

# ENEMIES OF THE STATE?



# How governments and business silence land and environmental defenders

JULY 2019

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This report, and our campaign, is dedicated to all those individuals, communities and organisations that are bravely taking a stand to defend human rights, their land, and our environment.

164 of them were murdered last year for doing just that. We remember their names, and celebrate their activism.

ALUÍSIO SAMPAIO DOS SANTOS, BRAZIL **CARLOS ANTÔNIO DOS SANTOS**, BRAZIL EDEMAR RODRIGUES DA SILVA, BRAZIL EDUARDO PEREIRA DOS SANTOS, BRAZIL **GAZIMIRO SENA PACHECO**, BRAZIL **GILSON MARIA TEMPONI**, BRAZIL HAROLDO BETCEL, BRAZIL ISMAURO FATIMO DOS SANTOS, BRAZIL JOACIR FRAN ALVES DA MOTA, BRAZIL JORGINHO GUAJAJARA, BRAZIL JOSÉ BERNARDO DA SILVA, BRAZIL JUVENIL MARTINS RODRIGUES, BRAZIL KATISON DE SOUZA, BRAZIL LEOCI RESPLANDES DE SOUSA, BRAZIL LUCAS DE LIMA BATISTA, BRAZIL MÁRCIO MATOS, BRAZIL NAZILDO DOS SANTOS BRITO, BRAZIL PAULO SÉRGIO ALMEIDA NASCIMENTO, BRAZIL **RODRIGO CELESTINO**, BRAZIL VALDEMIR RESPLANDES, BRAZIL SEK WATHANA, CAMBODIA **TEURN SOKNAI**, CAMBODIA THUL KHNA, CAMBODIA ALEJANDRO CASTRO, CHILE **CAMILO CATRILLANCA**, CHILE CARLOS JIMMY PRADO GALLARDO, COLOMBIA EDIXON PANCHE NOSCUÉ, COLOMBIA EDWIN DAGUA, COLOMBIA EMILIANO TROCHEZ, COLOMBIA FABIOLA FAJARDO, COLOMBIA FLOVER SAPUYES GAVIRIA, COLOMBIA FREDY JULIÁN CONDA DAGUA, COLOMBIA HÉCTOR FABIO ALMARIO, COLOMBIA HÉCTOR JANER LATÍN, COLOMBIA HOLMES ALBERTO NISCUE, COLOMBIA HOVER ALEXÁNDER ORREGO, COLOMBIA JAMES LUÍS JIMÉNEZ ESTRADA, COLOMBIA

JESÚS ORLANDO GRUESO OBREGÓN, COLOMBIA JHONATAN CUNDUMÍ ANCHINO, COLOMBIA JOSÉ ABRAHAM GARCÍA, COLOMBIA JOSÉ OSVALDO TAQUEZ TAQUEZ, COLOMBIA JOSÉ URIEL RODRÍGUEZ, COLOMBIA LUIS ALEXANDER CASTELLANOS TRIANA. COLOMBIA MARÍA DEL CARMEN MORENO PAEZ, COLOMBIA NIXON MUTIS, COLOMBIA ÓLIVER HERRERA CAMACHO, COLOMBIA PLINIO PULGARÍN, COLOMBIA RAMÓN ASCUÉ, COLOMBIA YOLANDA MATURANA, COLOMBIA BARTHELEMIE KAKULE MULEWA, DRC FAUSTIN BIRIKO NZABAKURIKIZA, DRC ILA MURANDA, DRC JEAN DE DIEU BYAMUNGU, DRC KANANWA SIBOMANA, DRC KASEREKA MASUMBUKO EZECHIEL, DRC LIÉVIN MUMBERE KASUMBA, DRC THÉODORE KASEREKA PRINCE, DRC BAKARY KUJABI, GAMBIA **ISMAILA BAH**, GAMBIA ALEJANDRO HERNÁNDEZ GARCÍA, GUATEMALA ALFREDO NORBERTO MAZARIEGOS PINTO. **GUATEMALA** CRISANTO GARCIA OHAJACA, GUATEMALA DOMINGO ESTEBAN PEDRO, GUATEMALA ELIZANDRO PÉREZ, GUATEMALA FLORENCIO PÉREZ NÁJERA, GUATEMALA FRANCISCO MUNGUIA, GUATEMALA HÉCTOR MANUEL CHOC CUZ, GUATEMALA JOSÉ CAN XOL, GUATEMALA JUANA RAYMUNDO, GUATEMALA LUIS ARMANDO MALDONADO MARIN. **GUATEMALA** LUÍS ARTURO MARROOUÍN, GUATEMALA MATEO CHAMAN PAAU, GUATEMALA NERY ESTEBAN PEDRO, GUATEMALA RAMÓN CHOC SACRAB, GUATEMALA RONAL DAVID BARILLAS DÍAZ, GUATEMALA **CARLOS HERNÁNDEZ**, HONDURAS **GEOVANNY DÍAZ CÁRCAMO**, HONDURAS LUIS FERNANDO AYALA, HONDURAS

**RAMÓN FIALLOS**, HONDURAS AJIT MANESHWAR NAIK, INDIA ANTONY SELVARAJ, INDIA **B SAILU**, INDIA CONSTABLE JAGADEESAN, INDIA **GLADSTON**, INDIA HIMMAT KOL, INDIA JANCY RANI, INDIA JAYARAMAN, INDIA **KALIAPPAN**, INDIA KANTHIAH, INDIA **KARTHICK**, INDIA MANIRAJ, INDIA MURUGAN MARUDHAVANAN, INDIA POIPYNHUN MAJAW, INDIA RANJITH KUMAR, INDIA S JEGADISH DURA, INDIA SANDEEP SHARMA, INDIA SELVASEKAR, INDIA SHANMUGAM, INDIA **SNOWLIN**, INDIA SUBEDAR SINGH KUSHWAHA. INDIA SURESH ORAON, INDIA TAMILARASAN, INDIA MUHAMMAD YUSUF, INDONESIA FARSHID HAKKI, IRAN KAVOUS SEYED EMAMI, IRAN MOHAMMAD PAZHOUHI, IRAN OMID KOHNEPOUSHI, IRAN RAHMAT HAKIMINIA, IRAN SHARIF BAJOUR, IRAN JOMO NYANGUTI, KENYA **ROBERT KIROTICH**. KENYA ABRAHAM HERNÁNDEZ GONZÁLEZ, MEXICO **ADRIÁN TIHUILIT**, MEXICO **GUADALUPE CAMPANUR**, MEXICO JANETH GONZÁLEZ LÓPEZ, MEXICO JESÚS ÁLVAREZ CHÁVEZ, MEXICO JESÚS JAVIER RAMOS ARREOLA, MEXICO JOAQUÍN DÍAZ MORALES, MEXICO JULIÁN CARRILLO, MEXICO MANUEL GASPAR RODRÍGUEZ, MEXICO MARGARITO DIAZ GONZALEZ, MEXICO

**NOEL CASTILLO AGUILAR**, MEXICO QUINTÍN SALGADO SALGADO, MEXICO **ROLANDO CRISPIN LÓPEZ**, MEXICO SERGIO RIVERA HERNÁNDEZ, MEXICO **SAFEER HUSSAIN**, PAKISTAN **AGUDO QUILLIO**, PHILIPPINES **ANGELIFE ARSENAL**, PHILIPPINES **BENJAMIN RAMOS**, PHILIPPINES **BEVERLY GERONIMO, PHILIPPINES BRONSEL IMPIEL**, PHILIPPINES **DANIEL TEJAMO**, PHILIPPINES **DOMINADOR LUCAS**, PHILIPPINES **EGLICERIO VILLEGAS**, PHILIPPINES **GILBERT PLABIAL**, PHILIPPINES **JAIME DELOS SANTOS**, PHILIPPINES JEAN PLABIAL, PHILIPPINES **JERRY TURGA**, PHILIPPINES **JOEMARIE OGAHAYON**, PHILIPPINES **JOSE UNAHAN**, PHILIPPINES **JULIUS BARELLANO**, PHILIPPINES LANDO PERDICOS, PHILIPPINES **MARCELINA DUMAGUIT**, PHILIPPINES **MARCHSTEL SUMICAD**, PHILIPPINES MARCIAL PATTAGUAN, PHILIPPINES **MARK VENTURA**, PHILIPPINES **MORENA MENDOZA**, PHILIPPINES **PATERNO BARON**, PHILIPPINES **RANNEL BANTIGUE**, PHILIPPINES **RENE LAURENCIO**, PHILIPPINES **RICARDO MAYUMI**, PHILIPPINES **RICKY OLADO**, PHILIPPINES **ROLLY PANEBIO**, PHILIPPINES **ROMMEL ROMON. PHILIPPINES RONALD MANLANAT**, PHILIPPINES **YANDONG MENYO**, PHILIPPINES **MOUSTAPHA GUEYE**, SENEGAL **RESPECT MATHEBULA**, SOUTH AFRICA **KATERYNA HANDZIUK**, UKRAINE MYKOLA BYCHKHO, UKRAINE NIKOLAI YAREMA, UKRAINE PEDRO VIELMA, VENEZUELA RAMÓN ROSARIO, VENEZUELA **REYES ORLANDO PARRA**, VENEZUELA



Julián Carrillo was one of at least 14 land and environmental defenders to be killed in Mexico in 2018. © Amnesty International/Marianne Bertrand

# EXECUTIVE SUMMARY

Julián Carrillo knew he was a marked man. A vocal opponent of the mining concessions on his community's land, in Chihuahua State, Mexico, he had seen five members of his family killed in two years and his house burned down. Julián had received numerous death threats before his body was found riddled with bullets on 24 October 2018.<sup>1</sup>

Fighting to protect land and the environment has become more dangerous in Mexico, with at least 14 people killed in 2018 alone. But Carrillo's death also fits a worrying global trend. As demand for products like timber, palm oil and minerals continues to grow, governments, companies and criminal gangs are routinely stealing land and trashing habitats in pursuit of profit. When the ordinary people who live on these lands take a stand, they come up against companies' private security, state forces, contract killers, or in less violent confrontations, teams of aggressive lawyers.

The data, analysis and human stories in this report highlight the scale of this problem. We seek to understand how and why land and environmental defenders who should be celebrated as heroes for protecting their communities and ecosystems are routinely being murdered, arrested and intimidated. Our report finds that on average more than three activists were killed every week in 2018 defending their land from invasion by industries like mining, logging and agribusiness. The real figure is likely to be much higher, because cases are often not recorded and very rarely investigated. Reliable evidence is hard to find or verify.

This report also highlights how killings are the most violent manifestation of myriad abuses. Non-lethal violence and intimidation is rife, and similarly often undocumented. Alongside the physical abuses, governments and businesses use courts and legal systems to silence those who threaten their interests. In a brutally savage irony, killers of land and environmental defenders generally escape punishment while the activists themselves are branded as criminals.

That is why this year, for the first time, Global Witness has documented the use and abuse of laws and policies designed to criminalise and intimidate defenders, their families and the communities they represent. These tactics can be used to tarnish reputations, choke off funding and lock activists into costly legal battles that stop them from carrying out their work. Cracking down on one individual or organisation also creates a powerful chilling effect for would-be defenders.

These subtler threats don't make the headlines like killings do, which is why they are so useful to those who want to crush dissent. As with killings, indigenous people are on the frontline of attacks by countries' legal systems, alongside the institutions and organisations that exist to protect them.

While this report focuses on events in 2018, at the time of writing in July 2019, the signs are worrying that the situation for environmental and land defenders will worsen. The rise of populist strongmen around the world has brought a clampdown on protest, often under the pretence of protecting national security or fighting terrorism. The broader social and political consequences of these developments are generally dire, and they bring specific dangers for defenders, as these examples show:

**Brazil's** new President Jair Bolsonaro has pledged to open indigenous reserves to commercial development, including mining, agriculture and infrastructure. In 2019 this has already triggered a series of invasions of indigenous lands by armed bands of land grabbers, with communities living in fear of future attacks.<sup>2</sup>

In the **Philippines** - where we documented more killings in 2018 than in any other country - state intimidation of defenders has continued into 2019. President Rodrigo Duterte's government has ramped up its campaign of "red-tagging" rights activists, including land and environmental defenders, as communist sympathisers, terrorists or supporters of a group of armed insurgents called the New People's Army (NPA).<sup>3</sup> In January 2019, two indigenous leaders protesting against resource extraction and military encroachment on ancestral lands were accused of serving as recruiters for the NPA and arrested – allegations they deny.<sup>4</sup>

In the **US**, President Donald Trump's "energy dominance" agenda is threatening to stoke conflict over access to land and natural resources. A number of deals are planned that would see large tracts of native lands handed out

to oil and gas companies.<sup>5</sup> Seven US states have also introduced legislation to crack down on protest since 2018, according to the International Center for Not-for-Profit Law.<sup>6</sup> In March 2019, a Bill passed in South Dakota gave state and local governments new powers to penalise groups and individuals even indirectly involved in antipipeline actions.<sup>7</sup>

Those risking their lives to stand up for land and environmental rights carry an important message that our patterns of consumption and production need to radically change.

Companies, the consumers who buy from them, the investors who bankroll them, and the governments that regulate them must all take steps to ensure that our growing demand for food and resources does not drive land grabbing and irrevocable environmental harm.

Conflicts over land and resources could be avoided in the first place if communities were consulted on how land was used and could veto damaging projects. If laws were designed to favour the rights of citizens over the interests of big business, communities and ecosystems would inevitably be safer and healthier. And numbers of attacks against those who stand up for their rights would undoubtedly fall if those responsible were brought to justice.

In April 2019, activists in New York and several other cities around the world demonstrated in front of Brazilian embassies in support of Brazil's indigenous resistance movement. Indigenous communities have suffered an increase in violent raids on their land since Jair Bolsonaro took office at the beginning of the year. © Erik McGregor/Pacific Press/LightRocket via Getty Images



# THE GLOBAL SITUATION

In 2018, Global Witness documented 164 killings of land and environmental defenders – ordinary people murdered for defending their homes, forests and rivers against destructive industries. Countless more were silenced through violent attacks, arrests, death threats or lawsuits.

Our data on killings will never provide an accurate picture of the true scale of this problem, however. In some countries, the situation facing defenders is hard to gauge because the press isn't free, and governments or NGOs don't systematically monitor or document abuses. Land grabbing can also be very hard to monitor in parts of the world that are mired in conflict.

These factors, coupled with the fact that we maintain a strict approach to verifying reports of killings, mean that our figures are only approximate. You can find more information on our methodology on page 38.

### TOTAL NUMBER OF KILLINGS PER COUNTRY



# **TOP FINDINGS**

164 land and environmental defenders were reported killed in 2018, which averages out to more than three a week. Many more were attacked or jailed.

For the first time since Global Witness started documenting killings in 2012, **Brazil**<sup>\*</sup> has slipped from first place in our ranking. This is in line with an overall drop in homicide rates there last year.<sup>8</sup>

• **The Philippines** suffered the largest number of deaths in 2018, with 30 killed. 15 of these killings were linked to agribusiness.

• **Guatemala** saw a jump from three killings in 2017 to 16 killings last year, making it the most dangerous country per capita in 2018.<sup>9</sup>

More than half of 2018 murders took place in Latin America, which has consistently ranked as the worst-affected continent since Global Witness began publishing data on killings in 2012. One contributing factor is the region's strong tradition of human rights activism. This means there are many groups working with land and environmental defenders and monitoring and reporting abuses.

• **Europe** continues to be the continent that's least affected by defender killings, with only three reported deaths in 2018, all in the Ukraine.

The number of reported killings in Africa (14) was also low, which is surprising given the prevalence of conflicts over land there. Over the years we have struggled to account for this, but signs point to a shortage of evidence stemming in part from the fact that less attention is paid by civil society and the media to this issue over others. Mining was the deadliest sector, with 43 defenders killed protesting against the destructive effects of mineral extraction on people's land, livelihoods and the environment.

There was an escalation of killings of defenders struggling for the protection of water sources, rising from 4 in 2017 to 17 in 2018.

In India, 13 people were killed in the biggest massacre we documented in 2018, in response to a protest over the damaging impacts of a copper mine in the southern state of Tamil Nadu.<sup>10</sup> In a second massacre, gunmen shot dead nine sugarcane farmers and burned their tents on the Philippine island of Negros.<sup>11</sup> The victims included three women and two teenagers.<sup>12</sup>

Widespread impunity makes it difficult to identify perpetrators, but Global Witness was able to link state security forces to 40 of the killings. Private actors like hitmen, criminal gangs and landowners were also the suspected aggressors in 40 deaths.

• Governments and business are failing to tackle the root cause of the attacks - overwhelmingly, the imposition of damaging projects on communities without their free, prior and informed consent.

• Criminalisation and aggressive civil cases are being used to stifle environmental activism and land rights defence right across the world, including in 'developed' countries like the US and the UK.

Investors, including development banks, are fuelling the violence by financing abusive projects and sectors, and failing to support threatened activists.

\* GW's main source of data from Brazil is the Pastoral Land Commission (CPT). Each organisation uses its own methodology for documenting killings and, as a result, our numbers are different to CPT's. While GW tracks the murder of "land and environmental defenders," the CPT monitors violence and killings of peasants, squatters and landless workers, as well as indigenous peoples and traditional communities. Over 34 years, the CPT has been striving to give visibility to the struggles of these people for land, water, and their rights, and for that reason makes use of the social identities that these groups have determined for themselves.

# **GLOBAL MAP**

Our 2018 world map pinpoints instances in 2018 of physical and legal attacks against land and environmental defenders across continents. We also highlight the introduction or adaptation of laws and policies that are likely to make it harder for citizens to take a stand against destructive projects, by increasing the associated risks.

This is by no means a complete catalogue of developments last year – we have singled out stories that are illustrative of broader global trends. Due to difficulties in obtaining information in some parts of the world, the examples included may not reflect the dominate themes. For example, the large proportion of killings on our Africa map does not mean that physical violence is used more often there than on other continents. It is simply down to the fact that we struggled to find reliable data on criminalisation, intimidation and other forms of oppression in Africa.

#### THE AMERICAS





**US** US indigenous activist Red Fawn Fallis was sentenced to 57 months in prison in July 2018. She was arrested in 2016 when law enforcement officers raided a protest camp at the Dakota Access pipeline. Fallis was accused of firing a revolver while she was pinned to the ground. She denies trying to injure anyone and claims that the gun was given to her by her boyfriend, who transpired to be an FBI agent who had infiltrated her protest group.<sup>13</sup>

Red Fawn Fallis' sister, Loma Star Cleveland, attends a Denver press conference in November 2016 in support of Red Fawn after her arrest. © RJ Sangosti/The Denver Post via Getty Images

**CANADA** A subsidiary of energy company TransCanada filed a civil lawsuit and injunction against leaders and members of the indigenous Unist'ot'en tribe in November 2018 for their role in protests against the construction of a natural gas pipeline on their land. According to CBC news, Freda Huson and Dinï ze' Smogelgem were accused of "acting without lawful authority with the stated purpose of stopping the project." As a result, the British Columbia supreme court ordered the Unist'ot'en tribe to disband their blockade – allowing the company to access the site. TransCanada is also the company behind the proposed Keystone XL oil pipeline that has triggered widespread protests.<sup>14</sup>

CANADA



MEXICO



**MEXICO** On 24th October 2018, environmental rights activist Julián Carrillo was shot dead by unidentified armed men after receiving multiple death threats for his work defending indigenous land in the Sierra Tarahumara from environmental exploitation including mining. Carrillo had seen five members of his family killed in recent years.<sup>15</sup>

Julián Carillo © Amnesty International/ Marianne Bertrand **GUATEMALA** Guatemalan land defender Luis Arturo Marroquin was shot dead in May 2018 by two unidentified men. Luis was a leading member of an organisation of indigenous farmers dedicated to promoting land rights and rural development. According to Frontline Defenders, four other members of Luis's organisation were also killed in 2018.<sup>16</sup>

**GUATEMALA** 

**CHILE** According to Amnesty

International, in July 2018 two men

intimidated Chilean defence lawyer

Karina Riquelme Viveros by aiming a

where she lives with her six-year-old daughter. At the time, Viveros was

involved in a court case in which the

police had been accused of framing

members of the Mapuche indigenous

HONDURAS

NICARAGUA

HONDURAS In February 2018, the body of 16-year-old Honduran activist Luis Fernando Ayala was found in a village in Santa Bárbara. Ayala was reportedly tortured before he died, and had his hands amputated. He was a member of an environmental campaigns organisation and was a fierce opponent of the installation of mining and hydroelectric projects across the region.17

**HONDURAS** Following sustained media attention on the death of Honduran environmental activist Berta Cáceres in 2016, seven men were found guilty of her murder in November 2018. The court ruled that the executives of the Agua Zarca hydropower dam company Desa had ordered Cáceres' killing because of long delays and financial losses as a result of the protests she led.18

CHILE

COLOMBIA

**VENEZUELA** According to Amnesty International, in July 2018 a Venezuelan military official accused lawyer Lisa Henrito of treason on national television because of her work defending the rights of the Permon indigenous people, who are opposing mining on their land without their consent. Amnesty has documented a number of cases in Venezuela where the stigmatisation of activists by senior officials has led to persecution by the authorities.<sup>20</sup>

NICARAGUA In December 2018, land activist Medardo Mairena Sequeira was convicted of terrorism and organised crime, and was later sentenced to more than 200 years in prison. Sequeira was campaigning against a huge canal project that was set to displace thousands of people. Frontline Defenders claim that his trial and detention were rife with irregularities and ill-treatment, including evidence of witness manipulation by the prosecution.<sup>21</sup>

**COLOMBIA** In February 2018, a bomb was placed outside the home of indigenous leader Enrique Fernández in Cauca, Colombia. This was one of a number of threats that Fernández - an outspoken defender of indigenous land rights - received that year, which ultimately forced him and his family to relocate. Cauca's fertile soil and rich gold deposits have often led to fierce conflicts over land, but these have escalated in recent years as paramilitaries and criminal gangs move in on land that was previously occupied by the leftist rebel group FARC.<sup>22</sup>

BRAZIL A delegation from the Inter-American Commission on Human Rights that was meeting with indigenous leaders in the Brazilian state of Pará in November 2018 was reportedly intimidated and threatened by representatives from the soy industry. At least eight land and environmental defenders who were involved in land and agricultural disputes were killed in 2018 in the state of Pará alone.23





VENEZUELA

BRAZIL



#### **EUROPE AND AFRICA**





**FRANCE** According to CIVICUS, on 20 June 2018 more than 200 police simultaneously raided 10 locations in France where anti-nuclear activists were living, taking seven people into custody and arresting the group's lawyer. The prosecutor claimed the arrests were connected to an ongoing investigation dating back to 2017. However, activists said the reasons for the raids were unclear, or not provided by police. These raids took place amid a ramping up of police powers of arrests, detention and surveillance since France's 2015 terrorist attacks.24

**SENEGAL** Forest guard Moustapha Gueye was brutally killed on 6 April 2018 in Casamance, a Senegalese region where cross-border illegal logging is rife. He had reportedly confronted a group of loggers, who went on to break his arms and legs and kill him with a blow to the head. A few days later, three men were arrested for his murder.<sup>25</sup>

**GAMBIA** On 18 June 2018, three people in the Gambian province of Kombo East were shot dead when police fired live ammunition into a crowd of demonstrators. They had been protesting against the damaging impacts of sand mining on the rice fields that local residents rely on for their food and income.<sup>26</sup>



**CAMEROON** On 11 May 2018, Musa Usman Ndamba was sentenced to six months in prison and fined an estimated US \$850 for an allegedly defamatory statement which he vigorously denies. Ndamba heads up an organisation that champions the rights of the indigenous Mbororo peoples in Cameroon, and works to expose corruption in land acquisition. Frontline Defenders claim that Ndamba has been summoned to court around 60 times on unsubstantiated allegations.<sup>27</sup>

Musa Usman Ndamba. © CIF/Kimie Velhage on Flickr

#### POLAND

FRANCE

SENEGAL GAMBIA

### CAMEROON

DRC

#### **SOUTH AFRICA** In a rare victory, in November 2018 the South African Xolobeni community won a decadelong fight to prevent the construction of a titanium mine on its ancestral land. Several activists have been

murdered or threatened for opposing the mining project

in recent years.28



Xolobeni activist Nonhle Mbuthuma said she was forced to go into hiding after receiving death threats because of her opposition to the mine. © Amnesty International **BELARUS** The Observatory for the Protection of Human Rights Defenders reported in October 2018 that Belarussian activists Alena Masliukova and Anatoly Zmitrovich were convicted in court for organising a flash mob in the town of Svetlogorsk in protest against air pollution caused by a local factory. Both were slapped with a fine equivalent to two-thirds of the average monthly salary in Belarus, according to the Observatory.<sup>29</sup>

**RUSSIA** In August 2018, the Russian government banned US environmental group Pacific Environment from operating in the country after labelling it a threat to state security. The group campaigns with local partners to protect the environment in Siberia and the Far East from fossil fuel extraction, mining and illegal logging.<sup>30</sup>

#### RUSSIA

# BELARUS

UKRAINE

**KENYA** In May 2018, two more Kenyan activists were arrested for peacefully protesting against LAPSSET, a mega infrastructure project that comprises sprawling transport networks, an oil pipeline and a coal-fired power plant. Human Rights Watch reported in December 2018 that at least 35 activists campaigning against the project had faced intimidation or harassment by police, military and other state officials.<sup>31</sup>

**KENYA** On 16 January 2018, a member of the indigenous Sengwer community, Robert Kirotich, was shot dead and another seriously injured during a forced eviction by forests guards in Kenya's Embobut forest. According to Amnesty International, between December 2017 and May 2018, members of the Kenya Forest Service burned more than 300 houses to the ground in efforts to remove the Sengwer from the forest.<sup>32</sup> **UKRAINE** In November 2018, anti-corruption activist Kateryna Gandzyuk died after an acid attack on her a few months earlier. Law enforcement has speculated that this was linked to her opposition to illegal logging the Oleshky forest in the Khherson region. Ukrainian groups are calling for an independent investigation into her death.<sup>33</sup>

**POLAND** At least 13 members of environmental organisations were refused entry to Poland during the 2018 UN Conference on Climate Change there. Some were told that they were considered a threat to public order and national security.<sup>34</sup>

**DRC** Kasereka Masumbuko Ezechiel, a park ranger in Virunga National Park, was killed by an armed militia in November 2018 while defending the Democratic Republic of Congo's endangered mountain gorillas from poachers. His death is one of more than 175 killings of park rangers protecting the park over the past 20 years.<sup>35</sup>

#### SOUTH AFRICA

**KENYA** 

**BANGLADESH** In September 2018, Bangladesh passed a new Digital Security Act that allows police to arrest an individual if they believe that an offence under the law has been or could be committed. It has been widely criticised by journalists and the European Union for enhancing already draconian laws which restrict freedom of expression online.<sup>36</sup>

BANGLADESH

#### EGYPT

14

**EGYPT** Egypt's parliament passed a law in July 2018 that allows the state to regulate social media users, block websites and file criminal complaints against platforms and individuals accused of defamation and other offences. Amnesty International has called this law a legalisation of mass censorship and a step up in the Egyptian government's assault on freedom of expression.<sup>37</sup>

#### 

### PHILIPPINES VIETNAM CAMBODIA

**INDONESIA** 



**INDIA** In May 2018, 13 people were killed and dozens more injured by Indian police when they opened fire on protesters in the southern state of Tamil Nadu. Residents had been protesting against a copper smelting plant owned by the Sterlite Copper subsidiary of Vedanta Resources, which they said was polluting the air and threatening the local fishing industry.<sup>38</sup>

Indian police clash with protesters demanding the closure of the copper plant.  $\textcircled{\sc opt}$  AFP/Getty Images

**PHILIPPINES** On 20 October 2018, a group of gunmen shot and killed nine sugarcane farmers (including a number of women and teenagers) who were on land at the centre of a longstanding dispute on the central Philippine island of Negros. The lawyer who represented the victims' families, Benjamin Ramos, was also shot dead by hitmen days later.<sup>39</sup>

#### ASIA AND MIDDLE EAST







**VIETNAM** Passed in June 2018, Vietnam's new Cybersecurity Law requires internet companies such as Facebook and Google to set up offices in Vietnam and store private user data which could potentially be used for state surveillance. The law has been widely criticised for the risks that it would be abused to stifle political dissent, which could include land and environmental activism.<sup>40</sup>

**CAMBODIA** In January, three forest defenders were reportedly killed by soldiers in northeastern Cambodia after seizing equipment owned by illegal loggers. The victims were a forest protection ranger, a military police officer and a conservation worker. Cambodian security forces are known to collude with illegal loggers who smuggle the wood to neighbouring Vietnam.<sup>41</sup>

Teurn Soknai, Sek Wathana, and Thul Khna. © Wildlife Conservation Society Cambodia

**INDONESIA** In May 2018, Indonesia's parliament revised the country's counterterrorism law in ways that open the door to the prosecution of peaceful political activism. Amnesty International reported that the definition of terrorism was expanded along broad lines that could be used against activists and grants extra powers to the authorities, including the ability to hold suspects in custody for up to 221 days without trial.<sup>42</sup>

**INDONESIA** Indonesian journalist Muhammad Yusuf died while in police custody in June 2018, after being detained for more than five weeks on hate speech and criminal defamation charges. Yusuf was arrested after writing a series of articles that were critical of a palm oil company and its alleged illegal land acquisitions.<sup>43</sup>





# PHILIPPINES

This banana plantation on the Filipino island of Mindanao is at the heart of a long-standing land dispute. The local indigenous population says that fraud was used to fake their consent in the licensing process for the land, which was later leased to Dole Philippines. © Jeoffrey Maitem / Global Witness

# THE WORLD'S DEADLIEST COUNTRY FOR DEFENDERS

On 20 October 2018, gunmen shot dead nine sugarcane farmers and burned down their tents on the Philippine island of Negros. The victims, who included three women and two teenagers, were occupying a plot of land at the centre of a longstanding regional land dispute.<sup>44</sup>

Theirs is not an isolated case. The Philippines has consistently ranked as one of the deadliest countries in the world for people protecting their land or the environment. In 2018, the Philippines was the worstaffected country in sheer numbers, with 30 deaths, including the massacre on Negros.

While this crisis is serious, it is not new. Vast natural resources and fertile soils have long attracted foreign investment to the Philippines, yet widespread corruption and a culture of impunity for unscrupulous companies has seen the profits disappear into the pockets of a tiny elite. Half of Filipinos consider themselves poor,<sup>45</sup> while one in five officially lives in poverty.<sup>46</sup> Indigenous people who have lived on land for generations are often forced from their homes by large corporations with global connections or investors.

Often, these crimes are aided by the people and institutions meant to prevent them. The Philippines Army, in particular, has been linked to numerous killings of defenders, working in collusion with powerful private interests.<sup>47</sup> Meanwhile, the country's legal system is used to criminalise and intimidate land and environmental defenders, while officials who are complicit in these crimes go unpunished.

#### THE BUSINESS AT ALL COSTS APPROACH

Under the current regime of President Rodrigo Duterte, the situation certainly isn't improving. In 2017, his administration announced plans to allocate 1.6 million hectares of land to industrial plantations, most of it on the island of Mindanao.<sup>48</sup> This region has also become a hotspot for murders of land and environmental defenders, accounting for 67% of the total killed in the Philippines in 2017 and a third in 2018.<sup>49</sup>



### THE TARGETING OF INDIGENOUS PEOPLES

As in many parts of the world, indigenous people in the Philippines are disproportionately affected by the scramble for land and natural resources, and the violence that comes with it.

A colonial legacy followed by years of authoritarian rule have allowed influential families and businesses

to-day basis is also increasingly stifling. The Duterte

The context in which defenders operate on a day-





to consolidate control of vast expanses of land and profit from natural resources. This has inevitably led to confrontation with communities who have lived on the land for generations, whose rights to it are routinely ignored. This is exacerbated by the use of the legal system to criminalise those who speak out, which this report highlights is symptomatic of a wider global trend.

Vicky Tauli-Corpuz, the UN Special Rapporteur for Indigenous Peoples, herself Filipina, has highlighted how indigenous peoples have been subjected to attacks, stigmatisation, forced displacement, criminalisation, and threats.<sup>52</sup> In February 2018, she was placed on a list of "terrorists" by the government after speaking out against the administration's human rights violations.<sup>53</sup>

It is not hard to see why the government is unhappy with what the Special Rapporteur has said. She has specifically and repeatedly highlighted her concerns over the rapid increase in large scale commercial projects globally, commonly funded through international and bilateral investment agreements. She has also been clear that these projects largely or exclusively benefit foreign investors, while those behind the projects show little or no regard for the rights of local indigenous communities and environmental protection.<sup>54</sup> Tauli-Corpuz isn't the only one to have been branded a terrorist for speaking out on this issue. There have been several recorded incidents of unknown actors distributing leaflets labelling activists as terrorists and rebels. According to the Observatory for the Protection of Human Rights Defenders, on 12 October 2018, the Cagayan Valley chapter of the human rights network Alliance for the Advancement of People's Rights (known by its acronym KARAPATAN) received reports that leaflets had been scattered around several towns in Nueva Vizcaya, Isabela, and Cagayan Provinces naming leaders and members of community-based organisations as "leaders and recruiters" of the New Peoples Army communist insurgency.<sup>55</sup>

Clearly the state is failing in its duty to protect its citizens. But given the high risk of abuse, businesses operating in this context also have a heightened responsibility to respect the rights of local people. They should proactively ensure that the land they are profiting from – through both their own operations and those of their suppliers – has been leased legally, with the consent of the communities who live on it. There is plenty of evidence to suggest the opposite is happening.



#### **DOLE CASE STUDY**: Food giant farm leases linked to violence and fraud

Events at global food giant Dole Philippines' banana plantations in the Bukidnon region show how demand for products we consume every day is driving a lawless and ruthless scramble for land in the Philippines.

In 2016 and 2017, Dole Philippines exported bananas and banana products worth \$647 million. Its main export markets are China, Japan and South Korea.<sup>56</sup> The operations also have significant international backing. Dole Philippines is owned by Dole Asia (Dole Asia Holdings Pte. Ltd.),<sup>57</sup> one of the world's biggest fruit producers, which is wholly owned by the Japanese Itochu Corporation.<sup>58</sup> Japan's Itochu has investment from – among others – the Japanese Development Bank,<sup>59</sup> US investment bank JP Morgan Chase,<sup>60</sup> and CP Worldwide Investment Company from Hong Kong.<sup>61</sup>

These international connections belie a distinctly murky local reputation. Global Witness understands that a local businessman called Romulo T. De Leon III – who owns one of the largest gun-making factories in the Philippines<sup>62</sup> – is sub-leasing some of a local indigenous community's ancestral lands to Dole Philippines to grow bananas. Evidence and testimony collected by Global Witness raises serious questions about the legality of this deal.<sup>63</sup>

Since at least 2006, a local government task force has been investigating claims by the indigenous community – which groups itself under the name of Kitanglad Alihuton Danao Inalad Man-egay Ancestral Domain Claimant (KADIMADC) –that there were serious irregularities in the licensing process for the land that was subsequently leased to Dole Philippines.<sup>64</sup>

"No one anticipated that the demolition would happen at dawn. We couldn't do anything to stop it because of the huge number of police and soldiers there." Benedick Kilaan

The community say they never legally consented to De Leon's current lease agreement to operate on their ancestral land, and allege fraud was used to fake their consent. They told police that a local government official attempted to coerce community members into signing the agreement, and even threatened community members with imprisonment if they failed to sign it.<sup>65</sup> Local police agreed there were grounds for investigation, yet no action appears to have been taken.<sup>66</sup>

Those who have protested have faced violence and intimidation. On 1 August 2016, according to a human rights group, 73 year-old Estrella Bertudez, a member of the indigenous community, was confronted by two security guards of the De Leon ranch and told her to leave her land or something might happen to her.<sup>67</sup> Later that month her house, as well as those belonging to her community, were allegedly destroyed by armed security guards who three days later went on to uproot the community's crops, fired gunshots and threatened to kill several people.<sup>68</sup>



Security guards patrol Dole Philippines' plantation. Members of the local indigenous community told Global Witness that armed security guards had been involved in demolishing their homes, uprooting their crops and threatening to kill numerous people. © Jeoffrey Maitem / Global Witness



"I only learned that my house would be demolished on the day it happened. We packed our things, carried them outside and then they destroyed our hut." Cheryl Cagaanan, whose home was demolished in June 2018. © Jeoffrey Maitem / Global Witness

As well as facing physical threats, KADIMADC members have been criminalised for their struggle. In March 2015 three community members were jailed after De Leon accused them of trespassing on the ranch land.<sup>69</sup> They are currently on bail awaiting trial.<sup>70</sup> A judicial order requested by De Leon was also carried out in June 2018 demolishing around 200 of KADIMADC's homes.<sup>71</sup>

Global Witness is calling on Dole to freeze operations on the land it leases until an agreement with affected indigenous communities has been properly and fairly negotiated. The company should also review all of the land it leases in the Bukidnon area to ensure that it isn't subject to land disputes, and that free, prior and informed consent has been granted by indigenous communities where necessary. And Dole's foreign investors should conduct rigorous checks along their supply chains to ensure that their operations aren't linked to attacks against defenders and abuses of land rights.

Global Witness made repeated attempts to contact both Dole Philippines and Romulo T. De Leon III, to give them a chance to respond to our allegations. At the time of publication, we have still not received a response.

### TIME FOR INTERNATIONAL ACTION

The huge number of killings of land and environment defenders in the Philippines can no longer be ignored.

The Philippines government must act to stop businesses and private actors from grabbing ancestral lands from its people, and from using violence and threats to silence those who object. It must also guarantee the right of communities to give or withhold their free, prior and informed consent regarding the use of their land. It should support, not criminalise, those activists who stand up for their rights, and provide accountability for previous violations.

At the same time, businesses and investors themselves have a key role to play, and an obligation to act. Major international corporations are ultimately profiting from the collapse of the rule of law and the failure to uphold community land rights in local disputes, often backed up by men with guns. Some of those companies have names we all recognise.

It's not good enough for foreign multinationals that are connected to these land grabs to profess ignorance. They have a responsibility to proactively ensure that the land they are profiting from has been leased legally, with the consent of the communities who have lived on it for generations.

Investments and projects, such as those belonging to Dole, must not go ahead until human rights and environmental impacts have been properly identified, avoided or mitigated, and until guarantees are in place that defenders can speak out or engage safely.

Foreign-owned companies should also carry out due diligence checks on the people and organisations they lease land from and employ, to ensure the rights of local communities are being respected, rather than violently shut down.

# **GUATEMALA**



# A FIVE-FOLD SURGE IN KILLINGS

"They say we are terrorists, delinquents, assassins and that we have armed groups here, but really they're just killing us." Joel Raymundo, member of the Peaceful Resistance of Ixquisis movement

On 16 December 2018, the bodies of brothers Neri and Domingo Esteban Pedro were found slumped on the banks of the Yal Witz River near the San Andrés hydroelectric project with bullets in their head.<sup>72</sup>

Both men were vocal opponents of a hydropower project in the Ixquisis region of San Mateo Ixtatán, in western Guatemala.<sup>73</sup> The project – which includes the San Andrés and Pojom II dams – has been linked to one of the country's wealthiest and most powerful families. It has also received generous funding from international development banks, despite widespread coverage of local protests against the dams.

The murder of the Esteban Pedro brothers followed years of violence against members of Ixquisis communities who took a stand against the hydropower projects, which local people say have polluted water sources and destroyed crops and fish stocks.<sup>74</sup> At least one other man has been killed for his resistance to the project, with many more injured and threatened with arrest.<sup>75</sup>

Their fate is emblematic of a worsening trend for Guatemala's land and environmental defenders. At least 16 were killed in 2018 - up from three in 2017 - making it the world's deadliest country per capita for such activists last year.

The background to this crisis stretches back decades. When a long-running civil war ended in 1996, new economic integration policies opened the country to a boom in private and foreign investment. As a result, large swathes of land were handed out to plantation, mining and hydropower companies, ushering in a wave of forced and violent evictions, particularly in indigenous areas.<sup>76</sup>

Patterns of violent land grabbing have continued under the outgoing president, Jimmy Morales. A 2019 joint report by Guatemala's Human Rights Ombudsman and the Office of the UN High Commissioner for Human Rights (OHCHR) reported that industrial projects were routinely being imposed on communities without their consent. "Many of these activities occur in remote areas, where there is a minimal presence of state institutions, few opportunities to draw attention to the serious impacts of such activities, and where communities face a significant imbalance of power in front of companies and private actors," the report stated,<sup>77</sup> leaving "communities in a situation of defenselessness vis-à-vis third parties."<sup>78</sup>

#### PRESIDENT MORALES AND A CULTURE OF CORRUPTION AND IMPUNITY

President Morales came to power in January 2016<sup>79</sup> promising a zero-tolerance approach to the corruption<sup>80</sup> and impunity that had allowed powerful and wealthy vested interests to go unchallenged for so long.<sup>81</sup>

The early signs were good. Morales extended the mandate of the UN-backed International Commission against Impunity in Guatemala (known by its Spanish initials, CICIG), which has played a key role in prosecuting highlevel officials for corruption.<sup>82</sup>

It didn't last. In 2017 and 2018 CICIG presented two cases against Morales and his party for alleged illicit campaign financing relating to anonymous contributions and unreported campaign expenditures.<sup>83</sup> The Commission went on to request that Congress strip the president of his immunity from prosecution, in an attempt to subpoena him and continue investigating his direct involvement in these crimes.<sup>84</sup>

In August 2018, the President said he would end CIGIG's mandate in Guatemala,<sup>85</sup> in what was widely perceived as a deliberate effort to thwart criminal investigations into the country's ruling military, economic and political elites.<sup>86</sup>

The move backfired, as thousands of Guatemalans – many of them indigenous – joined marches, blockades and rallies in protest.<sup>87</sup> In January 2019, Guatemala's highest court blocked the President's decision.<sup>88</sup>

### A PLAGUE OF VIOLENCE LINKED TO HYDROPOWER

Neri and Domingo Esteban Pedro weren't the first people to pay a terrible price for opposing hydropower development in Guatemala. The indigenous activist movement they belonged to - *the Peaceful Resistance of lxquisis* - has staged numerous protests to reiterate its opposition to hydro projects on ancestral land.



The Peaceful Resistance of Ixquisis movement hold a meeting. At least three members of the community have been killed for their resistance to a hydropower project, which local people say have polluted water sources and destroyed crops and fish stocks. © Global Witness / James Rodriguez

As a result, members have suffered years of harassment and attacks at the hands of police, soldiers and company security guards,<sup>89</sup> including the killing in January 2017 of 72-year-old land defender Sebastián Alonzo Juan, who was shot dead while taking part in a protest.<sup>90</sup>

Violence flared again in October 2018, when hundreds of armed police attacked community members during a demonstration against the dams, leaving at least six people injured.<sup>91</sup> Joel Raymundo, a community representative interviewed by Global Witness, showed us tear gas canisters and other projectiles that police used to disperse the protestors.<sup>92</sup>

In the days that followed, two members of the peaceful resistance movement suffered armed attacks, with one man hospitalised for seven days.<sup>93</sup>

"We are afraid of going to the police to report the threats we are receiving because we know that there are arrest warrants against us and the police can capture us if they want." Joel Raymundo, member of the Peaceful Resistance of Ixquisis movement

It's not just physical attacks that community members have suffered. Several of the people in Ixquisis that Global Witness spoke to either claimed to have had an arrest warrant out against them or knew a family member or neighbour who did.<sup>94</sup>

These accounts chime with concerns raised in a 2018 report by the UN Special Rapporteur on the Rights of Indigenous People about the rise in criminalisation of indigenous peoples in Guatemala.<sup>95</sup> The report claimed that people who have filed legal petitions to demand protection of their rights are being prosecuted - falsely charged with crimes like robbery, kidnap, and even murder.<sup>96</sup> In a number of cases, companies or landlords allegedly colluded with local prosecutors and judges.<sup>97</sup>

Such tactics are neither random nor isolated. Across Guatemala, land and environmental defenders who are resisting forced evictions, land grabs and pollution from dams, mines, and palm oil or sugar plantations are being targeted by state and corporate forces with a cocktail of physical and legal attacks that appear designed to silence voices that challenge their interests.<sup>98</sup>

### THE MONEY BEHIND THE SCENES

The San Andrés and Pojom II<sup>99</sup> dams are being developed by a company called Energía and Renovación SA (E&R SA), formerly known as Promoción y Desarrollos Hídricos SA.<sup>100</sup> Guatemalan investigation group Avispa Midia and international groups working with Ixquisis communities say that E&R SA is owned by the Mata Monteros and Mata Castillo families.<sup>101</sup>



A demonstrator holds a poster of Jimmy Morales dressed as a prisoner during a protest against the president's decision not to renew the mandate of Guatemala's Commission Against Impunity, CICIG. © Luis Echeverria/Reuters

Global Witness was unable to verify this in official company documents because information on beneficial owners isn't included, but Jose Guillermo Mata Monteros has represented the company at a number of public events, two of which cited him as E&R SA's director.<sup>102</sup>

José Guillermo Mata Montoneros is reportedly a close relative of Carlos Mata Castillo,<sup>103</sup> the CEO of Central American Bottling Corporation,<sup>104</sup> which sells US\$1.3 billion worth of drinks across Central America and the Caribbean, including Pepsi.<sup>105</sup>

According to media reports, this is just one of a huge number of companies controlled by the Castillos – one of the most influential families in Central America.<sup>106</sup>

E&R SA's dam company has international backing too. The Central American Bank for Economic Integration and the Inter-American Development Bank have financed the San Andrés and Pojom II dams to the tune of US\$25 million and US\$15 million respectively. Germany's development bank KfW has also provided US\$15 million via the Infrastructure Crisis Facility Debt Pool.<sup>107</sup>

In June 2019, Global Witness wrote to E&R SA and the company's reported director, José Guillermo Mata Montoneros, offering them an opportunity to comment on our allegations. At the time of publication, we have still not received a response.

### A FAILURE OF GOVERNMENT

The surge in attacks against Guatemalan land and environmental defenders last year is well-documented. So too is the state's failure to investigate, or even acknowledge them.<sup>108</sup> The Morales administration cancelled a meeting that Guatemala's human rights ombudsman, Jordán Rodas, had set up last year between indigenous leaders and the government to discuss this crisis, for example, which was interpreted by the indigenous community as a refusal to recognise their concerns.<sup>109</sup>

Worse still, the government has been complicit in the demonisation of defenders. In June 2018, the president publicly referred to prominent land rights group CODECA as a criminal organisation.<sup>110</sup> A week later, a member of CODECA was killed in the southern city of Jalapa.<sup>111</sup>

Global Witness is calling on Guatemala's incoming president, who will be chosen in an election run-off in August, to take meaningful steps to tackle the rapid escalation in attacks against Guatemalans who are standing up to their rights to their land and a healthy environment. It is the government's responsibility to ensure that Guatemalans are consulted on what happens to the land and natural resources that their lives depend on, and to protect anyone who is threatened as a result. Guatemala's courts should likewise be holding accountable anyone who orders or carries out attacks on land and environmental defenders, not used as further instruments of oppression against this already marginalised section of the population.

Meanwhile, the international investors that have provided millions of dollars in finance to the San Andrés and Pojom II hydroelectric projects should have a better handle on the people and organisations they finance. If the rights of land and environmental defenders are being violently shut down rather than respected, they should pull their money out.



In several of her reports, UN Special Rapporteur on the rights of Indigenous Peoples, Victoria Tauli-Corpuz, has highlighted how indigenous people around the world are subjected to attacks, stigmatisation, forced displacement and criminalisation. © FAO

#### **VICTORIA TAULI-CORPUS**

In March 2018, the Philippines government declared me a terrorist. This was in retaliation for me speaking out against indigenous rights violations in my home country. For months, I lived under threat, and could not safely return home. Although I have since been removed from the list, government officials continue to hurl false accusations at me.

This is a phenomenon seen around the world: land and environmental defenders, a significant number of whom are indigenous peoples, are declared terrorists, thugs, or criminals for defending their rights, or for simply living on lands coveted by others. Because they steward many of the world's remaining natural resources—lands that are prime targets for development projects—they suffer disproportionately from violence and criminalization.

The murders documented by Global Witness often occur amid ongoing threats and violence against entire communities.

What begins with smear campaigns labeling defenders "anti-development" leads to legal prosecution and arrests, and then often violence. The perpetrators usually act with impunity and are rarely brought to justice.

This violence is rooted in both racism and in the failure of governments to recognize and respect indigenous or local land ownership. Indigenous peoples and local communities customarily own more than 50% of the world's land but only 10% of this is legally recognised. This enables governments to label communities "illegal" in their own homes. Shrinking democratic spaces and nationalist movements have only exacerbated this trend.

This violence is a human rights crisis, but it is also a threat to everyone who depends on a stable climate. Land and environmental defenders are among the best stewards of the world's great forests and biodiversity, and when their rights are trampled, it is often to make way for environmentally destructive logging, mining, or plantations. Protecting indigenous land rights defenders is therefore not only a human rights imperative – but also urgent to mitigating the climate crisis.

# **A FOCUS ON CRIMINALISATION**

In October 2018, four Iranian conservationists working to protect cheetahs and other endangered animals were hit with corruption charges that they strongly deny, which carry the risk of the death penalty. They were among nine members of the Persian Wildlife Heritage Foundation who were arrested in January 2018, accused of spying.<sup>112</sup> One of them, the renowned environmentalist Kavous Seyed-Emami, died in prison weeks later in suspicious circumstances.<sup>113</sup> The authorities said he committed suicide, a claim that fellow academics, family and friends fiercely deny.<sup>114</sup> His colleagues are still in prison today.

Iran's academic community was in shock in February 2018 following the sudden death of renowned environmentalist Kavous Seyed-Emami, who authorities claimed committed suicide in prison a fortnight after his arrest. © FAMILY HANDOUT / AFP



This story isn't a one-off. While murder is the most visible and violent threat that land and environmental defenders face, statistics on killings only tell a small part of the story. Away from the media spotlight, governments and companies use countries' courts and legal systems as instruments of oppression and intimidation against those who threaten their power and interests.

It is a tragic irony that while judicial systems routinely allow the killers of defenders to walk free, they are also used to paint the activists themselves as criminals. This sends a clear message to other activists: the stakes for defending their rights are punishingly high for them, their families and their communities.

This is why, for the first time, Global Witness has attempted to document the use and abuse of laws and policies that criminalise defenders and the communities they represent.

This is not an easy problem to define or monitor. For one thing, nobody is systematically tracking the criminalisation of land and environmental activists globally. As with killings that go undocumented, the lack of attention on these subtler, more insidious threats encourages companies and governments to silence those they should be protecting.

Overall, we have found that many governments are manipulating their legal systems and intimidating defenders with aggressive criminal and civil cases, often to further the interests of big business. This often goes hand-in-hand with incendiary rhetoric that brands defenders as 'terrorists' or criminals in other guises, making attacks on them more likely and seemingly legitimate. New or updated laws can also impose hefty administrative requirements or funding limits on civil society groups, which divert human and financial resources from the issues they work on.

The effect is to make it harder and riskier for activists to stand up to powerful vested interests who want to exploit their land or the environment for personal gain. This, in turn, allows companies and governments to get away with land grabbing and environmental destruction at the expense of communities and our planet.

#### WHAT DO WE MEAN BY CRIMINALISATION?

Criminalisation takes many different forms. At its simplest, it means creating, changing or re-interpreting laws so as to make once legitimate activities illegal, and turn those doing them into criminals.

Legal threats can be used by governments and companies to intimidate defenders, tarnish their reputations and lock them into costly court battles which hamper their work. New laws can be created to restrict or criminalise protest and freedom of expression. And existing legislation designed to stop terrorists or protect national security can be twisted and used inappropriately against defenders.

These legal battles are generally heavily mismatched. Armies of well-paid lawyers often face off against farmers or indigenous leaders of remote communities, who may have little formal education or knowledge of their rights. Once charged, defenders are stigmatised publicly, branded as terrorists or criminals by their government and the media it often controls.

Ultimately, criminalisation is another way in which defenders and their families are abused and intimidated by the people and institutions that are meant to protect them.

### A GLOBAL SCOURGE: CRIMINALISATION AROUND THE WORLD

The criminalisation phenomenon is pervasive, and takes many different forms around the world. In police states and dictatorships, any sign of protest is shut down and the media acts as an arm of the state. In such contexts, being an environmental and land defender is almost impossible. Meanwhile, in apparently more liberal countries the legal process is used to criminalise those who protest against corporate corruption and greed.

Our understanding of the true scale of this problem is limited by the lack of comprehensive data on the number of land and environmental defenders being criminalised. However, it is clear that those defending human rights and civic freedoms more broadly are increasingly under threat from authorities and less able to exercise their right to protest. In 2018, for example, Freedom House recorded the 13th consecutive year in which global freedoms were on the decline. The reversal, it reported, spanned all continents, from longstanding democracies like the United States to recognised authoritarian regimes like China and Russia.<sup>115</sup> CIVICUS' 2018 State of Civil Society Report also found that most countries are seeing "serious, systemic problems with civic space".<sup>116</sup>

Notable legal developments that could allow big business and government to claim legitimacy as they criminalise activists and shut down protest include:

In Bangladesh, legislation enacted in September 2018 imposes a ten-year jail sentence for online posts which 'ruin communal harmony or create instability', and a 14-year sentence for using digital media to 'intimidate people and/or cause damage to the state'.<sup>117</sup>

Dozens of people have reportedly been arrested in **Nicaragua** after the government introduced a new law widening the definition of terrorism in July 2018. It is being invoked against protesting students, farmworkers and other demonstrators.

In Egypt, a new media regulation law allows anyone with a social media account with more than 5,000 followers to be placed under government surveillance, making them vulnerable to prosecution for posts deemed to be "fake news".<sup>118</sup>

Passed in June 2018, Vietnam's new Cybersecurity Law requires internet companies such as Facebook and Google to set up offices in Vietnam and store private user data which could potentially be used for state surveillance. The law has been widely criticised for the risks that it would be abused to stifle political dissent, which could include land and environmental activism.<sup>119</sup>

### **FIVE STAGES OF CRIMINALISATION**

Global Witness has consistently documented how indigenous people are hardest hit by the violence waged against land and environmental defenders. Likewise, they are being criminalised by governments and the businesses they collude with to silence those threatening their interests.

Victoria Tauli-Corpuz, the UN Special Rapporteur on the Rights of Indigenous Peoples, says that while the process can vary, the criminalisation of indigenous peoples tends to include at least one of five elements, which are listed below.<sup>120</sup>

Evidence collected by Global Witness suggests that these same patterns are more broadly applicable to all land and environmental defenders.

#### **1. SMEAR CAMPAIGNS**

Smear tactics and defamation campaigns on social media portray defenders as members of criminal gangs, guerrillas, terrorists, and a threat to national security. These campaigns tend to be fuelled by racist and discriminatory hate speech.

#### **2. CRIMINAL CHARGES**

Defenders and their communities are often accused of vague charges — such as "perturbation of public order", "usurpation", "trespassing", "conspiracy", "coercion", and "instigation of crime." "States of emergency" are used to suppress peaceful protests.

#### **3. ARREST WARRANTS**

Warrants are repeatedly issued despite poor or uncorroborated evidence. Sometimes individuals aren't named, leaving entire communities accused of a criminal act. Warrants are often left pending, leaving the accused under perpetual threat of arrest.

#### **4. ILLEGAL SHORTCUTS**

Prosecution often includes pre-trial detention that can last several years. Land and environmental defenders can rarely afford or get access to legal counsel or interpreters. If acquitted, they are rarely compensated.

#### **5. MASS CRIMINALISATION**

Defender organisations have suffered illegal surveillance, raids and hacks that impose registration requirements and funding controls that weaken them and their support base. Civil society organisations and lawyers who assist defenders have been physically attacked, jailed and even killed.

# IRAN

# CRACKDOWN ON HUMAN RIGHTS SPREADS TO ENVIRONMENTALISTS

In January 2018, nine members of the Persian Wildlife Heritage Foundation (PWHF) were detained for supposedly using their cheetah conservation work as cover to collect classified strategic information. There were no clear grounds for such claims, and the environmentalists weren't even aware of what they were accused of for the first nine months of their detention. They are still in jail today.<sup>121</sup>

The detention served its purpose for the authorities. It traumatised the families and colleagues of those arrested, sending a broader warning that environmental defenders are now considered political enemies of a state system rattled by a wave of recent demonstrations, some sparked by water shortages.<sup>122</sup>

The Iranian state's response to the protests has been brutal and widespread. More than 7,000 people, including dozens of environmental activists, were arrested in 2018, according to Amnesty International.<sup>123</sup> Hundreds were sentenced to prison terms or flogging and at least 26 protesters were killed. A further nine people who were arrested died in custody in suspicious circumstances.<sup>124</sup>

PWHF's co-founder, the renowned academic Kavous Seyed-Emami, died in prison in February. Iranian authorities claimed he committed suicide, but this has been met with widespread scepticism.<sup>125</sup> The resulting psychological trauma has seen Mr Seyed-Emami's widow Maryam Mombeini hospitalised, yet she is still banned from leaving the country to join her two sons in Canada.<sup>126</sup>

In October 2018, it was reported that at least four of the detained environmentalists had been charged with "corruption on earth," a serious charge that includes the risk of the death penalty.<sup>127</sup>

Global Witness interviewed Kaveh Madani, a former deputy head of Iran's Environment Department now living in exile, who has been critical of the government's crackdown on environmental activism. Madani told us that the continued imprisonment of the conservationists and the secrecy around their trial might be a deliberate



A campaign poster showing environmental activists Taher Ghadirian, Niloufar Bayani, Amirhossein Khaleghi, Houman Jokar, Sam Rajabi, Sepideh Kashani, Morad Tahbaz and Abdolreza Kouhpayeh, who have been in prison in Iran since January 2018. © #anyhopefornature Campaign

tactic.<sup>128</sup> "By victimising one group you can send signals to the rest – that the security forces are now policing the environmental sector in Iran."

As for why, Madani said the Islamic Revolutionary Guard Corps (IRGC) was baffled as to why anyone either in or outside Iran would be so concerned about cheetahs. "Iran's security units seem to have a different value system. They can't understand why the activists care so much about the environment and animals." The PWHF had also publicly disclosed that it had dealings with groups in the West, according to a report in National Geographic, which Madani believed drew suspicion to their work.<sup>129</sup>

Madani had returned to Iran upon invitation by the government in 2017, but was arrested and interrogated several times during his tenure there. He later managed to flee the country, writing in the Guardian, "I wanted to be an agent of positive environmental change, but in return for my love for and commitment to the country, I was named a 'bioterrorist', a 'water terrorist', and a spy for Mossad, CIA and MI6."<sup>130</sup>

Wildlife photographer Frans Lanting has worked with several of the PWHF staff who are on trial. In an interview with National Geographic he spelt out the broader implications of this case in a message that reflects the situation facing many land and environmental defenders around the world.

"This is a horrible situation for the people who have been wrongfully accused. It is also a tragedy for the Asiatic cheetah, which is teetering on the edge of extinction. This situation could turn out to become a death sentence for the species and if that happens everyone in Iran will lose."<sup>131</sup>



Anti-fracking protesters Rich Loizou, Richard Roberts, and Simon "Roscoe" Blevins stand outside Preston Crown Court in September 2018, where they await sentencing. © Christopher Furlong/ Getty Images

# UK

# DRACONIAN JAIL SENTENCES FOR ANTI-FRACKING PROTESTERS

In September 2018, UK citizens Simon "Roscoe" Blevins, Richard Roberts, and Rich Loizou, were sentenced to 15 and 16 months in prison, in a case that sparked concerns that the legal system was being used by government and business to shut down legitimate environmental protest in Britain.<sup>132</sup>

The 'fracking three' were protesting at a site run by the energy firm Cuadrilla, which the Financial Times reports has spent upwards of US\$253 million on its bid to commercially produce shale gas in the UK.<sup>133</sup> The fracking industry has faced fierce criticism for expanding its efforts to profit from fossil fuels, with government approval, at a time when the UK says it is committed to reducing its greenhouse gas emissions.<sup>134</sup>

In October 2016, the central government overturned a Lancashire county council decision and granted Cuadrilla permission to extract shale gas at two wells.<sup>135</sup> Since operations began in January 2017, more than 300 protesters have been arrested.<sup>136</sup>

The three men were the first people to be jailed in the UK for protesting against fracking. In an interview with Global Witness, Blevins observed, "The crime of 'public nuisance' can be used a lot more indiscriminately than other crimes. There has been a lot of scaremongering that even turning up with a placard can put you in trouble and stop you getting jobs, which of course has a deterrent effect on future protest."<sup>137</sup>

The activists were freed in October 2018 after the Court of Appeals rejected their sentences as "manifestly excessive," but are still attempting to overturn their conviction, which Blevins said "sets a dangerous precedent." A fourth protester received an 18-month suspended sentence after pleading guilty.<sup>138</sup>

The defendants' legal team have also raised concerns over an apparent conflict of interest in the case. The judge who sentenced them is reported to have links to the oil and gas industry. Judge Robert Altham's family business is JC Altham and Sons, a company reported to be part of the supply chain for Centrica, an energy multinational which has invested tens of millions in fracking. The judge's sister had also reportedly written a letter that called on Lancashire council to approve fracking.<sup>139</sup>

In recent years, the UK legal system has increasingly been used by the oil and gas industry to shut down opposition. In 2017, the High Court had granted the petrochemicals company Ineos an injunction meaning that anyone interrupting it or its supplier's activities faced large fines or imprisonment. This was overturned in April, 2019, as lawyers argued it eroded people's right to protest.<sup>140</sup>

Meanwhile the authorities have been accused of using anti-terrorism procedures to target environmental activists. Anti-fracking activists were included in the government's "Prevent" counter-terrorism programme, for example.<sup>141</sup> In July 2018, a local government report investigating extremism in Greater Manchester falsely suggested that anti-fracking activists "groomed" a 14-year-old boy in what activists labelled "<u>dark PR</u>."<sup>142</sup>



Land rights defender Tep Vanny spent two years in prison until her release in August 2018. She co-led a protest movement against a development project in Cambodia's capital, which saw thousands of families forced from their homes. In this image, taken in February 2017, she is shouting to her children after losing her trial at the Phnom Penh Court of Appeal. © Satoshi Takahashi/LightRocket via Getty Images

### **CRIMINALISATION:** WHAT NEEDS TO HAPPEN?

Offering suggestions for how to roll back the tide of the criminalisation of defenders is hard, because methods and contexts vary greatly. At base though, efforts need to be made at every level in the state apparatus to ensure that private interests can't unduly influence the governance of populations or the rule of law. This requires increasing the transparency and independent oversight of political funding and decision-making, as a means of stamping out corruption.

In a country like Brazil, for instance, where President Jair Bolsonaro was elected on a campaign pledge to open up indigenous reserves to industries like mining and agribusiness, state policy risks becoming even more skewed in favour of big business over the rights of minority groups and the protection of the environment.<sup>143</sup>

If bias like this infiltrates countries' legal systems, land and environmental defenders might be unfairly dragged through the courts, struggle to get a fair trial, and be punished for crimes that shouldn't really be crimes at all. As the examples of criminalisation that run throughout this report suggest, this is already a reality in many parts of the world - the rules of the game are being changed in a way that favours elite interests at the expense of basic human rights.

Bucking this trend will require strengthening judiciaries to ensure they are immune from undue influence by companies and wealthy individuals. It will also hinge on buttressing civil liberties and freedom of speech so that those same companies and individuals can't use the legal system creatively to silence opposition through pre-emptive injunctions and legal threats.

Governments and aid donors should work to ensure that judiciaries can work free from interference, and should also provide legal and financial support to land and environmental defenders to allow them to fight these attempts and stand up for their rights. International institutions like the United Nations have a role to play too. They need to work hard to counter the international closure of civic space, by calling for universal standards and helping states adhere to them, and publicly condemning states that deviate from best practice. Defenders who fall foul of draconian laws aimed at silencing them should also be given financial and legal support by these bodies so that they can protect themselves against legal challenges and continue their important work. Companies have an interest in confronting criminalisation rather than being complicit in it, because peace, stability and democracy are important factors in any healthy business environment. Industry can and should raise concerns with governments regarding proposed or existing legislation criminalising protest, and can advocate privately in relation to specific cases. Companies can also use their leverage along their supply chains. For example, if a supplier unfairly sues a defender in response to an investigation into their practices, they could be blacklisted.

In short, bringing an end to the injustice and impunity that haunts the lives and work of defenders around the world will require using countries' laws and courts in a way that protects activists, and punishes their aggressors. This will require conducting serious, independent, and transparent investigations to identify the masterminds of crimes against defenders, prosecuting them, and ensuring adequate reparations to victims. This is what real justice looks like, yet sadly it is all too often elusive.

In 2017, Global Witness was targeted as part of a smear campaign that aimed to discredit and silence groups working to protect land and environmental defenders there. This flyer was circulated on social media shortly before the launch of a Global Witness investigation into defender killings in Honduras, claiming that we and local NGOs were part of a left-wing conspiracy to taint the country's image. Some social media posts even linked us to drug trafficking. The smear campaign was criticised by representatives of the UN among others. The stigmatisation and criminalisation of land and environmental defenders in Honduras continues to this day.





Thousands of pupils from schools, colleges and universities across the UK took part in this protest in March 2019. This was the second major strike against climate change in Britain this year, and part of a growing movement of youth activism around the world. © Jack Taylor/Getty Images

# CONCLUSION

As the threat to our planet grows, and we belatedly wake up to the scale of the crisis that human activity has created, environmental protest is becoming more mainstream. The connections between our food, manufacturing and environmental systems are better understood, and increasingly people are voicing their concerns.

2019 has been marked by a wave of climate strikes around the world that have seen growing throngs of children take days out from school to protest against the increasingly obvious threat to their future. Monitoring of Google searches suggests that those most worried about the climate threat live in places like Fiji, Vanuatu and Australia – amongst the countries likely to be hit hardest and first.<sup>144</sup> So far, governments have largely failed to listen or react, while big businesses are generally holding to the model that created the problem in the first place.

Although wider in scope than climate change alone, our data tells a similar story. Those on the frontline of expansion by industries like agribusiness and mining – many already feeling the effects of climate change – are being routinely forced off their land, and persecuted for their efforts to defend their rights. Over three people a week were murdered across continents last year, and many more threatened or intimidated by powerful vested interests. Instead of responding to the existential threat these brave people highlight, governments either do little to protect them or actively collude in their abuse.

While there are hotspot countries that are particularly badly affected, the data shows that this is a definitively global problem. No region is unaffected by the growing pressure on natural resources and the bloody competition it brings with it.

This year, we have highlighted a less obvious or easily understood element of this crisis. Not only are those who stand up to environmental injustices being killed or violently abused, but they, their families and colleagues are terrorised in ways designed to silence dissent, consolidate power and advance private interests. Courts and legal systems are routinely used to criminalise defenders in ways that are largely overlooked by the media. As a number of draconian laws introduced in 2018 take effect, this problem might get worse in 2019, not better. Tolerance of peaceful protest by authorities is deteriorating fast as they prioritise the short-term interests of a powerful few, even in supposedly more established democracies.

In the words of Swedish schoolgirl and leading climate activist Greta Thunberg:

"We cannot solve a crisis without treating it as a crisis...if solutions within the system are so impossible to find, then... we should change the system."<sup>145</sup> The findings in this report suggest the system is manifestly and tragically failing those who speak out in defence of their land and our planet. They often do so without the public platform Greta Thunberg has so brilliantly created for her movement. Like her, they feel that those responsible for the status quo have left them no choice. Unlike her, they expect the state to silence them.

The system can be changed. But this will require the sudden and drastic shift in political will and action that Greta and her fellow activists are calling for. Alongside broader efforts to shift towards more sustainable consumption patterns, national governments must take concrete actions to guarantee communities can give or withhold their free, prior and informed consent regarding the use of their land. They must support defenders and guarantee their safety, holding those responsible accountable when attacks do take place. And they should stop using the courts to intimidate activists and hamper their critically important work. This matters to all of us, in present and future generations. Land and environmental defenders who identify, prevent and mitigate the damaging impact of unwise business projects on people and the planet can help manage and mediate conflict, avoid unnecessary risks and foster social cohesion. This makes defenders key in tackling climate breakdown, and in helping the world understand how best to transition to sustainable development models that benefit local communities and protect the planet's future. Not only should they be listened to and protected, they should be venerated.

We can never undo the sacrifices made by those documented in this report or the damage done to their loved ones. But we can ensure their deaths were not entirely in vain by calling on our governments to urgently tackle the problems that they put their lives on the line to highlight. We should protect and empower the courageous individuals who follow their lead - for their sake and for ours.

Sonia Guajajara, one of Brazil's most prominent environmental defenders, takes part in a protest against then-presidential candidate Jair Bolsonaro in September 2018. Bolsonaro was subsequently elected on a pledge to open indigenous reserves to commercial development, including mining, agriculture and infrastructure. © Victor Moriyama/Getty Images



# RECOMMENDATIONS

#### GOVERNMENTS



#### **BILATERAL AID AND TRADE PARTNERS**

Land and environmental defenders will only be able to carry out their activism safely when states, companies and investors take action to prevent attacks against them, protect those defenders who are at risk, and react when threats do occur. With this in mind, we have grouped our recommendations along the following lines:

Sackle Root Causes: The only effective prevention in the long-term. This means combatting corruption and impunity, securing and respecting land rights, upholding environmental safeguards and guaranteeing the right of affected communities to give or withhold their free, prior and informed consent regarding the use of their land and natural resources.

Support and Protect: A range of measures can be taken by business and governments to publicly recognise the important role of defenders, advocate for their protection, provide them with the tools they need to carry out their activism effectively, and guarantee their safety when they are at risk.

Ensure accountability: In order to prevent future threats and dissuade wouldbe aggressors, those responsible for attacks on defenders must be brought to justice, while those who fail to support and protect them should face political, financial and judicial consequences.

#### TACKLE ROOT CAUSES

In many countries, people's rights to their land and natural resources are either weak, undocumented or unrecognised. Similarly, environmental protections are poorly enforced. Corrupt officials and businesspeople have been able to exploit this for their own ends, with devastating effects. As this report shows, sometimes this culminates in lengthy and murderous conflicts with whole communities. This pattern appears to be worsening in a context of increasing commercial pressure on land and resources.

In Global Witness' experience, companies implicated in land grabbing often claim that land that is inhabited was sold or leased to them by governments, and that they have done nothing wrong in acquiring it. Likewise, companies frequently try to wash their hands of any responsibility when state security forces like the police or military are deployed to crack down on protests against their projects. Given conflicting claims to land, entrenched corruption, and the militarisation of certain industries across so much of the world, companies can no longer credibly shirk responsibility or claim ignorance in this way.

Taking a preventative approach to attacks and threats against defenders will require the following measures:

**Companies that develop on land** need first to check whether relevant countries or sectors have a track record for corruption, human rights abuses or environmental damage. Either they need to put in place measures to mitigate harm, or if that's not possible they should avoid the investment altogether. These companies also need to ensure that people's land rights are respected, and that communities who will be impacted by their project are consulted on its potential impacts and are given the option of vetoing it. Dialogue with communities should be ongoing throughout a project.

**Companies that source or trade land-based commodities** should carry out careful checks on their corporate partners and supply chains to ensure that they're not linked to or subsidising land grabbing.

The same goes for **investors**, who need to identify in current or potential investment portfolios risks of land seizures, corruption and associated human rights and environmental abuses, and take steps to mitigate them.

It's the role of **governments** in countries that host projects to strengthen and respect land rights and hold accountable those responsible for social or environmental harm.

Governments that have jurisdiction over the companies that profit from such projects should meanwhile introduce regulations that oblige those companies and their investors to demonstrate that the products they buy, trade or invest in come from land that has been legally and ethically acquired.
### SUPPORT AND PROTECT

From journalists, to trade unionists, to LGBT rights activists, human rights defenders around the world are under attack. Land and environmental defenders are a sub-category of human rights defenders who face specific and heightened risks because of the powerful interests that they take on. In addition, they often live in remote and deprived areas of the world and so may lack access to the media, legal counsel, civil society organisations and other resources that can help keep them safe.

Acknowledging this, governments, companies and investors must work jointly to:

Implement specific laws, policies and practices that support and protect human rights defenders (including land and environmental defenders), while guaranteeing the human and financial resources necessary for their effective implementation.

Make strong public statements recognising the important and legitimate role of land and environmental defenders in guaranteeing safe and stable communities and ecosystems, committing to their protection.

Speak out to condemn threats and attacks against defenders wherever they occur.

Suspend business projects and relationships with business partners in situations where defenders have been threatened, until robust measures are taken to protect those at risk and prevent further harm.

Implement protective measures for at-risk defenders, which are commensurate with the specific risks, context, identity and requests of each individual.

Create spaces for dialogue between companies, investors, public officials, affected communities and defenders.

Make aid to countries, and investment in projects, conditional upon whether specific measures for the security of land and environmental defenders are in place.

### **ENSURE ACCOUNTABILITY**

Attacks and threats on land and environmental defenders are rarely even acknowledged by business or governments, let alone investigated or punished. In this climate of impunity, there is little incentive for aggressors to change their ways.

Ensuring accountability for violence, intimidation and legal attacks against defenders will require that **governments**:

Bring to justice those responsible for ordering or carrying out any threat or attack against a land or environmental defender.

Strengthen countries' judiciaries and legal systems to ensure that they are immune from undue influence by companies and wealthy individuals.

Introduce binding regulations that hold companies and investors to account on their human rights, environmental and anti-corruption obligations when operating projects or sourcing land-based goods, both at home and abroad.

Provide legal and financial support to land and environmental defenders to allow them to fight legal attacks and stand up for their rights.

Companies must:

Establish grievance mechanisms to reduce and remedy harm to people and the environment. These should provide communities with an effective line of communication with companies and an opportunity to report on the way that projects are impacting them.

Take immediate action to halt projects and investigate abuses in cases where threats or attacks against defenders are reported.

Provide remedy and reparations for defenders, organisations and communities affected by threats and attacks.

# METHODOLOGY

This report is based on research into the killings and enforced disappearances of land and environmental defenders, who we define as people taking peaceful action to protect land or environmental rights, whether in their own personal capacity or professionally. The period of time covered by this report is from 1 January 2018 to 31 December 2018.

Our data on killings is likely to be an underestimate, given that many murders go unreported, particularly in rural areas. As we set out below, our methodology requires cases to be verified according to a strict set of criteria, which can't always be met by a review of public information like newspaper reports or legal documents, nor through local contacts. Having a strict methodology means our figures don't represent the scale of the problem, and we are working to improve this.

Our data may also differ from that being gathered by other NGOs, and there are three likely reasons for this. Firstly, different groups are being monitored: some NGOs document attacks against all human rights defenders. Global Witness data only covers one sub-group of defenders: those working on land or environmental issues. Secondly, some NGOs document all threats, attacks and restrictions on defenders. We only document killings. Thirdly, it may be the case that different NGOs are using different methodologies to verify and include cases in their statistics.

As with previous reports, cases of killings in 2018 were identified by searching and reviewing reliable sources of publicly available online information, through the following process:

Opportunistic: We identified datasets from international and national sources with details of named human rights defenders killed in 2018, such as the Frontline Defenders 2018 annual report and the Programa Somos Defensores annual report on Colombia, and then researched each case.

Systematic: We set up search engine alerts using keywords and conducted other searches online to identify relevant cases across the world.

Verified: Where possible or necessary, we checked with in-country or regional partners to gather further information on the cases. The following criteria needed to be met for a case to be included:

Credible, published and current online sources of information.

• Details about the type of act and method of violence, including the date and location.

Name and some biographical information about the victim.

Clear, proximate and documented connections to an environmental or land issue.

Sometimes we will include a case that doesn't meet the criteria outlined above, in cases where a respected local organisation provides us with compelling evidence that is not available online, based on their own investigations.

While we have made every effort to identify and investigate cases in line with the methodology and criteria, it is important to add that our research mostly relies on public information and that we have not been able to conduct detailed national-level searches in all countries. Language is another limitation; besides English, the main languages that we have searched in are Spanish and Portuguese. Due to the large number of countries and potential sources, we have concentrated our searches on those countries where initial alerts indicated that there were potentially relevant cases to investigate. Our contact with local organisations is also patchy; Global Witness has well-established links in some countries but they are lacking in others.

In summary, the figures presented in this report should be considered to be only a partial picture of the extent of killings of environmental and land defenders across the world in 2018. Relevant cases have been identified in 19 countries in 2018, but it is possible that they also occurred in other countries where human rights violations are widespread and likely to also affect land and environmental defenders. Reasons why we may not have been able to document such cases in line with our methodology and criteria include:

Limited presence of civil society organisations, NGOs and other groups monitoring the situation in the field.

Suppression of the media and other information outlets.

Wider conflicts and/or political violence, including between communities, that make it difficult to identify specific cases. It should be noted that Global Witness includes in its database friends, colleagues and family of murdered defenders if a) they appear to have been murdered as a reprisal for the defender's work, or b) they were killed in an attack which also left the defender dead.

Finally, Global Witness is committed to fighting the impunity affecting the majority of killings of defenders.

We will take cases out of our database only when a successful prosecution has concluded that the motive for the murder of the individual was not his or her land or environmental activism, and when the individual's organisation and/or family believe that due process was followed in that prosecution.

# ACKNOWLEDGEMENTS

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- Comissão Pastoral da Terra (CPT), Brazil
- Conectas, Brazil
- Greenpeace, Brazil
- Programa Somos Defensores, Colombia

Office of the United Nations High Commissioner for Human Rights, Colombia

El Observador, Guatemala

La Coordinación de Acompañamiento Internacional en Guatemala (ACOGUATE), Guatemala

- Nómada, Guatemala
- Unidad de Protección a Defensoras y Defensores de Derechos Humanos (UDEFEGUA), Guatemala
- Aci-Participa, Honduras
- Diakonia, Honduras
- Centro Mexicano de Derecho Ambiental (CEMDA), Mexico
- Comité Cerezo, Mexico
- Alyansa Tigil Mina (ATM), Philippines

- Kalikasan, Philippines
- Karapatan, Philippines
- Kitanglad Alihuton Danao Inalad Man-egay Ancestral Domain Claimant (KADIMADC), Philippines
- Task Force Detainees of the Philippines
- International Union for Conservation of Nature (IUCN), The Netherlands
- American Bar Association, United States
- Amnesty International
- Bank Watch Network
- Business and Human Rights Resource Centre
- Front Line Defenders
- Human Rights Watch
- International Ranger Federation
- Peace Brigades International (PBI)
- Special Rapporteur on the Rights of Indigenous Peoples
- The Thin Green Line Foundation

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Note - Hong Kong based investment arm of the Thai Conglomerate Charoen Pokphand Group . According to their 2017 Annual Report, the CP Group and Itochu have a number of complex corporate entanglements – both invest in each other, sit of each other's boards and operate joint ventures. See http://www.cpgroupglobal. com/about

**62** For Romulo T. De Leon III as ranch owner see Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, 20 July 2006 and National Commission on Indigenous Peoples Region 10, Field Base Investigation Report Re: Renewal De Leon Ranch, 20 July 2004.

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 ${\bf 63}~$  a. Part of KADIMADC's ancestral land in Impasugong, Bukidnon is under lease by the De Leon ranch.

> See National Commission on Indigenous Peoples Region 10, Field Base Investigation Report Re: Renewal De Leon Ranch, 20 July 2004.

> And Global Witness interview with KADIMADC, 2 October 2017.

b. KADIMADC want this agreement (between KADIMADC and De Leon ranch) cancelled as they claim it was made illegally through coercion by government officials and manipulation of the process to show supposed consent of the members of the community.

> See Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, d, e and f, 20 July 2006.

> And Global Witness interview with KADIMADC, 2 October 2017.

c. KADIMADC claim that the agreement itself is illegal as it violates the Philippines law on Free, Prior and Informed Consent

> See Republic of the Philippines Congress, The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371, Section 59, 29 October 1997. Available from: https:// www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/ (accessed 8 February 2019)

d. Global Witness believe De Leon has been sub-leasing some of this land, since at least 2014, to the agribusiness giant Dole Philippines for a banana plantation. Global Witness has made repeated attempts to allow Dole Philippines to respond to this claim, but at the time of writing has still not received a response. KADIMADC told Global Witness that Dole Philippines has been sub-leasing around 100 ha of their land from De Leon for banana plantations since at least 2014. Global Witness has seen a reference to a contract between De Leon and Dole Philippines from 2014.

> See KADIMADC letter to National Commission on Indigenous Peoples requesting their intercession to ensure Dole Philippines conduct an FPIC process, 4 July 2016.

> And Bernabe P. Eliang granting of Special Power of Attorney to Romulo T De Leon to enter into contract with Dole Philippines, 27 May 2014

> And Global Witness interview with KADIMADC, 2 October 2017.

e. KADIMADC claim the lease between De Leon and Dole is illegal because of irregularities in the initial agreement for De Leon to use their land. They also assert that Dole ought to have sought their free, prior and informed consent for the land to be used for growing bananas.

> See KADIMADC letter to National Commission on Indigenous Peoples requesting their intercession to ensure Dole Philippines conduct an FPIC process, 4 July 2016.

> And Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, d, e and f, 20 July 2006

> And Global Witness interview with KADIMADC, 2 October 2017.

f. KADIMADC's claims would make the agreement illegal as it would violate the Philippines law on Free, Prior and Informed Consent

> See Republic of the Philippines Congress, The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371, Section 59, 29 October 1997. Available from: https:// www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/ (accessed 8 February 2019);

g. Under the original 1972 Pasture Lease Agreement (No. 3358) granted to Romulo De Leon III, articles 19a and 21, De Leon was not authorised to sub-lease the land, or use if for agricultural purposes. This expired and was subsequently renewed. It is unclear whether these articles were still valid at the time in which Dole Philippines entered into agreement with De Leon III. > See Romulo De Leon III's Pasture Lease Agreement No. 3358, 1972

> And Global Witness interview with KADIMADC, 2 October 2017

**64** Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, 20 July 2006.

And Global Witness interviews with source who worked on Task Force De Leon, October 2017 and February 2019.

**65** For threat of imprisonment, see Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, 20 July 2006.

They also stated that the official, together with a representative from the National Commission on Indigenous Peoples, forced them to sign an agreement at De Leon's lawyers' office, threatening not to reimburse their travel and food unless they did so. See articles 5e and 5f, Ibid.

The Task Force, which included police, also identified possible crimes including "coercion, threats, falsification or swindling" back in 2006 related to the approval of De Leon's current lease agreement to operate on KADIMADC's ancestral land.

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