

The Center for Human Rights and Environment

**The Human Cost of Defending the Planet**  
**Human Rights Violations Against Environmental Defenders in the Americas**

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REPORT 2002 – 2003

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## **CENTER FOR HUMAN RIGHTS AND ENVIRONMENT**

The Center for Human Rights and Environment (CEDHA) is a non-profit organization which aims to build a more harmonious relationship between the environment and people. CEDHA's work involves litigation, capacity-building, legislation strengthening, research, victim awareness building, community empowerment, and other actions designed to promote greater access to justice and protect human rights in cases of environmental degradation.

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*the Inter-American Association for the Defense of the Environment (AIDA), The World Union for Nature ( IUCN) and advisory member of the American States Organization (OEA), among other institutions.*

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## PROLOGUE

In April 2002 CEDHA (Center for Human Rights and Environment), together with CIEL (Center for International Environmental Law), presented the first report “The human cost of defending the planet”<sup>1</sup> to the Functional Unit of Human Rights Defenders of the Inter-American Commission on Human Rights (CIDH). This was a compilation of cases, by country, of human rights violations against environmental activists and was an approximation of the diverse violations that environmental activists have been suffering in the region for their denunciation of the uncontrolled degradation of natural resources. CEDHA presented this initial report to the Human Resources Unit of CIDH in a renewed effort to promote a better and more effective protection of environmentalists in Latin America. This following report intends to continue that initiative, showing that the situation of environmental defenders has not improved.

Today, to be an environmentalist is still a dangerous undertaking; environmental activists are being systematically beaten, threatened, detained, raped, tortured and murdered as part of a deliberate attempt to silence and intimidate both the defenders and those they represent. The violation of the human rights of environmental activists has some particular characteristics:

- The majority of cases are related to the environmental degradation of the habitat of indigenous and/or poor communities.
- The lack of perception of the victims of environmental degradation as victims of human rights violations means that it is mainly the environmental activists who try to defend the most vulnerable groups of society in this type of case.
- Human rights abuses of environmental activists are occurring as an additional consequence of the violation of other human rights represented by these activists.
- The human rights abuses of environmental activists result in additional violations. This happens because of the ‘terror effect’ that these individual violations have on the group, terrifying them of exercising their own rights, in an attempt to silence them.
- Environmental activists find themselves in a special situation of double vulnerability. This is due to the fact that the majority of the cases they defend confront not only State interests but also the interests of powerful economic

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<sup>1</sup> <http://www.cedha.org.ar/docs/doc82-spa.htm>

groups in connivance with, and much more powerful than, the State, with their own armed forces and an enormous degree of impunity.

It is important to note that the lack of awareness on the part of both international organizations and civil society that the environmental activists are human rights defenders seriously worsens their situation of defenselessness. This is shown by the lack of interest and attendance on the part of environmental activists at the Second Latin American Consultation of Human Rights Defenders held in 2002. The final declaration of the consultation did not make any mention of environmental defenders. However, we hope that this situation will soon be modified.

It is not merely about including environmental activists into human rights activism, but also about upholding their environmental work, recognizing their importance as defenders of human rights. The recognition of this double role as a defender of natural resources and a defender of human rights, depends on the awareness of civil society and States of the link which exists between environmental degradation and the abuse of human rights; making visible and punishable what today is invisible and unpunished.

This second report contains a compilation of the denunciations published by local and international non-governmental organizations of the defense of human rights and the environment, such as Amnesty International, Sierra Club, CIEL, Human Rights Watch, CEJIL and CALAS, who we thank for their collaboration. We would also like to give our profound thanks to the Richard and Rhoda Goldman Foundation and the William and Flora Hewlett Foundation for their invaluable support in the defense of the environment in America, as well as all the other organizations and people who have contributed information for the completion of this report.

*Romina Picolotti*  
*Director, Access to Justice Program*  
*CEDHA*

## 1. INTRODUCTION<sup>2</sup>

Environmental defenders in many Latin American countries are continuing to be the object of harassment, threats, persecutions and even assassinations, as in the cases described in this report. The aim of this work is, therefore, to denounce the serious situation in which people from this hemisphere who defend and promote the human right to a healthy environment find themselves; as well as the consequent impunity that characterizes the violations against such defenders in the Americas. Defenders of human rights are men and women who act individually or collectively to contribute to the effective elimination of violations of the fundamental rights of communities and individuals.

This report denounces serious violations of the rights of environmental defenders for their work in the protection of the environment and human rights. This work includes the search for truth and justice, the fight in favor of equality between races; the protection of economic, social and cultural rights, of the rights of indigenous communities and of the environment; the right to land and the fight against hunger, poverty and discrimination.

Environmental defenders work in different spheres of society and their work is inspired by and based on international human rights regulations. The investigations into human rights violations against environmentalists and defenders of the access to land is, very often, riddled with irregularities and discretionary decisions on the part of investigative organizations which deliberately ignore evidence provided by civil society.

Reigning impunity in many cases means that they do not always end in the persecution and punishment of those responsible for human rights violations against environmental defenders. Unfortunately, in national and even international spheres, environmental defenders tend not to be considered as defenders of human rights. However, the independent vigilance of civil society plays a special role in controlling the State and so guaranteeing human rights. Today, the control that civil society exercises through non-governmental organizations reflects a change in the mentality of Latin Americans, who worry about environmental problems and human rights on the continent. Known cases of human rights violations are ever more numerous, partly due to the greater participation of these organizations in the public agenda.

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<sup>2</sup> This report was compiled by Christian G. SOMMER SILENZI, Investigation assistant at CEDHA.

In November of 2003, Amnesty International presented a report on violations against human rights defenders in the region, entitled 'Essential actors of our time: the human rights defenders in America'<sup>3</sup>. The report shows that efforts made by governments to protect human rights defenders offer hope for the future. However, the majority of this effort has been centered on immediate protection and not on the creation of a framework in which defenders can carry out their work without obstacles or fear of reprisals. Some governments have embarked on a dangerous game of ambiguities, including actions and accusations which contradict their legal commitment in the sphere of human rights.

The report also briefly points out that, in America, one of the main worries of human rights groups and social activists has been showing how harm caused to the environment very often has harmful effects on the life of poor and marginal communities, giving rise to frequent human rights violations.

Unfortunately, the following report indicates that the situation of environmental defenders in the Americas continues to deteriorate at alarming speed. Since the publication of its previous report, CEDHA has identified an increase in denounced cases of approximately 60%, many of which, for diverse reasons, do not reach public light.

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<sup>3</sup> <http://web.amnesty.org/library/eslindex>.





## 2. THE RIGHT TO DEFEND HUMAN RIGHTS AND THE ENVIRONMENT

The right to defend human rights is defined in art. 1<sup>o</sup> of the *Declaration on the Defenders of Human Rights*<sup>4</sup> of 9<sup>th</sup> December 1998 as (...) “*the right to promote and fight, individually and in association with others, for the protection and fulfillment of human rights and fundamental liberties at the national and international level*”.

According to the Secretary General of the United Nations (UN): “*Human rights defenders are the nucleus of the human rights movement in all the world (...) Human rights defenders constitute the base on which rest regional and national human rights organizations and mechanisms, including those of the United Nations, to promote and protect human rights*”.<sup>5</sup>

Of the people who suffer greatest persecution in the defense of the environment in Latin America, ethnic minorities are the ones most often targeted for attacks. Already since 1994, the United Nations Special Rapporteur on Human Rights and the Environment – Fatma Zohra Ksentini – made reference in her final report<sup>6</sup> to the vulnerability of the indigenous communities to ecological damage. In the same way, it is necessary to consider the territorial rights of other vulnerable groups, as being registered in South American countries.

Many defenders have become so used to the constant threats and intimidations, to the subsequent inaction on the part of the State and to the hostility of different sectors of society, that they have stopped reporting these incidents. Many others have been forced to flee their homes and even, on some occasions, their country.

Defenders have also been subjected to a wide range of acts of harassment, such as investigations based on false charges, detention with or without a warrant, assaults and being watched and followed. Defamation campaigns, made against defenders, and unfounded and unproved accusations have become a common way of distracting the attention away from worrying questions related to human rights and of discrediting the work of defending these rights<sup>7</sup>.

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<sup>4</sup> Whose full title is “*Declaration on the right and duty of the individuals, the groups and the institutions which promote and Protect the universally recognized human rights and fundamental freedoms*” United Nations General Assembly, A/RES/53/144,8/3/99.

<sup>5</sup> ANNAN, Kofi, Questions related to human rights, including different criteria for improving the effective enjoyment of human rights and fundamental freedoms, General Assembly, fifty fifth period of sessions, A/55/292, 11/8/00.

[Http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/dce4bed183893ab9c125696e004df7e7?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/dce4bed183893ab9c125696e004df7e7?Opendocument)

<sup>6</sup> UN.Doc.E/CN.4/sub.2/1994/9,6/7/94.

<sup>7</sup> Memo from Amnesty International to the European Union and the member States of the E.U.: *Taking on board the dangers and difficulties which the human rights defenders of the Latin American States and the Caribbean are faced with.*

In her third report to the Secretary General of the UN, presented in January 2003, Hina Jilani<sup>8</sup>, Special Representative of the Secretary General of the United Nations on the Situation of Human Rights Defenders, stated that *“Greater international effort is necessary to protect human rights defenders of Latin America and the Caribbean, given the ‘systematic’ nature of the violations which defenders in this region are subjected to”*. According to the report, some of the countries requiring special attention are Guatemala, Columbia, Mexico, Brazil, Honduras, Ecuador, Argentina, Bolivia, Haiti and the Dominican Republic.

Likewise, in June 1999, American States also recognized the importance of the people, groups and non-governmental organizations that promote human rights with the adoption, by the General Assembly of the Organization of American States (OAS), of a resolution entitled *Human Rights Defenders in the Americas*<sup>9</sup>. In this resolution, the OAS States express their intention of divulging the Declaration on Human Rights Defenders approved by the UN. More specifically, it agrees to: *“Recognize and endorse the work which human rights defenders develop and their valuable contribution to the promotion, respect and protection of fundamental rights and freedoms in the Americas”*. The resolution calls on member states to grant the human rights defenders the guarantees and facilities necessary in order to freely continue carrying out their job of promoting and protecting human rights, as well as taking the necessary measures to guarantee the life, freedom and integrity of the defenders. For their role, the assistant secretary general of the OAS qualified them as *“essential agents of our time”*.

In May 2000, the General Assembly of the OAS adopted another resolution on defenders, in which they reiterated their support for defenders’ valuable work and urged the member states to intensify (...) *efforts for the adoption of measures necessary to guarantee their life, personal integrity and freedom of expression, in conformity with the principles and recognized international regulations*<sup>10</sup>. The American Declaration of Rights and Duties of Man and the American Convention on Human Rights recognized the right of the individual to associate with and work for the defense of human rights. In June 2001, the General Assembly of the OAS again approved another resolution on the situation of the human rights defenders<sup>11</sup>.

In December 2001, the Executive Secretary of the Inter-American Commission on Human Rights (CIDH), Dr. Santiago A. Cantón, decided to create a Functional Unit of Human Rights Defenders within the Executive Secretary’s Office, responsible for

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<sup>8</sup> NU E/CN.4/2003/104.

<sup>9</sup> AG/RES.1671 (XXXIX-0/99)

<sup>10</sup> *Human rights defenders in the Americas: Support in the tasks that people, groups and civil society develop in order to promote and protect human rights in the Americas. (AG/RES.1711(XXX-0/00).*

<sup>11</sup> OEA/Ser.P AG/res.1818(XXXI-0/01).

coordinating the activities of the Executive Secretary in this area. In this way, a legal and institutional framework for the protection of human rights and the environment is being created in the Inter-American system.

In June 2003, the General Assembly of the OAS approved a new resolution on human rights and the environment, in which it emphasizes the importance of (...) *promoting the protection of the environment and the full enjoyment of human rights (...) and the importance of civil society in the defense of human rights and the environment*<sup>12</sup>.

In this way, regulations are being drawn up to show understanding of the importance that lies in the relationship between the environment and the rights of citizens. *Human rights violations originating from environmental problems are extremely serious because they affect groups of people and whole communities. They continue over time and have effects that multiply, affecting the rights of present and future generations. The defenselessness of the victims of environmental degradation is almost absolute; they suffer a kind of invisibility, they are not perceived as such, and because of this they receive no protection on the part of the human rights system*<sup>13</sup>. Hence the importance that the State protects and guarantees the safety and work of the environmental defenders.

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<sup>12</sup> *Human Rights and the Environment in the Americas. AG/RES: 1926 (XXXIII-0/03).*

<sup>13</sup> TAILLANT, Jorge Daniel, Presentation to the Judicial and Political Affairs Commission of the OAS, in relation to the resolution AG/RES. 1896(XXXII-0/02). CP/CAJP-1999/02.

### 3. CASES OF HUMAN RIGHTS VIOLATIONS AGAINST ENVIRONMENTAL DEFENDERS IN LATIN AMERICA

#### ARGENTINA

In the province of Ushuaia, presenters of the radio program '*Botella al mar*' ('*Bottle to the sea*'), broadcast by FM del Sur, and the editor of the Internet site *Sur54.com*, received death threats from a group called '*Comando Provincia*' ('*Province Command*'), from the area. Integrants of the NGO Citizen Participation were also threatened. One of the integrants of the NGO, Graciela Ramaciotti, also head of the environmental association Finis Terrae, was also threatened in an e-mail which said that it was "*the final warning*"<sup>14</sup>. Finis Terrae was one of the groups which headed the opposition to the project of the multinational company **Trillium Corporation (Lengua Patagonia S:A: in Argentina)**.



Trillium opened roads before receiving Government approval

This company is developing forestry projects with wood from the region's native forests. According to the denunciation made by local NGOs, the multinational is buying up large

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<sup>14</sup> Tiempo Newspaper. Threats and intimidations made to journalists and NGOs in Ushuaia.  
[Http://www.tiemponet.com.ar/archive/2002/11noviembre/12.html](http://www.tiemponet.com.ar/archive/2002/11noviembre/12.html)

tracts of fiscal and private land (130 000 hectares) that will then be used for the exploitation of wood from the forests acquired.

In addition, neighbors and members of environmental NGOs from the cities of Munro and Carapachay, in the Buenos Aires Province, have received death threats, and some of their children have been intimidated as a consequence of denunciations of the activities of the petrochemical company **ATANOR**. These people, among whom is **Stella Maris Bacqué Longarini**, have been fighting since 1997 for the closure or transfer of the industry after detecting high concentrations of thallium<sup>15</sup> in the blood of people living in the zone adjoining the company. Another analysis carried out by the Political Environmental Secretary (PES) of the Buenos Aires Province has already shown that the groundwater found under the plant is contaminated with *hexachlorobenzene*, a pesticide whose use is prohibited and which could cause lung, hepatic and skin problems. The results were made known in May, and although the company admitted the existence of the contamination, they asserted that the quantity of toxin found did not go above permitted levels. At the time of publication of this report, no adequate measures had been taken to solve this case.

In the city of Esquel, situated in the Neuquén province, the State concession and the possible exploitation of a gold mine by the Canadian multinational **MERIDIAN GOLD** has been generating persecutions and threats to members of environmental NGOs in the zone and neighbors of the Esquel community who oppose the mining exploitation.



Land degradation caused by mining

The mining exploitation would use sodium cyanide in the mineral extraction process, which puts the water tributaries of the zone at risk. In turn, the groundwater also runs the risk of

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<sup>15</sup> Carcinogenic chemical. According to medical experts, thallium is one of the most toxic metals and affects the nervous system: it can cause neurological disorders, convulsions, paralysis and even coma. Almost always accompanied by intense pain, thallium intoxication brings behavioral, digestive, cardiac, hepatic, renal and sleep disorders.

contamination through the transference of cyanide; not to mention the destruction of the landscape in a place that is a source of tourist resources for the local people.

Between December 2002 and January 2003, several members of the denominated “*Self-convoked neighbors of Esquel*”<sup>16</sup> received threats and intimidations. **Silvia González**, pharmacist and professor of the National University of Patagonia (UNPAT), Esquel branch, who gives talks on cyanide, acid drainage and heavy metals and their effects on living beings, was threatened by telephone and a suspicious vehicle patrolled her house. **Lucas Fossatti**, primary school teacher and militant of the “No to the mine” campaign, was threatened at his home, together with his wife and son, by an unidentified person in the middle of November 2002. **Susana Asaf’s** house was broken into and flowers were left next to her computer. **Leonardo Ferro**, MSc. in geology, teacher at the UNPAT, militant in the “No to the mine” campaign and expert witness in the environmental *amparo* (a type of injunction) in progress at the Esquel Courts, received telephone threats with reference to his wife and daughters on the 8<sup>th</sup> February 2003. These are some of the cases that the ecological NGO **RENACE (National Ecology Network)**<sup>17</sup> has denounced.

## BRAZIL

The problem of access to the ownership of land can be seen most clearly in Brazil. Thousands of Brazilians are pushing to obtain plots of land, mainly in rural areas. During the second half of 2003, close to 38 rural activists were assassinated and numerous union defenders were threatened. According to the Pastoral Land Commission<sup>18</sup>, during 2003 the deaths of 32 people<sup>19</sup> were documented, particularly in the municipality of Sao Félix do Xingu, where they were related to conflicts over the land and the exploitation of the valuable caoba wood.

Representatives of indigenous groups from the States of Bahía and Pará were threatened with guns and their houses were destroyed. Many of these acts were attributed to para-police forces financed by local landowners.

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<sup>16</sup> Unofficial translation of “*Vecinos Auto convocados de Esquel*”.

<sup>17</sup> Unofficial translation of “*Red Nacional de Ecología*”

<sup>18</sup> Unofficial translation of “*Comissão Pastoral da Terra*” (CPT).

<sup>19</sup> FEDERICO, Jennifer, International Tribunal on Crimes committed by land owners in Pará, Brazil. Center for International Environmental Law.



Fundación Auna. 2000  
© Sebastião SALGADO / AMAZONAS Images  
Colabora Eastman Kodak Company

In a recent report entitled “**State of Conflict**”, **Greenpeace** denounced the situation of the Brazilian Amazonian state of Pará, where forestry activities and cattle ranches are the main destructive forces behind the illegal occupation of land. “*As in many other areas of the Amazon, the environmental problems in Pará are frequently associated with situations of social injustice. Pará is the Brazilian state with the highest index of assassinations related to conflicts over the ownership of land, and these are rarely investigated*”, states the ecological organization in its report.<sup>20</sup>

In June 2003, Amnesty International denounced threats to the safety of **brother Henri Burin des Roziers**, member of the Pastoral Land Commission and the Rural Workers’ Syndicate of Redençã□o<sup>21</sup>, in Pará State<sup>22</sup>. The PLC and the RWSR have been fighting against the impunity enjoyed by those responsible for serious violations of human rights in this region. Having worked on this type of case for many years, the members of these organizations have repeatedly received death threats. On 6<sup>th</sup> June 2003, the headquarters of the RWSR in Redençã□o were broken into. Strictly confidential documents, including investigations into slavery in the State of Pará, were stolen.

In August 2003, the conflict between landholders and members of the Landless Movement<sup>23</sup> had one of its most critical moments. On the one hand, were the rural workers ready to

<sup>20</sup> <http://activism.greenpeace.org/amazon/index.php>

<sup>21</sup> Unofficial translation of “*Sindicato dos Trabalhadores Rurais de Redençã□o*” – STRR

<sup>22</sup> Amnesty International. BRAZIL.UA 174/03. AI Index:AMR 19/013/2003. 18 June 2003.

<sup>23</sup> Unofficial translation of “*Movimiento sin Tierra*” – MST



invade land in order to pressurize the president, Luiz Inacio Lula da Silva, into speeding up the agrarian reform he had promised during his election campaign. On the other, the landholders, who had launched the “Zero Invasion” movement, were preparing to defend their land “with all necessary measures”. The Federal State of R o Grande do Sul became the target of attention of the agrarian conflict due to a legal battle in which the federal government itself was involved. After a decree by the president Lula da Silva, an unproductive estate of 13 000 hectares in the municipality of Sao Gabriel received an expropriation order to be used as part of the agrarian reform (the owner was to be compensated). The owner, accompanied by other landholders, resisted the occupation and there followed 82 days of tension, in which the rural workers were ready to apply the official decree and a group of armed landowners prepared to avoid it. The legal system finally annulled the president’s decree on formal reasons<sup>24</sup>.



BBC mundo.com

Brazil has the greatest inequality of land ownership in the world. More than 50% of the agricultural region is controlled by only 4% of landholders. The majority of this land is concentrated in estates, the largest the size of Belgium. The acquisition of land by large corporations, destined for monoculture such as soybeans, has worsened the conflicts and the environmental destruction of part of Brazil.

According to official figures, in R o Grande do Sul there are 830 rural landowners with more than 2 000 000 hectares. Data from the Brazilian Geographic and Statistic Institute shows that there are 123 000 rural agricultural families who do not own land<sup>25</sup>.

The poor treatment and the persecution of indigenous defenders who live in Brazil, as a consequence of their fight for land, are still very worrying. In January 2003, **Leopoldo**

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<sup>24</sup> In the south, the Landless and the landholders are on the brink of war  
[http://www.lanacion.com.ar/03/08/25/dx\\_521949.asp](http://www.lanacion.com.ar/03/08/25/dx_521949.asp)

<sup>25</sup> <http://www.ibge.gov.br>

**Crespo**, a 77 year old indigenous man, was beaten to death by a group of youths in an attack in the State of Rio Grande do Sul. In the north of the country, on 13<sup>th</sup> January 2003, **Marcos Véron**, indigenous leader of the Guaraní-kaiová community, was killed in a violent confrontation between indigenous people and landholders in Matto Grosso. On 7<sup>th</sup> February 2003, **Marcos Luidsonde Araújo**, his nephew **Diogo Araújo da Silva de Adenilson Barbosa** and **José Santos de Joseílton** were driving in the municipality of Pesqueira in the State of Pernambuco, when they were held up by some animals which had strayed onto the road. While they were waiting for the animals to pass, several unidentified gunmen opened fire on the vehicle. Da Silva de Adenilson Barbosa and Santos de Joseílton were fatally wounded. Marcos Luidsonde Araújo, although wounded, managed to escape. According to the denouncers, the attack is believed to have been planned by the landholders in the region. In the past, Marcus and his mother had received death threats<sup>26</sup>.

**Hipañridi Top'Tiro**, leader of the indigenous reserve of Sangradouro in the State of Matto Grosso, had to abandon his land due to the death threats that he was receiving as a result of his environmental activism and for having started legal action against local landholders for deforestation activities in part of an indigenous zone. According to reports, he was threatened and intimidated by the regional administration of the National Indian Foundation (a governmental organization created to protect the indigenous communities), which has strong links with the local landholders. The federal government had previously told Hipañridi to leave the country because they could not provide him with protection<sup>27</sup>. **Doctor Mariana Ferreira**, anthropologist at the University of Tennessee, who works in the area, was also threatened for the same reasons.

## BOLIVIA

The threats and persecution of environmental defenders have continued, especially with respect to aboriginal groups. **César Blanco** (lawyer at the Center of Legal Studies and Social Investigation) was detained and suffered harassment at a police station in the city of Tarija. Blanco was threatened with "disappearance" if he continued offering legal assistance to the aborigines who demanded the right to land<sup>28</sup>. **Leonardo Tamburini**, legal advisor to the Chiquitano indigenous community, received telephone threats in September 2002 for his work in land reclamation.

In September and October 2003, a confrontation between government forces and rural workers that blocked a highway in the Bolivian Altiplano caused the death of one soldier and at least four rural workers. The rural leader, Felipe Quispe, linked these roadblocks with an opposition to the exportation of Bolivian gas abroad through Chilean territory. Both countries

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<sup>26</sup> [http://www.justearth/indigenous\\_people/brazil.html](http://www.justearth/indigenous_people/brazil.html)

<sup>27</sup> [http://shr.aaas.org/aaashran/alert.php?a\\_id=231](http://shr.aaas.org/aaashran/alert.php?a_id=231)

<sup>28</sup> Amnesty International, *The necessary protection of human rights defenders*. AMR 18/004/2002/s.

have historically had a territorial dispute. These acts have generated massive persecutions and detentions of rural leaders. Weeks later, the rural conflict worsened. The opposition of the rural workers and Bolivian laborers to the sending of natural gas to the United States, generated internal disturbances around the country, causing close to 70 deaths and leaving thousands wounded, the vast majority rural workers, and causing the president, Gonzalo Sánchez de Lozada, to resign.

Bolivia possesses the second largest gas reserve on the continent, after Venezuela. From the very beginning, a good part of the population, especially the indigenous sectors, opposed exportation if the internal gas necessities of the country were not attended to first. Many parts of the Andes, for example, still cook with wood or pay triple for bottled gas<sup>29</sup>.

However, Bolivia's problems are not only restricted to gas. Another natural resource, drinking water, continues to be a motive for persecutions and threats. In November 2001, the labor leader and environmental activist **Oscar Olivera** was arrested under the charges of "*sedition, conspiracy, incitement to public disturbance, criminal association*", among other charges. Olivera is executive director of the Workers of Cochabamba Federation, part of the Coalition in Defense of Water and Life. In spring 2002, Oscar helped to run the Coalition's successful fight against the Bolivian government's plans to privatize the provision of water from Cochabamba, granted to **Aguas del Tunari**, a local subsidiary of the transnational **Bechtel Corp**, with its base in California (USA). Oscar Olivera was threatened on many occasions to stop his fight for the equal right to water. In 2002, as a consequence of his fight, he was the *Goldman Environmental Prize Winner from Central/South America*, a prize awarded to environmental defenders.

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<sup>29</sup> <http://old.clarin.com/diario/2003/10/13/um/m-640325.htm>



Rural workers and indigenous people who participated in the clashes with Security Forces.  
Source: BBC Mundo



Bolivians grieve the deaths of rural people in the gas conflict.

## CHILE

For some years, the conflicts between the Pehuenche community and the government have not ceased, in particular the legal dispute over the zone known as Ralco, where the government intends to build a hydroelectric dam.

The head of the Santiago's Sixth Civil Court, Hadolff Ascencio, partially accepted the precautionary measure presented by 4 pehuenche families who oppose the construction of the hydroelectric center in the Alto Biobío sector. The land in this area would be flooded by the company **ENDESA**<sup>30</sup> as part of the dam construction. Those responsible for the company involved point to the environmental organizations and the indigenous people as "*environmental terrorists*", asking the government to find and punish the acts of these civil organizations<sup>31</sup>. However, following negotiations, the families agreed to sell their land, although they still have not reached an agreement on the valuation of the properties, for which the government gave **ENDESA** responsibility. Once the valuation has been handed

<sup>30</sup> <http://www.soc.uu.se/mapuche/index.html>. Acogen medida precautoria contra construcción de central Ralco.htm

<sup>31</sup> Econews. *Chilean civil organizations are qualified as "ENVIRONMENTAL TERRORISTS"*. 23/9/02. Ecoportal.net.

over to **ENDESA**, the electric company could then leave the money stipulated in the corresponding court and take possession of the land.

In November 2002, 17-year-old **Edmundo Lumun**, was shot dead by the police. Several indigenous leaders were intimidated and imprisoned on charges of “*terrorism*”, an obsolete practice dating back to the military regime which governed the country decades ago. Although the Military Attorney in Angol opened a legal investigation at the end of 2002, to date it has shown no positive results, despite having complete identification of both the murder weapon and the policeman who fired the fatal shots at the young Mapuche.



Chilean police in the Ralco zone.

In their Annual Report on Human Rights in 2002, Amnesty International accused the police (Chilean ‘carabineros’) of subjecting Mapuche protesters to maltreatment and of using excessive force during 2001. More specifically, Amnesty accused the police of the excessive use of force “*in acts of protest over land disputes attended by indigenous groups occurring in the southern regions of the country*” and in which state law enforcement acted and acts almost as an army at the service of the forestry and transnational hydroelectric companies<sup>32</sup>.

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<sup>32</sup> Amnesty International, Report 2002



**Mireya Figueroa** is one of 14 Mapuche women charged in the territorial conflict. They are accused of “*Illicit Association with terrorists*”, for the crime of arson. In an interview with The Indigenous Rights Program, Mireya declared that: (...) *I was tortured by the Attorneys because psychologically they torture you. For example, the Attorney Chamorro told me: Mireya, it's 20 years for illicit association, 10 years for arson; that's 30 years of your life!*” And he is an Attorney, at that time he wasn't a judge who could give me a sentence.

The indigenous communities of Chile are also persecuted and threatened by multinationals and local corporations because of the wood that is being exploited in the Chilean forests.

Important personalities from Chile and abroad, such as the writer **Isabel Allende**, the writer and ecologist **Malú Sierra** and the ecological activist in the USA, **Aarón Sanger de Forestethic**, developed a campaign in the United States during 2002. In this, they denounced both the Chilean and the foreign wood markets for the lack of FSC certificates<sup>33</sup>, intended to protect native Chilean woodland. During 2003, the organizers of this initiative endeavored not only to denounce environmental damage and the destruction of native woodland, but also to raise awareness of the situation faced by the mapuches and their communities with respect to both the damage to their ecosystem, and the serious political, legal and police conflicts which they come up against as a consequence of the serious territorial disputes with forestry companies such as **MINICO** and **ARAUCO**.

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<sup>33</sup> The FSC logo identifies products that contain Wood from well-managed forests, certified according to the rules of the Forest Stewardship Council.



Indiscriminate felling of native Chilean woodland

## COLUMBIA

The high degree of armed conflict in this Andean country is having dangerous impact on human rights defenders.

During 2003, there were a series of persecutions and forced disappearances of defenders of human rights related to environmental issues.

The Federación Nacional Sindical Unitaria Agropecuaria – FENSUAGRO<sup>34</sup> – has denounced the continuation of forced disappearances. The kidnapping and later disappearance of **Hernando Mican**, 21 years old, and **Wilson Duarte**, 30 years old, occurred on 30<sup>th</sup> March in the Viotá municipality. The authors of these detentions/disappearances were, according to the denunciations of the victims' relatives, the paramilitary groups calling themselves the "**Columbian Self-defence of Casanare**"<sup>35</sup> which operate in the municipality, coincidentally since the last operation of the National Army of the Colombian Battalion<sup>36</sup>.

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<sup>34</sup> An agricultural union federation

<sup>35</sup> Unofficial translation of "*Autodefensas colombianas del Casanare*".

<sup>36</sup> HUMAN RIGHTS DEFENDERS. Urgent Action On the Situation of Human Rights Violations Against Rural Workers in the Municipality of Viotá. [www.Ecoportal.net](http://www.Ecoportal.net)



Armed paramilitary in the conflict zone

There are numerous members of indigenous and afro-Columbian communities living in zones of great economic and strategic interest who have been threatened with death or forced to leave their homes simply for defending the conservation of the biodiversity in the region, which is being threatened by the exploitation of native woodland and the extraction of natural resources. On 26<sup>th</sup> April 2003, **The Revolutionary Forces of Columbia (FARC)** assassinated banana plantation workers in the municipality of Apartado in Antioquía. It should also be added that there were constant armed raids during 2003, in which the following all disappeared against their will: **José Mora Pinzón, Noelia García Aguirre, Arturo Pedreros, Luis Alejandro izquierdo Medin, Ferney Céspedes Vanegas, José Salamanca Pinzón, Hernando Mican and Wilson Duarte.** Rural workers **Antolín Viracachá and Edgar Rubio** were murdered in the same way.<sup>37</sup>



<sup>37</sup> <http://www.ecoportal.net/noti02>



Demonstration against the persecution of human rights defenders.

When this report was presented, no advances had been made in the investigation of the deaths of **Terence Freitas**, **Ingrid Washinawatek** (*Menominee Nation, Indigenous Women's Network*) and **Lahe'ena'e Gay** (*Pacific Cultural Conservancy International*), who were assassinated in Columbia on 4<sup>th</sup> March 1999. These environmental defenders were there to support the indigenous community **U'wa** in their fight against a gigantic multinational petroleum company. The U'wa are firmly opposed to the exploitation of petroleum in their ancestral territories. As happens in many other countries, the Colombian government has not legally recognized the right of these indigenous communities to their own land and, as a consequence, has opened up access to the area for petroleum exploitation.

Since October 2002, the Non-Governmental Organization (NGO) **The National Center for Health, Environment and Work Association**<sup>38</sup> has been denouncing persecutions and threats to its members and to other members of environmental organizations in Columbia. A Briton, **Adam Rankin**, who has been working for the NGO since 1995, received several phone calls in the city of Floridablanca from people who identified themselves as the **AUC – United Self-defenders of Columbia**<sup>39</sup>, threatening that very soon they would “*get in contact with him*”.<sup>40</sup> On 21<sup>st</sup> January 2003, the daughter of **Tatiana Roa**, coordinator of Censat Agua Viva, received a phone call at home from a person identifying himself as representing the AUC, leaving a threatening message for Tatiana and saying that she “*should be careful*”. In February 2003, unknown men broke into the ONG office. On 25<sup>th</sup> March 2003, 3 men dressed as civilians arrived at the NGO installations, identifying themselves as SIJIN (Intelligence Agency) agents from the Bogotá Metropolitan Police. The men asked the proprietor for access to the building for the purpose of “*carrying out a search of the house*” and an interrogation into the activities of Censat Agua Viva. The action, presented as a “*work order*”, was supported by information about “*suspicious movements*” at this site.

These actions take place within a very special context determined by the government, whose employees have questioned the role of NGOs, persistently signalling that they consider environmental groups to be rebel collaborators. The now ex Interior and Justice Minister, Fernando Londoño, said publicly, in a meeting with the military, that “*environmentalists are today's communists, and that is why they are so dangerous*”<sup>41</sup>.

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<sup>38</sup> Unofficial translation of “Asociación Centro Nacional Salud, Ambiente y Trabajo (CENSAT)”

<sup>39</sup> Unofficial translation of “Autodefensas Unidas de Colombia”

<sup>40</sup> Chastisement of the environmental movement, by Censat – agua viva. Thursday March 27<sup>th</sup>, 2003.

<sup>41</sup> <http://columbia.indymedia.org/news/2003/03/2415.php>

Columbian environmental NGOs have persistently denounced the government's environmental politics. Some examples are the distortion of environmental licences, reducing the requirements in order to benefit transnational corporations; the intensification of both quantity and quality of fumigations (either for combating the planting of coca or poppies or for conventional planting); and more recently the approval of transgenic crops such as BT cotton, from the multinational **MONSANTO**.

## ECUADOR

Human rights defenders and indigenous groups are being systematically persecuted, threatened and tortured in Ecuador. For more than four decades, the indigenous communities have been witness to the presence of international petroleum corporations, such as **ECUADORIAN AMAZON**, in their ancestral lands. These communities continually complain that a series of North American companies, including **TEXACO** (now called *Chevron-Texaco*), **ARCO**, **OCCIDENTAL**, and **VINTAGE**, have left petroleum spills in their wake and have deliberately dumped waste which has contaminated the water, ground and air, destroyed the earth, threatened the cultural and economic base of the indigenous communities and also depleted the country's petroleum reserves.

According to the 1991 report "*Amazon Crude*", by Judith Kimerling, from 1972 until they left Ecuador in 1992, **TEXACO** deliberately spilt more than 19 thousand million gallons of toxic wastewaters in the area and was responsible for the spilling of 16.8 million gallons of crude oil from the main pipeline to the jungle. This contaminated the ground and the groundwater and continues to threaten the economic and cultural base of the survival of the villages in the Equatorial regions<sup>42</sup>.

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<sup>42</sup> <http://www.amnestyusa.org/justearth/ecuador.html>



Constant oil spills in the Ecuadorian woods.

In February 2003, Amnesty International and Sierra Club presented a new report called *Environmentalists Under Fire: Six Urgent Cases of Human Rights Abuses*<sup>43</sup>, in which it manifests:

*“Its alarm at the disturbing tendency to punish environmental defenders when they try to make their basic rights heard, such as the right to freedom of expression and association and the holding of peaceful protests (..) in today’s global economy, the defence of the Earth and of the lifestyles of communities is often a risky activity. The economic aspect of globalization soon enters into conflict with universal human rights and the health of the environment”*<sup>44</sup>.

Given their past experience, environmentalists and communities that find themselves close to the oil pipelines fear a new series of abuses when they mobilize to defend the environment and to make the government and petroleum companies more responsible for it. In the petroleum camps, the indigenous communities are being pressurized to “accept” the activities related to petroleum exploitation, even though their rights are not taken into account.

In June 2001, the Ecuadorian government gave permission to start the construction of a new 480 kilometre pipeline which will stretch from the east, the region covered by tropical jungle,

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<sup>43</sup> Amnesty International USA – Sierra Club Foundation. 2003.

<sup>44</sup> Curt Goering (executive Director of Amnesty International USA). [www.aiusa.org](http://www.aiusa.org) – *Companies pressurize environmental activists all over the world, 20/2/03.*

to the port of Esmeraldas on the Pacific coast. Announced as the salvation of the country's economic crisis, it is predicted that the US\$1.1 thousand million project will double the production capacity of petroleum from Ecuador and is being built by a consortium of seven multinational companies, among which are the North American company **OCCIDENTAL PETROLEUM**, **KERR MCGEE** and **ALBERTA ENERGY** from Canada, **AGIP OIL COMPANY** from Italy, **REPSOL IPF** from Spain and **TECHINT** from Argentina. The heavy crude reserves that will be transported along the pipeline are all found in protected national parks, wildlife reserves and the lands of indigenous communities.



Map showing the route of the petroleum Project built by OCP.

Environmental groups have expressed concern at the controversial route to the north of the pipeline<sup>45</sup>, which crosses the Bosque de Nube Reserve *Mindo Nambillo* in the Andean

<sup>45</sup> Environmental organizations and Ecuadorian and foreign individuals held a meeting in Lago Agrio in October 2003, with the aim of discussing how to confront the serious damage caused by the Heavy Crude Pipeline (HCP) and petroleum exploitation in the Equatorial Amazon. From this meeting came the Lago Agrio Declaration, which denounces, among other things, that “the construction of the HCP has contributed to grave human rights violations, including violence against children and the elderly and the arrest of 73 people who were peacefully resisting the construction of the pipeline. This has had a serious impact on the environment, causing an impact on and loss of water sources, land slides and erosion, loss of pasture, vegetation and biodiversity and the ecological destruction of protected areas, and that (...) The members of HCP who are responsible for environmental and social violations

Cordillera, and which puts the biodiversity of the reserve at risk and various species of plants and animals in danger of extinction<sup>46</sup>. While in office, the ex-president Gustavo Noboa stated that he “*would declare war*” on the environmentalists and that he would fight against those critical of the project “*trench by trench*” to ensure that the pipeline was functioning by July 2003. President Lucio Gutiérrez’s present government has not stopped construction and as a result, the conflicts with the indigenous communities are increasing.



Plundering and burning of woodland by the forestry companies.

Many of these indigenous communities have declared that they will never allow the exploitation of petroleum in their lands, while others fear losing their land if they try to resist. The growing tension between the companies on one side and the environmental defenders on the other is causing tension that could eventually generate even greater violence, as experienced in Bolivia. Furthermore, there is a possibility that, in order to protect the pipeline from possible incursions by armed groups from Columbia, there will be a greater military presence in the area. In the petroleum camps there is already a higher level of military and police presence. Traditionally, the Ecuadorian military in charge of the security of the petroleum installations are usually under direct orders from the companies, and they have restricted the access of rural workers and indigenous people to their own land<sup>47</sup>.

In June 2002, rural workers from the Amazonian region who blocked the places where the pipeline would cross their land were arrested, moved on by force and violently beaten. Arrest

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should be subject to legal proceedings”; as pointed out by RENACE, one of the organizations which signed the declaration.

<sup>46</sup> <http://www.amnestyusa.org/justearth/ecuador.html>

<sup>47</sup> Environmentalists Under Fire: Six urgent Cases of Human Rights Abuses. Amnesty International USA.

warrants were sent out for the leaders of the Affected Persons Committee<sup>48</sup>, and one of its members, **Juan Chasipanta**, is still in gaol<sup>49</sup>.

In July 2002, 8 environmental activists were detained without legal charges when they protested to the company **Occidental Petroleum**, which exploits petroleum reserves in zones of fragile ecological diversity. According to government sources, the majority of Amazonian crude oil that passes through the pipeline is destined for consumption on the east coast of the United States.

The lack of care involved in the excessive exploitation of the Equatorial Amazonian jungle is another of the conflicts that environmental defenders and the country's indigenous people find themselves immersed in. The illegal exploitation of wood in the Equatorial Amazon seems to be the backdrop for the indigenous war, encouraged mainly by economic lumber dealers from the area who supply them with weapons, according to denunciations made by the **National Huaorani Organization of the Equatorial Amazon (ONHAE)**.

However, the efforts made by environmental defenders in pursuit of a cleaner and sustainable planet tend to be heard by the legal system. Towards the end of October 2003, a multimillion lawsuit was brought against the company **CHEVRON-TEXACO** in Ecuador. In the lawsuit, the inhabitants of the western zone sue Chevron-Texaco for the systematic destruction of their territory through the massive dumping of highly toxic wastewaters and crude oil for more than two decades, during the company's operations in Ecuador, which ended in 1992<sup>50</sup>. Although the lawsuit was presented in a New York court, it was declared incompetent and the proceedings were transferred to the Equatorial legal system.

**Angel Shigre**, a rural worker in the La Loja zone, in the city of Coca, was murdered during the morning of 4<sup>th</sup> November outside the city.

Shigre was a tenacious defender of the rural people. He had occupied several important positions, such as president of the Hermano Miguel Association, member of the neighbourhood assembly Taracota and president of the organization FOCOA. For the previous six years, he had been working on the defence of the environment, mainly in the Orellana zone, a region of multiple petroleum exploitations. In his position as a person directly affected by the multinational Texaco, Shigre belonged to an ecological network which

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<sup>48</sup> Unofficial translation of "*Comité de Personas Afectadas*"

<sup>49</sup> <http://listas.ecuanex.net.ec/pipermail/alcarajo/2002-July/000019.html>

<sup>50</sup> The case is considered to be the "Lawsuit of the century" by the petroleum industry, considering the magnitude of the destruction, with a total of toxic residues dumped in the environment triple that of the Exxon Valdez spill in Alaska, representing the worst ecological disaster existing in the western hemisphere. Approximately 50,000 men, women and children have been affected by the disaster, while an indigenous group – the Cofan – report that they are on the verge of extinction as a result of the contamination of natural water sources.

monitored activities in the Equatorial Amazon, in the position of coordinator of the Environmental Law Office in the Orellana Province.

In 1998, as an ecological activist, Angel Shigre was arrested and sent to the Coca prison, accused of sabotage and theft by the company Petroecuador. After two years in prison he was declared innocent, by proving that at the time of the incident he was 150km away.

In his work as a defender of the environment and of the native communities in the zone, Shingre had faced threats, mainly from people related to the petroleum companies who accused him of being a “stone in the shoe” of their work<sup>51</sup>.

## GUATEMALA

In March 2003, activists in the San Marcos zones were threatened by paramilitaries answering to local landholders because of a disagreement with rural aborigines over the banana plantations and the long-running dispute of State agrarian reform<sup>52</sup>.

At the same time, complaints about the overexploitation of Guatemalan mines have a long history. The indigenous population of Guatemala has historically been subjected to massive human rights abuses. The environmental damage caused by mining activities is nothing new and can take the form of tree felling, deforestation, soil loss, loss of biological diversity and even the contamination of water sources, each with its respective repercussions on the health of the population.

Mining companies are causing a continuous social problem in the indigenous communities that are affected by the open mines, and this can be seen particularly in San Miguel Ixtahuacan. According to Guatemalan NGOs, “the mining concessions were granted to these companies by the General Office of Mining in the Ministry of Energy and Mines, without a previous process of information and consent, as required by Agreement 169 of the OIT”<sup>53</sup>.

It has also been denounced that, at this moment, some mining companies have begun operations through the implementation of a policy of buying up land from the communities. The problem lies in the fact that the negotiations are always held behind the family group’s back; the wife or partner is excluded and “the negotiation is carried out” only with the man of the family. This situation has generated terrible dispersion and has affected the family nucleus, since the moment the men have money in their hands they leave their wives and abandon their children; they dedicate themselves to buying material goods, such as trucks, and many exhaust their supply of capital.

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<sup>51</sup> Environmental rights defender murdered in the Amazonian city of Coca. [www.oilwatch.org/ec](http://www.oilwatch.org/ec)

<sup>52</sup> Amnesty International, Report 2003. Edai, Spain.

<sup>53</sup> The social problems caused by mining companies in San Marcus. <http://www.calas.org.gt/beacalas/120903/>



Indigenous people complain about mining and petroleum exploitations.

***The abandoned women and children suffer additional aggression at the hands of the company guards*** who are carrying out the evictions, limiting access to property, and causing total abandonment and family disintegration.

According to denunciations made by Amnesty International<sup>54</sup> and Sierra Club, in January 2002 telephone threats were received by environmental defenders working against the reopening of the El Estor mine by the Canadian company **Chesbar Resources Inc.** **Eloyda Mejía**, an environmental activist in the zone, received telephone threats against her physical integrity. As well as making complaints against the affects of the mine, Eloyda is the president of the Executive Board of the Friends of Lake Izabal Association<sup>55</sup>. Mrs. Mejía has been fighting in defence of the integrity of Lake Izabal, especially against the petroleum concessions in the lakebed, which is the nature of the petroleum contracts authorized by the government since 1997. The indigenous people Maya Q'eqchi, who live on this land, are frequently harassed by the extraction companies who are looking for earnings from petroleum, nickel and other invaluable resources, all of which are operations that present a serious threat to the local communities.

At the beginning of 2003, **Juan Tiney and Rafael Chanchavac Cux**, leaders of the national coordination of the indigenous and rural people's group <sup>56</sup>National Indigenous and Rural

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<sup>54</sup> [http://www.amnestyusa.org/justearth/indigenous\\_people/guatamala.html](http://www.amnestyusa.org/justearth/indigenous_people/guatamala.html)

<sup>55</sup> Unofficial translation of "Junta Directiva de la Asociación de Amigos del Lago de Izabal".

<sup>56</sup> Unofficial translation of "Coordinadora Nacional Indígena y Campesina (CONICOS)



Association (**CONICOS**), received anonymous telephone death threats. On 4<sup>th</sup> April 2003, 16-year-old **Daniel Chanchavac Zet**, Chanchavac Cux's son, was kidnapped and his whereabouts is still unknown. On 5<sup>th</sup> April 2003, the body of priest and human rights defender **Diego Xon Salazar** was found dead several days after he had been kidnapped. Salazar had received death threats on several occasions to try to stop him from participating in the socio-environmental complaints about the Mayan area.

According to denunciations by the **Guatemalan Center for legal, Environmental and Social Action (CALAS)**<sup>57</sup>, on 24<sup>th</sup> July 2003 there was a series of disturbances involving violent protests by members of the Guatemalan ex dictator Ríos Mont's political party, with the intention of besieging the headquarters of the newspaper "El Periódico"; acts of aggression were also aimed at the reporter **Héctor Ramírez** from the television news program Notisiete. These media organisations, and especially the reporter Ramírez, had denounced serious acts of corruption connected to social and environmental problems in the country. As a consequence of these incidents, the reporter died, and to date the cause of death has still not been explained. This NGO had already presented a report to Mrs. Hina Jilani, UN spokesperson for the Defenders of Human Rights Activists, in May 2002, in which persecutions and assassinations carried out during 2000 and 2001 in Guatemala were denounced.

## HONDURAS

Human rights defenders in this country are threatened with death as a result of their opposition to the economic exploitation in ecological reserves.

During 2002, indigenous leaders were threatened with death and one indigenous rights defender was murdered for their fight against the degradation of natural resources<sup>58</sup>.

At the beginning of 2002, the **Center for Justice and International Law (CEJIL)** and the **Reflection, Investigation and Communication Team from the Society of Jesus in Honduras**<sup>59</sup> (ERIC) presented three individual petitions to the Inter-American Commission on Human Rights, in which the Honduran State is internationally blamed for the assassinations of **Blanca Jeanette Kawas**, **Carlos Escaleras** and **Carlos Luna**. The three

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<sup>57</sup> <http://www.calas.org.gt/beacalas/290703/>

<sup>58</sup> Amnesty International, Report 202, Edai, Spain.

<sup>59</sup> Unofficial translation of "*Equipo de Reflexión, Investigación y comunicación de la Compañía de Jesús en Honduras*"

victims were environmental defenders who dedicated themselves to fighting for the protection of natural resources and the rights of the people in different communities<sup>60</sup>.

According to Amnesty International reports, there has been no progress in the investigation into the death of well-known environmentalist **Carlos F. Flores** in 2001<sup>61</sup>.

**The Families of Missing Detainees in Honduras Committee<sup>62</sup> (COFADEH)<sup>63</sup>** reported that on the 18<sup>th</sup> July 2003, 23 year old **Oscar Arturo Reyes** was murdered in the Rosario municipality when he returned home at night; 6 shots were fired, one of which hit his right temple, causing immediate death. Three heavily armed men fled from the scene along a canal that leads to the locality's river. Reyes was committed to the defence and promotion of the environment and he worked as a promoter of the Pastoral Social del Medio Ambiente<sup>64</sup> of the Catholic Church, whose headquarters are in departmental capital Juticalpa.

In March 2003 he had been transferred from the municipality of Guata to Rosario due to the high degree of risk that he ran on being singled out for and threatened with death. The NGO and the area's Environmental Movement had made their worries about Reyes' security public to the local authorities. The Inter-American Commission on Human Rights was informed so that they would ask the Honduras State to authorize protection measures for the victims in imminent danger.

At the same time, in the municipality of Olancho, Catacamas, father **Osmin Flores** was watched and harassed by armed men who positioned themselves in front of the Santo Tomás parish church – coincidentally at the time when Carlos Arturo was murdered. The priest is a well-known defender of the local people and promoter of human rights.

In Honduras there is an important ecological movement that resists the felling of native forests in the north east of the country, more specifically in the department of Olancho. At the forefront of the opposition to this massive deforestation is priest **Andrés Tamayo**, who has been constantly threatened with death after organizing a five-day march to the city of Tegucigalpa, the country's capital. Here, President Ricardo Maduro – who refused to receive them – was asked to stop the indiscriminate felling of forests that occurs as a consequence of the expansion of agricultural cultivation and the illegal exploitation of wood.

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<sup>60</sup> *CEJIL and ERIC file an action to the Inter- American Commission on Human Rights against the Honduras State for the impunity involved in the assassinations of three environmental defenders.* Press Release, 21<sup>st</sup> January 2003. [www.cejil.org](http://www.cejil.org)

<sup>61</sup> <http://www.edai.org/centro/infoanu/2003/info03.htm>

<sup>62</sup> Unofficial translation of “*El Comité de Familiares Detenidos desaparecidos en Honduras*”

<sup>63</sup> [http://www.cofadeh.org/files/casos/oscar\\_reyes.html](http://www.cofadeh.org/files/casos/oscar_reyes.html)

<sup>64</sup> A catholic environmental group

On 20<sup>th</sup> June 2003, the Honduras Security Secretary withdrew the police bodyguard that had been assigned on the orders of the Inter-American Commission on Human Rights to religious preacher **Gilberto Flores**, in La Venta, Gualaco, Olancho; two weeks later he survived an assassination attempt in the area where he works. Flores works with groups of rural workers, many of whom are constantly complaining about access to land and the conservation of the environment.

On 21<sup>st</sup> July, a group of masked men pretending to be defenders of the forest burnt two trucks and several chain saws, as well as beating the workers of a sawmill located in the Cerro de Jano.

On the same day, diocese priest **Angel de Jesús Bertrand Sevilla**, vicar of the San Francisco de Asís parish in La Unión, Olancho, was summoned in a threatening manner by sub commissioner Mejía and two agents assigned by the Jano municipality, in which they insinuated his participation in the burning of the cars and chain saws. One week earlier, two workers at a sawmill in Salamá, Olancho, had told Church personnel that the businessmen who exploit the wood in the area were responsible for designing the strategy of blaming the environmental movement for the acts of vandalism.

They also revealed that the sawmill owners pay assassins to murder people whose names figure on a list, whose names the authorities already know. Among them are: **Elvin Noé Lanza, Efraín Paguada, René Wilfredo Gradiz, Pedro Amado Acosta, Arturo Reyes, Mario Martínez, Redin Hernández, Denis Reinierio Vargas, Ramón Martínez, Arnaldo Díaz, Leonel Jácome, Francisco Pacheco, Father Osmín Flores, Gilberto Flores and Rafael Ulloa.**

During the above mentioned incidents, the main offices of the Pastoral Social in Juticalpa, where the Pastoral del Medio Ambiente has its headquarters and which depend on the diocese run by bishop **Mauro Muldoon**, were constantly watched.

The members of the **Honduran Corporation for Forestry Development (COHDEFOR)** also suffered persecutions in the form of break-ins, and days later a fire in their offices. The COHDEFOR has denounced that at least half of the 2.5 million hectares of woodland in the Olancho region have been raided<sup>65</sup>.

Environmental rights defenders now find themselves in a situation of desperation and fear due to the threats they have suffered, the indifference of the authorities to their problems and the lack of action on the impunity given in cases of the assassination of leaders. There is also a special worry that key points of the **Act of Commitment** have not been put into practice.

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<sup>65</sup> MEJIA, Thelma, Honduras. Olancho, the land where forests and men fall. [www.tierramerica.com](http://www.tierramerica.com) 19/7/03.

This act was signed in September 2000<sup>66</sup> by the government and indigenous communities and was related to the murders of environmentalists **Janeth Kawas** in 1995, **Carlos Escaleras** in 1997 and **Carlos Luna** in 1998.

## MEXICO

**The Fray Bartolomé de las Casas Human Rights Center** has made public a document that shows that during 2002 there were 12 registered cases of torture in Chiapas; these involved 8 different municipalities and 15 victims. In the special report "*Torture in Chiapas*", the organism sustains that torture continues to be a real, constant, general and systematic practice against the civil population, aimed especially at indigenous and rural people who fight for the right to land<sup>67</sup>.

**Marcelino Santiago Pacheco**, 41, and his brother **Anselmo Santiago Pacheco**, 39, indigenous Zapotecos from the Loxicha region in Oaxaca, and members of the Organization of Indigenous Zapotecos Communities (OPIZ)<sup>68</sup>, have been missing since the night of Sunday 27<sup>th</sup> April and the early morning of 21<sup>st</sup> June 2003 respectively. They disappeared from the municipality of San Agustín Loxicha, in the Pochutla District of the Oaxaca State for their participation in the defence of the indigenous Zapoteca's rights. **Marcelino Pacheco** had already been detained by members of the Oaxaca State Judicial Police in 1997 in the city of Oaxaca; he was held in a clandestine prison and was publicly presented and imprisoned in the Miahuatlan de Porfirio Díaz jail on 17<sup>th</sup> April 1998. Mexican State employees also subjected him to torture and cruel, inhuman and degrading treatment in order to force him, under the threat of death, to sign blank documents. There was also an attempt to show his involvement as a member of the armed group Popular Revolutionary Army (E.P.R.)<sup>69</sup>, according to denunciations by the **Association of Missing Detainees and Victims of Human Rights Violations in Mexico**<sup>70</sup> and the **Mexican Commission for the Defence and Promotion of Human Rights**<sup>71</sup>.

The Council of Representatives of the Organization of Indigenous Zapotecas had elected Anselmo Santiago Pacheco interim president<sup>72</sup> after the forced disappearance of Marcelino who, at the time of his disappearance, held this position.

<sup>66</sup> Since 2001, Amnesty International has been denouncing this situation without receiving any result from the Honduran State. <http://www.edai.org/centro/amr/honduras/N1104001.htm>

<sup>67</sup> For more details on the report see [www.laneta.apc.org/cdhbcasas/Informes/InfoTorture03.htm](http://www.laneta.apc.org/cdhbcasas/Informes/InfoTorture03.htm)

<sup>68</sup> Unofficial translation of "*Organización de Pueblos Indígenas Zapotecos*"

<sup>69</sup> <http://cmdpdh.org/home.htm>. Acciones urgentes

<sup>70</sup> Unofficial translation of "*Asociación de Familiares de Detenidos Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México (AFADEM)*"

<sup>71</sup> Unofficial translation of "*Comisión Mexicana de Defensa y promoción de los Derecho Humanos*" (CMDPDH).

<sup>72</sup> Unofficial translation of "*Communities Organización de Pueblos Indígenas Zapotecas (OPIZ)*"

On the night of Sunday 27<sup>th</sup> April, Marcelino Santiago Pacheco, Anselmo's brother, left the indigenous Zapoteca hostel located in the city of Oaxaca, and until today his whereabouts are unknown; since no authority has claimed responsibility for his detention and he has not been found either in a hospital or a morgue, it can be assumed that he was taken against his will.

In the dawn of Saturday 21<sup>st</sup> June in the zone known as *Periférico*, **Anselmo** was shot, wounded and taken by force to a red vehicle by a group of people dressed in black and carrying assorted firearms. Anselmo was with two other members of OPIZ who managed to escape to safety.

In April 2003, **Wilfrido Alvarez Sotelo**, a public official of the Mexican Secretary for the Environment and Natural resources (SEMARNAT), whose job for several years had been protecting the forests, was assassinated by clandestine tree fellers<sup>73</sup>.

The CMDPDH has expressed grave concerns over the personal safety of **Rafael Pedro Ambrosio**, his brothers **Juan** and **Rómulo**, their brother-in-law **Benito Alonso Pérez**, and **Eliocadi Ramírez Hernández**, **Crispín Benigno Ramírez Hernández**, **Dionisio Ambrosio Santiago**, **Rutilio Juárez Ruiz**, **Lorenzo Juárez** and **Luis González**, in the Río Santa Cruz community of the San Agustín Loxicha Municipality of Oaxaca. According to information supplied by the Organization of Indigenous Zapotecas, on the 7<sup>th</sup> July 2003 the indigenous Zapoteca, Rafael Pedro Ambrosio, municipal agent from the Río Santa Cruz community, made a denunciation by telephone to the effect that he and the above mentioned people, all from the Río Santa Cruz community, had had to flee their community. This was due to a persecution campaign carried out by Mexican Federal Army soldiers, who were repressing and threatening the population. On the 4<sup>th</sup> July 2003, the soldiers visited their community and asked for them.

On 7<sup>th</sup> August 2003, human rights defender **Griselda Tirado Evangelio**<sup>74</sup> was assassinated in the Huehuetla municipality, situated in the Sierra Norte de Puebla. Griselda was a lawyer, founder and active member of the Independent Totonaca Organization (OIT) since 1989 and propeller of the Centro de Estudios Superiores Indígenas Kgoyam, as well as an advisor to the Indigenous Government in Huehuetla. This murder took place in an environment of tension that is generated by the constant threats to human rights activists and to people involved in the defense of indigenous communities who demand environmental protection and the equitable use of land in some Mexican states.

Members of the Judicial State Police arbitrarily detained **Isidro Baldenegro López**, indigenous Tarahumara leader, and **Hermenegildo Rivas Carrillo**, from the Coloradas de la

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<sup>73</sup> [www.semarnat.gob.mx](http://www.semarnat.gob.mx)

<sup>74</sup> <http://cmdpdh.org/home.htm>. Acciones urgentes

Virgen Community in the municipality of Guadalupe y Calvo, in the Chihuahua State, on 29<sup>th</sup> March 2003. The two men were accused of the possession of illegal weapons and Isidro Baldenegro was also accused of the possession of marihuana. The declarations of witnesses contradict the police version of events and indicate that the evidence was invented. The two men are still imprisoned in Chihuahua awaiting sentencing. Amnesty International considers that the charges invented against them have a political motive and are linked to the indigenous Tarahumara community's fight to protect their rights and stop the uncontrolled felling of trees on their land. Isidro Baldenegro in particular seems to have been singled out as a target due to the important role he has played in this campaign and to his activities as a member of the environmental defense group Environmental Strength<sup>75</sup>, whose headquarters are in Chihuahua<sup>76</sup>.

## PERU

In Peru, the problems related to the exploitation of natural resources, particularly with reference to mineral exploitation, have generated fierce conflicts between the mining companies on the one hand and the environmental defenders and affected rural communities on the other. The majority of mining companies in Peru are situated at the berth of the country's river basins, both of the Pacific and Atlantic watersheds, and their activities have been causing irreparable damage to the environment of these areas; this damage is seriously affecting zones which are strategic for the ecological equilibrium of both the country and the Amazonian region.

On 27<sup>th</sup> June 2003, police brutally assaulted members of the Cajamarca communities, among whom were **Juana Yopla** and her 5 month old daughter, neighbors of the mine which the mining company **YANACOCHA SRL** (subsidiary of the international **Newmont Mining Corp.**) intends to exploit. The incident happened between 10am and 8pm in the rural community of Apalina, Negritos, La Encañada District, in the outskirts of the Yanacocha Mine, La Quinoa sector, when four employees of Yanacocha SRL entered the land of **Máximo Yopla Villanueva** without authorization.

In 2000, the mining company **YANACOCHA SRL** had been denounced<sup>77</sup> for spilling mercury (used in mining) over a 60 kilometer stretch between Choten and Magdalena while transporting it to the coast. The population of Choropampa was the most affected, suffering physical, psychological and economic damage, with over 170 people intoxicated. At first, the company denied responsibility by claiming that they had contracted another company to

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<sup>75</sup> Unofficial translation of "*Fuerza Ambiental*"

<sup>76</sup> Amnesty International Report "Essential actors of our time: The human rights defenders in America".

<http://web.amnesty.org/library/es/index>

<sup>77</sup> Denunciations made by the National Coordinator of Communities affected by Mining (Spanish acronym: CONACAMI) and the Permanent Conference of Indigenous Communities (Spanish acronym: COPPIP). Peru.

transport the mercury. The rural people denounce the company for corrupting the area's doctors (some of whom work at the mine) so that they would maintain that mercury has no effect on the health of the people. As an initial compensation for what happened, the company intends to fulfill their responsibilities by building a square for the inhabitants of Choropampa. At this moment, negotiations are still under way for insurance to be paid for life, among other benefits, for the inhabitants, in compensation for the damage caused.

Environmental defenders and the members of organizations which oppose the mining extractions state that *"the areas of land which have been bought by the mining companies are enormous, because the new mining projects are developed in a minimum of 2000 to 3000 hectares. This means the displacement of populations and the reduction in production levels for the rural workers. It also means that the majority of water sources are today under the control of the mining companies and that the water from the mines is going to flow straight into the rivers."*<sup>78</sup>

Another point of conflict is the exploitation of wood. Towards the end of May 2003, there were tragic confrontations between indigenous villages. In this case, the lamentable incidents involved indigenous people in a state of isolation and the Asháninkas from the high delta of the river Yurúa, in the department of Ucayali, close to the frontier with Brazil, leaving a regrettable number of dead and injured, according to denunciation made, among others, by **Raú Casanto Shingari, president of the Association of Native Communities for the Integral Development of Yurúa**<sup>79</sup>.

These conflicts have worsened in recent years due to the occupation of indigenous territories by tree fellers exploiting species with a high commercial value, thus putting at risk the right to life and to self rule of the indigenous communities in the region.

Petroleum exploitation in Peru has had a heavy impact on the indigenous communities of Peru in the last few years. One indigenous community that lives in the Río Alto Paquiria has been forced to relocate because since 2002, workers from the company **Pluspetrol** have been carrying out seismic tests in the **Camisea** region of Peru. According to the Peruvian organization Shinai Serjali, the inhabitants of Shiateni, a small settlement nestled between the sources of the rivers Paquiria and Camisea in the State Reserve Kugapakori Nahua, **were threatened with being arrested as terrorists and being destroyed by disease if they refused to leave their homes.** According to the inhabitants, employees of Pluspetrol arrived on their land for the first time at the end of March or the beginning of April 2002, and began leaving gifts of clothes and metal tools<sup>80</sup>. Today, the project CAMISEA – the largest

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<sup>78</sup> <http://www.argentina.indymedia.org/news/2003/03/87338.php>

<sup>79</sup> [http://peru.indymedia.org/news/2003/07/1902\\_comment.php](http://peru.indymedia.org/news/2003/07/1902_comment.php)

<sup>80</sup> <http://www.amazonalliance.org/espanol/update/2002/82s.pdf>

project for the extraction and transportation of gas and petroleum from Peru – is strongly defended by President Toledo's government.

## **SURINAME**

On 8<sup>th</sup> August 2002, the OAS's Inter-American Commission on Human Rights granted cautionary measures to protect twelve **Saramaka** clans who live in 58 settlements situated in the high Surinam River. The petitioners allege that the State has granted numerous wood felling, mining and road building concessions in Saramaka territory without consulting the clans, thus posing an immediate, substantial and irreparable threat to the physical and cultural integrity of the Saramaka people.

The petitioners estimate that approximately 30 000 Brazilian miners operate in Saramak territory and that, as a consequence, between 20 and 30 tons of mercury have been dumped into the environment, contaminating water sources and marine life. The Commission has asked the State to adopt the necessary measures in order to suspend the concessions and permits for the forestry and mining exploitation, as well as other activities related to the land occupied by the clans, until the CIDH has decided on the matter brought to light by the petitioners in case number 12.338, whose resolution is still pending. The Commission has also asked the State for the measures necessary to protect the physical integrity of the clan members<sup>81</sup>.

The Saramaka community is one of the biggest Marune tribes, with a population of about 20 000 people, distributed around more than 70 settlements along the length of the River Surinam, one of the country's main rivers. The ownership of the Saramaka territory is divided among various matrilineal clans. The members of the clans have the right to hunt and fish and to cultivate and harvest woodland produce within their clan's property, but the whole clan still has the collective right to the property. Despite this, the Surinam government still maintains that the Saramaka and other indigenous and Marune groups have no right to their land and resources, and that they are all the property of the State, which can exploit them at any moment<sup>82</sup>.

The timber groups that operate in the region have threatened several of their representatives with death.

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<sup>81</sup> <http://www.cidh.org/medidas/2002.sp.htm>

<sup>82</sup> <http://www.wrm.org.uy/boletin/62/Surinam.html>



## VENEZUELA

On 27<sup>th</sup> February 2003, the Venezuelan government, through its ambassador to the OAS, Jorge Valero, committed itself before the Inter-American Human Rights Commission (CIDH) to carry out, during the month of March, a chronogram for the implementation of the commitments made with the organizations involved in the case of the **Haximú** massacre<sup>83</sup>; this agreement is the result of the lack of action on the part of the Venezuelan State to take the appropriate measures to remedy the situation.

It is necessary to remember that in the middle of 1993, in a sector of the Amazonian State known as Haximú, a group of 12 members of the Yanomami community were murdered at the hands of Brazilian miners.

In December 1996, the **Vicariato Apostólico de Puerto Ayacucho Human Rights Office**<sup>84</sup>, the **Center for International Justice and Rights**<sup>85</sup> and the **Venezuelan Program of Education-Action in Human Rights**<sup>86</sup> (PROVEA) took the case before the Inter-American system when justice was not done under national jurisdiction. With respect to this, Marino Alvarado, coordinator of the area of defense in Provea, said *“It is lamentable that while in speeches the government boasts about improving the situation of the indigenous communities, its acts continue to subject our indigenous communities to high levels of misery and total lack of State protection”*<sup>87</sup>. Marisol Blanchard, Cejil’s lawyer, urged the State to comply with the decisions taken by the Inter American system.

On Wednesday 27<sup>th</sup> August 2003, in the settlement of Machiques (Zulia State, Venezuela), on the border with the Columbian Republic, human rights defender **Joe Luis Castillo González** was murdered. The assassination was carried out by two men on a motorbike, who opened fire on the human rights supporter’s car, killing him, wounding his wife and leaving his one and a half year old daughter in a serious condition. The victim carried out defense work in the rural and indigenous communities of the Zulia State<sup>88</sup>.

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<sup>83</sup> Government does not comply with friendly agreement in the case of Haximú massacre, electronic magazine Provea, Derechos Humanos y coyuntura. N°115.4-25de abril 2003, Venezuela.

<sup>84</sup> Unofficial translation of *“Oficina de Derechos Humanos del Vicariato Apostólico de Puerto Ayacucho”*

<sup>85</sup> Unofficial translation of *“Centro por la Justicia y el Derecho Internacional (CEJIL)”*

<sup>86</sup> Unofficial translation of *“Programa Venezolano de Educación-Acción en Derechos Humanos”*

<sup>87</sup> [http://www.derechos.org.ve/ongs\\_ven/provea.html](http://www.derechos.org.ve/ongs_ven/provea.html)

<sup>88</sup> <http://columbia.indymedia.org/news/2003/09/5485.php>



**ANNEXES**

**Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**

*The General Assembly,*

*Reaffirming* the importance of the observance of the purposes and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world,

*Reaffirming also* the importance of the Universal Declaration of Human Rights<sup>2</sup> and the International Covenants on Human Rights<sup>89</sup> as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at the regional level,

*Stressing* that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the Charter,

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<sup>89</sup> Resolution 2200 A (XXI), annex.

*Acknowledging* the important role of international cooperation for, and the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals, including in relation to mass, flagrant or systematic violations such as those resulting from apartheid, all forms of racial discrimination, colonialism, foreign domination or occupation, aggression or threats to national sovereignty, national unity or territorial integrity and from the refusal to recognize the right of peoples to self-determination and the right of every people to exercise full sovereignty over its wealth and natural resources,

*Recognizing* the relationship between international peace and security and the enjoyment of human rights and fundamental freedoms, and mindful that the absence of international peace and security does not excuse non-compliance,

*Reiterating* that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be promoted and implemented in a fair and equitable manner, without prejudice to the implementation of each of those rights and freedoms,

*Stressing* that the prime responsibility and duty to promote and protect human rights and fundamental freedoms lie with the State,

*Recognizing* the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels,

*Declares:*

#### *Article 1*

Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

#### *Article 2*

1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, *inter alia*, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

2. Each State shall adopt such legislative, administrative and other steps as may be necessary to ensure that the rights and freedoms referred to in the present Declaration are effectively guaranteed.

#### *Article 3*

Domestic law consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed and within which all

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activities referred to in the present Declaration for the promotion, protection and effective realization of those rights and freedoms should be conducted.

*Article 4*

Nothing in the present Declaration shall be construed as impairing or contradicting the purposes and principles of the Charter of the United Nations or as restricting or derogating from the provisions of the Universal Declaration of Human Rights,<sup>2</sup> the International Covenants on Human Rights<sup>3</sup> and other international instruments and commitments applicable in this field.

*Article 5*

For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels:

- (a) To meet or assemble peacefully;
- (b) To form, join and participate in non-governmental organizations, associations or groups;
- (c) To communicate with non-governmental or intergovernmental organizations.

*Article 6*

Everyone has the right, individually and in association with others:

- (a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;
- (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;
- (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

*Article 7*

Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance.

*Article 8*

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.

#### *Article 9*

1. In the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the present Declaration, everyone has the right, individually and in association with others, to benefit from an effective remedy and to be protected in the event of the violation of those rights.
2. To this end, everyone whose rights or freedoms are allegedly violated has the right, either in person or through legally authorized representation, to complain to and have that complaint promptly reviewed in a public hearing before an independent, impartial and competent judicial or other authority established by law and to obtain from such an authority a decision, in accordance with law, providing redress, including any compensation due, where there has been a violation of that person's rights or freedoms, as well as enforcement of the eventual decision and award, all without undue delay.
3. To the same end, everyone has the right, individually and in association with others, *inter alia*:
  - (a) To complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay;
  - (b) To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments;
  - (c) To offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
4. To the same end, and in accordance with applicable international instruments and procedures, everyone has the right, individually and in association with others, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms.
5. The State shall conduct a prompt and impartial investigation or ensure that an inquiry takes place whenever there is reasonable ground to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.

#### *Article 10*

No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

#### *Article 11*

Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

#### *Article 12*

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

#### *Article 13*

Everyone has the right, individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means, in accordance with article 3 of the present Declaration.

#### *Article 14*

1. The State has the responsibility to take legislative, judicial, administrative or other appropriate measures to promote the understanding by all persons under its jurisdiction of their civil, political, economic, social and cultural rights.
2. Such measures shall include, *inter alia*:
  - (a) The publication and widespread availability of national laws and regulations and of applicable basic international human rights instruments;
  - (b) Full and equal access to international documents in the field of human rights, including the periodic reports by the State to the bodies established by the international human rights treaties to which it is a party, as well as the summary records of discussions and the official reports of these bodies.



3. The State shall ensure and support, where appropriate, the creation and development of further independent national institutions for the promotion and protection of human rights and fundamental freedoms in all territory under its jurisdiction, whether they be ombudsmen, human rights commissions or any other form of national institution.

*Article 15*

The State has the responsibility to promote and facilitate the teaching of human rights and fundamental freedoms at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officers, the personnel of the armed forces and public officials include appropriate elements of human rights teaching in their training programme.

*Article 16*

Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.

*Article 17*

In the exercise of the rights and freedoms referred to in the present Declaration, everyone, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

*Article 18*

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.

3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

*Article 19*

Nothing in the present Declaration shall be interpreted as implying for any individual, group or organ of society or any State the right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms referred to in the present Declaration.

*Article 20*

Nothing in the present Declaration shall be interpreted as permitting States to support and promote activities of individuals, groups of individuals, institutions or non-governmental organizations contrary to the provisions of the Charter of the United Nations.

AG/RES. 1671 (XXIX-O/99)

**HUMAN RIGHTS DEFENDERS IN THE AMERICAS, SUPPORT FOR THE  
INDIVIDUALS, GROUPS, AND ORGANIZATIONS OF CIVIL SOCIETY  
WORKING TO PROMOTE AND PROTECT HUMAN RIGHTS IN THE  
AMERICAS**

(Resolution adopted at the first plenary session, held on June 7, 1999)

THE GENERAL ASSEMBLY,

HAVING SEEN the Annual Report of the Inter-American Commission on Human Rights, particularly Chapter VII, "Recommendations to Member States in Areas in which Steps Need to Be Taken towards Full Observance of the Human Rights Set Forth in the American Declaration on the Rights and Duties of Man and the American Convention on Human Rights"; and

CONSIDERING:

That the Heads of State and Government affirmed in the Declaration of the Second Summit of the Americas, held in Santiago, Chile, in April 1998, that "respect for and promotion of human rights and the fundamental freedoms of all individuals is a primary concern of our governments";

That the member states of the Organization of American States, in adopting declaration AG/DEC. 16 (XXVII-O/98), "Reaffirmation of Caracas," at the regular session of the General Assembly, held in Caracas, Venezuela, in June 1998, reaffirmed their determination to continue to strengthen and fine-tune the inter-American system for the promotion and protection of human rights;

That the General Assembly, through resolution AG/RES. 1044 (XX-O/90), adopted on June 8, 1990, reiterated "the recommendation made in prior years to the governments of the member states that they grant the necessary guarantees and facilities to enable nongovernmental human rights organizations to continue contributing to the promotion and protection of human rights, and that they respect the freedom and safety of the members of such organizations";

That in its 1998 Annual Report, the Inter-American Commission on Human Rights recommends that the member states take all necessary measures to protect the physical integrity of human rights defenders and to ensure they can work under appropriate conditions;

RECOGNIZING the important work of individuals, groups, and organizations of civil society (henceforth "Human Rights Defenders") and their valuable contribution to the promotion, observance, and protection of fundamental rights and liberties and the effective elimination of human rights violations at the national and regional levels,

CONCERNED at the situations that have arisen in the Americas that directly or indirectly prevent or hamper the work of Human Rights Defenders at national and regional level;

AWARE of the importance of observing the essential purposes and principles established in the Charter of the Organization of American States and in the American Declaration on the Rights and Duties of Man, as well as the provisions of the American Convention on Human Rights and the other

instruments for the promotion and protection of human rights of the inter-American system; and

MINDFUL of the principles established in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the United Nations General Assembly, on December 9, 1998,

RESOLVES:

1. To recognize and support the work carried out by Human Rights Defenders and their valuable contribution to the promotion, observance, and protection of fundamental rights and freedoms in the Americas.
2. To urge member states to persist in their efforts to provide Human Rights Defenders with the necessary guarantees and facilities to continue freely carrying out their work of promoting and protecting human rights, at the national and regional levels, in accordance with internationally recognized principles and agreements.
3. To deplore acts that directly or indirectly prevent or hamper the work of Human Rights Defenders, at the national and regional level, and to urge member states to continue taking the necessary steps to guarantee their life, liberty, and integrity.
4. To encourage the Inter-American Commission on Human Rights to continue promoting and protecting the fundamental rights of Human Rights Defenders.
5. To request the states and the agencies of the inter-American human rights system to intensify their efforts to publicize this resolution, the American Convention on Human Rights, and other inter-American instruments in this field, as well as the United Nations Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.
6. To instruct the Permanent Council to continue studying, in coordination with the Inter-American Commission on Human Rights, the matter addressed in this resolution and to report thereon to the General Assembly at its thirtieth regular session.

AG/RES. 1819 (XXXI-O/01)

## **HUMAN RIGHTS AND THE ENVIRONMENT**

(Resolution adopted at the third plenary session, held on June 5, 2001)

THE GENERAL ASSEMBLY,

CONSIDERING that the international community continues to discuss the importance of the possible link between human rights and environmental protection, as expressed in the 1972 Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), the 1989 Hague Declaration, the 1992 United Nations Declaration on Environment and Development (Rio Declaration), and other international instruments on the subject;

TAKING INTO ACCOUNT the work done in this field by the United Nations Commission on Human Rights and the Economic and Social Council; and

BEARING IN MIND:

The human rights enshrined in the American Convention on Human Rights and in other human rights instruments, in particular the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights, "Protocol of San Salvador"; and

That the effective enjoyment of all human rights, including the right to education and the rights of assembly and freedom of expression, as well as full enjoyment of economic, social, and cultural rights, could foster better environmental protection by creating conditions conducive to modification of behavior patterns that lead to environmental degradation, reduction of the environmental impact of poverty and of patterns of unsustainable development, more effective dissemination of information on this issue, and more active participation in political processes by groups affected by the problem,

RESOLVES:

1. To underscore the importance of studying the link that may exist between the environment and human rights, recognizing the need to promote environmental protection and the effective enjoyment of all human rights.
2. To request the General Secretariat to conduct, in collaboration with other organs of the inter-American system, a study of the possible interrelationship of environmental protection and the effective enjoyment of human rights.
3. To instruct the Secretary General to report to the General Assembly at its thirty-second regular session on the implementation of this resolution.

**AG/RES. 1926 (XXXIII-O/03)**

**HUMAN RIGHTS AND THE ENVIRONMENT IN THE AMERICAS**

(Resolution adopted at the fourth plenary session, held on June 10, 2003)

THE GENERAL ASSEMBLY,

HAVING SEEN the report of the Permanent Council to the General Assembly (AG/doc.4156/03 add. 3);

TAKING NOTE of the report of the Secretary General (CP/CAJP-2042/03) and the presentations to the Committee on Juridical and Political Affairs of the Permanent Council by the Executive Secretariat of the Inter-American Commission on Human Rights and the Unit for Sustainable Development and Environment on their work in the field of human rights and the environment (CP/CAJP-1996/02 and CP/CAJP-1998/02), and contributions of civil society experts on human rights and the environment (CP/CAJP-1999/02);

RECALLING the commitments of Heads of State and Government with respect to sustainable development, climate change, environmental protection, and disaster management, as set out in the Declaration and the Plan of Action of the Third Summit of the Americas, held in Quebec City, and in the Declaration of Santa Cruz de la Sierra and the Plan of Action for the Sustainable Development of the Americas;

GUIDED by the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights, and other related human rights instruments;

GUIDED ALSO by the Johannesburg Declaration on Sustainable Development and the Plan of Implementation of the World Summit on Sustainable Development, adopted in South Africa on September 4, 2002;

TAKING INTO ACCOUNT the work done by the United Nations, as reflected in the 1972 Declaration of the Stockholm Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, the 1992 Convention on Biological Diversity, the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, and other relevant instruments of international environmental law;

RECALLING resolutions AG/RES. 1819 (XXXI-O/01) and AG/RES. 1896 (XXXII-O/02), on human rights and the environment, in which the Organization of American States took on a leading international role, stressing the importance of promoting environmental protection and the full realization of human rights; and

ACKNOWLEDGING a growing awareness of the need to manage the environment in a sustainable manner to promote human dignity and well-being,

RESOLVES:

1. To continue to promote institutional cooperation in the field of human rights and the environment between the Organization of American States and other multilateral institutions, including the United Nations and its specialized agencies, the World Bank, the Inter-American Development Bank, and regional development banks.

2. To continue to encourage institutional cooperation in the area of human rights and the environment in the framework of the Organization, in particular between the Inter-American Commission on Human Rights and the Unit for Sustainable Development and Environment.

3. To instruct the Secretary General to continue, through the Unit for Sustainable Development and Environment in coordination with the Inter-American Commission on Human Rights, the dialogue with member states and civil society organizations and the implementation of activities in the field of human rights and the environment, taking into account the work done on this topic within the United Nations, including the United Nations Commission on Human Rights, the Economic and Social Council, the United Nations Environment Programme, the United Nations Commission on Sustainable Development, and the United Nations Development Programme.

4. To instruct the Permanent Council to hold a meeting of the Committee on Juridical and Political Affairs during the second half of 2003, to which it should invite the Inter-American Commission on Human Rights, and in which the Unit for Sustainable Development and Environment should participate, for continued examination of their work in the field of human rights and the environment.

5. To request the Secretary General to report to the General Assembly at its thirty-fourth regular session on the implementation of this resolution, which will be carried out within the resources allocated in the program-budget of the Organization and other resources

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