



Web of complicities between private companies and the state leads to the increasing criminalisation of HRDs in Panama



CIVICUS speaks to Ileana Molo, Executive President of the organisation Afropanameñ@ Soy and member of the Panamanian Human Rights Network. Ms Molo took part in the October 2017 [hearing](#) of the Inter-American Commission on Human Rights on the situation of human rights defenders in Panama.

1. What are the main obstacles faced by civil society activists in Panama? Are there specific groups that are being particularly targeted?

One of the most worrisome issues that we [have denounced](#) is the harassment and intimidation of community leaders and civil society activists through legal means as well as economic and psychological aggression. This trend disproportionately affects groups mobilised around environmental and land issues, whose activism puts them in conflict with large development and infrastructure companies.

We are seeing a strong trend of criminalisation and intimidation unfold. There is a dense web of discriminatory legislation, and private companies, which have many resources and much power, are using it to sue activists in order to intimidate them legally and discourage them from doing their work. So if you denounce a company's bad practices, the company immediately sues you. Many activists are being affected economically and psychologically, so we are trying to find ways to support them.

We have mapped the various physical, economic and political aggressions and the lawsuits that defenders have faced. Among the most recent cases is that of [Basilio Pérez](#), an environmental activist and forestry expert who was sued for damages by a company that he had denounced for violating the general environmental law and polluting the communities surrounding the Cerro Quema mine. The company demands an indemnity of US\$40,000.

Another resounding case is that of [Max Crowe](#), president and legal representative of the Albrook Garden Owners' Association, a neighbourhood association that filed a lawsuit to defend residential zoning in the face of violations of urban and land use regulations. In this case, the judicial abuse against them included a claim for US\$65,000 against Crowe, the arbitrary seizure of his personal property and the freezing of his organisation's bank account. His case is similar to that of [María Chávez](#), president of the Urban Citizen Network of Panama,

which brings together more than 40 communities. In the context of a conflict over the violation of urban planning and land use legislation, Chávez was sued by a national representative who appeared to have links with mining concessions interested in the creation of a new zoning district in the area.

Another case that has been featured a lot in the media is that of the residents' association of [Coco del Mar](#), which has been subjected to a civil lawsuit for damages of about [US\\$5 million](#) for having filed an environmental complaint against a construction company. They were first sued in the criminal courts but the case against them was provisionally dismissed in the first instance in November 2016 and finally rejected for good in 2017. In October 2016 they filed their civil lawsuit against the corporation, and now they are facing this huge lawsuit.

It is also worth mentioning the case of [Larissa Duarte](#), a young environmental activist an indigenous community, who founded the Peasant Movement in Defence of the Cobre River. Larissa was sued for US\$10 million by the corporation Hidroeléctricas Los Estrechos S.A., in the context of a conflict over land usurpation and in defence of water. The company sued her for the costs incurred when their hydroelectric project was cancelled, allegedly as a result of the Peasant Movement's activism. While the lawsuit has recently been dismissed by the courts, the defamation campaign against Larissa Duarte and her organisation carries on.

Another very important case is that of [Pedro González Island](#), which has affected many families. The company Pearl Island Living came to the island one day saying that they owned the land and that they were going to develop a touristic and housing project so the people who lived there had to leave. In this case, there have been many instances of confrontation between the villagers and the company. The conflict surrounding the legal status of land deeds remains latent.

For the time being, however, activists have faced judicial harassment rather than violent attacks. But it is important to mention the case of [Ligia Arreaga](#), who had to leave the country after receiving death threats. Arreaga, a defender of the Laguna de Mtusagaratí wetlands that objected to a company's project to plant oil palm on a large scale in the Darién province, revealed that on three separate occasions, in 2009, 2015 and 2016, she had received warnings that the company AGSE Panamá S.A. would have her killed for her denunciations regarding land titling. She eventually left the country because she did not receive any police support in the face of these threats.

2. Your enumeration of cases gives the impression that private companies are the main source of aggression against civil society activists. What role does the state play in this?

Indeed, companies are the main source of aggression, and they have enough power to hinder our work. When we were working on a report about the Barro Blanco case, we found it very difficult to reach the affected communities to interview them, because we had the company on our heels at all times, and having someone supervising everything we did was very intimidating. We also had a hard time getting to the area, because it can only be reached by boat, since the whole hydroelectric complex is surrounded by water, which is precisely what the local community's claim: that they are losing their lands to flooding and that their plots are not cultivable anymore.

The role of the state is ambiguous to say the least. On one hand, the state has the power to mediate, and we demand that it do so. In the case of Pedro González Island, we have requested that state representatives meet with the company and the community in order to

reach an agreement, and for them to lift the arrest warrants issued last year against 37 local people. This was finally achieved thanks to the work done by the Pro Justicia Citizen Alliance, along with the Human Rights Network and various organisations representing people of African descent. We reached an agreement with the prosecutor to allow people with arrest warrants to appear voluntarily, and the arrest warrants were replaced with precautionary measures; this process required the work of several lawyers who disinterestedly provided their legal services, since the island's inhabitants are mostly of very limited resources.

On the other hand, many state institutions are clearly being used by companies to achieve their ends. Legal bodies tend to accept the lawsuits that companies lodge against their critics and decree the confiscation of defendants' assets, and in general, although they eventually absolve them, they subject them to lengthy processes that are very draining. Just recently, for instance, we accompanied the Coco del Mar residents to court to testify voluntarily in the civil suit that has been filed against them, and a board member of the organisation told me that the case was causing such uncertainty that it was harming her physically and psychologically, as well as disturbing her personal and family life.

Ultimately, the state sides with the companies. We have recently received reports from Pedro González residents who were very worried because the construction of the hotel project is scheduled to begin in the coming weeks. And frankly our organisation has not yet been able to deal with the issue of land titling; because our work is fully voluntary, we don't have sufficient capacity, and therefore we have had to phase our struggles: to deal with the problem posed by the arrest warrants first, and leave the issue of land and titles for later. But the government can, and should, deal with such issues. The problem is that political will is lacking. In the specific case of Pedro González, one of the big shareholders in the project in question is Guillermo Saint Malo Eleta, a relative of the vice-president. So solutions to the conflict do not move forward because there are strong interests involved.

In certain cases, such as that of [Barro Blanco](#), the fact that it takes sides means that the state plays a more repressive role. The Barro Blanco case is a long-standing conflict that began with concessions being given to hydroelectric companies several administrations ago. The project was imposed against the will of the indigenous populations in the area, who were displaced and suffered irreparable damage to their villages, cultivated areas and religious, historical, archaeological and cultural sites. In this case, the state becomes fully involved each and every time there is a confrontation. Villagers demand that companies stop their work, and the government sends out their riot police and assaults them instead. There is a web of complicities between private companies and the state, and passing time plays against local populations, as infrastructure projects eventually become fait accompli.

3. How does Panamanian civil society organise and work to overcome these obstacles?

We work in networks. The organisation that I preside over, Afropanameñ@ Soy (*I am Afropanamenian*), is a member of the National Coordination of Black Organisations of Panama (CONEGPA). We work on everything pertaining to the human rights of people of African descent. We are also part of the Pro Justicia Citizen Alliance and the Panamanian Human Rights Network.

The Human Rights Network has been very active for about three years and works through a citizen action assembly formed by some 30 organisations, including trade unions and groups of women, youth, indigenous people, LGBTI people and Afro-descendants. The assembly usually meets twice a month and addresses current national issues. The network is activated

whenever a specific case of rights violations is submitted. We have a technical team that is responsible for doing field surveys. We cover all their expenses. We make collections to raise the funds in order to send this group out to do the fieldwork and then we write and disseminate the report. We have already prepared two such technical reports, one on Pedro González and one on Barro Blanco; the latter is [available](#) online. I had the opportunity to take part in both, and more intensely in the latter because it had an ethnic component, given that the affected communities include a high proportion of Afro-descendants.

Since the Human Rights Network relies exclusively on its members' efforts and lacks any other funding, it is key for us to collaborate with other actors. So, for instance, when we are in need of technical legal advice, we seek and obtain the support of the Bar Association. At the moment we are working on a small project along with the Ombudsman's office, the University of Panama and other academic institutions, to develop a programme to train experts in reporting in crisis situations. The project is in its initial phase and needs further development, but it is key for us to take it forward because not everyone can do research and produce reports of this kind, and we need more people with the technical capacity to dedicate themselves to these processes.

We also have links with alternative press groups that support us by disseminating information about our cases. The media system is highly inaccessible to us, since it is mostly composed of very powerful large companies that tend to take sides with the companies that criminalise activism. Our dissemination work recently resulted in a more balanced coverage of the mobilisation that took place when the Coco del Mar residents came forward to testify.

And also, of course, we take our complaints to human rights organisations such as the Inter-American Commission on Human Rights (IACHR).

4. What does the Human Rights Network demand from the Government of Panama at the IACHR?

The Human Rights Network has had the opportunity to take part in thematic hearings of the IACHR in 2014, 2015 and 2017. In these hearings we have presented cases of human rights violations that are currently taking place in Panama, and specifically in the latest one, we have also exposed the repeated failure of the state to comply with the IACHR recommendations as well as with some binding decisions of the Inter-American Court.

The government is totally inconsistent in its follow-up. The government adopts commitments and then it does not fulfil them. One of the commitments taken in March 2017 during the IACHR in Washington, DC was to establish a thematic forum with periodic meetings to go over cases. However, such forum was never set up. After returning to Panama, we were summoned to a single meeting at the Ministry of Foreign Affairs in April 2017. It was very uncomfortable, because it turned out to be a monologue and it was not possible to define an agenda, let alone reach an agreement. All stakeholders were present, there were high-ranking officials – even the Vice Minister of the Presidency, Salvador Sánchez González, was there, as he is always sent to hearings because he used to work on human rights issues before entering the government - but it was a waste of time. The only thing that came out of it was the idea of touring Pedro González Island, which eventually happened, but this was a prior commitment. The only thing that was talked about during the meeting was Pedro González; the case of Barro Blanco was barely approached, and only in very general terms.

At the latest [hearing of the IACHR](#), held in Montevideo, Uruguay, in October 2017, we took the opportunity to emphasise that we are totally dissatisfied with the way the state is addressing,

or rather not addressing, these issues. We repeated our demand for the establishment of a thematic forum, from which we hope a National System for the Protection of Human Rights Defenders can be developed and then turned into law. We want a protection system with protocols that can be activated in specific situations and with warning, prevention, monitoring, evaluation and accountability mechanisms developed and implemented with the participation of civil society experts. We want a competent, specialised, orderly, moderate, timely response system that integrates not only civil society human rights experts but also state counterparts with decision-making capacity, since we want to make sure that it will be able to resolve conflict situations.

After returning from Montevideo we were summoned for a meeting at the Ministry of Foreign Affairs on 23 November 2017. We hope that by that date we will have been able to set an agenda for a productive meeting. Hopefully the government will show the will to establish the protection system that we are demanding.

5. How connected is Panama's civil society with its counterparts in other parts of the world? How can external actors support Panamanian civil society activists and organisations?

At the Human Rights Network we do everything ourselves, on a voluntary basis and with no more support than that provided by member organisations and activists. The time that I devote to Network-related tasks is unpaid and separate from my professional activities, which makes it very difficult for me to have complete dedication to it. The Network still does not even have a webpage, and when we travel to participate in forums such as the IACHR we generally do it on the basis of the contributions provided by the members of its various organisations. I was the only one who could make it to the Montevideo hearing to represent the Network.

Hence, it is key for us to strengthen the networks that we belong to. For instance, as an Afro-descendant organisation, Afropanameñ@ Soy belongs to various international networks of Afro-descendant organisations. We work with the Network of Afro-Costa Rican Women, which we have put on notice regarding the issues that we are working on, and particularly regarding the Pedro González case, and they in turn have put us in touch with other similar organisations in other countries. These are still very tenuous links, not very concrete for the time being, but we are trying by all means to disseminate our work among our friends and contacts.

The task of making our cases visible is a titanic one, and it requires more contacts with international organisations. This has been very difficult for us, but we keep trying to connect with organisations that work on land issues and which could share their insights and advice on how to handle our cases.

But in order to get support, we first need to work further to dissipate the prevailing image of Panama as a cosmopolitan and modern country where nothing bad is going on, where everything is just fine. In fact, many people react with surprise as they first read our reports and learn about the abuses committed against communities and the criminalisation and intimidation of activists. But this is the reality in which we live, and we are trying to make it visible. The fact that CIVICUS shows interest in listening to us and letting the world know what is going on here is extremely valuable to us.

- **Civic space in Panama is rated as 'narrowed' by the [CIVICUS Monitor](#).**
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