
AMERICAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011



REGIONAL ANALYSIS AMERICAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010 and early 2011, several countries in the region celebrated 200 years of independence and of efforts to build independent and strong democracies. These celebrations took place simultaneously with a number of elections and presidential inaugurations in several countries in the region (*Bolivia, Brazil, Chile, Colombia, Costa Rica, Haiti, Honduras, Peru, Uruguay*), a popular referendum in *Ecuador* and the start of campaigns for the presidential elections scheduled for the second half of 2011 in *Argentina, Guatemala* and *Nicaragua*. While it is true that for several decades, most Latin American countries have held presidential elections on a regular basis, in 2010 and 2011, it has become clear that this is not enough to consolidate these still fragile democracies. The devastation left over from the *Honduran* coup d'état which occurred in 2009 and the persistent impunity of human rights violations committed during and after the coup, are proof of that. Additionally, in several countries in the region, there was a tendency to push through constitutional reforms to seek the re-election of incumbent presidents, often affecting the control and balance mechanisms within Governments.

Several countries continued to hold ambiguous positions regarding the fight against impunity. Some countries maintained general amnesty laws that prevent investigations of serious human rights violations and crimes against humanity committed by dictatorial Governments or during internal armed conflicts. Such was the case in *Brazil* where in 2010 the High Court refused to amend the Amnesty Law, which has been in force since 1979. Similarly, in *Uruguay*, a bill that had sought to nullify the Amnesty Law in force since 1986, which prevents from investigating those responsible for abuses committed during the last military Government (1973-1985), was rejected¹. In addition, in 2010 and 2011, there were further attempts to grant amnesty for human rights violations (*Chile, Peru*). Despite these major challenges, there were significant advances in the fight against impunity in the region, including the trials of perpetrators of serious human rights violations in several countries which lived under

1/ After being approved by the Senate, the project was rejected on May 20, 2011 in the House of Representatives.

military regimes (*Argentina, Chile, Guatemala*); the establishment of truth commissions in countries such as *Ecuador, El Salvador* and *Honduras*; and the creation in *El Salvador* of the National Commission to Search for Children Disappeared during the Internal Armed Conflict (*Comisión Nacional de Búsqueda de Niños y Niñas Desaparecidos durante el Conflicto Armado Interno*) and the National Commission of Reparation for Victims of Human Rights Violations that occurred during the Internal Armed Conflict (*Comisión Nacional de Reparación a las Víctimas de Violaciones a los Derechos Humanos ocurridas durante el conflicto armado interno*). Similarly, in June 2010, in *Bolivia*, a trial began into the Porvenir massacre (otherwise known as the Pando massacre), which occurred on September 11 and 12, 2008². However, there was concern over the lack of security for witnesses and those who foster trials and truth commissions (*Argentina, Bolivia, Chile, El Salvador, Guatemala, Honduras*).

Furthermore, during 2010 and 2011, indigenous, afro-descendant and peasant communities continued to be the constant victims of attacks, particularly when they protested peacefully against the harmful effects of a number of projects to exploit natural resources. On repeated occasions statutory offences were manipulated in order to criminalise social protest and arbitrarily detain peaceful protesters (*Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Venezuela*). Similarly, Lesbian, Gay, Bisexual, Transgender and Intersexual (LGBTI) people continued to be openly stigmatised, discriminated and often violently attacked (*Bolivia, Colombia, El Salvador, Honduras, Mexico, Peru*), despite some legislative progress in countries like *Argentina, Brazil, El Salvador* and *Mexico*. Women also continued to suffer constant attacks and killings carried out for reasons associated with their gender (femicide), crimes which remained in impunity. While many cases of femicide continued to be reported in *Mexico* and *Guatemala*, they expanded throughout the region. In 2010, there were 72 murders of women in *Panama*, 51 of them considered as femicide and in 2011 as of April, 19 murders had been committed against women, including thirteen cases of femicide³.

In addition, prison conditions remained of concern in several countries in the region. Persons deprived of freedom continued to be victims of

2/ This massacre is considered to be the most serious act of violence occurring during the presidency of Mr. Evo Morales, in which at least nineteen people were killed and 53 wounded, mostly peasants. As of April 2011, the trial was at the preliminary stage.

3/ Statistics of the Panamanian Observatory Against Gender Violence (*Observatorio Panameño contra la Violencia de Género - OPVG*), a body within the Ombudsman's Office. See www.defensoriadelpueblo.gob.pa.

abuse, violence and inhumane conditions of detention and overcrowding (*Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, El Salvador, Haiti, Nicaragua, Venezuela*). Often these conditions were especially demeaning to particularly vulnerable people such as migrants undocumented (*Mexico, Panama, United States of America*) or minors (*Argentina, Haiti*).

Thus, during 2010 and 2011, the situation of human rights defenders in the Americas continued to be serious. Many were victims of threats or intimidation, judicial harassment, attacks on freedoms of association, assembly and peaceful demonstration, increasing restrictions on freedom of expression, defamation and smear campaigns, arbitrary arrests and even murders.

Assassination and threats against defenders who fight against impunity

In 2010 and 2011, defenders fighting against impunity were victims of constant threats and attacks. In *Honduras*, people who fight against impunity for human rights violations committed during and after the coup d'état, continued to be severely threatened and harassed. Similarly, lawyers, trial witnesses, prosecutors and victims' defenders (*Argentina, Chile, Colombia, Guatemala, Mexico*), as well as members of truth commissions (*Honduras*) were harassed, intimidated and threatened. In some countries judges who made the presiding Governments uncomfortable with their decisions were removed from office, detained or prosecuted (*Peru, Venezuela*).

Assassinations, violent repression and criminalisation against defenders of indigenous peoples, peasants and Afro-descendants defending their land rights and the environment

Environmentalists and indigenous leaders who denounced the adverse effects on communities and the environment of the actions of mining companies and the exploitation of natural resources were subjected to numerous threats and judicial harassment (*Brazil, Chile, Colombia, Ecuador, Guatemala, Mexico, Peru*), and in some cases killed (*Colombia, El Salvador, Honduras, Mexico*). Particularly in *Brazil, Guatemala* and *Ecuador*, the large number of such conflicts and the lack of attention that Governments have given to the demands of communities created a climate of hostility which was a growing cause for concern. Several countries also continued to repress the demands of indigenous peoples to live in their ancestral territories, which resulted in violent clashes and forced evictions in *Argentina, Brazil, Chile* and *Guatemala*. Similarly, in *Paraguay*, on September 5, 2010, two community leaders received death threats after accompanying the Kelyenmagategma community during a visit of the Special Rapporteur on the Rights of Indigenous Peoples from the

Inter-American Commission on Human Rights (IACHR)⁴. Furthermore, in *Colombia*, it was a particularly violent year for peasant, indigenous and afro-Colombians leaders displaced by violence and struggling to return to their lands, many of whom were killed or suffered death threats.

Assassinations and continuing obstacles against trade unionists and labour rights defenders

Trade unionism remained a dangerous and stigmatised activity in many countries of the Americas. *Colombia* continued to be the country where the most trade unionists were killed in the region and one of the most dangerous places for trade unionists in the world. Killings were also committed against persons for reasons related to their union membership in *Brazil*, *El Salvador*, *Guatemala*, *Honduras*, *Mexico* and *Venezuela* or for defending labour rights (*Argentina*). In *El Salvador*, on January 15, 2010, Mr. **Victoriano Abel Vega**, Secretary General of the Union of Municipal Workers and Employees of the Mayor's office in Santa Ana (*Sindicato de Trabajadores y Empleados Municipales de la Alcaldía de Santa Ana - SITRAMSA*), was killed on his way to a meeting for the organisation of actions to denounce dismissals of municipal workers from the Mayor's office in Santa Ana. Similarly, on July 8, 2010 in *Panama*, Mr. **Antonio Smith**, leader from the Union of Independent Banana Workers in Changuinola (*Sindicato de Trabajadores Bananeros Independientes de Changuinola - SITRAPBI*), was murdered. Meanwhile, trade unionists continued to be judicially harassed (*Peru*) or stigmatised, as occurred in May 2011 in *Panama* when 33 workers were dismissed after they requested the right to form a union⁵, or in *Paraguay*, where, although legislation exists to protect trade union practice, in reality there continued to be constant cases of anti-union discrimination and harassment reported against union members⁶. Moreover, in *Costa Rica* acts of undue interference were committed by the Government and the Board of the Institutional Management Company of the Port Administration and Economic Development of the Atlantic Region (*Empresa Institucional Junta de Administración Portuaria y Desarrollo Económica de la Vertiente Atlántica - JAPDEVA*). After the Board of the Union of Workers of JAPDEVA (*Sindicato de Trabajadores de la JAPDEVA - SINTRAJAP*) opposed the Government's decision to privatise the Limón ports in the Caribbean, their work was discredited and a new Board was appointed.

4/ See IACHR Press Releases, September 7 and 10, 2010.

5/ See International Trade Union Confederation (ITUC) Press Release, May 20, 2011.

6/ See ITUC Report, *Paraguay must redouble efforts towards meeting the ILO conventions on core labour standards*, April 27, 2011.

Killings and reprisals against defenders denouncing abuses by Government forces and para-State armed groups

High rates of violence continued in countries like *Colombia*, *Guatemala* and *Mexico*, and were reflected in the significant number of murders, assaults and threats against defenders who constantly denounced abuses carried out by the armed forces officers and paramilitary groups. In *Brazil*, defenders were also killed or displaced for these reasons. In *Bolivia*, collaborators of the Permanent Assembly for Human Rights in Bolivia (*Asamblea Permanente de Derechos Humanos de Bolivia* - APDHB) were subjected to harassment and smear campaigns in 2010, after they published a report in August 2010 on an investigation into police abuses which led to the deaths of two protesters who blocked a road in the region of Caranavi on May 7 and 8, 2010. Similarly, defenders who denounced abuses and corruption by prison authorities were also victims of smear campaigns, threats and even murder (*Brazil*, *Ecuador*, *Venezuela*).

Assassinations, smear campaigns and judicial harassment against journalists who expose corruption and human rights violations

Freedom of expression remained severely restricted in several countries (*Bolivia*, *Cuba*, *Ecuador*, *Honduras*, *Nicaragua*, *Venezuela*) and journalists and members of the media who dared to denounce corruption and human rights violations continued to suffer a situation of serious vulnerability. Several journalists were killed (*Colombia*, *Honduras*, *Mexico*) or were subjected to threats against their lives (*Ecuador*, *Mexico*, *Nicaragua*, *Venezuela*). In several countries, journalists were victims of smear campaigns (*Ecuador*, *Nicaragua*) or judicial harassment (*Panama*). Indeed, in *Panama*, Mr. Carlos Jerónimo López Núñez, a retired newspaper journalist from former daily newspaper *Crítica*, was detained for nineteen days in June and July 2010, convicted of “defamation” for publishing an article twelve years ago in which he defended the environmental rights of communities in the Chiriqui province, in the northeast of Panama. He was finally released on July 14, 2010⁷. Moreover, the Supreme Court of *El Salvador* upheld the possibility of imposing criminal liability on journalists for the dissemination of information that could offend the honour or reputation of public officials⁸.

7/ See Committee for the Protection of Journalists (CPJ) and Reporters Without Borders (RSF).

8/ Although it requires proof that the journalist acted in bad faith, this implies a step back with respect to the regulation that was adopted under which the right of public officials to the protection of their honour could only be guaranteed under civil law and not criminal law. See IACHR Special Rapporteur for Freedom of Expression Press Release, October 7, 2010.

Hostility and reprisals against defenders who work with universal and regional mechanisms for the protection of human rights

In 2010 and 2011 some countries in the region maintained a hostile attitude towards international organisations such as the United Nations (UN) and the Organisation of American States (OAS), prohibiting visits of delegates or rapporteurs to their countries (*Cuba, Nicaragua and Venezuela*). In addition, defenders who collaborated with universal and regional mechanisms for the protection of human rights were victims of reprisals (*Ecuador, Paraguay, Venezuela*). In September 2010, *Nicaragua* demanded that the OAS withdraw its in-country representative, Mr. Pedro Vuskovic, arguing that he had “meddled in internal affairs”. Additionally, given that the headquarters of the OAS, the IACHR and the UN are based in the *United States of America*, there was concern over the fact that in 2010 the United States once again rejected visas to human rights defenders who had planned to attend sessions of the IACHR to present denunciations, testimonies and expert opinions⁹. In addition, the scandal over U.S. State Department papers brought to light by *wikileaks*, revealed that several diplomatic missions and UN officials, including its Secretary General, Mr. Ban Ki-moon, were victims of illegal spying ordered by the U.S. Department of State during 2008 and 2009.

Killings and constant violence against defenders of LGBTI and women’s human rights

Once again, defenders of women’s rights and those fighting against gender violence and discrimination were victims of violent attacks (*Guatemala, Mexico*). In *Mexico*, the lack of protection for women and defenders fighting against impunity in cases of femicide remained of particular concern. Similarly, defenders of LGBTI persons continued to suffer discrimination, acts of stigmatisation (*Honduras, Mexico, Peru*) and were sometimes even killed (*Colombia, Honduras, Peru*). There was a particularly serious upsurge of violence against LGBTI persons in *Honduras* after the coup d’état in 2009, that continued in 2010 and 2011.

9/ See IACHR Press Release, March 26, 2010.

Urgent Interventions issued by The Observatory from January 2010 to April 2011 on countries of the region for which there is no country fact-sheet

COUNTRY	Names	Violations / Follow-up	Reference	Date of Issuance
BOLIVIA	Permanent Assembly for Human Rights in Bolivia (APDHB)	Abduction / Raid	Press Release	May 21, 2010
COSTA RICA	Board of Directors of the Workers' Union of the Port Administration and Economic Development of the Atlantic Region (SINTRAJAP)	Interference in trade union affairs / Slandering	Open Letter to the authorities	February 1, 2010
EL SALVADOR	Ms. Dora Alicia Recinos Sorto	Assassination	Urgent Appeal SLV 001/0110/OBS 002	January 6, 2010
EL SALVADOR	Mr. Victoriano Abel Vega	Assassination	Urgent Appeal SLV 002/0110/OBS 012	January 25, 2010
PANAMÁ	Messrs. Antonio Smith and Jaime Caballero	Assassination / Arbitrary detention	Open Letter to the authorities	August 4, 2010

ARGENTINA

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In 2010 and 2011, insecurity, violence and political repression affected diverse groups of human rights defenders, including those involved in trials related to crimes against humanity committed during the last dictatorship, indigenous leaders defending the right to community lands, labour rights defenders and journalists denouncing corruption and drug trafficking.

Political context

The climate of violence and insecurity in Argentina intensified during 2010. This led to the creation of the Ministry of Security on December 10, 2010, in charge of the entire federal security forces. Nevertheless, as of April 2011, there had been no measures for structural change implemented within the security forces, which was cause for concern given that a number of cases of violence and abuse of authority were traced back to the police. One example of this was the strong police repression used to evict families from a public area in the city of Buenos Aires in December 2010, in which three people were killed¹. Additionally, the UN Human Rights Committee and the UN Committee on the Rights of the Child expressed concern about the killings and torture of adolescents and young people caused by violent police actions².

Individuals deprived of their freedom were also victims of this violence and the situation in prisons continued to not comply with the UN Standard Minimum Rules for the Treatment of Prisoners. To that extent, the UN Human Rights Committee, the Inter-American Commission on Human Rights (IACHR) Special Rapporteur on the Rights of Persons Deprived of Liberty and the United Nations Committee on the Rights of the Child, all expressed in 2010 serious concern for the substandard conditions of detention in Argentina and in particular for the numerous denouncements of torture and of cruel, inhumane and degrading treatment carried out by the prison authorities (especially in Buenos Aires and

1/ See Service for Justice and Peace in Argentina (*Servicio Paz y Justicia Argentina* - SERPAJ).

2/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, United Nations Document CCPR/C/ARG/CO/4, March 22, 2010 and Committee on the Rights of the Child, *Concluding Observations: Argentina*, United Nations Document CRC/C/ARG/CO/3-4, June 21, 2010. See also Centre for Legal and Social Studies (*Centro de Estudios Legales y Sociales* - CELS) Press Releases, August 20 and November 12, 2010.

Mendoza)³. The abovementioned IAHCR Special Rapporteur stated that he had received statements of frequent beating of prisoners, maltreatment, prolonged punishment in isolation cells, overcrowding and inadequate living conditions.

Regarding the fight against impunity, it is important to highlight the fact that trials continued throughout 2010 in the cases of those responsible for crimes against humanity committed during the last military dictatorship (1976-1983). As of April 2011, there were 366 ongoing cases throughout the country, 45 oral arguments had taken place, another eight were taking place, and 188 people had been convicted⁴. On a particular note, were the life sentences to be served in a civilian prison that were received by former Dictator Jorge Rafael Videla, former General Luciano Benjamín Menéndez and another 28 soldiers⁵, and by former Dictator Reynaldo Bignone⁶, all for “crimes against humanity”. Despite these significant advances and the high number of individuals undergoing trial, the slow progress in many cases continued to be cause for concern.

Meanwhile, in 2010 the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern about the persistent forced evictions, general violence against indigenous peoples and the reigning impunity in these acts⁷.

Threats to and insecurity of human rights defenders involved in trials for crimes against humanity committed during the last dictatorship

In 2010, there continued to be reports of thefts and destruction of information related to ongoing trials for crimes against humanity committed during the last dictatorship. On April 8, 2010, there was a break-in at the legal offices of Ms. **María Isabel Caccioppolis**, a lawyer in the case of the violation of the human rights of adolescents in the students centre of the “Escuela Normal de Concepción del Uruguay”, in the province of Entre Ríos, in 1976. This was not the first time that such events had occurred, in fact several lawyers’ offices working on cases in Paraná, the capital of the Entre Ríos province, suffered similar attacks in which paper or digital

3/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, *op cit*, Inter-American Commission of Human Rights (IACHR) Press Release No. 64/10, June 21, 2010 and Committee on the Rights of the Child, *Concluding Observations: Argentina*, *op cit*.

4/ See CELS blog on the trials: <http://www.cels.org.ar/wpblogs/>.

5/ See Sentence of the Federal Oral Tribunal 1 of Córdoba, December 22, 2010.

6/ See Sentence of the Federal Oral Tribunal 1 of San Martín, April 15, 2011.

7/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, *op cit*, and CERD, *Concluding Observations*, United Nations Document CERD/C/ARG/CO/19-20, March 29, 2010.

information was stolen and burned⁸. Likewise, on September 27, 2010, the home of Ms. **Alicia Morales** was broken into, searched and some of her personal belongings were stolen⁹. Ms. Morales is a member of the San Rafael section of the Permanent Assembly for Human Rights (*Asamblea Permanente por los Derechos Humanos* - APDH) as well as Prosecutor and witness in the trial hearings in San Rafael, Mendoza province. Moreover, in 2010, during the trial for crimes against humanity committed during the dictatorship in prison No. 9 in the city of La Plata, for which fourteen people were convicted, Ms. **Nilda Eloy**, a human rights defender and Prosecutor representing the Association of Former Detained and Disappeared Persons (*Asociación de Ex Detenidos Desaparecidos*), was threatened, such as Ms. **María Noelia García**, Secretary of the Federal Oral Tribunal No. 1, who was responsible for the case. These threats were linked to one of the convicted individuals in the trial and were formally denounced. As of April 2011, an investigation had been opened at the Federal Prison Service, responsible for transferring the convicted person linked to the threats¹⁰. At the same time, Mr. **Enrique Fidalgo**, a psychologist and member of the Interdisciplinary Team of the Committee for the Defence of Health, Ethics and Human Rights (*Equipo Interdisciplinario del Comité para la Defensa de la Salud, la Ética y los Derechos Humanos* - CODESEDH), responsible for offering support and accompaniment to the victims in the same trial in the Federal Oral Tribunal No. 1 in La Plata, was the victim of repeated violent acts and threats to his security, both in his home and in public. As of April 2011, an investigation into these events was underway in the Attorney Investigation Unit No. 9, in La Plata¹¹. Meanwhile, on March 18, 2010, an attempt was made to hamper the work of Messrs. **Diego Jorge Lavado**, **Alfredo Guevara Escayola**, **Pablo Gabriel Salinas** and Ms. **Viviana Laura Beigel**, all lawyers and members of the Ecumenical Movement for Human Rights in Mendoza (*Movimiento Ecuménico por los Derechos Humanos de Mendoza* - MEDH). On this occasion, the lawyer Eduardo Sinforiano, defender of a number of those accused of crimes against humanity, requested before the Federal Appeals Chamber of Mendoza that the lawyers be arrested and fined for having

8 / For example, as a result of a similar attack, the whereabouts of the computers stolen from the Secretary of Human Rights in the Buenos Aires province on December 30, 2009, are still unknown. The computers contained information about crimes against humanity committed during the dictatorship. The only computer found was the personal computer of Ms. **Sara Derotier de Cobacho**, which contained information on common crimes.

9 / See APDH Press Release, October 4, 2010.

10 / See Committee for the Defence of Health, Ethics and Human Rights (*Comité para la Defensa de la Salud, la Ética y los Derechos Humanos* - CODESEDH).

11 / *Idem*.

demanded the removal of two judges from the Chamber. While it is often difficult to determine the exact source of threats, it is of great concern that defenders and witnesses taking part in ongoing trials have little access to effective protection and are the constant victims of the climate of violence and insecurity that has taken hold throughout the country.

Violence and judicial harassment against indigenous leaders who defend the right to land of their communities

The struggle to defend the right to land continued to lead to harassment, violent acts, arbitrary detentions and killings in a number of indigenous communities. In 2010, the struggle led by the Qom Navogoh community (otherwise known as the community of Toba La Primavera) for a number of years for the defence of their lands, in the south-west of the Formosa province, intensified due to their opposition to the construction of a university institute on their lands. The community reacted with peaceful protests and a road blockade, after which a number of their members received threats, and Mr. **Félix Díaz**, a leader of the community, and his wife Ms. **Amanda Asijak** were charged with the crime of “usurpation”. On September 22, 2010, protection measures were granted to the community, which ordered all construction to be suspended on their lands. In spite of this decision, on November 23, 2010, members of the provincial police force, supported by armed individuals from the Celas family⁴², attempted to evict the community. Upon leaving, police agents left two firearms in the community, which were later reported before Judge Mouriño as having disappeared. On the same day, the Judge visited the community in person, accompanied, among others, by some seventy armed police officers to recover the weapons that had been declared as disappeared. This situation triggered violent events, which culminated in the death of indigenous leader Mr. **Roberto López** and the death of one police officer. A legal case was opened in Formosa to investigate the killing of Mr. López, yet as of April 2011, none of the police officers who had been present had been arrested, and the armed civilians who supported the violent repression had not been identified. However, the case file states that, according to a police statement, Mr. Félix Díaz was armed on the day in question, in a clear attempt to link him to the death of the police officer. In light of the situation of risk suffered by the Qom Navogoh community, on April 21, 2011, the IACHR granted precautionary measures that had been requested by the community, which include orders to charge the police officers with the

12/ Non indigenous family which, thanks to its links with the Military Government in 1978, remained present in these lands after they were returned to indigenous communities.

crime and identify the responsible authorities. As of the end of April, none of the measures had been implemented¹³.

Violence against labour rights defenders during peaceful demonstrations

The exercise of the right to peaceful protest to demand labour rights continued to be stigmatised and dangerous. In 2010 and up to April 2011, there was a tendency to use “agents provocateurs”, or the police themselves, against peaceful demonstrators calling for improvements to labour rights. On October 20, 2010, the outsourced workers from the Roca Railway Company were peacefully demonstrating, asking to be employed as permanent payroll staff and protesting against the dismissal of more than one hundred people, when they were violently attacked by trade unionists from the Railway Workers’ Union (*Unión Ferroviaria*)¹⁴. In the skirmish, Mr. **Mariano Ferreyra**, a student and member of the Workers’ Party (*Partido Obrero*), was killed, and three people received gunshot wounds, including Ms. **Elsa Rodríguez**. Both Mr. Ferreyra and Ms. Rodríguez were taking part in the demonstration in the defence of the economic, social and cultural rights of the Roca railway workers. Ms. Rodríguez was left at first in a state of coma, and although she later recovered, she is today paralysed on her right side and suffers from speech problems. The other two people who suffered gunshot wounds have also recovered. These events were denounced, the judicial proceedings progressed quickly, and those who carried out the crimes and a number of leaders from the Railway Workers’ Union were brought to trial, including Secretary General Mr. José Pedraza, who was accused of planning the attack. As of April 2011, the ten individuals accused of the crime were being held on remand by the Appeals Chamber. It is expected that the oral trial will take place in 2011. The failure of the police officers to intervene during the events was also denounced¹⁵. In this case, the Judge decided to call seven police officers to present an oral statement¹⁶. In another case, on April 12, 2011, close to the city of “28 de Noviembre”, in the Santa Cruz province, teachers

13/ Protection measures requested with the patronage of the Human Rights Ombudsman’s Office (*Defensoría General de la Nación*) and CELS. See Request for Precautionary Measures for the members of La Primavera community, presented by CELS and La Primavera community before the IACHR on November 30, 2010 and CELS Press Release, April 26, 2011.

14/ The outsourced workers from the Roca railway company were working under precarious and unequal labour conditions in comparison to the workers affiliated to the Railway Workers’ Union. Their demands were granted after the violent attacks took place. See Committee for Legal Action (*Comité de Acción Jurídica* - CAJ) Press Release, October 22, 2010.

15/ According to information in the legal case, the police officers present suddenly withdrew, minutes before the crime took place. See CAJ Press Release, October 25, 2010.

16/ See CELS, CAJ and SERPAJ.

from the Association of Teachers of Santa Cruz (*Asociación de Docentes de Santa Cruz* - ADOSAC) were peacefully demonstrating, distributing texts in support of their demands for a raise in salary, when more than a dozen individuals identified as members of the Construction Workers' Union of the Argentinean Republic (*Unión Obrera de la Construcción de la República de Argentina* - UOCRA) arrived on the scene. They began to hit the teachers and those who were accompanying them with metal bars, wooden staffs and chains. Mr. **Victor Paredes**, Secretary General of the Association of State Workers (*Asociación de Trabajadores del Estado* - ATE), who was supporting the teachers, was severely beaten. These events were filmed by a number of television channels, and the footage is being held by the justice system. As of April 2011 the aggressors were being identified and the Director of UOCRA, who was present on the day in question, had absconded from the area¹⁷.

Meanwhile, as reported by the UN Human Rights Committee, the United Argentinean Workers' Union (*Central de Trabajadores Argentinos*) has not yet been granted legal trade union status despite the fact that the Argentinean State is a signatory of International Labour Office Convention No. 87 on Trade Union Freedoms, and despite the existence of a ruling from the Supreme Court against trade union monopolies¹⁸.

Murder of a journalist who denounced drug trafficking and corruption

The climate of violence and insecurity throughout the country also had consequences for journalists denouncing drug trafficking and corruption. On September 4, 2010, the Bolivian journalist and community leader Mr. **Adams Ledesma Valenzuela** was killed in Buenos Aires. Mr. Ledesma Valenzuela was Director of the newspaper *Mundo Villa* and of the local television channel *Mundo Villa TV*. Mr. Ledesma, whose community work was closely linked to his journalistic profession, played an active role in the defence of the human rights of the inhabitants of his neighbourhood, and had made public declarations about his intentions to denounce drug purchases made by rich inhabitants in the area. Mr. Ledesma Valenzuela's family had reported being threatened by drug traffickers. The police reported the crime as a quarrel between neighbours and not as a crime related to the defence of human rights in the community. As of April 2011, no one had been arrested in relation to this murder as, according to the police, the individual responsible had gone into hiding. Nevertheless, the lack of investigation into the crime and its impunity reinforce the hypothesis

17/ See CAJ.

170 18/ See Human Rights Committee, *Concluding Observations of the Human Rights Committee*, *op. cit.*

that the police and the drug traffickers worked together in order to silence the journalist¹⁹.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Secretary of Human Rights in Buenos Aires / Ms. Sara Derotier de Cobacho	Theft / Harassment	Urgent Appeal ARG 001/0110/OBS 006	January 12, 2010
Messrs. Diego Jorge Lavado, Alfredo Guevara Escayola, Pablo Gabriel Salinas and Ms. Viviana Laura Beigel	Judicial harassment	Urgent Appeal ARG 002/0310/OBS 041	March 26, 2010
Ms. María Isabel Caccioppolis	Attack on offices / Theft	Urgent Appeal ARG 003/0410/OBS 045	April 14, 2010

19/ See CELS and SERPAJ. The IAHCR Special Rapporteur on Freedom of Expression called upon the State to protect the journalist's family, and to bring the perpetrators to justice. See IAHCR Special Rapporteur on Freedom of Expression Press Release No. R91/10, September 10, 2010.

BRAZIL

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In Brazil, there have been efforts to improve the situation of human rights defenders through the National Programme for the Protection of Human Rights Defenders. Nevertheless, in 2010 and 2011, defenders who reported police and parapolice violence continued to be victims of murder and violence. Likewise, defenders of the right to land, environmental defenders and indigenous rights defenders continued to be subjected to acts of violence, threats and judicial harassment. Furthermore, defenders of persons deprived of their liberty were threatened and harassed.

Political context

Presidential elections were held in October 2010 and Ms. Dilma Rousseff, the candidate for the Workers' Party – the same party as that of outgoing President Mr. Luiz Inácio Lula da Silva – was elected. Ms. Rousseff took office on January 1, 2011, becoming the first female President of Brazil, a country that continues to reinforce its position as a regional power that can greatly influence other Latin American countries. However, its economic growth has not yet eradicated human rights problems, high levels of social inequality and violence.

In 2010, the UN Special Rapporteur on Contemporary Forms of Slavery, its Causes and Consequences, Ms. Gulnara Shahinian, found that despite efforts and policies implemented by the Government, slave labour still exists in Brazil, and expressed concern over the direct link between this type of slavery, poverty and the concentrated ownership of land¹. In Brazil, land ownership and natural resources continued to be a significant source of conflict and violence², and water-related conflicts saw an increase of 93.3% in 2010³. Furthermore, in 2010, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Philip Alston, presented a follow-up report that alerted on the persistence of murders committed by death squads and militia operating with the participation

1/ See Human Rights Council, *Report of the Special Rapporteur on Contemporary Forms of Slavery, its Causes and Consequences, Ms. Gulnara Shahinian*, United Nations Document A/HRC/15/20/Add.4, August 30, 2010.

2/ The number of conflicts in the countryside remains high (1,186 in 2010 vs. 1,184 in 2009) and the violence caused by these conflicts rose between 2009 and 2010 (34 murders in 2010 vs. 26 in 2009). See Land Pastoral Commission (*Comissão Pastoral da Terra* - CPT) Press Release, April 19, 2011.

3/ In 2010, 87 conflicts related to the use, preservation, dam-construction and individual appropriation of water were recorded, as opposed to 45 in 2009. See CPT Press Release, April 19, 2011.

of current and former members of the police, as well as the constant abuse of the number of “resistance” killings⁴. Furthermore, the Special Rapporteur called the attention on the criminal gangs that continue to do as they like in prisons, causing serious acts of violence and deaths, while the Government does not protect and guarantee the rights of persons deprived of their liberty⁵. The critical prison situation was also the subject of reports on cases of torture, as well as serious overcrowding problems⁶.

Furthermore, the Brazilian judiciary once again refused to try the crimes against humanity and human rights violations that occurred during the military dictatorship (1964-1985). On April 29, 2010, the Federal Supreme Court of Brazil decided that the Amnesty Law of 1979, which exonerated all those accused of “political offenses and linked to political offenses”, including extrajudicial executions, torture and other human rights violations committed by members of the old military regime, was still in effect. In November 2010, the Inter-American Court on Human Rights (IACtHR), reiterating its jurisprudence regarding other dictatorships in the region, found Brazil guilty of serious abuses carried out during the military dictatorship and declared that this Amnesty Law was without “legal effects”⁷. However, as of April 2011, the IACtHR judgement had not yet been enforced, nor had the bill that the Executive presented in December 2009 been adopted in order to create a National Commission on Truth to investigate human rights violations committed during the military dictatorship.

Furthermore, the Brazilian Government openly rejected the precautionary measures issued on April 1, 2011 by the Inter-American Commission on Human Rights (IACHR) for members of the indigenous communities from the Rio Xingu basin. These precautionary measures were issued due to the damages that the construction of the Belo Monte Hydroelectric Complex could cause to the indigenous communities in the State of Pará⁸.

4/ “Resistance” killings are those in which policemen kill a person, but classify it as an act committed while the person was committing the crime of resisting arrest or disobeying police orders. See Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, United Nations Document A/HRC/14/24/Add.4, May 26, 2010.

5/ See Human Rights Council, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*, *op. cit.*, and Inter-American Commission on Human Rights (IACHR) Press Release No. 114/10, November 18, 2010.

6/ See Prison Pastoral (*Pastoral Carcerária*) Report, *Relatório sobre tortura. Uma experiência de monitoramento dos locais de detenção para prevenção da tortura*, 2010 and United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Press Release, April 16, 2010.

7/ See IACtHR Judgement, *Gomes Lund Case et al. (“Guerrilha do Araguaia”) vs. Brazil*, November 24, 2010.

8/ See CIDH Precautionary Measures 382/10, April 1, 2011.

As a result of these precautionary measures, in which the IACHR asked the Brazilian Government to immediately stop licensing this hydroelectric complex until the affected communities had been properly consulted and measures had been adopted to protect their life and personal integrity, President Dilma Rousseff announced the suspension of Brazil's relations with the IACHR⁹.

Among the positive developments, were efforts to improve the effectiveness of the protection for human rights defenders within the framework of the National Programme for the Protection of Human Rights Defenders (*Programa de Proteção a Defensores dos Direitos Humanos* - PPDDHH). In 2010, this Programme was being implemented in the States of Pará, Pernambuco, Bahia, Espírito Santo, Rio de Janeiro and Minas Gerais. In March 2011, the Programme was extended to include the States of Maranhão and Sergipe¹⁰.

Killings, threats and harassment against defenders who report police and parapolice violence

Defenders who report human rights abuses and violations by members of the military, policemen or parapolice militias continued to be under constant attack. On February 28, 2011, the body of Mr. **Sebastião Bezerra da Silva**, Coordinator for the central-west region of the National Human Rights Movement (*Movimento Nacional de Direitos Humanos* - MNDH) and member of the Tocantins Human Rights Commission (*Comissão de Direitos Humanos do Tocantins*), was found buried in a farm in the municipality of Dueré, in Tocantins State. Mr. Bezerra da Silva reported summary executions, torture and mistreatment by the police, and had received numerous threats as a result. Mr. Bezerra da Silva was last seen on February 26, 2011, and when his body was found, he appeared to have been tortured. Investigations into the events advanced and, as of April 2011, brothers Ricardo José Gonçalves, Janes Miguel Gonçalves Junior and Rogerio Miguel Gonçalves had been identified as the murderers¹¹. Furthermore, Mr. **Josimar Macário dos Santos**, an activist who had denounced the impunity of extrajudicial executions, including the murder of his brother, Mr. Josenildo Estanislau dos Santos, who was executed by military police officers from the First Battalion on April 2, 2009 in Rio de Janeiro, received threats against him and his family since the death of his

9/ On June 1, 2011, the Brazilian Institute of Environment and Renewable Resources (*Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis* - IBAMA) granted the licence to install the Belo Monte dam.

10/ See Human Rights Secretariat Press Release, March 16, 2011.

11/ See MNDH and Human Rights Secretariat Press Releases, February 28 and April 18, 2011.

brother. On May 7, 2010, Mr. Josilmar Macário dos Santos was injured by a gunshot as he was driving a taxi. Fearing for his life, he was forced to stop his work as a taxi driver and having a fixed address. He was included in the PPDDHH in Rio de Janeiro in May 2010 but, as of April 2011, neither he nor his family had received adequate protection¹².

Furthermore, the offices of Dignitatis, an organisation that has played a key role in federalising the proceedings of the investigation into the killing of Mr. **Manoel Bezerra de Mattos**, a lawyer and human rights defender who was murdered in January 2009 for reporting the actions of illegal militias that operate on the border between the States of Paraíba and Pernambuco, were attacked. On December 13, 2010, the doorway to the offices of Dignitatis was seriously damaged, and traces of bullets were found. Later, on January 30 and 31, 2011, strangers forcefully entered the offices during the night and stole various objects, including a computer and cameras with images and videos related to the organisation's work. These events were reported at the second police station in the city of João Pessoa and an investigation was opened. In April 2011, there were no leads in the investigations and although experts had examined the premises, their findings were not included in the case file. With respect to the request to federalise the proceedings for the murder of Mr. Manoel Bezerra de Mattos, on October 27, 2010, the High Court of Justice agreed to federalise the case. On April 29, 2011, the federal office of the Public Prosecutor had presented its final arguments in the case and was waiting for the defence to present its own.

Judicial harassment, violence and threats against defenders of the right to land, indigenous peoples' rights and environmental rights

In 2010 and 2011, defenders of land rights, indigenous peoples' rights and environmental rights continued to be victims of violence and judicial harassment. Mr. **Rosivaldo Ferreira da Silva** or **Cacique Babau**, leader of the Tupinambá people in the State of Bahia, was repeatedly accused of numerous offenses and threatened for defending the rights of his people to their ancestral lands¹³. For example, on March 10, 2010, after a group of indigenous Tupinambás returned to their ancestral lands in Serra do Padeiro, Mr. Babau was violently beaten, threatened with death, and imprisoned by five hooded federal policemen who did not identify themselves.

12 / See Global Justice (*Justiça Global*).

13 / The Tupinambá community has spent years fighting for its land, and its leaders have been the victims of serious attacks and harassment since the publication of a report in 1996 identifying and delimiting the Tupinambá Indigenous Land, which was written by a working group of experts from the National Indian Foundation (*Fundação Nacional do Índio* - FUNAI).

The next day, an anthropologist from the Federal Public Ministry was able to confirm that he had been beaten, was limping, and had not been provided with any medical attention. Despite this, the Superintendent of the federal police in Bahia claimed that there were no signs of torture or mistreatment. Likewise, on March 20, 2010, Mr. **Gilvaldo Jesus da Silva**, Mr. Babau's brother and another Tupinambá leader, was detained and charged - along with his brother - with "forming a gang", "invading property" and "damaging property". Police argued that as leaders of the Tupinambá community, they organised invasions of haciendas on the lands they claimed to be ancestral. On April 16, 2010, the da Silva brothers were transferred to a federal maximum security prison in Mossoró, Rio Grande do Norte, more than 2,500 km from their lands, in violation of the Indian Statute allowing indigenous peoples involved in legal proceedings to remain at the National Indian Foundation (*Fundação Nacional do Índio* - FUNAI) facility nearest to their homeland. Eventually, a *habeas corpus* request for the da Silva brothers was granted and they were released on August 17, 2010. However, as of April 2011, the proceedings against them were still underway¹⁴. Moreover, on June 3, 2010, their sister, Ms. **Glicéria Jesus da Silva** or **Glicéria Tupinambá**, another community leader and member of the National Indigenous Policy Commission (*Comissão Nacional de Política Indigenista* - CNPI), was detained along with her two-month-old baby and charged with "robbery". This occurred the day after her meeting with then President Lula, in which they discussed matters on violence against her community. After being held for five days, she was granted a *habeas corpus* and was released but as of April 2011, the proceedings against her were still pending¹⁵. Furthermore, on July 31, 2010, Mr. **Alexandre Anderson de Souza**, President of the Seamen's Association (*Associação dos Homens do Mar* - AHOMAR)¹⁶, and his wife saw unknown men prowling their home and therefore called the military police. When the strangers saw the policemen, they began shooting and a confrontation ensued in which a policeman and one of the attackers were injured. Mr. de Souza and his wife were forced to leave their home for a few days for security reasons. However, when they returned, they continued to be harassed. On September 1, 2010, police officers tried to arrest them without clearly explaining why, but AHOMAR members who were present at the time stopped them. One of the policemen told

14 / See Landless Rural Workers' Movement (*Movimento dos Trabalhadores Rurais Sem Terra* - MST) and Global Justice.

15 / *Idem*.

16 / Organisation that fights for the rights of the fishermen in Rio de Janeiro, especially those affected by the construction of the Petrobras gas pipeline, since the pipeline will have a negative impact on the surrounding area and on the livelihoods of the fishermen in that part of Bahia Guanabara.

Mr. Anderson de Souza in a threatening tone that he should not go out to sea anymore “for work or for pleasure”. These acts of harassment against Mr. de Souza and his wife were reported but as of April 2011, there were no leads and they still felt unsafe because, although they had police protection under the PPDDHH, it was insufficient and did not meet the needs of the defender and his family¹⁷. In addition, as of April 2011, the appeal lodged by Mr. **José Batista Gonçalves Afonso**, a member of the Land Pastoral Commission (*Comissão Pastoral da Terra - CPT*) in the city of Marabá in Pará State, against his two years and five months’ imprisonment sentence for “kidnapping” was still pending and was due to be decided on June 20, 2011 by the Third Class of the First Federal Regional Court in Brasília. Mr. Gonçalves Afonso faces the proceedings in liberty. On the other hand, although the Human Rights Secretariat of the Office of the President said it backed the IACtHR judgement of August 6, 2009, which found Brazil guilty of police persecution against the Landless Rural Workers’ Movement (*Movimiento dos Trabalhadores Rurais Sem Terra - MST*), as of April 2011, no measures had been taken to implement this judgment.

Threats against and judicial harassment of defenders who report violations of the rights of persons deprived of their liberty and abuse in prisons

Defenders of persons deprived of their liberty who report the difficult prison situation and constant human rights abuses committed against detainees, were also threatened and suffered judicial harassment in 2010 and 2011. For years, Father **Savério Paolillo (Father Xavier)**, Coordinator of the Pastoral of the Minor in the State of Espírito Santo, has been monitoring, along with other defenders, the prison system in Espírito Santo and reporting human rights violations that occur there. Because of his work, Father Xavier was verbally threatened in January 2010 and received anonymous threats on his mobile phone in April 2010. He reported these threats to the authorities but as of April 2011, there were no leads in the investigations and Father Xavier had not received adequate protection, causing him to seriously fear for his life and the life of his co-workers¹⁸. Furthermore, in March 2011, criminal proceedings were initiated against Mr. **Luis Antônio Câmara Pedrosa**, President of the Human Rights Commission of the Section of the Order of Lawyers of Maranhão (*Comissão de Direitos Humanos da seccional da Ordem dos Advogados do Maranhão - OAB-MA*), for “slander” after he reported that the former Deputy Secretary of the Maranhão penitentiary system, Mr. Carlos James Moreira, had participated in drug trafficking and receiving stolen vehicles

17/ See Global Justice.

18/ *Idem*.

in prisons. The criminal proceedings against Mr. Luis Antônio Câmara Pedrosa were filed on April 18, 2011, in light of a *habeas corpus* made by the Order of Lawyers of Brazil (*Ordem dos Advogados do Brasil*)¹⁹.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Manoel Bezerra de Mattos	Murder / Federalisation of trial	Press Release	September 3, 2010
Dignitatis / Mr. Manoel Bezerra de Mattos	Robbery / Acts of intimidation	Urgent Appeal BRA 001/0311/OBS 048	March 25, 2011

CHILE

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, there were some judicial advances for leaders defending the rights of the Mapuche people. However, not all of the Mapuche leaders who were wrongfully convicted were released, and there were still acts of intimidation against lawyers defending the Mapuche who were accused under the Antiterrorist Act. Furthermore, in 2010, defenders and organisations reporting violations in judicial investigations in the country's capital, reported being harassed and monitored.

Political context

On March 11, 2010, Mr. Sebastián Piñera, the candidate of the opposition Coalition for Change (*Coalición por el Cambio*), became President of the Republic. Due to the earthquake on February 27, 2011, which wreaked havoc in the centre and south of the country, killing more than 524 and injuring around two million people¹, the new Government had to confront criticisms of the public emergencies system and housing reconstruction. Then, on August 5, 2010, the San José mine in northern Chile collapsed. Although the 33 miners that were trapped 700 metres below the surface for seventy days were successfully rescued, the accident served as a reminder of the Government's precarious assessment and supervision in mining, as well as the lack of legal instruments protecting the rights of miners². At the end of the year, a fire that occurred on December 8, 2010 in San Miguel prison (Santiago) heightened the crisis due to crowding in prisons.

The hunger strike of 34 Mapuche imprisoned in various criminal facilities in southern Chile that began in July 2010 in protest of the growing criminalisation and violence against their communities managed to break the silence and generated discussion on indigenous peoples. In particular, this strike generated discussion of the competencies of Military Law and the application of the Antiterrorist Act to criminalise the social protest of the Mapuche people³. The debate over indigenous peoples became even more significant when images surfaced of police violence against the Rapa Nui people of Easter Island from December 2010, following various occu-

1/ See Interior Ministry and Public Safety.

2/ Although mining is an important activity in Chile, the country has not ratified Convention No. 176 of the International Labour Organisation (ILO) on Safety and Health in Mines.

3/ In 2010, a total of forty Mapuche were detained for engaging in so-called terrorist activity.

pations demanding that the Chilean Government return their lands⁴. There was such excessive use of force against the Rapa Nui that, on February 7, 2011, the Inter-American Commission on Human Rights (IACHR) granted protective measures to this indigenous community, asking the Chilean Government to immediately stop using armed violence against members of the Rapa Nui community⁵.

In terms of impunity, Chilean justice continued to make headway on establishing criminal liability for the crimes committed during the Pinochet's dictatorship. Although there were significant improvements, the cases under judicial investigation were less than half of the officially recognised cases⁶, and while more than 808 officers involved in the repression appeared before courts, only about sixty of them were carrying out sentences as of April 2011. Many were sentenced to minor penalties despite the seriousness of the crimes committed. One significant event was the decision of the Criminal Court of Paris from December 17, 2010, convicting thirteen individuals, including eleven Chilean ex-military men, for the forced disappearance of four French-Chilean citizens⁷. It is important to note additional improvements in uncovering the truth and the memory of human rights violations. On January 11, 2011, the National Museum of Memory and Human Rights (*Museo Nacional de la Memoria y los Derechos Humanos*) was inaugurated⁸, and on February 17, 2010, the Advisory Committee for the Qualification of Disappeared Detainees, Victims of Political Execution, Political Imprisonment and Torture (*Comisión Asesora para la Calificación de Detenidos Desaparecidos, Ejecutados Políticos y Víctimas de Prisión Política y Tortura*), also known as the "Valech Commission" (*Comisión Valech*), was re-launched, which received more than 30,000 new cases and whose new report will be submitted

4/ See Centre for Mental Health and Human Rights (*Centro de Salud Mental y Derechos Humanos - CINTRAS*), Corporation for the Promotion and the Defence of the Rights of the People (*Corporación de Promoción y Defensa de los Derechos del Pueblo - CODEPU*), Human Corporation (*Corporación Humanas*) and Citizen Observatory (*Observatorio Ciudadano*) Report, *Informe Intermedio de Organizaciones No Gubernamentales sobre el Seguimiento de las Observaciones Finales del Comité Contra la Tortura al Estado de Chile (CAT/C/CHL/CO/5)*, June 23, 2009.

5/ See IACHR Precautionary Measures 321/10, February 7, 2011.

6/ According to the statistics provided by the Government, as of September 2010, there were 514 proceedings underway without definitive sentences, representing 1,311 victims, 598 of whom were still missing. See Interior Ministry and Public Safety Official Statistics: http://www.ddhh.gov.cl/juridica_estadisticas.html.

7/ The decision will be notified in 2011, demanding that this sentence be carried out in Chile or in France.

8/ This museum was created to "shed light on the human right violations that were committed by the Chilean Government between 1973 and 1990; dignify the victims and their families; and stimulate reflection and debate on the importance of respect and tolerance, so that these events are never repeated ever again".

in August 2011. Furthermore, on July 20, 2010, the National Human Rights Institute (*Instituto Nacional de Derechos Humanos - INDH*), an autonomous Government body, was finally established, which constitutes a significant contribution to the discussion and documentation of human rights in Chile⁹.

Surveillance and harassment against defenders of indigenous peoples' rights

Although there were some improvements for leaders and members of the Mapuche community since the hunger strike of 34 Mapuche in July 2010¹⁰, human rights defenders involved in the defence of Mapuche in criminal proceedings continued to be monitored and harassed, including at the judicial level, in 2010 and 2011. For example, in the early months of 2010, the Public Ministry illicitly intercepted phone calls from Mr. **Rodrigo Curipán**, Spokesman for the Mapuche detained at Angol prison. Among the intercepted phone calls were those with Mr. **Jaime Madariaga**, a private defence lawyer of the Mapuche, in which they discussed various judicial strategies for the criminal proceedings against the Mapuche and in particular, the trial against Chilean police for the murder of Mr. Jaime Mendoza Collío, a member of the Mapuche community, on August 12, 2009. On August 18, 2010, Ms. **Karina Riquelme Viveros**, a lawyer and member of the legal team from the organisation *Liberate (Liberar)*¹¹, who has actively defended the Mapuche, was served a summons from the police in charge of investigations, indicating that she was being investigated for "illegally practicing her profession". This was initiated directly by the Public Prosecutor's office in the region of Araucanía, which accused her of having signed documents when she did not yet have her law degree and began working as a legal advisor with the Office for Protection of Rights in the city of Pucón in 2009. This action by the Public Prosecutor's office was denounced as an act of intimidation. As of late April

9/ The INDH published its first Annual Report on human rights in Chile in December 2010. Its Chairwoman, Ms. Lorena Fries, received this position with the support of the human rights organisations that are part of the Institute, such as CODEPU and Citizen Observatory.

10/ Minor reforms that eliminate double trials (under civil law and military law) were adopted, but there were no substantial changes to the Antiterrorist Act. There will be a comprehensive reform of Military Law in June 2011. Furthermore, the Government promised to reassess the terrorism-related actions brought against the Mapuche. This occurred late in the first trial of seventeen Mapuche community members, which concluded in March 2011 and in which Messrs. Héctor Llaitúl, Ramón Llanquileo, Jonathan Huillical and José Huenuche were convicted in provincial courts, although the judgement was based on evidence obtained under the Antiterrorist Act. Furthermore, this law was still sometimes applied to new cases. See CODEPU and Citizen Observatory.

11/ *Liberate* is a group of lawyers responsible for the criminal defence of the Mapuche accused under the Antiterrorist Act.

2011, the judicial proceedings were still pending and a trial was expected to take place in 2011¹².

Furthermore, some Mapuche leaders who were convicted several years ago under the Antiterrorist Act, were granted prison benefits and even conditional release in 2010. These leaders included Mr. **José Huenchunao Mariñan**, who as of April 2011, remained detained at the Education and Work Centres in Angol with prison benefits, Messrs. **Jaime Marileo Saravia**, **Juan Patricio Marileo Sarvia** and Ms. **Patricia Troncoso Robles**, who were granted conditional release in December 2010. Likewise, on September 10, 2010, the Mapuche *lonko*, Ms. **Juana Calfunao Paillalef**, whose case demonstrates the Chilean Government's policy of criminalisation against the Mapuche¹³, was granted conditional release. In addition, Ms. **Elena Varela**, a documentary maker who was detained on May 7, 2008 while making a documentary on the Mapuche people, and placed on parole in late 2009, was finally declared innocent on April 22, 2010. Some of her filmed material was lost during the proceedings of the Civil Public Prosecutor's office and, of the third that was recovered, one part was damaged.

Intimidation of human rights defenders who report violations in judicial investigations

Defenders whose work involves accompanying victims and family members who report unfounded criminal proceedings, were subject to acts of intimidation in 2010. On August 14, 2010, members of the Special Police Operations Group (*Grupo de Operaciones Policiales Especiales - GOPE*) searched the home of Ms. **Viviana Uribe Tamblay**, Chairwoman of the Corporation for the Promotion and the Defence of the Rights of the People (*Corporación de Defensa y Promoción de los Derechos del Pueblo - CODEPU*), in connection with the so-called "bombs case"¹⁴, in which fourteen youths were charged under the Antiterrorist Act. Ms. Viviana Uribe Tamblay accompanied the accused and their family members

12 / See CODEPU and Citizen Observatory.

13 / Ms. Juana Calfunao Paillalef, of the "Juan Paillalef" community situated in the community of Cunco in the Araucanía region, was accused of committing minor offenses, such as "attacking authority", "threatening policemen on duty" and "public disorder", and was sentenced in November 2006 to six and a half years in prison. While in prison, Ms. Calfunao Paillalef was tortured and harassed by police personnel and other inmates.

14 / The bombs case is a judicial investigation that was launched in 2006 after the explosion of more than 160 handmade explosive devices that were placed in various areas of the capital. The Prosecutor in charge of the case could not find any conclusive evidence to detain those responsible. However, on June 17, 2010, Prosecutor Alejandro Peña was appointed and thus charged fourteen youths with "unlawful terrorist association".

in reporting serious anomalies that occurred in the judicial investigation since Prosecutor Alejandro Peña took over the investigation on June 17, 2010. During the search, GOPE officers interrogated the daughter of Ms. Uribe Tamblay and confiscated CODEPU work material, which was not returned. Furthermore, the group of lawyers of Popular Defence (*Defensoría Popular*), who is defending some of the accused in the “bombs case”, discovered a microphone in its offices.

Acquittal of a journalist fighting against impunity in the crimes committed during the military dictatorship

Finally, on a positive note, on January 22, 2010, the Seventh Court of Guarantee in Santiago acquitted Ms. **Pascale Bonnefoy**, an independent journalist who had been accused of “libel”, “slander” and violation of Act No. 19.733 on Freedom of Opinion, Information and Journalistic Practice, after publishing an investigative article in 2006 in which she confirmed the identity of former military officer Edwin Dimter Bianchi as the Chile Stadium¹⁵ repressor, nicknamed the “Prince”, in the days following the military coup in 1973.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Pascale Bonnefoy	Judicial harassment	Urgent Appeal CHL 001/0110/OBS 001	January 5, 2010
	Acquittal / Judicial harassment	Urgent Appeal CHL 001/0110/OBS 001.1	January 21, 2010
		Press Release / Judicial Observation Mission Report	July 2, 2010
Ms. Juana Calfunao Paillalef	Arbitrary detention / Judicial harassment	Urgent Appeal CHL 001/0705/OBS 056.10	May 12, 2010
	Conditional release	Press Release	September 17, 2010
Ms. Viviana Uribe	Search	Open Letter to the authorities	August 19, 2010

15 / Following the coup d'état on September 11, 1973, the sports facility was used as a detention centre, where officers involved in the coup held political prisoners.

COLOMBIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, serious attacks continued against human rights defenders in Colombia, including numerous assassinations. Likewise, the climate of constant intimidation, threats and harassment continued against human rights defenders and their organisations. Among the most affected groups of defenders, were those working for truth, justice and reparation and land restitution, indigenous and peasants leaders, environmental defenders, leaders and members of trade unions, defenders of LGBTI persons, and organisations and journalists who denounced human rights violations.

Political context

On May 30, 2010, presidential elections were held in Colombia, after the Constitutional Court declared unenforceable a referendum to modify the Constitution for a second time, with the aim of permitting President Álvaro Uribe Vélez to stand for re-election. The winner of the election was the U Party (*Partido de la U*) candidate, Mr. Juan Manuel Santos, who took up office as President on August 7, 2010. Mr. Santos was a government Minister during the administration of Mr. Uribe Vélez and is from the same party as the outgoing Government. However, during his administration, he promoted a more respectful climate towards other branches of the State, including the judiciary and the work of the Supreme Court, which had been relentlessly attacked by Mr. Uribe.

In terms of human rights, the numbers of so-called “false positives” – extrajudicial executions attributed mostly to the military in which civilians are presented as killed in battle although in reality they are outside the conflict – have decreased since they came to public light¹. Furthermore, the presentation and promotion of a Bill on Reparation to Victims and Land Restitution was another important step forward². While this bill has several

1/ During President Uribe's two terms of office, in particular between 2004 and 2008, it is estimated that around 3,000 extrajudicial executions occurred. See Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, UN Document A/HRC/16/22, February 3, 2011.

2/ Bill No. 107 of 2010 (accumulated PL 85/10 - Chamber). The bill passed the debates in the House of Representatives and is expected to be approved during 2011 by the Senate.

flaws³, it is noteworthy that for the first time, a project is being promoted that will include victims of the guerrillas, the State and paramilitary groups and which aims at restoring land to those who were violently dispossessed. However, despite the importance of this bill, Colombia remained the second country in the world with the largest number of displaced persons⁴, and the land restitution policy demonstrated a lack of security guarantees for its beneficiaries, since some victims who attempted to return to their lands were threatened or even killed, as well as human rights defenders accompanying the communities in the process of land restitution.

Moreover, in 2010, proceedings began against several officials of the Department of Administrative Security (*Departamento Administrativo de Seguridad* - DAS) for committing crimes through intelligence activities such as illegal wiretapping, interception of emails, theft of computer files, harassment, unfounded judicial proceedings and even murders against human rights defenders, journalists, trade unionists, political opponents and even judges and members of international organisations⁵. While the initiation of judicial proceedings represented a step forward, as of April 2011, there were still many obstacles in establishing the responsible parties, including insufficient investigation of suspected links between the DAS and the President's office⁶, the authority to which the DAS is accountable and which directly appoints its Director.

In general, the number of human rights defenders who continued to face murder, death threats, judicial harassment and other abuses, was

3/ It was criticised, among other things, for not counting on the participation of victims during the drafting of the bill and not differentiating between ethnic groups despite including restitution for indigenous peoples, Afro-descendants and mixed race persons. The exclusion of some significant groups of victims has also been criticised, because of the imposed start date: 1986 for the reparation of victims and 1991 for the restitution of lands. See National Movement of Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes del Estado* - MOVICE).

4/ According to the Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento* - CODHES), a total of approximately 280,041 people (56,000 households) were displaced during 2010. The Attorney General's office affirmed the forced displacement of a total of 77,180 communities. According to the United Nations High Commissioner for Refugees (UNHCR), "the internal conflict that has plagued Colombia for four decades has forced more than 3.5 million Colombians to flee their homes and new displacements are recorded almost every day". See CODHES, *Boletín informativo ¿Consolidación de qué?*, No. 77, February 15, 2011 and UNHCR Press Release, December 3, 2010. Unofficial translation.

5/ In particular, on February 1, 2010 began the trial of Mr. Jorge Noguera, former Director of the DAS, for the alleged crimes of "aggravated homicide" and "aggravated criminal association" among others.

6/ On October 12, 2010, the Accusations Committee of the House of Representatives decided to open an investigation into the issue of illegal wiretapping conducted by the DAS, to investigate what responsibility the former President had in these events.

overwhelming. The “We Are Defenders Programme” (*Programa Somos Defensores*) reported that during 2010, there were 174 individual attacks against human rights defenders – including 32 assassinations – and 168 attacks against human rights organisations⁷. In addition, during the first quarter of 2011, there was an alarming increase in acts of aggression against defenders and social leaders in Colombia, with 96 attacks registered against defenders and 64 against social and human rights organisations, including 68 threats, nine murders, seven arbitrary arrests and four enforced disappearances⁸.

Assassinations, threats and harassment against defenders working for the rights of displaced people and for the restitution of land

As highlighted by the report of the United Nations High Commissioner for Human Rights, during 2010, the level of murders, threats and harassment against those who work for the rights of displaced persons and land restitution were of particular concern⁹. Several of the cases occurred in the department of Sucre, where members of the Movement of Victims of State Crimes (*Movimiento de Víctimas de Crímenes de Estado* – MOVICE) who work in these areas, were subjected to constant attacks. Such was the case of the murder of Mr. **Rogelio Martínez Mercado**, a peasant leader and member of MOVICE in Sucre, which occurred on May 18, 2010, and the murder of Mr. **Eder Verbel Rocha**, also a member of MOVICE in Sucre, which occurred on March 23, 2011. As of April 2011, both murders remained unpunished. In addition, Ms. **Ingrid Vergara**, leader of a displaced community and Spokeswoman for the MOVICE Sucre chapter, and Mr. **Juan David Díaz Chamorro**, a member of the MOVICE Sucre chapter, continued to receive threats on several occasions during 2010 and 2011 via emails, letters at their homes and telephone calls. In addition, Ms. Ingrid Vergara and her family were the victims of attacks, surveillance and acts of aggression on several occasions during 2010 and 2011. These facts were denounced, yet by April 2011 there had been no progress in the investigations. Mr. Juan David Díaz Chamorro was forced to leave the country with his family because of threats he received on April 9, 2011. Moreover, as of April 2011, Mr. **Carmelo Agámez**, Technical Secretary of the MOVICE Sucre chapter, was still being arbitrarily detained in Sincelejo prison, where he had been held since November 15, 2008, victim

7/ See “We Are Defenders Programme” Report, *Informe 2010, sistema de información sobre agresiones contra defensores y defensoras de derechos humanos en Colombia* - SIADDHH, February 25, 2011.

8/ See “We Are Defenders Programme” Urgent Action, April 8, 2011.

9/ See Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, UN Document A/HRC/16/22, February 3, 2011.

of a judicial set-up in which he was accused of “criminal association”¹⁰. On May 23, 2010, Mr. **Alexander Quintero** was assassinated. He was President of the Association of Community Action Groups in the Alto Naya region (*Asociación de Juntas de Acción Comunal del Alto Naya*) and Coordinator of the Association of Victims of the Massacre of Alto Naya (*Asociación de Víctimas de la Masacre del Alto Naya*)¹¹, one of the most visible leaders in the process for truth, justice and reparation for victims of this massacre. As of April 2011, Mr. Quintero’s murder remained unpunished. Similarly, on November 24, 2010, Mr. **Óscar Manuel Maussa Contreras** was killed. He was a land restitution leader and a leader of the Cooperative of Agricultural Workers from Blanquicet (*Cooperativa de Trabajadores Agropecuarios de Blanquicet - Cootragroblan*) in the municipality of Turbo, Antioquia department¹². As of April 2011, his murder remained in impunity. Also, in February 2010, the Sembrar Corporation (*Corporación Sembrar*), an organisation that provides legal advice and accompanies communities who carry out processes to defend their lands and land restitution in different regions of the departments of Sur de Bolívar, the north of Tolima, Nariño and Catatumbo, was subjected to harassment. On April 14, 2011, two unidentified men entered by force the home of Ms. **Zoraida Hernández Pedraza**, President of the Sembrar Corporation and Spokeswoman for MOVICE, while her and her family were present. These events were denounced, but as of April 2011, there was no progress in the investigations. Moreover, on June 9, 2010, members of the guerrilla group, the National Liberation Army (*Ejército de Liberación Nacional - ELN*), kidnapped Ms. **Nohora Guerrero**, Ms. **Lizbeth Jaime** and Ms. **Mónica Duarte**, human rights defenders from the Progress Foundation (*Fundación Progresar*), and Ms. **María Angélica González**, Government official from the Vice-President’s Programme for the Attention of Communities at Risk in the department of Norte de Santander. The defenders were in the region carrying out inter-institutional social and community work, to provide attention to people displaced by the armed conflict, who have returned or who are at risk of displacement. The four defenders were released on July 22, 2010.

10 / See Annual Report 2010.

11 / The massacre of Alto Naya began on April 7, 2001 at Timba, Cauca department, with the incursion of approximately 400 paramilitaries from the AUC Bloque Calima paramilitary group with the acquiescence of soldiers assigned to the army’s III brigade. The massacre lasted several days and over a hundred people were killed, a further thousand were displaced and sixty remain missing.

12 / Mr. Maussa Contreras had been displaced from his land in 1996 and 1997, and was forced into displacement again in 2007 as a result of death threats made by paramilitary forces. These threats were reported by him at the time, but no progress was made in the investigations.

Assassinations, disappearance and judicial harassment against indigenous leaders and environmental defenders

Defenders of indigenous communities and defenders of natural resources are the victims of systematic violence in Colombia, because their territories and areas of work are often caught in the middle of the actions of armed groups and their work becomes stigmatised by one or another of these groups. The situation for indigenous leaders is of serious concern in various communities in a number of different regions in Colombia. In 2010, within one month, at least four indigenous leaders from different communities were killed. On July 27, 2010 Wayuu indigenous leader Mr. **Luis Alfredo Socarrás Pimienta** was killed in Riohacha. He had led several demonstrations of his people to protest against the situation of their individual and collective human rights, and had participated in two electoral processes as a candidate for Mayor in the municipality of Manaure¹³. On August 13, 2010, Ms. **Carmen Elisa Mora Uncacia** from the U'wa people was murdered. She had served as Coordinator of the Bureau of Indigenous Affairs in the municipality of Saravena, in the department of Arauca¹⁴. Shortly thereafter, on August 14, 2010, Mr. **Jaime Reyes**, from the Sikuani people, was killed in the municipality of Tame, Arauca department. He was a member of the Parreros indigenous territory and the La Esperanza indigenous council¹⁵. In addition, on August 26, 2010, Mr. **Ramiro Inampues**, Councillor in the Guachucal municipality, former Governor of the Guachucal indigenous territory and founder of the "Pasto People's Ancestral Law School" (*Escuela de Derecho Propio del Pueblo de los Pastos*) for the promotion and defence of the rights of the Pasto indigenous population, was kidnapped along with his wife, Ms. **Lina Maria Galíndez**, also from the Pasto people. Their lifeless bodies appeared days later in the hamlet of El Corso, Guachucal indigenous territory, department of Nariño. Among their many activities, Mr. Inampues and his wife had reported the presence of paramilitaries operating in the area. Subsequently, on October 14, 2010, Mr. **Rodolfo Maya Aricafe**, a member of the Communications Area (*Tejido de Comunicación*) and of the Indigenous Council of López Adentro (*Cabildo Indígena de López Adentro*), was murdered in his home in the department of Cauca. Mr. Maya Aricafe had participated in numerous demonstrations against all armed groups operating in indigenous territories¹⁶.

Although the Constitution and laws of Colombia include the right of indigenous communities to their own criminal jurisdiction for crimes

13/ See Inter-American Commission on Human Rights (IACHR) Press Release No. 73/10, August 2, 2010.

14/ See IACHR Press Release No. 89/10, September 1, 2010.

15/ *Idem*.

16/ See IACHR Special Rapporteur on Freedom of Expression Press Release No. R106/10, October 22, 2010.

committed within their territories or by their members, on April 10, 2010, Mr. **Feliciano Valencia** was arrested on charges of “aggravated kidnapping” and “causing personal injuries”. Mr. Valencia is Spokesperson of the Group for Social and Community Resistance (*Minga de Resistencia Social y Comunitaria*) and member of the Regional Indigenous Council of Cauca (*Consejo Regional Indígena del Cauca* - CRIC). These allegations were based on the fact that a soldier from the Colombian State army who had infiltrated the “Minga” was captured and judged according to the customs of the indigenous peoples. Although Mr. Valencia was released on April 12, 2010, as of April 2011, the proceedings against him continued and there was a warrant for the same events against Ms. **Aida Quilcué**, former Chief Counsellor of the CRIC, Spokeswoman of the Minga for Social and Community Resistance, and one of four people nominated for the Martin Ennals Award for Human Rights Defenders in 2010. The same charges were also brought against Mr. **Daniel Piñacué**, Governor of the Indigenous Council in the community of Calderas, municipality of Inza, Cauca department, and two members of this indigenous community, Messrs. **José Daniel Ramos Yatacúe** and **Mario Yalanda Tombé**. Meanwhile, on February 17, 2011, Ms. **Sandra Viviana Cuéllar Gallego**, an environmental engineer who worked on the protection of watersheds and wetlands, on defending territories threatened by forestry plantations and on promoting the participation of local communities in environmental decisions that affect them, disappeared when travelling from Cali to Palmira. On February 19, some of her belongings were found, but as of April 2011, her whereabouts had not been disclosed. Subsequently, Mr. **Hildebrando Vélez**, an environmental defender who led the search for Ms. Cuéllar Gallego, received several death threats on his cell phone in March 2011. On April 9, 2011, two laptop computers, an external disk drive, and a USB memory stick containing information on the missing defender were stolen from him¹⁷. These threats and theft were reported, but as of April 2011, there was no progress in the case.

Assassinations of trade union leaders and trade unionists

During 2010 and 2011 trade union activity remained at high risk. 2010 in particular saw a wave of acts of aggression against teacher trade unionists. Of the 46 union members murdered in 2010, 25 were teachers¹⁸. At least seven teachers from Antioquia were killed, including Mr. **Ibío**

17/ See Colombian Commission of Jurists (*Comisión Colombiana de Juristas* - CCJ) Press Release, April 14, 2011.

18/ See International Trade Union Confederation (ITUC) Press Release, January 24, 2011, and Trade Union Confederation of Workers of the Americas (*Confederación Sindical de Trabajadores y Trabajadoras de las Américas* - CSA) Press Release, November 12, 2010.

Efren Caicedo, an activist from the Association of Teachers in Antioquia (*Asociación de Institutores de Antioquia - Adida*), on June 19, 2010¹⁹. Also killed on January 10, January 30 and February 5, 2011 respectively were Messrs. **Manuel Esteban Tejada**, professor of the “Palma Soriano” School in the Municipality of Planeta Rica, Córdoba department and member of the Córdoba Teachers’ Association (*Asociación de Maestros de Córdoba - ADEMACOR*), **Humberto de Jesús Espinoza Díaz**, a member of the Risaralda Teachers’ Union (*Sindicato de Educadores de Risaralda - SER*), who had served since 1994 as Faculty Director of the “Mistrato Agricultural Institute” in the municipality of Mistrato, department of Risaralda, and **Carlos Alberto Ayala**, professor and member of the Association of Teachers of Putumayo (*Asociación de Educadores del Putumayo - ASEP*)²⁰. As of April 2011, all these murders remained unpunished.

In addition to the murders of teachers in 2010 and 2011, killings of trade unionists from different sectors also continued. For example, Mr. **Francisco Atonio Abello Rebollo**, a member of the Ciénaga regional section of the National Union of Agricultural Industry Workers (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria - SINTRAINAGRO*), was killed after taking part, along with 185 workers, in a strike that took place between December 2009 and January 2010, calling for the recognition of SINTRAINAGRO and the signing of a collective labour agreement²¹. On June 5, 2010, Mr. **Hernán Abdiel Ordoñez Dorado**, Treasurer of the Board of the Employees’ Association of the National Prison Institute (*Instituto Nacional Penitenciario y Carcelario - ASEINPEC*) in the city of Cali, was killed, apparently because he had denounced corruption in the management of the women’s prison in that city. Mr. Ordoñez Dorado had been threatened before his death, but had not received the protection that the General Confederation of Workers (*Central General de los Trabajadores - CGT*) had insistently requested. In addition, on June 17, 2010, Mr. **Nelson Camacho González**, a member of the Labour Union of the Oil Industry (*Unión Sindical Obrera de la Industria del Petróleo - USO*) was killed²². As of April 2011, these killings also remained unpunished.

19/ See ITUC Press Release, July 7, 2010, and CSA Press Release, May 13, 2010.

20/ See ITUC Press Releases, February 3 and 15, 2011.

21/ See ITUC Press Release, June 3, 2010.

22/ According to ITUC, the murder of Mr. Nelson Camacho González “is another in a series of systematic attacks and threats against members and leaders of the oil workers’ union during industrial disputes. The union has been in conflict with the multinational British Petroleum in Casanare, with Ecopetrol-UT on the Andean pipeline, with TGI on the departments of Boyacá y Casanare, and with Ecopetrol over various other labour disputes”. See ITUC Press Release, July 7, 2010.

Assassination and threats against defenders of the rights of LGBTI persons

In 2010-2011, acts of violence and stigmatisation continued against defenders of the human rights of lesbian, gay, bisexual, transgender and intersexual persons (LGBTI). On March 17, 2011, transgender person Mr. John Edison Ramírez Salazar (Gabriela) was killed in the rural area of the city of Pasto. Gabriela was a human rights activist for the LGBTI population in the city of Pasto, department of Nariño, and a member of the Foundation for Trans Gender People of the South (*Fundación de Género Trans del Sur*), a non-governmental organisation that was part of the Technical Committee for Work with Diverse People because of their Sexual Orientation and Gender Identities (*Mesa Técnica para el Trabajo con Personas Diversas por Orientación Sexual e Identidades de Género*) in Pasto²³. This murder followed threats of “social cleansing” against the LGBTI community in Pasto, which were received on July 13, 2010 by several human rights organisations that are part of the Technical Committee, including the Diversity Foundation (*Fundación Diversidad*), the Association of Women Who Love Women (*Asociación de Mujeres que Aman Mujeres - AMAME*), Never Homophobia (*Homofobia Nunca*), Conbocas, Pink Polo (*Polo de Rosa*), the Noah’s Ark Foundation (*Fundación Arca de Noé*), the Development and Peace Foundation (*Fundación Desarrollo y Paz - FUNDEPAZ*) as well as public bodies such as the Departmental Health Institute of Nariño (*Instituto Departamental de Salud de Nariño - IDSN*) and the Office for Gender and Human Rights of the municipality of Pasto. The threats were sent after the “First Parentheses on LGBTI Cultural Citizenship” was completed, during which various events were held to raise awareness on respect for the rights of LGBTI people. As of April 2011, there was no progress in the investigations into the murder of transgender person Mr. John Edison Salazar Ramírez (Gabriela), or in the case of the threats to LGBTI organisations in Pasto.

Permanent climate of intimidation against defenders and their organisations

During 2010 and 2011, several human rights defenders and organisations were victims on different occasions of collective and individual threats via emails sent en masse, creating a climate of fear within the community of human rights defenders. Many of the messages received were anonymous and some were signed by the paramilitary groups known as the Black Eagles (*Aguilas Negras*) or the Rastrojos-Urban Commandos (*Los Rastrojos-Comandos Urbanos*). For example, both in April 2010 and

23/ The working group is a coordination space between civil society organisations and public institutions to work towards the promotion and protection of the rights of LGBTI persons in Pasto.

February 2011, more than sixty human rights organisations including defenders of women's rights, trade unions, victims' movements, indigenous and Afro-Colombian leaders and their organisations, among others, received threats via email. Many of the messages sought to threaten these defenders with death, and to link their work with the actions of the guerrillas. In addition, several independent journalists were included in these massive email threats, including Ms. **Claudia Julieta Duque** and Messrs. **Hollman Morris**, **Eduardo Marquez**, **Daniel Coronell** and **Marcos Perales Mendoza**, journalists who report human rights violations. The Attorney General's office undertook to investigate these threats. However, as of April 2011 there had been no progress in the investigations.

In addition to these threats, defenders and their organisations were subjected to smear campaigns against their work. For instance, press articles, videos and radio programs were used to accuse the Inter-Church Justice and Peace Commission (*Comisión Intereclesial de Justicia y Paz* - CIJP), and in particular its members, Messrs. **Abilio Peña** and **Danilo Rueda**, of developing a strategy against the Afro-Colombian communities of the Chocó region and of acting in alliance with the guerrillas of the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia* - FARC). The priest **Javier Giraldo SJ**, a member of the Centre for Research and Popular Education (*Centro de Investigaciones y Educación Popular* - CINEP) and renowned human rights defender, was also accused of being an ally of the guerrillas and of terrorism. Similarly, the José Alvear Restrepo Lawyers Collective (*Colectivo de Abogados José Alvear Restrepo* - CAJAR) continued to be the victim of smear campaigns. On September 1, 2010, individuals calling themselves the Nationalist Movement and Active Reservists of Colombia (*Movimientos Nacionalistas y Reserva Activa de Colombia*), which included retired politicians and members of the military, held a rally outside the offices of CAJAR in the centre of Bogotá, with the aim of denigrating the work carried out by the organisation on behalf of victims of human rights violations in criminal proceedings in which members of the security forces are implicated²⁴.

Furthermore, judicial harassment against human rights defenders continued, via the use of criminal proceedings often based on unreliable evidence.

24 / This coincides with the announced criminal charges against former President Uribe for "treason", which CAJAR presented on September 2, 2010 before the Accusations Committee of the House of Representatives, because he had signed an irregular military agreement between U.S. and Colombia that took place during the term of Mr. Álvaro Uribe, which was discontinued by order of the Constitutional Court on August 17, 2010.

For example, on September 14, 2010, Mr. **David Ravelo Crespo**, a member of the Board of the Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos - CREDHOS*) and renowned grassroots leader in the Magdalena Medio region, was deprived of his freedom on charges of “criminal association” and “aggravated murder” of a former Government official in Barrancabermeja, Mr. David Nunez Cala, in 1991²⁵. In the months preceeding his arrest, Mr. Ravelo had received constant threats. As of April 2011, Mr. David Ravelo Crespo was still being held in custody and the trial against him remained pending.

In the midst of this climate of judicial harassment, one can welcome the release of human rights defender Mr. **José Samuel Rojas**, in the La Macarena region, in February 2011. Mr. Rojas was acquitted of charges of “rebellion” after more than five months’ imprisonment²⁶. Similarly, on April 9, 2010, several defenders from the department of Arauca were acquitted, including Messrs. **Evelio José Gutierrez**, a member of the Community Action Committee (*Junta de Acción Comunal*) in the municipality of Arauquita, **José Del Carmen Sánchez**, former Chairman of the Peasants’ Association of Arauca (*Asociación Campesina de Arauca - ACA*) in the municipality of Arauquita, **Edinson Palomino Banguero**, affiliate and founding member of the Standing Committee for the Defence of Human Rights (*Comité Permanente por la Defensa de los Derechos Humanos - CPDH*) and President of the Arauca branch of the Skilled Workers’ Union (*Sindicato de Trabajadores de Oficios Varios - SINTRAOVA*), a subsidiary of the United Workers’ Confederation (*Central Unitaria de Trabajadores - CUT*), and **Omar Alarcón Castillo** and Ms. **Damaris de Jesus Escorcia Lopez**, members of ACA. These five defenders were imprisoned for more than two years accused of the crimes of “rebellion”, “criminal association” and “extortion”. Mr. Gutierrez was also accused of the crime of “terrorism”. The Judge acquitted them due to a lack of sufficient evidence. For his part, Mr. **Winston Gallego Pamplona**, a member of the Sumapaz Foundation (*Fundación Sumapaz*) and of the Seeds of Freedom Human Rights Collective (*Colectivo de Derechos Humanos Semillas de Libertad - CODEHSEL*), who was arrested on June 10, 2009 and charged with “rebellion”, was released on March 25, 2011. However, as of April 2011, the case against him was still pending.

25 / The charges are based on the voluntary statements of paramilitary leader Mario Jaime Mejia, aka “The Baker”, who was arrested in March 1999 and sentenced by civil courts as the principal author of several massacres. In order to gain benefits under the justice and peace law, he accused Mr. Ravelo Crespo and former Congressman Mr. Aristides Andrade of masterminding the murder of Mr. Núñez Cala.

26 / See CAJAR.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Inter Church Justice and Peace Commission (CIJP)	Defamation / Intimidation / Threats	Urgent Appeal COL 021/1209/OBS 188.1	January 7, 2010
CIJP / Messrs. Javier Giraldo S.J., Danilo Rueda and Alberto Franco	Death Threats / Defamation	Urgent Appeal COL 021/1209/OBS 188.2	April 27, 2010
Mr. Alfredo Correa D'Andreis and Ms. Zulzly Esther Codina	Trial against former Director of the DAS	Press Release / International Trial Observation Mission	February 1, 2010
Sembrar Corporation / Mr. Jairo Enríquez, Mr. Jorge Eliécer Molano Rodríguez and Ms. Zoraida Hernández	Harassment	Urgent Appeal COL 001/0210/OBS 018	February 17, 2010
Ms. Ingrid Vergara and Mr. Juan David Díaz Chamorro	Further harassment	Urgent Appeal COL 002/0210/OBS 019	February 18, 2010
Ms. Ingrid Vergara, Mr. Juan David Díaz Chamorro and Mr. Carmelo Agámez	Further harassment and intimidation	Urgent Appeal COL 002/0210/OBS 019.1	March 31, 2010
Mr. Juan David Díaz Chamorro	Death threats / Harassment	Urgent Appeal COL 002/0210/OBS 019.2	April 14, 2010
Ms. Ingrid Vergara	Threats / Illegal raid	Urgent Appeal COL 002/0210/OBS 019.3	December 3, 2010
Mr. Edinson Palomino Banguero and Ms. Mercy Tatiana Blanco	Arbitrary detention / Judicial harassment	Urgent Appeal COL 003/0210/OBS 026	February 26, 2010
Mr. Edinson Palomino Banguero, Mr. José del Carmen Sánchez, Ms. Mercy Tatiana Blanco and Ms. Damaris de Jesús Escorcía López	Arbitrary detention / Judicial harassment	Urgent Appeal COL 003/0210/OBS 026.1	March 16, 2010
Messrs. José Evelio Gutiérrez, José Del Carmen Sánchez, Edinson Palomino Banguero, Omar Alarcón Castillo, Israel Verona, Apolinar Herrera and Ms. Damaris de Jesús Escorcía López	Release/ Concern for physical integrity	Urgent Appeal COL 003/0210/OBS 026.2	April 14, 2010
Mr. Fernando Navarro	Assassination attempt	Urgent Appeal COL 004/0410/OBS 043	April 06, 2010
Mr. Feliciano Valencia	Arbitrary detention / Judicial harassment	Urgent Appeal COL 014/0609/OBS 083.1	April 13, 2010
60 human rights organisations	Threats	Press Release	April 22, 2010
Mr. Julián Andrés Montaña and Ms. María Eugenia Londoño Ocampo	Detention / Release / Harassment	Urgent Appeal COL 005/0510/OBS 056	May 06, 2010

Names	Violations / Follow-up	Reference	Date of Issuance
Association for Research and Social Action (NOMADESC), Union of University Workers of Colombia (SINTRAUNICOL), Valle department section of the United Confederation of Workers (CUT), Cauca Regional Indigenous Council (CRIC), Process of Black Communities in Colombia (PCN), Community Council of La Toma, Group for Social and Community Resistance / Messrs. Plutarco Sandoval Ararat, Licifrey Ararat, Ives Trujillo, Cenen Aponsá and Wilson Sáenz	Threats	Urgent Appeal COL 006/0510/OBS 059	May 11, 2010
CIIJ, National Movement for Victims of State Crimes (MOVICE) José Alvear Restrepo Lawyers' Collective (CAJAR), Colombian Commission of Jurists (CCJ), Amnesty International, Front Line, OMCT and FIDH / Messrs. Enrique Petro Hernández, Danilo Rueda, Abilio Peña, Alberto Franco and Javier Giraldo S.J.	Assassination plan / Smear campaigns	Press Release	May 12, 2010
Mr. Edwin Legarda and Ms. Aída Quilcué	Trial for the assassination of Mr. Edwin Legarda	Press Release	May 17, 2010
	Sentencing of six soldiers for the assassination of Mr. Edwin Legarda	Press Release	June 14, 2010
Mr. Rogelio Martínez Mercado	Assassination	Press Release	May 20, 2010
Mr. Javier Dorado Rosero	Threats	Urgent Appeal COL 007/0510/OBS 065	May 27, 2010
Mr. Alexander Quintero	Assassination	Urgent Appeal COL 008/0510/OBS 067	May 28, 2010
Valle del Cauca section of the Committee for Solidarity with Political Prisoners (FCSPP), NOMADESC, CUT, Association for Integral Development (ECATE) and Standing Committee for Human Rights (CPDH), Ms. Cristina Castro and Ms. Aída Quilcué	Death threat	Urgent Appeal COL 009/0610/OBS 078	June 22, 2010
Foundation for Development and Peace (FUNDEPAZ), Diversity Foundation, Association of Women Who Love Women (AMAME), Never Homophobia, Conbocas, Polo de Rosa, Noah's Ark Foundation, Departmental Health Institute of Nariño (IDSN) and Office for Gender and Human Rights of the Municipality of Pasto	Death threat	Urgent Appeal COL 010/0710/OBS 087	July 16, 2010

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Nohora Guerrero Lizbeth Jaime, Ms. Mónica Duarte and Ms. María Angélica González	Kidnapping	Urgent Appeal COL 011/0710/OBS 088	July 20, 2010
Mr. Domingo Emilio Pérez Cuellar	Judicial harassment / Stigmatisation	Urgent Appeal COL 012/0710/OBS 092	July 29, 2010
Ms. Judith Maldonado Mojica and Ms. Julia Adriana Figueroa Cortés	Acts of aggression / Death threats	Urgent Appeal COL 013/0810/OBS 098	August 10, 2010
Messrs. Alfonso Castillo, Rigoberto Jiménez and Iván Cepeda Castro	Death threats	Urgent Appeal COL 014/0810/OBS 100	August 16, 2010
Mr. Norma Irene Pérez	Assassination	Press Release	August 26, 2010
Mr. Ramiro Inampues	Assassination	Urgent Appeal COL 015/0910/OBS 106	September 1, 2010
CAJAR	Slander and stigmatisation	Press Release	September 2, 2010
	Possible attack	Urgent Appeal COL 016/0910/OBS 113	September 22, 2010
	Return of security measures	Open Letter to the authorities	April 13, 2011
Mr. David Ravelo Crespo	Arbitrary detention / Judicial harassment	Urgent Appeal COL 017/0910/OBS 116	September 23, 2010
		Closed Letter to the authorities	February 23, 2011
Ms. Carolina Rubio Esguerra	Arbitrary detention / Fear for physical and psychological integrity	Urgent Appeal COL 018/1110/OBS 136	November 17, 2010
Ms. Cenia Serna	Harassment / Threats	Urgent Appeal COL 019/1110/OBS/137	November 18, 2010
Mr. Óscar Manuel Maussa Contreras	Assassination / Presumed torture	Urgent Appeal COL 020/1210/OBS 140	December 02, 2010
MOVICE, CAJAR / Ms. Claudia Julieta Duque, Messrs. Hollman Morris, Eduardo Márquez, Daniel Coronell and Marcos Perales Mendoza	Death Threats	Urgent Appeal COL 001/0211/OBS 022	February 22, 2011
Ms. Sandra Viviana Cuellar Gallego	Disappearance	Urgent Appeal COL 002/0211/OBS 025	February 24, 2011
Mr. John Edison Ramírez Salazar	Assassination	Urgent Appeal COL 003/0311/OBS 041	March 23, 2011
Ms. Gloria Constanza Gaona, Ms. Olga Silva and Mr. Luis Alfonso Ruiz	Assassination / Acts of intimidation / Fear for security and for personal integrity	Urgent Appeal COL 004/0311/OBS 051	March 25, 2011
Mr. Eder Verbel Rocha, Mr. Rogelio Martínez Mercado, Mr. Juan David Díaz Chamorro, Mr. Carmelo Agámez, Ms. Ingrid Vegara Chávez and minor Ms. Cendy Paola Torres Vegara	Assassination / Threats / Harassment	Urgent Appeal COL 005/0311/OBS 054	March 31, 2011

Names	Violations / Follow-up	Reference	Date of Issuance
CRIC, Association of Indigenous Councils in the North of Cauca (ACIN), Committee for the Integration of the Macizo Region of Colombia (CIMA), Association of Teachers of Cauca (ASOINCA) / Mr. Miguel Alberto Fernández	Threats / Raid / Intimidation	Urgent Appeal COL 006/0411/OBS 056	April 1, 2011
Mr. Teofilo Saravia Badillo, Mr. Francisco Cruz Güiza, Mr. Alberto Franco, Mr. Abilio Peña, Danilo Rueda, Mr. Pablo Cala, Mr. Javier Giraldo S.J., Mr. Santander Nisperusa and Ms. Gisela Cañas	Threats	Press Release	April 7, 2011
Ms. Zoraida Hernández	Act of intimidation	Urgent Appeal COL 007/0411/OBS 066	April 18, 2011

CUBA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010, the Cuban Government released a number of political prisoners, including human rights defenders who had been in prison since March 2003. Nevertheless, in 2010 and 2011, low profile harassment continued against human rights organisations, as did obstacles to freedom of assembly and police repression of peaceful demonstrations in which human rights defenders participated.

Political context

Three years after Mr. Raúl Castro came to power, the Cuban Government initiated certain economic changes with the aim of improving the difficult situation affecting the Cuban population. However, there were no major reforms agreed during the VI Congress of the Cuban Communist Party (*Partido Comunista Cubano* - PCC), held in April 2011 for the first time in thirteen years, during which Mr. Raúl Castro was elected as First Secretary of the PCC, replacing Mr. Fidel Castro¹.

In 2010 and 2011, the human rights situation in Cuba continued to be worrying and precarious and the Cuban Government remained hostile to any criticism at the national or international level. Within Cuba, political opposition and more generally, freedoms of expression, peaceful assembly and association, continued to be strongly repressed using force, judicial harassment and arbitrary detention². An international *in situ* visit on the human rights situation in the island was once again prevented from taking place. In this respect, Mr. Manfred Nowak, then United Nations Special Rapporteur on Torture, expressed his enormous disappointment that he could not agree on a date with the Cuban Government for his fact-finding mission before the end of his mandate, on October 30, 2010³. Added to this, observation of the human rights situation in Cuban prisons continued to be prohibited and was viewed as an act of “treason” or an “attack on Cuban sovereignty”.

1/ The PCC is the only political party allowed in Cuba and has been governing the island for five decades. Only PCC members participate in elections. The Congress is its supreme organism, and defines the political orientation of the PCC and its general activities.

2/ For example, during the days before and after the celebration of the VI Congress of the PCC, a number of political opposition members were harshly repressed and detained. See Cuban Democratic Directory (*Directorio Democrático Cubano*) Press Release, April 19, 2011.

3/ See Office of the United Nations High Commissioner for Human Rights Press Release, June 9, 2010.

The above is particularly alarming taking into account the difficult situation in Cuban prisons. Excessive and abusive imprisonment⁴ is one of the main reasons for the massive overcrowding which currently exists in around 200 prisons and labour camps on the island, added to ill-treatment, beatings, humiliation and inadequate nutrition to which prisoners are subjected⁵. Political dissidents, human rights defenders and common prisoners all found themselves in this situation without distinction, and the health of some prisoners was badly affected. This situation causes the death of a number of political prisoners every year in Cuba, due to ill-treatment, illnesses which were not treated and suicides⁶. The indifference with which prisoners' protests or illnesses are treated, was demonstrated by the death, on February 23, 2010, of Mr. Orlando Zapata Tamayo, a political dissident who had been incarcerated since March 20, 2003⁷.

Release of human rights defenders

In 2010 and 2011, the Cuban Government released a number of political prisoners, including human rights defenders, as part of an agreement with the Catholic Church. This was achieved following media coverage after the death of Mr. Orlando Zapata Tamayo and the actions of Mr. **Guillermo Fariñas**, a journalist and human rights activist, founder of a centre for civil training and an independent press agency. Mr. Fariñas began a hunger strike the day after Mr. Zapata's death, which lasted for 135 days, to demand the release of all political prisoners in a precarious state of health. The agreement with the Cuban Government in 2010 and 2011 included the release of 52 people who were still in prison and who were among the 75 people arrested and sentenced in March 2003 during the "Black Spring", when a large number of defenders and political opposition members were arrested and faced summary trials⁸. Of the 52 people freed between July 7,

4 / For example, all incarcerations typified as "posing a danger to society prior to committing an offence". According to the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), there are several thousand people detained under this legal concept. See CCDHRN, *Informe semestral (enero - junio 2010)*, June 5, 2010.

5 / See Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba* - CRDHC) Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero a diciembre de 2010*, January 9, 2011.

6 / According to the CRDHC, in 2010 alone, there were reports of more than one hundred deaths in just forty prisons. See CRDHC Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero a diciembre de 2010*, January 9, 2011.

7 / Mr. Zapata Tamayo died after a hunger strike which worsened the effects of the ill-treatment and beatings he had received throughout his years in prison. Despite his delicate health situation, Mr. Zapata did not receive the necessary medical attention on time.

8 / Between March 18 and 20, 2003, around one hundred members of the political opposition were detained and then, some weeks later, 75 of them were given lengthy prison sentences, charged with attacking the independence of the State.

2010 and March 23, 2011, forty were obliged to leave Cuba immediately for Spain and only twelve stayed in Cuba, as they refused to leave the country as a condition to leaving prison. Among these 52 people are Messrs. **Normando Hernández González**, Director of the Camagüey College of Journalism (*Colegio de Periodistas de Camagüey*), and **Oscar Elias Biscet**, Founder and President of the Lawton Foundation (*Fundación Lawton*), a non-governmental organisation that promotes the study, defence and reporting of human rights in Cuba. In addition, throughout 2010 and 2011, other human rights defenders were released, including Messrs. **Juan Bermúdez Toranzo** and **José Luis Rodríguez Chávez**, National Vice-President and Vice-President respectively of the Cuban Foundation for Human Rights (*Fundación Cubana de Derechos Humanos*), imprisoned in 2008, Mr. **Julián Antonio Monés Borrero**, President of the “Miguel Valdés Tamayo” Cuban Movement for Human Rights (*Movimiento Cubano por los Derechos Humanos “Miguel Valdés Tamayo”*), imprisoned in 2008, Mr. **Ramón Velázquez Toranzo**, a journalist from the independent agency *Libertad*, imprisoned in 2007, Dr. **Darsi Ferrer Ramírez**, Director of the “Juan Bruno Sayas” Centre for Health and Human Rights (*Centro de Salud y Derechos Humanos “Juan Bruno Sayas”*), imprisoned in 2009, and Mr. **José Agramonte Leyva**, observer-visitor with the Cuban Commission for Human Rights and National Reconciliation (*Comisión Cubana de Derechos Humanos y Reconciliación Nacional* - CCDHRN), imprisoned in 2010.

Continuous acts of “low profile” harassment and repression against human rights defenders

Human rights defenders continued to suffer from “low profile” repression, including constant harassment and surveillance, detentions lasting hours, weeks or days, and short interrogations accompanied by ill-treatment, intimidation in defenders’ workplaces or meeting places, confiscation of work material and threats. One example of this repression was the harassment against the Cuban Council of Human Rights Rapporteurs (*Consejo de Relatores de Derechos Humanos de Cuba* - CRDHC) in 2010 and 2011. On January 11, 2010, a State security official arrived at the CRDHC building and asked its owner, Mr. **Sergio Díaz Larrastegui**, to appear that same day before the political police force and the chief of police in La Habana, threatening to use force if he did not so. Later, on April 8, 2010, the independent journalists and members of CRDHC, Mr. **Juan Carlos González Leiva**, Ms. **Tania Maceda Guerra** and Ms. **Sara Marta Fonseca Quevedo**, as well as the activist Mr. **Julio Ignacio León Pérez**, were held under arrest for five hours in the seventh unit of the national revolutionary police, in the municipality of La Lisa, and their telephone books were confiscated. Likewise, on July 31, 2010, agents from the political

police force stopped the vehicle that Ms. Tania Maceda Guerra and Mr. Juan Carlos González Leiva and others were travelling in. All of the occupants of the vehicle were threatened and held under arrest for several hours. Finally, on January 19, 2011, a delegate from the local Government, a State security official and a lieutenant colonel from the Interior Ministry entered the offices of CRDHC's information centre, where they found Ms. Maceda Guerra, Ms. **Odalis Sanabria Rodríguez**, and Messrs. Juan Carlos González Leiva, **Pedro Enrique Machado** and **Raúl Borges Álvarez**, members of CRDHC's information centre, and remained there for forty minutes. During this time the State agents threatened the defenders with death, physical aggression and sanctions against themselves and against Mr. Díaz Larrastegui. None of these events were denounced before the authorities for fear of reprisals.

Obstacles to freedom of peaceful assembly

Defenders who attempted to exercise their right to freedom of peaceful assembly were threatened and harassed on a number of occasions. Repression against freedom of assembly even reached the point of disrupting meetings in private houses, arresting and threatening those who attempt to meet there⁹. Within this context, on a number of occasions the Cuban security forces prevented the "Ladies in White" (*Las Damas de Blanco*), a group composed of wives and other family members of prisoners of conscience on the island, from peacefully demonstrating for the release of incarcerated dissidents. Habitually, they do these peaceful demonstrations after mass every Sunday. The Ladies in White were victims on a number of occasions of acts of intolerance, insults and threats¹⁰. Among these incidents, on October 7, 2010, Ms. **Sonia Garro Alfonso** and Ms. **Mercedes Fresneda Castillo**, part of the support group of the Ladies in White, were held under arrest by police officers in the area of El Vedado and driven to the 21 and C unit of the national revolutionary police, where they were severely beaten for having demonstrated against racism in Cuba¹¹.

In light of Mr. Zapata Tamayo's delicate health condition, on February 3, 2010, a large protest was organised outside the hospital where he was being treated. The protesters continued with a peaceful, public march through the main streets of the city of Camagüey. The march was repressed by a politi-

9 / See CRDHC Report, *Breve relato anual sobre los Derechos Humanos en Cuba de enero de 2011*, February 2, 2011.

10 / *Idem*.

11 / See CCDHRN.

cal police operation, during which 24 protesters were violently arrested¹². Some of those arrested were beaten, suffered ill-treatment, were insulted, and crammed into a car which transported them to different detention centres where they were held under arrest in deplorable and overcrowded conditions. Among those imprisoned was Mr. **Rolando Rodríguez Lobaina**, who was taken to an isolation cell in State security operational headquarters. The authorities did not inform his family of his whereabouts until February 7, 2010. Finally, the charges against Mr. Rodríguez Lobaina were not filed and he was released on February 7. However, as of April 2011, the case still remained open. In response to the repression carried out during the demonstration of February 3, 2010, several members of the Camagüey Human Rights Unit (*Unidad Camagüeyana de Derechos Humanos*) responded to the appeal of Mr. Zapata Tamayo's mother to hold a protest on February 4, 2010. The protesters were arrested and transferred to the third unit of the national revolutionary police force in Camagüey¹³. On February 8, 2010, the detainees from both demonstrations were released without charge, except for one person¹⁴. Additionally, on March 16, 2011, Mr. Rolando Rodríguez Lobaina was arrested again in the province of Guantánamo in order to prevent his participation in the commemoration of eight years since the "Black Spring". He was released without charge on March 21¹⁵.

12 / Rolando Rodríguez Lobaina, Yordi García Fournier, Niober García Fournier, Maiky Martorell Mayáns, Raudel Ávila Losada, Caridad Caballero Batista, Idalmis Núñez Reinoso, Marta Díaz Rondón, Cristián Toranzo Fundicheli, Gertrudis Ojeda Suárez, Isael Poveda Silva, Carlos Manuel Hernández Reyes, Francisco Luis Manzanet Ortiz, Gabriel Díaz Sánchez, Yoandri Montoya Avilés, José Antonio Trigueros Mulet, Juan Carmelo Bermúdez, Julio Romero Muñoz, Carlos Artiles Delgado, Faustino Calá Rodríguez, Mildred Naomi Sánchez Infante, Rubén Marín Cárdenas and Belkis Bárbara Portal Prado.

13 / On this day, fourteen protesters were arrested, Virgilio Mantilla Arango, Faustino Calá Rodríguez, Meibi Mulén Díaz, Manuel Sardiñas Sañu, Nancy García López, Fernando Zamora O'Reilly, Héctor Nodarse Suárez, Teófilo Álvarez Gil, Ramón Soto Acosta, Rolando Muñoz Arana, Ridel Aróstegui Armenteros, Belkis Bárbara Portal Prado, Jesús Álvarez Aguado and Julio Romero Muñoz.

14 / Mr. Faustino Calá Rodríguez had been conditionally released. However this was revoked when he was newly arrested. By April 2011, Mr. Calá Rodríguez was still in prison.

15 / See CCDHRN.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Cuban Council of Human Rights Rapporteurs (CRDHC)	Harassment	Urgent Appeal CUB 002/0809/OBS 124.1	January 14, 2010
CRDHC / Ms. Tania Maceda Guerra, Ms. Lázara Bárbara Cendiña Recarde and Messrs. Sergio Díaz Larrastegui, Hugo Damián Prieto Blanco, Carlos Alexander Borrero Galardi and Juan Carlos González Leiva	Harassment / Detention / Release/ Acts of aggression / Threats	Urgent Appeal CUB 001 0810/OBS 096	August 6, 2010
CRDHC / Ms. Tania Maceda Guerra and Ms. Odalis Sanabria Rodríguez and Messrs. Sergio Díaz Larrastegui, Juan Carlos González Leiva, Pedro Enrique Machado and Raúl Borges Álvarez	Threats	Urgent Appeal CUB 001/0111/OBS 010	January 27, 2011
Rolando Rodríguez Lobaina, Yordi García Fournier, Niober García Fournier, Maiky Martorell Mayáns, Raudel Ávila Losada, Caridad Caballero Batista, Idalmis Núñez Reinoso, Marta Díaz Rondón, Cristián Toranzo Fundicheli, Gertrudis Ojeda Suárez, Isael Poveda Silva, Carlos Manuel Hernández Reyes, Francisco Luis Manzanet Ortiz, Gabriel Díaz Sánchez, Yoandri Montoya Avilés, José Antonio Trigueros Mulet, Juan Carmelo Bermúdez, Julio Romero Muñoz, Carlos Artiles Delgado, Faustino Calá Rodríguez, Mildred Naomi Sánchez Infante, Rubén Marín Cárdenas, Belkis Bárbara Portal Prado, Virgilio Mantilla Arango, Faustino Calá Rodríguez, Meibi Mulén Díaz, Manuel Sardiñas Sañu, Nancy García López, Fernando Zamora O'Reilly, Héctor Nodarse Suárez, Teófilo Álvarez Gil, Ramón Soto Acosta, Rolando Muñoz Arana, Raidel Aróstegui Armenteros, Jesús Álvarez Aguado and Julio Romero Muñoz	Harassment / Police repression	Open Letter to the authorities	February 15, 2010

ECUADOR

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, there was a growing tendency on the part of the Ecuadorean Government to criminalise human rights defenders for their participation in peaceful social protests to defend the rights of indigenous peoples and environmental rights in relation to mining companies. Criminal proceedings against defenders were accompanied by declarations to discredit and threaten them, which hampered their work. Moreover, a defender who denounced corruption and abuses in prisons before national and international mechanisms was assassinated.

Political context

In May 2010, the Truth Commission (*Comisión de la Verdad*), created by President Rafael Correa in 2007, published its final report on crimes against humanity and serious human rights violations which occurred between 1984 and 2008¹. The Commission registered 456 victims of human rights violations for this period and found that a great majority of the violations committed by members of the armed forces and the national police force remained in impunity. These high levels of impunity were also denounced by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Philip Alston, who visited Ecuador in July 2010. The Special Rapporteur considered that a number of problems that affect security in Ecuador, such as hired killers, acts of mob justice such as lynching and other forms of organised crime, were aggravated by “a widely dysfunctional criminal justice system”².

Repression was employed as a response to the demands and criticisms of social groups, organisations and individuals. Acts of stigmatisation and judicial harassment continued against the media and journalists who denounced issues that were controversial for the Government; organised community leaders struggling for the respect of their economic, social and cultural rights were criminalised and had unfounded criminal charges levelled against them, the legal classification “sabotage and terrorism” was abused in order to sanction social protest, and repeated use of force was

1/ Particular emphasis was placed on the period of the Government of Mr. León Febres-Cordero Ribadeneyra (1984-1988), during which 68% of the human rights violations registered in the report occurred. See Truth Commission Report, *Informe final 2010: Sin verdad no hay justicia*, May 2010.

2/ See UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Press Release, July 15, 2010.

employed to repress social demonstrations. A number of social protests that took place in 2010 were against natural resource extraction, their negative impact on indigenous territories and the lands of peasants and on the environment, and in particular against two legislative bills that aimed to regulate this issue. In March 2010, the Constitutional Court declared the Mining Law of January 2009 to be “conditionally constitutional”, after it was questioned, because it did not comply with the right to prior consultation of indigenous peoples. In an unusual ruling, the Court established the law as “conditionally constitutional with respect to those articles in which, the rights of communities, peoples and nations have not been incorporated. This implies that, in order for the State to be able to begin mining exploitation in the territories of indigenous, afro-Ecuadorian and Montubian communities, peoples and nations, they must comply with the process for prior consultation established in the Constitution”³. Equally, the procedures of discussion and approval of the draft Law on Water Resources (Water Law) has been paralysed since March 2011 in the National Assembly, due to persistent denouncements from peasants and indigenous organisations on the effects of the said law in their lands, and because of demands for a prior consultation process to be implemented⁴.

In May 2010, the Special Rapporteur of the Inter-American Commission on Human Rights (IACHR) on the Rights of Persons Deprived of Freedom, Mr. Rodrigo Escobar Gil, visited Ecuador and condemned the use of torture by the police in criminal investigations, the lack of separation of detainees who are awaiting or undergoing trial and those who were convicted, and the persistent problem of overcrowding. He also expressed concern about the scarce resources destined to the daily management of those deprived of their freedom, in particular the small amount spent on food (one dollar per day)⁵.

Assassination of a defender who denounced corruption and abuses in prisons before the United Nations and national mechanisms

In 2010, a defender of the human rights of persons deprived of freedom was assassinated after denouncing the situation to national

3/ See Sentence No. 001-10-SIN-CC of the Constitutional Court, March 18, 2010, Press Release of the Constitutional Court, March 18, 2010 and the Ecumenical Commission of Human Rights (*Comisión Ecueménica de Derechos Humanos* - CEDHU).

4/ The communities consider that the Water Law permits the development of mining projects in areas of water sources, ensures the provision of water to mining companies but not to indigenous and peasants communities, and does not resolve the urgent issue of the contamination of water sources. Moreover, it aims at giving power over water systems to a centralised State authority, meaning that the communities will lose their control over this resource. See CEDHU.

5/ See IACHR Press Release No. 56/10, May 28, 2010.

and international mechanisms. On July 6, 2010, Mr. **Germán Antonio Ramírez Herrera**, a forensics expert and member of a national network of independent experts created by the Foundation for the Comprehensive Rehabilitation of Victims of Violence (*Fundación para la Rehabilitación Integral de Víctimas de Violencia* - PRIVA), was assassinated. Mr. Ramírez Herrera was killed after he presented cases of killings, torture, and cruel, inhuman and degrading treatment in the Quevedo prison, during the visit to Ecuador of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. Mr. Ramírez Herrera denounced the presumed complicity of the prison authorities in the cases he presented. These cases had also been presented before national mechanisms such as the Human Rights Ombudsman and the Office of the President. The killing of Mr. Herrera was denounced before the State Attorney General's office and as of April 2011, the case was still in the preliminary investigation stage.

Harassment against environmental rights defenders and defenders of indigenous peoples' rights who participated in peaceful demonstrations

In 2010 and 2011, there was a high incidence of acts of judicial harassment against environmental rights defenders and community leaders who denounced or protested against damages caused by extractive companies, against legislative measures affecting natural resources and in favour of the human rights of indigenous peoples. Defenders who peacefully demonstrated against the draft Water Law were subjected to judicial harassment. On May 4, 2010, environmental defenders Messrs. **Carlos Pérez Guartambel**, President of the Azuay Community Water System (*Sistema Comunitario de Aguas del Azuay*), **Federico Guzmán Paute**, President of the Victoria del Portete Parish Committee (*Junta Parroquial de Victoria del Portete*), **Pablo Quesada**, member of the Tarqui Parish (*Parroquia Tarqui*), and **Efraín Reinaldo Arpi** and **Isaac Lozano**, leaders from the San Joaquín community, were arrested on charges of "sabotage and terrorism" and remanded in custody, for having participated in a demonstration against the draft Water Law. The five defenders were released on May 5, 2010, following a *habeas corpus* hearing before the President of the Provincial Court of Cuenca. The judicial authorities could not prove the criminal responsibility of the accused due to a lack of evidence. However, in place of these charges, criminal proceedings were brought for "obstruction of public roads" against Messrs. Carlos Pérez Guartambel, Federico Guzmán Paute and Efraín Reinaldo Arpi. Mr. Pablo Quesada and Mr. Isaac Lozano were absolved of all charges. On August 24, 2010, the Azuay First Tribunal of Criminal Guarantees declared the accused to be innocent and ordered the case to be closed. The Attorney General's office responded to this decision by

filing an appeal, which was still pending as of April 2011. In a similar case, after Messrs. **Marco Guatemal**, President of the Imbabura Indigenous and Peasants Federation (*Federación Indígena Campesina de Imbabura*), **César Cuascota**, President of the González Suárez Communities Union (*Unión de Comunidades de González Suárez*), and **José Miguel Tocagón**, President of the San Rafael Communities Union (*Unión de Comunidades de San Rafael*), participated in national protests in May 2010 against the draft Water Law, the former Governor of the Province of Imbabura accused them of the crime of “sabotage and terrorism”. Mr. César Cuascota was declared innocent and Mr. José Miguel Tocagón gained recourse to a precautionary measure to provisionally suspend the criminal proceedings. In the case of Mr. Marco Guatemal, due to a lack of material evidence, the charges of “sabotage and terrorism” were dismissed. Nevertheless, the Public Ministry continued to press charges of “obstruction of public roads” against him, which were still pending as of April 2011. Similarly, the Shuar indigenous community in the east of Ecuador, continued to be subjected to acts of judicial harassment in 2011, dating back to their participation in a peaceful demonstration on September 30, 2009 in the province of Morona Santiago, to demand the indigenous communities’ right to prior consultation in relation to the draft Water Law⁶. Within this context, on February 1, 2011, Messrs. **José Acacho González**, President of the Inter Provincial Federation of Shuar Centres (*Federación Interprovincial de Centros Shuar*), **Pedro Mashiant Chamik** and **Fidel Kanira Taish**, leaders from member organisations of the Shuar Federation, were arrested and charged with “organised terrorism”. On February 8, 2011, a *habeas corpus* hearing took place in Quito in favour of the three Shuar leaders, which ordered their release. By April 2011 the trial had been temporarily suspended because the defence requested an annulment and filed for appeal before the Morona Santiago Provincial Court of Justice, which had yet to be resolved.

Defenders who participated in peaceful demonstrations to demand respect for the rights of indigenous peoples were also victims of judicial harassment. Mr. **Marlon Santí**, President of the Confederation of Indigenous Nations of Ecuador (*Confederación de Nacionalidades Indígenas del Ecuador - CONAIE*), and Mr. **Delfín Tenesaca**, President of the Confederation of Kishwa Peoples of the Sierra (*Confederación de los Pueblos Kishwas de la Sierra - ECURRUNAR*), continued to be victims of judicial harassment for taking part in protests to demand respect for

6/ On this day, indigenous peoples were repressed by elite groups from the national police force sent from Quito. As a result of this repression, the indigenous leader Mr. Bosco Wisuma was killed, and the community’s radio station was closed for some time, charged with “instigating the uprising”.

the rights of indigenous peoples. Due to their participation in a peaceful demonstration of the Indigenous Movement (*Movimiento Indígena*) held on June 24, 2010 during the Summit of the Bolivarian Alliance for the Americas (*Alianza Bolivariana para las Américas* - ALBA) in Otavalo, with the aim of demanding the fulfilment of the rights of indigenous peoples established in Article 57 of the Ecuadorean Political Charter, and denouncing the lack of attention on the part of the Ecuadorean authorities including the right to water, to a healthy environment, to intercultural education and health, the Attorney's office in Imbabura began judicial proceedings against Mr. Santí and Mr. Tenesaca for "sabotage and terrorism". A hearing took place on March 3, 2011, yet by the end of April 2011, the case was still ongoing.

Moreover, defenders who opposed mining projects were also victims of harassment, including at the judicial level. On April 27, 2010, one of the concession holders in the region of Piedra Azul, in the province of Azuay, arrived at the offices of the Women's Front for the Defence of Pachamama (*Frente de Mujeres Defensoras de la Pachamama* - el Frente), an organisation opposed to large scale mining projects and so-called "small-scale mining" due to its impacts on the environment and on communities. The concession holder stated that judicial proceedings had been brought against Ms. **Rosío Pérez**, President of el Frente, because of her work denouncing illegal mining in the Piedra Azul area, which was affecting water sources in the region⁷. Subsequently, it was proven that there were no such proceedings against Ms. Rosío Pérez, but that she had in fact been threatened. Moreover, judicial proceedings have been ongoing since 2009 against Ms. **Yolanda Gutama**, Ms. **Virginia Chuñir** and Ms. **Etelvina Miscango**, peasants from Molleturo and leaders of el Frente, who were charged with "obstruction of public roads" for their participation in a national community protest against the approval of the draft Mining Law. These women were forced into hiding during some time because they lacked the resources to pay the amount fixed as bail to avoid being taken into custody. As of April 2011, the three defenders had returned to their normal activities, after charges were suspended. Despite this, the bail charge had not been cancelled and the case remained open, with the intention of harassing the women.

Additionally, organisations who work with indigenous peoples and who are opposed to the exploitation of natural resources continued in 2010

7/ El Frente had effectively denounced these acts before the Decentralised Agency for the Regulation of Mining (*Agencia Desconcentrada de Regulación Minera* - ADRCM) in Cuenca and to the Provisional Office of the Environment Ministry in Azuay.

to be publicly discredited and threatened with expulsion. For instance, President Correa, in the radio programme “Diálogos con el Presidente”, threatened in July 2010 to expel from Ecuador non-governmental organisations (NGOs) that intervene in “politics” and he condemned the actions of international NGOs who work with indigenous peoples against certain projects for oil and mineral extraction. The President declared: “These little gringos come with their full bellies to convince indigenous peoples that oil should not be extracted, and that mines should not operate. They give money to indigenous peoples, when they get what they want they leave, and the indigenous peoples are left poorer than ever”⁸.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Messrs. Carlos Pérez Guartambel, Federico Guzmán Paute, Efraín Reinaldo Arpi, Pablo Quesada, Isaac Lozano, Ms. Rosío Pérez and Ms. Rosa Gutama	Arbitrary detention / Release / Harassment / Threats	Open Letter to the authorities	May 10, 2010
Mr. Germán Antonio Ramírez Herrera	Assassination	Urgent Appeal ECU 001/0710/OBS 085	July 15, 2010
Messrs. José Acacho González, Pedro Mashiant Chamik, Fidel Kanira Taish, Santiago Bosco Sharup Wachapa, Sharian Pedro Narankas Mashiant, Andrés Juan Vizuma Shimbiu, Ernesto Washikta Chiriap, Francisco Washikiat Saant Tsenjush, Luis Alberto Catan Shinqui, Rufino Antonio Marian Kasent and Ms. Clara Elena Chuncho Juanga	Arbitrary detention / Judicial harassment	Urgent Appeal ECU 001/0211/OBS 014	February 4, 2011
	Release / Judicial harassment	Urgent Appeal ECU 001/0211/OBS 014.1	February 10, 2011
Messrs. Marlon Santí and Delfín Tenesaca	Judicial harassment	Urgent Appeal ECU 002/0311/OBS 030	March 8, 2011

8/ It should be mentioned that this kind of intimidation is not new. In March 2009, the legal status of Ecological Action (*Acción Ecológica*) was taken away for “lack of fulfilment of the aims for which it was created”, after the organisation supported indigenous protests against a law promoted by the Government, authorising the activities of transnational mining companies. This decision was not implemented and on August 31, 2009, the association recovered its legal registration.

GUATEMALA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, human rights defenders in Guatemala were the victims of numerous aggressions, including killings and other attacks against their life and personal integrity. Violence against defenders of economic, social, cultural and environmental rights in relation to extractive industry companies, which exploit natural resources of indigenous and peasant communities, was particularly alarming. Trade union leaders and defenders denouncing violations against other defenders and those fighting against impunity, were also targeted.

Political context

In 2010 and 2011, levels of violence, insecurity and human rights violations continued to be alarming. Although the figures for killings in 2010 decreased in comparison with 2009¹, violence intensified in the first three months of 2011 and it is feared that figures could rise to similar or even higher levels than in 2009, considered to be the most violent year of the decade². High levels of violence directly affected human rights defenders. In 2010, 304 acts of aggression were registered against defenders, including 27 killings and 21 attempted killings³. From January to April 2011, 236 acts of aggression were registered against human rights defenders, including ten killings⁴.

Within this context, of particular concern are the alarming levels of impunity which fuel the general climate of violence and hamper

1/ The Human Rights Ombudsman's office (*Procuraduría de Derechos Humanos* - PDH) reported 5,960 cases of violent killings in 2010, that is to say a decrease of 538 killings compared to 2009. Even with this improvement in 2010, the Group for Mutual Support (*Grupo de Apoyo Mutuo* - GAM) expressed concern over the increase in cruel killings and the increase in the number of massacres. See PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011, and GAM Report, *Informe sobre situación de derechos humanos y violencia en Guatemala. Enero 2011*, February 10, 2011.

2/ The GAM drew attention to the violence and increase in massacres, which continues in 2011. See GAM Report, *Informe sobre situación de derechos humanos en Guatemala y hechos de violencia al mes de marzo de 2011*, April 2011.

3/ See Unit for the Protection of Human Rights Defenders in Guatemala (*Unidad de Protección a Defensoras y Defensores de Derechos Humanos de Guatemala* - UDEFEGUA) Press Release, January 13, 2011, and PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011.

4/ See UDEFEGUA.

the defence of human rights⁵. The level of impunity is a deeply rooted structural problem, and stands at 99.75% in cases of both common crime⁶ and also crimes against human rights defenders⁷. One example of the far reaching effects of this institutional problem was the appointment of Mr. Conrado Reyes, who has a history of corruption and links to drug trafficking, as Guatemalan Attorney General. Although the Constitutional Court dismissed Mr. Reyes from office, the situation clearly shows the persistent problem of impunity linked to corruption. Within the dark panorama of impunity, it is important to highlight progress in the area. Since the end of 2009 there have been several convictions against the perpetrators of crimes committed during the genocide in the 1980s⁸.

Furthermore, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Mr. James Anaya, visited Guatemala in June 2010, and reported on the climate of instability and social conflict caused by extractive industry companies operating in the traditional lands of Guatemalan indigenous peoples⁹. One of the main problems detected by the Rapporteur was the dispute caused by the lack of a legislative and institutional framework which would permit effective consultation processes with indigenous peoples in relation to projects in their lands. The Rapporteur also expressed concern over the criminal proceedings brought against members of indigenous communities who participate in acts of social protest against the

5/ As the PDH stated, “the eradication of impunity is the most direct way of putting a stop to violent acts against human rights defenders, whether they are carried out by State or non-State actors”. See PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011. Unofficial translation.

6/ According to the PDH, “estimates of impunity had tended to be in the order of 98%, but in April 2010 the International Commission Against Impunity in Guatemala (CICIG), based on data provided by the President of the Criminal Chamber of the Supreme Court, stated its real dimensions in the order of 99.75%”. Unofficial translation. See PDH Report, *Informe Anual Circunstanciado. Situación de los derechos humanos en Guatemala*, January 2011, and CICIG Report, *Tercer año de labores*, 2010.

7/ This high level of impunity, combined with the wave of acts of harassment and criminalisation against them, has produced an increase in disinterest in denouncing crimes. This is reflected in the decrease in denouncements of attacks against defenders presented before the PDH or the Public Ministry. See UDEFEGUA Annual Report, *Agresiones, el precio que debemos pagar. Informe sobre situación de Defensoras y Defensores de Derechos Humanos. Enero a Diciembre de 2010*, February 2011.

8/ Some of this progress includes: the sentencing in appeal in February 2011 of Army Commissioner Felipe Cusanero Coj for enforced disappearance; the sentencing in 2010 of Coronel Marco Antonio Sánchez Samayoa and three former soldiers to 53 years for the enforced disappearance of a number of farmers in the village of El Jute, with only the appeal outstanding. See GAM and UDEFEGUA.

9/ See UN Human Rights Council, *Informe del Relator Especial de Naciones Unidas sobre los derechos de los pueblos indígenas, James Anaya, Observaciones sobre la situación de los derechos de los pueblos indígenas de Guatemala en relación con los proyectos extractivos, y otro tipo de proyectos, en sus territorios tradicionales*, UN Document unedited version A/HRC/16/xx, 4 March 2011.

activities of these companies¹⁰. Equally, the Rapporteur emphasised that one of the defining factors in the social conflict was the high level of legal uncertainty over land ownership; the almost total absence of collective land titles, and the still tangible consequences of the dispossession of lands that occurred during the internal armed conflict. The precarious situation and the violence that indigenous and peasants communities suffer when they oppose the activities of certain mining companies continued into 2011, especially in the departments of Guatemala (mainly in the municipality of San Juan de Sacatepéquez), San Marcos¹¹ and Alta Verapaz¹².

In spite of the fact that in Guatemala all human rights defenders carry out their work in situations of extreme vulnerability, the Institution for the Analysis of Attacks Against Human Rights Defenders, a mixed governmental and civil society institution established in 2008 as a coordination mechanism to investigate reports of acts of aggression against defenders and to analyse trends in order to support investigations by the Public Ministry and the national police force, was not officially recognised.

Serious violations against environmental rights defenders and defenders of indigenous and peasants communities

Environmental rights defenders and defenders of indigenous and peasants communities were again seriously affected, in particular those who denounced threats and human rights violations carried out by extractive industry companies.

In particular, in the department of San Marcos, a number of defenders were assassinated or injured and in general carried out their work in the midst of a permanent climate of harassment and intimidation. An example of this is the situation of the environmental activists who oppose mining activities in San Miguel Ixtahuacán. On July 7, 2010 Ms. **Deodora Antonia Hernández Cinto**, a member of the Association for

10/ See Human Rights Council, *Observaciones preliminares del Relator Especial de Naciones Unidas sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas*, Sr. James Anaya, sobre su visita a Guatemala (13 a 18 de junio de 2010), June 18, 2010.

11/ The difficult situation caused the Inter-American Commission on Human Rights (IACHR) to grant on May 20, 2010, precautionary measures, including the temporary closure of the mining operations, to eighteen communities close to the “Marlin” mine, in the municipality of San Marcos. Finally the Government decreed the suspension of the Marlin mine operations in July 2010. In spite of this, as of April 2011 the activities of the mine were still continuing.

12/ Between March 15 and 17, 2011, hundreds of members of the public and private security forces and the army forcibly evicted around 800 families from fourteen q'eqchi' indigenous communities in the Valle del Polochic, municipality of Panzós, in the region of Alta Verapaz. The abusive use of force caused the death of one farmer and a number of people were injured. See OMCT Urgent Appeal GTM 230311/GTM

the Development of San Miguel Ixtahuacan (*Asociación para el Desarrollo de San Miguel Ixtahuacan* - ADISMI)¹³, was shot and killed by unknown assailants in the village of Agel. Despite the fact that several of her neighbours temporarily detained two suspects, the agents of the national police force who arrived at the scene decided to let them go without asking their names or registering their vehicle. As of April 2011, those responsible for the murder of Ms. Hernández Cinto had been identified, but there had been no arrest warrants issued against them. Similarly, in July 2010 there was an attempt to run over Mr. **Juan Méndez**, also a member of ADISMI. For her part, Ms. **Carmen Mejía**, a member of the Board of Directors of ADISMI, received several threatening text messages. As of April 2011, there had been no progress made in the investigations into these threats. More recently, on February 28, 2011, members of ADISMI, of the Miguelense Front of Defence Against Mining (*Frente de Defensa Miguelense contra la Minería* - FREDEMI) and a number of other individuals from the municipality were arbitrarily detained, beaten and threatened for participating in a demonstration organised by FREDEMI in which protesters asked the Guatemalan Government to apply the precautionary measures granted by the Inter-American Commission on Human Rights (IACHR) against the mining activities of the Goldcorp company (the Marlin mine), including the temporary suspension of mining operations. In particular, Mr. **Miguel Bámaca**, a member of FREDEMI, was violently attacked, robbed and threatened by a local family. Moreover, Mr. **Aniceto López**, also a member of FREDEMI, was detained by the same local family, and assaulted, robbed, and threatened by them. They later forced him to publicly state that they had not been involved in these events. Mr. **Carlos Loarca**, a lawyer who represents FREDEMI before the IACHR, was also threatened. These events were formally denounced and investigations were in progress as of April 2011¹⁴. In addition, during the months of June and July 2010, members of the Centre for Legal, Social and Environmental Action in Guatemala (*Centro de Acción Legal - Ambiental y Social de Guatemala* - CALAS)¹⁵, including its Director, Mr. **Yuri Melini**, and Ms. **Miroslava García**, a lawyer and notary of CALAS, also suffered threats and intimidation. In 2010, CALAS made

13/ This association has assumed the defence of the territories of communities against mining activities carried out by the Montana de Goldcorp company, in the municipality of San Marcos, documenting the effects of the mining activity on health, infrastructure and the contamination of water supplies with the mercury used in the process of gold extraction. In this area, harassment of the communities and members of ADISMI increased following the visit of the UN Special Rapporteur on the Rights of Indigenous Peoples.

14/ See UDEFEGUA.

15/ An organisation that works to strengthen environmental management, citizens' participation and the respect for the collective rights of indigenous peoples related to the environment.

significant efforts to denounce the actions of several projects, including the Marlin mine in San Marcos and the oil project of the PERENCO company in the Petén region, and also to compile threats received by environmental defenders, and to contribute to a new proposal for a Law on Mining and the Extractive Industry. Also in the department of San Marcos, members of the Resistance Front for the Defence of Natural Resources (*Frente de Resistencia en Defensa de los Recursos Naturales* - FRENA)¹⁶ were the object of attacks in 2010. On January 13, 2010, Ms. **Evelinda Ramírez Reyes**, the President of FRENA in Retalhuleu Chiquirines, and Messrs. **Leonel de León** and **Fredy Rodas**, members of FRENA in Malacatán, were assaulted by unknown assailants in a car, after attending several meetings with national Government authorities. The attack caused the death of Ms. Ramírez Reyes, while Messrs. Leonel de León and Fredy Rodas were injured. On February 17, 2010, Mr. **Octavio Roblero**, a leader from FRENA, was murdered in Malacatán. He had been denouncing the murder of his brother-in-law, Mr. **Víctor Gálvez**, in October 2009, also a leader of FRENA in Malacatán. All of these cases were formally denounced. As of April 2011, the International Commission Against Impunity in Guatemala (*Comisión Internacional Contra la Impunidad en Guatemala* - CICIG) had assumed the investigations into the murder cases and had identified and arrested those responsible for the killing of Mr. Víctor Gálvez.

In the municipality of San Juan de Sacatepéquez, department of Guatemala, there was also a continuous climate of violence which seriously affected the human rights defenders working there. For instance, community leaders opposed to a project to install a cement works belonging to the Progreso company in this municipality, were victims of constant attacks. On February 11, 2010, Mr. **Germán Antonio Curup**, a member of the movement opposing the installation of the cement works in San Juan Sacatepéquez, was kidnapped by unknown assailants and his body was found three days later with his throat slit and signs of torture, in the Bárcenas area. On June 5, 2010, Messrs. **Alberto Díaz Zet**, **Cornelio Subuyuj Camey**, **Juan Marcelo Coztojaj Tubac**, **Lázaro Raxon Cotztojaj** and **Gregorio Cotzajay Tubac**, community leaders opposed to the installation of the aforementioned cement works in San Juan de Sacatepéquez, were subjected to several death threats by a number of workers from the Progreso company. These events occurred after the said workers had already assaulted a group of people in the community of San Antonio de las Trojes, cutting off the electricity supply, causing damage to community goods,

16/ Resistance front against abuses committed in the department of San Marcos by the Western Electricity Company (*Distribuidora de Electricidad de Occidente SA* - DEOCSA), a subsidiary of the Spanish company Unión FENOSA.

and firing off shots. In spite of the emergency calls made by members of the community, it was not until the afternoon of June 6 that a contingent of anti-riot police, officials from neighbouring communities, and several organisations were able to enter the area to assist the community. Moreover, on the night of February 26 to 27, 2011, eight workers from the Progreso company violently attacked several members of the Pilar 1 community, in the municipality of San Juan Sacatepéquez, using firearms, machetes and wooden staffs. Messrs. **Carlos Enrique Subuyuj Boch** and **Rosalio Subuyuj Raxón**, members of the movement against the cement works, were injured¹⁷.

Moreover, members of the Association for the Protection of the Las Granadillas Mountain (*Asociación para la Protección de la Montaña de Las Granadillas* - APMG) and of the Camoteca Peasants' Association (*Asociación Campesina Camoteca* - ACC)¹⁸ were the victims of judicial harassment related to their activities in the defence of the environment. Messrs. **Carlos Hernández** and **Santos Vásquez**, members of the ACC, were arrested on November 15, 2010, accused of the crimes of "acting against national security" and attending "illicit meetings and demonstrations" after they participated in a demonstration which was held in Chiquimula from March 31 to April 2, 2010. On March 2, 2011, the Presiding Judge decided to drop the charges, as he considered that the two defenders had not placed the public interest and the safety of citizens under threat. Nevertheless, they had to pay a fine and promise not to participate in "illicit" demonstrations¹⁹. Similarly, Ms. **Glenda Cecilia Antón Antón** and Messrs. **Rubén Aldana Guzmán**, **Rolando Meléndez**, **Alfredo Mejía Gregorio**, **José Martín Cabrera Antón**, **Melvin Antonio Palacios** and **Bayron Galdámez Franco**, members of the APMG²⁰, and Mr. **José Pilar Álvarez Cabrera**, Reverend of the Lutheran Church of Guatemala who accompanies the APMG, were accused of "illegal detention" and "making threats" because of events on September 26, 2010, when a confrontation occurred in La Trementina, municipality of Zacapa. This case involved individuals who wanted to fell wood from the forests of the Las Granadillas Mountain, and who had removed two walls which had been constructed to restrict access to heavy vehicles for the transportation of wood. On April 13,

17/ See UDEFEGUA.

18/ The Camoteca Peasants' Association aims at protecting life, the environment and the right to consultation related to hydroelectric projects and the Technological Corridor in eastern Guatemala.

19/ See Peace Brigades International - Guatemala, March 2011.

20/ The APMG is formed of 22 communities living near the Mountain who protect and conserve the area to maintain the water sources. The communities have been working on reforestation projects over the past years, and in a process of dialogue to gain the prohibition of tree felling which places at risk the water in Las Granadillas, a source which supplies water to the city of Zacapa and its surrounding villages.

2011, the Presiding Judge declared the case inadmissible and dropped the charges. Nevertheless, on the same day, the Reverend Álvarez Cabrera received a new threat via text message to his mobile phone.

In the case of the murder of Mr. **Adolfo Ich Chamán**, leader and human rights defender of the Las Nubes community, in the department of Itzabal, committed on September 28, 2009 by members of the security corps of the Guatemalan nickel company, as of April 2011, the person responsible for carrying out the murder had been identified, but had evaded arrest.

Attacks and harassment against trade union leaders

Throughout 2010, the exercise of trade union rights continued to be a dangerous activity. The largest number of cases received by the Human Rights Ombudsman's office (*Procuraduría de Derechos Humanos* - PDH) related to acts of aggression against human rights defenders were directed towards trade unionists and social organisations²¹. For its part, the Unit for the Protection of Human Rights Defenders in Guatemala (*Unidad de Protección de Defensoras y Defensores de Derechos Humanos* - Guatemala - UDEFEGUA) registered 36 acts of aggression against trade unionists in 2010²². For example, on October 28, 2010, in the municipality of Catarina, department of San Marcos, two individuals shot and seriously injured Mr. **Mateo Bernabé López Pérez**, Secretary General of the Trade Union of Health Workers in Malacatán (*Sindicato de Trabajadores de Salud de Malacatán*), member of the National Trade Union of Health Workers in Guatemala (*Sindicato Nacional de Trabajadores de la Salud de Guatemala* - SNTSG) and the National Resistance Front (*Frente Nacional de Lucha* - FNL). Mr. López Pérez was on his way to the general assembly of the SNTSG to discuss internal trade union matters, including, among other issues, the situation of the Director of the San Marcos hospital²³. These events were denounced, yet there had been no result as of April 2011. For their part, the Trade Union of the Sae A International Company Workers (*Sindicato de Trabajadores de la empresa Sae A Internacional* - SITRASAE A) suffered threats and intimidation carried out by the

21/ The PDH opened 76 investigation files related to this kind of aggression in 2010. See PDH report cited above.

22/ See UDEFEGUA Annual Report, *Agresiones, el precio que debemos pagar. Informe sobre situación de Defensoras y Defensores de Derechos Humanos. Enero a Diciembre de 2010*, February 2011.

23/ Mr. Mateo Bernabé López Pérez is well known for his work to defend the rights of the population to access public services at reasonable cost, and for his denunciations of irregularities in the health sector. At the beginning of 2010, he denounced several cases of corruption in which the director of the hospital in Malacatán was implicated, and he also joined complaints made by FRENA. On October 20, 2010, he participated in the commemoration of the assassination of Mr. Víctor Gálvez and during his speech, he encouraged the participants to continue claiming their rights.

company, which led to a number of leaders and affiliates to be dismissed or even to resign from their posts. For instance, on April 21, 2010, Ms. **Delfina Vicente**, a leader from SITRASAE A, was approached by Mr. Teleyón, head of operations in the company, who tried to persuade her to leave the company or resign from the trade union. Subsequently, on May 12, 2010, a press conference was held at the offices of the consultancy company “Consultora C&N”, which offers legal advice to SITRASAE A, with the aim of denouncing the ill-treatment of pregnant workers in the factory. This denouncement included the statements of Ms. Vicente and other trade union organisations. On the same day, individuals raided the offices of C&N, reinforcing the increasingly intimidating climate. These events were formally denounced, yet as of April 2011, there had been no progress in the investigations.

Meanwhile, the January 2009 murder of Mr. **Amado Corazón Monzón**, independent lawyer and Advisor to the Committee for Peasants’ Unity (*Comité de Unidad Campesina*) and to the Coatepeque Movement of United Street Traders (*Movimiento de Comerciantes Unidos de las Calles de Coatepeque*), remained in impunity as of April 2011, as did the murder of Mr. **Miguel Chacaj Jax**, founding member of the Coatepeque Trade Workers’ Union (*Sindicato de Trabajadores del Comercio de Coatepeque*), which took place in October 2009. The trial in the case of the murder of Mr. **Pedro Ramírez de la Cruz**, a member of the Indigenous, Peasant and Popular National Council (*Consejo Nacional Indígena, Campesino y Popular* - CNAICP), which occurred in November 2009, was ongoing.

Harassment against defenders who denounce attacks against other defenders and who fight against impunity

In 2010, defenders who accompany, document, and denounce acts of aggression against other human rights defenders and those who struggle against impunity, were victims of threats and harassment. Members of the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGA), an organisation that accompanies defenders at risk in Guatemala, were subjected to harassment. On February 2, 2010, the personal car belonging to Ms. **Claudia Samayoa**, Coordinator of UDEFEUGA and member of OMCT General Assembly, was sabotaged when oil was placed underneath the carpet in the driver’s seat, causing the pedals to become slippery. As Ms. Samayoa was not travelling at high speed, she managed to avoid an accident. She had been on her way to attend a meeting of the Institution for the Analysis of Attacks Against Human Right Defenders. Subsequently, on March 5, 2010, a group of unknown men entered the home of Ms. **Erenia Vanegas**, a researcher from UDEFEUGA, while she was absent. The individuals forced the locks on the front door, and rifled

through a box of documents, and through the cupboards of the rooms near the entrance, although they apparently did not take anything. These events were denounced before the Human Rights Attorney's office of the Public Ministry and the Human Rights Unit of the Specialist Division for Criminal Investigation of the national police force. However, as of April 2011, no progress had been reported in the case. Throughout 2010, Ms. **Norma Cruz**, Director of the Foundation for Survivors in Guatemala (*Fundación Sobrevivientes en Guatemala*)²⁴, received 96 death threats and intimidating harassment related to her work²⁵. This severe attack against her work started at the beginning of the year, when on January 5, 2010, she suffered death threats aimed at stopping her from giving evidence in the trial against Mr. Juan José Santos, accused of the murder of Ms. Francisca Ayala Pinto and Mr. Carlos Cruz Pineda, in 2008, in which the Foundation for Survivors in Guatemala is a plaintiff. Subsequently, from June 11 to 18, 2010, Ms. Cruz received numerous text messages to her mobile phone, in which she was intimidated and threatened with death. These events were denounced, yet as of April 2011, there had been no progress in the investigations.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Evelinda Ramírez Reyes, Mr. Jorge Lorenzo, Leonel de León and Mr. Fredy Rodas	Assassination / Assassination attempt	Urgent Appeal GTM 001/0110/OBS 010	January 20, 2010
Defenders of economic, social and cultural rights, including Mr. Víctor Gálvez and Ms. Evelinda Ramírez Reyes	Attacks	Joint Open Letter to the authorities	February 5, 2010
Mr. Santiago Gamboa		Joint Open Letter to the authorities	March 31, 2010
Mr. Germán Antonio Curup, Mr. Octavio Robiero, Mr. Víctor Gálvez, Juan Antonio Chen, Mr. Jorge Lorenzo, Mr. Leonel de León, and Mr. Fredy Rodas and Ms. Evelinda Ramírez Reyes	Assassinations	Open Letter to the authorities	February 22, 2010

24 / The Foundation for Survivors in Guatemala is an organisation of women survivors of violence and offers legal and psychological support, primary healthcare, and advice to women victims of violence. The Foundation also works on human trafficking and the illegal theft of minors, and over past years has taken on important cases.

25 / In addition to her work in the defence of women's rights, Ms. Norma Cruz promoted, together with the organisations that make up Convergence for Human Rights (*Convergencia por los Derechos Humanos*), a process for transparency in the election of the position of Attorney General, and promoted public actions to call for the dismissal of the Attorney General, and presented a series of demands for constitutional rights to the Constitutional Court against the appointment process for this position.

Names	Violations / Follow-up	Reference	Date of Issuance
Defenders of economic, social and cultural rights		Joint Press Release / International Mission Report	March 9, 2010
Ms. Erenia Vanegas, Ms. Claudia Samayoa and Ms. Luisa Pineda	Harassment / Fear for safety	Urgent Appeal GTM 002/0310/OBS 032	March 10, 2010
Mr. Samuel Ramírez Paredes and Mr. Luis Felipe Cho	Assassinations	Urgent Appeal GTM 003/0410/OBS 042	April 1, 2010
Consultancy C&N and Trade Union of Workers from SISTEASE A. / Ms. Delfina Vicente Yac	Raid / Theft / Threats	Urgent Appeal GTM 004/0510/OBS 063	May 19, 2010
Messrs. Alberto Díaz Zet, Cornelio Subuyuj Camey, Juan Marcelo Coztojay Tubac, Lázaro Raxon Coztojay and Gregorio Coztojay Tubac	Death threats / Aggression	Urgent Appeal GTM 005/0610/OBS 073	June 10, 2010
Ms. Norma Cruz and Foundation for Survivors	Death threats	Urgent Appeal GTM 006/0610/OBS 076	June 15, 2010
Ms. Idivina Estalina Hernández Batres and Ms. Dora Ruth del Valle Cobar	Judicial harassment	Closed Letter to the authorities	July 2, 2010
Ms. Miroslava García, Ms. Lidia Vásquez, Ms. Deodora Antonia Hernández Cinto and Ms. Carmen Mejía, Mr. Yuri Melini, Rafael Maldonado, Mr. Juan Méndez, Mr. Alberto Díaz Zet, Mr. Cornelio Subuyuj Camey, Mr. Juan Marcelo Coztojay Tubac, Mr. Lázaro Raxon Coztojay and Mr. Gregorio Coztojay Tubac	Threats	Open Letter to the authorities	July 15, 2010
Mr. Jean Marie Eugen Buxos	Judicial harassment	Closed Letter to the authorities	October 26, 2010
Mr. Mateo Bernabé López Pérez	Assassination attempt	Urgent Appeal GTM 007/1110/OBS 130	November 4, 2010
Messrs. Jose Gabriel Cubur, Abelino Choc and Carlos Paredes	Harassment / Aggression	Urgent Appeal GTM 001/0311/OBS 040	March 23, 2011
Mr. Rubén Aldana Guzmán, Ms. Glenda Cecilia Antón Antón, Mr. Rolando Meléndez, Mr. Alfredo Mejía Gregorio, Mr. José Martín Cabrera Antón, Mr. Melvin Antonio Palacios, Mr. Bayron Galdámez Franco and Mr. José Pilar Álvarez Cabrera	Judicial harassment	Open Letter to the authorities	April 13, 2011
	Charges dropped	Press Release	April 15, 2011

HONDURAS

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, repression continued against human rights defenders and journalists who reported human rights committed violations in Honduras after the coup d'état on June 28, 2009. Moreover, the security situation for defenders of sexual minority rights, environmentalists and peasant leaders was of particular concern due to the high number of killings and attacks against them.

Political context

On January 27, 2010, seven months after the military coup that deposed constitutionally elected President Manuel Zelaya, Mr. Porfirio Lobo took up presidential office as the result of an electoral process that was highly polemical both nationally and internationally¹. As of April 2011, Honduras continued to be suspended from the Organisation of American States (OAS) and a number of major issues were not resolved under the new Government, such as respect for peaceful and democratic political opposition, freedom of expression and bringing to justice those responsible for the human rights violations that occurred during and after the coup d'état. Additionally, on January 26, 2010, the day before the President took up office, the National Congress of Honduras approved an amnesty decree for the events that occurred between January 1, 2008 and January 27, 2010. Although this decree states that human rights violations are exempt from the amnesty, the ambiguous language used and the lack of precise criteria for the decree's application have caused concern that it could be applied in an abusive manner². This, coupled with the slow progress in current judicial processes, and the lack of resources for the Special Attorney for Human Rights, mean that the great majority of human rights violations committed after the coup d'état remain in impunity. Indeed, by April 2011, only one person had been deprived of one's freedom for human rights violations, and a definitive stay of proceedings had been declared in a

1/ Due to obstacles for the return to Honduras of deposed President Zelaya, by April 2011, a number of countries in the region did not recognise the Government of Mr. Lobo: Argentina, Bolivia, Brazil, Ecuador, Paraguay, Uruguay and Venezuela.

2/ See Inter-American Commission on Human Rights (IACHR) Press Release No. 14/10, February 3, 2010.

number of important cases³. Since the beginning of President Lobo's term of office, progress has been made in establishing the Commission for Truth and Reconciliation (*Comisión de la Verdad y la Reconciliación* - CVR) in order to investigate events occurring before, during and after the coup. Nevertheless, the independence and legitimacy of this commission were questioned to such a point that civil society created an alternative mechanism called the Truth Commission (*Comisión de Verdad* - CDV). It is expected that both commissions will produce their reports in the second half of 2011.

Another cause for concern was the widespread lack of judicial independence, in particular in relation to the Supreme Court of Justice. On June 1, 2010, the Supreme Court of Justice ratified the decision to dismiss four judges who publicly opposed the coup d'état. This caused particular concern and rejection by the international community. For the follow-up mission of the Inter American Commission on Human Rights (IACHR), held in May 2010, it was clear that the causes leading to this process and the decisions against judges and magistrates were linked to their opposition to the coup d'état. The mission found it unacceptable that persons responsible for administering justice were charged because they opposed the breakdown of democracy⁴.

On the other hand, violence against Lesbian, Gay, Bisexual, Transgender and Intersexual (LGBTI) persons has worsened since the coup d'état in June 2009, as it is estimated that 43 members of this community have been murdered since the coup including human rights defenders of LGBTI persons⁵. In February 2011, the Security Secretary agreed to grant protection measures in favour of several LGBTI persons based on precautionary measures granted by the IACHR in January 2010⁶. Nevertheless, as of April 2011, they had still not been effectively implemented.

Also cause for serious concern was the violence which was used to repress

3/ As of April 2011 a stay of proceedings had been declared in cases against seventeen officials and five civilians, several of which were linked to massive human rights violations in several cities throughout the country, and criminal proceedings had been suspended against a further six individuals. Moreover, the charges proffered by the Attorney's office are against low ranking police officers for crimes against the public administration and not for crimes such as torture, injury, attacks, or illegal detentions. See Honduras Committee of Family Members of the Detained-Disappeared (*Comité de Familiares de Detenidos Desaparecidos en Honduras* - COFADEH).

4/ See IACHR, *Preliminary Observations of the Inter American Commission on Human Rights on its visit to Honduras, May 15-18, 2010*, June 3, 2010.

5/ See LGBTI Rainbow Association (*Asociación Arcoiris*).

6/ See IACHR Precautionary Measures 18/10, January 29, 2010.

peaceful demonstrations organised by the resistance to the coup d'état, as well as violence against journalists who openly expressed opposition to the coup. By April 2011, at least ten such journalists had been murdered since the possession of the new Government and none of the cases had been totally resolved⁷. Moreover, during its visit in May 2010, the IACHR confirmed that the Government had not implemented precautionary measures granted to 28 journalists, or in some cases had implemented these measures in an insufficient or tardy manner⁸.

These concerns were highlighted by the United Nations Human Rights Council during the Universal Periodic Review (UPR) of Honduras in 2010. A number of the UN Council recommendations focused on the need to reinforce mechanisms and effective means to duly protect human rights defenders, journalists and judges, and on the importance of taking appropriate measures to strengthen the independence of the judicial power, and on the need to investigate human rights violations that occurred during the coup, and on bringing to justice those responsible for these acts. The UN Human Rights Council also made a number of recommendations on the importance of guaranteeing freedom of expression and protecting journalists. The recommendations also emphasised the importance of carrying out independent, impartial and effective investigations into violence against the LGBTI population and of taking effective measures to improve conditions of detention, in particular to reduce overcrowding and violent incidents in prisons⁹.

Killings of peasant leaders and environmental defenders

The climate of insecurity worsened against environmentalists and peasant leaders. On May 8, 2010, Mr. **Adalberto Figueroa** was assassinated in the municipality of Guata. He was a board member of the Environmentalist Movement of Olancho (*Movimiento Ambientalista de Olancho - MAO*), Coordinator of the Environmentalist Movement of Guata (*Movimiento Ambientalista de Guata*) and an alderman in the Guata municipal corporation. Mr. Figueroa had worked for many years to protect the forests in the region against the operations of logging companies. Mr. Figueroa is the ninth activist from the MAO to be assassinated since 2001¹⁰. Only two of these nine cases, namely those of Mr. **Heraldo Zúñiga** and Mr. **Roger**

7/ See Inter-American Press Society Press Release, May 19, 2011 and IACHR Press Release No. R45/11, May 13, 2011.

8/ See IACHR, *Preliminary Observations of the Inter American Commission on Human Rights on its visit to Honduras...*, *op. cit.*

9/ See Human Rights Council, *Report of the Universal Periodic Review Working Group*, UN Document A/HRC/16/10, February 4, 2011.

10/ See COFADEH.

Murillo, were brought to justice, leading to the conviction of members of the police. However, two of those found guilty escaped and as of April 2011, they had not been apprehended. The other seven cases remain in impunity. Meanwhile, Ms. **Teresa Flores**, a peasant leader and member of the Coordinating Council of Peasant Organisations of Honduras (*Consejo Coordinador de Organizaciones Campesinas de Honduras - COCOCH*), disappeared on August 7, 2010. On August 11, her body was found bearing signs of torture some 35 km from the city of Siguatepeque. Ms. Flores was the coordinator of a number of peasant groups in the area where she resided, in the department of Comayagua, and she disappeared while travelling towards her home on a bus. The Unit of Femicide in Comayagua investigated the case, yet as of April 2011 no request for indictment had been presented¹¹. In another case, on March 14, 2010, Mr. **Nahúm Palacios**, Director of News on the *Televisora Canal 5* television station in Aguán, was assassinated as he travelled to his home in the city of Tocoa. In the weeks preceding his death, Mr. Palacios had been covering the agrarian conflict in Aguán between the Unified Peasant Movement (*Movimiento Campesino Unificado - MUCA*) and businessmen in the area. The precautionary measures he had been granted on July 24, 2009 by the IACHR, had not been implemented. Despite having begun investigative proceedings for this case, by April 2011, the Public Ministry had not presented a request for indictment and did not have any clear leads as to the authors of the crime¹².

Killings, threats, surveillance and violence against defenders of LGBTI people

Violence against defenders of LGBTI persons has worsened since the coup d'état in June 2009. On August 31, 2010, Ms. **Neraldys Perdomo** and Ms. **Imperia Gamaniel Parson**, respectively President and Vice-President of the Pink Unity Collective (*Colectivo Unidad Color Rosa*), were assassinated. This organisation provides a space for transvestites, transgender persons and transsexuals to freely express themselves and to gain access to health and education services¹³. In another case, in spite of the protection measures agreed for Mr. **Donny Reyes**, General Coordinator of the LGBTI Rainbow Association (*Asociación LGBTI Arcoiris*) who has been a beneficiary of precautionary measures from the IACHR since July 2, 2009, he continued to receive death threats through text messages and was followed by unknown individuals near his home, on several occasions throughout 2010. This situation caused him to leave the country on two

11/ *Idem*.

12/ *Idem*.

13/ See IACHR Press Release No. 4/11, January 20, 2011.

occasions (from October to December 2010 and in January 2011), in fear for his life¹⁴. Equally, in spite of police patrols ordered by the Government as protection measures for the House of Rebirth (*Casa Renacer*)¹⁵, these were only implemented sporadically and the organisation had to continue using self-protection measures¹⁶. Acts of harassment, surveillance and intimidation also continued throughout 2010 and 2011 against members of the Association for a Better Life (*Asociación Por Una Vida Mejor - APUVIMEH*)¹⁷. Several members were forced to leave the country in December 2009, after the killing of Mr. **Walter Tróchez**, founding member of APUVIMEH and Secretary of House of Rebirth. As of April 2011, investigations into the murder of Mr. Tróchez had not advanced. In August 2010, a number of armed individuals were seen watching the home of Ms. **Sandra Zambrano**, Head of Projects at APUVIMEH, and others were seen watching the offices of APUVIMEH. Subsequently, on April 26, 2011, several armed men arrived at Ms. Zambrano's home and asked questions about her. These events were reported to the Special Attorney for Human Rights and by April 2011, the investigation continued to be in the preliminary stages¹⁸. In addition, Mr. **Alex David Sánchez Álvarez**, a volunteer in several organisations defending the rights of LGBTI people and a nurse in the Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families (*Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de Tortura y sus Familiares - CPTRT*), was followed from January 14 to 19, 2011 by unknown individuals. On January 14, 2011, Mr. Sánchez Álvarez and another LGBTI activist he was with, outside the offices of the Purple Collective (*Colectivo Violeta*) were threatened with death by an armed man who said "you're the ones we haven't got yet", and on January 19, 2011, when he was travelling to the CPTRT, he was beaten by a man who was travelling on a motorcycle¹⁹. These events were denounced before the Public Ministry. Moreover, investigations were not initiated. Finally, as of April 2011, the assassination of Ms. **Cynthia Nicole**, an activist for the rights of transgender people and a leader of the Purple Collective who was shot dead by unknown individuals on January 9, 2009, remained unpunished.

14 / See LGBTI Rainbow Association.

15 / Casa Renacer is a refuge that houses HIV positive persons and offers advice to LGBTI persons.

16 / *Ibid.* at 10.

17 / Association that works for the human rights of LGBTI persons and persons affected by HIV-AIDS.

18 / *Ibid.* at 10.

19 / See CPTRT Press Release, January 19, 2011.

Threats, intimidation and murder attempts against human rights defenders who investigate and denounce illegal activities committed during the coup d'état

A number of defenders who participate in public fora to denounce and raise awareness of the human rights situation in Honduras lived in a continuous state of fear and intimidation throughout 2010 and 2011. The members of the Truth Commission (CDV) were the victims of numerous threats, surveillance, intimidation, theft and even murder attempts. Throughout 2010 unknown individuals were seen watching the offices of the CDV and several members received written death threats. In October 2010, unknown individuals entered the offices of the CDV and stole a computer and a mobile phone. On March 22 and 30, 2011, Mr. **Eddy Ramón Guifarro Mejía**, a member of the CDV, suffered police harassment and was the object of a murder attempt by unknown assailants who attempted to detain him and then fired shots at him. The CDV offices in San Pedro Sula were also attacked on March 28, 2011, when the Coordinator of the office Ms. **Brenda Mejía** was inside the building with two others and an explosive artefact was launched at the offices causing material damage. Subsequently, on March 31, 2011, unknown individuals threw stones at the CDV offices for the attention of victims in Tegucigalpa. All of these events were reported to different institutions, including to the Special Attorney for Human Rights in the Public Ministry, however by April 2011, there was no progress in the investigations. Furthermore, Mr. **Leo Valladares Lanza**, Director of the Association for Participative Citizenship (*Asociación para una Ciudadanía Participativa* - ACI-Participa)²⁰, was victim of acts of harassment since February 2011, when he spoke on television about the resurgence of militarism after the coup d'état, and its incorporation into the executive power structures. He was subjected to anonymous calls to his home and two raids on the offices of ACI-Participa on March 28 and April 10, 2011. These events were denounced before the Special Attorney for Human Rights in the Public Ministry, who visited the scene where the events had taken place, however there had been no progress made in the case by April 2011. Earlier, in February and March 2010, Mr. Valladares Lanza had been followed on repeated occasions by the same taxi and after police investigations into these events, it was recommended that he takes additional security measures for himself and his family. The precautionary measures granted by the IACHR on July 24, 2009 in favour of Ms. **Gladys Lanza**, Coordinator of the Visitación Padilla Women's Movement for Peace (*Movimiento de Mujeres por la Paz Visitación Padilla*), were not implemented and she continued to be the victim of threats. In June 2010,

20 / Organisation that promotes the respect of human rights in Honduras, and encourages citizen participation in decision-making processes.

she began once again to receive intimidating telephone calls against her, which had been constant throughout 2009. In addition, on March 8, 2010, during International Women's Day, the tyres of the organisation's car were knifed, and on July 17, 2010, hours after she participated in the radio programme "Voces Contra el Olvido", broadcast by the Honduras Committee of Family Members of the Detained-Disappeared (*Comité de Familiares de Detenidos Desaparecidos en Honduras* - COFADEH), in which she analysed military resurgence in Honduras and Latin America, she received threats by email. These threats were denounced before the Special Attorney for Human Rights. However, there was no progress in the case as of April 2011. Ms. Lanza's delicate situation led the Inter-American Court on Human Rights (IACtHR) to decree provisional protection measures in her favour on September 10, 2010, under which police patrols were ordered in the areas near her office and home. Nevertheless, on December 22, 2010, unknown individuals evaded the surveillance cameras and broke into the administration office, where they rifled through written information. Moreover, on March 21, 2011, a tear gas bomb was launched in the entrance to her home, affecting bystanders who happened to be there at the time. These events were denounced, however by April 2011 no progress had been made in the case.

In 2010 and 2011, threats, surveillance and attacks were also registered against journalists who reported human rights abuses after the coup d'état. Several members of *Radio Progreso*, a radio station in the north of Honduras that reported human rights violations committed after the coup, were threatened and harassed. Its Director, Father **Ismael Moreno**, and journalist **Gerardo Chévez** received threatening messages on their mobile phones, in March and April 2010. Likewise, Ms. **Leticia Castellanos**, a journalist with *Radio Progreso*, in addition to receiving threats, was followed and watched on several occasions²¹. In a similar case, on July 31, 2010, Ms. **Mayka Antúñez**, a journalist with the *Radio Globo* news programme, was informed by a trustworthy source that several military officers had stated that even if they could not do anything against her, "others" could do her damage. These threats were made after she interrogated Mr. Roberto Micheletti²² about the state of human rights, impunity, and his responsibility in the deaths that occurred during the coup d'état.

21/ See CPTRT and IACHR, *Preliminary Observations of the Inter American Commission on Human Rights on its visit to Honduras ...*, *op. cit.* For these threats and acts of surveillance the IACHR granted precautionary measures to Father Ismael Moreno, Mr. Gerardo Chévez, Ms. Leticia Castellanos and to other journalists from *Radio Progreso*. See IACHR, Amplification of Precautionary Measures 196/09, July 2, 2009, May 3, 2010 and June 2, 2010.

22/ Mr. Micheletti was named *de facto* President after the coup d'état until Mr. Lobo came to office.

According to the same sources, after the interview Mr. Micheletti had ordered the journalist to be followed.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Radio station <i>Faluma Bimetu</i>	Attack / Acts of intimidation	Urgent Appeal HDN 001/0110/OBS 005	January 8, 2010
Ms. Gladys Lanza	Death threat	Urgent Appeal HDN 002/0710/OBS 090	July 22, 2010
Ms. Mayka Antúnez	Threats	Urgent Appeal HDN 003/0810/OBS 095	August 6, 2010
Mr. Leo Valladares Lanza	Acts of aggression and intimidation	Urgent Appeal HDN 001/0311/OBS 031	March 8, 2011
Truth Commission (CDV) / Ms. Brenda Mejía	Attack	Urgent Appeal HND 002/0411/OBS 055	April 1, 2011
Mr. Eddy Ramón Guifarro Mejía	Aggression / Harassment / Threats	Urgent Appeal HND 003/0411/OBS 069	April 21, 2011

MEXICO

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, frequent attacks continued against human rights defenders in Mexico. Killings, constant threats and harassment were reported against defenders who denounced human rights violations committed by the armed forces, and against defenders of women's rights, defenders of indigenous peoples' rights and peasants' rights and environmental rights defenders. Defenders of migrant rights and journalists who denounced corruption and impunity also suffered a constant climate of risk.

Political context

In 2010 and 2011, the Government of President Felipe Calderón continued to concentrate its efforts on combating organised crime and drug trafficking, through the deployment of the army in tasks that legally correspond to the police. This strategy led to an increase in the number of human rights violations committed by the army without effective controls by civil State institutions. The use of military jurisdiction to try cases of human rights violations not only led to impunity being maintained, but also contradicted the Mexican State's international obligations, as in 2010, the Inter-American Court of Human Rights (IACtHR) condemned the State of Mexico on three occasions for human rights violations against civilians committed by members of the army who were tried by the military justice system. The IACtHR asked the Mexican State to reform the Military Justice Code so that it does not continue to try this kind of crimes¹. Moreover, levels of violence and insecurity continued to be alarming. According to official figures, in 2010, 15,273 murders were committed related to organised crime, which was an increase of 59% compared to 2009².

Furthermore, serious violations of the human rights of migrants passing through Mexico were not adequately prevented. In 2010 and 2011, mass

1/ See IACtHR Sentences, *Case of Fernández Ortega and others vs. Mexico*, August 30, 2010, *Case of Rosendo Cantú and other vs. Mexico*, August 31, 2010, and *Case of Cabrera García and Montiel Flores vs. Mexico*, November 26, 2010. Nevertheless, as of April 2011, the Mexican State had not reformed the military justice system.

2/ See Database of the President's Office at <http://www.presidencia.gob.mx/base-de-datos-de-fallecimientos/>.

kidnappings of migrants continued³. In August 2010, in Tamaulipas State, a mass grave was discovered containing the bodies of 72 migrants from Central and South America. As of April 2011, other mass graves had been discovered in Tamaulipas and Durango. The United Nations (UN) Committee for the Protection of the Rights of All Migrant Workers and their Families expressed its deep concern at “the alarming number of cases of kidnapping and extortion of undocumented migrant workers and [...] the acts of torture and cruel, inhuman and degrading treatment, disappearances and killings of these migrants”. Although many of the reported crimes were perpetrated by organised criminal groups, the Committee also expressed its concern about the multiple cases in which public officials had participated⁴.

In terms of freedom of expression, despite the under-registering of cases, it is estimated that in 2010, there were 139 acts of aggression carried out against journalists and 21 against the media throughout 25 States within the country⁵. Dr. Catalina Botero and Mr. Frank La Rue, Inter-American Commission on Human Rights (IACHR) and UN Special Rapporteurs on Freedom of Expression, held a joint visit to Mexico from August 9 to 24, 2010, during which they concluded that Mexico is the most dangerous country to be a journalist in the Americas, and highlighted the number of killings of journalists and other serious acts of violence against those who disseminate information and opinion, and the generalised impunity in these cases⁶.

Meanwhile, the Office in Mexico of the United Nations High Commissioner for Human Rights (OHCHR) presented a report to update the situation of human rights defenders in Mexico, in which they identified

3/ The National Commission of Human Rights (*Comisión Nacional de los Derechos Humanos* - CNDH) observed that between April and September 2010, at least 11,333 migrants were kidnapped in 214 mass kidnappings (67.4% of the kidnappings occurred in the south-east of the country, 29.2% in the north and 2.2% in the centre). See CNDH Report, *Informe Especial sobre secuestro en perjuicio de migrantes en México*, February 22, 2011.

4/ See Committee for the Protection of the Rights of All Migrant Workers and their Families, *Concluding Observations of the Committee for the Protection of the Rights of All Migrant Workers and their Families* - Mexico, UN Document CMW/C/MEX/CO/2, May 3, 2011.

5/ See Centre for Journalism and Public Ethics (*Centro de Periodismo y Ética Pública*) Report, *De la autocensura a la interlocución con los victimarios. Situación de la libertad de expresión en México 2010*, March 2011.

6/ See IACHR Special Rapporteur for Freedom of Expression and UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Joint Official Visit to Mexico. Preliminary Observations*, August 24, 2010; IACHR, *Report of the Office of the Special Rapporteur for Freedom of Expression, Dr. Catalina Botero*, Organisation of American States Document OAS/Ser.L/V/II Doc 5, March 7, 2011 and Human Rights Council, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue - Addendum, Mission to Mexico*, UN Document A/HRC/17/27/Add.3, May 19, 2011.

Chihuahua, Chiapas, Guerrero and Oaxaca as the States with the highest number of acts of aggression against defenders in the country. OHCHR also drew attention to the “lack of or poor progress in revealing the authors [...] of these aggressions”. Equally, OHCHR highlighted a new element for concern, namely the fact that many defenders are forced to abandon their places of living because of hostility to their work in the defence of human rights⁷. In light of this, and thanks to the efforts of civil society, at the end of 2010, a dialogue with the Government was initiated for the implementation of a governmental protection mechanism for human rights defenders. Nevertheless, by April 2011, this had not been agreed upon and the dialogue had been suspended.

On a more favourable note, during 2010 and 2011, important legislative progress was made. It is important to highlight the constitutional reform on human rights which among other things, establishes constitutional status to international human rights treaties⁸. Also, on May 27, 2010, the Mexican Supreme Court approved a norm in favour of women’s rights, under which all Mexican States must provide victims of sexual violence with emergency contraception and access to abortion. In August 2010, the same Court also approved a law granting the right of same sex couples to get married in the Federal District, which must be recognised by all States within the country.

Assassinations and harassment against defenders who denounce violations carried out by the armed forces

Serious attacks continued throughout 2010 and 2011 against defenders who denounce human rights violations carried out by the armed forces. On January 3, 2010, human rights defender Ms. **Josefina Reyes** was assassinated, after denouncing abuses committed by the Mexican army in Ciudad Juárez, Chihuahua State. As of April 2011, this murder remained in impunity. Also in Ciudad Juárez, Ms. **Emilia González Tercero**, Co-founder of the Commission for Solidarity and Human Rights Defence (*Comisión de Solidaridad y Defensa de los Derechos Humanos, A.C.* - COSYDDHAC), once again suffered acts of harassment and intimidation after she made a number of public declarations about military abuses and reported this to the IACHR⁹. On July 27, 2010, ten uniformed, armed soldiers arrived at her home and handed her a summons to make a statement about a report

7/ See OHCHR, *Actualización 2010. Informe sobre la situación de las y los defensores de derechos humanos en México*, November 2010.

8/ The reform was approved by the Chamber of Deputies on December 15, 2010, by the Chamber of Senate on March 8, 2011 and by the State Legislatures on May 18, 2011.

9/ Since January 2010, Ms. González Tercero has been the legal representative in the case of the enforced disappearance of Ms. Nitza Paola Alvarado, Ms. Rocío Alvarado and Mr. José Ángel Alvarado. Due to the risk she faces as legal representative in the case, the IACHR granted her precautionary measures on March 4, 2010.

that she had supposedly made against the military¹⁰. In a similar case, on September 14, 2010, six armed men took by force Mr. **Víctor Ayala Tapia**, President of the Hermenegildo Galeana Freedom Front (*Frente Libre Hermenegildo Galeana* - FLHG), a peasant organisation that promotes small agricultural projects in Tecpan, Guerrero State. Mr. Ayala had on a number of occasions denounced acts of corruption committed by public officials and abuses by the military¹¹. On September 23, 2010, Mr. Ayala Tapia's family reported this crime officially before the Public Ministry in Tecpan, and on September 26, 2010, filed an official complaint before the Human Rights Commission in Guerrero State. As of April 2011, Mr. Ayala Tapia's whereabouts were still unknown. Also subjected to threats and harassment on repeated occasions were Ms. **Silvia Vázquez Camacho**, a member of the Mexican Commission for the Defence and Promotion of Human Rights (*Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C.* - CMDPDH), and Ms. **Blanca Margarita Mesina Nevarez**, representative in the case of 25 police officers who were submitted to cruel, inhuman and degrading treatment by soldiers in the city of Tijuana, Baja California State. In February 2010, both defenders received telephone death threats. In March and April 2010, Ms. Vázquez was followed on two occasions and threatened by a masked man. In May 2010, Ms. Mesina Nevarez was threatened when a firearm was placed to her head. These events were denounced before the federal and State authorities, who granted precautionary measures in favour of Ms. Mesina Nevarez and Ms. Vázquez Camacho. Nevertheless, these measures were not implemented effectively, forcing the two defenders to move to Mexico City on May, 31 2010. After six months, Ms. Mesina Nevarez returned to the city of Tijuana. However, as of April 2011, Ms. Vázquez Camacho was still living in Mexico City because she considered that security measures were not favourable to enable her return to Tijuana.

Furthermore, no progress was made in the investigations into two attacks that occurred in August and November 2009, against Ms. **Mercedes Murillo Monge**, President of the Sinaloa Civic Front (*Frente Cívico Sinaloense*), and Mr. **Salomón Monárrez Meraz**, Director of the same organisation, which has over recent years denounced abuses committed by the military during "operations" against organised crime. For his part,

10 / Ms. González Tercero had not made any formal denouncement, however the soldiers referred to an article published by the news agency *CIMAC* about events that occurred on June 17, 2009, when a group of soldiers arrived at her home to interrogate her on suspicion of possessing explosives, weapons or rocket launchers, tried to enter her home without a warrant and threatened her.

11 / For example, on April 13, 2010, he denounced that officers from the Mexican navy violently burst into the community of La Ola, wearing hoods and with the number plates of their vehicles covered. They then carried out a search to look for weapons, but did not find any, and they beat two minors.

Mr. **Gustavo de la Rosa Hickerson**, an Inspector for the Chihuahua Human Rights Commission (*Comisión de Derechos Humanos de Chihuahua*), who had been obliged to leave Ciudad Juárez in 2009 due to risks he suffered because of his investigations into abuses committed by the military, continued to live in el Paso, Texas, and to cross the border every day to carry out his work in Ciudad Juárez.

Assassinations, attacks and threats against women's rights defenders

In 2010 and 2011, violence continued against women human rights defenders, in particular against those who denounced disappearances and killings of women in Chihuahua State. On December 16, 2010, Ms. **Marisela Escobedo Ortiz** was assassinated. Ms. Ortiz was a defender working with the support of "Justice for Our Daughters" (*Justicia para Nuestras Hijas*), an organisation that fights against impunity in cases of femicide in Chihuahua. Ms. Marisela Escobedo Ortiz was struggling to achieve justice in the case of her daughter, who was killed in August 2008 by Mr. Sergio Rafael Barraza, who confessed to the crime and who was still at large as of April 2011, meaning that the crime remained unpunished. Similarly, several members of "May Our Daughters Return Home" (*Nuestras Hijas de Regreso a Casa* - NHRC), an organisation that accompanies the families of disappeared women in the area of Ciudad Juárez, continued to be subjected to threats and attacks. On February 16, 2011, an arson attempt was carried out against a property owned by Ms. **María Luisa Andrade**, NHRC Director of Legal Affairs. The fire did not spread thanks to the intervention of fire fighters. Due to the climate of insecurity, on February 18, 2011, Ms. María Luisa Andrade abandoned her home and moved to Mexico City, where she was still living as of April 2011. Likewise, the Founder and Director General of NHRC, Ms. **Marisela Ortiz Rivera**, received death threats against her and her family in March 2011, after which she decided to move with her family. Both Ms. Marisela Ortiz Rivera and Ms. María Luisa Andrade were granted precautionary measures by the IACHR in June 2008. The attempted arson attack and threats were denounced before the Special Attorney for Crimes Against Women and before the Human Rights Commission in Chihuahua State. Yet, as of April 2011, no results had been reported in the investigations. For her part, by April 2011, Ms. **Rosa Isela Pérez Torres**, a journalist who had published a number of reports on femicide in Ciudad Juárez and an expert witness in the "Campo Algodonero" case¹², was still living in exile

12 / In this case, the IACHR condemned the Mexican State, on November 16, 2009, for the disappearance and subsequent death of the young women Ms. Claudia Ivette González, Ms. Esmeralda Herrera Monreal and Ms. Laura Berenice Ramos Monárrez, whose bodies were found in a cotton field in Ciudad Juárez on November 6, 2001.

in Spain together with her family, after having been forced to leave Ciudad Juárez in August 2009, because of serious threats against her.

Assassinations, threats and harassment against defenders of indigenous peoples and peasants communities

In 2010 and 2011, indigenous leaders and defenders of indigenous peoples' rights continued to suffer attacks related to their work. On April 27, 2010, a human rights observation mission, composed of fifty people in support of the population of San Juan Copala, in the Triqui region of Oaxaca State, was violently attacked by armed men belonging to the paramilitary group calling themselves "Unity and Social Wellbeing in the Triqui Region" (*Unidad y Bienestar Social de la Región Triqui* - UBISORT). During the attack, Ms. **Beatriz Alberta Cariño Trujillo**, a member of Working Together - Centre for Community Support (*Centro de Apoyo Comunitario Trabajando Unidos* - CACTUS)¹³, and Mr. **Jyry Antero Jaakkola**, a Finnish international observer, were assassinated, and another seven people were injured. Investigations were initiated by the National Human Rights Commission (*Comisión Nacional de los Derechos Humanos* - CNDH), and the Public Prosecutor's office. However, by April 2011, there were no results in these investigations.

Meanwhile, on February 12, 2010, in Guerrero State, legal proceedings were finally closed against Messrs. **Cuauhtémoc Ramírez Rodríguez, Braulio Manzanares Lorenzo, José Eugenio Cruz, Félix Ortega Dolores and Merced Santiago Lorenzo**. These members of the Me'phaa Indigenous People's Organisation (*Organización del Pueblo Indígena Me'phaa* - OPIM), had been accused of having planned the murder of an army informer, in Ayutla de los Libres. However, although OPIM member, Mr. **Raúl Hernández Abundio**, had been arrested for the events described above, it was not until August 27, 2010 that the Mixed Court of First Instance issued its sentence acquitting him, after two years and four months spent in arbitrary detention. Threats and attacks against OPIM members continued. In particular, Ms. **Obtilia Eugenio Manuel**, President of the OPIM, and Mr. Cuauhtémoc Ramírez Rodríguez received constant death threats throughout 2010. This climate of insecurity and the lack of implementation of effective protection measures caused Ms. Obtilia Eugenio Manuel and Mr. Cuauhtémoc Ramírez Rodríguez to leave Guerrero State. In spite of this, on November 28, 2010, both received written threats in their new home. As of April 2011, Ms. Obtilia Eugenio Manuel and Mr. Cuauhtémoc Ramírez Rodríguez had not been

13/ An organisation that works on grassroots alternative educational projects, indigenous rights and women's rights.

able to return to their community for security reasons. The threats against OPIM members, who were granted provisional measures by the IACtHR in 2009, were denounced before the authorities. Nevertheless, as of April 2011, although fourteen investigations had been opened in relation to these complaints, there were no results. Equally, as of April 2011, the case of the extrajudicial execution of Mr. **Lorenzo Fernández Ortega**, a member of OPIM who was found dead on February 10, 2008, and the case of the enforced disappearance and extrajudicial execution in February 2009 of Messrs. **Raúl Lucas Lucía** and **Manuel Ponce Rosas**, respectively President and Secretary of the Organisation for the Future of the Mixteca People (*Organización por el Futuro del Pueblo Mixteca* - OFPM), continued in impunity.

Meanwhile, in Chiapas State, Mr. **Adolfo Guzmán Ordaz**, a member of the “Connection, Communication and Training” organisation (*Enlace, Comunicación y Capacitación* - Enlace CC)¹⁴, and his wife Ms. Margarita Guadalupe Martínez continued to suffer threats and acts of harassment. In January 2010, they received telephone and written threats in their home. On February 26, 2010, Ms. Guadalupe Martínez was kidnapped for several hours and threatened with death¹⁵. On November 24, 2010, she was once again accosted by unknown individuals, after meeting with an official from OHCHR. In spite of a complaint lodged before the Attorney General Specialised in the Protection of Human Rights NGOs, as of April 2011, the necessary investigations had not been carried out nor had corresponding measures been taken to put an end to the threats. Moreover, the members of the “Fray Bartolomé de Las Casas” Human Rights Centre (*Centro de Derechos Humanos “Fray Bartolomé de Las Casas” A.C.* - Frayba)¹⁶ continued to be subjected to smear campaigns, such as during the demonstration held on October 1, 2010, in San Cristóbal de Las Casas, in which Mr. **Diego Cadenas Gordillo**, then Director of Frayba, was accused of being a spokesperson for armed groups. Moreover, as of April 2011, the judicial proceedings had not advanced against members of the paramilitary group Organisation for the Defence of Indigenous and Peasants Rights (*Organización para la Defensa de los Derechos Indígenas y Campesinos* - OPDDIC), who in 2009 attacked Mr. **Ricardo Lagunes**, a lawyer from

14/ Enlace CC is an organisation that facilitates local sustainable development processes in indigenous and peasants regions in the centre and south of Mexico. They have offices in Mexico city and Chiapas.

15/ The threats made reference to a criminal complaint initiated by the couple, on November 23, 2009, against officials from the Chiapas Government for crimes of “abuse of authority”, “raids”, “psychological torture” and “aggravated death threats”.

16/ Organisation that works for the promotion and defence of the human rights of indigenous peoples in Chiapas State.

Frayba¹⁷. Also in Chiapas State, judicial harassment continued, representing yet another way in which defenders were intimidated. On February 22, 2011, Mr. **Nataniel Hernández Núñez**, Director of the “Digna Ochoa” Human Rights Centre (*Centro de Derechos Humanos “Digna Ochoa”*), together with Messrs. **José María Martínez Cruz** and **Eduardo Alonso Martínez Silva**, lawyers and members of the same centre, were arrested and accused of “rioting” and “offences against the peace and the collective integrity and heritage of the State”, to which were later added the crimes of “extortion” and “obstruction of lines of communication”. These charges were related to events of February 22, 2011, when a road was blockaded in protests calling for the release of ten peasants from San Sebastián Bachajón. On March 2, 2011, the three defenders were conditionally released. Nevertheless, on March 15, 2011, Mr. Hernández Núñez was again arrested before being released on bail the following day. As of April 2011, the proceedings against Messrs. Hernández Núñez, Martínez Cruz and Martínez Silva remained pending.

Assassinations, threats and judicial harassment against environmental defenders

In 2010 and 2011, defenders of the environment and natural resources continued to be the victims of killings, threats and harassment despite condemnation of the Mexican State by the IACtHR for human rights violations against Messrs. **Rodolfo Montiel** and **Teodoro Cabrera**, defenders of the forests in Guerrero State, for events that occurred in 1999¹⁸. On April 28, 2010, Mr. **Rubén Flores Hernández** was assassinated. He was a peasant who defended the environment and who had denounced illegal logging in the Coajomulco community, in Morelos State. After his death, threats continued against any person who denounced clandestine logging and the theft of wood in the region. For instance, anonymous messages appeared in Coajomulco, which said “Community vigilantes will fall one by one”¹⁹. Equally, on April 7, 2010, Mr. **Francisco Jiménez Pablo**, leader of the Regional Independent Peasants’ Movement (*Movimiento Campesino Regional Independiente* - MOCRI) and a member of the National Council of Rural and Fishing Organisations (*Consejo Nacional*

17/ After the attack, Mr. Juan Cruz Méndez, Ms. Guadalupe Cruz Méndez, Mr. Rogelio Cruz Méndez and Mr. Agustín Hernández Sántiz were held in custody in the State Centre No. 14 for the Social Reintegration of Prisoners, in El Amate (CERSS No.14) on November 3, 2009, accused of “illegal deprivation of freedom”, “attempted homicide” and “causing injury”. However, they were released on November 11, 2009 under the legal figure of “binding over the defendant for trial” and as no further progress was made.

18/ See IACtHR Sentence, *Case of Cabrera García and Montiel Flores vs. México*, November 26, 2010.

19/ See Agustín Pro Juárez Human Rights Centre (*Centro de Derechos Humanos Miguel Agustín Pro Juárez* - Centro PRODH) and Mexican League for the Defence of Human Rights (*Liga Mexicana por la Defensa de los Derechos Humanos* - LIMEDDH).

de Organismos Rurales y Pesqueros - CONORP), was arbitrarily arrested by the Public Prosecutor's office in Chiapas State, accused of having captured an official from the Mexican Bureau of Agriculture, Cattle Farming, Rural Development, Fishing and Foods (*Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación de México* - SEGARPA), which allegedly took place in 1999²⁰. As of April 2011, Mr. Jiménez Pablo remained held in the federal prison "El Rincón", in Nayarit, far from his family and place of residence in Chiapas. Moreover, Messrs. **Juan Agustín** and **Manuel de Jesús Carvajal Jiménez**, brothers and members of the Committee to Save Temaca, Acasico and Palmarejo (*Comité Salvemos Temaca, Acasico y Palmarejo*), Mr. **Marco Joachim von Borstel Nilsson**, a member of the Mexican Institute for Community Development (*Instituto Mexicano para el Desarrollo Comunitario* - IMDEC), and Ms. **Jade Ramírez**, a journalist on the Guadalajara university radio station, were threatened after participating in a meeting on April 3, 2010, organised by the Committee to Save Temaca, Acasico and Palmarejo (*Comité Salvemos Temaca, Acasico y Palmarejo*), in the municipality of Cañadas de Obregón, Jalisco State, to protest against the el Zapotillo dam project due to the social and environmental consequences it poses. These threats were denounced before the authorities. However by April 2011 there were no results in the investigations. Moreover, Mr. **Jorge Arzave Orihuela**, a member of the Association of Proactive Neighbours (*Asociación de Vecinos Propositivos*) in Lomas de San Francisco Tepojaco, a group dedicated to promoting the right to a dignified life and a healthy environment in Lomas de Cuautitlán, Mexico State, was the victim of telephone threats in August and October 2010. These threats were denounced before the Public Prosecutor's office and the Human Rights Commission, both in Mexico State. The local authorities granted precautionary measures in favour of Mr. Arzave Orihuela and his family, but these were not adequately implemented, leading to a complaint being made before the National Human Rights Commission. Nevertheless, as of April 2011, Mr. Arzave Orihuela had not yet benefitted from sufficient protection and the investigation had not progressed with the due diligence required²¹.

In relation to the assassination on November 27, 2009 of Mr. **Mariano Abarca**, a member of the Mexican Network of People Affected by Mining (*Red Mexicana de Afectados por la Minería* - REMA) and active in

20/ The arbitrary detention of Mr. Jiménez Pablo occurred after a peaceful march and procession organised by CONORP members to denounce persecution and repeated harassment against its members, as well as to demand the release of members of CONORP and other organisations arrested on false charges in the States of Chiapas, Veracruz and Hidalgo.

denouncing environmental effects caused by the Canadian mining company “Blackfire Exploration Ltd”, in Chiapas, as of April 2011, the people presumed to have committed this crime had been arrested. Nevertheless, the company had denied any responsibility in the crime. Moreover, as of April 2011, the killing of Mr. **Aurelio Díaz Hernández** still remained unpunished as did the attack against Messrs. **Javier Gómez Heredia**, **José Heredia** and **Fernando Heredia**, members of the Other Campaign (*Otra Campaña*) who opposed the construction of the San Cristóbal de las Casas - Palenque motorway, in Chiapas. These two men were injured in an attack on July 21, 2009, by members of the paramilitary group known as God’s Army (*Ejército de Dios*)²².

Threats against defenders of migrants rights and journalists who denounce the situation of migrants

Defenders and journalists who document and denounce the conditions of migrants carried out their work in highly precarious conditions. On July 17, 2010, the journalist Mr. **Ireneo Mújica Arzate** was arrested together with eighteen migrants in Soltepec, Puebla State, during an operation of the National Institute of Migration (*Instituto Nacional de Migración* - INM). Mr. Mújica refused to hand over material he had been filming to document the situation of migrants, for which he was beaten by five members of the INM who took his money, his video camera and his mobile phone. The journalist was abandoned in Soltepec with no money and no way of communicating. Once he managed to get to Puebla, the journalist began a hunger strike and chained himself to the INM building. However, a municipal police patrol arrested him for “disturbing the peace”, and took the rest of his belongings, his passport and his personal papers. Although Mr. Mújica Arzate was later released because of the lack of evidence against him, his belongings were not returned to him. Meanwhile, Ms. **Guadalupe Calzada Sánchez**, Coordinator of the San Juan Diego Migrant’s House (*Casa del Migrante San Juan Diego*) in Lechería district, Tlaxiaco, Mexico State, and dedicated to the protection and assistance of migrants, was attacked on January 30, 2011 by an unknown assailant, and in February 2011, she received death threats. As of April 2011, these acts remained unpunished. Similarly, Mr. **Ignacio Muñiz Zamora**, Director of the legal team in the “Beato Juan Bautista Scalabrini” Migrants Human Rights Centre (*Centro de Derechos Humanos del Migrante “Beato Juan Bautista Scalabrini”*) and member of the Northern Border Initiative (*Iniciativa Frontera Norte*), in Nuevo Laredo, Tamaulipas State, was also the victim of verbal acts of aggression and threats on repeated occasions during

22 / At the end of 2009, one person had been arrested for their presumed responsibility in the attack, however this person was released and no further progress was made.

2010 and 2011. In October and November 2010, Mr. Muñiz Zamora was accosted by unknown individuals who questioned him about his work with migrants. On March 22, 2011, he was threatened with a firearm and the two laptop computers and radio he was carrying were stolen. He lodged a complaint before the Public Ministry in Nuevo Laredo, however by April 2011, there were no results in the investigations. Moreover, on April 9, 2011, Father **Gianantonio Baggio**, Director of the “Beato Juan Bautista Scalabrini” Migrants Human Rights Centre, received telephone threats. These threats were denounced before the local authorities, after which the police visited the shelter. However, as of April 2011, the Centre’s protection continued to be insufficient. In another case, on March 23, 2010, the IACHR granted precautionary measures to Father **Alejandro Solalinde**, Director of the Brothers Along the Road Migrant Shelter (*Albergue del Migrante Hermanos en el Camino*) in Ixtepec, Oaxaca State, and Father **Pedro Pantoja Arreola**, Director of the Belén Posada Migrant Shelter (*Albergue Belén Posada del Migrante*) in Saltillo, Coahuila State, and his team of workers, due to the fact that acts of harassment and the situation of risk in which they carry out their work had not improved²³.

Harassment against journalists who denounce human rights violations, impunity and acts of corruption

Independent journalists who published articles in 2010 and 2011 denouncing human rights violations, impunity and corruption, continued to live in a situation which was cause for concern. For example, the members of the *Contralínea* magazine continued to suffer harassment, including at a judicial level. On April 10 and 11, 2010, the offices of the magazine were raided and accounting and journalistic documentation, computers and mobile phones were stolen. This theft was just one event in a series of acts of harassment which these journalists have suffered since 2007 for their work denouncing issues related to national security, governmental corruption, drug trafficking, money laundering, and social issues related to poverty and marginalisation. These events were denounced to the Public Ministry, who opened a case file. Nevertheless, as of April 2011, there were no results in the investigation. Moreover, on January 3, 2011, Civil Judge No. 54 from the Federal District sentenced Mr. **Miguel Badillo**, Director of the *Contralínea* magazine, journalist Ms. **Ana Lilia Pérez** and other members of *Contralínea* to permanently stop the publication of certain kinds of information, arguing that *Contralínea* journalists had fallen into “abusive use of their freedom of expression” after the publication of articles related to the use of Government resources. This decision was revoked on

April 14, 2011 by the Superior Court of Justice in the Federal District High Court²⁴.

Meanwhile, the 2009 assassinations of three journalists who denounced corruption, the abuse of authority and links to drug trafficking remained in impunity as of April 2011. These journalists were Messrs. **Eliseo Barrón Hernández**, of the daily newspaper *La Opinión de Torreón*, **Carlos Ortega Melo Samper**, of *El Tiempo* in Durango, and **Norberto Miranda Madrid “El Gallito”**, Director of the online newspaper *Radio Visión*.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Josefina Reyes, Ms. Cipriana Jurado, Mr. Gustavo de la Rosa and Mr. Gero Fong	Assassination	Urgent Appeal MEX 001/0110/OBS 004	January 8, 2010
Mr. Adolfo Guzmán Ordaz and his family	Death threats	Urgent Appeal MEX 013/1209/OBS 193.1	January 11, 2010
	Harassment / Death threats / Attack	Urgent Appeal MEX 013/1209/OBS 193.2	March 2, 2010
Mr. Adolfo Guzmán Ordaz and his family, Mr. Diego Cadenas	Attack / Death threats	Urgent Appeal MEX 013/1209/OBS 193.3	November 26, 2010
Mr. Lorenzo Fernández Ortega, Mr. Raúl Hernández Abundio, Ms. Obtilia Eugenio Manuel / Me'phaa Indigenous People's Organisation (OPIM)	Extrajudicial execution / Impunity	Press Release	February 17, 2010
Messrs. Cuauhtémoc Ramírez Rodríguez, Manzanares Lorenzo, José Eugenio Cruz, Félix Ortega Dolores, Raúl Hernández Abundio and Ms. Merced Santiago Lorenzo / OPIM	Judicial harassment / Arbitrary detention	Urgent Appeal MEX 004/0309/OBS 055.2	February 24, 2010
Ms. Obtilia Eugenio Manuel	Death threats	Urgent Appeal MEX 004/0309/OBS 055.3	March 18, 2010
Messrs. Raúl Hernández Abundio, Natalio Ortega Cruz, Romualdo Santiago Enedina, Orlando Manzanares, Lorenzo Manuel Cruz Victoriano and Ms. Obtilia Eugenio Manuel	Arbitrary detention		April 19, 2010

24 / Since 2007, the International Communications Media Corporation (*Corporativo Internacional de Medios de Comunicación*), which edits the magazine *Contralínea*, as well as its Director and the journalist Ana Lilia Pérez, have been sued by business groups who were affected by reports in the magazine on corruption and the irregular awarding of contracts. In September 2009, the CNDH considered that the cases against Mr. Badillo, Ms. Pérez and the members of *Contralínea* magazine were forms of censorship of freedom of expression and granted them precautionary measures.

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Raúl Hernández Abundio	Arbitrary detention	Closed Letter to the authorities	July 5, 2010
		Open Letter to the authorities	August 1, 2010
		Press Release	August 10, 2010
	Acquittal / Release	Press Release	August 31, 2010
Mr. Álvaro Ramírez Concepción and Mr. Raúl Hernández Abundio	Assassination attempt / Attack	Urgent Appeal MEX 013/0910/OBS 107	September 3, 2010
Ms. Silvia Vázquez Camacho and Ms. Blanca Margarita Mesina Nevarez	Threats / Harassment	Urgent Appeal MEX 002/0310/OBS 027	March 3, 2010
	Threats / Harassment	Urgent Appeal MEX 002/0310/OBS 0271	April 21, 2010
Ms. Blanca Margarita Mesina Nevarez	New death threats	Urgent Appeal MEX 002/0310/OBS 0272	May 21, 2010
Contralínea magazine / Mr. Miguel Badillo and Ms. Ana Lilia Pérez	Raid and theft from offices	Urgent Appeal MEX 003/0410/OBS 046	April 16, 2010
Mr. Alejandro Cerezo Contreras	Surveillance and monitoring	Urgent Appeal MEX 004/0410/OBS 047	April 16, 2010
Mr. Francisco Jiménez Pablo	Arbitrary detention / Judicial harassment	Urgent Appeal MEX 005/0411/OBS 048	April 16, 2010
Mr. Juan Agustín Carvajal Jiménez, Mr. Manuel de Jesús Carvajal Jiménez, Mr. Marco Joeachim von Borstel Nilsson and Ms. Jade Ramírez	Death threats / Harassment	Urgent Appeal MEX 006/0410/OBS 049	April 21, 2010
Unifying Movement to Struggle for an Independent Triqui Region (MULTI), Oaxaca Voices Building Autonomy and Freedom (VOCAL), Mexican Alliance for Peoples' Self-Determination (AMAP), National Education Workers' Trade Union (SNTE), Grassroots Assembly of the Peoples of Oaxaca (APPO), Working Together Centre for Community Support (CACTUS), Network of Indigenous Radio Stations and Communicators from the South of Mexico / Messrs. Jyry Antero Jaakkola, David Venegas Reyes, David Cilia García, Fernando Santiago, Martin Sautan and Ms. Éricka Ramírez Padilla, Ms. Beatriz Alberta Cariño Trujillo, Ms. Mónica Citlali Santiago Ortiz and Ms. Noé Bautista Jiménez	Attack / Assassinations	Press Release	April 29, 2010
Mr. Jyry Antero Jaakkola and Ms. Beatriz Alberta Cariño Trujillo	Impunity	Closed Letter to the authorities	April 8, 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Mr. Jaime López Vela	Judicial harassment	Urgent Appeal MEX 007/0510/OBS 061	May 12, 2010
Mr. Nataniel Hernández Núñez	Judicial harassment	Urgent Appeal MEX 008/0610/OBS 077	June 17, 2010
Messrs. Nataniel Hernández Núñez, José María Martínez Cruz and Eduardo Alonso Martínez Silva	Arbitrary detention / Judicial harassment	Urgent Appeal MEX 005/0211/OBS 027	February 25, 2011
	Release / Judicial harassment	Urgent Appeal MEX 005/0211/OBS 0271	March 8, 2011
	Judicial harassment	Urgent Appeal MEX 005/0211/OBS 0272	March 31, 2011
Father Martín	Physical aggression / Arbitrary detention / Judicial harassment	Urgent Appeal MEX 009/0611/OBS 080	June 28, 2010
	Slander	Open Letter to the authorities	July 1, 2010
Mr. Ireneo Mújica Arzate	Detention / Physical aggression	Urgent Appeal MEX 010/0710/OBS 091	July 28, 2010
Mr. José León Rivera	Aggression / Arbitrary detention / Release	Urgent Appeal MEX 010/0810/OBS 094	August 5, 2010
Ms. Emilia González Tercero	Harassment / Intimidation	Urgent Appeal MEX 012/0810/OBS 103	August 20, 2010
Mr. Víctor Ayala Tapia	Detention / Forced disappearance	Urgent Appeal MEX 014/1010/OBS 122	October 8, 2010
		Press Release / Report to update an international fact-finding mission	December 21, 2010
Ms. Marisela Escobedo Ortiz	Assassination	Press Release	December 22, 2010
Committee for the Defence of the Rights of the People (CODEP), Committee for the Defence of Women's Rights (CODEM) and Regional Indigenous Centre for Human Rights (CRIDH) / Mr. Cástulo López, Mr. Patrocinio Martínez, Mr. Fredy Martínez, Mr. Dzahui Bautista, Mr. Ernesto López and Ms. Claudia Tapia and Ms. María del Carmen López	Acts of intimidation	Urgent Appeal MEX 001/0111/OBS 005	January 18, 2011
Centre for Workers' Support / Mr. Enrique Morales Montaño, Ms. Coral Juárez Melo and Ms. María Luisa Rosina	Threats / Acts of harassment	Urgent Appeal MEX 002/0111/OBS 006	January 21, 2011
Ms. Guadalupe Calzada Sánchez	Death threats	Urgent Appeal MEX 003/0211/OBS 019	February 15, 2011
Ms. María Luisa García Andrade and Ms. Marisela Ortiz Rivera	Attack	Urgent Appeal MEX 004/0211/OBS 023	February 22, 2011
	Death Threats	Press Release	March 16, 2011
Mr. Ignacio Muñiz Zamora	Theft / Threats	Urgent Appeal MEX 006/0411/OBS 058	April 5, 2011

NICARAGUA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, human rights defenders and organisations continued to be subjected to slander campaigns, attacks and harassment in a climate of political polarisation in Nicaragua. Furthermore, assaults of defenders committed in previous years continued to be treated with impunity. Although the criminal charges against nine women's rights defenders were dismissed, women human rights defenders remained in a vulnerable situation.

Political context

In 2010 and 2011, the climate of political polarisation driven by President Daniel Ortega and the faction of the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional* - FSLN) still supporting him, continued against opponents and critics of his Government, including human rights organisations and independent journalists. This polarisation came to a head in April 2010 when the Nicaraguan Supreme Court confirmed that Mr. Daniel Ortega could run for re-election. The Court's decision was seriously questioned by several civil society organisations that reported irregularities in the proceedings and manipulation of the judiciary by the Executive¹. Intolerance of dissidence and diverse political views became apparent when a peaceful demonstration held by opponents of the re-election was violently repressed, injuring several people, on April 2, 2011. The Executive was also criticised for usurping upon legislative functions. In 2010, numerous decisions were taken through decrees instead of acts debated and adopted by the legislature².

At the international level, the United Nations Human Rights Council examined Nicaragua in the framework of the Universal Periodic Review (UPR) in February 2010. The Council made several observations and recommendations on the situation of human rights defenders and independent journalists, urging the Government to investigate and try threats against them, establish effective protection mechanisms to allow them

1/ When the decision was taken, the Court consisted of two Magistrates whose mandate had expired, while the Magistrates linked to the Liberal Party (*Partido Liberal*), who did not approve the presence of the Magistrates whose terms had expired, were replaced.

2/ For example, Decree 3-2010 by which President Ortega prorogued the terms of the Magistrates of the Supreme Court of Justice and Supreme Electoral Council, and of the members of the High Council of the Office of Comptroller General of the Republic, as they are not elected by the National Assembly.

to do their work without encountering obstacles, and legitimise and acknowledge the work of these defenders through statements of support. The Council also asked Nicaragua to protect freedoms of expression, association and assembly and to avoid restrictions on international law. Several recommendations focused on the need to guarantee the independence of the judiciary, which should not be subject to political interference, and the need to effectively fight gender-related violence and fully implement laws protecting women, as well as to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also recommended that the Nicaraguan Government ratify the International Convention for the Protection of All Persons from Enforced Disappearances, the Rome Statute of the International Criminal Court and International Labour Organisation (ILO) Convention No. 169³. Regarding the regional system of human rights protection, the Inter-American Commission on Human Rights (IACHR) reiterated its request to visit Nicaragua during its 140th and 141st period of ordinary sessions, in November 2010 and March 2011⁴. However, as of April 2011, Nicaragua had not set date for this visit.

Furthermore, the rights of indigenous and Afro-descendent communities were not yet fully respected. In June 2010, the Government finally gave the title deeds of a territory to the Rama indigenous people and the Kriol and Afro-descendent communities of Corn River and Graytown, in the autonomous region of the south Atlantic. However, despite having the title deeds to their lands, the communities were not consulted about various projects planned to be built on their territory⁵. Furthermore, in May 2010, the Inter-American Court of Human Rights (IACtHR) decided that Nicaragua had not fully implemented the ruling on the Yatama case⁶, as it has not adopted the measures needed to ensure the effective participation of the autonomous regions' indigenous and ethnic communities in electoral procedures, taking into account their traditions, usages and customs.

3/ See Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, United Nations Document A/HRC/14/3, March 17, 2010. In August 2010, Nicaragua ratified ILO Convention No. 169 in accordance with the recommendations of the Human Rights Council.

4/ See IACHR Press Releases, November 5, 2010 and April 1, 2011.

5/ The communities asked to be consulted about the Tourism Development Master Plan of the municipality of San Juan de Nicaragua and its possible repercussions, such as the construction of an airfield in Old Graytown.

6/ The IACtHR found Nicaragua guilty of excluding candidates from the Yapti Tasba Masraka Nanih Asia Takamka (YATAMA) indigenous group from municipal elections held in 2000. See IACtHR Judgment, *Case of Yatama vs. Nicaragua*, June 23, 2005.

Slander campaigns against, assault and harassment of human rights organisations and defenders

In 2010 and 2011, the slander campaign against the work of human rights defenders continued. In January, March and May of 2010, and in January 2011, several offensive articles aiming at discrediting the Nicaraguan Centre for Human Rights (*Centro Nicaragüense de Derechos Humanos - CENIDH*) and its Chairwoman, Ms. **Vilma Núñez de Escorcia**, were published in various media outlets linked to the Government⁷. Furthermore, in an article published in the May 14, 2010 edition of the newspaper *El 19 digital*, there were pejorative references to members of the World Organisation Against Torture (OMCT) and to the International Federation for Human Rights (FIDH), which went on a mission to Nicaragua in May 2010. Likewise, statements were made about Mr. **Eric Sottas**, OMCT Secretary General, trying to discredit his work promoting human rights in Nicaragua. These statements were uttered by the Presiding Judge of the Constitutional Division of the Supreme Court of Justice of Nicaragua and by the delegation of the Nicaraguan Government during a meeting at the IACHR's 141st period of sessions.

In addition to the ongoing slander campaign, the work of defenders was hindered due to the constant harassment against them. For example, on March 8, 2011, a hundred members of Sandinista Youth (*Juventud Sandinista*), accompanied by journalists from the official media, surrounded the CENIDH's facilities for three hours. Although the police were asked to come protect the integrity of the institution and its members, no one ever came. A few days later, on March 15, 2011, the CENIDH was once again besieged and surrounded by members of Sandinista Youth and Government supporters, who stood in front of the organisation's doors for two hours spreading Government propaganda. Four policemen came to the CENIDH's facilities, but did not help to effectively break up the siege. The IACHR ordered precautionary measures for Ms. Núñez de Escorcia and other members of the CENIDH in 2008⁸ but, as of April 2011, these measures had not been implemented. On April 13, 2011, the IACHR sent a letter to the Nicaraguan Government asking it to arrange the precautionary measures with the CENIDH within twenty days, but the Government expressly refused to do so.

7/ Several of the articles criticising the CENIDH were published in the newspaper *El 19 digital*, which belongs to the Ortega family. *Facebook* and the radio station *Nueva Radio Ya* were also used in the slander campaign against the CENIDH.

244 8/ See IACHR Precautionary Measures 277/08, November 11, 2008.

Impunity of the assaults against human rights defenders committed in 2008 and 2009

Past assaults against human rights defenders continued to be treated with impunity. As of April 2011, investigations into the case of Ms. **Leonor Martínez**, a member of the Nicaraguan Youth Coalition (*Coalición de Jóvenes de Nicaragua*)⁹ who was assaulted by Government-affiliated groups on October 22, 2009 after attending a Civil Coordinating Committee (*Coordinadora Civil*)¹⁰ meeting, were suspended. During the assault, three strangers broke her arm and threatened her with a gun and a knife, telling her “not to get involved in this”, referring to her work with the Youth Coalition. As of April 2011, the physical assault of the Spokesman for the Civil Coordinating Committee, Mr. **Mario Sánchez**, during a peaceful demonstration on August 8, 2009, also continued to be treated with impunity. The protesters were assaulted by 200 or so members of Sandinista Youth, FSLN activists and individuals who had been hired to carry out the attacks. Mr. Mario Sánchez was seriously beaten when he took out a camera to take photographs during the demonstration. Furthermore, as of April 2011, the investigations into the damage done to Ms. Núñez de Escorcia’s home on September 26, 2008, still had not produced any findings.

Dismissal of the charges against nine women’s rights defenders

Finally, the criminal charges laid in October 2007 against Ms. **Ana María Pizarro**, Ms. **Juana Antonia Jiménez**, Ms. **Lorna Norori Gutiérrez**, Ms. **Martha María Blandón**, Ms. **Luisa Molina Arguello**, Ms. **Martha Mungía Alvarado**, Ms. **Mayra Sirias**, Ms. **Yamileth Mejía Palma** and Ms. **Violeta Delgado Sarmiento**, leaders of organisations and networks for the protection of human rights such as the Network of Women Against Violence (*Red de Mujeres contra la Violencia*), the Feminist Movement (*Movimiento Feminista*), the Autonomous Women’s Movement (*Movimiento Autónomo de Mujeres - MAM*), the Nicaraguan Children and Adolescents Committee (*la Coordinadora de la Niñez y Adolescencia en Nicaragua*) and the September 28 Campaign (*Campaña*

9/ The Nicaraguan Youth Coalition is made up of individuals, organisations and social movement representatives, and works toward the integrated development of youth and strengthening the rule of law, including defending young people’s rights.

10/ The Civil Coordinating Committee is an agency that coordinates, arranges and articulates the organised sectors of civil society in Nicaragua. The Civil Coordinating Committee works on human rights, among other issues. In June 2010, Mr. Félix Armando Tercero Arróliga, aka “El Gato”, an employee of the Mayor’s office in Managua and a member of the shock troops who organises and funds President Ortega’s party, and Mr. Erick Armando Mairena Rojas were accused of the assaults against Ms. Leonor Martínez. However, in July 2010, the judicial authority decided to suspend the proceedings for a year after the prosecution said that it did not have sufficient evidence of the assault.

28 de Septiembre), were dropped in February 2010. However, the prosecution service did not inform the defenders of this dismissal until April 28, 2010. The nine defenders had been reported to police by a leader of the antiabortion movement in Nicaragua and charged with “crimes against public administration”, “concealment of rape”, “conspiracy to commit a crime” and “incitement to commit a crime”. Charges were pressed against the nine defenders after they accompanied a nine-year-old girl, who was impregnated after being raped and whose life was at risk, to an abortion clinic¹¹. The decision to dismiss the criminal charges did not provide for any sort of public apology to the nine defenders. On the contrary, it ruled that organisations offering services to women and children who are victims of domestic violence should be watched more closely, which may increasingly hinder the work of defenders who work in these organisations.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Ana María Pizarro, Ms. Juana Antonia Jiménez, Ms. Lorna Norori Gutiérrez, Ms. Martha María Blandón, Ms. Luisa Molina Arguello, Ms. Martha Mungía Alvarado, Ms. Mayra Sirias, Ms. Yamileth Mejía Palma and Ms. Violeta Delgado Sarmiento	Dismissal of charges	Press Release	April 8, 2010
Ms. Vilma Núñez de Escorcía / Nicaraguan Centre for Human Rights (CENIDH)	Assault	Press Release	March 11, 2011
		Open Letter to the authorities	March 17, 2011

11/ Therapeutic abortions were legal in Nicaragua for 169 years until they were prohibited in 2006. Various appeals concerning the unconstitutional nature of the law penalising therapeutic abortions were brought to the Supreme Court in 2007, but as of April 2011, the court had not yet reached a verdict.

PERU

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011 threats, acts of aggression and criminalisation continued against defenders of environmental rights and of the rights of indigenous communities affected by exploration and exploitation projects implemented by large companies. Unfounded criminal proceedings were brought against defenders and trade union leaders. Moreover, serious acts of aggression were reported against defenders of LGBTI people and the media campaign to discredit human rights organisations also continued.

Political context

In Peru throughout 2010 and 2011, ambivalent progress was made in the struggle against impunity for human rights violations committed during the internal armed conflict of 1980-2000. On the one hand, the conviction of President Fujimori and the subsequent ratification of this sentence by the Supreme Court of Justice showed clear progress. Yet, on the other hand, the stagnation of other processes and the scarce collaboration of government officials and military officers indicated the opposite. In particular, Decrees No. 1097 and 1095 dictated by the Government of President Alan García in August 2010, appeared to be contrary to the struggle against impunity. The first of these decrees included an amnesty for those who violated human rights during the armed conflict, lapsed the periods for criminal proceedings against perpetrators of crimes against humanity committed before November 9, 2003¹ and imposed a strict and unreasonable time limit of 36 months for proceedings related to crimes against humanity. Finally, after the decree was seriously criticised, the Peruvian Congress approved its repeal on September 14, 2010.

Meanwhile, by April 2011, Decree No. 1095 was still in force, permitting exclusively military actions (not carried out together with the police) to counteract the activities of “hostile groups”. It is of concern that the definition of “hostile groups” is so ambiguous that it could include movements for peaceful social protest. Equally, it stipulates that when the army acts to control internal order without the police, international humanitarian

1/ This decision implied that investigations into massacres and disappearances that occurred during the first mandate of President García (1985-1990) were lapsed, despite the fact that the Inter-American Court of Human Rights (IACtHR) and the Constitutional Court of Peru clearly stipulated that cases of crimes against humanity may not be time-limited and must be brought to justice.

law can be applied, although this is normally applied to situations of war². These kinds of measures are alarming in a country with high levels of social conflict such as Peru³, where social protest is often criminalised by detention and indictments for crimes of “terrorism”⁴. In this context, significant progress was made on May 19, 2010 with the adoption of a law for consultation with indigenous peoples which complies with International Labour Office (ILO) Convention 169. Nevertheless, as of April 2011, the law had not been issued because the President returned the bill to Congress for a new debate based on his observations to the proposed legislation.

On April 10, 2011, the first round of presidential elections was held in Peru. The candidates with the highest number of votes were Mr. Ollanta Humala, of the “Gana Perú” party, and Ms. Keiko Fujimori, of the “Fuerza 2011” party. The atmosphere in these elections became extremely tense when Ms. Keiko Fujimori declared her interest to pardon her father, former President Alberto Fujimori, convicted of human rights violations and corruption during his mandate. During the campaign prior to the second round, both candidates levelled accusations at the other for their mutual involvement in presumed human rights violations. The winner will be decided in the second election round on June 5, 2011⁵.

Criminalisation, threats and acts of aggression against defenders of environmental rights and indigenous communities who oppose projects implemented by large companies

A number of social conflicts in Peru are associated with the implementation of projects for the exploration and exploitation of hydrocarbons and minerals, and involve indigenous leaders and environmental rights

2/ Among other things, lethal force may be used against protesters, “collateral damage” is permitted in order to gain military advantage and human rights violations are judged under military jurisdiction. See National Human Rights Coordination (*Coordinadora Nacional de Derechos Humanos - CNDDHH*), General Confederation of Workers in Peru (*Confederación General de Trabajadores del Perú - CGTP*), National Confederation of Communities in Peru Affected by Mining (*Confederación Nacional de Comunidades del Perú Afectadas por la Minería - CONACAMI*), Inter-Ethnic Association for the Development of the Peruvian Rainforest (*Asociación Interétnica de Desarrollo de la Selva Peruana - AIDESEP*), Peasants Confederation of Peru (*Confederación Campesina del Perú - CCP*) and National Agrarian Confederation (*Confederación Nacional Agraria - CNA*) Joint Press Release, September 13, 2010.

3/ According to the Ombudsman's Office, of the 255 conflicts registered since May 31, 2010, 132 are related to socio-environmental demands, which focus particularly on questioning indiscriminate concessions for the exploration and exploitation of hydrocarbons and mining. The majority of these concessions are granted in poor areas, peasants communities, and Quechua, Aymara or native communities. See CNDDHH Press Release, June 18, 2010.

4/ See UN Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism Press Release, September 8, 2010.

5/ In the second round Mr. Ollanta Humala obtained a majority and was proclaimed elected President.

defenders. Many of these leaders and defenders suffered threats and harassment, including judicial harassment. One example of this were the criminal proceedings against Mr. **Alberto Pizango Chota**, President of the Inter-Ethnic Association for the Development of the Peruvian Rainforest (*Asociación Interétnica de Desarrollo de la Selva Peruana - AIDSESP*), who was accused of being responsible for the events of Bagua⁶. Despite the fact that Mr. Pizango Chota was in Lima when confrontations broke out between the national police and indigenous groups in Bagua, he was included in the group of people accused of crimes of “rebellion”, “sedition” and “conspiracy against the State and constitutional order”, as well as “defending crimes against public order”. Mr. Pizango Chota sought refuge in Nicaragua in mid June 2009. Upon returning to Peru, on May 26, 2010, he was detained by the police and released the following day. Nevertheless, by April 2011, the charges against him had not been dropped⁷. Moreover, on July 1, 2010, the territorial police, based on Interior Ministry Resolution No. 0571-2010-IN, ordered the expulsion from Peru of the British missionary **Paul McAuley**, President of the Loretana Environmental Network (*Red Ambiental Loreto*), who has been working for more than twenty years with communities in the department of Loreto and who peacefully denounced abuses carried out by extractive industry companies, mainly oil companies, in the area and the impact of this exploration on the environment. The expulsion order against Mr. McAuley accused him of “disturbing public order” and “participation in activities of a political nature”, without explaining the reasons behind these affirmations. Mr. McAuley managed to resolve his situation and was able to remain in the country thanks to a precautionary measure granted by the Magistrate’s Court in Maynas, which suspended Ministerial Resolution No. 0571-2010-IN. For her part, Ms. **Carmen Rosa Arévalo Salas**, Director of the Justice and Peace Human Rights Commission of the Apostolic Vicariate of Iquitos (*Comisión de Justicia y Paz - Derechos Humanos del Vicariato Apostólico de Iquitos - CJPDHVAI*), who has represented indigenous peoples in their demands for reparations after the oil spill in the Marañón river, and who carried out an intensive campaign to avoid the expulsion of Mr. McAuley, was the victim of a series of threats between July and August 2010. In October 2010, she suffered an attack against her life when the brakes of her motorcycle

6/ Indigenous groups, under the coordination of AIDSESP, peacefully protested from April 9, 2009 against several legislative decrees as they considered them to violate their right to be consulted in their lands. On June 5, 2009, there was a confrontation between the national police and indigenous groups in Bagua, Amazonas department, during which ten civilians and 23 police officers were killed and Mr. Felipe Bazán Soles, a Major from the national police, disappeared.

7/ As of April 2011, 127 civilians (including Mr. Pizango) were being prosecuted for acts committed against members of the national police, including the deaths of 23 police officers and the disappearance of Major Bazán.

were damaged. Ms. Arévalo Salas denounced these events to the local police, who certified via a specialist's report that the motorcycle brakes had been tampered so that they did not work properly. However, by April 2011, the case had yet to be resolved, and no-one had been charged or arrested. In a similar case, judicial proceedings were brought against Italian Father **Mario Bartolini Palombi**, who in recent years has been supporting indigenous communities to defend their territories in Barranquita, Lamas province, for honouring those killed in the Bagua incidents and criticising the situation there. The Attorney in Alto Amazonas accused him of "instigating rebellion" and requested a twelve-year prison sentence. Also charged in this case were Mr. **Geovanni Acate**, Director of the *Radio Oriente de Yurimaguas*, Ms. **Adilia Tapullima**, former President of the Front for the Defence of the High Amazon Region (*Frente de Defensa de Alto Amazonas*), Messrs. **Gorki Vásquez**, **Elías Sánchez** and **Javier Álava**, indigenous leaders, and Mr. **Bladimiro Tapayuri**, a Coordinator representing AIDESEP in the second working group for dialogue between the Government and indigenous peoples after the events of Bagua. On December 21, 2010, Father Bartolini and Mr. Acate were declared innocent. However, Ms. Adilia Tapullima and Messrs. Gorki Vásquez, Elías Sánchez, Javier Álava and Bladimiro Tapayuri were sentenced to a four-year suspended prison sentence⁸ and ordered to pay civil reparation of 10,000 nuevo sol. The accused appealed, arguing among other things that they had not had access to a lawyer throughout the proceedings. By April 2011 the appeal had not been examined yet⁹. Moreover, Mr. **Pepe Julio Gutiérrez Zevallos**, President of the Front for the Defence of the Tambo Valley (*Frente de Defensa del Valle del Tambo*), who coordinates actions against the contamination of this valley region of Arequipa, caused by the "Tía María" mining project implemented by the "Southern Copper Perú" company, has received a series of threats and judicial harassment since he began declaring his opposition to the project. On November 19, 2010, the Public Prosecutor filed criminal charges against Mr. Gutiérrez Zevallos before the Attorney General in Islay, because he had promoted a demonstration against the Tía María mine. He was accused of "disturbing public order", "illicit association to commit crime", "kidnapping" and other crimes. As of April 2011, the process was still being evaluated by a judge who will decide if proceedings should be opened. In addition, Mr. Gutiérrez Zevallos received a number of telephone threats one week

8/ A suspended prison sentence means that those sentenced are not imprisoned, but rather have to report to the police every month, sign a power of attorney and comply with certain special provisions.

9/ See Episcopal Commission for Social Action (*Comisión Episcopal de Acción Social* - CEAS) Press Release, December 22, 2010 and Association for Human Rights (*Asociación Pro Derechos Humanos* - APRODEH).

before December 2, 2010, when in the early hours of the morning, unknown individuals set fire to a vehicle he owned, which was parked outside of his house. These events were denounced before the Attorney General. However, by April 2011 no progress had been made in the investigation. As of April 2011, criminal proceedings continued against Mr. **Zenón Cueva**, former President of the Front for the Defence of the Interests of the People of Moquegua (*Frente de Defensa de los Intereses del Pueblo de Moquegua*), and other leaders and community members charged with crimes of “rioting”, “coercion” and “extortion” after participating in a protest in August 2008 to demand the redistribution of mining royalties (*Canon Minero*). The Attorney requested a 35-year prison sentence for Mr. Cueva and it is expected that the trial will begin on June 13, 2011.

Meanwhile, on a positive note, in April 2010, the Attorney in Piura closed proceedings against 35 environmental rights defenders accused of “terrorism” for having opposed the Río Blanco mining project in Piura. The case against Mr. **Gabino Ángel Dioses Franco**, Mr. **José Miguel Duran Jiménez**, Mr. **José Filomeno Gálvez Sotillo**, Mr. **Jaime Jiménez Páucar** and Ms. **Betty Fernández Naval**, all members of the El Bendito Association (*Centro Poblado “El Bendito”*), was also closed. They had been accused of “crimes against the administration of justice”, “violence” and “resisting the authorities” for their opposition to the Virazon S.A. shrimp-ing company, whose extractive activities present a risk to the environment and the community of “El Bendito”, located in the national sanctuary of Manglares de Tumbes.

Judicial harassment against trade union leaders

In 2010 and 2011, trade union leaders were also subjected to judicial harassment. In April 2010, conditional release was granted to Messrs. **Pedro Condori Laurente**, Secretary General of the Trade Union of Workers in the Casapalca Company (*Sindicato de Trabajadores de la empresa Casapalca*), and **Claudio Boza Huanhuayo**, a leader from the same trade union. Both men had been held in prison since September 9 and 23, 2009 respectively, accused of “crimes against life, body and health”, in the form of manslaughter against national police captain, Mr. Giuliano Carlos Villarreal Lobatón¹⁰. Although the case was dismissed, in the same month of April, Mr. Condori Laurente was once again arrested together with Mr. **Antonio Quispe Camayo**, Deputy Secretary General of the same

10 / The death of Captain Villarreal Lobatón occurred during protests in November 2008, in which workers from the Casapalca mining company suspended their labour due to lack of fulfilment on the part of the company, of an agreement signed on May 17, 2008 and the company's unwillingness to enter into dialogue.

trade union. The two men were accused of having led and participated in a road blockade on September 8, 2009¹¹. In July 2010, both trade unionists were released. However, they were sentenced to a four-year suspended prison sentence, despite insufficient evidence. By April 2011, the case was at the appeal stage. Moreover, on January 11, 2011, Mr. Condori Laurente and Mr. Quispe Camayo were once again arrested for “crimes against the public administration”, “violence” and “resisting the authorities”. On this occasion, they were charged with having prevented the police and the Attorney from Huarochiri from removing the body of a mining worker who was killed in an accident on July 19, 2010. Mr. Condori Laurente and Mr. Quispe Camayo were trying to ensure that the Attorney was carrying out his work according to the law, as the Attorney wanted to remove the worker’s body without first carrying out the specialist investigations required by law, and because of this Mr. Condori Laurente and Mr. Quispe Camayo intervened. As of April 2011, the case was at the preliminary stage. A fourth judicial proceedings was opened against Messrs. Condori Laurente and Quispe Camayo in December 2010 for presumed “crimes against property” and “interference with possession” against the Casapalca mine, for the same events that had occurred on July 19, 2010. In March 2011, Mr. Condori Laurente and Mr. Quispe Camayo were released, as their arrest warrant was changed to a summons to appear in court. By April 2011, the case remained at the preliminary stage.

Killings, acts of aggression and threats against defenders of LGBTI persons

Defenders of lesbian, gay, bisexual, transgender and intersexual persons (LGBTI) continued to be stigmatised and discriminated, which led to murders being carried out against them. On September 20, 2010, in Lima, the body of Mr. **Juan Osorio Castillo** was found, showing signs of torture. He was a member of the Multi-Sector Commission for the Fight Against HIV-AIDS (*Comisión Multisectorial de Lucha contra el VIH-SIDA* - CONAMUSA) and a former Director of the VIH DARTE Association (*Asociación VIH DARTE*). As of April 2011, the case had not been brought to justice¹². Furthermore, on February 12, 2011, members of the police used force to evict protesters during a peaceful action called “Kisses against homophobia” in the Plaza de Armas in Lima. During the violent events that ensued, the police used pepper gas, and beat and chased a number

11 / Mr. Condori supported the stoppage of work, but he was opposed to the blockade of the roads, and so he remained at home during the protests. However, he was charged after he explained the reasons behind the protests in the media.

12 / See Roots Collective 2.0 (*Colectivo Raíz 2.0*) Report, *Reporte anual de derechos humanos de las personas Lesbianas, Gays, Trans y Bisexuales en el Perú 2010*, March 2011, and APRODEH.

of protesters. Ms. **Alicia Parra**, an LGBTI activist, was wounded when police officers delivered a truncheon blow to her head. She lodged an official complaint in the Monserrate police station against the police officers who had attacked her. As of April 2011, the case was at the investigation stage. Although President García condemned what had happened, the Interior Minister justified the incident stating that public displays of affection by gays and lesbians were not received well in Lima. Subsequently, on February 25, 2011, Mr. **Jorge Chávez Reyes**, leader from the Lima Homosexual Movement (*Movimiento Homosexual de Lima - MHOL*), awoke to find the building where he lives covered with paintings of death threats and homophobic messages, along with a threatening letter from a neo-nazi group calling themselves the National Vanguard (*Vanguardia Nacional*). Mr. Chávez Reyes denounced these events before the Breña police station and requested guarantees for his life from the Attorney for the Prevention of Crime. As of April 2011, this complaint was still at the investigation stage¹³.

Constant campaign to discredit and slander human rights organisations who denounce the armed forces for human rights violations

Human rights defenders in Peru were subjected to constant smear campaigns to discredit them through the media, particularly those who denounced members of the Peruvian armed forces for human rights violations. Numerous smear campaigns were carried out against defenders and their organisations, politically stigmatising them and accusing them of carrying out illegal acts and threats, and of acting in favour of terrorism. For example, on June 16, 2010, an article was published in the daily newspaper *La Razón*, entitled “The CNDDHH [National Human Rights Coordination - *Coordinadora Nacional de Derechos Humanos*] blackmails judges and attorneys so that they report members of the army and police, and attacks those who refuse to do it”, criticising complaints and criminal proceedings against army and police officers. In this article, among other slanderous statements, the paper affirmed that: “Lefty NGOs cannot tolerate the truth (...) they are desperate and they are worried because people are realising that the injustices encouraged by the CNDDHH for the past decade responded to political interests”¹⁴. Similarly, on July 14, 2010, in a radio interview broadcast on the “Voz Alerta” programme on *Radio San Borja*, it was stated that APRODEH [Association for Human Rights - *Asociación Pro Derechos Humanos*] and other organisations with “Marxist beliefs”, comprised in the CNDDHH, form part of “the left wing caviar mafia” and in practical terms “have become the legal arm of terrorism”.

13/ See MHOL Press Releases, February 13, 17 and 25, 2011, and APRODEH.

14/ See Article by Mr. Víctor Robles Sosa in *La Razón*, June 16, 2010, and APRODEH.

In the same interview, the Institute for Legal Defence (*Instituto de Defensa Legal* - IDL) was accused of “making money out of accusing the military”¹⁵.

However, on a more positive note, in December 2010, the case was closed against Ms. **Cristina del Pilar Olazábal Ochoa**, Criminal Attorney for the province of Ayacucho, who has struggled for many years against impunity for crimes committed during the mandate of Mr. Fujimori. President García had accused Ms. Olazábal Ochoa of “perverting the course of justice”, after she brought formal criminal proceedings against him for the crime of genocide and improper exercise of powers relating to the crime of murder, for incidents which occurred in Accomarca¹⁶. The complaint that Attorney Olazábal Ochoa had lodged against the President García was the result of investigative work related to cases of serious human rights violations which occurred during the internal armed conflict in Peru between the years 1980 and 2000. On January 5, 2010, Mr. García’s complaint against Ms. Olazábal Ochoa was declared to be justified and she faced possible dismissal from her post. Nevertheless, in April 2010, it was declared that proceedings would not be opened against Ms. Olazábal Ochoa, and the case was closed. As of April 2011, Ms. Olazábal Ochoa was working in the Attorney’s office in the city of Ayacucho.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Cristina del Pilar Olazábal Ochoa	Judicial harassment	Urgent Appeal PER 001/0110/OBS 008	January 14, 2010
Messrs. Pedro Condori Laurente and Claudio Boza Huanhuayo	Arbitrary detention / Judicial harassment / Ill-treatment / Threats	Urgent Appeal PER 011/1109/OBS 173.1	February 9, 2010
Messrs. Pedro Condori Laurente and Antonio Quispe Camayo	Arbitrary detention / Judicial harassment	Urgent Appeal PER 001/0111/OBS 003	January 18, 2011
Mr. Alberto Pizango Chota	Acts of aggression / Judicial harassment	Urgent Appeal PER 002/0610/OBS 072	June 3, 2010
Mr. Paul McAuley	Expulsion from the country	Open Letter to the authorities	July 6, 2010
Mr. Mario Bartolini Palombi	Judicial harassment	Urgent Appeal PER 003/1010/OBS 127	October 26, 2010
Ms. Carmen Rosa Arévalo Salas	Harassment and attack	Urgent Appeal PER 004/1110/OBS 139	November 26, 2010
Mr. Pepe Julio Gutiérrez Zevallos	Attack	Urgent Appeal PER 005/1210/OBS 143	December 7, 2010

15/ See Radio Interview with Mr. Francisco Díez Canseco Távara, President of the Peace Council (*Consejo por la Paz*), in “Voz Alerta” on *Radio San Borja*, July 14, 2010, and APRODEH.

16/ On August 14, 1985, 62 members of the Accomarca community were murdered by soldiers from the Peruvian army.

VENEZUELA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010 and 2011, constant stigmatisation of human rights defenders and their organisations persisted. Reprisals against defenders who work with universal and regional human rights protection mechanisms also continued. Moreover, laws were passed that obstructed freedoms of association and expression, affecting the work of human rights organisations. Acts of judicial harassment also continued against one trade union leader who participated in protests to demand labour rights. Finally, on a positive note, progress was made in investigations into the killings of two independent journalists.

Political context

On February 2, 2011, President Hugo Chávez celebrated twelve years in power after winning four presidential elections and the 2004 referendum. Throughout the years of his administration, important progress was made to respect a number of economic, social and cultural rights¹, yet a hostile environment towards all criticism and opposition has grown, accompanied by imbalance between the different branches of public power. Internationally, the Venezuelan Government expressed its hostility towards international mechanisms for the protection of human rights, rejecting on repeated occasions visits from the United Nations or from the Inter-American Commission on Human Rights (IACHR) and accusing the IACHR and the Inter-American Court of Human Rights (IACtHR) of acting with bias. At the national level, critics of Government policies, including human rights defenders, suffered hostility, the constant risk of having unfounded judicial proceedings brought against them, and were publicly stigmatised as traitors to their country. As a result, threats, attacks and harassment against them increased.

Moreover, the criminalisation of social protest continued, in response to an increase in demonstrations which in turn became more radical². Official

1/ Illiteracy was practically wiped out, poverty was reduced and there was important progress made in access to basic services for the most vulnerable populations.

2/ According to the Venezuelan Programme for Education - Human Rights Action (*Programa Venezolano de Educación-Acción en Derechos Humanos* - PROVEA), between October 2009 and September 2010, there were 3,315 social protests (an increase of 24.29% in terms of the previous year) of which 105 included hunger strike (versus one single case in the previous period). This situation continued in 2011, as in just the first two months there were 33 hunger strikes registered. See PROVEA Report, *Situación de los Derechos Humanos en Venezuela, Informe Anual octubre 2009 / septiembre 2010*.

sources systematically discredited the protesters, threatening them with legal repercussions and on several occasions, force was used to repress peaceful demonstrations. This led to actions being taken to avoid excessive use of force by the police, such as the Resolution on control of police action in public meetings and demonstrations, published in the Official Gazette on April 18, 2011. Political opposition leaders, students, trade unionists and journalists who criticised the Government or who denounced cases of corruption were also threatened with judicial proceedings. All of this led to even more flagrant limitations on the freedoms of association and expression, fundamental rights in democratic States.

The situation worsened because of high levels of impunity and the growing lack of trust in the judicial power due to its lack of independence. While this has been an ongoing problem for several years now, in the last few years it was noted that a high number of judges were appointed provisionally making them easier to dismiss, political appointments were made to the Supreme Court of Justice and, in a number of cases, judges and attorneys were removed from their posts after making legal decisions contrary to the interests of the Government. Equally, the legislative power also showed signs of losing its independence and autonomy, as demonstrated in Article 203 of the Constitution, still in force, which permits the delegation of legislative faculties to the President of the Republic without clearly defining these faculties. In relation to this, in December 2010, several days after the culmination of the ordinary legislative period of the National Assembly, with its pro-Government majority, and just a few days before the start of the period of the new elected Assembly on September 26, 2010, with 40% of the deputies aligned with the opposition, a law was passed giving wide ranging legislative powers to the President for eighteen months, including in matters of criminal justice³.

Meanwhile, the prison situation continued to be of serious concern. Despite the fact that for a number of years organisations have reported the serious conditions and violence in prisons, and that the IACtHR granted provisional measures in a number of prison establishments⁴, the State did

3/ Although this law aims at helping victims of the winter spell of 2010, more than twenty legally binding decrees were passed in just a few months, including a reform to the national armed forces (granting them administrative police powers, powers of criminal investigation and the ability to include soldiers in their ranks) and a new financial law (where new crimes and sentences are established). See IACHR Press Release No. 122/10, December 15, 2010.

4/ The IACtHR has granted and ratified provisional measures since 2006 in favour of individuals imprisoned in the following prisons: metropolitan prison Yare I, Monagas judicial confinement centre ("La Pica"), prison of the central west region (prison of Uribana) and the capital judicial confinement centres El Rodeo I and El Rodeo II. These measures were reinforced in 2009.

not take the necessary measures to guarantee the life and personal integrity of detainees. In 2010, 476 detainees died and 958 were injured, that is to say, 30% more deaths and 51% more injuries than in 2009. In the first three months of 2011, 124 people lost their lives in Venezuelan prisons and 266 were injured, respectively 22% and 11% higher than during the same period the previous year⁵.

Serious legislative limitations to freedoms of association and expression impacting on the activities of human rights organisations

The executive power increased the limitations to freedoms of expression and association in Venezuela, extending its legislative faculties with support from the National Assembly where it enjoyed parliamentary majority. On December 23, 2010, the Law on Political Sovereignty and National Self-Determination was passed, prohibiting political parties, civil associations and individuals from receiving funding from outside of Venezuela, on pain of fines or disqualification. This measure, which directly affects organisations defending human rights, could be reinforced if the Law on International Cooperation is passed. This new legislative bill was already approved in a first round debate in 2006 and could be adopted in 2011 by means of the legislative powers granted to the President in December 2010. The Law on International Cooperation obliges those receiving foreign aid to hand it over to the Government to be administered. Moreover, in December 2010, the National Assembly approved the reform of the Law on Radio and Television in order to extend regulatory measures to Internet. These changes prohibit publishing on Internet any material that “incites unrest among citizens”, “upsets public order”, “lacks respect for the authorities” or that “attacks moral codes”. This law also condemns “inciting crimes” through communications media, without clearly limiting its scope or limits.

Constant climate to discredit human rights defenders and organisations, stigmatisation of their work and unfounded criminal charges made against them

In 2010, the Venezuelan Government continued its persistent campaign to discredit and disqualify the work carried out by human rights defenders and their organisations. On the occasion of the 21st anniversary of the “Caracazo”⁶, a number of accusations were once again made against the

5/ See Venezuelan Prison Observatory (*Observatorio Venezolano de Prisiones* - OVP) Press Release, May 31, 2011.

6/ A series of strong protests and disturbances occurred between February 27 and 28, 1989 in Caracas, under the Government of President Carlos Andrés Pérez. On February 28, the security forces of the metropolitan police, the army and the civil guard went out into the streets to control and repress the situation, causing the death of 276 people, according to official figures, or more than 500 according to unofficial figures.

work of the Committee of Family Members of the Victims of the events of February and March 1989 (*Comité de Familiares de las Víctimas de los sucesos de febrero y marzo de 1989* - COFAVIC) by the General Attorney's office, the Ombudsman's office, and the Director of Procedural Affairs in the Public Ministry. Between February and March 2010, these State officials publicly accused the organisation as well as Ms. **Aura Liscano** and Ms. **Liliana Ortega**, President and Executive Director of COFAVIC respectively, of not collaborating with the Venezuelan judiciary, of withholding information or of providing false information in the case of the Caracazo⁷. Similarly, on March 12, 2010, President Chávez accused Ms. **Rocío San Miguel**, a lawyer and President of the organisation Citizens Control of Security, Defence and the National Armed Services (*Control Ciudadano para la Seguridad, la Defensa y la Fuerza Armada Nacional*), of creating "terror propaganda" for publishing a critical article about the Government in the newspaper *Tal Cual*. Equally, in May 2010, she was accused of being a "CIA agent" on the State television channel *Venezolana de Televisión* and her work as a human rights defender was questioned because the organisation received foreign cooperation grants⁸. In previous years, as well as between March and May 2010, she was victim of intimidation, threats, and was followed. These events were reported and protection measures were requested for Ms. Rocío San Miguel. However, on July 27, 2010, the Criminal Tribunal of the Eighth Circuit of Caracas denied her these protection measures because they considered that there were insufficient reasons for granting them. Moreover, the campaign that began in 2006 to discredit Mr. **Humberto Prado**, Director of the Venezuelan Prison Observatory (*Observatorio Venezolano de Prisiones* - OVP), continued in 2010. On October 5, 2010, President Chávez accused Mr. Prado of promoting dissent and disorder in prisons with the aim of denouncing these incidents internationally. Moreover, on November 6, 2010, during a press conference, the Ombudsman accused the non-governmental organisations (NGOs) who defend the rights of prisoners, of promoting internal conflicts and instigating prison strikes and of denouncing these events to the international community⁹. On July 26, 2010, Mr. **Carlos Correa**, Executive Director of the human rights organisation Public Space (*Espacio Público*), was the object of declarations discrediting his

7/ COFAVIC ensured that they handed over all the information they possess on the victims of the Caracazo on several occasions.

8/ This occurred after denouncing to the communications media that a number of active members of the armed forces were registered as active members of the United Socialist Party of Venezuela (*Partido Socialista Unido de Venezuela* - PSUV), thereby violating Article 328 of the Bolivarian Constitution of the Republic of Venezuela.

9/ See Support Network for Justice and Peace (*Red de Apoyo por la Justicia y la Paz* - Redapoyo) and PROVEA.

work after he appeared on the news programme “Primera Página” on the *Globovisión* channel, in which he presented the work of Public Space and the human rights situation in Venezuela. These declarations to discredit Mr. Correa were published in July 2010 on the official website of the Venezuelan News Agency (*Agencia Venezolana de Noticias*), broadcast on the television programme “La Hojilla” on July 26, 2010 on the State channel, and by means of an announcement broadcast regularly on the State channel *Venezolana de Televisión*. As a consequence of this public disqualification on State controlled media channels, different media and social networks levelled threats, personal insults and denigrating remarks against the victims of these messages. On December 16, 2010, Mr. Carlos Correa was attacked with a heavy instrument and threatened with death, close to the National Assembly building, as he went to deliver a document signed by the Alliance for the Freedom of Expression (*Alianza para la Libertad de Expresión*)¹⁰. This attack was denounced to the Attorney General’s office, which opened a case file and carried out forensic analysis, as well as interviewed a number of witnesses. As of April 2011, the case was still in the initial stages and the IACHR had requested information on the case from the Venezuelan State.

In addition, NGOs had unfounded criminal proceedings brought against them. Indeed, the Attorney General’s office opened an investigation against the human rights organisations Public Space and the Press and Society Institute (*Instituto de Prensa y Sociedad - IPYS*) in order to determine the origins of their funding, under the premise that they were funded by the US State Department and that this constituted a conspiratorial act against Venezuelan citizens. This investigation can be traced to a complaint made on July 13, 2010 by the self-denominated Movement for Necessary Journalism (*Movimiento Periodismo Necesario*)¹¹. Equally, on July 14, 2010, President Chávez requested an investigation into “the millions and millions of dollars” that the US State Department gives to Venezuelan NGOs and journalists. Both investigations were joined together into a single case file. As of April 2011, not one defender or journalist had been called to give a statement. However the investigation remained pending, and was still being used to harass defenders.

10 / See Public Space.

11 / The Movement for Necessary Journalism (*Movimiento Periodismo Necesario*) is an organisation which is composed of pro-Government journalists. Their main Spokespersons runs the department of communications of the National Telecommunications Commission (*Comisión Nacional de Telecomunicaciones - CONATEL*).

Reprisals against human rights defenders who participate in international and regional human rights systems

Throughout 2010 and 2011, judicial harassment and disqualification continued to be used against defenders who followed the recommendations of international human rights bodies or collaborated with universal or regional human rights mechanisms. Judicial harassment continued against Judge **María Lourdes Afuni**, who was arrested on December 10, 2009, just after having ordered the conditional release of Mr. Eligio Cedeño, based on the investigations and recommendations of the UN Working Group on Arbitrary Detention¹². Throughout the whole of 2010, Judge Afuni was held in the National Institute for Feminine Orientation (*Instituto Nacional de Orientación Femenina* - INOF), in the city of Los Teques, in inhuman conditions and suffering from discriminatory treatment. In response to the serious conditions of her detention and the death threats against her, on January 11, 2010, the IACHR granted precautionary measures to Ms. Afuni, ordering the Venezuelan authorities to guarantee her life and personal integrity. Subsequently, on September 3, 2010, the UN Working Group on Arbitrary Detention recommended that the State immediately release the Judge. In spite of this, irregular events continued. Worsening conditions for Ms. Afuni led to the Inter-American Court of Human Rights granting her provisional measures on December 10, 2010, one year after her imprisonment began. Nevertheless, on December 20, 2010, in response to the provisional measures, which ordered the protection of her physical integrity, the authorities decided to place her in solitary confinement. Finally, on February 2, 2011, Ms. Afuni's health problems, which had begun in mid 2010 and had not been attended to by the State, worsened and she underwent surgery. She was subsequently granted house arrest¹³. As of April 2011, Ms. Afuni continued to be arbitrarily detained in her home and it was expected that the trial will take place in 2011. Moreover, on March 24, 2011, the National Commission for the Protection of Journalists (*Comisión Nacional de*

12/ On December 10, 2009, Judge María Lourdes Afuni ordered the conditional release of Mr. Eligio Cedeño, a Venezuelan businessman accused of fraudulent financial operations, whose arrest had been declared to be arbitrary by the UN Working Group on Arbitrary Detention on September 1, 2009 (Mr. Cedeño had spent almost three years on remand in custody). In relation to this, President Chávez called her a "crook" and on December 11, 2009, ordered the Attorney General and the President of the Supreme Court to sentence Judge Afuni to thirty years in prison. The following day, Judge Afuni was accused of the crimes of "corruption", "accessory to an escape", "criminal conspiracy" and "abuse of power".

13/ This measure was agreed with a number of restrictions, including prohibiting contact with the media, and obligatory weekly visits.

Protección de los Periodistas - Conapro)¹⁴ made a presentation during the Universal Periodic Review (UPR) before the UN Human Rights Council. Afterwards, the host of the TV programme “Dando y dando” broadcasting on the State channel *Venezolana de Televisión* made a speech against the members of Conapro. Among remarks to discredit the organisation, he made direct references to Mr. **Gregorio Salazar**, former Secretary General of the National Trade Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa* - SNTP), Ms. **Silvia Alegré**, President of the National School of Journalism (*Colegio Nacional del Periodismo* - CNP), and Mr. **Carlos Correa**, accusing them of being “traitors to their country, criminals, sell-outs [...] who should be in prison because when they bring information before the United Nations they are paving the way to justifying a military intervention by the United States in Venezuela”. Similarly, on March 29, 2011, after representatives from Public Space, CNP, SNTP and the Andrés Bello Catholic University (*Universidad Católica Andrés Bello* - UCAB) Human Rights Centre participated in a private hearing before the IACHR and once again a State television programme discredited the individuals and organisations that had participated in the hearing. Principally, these people were categorised as “stateless” since they had gone to international bodies to report “against what is supposedly their country”. Meanwhile, other journalists who declared themselves as supporters of the Government party published smear campaigns on different social networks, aimed against human rights defenders who attended the IACHR hearings. In particular, messages circulated on social networks discrediting Ms. **Ligia Bolívar**, Director of the UCAB Human Rights Centre, after she participated in a hearing before the IACHR regarding the situation of the freedom of expression and another hearing on the law granting legislative powers to the President of Venezuela¹⁵.

Judicial harassment against a trade union leader after his participation in peaceful demonstrations

In 2010 and 2011, trade union leaders participating in peaceful protests continued to be subjected to judicial harassment. This was the case of Mr. **Rubén González**, Secretary General of the Orinoco Iron Ore Workers Union (*Sindicato de Trabajadores de Ferrominera Orinoco* - SINTRA FERROMINERA), who was arrested in September 2009 and

14 / Conapro is an Alliance of the National School of Journalism (*Colegio Nacional del Periodismo* - CNP), the National Trade Union of Press Workers (*Sindicato Nacional de Trabajadores de la Prensa* - SNTP), the Circle of Venezuelan Photojournalists (*Círculo de Reporteros Gráficos de Venezuela* - CRGV) and Public Space, who coordinate actions for the defence and protection of journalists, photojournalists and press workers, affected in their right to exercise their freedom of expression.

15 / See Public Space.

sentenced on February 28, 2011, to seven years and six months in prison, on charges of “illicit association”, “restriction of the right to work”, “road blockades”, “inciting crimes” and “violation of security areas” after he organised a peaceful strike which paralysed the activities of the State company that is part of the Venezuelan Guayana Corporation (*Corporación Venezolana de Guayana* - CVG)¹⁶. On November 30, 2010, the International Labour Organisation (ILO) Committee for Trade Union Freedoms asked the Venezuelan Government to immediately release Mr. Rubén González and to offer him compensation for the damages and prejudices he suffered. While on March 3, 2011, the Chamber of Criminal Appeals of the Supreme Court of Justice granted him conditional release, as of April 2011, the charges against him had not been dropped and he was obliged to appear every two weeks before the court.

Progress in investigations into killings of independent journalists

In 2010 and 2011, progress was made in the criminal prosecution in the cases of two independent journalists who were killed in 2009 after denouncing corruption and human rights violations. As of April 2011, two individuals were on trial for the murder of Mr. **Orel Sambrano**, Director of the weekly publication *ABC de la semana* and *Radio América*, which occurred on January 16, 2009. Related to the same case, on August 19, 2010, in Cúcuta, Colombia, Mr. Walid Makled was arrested, identified by the Venezuelan Scientific, Criminal, and Forensic Investigations Corps (*Cuerpo de Investigaciones Científicas Penales y Criminalísticas de Venezuela* - CICPC) as the person presumed to have planned the killing of Mr. Sambrano¹⁷. Meanwhile, on March 15, 2010, an individual was arrested who was presumed to have carried out the murder of Mr. **Mijail Martínez**, audiovisual producer and member of the Committee of Victims Against Impunity (*Comité de Víctimas contra la Impunidad*), who was killed on November 26, 2009. Another individual who carried out the crime was also identified, yet by April 2011, he had not been arrested. A preliminary hearing into this case was expected to take place in June 2011.

16 / Around 2,000 company workers participated in the strike to claim payment of amounts due to them and the fulfilment of benefits agreed in their collective labour agreement guidelines. The strike ended sixteen days later, with the signing of an agreement to end the strike in return for a commitment from the company to fulfil its obligations.

262 17 / Mr. Walid Makled was extradited to Venezuela on May 9, 2011, to be tried for this and other crimes.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Names	Violations / Follow-up	Reference	Date of Issuance
COFAVIC / Ms. Aura Liscano and Ms. Liliana Ortega	Slander campaign	Urgent Appeal VEN 001/0310/OBS 028	March 4, 2010
Ms. Rocío San Miguel	Harassment / Threats / Defamation	Urgent Appeal VEN 002/0510/OBS 062	May 17, 2010
Mr. Humberto Prado	Harassment	Urgent Appeal VEN 003/0610/OBS 070	June 2, 2010
Public Space and Press and Society Institute (IPYS)	Judicial harassment / Slander campaign	Urgent Appeal VEN 004/0710/OBS 089	July 22, 2010
Mr. Rubén González	Conditional release / Judicial harassment	Urgent Appeal VEN 001/0311/OBS 029	March 4, 2011