loggers within Governador Indigenous territory:

“I feel pain in my heart (when I see it) because we, the Pyhcop Catiji people, believe there is life after death, that our spirits transform themselves into trees, into animals. So, it is not just a tree, not just a forest that is there. What is there is a life, my ancestors’ lives.”<sup>114</sup>

The egregious shortcomings in enforcement by state and federal authorities within Indigenous lands in Maranhão has led the Tenetehara, Ka’apor, and Pyhcop Catiji Indigenous peoples to step up efforts to protect the forest.

The Tenetehara, one of the largest Indigenous peoples in Brazil, live in 11 Indigenous territories in Maranhão, the largest of which are Araribóia and Caru. These territories are home to around 12,500 Tenetehara people and 500 Awá, also known as Guajá, including two groups in voluntary isolation.<sup>115</sup> The Ka’apor live in the largest Indigenous territory in Maranhão, Alto Turiaçu Indigenous Territory, where there are also some Awá and Tembê, numbering about 2,100 people in total.<sup>116</sup> A thousand Pyh Cop Catiji people and almost 600 Tenetehara live in Governador Indigenous Territory.<sup>117</sup>

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114 Human Rights Watch interview with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018.

115 Human Rights Watch interviews with Silvio Santana, village chief of Lagoa Quieta, who also works for FUNAI, Araribóia Indigenous Territory, June 7, 2018; with José Inácio Alves Silva, Lagoa Comprida village chief and president of the Commission of Village Chiefs and Leaders of Arariboia (COCALITE), Lagoa Comprida, June 8, 2018. Araribóia is 4,212 square kilometers in size, larger than Luxembourg or the state of Rhode Island in the United States. National Institute of Space Research (INPE), PRODES database, <http://www.dpi.inpe.br/prodesdigital/prodesuc.php> (accessed September 24, 2018); “MapFight”, <https://mapfight.appspot.com/us.ri-vs-lu/rhode-island-us-luxembourg-size-comparison> (accessed July 22, 2019); Caru Indigenous Territory is 1,748 square kilometers, around the size of the Canton of Zürich. “Canton of Zurich”, Wikipedia, n.d., [https://en.wikipedia.org/wiki/Canton\\_of\\_Z%C3%BCrich](https://en.wikipedia.org/wiki/Canton_of_Z%C3%BCrich) (accessed September 24, 2018).

116 “Terra Indígena Alto Turiaçu”, Terra Indígenas, n.d., <https://terrasindigenas.org.br/es/terras-indigenas/3575> (accessed July 9, 2018) and Human Rights Watch phone interview with Iracadjú Ka’apor, village chief of Alto Turiaçu Indigenous Territory, June 21, 2018. Alto Turiaçu is 5,459 square kilometers, around the size of the Federal District, where Brasília is located. INPE, PRODES Database, <http://www.dpi.inpe.br/prodesdigital/prodesuc.php> (accessed September 24, 2018); “Brasília”, Wikipedia, n.d., <https://en.wikipedia.org/wiki/Bras%C3%ADlia> (accessed September 24, 2018).

117 Human Rights Watch interview with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018. Governador is 421 square kilometers, about the size of Barbados. INPE, PRODES Database, <http://www.dpi.inpe.br/prodesdigital/prodesuc.php> (accessed September 24, 2018); “Barbados”, Wikipedia, n.d., <https://en.wikipedia.org/wiki/Barbados> (accessed August 21, 2019).

These four Indigenous territories, together with Awá Indigenous Territory and the Gurupi Biological Reserve, comprise most of the remaining Amazonian rainforest in Maranhão.

In Alto Turiaçu, Araribóia, Caru, and Governador Indigenous territories, Indigenous peoples have created patrols that they refer to as “Forest Guardians.” The guardians are community members who patrol the land in groups of up to 15 people, mostly men, in trucks, on motorcycles, in boats, and on foot, some of them equipped with GPS.<sup>118</sup> They identify sites of illegal deforestation and provide authorities with names of loggers from towns around their territories.<sup>119</sup> Sometimes they lead police to logging sites.

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<sup>118</sup> Tenetehara leaders of Araribóia Indigenous Territory told Human Rights Watch that one of their village chiefs, in about 2004, came up with the idea to establish an Indigenous group to protect the land. Today, they call themselves *Wazayzar*, meaning “keeper of the culture.” There are currently 120 forest guardians, 15 for each of the eight regions that comprise the Araribóia Indigenous Territory. The Tenetehara of Caru Indigenous Territory established their forest guardians — now 34 men — in 2013. The Pyhcop Catiji of Governador Indigenous Territory also established the forest guardians in 2013. They have 48 forest guardians, including three women, whom they call *Pyhcop Jō’pji Jamyr Catiji*, guardians of the Pyhcop Catiji. In 2010, the Ka’apor of Alto Turiaçu Indigenous Territory established the *Ka’a usak ha*, which means forest guardians in the Ka’apor language. The Ka’apor have a legal association, Ka’apor Tu Hury do Rio Gurupi, but are internally divided. A group of Ka’apor is organized around a “Governing Council” (*Tuxa ta pamé*), whose members are elected by some villages. The other group is organized around traditional village chiefs. Both groups have forest guardians. Human Rights Watch interviews with José Inácio Alves Silva, president of the Commission of Village Chief and Leaders of Araribóia (COCALITE), Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018; with Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018; Claudio José da Silva, coordinator of the Caru forest guardians, Caru Indigenous Territory, June 10, 2018; Marcelo Gavião, coordinator of the Pyhcop Catiji guardians, Governador village, June 6, 2018; Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018; Itahú Ka’apor, member of the Ka’apor governing council, Alto Turiaçu Indigenous Territory, October 28, 2017; and phone interview with Iracadju Ka’apor, village chief of Alto Turiaçu Indigenous Territory, June 21, 2018.

<sup>119</sup> Human Rights Watch has copies of letters sent to federal prosecutors and reports made to federal police with names of alleged illegal loggers from the Tenetehara, Ka’apor, and Pyhcop Catiji. All those communities have also confronted a minority of Indigenous people in those territories who cooperated with the loggers.



The Pyh Cop Catiji forest guardians find a log bridge made by loggers to access timber inside the Governador Indigenous Territory, Maranhão, in November 2017. Photo by César Muñoz Acebes.

Patrolling the forest is often an arduous undertaking, according to members of the Forest Guardian patrols. On some patrolling trips, they sleep in the forest for weeks at a time. Some patrols lack money for gasoline and equipment, and for sustaining the guardians' families when they are away.<sup>120</sup>

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120 The Tenetehara of Araribóia and Pyhcop Catiji had no funding for the forest guardians, as of May 2019. From 2014 to 2017, FUNAI provided the Tenetehara with GPS training, three quadricycles and five motorcycles, plus gas and modest financial support for the guardians. The Centro de Trabalho Indigenista, an Indigenous rights NGO, also contributed with gas and food. By 2017, both FUNAI and the NGO had ceased support. FUNAI said it had no available funds. As of June 2018, the patrol was unable to use the quadricycles, because it did not have the funds to maintain them and pay for gas. The Pyhcop Catiji invested compensation money for the environmental impact of a dam built in Estreito to buy equipment, including a truck, a GPS, and uniforms. The Wytý Catê Association of Timbira Peoples of Maranhão and Tocantins, an NGO, and FUNAI also for several years provided modest funding to compensate the guardians for their work. By 2017, FUNAI had discontinued the support for lack of funding. Both the Tenetehara of Araribóia and the Pyhcop Catiji continue to patrol the forest as much as they can without external support. The Ka'apor and Tenetehara of Caru Indigenous Territory fund the guardians with compensation money from mining company Vale for the environmental impact of a freight line. The company provides 6 million reais (about US\$1.5 million) a year to the people of Caru, Alto Turiaçu, Awá, and Pindaré Indigenous territories. Human Rights Watch interviews with José Inácio Alves Silva, president of the Commission of Village Chief and Leaders of Araribóia (COCALITE), Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018; with Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018; with Claudio José da Silva, coordinator of the Caru forest guardians, Caru Indigenous Territory, June 10, 2018; with Marcelo Gavião, coordinator of the Pyhcop Catiji guardians, Governador village, June 6, 2018; with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018; and telephone interview with Iracadju Ka'apor, village chief of Alto Turiaçu Indigenous Territory, June 21, 2018.

To make it easier to patrol areas where there may be logging, the Ka'apor have built villages in strategically-located areas near the border of their land formerly occupied by loggers to facilitate forest protection.<sup>121</sup> Similarly, the Tenetehara of Araribóia Indigenous Territory are constructing a base in a remote area of their land that has no villages and where illegal logging activity is at its most intense.<sup>122</sup>

In Caru Indigenous Territory, a group of twenty-five “Women Warriors” are learning to pilot and deploy drones to detect deforestation.<sup>123</sup> Some of them also go on patrol with the men.

Forest guardians have collaborated successfully with police on numerous occasions, according to community leaders and federal and state officials.<sup>124</sup> The collaboration has included leading state police to logging sites in their lands.<sup>125</sup>

- In 2016, Caru forest guardians led members of the environmental police battalion of the Maranhão military police through their territory, finding a logging truck, a tractor, and four men logging illegally.<sup>126</sup> The police officers burned the vehicles but let the loggers go because they were in a very remote location and said they could not bring them to a police station.<sup>127</sup>

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121 Between 2013 and 2015, the Ka'apor founded villages in seven Ka'a usak pita ha, or “protection areas,” formerly occupied by loggers. Human Rights Watch interview with Itahú Ka'apor, member of the Ka'apor governing council, Alto Turiaçu Indigenous Territory, October 28, 2017.

122 Human Rights Watch interview with Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, June 8, 2018.

123 The “Women Warriors” give talks about environmental protection in the towns surrounding their land where loggers live. In December 2017, two “women warriors” were giving one of those talks in the town of Novo Caru when, according to one of the Indigenous speakers, a man in attendance threatened: “Next time a guardian takes away our equipment, there will not be an Indian left to tell the story.” Besides giving the talks, the “Women Warriors” are planning a project to collect forest seeds for a greenhouse. Human Rights Watch interview with Rosilene Guajajara de Souza, member of the Women Warriors, Caru Indigenous Territory, June 10, 2018.

124 Human Rights Watch interviews with Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018; Claudio José da Silva, coordinator of the Caru forest guardians, Caru Indigenous Territory, June 10, 2018; Julio Sombra, federal police officer, São Luis, October 26, 2017; Luciano Evaristo, director of environmental protection at IBAMA, Brasília, April 3, 2018.

125 Human Rights Watch interviews with Iwyramu (Olimpio Guajajara), Araribóia Indigenous Territory, November 3, 2017; and Claudio José da Silva, coordinator of the Caru forest guardians, Caru Indigenous Territory, June 10, 2018.

126 Military police is the force that patrols urban and rural areas in Brazil, whereas civil police is the force that investigates crimes.

127 Human Rights Watch interview with Claudio José da Silva, coordinator of the Caru forest guardians, Caru Indigenous Territory, June 10, 2018.

However, even when the forest guardians do the work of locating sites of illegal deforestation or identifying those responsible, the authorities often fail to respond in a timely manner, if at all, forest guardians and Indigenous leaders told us.<sup>128</sup>

- In September 2017, Tenetehara Indigenous people found motorcycle tracks inside Caru Indigenous Territory.<sup>129</sup> They arranged for a helicopter overflight of the area a month later and discovered that drug traffickers had razed the trees off of 18 patches of land to plant marijuana.<sup>130</sup> A federal police officer who was on the flight took pictures of the marijuana fields. However, federal police took no action to destroy the illegal crops or to prevent drug traffickers from continuing to chop down the forest to plant marijuana, or apprehend the culprits. The federal police, the officer told us, did not have enough staff or money to mount such an operation.<sup>131</sup>

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128 Human Rights Watch interviews with Cláudio José da Silva, coordinator of the Tenetehara guardians of Caru Indigenous Territory, Caru Indigenous Territory, June 9, 2018; with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018; and with Iwyramu (Olimpio Guajajara), coordinator of the Tenetehara guardians of Araribóia Indigenous Territory, Araribóia Indigenous Territory, November 3, 2017.

129 Human Rights Watch interview with Cláudio José da Silva, coordinator of the Tenetehara guardians of Caru Indigenous Territory, Caru Indigenous Territory, June 9, 2018.

130 Under a compensation agreement for environmental impact of a railway, mining company Vale makes available 140 helicopter hours per year to the Indigenous people in Caru Indigenous Territory. Human Rights Watch interview with Cláudio José da Silva, coordinator of the Tenetehara forest guardians of Caru Indigenous Territory, Caru Indigenous Territory, June 9, 2018.

131 Human Rights Watch phone interview with Romiron Souza Lima, federal police investigator, October 4, 2018. Lima said that the operation would have required two helicopters and 40 police officers. Such a large team is necessary to hit all the marijuana fields on the same day; otherwise, traffickers harvest overnight, he explained. Lima said he would have needed to bring about 38 federal police officers from other states, and the Maranhão federal police did not have enough funds for that. In addition, IBAMA and federal police helicopters, which are based in Brasília, were not available, he said.



One of the marijuana plots found by Indigenous people and federal police inside Caru Indigenous Territory in October 2017. Photo courtesy of the Caru forest guardians.

Tired of waiting, the Caru forest guardians approached state police, even though combatting illegal deforestation in Indigenous territories is the responsibility of federal authorities. State police conducted an operation in May 2018, during which they found the traffickers had already harvested ten plots of marijuana, and only two remained. They destroyed them with help from the Caru guardians.<sup>132</sup>

As described in the next section, forest guardians conduct dangerous work, as they face illegal loggers who are often armed. Yet, most guardians patrol unarmed, while a few carry old hunting rifles, machetes, or bows and arrows.

When they encounter illegal logging in remote areas, it can be difficult if not impossible to get authorities to respond quickly, before the perpetrators leave. Consequently, the patrols

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<sup>132</sup> Human Rights Watch interview with Cláudio José da Silva, coordinator of the Tenetehara guardians of Caru Indigenous Territory, Caru Indigenous Territory, June 9, 2018. "Polícia Civil apreende 35 toneladas de maconha e desarticula rota do tráfico," State of Maranhão news release, June 1, 2018.

sometimes attempt to detain loggers themselves and then take them to police. That practice is legal under Brazilian law, which allows any individual to detain a person in the act of committing a crime, and then call the police or bring the criminal to a police station.<sup>133</sup>

Most frequently, the guardians opt for letting loggers go after asking them about the logging activities, because of difficult access from the forest to police stations and lack of transportation.

In the past, some guardians seized the loggers' vehicles and sought to turn them over to law enforcement, a practice that would also be legal under Brazilian law, a federal prosecutor told Human Rights Watch.<sup>134</sup> But, as described in the next section, that led loggers to threaten and attack villages to recover the vehicles parked there.<sup>135</sup>

In extreme cases, when faced with difficulty in transporting vehicles to the nearest police station or when they feared retaliation against villages, the patrols have burned the vehicles. While, as discussed above, the law allows environmental police to do this — when transporting equipment or vehicles is inviable or would put agents at risk of attack by loggers — Indigenous people do not have the authority to do so. Thus, their burning logging vehicles may break the law, although the federal prosecutor consulted by Human Rights Watch warned that a determination of the action's legality would have to be made on a case-by-case basis after examining all of the circumstances.<sup>136</sup>

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133 Iwramu (Olimpio Guajajara) told Human Rights Watch that he detained an Indigenous man who worked as an illegal logger and took him to police in 2016. Eýy Cy (Evandro Luis Bandeira) told Human Rights Watch a Governador forest patrol detained an illegal logger in 2018 and handed him over to military police from Amarante do Maranhão. Human Rights Watch interviews with Iwramu (Olimpio Guajajara), Araribóia Indigenous Territory, November 3, 2017; and with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018. Article 301 of Brazil's Criminal Procedure Code says: "Any person can, and police authorities and officers should, detain whomever is in the act of committing a crime." For a description of the procedures in those cases see: "Voz de prisão por cidadão comum: como funciona?" Direitos Brasil, n.d., <https://direitosbrasil.com/voz-de-prisao-por-cidadao-comum-como-funciona/> (accessed July 24, 2018).

134 Human Rights Watch communication via messaging service with Maranhão federal prosecutor Jorge Mauricio Porto Klanovicz, June 18, 2019.

135 Human Rights Watch has documented three instances of loggers threatening or attacking whole villages in attempts to recover vehicles in Araribóia (2007) and in Governador (2009 and 2013), and one instance in which they attacked a village in retaliation after Indigenous people burned one of their trucks in Alto Turiaçu (2015).

136 Human Rights Watch communication via messaging service with Maranhão federal prosecutor Jorge Mauricio Porto Klanovicz, June 18, 2019.

Many state and federal officials interviewed approved of the work done by forest guardians, though several expressed concern that forest patrols could devolve into vigilantism.<sup>137</sup>

The forest guardians Human Rights Watch interviewed said they wanted more state presence on their land to help curb logging, not less, and more opportunities for coordination and cooperation. “We don’t want to do the work outside of the law. We want public support, training, and guidelines,” said in 2018 Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians.<sup>138</sup>

Members of the patrols in several communities told Human Rights Watch that they are well aware that protecting the forest is the states’ responsibility, not theirs, and that patrolling puts them at risk, but they see no other choice. “We shouldn’t be doing it. It’s the duty of the federal and state governments, but since they are not protecting it now, we are the ones doing it,” Iracadju Ka’apor, a Ka’apor village chief, said.<sup>139</sup>

While the Maranhão Indigenous forest guardians seem to be unique in Brazil in their level of organization, other Indigenous peoples carry out similar activities. For instance, the Uru-eu-wau-wau people of Rondônia set off on trips of about eight days on foot to monitor their

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<sup>137</sup> For instance, Julio Sombra, the federal police officer in São Luis who specializes in environmental crime, told Human Rights Watch that forest guardians have a “good knowledge of the area” and that they can “identify where illegal logging is taking place as well as the name of the loggers.” The officer also said the guardians “do not encourage confrontation.” Similarly, Luciano Evaristo, then director of environmental protection at IBAMA, said in 2018 that he valued the information provided by forest guardians, and said they should be trained and paid for their work. In contrast, Juliana Alves, federal police chief in Imperatriz, expressed concern that forest guardians might attempt force against loggers and Elpidio Souza, then civil police chief in Amarante do Maranhão, a town near Governador and Araribóia Indigenous territories, said in 2018 that some residents had told him that guardians were armed and violent. Neither Alves nor Souza had, at the time of our interview, opened any investigation because they did not have any information about a specific crime that the guardians may have committed, they told Human Rights Watch. Human Rights Watch interviews with Julio Sombra, federal police officer, São Luis, October 26, 2017; Luciano Evaristo, director of environmental protection at IBAMA, Brasília, April 3, 2018; Juliana Ferraz Barros Alves, chief of federal police in Imperatriz, Imperatriz, October 30, 2017; and Elpidio Souza, then Amarante de Maranhão civil police chief, Amarante de Maranhão, November 1, 2017.

<sup>138</sup> Human Rights Watch interview with Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018. In May 2016, the governor of Maranhão established a commission—made up of state authorities and representatives of each of the Indigenous peoples in the state—to draft a public policy plan for Indigenous people. The 10-year plan the commission agreed upon at the end of 2017 proposes to formally recognize the Indigenous forest guardians, create protocols for their work, and seek funding for Indigenous environmental defense activities. A follow-up commission is to seek implementation of the plan. Human Rights Watch interview with Francisco Gonçalves da Conceição, Maranhão’s State Secretary of Human Rights and Social Participation, and Thayane Tavares, advisor about Indigenous affairs at the Human Rights Secretariat of the state government of Maranhão, São Luis, June 4, 2018. A copy of the “Ten-Year State Public Policy Plan for Indigenous People in Maranhão” is on file at Human Rights Watch.

<sup>139</sup> Human Rights Watch telephone interview with Iracadju Ka’apor, village chief of Alto Turiaçu Indigenous Territory, March 18, 2019.

land when they have enough funds for food and clothing, an Indigenous leader told us.<sup>140</sup> And, the Munduruku of the Sawré Muybu Indigenous Territory in Pará have established villages in areas where loggers were active and once a year walk along their land's perimeter and mark it, a village chief explained.<sup>141</sup>

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<sup>140</sup> Human Rights Watch interview with Awapu, leader of the Uru-eu-wau-wau, Brasília, April 25, 2019.

<sup>141</sup> Human Rights Watch interview with Bonifacio Saw Munduruku, one of the leaders of the Munduruku of Sawré Muybu Indigenous Territory, Brasília, April 26, 2019.

## II. Violence Linked to Illegal Deforestation

Efforts by forest defenders to curb illegal deforestation in Brazil's Amazon region take place in a context of violence and impunity. During the past decade, more than 300 people have died in conflicts over the use of land and resources in Amazonian states, according to the Pastoral Land Commission (CPT, in Portuguese), a Catholic Church affiliated non-profit organization with offices in every Brazilian state.<sup>142</sup> The commission is the only organization in Brazil that collects such data. Neither federal nor state authorities keep a tally.<sup>143</sup> In many cases, the suspected killers are people involved in illegal deforestation, reports the Commission.<sup>144</sup>

Loggers and land grabbers use violence and intimidation against communities and individuals who pose a threat to their illegal activities. This is a widespread problem in the Brazilian Amazon, multiple federal and state officials told Human Rights Watch. The victims include those who seek to protect the forest, either by reporting illegal deforestation to authorities or by patrolling the forest themselves.

"Loggers are extremely dangerous," Luciano Evaristo told Human Rights Watch in 2018, when he was director of enforcement at IBAMA.<sup>145</sup> "Every person who is involved directly or indirectly in combatting logging faces danger," said Ruhan Saldanha, chief of monitoring at the ICMBio Gurupi Biological Reserve in Maranhão state.<sup>146</sup>

Many Indigenous people are vulnerable to violence by loggers because their lands contain some of the best-preserved forests in Brazil, state and federal authorities told Human

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<sup>142</sup> Data provided to Human Rights Watch by the Pastoral Land Commission. It reported 407 killings in 320 cases from 2009 to 2018.

<sup>143</sup> The Attorney's Office uses the Pastoral Land Commission's data. See, for instance, "Nesse momento devemos dizer que somos todos protetores e protetoras de direitos humanos," afirma PFDC em audiência pública," Attorney General's Office news release, June 13, 2019, <http://www.mpf.mp.br/pgp/noticias-pgp/2019nessemomento-devemos-dizer-que-somos-todos-protetores-e-protetoras-de-direitos-humanos2019-afirmou-pfdc-em-audiencia-publica> (accessed August 21, 2019)

<sup>144</sup> Information provided to Human Rights Watch by the Pastoral Land Commission in Pará state via messaging service, July 31, 2019.

<sup>145</sup> Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018.

<sup>146</sup> Human Rights Watch interview with Ruhan Saldanha, chief of monitoring at the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

Rights Watch. “All the Indigenous territories are targeted by loggers,” Evaristo said.<sup>147</sup> The Pastoral Land Commission has documented 31 killings of Indigenous people since 2009.<sup>148</sup>

In some cases, criminal groups involved with illegal deforestation have also used violence and intimidation to deter government officials from enforcing environmental laws. “We face situations of extremely high risk, mostly in the Amazon,” Paulo Russo, ICMBio’s general coordinator of socioenvironmental management, told us, “because we interfere with local illegal economic interests.”<sup>149</sup>

This section documents acts of violence and intimidation — including the killing of 28 people, the attempted killing of four, and more than 40 cases of death threats — in which there is credible evidence the perpetrators were loggers and land grabbers.<sup>150</sup> In one of the cases involving nine victims, evidence indicates that a logger ordered the murder of farmers to remove them from land he wished to deforest. In the other cases, the victims appear to have been targeted because they had attempted or were attempting to prevent illegal logging.

Twenty-six of the killings or attempted killings documented in the section occurred between 2015 and 2019. The section includes six killings from before 2015 that support the claim of officials and community members that the violence by those engaged in illegal logging is not a new phenomenon.

Indigenous peoples in Maranhão told Human Rights Watch of an additional eight killings since 2016 that they believe were reprisals for the communities’ defense of the

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<sup>147</sup> Human Rights Watch interview with Luciano Evaristo, then director of environmental protection at IBAMA, Brasília, October 15, 2018.

<sup>148</sup> Data from 2009 to 2018, provided to Human Rights Watch by the Pastoral Land Commission. Only two of these cases have gone to trial, resulting in one conviction.

<sup>149</sup> Human Rights Watch interview with Paulo Russo, ICMBio’s general coordinator of socioenvironmental management, Brasília, April 4, 2018.

<sup>150</sup> The cases after 2015 are: Baião case (six killings), Placas case (one killing), Terra Nossa case (three killings and one person disappeared), Sete de Setembro case (two attempted killings), Rio das Onças case (one killing and one attempted killing), Colniza case (nine killings), and Alto Turiaçu case (one killing), plus the killing of military police officer João Luiz de Maria Pereira and the attempted killing of IBAMA agent Roberto Cabral. The cases before 2015 are: Areia case (two killings), Nova Ipixuna case (two killings), and Lagoa Comprida case (one killing), as well as the killing of police officer Luiz Pedro da Silva Gomes.

environment. Due in part to the lack of proper investigations by authorities, Human Rights Watch was unable to confirm this conclusion.<sup>151</sup>

## Violence and Intimidation Against Public Officials

During the past decade, authorities have recorded numerous cases of loggers responding with violence against government agencies' enforcement efforts in five Amazonian states, including the following recent instances:

- In July 2019, unknown arsonists burned two bridges on one of the main roads of the Amazon region, in the municipality of Placas, Pará state, in apparent retaliation for an anti-logging operation by IBAMA.<sup>152</sup>
- In July 2019, assailants burned a fuel truck delivering gas for IBAMA helicopters conducting anti-logging operations in Espigão do Oeste, Rondônia state. Loggers also felled trees over dirt roads and dismantled a bridge to block the agents' vehicles. IBAMA had to cancel the operation.<sup>153</sup>

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<sup>151</sup> Four of the eight people killed were members of the forest guardians. Three of the eight people were run over by loggers in their trucks. Forest guardians: Assis Guajajara, killed on April 22, 2016; Cantídio Guajajara on July 28, 2016; Afonso Guajajara, killed in 2016 (exact date unknown); and Sairá Ka'apor, killed in July 2017 (day unknown). Other victims: José Caneta Gavião and Sônica Vicente Gavião, killed on March 6, 2017; Joel Gavião, killed on April 21, 2017; and Davi Mulato Gavião, killed on October 13, 2018. Human Rights Watch interviews with Itahú Ka'apor, member of the Ka'apor governing council, Alto Turiaçu Indigenous Territory, October 28, 2017; with Laercio Souza Silva, deputy coordinator of the Tenetehara forest guardians in Araribóia, Brasília, April 24, 2019; and Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, November 2, 2017. See also: CIMI, "Indígenas denunciam invasão de madeireiros e loteamento na Terra Indígena Arariboia," GGN, January 19, 2019, <https://jornalggn.com.br/questao-indigena/indigenas-denunciam-invasao-de-madeireiros-e-loteamento-na-terra-indigena-arariboia/> (accessed August 21, 2019); Luanda Belo, "Povo indígena Gavião denuncia ameaças por parte de madeireiros no Maranhão," Povos Indígenas no Brasil, May 5, 2017, <https://pib.socioambiental.org/pt/Not%C3%ADcias?id=177409> (accessed August 21, 2019); Erisvan Guajajara, "Parentes de Davi Gavião, assassinado no Maranhão, clamam por justiça," Amazônia Real, October 23, 2018, <https://amazoniareal.com.br/parentes-de-davi-gaviao-assassinado-no-maranhao-clamam-por-justica/> (accessed August 21, 2019).

<sup>152</sup> Fabiano Maisonnave, "Madeireiros incendeiam pontes da Transamazônica em protesto contra o Ibama," Folha de São Paulo, July 15, 2019, <https://www1.folha.uol.com.br/ambiente/2019/07/madeireiros-incendeiam-pontes-da-transamazonica-em-protesto-contr-o-ibama.shtml> (accessed July 21, 2019); and "Pontes da cidade de Placas são queimadas em protesto contra fiscalizações do Ibama," G1, July 15, 2019, <https://g1.globo.com/pa/santarem-regiao/noticia/2019/07/15/pontes-da-cidade-de-placas-sao-queimadas-em-protesto-contr-fiscalizacoes-do-ibama.ghtml> (accessed July 21, 2019).

<sup>153</sup> Pedro Bentes and Mayara Subtil, "Caminhão-tanque do Ibama é incendiado por pessoas ligadas a madeireiros em RO," G1, July 4, 2019, <https://g1.globo.com/ro/rondonia/noticia/2019/07/04/caminhao-tanque-do-ibama-e-incendiado-por-pessoas-ligadas-a-madeireiros-em-ro.ghtml> (accessed July 9, 2019); and Fabiano Maisonnave, "Acuado por madeireiros, Ibama aborta operação em Rondônia," Folha de São Paulo, July 6, 2019, <https://www1.folha.uol.com.br/ambiente/2019/07/acuado-por-madeireiros-ibama-aborta-operacao-em-rondonia.shtml> (accessed July 21, 2019).

- In October 2018, a man set fire to three IBAMA vehicles in Burutis, Rondônia state, and police prevented a second attack by another man.<sup>154</sup>
- In February 2018, arsonists burned a FUNAI base in Karipuna Indigenous Territory, Rondônia, that environmental law enforcement agencies also used while conducting anti-logging operations in the area.<sup>155</sup>
- In January 2018, arsonists who authorities suspect were loggers burned a base of operations of FUNAI inside Awá Indigenous Territory, Maranhão state.<sup>156</sup>
- In November 2017, assailants burned an IBAMA car in Colniza, Mato Grosso state, during IBAMA enforcement operations in conservation reserves and Indigenous territories.<sup>157</sup>
- In July 2017, assailants burned eight IBAMA vehicles after the agency conducted operations against illegal logging in Altamira, Pará state.<sup>158</sup>

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154 “Criminosos são detidos após ataque a equipe do IBAMA em Burutis (RO),” IBAMA news release, October 22, 2018, <https://www.ibama.gov.br/noticias/436-2018/1756-criminosos-sao-detidos-apos-ataque-a-equipe-do-ibama-em-burutis-ro> (accessed June 15, 2019).

155 “União, FUNAI e estado de Rondônia tem 30 dias para apresentar plano de proteção da terra indígena Karipuna,” Rondônia federal prosecutors’ office news release, June 14, 2018,

156 “Sedihpop e FUNAI discutem proteção ao Território Indígena Awá-Guajá,” SEDIHPOP news release, January 17, 2019, <http://www.sedihpop.ma.gov.br/2019/01/17/sedihpop-e-FUNAI-discutem-protetac-ao-territorio-indigena-awa-guaja/> (accessed June 21, 2019).

157 “Nota sobre ataque criminoso contra o IBAMA em Colniza MT,” IBAMA news release, November 9, 2017, <http://www.ibama.gov.br/notas/1246-nota-sobre-ataque-criminoso-contra-o-ibama-em-colniza-mt/> (accessed June 21, 2019); and “Carro com equipe do IBAMA é incendiado em Colniza,” G1, <http://g1.globo.com/mato-grosso/bom-dia-mt/videos/v/carro-com-equipe-do-ibama-e-incendiado-em-colniza/6274037/> (accessed June 21, 2019).

158 “Nota sobre ataque criminoso contra o IBAMA em Colniza MT,” IBAMA news release, November 9, 2017, <http://www.ibama.gov.br/notas/1246-nota-sobre-ataque-criminoso-contra-o-ibama-em-colniza-mt/> (accessed June 21, 2019).



Loggers from the town of Buriticupu, Maranhão, burn logs and tires, and block highway BR-222 to protest law enforcement agents' confiscation of seven trucks, July 9, 2015. Photos courtesy of Blog Jô Fernandes.<sup>159</sup>

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159 "Operação Maravalha," by federal police officer Julio Sombra, n.d., copy on file at Human Rights Watch; Jo Fernandes Blog, "Interditada BR222 em Buriticupu," July 9, 2015, <http://jofernandesdearaujo.blogspot.com/2015/07/interditada-br222-em-buriticupu.html> (accessed July 9, 2018).

Loggers sometimes kill or attempt to kill state agents trying to protect the forest. For example:

- On July 16, 2016, IBAMA agents, with support from military police officers led by sergeant **João Luiz de Maria Pereira**, confiscated a tractor, a truck, and chainsaws from loggers in the Jamanxim National Forest in Pará.<sup>160</sup> The next day, they burned a camp used by loggers. Pereira chased one of the alleged loggers, who led him through the forest toward the logger's son, hidden on a hilltop. The son, Lucas Oliveira Santos, shot Pereira in the neck and shoulder, police reported.<sup>161</sup> Pereira died 40 minutes later, en route to a hospital.<sup>162</sup> Military police tracked down Santos to an illegal mining operation and killed him in an alleged shootout in July 2016.<sup>163</sup> Civil police closed the investigation after his death.<sup>164</sup>
- In October 2015, Indigenous firefighters employed by IBAMA in the Araribóia Indigenous Territory in Maranhão reported that loggers had threatened them. **Roberto Cabral**, then chief of enforcement operations at IBAMA nationwide, told Human Rights Watch that he, another IBAMA agent, a FUNAI representative, and a pilot flew in a helicopter to find the loggers. They landed about a kilometer from where they had spotted three wood-hauling trucks and a tractor and set out toward them on foot.<sup>165</sup> Seven loggers attacked the officials as they approached the site, Cabral said, and gunfire hit him in the arm and shoulder. Cabral was evacuated to a hospital, where he recovered.<sup>166</sup> Federal police told Human Rights Watch the case remained under investigation.<sup>167</sup>

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160 "Policial que atuava com equipe do IBAMA na Floresta do Jamanxim (PA) é assassinado em emboscada," IBAMA news release, June 18, 2016, <https://www.IBAMA.gov.br/noticias/58-2016/144-policial-que-atuava-com-equipe-do-IBAMA-na-floresta-do-jamanxim-pa-e-assassinado-em-emboscada> (accessed August 21, 2019).

161 "Relatório do Inquérito Policial IPL Número 104/2016.000201-2," Pará civil police report, n.d., copy on file at Human Rights Watch; and Human Rights Watch interview with Elinelson Oliveira, chief of the civil police internal affairs unit in Santarém, Pará, May 3, 2019.

162 "Relatório do Inquérito Policial IPL Número 104/2016.000201-2," Pará civil police report, n.d., copy on file at Human Rights Watch.

163 Ibid.

164 Ibid.

165 Human Rights Watch interviews with IBAMA officer Eder Carvalho dos Santos, São Luís, October 2017; and with Roberto Cabral, then chief of enforcement operations at IBAMA, Brasília, April 4, 2018.

166 Human Rights Watch interview with Roberto Cabral, then chief of enforcement operations at IBAMA, Brasília, April 4, 2018.

167 The federal police officer in charge of investigating the October 2015 attack told Human Rights Watch that the investigation was ongoing and he had made no arrests. Human Rights Watch interview with federal police officer Julio Sombra, São Luís, October 26, 2017.

- On November 13, 2013, agents of ICMBio and IBAMA, as well as police, attempted to remove people who had illegally occupied areas of the Bom Futuro National Forest, in Rondônia. The people were logging and razing the forest to raise cattle.<sup>168</sup> Members of the National Force — a force made up of police officers from various states — drove their car off a small bridge that had been sabotaged, ICMBio said.<sup>169</sup> The officers had to spend the night at the site, and those illegally occupying the forest surrounded them. The next morning, the occupiers attacked the officers with Molotov cocktails. In the ensuing shoot-out, police officer **Luiz Pedro da Silva Gomes** died and another officer was injured, federal prosecutors said.<sup>170</sup> Homicide charges have been filed against seven people; trial was pending at time of writing.<sup>171</sup>
- In 2009, **Roberto Cabral** and other IBAMA agents found people logging illegally inside the Gurupi Biological Reserve in Maranhão.<sup>172</sup> They confiscated a wood-hauling truck and detained the driver. Cabral and a Federal Highway Patrol agent were driving the confiscated truck over the dirt roads leading out of the reserve when a pick-up truck carrying five or six men approached. The men opened fire. Cabral and the highway officer shot back. Nobody was injured, as far as Cabral knows. Police never identified the attackers.

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168 “MPF e MP/RO movem ação para retirada imediata dos invasores da Flona do Bom Futuro,” Rondônia Federal Prosecutor’s Office news release, May 16, 2017, <http://www.mpf.mp.br/ro/sala-de-imprensa/noticias-ro/mpf-e-mp-ro-movem-acao-para-retirada-imediata-dos-invasores-da-floresta-nacional-do-bom-futuro> (accessed August 21, 2019).

169 “Polícia recupera armamento da força nacional após confronto em Rondônia,” G1, November 17, 2013, <http://g1.globo.com/ro/rondonia/noticia/2013/11/policia-recupera-armamento-da-forca-nacional-apos-confronto-em-ro.html> (accessed June 29, 2019); CPT Rondônia, “Morre policial da Força Nacional na Flona Bom Futuro em Rondônia,” November 14, 2019, <http://cptrondonia.blogspot.com/2013/11/morre-policial-da-forca-nacional-na.html> (accessed June 29, 2019); “Militar da força nacional morto em conflito em floresta de Rondônia era do MS,” G1, November 14, 2019, <http://g1.globo.com/ro/rondonia/noticia/2013/11/militar-da-forca-nacional-morto-em-conflito-em-floresta-de-ro-era-do-ms.html> (accessed June 29, 2019).

170 “MPF e MP/RO movem ação para retirada imediata dos invasores da Flona do Bom Futuro,” Rondônia Federal Prosecutor’s Office, May 16, 2017, <http://www.mpf.mp.br/ro/sala-de-imprensa/noticias-ro/mpf-e-mp-ro-movem-acao-para-retirada-imediata-dos-invasores-da-floresta-nacional-do-bom-futuro> (accessed August 21, 2019).

171 Federal prosecutors filed charges on December 12, 2013. On November 25, 2014, a federal judge accepted the homicide charges against Avelino Justiniano de Souza Neto, Edvaldo Vieira da Silva, Edvaldo Andrade Silva, Eronildo Francisco de Paulo, Epdario Leandro Farias, Leandro de Freitas Vieira, and Willyan Costa da Silva, and sent the case to trial by jury. Case numbers: 011727-53.2013.4.01.4100 and 0000115-84.2014.4.01.4100.

172 Human Rights Watch interview with Roberto Cabral, then chief of enforcement operations at IBAMA, Brasília, April 4, 2018.

People involved in illegal logging also threaten and seek to intimidate officials. For example:

- In October 2018, a mob burned one bridge and blocked another, as well as a dirt road that an ICMBio team had to drive in returning from an enforcement operation against illegal logging in the Itaituba II National Forest in Pará.<sup>173</sup> Members of the mob fired in the air to intimidate the agents. The agents called in military police. Only with help from the police were the agents able to extract themselves.
- In October 2014, 14 ICMBio and military police agents found three logging trucks inside the Gurupi Biological Reserve in Maranhão.<sup>174</sup> The owner tried to bribe the agents to release the trucks. The military police arrested him. Shortly after, several hundred men armed with guns, machetes, and stones surrounded the agents, who handed the trucks back and released the owner.
- On August 11, 2012, federal police and agents of IBAMA and FUNAI seized 16 wood-hauling trucks from loggers in Caru Indigenous Territory in Maranhão. To leave the territory, the agents driving the confiscated trucks had to cross a bridge. As they approached, they saw that the bridge was engulfed in flames. A mob was milling around on the other side, and the agents could see that some people in the mob were armed. Outnumbered and unable to cross, the agents returned the vehicles to the loggers.<sup>175</sup>
- People involved with illegal logging and sawmill owners threatened Evane Alves Lisboa, the chief of ICMBio's Gurupi Biological Reserve in Maranhão, at least ten times during the past decade, by phone and in person, Lisboa told Human Rights Watch.<sup>176</sup> He lives in fear. "I don't hang around in public spaces," he said. "I'm always careful."

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173 "ICMBio sofre atentado durante ação de fiscalização na BR163," ICMBio news release, October 22, 2018, <http://www.icmbio.gov.br/portal/ultimas-noticias/20-geral/10027-icmbio-sofre-atentado-durante-acao-de-fiscalizacao-na-br163> (accessed June 21, 2019).

174 Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

175 PowerPoint "Operação Maravalha," by federal police officer Julio Sombra, n.d., copy on file at Human Rights Watch.

176 Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

## Violence and Intimidation Against Indigenous Peoples and Local Residents

*Baião, Pará State, 2019*

On the evening of March 21, 2019, **Marlete da Silva Oliveira, Raimundo de Jesus Ferreira, and Venilson da Silva Santos** were killed, execution-style, with single gunshots to the head, in a shack on the estate of *fazendeiro* Fernando Ferreira Rosa Filho, for whom they worked.<sup>177</sup> The killers set fire to the bodies and the shack.

Police believe Rosa hired four brothers to carry out the execution because he feared that the employees — who had complained about their working conditions — would tell authorities that he was engaging in illegal logging, as well drug trafficking.<sup>178</sup>

After killing the three employees, the hitmen then travelled 20 kilometers to the home of **Dilma Ferreira Silva** in the Salvador Allende settlement, a land-reform project for poor farmers established by the federal agency INCRA. Silva was a local coordinator of the Movement of People Affected by Dams (MAB, in Portuguese), which advocated for people who, like her, believed they had not been properly compensated for damages resulting from the construction of dams.<sup>179</sup> Her house was located on the dirt road that Rosa's trucks used to transport illegally-harvested timber.

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<sup>177</sup> Decision by judge Weber Lacerda Gonçalves to extend pretrial detention for Cosme Francisco Alves and Fernando Ferreira Rosa Filho, April 22, 2019. Copy on file at Human Rights Watch.

<sup>178</sup> Marlete da Silva Oliveira and her partner, Raimundo de Jesus Ferreira, were housekeepers, and Venilson da Silva Santos was a tractor driver. The killers burned the bodies and a shack to send a message to intimidate any others who might think of "rising up" against Rosa, the police suspect. Rosa allegedly maintained employees in exploitative working conditions on his estate. The four men police accused of the crime are Glaucimar Francisco Alves, Cosme Francisco Alves, Marlon Alves, and Alan Alves. During the investigation, a member of the national landless movement (MST) told police that in January 2019 armed men who worked for Rosa shot him twice while he was passing along a dirt road that goes through Rosa's estate. Witnesses told police he had prohibited transit through the road, and placed armed guards there because the road crossed his runway — built in the only flat terrain in the area — which investigators suspect he would use for drug trafficking.

Decision by judge Weber Lacerda Gonçalves to extend pretrial detention for Cosme Francisco Alves and Fernando Ferreira Rosa Filho, April 22, 2019, copy on file at Human Rights Watch; "MPPA oferece denúncia contra acusados da 'Chacina de Baião,'" Pará prosecutor's office news release, July 1, 2019, <https://www2.mppa.mp.br/noticias/mppa-oferece-denuncia-contra-acusados-da-chacina-de-baiao.htm> (accessed August 22, 2019); "Mandante de crime nega que tenha praticado 'queima de arquivo,'" R7, May 27, 2019, <https://recordtv.r7.com/camera-record/videos/mandante-de-crime-nega-que-tenha-praticado-queima-de-arquivo-27052019> (accessed June 21, 2019).

<sup>179</sup> Witness testimony in the investigation of Dilma's killing before the Tucuruí civil police (name of witness withheld for security reasons), March 25, 2019, copy on file at Human Rights Watch; "Defendemos águas para a vida, não para a morte," Movimento dos Atingidos por Barragens news release, March 22, 2019, <https://www.mabnacional.org.br/noticia/defendemos-guas-para-vida-n-para-morte> (accessed June 21, 2019).

The hitman entered Silva's home and killed her, along with her husband, **Claudinor Amaro Costa da Silva**, and a friend and neighbor, **Milton Lopes**. Silva's hands and feet were tied. Her husband was gagged. All three were stabbed to death.<sup>180</sup>

According to state prosecutors, Rosa ordered Silva's killing because she had threatened to report his illegal logging to police and IBAMA.<sup>181</sup> The hitmen killed her husband and Lopes, the neighbor, only because they happened to be in the house at the time.<sup>182</sup>

### *Placas, Pará State, 2018*

In 2018, **Gilson Temponi**, president of an association of farmers in three INCRA settlements in Placas, Pará state, reported to authorities that local *fazendeiros* had taken control of lands in the settlements and were logging illegally.<sup>183</sup> He also reported receiving death threats from those *fazendeiros*. Federal police opened an investigation into the alleged environmental crimes, for which Temponi gave a witness statement.<sup>184</sup> Federal prosecutors sent Temponi's complaint of threats to civil police for investigation, and alerted the military police, the force that patrols both urban and rural areas in Brazil.<sup>185</sup>

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<sup>180</sup> Decision by judge Weber Lacerda Gonçalves to extend pretrial detention for Cosme Francisco Alves and Fernando Ferreira Rosa Filho, April 22, 2019, copy on file at Human Rights Watch.

<sup>181</sup> "MPPA oferece denúncia contra acusados da 'Chacina de Baião,'" Pará prosecutor's office news release, July 1, 2019, <https://www2.mppa.mp.br/noticias/mppa-oferece-denuncia-contra-acusados-da-chacina-de-baiiao.htm> (accessed August 22, 2019).

<sup>182</sup> In June 2019, state prosecutors charged Rosa with ordering the killings, and two brothers, Cosme Francisco Alves and Glaucimar Francisco Alves, with carrying them out. Police killed the other two brothers, Alan and Marlon Alves, in a shootout on May 3, 2019. State prosecutors also charged Valdenir Farias Lima with homicide for helping the killers and Juciel dos Santos Pinheiro as accessory to a crime for aiding them after the killings. "MPPA oferece denúncia contra acusados da 'Chacina de Baião,'" Pará prosecutor's office news release, July 1, 2019, <https://www2.mppa.mp.br/noticias/mppa-oferece-denuncia-contra-acusados-da-chacina-de-baiiao.htm> (accessed August 22, 2019); "Polícia Civil localiza irmãos envolvidos em seis mortes na zona rural de Baião," Pará civil police news release, May 4, 2019, <http://www.policiacivil.pa.gov.br/pol%C3%ADcia-civil-localiza-irm%C3%A3os-envolvidos-em-seis-mortes-na-zona-rural-de-bai%C3%A3o> (accessed August 22, 2019).

<sup>183</sup> Human Rights Watch interview with Ione Missae da Silva Nakamura, Pará state prosecutor, Santarém, May 2, 2019; and interview through a messaging service with Pará federal prosecutor Patrícia Daros Xavier, May 14, 2019. The civil police investigator in charge of the homicide case told Human Rights Watch that civil police collected proof of the threats and sent it to the court, but did not know whether prosecutors filed charges. Human Rights Watch interview with Edinaldo Sousa, chief of the rural conflicts and environment police station in Santarém, Santarém, May 3, 2019.

<sup>184</sup> Human Rights Watch interview with Gecivaldo Vasconcelos, federal police officer, Santarém, May 3, 2019.

<sup>185</sup> Human Rights Watch interview through a messaging service with Patrícia Daros Xavier, Pará federal prosecutor, May 14, 2019.

On December 12, 2018, two men knocked on the door of Temponi's house in the town of Rurópolis. When he opened it, they shot and killed him, then fled on a motorcycle, according to his wife who was present.<sup>186</sup>

### *Terra Nossa, Pará State, 2018*

In 2017, after becoming president of the Nova Vitória Rural Producers Association in Terra Nossa, an INCRA settlement in Pará state, **Maria Márcia Elpidia de Melo** began reporting to IBAMA, as well as federal and state prosecutors, that a network of local *fazendeiros* was engaged in illegal logging in the area, using the settlement's dirt roads to transport their illegally-harvested timber and employing armed men to protect their activities.<sup>187</sup> After making these reports, she began receiving death threats.<sup>188</sup>

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<sup>186</sup> Adonias Silva, "Líder de assentamentos é assassinado a tiros no portão de casa no Pará," G1, December 15, 2018, <https://g1.globo.com/pa/santarem-regiao/noticia/2018/12/15/lder-de-assentamentos-morre-ao-sofrer-atentado-a-tiros-no-portao-de-casa-no-para.ghtml> (accessed June 21, 2019). Elinelson Oliveira, chief of the civil police internal affairs department in Santarém, who had access to the homicide investigation, told Human Rights Watch that Temponi "had no enemies in Rurópolis." Edinaldo Sousa, the civil police investigator in charge of the homicide case, said that Temponi's killing was "probably related to the conflict over land" at the INCRA settlements but declined to give more details, as the investigation was ongoing. Human Rights Watch interviews with Elinelson Oliveira, chief of the civil police internal affairs unit in Santarém, Pará, May 3, 2019; and with Edinaldo Sousa, chief of the rural conflicts and environment police station in Santarém, Santarém, May 3, 2019.

<sup>187</sup> Human Rights Watch interviews Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, April 29, 2019. De Melo sent a letter to federal prosecutors on April 26, 2017 reporting illegal logging and land grabbing; she reported land grabbing by landowners in a signed statement before the civil police of Novo Progresso on November 6, 2017, and reported illegal logging in a statement before a state prosecutor on November 7, 2018. In addition, STTR, a rural workers' union, reported irregularities at the settlement to federal prosecutors on April 27, 2017. Copies of all documents on file at Human Rights Watch.

<sup>188</sup> Human Rights Watch interviews Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, April 29, 2019.

An internal INCRA obtained by Human Rights Watch confirmed her allegations. INCRA inspectors who visited the area in 2017 found that the *fazendeiros* were indeed logging on federal reserve within Terra Nossa, which they had occupied illegally, and were also engaging in illegal mining.<sup>189</sup> Yet authorities never conducted an operation to stop these illegal activities and dismantle the criminal network, which employs armed men for protection, according to de Melo. Nor did they investigate the threats against her life.



Illegally-harvested timber left by loggers in one of the dirt roads in the Terra Nossa settlement in June 2019. Photo courtesy of Pastoral Land Commission – Pará.

In January 2018, a local small farmer, **Romar “Polaquinho” Roglin**, told de Melo that he too was going to report the illegal logging to the police. Twenty days later, Polaquinho was killed.<sup>190</sup> His brother, **Ricardo Roglin**, who lived in the nearby town of Novo Progresso, told residents of the Terra Nossa settlement that he intended to bring his Romar’s killers to

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<sup>189</sup> INCRA, “Relatório de atividade minerária da empresa Chapleau Exploração Mineral Ltda. no Projeto de Desenvolvimento Sustentável – PDS Terra Nossa,” Santarém, Pará, October 2017. On file at Human Rights Watch.

<sup>190</sup> Human Rights Watch interviews with Antonio Marcos Lacerda, vice president of the Nova Vitória Rural Producers Association, and Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, April 29, 2019. Jailson Rosa, “Novo Progresso - Corpo é encontrado no assentamento Terra Nossa,” *Jornal O Jamanxim*, January 13, 2018,

<http://ojamanxim.blogspot.com/2018/01/novo-progresso-corpo-e-encontrado-no.html> (accessed July 30, 2019).

justice.<sup>191</sup> Because he distrusted the local police, he set gathering information himself about the killing and passing it along to the Union of Rural Workers (STTR, in Portuguese), which submitted it to a federal prosecutor.<sup>192</sup> On July 13, 2018, Ricardo Roglin was killed. In a letter informing the federal prosecutor of his death, the STTR wrote that before his death, Roglin he had “feared for his life, and even regretted having meddled in the case.”<sup>193</sup>

In May 2018, another small farmer, Antonio “Bigode” Rodrigues dos Santos, told de Melo that a *fazendeiro* had occupied around 800 hectares of the forest reserve within the Terra Nossa settlement and was using his plot to access the area and extract timber.<sup>194</sup> Bigode told her that he had confronted the *fazendeiro*, warning that he intended to report the logging to authorities, and he showed her the address and phone number of the federal prosecutors he intended to notify. A few days later, Bigode disappeared. A resident who spoke to him the day he vanished told Human Rights Watch that in his last known conversation, Bigode had told another neighbor that someone had vandalized his home.<sup>195</sup>

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<sup>191</sup> Human Rights Watch interviews with Antonio Marcos Lacerda, vice president of the Nova Vitória Rural Producers Association, and Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, April 29, 2019.

<sup>192</sup> Letter from the Rural Workers' Union (STTR, in Portuguese) of Novo Progresso to federal prosecutor Paulo de Tarso Moreira Oliveira, August 2, 2018. On file at Human Rights Watch.

<sup>193</sup> Ibid.

<sup>194</sup> Human Rights Watch interview with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, April 29, 2019.

<sup>195</sup> On May 15, 2018, Bigode stopped to chat at the home of Antonio Marcos Lacerda, another Terra Nossa resident, on his way back to his plot from Novo Progresso, where he had visited with family, Lacerda told Human Rights Watch. Bigode then walked to his home. Later that day, Bigode went to a neighbor's house to ask her whether she had seen anyone at his home, as some of his belongings had been damaged. The neighbor said she had not and urged him to spend the night at her home. Bigode declined. Nobody saw him again. There is only one road in and out of the Terra Nossa settlement. Residents believe that he was killed. If he had left, they believe they would have seen him. Civil police allegedly only agreed to go to Terra Nossa after Bigode's wife offered to pay for gas for the patrol car. She also paid for a bus for fellow church members from Novo Progresso to look for him, but they found no trace. Human Rights Watch interviews with Antonio Marcos Lacerda, vice president of the Nova Vitória Rural Producers Association, and Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, Itaituba, April 29, 2019; and “O desaparecimento do agricultor Antonio Rodrigues dos Santos, assentado do PDS Terra Nossa,” Pastoral Land Commission, n.d., unpublished report based on interviews with Bigode's wife and children in 2018. Bigode's wife reported his disappearance to Novo Progresso civil police on May 21, 2018; and their son reported it to state prosecutors on June 8, 2018. Copies of the reports on file at Human Rights Watch.

More than a year later, he remains missing, and residents believe that loggers killed him.<sup>196</sup>

On September 28, 2018, **Aluisio “Alenquer” Sampaio**, president of the Union of Small Family Farmers (SINTRAFF, in Portuguese) in nearby Castelo dos Sonhos, reported to de Melo, that earlier that day he had confronted two *fazendeiros* suspected of being involved in the illegal land grab near Bigode’s plot and accused them of having killed the disappeared farmer.<sup>197</sup> He now feared for his life, de Melo recalled, but told her he was determined to bring the *fazendeiros* to justice for death of Bigode, who was a good friend of his, and that he had made an appointment to speak with prosecutors in the city of Santarém on October 15. On October 11, Alenquer was shot and killed by two assailants who fled scene with an accomplice in a car.<sup>198</sup>

While de Melo believes loggers operating in Terra Nossa ordered Alenquer’s killing, a former lawyer at SINTRAFF and a Pará state prosecutor specialized in rural conflicts in the region provided Human Rights Watch with an alternative explanation for his death.<sup>199</sup> The lawyer told Human Rights Watch that Alenquer had previously reported illegal logging by a criminal network in the area of his hometown, Castelo dos Sonhos, to both INCRA and the

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<sup>196</sup> Maria Márcia Elpídia de Melo, president of the Nova Vitória Rural Producers Association, reported the killings, illegal logging, and threats by loggers to authorities. Statement by Maria Márcia Elpídia de Melo before INCRA in Santarém, November 5, 2018, copy on file at Human Rights Watch; and Human Rights Watch interview with Maria Márcia Elpídia de Melo, Itaituba, April 29, 2019. The Pastoral Land Commission reported the killings in letters to state and federal prosecutors in December 2018, copies on file at Human Rights Watch. Civil police told Human Rights Watch that they were investigating the killings of Romar and Ricardo Roglin, and the disappearing of Antonio “Bigode” Rodrigues dos Santos, but had not yet identified those responsible for the crimes, as of May 2019. Message through messaging service from Edinaldo Sousa, chief of the rural conflicts and environment unit at the civil police in Santarém, May 7, 2019.

<sup>197</sup> Human Rights Watch interview with Maria Márcia Elpídia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, Pará, April 29, 2019.

<sup>198</sup> Ibid.

<sup>199</sup> Human Rights Watch interview with Ione Missae da Silva Nakamura, Pará State prosecutor, Santarém, May 2, 2019; and telephone interview with Rodolfo Avila, attorney, May 1, 2019.

state prosecutors' office.<sup>200,201</sup> A month before his death, one of the people involved with this criminal network threatened to kill him, according to the lawyer.<sup>202</sup>

Meanwhile, the threats against de Melo and other community leaders have continued.<sup>203</sup> In February 2018, de Melo said, a local *fazendeiro* involved in illegal logging told her that he was going to “put a padlock on your mouth, like that guy who was found in Butuacã road,” referring to a corpse that had recently been found on a nearby road. In November 2018, an INCRA official announced at a public meeting that de Melo had accused several loggers of the killings in Terra Nossa.<sup>204</sup> The accused loggers were present in the meeting. According to de Melo, one of them later approached her and said: “You better shut your mouth, otherwise your ship is going to sink like Alenquer,” referring to the union president who had been shot to death the previous month. Since that meeting, she told Human Rights Watch, “I knew there was a price on my head.”

In December 2018, **Antonio Marcos Lacerda**, who works closely with de Melo as vice president of the Nova Vitória community association, was approached by a man he knew from the area who warned him that he had been hired by three loggers to kill him and urged him to leave the community.<sup>205</sup> When the hired killer left the store, Lacerda's son-in-law, who witnessed the exchange, followed him and found him waiting in ambush with a shotgun about 50 meters from Lacerda's home. The hired killer pointed the gun at him but did not shoot, and Lacerda's son-in-law disarmed him.<sup>206</sup>

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200 Lawyer Rodolfo Avila said he was present in the meetings in which Sampaio had reported illegal logging and threats in Terra Nossa. Human Rights Watch phone interview with Rodolfo Avila, attorney, May 1, 2019.

201 Ibid.

202 The lawyer said police killed one of the hitmen allegedly hired by the landowners in a shootout, another one fled, and a third, the driver, remained in pretrial detention as of May 1, 2019. Human Rights Watch interview with Ione Missae da Silva Nakamura, Pará State prosecutor, Santarém, May 2, 2019; and telephone interview with Rodolfo Avila, attorney, May 1, 2019. See also: “Balanco operacao dois irmaos suspeito de ser mandante Julio Cesar e preso pela policia,” *Diário Progresso*, n.d., <http://www.diadiaprogresso.com.br/jornal/duas-pessoas-sao-presas-e-uma-morre-em-operacao-contra-grilagem-de-terras-apos-homicidio-do-sindicalista-em-castelo-sonhos/> (accessed July 26, 2019).

203 Human Rights Watch interview with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, Pará, April 29, 2019.

204 Human Rights Watch interview with Maria Márcia Elpidia de Melo, Itaituba, April 29, 2019.

205 Antonio Marcos Lacerda told Human Rights Watch that the incident occurred on December 24, 2018 and he reported it to the Novo Progresso civil police on December 27, 2018. A copy of the complaint is on file at Human Rights Watch. Human Rights Watch interview with Antonio Marlos Lacerda, Itaituba, April 29, 2019.

206 Police went to Terra Nossa to investigate about a month later, but nobody wanted to talk about the loggers for fear, said Lacerda. Human Rights Watch interview with Antonio Marlos Lacerda, Itaituba, April 29, 2019.

According to local residents, these unsolved killings and threats — and the ongoing presence of criminal networks involved in illegal deforestation — have generated a climate of intense fear among Terra Nossa residents, who now avoid previously common activities such as entering the forest reserve within the settlement to collect Brazil nuts and other fruits.<sup>207</sup>

### *Areia, Pará State, 2011-2018*

In 1998, INCRA created the Areia settlement in Pará, providing lots to about 300 poor families. Within five years, according to a 2013 study by INCRA, *fazendeiros* involved in illegal logging had seized control over much of the settlement, using it to gain access to protected forests nearby.<sup>208</sup> A former logger turned whistleblower told a reporter in 2012 that loggers operating in the area had killed 15 people in the previous two years.<sup>209</sup> The 2013 INCRA study reported that the families that remained in the settlement were “paralyzed by fear, caused by a dark record of violence and killings.”<sup>210</sup>

In 2019, Areia residents said that the *fazendeiros* continued to engage in illegal logging and employ gunmen to protect their activities and intimidate and kill those who got in their way.<sup>211</sup> Those residents told Human Rights Watch of four logging-related killings that had occurred within the Areia settlement since 2011. (Human Rights Watch was only able to obtain the full names and confirm the deaths of two of the victims.) João Carlos Baú, known as “Cuca,” and two others had worked for loggers and, not having been paid as agreed, threatened to report illegal logging and labor abuses to authorities, the residents

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<sup>207</sup> Human Rights Watch interviews with Maria Márcia Elpídia de Melo and Antonio Marlos Lacerda, Itaituba, April 29, 2019. Letters from the Pastoral Land Commission to Pará federal prosecutor Paulo Oliveira and state prosecutor Ione Missae da Silva Nakamura, December 17, 2018, copies on file at Human Rights Watch.

<sup>208</sup> “Relatório Circunstanciado de Vitorias para Supervisão da Situação Ocupacional do PA Areia,” INCRA Report, May 2013, copy on file at Human Rights Watch; and Human Rights Watch interviews with Osvailinda Maria Marcelino Alves Pereira and Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>209</sup> The witness was Junior José Guerra. Guerra told the reporter he wanted to tell the story publicly because the illegal loggers had already sent a hitman to kill him, and he believed the publicity about the case was his only chance to remain alive. Eliane Brum, “A Amazônia, segundo um morto e um fugitivo,” *Revista Época*, January 28, 2012. <http://elianebrum.com/opiniaoc/colunas-na-epoca/a-amazonia-segundo-um-morto-e-um-fugitivo/> (accessed August 21, 2019).

<sup>210</sup> “Relatório Circunstanciado de Vitorias para Supervisão da Situação Ocupacional do PA Areia,” INCRA Report, May 2013, copy on file at Human Rights Watch; and Human Rights Watch interviews with Osvailinda Maria Marcelino Alves Pereira and Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>211</sup> Human Rights Watch interviews with three Areia residents, 2019, name, place and exact date withheld for security reasons.

said.<sup>212</sup> Loggers killed them, the residents believe, to keep them from going to the authorities.

The fourth killing reported by the residents involved **João Chupel Primo**, who was initially involved in illegal logging but, after a change of heart, began secretly recording conversations with members of an illegal logging ring to obtain evidence of their criminal activities.<sup>213</sup> Primo met with state police, federal police, and ICMBio agents in September and October 2011 and reported that loggers were using the Areia settlement to access timber in the Riozinho do Anfrísio Reserve and the Trairão National Forest.<sup>214</sup> In late October, he also met with federal prosecutors. Two days after that meeting, on October 22, 2011, gunmen shot him dead in the nearby town of Itaituba.<sup>215</sup>

**Oswalinda Marcelino Alves Pereira**, and her husband, **Daniel Alves Pereira**, both small farmers in the settlement, became targets of intimidation by *fazendeiros* involved in illegal logging in 2011 after she founded the Areia II Women's Association and obtained support from the Amazonian Environmental Research Institute (IPAM, in Portuguese) to reforest areas where logging had occurred and to develop sustainable organic agricultural

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212 Two Areia residents said hitmen killed a man known as "Gaúcho" and that they witnessed a hitman stab to death a man called Nelson, whom the two residents took to the hospital, where he died. They did not know the full names of Gaúcho and Nelson, or recall the exact date they were killed. In the case of Nelson, the family buried him and never notified the police he was murdered for fear of reprisals. All the killings took place in front of residents of the Areia settlement, they said, but nobody dared to go to the police. Human Rights Watch could not corroborate with authorities the information provided by those witnesses. Those two Areia residents and a third resident told Human Rights Watch that hitmen shot to death João Carlos Baú, known as "Cuca," at a party in 2011. Their account confirms some details of what the former logger turned whistleblower told a reporter in 2012 about that killing: Eliane Brum, "A Amazônia, segundo um morto e um fugitivo," *Revista Época*, January 28, 2012, <http://elianebrum.com/opiniao/colunas-na-epoca/a-amazonia-segundo-um-morto-e-um-fugitivo/> (accessed August 21, 2019). Human Rights Watch interviews with three Areia residents, 2019, name, place and exact date withheld for security reasons.

213 Human Rights Watch interview with an Areia resident, place and date withheld for security reasons. The resident's account is corroborated in a news report and a book. Eliane Brum, "A Amazônia, segundo um morto e um fugitivo," *Revista Época*, January 28, 2012, <http://elianebrum.com/opiniao/colunas-na-epoca/a-amazonia-segundo-um-morto-e-um-fugitivo/> (accessed August 21, 2019).; and Maurício Torres, Juan Doblas and Daniela Fernandes Alarcon, "Dono é quem desmata": conexões entre grilagem e desmatamento no sudoeste paraense, São Paulo: Urutu-branco; Altamira: Instituto Agronômico da Amazônia, 2017, p. 160.

214 "MPF/PA pede proteção para ameaçados depois de assassinato em Itaituba," Pará Federal Prosecutor's Office news release, October 24, 2011, <http://www.mpf.mp.br/pa/sala-de-imprensa/noticias-pa/tensao-no-para-mpf-pede-protacao-para-ameacados-depois-de-assassinato-em-itaituba> (accessed June 24, 2019).

215 Eliane Brum, "A Amazônia, segundo um morto e um fugitivo," *Revista Época*, January 28, 2012, <http://elianebrum.com/opiniao/colunas-na-epoca/a-amazonia-segundo-um-morto-e-um-fugitivo/> (accessed August 21, 2019).; and Maurício Torres, Juan Doblas and Daniela Fernandes Alarcon, "Dono é quem desmata": conexões entre grilagem e desmatamento no sudoeste paraense, São Paulo: Urutu-branco; Altamira: Instituto Agronômico da Amazônia, 2017.

practices.<sup>216</sup> People engaged in illegal logging were distrustful of the project, the Pereiras told Human Rights Watch. The loggers repeatedly asked them whether the IPAM personnel were part of IBAMA, and at one point told the women's association to stop the reforestation project.<sup>217</sup>

In 2012, while Osvailinda Pereira was receiving medical treatment at a hospital in the city of Santarém, a woman she did not know casually told her that loggers had agreed to contribute 3,000 reais (about US\$770) each to pay for the killing of four activists.<sup>218</sup> The woman said the targets were two of Pereira's neighbors, Osvailinda Pereira's husband, and Osvailinda Pereira herself.

Around the same time, a person affiliated with the loggers visited her husband at their home in Areia and offered him a job collecting a 100 reais (US\$25) fee from every logging truck that passed in front of the house.<sup>219</sup> Daniel Pereira refused the offer.

The day Daniel brought Osvailinda Pereira home from the hospital, the couple found a group of about 12 loggers waiting at their house accompanied by a contingent of armed men.<sup>220</sup> The loggers offered the Pereiras money to sign a letter on behalf of the Areia II Women's Association asking IBAMA and ICMBio not to conduct operations in Areia, the couple said. When Osvailinda refused, one of them said, "You are going to die like Dorothy," apparently referring to Dorothy Stang, an American nun murdered in Pará in 2005.

Instead of silencing her, Osvailinda Pereira told Human Rights Watch, the threat motivated her to report the loggers to the authorities. The couple filed complaints with state and federal police.<sup>221</sup> Shortly afterward, several loggers accosted Daniel Pereira and Antônio

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<sup>216</sup> Human Rights Watch interviews with Osvailinda Maria Marcelino Alves Pereira and Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>217</sup> Human Rights Watch interview with Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>218</sup> Human Rights Watch interviews with Osvailinda Maria Marcelino Alves Pereira, place withheld, April 24, 2019.

<sup>219</sup> Human Rights Watch interview with Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>220</sup> Human Rights Watch interviews with Osvailinda Maria Marcelino Alves Pereira and Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>221</sup> Human Rights Watch has copies of five reports of threats and illegal logging Osvailinda and Daniel Pereira made to civil and federal police, and state prosecutors over the last years. Federal prosecutor Paulo Oliveira confirmed he had received the reports from the couple. Human Rights Watch interview with Pará federal prosecutor Paulo de Tarso Oliveira, Santarém, May 2, 2019.

de Paula e Silva, an Areia farmer participating in the association's activities, when they were in the town of Trairão and brought them to a house there.<sup>222</sup> Between 15 and 20 armed men waited under a mango tree in the patio of the house, which was only some 20 meters from the local police station. The loggers accused the two farmers of providing information about their illegal logging to IBAMA and said they would pay them to stop.<sup>223</sup> "Take the money or die," one said. They subsequently allowed Daniel Pereira to leave to pick up Osváinda at a nearby bus station, where she was due to arrive from the city of Santarém. They forced Silva to remain in the house. When Pereira returned with Osváinda, she announced that she had already reported their threats to the authorities.<sup>224</sup> "If I die now," she said, "everyone will know it was you." Five hours after initially accosting Daniel Pereira and Silva, the loggers let them all go.

In the years since, the three have continued to receive death threats.<sup>225</sup> On various occasions, armed men rode motorcycles around their homes, sometimes while the women's association was meeting inside. One morning in May 2018, the Pereira's awoke to find that someone had crept into their backyard during the night, piled up two mounds of soil, and erected crosses on top, simulating graves. "I felt Daniel and I were already buried there," Osváinda Pereira said.<sup>226</sup>

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222 Human Rights Watch interview with Daniel Pereira and Antonio de Paula e Silva, place withheld, April 25, 2019.

223 Human Rights Watch interview with Antonio de Paula e Silva, place withheld, April 25, 2019.

224 Human Rights Watch interview with Osváinda Maria Marcelino Alves Pereira, place withheld, April 24, 2019.

225 Human Rights Watch has copies of five reports of threats and illegal logging Osváinda and Daniel Pereira made to civil and federal police, and state prosecutors; and federal prosecutor Paulo Oliveira told Human Rights Watch he also knew about the situation and travelled to Trairão. Human Rights Watch interview with Pará federal prosecutor Paulo de Tarso Oliveira, Santarém, May 2, 2019.

226 Human Rights Watch interview with Osváinda Maria Marcelino Alves Pereira, place withheld, April 24, 2019.



Someone piled two mounds of soil to simulate graves in Osvailinda and Daniel Pereira's backyard, as a threat, in May 2018. Photo courtesy of Osvailinda Pereira.

### *Sete de Setembro, Rondônia State, 2017*

In November 2017, **Naraymi Suruí** and a group of more than 20 other Suruí Paiter Indigenous people of the Sete de Setembro Indigenous Territory in Rondônia state traveled to an area on their land to collect Brazil nuts, but instead they found loggers.<sup>227</sup> The loggers had loaded four trucks with the huge trunks of Brazil nut trees, a species that can grow 200 feet tall and that Brazil's Environment Ministry considers threatened with extinction.<sup>228</sup> The Indigenous people asked the men to leave. Suruí, who is the local chief's son, had in the past peacefully confronted loggers. This time, though, they accused him of mobilizing the Indigenous people against them and threatened him. "This is not going to stay like this," one said.

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227 Human Rights Watch interview through a messaging services with Elisângela Dell-Armelina Suruí, wife of Naraymi Suruí, May 17, 2019.

228 Human Rights Watch phone interview with Naraymi Suruí, May 17, 2019. See also: "The Brazil nut tree: grandiose and threatened," World Wide Fund for Nature, February 1, 2010, <https://www.wwf.org.br/informacoes/english/?26235/The-Brazil-nut-tree-grandiose-and-threatened> (accessed June 24, 2019); "Deep Jungle: Monsters of the Forest-The Amazing Brazil Nut Tree," PBS, April 24, 2005, <https://www.pbs.org/wne/nature/deep-jungle-monsters-of-the-forest-the-amazing-brazil-nut-tree/3365/> (accessed July 29, 2019).



One of four trucks loaded with timber from Brazil nut trees that Indigenous people found inside Sete de Setembro Indigenous Territory in Rondônia state in November 2017. Photo courtesy of Elizângela Dell-Armelina Suruí.

About a week later, on November 29, 2017, Naraymi Suruí and his wife, **Elizângela Dell-Armelina Suruí**, were returning by motorcycle from the city of Cacoal to the Indigenous Territory. Dell-Armelina Suruí saw two people on another motorcycle waiting at a bend in the road, she told Human Rights Watch.<sup>229</sup> The motorcycle fell in behind them and sped up to come alongside. The passenger pulled a gun, she said, and fired at her husband's head. He missed, but the couple crashed. The gunman's motorcycle passed them, and stopped. The gunman stepped off and came back, firing at them three times. Dell-Armelina Suruí

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<sup>229</sup> Human Rights Watch interview through a messaging services with Elisângela Dell-Armelina Suruí, May 17, 2019.

crouched behind the fallen motorcycle, her husband motionless beside her. Naraymi Suruí's brother arrived suddenly by motorcycle, and the attacker fled, firing once more as he and his companion roared off. Naraymi Suruí and Elizângela Dell-Armelina Suruí escaped unharmed. Naraymi Suruí identified the two attackers to police as local loggers.<sup>230</sup>

### *Colniza, Mato Grosso State, 2017*

At sunset on April 19, 2017, four members of a group of killers-for-hire known as “the hooded ones,” including a former military police officer, indiscriminately murdered nine people in a settlement in Taquaruçu do Norte, according to state prosecutors.<sup>231</sup> Taquaruçu do Norte is in the Colniza municipality of Mato Grosso state.

The killers tied up and cut the throats of **Francisco Chaves da Silva, Edson Alves Antunes, Izaul Brito dos Santos, and Valmir Rangel do Nascimento**; stabbed to death **Ezequias Santos de Oliveira, and Sebastião Ferreira de Souza**, and shot dead **Aldo Aparecido Carlini, Fabio Rodrigues dos Santos, and Samuel da Cunha**.<sup>232</sup>

Prosecutors charged Valdelir João de Souza, owner of two nearby logging companies, with ordering the killings to scare away the 300 families of subsistence farmers who lived in the area, so that he could take over the land and harvest the timber. A logger told prosecutors that De Souza was mislabeling illegally-cut timber to make it appear legal.<sup>233</sup> Police are investigating whether other local *fazendeiros* may also have been involved in ordering the Colniza massacre, as it became known.<sup>234</sup>

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<sup>230</sup> Ibid.

<sup>231</sup> Local landowners involved in land grabbing and illegal logging allegedly hired “the hooded ones” to threaten and kill small farmers to take over their land, said prosecutors. The allegations are contained in “Edital de Citação,” a court order signed by judge Ricardo Frazon Menegucci, August 17, 2017, copy on file at Human Rights Watch.

<sup>232</sup> Ibid.

<sup>233</sup> Testimony by logger Alex Gimenes Garcia on November 14, 2017, contained in “Decisão sobre pedidos deduzidos pela defesa,” December 18, 2018, copy on file at Human Rights Watch.

<sup>234</sup> “MPMT pede a pronúncia de dois participantes da chacina de Colniza,” Mato Grosso prosecutors' office news release, April 9, 2019, <https://www.mpmt.mp.br/conteudo/58/76904/mpmt-pede-a-pronuncia-de-dois-participantes-da-chacina-de-colniza> (accessed June 24, 2019); Lázaro Borges, “Promotoria investiga novos mandantes, dois anos após chacina de Colniza,” *Folha de São Paulo*, April 19, 2019, <https://www1.folha.uol.com.br/poder/2019/04/promotoria-investiga-novos-mandantes-dois-anos-apos-chacina-de-colniza.shtml> (accessed June 24, 2019); “Chacina de Colniza completa dois anos sem condenados e com novo possível mandante,” *Gazeta Digital*, April 19, 2019, <http://www.gazetadigital.com.br/editorias/judiciario/chacina-de-colniza-completa-dois-anos-sem-condenados-e-com-novo-possivel-mandante/575327> (accessed June 24, 2019).

*Araribóia, Maranhão State, 2015–2017*

Members of the Tenetehara forest guardians in Araribóia Indigenous Territory told Human Rights Watch that they had received repeated threats from loggers.<sup>235</sup> **Iwyramu**, the current coordinator of the forest guardians recalled a logger telling him, probably sometime in 2015, “If you are not going to cut a deal with us, we’re going to go and shoot everyone, like we did in Lagoa Comprida.”<sup>236</sup> In that 2007 incident, loggers stormed a Tenetehara village to recover a wood-hauling truck, killing one and injuring three.<sup>237</sup>

In November 2016, a Tenetehara village chief told Iwyramu that a nephew of his who was working for a local *fazendeiro* had received 8,000 Brazilian reais (US\$2,180) “to kill” Iwyramu.

In June 2017, a man the community recognized as engaged in illegal logging told a Tenetehara village chief that he would make the guardians pay, “by any means necessary.”<sup>238</sup>

In October 2017, Tenetehara forest guardians burned a wood-hauling truck they had found in Araribóia Indigenous Territory. Soon after, **João Guajajara** (pseudonym), the chief of one of Araribóia’s villages, visited the city of Amarante do Maranhão. A logger who he believed was the truck’s owner approached, he said, and threatened him. “You are in the middle of this ... if you don’t tell me the truth ... you too are going to be on the list.” The man mentioned other leaders who were defending the forest from illegal logging. “You are going to get shot.”<sup>239</sup>

In May 2018, a man whom forest guardians had, in the past, apprehended chopping down trees in Araribóia told the brother of **Franciel Souza Guajajara**, who was the coordinator of the forest guardians at the time, that Guajajara and another Indigenous leader should

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<sup>235</sup> Human Rights Watch interview with Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018.

<sup>236</sup> Human Rights Watch interview with Iwyramu (Olimpio Guajajara), Araribóia Indigenous Territory, November 3, 2017.

<sup>237</sup> See Lagoa Comprida case below.

<sup>238</sup> Human Rights Watch interview with Franciel Souza Guajajara, coordinator of the Araribóia forest guardians from 2016 through 2018, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018.

<sup>239</sup> Human Rights Watch interview with João Guajajara (pseudonym), Araribóia Indigenous Territory, November 3, 2017. Human Rights Watch used a pseudonym and withheld the name of the village where he is chief for security reasons.

“watch out in town.”<sup>240</sup> A couple of weeks later, the son of another logger told Guajajara’s brother that if guardians put their hands on his equipment “everyone will pay, children included.”<sup>241</sup>

### *Alto Turiaçu, Maranhão State, 2014–2017*

One night in 2014, along a dirt track that loggers had opened in the Alto Turiaçu Indigenous Territory, ten members of the Ka’apor forest patrol found five illegal loggers at work, **Mutuhiran Ka’apor**, a forest guardian, told Human Rights Watch.<sup>242</sup> The loggers repeatedly shot at the guardians, he said, hitting three: a shotgun pellet hit Mutuhiran Ka’apor in the right leg, another hit a forest guardian in the back, and a .38 caliber revolver bullet grazed the third in the temple, wounding him.<sup>243</sup>

One evening in April 2015, **Eusebio Ka’apor**, a Ka’apor leader involved in organizing forest patrols to prevent loggers from entering Alto Turiaçu, was riding a motorcycle with a friend, **Kapita Ka’apor**, when a man emerged from the bushes at the side of the road, pointed a gun at them, and yelled for them to stop.<sup>244</sup> Kapita Ka’apor, who was driving, accelerated to escape. The attacker fired, striking Eusebio Ka’apor in the back.<sup>245</sup> Kapita Ka’apor drove to the nearest village and found Eusebio’s son, who took his father to a hospital in nearby Zé Doca. Eusebio Ka’apor died at the hospital.<sup>246</sup>

Shortly after his death, six of the seven members of the Ka’apor Governing Council, which coordinates the patrols, received death threats that they believed came from people engaged in illegal logging and were intended to frighten them into ceasing efforts to protect the forest.<sup>247</sup>

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<sup>240</sup> Human Rights Watch interview with Franciel Souza Guajajara, coordinator of the Araribóia forest guardians from 2016 through 2018, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018.

<sup>241</sup> Ibid.

<sup>242</sup> Human Rights Watch interview with Mutuhiran Ka’apor, Alto Turiaçu Indigenous Territory, October 28, 2017.

<sup>243</sup> Ibid.

<sup>244</sup> Statement of João Gualberto dos Santos Barreto, FUNAI official, to the civil police of Zé Doca, April 28, 2015. Copy on file at Human Rights Watch.

<sup>245</sup> Ibid.

<sup>246</sup> Statement of Samue Miraran Ka’apor, son of Eusebio Ka’apor, to a federal prosecutor, São Luís, May 20, 2015. Copy on file at Human Rights Watch.

<sup>247</sup> In one such instance, a logger known to the community allegedly approached Itahu Ka’apor and said to him: “Tell Sarapa that tomorrow I am coming to his house and I am going to kill him.” Human Rights Watch interview with Itahú Ka’apor, member of the Ka’apor governing council, Alto Turiaçu Indigenous Territory, October 28, 2017.

On December 20, 2015, members of the Ka'apor forest guardians were fighting fires when they came upon three loggers with a truck along a path the loggers had cleared to access timber in Alto Turiaçu Indigenous Territory.<sup>248</sup> According to **Mutuhiran Ka'apor**, a member of that patrol, the forest guardians tied up the loggers, asked them about illegal logging activities in Alto Turiaçu, demanded that they leave their territory, and set fire to the wood-hauling truck and a motorcycle.<sup>249</sup> One of the loggers then escaped and contacted others in the area.<sup>250</sup>

About an hour later, some 20 armed loggers arrived, shouting insults and racial slurs, according to Mutuhiran Ka'apor and others who spoke to Human Rights Watch. The Ka'apor guardians, who were unarmed, fled on foot. The loggers shot after them, injuring one Ka'apor in the back and one in the buttocks with shotgun pellets.<sup>251</sup> The guardians helped the injured stagger through the forest for more than four hours, until they reached the Ka'apor village of Turizinho.

The next day, a group of some 60 armed outsiders arrived at Turizinho, and the Ka'apor fled into the forest, Mutuhiran Ka'apor said.<sup>252</sup> The armed men beat a non-Indigenous man who remained in the village, Ka'apor people said, forcing the man to reveal the names of members of the forest guardians.<sup>253</sup>

Two days later, federal police arrived at the village with a medical team, a police officer who participated in the operation told Human Rights Watch.<sup>254</sup> He confirmed that loggers had injured some Indigenous people, although he did not provide further details.

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<sup>248</sup> Human Rights Watch interview with Mutuhiran Ka'apor, Alto Turiaçu Indigenous Territory, October 28, 2017. The Kaapor sent a letter, dated two weeks after the incident, to the Federal Prosecutor's Office in Maranhão reporting it. Letter from Associação Ka'apor ta hurry do Rio Gurupi to Federal Prosecutor's Office, January 3, 2016. Copy on file at Human Rights Watch.

<sup>249</sup> Human Rights Watch interview with Mutuhiran Ka'apor, Alto Turiaçu Indigenous Territory, October 28, 2017.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid; letter from Associação Ka'apor ta hurry do Rio Gurupi to Federal Prosecutor's Office, January 3, 2016, copy on file at Human Rights Watch.

<sup>252</sup> Ibid.

<sup>253</sup> The non-Indigenous man lived in the village because his daughter married a Ka'apor man. The men drove him on a motorcycle to an area close to the Xapu settlement, where they beat him with a gun and a club, put the gun to his head, and threatened to kill him unless he identified the members of the forest patrol, the Ka'apor said in their letter. The men allegedly showed him pictures of Indigenous people, asking him to reveal whether they were in the patrol. He revealed the names and the loggers released him. Human Rights Watch interview with Mutuhiran Ka'apor, Alto Turiaçu Indigenous Territory, October 28, 2017; and letter from Associação Ka'apor ta hurry do Rio Gurupi to Federal Prosecutor's Office, January 3, 2016. On file at Human Rights Watch.

<sup>254</sup> Human Rights Watch interview with federal police investigator Romiron Souza Lima, São Luis, October 26, 2017.

One day in 2017, a stranger approached **Iracadju Ka'apor**, a village chief of Alto Turiaçu Indigenous Territory, in Zé Doca, a nearby town, and accused Indigenous people of setting logging trucks on fire.<sup>255</sup> "Either you stop doing that," Iracadju Ka'apor recalled the man threatening, "or you will live only one more day." In June 2018, another stranger approached Iracadju Ka'apor and several other Ka'apor people at a gas station in Zé Doca. "Indians have to stay in their village," Iracadju Ka'apor recalled the man saying. "Why are you in town?...You are blocking the sale of timber.... If you continue, we are going to burn all your cars."<sup>256</sup>

In August 2017, **Mawarisha**, a member of the Ka'apor governing council, received an anonymous call.<sup>257</sup> "Are you the one who won't let other Indians sell timber anymore?" the caller threatened, Mawarisha told Human Rights Watch. "We're going to get you one way or another." The following month, Mawarisha received another anonymous call. "I want to make a deal with you to sell timber," the caller said. "If you don't accept, you will die."

#### *Rio das Onças, Maranhão State, 2015*

**Raimundo Santos**, a leader of the Rio das Onças village in Maranhão, cooperated closely with ICMBio officials, providing information to support the federal agency's efforts against illegal logging in the Gurupi Biological Reserve. Evane Lisboa, the chief of the reserve, told us.<sup>258</sup>

In August 2015, Santos and his wife, **Maria da Conceição Chaves**, were riding their motorcycle home in the Rio das Onças village when three men stepped out from the roadside and fired at them.<sup>259</sup> Seven bullets hit Santos; the attackers also stabbed him. He died at the scene. Chaves, gravely injured by gunshots, survived the attack.<sup>260</sup>

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<sup>255</sup> Human Rights Watch telephone interview with Iracadju Ka'apor, village chief of Alto Turiaçu Indigenous Territory, June 21, 2018.

<sup>256</sup> Ibid.

<sup>257</sup> Human Rights Watch interview with Mawarisha (Osmar Ka'apor), Alto Turiaçu Indigenous Territory, October 29, 2017.

<sup>258</sup> Raimundo Santos was a member of the Advisory Council of the Gurupi Biological Reserve and his wife, Maria da Conceição Chaves, was an alternate member. Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

<sup>259</sup> Ibid.

<sup>260</sup> Human Rights Watch interviews with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017; and with federal police officer Julio Sombra Oliveira, São Luís, October 26, 2017.

José Escórcio, a *fazendeiro* who Lisboa believes was involved in illegal logging, confessed to police that he wanted to kill Santos because of his environmental defense work, the investigating federal police officer told us.<sup>261</sup> Escórcio described to police how he hired a retired military police officer, who in turn hired two active military police officers to help him kill Santos.<sup>262</sup> The retired military police officer also controlled land in the area, was involved in illegal logging, and had an interest in killing Santos to access timber, the lawyer representing Maria da Conceição Chaves said.<sup>263</sup>

### *Governador, Maranhão State, 2013*

In March 2013, a group of Pyhcop Catiji forest guardians found four wood-hauling trucks, a tractor, and 20 armed loggers in the Governador Indigenous Territory, Eýy Cy, chief of the village of Governador, told Human Rights Watch.<sup>264</sup> The guardians mobilized the villagers. Arriving en masse, the villagers took the loggers by surprise, disarmed them, and told them to leave the territory. They then drove the logging trucks and tractor to Governador village. Eýy Cy called FUNAI, he said, and the agency alerted the federal police.

After sunset the next day, two FUNAI employees and four state police officers arrived in Governador village. On the way, the state police had seen loggers setting up a blockade on the dirt road from Governador to the nearby town of Amarante do Maranhão, Governador villagers told Human Rights Watch.<sup>265</sup> In the early morning hours, villagers told us, the state police officers left without warning the locals or taking the confiscated vehicles.

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<sup>261</sup> Human Rights Watch interview with Julio Sombra Oliveira, federal police officer, São Luís, October 27, 2017.

<sup>262</sup> Federal prosecutors charged Escórcio with ordering the attack. Escórcio was under house arrest, granted because of his advanced age, pending trial, when he died in 2017. The retired military officer he allegedly hired as a hitman awaits trial in detention as of this writing, while two active military police officers allegedly involved in the murder were killed in a seemingly unrelated incident. At the end of 2018, a federal judge ruled the case should be transferred to a state court. Both federal prosecutors and the lawyers representing Maria da Conceição Chaves appealed. The ruling by the appeals court was pending as of August 2019. Human Rights Watch phone interview with Danilo Chammas, a lawyer at Justiça nos Trilhos, an NGO, August 21, 2019; Human Rights Watch interview with Julio Sombra Oliveira, federal police officer, São Luís, October 27, 2017; Adonias Silva, "Líder de assentamentos é assassinado a tiros no portão de casa no Pará," *G1*, August 15, 2018, <https://g1.globo.com/pa/santarem-regiao/noticia/2018/12/15/lider-de-assentamentos-morre-ao-sofrer-atentado-a-tiros-no-portao-de-casa-no-para.ghtml> (accessed June 24, 2019); "Revogada prisão de assassinos de ambientalista da Rebio no Maranhão," *G1*, April 27, 2016, <http://g1.globo.com/ma/maranhao/noticia/2016/04/revogada-prisao-de-assassinos-de-ambientalista-da-rebio-no-maranhao.html> (accessed June 24, 2019); "Ação de polícias Federal, Civil e Militar resulta na prisão de policial reformado por crime de homicídio," State government of Maranhão news release, May 23, 2017.

<sup>263</sup> Human Rights Watch phone interview with Danilo Chammas, a lawyer at Justiça nos Trilhos, an NGO, August 21, 2019.

<sup>264</sup> Human Rights Watch interview with Eýy Cy (Evandro Luís Bandeira), Governador Indigenous Territory, November 2, 2017.

<sup>265</sup> Human Rights Watch interviews with Marcelo Gavião, coordinator of the Pyhcop Catiji guardians, Governador village, June 6, 2018, and phone interview with Tiir Cwuj (Maria Helena Gavião), coordinator of the Association of Indigenous Women of Maranhão (AMIMA), July 2, 2018.

**Frederico Pereira Guajajara**, a leader of the Tenetehara living in nearby Araribóia Indigenous Territory, saw the blockade as he was riding his motorcycle to Amarante de Maranhão. A group of about 20 loggers were burning tires in the middle of the dirt road.<sup>266</sup> Guajajara stopped to record the scene on his phone. Five loggers wielding wooden sticks encircled him, he told us, and beat him on the head and back.<sup>267</sup> They broke his phone, he said, and one of them said, “Let’s take this Indian and throw him on the fire.” A Pyhcop Catiji Indigenous man, a stranger to Guajajara, interceded on Guajajara’s behalf and the loggers let him go.<sup>268</sup>

Four days after the state police left, six federal police officers arrived and tried to negotiate with a crowd of loggers who were maintaining the roadblock.<sup>269</sup> About 70 loggers attacked the police car.<sup>270</sup> The officers retreated to Governador village, where they spent the night. The following day, military police arrived to retrieve the federal officers. The officers left together, without taking the wood-hauling trucks and tractor that the forest guardians had seized.<sup>271</sup>

For the next 11 days, with no protection from state or federal authorities, the Pyhcop Catiji lived in fear, the confiscated logging vehicles still parked in Governador village.

**Pyn Hýc**, the wife of Augusto Gavião, a Pyhcop Catiji leader, told us that anonymous callers threatened him several times during those 11 days.<sup>272</sup> She answered Gavião’s phone twice, she said. The callers threatened to set fire to the car used by the forest

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<sup>266</sup> Human Rights Watch interview with Frederico Pereira Guajajara, Araribóia Indigenous Territory, November 3, 2017.

<sup>267</sup> Ibid.

<sup>268</sup> Frederico Guajajara said he reported the incident to the civil police in Amarante do Maranhão and identified one of the attackers; to his knowledge, police and prosecutors have not taken any action against them. Human Rights Watch interview with Frederico Pereira Guajajara, Araribóia Indigenous Territory, November 3, 2017. Human Rights Watch asked state authorities if they had opened an investigation into this case, but had received no response as of September 2019.

<sup>269</sup> Human Rights Watch interviews with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, November 2, 2017; and with Marcelo Gavião, coordinator of the Pyhcop Catiji guardians, Governador Indigenous Territory, June 6, 2018.

<sup>270</sup> Final federal police report, case 0024/2013-4-DPP/ITZ/MA, December 19, 2013, copy on file at Human Rights Watch. Human Rights Watch interviews with Juliana Ferraz Barros Alves, chief of federal police in Imperatriz, Imperatriz, October 30, 2017; and Pyn Hýc (Raquel Bandeira), deputy coordinator of the Association of Indigenous Peoples of Maranhão (COAPIMA), Imperatriz, October 29, 2017.

<sup>271</sup> Human Rights Watch interview with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, November 2, 2017.

<sup>272</sup> Human Rights Watch interview with Pyn Hýc (Raquel Bandeira), deputy coordinator of the Association of Indigenous Peoples of Maranhão (COAPIMA), Governador Indigenous Territory, November 2, 2017. Her husband died in 2013 of a heart attack.

guardians if they tried to drive to Amarante do Maranhão. They told her to warn the community that they were going to invade “at any time,” she said, and they threatened to kill three Indigenous leaders, whom they named.<sup>273</sup>

Anonymous callers also threatened **Marcelo Gavião**, the coordinator of the forest guardians, five times by phone, he told Human Rights Watch.<sup>274</sup> If he did not release the trucks, Gavião recalled one caller saying, assailants would attack the village by night and kill him in his house.

Meanwhile, someone threw a motorcycle chain onto the power lines. Governador village was without power for about two days.<sup>275</sup>

During the 11 days of the standoff, owners of shops and the gas station in Amarante do Maranhão refused service to the Pyhcop Catiji people.<sup>276</sup> “We were hungry,” Pyn Hýc told Human Rights Watch.<sup>277</sup> Eýy Cy, the Governador village chief, said he believes the loggers threatened the shop owners.<sup>278</sup>

On the twelfth day, federal agents returned in force. IBAMA agents, accompanied by 30 federal police officers, took away the wood-hauling trucks that the villagers had seized from the loggers.

### *Nova Ipixuna, Pará State, 2011*

**José Cláudio Ribeiro da Silva** and **Maria do Espírito Santo** were killed after reporting to authorities that a *fazendeiro* was trying to take over some of the land in the Praia Alta Piranheira Agro-Extractivist Settlement Project, possibly to fell down the trees and graze

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<sup>273</sup> Ibid.

<sup>274</sup> Human Rights Watch interview with Marcelo Gavião, coordinator of the Pyhcop Catiji guardians, Governador Indigenous Territory, June 6, 2018.

<sup>275</sup> Human Rights Watch interviews with Eýy Cy (Evandro Luis Bandeira), November 2, 2017; and Marcelo Gavião, Governador Indigenous Territory, June 6, 2018.

<sup>276</sup> Human Rights Watch interview with Eýy Cy (Evandro Luis Bandeira) and Pyn Hýc (Raquel Bandeira), Governador Indigenous Territory, November 2, 2017.

<sup>277</sup> Human Rights Watch interview with Pyn Hýc (Raquel Bandeira), Governador Indigenous Territory, November 2, 2017.

<sup>278</sup> Human Rights Watch interview with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, November 2, 2017.

cattle there.<sup>279</sup> INCRA, the land-reform federal agency, had settled poor families in the forest to use it sustainably. Zé Cláudio, as Da Silva was known, and Espírito Santo made handicrafts and collected Brazil nuts, processing them into oil and other products.<sup>280</sup> The couple were vocal defenders of the forest and of other settlers.

In a TED talk in November 2010, Da Silva said that, while native forest covered 85 percent of the Project's area when it was created in 1997, only 20 percent remained covered 13 years later. He attributed the loss to illegal logging.<sup>281</sup> "As long as I have the strength to keep on going, I'll report all those who harm the forest," he promised.

Two men murdered Da Silva and Espírito Santo on May 24, 2011 as they travelled by motorcycle in a rural area of the town of Nova Ipixuna, Pará.<sup>282</sup> A Pará court convicted José Rodrigues Moreira, a *fazendeiro*, of ordering the couple's murder because they had told INCRA that he was trying to expel three settlers from their plots to take over the land.<sup>283</sup> Anton Fon Filho, an attorney who assisted the prosecution, believes the *fazendeiro* intended to sell the timber, raze the forest, and plant grass for cattle.<sup>284</sup>

### *Lagoa Comprida, Maranhão State, 2007*

On September 15, 2007, Tenetehara Indigenous people living in Lagoa Comprida village, Maranhão state, expelled two loggers whom they encountered in Araribóia Indigenous

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279 Human Rights Watch phone interview with Anton Fon Filho, an attorney who assisted with the prosecution on behalf of the families of the victims, July 17, 2019.

280 "Killing trees is murder: Zé Cláudio Ribeiro at TEDxAmazonia," video clip, YouTube, <https://www.youtube.com/watch?v=XO2pwnrji8I> (accessed June 21, 2019).

281 Ibid.

282 "Acusado de mandar matar casal de extrativistas vai a segundo júri no Pará," G1, December 6, 2016, <http://g1.globo.com/pa/para/noticia/2016/12/acusado-de-mandar-matar-casal-de-extrativistas-vai-segundo-juri-no-para.html> (accessed July 21, 2019).

283 Felipe Milanez, "Zé Claudio e Maria: justiça histórica," Comissão Pastoral da Terra, December 12, 2016, <https://www.cptnacional.org.br/publicacoes/noticias/conflitos-no-campo/3541-ze-claudio-e-maria-justica-historica> (accessed June 24, 2019); "Justiça manda reintegrar o INCRA na posse dos lotes comprados pelo mandante do assassinato do casal de extrativistas," Comissão Pastoral da Terra, July 14, 2017, <https://www.cptnacional.org.br/publicacoes-2/noticias-2/3891-justica-manda-reintegrar-o-incra-na-posse-dos-lotes-comprados-pelo-mandante-do-assassinato-do-casal-de-extrativistas> (accessed June 24, 2019); "Acusado de envolvimento na morte de casal de extrativistas é condenado," G1, December 6, 2016,

<http://g1.globo.com/pa/para/noticia/2016/12/acusado-de-envolvimento-na-morte-de-casal-de-extrativistas-e-condenado.html> (accessed June 24, 2019).

284 Human Rights Watch phone interview with Anton Fon Filho, an attorney who assisted with the prosecution on behalf of the families of the victims, July 17, 2019.

territory. They seized a wood-hauling truck and brought it to the village.<sup>285</sup> They contacted FUNAI, which in turn called the federal police, asking the police to remove the truck.<sup>286</sup> Nobody arrived to do so.

On October 15, about 15 men stormed Lagoa Comprida to recover the truck, including its owner, shooting indiscriminately at the villagers, injuring three, prosecutors said.<sup>287</sup> One of them, Maria Madalena Guajajara, was hit in the neck and the left side of her abdomen.<sup>288</sup> Her husband, **Tomé Guajajara**, darted into his house to retrieve a muzzle-loading hunting rifle, a witness said.<sup>289</sup> One of the attackers went after Tomé and shot him in the abdomen. From the ground, Tomé shot back, injuring one of the attackers. Other men arrived and shot Tomé while he lay injured on the ground, killing him, villagers told Human Rights Watch.<sup>290</sup> The attackers then retreated, taking with them their wounded man, who later died in a hospital.<sup>291</sup>

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285 Charging document by federal prosecutor Ellen Cristina Chaves Silva in relation to police investigation no. 270/2007, March 22, 2012, copy on file at Human Rights Watch.

286 Human Rights Watch interview with Eurico Guajajara, an Araribóia village chief, Araribóia Indigenous Territory, November 3, 2017.

287 Charging document by federal prosecutor Ellen Cristina Chaves Silva in relation to police investigation no. 270/2007, March 22, 2012, copy on file at Human Rights Watch; Genildo Guajajara statement to the federal police, February 15, 2008.

288 Ibid.

289 Statement made by Witness 1 to federal police in Imperatriz on February 15, 2008, copy on file at Human Rights Watch; Human Rights Watch interviews with villagers at Lagoa Comprida, including Tomé Guajajara's two daughters, on June 7, 2018.

290 Human Rights Watch interviews with Maria Joana Alves Guajajara, Jose Inácio Alves Silva, and Graça Guajajara, Lagoa Comprida, June 8, 2018; statement made by Witness 1 to federal police in Imperatriz on February 15, 2008, copy on file at Human Rights Watch.

291 Charging document by federal prosecutor Ellen Cristina Chaves Silva in relation to police investigation no. 270/2007, March 22, 2012, copy on file at Human Rights Watch; Federal police forensic report no. 473/2007 – SR/MA, October 30, 2007, copy on file at Human Rights Watch. After the killing of Tomé Guajajara, federal police gathered eyewitness accounts that provided substantial evidence against the illegal loggers, including the names or nicknames of four of the alleged shooters. However, police did not take a detailed statement from Maria Madalena Guajajara, Tomé's wife, who was near him when he was shot and who has since died. Federal prosecutors filed charges against three men more than four years after the killing. Since then, the case has stalled because authorities have not made necessary arrangements to ensure the appearance in court of two Indigenous people whose testimony is key for the prosecution. Judges have ordered FUNAI to bring to court the witnesses, who live in a remote area of Araribóia Indigenous Territory and have no means of transportation, but FUNAI has failed to bring them to hearings on at least five occasions since 2013, court documents show. Human Rights Watch interviews with federal prosecutor Jorge Maurício Porto Klanovicz, Imperatriz, June 4, 2018; with Eliane Araújo, then coordinator of FUNAI in Maranhão, Imperatriz, June 12, 2018; and phone interview with federal prosecutor José Mário do Carmo Pinto, October 19, 2018. Case documents on file at Human Rights Watch.

### III. State Failure to Investigate Violence and Intimidation

Acts of violence and intimidation by criminal networks involved in illegal deforestation in the Brazilian Amazon are rarely prosecuted. Indeed, impunity for all crimes related to illegal logging is the norm, according to state and federal justice officials working in the region. One federal prosecutor in Pará told Human Rights Watch that impunity for killings by loggers is a “generalized” problem in that state.<sup>292</sup> Another in Amazonas state said that impunity is “pervasive” in cases involving conflicts over resources and land.<sup>293</sup>

Human Rights Watch’s review of available documentation, interviews with justice officials and affected communities, and close examination of authorities’ handling of specific cases support the conclusion that Brazil is systematically failing to investigate and prosecute acts of violence by loggers and land grabbers in the Amazon region.

By failing to bring perpetrators to justice, Brazil is allowing killings by people involved with illegal deforestation to continue virtually unchecked. Violence in the context of conflicts over land and resources continues “because nobody is punished,” Deborah Duprat, director of the human rights unit at the Attorney General’s Office, told Human Rights Watch. “Impunity is the norm,” she added.<sup>294</sup> A federal prosecutor in Amazonas warned: “The state is losing control of the situation.”<sup>295</sup>

#### Failure to Investigate Killings

Of the more than 230 cases of fatal attacks — involving more than 300 victims — which the Pastoral Land Commission has registered in the Amazon region during the past decade, only nine — fewer than four percent — have gone to trial.<sup>296</sup>

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<sup>292</sup> Human Rights Watch interview with federal prosecutor Paulo de Tarso Oliveira, Santarém, May 2, 2019.

<sup>293</sup> Human Rights Watch interview with an Amazonas federal prosecutor, Manaus, June 27, 2019. Name withheld upon request.

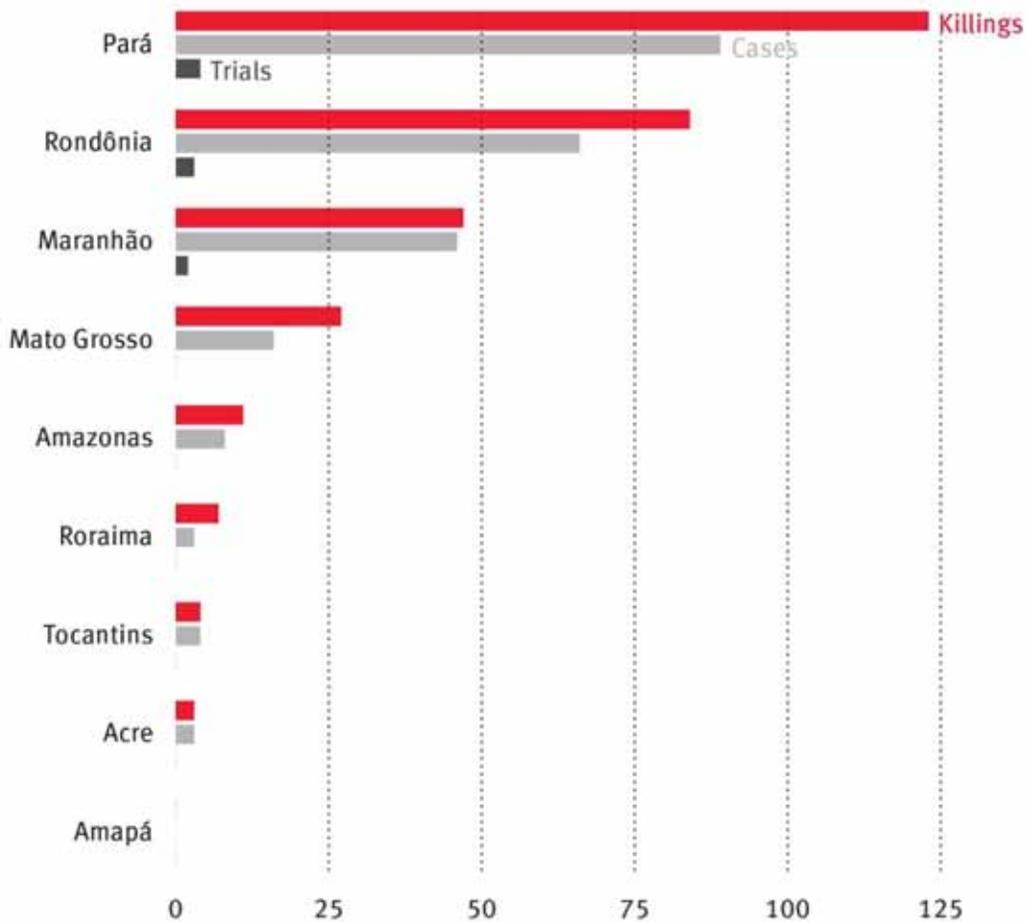
<sup>294</sup> Human Rights Watch interview with Deborah Duprat, federal prosecutor for citizens’ rights, Brasília, August 16, 2019.

<sup>295</sup> Human Rights Watch interview with an Amazonas federal prosecutor, Manaus, June 27, 2019. Name withheld upon request.

<sup>296</sup> Data provided to Human Rights Watch by the Pastoral Land Commission.

In Pará, the state with the highest number of killings, only four out of 89 cases have gone to trial since 2009; in Rondônia only three out of 66; in Maranhão only two out of 46; in Mato Grosso, which had 16 cases, and in Amazonas, which had eight, there have been no trials.

### Killings and Impunity in Amazonian States, 2009 – 2018



Source: Pastoral Land Commission

Of the 28 killings and four attempted killings documented in Section II, only one case, the killing of José Cláudio Ribeiro da Silva and Maria do Espírito Santo, went to trial. (A jury convicted three people in that case.)

The main reason that perpetrators of these crimes are not brought to justice, according to state and federal authorities who spoke with Human Rights Watch, is that police do not conduct proper investigations. “The police investigative apparatus simply does not work for this type of crime,” explained Pará federal prosecutor Paulo Oliveira.<sup>297</sup> “Local state police do very little,” said a high-level federal police officer in the Amazon region.<sup>298</sup> “There is impunity because of the failure to apply even basic investigative methods,” he added. Maranhão’s secretary of human rights, Francisco Gonçalves da Conceição, said that police collect “insufficient evidence” in cases of violence related to rural conflicts over land and resources.<sup>299</sup>

Police attribute the failures to resource shortages and the difficulty of conducting investigations in remote areas of the Amazon region. For example, Elpídio Souza, civil police chief of the town of Amarante do Maranhão, told Human Rights Watch that a lack of proper vehicles and staffing was to blame for shortcomings in the investigations of killings in the area.<sup>300</sup>

While criminal justice officials at the federal and state levels told us that killings allegedly by loggers are not adequately investigated, none had compiled detailed information that would allow systematic evaluation of the cases. The judicial files for these cases are dispersed in remote towns throughout the Amazon region, some of them only reachable by spending hours of boating or driving on precarious roads. The federal Attorney General’s Office relies instead on data collected by the Pastoral Land Commission, whose attorneys monitor cases throughout the Amazon region and provide legal and other assistance to some of the victims and communities.<sup>301</sup>

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297 Human Rights Watch interview with Paulo de Tarso Oliveira, federal prosecutor in the state of Pará Santarém, May 2, 2019.

298 Human Rights Watch interview with a high-ranking federal police officer in the Amazon region, June 27, 2019. Name and place withheld upon the officer’s request.

299 Human Rights Watch interview with Francisco Gonçalves da Conceição, Maranhão’s state secretary of human rights and social participation, São Luís, June 4, 2018.

300 Human Rights Watch interview with Elpídio Sousa, civil police chief of Amarante de Maranhão, Amarante de Maranhão, November 1, 2017.

301 See, for instance, “‘Nesse momento devemos dizer que somos todos protetores e protetoras de direitos humanos,’ afirma PFDC em audiência pública,” Attorney General’s Office news release, June 13, 2019, <http://www.mpf.mp.br/pgr/noticias-pgr/2019/nesse-momento-devemos-dizer-que-somos-todos-protetores-e-protetoras-de-direitos-humanos2019-afirmou-pfdc-em-audiencia-publica>. (accessed August 21, 2019).

To assess the dynamics of impunity described by officials, Human Rights Watch examined how authorities responded to killings in one region of Maranhão state — encompassing the Alto Turiaçu, Governador, and Araribóia Indigenous Territories — where local communities have taken a stand against illegal logging and report being victims of violent reprisals by loggers.

There have been 16 killings in this region since 2015, according to information provided by the Pastoral Land Commission and the Indigenist Missionary Council (CIMI, in Portuguese), another Catholic Church-affiliated non-profit organization.<sup>302</sup> The leaders of Indigenous peoples in the region told Human Rights Watch that they believe that at least eight of those killings were reprisals by loggers against community activities in defense of the forest.<sup>303</sup> None of the cases has been tried, according to the two NGOs and community leaders.

Human Rights Watch requested information about the 16 killings from Maranhão's Attorney General's Office, secretary of public security, and secretary of human rights, but had not received a response from any of these institutions as of September 2019.<sup>304</sup> Cases in which an Indigenous person is killed in a common crime remain under local state jurisdiction, yet federal prosecutors have jurisdiction over cases and access to case files when there is some evidence that Indigenous people were killed because of their defense

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302 Data provided to Human Rights Watch by the Pastoral Land Commission. For the cases collected by CIMI see the organization's annual reports: "Violência contra os povos indígenas no Brasil – Dados de 2015," Conselho Indigenista Missionário, [https://cimi.org.br/pub/relatorio/Relatorio-violencia-contra-povos-indigenas\\_2015-Cimi.pdf](https://cimi.org.br/pub/relatorio/Relatorio-violencia-contra-povos-indigenas_2015-Cimi.pdf) (accessed June 24, 2019); "Violência contra os povos indígenas no Brasil – Dados de 2016," Conselho Indigenista Missionário, [https://cimi.org.br/pub/relatorio/Relatorio-violencia-contra-povos-indigenas\\_2016-Cimi.pdf](https://cimi.org.br/pub/relatorio/Relatorio-violencia-contra-povos-indigenas_2016-Cimi.pdf) (accessed June 24, 2019)

"Violência contra os povos indígenas no Brasil – Dados de 2017," Conselho Indigenista Missionário, [https://cimi.org.br/wp-content/uploads/2018/09/Relatorio-violencia-contra-povos-indigenas\\_2017-Cimi.pdf](https://cimi.org.br/wp-content/uploads/2018/09/Relatorio-violencia-contra-povos-indigenas_2017-Cimi.pdf) (accessed June 24, 2019).

303 Human Rights Watch interviews with Itahú Ka'apor, member of the Ka'apor governing council, Alto Turiaçu Indigenous Territory, October 28, 2017; with Eýy Cy (Evandro Luis Bandeira), Governador village chief, Governador Indigenous Territory, June 6, 2018; Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, Araribóia Indigenous Territory, June 8, 2018; and Frederico Pereira Guajajara, Araribóia Indigenous Territory, November 3, 2017.

304 Human Rights Watch inquired about the killings during meetings with the human rights secretariat in October 2017 and June 2018. Human Rights Watch sent letters requesting information about the 16 killings again to the secretary of human rights on July 14, 2019, and to the secretary of public security and the state attorney general on July 15, 2019.

of the environment.<sup>305</sup> So we also asked federal prosecutors in the cities of São Luiz and Imperatriz; they had information about only one of the cases.<sup>306</sup>

The 16 cases occurred in remote towns dispersed throughout the region. Human Rights Watch was able to interview police officers involved in the investigations of six of the cases.<sup>307</sup> In three of these, we also obtained direct testimony from relatives of three victims and interviewed a prosecutor familiar with one of the cases.<sup>308</sup>

We found serious flaws in the investigations of all six killings. In at least two cases, police investigators failed to visit the crime scene.<sup>309</sup> In at least five, police failed to arrange for autopsies of the victims.<sup>310</sup> For example:

- After **Assis Guajajara** was stabbed to death in Araribóia Indigenous Territory in 2016, police investigators did not visit the crime scene and there was no autopsy of his body. Guajajara was a member of the forest guardians and had received several death threats from loggers, his brother, who reported the killing to police, told Human Rights Watch.<sup>311</sup>

When asked about the flaws in these investigations, a local police chief offered the same explanation that Human Rights Watch heard elsewhere to justify the omissions by authorities: the remote locations of the crimes and the lack of resources — including all-terrain vehicles — to make the trips.

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<sup>305</sup> Human Rights Watch interviews with federal prosecutor Alexandre Soares, São Luís, October 26, 2017; and with federal prosecutor Jorge Maurício Porto Klanovicz, Imperatriz, June 4, 2018. Brazilian law entrusts federal prosecutors with, among other things, the defense of “collective rights and interests, especially those of Indigenous communities.” Law number 75, May 20, 1993, art 5, para. III, [http://www.planalto.gov.br/ccivil\\_03/leis/lcp/lcp75.htm](http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp75.htm) (accessed June 24, 2019).

<sup>306</sup> A federal prosecutor was in charge of the case of Eusebio Ka’apor. Human Rights Watch interview with federal prosecutor Alexandre Soares, São Luís, October 26, 2017.

<sup>307</sup> Cases of Eusebio Ka’apor (Alto Turiaçu, April 4, 2015), Isaias Guajajara (Arariboia, April 19, 2016), Assis Guajajara (Araribóia, April 4th, 2015), Genesio Guajajara (Araribóia, April 11, 2016), Aponuyre Guajajara (Amarante do Maranhão, March, 2016), and Davi Mulato Gavião (Amarante do Maranhão, October 13, 2018).

<sup>308</sup> Lawyers providing legal advice to the Ka’apor people gave Human Rights Watch copies of some statements made by witnesses in Eusebio Ka’apor’s case. We did not have access to the case files in the other cases because the investigations were ongoing, and the documents were reserved. The families of the other victims contacted by Human Rights Watch did not have lawyers who could help them obtain documentation about the cases.

<sup>309</sup> Cases of Isaias Guajajara and Assis Guajajara.

<sup>310</sup> Cases of Eusebio Ka’apor, Isaias Guajajara, Assis Guajajara, Genesio Guajajara, and Davi Mulato Gavião.

<sup>311</sup> Human Rights Watch interviews with Elpídio Sousa, civil police chief of Amarante de Maranhão, Amarante de Maranhão, November 1, 2017; and José Oliveira Guajajara, Assis’s brother, Araribóia Indigenous territory, November 3, 2017.

However, Human Rights Watch found that in at least four of the six cases we examined, the deaths had not occurred in remote locations but rather in urban centers that had police stations.<sup>312</sup> Examples include:

- **Davi Mulato Gavião** was killed in a town plaza less than a kilometer from the local state civil and military police stations.<sup>313</sup> Military police visited the crime scene, but instead of preserving the evidence, as Brazilian law mandates, they left as soon as a relative of Gavião's arrived, the relative told Human Rights Watch.<sup>314</sup> Civil police investigators visited the crime scene for the first time more than 30 hours after the killing, police told us, when the family had already taken away the body.<sup>315</sup>
- **Eusebio Ka'apor** (see Section II) did not die in a remote village, but rather in a public hospital in the town of Zé Doca, of injuries caused by an unknown assailant. Yet, no autopsy was performed, said a lawyer providing counsel to the Ka'apor.<sup>316</sup>

There is no doubt that the remoteness of some crime scenes can make it more difficult for authorities to conduct prompt investigations. Yet it need not make it impossible. Indeed, Human Rights Watch documented six cases involving violence allegedly by loggers and land grabbers in remote locations elsewhere in Maranhão and other Amazonian states in which police were able to conduct investigations that led to criminal charges being filed.<sup>317</sup>

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<sup>312</sup> Cases of Eusebio Ka'apor, Genesio Guajajara, Aponuyre Guajajara, and Davi Mulato Gavião.

<sup>313</sup> Davi Mulato Gavião was a Pyhcop Catiji Indigenous man. His nephew, Joaquim Gavião, told Human Rights Watch he had a mental illness, although he did not know which one. An unknown man traveling with another man on a motorcycle approached him while he was sleeping in a plaza in Amarante do Maranhão and shot him to death at 00.27 a.m. on October 14, 2019, according to a CCTV camera recording that police showed Joaquim Gavião. Joaquim Gavião told us he arrived at the crime scene at around 7.30 a.m. the same day. Military police were there, but left about 5 minutes after he arrived. He said he took the body to a funeral home at around 9 a.m. Civil police officer João Batista said military police did not inform civil police about the killing, and he only learned about it after a local resident alerted him through a messaging service in the afternoon of October 14. He did not immediately go to the crime scene because it was a Sunday, he said. Instead, he visited the crime scene during the day on Monday, October 15. He said he collected some projectiles and wrote a report with his analysis of the crime scene. Batista said the main line of investigation is that a landowning family ordered the killing because Davi Mulato Gavião had "attacked" a member of the family, but he said he could not rule out that the killing was, as Pyhcop Catiji leaders believe, a reprisal for the environmental defense work the Pyhcop Catiji conduct. Human Rights Watch phone interviews with Joaquim Gavião, May 23, 2019; and civil police officer João Batista, August 7, 2019.

<sup>314</sup> Human Rights Watch phone interview with Joaquim Gavião, May 23, 2019. Article 6 of the Criminal Procedure Code states that "police authorities" must go the crime scene as soon as they learn of a crime and preserve the site until forensic experts arrive.

<sup>315</sup> Human Rights Watch phone interview with Amarante do Maranhão civil police officer João Batista, August 7, 2019.

<sup>316</sup> Human Rights Watch interview with Luis Antonio Pedrosa, a lawyer at the Sociedade Maranhense de Direitos Humanos (SMDH), Alto Turiaçu Indigenous Territory, October 25, 2017. Samue Miriran Ka'apor, Eusebio's son, told federal prosecutors he took his father to the hospital in Zé Doca, that he died there on April 26, 2015, and he took the body back to the Indigenous territory the next day in the morning. Statement by Samue Miriran Ka'apor to federal prosecutors, May 20, 2015, copy on file at Human Rights Watch.

<sup>317</sup> Baião case, Sete de Setembro case, Rio das Onças case, Colniza case, Nova Ipixuna case, and Lagoa Comprida case.

Four of these six cases — which are among the 12 documented in Section II — share a trait that distinguishes them from most other cases of violence in the region: they all attracted national media attention.<sup>318</sup> Community leaders told Human Rights Watch that they believed it was this attention that prompted police to take these investigations more seriously than they typically do in other such cases.

The other two of the six cases are also unlike other cases of violence in the region because federal police became involved in the investigation from the very beginning and ensured basic investigative steps were taken.<sup>319</sup> In one of them, federal police intervened because of the victim's connection to ICMBio and in the other because the victim was an Indigenous person who was killed when loggers attacked a village, circumstances that made it clear from the outset that the case fell within federal jurisdiction.<sup>320,321</sup>

- The case of **José Cláudio Ribeiro da Silva** and **Maria do Espírito Santo** — who were killed in 2011 while traveling on a motorcycle through a rural road in Pará — received national media attention, most likely because they had spoken out in public fora, including delivering a TEDx talk in 2010.<sup>322</sup> It was the only one of the 13 cases documented by Human Rights Watch that went to trial: the two hitmen were convicted, in 2013, as was the *fazendeiro* who had hired them, two years later.<sup>323</sup>

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<sup>318</sup> Baião case, Sete de Setembro case, Colniza case, and Nova Ipixuna case.

<sup>319</sup> Rio das Onças case and Lagoa Comprida case.

<sup>320</sup> Raimundo Santos, killed in August 2015, was a member of ICMBio's Gurupi Biological Reserve's community council.

<sup>321</sup> Just like federal prosecutors, federal police have jurisdiction to investigate crimes against Indigenous people when they affect their collective rights, such as their right to their land, which is held collectively. An attack by loggers would clearly fall into that category. Human Rights Watch interview with Juliana Ferraz Barros Alves, chief of federal police in Imperatriz, Imperatriz, October 30, 2017.

<sup>322</sup> "Ambientalistas, assassinados no Pará," Revista Trip, n.d., <https://revistatrip.uol.com.br/homenageados/2011/jose-claudio-ribeiro-da-silva-e-maria-do-espirito-santo> (accessed June 24, 2019); "Inquérito aponta suspeitos do assassinato de extrativistas," Veja, July 20, 2011, <https://veja.abril.com.br/brasil/inquerito-aponta-suspeitos-do-assassinato-de-extrativistas> (accessed June 30, 2019). José Cláudio Ribeiro da Silva spoke at TEDx Amazônia, a nonprofit conference held in November 6, 2010 in Manaus. See: "Killing trees is murder: Zé Cláudio Ribeiro at TEDxAmazonia," video clip, YouTube, <https://www.youtube.com/watch?v=XO2pwnrji8I> (accessed June 21, 2019); "Theme: Quality of life for all species," TED, <https://www.ted.com/tedx/events/492> (accessed June 24, 2019).

<sup>323</sup> The *fazendeiro* was tried in absentia, as he had fled, and he has not served his sentence. One of the hitmen escaped from prison in 2015. Yet the convictions represented progress in a bleak criminal-justice landscape.

Felipe Milanez, "Zé Claudio e Maria: justiça histórica," Comissão Pastoral da Terra, Dezember 12, 2016, <https://www.cptnacional.org.br/publicacoes/noticias/conflitos-no-campo/3541-ze-claudio-e-maria-justica-historica> (accessed June 24, 2019); "Ambientalistas, assassinados no Pará," Revista Trip, n.d., <https://revistatrip.uol.com.br/homenageados/2011/jose-claudio-ribeiro-da-silva-e-maria-do-espirito-santo> (accessed June 24, 2019).

- The 2019 killing of Dilma Ferreira Silva and five others in a remote area of Baião, Pará state, received national media attention. Silva was one of the coordinators of a national association that advocated on behalf of people displaced by dams.<sup>324</sup> Several newspapers with national circulation had run a photograph of her at an event in 2011 with then-president Dilma Rousseff.<sup>325</sup> After the killings, Pará Governor Helder Barbalho established a task force of civil police investigators from various units. Just four days after the crimes, the task force arrested Fernando Ferreira Rosa Filho, a *fazendeiro* whom authorities suspect of illegal logging.<sup>326</sup> The task force also identified four suspected hitmen, all brothers. In June 2019, state prosecutors charged Rosa with ordering the killings, and two brothers with carrying them out.<sup>327</sup> Police killed the other two brothers, reportedly in a shootout.<sup>328</sup> State prosecutors also charged two other men with participating in the crimes, including a former employee of Rosa's who confessed he helped the killers under orders from Rosa.<sup>329</sup>

324 Movimento dos Atingidos por Barragens (MAB), "Dilma Ferreira Silva: uma vida inteira de luta," April 22, 2019, <https://www.mabnacional.org.br/noticia/dilma-ferreira-silva-uma-vida-inteira-luta> (accessed July 7, 2019).

325 Fabiano Maisonnave, "Líder de movimento social é assassinada em assentamento no Pará," *Folha de São Paulo*, March 22, 2019, <https://www1.folha.uol.com.br/poder/2019/03/lider-de-movimento-social-e-assassinada-em-assentamento-no-para.shtml> (accessed June 24, 2019).

326 "Polícia Civil prende mandante de seis assassinatos na zona rural de Baião," Pará Civil Police news release, March 26, 2019, <http://www.policiacivil.pa.gov.br/pol%C3%ADcia-civil-prende-mandante-de-seis-assassinatos-na-zona-rural-de-bai%C3%A3o> (accessed June 24, 2019); "MPPA oferece denúncia contra acusados da 'Chacina de Baião,'" Pará prosecutor's office news release, July 1, 2019, <https://www2.mppa.mp.br/noticias/mppa-oferece-denuncia-contra-acusados-da-chacina-de-baiao.htm> (accessed August 22, 2019).

327 Rosa Filho and one of the brothers, Cosme Francisco Alves, were held in pretrial detention as of July 2019. Glaucimar Francisco Alves, the other brother, fled. "MPPA oferece denúncia contra acusados da 'Chacina de Baião,'" Pará prosecutor's office news release, July 1, 2019, <https://www2.mppa.mp.br/noticias/mppa-oferece-denuncia-contra-acusados-da-chacina-de-baiao.htm> (accessed August 22, 2019).

328 Police killed Alan and Marlon Alves on May 3, 2019 after the brothers opened fire against agents who attempted to arrest them, Pará civil police said. "Polícia Civil localiza irmãos envolvidos em seis mortes na zona rural de Baião," Pará civil police news release, May 4, 2019, <http://www.policiacivil.pa.gov.br/pol%C3%ADcia-civil-localiza-irm%C3%A3os-envolvidos-em-seis-mortes-na-zona-rural-de-bai%C3%A3o> (accessed August 22, 2019).

329 Prosecutors filed homicide charges against Valdenir Farias Lima, who confessed to helping the killers. They charged Juciel dos Santos Pinheiro with accessory to a crime for helping the suspects after the crime. "Preso confessa participação em série de assassinatos na zona rural de Baião, no PA," *G1*, April 19, 2019, <https://g1.globo.com/pa/para/noticia/2019/04/19/preso-confessa-participacao-em-serie-de-assassinatos-na-zona-rural-de-baiao-no-pa.ghtml> (accessed August 22, 2019); "Repórter visita local onde vítimas foram mortas e carbonizadas," *R7*, May 27, 2019, <https://recordtv.r7.com/camera-record/videos/reporter-visita-local-onde-vitimas-foram-mortas-e-carbonizadas-27052019> (accessed August 22, 2019); "MPPA oferece denúncia contra acusados da 'Chacina de Baião,'" Pará prosecutor's office news release, July 1, 2019, <https://www2.mppa.mp.br/noticias/mppa-oferece-denuncia-contra-acusados-da-chacina-de-baiao.htm> (accessed August 22, 2019).



Dilma Ferreira Silva at an event in 2011 with then-President Dilma Rousseff, to whom she handed a document asking for a national policy on people displaced by dams. Photo courtesy of Movimento dos Atingidos por Barragens (MAB).

- The failed attempt to kill **Elizângela Dell-Armelina Suruí** and her husband, **Naraymi Suruí**, in 2017 in Rondônia state, attracted media attention – she believes – because she had recently won Brazil’s Teacher of the Year Award.<sup>330</sup> They were attacked while traveling on a motorcycle on a rural road on their way to the Sete de Setembro Indigenous Territory. When the couple reported the attack to civil and federal police, Naraymi Suruí identified the two attackers as local loggers, who were detained and were subsequently released, pending trial, with electronic anklets.<sup>331</sup>
- The 2015 killing of **Raimundo Santos**, and the attempted killing of his wife, **Maria da Conceição Chaves**, appears to have received more attention from authorities because Santos, although not a public servant himself, had a close relationship with ICMBio, as a member of the Gurupi Reserve’s community council. Immediately

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<sup>330</sup> Two Brazilian foundations give the Teacher of the Year Awards. Maggi Krause, “Os 10 Vencedores de 2017,” Fundação Victor Civita, August 7, 2017, <https://fvc.org.br/especiais/educador-nota-10-vencedores/> (accessed June 24, 2019); Human Rights Watch interview through a messaging services with Elizângela Dell-Armelina Suruí, May 17, 2019.

<sup>331</sup> Human Rights Watch interview through a messaging services with Elizângela Dell-Armelina Suruí, May 17, 2019.

upon learning of the attack, the chief of the Gurupi reserve called a federal police officer, who mobilized the local civil police and went with them to the crime scene, located in a remote area of the reserve.<sup>332</sup> Unlike in the cases of rural killings in Maranhão discussed above, Santos's body was autopsied.<sup>333</sup> Prosecutors filed homicide charges against a *fazendeiro* and a retired military officer, whom they believe to be one of the hitmen. The *fazendeiro* died while under house arrest; the trial of the retired military officer was pending as of August 2019.<sup>334</sup>

## Failure to Investigate Threats

Authorities routinely fail to investigate threats and other acts of intimidation against people who attempt to put a halt to illegal logging. Of the more than 40 cases that Human Rights Watch documented of threats and intimidation in the past five years, we found only one case in which prosecutors have filed charges.<sup>335</sup> It involved a death threat allegedly

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332 Human Rights Watch interviews with Julio Sombra Oliveira, federal police officer, São Luis, October 27, 2017; and with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

333 Human Rights Watch interview with Julio Sombra Oliveira, federal police officer, São Luis, October 27, 2017.

334 Human Rights Watch phone interview with Danilo Chammas, a lawyer at Justiça nos Trilhos, an NGO, August 21, 2019.

335 Cases of threats and intimidation in which the victim was later killed: Eusebio Ka'apor, Ka'apor leader in Alto Turiaçu Indigenous Territory (2010); Assis Guajajara, member of the Tenetehara forest guardians (2016); Raimundo Santos, leader of the Rio das Onças village in Maranhão (2014); Gilson Temponi, president of a farmers' association in Placas, Pará state, (2018); João Chupel Primo, former logger who reported other loggers (2011); Aluisio "Alenquer" Sampaio, president of the Union of Small Family Farmers (2018); Valmir Rangel do Nascimento and other local residents who were later killed in the Colniza massacre (2014); and José Cláudio Ribeiro da Silva and Maria do Espírito Santo, community leaders in the Praia Alta Piranheira Agro-Extractivist Settlement Project (2010-2011). Other cases of threats and intimidation: Itahú Ka'apor, Ka'apor leader in Alto Turiaçu Indigenous Territory (2013-2017); Mawarisha (Osmar) Ka'apor, Ka'apor leader in Alto Turiaçu Indigenous Territory (2017); Iracadju Ka'apor, village chief of Alto Turiaçu Indigenous Territory (2017-2018); José Andrade, anthropologist (2013-2017); Marcelo Bandeira (2013), Augusto Bandeira (2013), Ubirajara Guara Gavião (2013), Eýy Cy (Evandro Luis Bandeira), Governador village chief (2017); Pyn Hýc (Raquel Bandeira) (2013); Joaquim Gavião (2019); Boaventura Gavião (2009); Mario Bandeira Gavião (2009); Frederico Pereira Guajajara, Tenetehara leader in Araribóia Indigenous Territory (2013 and 2014); Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians (2017); Iwyramu (Olimpio Guajajara), coordinator of the Araribóia forest guardians (2015-2016); Claudio José da Silva, coordinator of the Caru forest guardians (2016 and 2018); José Inácio Alves Silva, Lagoa Comprida village chief and president of the Commission of Village Chiefs and Leaders of Araribóia (2017); João Guajajara (pseudonym), village chief in Araribóia Indigenous Territory (2017); Raimundo "Mundico" Marciano Guajajara, Tenetehara forest guardian (2017); Laercio Souza Guajajara, deputy coordinator of the Tenetehara forest guardians in Araribóia Indigenous Territory (2017 and 2018); Rosilene Guajajara de Souza, a leader of the "Women Warriors" of Caru Indigenous Territory (2017); Braz Antonio, Tuminanbá village chief (2018); Awapu Uru-eu-wau-wau, Uru-eu-wau-wau Indigenous leader (2015 and 2018); Naraymi Suruí, a leader of the Suruí Paiter Indigenous people (2017); Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association in the Terra Nossa INCRA settlement (2017-2019); Antonio Carlos Lacerda, vicepresident of the Nova Vitória Rural Producers Association (2018); Osválda Maria Marcelino Alves Pereira (2012-2019); Daniel Alves Pereira, resident of Areia INCRA settlement (2012-2019); Antonio de Paula e Silva (2012); Francisco Fermino Silva, community leader in the Montanha Mangabal INCRA settlement (2018); Eliane Araújo, FUNAI official (2007); and Ruhan Saldanha, chief of monitoring at the ICMBio Gurupi Biological Reserve in Maranhão State (2017); and Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve (2008-2017).

made in front of witnesses in 2016 by a councilman of the town of Trairão.<sup>336</sup> A trial was pending at time of writing.

Not only do police fail to investigate threats by loggers, but in Maranhão and Pará, officials and victims told Human Rights Watch of cases in which police refused even to register them.<sup>337</sup>

- **Maria Márcia Elpidia de Melo**, community leader in Terra Nossa, Pará, said that, in July 2018, she went every day for two weeks to the civil police station in Novo Progresso to register a complaint about threats by loggers and their illegal logging. Every time, the attendant refused to record it.<sup>338</sup> “It’s useless to report [the loggers] because they are people of high standing,” the attendant reportedly told her.
- **Oswalinda Pereira**, community leader in Pará state, said that the attendant at the civil police station in Trairão at first refused to receive her complaint of death threats by loggers in 2012.<sup>339</sup> She recalled being told, “If I [take your complaint], you will be the one arrested.” Upon their insistence, the attendant took the complaint but did not include the names of the loggers they said had threatened them. In 2018, the same attendant refused to register another complaint by Pereira and her husband, **Daniel Pereira**. This time, they wanted to report that a man on a motorcycle, who they believed was a hitman, had followed them into the forest. They were only able to register the complaint months later, when a federal prosecutor accompanied the couple to the police station.<sup>340</sup> On that occasion, the chief police officer registered the complaint himself. As of May 2019, the attendant remained in his position.<sup>341</sup>

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<sup>336</sup> The councilman allegedly said at a meeting with the deputy mayor of Trairão and landowners that he was going to shoot at Daniel Alves Pereira and his wife, Oswalinda Maria Marcelino Alves Pereira, residents of the Aieia INCRA settlement. Human Rights Watch interview with Daniel Alves Pereira, place withheld, April 24, 2019.

<sup>337</sup> Human Rights Watch interviews with Francisco Gonçalves da Conceição, Maranhão’s Secretary of Human Rights and Social Participation, São Luís, June 4, 2018; and with Mariana Macêdo, Pará state prosecutor, Itaituba, April 29, 2019.

<sup>338</sup> Human Rights Watch interview with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, Pará, April 29, 2019.

<sup>339</sup> Human Rights Watch interviews with Oswalinda Maria Marcelino Alves Pereira and Antônio de Paula e Silva, place withheld, April 24, 2019.

<sup>340</sup> Human Rights Watch interview with Paulo de Tarso Oliveira, Pará federal prosecutor, Santarém, May 2, 2019.

<sup>341</sup> Human Rights Watch interviews with Oswalinda Maria Marcelino Alves Pereira and Daniel Pereira, place withheld, April 24, 2019.

Several officials told Human Rights Watch that efforts to hold other officials accountable for refusing to register complaints had led nowhere:

- Pará state prosecutor Mariana Macido opened an investigation in 2017 into an allegation that a police officer refused to register a threat in the town of Rurópolis because he was involved in illegal logging, but by December 2018, when she was transferred away, it had not led to any prosecution or recommendation of disciplinary punishment.<sup>342</sup> In May 2019, when interviewed by Human Rights Watch, Macido did not know where the case stood. She did not report the case to the civil police internal affairs department because she believed “they would just let it go.”
- The head of civil police internal affairs for Southwestern Pará also opened an investigation after a local resident of Placas alleged that police refused to register a threat by loggers because of involvement in their criminal activities.<sup>343</sup> The head of internal affairs closed the investigation in 2017, without taking any action, after he found the attendant was not a civil police officer but a Placas municipal employee, commissioned to the police station by the mayor.<sup>344</sup>

## Explanations of Police Negligence: Indifference or Collusion

Human Rights Watch was not able to determine what motivated police and other officials in the region to refuse to register threats or take basic steps to investigate killings that appeared to be related to illegal logging.

One explanation, offered by Pará state prosecutor Mariana Macido, was that police are overworked and consider the threats unimportant.<sup>345</sup>

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<sup>342</sup> Human Rights Watch interview with Mariana Macido, Pará state prosecutor, Itaituba, April 29, 2019.

<sup>343</sup> Human Rights Watch interview with Elinelson Oliveira, chief of the civil police internal affairs unit in Santarém, Pará, May 3, 2019.

<sup>344</sup> The head of internal affairs said he sent the final report of his investigation to the mayor but did not know what measures, if any, the mayor took. Human Rights Watch interview with Elinelson Oliveira, chief of the civil police internal affairs unit in Santarém, Pará, May 3, 2019.

<sup>345</sup> Human Rights Watch interview with Mariana Macido, Pará State prosecutor, Itaituba, April 29, 2019.

In Maranhão, several officials told Human Rights Watch that they believed some police discriminated against Indigenous people, and they would not register or investigate crimes committed by loggers against them.<sup>346</sup>

Another reason for the police failures, according to some federal and local officials interviewed by Human Rights Watch, is that the local police may be involved in the illegal activities of the loggers responsible for the violence and threats. In Pará, a federal prosecutor told Human Rights Watch that “local police may respond to the economic interests of local elites, which are made up of people involved in land grabbing or illegal logging.”<sup>347</sup> A Pará state prosecutor concurred: “Police in conflict areas are an ally of local powers.”<sup>348</sup>

In Maranhão, the secretary of human rights of the state government said that the members of the police force in that state have “long-standing relations” with local political groups.<sup>349</sup> He also said “criminal organizations of loggers” hold local political power.

In Amazonas, a federal prosecutor said that “it is not rare” that police and other public servants become involved in crimes along with loggers.<sup>350</sup> She cited as an example the arrest in May 2019 of four state police officers who had allegedly been hired by *fazendeiros* to attack and expel farmers from public lands.<sup>351</sup>

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346 Jean Carlos Nunes Pereira, the public defender in charge of the human rights unit at the Maranhão public defender's office, said police sometimes refused to register complaints of violence against Indigenous people. Human Rights Watch interview with Jean Carlos Nunes Pereira, director of the human rights unit at the public defender's office, São Luís, October 25, 2017. Federal prosecutor Alexandre Soares, who specializes in environmental crimes, told Human Rights Watch that local police are aligned with the interests and opinions of the local towns where they work, and there is a lot of hostility toward Indigenous people in those towns. Human Rights Watch interview with federal prosecutor Alexandre Soares, São Luís, October 26, 2017. Eliane Araújo told Human Rights Watch in 2018, when she was coordinator of FUNAI in Maranhão, that the police “don't look at Indigenous people favorably” and they treat them “as if they were criminals.” Human Rights Watch interview with Eliane Araújo, then coordinator of FUNAI in Maranhão, Imperatriz, June 12, 2018.

347 Human Rights Watch interview with federal prosecutor Paulo de Tarso Oliveira, Santarém, May 2, 2019.

348 Human Rights Watch interview with Ione Missae da Silva Nakamura, Pará state prosecutor, Santarém, May 2, 2019.

349 Human Rights Watch interview with Francisco Gonçalves da Conceição, Maranhão's Secretary of Human Rights and Social Participation, São Luís, June 4, 2018.

350 Human Rights Watch interview with a federal prosecutor, Manaus, June 27, 2019. Name withheld upon her request.

351 Ministério Público Federal, “Operação Ojuara: MPF denuncia 22 envolvidos em crimes ambientais no AC e no AM,” June 19, 2019 <http://www.mpf.mp.br/am/sala-de-imprensa/noticias-am/operacao-ojuara-mpf-denuncia-22-envolvidos-em-crimes-ambientais-no-ac-e-no-am> (accessed July 7, 2019).

## Consequences of Impunity

In at least eight of the 13 cases – resulting in 28 killings and four attempted killings – in which we found credible evidence that people involved in illegal deforestation were responsible for those crimes, the victims or their communities had suffered threats and attacks before.<sup>352</sup> (In two of the 13 cases, the victims were police officers killed during enforcement operations and in another case an IBAMA agent suffered a homicide attempt during an operation).

- José Escórcio, the *fazendeiro* allegedly involved in illegal logging who was charged with ordering the August 2015 killing of community leader **Raimundo Santos**, had threatened the villagers of Rio das Onças and sent armed men to burn their houses in 2014, an ICMBio official told us.<sup>353</sup> Santos himself had spoken of that attack in a November 2014 video recorded by the lawyer of a small farmers' association and published by news media after Santos's death.<sup>354</sup> "We feel threatened since he came and set our shacks on fire. He wanted to run over the children and adults with his car," Santos said. "We live under threat by gunmen." Santos continued reporting illegal logging to ICMBio until his death.<sup>355</sup> Had authorities made an effort at ensuring justice after the 2014 attack, they might have prevented Santos's death nine months later.
- Armed men hired by loggers had repeatedly threatened and attacked farmers, and burned their crops and shacks to expel them from their land in Taquaruçu do Norte years before the April 2017 killing of nine people in what became known as the **Colniza massacre**, Diego Rodrigues Costa, a Mato Grosso public defender who

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352 Cases in which Human Rights Watch documented threats and attacks before the killings or attempted killings: Placas case (one killing), Terra Nossa case (three killings and one person disappeared), Rio das Onças case (one killing and one attempted killing), Colniza case (nine killings), Alto Turiaçu case (one killing), Areia case (two killings), Nova Ipixuna case (two killings), and Sete de Setembro case (two attempted killings).

353 Human Rights Watch interviews with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

354 "Em vídeo, conselheiro do ICMBio relatou ameaças em reserva no MA," *G1*, August 27, 2015, <http://g1.globo.com/ma/maranhao/noticia/2015/08/em-video-conselheiro-do-icmbio-relatou-ameacas-em-reserva-no-ma.html> (accessed on July 8, 2018); and "'Escapei por milagre,' diz mulher de ambientalista morto em emboscada." *G1*, August 27, 2015, <http://g1.globo.com/jornal-nacional/noticia/2015/08/escapei-por-milagre-diz-mulher-de-ambientalista-morto-em-emboscada.html> (accessed June 24, 2019).

355 Human Rights Watch interview with Evane Alves Lisboa, chief of the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017.

worked in Colniza, told Human Rights Watch.<sup>356</sup> In 2007, armed men killed three farmers and tortured at least ten others, the Pastoral Land Commission reported, including one of the men who would be killed in 2017. Residents reported attacks and threats to the police in 2010, 2012, and 2014.<sup>357</sup> In November 2014, one of the men who would be killed in 2017 told police he feared for his life.<sup>358</sup> In May 2015, armed men once again expelled the farmers.<sup>359</sup> The investigations never went anywhere, Costa told Human Rights Watch.<sup>360</sup>

Alex Gimenes Garcia, a logger, told police that about 40 days before the 2017 massacre, a member of the criminal group known as “the hooded ones” complained to him that they had expelled the farmers twice but they had come back. This time, Garcia recalled the “hooded one” saying, they were going to “clean up” the area. Once the farmers were gone and the area was cleared, Garcia recalled the man explaining, a logger named Valdelir João de Souza would pay the “hooded ones” because he wanted the removal of timber to be “peaceful.”<sup>361</sup>

“The state was completely negligent,” Costa, the public defender, said. “The (2017) killings are the state’s fault. It wasn’t for lack of warning.”<sup>362</sup>

The Colniza massacre made national news because of the large number of victims, which mobilized local authorities. Prosecutors charged four alleged hitmen, who are in custody,

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356 Human Rights Watch phone interview with Mato Grosso public defender Diego Rodrigues Costa, May 30, 2019; Defensoria Pública de Mato Grosso, “Defensor Público relata dificuldades de expedição à comunidade vítima de chacina em Colniza,” JusBrasil, n.d. <https://dp-mt.jusbrasil.com.br/noticias/473576140/defensor-publico-relata-dificuldades-de-expedicao-a-comunidade-vitima-de-chacina-em-colniza> (accessed June 24, 2019); and “Massacre deixa pelo menos 10 mortos na área rural de Colniza (MT),” Comissão Pastoral da Terra, April 20, 2017, <https://cptnacional.org.br/index.php/publicacoes-2/destaque/3736-massacre-deixa-pelo-menos-10-pessoas-mortas-na-area-rural-de-colniza-mt> (accessed June 24, 2019).

357 Ibid.

358 It was Valmir Rangel do Nascimento; Fabiano Maissonave, “Chacina em Mato Grosso foi precedida por episódios violentos registrados,” Folha de São Paulo, April 30, 2017, <https://www1.folha.uol.com.br/poder/2017/04/1879884-chacina-em-mato-grosso-foi-precedida-por-episodios-violentos-registrados.shtml> (accessed June 24, 2019); Raul Bradock, “Matança anunciada,” ReporterMT, November 26, 2017, <https://www.reportermt.com.br/policia/vitimas-denunciaram-crimes-tres-anos-antes-de-serem-executadas-em-chacina/74196> (accessed June 24, 2019).

359 Fabiano Maissonave, “Chacina em Mato Grosso foi precedida por episódios violentos registrados,” Folha de São Paulo, April 30, 2017, <https://www1.folha.uol.com.br/poder/2017/04/1879884-chacina-em-mato-grosso-foi-precedida-por-episodios-violentos-registrados.shtml> (accessed June 24, 2019).

360 Human Rights Watch phone interview with Mato Grosso public defender Diego Rodrigues Costa, May 30, 2019.

361 Testimony by logger Alex Gimenes Garcia on November 14, 2017, contained in “Decisão sobre pedidos deduzidos pela defesa,” December 18, 2018. On file at Human Rights Watch.

362 Human Rights Watch phone interview with Mato Grosso public defender Diego Rodrigues Costa, May 30, 2019.

and De Souza, who is in hiding, with aggravated homicide.<sup>363</sup> But if they had acted sooner, before media attention, to investigate threats and intimidation that had continued for years, the massacre may have been avoided.

“Threats foreshadow a more serious crime,” a Pará civil police chief told Human Rights Watch.<sup>364</sup> Yet failure by police to investigate threats and homicides properly, and citizens’ fears that police are complicit with illegal loggers, have made some — particularly Indigenous — communities stop reporting threats.

“I never go to the police,” Mawarisha, a Ka’apor Indigenous leader involved in the community’s efforts to protect the forest who has received multiple death threats, told Human Rights Watch. “The police do nothing, they are not doing anything to investigate Eusebio’s death,” he said, referring to the 2014 killing of Eusebio Ka’apor, another leader who defended the forest, mentioned above.<sup>365</sup>

The impunity surrounding threats and attacks also undermines the fight against illegal logging. IBAMA, ICMBio, and federal police officials highlighted the importance of tips from Indigenous people and local residents to fight illegal deforestation, but threats make them fearful of providing information to authorities. “People are afraid,” said Daniel Alves Pereira, a small farmer in the Areia settlement who, along with his wife Osválda Pereira, reported illegal logging.<sup>366</sup> “Every person who suffered threats from loggers left. We

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363 “MPMT pede a pronúncia de dois participantes da chacina de Colniza,” Mato Grosso state prosecutor’s office news release, April 9, 2019, <https://www.mpmt.mp.br/conteudo/58/76904/mpmt-pede-a-pronuncia-de-dois-participantes-da-chacina-de-colniza> (accessed June 24, 2019). Violence has continued after the charges. Prosecutors said an employee of De Souza who had incriminated him received threats after talking to authorities. In November 2017 six men fired nine times at another witness, who had identified another of De Souza’s employees as one of the killers. In July 2018, a logger who was a key witness was murdered. Authorities have not publicly identified any suspects in that killing. See “Suspeito nega ter encomendado chacina e diz que não se entrega por medo de morrer; confira entrevista,” *Gazeta Digital*, April 19, 2019, <http://www.gazetadigital.com.br/editorias/judiciario/suspeito-nega-ter-encomendado-chacina-e-diz-que-no-se-entrega-por-medo-de-morrer-confira-entrevista/575271> (accessed June 24, 2019); Elayne Mendes, “MPE solicita mudança de oitivas para Cuiabá,” Mato Grosso state prosecutor’s office news release, February 2, 2018, <https://www.mpmt.mp.br/conteudo/44/73909/mpe-solicita-mudanca-de-oitivas-para-cuiaba> (accessed June 24, 2019); Fabiano Maissonave, “Testemunha de massacre em MT relatou atentado, afirma Promotoria,” *Folha de São Paulo*, January 31, 2018, <https://www1.folha.uol.com.br/poder/2018/01/1954869-testemunha-de-massacre-em-mt-relatou-atentado-afirma-promotoria.shtml> (accessed June 24, 2019); “EXECUÇÃO: Madeireiro armado é crivado de balas em bar de Rondônia,” *Rondonia Vivo*, July 28, 2018, <http://rondoniaovivo.com/policia/noticia/2018/07/28/execucao-madeireiro-armado-e-crivado-de-balas-em-bar-de-rondonia.html> (accessed June 24, 2019).

364 Human Rights Watch interview with Elinelson Oliveira, chief of the civil police internal affairs unit in Santarém, Pará, May 3, 2019.

365 Human Rights Watch interview with Mawarisha (Osmar Ka’apor), Alto Turiaçu, October 29, 2017.

366 Human Rights Watch interview with Daniel Alves Pereira, place withheld, April 24, 2019.

remained because we believe in justice, but we are sure they are going to kill us. We are just waiting.”

In several communities, the victims of threats and attacks told Human Rights Watch that they avoid visiting nearby towns out of fear of encountering the loggers they believe have threatened them.<sup>367</sup> Several forest guardians said that when they have to go to town, to buy supplies or to access health and other services, they do so in groups. “I cannot go alone,” said Mawarisha.<sup>368</sup>

Daniel Alves Pereira used to sell his produce to restaurants in the nearby town of Trairão on his motorcycle.<sup>369</sup> “I felt that at any moment I could be shot” by loggers, he said. But lately restaurants no longer buy his fruits and vegetables. He believes loggers intimidated them. That deprived him and his family of a key source of income. “We now just eat what we grow.”

“We are prisoners in our own homes,” said Pereira’s wife, Osvallinda Pereira.<sup>370</sup> More than 1,000 kilometers away, Elizângela Dell-Armelina Suruí, who was shot in 2017 by a man that her husband recognized as a logger, shares the same feeling.<sup>371</sup> “We live in fear,” she said. “I cannot stop by an ice-cream shop, go eat at a restaurant. I live in an open prison.”

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367 Human Rights Watch interviews with Mawarisha (Osmar Ka’apor), Alto Turiaçu Indigenous Territory, October 29, 2017; “João” Guajajara (pseudonym), Araribóia Indigenous Territory, November 3, 2017; Franciel Souza Guajajara, then coordinator of the Araribóia forest guardians, Lagoa Comprida, June 8, 2018; Osvallinda Pereira, a community leader in the Areia INCRA settlement, place withheld, April 24, 2019; and interview through a messaging service with Elisângela Dell-Armelina Suruí, May 17, 2019.

368 Human Rights Watch interview with Mawarisha (Osmar Ka’apor), Alto Turiaçu, October 29, 2017.

369 Human Rights Watch interview with Daniel Alves Pereira, place withheld, April 24, 2019.

370 Human Rights Watch interview with Osvallinda Pereira, place withheld, April 24, 2019.

371 Human Rights Watch interview through a messaging services with Elisângela Dell-Armelina Suruí, May 17, 2019.

## IV. Insufficient Efforts to Protect Forest Defenders

In July 2019, 410 people were receiving protection under Brazil's Program to Protect Defenders of Human Rights, Journalists, and Environmentalists.<sup>372</sup> Another 118 cases were under analysis. Almost 70 percent of the 410 people are defenders of Indigenous rights, rights to land, or the environment.<sup>373</sup>

The program seeks to provide protection measures to defenders of human rights under threat, including defenders of the environment, without removing them from the community, unless the high level of danger requires temporary relocation.<sup>374</sup> Protection measures may include visiting defenders, maintaining phone contact, giving visibility to their work, and mobilizing other institutions to provide protection, the administrators of the program told Human Rights Watch.<sup>375</sup>

The day-to-day running of the federal program, housed within the Human Rights Ministry, is currently done by an NGO, selected in a competitive process. A deliberative council makes decisions about entry and exit from the program. Only six states have functioning state programs — Maranhão is the only Amazonian state among those — funded with resources from the federal and state governments.<sup>376</sup> They handle all cases within their territories. In other states, the federal program staff assist the defenders directly from Brasília.

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<sup>372</sup> Data provided to Human Rights Watch by the Program to Protect Defenders of Human Rights, Journalists, and Environmentalists via email on July 10, 2019.

<sup>373</sup> Ibid.

<sup>374</sup> Human Rights Ministry Regulation 300/2018, September 3, 2018, arts. 4 and 5, [http://www.in.gov.br/materia/-/asset\\_publisher/KujrwoTZCzMb/content/id/39528373/d01-2018-09-04-portaria-n-300-de-3-de-setembro-de-2018-39528265](http://www.in.gov.br/materia/-/asset_publisher/KujrwoTZCzMb/content/id/39528373/d01-2018-09-04-portaria-n-300-de-3-de-setembro-de-2018-39528265) (accessed August 26, 2019)

<sup>375</sup> Information provided to Human Rights Watch by Tassiana Cunha Carvalho, then Director of Protection and Defense of Human Rights at the Ministry of Human Rights, via email on October 26, 2018. Human Rights Ministry Regulation 300/2018 details possible protection measures in article 13.

<sup>376</sup> Minas Gerais, Rio de Janeiro, Pernambuco, Bahia, Ceará, and Maranhão have functioning state programs, while Amazonas, Pará, and the Federal District, where Brasília is located, are in the process of implementing their own programs. Information provided to Human Rights Watch by the Program to Protect Defenders of Human Rights, Journalists, and Environmentalists via email on July 10, 2019.

The program operates on the basis of two presidential decrees and a regulation issued by the Ministry of Human Rights.<sup>377</sup> That means that President Bolsonaro, who has disparaged human rights defenders in the past, could easily abolish the program by revoking the decrees. A bill to cement it into law has been pending in Congress since 2009.<sup>378</sup>

The Michel Temer government more than trebled the program's budget to 14.7 million reais (US\$3.8 million) in 2018, from 4.5 million (US\$1.2 million) in 2017.<sup>379</sup> In 2019, it fell to 11.8 million reais (US\$3.1 million) — a 20 percent cut.<sup>380</sup> The federal program currently employs 16 staff.<sup>381</sup>

Federal prosecutor Felipe Fritz Braga, who represented the federal prosecutors' office in the federal program's deliberative council for several years until 2018, told Human Rights Watch that in practice the program “means little” to the person protected, because in his view it takes insufficient protection measures.<sup>382</sup>

In Pará, the federal and state prosecutors' offices filed a joint lawsuit against the federal and state governments in November 2015 after finding the federal program to protect human rights defenders was “completely ineffective” there.<sup>383</sup> The only protection measure provided to defenders was periodic telephone contact with the program, said the lawsuit.

In April 2019, a federal judge concluded that five defenders whose cases prosecutors explicitly mentioned in their petitions were “risking their lives and the lives of their relatives for the protection of their communities and the environment.”<sup>384</sup> The judge found “irrefutable evidence” that they needed more effective protection and ordered the federal

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377 Decree 6,044, February 12, 2007; Decree 9,937, July 24, 2019; and Human Rights Ministry regulation 300, September 3, 2018. Information provided to Human Rights Watch by Tassiana Cunha Carvalho, then Director of Protection and Defense of Human Rights at the Ministry of Human Rights, via email on October 26, 2018.

378 Bill 4,575/2009, <https://www.camara.leg.br/propostas-legislativas/422693> (accessed July 31, 2019).

379 Information provided to Human Rights Watch by Tassiana Cunha Carvalho, then Director of Protection and Defense of Human Rights at the Ministry of Human Rights, via email on October 26, 2018.

380 Information provided to Human Rights Watch by the Program to Protect Defenders of Human Rights, Journalists, and Environmentalists via email on July 10, 2019.

381 Message to Human Rights Watch from the Program to Protect Defenders of Human Rights, Journalists, and Environmentalists via messaging service on August 12, 2019.

382 Human Rights Watch interview with federal prosecutor Felipe Fritz Braga, Brasília, April 25, 2019.

383 Ação Civil Pública, November 19, 2015, signed by federal prosecutor Janaina Andrade de Sousa and state prosecutor Ione Missae da Silva Nakamura. Copy on file at Human Rights Watch.

384 Judicial decision by federal judge Sandra Maria Correia da Silva, April 1, 2019, case number 0002184-49.2015.4.01.3908 Itaituba, Pará State, p. 13. Copy on file at Human Rights Watch.

and state governments to deploy periodic police patrols around their homes, install security cameras, and provide them with psychological and medical care. The authorities had partially implemented the judicial decision as of July 2019.<sup>385</sup>

In other cases in which there is no lawsuit, protection measures continue to be little more than regular phone contact. That in itself is a challenge for defenders who live in areas with no telephone coverage and who, to make the phone call, have to travel to town, exposing themselves to risk of attack along the way. In addition, the program does not regularly secure psychological care for the defenders and their families, many of whom live for years with fear of being killed.<sup>386</sup>

The administrators of the program told Human Rights Watch that one of its main objectives is to create “institutional strategies” to address the root causes of risk or vulnerability for defenders.<sup>387</sup> That goal is spelled out in one of the decrees that the program is based on.<sup>388</sup> However, activists and a federal prosecutor said the federal program so far has not done so.<sup>389</sup> The program has not taken even seemingly straightforward actions, such as mobilizing authorities to intercede against loggers and land grabbers identified as threats by defenders. The decree also highlights the need for accountability for threats against defenders, but the program so far has not included pressing police and prosecutors to ensure justice for crimes committed against defenders.<sup>390</sup>

- Francisco Fermino Silva, a leader of the association of small farmers of the Montanha Mangabal INCRA settlement in Pará, told Human Rights Watch that he

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385 Human Rights Watch interviewed three of the five defenders cited in the judicial decision in May 2019. They said they had police patrols and had been provided medical and psychological care, but the security cameras had not been installed. Human Rights Watch interviews with three environmental defenders, names and place withheld for security reasons, April 2019.

386 Human Rights Watch interview with an attorney at the Pastoral Land Commission, Pará, April 28, 2019. Name withheld for security reasons.

387 Response to Human Rights Watch questions sent by the Program to Protect Defenders of Human Rights, Journalists, and Environmentalists via email on July 10, 2019.

388 Decree 6,044, February 12, 2007. Annex, art. 7, <https://www2.camara.leg.br/legin/fed/decret/2007/decreto-6044-12-fevereiro-2007-551016-publicacaooriginal-67118-pe.html> (accessed August 22, 2019).

389 Human Rights Watch interviews with Cleber Buzatto, executive secretary of the Indigenist Missionary Council (CIMI), Brasília, January 15, 2019; federal prosecutor Felipe Fritz Braga, Brasília, April 25, 2019; and with an attorney at the Pastoral Land Commission, Pará, April 28, 2019. Name withheld for security reasons. See also: Comitê Brasileiro de Defensoras e Defensores dos Direitos Humanos, “Vidas em Luta: Criminalização e violência contra defensoras e defensores de direitos humanos no Brasil em 2017,” Rio de Janeiro: Justiça Global, 2018, p. 150.

390 Human Rights Watch interview with an attorney at the Pastoral Land Commission, Pará, April 28, 2019. Decree 6,044, February 12, 2007. Annex, Art. 6.

and other members have provided federal prosecutors with video evidence of local *fazendeiros* conducting illegal logging and mining inside the settlement.<sup>391</sup> Silva said he received several death threats in 2018 and that a killer prepared an ambush to kill him in the forest, but did not shoot because he was not alone.<sup>392</sup>

In August 2018, the federal program interviewed him and two other residents of Montanha Mangabal. Since then, the program has arranged for a police escort for one of the residents twice and provided Silva with 300 reais (US\$80) to travel to the town of Itaituba to maintain phone contact, since there is no phone coverage in Montanha Mangabal. However, those funds are insufficient, Silva said, particularly since he cannot take the main road, where loggers and miners congregate. Program staff have complained that he does not maintain regular phone contact, Silva said.

Federal authorities have never conducted anti-logging operations in the settlement, Silva said; thus, the root problem of the conflict remains unaddressed.<sup>393</sup>

Because of the program's shortcomings, Braga, the federal prosecutor who was a member of its deliberative council, saw the role of the program as "symbolic."<sup>394</sup> But that symbolism can be important: it is a recognition by the state that that person needs special protection, said Pará federal prosecutor Paulo Oliveira.<sup>395</sup> Oliveira said he used a

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391 Human Rights Watch interview with Francisco Fermino Silva, community leader in the Montanha Mangabal INCRA settlement in Pará, Itaituba, April 30, 2019.

392 Silva said that loggers and miners who live on the side of a road near the Montanha Mangabal settlement made several death threats against him and other community leaders publicly in a restaurant, which were overheard by people who relayed them to him. Silva also told us that his cousin, who works for loggers who illegally harvest timber in a national park, told him the logger who commanded those activities said he would kill him. Silva believes a killer prepared an ambush against him in the forest in March 2018, by the traces they later found in the bush. The killer did not shoot because he was accompanied by a group of Indigenous people, Silva believes. He and the other leaders of the community reported the death threats to federal police at the end of 2018, but Silva does not know whether the police opened an investigation. Human Rights Watch interview with Francisco Fermino Silva, community leader in the Montanha Mangabal INCRA settlement in Pará, Itaituba, April 30, 2019.

393 Despite the protection measures the program has provided Silva and other leaders of the Montanha Mangabal settlement — albeit very limited — ten months after his interview with program staff, Silva was unsure whether he was formally included in the program or not, as he did not have any document that attests it. Other defenders like him in Pará have also received some protection measures for many months after their interview, but it was unclear to them or to the Pastoral Land Commission, who requested their entry into the program, whether they were actually included in the program. Human Rights Watch interview with Francisco Fermino Silva, community leader in the Montanha Mangabal INCRA settlement in Pará, Itaituba, April 30, 2019; and an attorney at the Pastoral Land Commission, Pará, April 28, 2019. Name withheld for security reasons.

394 Human Rights Watch interview with federal prosecutor Felipe Fritz Braga, Brasília, April 25, 2019.

395 Human Rights Watch interview with Paulo de Tarso Oliveira, federal prosecutor in the state of Pará Santarém, May 2, 2019.

defender's inclusion in the program as a way to pressure local authorities, including police, to provide protection to defenders of the environment. "If something happens to that person and the local civil police chief did not respond to a request from prosecutors, they can be held accountable, even under the penal code," said Oliveira.<sup>396</sup>

Lack of knowledge of the local reality among the members of the deliberative council is also a challenge for the federal program.<sup>397</sup> Nongovernmental organizations that follow the human rights situation on the ground had been involved in inclusion and exclusion decisions, but a decree in 2016 excluded them from the deliberative council, which now consists only of government officials in Brasília.<sup>398</sup> The Bolsonaro administration maintained that make up in a July 2019 decree.<sup>399</sup>

The staff who implement the program also do not know the local dynamics and actors in the remote locations where many environmental defenders live, and their actions may inadvertently put those defenders at risk.<sup>400</sup> Human Rights Watch was told of an instance in which program staff used a car with a logo that said "human rights" in a rural area under watch by loggers and an instance in which program staff insisted on arranging police patrols for a defender, even though the defender herself did not want those patrols because she suspected the local police were involved in illegal logging.<sup>401</sup>

Better training for risk analysis, including the specific risks facing environmental and Indigenous defenders, and better consultation with defenders would help. While the program focuses on establishing direct contact with the person under threat, it would gain by also consulting and collaborating with local NGOs, which are most often the entities that ask the program to admit the defender in the first place, and which routinely help

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<sup>396</sup> Ibid.

<sup>397</sup> Human Rights Watch interview with federal prosecutor Felipe Fritz Braga, Brasília, April 25, 2019.

<sup>398</sup> Article 2 of Decree 8,724, from April 27, 2016, determined that the Deliberative Council be made up of two representatives of the human rights ministry and one of the justice ministry. They can also invite a representative of the federal prosecutors' office and of the justice system.

<sup>399</sup> Decree 9,937, July 24, 2019 revoked Decree 8,724 from April 27, 2016, but maintained the make-up of the deliberative council in article 5.

<sup>400</sup> The program is administered by an entity contracted by the federal government. It is currently Vida e Juventude, a non-governmental organization.

<sup>401</sup> Human Rights Watch interview with an attorney at the Pastoral Land Commission, Pará, April 28, 2019. Name withheld for security reasons.

them report illegal logging and threats to the authorities. The federal program should also build better collaboration with state law enforcement authorities.

In comparison to the federal program, the entities that run the state programs are physically closer to the defender and know the situation on the ground and local institutions better.

Those who have access to personal information about the defenders included in the program are obligated to maintain “due professional secrecy.”<sup>402</sup> However, several Ka’apor leaders told Human Rights Watch that they were very surprised when FUNAI asked them questions about information they previously had provided to the federal program and that they had thought would be kept confidential.<sup>403</sup>

Fears about the possible misuse of information to harm rather than protect the defenders have grown among federal prosecutors and non-governmental organizations under the administration of Jair Bolsonaro because of his hostility toward human rights defenders.<sup>404</sup> “It’s reckless to have the data there,” said federal prosecutor Braga.<sup>405</sup>

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402 Human Rights Ministry regulation 300/2018, Art. 21, September 3, 2018.

403 Human Rights Watch interview with Itahú Ka’apor, member of the Ka’apor governing council, Alto Turiaçu Indigenous Territory, October 28, 2017.

404 Human Rights Watch interviews with Felipe Fritz Braga, April 25, 2019; with Deborah Duprat, federal prosecutor for citizens’ rights, Brasília, April 25, 2019; Cleber Buzatto, executive secretary of the Indigenist Missionary Council (CIMI), Brasília, January 15, 2019; and telephone interview with Sandra Carvalho, coordinator of Justiça Global, an NGO, April 25, 2019.

405 Human Rights Watch interview with federal prosecutor Felipe Fritz Braga, Brasília, April 25, 2019.

## V. President Bolsonaro's Anti-Environmental Policies

In his long career in Congress and as a presidential candidate, former army captain Jair Bolsonaro spoke of environmental protection and Indigenous rights as a hindrance to economic development and advocated for expanding agro-business and mining in the Amazon, even within protected areas.<sup>406</sup>

As president, Bolsonaro has taken steps to “remove obstacles” placed by “Shia environmental policies,” using the word for one of the two branches of Islam as a synonym for radicalism.<sup>407</sup> Those steps include weakening environmental protection and enforcement, which leaves anyone who defends the forest from illegal deforestation even more vulnerable to violence.

### Ignoring Climate Change

President Bolsonaro eliminated the climate change units within the foreign and environment ministries.<sup>408</sup> He had threatened to remove Brazil from the Paris Agreement, although he later said it would stay “for now.”<sup>409</sup> He appointed a foreign minister who believes that climate change is “a globalist tactic to instill fear and obtain power” and the

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406 “Em RO, Bolsonaro critica número de áreas florestais protegidas no país: ‘atrapalha o desenvolvimento,’” *Jovem Pan*, September 1, 2018, <https://jovempan.uol.com.br/programas/jornal-da-manha/em-ro-bolsonaro-critica-numero-de-areas-florestais-protegidas-no-pais-atrapalha-o-desenvolvimento.html> (accessed June 24, 2019); and David Biller, “Romance de Bolsonaro com a mineração visa tesouros da Amazônia,” *Exame*, October 24, 2018, <https://exame.abril.com.br/economia/romance-de-bolsonaro-com-a-mineracao-visa-tesouros-da-amazonia> (accessed June 19, 2019).

407 Ricardo Della Coletta, “Bolsonaro defende revogação de reserve ecológica para estimular turismo,” *Folha de São Paulo*, May 12, 2019, <https://www1.folha.uol.com.br/ambiente/2019/05/bolsonaro-defende-revogacao-de-reserva-ecologica-para-estimular-turismo.shtml>.

408 Fernando Tadeu Moraes, Thais Bilenky and Ana Carolina Amaral, “Itamaraty elimina setor de mudança climática, e ambiente fica sob soberania nacional,” *Folha de São Paulo*, January 10, 2019, <https://www1.folha.uol.com.br/ambiente/2019/01/itamaraty-elimina-setor-de-mudanca-climatica-e-ambiente-fica-sob-soberania-nacional.shtml> (accessed June 19, 2019); Ana Laura Stachewski, “Bolsonaro mantém Ministério do Meio Ambiente, mas esvazia pasta,” *Revista Época*, January 1, 2019, <https://epocanegocios.globo.com/Brasil/noticia/2019/01/bolsonaro-mantem-ministerio-do-meio-ambiente-mas-esvazia-pasta.html> (accessed June 19, 2019).

409 Giovanni Girardi, “Bolsonaro continua no Acordo de Paris, mas mudanças no ministério geram preocupações com desmatamento,” *O Estado de São Paulo*, January 16, 2019, <https://sustentabilidade.estadao.com.br/noticias/geral,bolsonaro-continua-no-acordo-de-paris-mas-mudancas-no-ministerio-geram-preocupacao-com-desmatamento,70002680300> (accessed June 19, 2019).

environmental crisis the world faces a “lie of the left”; and an environment minister who considers climate change is of “secondary” importance.<sup>410</sup>

The Bolsonaro government failed to present a plan by March 2019, the legal deadline, to invest 357 million reais (US\$92 million) allocated in the 2019 budget to respond to climate change, such as measures to reduce pollutants from public transport and promote renewable energy.<sup>411</sup> As of August 2019, the funds were frozen, a public official told Human Rights Watch.<sup>412</sup> In addition, the Ministry of the Environment cut by 95 percent the budget for the implementation of the Climate Change National Policy, which seeks to mitigate and adapt to climate change through investments in energy, transport, and other sectors.<sup>413</sup>

## Weakening Environmental Agencies

The Bolsonaro government reduced by 23 percent the discretionary budget of the Ministry of the Environment, that is, the money it can invest in environmental programs, not including staff salaries.<sup>414</sup> As a result, the ministry cut about a quarter of the funds for environmental control and inspections, and for the creation and management of

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410 Raphael Di Cunto, Carla Araújo, and Carolina Freitas, “Novo chanceler diz que esquerda criou ‘ideologia da mudança climática,’” *Valor Econômico*, November 15, 2018, <https://www.valor.com.br/politica/5985233/novo-chanceler-diz-que-esquerda-criou-%3Fideologia-da-mudanca-climatica> (accessed June 19, 2019); Tweet by Minister Ernesto Araújo on August 23, 2019, <https://twitter.com/ernestofaraujo/status/1164714467109822464> (accessed August 23, 2019); Jonathan Watts, “Brazil’s new foreign minister believes climate change is a Marxist plot,” *The Guardian*, November 15, 2018, <https://www.theguardian.com/world/2018/nov/15/brazil-foreign-minister-ernesto-araujo-climate-change-marxist-plot> (accessed June 19, 2019); Thais Bilenky, “Discussão sobre aquecimento global é secundária, diz futuro ministro do Meio Ambiente,” *Folha de São Paulo*, December 9, 2018, <https://www1.folha.uol.com.br/ambiente/2018/12/discussao-sobre-aquecimento-global-e-secundaria-diz-futuro-ministro-do-meio-ambiente.shtml> (accessed August 22, 2019).

411 Patrícia Figueiredo and Vitor Sorano, “Governo descumprir prazo e trava 82% do orçamento para enfrentar a mudança climática,” *G1*, May 5, 2019, <https://g1.globo.com/natureza/noticia/2019/05/03/governo-descumprir-prazo-e-trava-86percent-do-orcamento-para-enfrentar-a-mudanca-climatica.ghtml> (accessed June 19, 2019).

412 Human Rights Watch interview with an ICMBio official, Brasília, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

413 André Borges, “Ministério do Meio Ambiente quase zera verba de combate à mudança climática,” *O Estado de São Paulo*, May 7, 2019, <https://sustentabilidade.estadao.com.br/noticias/geral,ministerio-do-meio-ambiente-quase-zera-verba-de-combate-a-mudanca-climatica,70002818539> (accessed June 19, 2019); Sabrina Rodrigues, “Governo corta R\$ 187 milhões do MMA. Saiba como o corte foi dividido,” *(o)eco*, May 7, 2019, <https://www.oeco.org.br/noticias/governo-corta-r-187-milhoes-do-mma-saiba-como-o-corte-foi-dividido> (accessed June 19, 2019). For a description of the Climate Change National Policy see: <https://www.mma.gov.br/clima/politica-nacional-sobre-mudanca-do-clima> (September 3, 2019)

414 André Borges, “Ministério do Meio Ambiente quase zera verba de combate à mudança climática,” *O Estado de São Paulo*, May 7, 2019, <https://sustentabilidade.estadao.com.br/noticias/geral,ministerio-do-meio-ambiente-quase-zera-verba-de-combate-a-mudanca-climatica,70002818539> (accessed June 19, 2019).

conservation reserves, and more than 30 percent of the funds for fighting forest fires, among other cuts.<sup>415</sup>

On his first day in office, President Bolsonaro weakened the Ministry of the Environment by moving the Brazilian Forest Service, which is tasked with expanding forests, to the Ministry of Agriculture, which has traditionally been controlled by the agro-business sector that has opposed forest conservation.<sup>416</sup> He named as minister of agriculture the then head of the agro-business caucus in Congress and as head of the Forest Service a former member of the caucus.<sup>417</sup>

President Bolsonaro named Ricardo Salles as minister of the environment. In December 2018, he was convicted of illegally altering maps of a conservation reserve to benefit mining companies when he was serving as São Paulo state's environment secretary.<sup>418</sup> A judge suspended Salles' political rights for three years and ordered him to pay a fine, among other penalties. The execution of the sentence is on hold while Salles' appeal is pending.<sup>419</sup> In January 2019, state prosecutors asked that Salles be removed as minister

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415 Sabrina Rodrigues, "Governo corta R\$ 187 milhões do MMA. Saiba como o corte foi dividido," ((o))eco, May 7, 2019, <https://www.oeco.org.br/noticias/governo-corta-r-187-milhoes-do-mma-saiba-como-o-corte-foi-dividido> (accessed June 19, 2019).

416 Bolsonaro named Valdir Colatto as director of the Brazilian Forest Service. He is a former president of the agro-business caucus in Congress. Rubens Valente, "Agendas ambiental e indígena são maior retrocesso de Bolsonaro, diz Marina," Folha de São Paulo, April 4, 2019, <https://www1.folha.uol.com.br/ambiente/2019/04/agendas-ambiental-e-indigena-sao-maior-retrocesso-de-bolsonaro-diz-marina.shtml> (accessed June 19, 2019); Mônica Nunes, "Novo diretor do Serviço Florestal Brasileiro é autor do projeto que libera a caça de animais silvestres," EcoAgência, March 18, 2019, <http://www.ecoagencia.com.br/?open=noticias&id=VZISXRIVONIYHZESOZIVaNGbKVVVB1TP> (accessed June 19, 2019); Amanda Almeida and Carolina Brígido, "Derrotados nas eleições, políticos ganham cargos e até ocupam antigas cadeiras em Brasília," O Globo, April 7, 2019, <https://oglobo.globo.com/brasil/derrotados-nas-eleicoes-politicos-ganham-cargos-ate-ocupam-antigas-cadeiras-em-Brasilia-23579961> (accessed June 19, 2019).

417 Tereza Cristina, the minister, was Congresswoman and president of the Agro-business Parliamentary Caucus, and Valdir Colatto, director of the Brazilian Forest Service, is a former member of the caucus. Mateus Maia and Ricardo Brito, "Coordenadora da bancada ruralista, Tereza Cristina será ministra da Agricultura de Bolsonaro," Extra, November 7, 2018, <https://extra.globo.com/noticias/brasil/coordenadora-da-bancada-ruralista-tereza-cristina-sera-ministra-da-agricultura-de-bolsonaro-23218576.html> (accessed June 19, 2019).

418 "Justiça de SP condena futuro ministro do Meio Ambiente por improbidade administrativa," G1, December 19, 2018, <https://g1.globo.com/sp/sao-paulo/noticia/2018/12/19/justica-de-sp-condena-futuro-ministro-do-meio-ambiente-por-improbidade-administrativa.ghtml> (accessed June 19, 2019).

419 Gabriel Prado, "STF decide futuro do ministro do meio ambiente condenado por beneficiar mineradoras," Justificando, January 29, 2019, <http://www.justificando.com/2019/01/29/stf-decide-futuro-do-ministro-do-meio-ambiente-condenado-por-beneficiar-mineradoras> (accessed June 19, 2019).

because of the conviction.<sup>420</sup> A decision by the Supreme Court is pending as of September 2019.<sup>421</sup>

President Bolsonaro announced in April 2019, at an agro-business fair attended by landowners, that he had ordered Salles to “clean out” IBAMA and ICMBio.<sup>422</sup> Salles removed 21 of the 27 IBAMA regional directors – the largest such removal in the institution’s thirty year history – and had not named replacements for most of those positions by September 2019.<sup>423</sup> He also removed the head of enforcement and the head of Air Operations, who as an inspector in 2012 had fined President Bolsonaro for fishing in a conservation reserve.<sup>424</sup> During and after the campaign, President Bolsonaro cited the fine as evidence of the “abusive” practices of IBAMA agents.<sup>425</sup> The IBAMA inspector believes his removal was a reprisal.<sup>426</sup>

In April 2019, Salles ordered disciplinary proceedings against ICMBio employees who were not present at an event in Rio Grande do Sul state with local politicians, landowners, and others.<sup>427</sup> But the employees had not been invited, said the National Association of Environmental Public Servants (ASCEMA), which represents IBAMA and ICMBio

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420 Wallace Lara, “MP pede a justiça que ministro do meio ambiente deixe pasta devido a condenação em 1ª instância,” *G1*, January 26, 2019, <https://g1.globo.com/sp/sao-paulo/noticia/2019/01/26/mp-pede-a-justica-que-ministro-do-meio-ambiente-deixe-pasta-devido-a-condenacao-em-1a-instancia.ghtml> (accessed June 19, 2019).

421 Gabriel Prado, “STF decide futuro do ministro do meio ambiente condenado por beneficiar mineradoras,” *Justificando*, January 29, 2019, <http://www.justificando.com/2019/01/29/stf-decide-futuro-do-ministro-do-meio-ambiente-condenado-por-beneficiar-mineradoras> (accessed June 19, 2019).

422 “Bolsonaro diz que negociou com ministro do Meio Ambiente ‘uma limpa’ no IBAMA e no ICMBio,” *G1*, April 29, 2019, <https://g1.globo.com/sp/ribeirao-preto-franca/noticia/2019/04/29/bolsonaro-diz-que-negociou-com-ministro-do-meio-ambiente-uma-limpa-no-ibama-e-no-icmbio.ghtml> (accessed June 19, 2019).

423 “Ricardo Salles exonera 21 dos 27 superintendentes regionais do Ibama,” *Folha de São Paulo*, February 28, 2019, <https://www1.folha.uol.com.br/ambiente/2019/02/ricardo-salles-exonera-21-dos-27-superintendentes-regionais-do-ib.shtml> (accessed August 22, 2019).

424 “Portarias de 10 de abril de 2019,” *Diário Oficial da União*, section 2, p. 59, April 11, 2019, [http://www.in.gov.br/materia/-/asset\\_publisher/KujrwoTZC2Mb/content/id/71099927](http://www.in.gov.br/materia/-/asset_publisher/KujrwoTZC2Mb/content/id/71099927) (accessed August 28, 2019).

425 Dimitrius Cantas, “‘Políticas indigenistas e ambientais não trabalham em prol do Brasil,’ diz Bolsonaro,” *O Globo*, January 12, 2018, <https://oglobo.globo.com/brasil/politicas-indigenistas-ambientais-nao-trabalham-em-prol-do-brasil-diz-bolsonaro-23274351> (accessed July 11, 2019).

426 Rogério Daflon, “Foi vingança pessoal, diz ex-fiscal do Ibama demitido por governo Bolsonaro,” *Agência Pública*, March 29, 2019, <https://apublica.org/2019/03/foi-vinganca-pessoal-diz-ex-fiscal-do-ibama-demitido-por-governo-bolsonaro/> (accessed July 11, 2019).

427 Fabiano Maissonave and Paula Sperb, “Presidente do ICMBio pede demissão após ameaça de Salles de investigar agentes,” *Folha de São Paulo*, April 15, 2019, <https://www1.folha.uol.com.br/ambiente/2019/04/presidente-do-icmbio-pede-demissao-apos-salles-ameacar-investigar-agentes.shtml> (accessed June 19, 2019).

employees.<sup>428</sup> The president of ICMBio, a respected environmentalist who was at the event, quit two days later.<sup>429</sup>

Salles replaced him and the career officials who led ICMBio with five military police officers from São Paulo without experience in the work conducted by the agency.<sup>430</sup> Another 15 members of the military police and the Armed Forces occupy high-level positions in the ministry.<sup>431</sup> “There is a climate of total uncertainty and intimidation” at IBAMA and ICMBio, Elizabeth Eriko Uema, executive director of ASCEMA, told Human Rights Watch.<sup>432</sup>

## Threatening Protected Areas

During the presidential campaign, Bolsonaro promised to reduce existing protected areas, despite the key role they play in reducing deforestation in the Amazon region (see Section I).<sup>433</sup> In May 2019, he announced he would eliminate the conservation reserve where he was fined.<sup>434</sup> In addition, the environment minister announced he would review all other

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428 Ascema, Denúncia da Asibama-DF à Comissão de Ética da Presidência da República, June 7, 2019, <http://www.asceமானacional.org.br/wp-content/uploads/2019/06/COMISS%C3%83O-DE-ETICA-P%C3%9ABLICA.pdf> (accessed June 25, 2019).

429 Fabiano Maissonave and Paula Sperb, “Presidente do ICMBio pede demissão após ameaça de Salles de investigar agentes,” *Folha de São Paulo*, April 15, 2019, <https://www1.folha.uol.com.br/ambiente/2019/04/presidente-do-icmbio-pede-demissao-apos-salles-ameacar-investigar-agentes.shtml> (accessed June 19, 2019).

430 “Toda a diretoria do ICMBio é trocada por policiais militares,” *Exame*, April 24, 2019, <https://exame.abril.com.br/brasil/ministro-do-meio-ambiente-anuncia-novos-diretores-do-icmbio/>; “Sob Bolsonaro e Ricardo Salles, diretoria do ICMBio será toda de policiais militares,” *Rede Brasil Atual*, April 24, 2019, <https://www.redebrasilatual.com.br/ambiente/2019/04/sob-bolsonaro-e-ricardo-salles-icmbio-sera-controlado-exclusivamente-por-militares> (accessed June 19, 2019); and Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, August 15, 2019.

431 André Borges, “Ministro Ricardo Salles corta 24% do orçamento do IBAMA,” April 26, 2019, <https://politica.estadao.com.br/noticias/geral,ministro-ricardo-salles-manda-cortar-24-do-orcamento-do-ibama,70002806082> (accessed June 19, 2019).

432 Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, April 26, 2019.

433 Cristiane Agostine and Carolina Freitas, “Bolsonaro promete rever demarcações e quer explorar Amazônia com EUA,” *Valor Econômico*, April 8, 2019, <https://www.valor.com.br/politica/6202927/bolsonaro-promete-rever-demarcacoes-e-quer-explorar-amazonia-com-eua> (accessed June 19, 2019).

434 Ricardo Della Coletta “Bolsonaro defende revogação de reserva ecológica para estimular turismo,” *Folha de São Paulo*, May 12, 2019, <https://www1.folha.uol.com.br/ambiente/2019/05/bolsonaro-defende-revogacao-de-reserva-ecologica-para-estimular-turismo.shtml> (accessed June 19, 2019).

conservation reserves, some of which were created, in his view, “without any technical basis.”<sup>435</sup> In June 2019, the government was drafting a bill to reduce almost 70 reserves.<sup>436</sup>

During the presidential campaign, Bolsonaro also vowed not to designate “one centimeter of land more” as Indigenous territories, even though Brazil’s Constitution obligates the federal government to demarcate Indigenous lands, which are protected areas.<sup>437</sup>

In January 2019, President Bolsonaro stripped FUNAI, the agency that protects Indigenous rights, of the power to demarcate Indigenous territories and conduct environmental studies and licensing of economic activities that may have an impact on Indigenous lands. He handed those responsibilities to a new “Special Secretary of Land Affairs” within the Ministry of Agriculture, a position for which he chose the president of a landowners’

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435 André Borges, “Governo fará revisão geral das 334 áreas de proteção ambiental no País,” *O Estado de São Paulo*, May 10, 2019. <https://sustentabilidade.estadao.com.br/noticias/geral,governo-fara-revisao-geral-das-334-areas-de-protecao-ambiental-no-pais,70002822999> (accessed June 19, 2019). In April, the Ministry of the Environment ordered IBAMA to allow oil exploration next to Abrolhos National Park, despite a technical assessment drafted by IBAMA officials opposing it because the potential impact on a coral reef ecosystem. André Borges, “Ministério mandou IBAMA liberar petróleo em Abrolhos por `relevância estratégica,” *O Estado de São Paulo*, April 11, 2019. <https://economia.estadao.com.br/noticias/geral,ministerio-mandou-IBAMA-liberar-petroleo-em-abrolhos-por-relevancia-estrategica,70002787439> (accessed June 19, 2019).

436 André Borges, “Por estradas e portos, governo federal quer reduzir 60 florestas e reservas,” *UOL*, June 12, 2019. <https://noticias.uol.com.br/ultimas-noticias/agencia-estado/2019/06/12/poi-estradas-e-portos-governo-federal-quer-reduzir-60-florestas-e-reservas.htm> (accessed June 19, 2019); “A Ascema Nacional repudia a proposta do governo de reduzir os limites de 67 Unidades de Conservação,” Ascema news release, n.d., <http://www.ascemanacional.org.br/ascema-nacional-repudia-proposta-do-governo-de-reduzir-os-limites-de-67-unidades-de-conservacao/> (accessed June 25, 2019).

437 Constitution of the Federative Republic of Brazil, 1988, art. 231. [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

association.<sup>438</sup> In May 2019, Congress reverted those powers back to FUNAI.<sup>439</sup> In June 2019, President Bolsonaro issued a new executive order transferring the authority to demarcate Indigenous territories to the Ministry of Agriculture again.<sup>440</sup> But in August, the Supreme Court unanimously found the executive order violated the Constitution and ruled the demarcation of Indigenous territories should remain within FUNAI.<sup>441</sup>

There are 118 Indigenous territories — covering almost 100,000 square kilometers, about the size of Portugal — in various stages of the demarcation process, while another 116 are under study and their limits have not yet been defined, FUNAI data show.<sup>442</sup> Most of those areas are in the Amazon region.

In June 2019, the Bolsonaro government fired the president of FUNAI, who was under pressure from landowners' interests led by the secretary of land affairs, Brazilian media

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438 Luiz Antonio Nabhan Garcia, the Special Secretary for Land Issues at the Ministry of Agriculture, remains president on leave of the Rural Democratic Union. In the 1990s, the rapporteur of a parliamentary investigation called for Garcia's indictment as the leader of an armed group of landowners that had attacked landless peasants. He denies the accusations and was never charged. Garcia has called Indigenous people "the biggest landowners in the country." Leonardo Fuhrmann, "Milícias e fuzis: as más companhias de Nabhan Garcia, o homen de Bolsonaro para a reforma agrária," *The Intercept Brasil*, February 20, 2019, <https://theintercept.com/2019/02/19/milicias-nabhan-garcia/> (accessed June 19, 2019); Daniel Camargos, "Ex-pistoleiro denuncia milícia em organização de Nabhan Garcia, secretário de Bolsonaro," *Repórter Brasil*, April 4, 2019, <https://reporterbrasil.org.br/2019/04/ex-pistoleiro-milicia-organizacao-nabhan-garcia-bolsonaro/> (accessed June 19, 2019); "'Absurdo falar em desmatamento zero,' diz cotado de Bolsonaro para ministério," *IstoÉ*, October 18, 2018, <https://istoe.com.br/absurdo-falar-em-desmatamento-zero-diz-cotado-de-bolsonaro-para-ministerio/> (accessed June 19, 2019); Talita Fernandes, "Bolsonaro cria secretaria de assuntos fundiários, que será comandada por presidente da UDR," *Folha de São Paulo*, November 22, 2018, <https://www1.folha.uol.com.br/mercado/2018/11/bolsonaro-cria-secretaria-de-assuntos-fundiarios-que-sera-comandada-pela-udr.shtml> (accessed June 19, 2019); Decreto 9,667 de 2 de Janeiro de 2019, art 11, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9667.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9667.htm) (accessed June 19, 2019).

439 Ginny Morais, "Câmara aprova texto principal da reforma ministerial; Coaf volta para Ministério da Economia e Funai retorna para o da Justiça," *Câmara dos Deputados*, May 23, 2019, <https://www2.camara.leg.br/camara/noticias/radio/materias/RADIOAGENCIA/576987-CAMARA-APROVA-TEXTO-PRINCIPAL-DA-REFORMA-MINISTERIAL;-COAF-VOLTA-PARA-MINISTERIO-DA-ECONOMIA-E-FUNAI-RETORNA-PARA-O-DA-JUSTICA.html> (accessed June 24, 2019).

440 Provisional Measure 886, June 8, 2019, <http://www.in.gov.br/web/dou/-/medida-provisoria-n-886-de-18-de-junho-de-2019-164324640> (accessed June 19, 2019).

441 "Suspensão dispositivo de medida provisória que transferia demarcação de terras indígenas para Ministério de Agricultura," Federal Supreme Court news release, June 24, 2019, <http://www.stf.jus.br/portal/cms/verNoticiaDetalhe.asp?idConteudo=414818> (accessed June 25, 2019); and Rafael Moraes Moura, "STF derrota governo e mantém demarcação de terras indígenas com Funai," *O Estado de São Paulo*, August 1, 2019, <https://politica.estadao.com.br/noticias/geral, STF-derrota-governo-e-mantem-demarcacao-de-terras-indigenas-com-funai,70002950992> (accessed August 4, 2019).

442 FUNAI, "Terras Indígenas," n.d., <http://www.funai.gov.br/index.php/indios-no-brasil/terras-indigenas> (accessed June 19, 2019).

reported.<sup>443</sup> As a replacement, he named a police officer who several media reports link to the secretary of land affairs and to landowners.<sup>444</sup>

President Bolsonaro defends the commercial exploitation of the resources within Indigenous territories, including agro-business, cattle, and mining.<sup>445</sup> Indigenous leaders view that proposal as a threat to their existence. “It means killing our nation, ending the forests, the animals, and our culture,” said Laercio Souza Silva, deputy coordinator of the Tenetehara forest guardians in Araribóia Indigenous Territory.<sup>446</sup> “It would be like an atomic bomb in Indigenous territories,” said Pará federal prosecutor Paulo Oliveira.<sup>447</sup>

President Bolsonaro also named a former army general to head INCRA, the federal agency in charge of carrying out agrarian reform, maintaining the registry of rural properties, and administering federal public lands.<sup>448</sup> In March 2019, INCRA eliminated from its maps Indigenous territories in process of being officially demarcated.<sup>449</sup> That change helps *fazendeiros* who control land there and who have difficulty obtaining credit for commercial enterprises when banks see the land is within those Indigenous areas, explained Marco

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443 Rubens Valente, “General cae de la presidencia de la Funai tras la presión del sector agroindustrial,” *Folha de São Paulo*, June 12, 2019, <https://www1.folha.uol.com.br/internacional/es/brasil/2019/06/general-cae-de-la-presidencia-de-la-funai-tras-la-presion-del-sector-agroindustrial.shtml> (accessed July 31, 2019).

444 Federal police officer Marcelo Xavier da Silva, the new head of FUNAI, was nominated as an aide to Luiz Antonio Nabhan Garcia, the Special Secretary for Land Issues at the Ministry of Agriculture, but did not take up the position because the federal police did not approve the transfer on time. Brazilian and international press assert he is close to the rural caucus in Congress. Dom Phillips, “Bolsonaro pick for Funai agency horrifies Indigenous leaders,” *The Guardian*, July 21, 2019, <https://www.theguardian.com/world/2019/jul/21/bolsonaro-funai-indigenous-agency-xavier-da-silva> (accessed July 31, 2019). “Falhou no psicotécnico, investigou desafeto e atacou procurador: a trajetória do novo presidente da Funai,” *BBC*, July 25, 2019, <https://www.bbc.com/portuguese/brasil-49107737> (accessed July 31, 2019).

445 “Bolsonaro defende exploração de Raposa Serra do Sol,” *Folha de São Paulo*, December 17, 2018, <https://www1.folha.uol.com.br/poder/2018/12/bolsonaro-defende-exploracao-de-raposa-serra-do-sol.shtml> (accessed June 19, 2019); André Borges and Camila Turtelli, “Produção agrícola em terras indígenas deve ser liberada,” *UOL*, January 3, 2019, <https://economia.uol.com.br/noticias/estadao-conteudo/2019/01/03/producao-agricola-em-terras-indigenas-deve-ser-liberada.htm> (accessed June 19, 2019); “Ministro de Minas e Energia diz que governo avalia autorizar mineração em terra indígena,” *Folha de São Paulo*, March 5, 2019, <https://www1.folha.uol.com.br/mercado/2019/03/ministro-de-minas-e-energia-diz-que-governo-avalia-autorizar-mineracao-em-terra-indigena.shtml> (accessed June 19, 2019).

446 Human Rights Watch interview with Laercio Souza Silva, deputy coordinator of the Tenetehara forest guardians in Araribóia Indigenous Territory, Brasília, April 24, 2019.

447 Human Rights Watch interview with Paulo de Tarso Oliveira, federal prosecutor in the state of Pará Santarém, May 2, 2019.

448 “Nomeação de general para presidência do Inbra gera preocupação em movimentos do campo,” *Brasil de Fato*, February 11, 2019, <https://www.brasildefato.com.br/2019/02/11/nomeacao-de-general-para-presidencia-do-incra-gera-preocupacao-em-movimentos-do-campo/> (accessed June 19, 2019).

449 Technical Note 885/2019/GABT-1/GAB/P/SEDE/INCRA, April 28, 2019, on file at Human Rights Watch.

Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General's Office.<sup>450</sup>

## Undercutting Environmental Law Enforcement

As a candidate, Bolsonaro called IBAMA and ICMBio “industries of fines” and vowed to put an end to their “festival” of sanctions for environmental crimes.<sup>451</sup> During his first eight months in office, the number of fines related to deforestation issued by IBAMA nationwide fell by 37 percent compared to the same period the year before, reaching the lowest number in at least two decades.<sup>452</sup> In Amazonian states the number of fines related to destruction of the forest dropped by 42 percent and the total value of those fines fell by 37 percent.<sup>453</sup>

The drop of fines is in part due to a reduction in the number of anti-logging operations, a government official told Human Rights Watch.<sup>454</sup> Salles eliminated the Department of Forests and Combatting Deforestation at the Ministry of the Environment, a government office that had weekly meetings to plan major anti-deforestation operations involving IBAMA, ICMBio, FUNAI, the armed forces, and, occasionally, Brazil’s intelligence service (ABIN), a former head of that department told us.<sup>455</sup> The Specialized Enforcement Group (GEF, in Portuguese), an elite IBAMA unit deployed against the most destructive crime groups involved in illegal logging and mining, still exists but the leadership of IBAMA did

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<sup>450</sup> Human Rights Watch interview with Marco Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General's Office, Brasília, April 26, 2019.

<sup>451</sup> “Bolsonaro diz que IBAMA e ICMBio vão deixar de ser indústrias de multa em seu Governo,” Rondoniagora, September 1, 2018, <https://www.rondoniagora.com/eleicoes/bolsonaro-diz-que-ibama-e-icmbio-va-deixar-de-ser-industrias-de-multa-em-seu-governo> (accessed November 6, 2018).

<sup>452</sup> IBAMA issued 4,323 fines related to deforestation nationwide from January 1 through August 31, 2018, and 2,701 in the same period of 2019. IBAMA publishes the data on this website: <https://servicos.ibama.gov.br/ctf/publico/areasembargadas/ConsultaPublicaAreasEmbargadas.php> (accessed September 5, 2019).

<sup>453</sup> IBAMA issued 2,863 fines related to deforestation in Amazonian states from January 1 through August 31, 2018 for a total value of 1.5 billion reais (US\$386 million), and it issued 1,641 fines for 947 million reais (US\$221 million) during the same period of 2019. IBAMA publishes the data on this website: <https://servicos.ibama.gov.br/ctf/publico/areasembargadas/ConsultaPublicaAreasEmbargadas.php> (accessed September 5, 2019).

<sup>454</sup> Human Rights Watch interviews with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, August 16, 2019; and with an ICMBio official, Brasília, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

<sup>455</sup> Human Rights Watch interview with an ICMBio official, Brasília, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

not approve a single operation from January till mid August 2019.<sup>456</sup> The number of smaller scale operations has also fallen because of the mass removal of regional directors at IBAMA, who need to approve them.<sup>457</sup>

From January to April 2019, IBAMA conducted only 17 anti-logging operations in the Amazon, a 70 percent drop compared to the same period of 2018, according to official data obtained by a local NGO.<sup>458</sup>

At ICMBio, the number of operations against deforestation in the Amazon dropped by 30 percent in the period from January through August 2019, compared with a year earlier, the agency told Human Rights Watch.<sup>459</sup>

And even when operations do occur, some agents are reluctant to impose fines, in order to avoid reprisals from their superiors, an IBAMA inspector told Human Rights Watch.<sup>460</sup> “There have to be institutional orders to combat deforestation and illegal mining, but the messages [from the government] are the opposite,” said the inspector.

In May 2019, IBAMA announced on its website where it would be conducting its next enforcement actions against illegal logging, contravening the agency’s previous practice of withholding information about raids to ensure their success and to protect its own agents from attack.<sup>461</sup>

In April 2019, the government established that all environmental fines must be reviewed at a “conciliation” hearing by a panel made up of at least two public servants and presided

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<sup>456</sup> Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasilia, August 16, 2019.

<sup>457</sup> Ibid.

<sup>458</sup> Data provided to Human Rights Watch by Carlos Rittl, executive secretary of the Climate Observatory, a coalition of local NGOs. Rittl obtained the data from the federal government through a Freedom of Information Request. Human Rights Watch also petitioned data about anti-logging operations by IBAMA through a Freedom of Information Request filed in May 2019, but it had not received an answer by August 27, 2019.

<sup>459</sup> Data provided by ICMBio to Human Rights Watch on September 4, 2019 in response to a Freedom of Information Request.

<sup>460</sup> Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019. The agent asked that his name be withheld for fear of reprisals.

<sup>461</sup> “IBAMA avisa em seu site onde serão as ações de fiscalização,” Folha de São Paulo, May 27, 2018, <https://www1.folha.uol.com.br/ambiente/2019/05/ibama-avisa-em-seu-site-onde-serao-as-acoes-de-fiscalizacao.shtml> (accessed June 19, 2019).

over by someone from outside IBAMA or ICMBio.<sup>462</sup> The panel can offer discounts or eliminate the fine altogether.

While such conciliation hearings are pending, the process of imposing fines and deadlines to pay are to be suspended.<sup>463</sup> IBAMA applied more than 14,000 new fines yearly in the last few years, and there are 120,000 fines pending, Suely Araújo, who was president of IBAMA until December 2018, told Human Rights Watch.<sup>464</sup> She believes the requirement of a conciliation hearing will in practice cripple IBAMA's ability to punish those who illegally destroy the environment by delaying proceedings that take years already.<sup>465</sup>

Salles has asked for an internal review of all fines by IBAMA in the last five years to identify which ones were later revoked. Public servants fear that the ministry would take revocation as an indication that the fines were inappropriate, and open disciplinary proceedings against inspectors, and that the inspectors may also be penalized if the conciliation panel eliminates the fine imposed.<sup>466</sup>

In April 2019, President Bolsonaro said in a video distributed on social media that environmental agents should not burn loggers' equipment and said Salles had opened disciplinary proceedings against agents who had done so in Rondônia state.<sup>467</sup> In the operation, which was ongoing as President Bolsonaro spoke, IBAMA agents were

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462 Decree 9,760, April 11, 2019, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9760.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9760.htm) (accessed June 19, 2019); Felipe Betim, "Bolsonaro neutraliza o papel do IBAMA na aplicação de multas ambientais," *El País*, May 8, 2019, [https://brasil.elpais.com/brasil/2019/04/11/politica/1555009346\\_229285.html](https://brasil.elpais.com/brasil/2019/04/11/politica/1555009346_229285.html) (accessed June 19, 2019).

463 Decree 9,760, art. 97-A, April 11, 2019, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2019-2022/2019/decreto/D9760.htm](http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/decreto/D9760.htm) (accessed June 19, 2019)

464 Human Rights Watch interview with Suely Araújo, former president of IBAMA, Brasília, April 3, 2019. IBAMA issued 16,899 fines in 2016; 15,358 in 2017; and 14,732 fines in 2018, a decreasing figure as the number of inspectors fell. Data about fines available on this IBAMA site: <https://servicos.ibama.gov.br/ctf/publico/areasembargadas/ConsultaPublicaAreasEmbargadas.php> (accessed September 7, 2019).

465 Federal auditors found that in December 2017 almost 100,000 administrative actions against individual and companies for violating environmental laws were frozen for lack of personnel to digitize the documentation, and the proceedings on fines above 100,000 reais (US\$26,000) were delayed because only 34 people at IBAMA could decide in those cases. "IBAMA deixa de arrecadar até R\$ 20 bi em multas por demora na digitalização de processos," *G1*, April 19, 2019, <https://g1.globo.com/natureza/noticia/2019/04/19/ibama-deixa-de-arrecadar-ate-r-20-bi-em-multas-por-demora-na-digitalizacao-de-processos.ghtml> (accessed June 19, 2019).

466 Bruno Boghossian, "Ministério do Meio Ambiente quer punir fiscais que apliquem multas consideradas inconsistentes," *Folha de São Paulo*, January 21, 2019, <https://www1.folha.uol.com.br/ambiente/2019/01/ministerio-do-meio-ambiente-quer-punir-fiscais-que-apliquem-multas-consideradas-inconsistentes.shtml> (accessed June 19, 2019).

467 Fabiano Maisonnave, "Bolsonaro desautoriza operação em andamento do IBAMA contra madeira ilegal em RO," *Folha de São Paulo*, April 14, 2019.

combating illegal logging inside the Jamari National Forest. Several companies were bidding for the license to exploit timber legally there, but people involved in illegal logging had invaded the area.<sup>468</sup>

As described above, IBAMA and ICMBio have the legal authority to burn equipment used to destroy protected forest when its transport is inviable or would put its agents or the environment at risk.<sup>469</sup>

IBAMA and ICMBio agents see this practice as key to carrying out their mission. Agents are vulnerable to attack by loggers trying to retrieve their equipment, as agents have to guard it at the site until retrieval is arranged and then move the equipment slowly through the forest from very remote locations.<sup>470</sup> In addition, the agencies have a challenge finding a place to store equipment while the lengthy judicial and administrative processes are ongoing.<sup>471</sup> Before the decree that gave them the power to destroy equipment, federal agencies sometimes had no option but to hand trucks and tractors back to the logger as custodian.<sup>472</sup>

Federal prosecutors warned that in those cases loggers can be expected to continue using the equipment to destroy the forest.<sup>473</sup> Three days after President Bolsonaro's video, the federal prosecutors' office in Rondônia called on federal and state authorities to strengthen actions against illegal logging and to destroy loggers' equipment when it is impossible to transport it.<sup>474</sup>

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468 Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, April 26, 2019.

469 Decree 6,514 regulates the 1988 Environmental Crimes Law, law 9,605. In Article 111, the decree states that environmental agents can destroy equipment used to carry out environmental crimes "when their transport and custody are inviable considering the circumstances or they can put the environment at risk or endanger the population and of agents of the state." IBAMA started using those powers around 2011, after drafting internal procedures for implementation. Human Rights Watch interviews with Julio Sombra, federal police officer, São Luis, October 26, 2017; and Roberto Cabral, then chief of enforcement operations at IBAMA, Brasília, April 4, 2018.

470 Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

471 Human Rights Watch interview with Elisângela Ambé, chief of enforcement at IBAMA in Maranhão, São Luis, October 26, 2017.

472 Human Rights Watch interview with Roberto Cabral, then chief of enforcement operations at IBAMA, November 9, 2018.

473 "MPF recomenda que órgãos ambientais intensifiquem fiscalizações nas unidades de conservação," Rondônia Federal prosecutors' office news release, April 16, 2019, <http://www.mpf.mp.br/ro/sala-de-imprensa/noticias-ro/mpf-ro-recomenda-que-orgaos-ambientais-intensifiquem-fiscalizacoes-nas-unidades-de-conservacao> (accessed June 19, 2019).

474 Ibid.

Yet, IBAMA and ICMBio officers in Brasília and a high-level federal police officer in the Amazon region told Human Rights Watch in July 2019 that the leadership at IBAMA and ICMBio had instructed agents to no longer destroy loggers' equipment.<sup>475</sup> It is a policy communicated verbally, without a paper trail, officials said.<sup>476</sup>

Two weeks after assailants burned a fuel truck delivering gas for IBAMA helicopters conducting anti-logging operations in Espigão do Oeste, Rondônia state, in July 2019, Salles met with loggers in that town, called them "good people" and told them that the timber industry "needs to be respected."<sup>477</sup> "What happens today in Brazil, unfortunately, is the result of years and years and years of a public policy of producing laws, rules, regulations that are not always related to the real world," he added.

"Bolsonaro is supporting those who are stealing timber. That encourages illegal actions," Elizabeth Eriko Uema, executive director of ASCEMA, the IBAMA and ICMBio employees' association, told Human Rights Watch.<sup>478</sup>

In June, President Jair Bolsonaro issued a presidential order removing a deadline for landowners to register their properties on an environmental registry set up by the 2012 forestry code.<sup>479</sup> Landowners who register their properties must reforest areas illegally deforested after July 2008. The removal of the deadline makes it less likely that they will comply with a requirement that would involve investment in reforestation.

## Harassment of Civil Society Groups

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<sup>475</sup> Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019; interview through messaging services with an ICMBio agent in Brasília, July 10, 2019; and phone interview with a high-level federal police officer in the Amazon region, July 16, 2019. Name withheld upon the officers' request.

<sup>476</sup> Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019; and interview through messaging services with an ICMBio agent in Brasília, July 10, 2019. Name withheld upon the officers' request.

<sup>477</sup> "Salles faz visita a madeireiros em Rondônia após atos contra Ibama," *Folha de São Paulo*, July 17, 2019. <https://www1.folha.uol.com.br/ambiente/2019/07/salles-faz-visita-a-madeireiros-em-rondonia-apos-atos-contra-ibama.shtml> (accessed July 31, 2019).

<sup>478</sup> Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, April 26, 2019.

<sup>479</sup> Giovana Girardi, "Bolsonaro edita nova MP que altera Código Florestal," *O Estado de São Paulo*, June 14, 2019. <https://sustentabilidade.estadao.com.br/noticias/geral,bolsonaro-edita-nova-mp-que-altera-codigo-florestal,70002873423> (accessed August 24, 2019)

Civil society organizations play a vital role in the Amazon region by, among other things, supporting people who report illegal logging, many of whom are small farmers and Indigenous people who live in remote locations without easy access to authorities.

These groups help these people file complaints of threats and attacks, and advocate on their behalf. They also provide the most reliable information about the nature and scope of violence in the region. For example, the Pastoral Land Commission publishes yearly reports on conflicts over land and resources, based on the work of attorneys working around the country. Similarly, the Indigenist Missionary Council (CIMI) is the only entity that compiles cases of violence against Indigenous people nationwide. Since neither federal nor state authorities compile such information, the reports by the Pastoral Land Commission and CIMI fill an important void and are relied upon by authorities as indicators of the scope of violence related to illegal logging.

President Bolsonaro has repeatedly lashed out at civil society organizations that defend environmental and Indigenous rights. He has said NGOs “exploit and manipulate” Indigenous people, and “enslave” them, and has promised to end “Shia environmental activism” in Brazil.<sup>480</sup> President Bolsonaro has accused European countries of promoting preservation of the Amazon through foreign NGOs to exploit the forest’s riches for themselves in the future.<sup>481</sup> “Brazil is like a virgin that every pervert from the outside lusts for,” he said in July 2019.<sup>482</sup>

Bolsonaro’s vice president, Hamilton Mourão, has called environmentalism “an instrument of indirect domination by large economies,” and complained that Brazil’s potential is tied

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480 Talita Fernandes, “Em live, Bolsonaro ataca Ibama, ONGs e ameaça cortar diretoria da Funai,” *Folha de São Paulo*, April 17, 2019, <https://www1.folha.uol.com.br/poder/2019/04/em-live-bolsonaro-ataca-ibama-ongs-e-ameaca-cortar-diretoria-da-funai.shtml> (accessed June 22, 2019); André Borges, “Bolsonaro pode acabar com 129 processos de demarcação de terra indígena,” *O Estado de São Paulo*, October 24, 2018, <https://economia.estadao.com.br/noticias/geral,bolsonaro-pode-acabar-com-129-processos-de-demarcacao-de-terra-indigena,70002560644> (accessed November 6, 2018); Constança Rezende, “Em Roraima, Bolsonaro defende exploração econômica de terras indígenas,” *O Estado de São Paulo*, April 12, 2018, <https://politica.estadao.com.br/noticias/eleicoes,em-roraima-bolsonaro-defende-exploracao-economica-de-terras-indigenas,70002266170> (accessed November 6, 2018); Phillippe Watanabe, “Bolsonaro recua de fusão de Ambiente e Agricultura e diz não querer xiita ambiental,” *Folha de São Paulo*, November 1, 2018, <http://www1.folha.uol.com.br/ambiente/2018/11/bolsonaro-recua-em-fusao-de-meio-ambiente-e-agricultura-e-diz-nao-querer-xiita-ambiental.shtml> (accessed November 6, 2018).

481 “‘Brasil é uma virgem que todo tarado de fora quer’, diz Bolsonaro ao falar sobre Amazônia,” *G1*, July 7, 2019, <https://g1.globo.com/politica/noticia/2019/07/06/brasil-e-uma-vmrgem-que-todo-tarado-de-fora-quer-diz-bolsonaro-ao-falar-sobre-amazonia.ghtml> (accessed July 31, 2019).

482 *Ibid.*

down by “Shia environmentalism” and NGOs.<sup>483</sup> Salles, the environment minister, has complained about the existence of “an industry of eco-Shia NGOs.”<sup>484</sup>

In July 2019, President Bolsonaro said deforestation data produced by the National Institute of Space Research (INPE), a government agency, “do not match reality” and said that its director may be “at the service of an NGO.”<sup>485</sup> He said INPE should send him the data ahead of any publication.<sup>486</sup> In response, the Brazilian Society for the Progress of Science, which represents more than 140 scientific societies throughout Brazil, said INPE was among the best agencies in its world in its field and characterized Bolsonaro’s criticism as “offensive, unacceptable, and harmful to scientific knowledge.”<sup>487</sup> Two weeks later, the Bolsonaro administration fired the director of INPE.<sup>488</sup> “Bad Brazilians dare to campaign against our Amazon using false data,” the president said.<sup>489</sup>

On inauguration day, President Bolsonaro signed an executive order giving Government Secretary Carlos Alberto dos Santos Cruz — a retired Army general — power to “supervise, coordinate, monitor, and track” the activities of local and international NGOs operating in Brazil. But in May 2019, Congress amended the order eliminating the authority to

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483 Mônica Bérnago, “Não é o caso de comprar brigas que não podemos vencer, diz Hamilton Mourão,” *Folha de São Paulo*, November 23, 2018, <https://www1.folha.uol.com.br/poder/2018/11/nao-e-o-caso-de-comprar-brigas-que-nao-podemos-vencer-diz-hamilton-mourao.shtml> (accessed August 26, 2019).

484 Thais Bilenky, “Ministro do Ambiente aciona CGU para obter contratos de ONGs com Fundo Amazônia,” *Folha de São Paulo*, February 13, 2019, <https://www1.folha.uol.com.br/ambiente/2019/02/ministro-do-ambiente-aciona-cgu-para-obter-contratos-de-ongs-com-fundo-amazonia.shtml> (accessed September 7, 2019).

485 Danielle Brant, “Bolsonaro critica diretor do Inpe por dados sobre desmatamento que ‘prejudicam’ nome do Brasil,” *Folha de São Paulo*, July 19, 2019, <https://www1.folha.uol.com.br/ambiente/2019/07/bolsonaro-critica-diretor-do-inpe-por-dados-sobre-desmatamento-que-prejudicam-nome-do-brasil.shtml> (accessed July 22, 2019).

486 Talita Fernandes, “Para não ser ‘pego de calças curtas’, Bolsonaro quer embargar dados de desmate,” *Folha de São Paulo*, July 22, 2019, <https://www1.folha.uol.com.br/ambiente/2019/07/bolsonaro-diz-que-nao-pode-ser-pego-de-calças-curtas-em-divulgacao-sobre-desmatamento.shtml> (accessed July 31, 2019).

487 “Conselho da SBPC lança manifesto em defesa do Inpe,” Brazilian Society for the Progress of Science news release, July 21, 2019, <http://portal.sbpcnet.org.br/noticias/conselho-da-sbpc-lanca-manifesto-em-defesa-do-inpe/> (accessed July 22, 2019); Brazilian Society for the Progress of Science, “Quem somos”, n.d., <http://portal.sbpcnet.org.br/a-sbpc/quem-somos/> (accessed July 22, 2019).

488 Ministry of Science, Technology, Innovation, and Communications news release, August 2, 2019, [https://www.mctic.gov.br/mctic/opencms/salaImprensa/noticias/arquivos/2019/08/Nota\\_a\\_Imprensa\\_\\_INPE.html](https://www.mctic.gov.br/mctic/opencms/salaImprensa/noticias/arquivos/2019/08/Nota_a_Imprensa__INPE.html) (accessed August 4, 2019).

489 “Maus brasileiros ousam fazer campanha com números mentirosos contra a nossa Amazônia”, diz Bolsonaro,” *G1*, August 5, 2019, <https://g1.globo.com/ba/bahia/noticia/2019/08/05/maus-brasileiros-ousam-fazer-campanha-com-numeros-mentirosos-contr-a-nossa-amazonia-diz-bolsonaro.ghtml> (accessed August 5, 2019).

supervise NGOs and instead stating the government secretary should “coordinate government dialogue” with NGOs.<sup>490</sup>

In January 2019, Salles froze all new contracts and partnerships of the Ministry of the Environment with civil society organizations. Among those suspended were 34 projects awarded to NGOs that would use 1 billion reais (US\$300 million) from fines collected by IBAMA to restore degraded ecosystems in the São Francisco and Parnaíba rivers.<sup>491</sup>

In April 2019, the Bolsonaro government decreed the elimination by the end of June of all federal councils, committees, and working groups, many of which had representatives of civil society, including those mentioned in laws but whose membership or goals were not spelled out.<sup>492</sup> In June, the Supreme Court ruled the government cannot extinguish committees mentioned in laws, but can eliminate those established by decree.<sup>493</sup>

Committees played an important role in the formulation and implementation of environmental policies and in enforcing environmental law.

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490 “Em mais uma derrota do governo, MP das ONGs é alterada no Congresso,” *Revista Forum*, May 9, 2019, <https://revistaforum.com.br/em-mais-uma-derrota-do-governo-mp-das-ongs-e-alterada-no-congresso/> (accessed July 11, 2019).

491 “Governo paralisa R\$ 1 bi para 34 projetos de recuperação Ambiental,” *Exame*, March 14, 2019, <https://exame.abril.com.br/economia/governo-paralisa-r-1-bi-para-34-projetos-de-recuperacao-ambiental> (accessed August 24, 2019). In May, the Bolsonaro government revoked the rules that had allowed nongovernmental organizations to compete for environmental-protection contracts financed by fines. Without new rules, no new contracts can be awarded to NGOs. Human Rights Watch interview with Suely Araújo, April 3, 2019; Felipe Betim, “Bolsonaro neutraliza o papel do IBAMA na aplicação de multas ambientais,” *El País*, May 8, 2019, [https://brasil.elpais.com/brasil/2019/04/11/politica/1555009346\\_229285.html](https://brasil.elpais.com/brasil/2019/04/11/politica/1555009346_229285.html) (accessed June 19, 2019).

492 Decree 9,759, April 11, 2019, [http://www.in.gov.br/materia/-/asset\\_publisher/KujrwoTZC2Mb/content/id/71137350](http://www.in.gov.br/materia/-/asset_publisher/KujrwoTZC2Mb/content/id/71137350) (accessed August 25, 2019). When it issued the decree, the federal government said it could recreate about 5 percent of the original councils. Flávia Faria, “Entenda decreto que põe fim a conselhos federais com atuação da sociedade,” *Folha de São Paulo*, May 3, 2019, <https://www1.folha.uol.com.br/poder/2019/05/entenda-decreto-que-poe-fim-a-conselhos-federais-com-atuacao-da-sociedade.shtml> (accessed June 19, 2019); “Presidente Jair Bolsonaro extingue centenas de conselhos federais,” *Consultor Jurídico*, April 14, 2019, <https://www.conjur.com.br/2019-abr-14/presidente-jair-bolsonaro-extingue-centenas-conselhos-federais> (accessed June 19, 2019).

493 Ricardo Della Coletta, “STF impede Bolsonaro de fechar conselhos criados com aval do Congresso,” *Folha de São Paulo*, June 13, 2019, <https://www1.folha.uol.com.br/poder/2019/06/stf-impede-bolsonaro-de-fechar-conselhos-criados-com-aval-do-congresso.shtml> (accessed June 19, 2019).

Among those eliminated were:

- The National Council of Wetlands, created to implement the Convention on Wetlands, known as Ramsar Convention, a treaty ratified by Brazil for the preservation of wetlands.<sup>494</sup> Brazil has 27 sites recognized as wetlands of international importance, many of them in the Amazon.<sup>495</sup>
- The National Commission on Biodiversity, established to implement the Convention on Biological Diversity, a treaty ratified by Brazil for the preservation and sustainable use of biodiversity through the creation of protected areas, among other measures.<sup>496</sup>
- The committee to implement the National Policy of Environmental and Land Management in Indigenous Territories, designed to promote environmental protection in Indigenous territories.<sup>497</sup>

The Bolsonaro government could not eliminate the National Environmental Council (CONAMA) – an advisory and deliberative council whose powers include setting rules for the licensing of polluting industries – as it is established by law.<sup>498</sup> Instead, in May it increased the representation of the federal government on the council and reduced civil society participation by decree.

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494 Human Rights Watch interview with a former member of the council, Brasília, August 15, 2019. Name withheld upon the interviewee's request for fear of reprisals from the government.

495 For the list of Ramsar sites see: <https://www.ramsar.org/wetland/brazil> (accessed August 29, 2019).

496 Human Rights Watch interview with a former member of the council, Brasília, August 15, 2019. Name withheld upon the interviewee's request for fear of reprisals from the government.

497 Human Rights Watch interview with an ICMBio official, Brasília, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

498 Law 6,938 from August 31, 1981 created the CONAMA. Decree 99,274, from June 6, 1990, established that CONAMA would have 96 members, including representatives of federal, state, and municipal governments and 22 representatives of "workers and civil society." Decree 9,806 from May 28, 2019 reduced the size of the council to 23 members, and increased the relative representation of the federal government from 29 percent to 44 percent. Civil society was reduced to four seats, assigned by a lottery system for a one-year term. Civil society organizations previously had selected representatives to most of the seats reserved for civil society, and they were for a two-year term.

Law 6,938, August 31, 1981, [http://www.planalto.gov.br/ccivil\\_03/leis/l6938.htm](http://www.planalto.gov.br/ccivil_03/leis/l6938.htm) (accessed July 1, 2019); Decree 99,274, June 6, 1990, [http://www.planalto.gov.br/ccivil\\_03/decreto/antigos/d99274.htm](http://www.planalto.gov.br/ccivil_03/decreto/antigos/d99274.htm) (accessed July 1, 2019); Decree 9,806, May 28, 2019, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2019-2022/2019/Decreto/D9806.htm#art1](http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D9806.htm#art1) (accessed July 1, 2019); Phillippe Watanabe, "Salles corta 77% de Conselho Ambiental, retira ICMBio e fará sorteio de vagas," *Folha de São Paulo*, May 29, 2019, <https://www1.folha.uol.com.br/ambiente/2019/05/salles-corta-77-de-conselho-ambiental-retira-icmbio-e-fara-sortaic-de-vagas.shtml> (accessed July 1, 2019).

“The official mechanisms of accountability are being dismantled,” Nicolão Dino, the head of the environmental unit at the Attorney General’s office, told Human Rights Watch.<sup>499</sup>

Another target of president Bolsonaro’s policies to diminish the public role of civil society was the Amazon Fund, an innovative vehicle designed and administered by Brazil through its development bank (BNDS) that disburses foreign donations when Brazil reduces deforestation. It had received 3.4 billion reais (more than US\$820 million) in donations for projects to preserve Brazil’s Amazon rainforest by the end of 2018, 93 percent from Norway, with Germany accounting for most of the rest.<sup>500</sup> The main beneficiaries are the federal and local governments, which have received sixty percent of the funds, while almost all the rest has financed projects by NGOs.<sup>501</sup>

In May 2019, Salles said he had found “irregularities” and problems “in 100 percent of the contracts with NGOs,” but provided no evidence.<sup>502</sup>

In a letter to Salles, the governments of Norway and Germany refuted Salles’ allegations of irregularities and said the Fund undergoes yearly audits, which have consistently shown “efficient use of resources and measurable impacts in reducing deforestation.”<sup>503</sup> Both governments requested repeatedly that Salles shared the evidence of irregularities, but he had not done so as of August 16, 2019, the chief of bilateral cooperation at the German embassy told Human Rights Watch.<sup>504</sup>

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499 Human Rights Watch interview with federal prosecutor Nicolão Dino, Brasília, April 26, 2019.

500 Besides Norway, the government of Germany has contributed 6 percent of the funds and Petrobras, a Brazilian state company, 0.5 percent; “Relatório de Atividades 2018,” Amazon Fund, July 2019, p.8, [http://www.fundoamazonia.gov.br/export/sites/default/en/.galleries/documentos/rafa/RAFA\\_2018\\_en.pdf](http://www.fundoamazonia.gov.br/export/sites/default/en/.galleries/documentos/rafa/RAFA_2018_en.pdf) (accessed August 28, 2019).

501 “Relatório de Atividades 2018,” Amazon Fund, July 2019, p.6, [http://www.fundoamazonia.gov.br/export/sites/default/en/.galleries/documentos/rafa/RAFA\\_2018\\_en.pdf](http://www.fundoamazonia.gov.br/export/sites/default/en/.galleries/documentos/rafa/RAFA_2018_en.pdf) (accessed August 28, 2019).

502 Ludmilla Souza, “Ministro diz que há indícios de irregularidades no Fundo Amazônia,” Agência Brasil, May 17, 2019, <http://agenciabrasil.ebc.com.br/geral/noticia/2019-05/ministro-diz-que-ha-indicios-de-irregularidade-no-fundo-amazonia> (accessed June 25, 2019); Patrícia Figueiredo, “Ministro do Meio Ambiente diz ter analisado 1/4 dos contratos do Fundo Amazônia e verificado inconsistências,” G1, May 16, 2019, <https://g1.globo.com/natureza/noticia/2019/05/17/ministro-do-meio-ambiente-diz-ter-analisado-14-dos-contratos-do-fundo-amazonia-e-verificado-inconsistencias.ghtml> (accessed September 1, 2019).

503 Letter by the ambassadors of Norway and Germany in Brazil to ministers Ricardo Salles and Carlos Alberto dos Santos Cruz, May 6, 2019. Copy on file at Human Rights Watch.

504 Human Rights Watch interview with Annette Windmeisser, chief of cooperation for sustainable development at the German embassy in Brasília, August 16, 2019.

Salles asked the Amazon Fund not to approve new projects.<sup>505</sup> He proposed to use part of the resources from the fund to compensate *fazendeiros* for land in protected areas.<sup>506</sup> The rules of the fund currently prohibit it.<sup>507</sup> Since many *fazendeiros* do not have authentic titles to the land they control in the Amazon region, that practice could end up rewarding people who occupy land illegally.<sup>508</sup>

Salles also insisted on reducing the size of the fund's steering committee and minimizing representation by civil society.<sup>509</sup> Representatives of Norway and Germany told him they did not want any changes to the steering committee, one of those representatives told Human Rights Watch.<sup>510</sup> "The Norwegian government gives a lot of importance to having good NGO representation," a Norwegian diplomat told Human Rights Watch in April 2019.<sup>511</sup>

But in June 2019, the federal government announced it was dissolving the steering committee and the committee of experts that assesses whether Brazil has reduced deforestation and should be rewarded with the disbursement of donations. Norway saw

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505 Ludmilla Souza, "Ministro diz que há indícios de irregularidades no Fundo Amazônia," Agência Brasil, May 17, 2019, <http://agenciabrasil.ebc.com.br/geral/noticia/2019-05/ministro-diz-que-ha-indicios-de-irregularidade-no-fundo-amazonia> (accessed June 25, 2019).

506 "Governo propõe usar parte do Fundo Amazônia para indenizar donos de terras," AFP, May 28, 2019, <https://noticias.uol.com.br/ultimas-noticias/afp/2019/05/27/governo-propoe-usar-parte-do-fundo-amazonia-para-indenizar-donos-de-terras.htm>, (accessed June 19, 2019).

507 "Diretrizes e critérios para aplicação dos recursos e foco de atuação para o biênio 2017 e 2018," Amazon Fund, p. 14, [http://www.fundoamazonia.gov.br/export/sites/default/pt/.galleries/documentos/diretrizes\\_critérios/2017\\_2018\\_Diretriz\\_e\\_Focos\\_junho18.pdf](http://www.fundoamazonia.gov.br/export/sites/default/pt/.galleries/documentos/diretrizes_critérios/2017_2018_Diretriz_e_Focos_junho18.pdf) (accessed June 19, 2019).

508 Giovana Girardi, "Em meio à discussão sobre Fundo Amazônia, R\$ 1,8 bi para desapropriações está parado," Estado de São Paulo, June 13, 2019, <https://sustentabilidade.estadao.com.br/blogs/ambiente-se/em-meio-a-discussao-sobre-fundo-amazonia-verba-de-r-18-bi-para-regularizacao-fundiaria-esta-parada/> (accessed August 2, 2019); "Conflito Inglorio," Folha de São Paulo, June 16, 2019, <https://www1.folha.uol.com.br/opinia0/2019/06/conflito-inglorio.shtml> (accessed August 2, 2019); and "Improbo Ricardo Salles quer tirar do Fundo Amazônia para dar a grileiros," Climate Observatory news release, May 25, 2019, <http://www.observatoriodoclima.eco.br/improbo-ricardo-salles-quer-tirar-fundo-amazonia-para-dar-grileiros/> (accessed August 2, 2019).

509 The steering committee is made up of nine federal government officials, eight officials from Amazonian states, and six civil society representatives. Salles' proposed having five federal officials, one official from the states and one representative from civil society, according to press reports; "Comitê Orientador do Fundo Amazônia – COFA," Amazon Fund web page, n.d., <http://www.fundoamazonia.gov.br/pt/fundo-amazonia/governanca/COFA/> (accessed June 19, 2019); Mônica Bergamo, "Noruega e Alemanha resistem a mudança no conselho do Fundo Amazônia," Folha de São Paulo, May 29, 2019, <https://www1.folha.uol.com.br/colunas/monicabergamo/2019/05/noruega-e-alemanha-resistem-a-mudanca-no-conselho-do-fundo-amazonia.shtml> (accessed June 19, 2019).

510 Human Rights Watch interview with Annette Windmeisser, chief of cooperation for sustainable development at the German embassy in Brasília, Brasília, August 16, 2019.

511 Human Rights Watch interview with Jan Dybfest, minister counsellor of the Norwegian Embassy, Brasília, April 26, 2019.

that as a breach of contract and suspended a planned donation of 300 million Norwegian crowns (about US\$33 million) to the Amazon Fund.<sup>512</sup>

Environmental agents fear the possible end of support from the Amazon Fund will reduce their capacity to fight illegal deforestation even further.<sup>513</sup> For instance, prior to August 2019, the Fund provided or was in the process of providing a total of 77 million reais (US\$20 million) to states and IBAMA for fighting forest fires.<sup>514</sup> In addition, the Fund has two ongoing contracts for 196 million reais (US\$50 million) to pay for vehicles and enforcement operations by IBAMA.<sup>515</sup>

In August, Germany suspended a 35 million euro (US\$40 million) donation for environmental protection projects in Brazil after questioning the government's commitment to reducing deforestation.<sup>516</sup> President Bolsonaro responded that Brazil did not need Germany's money.<sup>517</sup>

## Impact of President Bolsonaro's Anti-Environmental Policies

Crime groups involved in illegal deforestation have taken President Bolsonaro's statements and policies weakening environmental law enforcement as a green light to

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512 "Norway stops Amazon fund contribution in dispute with Brazil," Reuters, August 5, 2019, <https://www.reuters.com/article/us-brazil-environment-norway/norway-stops-amazon-fund-contribution-in-dispute-with-brazil-idUSKCN1V52C9> (accessed August 30, 2019). Annette Windmeisser, chief of cooperation for sustainable development at the German embassy in Brasília, told Human Rights Watch in August 2019 that Germany was trying to discuss the establishment of a new steering committee with Minister Salles. Human Rights Watch interview with Annette Windmeisser, chief of cooperation for sustainable development at the German embassy in Brasília, August 16, 2019.

513 Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, August 15, 2019.

514 The contracts are available in the Amazon Fund's website: [http://www.fundoamazonia.gov.br/pt/carteira-de-projetos/busca/index.html?reloaded&facet\\_category\\_exact=tema/combate-a-incendios-queimadas/](http://www.fundoamazonia.gov.br/pt/carteira-de-projetos/busca/index.html?reloaded&facet_category_exact=tema/combate-a-incendios-queimadas/) (accessed August 30, 2019).

515 The contracts are available in the Amazon Fund's website: [http://www.fundoamazonia.gov.br/pt/carteira-de-projetos/busca/index.html?reloaded&facet\\_Responsavel\\_prop=ibama&facet\\_Responsavel\\_prop=ibama](http://www.fundoamazonia.gov.br/pt/carteira-de-projetos/busca/index.html?reloaded&facet_Responsavel_prop=ibama&facet_Responsavel_prop=ibama) (accessed August 30, 2019).

516 Ricardo Senra, "Meio ambiente: Alemanha confirma bloqueio de R\$ 156 milhões e põe em xeque acordo Mercosul-UE," BBC, August 12, 2019, <https://www.bbc.com/portuguese/brasil-49325337> (accessed August 30, 2019); and "Governo alemão rebate Bolsonaro sobre verba para a Amazônia," Deutsche Welle, August 10, 2019, <https://www.dw.com/pt-br/governo-alem%C3%A3o-rebate-bolsonaro-sobre-verba-para-a-amaz%C3%B4nia/a-49994397> (accessed August 30, 2019).

517 Ibid.

destroy the forest and attack forest defenders, several officials told Human Rights Watch.<sup>518</sup>

“Bashing government agencies is like music for illegal economic actors,” the head of the Indigenous rights unit in the Attorney General’s Office said.<sup>519</sup> “Loggers understand Bolsonaro’s statements as authorization to act,” he added. “Criminals feel authorized to advance upon the land and upon people,” Deborah Duprat, director of the human rights unit at the Attorney General’s Office, told Human Rights Watch.<sup>520</sup> Similarly, a senior IBAMA official in Pará state said that loggers now “believe that they will be able to do whatever they want [because] IBAMA won’t be able to impose fines on them or destroy their equipment.”<sup>521</sup>

The anti-environmental policies and rhetoric of the president and his ministers have put enforcement agents and local forest defenders at greater personal risk, according to senior law enforcement officials in the Attorney General’s Office. “It’s disturbing to see the state inciting threats against the state itself,” the head of the environmental unit told Human Rights Watch.<sup>522</sup>

### *Land Invasions and Illegal Logging*

Since Bolsonaro won the presidential election in October 2018, the illegal logging by criminal groups in the Amazon has become more brazen, according to enforcement officials and local residents.<sup>523</sup>

- Osvalinda Pereira, a community leader in the Areia INCRA settlement in Pará, said that before Bolsonaro’s election she would see trucks hauling illegally-harvested

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<sup>518</sup> Human Rights Watch interview with Deborah Duprat, federal prosecutor for citizens’ rights, Brasília, August 16, 2019; Human Rights Watch interview with Marco Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General’s Office, Brasília, April 26, 2019; and with a high-level IBAMA official, Pará, May 3, 2019. He asked that his identity be kept confidential because he did not have authorization from his superiors to speak publicly.

<sup>519</sup> Human Rights Watch interview with Marco Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General’s Office, Brasília, April 26, 2019.

<sup>520</sup> Human Rights Watch interview with Deborah Duprat, federal prosecutor for citizens’ rights, Brasília, August 16, 2019.

<sup>521</sup> Human Rights Watch interview with a high-level IBAMA official, Pará, May 3, 2019. He asked that his identity be kept confidential because he did not have authorization from his superiors to speak publicly.

<sup>522</sup> Human Rights Watch interview with federal prosecutor Nicolão Dino, Brasília, April 26, 2019.

<sup>523</sup> Human Rights Watch interview with a high-level IBAMA official, Pará, May 3, 2019. He asked that his identity be kept confidential because he did not have authorization from his superiors to speak publicly.

timber down the dirt road in the settlement only at night, but since the October 2018 election, such trucks also pass during the day.<sup>524</sup> She said the total number of trucks passing every day increased to between 20 and 30 in the first months of 2019, despite it being the rainy season, when logging activity is slower.



A truck carrying illegally-harvested timber out of the Areia INCRA settlement in broad daylight in December 2018. Photo courtesy of Pastoral Land Commission – Pará.

- Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, said the movement of logging trucks loaded with timber out of the Terra Nossa INCRA settlement in Pará has also increased. She said that one day in January 2019 when she was visiting a friend who lives by the settlement’s road, she counted 11 trucks passing from sunset to 3 am.<sup>525</sup>

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<sup>524</sup> Human Rights Watch interview with Osvalinda Pereira, a community leader in the Areia INCRA settlement, place withheld, April 24, 2019.

<sup>525</sup> Human Rights Watch interview with Maria Márcia Elpidia de Melo, president of the Nova Vitória Rural Producers Association, one of the community associations in the Terra Nossa INCRA settlement, Itaituba, Pará, April 29, 2019.

Federal authorities and local residents have also reported a surge in land invasions in the Amazon since Bolsonaro took office, including in at least eight Indigenous territories.<sup>526</sup>

- In Roraima state, dozens of land grabbers invaded the Uru-eu-wau-wau Indigenous Territory in January and cleared kilometers-long narrow swaths of forest to mark land they intended to occupy, Awapu Uru-eu-wau-wau, an Indigenous leader, told Human Rights Watch.<sup>527</sup> The attempted land grab occurred only three kilometers from an Indigenous village, according to Awapu, and was “the first time that happened so close.”<sup>528</sup> When confronted by Indigenous people, one of the invaders said they would not back off “because the new government is going to take away the land from the Indians,” Awapu said. After visiting the region, the then-president of FUNAI, Franklimberg de Freitas, also reported some land grabbers were saying President Bolsonaro supported the invasion of the Indigenous territory.<sup>529</sup> Federal prosecutors urged the Justice Ministry to take urgent measures to protect the Indigenous community.<sup>530</sup> Yet as of May, the grabbing and illegal deforestation in Uru-eu-wau-wau Indigenous Territory was continuing, with help from local *fazendeiros*, according to prosecutors.<sup>531</sup>

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526 Human Rights Watch interviews with Awapu Uru-eu-wau-wau, an Indigenous leader, Brasília, April 25, 2019; and with Laercio Souza Silva, deputy coordinator of the Tenetehara forest guardians in Araribóia, Brasília, April 24, 2019; Tiago Miotto, “Pelo menos seis terras indígenas sofrem com invasões e ameaças de invasão no início de 2019,” CIMI news release, January 23, 2019, <https://cimi.org.br/2019/01/pelo-menos-seis-terras-indigenas-sofrem-com-invasoes-e-ameacas-no-inicio-de-2019/> (accessed June 19, 2019); and Fabiano Maisonnave, “Amazon’s indigenous warriors take on invading loggers and ranchers,” *The Guardian*, August 29, 2019, <https://www.theguardian.com/world/2019/aug/29/xikrin-people-fight-back-against-amazon-land-grabbing> (accessed August 30, 2019).

527 Human Rights Watch interview with Awapu Uru-eu-wau-wau, an Indigenous leader, Brasília, April 25, 2019.

528 Indigenous people reported the land grab to the authorities. Invaders left the area when FUNAI and Military Police visited the site five days later. Federal Police arrested an alleged land grabber. Human Rights Watch interview with Awapu Uru-eu-wau-wau, Brasília, April 25, 2019; “Centenas de invasores entram na terra indígena Uru-eu-wau-wau e preparam derrubada da Floresta,” Instituto Socioambiental news release, April 18, 2019, <https://www.socioambiental.org/pt-br/blog/blog-dc-monitoramento/centenas-de-invasores-entram-na-terra-indigena-uru-eu-wau-wau-e-preparam-derrubada-da-floresta> (accessed June 19, 2019).

529 De Freitas denied the government supported the land invasion. Bolsonaro fired De Freitas in June, allegedly under pressure from landowners’ associations. João Pedro Soares, “A luta dos caripunas para manter suas terras na Amazônia,” *Revista Época*, May 2, 2019, [https://epoca.globo.com/a-luta-dos-caripunas-para-manter-suas-terras-na-amazonia-23635924?utm\\_campaign=Direitos%20Ind%C3%ADgenas&utm\\_content=91921181&utm\\_medium=social&utm\\_source=twitter&hss\\_channel=tw-16334137](https://epoca.globo.com/a-luta-dos-caripunas-para-manter-suas-terras-na-amazonia-23635924?utm_campaign=Direitos%20Ind%C3%ADgenas&utm_content=91921181&utm_medium=social&utm_source=twitter&hss_channel=tw-16334137) (accessed June 19, 2019).

530 “MPF pede ao Ministério da Justiça medidas urgentes de proteção a comunidades indígenas sob ameaça de grileiros,” Federal prosecutors’ office news release, January 19, 2019, <http://www.mpf.mp.br/pgr/noticias-pgr/mpf-pede-ao-ministerio-da-justica-medidas-urgentes-de-protecao-a-comunidades-indigenas-sob-ameaca-de-grileiros> (accessed June 19, 2019).

531 “MPF alerta sobre invasões na terra indígena Uru-eu-wau-wau,” Rondônia federal prosecutors’ office news release, May 2, 2019, <http://www.mpf.mp.br/ro/sala-de-imprensa/noticias-ro/mpf-alerta-sobre-invasoes-na-terra-indigena-uru-eu-wau-wau> (accessed June 19, 2019).

- The Yanomami Indigenous people in Roraima state have reported a sharp increase in the encroachment by miners in their territory in 2019, numbering about 20,000 by May, according to their estimates.<sup>532</sup>
- Loggers and *fazendeiros* around the Awá Indigenous Territory in Maranhão state attempted to mobilize residents of nearby logging towns to invade that territory in January 2019, according to the state government.<sup>533</sup> The invaders desisted after the Maranhão state government deployed military police to protect the Awá. Federal prosecutors believe loggers and *fazendeiros* acted in response to President Bolsonaro's decision to transfer the responsibility to demarcate Indigenous territory to the Ministry of Agriculture.<sup>534</sup>
- The Trincheira, Apyterewa and Ituna/Itatá Indigenous territories, in Pará state, lost a combined 52 square kilometers to illegal deforestation in July 2019 alone.<sup>535</sup> In August, tired of filing complaints to the authorities to no avail, the Xikrin Indigenous people of Trincheira swept through the territory expelling loggers and ranchers illegally occupying the land.<sup>536</sup>

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532 Rubens Valente, "Invasão em terra indígena chega a 20 mil garimpeiros, diz líder ianomâmi," *Folha de São Paulo*, May 16, 2019, <https://www1.folha.uol.com.br/poder/2019/05/invasao-em-terra-indigena-chega-a-20-mil-garimpeiros-diz-lider-ianomami.shtml> (accessed July 25, 2019).

533 Human Rights Watch interview with Cláudio José da Silva, coordinator of the Tenetehara guardians of Caru Indigenous Territory, which is contiguous to Awá Indigenous Territory, March 19, 2019; "Ameaça: fazendeiros visam terras indígenas no Maranhão," SEDIHPOP news release, January 15, 2019, <http://www.sedihpop.ma.gov.br/2019/01/15/ameaca-fazendeiros-visam-terras-indigenas-no-maranhao/> (accessed June 19, 2019); "FUNAI registra invasão a terras indígenas no Maranhão," *G1*, January 16, 2019, <https://g1.globo.com/ma/maranhao/noticia/2019/01/16/FUNAI-registra-nova-invasao-a-terras-indigenas-no-maranhao.ghtml> (accessed June 19, 2019); and Giovana Kury, "Governador envia polícia para proteger território indígena," *O Imparcial*, January 23, 2019, <https://oimparcial.com.br/noticias/2019/01/policia-e-enviada-para-proteger-territorio-indigena-awa-guaja-no-maranhao/> (accessed June 19, 2019).

534 "MPF requer reforço na fiscalização da Terra Indígena Awá Guajá," Maranhão federal prosecutors' office news release, January 18, 2019, <http://www.mpf.mp.br/ma/sala-de-imprensa/noticias-ma/mpf-requer-o-reforco-na-fiscalizacao-da-terra-indigena-awa-guaja> (accessed June 19, 2019).

535 July 2019 deforestation alert by Imazon, a research institute, <https://imazon.org.br/publicacoes/boletim-do-desmatamento-da-amazonia-legal-julho-2019-sad/> (accessed August 30, 2019).

536 Fabiano Maisonnave, "Amazon's indigenous warriors take on invading loggers and ranchers," *The Guardian*, August 29, 2019, <https://www.theguardian.com/world/2019/aug/29/xikrin-people-fight-back-against-amazon-land-grabbing> (accessed August 30, 2019).

Loggers and land grabbers have also invaded Arara Indigenous Territory in Pará state, Karipuna Indigenous Territory in Rondônia state, and Araribóia Indigenous Territory in Maranhão state.<sup>537</sup>

### *Acts of Violence and Intimidation*

Acts of intimidation by criminal groups in the Amazon have increased significantly since Bolsonaro took office in January, officials and local residents told Human Rights Watch.

- Loggers thwarted an enforcement operation by IBAMA in Rondônia state in July by setting up road blocks and dismantling a bridge, while unknown assailants burned a fuel truck delivering gas for IBAMA helicopters.<sup>538</sup> It was the first time that loggers attacked a fuel truck, an IBAMA inspector told Human Rights Watch.<sup>539</sup>
- Unknown assailants burned two bridges in the municipality of Placas in Pará state in July, in apparent retaliation for an anti-logging operation by IBAMA.<sup>540</sup>

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537 “Índios Arara temem confronto com posseiros que invadiram reserva indígena no Pará,” *G1*, January 6, 2019, <https://g1.globo.com/pa/para/noticia/2019/01/06/indios-arara-temem-confronto-com-posseiros-que-invadiram-reserva-indigena-no-para.ghtml> (accessed June 19, 2019); “Força-Tarefa Amazônia denuncia nove pessoas por invasão e loteamento da terra indígena Karipuna,” Rondônia federal prosecutors’ office news release, August 14, 2019, <http://www.mpf.mp.br/ro/sala-de-imprensa/noticias-ro/forca-tarefa-amazonia-denuncia-nove-pessoas-por-invasao-e-loteamento-da-terra-indigena-karipuna> (accessed September 1, 2019); Tiago Miotto, “Pelo menos seis terras indígenas sofrem com invasões e ameaças de invasão no início de 2019,” CIMI news release, January 23, 2019, <https://cimi.org.br/2019/01/pelo-menos-seis-terras-indigenas-sofrem-com-invasoes-e-ameacas-no-inicio-de-2019/> (accessed June 19, 2019).

538 Pedro Bentes and Mayara Subtil, “Caminhão-tanque do Ibama é incendiado por pessoas ligadas a madeireiros em RO,” *G1*, July 4, 2019, <https://g1.globo.com/ro/rondonia/noticia/2019/07/04/caminhao-tanque-do-ibama-e-incendiado-por-pessoas-ligadas-a-madeireiros-em-ro.ghtml> (accessed July 9, 2019); and Fabiano Maisonnave, “Acuado por madeireiros, Ibama aborta operação em Rondônia,” *Folha de São Paulo*, July 6, 2019, <https://www1.folha.uol.com.br/ambiente/2019/07/acuado-por-madeireiros-ibama-aborta-operacao-em-rondonia.shtml> (accessed July 21, 2019).

539 Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019. The agent asked that his name be withheld for fear of reprisals.

540 Fabiano Maisonnave, “Madeireiros incendiam pontes da Transamazônica em protesto contra o Ibama,” *Folha de São Paulo*, July 15, 2019, <https://www1.folha.uol.com.br/ambiente/2019/07/madeireiros-incendiam-pontes-da-transamazonica-em-protesto-contr-o-ibama.shtml> (accessed July 21, 2019); and “Pontes da cidade de Placas são queimadas em protesto contra fiscalizações do Ibama,” *G1*, July 15, 2019, <https://g1.globo.com/pa/santarem-regiao/noticia/2019/07/15/pontes-da-cidade-de-placas-sao-queimadas-em-protesto-contr-fiscalizacoes-do-ibama.ghtml> (accessed July 21, 2019).

Local residents are also targets. Federal and state prosecutors told Human Rights Watch that reports of threats against forest defenders in the Amazon region have increased since Bolsonaro took office.<sup>541</sup>

- In April, ICMBio cancelled a meeting of the community council of Jamanxim National Park, in Pará state, because of concerns about the security of the council members, including members of nearby communities and staff.<sup>542</sup>

The climate of intimidation has intensified for both enforcement agents and local residents who oppose illegal logging in the Amazon. Enforcement agents believe that the public statements of the president and environment minister are effectively a “license to attack public servants,” according to the head of ASCEMA, the IBAMA and ICMBio employees’ association.<sup>543</sup>

“We are more at risk now,” an IBAMA inspector told Human Rights Watch, explaining that enforcement teams in the field feel more vulnerable to attacks by criminal groups who believe the federal government is less interested in their safety.<sup>544</sup> “The message from the president now is that our teams are alone, that they are not supported by the government,” he said.

Leaders of Indigenous and other local communities also told Human Rights Watch that the fear of reprisals by criminal groups has intensified since Bolsonaro’s election. These forest defenders are convinced the criminal groups feel “empowered and represented by the new government,” according to Tiir Cwuj, coordinator of the Association of Indigenous Women of Maranhão (AMIMA) and a resident of Governador Indigenous Territory.<sup>545</sup> “Bolsonaro is supporting loggers and miners,” said Francisco Silva, a community leader in the Montanha

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<sup>541</sup> Human Rights Watch interview with Ione Missae da Silva Nakamura, Pará State prosecutor, Santarém, May 2, 2019; and with Marco Paulo Froes Schettinto, executive secretary of the Indigenous rights unit at the Attorney General’s Office, Brasília, April 26, 2019.

<sup>542</sup> ICMBio, “Ofício Circular SEI nº 10/2019-SETEC II-UNA/UNA/GABIN/ICMBio,” April 22, 2019, copy on file at Human Rights Watch.

<sup>543</sup> Human Rights Watch interview with Elizabeth Eriko Uema, executive director of ASCEMA, the National Association of Environmental Public Servants, Brasília, August 15, 2019.

<sup>544</sup> Human Rights Watch interview with an IBAMA inspector, São Paulo, August 15, 2019. The official asked that his name be withheld for fear of reprisals.

<sup>545</sup> Human Rights Watch interview with Tiir Cwuj (Maria Helena Gavião), coordinator of the Association of Indigenous Women of Maranhão (AMIMA), Brasília, April 24, 2019.

Mangabal INCRA settlement in Pará.<sup>546</sup> “Loggers were already killing before. Now it’s going to be worse.”

### *Deforestation and Climate Change Mitigation*

From January 2019, when Bolsonaro took office, through August 2019, deforestation increased by 92 percent in Brazil’s Amazon, compared with the same seven-month period in 2018, according to preliminary official data.<sup>547</sup> In 2018, deforestation was already almost double the amount Brazil had committed, in 2009, to reaching by 2020.<sup>548</sup>

The weakening of environmental enforcement under Bolsonaro — and the heightened risk for forest defenders — will only make it less likely that Brazil reverses its current trend toward increased illegal deforestation in the Amazon. And without a change in policy in the near future, it will be “very difficult” for Brazil to meet the goal set forth in its Nationally Determined Contribution commitment under the Paris Agreement of reducing illegal deforestation in the Amazon region to zero by 2030, according to Clarissa Gandour, an economist and expert on deforestation at the Climate Policy Initiative, an international think tank.<sup>549</sup>

The failure to meet this deforestation goal will, in turn, imperil Brazil’s capacity to fulfill its commitment under the Paris Agreement to reduce its greenhouse gas (GHG) emissions to 37 percent of its 2005 levels by 2025, and to 43 percent by 2030.<sup>550</sup> If Brazil does not

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546 Human Rights Watch interview with Francisco Fermino Silva, community leader in the Montanha Mangabal INCRA settlement in Pará, Itaituba, April 30, 2019.

547 Data from the Real-Time Deforestation Detection System (DETER), a satellite system used by INPE, available here: <http://terrabrasilis.dpi.inpe.br/app/map/alerts?hl=pt-br> (accessed August 28, 2019). Although the system is designed to provide real-time information for enforcement purposes, and not exact estimates of deforestation, it does alert to changes in the rate of deforestation during the year. INPE publishes official deforestation data only once a year, using its Program to Calculate Amazon Deforestation (PRODES).

548 Brazil pledged at the 2009 United Nations Climate Change Conference, known as the Copenhagen Summit, to reduce deforestation in the Amazon region by 80 percent by 2020 compared to average annual deforestation in the region between 1996 and 2005. That average was 19,625 square kilometers, which means that to achieve its pledge, Brazil would have to reduce deforestation to 3,925 square kilometers per year by 2020. Brazil that pledge to domestic law through Decree 7,390 in 2010, which was replaced by Decree 9,578 in 2018. Decree 9,578, November 22, 2018, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2015-2018/2018/Decreto/D9578.htm](http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2018/Decreto/D9578.htm) (accessed June 30, 2019).

549 Human Rights Watch phone interview with Clarissa Gandour, senior researcher at the Climate Policy Initiative, August 8, 2019.

550 Federative Republic of Brazil, “Intended Nationally Determined Contribution Towards Achieving the Objective of the United Nations Framework Convention on Climate Change”, NDC Registry, September 21, 2016, p. 1, <https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Brazil/1/BRAZIL%20iNDC%20english%20FINAL.pdf> (accessed July 9, 2018).

reduce deforestation to 2012 levels — when less than 4,600 square kilometers of the Amazon were clear-cut — the country could only meet its commitments if its industry made “enormous” investments to cut its own emissions to compensate for the loss of forest, Raoni Rajão, an environmental management and technology professor at the Federal University of Minas Gerais, told Human Rights Watch.<sup>551</sup> The most likely outcome of a scenario of rising destruction of the Amazon is that Brazil would not reach its emissions goal, not just because of the tremendously high cost of those investments, but also because some of the technology that would be required is not even available yet, according to an academic study published by Rajão and nine other Brazilian scientists.<sup>552</sup>

### *Criminal Groups Setting Amazon Forest Fires*

From January through August 2019, satellites detected 46,000 hotspots in the Amazon, that is, locations with active fires, more than doubling the number during the same period in 2018 and the largest number since 2010.<sup>553</sup> The smoke from the fires in Brazil’s Amazon and neighboring countries reached the city of São Paulo, thousands of kilometers to the south. On August 19, the city was covered in darkness as if was night at 3 pm.<sup>554</sup>

Doctors in Acre and Rondônia states have reported an increase in respiratory diseases, such as allergies, pneumonia, and asthma, and cardiovascular ailments

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551 Human Rights Watch phone interview with Raoni Rajão, professor of environmental management and science and technology professor at the Federal University of Minas Gerais, August 15, 2019.

552 Pedro Rochedo et al. “The Threat of Political Bargaining to Climate Mitigation in Brazil,” *Nature Climate Change*, July 9, 2018, <https://www.nature.com/articles/s41558-018-0213-y> (accessed August 26, 2019).

553 INPE provides daily hotspot data on this site: <http://queimadas.dgi.inpe.br/queimadas/bdqueimadas/> (accessed September 7, 2019).

554 Matheus Moreira and Karina Toledo, “Satélites mostram invasão de ‘rio de fumaça’ de queimadas sobre São Paulo,” *Folha de São Paulo*, August 22, 2019, <https://www1.folha.uol.com.br/ambiente/2019/08/satelites-mostram-invasao-de-rio-de-fumaca-de-queimadas-sobre-sao-paulo.shtml> (accessed August 28, 2019).

which they attribute to the forest fires.<sup>555</sup> That anecdotal evidence is consistent with several studies conducted in the Brazilian Amazon during previous fire waves, which showed that the gases and microscopic particles released by the fire can cause significant health harm to the local population, particularly children.<sup>556</sup>

Scientists point to the sharp increase of deforestation in 2019 as the driving force for the fires. Fire is not a natural occurring phenomenon in the Amazon, but the consequence of human actions, according to environmental experts.<sup>557</sup> A study by the Amazon Environmental Research Institute (IPAM, in Portuguese), a research non-profit organization, showed that the ten municipalities in the Amazon with the highest number of deforestation alerts from January through July 2019 were also the municipalities with the highest number of fires.<sup>558</sup> NASA and Brazilian researchers also pointed out that satellite images show big columns of smoke emerging from the fires.<sup>559</sup> That is an indication that they are not the result of farmers burning dead grass, but that the forest itself is burning, they said.

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555 Felipe Corona, "Queimadas provocam desvio de avião e triplicam atendimentos de saúde em RO," *Folha de São Paulo*, August 20, 2019, <https://www1.folha.uol.com.br/ambiente/2019/08/fumaca-provoca-desvic-de-aviao-triplica-atendimentos-de-saude-e-dificulta-transito-em-ro.shtml> (accessed August 27, 2019); Rodrigo Lopes, "Queimadas agravam doenças respiratórias no Acre, diz médico especialista em alergias," *GaúchaZH*, August 22, 2019, <https://gauchazh.clicrbs.com.br/ambiente/noticia/2019/08/queimadas-agravam-doencas-respiratorias-no-acre-diz-medico-especialista-em-alergias-çjz3c71ko59co1qmgfmcq4b.html> (accessed August 27, 2019).

556 See, for instance, Bruno Carvalho et al. "Influência dos focos de incêndios sobre as internações de crianças por doenças do aparelho respiratório no estado do Pará," *Anais do XIV Encontro Nacional de Estudantes de Engenharia Ambiental [= Blucher Engineering Proceedings v.3 n.2]*, São Paulo: Blucher, 2016, p. 560-565, <http://www.proceedings.blucher.com.br/article-details/influencia-dos-focos-de-incndios-sobre-as-internaes-de-crianas-por-doenas-do-aparelhc-respiratrio-no-estado-do-par-23996> (accessed August 28, 2019); Fabrício de Castro et al. "Impactos das queimadas sobre a saúde da população humana na Amazônia maranhense," *Revista de Pesquisa em Saúde*, 17 (3), Sep.-Dec. 2016, p. 141-146, <http://www.periodicoeletronicos.ufma.br/index.php/revistahuufma/article/view/5400> (accessed August 28, 2019); and Mário Mendonça et al. "The economic cost of the use of fire in the Amazon," *Ecological Economics* 49, p. 89-104, 2004, <https://www.sciencedirect.com/science/article/pii/S0921800904000424> (accessed August 28, 2019).

557 Human Rights Watch phone interview with Beto Veríssimo, senior researcher at Imazon, a research institute that focuses on conservation and sustainable development in the Amazon, August 30, 2019; and Vinícius Lemos, "A Floresta leva décadas ou centenas de anos para se recuperar: O que difere os incêndios na Amazônia e no cerrado," *BBC*, August 24, 2019, <https://www.bbc.com/portuguese/brasil-49459942> (accessed August 28, 2019).

558 "Amazon on Fire. Technical Note from the Amazon Environmental Research Institute – IPAM," IPAM report, August 23, 2019, [https://ipam.org.br/wp-content/uploads/2019/08/NT-Fogo-Amazo%CC%82nia-2019\\_English\\_v2.pdf](https://ipam.org.br/wp-content/uploads/2019/08/NT-Fogo-Amazo%CC%82nia-2019_English_v2.pdf) (accessed August 27, 2019).

559 Rafael Garcia, "Focos de incêndio na região têm assinatura do desmatamento, diz Nasa," *Folha de São Paulo*, August 23, 2019. André Shalders, "Locais com mais queimadas também tiveram mais desmatamento, diz estudo," *BBC*, August 22, 2019.

Those observations from satellites are consistent with our research. When loggers fell the largest trees, they open a small clearing as they fall. That patch gets drier and bushes grow there, providing fuel for fires, the chief of firefighting at IBAMA told us.<sup>560</sup> But more often, fires are intentional. After they have removed the most valuable timber, loggers or local *fazendeiros* working with them cut down the rest of the trees, sometimes attaching chains to two tractors and passing it over any vegetation. They let the wood dry on the ground until the dry season, when they set the area on fire.<sup>561</sup> They either keep the land, most often to raise cattle, and in some areas for crops, or sell it using fabricated titles.<sup>562</sup>

- On August 5, 2019, *Folha do Progresso*, a newspaper in the town of Novo Progresso, Pará – near the Areia settlement, where a criminal network of loggers operates, as described above – reported people in the region were organizing “The Day of the Fire” for August 10.<sup>563</sup> They planned to set fires to attract the attention of President Bolsonaro. Their message for the president, according to the paper, was that they wanted to work, and the only way to do that, in their view, was to fell the forest and set fire to the area to make way for grass. After seeing the news story, a federal prosecutor alerted IBAMA, which responded only after August 10, saying that it could do nothing because its personnel had suffered several attacks by loggers and land grabbers in the area and it had no state police support, local press reported.<sup>564</sup> On the Day of the Fire, men hired by land grabbers and *fazendeiros* set fires along a main

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560 Human Rights Watch interview with Gabriel Zacharias, chief of Prevfogo, Brasília, April 4, 2018.

561 Human Rights Watch phone interview with Clarissa Gandour, senior researcher at the Climate Policy Initiative, August 8, 2019; with Ruhan Saldanha, chief of monitoring at the ICMBio Gurupi Biological Reserve, Açailândia, October 31, 2017; with an ICMBio official, Brasília, August 15, 2019; and with an IBAMA inspector, São Paulo, August 15, 2019. The officials asked that their name be withheld for fear of reprisals.

562 A study by INPE and the Brazilian Company for Agricultural Research (EMBRAPA), a government-owned company, showed 62 percent of the deforested areas in the Amazon region in 2014 were turned into grass for cattle ranching, 6 percent were dedicated to crops, and 0.2 percent to mining. The rest was covered by secondary vegetation. “TerraClass 2004 a 2014. Dinâmica na cobertura e no uso da terra no período de 10 anos nas áreas de florestadas da Amazônia Legal Brasileira,” TerraClass Project Powerpoint presentation, May 5, 2016, copy on file at Human Rights Watch. For a description of TerraClass Project see its website: <https://www.terraaclass.gov.br/> (accessed August 8, 2019).

563 “Dia do Fogo- Produtores planejam data para queimada na região,” *Folha do Progresso*, August 5, 2019, <http://www.folhadoprogresso.com.br/dia-do-fogo-produtores-planejam-data-para-queimada-na-regiao/> (accessed August 27, 2019). <https://revistagloborural.globo.com/Noticias/noticia/2019/08/grupo-usou-whatsapp-para-convocar-dia-do-fogo-no-para.html>

564 Carla Aranha, “Governo foi alertado pelo Ministério Público três dias antes de ‘dia do fogo,’” *Globo Rural*, August 25, 2019, <https://revistagloborural.globo.com/Noticias/Politica/noticia/2019/08/governo-foi-alertado-pelo-ministerio-publico-tres-dias-antes-de-dia-do-fogo.html> (accessed August 27, 2019).

road, said the press.<sup>565</sup> Novo Progresso was the municipality with the second highest number of fires and deforestation sites in Pará in August, said the state government.<sup>566</sup> The owner of *Folha do Progresso*, who wrote the original story, has reported threats to police he received through social media and in a print hand-out distributed in Novo Progresso that accuses him of lying.<sup>567</sup>

The attorney general said there is evidence the fires were the result of an “orchestrated action” prepared in advance.<sup>568</sup> The Pará state government said criminal groups had planned to deforest, burn, and raise cattle in a 200 square kilometer area in a conservation reserve.<sup>569</sup>

The Bolsonaro administration responded to the fires by downplaying the problem. Minister Salles blamed dry, hot, windy weather for the fires.<sup>570</sup> However, the IPAM study mentioned above found moisture levels in the Amazon in the first half of August 2019, when fires spiked, were higher than in the previous three years.<sup>571</sup> “The dry season does not explain the current fires,” it concluded.<sup>572</sup> President Bolsonaro said

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565 Ivaci Matias, “Grupo no WhatsApp contratou motoqueiros e motosserras para desmatar e incendiar a floresta,” *Globo Rural*, August 26, 2019, <https://revistagloborural.globo.com/Noticias/Sustentabilidade/noticia/2019/08/grupo-no-whatsapp-contratou-motoqueiros-e-motosserras-para-desmatar-e-incendiar-floresta.html> (accessed August 28, 2019).

566 “Governo do Pará começa a identificar responsáveis por queimadas,” Pará government news release, August 26, 2019, <https://agenciapara.com.br/noticia/14560> (accessed August 28, 2019).

567 “O Sindicato dos Jornalistas do Estado do Pará (Sinjor-PA) e a Federação Nacional dos Jornalistas (FENAJ) manifestam repúdio, indignação e denunciam as ameaças feitas contra o jornalista ADÉCIO PIRAN,” National Federation of Journalists news release, August 29, 2019, <https://fenaj.org.br/o-sindicato-dos-jornalistas-do-estado-do-para-sinjoir-pa-e-a-federacao-nacional-dos-jornalistas-fenaj-manifestam-repudio-indignacao-e-denunciam-as-ameacas-feitas-contr-o-jornalista-adeacio-piran/> (accessed August 28, 2019).

568 Rosane D’Agostino, “Raquel Dodge diz que há ‘suspeita de ação orquestrada’ em queimadas na Amazônia,” *G1*, August 26, 2019, <https://g1.globo.com/politica/noticia/2019/08/26/raquel-dodge-diz-que-ha-suspeita-de-acao-orquestrada-em-queimadas-na-amazonia.ghtml> (accessed August 28, 2019).

569 “Governo do Pará começa a identificar responsáveis por queimadas,” Agência Pará, August 26, 2019, <https://agenciapara.com.br/noticia/14560> (accessed August 28, 2019).

570 Tweet by Minister Ricardo Salles, August 20, 2019, <https://twitter.com/rsallesmma/status/1163990341361553415> (accessed August 28, 2019).

571 “Amazon on Fire. Technical Note from the Amazon Environmental Research Institute – IPAM,” IPAM report, August 23, 2019, [https://ipam.org.br/wp-content/uploads/2019/08/NT-Fogo-Amazo%CC%82nia-2019\\_English\\_v2.pdf](https://ipam.org.br/wp-content/uploads/2019/08/NT-Fogo-Amazo%CC%82nia-2019_English_v2.pdf) (accessed August 27, 2019).

572 “Deforestation – not the dry season – responsible for Amazon burning in 2019,” IPAM, August 23, 2019, <https://ipam.org.br/deforestation-not-the-dry-season-responsible-for-amazon-burning-in-2019/> (accessed August 29, 2019).

that there is “very strong evidence” that NGOs started the fires, but provided no proof.<sup>573</sup>

After the Amazon fires became worldwide headlines and Brazilian business leaders raised concerns that the government’s response to the fires was damaging the country’s international image, President Bolsonaro announced the deployment of the armed forces to put them out. The Bolsonaro government, which cut ICMBio’s budget to fight forest fires by 20 percent and IBAMA’s by 38 percent in 2019, initially rejected US\$20 million offered by G7 countries to help in those efforts.<sup>574-575</sup> “Who is eyeing the Amazon? What do they want there?,” President Bolsonaro questioned.<sup>576</sup> He later said he would accept the assistance if French President Emmanuel Macron apologized to him for saying he had lied when he committed to tackling climate change at a G20 summit.<sup>577</sup>

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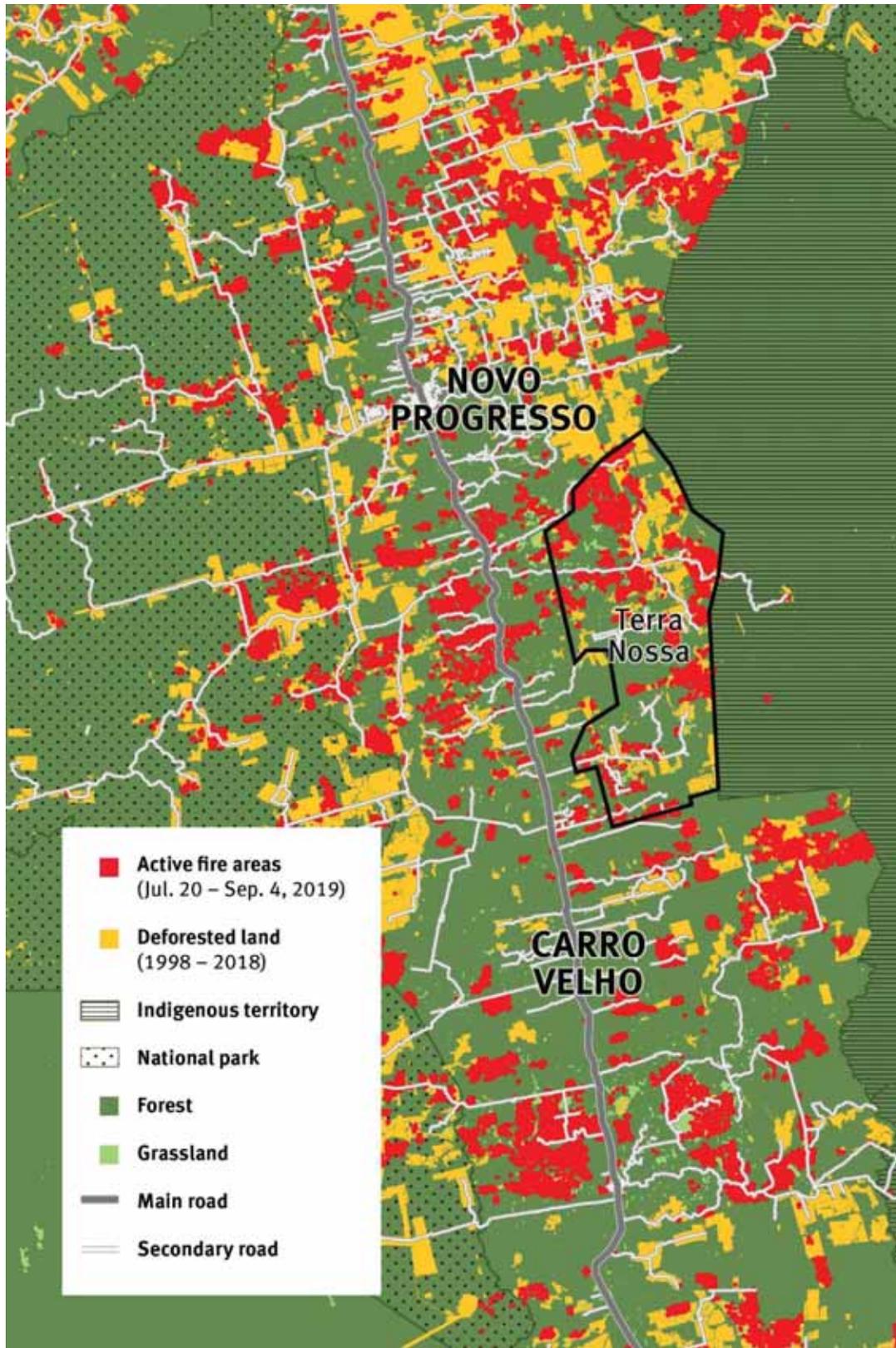
573 Julia Lindner, “Após repercussão negativa, Bolsonaro insiste em culpar ONGs por queimadas,” *O Estado de São Paulo*, August 22, 2019, <https://sustentabilidade.estadao.com.br/noticias/geral,bolsonaro-volta-a-dizer-que-ongs-podem-estar-por-tras-de-queimadas-na-amazonia,70002977667> (accessed August 27, 2019).

574 Sabrina Rodrigues, “Governo corta R\$ 187 milhões do MMA. Saiba como o corte foi dividido,” *(o)eco*, May 7, 2019, <https://www.oeco.org.br/noticias/governo-corta-r-187-milhoes-dc-mma-saiba-como-o-corte-foi-dividido> (accessed June 19, 2019).

575 Jussara Soares, “Porta-voz diz que governo ‘não rasga dinheiro’ e receberá ajuda internacional desde que gerencie os recursos,” *O Globo*, August 27, 2019, <https://oglobo.globo.com/sociedade/porta-voz-diz-que-governo-nao-rasga-dinheiro-recebera-ajuda-internacional-desde-que-gerencie-os-recursos-23909516> (accessed August 27, 2019).

576 “O que eles querem lá?”, diz Bolsonaro sobre oferta de ajuda do G7 para Amazônia,” *BBC*, August 26, 2019, <https://www.bbc.com/portuguese/brasil-49471483> (accessed August 29, 2019).

577 Gustavo Uribe, “Bolsonaro diz que aceita negociar R\$ 83 mi do G7 se Macron ‘retirar insultos,’” *Folha de São Paulo*, August 27, 2019, <https://www1.folha.uol.com.br/ambiente/2019/08/bolsonaro-recua-e-diz-que-ainda-pode-discutir-r-83-milhoes-dc-g7.shtml> (accessed August 27, 2019).



Data Sources: JAXA, INEP, NASA, UNEP-WCMC, OSM

## VI. National and International Legal Standards

### Brazil's Duty to Protect

Brazil's duty to protect forest defenders and others from acts of violence and intimidation by criminal groups involved in illegal logging — and bring perpetrators of these acts to justice — is part of its obligations under international human rights law.

The UN Human Rights Committee, the expert body charged with interpreting state obligations under the International Covenant on Civil and Political Rights (ICCPR), has emphasized that “the positive obligations on States Parties to ensure covenant rights will only be fully discharged if individuals are protected by the State, not just against violations against covenant rights by its agents, but also against acts committed by private persons or entities.” States may violate their obligations under the ICCPR when they fail to “take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”<sup>578</sup>

While states' obligations apply to all within its jurisdiction, the Inter-American Court on Human Rights has recognised that the significance of protecting human rights defenders gives rise to increased duties, particularly taking into account the heightened vulnerability of human rights defenders as a result of their work.<sup>579</sup>

As a party to the American Convention on Human Rights, Brazil's efforts against impunity should be guided by the jurisprudence of the Inter-American Court on Human Rights. In *Kawas Fernández v. Honduras*, a case concerning violence against environmental human rights defenders, the court determined that:

States have the duty to provide the necessary means for human rights defenders to conduct their activities freely; to protect them when they are

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<sup>578</sup> UN Human Rights Committee, General Comment 31, “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant” (80th Session, 2004), May 26, 2004, CCPR/C/21/Rev.1/Add.13, para 8., <http://www.refworld.org/docid/478b26ae2.html> (accessed June 8, 2018).

<sup>579</sup> Inter-American Court of Human Rights, Case of Human Rights Defender et al. v. Guatemala, Judgement of August 28, 2014 (Preliminary objections, merits, reparations and costs), Inter-Am. Ct.H.R (ser. C) No. 283, para. 141–42, 157, 263, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_283\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_283_ing.pdf) (accessed August 22, 2019).

subject to threats in order to ward off any attempt on their life or safety; to refrain from placing restrictions that would hinder the performance of their work, and to conduct serious and effective investigations of any violations against them, *thus preventing impunity*.<sup>580</sup> (Emphasis added.)

As the United Nations special rapporteur on human rights defenders has underlined “protecting environmental human rights defenders is crucial to the protection of the environment and the human rights that depend on it.”<sup>581</sup> Brazil has both negative and positive obligations: it should refrain from violating the rights of environmental defenders and exercise due diligence to prevent and investigate abuses of their rights by third parties and bring the perpetrators to justice. It should also take proactive steps to create an enabling environment for defenders to fulfil their roles and pursue their activities.

As a party to the ICCPR, under articles 6 (1) and 9 (1), and the American Convention on Human Rights, under articles 5 and 7, Brazil is obliged to protect the rights to life, physical, mental and moral integrity, and liberty and security of person of environmental defenders.<sup>582</sup> This obligation is further emphasized in articles 2, 9, and 12 of the UN Declaration on Human Rights Defenders (the ‘Declaration’). Article 12 (2) of the Declaration sets out the government’s obligation to “take all necessary measures to ensure the protection...against any violence, threats, retaliation... pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the ... Declaration.”<sup>583</sup>

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<sup>580</sup> Inter-American Court of Human Rights, *Case of Kawas-Fernández v. Honduras*, Judgment of April 3, 2009 (Merits, Reparations and Costs), Inter-Am. Ct.H.R., (Ser. C) No. 196 (2009), para. 145, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_196\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf) (accessed June 21, 2019). See also Inter-American Court of Human Rights, *Case of Human Rights Defender et al. v. Guatemala*, Judgment of August 28, 2014 (Preliminary objections, merits, reparations and costs), Inter-Am. Ct.H.R (ser. C) No. 283, para. 142, 157, 263, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_283\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_283_ing.pdf) (accessed August 22, 2019).

<sup>581</sup> UN General Assembly, “Report of the Special Rapporteur on the situation of human rights defenders”, A/71/281, p. 4, August 3, 2016, <https://www.refworld.org/docid/57d2a3364.html> (accessed 22 August 2019).

<sup>582</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Brazil on July 9, 1992, arts. 2, 6, 9; American Convention on Human Rights (Pact of San José, Costa Rica), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in *Basic Documents Pertaining to Human Rights in the Inter-American System*, OEA/Ser.LV/II.82 doc.6 rev.1 at 25 (1992), ratified by Brazil on July 9, 1992, arts. 5, 7.

<sup>583</sup> Article 12 (2) of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (“Declaration on Human Rights Defenders”), adopted December 9, 1998, G.A. Res. A/RES/53/144, art. 2, 9, 12.

In 2016, the UN special rapporteur on human rights defenders warned that environmental human rights defenders face “unprecedented risks” in the form of a “growing number of attacks and murders” around the world.<sup>584</sup> The rapporteur defined environmental human rights defenders as “individuals and groups who, in their personal or professional capacity and in a peaceful manner, strive to protect and promote human rights relating to the environment, including water, air, land, flora and fauna.”<sup>585</sup>

In March 2018, 24 Latin American and Caribbean states adopted the Regional Agreement on Access to Information, Public Participation, and Access to Justice in Environmental Matters of Latin American and Caribbean Countries, also known as the Escazú Convention.<sup>586</sup> Brazil signed the agreement on September 27, 2018, and ratification by its Congress is pending, as of September 2019.<sup>587</sup>

This international treaty sets out specific standards of protection for environmental human rights defenders, consisting of three elements:

1. An enabling environment for their work;
2. Measures to recognize and promote their work, including by upholding freedom of expression and assembly; and
3. Measures to prevent, investigate and sanction attacks or threats against environmental human rights defenders.<sup>588</sup>

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<sup>584</sup> Special Rapporteur on the situation of human rights defenders, “Violence against environmental defenders – New UN major report urges zero-tolerance,” *OHCHR*, October 21, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20730&LangID=E> (accessed March 9, 2018).

<sup>585</sup> UN General Assembly, “Report of the Special Rapporteur on the situation of human rights defenders”, A/71/281, August 3, 2016, <https://www.refworld.org/docid/57d2a3364.html> (accessed 22 August 2019).

<sup>586</sup> Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, adopted March 4, 2018, art. 9, [https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428\\_en.pdf](https://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf) (accessed August 21, 2019).

<sup>587</sup> “Assinatura do Acordo Regional sobre Acesso à Informação, Participação Pública e Acesso à Justiça em Assuntos Ambientais na América Latina e no Caribe (Acordo de Escazú),” Brazil’s Ministry of Foreign Relations news release, September 27, 2018, <http://www.itamaraty.gov.br/pt-BR/notas-a-imprensa/19558-assinatura-do-acordo-regional-sobre-acesso-a-informacao-participacao-publica-e-acesso-a-justica-em-assuntos-ambientais-na-america-latina-e-no-caribe-acordo-de-escazu> (accessed July 9, 2018).

<sup>588</sup> Economic Commission for Latin America and the Caribbean (ECLAC), “Latin America and the Caribbean Adopts Its First Binding Regional Agreement to Protect Rights of Access in Environmental Matters,” March 4, 2018, <https://www.cepal.org/en/pressreleases/latin-america-and-caribbean-adopts-its-first-binding-regional-agreement-protect-rights> (accessed March 8, 2018); Economic Commission for Latin America and the Caribbean (ECLAC), “Countries Agree on Protection of Defenders of Human Rights in Environmental Matters during Negotiation of Regional Treaty,” December 1, 2017, <https://negociacionp10.cepal.org/9/en/news/countries-agree-protection-defenders-human-rights-environmental-matters-during-negotiation> (accessed March 8, 2018).

The Escazú Convention closely mirrors the jurisprudence of the Inter-American Court on Human Rights. The UN special rapporteur on human rights and the environment also set out similar principles in his report presented to the Human Rights Council in March 2018 “to facilitate implementation of the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.”<sup>589</sup> Framework principle 4 calls on states to “provide a safe and enabling environment in which individuals, groups and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation and violence.”<sup>590</sup>

## The Right to a Healthy Environment

Brazil’s Constitution recognizes that: “All have the right to an ecologically sound environment, which is an asset of common use and essential to a healthy life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.”<sup>591</sup>

The right to a healthy environment is protected by various domestic laws, decrees and regulations in Brazil. The 1998 Environmental Crime Law establishes criminal and administrative punishment for individuals and companies for harming the environment, such as harvesting timber in government-owned forests, and transporting, buying or selling illegally-harvested timber.<sup>592</sup> Punishment includes prison sentences for individuals and suspension of activities and prohibition to sign contracts with the government for companies.

Decree 6514 details what constitutes administrative environmental infractions and the corresponding fine. Under the Brazilian Forestry Code, private landowners in the Amazon region must maintain 80 percent of the forest on their property as a nature reserve.<sup>593</sup>

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589 UN General Assembly, “Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”, A/HRC/37/59, January 24, 2018, para. 7 [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3148450](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3148450) (accessed September 7, 2019).

590 *Ibid.*, p. 9.

591 Constitution of the Federative Republic of Brazil, 1988, art. 225, [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

592 Environmental Crime Law, Law 9,605, February 12, 1998.

593 Forestry Code, Law 12,651, May 25, 2012, art. 12. “O que é reserva legal,” ((o))eco, August 20, 2013, <https://www.oeco.org.br/dicionario-ambiental/27492-o-que-e-reserva-legal/> (accessed June 19, 2019).

Damaging, harvesting timber in, or deforesting that private nature reserve without authorization is an administrative infraction.

In 2018, the UN special rapporteur on human rights and the environment elaborated a set of Framework Principles on Human Rights and the Environment, which in his words “set out the basic obligations of states under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment.”<sup>594</sup> Principle 11 provides:

To protect against environmental harm and to take necessary measures for the full realization of human rights that depend on the environment, States must establish, maintain and enforce effective legal and institutional frameworks for the enjoyment of a safe, clean, healthy and sustainable environment.<sup>595</sup>

Brazil is a party to the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (San Salvador Protocol), which guarantees the right to a healthy environment.<sup>596</sup> In February 2018, the Inter-American Court of Human Rights found that “[a] clean environment is a fundamental right for the existence of humanity.”<sup>597</sup> The court affirmed that the American Convention on Human Rights protects this right and, for the first time, it outlined some of its key components.

The Inter-American Court stated that the right to a healthy environment is autonomous and that it protects the *elements* of the environment, such as forests, rivers, and seas. (Emphasis added.) Therefore, as much as the right to a healthy environment is connected to other rights, such as the right to health, personal integrity and the right to life, among

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<sup>594</sup> Framework principles on human rights and the environment, A/HRC/37/59, January 24, 2018. Principle 11 provides: “States should establish and maintain substantive environmental standards that are non-discriminatory, non-retrogressive and otherwise respect, protect and fulfil human rights.”

<https://www.ohchr.org/Documents/Issues/Environment/SREnvironment/FrameworkPrinciplesUserFriendlyVersion.pdf> (accessed August 21, 2019).

<sup>595</sup> *Ibid.*

<sup>596</sup> Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights (Protocolo of San Salvador), adopted November 17, 1988, entered into force November 16, 1999, ratified by Brazil on August 8, 1996, art. 11, para. 1.

<sup>597</sup> Inter-American Court of Human Rights, “The Environment and Human Rights (State Obligations in Relation to the Environment in the Context of the Protection and Guarantee of the Rights to Life and to Personal Integrity – Interpretation and Scope of Articles 4(1) and 5(1) of the American Convention on Human Rights)”, Advisory Opinion OC-23/17, Inter-Am. Ct. H.R., (Ser. A) No. 23, November 15, 2017, [http://www.corteidh.or.cr/docs/opiniones/seriea\\_23\\_esp.pdf](http://www.corteidh.or.cr/docs/opiniones/seriea_23_esp.pdf) (accessed June 20, 2019).

others, its autonomous content means that state failure to enforce its laws, which results in the illegal destruction of the forest, can lead to violations of the right to a healthy and sustainable environment.

The UN Human Rights Committee has stated that states' obligations under international environmental law should inform the content of their obligation to respect and ensure the right to life. It specified that "[i]mplementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, inter alia, on measures taken by States parties to *preserve the environment and protect it against harm... caused by public and private actors*" (emphasis added).<sup>598</sup>

## Indigenous Peoples' Rights over their Territories

Brazil's Constitution recognizes the rights of Indigenous peoples to "the lands they traditionally occupy."<sup>599</sup> It defines those lands as "those on which they live on a permanent basis, those used for their productive activities, those indispensable to the preservation of the environmental resources necessary for their well-being and for their physical and cultural reproduction, according to their uses, customs and traditions."<sup>600</sup> Brazil's Constitution entrusts the federal government with the obligation to demarcate and protect Indigenous lands.<sup>601</sup>

International law also recognizes the special importance of land for Indigenous peoples. For instance, the Inter-American Court of Human Rights found that "the close ties of Indigenous people with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity, and their economic survival."<sup>602</sup>

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598 UN Human Rights Committee, "General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life," October 30, 2018, CPR/C/GC/36, para. 62, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf) (accessed August 22, 2019).

599 Constitution of the Federative Republic of Brazil, 1988, art. 231, [http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil\\_federal\\_constitution.pdf](http://www.stf.jus.br/arquivo/cms/legislacaoConstituicao/anexo/brazil_federal_constitution.pdf) (accessed June 22, 2019).

600 Ibid.

601 Ibid.

602 Inter-American Court of Human Rights, *Mayagna (Sumo) Awas Tingni Community v Nicaragua*, Judgment of August 31, 2001, Inter-Am. Ct. H.R., (Ser. C) No. 79 (2001), para. 149, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_79\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_79_ing.pdf) (accessed August 23, 2019).

As party to the Indigenous and Tribal Peoples Convention of the International Labour Organization, also known as ILO Convention 169, Brazil is obliged to prevent “unauthorised intrusion upon, or use of, the lands” of Indigenous peoples.<sup>603</sup>

In order to fulfill its responsibility to defend Indigenous peoples’ rights over their territories, Brazil must “ensure that agencies or other appropriate mechanisms exist to administer the programs affecting the [Indigenous] peoples concerned, and shall ensure that they have the means necessary for the proper fulfillment of the functions assigned to them.”<sup>604</sup> These programs shall include “the planning, co-ordination, execution and evaluation, in co-operation with the peoples concerned, of the measures provided for in [the] Convention.”<sup>605</sup> In addition, Brazil should safeguard “the right of these peoples to participate in the use, management and conservation” of the natural resources pertaining to their lands.<sup>606</sup>

Brazil has also endorsed non-binding declarations and principles that should guide its public policy. The American Declaration on the Rights of Indigenous Peoples, which Brazil endorsed in 2016, provides that Indigenous peoples should have “the right to conserve, restore, and protect the environment and to manage their lands, territories and resources in a sustainable way.”<sup>607</sup> Indigenous peoples should also “have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.”<sup>608</sup> Brazil has also endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).<sup>609</sup>

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603 ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (Indigenous and Tribal Peoples Convention), adopted June 27, 1989, entered into force September 5, 1991, ratified by Brazil on July 25, 2002, Art. 18.

604 *Ibid.*, art. 33, para. 1

605 *Ibid.*, art. 33, para. 2a.

606 *Ibid.*, art. 15, para. 1.

607 American Declaration on the Rights of Indigenous Peoples, adopted on June 15, 2016, O.A.S., OEA/Ser.P AG/RES. 2888 (XLVI-O/16), art. XIX, para. 2., <https://www.oas.org/en/sare/documents/DecAmIND.pdf> (accessed August 21, 2019)

608 *Ibid.*, para. 4

609 The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on September 13, 2007. Brazil voted in favor, <https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html> (accessed August 4, 2019).

## Brazil's Commitments to Mitigate Climate Change

In 2018, the UN Committee on Economic, Social and Cultural Rights issued a statement on climate change, advising states party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), as Brazil is, that a failure to prevent foreseeable harm caused by climate change, “or a failure to mobilize the maximum available resources in an effort to do so, could constitute a breach of the obligation [to respect, protect and fulfill all human rights for all].”<sup>610</sup> It also reminded governments that their human rights obligations under the ICESCR should guide them in the design and implementation of measures to address climate change. The Human Rights Committee has stated that fulfilling the obligation to respect and protect the right to life requires governments to take measures “to preserve the environment and protect it against harm, pollution and *climate change* ...” (Emphasis added.)<sup>611</sup>

A 2019 report of the special rapporteur on human rights and the environment states that the right to a safe, clean, healthy and sustainable environment includes a safe climate; that a safe climate is vital to the enjoyment of a broad range of human rights; and that states have an obligation to act to ensure a safe climate.<sup>612</sup> According to the report “[a] failure to fulfil international climate change commitments is a prima facie violation of the State’s obligations to protect the human rights of its citizens.”

In undertaking measures to address climate change, Brazil joined the Paris Agreement on Climate Change, adopted in 2015 under the UN Framework Convention on Climate Change establishing concrete obligations and mechanisms for climate mitigation, adaptation and cooperation.<sup>613</sup>

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610 Climate change and the International Covenant on Economic, Social and Cultural Rights, Statement of the Committee on Economic, Social and Cultural Rights, October 8, 2018, para. 6. Available at <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23691&LangID=E>. International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 99 U.N.T.S. 171, entered into force March 23, 1976, ratified by Brazil on January 24, 1992.

611 UN Human Rights Committee, “General Comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life,” October 30, 2018, CPR/C/GC/36, para. 62, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf) (accessed August 22, 2019).

612 The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment addresses the urgent need for action to ensure a safe climate, July 15, 2019, A/74/161, <https://undocs.org/en/A/74/161> (accessed September 3, 2019).

613 Paris Agreement, adopted December 12, 2015, entered into force November 4, 2016, ratified by Brazil on September 21, 2016, [https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf) (accessed August 22, 2019).

The agreement aims to strengthen the global response to the threat of climate change “including by holding the increase in the global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-industrial levels.”<sup>614</sup>

The Paris Agreement’s central tool to achieve its objective is the obligation of each party to prepare, communicate, and maintain successive “nationally determined contributions” (NDCs).<sup>615</sup> Parties must submit new or updated NDCs, national climate change action plans, every five years to the United Nations Framework Convention on Climate Change (UNFCCC) secretariat. Each successive NDC should represent a progression beyond the party’s then current NDC and reflect its highest possible ambition.<sup>616</sup>

In its NDCs from 2016, Brazil committed to eradicating illegal deforestation in the Amazon by 2030.<sup>617</sup> Brazil committed to reaching this goal “with full respect for human rights, in particular rights of vulnerable communities [and] Indigenous populations.”<sup>618</sup>

Mercosur, of which Brazil is a member, and the European Union reached an agreement in principle on a trade deal on June 28, 2019 in which they committed to address “the urgent threat of climate change.”<sup>619</sup> Brazil as a Mercosur member pledged to respect multilateral environmental agreements and, particularly, “effectively implement” the Paris

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614 *Ibid.*, art. 2, para. 1(a).

615 *Ibid.*, art. 4.2.

616 *Ibid.*, art. 4.3, 4.9.

617 Brazil communicated to the UNFCCC Secretariat, pursuant to UNFCCC decisions 1/CP.19 and 1/CP.20, its Intended Nationally Determined Contribution (INDC). Due to this, and by virtue of UNFCCC decision 1/CP.21 regarding the Adoption of the Paris Agreement, Brazil is considered to have communicated its first NDC. In other words, upon Brazil becoming a party to the Paris Agreement, its INDC turned into its NDC.

618 Federative Republic of Brazil, “Intended Nationally Determined Contribution Towards Achieving the Objective of the United Nations Framework Convention on Climate Change”, NDC Registry, September 21, 2016, p. 1, <https://www4.unfccc.int/sites/NDCStaging/Pages/Party.aspx?party=BRA> (accessed July 9, 2018).

619 The agreement in principle is subject to the final transcription into the texts and the respective market access offers, according to the European Union. Summary of the EU-Trade Agreement, Brussels, July 1, 2019, [http://trade.ec.europa.eu/doclib/docs/2019/june/tradoc\\_157964.pdf](http://trade.ec.europa.eu/doclib/docs/2019/june/tradoc_157964.pdf) (accessed August 3, 2019). The commitment to address the urgent threat of climate change is included in the chapter on trade and sustainable development, art. 6. The European Union published a draft of the chapter and said the final text may undergo further modifications including as a result of the process of legal revision. [http://trade.ec.europa.eu/doclib/docs/2019/july/tradoc\\_158166.%20Trade%20and%20Sustainable%20Development.pdf](http://trade.ec.europa.eu/doclib/docs/2019/july/tradoc_158166.%20Trade%20and%20Sustainable%20Development.pdf) (accessed August 3, 2019).

Agreement.<sup>620</sup> It also committed to combatting “illegal logging and related trade.”<sup>621</sup> The agreement establishes civil society consultation mechanisms that, according to the European Union, will give civil society an opportunity to “shape” the implementation of the environmental and human rights provisions in the agreement.<sup>622</sup>

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620 Trade part of the EU-Mercosur Association Agreement, “Chapter: Trade and Sustainable Development” (Draft), arts. 5, 6, [http://trade.ec.europa.eu/doclib/docs/2019/july/tradoc\\_158166.%20Trade%20and%20Sustainable%20Development.pdf](http://trade.ec.europa.eu/doclib/docs/2019/july/tradoc_158166.%20Trade%20and%20Sustainable%20Development.pdf) (accessed August 3, 2019).

621 *Ibid.*, arts. 8.2 (c).

622 Summary of the EU-Trade Agreement, Brussels, July 1, 2019, p.15, [http://trade.ec.europa.eu/doclib/docs/2019/june/tradoc\\_157964.pdf](http://trade.ec.europa.eu/doclib/docs/2019/june/tradoc_157964.pdf) (accessed August 3, 2019); and “EU and Mercosur reach agreement on trade,” European Union news release, June 28, 2019, [https://europa.eu/rapid/press-release\\_IP-19-3396\\_en.htm?locale=FR](https://europa.eu/rapid/press-release_IP-19-3396_en.htm?locale=FR) (accessed August 3, 2019).

## Recommendations

### End Impunity for Violence Related to Illegal Deforestation in the Amazon

#### *To the Minister of Justice*

- Convene federal and state law enforcement authorities including prosecutors, police, and environmental agents, to draft and implement a plan of action – with meaningful input from a wide range of civil society organizations, including Indigenous peoples, small farmers, Afro-Brazilian people, and women – to address the acts of violence against forest defenders, and dismantle the criminal networks involved in illegal deforestation in the Amazon region.

#### *To the Federal Attorney General*

- Start tracking cases of violence in conflicts over land and resources in the Amazon region to identify patterns and to ensure proper investigations and prosecutions of those responsible for abuses.
- Seek the federalization of cases of serious violation of human rights that are not properly investigated and prosecuted by state authorities.
- Ensure the effective operations and delivery of results of the Amazon working group – a group of federal prosecutors specialized in rural violence, deforestation, occupation of public lands, and other environmental crimes – including by designating prosecutors to work exclusively with the group, assigning members from throughout the Amazon region, and increasing support staff and other resources.
- Instruct federal prosecutors in the Amazon region to investigate criminal networks involved in illegal deforestation and, when warranted, prosecute members for belonging to a criminal organization, money laundering, provoking fires, corruption, and other crimes.
- Strengthen the staff and resources of federal prosecutors' offices in the Amazon region.

### *To State Attorney Generals*

- Create or, where they exist, ensure the effective operations of units of state prosecutors specialized in conflicts over land and resources and environmental crimes.

### *To Federal and State Prosecutors*

- Federal and state prosecutors should ensure that federal and state police who fail to carry out their duties are held accountable. Prosecutors should report to the police internal affairs departments police officers who fail to register complaints by people reporting illegal deforestation or police investigators who fail to comply with minimum requirements for investigations. In extreme cases, such as when a civil police investigator repeatedly fails to comply with those requirements, prosecutors should file criminal malfeasance charges.
- Ensure prompt, thorough, and impartial investigations into civil, military, and federal police officers suspected of connivance or involvement with crime groups involved in illegal deforestation, including by leading investigations from the prosecutors' offices, and prosecute officers when the evidence warrants it.

### *To Federal and State Governments*

- Create or, where they exist, ensure the effective operations of units of police specialized in conflicts over land and resources and environmental crimes.
- Allocate necessary funds and personnel to strengthen federal, civil, and military police presence in areas where illegal deforestation and violence by criminal groups are rampant.
- The Maranhão state government should implement the proposals contained in the Ten Year State Public Policy Plan for Indigenous People in Maranhão, particularly the creation of a civil police station, an ombudsman, and a public defenders' office specialized in Indigenous people's issues, and the design of public security plans for Indigenous territories.

### *To Federal and State Police*

- State police should carry out prompt, impartial, and thorough investigations into all cases of threats and violence against people who report illegal deforestation and their communities.
- Federal police should investigate all cases of threats and violence against Indigenous forest defenders and act in cooperation with civil police.

### *To Brazil's Congress*

- Establish a Congressional Investigative Commission (CPI in Portuguese) and conduct public hearings to examine the criminal networks responsible for illegal deforestation and acts of violence and intimidation against forest defenders in the Amazon.

## **Protect Forest Defenders**

### *To the Bolsonaro Administration*

- Express support for those who uphold the law and defend the forest, including Indigenous peoples, local communities, and environmental agents, and his commitment to both dismantling criminal networks involved in illegal logging and holding their members responsible for their crimes.
- Re-establish adequate representation of civil society organizations in the deliberative council of the federal program to protect human rights defenders, which is currently made up only of public officials.
- Issue and enforce a rule that ensures information provided by forest defenders to the federal program to protect human rights defenders will be treated with the utmost confidentiality. This will require any hired personnel, staff, and the members of the deliberative council to secure informed prior consent from defenders before they share that information with any third party, including their supervisors, unless sharing that information is essential to protect the forest defender from an immediate act of violence.
- Provide adequate funding to the federal program to protect human rights defenders and transfer sufficient resources to state programs so that they can strengthen protection of environmental defenders.

### *To the Federal Program to Protect Human Rights Defenders*

- In dialogue with civil society organizations, improve procedures and staff training for risk analysis and for the design and implementation of protection measures, in accordance with the Escazú Convention and the standards identified by the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court on Human Rights.
- Design protection plans tailored to the specific needs of forest defenders at risk and in consultation with that defender, including measures such as:
  - Providing electricity through solar panels or other means and internet to enable forest defenders in remote areas to communicate.
  - Installing security cameras in homes of forest defenders.
  - Paying transportation expenses for forest defenders who would otherwise be isolated due to a lack of resources.
  - Paying for gas and other expenses for police to provide protection to forest defenders.
  - Providing funding for forest defenders to have legal representation of their choice or seeking the support of public defenders when forest defenders pursue criminal complaints against their assailants.
  - Accompanying forest defenders in meetings with police and judicial authorities when they wish to submit a criminal complaint or inquire about ongoing investigations against their assailants.
  - Providing psychological and other medical care to environmental defenders.
- Carry out training and information sessions for state and federal prosecutors, public defenders, police, and non-governmental organizations in the Amazon.
- Coordinate with local human rights NGOs that provide legal and other assistance to forest defenders.
- Address the root causes of threats and violence against forest defenders by pressing state and federal authorities to investigate and punish environmental and other crimes, curb illegal logging and land grabbing in the communities where defenders live, and establish clear titling of land.

### *To Federal and State Public Security Authorities*

- State and federal prosecutors, police and other authorities should cooperate with the federal and state programs to protect human rights defenders, providing information, assistance, and security to forest defenders.

### *To State Governments in the Amazon Region*

- The Amazonian states of Acre, Amapá, Rondônia, Roraima, Tocantins, and Mato Grosso should create and implement state programs to protect human rights defenders.
- Pará and Amazonas states should speed up implementation of their state programs to protect human rights defenders.

### *To Brazil's Congress*

- Ratify the Escazú Agreement, which requires that the state guarantee a safe and enabling environment for those who defend the forest, protects them, and investigate and punish crimes committed against them.
- Approve a 2009 bill that establishes a firm basis in law for the federal program to protect human rights defenders.

## **Support Forest Defenders**

### *To Federal and State Governments, and the Attorney Generals*

- Establish a mechanism whereby federal and state police, prosecutors, FUNAI, and environmental agencies meet regularly and maintain direct channels of communication with communities and individual forest defenders, so that they can report illegal deforestation and any threat or violence against them.

### *To Federal and State Governments*

- Consider funding, equipping, and training the Maranhão forest guardians and support other environmental protection activities by Indigenous peoples in the Amazon region.

### *To Federal and Maranhão State Authorities, and Indigenous Communities*

- Jointly develop guidelines and procedures for the Maranhão forest guardians that ensure the safety of the forest guardians and protect the rights, including the physical integrity, of any apprehended logger. Those procedures should also define what to do with seized loggers' equipment.
- Conduct periodic joint operations between police, environmental agencies, FUNAI, and forest guardians against illegal deforestation in Indigenous territories.

## **Strengthen Environmental Protection**

### *To the Bolsonaro Administration*

- Send a message of support to the public servants fighting illegal deforestation in the Amazon and reaffirm their authority to destroy loggers' equipment and sawmills in the circumstances established by law.
- Stop verbal attacks on NGOs, as well as efforts to diminish their ability to promote human rights and environmental protection.
- Maintain and expand, rather than reduce, protected areas in the Amazon region, including by resuming demarcation of Indigenous territories.
- Re-establish collaboration between federal government agencies and civil society groups working on environmental protection, protection of environmental defenders, and Indigenous rights.
- Revoke Decree 9,759 from April 2019, and re-establish committees made up of government officials and civil society to further environmental protection.
- Provide adequate funding and staff to federal agencies IBAMA, ICMBio, and FUNAI to fulfill their respective missions.
- Take adequate measures to meet Brazil's commitments to mitigate climate change, in particular its pledged reductions in deforestation and greenhouse gas (GHG) emissions, by both protecting forest defenders and strengthening environmental enforcement, as laid out in these recommendations.

### *To the Ministry of the Environment*

- Guarantee IBAMA and ICMBio inspectors autonomy to impose fines on any person responsible for environmental infractions according to the law, without any fear of reprisals from their superiors.
- Re-establish the Department of Forests and Combatting Deforestation at the Ministry of the Environment, a government office that planned major anti-deforestation operations, and resume the deployment of the Specialized Enforcement Group (GEF in Portuguese), an elite IBAMA unit deployed against the most destructive criminal groups involved in illegal logging and mining.
- Speed up administrative processes against those responsible for illegal deforestation, including by assigning additional personnel and resources to those cases.
- Eliminate the need to hold “conciliation” hearings before advancing administrative processes against illegal loggers.
- Re-establish partnerships with civil society organizations and allow them to bid for and execute environmental protection contracts.
- Re-establish the steering committee of the Amazon Fund, including adequate participation of civil society, and ensure that civil society organizations can submit proposals and be awarded environmental protection contracts by the Fund.

### *To INCRA*

- Speed up processes to expel from INCRA settlements *fazendeiros* involved in illegal deforestation and illegally occupying plots intended for small farmers, including by filing lawsuits against them.

### *To State Governments*

- Provide state police back-up to IBAMA and ICMBio operations against illegal deforestation.
- Ensure that state environmental agencies have adequate funding and staff to prevent and sanction violations of environmental law in the Amazon region.

*To Brazilian and Foreign Companies*

- Undertake adequate due diligence to ensure that timber, cattle, meat, or agricultural products purchased in Brazil did not originate in illegally deforested or illegally occupied areas in the Amazon. Companies should also disclose their procedures and the origins of their products.

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## RAINFOREST MAFIAS

### How Violence and Impunity Fuel Deforestation in Brazil's Amazon

During the last decade, more than 300 people have been killed in the Amazon in conflicts over the use of land and resources, according to available data. Many of them were killed by people involved in illegal logging.

*Rainforest Mafias* documents 28 such killings, and over 40 death threats, where evidence collected by Human Rights Watch indicates the perpetrators saw their victims as obstacles to illegal deforestation.

The report shows how the deforestation is driven largely by criminal networks that use intimidation and violence against people who defend the forest, including members of Indigenous communities, other local residents, and environmental enforcement agents.

It documents how Brazilian authorities fail to prevent that violence and, when it occurs, to hold perpetrators accountable. The report draws upon more than 170 interviews, many with government officials who provide inside accounts of how President Jair Bolsonaro is undermining enforcement efforts. By doing so, he is endangering both the Amazon and the people who live there.

The stakes of the fight between Brazil's forest defenders and criminal networks extend far beyond its borders. As its contribution to global efforts to mitigate climate change, Brazil committed in 2016 to eliminate illegal deforestation in the Amazon by 2030. Until the country addresses the violence and lawlessness that facilitate illegal logging, the destruction of the world's largest rainforest is likely to continue unchecked.

*(above) Franciel Souza Guajajara leads a group of "forest guardians" of the Tenetehara Indigenous people on a foot patrol near the village of Lagoa Comprida, Araribóia Indigenous Territory, Maranhão state, June 2018.*

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*(front cover) A forest fire rages in Santo Antonio do Matupi, southern Amazonas state, Brazil, August 27, 2019.*

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