



**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights



Annual report

Criminalization of, Violence, and Impunity against Indigenous Peoples

2022

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Annual report: Criminalization of, Violence, and Impunity against Indigenous Peoples”.

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Overview and Findings

Photo: Mary Ann Bayang



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Overview and Findings

Alarming rate of attacks against Indigenous Peoples continues

Indigenous Peoples Rights International presents 19 case stories of criminalization of human rights violations and impunity against Indigenous Peoples from its six focus countries, i.e., Democratic Republic of Congo, Brazil, Colombia, Mexico, India, and the Philippines.

The documentation of our country partners continues to present alarming numbers of cases of human rights violations that Indigenous Peoples face amid the ongoing COVID-19 pandemic.

In Democratic Republic of Congo, there were three cases of attacks by armed groups from neighboring countries that happened between January to April 2021. The first case was in Irumu on January 14; the second was in Monkoto on January 31; and the third case was in Mubugu from April 4 - 17. A total of 131 Indigenous Pygmy Peoples were killed of which 36 were women and children from Irumu. There were 206 tortured and around 4,120 displaced which affected the access of thousands of women and girls to education and health. Thousands of homes and basic social infrastructures such as churches and health centers were burned during the attacks.

There were also four incidents of illegal arrests and imprisonment involving 17 Indigenous individuals. Five of them were arrested on the basis of false accusations at different instances in Masisi and Walikale territories in North Kivu province. They were arrested for defending their lands rights by law enforcement agents in complicity with some customary chiefs and traditional authorities. The other 12 illegal arrests happened in Virunga National Park while the men were searching for dead wood. All were accused of being accomplices and collaborators of poachers.

In Brazil, four distinguished Indigenous leaders were charged with defamation by its own National Foundation for the Indians / *Fundação Nacional do Índio* (FUNAI).

In Colombia, the national indigenous organization *Organización Nacional Indígena de Colombia* (ONIC) stated that there were indigenous mobilizations in at least 114 municipalities. In 26 of these, Indigenous People and communities suffered violence. There were 238 incidents of violence registered, including two homicides, 159 cases of harassment, and 24 cases of attacks, three of which were physical.

In addition, OHCHR in Colombia recorded that out of the 78 verified incidents of murders of human rights defenders, 11 were Indigenous persons - five women and six men.

In Mexico, 16 cases of human rights violations against Indigenous Peoples were recorded. Three involved cases of homicide, one criminalization, three cases of enforced disappearance, five cases of forced displacements, two cases were related to the violation of right to free, prior, and informed consent, and a case on violation of the right to recognition of legal personality.

In India, 77 cases of human rights violations before the National Human Rights Commission (NHRC) were submitted. Forty-four of these cases involved criminalization of Indigenous Peoples by the police, forest department and other public officials. The other 33 cases were related to atrocities by non-state actors/non-tribals and denial of basic documents and welfare schemes by the Indian government. There were also nine cases of forced eviction; eight of which involved Indigenous Peoples accused as “illegal encroachers” in forest areas.

In the Philippines, there were 21 cases of killings of Indigenous Peoples and six arrests of human rights defenders.

Trends and challenges

Our data are not comprehensive and provide mere vignettes to a much bigger problem. The sources of data and information on these cases have serious limitations. For instance, official country data are widely limited, where only 6 per cent of the countries documented and reported the cases of killings of human rights defenders. Moreover, it is still impossible to identify land, environmental and indigenous human rights defenders because the data are not disaggregated.¹ Other reasons include lack of free press, fear of reporting as attacks are carried out with impunity, or cases happened in areas too remote to be picked up by mainstream media,² or to have access to social media.

There is a growing interest in documenting the violations committed against land and environmental defenders including Indigenous Peoples. But due to the challenges and limitations in data gathering and data disaggregation, a full and comprehensive picture of the plight of Indigenous Peoples in defense of their rights currently remains partial and restricted.

Although killings are the grossest violation of human rights, these are just the more discernible outcomes of the wider problems of criminalization, violence, and intimidation that Indigenous Peoples face. Similarly, killings

Mexico

- Violence and impunity in Oaxaca: the community in Paso de la Reyna
- State neglect and impunity of armed groups: the plight of Tsotsil families in Los Altos, Chiapas living in constant peril
- The struggle for security through indigenous autonomy in Zitácuaro, Michoacán
- The struggle of the Rarámuri to recover and protect their territory in Repechique, Chihuahua

Colombia

- Cauca: murder of Governor Oneida Argén Yatacué
- Caldas: murder of Andrés Córdoba Tamaniza
- Confinement and displacement in Chocó

Brazil

- Harassment of Indigenous Youth and Lawyers
- Attacks against the Wakoborum Association of Munduruku Women and Maria Leusa Munduruku
- Violence in the Terra Indígena Yanomami

Philippines

- Relentless struggle for justice and land rights: Tumandok massacre and mass arrests
- Impunity and criminalization of activism in the Philippines: trumped-up charges against Indigenous Peoples human rights defenders; cases of Windel Bolinget and Betty Belen

DR of Congo

- Land-grabbing in Masisi territory
- Illegal arrest, intimidation and disregard of the collective rights of the Indigenous Babuluko Pygmy Peoples to free, prior and informed consent

India

- Armed Forces (Special Powers) Act, 1958 questioned anew with the killing of a Kuki tribal in Manipur
- Abuse of counter-terrorism legislations: criminalization of Hidme Markam, a Gond tribal woman activist
- A British colonial legacy: the death of Bhim Kale, member of a "criminal tribe"
- Living in uncertain territory: Kadar tribal families evicted from Anamalai Tiger Reserve in Tamil Nadu
- Forest officials backs non-tribals' assault against Indigenous Peoples and Dalits: a case of eviction in Sahajkhoh Reserve Forest, state of Odisha

Figure 1: Mapping of case stories included in 2022 Annual Report on Criminalization of, Violence and Impunity Against Indigenous Peoples

and criminalization happen along with other human rights violations such as displacement, torture, enforced disappearance, etc.

Many cases of criminalization, violence and intimidation may not end in the killing of Indigenous Peoples, but they happen for extended periods that can go on for years or even generations of Indigenous families and communities.

Our data shows that intimidation of and subsequent violence against Indigenous leaders, advocates and defenders occur at all levels, and are committed even by heads of State. In certain countries, Indigenous Peoples are victims of non-State actors such as guerrillas, paramilitaries, armed groups, and drug cartels. Governments have no specific programs or actions to address these ongoing violations and issues involving non-State actors. The lack of political will to protect Indigenous Peoples from these non-State actors leaves their territories unsafe and unlivable. On the other hand, State presence in the territories of Indigenous Peoples through militarization, increases cases of human rights violations as State security agents enjoy utmost impunity when they abuse their power. Most cases of human rights violations are justified under security or anti-terrorist laws where Indigenous activists and human rights defenders are tagged as members of armed groups, communists, Naxalites, Maoists, etc.

The atmosphere of impunity that prevails for the majority of crimes often times leads to more killings and crimes.³ It is a vicious cycle that is further fed by the crime victims' lack of trust in the legal system and authorities that are supposed to protect them. Often times, Indigenous Peoples are deterred from pressing charges for these crimes given the prevailing culture of impunity.

In addition, there are systemic and racist barriers that Indigenous Peoples must overcome when accessing justice for the crimes committed against them. These may include language and cultural barriers, long distances of travel, and high costs for legal representation, among others. These barriers embody the limitations of Indigenous Peoples to fully enjoy their rights. These also evidence the failure by act and omission of the States to protect and fulfill the human rights of Indigenous Peoples. Furthermore, appropriate and timely implementation of favorable judicial decisions or legislations become points of contention and frustration between the State and Indigenous Peoples.

As noted in the country reports, the various cases highlighted have long-standing causes that have not been properly addressed by the State. Thus, as noted by the Expert Mechanism on the Rights of Indigenous Peoples, the failure in a particular dimension of access to justice adds to the "long-standing historical injustices and discrimination, including in relation to colonization and dispossession of Indigenous Peoples' lands, territories, and resources. Injustices of the past that remain unremedied constitute a continuing affront to the dignity of the group. This contributes to continued mistrust towards the perpetrators."

| DR of Congo



3 Cases of Attacks by Armed Groups

4 Cases of Illegal Arrest

| Brazil



4 Cases of Criminalization against Indigenous Leaders

| Colombia



238 Cases of Violence that include 2 homicides, 159 harassments, and 24 attacks

11 Cases of Killings (5 Indigenous Women and 6 Indigenous men)

| Mexico



3 Cases of Homicide

1 Case of Criminalization

3 Cases of Enforced Disappearance

5 Cases of Forced Displacements

2 Cases related to Violation of Right to Free, Prior, and Informed Consent

2 Cases on Violation of the Right to Recognition of Legal Personality

| India



44 Cases of Criminalization

9 Cases of Forced Eviction

24 Cases of Other Atrocities by Non-state Actors/Non-tribals and Denial of Basic Documents and Welfare Schemes

| Philippines



21 Cases of Killings

6 Cases of Illegal Arrests

Figure 2: Summary of numbers of cases from the country partners of Indigenous Peoples Rights International.

Democratic Republic of Congo

Photo: ANAPAC-RDC



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Democratic Republic of Congo

Country context

In 2021, *Programme Intégré pour le Développement du Peuple Pygmée* (PIDP) and *Alliance Nationale d'Appui et de la Promotion des Aires et Territoires du Patrimoine Autochtone et Communautaire en RDCongo* (ANAPAC – RDC) ⁱ documented three cases of attacks by armed groups from neighboring countries that happened between January to April 2021. The first case was in Irumu on January 14. Second is in Monkoto on January 31, then in Mubugu from April 4 - 17. The attacks are allegedly to force Indigenous Pygmy Peoples to flee their lands and leave the armed groups to exploit their lands and resources, particularly through mining. These cases left 131 Indigenous Pygmy Peoples killed—36 of them are women and children from Irumu— 206 tortured and around 4,120 displaced affecting thousands of women and girls with their access to education and health. The attacks also left thousands of homes and basic social infrastructures such as churches and health centers burned.

Furthermore, throughout 2021, there had been four incidents of illegal arrests and imprisonment involving 17 Indigenous individuals. The five were arrested on the basis of false accusations at different instances in Masisi and Walikale territories, located in North Kivu province. They were arrested for defending their lands rights by law enforcement agents, in complicity with some customary chiefs and traditional authorities.

The other 12 illegal arrests happened in Virunga National Park while the men were in search of dead wood. All were accused of being accomplices and collaborators of poachers.

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

The *loi portant protection et promotion des droits des peuples autochtones pygmées en République Démocratique du Congo* / Law on Promotion and Protection of the Rights of Indigenous Pygmy Peoples in the Democratic Republic of Congo adopted by the National Assembly (the Lower House) on April 7, 2021. The law was deemed admissible in the Senate and is currently under consideration by the Socio-Cultural Commission of the Senate before its adoption in plenary session (the ongoing March 2022 session). Contacts and

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

advocacy meetings with the Senators are underway for extensive information on the need for the said law and share with them the challenges and status of the rights of the Indigenous Pygmy Peoples in the DRC. The exchanges with the Senators aim to maintain the content of the law as adopted in the National Assembly where land and territorial rights, access to natural resources, the right to culture, traditional knowledge and practices, and right to free, prior, and informed consent are taken into account, among others.

On May 6, 2021, a State of siege was established in Ituri and North Kivu,⁴ two provinces in the East of the Democratic Republic of the Congo to attack the endless violence, renewable for one month. The establishment of the State of Siege limits certain fundamental rights recognized by the charter of human rights and the constitution of the Democratic Republic of the Congo. During this period of state of siege in the two provinces, civil courts and tribunals are suspended, and only military courts and tribunals are authorized to operate. Innocent people are arrested and accused of possessing weapons of war and other military materials.

The State of siege decreed by the President of the Republic is at the root of several cases of human rights violations by law enforcement officials. This adds up to the restrictions linked to curbing the spread of Covid-19 which have also led to human rights violations by law enforcement officials during their patrols.

According to a statement by the Military Governor of North Kivu, a curfew has been established throughout the province from 10.00 to 17.00. Following this measure, law enforcement officials, including the Congolese National Police, the National Intelligence Agency and the Armed Forces of the Democratic Republic of the Congo, committed to patrols, are arbitrarily arresting passers-by including Indigenous Pygmy Peoples, and looting valuable belongings held by them such as watches, telephones, chains, jewelry.⁵ Most of the people they arrested were released after paying lump sums of amounting to 50,000 to 100,000 Congolese francs (around 25 - 50 USD).

Aside from closing of civil courts, imposition of curfews in certain quarters, prohibition of the right to freedom of expression, the State of siege has not yielded any progressive results to address violence. But the authorities promised to further strengthen its implementation, regardless.⁶

Land-grabbing in Masisi territory

Makumba Nyambatsi, 90, from the Indigenous Bambuti Pygmy family was arrested on March 5, 2021, by members of the Congolese National Police under a warrant signed by the Public Prosecutor of the Peace Court of Masisi. The arrest was due to a land grabbing conflict between Nyambatsi family and Kabawa Sindani, a non-indigenous Bantu who is known to have been intimidating the Nyambatsi family and wanting to take over the field of Katwa Kabaore located on the Misima hill in the locality of Kamuobe in Ufamandu I grouping, chiefdom of Bahunde in Masisi territory. Nyambatsi family inherited that land from their Bambuti ancestors that have lived in those lands for more than a century. Makumba's family have long been opposing Kabawa's attempts and threats of dispossession from their lands.

It was Kabawa who lodged the complaint against Makumba. Makumba was only released on March 12, 2021.¹ The case was closed on the basis of a mediation procedure that brought together the local and customary authorities of Ufamandu, with the signing of an act of collective commitment.

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

¹ PIDP and ANAPAC, through support from IPRI, helped Makumba Nyambatsi to be released from jail.

Illegal arrest, intimidation and disregard of the collective rights of the Indigenous Babuluko Pygmy Peoples to free, prior and informed consent

The two brothers, Lusumbo Kamangu, 66, and Mastaki Kamala, 75, are leaders of the Indigenous Babuluko Pygmy Peoples in Busisi in the territory of Walikale. They have long endured criminalization and threats that stemmed from a 2011 conflict between them and neighboring Bafuna-Bongwe, a Bantu community. The Bafuna-Bongwa allegedly had the Indigenous Babuluko Pygmy Peoples' lands integrated into the concession of community forests without their free, prior, and informed consent.

Lusumbo has been arbitrarily arrested several times since 2011, the last arrest happened on May 22, 2021, and he was taken with his brother. They were released on the same date.ⁱ

Their village has an estimated population of 145 which includes 22 men, 24 women, 52 boys and 47 girls. They, too, like the two brothers suffer the same threats to their safety and security living in their 15,000-hectare land that they claim to have occupied for more than a century.

Despite several judgments and signing of engagement acts from a mediation on the ownership of the land of Busisi by the indigenous Babuluko Pygmy family, they are still victims of arrest by the authorities and law enforcement officials on request of the Bafuna-Bongwe community. Several times, they have been accused of being holders of war weapons in order to silence them and seek reasons that might lead them to run away from the area and abandon their lands in favor of the Bafuna-Bongwe.

ⁱ PIDP and ANAPAC, through support from IPRI, helped Lusumbo Kamangu and Mastaki Kamala to be released from jail.

Brazil

Photo: Renan Braga



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Brazil

Country context

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

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

Similarly, on April 30, 2021, the Federal Police summoned the indigenous leader of the State of Rondônia, Almir Narayamoga Suruí, to testify in an open inquiry due to internet disclosures. According to FUNAI, he was propagating 'lies' against the Bolsonaro government. He was investigated for the crime of defamation, allegedly committed against FUNAI, by members of the Metareilá association of the Suruí indigenous people, represented by Almir. In January 2021, Almir Suruí had signed, together with chief Kayapó Raoni of the Kayapo people a request for an investigation against President Jair Bolsonaro at the International Criminal Court (ICC) for increased destruction in the Amazon and the attacks on indigenous rights.⁷ Almir is a respected and distinguished indigenous leader who has spoken at several meetings promoted by international organizations, such as the United Nations. He was awarded in 2008 by the International Society for Human Rights, an honor previously granted to the Dalai Lama.

In addition, the Federal Police also called and asked several questions to Almir's nephew, Rubens Suruí, licensed director of the Metareilá Association. Rubens was taken by surprise. He received a message from a policeman asking if he was

Rubens Suruí and that they wanted to ask some questions. He said if I wanted to be silent, I didn't need to respond. I said 'no, I don't want to be quiet and I'm not running away from the police. You can ask.' He said that 'actually I'm asking these questions because FUNAI requested the Federal Police to investigate if you made a defamation against FUNAI', said Rubens.

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

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

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

At the end of 2021, on December 29, Circular Letter No. 18 was published in which FUNAI informed about the impossibility of execution of Territorial Protection activities in non-homologated Indigenous Lands.ⁱ This means the execution of territorial protection activities should only occur after the end of the demarcation administrative procedure. As this procedure is slow, the measure directly affects at least 139 indigenous lands and 114 Indigenous Peoples in voluntary isolation and recent contact whose territories are still pending homologation.⁸

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

At the request of APIB, the Federal Supreme Court released a directive on February 1, 2022, determining that FUNAI must protect indigenous territories regardless of whether they are homologated. The Judge of the Supreme Court who considered the case stated that the Circular Letter No. 18 reflects a context in which “the President of the Republic himself took a stance against the regularization of indigenous lands and publicly declared that, if it depended upon him and his government, they would not be demarcated.”⁹

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

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

Harassment of indigenous youth and lawyers

Furthermore, indigenous youth are not saved from discrimination and attacks that are experienced by their leaders. Txai Suruí, 24, from the 7 Setembro Indigenous Land in Rondônia and daughter of the indigenous leader, Almir Suruí, was attacked in social media after speaking in the 2021 United Nations Climate Change Conference, more popularly known as COP 26.¹⁰

In her speech, she said: “Indigenous Peoples are at the forefront of the climate emergency, so we must be at the center of the decisions that take place here. We have ideas to delay the end of the world”, and “let’s curb the issuing of untruthful and irresponsible promises; let’s end the pollution of empty words, and let’s fight for a liveable future and present.” She also highlighted her friend, the guardian of the forest, Ari Uru-Eu-Wau-Wau, who was killed in April 2020.

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

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

Similarly, Eloy Terena (Luiz Henrique Eloy Amado), 33, a member of the Terena peoples of the Taunay-Ipegue Indigenous Land, and legal coordinator of APIB, has been facing harassments and attacks since 2013. His community is located in the municipality of Aquidauana, state of Mato Grosso do Sul, a region deeply marked by land conflicts between indigenous populations and agribusiness companies that are known to have work with paramilitary groups.

His attackers have been trying to discredit his credibility as a lawyer and his academic achievement. At one point, he was wrongly accused of committing crimes and had to respond to criminal investigations, which were eventually closed. Among them, during an investigation at the State Legislative Assembly (in Mato Grosso do Sul), he was ordered to be conducted under coercive arrest. On another occasion, during an investigation in the National Congress, manipulated by congressmen financed by agribusiness, there was an attempt of criminal indictment at the federal level.

There were also two attempts to cancel his license at the Brazilian Bar Association / Ordem dos Advogados do Brasil (OAB), both promoted by entities linked to agribusiness in the region where he works, such as the Agriculture and Livestock Federation of Mato Grosso do Sul (Federação da Agricultura e Pecuária de Mato

Grosso do Sul/Famasul) and the Association of Farmers of Mato Grosso do Sul (Associação dos Agricultores de Mato Grosso do Sul/Acrissul), in collusion with representatives of the regional office of the OAB. Some of these entities had also filed a lawsuit to try to suspend his dissertation defense (master's degree).

Over the course of time, judicial harassment, political persecution, and threats continued. With the recent increase in violence against Indigenous Peoples in Brazil and the increase of complaints for violations of Indigenous Peoples' human rights presented at the international level,ⁱ the harassment and persecution experienced by Eloy has intensified, extending to his family members. Recently, the presence of vehicles and strangers inside the village was reported, making rounds in the vicinity.

The criminalization and harassment suffered by Eloy and Txai are intended to discourage them from defending the human rights of Indigenous Peoples and raising the struggles of Indigenous Peoples of Brazil in wider political arena.

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

Attacks against the Wakoborum Association of Munduruku Women and Maria Leusa Munduruku

The Munduruku indigenous land is marked by large-scale conflicts between the Munduruku people and illegal miners and between the miners and agents of the Federal Police and national forces. According to the Brazilian NGO, *Instituto Socioambiental* (ISA), since President Bolsonaro took office, the destruction caused by illegal mining in Munduruku lands has grown by 363 percent,¹¹ which resulted to increase in violence against the Munduruku peoples. In April 2020, the Minister of the Environment interrupted the inspection on illegal mining of the IBAMA, an environmental agency coordinator responsible for successfully combating Amazon illegal deforestation and land grabbing.¹² This move was seen as implicit promotion of the intimidations and attacks against the Munduruku peoples. The Minister has been known to taking advantage of the COVID-19 regulations to weaken existing environmental regulations in favor of illicit business activities in indigenous territories.¹³

On May 26, illegal miners and their supporters attacked the Fazenda Tapajós village leaving large part of the village destroyed. The house of indigenous leader and coordinator of the Wakoborũn association, Maria Leusa Munduruku was set on fire and shot at by the illegal miners.¹⁴ The attack took place after a leak of a file from the Federal Police's Crimes Against Indigenous Communities Service regarding an operation aimed to flush out illegal miners in indigenous lands.

Through a Supreme Court order, the Federal Government developed measures to protect the Munduruku peoples from illegal miners. Coordinated by the Federal Police, "Operation Mundurukânia" is carried out in conjunction with the Federal Highway Police and the National Force. It aims to flush out illegal miners in Munduruku and Sai Cinza indigenous lands in the municipality of Jacareacanga, State of Pará. The crimes investigated under it are criminal association (Article 288 of the Penal Code), illegal exploitation of raw material belonging to the Union and crimes against the environment.

But due to leak of the file, the Federal Police ended the operation and failed to prevent the attack on May 26. The Federal Supreme Court Judge, Luis Roberto Barroso, demanded information within 48 hours from the police officers who remained after closing Operation Mundurukânia. He also demanded greater protection through immediate measures to the Munduruku in Jacareacanga.

In addition, as response to the attack, the Federal Prosecutor's Office (MPF) have asked for help from the Attorney General of the Republic to ensure the safety of the people in the municipality of Jacareacanga. They also launched a fundraising campaign for the reconstruction of Maria Leusa's house, in which 19 relatives lived. She and her relatives lost their belongings and are sheltering in the homes of friends and relatives. Regarding the fire, the Court sentenced three people to imprisonment and a fine, but the convicts remain on the run.

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

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

In a statement, the Inter-American Commission on Human Rights and the South American Regional Office of the United Nations High Commissioner on Human Rights (UNOHCHR) stated their concern regarding acts of violence against the Munduruku and Yanomami Indigenous Peoples, demanding that the Brazilian State comply with its duty to “protect the lives, personal integrity, territories and natural resources of these peoples.”¹⁵

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

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

In addition, the Regional Office for South America of the UNOHCHR and UN Women issued a joint statement expressing their concerns about threats and attacks against women rights defenders and requested urgent measures to protect the rights of the Munduruku peoples. They pointed out that the State is not adopting the necessary measures to prevent attacks such as the one suffered by Wakonorun, even when such attacks had been declared in advance.¹⁶

Violence in the Terra Indígena Yanomami

The attacks by miners on Yanomami lands have intensified since the Palimú community set up a sanitary barrier to prevent the spread of COVID-19 and the invasion of illegal miners, whom they believe as possible transmitters of the disease. However, with the pandemic-related socio-economic crisis and the high price of gold¹⁷ in 2020, illegal mining increased by 30 percent in the Yanomami Indigenous Lands.¹⁸

On May 10, 2021, the Yanomami peoples in the Uraricoera region were attacked by illegal miners with gun fire and gas bombs. The miners vowed revenge against the Yanomami who intercepted a 990-liter load of fuel for an airplane and a helicopter, which are crucial for transporting illicit gold from Indigenous Reserves that are often inaccessible by other means of transportation.¹⁹ Similar attacks by illegal miners in April have also been reported.²⁰

Yanomami indigenous land has been a target for illegal gold mining since the 1980s. The Yanomami Indigenous land is the largest in the country with an area of approximately 95,000 km². Currently, it is estimated that there are more than 20,000 illegal miners inside their territory²¹ despite mining made illegal in Indigenous lands.

On May 13, the MPF had asked the Federal Justice of Roraima State to ensure the security of the village, but the judicial decision was not complied with immediately.²² On 15 May, two Yanomami children, one and five years old, were found dead the day after the attack, according to a complaint made by the Hutukara Yanomami Association.

According to the Hutukara Yanomami Association, invasions in the Yanomami indigenous land began in the 1970s. Farmers have settled in the region with titles issued by the National Institute for Colonization and Agrarian Reform / *Instituto Nacional de Colonização e Reforma Agrária* (INCRA), the government agency responsible for agrarian reform. Even with the completion of the demarcation of the Yanomami Indigenous Land in 1992, invasions never stopped with increasing violence.

The Yanomami people sent several letters to government authorities about the situation in the Palimiú region - such as FUNAI, the MPF, the Federal Police and the National Army - denouncing the increase of violence against the community and calling for urgent measures to ensure their safety. In response to these letters, the authorities expressed concern, but they never take the measures needed to combat the entire web through which gold circulates. Occasional police operations are sometimes carried out, but illegal miners return very quickly.

A day after May 10 attack, the Federal Police was present in the area, but it did not intimidate the miners who shot at the police team that was in Palimiú. According to FUNAI, together with the police authorities, they are investigating the “supposed conflict.”

The IACHR and the Regional Office of the UNOHCHR published a press release calling for the Brazilian government to protect the life, physical integrity and the lands and natural resources of the Yanomami people.²³

On November 1, 2021, Hutukara was notified of two murders that happened in September 2021. Two indigenous persons of the Moxihatëtëma Indigenous Peoples, a group in voluntary isolation, died as a result of an attack by the miners. Moxihatëtëma warriors approached the “Faixa Preta” mine, located on the upper Apiaú River, with the intention of expelling the invaders, when they were surrounded by miners and shot. “The “Faixa Preta” mine, is located on the Apiaú River, about four days by boat from the homonymous health post. Satellite image analysis indicates that in the region a total of more than 100 hectares of forest have already been destroyed by illegal activity.”²⁴

The Yanomami and Ye'kuana Indigenous Health Council denounced that on October 21, 2021, two Yanomami children, four and seven years old, were playing on the banks of the Parim River, when they were allegedly sucked into machines used by illegal miners in the region and then dragged by the current.²⁵ The death of children, Yanomami leaders point out, is yet another tragedy in the wake of the constant illegal mining of ore in the indigenous territory, even officially demarcated.²⁶

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

In December 2021, the government reported 87 airstrips and three clandestine ports had already been inspected, 22 aircraft (of the 111 seized) were destroyed, as well as 10 ferries, 11 vehicles and 4 tractors used to commit environmental crimes, in addition to the arrest of 38 people and the seizure of around 30,000 kilos of ore and 850 ammunition.²⁷

Police investigations linked the chain of illegal gold trade in Brazil, originating from illegal mining in the Yanomami Lands, with the actions of the First Capital Command / *Primeiro Comando da Capital* (PCC). The PCC is recognized for working within the prison system, but since 2018, it has been advancing in the mining areas. Outlaws on indigenous lands, as safe spaces to stay hidden, they fuel organized crime.²⁸ In addition to mining, the organization operates in drug trafficking, operates brothels, sale of gasoline, food, beverages and private security. According to the *Folha de Boa Vista*, 40 bodies were beheaded between January 2018 and October 2019. The dates coincide with the migration of PCC members to the mining area.²⁹

Colombia

Photo: Francisco Vanegas



**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights

Colombia

Country context

In 2021, massacres, assassinations, attacks, forced displacement, confinement, planting of anti-personnel mines, territorial dispossession, and armed confrontations in indigenous territories have been constant. Violations of Indigenous Peoples' rights are due to the strategic interest in these territories and their way of life that directly challenges the capitalist and accumulation model. According to OHCHR in Colombia, violence has increased in the Colombian Pacific region. For 2021, the OHCHR in Colombia received 202 allegations of murders of human rights defenders. Seventy-eight have been verified, and 11 of these are Indigenous persons; 5 women and 6 men.³⁰

Due to the massive violations of fundamental rights and new draft laws further limiting rights as well as the non-fulfillment of past agreements, Indigenous Peoples joined in the "Minga for Life," the national mobilization that started on April 28.ⁱ The Colombian government responded with violent repression instead of dialogue with the demonstrators. In addition, there were acts of stigmatization, racist remarks, and hate speech promoted even by local and departmental authorities. Amid this environment, the way was paved for attacks against the lives and integrity of indigenous leaders. One example is the attack on the indigenous minga in the city of Cali on May 10 where the marchers were attacked with firearms by civilians who, as the evidence shows, were not detained by the public security forces who were also present on the scene.

According to the national indigenous organization, *Organización Nacional Indígena de Colombia* (ONIC), there were indigenous mobilizations in at least 114 municipalities and Indigenous persons and communities suffered violence in 26 of these. There were 238 incidents of violence registered, including two homicides, three physical attacks, 159 cases of harassment, and 21 cases of attacks.³¹ Indigenous youths, Jhon Alexander Yotengo Chaguendo (Nasa people) and Sebastián Jacanamijoy (Inga people) were murdered in the context of the social protest. In an attack in Santander de Quilichao, Cauca, Beatriz Cano, communicator of the *Asociación de Cabildos Indígenas del Norte del Cauca* (ACIN) died and Aleida Perafán and Juan David Güegüe, authority of the Munchique Los Tigres Resguardo, were seriously injured.³² In addition, the Nasa Embera Chamí Resguardo in La Delfina, Valle del Cauca was militarized.³³

In the context of the national mobilizations, the Inter American Commission on Human Rights (AcomHR) / made a working visit to the country in June 2021. In

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

its report, the CIDH stressed the stigmatization speech used by the Colombian authorities and “noted the existence of a climate of polarization that is directly related to structural ethnic, racial, and gender discrimination and political factors. This phenomenon is present in different social sectors and manifests itself in stigmatizing discourse, leading to an accelerated deterioration of public debate. The Inter-American Commission finds this discourse particularly worrying when it comes from public authorities.”

Apart of the violence in the context of the national protests, gross human rights violations have continued in indigenous territories, such as the murder of Rafael Domicó, a Jaibaná and Embera cultural manager from Dabeiba, Antioquia³⁴ and the murder of indigenous leaders and authorities such as Sandra Lilibiana Peña Chocué, Governor of the Resguardo La Laguna del Municipio de Caldon, Cauca,³⁵ and Oneida Argenis Yatacué and her husband Marcelino Yatacué Ipia, who were killed in the Media Naranja de Corinto, Cauca (*read case in page 25*).

Mining projects in indigenous territories without consultation are increasing. Indigenous communities in Nariño learned about new mining concessions in indigenous resguardos of Cumbal, Chiles, Panan y Mayasquer, Mallama y Gran Tescual. The concessions did not go through any consultation and are affecting most of their territory, including moorlands and water sources that provide water for the indigenous and non-indigenous populations in the region. A similar situation affects the Chamí people in Caldas. Adverse impacts of mining operations are enhanced due to precarious infrastructures, and the presence of armed groups such as *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo* (FARC-EP), *Ejército de Liberación Nacional* (ELN), paramilitary and post-demobilization armed groups.³⁶

Cauca: murder of Governor Oneida Argenin Yatacué

On June 9, 2021, Oneida Yatacué and her husband Marcelino Yatacué Ipia were assassinated in the Media Naranja de Corinto, Cauca, leaving behind two children aged 15 and 25. The children had to leave the territory to save their lives after the threats that came with the death of their parents.

Oneida Argenis Yatacué was one of the prominent advocates of the community mandate that after 2016 expressly prohibited any presence of armed groups in the indigenous territory. She was elected governor three years ago. Prior to being elected, she had worked for 12 years as a teacher, devoted to preventing children and young people from being recruited by armed actors. As governor, she continued to promote the processes of the liberation of mother earth from the hands of large landowners and ranchers, the resistance to forced recruitment, and the expulsion of armed actors from the territory.

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

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

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

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

in the ancestral territory of Corinto when the paramilitaries assassinated 13 persons, including indigenous guards and peasants.

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

The community has survived in the territory resisting the guerrillas, paramilitaries, and the army. The signing of the Final Peace Agreement on November 24, 2016 meant a short respite from the war. A traditional authority said, “We had almost a long year of peace. We knew what it was like to live without the war. Then we reiterated the decision to be a territory free of armed actors. ... Forced recruitment here is a difficult issue, because there are no opportunities, and the living conditions of many families make them easy prey. They are tricked with gifts and are being taken away since they are 10 years old.”³⁷

When asked about the impact of the murder of Oneida and Marcelino on the community, a member reiterated the will to struggle and resist that has allowed them to survive. “The death of the governor filled us with even more rage. It has been a terrible loss because she was leading the educational project in addition to defending the territory. These deaths not only serve the drug traffickers and the dissidents, but they also serve the landowners who want to eliminate us physically and culturally to continue the dispossession. But we remain firm in defense of our territory and autonomy. We will continue to defend every centimeter of land.”³⁸

¹ The 2018 census of the National Department of Statistics (DANE) under recorded the indigenous population in more than 526 resguardos, a phenomenon that the communities have described as ‘statistical genocide.’

Caldas: murder of Andrés Córdoba Tamaniza

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

In the southwest of the department of Caldas, in the municipality of Belalcázar, is the Embera Chamí Indigenous Resguardo of Totumal (Saut Drua in the Embera language). According to the community census, the Resguardo has 1,016 inhabitants that make up 246 families. However, the 2018 state census only recognizes 187 inhabitants in the Resguardo. According to current regulations, each family requires a minimum of 5 hectares of land to guarantee a dignified life. This means that Saut Drua would need at least 1,230 hectares to provide subsistence food and marketable surpluses. Still, they live in the narrowness of 53 hectares surrounded by private properties and condominiums of wealthy families who prohibit them from traveling near their properties and permanently harass them with threats, stigmatization, and other discriminatory actions. Illegal armed structures linked to drug trafficking, known as *Cordillera* and *La Oficina*, operate in the surrounding area, vying for control of a strategic corridor and a monopoly on micro-trafficking.

The Embera Chamí were identified as one of the 34 indigenous peoples in Colombia at risk of physical and cultural disappearance in the 2009 Auto 004 of the Constitutional Court.ⁱⁱ The Court ordered the State to implement special protection measures for these peoples.

The struggle to protect the scarce territory and expand it to have sufficient land has resulted in serious human rights violations, such as persecution and forced recruitment, with the ultimate expression of the murders of some representatives: the ex-governor and Jaibaná Luis Albeiro González Morales in 2013, Councilor Jesús María Morales Morales in 2017, and Councilor Luis Aníbal Morales Morales in 2017. As a result of their resistance, they managed to get the state to acquire a 3-hectare plot of land in another municipality. However, the land is still in the hands of landowners who “say that they do not want to see Indian ranches or Indians in the area.”³⁹

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

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

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

The investigations on the killing of Andrés are not progressing. His mother who works at private coffee farms earning around 9 USD a day lives in fear of shots fired at night and the presence of armed men in the vicinity of the Resguardo. The *Jaibanás*, persons who possess spirits in charge of making predictions and healing practices for the community, say that this death caused great disharmony in the community and made them spiritually vulnerable.

Confinement and displacement in Chocó

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

Forced confinement in El Brazo

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

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

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

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

The indigenous guard has for the time being safeguarded the lives of the threatened persons, as filing complaints with the municipal *personería* or the Ombudsman's Office offer no guarantee of protection. The AGC entered the school in El Brazo and damaged the blackboard, charged their mobile phones, and, despite requests, said that they will leave when they decide to do so. As of today, the communities have been confined for 22 days, living in the anxiety and humiliation of being forced to share with the armed persons that are violating the harmony of the community.

The situation of Emberá peoples forcibly displaced by violence

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

The Embera peoples of Chocó were subject to colonization and evangelization. In the 1980s, the guerrilla group *Ejército de Liberación Nacional* (ELN) entered their territories. The ELN splitted into two groups, ELN and the *Ejército Revolucionario Guevarista* (ERG), which distributed the control of the lands among themselves, a situation that further deteriorated with the arrival of the paramilitary *Autodefensas Unidas de Colombia* (AUC). The confrontation amongst these groups and the presence of the Army developed into a war that resulted in massive murders, terror and forced displacement.⁴⁰

Currently, the ELN, the paramilitary and the drug-traffickers control the area, forcing the communities to displace. They have established small settlements by the roads, where they live in precarious plastic homes, without education or health services. Conflicts have arisen with the peasants settled in the area since the time of the roads construction.

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

In 2021, the Embera have resorted to road-blocking to claim for their rights.^{41 42 43 44}
⁴⁵ The impacts of the blockades have been felt by the citizens of Quibdó, Istmina and Tadó and by the communities living along the rivers Atrato, San Juan and Baudó, affected by the scarcity brought by the blockades. These populations are accusing the Embera of antisocial behavior, which disrupts the economic life of the area without motive or justification.

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

Mexico

Photo: Eduardo Gutiérrez



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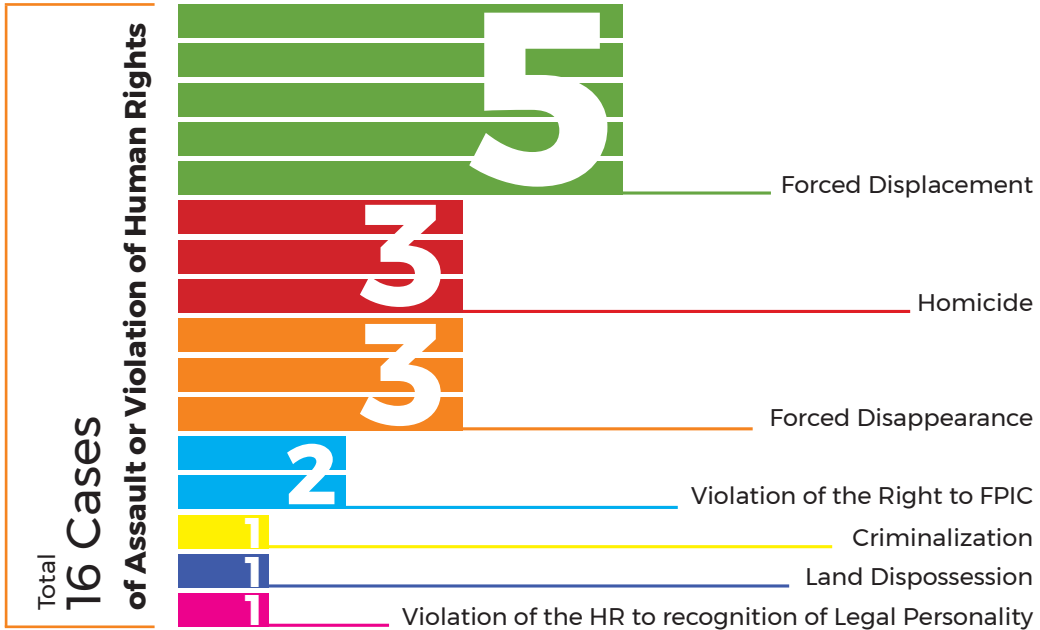
Mexico

Country context

Mexico is plagued with social inequality, severe violence with alarming levels of murders, displacements and disappearances in a framework of macro-criminality and state neglect. In this context, indigenous communities live in a situation that deepens the conditions of inequality, poverty, violence and impunity. It particularly affects those who defend their collective rights to territories and self-determination against industrial megaprojects. These are made worse with the continued disregard of the authorities to guarantee, respect and protect the rights of Indigenous Peoples.

In 2021, the organizations that form IPRI's core groupⁱ in Mexico have recorded 16 cases of human rights violations against indigenous peoples in Mexico. which can be consulted in the full report Harassment and Discrimination against Indigenous Peoples in Mexico. In 2021, seven different types of Serious Human Rights Violations involving aggressions were identified.

From this sample of cases, we have identified two types: Harassment Cases and Discrimination Cases.



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

Harassment Cases

Three types of aggressors using direct violence against the communities have been identified: Organised Crime, Groups with Paramilitary Heritage and Armed Organisations with a Political History.

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

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

Only 60% of the cases involve meetings between Government representatives and the communities, and in 10% of cases there is no intervention at all. Due to all these reasons, the communities point to a dynamic of ongoing pretence on the part of the Mexican State.

Discrimination Cases

We identify structural dynamics that perpetuate conditions of inequality and denies the enjoyment of rights for individuals and communities.

We observe a series of behaviours that violate HR either by action or by omission. The objective of these aggressions is to gain access to economic resources, to demobilise or discourage community organisation, but, most importantly, 60% of them identified the reason as discrimination.

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

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

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

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

In 2019, Paso de la Reyna residents came together to oppose the extraction of natural stone from the Verde River, a project initiated by the Municipal President of Santiago Jamiltepec in alliance with the Iglesias Family.¹ However, as a result of pressures mounted by these counterparties against the communities, the latter were coerced into an extraction agreement that has nevertheless been repeatedly violated.

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

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

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

¹ The Iglesias family constitutes a regional political dynasty in the area since the 1980s. Its members, along with members of the Institutional Revolutionary Party (PRI) and the Federal Electric Commission (CFE) are the main initiators of the hydroelectric project in Paso de la Reyna. See: "Paso de la Reyna, la Resistencia de los Pueblos que Vienen del Mar" (6 May 2019) *Pie de Página*. Available at <https://piedepagina.mx/paso-de-la-reina-la-resistencia-de-los-pueblos-que-vienen-del-mar/> and Berrueta, Jorge Tinajero. "¿Desarrollo regional para quién? El caso del Proyecto Aprovechamiento Hidráulico de Usos Múltiples Paso de la Reyna, Oaxaca, México" (2018) *Región y sociedad* 30, no. 73. Available at <https://www.redalyc.org/journal/102/10256031004/html/>

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

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

In the Los Altos region of the state of Chiapas, in the communal lands of Manuel Ultrilla in Chenalhó and Aldama, a conflict over a 60-hectare piece of land has been playing out since 1970. As a result of being largely ignored, it now affects indigenous Tsotsil families from the towns and villages of Coco, Tabac, Xuxchen, San Pedro Cotzilman, Chayomte, Juxton, Tselejpobotic, Teton, sepelton, Yoctontik, and the municipal head town of Aldama. Initially about agrarian use and land rights, the conflict is now more complicated as a result of new actors and alliances, including organized crime and other armed groups that push their own agendas for this indigenous territory with impunity.

On February 27, 2018, multiple Tsotsil villages and agricultural work areas were besieged with gunfire. However, after March 16, gunfire attacks were directed at churches, markets, Municipal Facilities, as well as individual homes in and around Aldama. As a result, local residents were forced to take collective refuge in fields, caves, and neighboring towns and villages. The armed aggressions have even affected children, including one boy and two girls from Coco and Tabac. The communities in and near Aldama can no longer count on the safety of their lives.

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

The violence has also taken an economic toll on the communities since their crops suffer from lack of protection, corn and bean crops do not get planted, and coffee is unharvested. Furthermore, the community's ancestral worldview is negatively impacted since forced displacement prevents communities from practicing cultural rituals in sacred locations. We find these situations to be a form of torture since they bring people to inhabit subhuman conditions.

These dire circumstances have persisted for too long and are worsened by the State's lack of response and its failure to recognize the full value of ancestral lands. Both the CNDH and the CIDH have called on the Mexican state to carry out protective measures. However, despite the constant denunciations of the regional violence, the government ignores the root causes of the problem and

the violence continues. At the first quarter of 2022, firearms are shot every day and among the serious consequences are two injured people. One of them is an elder from the Ch'ivit community, municipality of Aldama, and the other is a member of the prevented state police who was hit by a bullet while they were on a tour together with members of the National Guard and the Mexican army. To this day, all investigations into the aggressions in and around Aldama have been inconclusive and have failed to identify the perpetrators and intellectual authors behind the violence.

The struggle for security through indigenous autonomy in Zitácuaro, Michoacán

The municipality of Zitácuaro en Michoacán, known for its Monarch Butterfly Reserve, is home to the Mazahua and Ñáñu people, who lives in towns and villages of Crescencio Morales, Donaciano Ojeda, and Francisco Serrato as well as the communal lands of Francisco Serrato and Carpinteros.

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

On December 14 and 15, 2020, an armed group entered the village of Carpinteros and the town of Donaciano Ojeda. In response, the communities came together to again coordinate their safety. They were able to rescue three kidnap victims and to recover two stolen vehicles. They subsequently reached out to the public prosecutor and the National Guard for assistance, but they did not respond to their requests. Consequently, the communities reestablished the communal guard.

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

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

Throughout this time, the communities continued to request aid from state institutions, including the National Guard, the Secretary of Public Safety, the public prosecutor's office, and the local police. They also met with numerous officials, including the state governor. However, the individuals at these meetings reported that their stories were ignored. When they asked for protective

measures for their communities, they were offered pick-up trucks instead, they didn't accept, because this was perceived to be a disrespectful bribe.

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

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

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

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

The Bosques de San Eliás Repechique community initially registered an appeal to have their ancestral territory legally recognized by the federal government and in 2014 they won a legal battle against the construction of an airport in the town of Creel. This court decision also recognized the Rarámuri's ancestral rights over 11,400 hectares of land and the requirement per international accords for their input and participation in regional public matters as well as state reparations for harms carried out against their culture, identity, and worldview. Unfortunately, this turn of events has resulted in a campaign of intimidation by holders of the property titles against the Rarámuri.

In 2017 the Rarámuri and the Chihuahua government established a trust to enact projects for the collective benefit of the community. The Rarámuri decided on the establishment of a textile workshop and began its construction in April of 2020. One month after this, officials from the office of the public prosecutor dramatically stormed the construction site carrying a complaint filed by the supposed owners of the land that charged the Rarámuri with land theft and environmental damages and demanded that they abandon the premises. Their document also brought forth a criminal complaint against Rarámuri community member Teresa González as the initiator of the textile workshop.

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

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

India

Photo: Diwakar Sharma



**Indigenous Peoples
Rights International**

Championing Indigenous Peoples Rights

India

Country context

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

IRAC also documented nine cases of forced eviction. Eight of the cases involved Indigenous Peoples accused as “illegal encroachers” of forest areas. The other case involved 11 Irular tribal families living near a temple in a town area, in Peranamallur municipality in Tiruvanamalai district in the state of Tamil Nadu. Tribal rights organizations believe they were evicted because their presence was seen as a threat to the safety and security of the town area.

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

Furthermore, the crime reports of the National Crime Records Bureau (NCRB) under Ministry of Home Affairs from 2018 to 2020 show a steady rise of crimes against Indigenous Peoples. There were 6,528 in 2018; 7,570 cases in 2019, and 8,272 in 2020.⁴⁶ Also, between 2017 and 2019, there had been 15 percent increase in crimes against women and children from Scheduled Tribes/Schedule Castes.⁴⁷ The latest report of NCRB notes a total of 1,137 cases of rape and 885 cases of assault against women and children in 2020.⁴⁸

There are 104.3 million Indigenous Peoples or Scheduled Tribes, also called tribal or Adivasiⁱⁱⁱ in India.^{iv} They constitute 8.6 percent of the country's total population⁴⁹ and 90 percent of them live in rural areas.⁵⁰ Despite having special constitutional protection, the Adivasis have faced criminalization, violence, and

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

ⁱⁱ Read more on Union Territory here: <https://knowindia.india.gov.in/profile/union-territories.php>

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

^{iv} In this report, the terms Scheduled Tribe, tribal, Adivasi and Indigenous Peoples are used interchangeably.

impunity in the hands of the State and non-state actors. And if the perpetrators belong to the upper caste, conviction is very unlikely. In 2020, the conviction rate for crimes committed against the Adivasis was 28.5 percent despite provision for speedy trial in “Special Courts.”⁵¹ In the case of women and children, between the period of 2017 and 2019, conviction rate under Prevention of Atrocities Act has been as low as 26.86 percent while 84.09 percent of the cases are pending.⁵²

Cases of criminalization against the Adivasis are often linked in defending their collective rights to “jal jameen jungle” (water, land, and forests). Activists who oppose land acquisition for industrial or mining projects face harassment and threats.⁵³ In general, human rights defenders are criminalised under the draconian Unlawful Activities (Prevention) Act, 1967 (UAPA) and, for Adivasis, including under several forest laws.⁵⁴ On January 15, 2021, UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor, stated, “India is a state which doesn’t properly protect human rights defenders.”⁵⁵ Recent cases that involved abuse of the UAPA are the death of tribal rights activist, Father Stan Swamy, 84, in judicial custody on July 5ⁱ and the continued detention of Gond tribal activist Hidme Markam (*read case in page 47*).

In July 2021, the Barwani district magistrate in the state of Madhya Pradesh called Valsingh Saste, a prominent activist of Jagrit Adivasi Dalit Sangathan, an “infamous criminal” and sought to expel him from the district for one year under the Madhya Pradesh Rajya Suraksha Adhiniyam-1990 (Madhya Pradesh State Security Act of 1990).⁵⁶ In addition, a member of the Maal Pahadia tribe in Jharkand, Birsa Mahji, was summoned by the police on December 21 for being accused as Maoist.⁵⁷ Birsa has been criminalized since 2005 under the Prevention of Witch Practices Act. He maintains innocence on both accusations, but he and his family have faced harassment from the police. His daily income of Rs 150-200 (around 3 USD) as laborer is not enough to provide for his four children, let alone afford legal fees. In his recent case in December, the police told him that if he surrenders, he will avail several benefits from the government and case against him will be dropped.⁵⁸

Navigating the legal system are specifically challenging for Adivasis. Thousands languish in jails often on false charges. Many are in detention, either due to poverty or ignorance of the law and their rights or lack of legal support. In 2021, the Chhattisgarh government withdrew 594 criminal cases against 726 tribals, including over 100 Maoist-related cases⁵⁹ following recommendations by Justice Patnaik Committee.ⁱⁱ The state governments of Jharkhand⁶⁰ and Madhya Pradesh also announced withdrawal of “false and minor cases” filed against tribals.⁶¹

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

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

Militarization of regions inhabited by Indigenous Peoples especially in the Northeast Indiaⁱ and states affected by the 'Left Wing Extremism'⁶² have also resulted in serious human rights violations. In June and December 2021, cases of innocent tribals killed in fake encounters were noted.

On June 12, Bramhadev Singh, 24, was shot dead by the security forces in the forest near Piri village in Latehar district of Jharkhand.⁶³ On June 27, Santosh Markam, 35, was allegedly tortured and shot dead by the police in front of fellow villagers.⁶⁴ Santosh was tagged as a 'dreaded Naxalite' at Neelavaya village in Dantewada district of Chhattisgarh. On December 3, thirteen innocent Naga tribal labourers were killed by the Army in an alleged case of "mistaken identity" in Mon district of the state of Nagaland.⁶⁵

Similarly, Indigenous Women faced criminalization and violence from the security forces in insurgency-hit areas during 2021. On February 23, two tribal women identified as Pandey Kawasi, 20, and Kumari Jogi Kawasi, 35, were allegedly picked up by the police from their village Gudse in Dantewada district of Chhattisgarh on the charges of being Maoists. Both died in police custody.⁶⁶ Similarly, on May 30, Payke Veko, 24, was allegedly abducted from her house and killed in police custody in Dantewada district. While the police claimed that she was killed in an encounter with the Maoists, the her mother noted injuries on her breasts, thighs and hand.^{67 68}

On the other hand, the innocent tribal villagers have been subjected to extrajudicial killings, kidnaping and torture by the Maoists on the charges of being "police informers." The Maoists killed several tribals during 2021 including Korra Pilku, 35, at Kothapalem village in Visakhapatnam district of Andhra Pradesh on March 5;⁶⁹ Madkam Arjun, 15, and Taati Hadma, 21, in Jagargunda area in Sukma district of state of Chhattisgarh on April 19;⁷⁰ and Madvi Raj Kumar at Cheruvugumpu village in East Godavari district of the state of Andhra Pradesh on November 17.⁷¹

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

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

The wife of Mangboilal Lhouvum was widowed after an Assam Rifles major shot her husband dead on June 4, 2021. Neikhochong Lhouvum will have to raise their four children, aged seven to one, without a father. Speaking to the media, she recalled “We just came from work and after having food, he went out to visit their neighbour’s house... after a gunshot was heard, I was informed that my husband was lying injured on the road. I rushed to the spot only to find him grievously wounded and in a critical condition.”⁷²

Mangboilal, 29, a member of the Kuki tribal in Manipur, was found with gunshot wound in his abdomen. He managed to identify his assailant which was captured by an eyewitness on a video that later went viral. The video showed Mangboilal profusely bleeding and was heard saying it was Major Alok who shot him.⁷³ He died on his way to the hospital.

The Army has long enjoyed impunity guaranteed under the Armed Forces (Special Powers) Act, 1958. Section 6 states “No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.”⁷⁴ This means neither the Manipur Government nor the State Police has any jurisdiction over the central Armed Forces. Major Alok Sathe, the post commander of the E Company of the 44 Assam Rifles, and his men who were involved in the incident were presented in court but they were left free from arrest or any form of consequences.⁷⁵

The Press Information Bureau (Defence Wing), Imphal, issued a statement claiming that the Assam Rifles team had launched an operation based on specific intelligence to “nab secretary of the Kuki Revolutionary Army (KRA) along with 3-4 cadres in Kangpokpi district, Manipur.” The Assam Rifles claims Mangboilal is KRA cadre and he was killed during an encounter.⁷⁶ But the KRA,⁷⁷ civil society organizations and family of Mangboilal strongly denied these claims.

In the first information report (FIR) of Mangboilal’s father against Major Alok and three others under sections 302 (murder) and 34 (common intent) of Indian Penal Code and under the Arms Act, he noted the Assam Rifles men were all armed but in civilian clothes. It also mentioned that Mangboilal was made to drink alcohol before taken to the roadside and shot.⁷⁸ His FIR was registered at Kangpokpi police station in Manipur.

On June 5, the escalating tensions were brought under control with the signing of an agreement by the Indian Army, the Manipur Police, the state government and local civil society organizations. The agreement stated that the police would immediately launch an investigation into the incident, and the present 44 Assam Rifles Banglabung outpost be removed and replaced with a fully functional

armed police station at the earliest. It also assured that the Assam Rifles would pay a compensation of Rs 10 lakh (around 13,000 USD) to Mangboilal's family.

Despite the Kangpokpi police station registered a murder case against alleged perpetrators and the Manipur Chief Minister assured to give a befitting punishment to the men involved, the Armed Forces (Special Powers) Act, 1958 guarantees them absolute impunity.

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

According to Thangminlen Kipgen, General Secretary of the Kuki Inpi, Kangpokpi, the apex body of the Kuki peoples, as of January 20, 2022, the agreement has not been fulfilled.⁷⁹ Mangboilal's family has only received Rs 2 lakh (around 2,600 USD) as compensation. The Assam Rifles allegedly refused to pay the remaining amount because of the father's FIR against Major Alok. It is believed that the Commanding Officer of the 44 Assam Rifles wanted the withdrawal of the FIR in exchange for the rest of the money.⁸⁰

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

On March 9, 2021, Hidme Markam,²⁸ a prominent human rights activist from the Gond tribals, was arrested without a warrant.⁸¹ She was picked up from an event marking the International Women's Day being organized by the *Jail Bandi Rihai* Committee (Committee for Release of Prisoners) and the Chhattisgarh Mahila Adhikar Manch at Sameli village under Aranpur police station in Dantewada district of Chhattisgarh.⁸² The event was taking place close to the site of a recently installed memorial of two young Adivasi women who died after allegedly been subjected to sexual violence while in police custody.

Hidme was booked in six first information reports (FIR)ⁱ registered at Aranpur Police Station under various sections of the Indian Penal Code, including murder, the Arms Act, the Explosives Substances Act, and the Unlawful Activities (Prevention) Act (UAPA).ⁱⁱ Four of her FIR are linked to another person having similarities with her name. Kawasi Hidme, 26, with an existing Naxali Crime Profile and had been booked under FIRs that includes a Rs 100,000 (around 1,300 USD) bounty and charges under UAPA.⁸³

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

The police also claimed that Hidme has been avoiding arrest since the first FIR in 2016 despite Hidme's lawyer and supporters establishing that these cases have nothing to do with her. In addition, Hidme has always been publicly open and active with her human rights work and even her home address is known by the police.⁸⁴ Hidme's supporters are convinced the police are fabricating narratives to implicate her from false charges.

Tribal rights activist, Rinchin, who was also present at the time of Hidme's arrest, stated that as Convenor of the Jail Bandi Rihai Committee, Hidme's main concern was fighting for the release of tribals illegally arrested and detained in jails. That made her a target of State authorities.⁸⁵

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

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

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

Hidme is a member of the Chhattisgarh Mahila Adhikar Manch and well-known for her campaigns against large-scale mining projects in Adivasi lands. Rincin asserted that in many instances Hidme is the crucial link between the victims and the larger human rights movement. “Arresting her was a way to cut off that link,” reasoned Rincin.⁸⁶ The Peoples Union for Civil Liberties Chhattisgarh (PUCL Chhattisgarh) in its complaint filed with the National Human Rights Commission (NHRC) also claimed that “her arrest is intended to send a message to all those who dare to speak boldly against state repression.”⁸⁷

On April 8, 2021, the Government of India received a joint communique from UN Special Rapporteurs regarding arrest and detention of Hidme.⁸⁸ In a response on June 7, the Government of India claimed that Hidme Markam was “president of an outfit called Krantikari Adivasi Mahila Sangathan (KAMS)” and she was arrested for “her involvement in kidnapping, murder, membership of a banned organization, etc.”⁸⁹ The response omitted two crucial FIRs which are linked to the Indian Penal Code, Arms Act, and Explosive Substances Act.

Prior to the communication between the UN Special Rapporteurs and the Government of India, the National Human Rights Commission of India (NHRC) heard a petition filed by the Peoples Union for Civil Liberties Chhattisgarh (PUCL Chhattisgarh) seeking “[Hidme’s] immediate release and quashing of all false cases against her and investigation into her illegal arrest and strict action against police for her illegal arrest.”⁹⁰ Responding to NHRC on August 12, 2020, the Chhattisgarh Deputy Inspector General of Police claimed that during their investigation, four independent witnesses who are self-surrendered members of the Naxali organization, identified Hidme “as one involved in Naxali organisation to spread Naxal ideology and arranging food for the Naxals who come to the village.”

On October 21, 2021, the PUCL Chhattisgarh submitted its response rejecting the contentions of the police report and reiterated the allegations of Hidme’s illegal arrest. On November 18, 2021, NHRC also directed the Chhattisgarh Director General of Police to submit report about the current status/final outcome of investigation in one of Hidme’s FIR within four weeks.⁹¹ But no report was submitted.

According to Advocate Kshitij Dubey, one of the lawyers of Hidme, there is no women’s jail and Hidme is detained in a women’s ward.⁹² Hidme’s lawyer at the High Court, Kishore Narayan asserted that the cases against her are weak, but she admitted that communication is a challenge because of the jail distance.⁹³ Hidme is jailed in Jagdalpur City jail about 90 kilometer away from Dantewada district where she was illegally arrested.

On December 3, 2021, her lawyer confirmed that that she had applied for bail but was rejected by the Court.⁹⁴

Three of Hidme’s cases after completion of investigation charge sheet was filed in the Court of Judicial Magistrate First Class, Dantewada district and the charge sheet in one case is still pending for presentation before the Honorable Court.⁹⁵

A British colonial legacy: the death of Bhim Kale, member of a “criminal tribe”

On October 3, 2021, Bhim Kale, 35, a farm labourer, died under police custody. His family claims he was tortured by the Vijapur Naka police of Solapur district of the state of Maharashtra in western India. He was arrested on September 18 for a house burglary case after his motorcycle was seen near the crime scene.⁹⁶ Bhim belongs to the Phase Padhi tribal community who has long suffered from being tagged as a “criminal tribe.” This made him an easy target for the police.

The colonial Criminal Tribes Act, 1871 declared over 150 Adivasi communities as criminal and dangerous.⁹⁷ From 1871 until today, the perception of an Adivasi have not changed significantly. They were considered dangerous to the colonial regime then and continue to remain dangerous for post-independent India now.

Like Bhim, it is common for members of the “criminal tribes” to be picked up regularly or rounded up by the police, often on false charges.⁹⁸ They are also easily judged in court as guilty regardless of the absence or feebleness of evidence. Matin Bhosale, an activist of the community lamented that the Pardhi tribals regularly face police brutality and social discrimination because of the discriminatory labelling institutionalized by the British colony more than a century ago.⁹⁹

Contrary to the Code of Criminal Procedure, 1973 requiring the police to produce an accused before a Magistrate within 24 hours of the arrest, Bhim was presented in court only on September 23. He was illegally detained for almost a week at Vijapur Naka police station. He died with both of his legs broken and with several signs of torture. His wife, Swati, recalls her husband's legs bleeding and he was writing in pain at Vijapur Naka police station. That was the last time he saw him alive. Bhim leaves his wife and their seven children.¹⁰⁰

Bhim's family believes the police beat him for confession. On September 23, the court sent him to two days' police remand. The following day, his wife approached the court alleging that her husband was being tortured in police custody. With the court's intervention, Bhim was supposed to be presented in the court again on September 25. However, the police refused and instead admitted Bhim to a government hospital. A police constable was sent to attend the court hearing instead of senior police officers.¹⁰¹

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

Bhim's case was forwarded to the National Human Rights Commission (NHRC) on October 11, 2021.¹⁰² On November 11, 2021, the Commission directed the District Magistrate, Sholapur and the Commissioner of Police, Sholapur, Maharashtra to send a detailed report, covering all the aspect leading to Bhim's death, including time, place and reason for arrest/detention.¹⁰³ But the authorities have failed to respond until the date of this writing.

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

On December 3, 2021, despite having *patta* or legal document recognizing their ownership of the land, the Forest Department dismantled the huts of 21 Kadar tribal families without any prior notice. The families received *patta* from the Minister for Electricity, Prohibition and Excise on November 7. Each family was allocated 1.5 cents (around 650 ft.²) over the 1.5 acres (around 65,000 ft.²) of total land area of Anamalai Tiger Reserve in Theppakulamedu in Coimbatore district of the state of Tamil Nadu in south India.¹⁰⁴ Despite the *patta* being limited in relation to their institutionalized rights to their ancestral lands, it was considered a victory by the Kadar families.

The Kadars are believed to be original inhabitants of the mountain range known as Anamalai hills in southern Western Ghats spanning the border of western Tamil Nadu and central Kerala in Southern India. Kadar means “residents of the forest.” They are considered the oldest ethnic tribal group of southern India.¹⁰⁵ The Kadars live on non-timber forest produce they collect from their forest. They have long been denied their individual and community rights under the Forest Rights Act, 2006 (FRA). Further, while Kadars are listed as Particularly Vulnerable Tribal Groups in Kerala, which ensures them special protection and welfare measures, the same status has not been accorded to them in the state of Tamil Nadu.¹⁰⁶

The incident in December 2021 was not the first time the Forest Department evicted the Kadars in their ancestral lands. In August 2019, the 23 Kadar families consisting of about 90 individuals took refuge at Kallarkudi settlement inside the Anamalai Tiger Reserve. They built makeshift huts at Kallarkudi after their homes were damaged by landslides that resulted from heavy monsoon rains. On August 20, the Forest Department removed their makeshift huts and shifted them to an unused quarters of Thaimudi tea estate near Valparai in Coimbatore district.¹⁰⁷ But the quarters of Thaimudi neither have the forest produce the Kadar families needed nor provided any of their basic needs. Detached from their traditional land and environment, the Kadars faced problems at the tea estate and demanded resettlement inside their forests.¹⁰⁸

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

March 6, 2020 to issue *patta* for homestead under the FRA. But authorities of the Anamalai Tiger Reserve said their application for *patta* at Theppakulamedu could not be processed as their ancient village is now part of the “critical tiger habitat.”¹⁰⁹

On February 10, 2020, around 300 Adivasis living in the Anamalai ranges began a peaceful march from Valparai to Coimbatore to demand *patta* for Kadars at Teppakulamedu. Months before their recent eviction in December 2021, around 100 tribals organized another peaceful march in Thaimudi near Valparai coinciding the birthday of Mahatma Gandhi on October 2, 2021.¹¹⁰

After the forced eviction in December 2021, the Kadar families lodged a complaint at the Valparai police station seeking to charge the 40 forest officials involved under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. On December 4, the District Collector of Coimbatore ordered to re-survey the area where *pattas* had been issued. Further, on December 6 in the presence of the concerned forest and revenue officials and the police, the District Collector assured the Kadars the 12 acres of residential land at Kallarkudi-Teppakulamedu and their farm lands at the old Kallarkudi settlement.¹¹¹

In addition, on December 28, the National Human Rights Commission has expressed deep concern over the recent forced eviction.¹¹² In its proceedings, the Commission recorded that “The allegations made in the complaint are serious in nature involving forced eviction in violation of law by the public servants.” The Commission served notice to the Chief Secretary, Government of Tamil Nadu and the Director General of Police, Tamil Nadu calling for a report within a period of four weeks.¹¹³

Forest officials backs non-tribals' assault against Indigenous Peoples and Dalits: a case of eviction in Sahajkhol Reserve Forest, state of Odisha

On June 30, 2021, 35 families composed of around 200 individuals, majority of whom belonged to tribal community and a few Dalits, were forcibly evicted from Bhatapani and Dumerpani hamlets in Sahajkhol Reserve Forest in Kalahandi district of Odisha. In his submission to the National Human Rights Committee (NHRC), a local human rights activist, Dilip Kumar Das, alleged that “the said miscreants are the members of Van Samrakhyan Samiti (VSS) promoted by the Forest department officials of Kalahandi who were threatening the tribals and Dalit families of Dumerpani and Bhatapani hamlets for the last few years.”¹¹⁴ Under the Joint Forest Management System,¹¹⁵ the VSS are constituted at the village level by the Government of Odisha for the protection of forest lands, including those considered as reserved, protected, revenue, and others that are not covered under Protected Areas.

In a media interview, a District Forest Officer has denied the involvement of the forest department in the eviction.¹¹⁶ Dilip disagrees and cited an earlier case of eviction of tribals in Birimuhan village in the same district of Kalahandi between 2015 and 2016 involving forests officials. At that time, the tribals were assaulted, their houses were burnt and their belongings were damaged. Subsequently, under directions from the NHRC, Birimuhan village was “declared as revenue village and no evictions were to be carried out without rehabilitation.” Dilip said, “After Birimuhan case, forest department personnel are not coming to the forefront but are instead instigating the local people (non-tribals) to do the mischief (of evicting tribals).”¹¹⁷

Dilip explained that one of the methods adopted to harass the tribals was forcible collection of donations by the non-tribals of neighbouring villages. He said, “non-tribals have been collecting ‘donations’ of around Rs. 15,000-20,000 (around 300 USD) in the name of ‘pujas’ (festivals), but this year the tribals failed to contribute due to the economic hardships brought by Covid-19 lockdown.” He asserted, “that was the immediate cause of the conflict and eviction.”¹¹⁸

After the attack on June 30, the victims filed a case at the Ampani police station in Kalahandi district in connection with the eviction. However, it is alleged that the forest officials and the attackers (non-tribals) have been using the “peace meeting” to pressurize the victims to withdraw the police case.¹¹⁹

The 35 families have been living at Dumerpani and Bhatapani hamlets in Kalahandi district for the last 25 years. They had originally migrated from neighbouring Nabarangpur district of Odisha. They eked out a living by cultivating maize in the forest land and as daily wage earners. They have already enrolled themselves as voters of Kalahandi district and have the government-

issued Aadhaar cardsⁱ recognizing them as residents of Kalahandi district. They have also been getting government scheme benefits.¹²⁰ But their rights over the forest land under the Forest Rights Act, 2006 remains unrecognized by the state government.

Fifteen of the 35 families were housed temporarily in a primary school building in Kuhudi under Chandahandi block while the rest are build temporary shelter in a jungle near Dahimal village of Jharigam block. According to social activist, Humeswar Hanse, who has visited the families sheltered in Chandahandi block, there were 11 kids under five years of age, 17 between 5-10 years and 7 women who needed immediate medical attention due to deteriorating health conditions.¹²¹ In its August 9 report, the District Magistrate, Kalahandi informed the NHRC that all the evicted families have been provided ration cards and 22 families have already been provided with homes under Pradhan Mantri Awas Yojana (PMAY)/ Biju Pucca Ghar Yojana (BPGY) housing schemes and the remaining families will also be under the housing schemes.¹²²

Through the complaint submitted by Dilip, on July 12, 2021, the NHRC issued notices to the Additional Chief Secretary/Principal Secretary, Department of Forest, Government of Odisha, the District Magistrate, Kalahandi and the Superintendent of Police, Kalahandi to “take the needful actions in the matter and submit an action taken report to the Commission within six weeks.”¹²³

In response, the District Magistrate, Kalahandi consulted with the District Magistrate, Nabarangpur, Sub Divisional Magistrate (SDM), Dharamgarh, and Divisional Forest Officer (South). The report of the SDM, Dharamgarh stated that “during enquiry it was found that 15 families of Dumerpani hemlet and 20 families of Bhatapani hamlet of revenue families have encroached about 80 hectare of land inside the Sahajkhoh Reserve Forest and cases were registered against encroachers in the year of 2013-14.” At the same time, the 35 displaced families of Bhatapani and Dumerpani hamlets informed the enquiry team that “they were forcibly vacated from their houses by the villagers of revenue village Gotamunda who have vandalized their houses, damaged their stored grain and butchers the domestic animals. Subsequently a first information report (FIR) in Ampani PS on July 7, 2021 was registered against the villagers of Gotamunda.” The SDM stated that “displaced families could not be settled in the suit land as the disputed encroached land is located inside the Reserve Forest and settlement through FRA is not legally tenable as lands are occupied after 2006.” However, the report stated that all the displaced families have been provided with ration cards and those having no housing land will be covered under Basundhara Scheme for provisioning of house sites.

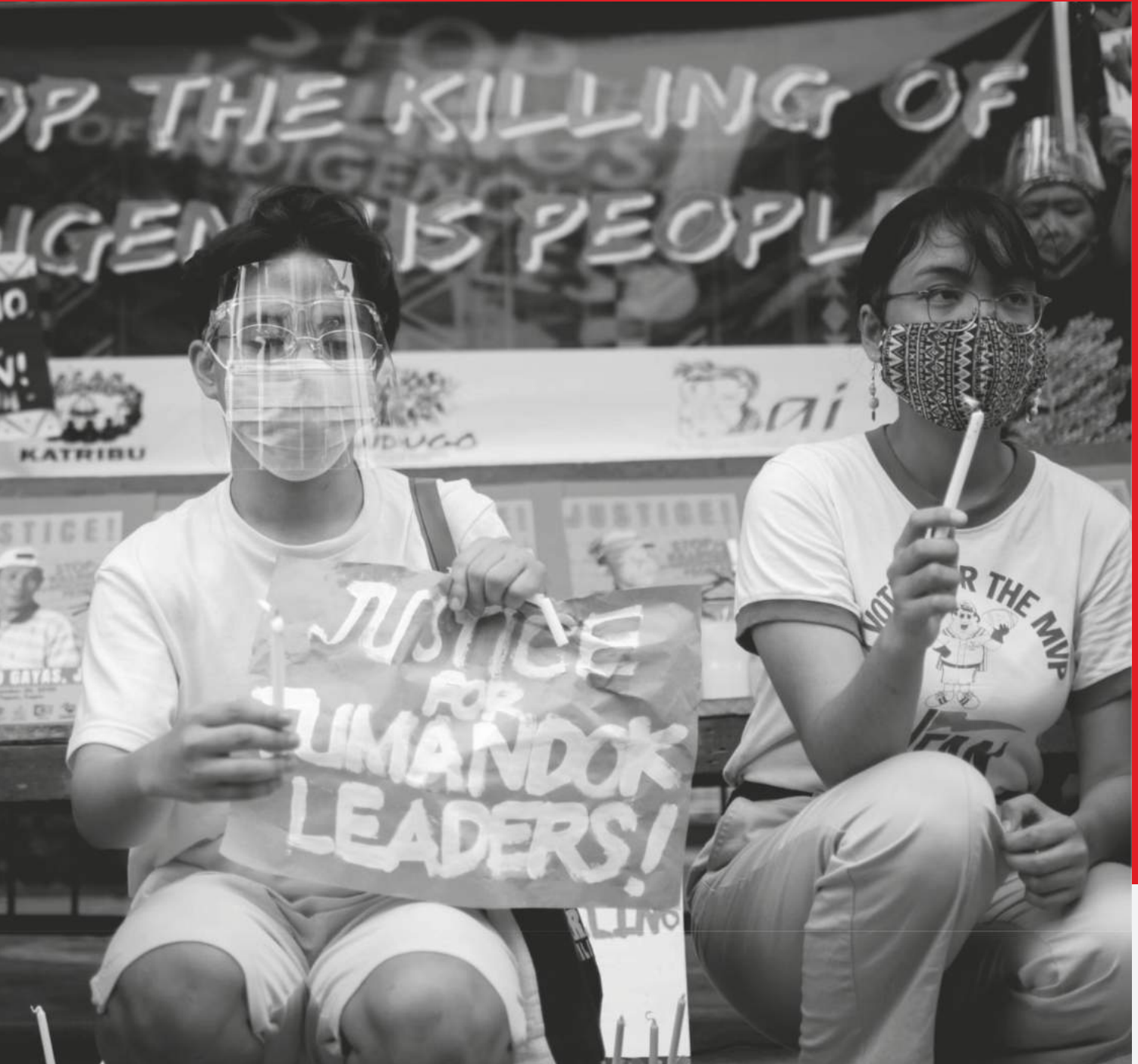
On September 24, 2021, the NHRC after considering the official report stated that it has been admitted that the tribal families have been evicted by the

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

villagers of Gotamunda Revenue village who also vandalised the houses of the victims. An FIR has been registered but the details of FIR were not mentioned in the official report. It is also not clear whether Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act 1989 was invoked or not as the victim families belong to ST/SC Community. Therefore, the Commission issued further notice to the District Magistrate, Kalahandi and the Superintendent of Police, Kalahandi, Odisha to submit details of FIR registered in this matter including compensation paid to the victims under SC/ST (POA) Act. The Commission also directed that a copy of the report dated August 9, 2021 be sent to the complainant for comments, if any, within four weeks.¹²⁴

Philippines

Photo: Carlos Manalansan



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Country context

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

The case on March 7 happened two days after President Duterte said to the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP), ““kill” and “finish off” communist rebels in encounters.”¹²⁵ The case involved 6 arrests and 9 killings – two of them are Indigenous Dumagat and two are Indigenous Ati.

The case on June 15 was another incident involving the AFP. The soldiers opened fire on six civilians while harvesting abaca killing three Indigenous Lumad. One of them was 12-year-old Angel Rivas. The two other victims, Willy Rodriguez and Lenie Rivas, were known members of Malahutayong Pakigbisog alang sa Sumusunod (MAPASU), an organization that openly opposes the mining activities in Andap Valley.¹²⁶

Furthermore, human rights violations have not abated in Mindanao Island as the conflict in the newly established Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)^v threatens the Non-Moro Indigenous Peoples (NMIPs). Between February and March 2021, eleven Indigenous Teduray were killed, among them are youth aged seven and 17.¹²⁷ The Teduray and other human rights groups are calling for justice as the government continue to be silent on these cases. The continued dropping of bombs on the ancestral domains of the Teduray and Lambangian peoples in order to drive away insurgents leave them

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

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

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

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

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

in even more deaths, destruction of their homes, and displacement. In 2021, around 900 families were forced to flee their homes due to the conflict.¹²⁸

The situation is exacerbated by development aggressionsⁱ that are linked to the government's infrastructure-driven economic development and "whole of nation" approach to security.¹²⁹

Many of these development aggression projects, e.g., the Kaliwa Dam,¹³⁰ Jalaur Dam,¹³¹ and New Clark City,¹³² have been opposed with vehemence by Indigenous Peoples and their communities and residents, politicians and civil society organizations, and even international institutions because of their negative ecological impacts and effects to indigenous peoples and their communities. Most of these projects have gone through anomalous or erroneous free, prior and informed consent (FPIC) processes and even lacked essential documents and authorization to proceed.¹³³

There are 221 Certificates of Ancestral Domain Title (CADT) approved, which covers 5,413,772.71 hectares. In a 2011 report on land-use conflict map of Philippine Association for Intercultural Development, Inc., a local NGO, it re-confirmed its 2007 findings that two-thirds of ancestral domains are directly affected by mining applications across the Philippines.¹³⁴ Correspondingly, according to another study conducted in 2008 by a local NGO, Philippine Partnership for the Development of Human Resources in Rural Areas, 78 percent of CADC/CADT holders have mining/logging operations and two-thirds of these operations are lacking genuine FPIC.¹³⁵

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

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

On February 28, 2021, Barangay Captain Julie Catamin who challenged the baseless red tagging of the Philippine National Police (PNP) and the military was shot dead. Catamin is a member of the indigenous Tumandok community. He was among the first to expose that the four people arrested in his village on December 30 were innocent and that the Criminal Investigation and Detection Group (CIDG) indeed planted the weapons and ammunition discovered in the victims' homes. Prior to his death, Catamin was summoned by the military on February 25 to inform him that they were aware that the members of his community are seeking assistance from people's organizations including Bayan Muna lawyers.¹³⁶ He said the military threatened them with the same fate as the December 30 victims.

On December 30, 2020, at early dawn, the Philippine Army, PNP and CIDG conducted a joint operation in nine villages of the indigenous Tumandok in Panay Island in Western Visayas in the south of the Philippines. It resulted to nine members of the Tumandok killed and 16 arrested.

The police alleged that those killed were members of the New People's Army (NPA), and that they fought back as operatives served search warrants for illegal possession of firearms and explosives. NPA is the armed wing of the Communist Party of the Philippines (CPP). CPP-NPA has been designated as "foreign terrorist organization" by the US government and the EU.

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

But relatives of the victims said that those who died did not resist arrest and that the firearms and explosives found in their residences were set up,¹³⁷ which is common to similar many anti-insurgency operations the police and the military. It is locally known as "tanim bala," which translates to "planting bullets."

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

The nine who were killed were recognized leaders in their respective barangays (village). They were civilians and not armed combatants.

Some of the 16 arrested were charged with violating either R.A. 10591, known as “Comprehensive Firearms and Ammunition Regulation Act,” or R.A. 9516, an act amending the provisions of P.D. 1866,¹³⁸ known as “Codifying the laws on illegal/unlawful possession, manufacture, dealing in, acquisition or disposition, of firearms, ammunition or explosives or instruments used in manufacture of firearms, ammunition or explosives, and imposing stiffer penalties for certain violations thereof and for relevant purposes.”¹³⁹ Others were charged with violating both.

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

The Tumandok, which is estimated to have a population of around 17,000, have been consistently opposing militarization in their area. They have long been advocating for the protection of their fundamental rights and land rights. They have been active in openly resisting the construction of Jalaur River Multi-Purpose Project, a USD 200 million project funded by the Republic of Korea’s Export-Import Bank (EximBank). International partners and other support groups have submitted an appeal to defund the Jalaur River Multi-Purpose Project Stage II (JRMP II).¹⁴⁰

The Jalaur Mega-dam threatens to submerge the Tumandok’s ancestral land, including their burial grounds and sacred sites. The persistent opposition of the Tumandok, along with their allies, against the mega-dam suspended its operation, but has also resulted to one of the most heinous massacres against Indigenous Peoples.¹⁴¹ Their activism and work in defending their human rights were used by the police and military to tag them as members and supporters of the CPP-NPA.

Earlier before the killings and arrest, in November 2020, some members of the Tumandok from two villages sought help from the Commission on Human Rights due to threats from the military and PNP. The military and PNP were forcing them to sign documents supposedly to “surrender” and “clear their names” as assurance that they are not members of the CPP-NPA. They refused to sign the documents since they are not members or supporters of the CPP-NPA. Threats against them mounted, with soldiers saying they could be charged under the Anti-Terrorism Act and warned them for more stringent operation.

The indigenous Tumandok are aware that their justice from the massacre and the protection of their fundamental and land rights will be difficult and ongoing. They remain hopeful but vigilant. On March 3, 2021, Atty. Angelo Karlo Guillen, Tumandok lawyer and petitioner against the Anti-Terrorism Act of 2020, was stabbed by unidentified persons.¹⁴²

Impunity and criminalization of activism in the Philippines: trumped-up charges against Indigenous Peoples human rights defenders; cases of Windel Bolinget and Betty Belen

On July 12, 2021, the Regional Trial Court in Tagum City, capital of Davao del Norte – a province in Davao region in Mindanao Island at the south of the Philippines—rejected the criminal prosecution against the indigenous human rights defender, Windel Bolinget.

Bolinget is the chairperson of the local indigenous organization, Cordillera Peoples Alliance and convenor of Katribu, a national indigenous peoples' alliance. He is a long-time indigenous human rights defender and known to be against large-scale mining projects, mega-dams and other projects that pose a threat to the indigenous peoples' land rights in Cordillera Administrative Region (CAR) located in the north of the Philippines' Luzon Island.

On August 6, 2020, a criminal case was filed at against him and ten other individuals wherein three are women. They are being linked to the murder of a certain Garito Malibato in 2018.

On September 25, 2020, the Regional Trial Court in Tagum City, capital of Davao del Norte, issued a warrant of arrest for murder against Bolinget, et. al. They learned about the charges only in December 2020.

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

Garito is the brother of Mintroso and Delio Malibato, *datu* of the indigenous Ata Manobo group and leaders of Karadyawan, a local Indigenous Peoples' organization in Kapalong, Davao del Norte. The leaders and members of Karadyawan have been politically vilified and red tagged by the Philippine government and its security forces.¹⁴³

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

Attacks on Bolinget intensified when on January 15, 2021, a 100,000 PHP (approximately 2,000 USD) reward was offered by the Cordillera Police

Department for any information leading to Bolinget's arrest. A shoot-to-kill order was even issued on January 20, 2021 by Cordillera Police Chief Brigadier General R'win Pagkalinawan should Bolinget resist arrest.¹⁴⁴

Prior to Bolinget's case, another indigenous human rights defender from the Cordillera region, Beatrice 'Betty' Belen, was charged with illegal possession of explosives. She was jailed for almost four months before her case was dismissed due to lack of evidence on February 12, 2020.

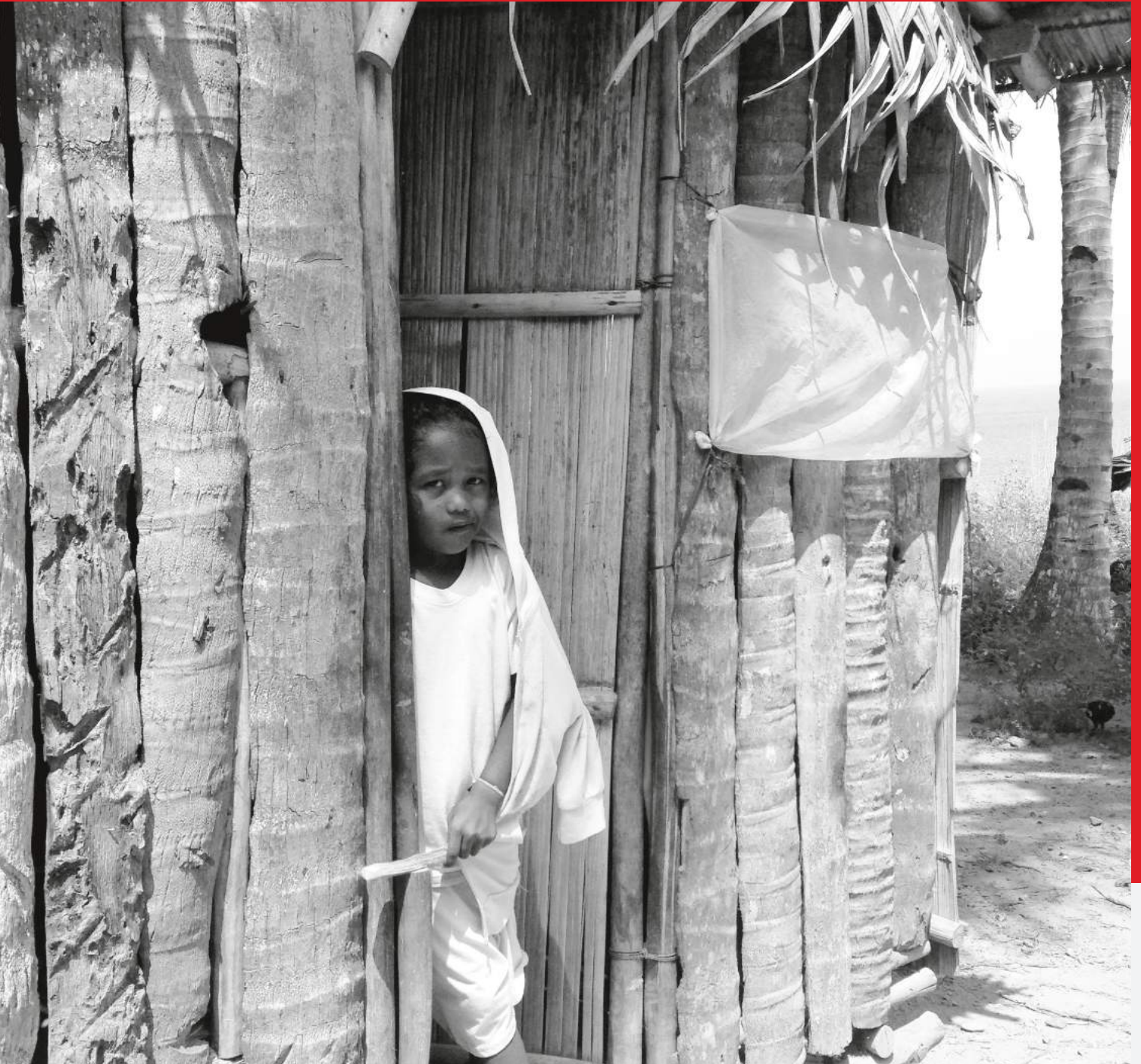
In the early morning of October 25, 2020, joint operation of the Philippine National Police (PNP), the Criminal Investigation and Detection Group (CIDG) and the 503rd Infantry Brigade of the Armed Forces of the Philippines (AFP) served search warrants to Belen and 10 others in Lower and Western Uma, Lubuagan, Kalinga in Philippines' Cordillera Administrative Region. All of them are all openly opposed to the Chevron Energy company's geothermal project that is being planned in their ancestral lands.

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

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

References

Photo: Mary Ann Bayang



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References

1. International Land Coalition and Alliance for Land, Indigenous and Environmental Defenders, “A Crucial Gap / The Limits to Official Data on Attacks Against Defenders and Why It’s Concerning” 2021.
2. Indigenous Peoples Rights International. “Defending Our Lands, Territories and Natural Resources Amid the COVID-19 Pandemic: Annual Report on Criminalization, Violence and Impunity Against Indigenous Peoples.” April 2021. Baguio City, Philippines.
3. UNESCO, International Day to End Impunity for Crimes against Journalists available at: <https://en.unesco.org/commemorations/endimpunityday#:~:text=Impunity%20leads%20to%20more%20killings,abuses%2C%20corruption%2C%20and%20crime>.
4. See: “RDC: l’état de siège entre en vigueur dans le Nord-Kivu et l’Ituri” (6 May 2021) *RTI*. Available at: <https://www.youtube.com/watch?v=FOUhVgILxIY>.
5. Statement by the Vice President of the Provincial Assembly of North Kivu Honorable Jean Paul Lumbulumbu
6. See: “RDC : une promesse de résultats après un mois d’état de siège au Nord-Kivu et en Ituri” (3 June 2021) Matthieu Vendrely in *TV5 Monde*. Available at: <https://information.tv5monde.com/afrique/rdc-une-promesse-de-resultats-apres-un-mois-d-etat-de-siege-au-nord-kivu-et-en-ituri-411319>.
7. See: “Brazil indigenous leaders sue Bolsonaro for ‘crimes against humanity’” (23 January 2021) *France 24* <https://www.france24.com/en/live-news/20210123-brazil-indigenous-leaders-sue-bolsonaro-for-crimes-against-humanity>
8. See: “Nota de Repúdio: Funai exclui Terras Indígenas não homologadas das atividades de proteção” (18 January 2022) *Articulação dos Povos Indígenas do Brasil – APIB* (<https://apiboficial.org/2022/01/18/nota-de-repudio-funai-exclui-terras-indigenas-nao-homologadas-das-atividades-de-protecao/>)
9. See precautionary measure in the claims of non-compliance with a fundamental precept n.709/Brazilian Supreme Courte. Available at: <http://redir.stf.jus.br/estfvisualizadorpub/jsp/consultarprocessoeletronico/ConsultarProcessoEletronico.jsf?seqobjetoincidente=5952986>
10. See: “Txai Suruí, indígena brasileira que discursou na COP26, protesta contra mudanças do clima com Greta Thunberg na Suécia” (19 November 2021) *G1*. <https://g1.globo.com/meio-ambiente/aquecimento-global/noticia/2021/11/19/txai-surui-indigena-brasileira-que-discursou-na-cop26-protesta-contramudancas-do-clima-com-greta-thunberg-na-suecia.ghtml>
11. See: “Garimpo na Terra Indígena Munduruku cresce 363% em 2 anos, aponta levantamento do ISA” (2 June 2021) *Instituto Socioambiental*. <https://www.socioambiental.org/pt-br/noticias-socioambientais/garimpo-na-terra-indigena-munduruku-cresce-363-em-2-anos-aponta-levantamento-do-isa>

12. See: “Brazil sacks officials who curbed deforestation on Amazon indigenous lands” (5 May 2020) *Mongabay* <https://news.mongabay.com/2020/05/brazil-sacks-officials-who-curbed-deforestation-on-amazon-indigenous-lands/>
13. See: “Brazil minister advises using COVID-19 to distract from Amazon deregulation” (26 May 2020) *Mongabay* <https://news.mongabay.com/2020/05/brazil-minister-advises-using-covid-19-to-distract-from-amazon-deregulation/>
14. See: “Casa de liderança indígena Munduruku é incendiada em Jacareacanga, no PA; MPF investiga o caso” (27 May 2021) *Ana Carolina Limão* in G1. <https://g1.globo.com/pa/para/noticia/2021/05/27/casa-de-lideranca-indigena-munduruku-e-incendiada-por-garimpeiros-em-jacareacanga-mpf-investiga-o-caso.ghtml>
15. See: “Junto com a CIDH, Escritório exorta o Brasil a garantir proteção integral aos povos indígenas yanomami e munduruku” (19 May 2021) *La Oficina del Alto Comisionado para los Derechos Humanos*. <https://acnudh.org/pt-br/junto-a-la-cidh-oficina-urge-a-brasil-garantizar-la-proteccion-integral-de-los-pueblos-indigenas-yanomami-y-munduruku/>
16. See: “ONU Direitos Humanos e ONU Mulheres pedem investigação rigorosa ao ataque contra Associação das Mulheres Munduruku Wakoborûn” (9 April 2021) *ONU Direitos Humanos*. <https://brasil.un.org/pt-br/124386-onu-direitos-humanos-e-onu-mulheres-pedem-investigacao-rigorosa-ao-ataque-contra-associao>
17. See: “Garimpeiro é o principal transmissor de Covid-19 para Yanomamis, aponta estudo” (3 June 2020) *Giovanna Bronze* in *CNN – Brasil*. <https://www.cnnbrasil.com.br/nacional/2020/06/03/garimpeiro-e-o-principal-transmissor-de-covid-19-para-yanomamis-aponta-estudo>
18. See: “Garimpo ilegal avança 30% na Terra Yanomami em ano de pandemia, aponta relatório” (25 March 2021) G1. <https://g1.globo.com/rr/roraima/noticia/2021/03/25/garimpo-ilegal-avanca-30percent-na-terra-yanomami-em-um-ano-aponta-relatorio.ghtml>
19. See: “Aircraft, fuel key to illegal Indigenous land mining” (14 January 2022) *Associated Press* <https://indiancountrytoday.com/news/aircraft-fuel-key-to-illegal-indigenous-land-mining>
20. See: “Communication of UN Special Procedures to Government of Brazil on the escalating violence against the Munduruku and Yanomami Indigenous Peoples” (28 May 2021) OHCHR. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?Id=26420>
21. See: “Junto com a CIDH, Escritório exorta o Brasil a garantir proteção integral aos povos indígenas yanomami e munduruku” (19 May 2021) *South American Regional Office of the United Nations High Commissioner*. <https://acnudh.org/pt-br/junto-a-la-cidh-oficina-urge-a-brasil-garantizar-la-proteccion-integral-de-los-pueblos-indigenas-yanomami-y-munduruku/>
22. See: “Aldeia yanomami completa dez dias sem assistência, sob risco de novos ataques e mortes” (20 May 2021) *Socio Ambiental*. <https://www.socioambiental.org/pt-br/noticias-socioambientais/aldeia-yanomami-completa-dez-dias-sem-assistencia-sob-risco-de-novos-ataques-e-mortes>

23. See: “Junto com a CIDH, Escritório exorta o Brasil a garantir proteção integral aos povos indígenas yanomami e munduruku” (19 May 2021)
24. See: “Dois indígenas isolados são mortos a tiros por garimpeiros na Terra Yanomami” (2 November 2021) *Articulação dos Povos Indígenas do Brasil – APIB*. <https://apiboficial.org/2021/11/03/dois-indigenas-isolados-sao-mortos-a-tiros-por-garimpeiros-na-terra-yanomami/>
25. See: “Duas crianças yanomami mortas, sugadas por uma draga da exploração ilegal de minério” (16 October 2021) Beatriz Juca in *El País*. <https://brasil.elpais.com/brasil/2021-10-16/duas-criancas-yanomami-mortas-por-uma-draga-de-exploracao-ilegal-de-minerio-diante-da-omissao-do-governo.html>
26. <https://brasil.elpais.com/brasil/2021-10-16/duas-criancas-yanomami-mortas-por-uma-draga-de-exploracao-ilegal-de-> See: “Duas crianças yanomami mortas, sugadas por uma draga da exploração ilegal de minério” (16 October 2021)
27. See: “Operação Yanomami contra garimpo ilegal apreendeu 111 aeronaves” (27 December 2021) Alex Rodrigues in *Agência Brasil*. <https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2021-12/operacao-yanomami-contr-garimpo-ilegal-apreendeu-111-aeronaves>
28. See: “PCC amplia atuação na Terra Indígena Yanomami” (19 August 2021) *Instituto Humanitas Unisinos*. <https://www.ihu.unisinos.br/78-noticias/612158-pcc-amplia-atuacao-na-terra-indigena-yanomami>
29. See: “PCC toma áreas de garimpo em Roraima e explora tráfico de drogas e prostituição até mesmo em terra Yanomami” (2 January 2022) *Roraima 1*. <https://www.roraima1.com.br/2022/02/01/pcc-toma-areas-de-garimpo-em-roraima-e-explora-traffic-de-drogas-e-prostituicao-ate-mesmo-em-terra-yanomami/>
30. See: “Homicidios de Personas defensoras de Derechos Humanos” (2021) Oficina de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos en Colombia. Available at <https://www.hchr.org.co/files/micrositios/Homicidios-de-personas-defensoras-de-DDHH-Dic-2021.pdf>
31. See: “Informe ejecutivo sobre el contexto y las afectaciones a los derechos de los pueblos indígenas dentro del paro y minga nacional en Colombia” (2021) *Organización Nacional Indígena de Colombia*. Available at https://www.onic.org.co/images/pdf/Informe_Ejecutivo_ONIC_sobre_afectaciones_PPII_-_CIDH_10.06.2021.pdf
32. See: “Informe ejecutivo sobre el contexto y las afectaciones a los derechos de los pueblos indígenas dentro del paro y minga nacional en Colombia” (2021)
33. See: “Desde ONIC rechazamos la militarización del resguardo Nasa Embera Chamí en La Delfina, Valle del Cauca: ¡Exigimos respeto a los territorios indígenas y al ejercicio legítimo del Gobierno Propio!” (2021) *Organización Nacional Indígena de Colombia*. Available at <https://www.onic.org.co/comunicados-onic/4211-desde-onic-rechazamos-la-militarizacion-del-resguardo-nasa-embera-chami-en-la-delfina-valle-del-cauca-exigimos-respeto-a-los-territorios-indigenas-y-al-ejercicio-legitimo-del-gobierno-propio>
34. See: Comunicaciones Indei. (2021) “RAFAEL DOMICÓ “CULTURA” Facebook. Available at https://web.facebook.com/permalink.php?story_fbid=1218245251906669&id=100011636164389

35. “Protesta indígena en vía Medellín-Quibdó” (8 February 2021) *El Tiempo*. <https://www.eltiempo.com/colombia/medellin/protesta-indigena-en-via-medellin-quistodo-59852>
36. See: “Informe de afectaciones a los derechos humanos y territoriales en los pueblos indígenas de Colombia” (2021) Organización Nacional Indígena de Colombia. Available at <https://www.onic.org.co/comunicados-onic/4407-tercer-informe-de-la-organizacion-nacional-indigena-de-colombia-sobre-afectaciones-a-los-derechos-humanos-y-territoriales-en-los-pueblos-naciones-y-comunidades-indigenas-de-colombia-2021>
37. Telephone communication to the indigenous governor on July 13, 2021.
38. Telephone communication with a community member from Corinto on July 13, 2021.
39. Interview with Edison Benítez Cardona in June 2021
40. Hoyos, J. “El oro y la sangre” (2019) *Medellín*: Hombre Nuevo Editores.
41. “Se abre paso en la vía Quibdó-Medellín” (9 January 2021) *El Baudoseño*. <https://www.elbaudoseno.com/se-abre-paso-en-la-via-quistodo-medellin/>
42. “Protesta indígena en vía Medellín-Quibdó” (8 February 2021) *El Tiempo*. <https://www.eltiempo.com/colombia/medellin/protesta-indigena-en-via-medellin-quistodo-59852>
43. “Indígenas bloquearon vía Quibdó-Medellín por incumplimiento” (7 July 2021) Noticias RCN <https://www.noticiarscn.com/colombia/indigenas-bloquearon-via-quistodo-medellin-por-incumplimientos-383110>
44. “Después de tres días indígenas levantan bloqueo en la vía Panamericana” (20 August 2021) *El Espectador*. <https://www.elespectador.com/colombia/mas-regiones/despues-de-tres-dias-indigenas-levantan-bloqueo-en-la-via-panamericana/>
45. “Cierre de la vía Quibdó-Medellín afecta las entregas en poblaciones de Quibdó” (5 December 2021) TCC. <https://www.tcc.com.co/cierre-de-la-via-quistodo-medellin-afecta-las-entregas-en-poblaciones-del-quistodo/>
46. See: “Crime in India 2020” *National Crime Records Bureau*, p 613. Available at <https://ncrb.gov.in/sites/default/files/CII%202020%20Volume%202.pdf>
47. “Two Hundred Thirtieth Report on Atrocities and Crimes Against Women and Children” *Committee on Home Affairs*, presented to Parliament of India/Rajya Sabha on 15 March 2021. Available at https://rajyasabha.nic.in/rsnew/Committee_site/Committee_File/ReportFile/15/143/230_2021_3_14.pdf
48. See: “Crime in India 2020” *National Crime Records Bureau*, pp. 617 and 623.
49. See: “Statistical Profile of Scheduled Tribes in India 2013” *Ministry of Tribal Affairs*
50. Press release of Ministry of Tribal Affairs (17 December 2018). Available at [https://pib.gov.in/Pressreleaseshare.aspx?PRID=1556176#:~:text=Almost%2090%25%20of%20the%20tribal,ST\)%20population%20in%20the%20country](https://pib.gov.in/Pressreleaseshare.aspx?PRID=1556176#:~:text=Almost%2090%25%20of%20the%20tribal,ST)%20population%20in%20the%20country)
51. See: “Crime in India 2020” *National Crime Records Bureau*, p 654.

52. See: "Crime in India 2020" *National Crime Records Bureau*, p. 617 and 623.
53. "Letter of Human Rights Defenders' Alert-India to the NHRC" (9 December 2021). Available at https://media.business-humanrights.org/media/documents/03-2021-12-09-HRDA-UA-EAST-OD-Debendra_Swain_and_others.pdf
54. See: "Criminalization of Adivasis and the Indian Legal System" (2021) *Indigenous Peoples Rights International*. Available at <https://www.iprights.org/images/resources/downloadables/Criminalisation%20of%20Adivasis%20and%20the%20Indian%20Legal%20System.pdf>
55. Shankar, Aranya. "UN representative: India doesn't properly protect human rights defenders" (16 January 2021) *The Indian Express*. <https://indianexpress.com/article/india/stan-swamy-bhima-koregaon-stan-swamy-arrest-united-nations-human-rights-7148223/>
56. Show Cause Notice issued to Valsingh Saste under Section 8(1) of Madhya Pradesh Rajya Suraksha Adhiniyam-1990 by District Magistrate, Barwani district, Madhya Pradesh, vide No. 5148/Ridhar/2021 (22 July 2021)
57. "Tribal man finds his name on wanted Maoist list, seeks CM's help" (4 January 2022) *Hindustan Times*. <https://www.hindustantimes.com/cities/ranchi-news/tribal-man-finds-his-name-on-wanted-maoist-list-seeks-cm-s-help-101641313568309.html>
58. Telephone interview with Dinesh Murmu, an activist with Jharkhand Janadhikar Mahasabha in Jharkhand on January 23, 2022.
59. "Chhattisgarh: 594 criminal cases against tribals withdrawn in Maoist-affected areas" (4 June 2021) *The Times of India*. <https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-594-criminal-cases-against-tribals-withdrawn-in-maoist-affected-areas/articleshowprint/83237711.cms>
60. Anga, Abhishek. "Jharkhand CM clears home dept's resolution on withdrawal of Pathalgadi cases" (27 March 2021) *The Indian Express*. <https://indianexpress.com/article/india/jharkhand-cm-clears-home-depts-resolution-on-withdrawal-of-pathalgadi-cases-7247406/>
61. Dwary, Anurag. "'Heritage Liquor' Mahua Legalised In BJP's Madhya Pradesh Tribal Outreach" (23 November 2021) *NDTV*. <https://www.ndtv.com/india-news/heritage-liquor-mahua-legalised-in-bjps-madhya-pradesh-tribal-outreach-2620984>
62. See: "The States of Chhattisgarh, Jharkhand, Odisha, Bihar, West Bengal, Andhra Pradesh, Telangana, Maharashtra, Madhya Pradesh, Uttar Pradesh and Kerala are considered LWE affected, although in varying degrees" *The Ministry of Home Affairs*. Available at https://www.mha.gov.in/division_of_mha/left-wing-extremism-division
63. Sanzgiri, Vallari. "100 days on, Piri villagers still await justice for Brahmadev Singh" (7 October 2021) *Sabrang*. <https://www.sabrangindia.in/article/100-days-piri-villagers-still-await-justice-brahmadev-singh>
64. Goyal, Prateek. "How Chhattisgarh police hunted an Adivasi farmer" (1 July 2021) *NewsLaundry*. <https://www.newsLaundry.com/2021/07/01/how-chhattisgarh-police-hunted-an-adviasi-farmer>
65. Saha, Poulomi and Kamaljit Kaur Sandhu. "Civilian killing in Nagaland: Case of mistaken identity, says Home Minister Amit Shah" (6 December

- 2021) *India Today*. <https://www.indiatoday.in/india/story/amit-shah-lok-sabha-nagaland-firing-news-latest-armed-forcers-1884685-2021-12-06>
66. Goyal, Prateek. "Bastar: 'Surrendered Naxal' dies by suicide in police custody. Villagers say she wasn't a Naxal at all" (27 February 2021) *NewsLaundry*. <https://www.newslaundry.com/2021/02/27/bastar-surrendered-naxal-dies-by-suicide-in-police-custody-villagers-say-she-wasnt-a-naxal-at-all>
 67. Verma, Gargi. "Dantewada: 24-year-old tribal woman killed in 'maoist encounter'; family claims it was staged, alleges rape" (8 June 2021) *The Indian Express*. <https://indianexpress.com/article/india/chhattisgarh-geedam-maoist-encounter-alleged-rape-7349199/>;
 68. Mishra, Ritesh. "Chhattisgarh: Kin allege woman killed in fake 'encounter'; cops call her Maoist" (7 June 2021) *The Hindustan Times*. <https://www.hindustantimes.com/cities/others/chhattisgarh-kin-allege-woman-killed-in-fake-encounter-cops-call-her-maoist-101623067654298.html>
 69. "Tribals of Balapam panchayat seek protection, development" (7 March 2021) *The Hans India*. <https://www.thehansindia.com/news/cities/visakhapatnam/tribals-of-balapam-panchayat-seek-protection-development-675603>
 70. "Maoists kill 15-year-old in Sukma. His crime: Kin work in forces"(20 April 2021) *The Times of India*. <https://timesofindia.indiatimes.com/india/maoists-kill-15-year-old-in-sukma-his-crime-kin-work-in-forces/articleshow/82154379.cms>
 71. "Maoists kill Adivasi near Bhadrachalam" (18 November 2021) *Telangana Today*. <https://telanganatoday.com/maoists-kill-adivasi-near-bhadrachalam>
 72. "Manipur: Villager allegedly shot dead by Army Major in Kangpokpi; CM Biren assures speedy action" (6 June 2021) *Imphal Free Press*. <https://ifp.co.in/7728/assam-rifles-major-allegedly-murders-father-of-four-children-tensions-high-in-manipurs-twilang-area>
 73. Sitlhou, Hoineilhing and Phalneilhing Kipgen. "'Frame the Victim': Another 'Extra-Judicial' Killing in Manipur Reopens Talk on AFSPA" (5 August 2021) *The Wire*. <https://thewire.in/rights/frame-the-victim-veil-the-crime-another-extra-judicial-killing-in-manipur-reopens-talk-on-afspa>
 74. See: Armed Forces (Special Powers) Act, 1958. Available at https://www.mha.gov.in/sites/default/files/armed_forces_special_powers_act1958.pdf
 75. Telephone interview with Thangminlen Kipgen, General Secretary of the Kuki Inpi, Kangpokpi, on July 18, 2021
 76. Jaiswal, Umanand. "Manipur killing: Assam Rifles releases statement; cites attack from KRA cadres" (8 June 2021) *The Telegraph*. <https://www.telegraphindia.com/north-east/manipur-killing-assam-rifles-releases-statement-cites-attack-from-kra-cadres/cid/1818141>
 77. Jaiswal, Umanand. "Manipur killing: Assam Rifles releases statement; cites attack from KRA cadres"
 78. Jaiswal, Umanand. "Manipur killing: Assam Rifles releases statement; cites attack from KRA cadres"

79. Telephone interview with Thangminlen Kipgen.
80. Colney, Kimi. "Assam Rifles major accused of killing civilian in Manipur; reopens debate on AFSPA"(10 July 2020) *The Caravan*. <https://caravanmagazine.in/crime/assam-rifles-major-accused-of-killing-civilian-manipur-reopens-debate-afspa>
81. Telephone interview with Gayatri Suman, lawyer of Hidme Markam on July 17, 2021.
82. Tiwary, Vishnukant. "Chhattisgarh: Civil Society Members Demand Release of Tribal Rights Activist Arrested Under 'Naxal Charges'"(10 March 2021) *NewsClick*. <https://www.newsclick.in/Chhattisgarh-Civil-Society-Members-Demand-Release-Tribal-Rights-Activist-Arrested-Under-Naxal-Charges>
83. See: Naxali Crime Profile of Kawasi Hidme released by the Dantewada district police, dated March 9, 2021. Available at https://drive.google.com/file/d/1_k3ubfqWWIRRjOWfcVQJV9UTY3u5i8kP/view
84. Telephonic interview with Rinchin, tribal rights activist from Chhattisgarh and member of the Chhattisgarh Mahila Adhikar Manch and a colleague of Hidme Markam.
85. Telephone interview with Rinchin.
86. Telephone interview with Rinchin.
87. Proceedings dated March 31, 2021 in NHRC Case No. 155/33/14/2021
88. UN Office of the High Commissioner on Human Rights. AL IND 5/2021. (8 April 2021) Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26326>
89. Letter of Permanent Mission of India to the United Nations Office and other International Organizations to the Secretariate of the Human Rights Council, NV.GEN/PMI/353/16/2020 dated June 7, 2021
90. National Human Rights Commission. Case No. 155/33/14/2021.
91. Proceedings dated November 18, 2021 in NHRC Case No. 155/33/14/2021
92. Telephone interview with Advocate Kshitij Dubey on August 13, 2021
93. Telephone interview with Advocate Kishore Narayan on August 16, 2021
94. Telephone interview with Gayatri Suman on December 3, 2021
95. Proceedings dated September 13, 2021 in NHRC Case No. 155/33/14/2021
96. Sharma, Diwakar. "Maharashtra: Man from Phase Pardhi tribe dies in police custody in Solapur, torture alleged" (9 October 2022) *Mid-Day*. <https://www.mid-day.com/mumbai/mumbai-news/article/maharashtra-cabinet-condoles-death-of-farmers-in-lakhimpur-kheri-23195815>
97. See: "Criminalization of Adivasis and the Indian Legal System" (2021) *Indigenous Peoples Rights International*.
98. Olwe, Sudharak. "Decades After Denotification, Pardhi Tribe Struggles to Shrug Off 'Criminal' Tag" (31 August 2018) *The Wire*. <https://thewire.in/society/decades-after-denotification-pardhis-in-maharashtra-struggle-to-stave-off-criminal-tag>
99. Telephone interview with Matin Bhosale on January 25, 2022.
100. Telephone interview with Matin Bhosale on January 25, 2022.

101. Sharma, Diwakar. "Maharashtra: Man from Phase Pardhi tribe dies in police custody in Solapur, torture alleged" (9 October 2022)
102. The submission of the case to the National Human Rights Commission was initiated by IRAC. The complaint was registered in NHRC as Case No. 2423/13/28/2021-AD.
103. See: NHRC proceedings on Case No. 2423/13/28/2021-AD (11 November 11 2021)
104. "Forest dept tears down Kadar huts in ATR" (4 December 2021) *The New Indian Express* <https://www.newindianexpress.com/states/tamil-nadu/2021/dec/04/forest-dept-tears-down-kadar-huts-in-atr-2391702.html>
105. Thanaraj. "The Kadar Community Charts An Inspirational Journey Of Resilience As They Take Back Their Forests" (5 January 2022) *Adivasi Lives Matter*. <https://www.adivasilivesmatter.com/post/the-kadar-community-charts-an-inspirational-journey-of-resilience-as-they-take-back-their-forests>
106. See: Ministry of Tribal Affairs, Government of India. Available at <https://tribal.nic.in/ST/StatewisePvTGsList.pdf>
107. Thomas, Wilson. "23 families of Kadar tribe temporarily moved to quarters near Valparai", (20 August 2019) *The Hindu*. <https://www.thehindu.com/news/cities/Coimbatore/23-families-of-kadar-tribe-temporarily-moved-to-quarters-near-valparai/article29184942.ece>
108. Thomas, Wilson. "Kallar-Kadar tribal families evicted from ATR await for their rights" (11 August 2020) *The Hindu*. <https://www.thehindu.com/news/cities/Coimbatore/kallar-kadar-tribal-families-evicted-from-atr-await-for-their-rights/article32328522.ece>
109. "Kallar Kadar tribals demand homestead patta" (2 October 2021) *The Hindu*. <https://www.thehindu.com/news/cities/Coimbatore/kallar-kadar-tribals-demand-homestead-patta/article36799936.ece>
110. "Kallar Kadar tribals demand homestead patta" (2 October 2021)
111. Thanaraj. "The Kadar Community Charts An Inspirational Journey Of Resilience As They Take Back Their Forests" (5 January 2022)
112. IRAC submitted the communication regarding the eviction to the NHRC.
113. Proceedings of the National Human Rights Commission dated December 28, 2021 in Case No. 3132/22/5/2021
114. NHRC Case No. 1493/18/6/2021 filed by Mr Dilip Kumar Das
115. See: Resolution of the Forest and Environment Department of the Government of Odisha, dated September 9, 2011. Available at <http://govtpress.odisha.gov.in/pdf/2011/2176.pdf>
116. Khemka, Bikash Khemka. "Forest Dept In Dock: NHRC Notice On 'Forceful Eviction' Of 34 Families In Odisha's Kalahandi"(13 July 2021) *Odisha Bytes*. <https://odishabytes.com/forest-dept-in-dock-nhrc-notice-on-forceful-eviction-of-34-families-in-odishas-kalahandi/>
117. Telephone interview with human rights activist Dilip Kumar Das in Kalahandi, state of Odisha on July 17, 2021
118. Telephone interview with human rights activist Dilip Kumar Das

119. Telephone interview with human rights activist Dilip Kumar Das
120. Telephone interview with human rights activist Dilip Kumar Das
121. "Malaria, malnutrition plague evicted families" (14 July 2021) *The New Indian Express*. <https://www.newindianexpress.com/states/odisha/2021/jul/14/malaria-malnutrition-plague-evicted-families-2329892.html>
122. Proceedings of the NHRC India dated September 24, 2021 in Case No. 1493/18/6/2021
123. Proceedings of the NHRC India dated July 12, 2021 in Case No. 1493/18/6/2021
124. Proceedings of the NHRC India dated September 24, 2021 in Case No. 1493/18/6/2021
125. Talabong, Rambo. "Bloody Sunday: 9 dead, 6 arrested in Calabarzon crackdown on activists" (7 March 2021) *Rappler*. <https://www.rappler.com/nation/dead-arrested-calabarzon-crackdown-progressives-march-7-2021/>
126. See: "Justice for another Lianga massacre!" (16 June 2021) *Philippine Task Force for Indigenous Peoples Rights*. <https://philtfip.org/2021/06/16/justice-for-another-lianga-massacre/>
127. See: "Loyukan statement on the series of killings and atrocities against the non-Moro Indigenous Peoples in Barmm" (16 April 2021) *Mindanao Gold Star Daily*. <https://mindanaogoldstardaily.com/loyukan-statement-on-the-series-of-killings-and-atrocities-against-the-non-moro-indigenous-peoples-in-barmm/>
128. Legal Rights and Natural Resource Center- Kasama sa Kalikasan & Timuay Justice and Governance. "Report on the Spate of Killings and Displacement of non-Moro Indigenous Peoples in the Bangsamoro." Report submitted to the Commission on Human Rights
129. See: "National Security Policy 2017-2022" (April 2017) <https://nsc.gov.ph/attachments/article/NSP/NSP-2017-2022.pdf>
130. See: Estrada, Liezl. "Why should the construction of Kaliwa Dam be stopped?" (4 January 2021) *Rappler*. <https://www.rappler.com/voices/ispeak/opinion-why-should-construction-kaliwa-dam-stopped/>
131. See: "Philippine indigenous peoples support struggle against Jalaur dam" (26 January 2016) *Philippine Task Force for Indigenous Peoples' Rights*. <https://bit.ly/36tDvQn>
132. See: "Senate urged to probe displacement of Aeta communities by New Clark City" (11 December 2019) *Philippine Star*. <https://www.philstar.com/headlines/2019/12/11/1976180/senate-urged-probe-displacement-aeta-communities-new-clark-city>
133. Garcia, Ma. Angelica. "What is the Kaliwa Dam project?" October 29, 2019. GMA News. <https://www.gmanetwork.com/news/news/nation/713465/what-is-the-kaliwa-dam-project/story/?fbclid=IwAR1dvXWgB0mvOFYHw1D9y8xt-6oZRVynOELBDKsU8-PWFyqlIXGcWVJ0aoE>
134. See: Philippine Association for Intercultural Development, et. al. "A critique on the implementing rules and regulation of the Expanded National Integrated Protected Areas System and Implications to the Rights of Indigenous Peoples" (2019)

135. See: Phillipine Partnership for the Development of Human Resources in Rural Areas. "Philippine Asset Reform Card" (May 2008)
136. Panay Today. "LATEST UPDATE AS OF 10:55AM: Punong Barangay Julie Catamin of Brgy. Roosevelt, Tapaz, Capiz was shot dead by a riding-in-tandem in Brgy. Malitbog, Calinog, Iloilo earlier this morning". Retrieved from: <https://www.facebook.com/panaytoday/posts/3889603224431120>
137. The Communicator. "COMMUNITY | Groups demand justice for the killing of 9 red-tagged Tumandok IP's in Panay Island". Retrieved from: https://www.facebook.com/COCDakom/posts/10159177752226804?_rdc=1&_rdr
138. See: Republic Act No. 9516 "An Act furthering amending the provisions of the Presidential Decree No. 1866, as amended, entitled codifying the laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives or Instruments used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations thereof, and for the other relevant purposes." (December 2022). Retrieved from: https://lawphil.net/statutes/repacts/ra2008/ra_9516_2008.html
139. See: Presidential Decree No. 1866. "Codifying the laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition, of Firearms, Ammunition or Explosives or Instruments Used in the Manufacture of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations thereof and for relevant purposes." (June 1983). Retrieved from: https://lawphil.net/statutes/presdecs/pd1983/pd_1866_1983.html
140. "Comments to the response of the EDCF-Korea EximBank to the letter of Business and Human Rights Resource Center" Retrieved from: <https://docs.google.com/document/d/1EPZiohtMmogIPIUqwQAP-yGn-eZjushQN/edit>
141. Asian NGO Coalition for Agrarian Reform and Rural Development. "Defund the Jalaur Dam Project". Retrieved from: <https://angoc.org/news/defund-the-jalaur-dam-project/>
142. Philstar Global. "Tumandok land defenders' lawyer stabbed in Iloilo". Retrieved from: <https://www.philstar.com/headlines/2021/03/04/2081926/tumandok-land-defenders-lawyer-stabbed-ilolilo>
143. Read more: <http://davaotoday.com/main/human-rights/kin-of-lumad-slain-in-kapalong-call-to-disband-paramilitary-anew/>
144. KarapatanMonitor. "Judicial harassment against human rights defenders". Retrieved from: [https://www.karapatan.org/files/Karapatan_2021%20monitor_Jan-Mar2021%20\(WEB\).pdf](https://www.karapatan.org/files/Karapatan_2021%20monitor_Jan-Mar2021%20(WEB).pdf)

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