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Pará: without justice there is no peace

REPORT FROM THE DELEGATION OF THE D. PAULO EVARISTO
ARNS COMMISSION FOR HUMAN RIGHTS TO SOUTHEAST PARÁ

April 15th to April 20th, 2023



Photo: Luiz Armando Badin

A life of farm work. Born in Maranhão, Mr. Averson grew up among small farmers. That is what he has learned to do. ***“And I think it’s great!”*** In 2015, he moved to Pará in search of better conditions because it became difficult to survive where he was: ***“There were too many people, too many oxen, it was no longer possible to make a living there.”***

At the age of 73, he still toils under the sun. ***“I work harder than the young people.”*** In the mornings he goes to the crop fields; in the afternoons he cuts fruits to make pulp alongside his wife in the kitchen.

Of his six children, two live with him, two live nearby and two stayed in Maranhão. ***“Everybody deals with the land. Children, sons-in-law, grandchildren.”*** They grow potatoes, beans, corn, bananas, cacao, oranges, passion fruit. They make pulp from these fruits to sell in bakeries. And they sell other products at the market as well.

Years ago, when he migrated to Anapu, he was afraid. ***“Some gunmen had arrived in the surrounding area.”*** But then they left. Today, the family produces in the field, guaranteeing their own livelihood and feeding the local community. ***“Here we live in peace.”***

Fortunately, Mr. Averson is on pacified land.

Unfortunately, this is not the situation of many workers heard by the Arns Delegation, on this trip to the depths of the night in the state of Pará.

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Overview

EXPEDITION, MEMBERS AND OBJECTIVES

In response to the appeals from defenders of vulnerable communities in the countryside of Pará, the D. Paulo Evaristo Arns Commission for the Defense of Human Rights – Arns Commission – established a delegation to carry out an on-site visit to the state’s territories marked by rural violence.

The state of Pará is known for emblematic crimes such as the Eldorado do Carajás massacre in 1996, and the murder of the American missionary, Dorothy Stang, in 2005.

In order to make the trip, the Arns Commission articulated a partnership with the Pastoral Land Commission (*Comissão Pastoral da Terra – CPT*, in Portuguese) and were escorted by the Federal Highway Police (*Polícia Rodoviária Federal – PRF*, in Portuguese), through the Ministry of Justice, in order to travel the route established in the agenda, between April 15 and 20, 2023.

The main objectives of the expedition were: to collect updated and reliable information about violence in Southeast Pará; to manifest solidarity to family members of people who were murdered and threatened, giving voice to their claims for justice; to detect blatant occurrences of impunity; to take an objective report of emblematic cases to the public authorities of the federative entities; and to suggest actions to tackle the chronic

insecurity that impacts the local population.

The delegation was composed of Paulo Vannuchi, former State Minister for Human Rights; Belisário dos Santos Jr., former São Paulo State Secretary of Justice; Manuela Carneiro da Cunha, an anthropologist and senior professor at the University of São Paulo and University of Chicago; Luiz Armando Badin, the former responsible for the Legal Advisory of the Ministry of Justice and former secretary for Legislative Affairs of the same body; Leana Naiman Bergel Friedman, psychologist; and Julia Rezende, journalist. Cláudia Dadico, the National Agrarian ombudswoman of the Ministry for Agrarian Development (*Ministério do Desenvolvimento Agrário – MDA*, in Portuguese); the public prosecutor of the Public Prosecutor’s Office of the State of Pará (*Ministério Público do Estado do Pará – MPE-PA*, in Portuguese), Cláudia Pinho; and the lawyer, José Batista Gonçalves Afonso, from the Pastoral Land Commission, have followed the main activities of the delegation. The cameraman Antonio Silva Leite Jr. (Xexa) was also part of the team, to record the trip.

The itinerary encompassed the municipalities of Marabá, Eldorado do Carajás, Anapu, and Altamira, where wood loggers, gold prospectors, deed falsifiers, and illegal militias threaten farmers and Indigenous people by burning their houses and committing murders without the certainty of due legal accountability.

The itinerary finished in Belém, with the collection of testimonials in Pará’s Society for

the Defense of Human Rights (*Sociedade Par-aense de Defesa dos Direitos Humanos*), and participation in hearings with reputable representatives of the public powers.

In all of these places, the Arns Commission has listened to statements from at least 100 victims, witnesses, human rights defenders and their family members, who find themselves helpless in face of the difficulty of the public power to counter the overall atmosphere of fear and chronic insecurity.

People came from far away to share their hardships, so the delegation also heard reports of violence committed in São Félix do Xingu, Itaituba, Rio Maria, Jacareacanga, and Nova Ipixuna, among other frontier regions of economic expansion. At the end, the delegation participated in an audience at the headquarters of the Public Prosecutor's Office of the State of Pará (*MPE-PA*), in Belém, where they transmitted their main concerns to the state authorities. Present were: César Mattar, Attorney General of Justice; Luciano

de Oliveira, Deputy Secretary of Public Security; Ibrahim Rocha, State Prosecutor of Human Rights; Ana Cláudia Pinho, Prosecutor of the *MPE-PA*; and Erika Menezes, chief of staff at the Attorney General's Office.

PROPOSALS FOR GOVERNMENTAL ACTIONS

Among the proposals for immediate actions to face the violence in Southern and South-eastern Pará, the Arns Commission cites the urgency of revitalizing the Protection Program for Human Rights Defenders (*Programa de Proteção aos Defensores dos Direitos Humanos – PPDDH*, in Portuguese); the prompt involvement of the Special Group for Combating Organized Crime (*Grupo de Atuação Especial no Combate ao Crime Organizado – Gaeco*, in Portuguese), of the *MPE-PA*, in the



Photo: Wânia da Zarázini/Pela Democracia Photographers

investigation of evidence of organized rural militias for the practice of violent crimes in the region; and the need for a concentrated operational effort by the *MPE* and the Secretary of Public Safety to solve the massacre of the family of environmentalist Josué Gomes, known as Zé do Lago, in São Félix do Xingu, in January 2022, as well as for the fulfillment of pending arrest warrants.

In addition, the Commission believes that it is important to draw up a strategy for retaking unallocated public lands, in compliance with the obligation assumed by the Brazilian State before the OAS Commission on Human Rights. It also recommends the creation and regulation of rural settlement and sustainable development projects, since most of the cases of violence in the south and southeast regions of Pará are due to land conflicts that are not pacified with justice.

It is also urgent to resume the work of the National Institute for Colonization and Agrarian Reform (*Instituto Nacional de Colonização e Reforma Agrária – Incra*, in Portuguese) in the Advanced Unit of Altamira and the Anapu Post, with teams committed to regularizing the settlement projects.

One of the most important measures is the pacification of the conflict between the Parakanã Indigenous people and the inhabitants of Novo Repartimento, who are clamoring for a trial for the murder of three young men, which took place on April 24, 2022, inside the Indigenous Land. The Indigenous community is accused and harassed as a whole. Its members are threatened and prevented from going to the municipality headquarters for any activity, such as buying goods and going to school, having access to health services and

social benefits. This escalation of hatred and intolerance must be suppressed.

Information must also be demanded on the progress of investigations and criminal processes related to cases such as the Pau D’Arco Massacre, on the Santa Lúcia Farm, and the attacks by armed gangs on the Divino Pai Eterno Community, in São Félix do Xingu, among others mentioned in this report.

It has also proved advisable for the president of the Court of Justice of Pará to accompany and honor the efforts of the *MPE-PA* to enforce unfulfilled court orders, which generate a feeling of impunity in the region.

Finally, the Arns Commission recommends, among other measures, a major local disarmament and inspection operation in the regions visited, organized by the Ministry of Justice and Public Security, in conjunction with the government of the state of Pará, with intensive support from the Federal Police Department and coordinated with the local Military Police.

The free circulation of convicted gunmen, with first and last names, also contributes to the discrediting of institutions. Therefore, a task force for the enforcement of warrants should be immediately formed, rendering account of its effective results to Brazilian society.

The free circulation of convicted gunmen discredits public institutions. The results of the work of a task force to serve arrest warrants should be presented to society.

Photo: Flavio Cammlongia/Photographers Pela Democracia

chapter 1.

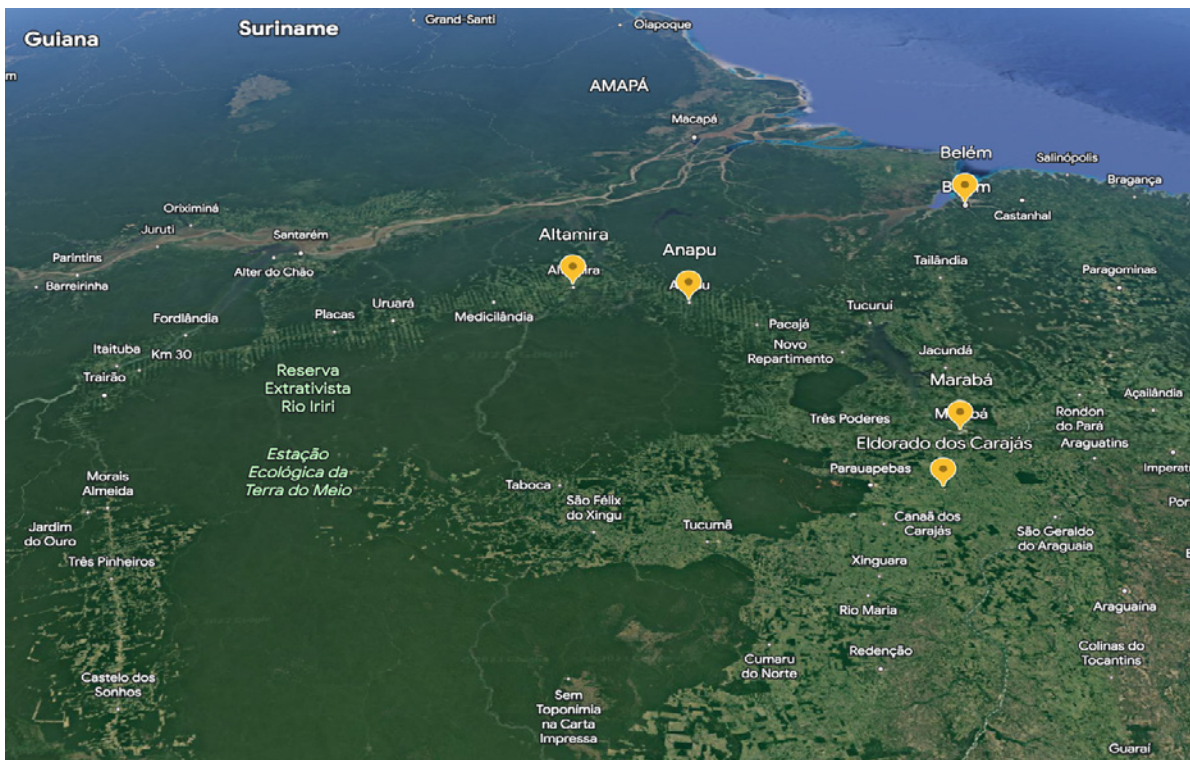
Presentation

In recent years, the Dom Paulo Evaristo Arns Commission for the Defense of Human Rights has received very disturbing appeals from men and women who are dedicated to the defense of vulnerable people in the countryside of Pará.

These cries came from towns in a territorial arc that includes São Félix do Xingu, Rio Maria, Xinguara, Redenção, Eldorado

de Carajás, Marabá, Nova Ipixuna, Tucuruí, Novo Repartimento, Anapu, Altamira, and echoed also from Novo Progresso and Castelo dos Sonhos.

For decades, this region has been the scene of serious episodes of violence against rural workers and human rights defenders with great national and international impact. It is enough to remember the execution of 19



Highlighted are the municipalities visited by the Arns Commission Delegation. Image: Google Earth

people in Eldorado de Carajás, in 1996, and the murder of the North American missionary Dorothy Stang, in 2005.

The situation is so dishonorable that Brazil, forty years after the fact, was condemned by the Inter-American Court of Human Rights (IACtHR), on June 30, 2022, for not having held the killers criminally responsible for the murders of Gabriel Sales Pimenta, a lawyer of rural workers gunned down in Marabá, in 1982 (Annex 5).

In this mission, the Arns Commission built partnerships with reputable entities, such as the Pastoral Land Commission, linked to the National Conference of Brazilian Bishops, to pursue the following main objectives:

- To gather updated and reliable information about the violence in the southeastern region of Pará;
- To express solidarity with the families of murdered and threatened people, giving voice to their clamor for justice;
- to detect clear occurrences of lack of due legal accountability;
- to take to the public authorities of the federal entities an objective report of emblematic cases;
- to suggest actions to face the chronic insecurity that afflicts the local population.

All these objectives converge to the achievement of a higher constitutional value, which is the **inviolability of the fundamental right to a safe life**, inherent to the dignity of every human being, on national soil (Article 1, III, and Article 5, heading, of the Brazilian Constitution).

The attention of civil society and of the

The calls for help and rescue were not few. All of them converged that the Arns Commission should visit the the aforementioned locations, to verify on-site the atmosphere of insecurity, terror and fear.

State is demanded so that new executions do not occur again, in places where the danger of a repeat is obvious. It is necessary to remember the violence that has already been committed and to demand effective legal accountability, within the bounds of the Democratic Rule of Law, so that the outrageous situation is not perpetuated, to the detriment of the Constitution.

The worsening of the spiral of violence in recent years is a public and notorious fact. The last head of the Federal Executive Branch spent his term of office inciting hatred and intolerance, and thus stirred up the most violent instincts. This ramped up a danger of violence that was already serious in the region.

The activation of cruel social mechanisms also served as a stimulus to illegal activities.



One of the entrances to the Parakanã Indigenous Land, near Novo Repartimento (state of Pará), on the banks of the Transamazon highway.

Loggers, gold miners, land grabbers, and militias were emboldened to threaten farmers and Indigenous people, burn down their homes, and commit murders with impunity.

The requests for help and assistance were not few. They all converged in the request that the Arns Commission visit the aforementioned locations, to verify the local atmosphere of insecurity, terror, and fear. In the early days of 2023, when Brazil was returning to the path of democratic construction, the Arns Commission formed a Delegation with the task of making this visit.

To this end, it contacted various public agents and magistrates in preparatory talks. It obtained through the Ministry of Justice

an efficient escort from the Federal Highway Police, considering the presence of state and federal authorities accompanying the Delegation and the founded risk of danger to human rights defenders. The Delegation articulated partnerships with civil society entities with knowledge of the field and aligned itself with public authorities to fulfill an agenda that lasted from April 15 to 20.

Along the way, the Delegation heard the testimony of at least 100 people, including local residents and authorities, to prepare this report, which is now presented for the attention of those who can act to interrupt the fatal cycle of repetition of the same violence.

Photo: Xexa

chapter 2.

The Arns Commission Delegation to Southeast Pará

O The representatives sent by the Arns Commission to the southeastern region of the state of Pará tried to examine, on site, several cases of violence in the countryside that had occurred in recent years. A bloody struggle for land is taking place there¹.

The main objective of the Delegation was to gather information about the violation of fundamental rights, especially crimes against life and physical and psychological integrity, such as murders, threats, and aggressions.

In addition, we sought to demand the effective legal accountability of criminals, according to due legal process, which includes the enforcement of sentences and the fulfillment of several pending arrest warrants.

The Delegation was composed of Paulo Vanuchi, former Minister of State for Human Rights; Belisário dos Santos Jr., former Secretary of Justice of the State of São Paulo; Manuela Carneiro da Cunha, anthropologist, member of the Brazilian Academy of Sciences; Luiz Armando Badin, former head of the Legal Consultancy of the Ministry of Justice and former Secretary of Legislative Affairs of the Ministry of Justice; Leana Naiman Bergel Friedman, psychologist; and Julia Rezende, journalist. The National Ombudsman of the Mediation and Conciliation of Agrarian Conflicts Department of the Ministry of Agrarian Development (*Ministério do Desenvolvimento Agrário – MDA*, in Portuguese), Cláudia Dadico; the prosecutor of the Public Prosecu-



The Arns Commission delegation met with people from the region's communities. Top photo: Crossing the Xingu River toward Altamira. On the left, the lawyer Luiz Armando Badin; on the right, Manuela Carneiro da Cunha and Paulo Vannuchi.

tor's Office of Pará (MPE-PA), Cláudia Pinho; and the lawyer of the Pastoral Land Commission, José Batista Gonçalves Afonso, accompanied the main activities of the delegation.

The cameraman Antonio Silva Leite Jr. (Xexa) was part of the team, to record the trip.

The meeting of distinct but complemen-

tary professional experiences of different generations of people committed to the defense of human dignity collaborated to sharpen the common perception about the seriousness of the situation.

Serious violations were reported by citizens who no longer trust the public authori-

ties to protect their basic rights against the private violence that rages in the region. They feel insecure and forgotten. They live in fear, in that terrible state in which life is described as poor, cruel, brutal, and short. Under permanent fear of perishing by violent death.

Such a fate is not lonely only because these survivors show a great spirit of solidarity to resist the hostility of the scenario, without giving up their just aspiration for dignity.

The impression made by the suffering of these unforgettable faces of people who feel abandoned to their fate is synthesized in this report (*Chapter 3*), which is accompanied by more detailed information gathered during

the mission (*Annexes*).

After analyzing the established pattern of private violence and the *modus operandi* common to its perpetrators (*Chapter 4*), the Arns Commission suggests some **practical actions** that can collaborate to rescue both the dignity of unprotected citizens and the primacy of the constituted public power (*Chapter 5*).

At the end, historical considerations are presented regarding this chronic violence that, in the third decade of the 21st century, is still practiced in the southeast of Pará, as it always has been, and with serious signs of further deterioration in recent years (*Annex 1*).



On the left, Belisário dos Santos Jr. On the right: Cláudia Pinho, Luiz Armando Badin, Paulo Vannuchi, Belisário dos Santos Jr., Manuela Carneiro da Cunha, Leana Naiman Bergel Friedman, and José Batista Gonçalves.

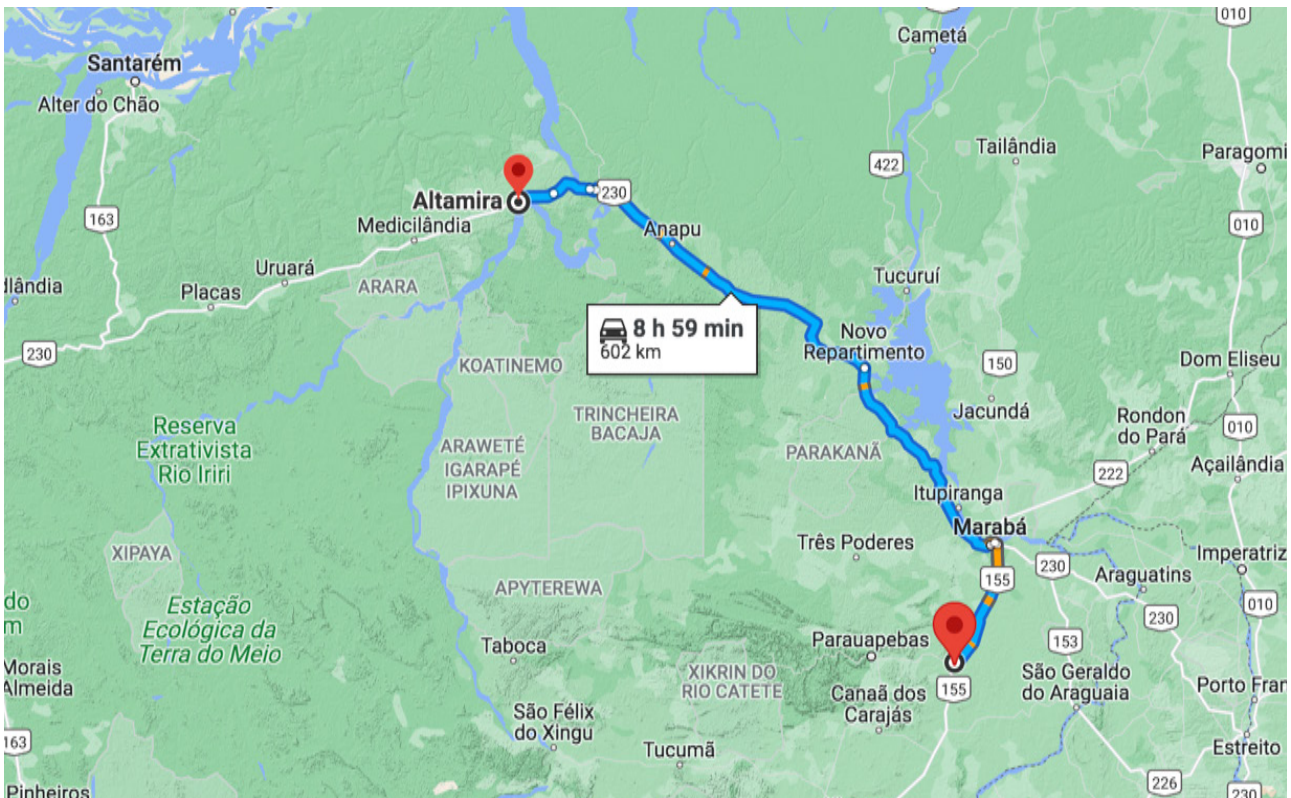
Such a fate is not lonely only because these survivors show a great spirit of solidarity to resist the hostility of the scenario, without giving up their just aspiration for dignity.

chapter 3.

**Attentive listening
as a demonstration
of solidarity and
respect**

Regarding the working method, the Arns Commission held several preparatory talks before visiting one of the most violent regions in the country. It interviewed local authorities (judges, state prosecutors and federal prosecutors), public defenders, and lawyers, as well as representatives of civil society organizations traditionally dedicated to the defense of the lives of victims of violence in the countryside, in order to define the scope of its investigation. The investigation focused on the fundamental right to life and the effective legal accountability, according to the due legal process, for its repeated violations.

The journey began by land, in Marabá, and included the presence of the Arns Commission in the symbolic act in memory of the 19 victims of the 1996 massacre in Eldorado dos Carajás. It continued through Anapu and Altamira, ending in the state's capital, Belém do Pará.



Source: Google Maps

The trip covered the geographic space situated in the southeast region of Pará, between the hydrographic basins of the great Tocantins and Xingu rivers. This area of interfluves is cut off latitudinally by the Transamazon highway (BR 230) and longitudinally by the BR 155. It is said that the landscape has changed a lot since the 1970s, but not the violence characteristic of the region.

Among toponyms of Indigenous and religious origin, which refer to Christian hagiography, such as São Félix do Xingu and São Geraldo do Araguaia, there are the promised lands, such as Eldorado and Canaã dos Carajás. To the southwest, Castelo dos Sonhos and Novo Progresso reveal well the hopes of their founders.

In these locations, the Delegation heard the testimony of about 100 people, including victims, family members, witnesses, public and private lawyers, police officers, farmers, settlers, Parakanã Indigenous people, religious leaders, judges, state and federal prosecutors, and human rights defenders. Considering the general climate of fear, some hearings were held in private for security reasons.

Interviews with victims and witnesses were not, however, limited to the municipalities visited. People came from far away to share their suffering, so that the Delegation also heard reports of violations committed in São Félix do Xingu, Itaituba, Jacareacanga, and Nova Ipixuna, among other locations. In its many conversations, the Delegation heard



House set on fire by gunmen in Lot 96 of the Gleba Bacajá, in Anapu (state of Pará)².

striking reports of violent acts against the life and physical and psychological integrity of people in extremely vulnerable situations.

The burning of houses, the spraying of pesticides on entire communities, which they call “chemical warfare,” the violation of privacy by invading drones, the raids carried out by armed gangs, the more or less explicit threats appear in several reports, denoting a very violent pattern of action (*Chapter 4*).

In shocking testimony, farmers were confronted with the crosses of their own graves, dug in their backyards. There have been more than a few reports of people who do not sleep because of the psychological terror and real threats they are subjected to. One deponent reported that, during several nights, he left

the light on in his house and went to sleep in the surrounding forest, after receiving serious death threats. People feel terrified, but they definitely want to stay on the land they consider rightfully theirs. They say that their choice is not to give up, but to resist.

The low effectiveness of law enforcement has drawn attention, with many reports of murders, assaults, and threats unsolved by the criminal justice system³. Crimes are committed in the open, without the criminals worrying about the certainty of legal punishment.

At the end, the Delegation headed to the capital Belém for a meeting at the Paraense Society for the Defense of Human Rights (*Sociedade Paraense de Defesa dos Direitos Humanos – SDDH*, in Portuguese), where it heard people in desperate situations, and for an audience at the headquarters of the *MPE-PA*. There, the Delegation transmitted its first concerns to the state authorities that were present. Participating in this hearing were César Mattar, General Attorney of Justice; the Deputy Secretary of Public Security, Luciano de Oliveira; Ibrahim Rocha, State Attorney of Human Rights; Ana Cláudia Pinho, Prosecutor of Justice of the State’s Prosecutor’s Office, who was also with the Arns Commission in some other hearings and actions; and Erika Menezes, Chief of Staff of the General Attorney of Justice.

Farmers have been confronted with the crosses of their own graves, dug in their yards. Many have reported that they do not sleep because of the threats. They feel terrified but they want to remain on the land that they rightfully consider theirs. They say that their option is not to give up, but to resist.

Photo: Xexa

chapter 4.

The standard *modus operandi* of private violence in the region

NEVER-ENDING CYCLE

South and southeastern Pará have a known history of violence in the countryside, resulting from land conflicts. We need only mention the notorious cases of the Eldorado dos Carajás massacre in 1996, and the barbaric murder of the nun Dorothy Stang in 2005, among many others. The situation is so serious that an attempt against an Indigenous leader occurred while this report was being written, on May 14, 2023⁴.

In recent years, statistics reveal an increase in deaths related to land disputes, without due legal accountability, as attested by the most recent reports of the Pastoral Land Commission, a civil society entity linked to the National Conference of Brazilian Bishops⁵ (*Annex 4*).

Among the violent episodes, the following stand out:

- the massacre that occurred in the Santa Lúcia Farm, in Pau d'Arco, on 5/24/2017, which victimized 10 rural workers; on 7/7/17, they killed community leader Rosenildo Pereira de Almeida; and, on

1/26/21, the survivor witness, Fernando dos Santos Araújo; the killings and threats in the Divino Pai Eterno Community, in São Félix do Xingu, which have been going on since 2011;

- the massacre of the family of environmentalist José Gomes, known as Zé do Lago, in the same municipality, on January 9, 2022;
- the threats and intimidation made by illegal miners to residents of the Eduardo Galeano camp, of the Landless Workers' Movement (*MST*), in Canaã dos Carajás.

PRIVATE VIOLENCE EXERCISED BY A PARALLEL POWER

Despite the isolated efforts of highly dedicated professionals and authorities, some of whom the Delegation met personally, the organic action of the public power in the area seems insufficient to curb the private violence perpetrated by gunmen criminally associated in armed gangs, or by *guachebas* who oppress farmers at the behest of local farmers.

Crimes of homicide and threats are not

investigated until conclusion, with perfect accountability of their perpetrators, according to data and testimonies collected that reveal the trivialization of violence in the region⁶.

When episodically convicted, several murderers and aggressors do not serve their sentences, generating a strong sense of impunity in the local community. Several testimonies indicate an inverted perception of what the current rule is because those who should be in jail are free, while the threatened person feels imprisoned by fear. Sometimes, they are forced to move away from their homes, due to threats or to the misapplication of the rules of protection programs.

The law of silence prevails, which prevents the clarification of criminal cases for fear of reprisals. Gunmen even accompanied a judicial inspection, in a veiled affront to the constituted authority.

According to more than one report, there is evidence of the organization of private militias that act outside the law. They are organized to commit environmental crimes, illegal logging, deforestation, illegal mining, and predatory extraction of wood in protected areas, in addition to oppressing the vulnerable population.

Originally formed to provide private security for ranchers, today they have grown to the point of defending their own economic interests, generally associated with illegal activities.

These militias are also said to be formed by retired or former police officers expelled from the corporation, according to testimonies. The mobilization of hired gunmen was facilitated by the laxity of the policy that encouraged the purchase of weapons and facili-

tated their transit to gun clubs, tending to a paramilitary organization.

Criminal association thrives on the margins, but close to the State force, and extends its tentacles into politics, electing representatives at all levels. According to reports, it operates a lucrative clandestine economy.

The victims, in turn, distrust the police authorities, who they believe do not act with efficiency, fairness, and impartiality.

Between the old *jaguncism*, the new gunmen violence, and the criminal association of rural militias – about which historical considerations are presented in Annex 1 –, the current context of violence in the region cannot be understood as the result of the autonomous actions of isolated individuals. These are not common crimes.

They are related to the violent occupation of the border region, and to all the evils of other illicit activities⁷.

Murders for hire, executed by gunmen who have long been active in the area, are a

Testimony indicates an inverted perception of the rule in force. Those who should be arrested are free, and those who are threatened feel trapped, when they are not forced to leave their homes.

new form of political organization of private violence, in a clear affront to the legally constituted public power, which has difficulty in asserting itself, despite honorable exceptions.

Setbacks in public security policies have affected the region in recent years. To a large extent, the advance of organized crime in the southeast of Pará mirrors the more general profile of the Legal Amazon, marked by the rise of criminal organizations.

As explained by the Brazilian Forum on Public Security (*Fórum Brasileiro de Segurança Pública – FBSP*, in Portuguese), major criminal organizations such as the First Command of the Capital (*Primeiro Comando da Capital – PCC*, in Portuguese) and the Red Command have been expanding since the late 2000s towards the North region, attracted by the transnational drug trafficking routes that cross the long (and poorly protected) Amazonian border⁸. The collected reports corroborate this information and suggests the growing exercise of a private power organized to

disobey legal institutions, when it does not use them to achieve its aforementioned criminal purposes.

THE LAND CHAOS AND THE BLOODY STRUGGLE FOR LAND AT THE CROSSROADS

The legal uncertainty about rural land ownership, the insufficient defense of undesignated public areas by the National Institute for Colonization and Agrarian Reform (*Incra*) and the Land Institute of Pará (*Instituto de Terras do Pará – Iterpa*, in Portuguese), and the uncontrolled advance over Indigenous Lands and Conservation Units exacerbate conflicts over land ownership and land grabbing⁹.



Photo: Luiz Armondo Eacim

Contrast between the two sides of the Transamazon Highway, at the height of the Parakanã Indigenous Land.

The satellite image summarizes the economic pressure on the eastern border of the Legal Amazon, which is also related to the type of violent conflict observed on site.

In some stretches of the Transamazon, the clash between two land occupation models can be clearly seen, with empty pastures on one side of the highway, and the remaining tropical forest on the other, where the Parakanã Indigenous Land is located, near the municipality of Novo Repartimento (state of Pará).

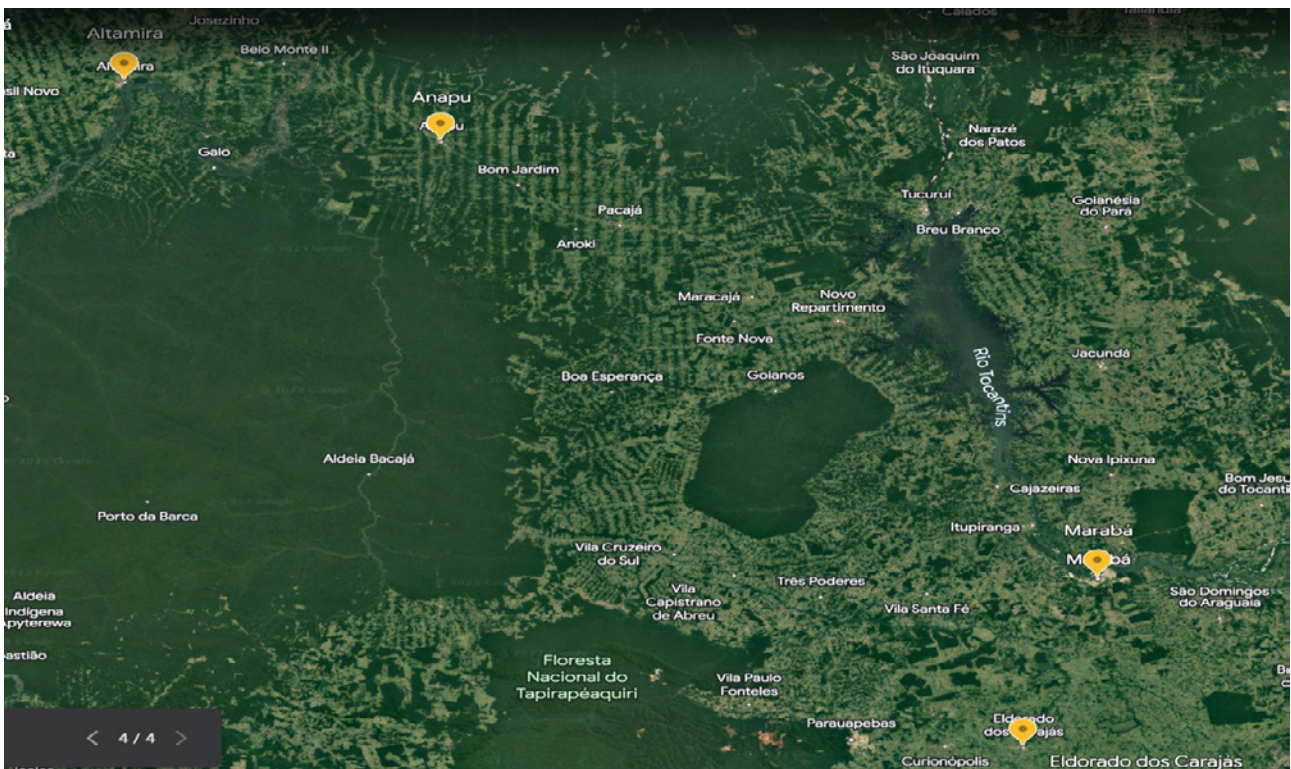


Imagem Google Earth - 4/28/2023

The region forms a mosaic of cultivated land (in light green) and preserved areas (in dark green). Along the roads, a transversal projection of the former towards the latter is noted. This is what we see, for example, in the “fish spine” vertebrated by the axis of the Transamazon Highway, in the stretch between Marabá, Anapu, and Altamira.

This is an unbalanced and unstable situation. The danger has been accentuated in recent years by the radical retraction of the State, with the consequent stimulus to the advance of disorderly and unsustainable occupation of the Amazon soil.

Having made these general observations, we have considered some practical measures to face the problem.

chapter 5.

Recommended actions to reaffirm the public power and strengthen civil society

One can see that the land chaos is an inexhaustible source of violent conflicts over land ownership and possession in southeastern Pará. “Lawless land” and “no man’s land” – terms often used to characterize the region – are mutually related.

The fierce struggle for domination over vast territories, which often ends in unrestrained violence, is permeated by various types of conflict, such as those that oppose land reform settlers and land-grabbers, both claiming dominion over the disputed area; or that involve companies with economic interests in regions occupied by traditional inhabitants, such as Indigenous peoples, quilombolas, and riverbank dwellers.

The Indigenous Lands and Conservation Units are preferential targets of continuous threats of invasion for the practice of illegal activities, as well as the Sustainable Development Projects, which are obliged, by definition, to preserve the legal reserve area for sustainable management activities and suffer constant assaults from illegal deforesters and miners/gold prospectors.

Entire communities of camp dwellers who claim social destination for properties of often inconsistent titling suffer the insecurity resulting from the collective possessory conflict without qualified mediation, while they are the preferential targets of criminal private violence, which completely oversteps the limits of legal action by the public power.

With this in mind, practical action measures are proposed to deal with the unconstitutional state of affairs found by the Arns Commission. They seek to address the following types of problems:

- tackling public insecurity;
- solving the chaos of land ownership;
- stimulating the participation of civil society and good business practices;
- halting the escalation of hatred and intolerance;
- attention to special cases.

TACKLING PUBLIC INSECURITY

During the trip, the Arns Commission found a situation of profound public insecurity. A parallel power acts violently, outside the law, to oppress people in vulnerable situations, who feel their physical and psychological integrity is unprotected by the State. Local human rights defenders do not receive adequate protection and have to move away from their home communities, which makes their work impossible and feeds a vicious cycle. Barbaric crimes are not quickly investigated and punished. When a judicial conviction is reached, the sentence is not served, because there are several fugitives and open warrants of arrest, which generates a strong feeling of impunity.

To tackle these problems of chronic public insecurity, the following measures are recommended in order to affirm unequivocally the primacy of the constituted public power.

Immediate revitalization of the Program for the Protection of Human Rights Defenders (PPDDH)

1 Several testimonies of people protected by the PPDDH in Pará have strongly pointed out its complete inefficiency.

The poor functioning of the protection program exposes the physical and psychological integrity of its beneficiaries.

Given this critical state of affairs, we recommend that the State Secretariat for Human Rights of Pará (SEDH), together with the federal government's Ministry of Human Rights and Citizenship (MDH):

- qualify an Ombudsman, structuring efficient listening mechanism on the quality of the service provided, so that protected persons do not feel abandoned, as they do today, and can properly channel their just complaints, for effective resolution of cases
- substantially improve the articulation with social health services, given that there are so many reports of poor service
- provide competent psychological assistance to the program's beneficiaries, who, by definition, are in a situation of extreme fragility and psychological suffering, at risk of death, generally outside their communities of origin. Assistance must be individual and family-based, as children are also in an emotionally vulnerable condition
- make more transparent, to applicants and beneficiaries, the deliberations and criteria adopted by the Deliberative Council of the PPDDH (*Conselho Deliberativo – Condel, in Portuguese*), safeguarding the secrecy legitimately necessary for security reasons
- expedite the granting of administrative

precautionary measures, in case of emergency situations, in order to guarantee the useful result of the protection, considering the scenario of extreme violence detected in the southeast of Pará

- implement effective programs for the social reintegration of protected persons, after the period of provisional reception
- update the Guiding Procedures Manual of the PPDDH, paying attention to the state's realities and informing the beneficiaries, in a clearer and more transparent way, about their rights
- review the terms of SEDH-PA's agreement with the Ministry of Human Rights, in order to ensure sufficient technical assistance and resources to address the situation of endemic violence in the visited region, as well as the physical and psychological well-being of the currently protected persons, who are in a desperate situation
- whenever possible, in accordance with technical security protocols, emphasize the **protection of human rights defenders at the place where they work**, without displacing them, so as to distinguish the PPDDH from the State Program of Assistance to Victims, Witnesses and Family Members of Crime Victims (*Programa Estadual de Assistência a Vítimas, Testemunhas e Familiares de Vítimas de Crimes – Provita, in Portuguese*)¹⁰;
- strengthen, likewise, the *Provita*, with special attention to the urgent investigative needs of the southeastern region of Pará¹¹.

2 The institutional protection of human rights defenders must also be improved at the international level. The reality of violence and threats they experience, as por-

trayed in this report, is alarming in Brazil. It is no coincidence that Brazil is among the top three in the ranking of countries that kill the most activists who defend land, territory, and nature (Global Witness and HRW).

It is worth noting that on April 8, 2023, the federal government sent to the National Congress Message of International Agreement – MSG No. 209/2023 – referring to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the “Escazú Agreement”.

It is worth reinforcing the plea and mobilization of Brazilian civil society and that of the entire region for Brazil to conclude its ratification process, incorporating commitments to regional cooperation for the protection of the environment and the lives of environmental defenders¹².

Joint action by the State Public Prosecutor’s Office and the Civil Police to solve an emblematic homicide case

A concerted effort by the *MPE* and the Secretary of Public Security is recommended to solve quickly the case of the murder of José Gomes, aka Zé do Lago, his partner Márcia Nunes Lisboa, and their young daughter Jone Nunes Lisboa, who were all found shot to death on January 11, 2022, in the municipality of São Félix do Xingu.

It would be an emblematic gesture in order to dispel the strong collective feeling that this type of crime has no repressive consequences in the south and southeast regions of Pará.

Apparently, the police investigation has made no progress, one year after the triple

homicide of Zé do Lago and his family, crimes that shocked the country. This lack of progress would recommend closer monitoring and, if necessary, the intervention of the Public Prosecutor’s Office, either through a tighter external control of police activity or by participating directly in the investigations, if strictly necessary.

The Federal Public Prosecutor’s Office has already announced its understandable intention of federalizing the investigations, raising a procedural incident of shifting competence, should they continue to fail at the state level¹³.

Both the Secretary of Public Security and the Public Prosecutor’s Office of Pará need to pay special attention to the rapid clarification of this case of national and international repercussion, integrating their efforts.

Investigation of rural militias by the State Public Prosecutor’s Office Special Group for Combating Organized Crime (*Gaeco*)

Given the seriousness of the testimonies that indicate the organization of criminal gangs that may compromise the very activities of the State, threatening the legitimate monopoly of constitutional power, it is important to increase intelligence operations focused on the organized criminality that is growing in the region to foment or cover up various illicit activities.

The involvement of the Special Group for Combating Organized Crime (*Gaeco*), of the *MPE-PA*, in investigating the formation and activities of rural militias organized to commit violent crimes in the region, seems to be convenient and opportune. To this end, it

would be convenient to integrate the special operation with the Federal Police Superintendence in Pará and with the Federal Public Prosecutor's Office, considering the competencies of these bodies, which also operate in the region, in view of the existence of various relevant federal assets and interests.

Valuable studies have been produced to map how violent criminality in the Amazon region is interrelated.

They elaborate and systematize information produced by the public security agencies themselves, providing valuable clues to deepen investigations, even pointing out ramifications in other regions of the country, which suggests a more coordinated and broad operational action¹⁴.

Criminal extraction of wood, illegal logging of public lands, illegal deforestation, clandestine mining, and cattle ranching with environmental liabilities also seem to be among the causes of the violence that runs

wild in southeastern Pará, threatening the lives and physical integrity of the families exposed to it.

The exchange of successful institutional experiences can be articulated within the National College of Attorneys General of Justice and in the Superior Council of the Public Prosecutor's Office.

It is worth studying the creation of a **model case of integrated public security** for the United Nations Conference on Climate Change (COP 30), should Belém host it in 2025, even seeking awards for good institutional practices, such as the traditional *Prêmio Inovare*¹⁵.

Likewise, the police command should, in general, intensify its disciplinary control over police officers, both civil and military, involved in abusive or illegal actions.

A program to install security cameras in strategic places in regions with the highest incidence of violent crime could collaborate



Photo: João Dantas/Pala Democracia Photographers

to protect vulnerable communities. The analysis of captured images, as well as ballistic examinations to identify the existence of a pattern of killings, have proven to be efficient means of police investigation, in addition to the usual intelligence activities. An emergency public security plan must be drawn up to protect the lives threatened by the endemic violence in southeastern Pará.

Restructuring and training of the Agrarian Conflict Police Departments (*DECAs*)

Regarding the Agrarian Conflict Police Departments (*Delegacias de Conflitos Agrários – DECAs*, in Portuguese), reports have been heard of their negligent and omissive actions, when not compromised, in favor of one of the sides in the dispute. There is a need to ensure impartiality and to provide specialized training for *DECAs*, which have been criticized in general. The issue should be treated with special care by the Secretary of Public Security of the State of Pará and the State Council of Public Security (*Conselho Estadual de Segurança Pública – Consep*, in Portuguese).

Strengthening the *DECAs* and making them more dynamic involves training specialized personnel, trained in fundamental rights, to deal with public security issues related to the specificities of agrarian conflicts. In the first instance, direct subordination to the office of the Secretary of Security may help guide the public policy.

Engagement of the State’s high administration to tackle public insecurity

The firm commitment of the state’s high ad-

ministration of public security seems fundamental to fight the endemic violence found in the region, prolific in homicides, attacks, intimidation, threats, house fires, forced evictions against people who are humiliated and offended in their dignity as citizens.

One may consider creating a crisis cabinet to better coordinate the actions of the various agencies involved, in coordination with the *MPE-PA*.

The administrative activity of public security intelligence, on its turn, may collaborate, strictly within its constitutional limits, to point out cases of imminent confrontation in that region, allowing the timely action of public agencies to protect lives. Several outbreaks of imminent confrontation were detected in a few days of travel.

Effective enforcement of criminal sentences

The free circulation of convicted gunmen, with first and last names, contributes to the discrediting of institutions in such a way that a **task force for the enforcement of warrants** could be set up immediately.

Joint operations between the Military Police, Civil Police, and the State’s Public Prosecutor’s Office to execute unfulfilled warrants could eventually be reinforced by the Federal Police and the Federal Highway Police, depending on the nature of the crime in question.

The presidency of the Court of Justice of Pará, through its own institutional channels, could accompany the efforts of the Public Prosecutor’s Office to enforce unfulfilled warrants.

Strengthening the Security Ombudsman and police correctional actions

The Public Security and Social Defense System's Ombudsman must become fully aware of the calamitous situation, engaging in impartial and effective follow-up of complaints.

The existence of numerous open police inquiries recommends a complete review of the strategy of the public security agencies. Reports that some police delegates act in an aggressive and partial manner need to be followed up more rigorously, both by correctional bodies and by civil society. There are accusations of involvement of private security companies based in other states in the practice of violence in southeastern Pará.

Although they have a symbolic effect, punctual repressive actions do not overcome the necessary structuring of a more impartial and effective public security policy, which demands permanent monitoring of the situation in the region.

It must pay attention to the social and legal causes of land conflicts, and the symptomatic character of the violence that results from them. In this sense, administrative measures are needed to sort out the land chaos, which is at the root of the violent dispute over land.

Local Disarmament and Inspection Operation

A major **local disarmament and inspection operation** should be organized by the Ministry of Justice and Public Security, in conjunction with the Pará state government, with intensive support from the Federal Police Department and coordinated with the local Military Police. In the same way, there should

be **rigorous inspection of the private security companies** that operate in the region, in cases where there is evidence of abusive and illegal activities.

Attention to the cases of criminalization of human rights defenders

There have been many reports of attempts to **abusively criminalize human rights defenders** and participants in social movements. The justice system as a whole must pay special attention to these possible deviations of purpose, examining such occurrences with extra caution.

One case that drew attention was that of the lawyer José Vargas Jr. who complains of not answering to a fair trial, in Redenção (state of Pará), due to his work in defense of human rights in emblematic cases, such as that of the victims of the Pau D'Arco Massacre.

He describes a series of procedural nullities in the criminal process to which he responds. According to him, the curtailment of the right to a full defense includes, among other procedural aspects, the alleged manipulation of incriminating evidence, the lack of hygiene in the chain of custody, which impedes verification of the integrity of digital evidence, the denial of complete access to the records, and the loss of decisive pieces of evidence.

The case is being monitored by several organizations, including the United Nations (UN) Working Group on Arbitrary Detention and the Brazilian Bar Association of the State of Pará.

Creation of Agrarian Criminal Prosecutors' Offices

The State Public Prosecutor's Office could study the creation of agrarian criminal prosecutors' offices, in order to strengthen the vigorous work of the civil prosecutors. After the conclusion of the current competitive examination, it would be a good idea to continue the worthwhile project of establishing five more agrarian public prosecutors' offices.

SOLVING THE CHAOS OF LAND OWNERSHIP

The attack on the causes of violence cannot

do without the effective defense of the public patrimony damaged by land grabbing, whether at the federal or state level. For this reason, a more active procedural intervention is desired from the participating bodies (*Incra*, *Iterpa*, and *MPE*), since land conflicts are not mere police cases.

More effective and impartial action by land agencies

■ Two institutions, a federal one, the National Institute of Colonization and Agrarian Reform (*Incra*), and a state one, the Land Institute of Pará (*Iterpa*), are respectively charged with the identification and collection of unallocated public lands belonging to the Federal government and the state of Pará.

Iterpa and *Incra* should better coordinate their actions, to identify more precisely the



Photo: Ubitajara Machado/Fotografias e fotografias Pela Democracia

vacant public lands under the administration of each of the land agencies, in order to collect them and legally allocate them to rural settlements.

- It seems convenient to outline a strategy to take back public lands, as well as to create and regularize rural settlement projects. It is well known – and this Commission has gathered ample testimony to this effect – that the violence in the south and southeast regions of Pará is mostly generated by land conflicts.

In the last federal administrations of the Temer and Bolsonaro governments, a biased form of land title regularization tended to benefit *grileiros* (land grabbers/deed falsifiers) or occupation title fraudsters, and not the families of landless rural workers.

- Reports from specialists heard by the Delegation called attention to the undermining of the attributions of federal attorneys assigned to *Incra* superintendencies in the states.

The centralization of judicial defense in Brasília, on the one hand, and the distribution of cases to federal attorneys spread throughout the states, on the other, are seen by them as a step backward that prevents the effective protection of public assets.

Distanced from the conflict sites and without any dialogue with the affected communities, the legal actions of these attorneys, in cases in progress, are seen as ineffective and out of touch with the local reality.

According to the reports, this way of organizing the legal service makes it practically unfeasible to file new lawsuits for the repossession of federal public lands illegally appropriated by land grabbers (*grileiros*).

Such a way of proceeding would not be in accordance with the best defense of the public interest, insofar as it facilitates the control of millions of hectares of public lands by groups linked to illicit practices, in a veritable incentive to fraud and squatting. Without an effective defense, illegal occupation is encouraged, in the illegitimate expectation that the illicit act will be later convalidated.

- Similar reports criticized the omission of *Iterpa*, which would not initiate actions to retake the vacant state public lands claimed by the occupying families. The negligent defense of the public good would favor illegal occupation by land grabbers. The state land agency has been accused not only of inoperativeness¹⁶, but also of lack of coordination with *Incra*.

The Delegation received information, in testimony, that there are even questions about the use of fraudulent means to regularize the titling of large areas with land grabbers or involved in environmental crimes, which needs to be investigated¹⁷.

There are also reports of lawsuits filed by civil society entities against *Iterpa* to annul land regularization titles that would have been granted fraudulently.

- Add to this the fact that the previous government imposed a paralysis in the work of *Incra*, through internal administrative norms that generated enormous bureaucratic obstacles for the creation and regularization of agrarian reform settlements on public lands (*Incra*'s Internal Regulation, Normative Instruction No. 129/2022 and *Incra*'s Ordinance No. 2445/2022).

These norms came to be added to mechanisms for releasing mining enterprises within settlement projects (*Incra* Normative Instruction No. 112/2021).

- It is important that *Incra*'s regulations be revised and that these norms be revoked by the Ministry of Agrarian Development, in order to resume work at the Altamira Advanced Unit and the Anapu Post, with teams committed to regularizing settlement projects and complementary policies (housing, credit, occupational review, etc.), preparatory to titling.

Under the Bolsonaro administration, at least 300 titles were issued to settlements that had already been created, before the preparatory steps guaranteed by the State for their success had been taken. This initiative opened the way for the indebtedness of the settlers, making it easier for agribusiness to acquire these lands and reconcentrate them (CPT *et alii* 2023 3.1).

- All agencies involved need to be provided with qualified personnel to assist in the mediation of agrarian conflicts, in a more intricate manner with the *MPE* and other government agencies. As a rule, dealing with these issues demands an integrated and systemic approach, applied by professionals well trained to deal with conflict situations at all levels.

Regional Map of Land Conflict of the National Agrarian Ombudsman

- The National Agrarian Ombudsman Office, linked to the *MDA*, must be supported by both society and the State in its renewed efforts for social pacification, with emphasis on the visited region, one of the most conflictive

in the country.

The reconstruction of the agency, dismantled in the last two federal administrations of the Temer and Bolsonaro governments, is indispensable to rescue the prestige it has already achieved in the first decade of this century, under the model direction of the illustrious judge Gercino José da Silva Filho.

The participation of the current head of the agency, federal judge Cláudia Dadico, in joint activities with the Arns Commission, during the visit, shows technical competence and political disposition to rescue the Ombudsman's important social pacifying function.

The **detailed social mapping of agrarian conflict hotspots and the planning of a priority strategy for local action** seem to be first-order measures, considering the various situations of imminent risk detected during the trip, among which we highlight the most pressing ones.

These are cases in which there are well-founded death threats, unpunished violent crimes, and a history of persistent intimidation, including by rural militias.

To carry out this mapping, the National Agrarian Ombudsman's Office can contact the Department of Public Security and Social Prevention Policies of the Secretariat of Public Security and Social Defense of Pará, which carries out similar work, including on-site visits to the sites of violence, a diligence that deserves prestige.

- The persons threatened with death who could be identified in the statements are named in the Confidential and Separate Annex of this report (*Annex 6*), and the details

of the cases can be found in Annex 2 (Travel Journal).

These are, in general, settlements for agrarian reform in public areas that have not been designated by the federal or state public power (“*terras devolutas*”), in different phases of the administrative process; of Sustainable Development Projects, that are distinguished by special care with environmental preservation, and that suffer the harassment of illegal deforesters or gold miners, or of land grabbers that oppose them; of camps of families organized in social movements, that intend to call attention to the defects in the area’s title deeds or to inconsistencies in the chain of ownership, claiming possession of the property for social purposes, according to the agrarian reform legislation.

In general, these are communities of farming families that have been in the area for a long time, in situations that are often consolidated, and that resist the harassment of *grileiros*, deforesters, and illegal miners who want to expel them violently, without legal or judicial support, aggravating the conflict for land possession and ownership.

■ Each of the following cases deserves a more specific plan of action¹⁸.

Sister Dorothy Stang Settlement Project

(Lots 96 and 97 of Gleba Bacajá, Anapu)

In 2022, aggressors burned two houses and a rural school. Gunmen lurked on the side access road. A family of local leaders was forced to leave the settlement for fear that their children would be killed.

Possessory conflict opposes landowner to residents, in an area that should belong to

the Federal government. The proximity between them accentuates the conflict. It is said that there is no valid document supporting the private owner’s property. The land ownership uncertainty stimulates invasions and disputes between Lots 28 and 96.

Mata Verde Settlement Project

(Lot 46 of Gleba Bacajá, Anapu)

Murder of the leaders Valdemir Resplandes and Gazimiro Sena Pacheco, on 1/9/2018. There were four murders in Lot 46 between October 2015 and June 2018. Three of those murders were of members of the Resplandes family, registered in 2022 for occupation of the area. The main suspect in the murders occupies nearby land, heightening tensions.

Mata Preta Settlement Project

(Lots 68, 69, 71, and 73 of Gleba Bacajá, Anapu)

Assassination of the leader Marciano dos Santos Fosaluza, in February 2019. The community asks for the solution of the bureaucratic obstacle that paralyzed the administrative process, in December 2022. It is necessary to move forward with the process of settling the families living there.

Esperança Sustainable Development Project (SDP)

(Anapu)

In 2005, Sister Dorothy Stang was murdered with six shots in a rural road of the SDP now known as Esperança. The missionary was killed on orders of landowners who were violently resisting the creation of land reform settlements in the vast extensions of public lands there.

According to reports heard by the Delegation, almost two decades after the murder, the municipality continues to be the scene of serious violence, due to the predominant action of land grabbers, gunmen, and illegal loggers. Between 2015 and 2022, **22 farmers occupying areas of undesignated public land were murdered by gunmen** in the critical region of Anapu. The Esperança SDP continues to be a focus of conflict, according to the CPT mapping. There are reports of recent invasions of the legal reserve area.

The local population asks for the occupational review to regularize the land, the active presence of *Ibama* to protect the forest reserve, reinstallation of two sentry boxes and security cameras, support and protection to the families that have been defending and protecting the SDP.

Virola-Jatobá Development Project (Anapu)

This agrarian settlement project distinguished by special care for environmental protection suffered a serious invasion, on 11/15/2017, by about 200 people who intended to take over the legal reserve area, that is, that part of the rural property still covered by native vegetation that can be exploited through sustainable forest management techniques.

The invaders are said to be heavily armed and organized to guarantee their intention to clear, occupy, and subdivide the entire environmentally protected area. Since then, repeated attacks by illegal loggers on the protected area have continued to occur, generating conflicts with the settlers, who are incapable of defending it by themselves. At least one leader was forced to leave the set-

tlement, fearing threats. It is even reported that there is a list of targets for criminals.

The local population demands an occupational review to regularize the land, the active presence of *Ibama* to protect the forest reserve, the reinstallation of two sentry boxes and security cameras, support and protection to the families that have been defending and protecting the SDP.

Terra Nossa Sustainable Development Project

(Altamira, Novo Progresso, and Castelo dos Sonhos)

There, five people have been murdered since 2011, and criminal approaches by armed gangs still happen today. The area destined for SDP, where about 310 families dedicated to fruit farming live, has been invaded by *grileiros* and deforesters, on the frontier of agricultural and cattle ranching expansion.

Divino Pai Eterno Community

(São Félix do Xingu)

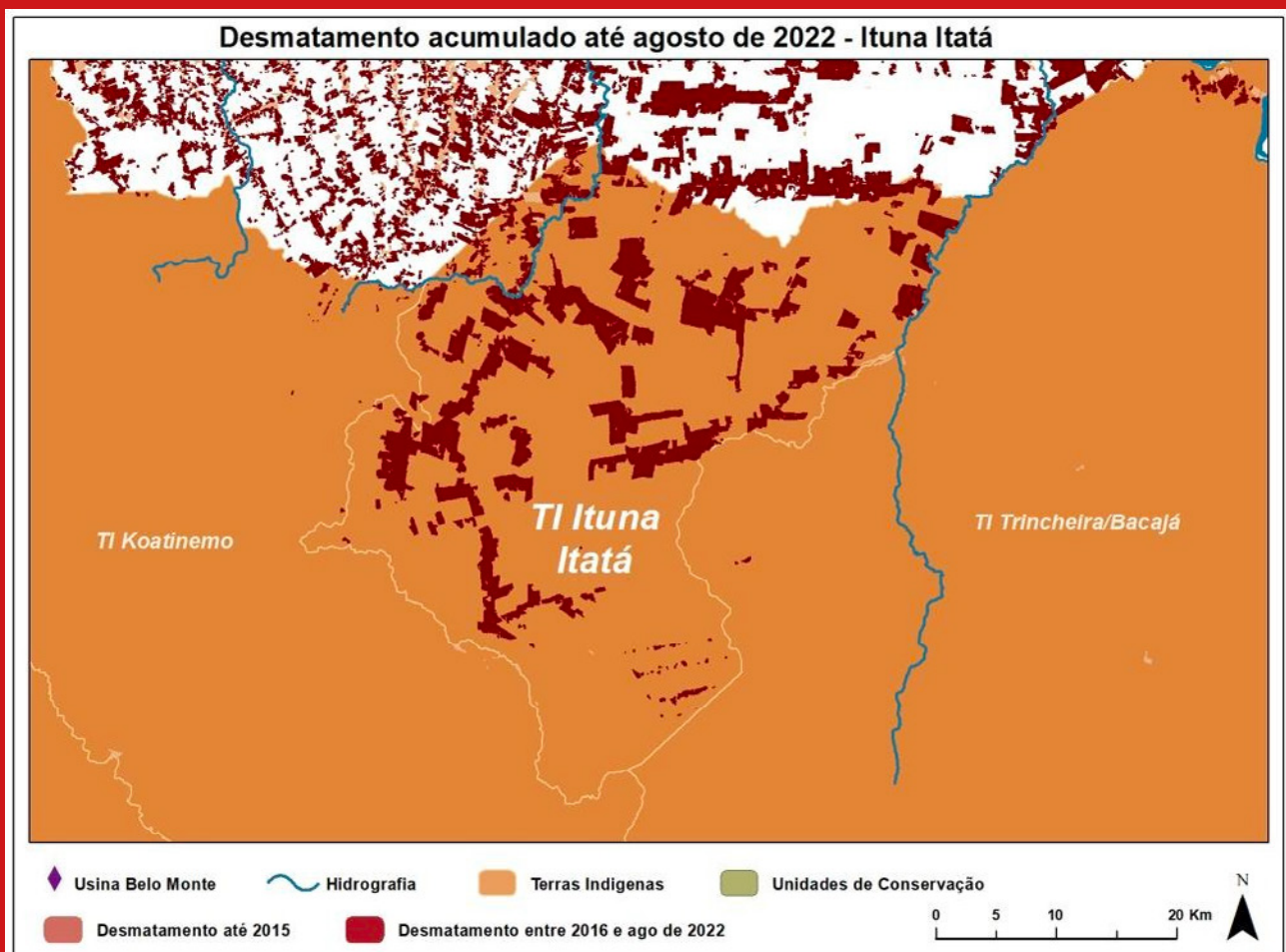
Armed gangs take private justice into their own hands, outside of any effective control, invading the community with pickup trucks to humiliate and intimidate the residents, acting as a militia.

Eduardo Galeano (Canaã dos Carajás), Hugo Chávez (Marabá), and Dalcídio Jurandir (Eldorado dos Carajás) Settlements

In the former, there are reports of death threats and that the illegal miners are surrounded by security guards armed with rifles, according to the victims. The way of proceeding of the local authorities needs to be reviewed.

The following illustration shows the advanced process of degradation of the area¹⁹. The situation is also serious because Funai teams were threatened while inspecting the site, in an administrative reconnaissance process, which is why, from 2016 on, no new expeditions were conducted. The interdiction imposed by the ordinance restricting its use is not being observed and the invaders consider the isolated Indigenous people living in the region to be presumed dead or extinct. It is necessary to advance police investigations related to the lawsuit filed by the Federal Public Prosecutor's Office to protect the area, including from undue pressure that would be exerted by politicians associated with the illegal attacks.

Furthermore, 93.8% of the Ituna-Itatá area suffers overlapping irregular Rural Environmental Registry (Cadastrros Ambientais Rurais – CARs, in Portuguese), which attests to the enormous pressure of land grabbing on the Indigenous Land, for the purpose of irregular land appropriation, according to technical data from 2022 (Source: COIAB and OPI). Although it does not legitimize ownership, the improper use of the CAR makes it possible for people to self-declare as occupants of large public areas, as occurs in Ituna-Itatá. The situation puts the existence of isolated Indigenous people at risk. According to data from INPE/PRODES, deforestation has increased significantly since 2017.



Source: Prodes and Sirad X

Fazenda Santa Lúcia Community

(Pau D’Arco)

Location where the massacre of ten people occurred in 2017. The key witness in the case was executed, a community leader was murdered, and the lawyer of the family members continues to receive death threats.

Diamante Community

(Itupiranga)

An old community with approximately 170 families. Since 2015, there have been reports of attacks committed by gunmen; crimes of threats and damage to personal and community property (fires in houses and sheds); reports of illegal, abusive, partial, omission, and deviant actions by police authorities. The action of authorities to impede the running of a school that would serve 22 children is very serious.

Raio de Luz Settlement

(Rondon do Pará)

Location where the union leader José Dutra Costa was murdered, in 2000. His widow Joelma suffers threats until today and is under intensive police protection. According to her, “I am the one who is imprisoned by the escort that takes away my personal freedom and limits my privacy, while the criminals run free.”

Águas Boas Settlement

(Portel)

Location where armed patrols intimidate the families. There was a murder in 2022. There are reports of invasions to destroy personal property, house fires, and killing of animals.

São Vinícius SDP

(Nova Ipixuna)

Location where a rural militia terrorized the residents of the community, installed in an area that belongs to the Federal government, and threatened their leaders with death in 2021, with reports of kidnapping and torture by hooded men. In the same municipality, in 2011, the extractivist couple José Cláudio Ribeiro and Maria do Espírito Santo were murdered.

Socio-environmental conflict in Barcarena, which opposes about 800 quilombola families to mining companies under foreign capital control. According to a report on the Sumaúma²⁰ website, local leaders have received death threats and were persecuted for denouncing environmental contamination, in addition to the violation of their privacy by the invasion of drones.

Armed invasion, trespass, and deforestation of the Ituna-Itatá Indigenous Land, in Altamira and Senador José Porfírio.

Destruction of houses of residents of Lot 109 of the Belo Monte Gleba, in Anapu (state of Pará)

Residents formally denounced to the local police that criminals set fire to one house and demolished three others with chainsaws during the celebration of the New Year in 2023.

Magistrates and lawyers, especially in the labor field, have reported threats in cases of judicial seizure of property and equipment used by miners in Xinguara, Tucumã, and

Redenção (state of Pará). According to them, these defendants “are not used to resolving [disputes] through a legal process, so they resolve things by violence. No public authority should be threatened in this way.” Witnesses do not feel safe testifying in cases, as they are also intimidated²¹.

Attempted murder after denunciation of murders of residents of Lots 141 to 143 of the Belo Monte Gleba (Anapu)

On 2/23/22, the victim of the assassination attempt was shot twice at the door of her home in the city of Anapu, even after being evicted from her lot.

Employment of modern techniques and structures for handling collective conflicts

■ In situations of collective conflict consolidated by time, the idea of converting repossession into indemnity for indirect expropriation, as already experienced in other state jurisdictions, following the example of the Land Conflicts Commission of the Paraná Court of Justice, deserves reflection, as it has received jurisprudential support.

Alternative forms of peaceful solutions to possession disputes are increasingly being sought, *provided that any titles are not the result of illegal occupation or other forms of documentary fraud.*

The National Human Rights Program (PNDH-3), in effect since December 2009, already preceded by the previous version of 2002 (PNDH-2), establishes important procedures for dealing with cases of collective urban and rural land conflicts, with the partici-

pation of the Judiciary.

On October 17, 2018, the National Council for Human Rights approved its Resolution No. 10, presenting advanced and extensive standards for the prevention and peaceful resolution of collective urban and rural land conflicts.

In this sense, Article 565 of the New Code of Civil Procedure expressly authorizes the judge of the case to act actively to learn about the litigious reality, call other agents committed to land policy, and obtain a socially just result by mediating the conflict.

The measures of use of force are the procedural *ultima ratio*²². Without strict compliance with the civil procedural law, the land conflict may intensify in the cases examined.

The recent decision of the Federal Supreme Court (STF) in Claim of Non-Compliance with a Fundamental Precept (ADPF) No. 828 conditioned the enforcement of eviction orders to the existence of a minimum support commission in the courts, with judicial inspections and mediation hearings, the participation of various actors, the carrying out of administrative measures by the Public Power to assist the population in a vulnerable social situation.

■ The National Council of Justice has studied the perspectives for the performance of the Judiciary in the transition regime established by ADPF No. 828, as in the seminar of April 28, 2023, in which it discussed collective land solutions with emphasis on mediation, in order to standardize the work of the Land Conflict Commissions (*Comissões de Conflitos Fundiários – CCF*, in Portuguese) in accordance with the criteria indicated in the

recent judgment of that constitutional process, facilitating institutional dialogue with organized civil society.

It remains to be seen how the CCF of Pará's Court of Justice will operate in practice, and what its concrete action plan will be in the municipalities already visited, such as Castanhal, Redenção, and Marabá, among five other agrarian courts.

In the first meetings, held in early May 2023, the Sub-commission of Land Conflicts dedicated to collective agrarian disputes, under the chairmanship of a judge and composed of a plurality of entities from civil society and governmental bodies such as *Incra*, carried out some diligences.

It seems important that the procedures adopted are transparent and open to the participative collaboration of the entities, and that the presidency of each of the regional

sub-commissions is exercised in an impartial way, always aiming at the common good, which is the fair pacification of the conflicts to be mediated in a qualified way.

It is necessary that the guidance of the Federal Supreme Court in the ruling of the *ADPF* produces effective results in the local reality. It is important to monitor the practical application of the constitutional decision by the local body involved in land conflicts. One way of doing this is to establish objective success rates for the mediations it conducts, so that the process does not degenerate into a simple bureaucratic formality.

Incra and *Iterpa* must pronounce themselves in cases of imminent repossession, so that they speak assertively about the return of the disputed property.

■ Specialized sources reported their dis-



Photo: Leonardo Milano/Fotógrafas e Fotógrafos Pela Democracia

satisfaction with the work of the **agrarian courts of the state justice system**. According to them, such judicial bodies have not functioned well, despite honorable exceptions.

In reported cases, they have even granted possessory protection to titles fraudulently acquired through illegal occupation, or validated land possessions known to be in bad faith. This needs to be carefully examined by the Internal Affairs of the Court of Justice of the State of Pará, and observed in the follow-up to be done by the National Internal Affairs of Justice, with a view to greater efficiency in the application of civil and procedural law, in a fair and impartial manner, considering all sides involved, and not just one of them.

It goes without saying that the reaction of hooded gunmen armed with heavy weapons of restricted use is not a legitimate and proportional form of immediate confrontation, for ordinary civil purposes²³.

The Arns Commission had the opportunity to talk with impartial and diligent magistrates, who recounted their efforts and their difficulties in applying the law well, in a territory torn by conflicts that the jurisdiction alone is unable to resolve.

■ Another important theme is the deepening of the preparatory work for judicial protocols for action in collective possessory conflicts, to establish criteria for dignified and peaceful reintegration of possession, with emphasis on **qualified** mediated solutions, according to the best professional mediation practices, which presuppose transparent dialogue with specialized entities, conducted by mediators properly trained and committed to the effective resolution of the possessory

litigation. It is convenient to establish criteria for peaceful exit, which must consider forced eviction as an extreme measure, taking into account its social effects.

■ In the State Council of Public Security (*Consep*), it is convenient to activate the Technical Commission of Observation of Execution of Judicial Orders of Possession Reintegration and its presential performance, to verify the action of the agencies of the Public Security and Social Defense System (*Sieds*) in the execution.

■ Along the same lines, the Human Rights Observatory of the National Justice Council should:

- urge the external control body of the Judiciary to follow with special attention the functioning of the Land Conflict Commission of the Court of Justice of the State of Pará
- request more detailed information from the National Inspectorate of Justice on the inspection recently carried out, as well as on the Permanent Program for Land Regularization for the Legal Amazon, launched last April 26 (*See item B of the following topic*)

■ State and federal governments should, in turn:

- establish a land policy based on social justice and access to land for populations in socially vulnerable situations
- establish public protocols for the use of police force in cases of forced evictions
- establish partnerships for the integration of data on property, making them public,

according to parameters of transparency recommended by international norms to which Brazil is sovereignly bound

- The state Judiciary should:
 - create internal protocols to ensure the proper functioning of mediation and support commissions for land conflicts
 - establish a partnership program with the institutions of the Justice System (Public Defender's Office and Public Prosecutor's Office) for the systematization of data and monitoring of judicialized cases of land conflicts

Fulfillment of the UN Sustainable Development Goals and internalization of the decisions of the Inter-American Court of Human Rights of the OAS

■ The Delegation emphasizes the importance of the state of Pará having a strategy for internalizing the decisions of the Inter-American Court of Human Rights (IACtHR) regarding cases that occurred on Pará soil, such as the Sales Pimenta v. Brazil case. Annex 5 contains the condemnatory sentence, with the recommendations of the IACtHR.

The Federal Supreme Court has expressed its firm commitment to the 2030 Agenda and the UN Sustainable Development Goals (SDGs). The highest body of the Judiciary understands the implementation of transnational goals as a way to comply with the Federal Constitution. The National Council of Justice (*Conselho Nacional de Justiça – CNJ*, in Portuguese), in turn, has encouraged regional courts to follow the same path.

■ The *CNJ's* Inspector General's Office launched, on April 26, 2023, in the *TJPA*, the Permanent Program for Land Regularization, in order to confront land squatting with legal security and environmental protection, among other challenges to guarantee fundamental rights in the Legal Amazon.

■ Therefore, in addition to the competent correctional action initiated by the *TJPA* and *CNJ*, *Incra* and *Iterpa* are urged to qualify, intensify, and better coordinate the defense of unallocated public lands, respecting Indigenous Lands and Conservation Units, so as to collaborate more decisively for the fair resolution of land conflicts in the region.

■ As such, conflicts involving Conservation Units and Indigenous Lands should also be curbed by repressing predatory and illegal extractive activities. This means that the prosecution of crimes in these areas, as well as in undesignated public lands, must be done in light of the SDGs, with special attention to Goals 15 and 16²⁴.

■ For such goals to be effectively achieved, the *CNJ* should continue to systematically monitor the execution of the recently launched Permanent Program for Land Regularization, in light of the results obtained in the correctional inspection closed on April 26 (Ordinance No. 19/2023), which should no longer be held in judicial secrecy, so that society may also evaluate the important work done. It is recommended that more transparency be given to correctional actions in the state of Pará, so that civil society can collaborate with the institutional effort.

- The Superior Council of the Federal Public Prosecutor's Office can forward the discussion on the reopening of decentralized public prosecutors' offices in the Pará municipalities of Redenção and Tucuruí, and not only in Belém, so as to reaffirm the presence of the federal institution in places of conflict.

- It is advisable that the state of Pará appreciate the recommendations of the Federal Public Prosecutor's Office and review the municipal licensing policy for gold prospecting on riverbanks, considering the serious social and environmental damage caused by the current state of administrative lack of control (Recommendation GAB/PRM/ITB/STM No. 1, of February 16, 2023).

- *Incra* must conclude the administrative process related to Lot 96 (Dorothy Stang Settlement), proceeding with the public call of the settlers, in order to stabilize the situation there, which has been dragging on for a decade. Normative and bureaucratic obstacles need to be reviewed.

- Criticism was heard regarding the norms for Sustainable Development Projects (SDPs), which do not consider the local reality and need to be improved, as they constitute a viable model for balanced development in the region near Altamira, with experiences that have been studied for some time.

STIMULATING THE PARTICIPATION OF CIVIL SOCIETY AND GOOD BUSINESS PRACTICES

Support to local civil society organizations for the defense of human rights

The Arns Commission Delegation considers it urgent that the top administration of all state bodies value the work that civil society organizations – such as the Pastoral Land Commission and the Paraense Society for the Defense of Human Rights, among others – do in the region, strengthening their means of action and carefully considering their analyses and recommendations. As was noted during the visit, accredited entities such as these have expertise that qualifies them for meaningful and productive institutional dialogue with public authorities.

Companies that operate in the region and receive public incentives should be urged by the Federal Inspector General's Office and development agencies to take compliance programs with a socio-environmental emphasis seriously.

The bridges that connect society and the State must be rebuilt, as hopefully indicated, at the meeting held at the headquarters of the State Prosecutor's Office on April 20, 2023.

Enforcing the legal and socio-environmental compliance policies of the companies that operate in the region

In order that the corporate culture that values the principles of respect for the environment, social responsibility, and corporate governance does not play a merely cosmetic role of publicity justification, the companies that operate in the region must be urged by the Federal Comptroller General and federal development agencies, when they benefit from federal public resources, to take legal compliance programs seriously, with emphasis on the socio-environmental level.

Good ESG (*environmental, social and governance*) practices must be improved, especially when granting credit to finance business or agricultural activities. It is necessary to draw up a more detailed regional action plan, bringing together businessmen, federal and state governments, and civil society with specialized activities (e.g. Ethos Institute, Socio-environmental Institute).

It is urgent to verify the legal situation of national or foreign companies, involved and benefited, directly or indirectly, in violent actions against settlers, quilombolas or Indigenous people and their communities, establishing terms for adjustment of conduct, when applicable.

Rigorous examination of the suitability of direct supply chains are increasingly required, as a good practice of legal compliance.

However, it remains to control indirect suppliers, which may have serious socio-environmental liabilities.

Tracking can be done with the application of modern technologies, such as closed, secure and shared chains of trade of assets (*blockchain*) and geolocation of the origin of raw materials, as in good monitoring experiences of all links in the supply chains, which are already being tested and can be systematically disseminated in a more coordinated way, according to established standards.

In any case, the suitable guarantee of origin and the certification of the legal origin – i.e. not originating from environmental conservation units, areas plundered with episodes of violence, or Indigenous lands – must be part of the business compliance plans of companies that intend to operate in a serious and non-predatory way in the region.

Stricter legal compliance in the supply chain is therefore a trend that needs to be reinforced, with government encouragement of wider adherence by serious companies. The organized civil society working in the ESG area should pay special attention to what is happening in southeast Pará.



Source: Google

HALTING THE ESCALATION OF HATRED AND INTOLERANCE

Pacification of the conflict between the Parakanã Indigenous people and the Novo Repartimento community

One of the situations that drew the attention of the Arns Commission Delegation during its visit to Marabá was the highly strained relations between two neighboring communities, the traditional inhabitants of the Parakanã Indigenous Land²⁵ and the residents of the town of Novo Repartimento.

The acute phase of the conflict could degenerate into more violence, which fully justifies the current reinforcement of the National Public Security Force in the area, requested by the Federal Public Prosecutor's Office and granted by the Ministry of Justice.

The non-Indigenous community of Novo Repartimento is clamoring for a trial for the murder of three young men, which occurred a year ago, on April 24, 2022, inside the Parakanã Indigenous Land.

Apparently, the investigation had not been concluded during the trip.

Since the tragedy, the Indigenous people, who had previously suffered manifestations of hostility and prejudice, have been prevented from going to the town for any activity, such as access to school, health services, and/or social benefits. They have founded fear of intimidation and receive threats.

The traders of Novo Repartimento are said to be prohibited from selling any merchandise to the Indigenous people. The Parakanã people complain of growing hatred and intolerance, which now extends to any Indigenous person, of any ethnicity, who ventures going to the city. They also complain about the repeated attempts to invade their land, which has already been demarcated and approved, for the illegal practice of hunting, among other illegal practices.

The political mobilization of collective hatred, for electoral purposes, further aggravates the situation that prevents normal coexistence among neighbors and deepens the collective trauma. Local politicians inflame tempers that are already quite heated. Disarming collective hatred must be a primary task of state and federal policies.



Source: ISA

The just pacification of the conflict also requires that the federal courts clarify individual responsibility for the crimes committed, in accordance with due legal process. This includes attention to anthropological aspects in the relationship with the suspects under investigation. In particular, any further hearings of Indigenous people under investigation should take place within the Parakanã Indigenous Land. The Federal Public Prosecutor’s Office acts as both defender of the Indigenous community on the one hand, and prosecutor in the criminal prosecution on the other. The complexity of this institutional role recommends that the matter be examined by ministerial bodies of coordination.

For its part, the Federal Court of the Tucuruí Judiciary Sub-Section could consider using **Restorative Justice** procedures that address the causes of violence in a participative manner, seeking to achieve self-composition, in accordance with national policies, educational guidelines and normative acts already

Since the tragedy, the Indigenous people, who already suffered prejudice, have been prevented from going to the town’s seat. They fear intimidation and are harassed.

defined by the National Council of Justice²⁶, with the assistance of a mediation commission comprising a group of trusted interlocutors from both dissociated communities.

ATTENTION TO SPECIAL CASES

The Arns Commission highlights the following points of attention along the road from

Eldorado dos Carajás to Belém do Pará. This section concentrates on the practical actions recommended to address the individual situations previously mentioned and mentions other cases that have come to the attention of the Delegation, always with the practical aim of collaborating towards the just pacification of conflicts. Points of attention, therefore, are particular situations that deserve special treatment, and that could not be exhausted within the limits of a general report on violence in southeastern Pará. Having mapped some important focuses of conflict in Topic II on the Land Chaos, here are some possible reactions.

Threats to riverbank dwellers directly affected by the Belo Monte hydroelectric plant reservoir

It is reported the resurgence of an imminent conflict with local farmers, who are supposedly encouraged by politicians from the federal level. This conflict is allegedly being fomented by the company holding the concession agreement for the plant, which has

not fulfilled its licensing obligations. The operating license for the Belo Monte hydroelectric plant determined the restoration of riverine life in the Xingu River reservoir, in 2015, as a condition for filling the reservoir and operating the plant. The riverbank dwellers removed from the islands and flooded riverbanks expose that the deliberate delay in purchasing areas to consolidate the riverine territory puts them in daily conflict with landowners. As one of the most vulnerable populations, they are frequently frightened and threatened.

Disproportionate violence by hooded security guards in Alto-Acará, on land of traditional quilombola occupation

According to reports, on April 12, 2023, a few days before the beginning of the delegation's trip, quilombolas from the Association of Quilombola Remnants Residents and Farmers of the Alto-Acará (*Associação de Moradores e Agricultores Remanescentes de Quilombolas do Alto-Acará – Amarqualta*, in Portuguese) were attacked by unidentified and heav-



Bordunas (Indigenous weapon) and cell phones facing masked gunmen, among incredulous dendê people.

Photo: Divulgação

ily armed private security guards at the behest of the company Brasil BioFuels (BBF), in Acará, state of Pará²⁷.

The community organized itself and, in protest, closed the road near the BBF's Fazenda Vera Cruz on April 14. The worsening of the social conflict seems imminent. The local public security authorities should pay special attention to the illegal, truculent, and disproportionate *modus operandi* of the armed reaction launched by masked people, who look more like a robbery gang. Rigorous inspection is required to curb the degeneration of private security into camouflaged banditry. In this case, it has shown itself to be totally dissociated from the good practices observed by professionals.

The handling of collective conflicts requires special protocols of conduct and highly specialized training of public security forces. Tempers in the Alto-Acará region need to be appeased soon to avoid further bloodshed. Reports have been heard that the company would try to constrain the impartial work of the police authority with excessive legal representations. On May 17, 2023, it was one month since the Federal Public Prosecutor's Office requested the arrest²⁸. Socio-environmental liabilities should be analyzed by the legal compliance departments of the companies that have commercial supply relations with the company in question..

Death threats in the Eduardo Galeano Settlement, in Canaã dos Carajás

Workers have denounced threats made by illegal miners, including by firing of shots, as on October 24, 2021²⁹. It is necessary to rig-

orously supervise the armed security forces escorting illegal miners, intimidating and threatening residents, as well as the legality of the heavy weaponry, such as rifles, which they use (*more details in Annex 2*).

Conclusion of the criminal cases and investigations related to the Pau D'Arco Massacre

The death of ten people in a confrontation during the repossession of the Santa Lúcia farm in 2017 is still unanswered (*more details in Annex 2*). It is necessary to demand information about the regular progress of the criminal process with trial by the Jury Court. The threats against the families' lawyer, the murder of a key witness in the case, and the murder of a community leader need to be investigated and punished, according to due legal process. According to the Delegation's findings, the legal response to the crimes remains inconclusive, which conveys a strong sense of impunity that frightens the local community.

Halting armed gang attacks on the Divino Pai Eterno Community

The attacks of armed gangs on the Divino Pai Eterno Community, in São Félix do Xingu, need to be effectively halted by the ostensive forces of public security. Murders and threats have still not received the proper legal response, generating social fear, a strong sense of impunity, and distrust of public authorities. A few days before the Delegation's visit, during Easter, another victim was killed (*Annex 2*).

Intensification of ostensive police surveillance to protect the Diamante Community

Overt police surveillance and patrols recommended by the protection program for human rights defenders should be strengthened; investigate and punish crimes of damage and threat; syndicate the actions of local police authorities, in the episodes of violence that have happened since 2015, and better protect witnesses and victims from the *Diamante Community*, in Itupiranga, Pará (see *Annexes 2 and 6*).

Esperança SDP, Gleba Bacajá, Virola-Jatobá SDP, Lots 141 and 142, Gleba Belo Monte, Lot 109, Lots 59 and 61 of Gleba Bacajá). All recommend close monitoring by state and federal authorities. Leaders of these communities, heard in Anapu, stressed in unison the high degree of violence to which they are subjected. Killings, threats, administrative processes that have been halted, disappeared, or inconclusive have already been previously described.

Execution of warrants and protection of the threatened leaders of the Raio de Luz Settlement

It is urgent that the warrants against those convicted of the murder of the union leader José Dutra Costa, a.k.a. Dezinho, killed in 2000, at the Raio de Luz Settlement in Rondon do Pará, be executed. The murdering gunman has remained at large for 23 years. Likewise, the mastermind, although convicted, has not yet served his sentence. The situation has not improved, so much so that the widow of the murdered leader still needs an escort granted by the IACtHR, which, in a way, represents a limitation of her privacy.

Monitoring tensions in Senador José Porfírio, Novo Repartimento, and Anapu

Tense situations of imminent conflict in Senador José Porfírio, Novo Repartimento, and Anapu were also reported (Sister Dorothy Stang Settlement Project, Mata Verde Settlement Project, Mata Preta Settlement Project,

Photo: Miguel Chikaka/Pela Democracia Photographers

TERRA
NOSSA

chapter 6.

Conclusion

This report lists the main governmental actions necessary to protect the fundamental right to life and to physical and psychological integrity in southeastern Pará (*Chapter 5*). In summary, among the proposals for immediate action to mitigate the effects of violence in south and southeastern Pará, the Arns Commission cites the urgency of revitalizing the Program for the Protection of Human Rights Defenders (*PPDDH*); the prompt involvement of the Special Group for Combating Organized Crime (*Gaeco*) of the *MPE-PA* in the investigation of evidence of the activities of rural militias organized to commit violent crimes in the region; and the need for a concentrated operational effort by the State Public Prosecutor's Office and the Secretary of Public Security to solve the massacre of the family of environmentalist Josué Gomes, known as Zé do Lago, in São Félix do

Xingu, in January 2022, as well as for the fulfillment of pending arrest warrants.

In addition, the Arns Commission believes it is important to draw up a strategy for the re-taking of unallocated public lands, in compliance with international obligations assumed by the Brazilian State, as well as for the creation and regularization of rural settlement and sustainable development projects, since most of the cases of violence in the south and southeast regions of Pará are due to land conflicts that are not pacified with justice.

In this sense, it is also urgent to resume *Incra's* work in the Advanced Unit of Altamira and the Anapu Post, with teams committed to regularizing the settlement projects. One of the measures that proved to be most important for the delegation, during its visit to Marabá is the pacification of the conflict between the Parakanã Indigenous people

and the inhabitants of Novo Repartimento, who are clamoring for a trial for the murder of three young men, which took place a year ago, on April 24, 2022, inside their traditional occupation land.

Information should also be demanded on the progress of investigations and criminal proceedings related to cases such as the Pau D'Arco Massacre, on the Santa Lúcia Farm, and the attacks by armed gangs on the Divino Pai Eterno Community, in São Félix do Xingu, among others.

It has also proven advisable for the president of the Court of Justice of Pará to accompany and honor the efforts of the State Public Prosecutor's Office (MPE) to enforce unfulfilled court orders, which generate a sense of impunity in the region.

The free circulation of well-known convicted gunmen also contributes to the discrediting of institutions, so a task force for the enforcement of warrants could be immediately formed and supported in its work, and accountable to Brazilian society for its actual results.

Finally, the Arns Commission recommends, among other measures, a major local disarmament and inspection operation in the regions visited, organized by the Ministry of Justice and Public Security, in conjunction with the government of the state of Pará, with intensive support from the Federal Police Department and coordinated with the local Military Police.

Understanding the contemporary seriousness of this situation that is close to anomy and its cruel effects on the populations abandoned to the yoke of the strongest is the first step to recover, while there is still time,

the primacy of institutions and laws over the empire of violence, by all the legitimate means available to the rule of law, which is expected, as they say, to impose the force of law over the law of force.

This is what the Commission set out to report, echoing the suffering but persistently hopeful voices of its not-forgotten victims. As we heard at the Cabanagem Center in Marabá, it is unworthy of their humanity that they start a new day, under the rigors of sun and rain, with the terrible prayer:

"Lord, thank you that we dawned alive."

.....

The annexes are available for consultation on the Arns Commission website:

comissaoarns.org

- I. Historical note
- II. Travel journal
- III. Homicides in agrarian conflicts (DPE Report)
- IV. Civil society report
- V. Brazil condemnation by the IACtHR
- VI. Confidential and Separate Annex (not available for consultation)

At the end of the expedition, the Arns Commission Delegation participated in an audience at the headquarters of the MPE-PA, in Belém, where they conveyed their main concerns to the state authorities. The meeting was attended by the Attorney General of Justice, César Mattar (center, wearing a light-colored jacket).



NOTES

1 Cf. **Anexo 4** (Relatório da CPT Sul e Sudeste do Pará, FETAGRI, FETRAF, MST/PA, MAB, Instituto José Cláudio e Maria, April 16, 2023):

“According to data from the Pastoral Land Commission, in the last four decades, more than 900 rural workers and their leaders were murdered in the state of Pará. Of this total, more than 600 deaths occurred in the south and southeast regions. In the same period, more than a hundred union, political, religious, and environmental leaders were assassinated in Pará, the absolute majority of them, murdered in the south and southeast.”

“A brutal form of this violence occurs through massacres and slaughters. According to the monitoring carried out by the documentation sector of the Pastoral Land Commission, from 1985 to 2022, 59 cases of slaughters and massacres occurred in Brazil, with 302 deaths. Of this total, 30 cases with 155 deaths were registered in the state of Pará until the year 2022. This represents 40.67% of the cases and 38.74% of the deaths at the national level, which clearly demonstrates that these two regions are the most violent in Brazil in relation to the problems surrounding the agrarian issue” (...)

“It happens that the data of the last 10 years show that the situation has not changed, in this period 33 human rights defenders leaders were assassinated and, in only 03 cases, the accused were tried, that is, the situation has become even more serious”.

2 <https://amazoniareal.com.br/pistoleiros-invadem-e-incendeiam-casas-em-anapu-no-para/>

3 Cf. **Anexo 4** (Relatório da CPT Sul e Sudeste do Pará, FETAGRI, FETRAF, MST/PA, MAB, Instituto José Cláudio e Maria, April 16, 2023):

According to the Pastoral Land Commission, “the last 10 years show that the situation has not changed. In that period, 33 human rights defenders were assassinated, and in only 03 cases there were trials for the accused, that is, the situation has become even more serious” (p. 8, item 3.3).

4 Other regions of Pará, which were not visited by the Delegation, also report violent episodes with similar characteristics. On May 14, 2023, while this report was being written, we received news of an attack on Mr. Lúcio Tembê, chief of the Turé-Mariquita village in Tomé-Açu, in northeastern Pará. He was the victim of an attempted murder on his way back to his village. While he was unsticking the car that was transporting him, two men on a motorcycle approached him and shot him point-blank in the head.

Due to the severity of his injuries, he was transferred to the metropolitan hospital in Belém. It is suspected that the chief was being monitored by the criminals. Lucio Tembê is one of the main leaders of the Indigenous movement in the region, and yet another person threatened with death because of his actions on behalf of his people against large agribusiness companies that operate in a predatory manner in the region.

5 <https://www.cptnacional.org.br/massacresnocampo>

6 Cf. **Anexo 4** (Relatório da CPT *et. alii, op. cit.*, item 3.3, p. 8): “Of the 30 massacres registered by the Pastoral Land Commission in the State of Pará up to the year 2022, which victimized 155 rural workers, only in 05 of them (Ubá, Princesa, and Eldorado Massacre, Quintino, and the Muniz family) were the processes concluded and some of those responsible judged. (...)”

“Also according to the same data, of the 101 municipalities in the State of Pará in which there was a record of murders in the countryside, in the period from 1980 to 2020, only 23 of them do not have a 100% impunity rate. The municipality of Xinguara, with 80 murders of rural workers in this period, has not yet had a single crime definitively judged. Likewise, the municipalities of Conceição do Araguaia (43), São Félix do Xingu (62), São Geraldo do Araguaia (68), Paragominas (39), had the same impunity rate. The data revealed a kind of trivialization of violence in the region”.

7 Regarding the historical process of regional economic occupation, we can roughly distinguish some phases. Until the 1950s, when the economy of southeastern Pará revolved around Brazil nut extraction, the land was basically controlled by a few wealthy families of farmers, who held the economic and political power, especially in the Marabá region, which historians called the “oligarchy of Brazil nut plantations”.

From the 1960s on, during the military government, the development model was centered on extensive cattle farming, logging, and mining. The nut economy gave way to large projects fomented and induced by the federal government, following the path of the Transamazonian Highway.

At this time, business groups from the center-south of Brazil were encouraged by the military in power to act in Pará, occupying its lands. The gunmen were used either to defend the large estates or to expand the area of economic exploitation, to the detriment of the occupations carried out by rural workers who migrated to the region, attracted by government propaganda, as well as of the traditionally occupied lands of Indigenous communities, quilombolas, and riverbank dwellers. These gunmen still act in an untrammelled way, tending to organize themselves into militias.

The illegal occupation of land continues strong in the region, especially where there are public lands that have not been allocated by the land agencies of the Federal government (*Incra*) and the State of Pará (*Iterpa*). Municipalities

such as São Félix do Xingu and Anapu are today the main focus of the expansion of illegal occupation of land in the agricultural border, by means of fraudulent titles or those not based on a solid chain of ownership.

Rural militias operate with greater firepower than traditional pistol violence, due to the criminal association of heavily armed groups, which was facilitated by the Bolsonaro government's arms policy. Illegal mines and gold prospecting proliferate in the mineral province of the region, using violent means to impose themselves.

For further historical information, we suggest you consult the following work (in Portuguese):

SALLES, João Moreira. *Arrabalde: Em busca da Amazônia*. Companhia das Letras, São Paulo, 2022.

8 FÓRUM BRASILEIRO DE SEGURANÇA PÚBLICA. *Cartografias da violência na região amazônica*. Fev. 2022, p. 38-47. Available at: <<https://forumseguranca.org.br/wp-content/uploads/2022/03/violencia-amazonica-relatorio-final-web.pdf>>. Access on 04/25/23.

9 The Pastoral Land Commission (Annex 4, op. cit.) affirms that “without progress in the processes of acquisition and expropriation, the Judicial Power accelerated the processes of reintegration of property ownership in favor of the farmers. Just in the Agrarian Courts of Marabá, Rendeção and the districts of Canaã and Curionópolis, which corresponds to the area of the Superintendency of *Incra* in Marabá, there are today 41 occupied farms, most of them more than 10 years old, that are on the list to be evicted. This measure damages 5,147 families that are already living and producing food on the land (Annex 01). About 800 of these families are threatened with eviction from properties acquired by the mining company Vale S/A in the municipality of Canaã dos Carajás” (p. 4).

10 PPDDH and PROVITA are two separate federal programs for the protection of threatened people, in coordination with the states. While the former is aimed at protecting human rights defenders in general, the latter focuses on the protection of witnesses and their relatives, so as to guarantee the effectiveness of criminal prosecution.

According to official information from the Ministry of Human Rights and Citizenship, each program has its own characteristics and governance. In one, the threat derives, by itself, from acting as a human rights defender, in the other, due to collaboration with Justice, in criminal proceedings.

The Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists (*Programa de Proteção aos Defensores de Direitos Humanos, Comunicadores e Ambientalistas – PPDDH*, in Portuguese) assists and monitors cases of risk and threats to the death of human rights defenders, communicators, and environmentalists throughout the country, as provided for in Decree No. 9,937/2019 and Decree No. 6,044/2007, which establishes the National Policy for the Protection of Human Rights Defenders (*Política Nacional de Proteção aos Defensores*

dos Direitos Humanos – PNPDDH, in Portuguese), according to information from the Ministry of Human Rights and Citizenship.

The Federal Program of Assistance to Threatened Victims and Witnesses (*Programa Federal de Assistência às Vítimas e às Testemunhas Ameaçadas – PROVITA*, in Portuguese), consists of a set of measures adopted by the Federal government in order to provide protection and assistance to people threatened or coerced because they collaborate with the investigation and/or criminal process.

Created in 1999, through Federal Law No. 9,807/99, the policy for the protection of threatened victims and witnesses meets the demand from all over the federation, either through State Programs or the Federal Program, which, with the strong support of Civil Society Organizations, currently protects approximately 500 people, including witnesses and their families.

11 For other criticisms and suggestions, see the specific report of the organization *JUSTIÇA GLOBAL*, December 2022, available at the following address: <<https://terradedireitos.org.br/uploads/arquivos/Olhares-Criticos-sobre-mecanismos-de-protecao-na-AL.pdf>>.

12 During Rio+20, a conformance process of intergovernmental agreement was deflated, which seeks to guarantee the precepts of Principle 10 of the Declaration of the United Nations Conference on Environment and Development of 1992, whose content is the protection and guarantee of access to information, participation, and justice in environmental matters.

Adopted in Escazú (Costa Rica) in 2018, the Agreement came into force on April 22, 2021. Its content is of great relevance, as it aims to ensure an effective implementation of access rights (information, participation, and justice) in environmental matters and is the first binding agreement that expressly provides the command to States to ensure safe conditions for people, groups, communities, organizations, and environmental defenders.

13 <https://g1.globo.com/pa/para/noticia/2022/02/09/um-mes-apos-assassinato-de-familia-de-ambientalistas-no-pa-mpf-denuncia-omissao-de-autoridades-e-avalia-federalizar-caso.ghtml>

14 We can refer to some of these strategic articles (SA) elaborated by the *INSTITUTO IGARAPÉ*:

WAISBICH, Laura Trajber, et. alii. *O ecossistema do crime ambiental na Amazônia, uma análise das economias ilícitas da floresta*, AE 54, Instituto Igarapé, Rio de Janeiro (RJ), fevereiro de 2022.

WAISBICH, Laura Trajber, et. alii. *Territórios e caminhos do crime ambiental na Amazônia Brasileira*, AE 57, Instituto Igarapé, Rio de Janeiro (RJ), julho de 2022.

The latter article points out that “Pará is the state that appears most in the mapping, with a total of 161 territories in 46 municipalities resulting from 83 Federal Police

operations” (p.3).

The studies by Professor RODRIGO SOARES, from *Inspere*, about violence in the Amazon can also be enlightening. We will not cite them here in detail, since this report is not an academic work and does not intend to exhaust the bibliography on the theme.

Recently, in April 2023, federal police delegate ALEXANDRE SARAIVA released a book in which he relates his experiences in fighting organized crime in the Amazon region:

SARAIVA, Alexandre. *SELVA, Madeiros, garimpeiros e corruptos na Amazônia sem lei*. Editora Intrínseca, Rio de Janeiro (RJ), 2023.

15 www.premioinnovare.com.br

16 See Amicable Settlement Agreement signed by the Federal Government and the state of Pará in IACHR/OAS proceedings in Case No. 12,673 (José Dutra da Costa, Dezi- nho, and his widow Mrs. Maria Joel Dias da Costa). Clause 24 obliges the state of Pará to file actions to repossess public lands, which has never been done in the region near Marabá, even despite the presentation of documents by civil society organizations (*Justiça Global, Sindicato dos Trabalhadores Rurais de Rondon do Pará*, and *CPT*).

According to this Clause 24, which is being breached, “the State of Pará will prioritize the filing of lawsuits to retake illegally occupied state public lands, in accordance with the state legislation in effect and in light of the information and documentation to be delivered by the petitioners to the State, as a subsidy for the lawsuits.”

The neglect of the collection of state public lands has been formally accused by civil society, as in a recent letter sent by the CPT to the Attorney General of the State, on May 17, 2023. There, several cases are listed that demand more assertive actions from Iterpa.

17 Public Civil Action of Santa Tereza, promoted by the State Public Prosecutor’s Office and the Pastoral Land Commission against *Iterpa* and the State of Pará, before the Agrarian Court of Marabá, for alleged defects in the administrative process of regularization, which would unduly benefit the private individual, to the detriment of the public interest (*Autos n.º 0802823-96.2019.8.14.0028*).

18 The website <https://reporterbrasil.org.br/covamedida> tells well the story of those killed in the struggle for land in recent years, many of them in Pará.

19 <https://ox.socioambiental.org/sites>

20 <https://sumauma.com/os-defensores-nao-defendidos/>

21 <https://noticias.uol.com.br/colunas/leonardo-sakamoto/2023/05/22/juiz-teme-morrer-apos-apreensao-de-retroescavadeira-de-garimpo-no-para.htm>

22 As pointed out in *REsp* No. 1.302.736, reported by Minister Luis Felipe Salomão: “The evolution of law no longer allows us to conceive of the protection of the right

to property and possession in the exclusive interest of the private individual, since the principles of human dignity and the social function expect more effective protection.” It also assures the right to housing and to the existential minimum, converting the original provision of possessory protection into an alternative.

23 Article 1,210 of the Civil Code. The possessor has the right to be maintained in possession in case of turmoil, and restored in case of disseisin, and insured against imminent violence, if he has a justifiable fear of being harassed.

§ 1. A turbulent or dispossessed possessor may maintain or restore possession by his own force, provided that he does so immediately; the acts of defense or force of action may not go beyond what is necessary to maintain or restore possession.

24 Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss;

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels;

25 For more details about the Parakanã Indigenous Land, see: <<https://terrasindigenas.org.br>> e <https://pib.socioambiental.org/pt/P%C3%A1gina_principal>

26 <https://www.cnj.jus.br/programas-e-aco-es/justica-restaurativa/>

27 Although Alto Acará is not located in southeastern or southern Pará, at the meeting held at the Pará Society for the Defense of Human Rights in Belém, the Delegation also heard reports of some cases from deponents who came from other regions of the state.

28 <https://amazoniareal.com.br/mp-pede-prisao-do-dono-da-brasil-biofuels-por-tortura/>

29 <http://novacartografiasocial.com.br/entre-a-grande-mineradora-e-o-garimpo-ilegal-os-agricultores-acampados-do-eduardo-galeano-mst-em-canaa-dos-carajas-so-quer-produzir-criar-seus-bichos-e-nao-garimpo/>

Pará: without justice there is no peace

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