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Statement: Risk of judicial eviction order issued against human rights defenders of the Bribri communities in Salitre

For several years, **the Bribri indigenous people** in Costa Rica have been dedicated to the defense of their territory that has been illegally occupied by non-indigenous people. On 2 November 2019, the indigenous people succeeded in recovering the territory located in the Kapleña farm, in the town of Puente in the area of Salitre of southern Costa Rica, which was illegally occupied by a non-indigenous trespasser. As a result of this fact, the illegal occupant has promoted a judicial process against the indigenous people, which resulted in the judicial eviction order issued in June 2022, which has not been effective. However, on 8 June 2023, the Ministry of Public Security made a request for clarification to the Agrarian Court regarding the possibility of proceeding with the execution of the eviction order issued against the indigenous people. This request follows the decision taken by the Constitutional Chamber of Costa Rica in relation to another case, which decided that judicial evictions in the territory recovered by the indigenous peoples from the illegal trespassers were inadmissible. Front Line Defenders is concerned about the risk posed to the Bribri people by the execution of the judicial eviction order which would disregard the constitutional precedent that has protected their right to land.

[The Bribri people](#) is an indigenous group made up of several clans united in a matrilineal way, where all its members are people born of Bribri mothers and which is located mainly in the area of Salitre and Cabagra, in the south of Costa Rica. As heirs of the land, defenders of Iriria- their sacred land, for several years they have worked to recover their territory by de facto means, using non-violent means within the framework of legality, which has been illegally occupied by non-indigenous people. Since 2010 they have initiated a large land recovery movement, by means of protest actions, visibility of their claim for the right to land, and peaceful occupation of the territory, after the lack of state response to their situation. As a consequence of their work in defense of their human rights they have faced violence, threats, and violation of their land rights. In 2015, the Inter-American Commission on Human Rights granted them precautionary measures and ordered the Costa Rican government to adopt measures to protect the life and physical integrity of the Bribri and Brörán peoples. However, these measures have not been implemented by the authorities despite continued attacks against indigenous peoples' rights defenders.

The Kapleña farm is located in the town of Puente, in the area of Salitre in southern Costa Rica and is the land of the Bribri community. The farm consists of 55 acres and until 2 November 2019, it was illegally occupied by a non-indigenous trespasser, who has been accused by the Bribri community of violent attacks, including attempted murder, armed assault, threats and attacks with chemical substances, among others. On 2 November 2019, the Bribri indigenous peoples succeeded in recovering the occupied territory of the Kapleña farm. However, as a result of an interim injunction filed by a non indigenous trespasser before the Civil, Labour and Family Court of Buenos Aires (Agrarian Matters)

through sentence 40-2021, in June 2022 the eviction of the Bribri people from their ancestral lands was ordered.

Faced with the eviction order, on 11 July 2022, spokespersons and members of the Ditsò Iiriria Ajkónuk Wakpa Council (CODIAW), an organisation belonging to the Bribri People of Salitre, formally presented a request before the Minister of Public Security for the Declaration of Social Vulnerability of the Eviction of the Kapleña farm. The purpose of the request was to avoid the execution of the eviction order by having the Minister of Public Security declare social vulnerability in the face of an eviction due to the rights of the indigenous people involved.

The issue of illegal occupation of the Bribri indigenous peoples' lands dates back to various years ago when non-indigenous usurpers began to arrive in the territory and acquire lands illegally, as determined by the Constitutional Court of Costa Rica in [resolution 2022024725](#) of 19 October 2022. This situation has represented a source of [social conflict and violence](#) for the Bribri indigenous peoples, who have been attacked in retaliation for their activities in defence of their territory, accompanied by impunity for the perpetrators of such attacks.

An example of this was the [murder](#) in March 2019 of the Bribri indigenous leader [Sergio Rojas](#), who was defending the rights of indigenous peoples in the face of the illegal occupation of their territories. At the time, Rojas was a beneficiary of precautionary measures from the IACHR. Although on 24 September 2020, the Office of the Prosecutor notified Sergio Rojas' family of its decision to close the investigation into his murder, after a brief and inadequate investigation, the process is ongoing since on 14 June 2023, the Judge decided negatively on the request of the Prosecutor.

Likewise, [Minor Ortíz Delgado](#), a Bribri indigenous defender, has been the target of frequent death threats and attacks, including at least six assassination attempts. After the [last assassination attempt](#) in March 2020, in which he was shot in the leg, the perpetrator was released and merely instructed to keep a certain distance from Minor Ortíz Delgado. These measures have not been respected. Despite numerous formal complaints and reports of death threats against the human rights defender and his family filed with the authorities, there has not been yet implemented any concrete measures to protect human rights defender Minor Ortíz Delgado's life and integrity.

In this context of increasing violence against the Bribri people, and their continuous efforts to denounce violations before national and international bodies, in 2015 the community obtained international precautionary measures (MC-312-12) from the IACHR. However, these precautionary measures have not been respected or complied with. Since 2019, two members of the community have been killed and dozens more have been shot, seriously injured, forcibly evicted and targeted with death threats.

Thus, the request for clarification filed on 8 June 2023 by the Ministry of Public Security before the Agrarian Court, which is in charge of deciding on the enforceability of the current eviction order against the Bribri peoples of the Kapleña farm, implies the revival of their risk of being evicted.

Front Line Defenders is concerned about the possible execution of the eviction order against members of the Bribri people. It is presumed that these acts of violence and harassment against indigenous peoples are linked to their legitimate activity in defence of human rights.

Front Line Defenders expresses its concern about the request for clarification made by the Ministry of Public Security as a possible positive response could mean the execution of the eviction order against members of the Bribri people. Front Line Defenders understands that these acts of violence and harassment against the Bribri indigenous people are in retaliation for legitimate activity in defence of human rights. Front Line Defenders reiterates its concern at the climate of impunity and lack of protection for human rights defenders and especially indigenous peoples in Costa Rica and urges **the authorities of Costa Rica to** initiate an immediate, thorough and impartial investigation into the acts of violence and intimidation against the Bribri indigenous peoples, as well as to take all necessary measures to guarantee the security and physical and psychological integrity of the Bribri indigenous peoples.