**Mary Lawlor**

Untied Nations Special Rapporteur on the Situation of Human Rights Defenders

Geneva, Switzerland

Dear Ms. Lawlor,

The Indigenous Peoples Rights International (IPRI) submits this communication in response to your call for input on the killing of human rights defenders. IPRI is a global Indigenous Peoples organization that works to protect Indigenous Peoples rights, and unite and amplify the call for justice to victims of criminalization and impunity. It is the coordinator of the Global Campaign to Address Impunity and Criminalization of and Violence Against Indigenous Peoples, which was launched in 2019. As part of the Global Campaign, it has been developing a database that documents and monitors incidents of criminalization of and impunity against indigenous peoples worldwide.[[1]](#footnote-1)

**Contact Details**

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional. (edited for public release)

|  |  |
| --- | --- |
| Type of Stakeholder (please select one) | Civil Society Group or Organisation  Individual human rights defender  Academic/training or research institution  Other (please specify): |
| Name of Stakeholder/Organization (if applicable)  Name of Survey Respondent | Indigenous Peoples Rights International (IPRI) |
| Email |  |
| Telephone |  |
| Address |  |
| Can we attribute responses to this questionnaire to you or your organization publicly? | Yes  No  Comments (if any): |

**Questions**

*Human rights defenders are persons, who individually or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.*

*1) Have you, any of your colleagues or your organization received online/offline threats and attacks since 1 January 2019 up 30 June 2020?*

IPRI has not directly experienced any threats and attacks but it has been documenting incidents of criminalisation of and impunity against indigenous peoples worldwide. Some of those documented, although not necessarily staff of IPRI, are IPRI’s partner organisations and a few of those are personal acquaintances of the Survey Respondents and have been colleagues to their long-term struggle of defending indigenous peoples’ rights at national and international levels.

*2) If yes, can you please detail and in the case of Facebook preferably provide screenshot with URL?*

IPRI has recorded 122 incidents of criminalisation of and impunity against indigenous peoples from 23 countries from January – July 2020. Majority of these incidents are related to defending their rights to lands, territories and resources (LTR). IPRI has also noted that the measures to curb the spread of COVID-19, particularly the national shutdowns, quarantines and stay-at-home orders, were taken advantage of by governments and business corporations to further disregard their individual civil and political rights, as well as their and collective rights particularly to their LTR and free, prior and informed consent (FPIC).

Among those recorded to have suffered from threats and smear campaign both online and offline within the time period mentioned who are known to the Survey Respondents are: Windel Bolinget, Sarah Bestang Dekdeken and Santos Mero from the Cordillera Peoples Alliance (CPA), a Philippine local organisation. Bolinget, Dekdeken and Mero, and their families, were vilified and tagged as terrorists offline and through social media, particularly in Facebook.[[2]](#footnote-2) The incident escalated on 12 April 2020 after CPA issued a statement criticizing the government for an irresponsible use of public funds; two Philippine army choppers were used to disseminate leaflets over the Cordillera region indicating CPA as members of the Communist Party of the Philippines-New People’s Army (CPP-NPA) and vilifying their relief operations in the area.[[3]](#footnote-3)

Jeoff Larua, an indigenous youth activist from the same network of CPA, also received similar threats and smear campaign. On 29 May, Larua received several death threats from five different phone numbers. The messages falsely claim that Larua is a member of the terrorist group, CPP-NPA, followed by threats to his life after the association.[[4]](#footnote-4) The red- or terrorist-tagging, including extra-judicial killings, in the Philippines are expected to rise with the passing of the Anti-Terror Law in July 2020.

Meanwhile, in Canada, indigenous peoples received death threats linked to the Canadian pipeline. In a report of Aljazeera,[[5]](#footnote-5) two videos of racist slurs and attacks, which had been posted on Snapchat and Facebook, were reported to police in Ponoka on 28 February 2020. But according to the Monette Maillet of the Canadian Human Rights Commission, it “does not have any jurisdiction to deal with online hate speech and even if they did, she says they would not have the capacity to handle the “overwhelming” number of cases. That jurisdiction rests with the provincial police, but proving intent to incite hatred can be a long and drawn-out process. As a result, there is little protection for people on the receiving end of hate speech and threats on social media.”

In the Philippines on 6 April 2020, the stand-off between the people of village of Didipio, Nueva Vizcaya in Luzon island and the Australian-Canadian mining company, OceanaGold Philippines Inc. (OGPI)[[6]](#footnote-6), escalated as the police violently dispersed the people’s barricade injuring several indigenous peoples, most of them, women. Fifteen (15) people who were part of the barricade were also charged for violating quarantine and isolation measures and civil disobedience.[[7]](#footnote-7)

Meanwhile, in Peru, Aurelio Chino, an indigenous leader and chairperson of the Quechua Indigenous Federation of Pastaza, were harassed and received death threats after news of him testing positive from COVID-19 were made known in public around late March 2020. He just traveled back from the Netherlands to file complaint against the oil company, Pluspetrol.[[8]](#footnote-8) He was blamed for spreading the virus in Tarapoto, San Martin, which triggered a wave of racist attacks against indigenous peoples in general in social media.[[9]](#footnote-9)

In Kenya, Despite the government declaring a moratorium in May 2020 on all evictions for the period of COVID-19, the Kenya Forest Service (KFS) guards has violently evicted the Sengwer community from their ancestral forest on 10 July 2020. Their eviction left twenty-eight (28) homes in Kapkok Glade burned affecting dozens of members of the Sengwer community. They were left in the cold, with no shelter, and particularly vulnerable to COVID-19.[[10]](#footnote-10)

*3) Did any of these threats/attacks escalate into killings - can you please chart the path as you see it?*

From IPRI’s records, the cases of Mark Rivas of Nicaragua, Yehry (Jehry) Rivera of Costa Rica and Zezico Rodriguez Guajajara of Brazil were noted to have involved death threats prior to their killing.

Mark Rivas was killed on 3 January 2020. He is a miskitu, originally from the community of Bihmuna, Tawira territory. He was a lawyer and a Board Member de Yatama (indigenous organisation in La Moskitia, Nicaragua). In an article of Cultural Survival, it quoted Rivas’ father saying, “my son received death threats by phone just days before they killed him, but that there has been no further police investigation.”[[11]](#footnote-11) His death was ruled by the state police as suicide.

The case of Rivera of the Brörán community in Térraba, Costa Rica was also noted in a press release of OHCHR regarding the impunity against indigenous peoples in Costa Rica.[[12]](#footnote-12) “He and his family has been repeatedly threatened and intimidated by the family of the perpetrator, who regularly passes close to their land holding a machete.” He was shot dead on 24 February 2020.[[13]](#footnote-13)

Zezico Guajajara’s body was found on 31 March 2020. He was a member of the Guajajara indigenous group in Brazil. According to a statement of Articulaçao dos Povos Indigenas do Brasil (APIB), “Zezico was a teacher and director of the Indigenous School Education Center of Azuru, in the Zutiwa village, and was recently elected coordinator of COCALITIA (Commission of Chiefs and Indigenous Leaders of Araribóia Indigenous Territory).”[[14]](#footnote-14) In a report of the BBC, it noted that “there is still no information on the motive of the crime or who the killer is, however it is suspected that he was murdered by local illegal loggers who had repeatedly threatened his life.”[[15]](#footnote-15)

*4) Have any of your colleagues been killed since 1 January 2019 up to 30 June 2020?*

No but IPRI has recorded 108 killings from 12 countries within the period of January to July 2020;[[16]](#footnote-16) 60 of those are in Colombia.[[17]](#footnote-17)

Among the notable cases of killings that links to COVID-19 measures of quarantine are indigenous human rights defenders, Omar Guasiruma and Ernesto Guasiruma of the Emberá indigenous group of Colombia.[[18]](#footnote-18) Both were killed on 23 March 2020 in their home while following the national quarantine order. Two other members of their families were also wounded in the attack. Indigenous organisations in Colombia claim that it became easier for indigenous leaders to be targeted for killing as they remain at home due to lockdowns.

*5) If so in what context did the killing(s) occur? Have there been any convictions for the killing(s)?*

Majority of the killings recorded were a result of their defence of their indigenous peoples’ collective rights to LTR, FPIC and self-determination. It should also be noted that the killings of indigenous leaders have collective impacts to their communities; their death undermines the unity, courage and determination of their clan, tribe or communities to defend their collective rights including their self -determination, making them even more vulnerable to attacks and violence from outsider, among other impacts. As of the time of writing, there have been no conviction that IPRI is made aware of in relation to the killings it has recorded. Among the reasons for this are:

* In cases where the perpetrators are either the military or non-state actors such as corporations, prosecution is a major challenge as they receive support from the government. In most cases, thorough and independent investigations were not conducted, and perpetrators are left unpunished. Likewise, the resources of indigenous peoples and their allies is unable to match that of the perpetrators and their protectors to properly file cases in court. Further, some prosecutors and judges are being paid or threatened by perpetrators or their protectors in a number of cases in the past. Indigenous peoples are often left defenceless in the face of impunity
* The presence and implementation of laws and policies relating to national security such as anti- terrorism laws are being used to “justify” killings including leaders and members of indigenous organisations and this also affects their access to justice.
* In cases where Indigenous Peoples are able to file a case, they suffer from violence and attacks like death threats, trumped-up charges, online and offline harassment and vilification, to name a few.

*6) Do you normally report death threats? If so, where?*

Yes. Part of IPRI’s work is to call attention to violence, attacks and criminalisation of indigenous peoples, including death threats. IPRI, together with its partner indigenous organisations, submits communications to national human rights institutions of their respective countries and to the UN Special Rapporteur on the Rights of Indigenous Peoples, including other relevant mechanisms such as the Special Rapporteur on the Situation of Human Rights Defenders and the Committee on the Elimination of Racial Discrimination. Some indigenous organisations also report threats to organisations of lawyers working on human rights and reach out to the media, as in the case of the Philippines

For many indigenous peoples’ communities and organisations worldwide, there is a general lack of trust in the police and judicial systems due to the systemic and long-standing issue of impunity of the government and its security forces.

*7) What in your/Organization’s experience has worked well to respond to death threats? And to prevent them from escalating into the actual killing(s) of human rights defenders?*

In our experience and the experience of our partners on the ground, the best way to address death threats is to combine different approaches to generate awareness and attention to these threats. It is important to draw the attention of human rights bodies and institutions at the national, regional and global levels (e.g. NHRIs, NGOs working on human rights, relevant UN bodies and mechanisms); and at the same time, conduct public advocacy such as the issuance of urgent alerts to generate public awareness on the incident. Also, sign-on petitions and campaigns supporting the indigenous person at risk are also found to be effective, especially in providing solidarity to the person including his/her family and/or community. For those facing the threats, it is also important to provide them with different form of support including security mechanisms and facilities such as safe sanctuaries and support to their families, among others.

IPRI has its Legal and Sanctuary Fund as it is also viewed that providing accessible legal support and sanctuary mechanisms for indigenous peoples at risk is another effective way to deter possible escalation of threats.[[19]](#footnote-19) IPRI will also improve its documentation and monitoring processes, including its global advocacy through developing a global network for its urgent appeals and through a more responsive submission of cases to relevant mechanisms.

1. IPRI has released two reports based on the data recorded in its database— [first report](https://indigenousrightsinternational.org/global-data-on-criminalization-of-indigenous-peoples-a-glimpse-of-its-gravity/) was released in 2019 covering the period of year 2017 to 2019 and the [second](https://indigenousrightsinternational.org/mid-year-report-2020/) was released in 2020 covering the period of January to July 2020. However, IPRI recognizes that our current database is not comprehensive and the data reflected in its reports and in this submission are those that were shared by our partners and those that are publicly available (i.e. reports from other human rights institutions, indigenous organizations and the news media). It should be noted that the data reflected in its 2020 report may vary from the data mentioned in this submission as IPRI’s database is currently and constantly being updated. The data mentioned here are the most updated. [↑](#footnote-ref-1)
2. See Attachment 1 for a screenshot of a Facebook post and responses by one of IPRI staff to questions from CPA as part of their documentation that CPA plans to use for their legal actions. [↑](#footnote-ref-2)
3. See petition from CPA for more information on the case: <https://bit.ly/3nni6Mk> [↑](#footnote-ref-3)
4. See statement issued by Larua’s organisation, Tongtongan iti Umili-CPA (TTU-CPA) posted in their Facebook page here: <https://www.facebook.com/ttucpa/posts/2710766112501702?_rdc=1&_rdr> [↑](#footnote-ref-4)
5. See report here: <https://www.aljazeera.com/features/2020/03/01/first-nations-receive-death-threats-over-canada-pipeline-battle/> [↑](#footnote-ref-5)
6. According to a 2018 report of Institute for Policy Studies and Mining Watch Canada by Broad, et. al., entitled, *Oceana Gold in the Philippines: Ten violations that should prompt its removal*, the OceanaGold Corporation is the Canadian-based parent company of numerous wholly-owned subsidiaries. The company is currently listed on the TSX and ASX exchanges, is headquartered in Melbourne, Australia with a corporate office in British Columbia, Canada. OceanaGold’s predecessor, Oceana Gold Ltd, acquired the Didipio Project in the Philippines in 2006 through a merger with Climax Mining. OceanaGold operates the project through wholly-owned subsidiaries in Singapore, the Netherlands and the Philippines. OceanaGold subsidiary OceanaGold (Philippines), Inc. (“OGPI”) owns 92% of Didipio FTAA Didipio Mine with the remaining 8% in the hands of a Philippine claim owner syndicate under an Addendum Agreement to the mine’s FTAA. [↑](#footnote-ref-6)
7. See statement of local organisation, ANVIK, posted in Facebook: <https://www.facebook.com/ANVIKOfficial/posts/1241662662847039> [↑](#footnote-ref-7)
8. See further details of incident covered by El Dario, <https://www.eldiario.es/politica/lider-indigena-peru-coronavirus-holanda_1_1014887.html>; also reports from colleagues from Forest Peoples Programme working in the country. [↑](#footnote-ref-8)
9. See also a Mongabay report: <https://bit.ly/34x8yWe> [↑](#footnote-ref-9)
10. See press release from Forest Peoples Programme regarding the incident: <https://www.forestpeoples.org/en/sengwer-call-for-end-human-rights-violations-kenyan-authorities-after-burning-of-28-homes> [↑](#footnote-ref-10)
11. See full article of Cultural Survival: <https://www.culturalsurvival.org/news/covid-19-starts-nicaragua-settler-violence-continues> [↑](#footnote-ref-11)
12. See full article from OHCHR News and Events page: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25938&LangID=E> [↑](#footnote-ref-12)
13. See report of The Guardian on the case: <https://www.theguardian.com/environment/2020/feb/25/costa-rican-indigenous-land-activist-killed-by-armed-mob> [↑](#footnote-ref-13)
14. See full statement of APIB condemning Zezico’s death: <http://apiboficial.org/2020/04/01/apibs-note-zezico-guajajaras-murder/?lang=en> [↑](#footnote-ref-14)
15. See report here: <https://bbc.in/2GndSnr> [↑](#footnote-ref-15)
16. The disaggregation of the number of killings by country is as follows: Bangladesh (2), Brazil (3), Colombia (60), Costa Rica (1), Guatemala (3), Honduras (1), Indonesia (4), India (10), Mexico (17), Myanmar (1), Nepal (1), Nicaragua (3) and Peru (2). [↑](#footnote-ref-16)
17. IPRI’s data is from its partners in Colombia and the documentation of the local organisation, Indepaz. Indepaz documents indigenous and non-indigenous activists and human rights defenders. IPRI only noted those that were identified as indigenous peoples but for its overall documentation, see: <http://www.indepaz.org.co/lideres/> [↑](#footnote-ref-17)
18. See media report from Telesur quoting the National Indigenous Organization of Colombia (ONIC) on the incident: <https://www.telesurenglish.net/news/Colombia-Two-More-Indigenous-Leaders-Murdered-Amid-Quarantine-20200324-0014.html>; for a brief profile on Omar Guasiruma, see: <https://www.frontlinedefenders.org/en/profile/omar-guasiruma> [↑](#footnote-ref-18)
19. For more information on IPRI’s Legal and Sanctuary Fund, see: <https://indigenousrightsinternational.org/legal-and-sanctuary-fund/> [↑](#footnote-ref-19)