

## PRESS RELEASE - THE OBSERVATORY

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### **Criminalization of human rights defenders: an alarming phenomenon in Latin America**

#### **Release of report**

**Paris, Geneva, Mexico, 25 February 2016** – The criminalization of human rights defenders in the context of the extraction of natural resources and megaprojects is becoming a very worrisome phenomenon in Latin America, denounces the Observatory in a report published today in Mexico. Entitled “The criminalization of human rights defenders in the context of industrial projects: a regional phenomenon in Latin America”, this document also points to the role of businesses, civil servants, public prosecutors, judges, and the State, among others, in this phenomenon.

The report describes the specific cases of human rights defenders criminalized in eight Latin American countries (Brazil, Colombia, Ecuador, Guatemala, Honduras, Mexico, Nicaragua and Peru).

***“Criminalizing and harassing those who defend human rights and land rights is becoming a recurring pattern in Latin America. It is not an isolated phenomenon”*** points out the Observatory. ***“Judges and attorneys often have their share of responsibility with regard to this criminalization. This must end immediately. They can no longer be complicit”***.

The report especially stresses two core issues common to all the countries studied:

Firstly, it is in the contexts of extraction of natural resources and of megaprojects that criminalization of human rights defenders is most virulent. They are targeted because they promote landrights and defend vulnerable groups, such as indigenous, afro and rural communities. But also because they have a key role in drawing attention to human rights violations related to property, exploitation of land and resources, the environment, water rights and respect for labor rights, among others. All of the cases documented in the report demonstrate how the inappropriate use of criminal law to criminalize community leaders contributed to the collapse of their capacity to act.

Moreover, the report emphasizes the key role of businesses and the judiciary in criminalizing defenders, despite their human rights obligation and the legitimacy of peaceful social protest. Nearly all criminal cases against defenders have been initiated by businesses, who request the application of emergency laws such as, for example, anti-terrorism legislation.

Furthermore, the report denounces the lack of independence and impartiality of justice and its determining impact on the criminalization of defenders. In most of the cases presented, additionally to charging abusively the defenders, the Public Ministry leads criminal action and calls regularly for preventive prison. In many cases defenders are prosecuted once, twice or more. This is extremely serious in that it violates the minimum guarantees of due process and the right to personal liberty. Likewise, although judges do not always convict defenders,

they almost systematically assent to requests for cautionary measures such as preventive arrest.

The Observatory urges the judiciary of the above-mentioned countries not to be accomplices to the undue criminalization of human rights defenders and to initiate a period of reflection within the judicial system on the need for practicing justice in a way that respects the equality of all parties without favoring political and economic interests.

**The report is available here in Spanish:**

[FIDH website](#)

[OMCT website](#)

The infographics is available here:

[FIDH website](#)

[OMCT website](#)

*The Observatory, an FIDH and OMCT venture, is dedicated to the protection of human rights defenders and aims to offer them concrete support in their time of need.*

**Organizations who contributed to the elaboration of this report :**

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World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Justiça Global – Brazil

CAJAR – Colombia

INREDH – Ecuador

CEDHU - Ecuador

UDEFEGUA – Guatemala

COFADEH – Honduras

COPINH – Honduras

CMDPDH – Mexico

CENIDH - Nicaragua

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