

ANNEX II

PATTERNS OF VIOLENCE AGAINST RURAL LAND USERS AND DEFENDERS

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A. Introduction

1. The information contained in this annex¹ is a compilation of crimes committed in the Brazilian Amazon against Rural Land Users and Defenders for the period of (roughly) 2011–2021. It supports the following specific elements discussed in the main body of this communication (the ‘Communication’): ‘a course of conduct involving multiple article 7(1) acts’ (chapeau); the crime against humanity of murder; the crime against humanity of persecution; the crime against humanity of other inhumane acts; gravity; and the interests of justice.² After setting out a number of sources (and some underlying methodologies), the annex presents a lengthy *but non-exhaustive* catalog of specific cases of criminality known to the Filing Parties. Finally, the annex discusses a significant shortcoming of Brazil’s criminal justice system—impunity. A list of potential perpetrators recommended for further investigation is contained in (strictly confidential) Annex IV.

B. General Sources and Methodologies

1. *Comissão Pastoral da Terra (CPT)*

2. Conflicts occurring over possession of rural territories have been a constant feature of Brazilian history dating back as far as the colonial era. Since its creation in 1975, the Pastoral Land Commission (*Comissão Pastoral da Terra*, CPT) has been documenting conflicts in the Brazilian countryside and the systemic violence against what are conventionally described as ‘land workers’ (*trabalhadores da terra*), a term that encompasses several distinct peasant categories, including traditional and indigenous communities—generally, those people who live in rural areas and rely on the use of land and/or water as their system of survival and dignity.³ CPT takes a broad and inclusive approach to its work, with the following specific categories of individuals coming under its expansive definition: *quilombolas*, settlers, landless, squatters, small landowners, *parceiros*, small tenants, miners, *caiçaras*, *faxinalenses*, *geraizeiros*, shellfish gatherers, fishermen, retirees, artisanal fishermen and other riverside dwellers, rubber tappers, *vazanteiros*, and extractivists (chestnut trees, palm trees, babassu coconut breakers).⁴
3. While various organizations such as Brazil’s Indigenist Missionary Council (*Conselho Indigenista Missionário*, CIMI) focus exclusively on the rights of indigenous peoples, CPT is the only entity to carry out extensive research on *all* land conflicts at the national level—regardless of the victims.

¹ This annex supports the ‘Article 15 Communication to the Office of the Prosecutor of the International Criminal Court’ alleging ‘Crimes Against Humanity in Brazil: 2011 to the Present’ related to ‘Persecution of Rural Populations and Associated Environmental Destruction’, filed on 9 November 2022 by Climate Counsel, Greenpeace Brasil, and Observatorio do Clima (the ‘Communication’). In particular, it supports Section II.F (‘General Patterns of Violence Against Rural Populations and Their Defenders’) and various portions of Section IV (‘Legal Framework and Assessment’) of the Communication.

² See Communication, paras 32–41, 63–74, 83–86, 87–90.

³ See CPT Website (www.cptnacional.org.br) and annual reports (‘Since the beginning, [CPT] collects data on resistance struggles for land, for the defense and conquest of rights, and denounces, through various means, especially through its bulletin, the violence suffered by peoples and communities.’)

⁴ CPT Website (www.cptnacional.org.br) and annual reports.

Over the years it has created one of the most important and comprehensive documentary data collections regarding the rights and struggles of workers in Brazil's forests and waterways.⁵

4. Aspects of CPT's work relevant (to varying degrees) to this filing include:⁶
 - a. **Conflicts** (*conflitos*), understood as resistance and confrontation actions that take place in different social contexts in the rural sphere, involving the struggle for land, water, rights, and the means of work or production. These conflicts happen between social classes, among workers, or because of the absence or poor management of public policies. In this sense, the records are cataloged by situations of disputes in conflicts over land, over water, labor conflicts, in times of drought, conflicts in mining areas, and union conflicts.⁷
 - b. **Conflicts over land** (*conflitos por terra*) are actions of resistance and confrontation for the possession, use, and ownership of land and for access to natural resources, when they involve any of the above peasant/land-worker categories. Occupations/repossessions (*retomadas*) and encampments are also classified under land conflicts.⁸
 - c. **Conflicts over water** (*conflitos pela água*) are resistance actions, generally collective, that aim to ensure the use and preservation of water. They express the struggle against the private appropriation of water resources, against charging for the use of water in the countryside, against the construction of dams and dams. The latter involves those affected by dams, who fight for their territory, from which they are expropriated. It also involves the struggle of peoples and communities against mining.⁹
 - d. **Occupations and/or repossessions** (*retomadas*) are collective actions by indigenous or traditional people who preemptively repossess their historic territories, given the delay by the state in the process of demarcating such areas guaranteed by law.¹⁰
 - e. **Encampments** (*acampamentos*) are spaces for struggle and training, the result of collective actions, located in the countryside or in the city, where organized landless families demand settlements. In addition, indigenous peoples and traditional communities also form encampments in the struggle for the resumption of their territories. In its researches, the CPT registers only the act of encamping. The number of families encamped in the country is not monitored.¹¹

⁵ CPT Website (www.cptnacional.org.br) and annual reports.

⁶ CPT Website (www.cptnacional.org.br) and annual reports. *Nb.* CPT data is extensive, but not all is relevant to this filing. [...] (labor conflicts (*conflitos trabalhistas*); resistance actions (*ações de resistência*); protests for labor rights (*manifestações por direitos trabalhistas*))

⁷ CPT Website (www.cptnacional.org.br) and annual reports.

⁸ CPT Website (www.cptnacional.org.br) and annual reports.

⁹ CPT Website (www.cptnacional.org.br) and annual reports.

¹⁰ CPT Website (www.cptnacional.org.br) and annual reports.

¹¹ CPT Website (www.cptnacional.org.br) and annual reports.

- f. **Demonstrations** (*manifestações*) are collective actions of land and water workers, who protest against acts of violence suffered or restriction of rights, demanding different public policies, repudiating government policies, or demanding the fulfillment of agreements and promises.¹²
- g. **Violence** (*violência*) is understood as embarrassment, material or immaterial damage, physical or moral destruction exerted on rural peoples and their allies. This violence is related to the different types of conflicts registered and the manifestations of rural social movements.¹³ In addition, the manifestations of struggle and the various forms of violence practiced against peasant peoples are recorded: murders, attempted murders, death threats, arrests, aggressions, and others.

In collecting and maintaining its data, CPT adheres to a strict and transparent methodology,¹⁴ with specific inclusion and exclusion criteria.¹⁵ Certain data is not registered.¹⁶ An electronic database includes a number of tables.¹⁷

5. Since 1985, CPT has published its data in an annual printed report entitled *Conflitos no Campo Brasil*. Such reports—in particular, those from 2011 to 2021—form the central basis for this filing. In each report, the data is broken down into 11 consistent categories, each with a corresponding

¹² CPT Website (www.cptnacional.org.br) and annual reports.

¹³ CPT Website (www.cptnacional.org.br) and annual reports. *Nb.* As of 2020, with the new database (Gaia), the quantitative systematization of violence related to illegal deforestation, impediment of access to areas of collective use, and violations of the conditions of existence began. Other modalities in this regard incorporated into the database were violence related to sex, gender, and sexuality, as well as to race/color/ethnicity and criminalization. *Ibid.*

¹⁴ CPT Website (www.cptnacional.org.br) and annual reports. Records are made through primary and secondary research. It is noteworthy that, for the CPT documentation center, there are three objectives when collecting data: (1) to seek the primary sources of information to build the database (from reports and information obtained—with CPT base agents. In addition to CPT agents, official documents, denunciations by peasants and popular social movements reported in their media and social networks, declarations, signed letters, police reports, reports passed on by social movements, churches, unions and other organizations and entities directly linked to the struggle of land workers); (2) seek secondary sources, through virtual clipping in various public content media (newspapers, magazines, news sites, blogs, radio, television, social networks, podcasts and streaming platforms such as YouTube, bulletins and publications from various institutions, parties and government agencies, among others); (3) process, systematize and analyze the data, transforming them into records of denouncements of violations of rights committed against peasants and their organizations, as well as the resistance perpetrated by them, in defense of their ways of being, and of the production and reproduction of life. *Ibid.*

¹⁵ CPT Website (www.cptnacional.org.br) and annual reports. As the first criterion for inclusion in the database, information is obtained through primary and secondary research, as described above. Once the existence of a conflict in these documents is identified, the occurrence is registered. [more good material on inclusion/exclusion] Situations of violence and conflicts involving indigenous peoples and traditional communities, such as quilombolas, fishermen, caçaras, among others, even in urban spaces, but that experience a traditional way of life, are recorded and accounted for. *Ibid.*

¹⁶ CPT Website (www.cptnacional.org.br) and annual reports. This includes: (1) Cases of violence, including murders, that take place in rural areas and are not related to conflicts over dispute, possession, use or occupation of land, or for access to or use of water, or in the defense of rights for work performed in the field; (2) Cases of conflicts over land ownership, use or occupation in urban areas. The exceptions are cases in which the dispute for land is between indigenous peoples and traditional communities (quilombolas, artisanal fishermen, etc.) who defend a traditional way of life, even if in urban areas; (3) Conflicts between large landowners or large agribusiness entrepreneurs; (4) Cases of slave labor in urban activities (they are only cited in the publication as a footnote). *Ibid.*

¹⁷ CPT Website (www.cptnacional.org.br) and annual reports. Tables available on the electronic page: Areas in conflict, Occurrences of conflicts over land, Occupations/Repossessions, and Camps. The data from the last three tables are grouped in a summary table, called "Violence against Occupation and Possession", comprising the Earth axis. In addition to the Earth axis, tables are also available listing Conflicts for Water, Labor Conflicts (Slave Labor, Overexploitation, and Resistance Actions), murders, attempted murders, and death threats. Finally, a summary table called Violence against the Person, in which, in addition to the data from the previous tables, there are deaths as a result of conflict, torture, imprisonment, and physical assaults/injuries. Finally, a table in which the Fight Manifestations made by different social movements or other organizations during the year are registered. *Ibid.*

table.¹⁸ The tables are accompanied by analytical texts produced by academics, CPT agents, and other specialists.

6. Central to this Communication are the CPT data related to 'violence against persons' and related 'violence against occupation and possession'. (The precise figures have been synthesized by the authors of this filing and set out in a table at the end of this annex.) To summarize, for the period under consideration, and in the context of more than 10,000 land-related conflicts (11,057) and more than 2000 water-related conflicts (2290):
 - a. **Violence Against Persons:** murder: 430; attempted murder: 554; death threats: 2290; torture: 87; arrests: 1559; assaults: 2072; and consequential deaths: 259;
 - b. **Violence Against Occupation and Possession:** expulsions: 14,889; evictions: 96,028; destruction of homes: 31,463; destruction of gardens/cultivation plots: 33,185; destruction of other assets: 44,730; and firearm-related threats: 163,956.

All of these take place within the broader concept of 'land invasion'—a generic term often misleadingly reported in the press.

7. The top three geographic areas in terms of overall conflict are the states of Pará, Maranhão, and Mato Grosso. The top six causes of conflict are farmers, businesspersons, land-grabbers, loggers, the federal government, and mining companies. The top five victim groups are landless, illegal occupiers (squatters), indigenous groups, *quilombolas*, and *assentados* (occupiers whose rights are in the process of being normalized).
8. While CPT does not maintain comprehensive records of (alleged) perpetrators, all of the crimes catalogued above have been committed in the context of conflicts over the use of land and

¹⁸ CPT, *Conflitos no Campo Brasil*, Table 1 – Comparison of conflicts in the countryside: This table is a synthesis of the previous decade. It has data on each topic: land, water, labor, and others (when there are cases of conflicts in times of drought, mining, etc) and the total number of conflicts in the Brazilian countryside. Table 2 – Conflicts in the countryside: This table records in detail the conflicts over land, labor, water, and others, if any, with the following information: municipality, name of the conflict, date, number of families or people involved, and a field with specific information according to the theme. Table 3 – Violence against occupation and possession: This table is the sum of the occurrences of conflicts by land, occupations, and camps by state, the number of families involved in each block, the area, the number of families expelled, evicted, threatened with eviction, or that suffered an attempt or threat of eviction, the number of houses, gardens and property destroyed, and the number of families that are under threat by gunmen. In addition to these records, Table 3 also shows the number of families that suffer some type of violence with invasions of their land or possessions by land grabbers, farmers, mining companies, loggers, etc. Table 4 – Land: Systematizes the Earth axis organized into three blocks: land conflicts, occupations, and camps. Contains the following information: number of occurrences of conflicts over land, occupations, encampments, followed by the number of families. (*Nb.* Total occurrences (in chart) does not include occupations/*retomadas*/encampments.) Table 5 – Water: It depicts the synthesis of conflicts over water by state, with the following information: number of occurrences of conflicts and number of families involved. Table 6 – Work: Summarizes labor conflicts by state, with two blocks of information. 1. Slave Labor: includes the number of occurrences, number of workers involved in the complaint and released, number of children and adolescents. 2. Overexploitation: number of occurrences, number of workers involved in reporting and rescued, number of children and adolescents. With the resumption of strikes as a labor conflict, this table will later change. Table 7 – Violence against the person: It groups the number of incidents recorded in land, water, work, the number of people involved and the violence suffered by male and female workers: murders, assassination attempts, deaths as a result of conflicts, death threats, as well as torture, imprisonment, and aggression. Tables 8, 9, 10 – Murders, Murder Attempts, Death Threats: It contains the following information: municipality, name of the conflict, date, name, quantity, age, and category of victim. Table 11 – Demonstrations: Summary report by state. It informs the number of occurrences and the number of demonstrators.

resources in the Amazon and many cases of which are committed by individual and/or groups allegedly involved in illegal deforestation, logging, mining, agribusiness activities, etc.¹⁹

2. Global Witness

9. In parallel, and in conjunction with CPT, Global Witness has been tracking the situation of land defenders around the world for over a decade (back to 2002). The organization has specifically focused on ‘the human cost of the intensifying competition for land and forests’.²⁰ Using a different but complementary metric than CPT, GW’s tallies include ‘those killed in targeted attacks and violent clashes as a result of protests, investigating or taking grievances against mining operations, logging operations, intensive agriculture including ranching, tree plantations, hydropower dams, urban development and poaching’.²¹ GW has published its widely-read and well respected annual report on the issue since 2012. GW relies on CPT data.²²
10. To summarize, for the decade under consideration:
 - a. In 2011, Brazil was among the countries with the highest reports of killings for that year (and the country accounted for more than half of the global murder total for the previous decade).²³
 - b. In 2012, Brazil was again among the countries with the highest reports of killings.²⁴ The documented cases ‘included reports of involvement of private interests (land owners, ranchers, and loggers) in the killings’.²⁵ Landowners and ranchers in Mato Grosso do Sul frequently use hired gunmen and private security companies to intimidate indigenous communities fighting for their constitutional rights to their ancestral lands.²⁶ According to CPT, fewer than 10% of cases have gone to court and a little over 1% have led to convictions.²⁷

¹⁹ CPT Website (www.cptnacional.org.br) and annual reports.

²⁰ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012 (For the past 17 years Global Witness has worked with and seen communities, NGO workers, individuals and journalists intimidated, beaten up and sometimes killed over disputes about how land and forest are used and managed. So we attempted to get a sense of the scale of this problem globally. We counted the numbers of people killed over the past decade (years 2002–2011 inclusive) defending their human rights or the human rights of others related to the environment, specifically land and forests. These rights include enjoyment of a healthy environment, according to UN General Assembly Resolution A/RES/45/94 (14 Dec 1990); as well as the rights of indigenous peoples to their land and its resources, including forests; the right to life, livelihood and freedom of expression. This snapshot survey was carried out through desk research and consultation with human rights and environmental groups.)

²¹ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012.

²² ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012 (‘In Brazil, [...] the Catholic Land Commission compiles a comprehensive annual report on land conflicts, which over the decade reveals the highest numbers of reported killings—365 killed, more than half the global total. [...] Reasons for the significantly high number will include the scale of investments in this large, populous country, the conflicts arising from efforts to develop Brazil’s land and forests, and the fact that the country has some of the most unequal patterns of land ownership in the world with powerful landowners clashing with farmers and others for control of lucrative farming and logging.’)

²³ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012.

²⁴ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012 (‘The countries with the highest reports of killings are Brazil, Peru, Colombia, and the Philippines.’) *Nb.* ‘For example, killings in Brazil are more likely to be reported publicly, and picked up by desk research, because the Catholic Land Commission compiles a comprehensive annual report on land conflicts.’ *Ibid.*

²⁵ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012.

²⁶ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012.

²⁷ ‘A Hidden Crisis: Increase in killings as tensions rise over land and forests’, Global Witness, 19 June 2012 (citing *Conflitos no Campo Brasil 2011* Catholic Land Commission (Comissão Pastoral da Terra), p15).

- c. In 2013, '[n]early 25 years after the assassination of Brazilian rubber tapper and forest activist Chico Mendes, [...] killings were steadily rising as protection of the environment emerged as a key battleground for human rights'.²⁸ According to GW's 2013 tally, Brazil with 448 murders had accounted for roughly half the global deaths in the prior decade (2002–2013).²⁹
- d. In 2014, Brazil was again the worst-affected country with 29 killings of land defenders (4 indigenous), most related to the conflict over the ownership, control, and use of land. Beyond the killings, activists face increasing risks including physical violence, criminalization, and restrictions on their freedoms.³⁰
- e. In 2015, the worst year on record for killings of land defenders, the worst hit country was Brazil (with 50 killings, mostly non-indigenous).³¹
- f. In 2016, the 'ruthless scramble for the Amazon's natural wealth makes Brazil, once again, the world's deadliest country in terms of sheer numbers of land defenders killed, [49, roughly one-third indigenous]'. The logging industry was linked to 16 murders, while landowners were the suspected perpetrators of many killings in the Amazon; The government has rolled back environmental legislation and debilitated human rights institutions.³²
- g. In 2017, Brazil saw the most deaths ever registered in one year in any country (57, 80% of them while protecting the natural riches of the Amazon).³³
- h. In 2018, Brazil's new President Jair Bolsonaro pledged to open indigenous reserves to commercial development, including mining, agriculture, and infrastructure. By 2019, this had already triggered a series of invasions of indigenous lands by armed bands of land grabbers, with communities living in fear of future attacks. At least 20 killings of land defenders were recorded.³⁴
- i. In 2019, almost 90% of the killings of land defenders [24] were in the Amazon.³⁵

²⁸ 'Deadly Environment: The Rise in Killings of Environmental and Land Defenders: 1 January 2002 to 31 December 2013', Global Witness, 2014 (UN High Commissioner for Human Rights Navi Pillay: 'It is shocking, but it is not a surprise to me because this is what my own office has been finding in respect of the land claims of indigenous people, not only here in Brazil but elsewhere.') (Navi Pillay, UN High Commissioner for Human Rights, at OHCHR-UNEP Joint Side Event on Human Rights in Sustainable Development at Rio+20 Summit, 19 June 2012).

²⁹ 'Deadly Environment: The Rise in Killings of Environmental and Land Defenders: 1 January 2002 to 31 December 2013', Global Witness, 2014 (Tally: 2002, 43; 2003, 73; 2004, 39; 2005, 39; 2006, 39; 2007, 29; 2008, 28; 2009, 27; 2010, 34; 2011, 28; 2012, 36; 2013, 33; TOTAL, 448.) *Nb.* 'The high number of known cases in Brazil is also partly attributable to a greater awareness and better monitoring of this issue compared to other parts of the world. Brazil has a strong civil society with wide-ranging observation of human rights concerns, with several groups focusing specifically on protecting rights to the environment and land. The Brazil data for this report was provided by the *Comissão Pastoral de Terra*—an organization that works with rural communities in compiling a comprehensive annual report on land conflicts in Brazil. The strength of this data is a contributing factor to the high levels of killings that are able to be recorded in the country; it also highlights the need for systematic recording of fatalities in other badly affected countries.' *Ibid.*

³⁰ 'How Many More?: 2014's deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras', Global Witness, April 2015.

³¹ 'On Dangerous Ground: 2015's Deadly Environment: The Killing and Criminalization of Land and Environmental Defenders Worldwide', Global Witness, June 2016.

³² 'Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016', Global Witness, 2017.

³³ 'At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017', Global Witness, 2018.

³⁴ 'Enemies of the State?: How governments and business silence land and environmental defenders', Global Witness, July 2019 ('This [drop] is in line with an overall drop in homicide rates there last year.')

³⁵ 'Defending Tomorrow: The climate crisis and threats against land and environmental defenders', Global Witness, July 2020.

- j. In 2020, Global Witness recorded 20 killings of land defenders, nearly three quarters of recorded attacks took place in the Amazon region. Logging was the sector linked to the most murders with 23 cases [globally], with such attacks in Brazil.³⁶

Where CPT's approach is extremely broad (taking in all peasant/land-user categories), GW focuses only on land defenders.³⁷

3. Other Sources

11. Human Rights Watch (HRW), Amnesty International (Amnesty), and a number of other international human rights organizations have published reports relevant to the claims contained in this communication.³⁸ According to HRW (via CPT), during the decade ending in 2019, more than 300 people have died in conflicts over the use of land and resources in Amazonian states. In many cases, the suspected killers are people involved in illegal deforestation.³⁹

³⁶ 'Last Line of Defence: The industries causing the climate crisis and attacks against land and environmental defenders', *Global Witness*, September 2021 ('We define land and environmental defenders as people who take a stand and peaceful action against the unjust, discriminatory, corrupt or damaging exploitation of natural resources or the environment.')

³⁷ CPT's methodology differs from that of Global Witness since, as well as documenting the murders of land and environmental defenders, they also cover rural workers killed because of their labor and union activism. Likewise, they record killings of individuals in land conflicts that they consider are generated by a lack of governmental action to tackle the root causes of rural violence. However, these individuals do not always fit into Global Witness' definition of land and environmental defenders. While Global Witness tracks the murder of 'land and environmental defenders', the CPT monitors rural conflicts affecting small-scale farmers, landless communities, indigenous peoples and traditional communities, as well as rural trade unionists. Since 1975, the CPT has been striving to give visibility to the struggle of these people for land, water, and their rights, and for that reason makes use of the social identities that these groups have determined for themselves.

³⁸ See, e.g., *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019 ('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. 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 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 [...] occurred between 2015 and 2019. [There are] 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 Maranhao told HRW of an additional eight killings since 2016 that they believe were reprisals for the communities' defense of the environment. Due in part to the lack of proper investigations by authorities, HRW was unable to confirm this conclusion. During the past decade, authorities have recorded numerous cases of loggers responding with violence against government agencies' enforcement efforts in five Amazonian states [7 examples from 2017–2019]. Loggers sometimes kill or attempt to kill state agents trying to protect the forest. [4 examples from 2009–2016] People involved in illegal logging also threaten and seek to intimidate officials [4 examples].')

³⁹ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, p 58; *ibid*, p 59 ('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. 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 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. This 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 HRW of an additional eight killings since 2016 that they believe were reprisals for the communities' defense of the environment.');

ibid, Glossary ('[W]e 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.") ('[W]e 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.')

12. The US Department of State has documented consistent human rights issues in Brazil since at least 2002, notably: crimes involving violence or threats of violence targeting human rights and environmental activists, indigenous peoples, and other traditional populations. The reports, dating back to 2002, support a consistent story line.⁴⁰

13. In 2020, Brazil's Attorney General's Office (*Advocacia-Geral da União*, AGU) issued a report on violence related to rural communities.⁴¹ The AGU data covers the period from 1 January 2010 to 31 December 2019 (roughly commensurate with the scope of this filing). The report documents 390 specific cases of homicide, attempted homicide, bodily harm, and threats against indigenous peoples, *quilombolas*, and other traditional communities (riverside dwellers, fisherman, and gypsies). The key takeaways are as follows:
 - a. The vast majority of the violence has targeted indigenous communities (63%), followed by the others (21%) and *quilombolas* (16%);
 - b. The most common form of violence has been threats (84%), followed by bodily harm (9.75%), murders (5.9%), and attempted murders (0.25%);
 - c. The vast majority of the violence has been related to land issues (64%), followed by exploitation of resources (14%) and projects (12%);
 - d. There is some intra- and inter-group violence, along with some by state actors and others;
 - e. The trend has generally been upward, with 2017 the most violent year followed by 2019;
 - f. Pará State has the highest incidence of violence;
 - g. Government intervention in the way of better policies is needed.

14. As noted, the data collected by CIMI deals exclusively with indigenous populations. As such, it bolsters the other various sources (which are more expansive given their particular mandates).

⁴⁰ US Department of State, Human Rights Reports.

⁴¹ *Human Rights Watch*, 'Brazil Analyzing Violence Against the Amazon's Residents', 26 May 2020 ('For the first time, Brazil's Attorney General's office has produced a report analyzing violence against Indigenous peoples, Afro-Brazilian rural communities, and other at-risk rural communities by people engaged in illegal logging, mining, and land grabbing, mostly in the Amazon. The report, published May 5, was produced in response to calls by Human Rights Watch for just such data. [...] After our report launch [Rainforest Mafias], Human Rights Watch met with Brazil's federal prosecutors several times, as well as with Attorney General Augusto Aras in January. We encouraged them to study violence against rainforest defenders, with the aim of identifying criminal patterns and ensuring that each threat or attack is thoroughly investigated and prosecuted. We also urged the National Indian Foundation (FUNAI)—the agency tasked with protecting and promoting indigenous rights—to provide information about violence against indigenous peoples protecting the rainforest. FUNAI, in turn, asked the Attorney General's office for the data. The report by the Attorney General's office analyzes 390 cases of threats and acts of violence committed during the past decade that have been prosecuted or investigated by federal officials. It concludes that conflicts related to the occupation and use of lands and resources, including timber, are the main cause of violence against Indigenous peoples, Afro-Brazilian rural communities, and other at-risk rural communities. While violence related to natural resources in Brazil has been chronic for decades, a lack of data had hindered government agencies' capacity to understand the scope and nature of the problem—and to create viable policies to address it. Federal and state authorities should use the Attorney General's data to improve policies and strengthen enforcement of existing laws intended to protect the environment and the rights of indigenous peoples.')

15. Finally, the six other communications that have been filed to date⁴² include their own catalogues of criminal activity, mostly (but not exclusively) based on the sources discussed above.⁴³

C. Specific Cases of Criminality

16. As noted, this section presents a lengthy but non-exhaustive catalog of specific cases of criminality known to the Filing Parties based on the various sources discussed in the previous section.⁴⁴ The various crimes, summarized in the main body of the Communication, are comprehensively listed here according to the following five categories: (i) specific massacres (with multiple murder victims); (ii) long-term targeting of particular groups; (iii) certain geographic 'hotspots'; (iv) targeting of individual Land Users and Defenders throughout the country; and (v) violence and intimidation against public officials. The material that follows is reproduced verbatim and/or paraphrased from the indicated sources. Where the victim's name is known, it is highlighted in bold text.

1. Specific Massacres

a. Baião Massacre, Pará State, March 2019

17. On the evening of 21 March 2019, **Marlete da Silva Oliveira**, **Raimundo de Jesus Ferreira** (aka Raimundinho), and **Venilson da Silva Santos** (aka Vinícius) were killed, execution-style, with single gunshots to the head, in a shack on the estate of *fazendeiro* Fernando Ferreira Rosa Filho ('Rosa'), for whom they worked. 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 as drug trafficking. After killing the three employees, the hitmen then travelled 20 kilometers to the home of **Dilma Ferreira Silva** in the Renato Lima Settlement

⁴² See Communication, n 5.

⁴³ All Rise Communication, para 33 ('Further, together with the Brazilian Federal agents willing and able to enforce the rule of law, these people are also at the forefront of defending and sustaining the ecosystems of the Brazilian Legal Amazon, dangerously threatened by and subjected to violence through these attacks.');

All Rise Communication, para 64 ('Together, the group of people described in paragraph 61, identified for the purpose of these submissions as Environmental Dependents and Defenders, share a coherent set of ideological beliefs attached to the environment they depend on and defend. They all are victims of the widespread attack described in the present Communication. FN21')

All Rise Communication, paras 13–14 ('Indigenous communities, other traditional peoples such as *Quilombolas*, *Ribeirinhos* (river dwellers), *Seringeiros* (rubber tappers) and "landless peasants" resettled by Government agencies [...]. These are the local communities—the Environmental Dependents and Defenders perceived by exploitative criminal groups as collateral damage or "obstacles" to the pursuit of the vast riches being plundered—hat have been and continue to be persecuted in Brazil.' All Rise Communication, paras 31–32 ('The Brazilian Legal Amazon covers an area of [...] about 60% of the territory of Brazil [...], and is inhabited by about 30 million people (12% of the total Brazilian population). Approximately 70% are concentrated in the rare urban centres; the rest are Indigenous communities and "traditional peoples" (*Quilombolas*, *Ribeirinhos*, *Extractivistas*, or *Seringeiros*, landless rural workers and their families) who live mostly along the rivers.')

⁴⁴ *Nb.* All Rise provided a large number of examples for the period 2019–2021. See *All Rise*, 'Communication under Article 15 of the Rome Statute of the International Criminal Court regarding the Commission of Crimes Against Humanity against Environmental Dependents and Defenders in the Brazilian Legal Amazon from January 2019 to present, perpetrated by Brazilian President Jair Messias Bolsonaro and principal actors of his former or current administration', 12 October 2021 (the 'All Rise Communication'), paras 173–189 ('Murder, death threats, and acts of intimidation against Indigenous people'); All Rise Communication, paras 190–200 ('Murder, death threats, and acts of intimidation against land rights activists and *Quilombolas*'); All Rise Communication, paras 201–208 ('Murder, death threats, and acts of intimidation against federal agents and other Environmental Defenders').

(Salvador Alhende), a land-reform project for poor farmers established by the federal agency INCRA, approximately 20 km away from the site of the first three homicides (30 km from Vila do “KM 50”, on Transcarnetá Highway BR 422). Silva was a local coordinator of the Movement of People Affected by Dams (MAB), which advocated for people who, like her, believed they had not been properly compensated for damages resulting from the construction of dams. The hitmen 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. According to reports, Rosa ordered Silva’s killing because she had threatened to report his illegal logging to police and IBAMA. The hitmen killed her husband and Lopes, the neighbor, only because they happened to be in the house at the time.⁴⁵

b. Colniza Massacre, Mato Grosso State, April 2017

18. At sunset on 19 April 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. 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**. 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. Police are investigating whether other local *fazendeiros* may also have been involved in ordering the Colniza Massacre, as it became known.⁴⁶

⁴⁵ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 66–67. All Rise Communication, Para 197 (‘On 22 March 2019, **Dilma Ferreira Silva**, a socio-environmental activist leader with the Movement of People Affected by Dams (Movimento dos Atingidos por Barragens), her husband and a friend, were murdered by hooded motorcyclists in the Baião municipal district about 60 km from the Tucuruí dam (Pará State). **Dilma Ferreira Silva** was an internationally recognized activist who had been pushing the Brazilian Government to enact legislation establishing the rights of those displaced by dams and providing them with compensation. Two days later, three burnt bodies were found on a cattle ranch just 14 kilometres from where Dilma Ferreira Silva and the other two victims had lived.’) All Rise Communication, Pará State Annex, para 79 (‘On 22 March 2019, internationally-recognised anti-dam activist **Dilma Ferreira Silva**, her husband, and a friend were murdered by hooded motorcyclists in the Baião municipal district. They were assassinated inside the family home; Ms Silva had her throat slit after watching her husband and friend killed. Ms Silva, one of 32,000 people displaced during the construction of the Tucuruí mega-dam, had been pushing the Government to enact legislation establishing the rights of those displaced by dams.’) All Rise Communication, Pará State Annex, para 80 (‘There were further murders two days later, when three burnt bodies were found on a cattle ranch just 14 kilometres from where Ms Silva had lived. The three new victims were identified as **Marlete da Silva Oliveira**, and **Raimundo de Jesus Ferreira**, who looked after the ranch, and **Venilson da Silva Santos**, who worked there as a tractor driver. According to the police, the three ranch employees were considering taking legal action against their employer for not respecting their labour rights.’)

⁴⁶ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, p 79; ‘At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017’, Global Witness, 2018 (‘The year’s first massacre saw hired assassins torture and kill nine villagers in Mato Grosso state on 19 April 2017.’)

c. Pau d'Arco Massacre, Pará State, May 2017

19. On the morning of 24 May 2017, ten rural workers were brutally murdered during an operation carried out by the military and civil police who claimed that they were complying with court orders. The action took place inside Fazenda Santa Lúcia, which had been occupied by landless rural workers the day before. Among the dead was **Jane Júlia de Almeida**, the camp's leader and the only woman killed that day. According to a witness, the perpetrators smiled while shooting the peasants in the landless camp. According to one of the surviving workers, who was the first to wake up that day, it all started with the unusual noise of cars approaching the camp. He was surprised and decided to wake up the rest of the workers. Two landless people went to see what was going on. *'They came back running, saying there were a lot of policemen, that's when we started running. We ran a lot in the woods. We stopped under a tree when we heard them arrive at the camp kicking canisters, breaking everything'*, commented a survivor who has his identity protected. A surviving victim says she was hiding in a bush, where she experienced intense moments of suffering and despair together with Jane Almeida. *'I ran out and she just sat there, I don't know if they killed her sitting down, I just remember what they said: get up to die old naughty bitch. They cursed with various names and at the same time they smiled and fired.'* The bodies of the ten workers were taken to Redenção, the neighbouring town, piled up in the back of pickup trucks and remained in the hospital until midnight that day. According to CPT agent, Igor Machado, the families, who were waiting for the release of the bodies, watched them arrive piled in the truck, wrapped in black tarpaulins. The scene caused revolt and indignation. *'That was terrible, the dehumanization itself, it was very undignified, so a second layer of violence was added, they have already been killed in a context of massacre and the bodies arrive in this state. All that was very shocking.'*⁴⁷
20. In January 2021, land rights defender **Fernando dos Santos Araújo**, a key witness and survivor of a 2017 massacre of rural workers, was found shot dead in his home in Pará state. He had testified in the criminal probe into the police killings of ten workers occupying land in Pau D'Arco in 2017. He had told local human rights organisations of recent death threats against him. Human rights lawyer **José Vargas Sobrinho Junior** has also been threatened over his efforts to ensure accountability for the killings in Pau D'Arco.⁴⁸

⁴⁷ 'At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017', Global Witness, 2018 ('In a second massacre on 24 May [2017], around 30 police officers opened fire on a group of landless farmers in Pará state, killing 10 of them. The farmers had peacefully occupied the Santa Lucia ranch the day before to demand that their land rights be recognized.') *Nb.* Southeast Pará was also the scene of the Eldorado dos Carajás Massacre, in 1996, when 21 rural workers were killed.

⁴⁸ All Rise Communication, para 205; *ibid*, Pará State Annex, para 85.

2. Long-Term Targeting of Particular Groups

a. Guarani-Kaiowa People, Mato Grosso do Sul State, 2011–2021

21. On 23 August 2011, men suspected of being employees of neighboring farms attacked a group of approximately 125 families from the Guarani-Kaiowa tribe in their roadside camp near the town of Iguatemi, Mato Grosso do Sul State. The families had recently returned to ancestral lands undergoing demarcation. Tribal leaders appealed to the state prosecutor and FUNAI for help, but neither party was forthcoming, and there was no police investigation, nor were any arrests made. Despite public support from the state government of Mato Grosso do Sul, the police, and FUNAI, the camp's remote location made such support difficult to implement.⁴⁹
22. In the early morning of 18 November 2011, some 40 gunmen arrived at a Guarani-Kaiowá indigenous encampment in Mato Grosso do Sul State, and shot tribal leader **Nísio Gomes** before dragging him away. Gomes' body and **three indigenous children** abducted during the attack have not been seen since. In the weeks before the killing, gunmen repeatedly threatened the Guaiviry encampment's residents and two days before the attack they reportedly threatened to take Nísio Gomes' life. Around 60 Guarani-Kaiowá people settled at the Guaiviry site on 1 November 2011, on land which was in the process of being officially identified as ancestral territory, but which was being used by local farmers and ranchers.⁵⁰ Gunmen hired by ranchers intent on driving the Guarani-Kaiowa from the contested land were suspected.⁵¹ A private security company, *Gaspem Segurança*, was implicated in the death of Gomes and another indigenous leader, **Dorvalino Rocha**.⁵² The same organization was found to have been responsible for burning indigenous houses, and kidnapping and beating indigenous people from 2009 to 2011.⁵³
23. In August 2013 fires destroyed one-fifth of the Maraiwatsede reserve; some officials attributed the fires to soybean farmers and cattle ranchers taking revenge for their 2012 eviction from the

⁴⁹ US Department of State, Human Rights Report, Brazil 2011, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People; US Department of State, Human Rights Report, Brazil 2012, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁵⁰ 'A Hidden Crisis: Increase in killings as tensions rise over land and forests', Global Witness, 19 June 2012.

⁵¹ US Department of State, Human Rights Report, Brazil 2011, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁵² G1 MS (31 January 2018), Justiça determina multa de R\$ 240 mil e fim da empresa de segurança acusada por mortes de indígenas, <https://g1.globo.com/ms/mato-grosso-do-sul/noticia/justica-determina-multa-de-r-240-mil-e-fim-da-empresa-de-seguranca-acusada-por-mortes-de-indigenas.ghtml>; Combate Racismo Ambiental (17 January 2014), Íntegra da Decisão da Justiça Federal que determinou o fechamento da empresa Gaspem, envolvida em mortes de lideranças indígenas, <https://acervo.racismoambiental.net.br/2014/01/17/integra-da-decisao-da-justica-federal-que-determinou-o-fechamento-da-empresa-gaspem-envolvida-em-mortes-de-liderancas-indigenas/>.

⁵³ Ministério Público Federal (31 January 2018), Justiça determina multa de R\$ 240 mil e fechamento de empresa de segurança envolvida em morte de indígenas, <http://www.mpf.mp.br/ms/sala-de-imprensa/noticias-ms/milicia-privada-fechamento-compulsorio-e-multa-de-r-240-mil-para-empresa-envolvida-em-morte-de-indigenas>. *Nb.* A federal court in Mato Grosso do Sul ruled that the company pursued illegitimate aims, which included the coordination of attacks against indigenous peoples. The court recognized *Gaspem Segurança* as a 'paramilitary force or private militia' responsible for at least eight events in Mato Grosso do Sul between 2009 and 2011 related to violence against indigenous people in order to 'intimidate and terrorize the communities', which prompted the court to order the company's disbandment. Case file 0000977-52.2013.4.03.6002, Verdict of 14 October 2016, Justiça Federal de Dourados, available at <http://www.ifsp.jus.br/foruns-federais/?numeroProcesso=0000977-52.2013.4.03.6002>

lands.⁵⁴ Gunmen killed two indigenous persons in Mato Grosso do Sul in June 2013. CIMI attributed the killings to the Guarani-Kaiowa peoples' desire to expand their territory near three cattle ranches.⁵⁵

24. Most of the violence against indigenous people in Mato Grosso do Sul in 2014 involved the Guarani-Kaiowa people and was connected to contentious land demarcation disputes. CIMI attributed violence toward the Guarani-Kaiowa peoples to the continued expansion of land used for agriculture and cattle ranching as well as delays in the demarcation of Guarani-Kaiowa land.⁵⁶
25. In June 2016 public health worker **Clodioli Aquileu Rodrigues de Souza** was shot and killed and six indigenous persons were injured in the municipality of Carapo in the state of Mato Grosso do Sul, on land claimed by the Guarani Kaiowa indigenous group. It is believed that forces acting on instructions of wealthy land owners carried out the attack as a reprisal against the indigenous community for seeking recognition of their land rights.⁵⁷
26. In 2019, the dead body of **Demilson Ovelar Mendes**, a member of the indigenous Avá Guarani community, was found on a Brazilian soy plantation a few kilometers from the village where he lived.⁵⁸
27. In June 2020, Indigenous environmental defender, 24 year-old **Virgínio Tupa Rero Jevy Benites**, was murdered in Vila Ponte Nova, in Paráná, while another member of the Avá-Guarani people was attacked with extreme violence.⁵⁹
28. In March 2021, three Guarani Kaiowá men were attacked in the Guaiviry Indigenous Territory, Aral Moreira, Mato Grosso do Sul State. Two of them were beaten to the point of unconsciousness and dumped in a ditch, with one of their perpetrators allegedly shouting 'You Indians are tramps, invaders! If you are the chief's brother, I will kill you!'⁶⁰

⁵⁴ US Department of State, Human Rights Report, Brazil 2013, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁵⁵ US Department of State, Human Rights Report, Brazil 2013, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁵⁶ US Department of State, Human Rights Report, Brazil 2014, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁵⁷ US Department of State, Human Rights Report, Brazil 2016, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People. Although there were no reported deaths, the incident was identified as the 'Caarapo slaughter' by the Inter-American Commissioner. Interamerican Commission on Human Rights (2018), Preliminary Observations of IACHR's *In loco* visit to Brazil, available at: <http://www.oas.org/es/cidh/prensa/comunicados/2018/238OPport.pdf>.

⁵⁸ 'Defending Tomorrow: The climate crisis and threats against land and environmental defenders', *Global Witness*, July 2020.

⁵⁹ All Rise Communication, para 184.

⁶⁰ All Rise Communication, para 178.

b. 'Guardians of the Forest', Maranhão State, 2013–2020

i. Governador Guardians

29. 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, according to **Eýy Cy**, chief of the village of Governador. 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, and the agency alerted the federal police. The next evening, two FUNAI employees and four state police officers arrived in Governador. 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. In the early morning hours, the state police officers left without warning the locals or taking the confiscated vehicles. **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. 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. They broke his phone, and one of them said, 'Let's take this Indian and throw him on a fire'. A Pyhcop Catiji Indigenous man, a stranger to Guajajara, interceded on Guajajara's behalf and the loggers let him go.⁶¹
30. Four days after the state police left, six federal officers arrived and tried to negotiate with a crowd of loggers who were maintaining the roadblock. About 70 loggers attacked the police car. The officers retreated to Governador. The following day, military police arrived to retrieve the federal officers. The officers left together, without taking the wood-hauling trucks and tractor the forest guardians had seized. 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, said that anonymous callers threatened him several times during those 11 days. She answered Gavião's phone twice, she said. The callers threatened to set fire to the car used by the forest guardians if they tried to drive to Amarante do Maranhão. She 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. Anonymous callers also threatened **Marcelo Gavião**, the coordinator of the forest guardians, five times by phone. 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.⁶²

⁶¹ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 84–86.

⁶² *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 84–86.

31. Meanwhile, someone threw a motorcycle chain onto the power lines. Governador was without power for about two days. During the 11 days of the standoff, owners of shops and gas stations in Amarante do Maranhão refused service to the Pyhcop Catiji people. ‘We were hungry’, said **Pyn Hýc**. Eýy Cy, Governador’s chief, said he believes the loggers threatened the shop owners.⁶³

ii. Tenetehara Guardians

32. Members of the Tenetehara forest guardians in Araribóia Indigenous Territory have received repeated threats from loggers. **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’. (In that 2007 incident, loggers stormed a Tenetehara village to recover a wood-hauling truck, killing one and injuring three.) In November 2016, a Tenetehara village chief told Iwyramu that a nephew of his who was working for a local *fazendeiro* had received 8000 Brazilian reais ‘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’. 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.’ 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 ‘watch out in town’. 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’.⁶⁴

iii. Guajajara Guardians

33. On 1 November 2019, two members of a 120-member volunteer group from the Guajarara People known as the ‘Guardians of the Forest’, in charge of ensuring armed patrols and destroying illegal logging encampments, were ambushed by five gunmen and shot, leading to the death of **Paulo Paulino Guajajara**. A few weeks later, on 7 December 2019, an unidentified gunman shot and killed two Indigenous leaders, **Firmino Prexede Guajajara** and **Raimundo Guajarara**, and left two others injured. The victims were coming back from a meeting with FUNAI, where they had

⁶³ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 84–86.

⁶⁴ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 79–81.

been advocating in defense of their rights. Indigenous leaders of Guajajara villages and other guardians also reported death threats.⁶⁵

34. On 7 December 2019, **Firmino Guajajara** and **Raimundo Guajajara**, two leaders of the Guajajara people, were murdered on the banks of BR-226 highway, in the municipality of Jenipapo dos Vieiras-MA, near El Betel village in the Cana Brava Indigenous Land. Four other indigenous were injured in the attack.⁶⁶
35. The murder of **Zezico Guajajara**, an Indigenous leader and supporter of the Guardians of the Forest was reported in April 2020.⁶⁷ The killing of indigenous leader and environmental and human rights defender **Zezico Rodrigues** in March 2020 in Arame, Maranhão, was the fifth such killing of an indigenous Guajajara in as many months. Rodrigues worked as director of the School Education Center and fought environmental crimes. According to indigenous leaders in the region, he reportedly received death threats and formally complained to FUNAI and the federal police.⁶⁸
36. Two Guajajara families were forcibly expelled by armed men from the Bacurizinho Indigenous Territory, municipality of Grajaú on 19 September 2020.⁶⁹

c. Gamela People, Maranhão State, 2017

37. In one of the largest attacks of 2017, Gamela indigenous people were assaulted. Machetes and rifles were used in an attempt to forcibly seize control of their land, leaving 22 severely injured, some with their hands cut off. Five members of the community were shot, two had their arms severed, and another six were knifed, allegedly for protesting against the invasion of their land by powerful ranchers and loggers.⁷⁰ In Maranhão State on 30 April 2017, ranchers attacked and injured at least 13 members of the Gamela indigenous group who were occupying land they claimed was stolen from them during the 2013 Terra Legal program. In September 2017, reports appeared that a group of illegal miners bragged about killing a group of indigenous persons from

⁶⁵ All Rise Communication, para 180; *Human Rights Watch*, 'Brazil's Amazon—and Its Defenders—Are Under Attack From Illegal Loggers', 15 November 2019 (published in *Foreign Policy*) ('On 1 November 2019, five armed men whom the Tenetehara believe were engaged in illegal logging ambushed two Tenetehara men, **Kwahu** and **Tainaky**, near Lagoa Comprida. The armed men killed Kwahu and shot Tainaky in the back and the arm, but he survived. Tainaky is the Tenetehara name of **Laércio Souza Silva**. Kwahu's nonindigenous name is **Paulo Paulino Guajajara**.'); *Human Rights Watch*, World Report 2020, Brazil, Events of 2019 ('In November 2019, **Paulo Paulino Guajajara**, an Indigenous forest defender, was killed, allegedly by loggers.');

⁶⁶ *Human Rights Watch*, 'One Year of Ruinous Anti-Rights Policies in Brazil', 15 January 2020 (published in *Folha de Sao Paulo*) ('The two Tenetehara attacked on November 1 were forest guardians.');

⁶⁷ Amazon Watch, Press Statement on the Killings of Firmino Guajajara and Raimundo Guajajara, 7 December 2019.

⁶⁸ All Rise Communication, para 180.

⁶⁹ US Department of State, Human Rights Report, Brazil 2020, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁷⁰ All Rise Communication, para 180.

⁷¹ 'At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017', Global Witness, 2018.

an uncontacted tribe in August when they accidentally encountered the group near the border with Colombia and Peru.⁷¹

d. Uru-Eu-Wau-Wau People, Rondônia State, 2019–2020

38. Since January 2019, local farmers and *grileiros* have increased their efforts to illegally seize plots of Uru-Eu-Wau-Wau Indigenous territory. In April 2019, Uru-Eu-Wau-Wau people told Amnesty International that in January 2019 they confronted about 40 intruders, who were armed with sickles and machetes, cutting a path into their territory about two kilometers away from one Indigenous village and just beside the road they use to enter and leave their territory. When told to leave, the intruders allegedly replied that more intruders would be coming and threatened to kill the Indigenous children. In July 2019, a federal environmental agent reported threats and acts of intimidation he had received. He explained that in May 2019 he and his colleagues were surrounded by 32 men while repairing the road accessing the territory and Pacaás Novos National Park: ‘We were surrounded by intruders. Thirty-two men, mostly hooded, arrived by foot behind us, with bottles with gas. They gave me documents of the association buying land [inside the protected areas]. They wanted us to stop repairing the road. There was a lot of shouting, these threats, calling us thugs. It lasted one hour and fifteen minutes. It was tense. [Weeks later, after informing them the documents were not valid], they started sending us audio messages with threats. One message said: ‘We have respected you—until now.’⁷² **Ari Uru-Eu-Wau-Wau** of the Uru-Eu-Wau-Wau community, who was a member of a patrol aiming to protect the Indigenous people’s territory, was assassinated in April 2020.⁷³

e. Mundukuru People, Pará and Amazonas States, 2019–2021

39. In November 2019 in Pará State, **Alessandra Korap**, an Indigenous woman and human rights defender, was one of the leaders who went to Brasília to protest against the increase in illegal mining activities and attacks on Indigenous leaders in the region. Her speech at the event was met with threats on social media by individuals connected with the mining sector. On 30 November 2019, her home in Santarém was raided. Most of her belongings were destroyed, and personal documents, phones, a tablet, the television, and her camera’s hard drive were taken. The following day, she was refused assistance when she tried to report the break in at the local police station.⁷⁴
40. In June 2020, a conflict in the region of the Abacaxis River in the Kwatá Laranjal Indigenous Land, in Amazonas, led to the murder of two young people from the Munduruku people, **Josimar**

⁷¹ US Department of State, Human Rights Report, Brazil 2017, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

⁷² All Rise Communication, para 179 (‘In January 2019, around 40 intruders armed with sickles and machetes, invaded the Uru-Eu-Wau-Wau Indigenous Territory (Rondônia State), about two kilometres away from one Indigenous village.’)

⁷³ All Rise Communication, para 179.

⁷⁴ All Rise Communication, para 183; All Rise Communication, Pará State Annex, para 62.

Moraes Lopes, 25, and Josivan Moraes Lopes, 18. Also murdered were **Ari Uru-Eu-Wau-Wau, Zezico Guajajara, Original Yanomami, and Marcos Arokona.**⁷⁵ The victims were in a group of Indigenous people investigating the movement of a helicopter when they came across two prospectors near an illegal landing strip. Startled at the sight of the Yanomami, the miners responded aggressively by shooting at them. One Indigenous person was killed, while the others fled into the forest. The miners pursued them, before shooting and killing another.⁷⁶

41. Similar invasions were reported in the Kwatá Laranjal Indigenous Territory, Nova Olinda do Norte, Amazonas State, leading to the murder of two young Munduruku on 6 August 2020.⁷⁷
42. In March 2021, in Jacareacanga, Pará State, illegal miners invaded home to Munduruku community lands. The Association of Munduruku Wakoborūn Women, together with the Da'uk Association, the Arikico Association, the Munduruku Ipereg Ayu Movement, and the Council of Indigenous Munduruku from Alto Tapajós (*Conselho Indígena Munduruku do Alto Tapajós*, CIMAT) had organised themselves into an assembly of resistance against illegal mining in December 2020. On 25 March 2021, individuals in favor of mining attacked the headquarters of the Association of Munduruku Wakoborūn Women, and set fire to documents, office supplies, furniture, and craft items. The invaders also burnt down three houses in the village, including that of **Maria Leusa Munduruku**, the association's coordinator. A few months later, on 9 June 2021, in Jacareacanga, miners attacked the bus that was going to bring a delegation of Munduruku leaders from Alto Tapajós to Brasília in order to denounce the increasing violence against Indigenous people.⁷⁸

3. Geographic 'Hot Spots'⁷⁹

a. Areia, Pará State, 2010–2018

43. In 1998, INCRA created the Areia settlement in Pará State, 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. 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. 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.'⁸⁰

⁷⁵ All Rise Communication, para 184.

⁷⁶ All Rise Communication, Roraima State Annex, para 71.

⁷⁷ All Rise Communication, para 186.

⁷⁸ All Rise Communication, para 188; *ibid*, Pará State Annex, paras 64–74.

⁷⁹ *Nb.* See, e.g., All Rise Communication, Pará State Annex, para 76 ('A survey of 12 Brazilian states by Global Witness revealed that Pará has the highest death rate for Environmental Defenders.'). All Rise Communication, Pará State Annex, para 60 ('Pará State has a history of acts of intimidation, death threats, and killings against environmental and land defenders, including Indigenous peoples. According to CPT, there have been 26 massacres, i.e. killing involving at least three victims, causing the death of 125 people in the state between 1985 and 2017.')

⁸⁰ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019.

44. 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. Those residents spoke of four logging-related killings that had occurred within the Areia settlement since 2011. **Jão 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 said. 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. 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. In late October, he also met with federal prosecutors. Two days after that meeting, on 22 October 2011, gunmen shot him dead in the nearby town of Itaituba.⁸¹
45. **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 Oswalinda founded the Areia II Women’s Association and obtained support from the Amazonian Environmental Research Institute (IPAM) to reforest areas where logging had occurred and to develop sustainable organic agricultural practices. People engaged in illegal logging were distrustful of the project. The loggers repeatedly asked whether the IPAM personnel were part of IBAMA, and at one point told the women’s association to stop the reforestation project. In 2012, while Oswalinda 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 3000 reais (about US\$770) each to pay for the killing of four activists. The woman said the targets were two of Pereira’s neighbors, Oswalinda’s husband, and Oswalinda herself. The day Daniel brought Oswalinda home from the hospital, the couple found a group of about 12 loggers waiting at their house accompanied by a contingent of armed men. 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. When Oswalinda refused, one of them said, ‘You are going to die like Dorothy’, referring to Dorothy Stang, and American nun murdered in Pará State in 2005. The couple filed complaints with state and federal police. Shortly afterward, several armed loggers accosted Daniel and **Antônio 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. The loggers accused the two farmers of providing information about their illegal logging to IBAMA and said they would pay them to stop. ‘Take the money or die’, one said. In the years since, the three have continued to receive death threats. On various occasions, armed men rode

⁸¹ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019.

motorcycles around their homes, sometimes while the women's association was meeting inside. One morning in May 2018, the Pereiras 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', Osvailinda Pereira said.⁸²

b. Alto Turiaçu, Maranhão State, 2014–2018

46. On the 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. The loggers repeatedly shot at the guardians, he said, hitting three: a shotgun pellet hit 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.⁸³
47. 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. Kapita Ka'apor, who was driving, accelerated to escape. The attacker fired, striking Eusebio Ka'apor in the back. 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. 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.⁸⁴
48. On 20 December 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. 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. One of the loggers then escaped and contacted others in the area. About an hour later, some 20 armed loggers arrived, shouting insults and racial slurs, according to Mutuhiran Ka'apor and others. 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. 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. The armed men beat a

⁸² *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 73–76; *Human Rights Watch*, 'Brazilian Forest Defenders Are Not Alone', 23 November 2020.

⁸³ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 81–83.

⁸⁴ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 81–83.

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.⁸⁵

49. 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. 'Either you stop doing that', Iracadju Ka'apor recalled the man threatening, 'or you will live only one more day'. In August 2017, Mawarisha, a member of the Ka'apor governing council, received an anonymous call. 'Are you the one who won't let other Indians sell timber anymore?', the caller threatened. '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.'⁸⁶
50. 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.'⁸⁷
51. The Alto Turiaçu Indigenous Territory (Maranhão State) has suffered from conflicts caused by invasions of loggers and traffickers. **Kwaxipuhu**, an Indigenous member of the Ka'apor community, was beaten to death on 3 July 2020 as a result of the situation.⁸⁸

c. Terra Nossa Sustainable Development Project, Pará State, 2017–2018

52. In 2017, land defender and President of the Rural Producers' Association of Nova Vitória, located in the Terra Nossa Sustainable Development Project (*Projeto de Desenvolvimento Sustentável*), **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 illegal-harvested timber and employing armed men to protect their activities. After making these reports, she began receiving death threats. An internal INCRA [document] obtained by HRW 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. 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

⁸⁵ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 81–83.

⁸⁶ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 81–83.

⁸⁷ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 81–83.

⁸⁸ All Rise Communication, para 185.

the threats against her life.⁸⁹ 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.⁹⁰

53. In January 2018, a local small farmer, **Romar ‘Polaquinho’ Roglin**, told de Melo that he was going to report illegal logging to the police. Twenty days later, Polaquinho was killed. 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 Polaquinho’s killers to justice. Because he distrusted the local police, he set about gathering information himself about the killing and passing it along to the Union of Rural Workers (STTR), which submitted it to a federal prosecutor. On 13 July 2018, **Ricardo Roglin** was killed. In a letter informing the federal prosecutor of his death, the STTR wrote that before his death, Roglin had ‘feared for his life, and even regretted having meddled in the case’.⁹¹

54. 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. 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 HRW that in his last known conversation, Bigode had told another neighbor that someone had vandalized his home. More than a year later, he remains missing and residents believe that loggers killed him.⁹²

55. On 28 September 2018, **Aluisio ‘Alenquer’ Sampaio**, president of the Union of Small Family Farmers (SINTRAFF) 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. He now feared for his life, de Melo recalled, but told her he was determined to bring the *fazendeiros* to justice for the 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. A few days before the meeting, on 11 October 2018, Alenquer was shot and killed by two assailants who fled the scene with an accomplice in a car. 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 HRW with an alternative explanation for his death. The lawyer told HRW that Alenquer

⁸⁹ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 68–73.

⁹⁰ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 68–73.

⁹¹ *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 68–73.

⁹² *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 68–73.

had previously reported illegal logging by a criminal network in the area of his hometown, *Castelo dos Sonhos*, to both INCRA and the state prosecutors' office. A month before his death, one of the people involved with this criminal network threatened to kill him, according to the lawyer.⁹³

56. In November 2018, an INCRA official announced at a public meeting that de Melo had accused several loggers of the killings in Terra Nossa. 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 HRW, 'I knew there was a price on my head'.⁹⁴
57. 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. 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. 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 food.⁹⁵
58. As a result of de Melo's complaints of human rights abuses and irregular activities carried out by mining, logging, and cattle business, she has been, and continues to be, threatened by individuals associated with national and international extractive businesses, land-grabbers, police officers, and even local politicians. She still receives daily death threats. Likewise, the vice-president of her Association, **Antônio Marcos Lacerda**, also reported death threats against him.⁹⁶

⁹³ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 68–73.

⁹⁴ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 68–73.

⁹⁵ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 68–73.

⁹⁶ All Rise Communication, para 199; *ibid*, Pará State Annex, para 82 ('**Maria Marcia Elpídia de Melo**, a land rights defender from Novo Progresso, Pará, is frequently targeted. She has made a number of complaints of human rights abuses and irregular activities carried out by mining, logging and cattle business. As a result, she has been, and continues to be, threatened by individuals associated with extractive businesses, land-grabbers, police officers, and even local politicians. She said that she has been constantly threatened because of allegations she made against illegal exploitation: "I know I'm going to die. I resign myself to my death. I just don't want them to kill my son". In 2018, after her son was violently beaten as a threatening message to her, she had to arrange for him to leave. She still receives daily death threats, her domestic animals have been killed to intimidate her, and she was involved in a "car accident", when a large SUV purposefully smashed into her small Fiat. Similarly, the vice-president of her association, **Antônio Marcos Lacerda**, also reported death threats against him.')

d. Anapú, Pará State, 2018–2020

59. Anapú, in western Pará, became known internationally after the brutal murder of American missionary **Dorothy Mae Stang** ('Sister Dorothy'), at the behest of farmers, in 2005.
60. In 2018, three members of one family, **Hercules**, **Valdemir**, and **Leoci Resplandes**, were murdered, when a 'death list' of those marked to die was freely circulating in the city.⁹⁷ In March 2018, police in Anapú arrested **Father Amaro Lopes**, the best-known follower of Sister Dorothy, on charges of trumped-up charges of extortion and sexual harassment. Their intention was to silence Lopes, an influential opponent of plans to clear forests and small farms. Lopes had urged the authorities to investigate the murder of **Valdemir Resplandes**, a land activist who was shot on 10 January 2018 after receiving threats over a land dispute with a local businessman. Lopes had been warned he was a target: 'They're working on a plan to get rid of me. It won't be a shooting because I am a priest—and they don't want the same fuss that followed the assassination of Sister Dorothy. But they'll arrange an accident or something.'⁹⁸
61. Three lands rights activists were murdered in Anapú in 2019. In February 2019, land rights defender **Marciano dos Santos** was executed in the city. He was an important leader in the Mata Preta settlement project.⁹⁹ On 4 December 2019, motorcycle taxi driver **Marcio dos Reis** was murdered in Anapú. He had worked for years as the leader of a landless camp. Before the crime, he had denounced farmers who burned houses and threatened and evicted landless families from a camp. His killer pretended to be a customer of his motorcycle taxi and killed him with a knife slash to the neck. Locally, a cut throat indicates those who have "died for talking too much". Dos Reis had been harassed and threatened since March 2017. He was arrested and mistreated by the police, on false charges, more than once.¹⁰⁰ Five days later, former councillor **Paulo Anacleto** was murdered in front of his young son in the city's central square, shot by two men on a motorcycle. He claimed to know who was responsible for the murder of his friend Márcio dos Reis. A defender of rural workers, he had organised a protest against the murder of dos Reis in the days before he too was executed for speaking out. The deaths are being investigated by the police, but pressure and political influence on the authorities, in addition to the agency's own lack of interest in the cases, has delayed the process.¹⁰¹
62. On 4 December 2019, **Marcio dos Reis** was murdered after denouncing farmers who burnt houses, threatened and evicted landless families from a camp in an area disputed before judicial authorities. Five days later, former councillor and guardianship counsellor **Paulo Anacleto** was shot dead; he was a friend of Marcio dos Reis and a witness of the murder of his partner.¹⁰²

⁹⁷ All Rise Communication, Pará State Annex, para 86.

⁹⁸ All Rise Communication, Pará State Annex, para 91.

⁹⁹ All Rise Communication, Pará State Annex, para 87.

¹⁰⁰ All Rise Communication, Pará State Annex, para 88.

¹⁰¹ All Rise Communication, Pará State Annex, para 89.

¹⁰² All Rise Communication, Para 194.

63. **Erasmu Alves Teófilo**, the president of the Farmers Cooperative of Volta Grande do Xingu (Cooperativa de Agricultores da Volta Grande do Xingu), suffered three direct attacks by gunmen between December 2019 and April 2020.¹⁰³ **Erasmu Alves Teófilo**, president of the Volta Grande do Xingu Agricultural Cooperative in Anapú, is frequently threatened with death. He defends the rights of around 300 families of rural workers and fishermen in the region, who suffer from invasions by land-grabbers, loggers and farmers in areas that are legally marked for agrarian reform. He suffered three direct attacks by armed gunmen between December 2019 and April 2020. On each occasion, the police were unwilling to receive a formal complaint.¹⁰⁴

4. Targeting of individual Land Users and Defenders

64. In June 2022, British journalist Dom Phillips and Brazilian indigenous expert Bruno Araújo Pereira were murdered during a boat trip as they entered the Vale do Javari Indigenous Territory. The police suspect the perpetrators are connected to organized crime engaged in illegal resource exploitation.¹⁰⁵
65. In March 2020 media reported that police officers from the Ninth Military Police Battalion of Uberlândia, Minas Gerais State, killed human rights and land rights activist **Daniel Oliveira** with a shot to the back of his head. Oliveira was a leader of the Landless Workers Movement. According to police, Oliveira shot at the officers, and they returned fire to defend themselves. According to other Landless Workers Movement activists, Oliveira was unarmed.¹⁰⁶
66. On 24 August 2020, armed men invaded the Capoto/Jarina Indigenous Territory, municipality of São José do Xingu, Mato Grosso State. They fired twenty shots as a form of intimidation, and continued the attack in the village Piarucu.¹⁰⁷
67. Three indigenous people were killed in Maranhão State in November and December 2020.¹⁰⁸
68. In 2020, Quilombola leader **Antônio Correia dos Santos** was murdered after being shot three times at his home in Bahia State.¹⁰⁹

¹⁰³ All Rise Communication, Para 194.

¹⁰⁴ All Rise Communication, Pará State Annex, para 90.

¹⁰⁵ *The Guardian* 'The Disappearance of Dom Phillips and Bruno Araújo Pereira – a Timeline', 17 June 2022.

¹⁰⁶ US Department of State, Human Rights Report, Brazil 2020, Section 1. Respect for the Integrity of the Person, Including Freedom from: a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings.

¹⁰⁷ All Rise Communication, para 187.

¹⁰⁸ *Human Rights Watch*, 'One Year of Ruinous Anti-Rights Policies in Brazil', 15 January 2020 (published in *Folha de São Paulo*).

¹⁰⁹ All Rise Communication, para 190.

69. Global Witness reported that 20 land and environmental defenders were murdered in 2020. This included three *ribeirinhos* and eight Indigenous people. Other victims included: **Carlos Augusto Gomes** (a rural worker shot dead in Rio de Janeiro); **Claudemir Bezerra de Freitas** (murdered in Rio Branco); **Damião Cristino de Carvalho Junior** (a guard at the Intervales State Park in the state of São Paulo, who died in a confrontation between the Environmental Police and miners); **Fernando Ferreira da Rocha** (a lawyer who was murdered in Amazonas); **Raimundo Paulino da Silva Filho** (a former councilor who acted as a community leader, he was murdered in Pará); **Raimundo Nonato Batista Costa** (a rural worker found dead in Maranhão); and **Celino Fernandes** and **Wanderson de Jesus Rodrigues Fernandes** (a father and son assassinated in Maranhão).¹¹⁰
70. On 5 January 2019, small farmer **Elisha Queres de Jesus** was killed, and nine other victims injured, in an attack reportedly conducted by security guards, on disputed land bought with bribe money by ex-governor Silval Barbosa and ex-deputy José Riva, in Colniza, Mato Grosso State.¹¹¹
71. On 11 January 2019, **Gustova Joa Simoura** was killed in the vicinity of an unproductive latifundium in Corumbiara, Rondônia State, which had been the scene of a massacre of rural workers in 1995, where 12 people were found dead. The victim was part of the League of Poor Peasants (*Liga dos Camponeses Pobres*), a peasant organization that emerged in the 1990s and fights for agrarian reform and land rights. It is believed that he was murdered by gunmen at the behest of landowners in the region.¹¹²
72. On 31 March 2019, four people are believed to have been killed in Seringal São Domingos, Ponta do Abunã, Lábrea in relation to repossession of land grabbed in the nearby Ituna/Itatá Indigenous Territory.¹¹³
73. In March/April 2019, a wave of violence saw at least seven people, including a Brazilian landless movement peasant leader and a leading dam activist, murdered in Pará in 12 days. The attacks were concentrated in areas centred around the Belo Monte mega-dam; in the Madeira basin near the Jirau dam; and near the Tucuruí dam on the Tocantins River.¹¹⁴
74. In April 2019, Karipuna leaders in Rondônia State said that the presence of armed intruders, coupled with death threats they received few months ago, limit their activities, such as hunting and collection of nuts.¹¹⁵

¹¹⁰ 'Last Line of Defence: The industries causing the climate crisis and attacks against land and environmental defenders', *Global Witness*, September 2021.

¹¹¹ All Rise Communication, para 195.

¹¹² All Rise Communication, para 196.

¹¹³ All Rise Communication, para 198.

¹¹⁴ All Rise Communication, Pará State Annex, para 78.

¹¹⁵ 'Fence Off and Bring Cattle: Illegal Cattle Farming in Brazil's Amazon', *Amnesty International*, 2019.

75. In June 2019, Guajajara and Awá communities, in the Araribóia Indigenous Territory in Maranhão State, called for help following the illegal invasion of their territory, reporting that ‘gunmen were being paid to kill them and Indigenous people’s houses had been shot at’. They warned Brazilian authorities of being subject to death threats on several occasions in the following months, but were refused any help.¹¹⁶
76. On 23 July 2019, **Emyra Wajãpi**, an Indigenous leader of the Wajãpi community in Amapá State was stabbed, including in her genitals, and murdered by a group of 10 to 15 heavily armed miners when they entered her village.¹¹⁷
77. In April 2018, Quilombola leader **Nazildo dos Santos Brito** was killed in Pará State following threats to his physical safety after protesting a palm oil plantation’s alleged illegal deforestation and pollution practices.¹¹⁸
78. On 11 August 2018, indigenous leader **Jorge Guajajara** was killed in Maranhão.¹¹⁹
79. A **delegation from the Inter-American Commission on Human Rights** that was meeting with indigenous leaders in Pará State in November 2018 was reportedly intimidated and threatened by representatives from the soy industry.¹²⁰
80. In November 2018, the **NGO Saúde e Alegria**, in Pará State, an award-winning Brazilian organisation, was invaded by the police and had computers and documents seized.¹²¹
81. In December 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. 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. Federal prosecutors sent Temponi’s complaint of threats to civil police for investigation, and alerted military police, the force that patrols both urban and rural areas in Brazil. On 12 December 2018, two men knocked on the door of Temponi’s house in the town of Ruropolis. When he opened it, they shot and killed him, then fled on a motorcycle, according to his wife who was present.¹²²

¹¹⁶ All Rise Communication, para 180.

¹¹⁷ All Rise Communication, para 181.

¹¹⁸ US Department of State, Human Rights Report, Brazil 2018, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People; US Department of State, Human Rights Report, Brazil 2019, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

¹¹⁹ US Department of State, Human Rights Report, Brazil 2018, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

¹²⁰ ‘Enemies of the State?: How governments and business silence land and environmental defenders’, Global Witness, July 2019.

¹²¹ All Rise Communication, Pará State Annex, para 84.

¹²² *Human Rights Watch*, ‘Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil’s Amazon’, 17 September 2019, pp 67–68;

82. On 9 August 2017, **four CPT members** were driving to a meeting with a community in Formosa da Serra Negra, Maranhão State, when they were ambushed by a hitman. They learned later he'd been hired by a cattle rancher who wanted to evict members of the community from their land. It left CPT member **Márcia Palhano** shaken.¹²³
83. 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. 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. 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. About a week later, on 29 November 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. 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 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 as local loggers.¹²⁴
84. Land defender **Maria do Socorro Costa da Silva** has been the target of death threats, intrusions into her home, and has felt the barrel of a pistol against her face.¹²⁵
85. The body of **Nilce de Souza Magalhães** was found tied to a rock and washed up on the shore of the Madeira River in Rondônia State in July 2016. She had been missing for six months, her body submerged in the depths created by the Jirau dam at Porto Velho—a project she spent the last years of her life opposing. The last time she had been seen alive was a few weeks after speaking out on behalf of the uprooted fishing communities at a national hearing in the capital Brasília. Two of Nilce's colleagues, **Lurdilane Gomes da Silva** and **Iza Cristina Bello**, have received death threats.¹²⁶
86. **Raimundo Santos**, a leader of the Rio das Onças village in Maranhão State, cooperated closely with ICMBio officials, providing information to support the federal agency's efforts against illegal

¹²³ 'At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017', Global Witness, 2018.

¹²⁴ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 77–79.

¹²⁵ 'At What Cost?: Irresponsible business and the murder of land and environmental defenders in 2017', Global Witness, 2018.

¹²⁶ 'Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016', Global Witness, 2017.

logging in the Gurupi Biological Reserve, Evane Lisboa, the chief of the reserve. 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. Seven bullets hit Santos; the attackers also stabbed him. He died at the scene. Chaves, gravely injured by gunshots, survived the attack. 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. Escórcio described how he hired a retired military police officer, who in turn hired two active military police officers to help him kill Santos. 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.¹²⁷

87. **Maria das Dores dos Santos Salvador**, a rural community leader in Amazonas, was kidnapped and brutally killed on 12 August 2015. She had strongly denounced the illegal sale of community land and had faced threats for several years without receiving the necessary state protection.¹²⁸
88. On 21 February 2014 community leader **Raimundo Rodrigues da Silva** was shot in Maranhão State. While in hospital dying from the gunshot wounds, two men tried unsuccessfully to enter his ward to kill him, before he eventually succumbed to his injuries. Da Silva's campaign was to try to secure land title for his local community of Campestre. He received numerous death threats over the years and survived an assassination attempt in 2013.¹²⁹
89. **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 Pranhiera Agro-Extractivist Settlement Project, Pará State, possibly to fell the trees and graze cattle there. INCRA, the federal land-reform agency, had settled poor families in the forest to use it sustainably. 'Zé Cláudio', as da Silva was known, and Espírito Santo were vocal defenders of the forest and vocal critics of illegal logging. 'As long as I have the strength to keep on going, I'll report all those who harm the forest', he promised. The couple was murdered by two men on 24 May 2011 as they travelled by motorcycle in a rural area of the town of Nova Ipixuna on the orders of a local *fazendeiro*. Zé Cláudio and Maria had told INCRA that he was trying to expel three settlers from their plots to take over the land, raze the forest, sell the timber, and plant grass for

¹²⁷ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 83–84; 'On Dangerous Ground: 2015's Deadly Environment: The Killing and Criminalization of Land and Environmental Defenders Worldwide', Global Witness, June 2016 ("On 25 August 2015, as they returned home along a quiet road, **Raimundo dos Santos Rodrigues and his wife Maria** were ambushed and brutally attacked by two unidentified men. Maria survived, but her husband died as a result of his injuries. Raimundo, whose name is said to have been on a hit list of environmentalist activists, became the latest victim in the struggle to protect communities' rights in the Brazilian Amazon. Loggers continue to threaten Raimundo's colleagues in the Gurupi Reserve.")

¹²⁸ 'On Dangerous Ground: 2015's Deadly Environment: The Killing and Criminalization of Land and Environmental Defenders Worldwide', Global Witness, June 2016.

¹²⁹ 'How Many More?: 2014's deadly environment: the killing and intimidation of environmental and land activists, with a spotlight on Honduras', Global Witness, April 2015.

cattle.¹³⁰ Zé Cláudio had one of his ears ripped out by the killers as proof of execution.¹³¹ His sister, **Claudelize dos Santos**, has received multiple death threats since the murder of Zé Cláudio and Maria.¹³²

5. Violence and Intimidation Against Public Officials

90. 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 instances:
- a. In July 2019, unknown arsonists burned two bridges on one of the main roads in the municipality of Placas, Pará State, in apparent retaliation for an anti-logging operation by IBAMA.
 - b. 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.
 - c. In October 2018, a man set fire to three IBAMA vehicles in Burutis, Rondônia State, and police prevented a second attack by another man.
 - d. In February 2018, arsonists burned a FUNAI base in Karipuna Indigenous Territory, Rondônia that environmental law enforcement agencies also used for conducting anti-logging operations in the area.
 - e. In January 2018, arsonists who authorities suspect were loggers burned a base of operations of FUNAI inside Awá Indigenous Territory, Maranhão State.

¹³⁰ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 86–87; see also 'Deadly Environment: The Rise in Killings of Environmental and Land Defenders: 1 January 2002 to 31 December 2013', *Global Witness*, 2014 ('Social extractivist leaders from Pará [State] José Claudio Ribeiro da Silva and his wife Maria do Espírito Santo da Silva, were murdered in the early hours of 24 May 2011. The crime occurred on a road in the municipality of Nova Ipixuna-PA. Maria and Zé Claudio exposed several times the illegal activities of loggers in the region. The couple had been receiving threats since 2008. Zé Claudio and Maria were members of the National Council of Extractive Populations (CNS), an NGO founded by Chico Mendes, the internationally acclaimed Brazilian environmentalist. [...] Zé Claudio and Maria, as they became internationally known, were chestnut extractors recognized as social leaders in the Praia Alta-Piranheira Agroextractive Project. They used to expose invasions and illegal extraction of wood in the region and, as were killed when they turned against the interests of land grabbers and loggers. [...] The couple had denounced the encroachment of illegal loggers in the reserve and had previously received threats against their lives. In November 2010, during a speech at an international event in Manaus, José Cláudio allayed concerns that he was at risk of being killed due to his stance against loggers that were illegally exploiting the rainforest. Shortly before his death, José Cláudio had been injured after shots were fired into his backyard. Both he and his wife were members of the National Council of Extractive Populations, an NGO founded by Chico Mendes for the preservation of forests in the Amazon.')

¹³¹ 'Deadly Environment: The Rise in Killings of Environmental and Land Defenders: 1 January 2002 to 31 December 2013', *Global Witness*, 2014.

¹³² 'Deadly Environment: The Rise in Killings of Environmental and Land Defenders: 1 January 2002 to 31 December 2013', *Global Witness*, 2014 ('Determined to maintain the legacy of her murdered brother and sister-in-law, Claudelize dos Santos took up her struggles in order to keep alive the dream of sustainable forest exploration, popular mobilization and ecological and inclusive education. [...] One of the most serious and recent threats her family has suffered occurred in late 2019, when a handwritten "we'll kill the rest" note was posted in her mother's mailbox. Last year, her car was chased and nearly overturned [by] a suspicious pickup truck.')

- f. In November 2017, assailants burned an IBAMA car in Colniza, Mato Grosso State during IBAMA enforcement operations in conservation reserves and Indigenous territories.
 - g. In July 2017, assailants burned eight IBAMA vehicles after the agency conducted operations against illegal logging in Altamira, Pará State.¹³³
91. Loggers sometimes kill or attempt to kill state agents trying to protect the forest. For example:
- a. On 16 July 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. 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. Pereira died 40 minutes later en route to a hospital.
 - b. In October 2015, Indigenous firefighters employed by IBAMA in the Araibóia Indigenous Territory in Maranhão reported that loggers had threatened them. **Roberto Cabral**, then chief of enforcement operations at IBAMA nationwide, said 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. 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.
 - c. On 13 November 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. Members of the National Force—made up of police officers from various states—drove their car off a small bridge that had been sabotaged, ICMBio said. 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.
 - d. In 2009, **Roberto Cabral** and other IBAMA agents found people logging illegally inside the Gurupi Biological Reserve in Maranhão. 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.¹³⁴

¹³³ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 60–61.

¹³⁴ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, pp 63–64.

92. People involved in illegal logging also threaten and seek to intimidate officials. For example:
- a. 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. Members of the mob fired in the air to intimidate the agents.
 - b. In October 2014, 14 ICMBio and military police agents found three logging trucks inside the Gurupi Biological Reserve in Maranhão. 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.
 - c. On 11 August 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.
 - d. 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. He lives in fear. 'I don't hang around in public spaces', he said, 'I'm always careful'.¹³⁵
93. Notably, on 6 September 2019, **Maxciel Pereira dos Santos**, a veteran defender of indigenous peoples, was reportedly shot and killed in the remote town of Tabatinga, Amazonas State, while riding his motorcycle. Dos Santos worked at FUNAI and had defended indigenous tribes from miners, loggers, farmers, and others seeking to illegally seize land. Press reports speculated that dos Santos' killing was related to his work. On 21 September 2019, armed trespassers shot at the same FUNAI base where dos Santos worked; no one was injured.¹³⁶

¹³⁵ *Human Rights Watch*, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019, p 65.

¹³⁶ US Department of State, Human Rights Report, Brazil 2019, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People.

94. The All Rise Communication has identified multiple cases from 2018–2020 in which federal agents working for Brazilian institutions such as IBAMA, ICMBio, and FUNAI have been targeted,¹³⁷ particularly in Amazonas,¹³⁸ Pará,¹³⁹ Rondônia,¹⁴⁰ and Roraima States.¹⁴¹ (A number of them are mentioned above.)

¹³⁷ All Rise Communication, para 201.

¹³⁸ All Rise Communication, para 207.

¹³⁹ All Rise Communication, para 204 ('In Pará State, several attacks were reported against IBAMA agents. On 1 July 2019, IBAMA agents working in Placa were threatened by an armed group and were forced to take shelter in a police station; a bridge was even set on fire to prevent their exit. A few weeks later, on 31 August 2019, an IBAMA inspection team was the target of shots by miner during an operation in Altamira, Ituna/Itatá Indigenous Territory. An IBAMA inspector was similarly attacked by loggers in May 2020 after leading an operation against illegal loggers working on the Cachoeira Seca Indigenous Territory of the Arara people. Similar facts were reported in November 2020, when invaders of the Apyterewa Indigenous Territory surrounded an inspection team composed of members from IBAMA, FUNAI and Força Nacional, setting fire to a wooden bridge that gives access to the Apyterewa Indigenous Territory. The illegal land invaders made a barricade with tyres and wood in front of their base and threatened to start a fire to prevent the inspectors from continuing their work. In the neighboring Trincadeira-Bacajá Indigenous Territory, inspectors managed to contain the deforestation outbreaks, but the team soon began to receive threats that the base would be invaded and the inspection cars would be burned. When trying to cross a bridge, the inspectors were "ambushed" with shots fired into the air, and the invaders set the bridge on fire and sawed off one of the pillars. The team had to return to the base.'). *see also* All Rise Communication, Pará State Annex, para 93 ('For example, in August 2019, illegal gold miners shot at an IBAMA team during an operation in an Indigenous area on the Ituna / Itatá Indigenous Land, in Altamira, Pará. There was a further attack on IBAMA agents in May 2020, when an IBAMA inspector was attacked by a logger in Pará. In November 2018, representatives of the IACHR meeting with Indigenous representatives in Pará were threatened and intimidated by soy farmers. Even local politicians promote violence against Federal agents: in June 2019, the mayor of Itaituba, Valmir Clímaco, said that he would receive "at bullet" employees of FUNAI designated to inspect his farm.'). para 94 ('In November 2020, a group of invaders of the Apyterewa Territory surrounded an inspection base used by teams from IBAMA, FUNAI and Força Nacional, harassed and threatened the agency employees and set fire to a wooden bridge that gives access to the Indigenous Territory. The inspection team was in the region to suppress deforestation on Indigenous Territories. The illegal land invaders made a barricade with tyres and wood in front of the base and threatened to start a fire to prevent the inspectors from continuing their work. The employees were prevented from entering and leaving the base or from receiving groceries or fuel. One of the invaders was caught with a homemade bomb.'). para 95 ('In the neighbouring Trincadeira-Bacajá Indigenous Land, inspectors managed to contain the deforestation outbreaks, but the team soon began to receive threats that the base would be invaded and the inspection cars would be burned. When trying to cross a bridge, the inspectors were 'ambushed' with shots fired into the air, and the invaders set the bridge on fire and sawed off one of the pillars. The team had to return to the base. In June 2021, five leaders of these activities were indicted by the Federal Prosecutor.')

¹⁴⁰ All Rise Communication, para 206 ('IBAMA agents were also targeted by illegal miners in Rondônia. In the first week of July 2019, an IBAMA inspection on illegal logging concerning more than 70 timber extraction companies in Espigão do Oeste, around the Zoré and Roosevelt Indigenous Territory, had to be suspended as it was met with an eruption of violence: the loggers burned an IBAMA truck.')

¹⁴¹ All Rise Communication, para 208 ('Attacks were also reported in Roraima, against militaries, as well as against IBAMA and ICMBio agents. In January 2020, two military personnel were seriously wounded during a pursuit of miners on Yanomami Lands after miners in three boats intentionally crashed into inspection vessels. The following week, the army reported that an exchange of fire took place when prospectors in two boats did not stop at a checkpoint and fired at troops. One prospector was arrested and another was wounded after an exchange of fire with Army soldiers. Then, in February 2020, IBAMA and military police agents found illegal logging in a forest area close to the city of Rorainópolis, and were shot at by two men involved in the illegal logging. More than a year later, on 30 May 2021, miners launched an armed attack on ICMBio at the Maracá Ecological Station in Roraima. A day earlier, armed men had taken a boat which had been seized from prospectors by ICMBio inspectors and police officers during Operation Maracá.'). All Rise Communication, Roraima State Annex, para 82 ('There have also been incidents of violence between illegal loggers and environmental agents in Roraima. In January 2020, two military personnel were seriously wounded during a pursuit of miners on Yanomami Lands after miners in three boats intentionally crashed into inspection vessels. The following week, the army reported that an exchange of fire had taken place when prospectors in two boats did not stop at a checkpoint and fired at troops. In February 2020, a man was killed during a raid to fight illegal deforestation after IBAMA and military police agents found illegal logging in a forest area close to the city of Rorainópolis. Two men involved in the illegal logging hid in the woods and began to shoot at the policemen. One of the illegal loggers was killed in the ensuing exchange of fire.'). *ibid*, para 83 ('On 30 May 2021, miners made an armed attack on ICMBio at the Maracá Ecological Station, Roraima. The invaders were using the stretch of river that crosses the Conservation Unit as a supply route for illegal gold mining areas. A day earlier, armed men had retaken a boat seized from prospectors by ICMBio inspectors and police officers during Operation Maracá.').

D. The Issue of Impunity in Brazil's Criminal Justice System

1. Introduction

95. Violent crime against rural land users and defenders in Brazil over the last decade (and beyond) has been well documented.¹⁴² While the anti-rural agenda in Brazil remains a work in progress, an expanded environment of impunity has encouraged the ongoing commission of widespread and systematic violence—and attendant environmental crime and destruction. Killings, threats and attacks against rural land users and defenders are rarely investigated and the perpetrators go largely unpunished.¹⁴³ According to Brazil's *Comissão Pastoral da Terra* (CPT), fewer than 10% of cases have gone to court and a little over 1% have led to convictions.¹⁴⁴ In any case, a climate of impunity appears to be the norm.¹⁴⁵ Many critics say Brazil's current president, Jair Bolsonaro, is partially to blame.¹⁴⁶

2. The Mechanics of Impunity

96. According to a 2019 report by Human Rights Watch (HRW), police failure to properly/competently investigate and prosecute crimes against land defenders in Brazil means those responsible for the violence are rarely brought to justice.¹⁴⁷ Of the more than 300 killings that CPT had registered between 2009 and 2019, only 14 ultimately went to trial; of the 28 killings documented in the HRW 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. (These numbers are

¹⁴² See Communication, Annex F ('Patterns of Violence Against Rural Land Users and Defenders').

¹⁴³ UN Human Rights Council, 'Report of the Special Rapporteur on the rights of indigenous peoples on her mission to Brazil', Document No A/HRC/33/42/Add.1, 8 August 2016, para 20 ('In most cases, impunity allows violent practices by private security forces, armed mercenaries and State forces to continue unabated.');

ibid, para 31 ('Information received by the Special Rapporteur indicate that impunity is pervasive in relation to serious violations of indigenous peoples' rights, including killings of their indigenous peoples attempt to assert their rights over their lands and go hand in hand with the criminalization of indigenous leaders.')

¹⁴⁴ 'A Hidden Crisis: Increase in killings as tensions rise over land and forests', Global Witness, 19 June 2012 (IFN41: Conflitos no Campo Brasil 2011 Catholic Land Commission (Comissão Pastoral da Terra), p15, available at www.cptnacional.org.br)

¹⁴⁵ Human Rights Watch, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019 ('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 Para told HRW that impunity for killings by loggers is a 'generalized' problem in that state. Another in Amazonas State said that impunity is 'pervasive' in cases involving conflicts over resources and land. HRW'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.');

US Department of State, Human Rights Report, Brazil 2020, Section 6. Discrimination, Societal Abuses, and Trafficking in Persons: Indigenous People ('In May the government launched the second phase of Operation Green Brazil to eradicate forest fires and deter criminal activity by making arrests, issuing fines, and confiscating illegally logged wood. Nevertheless, NGOs claimed the lack of regulation along with impunity in cases of illegal land invasions resulted in illegal exploitation of natural resources.')

¹⁴⁶ Human Rights Watch, 'Human Rights Watch statement on attacks against Mundurucu indigenous leaders', 26 May 2021 ('Since taking office in January 2019, the government of President Jair Bolsonaro has sabotaged environmental law enforcement, enabling widespread impunity for environmental infractions. His actions and words effectively gave a green light to criminal groups driving illegal logging and deforestation in the Amazon.')

¹⁴⁷ Human Rights Watch, Press Release, 'Brazil: Criminal Networks Target Rainforest Defenders', 17 September 2019 ('HRW interviewed more than 170 people, including 60 members of Indigenous communities, and other local residents in the states of Maranhão, Pará, and Rondônia. Researchers also interviewed dozens of government officials in Brasília and throughout the Amazon region, including many who provided inside accounts of how President Jair Bolsonaro's policies are undermining enforcement efforts.')

certainly higher today.) This lack of accountability is largely due to the failure by police to conduct proper investigations.¹⁴⁸

97. More specifically, in terms of what HRW calls 'State Failure to Investigate Violence and Intimidation',¹⁴⁹ the main issues are:
- a. *Failure to Investigate Killings*: The main reason that perpetrators of these crimes are not brought to justice, according to state and federal authorities who spoke to HRW, is that police do not conduct proper investigations.
 - b. *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. Not only do police fail to investigate threats by loggers, but officials and victims describe cases in which police refuse even to register them.
 - c. *Official Indifference and/or Collusion*: HRW 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 a prosecutor in Pará State was that police are overworked and consider the threats unimportant. Other explanations include discrimination against indigenous and traditional victims and local police involvement in the illegal activities of the loggers responsible for the violence and threats. Regarding the latter, the secretary of human rights of the state government in Maranhão said that the members of the police force in that state have 'long-standing relations' with local political groups. He also said 'criminal organizations of loggers' hold local political power.

Given the difficulty in obtaining comprehensive and current data, the situation is undoubtedly far worse than it appears.

3. Structural Issues

98. While justice is sometimes served domestically, the process is nearly always unnecessarily protracted. Moreover, in most cases, those eventually convicted of crimes are not responsible for

¹⁴⁸ Human Rights Watch, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019

¹⁴⁹ Human Rights Watch, 'Rainforest Mafias: How Violence and Impunity Fuel Deforestation in Brazil's Amazon', 17 September 2019 ('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 Para told HRW that impunity for killings by loggers is a 'generalized' problem in that state. Another in Amazonas State said that impunity is 'pervasive' in cases involving conflicts over resources and land. HRW'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.')

the perpetuation of the cycle of violence. Much of the 'justice' dispensed has been instrumentalized by criminal actors and therefore is not to be trusted.¹⁵⁰

99. While Brazilian law—both criminal and environmental—may appear to be robust on its face, very often the basic principles are not properly implemented. This is a deliberate failure by the authorities. Outdated and poorly written laws need to be updated; judicial decisions need to be properly executed; fines need to be effectively enforced; and actual culprits need to be convicted and punished. Worse still, the 'system' is sometimes an essential part of the problem, as when police agents directly participate in massacres or when police officers, prosecutors, and/or judges take the side of the perpetrators and 'criminalize' the defenders. The larger criminal context is nearly always avoided, and the organizational masterminds are almost never exposed. Such systemic impunity reflects an entirely defective legal framework. (Some critics say that if the Constitution and other laws were fully implemented, Brazil would be like Sweden.)¹⁵¹
100. In Brazil, a recurring problem for decades has been the unlawful 'criminalization' of social leaders and human rights defenders in the Amazon region.¹⁵² Many crimes in Brazil arise from a very political environment, however most are treated as common criminality by the Brazilian justice system. This is a major failing: in not addressing this political dimension and the interconnected reality of these acts of violence. It is possible to talk about a constant, endless, ongoing, deferred in time massacre against social leaders, land users and their defenders. From a strictly criminal-law perspective, cases brought against such individuals by public prosecutors are typically marked by significant technical flaws. In-depth research reveals four common factors characterizing the proceedings:
- a. *A vivid sociopolitical context:* The defendant/victims are well-known and prominent land, environment, and/or human-rights champions in their regions, communities, and/or movements. They are highly vocal in their opposition to powerful (nefarious and/or illegal) commercial interests behind land grabbing, invasion, occupation; deforestation and/or other environmental degradation; mining, farming, ranching, logging; modern slavery; and/or other related issues. Always on the side of the poor and unprotected and always opposed to commercial conceptions of 'progress', their profiles speak for themselves.
 - b. *A weak forensic foundation:* The evidence presented is either insufficient or patently false.

¹⁵⁰ *Ibid*

¹⁵¹ Inter-American Commission on Human Rights, 'Human rights situation in Brazil', Approved by the Inter-American Commission on Human Rights on February 12, 2021 ('During its visit, the IACHR received abundant information about the impunity of those responsible for human rights violations in Brazil. If, on the one hand, the Commission took note of the high rates of incarceration, as well as the high numbers of general murders of the population, on the other hand, it was also possible to observe the high rates of deaths caused by the actions of State agents. However, with regard to murders committed by police and security forces, the IACHR was able to observe high rates of impunity compared to other perpetrators of crimes in the country and the lack of access to justice for family members and victims of violations of human rights. In particular, the IACHR is concerned about how this impunity is maintained by corrupt institutional practices and structures that prevent justice in these cases and undermine the rule of law and democracy').

¹⁵² See Memorandum from Paulo Busse Ferreira Filho to Environmental World Alliance Worldwide (ELAW), re 'Criminalization of Defenders in Brazil', 3 November 2021.

- c. *An obvious bias*: Some authorities (police, prosecutors, judges) are clearly acting in violation of their duties to be impartial and respectful, observe procedural restrictions, act only in the presence of clear and consistent evidence, and generally uphold fundamental fair-trial rights. The presumption of innocence, the right to consult with counsel, and the *in dubio pro reo* principle (among other rights) are commonly denied to defendants.
- d. *A preposterous narrative*: The authorities almost always present an inconsistent, illogical, and incoherent story about an evidently impossible situation.

In short, such cases of partially or insufficiently achieved processes that fail to address the basic tenets of criminal law (including punishment, retribution, and deterrence) cannot be considered to be genuine under internationally-accepted legal standards.¹⁵³

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¹⁵³ *Nb.* As noted in the main text of the Communication, the admissibility assessment at the ICC includes two components: complementarity and gravity. ICC Statute, Article 17(1) ('Having regard to paragraph 10 of the Preamble and Article 1, the Court shall determine that a case is inadmissible where: (a) The case is being investigated or prosecuted by a State which has jurisdiction over it, unless the State is unwilling or unable *genuinely* to carry out the investigation or prosecution; (b) The case has been investigated by a State which has jurisdiction over it and the State has decided not to prosecute the person concerned, unless the decision resulted from the unwillingness or inability of the State *genuinely* to prosecute; (c) The person concerned has already been tried for conduct which is the subject of the complaint, and a trial by the Court is not permitted under article 20, paragraph 3; (d) The case is not of sufficient gravity to justify further action by the Court.');

ICC-OTP, Policy Paper on Preliminary Examinations, November 2013, paras 42 *et seq*; ICC-OTP, Report on Preliminary Examination Activities 2019, 5 December 2019, para 5 (emphasis added).

'CONFLITOS NO CAMPO BRASIL' – CPT ANNUAL REPORTS (2011–2021) *

Year	Conflicts				Violence Against Persons							Violence Against Occupation and Possession							
	Total	Land	Water	Labor	Murder	Attempt	Threat	Torture	Arrest	Assault	Con	Occur	Expul	Evict	Home	Garden	Asset	G-Threat	Invade
2011	1390	805	68	230	29	38	347	0	89	215	49	1035	2137	7033	1523	3403	1509	15,456	n/a
2012	1396	1098	78	184	36	77	295	0	99	88	10	1067	1388	7459	1371	2416	1693	19,968	n/a
2013	1332	1062	103	155	35	15	241	0	143	243	8	1007	1144	6358	2304	1366	2058	13,638	n/a
2014	1338	1065	131	142	37	56	182	4	184	239	5	1018	963	12,188	2158	2786	3733	17,695	n/a
2015	1329	1092	151	86	50	59	144	3	80	187	11	998	795	13,903	1904	4795	6402	18,195	n/a
2016	1607	1361	177	69	64	74	200	1	228	571	17	1295	2639	12,829	3827	4611	3071	17,447	n/a
2017	1505	1239	199	67	71	120	226	6	263	137	2	1168	1448	10,622	4573	3288	4257	16,800	n/a
2018	1547	1177	279	91	30	28	165	27	197	187	7	1124	2307	11,225	3717	1711	3502	9618	n/a
2019	1903	1311	502	90	32	30	201	24	107	82	32	1254	1044	10,362	1826	2212	5774	10,171	39,697
2020	2054	1608	350	96	20	35	159	9	69	54	9	1608	469	1906	1991	2712	4425	8937	81,227
2021	1768	1295	304	169	35	27	132	13	100	75	109	1295	555	2143	6269	3885	8306	16,031	90,236
TOTAL	17,169	13,113	2342	1379	439	554	2290	87	1559	2072	259	12,869	14,889	96,028	31,463	33,185	44,730	163,956	n/a
	T1	T4	T5	T6	T8	T9	T10	T7	T7	T7	T7	T3	T3	T3	T3	T3	T3	T3	T3

**Comissão Pastoral da Terra (CPT)*, the Pastoral Land Commission, has been compiling relevant data since 1975 and publishing it in annual reports titled '*Conflitos No Campo Brasil*' since 1985. *Nb.* The final row of the chart indicates the specific table within the annual reports (T1–T10) where the data is located.

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