

# In defense of indigenous defenders

CASE  
REPORT **2020**



Within:



## ***In defense of indigenous defenders: Case Report 2020***

### **PROMOTING ORGANIZATION:**

Program for the Defense of Indigenous Defenders (PDDD) of the Coordinator of Indigenous Organizations of the Amazon Basin (COICA).

### **COORDINADORA DE LAS ORGANIZACIONES INDÍGENAS DE LA CUENCA AMAZÓNICA (COICA)**

José Gregorio Díaz Mirabal – General Coordinator  
Calle Sevilla N24-358 y Guipuzcoa, La Floresta, Quito – Ecuador.  
Telephone: (+593)2 322 6744  
E-mail: coica@coicamazonia.org  
Web page: www.coicamazonia.org

### **AUTHORS:**

- Andrés Tapia (Confeniae)
- Jackeline Borjas (DAR)
- Leany Torres (Organización comunitaria de Ka Ubanoko)
- Michael McGarrell (COICA)
- Óscar Daza (Opíac)
- Richard Rubio (Aidesepe)
- Romy Castillo (DAR)
- Roraima González (COICA)
- Tomás Candia (Cidob Orgánica)

### **EDITED BY:**

Law, Environment and Natural Resources (DAR)

Jr. Huáscar N° 1415, Jesús María, Lima, Perú  
Telephones: (511) 340 3780 | (511) 340 3720  
E-mail: dar@dar.org.pe  
Web page: www.dar.org.pe

### **GENERAL REVIEW:**

- Michael McGarrell (COICA)
- Roraima González (COICA)
- Nadino Calapucha (COICA)
- Zack Romo (COICA)
- Aida Gamboa (DAR)
- Jackeline Borjas (DAR)
- Isabel López (DAR)

### **GENERAL COORDINATION:**

- Annie Morillo
- Luisa Castillo

### **DESIGNED AND LAID OUT BY:**

Nauttica Media Design SAC

Calle Las Malvas N° 163, Salamanca, Ate, Lima, Perú  
Telephone: (511) 6921503  
E-mail: info@nautticamedia.com  
Web page: www.nautticamedia.com

### **SUGGESTED QUOTE:**

*In defense of indigenous defenders: Case report 2020. Lima: DAR, 2020. 54 pp.*

First edition: November 2020

Made the Legal Deposit at the National Library of Peru No. 2021- 03501

---

The total or partial reproduction of this document, its computerized processing, its transmission by any form or means, be it electronic, mechanical, photocopy or other form or means; indicating the source is permitted when it is used in publications or distribution by any means.

This publication has been produced with the assistance of Oxfam, Rainforest Foundation Norway, and the Regional Coalition for Transparency and Participation. This publication's contents are the sole responsibility of the authors and can under no circumstances be regarded as reflecting the viewpoints of Oxfam, Rainforest Foundation Norway, or the Regional Coalition for Transparency and Participation.

Made in Peru.

---

***In defense of  
indigenous  
defenders:***

CASE  
REPORT 2020

---



# Content

<b>Introduction</b>	6
<b>I. Program for the Defense of Indigenous Defenders of COICA: Defense and Protection Tool</b>	8
<b>II. The right to defend human rights</b>	10
2.1. Who are the Indigenous Defenders?	10
2.2. The Right to Defend Human Rights	12
2.3. International Protection Instruments	17
<b>III. Context on Threats and/or Attacks on Indigenous Defenders</b>	21
<b>IV. Prioritized Cases of Indigenous Defenders</b>	28
4.1. Presentation of PDDD Leaders	29
4.2. Cases prioritized and submitted in international human rights advocacy spaces	30
<i>a. Bolivia:</i> case of Repression in Chaparina	32
<i>b. Brazil:</i> case of Eviction against the Warao People in the Ka Ubanoko Community	33
<i>c. Colombia:</i> cases of Human Rights Violations in the Putumayo Amazon	35
<i>d. Ecuador:</i> case of Criminalization and Violation of Rights by Oil Spill	37
<i>e. Peru:</i> case of Threats and Attacks against Indigenous Leaders	39
<b>V. Cases of indigenous defenders killed during the implementation of government measures on COVID-19</b>	42
5.1. Murder Cases in Peru	43
5.2. Murder Cases in Colombia	46
5.3. Murder Cases in Brazil	47
<b>Conclusions and recommendations</b>	48
<b>Bibliography</b>	50

# Introduction

**E**xtractive and infrastructure activities in Latin America have been consolidating since the 1990s on a series of neoliberal policies that have prioritized the interests of foreign investors and national elites that promote corruption. This, in turn, has implied a growing privatization of public utilities, flexibilization of environmental and labor legislation, as well as the creation of new laws to weaken civic space, human rights, and policies designed to address inequality<sup>1</sup>. These activities generate multiple effects that endanger the life and integrity, mainly, of those who live in the territories where they take place.

As a result of these impacts, various claims aimed at demanding compliance with state obligations to respect and guarantee the right to prior, free and informed consultation, and, mainly, to free determination; as well as around multiple violations in contexts of extractive projects in the territory have arisen. However, to address this, there is a generalized response by the States aimed at demobilizing these defense actions, either through political or media speeches, as well as the use of force or internal regulations. In this framework, it is important to highlight that one of the groups that have been directly affected by the presence of the companies and the activities they carry out are the women of the communities, who must not only deal with the negative impacts resulting from these economic activities, but whose situation has also aggravated by their asymmetric social context.

---

1. Front Line Defenders, 2019. *Global Analysis of Front Line Defenders 2019*, p. 16. Available at [https://www.frontlinedefenders.org/sites/default/files/spanish\\_-\\_global\\_analysis\\_2019\\_web.pdf](https://www.frontlinedefenders.org/sites/default/files/spanish_-_global_analysis_2019_web.pdf).

In this sense, this report aims to document cases to make the problem of indigenous defenders visible. Likewise, it will serve as lessons learned to address future cases. This, in turn, responds to one of the objectives of the Program for the Defense of Indigenous Defenders (PDDD) of the Coordinator of Indigenous Organizations of the Amazon Basin (COICA).

To do this, this document will elaborate on three chapters. First, it will delve into the general legal framework regarding the *right to defend rights*, specifically, with respect to indigenous people. Second, it will delve into the context around threats and/or attacks on indigenous defenders. Third, the document will present a selection of emblematic cases in the region with special emphasis on Peru, Ecuador, Colombia, Brazil and Bolivia. Finally, cases of defenders killed during government measures on COVID-19 will be evidenced.

It should be noted that the following pages are the result of the virtual sessions and inputs provided by the focal points of the PDDD during 2020, where updated information was collected on threats and violations against indigenous defenders in five Amazonian countries: Bolivia, Brazil, Colombia, Ecuador and Peru. For all this, it is necessary to thank the technical and political focal points of the PDDD and Law, Environment and Natural Resources (DAR), for the preparation of this report.



## I. Program for the Defense of Indigenous Defenders of the COICA: Defense and Protection Tool

In recent months, indigenous people in the Amazon basin have been and continue to be the most affected by the impacts of COVID-19. In the midst of this health emergency, in addition to the registration of deaths of many indigenous defenders, historical leaders, and indigenous sages due to the lack of health services in their territories and the absence of effective actions and protocols implemented by the States to address and remedy the damages and risks of this pandemic, there have also been recorded deaths of indigenous defenders from the countries of the Amazon basin due to violence and conflicts related to the defense of human rights, such as the defense of water, territory and environment, rights linked to the

defense of life. Therefore, in addition to the risk of being infected, human rights defenders continue to be harassed, threatened and/or attacked for their work of promoting human and environmental rights.

In this context, protective measures are urgently needed for human rights defenders. For this reason, COICA, an international indigenous organization that represents the indigenous people of the nine countries of the Amazon Basin, has promoted the implementation of the PDDD.

Thus, in June 2018 the General Congress of COICA was held in Macapá -Brazil, where it was formally proposed to consolidate a program, from the COICA itself, that organizes and has the capacity to effectively address the problem of indigenous defenders. This is how the PDDD originated as an initiative with a gender, preventive and collective perspective, which can develop mechanisms for the immediate and effective care of Amazonian indigenous defenders who are in a scenario of violation of their rights and their territories.

Thus, in that year, with the technical support of DAR, the PDDD focused on the identification and characterization of human rights defenders, as well as advocacy and communication actions, based on the presentation and dissemination of cases in international spaces. Subsequently, during 2019, COICA, together with its 9 national bases, DAR and new allied civil society organizations such as REPAM, Land is Life and Article 19, developed actions for its initial institutionalization and design. Currently, the PDDD is consolidating itself as a program to monitor, follow up, disseminate and report cases of violation of the rights of indigenous defenders, within the framework of extractive and infrastructure projects. In addition, it has been adapted, and it is being implemented within the framework of the COVID-19 pandemic, carrying out actions in synergies with the COICA Rights Working Group (GTD), where organizations such as Amnistía Internacional, Wataniba, among others, have joined in order to strengthen the institutionality of the PDDD.

In this framework, it is necessary to promote the visibility of the situation of indigenous defenders, which, as a result of the context of COVID-19, has evidenced a scenario of violation of their rights and their territories.



## II.

## The right to defend human rights

### 2.1.

#### WHO ARE THE INDIGENOUS DEFENDERS?

Article 1 of the United Nations Declaration on Defenders states that “every person has the right, individually or collectively, to promote and seek the protection and fulfillment of human rights

and fundamental freedoms at the national and international levels.” In the same sense, the Inter-American Commission on Human Rights (IACHR) stated that “any person who in any way promotes or seeks

the realization of human rights and fundamental freedoms recognized at the national or international<sup>2</sup> level shall be considered as a defender.”

These defenses can occur in various spheres and, in the case of indigenous people, these tend to focus on historical claims for the respect and guarantee of their lifestyles, which mainly includes their right to self-determination and the defense of his territory. For this, the claims are directed to the respect and guarantee of their right to prior, free and informed consultation, as well as to prior, free and informed consent and reparations for the violations committed against them, among others. In this regard, the former United Nations Rapporteur on the Rights of Indigenous People, Victoria Tauli-Corpuz, pointed out that States have the main responsibility to ensure that indigenous people exercise their rights in a safe manner and that accountability is demanded by the violations committed against indigenous defenders<sup>3</sup>.

In this context, in the case of women human rights defenders, the Report

of the Rapporteur on the situation of human rights defenders of 2019 indicated that women are attacked for promoting and protecting human rights for two elements: identity and her work<sup>4</sup>. Specifically, in the case of indigenous women defenders, they often suffer from smear campaigns through rumors regarding alleged dishonorable conduct and a bad reputation that violates indigenous traditions, whose objective is to disempower indigenous women and isolate them from their families and communities<sup>5</sup>.

Finally, it should be noted that, as a result of the COVID-19 pandemic, the United Nations Special Rapporteur on the Rights of Indigenous People, José Francisco Cali Tzay, highlighted that “the indigenous people fear more and more for their life and that of their families while trying to defend their lands and environments during confinement, particularly in cases in which States have expanded their laws through emergency declarations.”<sup>6</sup>

- 
2. Inter-American Commission on Human Rights, 2012. *Second Report on the situation of human rights defenders in the Americas*, p. 4. Available at <https://www.oas.org/es/cidh/defensores/docs/pdf/defensores2011.pdf>.
  3. United Nations, 2018. *Report of the Special Rapporteur on the rights of indigenous people*, A/HRC/39/17, paragraph 89, p. 20. Available at <https://www.refworld.org/es/pdfid/5ba3c6fd4.pdf>.
  4. United Nations, 2019. *Report of the Special Rapporteur on the situation of human rights defenders*, A/HRC/40/60, paragraph 11. Available at [https://ap.ohchr.org/documents/dpage\\_s.aspx?si=A/HRC/40/60](https://ap.ohchr.org/documents/dpage_s.aspx?si=A/HRC/40/60).
  5. United Nations, 2018. *Report of the Special Rapporteur on the rights of indigenous people*, A/HRC/39/17, paragraph 89, p. 20. Available at <https://www.refworld.org/es/pdfid/5ba3c6fd4.pdf>.
  6. United Nations, 2020. *Report on the Rights of Indigenous People*, A/75/185, paragraph 77, p. 23. Available at <https://undocs.org/es/A/75/185>.

## 2.2.

## THE RIGHT TO DEFEND HUMAN RIGHTS

Indigenous human rights defenders, either individually or collectively, act in favor or in promotion of the prevention, protection or effectiveness of one or more human rights. This action, in turn, is a human right, thus constituting the right to defend human rights that, like all rights, generates obligations in the States.

This right to defend human rights has been established by article 1 of the "Declaration on the right and duty of individuals, groups and institutions to promote and protect human rights and fundamental freedoms universally recognized" of the United Nations<sup>7</sup>. This defense of human rights, according to the provisions of the Inter-American Court of Human Rights (IACHR), is not only linked to the defense of civil and political rights, but it "necessarily includes the activities of denunciation, surveillance and education on economic, social and cultural rights, in accordance with the principles of universality, indivisibility and interdependence<sup>8</sup>", which have been recognized in the American Declaration of the Human Rights and Duties, the American Convention on Human Rights,

the Inter-American Democratic Charter and the international jurisprudence<sup>9</sup>.

In this sense, international organizations, such as the IACHR and the United Nations (UN), have identified among the groups in a situation of special vulnerability and risk, the defenders who work in defense of the environment, land rights and indigenous peoples' rights<sup>10</sup>, the latter being the category of human rights defenders of indigenous people<sup>11</sup>.

Although environmental issues are often intimately linked to the fight for the right to territory and other rights of indigenous people<sup>12</sup> and therefore the category of defense of indigenous rights is often included in the category of environmental defenders or defenders of human rights in environmental matters, this report will focus on the indigenous people rights defenders or so-called indigenous defenders, in order to emphasize the specific nature of their struggles and challenges<sup>13</sup>. In addition, the use of these terms is a way of reaffirming the identity and the claims in defense of their rights as indigenous people.

7. Declaration approved by consensus by the United Nations General Assembly through resolution A/RES/53/144, dated March 8, 1999. Available at [https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration\\_sp.pdf](https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration_sp.pdf).
8. International Court for Human Rights. *Kawas Fernández Vs. Honduras Case. Fund, Repairs and Costs. Judgment dated April 3, 2009. Serial C No. 196, paragraph 147.* Reaffirmed by: International Court for Human Rights. *Case of the Human Rights Defender and others Vs. Guatemala. Preliminary Objections, Fund, Repairs and Costs. Judgment dated August 28, 2014. Serial C No. 283, paragraph 129.*
9. *Ibid.*
10. Inter-American Commission on Human Rights, 2017. *Report: Towards a comprehensive policy for the protection of human rights defenders.* OAS/Ser.L/V/II., Doc. 207/17, December 29, 2017, paragraph 41.
11. Inter-American Commission on Human Rights, 2017. *Report: Report: Towards a comprehensive policy for the protection of human rights defenders.* OAS / Ser.L/V/II., Doc. 207/17, December 29, 2017, paragraph 41 and 270; OHCHR, 2017. *Report of the United Nations Special Rapporteur on the situation of Human Rights Defenders*, Michel Forst, A/72/170, July 19, 2017; Permanent Forum for Indigenous Issues, 2016. *Background document: Defenders of Indigenous Human Rights*; OHCHR, *Report of the United Nations Special Rapporteur on the situation of Human Rights Defenders*, Michel Forst, A/71/281, August 3, 2016.
12. FIDH/OMCT, Observatory for the Protection of Human Rights Defenders, *We are not afraid, Land rights defenders: attacked for confronting unbridled development*, Annual report 2014, p. 14. It indicates that: "Land and environmental issues are interrelated and are often inseparable [...] it is important to bear in mind that environmental issues are often closely linked to the struggle for land rights and are important to achieve a comprehensive resolution of conflicts linked to it.
13. *Ibid.*

According to the Office of the High Commissioner for Human Rights of the United Nations (OHCHR), the best way of explaining human rights defenders is describing their activities and some

of the contexts in which they act<sup>14</sup>. Examples offered by OHCHR of the activities of human rights defenders are as follows:

TABLE N° 1.

DESCRIPTION OF ACTIVITIES OF HUMAN RIGHTS DEFENDERS BY THE OHCHR

ACTIVITIES	WHAT DO HUMAN RIGHTS DEFENDERS DO?
<b><i>All human rights for everyone</i></b>	Act in favor of different human rights, such as the right to life, food and water, the highest attainable standards of health, adequate housing, a name and a nationality, education, freedom of movement and non-discrimination <sup>15</sup> . Sometimes, they defend the rights of categories of people such as, for example, the rights of indigenous people, refugees and internally displaced persons, among others <sup>16</sup> .
<b><i>Human rights everywhere</i></b>	Operate in all parts of the world and strive to promote and protect human rights in the context of various problems, in particular HIV/AIDS, development, immigration, structural adjustment policies and political transition <sup>17</sup> .
<b><i>Action at the international, regional, national and local level</i></b>	At the national or local level, they carry out their activities in defense of the respect of these rights in their own communities and countries; and at the international or regional level, for example, they monitor the regional or global situation on human rights and refer information to regional or international mechanisms, including special rapporteurs <sup>18</sup> .

14. The Office of the High Commissioner for Human Rights of the United Nations. Informative Brochure N° 29. *Human rights defenders: Protecting the right to defend human rights*. Available at <https://www.ohchr.org/Documents/Publications/FactSheet29sp.pdf>.

15. Idem, page 3.

16. Ibid.

17. Idem, page 4.

18. Ibid.

ACTIVITIES	WHAT DO HUMAN RIGHTS DEFENDERS DO?
<b><i>Gathering and disseminating information on human rights violations</i></b>	Investigate cases of human rights violations, gather information and submit reports; such as applying pressure strategies so that these reports reach the public opinion, certain political and judicial officials, among others <sup>19</sup> .
<b><i>Support for victims of human rights violations</i></b>	Measures to support victims of human rights violations, such as providing professional legal assistance and representing victims in proceedings, offering advice, among others <sup>20</sup> .
<b><i>Measures to guarantee accountability and the end to impunity</i></b>	Hold accountability for observance of human rights standards <sup>21</sup> .
<b><i>Support for a more effective governance and public management policy</i></b>	Get the government to comply with its human rights obligations, for example by publishing information on its history with respect to the application of the rules, among others <sup>22</sup> .
<b><i>Contribute to the application of human rights treaties</i></b>	Participate in the execution of housing, health and sustainable income generation projects in favor of poor and marginalized communities, among others <sup>23</sup> .
<b><i>Human rights education and training</i></b>	Teach how to apply human rights standards, dissemination of current regulations, among others <sup>24</sup> .

**Source:** OHCHR. Informative brochure N° 29 "Human rights defenders: Protection of the right to defend human rights".

19. Idem, page 4-5.

20. Idem, page 5.

21. Ibid.

22. Idem, page 5-6.

23. Idem, page 6.

24. Ibid.

In this sense, it is important to describe the activities of indigenous defenders in order to identify them. According to the 2017 IACHR Report on comprehensive policies for the protection of defenders, this group of indigenous defenders carry out activities in defense and protection of the rights of their people or communities in their territory (lands and natural resources), the right to autonomy

and cultural identity, restitution of their territories or recognition of collective property, linked to extractive and development projects<sup>25</sup>.

Based on this and based on the list of activities proposed by the OHCHR, a non-exhaustive list, indigenous human rights defenders can be identified in the following actions<sup>26</sup>:

TABLE N° 2.

ACTIVITIES OF HUMAN RIGHTS DEFENDERS OF INDIGENOUS PEOPLE

GENERAL ACTIVITIES ADAPTED FROM THE OHCHR	MAPPING OF DETAILED ACTIVITIES CARRIED OUT BY INDIGENOUS DEFENDERS
<p><i>In favor of all human rights of indigenous people</i></p>	<ul style="list-style-type: none"> <li>• Carry out actions in favor of the collective rights of indigenous people, such as: Legal personality, territory, consultation, consent, among others, as well as the rights of other indigenous people, such as the defense of the rights of People in Isolation and Initial Contact (PIACI).</li> <li>• Defend the rights of displaced or immigrant indigenous people, regardless of their legal situation. These rights are not necessarily linked to their refugee status, but may include, for example, the rights to a territory in the country to which they migrated, rights to a dignified life, among others.</li> <li>• Defend the right to life and health of Amazonian people or communities or other forms of self-organization in the face of the risks and impacts of COVID-19.</li> <li>• Defend or propose requests or actions for the prioritization of health services for care and prevention and mitigation measures of the impacts of this pandemic.</li> </ul>

25. Inter-American Commission on Human Rights, 2017. *Report: Towards a comprehensive policy for the protection of human rights defenders*. OEA/Ser.L/V/II.,Doc. 207/17, December 29, 2017, paragraph. 308 and 309.

26. Adapted from: The Office of the High Commissioner for Human Rights of the United Nations. Informative Brochure N° 29. *Human rights defenders: Protecting the right to defend human rights*. Available at <https://www.ohchr.org/Documents/Publications/FactSheet29sp.pdf>.

GENERAL ACTIVITIES ADAPTED FROM THE OHCHR	MAPPING OF DETAILED ACTIVITIES CARRIED OUT BY INDIGENOUS DEFENDERS
<p><b>Act at the international, regional, national and local level</b></p>	<ul style="list-style-type: none"> <li>• Carry out incident actions at the local or national level, in defense of respect for the rights of their communities and countries<sup>27</sup>. For example, local authorities.</li> <li>• Carry out advocacy actions at the international or regional level<sup>28</sup>. For example, leaders of COICA or national bases that carry out activities related to monitoring or making visible the regional situation regarding human rights and the submission of information to international mechanisms, such as reports to the special rapporteurs of the IACHR and rapporteurs of the United Nations, among others<sup>29</sup>.</li> </ul>
<p><b>Support people or communities that suffer violations of human rights</b></p>	<ul style="list-style-type: none"> <li>• Carry out or provide support to communities or people who suffer or are at risk of suffering human rights violations, for example, support in investigation and public dissemination of crimes<sup>30</sup>. Provide legal support in the presentation of cases before competent jurisdictional authorities, for example, indigenous lawyers, among others.</li> </ul>
<p><b>Act in favor of the dissemination of information on human rights violations</b></p>	<ul style="list-style-type: none"> <li>• Disseminate and make visible cases of rights violations in public opinion and the media<sup>31</sup>. For example, indigenous communicators.</li> </ul>

**Prepared by:** Jackeline Borjas/DAR. *Source: adapted from OHCHR. Information brochure N ° 29 on human rights defenders: protection of the right to defend human rights.*

These activities of indigenous defenders described, which are not exclusive among them, have been distributed in this manner for educational purposes

and in order to learn more about the actions that help us identify an indigenous defender.

27. Idem, page 4.  
28. Ibid.  
29. Ibid.  
30. Idem, page 5.  
31. Idem, page 4-5.

## 2.3. INTERNATIONAL PROTECTION INSTRUMENTS

The rights of human rights defenders are widely recognized at the international level, both in the universal system and in the inter-American system, in international instruments of a conventional and non-conventional nature. Among the international instruments that address the matter, the Declaration on Human Rights Defenders is presented as one of the main ones. However, within the framework of

defense actions that can be carried out, it is important to highlight issues related to the struggles of indigenous people. To this purpose, this document will take into account other related instruments, both to address the situation of human rights defenders and to cover rights that make the defenses of indigenous people possible.

TABLE N° 3.

### INSTRUMENTS FOR THE INTERNATIONAL PROTECTION OF DEFENDERS

YEAR	INSTRUMENT	LINKED ARTICLES
1948	<i>Universal Declaration of Human Rights</i>	<p><b>Article 1</b></p> <p>All human beings are born free and equal in dignity and rights, and they must behave fraternally with one another, as they have reason and conscience.</p>

YEAR	INSTRUMENT	LINKED ARTICLES
1976	<i>International Covenant on Civil and Political Rights</i>	<p><b>Article 1</b></p> <p>1. All people have right to free determination. By virtue of this right, they freely establish their political status and also provide for their economic, social and cultural development.</p> <p><b>Article 3</b></p> <p>The States Parties to this Covenant undertake to guarantee men and women equality in the enjoyment of all civil and political rights set forth in this Covenant.</p> <p><b>Article 26</b></p> <p>According to law, all persons are equal and are entitled without discrimination to equal protection.</p> <p>In this regard, the law will prohibit all discrimination and will guarantee to all persons equal and effective protection against any discrimination based on race, color, sex, language, religion, political or other opinions, national or social origin, economic position, birth or any other social condition.</p>
1976	<i>International Covenant on Economic, Social and Cultural Rights</i>	<p><b>Article 3</b></p> <p>The States Parties to the present Covenant undertake to ensure equal title to men and women to enjoy all the economic, social and cultural rights set forth in the present Covenant.</p>
1989	<i>Convention 169 of the International Labor Organization</i>	
1999	<i>Declaration on the right and duty of individuals, groups and institutions to promote and protect the universally recognized human rights and fundamental freedoms</i>	
2007	<i>United Nations Declaration on the Rights of Indigenous People</i>	
2016	<i>American Declaration on the Rights of Indigenous People</i>	

YEAR	INSTRUMENT	LINKED ARTICLES
2018	<p><b><i>Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean» (Escazú Agreement)</i></b></p>	<p><b>Article 9</b></p> <ol style="list-style-type: none"> <li>1. Each Party shall guarantee a safe and favorable environment in which individuals, groups and organizations that promote and defend human rights in environmental matters can act without threats, restrictions and insecurity.</li> <li>2. Each Party shall take appropriate and effective measures to recognize, protect and promote all the rights of human rights defenders in environmental matters, including their right to life, personal integrity, freedom of opinion and expression, the right to peaceful assembly and association and the right to circulate freely, as well as their ability to exercise access rights, considering the international obligations of said Party in the field of human rights, its constitutional principles and the basic elements of its legal system.</li> <li>3. Each Party shall take appropriate, effective, and timely measures to prevent, investigate and punish attacks, threats or intimidation that human rights defenders in environmental matters may suffer in exercising the rights contemplated in this Agreement.</li> </ol>

**Prepared by:** Romy Castillo/DAR.

As for the particular case of Escazú Agreement, it should be noted that it is the first treaty entered into in Latin America and the Caribbean that incorporates provisions for the protection of indigenous human rights defenders in environmental matters, specifically guaranteeing the rights to

access to information, participation and environmental justice, as well as all the rights of defenders in environmental matters. To date, this Agreement has been ratified 11 times, so once such ratifications have been formally registered, the agreement will enter into force, according to its article 22.

TABLE N° 4.

STATUS OF THE ESCAZÚ AGREEMENT IN THE AMAZON BASIN

COUNTRY	UNSIGNED	SIGNED	RATIFIED	AGREEMENT STATUS
<i>Bolivia</i>				Signed and ratified. Pending implementation.
<i>Brazil</i>				Signed. Under internal consideration of the Executive Branch and has not yet been submitted before the Congress.
<i>Colombia</i>				Signed. The Colombian government submitted the bill and classified it as urgent. Under current consideration of Congress.
<i>Ecuador</i>				Signed and ratified. Pending implementation.
<i>Guyana</i>				Signed and ratified. Pending implementation.
<i>French Guyana</i>				Unsigned.
<i>Peru</i>				Signed. The Foreign Affairs Commission of the Congress dismissed the ratification file. Reconsideration is expected in the next term.
<i>Suriname</i>				Unsigned.
<i>Venezuela</i>				Unsigned.

Prepared by: Jackeline Borjas/DAR. Source: CEPAL, DAR and Diálogo Chino.



### III.

## Context on Threats and/or Attacks on Indigenous Defenders

The Report on the situation of human rights defenders, by the former Special Rapporteur on the situation of human rights defenders, Michel Forst, identified the main human rights violations against human rights defenders as part of systematic patterns aimed at intimidating and silencing defense efforts<sup>32</sup>. Among these, it was evidenced assassinations, unlawful killings, torture, arbitrary detentions, physical and digital threats, criminalization of forced displacement, harassment and stigmatization, among others<sup>33</sup>.

In the case of indigenous people, the 2019 Report of the former Special Rapporteur on the rights of indigenous people highlighted the drastic increase in attacks, acts of violence, criminalization and threats against which indigenous people are subjected, mainly, in contexts where large-

32. United Nations, 2019. *Report on the situation of human rights defenders*. A/74/159, paragraph 16, p. 4. Available at <https://undocs.org/es/A/74/159>.

33. *Ibid.*, paragraph 15, p. 4.

scale works related to extractive, agribusiness, infrastructure, hydroelectric dams and logging activities are conducted<sup>34</sup>. In addition to this, the current Special Rapporteur on the rights of indigenous people indicated that the confinement has exposed land and environmental defenders even more to attacks and murders, for which reason cases of murders of indigenous leaders have been reported in Latin America<sup>35</sup>.

On this regard, in the 2020 Report "Defend Tomorrow: Climate Crisis and Threats against of Earth and Environment Defenders," Global Witness evidenced, among its main findings, the following: "More than two thirds of the murders occurred in Latin America, consistently ranked as the most affected region since Global Witness began publishing data in 2012. In 2019, only in the Amazon region 33 deaths occurred. Almost 90% of the murders in Brazil were in the Amazon. In Honduras, murders increased from four in 2018 to 14 last year, making it the most dangerous per capita country in 2019. [Also], mining was the deadliest sector, with 50 defenders killed in 2019. Agribusinesses continue to cause destruction, with 34 defenders killed, 85% of whom were registered in Asia. Logging was the sector with the highest increase in murders worldwide since 2018, with 85% more attacks registered against defenders who oppose said industry and 24 defenders killed in 2019"<sup>36</sup>. Currently, this situation of threats and human rights violations has worsened as a result of the COVID-19 pandemic.

Accordingly, the Economic Commission for Latin America and the Caribbean (ECLAC) and the Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC) recorded that, between 2015 and the first half of 2019, the conflicts arising from the affectation of the territorial rights of indigenous people in Latin America originate as a result of the following projects: 43.5% mining, 20.2% hydrocarbons, 18.8% energy projects, 6.5% monoculture plantations, and 11.0% other projects<sup>37</sup>. In addition, during this period, the murders of 232 of indigenous leaders who were life and land rights defenders<sup>38</sup> have been recorded.

Below is the context of threats and attacks against indigenous defenders in 5 prioritized countries:

34. United Nations, 2019. *Report of the Rapporteur on the rights of indigenous people*, paragraph 4, p.3. A/HRC/39/17. Available at <https://www.refworld.org/es/pdfid/5ba3c6fd4.pdf>.

35. United Nations, 2020. *Report of the Special Rapporteur on the rights of indigenous people*, paragraph 80, p. 24. A/75/185. Available at <https://undocs.org/es/A/75/185>.

36. Global Witness, 2020. *Defending Tomorrow: The climate crisis and threats against land and environmental defenders*, p. 10. Available at <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>.

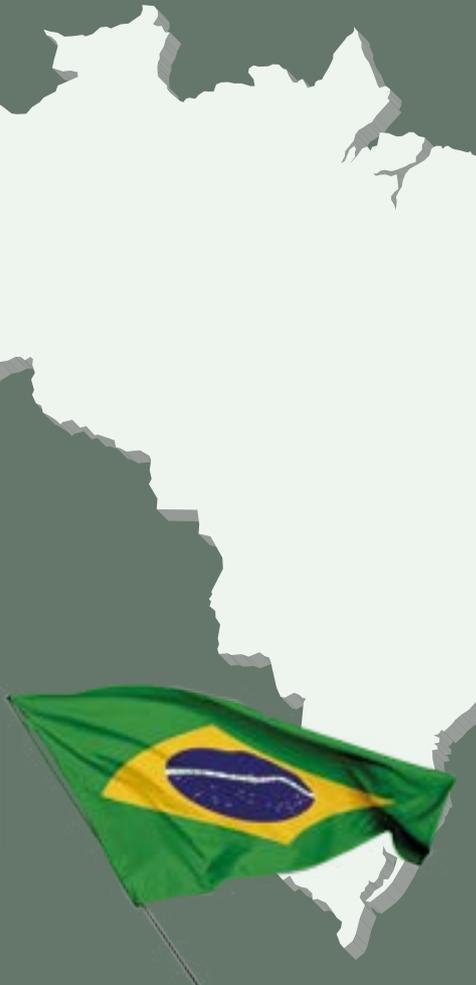
37. Economic Commission for Latin America and the Caribbean (CEPAL)/ Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC), "*The indigenous people of Latin America - Abya Yala and the 2030 Agenda for Sustainable Development: tensions and challenges from a territorial perspective*," Project Documents (LC/TS.2020/47), Santiago, 2020. p. 141.

38. Idem, p. 144.



### **Bolivia:**

During the Universal Periodical Examination carried out on Bolivia in 2019, some States recommended to ensure the protection of human rights defenders and to investigate effectively and impartially the attacks directed against these individuals. However, the Bolivian government did not accept this recommendation<sup>39</sup>. In addition, organizations such as Human Rights Watch have brought their concerns on the existence of laws and orders that grant the government broad powers to dissolve civil society organizations<sup>40</sup>.



### **Brazil:**

The State of Brazil refuses to promote public policies and have a specific emergency action contingency plan for indigenous people, mainly the protection of indigenous defenders. According to Front Line Defenders, "the challenges and threats faced by human rights defenders in Brazil continue to be very significant, especially for those who work on issues related to land, the environment, indigenous people, LGBTI rights, corruption and impunity. Many defenders have suffered death threats, physical assaults, arbitrary arrests and trials. The high number of murders, which take place in a context of widespread impunity is of particular concern."<sup>41</sup> Accordingly, the Acting Director of Environment and Human Rights at Human Rights Watch noted in 2019 the following: "The Brazilians who defend the Amazon are target of threats and attacks from criminal networks that are engaged in illegal logging [...] During Bolsonaro's presidency, this situation only got worse. The attack on the country's environmental agencies on the part of the government has placed the jungle and those who live there in greater danger."<sup>42</sup> Likewise, and contrary to the statements posed by the Bolsonaro government, indigenous organizations, such as Coiab, denounce human rights violations that have worsen

39. Latin American and Caribbean Network for Democracy (Redlad), 2019. *Report on the situation of human rights defenders in Bolivia, El Salvador, Honduras, Nicaragua, Guatemala and Venezuela*, p.2.

40. Human Rights Watch, 2019. *Bolivia, 2019 events*. Available at <https://www.hrw.org/es/world-report/2020/country-chapters/336399>.

41. Front Line Defenders. *Front Line Defenders: Brazil*. Available at <https://www.frontlinedefenders.org/es/location/brazil>.

42. Human Rights Watch, 2019. *Brazil: Criminal networks act against defenders of the Amazon. Violence and impunity endanger Brazil's commitment against climate change*. Available at <https://www.hrw.org/es/news/2019/09/17/brasil-redes-delictivas-actuan-contra-defensores-de-la-amazonia>.

by the impacts of COVID-19. The government approved, but with veto, Bill No. 1142/2020 - Emergency Health Project for Indigenous People, Quilombolas and Traditional People and Communities, which eliminates 16 specific articles for the adoption of urgent measures in favor of indigenous people that had already been approved by the House of Deputies and the Federal Senate<sup>43</sup>. These vetoed articles sought to guarantee the basic rights and guarantees of the life of these people, such as access to drinking water and access to intensive care beds, hygiene products, food distribution, among others<sup>44</sup>.

### **Colombia:**

It is the country with the highest number of assassinated social leaders. Between January 2016 and July 2019, 738 homicides of social leaders and human rights defenders have been registered<sup>45</sup>. In 2019, the most of the 107 took place in rural areas, 98% of which were related to illegal economies and places in which criminal or armed groups operate<sup>46</sup>. The levels of violence have increased due to the weakness in the protection of indigenous territories, which enables the irruption of private companies in them, such as "the mining extractive industry, which reaches 5,677,366.51 hectares of the reserves, and the hydrocarbon sector, which reaches a total area of 2,228,893.98 hectares, affecting 92 indigenous reserves<sup>47</sup>". In addition, the high levels of violence are influenced by the armed conflict and the implementation of measures set forth in the General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace, the paramilitary groups and drug trafficking networks, among other factors<sup>48</sup>.



43. Fidez Agency, 2020. "The Indigenous Missionary Council denounces the presidential vetoes: hatred and violence against indigenous people" [newspaper article], dated July 10, 2020. Available at [http://www.fides.org/es/news/68319-AMERICA\\_BRASIL\\_El\\_Consejo\\_Misionero\\_Indigena\\_denuncia\\_los\\_vetos\\_presidenciales\\_odio\\_y\\_violencia\\_contra\\_los\\_pueblos\\_indigenas](http://www.fides.org/es/news/68319-AMERICA_BRASIL_El_Consejo_Misionero_Indigena_denuncia_los_vetos_presidenciales_odio_y_violencia_contra_los_pueblos_indigenas).

44. Ibid.

45. Economic Commission for Latin America and the Caribbean (CEPAL) / Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC), "The indigenous people of Latin America - Abya Yala and 2030 Agenda for Sustainable Development: tensions and challenges from a territorial perspective," Project Documents (LC/TS.2020/47), Santiago, 2020, p. 144.

46. Informative note on Human Rights Defenders assassinated during 2019 in Colombia (January 14, 2019). Available at <https://www.hchr.org.co/index.php/informacion-publica/notas-informativas/9129-nota-informativa-defensoras-y-defensores-asesinados-durante-2019>.

47. Economic Commission for Latin America and the Caribbean (CEPAL) / Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC), "The indigenous people of Latin America - Abya Yala and 2030 Agenda for Sustainable Development: tensions and challenges from a territorial perspective," Project Documents (LC/TS.2020/47), Santiago, 2020, p. 142.

48. Ibid.



### **Ecuador:**

Although the change of government with President Lenin Moreno has generated a change of course regarding the measures carried out in connection with environmental defenders, indigenous representatives and, in general, Government critics, organizations such as Human Rights Watch have shown an incorrect approach to abusive criminal proceedings. Likewise, they have indicated that no other measures have been adopted; therefore in the future, the criminal justice system won't be used in an abusive way against indigenous leaders and environmentalists<sup>49</sup>.



### **Peru:**

Between 2013 and 2020, the murder of 12 indigenous defenders was registered<sup>50</sup>. During the emergency period, from April to November, the murder of 4 indigenous defenders has been recorded: Arbildo Meléndez, from Huánuco; Benjamín Ríos, from Ucayali; Gonzalo Pío Flores, from Junín; and Lorenzo Wampagkit, from Amazonas<sup>51</sup>. Among the triggers of the conflicts derived from the affectation of territorial rights of indigenous people, in addition to illegal groups (oil palm, illegal logging, drug trafficking, land trafficking, others), there are also extractive projects, such as mining projects. According to an official source from the Geological, Mining and Metallurgical Institute (INGEMMET), mining concessions increased to 14.07% in 2017, of which at least half of them occurred in indigenous territories<sup>52</sup>.

49. Human Rights Watch, 2018. *Amazonians in face of injustice. Judicial harassment of leaders and environmentalists in Ecuador*. Available at <https://www.hrw.org/es/report/2018/03/26/amazonicos-ante-la-injusticia/hostigamiento-judicial-de-lideres-indigenas-y>.

50. Ojo Público. "Dying for the land: twelve indigenous people have been murdered in the Amazon since 2013" (newspaper article), dated September 21, 2020. Available at <https://ojo-publico.com/1779/morir-por-la-tierra-indigenas-asesinados-en-la-amazonia>. This source registers the murder of 11 indigenous defenders, which must be complemented with the claims brought by ORAU: ORAU. Public Statement dated April 28, 2020. Available at <https://www.caaap.org.pe/wp-content/uploads/2020/04/0001-26.jpg>.

51. Ibid. Source: Aidesep, 2020. In the participation of Richard Rubio during the IACHR meeting with civil society on September 28, 2020.

52. Economic Commission for Latin America and the Caribbean (CEPAL) / Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC), "The indigenous people of Latin America - Abya Yala and 2030 Agenda for Sustainable Development: tensions and challenges from a territorial perspective," Project Documents (LC/TS.2020/47), Santiago, 2020. p. 141.



### **Suriname:**

"In 2007, Suriname voted in favor of the United Nations Declaration on the Rights of Indigenous People, but the country's legal system, based on colonial legislation, does not recognize indigenous or tribal people."<sup>53</sup> This lack of recognition has been the cause of multiple defenses by the people, and several of them have being brought before international bodies, such as the Inter-American Court of Human Rights in the case of the Saramaka people and the Kaliña and Lokono people.



### **Guyana:**

The natural resources that are part of the territories of the indigenous people in Guyana are under the control of government bodies. This means that exploitation by multinationals, as well as illegal mining and logging are constant causes for the defense of territories by indigenous people<sup>54</sup>.



### **French Guyana:**

France has ratified the 2007 United Nations Declaration on the Rights of Indigenous People (UNDRIP), but not Convention No. 169 of the International Labor Organization (ILO). It only recognizes the zones of collective use rights (ZDUC), concessions and transfers. These zones account for 8% of the country's land mass, and they do not give more than a simple right to use the land<sup>55</sup>. It also ratified the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean on April 18, 2019<sup>56</sup>.

53. IWGIA (2020). Surinam. Available at <https://www.iwgia.org/es/surinam.html>

54. IWGIA (2019). *Indigenous world 2019*: Guyana. Available at <https://www.iwgia.org/es/guyana/3401-mi2019-guyana.html>.

55. IWGIA (2020). *Indigenous world 2020*. Available at <https://www.iwgia.org/es/guayana-francesa/3744-mi-2020-guyana-francesca.html>.

56. Inter-American Commission on Human Rights (2019). IACHR and the presence of UN Human Rights reaffirm their call for the creation of a conducive and safe environment for those who defend human rights in the region. Available at <https://www.oas.org/es/cidh/prensa/comunicados/2019/288.asp>.



### **Venezuela:**

"From 2002 to present, State authorities have developed a policy that classifies the defense and claims for human rights as criminal actions. Starting from a hate and discrediting speech, through the public and official media, it is intended to discredit the work of organizations and individuals that defend human rights, accompany victims and carry out humanitarian actions<sup>57</sup>."

It is important to specify that for the purposes of this report, only cases from Bolivia, Brazil, Colombia, Ecuador and Peru will be addressed, which were prioritized in the framework of the PDDD meetings, along with the Rights Working Group (GTD) of COICA and its national bases, a group that brings together civil society organizations allied with COICA, so that they carry out actions that support the action lines of the PDDD, specifically actions of political and communicational advocacy, legal assistance, educational activities and financing search. It was created on June 2, 2020.

---

57. CEJIL (2020). *We demand the end of the systematic policy of criminalization of human rights defenders in Venezuela*. Available at <https://www.cejil.org/es/exigimos-fin-politica-sistemica-criminalizacion-defensores-y-defensoras-derechos-humanos-venezuela>.



---

## IV. Prioritized Cases of Indigenous Defenders

---

## 4.1.

## PRESENTATION OF PDDD LEADERS



REGIONAL:

### **Michael McGarrell**

*Leader of the Patamuna Nation of Guyana*

Coordinator of Human Rights and Political Focal Point of the Program for the Defense of Indigenous Defenders

COORDINATOR OF INDIGENOUS ORGANIZATIONS OF THE AMAZON BASIN (COICA)



BOLIVIA:

### **Tomás Candia**

*Leader of the Guaraní People*

President

CONFEDERATION OF INDIGENOUS PEOPLE OF BOLIVIA (ORGANIC Cidob)



BRAZIL/VENEZUELA:

### **Leanny Torres**

*Leader of the Warao People (Migrant from Venezuela)*

Deputy Cacique General

KA UBANOKO COMMUNITY IN BRAZIL



COLOMBIA:

### **Óscar Daza Gutiérrez**

*Leader of the Koreguaje People of Solano (Caquetá)*

Current Human Rights Coordinator

ORGANIZATION OF THE INDIGENOUS PEOPLE OF THE COLOMBIAN AMAZON (Opíac)



ECUADOR:

### **Andrés Tapia**

*Leader of the Kichwa PAKKIRU Nationality*

Communications Manager

CONFEDERATION OF INDIGENOUS NATIONALITIES OF THE ECUADORIAN AMAZON (Confeníae)



PERU:

### **Richard Rubio Condo**

*Leader of the Kichwa del Napo People (Loreto)*

Vicepresident

INTER-ETHNIC ASSOCIATION FOR THE DEVELOPMENT OF THE PERUVIAN JUNGLE (Aidesepe)

# 4.2.

## CASES PRIORITIZED AND SUBMITTED IN INTERNATIONAL HUMAN RIGHTS ADVOCACY SPACES



Indigenous defenders demand international attention call to governments of the Amazon basin

Indigenous people request IACHR intervention in the face of murders and threats in the Amazon



Indigenous people from Brazil, Bolivia, Colombia, Ecuador and Peru request the intervention of the IACHR



Indigenous people request IACHR intervention in the face of murders and threats in the Amazon



They demand that governments of the Amazon basin protect defenders



Amazonian Indians request  
intervention of the IACHR



Indigenous people request IACHR  
intervention in the face of murders  
and threats in the Amazon



Indigenous human rights defenders  
demand international attention call to  
governments of the Amazon basin



Defensores y Defensoras indígenas exigen llamado de atención internacional a gobiernos de la cuenca amazónica



Capture: Internet

The following cases have been prioritized by national organizations of the COICA:



## A. BOLIVIA:

### *Case of Repression in Chaparina*<sup>58</sup>

In Bolivia, the situation of indigenous people is disturbing and deserves immediate attention, given that in the last 14 years there have been serious violations of the human rights of these people<sup>59</sup>. In this sense, the Confederation of Indigenous People of Bolivia (Organic Cidob) has prioritized the following case:

#### CHART N° 1.

#### CASE OF INDIGENOUS DEFENDERS IN BOLIVIA

##### Case of Repression in Chaparina

As a result of the unilateral project that sought to build a highway that will cross the Isiboro Secure National Park and Indigenous Territory (TIPNIS), community members of the territory began a march in opposition thereto. On August 15, 2011, approximately 700 indigenous people left the city of Trinidad towards La Paz in rejection to the construction of a highway through the TIPNIS. On September 25, 2011, police officers arrested the indigenous Chaparina people during the protests. Despite the fact of acting in accordance with their right as indigenous defenders, they were attacked with gas, beaten, handcuffed and taken in buses from Chaparina to Rurrenabaque. According to Cidob, "the marching indigenous families were beaten, injured and illegally arrested. Indigenous people who participated in the protests were handcuffed and gagged; mothers were separated from their children, and community members were kidnapped to be taken to another town. This violation of our rights was aggravated when the main responsible authorities and ministers were exempted from responsibilities, giving them 9 years of the most shameful impunity."

**Prepared by:** Romy Castillo/DAR and Tomás Candia/Organic Cidob. Source: Organic Cidob.

#### **Claims from the defenders:**

1. For the IACHR to conduct an evaluation of the timely response of the mechanisms for the protection of the rights of indigenous people so that the violation of their rights is avoided and prevented.
2. Adoption of actions to prevent and avoid the recurrence of human rights violations, such those occurred to the victims of the case above.

58. Source: Information provided by the Confederation of Indigenous People of Bolivia (Organic Cidob) up to September, 2020.

59. Ibid.

3. Actions to investigate and prosecute those responsible for the repression and aggressions against the victims described in this case, so that justice may be provided to the victims.



## **B. BRAZIL:**

### *Case of Eviction against the Warao People in the Ka Ubanoko Community<sup>60</sup>*

In Brazil there is a situation of vulnerability of indigenous defenders resulting from the lack of response from the Brazilian State to respect and guarantee their rights as indigenous people. This situation has seriously worsened by the COVID-19 pandemic. The Warao people are one of these cases, which is prioritized by the Ka Ubanoko Community Organization, a local base that responds to the Regional Organization of Indigenous People of the Amazon state (Orpia) and the Coordinator of Indigenous Organizations of the Brazilian Amazon (Coiab).

Similar to other indigenous migrant people, members of the Warao people were forced to move from Venezuela to Brazil in 2018 due to the serious human rights violations that were committed as a result of the indifference of the Venezuelan government, insecurity, as well as invasions of their territories. Upon arriving in Brazil, and after finding themselves in various situations of need, approximately 1 year and 9 months ago, many of their families decided to settle in the current community of Ka Ubanoko in the city of Boa Vista. Since then, they have lived in community, according to the uses and customs of their people.

However, to date, they have received constant threats and intimidation by representatives of the army and an institution of the Brazilian State. This case is described below:

#### CHART N° 2.

#### CASE OF INDIGENOUS DEFENDERS IN BRAZIL

##### **Case of Territory Defense for the Eviction and Relocation Threats against the Warao People in the Ka Ubanoko Community**

The Ka Ubanoko community is made up of approximately 300 people including children, adults and elderly people, who are descendants of indigenous people.

Since July 2020, it was learned that the Department of Labor and Social Welfare (SETRABE), together with the Brazilian army and its "host operation," have visited the community with the intention of evicting this people. These visits have been made with intimidation purposes and threats to scare and force community members to

60. Source: Information provided by the Ka Ubanoko community organization as of October 2020.

move to a shelter called Jardim Floresta, which is a place with poor living conditions, no trees or green areas, which will not allow them to maintain their identity and own form of development, and in which the entry of other indigenous people is not allowed. The access to electricity is limited, and the inhabitants live with no hygiene conditions for long periods of time. In addition, the right to autonomy is not respected, since this would mean that they are entitled to rights based on the decisions of the Fraternity, an institution that would subject them to guardianship.

On September 17, they were summoned to a meeting during which a document ordering an eviction for October 28 was read. After the rejection of this arbitrary measure and several meetings with the Government Attorney General's Office, plus the pressure from the media, the eviction date was moved to December. However, it should be noted that the eviction proposal for December was a unilateral decision from the General responsible for such operation.

At the insistence of said General, a meeting was held with him in the community, during which he pointed out that he is not responsible for the physical attacks that may occurred, and if December comes and this people continue to live in Ka Ubanoko, the State will proceed with the eviction, and he will not assume responsibility for it. However, this is not at all in agreement with the decisions taken by the Warao people, in the exercise of their right to autonomy.

---

**Prepared by:** *Leany Torres/Ka' Ubanoko, Romy Castillo and Jackeline Borjas/DAR. Source: Ka Ubanoko Community Organization.*

In face of this situation, although they do not reject to transfer to another area, the Warao people express their rejection to the form in which authorities want to force them to evict their community, as well as to the place assigned for their relocation, decisions which were taken arbitrarily and without previous consultation. For this reason, they have been constantly fighting to maintain their different economic, social and cultural expressions, as well as their identities in recognition of their plurality.

### **Claims from the defenders:**

- 1. Respect and guarantee from the Brazilian State of their right to territory, consent and prior, free and informed consultation.*
- 2. Suspension on the part of the Brazilian State, through SETRABE and the army, of the eviction process against the Warao members. Instead a consultation process for the prior, free and informed consent must be conducted, in accordance with international standards of human rights of indigenous people.*
- 3. Finally, the creation on the part of the Brazilian State of a working committee integrating the State authorities and indigenous authorities in order to coordinate the granting of a territory for our people.*



## C. COLOMBIA:

### Cases of Human Rights Violations in the Putumayo Amazon<sup>61</sup>

In Colombia, one of the departments that is most seriously affected by legal and illegal armed groups is the Department of Putumayo, which comprises 13 municipalities and 3 geographical landscapes of the continental Amazon region: an Andean-Amazon transitional mountain range area at the northwestern end of the Department. To the southeast of this area, there is a strip of Amazon foothills bordering it; and to the east, there is an area of western Amazon plain, which makes up most of the department<sup>62</sup>.

In this sense, this department has a geostrategic location that, added to the institutional abandonment of the Colombian State, has led to a systematic occurrence of human rights violations on the part of armed groups with the purpose of conducting illicit activities; and there is an alleged relationship between the public official relatives and public officials with these illegal activities<sup>63</sup>. Despite the foregoing, the Colombian Government does not take actions to prevent and eradicate these activities.

In this regard, the Organization of Indigenous People of the Colombian Amazon (Opiac), through its Coordinating Council for Human Rights and Peace, has prioritized the following cases:

#### CHART N° 3.

#### CASE OF THREATS AGAINST INDIGENOUS DEFENDERS IN COLOMBIA

##### Case of Life Threats Against the Murui Indigenous People

The Murui Indigenous People lived in the territory comprising the Aguas Negras Reserve, located in the Municipality of Solano, Department of Caquetá. Due to the violence generalized by armed groups, they were displaced towards the municipality of Puerto Leguízamo, Department of Putumayo, 10 years ago. However, the return and repair processes of the victims began on 2015, as ordered by the Constitutional Court.

For approximately 4 years, this return process was led by Manuel Estrada, governor of the Murui indigenous council of this reserve. However, on July 6, 2020, five heavily armed individuals, who identified themselves as black eagles, arrived at this reserve and assassinated the Governor's son-in-law. Afterwards, Governor Estrada continued to receive constant threats from illegal armed groups.

On July 9 of this year, said Governor and his family were transferred outside the reserve. However, he continues to receive threats and now the community is also threatened by illegal armed groups.

**Prepared by:** Óscar Daza/Opiac. *Source:* Opiac Human Rights and Peace Coordinating Council.

61. Source: Information provided by the Human Rights and Peace Coordinating Council of the Organization of Indigenous People of the Colombian Amazon (Opiac) as of September 2020.

62. Ibid.

63. Ibid.

CHART N° 4.

CASE OF ATTACKS AGAINST INDIGENOUS DEFENDERS IN COLOMBIA

Case of Physical Attacks against the Indigenous Council of the Indigenous Reserve of Cofán

On Thursday, September 3, 2020, in the community of the Indigenous Council of Cofán in Villanueva, the Anti-Narcotics Police conducted a violent operation with a helicopter in the property of one of the council members. They deployed in different parts of the Indigenous Reserve of Cofán, conducting violent and vulgar attacks and physically attacking several community members of the Indigenous Council, children of the community, students visiting the sacred site of the community and the Indigenous Authorities who came to intercede with the state forces.

Without any dialogue, the police members fired tear gas at community members, without taking into account the presence of children, lactating women and officials visiting the territory within the framework of Sub-Agreement VA 005<sup>64</sup>. As a result of the inhalation of gases, a nine-month-old child had a seizure and 3 council members were injured and then transferred to the Sagrado Corazón de Jesús Hospital located in the Municipality of Valle del Guamuez<sup>65</sup>. Apparently, some community members have dedicated themselves to planting coca; however, the indigenous authorities informed that such planting activities were not coordinated with the traditional and political authorities, organized in the Traditional Authorities Association of the Permanent Work Table for the Cofán People and Indigenous Councils belonging to the Awá, Nasa, Kichwa, Embera Chami people of the Municipality of Valle del Guamuez and San Miguel, in order to be able to seek alternatives for action<sup>66</sup>.

**Prepared by:** Óscar Daza/Opiac. *Source: Opiac Human Rights and Peace Coordinating Council.*

**Claims from the defenders:**

1. *In the case of the Murui people, they request that the Colombian State be held liable for those attacks and the necessary measures be urgently advanced to guarantee the rights to life, freedom, personal safety, physical and psychological integrity, personal and family privacy and the home of the inhabitants of the Aguas Negras Indigenous*

64. Opiac. Complaint from the traditional and political authorities of the Traditional Authorities Association of the Permanent Work Table for the Cofán People and Indigenous Council belonging to the Awá, Nasa, Kichwa, Embera Chami people of the Municipality of Valle del Guamuez and San Miguel. Available at <https://opiac.org.co/images/pdf/DENUNCIA-ASOCIACION.pdf>.

65. Ibid.

66. Ibid.

*Reserve, who are currently affected by the actions of unidentified armed groups<sup>67</sup>. They also request that people transferred receive proper care and protection in order to provide them with security in the presence of armed groups during the return process. Additionally, they also request that the provisions of Auto 004 dated 2009 issued by the Constitutional Court, following Judgment T-025 dated 2004 be complied with, by virtue of which the Murui (Huitoto) people is recognized as an indigenous people in danger of physical and cultural extinction<sup>68</sup>.*

- 2. In the case of the Cofán people, they request that the violence cease and that coordination actions be carried out with the traditional and political authorities whenever any operation is conducted in their territory.*
- 3. The development and implementation of an efficient and effective drug policy program encompassing the consumption, substitution of crops for illicit use, and dismantling of illegal groups financing and conducting these illicit activities.*
- 4. The adoption of necessary actions on the part of competent state entities, vested with decision-making powers, so as to urgently investigate and eradicate illegal activities conducted in the indigenous territories of Putumayo.*
- 5. The conduction of necessary legal actions to determine the collective and individual liabilities for the attacks related to these reported cases.*



## **D. ECUADOR:**

### *Case of Criminalization and Violation of Rights by Oil Spill<sup>69</sup>*

In Ecuador, the State has failed to comply with the historical judgments issued in favor of the people and nationalities of the Ecuadorian Amazon, such as the fight of the Kichwa people of Sarayaku, the Kichwa people of Santa Clara in defense of the Piatua River, the A'i Cofán Community of Sinangoe against mining, and the case of the Waorani resistance against oil companies. In addition, the impunity for the violation of indigenous peoples' human rights and a continuous persecution of social leaders and indigenous leaders continues to exist<sup>70</sup>. In front of the foregoing, the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (Confeniae) has prioritized the following cases:

---

67. COICA. "Indigenous Leader of the Múruí Muina People assassinated in the Colombian Amazon"[Release], dated September 24, 2019. Available at <https://coica.org.ec/asesinan-a-lider-indigena-del-pueblo-murui-muina-en-la-amazonia-colombiana/>.

68. Ibid.

69. Source: Information provided by the Confederation of Indigenous Nationalities of the Ecuadorian Amazon (Confeniae) as of September 2020.

70. Source: statement by the leader Andrés Tapia of Confeniae, in video of PDDD testimonies. Available at <https://www.youtube.com/watch?v=P9nTZettizQ&feature=youtu.be>.

CHART N° 5.

CASE OF IMPACTS ON THE TERRITORY OF INDIGENOUS DEFENDERS IN ECUADOR

Defense of the Life of the Kichwa People against the Northeast Oil Spill

On April 7, 2020, during the quarantine, communities of the Province of Sucumbíos, Orellana and Napo were affected by an oil spill, which is the largest oil spill in the last 15 years, and involved the spill of 15,800 barrels in the Coca and Napo river basins. It affected 27,000 Indigenous people, 35,000 Indigenous people and peasants and more than 120,000 people in 22 parishes of 105 Kichwa communities of the Provinces of Sucumbíos and Orellana.

In face of the foregoing, in August of this year, those affected by the oil spill in the Province of Orellana (Ecuador) filed massive precautionary measures before the Judiciary of the City of Coca so as to guarantee access to justice in order to protect their integrity.

Despite the obvious violations of human and collective rights or damage to nature, the Ecuadorian justice denied the protective measures requested by the affected communities together with Confeniae. They argued that it was not possible to determine the damage. There is no contingency plan, nor has the government come to the territory to be provided with information on the impacts of this spill. As of November, after approximately 7 months, the Government still has not remedied this situation, so the communities continue to be directly affected.

*Prepared by: Andrés Tapia/Confeniae. Source: Confeniae.*

CHART N° 6.

CASE OF CRIMINALIZATION OF INDIGENOUS DEFENDERS IN ECUADOR

Judicial Persecution of Confeniae Leaders

As a result of the firm stand of grassroots organizations in the face of extractivism activities, directors and leaders are usually subject to persecution and criminalization. This occurs with the trial conducted for the alleged crime of engaging in subversive groups against Marlon Vargas (President of Confeniae), Andrés Tapia (Communication Director), Jaime Vargas (President of CONAIE) and other Amazonian leaders.

To the foregoing, it should be noted that the community leaders and their families have been subject to harassment and intimidation, which endanger their integrity and the integrity of their communities.

*Prepared by: Andrés Tapia/Confeniae. Source: Confeniae.*

### Claims from the defenders:

1. The suspension of all oil, mining, logging and any other extractive activities in the territories of indigenous people during the pandemic, which puts them at risk.
2. As for the spill, the suspension of the oil pipeline pumping that threatens the survival of the communities living on the shores of the Coca and Napo rivers due to the regressive erosion in the area caused by the hydrocarbon spill, and until it is ensured that said spills will not occur again.
3. Claim an early warning system with cultural relevance which must be coordinated with the communities. This risk response plan includes both prevention and care actions.
4. End of the threats, judicial persecution and criminalization against the Confenia leaders, and thus dismiss the legal proceedings against them.



### E. PERU:

#### Case of Threats and Attacks against Indigenous Leaders

In Peru, there are serious violations of indigenous human rights defenders who are threatened for their defense activities, and several murder cases have already occurred during the emergency period, without taking into account the threats against the communities by alleged groups. Thus, the Inter-Ethnic Association for the Development of the Peruvian Jungle (Aidesepe) has prioritized the following cases:

#### CHART N° 7.

#### CASE OF ATTACKS AGAINST INDIGENOUS DEFENDERS IN PERU

#### Case of Murder and Attacks against Indigenous People in the Block 95<sup>71</sup> Facilities

In the early morning of August 9, 2020, a violent act involving the police force and indigenous community members of Loreto was reported. It caused the death of 3 community members and 10 injured in the facilities of the Petrotal company in Block 95. According to indigenous leaders, the community members approached the company directors to initiate territorial control and coordinate the creation of a dialogue table due to the need for urgent measures to address the impacts of

71. Information from: Borjas / La República. Without Escazú: indigenous deaths continue [Opinion Article]. Available at <https://larepublica.pe/opinion/2020/08/10/sin-escazu-muertes-de-indigenas-continuan-por-jackeline-borjas-torres-poblaciones-indigenas/>.

COVID-19. However, the police received them with firearms. This attack requires an immediate investigation to determine the State liabilities.

The community members had no firearms, only spears and arrows, which are traditional and ancestral tools used as symbol of indignation and rejection for the historical abandonment suffered by indigenous people<sup>72</sup>. However, the National Police Force used force disproportionately against those who exercised their right to protest to demand public health, 24-hour electric power, water, among other claims. For this reason, indigenous organizations such as Orpio, Aidesep, and COICA requested the end of repression on the part of the Government.

**Prepared by:** Jackeline Borjas/DAR. *Source:* Orpio, Aidesep, COICA.

**CHART N° 8.**

**CASE OF THREATS AGAINST INDIGENOUS DEFENDERS IN PERU**

**Case of Threats and Attacks against ORAU Leaders**

On October 2, direct threat actions against Berlin Diques and Jamer López, president and vice president of the Regional Organization of the Inter-Ethnic Association for the Development of the Peruvian Jungle (ORAU) respectively, were reported for their defense actions in their territories; as well as an attack to the administrator of the same organization. These threats, which have been occurring for months now, were materialized on October 2 by the support that ORAU is giving to its grassroots organization FENACOCA for denouncing the invasion of the territories of their communities by groups linked to land and drug trafficking, which are presumed to be groups linked to the murder of indigenous defender Arbildo Meléndez on April 12, 2020.

These threats reflect the threats and aggressions committed against indigenous people at all levels: indigeous communities of Ucayali<sup>73</sup>; ORAU regional organization; and local organization. Thus, on October 14, threats against Miguel Guimaraes, President of the Federation of Native Communities of the Ucayali and Affluents (FECONAU) and Shipibo indigenous human rights defender of the Santa Clara de Uchunya and Flor de Ucayali community were registered. He carries out actions of advocacy for the recognition of the rights of indigenous communities and the preservation of their territories<sup>74</sup>. Miguel Guimaraes received a death threat

72. COICA. Statement of the COICA against repression acts exercised by the Peruvian government against the indigenous people of the Amazon, dated August 9, 2020.

Available at <https://www.facebook.com/CoordinadoraOrganizacionesIndigenasCuencaAmazonica/photos/pcb.713459765873978/713467075873247/>.

73. Front Line Defenders (2018). International statement of concern about death threats against indigenous leaders of the Santa Clara de Uchunya community (Ucayali, Peru), dated February 22, 2020.

Available at <https://www.frontlinedefenders.org/es/statement-report/international-statement-concern-about-death-threats-against-indigenous-leaders>.

74. Ibid.

message in his cell phone (WhatsApp) in the form an image of a dismembered person with the message "We are doing this one way or another<sup>75</sup>." The foregoing occurred as a result of his advocacy and territorial defense actions of the affiliated communities against the invasion of their territories, land trafficking, drug trafficking, illegal logging, oil palm plantation and expansion of other activities linked to agribusiness, among others<sup>76</sup>.

**Prepared by:** Jackeline Borjas/DAR. Source: ORAU, Aidesep and Front Line Defenders.

### **Claims from the defenders:**

1. *End of the repression, criminalization and threats against indigenous human rights leaders, for which the Executive Branch must prioritize an effective policy for the protection of indigenous human rights defenders of the Peruvian Amazon.*
2. *As for the attacks in Block 95, the execution of a new social and environmental agreement, and the identification of the police officers who participated in the confrontation and the high-ranking officials who ordered and planned the operations. Such individuals must be incorporated to the investigation proceeding to determine the State liability.*
3. *As for the threats against ORAU leaders, the implementation of urgent protective actions on the part of the Ministry of Justice in coordination with other State entities, such as the Office of Ombudsman, the Government Attorney General's Office, the Judiciary, the armed forces and the police to guarantee the life and integrity of indigenous human rights defenders, within the framework of the activation of their Early Warning mechanism of the Protocol for the Protection of Human Rights Defenders. Additionally, the immediate and timely granting of personal guarantees on the part of the Regional Prefecture and the corresponding subprefecture, as well as that the enforcement of said guarantees on the part of the Peruvian Police Force in order to provide effective protection.*
4. *They request that the Congress of the Republic, through its Foreign Affairs Commission, urgently issue a favorable opinion for the ratification of the Escazú Agreement so that the Plenary Session of the Congress may approve this important regional instrument for the protection of indigenous defenders.*

75. ORAU (2020). President of FECONAU receives death threat [Press Release]. Available at <http://www.orau.org.pe/inicio/index.php/250-presidente-de-feconau-recibe-amenaza-de-muerte>.

76. Ibid.

The cases of the 5 prioritized countries in this report were informed to the IACHR during the meetings held with the civil society at its 176th and 177th sessions in 2020<sup>77</sup>. This socialization was exposed by the following organizations: COICA, Aidesep, Cidob, Confeniae, Opiac and the Ka Ubanoko community organization (local foundation that responds to Orpia and Coiab).

## V. Cases of Indigenous Defenders Killed during the Implementation of Government Measures on COVID-19

Between 2015 and 2019, the Economic Commission for Latin America and the Caribbean (ECLAC) has registered cases of 232 indigenous leaders and community members assassinated during said period; in other words, "on average 4 indigenous defenders are assassinated each month in Latin America<sup>78</sup>." This situation is really alarming, specially because violence has increased: "While in 2015, 2 leaders lost their lives each month defending their territories, in 2018 and during the first half of 2019 this sad figure tripled<sup>79</sup>."

This situation of indigenous human rights defenders requires immediate attention and preventive actions from the governments of the Amazon basin. To date, cases of murders, even during emergency periods for the COVID-19 pandemic, have been registered. Below some emblematic cases of murders of indigenous defenders in Peru, Colombia and Brazil are described:

77. From the 177th period of sessions: DAR, 2020. Indigenous defenders claim for international attention to governments of the Amazon basin. Available at <https://dar.org.pe/defensores-y-defensoras-indigenas-exigen-llamada-de-atencion-internacional-a-gobiernos-de-la-cuenca-amazonica/> DW, 2020. Indigenous from Brazil, Bolivia, Colombia, Ecuador and Peru claim for the intervention of the IACHR. Available at <https://www.dw.com/es/ind%C3%ADgenas-de-brasil-bolivia-colombia-ecuador-y-per%C3%BA-piden-intervenci%C3%B3n-de-cidh/a-55113363> from the 176th period of sessions: DAR, 2020. Indigenous people claim for the IACHR to urge governments to take actions for their protection: <https://dar.org.pe/noticias/pueblos-indigenas-solicitan-a-la-cidh-exhortar-a-los-gobiernos-a-tomar-acciones-para-su-proteccion>.

78. Economic Commission for Latin America and the Caribbean (CEPAL) / Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC), "The indigenous people of Latin America - Abya Yala and 2030 Agenda for Sustainable Development: tensions and challenges from a territorial perspective," Project Documents (LC/TS.2020/47), Santiago, 2020, p. 143-144.

79. Ibid.

# 5.1.

## MURDER CASES IN PERU

From 2013 to 2019, the Office of Peruvian Ombudsman has identified acts of violence against indigenous people, specifically against approximately 11 native communities, 3 peasant communities, and a locality of farmers, located in the regions of Loreto, Ucayali, San Martín, Junín, Cajamarca, Huánuco and Pasco<sup>80</sup>. As a result, to date 12 murders of indigenous defenders<sup>81</sup> have been registered. Particularly, during the state of emergency due for the pandemic, the murder of 4 indigenous defenders has been recorded:

### CHART N° 9.

#### FIRST MURDER CASE OF AN INDIGENOUS DEFENDER DURING THE STATE OF EMERGENCY ORDERED BY THE PERUVIAN GOVERNMENT

##### Arbildo Meléndez Grández



**Indigenous leader:** He was part of the Kakataibo People of the Unipacuyacu native community, located in the District of Codo del Pozuzo, Province of Puerto Inca, Department of Huánuco - Peru.



**Territory Defender:** For several years, he requested that a title for the territory of his community be issued (approximately 22 thousand hectares).



**Risk:** He received death threats from invaders linked to illegal coca cultivation and land trafficking<sup>82</sup>.



**Murder by Firearm:** In the morning of April 12, during the quarantine ordered by the Peruvian Government, he left his community to look for supplies, but hours later he was found dead with a gunshot wound in his body<sup>83</sup>.



**Murder Date:** April 12, 2020.

*Prepared by: Jackeline Borjas/DAR. Source: Ojo Público.*

80. Office of the Peruvian Ombudsman, 2020. Special Report N° 012-2020-DP: *Situation of persons with special protection regarding the declaration of health emergency*, p. 19.

81. Ojo Público. "Dying for the land: twelve indigenous people have been murdered in the Amazon since 2013" (newspaper article), dated September 21, 2020. Available at <https://ojo-publico.com/1779/morir-por-la-tierra-indigenas-asesinados-en-la-amazonia>. This source registers 11 indigenous defenders, which must be complemented with the information reported by ORAU: ORAU. Public Release dated April 28, 2020. Available at <https://www.caaap.org.pe/wp-content/uploads/2020/04/0001-26.jpg>.

82. Santos, Geraldine/Ojo Público. "Crime in the Amazon: Cacataibo indigenous leader murdered in Huánuco" (newspaper article). Available at <https://ojo-publico.com/1757/crimen-en-la-amazonia-asesinan-lider-indigena-en-huanuco>.

83. Ibid.

CHARTER N° 10.

SECOND MURDER CASE OF AN INDIGENOUS DEFENDER DURING THE STATE OF EMERGENCY ORDERED BY THE PERUVIAN GOVERNMENT

Benjamín Ríos Urimichi



**Indigenous Leader:** He was part of the Asháninka People, a natural community member of the Kapichari indigenous community of the District of Tahuania, Province of Atalaya, Region of Ucayali - Peru. He was part of the Indigenous Organization of the District of Tahuania (OIDIT).



**Territory Defender:** He defended the non-admission and massive presence of foreign invaders, drug traffickers, illegal loggers, farmers' association, among others<sup>84</sup>.



**Risk:** Constant threats, harassment, intimidation, death threats by settlers, land traffickers and drug traffickers in the area<sup>85</sup>.



**Murder by firearm:** He had been working on a farm owned by a foreign citizen who had a family relationship with drug traffickers. It was possible to access that place only through a six-hour path on foot or with a motorcycle. In the early morning hours, he was shot in the head<sup>86</sup>.



**Murder date:** April 26/27, 2020.

*Elaboración:* Jackeline Borjas/DAR. *Fuente:* ORAU/CAAAP.

CHART N° 11.

THIRD MURDER CASE OF AN INDIGENOUS DEFENDER DURING THE STATE OF EMERGENCY ORDERED BY THE PERUVIAN GOVERNMENT

Gonzalo Pío Flores



**Indigenous Leader:** He was part of the Asháninka people, community member of the Community of Nuevo Amanecer Hawaii in Junín - Peru.



**Territory Defender:** He was fighting for the granting of a title in favor of the Community of Nuevo Amanecer Hawaii, which is located on the triple Junín-Pasco-Ucayali border.

84. ORAU. Public release dated April 28, 2020. Available at <https://www.caaap.org.pe/wp-content/uploads/2020/04/0001-26.jpg>.

85. Ibid.

86. CAAAP. "Ucayali: Ashéninka indigenous from the District of Tahuania was murdered" (press release). Available at <https://www.caaap.org.pe/2020/04/28/ucayali-asesinan-a-indigena-asheninka-del-distrito-de-tahuania/>.



**Risk:** Defending the territory, as well as his father Mauro Pío did, created threats from drug traffickers and illegal loggers operating in the area<sup>87</sup>.



**Murder by firearm:** He left his house and went to Alto San Pascual, half an hour away on foot. Upon arriving at the place, together with his wife, he was attacked and tortured in the middle of the forest, and then killed with a shotgun.



**Murder date:** May 17, 2020.

*Prepared by: Jackeline Borjas/DAR. Source: Ojo Público.*

CHART N° 12.

FOURTH MURDER CASE OF AN INDIGENOUS DEFENDER DURING THE STATE OF EMERGENCY ORDERED BY THE PERUVIAN GOVERNMENT

Lorenzo Wampagkit Yampik



**Indigenous leader:** He was part of the Awajún People from the Community of Nayumpin, District of Imaza, Province of Bagua of the Amazonas region, Peru.



**Defender of the forest:** He worked as a park ranger of the Chayu Nain Communal Reserve in the same region<sup>88</sup>.



**Risk:** Under investigation.



**Murder by firearm:** He was murdered in his house located in Chiriaco, capital of the District of Imaza of the same region.



**Murder date:** July 29, 2020.

*Prepared by: Jackeline Borjas/DAR. Source: Ojo Público.*

87. Ojo Público. "Inheriting death: the struggle of the Pío family to defend the forests" (newspaper article), dated September 21, 2020. Available at <https://ojo-publico.com/2129/heredar-la-muerte-la-lucha-de-los-pio-por-los-bosques>.

88. Ojo Público. "Dying for the land: twelve indigenous people have been murdered in the Amazon since 2013" (newspaper article), dated September 21, 2020. Available at <https://ojo-publico.com/1779/morir-por-la-tierra-indigenas-asesinados-en-la-amazonia>.

## 5.2.

## MURDER CASES IN COLOMBIA

In Colombia, the situation of murders and threats against human rights defenders is critical. Between November 2016 and July 2020, 250 indigenous leaders were assassinated<sup>89</sup>. To date, 84 indigenous leaders and of human rights defenders have been murdered<sup>90</sup>. Below is one of the emblematic cases:

### CHART N° 13.

#### MURDER CASE OF INDIGENOUS DEFENDERS DURING THE STATE OF EMERGENCY ORDERED BY THE COLOMBIAN GOVERNMENT

##### Omar and Ernesto Guasiruma Nacabera



**Indigenous leader:** They were part of the Embera people, Community of Buenavista, Department of Valle del Cauca. Unknown individuals entered their houses while they were confined complying with the immobilization measures<sup>91</sup>. Although the identity of the perpetrators is unknown, it is known that in the middle of indigenous territories, Northern Cauca is a route for the traffic of weapons and drugs, which endanger indigenous people of the area. These people have closed their borders as a protective measure against COVID-19<sup>92</sup>.



**Life Defenders:** The community closed its borders as a protective measure against COVID-19.



**Risk:** Northern Cauca is a route for the traffic of weapons and drugs.



**Murder by firearm:** They were killed by gunshots. Although the murders are unknown, it is known that in the middle of their territory there is a route for the traffic of weapons and drugs, which endanger their lives<sup>93</sup>.



**Murder date:** March 23, 2020.

*Prepared by: Jackeline Borjas/DAR. Source: Ojo Público and Semana sostenible.*

89. Instituto de Estudio para el Desarrollo y la Paz (Indepaz). *Special report: record of murdered leaders and human rights defenders*, from 11/24/2016 to 07/15/2020.

Available at <http://www.indepaz.org.co/wp-content/uploads/2020/07/3.-Informe-Especial-Asesinato-lideres-sociales-Nov2016-Jul2020-Indepaz-2.pdf>.

90. Instituto de Estudio para el Desarrollo y la Paz (Indepaz). *Updated records of social leaders and human rights defenders murdered in 2020*.

Available at <http://www.indepaz.org.co/lideres/> And source: Opiac, 2020. Participation of Óscar Daza at the IACHR meeting with civil society in the 177th session held on September 28.

91. Ojo Público. "Inheriting death: the struggle of the Pio family to defend the forests" (newspaper article), dated September 21, 2020.

Available at <https://ojo-publico.com/2129/heredar-la-muerte-la-lucha-de-los-pio-por-los-bosques>.

92. MONGABAY LATAM. Grupos armados aprovechan la cuarentena para asesinar a indígenas y defensores en Colombia.

Available at <https://es.mongabay.com/2020/04/indigenas-asesinatos-y-covid-19-en-cuarentena-colombia/>.

93. MONGABAY LATAM. Grupos armados aprovechan la cuarentena para asesinar a indígenas y defensores en Colombia.

Available at <https://es.mongabay.com/2020/04/indigenas-asesinatos-y-covid-19-en-cuarentena-colombia/>.

## 5.3.

## MURDER CASES IN BRAZIL

One of the emblematic cases is the following:

### CHART N° 14.

#### MURDER CASE OF AN INDIGENOUS DEFENDER DURING THE STATE OF EMERGENCY ORDERED BY THE BRAZILIAN GOVERNMENT

##### Zeze Rodrigues Guajajara



**Indigenous leader:** He was part of the Guajajara people from the village of Zutiwa, located in the Indigenous Territory of Araribóia, Amazonian State of Maranhão in Brazil. He had recently been elected coordinator of the Commission of Indigenous Directors and Leaders of the Indigenous Territory of Araribóia (Cocalitia).



**Defender of the territory:** He requested the protection of the Araribóia territory and the Awá-guajá people in voluntary isolation, who live there, against threats such as illegal logging and wood trade. He was one of the historical promoters of the Forest Guardians, a group of 120 indigenous volunteers who protect the territory of Araribóia from illegal logging and wood trade.



**Risk:** Previous threats



**Murder by firearm:** He was killed on his way back to his village, allegedly by local illegal loggers<sup>94</sup>.



**Murder date:** March 31, 2020.

*Prepared by: Jackeline Borjas/DAR. Source: Mongabay.*

These deaths show that the attackers of indigenous defenders, members of alleged illegal groups, take advantage of the isolation and immobilization measures, to perpetrate the murders of leaders who oppose their activities.

94. Mongabay Latam. "The attacks continue to exist, even in the midst of the crisis caused by Covid-19" (newspaper article). Available at <https://es.mongabay.com/2020/04/defensores-amenazados-latinoamerica-covid-19-violencia/>.

# Conclusions and recommendations

Based on the foregoing, the following conclusions and recommendations are presented:

## **CONCLUSIONS:**

---

1. Indigenous human rights defenders are life defenders insofar as the rights they defend are interdependent on human dignity and are therefore closely linked to life defense.
2. There is a consensus regarding the denomination established in instruments such as the Declaration on Human Rights Defenders, which also includes indigenous defenders, either individually or collectively.
3. Despite the consensus on the importance of the right to defend human rights, and even during the emergency period for the COVID-19 pandemic, the threats, attacks and murders against indigenous defenders have not stopped because they continue to report and denounce irregularities and violation of collective rights by illegal activities.
4. The restrictions and measures adopted by the governments are not issued together with preventive and protective measures in favor of indigenous defenders, so these measures aggravate their vulnerability as they are exposed in their residences, with no possibility to transfer to another places or protect themselves against continuous threats and attacks.
5. Under the argument of the emergency caused by the pandemic, governments are not taking protective actions for indigenous defenders and only request them to stay in their houses. The design and implementation of an effective policy for the protection of indigenous human rights defenders are not prioritized.

## RECOMMENDATIONS:

---

1. The states of the Amazon basin must promote the pertinent regulatory changes in order to put an end to the policy of criminalization of human rights defenders in the region. They must also promote the design and implementation of specific policies for the protection of indigenous defenders from prevention, through early warning systems, attention and monitoring of threats, attacks and violations of both individual and collective rights.
2. It is recommended that the rights and obligations contained in the Declaration on Human Rights Defenders be incorporated into the internal legal system. The adoption of measures aimed at the legal recognition of the right to defend human rights and the quality of indigenous human rights defenders is also recommended.
3. States must promote the creation of observatories that allow to evidence cases of violations committed against human rights defenders.
4. Include specific measures for the protection of indigenous human rights defenders in the prevention and care plans for COVID-19.
5. It is recommended that the governments of the Amazon basin prioritize the signing, ratification and execution of the Escazú Agreement, as it represents a key tool to guarantee a safe environment for human rights defenders. It is particularly recommended:
  - a. To the governments of Ecuador, Bolivia and Guyana, which have already ratified the Escazú Agreement, to take into account COICA's proposal of "Minimum lines of indigenous work and principles for the strengthening of environmental justice and the defense of indigenous defenders" for its respective internal implementation<sup>95</sup>.
  - b. To the governments of Venezuela, Suriname and French Guyana, to sign the Escazú Agreement as it is a need for indigenous people.
  - c. To the Government of Brazil, to urgently propose the signing of the Escazú Agreement to its Parliament in order to start the pertinent ratification process.
  - d. To the Congress of Colombia, to prioritize the agenda and debate on the ratification process of the Escazú Agreement, according to the procedures established in its country with respect to the rights of indigenous people.
  - e. To the Congress of Peru, to reconsider the dismissal of the Escazú Agreement, with respect to the rights of indigenous people.

---

95. COICA. *Minimum lines of indigenous work and principles for the strengthening of environmental justice and the defense of indigenous defenders*. p. 37  
Available at [https://www.dar.org.pe/archivos/publicacion/203\\_Acuerdo\\_Escazu.pdf](https://www.dar.org.pe/archivos/publicacion/203_Acuerdo_Escazu.pdf).

# Bibliography

- Borjas, J. (August 10, 2020). "Without Escazú: indigenous deaths continue" [Opinion article]. LaRepública. Available at <https://larepublica.pe/opinion/2020/08/10/sin-escazu-muertes-de-indigenas-continuan-por-jackeline-borjas-torres-poblaciones-indigenas/>
- CAAAP. *Ucayali: an indigenous Ashéninka from the District of Tahuania was murdered* (press release). Consultation: October 20, 2020. Available at <https://www.caaap.org.pe/2020/04/28/ucayali-asesinan-a-indigena-asheninka-del-distrito-de-tahuania/>
- Economic Commission for Latin America and the Caribbean (ECLAC) / Fund for the Development of Indigenous People of Latin America and the Caribbean (FILAC), "The indigenous people of Latin America - Abya Yala and the 2030 Agenda for Sustainable Development: tensions and challenges from a territorial perspective," Project Documents (LC/TS.2020/47), Santiago, 2020.
- COICA. *Minimum lines of indigenous work and principles for the strengthening of environmental justice and the defense of indigenous defenders*. [https://www.dar.org.pe/archivos/publicacion/203\\_Acuerdo\\_Escazu.pdf](https://www.dar.org.pe/archivos/publicacion/203_Acuerdo_Escazu.pdf)
- COICA. *Indigenous Leader of the Múruí Muina People was murdered in the Colombian Amazon* [Press Release], dated September 24, 2019. At: <https://coicamazonia.org/asesinan-a-lider-indigena-del-pueblo-murui-muina-en-la-amazonia-colombiana/>
- COICA. *Statement of the COICA against acts of repression conducted by the Peruvian government on the indigenous people of the Amazon*, dated August 9, 2020. Available at <https://www.facebook.com/CoordinadoraOrganizacionesIndigenasCuencaAmazonica/photos/pcb.713459765873978/713467075873247/>
- Inter-American Commission on Human Rights (2012). *Second Report on the situation of human rights defenders in the Americas*. <https://www.oas.org/es/cidh/defensores/docs/pdf/defensores2011.pdf>.
- Front Line Defenders (2019). *Global Analysis of Front Line Defenders 2019*. [https://www.frontlinedefenders.org/sites/default/files/spanish\\_-\\_global\\_analysis\\_2019\\_web.pdf](https://www.frontlinedefenders.org/sites/default/files/spanish_-_global_analysis_2019_web.pdf)
- Front Line Defenders (s/f). *Front Line Defenders: Brazil*. <https://www.frontlinedefenders.org/es/location/brazil>

- Global Witness (2020). *Defend Tomorrow Report. Climate crisis and threat against land and environmental defenders*. <https://www.globalwitness.org/es/defending-tomorrow-es/>
- Human Rights Watch (2018). *Amazonians in the face of injustice. Judicial harassment of leaders and environmentalists in Ecuador*. <https://www.hrw.org/es/report/2018/03/26/amazonicos-ante-la-injusticia/hostigamiento-judicial-de-lideres-indigenas-y>
- Human Rights Watch (2019). *Bolivia, 2019 Events*. <https://www.hrw.org/es/world-report/2020/country-chapters/336399>
- Human Rights Watch (2019). *Brazil: Criminal networks act against defenders of the Amazon. Violence and impunity endanger Brazil's commitment against climate change*. <https://www.hrw.org/es/news/2019/09/17/brasil-redes-delictivas-actuan-contra-defensores-de-la-amazonia>
- United Nations. (March 8, 1999). Resolution approved by the General Assembly (A / RES / 53/144). Recovered from: [https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration\\_sp.pdf](https://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration_sp.pdf)
- United Nations. *The Declaration of Human Rights Defenders*. <https://www.ohchr.org/sp/issues/srhrdefenders/pages/declaration.aspx>.
- United Nations (2019). *Report of the Special Rapporteur on the situation of human rights defenders through resolution A/HRC/40/60*. <https://undocs.org/pdf?symbol=es/A/HRC/40/60>
- United Nations (2019). *Report on the situation of human rights defenders, A/74/159*. <https://undocs.org/es/A/74/159>
- Latin American and Caribbean Network for Democracy (Redlad) (2019). *Report on the situation of human rights defenders in Bolivia, El Salvador, Honduras, Nicaragua, Guatemala and Venezuela*.
- MONGABAY LATAM. Grupos armados aprovechan la cuarentena para asesinar a indígenas y defensores en Colombia. Recuperado de: <https://es.mongabay.com/2020/04/indigenas-asesinatos-y-covid-19-en-cuarentena-colombia/>
- United Nations. Defenders assassinated during 2019 in Colombia (January 14, 2019). <https://www.hchr.org.co/index.php/informacion-publica/notas-informativas/9129-nota-informativa-defensoras-y-defensores-asesinados-durante-2019>

Santos, Geraldine/Ojo Público. *Crime in the Amazon: indigenous leader murdered in Cacataibo, Huánuco* (newspaper article). <https://ojo-publico.com/1757/crimen-en-la-amazonia-asesinan-lider-indigena-en-huanuco>

Ojo Público. *Inheriting death: the struggle of the Pio family to defend the forests* (newspaper article), dated September 21, 2020. Available at <https://ojo-publico.com/2129/heredar-la-muerte-la-lucha-de-los-pio-por-los-bosques>

Ojo Público. *Dying for the land: twelve indigenous people have been murdered in the Amazon since 2013* (newspaper article), dated September 21, 2020. Available at <https://ojo-publico.com/1779/morir-por-la-tierra-indigenas-asesinados-en-la-amazonia>

ORAU. Public release, dated April 28, 2020. <https://www.caaap.org.pe/wp-content/uploads/2020/04/0001-26.jpg>

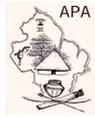




Within:



Members of COICA:



With the support of:



<http://coicamazonia.org/>