

Norsk Hydro Brasil / Alunorte

Recovery of Possession of Hydro Properties in Barcarena

Integrated Report

October, 2017

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INTRODUCTION

The Amazon biome is the largest in Brazil, occupies an area of approximately five million square kilometers, and covers the entire state of Pará. Such wealth, however, attracts different economic interests which are not always in accordance with the principles of sustainability and environmental preservation.

A survey conducted by the Amazon Environmental Research Institute (Instituto de Pesquisa Ambiental da Amazônia - IPAM), based on official data from the Federal Government, identified that 7,989 square kilometers of Amazon rainforest were deforested between August 2015 and July 2016, the highest rate since 2008. Deforestation occurred in private farms (35.4%), in settlements (28.6%), in public lands without destination and areas without land registry information (24%), and also in conservation units (12%). In Pará, there was a 41% deforestation increase in the analyzed period, the equivalent of 3,025 km², the largest devastated area among all Brazilian states¹.

Another recent survey conducted by the Institute of Man and the Environment of the Amazon (Instituto do Homem e do Meio Ambiente da Amazônia - Imazon) analyzed the 50 most impacted areas by deforestation between years 2012 and 2015 and concluded that 237.2 thousand hectares of forests were lost and the potential profit obtained by *grileiros*² with illegal timber sales may have reached R\$ 300 million. In addition, it is estimated that *grileiros* took possession of R\$ 344 million in lands, considering the market value of deforested areas in that period³.

In Brazil, the violence related to land issues resulted in about 60 murders between January and May 2017. The most emblematic case happened, in May of this year, in the city of Pau D'Arco, in Pará State, when 10 people died. **Pará is one of the Brazilian states with a relevant track record of land conflicts, including attempts to land appropriation, illegal logging, threats and conflicts with resident families.**

In addition to land use issues, the demand for housing is a constant in Brazil, both in large cities and in regions with a lower population density. The Barcarena Municipal Complementary Law No. 49/2016⁴, Article 90, recognizes the right to housing as a human right, individually and collectively, in accordance with the Universal Declaration of Human Rights and the Brazilian Constitution of 1988. Besides, this Law highlights that **adequate housing must**

¹ CRISTALDO, Heloisa. *Amazônia perde 7.989 km² de floresta, maior desmatamento desde 2008*. Jan 9th, 2017. EBC Agência Brasil. Available in: <<http://agenciabrasil.ebc.com.br/geral/noticia/2017-01/amazonia-perde-7989-km2-de-floresta-maior-desmatamento-desde-2008>>.

² *Grileiro* is the Brazilian term used to designate those who do the illegal grabbing of public lands (*grilagem*).

³ AMAZONIA.ORG. *Grileiros podem ter lucrado R\$ 300 milhões com a retirada de madeira ilegal de áreas de conservação da Amazônia*. Mar 20th, 2017. Available at: <<http://amazonia.org.br/2017/03/grileiros-podem-ter-lucrado-r-300-milhoes-com-a-retirada-de-madeira-ilegal-de-areas-de-conservacao-da-amazonia/>>

⁴ Revisão do Plano Diretor de Desenvolvimento Urbano de Barcarena, Available at: <http://www.barcarena.pa.gov.br/porta/arquivo/procuradoria/73_3745LEICOMPLEMENTARMUNICIPAL492016PDDU.pdf>.

have "solid and airy construction, water and sewage networks, sanitary facilities, drainage, electricity, public lighting, garbage collection, paved streets, public transportation service and access to basic social services as education, health, security, culture, leisure, commerce and other services"⁵. At the national level, the right to adequate housing is also recognized in Article 11 of the International Covenant on Economic, Social and Cultural Rights, to which Brazil is a signatory and has been implemented since Decree No. 591/1992⁶.

The cases of invasions in rural areas, in addition to the legislation already mentioned, are also dealt with in the light of the National Guidelines Manual for Court Orders Enforcement in Maintenance and Recovery of Collective Possession, prepared by the Brazilian Ministry of Agrarian Development. This document determines that the enforcement of the court orders is responsibility of the Military or Federal Police, in accordance with their sphere of competence⁷. **This Manual provides that the Military Police is responsible for planning, site inspection, collection of subsidies and information about the people and their possible vulnerable situation, and pre-enforcement communication.**

THE RECOVERY OF POSSESSION AND EVICTIONS PROCESS - Stages and organizations involved

Lands owned by Norsk Hydro Brasil / Alunorte, called Cabanos II, Águas Verdes and Tauá were invaded on January 7, January 13 and October 14, 2016, respectively. Once the invasion was identified, the Company, represented by its Legal Department, recorded a police incident, initiating repossessionment actions.

The court orders were issued with a decision favorable to the recovery of possession and it was defined by the Judiciary that the Military Police of the State of Pará (PM-PA) would be the responsible authority for planning and executing the repossession order. The Peabiuru Institute reported that was noticed the presence of different PM-PA units during the process, such as the Special Missions Command (CME), the Special Operations Command (COE), the Ostensive Tactical Operations Police Battalion (BPOT / ROTAM), as well as a vehicle of the Military Police in Barcarena, a team of military rescuers and another from the Fire Department.

Alunorte contracted Sparta Solutions, a consulting firm specialized in logistics and crisis management, to monitor and provide logistic support. Sparta Solutions was present for at least one month before the execution of the repossession order, as part of the preparation for the

⁵ Artigo 90, Parágrafo Único.

⁶ Available at: <http://www.planalto.gov.br/ccivil_03/decreto/1990-1994/d0591.htm>

⁷ Item 1 - DA AUTORIDADE COMPETENTE PARA EXECUÇÃO DAS MEDIDAS: Havendo necessidade do uso da força pública para o cumprimento das ordens judiciais decorrentes de conflitos coletivos sobre a posse de terras rurais, em razão da sua função institucional e do treinamento específico, os atos deverão ser executados com apoio da Polícia Militar e/ou Polícia Federal, observada a respectiva esfera de competência.

operation⁸. Closer to the date of the operation, Alunorte contracted Peabiru Institute, a Civil Society Organization of Public Interest (OSCIP), to independently observe human rights compliance during the repossession process. Alunorte demanded confidentiality during all stages, highlighting the sensitivity of the information collected, and the need for compliance with current legislation, especially regarding respect for human rights. Alunorte demanded confidentiality at all stages, highlighting the sensitivity of the information collected, and the obligation to act in accordance with current legislation, especially regarding human rights.

Phase 1 - Preparation

During the preparation phase, Sparta Solutions performed a situational diagnosis, considering social, political, legal and material aspects. In this stage, the contractor outlined the profile of the residents, the leadership and how the land was occupied. The company also monitored social and political interactions and connections, legal/official representatives or informal ones, and the local media communications and propagation.

For a month, prior to the recovery process, Sparta's intelligence team produced aerial imagery using a drone, in order to monitor daily occupancy expansion, the increase in the number of buildings, and illegal deforestation in all three areas. For this activity, two employees of the company presented themselves as environmental agents who would need to collect information about a river spring behind the area.



Figure 1: Aerial image - Cabanos II. Sparta Solutions' report.



Figure 3: Aerial image - Águas Verdes. Sparta PM-PA report.



Figure 2: Buildings and devastated area in Cabanos II. PM-PA report.



Figure 4: Landmarks - Águas Verdes. PM-PA report.

⁸ Date not informed in the consulted reports.

In addition, another employee presented himself as a socially underprivileged person, looking for land for residence. From the data collected during the visits, Sparta sought information about occupation leaders, their goals, their history of occupations, and possible political connections.

At this stage of the operation, the Military Police of the State of Pará was also present in the invaded areas, collecting information and planning. According to Sparta, PM-PA worked on counting buildings and identifying the leader of the invasion. Subsequently, the two teams gathered to share the data collected and observed they had the same understanding of the invaders' profile. It was verified that the majority of the people had residence in other localities and occupied the area aiming at real estate speculation, with political or financial interests.



Figure 5: Counting of buildings - Águas Verdes. Sparta Solutions report.

A week before the beginning of evictions, the local Judiciary convened a meeting in the Barcarena City Hall with representatives of Norsk Hydro Brasil / Alunorte, the Public Prosecutor's Office, the Military Police, councilors and occupational leaders. During this meeting, the Judiciary informed about the enforcement of the recovery of possession and about the authority of the Military Police during the evictions, emphasizing that everyone should obey their instructions. In addition, recommendations were made remembering the compliance with laws, authorities and human rights.

Sparta Solutions reported that the Barcarena City Hall had initially provided an area at an average distance of 20 kilometers from the region with occupations for temporary storage of occupants' belongings. However, after the meeting, it was announced that the City Hall wouldn't provide such area anymore and that the belongings of the occupants should be transported to the locality indicated by each one of them, respecting the 20 kilometers restriction distance for transportation.

Phase 2 - Repossession

For the repossession phase, it had been defined that Sparta Solutions would arrange the transportation and cataloging of the belongings of all occupants of the three invaded areas, according to the instructions provided by the Military Police of the State of Pará. The team was divided into two working cells, one responsible for the transportation and for providing information and pictures of the operation's progress, and the second cell responsible for compiling, translating and sending information in real time to the leadership of Alunorte.

On the operational days, the Military Police restricted the access of Sparta Solutions employees to the areas, so that only the workers responsible for dismantling and transporting the belongings were able to access them. Therefore, the company could not supervise the work nor catalog the items, as originally planned.

It was also at this stage that the Peabiru Institute began to work, with the objective of performing an independent observation. The perspective was that, being in the field during the process, they would conduct interviews, recordings and pictures, without being identified by any of the main subjects involved in the repossession, from Municipal Public Authorities and military forces, to families to be evicted. However, during the recovery process in Águas Verdes, they were questioned more incisively, so they ended up confirming they had been hired by Alunorte.

In the same way the access was restricted to Sparta, representatives of the Peabiru Institute were not allowed to get into the areas during the process, restriction reported by them as having been most strongly perceived in the areas of Cabanos II and Tauá. Thereat, they could contact few people and took pictures mostly from distance. In Cabanos II, they spoke with about 40 people, mostly residents and four policemen, including a family considered more socially vulnerable. In Tauá, the Institute members were only able to drive through the areas. In addition, they visited the families after the recovery process; when they were able structurally conduct the interviews.

It is important to note that the access restriction to the areas imposed by the Military Police was not only against Peabiru Institute and Sparta Solutions, but also to any person or institution that was not part of the operation, as members of other non-governmental organizations, political parties, and media. **This restriction is in accordance with the Brazilian law, which determines that Police actions are restricted to what is expressed in the court order⁹ and the presence of people other than those identified in the same court order must be authorized by the judge in charge¹⁰. It is also the responsibility of the executing authority of the court order to request logistical support, such as social assistance, medical services and adequate transportation. During the execution of the court order, it is also forbidden to undo**

⁹ Item 3 – Dos limites da ordem judicial, Manual de Diretrizes Nacionais para Execução de Mandados Judiciais de Manutenção e Reintegração de Posse Coletiva (National Guidelines Manual for Court Orders Enforcement in Maintenance and Recovery of Collective Possession).

¹⁰ Item 5 – Do planejamento e da inspeção, idem.

existing improvements or to dismantle the camp, not even with the use of private labor, unless the removal of objects is voluntarily requested by the evicted citizens¹¹.

Phase 3 – Post-Evictions

After the evictions, Sparta Solutions coordinated the cleaning of the areas and the construction of barriers, in order to disable the built accesses and create obstacles to prevent subsequent new invasions attempts.

There are not further information on post-evictions period.

Águas Verdes

The Águas Verdes area is located on highway PA-481 (1°32'47 "S 48°41'47" W), in the municipality of Barcarena, with an area of 3,033.4748 hectares. Property of Alunorte-Alumina Do Norte Do Brasil S.A, the area is designated as Industrial District by the 2016 Master Plan of the Municipality of Barcarena.

The property was invaded on January 13, 2016 by a group of about 80 people who overturned the pre-existing fences. Norsk Hydro Brasil / Alunorte filed an application for recovery of possession on January 26, 2016. Having received a favorable result, a court order No. 0000478-61.2016.8.14.0008, dated January 26, 2016, was issued. The order for execution of the recovery of possession by the Military Police of the State of Pará was given on April 24, 2017.

¹¹ Item 7 – Do uso de mão de obra privada para remoção, *ibidem*.



Figure 6: Invaded área in Águas Verdes.

Phase 1 - Preparation

The Military Police of Pará identified that the area was partially occupied and that the structure of the invasion grew daily. Called by residents of "Comunidade Jardim Canaã", the area also suffered great devastation from the native forest and was divided into 400 lots, being part of 15 x 30 meters, near the PA 481 highway, in the innermost areas, in lots of 20 x 30 meters. In the area the PM-PA counted 210 constructions, being 116 wooden houses, 38 canvas shack, 48 frames and 8 brick houses under construction. As in the Cabanos II area, as we shall see later, some of the empty structures were understood as marking place, as an attempt to value the region.

PM-PA also indicated in its written report the presence of about 90 families, approximately 500 people, who frequented the region every day. They identified Mr. Bosco and Mrs. Socorro as the local leaders and participants in other invasions. The Police also pointed out that most of the occupants would be interested in real estate speculation and were residents in the municipality of Barcarena. The occupants had clandestine electricity supply and there was no structure for water supply or sewage collection.

For the same area, Sparta Solutions counted 298 buildings, no details about these buildings were reported, and also identified Mr. Bosco as local leadership. During the preparation process, a Sparta agent who was acting as looking for a residence identified the existence of land trade which the invader occupy and divide a certain area and then sell to interested people. The values ranged from R\$ 5,000.00 to R\$ 15,000.00, depending on the size and location of the lots.



Figure 7: Map with blocks and land for sale in Águas Verdes. Sparta Solutions report.



Figure 8: Vehicle parked in Águas Verdes. Sparta Solutions report.

Sparta Solutions also identified vehicles belonging to people living in the surrounding neighborhoods, confirming that the occupants were not just low-income and vulnerable people. In addition, trucks were seen delivering construction materials, tractors opening roads and deforesting the area. According to the contractor, these resources were provided by the leaders of the invasions, with the support of local political leaders. Reports from Sparta Solutions and later from the Peabiru Institute stated that anyone who did not have links with the parties involved in the invasion process was treated in a hostile manner when approaching the location.

Phase 2 – Repossession

At 5:00 am on April 24, teams from the Peabiru Institute, Sparta Solutions and the Military Police were already preparing to start the repossession activities.

Residents set up barricades with wood and tires in the middle of the PA-481 highway and carried several posters. Protesters blocked the representatives of the Peabiru Institute from advancing beyond the barricade with their car. Two people from the Institute continued on foot and were able to follow this phase more closely. It was reported that, even before PM-PA arrival, some families were already seen dismantling their homes and removing their belongings. It is worth mentioning that, for the families in search of housing, the investment in the construction of the buildings may also be perceived as part of their belongings, a kind of equity, since they can be used to build a new residence, once they have the opportunity to get it. In these cases, it is normal that the building elements to be carried by them.

The Military Police arrived at about 6 o'clock in the morning. After the Officer read the Court Order, some people resisted and set fire to tires, blocking the highway. However, this resistance was not prolonged and, after a peaceful negotiation carried out by the Military Police, the fire was extinguished, and the road liberated. At that time, the deadline informed for families to vacate the area was three days. No act of violence was practiced during the negotiation and entry of the PM-PA in the area. Sparta reported that there was a minimal presence of media vehicles, with few minor reporters or local bloggers.



Figure 9: Aerial image of the barricade of Highway PA-481. Sparta Solutions report.



Figure 12: Peaceful negotiations in Águas Verdes. Sparta Solutions report.



Figure 10: Arrival of the police forces contingency and of the legal prosecutors. Peabiru Institute report.



Figure 13: Deblockage of the PA-481 highway. Sparta Solutions report.



Figure 11: Justice Officer reading the court order of possession recovery. Sparta Solutions report.



Figure 14: Securitization of the area by the Companhia de Energia do Pará (CELPA). Sparta Solutions report.

Once the negotiation concluded the Commander of the Military Police ordered the machines and trucks to enter the area and guided the gradual entry of the workers responsible for dismantling the structures. The work started after securitization by the Companhia de Energia do Pará (CELPA), disconnecting the clandestine electric energy connections.

The staff at the Peabiru Institute reported that they were able to stay inside the area for a few hours, during which they were able to observe that some families showed desperation because they had nowhere else to go nor the ability to carry their belongings. Then a collaborator followed the exit of the trucks, another followed the responsible for transportation and the rest of the team continued trying to access the area in recovery process. Sparta has appointed two employees to work with the dismantling of the structures and loading the trucks, without identifying themselves as being part of the company. At no time on the first day was

notice the presence of Municipal Public Authorities beyond the Military Policy during the evictions.



Figure 15: Transport and dismantling of structures. Sparta Solutions report.



Figure 16: Transport and dismantling of structures. Sparta Solutions report.

On Tuesday, April 25, the second operational day, work began at 6:00 am. Restrictions on access to the area were maintained and Sparta continued to operate with its disguised employees, such as the first day. The command of the operation informed the deadline for the families to leave the area was anticipated for noon that day, so, only a few more hours, reducing the three-day period communicated the previous day and generating great commotion among the families. The Peabiru Institute reported that PM-PA's behavior went from friendly and respectful, on the first day, to a more aggressive attitude on the second day. This behavior was repeated during the day, with several changes in the deadline. In a third moment, the deadline was extended to three o'clock on Tuesday afternoon and, finally, a fourth adjustment to at 5:00 pm that day.

On this day, two elderly people, one man and one woman, were identified, who stated that they did not have a possible destination within the 20 kilometers distance established by the Judiciary. Their destination was in the metropolitan area of Belém, about 250 kilometers away, in two different locations. The transportation was made possible by Sparta and a collaborator of the Peabiru Institute, appointed by Hydro, also followed the entire displacement.

Sparta reported that the commander of the Military Police asked support to them in order to prevent the Peabiru Institute members to try to enter the in eviction areas, otherwise the PM-PA could prosecute coercive measures. Furthermore, reports from Sparta confirmed PM-PA's interest in speeding up the recovery process in Águas Verdes. In this scenario, one of the Justice Officers tried to convince the Military Police Commander otherwise and Sparta invited the parties, including Alunorte representatives, to a meeting. Through this meeting it was decided that the three areas would be repossessed the following day, Águas Verdes until the end of the morning and the areas of Cabanos II and Tauá until the end of afternoon.

On the second day, there was also no presence of the Municipal Public Authorities, such as the social assistance or development departments, remark made both by the Peabiru Institute and Sparta Solutions.



Figure 17: Inspection in Águas Verdes. Sparta Solutions report.

Early in the morning of April 26, after ensure there was no one else in the area, the Military Police Commander declared the end of the operation in Águas Verdes. After an on-site inspection with Justice Officers and representatives of Alunorte, an official repossession document was signed in the benefit of the Company.

Cabanos II

The area of Cabanos II, also known as Bairro Pioneiros, is located on the highway PA-483 (1°32'00.2"S 48°41'25.8"W), in the municipality of Barcarena, with an area of 306.2646 hectares. Property of Alunorte-Alumina Do Norte Do Brasil S.A, the area is designated for future housing construction for company employees.

The region was invaded on January 7, 2016 by a group of about 60 people. Norsk Hydro Brasil / Alunorte filed an application for recovery of possession on January 11, 2016. Having received a favorable result, a court order No. 0000241-27.2016.8.14.0008, dated January 11, 2016, was issued. The order for execution of the recovery of possession by the Military Police of the State of Pará was given on April 24, 2017.



Figure 18: Invaded area of Cabanos II on 11/24/2016. PM-PA report.

Phase 1 – Preparation

PM-PA reported the area was partially occupied and that was perceived daily development and growth of the invasion structure. The native forest was devastated and the area was divided into 180 lots of 10x30 meters, occupied with 45 buildings, including 21 wooden houses, 9 canvas shack, 7 frames, 4 brick houses, as well as four brick houses under construction. According to the PM-PA, some structures were empty and appeared only to be marking place. In addition, it was reported that the majority of occupants were resident in the municipality of Barcarena, and would therefore be interested in real estate speculation.

The Military Police indicated in its written report the presence of about 20 families, approximately 100 people, living in the region. They identified Mrs. Socorro as local leader, who was also involved in the Águas Verdes invasion. The resident families had clandestine electricity supply and there was no structure for water supply or sewage collection.



Figure 19: Internal view of Cabanos II. Peabiru Institute report.



Figure 20: Truck delivering construction materials in Cabanos II. Sparta Solutions report.

Phase 2 - Repossession

The repossession process began on the morning of April 25, while the operation in Águas Verdes was still underway. After the Justice Officer read the Court Order, the Commander of the Military Police started the operation in Cabanos II. There were no records of resistance of the occupants or violence by no one involved. PM-PA maintained access restriction to Sparta and Peabiru.

On Wednesday, the third day of operations, the activities began around 9:00 am. Members of the Peabiru Institute tried to access the area, sparking discomfort with the Military Police, which once again called for Sparta's collaboration to maintain everyone off the limits of the operation until it would be finished. Sparta kept its employees working undercover as a transportation team.



Figure 21: Land marking in Cabanos II. PM-PA report.



Figure 23: Aerial image of the dismantling of buildings. Sparta Solutions report.



Figure 22: Justice Officer in Cabanos II. Sparta Solutions report.



Figure 24: Tractor and vehicles involved in the disassembly and transportation of occupants' belongings. Sparta Solutions report.

On this day, a family in a vulnerable situation was identified and needed more support during the eviction. The family consisted of a lady, her husband, who was weak and had a catheter, a 15-year-old daughter, and a four-year-old grandson with special needs. They were flown to the Hotel Equinócio, where they spoke with representatives of the Peabiru Institute and Sparta Solutions about possible places they could be taken to. As there were some divergences, the man was taken to a locality in the rural area of Barcarena, near Cabanos II, and the rest of the family was taken to the community of Areião, in the municipality of Cametá.

Packed lunch and diapers were provided for the family and Sparta arranged transportation for the family.¹²

Some occupants advanced the dismantling of the constructions, so after the negotiation described above, the reinstatement was already finishing. After an inspection by the Military Police, Justice Officers and representatives of Norsk Hydro Brasil, the official repossession document was signed in benefit of the company.

Tauá

The Tauá region is located on the PA-483 highway, in the rural area of the municipality of Barcarena. It is part of a larger property of Alunorte-Alumina Do Norte Do Brasil S.A and is considered in many maps as an environmental reserve area, used for liberation of wild animals due to the lack of land with this destination in the region.¹³

The region of Tauá was invaded on October 14, 2016 and Norsk Hydro Brasil / Alunorte filed an application for recovery of possession. Having received a favorable result, a court order No. BO 00086/2016. The order for execution of the recovery of possession by the Military Police of the State of Pará was given on April 24, 2017.



Figure 25: Aerial view of the invaded area of Tauá. Sparta Solutions report.

¹² Complete report of the negotiation, prepared by the Peabiru Institute, in Appendices, - "Mr. D and Mrs. DS Testimonial ".

¹³ Information from the Peabiru Institute report.

Phase 2 - Repossession

The recovery of possession process in Tauá began on the morning of April 24. According to reports from the Peabiru Institute, which arrived at the site around 6:30 am, two barricades were identified, with a distance of approximately 300 meters between them, among which was the main entrance to the land and 17 men resisted.

The Military Police arrived at the barricade at the Barcarena direction at 7:15 am, and after around fifteen minutes of negotiation, the riot ended and the road was liberated. The few people there dismantled the structures and removed their belongings. No episodes of violence have been reported as well as physical or verbal assaults during this process. The access restriction to the area by other organizations was maintained by PM-PA, similar to other operations.



Figure 26: Barricade in the direction Belém-Barcarena. Peabiru Institute report.



Figure 27: Guardhouse and camp occupation by PM-PA. Peabiru Institute report.

Members of the Peabiru Institute stood at the side of the road, in front of the main entrance, to follow the operation. However, after a hostile approach by some occupants, who demanded that they leave the site, the Institute decided not to stay there. They visited the location several times and tried to interview some people, but they did not get any contact.

Both Sparta and Peabiru observed that this occupation had a different profile from the others, focused in illegal logging and not for subdivision and housing. In the main entrance, there was a guardhouse and there was rigid control of the transit of people.

In the afternoon, there was only one family in the area, who was aided in dismantling the structures and had their belongings transported to Barcarena by Sparta. Following that, Military Police, Justice Officers and representatives of Norsk Hydro Brasil inspected and signed the official repossession document in benefit of the company.



Figure 28: Internal view of Tauá. Sparta Solutions report.



Figure 29: Team responsible for the final inspection in Tauá. Sparta Solutions report.

Phase 3 – Post-Evictions (Águas Verdes, Cabanos II and Tauá areas)

After the eviction of all three areas, Sparta Solutions headed to the third stage of its work, which consisted in destroying gateways and bridges built by the invaders, building physical barriers and digging ditches to impede and prevent transit of people and vehicles in the reinstated areas.



Figure 30: Vehicles at work after evictions in Águas Verdes. Sparta Solutions report.



Figure 32: Tractor for digging ditches in Tauá. Sparta Solutions report.



Figure 31: Combination of barricade and ditch to protect Águas Verdes. Sparta Solutions report.



Figure 33: Ditch dug in Tauá. Sparta Solutions report.



Figure 34: Before and after of the bridge that was used to transport illegal timber in Tauá. Sparta Solutions report.

Evaluation of the Process and Possible Law Violations

When analyzing the process through the reports received from the Military Police, Sparta Solutions and Peabiru Institute, from the beginning of the occupation to the conclusion of the recovery of possession, some sensitive points and violations of human rights and Brazilian legislation can be perceived.

Adequade Housing Right

According to Brazilian legislation, housing is a fundamental right granted by the Constitution. The Chapter II, Article 6 of the Federal Constitution considers the following: “education, health, food, work, housing, transportation, leisure, security, social welfare, protection of motherhood and childhood, and assistance to the destitute are social rights”.

The importance granted to the right to housing is connected in the constitutional text about a social function (article 5, subsection XXIII: “property shall observe its social function”) and to the objectives of the urban development policy (art. 182, caput). These instruments attribute to the use and occupation of land and the design of urban policy the observance of the social conditions of citizens, imposing concerns such as the guarantee of the well being of populations in contexts of vulnerability. And, even in areas of irregular or illegal occupation, it is the responsibility of the municipality to undertake the Urban Master Plan (in the case of Barcarena, it is known as PDDU¹⁴) presenting guidelines for the formulation of public policies for urbanization, land regularization and housing that contemplate the needs of low-income populations and/or populations located in areas considered at risk¹⁵.

¹⁴ Lei Complementar 49/2016, Plano Diretor de Desenvolvimento Urbano de Barcarena, Capítulo V, Da Política de Desenvolvimento Urbano e Rural Seção I, Da Habitação, disponível em: <http://www.barcarena.pa.gov.br/portal/arquivo/procuradoria/73_3745LEICOMPLEMENTARMUNICIPAL492016PDDU.pdf>.

¹⁵ Estatuto da Cidade, Lei 10.257, de 10 de julho de 2001, art.2º, Diretrizes da Política Urbana: “I – garantia do direito a cidades sustentáveis, entendido como o direito à terra urbana, à moradia, ao saneamento ambiental, à infraestrutura urbana, ao transporte e aos serviços públicos, ao trabalho e ao lazer, para as presentes e futuras gerações; XIV – regularização fundiária e urbanização de áreas ocupadas por população de baixa renda mediante o estabelecimento de normas especiais de urbanização, uso e ocupação do solo e edificação, consideradas a situação socioeconômica da

The constitutional right to adequate housing also finds support in the Universal Declaration of Human Rights (1948), article 25, paragraph 1:

Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The Universal Declaration of Human Rights, to which Brazil is a signatory State, was followed by other international treaties and conventions that reiterate the inclusion of the right to housing to the range of essential rights protected by the international community. Similarly, there is the International Covenant on Economic, Social and Cultural Rights of the United Nations – ICCPR (Vienna, 1966), ratified by Brazil in 1992, whose guidelines determine the protection to the integrity of families and individuals in their specialities.

The literature on human rights highlights as characteristic the connection of these rights to other social rights acquired over time, whose history and politics adds new dimensions of compliance and conditions for the guarantee of such rights. In this sense, the right of housing, established under the terms of the treaties signed by the Country, and under the constitutional provisions, international provisions and recommendations are added, which can be interpreted as quite broad, provided that it should always be oriented towards extending the guarantee to the most vulnerable segments of societies.

This aspect of human rights is legitimized by the advance in recognizing the priority of the need to ensure rights to the most disadvantaged populations, emphasized in international milestones such as the Declaration on Human Settlements of Vancouver (1976) and in international human rights promotion agendas, such as the 2030 Agenda for the United Nations for Sustainable Cities and Communities.

As indicated in the introduction to this document, land-related disputes still occur in Brazil, especially in poorer regions, where access to housing is not yet a fully assisted right, which opens up space for some criminal activities, such as what was perceived in the invaded areas. In Águas Verdes and Cabanos II, illegal lot trading was carried out from the subdivision of a portion of the land by the invaders and subsequent sale to less educated families or other interested parties for amounts between R\$ 5,000.00 and R\$ 15,000.00, according to the size and location of the lots. In the area of Tauá, the focus was on the illegal exploitation and trade of timber, but it was not determined the destination of what was extracted.

Although a large number of families with a high degree of social vulnerability are identified by both Sparta Solutions and the Peabiru Institute, one can realize that there are different reasons for land occupancy. The Peabiru Institute noted that some families, even if they lived elsewhere, glimpsed in occupations an opportunity to better access to their basic social rights such as education, health etc. But they also found a group of families who

população e as normas ambientais; XV – simplificação da legislação de parcelamento, uso e ocupação do solo e das normas edilícias, com vistas a permitir a redução dos custos e o aumento da oferta dos lotes e unidades habitacionais”.

understood these invasions as an opportunity to acquire their own housing at a lower cost. There was still a third group that, even though they lived in another location, realize a real estate opportunity in those invasions. According to the Institute, this latter group was composed of people with a higher level of education, aware of the misdemeanor practiced and who counted on the slowness of government and justice.

In addition, in all the analyzed cases, the negotiations between the invaders and those seeking housing, and the collection of extra fees, as verified in the interviews conducted by the Peabiru Institute¹⁶, is still a crime in accordance with the Brazilian Penal Code.

Human Rights and Protection of the Most Vulnerable Population

Regarding the reintegration process itself, some violations occurred mainly by the Municipal Public Authority and the Military Police, responsible for the execution of the operation.

The set of institutional frameworks reorients the provisions of the protocols for the operation of removal and eviction actions in relation to the right to housing of vulnerable populations. The recommendations for action on forced evictions emphasize the need for greater attention and support to the vulnerabilities of the populations removed and to attend their needs, without the use of force, violence or intimidation by the authorities, as prescribed by the UN Special Rapporteur on Adequate Housing¹⁷.

This report describes in detail the following procedural protections that should be applied:

(a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice to be given to all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, Government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts. Even when evictions are justified and practiced according to the appropriate procedural protections, they should not result in individuals being rendered homeless, and the State must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land is available¹⁸.

¹⁶ Testimonials are available in Appentrices section of this document.

¹⁷ "Como Atuar em Projetos que Envolvem Despejos e Remoções?", Available at: <https://www.mprs.mp.br/areas/urbanistico/arquivos/manuais_orientacao/guia_onu.pdf>

¹⁸ ONU. *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context*, Raquel Rolnik.

Similarly, for repossession actions in rural context, Brazil's Ministry of Agrarian Development edited, in 2008, the National Guidelines Manual for the Enforcement of Court Orders in Maintenance and Recovery of Collective Possession¹⁹. It limits the use of police force with proportionality to respect human and social rights of the occupants, observing the need for transparency by the authorities and respect for the improvements and belongings of the people affected.

During the process of recovery of possession of the Norsk Hydro Brasil / Alunorte property areas, the previous work of the Military Police, as the competent authority, did not elaborate on the socioeconomic profile of the families and their demands. Failure to carry out this preliminary official survey may also have led to inordinate demolitions which have prejudiced the right of low-income families who were absent due working away from their homes, according to the post-evictions report from Peabiru Institute.

The Manual quoted above also provides that:

The responsible police authority shall communicate compliance with the Court Order to the workers, the petitioner and the other people involved at least 48 hours in advance.

The communication should contain: I - the district, the court and the identification of the process in which the measure was determined; II - the number of families installed in the area to be vacated; III - the date and time at which the evictions is to be carried out; IV - the identification of the police units that will act in aid to the compliance of the Court Order.²⁰

However, many of the testimonials made to the Peabiru Institute indicate that a significant part of the population removed was not informed before the repossession process with sufficient time to mobilize their exit from the site, being notified only at the day or the day before the operation. The police authorities did not agree with the evicted occupants or conduct transparent dialogue with the families about the process of removal of their belongings.

Also according to the Peabiru Institute, intimidation and threat of houses demolition promoted by the authorities themselves, with changes in deadline previously agreed for the removal of belongings and, different from the usual practice in these cases, resulted in the loss of objects and improvements of the families. This attitude of the Military Police, perceived

Protection from forced evictions, page 11. Available at:

<<http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-20.pdf>>

¹⁹ Available at:

<http://www.mda.gov.br/sitemda/sites/sitemda/files/user_arquivos_64/Manual_Dir_Nac.pdf>.

²⁰ Item 6 – Da efetivação da medida: A autoridade policial responsável comunicará o cumprimento da medida judicial aos trabalhadores, ao requerente e aos demais envolvidos com antecedência mínima de 48 horas. A comunicação deverá conter: I – a comarca, o juízo e a identificação do processo em que foi determinada a medida; II – o número de famílias instaladas na área a ser desocupada; III – a data e a hora em que deverá ser realizada a desocupação; IV – a identificação das unidades policiais que atuarão no auxílio ao cumprimento da ordem judicial.

mainly in the operation in Águas Verdes, was identified by the Institute as an act of moral and psychological violence. Peabiru also points out that these families and assets could have been removed with the available resources if the deadlines had been observed, and if the first verbal agreement among the authorities' and the occupant families had been respected.

The absence of a logistic plan that considered the basic needs of the occupants of the invaded areas difficult the process for many families, who were left without drinking water and without regular food by the way in which they were removed. Besides, there was no investigation into the conditions available to the displaced families regarding a new place to live. Some testimonies pointed out that the workers dismantling the houses and the truck drivers did not always meet the specific demands of each family. In addition to the distance restriction imposed by the Judiciary, at times they refused to perform the service under the affirmation of dangerousness of the place or because it would overcome 5:00 pm, the time they informed as being the end of their shift.

Though it has been offered the necessary support to some families, as mentioned in this report, more broadly, the process did not count on attention to the specificity of the most vulnerable groups - children, pregnant women, the elderly and people with special needs. Thus, some of these individuals and their families were handled without specific planning. Some of these most vulnerable segments may not have received assistance and the responsible authorities or staff hired to monitor the operation may have not become aware of these violations.

Finally, the presence of the Municipal Public Authorities was not perceived in any of the days, a worrying factor since it contradicts the national and international legal instruments mentioned at the beginning of this section. Also, the assistance was denied to some mothers who claimed support for the Child Protective Services and the Social Assistance Referral Center (Centro de Referência da Assistência Social - CRAS). On the first day of the evictions, access to the Child Protective Services and Municipal Department of Social Assistance of Barcarena (Secretaria Municipal de Assistência Social de Barcarena - SEMAS) building was prohibited to the families. In the following days, the testimonials also affirmed that such public dependencies remained closed, precluding any kind of assistance for the recently evicted population, and even for the entire population of the municipality.

The absence of authorities related to the promotion and defense of human rights (such as the Public Defender's Office); and from the Municipality, of bodies of protection and guarantee of social-assistance, as is the case of the Child Protective Services, and of the teams of the local Unified Social Assistance System (Sistema Único de Assistência Social - SUAS) are serious indication of criminal omission by local public authorities in providing assistance to families.

CONCLUSION

Land and housing conflicts that result in invasions and occupations of urban and rural lands are a complex and multifaceted problem, common in today's Amazon, particularly in the

state of Pará. Among the main factors involved there special emphasis has to be given to poverty and huge social inequalities, together with land insecurity, the historical process of Amazonia's occupation and the inefficiency of the public authorities to deal with these issues. Disagreements between municipal, state and federal authorities, in many cases, such as the present, make it even more difficult to find solutions.

An element that can be considered relatively positive in the process covered by this report is that Hydro's right to the land (to the detriment of another private or public entity) is undisputed. What exists is a general movement in search of housing, and since public authorities and the market do not address the issue with due importance, pieces of land that society perceives as having no clear destination are recurrently target of invasions and occupations.

It is perceived as positive the non-use of excessive force by the Military Police. There were no reported cases of physical violence in the process of recovery of possession of the three areas. It is worth mentioning, though, that the only significant point of resistance, oponent to the enforcement of the Court Order, was the blockage of the highways. However, this event may be interpreted more as a form of protest, an attempt to draw the attention of society and public authorities to the problem, since the rioters themselves reaffirmed they would not resist the eviction. In all cases, the blockage of the roads was quickly reversed by themselves.

The police force present at the beginning of the eviction process in Águas Verdes was fully equipped with helmets, shields and even heavy weaponry and machine guns. As soon as it was inferred that there would be no greater resistance, the troop promptly decreased the amount of equipment on hands, and returned to the area carrying only pistols, batons and pepper sprays.

The main criticism to the police work regards the disrespect to the previously agreed upon deadlines for the eviction. Failure to meet these deadlines caused moral, psychological and material harm to a set of occupants, especially among the most vulnerable, people who had so little to survive.

Sparta Solutions reported that it prepared the team to perform the functions assigned to them. The company organized lectures to machine operators and dismantling workers on non-violence and non-reaction to possible provocations by the occupants. The workers were instructed that they were not allowed to take possession of the belongings they may have contact, that the dismantling of the buildings must be done with caution and that everyone should act in accordance with the orders of the Public Authorities and with respect to the people.

Even with a cautious performance and with observance of the guidelines described above, Peabiru Institute's assessment was that the patrimonial security team, the personnel hired for transportation and dismantling, as well as the Military Police, were not be able to perform the social assistance role. Fortunately, the number of families in the most critical situation was small and this problem could be addressed with the resources then available. However, this does not eliminate the associated risk if there were more families in this situation, reinforced by the absence of a previous survey of the families' profile. In this case, the presence

of a social assistance professional during the process would bring more security in approaching these families.

The initiative from Norsk Hydro Brasil/Alunorte in providing support personnel for dismantling and carrying the belongings, and the trucks for transportation should be highlighted in a very positive way. In this sense, what could have been improved would be to have the local supervision of these personnel more attentive to the needs of the most vulnerable families. That would have certainly increased the quality of the care directed to these families.

The absence of a previous survey, even partial, made it difficult the work of allocation of these families and their belongings. The logistic challenge was the suitability of the service, since the trucks only became aware of the destination at the time of transportation. There would probably be gains in scale and quality in transportation, as many people went to the same neighborhoods, especially Barcarena. If the Child Protective Services, CRAS or other public agencies, or even researchers, have done some sort of analysis on the conditions of the families in the occupied areas, the results could be more satisfactory, considering the main concern was the condition of the most vulnerable groups - women, children and the elderly.

The complete absence of the local public authorities and the neglect of the local public institutions that should be available to assist this population should generate accusation to the Public Prosecutor, since it violated citizens' rights. This was one of the most negative factors in the entire process of reinstatement of possession, a fact that seriously violates human rights and the purpose of those public bodies, which should be attentive and available for any support, health and food, shelter and referral needs, particularly in eventual cases of aggression or violence that this population might suffer. Such omission is criminal conduct by the local public managers.

In this sense, another recommendation that may contribute to future similar actions is related to social assistance. Since the company was aware that the City Hall of Barcarena would not fulfill its obligations regarding social assistance and social protection to the families of occupations in the repossession process, the company could have drawn up strategies to guarantee services to support the most vulnerable families, being, thus, less susceptible to related risks.

Regarding the destination of the areas, it is important to emphasize that the company will be less susceptible to new invasions and occupations if its land is widely understood as assets of the local collectivity, whether for an expansion of the business - which generates employment, local income, taxes, etc.-, or for social and environmental returns. In this specific case, the suggestion is the immediate establishment of collective spaces (example: hiking trails, recreational equipment, sports, plant nurseries etc.) and activities intended to the nearby resident population.

As for the security areas, it is necessary to explain to the surrounding community and the general population that it is not advisable to live near the tailings ponds. Therefore, actions such as environmental education in nearby schools, visits to the population and an environmental education center may be some of the strategies to be pursued. It is also valid to

review the structure of security and access to land that is not yet being used by the company, and perimeter barriers and constant vigilance may be added.

Depending on the intended destination for the area, raising the area's degree of protection may be a solution to keep it safer. Some areas can be considered of High Conservation Value (HCV) from studies of fauna and flora. In private protected areas, such as private reserves of natural heritage (urban or rural RPPN - reservas particulares do patrimônio natural), public bodies are jointly responsible for their conservation and have greater obligations to support the owner in their protection.

A greater conservation commitment may cause a positive impact on the Company's Corporate Social-Environmental Responsibility vision, as it demonstrates its long-term commitment to the environment conservation. The decision to adapt so that at least part of the land is included in the National System of Conservation Units (Sistema Nacional de Unidades de Conservação - SNUC) may generate positive impact on general public opinion and on those dedicated to environmental issues. This action can be initiated with hiring studies to characterize the area (and its animal and plants content) and with a request to the competent environmental agency. One can even create private units of conservation through the municipal system.

Recovery of possession processes depend on the Public Authorities to happen and it is important to understand the rules and limitations of the operation. Thus, in the light of recent experience, it is advisable for the company to work on a plan of action for eventual new invasions of its properties. This plan should detail how to act to ensure that the measures taken by the company are faster, from police incident report to the guidance of its management staff on the responsibilities of the company, the enforcement authority and the government.

Suggestions for Strengthening Procedures Norsk Hydro Brazil / Alunorte

Immediate Measures

- ▶ Occupancy of areas as collective spaces and with activities focused on the most needy resident population, favoring the knowledge of the areas as assets of the local community;
- ▶ Environmental education work, especially related to security areas, such as the tailings ponds surroundings;
- ▶ Upgrade in the protection degree of the area, ideally, requesting registration as a private conservation unit, which turns the government also responsible for its conservation;
- ▶ Report to the Public Prosecutor's Office on the lack of action by the Municipal Public Authorities, in particular those responsible for assisting families during the eviction process;

Medium Term Measures

- ▶ Action plan for possible cases of new invasions;

- Guidance of the management body of the company on measures to be taken and limits of each one of the actors in a repossession process;

In the case of a new invasion of the company's properties

- Better dialogue with local authorities and the Military Police in order to have access to detailed information on the occupants' profile and the planning of the operation, maintenance of deadlines, and request for support to other authorities, as provided in the National Guidelines Manual for Court Orders Enforcement in Maintenance and Recovery of Collective Possession²¹;
- If it becomes apparent that PM's request for support does not occur or is not sufficient, Hydro should prepare strategies to provide support services to vulnerable families, including provide a social assistant during the process;
- Preliminary survey of the destination of the families and definition of the routes, in order to optimize the time and the available resources;
- Local supervision of the support offered to ensure that the needs of the most vulnerable families are met.

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²¹ Original name: Manual de Diretrizes Nacionais para Execução de Mandados Judiciais de Manutenção e Reintegração de Posse Coletiva. Available at:

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APPENDICES

Clipping

Residents of Barcarena block highways PA-483 and 481 in protest²³

Justice of Pará issued an order to reestablish possession of an area occupied by the families. Military Police team negotiates liberation of the highway on Monday, 24.



Interdiction in stretches of state highways in Pará caused traffic congestion this morning (24), in Barcarena, northeast of Pará. (Photo: Reproduction / TV Liberal)

Residents of three communities that occupy amlager company's area block with bits of sticks and tires the PA-483 and PA-481 highways in Barcarena, northeast of Pará, on the morning of Monday (24).

In a notice, Hydro's press advisory team said that the land in question is a necessary area for the safe continuity of the company's operations in Pará and that it prevents impacts, such as dust and noise, on neighboring communities, so occupancy, established for about a year, are illegal and can pose a risk to people and the environment. The company inform it will ensure the integrity of the property of the occupants during repossession operations and that the belongings will be delivered in locations designated by themselves within a radius of up to 30 km from the area where evictions take place.

The community protests against the recovery of possession of the area, authorized by the Justice of Pará. The population says that many families have invested in the occupied lands and fears the losses. A

²³ Original version: Moradores de Barcarena bloqueiam rodovias PA-483 e 481 em protesto. Available at: <<http://g1.globo.com/pa/para/noticia/moradores-de-barcarena-bloqueiam-rodovias-pa-483-e-481-em-protesto.ghtml>>.

Military Police team has been sent to the location and tries to negotiate the highway deblockage so that the Justice Officer can comply the Court Order.

Residents of Barcarena block highways PA-483 and 481 in protest.²⁴

Vídeo



²⁴ Original version: Moradores de comunidades de Barcarena bloqueiam rodovias PA-483 e 481 em protesto. Available at: <<http://g1.globo.com/pa/para/jornal-liberal-1edicao/videos/v/moradores-de-comunidades-de-barcarena-bloqueiam-rodovias-pa-483-e-481-em-protesto/5822581/>>

Testimonials

Interviews conducted during the repossession process and, later, in the Vila do Conde neighborhood. Description made by Peabiru Institute.

Report of negotiations and support of the Peabiru Institute to the family in Cabanos II.

The family interviewed consisted of Ms. WFL²⁵, aged 48, and her husband, Mr. MMS, 60, who were the family members we talked to. The couple declared to be of Evangelic faith (Neo-Pentecostal). They take care of Ms. WFL's grandson, E., 3 and a half years old, and of a 15 years-old daughter, called C.

In their house in Cabanos II, still lived Mr. MMS's son, N, aged 36. The family's monthly income is of R\$ 340.00 (three hundred and forty reais), R\$ 200.00 (two hundred reais) of those coming from E.'s mother, who works in Belém, and the remaining R\$ 140.00 (one hundred and forty reais) from the Bolsa Família social welfare governmental program (that support the families, focused on income redistribution). The fundamental experience of the family is with rural work.

Mr. MMS was born in the municipality of Primavera (state of Pará), but did not have interest or foresee any possibilities of having his family return to his place of origin. Since last October, Mr. MMS uses a catheter to treat his prostate, and biweekly has to have the device cleaned and exchanged at a health clinic near his home.

They also reported that they did not have enough money to buy the medicine he needs, which they considered expensive. MMS is currently unable to work, but could not get a doctor's statement attesting his incapability, which is legally required to enable his official retirement of rural work. His son, N., usually works in construction, but does not have formal or regular work.

Ms. WFL has relatives in the community of Areão, in the city of Cametá (state of Pará), from where he came when first arriving in Barcarena. She met Mr. MMS in Barcarena, and takes care of the grandson E., who presents a series of symptoms of neuro-psychomotor impairment (he does not move one arm, his communication skills are below that of his age group, he repeatedly drools and beats his head). However, E. has not yet been diagnosed for lack of resources to pay for exams. These exams would eventually allow for the issuance of reports and the guarantee of social benefits. C., in turn, is in the 9th year of elementary school and regularly attends "Angelem", a public municipal school in the vicinity of where the family lived.

Faced with the legal need to leave the occupied area, they mentioned the possibility of moving to a nearby quilombola²⁶ area in Burajuba, which, they reported, was supposedly being allotted. The offer for a land lot there had been made from a certain pastor, who could be from

²⁵ All names have been omitted in an attempt to preserve people's identities and right to privacy.

²⁶ Quilombos, or quilombola areas, are Brazilian hinterland settlements founded by people of African origin, mainly those who had escaped slavery. The country's 1988 Constitution grants the remaining quilombos the collective ownership of the lands they had occupied since colonial times.

the church they attended, but whom they did not name. Mr. MMS, however, claims to be tired of working on unregulated and illegally occupied land, and says they need land of their own to live and survive.

Considering the fact that we were asked by the company to find a solution – to the best of our ability – to where and how the family would be after their eviction, we tentatively defined with the couple that their belongings would be removed and sent to be kept in the house of one of Mr. MMS's brothers, located near the area, in Morajuba (Barcarena). Meanwhile, the family would seek a new place to build their home. At the same time, Mr. MMS would stay at his brother's house while Ms. WFL would head with the children to her family's place, in the Areão Community, in Cametá (PA).

We provided food for the family. They were embarrassed about being in the hotel, as well as concerned with issues of custody and with the removal and transfer of their belonging back in the occupied area. The deadline for the eviction (that same day) made the matter even more urgent and relevant.

As a result, we let Ms. WFL and her family returned to deal with these issues; we arranged for food to be delivered to them in the area of the occupation through Hydro's safety consultants. On the same day, in the afternoon, at the end of the police operation, we learned that the couple had separated not only geographically (heading to different houses in different cities), but also broke up their marriage, although we could not determine their motivations.

When we managed to return to the recovery area, the eviction was already over, and there was nothing left to observe. Even so, we conducted some interviews with families and residents in the area, and we concluded that the families that had been occupying Cabanos II had moved forward in dismantling their homes and many had already moved out of the area on their own account, since they knew of the presence of the authorities and of how the eviction had gone in the neighboring area, Águas Verdes in the previous two days.

Some of these neighboring interviewees claimed that they had had no problem with the invaders, on the contrary. According to them, the land of the company was being used by drug traffickers and other criminals before the occupation, and that after these families went to live there, crime declined dramatically in the area.

Another matter brought up in the interviews was regarding the only two buildings that had not been demolished by the authorities: a large brick house and a shed belonging to another company. This caused some upheaval in the population, which complained that only the poorest had to leave the area of the company, while those with more money apparently could remain with their property intact.

Mr. D and Ms. DS's Testimonial

Mr. D., resident of Águas Verdes, was accompanied to the municipality of Benevides, to a locality known as Murinin, along with the moving truck with his belongings. We met his wife, daughter and granddaughter, who were already in a house they had rented there, about 106 km from Barcarena.

This same truck, on the same trip, also carried a much-respected woman in the community of Águas Verdes, which we will refer to as Ms. DS. She was in the occupation from day one, and had met all the leaders of the allotment process. She reported having faced precarious conditions such as lack of energy for seven months, constant fear - not only of retaliation from landowners or attacks by criminals, but fear due to the fact that there were still only a few houses surrounded by dense woods.

Our purpose when accompanying Mr. D and Ms. DS was to learn a little more about the needs they, as representatives of the illegal tenants, were going through; learn about their motivations in taking part in the occupation more than a year ago; and understanding their prospects after the end of the occupation and the loss of their homes.

The truck trip began in Barcarena at around 3 p.m., heading first to the city of Marituba, neighborhood of Decoville, which was reached in the late afternoon. The second destination was Murinin, in Benevides, where Mr. D would stay.

First destination – Ms. DS – Marituba

At our first destination, Ms. DS would stay at her son's house. In fact, DS, aged 66, seemed to be nonresisting, and even attempted a smile of joy. She felt relieved and pleased that she had been able to carry all her belongings with her.

She reported that her son had problems with alcohol abuse and had left the house, but that she had a copy of the keys. As she knew a lot of people, she said that she did not intend to stay there for long, since she believed she would find somewhere better. There was even the prospect of returning to work for her former bosses, where she could live. In that sense, there was a great probability she would soon be leaving her son's home.

Then I built a little shack, you did not go there, but they even took a picture, very pretty my little shack [...] ...it only fit my hammock, and I spent seven months there in the dark, so I would tie the mosquito net under it in fear of snakes, I slept with the flashlight, I liked it there [...] I was not going to guess, was I? I believed what the men told me... all right, damage is done, it had never happened before, what I spent God will surely give me back, I have faith in God because I work, I know how to live [...] I thought: oh, I'll take everything, leave it in Marituba because no one is going to pay rent [...] so I was going to bring everything here, I would leave it here and tomorrow I would head to the village, I would get a piece of land, like a real estate of a thousand reais or a thousand and five hundred, which I would get from a bank loan. I had a plan of removing wood separated from the moving, so I could leave it there, and

I was just going to bring it here and use it to build a bathroom, get it? That was the intention... in my head. (Ms. DS).²⁷

DS was unable to retrieve the wood pieces from the shack she had built in the occupation. According to her, it was a very small construction. However, she managed to take everything that was inside, except the wood and a tarpaulin covering the shack. In any case, she was satisfied, appearing quite calm, considering the pressure of having to leave a place she already considered her own home.

Second destination – Benevides – Mr. D

Leaving Marituba, we continued to Benevides, a neighboring city, to finally drop off Mr. D and his belongings. Murinin is located in the outskirts of the municipality. When we reached the street indicated by Mr. D, we came across a pathway covered in weeds and very little light. The truck was thus unable to reach the house Mr. D was destined to, and his belongings had to be unloaded and carried "on foot" to the site.

At age 87, and practically alone, Mr. D had to carry his utensils through a dark road. We went to see the rented house where his family was. Our researcher helped carry, along with the family, some of his belongings. The truck loaders carried the heaviest objects. When we left the place we still noticed that there was some furniture left on the corner, but we were advised by Mr. D to leave right away because of the dangers in that area.

D spoke of the many pains he felt in his back, he spoke of the crops he had cultivated in Águas Verdes, and of his wife's warnings, reminding him to be careful and not to invest so much in a land that was not legally his.

This house here is rented [...] I was there from the beginning, a year and five months ... Yeah, we had hope because they told us it was ours, so I said okay, we were not paying rent. (Mr. D)

Mr. MC's Testimonial

In Vila do Conde we found Mr. MC, 49, who told us of how he met the people of Águas Verdes, and also denounced the precarious conditions those who live in Vila do Conde have to endure, a precariousness he believes to be caused by the extraction and processing of kaolin, bauxite and alumina, carried out by the company, and which greatly compromises the socio-- environmental quality of the region, particularly the health of the residents.

²⁷ All quotes were collected in informal Portuguese, and have been loosely translated to ensure equivalent meaning rather than precise adaptation of linguistic expressions or accordance to grammar rules.

This is our little place, so for us to live here is good. But man, now, what's hard is to have this factory here... Boy, this is very polluted, God forbid! Some nights when they open, I do not know what they open up there, but my brother, this floor gets all black. You come, you can scrape the black powder off with a trowel, soon you will fill a bucket ... and it is smelly, bro! When it is not like this, it's white ... that white powder. There are even many plants that do not survive here, you can plant it and it won't grow... (Mr. MC)

Mr. MC told us how he started participating in the occupation. He claims to have bought the land in exchange for a few days' work for the community. He reports that in the eight months he has lived there, he and other residents contributed with cash to the occupation leaders.

It was like that, I first went there to work, to make a day's pay. I cut wood with a chainsaw. I have a motor that my son gave me, then once in a while, when I'm offered a day job, I go and chop wood ... That's what happened, a boy came here asking me to cut wood for him, so I picked myself up and went. I got there and worked with him. Then there was the boy who took the land and divided the land in lots... he approached me and asked if the engine was mine. I said it was ... He asked if I would work for him with it for two or three days, so I said 'sure'. His deal was, he would give me three lots of land, and I would cut wood for him for a few days. [...] Every once in a while, he would charge us money, and we gave it to him, not much, because we do not even have much, but the little we had, be it fifty²⁸... (Mr. MC)

The visits conducted by the staff of Instituto Peabiru were considered to be quite intense by our researchers. Our conversations with the former occupants showed, after the recent eviction, a mixture of revolt and sadness. At the same time, we must consider that we have collected statements where people could express themselves freely. This resulted in more honest narratives, which would hardly be possible at the time of the eviction itself.

Ms. CS' Testimonial

We also found Ms. CS in Vila do Conde: mother of two children, unemployed, she had stayed for about six months in the occupation of Águas Verdes. She was another hopeful person who believed that the land she occupied on a daily basis was already hers. She was still very shaken by the eviction situation. She cried a few times when reporting difficulties she had experienced, and when mentioning her current lack of perspective. The main feeling she expressed was that of having been deceived.

According to her, she gave money to the organizers of the occupation who were based in the community center. She revealed that many people who were there had homes elsewhere.

²⁸ He says fifty reais (R\$ 50.00) equivalent to approximately fifteen US dollars (US\$ 15.00).

At the same time, many families, like her own, had no place to live, and were there out of necessity. She reported that some of those who were leading the occupation during this one year and five months were not present in the chaotic moment of eviction. This was one of Ms. CS' reasons for anger. She showed us a document that supposedly indicated the sale-purchase of a lot, signed by one of the organizers of the occupation.

I thought it was wrong, because it was a week before we were supposed to leave, it was on a Monday that we had a meeting, the police was there, it was said that the judge...well, I do not know what they said there, and I even went there myself ... they said that it was not for us to worry, that we were not going to leave there...they said a lot of things... that is, the organizers of the occupation. But they knew we were really going to have to leave, the bad thing is that they did not communicate anyone in there... Because on that Monday we should have vacanted the whole area, but they did not say anything... So, then, on Sunday they said that the Riot Troops were going there, that they were forcing everybody out, then I said: what now! How are we going to get out of here if we have no money, no truck, not even to take my things from here, how can we get out of here? [...] In there, when we got in, they asked for so many documents, so many photocopies, and again for every meeting there, and there they asked for money again. (Ms. CS)

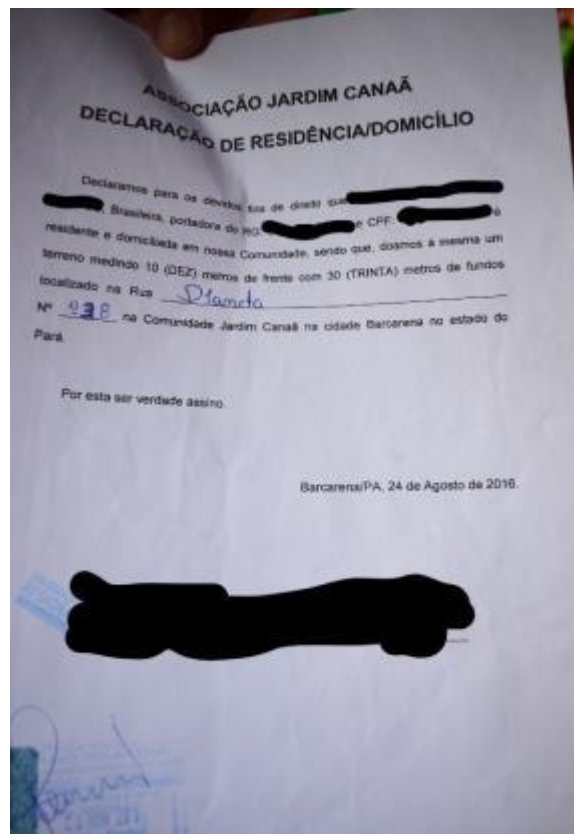


Figure 35: Land purchase document.

Ms. R's Testimonial

In Vila do Conde, we also visited a house where three families found shelter, all coming from Águas Verdes. Amongst them was Ms. R, who reported that she had worked quite a bit in the occupation. She also stated that it would take her a while to overcome the trauma of eviction, especially the noise of the chainsaw cutting her home, which was marked in her memory.

She is a mother as well as a grandmother, and yet she had just recently welcomed a 3 years-old child into her arms, because the biological mother did not want to raise her. Ms. R was one of those who most voiced the pain of losing everything. The Peabiru team had already noted her presence since the eviction. She was very distressed, crying heavily during our conversation. The house where these families were located belonged to R's mother, who effectively lives elsewhere.

I still don't get it, you know? Do you know when you lose a child? That's the feeling of seeing your house being... demolished. But... there is a God up there to support us. (Ms. R)

Ms. AAP's Testimonial

Ms. AAP, aged 23, lived with her husband, 25, and their two daughters. She had been in Águas Verdes for 8 months. They left Vila do Conde for the area of the invasion because there

they depended on other people's kindness to find shelter. With the eviction, they were provisionally placed in a house borrowed for the next two months from their uncle, who is temporarily away.

After the two months they do not know where they will go. The family's monthly income is approximately R\$ 833.00 (eight hundred and thirty-three reais - equivalent to US\$238.00 - two hundred and thirty eight US dollars), derived from occasional work by her husband, who usually gets about R\$ 600.00 (six hundred reais or US\$171.00 - a hundred and seventy US dollars) a month, in addition to R\$ 233.00 (two hundred and thirty-three reais) from Bolsa Família (US\$66.00 - sixty six US dollars).

This family had paid nothing for their lot in the occupation. She learned of the recovery of possession of the area on the Friday prior to the day of the execution of the warrant, as she was not used to attending community meetings. Asked about the police action, the interviewee made no complaints. Her complaints relate to the lack of food, energy and water during the eviction. Their belongings also stayed outdoors overnight (from the first to the second days of the eviction process), and they ended up soaked from rainwater.

She also notes the profound omission of public power in support of mothers and children in the community. She was one of the mothers who had come forward to demand action at the Municipal Child Protective Services, without success. She also claims to have searched for support from the local CRAS, with no results.

Mr. OT's Testimonial

Mr. OT lived in Águas Verdes for eight months, with his wife and two children, a 7-years-old girl and a 4-years-old boy. He came from the city of Igarapé-Mirim (neighboring town) to the area of the invasion, where his wife had bought a piece of land. He did not know its cost, but the lot they acquired had come with a canvas tent. He learned of the evacuation almost at the time of execution of the warrant. He removed his belongings on the second day, Tuesday. Both he and his wife are currently unemployed. They do not have a family income that could be estimated. For now, they are at their aunt's house, because they have nowhere else to go.

He did not have complaints about the actions of the police in the operation, the "termites" did not participate in the dismantling of his house, and he claims the truck transportation service was good - although some of his belongings were broken on the way between the occupation and the aunt's house.

Mr. S' Testimonial

Mr. S, aged 22, lived with his 20-years-old wife. They have no children. He lived for six months in the Águas Verdes invasion. Before that, he used to live with his aunt in Vila do Conde. Mr. S reports he was charged a one-time fee of R\$ 350.00 (three hundred and fifty reais - equivalent to US\$100.00 - a hundred US dollars) for hiring a lawyer. During the dismantling of the premises of his house in the occupation, he reported that the "termites", in a hurry, began to break the wood pieces they were supposed to help transport.

Mr. ARF's Testimonial

Mr. ARF lived for 1 year and 4 months in Águas Verdes with his wife, brothers, brothers-in-law, and their respective families. He reports having paid a single fee of R\$ 200.00 (two hundred reais, US\$57.00 – fifty seven US dollars). According to him, there was a commission of residents (leaders) who coordinated the collection of fees and the use of this money in infrastructure improvements (poles, electricity wires, water tanks, cleaning and opening of new streets etc.) or in preparing documents that would supposedly guarantee possession of the lots. His belongings were transported out of the area on the second day, Tuesday. According to Mr. ARF, the truck driver only accepted to take its objects until the neighborhood Pioneiro. Claiming time constraints of the contracted service, the driver refused to take it all the way to Vila do Conde, as requested. Mr. ARF notes that on Monday, the first day of eviction, when he helped his relatives move, this type of problem was not reported.

He had moved to the invasion thinking the area was better to find a job, because it was better located than his previous neighborhood, and had easy access to Emergency Care Units (UPA) (health care) and to highways.

Mr. M's Testimonial

Mr. M had lived with his brother-in-law in the invasion for two months. He had set up a small grocery store in the Águas Verdes area for his son-in-law and his daughter, who were also living there, in another house. He said he only learned of the recovery on the day of execution of the warrant. He informed us that the police had suppressed the initial deadline of 3 days for the removal of the belongings of the residents, and that at the end of the morning of the second day of operations the police pressed to finalize the eviction.

Mr. M regrets not having had time for the removal of goods from the grocery store and belongings from his house. He reports that he was only able to help with the removal of belongings from his son-in-law and his daughter's house, who now find themselves in Vila do Conde.

Mr. MN's Testimonial

Mr. MN had been living in Águas Verdes for 8 months, having had acquired a lot in the area one year ago, for the amount of R\$ 600.00 (six hundred reais, US\$ 171,00 – one hundred and seventy one US dollars). Much like Mr. M, he complains of police negligence with breaking the 3-day deadline for the eviction. Mr. MN also mentions that he made payments of fees for the installation of some infrastructure and for the provision of various services to the community (including legal fees), charged by the management of the local residents' commission.

Ms. R's Testimonial

Five months ago, Ms. R built her house in the lot she bought in Águas Verdes for a total for R\$ 300.00 (three hundred reais, US\$85.00 – eighty five US dollars). She reports that she lost everything on the first day of recovery (Monday), since she was not there at the time police arrived.

Mr. SDO's Testimonial

Mr. SDO owned 5 lots of land in Águas Verdes, where he lived with his family (wife, and the families of his three children-two men aged 26 and 20, and a 25-years-old woman). He is devoted to rural work on the land. The income of the whole family comes from the Bolsa Família program, of which they are beneficiaries, and from the son's salary, who has been working for a few months under a formal contract.

His family was building to live in the area of the invasion. With the haste of the “termites” during the dismemberment of their houses, they lost part of the construction material. Still, he said he had no major complaints about the work of “termites”, truck drivers, or police officers.

Mrs. DR's and Mr. J's Testimonial

In the Pioneiro neighborhood, we came across Mrs. DR, 52 years old, and Mr. J, 67, who had come from Castanhal and had no house of their own. By December 2016 they moved permanently to the occupation of Águas Verdes. Mr. J and Mrs. DR are the parents of Ms. L, herself a mother of two, whom we had talked to during the eviction.

Mrs. DR and Mr. J were among the last families to leave the invaded area. Their moving truck arrived at midnight on Tuesday. They reported that they had lost much of the structure of their house, and that the police rushed too much to remove their belongings. The “termites” are said to have stopped working at 6 p.m. on Tuesday, when much remained to be done. Had it not been for the additional effort of the cargo truck, his family's belongings would have stayed behind.

Mrs. DR and Mr. J still take care of two small children, a 12 and a 6-years-old. The youngest was adopted recently. He comes from a single mother with five children. The couple claimed that this mother was also evicted from the invasion area and had nowhere to go. Mrs. DR says that the boy's biological family has settled in a nearby neighborhood.

Ms. L's Testimonial

At the same location, we talked again with Ms. L, the couple's daughter, who told us about a demonstration by the occupants removed from Águas Verdes at the Barcarena Forum. She reported having gone with other residents on a chartered bus, for the purpose of claiming reparation and assistance to the evicted population.

The response from the authorities of the National Council of Justice (CNJ) to the demonstration was ineffective, as they merely reported that nothing could be done. The residents, organized by F, B and L, intended to meet again to evaluate further movements in Morajuba, in the house of a Ms. S. However, Ms. L reported that she felt distrust regarding the movement of the above mentioned leadership, for she believed they were involved in schemes of illegally selling lots in invaded areas in the region, and also of exploring its residents through the collection of fees.

Ms. MR's Testimonial

Finally, we spoke to a Ms. MR, aged 54, who was found in Mrs. DR and Mr. J's home. She reported that she intended to move to the area of invasion with her daughter and son-in-law, and that she was building two small houses when the recovery of possession happened. Ms. MR did not make any particular complaints about the police, "termites" or truck drivers. However, she was still deeply shaken by the loss of her belongings, as well as that of what she had planted in the area, feeling the loss of all of the labor and money invested in the land.

Figures



Figure 36: Signs at the 1st barricade, with sentences such as "we want housing!!!", "it is not a conflict we seek, it is just a piece of land to build our home to raise our children with dignity" and so on. Peabiru Institute report.



Figure 37: Military Police in formation in front of rioters in Águas Verdes. Peabiru Institute report.



Figure 38: Community Center of Águas Verdes. Peabiru Institute report.



Figure 39: Access control in Tauá. Sparta Solutions report.



Figure 40: Completion of the perimeter protection in Águas Verdes by Sparta Solutions.



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