



**DEADLY BUT**

**PREVENTABLE ATTACKS**

KILLINGS AND ENFORCED DISAPPEARANCES OF THOSE WHO  
DEFEND HUMAN RIGHTS

**BRAVE**

AMNESTY  
INTERNATIONAL



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**Cover photo:** activists take part in a protest rally at India Gate in India's capital, New Delhi, against the killing on 5 September 2017 of Gauri Lankesh, a newspaper editor and critic of hard-line Hindu groups in Karnataka state © SAJJAD HUSSAIN/AFP/Getty Images

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# 1. EXECUTIVE SUMMARY

When human rights defenders are killed or forcibly disappeared with impunity, the signal given by the authorities is contempt for the human rights of everyone.

Human rights defenders (HRDs) play a key role in defending the principles of freedom, justice and dignity which underpin the 1948 Universal Declaration of Human Rights. Their work contributes directly to the realization of human rights, the strengthening of the rule of law, and fostering sustainable development. In 1998, the international community recognized the important role carried out by these civil society actors when the UN General Assembly adopted by consensus the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, referred to as the Declaration on HRDs. The Declaration emphasizes that recognition and protection of human rights defenders are key to ensure they can work in a safe environment.

However, since the Declaration on HRDs was adopted almost 20 years ago, human rights defenders across the globe have faced an onslaught of harassment, intimidation, ill-treatment, restrictions, unjust prosecution and detention – which continues to this day. Thousands of human rights defenders have been killed or forcibly disappeared by state and non-state actors, and far from being recognized and protected, they are portrayed as criminals, undesirables, “foreign agents”, “anti-nationals” and “terrorists”, and painted as a threat to development or traditional values. Such labels are deeply undermining and give a green light to further abuses which can be deadly. In seeking to silence, hinder and punish those who dare to speak up, governments, armed groups, corporations and other powerful actors are mounting a full-frontal assault on human rights.

This report focuses on the gravest of violations against human rights defenders: killings and enforced disappearances. The motives behind these attacks are multiple and layered. Some people are attacked because of their legitimate activities: for example, as they stand up to powerful actors violating human rights, share information and raise awareness, or confront discriminatory public opinion and social norms. Others are attacked both for what they do and who they are. Human rights defenders who experience discrimination and inequality are at heightened risk of attack – they include those defending the rights of women; lesbian, gay, bisexual, transgender and intersex (LGBTI) people; and Indigenous peoples and minority groups. The violence and discrimination they experience can be based on gender, identity and other factors. Others still are attacked in context-specific situations, for example during conflict or where communities are in the grip of organized crime and violent crackdown.

What the individual stories included in this report have in common is that most attacks could have been prevented if states had taken their human rights obligations seriously and acted diligently on reports of threats and other abuses. The cases outlined in this report show how killings and enforced disappearances consistently happen at the end of a string of warnings and all manner of previous attacks: they are “chronicles of a death foretold”.<sup>1</sup> In too many countries across the globe, little if anything is done when human rights defenders denounce a threat. In general, threats are not thoroughly investigated by authorities and nor is there a clear public condemnation of threats and attacks. By commission or omission, states send the signal that human rights defenders are a valid target.

Killings and enforced disappearances of human rights defenders create a ripple effect that touches friends and families, other human rights defenders, and society at large. The effects reach far beyond the individual victim. They cause trauma and practical difficulties, and send a chilling message to others which can deter them from demanding human rights. When crimes are not investigated and punished, the level of risk for all human rights defenders increases. And as they are intimidated and inhibited from carrying out their work,

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<sup>1</sup> Taken from the title of a 1981 novella, *Crónica de una muerte anunciada* by Gabriel García Márquez.

this in turn leaves individuals and communities whose human rights are being violated voiceless and defenceless. At the same time, indignation and an irrepressible desire to seek justice and truth is a common experience among families, friends and other human rights defenders. In spite of difficulties, many have continued calling for protection, justice and adequate reparations for the harm suffered, and continue to demand prompt changes to ensure a safe and enabling environment for all.

The report ends with a series of recommendations to governments. States have the ultimate responsibility for securing human rights and protecting human rights defenders. As well as respecting and protecting the right to life via all its organs and agents, states must take all necessary preventative measures and ensure accountability, including by acting with due diligence to prevent arbitrary deprivation of life by non-state actors. Central to this is preventative action to address individual threats, known patterns of abuses, and situations that may lead to danger. Appropriate protection measures must be put in place, those responsible brought to justice, and adequate remedy and reparations provided to the victims. Attacks on defenders must be publicly condemned and governments should send a clear public message that these human rights violations will not be tolerated. Crucially, states should publicly recognize the key role that human rights defenders play, applauding them and inciting every individual to become a human rights defender and take injustice personally. We owe it to all those who have bravely defended our human rights at the cost of their lives and those who, in spite of obstacles and personal risk, continue to stand up for human rights.

## **METHODOLOGY**

This briefing is built upon Amnesty International's documentation of attacks on human rights defenders, which has been an important focus of the organization for decades. Information has also been sourced from other organizations, referenced in the text, many of which focus on solidarity and protection for human rights defenders.

Amnesty International conducted a series of interviews during 2017 with human rights defenders, as well as relatives and colleagues of human rights defenders who have been killed in Argentina, Brazil, Colombia, Democratic Republic of the Congo, Honduras, India, Indonesia, Kenya, Mauritania, Mexico, Russia, South Africa, South Sudan and Syria. Other testimonies are sourced from interviews already published by Amnesty International and other organizations regarding cases from Bangladesh, Democratic Republic of the Congo, Honduras, India, Indonesia, Nigeria, Syria, Turkey, Thailand and the USA.

The cases included in this report have been chosen because they illustrate and throw light on the patterns of killings and enforced disappearances of human rights defenders globally. Some of the violent acts took place relatively recently, some over a decade ago. All of them happened since the Declaration on HRDs was adopted and show the common patterns of violent attacks in different parts of the globe.

## **COUNTING THE VICTIMS**

Determining the magnitude of any human rights problem is a first step towards addressing it and ought to be adopted as a matter of policy by any state committed to its solution. Yet very little official information is publicly available on the number and types of attacks on human rights defenders, including killings.

Based on information collected by several non-governmental and/or community based organizations over the years, it is estimated that around 3,500 human rights defenders have been killed worldwide since the adoption of the Declaration on HRDs.<sup>2</sup> The true number is likely to be higher: there are no official figures as authorities generally fail to register and compile attacks against human rights defenders. A key obstacle is the lack of recognition of victims as human rights defenders by state authorities, who often fail to include in investigations consideration of their human rights activities and identity as the motive for attacks.

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<sup>2</sup> Some of these individuals are included in the HRD Memorial, a website and database developed by a coalition of human rights organizations to celebrate, make visible and commemorate human rights defenders killed since 1998, <https://hrdmemorial.org/about-the-project/>.

## **HRD MEMORIAL: CELEBRATING THOSE WHO WERE KILLED DEFENDING HUMAN RIGHTS**

In November 2016, a coalition of national and international human rights organizations, including Amnesty International, and led by Front Line Defenders, launched a memorial website to commemorate all those killed since 1998 because of their work defending human rights. In many cases, no one has been convicted or even charged in connection with these crimes.

[www.hrdmemorial.org](http://www.hrdmemorial.org)

Front Line Defenders, a non-governmental organization set up for the protection of human rights defenders at risk, regularly collates information on killings of human rights defenders worldwide. In 2016, the organization reported that at least 281 defenders had been killed globally that year. The trend appears to be worsening: Front Line Defenders recorded 196 killings in 2015 and 145 in 2014.<sup>3</sup> Similarly, the EU Human Rights Defenders Mechanism<sup>4</sup> has set up a real-time monitoring platform of alerts on attacks on human rights defenders, and many national NGOs also regularly publish data on such attacks.

As part of their obligation to prevent attacks on human rights defenders, states should record and publish data regarding such attacks, so that the dimension of the problem is better understood and tackled accordingly.

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<sup>3</sup> Front Line Defenders, *Annual Report on human rights defenders at risk in 2016*, January 2017, [www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016](http://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016)

<sup>4</sup> The European Union Human Rights Defenders Mechanism is run by a consortium of NGOs on a day-to-day basis. For more information, see [www.protectdefenders.eu/en/stats.html](http://www.protectdefenders.eu/en/stats.html)

# 2. WHY HUMAN RIGHTS DEFENDERS BECOME TARGETS

Many human rights defenders are able to conduct their work in relative security and without fear of reprisals. Personal risk and obstacles to defending human rights tend to arise and increase when defenders get in the way of powerful interests, demand the realization of contested human rights, or work in dangerous settings. Often it is simply because of who they are.

The work of human rights defenders is hampered and the risk they face is heightened if states do not ensure a **safe and enabling environment** in which to defend human rights. States have a duty to ensure that everyone under their jurisdiction can enjoy all human rights in practice, including the right to promote and defend human rights.<sup>5</sup> The necessary conditions for this environment to be effective include:

- a conducive legal, institutional and administrative framework;
- access to justice and an end to impunity for violations against defenders;
- strong and independent national human rights institutions;
- effective protection policies and mechanisms paying attention to groups at risk;
- specific attention given to women human rights defenders;
- non-state actors that respect and support the work of human rights defenders;
- safe and open access to international human rights bodies; and
- a strong and dynamic community of human rights defenders.<sup>6</sup>

## 2.1 ATTACKED FOR WHAT THEY DO

Many human rights defenders are attacked because they stand up to unjust laws and government practices, share information and raise awareness, provide key services to people in complex settings, challenge discriminatory public opinion, and get in the way of powerful interests. Calling for the realization of human rights, particularly those that are contested in certain contexts and countries, can lead to deadly consequences.

For example, in many parts of **Latin America**, where access to sexual and reproductive health and rights are severely restricted, Amnesty International has documented how those defending such rights have been subjected to smear campaigns, harassment, unjust prosecution, threats and physical attacks by private individuals and officials.<sup>7</sup> In the **USA**, sexual and reproductive health providers and campaigners have been the target of smears and violent attacks for decades, including bombings and shootings.<sup>8</sup> **Dr George Tiller**,

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<sup>5</sup> Declaration on HRDs, 1998, art. 2

<sup>6</sup> See UN, *Report of the Special Rapporteur on the situation of human rights defenders*, Margaret Sekaggya, 2013, UN Doc. A/HRC/25/55

<sup>7</sup> Amnesty International, *Defenders under attack! Promoting sexual and reproductive rights in the Americas* (Index: AMR 01/2775/2015)

<sup>8</sup> National Abortion Federation, *Violence statistics and history*, <https://prochoice.org/education-and-advocacy/violence/violence-statistics-and-history/>



one of the few US physicians who performed late-stage abortions, was shot dead in May 2009 in Kansas. He had been the target of several previous attacks, including by shootings, bombing and arson. In spite of this, he continued to ensure women's right to receive essential medical treatment and to guarantee their right to health.<sup>9</sup> **Planned Parenthood**, a national sexual and reproductive health rights provider and advocacy organization, has similarly been the target of smear campaigns, several congressional and state investigations, and attempts to stop their funding.<sup>10</sup> Threats and smears culminated in the deaths by shooting of three people attending one of their clinics in Colorado in December 2015, for which a man was later arrested.

In **Pakistan**, five human rights defenders went missing at the beginning of January 2017 after being subjected to a suspected enforced disappearance by security forces. They used online platforms to disseminate their views on human rights in Pakistan and were critical of religious militancy and the military establishment. **Salman Haider**, an academic and poet, and bloggers **Asim Saeed**, **Ahmed Raza Naseer** and **Waqas Goraya** were reported to have been reunited with their families more than three weeks after the abduction. A fifth activist, **Samar Abbas**, head of the Civil Progressive Alliance Pakistan, was last seen in January in Islamabad, where he worked, and his fate and whereabouts remain unknown.<sup>11</sup>

**Bassel Khartabil** was a human rights defender who used his technical expertise to advance freedom of expression and access to information via the internet in **Syria**. He was arrested by the Syrian Military Intelligence in March 2012 and held incommunicado for eight months before being moved to prison in December 2012. He remained there until at least October 2015, when he told his family that he was being transferred to an undisclosed location. That was the last time anyone heard from him. In August 2017, the family found out through unofficial channels that he had been killed in 2015 after being "tried" and "sentenced to death" by a military court in a secret hearing.<sup>12</sup>

**Munir Said Thalib**, an **Indonesian** human rights defender, lawyer and co-founder of the Commission for Disappearances and Victims of Violence (KontraS), was poisoned and died on a flight from Jakarta to the Netherlands in September 2004. Although three people have been convicted of involvement in Munir's death, credible allegations have been made that those responsible for planning the murder have not been brought to justice. Munir was in constant danger as a result of his human rights work.<sup>13</sup>

Human rights violations at the hands of police, including killings and enforced disappearances, are widespread in the **Dominican Republic**. **Juan Almonte Herrera**, a member of the Dominican Committee of Human Rights, has not been seen since 2009, when four men forced him into a car and drove away. Eyewitnesses identified the men as police officers. Shortly afterwards, the police announced that they were searching for Juan Almonte in relation to a kidnapping case and denied having him in custody. Since he went missing, Juan Almonte's family and lawyers have reported being followed and watched by police officers and receiving intimidating anonymous calls. The Dominican authorities have done very little to investigate his whereabouts.<sup>14</sup>

In the **Democratic Republic of the Congo (DRC)**, **Floribert Chebeya**, director of human rights organization Voix des sans Voix, was found dead in June 2010, one day after being summoned for a meeting at the police headquarters in Kinshasa. **Fidèle Bazana**, a colleague who accompanied him, was also abducted and is believed to have been killed, but his body was never found. Two weeks before his death, Floribert Chebeya had announced that he would file a complaint against the DRC's head of police for human rights violations in Bas Congo.<sup>15</sup> In 2015, the DRC's Military High Court acquitted four police officers who had been sentenced to death in the first instance and a fifth officer had his sentence reduced from life in prison to 15 years. Three other suspects fled the country.<sup>16</sup>

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<sup>9</sup> Amnesty International, *USA: Open Letter to the U.S. Department of Justice Attorney General* (Index: AMR 51/079/2009)

<sup>10</sup> Planned Parenthood, Smear campaign against Planned Parenthood, [www.plannedparenthood.org/about-us/newsroom/campaigns/smear-campaign-against-planned-parenthood](http://www.plannedparenthood.org/about-us/newsroom/campaigns/smear-campaign-against-planned-parenthood)

<sup>11</sup> Amnesty International, *Activists reunite with families; one still missing* (Index: ASA 33/5603/2017)

<sup>12</sup> Amnesty International, Syria: Extrajudicial execution of Bassel Khartabil a grim reminder of Syrian prison horrors (Newsflash, 2 August 2017)

<sup>13</sup> Amnesty International, *Indonesia: New administration must resolve killing of human rights defender Munir* (Index: ASA 21/024/2014)

<sup>14</sup> Amnesty International, 'Shut up if you don't want to be killed!' Human rights violations by police in the Dominican Republic (Index: AMR 27/002/2011)

<sup>15</sup> Amnesty International, Amnesty International demands investigation into death of leading human rights activist in Congo, (News story, 2 June 2010)

<sup>16</sup> Avocats sans Frontières, Verdict d'appel dans l'affaire Chebeya: déception des parties civiles, 18 September 2015, [www.asf.be/fr/blog/2015/09/18/verdict-dappel-dans-laffaire-chebeya-deception-des-parties-civiles/](http://www.asf.be/fr/blog/2015/09/18/verdict-dappel-dans-laffaire-chebeya-deception-des-parties-civiles/)

## HIGH-RISK OCCUPATIONS AND ACTIVITIES

Human rights defenders carry out their work in a variety of capacities, both professional and voluntary. Due to the nature of certain roles and the contexts in which they operate, the risks and consequences of speaking out for human rights may increase. States should take specific steps to understand how patterns of attacks related to certain occupations and activities undertaken by human rights defenders are repeated and identify the steps necessary to avoid further violence.

### 2.1.1 JOURNALISM AND FREEDOM OF EXPRESSION

The rights to freedom of expression and access to information are key in every society. They facilitate public scrutiny and debate and are essential for the promotion and protection of human rights. When journalists, media workers and bloggers are attacked, it is not just their work that is endangered, but also the right of the society at large to be informed. Those who focus on exposing abuses of human rights, including those who cover armed conflicts, organized crime and corruption, face particularly high levels of attacks. Violence against journalists, bloggers and media workers often leads to self-censorship and can become an effective tool for silencing dissent and criticism of those in power.

The Committee to Protect Journalists, an NGO that promotes press freedom worldwide, reported that 48 journalists were killed worldwide in 2016 simply for doing their job. The countries where most such killings have happened in recent years include Syria, Yemen, Iraq and Mexico.<sup>17</sup> UNESCO, who also monitors killings of journalists, reported that between 2006 and 2015, 827 journalists were killed: 287 of them in Arab countries, 210 in the Asia-Pacific region, and 176 in Latin America and the Caribbean. UNESCO received information from its member states that only 8% of the documented cases had been “resolved”, leading to the conclusion that impunity for these killings is the norm.<sup>18</sup>

**Iraq** is one of the most dangerous countries in the world for journalists. Those working there report physical assaults, abductions, intimidation, harassment and death threats for covering topics deemed sensitive, including corruption and militia abuses. According to UNESCO, 144 journalists were killed in Iraq between 2006 and 2015; they took place throughout the country, including the Kurdistan region. No official information has been provided regarding the status of investigations or prosecutions.<sup>19</sup> Media workers **Saif Talal** and **Hassan al-Anbaki**, from the al-Sharkia TV channel, were shot dead in January 2016 while returning from covering a suicide bombing in Muqdadiya and revenge attacks by militias targeting Sunni Arabs. The authorities have so far failed to adequately investigate these killings.<sup>20</sup> Journalist **Wedat Hussein Ali** was abducted in the Kurdistan city of Dohuk in August 2016 and his body was later found with signs of torture. Relatives and colleagues reported that he had previously received death threats, was questioned and beaten by security forces, and had been told to act as an informant or stop working as a journalist.<sup>21</sup>

**Syria** is also one of the top countries where professional journalists, citizen journalists and media activists are killed for their work, with at least 78 victims between 2006 and 2015 - almost all of them with complete impunity.<sup>22</sup> Individuals have been targeted for highlighting the abuses they have been working to document in Syria's armed conflict – unlawful killings, torture, enforced disappearances, abductions and intimidation – by both the Syrian government and armed opposition groups. The NGO **Syrian Center for Media and Freedom of Expression** was established in 2005 to monitor freedom of expression in Syria and defend the rights of journalists, bloggers and other media activists. In recent years their offices have been raided and their members arrested and tortured. They included **Ayham Ghazzoul**, who died in custody in November 2012 after being beaten.<sup>23</sup>

In **Burundi**, independent journalists and human rights defenders have been under attack since a failed coup in May 2015. This followed President Nkurunziza's decision to seek a third term in office, considered by many to be contrary to both Burundi's Constitution and the Arusha Accords, which put an end to a decade

<sup>17</sup> Committee to Protect Journalists, <https://cpi.org/killed/2016/>

<sup>18</sup> UNESCO – International Programme for the Development of Communication, *Time to break the cycle of violence against journalists: Highlights from the UNESCO Secretary-General's 2016 report on the safety of journalists and the danger of impunity*, [https://en.unesco.org/sites/default/files/unesco\\_report\\_english\\_rgb.pdf](https://en.unesco.org/sites/default/files/unesco_report_english_rgb.pdf)

<sup>19</sup> UNESCO – International Programme for the Development of Communication, *Time to break the cycle of violence against journalists: Highlights from the UNESCO Secretary-General's 2016 report on the safety of journalists and the danger of impunity*, [http://en.unesco.org/sites/default/files/unesco\\_report\\_rgb\\_english.pdf](http://en.unesco.org/sites/default/files/unesco_report_rgb_english.pdf)

<sup>20</sup> Amnesty International, *Amnesty International Report 2016/2017: The state of the world's human rights* (Index: POL 10/4800/2017)

<sup>21</sup> Amnesty International, *Kurdistan Region of Iraq: Effective investigation needed into killing of journalist* (Index: MDE 14/4764/2016)

<sup>22</sup> UNESCO – International Programme for the Development of Communication, *Time to break the cycle of violence against journalists: Highlights from the UNESCO Secretary-General's 2016 report on the safety of journalists and the danger of impunity*, [https://en.unesco.org/sites/default/files/unesco\\_report\\_rgb\\_english.pdf](https://en.unesco.org/sites/default/files/unesco_report_rgb_english.pdf)

<sup>23</sup> Amnesty International, *Free media workers held for their work in Syria* (Index: MDE 24/1587/2015)

of civil war. **Jean Bigirimana**, a journalist with the independent newspaper *Iwacu*, has not been seen since he was abducted by people believed to be members of Burundi's National Intelligence Service in July 2016. Dozens of other journalists fled Burundi after security forces destroyed four major independent media houses in the capital, Bujumbura, in the aftermath of the failed coup.<sup>24</sup>

The Inter American Commission on Human Rights has expressed concern about the existence of so-called “silenced zones” – parts of **Latin America** that are in the grip of organized crime, sometimes with the complicity or acquiescence of the authorities. Those most affected by the violence are media workers covering local news on corruption, drug trafficking, organized crime and public security, as well as human rights. In those areas, media workers and bloggers are often forced to self-censor in order to stay alive and keep working.<sup>25</sup>

Article 19, an international NGO defending freedom of expression and information, documented 107 journalists killed in **Mexico** between 2000 and July 2017,<sup>26</sup> as well as 23 others whose whereabouts remain unknown.<sup>27</sup> They covered news related to human rights violations, as well as the links between security forces and organized crime, corruption and drug trafficking. Attacks in 2017 included the killings of **Javier Valdéz** in May<sup>28</sup> and **Miroslava Breach**<sup>29</sup> in March. Both covered news relating to organized crime.

In **Bangladesh**, expressing opinions perceived as “hurting religious sentiment” can lead to verbal attacks, imprisonment and even murder. Since 2013, at least seven human rights defenders advocating for the rights of secular people – five bloggers, one publisher and one online activist – have been killed solely for peacefully exercising their right to freedom of expression. **Niladri Chattopadhyay (Niloy Neel)**, **Ahmed Rajib Haider**, **Dr Avijit Roy**, **Bijoy Das**, **Washiqur Rahman**, **Faisal Abedin Deepan** and **Nazimuddin Samad** were all killed in machete attacks. The armed group Ansar al-Islam has claimed responsibility for all the attacks, claiming that they were motivated by the victims' writings on secular issues. The authorities have not brought anyone to justice for the killings and at times have even blamed the victims for their own deaths.<sup>30</sup>

In **India**, human rights defender and journalist **Gauri Lankesh** was fatally shot outside her home in Bangalore in September 2017. She was a champion of freedom of expression and an outspoken critic of hardline Hindu groups. She had previously been threatened for her activism.<sup>31</sup>

## 2.1.2 ENVIRONMENT, TERRITORY AND ACCESS TO LAND

Defending human rights related to the land, territory and the environment is often dangerous.<sup>32</sup> People working on these issues include: Indigenous Peoples demanding access to their ancestral lands or that they be consulted to obtain their free, prior and informed consent on the use of such land and its resources; rural communities facing displacement, impoverishment and pollution due to projects related to the exploitation of natural resources such as mining or hydroelectric projects; and landless communities struggling to survive in areas where most of the land is in the hands of large landowners and encroached on by agribusiness.

According to Global Witness, an NGO working to expose the links between demand for natural resources, corruption, conflict and environmental destruction, 200 individuals were killed in 2016 while defending the environment and access to territory and land, and countless more suffered threats, unjust prosecution, violence and division in their communities. Among the deadliest countries for this group of human rights defenders are **Brazil**, **Colombia**, the **Philippines**, **India** and **Honduras**.<sup>33</sup> In many cases, the escalation of attacks is related to social tension leading to violence within communities, generated by a lack of adequate participation, genuine consultation and information regarding resource exploitation projects driven both by

<sup>24</sup> Amnesty International, *Burundian journalist is still missing* (Index: AFR 16/4832/2016)

<sup>25</sup> IACHR, “Zonas silenciadas: Regiones de alta peligrosidad para ejercer la libertad de expresión”, 15 March 2017, [www.oas.org/es/cidh/expresion/docs/publicaciones/ZONAS\\_SILENCIADAS\\_ESP.pdf](http://www.oas.org/es/cidh/expresion/docs/publicaciones/ZONAS_SILENCIADAS_ESP.pdf)

<sup>26</sup> Article 19, *Periodistas asesinados en México*, 11 July 2017, <https://articulo19.org/periodistasasesinados/>

<sup>27</sup> Article 19, *Periodistas desaparecidos en México*, 2016, [www.articulo19.org/data/files/medialibrary/38261/Mexico---Informe-Especial-sobre-Periodistas-Desaparecidos-\(Feb-2016\).pdf](http://www.articulo19.org/data/files/medialibrary/38261/Mexico---Informe-Especial-sobre-Periodistas-Desaparecidos-(Feb-2016).pdf)

<sup>28</sup> Amnesty International, Mexico: Fifth journalist killed this year in sickening assault on freedom of expression (News story, 15 May 2017)

<sup>29</sup> Amnesty International, Tricks of the trade? Open season on journalists in Mexico (News story, 19 May 2017)

<sup>30</sup> Amnesty International, *Caught between fear and repression: Attacks on freedom of expression in Bangladesh* (Index: ASA 13/6114/2017)

<sup>31</sup> Amnesty International, Prominent journalist killed amid growing attacks on dissent, (News story, 6 September 2017)

<sup>32</sup> For example, Amnesty International, *‘We are defending the land with our blood’: Defenders of the land, territory and environment in Honduras and Guatemala* (Index: AMR 01/4562/2016); Global Witness, *Defenders of the earth*, July 2017, [www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/](http://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/); UN Special Rapporteur on the situation of human rights defenders, *They spoke truth to power and were murdered in cold blood*, 2016, [www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders\\_0.pdf](http://www.protecting-defenders.org/sites/protecting-defenders.org/files/environmentaldefenders_0.pdf)

<sup>33</sup> Global Witness, *Defenders of the earth*, July 2017, [www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/](http://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/)

states and private companies. In other cases, the violence is carried out by state security forces or private security agents acting on behalf of private business interests.

In **Myanmar**, people peacefully protesting against the country's largest mining project at Monywa in Sagaing Region have been met with excessive use of force by police as they raised concerns over the negative impacts on health and livelihoods of the surrounding communities.<sup>34</sup> In November 2012, police attacked protesters using grenades containing white phosphorous. More than 100 people were injured, with some suffering horrific burns and lifelong disability. The mining company Myanmar Wanbao, a subsidiary of Chinese state-owned conglomerate NORINCO, provided material assistance to the police. In December 2014, a woman human rights defender, **Daw Khin Win**, was shot and killed by police while taking part in a protest against forced evictions happening close to the mine. To date, no official involved either in the death of Daw Khin Win or in the white phosphorous attack has been prosecuted or sanctioned.<sup>35</sup>

In March 2016, **Sikhosiphi "Bazooka" Rhadebe**, chairman of the Amadiba Crisis Committee (ACC), a land and environmental rights defender, was shot dead by two men claiming to be police officers in Eastern Cape Province, **South Africa**. Hours before his death, Bazooka learned he was at the top of a "hit list", which included other ACC leaders **Mzamo Dlamini** and **Nonhle Mbuthuma**. For decades, "Bazooka" had opposed the opencast mining of titanium and other minerals on communal land in nearby Xolobeni by a subsidiary of the Australia-based company Mineral Commodities Ltd. Due to their opposition to the mine, some members of the ACC have been threatened and attacked, including by community members who support the mining initiative. Nobody has been brought to justice for Sikhosiphi "Bazooka" Rhadebe's murder, increasing the risks for the other leaders of the ACC.<sup>36</sup>

Unregulated or unsupervised private security companies protecting corporate projects pose an additional risk to human rights defenders and communities opposing natural resource-exploitation projects. For example, in 2009, **Adolfo Ich Chamán**, a community leader opposing the Fénix Mine in El Estor, located in Q'eqchi Maya territory in the Department of Izabal, **Guatemala**, was shot and hacked to death. His wife, Indigenous human rights defender **Angélica Choc**, sought justice for years in spite of threats and attacks, pushing for the prosecution of the former head of security of Compañía de Niquel Guatemala, the company owning the mine at the time, a subsidiary of Canadian Hudbay Minerals.<sup>37</sup> After more than seven years, the trial finally reached its conclusion with an acquittal in April 2017. A lawsuit is ongoing in Canada against Hudbay Minerals.<sup>38</sup>

In **Brazil**, those defending the environment against illegal deforestation, and those demanding access to land for dispossessed and landless communities, are standing up to powerful interests exploiting natural resources, appropriating land and opposing agrarian reform. A long-standing pattern of killings has been ongoing for years and the situation appears to have worsened since the National Programme for the Protection of Human Rights Defenders was weakened in 2016. Currently it is not operational, leaving hundreds of defenders at risk.<sup>39</sup> According to the Brazilian Committee of Human Rights Defenders (Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos), 66 defenders were killed in 2016, and 58 between January and August 2017. Most of them are Indigenous people, rural landless workers, and other individuals working on issues related to the land, territory and the environment.<sup>40</sup> In May 2017, 10 rural workers and land rights activists, who were camped on the margins of a large farm in Pau D'Arco, Pará state, were shot dead during a police operation to remove them. Two months later, in July, one of the leaders of the group of rural workers, **Rosenildo Pereira de Almeida**, was also shot dead. The survivors of the massacre still fear for their lives.<sup>41</sup>

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<sup>34</sup> The Monywa project consists of the Letpadaung, and the Sabetaung and Kysisintaung (S&K) copper mines, as well as the Moe Gyo sulphuric acid factory

<sup>35</sup> Amnesty International, *Mountain of trouble: Human rights abuses continue at Myanmar's Letpadaung mine* (Index: ASA 16/5564/2017)

<sup>36</sup> Amnesty International, *South Africa: Human rights defenders under threat* (Index: AFR 53/4058/2016)

<sup>37</sup> Amnesty International, *Guatemala: La conclusión del juicio por la muerte del líder comunitario Adolfo Ich Chamán, un momento crucial para la justicia* (Index: AMR 34/5252/2016)

<sup>38</sup> Marketwired, *Klippensteins Barristers & Solicitors: Alleged killer in Canadian mining company lawsuit acquitted in Guatemala*, 7 April 2017, <https://finance.yahoo.com/news/klippensteins-barristers-solicitors-alleged-killer-005323123.html>

<sup>39</sup> Amnesty International, *Brazil: Police killings, impunity and attacks on defenders – Amnesty International submission for the UN Universal Periodic Review – 27th session of the UPR Working Group, May 2017* (Index: AMR 19/5467/2016)

<sup>40</sup> Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos, *Vidas em luta. Criminalização e violência contra defensoras e defensores de direitos humanos no Brasil*, July 2017, [http://comiteddh.org.br/wp-content/uploads/2017/07/terra-de-direitos\\_dosie\\_040717\\_web.pdf](http://comiteddh.org.br/wp-content/uploads/2017/07/terra-de-direitos_dosie_040717_web.pdf); Comitê denuncia aumento vertiginoso da violência contra defensoras e defensores no Brasil, 11 September 2017, <http://comiteddh.org.br/ultimas-noticias/comite-denuncia-aumento-vertiginoso-da-violencia-contra-defensoras-e-defensores-de-direitos-humanos-no-brasil/>

<sup>41</sup> Front Line Defenders, Land rights defender Rosenildo Pereira de Almeida killed, 11 July 2017, [www.frontlinedefenders.org/en/case/judge-releases-13-policemen-allegedly-involved-pau-darco-massacre#case-update-id-6394](http://www.frontlinedefenders.org/en/case/judge-releases-13-policemen-allegedly-involved-pau-darco-massacre#case-update-id-6394)

In **Honduras**, 14 environmental human rights defenders were killed in 2016 alone.<sup>42</sup> The murder of **Berta Cáceres** in March that year was just one of many attacks against human rights defenders with the organization she led, the Civic Council of Popular and Indigenous Organizations of Honduras (Consejo Cívico de Organizaciones Populares e Indígenas de Honduras, **COPINH**). Attacks have also been carried out against members of its sister organization, the Independent Lenca Indigenous Movement of La Paz (Movimiento Independiente Indígena Lenca de La Paz, **MILPAH**) and members of rural *campesino* communities demanding access to land. In the **Bajo Aguán** region, a militarized area surrounded by miles of African palm plantations, 129 people were killed and six forcibly disappeared between 2008 and 2013 in the context of the violence.<sup>43</sup> In October 2016, **José Ángel Flores** and **Silmer Dionisio George** of the Unified Movement of the Aguán were killed. José Ángel Flores had reported threats in relation to his human rights work.<sup>44</sup> Many of these defenders at risk have been granted precautionary measures by the Inter-American Commission on Human Rights, yet the authorities have failed to take significant action to ensure they are effectively protected and to bring those responsible to justice.

The **Philippines** is also one of the deadliest places to defend the right to a healthy environment, with 28 recorded killings of activists in 2016. Most of these were linked to struggles against mining and other extractive industries.<sup>45</sup> **Teresita Navacilla**, a human rights defender concerned about the impact of the King-kong mining project in Southern Mindanao, the second largest gold and copper mine in the Philippines, was targeted for her campaigning and died of gunshot wounds in January 2016.<sup>46</sup> In July 2016 **Gloria Capitán**, a leading environmental defender, was shot dead in her home town of Mariveles. She was opposing the use of coal storage facilities and the expansion of a coal-fired plant amid concerns about the potential negative impacts on the health and livelihoods of the local community. To date, no one has been held accountable for her death.<sup>47</sup>

### 2.1.3 LABOUR RIGHTS

Human rights defenders working in the field of labour rights are also frequent targets of attack. Trade unionists, some of the most visible activists promoting workers' struggles for the right to decent conditions and pay as well as other human rights, have suffered threats, unjust prosecutions, arbitrary detentions and killings in many parts of the world. According to the International Trade Union Confederation (ITUC), trade unionists in the following 11 countries were killed in relation to their activities in 2016: Bangladesh, Brazil, Colombia, Guatemala, Honduras, Italy, Mauritania, Mexico, Peru, the Philippines and Venezuela.<sup>48</sup>

During the internal conflict, trade unionists in Colombia were among those most at risk in the world, as they were often the target of attacks by paramilitary forces.<sup>49</sup> The National Trade Union School (Escuela Nacional Sindical, ENS) recorded 2,863 killings of trade unionists and union members from 1986 to 2011.<sup>50</sup> Although the violence has slowed down, killings have still been recorded in recent years: between 2010 and 2015, 186 union members were killed and 22 forcibly disappeared, most of them union leaders.<sup>51</sup> In November 2013, Óscar López Triviño, a trade union leader with the National Trade Union of Food Industry Workers (Sindicato Nacional de Trabajadores de la Industria de Alimentos, SINALTRAINAL), which represents workers in the Nestlé plant in Bugalagrande, Valle del Cauca Department, was shot and killed. His colleague José Onofre Esquivel Luna was shot at by two men on motorbikes in June 2014 despite receiving state protection at the time. He survived the attack.<sup>52</sup>

<sup>42</sup> Global Witness, *Defenders of the earth*, July 2017, [www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/](http://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/) and Amnesty International, *Honduras: Justice still in jeopardy in Berta Cáceres murder case* (Index: AMR 37/6335/2017)

<sup>43</sup> Observatorio de Derechos Humanos del Aguán, *Informe estadístico de muertes violentas relacionadas al conflicto de tierras en el Bajo Aguán 2008-2013*, February 2014, [www.diakonia.se/globalassets/documents/diakonia/where-we-work/latinamerica/honduras---informe-estadistico-de-muertes-violentas-relacionadas-al-conflicto-de-tierras-en-el-bajo-aguan-2008-2013.pdf](http://www.diakonia.se/globalassets/documents/diakonia/where-we-work/latinamerica/honduras---informe-estadistico-de-muertes-violentas-relacionadas-al-conflicto-de-tierras-en-el-bajo-aguan-2008-2013.pdf)

<sup>44</sup> Amnesty International, *Activists' murders turn Honduras into no-go zone for environmental campaigners* (Press release, 19 October 2016)

<sup>45</sup> Global Witness, *Defenders of the earth*, July 2017, [www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/](http://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/)

<sup>46</sup> Front Line Defenders, *Extrajudicial killing of Teresita Navacilla*, 9 February 2016, [www.frontlinedefenders.org/en/case/case-history-teresita-navacilla](http://www.frontlinedefenders.org/en/case/case-history-teresita-navacilla)

<sup>47</sup> Amnesty International, *Annual Report 2016/2017* (Index: POL 10/4800/2017)

<sup>48</sup> ITUC, *The 2017 ITUC Global Rights Index*, [www.ituc-csi.org/IMG/pdf/survey\\_ra\\_2017\\_eng-1.pdf](http://www.ituc-csi.org/IMG/pdf/survey_ra_2017_eng-1.pdf)

<sup>49</sup> Amnesty International, *Killings, arbitrary detentions, and death threats: The reality of trade unionism in Colombia* (Index: AMR 23/001/2007)

<sup>50</sup> UNDP, *Acknowledging the past, building the future. Report on violence against trade unionists and unionized workers, 1984-2011, 2013*, [www.co.undp.org/content/colombia/es/home/library/democratic\\_governance/-informe-sobre-violencia-contra-sindicalistas-y-trabajadores-sin.html](http://www.co.undp.org/content/colombia/es/home/library/democratic_governance/-informe-sobre-violencia-contra-sindicalistas-y-trabajadores-sin.html)

<sup>51</sup> Escuela Nacional Sindical, *Voces que no callan: Informe sobre violaciones a los derechos humanos de los y las sindicalistas, y la situación de impunidad, 2010-2015*, November 2016, [www.ens.org.co/lee-y-aprende/lee-y-descarga-nuestras-publicaciones/derechos-humanos-violencia-antisindical/cuaderno-derechos-humanos-24-voces-no-callan-informe-violaciones-los-derechos/](http://www.ens.org.co/lee-y-aprende/lee-y-descarga-nuestras-publicaciones/derechos-humanos-violencia-antisindical/cuaderno-derechos-humanos-24-voces-no-callan-informe-violaciones-los-derechos/)

<sup>52</sup> Amnesty International, *Defending human rights in the Americas: Necessary, legitimate and dangerous*, (Index: AMR 01/0003/2014)

**Guatemala** is one of the poorest and most unequal countries in the Americas. In a context of widespread labour rights violations, including of the right to freedom of association and protection of the right to form unions,<sup>53</sup> only a very low percentage of workers have joined a union. According to the Network of Labour Rights Defenders of Guatemala (Red de Defensores de Derechos Laborales de Guatemala), between 2007 and 2016 more than 84 labour rights defenders were killed, and many more suffered smears, intimidation, threats, arbitrary detentions and physical attacks.<sup>54</sup> In 2013, **Carlos Hernández**, a trade unionist with the National Trade Union of Health Workers (Sindicato Nacional de Trabajadores de la Salud de Guatemala, SNTSG), and a member of other civil society organizations, was shot dead in Chiquimula, eastern Guatemala. He had previously received death threats following a meeting where he had spoken out against deforestation in the area.<sup>55</sup>

## 2.1.4 HUMAN RIGHTS LAWYERS AND OTHER JUSTICE SECTOR WORKERS

Human rights lawyers, whose work is fundamental in ensuring victims' access to justice and reparations, are often the target of attacks. Other justice sector workers defending human rights, including judges and prosecutors, are often subject to different types of pressure in efforts to undermine their independence and impartiality. This can include direct intimidation to try and prevent them from bringing justice and reparations to victims of abuses.

In the **Philippines**, at least 41 lawyers and 18 judges were killed between 2001 and 2014. Nine of the lawyers were working on human rights-related cases.<sup>56</sup> In 2015, three more judges were killed in the space of three months; they included **Wilfredo Nieves**, whose murder was believed to be in relation to his sentencing of a criminal gang leader.<sup>57</sup>

The **Honduras** National Human Rights Commissioner (Comisionado Nacional de Derechos Humanos de Honduras, CONADEH) has reported that between 2010 and 2016, at least 117 law professionals, including lawyers, prosecutors and judges, were killed in the country. Judge **Mireya Efigenia Mendoza Peña** was killed in 2013 in El Progreso, Yoro Department, by armed men on a motorbike. She was a member of the Association of Judges for Democracy (Asociación de Jueces por la Democracia), an NGO that works to strengthen the justice system in Honduras.<sup>58</sup>

In **Ukraine**, lawyers and human rights defenders perceived as challenging the authorities have faced harassment and in some cases have paid with their lives. Criminal defence lawyer **Yuri Grabovsky** was abducted and his body found later with gunshot wounds in March 2016. He had complained of harassment by the authorities in connection with his work defending a Russian citizen who was on trial for terrorism charges. His colleague **Oksana Sokolovskaya**, who was defending another Russian man with the same charges, also complained of harassment and threats in connection with her work.<sup>59</sup>

In **Kenya**, lawyer **Willie Kimani**, his client **Josephat Mwendwa** and taxi driver **Joseph Muiruri**, were forcibly disappeared by police in June 2016; their bodies were found days later. They were abducted just after attending a court hearing for Josephat Mwendwa, who was facing trumped-up charges after he reported a police officer for arbitrarily shooting at him. Willie Kimani was a lawyer with the legal aid charity International Justice Mission and had often worked on cases of extrajudicial executions.<sup>60</sup> Human rights organizations have documented more than 300 cases of individuals who have been forcibly disappeared while in the hands of security and law enforcement agencies since 2009, some of whom were later found dead.<sup>61</sup>

**Somchai Neelapajit**, President of the Muslim Lawyers Association of Thailand and Vice President of the Human Rights Committee of the Law Society of Thailand, was abducted and forcibly disappeared in 2004 in Bangkok, **Thailand**. Prior to his abduction, Somchai Neelapajit had raised concerns about the alleged

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<sup>53</sup> OHCHR, Guatemala new low minimum wage 'setback on sustainable development' – UN rights experts, 17 February 2015, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15575&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15575&LangID=E)

<sup>54</sup> Red de Defensores de Derechos Laborales de Guatemala, *Informe sobre violencia antisindical - Guatemala 2015-2016*, 2017, [www.solidaritycenter.org/wp-content/uploads/2017/07/Guatemala.Anti-Union-Violence-Network-2015-to-2016-report.Spanish.6.17DM-1.pdf](http://www.solidaritycenter.org/wp-content/uploads/2017/07/Guatemala.Anti-Union-Violence-Network-2015-to-2016-report.Spanish.6.17DM-1.pdf)

<sup>55</sup> Amnesty International, *Guatemalan human rights defenders at risk* (Index: AMR 34/002/2013)

<sup>56</sup> The Philippines: Day of the endangered lawyer, 23 January 2015, <http://dayoftheendangeredlawyer.eu/activities/#2015>

<sup>57</sup> Amnesty International, *Amnesty International Report 2015/16* (Index: POL 10/2552/2016)

<sup>58</sup> Amnesty International, *Honduras: Amnesty International condemns the recent killings of individuals defending justice, equality and human rights* (Index: AMR 37/007/2013)

<sup>59</sup> Amnesty International, *Ukraine: Murder of lawyer a chilling blow to justice* (Press release, 25 March 2016)

<sup>60</sup> Amnesty International, *Kenya: Watershed ruling on lawyer's disappearance and execution by police* (Press release, 11 August 2016)

<sup>61</sup> Amnesty International, *Kenya: Set up judicial inquiry into hundreds of enforced disappearances and killings* (Press release, 30 August 2016)

torture of detainees by police officers. Five policemen were tried for the abduction. Four were acquitted and one had his conviction – on a relatively minor charge of coercion – overturned on appeal.<sup>62</sup>

**Manoel Mattos** was a lawyer and member of the Human Rights commission of the Bar Association in the state of Pernambuco, **Brazil**. In January 2009 he was shot dead at close range by two hooded men. Manoel Mattos had received repeated death threats as a result of his work denouncing killings and abuses by death-squads across north-east Brazil. Despite the threats, and the fact that the Inter-American Commission on Human Rights had requested precautionary measures for his protection, no effective measures had been put in place.<sup>63</sup> In 2015, five men accused of his murder faced trial and two were found guilty, including a military police officer.

## 2.2 ATTACKED FOR WHO THEY ARE

Human rights defenders who experience intersecting forms of discrimination and structural inequality are at an increased risk of attack for what they do and who they are. Discrimination and oppression may be based on age, sex, gender, language, ethnicity, sexual orientation, gender identity, race, caste or class, Indigenous identity, disability, religion or belief, nationality or other status. These different forms of discrimination can overlap and interact, intensifying and diversifying an individual's experience. Human rights defenders who experience discrimination are often denied resources, opportunities and security, and are commonly excluded from decision-making.

### 2.2.1 WOMEN HUMAN RIGHTS DEFENDERS

**Women human rights defenders**, who may be women working on any human rights issue or any defender working on women's rights or gender-related issues, are often exposed to increased risks due to their gender, particularly when they publicly demand human rights and challenge social norms. Women human rights defenders face specific forms of gender-based violence in addition to the attacks other defenders may face, including sexual violence, stereotyped smears and defamation campaigns linked to their status as women. Many women human rights defenders face added pressure within their family and their community, if their activism or public activities are viewed as rejecting gender norms or challenging gender stereotypes, which they are expected to conform to. Gender-based violence is a common experience for women human rights defenders, particularly in highly patriarchal societies with strict notions about sexuality, gender roles, and women's place in the community and the home. **Aura Lolita Chávez**, an Indigenous woman human rights defender from Guatemala with the K'iche People's Council (Consejo de Pueblos K'iche, CPK), was threatened with death and sexual assault by armed men in June 2017.<sup>64</sup> She explained to the Association of Women in Development (AWID): "When they threaten me, they say that they will kill me, but before they kill me they will rape me. They don't say that to my male colleagues. These threats are very specific to Indigenous women. There is also a very strong racism against us. They refer to us as those rebel Indian women that have nothing to do, and they consider us less human."<sup>65</sup>

Due to the different contexts in which violence against women human rights defenders takes place, from the private to the public sphere, states have an added duty to take steps to prevent violence whether it is directly related to the women's human rights activity or their identity. This includes by acting with due diligence to prevent gender-based violence by state and non-state actors,<sup>66</sup> and consulting with women activists to establish effective and gender-sensitive protection mechanisms.

**Hina Shahnawaz**, who worked with HelpAge International in **Pakistan**, an organization advocating for the rights of older people, was a professional woman, financially independent and her family's main provider – thus challenging socially accepted norms and gender roles for women in her country. She was shot dead in February 2017; a relative was arrested in connection with the killing.<sup>67</sup> During 2016, the Human Rights Commission of **Pakistan** recorded the killings of 512 women and girls and of 156 men and boys on grounds of "honour". Pakistani law was finally amended in 2016 to make "honour killings" a crime leading to a

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<sup>62</sup> Amnesty International, *Thailand: Sad day for justice as police officers acquitted and family denied right of co-plaintiff in the enforced disappearance of leading human rights defender* (Index: ASA 39/3132/2015)

<sup>63</sup> Amnesty International, *Human rights activist assassinated in Brazil* (News story, 27 January 2009)

<sup>64</sup> Amnesty International, *Indigenous defenders attacked and at risk* (Index: AMR 34/6466/2017)

<sup>65</sup> AWID, *Women Human Rights Defenders Confronting Extractive Industries*, 2017, [www.awid.org/sites/default/files/atoms/files/whrds-confronting\\_extractive\\_industries\\_report-eng.pdf](http://www.awid.org/sites/default/files/atoms/files/whrds-confronting_extractive_industries_report-eng.pdf)

<sup>66</sup> Committee on the Elimination of Discrimination against Women, *General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19*, 14 July 2017, UN Doc. CEDAW/C/GC/35

<sup>67</sup> Hina Shahnawaz, <https://hrdmemorial.org/hrdrecord/hina-shahnawaz/>

mandatory prison sentence, although sentences can still be lessened if the perpetrators secure the family's pardon.<sup>68</sup>

In **Nepal**, women human rights defenders have faced high risks for daring to challenge patriarchy. Many have been socially marginalized for raising issues of domestic and sexual violence and are targets of intimidation, beatings and killings. The Nepalese police often fail to fully investigate attacks and offer protection. **Uma Singh**, a journalist for Radio Today FM and a member of the Women's Human Rights Defender Network, suffered a knife attack and died of her injuries in January 2009.<sup>69</sup> Six months earlier, in June 2008, **Laxmi Bohara**, also a member of the Women's Human Rights Defender Network, died after being severely beaten and forced to take poison by her husband and mother-in-law. They had criticized her human rights work as being incompatible with the traditional role that wives and mothers are expected to fulfil.<sup>70</sup>

As they investigate complaints of violence against women and girls and deal with domestic violence cases, including harmful traditional practices, the **Afghan** National Police are on the front line of defending and protecting women's human rights. Women police officers have been specifically targeted as their presence in the security forces challenges entrenched attitudes regarding the participation of women in public life, and women officers face constant violence, discrimination and intimidation both from inside and outside the police. **Islam Bibi** and **Negar Bibi**, the two most senior women police officers in Helmand province, were shot dead in July and September 2013 respectively. Both had received countless threats of death if they didn't quit their jobs, but the authorities had done little to protect them.<sup>71</sup>

In **Mexico**, women human rights defenders have been the target of deadly attacks while demanding justice for victims of enforced disappearance and killings. The whereabouts of more than 30,000 people in Mexico are unknown, many of whom have been forcibly disappeared or abducted by organized crime groups in the context of the war on drugs.<sup>72</sup> **Miriam Elizabeth Rodríguez** started defending human rights after her daughter was disappeared in 2012. Frustrated at the inaction of the authorities she led her own investigation, which led her to find her daughter's remains and information implicating those responsible for her murder. Miriam Elizabeth Rodríguez was herself killed in May 2017. She had been repeatedly threatened and offered inadequate protection.<sup>73</sup>

## 2.2.2 LGBTI DEFENDERS

**Lesbian, gay, bisexual, transgender and intersex (LGBTI) defenders** face attacks both because of who they are and of what they do: they may be targeted for their real or perceived sexual orientation or gender identity, as well as for defending rights related to gender and sexuality.<sup>74</sup> LGBTI defenders face great risks because their work challenges social structures, traditional practices and interpretation of religious precepts that may have been used over long periods of time to condone and justify human rights violations.<sup>75</sup>

**Xulhaz Mannan**, a well-known activist on LGBTI issues, was hacked to death in Dhaka, **Bangladesh**, along with his colleague **Mahub Rabbi Tonoy** in April 2016. Xulhaz Mannan was the editor of *Roopban*, Bangladesh's first and only magazine on LGBTI issues. He and other staff members at the magazine had been inundated with threats in the months leading up to the killing. Days before the attack, the annual pro-LGBTI "Rainbow rally" in Dhaka was cancelled due to security concerns. The killings of Xulhaz Mannan and Mahub Rabbi Tonoy were later claimed by the armed group Ansar al Islam. At least two men were arrested in connection with the murders but no charges have yet been brought.<sup>76</sup>

In **South Africa**, sexual assaults and other physical attacks against LGBTI people remain common, particularly against those living in townships and rural areas. In April 2011, **Noxolo Nogwaza**, a lesbian human rights defender, died in a township near Johannesburg after being raped, beaten and stabbed, apparently because of her sexual orientation. No progress has been made in the investigation into her

<sup>68</sup> Amnesty International, *Amnesty International Report 2016/2017* (Index: POL 10/4800/2017)

<sup>69</sup> Amnesty International, Nepal: Government fails to protect women human rights activists from violent attacks, [www.amnesty.org/en/press-releases/2009/04/nepal-government-fails-protect-women-human-rights-activists-violent-atta/](http://www.amnesty.org/en/press-releases/2009/04/nepal-government-fails-protect-women-human-rights-activists-violent-atta/)

<sup>70</sup> Women Human Rights Defenders International Coalition, *Global report on the situation of women human rights defenders*, 2012, [http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD\\_IC\\_Global-Report\\_2012.pdf](http://defendingwomen-defendingrights.org/wp-content/uploads/2014/03/WHRD_IC_Global-Report_2012.pdf)

<sup>71</sup> Amnesty International, *Their lives on the line: Women human rights defenders under attack in Afghanistan* (Index: ASA 11/1279/2015)

<sup>72</sup> Amnesty International, *'Treated with indolence': The state's response to disappearances in Mexico* (Index: AMR 41/3150/2016)

<sup>73</sup> Amnesty International, Mexico: Killing of activist in Tamaulipas highlights government negligence (News story, 11 May 2017)

<sup>74</sup> Women Human Rights Defenders International Coalition, *Gendering documentation: A manual for and about women human rights defenders*, 2015, [www.defendingwomen-defendingrights.org/wp-content/uploads/2016/09/GENDERING-DOCUMENTATION-FINAL-3-min.pdf](http://www.defendingwomen-defendingrights.org/wp-content/uploads/2016/09/GENDERING-DOCUMENTATION-FINAL-3-min.pdf)

<sup>75</sup> United Nations, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, 3 July 2001, UN Doc. A/56/156.

<sup>76</sup> Amnesty International, *Caught between fear and repression: Attacks on freedom of expression in Bangladesh* (Index: ASA 13/6114/2017)



murder and the attackers remain at large, adding to the climate of impunity. In the five years prior to her death, at least 10 lesbian women were raped and murdered in different parts of the country.<sup>77</sup>

In **Uganda**, same-sex sexual acts are punishable with imprisonment and since 2009 there have been attempts to introduce legislation to make penalties harsher. The heated public debate around this issue has led to more LGBTI people being reported to the authorities, more attacks on individuals, and more stigmatizing language used in public, including sensationalist media coverage of homosexuality. In late 2010, a photograph of **David Kato**, a well-known LGBTI rights activist, appeared in a weekly tabloid with the headline “Hang them” along with his personal details and those of other individuals. In early 2011 he won an injunction against the tabloid. He was killed at his home shortly afterwards.<sup>78</sup>

In **Honduras**, **René Martínez**, president of the Sampedrana Gay Community in the city of San Pedro Sula, was found dead on 3 June 2016 with his body bearing signs of torture. He had been abducted a few days earlier. Also in Honduras, members of the LGBTI rights group **Asociación Arcoiris** were victims of 36 security incidents between July 2015 and January 2016, including killings, threats, surveillance and harassment.<sup>79</sup>

**Transgender defenders** in particular are at heightened risk of attack in certain countries. Transgender Europe’s (TGEU) Trans Murder Monitoring Project found reports of 2,343 killings of trans and gender-diverse people in 69 countries worldwide between 2008 and 2016. It was noted that the true figures are likely to be much higher.<sup>80</sup>

**Brazil** has one of the highest numbers of recorded killings of transgender people in the world<sup>81</sup> which adds to the risks for transgender activists who claim human rights. According to the Brazilian Committee of Human Rights Defenders, in February 2017 transgender activist and sex worker **Mirella de Carlo** was found murdered in her apartment in Belo Horizonte.<sup>82</sup>

In **Argentina**, **Amancay Diana Sacayán**, a well-known LGBTI activist and transgender woman, was found dead in her flat in Buenos Aires in October 2015. Her body had signs of violence. A month earlier, **Marcela Chocobar** and **Coty Olmos**, two transgender women and leaders of LGBTI organizations, were killed in the provinces of Santa Fe and Santa Cruz respectively.<sup>83</sup>

In **Honduras**, a long list of transgender defenders with the **Grupo Muñecas** (part of LGBTI group **Asociación Arcoiris**), as well as other transgender activists, have suffered deadly attacks for several years. **Sherlyn Montoya** is one of the most recent victims; her body was found in April 2017 with signs of torture.<sup>84</sup>

**Alesha**, a young activist with Trans Action Pakistan, was shot in Peshawar, **Pakistan**, and died a few days later from her wounds in May 2016. Members of Trans Action have previously faced persecution and harassment in connection with their human rights work.<sup>85</sup>

## 2.2.3 HUMAN RIGHTS DEFENDERS AND SEX WORK

**Human rights defenders who are sex workers, or who defend the rights of sex workers**, face multiple levels of discrimination and violence. They are attacked for who they are (for example, women, transgender people), the work they do as sex workers, and their activism. Their human rights defence work is poorly recognized or actively undermined, and they can face violence and discrimination at the hands of clients, police, landlords and the communities around them, as well as by exploitative third parties such as criminal gangs. Sex work is highly stigmatized and criminalized in most countries which leads to the shaming and marginalization of sex workers and often means they have to work in isolated and clandestine environments and risk criminalization if they report violence to the police. As a result, much of the violence and abuse

<sup>77</sup> Amnesty International, *Making love a crime: Criminalization of same-sex conduct in sub-Saharan Africa* (Index: AFR 01/001/2013).

<sup>78</sup> Amnesty International, *Making love a crime: Criminalization of same-sex conduct in sub-Saharan Africa* (Index: AFR 01/001/2013).

<sup>79</sup> Amnesty International, *Amnesty International Report 2016/2017* (Index: POL 10/4800/2017)

<sup>80</sup> TGEU, Trans Day of Visibility 2017, Press release, <http://transrespect.org/en/tdov-2017-tmm-update/>

<sup>81</sup> Carsten Balzer/Carla LaGata and Lukas Berredo/TGEU, *Trans murder monitoring annual report 2016*, <http://transrespect.org/wp-content/uploads/2016/11/TvT-PS-Vol14-2016.pdf>

Inter-American Commission on Human Rights, *Violence against LGBTI people*, 2015, OAS/Ser.LV/II.rev.2,

[www.oas.org/es/cidh/informes/pdfs/ViolenciaPersonasLGBTI.pdf](http://www.oas.org/es/cidh/informes/pdfs/ViolenciaPersonasLGBTI.pdf)

<sup>82</sup> Comitê Brasileiro de Defensoras e Defensores de Direitos Humanos, *Vidas em luta: Criminalização e violência contra defensoras e defensores de direitos humanos no Brasil*, July 2017, [http://comiteddh.org.br/wp-content/uploads/2017/07/terra-de-direitos\\_dosie\\_040717\\_web.pdf](http://comiteddh.org.br/wp-content/uploads/2017/07/terra-de-direitos_dosie_040717_web.pdf)

<sup>83</sup> Amnesty International, Argentina must investigate horrific wave of attacks against trans activists (News story, 14 October 2015)

<sup>84</sup> Front Line Defenders, Asesinato de defensora de derechos LGBTI Sherlyn Montoya, 7April 2017,

[www.frontlinedefenders.org/es/case/case-history-sherlyn-montoya](http://www.frontlinedefenders.org/es/case/case-history-sherlyn-montoya)

<sup>85</sup> Front Line Defenders, *Transgender human rights defender Alesha shot dead*, 26 May 2016, [www.frontlinedefenders.org/en/case/case-history-alesha](http://www.frontlinedefenders.org/en/case/case-history-alesha)

experienced by sex workers goes unreported, under-investigated and unpunished.<sup>86</sup> It is because of the need to protect themselves from violence and marginalization that sex workers often become involved in the defence of human rights. According to Transgender Europe, 64% of the transgender people killed in 2016 were also sex workers: the added layers of marginalization and discrimination associated with sex work, their transgender identity, and the visibility connected with claiming rights increases the risk of attack.<sup>87</sup> For example, of the 27 transgender women killed in **Honduras** between 2009 and 2012, 15 were active with transgender rights group **Colectivo Unidad Color Rosa**, most of whose members are sex workers as well as activists.<sup>88</sup>

**Angélica Quintanilla** was the director of Liquidambar, a sex worker-led organization in **El Salvador**. As part of her activism, she promoted the rights of sex workers, seeking recognition and dignity for their work and providing them with information about their rights. She was shot dead at her place of work in San Salvador in May 2016.<sup>89</sup> Sex workers in San Salvador are often harassed and suffer violence by police and gang members who demand money and control territory.

**Sandra Cabrera**, a sex worker and Secretary General of the Association of Women Sex Workers of Argentina (Asociación de Mujeres Meretrices de la Argentina) from Rosario, **Argentina**, was killed in January 2004. She worked to defend the human rights of sex workers, who were repeatedly harassed and extorted by members of local police. Sandra Cabrera had reported constant threats of physical violence against herself and her young daughter to the authorities. A month before her death, she was beaten in her home by unidentified individuals while the police protection she had finally been granted was outside.<sup>90</sup>

In **Turkey**, the Istanbul Pride march has been suppressed since 2015. That year, thousands of people who turned up for the march were attacked by police with water cannons, tear gas and pepper-ball projectiles.<sup>91</sup> **Hande Kader**, a young transgender activist, was one of those attacked. Just over a year later, on 12 August 2016, her body was found after she had been missing for days. She had been raped, mutilated and burnt. She was a sex worker and was last seen getting into a car, apparently with a client.<sup>92</sup> As elsewhere, discrimination and marginalization associated with sex work and with being transgender make trans sex worker rights activists a target of violence in Turkey.

## 2.2.4 INDIGENOUS AND AFRO-DESCENDENT DEFENDERS

In many parts of the world, **Indigenous and Afro-descendent communities** have long experienced deprivation, exclusion, poverty, dispossession and displacement. They have often had to fight for their right to live on their ancestral lands, and their right to free, prior and informed consent is often neglected. They are exposed to pressure and attack when standing up to powerful interests, including businesses encroaching on their territory and rights. Individuals from these communities face enormous risks in standing up for their rights and becoming human rights defenders. According to Global Witness, 40% of human rights defenders working on issues related to the land, territory and the environment killed in 2016 were Indigenous people.<sup>93</sup>

Forced displacement and the misappropriation of land, often through violence and intimidation, have been a defining feature of **Colombia's** internal armed conflict, targeting above all Indigenous, Afro-descendent and peasant farmer communities. For these communities, whose identities and livelihoods are intimately linked with the land on which they live and work, the trauma of displacement has been acute and the struggle of activists and communities demanding respect and protection of their rights, including land demarcation and restitution, has been marked by violence. In April 2017, **Gerson Acosta**, an Indigenous leader from the Cauca region, was shot repeatedly as he left a community meeting. Gerson Acosta had been granted protection measures by the National Protection Unit (Unidad Nacional de Protección) due to threats he had received in connection to his work as a human rights defender.<sup>94</sup> As well as representing his community and

<sup>86</sup> Amnesty International, *Sex workers at risk: A research summary on human rights abuses against sex workers* (Index: POL 40/4061/2016)

<sup>87</sup> TGEU, Trans Day of Visibility 2017, Press release, <http://transrespect.org/en/tdov-2017-tmm-update/>

<sup>88</sup> REDLACTRANS, *Impunidad y violencia contra mujeres transgénero defensoras de derechos humanos en América Latina*, 2012, [www.aidsalliance.org/assets/000/000/898/90624-Impunidad-y-violencia-contra-mujeres-transgenero-defensoras-de-derechos-humanos-en-América-Latina\\_original.pdf?1407754269](http://www.aidsalliance.org/assets/000/000/898/90624-Impunidad-y-violencia-contra-mujeres-transgenero-defensoras-de-derechos-humanos-en-América-Latina_original.pdf?1407754269)

<sup>89</sup> AWID WHRD Tribute, [www.awid.org/whrd/angelica-miriam-quintanilla](http://www.awid.org/whrd/angelica-miriam-quintanilla)

<sup>90</sup> Amnesty International, *Open letter from Amnesty International to the Governor of Santa Fe province, Sr Jorge Obeid* (Index: AMR 13/003/2004)

<sup>91</sup> Amnesty International, *Turkey: Pride march ban is a new low* (Index EUR 44/41978/2015)

<sup>92</sup> Front Line Defenders, *LGBTI rights defender Hande Kader brutally murdered*, 24 August 2016, [www.frontlinedefenders.org/en/case/trans-defender-brutally-murdered-turkey-august-2016](http://www.frontlinedefenders.org/en/case/trans-defender-brutally-murdered-turkey-august-2016)

<sup>93</sup> Global Witness, *Defenders of the earth*, [www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/](http://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/)

<sup>94</sup> Amnesty International, *Colombia: Wave of killings of Indigenous people highlights shortcomings in implementation of peace process*

asserting the right to live on their land, Gerson Acosta also represented relatives of victims of a 2001 attack on his community, known as the Naya massacre.

In **Honduras**, human rights defenders with the Independent Lenca Indigenous Movement of La Paz (Movimiento Indígena Lenca Independiente de La Paz, **MILPAH**) have been challenging the consultation process for the construction of a hydroelectric plant near the town of Santa Elena and pushing for the local population to have a say. This has led to violence within the community; five members of MILPAH have been killed in unclear circumstances in the last few years and numerous people – including pregnant women and children – have been assaulted by police and armed civilians. Others have been threatened, arbitrarily detained and unjustly prosecuted.<sup>95</sup>

**Renato Anglao**, Secretary-General of TINDOGA (Tribal Indigenous Oppressed Group Association), an Indigenous peoples' organization near Quezon City in the **Philippines**, was shot dead by three unidentified men in February 2017 as he was travelling on his motorbike. His wife and young child were with him but they were not injured. TINDOGA works on human rights violations linked to agribusiness plantations which are encroaching on local Indigenous peoples' ancestral lands.<sup>96</sup>

Community-based human rights defenders and environmentalists in **Thailand** also operate under extremely dangerous and difficult conditions. Many are members of rural or semi-rural communities threatened by large-scale development projects, natural resource exploitation, and toxic waste contamination. **Pholachi Rakchongcharoen**, known as Billy, was forcibly disappeared in April 2014, apparently in connection with his attempts to hold authorities to account for human rights violations against ethnic Karen living in Kaeng Krachan National Park. At the time, Billy was travelling from his village to meet with ethnic Karen villagers about their forced eviction and the burning of their properties by park authorities in preparation for a lawsuit which named the head of the national park as a defendant. Billy was last seen in the custody of park officials, who admitted arresting him, and investigating officers announced that they had found bloodstains in a park vehicle. Billy's fate and whereabouts remain unknown.<sup>97</sup>

Afro-descendent and Indigenous Peoples fighting for their lands in **Brazil** have often been violently confronted by large landowners. A leader of the Charco Quilombola community in Maranhão, **Flaviano Pinto Neto**, was killed in October 2010 and no one has yet been brought to justice. Flaviano Pinto had been part of a struggle to get his community officially recognized as “quilombo”, a group identified as Afro-Brazilian settlers who are afforded certain protections under the Brazilian Constitution, including access to land titles. The title could help protect the group against powerful local farmers.<sup>98</sup> According to the Pastoral Land Commission (Comissão Pastoral da Terra), at least 200 community leaders received death threats in relation to land disputes in 2016 alone.<sup>99</sup> In June 2016 an Indigenous Guarani-Kaiowá community in Mato Grosso do Sul state was attacked by a group of over 100 armed men; **Clodiodi de Souza** was shot dead and six other community members, including a child, were injured. The Indigenous community had reoccupied their traditional territory a few days previously. One month before, the authorities had identified the territory as Indigenous land but had not officially demarcated it.<sup>100</sup>

Since the 2014 occupation and illegal annexation of **Crimea** by the Russian Federation, the Russian authorities have characterized and prosecuted those who oppose it as extremists and terrorists. As the most organized focus of opposition, Indigenous **Crimean Tatars** have borne the brunt of this repression. Many Crimean Tatars and other opponents of the annexation have been exiled, faced prosecution on trumped-up charges, been harassed or forcibly disappeared. **Ervin Ibragimov**, an ethnic Crimean Tatar from central Crimea and a member of the World Congress of Crimean Tatars, an international organization promoting the rights of Crimean Tatars and their cultural heritage, was last seen in May 2016; his fate and whereabouts remain unknown. On the day of his disappearance, CCTV footage shows a group of men stopping his car, forcing him into their van and driving away. Days earlier, he had complained to friends about being followed.<sup>101</sup>

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(Press release, 21 April 2017)

<sup>95</sup> Amnesty International, *'We are defending the land with our blood': Defenders of the land, territory and environment in Honduras and Guatemala* (Index: AMR 01/4562/2016)

<sup>96</sup> Front Line Defenders, *Assassination of Indigenous rights defender Renato Anglao*, 6 February 2017, [www.frontlinedefenders.org/en/case/assassination-indigenous-rights-defender-renato-anglao](http://www.frontlinedefenders.org/en/case/assassination-indigenous-rights-defender-renato-anglao)

<sup>97</sup> Amnesty International, *Thailand: Family waits for justice one year since human rights defender was last seen* (Index: ASA 39/1466/2015)

<sup>98</sup> Amnesty International, *Brazil: Killers of community leader must be brought to justice* (Press release, 30 October 2014)

<sup>99</sup> Comissão Pastoral da Terra, *Conflitos no Campo Brasil 2016*; [www.cptnacional.org.br/index.php/component/download/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016](http://www.cptnacional.org.br/index.php/component/download/download/41-conflitos-no-campo-brasil-publicacao/14061-conflitos-no-campo-brasil-2016)

<sup>100</sup> Amnesty International Brazil, *Attack on Guarani-Kaiowá community leaves one dead and several wounded, including children* (News story, 16 June 2016)

<sup>101</sup> Amnesty International, *Crimea in the dark: The silencing of dissent* (Index: EUR 50/5330/2016)

## 2.2.5 DEFENDERS OF OTHER DISCRIMINATED GROUPS

In **India**, those advocating for the rights of ethnic and religious minorities and against caste-based discrimination are at ongoing risk of attack.<sup>102</sup> The groups facing most abuses are Dalits (members of the lower castes) and Adivasis (members of Indigenous and tribal groups). In several states, Dalits are denied entry into public and social spaces, and face discrimination in accessing public services. According to official statistics, more than 45,000 crimes against members of Scheduled Castes and almost 11,000 crimes against Scheduled Tribes were reported in 2015.<sup>103</sup> In 2013, Dalit human rights defender **Chandrakant Gaikwad**, from Maharashtra state, was shot and killed reportedly by an individual against whom he had filed a complaint for committing crimes against Dalit people. Chandrakant Gaikwad was a volunteer with the National Dalit Movement for Justice and actively supported victims of caste-based discrimination in accessing justice by helping them file and follow up on complaints with local authorities. He had been threatened repeatedly. The alleged perpetrator had been arrested previously on charges of crimes against Dalits but had been released on bail. There has been no effective investigation into the killing.<sup>104</sup>

**India's** Adivasi communities have suffered disproportionately from development-induced displacement and environmental destruction. **Jailal Rathia**, an Adivasi community leader in Chhattisgarh state, challenged the irregular acquisition of Adivasi land and land-grabbing activities. He died in March 2017 as a result of what his family suspect was a deliberate poisoning. He had had been threatened on several occasions and told by local land mafia and local police to withdraw the petitions he had filed. No arrests have been made so far.<sup>105</sup>

**Tahir Elçi** was a well-known human rights lawyer who documented and represented cases of human rights violations in majority Kurdish southeast **Turkey**. He was killed in unclear circumstances in November 2015 in the city of Diyarbakir. Tahir Elçi had previously received hundreds of death threats via telephone and social media. When he died, armed clashes between the Turkish security forces and the armed Kurdistan Workers Party (PKK) had recently resumed. In October 2015, he was arbitrarily detained and charged with “making propaganda for a terrorist organization” after comments he made during a televised debate.<sup>106</sup>

In **Mauritania**, groups such as Haratines and Afro-Mauritanians bear the brunt of socio-economic discrimination despite representing two-thirds of the population. Blogger **Mohamed Mkhaitir** was detained and charged with apostasy, and is facing the death penalty for publishing a blog criticizing those who use Islam to marginalize certain groups in Mauritania.<sup>107</sup> After nearly four years in detention, the Appeal Court quashed his death sentence and ordered his release in November 2017.<sup>108</sup> In May 2011, protests broke out against a new government census to systematize national identity documents, which many feared might lead to arbitrary expulsions and statelessness of Afro-Mauritanians. **Lamine Mangane**, a 17-year-old member of the movement defending the rights of Afro-Mauritanians “Touche pas à ma nationalité” (“Don’t touch my nationality”, TPMN) was fatally shot in September 2011 in the city of Maghama during repression by police of peaceful protests. Other minors were also injured during the same demonstration, including a boy aged nine. The president of TPMN, Alassane Dia, said that “Lamine Mangane’s death created a real shock wave. For fear of general unrest, the state was forced to make the registration process much more accessible to the black people of Mauritania for a while, before racist and discriminatory practices started again.”<sup>109</sup>

**Mohammad Ali Amouri**, a minority rights activist from **Iran's** Ahwazi Arab minority and a founding member of the now-disbanded cultural rights group Al-Hiwar, has been on death row since 2012. He is facing this cruel, inhuman and degrading punishment solely for his peaceful activities at Al-Hiwar, which included promoting Arabic culture and identity, and community education on women’s rights. Mohammad Ali Amouri was unlawfully deported to Iran from Iraq, where he was a UNHCR registered refugee. Following his arrest, he was held for several months in solitary confinement in a secret detention centre: during this period he reported being tortured. At his trial in 2012 the court dismissed his

<sup>102</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, Addendum 1, Mission to India (10–21 January 2011), UN Doc. A/HRC/19/55/Add.1

<sup>103</sup> Amnesty International, *Amnesty International Report 2016/2017* (Index: POL 10/4800/2017)

<sup>104</sup> HRD Memorial, Chandrakant Gaikwad, <https://hrdmemorial.org/hrdrecord/chandra-kant-gaikwad/>

<sup>105</sup> Interview with the family of Jailal Rathia, August 2017. See also: Amnesty International, “When land is lost, do we eat coal?” *Coal mining and violations of Adivasi rights in India* (Index: ASA 20/4391/2016)

<sup>106</sup> Amnesty International, At the funeral of Tahir Elçi, a giant in Turkey’s human rights movement, the sense of loss is deafening (Blog, 30 November 2015)

<sup>107</sup> Amnesty International, *Mauritania must immediately release Mohamed Mkhaitir, blogger sentenced to death for apostasy* (Index: AFR 38/0002/2015)

<sup>108</sup> Amnesty International, Mauritania: death penalty for Facebook blogger quashed, (Press release, 9 November 2017)

<sup>109</sup> Interview with Alassane Dia, president of TPMN, August 2017

allegations of torture and instead relied on his forced “confessions” to convict him of “enmity against God” (*moharebeh*) and sentence him to death.<sup>110</sup>

## 2.3 CONTEXT-SPECIFIC PATTERNS OF ATTACK

As well as being targeted for what they do and who they are, human rights defenders face a range of abuses depending on the context in which they work, such as armed conflict, post-conflict situations and widespread criminality. They also face a restricted civic space and heightened physical risk when peaceful assemblies are violently repressed.

### 2.3.1 ARMED CONFLICT AND POST-CONFLICT SITUATIONS

Working in armed conflict areas exposes human rights defenders to specific risks, as civilians are often targeted as part of strategies to instil fear and collective punishment. In some cases, human rights defenders are targeted specifically for the work they do and conflict can provide a cloak of uncertainty as to the perpetrators or the motives for the attacks. In some cases, medical and humanitarian aid workers are targeted as punishment for their provision of services to all parties in a conflict. Even after the official end of hostilities, violence can continue for years, especially if combatants have not been effectively demobilized, disarmed and reintegrated, and as governments struggle to establish the rule of law and end impunity.

In recent years, armed groups and militias in **Libya** have harassed, abducted, tortured and killed human rights defenders. Political and other activists such as journalists and people who attend public gatherings and demonstrations face constant attacks. **Salwa Bugaighis**, a lawyer who played a prominent role in organizing protests at the start of the uprising to overthrow Mu’ammār al-Gaddafi, was shot dead at her home in Benghazi by unknown assailants in June 2014.<sup>111</sup> Her killing was the first assassination of a woman human rights defender in post-conflict Libya. Since then, as criminality rises in the absence of a functioning justice system, a pattern has emerged in Libya of abductions of civilians by armed groups on account of their origin, opinions and perceived political or tribal affiliations, and also for ransom. Those abducted include political, human rights and other activists, journalists, and judicial and other public officials. **Jabir Zain**, a Sudanese activist living in Libya, was abducted by militiamen in September 2016 and his fate and whereabouts remain unknown. His family was informally told by the militiamen that he was accused of atheism, moral indecency and collaborating with foreign NGOs. It is believed Jabir Zain was targeted due to his online activism advocating for women’s rights and other human rights.<sup>112</sup>

**Syria** has been marred by widespread human rights abuses and crimes under international law, including war crimes and crimes against humanity, by all parties since the conflict began in 2011. According to the Syrian Network for Human Rights, some 75,000 people have been subjected to enforced disappearance by the Syrian government since 2011, and more than 2,000 have gone missing after being detained by armed opposition groups.<sup>113</sup> Amid the conflict, civil society and human rights defenders, including journalists and humanitarian and health care providers, have been persecuted and attacked. **Khalil Ma’touq**, a human rights lawyer, went missing in October 2012 as he was driving to work in Damascus along a route with several government-controlled checkpoints. Although he has since been sighted by unofficial sources in several different detention centres, his family has received no updates since September 2013. In December 2013, human rights defenders **Razan Zaitouneh**, **Samira Al-Khalil**, **Wa’el Hamada** and **Nazim Hammadi** were abducted by a group of armed men from the office of the Violations Documentation Center, a local human rights monitoring group based in Douma, outside Damascus, and have not been seen since. The area was under the control of opposition armed groups at that time.<sup>114</sup>

In **Iraq**’s internal conflict, government forces, paramilitary militias and the armed group that calls itself Islamic State (IS) continue to commit war crimes, as well as other violations of international humanitarian law and gross human rights abuses against civilians. In this context human rights defenders, including journalists, are highly vulnerable to attack. Human rights lawyer **Samira Saleh Al-Naimi** was abducted from her home and later publicly executed in September 2014 in Mosul. She was well known for defending

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<sup>110</sup> Amnesty International, *Caught in a web of repression: Iran’s human rights defenders under attack*, (Index: MDE 13/6446/2017)

<sup>111</sup> Amnesty International, *Libya must ensure proper investigation after prominent lawyer shot dead* (Press release, 26 June 2014)

<sup>112</sup> Amnesty International, *Libya: Activist tortured and at risk of expulsion – Jabir Zain* (Index: MDE 19/5426/2017)

<sup>113</sup> Amnesty International, *Syria: Tens of thousands of disappeared must not be forgotten* (Press release 30 August 2017)

<sup>114</sup> Amnesty International, *Syria: Abducted activists’ whereabouts remain unknown 3 years on, no word on Douma 4* (Index: MDE 24/5311/2016)

detainees and supporting disadvantaged families in the city. Nobody has been brought to justice for her murder.<sup>115</sup>

In **Colombia**, human rights defenders, especially Indigenous, Afro-descendent, land rights and environmental activists, have been threatened and killed in increasing numbers since the peace agreement between the government and the largest guerrilla group, Revolutionary Armed Forces of Colombia (FARC), was signed in 2016.<sup>116</sup> According to the Office of the UN High Commissioner for Human Rights, 59 human rights defenders were killed in 2016,<sup>117</sup> and in the first six months of 2017, Colombian NGO Somos Defensores has reported the killings of 51 human rights defenders.<sup>118</sup> Most deaths are related to local conflicts around land, territory, the environment as well as high impunity levels. **Bernardo Cuero**, an Afro-Colombian leader of victims of forced displacement and member of the Association of Displaced Afro-Colombians (AFRODES) was killed in June 2017. He had been threatened on various occasions since he was forcibly displaced in 2000 after being persecuted by paramilitary groups in relation to his work in defence of Afro-Colombian rights. He was granted some government protection for a while, but complained that there were no effective investigations into the threats and attacks against him, leaving him exposed to further violence. His murder is currently being investigated by the Attorney General's office and one person has been detained.

The residents of the **Peace Community of San José de Apartadó** in **Colombia** have been the victims of attacks, torture, sexual abuse and forced displacement at the hand of all parties to the conflict. Hundreds have been killed. The community was founded in Antioquia in 1997, formally refusing to allow military, guerrilla and paramilitary groups from entering their territory in an attempt to protect its residents from the violence. Since late 2016, the community has reported an increase in paramilitary activity in the area.<sup>119</sup>

## 2.3.2 ORGANIZED CRIME AND WIDESPREAD VIOLENCE

Organized crime poses a risk to human rights defenders, as criminal groups often use violent methods to establish control over the territory and will retaliate against any actor interfering with their interests. State attempts at clamping down on such criminal networks, particularly when military-style policing is adopted, or when officials act in collusion with criminal groups, can also create a dangerous environment in which human rights defenders risk being targeted both by state actors and criminal actors.

In countries like **Honduras**, **Guatemala** and **El Salvador**, the presence of organized criminal groups, sometimes acting with the complicity or acquiescence of the state, is compounded by high homicide rates and impunity levels.<sup>120</sup> This particularly affects the poorest and most marginalized communities, especially the young and those who take a stand to defend them.<sup>121</sup> In this context, it is often difficult for human rights defenders to identify where threats come from. Authorities are quick to label attacks on human rights defenders as common crime, instead of attempting to find out whether their human rights activities might have been the motive behind it. For example, **Félix Molina**, a Honduran journalist critical of government abuses, was the target of two attacks in May 2016 and was shot in the legs in the second. Despite his having published information earlier that day on the potential involvement of politicians, military and businesspeople in the killing of Berta Cáceres, the authorities attributed the attacks to common robbery attempts.<sup>122</sup>

Since President Duterte took power in 2016 and declared a “war on drugs” in the **Philippines**, police and vigilantes have killed thousands of alleged drug offenders. Human rights defenders documenting human rights violations committed by law enforcement officials and others critical of this approach have faced regular harassment.<sup>123</sup> President Duterte publicly threatened human rights defenders in August 2017 when

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<sup>115</sup> Gulf Center for Human Rights, Iraq: Lawyer and human rights defender Samira Saleh Al-Naimi executed by ISIS in Mosul, September 2014, [www.gc4hr.org/news/view/758](http://www.gc4hr.org/news/view/758)

<sup>116</sup> Amnesty International, *Amnesty International Report 2016/2017* (Index: POL 10/4800/2017)

<sup>117</sup> UNHCHR, *Annual report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, 14 March 2017, UN Doc. A/HRC/34/3/Add.3

<sup>118</sup> Programa Somos Defensores, *¡Agúzate! que nos están matando, Informe enero – junio 2017, Sistema de información sobre agresiones contra defensores y defensoras de DDHH en Colombia*, 2017, <https://somosdefensores.org/images/informe-semestral-enero-junio-2017-SIADDHH.pdf>

<sup>119</sup> Amnesty International, Colombia: Spike in attacks against peace community shows conflict still alive (News story, 7 February 2017)

<sup>120</sup> UN Office on Drugs and Crime, *Global Study on Homicide 2013: Trends, Contexts, Data*, [www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/statistics/GSH2013/2014_GLOBAL_HOMICIDE_BOOK_web.pdf)

<sup>121</sup> Amnesty International, *Home sweet home? Honduras, Guatemala and El Salvador's role in a deepening refugee crisis* (Index: AMR 01/4865/2016)

<sup>122</sup> OMCT, Honduras: Doble intento de asesinato contra Félix Molina, 6 May 2016, [www.omct.org/es/human-rights-defenders/urgent-interventions/honduras/2016/05/d23753/](http://www.omct.org/es/human-rights-defenders/urgent-interventions/honduras/2016/05/d23753/)

<sup>123</sup> Amnesty International, *'If you are poor, you are killed': Extrajudicial executions in the Philippines' 'war on drugs'* (Index: ASA 35/5517/2017)

he said he would launch criminal investigations against those criticizing his anti-drug campaign and told police “If they [members of human rights organizations] are obstructing justice, you shoot them”.<sup>124</sup>

**Mexico** has also undertaken a military approach to deal with drug trafficking and the authorities have relied on the armed forces to carry out tasks relating to public safety. In this context, dozens of human rights defenders have been killed, including relatives of victims, journalists and other activists caught in the climate of insecurity and violence. **Josefina Reyes** was active in protests against violence in the context of organized crime and human rights violations committed by the military, and in August 2009 she participated in a Forum on Militarization and Repression to protest at increasing human rights violations by members of the military. She was killed a few months later in January 2010 by unidentified gunmen in Chihuahua state. Several of her relatives were subsequently killed, including her brother **Rubén Reyes** in August 2010, and sister **Malena Reyes**, brother **Elías Reyes** and sister-in-law **Luisa Ornelas** who were abducted and later found dead in February 2011. Their mother’s house was set on fire by an armed gang that same month after she demanded justice for her family.<sup>125</sup>

### 2.3.3 VIOLENT CRACKDOWN ON PEACEFUL PROTESTS

Participating in public assemblies, protesting peacefully and taking action collectively are important means to fight injustice and demand human rights. Human rights defenders working in this context face a higher level of threat, both as organizers or participants. The practice in many countries reveals persistent patterns of human rights violations against peaceful protesters, including unnecessary and excessive use of force resulting in killings.

Human rights defenders in many parts of **West and Central Africa** operate in a context where dissent is not tolerated. When political power is contested, including during elections and referendums, increased tensions often provide new risks and challenges in which human rights are repressed. Since 2014 to date, Amnesty International has documented the cases of 305 individuals who were unlawfully killed during protests, as well as thousands of others who were injured in protests including in **Nigeria, Guinea, Burkina Faso, Republic of Congo** and **Togo**. An overwhelming majority of the killings were committed by security forces, including the army, who used tear gas, batons and live ammunition to disperse protesters or armoured vehicles to ram their way through the crowds.<sup>126</sup>

In **Ethiopia**, at least 97 people were killed and hundreds more injured in August 2016 when security forces fired live bullets at peaceful protesters across Oromia region and in parts of Amhara where thousands were calling for political reform, justice and the rule of law. The worst bloodshed was in the northern city of Bahir Dar where at least 30 people were killed in one day.<sup>127</sup>

In **Venezuela**, security forces have attempted to prevent peaceful demonstrations from taking place and have used unnecessary and excessive force during protests against the government in 2014 and 2017. Groups of armed civilians – some of them allegedly supported by the government – are also reported to have abused demonstrators. Since new protests erupted, official sources revealed that between April and July 2017 at least 91 people were killed and more than 1,400 injured, including some not involved in protests. The unlawful use of force against the population on a recurrent basis, the creation of state mechanisms dedicated to violently repress dissent, and the repeated discourse of incitement to violence by the government, appear to be part of a policy to silence criticism.<sup>128</sup>

Extrajudicial executions by police are frequent in **Brazil**. Military police forces have unnecessarily and excessively used lethal force for counter-narcotic operations, particularly in *favelas* and other marginalized communities, resulting in the deaths of thousands of people over the past decade. **Edilson Silva dos Santos** was shot and killed in Rio de Janeiro in April 2014 as he peacefully protested at the killing of a local dancer by military police hours earlier.<sup>129</sup>

In **Argentina**, the Indigenous Mapuche community Pu Lof en Resistencia in the department of Cushamen, are involved in a dispute over land rights against the company Compañía de Tierras del Sur Argentino which owns a large portion of Patagonia. The security forces have repeatedly attacked the community in an attempt to stop them from protesting and pursuing their claim. In August 2017, military police entered the Mapuche

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<sup>124</sup> Human Rights Watch, Philippines: Duterte threatens human rights community, 17 August 2017, [www.hrw.org/news/2017/08/17/philippines-duterte-threatens-human-rights-community](http://www.hrw.org/news/2017/08/17/philippines-duterte-threatens-human-rights-community)

<sup>125</sup> Amnesty International, *Home burnt down as family protest* (Index: AMR 41/006/2011)

<sup>126</sup> Amnesty International, *Shut down for speaking out: Human rights defenders at risk in West and Central Africa* (Index: ACT 30/6170/2017)

<sup>127</sup> Amnesty International, Ethiopia: Dozens killed as police use excessive force against peaceful protesters (Press release, 8 August 2016)

<sup>128</sup> Amnesty International, Venezuela: Lethal violence, a state policy to strangle dissent (Press release, 10 July 2017)

<sup>129</sup> Amnesty International, Brazil: ‘You killed my son’: Homicides by military police in the city of Rio de Janeiro (Index: AMR 19/2068/2015)

territory and reportedly fired live ammunition and rubber bullets, and burned many families' possessions. **Santiago Maldonado**, an activist who had arrived the day before to support the community's claim, went missing during the operation.<sup>130</sup> In October, his body was found nearby – an investigation is ongoing.<sup>131</sup>

When peaceful protesters are not protected from violence and are instead met with unlawful use of force, this sends a chilling message to others and is a particular warning to human rights defenders who use peaceful assemblies to support their human rights claims.

## 2.4 TREATMENT OF HUMAN RIGHTS DEFENDERS IN CUSTODY

In some countries, human rights defenders who are arbitrarily detained experience additional patterns of punitive treatment in reprisal for their work. These include denial of medical care which can lead to death, and denial of contact with the outside world, which can amount to enforced disappearance. State authorities have an obligation to ensure the wellbeing of all detainees: the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) state that “all prisoners shall be treated with the respect due to their inherent dignity and value as human beings” (rule 1). In particular, “prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination” (rule 24); “prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals” (rule 58); and “prisoners shall be provided with adequate opportunity, time and facilities to be visited by and to communicate and consult with a legal adviser of their own choice or a legal aid provider, without delay, interception or censorship and in full confidentiality.” (rule 61).<sup>132</sup>

Human rights defender **Nuriddin Dzhumaniazov** died in prison in **Uzbekistan** in December 2016; his death was made public only six months later. He had founded the “Mazlum” Human Rights Centre and helped set up the Union of Independent Trade Unions to Support Labour Migrants. He was arrested in January 2014 and falsely accused of trafficking people along with his colleague **Fakhriddin Tillayev**. They were sentenced to lengthy prison sentences after an unfair trial. Nuriddin Dzhumaniazov suffered from severe diabetes and asked his lawyer, **Polina Braunerger**, for medicines in April 2014. When she tried to deliver them she was told that he was being transferred to a prison hospital facility but the authorities refused to let her know his precise whereabouts. She later received anonymous death threats as she filed complaints.<sup>133</sup> Polina Braunerger, a well-known human rights lawyer in Uzbekistan who had been under intense pressure due to her work on this case, died of a stroke in May 2017. She had been denied permission to travel abroad to seek medical treatment and was threatened with arrest when she complained.<sup>134</sup>

**Abdurasul Khudainazarov**, another human rights defender in **Uzbekistan**, died in June 2014, three weeks after being released from prison on medical grounds as he had advanced terminal cancer, lymphoma and tuberculosis. While in detention, he was tortured and ill-treated. His family also reported that over a period of eight years, prison officials repeatedly denied him necessary medical treatment for his cancer and other serious medical problems despite numerous requests and clear indications that his health was severely deteriorating. Before his arrest, he chaired the human rights group Ezgulik and was known for his work combating corruption among the police and security services. He was arrested in July 2005 during a crackdown following a mass killing in the city of Andijan, where security forces shot and killed hundreds of mainly peaceful protesters. He was sentenced to over nine years in prison on charges of extortion and fraud; this was widely seen as unfair and in retaliation for his anti-corruption work.<sup>135</sup>

In **China** denial of medical care for human rights defenders is common in order to weaken or punish them and is part of a wider pattern of ill-treatment of such detainees. The Nobel Peace Laureate, writer and human rights defender **Liu Xiaobo** was transferred to a hospital only weeks before he died of liver cancer in

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<sup>130</sup> Amnesty International, *Argentina: Forced disappearance in Mapuche community - Santiago Maldonado* (Index: AMR 13/6907/2017)

<sup>131</sup> Amnesty International, *Argentina: Authorities must guarantee justice for Santiago Maldonado* (Press release, 20 October 2017)

<sup>132</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), 8 January 2016, UN Doc. A/RES/70/175

<sup>133</sup> Association for Human Rights in Central Asia, *Uzbekistan: 68-year old human rights defender Nuraddin Jumaniazov dies in detention*, 20 June 2017, [www.ahrca.eu/uzbekistan/defenders/958-uzbekistan-68-year-old-human-rights-defender-nuraddin-jumaniazov-dies-in-detention](http://ahrca.eu/uzbekistan/defenders/958-uzbekistan-68-year-old-human-rights-defender-nuraddin-jumaniazov-dies-in-detention)

<sup>134</sup> Association for Human Rights in Central Asia, *The Uzbekistani authorities should accept responsibility for the death of Uzbek lawyer Polina Braunerger*, 19 May 2017, <http://ahrca.eu/uzbekistan/defenders/923-the-uzbekistani-authorities-should-accept-responsibility-for-the-death-of-uzbek-lawyer-polina-braunerger>

<sup>135</sup> Amnesty International, *Amnesty International Report 2014/2015*, Index: POL 10/0001/2015); Human Rights Watch, *Uzbekistan: Critically ill activist freed*, 5 June 2014, [www.hrw.org/news/2014/06/05/uzbekistan-critically-ill-activist-freed](http://www.hrw.org/news/2014/06/05/uzbekistan-critically-ill-activist-freed)



July 2017. He was not allowed to seek medical treatment abroad and remained under heavy surveillance at the hospital. He had been sentenced in 2009 to 11 years' imprisonment on charges of "inciting subversion of state power", after he co-signed a call for political reform in China, known as Charter 08. Liu Xiaobo had been previously detained for his role in the 1989 Tiananmen Square protests and in 1996 after challenging China's policies on Tibet. After he won the Nobel Peace Prize in 2010, the Chinese authorities systematically harassed and intimidated Liu Xiaobo's family and supporters.

**Cao Shunli**, a woman human rights defender in **China**, died from organ failure in March 2014 at a Beijing hospital after five months in detention. She suffered from tuberculosis, cirrhosis of the liver and uterine fibroids, and repeated requests by her family that she receive medical treatment had been denied. Cao Shunli was arbitrarily detained in September 2013 as she attempted to travel to Geneva to attend a human rights training programme. She faced charges of "picking quarrels and making trouble", believed to be for organizing a sit-in protest along with other campaigners outside China's Ministry of Foreign Affairs. Her family were not allowed to see her body and medical records.<sup>136</sup>

**Huang Qi**, co-founder of 64tianwang.org, one of the few websites in **China** to document and report on complaints of human rights abuses, has been detained since November 2016. A month later he was formally charged for "leaking state secrets". He was only allowed to meet his lawyer for the first time in July 2017, when he reported that he was ill-treated in detention. Huang Qi has lost 10kg since he was detained and suffers from kidney disease, hydrocephalus and other heart and lung conditions. Huang Qi was given medicine for his illness although it's unclear whether he has received adequate medical treatment.<sup>137</sup>

**Arash Sadeghi** has been jailed in **Iran** since June 2016, serving two separate prison terms totalling 19 years. He is being punished for defending human rights, including communicating with Amnesty International and campaigning against the death penalty. Arash Sadeghi is critically ill following a prolonged hunger strike he ended in January 2017. He is suffering from digestive complications and respiratory problems, reduced kidney function, chronic nausea, arrhythmia and asthma, and cannot eat solid food due to a stomach ulcer. He requires long-term hospitalization to receive specialist treatment for his health problems, which were caused by his prolonged hunger strike and exacerbated by ongoing lack of adequate medical care. Despite his urgent need, the Iranian authorities are refusing to authorize Arash Sadeghi's transfer from prison to hospital. The deliberate denial of access to adequate medical care in these circumstances amounts to torture and is putting his life at risk.<sup>138</sup>

In **Azerbaijan**, activist and blogger **Mehman Qalandarov** was found hanged in his prison cell in April 2017. He had been arrested in February 2017, shortly after he had posted a status on his Facebook page in support of two activists imprisoned for spraying political slogans on the monument of the President's father, Heydar Aliyev. He was charged with drug possession and remanded in pre-trial detention. Those who criticize the Azerbaijani government suffer retaliation by being routinely arrested, often with false drug charges. According to an official statement by the authorities, Mehman Qalandarov hanged himself around midday, using a piece of cloth while his cellmate was asleep. This version was viewed with scepticism by a local human rights defender who had previously served more than a year in the same detention centre and commented: "It is impossible to hang oneself in those cells." Human rights defenders have also alleged that Mehman Qalandarov was subjected to torture to make him "confess" and that the authorities buried his body secretly to hide the evidence.<sup>139</sup>

Award-winning human rights defender and blogger **Ahmed Mansoor** has been arbitrarily detained in Abu Dhabi since being arrested at his home in March 2017 in the **United Arab Emirates (UAE)**. He was held at an undisclosed location for a further two weeks. In what could amount to enforced disappearance, after a short supervised visit with his family in April, he has since been held in solitary confinement and has not had access to a lawyer or his family. According to UAE's official news agency, Ahmed Mansoor is accused of using social media websites to "publish false information and rumours", "promote [a] sectarian and hate-incited agenda", and "publish false and misleading information that harm national unity and social harmony and damage the country's reputation". In March 2017, several UN human rights experts issued a statement condemning Ahmed Mansoor's detention and calling for his immediate release as they regarded his arrest "as a direct attack on the legitimate work of human rights defenders in the UAE".<sup>140</sup>

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<sup>136</sup> Amnesty International, China: Fear of cover-up as Cao Shunli's body goes missing (Press release, 26 March 2014) and Amnesty International, China: Authorities have 'blood on their hands' after activist's death (Press release, 14 March 2014)

<sup>137</sup> Amnesty International, *China: Further information – website founder ill-treated in detention* (Index: ASA 17/6938/2017)

<sup>138</sup> Amnesty International, *Caught in a web of repression: Iran's human rights defenders under attack* (Index: MDE 13/6446/2017)

<sup>139</sup> Amnesty International, *Azerbaijan must protect the right to life and effectively investigate deaths in custody* (Index: EUR 55/6225/2017)

<sup>140</sup> Amnesty International, *UAE: Free prominent rights defender Ahmed Mansoor held on speech-related charges* (Index: MDE 25/6094/2017)

**Dong Samuel Luak**, a South Sudanese lawyer and human rights activist, went missing in Nairobi, **Kenya**, in January 2017. **Aggrey Idri**, a member of the Sudan People's Liberation Movement-In Opposition, also went missing from Nairobi a day later. Although South Sudanese and Kenyan officials denied having them in their custody and did not provide any information about their whereabouts, credible sources indicated that the two men had been detained by Kenyan authorities and taken to a prison facility in Juba, **South Sudan**. The fate and whereabouts of both men are currently unknown. Dong Samuel Luak is a registered refugee and his deportation to South Sudan puts his life at risk, in violation of the Refugee Convention. Both Dong Samuel Luak and Aggrey Idri were vocal critics of the South Sudanese government. It is widely believed that South Sudanese and Kenyan security agencies were involved in what amount to enforced disappearances.<sup>141</sup>

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<sup>141</sup> Amnesty International, *Fate and whereabouts of two men unknown* (Index: AFR 65/6298/2017)

# 3. THE LASTING IMPACT OF KILLINGS AND ENFORCED DISAPPEARANCES

Attacks on the lives of human rights defenders send a ripple effect expanding outwards to friends and family, colleagues, other human rights defenders and society at large. Those most closely linked to the victim are deeply traumatized and may struggle with practical difficulties. A sense of fear and despair seeps into other human rights defenders and to a certain degree entire communities. As fellow human rights defenders are intimidated and inhibited from carrying out their work through fear of retaliation, individuals and communities whose rights are being violated find themselves voiceless and defenceless. This is further exacerbated if those who perpetrate attacks against human rights defenders are not held accountable, creating a cycle of violence and impunity that puts others at increased levels of risk.

At the same time, indignation and an irrepressible desire to seek justice and truth is also a common experience among families and fellow human rights defenders. They call for protection from further attacks, but also for justice and adequate reparations for the harm suffered, and prompt changes to ensure a safe and enabling environment for all human rights defenders.

## 3.1 IMPACT ON FAMILY AND FRIENDS

Family and friends of killed human rights defenders are the first to be impacted, due to trauma from the loss and the practical difficulties they inevitably endure, including financial hardship, the associated stigma and the fear of being the next target. These emotions can last for a lifetime.

The trauma of a loved one's death is painfully told by **Türkan Elçi**, wife of **Turkish** human rights lawyer **Tahir Elçi** who was killed in 2015. Türkan Elçi wrote about her sensations one year later: "I remember thinking at the time that this was all a dream: that I would wake up beside Tahir as the dawn light crept through the curtains and I would tell him about it... This trick of the mind – the illusion that his death was just a dream - lasted three days... After the dream state lifted, the pain of Tahir's death sunk in like the winter cold, chilling me to my bones... It is like pressing a finger into a painful wound: a wound that is still raw and elicits a scream of pain just as intense one year on."<sup>142</sup> Shortly after Tahir's death, a police officer tweeted to Türkan "You are next". To date the investigation into his death has still not been concluded. During a commemoration of Tahir's death, Türkan commented: "We can say that the fact that the murder hasn't been claimed shows how the killers became afraid in the face of Tahir's purity, innocence and bravery."<sup>143</sup>

<sup>142</sup> Amnesty International, *Awakening from the winter sleep – a year on from Tahir Elçi's murder*, by Türkan Elçi (Blog, 28 November 2016).

<sup>143</sup> Hurriyet Daily News, *Slain Diyarbakır bar head Elçi remembered on anniversary of murder*, 28 November 2016,

The experience of **Esther Kiobel** at the time of the military dictatorship in **Nigeria** is one that still carries consequences. Her husband **Barinem Kiobel**, a government official and Ogoni man, was sentenced to death following a sham trial and executed in 1995 along with eight activists with the Movement for the Survival of the Ogoni People (MOSOP). They included writer and environmentalist **Ken Saro-Wiwa**. The men paid with their lives for leading a non-violent campaign against the pollution created by oil companies, particularly Shell, in the Niger Delta. Although not a MOSOP activist, Barinem Kiobel had also raised concerns on this issue. Esther was directly affected by the arrest and execution of her husband, and was highly stigmatized in her community. She lost her catering job because, she says, “everyone saw me as the wife of a killer”. With four children, and without an income, life got a lot harder. Nevertheless, she forced herself to “go ahead and fight”. When she first tried to visit Barinem in jail, she was assaulted by the commanding officer guarding her husband. In the wake of Barinem’s execution, she struggled financially and was warned she should leave Nigeria for her and her children’s safety. She became a refugee in Benin and was eventually granted asylum in the USA. Now, 22 years later, she cannot let go of what happened to her family: “Almost every day in my bedroom, I remember and cry. But then I build up myself and decide to be strong,” she says. Knowing she could not get justice in her home country, Esther Kiobel has been attempting for years to sue Shell, the company she holds responsible for the death of her husband, in the USA courts and now in the Netherlands. She is adamant that Barinem’s name must be cleared. “His name is in history as a criminal,” she says, but “he’s not. He was a good man, good father, good husband, good brother. I want his name declared innocent.”<sup>144</sup>

**Suciwati** is an **Indonesian** human rights defender, married to **Munir Said Thalib**, killed in 2004. “The impact [of his death] was devastating to many of his friends, especially the family. He was our breadwinner and the head of the family”, she told Amnesty International. Soon after Munir’s death, Suciwati received threats, including a package containing a dead chicken’s head with a note saying, “Don’t you dare to involve the TNI [army] or you’ll suffer the same fate as this.” Identical packages were delivered to other organizations advocating for justice in Munir’s case. In 2008, police officers came to her children’s school and asked questions. “Of course it intimidated us... There were also phone calls from anonymous people asking about Munir’s case, especially when it had media coverage,” she says. She also felt the weight of stigma and insults, as she was accused of being an attention-seeker, power-thirsty and “gaining fortune from the dead”. She says, “a widow like me has a bad image in Indonesia, but I always say to the media ‘call me Suciwati the wife of Munir, not the widow of Munir’, because I never want to become a widow and he was forcefully taken away from me.”<sup>145</sup>

**Pascal Kabungulu**, Secretary General of human rights organization *Héritiers de la Justice* was shot dead in front of his family in 2005 in Bukavu, eastern **Democratic Republic of the Congo**. The current Executive Secretary of the organization, **Gérard Kwigwasa**, told Amnesty International: “After Pascal’s assassination, his family were intimidated and forced to flee the country and went to Uganda, since they were not safe in Congo anymore. Once the family left the country, the threats and intimidations were directed to professionals linked with Pascal and his case. For example, the lawyers who were working on Pascal’s case started to receive threats and, as a consequence, human rights defenders were worried. In addition, some journalists were suspended because they could speak out about the truth and the human rights violations widespread in Congo.”<sup>146</sup> His wife, **Deborah Kitumaini**, now living in Canada with her children, knew of the dangers of working on human rights but explained that “this doesn’t prevent the fear, the sadness, or the post-traumatic stress that we endured, even if the intensity of these feelings diminishes slightly with time. Ten years later, this event is just as much a part of our lives: my heart still beats faster at the sight of police and military uniforms, and we still have not felt comfortable to travel outside of Canada.” Before Pascal was murdered she was also threatened repeatedly in attempts to intimidate him: security officers “would come knocking on our doors”. After his death “armed men in uniforms came to my workplace looking for me, and wandered around our home while the kids and I were alone”.<sup>147</sup> Deborah had to flee the country, leaving almost everything behind.

Asked about the impact of the killing of **Argentinian** human rights defender **Sandra Cabrera** in the city of Rosario in 2004, her colleague and friend **Elena Eva Reynaga**, executive secretary of the Sex Workers Network of Latin America and the Caribbean (Red de Mujeres Trabajadoras Sexuales de Latinoamérica y el Caribe, RedTraSex), told Amnesty International that her friend’s killing “cost her years of therapy”.<sup>148</sup> Elena

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[www.hurriyetdailynews.com/slain-diyarbakir-bar-head-elci-remembered-on-anniversary-of-murder.aspx?pageID=238&nid=106646](http://www.hurriyetdailynews.com/slain-diyarbakir-bar-head-elci-remembered-on-anniversary-of-murder.aspx?pageID=238&nid=106646)

<sup>144</sup> Amnesty International, One woman vs Shell (Story, June 2017), [www.amnesty.org/en/latest/campaigns/2017/06/one-nigerian-widow-vs-shell/](http://www.amnesty.org/en/latest/campaigns/2017/06/one-nigerian-widow-vs-shell/)

<sup>145</sup> Interview with Suciwati, July 2017.

<sup>146</sup> Interview with Gérard Kwigwasa, Executive Secretary of *Héritiers de la Justice*, July 2017

<sup>147</sup> Canadian Centre for International Justice, DRC: ‘I am filing a complaint in the memory of my husband, Pascal Kabungulu’, 2016, [www.cciij.ca/cases/kabungulu/](http://www.cciij.ca/cases/kabungulu/)

<sup>148</sup> Interview with Elena Reynaga, executive secretary of the Red de Mujeres Trabajadoras Sexuales de Latinoamérica y el Caribe (RedTraSex), July 2017

and her colleagues miss Sandra a great deal: “We had the same temperament, you need a lot of character to stand up to police.” Elena herself has been threatened repeatedly and admits that “you need to be a little crazy to continue with defending human rights”. In the aftermath of Sandra’s killing, Elena feels that she and other defenders of the rights of sex workers received little support from the authorities. In such a climate of fear of retaliation, local activists in Rosario were forced to stop working.

**Gustavo Castro Soto**, friend and sole witness to **Berta Cáceres’** 2016 murder, is a Mexican human rights defender who has had to deal with constant intimidation and threats. He narrowly survived the night of the attack: “When the hitman arrived, I covered my face. He was three metres away. I moved as he fired, and the bullet passed my ear. He thought he’d killed me. It’s a miracle I survived.” The killing of his friend was only the beginning of Gustavo’s ordeal. Despite the danger he found himself in as a witness, the Honduran authorities failed to offer him adequate protection. He was prevented from leaving the country for a month and effectively treated as a suspect in the case. “After a month, the judge in charge of the case suspended my lawyer. They violated all my rights. I was very scared every day. I thought that something could happen to me at any time. I felt like a scapegoat.”<sup>149</sup>

Over a year after Berta Cáceres’ death, the prosecution of those responsible has made only slow progress and inadequate measures are in place to effectively protect other human rights defenders at risk. Berta’s death has been devastating to her family and also to COPINH. “They didn’t just want to kill her, they wanted to decapitate the organization, make it disappear... But they were mistaken” says her daughter **Bertha Zúniga**, who left her studies to participate full-time in COPINH’s work.<sup>150</sup> She says that the death of her mother has been a massive challenge but also that “we were sort of prepared that it might happen, we were backed up by our experience in organizing and knowing we weren’t alone. Since I was little my mum brought me along to all the trainings and organizing initiatives of COPINH, so I grew up with the movement, it was the best school that I could ever get... I’m just one of many young defenders involved with COPINH.” She also believes in the importance of solidarity and of “working as collectives, not as individuals”, and that “our strength stems from our dignity. We’re not victims, but empowered actors, who in the most difficult moments step up to take up the fight”.<sup>151</sup>

**Leonardo Díaz**, a human rights defender with Colombian NGO “Somos Defensores” (“We are defenders”), commented that as well as the emotional and practical difficulties, killings of human rights defenders can also engender “a process of social stigmatization towards family members, which can lead to the loss of identity of the family unit, especially when the killing is due to activities related to the defence of human rights. In addition, families are re-victimized when the state delegitimizes defenders by saying that the death of the defender is not linked to their human rights activities. This is an attempt to de-politicize the work of human rights defenders and diminish the responsibility of the state to protect their lives.”<sup>152</sup>

Families and friends of victims of **enforced disappearance** also experience profound emotions. The unique feature of enforced disappearance is the ongoing and prolonged uncertainty about the fate and whereabouts of loved ones, which can lead to continuous anguish and make it difficult for family and friends to process the pain and start to recover. This uncertainty also has practical effects, especially in those countries where the legislation does not protect relatives of the disappeared. This might include financial, administrative and legal difficulties for relatives (for example, access to benefits or inheritance) or even access to justice if the justice system requires proof of death to start an investigation or prosecution.<sup>153</sup>

Relatives and friends of **Syrian** human rights defender **Bassel Khartabil**, detained in 2012 and forcibly disappeared in October 2015, had to endure years of uncertainty about his fate and whereabouts – his death was only made public in 2017. Before finding out about his fate, a person close to Bassel told Amnesty International: “I feel extreme fear of the unknown... I feel a constant state of anxiety and confusion. Where am I? What am I doing? Am I waiting or not? Is he there or not? But I try to live my life as if Bassel is still there... My feelings fluctuate. Sometimes I feel that Bassel is alive, other times I feel that he is not.

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<sup>149</sup> Amnesty International, Sole witness to Berta Cáceres’ murder: ‘It was clear she was going to get killed’ (News story, 6 May 2016)

<sup>150</sup> *New York Times*, ‘Los herederos de Berta Cáceres’ by Joseph Zárate, 2 July 2017, [www.nytimes.com/es/2017/07/02/los-herederos-de-bertha-caceres/](http://www.nytimes.com/es/2017/07/02/los-herederos-de-bertha-caceres/)

<sup>151</sup> Bertha Zuniga, interview with Amnesty International, April 2017

<sup>152</sup> Interview with Leonardo Díaz, protection and education co-ordinator with Somos Defensores, August 2017.

<sup>153</sup> As recognized in the 2006 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), an enforced disappearance is a “continuing crime”, which takes place so long as the disappeared person remains missing and information about their fate or whereabouts has not been provided by the state. The ICPPED also defines victims as “any individual who has suffered harm as the direct result of an enforced disappearance” [Article 24(1)] and codifies the right of each victim to know “the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person” including measures “to search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains” [Article 24(3)].

Sometimes I feel that he will return. Sometimes I feel that I communicate with him spiritually, and feel what he is doing right now... With time, I feel that Bassel, the activist and the detainee, means more to me than Bassel as a close person to me. His case is bigger than my personal attachment to him.”<sup>154</sup>

**Raneem Ma'touq**, daughter of **Syrian** lawyer **Khalil Ma'touq**, described how she was affected by her father's enforced disappearance: “He left a huge hole in our lives... It is like hell living without him. He always defended my freedoms and raised me to be a strong, independent woman, but suddenly, without his protection, I was facing a hostile community.” Raneem was herself forcibly disappeared for two months in 2014 and tortured.<sup>155</sup> A close friend spoke about the effect of Khalil's enforced disappearance: “It left me terrified for my family's safety and my own safety... I became very careful about my movements, the people I spoke to, and what I spoke about. All of his friends were impacted by this... For us, watching our friends disappear, it feels like a grand strategy by the government to terrorize the people of Syria.”<sup>156</sup>

For **Pinnapha Preuksapan**, wife of **Thai** human rights defender **Pholachi Rakchongcharoen**, known as Billy, his enforced disappearance turned her world upside down. “After Billy was gone, I immediately became another person. Life has been difficult, I have to do everything possible to take care of five children and elderly parents,” she said.<sup>157</sup> Pinnapha has been fighting to clarify Billy's fate and whereabouts and campaigned to raise awareness against enforced disappearance. “Many people told me to stop and stay away from [park officials]. I could be killed. Some said if I wasn't a woman, they might have killed me. But I will keep doing it. Do everything the law allows me to do until the lawsuit ends,” she said.<sup>158</sup> In 2015, an Appeals Court dismissed Pinnapha's request for a judicial inquiry into the whereabouts of her husband, and in 2017 the Department of Special Investigations decided not to investigate the case. Similarly, in the case of **Somchai Neelapaijit**, a human rights lawyer forcibly disappeared in 2004, the Supreme Court ruled in December 2015 that in the absence of proof of his death, his family may not act on his behalf nor on appeal judgments made in relation to crimes against him.<sup>159</sup> Both cases are representative of scores of unresolved disappearances in Thailand submitted to the UN Working Group on Enforced and Involuntary Disappearance since 1980. Families and civil society groups have struggled to obtain truth and justice amid adversity, harassment and legal obstacles in the absence of domestic legislation concerning enforced disappearances and torture.<sup>160</sup>

## 3.2 IMPACT ON OTHER HUMAN RIGHTS DEFENDERS AND CIVIL SOCIETY

Fellow human rights defenders and civil society organizations may also experience trauma and fear of retaliation if they continue defending human rights. They may have to hide or flee, or stop their work on sensitive issues, and may also face capacity and organizational difficulties.

In the aftermath of the killing of three people attending a Planned Parenthood clinic in Colorado, **USA**, in December 2015, **Julie Burkhart**, a women's health care provider and colleague of **Dr George Tiller** who was killed in 2009, explained how she and other health care providers suffer continuous threats. She has also explained how she feels “troubled by unchecked language that is used to demonize those who work in abortion care and to ostracize those who wish to utilize abortion services. Too often, acts of violence and harassment go hand-in-hand with this type of language. The story of [Dr Tiller's] murder began well before that day. The anti-choice community had been pursuing Dr Tiller for years, using sensationalized language in order to demonize him. Staff members from his clinic also faced intense intimidation tactics at work and at their homes, in endless attempts to shame them out of their jobs.”<sup>161</sup>

**Biel Boutros**, a human rights defender and friend of **Isaiah Abraham**, a journalist and critic of **South Sudan's** government who was repeatedly threatened and then killed in December 2012, told Amnesty International

<sup>154</sup> For security reasons, the details have been anonymized. Interview in early 2017.

<sup>155</sup> Amnesty International, *Between prison and the grave: enforced disappearances in Syria* (Index: MDE 24/2579/2015)

<sup>156</sup> Amnesty International, *Between prison and the grave: enforced disappearances in Syria* (Index: MDE 24/2579/2015)

<sup>157</sup> Benar News, Thailand: Wives of 3 Missing Men Discuss Their Grief, 19 December 2016, [www.benarnews.org/english/news/thai/forced-disappearance-12192016162703.html](http://www.benarnews.org/english/news/thai/forced-disappearance-12192016162703.html)

<sup>158</sup> IPHRD Network, Thailand: May 'love last forever': a talk with the love of a missing Karen activist, 18 April 2017, <http://iphrddefenders.net/thailand-may-love-last-forever-talk-love-missing-karen-activist/>

<sup>159</sup> Amnesty International, *Thailand: Sad Day for Justice as Police Officers Acquitted and Family Denied Right of Co-plaintiff in the Enforced Disappearance of Leading Human Rights Defender* (Index: ASA 39/3132/2015)

<sup>160</sup> Amnesty International, *Thailand: Treaty ratification must be followed by domestic action to combat enforced disappearances* (Index ASA 39/5862/2017).

<sup>161</sup> *Time* magazine, Dr George Tiller Co-Worker: Planned Parenthood Shooting Is a Scary Reminder, by Julie A. Burkhart, 1 December 2015, <http://time.com/4131603/planned-parenthood-reminder/>

how he reacted to the attack by starting a campaign: “We first started soon after his death with press statements condemning his assassination; we wrote to the Minister of Justice, we wrote to President Kiir. For years, we issued a press statement for the trial of those the state alleged had been apprehended due to his assassination but nothing materialized. The state lied to all of us and nobody to date has been held accountable.” Biel had to flee South Sudan in December 2013 for his safety because “with my other work in defence of human rights coupled with this demand of justice for our brother Isaiah Abraham, I became a target. As of now, some of my colleagues in civil society and I are on the run because the state wants to eliminate us. They now level a lot of accusations against us including being rebel supporters, agents against state policies, and accuse us of being agents of western states. My family and I are at risk and we have been in hiding for the past year.”

Biel refuses to give up and says: “We are trying to carry on with our work despite the risks because silence would mean we lose and the state wins the battle. I know we are dealing with a state which is resourced and powerful but the spirit in us makes us strong because the example Isaiah Abraham has left us with is something we cannot betray.” He says that as a result of the impunity: “Today in South Sudan, attacks on human rights defenders are no longer done in secret, if you have said or written something against human rights violations, the security agents come for you, and they have even gone as far as cracking down on defenders in exile. Impunity has clearly become a state sanctioned matter.”<sup>162</sup>

**Nonhle Mbuthuma** founder of Amadiba Crisis Committee, an organization fighting opencast mining of titanium and other heavy minerals on communal land in Xolobeni, **South Africa**, says the 2016 killing of her colleague and friend **Sikhosiphi “Bazooka” Rhadebe** “was a huge loss for everyone and we are devastated as a Committee but also as friends... The struggle is to continue to work and also to speak out. When we are speaking out about human rights violations we know that ‘they are looking at us’. For this reason, human rights defenders can be afraid of speaking out... In addition, as a woman human rights activist, you are always thinking about your children and I know it is difficult, but you have to speak out and fight for injustice. I would rather be killed by a gun than be killed by silence. I hope that women activists will increase and will be braver to speak out about human rights violations.” She said that the impunity in Sikhosiphi Rhadebe’s case had led to many attacks on people in her community and “people who could potentially put the government in a bad light... are attacked and their work is undermined. The community suffer a lot of intimidation but even when they report it to the police, the government does nothing. The government just does not care about human rights, it just cares about money.”<sup>163</sup>

Writing about the 2016 killing of **Xulhaz Mannan** and **Mahbub Rabbi Tonoy, Ta\***<sup>164</sup>, an activist for the rights of lesbian, gay, bisexual, transgender and intersex people (LGBTI),<sup>165</sup> says that the LGBTI community in **Bangladesh** has been scared into silence and into hiding. “Since I heard this description [of the killing] from another friend, a dark and ugly animal called ‘fear’ with sharp shiny claws has been sitting on my torso permanently,” he says. Due to the climate of fear, impunity and threats, “in the past year, we have had to move from place to place – from creepy hotels to unknown apartments, to mutual friends or to another country... To me, the definition of home and homeland has changed much over the past 12 months – I have started feeling as though I don’t have a home anymore.” He felt he could not ask the police for protection, as LGBTI people in Bangladesh are often harassed by them and he feared he could be detained as part of the “investigation”. He fears the attacks may have destroyed any LGBTI activism for good: “We LGBTI activists have lived with threats for a long time, but these became more sinister after the murders... In one year, fear made many of my friends leave their homeland, probably for the rest of their lives.”

The effect of the attacks has been to cease the activities of the LGBTI groups in Bangladesh completely, setting back progress by several years. No one has been arrested in connection with the murders. The absence of concern on the part of the authorities was underlined by the Home Minister, who commented that “[o]ur society does not allow any movement that promotes unnatural sex” after an extremist group claimed responsibility for the killings. For Ta, this gave a signal that “just like in the cases of the secular bloggers who have been killed since 2013, government officials seemed to imply that we had brought our situation on ourselves”. In order to avoid attacks, Ta has had to self-censor and remove all his activities from social media.

In the aftermath of the killing of **Munir Said Thalib** in **Indonesia**, **Usman Hamid**, one of his colleagues at KontraS, recalls that “there was a climate of fear felt by many human rights defenders in the country on the ground that if the state agent could kill Munir, who was very famous at the time, it meant no

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<sup>162</sup> Interview with Biel Boutros, Executive Director of the South Sudan Human Rights Society for Advocacy (SSHURSA), July 2017

<sup>163</sup> Interview with Nonhle Mbuthuma, founder of Amadiba Crisis Committee, July 2017

<sup>164</sup> \*Ta is a pseudonym – the name has been changed to protect the author

<sup>165</sup> Amnesty International, One year after the murders of Xulhaz Mannan and Mahbub Rabbi Tonoy, by Ta\*, an LGBT activist in Bangladesh (Blog, 25 April 2017)

single human rights defender could be safe”. According to Usman Hamid, advocacy efforts to get justice in the case led to a smear campaign: “Some organizations close to the security forces accused Indonesia’s human rights NGOs, including Munir, as ‘traitors’ for receiving funds from foreign agencies and exposing human rights violations. This campaign was designed to ‘justify’ that the murder of Munir was necessary to protect the national security.”<sup>166</sup> In an apparent attempt to silence further campaigning, Usman himself was twice named as a suspect of criminal defamation, which in Indonesia carries a penalty of up to five years’ imprisonment.

**Natalia Estemirova’s** murder in 2009 had a deeply chilling effect on civil society in **Chechnya**. Shortly after her death, the Memorial human rights centre in the Chechen capital Grozny suspended its work. Her sister **Svetlana Estemirova** reflected that “you must be a superhero to do this kind of work in present-day Chechnya. People live there in fear... Many Memorial staff left Chechnya with their families due to the threats they received.”<sup>167</sup> Human rights activists in Chechnya and elsewhere in Russia see this event as a watershed – they describe the human rights situation in Chechnya as “before” and “after” Natalia Estemirova’s murder. They point to how the situation has changed for the worse, with many defenders having to flee the country and those who stay being subjected to pressure, intimidation and smears.

In this climate, the human rights organization Joint Mobile Group for Chechnya (JMG) suffered several attacks which happened against a backdrop of increasingly hostile rhetoric promoted by the authorities. In December 2014, the JMG offices suffered an arson attack after a public demonstration with banners labelling them “supporters of terrorism”. In June 2015, people wearing masks forced their way into the office. The police failed to respond to repeated calls by human rights defenders asking them to intervene as the mob ransacked the premises. The day before, the authorities had announced a meeting to protest a “propaganda war against Chechnya and Russia” by human rights defenders and independent media which shortly beforehand had published allegations about severe corruption and nepotism.<sup>168</sup>

The killing of Natalia Estemirova also affected other victims of human rights violations. **Tanya Lokshina**, a fellow human rights defender in Russia, says that Natalia knew about the danger she faced but continued her work because she knew she could make a real difference for people. However, when Tanya tried to document human rights violations with relatives of victims after Natalia died in 2009, people would say: “Get away from us, you will only bring trouble, you couldn’t even protect Natalia, so how do you think you are going to help us?”<sup>169</sup>

Attacks on defenders also deeply affect the organizational capability of the human rights groups they worked with. **Leonardo Díaz** from the Colombian organization Somos Defensores observes that killings not only represent a threat against other defenders, but also have a detrimental impact on the work of organizations. They are often forced to expend a large part of their energies on “seeking protection [from further attacks] and neglecting [other key work], thus fulfilling the intentions of the perpetrators”.<sup>170</sup>

### 3.3 TRANSFORMING DESPAIR TO BRING ABOUT CHANGE

The cases and testimonies above illustrate starkly the deep and devastating impact of killings and enforced disappearances on loved ones and colleagues, as well as for other dissenting voices in society. Yet sometimes, these events also produce other effects, spurring both experienced and new human rights defenders to indignation and the desire to repair the damage, achieve justice and truth, and bring about real and lasting change.

**Wamaitha Kimani**, who works at the International Justice Mission, is a former colleague of human rights lawyer **Willie Kimani**, killed in **Kenya** in 2016. She said that she is often reminded of Willie’s legacy by the victims of abuses he helped through the years across the country. At his funeral in Nairobi, a man came all the way from the Rift Valley some 800kms away to pay his respects and to thank Willie Kimani for being a “resourceful and professional lawyer, one of the few to treat him with respect and graciousness”. This was echoed by a popular campaign launched after his death, which was accompanied by “Machozi Ya Jana” [Tears for yesterday], a pop song produced by Kenyan singer Juliani. According to Wamaitha, Willie’s death led to “a re-awakening of courage. Our response was that we need to do more... we’re now investing even

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<sup>166</sup> Interview with Usman Hamid, Director of Amnesty International Indonesia, August 2017

<sup>167</sup> Interview with Svetlana Estemirova, August 2017

<sup>168</sup> Joint Statement by Human Rights Watch, Amnesty International and Front Line Defenders, *Russia: Attack on rights group in Chechnya. Investigate mob violence; protect activists*, (Index: EUR 46/1804/2015)

<sup>169</sup> Interview with Tanya Lokshina, Human Rights Watch researcher, September 2017

<sup>170</sup> Interview with Leonardo Díaz, protection and education co-ordinator with Somos Defensores, August 2017



more in the work he was a part of, taking more cases of police accountability.” The campaign is thus helping bring more cases of police abuses into the open, helping to overcome the victims’ fear of retaliation and lack of support. As part of the campaign, a coalition of 17 organizations is now reaching out to isolated communities which experience some of the worst police abuses. Wamaita is hopeful about the renewed drive: “We spoke to families and victims about the support available, but also to grassroots human rights defenders, to help them at community level, and the families who experience intimidation as a result of abuses.” And as more people speak up, she hopes this will reach “a tipping point in police accountability, with real, lasting transformation”.<sup>171</sup>

For **Biel Boutros**, although abuses continue to take place in South Sudan, **Isaiah Abraham’s** killing “exposed the decayed state and incompetent security agents who are loyal to personalities rather than serving the citizens of South Sudan. Isaiah’s courage to the end of his life remains an inspiration to all of us and is what keeps us moving. I personally refused to remain silent because remaining aloof or claiming to be neutral on issues which he died for would be a great betrayal of his commitment and passionate love for his country... Isaiah inspired us to inspire others to speak out for those the powerful agents of the state oppress. I continue to feel encouraged by his courage and determination... Isaiah died for me, for his family, for his clan, for his country, and his death represents the sacrifice of the vulnerable. The authorities should realize that people power is more powerful than those in power... We must speak out no matter the risk and moral support for each other is a key... The international community should continue giving moral and financial support to human rights defenders in exile and at home.”<sup>172</sup>

**Claudelize Silva dos Santos**, a human rights defender from Pará state, **Brazil**, is the sister of **José Cláudio Ribeiro da Silva** and sister-in-law **Maria do Espírito Santo da Silva** in Brazil, two environmental and land defenders killed in 2011 after they frequently denounced incursions by illegal loggers and cattle ranchers into their community’s reserve.<sup>173</sup> Claudelize believes the work of her brother and sister-in-law in protecting access to land and the environment was ground-breaking and inspiring to other activists: “They were the first to understand the gravity of these violations and that people needed to do something. That it’s not right to stand and watch while our friends are killed and the environment is destroyed... After they killed Cláudio and Maria, we felt the need to continue what they did. So we established a foundation to help other people and the environment. We are carrying out education work in schools and communities, starting from the story of Cláudio and Maria, and we talk about human rights violations and violations against the environment. It is very important that people become involved in this... There is a great need for people who defend these rights and the environment. In Brazil, if one leader is fighting for human rights, they can easily kill them because they know there is impunity and nothing will happen to the perpetrators... So the environment needs defenders and we also need protection.”<sup>174</sup>

**Usman Hamid** says that after the killing of **Munir Said Thalib** in **Indonesia** “some human rights NGOs used the momentum of the murder to raise awareness about the need for better protection of human rights defenders. They advocated and campaigned for a specific new legislation for the protection of HRDs. After lobbying law makers, they managed to propose a draft law on the protection of HRDs which was included in the legislative agenda. However, to date the law makers have not discussed and debated the draft law. In addition to that, the National Human Rights Commission (Komnas HAM) has also set up a special task force on HRDs. The murder of Munir in 2004 was a wake-up call for all Indonesian defenders... Since then they have been rethinking the possible threats and risks that they might face for their human rights work and started to develop strategies to mitigate them and get connected to each other so that more people participate in implementing the strategies.”<sup>175</sup>

**Jaswant Singh Khalra**, a human rights defender from Punjab, **India**, was forcibly disappeared, tortured and killed in 1995. It took 10 years before six police officers were convicted of his abduction and killing; no higher-ranking police were brought to justice. Jaswant Singh Khalra’s documentation of cases involving the killing and enforced disappearance of thousands of Sikhs between 1984 and 1994 forced the authorities to look into the violations and admit responsibility, although justice and reparations have been limited. His work led to new human rights defenders taking up the struggle of the survivors. His widow **Paramijit Kaur** said: “It is the duty of human rights defenders to collect data. I believe it is the biggest service to history if you are

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<sup>171</sup> Interview with Wamaita Kimani, Director of System Reform, International Justice Mission, July 2017

<sup>172</sup> Interview with Biel Boutros, Executive Director of the South Sudan Human Rights Society for Advocacy (SSHURSA), July 2017

<sup>173</sup> Amnesty International, *Brazil: Authorities must act to stop killings across the Amazon* (Index: AMR 19/008/2011)

<sup>174</sup> Interview with Claudelize Silva dos Santos, June 2017

<sup>175</sup> Interview with Usman Hamid, Director of Amnesty International Indonesia, August 2017

able to document the number of people disappeared in Punjab. Then I believe the work of Jaswant Singh Khalra will be solidified. It will show that what [he] said was correct.”<sup>176</sup>

Self-censorship or publishing articles anonymously are strategies used by media outlets and journalists in **Mexico** to avoid being the target of violent retaliation, especially when covering issues relating to criminal networks, corruption and abuse of power. According to Mexican journalist **Anabel Hernández**, however, publishing anonymous articles is not effective in protecting journalists. She has noticed that over the past decade a new generation of journalists is openly defying the status quo by using digital platforms and social media to publish their stories: “They are actively breaking the wall of silence and for me this is a very important struggle,” she says. Anabel Hernández, who is known for her reporting on organized crime and corruption, has been receiving police protection since 2010 due to repeated threats and attacks. However, she believes that the key to reduce the violence against journalists, human rights defenders and thousands of other individuals in Mexico is to tackle the high level of impunity: “We don’t even know exactly how many people, including journalists and defenders, have been killed in Mexico in recent years. On average there is a 98% impunity rate for all crimes in Mexico. I receive one of the highest levels of police protection, but no matter how many bodyguards I have, people keep threatening and making attempts on my life. This happens because those responsible for these attacks are walking free. The best protection any citizen can have is to end impunity.”<sup>177</sup>

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<sup>176</sup> Paramjit Kaur, interviewed in 2015 by Ensaaf for “A Light of Justice: Commemorating Jaswant Singh Khalra”, video available at [www.ensaaf.org/programs/legal/khalra/](http://www.ensaaf.org/programs/legal/khalra/)

<sup>177</sup> Interview with Anabel Hernández, September 2017

# 4. PREVENTING FURTHER ATTACKS: IDENTIFYING PATTERNS AND COMBATING IMPUNITY

Attacks on human rights defenders such as killings and enforced disappearances rarely happen out of the blue. They are more often the culmination of a series of escalating threats, smears, surveillance, physical attacks and different types of persecution. Each attack is a warning to human rights defenders to stop their human rights work and keep quiet. The choice is stark: if defenders choose to carry on with their legitimate and necessary work, they may face extreme forms of retaliation. Such escalations must be seen as a whole and assessed for the level of threat they represent, taking into account the context and personal circumstances of each defender.

The following are examples of such escalations. They are “chronicles of a death foretold”, losses which could have been prevented had the authorities taken seriously the fundamental and legitimate role of human rights defenders and put in place the necessary steps to prevent the attacks.

## HONDURAS: ATTACKS ON COPINH MEMBERS



*Memorial for Berta Cáceres, part of “Justice for Berta” Global Action in 2016 © Amnesty International.*

**Berta Cáceres**, the **Honduran** leader of COPINH and defender of environmental, Indigenous and women’s rights, knew she was at the top of a hit list when she was killed in March 2016. Even though she enjoyed international visibility and solidarity across the world, threats against her were not investigated and

impunity for previous attacks remained. At stake were enormous economic interests connected with the construction of the hydroelectric project of Agua Zarca on the Gualcarque River. After initially claiming the killing was due to “robbery” or a “crime of passion”, the Public Prosecutor’s Office opened a line of investigation into the opposition she led against the Agua Zarca hydroelectric project. So far, eight suspects have been identified and detained, including a manager of DESA, the Honduran company that owns the project; a serving military officer; and a former military officer who provided security to the project.<sup>178</sup> The Public Prosecutor’s Office has indicated they will be treated as possible material authors of the crime, but to date there is uncertainty about whether there has been any progress in identifying and prosecuting those responsible for planning and paying for the murder.<sup>179</sup>

The pattern of abuses against members of COPINH has a long history and includes dozens of death threats against Berta and her colleagues, as well as physical attacks and threats, unjust prosecution and imprisonment. In 2013, **Tomás García Domínguez**, another member of COPINH, was killed and his son was injured. Also in 2013, Berta Cáceres was charged with carrying an unlicensed gun, which she claimed was planted by military officers at a checkpoint. The charge was dropped several months later, but the episode impaired her ability to conduct her peaceful and legitimate work and undermined her reputation. When the case was eventually dismissed, the attacks against Berta Cáceres became increasingly violent. During 2014 and 2015, she received calls and texts threatening her – and her daughters and son – with disappearance or abduction. In November 2015, a vehicle she was travelling in was shot at. On 16 February 2016, Berta and other members of COPINH were followed by armed men and days later their bus was stopped on the way to a peaceful march.

The Honduran authorities had been aware of the threats against Berta Cáceres for a long time: the Inter-American Commission on Human Rights had asked them to provide protection measures for her and other members of COPINH, yet no effective action was taken and most incidents were never properly investigated by the authorities. Even after her death caused international consternation, attacks continued. They included numerous incidents of harassment, intimidation, threats and surveillance, including an armed attack on a COPINH vehicle on which defenders **Bertha Zúñiga Cáceres**, **Sotero Chavarría Fúnez** and **José Asunción Martínez** were travelling in June 2017.<sup>180</sup> The pattern of attacks and harassment is widely viewed as an attempt to halt the work of COPINH.<sup>181</sup>

## GUATEMALA: ATTACKS ON CALAS MEMBERS



Jeremy Abraham Barrios Lima, of CALAS © private.

Human rights defenders with the Centre for Environmental, Social and Legal Action (Centro de Acción Legal, Ambiental y Social de Guatemala, **CALAS**) in **Guatemala** focus on protecting environmental rights and denouncing abuses committed by mining companies in the country. They have been the target of relentless retaliatory attacks, including smear campaigns, break-ins, death threats and assassination attempts. In 2008, masked men shot CALAS director **Yuri Melini**, leaving him seriously injured. In August 2011, both Yuri Melini and CALAS legal adviser **Rafael Maldonado** received envelopes containing threats.

<sup>178</sup> Amnesty International, ‘We are defending the land with our blood’: Defenders of the land, territory and environment in Honduras and Guatemala (Index: AMR 01/4562/2016).

<sup>179</sup> Amnesty International, Honduras: Justice still in jeopardy in Berta Cáceres murder case (Index: AMR 37/6335/2017).

<sup>180</sup> Amnesty International, Armed attack against members of COPINH (Index: AMR 37/6674/2017)

<sup>181</sup> Amnesty International, ‘We are defending the land with our blood’: Defenders of the land, territory and environment in Honduras and Guatemala (Index: AMR 01/4562/2016)

Rafael Maldonado's home was broken into in March and April 2013 and he was again threatened and intimidated several times in 2015. In November 2016, their colleague **Jeremy Abraham Barrios Lima**, who handled sensitive information regarding high-profile cases, was killed.<sup>182</sup>

Members of CALAS have been smeared repeatedly. A leaflet published in 2013 accused them of orchestrating disinformation campaigns against mining companies,<sup>183</sup> contributing to the conflict between Indigenous Peoples and the companies, and endangering the economic progress and development of Guatemala.<sup>184</sup> Another smear campaign in the national press was launched in June 2017, when a mining company labelled them "opponents" and "manipulators" and accused them of stoking conflict after they challenged the company's licence.<sup>185</sup> Yuri Melini is receiving police protection but those responsible for the violent attacks against him have not been brought to justice.

## BURUNDI: ATTACKS ON PIERRE CLAVER MBONIMPA AND OTHERS



Pierre Claver Mbonimpa, of APRODH © Jean Pierre Aime.

In August 2015 **Pierre Claver Mbonimpa**, one of the best-known human rights defenders in **Burundi**, was going home after work when he was shot in the face by a gunman on a motorbike. He survived the attack but had to receive surgery and went through a long recovery process. His attempted assassination had been feared for some time.

Pierre Claver Mbonimpa founded the Association for the Protection of Human Rights and Detained Persons (Association pour la Protection des Droits Humains et des Personnes Détenues, **APRODH**) after being tortured and wrongfully imprisoned between 1994 and 1996. He and other activists were repeatedly threatened after they organized the campaign to fight against impunity for the 2009 killing of **Ernest Manirumva**, a fellow human rights defender investigating police corruption in Burundi. Pierre Claver Mbonimpa was arrested again in 2014, following comments he made on a Burundian radio station alleging that young men were illegally receiving military training and equipment. He was released months later on health grounds, but was briefly re-arrested in April 2015 in connection with a government crackdown on civil society protesting about the decision of President Nkurunziza to seek election for a third term.<sup>186</sup> The crackdown also led to the targeting of several other human rights defenders, including **Marie Claudette Kwizera**, a member of the human rights organization Ligue Iteka, who has been missing since December 2015 and is believed to have been forcibly disappeared by intelligence forces.<sup>187</sup>

Following the attempted assassination, several members of Pierre Claver Mbonimpa's family were subjected to threats and surveillance. In October 2015, while Pierre Claver Mbonimpa was recovering abroad from his wounds, his son-in-law **Pascal Nshimirimana** was killed by security forces. A month later,

<sup>182</sup> Amnesty International, *Young human rights defender shot dead* (Index: AMR 34/5144/2016)

<sup>183</sup> Published by the Foundation against Terrorism (Fundación contra el Terrorismo), a group set up by former military officials and military supporters. The leaflet can be consulted here: <http://en.calameo.com/read/00263395139ff1c0b62ae>

<sup>184</sup> Front Line Defenders, Defamatory article against human rights organization CALAS published in four national newspapers, 2 July 2013, [www.frontlinedefenders.org/en/case/case-history-calas#case-update-id-2726](http://www.frontlinedefenders.org/en/case/case-history-calas#case-update-id-2726)

<sup>185</sup> Amnesty International, *Smear campaign against environmental defenders* (Index: AMR 34/6680/2017)

<sup>186</sup> Amnesty International, Burundi: Shooting of human rights activist increases climate of fear (Press release, 6 August 2015)

<sup>187</sup> Amnesty International, Calling out Burundi on impunity (Story, 21 July 2017)

his son **Welly Fleury Nzitonda** was also killed by security forces. It is believed their murders were linked to the human rights work of Pierre Claver Mbonimpa and APRODH.<sup>188</sup>

Pierre Claver Mbonimpa is currently in exile. Many other Burundian human rights defenders and journalists have had to flee for their safety due to violence or threat of violence, and to the use of defamation, terrorism and anti-corruption legislation to silence them.

## RUSSIAN FEDERATION: ATTACKS ON ANNA POLITKOVSKAYA, NATALIA ESTEMIROVA AND OTHERS



*Natalia Estemirova., of the Memorial Human Rights Centre © Amnesty International.*

The deaths of **Anna Politkovskaya** and **Natalia Estemirova** in the **Russian Federation** reveal similar patterns in which authorities fail to heed threats to human rights defenders.

Anna Politkovskaya was a renowned journalist who had reported on the human rights situation in the Chechen Republic since 1999 for the newspaper *Novaya Gazeta*. She had also written about abuses in other parts of Russia, including human rights violations by the army, corruption in state structures and police abuses. She faced intimidation and harassment from the Russian and Chechen authorities due to her outspoken criticism of government and the conflict in Chechnya. From 2001, she wrote about and campaigned against the enforced disappearance of Zelimkhan Murdalov, a student from Chechnya's capital, Grozny, for which she received threats. She was arbitrarily detained and threatened with serious reprisals for her reporting on other occasions, including being detained in 2004 for several hours at the house of Ramzan Kadyrov, then Prime Minister and later President of Chechnya, where she was verbally abused and threatened. In September 2004, on her way to report on the Beslan hostage crisis in North Ossetia, she became sick and believed she had been poisoned on the flight there. In October 2006 she was shot dead in the block of flats where she lived in Moscow. Although some of those responsible are now serving jail sentences, those who ordered her murder remain at large.<sup>189</sup>

Natalia Estemirova, a leading human rights defender in Chechnya and the North Caucasus region, worked closely with Anna Politkovskaya. She worked for the Memorial Human Rights Centre from 2000 and gathered witness accounts to document the grave human rights violations committed in the second Chechen conflict. Together with Anna Politkovskaya, Natalia Estemirova helped to bring to justice one of the perpetrators in the case of the enforced disappearance of Zelimkhan Murdalov. Even after Anna Politkovskaya's murder, Natalia Estemirova continued to collect information on extrajudicial executions, enforced disappearances and torture, and worked on the implementation of social and economic rights and women's rights in Chechnya. In July 2009, after she spoke to the media about another enforced disappearance and a case of alleged extrajudicial execution, she was told by officials that her comments had upset the authorities and that she had put herself at a risk by doing so. That same month Natalia Estemirova was found dead. Witnesses say armed men abducted her outside her flat. The possible involvement of the authorities in her killing was not addressed in the investigation and the perpetrators remain at large.<sup>190</sup>

<sup>188</sup> Amnesty International, Calling out Burundi on impunity (Story, 21 July 2017)

<sup>189</sup> Amnesty International, Russia: Assassin sentenced for journalist murder (Press release, 14 December 2012)

<sup>190</sup> Amnesty International, *Russian Federation: Natalia Estemirova - unforgotten in her commitment for human rights* (Index: EUR 46/026/2010)

## 4.1 THE DUTY TO RECOGNIZE, PREVENT AND PROTECT HUMAN RIGHTS DEFENDERS

States bear the ultimate responsibility to protect human rights defenders and ensure they can carry out their legitimate work in a safe and enabling environment.<sup>191</sup> This obligation requires in addition that states implement the necessary measures to prevent and effectively address allegations of human rights violations and abuses committed against human rights defenders, and to ensure that they can carry out their legitimate work without fear of reprisals. Yet it is clear that attacks against human rights defenders often happen precisely because states do not act diligently to foster a safe and enabling environment. States often fail to recognize and effectively protect defenders at risk, or to bring perpetrators of abuses to account. When impunity for these attacks is perpetuated, the authorities send a message that such acts are tolerated and that there will be little or no consequence.

International human rights law and standards require states to respect and protect the lives of all within their respective jurisdiction from attacks and threats of attacks, and to provide an effective remedy where this has not been the case.<sup>192</sup> The right to life, as the precondition for the full realization of human dignity and the effective exercise of all human rights,<sup>193</sup> imposes an obligation on states and its agents not only to refrain from engaging in arbitrary killings, but also to protect people from such threats by non-state actors.<sup>194</sup>

Protection of the right to life also means that states have a positive duty to facilitate this right, which includes the obligation to take reasonable measures to prevent deaths. Article 2 of the International Covenant on Civil and Political Rights (ICCPR) states that in order to ensure all the rights recognized in the ICCPR, states have undertaken the commitment to adopt such laws or other measures as may be necessary to give effect to those rights. A failure to take effective measures to prevent violations of the right to life, including by adopting the necessary laws and practices, could constitute a separate breach of a state's obligations under international human rights law. This is also the case where states fail to prevent the continuance and recurrence of such violations.<sup>195</sup>

This is particularly the case where state officials know about threats against one or more identified individuals, or where there is a pattern of killings against people linked by common legitimate activities or their identity. The UN Human Rights Committee has reaffirmed the relevance of the right to security of the person and the right to life, and in particular stressed the obligation of states "to take appropriate measures in response to death threats against persons in the public sphere, and more generally to protect individuals from foreseeable threats to life or bodily integrity proceeding from any governmental or private actors".<sup>196</sup> This includes the need to take measures against patterns of violence against certain categories of individuals, such as human rights defenders and journalists.

As part of the obligations to prevent attacks against human rights defenders, the Special Rapporteur on the situation of human rights defenders has stressed the importance of states publicly acknowledging the work of human rights defenders and recognizing the legitimacy of their work. Such public acknowledgement could contribute effectively to decreasing the levels of risk and preventing threats from materializing.<sup>197</sup> In particular, the Special Rapporteur has called on states to raise awareness about the legitimate and vital work of human rights defenders and to publicly support their work, including the particular and significant role played by women human rights defenders.

States are also obliged to take adequate measures to prevent enforced disappearances and conduct effective and speedy investigations to establish the fate and whereabouts of persons who may have been subjected to enforced disappearance. The authorities must give the families a timely opportunity to fully

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<sup>191</sup> Article 2, Declaration on HRDs.

<sup>192</sup> Universal Declaration of Human Rights, Article 3; International Covenant on Civil and Political Rights, Article 6; European Convention on Human Rights, Article 2; American Convention on Human Rights, Article 4; African Charter on Human and Peoples' Rights, Article 4; Arab Charter on Human Rights, Article 5. Furthermore, the right to life has been recognized as a rule of customary international law. See Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 9 August 2012, UN Doc. A/67/275, para. 105

<sup>193</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 9 August 2012, UN Doc. A/67/275, paras. 11-12

<sup>194</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 10 April 2012, UN Doc. A/HRC/20/22, para. 42

<sup>195</sup> Human Rights Committee, General Comment 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add. 13, para. 17

<sup>196</sup> Human Rights Committee, General Comment No. 35, Article 9 of ICCPR (Liberty and security of person), 16 December 2014, UN Doc. CCPR/C/GC/35, para. 9.

<sup>197</sup> Report of the Special Rapporteur on the situation of human rights defenders, 23 December 2013, UN Doc. A/HRC/25/55, para. 86

contribute their knowledge to the investigation, and must keep them fully and promptly informed of progress in the investigation.

When a violation of the right to life has been committed, states must ensure that victims and their families are provided with accessible, effective and enforceable remedies.<sup>198</sup> States must ensure that a prompt, thorough and effective investigation takes place through independent and impartial bodies and that those responsible are brought to justice.<sup>199</sup> In particular, investigations of attacks on human rights defenders must establish whether the attacks have been in connection with their human rights work, and should take into consideration who may benefit from the death of the defender. States must identify not only the material killers but also the possible intellectual authors.<sup>200</sup>

Where an investigation finds a death was unlawful, states must ensure accountability by prosecuting the perpetrators and, where appropriate, impose adequate sanctions through a fair trial. Unlawful killings must be investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation.<sup>201</sup> Special investigative units, such as those on human rights defenders or journalists, can become an important tool for ensuring prompt investigations and avoiding undue influence by other state agents or non-state actors.<sup>202</sup> A failure to effectively prosecute and sanction attacks against human rights defenders sends a message that these acts are tolerated and increases the risks for fellow human rights defenders and families pursuing justice.

States have an obligation to provide adequate reparations to individuals whose human rights have been violated, which should include, as appropriate, compensation, rehabilitation, measures of satisfaction and guarantees of non-repetition.<sup>203</sup> Guarantees of non-repetition should include a range of measures tailored to address the failings of the state in each situation in order to prevent similar acts from occurring in the future. In a case relating to the killing of a human rights defender in Guatemala, the Inter-American Court of Human Rights ordered the state to implement, as a guarantee of non-repetition, a public policy for the protection of human rights defenders.<sup>204</sup>

More broadly, states have been called on to implement public policies and specific institutional mechanisms to provide effective protection for human rights defenders at risk.<sup>205</sup> A number of states have adopted laws and established national protection mechanisms to provide protective and preventative measures for human rights defenders and other groups at risk; these include **Brazil, Colombia, Côte d'Ivoire, Guatemala, Honduras and Mexico**.<sup>206</sup> However, poor implementation in these countries has highlighted the relevance of ensuring the participation of civil society in the design and implementation of the law, as well as the need to allocate sufficient resources.<sup>207</sup>

Protection mechanisms should be developed in consultation and with the participation of human rights defenders and civil society organizations. For protection measures to be effective, states must ensure that these are determined on the basis of a comprehensive risk analysis with a gender perspective to adequately determine the risk and the protection needs of each defender or group. The specific needs of human rights defenders who experience different forms of discrimination as well as those at increased risk must be taken into account, and efforts must be made to identify the root causes of the attacks.

Crucially, states should work with human rights defenders to monitor security incidents, assess the threat, and take appropriate action – including by holding those responsible to account – so that risks can be reduced and further attacks prevented. Among other elements, it is important to gather as much information as possible on sources of threats, the motives and the context in which they happen.

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<sup>198</sup> Human Rights Committee, General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add. 13, para. 15

<sup>199</sup> Human Rights Committee, General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add. 13, para. 15-18

<sup>200</sup> Inter-American Court of Human Rights, *Acosta et al vs Nicaragua*, 25 March 2017

<sup>201</sup> OHCHR, *The Minnesota Protocol on the investigation of potentially unlawful death* (2016), New York/Geneva, 2017

<sup>202</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, 10 April 2012, UN Doc. A/HRC/20/22, para. 113

<sup>203</sup> Human Rights Committee, General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, 26 May 2004, UN Doc. CCPR/C/21/Rev.1/Add. 13, para. 16; Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Principle 20; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Principle 4

<sup>204</sup> Inter-American Court of Human Rights, *Human Rights Defender et al vs. Guatemala*, 28 August 2014, para. 263

<sup>205</sup> Report of the Special Rapporteur on the situation of human rights defenders, 23 December 2013, UN Doc. A/HRC/25/55, para. 84

<sup>206</sup> Other countries have passed or are discussing legislation aimed at protecting human rights defenders, including Burkina Faso, Democratic Republic of the Congo, Guinea, Mali, Mongolia and Sierra Leone

<sup>207</sup> Protection International, Focus 2014, <http://protectioninternational.org/publication/focus-2014/>



## MODEL LAW FOR THE RECOGNITION AND PROTECTION OF HUMAN RIGHTS DEFENDERS

An important tool now available for the creation of effective protection laws and mechanisms is the “**Model Law for the Recognition and Protection of Human Rights Defenders**”, launched in June 2016 by the International Service for Human Rights, and consulted with hundreds of human rights defenders and experts. It provides authoritative guidance to States on how to implement the HRDs Declaration at the national level by giving technical guidance on developing appropriate laws, policies and institutions to support the work of defenders and protect them from reprisals and attacks. It contains important indications on the obligation to conduct investigations into violations of human rights against defenders and to take into account whether the motive for the violation “included [the HRD’s] status, activity or work as a human rights defender; ... whether there have been previous violations... or systematic violations of the rights of similarly situated human rights defenders; and... whether the violation was perpetrated, aided, abetted or supported by multiple actors.”

The Model Law also provides a series of indications for how a Protection Mechanism might function, including by working on the basis of a comprehensive risk analysis with a gender perspective, and taking into account the specific needs of human rights defenders who experience different forms of discrimination and increased risk, and by identifying the root causes of violations.

In addition, the Model Law also stresses the importance of the following measures for the recognition of and support for the work of human rights defenders and **prevention** of acts of intimidation or reprisal, including:

- making **public statements and increase public awareness** to promote the important and legitimate work of human rights defenders;
- **monitoring** of acts of intimidation or reprisal in order to collect and organise data relating and produce reports of the findings;
- **identifying patterns of aggression** against human rights defenders;
- **combat acts of discrimination, stigmatization or defamation** of human rights defenders.<sup>208</sup>

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<sup>208</sup> International Service for Human Rights, Model Law for the Recognition and Protection of Human Rights Defenders, [www.ishr.ch/sites/default/files/documents/model\\_law\\_full\\_digital\\_updated\\_15june2016.pdf](http://www.ishr.ch/sites/default/files/documents/model_law_full_digital_updated_15june2016.pdf)

# 5. CONCLUSIONS AND RECOMMENDATIONS

As attempts on the lives and integrity of human rights defenders continue to be made around the world, states are failing in their obligation to respect and protect the right to life and the right to defend human rights without fear of retaliation. Ongoing impunity and failure to assess the risk and patterns of abuses to inform prevention strategies and actions provide the space for attacks, as do poorly implemented or non-existent protection mechanisms for human rights defenders at risk. The general lack of acknowledgement and recognition of the legitimate work of human rights defenders, and in some cases even direct threats and hostility by authorities and other actors, is the backdrop against which violence takes place.

Killings and enforced disappearances of human rights defenders often take place following a string of escalating attacks, including smears and stigmatization, unjust prosecutions and arbitrary detentions, threats and intimidation, and other violent acts. Patterns of attacks are better understood and addressed by prevention strategies if risk is analysed according to specific contexts and field of work, including the vulnerabilities associated with intersecting forms of discrimination.

Attacks have deep and wide-ranging effects on families and friends, fellow human rights defenders and civil society, and send out ripple effects to wider communities, inhibiting the protection of human rights and of the rule of law. Taking action to prevent and remedy this kind of profound damage is not just an obligation for states under international human rights law, but should be a matter of policy priority.

Amnesty International is making the following recommendations to states as a starting point to ensure a safe and enabling environment for human rights defenders and civil society.

## AMNESTY INTERNATIONAL CALLS ON STATES TO:

Take all necessary measures to **prevent** threats and attacks against human rights defenders, including killings and enforced disappearances, by:

- Explicitly recognizing the legitimacy of human rights defenders and publicly supporting their work, acknowledging their contribution to the advancement of human rights, including by carrying out public awareness campaigns about the UN Declaration on Human Rights Defenders, their role and legitimate work.
- Publicly acknowledging the role played by women human rights defenders and other human rights defenders who face discrimination, and ensuring they are able to work in an environment free from violence and discrimination.
- Adopting and implementing legislation which recognizes and protects HRDs; and repealing or amending legislation that may place obstacles in the way of legitimate activities to promote and defend human rights.

- Ensuring that individuals are allowed to exercise their rights to freedom of expression, peaceful assembly and association both in law and in practice.
- Publicly condemning attacks, threats and intimidation against HRDs and refraining from using language that stigmatizes, abuses, disparages or discriminates against them.
- Monitoring and addressing patterns of threats and attacks against HRDs that may be linked to their occupation, identity or other dangerous contexts in which they work.

Ensure a safe and enabling environment in which human rights defenders are effectively **protected** and where it is possible to defend and promote human rights without fear of punishment, reprisal or intimidation. In particular:

- In consultation with HRDs and civil society organizations, establish national protection mechanisms for defenders at risk which incorporate preventative, collective and gender-sensitive approaches, using protection methods agreed in consultation with affected HRDs.
- Establish participatory processes within civil society that include HRDs working in rural areas or in community-based settings, when adopting laws and mechanisms for their protection.
- Facilitate the establishment of national and regional networks for the support and protection of HRDs.
- Ensure that women human rights defenders and other human rights defenders facing discrimination receive the specific protection they need against threats and violence, recognizing the particular challenges and risks they face.
- Strengthen national human rights institutions and provide them with the necessary human and financial resources to carry out their duties effectively, including having a specific mandate covering the protection of HRDs.

End the cycle of impunity and violence by effectively **investigating** attacks on human rights defenders such as killings and enforced disappearances, by:

- Effectively responding to threats, harassment, intimidation, killings and enforced disappearance of HRDs by thoroughly, promptly and independently investigating such attacks and bringing the suspected perpetrators to justice in fair trials.
- Ensuring that the investigation considers the human rights work of HRDs as a possible motive for the attack.
- Promptly acceding, if not yet a party, to the Convention for the Protection of All Persons from Enforced Disappearance and enacting legislation that makes enforced disappearance a crime under national law in accordance with the Convention.
- Acknowledging and allowing the participation of relatives of HRDs killed or forcibly disappeared in investigations, providing them with up-to-date and accurate information on progress and ensuring that they are able to contribute information, suggest lines of inquiry and ask for evidence. The authorities should not transfer responsibility for investigating the case to the family.

Ensure that human rights defenders who are victims of human rights violations and their families have access to effective remedies and adequate **reparations**:

- Ensure adequate reparations for victims, based on international standards, and consider the individual needs of the victim, including restitution, compensation, rehabilitation, measures of satisfaction and guarantees of non-repetition.
- Ensure that reparations are not conditional on the perpetrators being subject to criminal proceedings.

**AMNESTY INTERNATIONAL  
IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
WHEN INJUSTICE HAPPENS  
TO ONE PERSON, IT  
MATTERS TO US ALL.**

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# DEADLY BUT PREVENTABLE ATTACKS

## KILLINGS AND ENFORCED DISAPPEARANCES OF THOSE WHO DEFEND HUMAN RIGHTS

Those who defend human rights across the globe place themselves in grave danger. They run the risk of harassment, intimidation, unjust prosecution and even death for their legitimate activities.

This report focuses on the gravest violations against human rights defenders: killings and enforced disappearances. Some people are attacked because they stand up to powerful actors who violate human rights. Others are attacked because of who they are and what they do, such as those defending the rights of women; lesbian, gay, bisexual, transgender and intersex people; and Indigenous peoples and minority groups. Others are attacked during conflict or where communities are in the grip of organized crime and violent crackdown.

Thousands of people have suffered killings and enforced disappearances at the hands of state and non-state actors since the UN Declaration on human rights defenders was adopted in 1998. This report reveals that most attacks could have been prevented if states had taken their human rights obligations seriously and acted diligently on reports of threats and other abuses. In too many countries across the globe, little if anything is done when human rights defenders are threatened.

Such attacks create a ripple effect that touches friends and families, other human rights defenders, and society at large. The international community must continue to call for protection, justice and adequate reparations for the harm suffered, and urge governments to deliver a clear public message that these violations will not be tolerated.

This is the second report in Amnesty International's global campaign *Brave*, launched to combat measures by the powerful to threaten and attack human rights defenders.