

June 24, 2016

Environmental human rights defenders (EHRDs) are facing heightened risk and challenges to their efforts to increase public access to environmental information and participation in environmental decisions. Without public access to information and participation, society is both unaware of environmental threats and unable to participate in policies that involve these threats. At the same time, dissemination of information empowers individuals and communities to address environmental threats and challenge governmental and corporate decisions and vested interests that undermine the enjoyment of the right to a healthy environment.

States and corporations have utilized various tactics that restrict the activism of EHRDs and violate their fundamental rights. EHRDs who speak out about potential environmental threats face severe risks that range from surveillance and defamation campaigns, judicial harassment, and physical attacks such as acts of torture and even assassinations. These various forms of human rights violations committed against EHRDs cause public information and participation in environmental issues to be severely restricted, which then results in the increase of environmental conflicts.

Given the increased risks EHRDs currently face in their environmental activism, the UN Special Rapporteur on the Situation of Human Rights Defenders, Michel Frost, has called for inputs on the situation of EHRDs around the world, in preparation of a report to the UN General Assembly that will be presented in October 2016. The Center for International Environmental Law (CIEL) and Article 19 are pleased to submit the following responses to the questionnaire sent out by the UN Special Rapporteur. Also, the reports and materials in the appendixes provide additional evidence of violations suffered by EHRDs.

1. Please provide a specific example(s) of threats or challenges facing environmental human rights defenders (EHRDs) as a result of their work? Are there any groups of EHRDs that are particularly at risk from these threats?

CIEL and ARTICLE 19 have documented numerous examples of violations of the rights of EHRDs in Latin America in the *A Deadly Shade of Green* report cited above and attached to this submission as well as in the Appendix on the situation in Brazil. The threats and attacks are across a large range of human rights, with the threats to life and health the most serious, as well as freedom of association and assembly, freedom of expression and information, and the right to privacy. Some examples of threats and attacks follow.

In June 2016, an indigenous lands rights activist, Clodiodi Aquileu Rodrigues de Souza, was killed in Brazil. Six other indigenous citizens from the Guarani-Kaiowá indigenous community were also injured in an attack perpetrated by farmers and gunmen from a private company. As of now, five of those injured are still being treated at the hospital for serious injuries. This attack attracted the attention of the international

community, including a note condemning the attack from the UN Special Rapporteur on the Rights of Indigenous People Victoria Tauli-Corpuz. However, farmers continue to threaten the indigenous community members. Human rights organizations have also already warned Brazilian authorities about the risks of an attack targeting this specific indigenous community, but the State has not made any efforts to prevent such an attack.

In Mexico, the Coordination of the United People of the Valley of Ocotlán have been advocating against the exploitation of indigenous land by mining company Minera Cuzcatlán, subsidiary of Fortuna Silver Mines. Minera Cuzcatlán did not consult with or inform the indigenous community of San José del Progreso about the mining project or its possible negative environmental effects, resulting in violent conflicts between the Coordination and Minera Cuzcatlán. Members of the Coordination have been targeted by private security forces who are thought to be hired by Minera Cuzcatlán. In 2012, two members were assassinated, while other members continue to be harassed, defamed, or threatened by the mining company.

These attacks are sadly not surprising, given that indigenous environmental human rights defenders have been especially vulnerable to human rights violations in the Americas. Indigenous activists are often targeted because resource extraction projects tend to be located on indigenous land, which governments often do not formally recognize. Local governments and corporations too often prioritize potential economic profits brought by resource extraction projects over respect for the rights of indigenous communities that live in mineral-rich lands. Then, when communities organize to defend their rights both State and non-State actors target indigenous EHRDs to quash or silence the dissent.

In addition to indigenous EHRDs, women EHRDs are also especially vulnerable to human rights violations. For example, Adelinda Gómez Gaviria, a human rights defender and peasant leader who advocated against mining projects that threatened the rights and livelihoods of indigenous and rural farming communities in Colombia, was killed on September 30, 2013. Prior to her death, Ms. Gómez Gaviria was a leader of the Mining and Environmental Forum in Almaguer, which had 1,500 indigenous and farmer members in 2013.

These case studies are only a few examples of attacks targeting women and indigenous EHRDs. There is a pattern of attacks and threats to women and indigenous EHRDs in the Americas. As such, it is important to evaluate potential measures and reforms that can be established to protect not only EHRDs, but also these groups in particular.

2. Please identify root causes that underlie these threat(s) and challenge(s)?

The root causes of these threats and challenges lie in EHRDs advocating for their right to a healthy environment and their access rights to information, public participation, and justice in the face of imposed resource exploitation and large-scale development projects and their potential negative environmental, economic, and social effects. Governments and corporations have a vested interest in these kinds of projects because of

their potential for profit. The spike in economic growth promised by resource exploitation and large-scale infrastructure projects, which are often backed by international investors and funding institutions, leads to prioritizing the continuation of these projects over community interests, especially for indigenous communities.

Too often, a community's consent and participation are not considered when such projects are approved and carried out. However, this purposeful silencing of voices to ensure that a project will continue "unopposed" leads to more conflict in the long run, as the directly impacted community mobilizes to defend their rights and their own interests. If communities are meaningfully consulted and participate in the decisions that will affect them, conflicts can be avoided and de-escalated.

Thus, a legally binding regional agreement on environmental democracy in Latin America and the Caribbean that guarantees access rights (the right to information, participation and remedy) in sustainable development decisions has the potential to protect EHRDs. Said legally binding agreement can actualize this potential by holding both State and non-State actors accountable for their actions related to projects that do harm, and by including specific provisions to protect the rights of EHRDs.

3. Please specify actors, State or non-State, which play a role in the violations committed against EHRDs? In what way are they involved?

EHRDs oppose powerful State and non-State actors who view EHRDs as an obstacle to profits and so-called "economic development." To eradicate opposition, States have utilized excessive force to dispel protesters, created abusive legal charges, arbitrarily arrested leaders to persecute and intimidate EHRDs into silence, and at times utilized violent tactics such as sending the police or military to attack or threaten EHRDs. Anti-terrorism legislation has also been used to unfairly arrest and imprison EHRDs and has been used to silence EHRDs' opposition to resource extraction or large-scale infrastructure projects. States have also created legislation that makes it difficult or expensive to create or register an organization, which violates EHRDs' right to freedom of association.

In this way, States directly perpetrate human rights violations against EHRDs. However, the State can also be complicit in the violations conducted by corporations by refusing to provide protection for EHRDs that have already been threatened or attacked, by prosecuting activists at the request of specific companies, or by failing to hold corporate actors accountable for attacks and violations.

Corporations have also committed human rights violations against EHRDs, including hiring private security forces to murder, torture, or injure EHRDs. For example, companies have sent private security forces to violently dispel peaceful protests against projects in which they have invested. Mining companies have also conducted operations on indigenous lands without obtaining their free, prior, and informed consent, which is required under international law. Both the private sector and the State have also spied on EHRDs to intimidate them and control their activities.

It is important to note that the State and corporations have often worked together to silence EHRDs, and that impunity for these human rights violations committed against EHRDs have enabled them to continue, and in fact, escalate the repression even further. EHRDs should not have to suffer violations to their fundamental human rights because they oppose projects in which both State and corporate actors have vested interests. The political and economic power wielded by both the State and private corporations must operate within the rule of law, which requires respecting those individuals who defend the right to a healthy environment.

4. Please provide specific examples of a practice or measure that you employ and consider to be effective in addressing challenges in this area. Why is it effective?

Lack of information and participation in environmental decisions that fundamentally affect the interests and livelihoods of communities are among the root causes of human rights violations committed against EHRDs. Thus, effective laws on access to information and participation are key tools.

Principle 10 of the Rio Declaration on Environment and Development protects the rights of access to information, access to public participation, and access to justice for environmental human rights defenders in Latin America and the Caribbean. These “access rights” ensure that EHRDs and the communities that they represent will be effectively engaged in the decision-making process for resource extraction and development projects that may harm the environment and human rights of community members. When communities are engaged in environmental decisions from the start, conflicts between them and the State and corporate actors who support the projects can be avoided or channeled through institutional means.

However, Principle 10 in the Rio Declaration is not a binding agreement in Latin America and the Caribbean, unlike in Europe, where the Aarhus Convention has been widely signed and ratified. CIEL and Article 19 have been working in support of a robust and legally binding agreement on Principle 10 in Latin America and Caribbean. A robust and legally binding regional instrument on Principle 10 would be an effective tool to prevent conflicts and to ensure that both the State and corporations are held accountable for their actions targeting EHRDs. This instrument would establish effective safeguards to ensure that community interests and priorities are represented and considered in environmental decisions. Therefore, the LAC P10 regional agreement is a critical tool for EHRDs who advocate for their right to a healthy environment.

As of now, the following countries are participating in the negotiation process: Antigua and Bermuda, Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama, Paraguay, Peru, Saint Vincent and the Grenadines, Trinidad and Tobago, and Uruguay have all signed the Declaration. Nicaragua and Saint Lucia have attended meetings of the process as observers, though they have yet to formally become a part of the Negotiating Committee. In addition, the negotiating States have anticipated December 2016 as their deadline for concluding the regional instrument on Principle 10.

5. Please specify actors, State or non-State, which play a role in making that measure effective, and in what way?

The legal safeguards in the LAC Principle 10 regional agreement are meant to ensure the meaningful participation of EHRDs and the communities they represent in decisions that will impact their environment and livelihoods. However, a legally binding regional instrument must be enforceable in order to guarantee the active engagement of EHRDs in environmental decision-making. The effective enforcement of the LAC P10 Agreement depends on Parties actually creating policies and enforcing laws that actively engage the participation of EHRDs in environmental decisions.

It is important to note that Latin American and Caribbean States continue to be complicit and oftentimes, directly responsible, for human rights violations committed against EHRDs. Because States commit human rights violations to eliminate opposition to their own economic and political interests, engaging all stakeholders in sustainable development decisions is key to preventing conflicts. Thus, the LAC P10 Agreement would oblige States to establish policies to regulate their own actions towards EHRDs.

However, the legal safeguards established by the LAC P10 Agreement are meant to reach the actions of not only the State, but also those of corporations. The State would have an obligation to secure access rights, which would mean that private corporations would be required to disclose information to the public about the potential environmental consequences of their business activities. Corporations could also be required to meaningfully engage affected communities in the decisions that impact their lives and livelihoods.

Thus the successful implementation of Principle 10 will be effective if both State and corporate can be held accountable for human rights violations against EHRDs.

6. Under what conditions do you think this practice might be successful elsewhere? Are there any other measure(s) that have not been tried but you think could be effective?

Systematic human rights violations targeting EHRDs exist across Latin America and the Caribbean. The LAC P10 Agreement would be applicable to all signatory countries within Latin America and the Caribbean. The LAC P10 Agreement thus would ensure active engagement of community interests in environmental decisions and would create both an external and internal pressure for both State and corporate actors to open up the decision-making process behind resource extraction and large-scale development projects. By ensuring community participation in environmental decisions, conflicts around extractive projects would be prevented or channeled through institutional means, thereby benefitting EHRDs' safety and wellbeing.

7. Please provide your details (this will be kept confidential), so we know who is submitting this input and if you don't mind us getting back with any questions.

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David Banisar, Senior Legal Counsel, ARTICLE 19. ARTICLE 19 was founded in 1987 as an organisation to defend the right to freedom of expression. ARTICLE 19 envisages a world where people are free to speak their opinions, to participate in decision-making and to make informed choices about their lives. It takes its name from Article 19 of the Universal Declaration of Human Rights (UDHR), which upholds the universal right to freedom of expression and opinion. With offices in Bangladesh, Brazil, Kenya, Mexico, Myanmar, Tunisia, Senegal and the UK, and in collaboration with 90 partners worldwide, ARTICLE 19 carries out campaigns and advocacy on freedom of expression and information.

Appendices

- I. A Deadly Shade of Green:** Attached
 - II. A Dangerous Shade of Green:** Online
https://www.article19.org/data/files/medialibrary/37608/Dangerous_green_report_v4.pdf
 - III. Situation of Environmental Activists in Cambodia:** In-text below
 - IV. Violence against environmentalists in Brazil:** In-text Below
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III. Situation of Environmental Activists in Cambodia

Executive Summary

ARTICLE 19 has been monitoring the situation of human rights defenders in Cambodia since 2012. Last year, 2015, we started the implementation of a 3-year project focused on improving the security conditions of environmental HRDs in 4 specific provinces:

Ratanakiri, Steung Treng, Koh Kong, Mondulhiri. According to our experience, Human Rights Defenders (HRDs), particularly those working on environmental issues face numerous threats; including legal and physical. The pattern of harassment against HRDs in Cambodia has a gender, as well as a geographic element, that increases the level of risk. Impunity continues to be a main factor of risk for the full exercise of the right to defend human rights, to peaceful assembly and to express freely, securely and in condition of equality.

Our Involvement in Cambodia

ARTICLE 19 has been monitoring the situation of human rights defenders in Cambodia since 2012. Last year, 2015, we started the implementation of a 3-year project focused on improving the security conditions of environmental HRDs in 4 specific provinces:

Ratanakiri, Steung Treng, Koh Kong, Mondulhiri. So far, we have covered Ratanakiri as a pilot region for the project. As such, we have encountered in firsthand the restrictive legal framework put in place by the Royal Cambodian Government (RCG). The Law on Associations and Non-Governmental Organisations (LANGO) contains “broad and vague provisions that could be used to arbitrarily deny registration or close NGOs or associations, and it requires all associations and NGOs to register before they are permitted to conduct any activities in Cambodia. Furthermore, the registration process lacks safeguards and transparency. The current legal framework is open to discretion and

its implementation saddled by a weak understanding of the concept of civil society. There is no effective judiciary or effective rule of law in Cambodia. The RGC has recently taken the unprecedented step of including civil society leaders within the scope of the newly enacted Anti-Corruption Law, by requiring them to disclose their assets”.¹ As such, we have taken special steps to ensure the necessary security conditions in order to facilitate the security conditions of our 2 staff members currently based in the city capital Phnom Penh.

Impunity and its chilling effect among environmental human rights defenders (EHRDs)

In 2013, ARTICLE 19 launched “*DEFENDING THE DEFENDERS: Security for Cambodian Human Rights Defenders*”², based on the testimonies of 22 HRDs interviewed; we identified the particular vulnerability of grassroots and community leaders working on land disputes and environmental issues. Among the interviews was Chut Wutty, who was fatally shot in Koh Kong province by military police while photographing illegal logging on April 26 2012.³ Chut Wutty was escorting two journalists to an illegal logging site when his vehicle was stopped by military police, who ordered him to hand over the memory card from his camera. He refused to do so, and was subsequently shot and killed. A military policeman, In Rattana, was also killed by gunfire in the incident. The two journalists were detained, and during their detention they overheard military police discussing their executions in order to cover up the incident. Fortunately, both were later freed.

Official explanations of the incident were confused and at times contradictory. MoI spokesman Khieu Sopheak claimed that military police had told him that Chut Wutty had fired first, instigating the incident.⁴ Military police spokesman Kheng Tito claimed that Chut Wutty had been armed, but that it was impossible to say whether Chut Wutty had fired his weapon and, if so, who had fired first.⁵ Kheng Tito did, however, claim that In Rattana “was doing his duty” when he shot at Chut Wutty.⁶ Deputy provincial police chief Sin Sen claimed that In Rattana shot Chut Wutty and then killed

¹ The International Center for Non-Profit Law, NGO Law Monitor: Cambodia, <http://www.icnl.org/research/monitor/cambodia.html>

² DEFENDING THE DEFENDERS: Security for Cambodian Human Rights Defenders, 2013. <https://www.article19.org/data/files/medialibrary/37113/Cambodia-Defending-the-Defenders-2013-ENG.pdf>

³ May Titthara and David Boyle, ‘Environmental activist Chut Wutty shot dead’ The Phnom Penh Post (27 April 2012) http://www.phnompenhpost.com/search/node/2012042655803%20National%20environmental%20activist%20chut%20wutty%20shot%20dead?search_options=search_title

⁴ Saing Soenthrith and Abby Seiff, ‘Chut Wutty, Prominent Environmental Activist, Shot Dead in Koh Kong’ The Cambodia Daily (26 April 2012) <https://www.cambodiadaily.com/archives/chut-wutty-prominent-environmental-activist-shot-dead-in-koh-kong-1816/>

⁵ May Titthara and David Boyle, ‘Environmental activist Chut Wutty shot dead’ The Phnom Penh Post (27 April 2012) <http://www.phnompenhpost.com/2012042655803/National/environmental-activist-chut-wutty-shotdead.html>

⁶ ‘Cambodian police shoot dead leading anti-logging campaigner’ The Guardian (London 26 April 2012) <https://www.theguardian.com/world/2012/apr/26/cambodia-police-shoot-dead-antilogging-activist>

himself.⁷ An investigator from the Cambodian League for the Promotion and Defense of Human Rights (LICADHO) concluded that In Rattana had opened fire when Chut Wutty tried to drive away, killing the environmentalist, and that In Rattana had been struck and killed by ricocheting bullets fired from his own weapon.⁸

The investigation into the events of April 26 was deeply flawed. On 4 October 2012, in a trial lasting just 90 minutes, the Koh Kong provincial court failed to consider any concrete evidence, instead relying on contradictory and ambiguous statements from witnesses, many of whom were inexplicably not present to be cross-examined.⁹⁶ The court also failed to consider the role of the Timber Green Logging Co. in the incident, despite the earlier admission by Kheng Tito that police had accosted Chut Wutty at their request.⁹⁷ On 22 October 2012, the provincial court judge concluded that In Rattana had been killed by an accidental discharge of his own weapon during a struggle with Rann Boroath, a private security guard employed by Timber Green Logging Co. who tried to disarm In Rattana. The court decision assumed, despite the lack of evidence and the absence of any clear motive, that In Rattana had killed Chut Wutty before Rann Boroath had intervened. Rann Boroath was therefore found to be acting in self-defence, and sentenced to two years in prison. Three quarters of his sentence was suspended. With the presumed murderer dead, a separate investigation specifically focusing on the killing of Chut Wutty was abandoned.

Since then, ARTICLE 19 have documented the chilling effect among indigenous communities and human rights defenders working on environmental issues throughout Cambodia as result of the impunity surrounding the killing of Wutty. ARTICLE 19 have been working with environmental activists from Ratanakiri province aiming to improve their security and self-protection capacities through security trainings; where the tragic story of Chut Wutty is constantly mentioned by participants as a perceived potential threat while conducting their personal risk assessment. We have also encounter the same situation while meeting with human rights defenders based in city capital Phnom Penh.

Women's role in land's right activism

Starting in 2012, women land rights activists have come to the forefront in the people's battle against forced evictions throughout Cambodia. Cambodian women are now taking a stand against Royal Government of Cambodia (RGC) backed forced evictions and land grabs, and leading the struggle for justice on behalf of their communities, while at the same time putting themselves at tremendous risk.

Result of the collective decision to designed the women of the community brought unexpected outcomes that jeopardize the livelihood of more than 20 families. On 11 January 2012, police arrested 22 women protesters and six children who were

⁷ Olesia Plokhii, 'Murders in the Forest' Reuters (20 September 2012) <http://blogs.reuters.com/great-debate/2012/09/20/murders-in-the-forest/>

⁸ LICADHO, 'Conclusion of Two Cases Related to Chut Wutty Slaying Leaves More Questions Than Answers' (Press Release) (22 October 2012) <http://www.licadho-cambodia.org/pressrelease.php?perm=293>

demonstrating against forced eviction from the Borei Keila community.⁹ The protesters were detained in Prey Speu detention centre for several days before three women were released on 16 January, and one more on 17 January, when they agreed to accept relocation to another site. The rest escaped from the detention centre on 18 January by scaling the walls – the same day that Mu Sochua visited them, as mentioned earlier.¹⁰

This only one event that exemplifies the situation of vulnerability in which women are exercising their right to protest in order to defend the environment. In our experience the impact of unjust and arbitrary detentions of women environmental activists goes beyond the individual repercussion; as the very livelihood of entire families are been put in danger. In July of 2015, ARTICLE 19 conducted a fact-finding mission in Ratanakiri and met with community leaders from the region, among the gathered testimonies, the impact as result of unjust detention and/or arrest was constant reminder of the impact in the livelihood of the relatives of the direct victims. “This is the land where my great great parents lived, my great parents and my mom and dad lived. This all what I know and I will gladly die defending it.” stated a elder community leader and environmental activist working in Ratanakiri and Mondulkiri.

Peaceful assembly and the right to defend the environment

On June 25 of 2015, Authorities in Cambodia on Thursday briefly detained three activists who protested in front of parliament, and a local rights group official who monitored the demonstration, calling on the government to stop a Vietnamese sand dredging company from polluting the environment in Koh Kong province. Around 100 officers from the Chamkar Mon district in the capital Phnom Penh arrested the three activists from local environmental watchdog Mother Nature Cambodia after they picketed outside the National Assembly (parliament) building demanding authorities act against the firm International Rainbow. Alex Gonzalez-Davidson is the founder of Mother Nature who was deported from Cambodia in February after the authorities refused to renew his visa.¹¹

Mother Nature is becoming a referent among other groups due to their tactics for activists, as such, if they increase their own capacities, it could have a positive impact within the whole movement. There is a clear No-Fear attitude regarding the perception of risk. According to the information gathered by ARTICLE 19, there are 3 specific threats that could be initially identified: 1) Travel to the provinces 2) Interaction with authorities during demonstrations. 3) Unsecure means of communication. Nevertheless the testimonies and data gathered by ARTICLE 19 shows that the vulnerability of human rights defenders increases according to the distance to the city capital. On March 3, 2016 three activists from environmental NGO Mother Nature, who were also active in

⁹ 117 Phok Dorn, ‘Borei Keila Protesters Detained at Prey Speu’ The Cambodia Daily (11 January 2012) <https://www.cambodiadaily.com/archives/more-violence-as-borei-keila-boeng-kak-protests-continue-569/>

¹⁰ Forum Asia, ‘Cambodia: Borei Keila forced eviction and arbitrary detention of 22 women and six children’ (Letter) (23 January 2012) <http://www.forum-asia.org/?p=11990>

¹¹ Pech Sotheary, Gonzalez-Davidson's e-visa no good, Foreign Ministry says, (11 April 2016) <http://www.phnompenhpost.com/national/gonzalez-davidsons-e-visa-no-good-foreign-ministry-says>

protesting a project to develop the development project of Chinese group Sinohydro: Hydrodam, have been in detention since August 17 for their role in an on-going campaign to end alleged illegal sand dredging in Koh Kong. A few days before, forestry activist Vein Vorn – who had been an elected commune councillor prior to his arrest - was released from prison this afternoon after Koh Kong court sentenced him to one year's imprisonment, seven months of which will be suspended. He was convicted within hours of violating Article 98 of the Forestry Law.¹² On March of 2016, ARTICLE 19 met with the activist families, the economic hardship and distress was mentioned constantly throughout the interview, as well as the obstacles to provide food to the detainees. According to their testimonies they are currently only allowed to visit them monthly for 15 to 20 minutes.¹³

¹²Frontline Defenders, VEIN VORN, REPRESENTATIVE Areng Valley Community
<https://www.frontlinedefenders.org/es/node/1522>

¹³ Details and further information may be provided upon request.

IV. Violence against environmentalists in Brazil

Brazil is one of the countries with the highest number of deaths arising from land conflicts in the world and currently there is an alarming escalation of violence in this field, with several deaths in the first half of 2016 already.

According to Global Witness, from 908 deaths of EHRDs registered between 2002 and 2013 in the world, almost 50% of them happened in Brazil (448 deaths). In their recent report, regarding the year of 2015, Brazil appeared as the worst country for EHRDs, with 50 deaths. Many of the killings were of campaigners who were trying to combat illegal in the Amazon. In 2014, at least 29 defenders were killed in Brazil. Globally, victims from indigenous groups represented 40% of the cases, but also there was a spike in murders relating to hydropower projects. Disputes over land formed the backdrop to most killings.

The current situation also shows, once again, the lack of confrontation by the Brazilian State of the structural causes generating such situations of risk, threat and attack to human rights defenders. Failure to guarantee the right to land and territory, as well as the agrarian conflicts secondary to such failure, are some of the main reasons for violations. It is important to note that government agencies responsible for land tenure regularization, such as the National Institute of Colonization and Agrarian Reform (INCRA) and the National Indian Foundation (FUNAI), have been undergoing a dismantling process, receiving increasingly fewer resources. The weakening of these agencies increases the pressure on territories, intensifies the conflicts and subjects HRDs to increased vulnerability.

This situation coincides with the cabinet reshuffle carried out by the federal government and the consequent worsening of the fragility of the Programa Nacional de Proteção a Defensores de Direitos Humanos (PPDDH - National Program for the Protection of Human Rights Defenders), which, for 11 years, has continually presented serious operational, effectiveness and institutional problems, despite constant recommendations by the civil society.

A legal framework has not been approved for this national mechanism yet, although a bill of law is waiting to be appreciated by the Congress. Thus, PPDDH does not exist legally, but solely as a State policy, being supported only by the Presidential Decree No. 6.044, dated February 12, 2007, and is at risk of being terminated at any time, especially during the interim government, where the Human Rights Secretariat has been relocated under the Ministry of Justice. Recently the current Minister of Justice, Alexandre de Moraes, has suspended all the agreements in his Ministry for 180 days, what puts at risk the continuity of all the Protection Programs.

The cases below were reported by members of the Brazilian Committee of Human Rights Defenders, a civil society network of human rights organizations and social movements, to which ARTICLE 19 is a member, elected to the core group.

Overall Situation is Critical in Brazil

Land conflicts

According to CPT (Comissão Pastoral da Terra), organization that works with land conflicts and rural workers rights, the rural scenario is critical. In 2015, there were 50 deaths, 144 people threatened and 59 attempted murders in land conflicts in Brazil. The states of Rondônia, Pará and Maranhão concentrate 90% of those cases. From 2010 to 2015, there were 219 deaths and 300 attempted murders in the country related to land conflicts. Less than 6% of those cases were investigated.

Indigenous communities

According to CIMI (Indigenous Missionary Council), 2014 was a cruel year for indigenous communities in Brazil, when they faced violations of fundamental rights, including in a political perspective. The amplification by the Brazilian government of the political power of the ruralists over decisions regarding the demarcation of lands has heightened violence in all regions of the country against indigenous communities. Congressmen connected to the sectors that see lands as a source of exploitation succeeded on instigating the population against indigenous, what generated a conflict climate and a scenario of intense occurrence of violations. Only in 2014, 138 indigenous were murdered in consequence of land conflicts around the country, against 97 documented cases in 2013.

Death threats and murder attempts were also frequent, with 50 registered cases in 2014, mostly in Maranhão, Pará, Paraná, Minas Gerais and Bahia. In those states as well as others aggressions toward the individual such as beatings, humiliation and intimidation are notorious and stem from conflict regarding litigations, territorial invasion and the lack of administrative action for the demarcation of the lands.

Human Rights Defenders killings in 2016 in Brazil

January

- In January 7th, Nilce de Souza Magalhães, age 58, known as “Nicinha”, fishermen, community leadership and activist of the Movement of People Affected by Dams (MAB) that had been speaking out on the impact of the Jirau Hydroelectric on the communities and in the environment disappeared. The reason for her killing wasn't clarified until June.
- In January 23rd, two land workers, Enilson Ribeiro dos Santos and Valdiro Chagas de Moura, leaderships from a social movement of land workers (Liga dos Camponeses Pobres) that fight for lands' right were executed by the gunmen of the owners of the land they were occupying.

- In January 31st, one burned body, non-identified, was found close to the Tucumã Farm, area where two young men had disappeared some days before. Human rights defenders and local movements believe the body is of one of the missing men.

All the four cases above happened in Maranhão, where the context for HRDs fighting for land is critical.

- In January 22nd, the president of MLST (Landless liberation movement) camp, Edmilson Alves da Silva, age 35, was killed in Japaratinga in the state of Alagoas.

February

- In February 1st, Ronni dos Santos Miranda, rural worker and leadership of the Rural Workers Union (STTR in Portuguese abbreviation) was murdered with gunshots in Amarante city in Maranhão state.

- In February 2nd, in Miranda do Norte, also in Maranhão state, another leadership of Rural Workers Union, Francisca das Chagas Silva, was also found dead with signs of rape, strangulation and perforations.

- In February 4th, the psychologist Marcus Vinicius de Oliveira was murdered due to his acting in the mediation between farmers and rural communities in Jaguaribe, Bahia state.

- In February 12nd, Luiz Antonio Bonfim, leader of the Brazilian Communist Party (PCdoB) and frontline defender of a landless camp in São Domingos, state of Pará, was killed by gunmen of the farm.

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March

- In the last day of March, in the hinterland settlement Cruzeiro, in the municipality of Palmerândia, northern Maranhão, the rural worker Zé Sapo was found dead, victim of a gunshot. His death is related to the violent agrarian conflict that the region has faced for nearly a decade now.

April

- In the evening of Wednesday, April, 6th, the land reform settled citizen Ivanildo Francisco da Silva, municipal president of the Workers' Party (PT) and city councilman surrogate in the town of Mogeiro, in Paraíba, was murdered with two gunshots. Victim of big landowners, the defender of workers died in front of his one year old daughter.

- On Tuesday, April, 5th, there was another attack against an MST camp in Cacaulândia, in the Jamari valley, Rondônia. A group of non-identified people set the Hugo Chaves camp on fire, located in the Km 4 by the interstate highway RO-140. Earlier this month locals had been expelled from the camp with gunshots. Approximately 300 people among which elders and children, fled the place and heard about their homes being on fire in the News.

It is important to highlight that the Rondônia state suffers from an increasing violence in 2016, led mainly by farmers and their staff. Two rural workers are missing in the State and a carbonized corpse has been recently found. The Human Rights organizations point out that this body, still in process of identification, is one of the missing persons.

- In April 25th, José Bernardo da Silva, was walking with his wife and daughter close to the landless camp where they live, in Ibirim, Pernambuco state, when two men approached him in a car and killed him with gunshots.

Dom Tomas Balduino camp massacre - April 2016

1. In the afternoon of April 7th, families from the Landless movement (MST - Movimento dos Trabalhadores Rurais Sem Terra), organized in the Dom Tomas Balduino camp, in the municipality of Quedas do Iguaçu, Paraná state, were victims of an ambush promoted by the Military Police force from the region and private security guards from the company Araupel.

2. Vilmar Bordim, 44, married, father of three children, and Leomar Bhorbak, 25, married to a pregnant spouse, both rural workers, were murdered in the attack. Seven other workers were severely wounded and two people were taken under custody to testify, but have already been released.

3. According to a Press release by MST, "the ambush happened while 25 workers circulated by truck or motorcycle, 6 km away from the camp, within the perimeters declared public by the justice, when they were surprised by the entrenched officers and guards."

4. For almost two hours the area was isolated by the Military Police who prevented family members from accessing the place and denied assistance to the injured victims.

5. Since the Military Police was involved in the death of rural workers, there is the serious concern that the investigations were not carried out impartially. Thus, civil society made a request to the Ministry of Justice so the Federal Police could take part on the investigation.

6. Human rights violations continue to take place in the region. Two other members of the movement are at the hospital and warrants of arrest have already been issued for them. They were also denied access to a lawyer.

May

- In May 31st, Alexsandro dos Santos Gomes, a leadership of the Rural Resistance Movement (MRC) was killed with gunshots in São Francisco do Paraguaçu, in Bahia state. He was denouncing illegal logging in the region where his camp was. Alexsandro was shot to death in front of his father, that got injured.

June

Farmers and gunmen from a private company attacked a community of Guarani-Kaiowá indigenous people in Mato Grosso do Sul state, killing one indigenous land rights activist, Clodiodi Aquileu Rodrigues de Souza and injuring other six indigenous citizens. Five of them are still at the hospital under treatment and in difficult conditions. This attack had international repercussion, including a note from the special rapporteur on indigenous people, Victoria Tauli-Corpuz, that strongly condemned the attacks, but still the farmers continued to threat the Guarani-Kaiowá people in the municipality of Caarapó.

The land conflicts between indigenous communities and farmers in the state of Mato Grosso do Sul are often and other attacks already happened in the region. Some human rights organizations and specialists had already warned Brazilian authorities about the risks of an attack in this specific community but no prevention measure was adopted.