

Understanding Death Threats Against HRDs
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Reflection Paper



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This reflection paper is based on a Protection International prior submission to the UNSR on HRDs Mary Lawlor (September 2020), in response to her call for documents for her annual report "Final warning: death threats and killings of human rights defenders" (presented by the UNSR on HRDs on March 5th, 2021, during the 46th Session of the Human Rights Council in Geneva).



1. Introduction



Death threats are probably one of the most pervasive actions against human rights defenders (HRDs) in the world, and it is without any doubt that they stand in the way of the right to defend human rights (RDHR). As the repression of human rights defenders is predominantly psychological, threats are widely used to make defenders feel vulnerable, anxious, confused, and helpless. Ultimately, repression (and threats) also seeks to break organizations and make defenders lose trust in their leaders and colleagues. Defenders have to tread a fine line between careful and thorough management of threats and maintaining a sense of safety in their work.

This short paper reflects on the connection between death threats and the actual level of risk they pose. It also provides a number of key considerations for conducting a comprehensive assessment on the likelihood that a threat may be executed and outlines some recommendations for preventive decision-making whenever a human rights defender receives a death threat.

2. Threats: what do we know about them?

Most death threats do not escalate into killings (fortunately), but we should ask ourselves an important question: How do we know?

A threat can be defined as a declaration or indication of an intention to inflict damage, punish or hurt, usually in order to achieve something¹. Human rights defenders receive threats because of the impact their work is having, and most threats have a clear objective either to stop what the defender is doing or to force him or her to do something².

A threat always has a source, i.e. the person or group who has been affected by the defender's work and articulates the threat. A threat also has an objective that is linked to the impact of the defender's work, and a means of expression, i.e. how it becomes known to the defender.

¹ This definition, as well as some parts of this text, have been taken (and adapted) from the Protection International New Protection Manual (Eguren and Caraj, 2010).

² Threats are an exercise of violence, according to The World Health Organization, that defines violence as 'the intentional use of physical force or power, threatened or actual, against one self, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal development or deprivation' (WHO 2014; our emphasis).

3. Death threats as isolated events: why would an aggressor deliver a threat?

Aggressors deliver threats against human rights defenders for many reasons, and only some have the intention or capacity to commit a violent act. However, some individuals can represent a serious threat without ever articulating it. This distinction between making and posing a threat is important:

Some aggressors who make threats ultimately pose a threat.
Many aggressors who make threats do not pose a threat.
Some aggressors who never make threats do pose a threat.

A threat is only credible if it suggests that the aggressor behind it demonstrates a minimum level of force or a real capacity to act. This can be done quite simply, for example, by leaving a written threat inside a locked car, even when you have left it parked for just a few minutes, or by phoning just after you have arrived home, letting you know you are being watched. The aggressor could even go one-step further, by placing a dead animal on your doorstep, or leaving your beaten-to-death pet on your bed³. However, sometimes an aggressor does not need all this trouble if they are well known for their previous aggressions against HRDs. Precisely because of this, sometimes unable or unwilling aggressors pretend to be well-known, dangerous aggressors when threatening an HRD.

Aggressors (also those who do not pose an actual threat) also can try to instill fear in you by introducing symbolic elements into threats, for example by threatening your loved ones by means of a letter or over a phone call, or even by sending you an invitation to your own funeral. These symbolic and frightening elements might be intended to hide an actual lack of capacity or willingness to attack an HRD.

A common element in both cases is introducing sexual components into the threat, especially (but not only) when the target is a woman or a person that does not conform to gender norms.

³ All examples used are real ones.



It is important to try to establish if the aggressor has actually shown their capacity to act, because this analysis marks whether their threats are more concerning (security-wise) than the ones from an aggressor that does not show such a capacity. This said, all threats should be legally confronted (local laws allowing, but this is rarely the case); see reference to La Esperanza Protocol at the end of this paper.

Threats are wicked. We might say with a certain amount of irony that threats are “ecological”, because they aim to achieve major results with a minimum investment of energy. A person making a threat has chosen to do that, rather than take action - a higher investment of energy. Why? There may be a number of reasons why, and it is worth mentioning some of them here:

- The aggressor making the threat has the capacity to act but they are either reluctant to invest the resources to attack an HRD (flyers with a long list of targeted defenders are a good example of this⁴, or they are to some extent concerned about the political cost of acting openly against a human rights defender (anonymous threats can be issued for the same reason). If the activities they want to stop harm continue, they may change their mind and may take action against the HRD.
- The aggressor making the threat has a limited capacity to act and intends to achieve the same aim by hiding their lack of capacity behind a threat. This limited capacity may only be temporary or permanent, due to other priorities, but in both cases, things may change and lead to direct action against the defender later on.

We may conclude by stating that delivering a threat is not the same as posing a threat. That said, there are two important caveats:

1. There are killings with no prior death threats. It should not be assumed that there is a logical progression starting with death threats and finalizing with killings.
2. Even when faced with all these uncertainties, a death threat must always be taken seriously.

A death threat may be telling about certain things, but the declared death threat by itself neither generates risk, nor causes the killing of an HRD: while it might be indicative, the sources of risk show the real willingness of the aggressor to take action, and their capacity to actually attack the HRD.

⁴ In certain countries, flyers—either anonymous or signed by an armed actor - with lists of targeted HRDs are circulated for general intimidation.



4. Communicating through threats



We know that a threat is usually linked to the impact of HRD's work. Therefore, receiving a threat represents feedback on how defenders' work is affecting a powerful actor. If we look at it in this way, a threat is an invaluable source of information and should be analyzed carefully.

From the side of the aggressor, threatening (especially by means of declared, non-anonymous threats) is a way to delimit boundaries, show power, to mark territory. By the same token, attention must be paid to the fact that a perpetrator may lose face if they always threaten but never take action if defenders do not bow to perpetrators' desires.

5. Death threats within a context: shaping a disabling environment

If death threats against human rights defenders and specific population groups stop being isolated events and become a common phenomenon (taking the Cauca region in Colombia or Ciudad Juárez in Chihuahua, Mexico, to cite two examples among many), such threats can no longer only be analyzed one at a time. It would be like trying to cut off the heads of the mythological Hydra one by one. In these cases, the death threats are the bricks with which a threatening structure is built, a disabling environment that seeks to curtail certain actions contrary to the will and interest of the one who orchestrates, conducts, or governs.

The death threat, therefore, becomes a ubiquitous, adaptable, and multiform instrument that is deployed and multiplied to highlight what is not allowed, the places where one cannot go, the facts that must be ignored or accepted. In other words, the death threat becomes a device of governance, either to ensure hegemony in an area or to tame a particular population. Thus, the threat connects directly to other strategies of domination, such as violence, fear, discrimination, exclusion, gender-based violence, forced displacement, etc. Too often, heavily threatened defenders normalize threats and internalize their impacts.



6. Threats, attacks, risk and differential impact

A threat is also an attack in itself because, ultimately, it will affect the HRD (for example, a death threat may cause psychological harm to an HRD). On the other hand, some attacks are also threats (for example, shooting the windows of an HRD's office at night is an attack, but it should also be considered as a threat).

A defender once said: "Threats achieve some effect, even only due to the fact that we are talking about threats". Threats always have an impact on HRDs, because they instill fear that may affect HRDs and may paralyze their work, create psychological distress, etc. However, that impact will also have a differential impact, because the threat will be experienced differently in relation to intersecting conditions like sex, gender identity, age, poverty, etc. An intersectional approach to threats is key to understand their impact and taking measures to tackle their impact.

From an organizational point of view, the risk attached to a death threat will affect differently those organizations with a lower threshold for risk (they may consider reducing or temporarily stopping their work; this might be the case for UN agencies for example); to those with a higher tolerance of risk (for example, grass-roots, community organizations whose livelihoods will be strongly damaged by the aggressor's project).

7. How do we know whether a particular threat will be carried out?

At the end of the day, we need to know whether a death threat can be put into action. If we are reasonably sure that this is unlikely, our approach will be completely different than if we think a threat has some basis in reality. We need to analyse a threat so that we can make assumptions about how seriously we should take it into account.

The two main objectives when assessing a death threat are:

- To get as much information as possible about the aggressor (source) and the purpose of the threat (both will be linked to the impact of the HRD's work).
- To make an assumption, that is, to reach a reasoned and reasonable conclusion about whether the threat will be acted upon or not. This assumption will inform our course of action (what we are going to do) about the death threat.



8. Six steps to assessing a threat⁵



1. Establish the facts surrounding the threat(s). It is important to know exactly what has happened. This can be done through interviews or by asking questions to key people, and occasionally through relevant reports.
2. Establish whether there is a pattern of threats over time. If several threats are made in a row (as often happens) it is important to look for patterns, such as the means used to threaten, the times when threats appear, symbols, information passed on in writing or verbally, etc. It is not always possible to establish such patterns, but they are important for making a thorough threat assessment.
3. Establish the objective of the threat. As a threat usually has a clear objective linked to the impact of your work, following the thread of this impact may help you establish what the threat is intended to achieve.
4. Establish the aggressor as the source of the threat. (This can only be done by first going through the first three steps). Try to be as specific as possible and distinguish between the principal and agent: for example, you could say that “the government” is threatening you. However, since any government is a complex actor, it is more useful to find out which part of the government may be behind the threats. Actors such as “security forces” and “guerrilla groups” are also complex actors. Remember that even a signed threat could be false. This can be a useful way for the person making the threats to avoid political costs and still achieve the aim of provoking fear in a defender and trying to prevent him or her from working.
5. Make an assumption about the willingness of the aggressor to act on the basis of how affected their interests are due to the work of the HRD, their previous actions, what usually happens in the given context, the willingness and capacity of the authorities to prevent the action or to react to it; and their capacity to act(control of the area, skills, and resources).
6. Make a reasoned and reasonable conclusion about whether or not the threat can be put into action. Violence is conditional. You can never be completely sure that a threat will – or will never - be carried out. To make a prediction about violence, under the given circumstances, consider whether a specific risk exists of a violent act being carried out against a particular target at the hands of a particular person or group.

⁵ Adapted from Eguren and Caraj 2010.

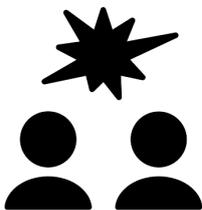


Defenders are not fortune-tellers and cannot pretend to know what is going to happen. However, you can come to a reasonable conclusion about whether or not a given threat is likely to be put into action. You may not have gained enough information about the threat through the previous six steps and may therefore not reach a conclusion. You may also have different opinions about how “real” the threat is. In any case, you have to proceed on the basis of the worst-case scenario.

For example:

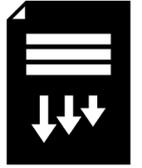
Death threats have been made against a human rights worker. The group analyse the threats and reach two opposing conclusions, both based on good reasoning. Some say the threat is a total fake, while others see worrying signals about its feasibility. At the end of the meeting, the group decides to assume the worst-case scenario, i.e. that the threat is feasible, and to take security measures accordingly.

This threat assessment progresses from solid facts (step 1) to increasingly speculative reasoning. Step 2 involves some interpretation of the facts, and this increases further through steps 3 to 5. There are good reasons for following the order of the steps. Going directly to step 2 or 4, for example, will result in a loss of solid information outlined in the previous steps.





9. What might be effective in tackling death threats?



A distinction should first be made whether threats are isolated and uniquely targeting a specific HRD, or are targeting other similarly acting HRDs; or whether the threats are the result of a structurally violent setting:

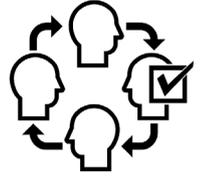
- In the case of isolated, targeted threats, ad-hoc action to dissuade aggressors might be more easily considered, as well as actions to reduce conditions of vulnerability and increase capacities. However, if threats happen to stop, it would be very difficult to learn why they stopped, or to get attribution for any intervention around the death threat.
- In the case of threats emanating from a structurally violent setting, comprehensive, strategic approaches to tackle such structures and their perpetrators are needed; power abuse, historical discrimination, social exclusion, gender-based violence, and impunity all intertwine with threats. Reducing the risk through ad-hoc individual responses might be still possible, but the results would be uncertain and possibly unsustainable.

10. Conclusion



Threats are one of the more pervasive actions against human rights defenders, and they become a major obstacle to exercise the right to defend rights. Defenders are attacked in many different ways, but threats, be them explicit or implicit, are always there. Threats often go unnoticed by the broader public, but they make part of the continuum of violence affecting defenders and become the mortar that binds together grave and more salient events like the criminalisation of a defender or physical aggression or even killing.

11. Recommendations



- » Threats' assessment should be fully incorporated into the logic of the protection of the right to defend rights, both from a legal and an operational point of view.
- » Threats should be analysed as rationally as possible, but always bearing in mind the subjectivity and perceptions of the threatening individuals and entities, as well as the subjectivity and psychosocial impact of threatened defenders and organizations.
- » Delivering a threat is not the same as posing a threat, however it should always be taken seriously and consider its potential implications. Assessing death threats comprehensively, as well as avoiding early assumptions about the risk they pose, is crucial prior to taking or not taking action.
- » To infer conclusions about the intention and source of the threat, it is important to establish the facts surrounding the threats, as well as to identify whether there is a pattern over time.
- » Most threats do not escalate into killings, however we should always proceed on the basis of the worst-case-scenario after conducting a thorough assessment following the six steps suggested in this document.
- » It is important to make distinctions between isolated threats towards specific HRDs and threats that are the result of structural violence, because the type of actions to take will be inherently different.
- » A gendered and intersectional approach should be incorporated to the threat assessment, so as to analyse its differential impact, taking into account intersecting conditions like sex, gender identity, age, poverty, etc.
- » Applied research is needed to understand the complex interrelation between death threats, aggressions and killings against human rights defenders in different scenarios.

{ Note



The Center for Justice and International Law (CEJIL) is leading an international process around the so-called La Esperanza Protocol, which aims to create international standards on addressing threats to human rights defenders. Protection International has gladly contributed to this process. See: <https://hope4defenders.org>

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