



Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations. Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on Human Rights Defenders adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders in El Salvador.

Introduction

1. Human rights defenders (HRDs) in El Salvador work in a continuously insecure environment. Despite El Salvador's dropping crime and murder rate since 2011, its levels of violence are still one of the highest in the world. With the highest homicide rate in Central America, El Salvador is a difficult and risky location for human rights work. HRDs operating in such an environment frequently face harassment, intimidation, threats, surveillance and arbitrary arrests and detention often based on fabricated evidence. The human rights defender community is regularly subjected to campaigns of defamation - they are labeled as 'traitors of the nation', 'terrorists' and 'subversive'. This tactic employed by the authorities is designed to discredit and undermine their work by isolating and marginalising them, making them a vulnerable target for abuse.

2. HRDs at risk in El Salvador come from a broad range of different backgrounds. They are journalists, community leaders and environmental activists who are opposed to large-scale mining projects face death threats and violence. Others who are particularly targeted are those campaigning on behalf of lesbian, gay, bisexual, transgender and intersex people (LGBTI), particularly Trans Human Rights Defenders. HRDs denouncing corruption and impunity, women's rights defenders and defenders who work with local communities are also particularly at risk. In addition, HRDs working with reparations and denouncing human rights violations committed during the Salvadoran Civil War that dragged on for twelve years work in a constant climate of fear.

3. Following its 2010 UPR, El Salvador agreed to recommendation no. 45, 46 and 56, which read as follows:

“45. To investigate fully and effectively the violations committed against human rights defenders and journalists and to bring to justice those responsible

46. To properly investigate and prosecute perpetrators of attacks against human rights defenders;

56. To ensure that civil society organizations and journalists can exercise their freedom of expression and participate in peaceful public gatherings and demonstrations”

However, four years later, no significant progress has been recorded in this regard. Investigation and prosecution of the main perpetrators on attacks remain unpunished, and human rights defenders continue being at risk due to impunity (see examples below).

Attacks Against Environmental Rights Defenders

4. El Salvador is plagued by a pattern of ongoing harassment against environmental activists. Several instances of assaults, attempted kidnappings, and death threats against HRDs exposing violations by mining companies have occurred throughout the years, particularly in the north-central region of the Cabañas department. Human rights defenders have protested and advocated for the development of more environmentally, socially and economically sustainable solutions. However, they are often threatened and episodes of violence have occurred, with human rights defenders being targeted, kidnapped and assassinated because of their work. Despite the fact that a campaign of intimidation has been ongoing for many years, the authorities in El Salvador have failed to identify the source of repeated threats to numerous human rights defenders and perpetrators have not been brought to trial.

5. Acts of intimidation and harassment have occurred against numerous members of organisations such as *Asociacion Desarrollo Economico y Social - ADES*, *Asociacion Amigos de San Isidro, Cabañas - ASIC*, *Movimiento Unificado Francisco Sanchez-1932 – MUFRAS-32*, and *Comité Ambiental de Cabañas – CAC*. All these organizations are active in the Cabañas mining resistance movement and such threats served as a prelude to the murders of the three activists, Gustavo Marcelo Rivera Moreno, Ramiro Rivera Gomez and Dora Alicia Sorto Recinos.

6. On July 2 2009, the body of **Mr Gustavo Marcelo Rivera Moreno** was found in a well, showing clear signs of torture. Gustavo Marcelo was the director of ASIC and an environmental activist who opposed the impacts of mining activities in the region and denounced electoral fraud in the municipal elections of January 2009. Initially, the Attorney General and the police denied investigating the planning of the murder, claiming the activist's death was a result of a common crime. Additionally, the preliminary hearing of the case was suspended three times. On September 2010, after much pressure from Gustavo Marcelo's family and friends, the communities of Cabañas, the National Roundtable against Metallic Mining and the members of the international community, the gang members that acted as hired assassins were finally tried and sentenced to 40 years in prison. Nevertheless, authorities have failed on investigating the individuals responsible for hiring the gunmen and orchestrating Gustavo Marcelo's murder.

7. On December 2009, environmental activists **Mr Ramiro Rivera Gomez** and **Ms Alicia Recinos Sorto** were both murdered. They were respectively Vice-President and member of CAC, an organisation which works to educate the community about the health and environmental risks of cyanide contamination as a result of gold mining operations. Both human rights defenders advocated strongly against the environmentally-destructive gold mining projects proposed by the Canadian company Pacific Rim Mining and were active opponents of the El Dorado mining operation in Cabañas. Until this day, the main perpetrators on the attacks remain unpunished and official investigators have tried to depoliticize these assassinations by attributing them to family feuds and domestic issues.

8. **Mr Hector Antonio Garcia Berrios** is a human rights defender and member of *Movimiento Unificado Francisco Sanchez-1932 - MUFRAS-32*, a community-based organisation that promotes the respect for human rights and democracy through the strengthening of citizen participation on discussions over social and environmental issues. In 2009, the IACHR granted precautionary measures for Héctor Antonio García Berríos because he was receiving threats, allegedly as a result of his activism in defense of the environment in the San Isidro county. On January 22 2011, Berrios began receiving threatening phone calls. In that same month, MUFRAS-32 had denounced a series of murders that occurred in Cabañas. Two youth who had participated in the investigations of Gustavo Marcelo's murder were mysteriously killed: one had been designated a direct perpetrator in Gustavo Marcelo's attack while the other was a witness to the homicide.

9. On 2 May 2011, journalist human rights defenders working for *Radio Victoria* also faced death threats. Radio Victoria is a community-based station which works promoting education and empowerment, particularly among youth. The threats were directed at journalists **Messrs Paul Ayala, Oscar Beltrán** and **Manuel Navarrete** ordering them to leave the district of Cabañas by 4 May or otherwise they would be killed. The perpetrators also managed to slip written threats under the radio station's door on 30 April, despite the presence of the National Police who were guarding the location from 4pm to 8am following a protective measure issued by the InterAmerican Commission of Human Rights. It was reported that the three journalists were being harassed by anonymous individuals in an attempt to silence their coverage of the exploitation done by mining companies and allegations of corrupt legislators and town mayors.

10. On 13 June 2011 the body of human rights defender **Mr Juan Francisco Duran Ayala**, who was an activist with CAC was found following his disappearance on 3 June in the Lamatepec colony in Soyapango municipality. The day before he had been out putting up flyers and banners in the city of Ilobasco, Cabañas, against Pacific Rim as part of a CAC campaign that exposed the environmental impacts of mining activities. It was reported that the mayor of Ilobasco had assigned employees to follow activists who hung protest banners and then ordered the municipal police to remove the posters.

11. On 20 January 2012, two youths arrived at the home of human rights defender **Father Santos Nefalí Ruíz Martínez**, the Secretary of the Board of CAC. After speaking to the young men for approximately 20 minutes on the environmental work of the organisation, the priest was then attacked by the individuals who had produced a firearm and a knife. They tied him to his bed,

where he was left for three hours with his feet and hands tied, and stole his laptop computer, a desktop computer, a hard disk with all the information relating to his activities with CAC, USB memory keys, compact disks, mobile telephones and identity documents.

12. More recently, **Ms Teresa Zenayda Serrano Iraheta**, also a member of MUFRAS-32, was assaulted for her human rights work. On 25 June 2013, she was walking home when she was intercepted by unknown gunmen who claimed to have been watching and following her. They violently stole some of her belongings, including her personal documents, credit cards and documents related to her case work at MUFRAS-32. Afterwards, her bank cards were found but her case work and personal documents remain lost. The whole event was caught on video by a security camera and the authorities were informed of it. However, so far no attempts have been made by the police to retrieve the footage.

13. On 3 October 2013, the human rights defender leader of La Maraña Community and former vice-president of CAC, **Mr Alejandro Guevara** was attacked in his home in Ilobasco. Although three shots were fired at him by gunmen, the defender was left uninjured. Thirty minutes before the shooting, he received a suspicious phone call from an unidentified number asking him whether there had been any shots or persons killed in the house. He had been receiving threats by phone and text message in the weeks prior to the attack.

Break ins and loss of sensitive information for Human Rights Organization

14. At a time when information surveillance and privacy are sources of global apprehension, cases of break-ins and loss of sensitive information are of great concern to human rights defenders. Whilst sending out a very clear message of intimidation, such incidents also greatly hinder the activities of organisations and put a number of others at risk, such as those reporting on human rights violations. Sensitive information and documentation, as well as valuable resources and infrastructure are lost and authorities often do not appear to treat these cases with the appropriate urgency. In addition, they often make preliminary assessments much too quickly and consider these incidents as common robberies without taking many other factors into consideration. Despite clear indications that organisations have been targeted specifically and security compromised, conclusions are drawn linking these incidents to general criminality and cases are quickly dismissed and closed.

15. On November 14 2013, the offices of *Asociación Pro-Búsqueda de Niñas y Niños Desaparecidos* (Association Pro-Búsqueda for the Search for Missing Children) were assaulted by three armed men who threatened three members of the organisation and submitted them to various acts of violence. The armed men proceeded to burn documents, steal files and set fire to the office, causing serious damage and losses to the organisation. It is estimated that 70% of its records were destroyed, including DNA samples that had recently been collected. On the same day, another employee of the organisation was followed on her way to work. **Pro-Búsqueda** has been an instrumental organisation on the investigation of cases of enforced disappearance that occurred during the Salvadoran Civil War and on bringing them before the courts. Its investigative efforts over the years have made it possible to collect information, locate missing children and reunite them with their families. However, because of their line of work, the organisation has been receiving threats since 1995.

Women Human Rights Defenders (WHRDs)

16. WHRDs fighting against impunity and for women's rights are extremely vulnerable to threats. WHRDs working in the defense of sexual and reproductive rights continue to face grave reprisals for their work supporting others. They are also exposed to gender-specific risks and are usual targets of gender-based violence.

17. El Salvador has one of the highest rates of impunity and femicide in the world and while the numbers of murders are reducing, the rates of hate crimes, enforced disappearances, intra-familial

violence and organised crime is expanding. According to the Red Salvadoreña de Defensoras de Derechos Humanos, in 2012 there were 51 cases of attacks against women human rights defenders. Twenty of the victims worked promoting sexual and reproductive rights; thirteen worked against violence and 12 fought for rights over participation of women in politics and in their communities. The remaining six WHRDs worked promoting labor rights.

Lesbian, Gay, Bisexual, Transgender and Intersex Human Rights Defenders

18. El Salvador's society lives in a climate of violence and impunity and in this context the lesbian, gay, bisexual, transgender and intersex (LGBTI) community is vulnerable to attacks against their lives and integrities. Human rights defenders who are particularly targeted are those campaigning on behalf of LGBTI people. Different acts of violence, threats and harassment were committed against LGBTI community organizations and activists, seeking to restrict their activities. HRDs who specifically continue being vulnerable to attacks are Trans Human Rights Defenders. One of the main causes of violence against trans people, especially trans women, is the exclusion and marginalisation of those individuals, expressed by a lack of recognition for their sexual identity and an unequal treatment of their rights.

19. On the 4 May 2013, **Ms Tania Vasquez** was murdered as a victim of transphobia. She was a member of the Board of Directors of the Asociacion Comunicando y Capacitando a Mujeres Trans con o sin VIH en El Salvador – COMCAVIS Trans, and coordinator of the project Vida Digna. Her beaten body was found in a bag with signs of torture. Tania had previously suffered death threats and her assassination was openly denounced by **COMCAVIS**. The organisation demanded further examination on her case but their pleas were met with unintended consequences: the judicial authorities asked for an investigation against COMCAVIS. Their offices were inspected and computers and hard disks were taken. Additionally, the organisation was accused of functioning as a centre for sex workers and did not have their legitimate work as trans human right defenders recognised by the authorities. There still has not been any serious investigation on Tania's murder. State institutions that are in charge of security and crime investigation do not give priority or much attention to LGBTI issues, despite human rights organisations and trans HRDs constantly denouncing acts of intimidation against them.

Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the El Salvador's authorities to prioritise the protection of human rights defenders and in doing so to:

- (a) Make public and frequent statements on the important role played by HRDs and journalists in El Salvador, recognising the level of risk of attack that they face in carrying out their legitimate and peaceful activities, and the responsibility of the federal government to protect both groups through an effective protection mechanism;
- (b) Promptly provide human rights defenders at risk with adequate protective measures tailored to their individual security needs with the aim of preventing future attacks and ensure that all human rights defenders in El Salvador are free to carry out their human rights activities free from persecution;
- (c) Ensure that an immediate, thorough and impartial investigations into all reported cases of attacks against human rights defenders is carried out, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
- (d) Establish a high level task force mandated to investigate the issue of killing of human rights defenders, particularly in the North and North-central regions, and to devise strategies to address it;
- (e) Take measures to build State institutions working in the protection of human rights defenders;

- (f) Guarantee the right of women human rights defenders and trans human rights defenders to engage in human rights work and take measures to ensure their protection before the law and in society;
- (g) Guarantee in all circumstances that all human rights defenders in El Salvador are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions and ensure full respect for the UN Declaration on Human Rights Defenders.
- (h) Fully implement the adopted UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels;
- (i) Fully implement the recommendations on human rights defenders which El Salvador accepted in the last review cycle, with full involvement of human rights defenders and civil society organisations