



**TRANSFORMING  
PAIN INTO HOPE**  
HUMAN RIGHTS DEFENDERS  
IN THE AMERICAS

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INTERNATIONAL**



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*Cover photo:* A map of the Americas using traditional textiles from across the region interwoven with pictures of some of the human rights defenders featured in the report who, together with many other courageous and determined defenders, are transforming the social fabric of the Americas.  
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# 1. INTRODUCTION

## **LAÍSA SANTOS SAMPAIO, BRAZIL**

**“I have been sentenced to death”.**

This is how Laísa Santos Sampaio sums up her current situation. Laísa Santos, a mother of eight and a school teacher, has been at the forefront of her community's opposition to the destruction of the Brazilian forest. She is also a member of a women's artisan project (Grupo de Trabalhadoras Artesanais Extrativistas), which was set up to promote sustainable development. Their opposition to logging has placed project members at considerable risk in a region in which illegal exploitation of the forest is commonplace and where there are continued killings and attacks against those who defend the Amazon.<sup>1</sup> In the last two years, at least 20 people, including Laísa Santos' sister and brother-in-law – Maria and José Cláudio Ribeiro da Silva – have been killed because of their campaigning on environmental issues and against illegal logging in the region.

Laísa Santos has been the target of several death threats and attacks. In August 2011, the trunk of a coconut tree was placed across a road around 150m from her house – an act recognized in the region as a death threat. Soon after, her house was broken into and her dog was shot eight times. This mirrors the threats that her sister and brother-in-law received immediately before they were killed. During 2012, death threats against Laísa Santos have continued. She believes that those responsible for the threats were also involved in her sister's killing. She is particularly concerned that two local men, whom Federal Police phone taps have revealed were in close contact with the three men currently awaiting trial for the murder of her sister and brother-in-law, remain at large in the community.

In April 2012, requests that Laísa Santos be included in the National Programme for the Protection of Human Rights Defenders, which provides protection for human rights defenders at risk, were rejected on the grounds that her life and physical integrity were not deemed to be at risk. Her security situation was later reassessed and a meeting was due to take place in October to decide on protection measures. At the time of writing the meeting had not yet taken place.

Human rights defenders play a fundamental role in helping to create a world where the promise of human rights becomes a reality for all. Drawing on decades of work with defenders in the Americas region – Central, North and South America and the Caribbean – this report highlights both the enormous progress that they have helped bring about, and the dangers that they continue to face.

As the clamour for human rights has grown in strength throughout the Americas, those at the forefront of these demands have been met with threats, intimidation and violence. For decades human rights defenders have been the targets of grave and frequent abuses. The last few years have been no exception. On the contrary, reported attacks against defenders across the region have been on the rise in recent years.<sup>2</sup>

Human rights defenders have been intimidated, harassed, attacked and killed. They have been vilified in the press and subjected to unfounded charges, unfair trials and miscarriages of justice. While the nature of the abuses may vary, the aims of their detractors and attackers have been consistent: to silence them and prevent them from carrying out their legitimate work. Attacks against human rights defenders can have devastating consequences for them, their families and colleagues, and for broader society. By silencing defenders, human rights abusers are silencing not one voice, but the voices of victims and survivors calling for justice.

In the past few years, Amnesty International has documented hundreds of attacks on human rights defenders in the Americas. This report focuses primarily on such attacks between January 2010 and September 2012. During this period, Amnesty International took action in almost 300 cases, calling on the authorities to comply with their international obligations to ensure that human rights defenders were able to carry out their work in safety. These cases represent the tip of the iceberg.

Despite advances in some key cases of human rights violations, the high level of impunity across the Americas remains a serious concern. Of the almost 300 cases analyzed for this report, those directly responsible were convicted in fewer than five. In none of these cases was the person who ordered the attacks identified, even though in some cases the defender explicitly requested that the authorities pursue an investigation into this. Almost half of the cases took place in the context of disputes over lands, several related to large-scale development projects led by private companies. None of the companies or their personnel has been found guilty of any criminal or civil offence in connection with these cases of attacks on human rights defenders.

Certain groups of human rights defenders emerge as being at particular risk of attack. They are people working on human rights related to land, territory and natural resources; the rights of women, and lesbian, gay, bisexual transgender and intersex (LGBTI) people; and migrant's rights; as well as those seeking an end to impunity for human rights violations and journalists, bloggers and trade unionist who defend human rights.

In a significant number of cases defenders work simultaneously on more than one of these areas, reflecting the interlinked and universal nature of human rights. However, this also reflects the lived reality of communities and individuals trapped in vicious cycles of discrimination, exclusion and other human rights violations. Many of the cases highlighted in this report involved defenders working in locations where communities experienced entrenched poverty, marginalization and state neglect.

States have a responsibility to create the conditions necessary to ensure that every person can act to defend human rights.<sup>3</sup> This clearly should include recognizing human rights defenders as legitimate actors with legitimate demands, and addressing their human rights concerns properly.

The trends that emerge in this report should send a clear and urgent message to governments of the priority areas they need to address as part of their obligation to ensure the protection of all human rights defenders. This needs to translate into urgent measures to stop violations against human rights defenders so they can freely carry out their legitimate activities.<sup>4</sup>

Amnesty International's work on human rights defenders is based on the standards set out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). This Declaration reiterates rights embodied in treaties and customary international law, and other relevant international and regional human rights standards. There are specific actions that states must take to ensure the rights of those who exercise their rights in order to defend the human rights of all. This report looks at the concept of human rights defenders and the international standards that seek to protect their rights. It also gives an overview of some of the most frequent and gravest human rights abuses committed against defenders and of the comprehensive protection measures that would enable them to carry out their human rights work in safety.

The report looks at cases from a range of countries in the region – Argentina, Brazil, Colombia, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Peru, the USA and Venezuela. The situation of human rights defenders in each country is different and the scale of the problem varies, as does the state's willingness to recognize the problem and take effective measures to address it. The cases documented here reflect this diversity. The report ends with a series of recommendations to the authorities and other relevant non-state actors to ensure that human rights defenders are able to take forward the promise of universal protection for the rights of all throughout the region.

## 2. INTERNATIONAL LAW AND STANDARDS

**“Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms”.**

Article 1, UN Declaration on Human Rights Defenders

The right to defend human rights is recognized and protected in international human rights law. The UN Declaration on Human Rights Defenders, which was adopted by consensus by the UN General Assembly in 1998, explicitly acknowledges this right. Although the Declaration is not itself legally binding, the fact that it was adopted by consensus reflects a very strong commitment by states to make its guarantees a reality. In addition, the Declaration contains and develops provisions enshrined in legally binding instruments, such as the International Covenant on Civil and Political Rights (ICCPR).

At a regional level, the Organization of American States (OAS) has also repeatedly reaffirmed the right to defend human rights and the obligation on states to protect human rights defenders.<sup>5</sup> Governments' commitment to the rights of defenders is reflected, for example, in the OAS annual resolution on human rights defenders; various mechanisms of the Inter-American Human Rights System to protect defenders, for example precautionary measures of protection; as well as the appointment of the Rapporteur on Human Rights Defenders.<sup>6</sup> The Inter-American Commission on Human Rights has published two reports on the regional situation of human rights defenders that have developed and advanced relevant human rights standards.<sup>7</sup>

The UN Declaration on Human Rights Defenders encompasses the rights and responsibilities of individuals, groups and associations to promote and protect human rights and fundamental freedoms. It contains fundamental standards for the exercise of the right to defend human rights and for the protection of those defending them. UN Fact Sheet No. 29 and the 2011 Commentary to the UN Declaration on Human Rights Defenders issued by the UN Special Rapporteur on the situation of human rights defenders develop and explain those standards.



Although the UN Declaration on Human Rights Defenders does not create new rights, it sets out the minimum standards necessary to be able to defend human rights and provides specific protections to defenders, by reaffirming the rights:<sup>8</sup>

- to seek the protection and realization of human rights at the national and international levels;
- to conduct human rights work and actions individually and in association with others;
- to form groups, associations and non-governmental organizations;
- to meet or assemble peacefully, including the right to hold public protests and demonstrations;<sup>9</sup>
- to exercise the right to freedom of opinion and expression, including the right to seek, obtain, receive and hold information relating to human rights;
- to develop and discuss new human rights ideas and principles and to advocate for their acceptance;
- to submit to governmental bodies and agencies, and organizations concerned with public affairs, criticism and proposals for improving their functioning, and to draw attention to any aspect of their work that may impede the realization of human rights;
- to make complaints about official policies and acts relating to human rights and to have such complaints reviewed;
- to offer and provide professionally qualified legal assistance or other advice and assistance in defence of human rights;
- to attend public hearings, proceedings and trials in order to assess their compliance with national law and international human rights obligations;
- to unhindered access to and communication with non-governmental and intergovernmental organizations;
- to benefit from an effective remedy;
- to the lawful exercise of the occupation or profession of human rights defender;
- to effective protection, this includes effective protection measures when at risk of attack and regardless of the status of the alleged perpetrator;
- to solicit, receive and utilize resources for the purpose of protecting human rights (including the receipt of funds from abroad).

These standards are related to rights contained in legally binding international human rights treaties such as the ICCPR and the American Convention on Human Rights. Both treaties ratified by most states in the Americas.

States have the primary responsibility to respect, protect and fulfil human rights, including the right to defend human rights.<sup>10</sup> This includes taking adequate measures to protect defenders and ensuring that those responsible for attacks against them are brought to justice. As this report shows, governments throughout the region are failing to live up to these obligations in the vast majority of cases.

The UN Declaration on Human Rights Defenders specifies that states must as a minimum:<sup>11</sup>

- protect, promote and implement human rights – including the right to defend human rights and all other human rights which are a pre-condition for its effective exercise;
- take all necessary measures to protect human rights defenders against any violence, threats, retaliation, discrimination, pressure or any other arbitrary action in response to their legitimate exercise of the right to defend human rights;
- create all the conditions necessary in the social, economic, political, legal and any other fields to ensure that every person can carry out work and actions in defence of human rights; and
- provide an effective remedy when human rights defenders have been victims of abuses and attacks.

According to these minimum standards, states have an obligation not to interfere, obstruct or violate the right to defend human rights and to protect that right from interference, obstruction and abuse by others, whether they are agents of the state or not. This must necessarily involve timely and effective protection measures for human rights defenders at risk of attack and the bringing to justice of anyone responsible for attacks on defenders.

The UN Declaration on Human Rights Defenders explicitly states that everyone has a responsibility not to take part in violating human rights.<sup>12</sup> This is not merely an obligation to refrain from certain actions, but a responsibility to actively take steps to prevent abuses, such as ensuring preventive and protective measures.

In relation to private companies and business, the UN Special Rapporteur on human rights defenders has specified that: “companies must ensure that their activities do not infringe upon the rights of others, including human rights defenders. This implies that companies should identify and prevent human rights violations against defenders that may result from their activities and operations. Companies should engage with human rights defenders while implementing the four components of the human rights due diligence standard, as elaborated by the Special Representative of the Secretary-General on business and human rights”.<sup>13</sup> These components refer to the need for companies to implement a human rights due diligence process to identify, prevent, mitigate and account for how they will address their impacts on human rights.<sup>14</sup>

There now is a clear international consensus that companies should, at a minimum, respect all human rights. The corporate responsibility to respect human rights was expressly recognized by the UN Human Rights Council in 2008<sup>15</sup> when it considered and welcomed the report of the Special Representative of the Secretary-General on business and human rights.<sup>16</sup> This responsibility was reaffirmed by the Human Rights Council on 16 June 2011,<sup>17</sup> when it endorsed the UN Guiding Principles on Business and Human Rights.<sup>18</sup> The Guiding Principles on Business and Human Rights clearly state that the corporate responsibility to respect human rights applies to all internationally recognized human rights.<sup>19</sup> This includes, as a consequence, the rights of human rights defenders.

A fundamental element of efforts by companies to fulfil their responsibility to respect human rights is to accord recognition to human rights defenders as legitimate actors with legitimate demands, and to engage with them in all processes aimed at assessing and preventing adverse impacts on human rights.

## 3. HUMAN RIGHTS DEFENDERS – THE CONCEPT

Since the adoption of the Declaration on Human Rights Defenders by the UN General Assembly in 1998, efforts have been made to promote the concept of human rights defenders across the world. However, the situation of human rights defenders highlighted in this report underscores the need to renew and strengthen these efforts.<sup>20</sup>

The recognition of those who defend human rights as human rights defenders is not about a special status, but about specific measures of protection. States have the same obligation to protect and respect the human rights of defenders as they have to protect and respect those of everyone else under their jurisdiction. However, to protect defenders against abuses as a consequence of the exercise of their rights, states also have an obligation to establish and implement special mechanisms to protect those defending human rights. It starts with their recognition as human rights defenders and also includes specific measures to tackle the risks they are facing in reprisal for, or as a result of, their human rights work. States also have an obligation to ensure effective investigations and to bring perpetrators to justice.

### WHO IS A HUMAN RIGHTS DEFENDER?

Human rights defenders are defined by what they do and what they stand for. The critical test is whether the person's actions fall within the scope of human rights, not what form those actions take.

### DR GEORGE TILLER, USA

**“Dr. Tiller was a fearless defender of women's fundamental health and rights, providing abortions despite decades of relentless and vicious attacks on his clinic, family and private life.”**

Centre for Reproductive Rights<sup>21</sup>

Dr George Tiller was one of the very few doctors who were still providing lawful late-term abortions to women whose pregnancies presented a grave risk to their health or who were carrying non-viable fetuses. He was shot dead on 31 May 2009 in Wichita, Kansas, USA, by an anti-abortion activist. The threats to Dr Tiller and his clinic were well known. His clinic was bombed in 1986 and he was shot in 1993, after which threats and attacks on his clinic continued right up to the day he was killed. Dr Tiller was killed because of his dedicated work to make their right to life, health and to reproductive and sexual health-related services a reality for the women who came to his clinic seeking help.

The perpetrator of the attack was convicted of first-degree murder in January 2010 and sentenced to life in prison. After Dr Tiller's murder, the federal government increased security protection for some other abortion providers. However, threats and harassment of doctors and clinics continue.

Amnesty International uses the term “human rights defender” in an inclusive manner and alongside other terms such as human rights activist, human rights advocate or human rights worker, without prejudice to the use of other terms appropriate in specific countries or contexts.

Even when people’s actions are not explicitly or obviously linked to the defence of a human right, they may still fall within the scope of what it means to be a human rights defender. In such cases, the “special effort test” applies.<sup>22</sup> It means that they make additional efforts in carrying out their usual job in order to ensure human rights standards are really met. Many health providers, judges and journalists, among others, are making additional efforts to ensure human rights standards are truly met while they are doing their jobs.

The term human rights defender is and aims to be inclusive. However, what human rights defenders stand for and what they do must fall within the scope of human rights, this means that human rights defenders:

- **Accept the universality of human rights.** This means, as the UN has stated, that “a person cannot deny some human rights and yet claim to be a human rights defender because he or she is an advocate for others. For example, it would not be acceptable to defend the human rights of men but to deny that women have equal rights.”<sup>23</sup> To accept the universality of human rights does not mean that every human rights defender must make an explicit commitment to each one of the rights enshrined in the international instruments of human rights. But it is recognition of the fact that human rights and freedoms are universal, indivisible, interdependent and interrelated. Article 10 of the Declaration on Human Rights Defenders establishes that “no one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms”. In light of that provision, a person cannot claim to be a human rights defender if they are actively or explicitly denying or advocating the denial of other human rights.
- **Take peaceful actions to defend human rights.** Human rights defenders’ actions cannot be violent. The Declaration on Human Rights Defenders establishes rights and responsibilities for the defence of human rights and fundamental freedoms. It sets parameters to human rights defenders’ actions that are consistent with the universality of human rights.

Additional considerations such as: to be part of an organization, to have a professional title, to be paid for their human rights work, or to be in a dangerous situation, are not what define human rights defenders.

A common thread running through the work of all human rights defenders is that they are concerned for the rights of others as well as their own and are committed to making the promise of justice, human rights and freedoms for all a reality, even when the issues involved are controversial or not clearly protected by existing law.

## VIDULFO ROSALES AND THE TLACHINOLLAN HUMAN RIGHTS CENTRE, MEXICO

**“Vidulfo. You little asshole lawyer defender of vandals and guerrillas stop fucking about, shut up or we will send you back home in pieces. We are not playing, stop talking your nonsense or you will die... you get involved in everything, La Parota, the so-called raped women, and now with the Ayotzinapa vandals. Shut up or start getting your flowers together because we are following you now we know what you do and where you go. You are going to die ha ha ha. Yours, The Law”.**

Death threat issued on 4 May 2012 against human rights lawyer Vidulfo Rosales Sierra, legal coordinator at the Tlachinollan Human Rights Centre in Guerrero State, Mexico

Vidulfo Rosales and Tlachinollan Human Rights Centre work primarily with women, Indigenous Peoples, *mestizo* (mixed race/heritage) and *campesino* (peasant farmer) communities to defend and promote their human rights. Following the 4 May 2012 threat, Vidulfo Rosales left the country temporarily as measures to ensure he could continue his work safely had not been put in place. This was despite a 2009 order issued by the Inter-American Court of Human Rights that he and others seeking justice in the cases of Inés Fernández Ortega and Valentina Rosendo Cantú, who were both raped by members of the military in 2002, be afforded special protective measures. He is now receiving limited protection measures. No one has been brought to justice for the threats and abuses against him and his colleagues.

Recognition that Vidulfo Rosales and others are human rights defenders and that their actions are legitimate is a first critical step that the authorities must take to demonstrate that threats and attacks against defenders will not be tolerated. Even for those who have for years been defending human rights with widely known human rights organizations, explicit recognition of the legitimacy of their human rights actions is necessary to help protect them and prevent further attacks.

### WHY RECOGNITION MATTERS

The recognition of those who stand up for and take action for human rights as human rights defenders should not be a precondition for them to access mechanisms of protection. However, experience suggests that such recognition can result in positive change both in their situation and in the way they are treated by the authorities and others. Recognition of the notion of human rights defender can act to counter the perception, on the part of the authorities and others, that defenders are “troublemakers who deserve to be punished for instigating disorder”.<sup>24</sup> Recognition reaffirms that defenders are legitimate actors with valid human rights claims. It can also help overcome some of the difficulties and violence some defenders face in trying to get their human rights claims heard or to get effective protection while continuing their human rights work.

## FELIX DÍAZ AND THE TOBA QOM, ARGENTINA

**“The community’s priority is the return of land, with that we will have water, health and social progress.”**

“You deserve it; you have been looking for trouble”. This is what police officers said to Indigenous leader Felix Díaz and the terrified members of the Toba Qom Indigenous community of La Primavera, Argentina, who had come to his aid. On 23 November 2010, five armed members of a non-Indigenous (*criollo*) family, who were claiming some of the land that the Toba Qom also claimed as part of their traditional territory, had arrived on horseback accompanied by around eight police officers. When Felix Díaz approached them, they shot at him

twice, missing both times. Later the same day, police violently dispersed a roadblock by members of the Toba Qom, leaving one policeman and one Indigenous person dead, several people injured and homes burned to ashes. During the violence, Felix Díaz was personally threatened by police officers who also called him an “agitator”.

For four months, Felix Díaz and the Toba Qom had been blocking National Highway 86 in protest at the construction of the National University Institute on part of their traditional lands. The right of Indigenous Peoples to their traditional land is protected by the Constitution of Argentina and by international human rights law in recognition of the special relationship they have with the territories, which is fundamental for their physical, cultural and spiritual survival. At the time of writing, the construction of the university was suspended. A decision of the National Supreme Court of Justice over a jurisdictional matter that will also have an impact on the land dispute was pending.

Following the violent events of 23 November 2010, Felix Díaz and 23 other members of his community are now facing criminal proceedings. Felix Díaz is facing a federal criminal process for the crime of obstructing a highway. At a provincial level, he is facing criminal proceedings for the crimes of instigation to commit crimes, injuries, attacks against the authority and misappropriation of land. His defence lawyer, from the NGO Center for Legal and Social Studies (Centro de Estudios Legales y Sociales, CELS), claims that the prosecutor had unconditionally accepted police testimony and repeatedly discounted the evidence provided in Felix Díaz' defence. In April 2012 the presiding judge for the provincial criminal proceedings ordered that the case against Felix Díaz and 23 other members of the community be dismissed for lack of evidence. After an appeal by the prosecutor, the Criminal Chamber confirmed the decision for 10 of them and ordered that investigations continue against the others. In relation to Felix Díaz, it also ordered further investigation into his role as instigator and intellectual author of all crimes committed during the violence of 23 November 2010. No one has been brought to justice for the attacks against Felix Díaz and his community.

In April 2011, the Inter-American Commission on Human Rights urged the Argentine authorities to implement measures to protect Felix Díaz and his family. There is now some federal police presence near the Indigenous community. However, despite these measures further threats and abuses have taken place.

As the case of Felix Díaz and the Toba Qom Indigenous community shows, despite the legitimacy of their claims and actions, the perception of them as troublemakers led to attacks by the police, violence and to unfounded criminal prosecutions. The use of derogatory language against human rights defenders helps to create an atmosphere where the risk of violence is increased.

In many cases, the lack of recognition as human rights defenders has contributed to a climate where those who are defending human rights, particularly in remote and marginalized communities, are at particular risk of abuses and attacks. In many cases, the pressing nature of their claims and the lack of effective means to pursue those claims have led defenders to engage in activities such as peaceful public protests and demonstrations, actions which some governments in the region have sought to suppress.

## **JOSILMAR MACÁRIO DOS SANTOS, BRAZIL**

Josilmar Macário dos Santos faced threats, intimidation and an assassination attempt after he started to investigate the truth about the killing of his brother Josenildo dos Santos in Rio de Janeiro, Brazil.<sup>25</sup> According to witnesses, Josenildo dos Santos was unarmed when he was fatally shot in the back of the head by police officers in April 2009. Five other men were also killed during the police operation. When no adequate investigation into the case was initiated, Josilmar Macário began his own investigation, supported by a local NGO, The Network of Communities and Movements against Violence (A Rede de Comunidades e Movimentos contra a Violência), which campaigns against impunity for human rights violations committed by the police.

An attempt on Josilmar Macário dos Santos' life on 7 May 2010 occurred while hearings were taking place into his brother's killing. He reported the incident to the police and requested protection. The Federal Secretary of Human Rights recommended that he be included in the National Programme for the Protection of Human Rights Defenders, which provides protection for human rights defenders at risk. However, he was instead offered a place on a witness protection scheme, which would have required him to leave his home and assume a new identity, fundamentally undermining his fight for justice on behalf of his brother and his work with the Network of Communities and Movements against Violence. He, therefore, rejected the offer. Josilmar Macário dos Santos was eventually included in the National Defenders' Programme in May 2010, following international pressure, although adequate protection was never provided.

His courageous pursuit of justice for his brother in the face of violence and intimidation, eventually resulted in four police officers being charged with the killing of Josenildo dos Santos and other five young men. No one has been brought to justice for the attempt on the life of Josilmar Macário dos Santos or any of the acts of intimidation against him.



## 4. TYPES OF ATTACKS ON HUMAN RIGHTS DEFENDERS

### KILLINGS, ABDUCTIONS, ENFORCED DISAPPEARANCES AND DEATH THREATS

The vast majority of cases analyzed for this report involve attacks on the lives of human rights defenders. Killings, attempted killings and abductions are widespread in the region. Attacks are usually preceded by death threats or other acts of harassment and intimidation.

*“The physical or psychological attacks, threats, and harassment used for the purpose of diminishing the physical and mental capacity of human rights defenders is a violation of the right to personal integrity... such attacks or threats could be considered torture or cruel, inhuman, or degrading treatment”.*

Inter-American Commission on Human Rights<sup>26</sup>

### ALEXANDRE ANDERSON DE SOUZA, BRAZIL

**“Today is not a good day for us. It is not a good day for anyone. They are persecuting us, hunting us down, killing us... The leaders of AHOMAR are being threatened for fighting against the powerful and in defense of human rights.”**

Alexandre Anderson de Souza is President of the Association of Men and Women of the Sea (Associação Homens e Mulheres do Mar, AHOMAR) in Brazil. He has been at the forefront of highlighting concerns about the development in Guanabara Bay, which he claims is causing serious, long-term environmental damage, threatening AHOMAR members' livelihoods.

AHOMAR, created in 2003, now represents over 1,800 traditional fishermen and women living and working around Rio de Janeiro's Guanabara Bay. Since 2007, AHOMAR has been campaigning against Petrobras's US\$8 billion Rio de Janeiro Petrochemical Complex. Part of the work involves a series of platforms in Guanabara Bay connected by submerged pipelines for the transport of liquid natural gas and liquid petroleum. In 2007, Alexandre Anderson de Souza led a protest against the construction of the platforms and submerged pipelines in the Bay. In 2009, AHOMAR stopped work on the pipeline during a 38-day protest. Since the protests, Alexandre Anderson de Souza and his wife, Daize Menezes de Souza, have been repeatedly threatened. According to Alexandre Anderson de Souza's testimony, over the past three years he has survived six attempts on his life. Four members of AHOMAR have been killed. No one has been brought to justice for the attacks and threats against Alexandre Anderson de Souza, or for the killings.

In August 2009, Alexandre Anderson de Souza and his wife were included in the federal programme for protection of human rights defenders. However, such protection has only been partially implemented and with serious flaws. For example, Alexandre Anderson da Souza has formally complained to the authorities on

numerous occasions that the officers provided have been poorly trained and inadequately equipped. He has also said that some officers had worked as security guards on the pipeline and had been previously involved in clashes with members of AHOMAR.

Even in the countries where protection mechanisms have been adopted for human rights defenders at risk, the measures undertaken have proved inadequate. For example, in 2011 in Colombia at least 45 human rights defenders and community leaders, many of whom had campaigned on land restitution issues, and at least 29 members of trade unions, were killed.

## **HERNÁN HENRY DÍAZ, COLOMBIA**

Hernán Henry Díaz, a spokesperson for the Departmental Roundtable of Social Organizations in Putumayo Department, Colombia, and member of the National United Trade Union of Agricultural Workers (Federación Nacional Sindical Unitaria Agropecuaria, FENSUAGRO), was last seen on 18 April 2012. A few months earlier he had travelled to Bogotá to alert the authorities to the humanitarian and human rights crisis in Putumayo Department and spoke to government representatives and members of the international community to raise specific cases of human rights violations.

At the time of his disappearance, he was coordinating the participation of 200 delegates from Valle del Guamuez Municipality, Putumayo Department, in a protest march in the capital, Bogotá, on 21, 22 and 23 April. On 18 April, he wrote a text message to his partner saying that he was in Puerto Vega and that he was coming over. There has been no news of him since. At the time, Amnesty International expressed its concern at the fact that senior security forces officers had sought to discredit the protest by claiming that the march had been infiltrated by guerrilla forces.

Abductions and enforced disappearances have been increasingly used to silence defenders in the past few years in the region.<sup>27</sup> In most of the cases of abduction and enforced disappearances documented by Amnesty International between 2010 and 2012, the whereabouts of defenders remained unknown at the time of writing. Those searching for the disappeared have themselves suffered further intimidation. In few cases, the bodies of defenders have been found, usually with visible signs of torture.

Death threats are perhaps the most common method used to try to silence human rights defenders. Against a background of attacks, these threats help to foment a climate of terror. In some cases, death threats have reached extraordinary levels because of their number and frequency, or because of the means perpetrators use to communicate them.

## **CLAUDIA SAMAYOA, ERENIA VANEGAS AND LUISA PINEDA, GUATEMALA**

Between 30 April and 3 May 2009, Claudia Samayoa, Erenia Vanegas and Luisa Pineda received more than 30 death threats by text message on their mobile phones. All three women are members of the NGO Unit for Protection of Human Rights Defenders in Guatemala (Unidad de Protección a Defensoras y Defensores de Derechos Humanos, UDEFEGUA). Acts of harassment and intimidation continued after the threats: on 2 February 2010 Claudia Samayoa's car was sabotaged, and on 5 March the same year Erenia Vanegas' house was broken into and documents searched through. All these incidents were reported to police, but no one has been brought to justice for them.

In Colombia the use of death threats “is a widespread phenomenon... Such threats generate a climate of terror within the human rights defenders’ community, and impede their legitimate work in defence of human rights.”<sup>28</sup>

## **LUZ NERY RAMÍREZ MOSQUERA, COLOMBIA**

On 10 October 2010, a paramilitary group sent a death threat to key human rights defenders naming 69 Colombian NGOs and individuals. The threat read: “assume you will be dead”. Three days later, Luz Nery Ramírez Mosquera, a member of a branch of one of the organizations named in this threat – the National Association of displaced Afro-Colombians (*Asociación Nacional de Afrocolombianos Desplazados*, AFRODES) in northern Colombia – survived an attempt on her life by two gunmen. She said she recognized her attackers as members of the security forces. Luz Nery Ramírez Mosquera has been receiving protection measures from the Colombian Ministry of the Interior since she survived an attack on 23 May 2009 in which her husband was killed. No one has been brought to justice for any of these attacks.

New methods of communication have meant that even crossing international boundaries cannot always prevent abuses against human rights defenders. The use of the internet and other new technologies has been an important means of ensuring that abuses against defenders are exposed. However, it has also been used to issue death threats and to publicize unfounded and damaging allegations against them.

## **ALBA CRUZ RAMOS, MEXICO**

In early 2010, Mexican human rights defender Alba Cruz Ramos was forced to leave the country after her security situation deteriorated. However, while she was in Europe, thousands of kilometres away from her home in the city of Oaxaca, she received a death threat by SMS text message on her phone referring to her activities while abroad. Back in Mexico, she continued to be subjected to harassment, intimidation and death threats throughout 2010, 2011 and 2012. Formal complaints about all the incidents have been filed with the authorities, but no one has been brought to justice for them.

Alba Cruz was a member of the 25th of November Liberation Committee, an NGO based in Oaxaca City, Mexico.<sup>29</sup> She has represented victims of torture, ill-treatment and politically motivated prosecution in connection with widespread protests and police abuses that took place in Oaxaca State in 2006. In 2007, the Inter-American Commission on Human Rights ordered Mexico to provide Alba Cruz with protection measures, but to date the authorities have failed to provide effective measures to protect her.

Some of the attacks and death threats against human rights defenders in the region are claimed or signed by illegal groups. In some cases there are strong indications that such groups have links with the state institutions. When attacks are claimed or signed by organized criminal groups, death squads, illegal armed groups or paramilitary groups, they clearly intend to exacerbate fear by evoking their reputation for cruelty, violence and impunity. For example, several death threats against human rights defenders in Honduras have the sign-off CAM, which stands for Comando Álvarez Martínez, a General in the Honduran armed forces between 1982 and 1984 whom local human rights groups have linked to paramilitary death squads during that period. The fact that such organizations are able to continue to carry out attacks clearly shows the authorities are failing to fulfil their obligation to tackle environments dangerous to or incompatible with the defence of human rights.<sup>30</sup>

## GENDER-BASED VIOLENCE AGAINST WOMEN DEFENDERS

Women who defend human rights across the Americas work on a variety of issues, often highlighting violations that had long been neglected. They have made and continue to make vital contributions to human rights. In more than a third of the cases Amnesty International analyzed for this report, women human rights defenders were the target of attacks. In many of these cases, the women were not only killed, abducted and subjected to death threats, they were also targeted for gender-based violence, including sexual violence. Attacks against women human rights defenders are often gender-based, with women being targeted both because of their activism and because they are women.

In several cases, just the fact of women taking public action to promote or protect human rights constitutes a human rights statement in itself. "Women defenders are perceived as challenging accepted socio-cultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society. Their work is often seen as challenging traditional notions of the family, which can serve to normalize and perpetuate forms of violence and the oppression of women".<sup>31</sup>

For some women in the region, discrimination, cultural barriers, shame, fear of stigma and lack of access to justice make reporting gender-based violence difficult, if not impossible.<sup>32</sup> Even when women have managed to overcome such obstacles, they often encounter a health care and justice system which fail them for a variety of reasons, including lack of adequate and gender sensitive investigation and protection; persistent gender stereotypes, for example, that the woman is to blame for the attack; hostility from the authorities; and retaliation from their attackers.

In the context of the Colombian armed conflict where "sexual violence against women [and girls] is a habitual, extensive, systematic and invisible practice",<sup>33</sup> several women human rights defenders have been raped and subjected to other forms of sexual violence in an attempt to stop their human rights activities and to intimidate other women defending human rights.

*"Why are they raped and not killed? There is a masculine logic of power. Probably [perpetrators] do not consider them significant enemies. When they are raped, they are humiliated and nobody believes them. On the contrary, if they are killed, they become heroines. Rape is a tool of domination and control of the female population".*

Pilar Rueda, Human Rights Ombudsman's Delegate for Children, Youth and Women in Colombia<sup>34</sup>

### **CLEINER MARÍA ALMANZA BLANCO, COLOMBIA**

On 29 January 2012, Cleiner María Almanza Blanco, a community leader working with and for women who have been forcibly displaced, was abducted and raped by a group of unidentified men in Bogotá. In previous years, she was raped by members of the security forces and by paramilitaries. In 2010, the Inter-American Commission on Human Rights ordered the Colombian authorities to provide protection measures for her and for 13 other women leaders under threat (four of the 14 women have been raped in different circumstances). The authorities have failed to fully comply with the Commission's order by not providing protection measures for about half the group of women.

On the evening of 29 January 2012, Cleiner Almanza was forced into a taxi by a group of men, believed to be paramilitaries. They took her to an undisclosed location where they interrogated her about people she knew and worked with. They kicked her and slammed her against the taxi. One of the men then raped her.

She escaped, but left sensitive human rights-related documents in the taxi. At that moment a police patrol car arrived at the scene.

***“I was screaming, crying, I was asking for help... I told them [police officers] I was a human rights defender and they began to laugh.”***

She reported the attack to authorities a few days later. She was sent for emergency treatment at a local hospital, but was not properly examined until after she complained about the discriminatory way in which she was treated. She was not offered anti-retroviral drugs to combat possible HIV infection. Further barriers, such as the cost of tests, prevented her accessing all the medical attention she needed at the time.

Her attackers remain at large. One of the male community leaders about whom Cleiner Almanza was questioned during the attack was murdered in April 2012 in Bogotá. Cleiner Almanza is receiving state protection, although there have been delays and other problems with the application of the measures.

Threats and acts of intimidation against women human rights defenders often have very strong and violent sexual content.

## **DINA MEZA, HONDURAS**

***“We’ll burn your pussy with lime until you scream and the whole squad will enjoy it... CAM”.***  
***“You’ll end up dead like people in the Aguán there’s nothing better than fucking some bitches”.***

These were threats directed at Dina Meza, a human rights defender in Honduras, in February 2012. She continued to be harassed throughout 2012. At the time of writing no one had been brought to justice for the threats and intimidation against her.

Dina Meza is a well-known journalist and human rights defender who reports on human rights issues for the website Defenders Online and is part of the Committee of Relatives of the Detained and Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras, COFADEH). As part of COFADEH, she has worked on a wide range of human rights issues, including those related to the land conflict in the Bajo Aguán region.

Dina Meza was granted precautionary measures by the Inter-American Commission on Human Rights in 2006 and 2009. To date, the authorities have not implemented the orders.

Attacks against those intimately related to the defender are more frequently used against women human rights defenders. These attacks are most often directed at the defender’s children and female relatives.

## **JACKELINE ROJAS CASTAÑEDA, COLOMBIA**

On 9 November 2011, an armed man and a woman entered Jackeline Rojas Castañeda's home in Barrancabermeja, Santander Department. The man and woman held Jackeline Rojas Castañeda and her 15-year-old daughter at gunpoint in separate rooms. They told Jackeline Rojas Castañeda that they would kill her daughter if she screamed or tried to call for help. She was tied up and gagged, and red paint was sprayed on her body and clothes. Red paint was sprayed on photos of Juan Carlos Galvis, her husband. "Son of a bitch" was daubed on the walls. The attackers repeatedly demanded information on the whereabouts of her son and her husband. In addition to the attack, two laptops, USB sticks, mobiles and documents were taken from Jackeline Rojas Castañeda's house. On 10 November, she went to report the attack at the Attorney General's Office. Her complaint was initially not accepted by staff who claimed she had invented the attack.

Jackeline Rojas Castañeda is a member of the Popular Women's Organization (Organización Femenina Popular, OFP). She has been working with the organization for 20 years. The OFP was founded in 1972 and has been working to promote women's human rights in Colombia, mainly in the Magdalena Medio region. Members of the OFP have been victims of several threats and attacks.

Her husband, Juan Carlos Galvis, is a member of the National Trade Union of Food Workers and a member of the executive committee of the Santander Department branch of the Trade Union Congress.

Both have been subjected to repeated death threats from paramilitaries over the past 10 years. No one has been brought to justice for any of the attacks against them and no protection measures have been provided to them and their family. This has seriously affected their lives and their capacity to continue their human rights work.

The UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Pará) set out fundamental human rights standards for the respect, protection and fulfilment of women's human rights.<sup>35</sup> In responding to attacks of any kind against women human rights defenders, states must comply with and integrate these standards in the investigation of the attacks, the implementation of support and protection measures, and the provision of effective remedies. States must also enforce a policy of non-discrimination and reject gender stereotypes to ensure that the rights of women human rights defenders are fully respected.

## **PUNISHED FOR EXERCISING THE RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY**

In many countries the rights to freedom of expression, association and peaceful assembly of human rights defenders have come under attack in recent years. This trend, commonly referred to in the region as the "criminalization" of human rights defenders, has sought to use the justice system to prevent, restrict or punish legitimate activities for the defence of human rights. Several such attacks on fundamental freedoms documented by Amnesty International in recent years have occurred in the context of legitimate and peaceful public protest.<sup>36</sup>

## LADIES IN WHITE, CUBA

In Cuba, the Ladies in White (Damas de Blanco) have repeatedly suffered judicial harassment, “acts of repudiation” and intimidation as they have attempted to carry out their peaceful activities to defend civil and political rights.<sup>37</sup> For example, from 21 to 24 September 2012, the Ladies in White held several activities, including masses and marches in Havana, to celebrate the feast day of Our Lady of Mercy and in memory of former prisoners of conscience and political activists who have died. Various members of the Ladies in White received intimidating notes to dissuade them from taking part in these activities. Around 50 members of the group were arrested on their way to Havana; all were later released without charge.

Ladies in White was formed by a group of female relatives of the 75 prisoners of conscience imprisoned for the peaceful expression of opinions critical of the government over several days in March 2003.<sup>38</sup> Members attend mass every Sunday in the capital, Havana, and then take part in a procession from the church to a nearby park, carrying white flowers. After the release of all the prisoners of conscience, the Ladies in White have continued campaigning for the release of political prisoners and for the lifting of restrictions on fundamental freedoms in Cuba.

The vast majority of cases of abuses against those defending human rights and expressing critical views in Cuba are committed by police and state security officers, in many cases with the collaboration of government supporters. Officers of the National Revolutionary Police and of the Department of State Security routinely detain activists staging peaceful demonstrations in public spaces.

Both the right to peaceful protest and the right to present critical views are protected under international human rights law, and the UN Declaration on Human Rights Defenders.<sup>39</sup> They both are fundamental to the defence and advancement of human rights. These rights can be particularly critical for the defence of the rights of the most marginalized and vulnerable in society and for those holding unpopular or controversial views.<sup>40</sup>

## MONICA CHUJI, ECUADOR

**“Monica was taken to court for lying”.**

These were the words used by President Rafael Correa on TV to refer to Monica Chuji, a prominent Indigenous leader and former minister. On 25 November 2011, Monica Chuji was sentenced to one year in prison and a fine of US\$100,000 for calling a government official “nouveau-riche” in the press. President Correa personally went to the hearing where she was convicted of the criminal offence of slander. In recent years, Amnesty International has noted several high-profile cases where civil and criminal charges are brought against those who are critical of the government in Ecuador.

Following a public outcry, Monica Chuji was pardoned by the government and her case was archived, removing any opportunity for her to appeal the decision. Monica Chuji requested a review of the process, arguing that a crime was never committed and that she had done nothing to be forgiven for, but her petition was rejected. This criminal record can affect her future human rights work. Mónica Chuji is an active member of the Sarayaku Indigenous community of Sucumbíos, which is part of the Indigenous National Confederation of Ecuador.

The rights to freedom of opinion and expression include the right to submit criticism and proposals for improving the conduct of public affairs, as well as to draw attention to any aspect of the authorities' work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.<sup>41</sup> Legitimate criticism to draw attention to human rights problems and public concerns should not be subject to criminal or civil proceedings. The right to criticize those in authority and to point out their obligations is fundamental to the defence of human rights.

In many cases it is private individuals or organizations (non-state actors) who have sought to misuse the justice system to silence defenders and stop their work. Often non-state actors have powerful vested interests that are being challenged by defenders. Their abuse of the justice system to target defenders has sometimes been carried out with the complicity of the state or simply taking advantage of the lack of effective justice systems.

## **JOSÉ RAMÓN ANICETO GÓMEZ AND PASCUAL AGUSTÍN CRUZ, MEXICO**

José Ramón Aniceto Gómez and Pascual Agustín Cruz, human rights defenders from the Indígenas Nahuatl community of Atla, in the municipality of Pahuatlán, Puebla State, Mexico, have been unfairly imprisoned for more than two years. On 12 July 2010, they were sentenced to seven years in prison for aggravated robbery of a car. On 23 November 2010, the State Superior Court rejected an appeal but reduced the sentence to six years and 10 months. At the time of writing, a federal judicial review (*amparo*) of their sentence was awaiting a decision by the National Supreme Court of Justice.<sup>42</sup> Amnesty International considers them to be prisoners of conscience and is campaigning for their immediate and unconditional release.

The case against the two men was brought by a member of a powerful local (*cacique*) group that had for many years dominated the Water Committee. The *cacique* group restricted access to water, forced community members to work for up to 40 days at a time without pay, and charged connection fees that represented four months' wages for many community members.<sup>43</sup> José Ramón Aniceto Gómez and Pascual Agustín Cruz, as elected community leaders, managed to wrest control of water from the *cacique* group and led measures to carry out public works to establish free mains water connections to people's homes.

The accusations against José Ramón Aniceto Gómez and Pascual Agustín Cruz were based on fabricated evidence and their trial was unfair. Their first language is Nahuatl, yet they were not provided with an interpreter or a defence lawyer with knowledge of their language or culture, severely undermining their right to a fair trial. The authorities also failed to carry out an impartial investigation to establish the facts, and the judge denied their right to the presumption of innocence and equality before the law.

Some defenders have had the threat of arrest on spurious charges hanging over them for years because warrants are issued, but not acted on. Others are detained on the basis of flawed evidence that is often dismissed as baseless and unreliable by appeal courts, but only after prolonged and damaging prosecutions. This lengthy abuse of the justice system, which is not uncommon in the region, has serious consequences. It puts defenders, their families and colleagues under enormous psychological and financial pressure and casts doubt on the legitimacy of their work and claims. This damage to their reputation can persist long after the accusations against them are proved baseless. The legal proceedings also help foster the erroneous impression that the defence of human rights and criminality are somehow linked. Depicting human rights defenders as criminals exposes them to further abuses.



## **INICIATIVA AMOTOCODIE, PARAGUAY**

In Paraguay, four members of Iniciativa Amotocodie, an NGO working to protect the rights of uncontacted Ayoreo Indigenous communities living in the Paraguayan Chaco, have been charged with “breach of trust”, a crime against their own organization’s property. If convicted they could face up to five years’ imprisonment. Investigations into the organization started after they publicly declared their opposition to a scientific expedition called “Dry Chaco 2010” on the grounds that it could harm the rights of uncontacted Indigenous Peoples. The expedition was suspended by the Paraguayan government on 12 November 2010.

The initial investigation started in November 2010 in relation to the “false reporting of a punishable offence”, after a meeting organized by the Public Prosecution Service’s own Department of Ethnic Rights, supposedly in order to “inform” the Union of Ayoreo Natives of Paraguay of the scientific expedition. During the meeting, a complaint was reportedly made that Iniciativa Amotocodie had put pressure on other Ayoreo leaders and representatives and tricked them into signing a document opposing the presence of the scientists. Members of Iniciativa Amotocodie denied the allegation.

As part of the investigation, a search warrant for the organization’s office was issued. The offices of the NGO were raided on 1 December 2010, without prior warning; staff only discovered a raid was taking place when they arrived an hour later.

The investigations have now continued for two years. The prosecutor in the case has changed several times and hearings have been suspended on a number of occasions. In August 2012, the prosecutor failed to substantiate the charges and requested a temporary suspension of proceedings to further investigate the case. As charges were not substantiated, the judge could have completely dismissed the case but decided to act in accordance with the prosecutor’s request. An appeal from the defence was denied and the four members of Iniciativa Amotocodie are now facing the prospect of one more year of investigation.

## **STIGMATIZATION AND ATTACKS ON REPUTATION**

Acknowledging the legitimacy of human rights defenders and their work is a key state obligation that can help bring about a safe working environment for them.<sup>44</sup> However, throughout the Americas, human rights defenders have been publicly condemned as “illegal”, “illegitimate”, “unscrupulous” or even “immoral”. They have been accused of being criminals, corrupt, liars, troublemakers or subversives; of defending criminals; and of supporting guerrilla groups. Such public criticisms have been voiced by government officials as well as non-state actors. The effect has been to pave the way for even more serious attacks against human rights defenders and put in doubt the legality and legitimacy of their human rights work.

## **HUMBERTO PRADO, VENEZUELA**

Threats against Humberto Prado, a prominent defender of prisoners’ rights who has exposed the appalling conditions in Venezuela’s prisons for many years, began on 18 June 2011 after the Minister of the Interior and Justice gave a phone interview on a state TV programme. The Minister reportedly stated that Humberto Prado had blatantly lied about the situation in El Rodeo II prison; a day earlier, some 3,500 members of the National Guard had begun operations to control the violent situation in the prison, which lasted for several days.

Following that interview, a blog revealing Humberto Prado's personal details, including his private telephone numbers and address, was published. The blog ended: "Soon, [we'll publish] information about the family... so the people can judge whether he deserves the death penalty". On 20 June, the webpage of the state-run Radio Nacional de Venezuela said "a ferocious offensive has broken out orchestrated by the Venezuelan Observatory of Prisons, directed by Humberto Prado... The plan is simple: They are preparing an internal war using prisoners". Similar information was later broadcast by other state news agencies.

On 22 June 2011, a national newspaper published an anonymous article stating that the US Department of State had "pushed various organizations on its payroll with people like Humberto Prado heading them". The text also referred to members of other human rights organizations. On the same day, Humberto Prado's wife received an anonymous phone call at their home saying that her husband would be "the next one to fall". No one has been brought to justice for these incidents. Limited protection has been provided to Humberto Prado and his organization.

Such derogatory comments by state officials, in a context where death threats and physical attacks are real dangers, can have grave consequences for different aspects of the defender's life. These comments also send the clear message to current and potential future human rights defenders that unless they stop their work, they could face public vilification and all its consequences.

In Colombia, the change of government in 2010 brought a much-needed change of tone towards human rights defenders in the country. President Juan Manuel Santos has sought to engage in a more constructive dialogue with defenders and repeatedly expressed his government's commitment to protecting human rights and fighting impunity. This has been followed by a number of public statements from high-ranking government officials condemning human rights abuses against defenders. However, more recently, and with more sophisticated strategies, government and state officials at the highest level have made statements that call into question the legitimacy of human rights defenders and undermine their work.

## **THE JOSÉ ALVEAR RESTREPO LAWYERS' COLLECTIVE, COLOMBIA**

**"[False allegations which] discredit [a defender] have terrible effects on every aspect of life... Respect from state officials is more important than any bullet-proof vest".**

Reinaldo Villalba, human rights lawyer and member of Colectivo de Abogados José Alvear Restrepo

In October 2011, the Attorney General announced that she would investigate claims that some victims of the Mapiripán massacre, in which dozens of people were killed and forcibly disappeared by paramilitaries in collusion with the army in July 1997, had not died and that the families of these "false victims" had, nevertheless, claimed and received financial compensation from the state. The investigation was opened following a statement by Mariela Contreras in which she revealed that her son, who had supposedly been killed in Mapiripán, was actually alive. Mariela Contreras, who was represented by the José Alvear Restrepo Lawyers' Collective (Colectivo de Abogados José Alvear Restrepo, CCAJAR), which also acted as the legal representative for other victims of Mapiripán, had received compensation from the state.

Following these allegations, the Procurator General accused CCAJAR of acting like a "criminal gang", while President Juan Manuel Santos reportedly said: "There are shadowy economic interests using this system making a mockery of it in order to profit from state resources... What we could not imagine was that they

should have recommended people who were not victims to lie and pass themselves off as such. What greater act of corruption can there be?" In other statements, President Santos also called into question the work of the Inter-American Human Rights System. In these statements the government did not mention that Mariela Contreras' testimony in her original claim was endorsed by the Office of the Attorney General, and not by CCAJAR. In the Mapiripán case, the Inter-American Human Rights Court has called on the state to clarify exactly who the victims were, as part of its obligation to fully and impartially investigate the massacre.

Such accusations against CCAJAR were clearly part of a campaign to discredit its work and that of other organizations that have tirelessly campaigned against impunity for members of the security forces implicated in human rights violations. For years, members of CCAJAR have been subjected to illegal surveillance, wire-tapping, harassment and death threats. These latest high-profile criticisms have generated further intimidation, surveillance and harassment of CCAJAR members.

## 5. DEFENDERS MOST AT RISK: LAND, TERRITORY AND NATURAL RESOURCES

**“Defenders working on land and environmental issues are also highly exposed to attacks... The Americas seems to be the region where these defenders are most at risk.”**

UN Special Rapporteur on the situation of human rights defenders<sup>45</sup>

Women and men, working to defend human rights related to land, territory or natural resources make up the majority of cases of human rights defenders on which Amnesty International took action from 2010 to 2012 in the Americas. Most were working in areas affected by internal armed conflict, land disputes or mega-projects.

Inequality between rich and poor is greater in the Americas than in any other region of the world. Disparities in the distribution of land and economic resources reflect this deeply entrenched division. Conflicts related to land, territories and natural resources are at the core of the human rights situation in the Americas past and present. This is also the arena in which claims and calls for abuses to be remedied are most regularly met with violence. Those voicing the demands for justice and an end to discrimination, often coming from the most marginalized sectors of society, are frequently persecuted and attacked.

Lands rich in natural resources or in strategic geographical areas are often home to Indigenous Peoples and *campesino* (peasant farmer) or Afro-descendent communities that have traditionally been marginalized. According to the UN Economic Commission for Latin America and the Caribbean: “Latin America and the Caribbean are rife with inequalities... Inequalities in education, social protection and productivity are sustained by (and feed into) historical divides based on race and ethnicity, gender and territory... Indigenous people, Afro-descendants and the rural population are poorer and less educated, earn less, enjoy less social protection and have only restricted access to justice and politics”.<sup>46</sup>

A 2005 World Bank report on Latin America found that Indigenous Peoples represent 10 per cent of the region’s population and are the largest disadvantaged group in Latin America. While the incidence of poverty in Latin America is high, it is particularly severe and deep

among Indigenous Peoples.<sup>47</sup> The Inter-American Commission on Human Rights stated in a recent report that: “the Afro-descendant population in the region is made up of more than 150 million persons, i.e. approximately 30% of the total population, and it is among the poorest groups in the hemisphere... the information consistently suggests that the Afro-descendant population in the Americas suffers from a situation of structural discrimination.”<sup>48</sup>

For some communities – such as Indigenous Peoples and Afro-descendent and *campesino* communities – land, territory and natural resources are fundamental to their identity, culture and way of life. Entire communities are claiming human rights not in relation to any piece of land, but in relation to their territories; to specific places where they have lived for generations, where their cultures and traditions were born and are reaffirmed by their presence. For them, the defence of their land and territory is central to their survival and to enable them to protect themselves from further abuses. Experience has shown that those forced to leave their homes and move to new locations are very likely to experience increased levels of poverty and abuse.<sup>49</sup> International human rights law protects Indigenous Peoples rights to traditional lands and states are prohibited from carrying out forced evictions.<sup>50</sup> These rights can extend to Afro-descendant communities. However, there continue to be problems across the Americas in recognizing, respecting and protecting these fundamental human rights.

The seriousness of the attacks against this group of defenders in large part reflects the enormous economic and strategic interests in certain territories. Often these lands are in remote rural areas where state presence is limited or non-existent. This state vacuum is often filled by organized criminal networks, paramilitaries or economically and politically powerful private individuals or groups.

In such dangerous and often lawless situations, the failure of the government to recognize the legitimacy of the work of human rights defenders leaves them at the mercy of powerful, violent vested interests emboldened by the knowledge that they will probably never be held to account for their actions. In some cases active state collusion with those committing human rights violations increases the dangers to defenders almost to the point of certain attack.

## ARMED CONFLICT – COLOMBIA

In Colombia, human rights defenders have been targeted, abused and attacked by all the parties in the country’s long-running armed conflict - paramilitaries and the security forces, either acting alone or in collusion with each other, and guerrilla groups. Many of them have been attacked in reprisal for their actions to protect human rights in relation to land, territory and natural resources. These issues have been central to the internal armed conflict that has afflicted the country for almost 50 years. The various parties to the conflict have driven over 5 million people from their homes. Millions of hectares of land have been misappropriated, often through violence, during the conflict, with Indigenous Peoples and Afro-descendent and peasant farmer communities suffering the greatest losses.<sup>51</sup>

## MANUEL RUÍZ AND SAMIR DE JESÚS RUÍZ, COLOMBIA

The body of Manuel Ruíz was found on 27 March 2012 in the El Carmen del Darién Municipality, Chocó Department. On 28 March, the body of his 15-year-old son, Samir de Jesús Ruíz, was found nearby, bearing signs of torture. According to witnesses, both had been abducted by paramilitaries a few days earlier. Manuel Ruíz managed to telephone his family to tell them they had been forced out of the vehicle they were travelling in and that their abductors were demanding a large sum of money for their release. Before their abduction, they had been approached by paramilitaries and accused of being guerrillas, and then stopped again briefly by police.

Manuel Ruíz and his son were members of the Afro-descendent and Afro-*mestizo* community of Apartadocito in the Curvaradó River Basin, Chocó Department. Their killing occurred just before Manuel Ruíz was due to guide a government inspection of an area known as Los Piscingos. The inspection was connected with a court order, issued on 7 March 2012, that a census of the area be carried out to help determine the rightful owners of land. The family of Manuel Ruíz and others had been displaced from Los Piscingos in a joint military-paramilitary operation in the area in 1996. Following the abduction and killing of Manuel Ruíz and his son, the family left Apartadocito fearing for their safety. At the time of writing, no one had been brought to justice for the killings.

The Apartadocito community council is part of the body which governs the collective land holding of Curvaradó.<sup>52</sup> Since the 1990s, paramilitaries, either acting alone or in collusion with the armed forces, have been responsible for killings, death threats and the forced displacement of Afro-descendent and Indigenous communities living in the Jiguamiandó and Curvaradó River Basins and the Indigenous *resguardo* (reservation) of Urada-Jiguamiandó. As a means to guarantee their safety, members of the Afro-descendent communities of Curvaradó and Jiguamiandó created Humanitarian Zones to assert their rights as civilians not to be drawn into the conflict. The communities have sought to defend their land rights and prevent the expansion of illegal African palm plantations and other economic activities within their territory. Many of their members have been threatened and killed as a result.

In 2011, at least 45 human rights defenders and community leaders, many of whom had campaigned on land restitution issues, were killed in Colombia.<sup>53</sup> While guerrilla groups have also targeted human rights defenders deemed to be a threat to their interests, most attacks on defenders campaigning for justice in cases of human rights abuses and for the return of lands misappropriated have been attributed to paramilitary groups. Despite government claims that all paramilitaries demobilized in a government-sponsored programme that began in 2003, paramilitary groups continue to operate and commit serious human rights violations against human rights defenders and other civilians, frequently in close collusion with the security forces, or with their consent.

## NATIONAL MOVEMENT OF VICTIMS OF STATE CRIMES, COLOMBIA

In July 2012, the paramilitary organization Anti-Land Restitution Army sent an email naming 13 people it described as “military targets”, including human rights defenders and politicians. The death threat read: “13 guerrillas disguised as human rights defenders, 13 military targets.”<sup>54</sup> It continued: “Our army has clear instructions to kill these bastards who want to take away the land from well-to-do citizens to give it to guerrillas like them. You are warned and informed since we have you fully identified, as well as your [protection] schemes”. Many of those named in the death threat have supported land restitution claims and work in areas where people have claimed the return of their lands.

Several of those named in the threat had also participated in a protest organized by National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas de Crímenes de Estado, MOVICE) on 6 March 2012 calling for the implementation of an effective and comprehensive process for the restitution and restoration of lands violently seized by all parties to the conflict.

Members of MOVICE across Colombia have suffered a number of attacks. For example, the MOVICE branch in Sucre Department was formed in 2006 and since then has witnessed over 100 instances of intimidation, threats or attacks against its members in an attempt to stop them from carrying out their legitimate work. These include surveillance, the theft of confidential and sensitive information, death threats, the misuse of the justice system and killings. One of the latest incidents was on 11 March 2012 when Hernando José Verbel Ocón suffered an attempt on his life in San Onofre Municipality, Sucre Department. Hernando José Verbel Ocón reported this attempt on his life to the judicial and investigative police (SIJIN). On 23 March 2011, Eder Verbel Rocha, the father of Hernando José Verbel Ocón, was killed by paramilitaries, and in January 2012, Eder Verbel Rocha's brother, who witnessed the killing, received death threats. At the time of writing, they were not receiving protection measures from the state. Two paramilitaries who allegedly shot at the brothers are in detention pending trial. However, investigations into who ordered these killings have not produced any results.

Movice is a coalition of more than 200 Colombian human rights, social and political organizations that campaigns for truth, justice and reparation for victims of human rights violations committed by the security forces, either acting alone or in collusion with paramilitary groups, during the armed conflict. Its work has been instrumental in documenting and publicly exposing many cases of killings and enforced disappearance carried out by the security forces and paramilitary groups.

## LAND DISPUTES

The special relationship of Indigenous Peoples with their territories is recognized and protected in international law, specifically International Labour Organization (ILO) Convention No. 169 and the UN Declaration on the Rights of Indigenous Peoples, and the Inter-American System of Human Rights.<sup>55</sup> Human rights defenders working to make this important recognition and protection a reality continue to face violence and attacks.

## THE KELYENMAGATEGMA, PARAGUAY

Two leaders of the Kelyenmagategma Indigenous community in Paraguay reportedly received verbal death threats from workers of El Algarrobal SA Company in September 2010 while accompanying two delegates from the Inter-American Commission of Human Rights. The delegates had travelled to Puerto Colon, Department of Presidente Hayes, to verify the situation of the Kelyenmagategma. The delegation included three members of the NGO Tierraviva, legal advisors to the community, and the Paraguayan representative at the OAS.

The Kelyenmagategma belong to the Enxet ethnic group of Indigenous Peoples and part of the lands they are claiming as their traditional territory is inside the property of the El Algarrobal SA Company. The Kelyenmagategma began legal proceedings for the return of traditional lands in October 2000. When the Paraguayan authorities failed to deal with the claim, the community took the case to the Inter-American Commission on Human Rights, with the support of the NGO Tierraviva. In August 2011, before a commissioner of the Inter-American Commission of Human Rights, a signing ceremony for a protocol on transferring property rights over part of the ancestral territory of the Kelyenmagategma Indigenous community took place.

Although some states in the Americas region and the Inter-American Court of Human Rights have recognized the collective land rights of Afro-descendent communities,<sup>56</sup> and international law prohibits forced evictions, in reality these communities, and especially those leading their claims for their rights to be respected, face serious human rights abuses.<sup>57</sup>

## **QUILOMBOLA COMMUNITIES AND THE PASTORAL LAND COMMISSION, BRAZIL**

On 30 October 2010, Flaviano Pinto Neto, a leader of the Charco community in Maranhão state and president of the Association of Rural Small Producers of the Charco Community, was shot in the head seven times. Manoel Santana Costa, another of the community's leaders, and more than 20 other community members received a series of death threats. They were targeted because of their fight to be officially recognized as a *quilombola* (descendants of slaves) community. Gaining official status as *quilombolas* is key to obtaining recognition of their rights over traditional land.<sup>58</sup> They have persevered in their long struggle despite strong opposition from powerful local landowners.

On 25 July 2011, lawyer Diogo Cabral and Father Inaldo Serejo, who work for the Brazilian NGO Pastoral Land Commission (Comissão Pastoral da Terra, CPT) received death threats while attending a hearing related to a land dispute between local farmers and the Salgado *quilombola* community. The dispute involves an area of land in the municipality of Pirapemas, Maranhão state. In spite of the fact that the community's right to remain on the land was legally recognized in October 2010, farmers succeeded in filing an eviction order which was only suspended after the intervention of Diogo Cabral, a lawyer, and Father Inaldo Serejo.

The threat against Diogo Cabral and Father Inaldo Serejo followed a series of threats against *quilombola* communities in the region and the CPT workers representing them. The residents of the Salgado *quilombola* community have complained of a sustained campaign of harassment and intimidation by local farmers, who have destroyed crops, killed livestock, fenced off water sources and threatened community leaders with death.

In October 2011, members of the Federal Programme for the Protection of Human Rights Defenders visited the Salgado community. On 21 December, they told community members that the federal authorities would include them in the programme. To date, no protection measures have been implemented. According to the CPT, Maranhão state has become a focal point for land-related violence, with over 200 instances of land conflict in 2011 and more than 100 community leaders receiving death threats.

In relation to *campesino* (peasant farmer) communities, the situation of El Bajo Aguán in Honduras shows the complexities and human rights impact of disputes over lands. The Bajo Aguán region is at the centre of a series of land disputes between *campesino* communities and various companies and private landowners that have repeatedly erupted into violent clashes.

## **ANTONIO TREJO CABRERA, HONDURAS**

On 22 September 2012, Honduran human rights lawyer Antonio Trejo Cabrera was killed. Gunmen shot him five times outside a wedding ceremony in a southern suburb of the capital Tegucigalpa. Antonio Trejo Cabrera had reported receiving death threats linked to his work representing the victims of human rights abuses amid the ongoing land conflict in the Bajo Aguán region.



In recent years, thousands of *campesinos* have occupied land whose ownership is disputed by wealthy landowners and corporations. Legal battles have been waged for over a decade, with decisions being set down, appealed and multiple forced evictions being carried out. Repeated violent confrontations in the valley have resulted in scores of deaths over the past three years – mainly of rural farmers, but also of the landowners' employees. Private security personnel working for landowners and companies in Bajo Aguán have been accused of a series of alleged human rights abuses, including threats, rape and other violent attacks.

Antonio Trejo Cabrera had been a lawyer for three peasant cooperatives embroiled in the complex land-rights dispute in Bajo Aguán. He had helped *campesino* communities to regain legal rights to land in the valley and was due to travel to Washington, DC, in October to take part in hearings at the Inter-American Commission on Human Rights.

## MEGA-PROJECTS

The expansion of mega-projects – such as large scale extractive industries, monocultures, highways, tourism developments, wind turbines and hydroelectric dams – in Latin America has brought increased conflict over control of land and natural resources.

Amnesty International neither favours nor opposes mega-projects, but it calls on the authorities and any other relevant non-state actors, such as private companies, to ensure that human rights standards are fully complied with when planning and developing them.

Many cases of abuses and attacks against human rights defenders have taken place in contexts of the lack of consultation and free, prior and informed consent; attempts to cause social division; violence against affected communities; and, frequently, serious concerns about the environmental and health impact of such projects. Those who have been the most visible, active and vocal in the defence of human rights have been singled out and attacked. Often attacks have been preceded by public vilification and accusations of being “subversives” or the “enemies of progress”.

International standards on the planning and development of large-scale projects call, for example, for those affected to be able to participate in the decision-making process. This is particularly important when those potentially affected by such projects already face discrimination and exclusion and when the consequences of these projects may have a profound impact on their physical, spiritual and cultural survival. In recognition of the discrimination, violence and neglect that Indigenous Peoples have suffered for centuries, additional safeguards have been adopted in international law, in particular the right to free, prior and informed consent.<sup>59</sup> Similar additional safeguards have also been adopted by some states to protect communities of African descent.<sup>60</sup>

Although states in the Americas have endorsed the UN Declaration on the Rights of Indigenous Peoples, which sets out the right to free, prior and informed consent, human rights defenders working for this right to be respected have faced attacks, intimidation and harassment.

Human rights defenders in the Americas play a vital role in exposing and combating human rights violations. Many have paid a high price for their courageous efforts to break cycles of injustice, discrimination and impunity. In the past few years, hundreds have been intimidated and attacked. Despite the lack of effective protection for themselves and their families and widespread impunity, they continue their struggle – transforming pain into hope.



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**“The thing which motivates me to defend our rights is the future of our children. The lack of water is one of the most important things for us. It is a worthy fight, a just fight... Defending life, making heard the voice of the children who don’t know the challenges that they face – that’s what gives me the strength to continue fighting, despite everything I have suffered.”**

Yolanda Oqueli is an activist and leader in the Guatemalan organization Northern Front of the Metropolitan Area, which has been protesting against the negative effects of a mining project in her community

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Yolanda Oqueli speaks at a protest against the El Tambor gold mine, March 2012.

*Right:* Members of the Ladies in White – relatives of political prisoners – demonstrate during their weekly Sunday march in Havana, Cuba, July 2010.

*Below:* Fray Tomás González, director of shelter “La 72”, leads a protest in Tenosique, Mexico, April 2012.

*Centre:* Dina Meza, holding an Amnesty International Media Award in London, UK, 2007.

*Below centre:* Bertha Oliva, Co-ordinator of COFADEH, with photographs of victims of enforced disappearance at the organization’s offices, Honduras, November 2009.

*Far right:* A bullet-riddled monument to the disappeared in Honduras. One week after COFADEH unveiled the memorial on 30 August 2012, it was shot at with a high calibre weapon.



**“I am part of the Franciscan order... my own conviction always places me on the side of the most vulnerable groups in the society, and migrants are one of these groups.”**

**Fray Tomás González** runs “La 72” migrants’ shelter in Tenosique, Mexico, and is founder and president of the Usumacinta Human Rights Centre, both in Tabasco State



**“We are all peaceful women, we have the right to walk on the streets of our country and campaign for the freedom of all political prisoners and for greater freedoms in Cuba.”**

**Berta Soler**, spokesperson for the **Ladies in White**, a group of women relatives of political prisoners, formed in 2003 in Cuba



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**“If I keep quiet, impunity wins... I never imagined that speaking, writing and telling the truth about what was happening could mean walking the line between life and death.”**

**Dina Meza**, a well-known journalist, human rights defender and member of the **Committee of Relatives of the Detained and Disappeared (COFADEH)** in Honduras

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**“We transform pain into hope. The OFP has provided a network that has allowed us to resist.”**  
 Gloria Suarez, member of the Popular Women’s Organization (Organización Femenina Popular, OFP), Colombia

**“We should never let fear overcome courage.”**

Laísa Santos Sampaio has been at the forefront of her community’s opposition to the destruction of Brazilian forest



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*Above:* Women sing the anthem of the Popular Women’s Organization (Organización Femenina Popular), Colombia, 2009.

*Left:* Laísa Santos Sampaio, schoolteacher and environmental campaigner. In February 2012, she received an award from the UN on behalf of Maria and José Cláudio Ribeiro da Silva, her sister and brother-in-law, who were killed in reprisal for campaigning against illegal logging. She said: “Killings of people who, like them, defend the forest are on the increase in the Amazon. The Amazon is stained with blood and this stain continues to spread.”

## **LUCILA BETTINA CRUZ VELÁZQUEZ, MEXICO**

Agents from the Federal Attorney General's Office arrested Lucila Bettina Cruz Velázquez in the municipality of Santa María Xadani, in Oaxaca State, Mexico, on 22 February 2012. She was detained as she left a meeting with the Federal Electricity Commission accompanied by a human rights lawyer, Maribel González Pedro. She was held incommunicado for four hours before being taken to Tehuantepec prison to face charges of illegally detaining staff of the Federal Electricity Commission and damage to public property. On 24 February 2012, Lucila Bettina Cruz was released on bail. The charges against her have not been dropped. Her detention was the latest of a series of reprisal actions for her work defending the rights of Indigenous Peoples. In November 2011, the Ombudsman for Human Rights of Oaxaca State issued precautionary measures to protect Lucila Bettina Cruz in light of threats and attacks that she suffered as a result of her human rights work in October and November 2011.

Lucila Bettina Cruz is a member and co-founder of the Assembly of Indigenous Peoples of the Isthmus of Tehuantepec in Defence of Land and Territory. The Assembly campaigns to protect the rights of Indigenous Peoples and has protested against the construction of wind turbines on land belonging to Indigenous Peoples. In Oaxaca State, members of the Indigenous Zapoteca community of Unión Hidalgo have argued that the wind farm is being built on their land without their free, prior and informed consent and that they are concerned about the impact of the construction on their agriculture and land.

In Guatemala, human rights defenders working on economic, social and cultural rights in the context of extractive industries, such as mining, have been subjected to physical attacks and harassment.<sup>61</sup>

## **YOLANDA OQUELÍ, GUATEMALA**

On 13 June 2012, at around 6.30pm, Yolanda Oquelí was driving home after taking part in a protest outside a mine site in San José del Golfo, in the department of Guatemala. As she approached her house, two men on a motorbike cut across her path and fired at her with a pistol. Yolanda Oquelí was hit by a bullet which lodged close to her liver. Three other bullets hit her vehicle. In addition to the attempt on her life, Yolanda Oquelí had previously filed several complaints with the Public Prosecutor's Office about threats and harassment against her and other activists, including threatening phone calls, death threats and her house having been vandalized. No one has been brought to justice for these crimes. She is now receiving protection from the state.

Yolanda Oquelí is an activist and leader of the organization Northern Front of the Metropolitan Area (Frente Norte del Área Metropolitana, FRENAM) which has been protesting against the alleged negative effects of a mining project in her community. The mine site is known as El Tambor and covers parts of the municipalities of San José del Golfo and San Pedro Ayampuc. A protest has been maintained outside the entrance to the mine since March 2012. Those opposing the mine claim that it will pollute the water supply, and that local communities were not consulted about its potential impact. The mine is operated by Exploraciones Mineras de Guatemala, S.A. (EXMINGUA), until August 2012 a subsidiary of the Canadian company Radius Gold Inc.

In Peru, there have been frequent protests against the social and environmental impacts of large-scale development projects in the last few years. Amnesty International has expressed concern about the state's response to such protests, which has frequently included excessive use of force, and also about the attacks, intimidation and misuse of the criminal justice system against human rights defenders.<sup>62</sup>

## FATHER MARCO ARANA, PERU

Human rights defender Father Marco Arana has been subjected to a campaign of intimidation and harassment for several years. He is a well known and outspoken critic of the impact of mining projects on the livelihood and human rights of the communities in Cajamarca Department in Peru. Father Arana is a member of Comprehensive Training for Sustainable Development (Grupo de Formacion Integral para el Desarrollo Sostenible GRUFIDES), an NGO based in the city of Cajamarca, Cajamarca department. GRUFIDES has been actively supporting communities opposing the expansion of the Yanacocha gold mining project, a consortium run by the Newport Mining Corporation, a US company.

On 4 July 2012, Father Arana was detained by police officers while he was protesting in a public square against the Conga mining project, a gold mine project in Cajamarca department which is being carried out by the Yanacocha mining company. He complained of ill-treatment while in police custody. Father Arana was charged with “disturbing the peace” and “resisting arrest”. At the time of his arrest, he was reportedly holding a banner reading: “Yes to water, no to gold. Stop abuses”, and was carrying out interviews with journalists. The authorities argued that at the time there was a state of emergency in place in Cajamarca which curtailed the right to freedom of movement and association.<sup>63</sup> Father Arana was conditionally released a day later.

On 17 August 2012, the Supreme Court ruled in favour of a habeas corpus writ on behalf of Father Arana. The court ruled that his arrest had been unlawful and arbitrary. In addition, the Court ruled that according to the evidence provided, including video footage, his arrest had been carried out “with disproportionate and inadequate use of force by National Police officers”. The Court added that such ill-treatment had continued while he was in police custody and considered that there was sufficient evidence to open an investigation into the arrest and ill-treatment of Father Arana. Despite this ruling, at the time of writing, Father Arana was still awaiting trial. He has filed a complaint against the police officers who arrested him for unlawful arrest and torture.

Several governments in the region have launched consultation processes with affected communities after important decisions have already been taken, denying people their right to meaningful consultation and participation in the decision-making process. In these circumstances, many of those whose human rights are potentially affected have no way of making themselves heard other than through public actions and protest. However, those protests are often met with violence and human rights defenders, whether they have taken part in protests or not, are singled out, targeted and attacked.

In Ecuador, between 2008 and 2010, the failure of the authorities to properly consult Indigenous Peoples and *campesinos* before passing legislation on mining and water rights sparked a series of nationwide protests. In response, the authorities used criminal proceedings against defenders and leaders who had participated in the protests. These proceedings seemed designed to prevent and punish legitimate protest and to silence those campaigning for the human rights of their communities. Ecuador is the fifth largest producer of crude oil in Latin America and these projects have had a negative impact on the human rights of local communities, resulting in displacement, environmental damage and social fragmentation.<sup>64</sup>

## VICENTE ZHUNIO SAMANIEGO, ECUADOR

Vicente Zhunio Samaniego is member of the National Coordinating Body for the Defence of Life and Sovereignty, a community leader and President of the Farmworkers' Association of Limón Indanza in Morona Santiago province. He was detained on 5 January 2009 by police officers who accused him of taking part in a protest against a draft mining law. He was charged with sabotage. As Vicente Zhunio was being pushed into the police car, he was shot in the head by an unidentified gunman. Despite the seriousness of his injury, the police refused Vicente Zhunio medical treatment for six hours. He was held incommunicado for 18 hours, during which time he was beaten and threatened with death to try to get him to sign a blank sheet of paper. His family discovered the following day that he was being held in Macas, 180km from Limón Indanza. He was subsequently transferred to Cuenca, a town nearer to his home, where he remained imprisoned for a month.

In January 2009, mass protests against a draft law on mining took place in different regions around the country. Indigenous and *campesino* communities claimed that the draft law, which later that month came into force, limited the constitutional right of communities affected by mining projects to consultation. During the protests, Amnesty International received reports that at least 20 people had been arrested on charges including terrorism, attacks against security, sabotage of public services, and closure of roads. Many of those arbitrarily detained, including Vicente Zhunio Samaniego, were Indigenous and *campesino* community leaders who have criticized the draft mining law or have campaigned against mining projects in their communities.

On 29 January 2009, a judge ordered Vicente Zhunio's release from preventive detention, noting procedural irregularities by the prosecution – namely that they had not ensured that there was sufficient evidence on which to base the accusation. However, the charges remained pending following Vicente Zhunio's release. Although he has consistently maintained that he did not participate in the protest, prosecutors based the accusation on a police report that stated that he had been arrested because: "he was supplying people who were blocking the road with food... and when we asked him for his documents he reacted aggressively by being disrespectful". Prosecutors also referred several times to the fact that he had a book entitled *Community Rights vis-à-vis Extractive Activities*. In December 2009, a judge dismissed the case due to lack of evidence.

While Amnesty International recognizes the states' right and obligation to maintain public order, this must be done according to human rights law and principles. There have been concerns about the criminalization of peaceful protests, the excessive use of force by the security forces, as well as other violations of the rights to freedom of expression, association and peaceful assembly, which are all a precondition for the full enjoyment of the right to defend human rights. Public actions and peaceful protest are particularly important for marginalized communities who have little or no access to formal mechanisms of participation to express their concerns and to show solidarity with others facing similar challenges.

Community radio is an important means for communities affected by large-scale projects to express their concerns and express solidarity with others facing similar challenges. However, some have been repressed and attacked for publicizing human rights issues.



## **RADIO VICTORIA STAFF, EL SALVADOR**

In El Salvador, members of Radio Victoria in Cabañas Department have received death threats. Radio Victoria is a community radio station committed to social and human rights reporting. Local activists began experiencing threats and intimidation as early as May 2008 when campaigning against gold-mining exploration in the area began. In 2009, the Inter-American Commission on Human Rights deemed the threat to Radio Victoria staff to be so great that it issued precautionary measures for their protection.

On 23 December 2010 an email threat, sent to 16 Radio Victoria staff, said: “Well, we already sent two to the pit, the question is who will be the third...” The threats followed the killings of two anti-mining activists in Cabañas Department: Gustavo Marcelo Rivera was killed in June 2009, and Ramiro Rivera in December 2009. Ramiro Rivera was the legal representative of the NGO Cabañas Environment Committee and had survived an attack in August 2009 in which he was shot eight times. The Cabañas Environment Committee is a grass-roots organization of approximately 140 members, representing 26 communities in Cabañas Department. It was established in 2005 to campaign on local environmental issues and has spoken out against a proposed mining project in the area.

On 24 May 2011, Pablo Ayala, a human rights journalist at Radio Victoria, received two text messages on his mobile phone containing death threats. On the same day, Oscar Beltrán, a staff member at Radio Victoria, received two threatening text messages. One read “Look oscar we are not joking, shut this radio up or you will die too dog just think about pablo, maricela manuel [sic]”. The message was signed “death squad”. The threat referred to Pablo Ayala, Manuel Navarrete and Marixela Ramos, three journalists at Radio Victoria who had received death threats by text message several times between 30 April and 4 May 2011. Cristina Starr, a founding member of Radio Victoria, also received a threatening text message on the same day. Those responsible for sending the threats have not been identified, and no one has been brought to justice for the persistent threats made against the journalists at Radio Victoria.

A number of human rights defenders in the Americas have expressed concerns about the impact of mega-projects on the environment, their livelihoods and their economic, social and cultural rights. Those who have expressed criticism about the possible negative impacts of mega-projects on people and the environment have encountered threats, hostility and violence.

## **JOSÉ SANTOS CAICEDO, ARMANDO CARACAS CARABALÍ AND ANÍBAL VEGA, COLOMBIA**

In the past few years, Afro-descendent and Indigenous communities in Valle del Cauca and Cauca Departments in Colombia who oppose the development of large-scale economic projects on their lands – such as industrial gold-mining and a hydroelectric project – have received death threats. Members of the Black Communities Process (Proceso de Comunidades Negras, PCN) and the community council of La Toma, an Afro-descendent community in the municipality of Suárez in Cauca Department, have received numerous death threats for their opposition to such projects.

On 15 July 2011, José Santos Caicedo and Armando Caracas Carabalí, leaders of the PCN, received a text message saying: “You know that everything has a price, but you have to pay with blood”. Armando Caracas Carabalí has also received several threatening phone calls. On the same day, Aníbal Vega, the legal

representative of the community council of La Toma was told in a phone call: “you of the community council, those who oppose the machine work in Ovejas River. One has to remove the stones in the way so that they don't get in the way”. The threats came in the context of community efforts to stop outside mining interests, which, weeks before, had sent bulldozers into the area to carry out mining activity without permission. Afro-descendant communities opposing the development of industrial gold mining by outside economic interests believe it will have a negative impact on their livelihoods and way of life.

Leaders of the La Toma community are concerned that the authorities have issued mining rights to companies to exploit minerals on the lands the community has claimed, without the free, prior and informed consent of affected communities. In a ruling of 29 January 2009 (Auto 005), the Colombian Constitutional Court underlined the fact that Afro-descendant communities possess constitutionally recognized rights to collective ownership of their traditional lands and the right to free, prior and informed consent regarding economic projects, including mining projects that would have a serious impact on their social, economic and cultural rights.

## 6. DEFENDERS MOST AT RISK: SEX, GENDER AND SEXUALITY

Women and men of different ages and cultural and social backgrounds continue to fight for the right to have control over their own bodies and sexuality and to make key decisions about their own lives. The rights of girls and women, and of lesbian, gay, bisexual, transgender and intersex (LGBTI) people to equality and non-discrimination are enshrined in international and regional human rights instruments. However, these rights, although fundamental to the enjoyment of all human rights, remain contested when they touch on issues of gender, sexuality and sexual identity. Human rights defenders promoting fundamental human rights in these areas are frequently targeted and attacked.

### SEXUAL AND REPRODUCTIVE RIGHTS

Violations of the sexual and reproductive rights of women and girls are still common throughout the Americas. Unsafe abortions and limited access to contraception services and to information about sexual and reproductive health are affecting a number of women and girls, especially those who are most marginalized. These are serious human rights concerns in several countries of the Americas.<sup>65</sup>

The Honduran Supreme Court recently decided that it is constitutional to criminalize the distribution and use of emergency contraception (also known as the morning after pill). In El Salvador, Chile and Nicaragua abortion is completely banned, even for girls and women who have become pregnant as a result of rape or whose lives or health are in serious danger if they continue with the pregnancy. Those who try to secure an abortion and those who help women and girls in such situations can face long prison sentences. In other countries, although access to abortion is guaranteed in law, in practice it is denied as a result of discriminatory treatment such as lengthy legal proceedings that make it virtually impossible to obtain a legal abortion, especially for those who cannot afford to go to a private clinic.

### **MÓNICA ROA, COLOMBIA**

On 7 May 2012, on the eve of the sixth anniversary of a Colombian Constitutional Court ruling decriminalizing abortion, an unidentified person fired a shot into the office of Women's Link Worldwide (WLW) in Bogotá. The bullet broke the security glass above the head of Mónica Roa, Programmes Director of WLW, as she sat in a meeting with colleagues. No one was hurt in the attack. This was part of a series of acts of harassment and intimidation. The office of WLW in Bogotá has been broken into and computers stolen on three separate occasions. Staff have received death threats and on several occasions human excrement has been left in front of the main door of their offices.

Mónica Roa, the WLW and other women's rights organizations played a key role in the process that led to the 2006 ruling by the Constitutional Court which lifted the total ban on abortion. This allows women and girls legal access to abortion services in three exceptional circumstances, including when the life of the woman or girl is at risk if she continues with the pregnancy, or if she is a victim of rape. However, there have been obstacles to the effective implementation of the decision, including opposition by the Procurator General, among other senior officials. Since taking office, the Procurator Delegate for the Defence of Infancy, Adolescence and Family Rights, who is responsible for issues relating to women's rights within the Procurator General's Office, has also openly supported the stance of the Procurator General.

The delay in implementing the Constitutional Court ruling has serious consequences on women and girls' lives and health. As a result, 1,201 women decided to file a claim through the judicial system (*tutela*), requiring both officials to respect the Constitutional Court ruling. Weeks after the demand was filed, Mónica Roa found out through media reports that the Procurator Delegate for the Defence of Infancy, Adolescence and Family Rights had filed a criminal complaint against her. After a decision of the Constitutional Court in September 2012, the Procurator General had to publicly correct his position on abortion. Subsequently, harassment against Monica Roa increased.

After the first acts of intimidation against Mónica Roa in 2005, the government granted her protection measures. After the most recent events in 2012, a petition to review and extend those measures to all those working with WLW in the Bogotá was filed, but no decision had been reached at the time of writing.

## GENDER-BASED VIOLENCE AGAINST WOMEN

Discrimination on the grounds of sex, sexual orientation and gender identity underlie the high rates of violence against women and girls in many countries in the region.<sup>66</sup> Human rights defenders fighting for justice for victims and survivors of such violence have themselves been targeted.<sup>67</sup>

## MARISELA ESCOBEDO, MEXICO

In December 2010, Marisela Escobedo, mother of murder victim Ruby Frayre, was shot and killed outside the governor's palace in Chihuahua City. She was protesting at the state government's failure to successfully prosecute and convict her daughter's killer. Marisela Escobedo's courage and determination to press state authorities to fulfil their obligations to bring to justice those responsible for her daughter's murder in 2008 had become a symbol of the struggle for justice led by the mothers of disappeared and murdered women in Chihuahua State. At the time of writing, a suspect in her killing had been detained, but questions remained about the investigation to bring all the perpetrators to justice.

Several other women human rights defenders from Ciudad Juárez, Chihuahua State, have also faced threats and attacks, forcing them to leave the city. In Ciudad Juárez, the killing and abduction of women has reached alarming levels. In 2010, 320 women were killed, according to local human rights organizations. In the first three months of 2012, at least 13 bodies of young women and girls were discovered in the Valle de Juárez district outside the city.

## **NORMA ESTHER ANDRADE, MEXICO**

Norma Esther Andrade is a founder of Our Daughters Return Home (Nuestra Hijas de Regreso a Casa, NHRC). On 3 February 2012, she was attacked with a knife by an unidentified man at her home in Mexico City. This was the second attempt on her life. Norma Andrade had left her home in Ciudad Juárez, after she was shot on 2 December 2011. No one has been brought to justice for any of the attacks, death threats and acts of intimidation against Norma Andrade.

The NHRC was founded in 2001 after a series of abductions and murders of women in Ciudad Juárez, which the authorities failed to prevent or investigate adequately. One of those killed was Lilia Alejandra García Andrade, the daughter of Norma Andrade and sister of Malú García, NHRC's director, who has also received a number of death threats. The NHRC have campaigned for justice for the victims of a long-running pattern of violence against women in Ciudad Juárez and Chihuahua City and have highlighted the failure of the authorities to effectively investigate these crimes or hold perpetrators to account. Since 2008, four NHRC members have been granted protection orders by the Inter-American Commission on Human Rights requiring the Mexican authorities to ensure their protection.

### **BARRIERS TO JUSTICE**

Many girls and women who have experienced gender-based violence face particular obstacles in accessing justice in the Americas. The Inter-American Commission on Human Rights has concluded that: "while the States have formally and legally recognized that violence against women is a priority challenge, the judicial response to the problem has fallen far short of its severity and prevalence." While the Commission acknowledged efforts to adopt a framework of laws and policies to address violence against women, it said that: "the gap between the availability of certain remedies in law and their implementation in practice is still very wide. This leaves the victims with a sense of insecurity, defencelessness and mistrust in the administration of justice. The impunity that attends these crimes merely perpetuates violence against women as an accepted practice in American societies, in contempt of women's human rights."<sup>68</sup>

In the context of the Colombian armed conflict, many women human rights defenders, including community and social leaders, continue to be threatened and killed because of their work in support of women's rights and against violence. In Colombia women and girls have to endure not only the gender discrimination prevalent in many societies of the Americas region and the normalization of sexual violence which such attitudes engender, but also the additional dangers, hardship and suffering inherent in armed conflict. In this context, women human rights defenders are not only targeted and attacked for being women, but also to silence them and stop them exposing human rights violations against girls and women.<sup>69</sup>

## **SEVERAL WOMEN HUMAN RIGHTS DEFENDERS, COLOMBIA**

In February 2012, the paramilitary group Black Eagles Capital Bloc sent a death threat to several women human rights defenders, including Pilar Rueda, Human Rights Ombudsperson's Delegate for Children, Youth and Women, who has worked closely with survivors of conflict-related sexual violence; and several human rights NGOs, including women's organizations. Among those threatened in February were the NGOs Casa de La Mujer, Ruta Pacifica de las Mujeres, the National Foundation for the Defence of Women's Human Rights,

Corporación Sisma Mujer, and the Afro-Women's Association for Peace. Several women human rights defenders were also named in the death threat. The threat was similar to one sent to the same groups and individuals in June 2011. It read: "A death sentence on the guerrilla bitches of the FARC that are opposing the policies of our government." However, unlike previous threats, which were sent by email, the February threat was left at the offices of one of the named organizations. It was sent days before the celebration in Bogotá of International Women's Day, the focus of which was an event in Congress on impunity for conflict-related sexual violence. No one has been brought to justice for these threats. At the time of writing, some of these defenders were receiving some protection from the state in response to earlier threats.

## POPULAR WOMEN'S ORGANIZATION, COLOMBIA

The Popular Women's Organization (Organización Femenina Popular, OFP) has been working to promote women's human rights in Colombia for 40 years and has been working with women survivors of human rights violations to support them in their fight for justice, truth and reparation. On 13 September 2012, Gloria Amparo Suárez, the legal representative of the OFP in Barrancabermeja, Santander Department, Colombia, received a threatening phone call. She was told that she had 72 hours to leave the city. The man who called her also said: "Tell your boss Yolanda she has 48 hours to leave the city". Yolanda Becerra is the director of the OFP. On 14 March 2012, a man approached María Iluminada Ortiz Moscote, another member of the OFP, in front of her home in Barrancabermeja and accused her of being a police informant. He also told her pointing a finger at her head: "Tell them I am a paramilitary to fill your head with lead so that you see what a paramilitary is". Many other members of OFP have been intimidated and attacked. In the last decade, three members of the organization have been killed. No one has been brought to justice for the threats. OFP members are now receiving limited protection measures.

## ATTACKS ON LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Lesbian, gay, bisexual, transgender and intersex (LGBTI) people face violence and discrimination throughout the region because of their sexual orientation or gender identity. Human rights defenders working to combat these abuses against LGBTI people are themselves targeted and attacked.

## MAURICE TOMLINSON, JAMAICA

Maurice Tomlinson, a corporate lawyer and local attorney of the NGO AIDS-Free World in Jamaica, has been obliged to leave Jamaica following repeated death threats related with his work defending LGBTI human rights. In February 2011, he was threatened with death after he publicly denounced a violent police raid on a gay bar in Montego Bay. When Maurice Tomlinson reported one of the death threats against him to the police, the officer taking his complaint said he: "hated gays". When Maurice Tomlinson reported this to the officer's superior, he was told that the officer's response was unfortunate, but such attitudes would not change until the "anti-buggery" law changed. In Jamaica (as in all English-speaking Caribbean countries, with the sole exception of the Bahamas) sexual acts in private between consenting male adults remain criminalized and punishable by imprisonment.<sup>70</sup> In 2011 the Inter-American Commission on Human Rights granted Maurice Tomlinson and another colleague in AIDS-Free World precautionary measures.

In January 2012, news of Maurice Tomlinson's marriage to another man (in another country) was published in the press. He told Amnesty International: "This immediately led to an escalation in the death threats – I had

received several death threats before but I think the marriage just tipped the scales. I realized my security had been too compromised and that I need to leave Jamaica... I do not feel that if I went back to Jamaica and something happened that I would receive the protection from police that as a citizen I deserve.”<sup>71</sup> He now lives in another country. No one has been brought to justice for the threats against Maurice Tomlinson.

Impunity for crimes against defenders and other members of the LGBTI community remains common. The steps taken by many authorities, particularly those outside major urban areas, to protect their right to defend human rights and make anti-discrimination legislation effective have been extremely limited. Human rights defenders working on LGBTI issues are exposed to a wide range of abuses and attacks as they are often perceived as transgressors of social and cultural values. Stigmatization and exclusion often put LGBTI defenders at greater risk as they are frequently denied protection and recognition as legitimate human rights activists.

Attacks on LGBTI human rights defenders working in Colombia have often been preceded by campaigns of death threats and public vilification. Paramilitary groups across the country have carried out several “social cleansing” campaigns against LGBTI people.

### **OVIDIO NIETO JARABA, COLOMBIA**

On 27 July 2012, the local LGBTI community in Barrancabermeja, Santander Department, organized the first march in the municipality for the respect and recognition of the human rights of LGBTI people. Local government officials intervened and called for the march to be suspended. The following day, the next in a long series of threats was issued by the paramilitary group “Rastrojos Comandos Urbanos”. A flyer containing death threats was left at the office of the NGO Gente en Acción (People in Action) in Barrancabermeja.

LGBTI defender Ovidio Nieto Jaraba, director of People in Action, was among those named in the leaflet which accused him of “provoking and organizing protest marches” and supporting guerrillas. It also stated that “there will be no more threats but actions...” Ovidio Nieto Jaraba has been the target of several death threats and acts of intimidation. He was receiving state protection measures at the time of writing.

In the last few years Amnesty international has expressed concern about the situation of the LGBTI community and LGBTI defenders in Honduras. In the wake of the 2009 coup d’état, attacks against members of the LGBTI community increased significantly.<sup>72</sup>

### **ALEX DAVID SÁNCHEZ ÁLVAREZ, HONDURAS**

In January 2011, Alex David Sánchez Álvarez was threatened and physically attacked twice in five days by men using pistols. These assaults happened near the offices of two human rights organizations that Alex David Sánchez Álvarez works for – *Colectivo Violeta* and Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families (Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares, CPTRT). On the morning of 8 June 2011, Alex David Sánchez Álvarez was on his way to the CPTRT, where he works as a nurse, when he was threatened again. Due to high risk of attack and the lack of investigation and protection, he decided to leave the country temporarily for his protection and for some respite. Alex David Sánchez Álvarez is very active in the LGBTI community, working and volunteering for a number of LGBTI and human rights organizations in Honduras.

Respect and protection for the rights of women, girls and LGBTI people do not appear featured as a priority on the policy agendas of the region's governments, despite the high levels of gender-based violence and attacks against LGBTI people. The failure to properly enforce legislation for combating discrimination and gender-based violence remains a serious concern, as do the barriers to accessing justice in such situations. This and the severity and high number of attacks against human rights defenders working on these issues, call into question the genuine will of the authorities to address violence and discrimination on the grounds of sex, sexual orientation and gender identity.



## 7. DEFENDERS MOST AT RISK: MIGRANTS' RIGHTS

Amnesty International has documented shocking levels of abuses against irregular migrants trying to make their way through Mexico to the USA. Many human rights defenders and humanitarian organizations who try to help irregular migrants have also been threatened, harassed and attacked.<sup>73</sup>

Human rights defenders and humanitarian organizations play a vital role in trying to ensure migrants do not succumb to exhaustion, exposure and starvation on their journey. They also register abuses, both by agents of the state and by private individuals or groups, and encourage migrants to seek justice. They also help counter the hostility to migrants that sometimes flares up in local communities. Human rights defenders who stand up for irregular migrants are themselves sometimes the targets of this hostility. They have been threatened and attacked and, on some occasions, faced criminal prosecution in reprisal for their work.

### **FRAY TOMÁS GONZÁLEZ, MEXICO**

Fray Tomás González has received several anonymous death threats and has been verbally abused by state police and members of the military. He is the director of the migrants' shelter La 72 and the founder and president of Usumacinta Human Rights Centre (Centro de Derechos Humanos del Usumacinta, CDHU) in Tenosique, Tabasco State, Mexico.

On 17 September 2011, Fray Tomás González and migrants' rights activist Ruben Figueroa were travelling with two migrants to Tenosique to buy clothes for migrants staying at the La 72 shelter. They were stopped by members of the military who demanded to search their pick-up truck. As there was no legal justification for the search, the human rights defenders refused to cooperate. Two state police vans then arrived and surrounded the truck. One of the state police officers slapped Ruben Figueroa as he tried to photograph events. An unidentified man in civilian clothes then arrived on the scene and ordered the military officers to search the pick-up truck and force the four people in the truck to get out. When Fray Tomás González took photos of the unidentified man, the man said: "Son of a bitch, I'm going to break you into pieces." Neither the state police nor the members of the military who witnessed the threats intervened.

Shortly afterwards, three municipal police vans and another 20 heavily armed soldiers wearing balaclavas arrived on the scene. In this intimidating environment, Fray Tomás González, Ruben Figueroa and the two migrants continued to refuse to get out of the pick up truck. The incident lasted for four hours, until members of the National Human Rights Commission arrived and the military and police left the scene. At the time of writing, Fray Tomás González and colleagues were receiving protection measures from the authorities, but no one had been brought to justice for the threats and attacks.

Many other local priests, workers and volunteers who run migrants' shelters in Mexico have been repeatedly intimidated and attacked. In several cases the attackers are believed to be members of organized criminal gangs. Those responsible are almost never held to account.

### **SAN JUAN DIEGO MIGRANTS' SHELTER, MEXICO**

In July 2012, the San Juan Diego migrants' shelter in Lechería, Tultitlan, State of Mexico, had to close because of the high levels of harassment and intimidation from local people and the lack of investigation and protection from the authorities. On 3 May 2012, two migrants were threatened by armed men outside the shelter. In December 2011, residents of the local community of Lechería demanding the closure of the shelter destroyed temporary huts that had been built by migrants and set fire to some of the migrants' belongings. During an earlier protest in August 2011, local residents had threatened to burn the shelter down if it was not closed. In January 2011, the then director of the shelter was told about a plan to burn down the shelter and kill her and the migrants staying there.

In the USA, there has been a recent rise in anti-immigrant sentiment. This has been reflected in the proliferation of new anti-immigrant legislation across several states and the polarized nature of the political and media discussion on the issue at both the state and federal levels.<sup>74</sup> In this context, human rights defenders and humanitarian organizations have also faced a number of obstacles to their human rights work that have a direct impact on migrants' lives. For example, groups such as Humane Borders and the Green Valley Samaritans, among others, have permission to leave water bottles and tanks on ranchers' lands where migrants are known to travel. However, these groups often find their water tanks vandalized, damaged, or emptied. In addition, life-saving supplies that are left along migrant trails are frequently vandalized.

### **HUMANE BORDERS, USA**

On 17 May 2012, the office and entire fleet of trucks of Humane Borders in Tucson, Arizona, were vandalized and robbed. Members of Human Borders reported the incident to the Border Patrol and the police, and requested that investigations consider the possibility that the incident was related to their work. No one has been brought to justice for these criminal acts.

Obstacles, abuses and violence against migrants and those defending their rights are not unique to the journey north. In 2011, in the Dominican Republic, following an outbreak of cholera in Haiti, the authorities intensified mass deportations of Haitian migrants, claiming that the move was necessary to prevent the spread of the disease. This is just one of the many incidents of discrimination against Haitians and Dominico-Haitians in the Dominican Republic. Human rights defenders working to highlight and combat these abuses have also been targeted.

### **SONIA PIERRE, THE DOMINICAN REPUBLIC**

Sonia Pierre, executive director of the Movement for Dominico-Haitian Women (Movimiento de Mujeres Dominico-Haitianas, MUDHA), and her family were the targets of a series of threats and incidents of harassment and intimidation. The Dominican authorities failed to put in place adequate protective measures for her and her family, in spite of repeated calls from the Inter-American Court of Human Rights from August 2000 onwards that they do so.

In 2007 Sonia Pierre faced a challenge to her Dominican nationality with the launch of an official investigation into the validity of her birth certificate. The Dominican Supreme Court of Justice ruled in her favour and the matter was dropped.

In the months before Sonia Pierre died of a heart attack in December 2011, she was the object of a smear campaign following the announcement that the Inter-American Commission on Human Rights had summoned the Dominican Republic to attend a session at the Commission. The session had been requested by a coalition of Dominican and international NGOs, including MUDHA, who were working on behalf of migrants and of Dominicans of Haitian descent. A number of public officials made offensive public declarations aimed at discrediting Sonia Pierre's work and that of human rights defenders. One member of parliament described her as "a terminal cancer for the nation" and threatened her to bring her to justice for terrorism or crimes against the state.

## 8. DEFENDERS MOST AT RISK: FIGHTING IMPUNITY

Impunity directly feeds into the vicious cycle of vulnerability, exclusion, inequality, discrimination and poverty that in turn make other human rights violations more likely. Across the Americas, calls for justice from victims of human rights violations, their relatives, human rights defenders, civil society organizations and entire communities continue to gain strength, frequently bringing people into direct confrontation with powerful interests. For decades, demands for justice and an end to impunity for human rights violations have reverberated throughout the region's national courts, the Inter-American Human Rights System and on the streets.

Many human rights defenders are survivors of human rights violations and/or relatives of survivors of human rights violations. These human rights defenders know that seeking justice is not only enforcing their own right to justice, but it is also helping create a context where human rights violations are less likely to be committed against others.

### **NEPOMUCENO MORENO NÚÑEZ, MEXICO**

On 21 November 2011, Nepomuceno Moreno Núñez, a leading member of the Mexican peace campaign, the Movement for Peace with Justice and Dignity was shot several times and killed while driving in the city of Hermosillo, Sonora State. In October, armed men had visited his home, warning him that he would be killed if he continued to demand justice for his son, Jorge Mario Moreno León, who was abducted in Ciudad Obregon, Sonora State, in July 2010 and remains missing. A criminal gung and some members of the local police are believed to have been involved in the abduction.

Nepomuceno Moreno Núñez had joined the Movement for Peace with Justice and Dignity to campaign on the case of his son and other alleged victims of abuses by criminal gangs and the security forces in Mexico. He had met with senior government officials, including the President of Mexico, to demand justice for the victims of such abuses, an investigation into his son's abduction, and protection for his family.

After Nepomuceno Moreno Núñez' killing, his family started to receive protection from federal authorities. There have been some advances in the investigation of both crimes, but no one has been convicted yet.

### **MIJAIL AND VÍCTOR MARTÍNEZ, VENEZUELA**

On 3 July 2010, Victor Martínez was distributing flyers in Barquisimeto about the alleged involvement of police and local officials in the killing of his son Mijail Martínez, when he was approached by an unidentified man. The man told him that he could not distribute the flyers there, knocked him to the ground and kicked him repeatedly in the stomach. Mijail Martínez was shot dead on 26 November 2009 in Barquisimeto, Lara State in Venezuela. He was an audiovisual producer documenting cases of human rights abuse for the Committee of

Victims Against Impunity in the state of Lara (Comité de Víctimas contra la Impunidad del estado Lara, COVICIL).

He was shot dead by two unidentified men who allegedly had asked to speak to his father, Víctor Martínez, a former member of the Legislative Council of Lara State who has supported the work of COVICIL since it was founded in 2004. During Víctor Martínez's tenure at the Legislative Council, he often publicly denounced police officers suspected of acts of corruption and human rights violations. No one has been brought to justice for the killing of Mijail Martínez or the attack on Víctor Martínez.

In Colombia, there have been innumerable cases of death threats, intimidation and attacks against survivors or victims of human rights violations, their relatives and lawyers and organizations supporting them.

## **WILLIAM CRISTANCHO, COLOMBIA**

On 10 December 2010, William Cristancho survived an attempt on his life as he was travelling to the Palogordo prison in the municipality of Girón, Santander Department. On 26 October 2010, he had received death threats apparently relating to a case he was working on of the extrajudicial executions of two local peasant farmers by members of the Colombian Army. As he left a meeting with judicial officials, a man approached him and said: "Make way son-of-a-bitch defender of guerrillas we are watching you closely". A witness in the case was also threatened that day. On 31 May 2012, he suffered another incident of harassment and intimidation.

William Cristancho is a lawyer with the human rights organization Corporación Compromiso, which has been providing legal advice and representation for victims of the armed conflict in Colombia, especially for the families of people extrajudicially executed by members of the armed forces. No one has been brought to justice for the attack and threats against him. In 2011 William Cristancho had to reject the offer of protection by the state, because the person assigned as his bodyguard was reportedly a demobilized paramilitary. On 3 October 2012, after repeated petitions, including a legal writ (*acción de tutela*), the state finally implemented a security scheme, including a bullet-proof car and a bodyguard, that was acceptable to him.

Although some cases in the region have seen progress, meaningful access to justice continues to be very difficult for many. Lack of judicial independence and political will are common barriers to bringing those responsible for human rights violations to justice.

## **SILVIA VÁZQUEZ CAMACHO, MEXICO**

In Mexico, Silvia Vázquez Camacho, a human rights lawyer from Tijuana, Baja California State, has been the target of death threats and intimidation. She is a member of the Mexican Commission for the Defence and Promotion of Human Rights - CMDPDH which has been documenting human rights violations committed by the military in Tijuana. As a result of the high level of threats and harassment, she left the region.

Silvia Vázquez Camacho has supported the fight for justice of relatives of 25 police officers detained and tortured by the military and police in Tijuana in March 2009. The 25 police officers were arbitrarily detained and tortured in order to obtain information on organized crime. All 25 were charged with the criminal offence of organized crime. With the support of the CMDPDH, the 25 won their release and were subsequently acquitted of all charges.

Amnesty International has documented several cases of arbitrary detention and torture at the military base in Tijuana and of efforts by victims, relatives and human rights defenders to file complaints.<sup>75</sup> These cases are routinely dealt with by the military justice system, which has consistently failed to carry out impartial and effective investigations, resulting in impunity for the vast majority of perpetrators.

In Honduras, human rights defenders seeking justice for human rights violations have faced intimidation, harassment and attacks. Members of the Committee of Relatives of the Detained and Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras, COFADEH) have suffered a series of threats.

## **COMMITTEE OF RELATIVES OF THE DETAINED AND DISAPPEARED IN HONDURAS**

On 8 March 2012, Bertha Oliva, founding member and coordinator of COFADEH, received a phone call in which she was played a recording of a call she had made seconds earlier. On 30 March, another member of COFADEH was entering the office at around 8.45am, when a man in a red pick-up truck waiting at the traffic lights, called to her, "Tell that Bertha Oliva bitch that she must stop living off the backs of the disappeared".<sup>76</sup> In April 2012, Nohemí Pérez, another founding member of the organization, was threatened and attacked by an unknown man as she arrived at the COFADEH office.

COFADEH is one of Honduras' main human rights organizations and has been at the forefront of efforts to document and report human rights violations in the country, including during the June 2009 coup d'état which deposed President José Manuel Zelaya, and during the administration of President Porfirio Lobo, who took office on 27 January 2010. In November 2012 COFADEH celebrated 30 years of tireless and courageous work for human rights, despite facing a rising number of threats, harassment and attacks since 2011. In November 2009, the Inter-American Commission on Human Rights called on the Honduran authorities to protect members of COFADEH and their immediate families, but protection measures have not been fully implemented.

Judges and officers of the justice system working on cases of human rights violations have also been the object of serious attacks.

## **JUDGE PATRÍCIA ACIOLI, BRAZIL**

On 11 August 2011, Judge Patrícia Acioli was shot 21 times outside her home in Niterói, Rio de Janeiro State, Brazil, by members of the Military Police. Her long track record of presiding over criminal cases implicating Brazilian police officers in human rights violations had made her the target of numerous death threats.

In October 2011, 11 police officers, including a commanding officer, were detained and charged with her killing. It was reported that, at the time of her death, Judge Acioli had been presiding over the investigation into allegations of extrajudicial executions and criminal activity by the policemen involved. Her death was a serious blow to the human rights movement in Brazil, but her tireless pursuit of justice remains an inspiration to countless others who, like Judge Acioli, refuse to let human rights violations go unchallenged.

## 9. DEFENDERS MOST AT RISK: JOURNALISTS, BLOGGERS AND TRADE UNIONISTS

Journalists, bloggers and trade unionists defending human rights play a critical role in exposing human rights violations that otherwise would have remained shrouded in secrecy. Not every journalist, blogger or trade unionist is a human rights defender, but some make a “special effort” to contribute to the protection and realization of human rights. These human rights defenders focus on a wide range of human rights issues, but for all of them the protection of their freedoms is not only a precondition for the defence of human rights but is also fundamental to their profession.

In Honduras, Amnesty International has documented an increase in the number of death threats and attacks against journalists and bloggers. For example, between March and April 2010, six journalists were killed by unknown assailants. Among them were radio journalist David Meza Montesinos, and Nahúm Palacios, news director for the Channel 5 TV station. Both had investigated drug trafficking and Nahúm Palacios had also investigated a land dispute in the Aguán region and been an out-spoken critic of the coup d'état in June 2009. On 24 July 2009, the Inter-American Commission on Human Rights had requested that Honduras take steps to protect him, but the authorities took no action. Death threats and other security incidents continued in 2012 against other journalists in Honduras.

### **GILDA SILVESTRUCCI, HONDURAS**

On 23 January 2012, half an hour after the end of her radio programme, Gilda Silvestrucci received a phone call on her mobile phone. The caller said “Look, we already know you have three children... that just now you were in the street with your son... and the eldest [child]... is at home, and we're going to kill you”. Gilda Silvestrucci is a journalist based in the capital, Tegucigalpa, where she currently hosts a radio programme on Radio Globo that focuses on human rights issues. Past shows had focussed on a new mining law, unlawful killings in the Aguán region, and corruption. Since December 2011, Gilda Silvestrucci had been a member of the group Journalists for Life and Freedom of Expression (Periodistas por la Vida y la Libertad de Expresión). She joined the group after a journalist was killed in Tegucigalpa in December 2011.

In Mexico, journalists and bloggers, especially those working on issues related to public security, organized crime and corruption have been the targets of intimidation, judicial harassment, death threats and attacks, principally by criminal gangs but also in some cases by those with links to officials. According to the National Commission of Human Rights, in 2011 at least nine journalists were killed and scores of others attacked and intimidated.

## LYDIA CACHO, MEXICO

Journalist Lydia Cacho, a human rights defender based in Cancún, southeastern Mexico, has been threatened with death many times. One of the latest threats against her took place on 29 July 2012 when she was working at home. Her security handheld transceiver, used only for emergencies, turned on by itself. She answered, thinking it might be a work colleague, and heard a male voice addressing her by name and saying: “we have already warned you, bitch, don’t mess with us... What is coming next for you will be in pieces, that is how we will send you home, you idiot”. She filed a formal complaint about this threat with the Attorney General of the Republic, but no one has been brought to justice for this or any of the previous threats.

The threats and harassment started after Lydia Cacho published a book in 2005 exposing a child pornography ring, which she said operated with the knowledge and protection of politicians and business people in Quintana Roo and Puebla states. Lydia Cacho was subjected to arbitrary detention and other irregular legal proceedings in December 2006. She has continued to receive threats since then in reprisal for her work as journalist and human rights defender at a women’s shelter in Cancún. In 2010, Lydia Cacho published another book uncovering the trafficking of women and girls and revealing the names of people she said were linked to these criminal networks.

In 2009, the Inter-American Commission on Human Rights ordered the Mexican government to provide protection measures for Lydia Cacho; these have been partially implemented.

In Cuba, restrictions on freedom of expression mean that independent journalists and bloggers face direct repression from the authorities and their supporters. Cuban independent journalists report on events or issues normally not covered by the state-run media. Their role in investigating and exposing human rights violations committed by the Cuban security forces has been critical. In addition to intimidation and judicial harassment from the authorities and their supporters, journalists and bloggers have been denied permission to travel outside the country in an effort to hinder their work on human rights and punish their critical views. Cubans wishing to travel abroad must obtain an exit visa called a *tarjeta blanca* (white card).<sup>77</sup> The process is highly bureaucratic and very expensive. For example, Oswaldo Payá Sardíñas, leader of the Liberation Christian Movement (Movimiento Cristiano Liberación), the Ladies in White (Damas de Blanco) and independent journalist Guillermo Fariñas were all barred from travelling to Strasbourg to collect the European Parliament’s Sakharov Prize for Freedom of Thought in 2002, 2005 and 2010 respectively.

## YOANI SÁNCHEZ, CUBA

On 3 February 2012, Cuban blogger Yoani Sánchez was informed by the Cuban authorities that her application for an exit permit to travel to Brazil had been refused. She had been invited to attend the screening of a documentary featuring interviews with bloggers from Honduras and Cuba on their experiences of censorship. It was the 19th time since May 2008 that the Cuban authorities had refused to allow Yoani Sánchez permission to leave Cuba. She has never been given a reason as to why her applications have been rejected.

In her blog, *Generación Y*, Yoani Sánchez writes about daily life in Cuba and restrictions on political and civil rights. She has become one of the most prominent critics of the Cuban government, calling for an end to restrictions on the freedoms of expression, association and peaceful assembly, and the freedom of movement within and outside Cuba.



Trade unionists work in a variety of contexts and on several human rights issues that go beyond labour rights. Across the Americas they face obstacles to their work, abuses and attacks in reprisal for their work.

## **PEDRO CONDORI LAURENTE AND ANTONIO QUISPE TAMAYO, PERU**

Pedro Condori Laurente is the Secretary General of the Casapalca Mine Workers Union. Antonio Quispe Tamayo is the union's Secretary for Organizations. The two men were charged with crimes against public administration, the use of violence and resisting arrest. For more than a year they had to face an unfounded prosecution and all its negative effects on them, their families, organization and legitimacy.

The charges against both men refer to an incident which took place on 19 July 2010, when a miner was killed following an accident at the Casapalca mine, Huarochiri province, Lima Department. Both trade union leaders stayed at the site of the accident to wait for the arrival of a public prosecutor. According to reports, when the public prosecutor arrived, he attempted to remove the body without having collected any evidence to determine whether there was any responsibility on the part of the company. Pedro Condori Laurente and Antonio Quispe Tamayo made a complaint to the public prosecutor and opposed the immediate removal of the body, but no violence was used. The High Court of Lima revoked the arrest warrant ordered by a court in Huarochiri in January 2011, and ordered their conditional release. Pedro Condori and Antonio Quispe Tamayo were acquitted of all charges in September 2011.

Union members and workers at the mine have faced unsubstantiated charges and months of unfair imprisonment on at least three separate occasions since the union was established in 2008.

In Guatemala, in the last few years, trade unionists have faced a rise in attacks, death threats and killings.

## **LUIS OVIDIO ORTÍZ CAJAS, GUATEMALA**

On 24 March 2012, Luis Ovidio Ortíz Cajas was shot dead at around 8.30pm as he walked to a shop near his home in the capital, Guatemala City. He was the public relations secretary of the Executive Committee of the National Trade Union of Health Workers (Sindicato Nacional de Trabajadores de la Salud de Guatemala, SNTSG). As Ovidio Ortíz was about to go into the shop, a young man got out of a car and started shooting at him and at a group of men playing cards outside the shop. Luis Ovidio Ortíz Cajas and three other men were killed and two others were wounded in the attack.

The SNTSG has campaigned for many years on issues of corruption in the management of the country's public health facilities. In December 2010, it filed an official complaint against the previous Minister of Health, accusing him of corruption.

In Colombia, killings, death threats and attacks against trade unionists persist. In 2011, at least 29 trade union members were killed and the National Trade Union School reported that 51 members of trade unions were killed during the 2010.

## **OSCAR ARTURO OROZCO AND WILSON JARAMILLO, COLOMBIA**

On 4 August 2012, Oscar Arturo Orozco and Wilson Jaramillo, respectively President and Secretary General of the Caldas branch of the Trade Union Congress, were traveling by car in Caldas Department when shots were fired at them by two men on a motorbike and several others standing at the side of the road. Several shots hit the car, but neither man was injured. Both men are also members of the National Movement of Victims of State Crimes (Movimiento Nacional de Víctimas de Crímenes de Estado, MOVICE) and the Colombian Electricity Workers' Union (Sindicato de Trabajadores de la Electricidad de Colombia, SINTRAELECOL).

They were on their way to a meeting with fishermen of the Arauca River. The local fishermen have been complaining that the environmental impact of the Caldas Hydroelectric Power Plant has had a negative impact on their livelihoods.

Over recent years, flyers containing death threats have been repeatedly left at the office of SINTRAELECOL. In mid-July 2012, the death threat contained a picture of bullet cartridges. This arrived at a time when there was an order to remove the protection measures Oscar Arturo Orozco was receiving from the Ministry of the Interior Protection Programme. At the time of writing, Oscar Arturo Orozco continued to receive protection from the state. No protection has been provided to Wilson Jaramillo. No one has been brought to justice for any of the threats or the attack against them.

# 10. PROTECTION FOR HUMAN RIGHTS DEFENDERS

States have the primary responsibility for protecting human rights defenders and their work.

*“States shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”*

Article 12 of the UN Declaration on Human Rights Defenders.

As the Inter-American Commission on Human Rights stated in its 2006 report: “the work of human rights promotion and protection... gives rise to special obligations of the States to ensure the protection of those who are engaged in the promotion and protection of such rights”.<sup>78</sup>

The obligation established under Article 12 of the UN Declaration on Human Rights Defenders is in line with the core human rights obligations enshrined in the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the American Convention on Human Rights, which are binding on states parties, as well as the rights in the Universal Declaration of Human Rights. When states provide the necessary conditions and the required guarantees for the right to defend human rights to be enjoyed in practice, they also increase the likelihood that they will be able to fulfil their obligation to respect, protect, promote and ensure human rights and fundamental freedoms for all.<sup>79</sup> The state retains responsibility for the protection of human rights defenders whatever the status of the perpetrator, whether they are agents of the state or non-state actors.

International and regional mechanisms of protection have played a fundamental role in pushing the authorities to take effective action to protect human rights defenders at risk. The Precautionary and Provisional Measures of the Inter-American Human Rights System have been crucial and in some cases have been the only mechanism to ensure protection for defenders.

Some states in the Americas have adopted particular measures to protect human rights defenders. However, even in the countries with the most established mechanisms, protection for human rights defenders has not been as effective as the very real threats demand.

In Brazil the Programme of Protection for human rights defenders was created in 2004 and in 2007 the government approved the National Policy on the Protection of Human Rights Defenders (Decree No. 6.044). The Programme began with pilot projects in three states – Pernambuco, Pará and Espírito Santo – and has been extended to Rio de Janeiro, Bahia and Minas Gerais. While Amnesty International has been supportive of the initiative, the programme has several weaknesses, including irregular funding and a lack of genuine commitment to provide meaningful protection in some cases. The lack of resources, infrastructure and co-ordination between state and federal authorities are major problems that impede the programme from fully achieving its objective of protecting human rights defenders.

In Colombia, in March 2011, the Office of the UN High Commissioner for Human Rights called on the government to fundamentally revise the state's various physical protection programmes. On 31 October 2011, the government issued Decree 4065, which unified all the Ministry of the Interior's protection programmes under a newly-created National Protection Unit. Through Decree 4066, issued the same day, staff members of the now disbanded civilian intelligence service, the Administrative Security Department (Departamento Administrativo de Seguridad, DAS) were to be transferred to the National Protection Unit. The continued use of former DAS personnel in the implementation of protection measures has raised concerns. In April 2009, the media revealed that the DAS had been carrying out a long-standing, massive, illegal "dirty tricks" campaign – including surveillance and wire-tapping – targeting, among others, human rights defenders, the UN and international human rights groups. This was carried out in co-operation with paramilitaries, who threatened and killed some of those targeted by the DAS. Several senior and middle-ranking DAS officials have been convicted or are under investigation for crimes associated with the "DAS scandal". Intelligence from civilian and military security agencies (including the DAS) has been widely used to mount unfounded criminal proceedings against human rights defenders. Additionally, responsibility for the provision of security measures is being increasingly transferred to private security firms, where little effective control appears to be in place to prevent the use of former members of illegal armed groups, whether guerrillas, paramilitaries or former members of the security forces implicated in human rights violations. In this context and given continued stigmatization, sometimes by state or government officials, and the very high levels of impunity in cases of threats and other human rights abuses against human rights defenders, some human rights defenders in Colombia have been reluctant to accept or have decided to reject state physical protection measures. They consider such protection measures ineffective.

In Guatemala, the Unit for the Analysis of Attacks Against Human Rights Defenders, created in 2007, has been key in analysing and identifying patterns of attacks against human rights defenders and the contexts of those attacks. The creation of the Unit was based on a ministerial decision and continues to be dependent on the political will of the Minister of the Interior, which has affected the stability of the Unit. For example, in 2009 the Unit was suspended for months without justification. Since 2008, a cabinet-level decision that creates the Programme of Protection for Human Rights Defenders and was drafted in consultation with civil society, has been awaiting the President's signature to enter into force.

In 2012 in Mexico, the Law for the Protection of Human Rights Defenders and Journalists was unanimously approved by both the Chamber of Deputies and the Senate and signed by

the President. At the time of writing, the process for implementing the law was starting, including the direct participation of representatives of civil society. Operational protocols and resources need to be put in place to guarantee its effectiveness. It gives institutional stability and clarity to a legal mechanism designed to ensure cooperation between federal and state authorities in the implementation of effective measures to protect human rights defenders and journalists at risk. It is vital that the authorities do not assume that their responsibilities are restricted to establishing a protection mechanism. Impunity for threats, fabricated criminal charges, attacks and killings of human rights defenders and journalists remain the greatest obstacle to improving the safety of these vital social actors.

In 2011, the government of Honduras announced before the Inter-American Commission on Human Rights that measures, including a Protocol, were being put in place to ensure the protection of human rights defenders at risk. Amnesty International wrote to the Honduran authorities requesting information on those measures and policies on protection, and expressing serious concern at the increasing number of attacks against defenders and journalists, but, at the time of writing, no response had been received.<sup>80</sup>

The Inter-American Commission on Human Rights has stated that: “A comprehensive and efficient system to protect the work undertaken by human rights defenders must go beyond the mere operation of a protection program against acts of violence – although such protection is necessary and a priority”.<sup>81</sup> A comprehensive approach to the protection of human rights defenders should include as a minimum:

- Recognition of human rights defenders as fundamental and legitimate actors when they are claiming their rights. This should be complemented by public acknowledgment of their legitimate and crucial work and public condemnation of human rights violations or abuses against them.
- Timely, effective and accessible specific protection measures relevant for the particular situation in each case. These measures should be agreed with the defender and must avoid involving institutions in providing protection if they may have been involved in activities that put defenders at risk.
- Measures to tackle the underlying causes of attacks.<sup>82</sup>
- Investigation, sanction and reparation for attacks on human rights defenders. Prompt, impartial and exhaustive investigations into allegations of abuses against human rights defenders are essential in order to ensure that risks are identified, addressed and eradicated.<sup>83</sup> Investigations should examine whether a defender’s human rights work is a causal factor in any attack. They should consider, as a minimum, the circumstances surrounding the attacks, any other previous incidents and the possible motives behind the attacks related to the defenders’ work.

Most serious attacks occur after a series of other incidents have taken place and those responsible have not been brought to justice. In the vast majority of cases of attacks on human rights defenders on which Amnesty International took action on between 1 January

2010 and 30 September 2012, those responsible have not been brought to justice. Even in those cases where there has been progress, it has been limited. Investigations should lead to the conviction of those responsible for the attacks, and this includes the intellectual authors of the crimes. Investigating and punishing those responsible for attacks against human rights defenders is a crucial element in affording defenders the protection that international human rights law guarantees.

# 11. CONCLUSIONS AND RECOMMENDATIONS

Human rights defenders in the Americas continue to make a vital contribution to the advancement of human rights in the region and elsewhere. However, despite the recognition afforded them by international and regional institutions and some national authorities, they continue to be targeted, even in countries where specific protection mechanisms and programmes have been put in place.

Human rights defenders continue to risk their lives to create a world where respect for human rights is a reality for all. The dangers they face are directly linked to the failures of states to recognize the legitimacy of their work; to ensure effective protection; and to bring those responsible for attacks against defenders to justice. Indeed, in some countries, far from mitigating the risks, the authorities are actually increasing the likelihood of attacks on human rights defenders by labelling them as troublemakers, subversives or criminals. Authorities at all levels must take urgent steps to reinforce the legitimacy and importance of the work of human rights defenders. This must include creating the space where defenders can express their criticisms and engage in peaceful public protests in defence of human rights.

Hundreds of defenders have lost their lives in recent years and many more remain at risk. In some countries, the courts have been used to try to hinder their work and stifle their voices. The virulence and violence of the response reflects the very powerful vested interests that many human rights defenders are challenging as they seek to end the deeply rooted discrimination, inequality and exclusion that have helped fuel human rights violations in the region. This perhaps helps to explain why those now most at risk of serious abuses and attacks throughout the Americas are those working on: human rights related to land, territory and natural resources; the rights of women and girls and of LGBTI people; and migrants' rights; as well as those seeking an end to impunity for human rights violations and journalists, bloggers and trade unionists who defend human rights.

Despite persistent intimidation, threats and attacks, the human rights defenders highlighted in this report, and many more like them, continue their work with determination and courage, transforming pain into hope across the Americas. Amnesty International urges governments throughout the region to rise to the challenge and fulfil their obligations to protect human rights defenders and to respect, protect and fulfil human rights for all.

## RECOMMENDATIONS

### **Amnesty International urges the national/federal authorities in the Americas region to:**

- Put an end to attacks, violence and other abuses by state and non-state actors against human rights defenders in the Americas region and take all necessary measures to ensure that human rights defenders can freely carry out their legitimate human rights work.
- Recognize human rights defenders as legitimate and vital actors and recognize publicly the legitimacy and relevance of their work. Such recognition can be particularly important for those defending human rights at a local level or in relation to people in situations of vulnerability, exclusion or discrimination.
- Take all necessary measures to make the authorities at all levels fully aware of the concept of human rights defenders and the international standards that protect them, in particular the UN Declaration on Human Rights Defenders.
- Listen and effectively respond to human rights defenders' reports and recommendations. As long as the human rights problems on which human rights defenders are working persist, attacks against them are likely to continue. An effective way to prevent further attacks against human rights defenders is to respond to their human rights demands with specific measures.
- Acknowledge and create space for alternative ways of defending human rights, such as peaceful protests and public actions. These are legitimate and important ways of defending human rights that are protected by international human rights law. They are particularly important for those who have traditionally been neglected or for those who have little or no access to channels for communicating meaningfully with those making decisions that have an impact on their human rights.
- Strengthen and expand mechanisms for the participation in decision-making of human rights defenders and the communities with which they work. This is particularly important when Indigenous Peoples and *campesino* and Afro-descendent communities are impacted by decisions that affect their human rights. Those voicing their human rights concerns and taking action in favour of their human rights – including meaningful participation, consultation and free, prior and informed consent – should be acknowledged as legitimate actors, interlocutors and human rights defenders.
- Fully investigate attacks against human rights defenders and bring those responsible to justice. The investigation of these attacks should consider the “human rights defender” angle; that is the possibility that they are a reprisal for the defender’s human rights work. Rather than investigating the defender’s life or their organizations, investigations should focus on what may have triggered the attack against them and who may be acting against them. Considering the possibility of attacks being in reprisal for the work of human rights defenders should be a common consistent practice integrated into the justice systems across the region. Additionally and, as has been requested several times by human rights defenders in different cases, when they have suffered more than one attack, such incidents should be analysed together and, if possible, within the same investigative process. This may help to find common elements of attacks and, therefore, potentially increase the likelihood of



bringing to justice the material and intellectual perpetrators of attacks. In countries such as Brazil, Colombia, Guatemala and Mexico, where impunity for attacks against human rights defenders is the norm, mandatory protocols of investigation for cases of attacks against human rights defenders should be adopted and implemented. This should make clear to any authority involved in the investigations of such cases that they have to explicitly explore and investigate the possibility of such attacks being in reprisal for the human rights work of human rights defenders and the possible common elements among the different attacks suffered by the same human rights defender or organization in the past.

- Take all necessary measures to prevent and stop criminal or other accusations against human rights defenders that are brought as a result of their human rights work. Investigations in these cases must explore explicitly the possibility that the justice system is being manipulated or misused to repress the work of human rights defenders. The authorities should establish specific safeguards to avoid the justice system being misused to hinder or punish the legitimate work of human rights defenders.
- Take all necessary measures to protect human rights defenders at imminent risk of attack effectively. States have a responsibility to provide and fully implement such measures, even when human rights defenders work in complex situations or remote areas. The implementation of protection measures should not depend on the request of international or regional human rights institutions or on the defenders' ability to afford them.
- Ensure that a gender perspective is integrated into any mechanism of protection or investigation for attacks against human rights defenders.

**Amnesty International urges the international community and international and regional human rights institutions to:**

- Continue to play a key role in promoting the recognition and protection of human rights defenders, for example by maintaining appropriate contact with human rights defenders; raising their cases with the relevant state authorities, calling on them to comply with their international human rights obligations; and providing visible recognition and support to human rights defenders.

**Amnesty International urges relevant non-state actors, in particular private companies and business enterprises planning or developing projects, to:**

- Ensure that their activities do not infringe upon the human rights of others, including those of human rights defenders. To this end, they must design and implement adequate human rights due diligence processes to identify any risks that their activities or those of any business partner might pose to the rights of inhabitants in their areas of operations and human rights defenders and put in place measures to mitigate those risks and prevent abuses of human rights. Companies must make sure that those defending the human rights of individuals or communities affected or likely to be affected by their projects are recognized as legitimate actors and valid interlocutors.

## ENDNOTES

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<sup>1</sup> See for instance, Amnesty International's Public Statement *Brazil: Authorities must act to stop killings across the Amazon* (AI Index: AMR 19/008/2011) and the Urgent Action on the situation on Nilcilene Miguel de Lima, issued on 24 April 2012 (AI Index: AMR 19/007/2012/).

<sup>2</sup> Inter-American Commission of Human Rights. Second Report on the Situation of Human Rights Defenders in the Americas, 2011, OEA/Ser.L/V/II. Doc.66, paragraphs 29 and 49. Available at: <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf> (last visited on 14 September 2012).

<sup>3</sup> Article 2, UN Declaration on Human Rights Defenders.

<sup>4</sup> See Article 2, UN Declaration on Human Rights Defenders and OEA/Ser.L/V/II. Doc.66, para. 24.

<sup>5</sup> OEA/Ser.L/V/II. Doc.66, para.16.

<sup>6</sup> Every year the governments of the Americas recognize the importance of individuals, groups and NGOs that promote human rights at the OAS General Assembly by passing a resolution requesting that states pay urgent attention to ensuring that human rights defenders can carry out their work promoting and protecting human rights.

<sup>7</sup> Inter-American Commission of Human Rights. Report on the Situation of Human Rights Defenders in the Americas 2006, OEA/Ser.L/V/II.124. Doc. 5 rev.1. Available at: <http://www.cidh.org/countryrep/Defenders/defenderstoc.htm> (last visited on 14 September 2012).

Inter-American Commission of Human Rights. Second Report on the Situation of Human Rights Defenders in the Americas, 2011, OEA/Ser.L/V/II. Doc.66.

<sup>8</sup> UN Factsheet No. 29. Available at: <http://www.ohchr.org/Documents/Publications/FactSheet29en.pdf> (last visited on 14 September 2012), p. 20.

<sup>9</sup> UN Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, July 2011, pp.71-82. Available at: <http://www.ohchr.org/Documents/Issues/Defenders/CommentarytoDeclarationondefendersJuly2011.pdf> (last visited on 14 September 2012).

<sup>10</sup> See Article 2, UN Declaration on Human Rights Defenders; Article 2, Universal Declaration on Human Rights; Article 2, ICCPR; and Article 1, American Convention on Human Rights.

<sup>11</sup> See Articles 2, 9 and 12 of the UN Declaration on Human Rights Defenders.

<sup>12</sup> Article 10, UN Declaration on Human Rights Defenders.

<sup>13</sup> UN Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, July 2011, p.12.

<sup>14</sup> See the Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect,

Respect and Remedy' Framework, developed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises. Available at: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (last visited on 24 September 2012).

<sup>15</sup> Human Rights Council, Mandate of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, Resolution 8/7, 18 June 2008. Preambular paragraph five of the resolution expressly states that "*transnational corporations and other business enterprises have a responsibility to respect human rights*".

<sup>16</sup> Protect, Respect and Remedy: a Framework for Business and Human Rights. Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, A/HRC/8/5, 7 April 2008.

<sup>17</sup> Human Rights Council, Human Rights and Transnational Corporations and other Business Enterprises, Resolution 17/4, A/HRC/RES/17/4, 6 July 2011.

<sup>18</sup> Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework. Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, A/HRC/17/31, 21 March 2011.

<sup>19</sup> Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Commentary to Guiding Principle 12.

<sup>20</sup> See also the Second Report on the Situation of Human Rights Defenders of the Inter-American Commission of Human Rights, OEA/Ser.L/V/II. Doc.66.

<sup>21</sup> Centre for Reproductive Rights, Remembering Dr. George Tiller. Available at: <http://reproductiverights.org/en/feature/remembering-dr-george-tiller>

<sup>22</sup> UN Fact Sheet 29, pp.7-8.

<sup>23</sup> UN Factsheet No. 29, p.9.

<sup>24</sup> Expression used by a local Mexican authority in a meeting with Amnesty International delegates in 2009.

<sup>25</sup> Violent policing has been a feature of Brazil's urban landscape for decades. In Rio de Janeiro police killings have been running at the rate of over 1,000 a year. A study by the Instituto de Segurança Pública (Public Security Institute) attached to Rio de Janeiro's state Secretariat of Public Security, found that between January 1998 and September 2009, 10,216 people were killed in the state in incidents registered as "acts of resistance". Only a tiny proportion of these cases have been investigated and a handful of police prosecuted. Relatives of victims who try to fight for justice are frequently threatened and intimidated.

<sup>26</sup> OEA/Ser.L/V/II. Doc.66, para. 41.

<sup>27</sup> Abductions and enforced disappearances violate the rights to life and personal integrity protected

under international law. According to Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance: “enforced disappearance is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

<sup>28</sup> UN Special Rapporteur on the Situation of Human Rights Defenders. A/HRC/13/22/Add.3, paras 14-15, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.22.Add.3.En.pdf> (last visited on 3 August 2012).

<sup>29</sup> Now committee for the Integral Defence of Human Rights GOBIXHA A.C. (COMITÉ DE DEFENSA INTEGRAL DE DERECHOS HUMANOS GOBIXHA A.C.)

<sup>30</sup> See Article 2 of the UN Declaration on Human Rights Defenders and OEA/Ser.LV/II. Doc.66, para. 24.

<sup>31</sup> UN Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, July 2011, p. 6.

<sup>32</sup> See for example the following reports of the Inter-American Commission of Human Rights, both issued in 2011: “Access to Justice for Women Victims of Sexual Violence: Education and Health” (OEA/Ser.LV/II. Doc. 65) and “Access to Justice for Women Victims of Sexual Violence in Mesoamerica” (OEA/Ser.LV/II. Doc. 63). Both available at: <http://www.oas.org/en/iachr/reports/thematic.asp> (last visited on 18 October 2012).

<sup>33</sup> Colombia’s Constitutional Court, Judicial Decision 092, 2008.

<sup>34</sup> El Espectador, “Decidí luchar con más rabia”, by: Cecilia Orozco Tascón, 11 February 2012. Available at: <http://www.elespectador.com/impreso/cuadernilloa/entrevista-de-cecilia-orozco/articulo-326055-decidi-luchar-mas-rabia> (last visited on 18 October 2012).

<sup>35</sup> See a complete compilation of UN human rights standards on women and girls in the following website: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalStandards.aspx> (last visited on 24 September 2012).

<sup>36</sup> For more examples see the following reports published by Amnesty International: *Mexico: Standing Up for Justice and Dignity, Human Rights Defenders in Mexico* (AI Index: AMR 41/032/2009); and, *Ecuador: ‘So that no one can demand anything’: Criminalizing the right to protest in Ecuador?* (AI Index: AMR 28/002/2012).

<sup>37</sup> “Acts of repudiation” are demonstrations led by government supporters with the alleged participation of state security officials aimed at harassing and intimidating government critics.

<sup>38</sup> A solidarity group called the Ladies in Support (Damas de Apoyo) subsequently emerged to support and participate in activities organized by the Ladies in White. In early 2012 the two groups merged and all members are now considered to be Ladies in White.

<sup>39</sup> See Articles 5 and 8 of the UN Declaration on Human Rights Defenders.

<sup>40</sup> UN Commentary to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, July 2011, pp.70-73.

<sup>41</sup> Article 8, para, 2 UN Declaration on Human Rights Defenders.

<sup>42</sup> A detailed explanation of their case can be found in *Mexico: Documentation of the case of José Ramón Aniceto Gómez and Pascual Agustín Cruz – Prisoners of conscience* (AI Index: AMR 41/035/2012)

<sup>43</sup> *Cacique* refers to local political bosses, often without official title, who usually wield power through armed civilian groups.

<sup>44</sup> See the UN Declaration on Human Rights Defenders, Article 17 of the International Covenant on Civil and Political Rights and Article 11 of the American Convention on Human Rights.

<sup>45</sup> A/HRC/19/55, para. 123.

<sup>46</sup> United Nations Economic Commission for Latin America and the Caribbean (ECLAC), "Time for equality: Closing gaps, opening trails", June 2010. Available at: [http://www.eclac.cl/publicaciones/xml/1/39711/100604\\_2010-115-SES-33-3-Time\\_for\\_equality\\_doc\\_completo.pdf](http://www.eclac.cl/publicaciones/xml/1/39711/100604_2010-115-SES-33-3-Time_for_equality_doc_completo.pdf) (last visited on 15 August 2012).

<sup>47</sup> World Bank, *Indigenous peoples, poverty and human development in Latin America: 1994-2004*, available at: <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/LACEXT/0,,contentMDK:20505834~pagePK:146736~piPK:146830~theSitePK:258554,00.html>

<sup>48</sup> Inter-American Commission on Human Rights, *The Situation of People of African Descent in the Americas*, OEA/Ser.L/V/II. Doc. 62, paras. 17 and 42. Available at [http://www.oas.org/en/iachr/afro-descendants/docs/pdf/AFROS\\_2011\\_ENG.pdf](http://www.oas.org/en/iachr/afro-descendants/docs/pdf/AFROS_2011_ENG.pdf) (last visited on 20 July 2012).

<sup>49</sup> For more information on the concepts of land, territory and natural resources see for example paragraphs 39-41 of the 2009 Inter-American Commission on Human Rights report on Indigenous and Tribal Peoples' Rights over their Ancestral Land and Natural Resources (OEA/Ser.L/V/II. Doc. 56/09). Available at: <http://www.oas.org/en/iachr/indigenous/docs/pdf/AncestralLands.pdf> (last visited on 13 August 2012).

<sup>50</sup> See General Comment n°7 on forced evictions of the Committee on Economic, Social and Cultural Rights, and the Basic Principles and Guidelines on Development Based Evictions and Displacement, contained in Annex I of the 2007 report of the UN Special Rapporteur on Adequate Housing, A/HRC/4/18.

<sup>51</sup> See *Colombia: the Victim and Land Restitution Law an Amnesty International Analysis* (AI Index: AMR 23/018/2012)

<sup>52</sup> Article 63 of the Constitution of Colombia enshrines the collective right of ethnic groups over their lands.

<sup>53</sup> It was against this background that the Land and Victims Restitution Law (Law 1448) was approved in 2011. This acknowledges the existence of an armed conflict in the country, and the rights of its victims.

It provides for reparations for many survivors of human rights abuses, including those perpetrated by state agents. However, many other victims of the conflict will be excluded from making claims for reparation, while significant areas of stolen land might still not be returned to their rightful owners. For more information, see *Colombia: The Victims and Land Restitution Law. An analysis of Amnesty International* (AI Index: AMR 23/018/2012).

<sup>54</sup> Those named in the threat are: Iván Cepeda, Diego Martínez, Jeison Pava, Juan David Díaz Chamorro, Franklin Castañeda, José Humberto Torres, Pedro Geney, Gloria Cuartas, Piedad Córdoba, Soraya Gutiérrez, Ayda Quilcué, Yessika Hoyos and Lilia Solano.

<sup>55</sup> See the *Mayagna (Sumo) Indigenous Community of Awas Tingni v. Nicaragua*, Judgment of Aug. 31, 2001, Inter-Am. Ct. H.R. (Ser. C) No. 79. Paragraph 149.

The Inter-American Commission on Human Rights has stated that “[t]he territorial rights of indigenous and tribal peoples and their members extend over the Earth’s surface, and over the natural resources that are located on the surface and in the subsoil... Holistically, the lands and the natural resources they contain comprise the legal notion of ‘territory’... which covers the total environment of the areas which the peoples concerned occupy or otherwise use”, *Indigenous and Tribal Peoples’ Rights Over Their Ancestral Land and Natural Resources*. OEA/Ser.L/V/II.Doc. 56/09, paras 39-40.

<sup>56</sup> *Case of Moiwana Village v. Suriname*, Judgment of June 15, 2005, Inter-Am. Ct. H.R. (Ser. C) No. 124

<sup>57</sup> See paras 77-80 of the Inter-American Commission on Human Rights report, *The Situation of People of African Descent in the Americas* (OEA/Ser.L/V/II. Doc. 62).

<sup>58</sup> *Quilombos* are Afro-Brazilian settlements that were first established at the end of the 16th century in remote rural areas in Brazil by escaped and freed slaves. The 1988 Brazilian Constitution (Articles 215 and 216) acknowledges the right of descendent communities to the lands historically occupied by *quilombos*. Article 68 of the Transitory Dispositions states that “Final ownership shall be recognized for the remaining members of the *quilombo* communities who are occupying their lands and the state shall grant them the respective land titles”. There are over 3000 *quilombo* communities in Brazil. Hundreds of administrative procedures have been initiated before the National Institute of Colonization and Agrarian Reform (INCRA), but less than 10 per cent of the communities have as yet received their land titles. The Salgado community, with over 42 families, has been fighting for their land rights since 1982.

<sup>59</sup> The right of Indigenous Peoples to consultation and free, prior and informed consent is contained in the UN Declaration on the Rights of Indigenous Peoples. The Declaration is the result of more than 20 years of negotiation between states and Indigenous Peoples. All states of the Americas have endorsed the Declaration. The right to consultation and consent is also set out in the International Labour Organization’s Convention on Indigenous and Tribal Peoples, No. 169, which has been ratified by most states in the Americas.

<sup>60</sup> See *Saramaka People v. Suriname*, Judgment of Nov. 28, 2007, Inter-American Court of Human Rights (Ser. C) and paragraphs 77-80 of report of the Inter-American Commission of Human Rights entitled *The Situation of People of African Descent in the Americas* (OEA/Ser.L/V/II. Doc. 62).

<sup>61</sup> In December 2011, Amnesty International issued an Urgent Action on behalf of the communities in the Santa Rosa department, southern Guatemala, threatened by a mining project. Local communities have not been consulted about the plans. (AI Index: AMR 34/016/2011). In February 2011, protesters against the Marlin Mine in north-western Guatemala were attacked. One protester, Aniceto López, was

taken to the office of the local mayor, where he has said he was beaten and threatened with death for speaking out against the mine, (AI Index: AMR 34/002/2011). In July 2010, Deodora Hernández, a grassroots activist who had been protesting against the allegedly negative effects of mining in San Marcos department in north-western Guatemala, was shot at close range in her own home by two unidentified men. She had spoken out to defend her community's right to water amidst fears that mining operations have affected the local water supply, (AI Index: AMR 34/008/2010).

<sup>62</sup> See Amnesty International's report *Peru: Bagua, six months on: "Just because we think and speak differently, they are doing this injustice to us"*, AI Index: AMR 46/017/2009.

<sup>63</sup> The authorities declared a state of emergency in Cajamarca on 4 July 2012, in response to clashes between demonstrators and police officers during protests against the Conga mining project. Protesters demanded their right to be consulted and raised concerns about the impact of the project on their right to water. During the clashes, four people were killed and more than 20 were injured – including both civilians and members of the security forces – and scores of people were arrested.

<sup>64</sup> For an analysis of the criminalization of protest in Ecuador see Amnesty International's report, *'So that no one can demand anything': Criminalizing the right to protest in Ecuador?* (AI Index: AMR 28/002/2012).

<sup>65</sup> For more information see for example: ECLAC Ad Hoc Committee on Population and Development, available at: <http://www.cepal.org/cgi-bin/getprod.asp?xml=/celade/noticias/paginas/2/46852/P46852.xml&xsl=/celade/tpl/p18fst.xml&base=/celade/tpl-i/top-bottom.xsl> (last visited on 26 October 2012).

<sup>66</sup> See also, for example, *Guatemala: No protection, no Justice: killings of women* (AI Index: AMR 34/017/2005) and the update to the report (AI Index: AMR 34/019/2006).

<sup>67</sup> See for instance Amnesty International's *Briefing to the UN Committee on the Elimination of All Forms of Discrimination against Women* (AI Index: AMR 41/041/2012).

<sup>68</sup> Inter-American Commission on Human Rights, *Access to Justice for Women Victims of Sexual Violence in Mesoamerica*. (OEA/Ser.LN/II. Doc. 63), para. 6.

<sup>69</sup> For more information on the situation of girls and women in the context of the Colombian armed conflict see *Colombia: Hidden from justice – impunity for conflict-related sexual violence, a follow-up report* (AI Index: AMR 23/031/2012).

<sup>70</sup> Article 76 of the Offences against the Person Act punishes the "abominable crime of buggery" with up to 10 years' imprisonment with hard labour. Article 79 of the Act punishes, among other things, men who commit any act of gross indecency with another male in public or private by a term of imprisonment of up to two years' imprisonment with hard labour. Amnesty International considers that such laws violate the prohibition against discrimination, the right to privacy and the right to equal protection of the law enshrined in the ICCPR (Articles 2(1), 17 and 26), to which Jamaica is a party.

<sup>71</sup> Interview to Maurice Tomlinson in Amnesty Magazine, issue 173, June/July 2012, pages 12-13.

<sup>72</sup> In April 2010, Amnesty expressed its concern on the situation of LGBT people in Honduras in its Submission to the UN Universal Periodic Review – Ninth Session of the UPR Working Group of the

Human Rights Council (AI Index: AMR 37/005/2010).

<sup>73</sup> See Amnesty International's reports: *Invisible Victims: Migrants on the Move in Mexico* (AI Index: AMR 41/014/2010) and *In Hostile Terrain: Human Rights Violations In Immigration Enforcement in the US South West* (AI Index: AMR 51/018/2012).

<sup>74</sup> For more information on this issues see Amnesty International's reports *In Hostile Terrain: Human Rights Violations In Immigration Enforcement in the US South West* (AI Index: AMR 51/018/2012).

<sup>75</sup> See Amnesty International's report *Mexico: Known abusers, but victims ignored: Torture and ill-treatment in Mexico*, (AI Index: AMR 41/063/2012) and Amnesty International's report, *Mexico: New reports of human rights violations by the military*, (AI Index: AMR 41/058/2009).

<sup>76</sup> Name of COFADEH member on file with Amnesty International.

<sup>77</sup> At the time of publication of this report the Cuban authorities had just approved changes to immigration laws which are due to become effective from January 2013, which, inter alia, would remove the need for an exit visa for Cubans wishing to travel abroad. However, as all existing passports will need to be renewed as part of these legislative reforms, government critics are concerned that their passport renewal requests may be arbitrarily denied and they will continue to be unable to leave the country.

<sup>78</sup> OEA/Ser.LV/II.124. Doc. 5 rev.1, para. 30.

<sup>79</sup> A/RES/53/144. Article 2.

<sup>80</sup> See Amnesty International's Public Letter to the Honduran Government of: No More Killings, Attacks or Threats against Journalist and Human Rights Defenders, (AI Index: TG AMR 37/2012.001).

<sup>81</sup> OEA/Ser.LV/II.124. Doc. 5 rev.1, para. 131.

<sup>82</sup> OEA/Ser.LV/II.124. Doc. 5 rev.1, para. 47.

<sup>83</sup> This is in line with the obligation on states to provide an effective remedy when there has been a violation of human rights as enshrined in Article 2 of the ICCPR and Article 25 of the American Convention on Human Rights.





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## **TRANSFORMING PAIN INTO HOPE**

### **HUMAN RIGHTS DEFENDERS IN THE AMERICAS**

Human rights defenders in the Americas have made fundamental contributions to the advancement of human rights. However, as the clamour for human rights has grown in strength throughout the region, those at the forefront of these demands continue to be met with threats and violence. In the past few years, Amnesty International has documented hundreds of attacks on human rights defenders in the Americas. Those responsible are rarely brought to justice.

States have a responsibility to create the conditions necessary to ensure human rights defenders can carry out their legitimate work without fear, to ensure effective protection for defenders, and to bring those who abuse their rights to justice. However, in most cases governments throughout the region are failing to fulfil this obligation.

As this report shows, between January 2010 and September 2012, human rights defenders were intimidated, harassed, attacked and killed. They were vilified in the press and subjected to unfounded charges, unfair trials and miscarriages of justice. Certain groups of human rights defenders emerge as being at particular risk – those working on: human rights related to land, territory and natural resources; the rights of women and girls, and lesbian, gay, bisexual transgender and intersex people; migrants' rights; and an end to impunity for human rights violations; and journalists, bloggers and trade unionists who defend human rights.

Despite persistent attacks, human rights defenders continue their work with determination and courage, transforming pain into hope across the Americas. Amnesty International urges governments throughout the region to fulfil their obligation to protect human rights defenders and to respect, protect and fulfil human rights for all.

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