

Annual report on

Criminalization, Violence and Impunity against Indigenous Peoples



Indigenous Peoples
Rights International

Championing Indigenous Peoples Rights



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Contents

Philippines	4
Country context	5
Case story 1: Relentless struggle for justice and land rights: Tumandok massacre and mass arrests	6
Case 2: Impunity and criminalization of activism in the Philippines: trumped-up charges against Indigenous Peoples human rights defenders	8
References	10
Democratic Republic of Congo	12
Country context	13
Case 1: Case of land-grabbing in Masisi territory	
Case 2: Case of illegal arrest, intimidation and disregard for the collective rights of the Indigenous Babuluko Pygmy Peoples to FPIC	15
References	16
India	17
Country context	18
Case 1: Armed Forces (Special Powers) Act, 1958 questioned anew with the killing of a Kuki tribal in Manipur	21
Case 2: Abuse of counter-terrorism legislations: criminalization of Hidme Markam, a Gond tribal woman activist	22
Case 3: A British colonial legacy: the death of Bhim Kale, member of a “criminal tribe”	25
Case 4: Living in uncertain territory: Kadar tribal families evicted from Anamalai Tiger Reserve in Tamil Nadu	26
Case 5: Forest officials back non-tribals’ assault against Indigenous Peoples and Dalits: a case of eviction in Sahajkhol Reserve Forest, state of Odisha	28
References	30
Brazil	34
Country context	35
Case 1: Attacks against the Wakoborum Association of Munduruku Women and Maria Leusa Munduruku	39
Case 2: Violence in the Terra Indigena Yanomami	41
References	43
Colombia	44
Country context	46
Case 1: Cauca: murder of Governor Oneida Argenin Yatacué	47
Case 2: Caldas: murder of Andrés Córdoba Tamaniza	49
Case 3: Confinement and displacement in Chocó	51
References	54
Mexico	55
Country context	56
Harassment Cases	57
Discrimination Cases	58
Case 1: Violence and impunity in Oaxaca: the community of Paso de la Reyna	58
Case 2: State neglect and impunity of armed groups: the plight of Tsotsil families living in constant peril in Los Altos, Chiapas	59
Case 3: The struggle for security through indigenous autonomy in Zitácuaro, Michoacán	61
Case 4: The struggle of the Rarámuri to recover and protect their territory in Repechique, Chihuahua	63

Philippines



Philippines

Country context

In the Philippines, the crackdown on activists and human rights defenders through violence and red taggingⁱ continues to worsen as President Rodrigo Duterte is set to end his term by mid-2022.ⁱⁱ In 2021, Panaghiusaⁱⁱⁱ recorded 21 cases of killings of Indigenous Peoples, including the cases locally known as ‘Bloody Sunday Massacre’ that happened on March 7 and ‘2nd Liangga Massacre’ on June 15.^{iv}

The March 7 case happened two days after President Duterte ordered the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) to “kill” and “finish off” communist rebels in encounters.¹ The case involved six arrests and nine killings – two of them were Indigenous Dumagat and two were Indigenous Ati.

The case on June 15 involved AFP soldiers who opened fire on six civilians who were harvesting abaca (manila hemp), killing three Indigenous Lumad. One of them was 12-year-old Angel Rivas. The two other victims, Willy Rodriguez and Lenie Rivas, were known members of *Malahutayong Pakigbisog alang sa Sumusunod*, an organization that openly opposes the mining activities in Andap Valley.²

Furthermore, human rights violations have not abated in Mindanao Island as the conflict in the newly established Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)^v threatens the Non-Moro Indigenous Peoples. Between February

ⁱ Red-tagging refers to accusation against civilians, mostly human rights defenders and activists, of being members and/or supporter of the New People’s Army of the Communist Party of the Philippines.

ⁱⁱ The Anti-Terror Law of 2020 and the government’s overall anti-insurgency program have been particularly dangerous for Indigenous Peoples because any form of defense for ancestral lands and resources may result in widespread harassment, vilification, red-tagging, terrorist labeling, non-bailable trumped-up charges and arrests, shoot-to-kill orders, fake surrenderees, militarization, bombing, forced evacuation, and extrajudicial killings.

ⁱⁱⁱ The Panaghiusa is IPRI’s country partner in the Philippines. It is a network of Indigenous Peoples’ organizations and movements, and national human rights organizations based in the Philippines. They work together to uphold and defend Indigenous Peoples rights, to strengthen the campaign for access to justice to victims of criminalization and human rights violations, and collectively call to end the impunity that persists in the country. (See: <https://www.facebook.com/PanaghiusaPH>)

^{iv} The ‘1st Lianga Massacre’ involved three indigenous Lumad that happened in September 2015. See: “2 Lumad farmers, 1 student killed in another Lianga massacre” (17 June 2021) *Bulatlat Journalism for the People*. <https://bit.ly/3LvVIMb>

^v BARMM was created with the ratification of the Bangsamoro Organic Law in 2019. It was a result of decades of peace negotiations between the Philippine government and groups that have long sought for autonomy in the region that was sparked by an incident known as the Jabidah Massacre of 1968. (Read more about BARMM here: <https://bangsamoro.gov.ph/>), (Read more about the Jabidah Massacre and the MNLF/MILF here: <https://www.officialgazette.gov.ph/2013/03/18/timelines-the-jabidah-massacre-and-the-milf-mnlf-peace-process/>)

and March 2021, eleven Indigenous Teduray were killed, among them were youth aged seven and 17.³ The Teduray and other human rights groups are calling for justice as the government continues to be silent on these cases. The continued bombing of the ancestral domains of the Teduray and Lambangian peoples to drive away insurgents leaves them with more deaths, destruction of their homes, and displacement. In 2021, around 900 families were forced to flee their homes due to the conflict.⁴

The situation is exacerbated by development aggressionⁱ projects that are linked to the government's infrastructure-driven economic development and "whole of nation" approach to security.⁵ Many of these projects, e.g., the Kaliwa Dam,⁶ Jalaur Dam,⁷ and New Clark City,⁸ have been vehemently opposed by Indigenous Peoples and their communities and residents, politicians, civil society organizations, and even international institutions because of the negative ecological impacts and effects of these projects to Indigenous Peoples and their communities. Most of these projects have gone through anomalous or erroneous free, prior and informed consent (FPIC) processes and even lacked essential documents and authorization to proceed.⁹

There are 221 approved Certificates of Ancestral Domain Title (CADT) which cover 5,413,772.71 hectares. In a 2011 report on land-use conflict map of the Philippine Association for Intercultural Development, Inc., it re-confirmed its 2007 findings that two-thirds of ancestral domains across the Philippines are directly affected by mining applications.¹⁰ Correspondingly, according to another study conducted in 2008 by a local NGO, Philippine Partnership for the Development of Human Resources in Rural Areas, 78 per cent of CADC/CADT holders have mining/logging operations and two-thirds of these operations lack genuine FPIC.¹¹

Case 1: Relentless struggle for justice and land rights: Tumandok massacre and mass arrests

On February 28, 2021, Barangay Captain Julie Catamin who challenged the baseless red tagging by the Philippine National Police (PNP) and the military, was shot dead. Catamin is an indigenous Tumandok who was among the first to expose that the four people arrested in his village on December 30 were innocent and that the Criminal Investigation and Detection Group (CIDG) indeed, planted the weapons and ammunition discovered in the victims' homes. Prior to his death, Catamin was summoned by the military on February 25 to inform him that they were aware that

ⁱ "Development aggression" refers to development programs that infringe human rights. It refers to endeavors designed or carried out without an aggrieved local community's free, prior, and informed consent (FPIC), as international and, in the Philippines, national law requires.

the members of his community were seeking assistance from people's organizations, including Bayan Muna lawyers.¹² He said the military threatened them with the same fate as the December 30 victims.

It resulted in the killing of nine Tumandok and arrest of 16 others. The police alleged that those killed were members of the New People's Army (NPA), whom they fought back as operatives when they served search warrants for illegal possession of firearms and explosives. The NPA is the armed wing of the Communist Party of the Philippines (CPP) which have both been designated as "foreign terrorist organizations" by the US government and the EU.

In a statement issued a day after the killings, the Police Regional Office - Western Visayas said the operation was carried out based on information gathered from locals about the presence of people with high-powered firearms. It was intended to "curb the proliferation of firearms and explosives" in Panay Island. In a separate statement, the Legal Cooperation Cluster Chairperson stated that the police operations were directed at the CPP-NPA, who are said to have infiltrated Panay Island's provinces. It was mentioned that the killings and deaths carried out as part of the police operation had put an end to what he refers to as the "CPP- NPA's reign of terror" in the province.

But relatives of the victims said that those who died did not resist arrest and that the firearms and explosives found in their residences were set up,¹³ which is common in many similar anti-insurgency operations of the police and the military. It is locally known as "tanim bala" which translates to "planting bullets."

One of the victims, Eliseo Gayas, Jr., was gagged with tape and shot four times inside their home after he asked members of his family to leave their house. Two others, Mario Aguirre and Roy Giganto, were shot dead while they were sleeping.

Some of the 16 arrested were charged with violating either R.A. 10591, known as "Comprehensive Firearms and Ammunition Regulation Act," or R.A. 9516, an act amending the provisions of P.D. 1866,¹⁴ known as "Codifying the laws on illegal/unlawful possession, manufacture, dealing in, acquisition or disposition, of firearms, ammunition or explosives or instruments used in manufacture of firearms, ammunition or explosives, and imposing stiffer penalties for certain violations thereof and for relevant purposes."¹⁵ The others were charged for violating both.

As of November 25, 2021, only one person, Rodolfo Diaz of Calinog, Iloilo is still in prison. Six of the 16 arrested were acquitted while the nine were released after pleading guilty and obtaining probation.

The Tumandok, estimated to number around 17,000, have been consistently opposing militarization in their area. They have long been advocating for the protection of their

fundamental rights and land rights. They have been active in openly resisting the construction of Jalaar River Multi-Purpose Project, a USD 200 million project funded by the Republic of Korea's Export-Import Bank (EximBank). International partners and other support groups have submitted an appeal to defund the Jalaar River Multi-Purpose Project Stage II (JRMP II).¹⁶

The Jalaar Mega-dam threatens to submerge the Tumandok's ancestral land, including their burial grounds and sacred sites. The persistent opposition of the Tumandok, along with their allies, to the mega-dam, led to the suspension of its operation, but it also resulted in one of the most heinous massacres against Indigenous Peoples.¹⁷ Their activism and work in defending their human rights were used by the police and military to tag them as members and supporters of the CPP-NPA.

Before the killings and arrests in November 2020, some members of the Tumandok from two villages sought help from the Commission on Human Rights due to threats from the military and PNP who were forcing them to sign documents supposedly to "surrender" and "clear their names" as assurance that they are not members of the CPP-NPA. They refused to sign the documents since they were neither CPP-NPA members nor supporters. Threats against them mounted, with soldiers saying they could be charged under the Anti-Terrorism Act and warned them of more stringent operations.

The indigenous Tumandok are aware that the justice they seek from the massacre and the protection of their fundamental and land rights will be long and difficult, but they remain hopeful and vigilant.

On March 3, 2021, Atty. Angelo Karlo Guillen, Tumandok lawyer and petitioner against the Anti-Terrorism Act of 2020, was stabbed by unidentified persons.¹⁸

Case 2: Impunity and criminalization of activism in the Philippines: trumped-up charges against Indigenous Peoples human rights defenders

On July 12, 2021, the Regional Trial Court in Tagum City, capital of Davao del Norte, Mindanao Island at the south of the Philippines, rejected the criminal prosecution against the indigenous human rights defender, Windel Bolinget. He is the chairperson of the local indigenous organization, Cordillera Peoples Alliance (CPA), and convenor of Katribu, a national indigenous peoples' alliance. As a long-time indigenous human rights defender, he and CPA are known to be against large-scale

mining projects, mega-dams and other projects that pose a threat to the Indigenous Peoples' land rights in the Cordillera Administrative Region located in the north of the Philippines' Luzon Island.

On August 6, 2020, a criminal case was filed against him and ten other individuals, among them were three women. They were being linked to the murder of a certain Garito Malibato in 2018. On September 25, 2020, the Regional Trial Court in Tagum City issued a warrant of arrest against Bolinget, et. al. for murder charges. They learned about these only in December 2020.

Bolinget had never set foot in Kapalong, Davao del Norte, where the killing of Malibato is reported to have happened. Also, in a local news report in 2018, the brother of Garito, *Datu* (tribal chieftain) Delio Malibato, had identified the paramilitary group Alamara as the perpetrators of the murder of his brother. *Datu* Malibato said the leaders of the group are known as Ungging and Laris Masaloon.

Garito is the brother of Mintroso and Delio Malibato, *datu* of the indigenous Ata Manobo group and leaders of Karadyawan, a local Indigenous Peoples' organization in Kapalong, Davao del Norte. The leaders and members of Karadyawan have been politically vilified and red tagged by the Philippine government and its security forces.¹⁹

Before Bolinget was linked to the murder of Garito, prior to the current Duterte administration, he had been vilified and tagged as a member of the Communist Party of the Philippines – New People's Army (CPP-NPA). With the issuance of the warrant of arrest, he observed heightened surveillance of his residence. On December 10, 2020, flyers indicating that he is a member of the CPP-NPA were posted along the area leading to his home. That same month, State security forces harassed his father-in-law and eldest child.

Attacks on Bolinget intensified when on January 15, 2021, a 100,000 PHP (approximately 2,000 USD) reward was offered by the Police Regional Office Cordillera (PRO-COR) for any information leading to Bolinget's arrest. A shoot-to-kill order was even issued on January 20, 2021 by PRO-COR Director General R'win Pagkalinawan should Bolinget resist arrest.²⁰

Prior to Bolinget's case, another indigenous human rights defender from the Cordillera region, Beatrice 'Betty' Belen, was charged with illegal possession of explosives. She was jailed for almost four months before her case was dismissed due to lack of evidence on February 12, 2020. In the early morning of October 25, 2020, joint operation of the Philippine National Police, the Criminal Investigation and Detection Group and the 503rd Infantry Brigade of the Armed Forces of the Philippines served

search warrants to Belen and 10 others in Lower and Western Uma, Lubuagan, Kalinga in the Philippines' Cordillera Administrative Region. All of them are openly opposed to the Chevron Energy company's geothermal project that is being planned in their ancestral lands.

Since 2015, she had been subjected to harassment and intimidation by state security forces and accused of providing shelter and hosting members of the organization, CPP-NPA. Her organization, *Innabuyog*, has also been tagged by the military as a terrorist organization.

The cases of Bolinget and Belen may have ended with vindication, but they highlight the continuing impunity enjoyed by state security forces and criminalization of activism in the country. There are many cases of trumped-up charges against human rights defenders that drag on for years, which can have significant impacts on the victims, their families, and their communities.

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Democratic Republic of Congo



Democratic Republic of Congo

Country context

In 2021, Programme Intégré pour le Développement du Peuple Pygmée (PIDP) and Alliance Nationale d'Appui et de la Promotion des Aires et Territoires du Patrimoine Autochtone et Communautaire en RDCongo (ANAPAC – RDC)ⁱ documented three cases of attacks by armed groups from neighboring countries that happened between January to April 2021. The first was in Irumu on January 14, then in Monkoto on January 31, and the third in Mubugu from April 4 - 17. The attacks were allegedly to force Indigenous Pygmy Peoples out of their lands so the armed groups can exploit these for mining. The attacks killed a total of 131 Indigenous Pygmy Peoples—36 of them were women and children from Irumu— 206 were tortured and around 4,120 were displaced, affecting thousands of women and girls who were unable to access education and health services. Thousands of homes and basic social infrastructures such as churches and health centers were burned during the attacks.

Furthermore, throughout 2021, there were four incidents of illegal arrests and imprisonment of 17 Indigenous individuals. Five of them were arrested based on false accusations at different instances in Masisi and Walikale territories in North Kivu province. They were in fact defending their lands rights when arrested by law enforcement agents, in complicity with some customary chiefs and traditional authorities.

The other 12 were men searching for dead wood at Virunga National Park when they were illegally arrested and accused of being accomplices and collaborators of poachers.

These cases highlight the ongoing issues of discrimination against Indigenous Pygmy Peoples, particularly with regards to their access to justice and reparation, and the government's overall lagging response to ensure protection of their individual and collective rights.

The loi portant protection et promotion des droits des peuples autochtones pygmées en République Démocratique du Congo / Law on Promotion and Protection of the Rights of Indigenous Pygmy Peoples in the Democratic Republic of Congo was adopted by the National Assembly (the Lower House) on April 7, 2021. The law was

ⁱ PIDP is IPRI's country partner in the Democratic Republic of Congo. Through its alert local monitors, partner Indigenous Pygmy Leaders and field-based civil society actors, they work together with ANAPAC – RDC in documenting cases of criminalization and human rights violation against Indigenous Pygmy Peoples in the country.

deemed admissible in the Senate and under consideration by the Socio-Cultural Commission of the Senate before its adoption in the March 2022 plenary session. Contacts and advocacy meetings with the Senators are underway for more information on the need for the said law and to share with them the challenges and status of the rights of the Indigenous Pygmy Peoples in the country. The exchanges with the Senators aim to maintain the content of the law as adopted in the National Assembly where land and territorial rights, access to natural resources, the right to culture, traditional knowledge and practices, and right to free, prior, and informed consent, among others, are taken into account.

On May 6, 2021, a state of siege was decreed and established by the President of the Republic in the two provinces of Ituri and North Kivu¹ in the East of the DRC to address the endless violence. The establishment of the state of siege limits certain fundamental rights recognized by DRC's human rights charter and constitution. Civil courts and tribunals were suspended in the two provinces and only military courts and tribunals were authorized to operate. Innocent people were arrested and accused of possessing weapons of war and other military materials.

The state of siege is at the root of several cases of human rights violations by law enforcement officials, adding up to the restrictions to curb the spread of Covid-19. It has led to human rights violations by law enforcement officials during their patrols.

The Military Governor of North Kivu issued a statement declaring a province-wide curfew from 10:00 to 17:00. Hence, law enforcement officials including the Congolese National Police, the National Intelligence Agency and the Armed Forces of the DRC, conduct patrols that lead to arbitrary arrests of passers-by including Indigenous Pygmy Peoples, whose valuable belongings such as watches, telephones, chains, jewelry are looted.² Most of those arrested were released after paying lump sums amounting to 50,000 to 100,000 Congolese francs (around 25 – 50 USD).

Aside from closure of civil courts, imposition of curfews in certain quarters, prohibition of the right to freedom of expression, the state of siege has not yielded any progressive results to address the violence. Authorities promised to further strengthen its implementation, regardless.³

Case 1: Case of land-grabbing in Masisi territory

Makumba Nyambatsi, 90, from the Indigenous Bambuti Pygmy family was arrested on March 5, 2021, by members of the Congolese National Police under a warrant signed by the Public Prosecutor of the Peace Court of Masisi. The arrest was due to a

land grabbing conflict between the Nyambatsi family and Kabawa Sindani, a non-indigenous Bantu who had been intimidating the former and wanting to take over the fields of Katwa Kabaore located on the Misima hill in Ufamandu I grouping, chiefdom of Bahunde in Masisi territory. The Nyambatsi family inherited said lands from their Bambuti ancestors who have lived there for more than a century. Makumba's family has long been opposing Kabawa's attempts and threats to dispossess them of their lands. Kabawa lodged the recent complaint against Makumba who was released on March 12, 2021. The case was closed on the basis of a mediation procedure that brought together the local and customary authorities of Ufamandu with the signing of an act of collective commitment.

Participatory mapping is necessary and urgent to secure these lands and reduce the threats of land grabbing by the Bantu. The Bantu are aware that these lands are fertile and intend to exploit them for agricultural industry.

Case 2: Case of illegal arrest, intimidation and disregard for the collective rights of the Indigenous Babuluko Pygmy Peoples to FPIC

The two brothers Lusumbo Kamangu, 66, and Mastaki Kamala, 75, are leaders of the Indigenous Babuluko Pygmy Peoples in Busisi in the Walikale territory. They have been enduring criminalization and threats that stemmed from a 2011 conflict between them and the neighboring Bantu community of Bafuna-Bongwe. The latter allegedly had the Indigenous Babuluko Pygmy Peoples' lands integrated into the concession of community forests without their free, prior, and informed consent (FPIC). Lusumbo has been arbitrarily arrested several times since 2011, with the last arrest on May 22, 2021, with his brother. They were both released on the same date.

Their village's estimated population is 145 which includes 22 men, 24 women, 52 boys and 47 girls. Like the two brothers, they suffer the same threats to their safety and security living in their 15,000-hectare land that they claim to have been occupied by their people for more than a century.

Despite several judgments and signing of engagement acts through mediation on land ownership of the Busisi by the indigenous Babuluko Pygmy family, they are still victims of arrest by the authorities and law enforcement officials upon the request of the Bafuna-Bongwe community. Several times, they have been accused of possession of war weapons in order to silence them or find reasons that might force them to abandon their lands in favor of the Bafuna-Bongwe.

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India



Photo: Diwakar Sharma

India

Country context

Between July and December 2021, Indigenous Rights Advocacy Centre (IRAC)ⁱ forwarded 77 cases of human rights violations against Indigenous Peoples before the National Human Rights Commission (NHRC). Forty-four of these cases involved criminalization of Indigenous Peoples by the police, forest department and other public officials. The other 33 cases were related to atrocities by non-state actors/non-tribals and denial of basic documents and welfare schemes by the Indian government.

IRAC also documented nine cases of forced eviction, eight of which involved Indigenous Peoples accused as “illegal encroachers” into forest areas. The other case involved 11 Irular tribal families living near a temple in Peranamallur municipality, in Tiruvanamalai district of Tamil Nadu state. Living near the temple is considered a taboo, which is believed to be the reason behind the eviction of the Irular families , although no official reason was provided.

During forced evictions in forest areas, forest officials and the police often burn down or demolish huts and other properties of the victims who are often left to fend for themselves. The eight eviction cases happened in five states and one Union Territory (UT):ⁱⁱ two cases in Madhya Pradesh, two cases in Tamil Nadu, one in Assam, one in Odisha, one in Kerala and one in Jammu and Kashmir (UT). The evictions affected an estimated 303 indigenous families.

Furthermore, the 2018 to 2020 crime reports of the National Crime Records Bureau (NCRB) under the Ministry of Home Affairs show a steady rise of crimes against Indigenous Peoples. There were 6,528 cases in 2018; 7,570 cases in 2019, and 8,272 in 2020.¹ Between 2017 and 2019, there had been a 15 per cent increase in crimes against women and children from Scheduled Tribes/Schedule Castes.² The latest NCRB report notes a total of 1,137 cases of rape and 885 cases of assault against women and children in 2020.³

ⁱ IRAC is the country partner of IPRI in India. IRAC seeks to combine practice, research, advocacy and collaboration as an effective method to promote and protect the individual and collective rights of Indigenous Peoples in India. (See: <https://irac.in/>)

ⁱⁱ Union Territories (UTs) are the federal territories administered by the Government of India. In UTs, the Central Government appoints the Lieutenant Governor, who is the administrator and the representative of the President of India. UTs do not have elected legislature, except Puducherry and Delhi which were granted partial statehood. Currently, India has eight Union Territories including, Delhi, Andaman and Nicobar, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Jammu and Kashmir, Ladakh, Lakshadweep, and Puducherry.

There are 104.3 million Indigenous Peoples or Scheduled Tribes, also called tribals or Adivasisⁱ in Indiaⁱⁱ who constitute 8.6 per cent of the country's total population⁴ and 90 per cent of them live in rural areas.⁵ Despite having special constitutional protection, the Adivasis face criminalization, violence, and impunity at the hands of state and non-state actors. If the perpetrators are from the upper caste, conviction is very unlikely. In 2020, the conviction rate for crimes committed against the Adivasis was 28.5 per cent despite provision for speedy trial in "Special Courts."⁶ In the case of women and children, from 2017 to 2019, conviction rate under Prevention of Atrocities Act has been as low as 26.86 per cent with 84.09 per cent of the cases still pending.⁷

Cases of criminalization against the Adivasis are often linked to the defense of their collective rights to "jal jameen jungle" (water, land, and forests). Activists who oppose land acquisition for industrial or mining projects face harassment and threats.⁸ In general, human rights defenders are criminalized under the draconian Unlawful Activities (Prevention) Act, 1967 (UAPA) and, for Adivasis, including under several forest laws.⁹ On January 15, 2021, Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders declared that "India is a state which doesn't properly protect human rights defenders."¹⁰ Recent cases involving abuse of the UAPA are the death of tribal rights activist Father Stan Swamy, 84, who was in judicial custody on July 5,ⁱⁱⁱ and the continued detention of Gond tribal activist Hidme Markam.

In July 2021, the Barwani district magistrate in Madhya Pradesh state called prominent Jagrit Adivasi Dalit Sangathan activist, Valsingh Saste, an "infamous criminal" and sought to expel him from the district for one year under the Madhya Pradesh Rajya Suraksha Adhiniyam-1990 (Madhya Pradesh State Security Act of 1990).¹¹ Also, Birsa Mahji, a member of the Santhal tribe in Jharkand, was summoned by the police on December 21 and accused as a Maoist.¹² Birsa has been criminalized since 2005 under the Prevention of Witch Practices Act. He maintains innocence on both accusations, but he and his family still experience police harassment. His daily income of Rs 150-200 (around 3 USD) as a laborer is not enough to provide for his four children, let alone afford legal fees. In December 2021, the police told him that if he surrenders, he can avail of several benefits from the government and the case against him will be dropped.¹³

Navigating the legal system can be challenging, specifically for the Adivasis. Thousands languish in jails often on false charges. Many are detained, either due to

ⁱ In many parts of India, the Scheduled Tribes are also known as 'Adivasi'. The term 'Adivasi' is derived from the Hindi words 'adi' which means of earliest times and 'vasi' meaning inhabitant.

ⁱⁱ In this report, the terms Scheduled Tribe, tribal, Adivasi and Indigenous Peoples are used interchangeably.

ⁱⁱⁱ Stan Swamy is a Catholic priest and a long-time tribal rights activist. He was arrested in October 2020 for his alleged role in Bhima Koregaon violence of 2018. He was suffering from Parkinson's disease and had requested bail on medical grounds, which was rejected multiple times.

poverty or ignorance of the law and their rights, or lack of legal support. In 2021, the Chhattisgarh government withdrew 594 criminal cases against 726 tribals, including over 100 Maoist-related cases,¹⁴ following recommendations by the Justice Patnaik Committee.ⁱ The state governments of Jharkhand¹⁵ and Madhya Pradesh also announced withdrawal of “false and minor cases” filed against tribals.¹⁶

Militarization of regions inhabited by Indigenous Peoples especially in Northeast Indiaⁱⁱ and in states affected by “Left Wing Extremism”¹⁷ has resulted in serious human rights violations. Between June and December 2021, cases of innocent tribals killed in fake encounters were noted. On June 12, Bramhadev Singh, 24, was shot dead by security forces in the forest near Piri village in Latehar district of Jharkhand.¹⁸ On June 27, Santosh Markam, 35, was allegedly tortured and shot dead by the police in front of fellow villagers.¹⁹ He was tagged as a “dreaded Naxalite” at Neelavaya village in Dantewada district of Chhattisgarh. On December 3, thirteen innocent Naga tribal labourers were killed by the Army in an alleged case of “mistaken identity” in Mon district of the state of Nagaland.²⁰

Similarly, Indigenous women faced criminalization and violence from the security forces in insurgency-hit areas in 2021. On February 23, a young tribal woman identified as Pandey Kawasi, 20, died in police custody in Dantewada district of Chhattisgarh. While the police claimed she committed suicide after surrendering, family members alleged that she was actually picked up from her home at Gudsevi village and tortured while in police custody.²¹ Similarly, on May 30, Payke Veko, 24, was allegedly abducted from her house and killed in police custody in Dantewada district. While the police claimed that she was killed in an encounter with the Maoists, her mother noted injuries on her breasts, thighs and hand.^{22 23}

On the other hand, innocent tribal villagers have been subjected to extrajudicial killings, kidnapping and torture by the Maoists on charges of being “police informers.” The Maoists killed several tribals in 2021 including Korra Pilku, 35, at Kothapalem village in Visakhapatnam district of Andhra Pradesh on March 5;²⁴ Madkam Arjun, 15, and Taati Hadma, 21, in Jagargunda area in Sukma district in Chhattisgarh state on April 19;²⁵ and Madvi Raj Kumar at Cheruvugumpu village in East Godavari district in Andhra Pradesh state on November 17.²⁶

ⁱ After coming to power in Chhattisgarh in December 2018, the Congress government headed by chief minister Bhupesh Baghel constituted a seven-member committee under the chairmanship of Justice A K Patnaik, former Supreme Court, to review the criminal cases lodged against “innocent tribals” in the insurgency-hit districts. The committee has recommended the withdrawal of 627 cases.

ⁱⁱ Presently, the Armed Forces (Special Powers) Act, 1958 under which the Armed Forces have been given special powers and absolute impunity is enforced in four states of Northeast India, namely the whole of Nagaland, Assam, Manipur (excluding Imphal Municipal area) and parts of Arunachal Pradesh. These states are predominantly inhabited by Indigenous Peoples. The Special Powers Act was withdrawn from Meghalaya in 2018.

Case 1: Armed Forces (Special Powers) Act, 1958 questioned anew with the killing of a Kuki tribal in Manipur

Neikhoichong Lhouvum was widowed after an Assam Rifles major shot dead Mangboilal Lhouvum, her husband, on June 4, 2021. She will have to raise their four children, aged one to seven without their father. Speaking to the media, she recalled “We just came from work and after we ate, he went out to visit our neighbour’s house. After a gunshot was heard, I was informed that my husband was lying injured on the road. I rushed to the spot to find him gravely wounded and in critical condition.”²⁷

Mangboilal, 29, a member of the Kuki tribe in Manipur, had a gunshot wound in his abdomen. He managed to identify his assailant and an eyewitness was able to capture the shooting on video which later went viral. The video showed Mangboilal profusely bleeding and saying it was Major Alok who shot him.²⁸ He died on the way to the hospital.

The Army has long enjoyed impunity guaranteed under the Armed Forces (Special Powers) Act, 1958. Section 6 states “No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.”²⁹ This means neither the Manipur Government nor the State Police has any jurisdiction over the central Armed Forces. Major Alok Sathe, the post commander of the E Company of the 44 Assam Rifles and his men who were involved in the incident were presented in court but they were immune from arrest or any form of consequences.³⁰

The Press Information Bureau (Defence Wing), Imphal, issued a statement claiming that the Assam Rifles team launched an operation based on specific intelligence to “nab the secretary of the Kuki Revolutionary Army (KRA) along with three or four cadres in Kangpokpi district, Manipur.” The Assam Rifles claim that Mangboilal was a KRA cadre and was killed during an encounter.³¹ But the KRA,³² civil society organizations, and Mangboilal’s family strongly denied these claims.

In Mangboilal’s father’s first information report (FIR)ⁱ against Major Alok and three others under sections 302 (murder) and 34 (common intent) of the Indian Penal Code and under the Arms Act, he noted that the Assam Rifles men were all armed but in civilian clothes. It also mentioned that Mangboilal was made to drink alcohol before

ⁱ First Information Report (FIR) is a written document prepared by the police when they receive information about the commission of a cognizable offence. It is a report of information that reaches the police first in point of time and that is why it is called the First Information Report. Read more on FIR, here: <https://www.humanrightsinitiative.org/publications/police/fir.pdf>

taken to the roadside and shot.³³ His FIR was registered at Kangpokpi police station in Manipur.

On June 5, the escalating tensions were brought under control with the signing of an agreement by the Indian Army, the Manipur Police, the state government, and local civil society organizations. The agreement stated that the police would immediately launch an investigation into the incident, and at the earliest, the existing 44 Assam Rifles Banglabung outpost be removed and replaced with a fully functional armed police station. It also assured that the Assam Rifles would pay a compensation of Rs 10 lakh (around 13,000 USD) to Mangboilal's family.

Despite the Kangpokpi police station registering a murder case against alleged perpetrators and the Manipur Chief Minister's assurance to mete punishment to the men involved, the Armed Forces (Special Powers) Act, 1958 guarantees them absolute impunity.

Mangboilal's case is the latest extra-judicial killing by the security forces in Manipur. His family adds to the 1,528 victims of extra-judicial killings by State and Central forces who have been fighting court battles for justice under the Extra-judicial Execution Victims' Families Association.

According to Thangminlen Kipgen, General Secretary of the Kuki Inpi, Kangpokpi, the apex body of the Kuki peoples, as of January 20, 2022, the agreement has not been fulfilled.³⁴ Mangboilal's family has only received Rs 2 lakh (around 2,600 USD) as compensation. The Assam Rifles allegedly refuse to pay the remaining amount because of his father's FIR against Major Alok. It is believed that the Commanding Officer of the 44 Assam Rifles wanted the withdrawal of the FIR in exchange for the rest of the money.³⁵

Case 2: Abuse of counter-terrorism legislations: criminalization of Hidme Markam, a Gond tribal woman activist

On March 9, 2021, Hidme Markam,²⁸ a prominent human rights activist from the Gond tribe, was arrested without a warrant.^{36[75]} She was picked up from an event marking the International Women's Day being organized by the *Jail Bandi Rihai* Committee (Committee for Release of Prisoners) and the Chhattisgarh Mahila Adhikar Manch at Sameli village under Arampur police station in Dantewada district of Chhattisgarh.³⁷ The event was taking place close to the site of a recently installed memorial of two young Adivasi women who died after allegedly been subjected to sexual violence while in police custody.

Hidme was booked in six FIRs registered at Aranpur Police Station under various sections of the Indian Penal Code, including murder, the Arms Act, the Explosives Substances Act, and the Unlawful Activities (Prevention) Act (UAPA).ⁱ Four of her FIR are linked to another person with a name similar to hers, Kawasi Hidme, 26, who has an existing Naxali Crime Profile and had been booked under FIRs that include a Rs 100,000 (around 1,300 USD) bounty and charges under UAPA.³⁸

Despite Hidme not having any connections with Kawasi, the Dantewada Police issued a press statement with Hidme's photo claiming she was the president of *Janatana Sarkar* (parallel government)ⁱⁱ and she was wanted in five cases registered between 2016 and 2020 and carried a reward of Rs 1.10 lakh (around 1,400 USD).

The police also claimed that Hidme had been avoiding arrest since the first FIR in 2016 despite her lawyer and supporters declaring that these cases have nothing to do with her. In addition, Hidme has always been publicly open and active with her human rights work and even her home address is known by the police.³⁹ Hidme's supporters are convinced the police are fabricating narratives to implicate her in false cases.

Tribal rights activist Rinchin, who was also present at the time of Hidme's arrest, stated that as Convenor of the Jail Bandi Rihai Committee, Hidme's main concern was fighting for the release of illegally arrested and detained tribals in jails. That made her a target of State authorities.⁴⁰

Hidme is a member of the Chhattisgarh Mahila Adhikar Manch and well-known for her campaigns against large-scale mining projects in Adivasi lands. Rinchin asserted that in many instances, Hidme is the crucial link between the victims and the larger human rights movement. "Arresting her was a way to cut off that link," reasoned Rinchin.⁴¹ The Peoples Union for Civil Liberties Chhattisgarh (PUCL Chhattisgarh) in its

ⁱ The details of the six FIR are as follows: (1) FIR No. 07/2016 was registered under Sections 147, 148, 149 and 307 IPC; Sections 25 and 27 of the Arms Act; Sections 4 and 5 of the Explosives Substances Act "in which she was involved in firing at the police party and bomb blast with the intention to kill them;" (2) FIR No. 09/2016 was registered under Sections 147, 148, 149, 307 and 120B IPC; Sections 25 and 27 of the Arms Act; Section 3 of the Explosives Substances Act "in which she was involved in firing at the police party and bomb blast with the intention to kill them;" (3) FIR No. 07/2017 was registered under Sections 363, 364, 366, 302, 342 IPC "in which she was involved in killing of Harish Podiyami S/o Joga Podiyami aged 25 years, resident of Potali Durwapara under Aranapur police station;" (4) FIR No. 17/2019 was registered under Sections 147, 148, 149, 307, 120B IPC; Sections 25, 27 of the Arms Act; Sections 4 and 5 of the Explosives Substances Act "in which she was involved in firing at the police party with the intention to kill them;" (5) FIR No. 03/2020 was registered under Sections 302, 364, 147, 149, 294, 323, 506 IPC; Section 25 Arms Act "in which she was involved in killing of Madhvi Bhima and Vetti Bajarang, residents of Dhurwapara Potali under Aranapur police station;" and (6) FIR No. 04/2020 was registered under sections 147, 148, 149, 307 IPC; sections 25, 27 Arms Act; and sections 3, and 5 of the Explosive Substances Act.

ⁱⁱ *Janatana Sarkar* literally means people's government, a reference to a parallel state of the Maoists.

complaint filed with the National Human Rights Commission (NHRC) also claimed that “her arrest is intended to send a message to all those who dare to speak boldly against state repression.”⁴²

On April 8, 2021, the Government of India received a joint communique from UN Special Rapporteurs regarding the arrest and detention of Hidme.⁴³ In a response on June 7, the Government of India claimed that Hidme Markam was the “president of an outfit called Krantikari Adivasi Mahila Sangathan (KAMS)” and she was arrested for “her involvement in kidnapping, murder, membership of a banned organization, etc.”⁴⁴ The response omitted two crucial FIRs which are linked to the Indian Penal Code, Arms Act, and Explosive Substances Act.

Prior to the communication between the UN Special Rapporteurs and the Government of India, the National Human Rights Commission of India (NHRC) heard a petition filed by the Peoples Union for Civil Liberties Chhattisgarh (PUCL Chhattisgarh) seeking “[Hidme’s] immediate release and the quashing of all false cases against her, and investigation into her illegal arrest and strict action against police for her illegal arrest.”⁴⁵ Responding to NHRC on August 12, 2020, the Chhattisgarh Deputy Inspector General of Police claimed that during their investigation, four independent witnesses who are self-surrendered members of the Naxali organization identified Hidme “as one involved in Naxali organization to spread Naxal ideology and arranges food for the Naxals who come to the village.”

On October 21, 2021, the PUCL Chhattisgarh submitted its response rejecting the contentions of the police report and reiterated the allegations of Hidme’s illegal arrest. On November 18, 2021, NHRC also directed the Chhattisgarh Director General of Police to submit report about the current status/final outcome of investigation in one of Hidme’s FIR within four weeks.⁴⁶ Pursuant to this direction, a report dated November 24, 2021 submitted by the Raipur Deputy Inspector General of Police, Special Intelligence Branch, stated that after the completion of the investigation of the case, the charge sheet no. 12A/2021 dated July 7, 2021 has been filed before the Special Court of National Investigation Agency (NIA), Dantewada, which is registered vide case no. 1320/2021. Since the matter is pending before the court, the NHRC closed the case in January 2022.⁴⁷

According to advocate Kshitij Dubey, one of Hidme’s lawyers, there is no women’s jail and therefore Hidme is detained in a women’s ward at Jagdalpur central jail.⁴⁸ Hidme’s lawyer at the High Court, Kishore Narayan asserted that the cases against her are weak, but she admitted that communication is a challenge because of the jail distance.⁴⁹ Hidme is jailed in Jagdalpur City jail which is about 90 kilometers away from Dantewada district where she was illegally arrested. On December 3, 2021, her lawyer confirmed that she had applied for bail but this was rejected by the Court.⁵⁰

Three of Hidme's cases after completion of investigation charge sheet were filed in the Court of Judicial Magistrate First Class at the Dantewada district and the charge sheet in one case is still pending for presentation before the Honorable Court.⁵¹

Case 3: A British colonial legacy: the death of Bhim Kale, member of a "criminal tribe"

On October 3, 2021, Bhim Kale, 35, a farm laborer, died under police custody. His family claims he was tortured by the Vijapur Naka police of Solapur district in Maharashtra state in western India. He was arrested on September 18 for a house burglary case after his motorcycle was seen near the crime scene.⁵² Bhim belongs to the Phase Padhi tribal community who has long suffered from being tagged as a "criminal tribe." This made him an easy target of the police.

The colonial Criminal Tribes Act, 1871 declared over 150 Adivasi communities as criminal and dangerous.⁵³ From 1871 until today, the perception on Adivasis has not changed significantly. They were considered dangerous by the colonial regime then and continue to be regarded as such in independent India today.

Like Bhim, it is common for members of the "criminal tribes" to be picked up regularly or rounded up by the police, often on false charges.⁵⁴ They are also easily judged in court as guilty regardless of the absence or weakness of evidence. Matin Bhosale, an activist in the community lamented that the Pardhi tribals regularly face police brutality and social discrimination because of the discriminatory labeling institutionalized by the British colony more than a century ago and remains uncorrected to this day.⁵⁵

Contrary to the Code of Criminal Procedure, 1973 that requires the police to produce an accused before a Magistrate within 24 hours of the arrest, Bhim was presented in court only on September 23. He had been illegally detained for almost a week at Vijapur Naka police station. The following day, September 24, his wife approached the court alleging that her husband was being tortured in police custody. With the court's intervention, Bhim was supposed to be presented in court again on September 25. However, the police refused and instead admitted Bhim to a government hospital. A police constable was sent to attend the court hearing instead of senior police officers.⁵⁶

He died with both of his legs broken and with several signs of torture. His wife, Swati, recalls that her husband's legs were bleeding and he was writhing in pain at the Vijapur Naka police station. That was the last time she saw him alive. Bhim left his wife and their seven children.⁵⁷ Bhim's family believes the police beat him to confess.

According to the police, Bhim fell ill soon after his arrest and was admitted to a hospital where he eventually passed away. But his relatives refuted this narrative as he was perfectly fine at the time of arrest.

Bhim's case was forwarded to the National Human Rights Commission (NHRC) on October 11, 2021.⁵⁸ On November 11, 2021, the Commission directed the Sholapur District Magistrate and the Sholapur Commissioner of Police in Maharashtra to send a detailed report covering all the aspects leading to Bhim's death, including time, place and reason for arrest/detention.⁵⁹ But the authorities have failed to respond to date.

Case 4: Living in uncertain territory: Kadar tribal families evicted from Anamalai Tiger Reserve in Tamil Nadu

On December 3, 2021, despite having *patta* or legal document recognizing their ownership of the land, the Forest Department dismantled the huts of 21 Kadar tribal families without any prior notice. The families received *patta* from the Minister for Electricity, Prohibition and Excise on November 7. Each family was allocated 1.5 cents (around 650 ft.²) over the 1.5 acres (around 65,000 ft.²) of total land area of Anamalai Tiger Reserve in Theppakulamadu, Coimbatore district of Tamil Nadu state in south India.⁶⁰ Despite the *patta* being limited in relation to their institutionalized rights to their ancestral lands, it was considered a victory by the Kadar families.

The Kadar, which means "residents of the forest," is believed to be original inhabitants of the mountain range known as Anamalai hills in southwestern Ghats that span the border of western Tamil Nadu and central Kerala in southern India. The Kadars are considered to be the oldest ethnic tribal group of southern India.⁶¹ They live on non-timber forest produce which they collect from their forest. They have long been denied their individual and community rights under the Forest Rights Act, 2006 (FRA). Further, while Kadars are listed as Particularly Vulnerable Tribal Groups in Kerala, which ensures them special protection and welfare measures, the same status has not been accorded to them in the state of Tamil Nadu.⁶²

The incident in December 2021 was not the first time the Forest Department evicted the Kadars from their ancestral lands. In August 2019, 23 Kadar families consisting of

about 90 individuals took refuge at Kallarkudi settlement inside the Anamalai Tiger Reserve. They built makeshift huts after their homes were damaged by landslides caused by heavy monsoon rains. On August 20, the Forest Department removed their makeshift huts and shifted them to an unused quarters of Thaimudi tea estate near Valparai in Coimbatore district.⁶³ But the Thaimudi quarters have neither the forest produce the Kadar families needed nor were they provided any of their basic needs. Detached from their traditional land and environment, the Kadars faced problems at the tea estate and demanded resettlement inside their forests.⁶⁴

The displaced Kadar families have long demanded their right to alternative land inside the Anamalai forests as recognized under the FRA, but this was rejected. Instead, the forest officials offered them rehabilitation outside the forests with cash incentive of Rs. 15 lakhs (around 19,000 USD), along with good housing, electricity and drinking water facilities with the condition that the Kadars will never enter the forest again. But the *Kadars* refused the offer and insisted to be resettled inside Anamalai forest in Teppakulamedu, an ancient village where their ancestors had lived.

On February 10, 2020, around 300 Adivasis living in the Anamalai ranges began a peaceful march from Valparai to Coimbatore to demand *patta* for Kadars at Teppakulamedu. They also passed a resolution in a Gram Sabha held on March 6, 2020 to issue *patta* for homestead under the FRA. But authorities of the Anamalai Tiger Reserve said their application for *patta* at Theppakulamedu could not be processed as their ancient village is now part of the “critical tiger habitat.”⁶⁵

Months before their eviction in December 2021, around 100 tribals organized another peaceful march in Thaimudi near Valparai coinciding with the birthday of Mahatma Gandhi on October 2, 2021.⁶⁶ After the forced eviction in December 2021, the Kadar families lodged a complaint at the Valparai police station seeking to file charges against the 40 forest officials involved under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On December 4, the District Collector of Coimbatore ordered to re-survey the area where *pattas* had been issued. Further, on December 6 in the presence of the concerned forest and revenue officials and the police, the District Collector assured the *Kadars* the 12 acres of residential land at Kallarkudi-Teppakulamedu and their farm lands at the old Kallarkudi settlement.⁶⁷

On December 28, the National Human Rights Commission expressed deep concern over the forced eviction.⁶⁸ In its proceedings, the Commission recorded that “The allegations made in the complaint are serious in nature involving forced eviction in violation of law by the public servants.” The Commission served notice to the Chief Secretary of the Government of Tamil Nadu and the Tamil Nadu Director General of Police, calling for a report within a period of four weeks.⁶⁹

Case 5: Forest officials back non-tribals' assault against Indigenous Peoples and Dalits: a case of eviction in Sahajkhola Reserve Forest, state of Odisha

On June 30, 2021, 35 families composed of around 200 individuals, majority of whom belonged to tribal community and a few Dalits, were forcibly evicted from Bhatapani and Dumerpani hamlets in Sahajkhola Reserve Forest in Kalahandi district of Odisha. In his submission to the National Human Rights Committee (NHRC), a local human rights activist, Dilip Kumar Das, alleged that “the said miscreants are members of the Van Samrakhyan Samiti (VSS) promoted by the Forest department officials of Kalahandi who were threatening the tribals and Dalit families of Dumerpani and Bhatapani hamlets for the last few years.”⁷⁰ Under the Joint Forest Management System,⁷¹ the VSS are constituted at the village level by the Government of Odisha for the protection of forest lands, including those considered as reserved, protected, revenue, and others that are not covered under Protected Areas.

In a media interview, a District Forest Officer denied the involvement of the forest department in the eviction.⁷² Dilip disagreed and cited an earlier case of eviction of tribals in Birimuhan village in the same district of Kalahandi between 2015 and 2016 involving forests officials. At that time, the tribals were assaulted, their houses were burned, and their belongings were damaged. Subsequently, under directions from the NHRC, Birimuhan village was “declared as revenue village and no evictions were to be carried out without rehabilitation.” Dilip said, “After the Birimuhan case, forest department personnel are not at the forefront but are instead instigating the local people (non-tribals) to do the mischief (of evicting tribals).”⁷³

Dilip explained that one of the methods adopted to harass the tribals was forcible collection of donations by the non-tribals of neighbouring villages. He said, “non-tribals have been collecting ‘donations’ of around Rs. 15,000-20,000 (around 300 USD) in the name of ‘pujas’ (festivals). But this year, the tribals failed to contribute due to the economic hardships brought about by the Covid-19 lockdown.” He asserted, “that was the immediate cause of the conflict and eviction.”⁷⁴

After the attack on June 30, the victims filed a case at the Ampani police station in Kalahandi district in connection with the eviction. However, it is alleged that the forest officials and the non-tribal attackers have been using the “peace meeting” to pressure the victims to withdraw the case.⁷⁵

The 35 families have been living at Dumerpani and Bhatapani hamlets in Kalahandi district for the last 25 years. They had originally migrated from the neighbouring Nabarangpur district of Odisha. They eke out a living by cultivating maize in the forest

land and as daily wage earners. They have already registered themselves as voters of Kalahandi district and possess the government-issued Aadhaar cardsⁱ which are proofs of their being residents of Kalahandi district. They have also been getting government scheme benefits,⁷⁶ but their rights over the forest land under the Forest Rights Act, 2006 remain unrecognized by the state government.

Fifteen of the 35 families were housed temporarily in a primary school building in Kuhudi under Chandahandi block while the rest built temporary shelter in a jungle near Dahimal village of Jharigam block. According to social activist Humeswar Hanse, who visited the families sheltered in Chandahandi block, there were 11 children under five years of age, 17 between 5-10 years and seven women who needed immediate medical attention due to deteriorating health conditions.⁷⁷ In its August 9 report, the Kalahandi District Magistrate informed the NHRC that all the evicted families had been provided ration cards and 22 families had already been provided with homes under Pradhan Mantri Awas Yojana (PMAY)/ Biju Pucca Ghar Yojana (BPGY) housing schemes which the remaining families will also be provided with.⁷⁸

Acting on the complaint submitted by Dilip, on July 12, 2021, the NHRC issued notices to the Additional Chief Secretary/Principal Secretary, Department of Forest, Government of Odisha, the District Magistrate, Kalahandi and the Superintendent of Police, Kalahandi to “take the needful actions in the matter and submit an action taken report to the Commission within six weeks.”⁷⁹

In response, the Kalahandi District Magistrate, consulted with the Nabarangpur District Magistrate, Dharamgarh Sub-Divisional Magistrate (SDM), and the Divisional Forest Officer (South). The report of the SDM, Dharamgarh stated that “during enquiry, it was found that 15 families of Dumerpani hamlet and 20 families of Bhatapani hamlet have encroached about 80 hectares of land inside the Sahajkhola Reserve Forest and cases were registered against encroachers in the years 2013 to 2014.” The 35 displaced families of Bhatapani and Dumerpani hamlets informed the enquiry team that “they were forcibly vacated from their houses by the villagers of Gotamunda who vandalized their houses, damaged their stored grain and butchered their domestic animals. Subsequently, a first information report (FIR) in Ampani PS on July 7, 2021 was registered against the villagers of Gotamunda.” The SDM stated that “displaced families could not be settled in the suit land as the disputed encroached land is located inside the Reserve Forest and settlement through FRA is not legally tenable as lands are occupied after 2006.” Further, the report stated that all the displaced

ⁱ Aadhaar number is a 12-digit random number issued by the Unique Identification Authority of India to the residents of India after satisfying the verification process laid down by the Authority. It is used to access to government welfare schemes and programs. (Read more here: <https://bit.ly/3CEZXBG>)

families have been provided with ration cards and those without housing land will be covered under Basundhara Scheme for the provision of house sites.

On September 24, 2021, after considering the official report, the NHRC stated that there was an admission that the tribal families were evicted by the villagers of Gotamunda Revenue village who also vandalised the houses of the victims. An FIR has been registered but its details were not mentioned in the official report. It is also unclear whether or not Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act 1989 was invoked as the victim families belong to ST/SC Community. Therefore, the Commission issued further notice to the Kalahandi District Magistrate and the Kalahandi Superintendent of Police in Odisha to submit details of the FIR on this matter including compensation paid to the victims under SC/ST (POA) Act. The Commission also directed that a copy of the report dated August 9, 2021 be sent to the complainant for comments, if any, within four weeks.⁸⁰

The complainant (Dilip Kumar Das) has submitted his comments dated October 11, 2021 refuting the contents of the official report. Dilip has submitted that the local police proved their ineffectiveness and callous attitude towards establishing rule of law. On January 10, 2022, the NHRC directed the Kalahandi District Magistrate to submit their reports on the comments of the complainant within six weeks.⁸¹

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**Indigenous Peoples
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Championing Indigenous Peoples Rights

Brazil



Photo: Renan Braga

Brazil: FUNAI becomes an agent of criminalization against Indigenous Peoples

Country context

In 2021, the National Foundation for the Indians / *Fundação Nacional do Índio* (FUNAI), the Brazilian state agency created to protect the rights of Indigenous Peoples, became instead a prominent agent in their criminalization. This has not happened since the military dictatorship (1964-1985). Four distinguished indigenous leaders have been charged with defamation.

On April 26, 2021, the Federal Police summoned Sonia Guajajara, coordinator of Articulation of Indigenous Peoples of Brazil / *Articulação dos Povos Indígenas do Brasil* (APIB) to testify in an open inquiry, at the request of the president of FUNAI, who is also a Federal Police delegate, in an investigation on alleged defamation against her and APIB. FUNAI deemed APIB's 2020 web series, "Maracá," denouncing the rights violations committed against Indigenous Peoples during the COVID-19 pandemic a slander against President Jair Bolsonaro's government. However, the 10th Federal Court of Brasília, stated that FUNAI's action represented an "illegal constraint" on the indigenous leader and suspended the investigation. The judge also criticized the assertion that there is evidence of embezzlement by APIB. He stated that "[there is] an ill-fated attempt to demonstrate that the actions aimed at raising funds for the institutional purposes of APIB would be a kind of fraud, which would be applied from the supposed dissemination of fake news through the series of mentioned videos."

Similarly, on April 30, 2021, the Federal Police summoned the indigenous leader of the State of Rondônia, Almir Narayamoga Suruí, to testify in an open inquiry due to internet disclosures. According to FUNAI, he was propagating 'lies' against the Bolsonaro government. He was investigated for the crime of defamation, allegedly committed against FUNAI, by members of the Metareilá Association of the Suruí Indigenous People, represented by Almir. In January 2021, Almir Suruí had signed, together with chief Kayapó Raoni of the Kayapo people, a request for an investigation against Bolsonaro at the International Criminal Court (ICC) for increased destruction in the Amazon and the attacks on indigenous rights.¹ Almir is a respected and distinguished indigenous leader who has spoken at several meetings promoted by international organizations, such as the United Nations. He was awarded in 2008 by the International Society for Human Rights, an honor previously granted to the Dalai Lama.

In addition, the Federal Police also called and asked several questions to Almir's nephew, Rubens Suruí, licensed director of the Metareilá Association. Rubens was taken by surprise when he received a message from a policeman asking if he was Rubens Suruí and that they wanted to ask some questions. He said "If I wanted to be silent, I didn't need to respond. I said 'no, I don't want to be quiet and I'm not running away from the police. You can ask.'" He said that "Actually, I'm asking these questions because FUNAI requested the Federal Police to investigate if you made a defamation against FUNAI," said Rubens.

On May 5, 2021, the investigation was closed. The final police report signed by delegate Jorge Florêncio de Oliveira, pointed out that, "The intention to defame was not found in the case in question, as this crime requires the intention to cause harm, consisting in the will to offend the honor of the victim."

The president of FUNAI also called the Federal Police against indigenous leader Mário Parwe Atroari, two Waimiri-Atroari indigenous organizations to which he is linked (Waimiri-Atroari Community Association/ACWA and Association to Support Waimiri-Atroari Program Activities/Adawa), three FUNAI employees and the two lawyers from the aforementioned associations. The president of FUNAI accused them of hampering the construction project of the high-voltage line that links the municipalities of Manaus to Boa Vista, which cuts across the Waimiri Atroari indigenous land, thus delaying the works. This project is frequently cited by Bolsonaro in his speeches where he distorts the position of the Indigenous Peoples, implying that they are responsible for the delay in the construction. The Waimiris-Atroaris and the Federal Public Ministry have already appealed to the Judiciary to grant them the right to respond to speeches by Bolsonaro and other government officials, without success. Indigenous Peoples and Public Prosecutors say the hate speech turns the population of Roraima against the Indigenous Peoples.

FUNAI is adopting the discourse that the Federal Constitution recognizes the civil and postulatory capacity of Indigenous Peoples to deny them legal assistance while, on the other hand, acting in clear violation of the principles of self-determination and autonomy of Indigenous Peoples. The institution has been weakened in its capacity to implement public policies due to reduced budget, human resources and local presence, making it impossible for it to play its role of defending the rights of Indigenous Peoples. At the same time, their public officials use their office to criminalize indigenous leaders in exchange for political support, through successive regulatory and administrative acts.

At the end of 2021, on December 29, Circular Letter No. 18 was published in which FUNAI informed about the impossibility of execution of Territorial Protection activities

in non-homologated Indigenous Lands.ⁱ This means the execution of territorial protection activities can occur only after the end of the demarcation administrative procedure. As this procedure is slow, the measure directly affects at least 139 indigenous lands and 114 Indigenous Peoples in voluntary isolation and recent contact whose territories are still pending homologation.²

At the request of APIB, the Federal Supreme Court released a directive on February 1, 2022, determining that FUNAI must protect indigenous territories regardless of whether they are homologated or not. The Supreme Court judge who considered the case stated that Circular Letter No. 18 reflects a context in which “the President of the Republic himself took a stance against the regularization of indigenous lands and publicly declared that, if it depended upon him and his government, they would not be demarcated.”³

FUNAI is not the only State institution that resorts to criminalization practices. In May, the Minister of the Environment, in an operation authorized by Federal Supreme Court (STF) judge Alexandre de Moraes and upon the request of the Federal Police, issued 35 search and seizure warrants in Brasília, São Paulo, and Pará. Ten employees of the Ministry of the Environment and of the Brazilian Institute for the Environment and Renewable Natural Resources were dismissed, among them the Minister of the Environment, Ricardo Salles.

Indigenous Peoples and environmentalists are facing a real war in Brazil. They face hate speech, including from state authorities, and assault to their physical integrity, such as shootings and attacks by invaders of their territories. Non-indigenous defenders of the environment and of indigenous rights are also being attacked and criminalized. The assessment of the Indigenous Peoples of Brazil is that the Ministry of Justice has been keeping their rights together. So, the attack comes mostly from the executive and legislative branches.

Furthermore, indigenous youth are not spared from discrimination and attacks experienced by their leaders. Txai Suruí, 24, from the 7 Setembro Indigenous Land in Rondônia and daughter of the indigenous leader, Almir Suruí, was attacked in social media after speaking in the 2021 United Nations Climate Change Conference, more popularly known as COP 26.⁴

In her speech, she said: “Indigenous Peoples are at the forefront of the climate emergency, so we must be at the center of the decisions that take place here. We have ideas to delay the end of the world,” and “let's curb the issuing of untruthful and irresponsible promises; let's end the pollution of empty words, and let's fight for a

ⁱ Homologation is a final step in the legal and administrative process of titling of indigenous lands in Brazil.

liveable future and present.” She also highlighted her friend, the guardian of the forest, Ari Uru-Eu-Wau-Wau, who was killed in April 2020.

After her speech, Txai Suruí was targeted by supporters of Bolsonaro and she received hate messages on social media. These escalated after Bolsonaro publicly said, “They’re complaining that I didn’t go to Glasgow. They took an Indian there, to replace Raoni, to attack Brazil. Has anyone seen any Germans attacking Venezuela’s fossil energy? Has anyone ever seen them attacking France because the environmental legislation there is nothing like ours? Nobody criticizes their own country.”

Txai received racists and hate posts that questioned her identity and didn’t believe her to be a member of Indigenous Peoples because she had a cell phone and traveled to other countries.

Similarly, Eloy Terena (Luiz Henrique Eloy Amado), 33, a member of the Terena people of the Taunay-Ipegue Indigenous Land, and legal coordinator of APIB, has been facing harassments and attacks since 2013. His community in the municipality of Aquidauana, state of Mato Grosso do Sul, is a region deeply marked by land conflicts between indigenous populations and agribusiness companies that are known to work with paramilitary groups. His attackers have been trying to discredit his credibility as a lawyer and his academic achievement. At one point, he was wrongly accused of committing crimes and had to respond to criminal investigations, which were eventually closed. During an investigation at the State Legislative Assembly (in Mato Grosso do Sul), there was an order for his coercive arrest. On another occasion, during an investigation in the National Congress manipulated by congressmen and financed by agribusiness, there was an attempt of criminal indictment at the federal level.

There were also two attempts by the Brazilian Bar Association / *Ordem dos Advogados do Brasil* (OAB) to cancel his license, both times promoted by the Agriculture and Livestock Federation of Mato Grosso do Sul / *Federação da Agricultura e Pecuária de Mato Grosso do Sul* and the Association of Farmers of Mato Grosso do Sul / *Associação dos Agricultores de Mato Grosso do Sul*, which are both linked to agribusiness in the region where he works, and in collusion with representatives of the regional office of the OAB. Some of these entities also filed a lawsuit to try to suspend his master’s dissertation defense.

Over the course of time, judicial harassment, political persecution, and threats continued in Brazil. With the recent increase in violence against Indigenous Peoples and the increase of complaints for violations of Indigenous Peoples’ human rights

presented at the international level,ⁱ the harassment and persecution of Eloy has intensified, extending to his family members. Recently, the presence of vehicles and strangers making rounds inside the village was reported.

The criminalization and harassment suffered by Indigenous leaders, youth and lawyer are intended to discourage them from defending Indigenous Peoples' human rights and raising their struggles in Brazil to the wider political arena.

Case 1: Attacks against the Wakoborum Association of Munduruku Women and Maria Leusa Munduruku

The Munduruku indigenous land is marked by large-scale conflicts between the Munduruku people and illegal miners and between the miners and agents of the Federal Police and national forces. The Brazilian NGO, *Instituto Socioambiental* (ISA) says that since President Bolsonaro took office, the destruction caused by illegal mining in Munduruku lands has grown by 363 per cent,⁵ which has resulted in escalating violence against the Munduruku people. In April 2020, the Minister of the Environment interrupted the inspection on illegal mining of the IBAMA, an environmental agency coordinator responsible for successfully combating illegal deforestation and land grabbing in the Amazon.⁶ This move was seen as an implicit promotion of the intimidations and attacks against the Munduruku peoples. The Minister has been known to take advantage of the COVID-19 regulations to weaken existing environmental regulations in favor of illicit business activities in indigenous territories.⁷

On May 26, illegal miners and their supporters attacked the Fazenda Tapajós village, destroying large parts of the village. The house of indigenous leader and coordinator of the Wakoborũn Association, Maria Leusa Munduruku was set on fire and shot at by the illegal miners.⁸ The attack took place after a file was leaked from the Federal Police's Crimes Against Indigenous Communities Service regarding an operation aimed to flush out illegal miners in indigenous lands.

Through a Supreme Court order, the Federal Government devised measures to protect the Munduruku people from illegal miners. Coordinated by the Federal Police, "Operation Mundurukânia" was carried out in conjunction with the Federal Highway Police and the National Force. It aimed to flush out illegal miners in Munduruku and Sai Cinza indigenous lands in the municipality of Jacareacanga, State of Pará. The

ⁱ Among the international complaints referred to is the most recent one made to the International Criminal Court against Bolsonaro, and numerous actions promoted by APIB before the Federal Supreme Court of Brazil.

crimes investigated were criminal association (Article 288 of the Penal Code), illegal exploitation of raw materials belonging to the Union, and crimes against the environment.

Due to a leak of the file, the Federal Police ended the operation and failed to prevent the May 26 attack. Federal Supreme Court Judge Luis Roberto Barroso demanded information within 48 hours from the police officers who remained after concluding Operation Mundurukânia. He also demanded greater and immediate protection measures for the Munduruku in Jacareacanga. In addition, as response to the attack, The Federal Prosecutor's Office (MPF) asked help from the Attorney General of the Republic to ensure the safety of the people in Jacareacanga and launched a fundraising campaign for the reconstruction of Maria Leusa's house where her 19 relatives lived. She and her relatives lost their belongings and sought shelter in the homes of friends and relatives. Regarding the fire, the Court sentenced three people to imprisonment and a fine, but the convicts remain on the run.

According to Antonio Oviedo, advisor of ISA, the lack of environmental inspection and the federal government's negligence open paths for invasions and attacks by illegal miners, even in the face of a reduction in the collection of fines by Brazilian Government Institute for the Environment and Natural Resources / *Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis* (IBAMA) and greater flexibility in environmental licensing.

The leadership is targeted precisely because of its struggle to defend demarcation and traditional territory, territorial autonomy, the right to consultation and free, prior and informed consent in the construction of megaprojects and in the regulation by the legislature on mining on indigenous land, and to defend indigenous women's rights.

In a statement, the Inter-American Commission on Human Rights (IACHR) and the South American Regional Office of the United Nations High Commissioner on Human Rights (UNOHCHR) stated their concern regarding acts of violence against the Munduruku and Yanomami Indigenous Peoples, demanding that the Brazilian State comply with its duty to "protect the lives, personal integrity, territories and natural resources of these peoples."⁹

Prior to the attack on May 26, the *Wakoborum Association of Munduruku Women / Associação Wakoborum das Mulheres Munduruku* was invaded and attacked on March 25 by a group of illegal miners. Their headquarters was compromised and their documents, furniture and equipment were destroyed. On April 18, they were again attacked wherein hundreds of litres of fuel and a boat were stolen.

Since 2017, the MPF had been warning about the necessary actions to prevent attacks by miners in Munduruku territory. After the first attack in 2021, together with the Wakoborum Association of Munduruku Women, the MPF launched a fundraising campaign to raise funds for the renovation of the building, replacement of destroyed items, and for the expansion of mobilization, and the fight against the advance of illegal mining.

In addition, the Regional Office for South America of the UNOHCHR and UN Women issued a joint statement expressing their concern about threats and attacks against women rights defenders and requested urgent measures to protect the Munduruku peoples' rights. They pointed out the State's non-adoption of necessary measures to prevent attacks such as the one suffered by Wakonorun, even when such attacks had been declared in advance.¹⁰

Case 2: Violence in the Terra Indígena Yanomami

The attacks by miners on Yanomami lands have intensified since the Palimú community set up a sanitary barrier to prevent the spread of COVID-19 and the invasion of illegal miners whom they believe to be possible transmitters of the disease. However, with the pandemic-related socio-economic crisis and the high price of gold¹¹ in 2020, illegal mining increased by 30 per cent in the Yanomami Indigenous Land.¹²

On May 10, 2021, the Yanomami in the Uraricoera region were attacked by illegal miners with gun fire and gas bombs. The miners vowed revenge against the Yanomami who intercepted a 990-liter load of fuel for an airplane and a helicopter, which are crucial for transporting illicit gold from Indigenous Reserves that are often inaccessible by other means of transportation.¹³ Similar attacks by illegal miners in April have also been reported.¹⁴

The Yanomami Indigenous Land has been a target for illegal gold mining for decades. It is the largest in the country with an area of approximately 95,000 km². Currently, it is estimated that there are more than 20,000 illegal miners inside the indigenous territory¹⁵ despite mining being illegal in indigenous lands.

On May 13, the MPF asked the Federal Justice of Roraima State to ensure the security of the village, but the judicial decision was not immediately complied with.¹⁶ On May 15, two Yanomami children, one and five years old, were found dead the day after the attack, according to a complaint made by the Hutukara Yanomami Association.

According to the Hutukara Yanomami Association, invasions in the Yanomami Indigenous Land began in the 1970s. Farmers have settled in the region with titles

issued by the National Institute for Colonization and Agrarian Reform / *Instituto Nacional de Colonização e Reforma Agrária* (INCRA). Even with the completion of the demarcation of the Yanomami Indigenous Land in 1992, invasions never stopped with increasing violence.

The Yanomami people sent several letters to government authorities such as FUNAI, the MPF, the Federal Police and the National Army about the situation in the Palimiú region, denouncing the increase of violence against them and calling for urgent measures to ensure their safety. In response to these letters, the authorities would usually express their concern, but never took the necessary measures to combat the entire web through which gold circulates. There would be occasional police operations but illegal miners return very quickly.

A day after the May 10 attack, the presence of the Federal Police in the area did not intimidate the miners who shot at the police team in Palimiú. FUNAI said that together with the police authorities, they are investigating the “supposed conflict.”

The press release of IACHR and the Regional Office of the UNOHCHR called for the Brazilian government to protect the life, physical integrity and the lands and natural resources of the Yanomami people.¹⁷

On November 1, 2021, Hutukara was notified of two murders that happened in September 2021. Two indigenous persons of the Moxihatëtëma Indigenous People, a group in voluntary isolation, died as a result of an attack by the miners. Moxihatëtëma warriors approached the “Faixa Preta” mine, located on the upper Apiaú River, with the intention of expelling the invaders, when they were surrounded by miners and shot. “The ‘Faixa Preta’ mine is located on the Apiaú River, about four days by boat from the homonymous health post. Satellite image analysis indicates that in the region a total of more than 100 hectares of forest have already been destroyed by illegal activity.”¹⁸

The Yanomami and Ye'kuana Indigenous Health Council denounced that on October 21, 2021, two Yanomami children, four and seven years old, were playing on the banks of the Parim River, when they were allegedly sucked into machines used by illegal miners in the region and then dragged by the current.¹⁹ The Yanomami leaders point out that the children's death is yet another tragedy in the wake of constant illegal mining of ore in the indigenous territory, even if officially demarcated.²⁰

The Ministry of Justice and Public Security, the Ministry of the Environment, the Federal Police and the FUNAI have not issued any pronouncements on the deaths of the Yanomami youth and the Yanomami children.

In December 2021, the government reported that 87 airstrips and three clandestine ports had already been inspected, 22 aircrafts (of the 111 seized) had been destroyed, as well as 10 ferries, 11 vehicles and four tractors that were used to commit environmental crimes. These are in addition to the arrest of 38 people and the seizure of around 30,000 kilos of ore and 850 ammunition.²¹

traced the chain of illegal gold trade in Brazil that originates from illegal mining in the Yanomami Lands by the First Capital Command / Primeiro Comando da Capital (PCC). The PCC is known for working within the prison system, but since 2018, it has been expanding to the mining areas. Outlaws fuel organized crime on indigenous lands which they consider as safe spaces to stay hidden.²² In addition to mining, the organization is involved in drug trafficking, operating brothels, sale of gasoline, food, beverages and private security. According to the *Folha de Boa Vista*, 40 bodies were beheaded between January 2018 and October 2019. The dates coincide with the migration of PCC members to the mining area.²³

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**Indigenous Peoples
Rights International**
Championing Indigenous Peoples Rights

Colombia



Photo: IPRI

Colombia: Unrelenting violence against Indigenous Peoples and their territories

Country context

Since 2021, massacres, assassinations, attacks, forced displacement, confinement, planting of anti-personnel mines, territorial dispossession, and armed confrontations in indigenous territories have been constant. Violations of Indigenous Peoples' rights are due to the strategic interest in these territories and the indigenous way of life that directly challenges the capitalist and accumulation model. According to OHCHR in Colombia, violence has increased in the Colombian Pacific region as it received 202 allegations of murders of human rights defenders in 2021. Seventy-eight of these have been verified, where 11 of these are Indigenous People - five women and six men.¹

Due to the massive violations of fundamental rights and newly drafted laws that further limit rights, as well as the non-fulfilment of past agreements, Indigenous Peoples joined the "Minga for Life," the national mobilization that started on April 28, 2021.^[ii] The Colombian government responded with violent repression instead of holding a dialogue with the demonstrators. In addition, there were acts of stigmatization, racist remarks, and hate speech promoted even by local and departmental authorities. Amid this environment, the way was paved for attacks against the lives and integrity of indigenous leaders as in the case of the Indigenous Minga in the city of Cali on May 10. The marchers were attacked with firearms by civilians who, as evidence shows, were not even detained by the public security forces who were also present on the scene.

According to the national indigenous organization *Organización Nacional Indígena de Colombia* (ONIC), there were indigenous mobilizations in at least 114 municipalities where in 26 towns of these, indigenous persons and communities suffered violence. There were 238 incidents of violence registered, including two homicides, three physical attacks, 159 cases of harassment, and 21 cases of attacks.² Indigenous youths Jhon Alexander Yotengo Chaguendo (Nasa people) and Sebastián Jacanamijoy (Inga people) were murdered in the social protest. In an attack in Santander de Quilichao, Cauca, Beatriz Cano, the communicator of the

ⁱ In 2021, from 28 April onwards, a popular uprising took place, motivated by historical debts with the population of different sectors of the country and economic and political measures taken by President Iván Duque (representative of the Democratic Centre and a man of confidence of former President Álvaro Uribe Vélez) in which gross and massive human rights violations were committed.

Asociación de *Cabildos Indígenas del Norte del Cauca* (ACIN) died and Aleida Perafán and Juan David Güegüe, authority of the Munchique Los Tigres Resguardo, were seriously injured.³ In addition, the Nasa Embera Chamí Resguardo in La Delfina, Valle del Cauca was militarized.⁴

In the context of national mobilizations, the Inter-American Commission on Human Rights (AcomHR) made a working visit to the country in June 2021 and its report stressed the stigmatization speech used by Colombian authorities and “noted the existence of a climate of polarization that is directly related to structural ethnic, racial, and gender discrimination and political factors. This phenomenon is present in different social sectors and manifests itself in stigmatizing discourse, leading to an accelerated deterioration of public debate. The Inter-American Commission finds this discourse particularly worrying when it comes from public authorities.”

Apart from the violence in national protests, gross human rights violations have continued in indigenous territories, such as the murders of Rafael Domicó, a *Jaibaná* (person who possesses spirits in charge of making predictions and healing practices for the community) and Embera cultural manager from Dabeiba, Antioquia⁵ and of indigenous leaders and authorities such as Sandra Liliana Peña Chocué, Governor of the Resguardo La Laguna del Municipio de Caldono, Cauca,⁶ and Oneida Argenis Yatacué and her husband Marcelino Yatacué Ipia, who were killed in the Media Naranja de Corinto, Cauca.

Mining projects without consultation are increasing in indigenous territories. Indigenous communities in Nariño learned about new mining concessions in resguardos of Cumbal, Chiles, Panan y Mayasquer, Mallama y Gran Tescual. The concessions did not go through any consultation and are affecting most of their territory, including moorlands and water sources that provide water for the indigenous and non-indigenous populations in the region. A similar situation affects the Chamí people in Caldas where adverse impacts of mining operations are enhanced due to precarious infrastructures and the presence of armed groups such as *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC–EP), *Ejército de Liberación Nacional* (ELN), paramilitary and post-demobilization armed groups.⁷

Case 1: Cauca: murder of Governor Oneida Argenin Yatacué

On June 9, 2021, Oneida Yatacué and her husband Marcelino Yatacué Ipia were assassinated in the Media Naranja de Corinto, Cauca, leaving behind two children

aged 15 and 25. The children had to leave the territory to save their lives after the threats that came with the death of their parents.

Prior to being elected governor three years ago, she had worked for 12 years as a teacher who devoted herself to preventing children and young people from being recruited by armed actors. As governor, she continued to promote the processes of emancipating the land from the hands of large landowners and ranchers; the resistance to forced recruitment; and the expulsion of armed actors from the territory.

Since 2017, legal and illegal armed actors have reactivated the war, disregarding the community's self-determination. Sacred sites and areas dedicated to subsistence crops and community infrastructure have become the scenes of armed confrontation. The residual group Dagoberto Ramos, one of the dissidents of the former FARC, imposed the recruitment of minors aged nine and older: "Between last year and this year they have taken at least 45 boys between the ages of nine and 17," says one of the current governors.

Governor Oneida managed to rescue at least six children from the hands of armed actors. When the dissidents took a young boy to be executed, Oneida and the indigenous guards led his rescue. Aside from her resistance to forced recruitment, Oneida participated in capturing three members of the ELN and seven members of the Dagoberto Ramos, who were later prosecuted by the Special Indigenous Jurisdiction and sent to a State prison.

The Páez de Corinto Indigenous Council is in the municipality of Corinto in the north department of Cauca which is a colonial resguardo, settled on extensive and fertile lands in the valley of the Cauca River. After decades of legal and material dispossession, lands were left in the hands of landowners. Monoculture sugar cane plantations expanded on the ancestral lands, and the indigenous population was eventually expelled to the mountains.

The struggle for the recovery of the ancestral lands and the defense of those recovered has been met with massacres, criminalization, and persecution. In the community's collective memory remain the massacre in López Adentro on January 25, 1984, when security forces assassinated five indigenous persons, burned 150 houses and razed 300 hectares of crops; the massacre at El Nilo in 1991 where 20 indigenous persons were murdered, among them seven from Corinto; and ten years later, on November 18, 2001, the massacre at Gualanday, the ancestral territory of Corinto where the paramilitaries assassinated 13 persons, including indigenous guards and peasants.

According to the community census, the resguardo has approximately 14,631 indigenous inhabitants that make up 5,494 families. However, the last state census only records 1,765 people.ⁱ According to current regulations for this region, each family requires at least 6 hectares of land to guarantee a dignified life. This means that Corinto would need at least 32,964 hectares to provide for subsistence food and marketable surpluses. Still, they live on just 2,753 hectares that are also disputed by legal and illegal armed actors and robust drug trafficking structures.

The community has survived in the territory resisting the guerrillas, paramilitaries, and the army. The signing of the Final Peace Agreement on November 24, 2016 meant a short respite from the war. A traditional authority said, "We had almost a long year of peace. We knew what it was like to live without the war. Then we reiterated the decision to be a territory free of armed actors. (...) Forced recruitment here is a difficult issue, because there are no opportunities, and the living conditions of many families make them easy prey. They are tricked with gifts and are being taken away since they are 10 years old."⁸

When asked about the impact of the murders of Oneida and Marcelino on the community, a member reiterated their will to struggle and resist that has allowed them to survive. "The death of the governor filled us with even more rage. It has been a terrible loss because she was leading the educational project in addition to defending the territory. These deaths not only serve the drug traffickers and the dissidents, but they also serve the landowners who want to eliminate us physically and culturally to continue the dispossession. But we remain firm in defense of our territory and autonomy. We will continue to defend every centimeter of land."⁹

Case 2: Caldas: murder of Andrés Córdoba Tamaniza

Andrés Córdoba Tamaniza, 17, disappeared on May 21, 2021 from the community. Indigenous guardsⁱⁱ and other community members began their search and on June 2, the Technical Investigation Corps / *Cuerpo Técnico de Investigaciones* (CTI) called his mother to identify his body. Andrés' body was found dismembered with signs of torture and a gunshot wound to the skull. He was found in the Cauca River near the municipality of Chinchiná, Caldas. Andrés had actively participated in the mobilizations of the National Strike until May 6, demanding that the State guarantee the fundamental rights of his community.

ⁱ The 2018 census of the National Department of Statistics (DANE) under recorded the indigenous population in more than 526 resguardos, a phenomenon that the communities have described as 'statistical genocide.'

ⁱⁱ The indigenous guard is an ancestral body part of the life plan of some indigenous communities in Colombia in pursuit of their processes of resistance, autonomy, and defense of their territory.

The Embera Chamí Indigenous Resguardo of Totumal (Saut Drua in the Embera language) is in the southwest of the department of Caldas, in Belalcázar municipality. According to the community census, the resguardo has 1,016 inhabitants that make up 246 families. However, the 2018 state census only recognizes 187 inhabitants there. As per current regulations, each family requires a minimum of five hectares of land to guarantee a dignified life. Therefore, Saut Drua needs at least 1,230 hectares to provide subsistence food and marketable surpluses, yet people live in the narrow 53 hectares. They are surrounded by private properties and condominiums of wealthy families who prohibit them from traveling near their properties and permanently harass them with threats, stigmatization, and other discriminatory actions. Illegal armed structures linked to drug trafficking, known as *Cordillera* and *La Oficina*, operate in the surrounding area, vying for control of a strategic corridor and a monopoly on micro-trafficking.

The Embera Chamí were identified as one of the 34 Indigenous Peoples in Colombia at risk of physical and cultural disappearance in the 2009 Auto 004 of the Constitutional Court.^{i[iv]} The Court ordered the State to implement special protection measures for these peoples.

The struggle to protect the scarce territory and expand it to have sufficient land has resulted in serious human rights violations, such as persecution and forced recruitment, with the ultimate expression of the murders of some representatives: the ex-governor and *Jaibaná* Luis Albeiro González Morales in 2013, Councilors Jesús María Morales Morales and Luis Aníbal Morales Morales in 2017. As a result of their resistance, they managed to get the state to acquire a 3-hectare plot of land in another municipality. However, the land is still in the hands of landowners who "say that they do not want to see Indian ranches or Indians in the area."¹⁰

In February 2019, the governor of the resguardo requested state security agencies to investigate the systematic threats against him and the community. However, despite the arrival of the army, police, and intelligence agencies, the facts were not clarified.

The investigations on the killing of Andrés are not progressing. His mother who works at private coffee farms earning around 9 USD a day lives in fear of shots fired at night and the presence of armed men in the vicinity of the resguardo. The

ⁱ The Constitutional Court of Colombia is the highest court created with the 1991 Political Constitution, charged with safeguarding the Political Constitution. The court's writs are orders to give impetus to and ensure compliance with orders issued through court rulings. Auto 004 of 2009 is an instrument of the law of great importance for protecting the fundamental rights of individuals and indigenous peoples displaced by the armed conflict or at risk of forced displacement.

Jaibanás say that this death caused great disharmony in the community and made them spiritually vulnerable.

Case 3: Confinement and displacement in Chocó

The Department of Chocó is in the northwest on the coast of the Colombian Pacific Ocean. It connects the department of Antioquia with the sea via the Jiguamiandó, Salaquí, and Truandó Rivers to the borders with Panama. The strategic location, plus the conflicts over access to land, and State neglect, have all provided a favourable setting for the development of the armed conflict. The Department is one of the most violent areas in the country for several reasons, and one of the most visible being the presence of different armed groups fighting over the control of the drug-trafficking and illegal mining routes. The non-stop fighting forces the communities to be confined in small areas that prevents them from pursuing their traditional activities, including food production that sustains the communities. Presence of land mines also prevents normal conduct of activities. The permanent tension and fear have resulted in forced displacements in search of security and high rates of suicide.

Forced confinement in El Brazo

The community of El Brazo (Bacuru Purrú), Resguardo Río Valle and Boroboro in the municipality of Bahía Solano (Chocó) share the situation common among indigenous communities due to the presence of armed actors committing severe human rights violations, exacerbated by the lack of intervention from the national government. The armed actors establish checkpoints in the territories of the indigenous communities and exercise control over the corridors of mobility by river and land to Panama. They generate significant economic resources with which they also manage to co-opt some state agents. They also regulate social life, fragmenting autonomy over collective territories and resguardos, forcibly recruiting and using children and adolescents in armed activities, and drug trafficking.

The communities resist this situation with the support of their leaders, such as former Embera Dóbida Governor Miguel Tapi Rito, a wise man of the community. He was an artist in the construction of *tambos* or traditional buildings and guided the community's new generations with his wisdom. On the night of December 3, 2020, armed hooded men belonging to the paramilitary group *Autodefensas Gaitanistas de Colombia* (AGC) arrived at his home and told him to accompany them to the river. Later, his relatives went to search for him and found his decapitated body in the community of El Brazo. Given the lack of reaction from the Fiscalía, the community took charge of the body and brought it to the community *tambo* to hold the wake. They collected some potential evidence at the murder scene (a cord,

lime and clothes) which they handed over to the official investigator who arrived in the territory days after the murder.

The family of the Embera leader had to leave their territory, with the support of the Pastoral Social organization. Despite their requests, the government's Victims Unit has not considered their application for humanitarian support. Additionally, on December 4, 2020, 931 people from El Brazo, Bacuru Purú, Pozamansa, and Boroboro were forcibly displaced by armed actors. They took refuge in the Santa Teresita Normal School in the village of El Valle. Due to hostility and pressures from the mayor, they returned to their territories on January 28, 2021 without any clear plan or accompaniment and once again, were exposed to expulsion by the armed actors.

Subsequently, on June 28, the AGC entered the lands of El Brazo and set up camp two kilometers away from the community. They had a list of three people they were threatening: Director of the Educational Center, Romaldo Tapi Machuca who has been transporting supplies for the students; Gustavo Amagra, governor of the community of Boroboro; and Efrén Chamorro Dogirama, leader of the community of Bororo.

The indigenous guard has, for the time being, safeguarded the lives of the threatened persons, as filing complaints with the municipal *personería* or the Ombudsman's Office offers no guarantee of protection. The AGC entered the school in El Brazo and damaged the blackboard, charged their mobile phones, and despite community's requests, said that they will leave when they decide to do so. As of today, the communities have been confined for weeks, living through the anxiety and humiliation of being forced to share with the armed persons who are violating the harmony of the community.

The situation of Emberá peoples forcibly displaced by violence

The most critical evidence of the situation in Chocó are the 1,500 indigenous persons settled by the roads of Quibdó-Medellín and Quibdó-Pereira. They belong to the Emberá Eyábida and Embera Dóbida peoples who were forcibly displaced from their territories due to the presence of illegal armed actors who prevent them from cultivating, fishing and hunting. They face stigmatization and criminalization due to their claims for their rights to food and security.

The Embera peoples of Chocó were subject to colonization and evangelization. In the 1980s, the guerrilla group *Ejército de Liberación Nacional* (ELN) entered their territories. The ELN split into two groups, ELN and the *Ejército Revolucionario Guevarista* (ERG), who distributed the lands among themselves, a situation that further deteriorated with the arrival of the paramilitary *Autodefensas Unidas de*

Colombia (AUC). The confrontation among these groups and the presence of the Army developed into a war that resulted in massive murders, terror and forced displacement.¹¹

Currently, the ELN, the paramilitary and the drug-traffickers control the area and are forcibly displacing the communities. The Indigenous Peoples have established small settlements by the roads where they live in precarious plastic homes, without education or health services. Conflicts have arisen with the peasants settled in the area since the construction of the roads.

Settling by the roads may have increased safety, but there are no conditions for the Embera to engage in their productive activities, thus there is hunger. Some of them have enrolled in new activities such as mining, with little success due to lack of experience and technical equipment. Some have migrated to the main cities such as Medellín, Manizales, Pereira, Armenia or Cali, where they survive in the streets. The most notorious of these informal city settlements is at the National Park of Bogotá where 1,450 Embera have stayed since November 2021.

In 2021, the Embera resorted to road-blocking to claim for their rights.^{12 13 14 15 16} The scarcity brought about by the blockades has had impacts on the citizens of Quibdó, Istmina and Tadó and by the communities living along the rivers Atrato, San Juan and Baudó. These populations are accusing the Embera of anti-social behavior and perceive the blockades as disruptions of the economic life of the area without motive or justification.

The Colombian state, through decentralized institutions such as the Colombian Family Welfare Institute, turns up every time there is a blockade to offer gifts and promises to the settlers just to solve the situation. But there is no institution that is tasked to support the Embera to develop an integral program that can address the situation of the communities living by the roads. The number of Embera families begging in the streets in cities and villages increases, at the same pace with the stigmatization against them.

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- ⁶ “Protesta indígena en vía Medellín-Quibdó” (8 February 2021) *El Tiempo*. <https://www.eltiempo.com/colombia/medellin/protesta-indigena-en-via-medellin-quirbo-59852>
- ⁷ See: “Informe de afectaciones a los derechos humanos y territoriales en los pueblos indígenas de Colombia” (2021) *Organización Nacional Indígena de Colombia*. Available at <https://www.onic.org.co/comunicados-onic/4407-tercer-informe-de-la-organizacion-nacional-indigena-de-colombia-sobre-afectaciones-a-los-derechos-humanos-y-territoriales-en-los-pueblos-naciones-y-comunidades-indigenas-de-colombia-2021>
- ⁸ Telephone communication to the indigenous governor on July 13, 2021.
- ⁹ Telephone communication with a community member from Corinto on July 13, 2021.
- ¹⁰ Interview with Edison Benítez Cardona in June 2021
- ¹¹ Hoyos, J. “El oro y la sangre” (2019) *Medellín: Hombre Nuevo Editores*.
- ¹² “Se abre paso en la vía Quibdó-Medellín” (9 January 2021) *El Baudoseño*. <https://www.elbaudoseno.com/se-abre-paso-en-la-via-quirbo-medellin/>
- ¹³ “Protesta indígena en vía Medellín-Quibdó” (8 February 2021) *El Tiempo*. <https://www.eltiempo.com/colombia/medellin/protesta-indigena-en-via-medellin-quirbo-59852>
- ¹⁴ “Indígenas bloquearon vía Quibdó-Medellín por incumplimiento” (7 July 2021) *Noticias RCN* <https://www.noticiasrcn.com/colombia/indigenas-bloquearon-via-quirbo-medellin-por-incumplimientos-383110>
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**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights

Mexico



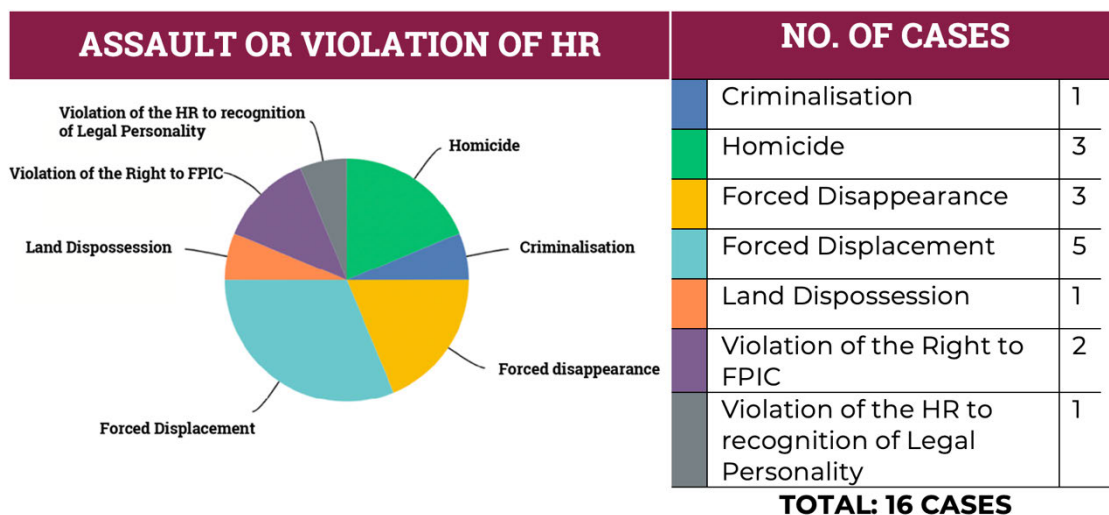
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Mexico

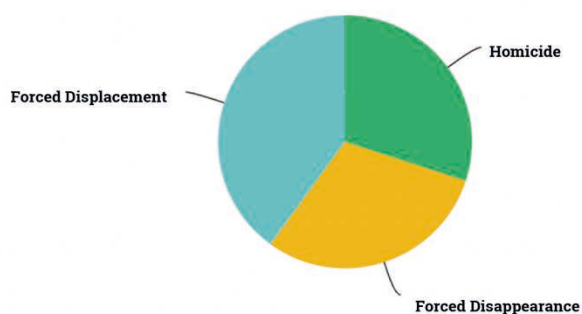
Country context

Mexico is plagued with social inequality, severe violence with alarming levels of murders, forced displacements and disappearances in a framework of macro-criminality and State neglect. In this context, indigenous communities live in a situation where inequality, poverty, violence and impunity deepen and escalate. The condition particularly affects those who defend their collective rights to territories and self-determination against industrial megaprojects. These are aggravated with the authorities' continued disregard to guarantee, respect and protect the rights of Indigenous Peoples.

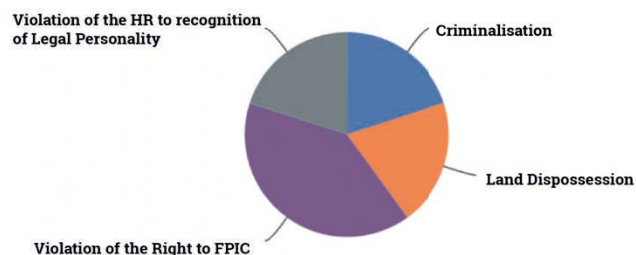
In 2021, the organizations that form IPRI's core groupⁱ in Mexico have recorded 16 cases of human rights violations against Indigenous Peoples which can be consulted in the full report "Harassment and Discrimination against Indigenous Peoples in Mexico." In 2021, seven different types of grave human rights violations involving aggressions were identified. From this sample of cases, We identified two types of cases: harassment and discrimination.



ⁱ The core group is composed of Centro de Derechos Humanos Fray Bartolomé de Las Casas (Chiapas), Centro de Derechos Humanos de la Montaña Tlachinollan (Guerrero), Colectivo Emancipaciones (Michoacán), Colectivo Masehual Siuamej Mosenyolchikauanij, (Mujeres que se apoyan), CONAMI, ECMIA (Puebla), Consultoría Técnica Comunitaria (Chihuahua), Indignación, Promoción y Defensa de los Derechos Humanos, (Yucatán), Instituto Mexicano para el Desarrollo Comunitario (Jalisco) and Servicios para una Educación Alternativa A.C.- EDUCA (Oaxaca).



Harassment cases



Discrimination cases

Harassment Cases

Three types of aggressors using direct violence against the communities have been identified as organized crime, groups with paramilitary heritage, and armed organizations with a political history.

In these cases of aggression where direct violence is used, it is expected that the Mexican state would be able to contain the violence and address the underlying conflicts. However, the municipal and state governments acting in complicity with the aggressors in the communities has been documented and proven, thereby creating favourable conditions for impunity to prevail.

Despite the existence of a whole State apparatus and a Law for the Protection of Human Rights Defenders, it is observed that only cases where precautionary measures have been granted by the Inter-American Commission on Human Rights have protection plans in place, but none of them have been fully implemented.

d meetings between Government representatives and the communities to discuss the situation, and in 10% of cases, there was no intervention at all. Thus, the communities perceive pretention of concern on the part of the Mexican State regarding the cases.

Discrimination Cases

Have identified structural dynamics that perpetuate the conditions of inequality and denial of rights of individuals and communities. We have also observed a series of behaviours that violate human rights either by commission or by omission. The objective of these aggressions is to gain access to economic resources and to demobilise or discourage community organisations. But it is very significant that in 60% of these cases, discrimination was the motive for the aggression.

In all these cases, the communities have implemented legal and institutional strategies for the State to respond to their demands; however, 60% of them perceive that they have not received any attention, and 40% of those who have had dialogues with judges or civil servants perceive that State response has been superficial.

Legal frameworks are deficient or non-existent, and there is no regulatory framework to protect those who have been victims of forced displacement.

Case 1: Violence and impunity in Oaxaca: the community of Paso de la Reyna

For over a decade, the Paso de la Reyna community in the state of Oaxaca has been engaged in defending the Verde River. They formed the Council of United Peoples for the Defense of the Verde River / *Consejo de Pueblos Unidos por la Defensa del Río Verde* (COPUDEVER) in 2006 along with 42 (Mixteco, Chatino, Afro, and mestizo) Oaxacan communities and focused on resisting the development of the Paso de la Reyna multipurpose hydroelectric dam. To make their struggle visible at the national level, the communities also established the Mexican Movement of People Impacted by Dams and River Defenders / *Movimiento Mexicano de Afectados por las Presas y en Defensa de los Ríos* (MAPDER).

In 2019, Paso de la Reyna residents came together to oppose the extraction of natural stone from the Verde River, a project initiated by the Municipal President of Santiago Jamiltepec, in alliance with the Iglesias family.ⁱ However, as a result of mounting

ⁱ The Iglesias family constitutes a regional political dynasty in the area since the 1980s. Its members, along with members of the Institutional Revolutionary Party (PRI) and the Federal Electric Commission (CFE) are the main initiators of the hydroelectric project in Paso de la Reyna. See: "Paso de la Reyna, la Resistencia de los Pueblos que Vienen del Mar" (6 May 2019) *Pie de Página*. Available at <https://piedepagina.mx/paso-de-la-reina-la-resistencia-de-los-pueblos-que-vienen-del-mar/> and Berrueta, Jorge Tinajero. "¿Desarrollo regional para quién? El caso del Proyecto Aprovechamiento Hidráulico de Usos Múltiples Paso de la Reyna, Oaxaca, México" (2018) *Región y sociedad* 30, no. 73. Available at <https://www.redalyc.org/journal/102/10256031004/html/>

pressures by these counterparties against the communities, the latter were coerced into an extraction agreement that has nevertheless been repeatedly violated.

In December of 2020, the municipality temporarily halted extraction at the Verde River and abandoned the machinery on the public lands in Paso de la Reyna, which was subsequently damaged. Manuel Iglesias, a regional strongman who acts as the river manager without formal authority, demanded restitution and made threats against Fidel Heras, an indigenous authority and community commissariat official.

The following month, Heras spoke at a celebratory public assembly, reminding about the 500,000 peso (around 24,000 USD) debt owed by the Iglesias family to the community and the local commissariat's authority to demand payment. On January 21, he found a written death threat at the Commissariat facilities. Two days later, his bullet-ridden body was found inside his truck just outside the village of La Esperanza in the municipality of Santiago Jamiltepec.

On March 28, 2021, Jaime Jiménez Ruiz, a former municipal officer of the Paso de la Reyna community and a member of COPUDEVER was also killed by gunfire. Then on the nights of March 14 and 15, municipal officer Raymundo Robles Riaño, Noé Robles Cruz, and Gerardo Mendoza Reyes met the same fate at Paso de la Reyna. Within three months, the members of a peaceful conservation movement in this indigenous community were exterminated.

To this date, State investigations into the cases have been inconclusive and all related formal discussions have been halted by the State with the reason given that this is as a preventive measure. State police have come to the community only sporadically, claiming a lack of personnel and funding to carry out substantive safety rounds.

Case 2: State neglect and impunity of armed groups: the plight of Tsotsil families living in constant peril in Los Altos, Chiapas

In the Los Altos region of the state of Chiapas in the communal lands of Manuel Ultrilla in Chenalhó and Aldama, conflict over a 60-hectare piece of land has been ongoing since 1970. Having been largely ignored, the conflict now affects indigenous Tsotsil families from the towns and villages of Coco, Tabac, Xuxchen, San Pedro Cotzilman, Chayomte, Juxton, Tselejpotobtic, Teton, Sepelton, Yoctontik, and the municipal head town of Aldama. Initially about agrarian use and land rights, the conflict has become

complicated as a result of new actors and alliances, including organized crime and other armed groups that push their own agenda with impunity in this indigenous territory.

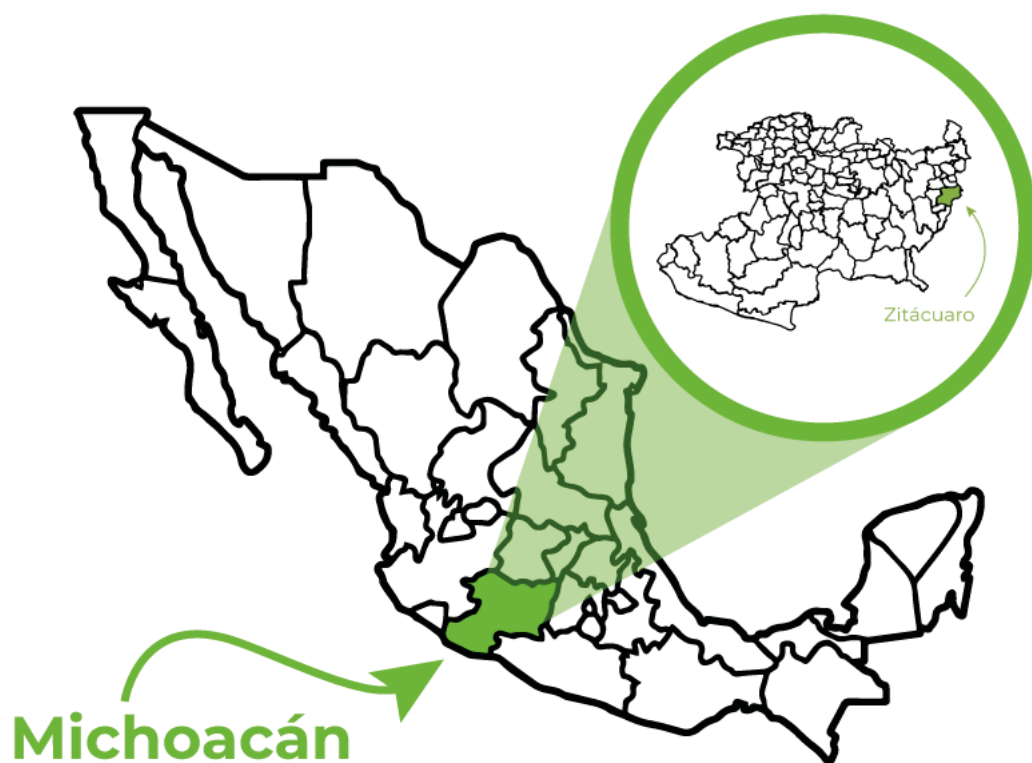
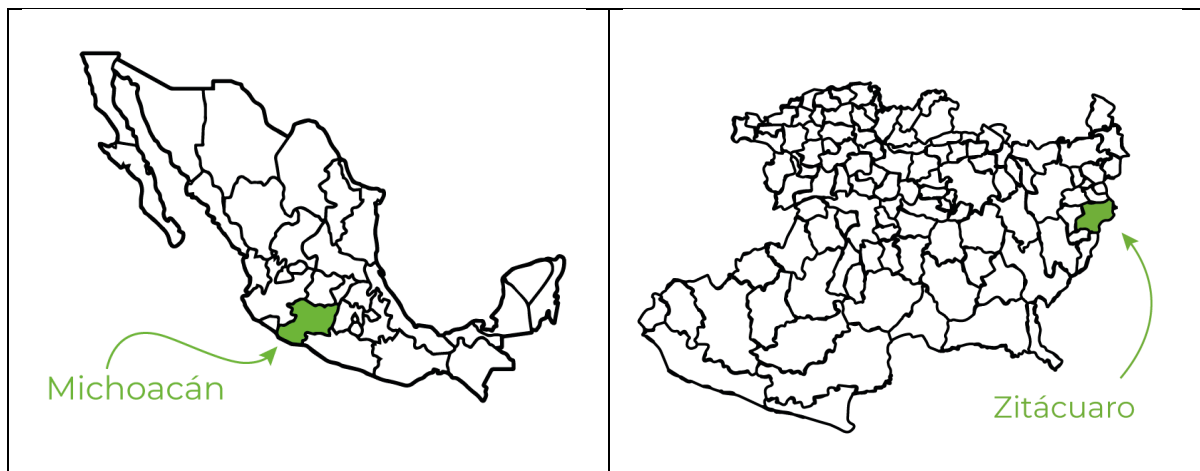
On February 27, 2018, several Tsotsil villages and agricultural work areas were besieged with gunfire. After March 16, gunfire attacks were directed at churches, markets, municipal facilities, as well as individual homes in and around Aldama. Consequently, local residents were forced to take collective refuge in fields, caves, and neighbouring towns and villages. The armed aggressions have affected children, including a boy and two girls from Coco and Tabac. The communities in and near Aldama fear for their safety and their lives.

In 2020, within a period of 17 days, 56 armed aggressions took place within 12 of the region's towns and villages. Community members have taken recourse through legal mechanisms and precautionary measures, including formal requests for federal protection and refuge as well as appeals to the National Commission on Human Rights / *Comisión Nacional de Derechos Humanos* (CNDH) and the IACHR. Twenty-three people have been wounded by gunfire and another seven persons have been killed since that time. On May 8, 2021, an armed group again shot at the houses in Coco, resulting in the death of Lunez Pérez, 24, inside his own home.

The violence has taken an economic toll on the communities with their agricultural production put on hold. Their crops suffer from lack of protection, corn and bean crops do not get planted, and coffee is not harvested. Furthermore, the community's ancestral worldview is negatively impacted since forced displacement prevents communities from practicing cultural rituals in sacred locations. They find themselves in torturous situations living in sub-human conditions.

These dire circumstances have persisted for too long and are worsened by the State's lack of response and failure to recognize the full value of ancestral lands. Both the CNDH and the IACHR have called on the Mexican state to carry out protective measures. However, despite the constant denunciations of the violence in the region, the government is not addressing the root causes of the problem and the violence continues. In the first quarter of 2022, there have been daily shots from firearms that injured two persons. One of them was an elder from the Ch'ivit community of Aldama municipality, and the other, a member of the state police who was hit by a bullet while they were on a tour with members of the National Guard and the Mexican army. To this day, all investigations into the aggressions in and around Aldama have been inconclusive and failed to identify the perpetrators and authors behind the violence.

Case 3: The struggle for security through indigenous autonomy in Zitácuaro, Michoacán



The municipality of Zitácuaro en Michoacán, known for its Monarch Butterfly Reserve, is home to the Mazahua and Ñaňu people who live in the towns and villages of

Crescencio Morales, Donaciano Ojeda, and Francisco Serrato, as well as the communal lands of Francisco Serrato and Carpinteros.

Eleven years ago, these groups established a communal guard to ensure their peace and security against the presence of criminal groups in the area. By tracking activity at the region's entry points and deploying forest night watch crews, they were able to curb violence to the point that security measures could be relaxed. However, in 2020, the region experienced resurgence of violence by a criminal group dedicated to car thefts, kidnappings, and killings.

to coordinate efforts for their safety. They were able to rescue three kidnap victims and recover two stolen vehicles. They subsequently reached out to the public prosecutor and the National Guard for assistance, but these entities did not respond to their requests. Consequently, the communities re-established the communal guard.

In January of 2021, two other criminal groups, "The Michiocán Family" and "The Horseman Templar," entered the region, offering the Mazahua and Nãñu protective services. The indigenous authorities informed them that their protective services were not in the communities' interests and requested their departure within 48 hours. Later, the communal guard was ambushed while making rounds in the territory, resulting in the death of three members, Vicente Guzmán Reyes, Ambrosio Guzmán Reyes, and José Luis Chávez Mondragón.

The communities summoned state authorities to register the crimes and initiate an investigation. After 36 hours of not receiving any response, and with the victims' bodies still unprotected, the indigenous authorities resolved to bury the victims despite the lack of death certificates, a document that must be issued by the state before a corpse can be legally removed from a crime scene. The following month, Manuel Carmona, a member of the communal guard who was present at the previous month's attack, was at a local market with a friend when they were shot at. Manuel's companion survived, but he did not.

Throughout this time, the communities continued to request aid from state institutions, including the National Guard, the Secretary of Public Safety, the public prosecutor's office, and the local police. They also met with numerous officials, including the State governor. However, the community representatives who attended these meetings reported that their stories were ignored or dismissed. When they asked for protective measures for their communities, they were offered pick-up trucks instead. They rejected the offer because they perceived this to be a disrespectful bribe.

The needs of the Mazahua and Ñaṇu peoples have not changed. They continue to request the death certificates of the men killed in January 2021. They also demand recognition of their autonomy and for appropriate state funding delivered directly to them through direct financial assistance. They demand that the members of the communal guard be registered and formally authorized in their roles as community guards, as their work implies the use of weapons that require registration with the municipal government.

The state, however, responded with threats of criminal charges against the community for burying the bodies of their own members at the town cemetery. They were accused of violation of the Law on Burials and Exhumations and subjected to other kinds of threats, harassment, and stigmatization. The fact that government interlocutors have offered to retract the criminal charges in exchange for their support of the current governor's political party—that is, for them to “step in line”—underscores the true nature of the predicament.

Case 4: The struggle of the Rarámuri to recover and protect their territory in Repechique, Chihuahua

The village of Bosques de San Elías Repechique, located in the Rarámuri mountain range in the municipality of Bocoyna, is home to a Rarámuri community with over 500 members. There are no official records on their exact population even if they had occupied this territory since ancestral times. In 1888 and 1906, Mexican President Porfirio Díaz handed property deeds to two individuals who were neither Rarámuri nor residents of the region. Now, the descendants of the deed recipients hold the land titles even though they do not occupy nor use these lands.

The Bosques de San Elías Repechique community initially registered an appeal to have their ancestral territory legally recognized by the federal government and in 2014 they won a legal battle against the construction of an airport in the town of Creel. The court decision also recognized the Rarámuri's ancestral rights over 11,4000 hectares of land and the requirement for their contributions and participation in regional public matters, as required by international agreements, as well as state reparations for harms against their culture, identity, and worldview. Unfortunately, these victories resulted in a campaign of intimidation by the holders of the property titles against the Rarámuri.

In 2017 the Rarámuri and the Chihuahua government established a trust to enact projects for the collective benefit of the community. The Rarámuri decided to

establish a textile workshop and began its construction in April of 2020. A month after, officials from the office of the public prosecutor dramatically stormed the construction site carrying a complaint filed by the supposed owners of the land that charged the Rarámuri with land theft and environmental damages and demanded that they abandon the premises. Their document also brought forth a criminal complaint against Rarámuri community member Teresa González as the initiator of the textile workshop.

The harassment continued with two subsequent police visits to the workshop. One was carried out in August of 2020 and resulted in the detention of 50 persons, including children and elderly persons. As the detainees were being transported to the police headquarters, their supposed crimes were already being publicized. However, upon arriving at the police headquarters, they were informed that the facilities were closed and they were set free. Then in May, 2021, the community was informally notified by the police of the existence of another warrant, this one against the Governor of the Rarámuri community that was derived from a three-year-old public complaint. It named the Governor as the responsible party in an aggravated theft of wood and required him to present himself to police headquarters in order to be formally charged.

The Rarámuri have always looked after their forests and opposed the illegal deforestation that occurs there with the implicit consent of the State. Nevertheless, it is they who are now being blamed for depleting and abusing it in a clear attempt to force them to desist in their defense of their territory.



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