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The criminalization of human rights defenders in Latin America An assessment from international organisations and European networks

“The increasingly systematic and recurring way in which baseless criminal actions are brought against human rights defenders has caused this to gain visibility in the region and to become a problem that merits urgent attention on the part of States,”

(Second report of the Inter-American Commission on Human Rights (IACHR) on the situation of human rights defenders, December 31, 2011, D.78.)

The use of the Law and the administration of justice for the benefit of groups who hold economic and political power are not new in the history of some States in Latin America. These phenomena have generally occurred within contexts of dysfunctional democracies, high levels of impunity, social and economic inequality, and excessive use of police and military forces and private security companies. In recent years we have observed with great concern a sharp increase in the tendency to persecute, punish and criminalize social protest activities and the legitimate claims of those who promote and defend human rights, especially in cases related to large-scale economic investment.¹

The use of force in response to social protest leads to non-compliance of the right of assembly and has led to widespread violence which also violates the rights to life, physical integrity, liberty and the personal safety of those involved in demonstrations.

This paper aims to describe the expressions and trends in criminalization in Latin America, and to make recommendations to the EU and the United Nations on the basis of examples from emblematic cases in Peru, Guatemala, Honduras, Ecuador and Colombia.

Expressions and trends of criminalisation in Latin America

Human rights defenders carrying out legitimate activities to promote and protect human rights often face legal action based on ambiguous definitions of crimes (such as charges for alleged offenses affecting the honour or reputation of public servants),² which in many cases are contrary to the law.³ As shown in the cases presented later in this paper, a number of irregularities can be observed during criminal proceedings, namely, arbitrary arrests, the excessive extension of pre-trial detention and unreasonable prolongation of criminal proceedings.

As noted by the Inter-American Commission on Human Rights (IACHR) “moreover, the authorities in charge of investigating the crime—perhaps due to a lack of precision in the criminal codes themselves, or due to a lack of diligence in the investigation—do not verify, when gathering evidence before a criminal indictment is issued, that unlawful conduct has definitely occurred.”⁴

Criminalization can also be accompanied by harassment, intimidation, physical and psychological assault and in particular by the use of public defamation and other methods to discredit the defence of human rights. In cases of defamation the aim is to harm the public image of defenders and on occasion also those of the international organisations which accompany them. The UN Special Rapporteur on the Situation of Human Rights Defenders has expressed concern that “the multitude of arrests and detentions of defenders also contributes to their stigmatization, since they are depicted and perceived as troublemakers by the population.”⁵ Among other things, defenders have reported accusations made against them as being “against development and/or dialogue”, “terrorists”, “drug dealers” and “troublemakers”.

As has been emphasized repeatedly by the IACHR, criminalization can affect freedom of thought and expression, freedom of association, freedom of assembly, the rights to honour and dignity, the rights to freedom, protection and fair trial and the right to defend human rights. Moreover, the stigma can produce psychological burdens that damage the right to mental and moral integrity by creating fear and anxiety as well as risks to physical integrity and life, as vulnerability towards State security forces and / or illegal armed actors increases.

Those who are persecuted for defending rights are often subjected to high legal costs which many cannot afford. Criminalisation can lead to the loss of work and in the majority of documented cases criminalized defenders and organizations suffer isolation, discouragement and a serious weakening of their capacity to continue to defend human rights. Ultimately criminalization is used to intimidate and deter people who mobilize for the protection of human rights in the region.

Defenders can also be subject to criminalization via the direct or indirect actions of non-state actors such as companies, communications media, private security agencies and others. This scenario can be seen in cases of the defence of rights of communities occupying lands of interest for the development of mega projects such as mining, hydroelectric dams and forestry.⁶ The IACHR mentions this fact in its latest report: “Often, the owners who manage these megaprojects or the staff who work on them are the ones lodging criminal complaints against

defenders for the purpose of reducing their activities of defence of their rights.”⁷ In particular, as noted by the United Nations Special Rapporteur on the rights of indigenous peoples, these trends predominantly affect indigenous organizations and movements in defence of their rights.

Whilst it should be acknowledged that a number of the problems associated with criminalisation in Latin America can similarly be observed in European countries and elsewhere, the existence of checks and balances such as better access to legal services and a robust press can mean that its worst consequences are mitigated for the individuals concerned. Furthermore, the fact that some of these problems exist elsewhere does not mean that the violations of human rights related to criminalisation identified in this paper should go unaddressed.

Recommendations to EU Member States, the EU and the United Nations

The networks and organizations who have signed this paper believe that these growing trends and issues deserve priority attention by the EU, because they undermine the role of human rights defenders in the consolidation and protection of the Rule of Law and the strengthening of democracy.

In consideration of the abovementioned facts and in light of *Article 6 of the Treaty of Lisbon of the EU*,⁸ as well as the principle of the coherence of EU policies and international instruments ratified by the EU Member States and Latin American States, we call upon the Member States of the European Union and the EU to:

- Express concern about the criminalisation and stigmatisation of social protest and of human rights defenders;
- Encourage the annulment, repeal or amendment of legislation which permits the criminalization of human rights and which, when applied, contravenes international and regional obligations of States in this regard;
- Include training for national human rights institutions and institutes for legal defence in their cooperation programs aimed at strengthening justice systems, and designate sufficient resources to monitor the proper and fair application of justice, ensuring respect for the presumption of innocence and the right to a fair trial before the competent authority;
- Identify, support and urge governments to implement existing recommendations related to the criminalization of human rights defenders such as those issued by: i) the Inter-American Human Rights System; ii) Special Mechanisms of the United Nations (Committees and Rapporteurs) and iii) the United Nations Human Rights Council under the Universal Periodic Review.

Following *the EU Guidelines on the Protection of Human Rights Defender*, EU delegations and European embassies in these countries should be required to:

- Carry out visits to the headquarters of criminalized organizations as well as areas where people who mobilize to defend human rights are criminalized;

- Follow up on specific cases of criminalization and make public pronouncements about them;
- Make visible support for the work of criminalized human rights defenders in events organized by in-country missions;
- Attend hearings as observers in cases of defenders who have suffered prosecution and/or arbitrary detention, and visit the detainees in prison, calling for their release.

Regarding the behaviour of European companies overseas, we call on the EU and its member states to:

- Adopt binding legislation under both civil and criminal law, to investigate and punish violations committed by companies, and ensure that victims have access to effective channels of redress.

In addition, and in line with the *Maastricht Principles on the Extraterritorial Obligations in the area of Economic, Social and Cultural Rights (ESCR)* we call upon the EU to:

- Develop a legislative framework which ensures that European companies operating overseas comply with agreed environmental and human rights standards – including ensuring freedom of association. European companies should be required to undertake specific risk analysis of the possible impact of their operations – and those of their subsidiaries – on local people’s rights, and should comply with national law in their home states when operating overseas.⁹

Moreover, in the case of the United Nations we ask that the UN Working Group on Business and Human Rights:

- Take into account and build on recommendations relating to the criminalisation of social protest and the activities of human rights defenders made by other UN procedures. The working group should also pay special attention to the actions of companies which contribute to the criminalisation of the actions of human rights defenders and social protest.

EMBLEMATIC CASES

The use of legal instruments to criminalize and repress peaceful social protest in Peru

The adoption of legislative decrees and laws such as 982 and 1095¹⁰ which amend the penal code and allow for the intervention of the armed forces in social protest demonstrations is one of the trends of criminalization in Peru. Article 1 of Legislative Decree 982 amends Article 20 of the Penal Code, declaring that members of the Armed Forces and National Police are not subject to criminal liability for causing injury or death “in the line of duty and when using their weapons in accordance with regulations”. This legislation generates unprecedented impunity and is totally contrary to the rights to life and physical integrity of citizens and the obligation of the Peruvian state to respect and protect them. It could also lead to abuses of authority or extrajudicial executions.¹¹ In 2008, this decree was used in the "moqueguazo" when three community leaders were accused of inciting people to take action to reform the distribution of mining royalties. The prosecutor handling the case requested a 35 year prison sentence.¹²

On the other hand, Decree 1095 of September 2010 permits: i) the intervention of armed forces during social protest without prior declaration of a state of emergency; ii) the implementation of exclusively military actions to counteract the activities of “hostile groups” (whose definition is ambiguous enough to encompass peaceful social protest movements); iii) giving military and police forces jurisdiction to judge “unlawful conduct attributable to military personnel as a result of actions taken in the application of this Decree”.¹³ Based on the provisions of this decree the intervention of armed forces was authorized during protests against the 'Conga' mining project in November 2011.¹⁴

Overall, the measures granted in Peru violate rights and principles such as freedom of speech and assembly, the independence and impartiality of the judiciary and the principle that public safety should fall under the exclusive jurisdiction of civilian police forces.¹⁵

Stigmatization and uncertainty for indigenous defenders in Guatemala

In Guatemala there are multiple processes of criminalization and prosecutions against defenders of economic, social and cultural rights related to the activities of transnational corporations. The best known conflicts are probably the resistance of Maya-mam and Sipakapense communities to the Marlin Mine, a local company run by a subsidiary of the Canadian company Goldcorp; and opposition from Kakchikeles communities in San Juan Sacatepequez to a cement project implemented by local company Cementos Progreso, in which the Swiss company Holcim also participates.

The Marlin Mine, an open-pit gold mine which uses cyanide, began operations in 2005 in the Maya-mam indigenous municipality of San Miguel Ixtahuacán, without the Guatemalan government, a signatory of ILO Convention 169, having complied with their duty to inform and consult communities prior to the project. Neighbouring communities, fearing possible contamination and affects on water sources used for consumption, had been holding

demonstrations in the area and outside the offices of the company in Guatemala City. In 2007, in reaction to the protests, arrest warrants were issued against 7 leaders on charges of injury, coercion and threats; ten months later, five of the accused were acquitted for lack of evidence, however the stigmatization persists. Similarly, in 2008, arrest warrants were issued against eight women who opposed the presence of the mine, under the alleged crime of usurpation. Some of these warrants have not been executed, however all remain valid. Consequently, the women are living in fear and are helpless in a community which is now divided and highly conflictive.¹⁶

Since 2006 the “San Juan Project” which includes the construction of a cement factory and a pit has affected the lives of the Maya Kakchikeles communities from San Juan Sacatepequez. Cementos Progreso holds 80% of the investment on this project, with the remaining 20% belonging to Holcim, the largest producer of cement in the world. The company opened up the pit and began to build the cement plant and an associated access road without providing full information prior to starting construction and without consulting with the affected communities. This has led to violent conflict and the declaration of a state of emergency under which 43 arrests took place, which months later were dismissed for being illegal. According to the Human Rights Ombudsman, multiple violations and abuses have been committed by members of the security forces against community members opposed to the cement plant; as well as violent attacks by company workers and private security forces, and numerous indictments, arrest warrants and detentions. The United Nations Special Rapporteur on the Rights of Indigenous Peoples has lamented the uneven application of justice in this case. Moreover, according to human rights organizations, the investigation of complaints to the authorities by people who have been threatened and abused by staff or supporters of the company is extremely slow and there are serious violations of due process.¹⁷

Unequal application of justice and criminalization in Honduras

The disproportionate use of state security forces; public accusations; the creation and enforcement of laws against human rights defenders; and the dilution of judicial guarantees characterize the phenomenon of criminalization in Honduras.¹⁸

Recently, Honduran organizations have expressed concern about the creation and content of two laws: the Law against Financing Terrorism which the Ministry of Security in Honduras refers to when it states that “organisations must demonstrate that their resources are being used for social development and not for marches that destabilise the country”¹⁹ and the proposal for a Special Law to regulate development organisations which is perceived by human rights organisations as an instrument of control which the Honduran state can use to question those organisations which criticise public policies. An example of this are statements made by CIPRODEH, the Centre for Investigation and Promotion of Human Rights, to Peace Brigades International in May 2011 in which they explain that the Honduran state has questioned their capacity to represent human rights defenders in legal processes presented to the Interamerican system due to their legal status.²⁰

In the case of Valle de Siria 32 people have been accused of the crime of *Obstructing the Execution of a Forest Management Plan* (punishable by a term of 4 to 6 years imprisonment)²¹ for taking part in a protest in April 2010 along with approximately 600 others, against the logging of trees in a protected zone.²² This zone provides drinking water to six communities in the Porvenir municipality, and the logging of the trees would affect drinking water supplies – and the human right to water – of 10,000 people. Pending the decision of the Appeals Chamber, the defendants have been issued with judicial restrictions which mean they cannot visit the mountain which they are defending, a direct consequence of the process to which they have been subjected.²³

The case of Lower Aguán reflects the stark contrast between the speed of court proceedings in cases brought against defenders, and the reigning impunity in the country, particularly regarding cases of aggression against human rights defenders.²⁴ The past two years have seen the murder of 45 people affiliated with a peasant organization with arrest warrants being issued in only two of these cases.²⁵ In addition, 162 organized farmers have been prosecuted for their activities for the defence and promotion of human rights, and more than 80 have been temporarily imprisoned. Similarly, violations of the right to due process were reported in October 2011 to the Inter-American Commission on Human Rights which include: farmers with cases dating back to 1996-1997; in some cases there has still been no final judgement on pending cases, in others there are farmers still in prison despite having served the sentence stipulated for the crimes of which they were found guilty.²⁶

Judicial harassment and arbitrary arrests in Ecuador

Over the years, the issue of criminalization in Ecuador has received increased attention, especially cases of Indigenous and *campesino* leaders who carry out mass mobilizations to denounce the lack of consultation around and demonstrate opposition to State proposed laws and policies around natural resources. Criminalization of leaders became such a grave issue that, in 2008, the National Constituent Assembly²⁷ recognized that the justice system had been used to intimidate leaders, granting an amnesty to over 350 people targeted by judicial proceedings in the context of protests around natural resources. Despite these measures, those responsible for this misuse of the judicial system have not been sanctioned and the problem continues.

Criminalization within the context of protests in Ecuador mainly is characterized by arbitrary arrests and judicial harassment of leaders in a deliberate attempt to curb their rights to freedom of expression, assembly and association. Some leaders claim not to have participated in the protest for which they are charged and/or detained, indicating that they were targeted for their views or past leadership in peacefully mobilizing communities to defend their human rights, instead of incidents that took place at the protest itself. Some of the most common criminal offences faced by leaders are based on Article 158 (sabotage) and Article 160 (terrorism) of Ecuador's penal code. Many of these charges eventually are dismissed when they reach a judge, while other investigations linger for years. Article 129 (blocking a road) also has been used to criminally prosecute leaders, creating a debate around legitimacy versus legality of the use of road blockades during a protest.

These cases of judicial harassment and arbitrary detentions of leaders in Ecuador often take place in the context of unlawful assemblies where authorities' knee jerk reaction is to disperse the gathering, which often results in clashes and confusion. They also take place in a broader context of smear campaigns where authorities consistently have used confrontational language when referring to Indigenous and *campesino* leaders. These authorities also tend to frame these leaders to the general public as 'enemies' of the State, thereby undermining their credibility and creating an environment that is conducive to criminalization.

Colombia: stigmatisation and baseless criminal proceedings

After suffering 15 forced displacements since 1996 and the murder or forced disappearance of 140 of their members, Afro-Colombian communities from Jiguamiandó-Curvaradó in Chocó (a region with some of the greatest biodiversity on the planet), organized in resistance as a Humanitarian and Biodiversity Zone.²⁸ The territories from which they were displaced or dispossessed are now oil palm plantations run by national and international companies.²⁹ Inhabitants of the communities and organizations who accompany them in the defence of their lands, have been threatened and arrested, suffered baseless criminal proceedings, been subjected to false accusations, set-ups,³⁰ branded as guerrillas, and accused of being squatters on their own land. On October 27, 2010, the Inter-Church Justice and Peace Commission was informed of the issuance of between 15 and 20 arrest warrants against members of the community councils in Curvaradó-Jiguamiandó. The prosecuted leaders have all filed complaints against businessmen alleged to be responsible for the violent dispossession of land and massive displacement in the late 1990's. The case of Jiguamiandó and Curvaradó is only one instance of many that occur in Colombia.

Despite constitutional recognition of the rights to freedom of expression, assembly and demonstration,³¹ the criminalization of social protest in Colombia comes hand in hand with the ambiguity of certain criminal laws and their misuse in the justice system. The work of defending human rights and in particular land rights has been historically stigmatized. The offenses of political violence, violence against public officials, conspiracy, terrorism or rebellion are most often used to neutralize complaints made by communities and organizations. Linking defenders or communities with the guerrilla, within the context of armed conflict in Colombia, makes these accusations particularly serious.

In April 2011, international organisations and various European NGO networks for human rights and development, concerned about the increasing criminalization of human rights defenders, organized an event which was attended by representatives of lawyers' organizations, indigenous peoples and environmentalists from Ecuador, Colombia, Guatemala and Peru, and by experts from the United Nations and the Inter-American Commission on Human Rights (IACHR). The aim of this event was to identify and analyze common elements of these processes, and to develop strategies to strengthen mechanisms for protection against the criminalization of work to defend social, economic and cultural rights related to the activities of transnational corporations in Latin America.

Further Reading

Latin America

- CIDSE, *Criminalisation of Social Protest related to Extractive Industries in Latin America, Analysis and recommendations*, June 2011
- FIDH, *La protesta social pacífica: ¿un derecho en las Américas?*, October 2006
- OCMAL, Acción Ecológica, Broederlijk Delen *Cuando tiemblan los derechos: extractivismo y criminalización en América Latina*, November 2011
- PBI, *Mordaza a la defensa de los derechos humanos: La criminalización como estrategia*, November 2011
- PBI UK section, *Criminalisation of Human Rights Defenders*, 2012
- *Memoria del Encuentro latinoamericano defensores/as de la naturaleza frente a la criminalización de la protesta*, Quito, jueves 2 de julio del 2009

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- Campaña Nacional e Internacional Por el derecho a defender los derechos humanos en Colombia *Criminalización y judicialización de la protesta social y de la defensa de los derechos humanos en Colombia*, Bogotá D.C. Colombia, November 2010
- Human Rights First *Colombia's Human Rights Defenders in Danger - Case Studies of Unfounded Criminal Investigations against Human Rights Defenders*, September 2007

Ecuador

- Acción Ecológica, CEDHU, INREDH, *Informe Criminalización a Defensores de Derechos Humanos y de la Naturaleza*, May 2012

Guatemala

- Udefegua *Situación de la criminalización en Guatemala, Informe de Casos 2004-2009*, 2009
- *Presentaciones del Foro Internacional sobre Criminalización en contra de Defensores de Derechos Humanos en Guatemala*, 11 de noviembre, 2009

Honduras

- PBI, *Report of the mission of Peace Brigades International to Honduras*, May 2011

Mexico

- DPLF *Criminalización de los defensores de derechos humanos y de la protesta social en México*, July 2010

Peru

- AIDSESEP y Conacami *La idea es perseguirlos*, March 2010
- Aprodeh *La criminalización de la protesta en el gobierno de Alan Garcia, Serios peligros para los derechos humanos*, March 2008
- Aprodeh, CNDDHH, *Informe a CIDH - Libertad de expresión en contexto de conflictividad social*, March 2010

References

- ¹ Concerns related to criminalization have been expressed as early as 2004. See for example *Human rights and indigenous questions, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples*, Rodolfo Stavenhagen, January 24, 2004, paragraph 44. An up-to-date analysis which also makes the link to large-scale investment is available from the IACHR *Second Report of the IACHR on human rights defenders*, March 2012.
- ² Case of *Kimel vs. Argentina*, Inter-American Court of Human Rights, Sentence of May 2, 2008.
- ³ *IACHR Report* March 2012, op.cit.paragraphs 98 and 131.
- ⁴ *IACHR Report*, March 2012, op.cit.paragraph 94.
- ⁵ General Assembly of the United Nations Organization, Report of Margaret Sekaggya Special Rapporteur on the situation of human rights defenders, 13th period of sessions of the Human Rights Council, *Promotion and Protection of human, civil, political, economic, social and cultural rights, including the right to development A/HRC/13/22*, December 30, 2009, paragraphs 32-33. Available at: <http://www.un.org/es/comun/docs/index.asp?symbol=A%2FHRC%2F13%2F22&Submit=Buscar&Lang=E>.
- ⁶ *IACHR Report* March 2012, op.cit. paragraph 94.
- ⁷ *IACHR Report* March 2012, op.cit., paragraph 94.
- ⁸ Modifications to the Treaty on European Union and to the Treaty Establishing the European Community. Available at: <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0010:0041:EN:PDF>.
- ⁹ The Maastricht Principles on Extraterritorial Obligations in the area of ESCR recall that States must take the necessary measures to ensure that enterprises which they are in a position to regulate do not nullify or impair the enjoyment of ESCR (Principle 24). This is the case for example in circumstances where the corporation, or its parent or controlling company has its centre of activity, is registered or domiciled, or has its main place of business or substantial business activities in the State concerned (Principle 25c). If abusive criminalisation is an aspect of the impairment of ESCR and results from the business activities of such enterprises in the sense that criminalisation would not take place in the absence of the respective business activity, the State is under an extraterritorial obligation to regulate. Moreover States must cooperate to ensure that business enterprises do not impair the economic, social and cultural rights of any person. This obligation includes measures that prevent human rights abuses by business enterprises (Principle 27).
- ¹⁰ Legislative Decrees 989; 983 and 988 are also problematic. For further information see IDL and CNDDH, *Military Justice, Delegated Legislation and Impunity in Peru, Presentation to the IACHR*, mimeo, October 2010.
- ¹¹ See *Letter to Mr. Martin Scheinin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms in the fight against terrorism*, FIDH, Aprodeh and CEDAL, January 2009 available at: <http://www.fidh.org/IMG/pdf/carta2.pdf> (in Spanish).
- ¹² See newspaper *La Primera*, *35 años de cárcel por “moqueguazo”* available (in Spanish) at <http://www.diariolaprimeraperu.com/online/politica/35-anos-de> In the end the leaders received a suspended prison sentence.
- ¹³ Article 27 of Legislative Decree 1095, see David Lovaton, ‘Los derechos de la impunidad y el blindaje’, *Revista Ideele* available (in Spanish) at <http://www.revistaideele.com/idl/node/661>.
- ¹⁴ Legislative Decree 1095 has been questioned by civil society via a lawsuit for unconstitutionality presented in December 2011 with the support of 6,000 citizens. By March 2012 no pronouncement had been made about the admissibility of the lawsuit. See CNDDH *Presentation to the IACHR*, mimeo, March 2012.
- ¹⁵ See declaration of the IACHR “*States must restrict to the maximum extent the use of armed forces to control domestic disturbances, since they are trained to fight against enemies and not to protect and control civilians, a task that is typical of police forces*”. Case of *Montero-Aranguren et al (Detention Center of Catia)*. Sentence of July 5, 2006. Series C No. 150, Par.78.
- ¹⁶ The Inter-American Commission on Human Rights has monitored the case of the communities against the Marlin Mine, since 2010, granting the communities precautionary measures MC 260-07. Initially, these included “guaranteeing life and physical integrity” of the members of the community and “planning and implementing protection measures with the participation of the beneficiaries”. These provisions were not fulfilled; however the measures were modified in December 2011.

¹⁷ For example, various members of communities imprisoned since 2008 have not even had their first hearing.

¹⁸ Report of the mission of Peace Brigades International to Honduras, May 2011, Available at: http://www.peacebrigades.org/fileadmin/user_files/international/files/special_report/PBI.Honduras.Report_Eng_.pdf.

¹⁹ ‘Ley contra el Financiamiento del Terrorismo, Decreto No. 241-2010’, published in *la Gaceta*, 11 December 2010. <http://www.sefin.gob.hn/wp-content/uploads/2011/02/DECRETO-EJECUTIVO-NUMERO-PCM-017-2011.pdf>.

²⁰ ‘ONG que no rindan cuentas serán canceladas: Foprیدهh’, *La Tribuna*, 7 April 2011, <http://www.latribuna.hn/2011/04/07/ong-que-no-rindan-cuentasseran-canceladas-foprیدهh/>.

²¹ The Forestry Law for protected areas and wildlife typifies the crime of obstruction with sentences of 4 to 6 years in prison (Article 186).

²² It should be noted that the area is protected through Agreement CH - 498 – 2008 and by the Forestry Law for Protected Areas and Wildlife.

²³ *Acción Urgente Estado de Honduras Continúa criminalizando Defensores de Derechos Humanos* (Urgent Action: The State of Honduras continues to criminalize Human Rights Defenders), COFADEH, July 2011 (in Spanish).

²⁴ *Report of the Verification Mission on the Human Rights Situation in Bajo Aguan*, Honduras, APRODEV, CIFCA, FIAN, FIDH, Rel – UITA, Via Campesina, March 2011. Available at: http://www.aprodev.eu/files/Central_America/201107_honduras%20offm%20report%20bajo%20aguan.pdf.

²⁵ Information based on statements from the Special Human Rights Prosecutor. These murders were committed between September 2009 and January 2012.

²⁶ *Report of the Verification Mission on the Human Rights Situation in Bajo Aguan*, March 2011 op.cit.

²⁷ The National Constituent Assembly was set up in 2007 to draft a new Constitution.

²⁸ Areas exclusive to the civilian population, which respect nature, and where no armed actor is permitted to enter the land.

²⁹ The Union of Oil Palm Growers in the Urabá Region (Unión de Cultivadores de Palma de Aceite en el Urabá), Arapaima S.A”; the company “Palmas S.A.”; the company Palmas de Urabá, Palmura S.A; the company “Palmas del Curvaradó S.A.”; the company Promotora Palmera de Curvaradó Ltda.; and also the companies Inversiones Fregni Ochoa Limitada; La Tukeka; Selva Húmeda; Asibicon; and Palmas del Atrato.

³⁰ Guerrilla weapons and manuals were planted in the community to instigate accusations against them.

³¹ Articles 20 and 37 of the Colombian Political Constitution.

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