

30 July 2020

Costa Rica: Attempts to usurp indigenous land, threats and intimidation against indigenous rights defenders

On 21 July 2020, human rights defender and indigenous leader **José Enrique Ortíz** received a death threat by a land usurper known for targeting indigenous communities in Salitre. Days later, on 26 July, a group of landowners threatened and intimidated families from the Maleku community who owned restituted land in the Maleku indigenous territory. On 27 July, the Crun Shurínz plot of land was invaded by usurpers and was badly damaged. Indigenous rights defenders **Pablo Sibas Sibas** and **Roberth Morales Villafuerte**, both members of the Brörán indigenous community that owns the land, received death threats during the incident.

José Enrique Ortíz is a Bribri indigenous leader from the Uniwak clan and a defender of the rights of indigenous peoples. He is involved in efforts to reclaim land in the Río Azul de Salitre community. In September 2018, he became involved with land recovery processes and achieved his first successful restitution of ancestral territory occupied by usurpers.

Pablo Sibas Sibas is a Brörán indigenous rights defender, particularly the rights to freedom, autonomy and land. The defender has promoted peaceful resistance initiatives for the restitution of indigenous lands that were usurped by non-indigenous occupiers. For more than 40 years, Pablo Sibas, as well as many other Brörán indigenous people, have faced discrimination from the Costa Rican authorities, and attacks by land grabbers. His human rights work began in 1980, together with defender [Sergio Rojas](#), who was assassinated on 18 March 2019, in retaliation for his human rights activities.

Roberth Morales Villafuerte is a Brörán indigenous leader within the Brörán-Térraba Senior Council, an activist for the South-South Coordinator and an indigenous rights defender in Costa Rica. He has been a spokesperson for peace processes, seeking to reduce structural, physical and symbolic violence against the Brörán people. As a result of his work, the defender has been threatened and faced discrimination from local authorities and land grabbers.

On 21 July at around 7am, José Enrique Ortíz was threatened by a land usurper, part of a family known for attacking HRDs in the past, whilst on his way to the Salitre health centre to collect milk for his children. The perpetrator insulted the defender and challenged him to fight, however he ignored the harassment. Days later, on 24 July at around 7:30am, the land usurper and his brother – also known for threatening and attacking HRD [Mainor Ortiz](#) on several occasions – went to the defender's land, cutting a path in the middle of the plot, and with machetes and other weapons, broke the fences and badly damaged the crops. This attack was reportedly motivated by a complaint against the perpetrator regarding usurpation and attempted murder, made by José Enrique and [Mainor Ortiz](#) on 25 February 2020. The trial for the complaint is scheduled to take place on 27 August 2020.

On the night of 26 July 2020, a group of approximately 60 farmers cut fences on Maleku territory, and then threatened and intimidated Maleku families, the owners of the restored land. On 27 July, a group of unknown persons illegally entered the Crun Shurín plot of land located in the Bröran territory of Térraba, in southern Costa Rica. The attackers used heavy machinery to remove a considerable portion of land on the banks of the Escuadra River, where there are sacred indigenous tombs.

In addition to the environmental and cultural damage caused by the invasion, a man accompanying one of the farmers, threatened some of the Bröran land owners, including human rights defenders Pablo Sibas and Roberth Morales. The man told them that he would receive compensation if he killed them, whilst another man who was driving a tractor tried to run over Pablo Sibas, with several people witnessing the incident. Although the police seized the tractor, they did not take any further action to guarantee the safety of Pablo Sibas or any of the indigenous persons who had been attacked and threatened.

On 30 April 2015, the Inter-American Commission on Human Rights (IACHR) established precautionary measures for the Salitre and Térraba communities. However, these are currently only partially implemented. In Salitre the indigenous population remains completely unprotected and in Térraba, the police presence is limited. These precautionary measures were established as a result of the series of threats and acts of violence against human rights defenders and leaders of the National Front of Indigenous Peoples (FRENAPI), Pablo Sibas and [Sergio Rojas Ortíz](#).

The Bribri, Maleku and Bröran peoples are afforded insufficient protection against the structural, physical and symbolic violence that they face, despite the severity of this violence, which goes unpunished by state authorities. The illegal occupations in Costa Rica, that have been taking place for decades, represent a new form of capitalist colonialism, with non-indigenous land grabbers illegally usurping indigenous land, so as to take advantage of the law that exempts indigenous land from being taxed. Unfortunately, when indigenous communities are successful in land restitution processes – the process by which land that had been expropriated from indigenous communities is returned to them in accordance with historical tenure and indigenous social organisation – they are in turn increasingly vulnerable and subject to threats and attacks, despite their historical claim over the land.

Front Line Defenders condemns the attacks against Bribri, Maleku and Bröran defenders and is concerned by the continuous threats against defenders José Enrique Ortíz, Pablo Sibas and Roberth Morales. It believes they are not isolated events, but that they are part of a pattern of structural violence against and disregard for the rights of indigenous peoples by the authorities in Costa Rica, despite their recognition as ethnic groups and their right to land being [enshrined in law](#) since 1997. Such incidents are also indicative of how the economic rights of land grabbers prevail over the rights of indigenous peoples. Front Line Defenders believes that the Office of the Attorney General has ample evidence to bring the perpetrators of these attacks and previous attacks to justice, but rather has allowed them to enjoy impunity, thus exposing indigenous rights defenders and their communities to further attacks and heightened risk.

Front Line Defenders urges the authorities in Costa Rica to:

1. Carry out an immediate, exhaustive and impartial investigation into the death threats and intimidating acts against defenders José Enrique Ortíz, Pablo Sibas and Roberth Morales, as well as the previous attacks against Mainor Ortiz and other Bribri, Maleku and Brörán defenders, with a view to publishing the results and bringing those responsible to justice in accordance with international standards;
2. Take all necessary measures, including collective security measures, to guarantee the physical and psychological integrity of the defenders Pablo Sibas, Roberth Morales and José Enrique Ortíz and of all the defenders of indigenous rights in the Terraba and Salitre territories, in consultation with them;
3. Bring the perpetrators of violent acts against indigenous peoples to justice through impartially investigating allegations of threats and violence against indigenous rights defenders in Salitre and Térraba, taking immediate and effective measures to ensure their protection, including the immediate expulsion of land grabbers;
4. Guarantee in all circumstances that all human rights defenders in Costa Rica, particularly those who defend indigenous rights, can carry out their legitimate human rights activities without fear of reprisal and without any restrictions.

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