

STRATEGIES FOR SURVIVAL: PROTECTION OF HUMAN RIGHTS DEFENDERS IN COLOMBIA INDONESIA AND ZIMBABWE

**MATTHEW EASTON
FOR FRONT LINE**

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GLOSSARY OF ACRONYMS

COLOMBIA

Acronym	Spanish	English
ASFADDES	Asociación de Familiares de Detenidos-Desaparecidos	Association of Families of the Detained-Disappeared
AUC	Auto Defensas Unidas de Colombia	United Self-Defense Forces of Colombia: coalition of paramilitaries
CAJAR	Colectivo de Abogados José Alvear Restrepo	José Alvear Restrepo Lawyers Collective
CCJ	Comisión Colombiana de Juristas	Colombian Commission of Jurists
CIDH/ IACHR	Comisión Interamericana de los Derechos Humanos	Inter-American Commission on Human Rights
CRER	Comité de Reglamentación y Evaluación de Riesgos	Risk Evaluation Committee
CSPP	Comité de Solidaridad con los Presos Políticos	Committee in Solidarity with Political Prisoners
DAS	Departamento Administrativo de Seguridad	Administrative Security Department (national intelligence service)
ELN	Ejército de Liberación Nacional de Colombia	National Liberation Army: smaller insurgent armed group
FARC	Fuerzas Armadas Revolucionarias de Colombia	Revolutionary Armed Forces of Colombia: Largest, oldest armed insurgent group in the country
MOVICE	Movimiento de Víctimas de Crímenes de Estado	National Movement of Victims of State Crimes
Plataformas (platforms)	<p>Cuatro grandes coaliciones</p> <ul style="list-style-type: none"> • Organizaciones Sociales y Afines • Asamblea Permanente de la Sociedad Civil por la Paz • Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo; • Coordinación Colombia Europa Estados Unidos 	<p>Four major coalitions</p> <ul style="list-style-type: none"> • Alliance of Social and Like-Minded Organisations • Colombia-Europe-United States Coordination Group • Permanent Civil Society Assembly for Peace • Colombian Platform for Human Rights, Democracy and Development
Techo Común		Umbrella group made up of 900 organisations, organised into four platforms

INDONESIA

Acronym	Indonesian	English
FPI	Front Pembelaan Islam	Islamic Defenders Front
HRSF		Human Rights Support Facility
JSKK	Jaringan Solidaritas Korban untuk Keadilan	Victims' Solidarity Network for Justice
KASUM	Komite Aksi Solidaritas untuk Munir	Solidarity Action Committee for Munir
Komnas HAM	Komisi Nasional Hak Asasi Manusia	National Commission on Human Rights
Kontras	Komisi untuk Orang Hilang dan Korban Tindak Kekerasan	The Commission for the Disappeared and Victims of Violence
LBH	Lembaga Bantuan Hukum	Legal Aid Institute
PBHI	Perhimpunan Bantuan Hukum dan Hak Asasi Manusia Indonesia	The Indonesian Legal Aid and Human Rights Association

ZIMBABWE

Acronym	Full Name
AIPPA	Access to Information and Protection of Privacy Act
AU	African Union
CIO	Central Intelligence Organisation
GALZ	Gays and Lesbians of Zimbabwe
GPA	Global Political Agreement
MDC	Movement for Democratic Change
NANGO	National Association of Non-Governmental Organisations
NCA	National Constitutional Assembly
POSA	Public Order and Security Act
SADC	Southern African Development Community
SPT	Solidarity Peace Trust
WOZA	Women of Zimbabwe Arise
ZANU PF	Zimbabwe African National Union - Patriotic Front
ZESN	Zimbabwe Election Support Network
ZCTU	Zimbabwe Congress of Trade Unions
ZimRights	Zimbabwe Human Rights Association

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The report is based on dozens of interviews and six workshops in three countries. The authors wish to thank the many human rights defenders who generously shared their time and expertise. Particular gratitude is due those organisations that assisted in the design and implementation of the workshops: Zimbabwe Lawyers for Human Rights (Zimbabwe), Kontras, Imparsial, and Foker (Indonesia) and Somos Defensores, Corporación Compromiso para el Desarrollo del Oriente, and NOMADESC (Colombia). Somos Defensores also helped organise focus groups around the key strategies and co-authored the Colombia chapter.

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PREFACE

Best Practice: Protection strategies of human rights defenders in Colombia, Indonesia and Zimbabwe

"No measure is perfect, especially in the middle of conflict. We are in dialogue with the authorities, because human rights are the responsibility of the State. But we are not naive. While we do our work we have a preservation strategy or what some people would call contingency plans."

– Woman Human Rights Defender, Cali, December 2009

Human rights defenders are some of the bravest people in the world. Every day they face the challenge of survival in situations where simply to be a human rights defender is to put your life on the line.

Since it was founded in 2001 Front Line has dedicated itself to working to protect human rights defenders by providing fast and effective action to improve their security and to enable them to continue their work defending the rights of others. Human rights defenders are the key to a better future for all.

This report is the result of a project to gather examples of best practice in security and protection from the human rights defenders communities in Colombia, Indonesia and Zimbabwe. In each country human rights defenders have been forced by the nature of the repression they have faced to develop creative and resilient strategies for protection. The choice of countries also reflects a diversity of political and human rights contexts.

Identifying the right mix of approaches requires an ongoing and reflective process and in talking to human rights defenders in each country, it was clear that there is no one-size-fits-all approach to protection. Nevertheless it also became clear that there is a huge reservoir of knowledge and experience among the community of human rights defenders. By gathering and sharing that experience Front Line hopes that this report will help human rights defenders to learn from each other and continue their vital work with a greater degree of security.

Front Line would like to give special thanks to Matt Easton who coordinated this project and to all the human rights defenders who have given so generously of their time and experience.

It is human rights defenders who best embody the spirit of passionate commitment to creating the world outlined in the Universal Declaration of Human Rights where everyone can live "free and equal in dignity and rights". This report is dedicated to them.

Mary Lawlor

Executive Director

Front Line

INTRODUCTION

It is increasingly clear that governments are learning from each other how to repress human rights defenders (HRDs). It is essential for HRDs to learn from each other how to protect themselves from these measures.¹

Front Line was founded to improve protection of human rights defenders at risk, by addressing needs identified by HRDs themselves and by providing opportunities for networking and exchange. To build on these twin goals of listening to HRDs' needs and encouraging the exchange of ideas, we decided to gather some best practices in protecting human rights defenders. The effort is meant to complement the protection manual with concrete examples and lessons learned, and generate discussion among HRDs on strategies and good practices.²

In late 2009, a consultant, Matt Easton, travelled with Front Line staff to Zimbabwe, Colombia, and Indonesia, countries chosen for their strong human rights communities and geographical and political diversity. They represent three broader categories of countries characterised by, respectively, authoritarianism, conflict, and transition. In each country we interviewed human rights defenders and, working with local organisations, held a total of six small workshops to discuss the threats they face and the strategies they use to protect themselves. This report presents the findings of this research.

The strategies discussed below can be divided into those aimed at raising the political costs of harming HRDs and those that are more collaborative with the government, working to improve physical protection and improve the legal and policy framework. The experience of these three countries shows that the most effective approaches are multi-pronged, using a mix of confrontation and collaboration, and even a variety of strategies within each approach, such as litigation, protests, and alerts. The most successful strategies similarly include both domestic and international coordination.

Identifying the right mix of approaches requires an ongoing and reflective process. In talking to human rights defenders in each country, it was clear that there is no one-size-fits-all approach to protection. Conditions change over time even in the same country or district. Consequently, the most important component of a protection strategy is a process for HRDs to assess and reassess the risks they face, identify appropriate measures, and obtain the information, physical protection, or other resources to implement them.

More detailed conclusions and broad recommendations to HRDs, domestic governments and the international community, are found in the final section. We hope the examples and approaches in this report provide some ideas and lead to further conversations between human rights defenders from different regions.

INDONESIA: TRANSITION AND THE PERSISTENCE OF THE PAST

I. INTRODUCTION

When President Suharto stepped down amid mass protests in 1998, more than four decades of authoritarian rule under two presidents came to an end. Indonesia embarked on a process of *reformasi*, or reform: the military withdrew from politics, restrictions on freedom of speech and association eased, and free direct elections were held, first for parliament and then, in 2004, for the president.

In the first years of *reformasi*, Indonesia experienced a surge in violence, including the imposition of martial law in Aceh, a scorched-earth campaign following East Timor's 1999 successful referendum on independence, and an explosion of sectarian violence in Central Sulawesi and the Maluku. However, with the notable exception of Papua, most of these conflicts have given way to relative peace, following a post-tsunami peace settlement in Aceh, East Timor's independence as the new nation of Timor Leste, and an end to the worst of the communal violence.

At the same time, Indonesia is also an object lesson on the limits of reform. Transition in Indonesia has been slow and halting for a number of reasons. In the political vacuum that followed Suharto's fall, the most prominent leaders and political groups were those who had perfected the arts of deal-making and compromise under authoritarianism. One unfortunate aspect of this period of compromises was that political and military figures from the former period retained positions of influence, where they could obstruct efforts at reform.³

As a result, not a single major human rights violation from the Suharto era has been successfully prosecuted and officials tied to serious human rights violations remain in positions of influence throughout the government. In 2004, six years after *reformasi* began, Indonesia's leading human rights activist, Munir, was murdered by arsenic poisoning. The Indonesian authorities have failed to bring those who planned or ordered his death to justice. Security forces continue to carry out surveillance and repression of human rights defenders, especially in the easternmost provinces of Papua and West Papua.

The situation for HRDs in Indonesia shares features common to many countries in transition:

- some intimidation has moved from overt violence to baseless prosecutions and abuse of criminal defamation laws;
- other threats are remnants of the political culture of the past, such as the labeling of activists as communists or separatists;
- the police have appropriately taken over primary responsibility from the military for internal security, which has led to a rise in human rights violations by police against civilians in general and human rights defenders in particular;
- figures from the prior regime obstruct reform and accountability;
- activists feel comparatively secure after years of authoritarianism, leading them to disregard threats and intimidation that may result in violence;
- state institutions such as parliament and the police are increasingly responsive to public demands for justice and legal reform.

New threats have emerged or increased in influence, such as hard-line Muslim groups. The transition has coincided with a rise in religious fundamentalism and the politicisation of religion at all levels, which have contributed to the spread of discriminatory laws and policies based on religion and morality. Proponents of Islamic law have succeeded in passing local regulations that infringe on the rights of HRDs, especially women.

Issues that were once taboo, such as official corruption, are now the subject of public debate, and the subjects of that debate have used the courts, and in some cases the gun, to silence their critics.

Whether the issue is new or old, the lack of mechanisms to protect HRDs leaves them exposed to intimidation and repression. A leading human rights organisation, Imparsial, carried out a five-year study of human rights defenders and concluded that “the state has not carried out its responsibility as an authority that must give protection to human rights defenders.” The organisation based its conclusion on three factors: 1) the continued intimidation and attacks against HRDs (139 incidents in five years); 2) the fact that the perpetrators were primarily state officials, including police, military, local government, and prosecutors; and 3) the failure to provide justice.⁴

After her visit to Indonesia in June 2007, then UN Special Representative on the situation of human rights defenders Hina Jilani noted the country’s progress in enshrining human rights in law. But she also warned “No concrete initiatives have yet been taken to enact laws, to create institutions and to institute procedures that deal directly with the protection of human rights defenders or with accountability for any harm or arbitrary action against them.”⁵

This chapter draws on interviews with human rights defenders from Jakarta, Papua, Sulawesi, Maluku, Aceh, and West Nusa Tenggara conducted in October 2009. Front Line also worked with the Indonesian organisations Kontras, Imparsial, and Foker to hold two workshops, one with HRDs from Jakarta and other parts of the archipelago, and one with Papuan human rights defenders. These workshops helped identify the categories of HRDs, the threats they face, and the protection strategies they have developed, which are described below.

II. HUMAN RIGHTS DEFENDERS MOST AT RISK

Anti-corruption activists

Indonesia Corruption Watch (ICW) has identified 18 cases of legal action and 12 other incidents of threats and intimidation against corruption activists in recent years. One HRD says that corruption is the most sensitive problem she works on: “If you accuse someone of a human rights violation, it’s no problem. They may even be proud of it. But when you accuse them of corruption, they become extraordinarily mad.” This sensitivity may be due to public anger about corrupt officials, as well as the relative effectiveness of the Anti-Corruption Commission compared to mechanisms for prosecuting human rights abuses.

According to a staff member at one anti-corruption organisation, their colleagues at the local level are most at risk: “In Jakarta we are protected by the public, and the media will support us. The worst is the local level. Corruption usually involves the mayor, or the governor; they control everything and their organisations and hired thugs threaten [the activists] physically.”

Women human rights defenders

As in most countries, women human rights defenders (WHRDs) are especially vulnerable to threats, many of them different in kind from those targeting their male colleagues. In focus groups and interviews with WHRDs, the National Commission on Violence against Women (*Komnas Perempuan*) identified over 400 incidents of violence, threats, and intimidation against the 58 participants. In contrast to the available data on human rights defenders in general, the majority of perpetrators in these incidents were non-state actors, including members of the activist's family and community.⁶

In addition to addressing violence against women and other broad social problems, activists are also challenging local regulations that restrict women's freedom of movement and expression. Many district governments have enacted problematic local laws, such as Bulukumba District in South Sulawesi, where women without headscarves were barred from receiving government services. The province of Aceh, has recently adopted Qanun law, including controversial provisions on caning and even death by stoning for adultery.⁷ At the national level, an anti-pornography bill included provisions restrictive of women and minority groups. Activists who speak out on these issues risk being labelled anti-Islam.

Minority rights activists

Groups that advocate the rights of religious minorities have also become targets. The perpetrators in these cases have usually been religious non-state actors. An activist who challenged the repression of the Ahmadiyah community as heretics, for example, reported "We always get calls and other intimidation by the Islamic Defenders Front. They ask 'Aren't you afraid to die?' and I tell them, 'Everyone will die one day.'" In 2007 a Muslim group attacked a rally in defense of religious freedom in Jakarta, causing numerous injuries.

Land rights and environmental activists

Logging, plantations, mining concessions, and other land-intensive activities often lead to conflicts between local communities and powerful interests in business and government. At the Jakarta workshop, one activist noted that in his region of Maluku "it is natural resource conflicts that cause human rights violations. Whenever communities challenge the cutting of forests or exploitation of nature, they will be arrested."

According to the leading environmental organisation WALHI (Indonesia's Friends of the Earth affiliate), in 2008 police arrested at least 86 human rights defenders from environmental and farmers groups. On 11 May 2009 the police in Manado, North Sulawesi, arrested Berry Forquan, director of WALHI, and his colleague Erwin Usman at a protest against the World Ocean Conference. Soon after, six environmental activists in South Sumatra and seven in Central Sulawesi were arrested for holding protests in solidarity with the two arrested men.

LGBTI activists

Lesbian, gay, bisexual, transgender and intersex (LGBTI) activists must contend with frequent threats and intimidation from religious groups. One activist recounted "In 2007 I was on TV—I try to show that we exist, are not downtrodden, and that you can be happy as a lesbian woman in Indonesia. After I went on the TV, a radical Muslim group made threatening calls to the station. The station gave them my private number, and they called me and said they would kill me, that they knew where my home was. When I went to the police they just told me to change my number. There was no investigation." In Aceh, a gay man who was an advocate for women's rights was subjected to torture and degrading treatment, including sexual assault, by police officers while in custody. As in many countries, LGBTI activists must often fight for acceptance and support even among women's and human rights organisations.⁸

Advocates for accountability for past crimes

Attacks and intimidation often increase when there is the possibility of progress on a human rights case. Attacks on the offices of the National Commission on Human Rights (*Komisi Nasional Hak Asasi Manusia*, or Komnas HAM) took place during efforts to charge senior military officers with serious human rights violations in East Timor. During the 2001–3 trials for a 1984 massacre in the Tanjung Priok section of Jakarta, threats against victims and their relatives increased. The offenders also used tactics aimed to divide the victims, such as offering cash payments. At the trials themselves organised groups often attend in support of the perpetrators, disrupting testimony and passing out literature in ways that can intimidate witnesses and victims. Mugiyanto, director of an organisation of families with missing relatives, told Front Line:

During transition, except for the Munir case, we face different threats, especially when the case is developing... In 2003 or 2004 IKOHI got a letter under the door, a death threat to me, [Kontras director] Usman, and the dean of Trisakti University. It said we were traitors, troublemakers, and communists who must be wiped out within 14 days. It was signed Zulkiflar, defender of the new order. We filed a report to the police and an urgent letter to the Working Group on Disappearances, which sent a letter to the Ministry of Foreign Affairs. It was just a threat – I'm still here! This was at the time the National Human Rights Commission was getting involved in the disappearance case, the first step into the inquiry.

Mugiyanto, abducted by the military for his activism in 1998, is one example of the many victims who have organised themselves into groups and become advocates for their own and other cases. The first report of the new Human Rights Support Facility, discussed below, focused on victims who have become human rights defenders. The report found that these individuals often experienced “public vilification and negative campaigns by state officials, labeling that tars them as anti-nationalists or foreign agents. They also experienced threats and acts of violence in the form of arbitrary arrest, forced disappearance, beatings, torture during detention, defamation, breaking up meetings, destroying homes and offices, and even killings.” One example is Sumarsih, the mother of a student who was killed in 1998 while attending to another protestor who had been shot. Sumarsih herself was then beaten and shot at during a protest demanding justice for the student deaths.

Human rights defenders in conflict areas

Human rights defenders in conflict areas such as Aceh (before 2005), the Malukus and Central Sulawesi in the first years of transition, and East and West Timor around the time of the 1999 referendum on independence, were especially vulnerable to attacks from state and non-state forces, including at least 15 killings of human rights defenders. As those conflicts tailed off, HRDs faced fewer risks of overt violence.

The main exception to this trend is the provinces of Papua and West Papua in the far east of the country. Security forces there have responded to a low-level insurgency and a broader peaceful independence movement with military operations, surveillance, and repression. Papuan activists noted that surveillance and threatening messages by phone and text message, or in person, increased during the release of reports, when carrying out field research, during visits by foreign diplomatic staff, and when they held meetings or workshops.

In her mission report, Hina Jilani noted that a “climate of fear undeniably prevails in West Papua, especially for HRDs engaged with the rights of the Papuan communities to participation in governance, control over natural resources and demilitarisation of the province.”¹⁰

Students

As in many countries, students in Indonesia are often the first to take to the streets and to suffer the consequences. A number of the outstanding cases from the last days of the Suharto era concern student activists that security forces abducted or shot during protests. Many of the cases in the 2004-9 Imparsial study were students who organised protests on economic issues and were arrested and charged with crimes.

Journalists

The press is relatively free to report on sensitive issues compared to the Suharto years. However, journalists continue to face a range of threats and intimidation when they challenge those with power, particularly when reporting on corruption. In 2009 the relative of a local official killed an investigative journalist after he investigated a public corruption case in Bali.¹¹ The organisation LBH Pers, which carries out litigation and advocacy on behalf of journalists, identified 134 attempts to attack or intimidate journalists from 2006 to August 2009. More than half were physical in nature, and most of the rest were criminal defamation suits. One press freedom organisation has identified 42 such cases filed against journalists over the last five years.¹²

III. TYPES OF THREATS AGAINST HUMAN RIGHTS DEFENDERS

Overt violence has declined in recent years, but other forms of intimidation and harassment continue to confront HRDs throughout Indonesia. The organisation Imparsial, which tracks the situation of human rights defenders closely, identified 139 cases of threats and attacks against HRDs from 2005 to 2009. These findings confirm the concerns of the then UN Special Representative, who told the Human Rights Council about “continuing activities of the police, the military, and other security and intelligence agencies as well as religious fundamentalist groups that are aimed at harassing and intimidating HRDs or restricting their access to victims and to sites of human rights violations.”¹³ Types of threats include killings and other forms of violence, criminalisation and civil suits, stigmatisation, harassment of family members, surveillance, and gender-specific threats against women human rights defenders.

Killings and other forms of violence

In addition to the activists killed, disappeared, or attacked under the Suharto regime, at least 15 HRDs have been killed since the reform era began. Most of these died in Aceh before the peace deal that followed the 2004 tsunami. Those killed included New York-based Acehnese activist Jafar Siddiq Hamzah, who was abducted while visiting Indonesia and tortured to death, and Sufrin Sulaiman, a lawyer shot while assisting a client at a police station. In December 2000, three workers for the Danish-funded organisation Rehabilitation Action for Torture Victims in Aceh were summarily executed by a group of soldiers and civilian informers.

Violence in Papua continues to be a problem. Opinus Tabuni, an indigenous leader and member of the Papua Customary Council (a joint body that represents all indigenous groups in the region) was killed by gunfire at a 9 August 2008 commemoration of the International Day of the World’s Indigenous Peoples. Despite eyewitness accounts that security forces had opened fire on the crowd, the police focused their investigation on the raising of pro-independence flags banned under Indonesian law.

A recent case illustrates the danger to journalists, or anyone else who exposes corruption. On 11 February 2009 in Bangli, Bali, journalist Anak Agung Narendra Prabangsa was killed after reporting on corruption in the local education bureaucracy.

He was murdered by contract killers thought to be hired by the brother of a local government official.

The Munir case

“We were confident in the transition, it was going relatively smoothly, and Munir was suddenly killed. Now we can talk about anything freely, but we feel something could happen to us at any time.”

– Human rights defender Mugiyanto, October 2009

In September 2004 one of Indonesia’s leading human rights defenders, Munir Said Thalib, died while flying on the state airline Garuda to the Netherlands to study international law. A leaked autopsy report later revealed a massive dose of arsenic in his system. Soon after, Munir’s wife Suciwati received a package containing a mutilated chicken carcass with a note that read “Be careful!!!! Do not connect the [Army] to the death of Munir. Do you want to end up like this?!”

It is hard to overestimate Munir’s contribution to human rights in Indonesia. He helped found several prominent human rights organisations, a military reform think-tank, and a human rights radio station. Known for his careful research and courageous advocacy, Munir spoke out forcefully against both violence and fear of the military. He secured the release of some students abducted in 1998-9, and served on an official inquiry into the 1999 East Timor violence that recommended prosecution of senior officials.

Munir’s death has severely undermined the sense of security of the human rights community. UN Special Representative Hina Jilani noted that “any lapses in the conclusion of this case would make all human rights defenders throughout the country insecure.” President Yudhoyono stated that the case is a “test of history.”

The response

To solve the Munir case, civil society has employed several strategies: using official mechanisms, working in coalition, and conducting international advocacy. Activists have worked jointly on a campaign called “Justice for Munir, justice for all,” and virtually every human rights organisation in Indonesia has a photo of Munir on the wall.

Leading organisations formed the Solidarity Action Committee for Munir (Komite Aksi Solidaritas Untuk Munir, or KASUM) to provide legal analysis and advocacy. Munir’s wife Suciwati has campaigned tirelessly, traveling to Geneva and Washington to urge international pressure on Indonesia to resolve the case. Advocacy has led to numerous interventions, including letters from U.S. Congress and a declaration by the European Parliament. She has made common cause with other victims, especially wives and mothers of those killed or disappeared.

These efforts have produced incremental gains. The president established an official Fact-Finding Team, which helped spur police investigations that led to convictions for three airline staff for their role in the murder. One of the defendants, a co-pilot, had made dozens of calls to the phone of a high-ranking intelligence official, a retired general named Muchdi Purwopranjono, around the time of the killings. There was also evidence that Muchdi had intervened to make sure the co-pilot was aboard Munir’s flight. Persistent pressure on police and prosecutors succeeded in bringing about the unprecedented prosecution of Muchdi, a former Special Forces commander, in 2008. Following a trial in which numerous witnesses either failed to appear or recanted sworn statements to police, the court acquitted Muchdi in December 2008. The Supreme Court upheld the acquittal, but the advocacy team is continuing to push for a review of that decision and the reopening of the police investigation.¹⁴

In addition to these deaths, opponents of reform have used organised violence to obstruct efforts at accountability. Such attacks are usually carried out by proxy groups allied with, or paid by, powerful figures. These thugs-for-hire and civilian groups linked to the military are known in Indonesia as *preman*. In May 2003 a group called Pemuda Panca Marga, consisting of the children of army veterans and headquartered in military bases, attacked KontraS and PBHI at a time when the groups were speaking out against martial law in Aceh. Commander in Chief of the Armed Forces Gen. Endriartono Sutarto seemed to blame the attack on KontraS' frequent criticism of the Government: "Not all government policies are bad, right? It can't be that there is nothing positive. So people eventually just got sick of it....However, I hope with this incident KontraS will carry out some introspection if it is indeed part of this nation."¹⁵

In addition to the *preman*, hard-line Muslim groups that have either formed independently or, in some cases, with suspected participation of security forces, have also attacked offices and demonstrations. In June 2008, an alliance of organisations held a demonstration in support of freedom of religion at the national monument Monas. Hundreds of members of the Islamic Defenders Front (*Front Pembela Islam*, or FPI) attacked the protest, leading to numerous injuries. Similarly, on 19 April 2006 women from the Indonesian Women's Coalition (*Koalisi Perempuan Indonesia*) were demonstrating against a local "morality law" that discriminated against women's freedom of movement. A mob attacked and beat them, while police did nothing.¹⁶

Police torture and ill-treatment in custody remains common in Indonesia, and activists are among those victimised. For example, LBH Jakarta paralegals Tommy Albert Tobing and M. Haris Barkah were detained and mistreated at the North Jakarta Police station on 27 July 2009. The next day LBH Jakarta's leadership inquired about the case and police violently removed them from the station. This case also demonstrates a common complaint from criminal defense lawyers, that the police do not understand or respect their role as lawyers.

Threats of violence

Threats by email, phone, and text messages are common, especially in Papua. One HRD told Front Line: "Threats are common for us. Not just victims and their families, but labour activists, students. It happens to all people, so we ignore it. We don't know if something could happen."

In one example from October 2007, a special forces officer based in Papua told journalists that Pastor John Djonga, a local priest and human rights defender, was a traitor who must be "buried 700 meters under the earth." Djonga, who later won Indonesia's top human rights award in 2009, had recently criticised human rights abuses and illegal logging by the military.

Following Hina Jilani's 2007 visit to Indonesia, there was a spate of threats made against Papuan human rights defenders. On 8 June a vehicle carrying members of the Peace and Justice Commission for the Diocese of Jayapura was hit by a car driven by intelligence officers. On 11 June Komnas HAM representative Albert Rumbekwan received a text message threatening: "You who are reporting about the human rights situation in Papua are trying to destroy the people. You want evidence of people being killed, I will kill your tribe, your family and your children will become only bones to show that there is only a zone of peace in Papua."

Usman Hamid, coordinator of KontraS and member of the official Munir fact-finding team, has received numerous text message threats warning that he will be stabbed on the street, blinded, kidnapped, and killed.¹⁷ Although making threats is a crime, in a review of five years of cases Imparsial found no attempts to prosecute the offenders.¹⁸

Criminalisation and civil suits

Even during the authoritarian Suharto years, activists were often prosecuted for their dissent, rather than being imprisoned without trial. Prosecutors relied on *pasal karet*, or “rubber articles”, provisions in the criminal code that could be broadly applied for criticising the president or “spreading hatred” towards the Government.

This practice has continued in a modified form in democratic Indonesia. Staff at Imparsial told Front Line: “We often see cases against human rights defenders related to the *pasal karet* in the Criminal Code, which are used, and misconstrued, by law enforcement agencies to restrict the operating space for human rights activists.”

The courts have begun to strike down some of the *pasal karet*:

- in December 2006 the Constitutional Court ruled that articles criminalising insults to the president and vice-president (articles 134, 136, and 137), were colonial vestiges that violated the constitution;¹⁹
- in July 2007 the Court struck down the infamous hate-sowing provisions (articles 154 and 155, known in Dutch as *Haatzai Artikelen*), which criminalise declarations of “feelings of hostility, hatred or contempt towards the Indonesian Government in public”, with penalties up to seven years in prison.²⁰

While these rulings are welcome, the Criminal Code still retains provisions that can be used to repress human rights defenders, including articles on defamation (310-316), incitement (160-161), insulting religion (156), and insulting authorities (207-208). In August 2008 the Constitutional Court rejected a request to pronounce the unconstitutionality of several provisions, including those concerning defamation.²¹

These provisions have been used to intimidate HRDs in recent years. For example, in October 2007 human rights lawyer Sabar Olif Iwanggin was arrested in Jayapura by a joint team that included the police anti-terrorist unit Attachment 88. Iwanggin had forwarded to several friends a text message in wide circulation, containing a rumour that the president was planning a campaign to poison Papuans. Such rumours are common in Papua and Iwanggin explained he was forwarding it to friends as a warning to beware of provocation. Police arrested Iwanggin without a warrant and interrogated him without a lawyer present. Prosecutors charged him with incitement under article 160, but were unable to prove that he had written the message or that he had forwarded it to anyone who had committed acts of violence. The Jayapura State Court acquitted him in January 2009, after more than a year of detention.

A case from Aceh in 2007 demonstrates that as long as any of these broadly-worded provisions remain on the books, HRDs and other critics will remain vulnerable to abusive practices. A local police chief, who arrested eight staff members of the human rights organisation LBH for posting flyers about a land dispute, explained the situation: “The problem is they think these rubber articles can be applied at our discretion, but the important thing is, as long as they are not revoked by the Government they are still valid. So if they don’t want to be charged under these articles they should ask that they be revoked so they are no longer put into effect.”²² On 14 August 2008, the Langsa District Court in East Aceh convicted the eight HRDs of incitement and defamation and sentenced them to three months imprisonment with six months probation.

Criminal defamation

Although all the “rubber articles” are problematic, in the last few years there has been a particularly worrying rise in the use of criminal defamation charges. Unlike the hate-sowing articles described above, defamation complaints can be filed by private individuals and businesses, not just government officials. A 2008 report on the use of

defamation charges against journalists found that the Criminal Code “is still being used to protect officials, politicians and business people ... by means of jailing or threatening professional journalists who uncover their dirty laundry.”²³ Individuals named in the media also use the civil code to bring multi-million dollar suits against journalists and publications.

The case of a press freedom activist named Upi Asmaradhana demonstrates that even cases that end in acquittal have serious consequences. A provincial police chief in South Sulawesi had encouraged local officials to report critical journalists, saying “go ahead and accuse them, report them, we will process them.”²⁴ As coordinator of Journalists against Press Criminalisation, Asmaradhana organised a protest. Soon after, the police chief filed a complaint against Asmaradhana with his own subordinates, in violation of police procedures requiring such complaints to be filed with superiors to reduce partiality in the investigation.

Asmaradhana’s employer soon fired him, citing the need to avoid problems with the police. The journalist told Front Line “The worst thing is that they have stolen my profession; my economic and intellectual rights have been infringed. They didn’t succeed in threatening me, so they went one further and made me leave my job.” He has also had death threats, threats of detention, and rats left outside his home as a warning. He was eventually acquitted, but the case can be appealed by prosecutors at any time.²⁵

Increasingly, it is not only journalists who are vulnerable to such complaints. According to Anggara, a lawyer who has tracked the issue closely for the Indonesian Legal Aid and Human Rights Association (PBHI) “criminal defamation was usually used against journalists, not activists. But since 2006, the major actions have been against anti-corruption activists. There is indeed a trend that is no longer physical threats; the threats to human rights defenders are legal instruments.” In one prominent example, in September 2009, Usman Hamid, the director of leading organisation KontraS, was called in for police questioning following a complaint by retired general Muchdi Purwopranjono following comments on his trial for the murder of Munir. LBH Jakarta has identified 11 activists of all types subjected to criminal defamation complaints in the first nine months of 2009 alone.

Together with journalists, corruption activists are among those most targeted. A staff member at Indonesia Corruption Watch, Emerson Yuntho, has catalogued 18 defamation cases filed against anti-corruption activists. In October 2009, Yuntho and his colleague Illian Deta Arta Sari were themselves summoned by police for questioning as criminal defamation suspects. An attorney at the Attorney General’s office had filed a police report after the activists raised questions about the amount prosecutors claimed to have recovered through corruption prosecutions. It is of particular concern that the office of the Attorney General, an agency that should be preventing unfounded complaints from reaching the courts, was instead the source of the complaint.

Recognising the problem, the head of the police criminal investigation division ordered police investigators to prioritise the underlying corruption cases before pursuing related defamation cases.²⁶ However this 2005 order has not been implemented effectively enough to reduce the harassment of anti-corruption activists.

Also of concern, the defamation provisions have been incorporated into newer legislation.²⁷ There are 20 different provisions in seven laws (including the criminal code) criminalising the defamation of state officials, the flag, foreign officials, candidates for office, and members of the public, with penalties of up to six years in prison and fines of up to Rp.1 billion (€80,000).²⁸

Stigmatisation

A common form of intimidation is labelling human rights defenders with terms that carry particular stigma in Indonesia: *communist*, *separatist*, *anti-Islam*, and even *terrorist*.²⁹ In East Nusa Tenggara, a military commander gave a presentation to colleagues warning of the “latent communist threat,” and then named a number of local human rights organisations as security risks.

At the Jakarta workshop one activist described how effective this tactic can be: “Every time we carry out advocacy, labels like ‘separatist’ are applied to us, which has impacts on our families. Whole families can be affected if one member is called a separatist or a communist, so there is clearly a sense of fear.”

The accusation of being anti-Islam carries particular risks. One activist explained “People are easily provoked if you bring in religion, more than separatism, communism, and terrorism.” Another described the effectiveness of this pressure: “When violence is from fundamentalist groups it is even more difficult. An advocate for the Ahmadiyah has stopped speaking out. She won’t take action because she doesn’t dare speak up.”

Threats and charges against family members

Targets of investigations or advocacy sometimes threaten the relatives of human rights defenders, especially women defenders. One HRD explained “I’m not afraid for me but for my kids. My husband and me, fine. But when my kids were approached at school saying ‘we will kill your mother,’ my heart broke. I sent one out of town to live with a cousin so he would not witness threats against me. I also knew the teachers through anti-corruption work and they promised to look after them carefully while they were at school.”

a HRD investigating corruption in West Nusa Tenggara told Front Line “In 2007, my father was at a birthday party, playing cards. The police planted money on him and threatened to prosecute him for gambling if he didn’t tell me to stop. We didn’t compromise and he was brought before the law. In the end he got a five month suspended sentence. He’s 76 years old.”

Wiretaps and other surveillance

Human rights defenders raised concerns of phone taps, mobile-phone tracking, and other forms of electronic surveillance. Papuan activists in particular described nearly constant surveillance by intelligence agents in the form of fake journalists, food vendors and motorcycle taxis located outside of their offices, as well as presumed phone taps and mobile-phone tracking.

Threats against women human rights defenders

WHRDs face a unique set of threats. A study by the National Commission on Violence Against Women found that, in addition to the dangers faced by all activists, women activists also faced ten other categories of threats that included rape and sexual abuse; terror and intimidation of a sexual nature; attacks on their dual role as human rights defender and mother or wife; character assassination based on stereotypes of women; rejection of their activism based on morality, religion, culture, tradition, and family reputation; gender discrimination; sexual harassment, including from activist colleagues; and politicisation of women’s identity, such as being forced to wear a headscarf.³⁰

In Aceh, human rights defenders confronting provisions of Islamic law are accused of being anti-Shari’a law, both by non-state actors and by the *Wilayahul Hisbah*, or “vice and virtue patrol” of the local government. WHRDs are particularly vulnerable to stigmatisation. One activist working closely with Acehnese women told us “Women defenders say they would rather deal with the military or with bullets flying than with

Shari'a police and the criminalisation of daily life.”³¹

According to Kamala Chandrakirana, former chair of the National Commission on Violence against Women, following opposition to an anti-prostitution local by-law that included repressive measures against all women, “women who spoke out were accused of being prostitutes. Character assassination affects women a lot. Their public role is already challenging, so it has a big impact.”³²

Other examples from the Commission’s study include an advocate against a local “morality law” who received anonymous drawings depicting her as a prostitute, a policeman making rape threats against an activist who assisted victims of sexual violence by the police, and attacks on their roles as wives and mothers by spreading rumours of affairs. The report predicted that these problems were only likely to increase due to spreading fundamentalism, the politicisation of identity, and a growing culture of violence.³³

IV. PROTECTION STRATEGIES

To respond to these threats, human rights defenders are using a wide range of strategies. Many of these take advantage of the greater political space available in a country in transition, such as **legislative advocacy**, seeking the **back-up of authorities**, or **organising victims to speak out**. Other strategies have their roots in the Suharto era, such as using personal channels to enlist the support of influential people. As in every country, **security planning** is the building block for other strategies.

Security planning

Some groups have undergone specific training on security and protection with Peace Brigades International, which also provides protective accompaniment in Papua and Aceh. The most prepared groups incorporate security concerns into all their training and planning. However, most respond to threats and security incidents in *ad hoc* ways. One HRD in Jakarta explained “Everyone develops mechanisms, but we don’t always systematise. We have unofficial methods, if something happens in Papua or other islands they always contact us. We can pressure security officials. But it’s not explicit.” Another HRD explained:

Planning is not yet standard, or laid out in a standard operating procedure, but we have emergency management. If there is a demonstration, or indications of violence, we figure out who will do what. Then we have responsibilities for each staff member: advocacy, finance, office boy, front door, back door—if there is an attack.

As in most countries, there is a need for more regular and systematic training to encourage human rights defenders to draw up security plans and devise appropriate protection strategies. In one positive example, a coalition of human rights defenders from Aceh published a security manual in 2001 called *Living and Surviving in a Conflict Area*.³⁴ This effort came after they documented extensive attacks on HRDs, including 43 arrests and 15 killings.

Drawing on workshops held by several international organisations, the guide included information on risk analysis, a template for a security plan, and a detailed practical section on personal security, office security, communications, detention and abduction, evacuation, and security for women. The year after its publication, martial law was imposed in Aceh, and many HRDs, including those who worked on the book, relocated to Jakarta and other places of relative safety. It is one of the most extensive Indonesian-language resources on protection, and deserves to be updated or adapted

in high-risk areas such as Papua.

In Jakarta, offices that had been attacked by organised mobs in the past developed escape routes and contingency plans. In regions that experienced break-ins, some groups increased security procedures including a fence, window bars, locks and a visitor log. One organisation has arranged to ensure that someone is always at the office, such as student volunteers and colleagues visiting from out of town. Because Papuan organisations also deal with problems of surveillance, they stressed the need for care in recruiting trustworthy staff and even IT support.

Legislative advocacy

An overhaul of the Criminal Code has been under discussion for years, but due to the size and complexity of the project, as well as the conflicting goals of Muslim groups and human rights groups, there has been little progress. Human rights defenders have made it a priority and are carrying out their own legal review for use in lobbying members of parliament.

The increase in defamation cases required special attention by HRDs. In addition to handling individual cases through legal defense teams, HRDs have mounted efforts to get the Constitutional Court to rule against the defamation provisions throughout the legal code.³⁵ However, apart from striking down some of the hate-sowing laws, the court has not ruled strongly in support of freedom of expression.

On the affirmative side, HRDs are also lobbying for language recognising and protecting human rights defenders in the law. Although broad protections for all citizens exist in the Constitution and a 1999 Human Rights Law,³⁶ implementation remains inadequate for human rights defenders, as for many others. In addition, these provisions do not specifically protect some of the rights set out in the UN Declaration on Human Rights Defenders, such as the right to seek and store information and to communicate with international bodies. Finally, they do not provide for a mechanism capable of providing concrete protection measures.

HRDs are pursuing two options: 1) passage of a stand-alone law on human rights defenders and 2) insertion of language on HRDs into the Human Rights Law when it is amended in other areas. A set of amendments is already under preparation by the National Commission on Human Rights, and many HRDs felt that, given the length of time needed for a new law to pass through the legislature, the most efficient route would be to work with these amendments. Imparsial and Brawijaya University have proposed language that would:

- broadly define human rights defenders and spell out their rights;
- oblige government agencies to respect and protect the rights of HRDs; and
- add HRD protection to the functions of the National Human Rights Commission, including the power to make binding recommendations to other agencies and to provide physical protection in coordination with law enforcement agencies and the Victim and Witness Protection Commission.

Rescinding criminal laws used to repress HRDs and creating new protection laws will be important steps in reducing the risks they currently face. However, the example of Colombia shows that government protection mechanisms are not sufficient without a commitment from both state and non-state actors to end the violence, stigmatisation, prosecution, and other threats. A member of the Indonesian parliament who is supporting legislation on HRDs, warned of the need to also reform police and prosecutors: “Defending human rights defenders depends on the accountability of law

enforcement agents... They have the power to criminalise activists. Legislation is not enough if the agents are corrupt.”³⁷

International advocacy

Indonesian HRDs work with international forums, organisations and activists in a number of ways. One organisation, the Human Rights Working Group, provides leadership on advocacy at the UN and regional level, and numerous local and national organisations conduct advocacy at the Human Rights Council in Geneva. Papuan organisations are especially likely to work through church networks in Europe to arrange tours for advocacy. Recent examples of HRD-focused international advocacy include:

- Munir’s wife Suciwati has campaigned internationally, meeting with or speaking before the European Parliament and legislators in the United States and Germany;
- Imparsial has prepared statements for the UN Human Rights Council focusing on the situation of human rights defenders;³⁸
- when the then UN Special Representative on human rights defenders carried out a mission to Indonesia in June 2007, human rights NGOs organised a major public event featuring testimony from around the country, as well as closed-door meetings where security or privacy was an issue;
- HRDs meet regularly with embassies in Jakarta, several of which sent representatives to the Munir trial.

Human rights defenders have also made direct connections with colleagues in other countries. In April 2009 they arranged a visit by Argentina’s Mothers of the Plaza de Mayo to Jakarta, and the mothers joined HRDs in their weekly vigil outside the Presidential Palace. During this visit, HRDs organised a discussion with other wives and mothers from the region who have suffered the loss of family members: a Thai human rights defender named Angkhana Neelaphajit whose husband was a prominent lawyer “disappeared” by the police; mothers of victims from Timor Leste; Munir’s wife Suciwati; and, the wives and mothers of victims from the Talangsari case, the Tanjung Priok case, the May 1998 Riots, and the violence in Aceh and Papua.

Working in coalition

“Indeed, it must be remembered that the problem of protection of civil society, including humanitarian activists, is not simply a matter of having the technical ability to protect themselves from efforts to terrorise activists, but rather what is needed also is a more comprehensive effort that involves as many people as possible.”

—Hendardi, senior human rights defender³⁹

As in Zimbabwe and Colombia, NGOs specialise and refer cases to each other. For example, LBH, PBHI and Kontras take on cases of victims of human rights violations, the Pulih Foundation provides counselling and medical services, and many other groups conduct policy advocacy. Imparsial has carried out research specifically on HRDs and convened national HRDs conferences. The first meeting, in 2007 in the town of Puncak, led to a proposal for regional crisis centres intended as a decentralised rapid response system.

In 2009, five organisations came together to create a Human Rights Support Facility (HRSF) to improve HRD protection. The HRSF is carrying out research, a review of the laws affecting human rights defenders, and advocacy for better protection of them.

They have also signed a Memorandum of Understanding with the National Commission on Human Rights agreeing to cooperate on a review on protection for human rights defenders under the law, the creation of a HRD desk at the Commission, and a technical manual on protection. While still in its early stages, the Support Facility could function like Somos Defensores in Colombia, providing advocacy and technical support to HRDs throughout Indonesia.

NGOs have also formed effective issue-specific coalitions in response to particular cases or pending legislation with human rights implications. Recent examples have included coalitions focusing on the Munir case, freedom of religion, freedom of expression, and other matters affecting HRDs and broader society.

While it is important to coordinate advocacy efforts with other human rights defenders, HRDs stressed the importance of building relationships with institutions and networks outside the human rights community, including journalists, traditional leaders, military and police commands, and religious institutions.

Building support in society

Support from the community, whether at the level of the neighbourhood or broader society, can also provide protection. In an effort to build support and understanding, the National Commission on Violence against Women has produced a film to introduce women human rights defenders and their work.⁴⁰

At the most local level, many HRDs make a point of educating their neighbours about their work as a form of protection, as HRDs do in Zimbabwe. Human rights defenders also mobilised supporters from outside the human rights community in West Nusa Tenggara after a military commander accused them of being communists and separatists. In a corruption case from 2006:

In Garut, West Java, the district head transferred state money to a local account, and then bought a house in a different city. Because he is powerful, a former military commander, the local prosecutor said he couldn't do anything. Then the house of an anti-corruption activist burnt down. It was a blessing in disguise, the burning, because it led to massive support from political parties and other organisations. There was huge pressure, a different group demonstrated every day: students, religious scholars, political parties, even civil servants. The district head went to jail after this massive campaign.

Back-up and support from authorities

The democratisation process has made government institutions increasingly responsive. Human rights defenders can turn to parliamentarians, national commissions, and other agencies for protection. While these options were available even before the transition period, the legislature has become more independent, new commissions have been added, and the police have become more reform-minded. One workshop participant noted:

In this time of transition the Government tries to open dialogue with civil society and to accept democratisation, if only in a limited form. In the current situation there are opportunities for human rights defenders to carry out communication with the Government. For example, the families of the disappearance victims just visited the office of the Attorney General. Even if the position we brought to them was not accepted, communication between the prosecutors and the victims can move forward.

However, these mechanisms are inconsistent in their responses, and are not tailored specifically for HRDs. These gaps inspired the current efforts to create new

mechanisms such as a HRD desk at the National Human Rights Commission.

Government commissions include Komnas HAM (National Commission of Human Rights), the National Commission on Violence against Women, and the new Victim and Witness Protection Commission. The National Commission on Violence against Women works with networks of women human rights defenders, and integrates security concerns for HRDs into their methodology of research and reporting, often in conflict areas.

Komnas HAM works with victims of major human rights violations and is in discussion with human rights groups about creating a desk focusing on HRDs. Human rights defenders serve as both commissioners and staff, and the commission has itself been the target of attacks. In March 2002 hundreds of members of a group called Forum Betawi Rempug attacked urban poverty activists in the commission's courtyard while they were protesting evictions. In addition, Komnas HAM staff in Papua have received numerous death threats. In one incident in March 2006 when the Commission was investigating a violent protest against the Freeport mine and the arrest of numerous Papuans, the local police reportedly warned them that "if they continue the investigation, the police will kill them."⁴¹

The newest commission, the Witness and Victim Protection Commission, may be able to protect those HRDs who are also victims. However, it would not necessarily cover HRDs who report a human rights violation or assist victims, although they are frequently threatened. A 2006 law created the Commission with a mandate to protect witnesses and victims, provide treatment, and facilitate compensation for victims of crimes and gross human rights violations.

In operation since March 2009, the Commission received 71 submissions by October of that year, including from several HRDs. The body is still constrained by limited personnel, budget, and cooperation from other institutions such as the police force.

Since separating from the military in 1999, the police have taken some steps to improve their respect for human rights. They have created a National Police Commission that can act on complaints, and in 2009 issued a regulation on the proper use of force.⁴²

However human rights defenders are concerned that these changes do not filter down to the local level, leading to continued abuses and obstruction of their efforts to meet with clients or carry out investigations. While many HRDs report threats and intimidation to the police, most were dissatisfied with the response. Most HRDs consulted for this report described inaction by police following threats or attacks.

In one example, an LGBTI advocate who reported death threats on her mobile phone was merely told by police to change her number. And when an anti-corruption organisation asked for protection several years ago, the police responded that it would take a week to process their request. One HRD even wondered: "How can I complain to the police when they are the perpetrators? We would be terrorised further. Maybe in *other* countries you can do that." Another, an advocate for religious freedom, said "We report the threats to police, but it is useless. They are weak and they don't understand. They ask 'Why are you supporting the Ahmadiyah?' But police must not be partisan. The question is not 'is it Islam or not,' but 'is it right or not.'"

Nonetheless, many HRDs at the Jakarta workshop recognised the importance of working with police at the local and national levels to help make the new police regulations effective. In one recent example of NGO efforts to build a fruitful relationship with police, Kontras worked with the police to set up a temporary mobile driver's license office in front of their office. Residents were able to obtain licenses without

having to resort to bribes, while the police improved their community policing model. The one-day event also helped build ties that may become useful in resolving future rights violations involving the police.

Some human rights defenders have relationships with legislators who can request information, write letters, or hold hearings on HRDs. Hearings early in the investigation of the Munir case helped move that process forward. One legislator told Front Line: “Pressure sometimes works. In Riau a farmer activist was tortured. We contacted police and he was released. In another case they just replaced the commander but the activist was not released.”

HRDs, either directly or through colleagues in Jakarta, also rely on unofficial channels, for example going through senior police and military officers to get local security forces to stop their harassment.

Evacuation

There is a long history of evacuating people out of conflict zones or other dangerous contexts in one part of the vast archipelago to another, usually to Jakarta. Occasionally some will seek temporary or even permanent refuge abroad, a decision that is not taken lightly due to the toll it takes on families.

When martial law was enacted in Aceh in 2002, numerous activists came to Jakarta. However many were concerned that the military had achieved its goal of removing the monitors who might have reported on abuses in the conflict zone.

Kamala Chandrakirana, former chair of the National Commission on Violence against Women notes that “it is harder for women to relocate because of family responsibilities or a simple unwillingness to leave. So we focus more on recognition and support networks.”

Organising and supporting victims to speak out

As noted above, victims of past violations can be powerful advocates for justice, both for themselves and for others. Sipon, the wife of the poet and activist Wiji Thukul, who disappeared in 1998, described her transition to becoming a human rights defender: “I was once a family member of a victim, and have tried to become a defender of victims of human rights violations in my area, such as land issues and neglected children.” Due to her work, she has received threats and police have tried to detain her without a warrant.

The NGO Kontras has worked closely with victims to organise and support them in meeting government officials and demanding action. One activist with the organisation described the challenges involved:

At first they are only housewives, then they face human rights violations and become advocates for their case. In that context they become human rights defenders. They face lots of problems in conducting their work. They are in a social environment that does not agree with their work, or their family does not. Not that they don’t agree with the goals, but with the dangers that they face.

While an important advocacy and empowerment strategy, this trend carries a challenge for protection. These activists are more likely to live in small villages or poor urban neighbourhoods with fewer resources or training to respond to threats. Their contact with national organisations is important to mobilise psychological and practical support in confronting threats.

The first report of the Human Rights Support Facility was on victims who became

human rights defenders. The research identified multiple social networks that provide support, including both those working on specific cases and those with a cross-cutting agenda, such as the Victim's Solidarity Network for Justice (*Jaringan Solidaritas Korban untuk Keadilan*, or JSKK). Both types provide medical, financial, and technological assistance. JSKK has published a book of testimonies by victims called *Saatnya Korban Bicara* (When Victims Speak), and also supports victims to hold a vigil every Thursday afternoon outside the Presidential Palace, during which they carry black umbrellas calling for action in the student activist disappearances, the murder of Munir, and other outstanding human rights cases.⁴³

These victim advocates also found informal protection mechanisms in their own communities. The report noted that “the process of transformation of groups of victims into human rights defenders has a tendency of producing an informal protection mechanism in the form of solidarity.” They cite examples of support provided to a labour activist and an Ahmadiyah advocate from the surrounding community.

Adapting the message

In some contexts, HRDs can reduce threats by avoiding key words that are known to cause a reaction in either religious groups or powerful figures. An activist concerned with provisions in Shari'a law explained “We try to criticise specific articles in a balanced way, focusing on the content, which can be interpreted in lots of different ways” rather than seeming to oppose Shari'a law as a whole. One pluralism advocate refers to the problematic laws as “unconstitutional local regulations,” to avoid the appearance of criticising Shari'a law directly. She takes the position that Shari'a law is not a problem, as long as it is compatible with human rights.

Similarly, to reduce the likelihood of defamation complaints, one anti-corruption organisation avoids singling people out by name in public statements, referring instead to their position or agency (e.g. the Office of the Attorney General). They refer to “indications of corruption,” or problems with “the management of funds.”

During the conflict in Aceh, the term humanitarian workers (*pekerja kemanusiaan*) was used instead of human rights workers, which was seen as signifying opposition to the Government. For example, the protection handbook was subtitled “Protection Guide for Humanitarian Activists in Aceh.” Such a strategy is only partially effective, as the security forces began to falsely associate the new term with guerrilla sympathisers.

As described in the study by the National Commission on Violence against Women, one strategy that women defenders have adopted is to tailor their advocacy approaches to reduce opposition from community and officials. Because women's rights issues cut across sectors, they can be introduced indirectly by working on education, reproductive health, community health, or poverty.⁴⁴

There is a danger that self-censorship may undermine the work of a human rights defender, particularly if the concept or terminology of human rights is abandoned. Like any strategy, such an approach must be selected after assessing risk and considering a variety of ways to reduce vulnerabilities. There are times when it is important to speak out, and vulnerabilities can be reduced by improving personal and office protection, drawing on support networks, or other strategies described above. The director of the Indonesian Conference on Religion and Peace (ICRP), Musdah Mulia, notes that it is important to speak forcefully against religious extremism that restricts the rights of women: “My strategy is always that we must resist this. We cannot be silent. If we are afraid they will attack more. If they speak, we speak. We cannot be silenced. The only difference is that we don't use violence.”

Fighting for accountability

The fight for justice is an integral part of the work of human rights defenders, including the prosecution of threats and attacks they and their colleagues experience directly. The Munir case in particular continues to be central to the security of HRDs (see box).

HRDs also push for accountability in the hundreds of cases of anonymous threats and physical attacks that HRDs experience as a routine part of their work. Although the police are generally slow to respond, in those few cases where law enforcement was effective, it may have a positive preventive effect. After the Islamic Defenders Front attacked a rally in favour of religious freedom in 2008, activists pushed hard for prosecution, and those responsible for leading the attack were convicted and sentenced to several years in prison. One of the protest organisers reported that threats and violence from the Islamic Defenders Front declined after the convictions.

COLOMBIA: A LEGACY OF CONFLICT

I. INTRODUCTION

“We are in an armed conflict. This can’t be forgotten. It affects all our relationships, our work with groups, our trust in institutions.”

— human rights defender, December 2009

Colombia has been gripped by a complex internal conflict since guerrilla forces emerged in the 1950s. Human rights defenders must contend with a proliferation of armed groups, mass displacement, a highly-polarised society, strong executive control of government, and an economy based in part on violence, displacement, and illegal activities.

Although Colombia has avoided the model of overt dictatorship familiar in the rest of the region in the 70s and 80s, many hundreds of human rights defenders have been killed in the context of brutal repression carried out by security forces, allied with paramilitary groups and powerful economic interests. However, within the limited democratic space they have, human rights defenders have responded to these threats by developing sophisticated strategies for protection, such as well-coordinated domestic and international advocacy campaigns and networks to move people to safety.

For the last ten years the Colombian state has operated an official protection programme that provides bodyguards, armoured cars, and other protective measures to human rights defenders, as well as other vulnerable groups. The programme has numerous flaws, including the involvement of bodyguards in illegal surveillance, but sets Colombia apart from many other countries that make no efforts to protect human rights activists. However, while one branch of the state is supposedly offering protection, government officials are increasing the risks HRDs face, through public statements stigmatising HRDs as guerrillas, illegal surveillance, baseless prosecutions, and impunity for those who kill and threaten human rights defenders.

This chapter will lay out the main characteristics of the Colombian conflict that affect HRDs, the types of HRDs and the threats they face, and the best practices of the human rights defenders that have emerged in response.

Armed groups: There are now two main armed rebel groups, the *Fuerzas Armadas Revolucionarias de Colombia* (FARC) and the smaller *Ejército Nacional de Liberación* (ELN). While both emerged in response to economic and political grievances, they have become increasingly motivated by economic goals such as control of natural resources and the cocaine trade. The Colombian Government mounted a series of military campaigns, including aggressive efforts starting in 2007 that succeeded in killing or capturing senior FARC figures and disrupting communications.

Starting in the 1960s, the Government also formed, trained, and armed powerful paramilitary groups that have been responsible for grave violations of human rights and international humanitarian law. In the 1990s a powerful umbrella organisation for the paramilitaries emerged, the United Self-Defence Forces of Colombia (*Autodefensas Unidas de Colombia*, or AUC). From the mid-1990s until 2003, the paramilitary groups expanded their control over vast areas of Colombia. President Álvaro Uribe began negotiations in 2004 with some blocks of the AUC, leading to the formal demobilisation of some units and senior leaders. But, although not officially acknowledged, the paramilitaries continue to be active under other names and structures. They are able to maintain military, economic, and social control, sustained by alliances with drug

traffickers and politicians. In the words of one HRD “People say it was a *demobilización ficticia*. Paramilitary members kept their arms and remained middle men in the narcotics business.”

Displacement: As many as one in ten Colombians are displaced by the conflict. The well-respected organisation *Consultoría para los Derechos Humanos y el Desplazamiento* (CODHES) estimated that in 2009 there were 286,000 new displaced people, bringing the total number of displaced over 25 years of conflict to almost five million.⁴⁵ Displacement may involve whole communities, or individuals targeted for their human rights work, labour organising, or political activism. Many HRDs are individually targeted through threats and forced to flee their home areas. Other activists become HRDs in order to promote and protect the rights of their own displaced communities, fighting for the right to return to their land or to obtain support and protection in their new location.

Polarisation of society: After decades of conflict and militaristic government policies, the country is highly polarised. People are considered either for or against armed struggle, government policies, the economic model, and democratic reforms. This tendency to divide society into ideological, political or economic friends or enemies has created a situation in which freedom of expression and belief is often at risk.

In this context it is both easy and dangerous to label human rights defenders as guerrillas or terrorists. Statements and attacks against HRDs, which the FARC and ELN have also made in recent years, have led to the deaths of indigenous leaders, activists, and peasant leaders in Nariño, Cauca, Arauca, Meta and Norte de Santander, amongst others provinces (known in Colombia as departments).

Strong executive: Colombians make a distinction between the *Government*, the political figures elected or appointed to create policy (essentially the executive branch), and the non-political bureaucrats who make up the state. Due in part to the security threat, the Uribe administration has exerted strong control over nominally independent functions of the state. Due to weakness and corruption in the legislature and the lower courts, the few checks and balances are provided by the Supreme Court and the Constitutional Court.

Economy: The economy and the conflict are inseparable, as armed groups and the Government fight over control of coca production and trafficking, legal crops such as oil palm, and natural resources such as minerals and oil. The unequal land distribution that was an underlying cause of the conflict has been exacerbated as many small landholders have been driven off their land by paramilitaries, narco-traffickers, or guerrilla armies. Multinational companies, long a feature of the Colombian economy, have increased in number in recent years, and HRDs report violence associated with large-scale economic activities, known in Colombia as megaprojects. Activists who oppose these local and international projects are regularly subject to threats and acts of violence.

To contend with these challenges, a vibrant human rights movement has developed. Alirio Uribe Munoz, the director of the human rights organisation *Colectivo de Abogados José Alvear Restrepo* (CAJAR), explains, “Living in the middle of conflict, threat, and harassment has taught us how to survive and create measures to protect ourselves.”

II. HUMAN RIGHTS DEFENDERS MOST AT RISK

HRDs in any country consist of a wide range of occupations and activities, such as

lawyers, journalists, and trade unionists. However, the reach of the conflict in Colombia means that the diversity and variety of human rights defenders and their agendas touches all social sectors. They include teachers, medical workers, public officials, academics, internally displaced people, and indigenous, peasant (*campesino*), and Afro-Colombian leaders, collectively known as *lideres social* (social leaders). In addition, the polarisation of society and the constant tension with the Government over the right to exercise ones' rights means that some human rights defenders are very politicised, while others adopt a more neutral and non-political approach. The absence of an effective political opposition means that social movements and NGOs are often perceived to play that role, even if they are not formally active in party politics or government.

Human rights lawyers and NGOs

Frequently targeted for their legal advocacy, these "traditional" HRDs are subject to the full range of threats from threatening phone calls to illegal surveillance by state intelligence units to killings. They are also more likely to have access to national and international advocacy networks, and perhaps as a result are especially likely to be targeted through non-violent but effective means to silence them, such as baseless prosecutions. Organisations like Political Prisoners Solidarity Committee (CSPP) are particularly at risk because they provide legal defence to those accused of belonging to armed groups and illegal political groups.

Displaced persons

Colombia's highly unequal land distribution, a root cause of the conflict, has only increased further due to displacement of poor and marginalised communities. Community leaders who attempt to defend or regain their traditional lands, or who assist others to do so, are particularly at risk of threats and violence. For example, after Yolanda Izquierdo helped displaced persons in Córdoba department to reclaim their land, she received threats. After requesting official protection, she was gunned down on 31 January 2007.⁴⁶ The UN Secretary General's envoy on the human rights of internally displaced persons reported that human rights defenders and community leaders were "being directly threatened and targeted by all the armed actors and that they feared summary executions, arbitrary detentions, forced disappearances, limitations to freedom of movement, or unfounded criminal charges brought against them."⁴⁷

Trade unionists

Labour activists are among those most targeted for violence, either due to perceived links to the guerrillas or to local efforts to unionise workers in the face of entrenched economic interests. Hundreds of trade unionists have been killed over the last decade, including 49 in 2008 (two-thirds of worldwide fatalities) and more than 30 in 2009.⁴⁸ In one sector alone, 134 members of the public health sector union Anthoc, including the vice-president of the union, have been killed in the last eight years. While the number of fatalities has decreased, it remains unacceptably high.

Campesino leaders and other community activists

The political currents of the conflict and regional political traditions have produced a rich variety of local associations and broader movements defending the rights and interests of local communities. These groups are targeted by armed groups, especially paramilitaries. One activist in the department of Casanare provided a picture:

We had a strong social movement up to 1995, when paramilitary activity was able to destroy this movement, and the leaders were displaced or sent into exile. In 2001 people started to reactivate. This coincided with new oil exploration. The first fight was to unionise oil workers. This was not allowed: any time a meeting was held, paramilitaries killed the workers and their leaders.

...We identified a common strategy: when an oil company wants to expand, the army arrives, destroys social organisations, and stops all opposition. For example, in early 2003 a company said it will explore in the area. Paramilitaries, together with police became active in the area, and there were 69 disappearances in three months. . . Then they moved to a new area—again for oil exploration—and there we saw ‘false positives’.⁴⁹

Environmental activists

Environmentalists are among those targeted, often because of their opposition to large-scale development projects. One recent example concerns Mauricio Meza Blanco, a lecturer in political philosophy and activist on environmental and economic issues, including a large hydro-electric dam. He was the target of an attempted kidnapping on 22 April 2009 in Bucaramanga, Santander department, when a gray Toyota Hilux with tinted windows pulled up outside his house as he was leaving and several men tried to abduct him. When he resisted, the two men assaulted him until neighbours scared them away. In two evaluations the state protection programme judged his risk as normal, giving him only temporary protection. On 25 October 2009 shots were fired at his home and several weeks later he was awarded precautionary measures from the Inter-American Commission on Human Rights.⁵⁰

Women leaders

As in other countries, women human rights defenders face a range of threats that are different from their male counterparts. Threats are more likely to come from within their own community, or from the same perpetrators but of a different nature: targeting their families or their character. WHRDs and leaders are increasingly experiencing sexual violence. Many of the threats made against women, their daughters or their families are sexual in nature, as armed groups try to obstruct survivors of violence and other women activists defending their land.

One women’s group that carries out gender training reported receiving threats that said “stop working with guerrilla women or there will be consequences.” After working with a victim of paramilitary violence, they received an anonymous threat that said “if you do not stop talking to her you will find her dead in front of your door.”⁵¹

In some cases, the threat may come from within the family. The same organisation suspended trainings in several areas after women assisting in the process in two communities were killed by their husbands, one of them on Violence Against Women Day, 25 November 2009. One women’s leader described the difficult environment they work in:

There is a clear risk when you increase the visibility of women. It creates a more representative and disciplined movement and improves the quality of the work we do. But they are getting killed... The risk comes from everywhere, legal and illegal armed groups. It’s hard to know where the risk is coming from. We think it’s going to be the armed conflict, and then sometimes it happens to be her husband who kills her. It’s hard to detect where the threat is from.⁵²

Journalists

Colombia has the highest rate of unsolved murders of journalists per capita in Latin America.⁵³ Exacerbating the problem, in early 2009 President Uribe made public comments that investigative journalists such as Gonzalo Guillén, Daniel Coronell, and Hollman Morris were supporting terrorism. These statements were followed by death threats from armed groups and a baseless criminal investigation against Morris.⁵⁴ These journalists were among those targeted in an illegal surveillance scandal (see box).

Following killings in the 1980s and 1990s, many editors and journalists began to carry out a form of self-censorship. One journalist explained, "Our main problem is access to information... to ask for certain information is to risk your life."⁵⁵

Indigenous and Afro-Colombian leaders

"Indigenous peoples live in a territory rich in both natural resources and armed conflict. We live where on one hand corporations want to develop a megaproject, and we have armed conflict on the other. Life is difficult: we live in the middle of this and we have enemies on all sides."

—Nasa indigenous activist, December 2009

Indigenous and Afro-Colombian communities are disproportionately affected by conflict and displacement. The current patterns of armed conflict and human rights violations are often linked to questions of natural resources. The promise of oil, minerals, and plantations is one factor in an armed group's effort to control territory. Domestic or international private companies often make alliances with illegal armed groups to exploit resources and prevent opposition by the local population to megaprojects. An indigenous leader in Cauca explained "We are very affected because of biodiversity, minerals, oil, uranium. That's why armed actors such as paramilitaries are coming into the area, leading to threats, and displacement."⁵⁶

Victim advocates

Inspired by similar movements in the region, victims have organised into groups such as Association of Families of the Detained-Disappeared (Asfaddes), which since 1982 has represented the family members of the disappeared. And in 2005 the Movement of Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado*, or MOVICE) was formed by 300 victims groups from around the country. As in Indonesia, as victims become more active in the exercise of their rights, they also become targets for additional threats and violence.

Asfaddes has experienced significant persecution: two members have disappeared from Medellín and 10 others have been forced to leave the country for their own safety. The Bucaramanga section has received threats since they organised an event in late 2009 commemorating five persons killed in a 1998 massacre whose bodies had recently been found.

The hearings on paramilitaries that began in 2006 as part of the demobilisation process have led to threats against victims and their representatives. There were 19 assassinations and hundreds of threats related to the hearings in 2007 alone.⁵⁷ As a result, the Government has had to set up a programme to provide protection to victims and witnesses participating in the demobilisation process.

LGBTI activists

Members of the LGBTI community are subject to violence and discrimination throughout Colombia. The organisation *Colombia Diversa* recorded the murder of 673 LGBTI people in 2006 and 2007, and also found that many crimes against LGBTI people go unreported due to fear of the authorities. Activists working on the rights of LGBTI or HIV positive people are at particular risk due to their visibility: on 16 February 2008 unknown men killed Fredys Pineda in Apartadó, Antioquia, northwest Colombia. Pineda looked after displaced people for the Ombudsman's Office and had previously worked for the rights of LGBTI people and on HIV/AIDS prevention. On 6 March 2009, unknown men murdered Álvaro Miguel Rivera Linares in Cali, a city known for anti-gay violence. The activist for the rights of LGBTI people and those living with HIV was also a member of a national peace network. He had moved to Cali from Villavicencio in Eastern Colombia due to threats on his life.

III. TYPES OF THREATS FACED BY HUMAN RIGHTS DEFENDERS

Killings and other acts of violence

In 1997 the assassinations of prominent human rights defenders led to both government and non-government protection plans, discussed below. However, the killings have continued despite these efforts. Following his June 2009 visit, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, noted that human rights defenders and victims' relatives are frequently intimidated and threatened and sometimes killed. Alston specifically cited stigmatisation of HRDs as guerrillas and terrorists by senior officials as a contributing factor.⁵⁸

One particular case stands out due to the documented links to state agents. In 2004 a raid by the Attorney General's office uncovered documents detailing a plan by Colombian military intelligence, working with a private international security organisation, to assassinate 13 human rights defenders, including a leading Cali human rights defender named Berenice Celeyta. Known as Operation Dragon, the plot was intended to eliminate all opposition to the privatisation of the public services of Cali. The documents also showed detailed knowledge of the protection measures provided to the intended victims by the Ministry of the Interior.⁵⁹ In October 2008, after years of advocacy by Colombian and international organisations, the prosecutors have opened a criminal investigation against several retired army officers linked to the plot.

Another case is that of Martin Sandoval, president of the Arauca branch of the Permanent Committee for Human Rights, who was also on a list of targets: "There was a list of social leaders to be killed, and I was on that list. They killed a few and then we got a copy of the list and confronted the army. From that day they were out to get me." Making the list public may have induced them to change tactics: Sandoval was later imprisoned on false charges.

Threats

Because the violence is so extensive, written and verbal threats are particularly effective. They come in person, by phone, and in printed form distributed throughout the community (*pamphletos*). Human rights defender Principe Gabriel González, described the phenomenon:

There are lots of pamphletos, many with the logos of the paramilitaries. The authorities say it's all different groups and they aren't connected, or accuse us of doing it ourselves. We have had threats leading to displacement of colleagues three times. It is hard to stabilise the working situation when the threat is continuous. You have to look at the process, not just the person.

In a typical example, trade unionists in Bogota and Bucaramanga received death threats in November and December 2009. The National President of Sinaltrainal, involved in efforts to improve conditions for Coca-Cola workers, received a threat on the mobile telephone he had received as part of the government's protection programme, telling him "You have up until the 22nd of December to resign from your position in the Union. There's not going to be a second call."⁶⁰

Arbitrary detention and baseless prosecution

"Sometimes we are more prepared to be killed than to be imprisoned. Being in prison affects you very deeply, and it is important to be supported while you are in there."

—Principe Gabriel Gonzalez, Bucaramanga, December 2009

In the last few years HRDs have increasingly been targeted for baseless prosecutions

for terrorism or rebellion. The charges are frequently brought by prosecutors working out of military garrisons, based on uncorroborated allegations from demobilised combatants working with the government.⁶¹

HRDs see the practice as a two-pronged attack that both distracts them from their work and seeks to delegitimise them, while drawing less attention from the international community than more violent methods. After stigmatisation, one HRD explained, “the next step is prosecution through judicial processes, using testimony from demobilised combatants and threats from the paramilitaries. It is harder to criticise from abroad compared to a killing, and also a double strategy to delegitimise their work.”

The baseless prosecution of Winston Gallego

In 2006, prosecutors working with the army's Fourth Brigade in Medellin initiated a confidential investigation against a broad array of political, social, student and human rights organisations for alleged membership in the Clandestine Colombian Communist Party. In what has become a dangerous but common practice in Colombia, the investigation was based on uncorroborated military intelligence reports and the testimony of demobilised combatants with ties to military intelligence.

On 7 May 2009, two armed men in civilian clothes entered a taxi occupied by Winston Gallego Pamplona and Jorge Meneses of the Sumapaz Foundation. They were forced to surrender their belongings and identity documents, which were never returned. When police arrived, the armed men identified themselves as members of the military.

Gallego voluntarily appeared before investigators on 10 June 2009 to rebut the charges against him and establish the legality of his activities as a human rights advocate. After the proceedings, despite his cooperation, the prosecutor issued an arrest warrant and detained him. When he began reporting on prison conditions, he was abruptly transferred to another prison.

Principe Gabriel Gonzalez, Regional Coordinator of CSPP in Bucaramanga, spent more than 15 months in prison on baseless charges of being a rebel leader before being acquitted. A higher court then overturned that decision and sentenced him to seven years in prison. He remains free while appealing that decision to the Supreme Court. He explained the challenge:

The international community is not prepared, because the Colombian system is seen as legitimate. So you can build pressure if someone is assaulted, but if it's under investigation, they just ask for due process.

It starts when they have some information against you. If they are intercepting your phone, and using unreliable witnesses, it's easy for them to build castles in the air. They stop you from doing your work and you have to spend energy defending yourself.

Human rights defender Martin Sandoval was also imprisoned for more than six months before being released without charge:

We organised a hearing and 720 people gave testimony about human rights violations, in July 2008. The Government didn't like it and I was arrested on 4 November, accused of rebellion, terrorism, everything.

Once in prison, it is very dangerous for me. Statistics show that most of those who are released become targets. Everyone read in the papers when I was arrested, but not when I was cleared. I just go to my home and office now, that's it.

It is like false positives in the judicial realm. It really weakens human rights organisations: we find it hard to take on cases because we have to defend ourselves.⁶²

Sandoval's concern is well-placed. Alfredo Correa de Andreis, a human rights activist and university professor was released after a judge threw out rebellion charges. Soon after, on 17 September 2004 he was killed by presumed paramilitaries. In April 2006, a former senior security official confirmed that his agency had given paramilitaries Correa's name in a list of targets.⁶³

Stigmatisation

"When I go around in my armoured car, it helps me a bit if the paramilitaries shoot at me. But it doesn't protect me from the president."

—Alirio Uribe Muñoz, CAJAR, December 2009

Many HRDs feel that any protection provided by the government programme is more than offset by statements that delegitimise their work and encourage groups to target them for violence. In a statement following her September 2009 visit to Colombia, the Special Rapporteur on the situation of human rights defenders noted that "A prime reason for the insecurity of human rights defenders lies in the systematic stigmatisation and branding of HRDs by government officials."⁶⁴

Senior government officials, including the president, have labelled respected human rights activists as guerrillas, terrorist sympathisers, and other epithets. Such labels send a signal to journalists, police and prosecutors, and, more dangerously, to illegal armed groups. In the words of Jorge Molano, a senior lawyer recently targeted with threats, "Since we couldn't stop the Government from stigmatising us, it is an open door for people to do what they want."⁶⁵

Following international and domestic pressure to end stigmatisation, on 17 September 2009 President Uribe stated "Defending human rights is a necessary and legitimate action for democracy in a country like Colombia, which is proud to be completely open and disposed toward international scrutiny in this area."

Illegal surveillance

HRDs and other activists have experienced routine surveillance of their work. One activist from Caquetá reported that "Police are everywhere, any time there is a community meeting. When you call for a meeting, police take pictures." In early 2009 news emerged of a wide-ranging and illegal surveillance programme by the internal security agency, the Administrative Security Department (*Departamento Administrativo de Seguridad*, or DAS). The programme collected information on journalists, politicians, and many prominent human rights defenders (see box), in some cases using this information to threaten HRDs and their family members. HRDs are also frequently subject to break-ins at their offices, a form of threat and a violation of their privacy.

The DAS surveillance scandal

In early 2009 it was discovered that for at least five years the agency responsible for internal security, the Administrative Security Department, or DAS, had been carrying out extensive and illegal surveillance of human rights defenders, journalists, politicians, judges, aid agencies, and visiting members

of the Inter-American Commission on Human Rights. One memo that came to light said the purpose of gathering intelligence on human rights organisations was “restricting or neutralising their actions.” The President of the Supreme Court described it as “a very concrete criminal conspiracy that must be anchored to the upper levels.”

Among those targeted were leading human rights organisations, including *Comisión Colombiana de Juristas*, CODHES, *Centro de Investigación y Educación Popular* (CINEP), MINGA, and 41 members of CAJAR, including its director Alirio Uribe.

Trials and media inquiries have led to further revelations: In December *Semana* reported on the existence of a DAS manual giving instructions on spying on and threatening journalists and NGO activists. In February 2010, a former counterintelligence director testified that the DAS was the source of pamphlets targeting journalists, trade unionists and NGOs—and that the DAS passed on information from the wiretaps to the president’s office.⁶⁶

The DAS targeted not just organisations and professional activities but also homes and families, finances, and personal lives. Alirio Uribe described the impact:

“What happened with us is very hard—never in the history of Colombia has something like this happened. It is very hard to find out they rented an apartment in front of my house to check on my family, the movements of my wife, my children... They had keys to our apartments, and according to the files have been in my house many times.”

CAJAR took the matter seriously and worked through it together internally before taking action in Colombia and abroad:

“One thing they wanted was to create mistrust between us, within the movement. So we have to create an internal strategy to recover trust within the collective; some people wanted to leave. It touched the depth of our being: our families, our children, our work. It was really hard for us. With some psychological help, in a group and with our families, we reached something like a catharsis.

We reacted with a strategy to denounce the surveillance at the national and international level, with documents in multiple languages... We had meetings within the UN system, the international community, the Inspector General, and the Attorney General, in coalition with other NGOs. And then in the second phase, working with lawyers in other countries, we met with Canadian MPs, politicians, journalists, the US Congress and Department of Justice. We had a specific hearing at the Inter-American Commission on Human Rights.

There was a big reaction in Europe. We visited almost every country in Europe, plus the European Parliament. Many of us spent months travelling around to complain about what happened with the DAS. And we showed that the president is responsible, designing the strategy and receiving the information collected by DAS. It was very clear they wanted to eliminate us, but with this strategy we can buy some life insurance. . . We are also working on a court case, so there is a political and a judicial response.”

Gender specific threats to women leaders and defenders

As noted above, women human rights defenders face particular risks. These include sexual violence, threats against their families, and false rumours or other attacks on their character. In interviews in December 2009, several women activists described recent threats of violence against their daughters. Similar incidents have been frequently reported:

Ingrid Vergara is a MOVICE leader in Sucre. On 26 October her 14-year-old daughter was followed to school by a white car with tinted windows and no plates. The occupants of the car spoke to two children who then approached Vergara's daughter, telling her, "They want you to let your mother know that she must shut up if she wants to reach the new year" (*te mandan decir que le digas a tu mamá que se quede callada si quiere llegar a año nuevo*).⁶⁷

On 13 May 2005, human rights defender Soraya Gutierrez Arguello of CAJAR received a box containing a decapitated doll with red nail varnish painted on its body to look like blood. A note read: "You have a nice family look after it and do not sacrifice it."⁶⁸

IV. PROTECTION STRATEGIES

"No measure is perfect, especially in the middle of conflict. We are in dialogue with the authorities, because human rights are the responsibility of the State. But we are not naive. While we do our work we have a preservation strategy or what some people would call contingency plans."

—Woman Human Rights Defender, Cali, December 2009

In the quote above, a leader from the south-western region defines the protection strategies of human rights defenders in Colombia. Many years spent dealing with and documenting human rights violations have equipped HRDs with the knowledge to support people, families and social movements when facing risks.

HRDs dialogue with the authorities and demand that they fulfil their responsibilities, but they are also aware that they must be ready to deal with emergencies on their own in order to save lives. The strategies described below are diverse but interrelated. The Colombian experience shows that a single methodology is not enough, and that efforts must take place at multiple levels and in multiple areas.

Civil society protection mechanisms

Those who promote and support human rights are constantly challenged by attacks that threaten their lives, integrity and freedom as well as their work. Despite the attacks, social movements, including the human rights defenders' movement, have grown stronger during the conflict.

Colombian society has developed various direct protection plans for human rights defenders at risk including, when necessary, support to leave the region temporarily. The strategies presented below have been identified as successful because they have been effective in saving lives, and in many cases they have maintained intact the social fabric of the areas affected by the armed conflict.

The first line of defence consists of the steps that are taken directly by the human rights defenders who may be at risk in order to protect themselves. Workshop participants described some of these practices:

- rotating meeting places and avoiding routines;

- getting to know their neighbours and being well integrated in the community they live in: “The best protection is the community”;
- talking to children, spouses, friends and parents about security measures;
- avoiding keeping work documents at home, as this could put families at risk;
- avoiding drinking alcohol in public places;
- preserving the tradition of transmitting orally knowledge about protection practices and how communities protect and care for themselves. This information should not always be documented, as others could misuse it;
- analysing risks and developing self-protection, protection and contingency plans for different situations;
- being strict about the principle of distinction, which means avoiding the presence or participation of security forces or intelligence agencies in civil society activities, rejecting the propaganda and symbols of security forces in all human rights activities, and avoiding relationships with any illegal armed group, whether guerrillas or paramilitaries.

When self-protection measures are not sufficient, it is essential to have a network of support, which can accompany human rights defenders through the following strategies.

Direct protection through fellowships (pasantías) and ‘maintenance’: If a HRD or their family members must temporarily leave their area for a different city, they receive a monthly financial contribution in the form of a fellowship. These fellowships are initially for three months but can be renewed for up to six months if the risks continue to exist and an extension of the fellowship would help protect the life and integrity of the HRD and ensure continuity in their work. The HRD may develop economic projects to support his or her family, and would also receive the support of a local organisation where they can work and build their knowledge.

Temporary relocation abroad (international fellowships or temporary refuge): If an individual cannot return home or stay in another city in Colombia, some protection programmes allow for a stay of up to one year outside the country. When the HRD returns to Colombia, he or she would also receive support for a further three months.⁶⁹

Education and training: Teaching HRDs to design and implement self-protection, protection, and emergency response strategies. Through workshops, meetings and assessments, HRDs learn to formulate detailed protection plans, design media relations strategies, and develop their capacities to speak effectively about the issues they work on. Along with legal mechanisms for protection, they may also decide to use spiritual practices of protection such as those used by indigenous and Afrocolombian groups, women leaders, or rural and urban social networks.

Accompaniment: In the face of humanitarian crises, situations of risk, demonstrations for peace and human rights, HRD networks provide support to individual organisations and arrange visits by national and international HRDs to different parts of Colombia. This support, in some cases, includes advocacy work with local authorities.

Psychosocial, medical and therapeutic support: Assistance focuses on all aspects of the human being affected by violence: physical and mental health, emotions, and family and social relations. HRDs, women leaders, and their families receive attention

through individual meetings, accompaniment and workshops, including instructions on the use of medicinal plants and acupuncture to manage trauma caused by human rights violations. One human rights defender commented “Psychosocial support for HRDs is well-received, as it allows us to address the subjective human being: emotional crises, fear of returning to where we have fled from, and how to deal with the return home. Because fear can debilitate organisations.”

Advocacy: Human rights organisations and journalists advocate with government institutions to prevent attacks on HRDs and to secure guarantees of protection for people, organisations and social movements. They work with national human rights platforms on national and international actions that focus on protection. In order to do this, they gather information on high-risk situations and attacks that HRDs face. They have contacts with mechanisms like the Rapporteur for Freedom of Expression of the Interamerican Commission on Human Rights, the UN Special Rapporteur on the situation of human rights defenders, the diplomatic corps and UN agencies present in Colombia.

Coordination

“Working together is the first rule of protection . . . We see networks as a protection mechanism. We designed our protection plan as a network, with lots of organisations from different sectors.”

—Human rights defender, December 2009 workshop

Like-minded organisations have come together in coalitions or platforms (plataformas) organised around common agendas, to seek greater impact and greater protection when working on sensitive issues. The organiser of one of these platforms explained: “We made platforms important because we made them trusted mechanisms for concrete and accurate information. This allows us to be effective.”

Over 900 groups have come together in four platforms: the Alliance of Social and Like-Minded Organisations, the Permanent Civil Society Assembly for Peace, the Colombia-Europe-United States Coordination Group and the Colombian Platform for Human Rights, Democracy and Development.⁷⁰

An umbrella organisation (*Techo Común*): In 2004, at a meeting of the Colombian human rights platforms and international networks, the idea emerged of bringing together, under an umbrella organisation, the four platforms mentioned above in order to better articulate agendas and mechanisms to improve international advocacy on human rights and peace. The discussion produced consensus on the state of human rights and peace in the country as well as a joint action agenda that included advocacy topics, approaches, scenarios, and a coordination mechanism between the four secretariats. The discussion also identified issues on which consensus was not possible, and planned further discussion. They meet annually to agree on a new agenda.

The *Techo Común* has received recognition by the Government and the international community. For example, the platforms coordinated a comprehensive and credible report for the Universal Periodic Review of Colombia before the UN Human Rights Council.⁷¹ The *Techo Común* also offers an important space to interact with local authorities—according to members, government officials paid greater attention to human rights issues when raised under the auspices of the *Techo Común*. In addition, the process brings an interdisciplinary approach to the analysis of human rights, and the different approach which each platform brings result in a more integrated point of view.

Coordination within civil society, through both the *Techo Común* and the platforms,

contributes to the protection of those involved. A large number of organisations come together in support of sensitive positions, raising the political cost of actions against them: it is more difficult to attack 900 organisations than one. An organiser commented in December 2008: “We believe we would not be alive and our organisation would not exist without this coordinated response. To raise the political cost of attacks and killings, this is what we did.”

There have been difficulties in working together on such an ambitious scale, including lack of coordination between local and national levels, or insufficient clarity on how the platform or the umbrella organisation function. At times it has not been possible to agree on a common vocabulary to drive the *Techo Común* concept forward at the local level, making joint projects difficult.

International Campaign on Human Rights Defenders in Colombia

The National and International Campaign for the Right to Defend Rights is a striking example of collaboration between local and international organisations to improve protection. The campaign was launched in September 2009 by organisations concerned that armed conflict “has not only resulted in greater stigmatisation of social and non-governmental organisations, but has also increased an environment of hostility characterised by waves of assassinations, forced disappearances, sexual violence, death threats, raids and the theft of sensitive information.”

The campaign aims to bring sustained and coordinated pressure on the Colombian Government to achieve positive, lasting and significant change. It stands out for its high level of coordination and clearly articulated goals. More than 125 organisations from Colombia and 21 other countries have signed on, and launches and other events have been held throughout the world.

The campaign carries out advocacy on five focus areas, with specific recommendations for each of them:

- impunity in cases involving HRDs;
- misuse of state intelligence against HRDs;
- systematic stigmatisation of HRDs by government officials;
- unfounded criminal proceedings brought against HRDs;
- problems with the protection programme.

The campaign is too new to demonstrate impact, but is a promising model that HRDs in other countries may want to emulate. It is important to note that the campaign was possible because Colombian organisations were already well organised and active within networks in the US, Europe, and Latin America.⁷²

Finally, the Working Group on Women and Armed Conflict (Mesa de Trabajo Mujer y Conflicto Armado) is another form of networking for protection. Made up of organisations and individuals that work on women, human rights, conflict and displacement, the working group has worked since 2000 to increase attention to violence against women in the context of the internal armed conflict. The group holds trainings and workshops, collects information, and submits annual reports to the UN

Special Rapporteur on violence against women and other international mechanisms. The working group also provides direct support to women in conflict and advocates with government and non-government agencies to provide more medical, psychosocial, and other responses to the specific forms of threat that WHRDs face.⁷³

Increasing or decreasing visibility

HRDs have established extensive networks within Colombia and abroad that they can use to distribute electronic alerts and to organise advocacy tours. Martin Sandoval, president of the Arauca branch of the Permanent Committee for Human Rights, explained at one workshop: “What we did was increase the visibility each time someone was threatened. At the end of the day local authorities feel all these threats don’t reflect well for the department. Threats have not disappeared but they have diminished.” Sandoval himself was arrested and spent months in prison before being released. He explained the importance of international visibility before and after his release:

Before the arrest we had some international links. It was part of a strategy: we knew sooner or later we would be arrested, and would need a quick response. So [after the arrests] we got attention in the German parliament. British and Canadian parliamentarians and trade unionists came to Arauca, which put pressure on the local authorities. Our release was 50% due to these people.

My protection is my tour abroad. The [Inter-American Commission on Human Rights] ordered protective measures but they have not been implemented. But I don’t want a bodyguard: my security is my European tour. The army and police call me very day now to make sure I’m okay.

At the same time, the high level of violence sometimes requires that HRDs decrease their profile for their own security and to make sure the work of their organisation can continue. One HRD explained, “We have to think about not abandoning human rights work, but how to do it without risking the lives of leaders.”

For this purpose, some HRDs have created horizontal structures, distributing responsibilities within the organisation as a protection measure. Some rural organisations in the northeast have horizontal structures, with more than 100 leaders of equal authority. When a leader has to leave certain tasks for a period of time another person is fully capable of replacing them.

At the workshop in Cali, one HRD explained, “Government protection is for the individual. But we believe the victim is the whole organisation hit by the threat or killing. So what we do is have a meeting and release them from their responsibilities a bit and give them to other people.”

A participant at the Bucaramanga workshop provided a similar example: “ACVC and Fedegromisbol were attacked and prosecuted, and so on. But they maintained a very horizontal structure. So if one is killed or arrested, the others could carry on. This was so important. In ACVC the whole board was put in jail or exile, but they were prepared for this and others were ready to take over, so they kept going and getting results.”

State protection

In 1997, after the assassination of the human rights defenders Mario Calderón and Elsa Alvarado, a group of NGOs presented a letter to the Government calling for protective measures to allow HRDs, trade unionists and social leaders to carry out their work, preserving their lives and their organisations.

The international community's support for the HRDs' demands was essential in the difficult context of Colombia. In 1997 the Colombian Government signed an agreement to establish an office of the UN High Commissioner for Human Rights (OHCHR) in Colombia.

At the end of 1997 civil society and the national Government came to an agreement and created the Government Programme for the Protection of Human Rights Defenders and Trade Unionists, coordinated by the Ministry of the Interior to protect "people who are in a situation of threat to their life, personal integrity, security, freedom or other areas related to the internal conflict in the country." A Risk Evaluation Committee (*Comité de Reglamentación y Evaluación de Riesgos*, or CRER) assesses security conditions for each group and can provide bullet-proof vests and cars, bodyguards, or other protective measures for individuals at risk.

In 2009, the programme was allocated more than US\$47 million. In the same year, the programme reported to have provided 778 "hard" protective measures, such as armoured cars or bodyguards, and 12,039 "soft" measures such as cell phones and plane tickets, to over 10,000 recipients from the groups covered by the programme.⁷⁴

The programme is governed by laws and decrees regulating the degree of risk and threat to be covered; eligibility for protection measures; time limits; the creation of a Risk Evaluation Committee for each category of protected person; rights and duties; duration of protection; precautionary measures to be adopted; and, criteria for the suspension or withdrawal of measures.

Five years after its establishment, the programme was evaluated by a commission that recommended various structural changes to improve the assistance to beneficiaries. However, the recommendations were not taken on board by the authorities.

It is rare for a state to provide protection for human rights defenders, and this deserves recognition. The programme provides a positive model due to the participation in each committee of representatives from the specific group to be protected, whether journalists, trade unionists, or human rights defenders. An official from the Ministry of the Interior explained: "An essential element is that the decision-making committee includes representatives from state, government, and civil society. This is very important to guarantee the trust of civil society. It was constructed jointly, as a challenge for the state supported by civil society."⁷⁵

However, there are two main flaws in the protection programme. The first is that the Government consistently fails to implement the policy measures that would reduce and prevent threats by addressing their root causes. A civil society member of one of the Risk Evaluation Committees explained: "We can't forget the state is responsible... It does not address the root cause, because the risk is from the state."

The second problem is the participation of the DAS, the security agency revealed to have been carrying out surveillance of the personal and professional lives of many human rights defenders. Their role in the risk-assessment and protection raises serious concerns that they may be using information gathered through the programme in a manner that increases the risk of prosecution or violence by the Government or paramilitaries. A HRD in Cali explained "The protection plan is a doubled-edged sword: there is risk and protection. The Government gets information from the process too, so the protection is not integral. We have to negotiate the use of this programme."

In 2006 an independent commission evaluated the responsibilities of the DAS and recommended ending the agency's role in offering security to specific categories of people, such as members of the Congress, human rights defenders and social leaders.

In response to these recommendations, in 2008 the Government started to design a proposal for private security companies to carry out the protection scheme.

Members of affected communities rejected this plan for a number of reasons. First, the protection of people facing extraordinary or extreme risks is entirely the responsibility of the state. As a result, they maintained, any alternatives to the DAS must also come from the state. Second, there was concern about the capacity of private companies to provide adequate security: private bodyguards have limited ability to react in an emergency, they lack human rights training, and may have been part of the groups that now threaten the very HRDs they would be protecting. Third, it is unclear what mechanisms of evaluation and monitoring of abuses or irregularities by a private company would be in place. Finally, there were concerns about the freedom of the protected persons to choose their preferred form of security.

Protection Guarantees Roundtable (Mesa de Garantías)

In order to secure effective protective measures from the Government, the human rights movement is engaged in a process called the Protection Guarantees Roundtable, whose history demonstrates the importance of coordination between Colombian civil society and the international community. In 2007 the four human rights and peace platforms began a dialogue with the national Government to formulate the National Action Plan for Human Rights (NAPHR), but in April 2008 they decided, they decided to suspend the process due to serious intimidation and threats to HRDs.

The platforms made the continuation of the dialogue around NAPHR conditional on changes to the guarantees of protection offered by the Colombian state. This strategy was proposed to the Government in November 2008 and on 30 April 2009 the National Protection Guarantee Roundtable was officially created.

The guarantee process works through a national board and regional roundtables responsible for evaluating the risk context of HRDs, agreeing on protective measures and protection policies, monitoring respect of the commitments made, and creating procedures to deal with specific threats.

One hoped for result from each public hearing was the establishment of the corresponding Protection Guarantee Roundtable in each territory. By June 2010, 13 of the planned 14 public hearings had taken place but Regional Protection Guarantee Roundtables had not been established in all departments.

The national roundtable includes government institutions, delegates from civil society including the platforms, social sectors, and representatives of the international community, such as OHCHR, the UN Development Programme (UNDP), and the Swedish and Spanish embassies.

Results of the Roundtable process

Identification of threats: Over the last two years, analysis of the risks faced by HRDs in each region has allowed for the identification of some national patterns, such as:

- the strong impact of speeches by senior government officials, including the President, stigmatising human rights defenders;
- impunity that affects HRDs in two ways: on the one hand, the slow pace of investigations on complaints made by HRDs and, on the other hand, the remarkable speed of investigations against HRDs, the majority of which are unfounded. HRDs are then often found innocent and released, but only after having spent long periods in detention;

- the existence of armed conflict, the restructuring of armed factions, and an increase in urban violence;
- the general lack of protection for dissent, opposition, or asserting one's rights.

Follow-up mechanism: to apply the system of guarantees on the ground and to contribute to the adoption of this policy by the authorities, the public hearings in Bogotá, Cauca and Santander proposed the holding of local protection guarantee roundtables in each of their territories. Based on this proposal the authorities have only been able to develop the subregional protection guarantee roundtables in Cauca and Santander.

In other regions (Antioquia, Atlántico and Valle del Cauca) civil society felt that the conditions were not in place to establish a permanent dialogue on guarantees. In some regions organisations laid out prerequisites to establish this mechanism, such as an improvement in the security situation of community leaders and HRDs.

Agreements: Through this process, civil society has proposed numerous actions at the national and local level. The majority of the commitments agreed to by the Government refer to functions they are already legally required to carry out, such as carrying out investigations and human rights education for the armed forces. However, many of these commitments have not been fulfilled in the agreed time frame.

Furthermore, the commitments made do not meet HRD expectations of policy change. Instead, they represent one-off actions that will not produce the real, positive change in the adverse political environment in which human rights defenders carry out their work.

Lessons learned: The hearings have been a learning opportunity for HRDs as well as government officials. The decentralisation of the process to the regional level has demonstrated that local authorities can respond immediately to attacks, or can even prevent them by exercising their authority correctly.

Civil society at the national and local level has expressed the importance of support from the international community in the guarantee processes. This includes support from the UN through OHCHR and UNDP, which also acts as technical secretary for the process, as well as embassies of G24 countries, in particular Spain and Sweden.

In spite of the many drawbacks of the process, both the Government and civil society have found some positive value in preventative actions to deal with the security forces.

However, if the process is to advance, the Government must effectively implement what has been agreed, while protecting all of those who participate in the roundtables from threats and intimidation.

Public opinion as a protection mechanism

In 2005, a group of human rights NGOs analysed HRD relations with the press, and the difficulties they were having in getting their message across and increasing recognition within the country.

They identified a fundamental concern that is still present: how to reduce the risk that HRDs face after statements by public officials who consider them to be “friends of terrorism,” “plain clothes terrorists” or “enemies of the country who go abroad to talk about false positives or about abuses of democratic security when 80% of the population here support current politics”.

In dialogue with editors and journalists, HRDs identified various obstacles and challenges facing HRDs vis-à-vis the media, namely: 1) the difficulties of dealing with an evolving and dynamic media agenda; and 2) overcoming highly polarised public opinion that often associate the issues raised by HRDs with insurgents. In addition, journalists themselves are often the target of baseless prosecution and violence.

The group concluded that it was necessary to improve relationships with opinion leaders, editors and journalists and, through them, to reach out to larger sectors of the Colombian population in order to influence public opinion and move it in favour of peaceful and democratic solutions. Since 2006, social organisations, human rights NGOs and victims' movements have taken initiatives to bring the press closer to the work of HRDs and build a safer environment through publicity and visibility.

Increasingly, analytical articles, video clips, community television and radio, and press visits to the region highlight the situation of vulnerable organisations and the work of HRDs on a variety of themes: women and the right to make decisions about maternity and sexuality; the Afrocolombian communities; drug trafficking and armed conflict; disappearances, through statements from mothers looking for their sons and daughters "disappeared" and killed by the military; and the daily battles of LGBTI activists, trade unionists, lawyers, journalists and other HRDs who work for justice for victims.

Human rights web sites create networks of relationships with other Colombian organisations and international institutions. These spaces are a meeting ground and provide tipping points for protection, highlighting organisational alliances and supporting social movements. This practice dissuades possible attacks and protects organisations by showing political impact beyond the local and national level. As one participant in a workshop observed: "The women's network has seen that electronic communication is an important low-cost tool. The use of websites to publish the results of national and regional findings keeps the organisations informed and brings groups together around a common agenda."

Increasingly creative radio and audiovisual production allows for formats and languages tailored to the local situation. In addition to exploring everyday life through transmission of messages within the community and local cultural expression, this communication is a powerful tool for building an alternative view to what can be found in the mass media, and a significant catalyst of public opinion in the service of social mobilisation.

An important example of this phenomenon is the virtual community *Nación Invisible* on the website of the magazine *Semana*.⁷⁶ Since February 2008, the *Nuevo Arco Iris Corporation*, *MINGA* and *Somos Defensores* have organised a non-traditional media space to tell the country and the world about the lives and the dignity of victims, including human rights defenders. Reaching out to other audiences via this medium is an opportunity to win over more people in favour of human rights and peace.

Working with the press is a form of protection, informing people about what victims do and overcoming indifference. A better informed population is more likely to support proposals, demonstrations, and legal actions that help HRDs, victims' movements or social leaders. And it will be more critical of a single version of the truth, and of attacks on HRDs.

Press visits

Effective communication can serve as a protection tool, building bridges between human rights organisations and the media to influence public opinion and elevate the profile of human rights defenders. *Somos Defensores* and *Oxfam GB* are trying to connect the media with the harsh realities of affected

communities, which many Colombians are only partially aware of.

During 2009 they organised three press visits to Nariño, Cauca and Chocó, introducing social movements of indigenous, Afrocolombian and peasant activists working in areas with significant military and economic interventions such as African palm megaprojects and coca and timber plantations, where the right to life is threatened by all parties to the conflict.

These press missions give the media the opportunity to go into the communities and talk to leaders, developing sources to verify the information they get from government and military press releases. At the same time, HRDs can improve their communication skills, and give the public a more complete picture of the human rights situation in the country.⁷⁷

Empowerment of victims to seek justice

Organisations involved in MOVICE have facilitated protection workshops, leading to a handbook on protection (*Cartilla de Protección*) and regular bulletins reporting on recent incidents.⁷⁸

The protection of victims, including psychosocial support, is essential to increase the number of public statements and complaints that lead to prosecution of those responsible for state crimes. Strategies in this regard include:

- promoting recognition of victims and survivors of state terrorism as legal subjects, historical witnesses, and active participants in the political life of the country. Preserving and rebuilding the historical memory helps ensure that the crimes against humanity committed in the past will not occur again;
- entering the realm of political debate. Victims develop a public voice, increase their access to the media, and win over the conscience of urban middle classes;
- seeking justice: organising victims, ensuring legal approaches to deal with criminality, coordinating the efforts of human rights lawyers, documenting attacks, reconstructing the truth, documenting cases and making specific demands to the Inter-American Court and the International Criminal Court;
- organising the victims is very important, and it is now even more important since the law to protect victims, provide reparation and guarantee their rights, proposed in 2008, has not been adopted. Because no law exists, since 2008 various organisations and victims' movements have been exploring other ways to ensure victims are recognised, such as obtaining decrees or agreements, or other possibilities at the local level.⁷⁹ Bogota was the first Colombian city to adopt a public policy recognising victims;⁸⁰
- reporting those who threaten HRDs and victims through official complaints and the press. Communication strategies to discuss what happened can clarify the facts and help elaborate on the suffering of beloved ones;
- protection of the victims also requires support for their psychosocial recovery and emotional protection.

Cultural protection strategies of indigenous and Afrocolombian peoples

"We consider protection from a diverse ethnic, cultural, and gender related

point of view. We develop protection practices for indigenous and Afrocolombian peoples to stabilise life. For us individual life does not exist. It is a collective, on the land, with traditions, with the guidance of our elders and the rhythm of our peoples.”

—Workshop participant, December 2009

The Indigenous Guards: The Kiwe Thenzas, or Guards of the Land⁸¹

The elders and spirits of the indigenous peoples have defended and looked after the land as an ancestral duty. Holding the batons of authority, they became guardians of the land, known since ancient times in the language of the Nasa indigenous as “Kiwe Thenzas” and today called the “Indigenous Guards”. Their objective is to be vigilant, to control, protect and defend the land, coordinating with traditional authorities and the community, therefore being guardians of life, promoting and defending rights.

Today the Guards are present where the conflict and violence is at its worst. The first proposal to establish officially the Indigenous Guards was in 1994, at the Cauca Regional Indigenous Board Congress (CRIC), attended by delegations from different indigenous peoples in the Cauca region, including the Nasa, Kokonuko, Totoroez, Yanakonas, Misak, Epararas and Siapiraras. The Indigenous Guards were officially established in the Northern Area of the department in 1997, and were later extended to different areas of the Cauca and embraced by other indigenous peoples of Colombia.

The Indigenous Guards are part of a process of peaceful resistance and survival of indigenous people on their land, based on natural law, the exercise of their own rights, and articles 7, 330 and 246 of the Constitution. The Guard is made up of men and women who serve the community voluntarily. Their only protection is a wooden staff that is a symbol of authority and defence and is respected by the community. A Guard carries out messenger duties between the authorities and indigenous communities. They travel through the territory, visit communities, are present when there are problems in the community, and develop mediation plans to resolve conflicts. When a community leader has to travel to other areas at risk, the Guards accompany them in a group of 5-10 people. Embassy staff, UN representatives, and national social organisations have also been accompanied by the Guards.

The Indigenous Guards coordinate with all communities to develop protection strategies, in which they focus not only on defending movements with their wooden staffs but also in spreading the message globally to rally conscience, resistance, solidarity, unity and action.

Some indigenous traditions are shared with other organisations. One activist in Cali explains: “The government protection strategy is military. We need integral protection that is psychosocial and spiritual as well as physical. For example we received a threat, and indigenous friends did a ritual for protection, which gave us strength. The next day we could be more relaxed to design a strategy of protection.”⁸²

Protection of Afrocolombian peoples⁸³

In the Pacific coastal region the land is the basis for relationships, environmental sustainability and co-existence with bio-diversity. Given such natural riches, the population has been subjected to pressure and dispossession of their lands, aggravating the war and spurring the rise of the guerrillas.

Historically, with state complicity, the land has been seized from peasant communities and black or indigenous ethnic groups, initially by landowners and later by industrial agricultural projects. In the last two decades, land has been taken by agents associated with mining, timber, coca growing and biofuels and other large projects.

Communities resist displacement while on their land. When dealing with forced displacement, they try to return to the dignified living conditions they enjoyed prior to relocation, forming protection plans and education plans, filing complaints, and coordinating with human rights organisations on monitoring visits. The protection methods of the Afrocolombian peoples on the Pacific coast include:

- organisational tools, such as the seven environmental territorial management plans and six internal regulations created by Black Community Councils with the support of the New Holland Fund–ECOFONDO;
- training in governance so that community councils can govern themselves as a form of self-protection and defence of territory in the face of external factors;
- complaints to and dialogue with humanitarian bodies and national institutions, such as the vice-president’s office, so that armed groups, guerrillas, paramilitaries and the police leave villages and areas protected by international humanitarian law;
- capacity-building in rights, international humanitarian law, governance, protection and self-protection, supported by national human rights organisations;
- strengthening of regional coordination through community councils and social organisations to hold thematic meetings and actively participate in the Humanitarian Protection Board of Cauca;
- providing timely and relevant information to the national and international community about situations that threaten the lives of communities and their leaders, in a way that they can act quickly on several levels;
- arranging visits of observation delegations to the areas with national and international human rights organisations and agencies, including United Nations bodies;
- participation in local and national fora that address situations affecting the peasant, indigenous and Afro-Colombian communities and development of prevention plans.

ZIMBABWE: AUTHORITARIANISM AND RESILIENCE

I. INTRODUCTION

The Zimbabwean human rights community has been through a difficult decade, as an authoritarian government veered into economic collapse and political crisis. In 2008, fearing a loss at the ballot box, President Robert Mugabe unleashed security forces and a range of proxy groups to intimidate voters and attack perceived opponents.⁸⁴ Violence was especially intense between a 29 March 2008 Presidential vote, in which President Mugabe came in second, and the run-off on 27 June. Mugabe won the run-off following a campaign of intimidation and the withdrawal of his opponent under protest.⁸⁵

In September 2008 international pressure mounted and the ruling party, the Zimbabwe African National Union–Patriotic Front (ZANU-PF), reached a power-sharing agreement with the two factions of the opposition Movement for Democratic Change (MDC). Implementation of this Global Political Agreement (GPA), including a process to draft a new constitution, began in February 2009. The security and economic situation has since begun to stabilise.

At the time of Front Line's visit in September 2009, human rights organisations were pessimistic about whether this environment would hold. Most were taking advantage of the improved climate to carry out advocacy, civic education, and outreach, even in parts of the country that were unsafe just months before. For many, however, the situation felt like a lull between storms. Past experience has shown that any perceived threat to ZANU-PF's power, such as the coming constitutional referendum or new elections, could unleash a new round of repression. Militias, security forces, and other instruments of repression remain in place or are easily reconstituted.

Some groups had made the decision not to participate in what they see as a stacked constitutional process. Several HRDs also expressed fears that the regime would target them for their activities and statements during this period of relative openness. They felt that HRDs should, therefore, be using the time to improve security and protection in anticipation of a coming crack-down, particularly in rural areas, where protection mechanisms are weakest.

A member of a group in Bulawayo told Front Line "Overt, open violence seems to have subsided. But the threat is very real because the system is very much still in place. Nothing has actually changed as far as threats are concerned." A colleague added that "one is not sure that there won't be greater violence. We have the liberty to do things that we could not before, but that means our vulnerability has increased. They have records of what we are saying and doing."

By late 2009 the situation appeared to be deteriorating. Security forces once again abducted MDC activists and detained members of non-governmental organisations, and the MDC began boycotting cabinet meetings in October due to the continued prosecution of senior MDC official Roy Bennett and other actions the party viewed as inconsistent with the power-sharing agreement. The MDC later rejoined the cabinet meetings, but the fundamental problem remains: ZANU-PF refuses to fully implement the agreement by genuinely sharing power and dismantling its intimidation apparatus.

In an authoritarian climate marked by violence, surveillance, and uncertainty, HRDs have adopted flexible strategies that draw on the support of their communities, each other, and the international community.

II. HUMAN RIGHTS DEFENDERS MOST AT RISK

"If the sun sets and I am at the bus stop, then I am in danger."

—Human rights defender, Matabeleland South

The primary targets of the ZANU-PF are political activists of the MDC. But because the ruling party sees the human rights community as the support structure for the political opposition, HRDs become targets as well. One HRD reported "We are identified with the cause of our clients. I have been told I am exceeding the bounds of lawyering. To them, we are MDC activists."

HRDs are also targeted directly for their work in support of human rights. Their effectiveness in the courts and in advocacy at the international level constrains the ruling party's ability to operate without regard for domestic or international law. Much of the risk originates in the ruling party's manipulation of laws and institutions. The machinery of the state, in the form of police, military, and prosecutors, can be used against HRDs at any time, while armed militia groups are allowed to act with impunity. At the same time, the Zimbabwean brand of authoritarianism is chaotic and inconsistent. Shadow security services reportedly operate outside of the official chain of command, and there have been conflicts between police and military. As a result, anyone can be a victim of violence by state and non-state actors.

As in Colombia, the Government views a broad range of activities as threats and thus the definition of HRDs must be flexible enough to accommodate a range of actors. One Zimbabwean activist explained that: "A broad definition of human rights defender must be applied to the Zimbabwean situation. So many people are involved in human rights work around the election but are not necessarily human rights professionals. For example, electoral observers and poll agents are a possible target, and have been in the past." Some chief categories of HRDs at risk include the following:

Protestors

Several organisations and coalitions employ public protests to apply pressure for change. Women of Zimbabwe Arise (WOZA) notably uses protests to demand better education and health services, as well as freedom of association and expression. Its members are frequently arrested or dispersed with force. Lovemore Madhuku of the National Constitutional Assembly (NCA), a non-governmental organisation that campaigns for constitutional reform, described the risks faced by those who participate in public protests: "Police were taking videos and arresting people only hours later. There have been people who died months after due to the injuries suffered. Members, including myself, have been beaten up and have suffered injuries, including broken bones. Often protests could not even take place because leaders and organisers were arrested before they were scheduled to take place."

Rural and small-town activists

Zimbabwean civil society organisations often have extensive networks of volunteers in both urban and rural areas. Groups like Zimbabwe Election Support Network (ZESN) and Zimbabwe Human Rights Association (ZimRights) have thousands of members around the country.

Such a strategy increases civic engagement and aids in information collection, but can also expose to risk people who often lack the training and resources to remain safe. One HRD working in a rural area explained "We are lone officers and isolated. I am the messenger, the secretary, the field worker. There are lots of risks: a visitor knocks, you say come in, and he attacks you. No one comes to your rescue quickly, or at all. There's no computer to send an e-mail, and the land-lines are off. If you are lucky that day, you have money on your cell phone."

Human rights lawyers

Despite their domestic and international advocacy networks, even human rights professionals in the major cities of Harare and Bulawayo have been abducted, prosecuted, and threatened. Lawyers providing legal representation for other HRDs and opposition figures have been arrested themselves. One HRD saw attacks on lawyers as a strategy, saying “It looks like a deliberate attempt to intimidate lawyers and make us afraid. If a lawyer is arrested, what hope will we have?”

For example, in 2009 the Government prosecuted prominent human rights lawyer Alec Muchadehama and his colleague Constance Gambaraw for securing the “unlawful release” of a journalist and two MDC officials earlier that year, even though a judge of the High Court had ordered the men released on bail. After a court acquitted Muchadehama on 10 December 2009, he decried the use of prosecution to attack critics of the Government, describing the Attorney General’s office as “an extension of the President’s Office.”

Coincidentally, Muchadehama was acquitted on 10 December, which is Human Rights Day. That same day, the leading human rights organisation Zimbabwe Lawyers for Human Rights (ZLHR) delivered a petition demanding that all three branches of government address human rights abuses, including the abductions of activists. The petition stated:

Lawyers in private practice have been victimised and harassed after being identified with the causes of their clients. They have, during the last year (as in previous years), frequently been arbitrarily arrested, detained and maliciously prosecuted on allegations of ‘obstructing or defeating the course of justice’. No such prosecution has resulted in a conviction, reinforcing the perception that lawyers are being persecuted rather than legitimately prosecuted.⁸⁶

Trade unionists

The Government has long been hostile towards labour activists due to their role in organising protests, and because the MDC originated partly in the trade union movement. In February 2010, the offices of the General Agriculture and Plantation Workers’ Union of Zimbabwe (GAPWUZ) were raided by police and the President and Assistant Secretary-General were arrested following the publication by GAPWUZ of a report on farm workers and human rights violations committed by the authorities in the context of the land reform programme.⁸⁷ Police arrested the President of the Zimbabwe Congress of Trade Unions (ZCTU) and four colleagues in November 2009 for holding an “illegal meeting” under the Public Order and Security Act (POSA). As in many arrests under the act, a judge later threw out the charges.

This arrest, part of a series of arrests of HRDs in Victoria Falls that month, follows a pattern of mass arrests of trade unionists in recent years. For example, in September 2006 police arrested the top ZCTU leadership, a dozen of whom reported being tortured in custody, and hundreds of union members. Police arrested fifteen more trade unionists in December 2008. Many of the arrests were in response to labour demonstrations against ruinous economic policies.⁸⁸

Journalists

In recent years the Government has banned foreign journalists and used the Access to Information and Protection of Privacy Act (AIPPA) to shut down any Zimbabwean media outlets it sees as independent or critical of the Government. The Government cracked down on the media, as it did in many other sectors, between the 29 March 2008 presidential vote, in which President Mugabe came in second, and the run-off on 27 June. Police detained at least 15 foreign and Zimbabwean reporters and media workers in this period, some of them under provisions of the AIPPA that were no longer in force.⁸⁹

The 15 April 2008 arrest of journalist Frank Chikowore demonstrates the risk to journalists and the arbitrary character of the judicial process in Zimbabwe. Originally arrested for lacking the necessary accreditation under the AIPPA, Chikowore was able to show that he was accredited. The authorities then modified the charges to “public violence” in connection with a bus that had been burned that day. A judge granted Chikowore bail after more than two weeks, but a few days later police arrested one of his lawyers, Harrison Nkomo, on charges of insulting the authority of the president.⁹⁰

In another prominent case, at the end of 2008, Anderson Shadreck Manyere, a freelance journalist, was among those abducted and tortured at the same time as human rights defender Jestina Mukoko (herself a former journalist). It was Manyere’s release on bail that in turn triggered the baseless prosecution of his lawyer, Alec Muchadehama. Manyere was arrested again in March 2010 at a WOZA demonstration, ostensibly for not being accredited. There is currently no functioning regulatory body providing accreditation, which gives the police an excuse to arrest and harass journalists at will.

Because only a small percentage of Zimbabweans have regular access to newspapers, television and especially radio are especially important sources of information. These electronic media remain almost completely under ZANU-PF control, leaving much of the population ill-informed and subject to propaganda and intimidation.

Students

Zimbabwean students have played an important role in the growing unrest in the face of unpopular government policies. In recent years they have organised demonstrations against school fees, forced evictions and poor social services delivery. As a result, they have been subject to frequent arrest and mistreatment. In one example from June 2007, Beloved Chiweshe, the Secretary General of the Zimbabwe National Students Union, and Munjodzi Mutandiri, the former Students’ Union President of Chinhoyi University of Technology, were traveling by car when they were forced to drive to Southerton Police Station. The two were then driven in a pick-up truck to a sewer outlet and forced to drink the contaminated water. They were then made to do 83 press-ups for “President Mugabe’s age” and 27 for “Zimbabwe’s sovereignty”. The police took their belongings.⁹¹

III. TYPES OF THREATS AGAINST HUMAN RIGHTS DEFENDERS

“Human rights defenders face a number of violations: arrests, court cases, and harassment when things are good. When things turn for the worse, it is abductions and torture. Although people say things are better now, the wave of abductions was just about eight months ago. It is too early to say if the situation is really better. Now there’s a little bit less fear, we are moving away from the worst, but things could easily turn nasty again at any time.”

—Lovemore Madhuku, National Constitutional Assembly, September 2009

Physical violence

President Mugabe and state security forces have shown their capacity for violence against the Zimbabwean population on a number of occasions, including the Gukurahundi military campaign against ethnic Matabele of the 1980s, and Operation Murambatsvina in 2005, which forcibly cleared informal workers from the cities and towns. Allied civilian groups like the ZANU-PF youth wing and the War Veterans’ Association have also used violence against white commercial farmers and opposition politicians.

It is not surprising that such violence has also been used against human rights defenders. Examples from recent years include the violent arrest of trade unionists in 2006 and the brutal attack on church, civic, and opposition leaders on 11 March 2007. Human rights organisations were among those targeted for physical attacks during the height of the violence in the period between the presidential elections in 2008. The director of one NGO told us “in 2008 we were really under attack. We couldn’t work at the office in fear of abduction and raids.”

At the end of 2008, security agents tortured Jestina Mukoko from Zimbabwe Peace Project (ZPP) while she was in their custody. In her statement to the Harare High Court, Mukoko stated:

I was tortured. At first I was assaulted on the soles of my feet with a hard rubber object, while I was sitting on the floor. Later I was told to raise my feet to a table, and then everyone in the room started assaulting me. They took a break for a while, then started beating me again. And beatings continued every few hours. The men were always visibly drunk, many of them with bottles of liquor in their hands.

Threats of violence are also frequent occurrences. One HRD explained that anonymous callers are often indirect, asking “do you have enough security at home? Today you should hire armed guards.”

A HRD in Midlands province described a threat linked to a case he was working on: “I was assisting a victim of election violence to claim for damages. His house was burned down and his property destroyed. The ones who assaulted the victim visited my office to threaten to assault me, only in words: they did not perform the act. They are likely to come back, because the case is still in process. When the judgment comes, I am likely to be in for it.”

Abduction, enforced disappearance, and arbitrary detention

HRDs can be held for lengthy periods without charge, bail, or access to lawyers or family. It may take days or weeks just to determine a detainee’s location. Even when courts act to protect the rights of detainees, their orders are difficult to enforce. Prosecutors often invoke provisions such as Section 121 of the Criminal Procedure and Evidence Act to suspend bail orders granted by the courts. And police simply refused to comply when judges ordered the release of lawyers Alex Muchadehama and Andrew Makoni and the provision of medical treatment for Jestina Mukoko in 2009, among many similar cases.

The December 2008 abduction and arbitrary detention of 43 political and NGO activists, including Jestina Mukoko and two other staff members of ZPP (Broderick Takawira and Pascal Gonzo), is very much on the minds of the human rights community. Many prominent activists, although accustomed to a certain amount of risk, felt protected by their networks and reputations. Mukoko’s abduction came as a shock to the human rights community, which may have been its purpose. Approximately 15 armed men thought to be state security agents took Mukoko from her home by force early in the morning of 3 December 2008. Police denied arresting her and told the Harare High Court they considered the case a kidnapping. For 19 days she was kept blindfolded, until her captors brought her to the Matapi Police Station.⁹²

HRDs agreed that police arrested people to cut them off from support networks. A Bulawayo activist explained “It is authoritarian. You get arrested, you spend two or three weeks without being charged. The trick is to hide you for a week while lawyers don’t know where you are.”

The detentions continue. In October 2009, as the political agreement became increasingly precarious, police detained the chairman and chief executive of the National Association of Non-Governmental Organisations (NANGO) for two days on commonly used charges of holding an illegal political meeting. The day after their release two officials of the Zimbabwe Election Support Network were arrested on the same charges after holding an election workshop.

The abduction of Jestina Mukoko: “I just want to be allowed to do my work”

Jestina Mukoko: “In the run up to the June 2008 elections I felt at high risk. But this was December, and heading into the festive season, and I didn’t see it coming. There was a report of abductions of MDC supporters in Mashonaland West, which I commented on for Voice of America. Little did I know I would be joining them!

I was abducted from home, around 5:00 in the morning. I was asleep. They told me to become a state witness or become extinct. They brought false charges of recruiting people to train in Botswana to overthrow the Government.

The day before I was abducted I presented a paper that quoted figures on rape. I remember being interrogated on this later: where did you get your numbers? How did you get that accurate information?

They didn’t know we had international support. One officer said “You must be running a very effective organisation. It seems your organisation is known throughout the world.” I was really surprised... He changed his whole attitude towards me, and even smiled.

I need to speak of the support from Zimbabwe Lawyers for Human Rights, against all odds. I can’t describe how I was feeling when I saw [ZLHR director] Irene Petras standing there. It was the festive season. They could have been with their families... You feel everything is lost and then see a support system. I was thinking no one would represent me because I hadn’t talked to anyone. I didn’t even know I was going to court that day until I got there. Then I saw Irene and smiled. They were a lifeline for me.

The charges remain: I have challenged the constitutionality of my abduction and detention in the constitutional court, which was heard by the full bench of the Supreme Court... We were all tortured, and the state did not dispute that our rights were violated, but the judgment was reserved. So the July 20 trial was only postponed. I am trying to get my passport back. They held it as part of my bail conditions, and I can’t travel.

Are we safe? We are continuing our work, and we do it with a passion. I just want to be allowed to do my work. We are not harming anyone: it is a non-violent method for containing political violence.”⁹³

Unfounded prosecutions

Prosecutors may eventually charge HRDs with offenses against public order, holding illegal meetings, or similar crimes, often with trumped-up evidence. For example, following her arbitrary detention, Mukoko was charged with recruiting fighters to overthrow the Government despite a lack of evidence. HRDs noted that certain prosecutors are known for bringing unfounded prosecutions, while others are reluctant to proceed with them.

HRDs whose cases are underway must report weekly, turn over their passports, and remain within a certain radius. Even if a court grants an acquittal, pending appeals can put HRDs at risk of a return to prison or the courthouse. In Mukoko's case, a court agreed that her rights had been violated but reserved the judgment. As a result, her criminal trial was only suspended, not dismissed, and her passport remained confiscated. Finally, in September 2009, the Constitutional Court granted Mukoko a permanent stay of prosecution and found that the State had violated her right to be free from torture. Jenni Williams and Magodonga Mahlangu of WOZA are in a similar situation:

The case went to the Supreme Court, where the full bench said we had been unjustly imprisoned and the police should be held to account. They promised a ruling within the week. But the moment must have passed, and there has still been no ruling. We can be rearrested at any time, and we know that if it goes to trial we will be convicted. And if we are re-arrested, we will be denied bail, and held for at least two or three weeks. This is already affecting our activities. It amounts to punitive measures by prosecution.⁹⁴

Stigmatisation

Senior officials and government-controlled media frequently label human rights activists as subversives and tools of the western colonial powers. These charges make them vulnerable to attack by groups allied with the Government and damages their legitimacy in the eyes of the public. The charges also undermine some strategies commonly used by HRDs in other countries, such as protective accompaniment or appeals to foreign governments and the UN. Such a strategy makes the voices of other African governments, notably South Africa, even more important, and their silence has been particularly harmful.

Government officials also accuse NGOs of being advocates of gay marriage (homosexuality remains illegal in Zimbabwe). This use of "sexuality baiting", in an attempt to discredit the movement as a whole, particularly harms HRDs working to promote lesbian, gay, bisexual, transgender and intersex (LGBTI) rights. One activist explained: "Sometimes, the government media link MDC to homosexuality as a way of discrediting them in the eyes of the public, and it is in this context that the GALZ [Gays and Lesbians of Zimbabwe] comes up. This has the effect of exposing GALZ to more risks as it is dragged into the political struggle."

One HRD told Front Line "If you go through the state media there is a strong onslaught against human rights organisations, often by name... As a human rights defender I can't say the worst is over. We are likely to experience more violence." In 2009 there were several signs that the Government might increase its rhetorical attacks. Jonathan Moyo returned to ZANU-PF and is assumed to be taking on some of the propaganda functions he once carried out as information minister. While in that post during the last constitutional process in 2000, Moyo helped enact harmful legislation such as the Access to Information and Protection of Privacy Act (AIPPA), used to restrict the media, and the 2001 Public Order and Security Act (POSA), used to detain demonstrators, human rights defenders, opposition figures, and many others.

President Mugabe's rhetoric against human rights organisations

As in Colombia, senior officials of the Government and the ruling party frequently make statements attacking human rights defenders. In Zimbabwe, most attacks link NGOs to Western governments in an effort to undermine their work. Such attacks also make some protection strategies used in other countries, such as building international pressure or protective accompaniment

by foreign volunteers, less likely to be effective in Zimbabwe. Most dangerously, the statements signal to both government security forces and civilian groups linked to the ruling party that human rights defenders are an appropriate target for threats, harassment, and violence. For example, at a July 2009 conference in Uganda, President Mugabe said of NGOs:

"I don't know whether this creature is for the better or for the worse, but in our country we have seen a situation where they have exceeded, really, their terms of reference and perhaps we might have to reconsider the advisability of having NGOs."

Then, in September 2009, President Mugabe made a speech to the ZANU-PF Youth League, which he is expected to deploy as a source of support and possible violence in any upcoming elections. He accused "these creatures called NGOs" of being counter-revolutionaries and called on the Youth League to be ready to act:

"We must be ready for the elections. What happened last year with people selling out should not happen again. We rely on the Youth League, as the vanguard of the party. You are full of blood and vigour. We recruited people of your age during the war. Your role is to fight to defend our independence."

Surveillance

As with many authoritarian regimes, surveillance is a common feature of life in Zimbabwe. It is unknown to what extent the Government is monitoring phones and emails, but many activists assume this is common. They also report that government agents frequently come to their meetings, events, and offices, in some cases impersonating clients, in others announcing their presence. According to an activist in Bulawayo "The main challenge we face is surveillance. Security personnel are always present at our public meetings. They also come to private workshops. They simply announce themselves and sit. It is often the Law and Order section of the police."

Many organisations maintain information on human rights violations and are concerned about efforts to obtain or destroy this data, from email surveillance to cruder efforts such as burglary. One HRD told Front Line "A week before an international team came, they stole my computer. They opened the windows and took only a laptop and a memory stick. It was backed up, but the information was very sensitive."

Organisations also get suspicious calls, ostensibly from other agencies asking about their plans and programmes. State agents pose as clients, or infiltrate the organisation, in an attempt to collect information or undermine their work. At least one organisation has had problems with their own board members, while another has been having problems with a founding staff member:

We are constantly under surveillance and under threat, we have received several warnings from the security guys. But the most serious threat is coming from within the organisation... Many organisations have had such people. But if you are a big organisation they cannot destroy you, they just get information and send it out. There are strong structures. But we are just a few years old and he is taking advantage of the organisation.

With connections to a senior official in the ZANU-PF, the man is too powerful to fire. A local HRD from Matabeleland South province shared her experience of suspicious people pretending to be clients:

There are anonymous callers, or they come in person, but don't give correct details. When you ask for identification, they say they lost it. Their manner is such that you understand they want to analyse the way we give information. One man came recently and claimed that he had been the victim of false arrest. He told us he bribed the policeman, but felt cheated and wanted his money back! I sent him away, and later saw him assisting in security at a political event.

Another HRD from Midlands Province described the current climate:

Now things are okay as long as you do not talk politics. However, there is constant surveillance. The Central Intelligence Office (CIO) is regularly present at workshops. The latest example is a workshop with chiefs and community leaders. A person came and introduced himself as from the Government and remained in the room taking notes, to see if anything political was said.

Threats against livelihood and family members

Several HRDs reported threats to family members or visits to their home: "The problem of visits to your home is very troubling—it affects your whole family." Even human rights defenders with security protocols and equipment at the office felt vulnerable at home. One explained "In a case like Jestina Mukoko, they let you go home and in the middle of the night they pounce on you."

Many human rights lawyers are also employed by private firms, and their clients or partners may be pressured into firing them or restricting their activities. One senior lawyer reported "Many corporate lawyers won't work with me, and some clients will desert you." A faith-based human rights organisation had the same problem: "Our chair is a bishop in his church. They threatened him without result, so they went to the head of the denomination and told him to chuck him out as bishop. He decided to leave, with his title, to focus on this work."

Restrictions on freedom of association, assembly, and expression

HRDs must contend with the 2002 Public Order Security Act's restrictions on the freedom of assembly. They are often charged under the act with holding illegal political meetings. POSA is often used as a tool to silence critics in the short-term, with the majority of charges later dropped or thrown out by the courts. A review of nearly 2000 arrests under POSA over five years found that only 260 cases went to trial, producing only four convictions.⁹⁵

Under section 27 of the act, the Government banned political rallies and protests for three months in 2007.⁹⁶ Even after the ban was lifted, police continued to detain protestors on related provisions. For example, police arrested two ZLHR lawyers and eight WOZA members on 10 February 2009 and charged them with participating in a gathering with intent to promote public violence or breaches of the peace. The court acquitted them in May 2009.⁹⁷

Authorities may also refuse permits for a march, or intimidate venues into shutting down access. One activist who organised events in rural areas explained "We'll go to the venue for a meeting and the caretaker is gone and the place is locked up. They don't threaten us, but that person."

A Bulawayo organisation gave an example of the harassment:

In 2007, two of our members were arrested in Matabeleland North, under the Public Order and Security Act for holding unauthorised public meetings. They were sentenced to 12 months imprisonment, but the sentence was suspended. A similar episode happened to another member in Victoria Falls.

He informed the police of the meeting, but the venue was changed at the last minute. The police charged him under POSA on the basis that he had not notified the change of venue. The trial is still pending.

When we seek permission for a public meeting, 80% of the time the permission is granted. When it is refused, this is either due to the issue raised or to the speakers invited and how outspoken they are. When the police want to refuse permission, they often find excuses such as that the application was filed late, or that the person in charge is absent.⁹⁸

The harassment can be effective. One major organisation told Front Line “We used to also organise protests. However, we are not doing it now to avoid arrests and harassment. Now we are not in a position to cope with the consequences, including paying bail or providing food to the protesters arrested.”⁹⁹

Another 2002 law, the Private Voluntary Organisations Act (PVO Act), allows for excessive government scrutiny and onerous registration for NGOs. The Government regularly threatens to bar foreign funding or de-register organisations that are critical of the Government, although they have yet to follow through on the threat. In 2008 they ordered all NGOs, including those doing purely humanitarian work, to “suspend all field operations until further notice”, ostensibly for violations of the PVO Act.

Even while harassing legitimate NGOs, the Government is forming its own supposedly non-government organisations. The Government recently created the Southern Africa Development Community NGO Forum to get the “true story of Zimbabwe out.” The Secretary-General is the prosecutor responsible for most of the legal actions against HRDs.¹⁰⁰ Other organisations have sprung up mirroring legitimate associations of doctors or teachers. In combination with repressive laws that could shut down independent organisations, HRDs are concerned that these fake NGOs could try to dominate the civic landscape during the next elections.

IV. PROTECTION STRATEGIES

Zimbabwean authoritarianism is marked more by the violent absence of the rule of law than by a predictable iron-fisted approach. Security forces often carry out detentions without warrants, and in some cases outside of the official chain of command. At the same time, low-ranking police may become sources of information and assistance, and even senior officials provide warnings of danger, though it is sometimes unclear if the intent is to help or threaten. And because the violence is so indiscriminate and widespread, police or soldiers may appreciate the work of a service organisation that provided legal, medical or psycho-social assistance to a family member.

The resulting environment can often be navigated using care, connections, and quick thinking, but it remains unpredictable and dangerous. According to one HRD “For now we can work, but we may be chased away. There’s no guarantee even if you negotiate safe passage... They may wake up one day and decide to crack down. You can’t write a perfect protection plan, and every incident is different. So we’re very much flying by the seat of our pants.”

In addition, unlike those working in the transition and conflict countries in the study, Zimbabwean HRDs work in an environment with no effective government protection or redress. They must rely on themselves and on the international community. The abduction of Jestina Mukoko showed the high level of risk HRDs face, but also demonstrated a sophisticated use of a combination of strategies by HRDs, including legal advocacy, publicity, and psychosocial care. The Harare workshop and interviews

identified numerous strategies, including the following.

Security planning

Because of the unpredictable security environment, it is both challenging and essential for organisations to devise and adapt their protection strategies. One HRD explained “We got some training from Front Line in November 2006 and have started to share it. In August 2007 there were abductions, and we retrained ourselves on protecting yourself in your home, for example... One member was arrested, and we immediately alerted people so that they would not be an easy target. We check up on each other, and keep watch for suspicious behaviour. Security is inculcated in everything we do.”

In some cases, HRDs have installed security equipment, and trained all staff members on office security. The most prepared organisations were careful to keep cell phones charged and programmed with emergency contacts. However, other offices were not as secure due to lack of resources or inadequate security planning. Manuals and training are available in Zimbabwe, but not all organisations were familiar with them or committed to their use.

One human rights defender described how they reacted following the 2008 abductions: “The experience we went through made us realise there was an issue of security. The review was open to everyone in the organisation, then the nitty-gritty was in a smaller group. It helped us open up, get together, and share our experience under the state.”

The inclusion of the whole organisation in the process helps increase the level of both information and preparedness. One organisation with a strong security orientation explained “We deal with security in the staff meeting, every day if needed... The meetings make sure staff are responsible for their own safety.”

Some organisations felt training on what it means to be a human rights defender was an essential element in protecting the organisation and its members. WOZA’s Jenni Williams explained:

I can tell you that we are 100% committed to the UN protocols on human rights defenders, namely universality and non-violence. We have disciplined members for it, and we are known for it. Individual members can join parties in their own capacity, but not the top leadership. They know that we are human rights defenders for social justice issues, not challenging political power. The non-violence discussion helps with arrests. The police tell us ‘we know you never try to harm us.’

Policy advocacy

Even though they are contending with an arbitrary and undemocratic regime, human rights defenders continue to engage the state in an effort to improve conditions. Examples include:

- lobbying parliament to improve the deeply flawed legal framework, including elements such as the Public Order and Security Act (POSA) and the Criminal Procedure and Evidence Act;
- working within the constitutional process to improve protection of the rights of women and sexual minorities, as well as freedom of expression and association and other rights that HRDs exercise in performing their work;
- ZLHR’s Human Rights Day petition, which called on the executive, judiciary, and legislative branches to ensure respect for the rights of lawyers to carry out their work.¹⁰¹

HRDs also challenge laws through civil disobedience, such as WOZA's efforts to fight restrictions on freedom of assembly by publically protesting. In the abovementioned example, in February 2009 WOZA held a Valentine March, in which over 600 women passed out flowers and called on the inclusive government to "choose love over hate" and to prioritise access to food, health, and education. The police responded with excessive force and arrested eight protestors.

Publicising attacks and other international advocacy

Because the print and broadcast media are largely state controlled, HRDs must use limited independent media and the internet to raise issues or correct falsehoods in the government press (though some choose to ignore it). They also use online advocacy networks to put out alerts when HRDs are at risk. One participant at the workshop felt that "most human rights defender lives have been saved because of publicity."

Because the perpetrators of attacks are often militias or security forces acting without clear legal authority, it can be effective to let them know that their identity or presence is known: "In August 2007 a member of our organisation was abducted and we got the information to lawyers right away: the offices, the vehicle, the time, and place. Presented with the details, they released her."

The international campaign for Mukoko began within hours of her abduction. Although it took weeks to get her released, she reported that her captors told her "You must be running a very effective organisation. It seems your organisation is known throughout the world." As a result, she said "He changed his whole attitude towards me, and even smiled." Some other examples of international advocacy include:

- on 23 November 2009, U.S. President Barack Obama presented WOZA member Magodonga Mahlangu with the Robert F. Kennedy Human Rights Award in Washington, DC. Mahlangu told reporters "In Zimbabwe we are enemies of the state, we've been arrested over 30 times, one magistrate called us 'incorrigible unrepentant criminals', but there we were in the White House lifting the human rights award";¹⁰²
- human rights organisations and HRDs also approached the African Commission on Human and Peoples' Rights, and its Special Rapporteur on human rights defenders in Africa. The Commission is charged with promoting and protecting rights, interpreting the African Charter on Human and Peoples' Rights, and considering individual complaints. Organisations like ZLHR and the NGO Forum have raised complaints, requested fact-finding missions and submitted petitions on key human rights issues such as extrajudicial killings, freedom of expression, association, assembly and forced evictions. As a result the African Commission has issued open statements and appeals to the Zimbabwean Government or sent communications to officials such as the Minister of Justice.¹⁰³

Building social solidarity

"Our strategy is to make sure our activists know that they are not alone. The world is watching, and on the streets we can have solidarity in numbers."

—Magodonga Mahlangu, WOZA, Bulawayo, September 2009

Because the state offers no protection and the international community has only limited influence, many HRDs turn to their community for support, including other HRDs as well as their neighbours. Such an approach also holds potential to address the great challenges of improving protection of rural activists who lack the communication, transportation, and advocacy networks of their colleagues in the urban centres.

Several HRDs made a point of educating their neighbours about their work to improve

the warning and alert system near their homes and offices. WOZA explained that they “trained our neighbours to call our colleagues, or the police, and to be as factual as possible: this car, this person, and so on.” This type of information can help track down detainees hidden in the security apparatus. As noted above, confronting security officials with this information can sometimes be enough to gain the detainee’s freedom.

One HRD saw a suspicious car parked outside his office with several men in it one night. He asked colleagues from several other organisations to drive past the car to show that they were aware of its presence. In another example, after receiving a threat, the head of one organisation called for all his relatives to come to his home, and “seventy people came to his place—it resembled a funeral.”

Zimbabwe’s traditional leaders play an important role in their communities, especially in rural areas. Many have been either marginalised or politicised under the Mugabe regime, but one group is working with traditional leaders, and sees them as an important potential ally for the protection of human rights in general and local activists in particular: “We are training traditional leaders in human rights and trying to depoliticise them, teaching them leadership and democratic participation, reviving values they had but were forced to abandon.”

Coordination

Several NGOs in Harare provide specialised expertise in legal assistance or counselling and medical care to victims of political violence, and they refer clients to each other.

If HRDs are arrested, these networks also provide a coordinated response, organising legal assistance, alerts, and material assistance. Human rights organisations provide a support system, bringing food to prisoners in remote prisons and their families. However, such assistance takes place on an ad hoc basis, often falls short of the demand, and severely taxes an organisation’s budgets and time.

Because the churches play such an important role in Zimbabwean life, they have been an important actor in the struggle for human rights. Prayer meetings and marches are not safe from repression or violence, but they may offer a small degree of protection. One church leader explained “The Church was left out of repressive measures like POSA or media laws. So it became a railroad for civil society. We can go around restrictions in the legal framework.”

Using strength in numbers, HRDs sometimes travel together to the field. Some groups are exploring the strategy of sharing office space so that HRDs in remote areas are not as vulnerable to attack and detentions or acts of violence are more rapidly reported.

Use of language

Risks can be reduced, but not eliminated, through carefully selecting language and advocacy strategies. This is true in most countries, but in Zimbabwe there is the added factor that the Global Political Agreement provides a thin but serviceable umbrella.

One activist explained “Part of the reason we seem not to be under threat—and I say seem—is that we chose elements adopted by the Government of National Unity, such as peace-building... No one wants to be seen as antagonistic to the healing and constitutional process. But we are still facing resistance, especially in the rural areas.”

Sometimes security requires curtailing geographic coverage or the issues they cover. One HRD working in a rural area explained the situation, being careful not to mention any political parties by name even in a private conversation: “When we address topics like the declaration of human rights, politicians criticise us for politicising people. In one area we have party A and party B. If the councillor is from party A, we have a

problem. I'm criticised for bringing awareness to people. Party B is okay. I have no fear working in their area. But if in party B's area people are aware of their rights, and in A's area they remain ignorant, that is a great challenge."

A colleague added "in the rural areas, people live in fear of being labelled, visited at night, and tortured. This affects me in that I have to choose topics carefully, and I focus on family law and just mention human rights in passing. For example on birth certificates, I say that every human being has the right to register their birth, and here is the process for doing it. But to approach it as a human right, I reserve not to do that."

Legal representation and advocacy

Organisations like ZLHR provide lawyers to detainees to fight their prolonged detention. Once the HRD's detention has been confirmed, which can take days or weeks, lawyers can sometimes arrange for medical treatment, as well as file *habeas corpus* petitions or other legal challenges. Sometimes a legal victory comes in the end, other times, for the sake of principle, lawyers will "litigate even when we know we will lose."

However, many cases are based on weak evidence or misapplication of the law, and legal counsel can eventually convince the courts to acquit. As noted in the December 2009 ZLHR petition, the prosecution of lawyers who assist other activists and MDC members has rarely led to convictions.¹⁰⁴

CONCLUSIONS AND REVIEW OF BEST PRACTICES

Human rights defenders in each of the three countries examined faced many of the same dangers. There was a troubling use of the criminal justice system to harass and intimidate HRDs. Government officials stigmatised HRDs, seeking to delegitimise them and increasing the likelihood of violence against them.¹⁰⁵ HRDs experienced violence, threats, and surveillance. And, in each country, the perpetrators of crimes against HRDs enjoyed impunity, encouraging further attacks.

As a result, human rights defenders adopted a similar set of strategies to either protect an individual at risk or to improve the overall security environment for HRDs. These strategies include:

- security planning at the organisational level;
- coordinating advocacy with other HRDs;
- pressuring governments to provide protection;
- creating non-governmental protection mechanisms;
- international advocacy;
- lobbying the government to change restrictive laws;
- relocation within the country and, when necessary, evacuation abroad.

Some threats were specific to the country in question, such as efforts to incorporate restrictive Islamic laws into local regulations in Indonesia, prosecutors operating out of military bases in Colombia, and abductions by state agents in Zimbabwe. In each country, however, HRDs also tailored their strategies to respond to the unique types of threats they faced:

Indonesia is ten years into a transition that has brought greater democracy and better human rights protection. But the period has also been marked by the persistence of impunity and the continuing application of old laws that punish critics of the Government or of powerful individuals. New threats, such as religious extremism, anti-terrorism measures, and abuse of criminal defamation charges have emerged as well.

HRDs have used the transition to work with the democratic space available, pushing for changes to the laws and working with government institutions. They have struggled to advance transitional justice by organising victims to become advocates. They have identified emerging threats and identified legal and advocacy strategies that can reduce, though not yet eliminate, them. Finally, they have developed forms of coordination, such as national HRD conferences and a new consortium of HRD-focused NGOs, to improve both official and non-government protection of human rights activists.

In **Colombia**, decades of conflict has created a different set of challenges: proliferation of armed groups, displacement, polarisation, a strong executive, and a compromised justice system that exposes HRDs to baseless prosecutions. In response, human rights defenders have developed uniquely strong civil society coordination, as well as sophisticated international advocacy with a range of partners overseas. With these twin sources of pressure they have gained important government concessions,

including an official protection programme. They have also been able to push back against stigmatisation of HRDs by public officials. To respond to a political culture that can prioritise security over human rights protections, HRDs work with the media and the public to build support for HRDs and their issues.

Even following a power-sharing agreement, **Zimbabwe** carries the authoritarian hallmarks of torture, surveillance, and an oppressive legal framework. In response, HRDs have adopted flexible strategies that draw on the support of their communities, each other, and the international community, while maximising caution and confidentiality. Despite the challenges, they have not abandoned strategies of legal defense and have won the release of their colleagues and a gradual improvement of the human rights situation.

The countries in the study each represent only examples of countries in conflict, transition, or authoritarianism. Two countries in **conflict** may have very different risk profiles, depending on the intensity of the violence, the impact on civilians, and the geography of the country and of the conflict itself. A conflict may consume a country, as in Somalia, or be largely confined to certain areas, as in Sri Lanka. HRDs working in a conflict zone will require protection strategies to deal with direct exposure to violence, such as protective accompaniment, negotiation with parties to the conflict, or relocation. Activists outside the immediate zone of conflict may need to carry out policy advocacy to contend with militarisation, polarisation, and restriction of fundamental freedoms and international access, even in more democratic societies.¹⁰⁶ If the conflict is localised, HRDs are more likely to be able to relocate within the country, and continue their work in some form.

The term “**transition**” generally refers to a period following large-scale human rights abuses, but this phenomenon also takes many forms. It may refer to a period following the dismantling of authoritarianism, as in much of Latin America or the Former Soviet Union, to a post-conflict situation, as in the Balkans, or to the adoption of majority rule, as in South Africa. Each situation poses different challenges, but will contain some common elements, such as political deal-making with former power-holders, weak institutions, perpetrators of past violations working to undermine accountability measures and a population marked by some level of trauma, militarisation, or restriction of their rights. If perpetrators of past human rights violations feel threatened by the possibility of prosecution, and possess the ability to carry out violence, the risk to HRDs can remain quite high despite democratisation.

Protection strategies in transition countries are likely to include some form of collaboration with emerging democratic institutions, organising and working with victims, and obtaining the support of the international community. In Albania, a human rights organisation, “took advantage of the unique political moment provided by the post-communist transition” to work with the Ministry of Education to bring human rights education to every public school. In Brazil, a human rights organisation has helped train more than 30,000 policemen in human rights, a large scale effort similar to Kontras’ local collaboration with police in Indonesia, described above.¹⁰⁷

Authoritarian governments also vary widely, and strategies will depend on the amount of democratic space available, the degree to which the rule of law is manipulated or ignored altogether, and whether the government is at all concerned about legitimacy in the international community. Authoritarian countries may be susceptible to pressure from some countries more than others, or may be wholly resistant. Some non-traditional actors, such as churches or mosques, may be an important ally.

Human rights defenders remain at risk across the spectrum of authoritarianism, as the high casualty rate in places like Uzbekistan and Russia demonstrates. Russian HRD

Tanya Lokshina recently described the challenge of working in an environment that remains oppressive, but is better than it once was: “In a sense, it is easier, strategy-wise, to be opposed to a full totalitarian regime than it is to try to counter a more sophisticated, strongly authoritarian one. There is some freedom. How do you explain to people what exactly they are lacking?”¹⁰⁸

The chapters above list the specific threats to HRDs in each country, and the strategies they have developed in response. The following table summarises that information, with particular attention to the features relevant to each type of country (transition, conflict, and authoritarian):

Nature of Threats	Strategies
INDONESIA (transition) <ul style="list-style-type: none"> • Conservative elements obstruct accountability and reform • Stigmatisation of activists as communists or separatists, labels that still resonate from authoritarian period • New threats have emerged or worsened, including restrictive local laws and criminal defamation charges • More human rights violations by police as they take over responsibility for internal security from military • Activists feel more secure, leading them to disregard threats or intimidation that may lead to violence • stigmatisation of HRDs by government officials 	<ul style="list-style-type: none"> • Take advantage of increased democratic space: use legislature and courts to address HRD cases and root causes • Seek back-up from government authorities, including independent commissions and security officials • Organise victims to push for accountability for past crimes • Identify and respond to emerging threats, such as criminal defamation charges, restrictive local regulations promoted by religious groups, and counter-terrorism measures • Coalitions around specific issues and cases • mobilize domestic and international pressure to stop rhetorical attacks and to recognize the legitimacy of HRDs in laws or decrees.
COLOMBIA (conflict) <ul style="list-style-type: none"> • Armed groups pose threat to HRDs • Polarisation and mistrust within civil society and between NGOs and government • Massive displacement: community leaders must deal with risks of leaving, resettling, and returning to contested land • Strong executive, as conflict is used to prioritise law and order over respect for human rights • Militarisation, such as prosecutors based in military garrisons 	<ul style="list-style-type: none"> • Demand state protection from armed groups • Build strong civil society coordination to gain government concessions • Mount international HRD campaign to address root causes • Build public support for HRDs and their issues • Create non-government protection mechanism to provide training, relocation, and advocacy
ZIMBABWE (authoritarian) <ul style="list-style-type: none"> • Absence of rule of law allows arbitrary arrest and prosecution • No official mechanisms for HRD protection • Unpredictable and quickly changing environment • Violence against rural political activists and HRDs 	<ul style="list-style-type: none"> • Build public support from neighbours and colleagues • Publicise attacks and other international advocacy • Assess risk regularly to deal with changing security environment • Keep fighting in courts despite obstacles and arbitrary actions
All <ul style="list-style-type: none"> • Lack of accountability for attacks on HRDs • Stigmatisation (as terrorists, separatists, communists, Western agents, etc.) • Gender-specific threats against WHRDs • Criminalisation of criticism and dissent 	<ul style="list-style-type: none"> • Build domestic coordination on cases and policies • Raise profile of attacks on HRDs • Carry out international advocacy to build external pressure • Create and revise security plans • Relocation and evacuation (as a last resort)

RECOMMENDATIONS

This section reviews some of the best practices that emerge from the cases studies in the chapters above. It also incorporates input provided by participants to the 5th Dublin Platform, Front Line's biannual conference for human rights defenders.¹⁰⁹ Best practices are presented in the form of recommendations addressed to human rights defenders, governments and the international community.¹¹⁰

I. TO HUMAN RIGHTS DEFENDERS

In addition to the specific examples and details of strategies described in the country chapters, some broader recommendations emerge that human rights defenders can adapt to their own context:

Create and review a security plan: Regular assessment and planning is essential to deal with changing political conditions (as in Zimbabwe), or high levels of threat and violence (as in Colombia), or emerging threats (as in Indonesia). In Zimbabwe, for example, many HRDs reviewed and improved their office and personal security practices after the high-profile abduction of a number of HRDs in December 2008. Security plans may include, for example, procedures to alert friends and colleagues in case of imminent risk, using different vehicles and routes each day, informing others of their itineraries, and installing cameras and security gates.¹¹¹

The most effective processes involve the entire organisation, to increase the level of information and preparedness. One HRD in Zimbabwe explained “We deal with security in the staff meeting, every day if needed. Different staff members have different information: the security guard who is ex-police, or our financial guy hears stuff at the bank... The meetings make sure staff are responsible for their own safety.” During periods of high risk it may be necessary to meet more often, decreasing frequency when the situation improves.

Although many organisations rely on their extensive experience and respond effectively in an *ad hoc* manner, the process of developing and revising a formal protection plan can be extremely beneficial, preparing all staff to respond to threats when they occur. One participant at the 5th Dublin Platform described the need for “a continuum of protection from the workplace to the home”: a mix of personal security measures at the house, security protocols at the office, and connections to international networks for support.

Planning can help provide a menu of options that can be quickly implemented as needed while HRDs are traveling to the field, at the office, transferring or storing information, or holding meetings. In several of the workshops Front Line held with local partners, a debate emerged about the value of raising or lowering a human rights defender's profile in response to death threats. There is rarely a single solution: the appropriate response depends in each case on the seriousness of the threat, the likelihood it will be carried out, and the resources available. Because each situation is different, it is essential that HRDs have access to two things: 1) a process to evaluate the risks they face and the possible responses they may choose from and 2) the networks and resources to carry out whatever strategy they choose, such as relocation, publicity, or official protection measures.

Employ multiple strategies: Successful outcomes often require a combination of strategies. Many HRDs stressed the importance of combining publicity, a legal approach, and advocacy with decision-makers. On some issues, domestic pressure

may be sufficient. For more difficult issues it can be essential to bring both domestic and international pressure, for example by involving foreign embassies, regional bodies, or international NGOs in advocacy efforts. Taken together, these efforts all reinforce the collective result of elevating the political costs of attacking HRDs or of failing to protect them.¹¹²

Having several strategies available also helps protect HRDs when any one practice is a double-edged sword. For example, in Colombia the Government introduced a protection programme for HRDs at risk, but it also used the programme to conduct surveillance on them.

Take advantage of democratic space: In each of the three countries there was some room to work with legislators or executive branch officials to intervene on cases and to improve laws and policies, although this option was more limited in Zimbabwe. Indonesian HRDs can turn to official commissions on human rights and women's rights, witness protection schemes, and elected representatives who can hold hearings, make inquiries, and pass legislation. In Colombia advocacy by HRDs has led to a variety of government programmes, such as the protection programme of the Ministry of the Interior, the Human Rights Ombudsman, and a human rights unit in the Attorney General's office. There is however, still significant room for improvement in the performance of these programmes and in building confidence between NGOs and the Government. In Indonesia, the Government has yielded to pressure from human rights groups and is discussing a bill on the protection of human rights defenders. Even in Zimbabwe, the power-sharing agreement has opened some opportunities to push for better protections for HRDs, such as through the constitution-drafting process.

At the Dublin Platform, participants reinforced the need to engage even those governments that routinely violate human rights, in order to establish information channels with law enforcement agencies, human rights institutions, and members of parliament, and to bring about change in the longer term. For example, in Guatemala, a Committee was formed between the HRD network UDEFEGUA and government attorneys to monitor the cases of HRDs. Appropriate information channels with friendly elements from within state institutions may be vital in obtaining early information about the possible targeting of defenders, and reacting accordingly.

However, it is essential to remember the shortcomings and dangers of government initiatives, as the Colombian experience illustrates. Similarly, a Peruvian participant at the Dublin Platform warned that to have security provided by the state itself was "to have the enemy at home," and that information gathered by the programme was used to accuse HRDs of crimes. As countries like Indonesia consider government protection mechanisms, they might consider taking the best of the Colombian experience, such as participation by protected groups in the implementation of the programme, while incorporating stronger safeguards concerning the role of security forces in risk assessment and provision of security.

Challenge impunity: An essential element of raising the political costs for attacking human rights defenders is to improve accountability for crimes against them. This is a major challenge in all three countries of the study and in many countries around the world. In Indonesia, for example, the killing of at least 15 HRDs during the transition period, including the extrajudicial execution of Acehese activists and the fatal poisoning of the leading human rights lawyer Munir, remain largely unresolved. Most human rights defenders see the resolution of the Munir case as their best form of protection against future attacks, and have mounted a coordinated campaign at home and abroad to ensure that those responsible are punished.

One of the strategies that has emerged from the study is the transformation of victims into human rights defenders, such as MOVICE in Colombia and JSKK in Indonesia. Such a strategy empowers victims and builds support in society for an end to impunity, but also raises protection concerns for these activists, who are confronting powerful perpetrators, at times without the experience and networks of more established activists.

Work together: In the words of one Colombian HRD, the key to an effective response to threats is this: “Unity, unity, unity.” By working together through formal organisations such as the *Plataformas*, HRDs were able to adopt a common message and to gain concessions from the Government. The Protection Roundtables, government-civil society dialogues held throughout Colombia on HRD protection, emerged as a result of well-coordinated advocacy: international pressure encouraged the Government to develop a national human rights action plan, while coordination by domestic groups forced the Government to address concerns about HRD security *first*. The process has yet to produce tangible results, and in some areas groups declined to participate due to lack of security. However, the process demonstrates the benefits of forming a united front combined with international pressure.

Participants at the Dublin Platform recommended that NGOs build coalitions, using joint actions and statements to speak with a single voice whenever the human rights of a HRD are violated. Such coalitions can help reduce fractionalisation within civil society that can be exploited by the government. Cooperation may take the form of temporary issue-specific coalitions, as in the case for the Munir campaign in Indonesia, or more formal associations, such as the Colombian *Plataformas*. Another model used in Central Asia to strengthen physical protection is the creation of “human rights houses” which bring several organisations together in the same building to increase their visibility and security.¹¹³

Create a non-government protection mechanism: A national NGO body can help to strengthen HRD protection, regardless of whether a government programme exists. Such a body could, for example, assess the risks faced by individual human rights defenders, suggest security measures that could help, or coordinate to obtain the necessary resources for legal assistance, relocation, etc. The appropriate form may vary depending on the nature of the threat and the available resources. Such a mechanism could be a stand-alone organisation if there is sufficient funding and expertise. There are also successful models created as an initiative of one or more existing NGOs such as *Somos Defensores* in Colombia. In Kenya some organisations have established close cooperation and divided tasks among themselves, each of them looking at a different specific aspect of HRD security; through this system they are able to provide assistance to any HRD at risk in the country. If there are not sufficient resources—or unity—among NGOs to create a stand-alone organisation or a formal partnership, it may be useful to create a simpler forum for communication and joint advocacy without the capacity to provide resources for physical protection directly. Such a forum could still mobilise resources from outside, including from international organisations, on a case-by-case basis. The needs of local HRDs should determine the format, and the decision to create such a body at all.

Participants at the Dublin Platform recommended the creation of national level protection and security training units, such as an urgent reaction centre to act as a clearing house for information and offer legal assistance. In addition to the examples discussed above, since 2004 the Unidad de Defensores y Defensoras de Derechos Humanos de Guatemala (UDEFEGUA) has helped at-risk HRDs and their organisations prevent and respond to security threats through education, monitoring and mental health support. They also advocate for protection by government institutions and the international community.

Early warning systems and rapid response networks: Participants at the 5th Dublin Platform also stressed the importance of early warning systems. Gathering accurate and fast information, and reporting it to the police and the international community, can greatly contribute to the security of HRDs. Noting the early signs of deterioration of the situation of HRDs, or of an individual HRD, provides the elements to make an accurate risk assessment and design appropriate strategies. Such information also helps to secure an appropriate reaction by local institutions or partners abroad. In one example, an organisation in Serbia, the Lawyers' Committee for Human Rights (YUCOM), is developing the culture of reporting systematically all threats and attacks against human rights defenders to the international community, the press, and the police. Their electronic publication informs 200,000 subscribers in Serbia and around the world about emerging human rights cases and issues, including the situation of HRDs.¹¹⁴

There is also great potential in the use of new social networks and tools, such as Twitter, Facebook, SMS networks, and digital video, to be in permanent contact with each other and share information in real time. In Egypt, for example, HRDs use Twitter to log incidents against HRDs immediately, and alert colleagues and the broader human rights community.

Build support in the community: Organisations in every type of country worked at the most local level to gain the support of their neighbours, and at the level of society, through demonstrations, publications, and media outreach. Neighbourhood support can be a concrete protection tool. Neighbours can, for example, provide information about suspicious cars or report visits, break-ins or arrests to the HRD concerned or their colleagues. There are also examples of neighbours playing a more active role by, for example, gathering around a human rights defender's home to prevent an attempted arbitrary arrest, abduction or break-in. Support from the community can be built in many ways, such as by taking up issues of immediate relevance to them.

At the national level, public support is also a form of protection, especially in more democratic societies, and can help lead to longer term change such as repeal of oppressive laws. At the Dublin Platform, participants noted the crucial importance of reaching out to society, including intellectuals, political and religious moderates, and also people with little knowledge of human rights. Such efforts can build a wider support base and reduce negative perceptions of HRDs.

Ensure attention to women human rights defenders: In addition to the threats that all human rights defenders face, WHRDs also face a greater likelihood of threats to their families, sexual violence, and sexuality-baiting. They are also more likely to be the targets of religious or traditional leaders and of their own family and community.¹¹⁵ To make sure that the specific problems faced by WHRDs are not overlooked it is important that women's rights organisations ensure attention to security and that organisations working on HRDs generally ensure a focus on WHRDs. Better networking between women's rights organisations and other human rights organisations would help in this regard.

There are many measures that individual WHRDs themselves can take, such as traveling with colleagues or protective accompaniment to reduce the possibility of attacks. At the Dublin Platform, a participant shared the strategies used by some WHRDs in her rural area, where they are likely to be harassed by soldiers or militia. When travelling around the countryside, they wear agricultural working clothes or throw flour over themselves to disguise their appearance.

Women human rights defenders sometimes try to reduce stigmatisation by addressing community problems that are indirectly related to women's and human rights. Women's rights issues cut across a range of sectors and can be introduced indirectly through

work on education, reproductive and community health, or poverty.¹¹⁶

Grass roots human rights defenders: While an important issue in most countries, the example of Zimbabwe particularly highlights the need to develop new and better tools to protect activists at the grassroots level. These local activists should be included in national and international advocacy networks, but there is also a need for alternative efforts where communication and transportation is unreliable.

Participants at the Dublin Platform recommended the use of community-based forms of local protection that may avoid the conflicts of interests and the gaps in coverage of formal mechanisms. Community-based methods can involve traditional structures, support and accompaniment of local residents, and practical measures such as sharing offices and vehicles with other organisations working in the area.

II. TO DOMESTIC GOVERNMENTS

As stated in the Declaration on Human Rights Defenders, it is the responsibility of the state to protect the human rights of HRDs and other citizens. Human rights defenders and the international community should maintain sustained and coordinated pressure on governments to take the following steps:

Recognise the legitimacy of human rights defenders: States should officially recognise the work of HRDs and their right to carry it out. The form of recognition will vary by country. For example, in Indonesia it may soon take the form of an amendment to an existing law on human rights. In Zimbabwe, the ongoing process of drafting a Constitution offers an opportunity to restate the rights essential to the work of human rights defenders. In Colombia, the President should follow the example of his predecessor by issuing a presidential decree directing all officials to respect the legitimacy of the work of HRDs. Governments should use the above measures to send the signal that government officials must not stigmatise HRDs, and should take immediate action against those officials who do make such statements.

Provide physical protection: Colombia is one of the few countries to provide physical protection to HRDs (as well as other groups). Where HRDs face any degree of physical threat, whether from non-state actors or agents of the government, governments should create similar mechanisms or extend the mandate of existing bodies, such as witness protection programmes. Human rights defenders should be involved in the establishment of such mechanisms as well as in reviewing their effectiveness. It is essential that a) such programmes provide trusted security to avoid intelligence leaks or other threats, and b) such programmes are not a substitute for addressing the root causes of security, such as stigmatisation, impunity, or collusion with armed groups.¹¹⁷

Eliminate legal and policy threats to human rights defenders

Governments should conduct a thorough legal review of all existing legislation that can unduly restrict freedom of association or expression, freedom of information, and any other rights essential to the work of human rights defenders.

End impunity for attacks on human rights defenders: One of the most important ways to raise the costs of harming HRDs is to effectively prosecute perpetrators of all human rights violations, including those who threaten and attack human rights defenders. Such actions may contribute as much or more to the protection of HRDs in the future as expensive protection programmes.

Engage with UN special procedures: Issue a standing invitation to the Special Rapporteur on the situation of human rights defenders and any other procedures

relevant to the threats faced by HRDs, such as extrajudicial executions or the independence of judges and lawyers. Respond promptly to requests for information and implement any HRD-related recommendations from the special procedures and the Human Rights Council's Universal Periodic Review.

III. TO THE INTERNATIONAL COMMUNITY

Accept responsibility: Governments and international organisations should accept and plan for a level of responsibility for the security of human rights defenders when working with them as sources of information, partners in development projects or recipients of funding.

Support security planning practices: Government and private donors can play an important role in supporting better security for HRDs, through the following steps:

- integrating HRD security into internal planning, as well as project and programme proposal guidelines, with special concern for WHRDs where needed;
- including funding for personal and office security measures, especially in projects that may increase risks for grantees;
- making flexible contingency funds available to human rights organisations for relocation, evacuation, and legal or medical needs of HRDs.

Affirm and demonstrate the legitimacy of human rights defenders through concrete measures: Such measures should include financial support for protection, as outlined above, as well as public statements when human rights defenders are under threat. Other demonstrations of support may include the following:

- meeting with human rights defenders at risk;
- inviting them to missions, and facilitating visas as well as participation in the government or mission's programmes and activities;
- providing accompaniment when HRDs are at immediate and high risk;
- observing trials of human rights defenders.

Make human rights defender protection part of dialogue with governments: International actors, especially governments, should raise individual cases and address the root causes of threats, as a regular part of their dialogue with other governments. These efforts should be part of a long-term approach that goes beyond short-term responses to HRDs at risk to engage in policy dialogue and make ongoing interventions such as trial monitoring.

Provide refuge: The international community can do more to create safe havens for HRDs to temporarily escape dangerous and stressful situations, develop their knowledge and skills, and return home when the situation allows. Programmes like the scholars-at-risk programme at Cape Town University, for example, the protective fellowship of the University of York, and internship programmes at several international human rights organisations should be replicated and complemented to meet the needs of various groups, including female heads of households and grassroots activists. Participants at the 5th Dublin Platform called for greater efforts to simplify and expedite visa processes for HRDs at risk, as called for in the EU Guidelines, including by establishing temporary humanitarian visa schemes.

Improve international mechanisms: International mechanisms can contribute to the creation of an environment which is favourable to the work of human rights defenders and their protection. Suggested steps include the following:

- Governments should exert efforts to improve the UN Special Rapporteur mechanism, which is currently effective for increasing the visibility and legitimacy of civil society concerns, generating analyses and clarifying the scope of states' human rights obligations. However, it is less effective in ensuring a response to urgent appeals: communications to governments remain initially confidential and activists only know about them and any government replies months later when they are included in the annual report to the Human Rights Council. A large number of appeals receive no response from the government and there is inadequate follow up;
- The role of OHCHR field presences in protecting human rights defenders should be strengthened. Field presences of the UN High Commissioner for Refugees (UNHCR) should also play a role in providing protection to human rights defenders when they are forced to flee their country;
- Existing regional mechanisms such as the Special Rapporteur on human rights defenders in Africa, should be encouraged to be more proactive, through support and pressure from HRDs and governments in the region. As the new ASEAN Inter-Governmental Commission on Human Rights in Southeast Asia establishes itself, and, it is hoped, develops over time into a true human rights protection and promotion mechanism, it must include protection of human rights defenders in its mandate;
- The EU Guidelines on Human Rights Defenders should be fully implemented, including through the development of country-specific strategies in collaboration with human rights defenders, as has already occurred in some countries. Other improvements include raising awareness of the guidelines in all countries; establishing HRD focal points in all missions; better networking at the mission level; greater transparency about measures taken; and, taking steps to ensure gender-specific implementation of the Guidelines.¹¹⁸

In addition to the above, domestic governments and the international community should consider and implement the thematic and country-specific recommendations made by the UN Special Rapporteur on the situation of human rights defenders in her reports, in particular those included in the annual report she presented to the Human Rights Council in March 2010, which pertain specifically to the security and protection of human rights defenders.¹¹⁹

Footnotes

1. Front Line defines a human rights defender as a person who works, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights. Human rights defenders are identified by what they do—the non-violent promotion of the rights of others—rather than by their profession, which might be teacher, worker, farmer, lawyer, journalist, doctor, environmentalist, or anything else.
2. Enrique Eguren, Peace Brigades International, *Protection Manual for Human Rights Defenders*, published by Front Line, 2005, at <http://www.frontlinedefenders.org/manuals/protection>.
3. Edward Aspinall, *Opposing Suharto: compromise, resistance, and regime change in Indonesia*, Stanford University Press, 2005.
4. *Laporan Kondisi Pembela HAM 2005-2009* [Report on Conditions for Human Rights Defenders 2005-2009], Imparsial, August 2009.
5. Press Statement of the Special Representative of the Secretary General on the situation of human rights defenders, Ms Hina Jilani, concluding her visit to Indonesia, Jakarta, 12 June 2007, available at <http://www.un.or.id/press.asp?Act=1&fileID=20070612-1&lang=en>
6. See chapter 2 of *Perempuan Pembela HAM: Berjuang dalam Tekanan*, National Commission on Violence against Women, 2007, published in English as “Women Human Rights Defenders: Struggling under Pressure.”
7. The stoning provision has not yet been put into practice, and is opposed by the governor and the local legislature. Efforts are underway to repeal it.
8. One organisation that has shown solidarity with LGBTI activists is the National Commission on Violence against Women. For example, see “Aktifis LGBTIQ Sebagai Pembela HAM,” a presentation made by commissioner Neng Dara Affiah as part of 16 days of activism on violence against women in December 2008, at <http://www.komnasperempuan.or.id/2008/12/15/aktifis-lgbtiq-sebagai-pembela-ham/>.
9. *Victim-Based Human Rights Defenders: Claiming the rights to Truth, Justice, and Reparation*, Human Rights Support Facility.
10. Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Addendum: Mission to Indonesia, A/HRC/7/28/Add.2, 28 January 2008.
11. Indonesia Corruption Watch, *Kriminalisasi Dan Gugatan Perdata Terhadap Aktifis Dalam Perkara Korupsi* [Criminalization and Civil Complaints against Activists in Corruption Cases], updated 7 October 2009.
12. “42 Kasus Pencemaran Nama Baik Selama 5 Tahun [42 Defamation Cases in 5 Years],” VivaNews, 22 June 2009, available at http://nasional.vivanews.com/news/read/68743-42_kasus_pencemaran_nama_baik_selama_5_tahun
13. Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Addendum: Mission to Indonesia, A/HRC/7/28/Add.2, 28 January 2008.
14. “President told to reopen Munir case,” The Jakarta Post, 3 March, 2010.
15. “Panglima TNI: Kontra Must Introspeksi Diri [Commander in Chief of the Armed Forces: Kontra Must Examine Itself],” *Gatra*, 28 May 2003.
16. National Commission on Violence against Women, *Perempuan Pembela HAM: Berjuang dalam Tekanan*, 2007, p. 27.
17. Personal communication, 15 January 2010.
18. Imparsial, *Laporan Kondisi Pembela HAM 2005-2009*, August 2009, p. 4.
19. This was a significant development: in 2003, 17 out of 23 cases of criminalisation of activists were based on allegations of insulting the president or related charges. Imparsial, *Perlindungan Terhadap Pembela Hak Asasi Manusia*, 2005, p. 58-65.
20. Constitutional Court Decision 6/PUU-V/2007.
21. Constitutional Court Decision No. 14/PUU-VI/2008, 15 August, 2008.
22. “Kasus Bumi Flora, Kapolres Langsa: Pasa Karet Itu Masih Berlaku [Bumi Flora Case, Langsa Police Chief: The Rubber Articles Are Still in Effect],” *Serambi Indonesia*, 13 August 2007, available at http://www.aceh-eye.org/a-eye_news_files/a-eye_news_bahasa/news_item.asp?NewsID=6250.
23. *Defamation in Southeast Asia*, Article XIX and the Alliance of Independent Journalists, 2008, p. 45.
24. “Dewan Pers: Anjuran Irjen Sisno Ancam Kebebasan Pers [Press Board: Inspector

- General Sisno's Advice Threatens Press Freedom], *kompas.com*, 17 June 2009.
25. Interview, October 2009.
 26. Letter of the Head of the Criminal Investigation Department, No. B/345/III/2005/Bareskrim, 7 March 2005.
 27. See for example Articles 310, 311, 316, and 207 of the Criminal Code; Law No. 11 of 2008 on Information and Electronic Transactions (ITE); Law 32 of 2002 on Broadcasting; Law No. 10 of 2008 on Election of the DPR, DPD, and DPRD; and laws concerning the flag, presidential elections, and regional government.
 28. Amicus Curiae brief submitted by ELSAM, PBHI, YLBHI, ICJR, and IMDLN "Pidana Penghinaan adalah Pembatasan Kemerdekaan Berpendapat dan Inkonstitusional [The Crime of Defamation is an Unconstitutional Limit on Freedom of Opinion]," p. 28-29. By raising the maximum sentence above five years, the 2008 Law on Information and Electronic Transactions triggers a provision in the Code of Criminal Procedure that prevents anyone charged with offenses carrying sentences over five years from being released on bail.
 29. Around the time of Suharto's rise to power in the mid-1960's, hundreds of thousands of people suspected of membership in the Communist Party, which had been legal at the time, were massacred, and the party and its symbols were outlawed. Some were detained for years without trial, and on their release faced discrimination in employment and government services for decades. In that context, the communist label still bears a great deal of weight; it is especially likely to be applied to activists working with farmers and workers.
 30. National Commission on Violence against Women, *Perempuan Pembela HAM: Berjuang dalam Tekanan*, 2007. Published in English as "Women Human Rights Defenders: Struggling under Pressure."
 31. Following her visit, the UN Special Representative on human rights defenders expressed concern that the "overzealous implementation of Shari'a law has led to the delegitimisation of the activities of women defenders. For instance, in the phase of post-tsunami reconstruction, voices of women regarding adequate housing were perceived as not in conformity with Shari'a law." Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Addendum: Mission to Indonesia, A/HRC/7/28/Add.2. For more on the effect of Islamic law on women in Aceh, see "Islamic Law and Criminal Justice in Aceh," International Crisis Group, Asia Report N°117, 31 July 2006.
 32. Interview, Jakarta, October 2009.
 33. National Commission on Violence against Women, *Perempuan Pembela HAM: Berjuang dalam Tekanan*, 2007.
 34. "Hidup dan Bertahan di Wilayah Konflik: Panduan Keamanan bagi Aktivis Kemanusiaan di Aceh [Living and Surviving in a Conflict Area: A Security Guide for Humanitarian Workers in Aceh]," Aceh NGO Coalition for Human Rights, 2001. The guide draws on workshops held by international organisations such as the International Catholic Migration Commission and RedR.
 35. See Amicus Curiae brief submitted by ELSAM, PBHI, YLBHI, ICJR, and IMDLN "Pidana Penghinaan adalah Pembatasan Kemerdekaan Berpendapat yang Inkonstitusional ["The Crime of Defamation/Vilification is an Unconstitutional Limit on Freedom of Opinion]".
 36. Article 28C(2) of the constitution provides that "Every person has the right to exert him or herself in defending their rights collectively in order to develop the society, nation and country." Article 100 of Law 39 of 1999 on Human Rights affirms that "every person, political organisation, social organisation, non-governmental organisation, or other social institution has the right to participate in the protection, enforcement, and advancement of human rights." See also articles 101-3 governing the right to report violations and suggest policies to the National Human Rights Commission or similar body, and, individually or in cooperation with the commission, to "carry out research, education, and dissemination of information about human rights."
 37. Interview, member of parliament, October 2009.
 38. Written Statement on the Situation of Human Rights Defenders in Indonesia 2008, IMPARSIAL and the International NGO Forum on Indonesian Development, A/HRC/10/NGO/93, 27 February 2009. See also the prior year's statement, A/HRC/7/NGO/17, 21 February 2008.

39. Preface to “Living and Surviving in a Conflict Area: A Security Guide for Humanitarian Workers in Aceh,” Aceh NGO Coalition for Human Rights, 2001, p. viii.
40. A trailer for the film is available at <http://www.komnasperempuan.or.id/2009/06/15/talabai-tutur-pengalaman-perempuan-pembela-ham/>
41. Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Addendum: Mission to Indonesia, A/HRC/7/28/Add.2, 28 January 2008
42. Regulation No. 1 of 2009 of the Chief of Police of the Republic of Indonesia on the Use of Force in Police Activities (*Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 1 Tahun 2009 tentang Penggunaan Kekuatan dalam Tindakan Kepolisian*) and Regulation No. 1 of 2009 of the Chief of Police of the Republic of Indonesia on Implementing Human Rights Principles and Standards in Carrying Out the work of Police of the Republic of Indonesia (*Peraturan Kepala Kepolisian Negara Republik Indonesia Nomor 1 Tahun 2009 tentang Implementasi Prinsip dan Standar Hak Asasi Manusia Dalam Penyelenggaraan Tugas Kepolisian Negara Republik Indonesia*). The second regulation references several rights relevant to human rights work, such as the right to communicate and obtain information, freedom of association and expression, as well as many other rights that pertain to all people, and bars police from a range of actions including inhumane treatment of someone who reports human rights violations, or interviewing witness or suspects without legal representation unless they consent.
43. To see a video clip of the vigil, go to http://www.youtube.com/watch?v=XSmslcb9_PM
44. National Commission on Violence against Women, *Perempuan Pembela HAM: Berjuang dalam Tekanan*, 2007.
45. CODHES, “Boletín informativo de la consultoría para los Derechos Humanos y el Desplazamiento,” No. 76, 26 January 2010, available at <http://www.codhes.org/images/stories/pdf/codhes%20informa%20final%20n%2076.pdf>
46. Alvaro Sierra, “Mataron a Yolanda Izquierdo,” *El Tiempo*, 7 February 2007, available at http://www.eltiempo.com/participacion/blogs/default/un_articulo.php?id_blog=3429041&id_recurso=3429441
47. Addendum: Mission to Colombia, Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kälin, A/HRC/4/38/Add.324, January 2007, at http://www.brookings.edu/projects/idp/~media/Files/Projects/IDP/UN%20Reports/Mission%20Reports/200606_RSGrpt_Colombia_AE.pdf
48. IPS, “Colombia Still Undisputed Leader in Trade Unionist Murders,” 10 June 2009, available at <http://ipsnews.net/news.asp?idnews=47171>; Front Line, “Colombia: Death Threats against Leaders of Trade Unions Sinaltrainal and CUT Santander,” 11 December 2009.
49. Interview, December 2009. The term “false positives” (*falsos positivos*) refers to the extrajudicial executions of civilians, who are then falsely reported as guerrillas killed in combat.
50. Interview, December 2009; “Defensores y Defensoras en la Mira: Informe de Derechos Humanos y Derecho Internacional Humanitario, I Semestre de 2009, Región Nororiental de Colombia,” Corporación para el Desarrollo de Oriente (Compromiso), September 2009, p. 44-5; “Medidas Cautelares otorgadas por la CIDH durante el año 2009,” available at <http://www.cidh.org/medidas/2009.sp.htm>
51. Interview, December 2009.
52. Interview, December 2009.
53. See the Committee to Protect Journalism’s 2008 Impunity Index, available at <http://cpj.org/2009/02/attacks-on-the-press-in-2008-colombia.php>
54. Human Rights First, “Urge Colombian Government to Stop Defaming Colombian Journalists,” 25 October, 2007, available at http://www.humanrightsfirst.org/defenders/hrd_colombia/alert102507_uribe.htm
55. Interview, 7 December 2009.
56. Workshop, Cali, 5 December 2009.
57. Letter from Colombian NGOs to Louise Arbour, UN High Commissioner for Human Rights, 8 September 2007. For a detailed report on the threats to victims in Sucre Department and proposals for their protection, see MOVICE, *La Protección de las Víctimas de Crímenes de Estado*, 2009.
58. “Statement by Professor Philip Alston, UN Special Rapporteur on extrajudicial executions

- Mission to Colombia 8-18 June 2009,” 19 June 2009.
59. “Operation Dragon,” Robert F. Kennedy Memorial, at http://www.rfkmemorial.org/human_rights/1998/Operacion_Dragon_SUMMARY.pdf.
 60. Front Line, “Colombia: Death threats against leaders of trade unions Sinaltrainal and CUT Santander,” 11 December 2009, at <http://www.frontlinedefenders.org/node/2290>.
 61. For a detailed report analyzing more than 30 such cases, see Human Rights First, “In the Dock and under the Gun,” 2009.
 62. Interview, 8 December, 2009. An extrajudicial execution, after which security forces falsely identify the victims as combatants, has become known as a “false positive”.
 63. Human Rights First, “In the Dock and Under the Gun,” 2009, p. 7.
 64. “Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to Colombia,” 18 September 2009.
 65. Interview, 2 December 2009. For information on the threats, see Front Line, “Colombia: Surveillance and intimidation of human rights lawyer Mr. Jorge Elicer Molano and his family,” 5 December 2009, at <http://www.frontlinedefenders.org/node/2273>.
 66. Reporters Without Borders, “Manual teaches intelligence agency employees how to spy on problem journalists,” 21 December 2009,” available at <http://www.rsf.org/Manual-teaches-intelligence-agency.html> and “Government implicated in phone-tapping as pressure on media continues,” 23 February 2010, available at: <http://www.rsf.org/Journalists-still-in-danger.html>.
 67. Amnesty International, Urgent Action 301/09, Fear for safety: Colombia, 9 November 2009, at <http://www.amnestyusa.org/actioncenter/actions/uaa30109.pdf>.
 68. Front Line, “Concern for the Safety of Colombian Human Rights Defender: Soraya Gutierrez Arguello,” 25 May 2005, available at <http://www.frontlinedefenders.org/node/501>
 69. National Pastoral Social Secretariat has a programme to send HRDs at risk to Argentina, Chile and Uruguay. The Somos Defensores programme supports temporary relocation of six months to an Andean country and, in collaboration with Amnesty International, supports HRDs and social leaders to spend a year in Spain.
 70. In Spanish, Organizaciones Sociales y Afines; Asamblea Permanente de la Sociedad Civil por la Paz; Plataforma Colombiana de Derechos Humanos, Democracia y Desarrollo; and Coordinación Colombia Europa Estados Unidos.
 71. As a result of advance advocacy by Colombian HRDs and international networks, states put forth numerous questions recommendations concerning HRDs during Colombia’s review. The Colombian government then accepted 18 such recommendations of them, adding “Colombia reiterates its full commitment to provide guarantees and protection measures for human rights defenders to carry out their work and to promote investigations and sanctions to crimes committed against them.” See “Report of the Working Group on the Universal Periodic Review, Colombia,” 9 January 2009, A/HRC/10/82 A/HRC/10/82 and “Addendum: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 13 January 2009, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/CO/A_HRC_10_82_Add1_Colombia_E.pdf
 72. For more information, see the campaign website at <http://www.colombiadefenders.org>.
 73. For more information see <http://www.mujieryconflictoarmado.org/>.
 74. Programa de Protección, “Dirección De Derechos Humanos,” 12 November 2009 (PowerPoint presentation).
 75. Interview with Luz Stella Moncada, Ministry of Interior, December 2009.
 76. *Semana.com* is the second most popular digital communication media in Colombia.
 77. Based on a discussion with Oxfam GB, Avina Colombia, Revista *Semana.com*, Programa Somos Defensores, Asociación MINGA and CODHES. For examples of articles resulting from such missions, see “La madera: la riqueza y la miseria en Chocó,” *La Semana*, 14 October 2009 at <http://www.semana.com/noticias-problemas-sociales/madera-riqueza-miseria-choco/129777.aspx>, and *The Guardian*, at <http://www.guardian.co.uk/world/2009/oct/19/columbia-robber-barons-choco-province?CMP=AFCYAH>.
 78. See handbook at http://www.protectionline.org/IMG/pdf/cartilla_proteccion_movice.pdf, and recent protection bulletins, in both English and Spanish, at

http://www.movimientodevictimas.org/index.php?option=com_content&task=blogcategory&id=47&Itemid=74

79. In Colombia there are other dialogue mechanisms for victims which, through legal routes, promote victims' rights, justice, reparations, and guarantees that violations will not be repeated. For example, the Mesa de Víctimas Pertencientes a Organizaciones Sociales (Roundtable of Victims who are Members of Social Organisations), which includes more than 100 organisations from all over the country, drove the effort for a national victims' statute, through a deliberative process and nine congressional hearings in various regions. More than 4000 victims participated.
80. Agreement No.370 from April 2009 establishes the guidelines and criteria for public politics in favour of the victims of serious human rights violations, crimes against humanity and war crimes included in the international agreements ratified by Colombia and national law.
81. Protection experience from the Cabildos Indigenous Peoples Association in the north of Cauca, ACIN.
82. Interview, December 2009.
83. Experience of the Coordination of Pacific Cauca Boards, Cococauca
84. These proxy forces include self-described "war veterans," (many of them too young to have participated in the Zimbabwe's liberation struggle) and youth militias affiliated with ZANU-PF, known as the "green bombers." While these groups are fluid and decentralised, Human Rights Watch has found "evidence that those who directly committed abuses were acting under the orders or with the acquiescence or complicity of senior ranking army and police officers." Human Rights Watch, "Bullets for Each of You," 19 June 2008.
85. See Solidarity Peace Trust, "Punishing Dissent, Silencing Citizens: The Zimbabwe Elections 2008," 21 May 2008.
86. Zimbabwe Lawyers for Human Rights, "Petition for the immediate and unconditional protection of all members of the legal profession by all three arms of government," 10 December 2009, available at http://www.kubatana.net/html/archive/hr/091210zIhr2.asp?sector=HR&year=2009&range_start=1
87. Front Line, "Zimbabwe: Increased harassment, intimidation and threats against human rights defenders", 4 March 2010, available at <http://www.frontlinedefenders.org/node/2398>.
88. For more information see International Labour Organization, "Truth, reconciliation and justice in Zimbabwe: Report of the Commission of Inquiry established to examine the complaints concerning the observance by the Government of Zimbabwe of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98)," December 2009, available at http://www.ilo.org/wcmsp5/groups/public/-ed_norm/-relconf/documents/meetingdocument/wcms_123293.pdf
89. Committee to Protect Journalists, "Special Reports: Bad to Worse in Zimbabwe," 23 June 2008.
90. Human Rights Watch, "Bullets for Each of You," 19 June 2008.
91. Front Line, "Zimbabwe: Arbitrary arrest and torture of two human rights defenders," 7 July 2007, available at <http://www.frontlinedefenders.org/node/1062>.
92. See Front Line, "Abduction of human rights defender, Ms Jestina Mukoko," 3 December 2008, at <http://www.frontlinedefenders.org/node/1660> Zimbabwe.
93. Interview, Harare, September 2009.
94. Interview, Harare, September, 2009.
95. Institute of Justice and Reconciliation and Solidarity Peace Trust, "Policing the State: An evaluation of 1,981 political arrests in Zimbabwe 2000-2005," Johannesburg, 14 December 2006.
96. Zimbabwe Republic Police, "Temporary Prohibition of holding public demonstrations/rallies within Harare Central district in terms of section 27 of the Public Order and Security Act, Chapter 11.17."
97. Zimbabwe Lawyers for Human Rights, "Rights lawyers acquitted as state sets trial dates for Muchadehama and journalists," 28 May 2009.
98. Interview, Bulawayo, October 2009.
99. Interview with Lovemore Madhuku, Harare, October 2009.

100. The statement announcing the creation of the body states “The heroic stance by President Robert Mugabe against imperialism remains exemplary for all Heads of State and the meeting hailed him as a true son of Africa.” “SADC, NGO Forum to Tell True State Story,” *The Herald*, 12 September 2009.
101. “ZLHR protest on Human Rights Day,” *The Zimbabwean*, 14 December 2009.
102. “Obama awards—and kisses—Zimbabwe women activists,” BBC, 24 November 2009.
103. For an example of a statement of concern from the Special Rapporteur on human rights defenders in Africa, see “Press Release on the Situation in Zimbabwe,” 18 June 2007, at http://www.achpr.org/english/Press%20Release/press%20release_Zimbabwe2_en.htm
104. Zimbabwe Lawyers for Human Rights, “Petition for the immediate and unconditional protection of all members of the legal profession by all three arms of government,” 10 December 2009, available at http://www.kubatana.net/html/archive/hr/091210zlh2r.asp?sector=HR&year=2009&range_start=1
105. At the 5th Dublin Platform, HRDs from around the world described similar efforts to stigmatise them, using a wide variety of strategies: in India NGOs are portrayed as working with militant groups; in Algeria they faced trumped-up charges intended to discredit them personally, such as fraud; in Saudi Arabia the media was used to vilify HRDs; and in Central Asian human rights defenders are labelled as spies, traitors, and infidels.
106. See Security Checklist section on “Components Linked to Conflict,” in *Front Line Protection Handbook*, Front Line, November 2007, p. 23.
107. *New Tactics in Human Rights: A Resource for Practitioners*, The Center for Victims of Torture, 2004, p.124 (Brazil) and p.133 (Albania).
108. Ellen Barry, “Russian Dissident’s Passion Endures Despite Tests,” *New York Times*, 11, January 2010.
109. Every two years Front Line hosts the ‘Dublin Platform for Human Rights Defenders’. The 5th Dublin Platform was held on 10-12 February 2010 and gathered more than a hundred human rights defenders at risk from 80 countries to discuss issues related to their own security and protection.
110. Recommendations are not country-specific because this study is intended as a source of information for HRDs worldwide. However, much can be done by governments and civil society in the three countries considered. For more detailed country-specific recommendations please see: Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Addendum: Mission to Indonesia, A/HRC/7/28/Add.2, 28 January 2008; Report of the Special Rapporteur on the situation of human rights defenders, Addendum: Mission to Colombia (7–18 September 2009), A/HRC/13/22/Add.3; recommendations of the international campaign on Colombia human rights defenders, at <http://www.colombiadefenders.org/downloads/Recommendations.pdf>; Zimbabwe Lawyers for Human Rights, “Petition for the immediate and unconditional protection of all members of the legal profession by all three arms of government”, 10 December 2009; *Perempuan Pembela HAM: Berjuang dalam Tekanan*, National Commission on Violence against Women, 2007, published in English as “Women Human Rights Defenders: Struggling under Pressure”; *Perlindungan Terhadap Pembela Hak Asasi Manusia* (Protection of Women Human Rights Defenders), Imparsial, 2005.
111. See Chapter 6, “Preparing a security strategy and plan,” in *Protection Manual for Human Rights Defenders*, published by Front Line, 2005, at <http://www.frontlinedefenders.org/manuals/protection>.
112. The Center for Victims of Torture did a tactical mapping of efforts to stop torture, and found “systems that use torture are often highly complex, allowing the different institutions which benefit from torture’s use to support each other. As one part of the system is attacked, other parts (such as the police structure, the system of prosecutors, the indifference of the judiciary) help protect the target and allow it to self-repair... [T]he system will not yield to individual tactics.” However, they also found that most organisations use a limited number of tactics, leaving many aspects of the problem unaddressed.
113. See <http://humanrightshouse.org/>
114. Human Rights and Democracy Violation Early Warning Weekly Newsletter, available in

English and Serbian at www.yucom.org.rs.

115. For more information on the typology of violations that WHRDs experience and strategies to address them, see *Insiste Persiste Resiste Existe: Women Human Rights Defenders' Security Strategies*, by Jane Barry with Vahida Nainar, published by Urgent Action Fund for Women's Human Rights, Kvinna till Kvinna and Front Line (2008). See also Asia Pacific Forum on Women, Law and Development, *Claiming Justice, Claiming Rights: A Guidebook on Women Human Rights Defenders*, 2007, at <http://www.defendingwomen-defendingrights.org/pdf2007/book3Neo.pdf>.
116. National Commission on Violence against Women, *Perempuan Pembela HAM: Berjuang dalam Tekanan*, 2007.
117. On state-run protection mechanisms, see Report of the Special Rapporteur on the situation of human rights defenders, UN Doc A/HRC/13/22, 30 December 2009.
118. See Front Line and ECDPM, "The EU Guidelines on Human Rights Defenders: What lessons learnt so far?", at [http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/935CE002985C4865C125737700395D27/\\$FILE/Survey%20EU%20Guidelines.pdf](http://www.ecdpm.org/Web_ECDPM/Web/Content/Download.nsf/0/935CE002985C4865C125737700395D27/$FILE/Survey%20EU%20Guidelines.pdf) and "Recommendations for Gender-Specific Implementation of the EU Guidelines on Human Rights Defenders," at http://www.defendingwomen-defendingrights.org/recommendations_EU.php
119. Report of the Special Rapporteur on the situation of human rights defenders, UN Doc A/HRC/13/22, 30 December 2009.

STRATEGIES FOR SURVIVAL: PROTECTION OF HUMAN RIGHTS DEFENDERS IN COLOMBIA INDONESIA AND ZIMBABWE

Front Line was founded in Dublin in 2001 with the specific aim of protecting human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). Front Line aims to address the protection needs identified by defenders themselves.

Front Line seeks to provide rapid and practical support to at-risk human rights defenders, including through:

- international advocacy on behalf of human rights defenders at immediate risk;
- grants to pay for the practical security needs of human rights defenders;
- training and resource materials on security and protection, including digital security;
- rest and respite, including the Front Line Fellowship;
- opportunities for networking and exchange between human rights defenders;
- the annual Front Line Award for Human Rights Defenders at Risk;
- an emergency 24 hour phone line for human rights defenders operating in Arabic, English, French, Spanish and Russian.

Front Line promotes strengthened international and regional measures to protect human rights defenders including through support for the work of the UN Special Rapporteur on the situation of human rights defenders. Front Line seeks to promote respect for the UN Declaration on Human Rights Defenders.

Front Line has Special Consultative Status with the Economic and Social Council of the United Nations. Front Line has Observer Status with the African Commission on Human and Peoples' Rights. Front Line received the 2007 King Baudouin Prize for International Development.

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