



DE SELVA A GRANJA

GANADO DE CRÍA ILEGAL EN LA AMAZONÍA BRASILEÑA
DESCUBIERTO EN LA CADENA DE SUMINISTRO DE JBS

*** **EXTRACTO** ***



CONFLICTO Y MEDIOAMBIENTE

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INTERNACIONAL 

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Foto de portada: Ganado pastando en una explotación ganadera dentro de la reserva de Rio Ouro Preto, en el estado de Rondonia, julio de 2019.

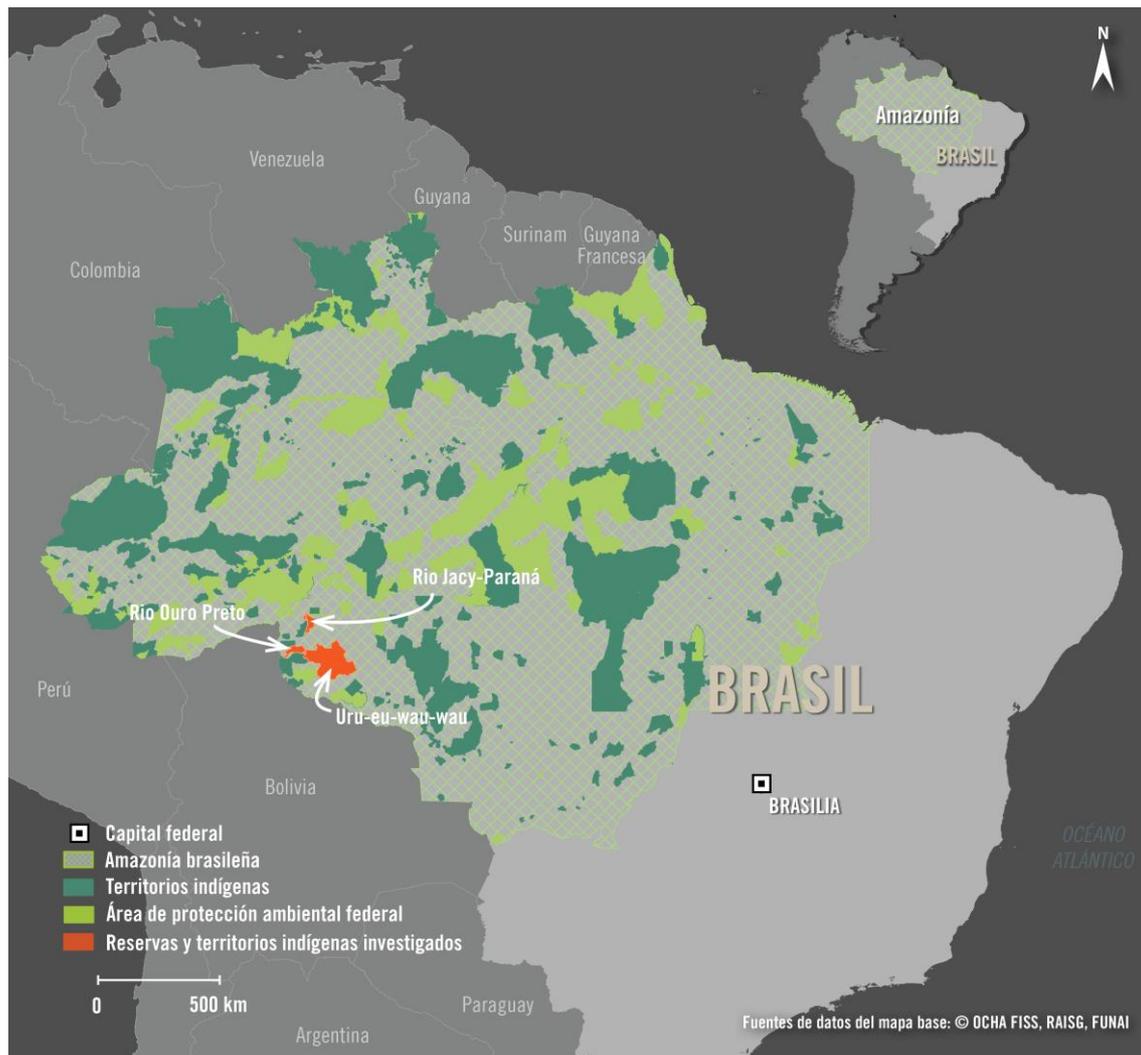
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ÍNDICE

RESUMEN EJECUTIVO	5
SIGUIENTES PASOS Y RECOMENDACIONES	9
ANEXOS	14
ANEXO 1: CARTA A JBS	14
ANEXO 2: RESPUESTA DE JBS	21
ANEXO 3: CARTA A BNDES	31
ANEXO 4: CARTA A IDARON	34

MAPA



RESUMEN EJECUTIVO

En la Amazonía brasileña, las apropiaciones de tierras para actividades ganaderas comerciales ilegales están aumentando a expensas de los derechos de los pueblos indígenas y los habitantes tradicionales de las reservas. Estas apropiaciones amenazan sus tierras y su futuro. Ni indígenas ni residentes de las reservas pueden entrar en las zonas ocupadas, por lo que ven reducidas sus posibilidades de cazar o recolectar recursos naturales.

Las apropiaciones ilegales de tierras suelen ir acompañadas de amenazas e intimidación a quienes viven en esos territorios e intentan defender su propiedad. Los indígenas y habitantes tradicionales de las reservas normalmente temen resultar heridos o muertos si van a estas zonas. En los peores casos, se ven obligados a huir de sus hogares.

Las apropiaciones ilegales de tierras, la deforestación y los incendios suelen ser etapas de un proceso que está transformando la selva tropical amazónica en pastizales para el ganado. El proceso comienza cuando ganaderos y *grileiros* —particulares que se apropian ilegalmente de tierras y se las quedan o las venden a terceros con fines lucrativos— delimitan parcelas en la selva. A continuación talan los árboles que hay dentro, queman el terreno (normalmente repetidas veces), siembran pasto e introducen ganado.

Según datos del gobierno brasileño, el 63% de la superficie deforestada en la Amazonía brasileña de 1988 a 2014 se transformó en pastos para ganado.

La ganadería comercial se está extendiendo rápidamente en zonas protegidas donde es una actividad ilegal. Amnistía Internacional ha entrevistado recientemente a indígenas y habitantes tradicionales de tres áreas protegidas en el estado clave de Rondonia, en el norte del país: el territorio de los indígenas uru-eu-wau-wau y las reservas de Rio Ouro Preto y Rio Jacy-Paraná.

Amnistía Internacional también obtuvo datos oficiales sobre la actividad ganadera en zonas protegidas presentando solicitudes al gobierno de Rondonia en virtud de la legislación sobre libertad de información, y analizó documentos oficiales sobre control de salud animal así como imágenes de satélite.

A pesar de que la ganadería comercial está prohibida en las tres áreas, indígenas uru-eu-wau-wau y habitantes de las reservas han informado de intentos recientes de apropiación de tierras para destinarlas a pastos. Si bien existe un largo historial de apropiación ilegal de tierras, las incursiones se han intensificado desde enero de 2019. El número de apropiaciones ilegales de tierras ha aumentado bruscamente, y se han clareado nuevas zonas para sembrar pasto.

Imágenes de satélite tomadas entre enero y mayo de 2020 muestran claramente los intentos recientes de ampliar la actividad ganadera comercial ilegal en las tres áreas. Las imágenes revelan zonas clareadas recientemente, la construcción de abrevaderos para el ganado y reses pastando en estas áreas.

El organismo de control de salud animal de Rondonia (*Agência de Defesa Sanitária Agrosilvopastoril do Estado de Rondônia, IDARON*) lleva registros detallados de los productores que crían ganado en zonas protegidas. Y es porque IDARON, igual que otros organismos estatales de control de salud animal de Brasil, registra los ganaderos y las granjas, incluidas sus coordenadas geográficas.

Asimismo controla los traslados de ganado entre granjas (y entre granjas y mataderos) con la emisión de un permiso de transporte animal (*Guia de Trânsito Animal*), documento oficial donde debe constar la granja de origen, el lugar de destino (granja o matadero), la finalidad del traslado, y el número y rango de edad de las reses.

Amnistía Internacional presentó varias solicitudes a IDARON con arreglo a la legislación sobre libertad de información en relación con estos registros. Los datos proporcionados por IDARON reflejan que ha crecido considerablemente el número de reses en áreas protegidas de Rondonia donde la ganadería comercial es ilegal. De noviembre de 2018 a abril de 2020, el número de reses pasó de 125.560 a 153.566, lo que representa un aumento del 22%.

Los datos de IDARON muestran asimismo que en 2019 se trasladaron 89.406 reses desde granjas situadas en zonas protegidas donde la ganadería comercial es ilegal.

Para los pueblos indígenas y los residentes de las reservas, el auge de la ganadería comercial ilegal en las zonas protegidas significa perder sus tierras. En las tres áreas examinadas, indígenas y habitantes de las reservas ya no pueden acceder a una parte de sus territorios protegidos debido a la ganadería comercial ilegal.

Por ejemplo, en diciembre de 2019, varios indígenas uru-eu-wau-wau que estaban patrullando su territorio descubrieron una extensión de unas 200 hectáreas que había sido clareada y quemada recientemente. Araruna, hombre indígena uru-eu-wau-wau de unos 20 años, contó lo siguiente a Amnistía Internacional:

Nos preocupan las invasiones de los últimos meses, porque están aumentando y cada vez se acercan más a los pueblos. Encontramos una gran superficie deforestada hace poco. Vimos un helicóptero sembrando pasto para traer ganado más adelante.

Los indígenas uru-eu-wau-wau y los residentes de la Reserva de Rio Ouro Preto suelen evitar las zonas ocupadas por ganaderos por miedo a resultar heridos o muertos.

En la Reserva de Rio Jacy-Paraná, ganaderos and *grileiros* ya han desalojado a la mayoría de los residentes. Abelardo, antiguo residente de casi 50 años que había sido desalojado de la reserva por un grupo de hombres armados en 2017, contó lo siguiente a Amnistía Internacional:

No hay manera de volver. Siempre hay alguien viviendo allí [en mi tierra]. Si alguien va allí, morirá. Esta gente mata.

La empresa multinacional JBS, con sede en Brasil, es el mayor productor de carne de vacuno del mundo. Aunque Amnistía Internacional no tenga pruebas de que JBS esté directamente implicada en los abusos contra los derechos humanos cometidos en los tres lugares examinados en esta investigación, este informe muestra que ganado criado ilegalmente en zonas protegidas ha entrado en la cadena de suministro de JBS.

Para llegar a esta conclusión, Amnistía Internacional analizó documentos oficiales de control de salud animal en colaboración con la ONG Repórter Brasil.

Según el análisis de documentos oficiales de control de salud animal, JBS adquirió ganado directamente de una granja situada en la Reserva de Rio Ouro Preto en dos ocasiones en 2019.

Además, JBS adquirió ganado repetidamente a dos productores que tienen granjas ilegales en zonas protegidas además de granjas legales en otros lugares. Uno cría ganado ilegalmente en la Reserva de Rio Jacy-Paraná, y el otro en el territorio del pueblo indígena uru-eu-wau-wau.

Ambos registraron traslados de reses desde una granja situada en una zona protegida hasta otra granja en otro lugar, y luego registraron nuevos traslados desde esa segunda granja hasta la empresa JBS. En ambos casos, una y otra granja estaban registradas a nombre del mismo productor.

En 2019, JBS compró reses en cinco ocasiones al productor que cría ganado ilegalmente en territorio del pueblo indígena uru-eu-wau-wau, y en cuatro ocasiones al productor que cría ganado ilegalmente en la Reserva de Rio Jacy-Paraná.

Mover ganado a través de granjas intermediarias para que parezca legal a pesar de haber sido criado en áreas donde la ganadería comercial es ilegal es una práctica conocida como “blanqueo de ganado”. Existen indicios de que estos dos productores pueden haber recurrido a la práctica del blanqueo de ganado para eludir los sistemas de control existentes y vender a JBS ganado criado en estas zonas protegidas.

En dos casos, el segundo traslado (desde la granja legal a las instalaciones de JBS) fue registrado sólo unos minutos después del traslado desde la granja en la zona protegida hasta la granja legal. En ambos traslados, tanto el número de reses como su sexo y rango de edad eran idénticos. En estos casos, el rango de edad era superior a 36 meses. Normalmente es en ese rango de edad cuando se trasladan las reses al matadero.

Las granjas que venden directamente a empresas procesadoras de carne se denominan proveedores directos, mientras que aquellas donde se cría el ganado antes de llegar a los proveedores directos son

proveedores indirectos. Según cálculos de investigadores académicos, prácticamente todas las granjas compran ganado a proveedores indirectos.

En 2009, JBS firmó acuerdos de no deforestación con la Fiscalía Federal y la organización ecologista Greenpeace. Aunque Greenpeace ha suspendido su participación posteriormente debido a las continuas infracciones, ambos acuerdos continúan vigentes en 2020.

Entre otras obligaciones, JBS se comprometió a dejar de adquirir reses directamente de granjas situadas en zonas protegidas, como reservas y territorios indígenas. El acuerdo de 2009 con Greenpeace también obligaba a JBS a controlar a sus proveedores indirectos antes de 2011.

Durante su investigación para este informe, Amnistía Internacional solicitó información específica a JBS sobre si la empresa había procesado reses de granjas situadas en las tres áreas protegidas en 2019. La respuesta de la empresa fue: “No adquirimos ganado de ninguna granja implicada en actividad ganadera ilegal en zonas protegidas”. Y añadía que la empresa tiene “una política inequívoca de deforestación cero en toda su cadena de suministro”

y que “JBS vigila de cerca a sus proveedores para garantizar que cumplen todos los aspectos de nuestra Política de Compra Responsable y no ha identificado cuestiones relacionadas con abusos contra los derechos humanos de comunidades indígenas u otros grupos protegidos”.

Amnistía Internacional también solicitó a JBS información específica sobre si la empresa controla a sus proveedores indirectos. JBS no respondió a la pregunta, y en cambio señaló que “la trazabilidad de toda la cadena de suministro de la carne de vacuno es un desafío para toda la industria y representa una tarea compleja”. Las auditorías anuales realizadas por terceros entre 2016 y 2019 para comprobar si se cumplía el acuerdo con Greenpeace señalan que JBS no controla a sus proveedores indirectos.

JBS tiene la obligación de respetar los derechos humanos de acuerdo con el derecho y las normas internacionales de derechos humanos. Los Principios Rectores de la ONU sobre las empresas y los derechos humanos imponen a estas la obligación de emprender un proceso de diligencia debida en materia de derechos humanos para identificar, prevenir y mitigar las consecuencias negativas para estos derechos y rendir cuentas sobre las medidas que han tomado para abordarlas, incluso en las cadenas de suministro.

Amnistía Internacional considera que, al no haber controlado eficazmente la entrada de ganado criado ilegalmente en su cadena de suministro, JBS no ejerció la diligencia debida. Según los términos de los Principios Rectores de la ONU, JBS contribuyó a la comisión de abusos contra los derechos humanos de indígenas y residentes de reservas al participar en los incentivos económicos de criar ganado ilegalmente en áreas protegidas.

Además, los Principios Rectores obligan a las empresas a reparar, por sí solas o en cooperación con otros actores, los perjuicios para los derechos humanos que hayan causado o (como en este caso) contribuido a causar.

Como principal productor de carne de vacuno del mundo, JBS puede hacer valer su posición de ventaja y ejercer su influencia y control con vistas a impedir que entre ganado criado ilegalmente en su cadena de suministro. Muchos países ya disponen de sistemas de control de las cadenas de suministro de ganado. La Unión Europea, por ejemplo, tiene un sistema que obliga a identificar cada res desde su nacimiento hasta su sacrificio, por el cual se registran todas las granjas implicadas en su crianza.

Amnistía Internacional insta a JBS a adoptar un sistema de control efectivo, que abarque a sus proveedores indirectos, y a garantizar que la empresa no adquiere ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida. JBS conoce los riesgos de que el ganado criado ilegalmente en zonas protegidas entre en su cadena de suministro desde al menos 2009, y debería adoptar sin demora medidas preventivas y de diligencia debida. Amnistía Internacional considera que el sistema debería estar habilitado a finales de 2020.

A lo largo de este proceso, JBS debería colaborar con sus proveedores directos e indirectos para implementar el sistema, facilitándoles el apoyo necesario, tanto económico como técnico. Si los proveedores no colaboran, JBS debería hacer valer su posición de ventaja, mediante advertencias de suspensión y la suspensión efectiva de las relaciones comerciales.

De acuerdo con los Principios Rectores de la ONU, cuando JBS haya contribuido a la comisión de abusos contra los derechos humanos al participar en los incentivos económicos de criar ganado ilegalmente en áreas protegidas, también deberá repararlos, por sí sola o en cooperación con otros actores.

Amnistía Internacional pide a inversores y compradores de JBS que colaboren con la empresa en estos procesos. Si JBS no hubiera adoptado medidas verosímiles y efectivas para controlar a sus proveedores

directos e indirectos al término de 2020, sus inversores y compradores deberían suspender sus actuales inversiones y acuerdos comerciales con JBS y abstenerse de volver a comprarle o a invertir en ella.

El Banco Nacional de Desarrollo Económico y Social de Brasil (BNDES) es el segundo mayor accionista de JBS.

Según las Directrices socioambientales para la ganadería bovina del BNDES, de 2009, las empresas con apoyo del Banco, ya sea mediante créditos o participación accionaria, debían tener habilitado un sistema de trazabilidad de todo el ganado desde el nacimiento hasta el sacrificio antes de 2016, para garantizar que el ganado criado ilegalmente en zonas protegidas no entraba en sus cadenas de suministro. Hasta la fecha, el BNDES no ha exigido a JBS que implemente esta política.

La Constitución de Brasil y las normas internacionales de derechos humanos reconocen los derechos de los pueblos indígenas y los residentes de las reservas a la tierra, su uso y sus recursos naturales. Además, en virtud del Acuerdo de París y del derecho de los derechos humanos, Brasil tiene la obligación de tomar medidas para prevenir el cambio climático.

La conservación de los bosques tropicales es fundamental en la lucha contra el cambio climático porque, cuando se talan o queman, el carbono almacenado se libera a la atmósfera en forma principalmente de dióxido de carbono.

Amnistía Internacional pide a las autoridades brasileñas que refuercen la vigilancia ambiental y endurezcan las medidas para hacer cumplir la legislación ambiental a fin de proteger los derechos humanos que están en peligro por la ganadería comercial ilegal en la selva tropical más extensa del mundo.

Amnistía Internacional considera que, cuando los organismos estatales de control de salud animal como IDARON inscriben explotaciones ganaderas comerciales en sus registros y/o expiden documentos de control de salud animal para autorizar sus traslados de ganado desde granjas que están en territorios o reservas indígenas, en la práctica están permitiendo la ganadería comercial ilegal.

IDARON y otros organismos estatales de control de salud animal de todo Brasil no deben expedir permisos de transporte animal para traslados de ganado desde/hasta explotaciones ganaderas comerciales situadas en zonas protegidas donde la ganadería comercial es ilegal.

Amnistía Internacional pide asimismo a IDARON y otros organismos estatales de control de salud animal que suspendan el registro de aquellas explotaciones ganaderas comerciales que estén situadas en zonas protegidas donde la ganadería comercial es ilegal. En colaboración con las autoridades ambientales estatales y federales, los organismos estatales de control de salud animal deben impedir la entrada de ganado en estas áreas y garantizar la retirada del que esté pastando ilegalmente en áreas protegidas.

Asimismo deben garantizar la disponibilidad y accesibilidad pública de los datos relacionados con el ganado (incluidos los traslados).

SIGUIENTES PASOS Y RECOMENDACIONES

Sin un sistema que vigile eficazmente su cadena de suministro, incluidos sus proveedores indirectos, JBS corre el riesgo de adquirir ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida. Al no controlar eficazmente la entrada de ganado criado ilegalmente en su cadena de suministro, JBS no está ejerciendo la diligencia debida, como establecen los Principios Rectores de la ONU. Según los términos de los Principios Rectores de la ONU, JBS contribuye a la comisión de abusos contra los derechos humanos de indígenas y residentes de reservas al participar en los incentivos económicos de criar ganado ilegalmente en áreas protegidas.

Existen sistemas de control efectivo de las cadenas de suministro de ganado en otros países. Cuando el BNDES anunció sus directrices socioambientales para la ganadería bovina en 2009, señaló que ya existen tecnologías para controlar la cadena de suministro de reses desde su nacimiento hasta su muerte.¹

Aunque JBS conoce los riesgos de que el ganado criado ilegalmente en zonas protegidas entre en su cadena de suministro desde al menos 2009, no ha adoptado medidas suficientes para implementar un sistema de control efectivo en toda su cadena de suministro. Como principal productor de carne de vacuno del mundo, JBS puede hacer valer su posición de ventaja y ejercer su influencia y control con vistas a impedir o mitigar las consecuencias negativas para los derechos humanos en su cadena de suministro.

Amnistía Internacional considera que JBS debería adoptar sin demora un sistema de control efectivo, que incluya a sus proveedores indirectos, y garantizar que el ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida no entra en su cadena de suministro. Como tarde, el sistema debería estar habilitado a finales de 2020.

A la hora de implementar un sistema de control efectivo, JBS debería colaborar con sus proveedores directos e indirectos y facilitarles el apoyo necesario, tanto económico como técnico. Por ejemplo, debería proporcionarles todo el apoyo que necesiten para habilitar la identificación individual del ganado y gestionar el sistema de control.

Si los proveedores no colaboran con los requisitos del sistema de control, JBS debería hacer valer su posición de ventaja, mediante advertencias de suspensión y la suspensión efectiva de las relaciones comerciales.

De acuerdo con los Principios Rectores de la ONU, JBS debería tomar medidas para ofrecer reparaciones por las apropiaciones ilegales de tierras y otros abusos contra los derechos humanos a los que ha contribuido la empresa. Como se ha señalado, JBS tiene la obligación de ofrecer reparaciones “por sí sola o en cooperación con otros actores” con arreglo a los Principios Rectores de la ONU.²

La reparación puede incluir “disculpas, restitución, rehabilitación, compensaciones económicas o no económicas y sanciones punitivas (ya sean penales o administrativas, por ejemplo multas), así como medidas de prevención de nuevos daños como, por ejemplo, los requerimientos o las garantías de no repetición”.³

¹ BNDES, *Directrices socioambientales para la ganadería bovina*, julio de 2009, https://www.bndes.gov.br/SiteBNDES/bndes/bndes_es/Institucional/Responsabilidade_Socioambiental/politica_socioambiental/diretrizes_socioambientais_gado_bovino.html.

² Principios rectores de la ONU sobre las empresas y los derechos humanos, comentario al principio rector 22.

³ Principios rectores de la ONU sobre las empresas y los derechos humanos, comentario al principio rector 25.

Según el derecho brasileño, además, JBS debería indemnizar a las comunidades indígenas y de las reservas por los daños ambientales causados en su cadena de suministro, como la deforestación.⁴

Inversores y compradores de JBS deberían colaborar con JBS en la implementación de un sistema de control efectivo como parte de su propio ejercicio de la diligencia debida. Si JBS no adopta medidas verosímiles y efectivas en un plazo razonable, sus inversores y compradores deberían suspender sus inversiones y acuerdos comerciales actuales con JBS, y abstenerse de volver a comprarle o a invertir en ella. Amnistía Internacional considera que, como tarde, el sistema debería estar habilitado a finales de 2020.

Como segundo mayor accionista de JBS, el gobierno de Brasil tiene un medio directo de garantizar que JBS ejerce la diligencia debida en materia de derechos humanos en su cadena de suministro. En cuanto a su política, el Banco Nacional de Desarrollo Económico y Social de Brasil (BNDES) debería obligar a las procesadoras de carne que reciben su apoyo a adoptar un sistema de control efectivo que incluya a los proveedores indirectos. Si JBS no adopta medidas verosímiles y efectivas en un plazo razonable para abordar estos riesgos, el BNDES debería dejar de financiar la actividad de la empresa en Brasil.

Como se ha señalado, los organismos estatales de control de salud animal llevan un registro detallado de los productores que crían ganado, incluso en zonas protegidas. Los organismos estatales de control de salud animal de todo Brasil no deberían expedir permisos de transporte animal para traslados de ganado desde/hasta explotaciones ganaderas comerciales situadas en zonas protegidas donde la ganadería comercial es ilegal.

Las autoridades estatales responsables del control de salud animal deberían asimismo suspender el registro de aquellas explotaciones ganaderas comerciales que estén situadas en zonas protegidas donde la ganadería comercial es ilegal y, en colaboración con las autoridades ambientales estatales y federales, garantizar la retirada del ganado que esté pastando ilegalmente en zonas protegidas. Además, las autoridades estatales responsables del control de salud animal deberían garantizar la disponibilidad y accesibilidad pública de sus datos relacionados con el ganado.

CÓMO CONTROLAR A LOS PROVEEDORES INDIRECTOS

Una posibilidad de controlar a los proveedores indirectos es un sistema de identificación individual del ganado desde el nacimiento hasta la muerte. Hay sistemas de trazabilidad individual del ganado que ya se aplican en lugares de todo el mundo, como la Unión Europea, Australia, Argentina y Uruguay. Por ejemplo, la Unión Europea tiene un sistema obligatorio de identificación individual del ganado desde el nacimiento hasta la muerte, que rastrea todos los movimientos entre granjas. Cada res puede ser identificada a través de la convencional marca en la oreja y de un identificador electrónico.⁵

La mayoría de los sistemas existentes fueron implementados por las autoridades de salud animal en respuesta a motivos de preocupación relacionados con la salud animal. Suelen ser obligatorios, e incluyen el registro de información individualizada sobre granjas y reses.⁶

En 2002, Brasil estableció el Sistema Brasileño de Identificación y Certificación de Origen Bovino y Bufalino (SISBOV), que teóricamente pasaría a ser obligatorio para todo tipo de ganado a finales de 2007.⁷ En 2005, el gobierno brasileño revocó la disposición que establecía el requisito de identificar individualmente los bovinos y búfalos antes del fin de 2007.⁸

En 2006, el gobierno de Brasil estableció el sistema SISBOV con carácter obligatorio sólo para quienes vendieran animales cuya carne fresca se exporta a mercados que exigen trazabilidad, como la Unión Europea.⁹ SISBOV exige que el registro y marcado de bovinos (y búfalos) se lleve a cabo en el plazo de 10 meses a partir del nacimiento, y siempre antes de su primer traslado fuera de la granja.¹⁰ En junio de 2020, 1.654 granjas habían sido aprobadas para exportar sus productos a la Unión Europea.¹¹

⁴ Artículos 3 y 14 de la Ley Federal 6.938/1981.

⁵ Reglamento (CE) núm. 1760/2000 del Parlamento Europeo y del Consejo, 17 de julio de 2000, disponible en eur-lex.europa.eu/legal-content/ES/TXT/PDF/?uri=CELEX:02000R1760-20141213&from=EN

⁶ *World Perspectives*, "Comprehensive feasibility study: U. S. beef cattle identification and traceability systems", 30 de enero de 2018,

www.ncba.org/CMDocs/BeefUSA/NCBA%20feasibility%20study%20on%20traceability_WPI%20report%201302018.pdf

⁷ Artículo 9.3 de la Orden Normativa 01/2002, Ministerio de Agricultura, Ganadería y Abastecimiento, 10 de enero de 2002.

⁸ Artículo 1 de la Orden Normativa 01/2005, Ministerio de Agricultura, Ganadería y Abastecimiento, 21 de enero de 2005.

⁹ Orden Normativa 17/2006, Ministerio de Agricultura, Ganadería y Abastecimiento, 13 de julio de 2006.

¹⁰ Artículo 59 de la Orden Normativa 51/2018, Ministerio de Agricultura, Ganadería y Abastecimiento.

¹¹ *Lista de explotaciones rurales aptas para exportación a la Unión Europea*, Ministerio de Agricultura, Ganadería y Abastecimiento, actualizada el 24 de junio de 2020, www.gov.br/agricultura/pt-br/assuntos/sanidade-animal-e-vegetal/saude-animal/rastreabilidade-animal

Amnistía Internacional recomienda a JBS:

- Como parte de su ejercicio de diligencia debida en materia de derechos humanos, adoptar sin demora un sistema de control efectivo, que incluya a sus proveedores indirectos, y garantizar que el ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida no entra en su cadena de suministro. JBS debería colaborar proactivamente con sus proveedores directos e indirectos y facilitarles el apoyo necesario, tanto económico como técnico, para garantizar que no crían ganado ilegalmente en zonas protegidas y que la propia JBS no adquiere ganado criado ilegalmente en estas zonas. Si los problemas persisten, JBS debería hacer valer su posición de ventaja, incluso con advertencias de suspensión o la suspensión efectiva de la relación comercial. Si JBS concluye que no puede evitar contribuir a los abusos contra derechos humanos si continúa su relación empresarial con un proveedor específico, deberá suspenderla.
- Reparar, por sí sola o en cooperación con sus proveedores, los abusos contra los derechos humanos de indígenas y residentes de las reservas a los que JBS ha contribuido.
- Indemnizar, en cooperación con sus proveedores, a las comunidades indígenas y de las reservas por los daños ambientales causados por la ganadería comercial ilegal en sus áreas protegidas.

Amnistía Internacional recomienda a los compradores de JBS:

- Colaborar de inmediato con JBS para garantizar que la empresa adopta un sistema de control efectivo, que incluya a sus proveedores indirectos, y que la empresa no adquiere ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida. Si JBS no ha adoptado medidas verosímiles y efectivas en un plazo razonable para abordar estos riesgos, sus compradores deberían dejar de adquirir sus productos. Amnistía Internacional considera que JBS debe haber adoptado estas medidas antes del fin de 2020.

Amnistía Internacional recomienda a los inversores de JBS:

- Colaborar de inmediato con JBS para garantizar que la empresa adopta un sistema de control efectivo, que incluya a sus proveedores indirectos, y que la empresa no adquiere ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida. Si JBS no ha adoptado medidas verosímiles y efectivas en un plazo razonable para abordar estos riesgos, sus inversores deberían dejar de invertir en ella. Amnistía Internacional considera que JBS debe haber adoptado estas medidas antes del fin de 2020.

Amnistía Internacional recomienda a BNDES:

- Garantizar que las empresas que reciben apoyo del BNDES aplican las directrices socioambientales existentes para la ganadería, incluido el requisito de implementar un sistema de trazabilidad desde el nacimiento hasta la muerte de todo el ganado que sacrifica la empresa.
- Colaborar de inmediato con JBS para garantizar que la empresa adopta un sistema de control efectivo, que incluya a sus proveedores indirectos, y que la empresa no adquiere ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida. Si JBS no adopta medidas verosímiles y efectivas en un plazo razonable para abordar estos riesgos, el BNDES debería dejar de financiar la actividad de la empresa en Brasil. Amnistía Internacional considera que JBS debe haber adoptado estas medidas antes del fin de 2020.

Amnistía Internacional recomienda al gobierno federal de Brasil:

- Comprometerse públicamente a respetar los derechos de los pueblos indígenas consagrados por la Constitución de Brasil y el derecho internacional de los derechos humanos.
- Abstenerse de socavar el trabajo de organismos ambientales como la Fundación Nacional del Indio (*Fundação Nacional do Índio, FUNAI*), dirigido a proteger los derechos de indígenas y residentes de reservas, así como el medioambiente.
- Adoptar políticas que refuercen los organismos de protección ambiental y de los pueblos indígenas, incluso con recursos humanos y económicos, de manera que estén facultados para hacer cumplir la legislación y puedan mejorar las funciones de vigilancia y patrulla de los territorios indígenas y las zonas de protección ambiental en la Amazonía, así como garantizar la seguridad de los cargos gubernamentales.

- Obligar por ley a las empresas a ejercer la diligencia debida en materia de derechos humanos respecto a sus cadenas de valor y relaciones comerciales, y a informar públicamente sobre sus políticas y prácticas de diligencia debida y sus resultados, de acuerdo con las normas internacionales.

Amnistía Internacional recomienda al Congreso Nacional:

- Abstenerse de aprobar los proyectos de ley PL 2633/2020 y PL 313/2020 para “regularizar” las apropiaciones ilegales de tierras y autorizar la actividad ganadera en las reservas, respectivamente, así como cualquier otro proyecto de ley que debilite la protección jurídica de las reservas, los territorios indígenas y otras áreas de protección ambiental.

Amnistía Internacional recomienda a la Fiscalía Federal, fiscalías estatales y autoridades policiales:

- Investigar y exigir que rindan cuentas los responsables de actividad ganadera comercial ilegal en zonas protegidas de la Amazonía.
- Investigar y exigir que rindan cuentas los responsables de amenazas y actos de intimidación contra indígenas, residentes de las reservas y agentes gubernamentales encargados de defender las áreas protegidas de la Amazonía.

Concretamente, Amnistía Internacional recomienda a la Fiscalía Federal:

- Vigilar sistemáticamente la aplicación de los acuerdos sobre no deforestación firmados con las procesadoras de carne en todos los estados de la Amazonía y publicar periódicamente los resultados.
- Investigar y exigir que las procesadoras de carne que no hayan firmado los acuerdos de no deforestación rindan cuentas por las consecuencias negativas para los derechos humanos y el medioambiente en sus cadenas de suministro.

Amnistía Internacional recomienda a las autoridades estatales de control de salud animal en la Amazonía brasileña:

- Dejar de expedir permisos de transporte animal para traslados de ganado desde/hasta explotaciones ganaderas comerciales situadas en zonas protegidas donde la ganadería comercial es ilegal.
- Suspender el registro de las explotaciones ganaderas comerciales situadas en zonas protegidas donde la ganadería comercial es ilegal.
- Trabajar en colaboración con las autoridades ambientales estatales y federales para impedir la entrada de ganado para su cría ilegal en zonas protegidas donde la ganadería comercial es ilegal, y garantizar la retirada del existente. Por ejemplo, las autoridades responsables del control de salud animal deben facilitar a las fiscalías y las autoridades ambientales toda la información sobre la presencia de ganaderos y ganado criado ilegalmente en zonas protegidas.
- Proporcionar acceso público a los datos sobre explotaciones, productores y movimientos de ganado, incluso en las zonas protegidas donde la ganadería comercial es ilegal.

Concretamente en el estado de Rondonia, Amnistía Internacional recomienda a su organismo estatal de control de salud animal (IDARON):

- Colaborar con las autoridades ambientales estatales y federales para retirar a los ganaderos y el ganado criado ilegalmente en zonas protegidas, como las reservas de Río Jacy-Paraná y Río Ouro Preto y el territorio del pueblo indígena uru-eu-wau-wau.

Amnistía Internacional recomienda a la Asamblea de Rondonia:

- Abstenerse de aprobar cualquier ley que reduzca los límites y la protección de la Reserva de Río Jacy-Paraná.

Amnistía Internacional recomienda a IBAMA, ICMBIO y las agencias estatales de medioambiente:

- Colaborar con las autoridades estatales y federales de control de salud animal para impedir la entrada de ganado en zonas protegidas donde la ganadería comercial es ilegal, y garantizar la retirada del que esté pastando ilegalmente.
- Investigar y exigir que rindan cuentas los responsables de actividades ganaderas comerciales ilegales en zonas protegidas de la Amazonía.

Amnistía Internacional recomienda a la Fundación Nacional del Indio (*Fundação Nacional do Índio, FUNAI*):

- Colaborar con las autoridades policiales y ambientales federales y estatales para proteger los territorios indígenas de apropiaciones ilegales de tierras.
- Colaborar con las autoridades estatales y federales ambientales y de control de salud animal para impedir la entrada de ganado en zonas protegidas donde la ganadería comercial es ilegal, y garantizar la retirada del que esté pastando ilegalmente.

Amnistía Internacional recomienda a la Unión Europea y sus Estados miembros:

- Garantizar que el acuerdo comercial con Mercosur incluye garantías adecuadas y exigibles para proteger, respetar y hacer efectivas las normas de derechos humanos y que aborda los riesgos asociados a la actividad empresarial o toda repercusión negativa que el acuerdo pueda tener en los derechos humanos, lo que incluye establecer sanciones en caso de incumplimiento y exigir a las empresas que ejerzan la diligencia debida en sus cadenas de suministro.
- Asegurarse de que el acuerdo comercial con Mercosur garantiza una reparación a particulares, trabajadores y comunidades afectados por los abusos contra los derechos humanos cometidos por empresas beneficiarias del acuerdo, o vinculados a tales empresas, lo que incluye el establecimiento de mecanismos adecuados de presentación de denuncias.
- Actuar con arreglo a las Directrices de la UE sobre defensores de derechos humanos para proteger y promover el trabajo de quienes defienden los derechos humanos en relación con estos asuntos en Brasil, contribuir a crear un entorno propicio para su trabajo y permitirles plantear sus motivos de preocupación en los intercambios de la Unión Europea/Mercosur con las autoridades brasileñas pertinentes.

ANEXOS

ANEXO 1: CARTA A JBS

Reference: TC AMR 19/2020.02

AMNESTY INTERNATIONAL 

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15 June 2020

Re: Amnesty International's investigation into human rights abuses linked to Brazil's cattle industry in Indigenous territories and Reserves

Dear Sir:

I am writing on behalf of Amnesty International to inform you of preliminary findings we have reached relating to illegal commercial cattle ranching in Brazil's Amazon region, and to request information regarding JBS's activities in the region.

As you may know, Amnesty International is a global movement of more than seven million people working to ensure the protection and realisation of human rights worldwide. We are independent of any government, political ideology, economic interest or religion, and are funded mainly by our membership and public donations. We campaign and advocate for human rights change on the basis of serious and thorough research on human rights issues all over the world.

Last year, Amnesty International initiated an investigation into illegal commercial cattle ranching in Indigenous territories and Reserves in the Amazon region, focusing, in particular, on human rights abuses against those living in these protected areas. As part of this research, the investigation found that JBS has contributed to serious human rights abuses against Indigenous peoples and other traditional residents via its cattle purchases.

We are setting out the substance of our research and our key findings in this letter to give you an opportunity to review and respond to them prior to publication. We have also posed some questions that will give you a further opportunity to clarify the functioning of JBS's operations in the region.

BACKGROUND

All companies, regardless of their size, sector, location, ownership and structure, have a responsibility to respect human rights. The scope and meaning of this responsibility have been clarified in the United

Company Registration: 01606776 Registered in England and Wales

Nations Guiding Principles on Business and Human Rights (UN Guiding Principles), unanimously endorsed by the UN Human Rights Council in June 2011.¹

According to the UN Guiding Principles: "The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights."²

The responsibility to respect human rights requires that companies should "[a]void causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur."³ In order to meet this responsibility, companies should put in place a "human rights due diligence process to identify, prevent, mitigate and account for how they have addressed their impacts on human rights."⁴ Effective due diligence must be commensurate with risk, adequately resourced and geared towards the prevention of harm to others. Companies should also establish "[p]rocesses to enable remediation of any adverse human rights impacts they cause or to which they contribute."⁴ This process of human rights due diligence "should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships."⁵

METHODOLOGY

As part of its investigation into illegal commercial cattle ranching, Amnesty International interviewed a number of Indigenous people and other traditional residents of Indigenous territories and Reserves. Amnesty International analysed official animal health control documents. We also analysed other official government documents, including official lists of cattle farmers in protected areas. We also consulted JBS's database Guarantee of Origin Friboi (*Garantia de Origem Friboi*), which claims to inform customers of the origin of its beef products.⁶ We also reviewed various reports and materials published by JBS, including the company's policies, the 2009 agreements signed with Federal Public Prosecutor's Office and, separately, with nongovernmental organisation Greenpeace, and the annual reports it produces that evaluate its success in fulfilling the 2009 Greenpeace agreement.

Amnesty International has withheld the names and other identifying information of farmers grazing cattle in protected areas and supplying to JBS to protect the safety of people who shared information on commercial cattle ranching in protected areas.

SUMMARY OF PRELIMINARY FINDINGS

Amnesty International found that in 2019 JBS purchased cattle from farmers who grazed their herds in three protected areas where commercial cattle ranching is prohibited by law: the Uru-Eu-Wau-Wau Indigenous territory, the Rio Jacu-Paraná Reserve, and Rio Ouro Preto Reserve. All three of these protected areas are located in Rondônia state.

Amnesty International documented illegal land seizures for commercial cattle ranching in all three protected areas. Illegal land seizures for commercial cattle ranching infringe the rights of Indigenous peoples and traditional residents of Reserves to their protected territories. Illegal land seizures for commercial cattle ranching also harm their traditional way of life. People living in the three protected areas reported having faced threats and intimidation, evictions, a lack of access to areas occupied by cattle farmers, and impacts on their livelihoods. Notably, deforestation in the three protected areas increased between August 2018 and July 2019 compared to the period from August 2017 to July 2018, according to official monitoring.⁷

Our research found that on at least two occasions in 2019 JBS directly purchased cattle from a farm located inside the Rio Ouro Preto Reserve. We also documented instances in which JBS purchased cattle from farmers who grazed their herds on two or more farms, at least one of which was inside one of the three

¹ UN Office of the High Commissioner for Human Rights, *Guiding principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UN Doc. HR/PUB/11/04, 2011 available at: https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf (last accessed 06 May 2020).

² Principle 11, United Nations Guiding Principles on Business and Human Rights.

³ Principle 13 (a), United Nations Guiding Principles on Business and Human Rights.

⁴ Principle 15 (c), United Nations Guiding Principles on Business and Human Rights.

⁵ Principle 17 (a), United Nations Guiding Principles on Business and Human Rights.

⁶ Friboi, <https://www.friboi.com.br/sustentabilidade/segurancadeorigem>

⁷ Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES), http://terrabrasilis.dpi.inpe.br/geo/dashboards/deforestation/biomes/legal_amazon/increments

protected areas. We found that farmers registered cattle movements from farms inside the protected areas to farms outside the protected areas, also registered in their names, before selling the cattle to JBS. According to animal health control records, on two occasions in 2019, the second movement of cattle (from the farm outside a protected area to a JBS plant) was registered just a few minutes after the movement between farms, and involved precisely the same number of cattle of the same sex and age range.

According to experts interviewed by Amnesty International, sequential movements starting from farms in protected areas, registered within a short timeframe, and consisting of an identical number of cattle of identical sex and age range strongly suggest the practice of cattle laundering. Cattle laundering consists of practices to make cattle grazed on an irregular farm appear legal.

Amnesty International did not find any evidence indicating that JBS was directly involved in illegal land seizures, evictions, or threats in the three protected areas. However by not carrying out due diligence with the objective to prevent human rights abuses and to avoid purchasing cattle that has been grazed illegally in protected areas, JBS contributes to, and profits from, the illegal land seizures and other human rights abuses experienced by the Uru-Eu-Wau-Wau people and the residents of Rio Ouro Preto and Rio Jacu-Paraná Reserves.

Amnesty International believes that JBS has failed to meet its responsibility to respect human rights and non-deforestation agreements. We have concluded that JBS has failed to implement an effective monitoring of its direct and indirect suppliers, despite being aware of the problem for years.

In 2009, JBS signed two non-deforestation agreements with the Federal Public Prosecutor's Office and, separately, the environmental organisation Greenpeace. To the best of our knowledge, both agreements remain in effect. Among other obligations, JBS committed to stopping purchasing directly from farms located in protected areas, including Indigenous territories and Reserves.

The 2009 agreement with Greenpeace required JBS to monitor its indirect suppliers by 2011. The same agreement also established that within six months from the signature of the agreement JBS "will reassess, together with Greenpeace and other stakeholders, the deadlines related to indirect suppliers".⁸

Additionally, the state-owned Brazilian National Development Bank (BNDES) has invested in JBS since at least 2009.⁹ BNDES is the second largest shareholder of JBS.¹⁰ In 2009, BNDES developed socioenvironmental guidelines for meat-packing companies being supported by BNDES. According to the guidelines, meat-packing companies being supported by BNDES through either loans or shareholding should have implemented a traceability system for all cattle from birth to slaughter by 2016 to ensure that no cattle illegally grazed on farms in protected areas enter its supply chain.¹¹

Despite these commitments, JBS has not implemented an effective monitoring system of its indirect suppliers. According to independent audits conducted between 2016 and 2019, JBS does not systematically monitor its indirect suppliers.¹²

Amnesty International also found that farmers grazing cattle in protected areas where commercial cattle ranching is illegal and supplying to JBS, either directly or via a regular farm outside protected areas (also registered in their names), do not comply with JBS Business Associate Code of Conduct. Approved in 2018,

⁸ Greenpeace, "Minimum criteria for industrial scale cattle operations in the Brazilian Amazon Biome", https://www.greenpeace.org/usa/wp-content/uploads/2019/09/09/minimum_criteria_for_i.pdf
⁹ Téo Takar, "BNDES é dono de R\$ 3,5 bilhões em ações da JBS, mas não manda nela; entenda", Uol, 18 October 2017, <https://economia.uol.com.br/noticias/redacao/2017/10/18/bndes-e-dono-de-r-35-bilhoes-em-acoes-da-jbs-mas-nao-manda-nela-entenda.htm>

¹⁰ Novo Mercado BM&FBOVESPA, "JBS S.A.: Posição acionária in 06 May 2020", <http://www.bmfbovespa.com.br/ctas-fundado/empresas-listadas/ResumoEmpresasPrincipais.aspx?codigoCvm=20675&idograma=pt-br>

¹¹ BNDES, "BNDES amplia exigências para apoio à cadeia produtiva da pecuária bovina", 22 July 2019, https://www.bndes.gov.br/en/noticia/bna/home/imprensa/noticias/contato/2019/07/22_frigorifico

¹² BDO RCS Auditores Independentes, "JBS S.A.: Relatório de auditoria de terceira parte para atendimento ao compromisso de adoção do "compromisso público da pecuária", conforme "critérios mínimos para operações com gado e produtos bovinos em escala industrial no Bioma Amazônia", 2016, https://hs.com.br/wp-content/uploads/2019/11/JBS_Relato%C3%B3rioAuditoriaCompromissoPublico-2016_PT.pdf; DNV GL, "Evaluation of fulfillment of the 'Public Livestock Commitment': JBS S.A.", 14 November 2017, https://hs.com.br/wp-content/uploads/2019/11/JBS_Relato%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2017_EN.pdf; DNV GL, "Evaluation of fulfillment of the 'Public Livestock Commitment': JBS S.A.", 17 October 2018, https://hs.com.br/wp-content/uploads/2019/11/JBS_Relato%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2018_EN.pdf; DNV GL, "Evaluation of fulfillment of the 'Public Livestock Commitment': JBS S.A.", 17 July 2019, https://hs.com.br/wp-content/uploads/2019/11/JBS_Relato%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2019_EN.pdf

the Business Associate Code of Conduct requires third parties, including suppliers, to "comply with all applicable environmental laws and regulations in the jurisdiction where the Business Associate operates".¹³

DETAILED FINDINGS

JBS purchased cattle from farmers who illegally graze cattle in protected areas

a) Rio Ouro Preto Reserve

- Residents of the Rio Ouro Preto Reserve told Amnesty International about recent efforts to expand illegal commercial cattle ranching and threats. They told Amnesty International they avoid going to areas near the areas occupied by cattle farmers because of the risk of conflicts.
- According to official animal health control documents, on at least two occasions in 2019 JBS directly purchased cattle from a farm located inside the Rio Ouro Preto Reserve.

b) Rio Jacu-Paraná Reserve

- According to official data, between August 2018 and July 2019, the Rio Jacu-Paraná Reserve was the most deforested Reserve in the Amazon region.¹⁴
- Most of the residents of the Rio Jacu-Paraná Reserve were evicted by cattle farmers and *grileiros*. Former residents told Amnesty International they fear returning to the Rio Jacu-Paraná Reserve.
- According to official animal health control documents, in 2019 JBS purchased cattle from a farmer who illegally grazed cattle inside the Rio Jacu-Paraná Reserve. The farmer grazed cattle on at least three farms, one of which was inside the Reserve. On at least seven occasions in 2019, the farmer registered cattle movements from the farm inside the Reserve to the farm outside it. Both farms are registered in the farmer's name. In the same year, on at least four other occasions, the farmer registered cattle movements from the farm outside the Reserve to a JBS plant.
- According to official animal health control documents, on one of the four occasions, the farmer registered cattle movements from the farm inside the Reserve to the farm outside it, and from the latter on to a JBS plant, within a few minutes of each other. The movements involved the same number of cattle of the same sex and age range.

c) Uru-Eu-Wau-Wau Indigenous territory

- Commercial cattle ranching has been present inside the Uru-Eu-Wau-Wau Indigenous territory for many years and there have been recent efforts to expand the activity. In 2019 the Uru-Eu-Wau-Wau Indigenous territory was ranked as the ninth most deforested Indigenous territory in the Amazon, according to official data.¹⁵
- Uru-Eu-Wau-Wau people told Amnesty International about recent invasions and threats. They also described avoid going to the area illegally occupied by cattle farmers because of the risk of conflict.
- According to official animal health control documents, in 2019 JBS purchased cattle from a farmer who illegally grazed cattle inside the Uru-Eu-Wau-Wau Indigenous territory. Amnesty International documented instances in which the farmer grazed cattle in at least three farms, one of which was inside the Uru-Eu-Wau-Wau Indigenous territory.
- According to official animal health control documents, on at least six occasions in 2019, the farmer registered cattle movements from a farm inside the Indigenous territory to a farm outside it. Then, on at least five occasions, the same farmer registered cattle movements from the latter farm (the farm outside the territory) to a JBS plant.
- According to official animal health control documents, on one of the five occasions in 2019, the farmer registered cattle movements from the farm inside the Indigenous territory and another farm to the farm that directly supplies JBS. A few minutes later the same farmer registered cattle movement to a JBS plant. The amount of cattle registered to move to a JBS plant precisely matched in terms of their numbers, sex and age range the cattle that was registered coming from both farms.

¹³ JBS S.A., "Business Associate Code of Conduct", 2018, https://bs.com.br/wp-content/uploads/2019/06/Business-Associate-Code-of-Conduct_JBS_Ingl%C3%AAs.pdf

¹⁴ Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES), http://sembrasil.br.inpe.br/brno/sembrasil/deforestation/biomes/legal_amazon/incrments

¹⁵ Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES), http://sembrasil.br.inpe.br/brno/sembrasil/deforestation/biomes/legal_amazon/incrments

Non-compliance with non-deforestation agreements

- According to auditing conducted by Federal Public Prosecutor's Office in Pará state for 2016, 19% of the cows purchased by JBS that were audited were found to be non-compliant with the Adjustment of Conduct Agreement that JBS had signed with Federal Public Prosecutor's Office.¹⁶
- According to auditing conducted by Federal Public Prosecutor's Office in Pará state for 2017, 8% of the cows purchased by JBS that were audited were found to be non-compliant with the Adjustment of Conduct Agreement that JBS had signed with Federal Public Prosecutor's Office.¹⁷

Federal environmental agency fined JBS

- In 2017, Brazilian Institute of Environment and Renewable Natural Resources (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis* – IBAMA) levied on JBS BRL 24.7 million (US\$ 4.9 million) in fines for purchasing, directly and indirectly, 49,468 cows from farms that at least some of its area had been embargoed (prohibition to use the embargoed area in order to prevent further environmental harm and recover the area) by the environmental agency.¹⁸

Lack of transparency in JBS's online database

- In October 2019, the environmental outlet *O Eco* reported JBS reduced the transparency of its online database *Guarantee of Origin Friboi*. According to this report, JBS stopped providing the location of its suppliers, i.e., their precise geographic coordinates.¹⁹

JBS'S MONITORING COMMITMENTS

We are aware of the following key dates regarding JBS's monitoring commitments:

Timeline of JBS's monitoring commitments

2009: Signature of non-deforestation agreements with the Federal Public Prosecutor's Office and, separately, with Greenpeace.²⁰

2010: Adoption of JBS Responsible Raw Material Procurement Policy.²¹

2011: The deadline established by the 2009 Greenpeace agreement to monitor indirect suppliers expires.²²

2016: The deadline established by BNDES socioenvironmental guidelines (to have all cattle in its supply chain traced from birth to slaughter) expires.²³

Audit conducted by the Federal Public Prosecutor's Office in Pará state found that 19% of the 610,269 cattle audited failed to meet at least one of the requirements established by the non-deforestation agreement with the Federal Public Prosecutor's Office.²⁴

¹⁶ Federal Public Prosecutor's Office in Pará state, "Detalhes dos principais resultados auditados", 2018, http://www.mpf.mp.br/pa/sala-de-imprensa/documentos/2018/detalhes_principais_resultados_auditados_tac_pecuaria_pa.

¹⁷ Federal Public Prosecutor's Office in Pará state, "Síntese dos Resultados das Auditorias relativas a operações comerciais em 2017 realizadas por frigoríficos signatários do Termo de Ajuste de Conduta (TAC) da Pecuária no Pará, 12 November 2019, http://www.mpf.mp.br/pa/sala-de-imprensa/documentos/2019/sintese_resultados_auditados_tac_pecuaria_pa_comercas_2017_observacao_2019.pdf.

¹⁸ A currency conversion rate of US\$ 1.00 to BRL 5.00 has been used, the approximate rate of exchange at the time of research. Piero Locatelli and Ana Aranha, "JBS compra gado de áreas desmatadas ilegalmente e leva multa de R\$ 24 milhões, *Repórter Brasil*, 22 March 2017, <https://reporterbrasil.org.br/2017/03/jbs-compra-gado-de-areas-desmatadas-legalmente-e-leva-multa-de-r24-milhoes/>.

¹⁹ Fernanda Wenzel, "JBS reduz transparência sobre fazendas de pecuária", *O Eco*, 06 October 2019, <https://www.eco.org.br/montagens/jbs-reduz-transparencia-sobre-fazendas-de-pecuaria/>.

²⁰ Paulo Barreto, Holly Gibbs, "Como melhorar a eficácia dos acordos contra o desmatamento associado à pecuária na Amazônia?", Belém: Imazon; Madison: University of Wisconsin, 2015.

²¹ JBS S.A., "JBS Responsible Procurement Policy", 4 September 2019, <https://ri.jbs.com.br/external/5579/27-12-2019%20-%20Politica%20de%20Compra%20Responsavel%20-%20EN.pdf>.

²² Greenpeace, "Minimum criteria for industrial scale cattle operations in the Brazilian Amazon Biome", <https://www.greenpeace.org/usa/wp-content/uploads/legacy/Globa/usa/report/2010/minimum-criteria-for-1.pdf>.

²³ BNDES, "BNDES amplia exigências para apoio à cadeia produtiva da pecuária bovina", 22 July 2019, https://www.bndes.gov.br/wns/postal/ri/ri/home/imprensa/noticias/conteudo/20060722_frigorifico.

²⁴ Federal Public Prosecutor's Office in Pará state, "Detalhes dos principais resultados auditados", 2018, http://www.mpf.mp.br/pa/sala-de-imprensa/documentos/2018/detalhes_principais_resultados_auditados_tac_pecuaria_pa.

2017: JBS is fined BRL 24.7 million (US\$ 4.9 million) due to the purchase of 49,468 cattle from farms (direct and indirect suppliers) that had been embargoed by IBAMA.²⁵

Audit conducted by the Federal Public Prosecutor's Office in Pará state found 8% of the 301,207 cattle audited did not meet at least one of the requirements established by the non-deforestation agreement with the Federal Public Prosecutor's Office.²⁶

2018: Adoption of JBS Business Associate Code of Conduct, which requires direct suppliers to comply with the legislation.²⁷

2016 – 2019: Annual audit reports between 2016 and 2019 state that JBS does not monitor indirect suppliers.²⁸

OPPORTUNITY TO RESPOND

We would like to invite you to respond to the above findings, as well as to provide additional information that might assist our understanding of JBS's operations in the region. We would be grateful if you could reply to the following questions:

- 1) In 2009, JBS committed to monitor its indirect suppliers within two years of the signature of the "Public Livestock Commitment". In March 2013, the Federal Public Prosecutor's office and JBS committed "[w]ithin 24 months to undertaking efforts to foster the implementation of a public traceability system, which has the purpose of ensuring data on the origin and destination of cattle, since the farm of production to final consumer".²⁹ The 2019 Evaluation of the Fulfilment to the "Public Livestock Commitment" – which covers the year 2018 – affirms that indirect suppliers of cattle to JBS are not systematically monitored by JBS.³⁰
 - (i) Does JBS systematically monitor indirect suppliers? If so, please describe and provide evidence of any efforts undertaken since 2009 to systematically monitor indirect suppliers. If not, please explain why JBS does not systematically monitor indirect suppliers.
 - (ii) Please also clarify whether JBS takes any non-systematic steps to monitor indirect suppliers. If so, what kinds of non-systematic steps are taken and in which circumstances?
- 2) Has JBS processed cattle that have been illegally grazed within the Uru-Eu-Wau-Wau Indigenous territory, the Rio Jacu-Paraná Reserve or the Rio Ouro Preto Reserve during at least one of the breeding, rearing or fattening phases?
- 3) Can you provide us with case details and steps JBS has taken to prevent the purchase of cattle that grazed on Indigenous territories and/or Reserves during at least one of the breeding, rearing or fattening phases?

²⁵ Piero Locatelli and Ana Aranha, "JBS compra gado de áreas desmatadas ilegalmente e leva multa de R\$ 24 milhões, *Repórter Brasil*, 22 March 2017, <https://repórterbrasil.org.br/2017/03/jbs-compra-gado-de-areas-desmatadas-ilegalmente-e-leva-multa-de-r24-milhoes/>

²⁶ Federal Public Prosecutor's Office in Pará state, "Síntese dos Resultados das Auditorias relativas a operações comerciais em 2017 realizadas por frigoríficos signatários do Termo de Ajuste de Conduta (TAC) da Pecuária no Pará, 12 November 2019, http://www.mpf.mp.br/pa/sala-de-imprensa/documentos/2019/resultados_auditorias_tacs_pecuaria_na_compras_2017_difusao_2019.pdf

²⁷ JBS S.A., "Annual and Sustainability Report 2019", 2020, <https://jbs.com.br/wp-content/uploads/2020/05/tras-jbs-2019-eng-final.pdf>

²⁸ BDO RCS Auditores Independentes, "JBS S.A.: Relatório de auditoria de terceira parte para atendimento ao compromisso de adoção do "compromisso público da pecuária", conforme "critérios mínimos para operações com gado e produtos bovinos em escala industrial no Bioma Amazônia", 2016, https://jbs.com.br/wp-content/uploads/2019/11/JBS_Relat%C3%B3rioAuditoriaCompromissoPublico-2016_PT.pdf; DNV GL, "Evaluation of fulfilment of the "Public Livestock Commitment": JBS S.A.", 14 November 2017, https://jbs.com.br/wp-content/uploads/2019/11/JBS_Relat%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2017_EN.pdf; DNV GL, "Evaluation of fulfilment of the "Public Livestock Commitment": JBS S.A.", 17 October 2018, https://jbs.com.br/wp-content/uploads/2019/11/JBS_Relat%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2018_EN.pdf; DNV GL, "Evaluation of fulfilment of the "Public Livestock Commitment": JBS S.A.", 17 July 2019, https://jbs.com.br/wp-content/uploads/2019/11/JBS_Relat%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2019_EN.pdf

²⁹ Adjustment of Conduct Agreement signed between JBS and Federal Public Prosecutor's Office in 20 March 2013.

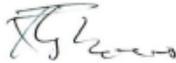
³⁰ DNV GL, "Avaliação ao atendimento do "Compromisso Público da Pecuária" – JBS S.A.", 07 July 2019, https://jbs.com.br/wp-content/uploads/2019/11/JBS_Relat%C3%B3rioAuditoriaCompromissoPublico_DNVGL-2019_PT.pdf

- 4) Does JBS directly purchase cattle from farmers known to illegally hold land in Indigenous territories and/or Reserves (for example, from farmers that register farms inside Indigenous territories and/or Reserves in the Rural Environmental Registry system)?
- 5) In cases where farmers known to illegally hold land in these protected areas also have farms outside (which could be considered legal), what steps does JBS take to ensure that cattle purchased from these farmers did not previously graze on farms within Indigenous territories and/or Reserves during at least one of the breeding, rearing or fattening phases?
- 6) From our review of JBS's materials, it is unclear what steps JBS takes to identify, address and remediate human rights abuses that the company may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships. Please provide information regarding the policies and steps JBS takes to identify, address and remediate human rights abuses, including against Indigenous peoples and other traditional residents of Indigenous territories and/or Reserves. Could you provide us with a typical case study?
- 7) Has JBS previously identified, addressed and remediated human rights abuses against Indigenous peoples and/or traditional residents of protected areas within the company's supply chain? If so, please explain the details of the human rights abuses found and the steps taken by JBS to identify, address and remediate those abuses.
- 8) From our review of JBS's materials, it is not clear how the company monitors its suppliers' compliance with the JBS Business Associate Code of Conduct, including the requirement to comply "with all applicable environmental laws and regulations." Please inform us of the policies and steps JBS takes to monitor compliance with its Business Associate Code of Conduct and the steps taken in case of non-compliance.

We would appreciate it if you would provide supporting factual information that would allow us to verify any claims that you make in responding to our questions. In the event that you are unable to provide the requested information, we would appreciate it if you could state why this is not possible.

We intend to publish our detailed findings in a report and may include part or all of your comments and responses in it. Please provide any information by 22:00 GMT on 26 June 2020, to enable us to consider incorporating it in our report. You may reach us by email at richard.pearshouse@amnesty.org and/or tirana.hassan@amnesty.org

Yours sincerely,



Richard Pearshouse
Head of Crisis and the Environment
Crisis Response Programme



Tirana Hassan
Director, Crisis Response Programme

ANEXO 2: RESPUESTA DE JBS



June 29, 2020

Subject: Amnesty International

Dear Tirana Hassan,

JBS has an unequivocal zero deforestation approach throughout its supply chain. It was one of the first companies in the industry to invest in policies and new technologies to fight, discourage and eliminate deforestation in the Amazon Rainforest.

We have worked for more than a decade on the frontlines to drive meaningful, responsible change in the Amazon region and have made considerable investment in education, monitoring and enforcement to drive forward industry standards. Several tools used across the industry in Brazil to monitor the supply chain and progress towards a shared goal of a productive and sustainable livestock system have been driven by JBS.

Since 2009, the company has enforced a strict **Responsible Procurement Policy** for the purchase of raw materials. All JBS supplier farms in the Amazon are monitored through satellite imaging and georeferenced data, providing the best and latest information to support our efforts.

Our Amazon monitoring system is considered one of the best and most sophisticated in the world, assessing more than 50,000 potential livestock supplying farms every day and covering more than 450,000 km² (111 million acres) – an area larger than Germany (357,000 km²).

If farms are deemed non-compliant with our sustainable sourcing policies for any reason, they are blocked from our supply chain. This includes automatic exclusion of any farm involved in the deforestation of native forests, invasion of protected areas such as indigenous lands or environmental preservation areas, or properties that have areas embargoed by IBAMA (the Brazilian Environmental Agency). We also do not purchase livestock from farmers involved in rural violence or land conflicts, or those who use slave or child labour.

To date, we have blocked more than 9,000 cattle supplying farms due to noncompliance with our sustainability criteria.

Independent audits conducted over the past six years by leading auditors DNV-GL and BDO reveal 99.9% compliance with these standards overall. In 2019, 100% of direct purchases met our social-environmental criteria. The results of these audits are freely available on the JBS website.

We do believe that we can achieve a supply chain free of deforestation but require the backing of our partners including key customers, NGOs, and local government. JBS has always been open to dialogue with stakeholders around new approaches to eliminate deforestation in the Amazon. New partnerships as well as support for the strategies we are already developing could greatly accelerate the implementation of a more sustainable livestock system in Brazil.



In this letter, we outline some of the initiatives we have been working on and have heavily invested in to improve supply chain traceability, eliminate deforestation and ensure we do not purchase cattle from farmers who illegally hold land in protected areas and Indigenous territories.

TACKLING THE INDIRECT SUPPLIERS ISSUE

The issue of indirect suppliers is structural and requires a different approach to the one we use to successfully monitor direct suppliers. Independent audits conducted by leading global auditors DNV-GL and BDO over the past six years reveal that over 99.9% of livestock purchases by JBS, from farms located in the Amazon region, meet the company's social environmental criteria. This includes the zero-deforestation criteria. This increased to 100% in the company's last audit, which took place in 2019. The results from these audits are available on the JBS website.

As stated, the traceability of the entire beef supply chain is an industry-wide challenge and a complex task. One of the main challenges for monitoring the entire cattle supply chain, including indirect suppliers (i.e. those who sell cattle to the direct suppliers of JBS) is the unavailability of the information that allows tracking of all supply chain movements in Brazil.

THE ANIMAL TRANSIT PERMIT (GTA)

The **GTA**, or **Animal Transit Permit**, is the official Ministry of Agriculture animal traceability document for sanitary control in Brazil. For each cattle movement - from farm to farm or farm to processing plant - a compulsory GTA is issued, to identify the animals, their sanitary conditions and the farm of origin.

However, the GTAs are not, and have never been, publicly available. JBS and other processing plants only have access to the last GTA of the chain, from direct supplier to the processing plant. The GTAs from previous links in the chain are not currently made public and reside only in the Government database for sanitary control of Brazilian livestock.

Therefore, to tackle the issue of transparency in the indirect supply chain, there must be a solid industry-level approach involving collaborative work. JBS is dedicated to driving forward industry standards and we are in active discussion with stakeholders including the Federal Government of Brazil and other leaders across the industry to reach a practical solution for the indirect supplier monitoring issue.

To drive progress, JBS is currently engaging with the Brazilian Ministry of Agriculture to explore a new procedure for the issue of GTAs.

THE "GREEN-GTA"

In the new procedure proposed by JBS, the GTAs would contain information showing when cattle have spent time on a farm that is included in the public list of areas embargoed by IBAMA (the Brazilian Environmental Agency) due to participation in illegal deforestation.



This would enable JBS and other beef processing companies to request that direct suppliers only buy calves and yearlings from farms that have a "Green-GTA" status meaning they have not been involved in illegal deforestation. GTA status would be continuously monitored.

In practice, JBS' direct suppliers could use the Green-GTA's information as a simple and cost-effective way of checking the environmental status of the farm that incoming cattle originated. This way, they can prevent the purchase of cattle from an illegally deforested area and stop them from reaching the processing facility.

We believe the Green-GTA procedure could be deployed simply and its implementation would not weaken the current GTA-based sanitary control used by the Government to monitor livestock in Brazil.

In addition to the Green-GTA approach, JBS is investing in another three innovative projects to proactively assess the best and most practical solutions to address the issue of indirect supplier traceability. Some of the projects could be applied across the whole industry. Others are inspired by blockchain systems and will be piloted by JBS in a company-wide trial in the first instance.

ADDRESSING THE CATTLE LAUNDERING PROBLEM

To ensure that farms involved in deforestation are not part of our supply chain, JBS has also been actively working with other stakeholders to develop sectoral strategies that can be applied to the entire beef industry in the Amazon.

One such strategy is the program "[Beef on Track](#)". This initiative has been developing by JBS in partnership with the Federal Prosecutor's Office and the Brazilian NGO [Imaflora](#) and aim defining criteria and technical rules for monitoring cattle suppliers. As of the 1st July 2020 all processors that are signatories of TACs (a legal agreement with Federal Prosecutors' Office) and are operating in the Legal Amazon states must follow the program.

One of the program's monitoring criteria is a "theoretical index" of livestock productivity per hectare per year. This index must be used by processors to evaluate their suppliers, in order to identify suspected cases of "cattle laundering". Cattle laundering is a relatively recent phenomenon. It occurs when a livestock producer whose farm has an IBAMA environmental embargo for illegal deforestation uses a third party to supply their cattle to processing plants.

Cattle laundering occurs as suppliers with previous links to deforestation on their farm now find it increasingly difficult to sell their cattle due to sectoral actions already implemented by the Federal Prosecutor's Office with the support of JBS and other processors. Whilst it is still a challenge to be overcome, it is a product of the positive structural changes taking place in the socio-environmental governance of beef supply chains in the Amazon.

THE THEORETICAL INDEX

The theoretical index is used to calculate if a livestock supplying farm has productivity above the maximum quantity established of 3 head of cattle per hectare per year. If a farm exceeds this, then it



must be checked to verify if it has a high productivity production system such as a feedlot, semi-feedlot or food supplementation capabilities which could justify the number reached. Otherwise, it will be classified as suspected of cattle laundering and, in this case, JBS and other processors must cease all negotiations with the supplier.

In addition to the theoretical index of livestock productivity, processors must follow new rules for monitoring suppliers that require the use of geo-monitoring tools to analyse the areas embargoed by IBAMA due to illegal deforestation. Based on geospatial analysis, if the property overlaps with embargoed areas it must be blocked and no cattle purchases made. JBS has already been following this approach using our robust monitoring system which is considered the most advanced in the industry.

This new approach is more robust than the existing process of cross-referencing a property's data against IBAMA's list of embargoed areas and was designed to prevent cattle laundering on a property with several owners. Often, the IBAMA list does not include the data of all farm owners, which can make it difficult to monitor supplying farms, as it allows those who were not listed as an owner of an embargoed farm to sell cattle to processors from the same farm. Geospatial verification of embargoed areas reduces the risk of this happening. The new approach also covers leased properties.

We are proud of the part we have played in the development of the theoretical index and its implementation is expected to make a significant impact in the reduction of cattle laundering.

Sincerely,

Márcio Nappo
JBS Corporate Sustainability Director

Clarification of individual points raised in your letter are included below:

Federal Public Prosecutor's Office (MPF) audit compliance

Non-compliance with non-deforestation agreements

- *According to auditing conducted by Federal Public Prosecutor's Office in Pará state for 2016, 19% of the cows purchased by JBS that were audited were found to be non-compliant with the Adjustment of Conduct Agreement that JBS had signed with Federal Public Prosecutor's Office.*



- *According to auditing conducted by Federal Public Prosecutor's Office in Pará state for 2017, 8% of the cows purchased by JBS that were audited were found to be non-compliant with the Adjustment of Conduct Agreement that JBS had signed with Federal Public Prosecutor's Office.*

The discrepancies highlighted resulted from differing methodologies used in the respective JBS and Federal Public Prosecutor's Office (MPF) geo-data analysis and auditing processes at that time.

JBS has engaged extensively with the MPF on this matter and provided technical solutions to improve the methodology and ensure consistency which have subsequently been incorporated into the MPF's Adjustment of Conduct Agreement (TAC) audit protocol.

We have always worked collaboratively with the MPF to develop the most efficient auditing processes and drive forward industry standards. In 2014, JBS was one of the pilot companies for the first TACs audit coordinated by the MPF, selected for our extensive supplier monitoring experience. Our partnership with them continues and includes our involvement in the aforementioned "Beef on Track" program which led to the development of the theoretical index for detecting cases of cattle laundering and other improvements.

Below is a closer look at the specific divergences found in the 2016 and 2017 audits.

2016

Following extensive analysis and liaison with MPF on the 2016 audit results the following system-level discrepancies were identified which explain the anomalies and were outside JBS control. These have subsequently been addressed to improve the MPF audit methodology and ensure consistency.

CAR (Brazil environmental land registry) property mapping*

Divergences with the property map can occur when there is a delay between the date that the cattle are sourced and the date of the MPF audit. JBS' monitoring system checks compliance on the day of purchase using the CAR property map. If there are any changes made (by either the farm owner or by Pará's Department of Environment (SEMA-PA) in the process of validating the CAR) before the MPF audit takes place, the results of the audit may not reflect the environmental circumstances at the property on the day the cattle were sourced.



Examples of property with different CAR map bases over time:

1- CAR on the cattle purchase date (year: 2016)



2- CAR during the audit (year: 2017)



* CAR is an official electronic record required by law for all rural land (farms), which aims to integrate all environmental information regarding the status of Areas of Permanent Preservation (APP), areas of Legal Reserve and areas of forests and the remaining native vegetation of the rural properties in Brazil according to the Forest Code Bill. The State-level Department of Environment is responsible for the analysis and validation of properties' CARs.

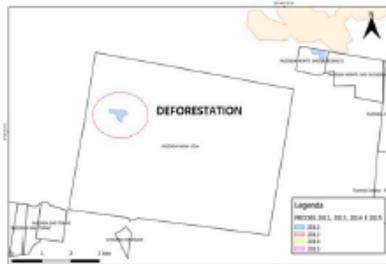
INPE PRODES System

The National Institute for Space Research (INPE) defines deforestation in the Amazon as the clearing of land greater than 6.25 hectares. JBS has used this definition to carry out deforestation assessments of its cattle supplying farms since 2010.

In the 2016 audit, deforestation polygons smaller than 6.25 hectares (with some measuring just 0.01 hectares) were considered within the farm analysis compliance, contrary to its own official definition.

It is estimated that around 25% of the INPE PRODES database has deforestation polygons smaller than 6.25 hectares which resulted in JBS' inadvertent 'non-compliance' with the Adjustment of Conduct Agreement (TAC) in the 2016 audit results.

Example of an INPE PRODES polygon with size of 0.38 hectare:





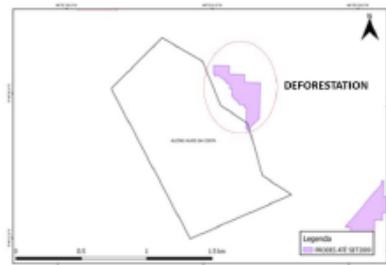
Technical Geo-monitoring Rules

At the time of the 2016 audit, there were no technical geomonitoring rules in place to interpret partial overlapping between deforestation polygons and the mapping of properties. Technical geo-monitoring rules are required to minimize geographical locational error which can displace properties by up to a few kilometers at a time and help avoid 'false positive' deforestation results.

Deforestation can also be evidenced in audits if a farm is accidentally impacted by a fire started on a neighboring property. Rules are required to assess the situation, the individual property and its overlap with deforestation polygons.

The lack of rules to assess such divergences led to further 'non-compliances' in 2016 which could have otherwise been explained or avoided.

Example of a property with an error in the definition of its geographic location:



For all the above cases of technical and methodological divergences, JBS forwarded suggested technical geo-monitoring rules to the MPF, most of which were incorporated into the 2017 audit.

2017

The 2017 audit indicated that 0.9% of instances of 'non-compliance' related to illegal deforestation. Analysis has shown that this was as a result of CAR mapping discrepancies due to the MPF audit time lag as detailed above.

The other 7.4% of non-compliant results were due to the audit of suppliers whose farms had out of date Environmental Licenses during the MPF audit period. This does not reflect the prevailing circumstance on the day of purchase as all JBS suppliers must have valid licenses.

We note that important progress was made between the 2016 and 2017 audit cycles. The INPE PRODES system in 2017 excluded polygons of deforestation smaller than 6.25 hectares and a technical



geo-monitoring rule was put in place to interpret cases of partial overlapping between deforestation polygons and individual properties.

However, the 2017 audit was still distorted due to the unresolved CAR time-lag divergences which is beyond JBS' control.

The ongoing collaboration between JBS and the MPF was nevertheless important for improving the accuracy of the audit results. As JBS has monitored its supply chain for almost a decade, our experience is valued, and we will continue to work collaboratively to improve the audit process.

Federal environmental agency fine

- *In 2017, Brazilian Institute of Environment and Renewable Natural Resources (Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis – IBAMA) levied on JBS BRL 24.7 million (US\$ 4.9 million) in fines for purchasing, directly and indirectly, 49,468 cows from farms that at least some of its area had been embargoed (prohibition to use the embargoed area in order to prevent further environmental harm and recover the area) by the environmental agency.*

JBS appealed the fine and its appeal was upheld by the courts, as the company did not purchase and does not purchase cattle from any farm included in the list of areas embargoed by the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA).

Online database transparency

- *In October 2019, the environmental outlet O Eco reported JBS reduced the transparency of its online database Guarantee of Origin Friboi. According to this report, JBS stopped providing the location of its suppliers, i.e., their precise geographic coordinates.*

JBS reinforces that it maintains transparency throughout its supply chain. In order to provide a high level of transparency to consumers and our stakeholders, we continue to provide information on the origin of our products through the name of the farms and their municipalities of origin.

Customers can access information on the origin of the products directly through the Friboi website or by cell phone - by reading the QR Code on the product packaging. JBS is the only Brazilian company in the sector to provide this level of information.

In October 2019, in order to comply with new Brazilian legislation that defined rules for the storage, treatment and protection of personal data, we stopped making the geographical coordinates of the supplier farms available on Friboi's Guarantee Origin website. At that time, legal assessments indicated that advertising this type of information could be in breach of the **General Data Protection Act**, which comes into force in August 2020.

In recent months, the company has developed a digital platform that will enable consumers to access information about the origin of products in a new format. This project also aims to ensure that all information made available by the company on raw material suppliers complies with the new General Data Protection Act. The new platform is in the final testing phase and will be available very soon.



Indirect supplier monitoring

- *In 2009, JBS committed to monitor its indirect suppliers within two years of the signature of the “Public Livestock Commitment”. In March 2013, the Federal Public Prosecutor’s office and JBS committed “within 24 months to undertaking efforts to foster the implementation of a public traceability system, which has the purpose of ensuring data on the origin and destination of cattle, since the farm of production to final consumer”. The 2019 Evaluation of the Fulfilment to the “Public Livestock Commitment” – which covers the year 2018 – affirms that indirect suppliers of cattle to JBS are not systematically monitored by JBS.*
 - *Does JBS systematically monitor indirect suppliers? If so, please describe and provide evidence of any efforts undertaken since 2009 to systematically monitor indirect suppliers. If not, please explain why JBS does not systematically monitor indirect suppliers.*
 - *Please also clarify whether JBS takes any non-systematic steps to monitor indirect suppliers. If so, what kinds of non-systematic steps are taken and in which circumstances?*

JBS leadership in tackling the indirect supplier issue is detailed in our response above.

Protected areas

- *Has JBS processed cattle that have been illegally grazed within the Uru-Eu-Wau-Wau Indigenous territory, the Rio Jacu-Paraná Reserve or the Rio Ouro Preto Reserve during at least one of the breeding, rearing or fattening phases?*
- *Can you provide us with case details and steps JBS has taken to prevent the purchase of cattle that grazed on Indigenous territories and/or Reserves during at least one of the breeding, rearing or fattening phases?*
- *Does JBS directly purchase cattle from farmers known to illegally hold land in Indigenous territories and/or Reserves (for example, from farmers that register farms inside Indigenous territories and/or Reserves in the Rural Environmental Registry system)?*
- *In cases where farmers known to illegally hold land in these protected areas also have farms outside (which could be considered legal), what steps does JBS take to ensure that cattle purchased from these farmers did not previously graze on farms within Indigenous territories and/or Reserves during at least one of the breeding, rearing or fattening phases?*

We do not purchase cattle from any farm involved in the illegal grazing within protected areas.

As outlined above, our geo-monitoring system is one of the most sophisticated in the world using the best and latest data to enforce our unequivocal zero-deforestation approach.

Any farm deemed non-compliant with our sustainable sourcing policies for any reason, including deforestation, is blocked from our supply chain. This includes automatic exclusion of any farm involved in the deforestation of native forests, invasion of protected areas such as indigenous lands or environmental preservation areas, or properties that have areas embargoed by IBAMA (the Brazilian Environmental Agency).



Independent audits conducted over the past six years by leading auditors DNV-GL and BDO reveal 99.9% compliance with these standards overall. In 2019, 100% of direct purchases met our social-environmental criteria. The results of these audits are freely available on the JBS website.

In addition we have been at the forefront of industry initiatives to tackle cattle laundering (illegal use of a third party to supply cattle to the processing plant - including as a result of complicated farm ownership structures) and increase indirect supplier traceability to continue to drive positive structural changes across the Amazon beef industry as detailed above.

We urge anyone with evidence of individual or farm-level malpractice to report it to the authorities so it can be appropriately addressed.

- *From our review of JBS's materials, it is unclear what steps JBS takes to identify, address and remediate human rights abuses that the company may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships. Please provide information regarding the policies and steps JBS takes to identify, address and remediate human rights abuses, including against Indigenous peoples and other traditional residents of Indigenous territories and/or Reserves. Could you provide us with a typical case study?*
- *Has JBS previously identified, addressed and remediated human rights abuses against Indigenous peoples and/or traditional residents of protected areas within the company's supply chain? If so, please explain the details of the human rights abuses found and the steps taken by JBS to identify, address and remediate those abuses.*

JBS closely monitors its suppliers for compliance in all aspects of our Responsible Procurement Policy and has not previously identified issues relating to human rights abuses of Indigenous communities or other protected groups. JBS also has a partnership with Stronger Together, a UK-based organization with expertise in ethical trade, as a part of our commitment to ensure there is no forced labour, labour trafficking or third-party exploitation of workers within our supply chain.

JBS Business Associate Code of Conduct

- *From our review of JBS's materials, it is not clear how the company monitors its suppliers' compliance with the JBS Business Associate Code of Conduct, including the requirement to comply "with all applicable environmental laws and regulations." Please inform us of the policies and steps JBS takes to monitor compliance with its Business Associate Code of Conduct and the steps taken in case of non-compliance.*

The **Code of Conduct for Business Partners** is a global document and forms an integral part of all contracts between JBS and third parties. It is available on the JBS website and in the company's compliance hub.

In addition, a compliance clause is included in all JBS contracts, stipulating conducts which will not be tolerated. Compliance monitoring varies according to the business segment. All livestock suppliers are checked for compliance with the company's Responsible Procurement Policy through the JBS monitoring system.

Any cases of non-compliance with the Code of Conduct for Business Partners result in disciplinary action and may include contract termination, losses and damages actions, as well as the blocking of the respective suppliers in the company's systems.

ANEXO 3: CARTA A BNDES

Reference: TC AMR 19/2020.03

Mr. Gustavo Montezano
President
Banco Nacional de Desenvolvimento Econômico e Social
Av. República do Chile, 100 – 22º andar – Rio de Janeiro/RJ

CC: Mr. Petrônio Cançado
Credit and Warrant Director
Banco Nacional de Desenvolvimento Econômico e Social
Av. República do Chile, 100 – 22º andar – Rio de Janeiro/RJ

CC: Mr. Jélio Costa Leite
Superintendent of Public and Socioenvironmental Governance Department
Banco Nacional de Desenvolvimento Econômico e Social
Av. República do Chile, 100 – 17º andar – Rio de Janeiro/RJ

**AMNESTY
INTERNATIONAL**



AMNESTY INTERNATIONAL INTERNATIONAL SECRETARIAT
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29 June 2020

Re: Amnesty International's investigation into human rights abuses linked to Brazil's cattle industry in Indigenous territories and Reserves

Dear Sir:

I am writing on behalf of Amnesty International to inform you of preliminary findings we have reached relating to illegal commercial cattle ranching in Brazil's Amazon, and to request information regarding Brazilian National Development Bank's (*Banco Nacional de Desenvolvimento Econômico e Social* – BNDES) activities related to Brazil's cattle industry.

As you may know, Amnesty International is a global movement of more than seven million people working to ensure the protection and realisation of human rights worldwide. We are independent of any government, political ideology, economic interest or religion, and are funded mainly by our membership and public donations. We campaign and advocate for human rights change on the basis of serious and thorough research on human rights issues all over the world.

Last year, Amnesty International initiated an investigation into illegal commercial cattle ranching in Indigenous territories and Reserves in Brazil's Amazon region, focusing, in particular, on human rights abuses against those living in these protected areas. As part of this research, the investigation found that BNDES failed to require the implementation by meat-packing companies of the 2009 socioenvironmental guidelines for the cattle industry.

We are setting out the substance of our research and our key findings in this letter to give you an opportunity to review and respond to them prior to publication. We have also posed some questions that will give you a further opportunity to clarify the steps BNDES has undertaken to implement the socioenvironmental guidelines for the cattle industry.

METHODOLOGY

As part of its investigation into illegal commercial cattle ranching, Amnesty International interviewed a number of Indigenous people and other traditional residents of Indigenous territories and Reserves. Amnesty International analysed official documents on illegal commercial cattle ranching. Amnesty

Company Registration: 01696776 Registered in England and Wales

International also analysed the socioenvironmental guidelines established by BNDES and media reports on the implementation of the guidelines.

BACKGROUND

States have an international obligation to protect human rights. Under the United Nations Guiding Principles on Business and Human Rights, "States must protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication".¹ This means, for example, requiring companies to conduct adequate human rights due diligence.

The United Nations Guiding Principles on Business and Human Rights also require States to "take additional steps to protect against human rights abuses by business enterprises (...) that receive substantial support and services from State agencies, such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence".²

SUMMARY OF PRELIMINARY FINDINGS

Amnesty International documented land seizures for illegal commercial cattle ranching in three protected areas in Rondônia state: the Uru-Eu-Wau-Wau Indigenous territory, the Rio Jacy-Paraná Reserve, and Rio Ouro Preto Reserve. Commercial cattle ranching is prohibited by law in the three protected areas. Land seizures for illegal commercial cattle ranching infringe the rights of Indigenous peoples and traditional residents of Reserves to their protected territories. Land seizures for illegal commercial cattle ranching also harm their traditional way of life. People living in the three protected areas reported having faced threats and intimidation, evictions, a lack of access to areas occupied by cattle farmers, and adverse impacts on their livelihoods. Notably, deforestation in the three protected areas increased between August 2018 and July 2019 compared to the period from August 2017 to July 2018, according to official monitoring.³

Residents of the Rio Ouro Preto Reserve told Amnesty International about recent efforts to expand illegal commercial cattle ranching and threats. They told Amnesty International they avoid going to areas near the areas occupied by cattle farmers because of the risk of conflicts.

The Rio Jacy-Paraná Reserve was the most deforested Reserve in the Amazon region between August 2018 and July 2019, according to official data.⁴ Most of the residents of the Rio Jacy-Paraná Reserve were evicted by cattle farmers and *grileiros*. Former residents told Amnesty International they fear returning to the Rio Jacy-Paraná Reserve.

The Uru-Eu-Wau-Wau Indigenous territory was ranked as the ninth most deforested Indigenous territory in the Amazon between August 2018 and July 2019, according to official data.⁵ Illegal commercial cattle ranching has been present inside the Uru-Eu-Wau-Wau Indigenous territory for many years and there have been recent efforts to expand the activity. Uru-Eu-Wau-Wau people told Amnesty International about recent invasions and threats. They also described avoiding going to the area illegally occupied by cattle farmers due to the fear of being killed.

Amnesty International also found that BNDES has failed to require the implementation of its socioenvironmental guidelines for the cattle industry. BNDES established the guidelines in 2009. According to the guidelines, meat-packing companies being supported by BNDES, either through loans or shareholding, are required to implement a traceability system from birth to slaughter for all cattle

¹ United Nations Office of the High Commissioner for Human Rights, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*, UN DOC. HR/PUB/11/04, 2011, Principle 1 (hereinafter United Nations Guiding Principles on Business and Human Rights)

² Principle 4, United Nations Guiding Principles on Business and Human Rights.

³ Data obtained at: Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (*Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES*), http://terrabrasilis.dpi.inpe.br/geo/dashboard/deforestation/biomes/legal_amazon/increments

⁴ Data obtained at: Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (*Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES*), http://terrabrasilis.dpi.inpe.br/geo/dashboard/deforestation/biomes/legal_amazon/increments

⁵ Data obtained at: Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (*Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES*), http://terrabrasilis.dpi.inpe.br/geo/dashboard/deforestation/biomes/legal_amazon/increments

slaughtered by 2016.⁶ The traceability system from birth to slaughter includes all farms where the cattle grazed on, that is, direct and indirect suppliers. Direct suppliers are the farms that sell cattle to meat-packing companies, while indirect suppliers are the farms where the cattle grazed on before arriving to the direct suppliers.

Meat-packing companies supported by BNDES have not implemented the traceability system from birth to slaughter. In December 2018, *O Eco* reported that BNDES did not enforce the socioenvironmental guidelines.⁷ In November 2019, the Federal Public Prosecutor's Office in Pará state affirmed that the non-monitoring of indirect suppliers is one of the main loopholes in the monitoring of the cattle industry.

OPPORTUNITY TO RESPOND

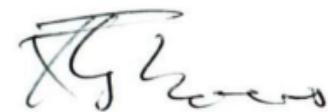
We would like to invite you to respond to the above findings, as well as to provide additional information that might assist our understanding of the BNDES socioenvironmental guidelines for the cattle industry and its implementation. We would be grateful if you could reply to the following questions:

- 1) Please provide a list of the meat-packing companies supported by BNDES, either through loans or shareholding, since 2009, providing information about whether each meat-packing company has implemented the socioenvironmental guidelines for the cattle industry, particularly the traceability system from birth to slaughter for all cattle slaughtered.
- 2) Please explain how BNDES demands the implementation of the socioenvironmental guidelines for the cattle industry and assesses the implementation by the meat-packing companies. Please provide any available documents regarding the implementation of the guidelines by the meat-packing companies and assessments of compliance with the guidelines.
- 3) In case meat-packing companies supported by BNDES have not implemented the traceability system from birth to slaughter, please describe for each meat-packing company the reasons for not implementing and the efforts undertaken by BNDES to enforce its implementation. Please provide any available documents substantiating the efforts undertaken by BNDES.

We would appreciate if you could provide supporting factual information that would allow us to verify any claims that you make in response to our questions. If you are unable to provide the requested information, we would appreciate if you could state why this is not possible.

We intend to publish our detailed findings in a report and may include part or all of your comments and responses in it. Please provide any information by 22:00 GMT on 03 July 2020, to enable us to consider incorporating it in our report. You may reach us by email at richard.pearshouse@amnesty.org.

Yours sincerely,



Richard Pearshouse,
Head of Crisis and the Environment Crisis Response Programme

⁶ BNDES, "BNDES amplia exigências para apoio à cadeia produtiva da pecuária bovina", 22 July 2019, https://www.bndes.gov.br/wps/portal/site/home/imprensa/noticias/conteudo/20090722_friapflico

⁷ Piero Locatelli, "Amazônia: BNDES não cumpriu seu compromisso contra o desmatamento", 18 December 2018, <https://www.peco.org.br/reportagens/amazonia-bndes-nao-cumpriu-seu-compromisso-contra-o-desmatamento/>

ANEXO 4: CARTA A IDARON

Reference: TG AMR 19/2020.001a

**AMNESTY
INTERNATIONAL**



Mr. Júlio Cesar Rocha Peres
President
Agência de Defesa Sanitária Agrosilvopastoril do Estado de Rondônia
Av. Farquar, 2986 – Bairro Pedrinhas – Palácio Rio Madeira (CPA), 5º andar, edifício Rio Cautário – Porto Velho/RO – CEP: 76801-470

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CC: Mr. Fabiano Alexandre dos Santos
Manager of Animal Health control and Inspection
Agência de Defesa Sanitária Agrosilvopastoril do Estado de Rondônia
Av. Farquar, 2986 – Bairro Pedrinhas – Palácio Rio Madeira (CPA), 5º andar, edifício Rio Cautário CEP: 76801-470 – Porto Velho – Rondônia

29 June 2020

Re: Amnesty International's Investigation Into human rights abuses linked to illegal commercial cattle ranching in Indigenous territories and Reserves in Rondônia state

Dear Sir:

I am writing on behalf of Amnesty International to inform you of preliminary findings we have reached relating to illegal commercial cattle ranching in Indigenous territories and Reserves in Brazil's Amazon, and to request information regarding Rondônia's animal health control agency (*Agência de Defesa Sanitária Agrosilvopastoril do estado de Rondônia* – IDARON) activities in the state.

As you may know, Amnesty International is a global movement of more than seven million people working to ensure the protection and realisation of human rights worldwide. We are independent of any government, political ideology, economic interest or religion, and are funded mainly by our membership and public donations. We campaign and advocate for human rights change on the basis of serious and thorough research on human rights issues all over the world.

Last year, Amnesty International initiated an investigation into illegal commercial cattle ranching in Indigenous territories and Reserves in Brazil's Amazon region, focusing, in particular, on human rights abuses against those living in these protected areas. As part of this research, the investigation found that IDARON effectively enables illegal commercial cattle ranching in Indigenous territories and Reserves.

We are setting out the substance of our research and our key findings in this letter to give you an opportunity to review and respond to them prior to publication. We have also posed some questions that will give you a further opportunity to clarify the activities performed by IDARON.

METHODOLOGY

As part of its investigation into illegal commercial cattle ranching, Amnesty International interviewed a number of Indigenous people and other traditional residents of Indigenous territories and Reserves. Amnesty International analysed official animal health control documents, as well as relevant legislation.

SUMMARY OF PRELIMINARY FINDINGS

Company Registration: 01606776 Registered in England and Wales

Amnesty International documented land seizures for illegal commercial cattle ranching in three protected areas in Rondônia state: the Uru-Eu-Wau-Wau Indigenous territory, the Rio Jacu-Paraná Reserve, and Rio Ouro Preto Reserve. Commercial cattle ranching is prohibited by law in the three protected areas. Land seizures for illegal commercial cattle ranching infringe the rights of Indigenous peoples and traditional residents of Reserves to their protected territories. Land seizures for illegal commercial cattle ranching also harm their traditional way of life. People living in the three protected areas reported having faced threats and intimidation, evictions, a lack of access to areas occupied by cattle farmers, and adverse impacts on their livelihoods. Notably, deforestation in the three protected areas increased between August 2018 and July 2019 compared to the period from August 2017 to July 2018, according to official monitoring.¹

Residents of the Rio Ouro Preto Reserve told Amnesty International about recent efforts to expand illegal commercial cattle ranching and threats. They told Amnesty International they avoid going to areas near the areas occupied by cattle farmers because of the risk of conflicts.

The Rio Jacu-Paraná Reserve was the most deforested Reserve in the Amazon region between August 2018 and July 2019, according to official data.² Most of the residents of the Rio Jacu-Paraná Reserve were evicted by cattle farmers and *grileiros*. Former residents told Amnesty International they fear returning to the Rio Jacu-Paraná Reserve.

The Uru-Eu-Wau-Wau Indigenous territory was ranked as the ninth most deforested Indigenous territory in the Amazon between August 2018 and July 2019, according to official data.³ Illegal commercial cattle ranching has been present inside the Uru-Eu-Wau-Wau Indigenous territory for many years and there have been recent efforts to expand the activity. Uru-Eu-Wau-Wau people told Amnesty International about recent invasions and threats. They also described avoiding going to the area illegally occupied by cattle farmers due to the fear of being killed.

Amnesty International also found that IDARON registers commercial cattle farms inside Indigenous territories and Reserves. Rondônia state's legislation requires the registration of cattle farms and farmers with IDARON.⁴ In Rondônia state, state authorities are required to visit cattle farms and register the geographic coordinates of the farms in order to confirm the information provided by farmers before validating the registration.⁵ IDARON also issues Animal Transport Permits for cattle movement in these areas.

By registering commercial cattle farms and issuing Animal Transport Permits for cattle movements in Indigenous territories and Reserves, IDARON effectively enables illegal commercial cattle ranching in these areas. Where authorities effectively enable illegal commercial cattle ranching in Indigenous territories and Reserves, authorities fail to protect the rights of Indigenous peoples and residents of Reserves to their traditional territories.

Brazil's Constitution and international human rights obligations recognise Indigenous peoples' and residents of Reserves' rights to their land, its use and natural resources.⁶

OPPORTUNITY TO RESPOND

We would like to invite you to respond to the above findings, as well as to provide additional information that might assist our understanding of IDARON activities related to cattle ranching. We would be grateful if you could reply to the following questions:

- 1) Considering that commercial cattle ranching is prohibited by law in Indigenous territories and Reserves, why does IDARON register commercial cattle farms inside Indigenous territories and Reserves, as well as issue Animal Transport Permits for cattle movements to and from these commercial farms?

¹ Data obtained at: Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (*Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES*), http://terrabrasilis.dpi.inpe.br/app/dashboard/deforestation/biomes/legal_amazon/increments

² Data obtained at: Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (*Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES*), http://terrabrasilis.dpi.inpe.br/app/dashboard/deforestation/biomes/legal_amazon/increments

³ Data obtained at: Brazil National Institute of Spatial Research (INPE), Satellite Monitoring Program of the Brazilian Amazon Forest (*Programa de Monitoramento da Floresta Amazônica Brasileira por Satélite – PRODES*), http://terrabrasilis.dpi.inpe.br/app/dashboard/deforestation/biomes/legal_amazon/increments

⁴ Article 3 of Rondônia's Law 882/2001; article 6 of Rondônia's Decree 9,735/2001.

⁵ Article 4 of IDARON's Portaria nº 71/2015/IDARON/PR-GAB.

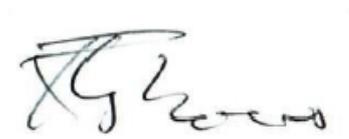
⁶ Articles 215, 216 and 231 of Brazil's Constitution; OAS American Declaration on the Rights of Indigenous Peoples Art. XXV; ILO Indigenous and Tribal Peoples Convention 169 Art. 14; jurisprudence of Inter-American Court on Human Rights incl. *Saramaka People v. Suriname* (Preliminary Objections, Merits, Reparations, and Costs) (Series C No. 172) Inter-American Court of Human Rights, (2007).

- 2) Does IDARON take any measure against illegal commercial cattle ranching in protected areas (for example, provide federal and state environmental authorities with information on cattle farmers, their names and location of the farms in protected areas where cattle ranching is illegal)? If so, please provide any available documentary evidence of the measures taken by IDARON against illegal commercial cattle ranching. If not, please explain why IDARON does not take any measure against illegal commercial cattle ranching?

We would appreciate if you could provide supporting factual information that would allow us to verify any claims that you make in response to our questions. If you are unable to provide the requested information, we would appreciate if you could state why this is not possible.

We intend to publish our detailed findings in a report and may include part or all of your comments and responses in it. Please provide any information by 22:00 GMT on 3 of July 2020, to enable us to consider incorporating it in our report. You may reach us by email at richard.pearshouse@amnesty.org.

Yours sincerely,



Richard Pearshouse,
Head of Crisis and the Environment Crisis Response Programme

Company Registration: 01606776 Registered in England and Wales

**AMNISTIA INTERNACIONAL
ES UN MOVIMIENTO GLOBAL
DE DERECHOS HUMANOS.
LAS INJUSTICIAS QUE
AFECTAN
A UNA SOLA PERSONA NOS
AFECTAN
A TODAS LAS DEMÁS.**

CONTÁCTANOS



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DE SELVA A GRANJA

GANADO DE CRÍA ILEGAL EN LA AMAZONÍA BRASILEÑA DESCUBIERTO EN LA CADENA DE SUMINISTRO DE JBS

En la Amazonía brasileña, las apropiaciones ilegales de tierras, la deforestación y los incendios suelen formar parte del proceso de transformar la selva tropical en pastos. En este informe, Amnistía Internacional documenta las recientes apropiaciones de tierras para actividades ganaderas comerciales ilegales en áreas protegidas de la Amazonía brasileña y sus consecuencias negativas para los derechos humanos.

Amnistía Internacional visitó un territorio indígena y dos reservas en el estado de Rondonia, donde la ganadería comercial es ilegal. Las apropiaciones ilegales de tierras suelen ir acompañadas de amenazas, intimidación y violencia contra quienes viven en esos territorios e intentan defender su propiedad. Ni indígenas ni residentes de las reservas pueden entrar en las zonas ocupadas, por lo que ven reducidas sus posibilidades de cazar o recolectar recursos naturales. En los peores casos, se ven obligados a huir de sus hogares.

El informe concluye asimismo que ganado criado ilegalmente en estas áreas protegidas ha entrado en la cadena de suministro de JBS, el mayor productor de carne de vacuno del mundo. Amnistía Internacional insta a JBS a adoptar un sistema de control efectivo, que incluya a sus proveedores indirectos, y a garantizar que la empresa no adquiere ganado criado ilegalmente en zonas protegidas en alguna etapa de su vida. Amnistía Internacional pide a inversores y compradores de JBS que colaboren con la empresa en este proceso.