

Special report
**Breaking cycles
of repression:
ending impunity**



Peace Brigades International

Promoting nonviolence and protecting human rights since 1981

Dedication to Felipe Arreaga Sanchez, Mexican environmentalist



Felipe Arreaga Sanchez accompanied by PBI Mexico volunteer

We dedicate this publication to Mexican environmental rights defender Felipe Arreaga Sanchez, who died in an accident on 16 September 2009. Felipe was co-founder of the Organisation of Peasant Environmentalists of the Sierra de Petatlán (OCESP), who denounced the environmental and human consequences of indiscriminate felling of forests. This work led to the assassination of OCESP members and the detention of their leaders. Fearing for his life, Felipe fled the community to hide in the mountains. In 2000, together with his wife, Celsa Valdovinos, he founded the Organisation of Women Environmentalists of the Sierra de Petatlán (OMESP). In 2005 Felipe spent ten months in prison on false charges of murder. The same year, Felipe was awarded the Chico Mendes prize for the environment by the Sierra Club. PBI began accompanying Felipe Arreaga and Celsa Valdovinos because of the threats they faced due to their environmental work. It was an honour for all those fortunate enough to have had the opportunity to know Felipe Arreaga. PBI remains committed to continued accompaniment of OMESSP for as long as our presence is needed.

COVER PHOTO Human rights organisations including Association of the Families of the Detained – Disappeared (ASFADDES) gather in Colombia in May 2009 to remember the detained and disappeared.

Peace Brigades International

PBI is an international NGO that has been protecting human rights and promoting nonviolence since 1981. On request, we send teams of international volunteers to areas of repression and conflict to provide an international presence and protective accompaniment to local human rights defenders, civil society organisations and communities whose lives and work are threatened by political violence. Our work is based on the principles of nonviolence, non partisanship and non-interference in the internal affairs of the organisations we accompany and the belief that transformation of conflicts cannot be imposed from outside.

PBI teams physically accompany those at risk. The volunteers represent international concern for the protection of human rights, a visible reminder to the perpetrators of violence that their actions will have repercussions nationally and internationally. It assures activists that they are not alone, that their work is recognised and that their suffering will not go unnoticed by the outside world. Thus the presence of volunteers not only protects, but also provides moral support for the growth of civil society activism in repressive situations. Since 1981 PBI volunteers from more than 30 countries have protected the lives of hundreds of activists for social change in nine countries. Our presence has enabled them to continue and expand their work with greater confidence despite threats.

PBI's approach is based on the premise that human rights abuses require the silence, acquiescence, or collaboration of players at local, national and international levels. Therefore physical accompaniment is complemented by documentation, networking and advocacy to exert pressure at all levels in a chain of

“PBI has helped us to maintain the level of our work especially in investigating cases [of assassinations] in regions where, because of security risks, we would otherwise have been unable to travel. It has meant we have been able to stay in the country rather than go into exile...there have been no lethal attacks against us while PBI has been present.”

Liliana Uribe, human rights lawyer, Corporation for Judicial Freedom, Medellín, Colombia

authority: from soldiers at a local check point to local commanders, to national governments and the military, to governments and institutions internationally who can put pressure on governments to fulfil their international obligations to protect their own citizens. PBI has also contributed to other protection tools such as the development and implementation of the EU guidelines on human rights defenders and the coordination of speaker tours in Europe and North America to raise our own profile and that of those we accompany. In this way global political pressure together with physical accompaniment opens space for human rights defenders, civil society organisations and communities to carry out their work.

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Silence-Impunity-Conflict:

creating a dangerous cycle

Impunity exists when a country fails to investigate and punish crimes. The United Nations (UN) recognises “that the practice and expectation of impunity for violations of international human rights or humanitarian law encourages such violations and are among the fundamental obstacles to the observance of international human rights and humanitarian law and the full implementation of international human rights and humanitarian law instruments.”

PBI has learned from 28 years of providing an international presence and protective accompaniment of those whose lives are at risk, that silence is the cloak of impunity. Victims and observers identify a clear link between impunity and criminality. In Guatemala, Colombia, Mexico, Nepal, and Indonesia, the State stands accused of systematic unlawful killings, disappearances, ‘social cleansing’ and the baseless prosecution of human rights defenders. PBI protects those who work to break cycles of silence, impunity and conflict.

Criminality in the countries where PBI works has reached such high levels that the rule of law and the integrity of State institutions is being undermined. In Guatemala, the UN Special Rapporteur on the situation of human rights defenders confirmed the existence of “parallel powers.”¹ Powerful business leaders, former intelligence and military personnel and government officials “are believed to be settling scores, executing enemies, and advancing their illicit interests in a context of near total impunity.”² In Colombia, the UN Working Group on Enforced or Involuntary Disappearances noted, “It has been suggested that the paramilitary forces ‘control’ 30 per cent of the parliament and officials such as governors or mayors. Colombia may confront a process of institutionalisation of the paramilitary forces.”³ With over 70 Congress members under investigation for alleged ties to paramilitaries, these comments have proven to be prophetic. In Mexico, impunity fosters corruption and impedes the functioning of public institutions. According to leading human rights defender Manuel Olivares, “due to corruption, someone who is responsible for a crime is innocent, and those who are innocent have to fight for justice.”⁴ The use of the army to confront criminal gangs presents difficulties for protecting civilians from combatants under

international humanitarian law, especially in areas with little or no civilian state presence. In Nepal, impunity, the Disappearances Bill, truth and reconciliation, and the protection of human rights defenders and victims, have received little attention. According to Amnesty International, “no perpetrators of human rights abuses, whether committed by State security forces or members of the CPN-M (Communist Party of Nepal - Maoist), have so far been brought to justice.”⁵ Human Rights Watch reports that no “meaningful action [has been taken] on disappearances, killings, torture, and other serious abuses.”⁶ In June 2007, the UN Special Rapporteur on the situation of human rights defenders visited Indonesia and expressed concern about “continuing activities of the police, the military and other security and intelligence agencies that are aimed at harassment and intimidation of defenders or restrict their access to victims and sites of human rights violations.”⁷

Dealing with political and criminal violence is a continuing challenge. In a February 2008 report by the Myrna Mack Foundation (MMF) about justice in Guatemala, the organisation noted that “merely declaring paramilitaries and guerrilla groups to be ‘illegal armed groups’ is insufficient to stop disappearances” and deeming them ‘paramilitary groups’ could also

“An international presence such as that provided by PBI dissuades abuses and supports local efforts to document and survive human rights violations.”

“Community leaders, peasant farmers, indigenous peoples, Afro-descendants, human rights lawyers and members of civil society are threatened for defending the rule of law, and killed for... seeking the truth.”

Amnesty International has described how impunity, together with the norms that allow it to perpetuate, serves to institutionalise injustices carried out by those who should be applying the law. Victims of human rights violations are stripped of three basic rights: the right to truth, the right to justice, and the right to reparations are vital.⁹

be insufficient, especially if political, military and financial structures remain.⁸ The UN and the State can protect victims in the search for justice by bringing together human rights organisations. The UN and Inter-American systems of human rights provide recourse to victims of endemic impunity, but more needs to be done to address the roots of the problem. An international presence such as that provided by PBI dissuades abuses and supports local efforts to document and survive human rights violations. Community leaders, peasant farmers, indigenous peoples, Afro-descendants, human rights lawyers and members of civil society are threatened for defending the rule of law, and killed for their persistence in seeking the truth. The international community through observation, oversight and dialogue, can effectively support nonviolent security and methods of resolution in situations where human rights are at risk. At important junctures of a conflict, hearing the victims can mean the difference between building peace and perpetuating violence. Their voices break the cycle of silence, impunity and conflict.

¹ Hina Jilani, “Guatemala: Defenceless defenders,” InfoSud Human Rights Tribune, www.humanrights-geneva.info/guatemala-defenceless-defenders,2776, 22 February 2008.

² Washington Office on Latin America, “The Story of the CICIG and Impunity in Guatemala,” <http://woblog.typepad.com/woblog/2008/12/the-story-of-the-cicig-and-impunity-in-guatemala.html>, December 2008.

³ UN Working Group on Enforced Disappearances, Colombia Country Mission Report, E/CN.4/2006/56/Add.1, p9, 2006.

⁴ Manuel Olivares, Director of the Jose Maria Morelos y Pavon Regional Human Rights Centre, 3 August 2007.

⁵ Amnesty International, “Cycle of Impunity Raised with Nepal’s President and UN High Commissioner,” 17 March 2009.

⁶ Brad Adams, Human Rights Watch, “Nepal: End Cycle of Impunity and Deliver Justice to Victims,” 11 September 2008.

⁷ UN Human Rights Council, Press Release: Special Representative of the Secretary-General on the situation of human rights defenders concludes visit to Indonesia, 12 June 2007.

⁸ Myrna Mack Foundation, Consideraciones sobre la impunidad en Guatemala: la configuración de una masiva violación de derechos humanos, February 2008.

⁹ Amnesty International, Injustice and Impunity: Mexico’s Flawed Criminal Justice System, February 2007.

Colombia:

forced disappearances, displacement and impunity

It is said that Colombia's 60-year civil war has left 44 million direct and indirect victims and continues to claim the lives of civilians¹⁰ despite the demobilisation of many paramilitaries over the past five years. Guerrilla forces such as the FARC and ELN may be politically outmanoeuvred and militarily contained, but according to media and eyewitness reports, fighting for the country's resources continues in rural areas between the military, guerrillas and a plethora of illegal armed groups drawn from remnants of former paramilitary structures. Colombia has an estimated four million internally displaced people, second only to the Sudan. An estimated six million hectares of land have been violently expropriated from the rightful inhabitants.¹¹

Human rights organisations estimate that in 78.9%¹² of cases of extrajudicial executions allegedly committed by the army no charges have been successfully brought against the material or intellectual authors. Colombia is the most dangerous country in the world for trade unionists,¹³ with 96.5%¹⁴ of their murders going unpunished. Those who investigate the killings have been publicly vilified by senior members of the government¹⁵ who accuse them of collaborating with the guerrillas.

The majority of human rights violations can be attributed to paramilitary groups.¹⁶ This notwithstanding, in 2006, 99.9% of paramilitary troops were granted a *de facto* amnesty by the government.¹⁷ In May 2008, Colombia extradited 15 key paramilitary leaders to the US on drug trafficking charges, thus curtailing proceedings against them as part of the demobilisation process. Whilst they may face longer sentences in the US, access to justice for victims, many of whom live in acute poverty, is unlikely. Unless the assets or lands seized are earmarked for victims, restitution for their loss is impossible.

Forced disappearance: the tip of the iceberg

At least 25,000 people have been forcibly disappeared in Colombia¹⁸ and new cases continue to occur.¹⁹ Ángel Quintero and Claudia Monsalve, members of the Association of Family Members of the Detained and Disappeared (ASFADDES) were disappeared in Medellín on 6 October 2000. Before his disappearance, Ángel was subjected to

surveillance by State security agencies. Nine years have passed since Ángel and Claudia's disappearance without truth or justice.

"To tell the story of ASFADDES, we must begin by declaring that forced disappearance is a State crime, which began in the 1970s as part of national security policy. It has been used as a tool of repression, to eliminate political opposition," explains Gloria Gómez, ASFADDES national coordinator.

Enforced disappearance is "the abduction of a person against their will, without a warrant, and the refusal to disclose their whereabouts," says Gómez. "It destroys the family unit and any kind of social struggle because it leads to uncertainty, anxiety, fear and terror." The relatives of the disappeared conduct their own searches by meeting with authorities, and visiting prisons and known dumping grounds for dead bodies. "We have an increase in disappearances and at the same time an increase in unidentified bodies burned with acid, mutilated and in advanced states of decomposition," says Gómez. Many bodies have become numbers, buried in common graves.

Nineteen associations from 13 countries form the Latin American Federation of Associations of Family Members of the Disappeared. Colombian families heard stories of disappearances elsewhere. Gómez remembers how alone the families felt during the early years. "Society was completely indifferent to a reality that was only just coming to light. When we went on marches people... would shout and jeer at us."

ASFADDES has secured important advances: the inclusion of article 12 of the 1991 Constitution which prohibits forced disappearance, torture or inhumane treatment and the recognition of forced disappearance as a crime under Law 589 of 2000, which created the National Search Commission for Disappeared Persons and granted rights for family members. However, no one has been sentenced and the Urgent Search Mechanism created under the law has failed to find anyone alive. "The Single Registry System for the disappeared should also be used more effectively. People know where the mass graves are," Gómez explains.

ASFADDES has called for all countries to ratify the International Convention for the Protection of All Persons from Enforced

Disappearance to help to eradicate a practice that has claimed 51,000 lives worldwide, according to the UN Working Group on Enforced or Involuntary Disappearances. This figure is the "tip of the iceberg, since many cases do not come before the working group."²⁰

Those working to highlight forced disappearance and other human rights violations are themselves often at risk. Despite Inter-American Court of Human Rights protective measures, and PBI accompaniment, forced disappearances continue. ASFADDES hopes that "finally the State will publicly demonstrate political will by effectively investigating the whereabouts of the disappeared and punishing those responsible, including State crimes, so that we can finally work on restoring memory, dignity and reputation to our loved ones."

In January 2009, ASFADDES was threatened by a group calling itself the 'Black Eagles New Generation' after attending the exhumation of those killed by paramilitaries in the massacre of 16 May 1998 in Barrancabermeja.

¹⁰ Departamento Administrativo Nacional de Estadística (DANE), Colombia population: 44,737,241, 10 December 2008

¹¹ CODHES, Supra No.10, Government figures indicate a 41% increase in displacement in the first 6 months of 2008, Boletín 74.

¹² Coordinación Colombia Europa Estados Unidos, Ejecuciones Extrajudiciales: La realidad inocultable 2007-2008.

¹³ ITUC, Annual Survey of violations of trade union rights, 2008.

¹⁴ US Leap, Why Are Union Members Murdered in Colombia?, <http://www.usleap.org/files/Impunity2007.pdf>, 2007.

¹⁵ President Álvaro Uribe, 25 June 2007, www.presidencia.gov.co/prensa_new/sne/2007/julio/25/092522007.htm.

¹⁶ Comisión Colombiana de Juristas, 2002-2006 Situación de derechos humanos y derecho internacional humanitario, Responsability: State agents directly 14.17%, paramilitary groups 60.98% and guerrillas 24.83%, Supra No.4, p23, 2006.

¹⁷ Comisión Colombiana de Juristas, of more than 36,000 demobilised paramilitaries, less than 300 are being processed under Law 975 of 2005.

¹⁸ Attorney General's Office, Deutsche Presse Agentur, www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-JCSZX?OpenDocument&query=disappearances&rc=2.

¹⁹ Enforced Disappearances Information Exchange Center, "UN warns about forced disappearances in Colombia," www.ediec.org/news/newsitem/article/un-warns-about-forced-disappearances-in-colombia, 27 July 2008.

²⁰ Attorney General's Office, in Deutsche Presse Agentur, www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-JCSZX?OpenDocument&query=disappearances&rc=2.

²¹ Instituto Colombiano de Desarrollo Rural (INCODER), Resolutions 2424 and 2159 of 2007 and Notary and Registrar Superintendent Resolutions 3617, 6286, 6525, 6524 and 6523 of 2007.

²² Letter from 15 human rights organisations to the US State Department, 25 July 2007.

²³ Process 3856, investigation of 23 palm-oil businessmen and land agents, 23 December 2008.

²⁴ Human Rights First, "Baseless prosecutions of human rights defenders in Colombia: In the dock and under the gun," February 2009.



PBI volunteer Moritz Hartnagel with small farmers from Curbaradó, where villages were burned and communities destroyed to make way for African palm plantations and cattle ranches. No one has been held responsible for the attacks.

Colombia case studies

In September 2007 Miguel and Ualberto Hoyos, leaders of a displaced community, were shot by would-be assassins acting on behalf of those seeking the return of thousands of hectares of Afro-Colombian collective territories illegally²¹ occupied by African palm plantations and cattle ranchers in the Curbaradó region in northwestern Colombia. The Hoyos brothers were witnesses to the 2005 disappearance of Orlando Valencia, who also denounced illegal African palm cultivation. The brothers survived, but on 14 October 2008, the day he was called to act as a witness in the Valencia case, Ualberto was shot dead in front of the community he struggled to protect. Paramilitary troops displaced people through selective assassinations and massacres. Villages were burned and communities destroyed, their homes and cemeteries bulldozed and paved over with palm plantations. No one has been held responsible and most of the land taken illegally has yet to be returned to its rightful owners.

Luis Eduardo Guerra was the legal representative of the San José de Apartadó Peace Community in the department of Antioquia. He sought justice for the hundreds

of human rights violations carried out against members of the community, including the killings of over 170 members since 1997. In February 2005, in the hills of the Serranía de Abibe, Luis Eduardo was murdered along with seven other people, some of them small children. The government blamed the guerrilla, but after years of pressure from the international community, the truth emerged: the massacre happened because of collaboration between the army and the paramilitaries. In the days after the massacre, PBI accompanied community leaders to find those who had died. In July 2007, community member Dairo Torres was seized from a public vehicle and executed by presumed paramilitaries on the road to Apartadó.²² The case of the 2005 massacre is one of the few in which there is hope for justice; however Dairo's death, along with many others, remains unsolved.

Colombian human rights organisations that support and accompany peasant and Afro-Colombian communities are also victims of threats and intimidation that go un-investigated and un-punished. On 3 September 2008 Yimmy Jansasoy of the Inter-Church Justice and Peace Commission, an organisation that has protected hundreds of witnesses²³ and

exposed the financial structures of paramilitary organisations throughout Colombia, was pulled into a truck at gunpoint and forced to lie face down as he was threatened and interrogated. To date, no arrests have been made in connection with the case.

Carmelo Agámez is the regional secretary of the National Movement for Victims of State Crimes in Sucre department on Colombia's Atlantic coast. He receives precautionary measures from the Inter-American Human Rights Commission. His work led to the incarceration of several officials accused of corruption and collusion with paramilitary groups. On 15 November 2008 he was arrested for conspiracy to commit a crime with paramilitary forces and jailed alongside the same people he had been investigating, putting his safety at great risk. The reliability of the witnesses and the veracity of their evidence has been called into question by international human rights organisations²⁴ and is one example of a pattern of impunity. Unfounded prosecutions such as these undermine a judiciary overburdened with genuine cases and are used to paralyse efforts to investigate or prevent human rights abuses.

Guatemala:

The International Commission against Impunity

Impunity in Guatemala is a structural problem affecting public institutions and society as a whole. In February 2009 the Myrna Mack Foundation (FMM) examined how the administration of justice is a source of impunity,²⁵ identifying failings at all stages of investigation and prosecution. Additional underlying contributory factors are corruption, technical deficiencies, the absence of oversight mechanisms and lack of political will. As the study reveals, this translates into a near complete failure in the application of justice enabling those responsible to continue their illegal operations, thereby consolidating and increasing impunity.

Journalists, indigenous, peasant and trade union leaders, all become targets, along with gay, lesbian and transgender people, political opponents, members of the judiciary, academics, and organisations that document human rights abuses. Violence has reached extreme levels. The failure to protect those who denounce powerful criminal interests or State responsibility for human rights violations foments the continuation of cycles of violence by giving a sense of power and confidence to perpetrators that they will not be sanctioned.

Levels of impunity for attacks against human rights defenders are alarming. The UN Special

“...impunity is of such magnitude, so enormous that it is almost beyond definition, and it provides ever increasing fuel for criminal behaviour; when impunity prevails, behaviour deteriorates. We are experiencing a vicious circle in which crime and injustice are embedded in society; it is a cancer that never recedes and has no obstacle in its way.”²⁶

Myrna Mack Foundation



PBI accompanied the National Coordination of Widows of Guatemala (CONAVIGUA) during an exhumation in Zacaulpa, department of Quiché, 2004.

Rapporteur on the situation of human rights defenders found that: “Factors like extremely unequal income distribution, rampant violence and organised crime, almost total impunity and the influence of ‘parallel powers’ have drastically deteriorated the environment in which human rights defenders work.”²⁷

“The reported figure of 98 percent impunity for attacks against human rights defenders makes justice an empty word in Guatemala,” the Rapporteur stated, also highlighting the fact that “two State institutions that should be in the frontline in providing protection and redress against these attacks are part of the problem – the police and the Attorney General’s Office.”

The Commission against Impunity in Guatemala (CICIG) represents an innovative collaboration between government, civil society and the UN. The result of a September 2007 agreement between the UN and the Guatemalan Government it was officially

launched on 11 January 2008. The Commission’s mandate is to detect illegal security entities and clandestine organisations, collaborate with the State in dismantling them, promote the investigation, criminal prosecution and punishment of crimes committed by their members, and recommend State policies to eradicate these organisations and prevent their resurgence. This allows it to conduct independent investigations and act as a complainant, supporting Guatemalan authorities in prosecuting cases in the courts. The Commission differs from international courts in that it works through the local judicial system and in close collaboration with Guatemala’s Public Prosecutor’s Office (MP) and the National Civil Police (PNC). In addition to seeking convictions, the Commission’s objective is to strengthen the national criminal justice system so that it can be effective in these types of cases. In April 2009, CICIG’s mandate was extended until September 2011.

In its first annual report in September 2008, CICIG concluded that it is the Guatemalan government’s responsibility to dismantle illegal entities and clandestine organisations. CICIG has pledged to continue providing full support to the government to achieve this, asserting that the collaboration of State institutions is fundamental. “The Guatemalan government should ensure that all court officers responsible for the fair application of justice can operate in an atmosphere free of threats, pressure and even assassination,” it states, noting that at least eight public security officials and court officers handling cases, or with information on high-profile cases, were assassinated in 2008. “A close analysis of the sentences handed down shows that the level of efficiency in the justice system is unacceptable,” it reports.²⁸

²⁵ Myrna Mack Foundation, Consideraciones sobre la impunidad en Guatemala: la configuración de una masiva violación de derechos humanos, February 2008, p1.

²⁶ Myrna Mack Foundation, Opinión en relación con el documento de propuesta “Acuerdo nacional para el avance de la seguridad en Guatemala”, 19 December 2008, p4.

²⁷ Human Rights Tribune, “Guatemala: defenceless defenders,” www.humanrights-geneva.info/guatemala-defenceless-defenders,2776, 22 February 2008.

²⁸ CICIG, Un año después, <http://cicig.org/uploads/documents/One%20year%20report-%20spanish.pdf>, September 2008.

Human rights and hate crimes:

sexual identity

The Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS) promotes and defends the rights of sexually diverse communities²⁹ and persons suffering from HIV-AIDS. It documents the cases of human rights violations, and the exclusion and discrimination suffered by the lesbian, gay, bisexual, transgender and transsexual (LGBT) population.

On 17 December 2005, Paulina, an OASIS communications assistant, was attacked and killed by four presumed police officers. Her friend Zulma Robles who, like Paulina, is a transgendered person, was also seriously injured. No one has been prosecuted, and as witness to the attack, Zulma's life is at risk. The Inter-American Human Rights Commission ordered the State to protect the lives of OASIS members,³⁰ and Guatemala's own Human Rights Ombudsman found that the State had violated Paulina's right to life and Zulma's right to safety and physical integrity.³¹

A report³² by OASIS on human rights and hate crimes motivated by sexual intolerance shows how violence and discrimination seriously affect the lesbian, gay, bisexual, transgender and transsexual population. Prejudice is deeply rooted, fed by the weakness of State institutions and the lack of political will to address persecution for reasons of sexual identity. While homosexuality is not a crime under Guatemalan law, the rights of members of sexually diverse communities are neither recognised nor defended by the legal system, resulting in their persecution and *de facto* penalisation. The judicial process is used to disguise the social prejudice that motivates hate crimes.

The study found that attacks were significantly under-reported because victims know they will face institutional discrimination, overwhelming levels of impunity and social rejection. Violence, displacement and marginalisation force people into extreme poverty and violate their human dignity. Some become displaced after being rejected by their families. It is almost impossible to comprehensively document attacks because they are often mislabelled as common delinquency. They only gain public recognition

when the often extreme brutality of the attack captures media attention.

In many cases heard by OASIS, potential evidence is not recorded because survivors are too afraid to speak, or because the authorities are unprepared or unwilling to deal with the crimes. Witnesses are forced into exile. In most cases OASIS identified the national police and army as the aggressors, with private security guards also implicated but to a lesser extent. Much religious discourse also tended to promote and condone social prejudice.³³

OASIS describes other more subtle forms of discrimination that nonetheless have a critical impact, for example, much-needed resources to address the country's AIDS epidemic are simply not provided. This epidemic has particularly affected the non-heterosexual population, and with it the country's economic and social development. Sufficient measures have not been taken to prevent the spread of AIDS or to ensure that people who are HIV positive have access to dignified medical treatment. Social exclusion confines them to horrendous situations where they are repeatedly denied the right to health, education, work and cultural identity.³⁴ "Their lives can be taken without the need for bullets or knives," explains Jorge López, the organisation's director.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions called for the State to "relentlessly root out the practice of 'social cleansing' by government bodies,"³⁵ but OASIS members continue to be at risk of physical attack.

Between January and September 2009 PBI activated its support network to express concern for the security of Jorge López. After denouncing irregularities by the Public Ministry he was subjected to criminal proceedings by the same ministry. In September 2009 the presiding judge declared the accusations against him inadmissible and dismissed the case. Although this was a positive outcome, the process negatively affected Jorge's health, liberty and personal life, calling into question his reputation and credibility, and reducing his capacity to promote and defend the rights of those of diverse sexuality (LGBTB). The judicial process has also caused difficulties for the work of OASIS, threatening the survival of the structure of the organisation. What Jorge López has experienced is not an isolated case in Guatemala, where human rights defenders are often subject to unfounded criminal accusations.

²⁹ Sexually diverse communities include lesbian, gay, bisexual, transgender and transsexual (LGBT) people.

³⁰ Precautionary measures of the Inter-American Commission on Human Rights, 6 February 2006.

³¹ Human Rights Inspector General, REF EXPORD.GUA 1128-2005/DI.

³² OASIS, La situación de los derechos humanos y los crímenes de odio por causa de la identidad sexual en Guatemala, 16 November 2006.

³³ Ibid.

³⁴ Ibid.

³⁵ Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Civil and Political Rights, Including the Questions of Disappearances and Summary Executions, 19 February 2007.



OASIS director Jorge López, with PBI UK volunteer Daniel Carey and Zulma, a witness to the murder of her colleague Paulina in 2005. No one has been prosecuted for Paulina's murder and as a witness, Zulma's life is at risk

Barriers to justice in Mexico

The Office of the UN High Commissioner for Human Rights (OHCHR) in Mexico was invited by the government to conduct an assessment of the human rights situation. The report shows that violations often go unpunished and highlights structural deficiencies in the justice system that have perpetuated this pattern. The assessment also identifies how the judicial system is misused to allow some to avoid punishment while others are convicted on the basis of ‘trumped up’ charges. These convictions are often associated with political objectives and without respect for due process.³⁶

The report notes that although Mexico ratified the Inter-American Convention on Forced Disappearance of Persons in 2002, it included a reservation and a declaration that prevented its application to members of the military who commit unlawful acts while in service. Mexico also attempted to prevent the Convention from being applied retroactively.³⁷ However, the nature of forced disappearance as an ongoing violation makes non-retroactivity difficult to defend under international law.

Human rights defenders and their families are subject to physical attacks, intimidation, defamation, and are falsely accused of crimes. This harassment often goes unpunished. In the UN Universal Periodic Review in June 2009, Mexico committed itself to protecting human rights defenders and working to end impunity. Specifically, they agreed to “assure that crimes and attacks against human rights defenders be effectively investigated and pursued through the justice system and to punish those responsible; assure that reports of aggressions, threats or acts of intimidation against human rights defenders be investigated quickly; and that instruments be put in place to guarantee their security.”³⁸

Despite this commitment, human rights defenders in Ayutla de los Libres, an indigenous municipality in the Costa Chica in the State of Guerrero, continue to face threats, harassment, and aggression. These threats have not been investigated, and have led to an increased sense of insecurity. Organisations have filed cases on behalf of Valentina Rosendo Cantú and Inés Fernández, indigenous women from Ayutla de los Libres, who have reported being raped and tortured

by members of the Mexican army in 2002. The Mexican military justice system reviewed the cases, and determined that the cases fell within their jurisdiction. The victims presented appeals, arguing that their right to due process had been violated, and demanded that the crimes be judged in a civil court. The appeals were rejected and subsequently the military justice system concluded its investigation by shelving the cases, alleging lack of evidence. In December 2006, the Inter-American Human Rights Commission accepted the cases of Inés Fernández Ortega (Case 12.580) and Valentina Rosendo Cantú (Case 12.579). Their cases were reviewed in May and July 2009 respectively and are awaiting a final decision.

Complaints against the military are systematically reviewed by the military justice system, or are sent by civil authorities to the military jurisdiction. Mexico has ratified international human rights treaties with reservations or interpretive clauses, thus failing

“Mexican human rights defenders believe that civil courts should judge the military in cases that involve civilians.”

to validate the principle that it should be civil courts that judge the military in cases that involve civilians.³⁹ Military courts often fail to condemn members of the army when they are accused of crimes, further perpetuating cycles of impunity and violence.

³⁶ Office of the OHCHR in Mexico, *Diagnosis of the Situation of Human Rights in Mexico*, 2003.

³⁷ *Ibid.*

³⁸ UN Human Rights Council – Working Group on the Periodic Review, *National Report Submitted in Accordance with Paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1 Mexico*, February 2009.

³⁹ Office of the OHCHR in Mexico, *Diagnosis of the Situation of Human Rights in Mexico*, 2003.



Members of AFADDEM in Mexico City with photos of the disappeared

The search for justice for crimes of the past:

Tita Radilla and AFADEM

Over 1,200 people were forcibly disappeared at the end of the 1970s and beginning of the 1980s in Mexico's Dirty War.⁴⁰ Subsequently, their families often worked together in the search of information about the whereabouts of their relatives. This resulted in the setting up of the Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico (AFADEM) in 1977 with the aim of demanding the reappearance of the disappeared and calling for an end to all disappearances and impunity.⁴¹

The family members of the disappeared initially faced decades of silence by the Mexican government. In 1999 AFADEM filed a complaint with the National Attorney General's Office, and the National Human Rights Commission once again carried out a review. The result was a report on 532 cases of crimes committed by the State and included a recommendation that the government investigate these crimes.⁴²

AFADEM's struggle for justice includes a precedent-setting victory in March 2008, when the Inter-American Court of Human Rights accepted for consideration the 1974 case of the disappearance of Tita Radilla's father. This is the first case from Mexico's Dirty War to be tried by an international entity, and could lead to the prosecution of more cases,

“We have kept going this whole time on a national level. We believe that this has been one of the things that has forced the State to investigate and create a Special Prosecutor's office. We have to act, we have to be the ones to do things, to make requests, to make demands or whatever needs to be done, so that nothing can be erased from the agenda.”

Tita Radilla,
vice-president of AFADEM



PBI Mexico volunteer with Tita Radilla, vice president of AFADEM

and perhaps ultimately to the recognition by the Mexican government of State use of systematic repression during this period.

The case was heard by the Court in July 2009. Tita explains: “We are asking for real and effective investigations to find... our disappeared relatives, and that they do not just keep asking us for our testimonies... but truly investigate those responsible for these crimes.”

The Mexican government challenges the Court's competency to try the case since the disappearance occurred before Mexico accepted the jurisdiction of the Court. However, a lawyer for the case and director of the Mexican Commission for the Promotion and Defence of Human Rights argues that because “structural impunity persists to this day, the case falls within the jurisdiction of the Court.” The definition of forced disappearance in the Inter-American Convention on Forced Disappearance of Persons, states that forced disappearance is a permanent crime as long as the whereabouts of the victim remain unknown.⁴³

While Tita and her family await a Court decision, they hope that they will at last learn the truth and obtain justice and reparations not only in the case of her father's disappearance but also other cases of disappearances. They also ask for structural reforms that will prevent disappearances from recurring, such as restricting military jurisdiction to cases that do not involve civilians.

The crime of enforced disappearance is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.⁴⁴

PBI has been accompanying Tita Radilla since 2003 as a result of the pressures and threats. As Tita and her brother Rosendo explain, “PBI has been very important throughout this process. PBI's accompaniment gives us strength, and a lot of security. PBI's presence means that the State knows that the international community is watching this case. (...) These are very delicate cases in which it has been very difficult to attain justice and clarify the cases, and I think that where there is impunity there is danger.”

⁴⁰ A “scorched earth” campaign executed by the Mexican government and military against rural guerrilla groups in the 1970s (see LA Times: <http://articles.latimes.com/2006/feb/27/world/fg-mexico27>).

⁴¹ AFADEM. <http://www.laneta.apc.org/afadem-fedefam-presentacion.htm>.

⁴² National Human Rights Commission, Recommendation 26/2001, 27 November 2001.

⁴³ Ibid.

⁴⁴ OAS, Inter-American Convention on Forced Disappearance of Persons, Article II, 6 September 1994.

Military and police:

a culture of impunity in Indonesia

A great many positive changes have occurred in Indonesia since the end of Suharto's 32 years in office in 1998; arguably, this fledgling democracy enjoys far greater freedoms than previously and it boasts a well-respected image on the international stage. However, impunity is still an inherent part of the culture of Indonesia's military and police.

There are many cases of human rights violations that remain unsolved, some stretching back decades; cases involving extrajudicial killings, disappearances, torture, arbitrary arrests and detention.⁴⁶ The National Commission on Human Rights (Komnas HAM) has investigated a significant number of these cases and urged the Attorney-General's Office (AGO) to prosecute those responsible. Time and again, however, the AGO has dismissed the Commission's reports as not meeting required standards. In those rare instances where prosecutions have taken place, convictions have not followed.⁴⁷

Within this context of widespread impunity and silence, security forces continue to commit human rights abuses, especially in the more remote areas of the country. In August 2008, for example, Opinus Tabuni was shot and killed, allegedly by security forces, while attending a ceremony in Wamena, Papua⁴⁸ to mark the UN International Day for Indigenous People. In spite of forensic tests and repeated calls for information from Tabuni's family and human rights defenders, police have not yet named a suspect, let alone charged anyone.

Those allegedly responsible for human rights violations, namely high-ranking State officials, are rarely if ever prosecuted. The exception to this rule, however, came in 2008 with the Muchdi trial. Muchdi Purwopranjono, former Deputy Director of Indonesia's National Intelligence Agency (BIN), was charged with masterminding the 2004 murder of human rights activist Munir Said Thalib. There were high hopes among the human rights community that this groundbreaking trial could pave the way for the resolution of other cases. However, despite fairly compelling evidence and several questionable occurrences during the trial process,⁴⁹ Muchdi was acquitted.

Perhaps the most singular proof that impunity is alive and well was the candidacy for vice-president in the July 2009 elections of two former high-ranking military personnel: Wiranto, former Head of Indonesian Armed Forces (ABRI), and Prabowo Subianto, former Army Special Forces (Kopassus) Commander. Both men have been linked to the fatal shooting of students at Jakarta's Trisakti University in 1998, and the Jakarta riots of May 1998, in which thousands of civilians were killed and

wounded.⁵⁰ In addition, Prabowo has been accused of the kidnapping and murder of pro-democracy activists during the late 1990s.⁵¹

Several leading human rights organisations urged voters not to endorse these candidates,⁵² but the very fact that these individuals are able to take a leading role in politics is indicative of the kind of power still held by former military figures.

⁴⁵ Section C (12), Concluding Observations of the Committee against Torture – Indonesia, 40th Session, 28 April – 16 May 2008, CAT/C/IDN/CO/2, 2 July, 2008.

⁴⁶ Cases include Tanjung Priok (1984), Trisakti (1998), Semanggi I (1998), Semanggi II (1999) and the forced disappearance of student activists (1997/98), fourteen of whom remain missing.

⁴⁷ Sections C (23), (24) & (25), Concluding Observations of the UN Committee against Torture – Indonesia, 40th Session, 28 April – 16 May 2008, CAT/C/IDN/CO/2, 2 July, 2008.

⁴⁸ As of February 2007, there are two provinces that make up Indonesia's easternmost region: Papua with its provincial capital Jayapura, and West Papua with its provincial capital Manokwari. For the purpose of these articles, the term Papua will be used to incorporate both provinces.

⁴⁹ Watch Indonesia! Press Release, 3 January, 2009.

⁵⁰ Jakarta Globe, The Presidential Election: Bold, Odd and Unexpected, 17 May, 2009.

⁵¹ Tapol, The Rise and Fall of Military Candidates in the Indonesian Elections, September 2008.

⁵² Demokrasi Tanpa Penegakan HAM Adalah Demokrasi Tanpa Makna, 'Democracy without Upholding Human Rights is a Democracy without Meaning', Press Statement by a Coalition of human rights NGOs, including Imparsial, KontraS and the Legal Aid Foundation, Jakarta, 22 May 2009.

“... credible allegations of torture and/or ill-treatment committed by law enforcement, military and intelligence services personnel are seldom investigated and prosecuted and... perpetrators are either rarely convicted or sentenced to lenient penalties that are not in accordance with the grave nature of their crimes.”⁴⁵

Committee against Torture, Indonesia



A PBI field volunteer on accompaniment in remote regions of Papua

Papua:

justice and reparations



Nehemia and Peneas of BUK, one of the first grassroots organisations in Papua to focus solely on the victims of human rights violations.

In June 2007, Hina Jilani, the UN Special Rapporteur on the situation of human rights defenders, visited Indonesia and expressed her concern about the ‘continuing activities of the police, the military and other security and intelligence agencies that are aimed at harassment and intimidation of defenders or restrict their access to victims and sites of human rights violations.’ She perceived this trend to be ‘more pronounced in the Province of West Papua.’⁵³

Papua is one of the most heavily militarised regions in Indonesia due to ongoing tensions between the indigenous population, some of whom seek Papuan independence, and the Indonesian authorities intent on maintaining national unity. This conflict impacts upon the work of human rights defenders in that they face the constant threat of being stigmatised by the authorities as separatists in order to undermine their credibility.⁵⁴

It is within this context that a new organisation, BUK (Bersatu untuk Kebenaran, United for Truth), was founded in March 2008 in order to seek truth, justice and reparations for victims and survivors of human rights violations. One of the first grassroots organisations in Papua to focus solely on victims, the motivation behind its establishment was the struggle for justice by victims and survivors of the Abepura Case.

In December 2000, unknown assailants attacked the police station in Abepura, Jayapura City, leaving one police officer dead and three seriously wounded. In response, police Mobile Brigade (Brimob) forces carried

out ‘sweepings’ of student dormitories and settlements, all of which were occupied by indigenous Papuans from the Central Highlands region, an area long-regarded by authorities as a hotbed of pro-independence sentiment.⁵⁵ Around seventy Papuans were arbitrarily arrested: two died in detention and tens of others were tortured.⁵⁶

Due to the persistence of human rights defenders, this case was brought to the Human Rights Court in Makassar, Sulawesi Province, in 2004.⁵⁷ However, the two defendants, Brimob Commander Jhonny Wainal Usman, and Jayapura City Police Chief Daud Sihombing, were acquitted of all charges. Nevertheless, BUK hopes to use the experience gained from the case to further the other unresolved cases, some dating back to 1977.⁵⁸

In addition to seeking legal redress, BUK works to raise awareness of these cases through remembrance campaigns and lobbying and advocacy. Given the threat of stigmatisation, Peneas Lokbere, BUK Coordinator and himself a victim of the Abepura case, knows that the way ahead will be long and arduous but he stresses the need for an organisation such as BUK in order to respond, “... to the very urgent

“...human rights defenders face the constant threat of being stigmatized by the authorities as separatists.”

“Papua is (a place) where the moral value of human rights and democracy are regarded as a threat against the sovereignty of the State, and where those who possess power can use it to create a culture of conflict.”

Peneas Lokbere, Coordinator of PBI-accompanied organization Bersatu untuk Kebenaran (United for Truth).

need among the circle of victims – a voiceless community, which all this time was quiet and said nothing, while hoping that justice would come from somewhere.”⁵⁹

⁵³ UN Human Rights Council, Press Release: Special Representative of the Secretary-General on the situation of human rights defenders concludes visit to Indonesia, 12 June 2007.

⁵⁴ Ibid.

⁵⁵ Human Rights Watch, Out of Sight: Endemic Abuse and Impunity in Papua’s Central Highlands, July 2007.

⁵⁶ J. Budi Hernawan, Office for Justice and Peace, Catholic Diocese, Jayapura, ‘Perkara Abepura 7 Desember 2000, The Abepura Case 7 December 2000, <http://www.hampapua.org/skp/skp03/op-12i.pdf>

⁵⁷ Despite Law No.21/2001 on Special Autonomy for Papua obligating the Indonesian government to establish a Human Rights Court in the province (Article 45, Clause 2), Papuans are still waiting for such an institution.

⁵⁸ Cases include two from Biak (1977) and (1998), respectively; Wasior (2001); Wamena (2003) and the Portnombay case (2001), in which the then-Head of the Papuan Presidium, Theys H Eluay, was kidnapped and killed and his driver, Aristoteles Masok, ‘disappeared’.

⁵⁹ PBI interview with Peneas Lokbere, Jayapura, Papua, 25 May 2009.

Nepal:

searching for justice

The election of a Constituent Assembly in April 2008 brought hope of national reforms. With the Communist Party of Nepal leading a coalition government, many believed democracy and lasting peace were possible. Infrastructure improvements at the village level and integration of lower classes into the mainstream via small loan schemes were examples of positive developments and reform. However, the political tug of war over the dismissal of the Head of the Army, Rookmangad Katawal and the subsequent resignation of Prime Minister Pushpa Kamal Dahal in May 2009, is evidence of the continued underlying conflicts dating back to the mid-1990s. As political conflicts continue to receive most media attention and

major political leaders evade commitments to ending the culture of impunity, many Nepalese remain disillusioned.

Human rights defenders and victims continue to face obstacles in their quest for accountability. Mandira Sharma of the Asian Human Rights Commission points out that “Fearing both the army and Maoists, at times police refuse to register complaints altogether.”⁶⁰ According to Sharma, getting a complaint filed is just the first step in a “legal system [which] is simply failing to function and [whose] different mechanisms have long been broken.”⁶¹

In addition to inconsistencies in its national legal system, the State has failed to meet its obligations under international law as confirmed by victims’ accounts from the joint Human Rights Watch and Advocacy Forum report “Waiting for Justice: Unpunished Crimes from Nepal’s Armed Conflict.”⁶² Victims are entitled to reparations, compensation and truth in line with the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.⁶³ Unfortunately, in some

“I went to the (Chief District Officer) and the District Police Office at least 20 times. Officials in both places took the application from me but did not register a complaint. I met the CPN-M leader Prachanda and asked him about the whereabouts of my husband. He asked me to wait to give him two or three days. It’s been two years.”

Wife of victim abducted by Maoists on 19 April 2005

“Violence against those questioning the status quo will continue until there is greater political will to end impunity.”

instances, the victims’ need for compensation has been used to buy their silence and at least one human rights defender has “cast doubts on the levels of compensation being awarded to those victimized during Nepal’s armed resistance movement.”⁶⁴

A contradiction between the desire to create sustainable peace and the continued estrangement of the marginalized and most susceptible to abuses (women human rights defenders, victims’ groups and journalists) needs to be remedied if Nepal is to see an end to conflict at any level.

The much anticipated inclusiveness of the most marginalized sectors of society into the constitution drafting process, especially women human rights defenders and victims’ groups, is unlikely. Violence against those questioning the status quo will continue until there is greater political will to end impunity. Support from the international community is needed to assure that those who have committed or are committing human rights violations are held accountable.

⁶⁰ Mandira Sharma, Asian Human Rights Commission, ‘Nepal: how justice continues to fail as the country transitions, according to Advocacy Forum’, 20 May 2009.

⁶¹ Ibid.

⁶² Human Rights Watch & Advocacy Forum, *Waiting for Justice: Unpunished Crimes from Nepal’s Armed Conflict*, 11 September 2008.

⁶³ OHCHR, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, resolution 60/147 of 16 December 2005, <http://www2.ohchr.org/english/law/remedy.htm>

⁶⁴ Mandira, ‘Nepal’, in Asian Human Rights Commission



PBI volunteer Sophie with Laxmi, a victim of the conflict in Nepal. Violence against those questioning the status quo will continue until there is greater political will to end impunity.



Members of the Conflict Victims Committee demonstrating in Gulariya. Support from the international community is needed to assure that those who commit human rights violations are held accountable.

Impunity has become a part of everyday life in Nepal. It has become entrenched in the wake of a debilitating decade-long civil war. It has particularly affected human rights defenders, as well as victims and their families. Yet, despite the persistence of those fighting to end to impunity, new cases of denial of justice continue to present themselves.

Over the course of the armed conflict, pitting the Maoists against the central state, over 13,000 people lost their lives. International human rights organisations and the Office for the UN High Commissioner on Human Rights (OHCHR), document the systematic arbitrary arrest, detention and extrajudicial killing of thousands more by both State and Maoist forces. From 2003 to 2004, according to the OHCHR, Nepal witnessed the highest number of reported disappearances in the world.

Baghiram from Bardiya district, says of his brother and sister-in-law who were abducted by security forces, “I have lost 99 percent hope that they are still alive. However, the State has the responsibility to declare them dead. Hope is the only way that one moves forward.” He also places no credence in the State’s claim that they were killed in a shootout. “I do not believe this,” he explains, “as there are witnesses who saw them being taken away and others who met them in Chisopani barracks. I will not give up until I get a truthful answer.” Baghiram is the director of the Conflict Victims Committee (CVC), a group of more than 200 victims based in mid-western Nepal, the area that experienced the highest

number of cases of disappearances. PBI Nepal has been accompanying CVC since February 2007, as they continue their fight for justice and against impunity.

Additionally, new political fault lines based on identity politics have compounded human rights violations since the end of the civil war. In particular, the Madheshi population in the southern Terai region have started to express their disenfranchisement from the politically dominant hill peoples. Extortion, kidnapping, threats and killings are carried out without any real fear of justice. Since the April 2008 general election, the region has experienced an upsurge in intimidation and harassment along with a continuing disregard for the rule of law.

The shortcomings of the State in collaborating with victims to combat impunity is summed up in the words of Krishna, a member of CVC whose father was disappeared eight

years ago, “I need to know the truth about the whereabouts of my father. But the State is not able to provide me or my family with answers. What do I feel? I really don’t know what to say, I am still waiting for answers.”

“Our judicial system has failed miserably to respond to FIRs [First Information Reports] related to human rights violations and to bring perpetrators to justice,” says Mandira Sharma, executive director of Advocacy Forum, an organisation accompanied by PBI. Unfortunately, it is a statement that rings true for many including Laxmi, whose husband was disappeared by the Maoists. Because of the political situation she feels that victims of Maoist transgressions experience even more problems in finding justice. Laxmi tried filing her husband’s case through CVC, with no success. Yet, despite threats to herself and her family, she remains committed to justice.

A similar story is told by Sunamati, a member of CVC also fighting for justice following her husband’s disappearance. Her husband, a teacher, was arrested by the Nepal Army over four years ago on suspicion of being a Maoist. However, unlike Laxmi she was successful, with CVC’s assistance, in submitting her husband’s case to the UN Working Group on Enforced or Involuntary Disappearances – one of 207 cases forwarded to the OHCHR in Geneva. She states that she is now beyond fear; her only hope is justice for her husband – if he is alive, he should be returned to her, and if he is dead then proof should be provided.

“The army investigation and court martial was a mere formality. They [the soldiers] were not even put in jail...”
 Mother of teenage girl **Maina Sunuwar**, abducted by soldiers on 15 February 2004 and whose remains were found in March 2007

Organisations accompanied by PBI

In 2008, PBI's international volunteers from 25 countries provided protective accompaniment and international presence to 50 human rights and civil society organisations, three resettled displaced communities and 11 prominent human rights defenders on an individual basis. An estimated 7,000 people were direct beneficiaries. The

multiplier effect of our work has a positive effect on many thousands of people, their communities and more broadly, on state structures.

Groups PBI accompanies include indigenous communities in Mexico and Guatemala, environmental organisations in Guatemala, human rights organisations in Indonesia, lawyers in Colombia and Nepal, women's organisations

in Colombia, relatives of the disappeared in Mexico, Colombia and Guatemala and displaced communities in Colombia. Our work in the field is supported by 17 groups in North America, Latin America, Europe and Australia responsible for volunteer recruitment and training, fundraising, outreach and advocacy including maintaining and activating international support networks.

PBI Colombia

Bogotá, Medellín, Barrancabermeja and Turbo

- Association of the Families of the Detained – Disappeared (ASFADDES)
- Association for Alternative Social Advancement (MINGA)
- Cacarica Community of Life, Dignity and Self-determination (CAVIDA)
- Committee in Solidarity with Political Prisoners (FCSP)
- Corporation for Judicial Freedom (CJL)
- Grassroots Women's Organisation (OFP)
- Inter-church Justice and Peace Commission (CIJP)
- 'Jose Alvear Restrepo' Lawyers Collective (CCAJAR)
- Luis Carlos Perez Lawyers Collective (CALCP)
- 'Manuel Cepeda Vargas' Foundation
- Peace Community of San José de Apartadó
- Popular Training Institute (IPC)
- Regional Corporation for the Defence of Human Rights (CREDHOS)
- Peasant Farmer Association of the Cimitarra River Valley (ACVC)
- Social Corporation for Community Advisory and Training Services (COSPACC)

PBI Colombia provides ad hoc accompaniment to the National Movement of Victims of State Crimes (MOVIC), Colombia's National Indigenous Organisation (ONIC), Seeds of Liberty Human Rights Committee (Codhesel), the Antioquia Peasant Farmer Association (ACA) and Yira Castro.

PBI Guatemala

- Association for the Protection of Montaña de las Granadillas (APMG)
- Association of Friends of Lake Izabal (ASALI)
- Association of Indigenous Women of Santa María Xalapán (AMISMAXAJ)
- Association of Mayan Lawyers and Notaries of Guatemala (AAMN)
- Centre for Human Rights Legal Action (CALDH)
- Commission of Peaceful Resistance of San Rafael Pie de la Cuesta (CRP)
- Guatemalan Association of Indigenous Mayors and Authorities (AGAAI)
- National Coordinating Body for Inhabitants of Marginalised Areas (CONAPAMG)
- National Coordination of Widows of Guatemala (CONAVIGUA)
- Lesbian Collective Lesbiradas

- Movement of Campesino Workers (MTC)
- Peasant Union Chortí Nuevo Día
- The Organisation to Support an Integrated Sexuality to Confront AIDS (OASIS)
- Union of Campesino Organisations for the Verapaces (UVOC)
- Unified Protection of Human Rights Defenders (UDEFEQUA)
- Women's Sector

PBI México

México City, Guerrero and Oaxaca

- Association of Relatives of the Detained, Disappeared and Victims of Human Rights Abuses in Mexico (AFADEM)
- Cerezo Committee
- Civil Monitor of Police and Security Forces of the Montaña
- Members of the Tlachinollan Human Rights Centre
- Organisation of the Indigenous Me'Phaa People (OPIM)
- Organisation of Women Ecologists of the Sierra de Petatlán (OMESP)

PBI Indonesia

Jakarta, Jayapura, Wamena

- Bersatu untuk Kebenaran (United for Truth, BUK)
- Emanuel Goo (Independent journalist based in Nabire, Papua)
- Forum Kerjasama Lembaga Swadaya Masyarakat Papua (Papua Forum of NGO Cooperation, FOKER)
- Jaringan Advokasi Penegakan Hukum dan Hak Asasi Manusia (Advocacy Network for Upholding Law and Human Rights, JAPH&HAM)
- Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan (Commission for Disappearances and Victims of Violence, KontraS Papua)
- Sekretariat Keadilan dan Perdamaian Keuskupan Jayapura (Office for Justice and Peace of the Catholic Diocese in Jayapura, SKP)
- Yayasan Lembaga Penelitian, Pengkajian dan Pengembangan Bantuan Hukum (The Institute for Analysing, Investigation and Development of Legal Aid, LP3BH)

PBI Nepal

Kathmandu and Terai

- Advocacy Forum (AF)
- Conflict Victims Committee (CVC)
- Dalit Uplift Feminist Organisation (DAFUO)

Recommendations

Based on our observations through field work and dialogue with human rights defenders, PBI makes the following recommendations to the international community:

- 1** Support victims' organisations in their search for truth, justice and reparations as a guarantee of non-repetition.
- 2** Search for the dead and disappeared, and carry out exhumations according to the Minnesota Protocol. Information from civil society and government agencies should be shared if it enables the identification of remains and integral reparations for victims.
- 3** Ratify and implement the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee on Enforced Disappearances should provide monitoring and protection at an international level.
- 4** End baseless prosecutions of human rights defenders; implement the repeated recommendations of the OHCHR to ensure that intelligence gathered on human rights defenders is justified, and subject to data protection legislation, including access, judicial oversight and deletion.
- 5** Comply with obligations under relevant regional human rights mechanisms, including those that aim to safeguard the rights of indigenous peoples, Afro-descendants, women and sexually diverse communities. Access to such systems should be available to all victims.
- 6** Actively implement and monitor recommendations made by international commissions and international human rights mechanisms, particularly the recommendations of the Special Rapporteurs of the United Nations Human Rights Council and the Universal Periodic Review.
- 7** Establish benchmarks for international government aid to be withheld in credible cases of gross human rights violations and breaches of international humanitarian law.
- 8** End the practice of processing of cases involving allegations of human rights violations committed against civilians under military jurisdiction and uphold due process.
- 9** Ensure that humanitarian assistance is distinguished from military assistance to protect civilians from combatants under international humanitarian law.

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