

Amicus Curiae

**Human Rights Violations Related to the Arbitrary Detention and Indictment of
Cu Huy Ha Vu**

presented by

The Environmental Defender Law Center

Honorable People's Court of Hanoi.

Lewis Gordon, in representation of the Environmental Defender Law Center, 407 W. Koch St., Bozeman, MT 59715, respectfully presents the following *amicus curiae* (friends of the court) brief in the case of the Socialist Republic of Vietnam against Cu Huy Ha Vu.

February 2011

Table of Contents

Request to be Considered *Amicus Curiae*.....1

Statement of Interest.....1

Petition.....1

Statement of Facts.....2

Argument.....3

I. The Global Pattern of Violations of the Human Rights of Environmental Defenders.....3

II. Mr. Cu Huy Ha Vu’s Rights to Freedom of Expression and Not to be Subjected to Arbitrary Arrest or Detention have been Violated by the Vietnamese Government.....4

 A. Violation of the Right of Freedom of Expression under Article 19 of the International Covenant on Civil and Political Rights.....4

 B. Violation of the Right to Liberty and Security of Person under Article 9 of the International Covenant on Civil and Political Rights.....6

III. International Protection of Environmental Defenders under the United Nations Human Rights System.....8

Conclusion.....10

Appendix: Violations of the Human Rights of Environmental Defenders in Different Countries

Amicus Curiae Brief

Human Rights Violations Related to the Arbitrary Detention and Indictment of Cu Huy Ha Vu

Presented by the Environmental Defender Law Center

Request to be considered *Amicus Curiae*

Consistent with the custom of courts around the world of accepting amicus briefs in cases of public interest, the Environmental Defender Law Center respectfully requests that the People's Court of Hanoi admit this *Amicus Curiae* in support of the human rights of **Cu Huy Ha Vu**.

Statement of Interest

The Environmental Defender Law Center (EDLC)¹ is the only organization in the world that was created solely to protect the human rights of environmental defenders. EDLC arranges free legal representation for those who fight for a healthy environment and for their affected communities, and who have suffered abuses of their human rights. EDLC is among those combating a global crisis in which human rights defenders who speak out in defense of the right to a healthy environment are singled out for persecution as part of a deliberate attempt to silence and intimidate them and those on whose behalf they speak.

Petitum

With the anticipation that this contribution might assist the People's Court of Hanoi to reach a just decision for Mr. Cu Huy Ha Vu, EDLC respectfully requests that this Honorable Court:

- 1) admit the Environmental Defender Law Center as *Amicus Curiae* for this case;
- 2) attach this brief to the case file; and,
- 3) adopt the views set forth in this brief.

¹ Extensive information concerning EDLC can be found on its website at <http://edlc.org>.

Statement of Facts

Mr. Cu Huy Ha Vu is a Doctor of Law, and Vietnam's most outspoken legal activist. He was arrested on November 5th, 2010 in a hotel in Ho Chi Minh City. The authorities confiscated Mr. Vu's computer and searched his house.

The following day, Deputy Minister Major General To Lam, and Deputy of Security General Department II Major General Hoang Kong Tu, of the Ministry of Public Affairs, held a press conference to announce the charges against Cu Huy Ha Vu, which include: "producing documents that spread false and fabricated information, distorting the leadership and management of the State, causing confusion for the people, provoking, advocating for exhorting against the State and slandering and offending the honor of the leaders of the State". The latter is a clear reference to two lawsuits Mr. Cu Huy Ha Vu had recently filed against the Prime Minister Nguyen Tan Dung.

The incriminating documents referred to in the press conference included the two aforementioned lawsuits. The first lawsuit, filed on June 11, 2009, concerned the Prime Minister's approval of a controversial bauxite mining project in the central highlands by the signing of Decision 167/2007/QĐ – TTg dated November 1, 2007. This lawsuit was dismissed by the People's Court of Hanoi four days after it was filed with the court. The second lawsuit, submitted to the People's Supreme Court on October 21, 2010, also targeted Prime Minister Nguyen Tan Dung, this time for having signed Decree 136/2006/ND-CP, which disallows class-actions. Cu Huy Ha Vu never received a response as to this lawsuit, but was coincidentally arrested two weeks after having filed it with the court.

It is evident that Mr. Vu's arbitrary arrest is linked to his work as a human rights advocate. Mr. Cu Huy Ha Vu was singled out for suppression of his human rights for his leading role in bringing lawsuits that focused on collective rights and the protection of the environment, and which had the particularity of mentioning expressly the Prime Minister. It would appear that because his advocacy angered powerful interests, the Socialist Republic of Vietnam has put him in jail.

ARGUMENT

I. The Global Pattern of Violations of the Human Rights of Environmental Defenders

In early 1999, the human rights organization Amnesty International and the American environmental organization Sierra Club announced a joint campaign to highlight attacks on environmental defenders and mobilize pressure on governments that abused the rights of those defenders. In a subsequent report entitled “Environmentalists Under Fire: Ten Urgent Cases of Human Rights Abuses,” the two groups underscored the severity of the human rights abuses of environmental defenders:

Today, in too many countries, it is dangerous business to be an environmentalist. In democracies and dictatorships, in developed and developing economies, the basic human rights of environmental activists are being abused... We believe the human rights and environmental challenge of the next decade will be to defend the people who defend the environment- to fight for the rights of citizens worldwide who risk their lives by speaking out to protect our planet.²

EDLC has compiled its own report of cases from around the world in which environmental advocates have had their fundamental human rights abused. Sadly, the report that is attached as an appendix to this brief, while containing far more cases than the ten urgent cases described in the Amnesty/Sierra Club report, is certainly not exhaustive. But it is the most complete report on the subject currently in existence, and it documents a global pattern in which those who speak out to protect their right to a healthy environment and the rights of communities affected by environmental harm are systematically singled out for persecution as part of an attempt to silence and intimidate them and those on whose behalf they speak.

² “Environmentalists Under Fire: Ten Urgent Cases of Human Rights Abuses,” Introduction to the 2nd edition (January, 2000), at 3.
See http://www.cceia.org/resources/publications/dialogue/2_11/section_4/4463.html.

II. Mr. Cu Huy Ha Vu's Rights to Freedom of Expression and Not to be Subjected to Arbitrary Arrest or Detention have been Violated by the Vietnamese Government

The entirely lawful activities of Mr. Vu that nonetheless led to his arrest and indictment have already been described. In essence, he did three things that caused the Vietnamese government to see him as a threat:

- He brought a lawsuit against the Prime Minister over a controversial bauxite mining project that could potentially cause serious environmental harm.
- He brought a second lawsuit against the Prime Minister over a decree suspending the right to bring collective claims.
- He spoke out about his ideas in a lawful exercise of his right to freedom of expression guaranteed under Article 19 of the International Covenant on Civil and Political Rights (henceforth ICCPR).

A. Violation of the Right of Freedom of Expression under Article 19 of the International Covenant on Civil and Political Rights

The aforementioned activities conducted by Mr. Cu Huy Ha Vu are protected under the right to freedom of expression guaranteed in Article 19 of the ICCPR, to which Vietnam is a party.

Article 19:

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

Therefore, while Mr. Vu's activities are entirely lawful, the Vietnamese Government is in breach of an international human rights treaty to which it is a party and bound by, act and for which it can be held accountable at the international level.

The violations of Mr. Vu's rights are particularly insidious because they represented an attempt to suppress not only his freedom of expression, but that of others who expressed similar views or who might consider expressing similar views, or who could benefit from the lawsuits he was bringing against the government. In other words, the violation goes far beyond the rights of this individual, and is particularly egregious as a result.

The Special Rapporteur for Freedom of Expression has commented on the critical role that the right of freedom of expression plays, particularly in regard to political expression:

It represents, in short, the means that enable the community, when exercising its options, to be sufficiently informed. Consequently, it can be said that a society that is not well informed is not a society that is truly free. **Freedom of expression, therefore, is not just the right of individuals, but of society as a whole.** (Emphasis added).³

While the right to freedom of expression is certainly broad enough to protect Mr. Vu's activities in expressing his views in opposition to destructive environmental practices and in support of the right to healthy environment, the Special Rapporteur on Human Rights and the Environment has proposed expressly protecting speech relating to environmental issues: "All persons have the right to hold and express opinions and to disseminate ideas and information regarding the environment."⁴

Moreover, the Socialist Republic of Vietnam's Constitution provides that "state organs, units of armed forces, economic organizations, and individuals have the duty to implement state regulations on the rational use of natural resources and protection of the environment" (Chapter 2, Article 29). Additionally, the Constitution prohibits "all acts of depleting natural resources and destroying the environment." Finally, the Constitution requires organizations and individuals "to protect, replenish, and exploit [land allotted to them] in a rational and economical fashion" (Article 18). This means that Mr. Cu Huy Ha Vu's lawsuits aimed at the correct implementation of constitutional provisions.

³ Special Rapporteur's Report (2000), Declaration of Principles of Freedom of Expression, Principle 1 and para. 7.

⁴ Special Rapporteur on Human Rights and the Environment, "Draft Declaration Principles on Human Rights and the Environment" (1994), at para. 16.

B. Violation of the Right to Liberty and Security of Person under Article 9 of the International Covenant on Civil and Political Rights

Furthermore, Mr. Cu Huy Ha Vu's arrest violates his right to liberty and not to be subjected to arbitrary arrest or detention as guaranteed in Article 9 of the ICCPR. Mr. Vu's arrest is deemed arbitrary because it results from the Government's intent to silence him.

The United Nations Working Group on Arbitrary Detention⁵ (henceforth Working Group) regards deprivation of liberty as arbitrary in three situations, including:

When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, in articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II)⁶.

The Working Group has already reviewed similar cases from Vietnam, in which human rights defenders had been arbitrarily arrested solely for having publicly manifested their opinions. For example, in the case of Father Nguyen Van Ly, the Working Group concluded that he "was arrested and sentenced to prison for having peacefully exercised his right to freedom of opinion and expression guaranteed in article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights⁷". Similarly, in the case of Dr. Nguyen Dan Que, the Working Group concluded that "Dr. Que's actions constitute only the peaceful exercise of his freedom of opinion and expression, which is enshrined in article 19 of the Universal Declaration of Human Rights and in article 19 of the International Covenant on Civil and Political Rights, to which Viet Nam is a party.⁸" In both cases the Working Group has concluded that the detentions were arbitrary under category II (see above) and urged the Vietnamese government "to take the steps necessary to remedy the situation, in order to bring it into

⁵ The Working Group on Arbitrary Detention was established by Commission on Human Rights resolution 1991/42. The mandate of the Working Group was clarified by resolution 1997/50 and extended by resolution 2003/31.

⁶ CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF TORTURE AND DETENTION, Opinions adopted by the Working Group on Arbitrary Detention, E/CN.4/2005/6/Add.1 19 November 2004, page 4.

⁷ *Idem*, page 6, par. 18.

⁸ *Idem*, page 73, par 16.

conformity with the norms and principles set forth in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights”⁹.

As a final point, it is important to note that the Vietnamese Government is not allowed to restrict or derogate any of the rights guaranteed in international human rights treaties to which it is a party based on restrictions imposed by its own national legislation, as determined by Article 5 of the ICCPR:

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

In this respect, upon reviewing Vietnam’s last report on the implementation of the ICCPR, the Human Rights Committee has expressed concern¹⁰ over the fact that “certain constitutional provisions would appear to be incompatible with the Covenant” and that according to Vietnamese law the Covenant rights might be “interpreted in a way that may compromise the enjoyment of these rights by all individuals”. The Committee has therefore concluded that: “The State party should guarantee the effective protection of all rights enshrined in the Covenant and ensure that they are fully respected and enjoyed by all (art. 2)”.

Taking these arguments into account, this Honorable People’s Court of Hanoi should be able to conclude that Mr. Cu Huy Ha Vu has not conducted any unlawful activities. On the contrary, he had his own rights violated by the Vietnamese Government. Consequently his imprisonment is totally unlawful, and he should be immediately released.

⁹ Idem.

¹⁰ Concluding observations of the Human Rights Committee: Viet Nam. 26/07/2002. CCPR/CO/75/VNM. (Concluding Observations/Comments) CCPR/CO/75/VNM, 26 July 2002

III. International Protection of Environmental Defenders under the United Nations Human Rights System

The rights of human rights defenders to conduct their activities freely and the importance of protecting them from arbitrary actions have been recognized by the following authority:

1. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

In 1998, the United Nations General Assembly adopted the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.¹¹ The Declaration has become commonly known as the “Declaration on Human Rights Defenders.”

The Declaration sets out the rights of human rights defenders, identifying specific freedoms and activities which are fundamental to their work, **including the right to criticize and protest governments’ failures to enforce human rights standards.** The Declaration requires that states address these rights and freedoms to ensure human rights defenders may carry out their work freely, without interference or fear of threats, retaliation or discrimination. The Declaration specifically requires governments to protect human rights defenders in the performance of their valuable role:

Article 12

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.

¹¹ U.N.Doc.A/RES/53/144, March 8, 1999.

3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.¹²

The Declaration on Human Rights Defenders is a set of principles, based on legal standards enshrined in international human rights law adopted by every member of the United Nations, including Vietnam, through their participation in the U.N. General Assembly.

2. The Special Representative on Human Rights Defenders

In addition, the U.N. Secretary-General appointed a Special Representative on Human Rights Defenders with a mandate to monitor, document and intervene on behalf of human rights defenders under threat. In accordance with Commission Resolution 2000/61 of April 26, 2000, Ms. Hina Jilani, Special Representative of the Secretary-General on human rights defenders, in her first annual report, specifically included advocates for a healthy environment as among the group of human rights defenders requiring protection:

In my view the term ‘human rights defenders’ is not restricted only to those seeking protection and promotion of civil and political rights. The Declaration... recognizes those striving for the promotion, protection and realization of social, economic and cultural rights as human rights defenders. **Therefore, those defending the right to a healthy environment, or promoting the rights of indigenous peoples would, by no means, fall outside the ambit of any definition of a human rights defender.** (Emphasis added).¹³

¹² *Id.*

¹³ U.N. Doc.E/CN.4/2001/94, at Cuba letter.

CONCLUSION

The Environmental Defender Law Center, deeply concerned with the violations perpetrated in this case, submits to the People's Court of Hanoi this *amicus curiae* brief. We respectfully request that the factual and legal arguments contained herein be considered in the resolution of this case.

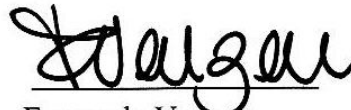
We join with others in this case in urging in particular that the People's Court of Hanoi provide a collective remedy that recognizes that this case is part of the larger problem of the systematic violation of the human rights of numerous other environmental defenders in the Socialist Republic of Vietnam, and indeed, in the world. For that reason, we refer the Court to the remedies suggested by the attorneys for the petitioner.

We are convinced that this Honorable Court will seriously judge the severe human rights violations suffered by Mr. Cu Huy Ha Vu and recognize that the unjust persecution and abuse of environmental defenders is a clear violation of his human rights. This recognition will help avert the profound impact that silencing those who defend the earth has on the human person and their environment.

Respectfully submitted on February 21st, 2011.



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Violations of the Human Rights of Environmental Defenders in Different Countries

Note: cases marked with an asterisk* indicate EDLC involvement in the case.

Argentina

Opponents of a company's plans to exploit native forests were the victims of death threats and other acts of intimidation (2002). <http://www.cedha.org.ar/docs/doc170-eng.doc>

Several community activists who led efforts to stop a proposed gold mine were persecuted and threatened (2002-2003). <http://www.cedha.org.ar/docs/doc170-eng.doc>

Five environmentalists were sued for releasing a recording of a mining company's strategy to shift public opinion (2006).

Aldo Flores, a defender in Andalgalá, was threatened with death and otherwise harassed for his efforts in resisting mining operations and associated devastating effects (2010). <http://upsidedownworld.org/main/argentina-archives-32/2376-resisting-mining-brutal-repression-and-uprising-in-argentina>).

Bolivia

Environmentalists were threatened for their work supporting local communities suffering the environmental impacts of mining. (2007). <http://www.minesandcommunities.org/article.php?a=2341>

Brazil

The destruction of the Amazon rainforest achieved worldwide prominence with the assassination of rubber tapper **Chico Mendes** (1988). www.global500.org/feature_6.html

Ademir Federicci and four other Kayapo indigenous activists were murdered and hundreds were jailed for their opposition to the Belo Monte dam on the Xingu River (2001). <http://forests.org/archive/brazil/ampokill.htm>

Those killed or threatened with death for their opposition to illegal logging in the Brazilian Amazon may well number in the hundreds, with the most prominent being **Sister Dorothy Stang*** (<http://www.edlc.org/cases/individuals/dorothy-stang/>), American nun murdered in Para (2005); Greenpeace activist **Paulo Adario** (2001) (<http://forests.org/archive/brazil/dethwill.htm>) ; indigenous leader **Hipa'ridi Top'Tiro** (2002) (<http://www.cedha.org.ar/docs/doc170-eng.doc>); **Br. Henry dês Rosiers**, attorney and coordinator of the Pastoral Land Commission (CPT) (2007) (<http://www.amazonia.org.br/english/noticias/noticia.cfm?id=264907>) ; **Tarcísio**

Feitosa da Silva, director of CPT and winner of the Goldman Environmental Prize (<http://www.goldmanprize.org/node/441>); and **Bishop Erwin Krautler** (2008) (<http://www.amazonia.org.br/english/noticias/noticia.cfm?id=265781>). All five defendants in the murder of Sister Dorothy Stang have been convicted. <http://www.nytimes.com/2010/04/14/world/americas/14brazil.html>

Journalist **Lucio Flavio Pinto** has been the victim of physical attacks and dozens of defamation lawsuits for his reporting on environmental devastation and corruption in the Amazon (2005). <http://www.cpj.org/news/2005/Brazil15nov05na.html>

Vilmar Berna, the editor of a daily environmental journal which exposes threats to marine life in Rio de Janeiro Bay, has received multiple death threats in response to his work (2006). http://www.rsfsf.org/IMG/rapport_en_md.pdf

Alexandre Anderson de Souza, has been receiving innumerable death threats as a result of his human rights activities, in particular his work to defend the rights of the fishermen in Rio de Janeiro affected by the construction of a gas pipeline (2010). <http://www.frontlinedefenders.org/node/12821>

Burma (Myanmar)

Ka Hsaw Wa, founder of EarthRights International and a Goldman Prize winner, was arrested, tortured, and forced to flee Burma (1988). http://www.earthrights.org/misc/staff_directory.html

Chad

Parliament member **Ngarléjy Yorongar le Moïban** was sentenced to three years in prison due to his opposition to the Chad-Cameroon pipeline (1998). <http://www.ciel.org/Ifi/ifccasechadcameroon.html>

Chile

Carlos Baraona Bray* (<http://www.edlc.org/cases/individuals/dr-romeo-quijano/2/>), a lawyer for the national forestry service and a critic of illegal logging practices in Chile's forests, was convicted of criminal defamation.

Edmundo Alex Lemun Saavedra was shot and killed by government forces during a peaceful protest in defense of his indigenous community's ancestral land from logging exploitation (2002) (<http://www.escaner.cl/escaner68/origen.htm>). Other Mapuche forest defenders such as **Mireya Figueroa** have faced dubious criminal charges. <http://www.cedha.org.ar/docs/doc170-eng.doc>

China

Environmental journalist **Dai Qing** was imprisoned for ten months for criticism of the giant Three Gorges dam (1989).

<http://www.sierraclub.org/sierra/200011/mixedmedia.asp>

Wu Lihong was sentenced to three years in prison in 2007 for alerting the Chinese and international media to the pollution of Lake Taihu (2007).

http://www.rsf.org/IMG/rapport_en_md.pdf

Whistleblower **Sun Xiaodi and his daughter** were sentenced to reeducation programs for after they disseminated information about radioactive contamination at a local uranium mine (2009). http://www.rsf.org/IMG/rapport_en_md.pdf

Tibetan environmental leader **Rinchen Samdrup** was convicted of “inciting to split the nation” after his efforts to combat poaching ran afoul of powerful local interests (2010). His brothers have also faced dubious criminal charges likely linked to environmental advocacy. http://www.nytimes.com/2010/07/04/world/asia/04tibet.html?_r=1&hp

Colombia

Berito Kuwaru'wa (<http://www.goldmanprize.org/node/121>), spokesman of the U'Wa people, was beaten and nearly killed for leading the opposition to oil development by Occidental Petroleum (1997).

Two dozen indigenous people were killed in course of their opposition to the Urra dam (1998). <http://www.foei.org/en/publications/link/97/e972223.html>

Carlos Vargas, an oilfield environmental regulator and whistleblower, was assassinated (1998). http://nadir.org/nadir/initiattiv/agp/free/colombia/txt/2002/0424bp_campaign.htm

Terence Freitas, Ingrid Washinawatek, and Lahe'ena'e, activists working with the indigenous U'wa community against proposed petroleum exploitation in their ancestral territories, were murdered (1999). <http://www.wrm.org.uy/boletin/21.html>

Several members of the environmental organization **CENSAT** (the National Center for Health, Environment and Work) have been threatened and intimidated (2003).

<http://www.cedha.org.ar/docs/doc170-eng.doc>

Community leader **Honorio Llorente Melendez** was murdered hours after he expressed concerns about the environmental and social effects of a proposed dam at a meeting with companies involved in the project (2009).

<http://www.corporacioncompromiso.org/?apc=I1-----&x=182>

Dominica

Goldman prize winner **Atherton Martin**, leader of the opposition to a copper mine, received threats to his own and his family's lives (1998).

<http://www.goldmanprize.org/node/128>

Ecuador

Hundreds of environmental defenders have been the victims of threats, physical attacks, and defamation lawsuits, as described in “World Rainforest Movement Bulletin 125” (December 2007). www.wrm.org.uy

Opponents of a copper mine have suffered numerous abuses: **Israel Pérez** was shot by an armed group allegedly employed by the mine (2006); his brother **Polibio Pérez** received death threats and was assaulted (2006, 2007) and **Marcia Ramírez** was attacked with pepper spray (2006).

Angel Shingre, an environmental activist who worked to defend his rural community from petroleum exploitation projects, was threatened, wrongfully imprisoned, and then kidnapped and murdered (1998-2003). <http://www.voltairenet.org/article120550.html>

Several members of the **Women Defenders of Mother Earth** (Defensoras de la Pachamama) have been targeted with arrest warrants, detention, criminal charges, and other forms of harassment designed to silence their anti-mining activism. At least one member of the group has been physically assaulted (2007-2010).

<http://www.frontlinedefenders.org/node/1626>;

<http://www.lammp.org/2009/03/08/ecuador/>

<http://www.lammp.org/2009/05/09/pachamama-assault/>

Egypt

Tamer Mabrouk was sued for libel and fined the equivalent of one year’s salary for publishing a report about illegal chemical wastewater dumping in Lake Manzalah (2008). http://www.rsf.org/IMG/rapport_en_md.pdf

El Salvador

Environmental activists murdered after leading community efforts against a proposed gold mine include Marcelo Rivera, Dora “Alicia” Recinos Sorto, and Ramiro Rivera (2009). http://www.democracynow.org/2009/12/29/anti_mining_activists_killed_in_el

Environmentalist and Goldman Prize winner **Ricardo Navarro** has received numerous death threats because of his work. <http://www.goldmanprize.org/node/137>

Hector Berríos, a community activist and human rights lawyer in Cabañas, El Salvador, received death threats due to his campaigns against mining, impunity and his legal defence of human rights activists (2010).

<http://www.amnesty.name/en/library/asset/AMR29/001/2011/en/a93509c2-b323-4e3e-80d1-c584493e08fd/amr290012011en.html>

Gabon

Several civil society leaders, including environmentalist and Goldman Prize winner **Marc Ona Essangui**,* were unlawfully arrested on false criminal charges and held in

deplorable conditions in response to their activism against local mining and dam projects. Charges against the defendants are still pending.

<http://www.goldmanprize.org/2009/africa>

Guatemala

Mayan opponents of the **Chixoy dam*** (<http://www.edlc.org/cases/communities/maya-achi-of-guatemala/>) were murdered (1980-82). **Community leaders*** (<http://www.edlc.org/resources/protecting-rights/criminal-charges/>) were charged with crimes over a peaceful dam protest (2004).

El Estor **mining and logging opponents** killed include Rosa Pec Chub (1997); Carlos Coc Rax (1999); Erwin Haroldo Ochoa-López and Julio Armando Vásquez-Ramírez (2000); Helmut Rolando Ramirez & Gustavo Augusto Suchite (2001); and Adolfo Ich (2009). Community leader Ramiro Choc was threatened with death by police forces in 2008 before being imprisoned on false criminal charges.

http://www.rightsaction.org/articles/Guatemala_mining_death_101809.html;

<http://www.iachr.org/annualrep/2006eng/GUATEMALA.1083.05eng.htm>

Environmental lawyer **Yuri Melini** was shot four times after his organization participated in anti-mining and anti-pollution initiatives (2008).

<http://www.amnestyusa.org/individuos-en-riesgo/yuri-melini-director-del-centro-de-accion-legal-ambiental-y-social-de-guatemala-calas/page.do?id=1041192>

Environmental activists of **Tropico Verde** have survived repeated attempts on their lives (2007). <http://www.amnesty.org/library/info/AMR34/001/2007/en>

Opponents of the Marlin mine claim they have been intimidated and threatened (<http://www.minesandcommunities.org/article.php?a=451>), and criminal charges were brought against some protestors (2007).

<http://www.minesandcommunities.org/Action/press1808.htm>. Mining critic **Bishop Alvaro Ramazzini** has been the target of numerous death threats and intimidation (2006-present). <http://www.wcr.ab.ca/news/2008/0421/bishop042108.shtml>.

Several members of FRENA, an organization working to safeguard natural resources and community rights, have been murdered (Víctor Gálvez, 2009; Evelinda Ramírez Reyes, 2010; Octavio Roblero, 2010;) and faced assassination attempts (Jorge Lorenzo, 2010; Leonel de León, 2010; Fredy Rodas, 2010). <http://www.fidh.org/Guatemala-Asesinato-de-la-Sra-Evelinda-Ramirez>

Honduras

Anti-illegal logging activist **Blanca Janeth Kawas Fernandez** was murdered (1995). In 2009 the Inter-American Court of Human Rights ordered Honduras to provide reparations for the death of this “defender of human rights and of environmental and natural resource preservation.” <http://www.loe.org/shows/shows.htm?programID=95-P13-00006>; http://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf.

Goldman Prize winner **Jorge Varela**, an opponent of harm to mangrove swamps caused by shrimp aquaculture, has had his life threatened repeatedly, and two of his organization's members have been killed (1999). <http://www.goldmanprize.org/node/170>

Carlos Escaleras, opponent of environmental harm from a palm processing plant, was murdered (1997).

http://codeh.hn/v1/index.php?option=com_k2&view=item&id=53:carlos-escalera&Itemid=8; http://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf

Father Pedro Marchetti received death threats due to his efforts to bring to justice the killers of Carlos Escaleras, and to fight environmental harm. (2001).

<http://www.amnesty.org/library/info/AMR37/004/2001/en>

Environmentalist **Carlos Antonio Luna Lopez**, was murdered for his opposition to harmful logging and a dam that threatened indigenous people (1998).

http://codeh.hn/v1/index.php?option=com_k2&view=item&id=52:carlos-antonio-luna-lópez&Itemid=8; http://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf

Opponents of the **Babilonia dam** in Olancho received regular death threats, and leader **Carlos Roberto Flores** was killed by company guards (2001). At least twenty-five indigenous leaders in Olancho involved in protecting the environment have been murdered <http://www.amnesty.org/library/info/AMR37/002/2004>

Oscar Arturo Reyes, an activist and promoter of a Catholic environmental group, was murdered just months after he had been transferred to another municipality due to death threats made against him (2003). <http://www.cedha.org.ar/docs/doc170-eng.doc>

Father José Andrés Tamayo* (<http://www.goldmanprize.org/node/168>), Goldman Prize winner and head of the Environmental Movement of Olancho (MAO), has received numerous death threats. At least nine other members of MAO have been killed since 2001, including **Heraldo Zúniga*** and **Róger Iván Murillo*** (2006) and, most recently, **Adalberto Figueroa** (2010). <http://www.frontlinedefenders.org/node/2515>; <http://www.amnesty.org/en/library/info/AMR37/001/2007>; http://www.corteidh.or.cr/docs/casos/articulos/seriec_196_ing.pdf

Johnny Rivas has received death threats due to his vocal participation in the Unified Movement of Aguan Farmers (MUCA), a group which opposes African palm oil plantations. MUCA member **Fabio Ochoa** was shot seven times after the group occupied a palm oil factory (2009-10). <http://upsidedownworld.org/main/honduras-archives-46/2380-honduras-palm-oil-plantations-sustainable-development-facade>

India

Goldman Prize winner and Narmada dam opponent **Medha Patkar** has been arrested, detained, and beaten, as have fellow anti-dam activists.

<http://www.goldmanprize.org/node/152>

Opponents of a power plant in Maharashtra state were periodically beaten and detained, and the government failed to investigate the attacks (1990s).

<http://hrw.org/english/docs/2002/01/23/india3704.htm>

Amit Jethwa was killed after filing a lawsuit to stop an illicit, multimillion-dollar limestone mine run by powerful local politicians in Gujarat (2011).

<http://www.nytimes.com/2011/01/23/world/asia/23india.html?pagewanted=1&r=2&ref=world>

Indonesia

Goldman Prize winner **Loir Botor Dingit**, Chief of the Bentian people in Borneo, was acquitted of criminal charges arising from his efforts to obtain compensation for damage to his people's land from illegal logging (1993). <http://www.goldmanprize.org/node/98>

Goldman Prize winner **Yosepha Alomang** was held and tortured for weeks for her defense of the rainforests of Irian Jaya from severe harm due to mineral exploitation (1994). <http://www.goldmanprize.org/node/66>

Yani Saragoa, director of an environmental organization, was sentenced to a four month jail term for defaming the reputation of a mining company, and opponents of the mine have been threatened and assaulted. Activists opposing other mining projects have faced similar intimidation lawsuits. (2007).

http://www.jatam.org/english/index.php?option=com_content&task=view&id=346&Itemid=69

Kenya

Over the years, Nobel Peace Prize winner and environmentalist **Wangari Maathai*** was repeatedly beaten and imprisoned for her efforts to preserve Kenya's lands (1990s).

<http://www.goldmanprize.org/node/126>

Environmentalist and journalist **Argwings Odera** was beaten and arrested, and eventually forced to flee his country due to his opposition to the Sondu-Miriu dam (2001). After returning to Kenya he was detained at gunpoint (2006).

<http://www.internationalrivers.org/en/africa/journalist-claims-police-wanted-kill-him>;
<http://news.bbc.co.uk/2/hi/4767014.stm>

Korea

Goldman Prize winner **Yul Choi**, founder of his country's first environmental organization, was put under house arrest for highlighting the problems with nuclear waste disposal (1988). <http://www.goldmanprize.org/node/92>

Malaysia

Goldman Prize winner **Harrison Ngau Laing**, a Dayak Kayan tribe member and environmental leader, was put under house arrest for almost two years and spent sixty

days in jail for his opposition to rampant logging in Sarawak (1987). <http://www.goldmanprize.org/node/124>. Other protestors were jailed and held incommunicado.

Mexico

Rodolfo Montiel* (<http://www.edlc.org/cases/individuals/rodolfo-montiel/>), **Isidro Baldenegro*** (<http://www.edlc.org/cases/individuals/isidro-baldenegro/>), **Felipe Arreaga*** (<http://www.edlc.org/cases/individuals/felipe-arreaga/>) and **Teodoro Cabrera*** are among the activists who have been subject to fabricated criminal charges due to their defense of Mexico's forests. All have won international prizes.

Several members of an anti-logging organization have been threatened, mistreated or killed. In just one year, gunmen killed **Aniceto Martínez** after mistaking her for **Celso Figueroa**, one of the organization's founders; **Elena Barajas**, **Romualdo Gómez García** and **Salomé Sánchez Ortiz** were murdered; and soldiers tortured **Jesús Cervantes Luviano** (1998-99). http://www.cedha.org.ar/docs/doc82-spa.htm#_ftn23

Anti- logging activist **Albertano Peñaloza** and two of his sons were seriously wounded, and two other of his sons were killed, in a single attack on his family (2004). <http://www.sierraclub.org/pressroom/releases/pr2005-08-09.asp>

Aldo Zamora was killed and his brother **Misael Zamora** was seriously wounded in an attack by the sons of local loggers. Along with their father, the young men were prominent in the fight against illegal logging in a nearby protected area (2007). http://centroprodh.org.mx/english/index.php?option=com_content&task=blogcategory&id=18&Itemid=47

Juventino Gonzalez, who organized citizens to protect a park from illegal logging in Michoacan, was beaten and threatened, and two fellow activists were jailed (1988). <http://books.google.com/books?id=EYU5yqinsYMC&pg=PA77&dq=juventino+gonzalez&cd=3#v=onepage&q=juventino%20gonzalez&f=false>

Fidencio Lopez, mayor of San Mateo Rio Hondo, was shot to death for speaking out against logging interests (1992). <http://books.google.com/books?id=EYU5yqinsYMC&pg=PA76&dq=fidencio+lopez&cd=1#v=onepage&q=fidencio%20lopez&f=false>

Government forest inspector **Wilfrido Álvarez** was murdered for investigating illegal logging. His assassins burned his body and left a note linking the killing to his environmental activities (1999). <http://www.greenpeace.org/mexico/campaigns/bosques-y-selvas-de-mexico-x/una-lucha-riesgosa>

The murder of Wilfrido Álvarez was far from an isolated incident: it is estimated that **thirty Mexican forest inspectors** have been killed in relation to their work, in addition to others who have been threatened and attacked.

<http://www.greenpeace.org/mexico/campaigns/bosques-y-selvas-de-m-eacute-x/una-lucha-riesgosa>

Forest guard **Juan Millan Morales** was murdered in the Omiltemi reserve, which is well known as a hot spot for illegal logging. <http://americas.irc-online.org/am/4544>

Dr. Javier Mojica, the leader of an environmental campaign protesting the construction of a shopping mall in Acapulco's only park, was beaten severely in his own home (1992).

<http://books.google.com/books?id=EYU5yqinsYMC&pg=PA78&dq=Javier+Mojica&cd=4#v=onepage&q=Javier%20Mojica&f=false>

Goldman Prize winner **Edwin Bustillos**, an agricultural engineer, survived three attempts on his life, and suffered from severe back and head injuries incurred in the attacks (1990s). <http://www.goldmanprize.org/node/87>

Enrique Rivera*, a lawyer for an anti-mining organization in **Cerro de San Pedro** was physically attacked (2006). Some members of the organization have been charged with crimes due to their opposition to the mine (2006). Others have been threatened and attacked for denouncing the mine's activities (2008).

<http://www.minesandcommunities.org/article.php?a=1295>;

<http://www.amnesty.org/en/library/info/AMR41/033/2008>

Erica Serrano Farías, an attorney representing a network of environmental groups opposed to the construction of a tourist development, was the victim of an intimidation attempt when a grenade was placed outside a restaurant run by her family (2006).

<http://www.amnesty.org/en/library/info/AMR41/015/2006>

Indigenous leader and ecologist **Francisco Concepción Gabino Quiñones** was murdered for leading the struggle against pollution caused by an iron mine (2006). www.omct.org/pdf/Observatory/2006/appeals/036_MEX_005_0306_OBS_036.pdf

Opponents of the La Parota dam have faced defamation, harassment, abuse by police forces, death threats, and arrest warrants for fabricated charges against them (2003-2010).

<http://www.tlachinollan.org/english/cases/parota.htm>

Fernando Mayén, a lawyer who organized community opposition to a dump that would pollute area forests and water sources, received death threats before being murdered (2008). <http://www.amnestyusa.org/document.php?id=ENGAMR410322009&lang=e>

Eligio Rebolledo Salinas was shot by gunmen after leading community opposition to a local gold mine. Three of his relatives were arrested and charged with an unrelated murder, presumably due to their involvement in anti-mining activism (2009).

<http://www.amnesty.org/en/library/info/AMR41/047/2009>

Juan Zamora González and **Porfirio Méndez Martínez** were arrested when they and other indigenous peoples displaced by the construction of a dam peacefully protested outside a courthouse (2009). Juan Zamora González's nephew, **Carlos Zamora**, was murdered, presumably in relation to the family's active opposition to the dam (2010). <http://www.redlar.org/noticias/2010/5/5/Denuncias/Condenan-asesinato-del-joven-Carlos-Zamora-hijo-y-nieto-de-afectados-por-la-presa-Cerro-de-Oro-Oaxaca-Mexico/>

Community members opposed to a landfill that poses risks to the environment and water supply in **Jilotzingo** have been threatened. Fernando Mayén Sánchez, a lawyer who organized community opposition, received death threats before he was murdered. (2008-09). <http://www.amnesty.org/en/library/asset/AMR41/032/2009/en/5438d83a-bca8-4c0f-bdf0-b2142c565045/amr410322009es.pdf>;

Environmental activist **Jesús Sánchez de la Barquera**, an opponent of the Jilotzingo landfill and an outspoken defender of local forests, received death threats and was shot (2009). <http://www.amnesty.org/en/library/info/AMR41/054/2009>

Mariano Abarca Roblero was murdered after filing legal complaints and protesting against the Blackfire mine. Just months before the assassination he was irregularly arrested and detained when the mining company claimed it suffered economic harm from his activism (2009). <http://mapder.codigosur.net/leer.php/9319079>

Three **government environmental inspectors** were murdered while investigating complaints of pollution emanating from a mine (2010). <http://www.conflictosmineros.net/contenidos/23-mexico/5562-tres-inspectores-ambientales-fueron-asesinados>

Nigeria

Goldman Prize winner **Ken Saro-Wiwa**, a well-known writer and president of an organization that defended the environmental human rights of the Ogoni people, was hanged along with eight other Ogoni leaders on trumped-up criminal charges brought by the Nigerian military (1995). Saro-Wiwa led the opposition to the severe environmental harm occurring in the Niger River Delta as a result of oil production. <http://www.goldmanprize.org/node/160>. Plaintiffs sued Royal Dutch Shell for its complicity in the torture, abuse, and killing of Saro-Wiwa and the Ogoni activists, and the company agreed to an historic settlement of their claims (2009). <http://www.earthrights.org/about/news/victory-wiwa-v-shell-human-rights-case-settlement-announced>

Peru

Local official **Don Julio García Agapito** was murdered in retaliation for stopping a shipment of illegally cut mahogany in Madre de Dios (2008). <http://dotearth.blogs.nytimes.com/2008/03/17/murder-on-the-resource-frontier/>

Campesino **Isidro Llanos** was shot and killed during protests against the expansion of a mine (2006). <http://us.oneworld.net/article/view/139677/1/>

Catholic priest **Marco Arana** and members of the environmental and social justice organization he founded have been the target of death threats and intimidation as a result of their opposition to the harmful effects of large-scale mining (2006).

<http://www.amnesty.org/library/info/AMR46/029/2006>

Godofredo Garcia, leader of a local organization opposed to mining in Tambogrande, was murdered at the height of the conflict (2001). <http://americas.irc-online.org/citizen-action/focus/0207tambogrande.html>. Eight men briefly kidnapped the seventeen year old daughter of local businessman **Francisco Ojeda**, who led the anti-mining group after Garcia's death (2001). <http://www.commondreams.org/headlines01/0713-04.htm>

Leaders of the opposition to mining* (<http://www.edlc.org/cases/individuals/peru-leaders/>) in Tambogrande and Rio Blanco have been charged criminally for their organization of protests and local votes on the projects.

Thirty-one anti-mining activists* were kidnapped, beaten and tortured after protesting at the site of the Rio Blanco mine; one protestor was killed (2005). A civil suit against the mine owners is pending before the High Court in England (2009-2010).

<http://www.guardian.co.uk/world/2009/oct/18/peru-monterrico-metals-mining-protest>

Javier Rodolfo Jahnce Benavente received a death threat which appears to be related to his work on behalf of an anti-mining organization.

<http://www.amnesty.org/library/info/AMR46/003/2007>

Philippines

Father Nery Lito Satur, who had been deputized as an official forest guard, was murdered and two other priests received death threats (1991).

<http://forests.org/archive/asia/philhr.htm>

Henry Domoldol, a tribal leader and head of a community association trying to keep the forest under tribal management, was murdered (1991).

<http://www.hrw.org/reports/1992/WR92/ASW-11.htm>

Fourteen members of Haribon, the country's largest environmental organization, were arrested and interrogated by police due to their efforts to combat illegal logging (1991).

<http://books.google.com/books?id=EYU5yqinsYMC&pg=PA87&dq=haribon&cd=4#v=onepage&q=haribon&f=false>

More recently, a 2008 report indicates that **twenty-three environmental activists** have been killed in the Philippines, including sixteen anti-mining activists.

<http://www.kalikasan.org/cms/files/2008%20Mining%20Situation%20and%20Struggle%20in%20the%20Philippines!.pdf>

Eighty - five opponents of a mine in Sibuyan were charged with “grave coercion” in connection with a protest where an environmental councilor was slain, allegedly by mining company security forces (2007).

<http://www.minesandcommunities.org/article.php?a=8348>

Josie Guillao, a peasant and mother of three who leads opposition to a mine, was charged criminally with "grave slander" in Nueva Vizcaya (2007).

<http://www.kalikasan.org/cms/?q=node/145>

Frances Quimpo*, director of the Center for Environmental Concerns, was sued along with the organization’s Board of Trustees, for publicizing environmental harm from a mining project on Rapu Rapu (2007).

<http://www.minesandcommunities.org/article.php?a=222>

Libel charges were filed against **Fathers Florio Falcon and Erwin Rommel Torres**, two Catholic priests who had led a campaign against pollution from a paper plant (2007).

http://newsinfo.inquirer.net/breakingnews/metro/view_article.php?article_id=87623

Maria Josefina Montes, a leader of an anti-mining group in Eastern Samar, was sued for libel by a mining company (2006).

<http://www.bulatlat.com/news/4-39/4-39-homonhon.html>

Dr. Romeo Quijano* successfully defended a defamation case brought against him for his reporting on the pesticide poisoning of villagers by a banana plantation (2007).

<http://www.edlc.org/cases/individuals/dr-romeo-quijano/>.

Journalist and radio host **Joey Estriber** was abducted by armed men and remains missing after campaigning and broadcasting against mining and logging activities (2006).

<http://www.minesandcommunities.org/article.php?a=1886>

Village chief **Ricardo Ganad**, who was elected on the basis of his strong anti-mining stance, was murdered at his home by two gunmen (2010).

<http://www.minesandcommunities.org/article.php?a=9906>

Environmental activist, anti-mining leader, and local government official **Mike Rivera** was shot to death (2010).

<http://www.minesandcommunities.org/article.php?a=10119>

Several mining opponents in Cayagan have been the victims of violence aimed to intimidate them, and no fewer than **six activists** were murdered within a six-month period (2009-2010).

<http://www.minesandcommunities.org/article.php?a=10119>

Dr. Gerry Ortega, a well known environmentalist and journalist was killed in relationship with his anti-mining activities. In another case, in Mindanao, a local tribal official suffered an assassination attempt linked to his pro-environment and anti-mining stance (2011).

<http://www.minesandcommunities.org/article.php?a=10675>

Russia

Piotr Kozhevnikov, a government water inspector, was placed in a psychiatric ward as punishment for trying to publicize illegal government dumping of oil and sludge (1986). <http://books.google.com/books?id=668ntVpdhU0C&pg=PA83&dq=Piotr+Kozhevnikov&cd=2#v=onepage&q=Piotr%20Kozhevnikov&f=false>

Goldman prize winner **Aleksandr Nikitin**, a former submarine captain who blew the whistle on illegal nuclear waste dumping from mothballed Soviet nuclear submarines, was acquitted of treason (2000). http://www.bellona.no/bellona.org/english_import_area/international/russia/envirorights/nikitin/s-court2000/17899

Grigory Pasko, an environmental journalist who reported on dumping of radioactive waste by the Russian fleet in the Sea of Japan, was convicted of treason and sentenced to four years' imprisonment (2001). http://www.bellona.org/subjects/Pasko_case

Professor **Yury Bandazhevsky** was sentenced to eight years of imprisonment because of his scientific work examining the effects of the radioactive fallout of the Chernobyl nuclear reactor disaster (2001). <http://www.amnesty.org/en/library/info/EUR49/008/2001>

Newspaper editor **Mikhail Beketov** was beaten nearly to death and left permanently handicapped for publishing several articles criticizing a local government plan to cut down a large swath of forest to build a highway (2008). <http://www.cbc.ca/world/story/2008/11/24/f-rfa-szacka.html>

South Africa

Richard Spoor, a lawyer for indigenous communities affected by mining, was sued for defamation by a mining company, which also lodged a complaint against him for unprofessional conduct with the Law Society (2006). <http://www.minesandcommunities.org/article.php?a=17>

Sudan

Seven opponents of the Kajbar dam, including two journalists and two lawyers, were arrested and later released (2007). <http://www.amnestyusa.org/actioncenter/actions/uaa15607.pdf>

Four people were killed and nineteen injured when police fired on protestors at the Merowe dam, the largest dam under construction in Africa (2007). <http://news.nationalgeographic.com/news/2007/06/070615-sudan-nubian.html>

Tanzania

Tundu Lissu and **Rugemeleza Nshala**, two Tanzanian attorneys working with the Lawyer's Environmental Action Team, were charged with sedition for speaking out on

alleged human rights abuses against small scale miners in Bulyanhulu (2002).
<http://www.lead.or.tz/about/pr/2002.05.17.sedition.php>

Thailand

Environmental activist **Charoen Wataksorn** led community opposition to the construction of coal power plants before being murdered at the behest of powerful local figures who stood to benefit from the plants' construction (2004).
http://www.nationmultimedia.com/2008/12/31/national/national_30092218.php

Turkmenistan

Renowned environmental activist **Andrey Zatoka** was wrongfully convicted of criminal charges twice during a three year campaign by the government to discredit his work. Although he was recently released from prison, he was forced to relinquish his Turkmen citizenship and leave the country permanently (2006-2009).
<http://www.crudeaccountability.org/en/index.php?page=zatoka-freed>

Uzbekistan

Solidzhon Abdurakhmanov, a journalist who writes extensively about the ecological crisis facing the Aral Sea, was arrested on drug charges and summarily sentenced to 10 years in prison despite glaring procedural irregularities and holes in the prosecution's case (2008). http://www.rsf.org/IMG/rapport_en_md.pdf

Venezuela

The **Pemon indigenous community**, protesting against the construction of a nearby electrical network, were subjected to acts of intimidation and received death threats. Soldiers beat Juan Ramon Lezama, a member of the community, until he fell unconscious (2000). <http://www.amnesty.org/library/info/AMR53/001/2001>

Vietnam

Environmental activists been the victims of cyber attacks that Google determined to have been perpetrated in order to squelch local opposition to bauxite mining.
<http://www.businessweek.com/news/2010-03-31/google-finds-cyber-attacks-on-vietnam-mine-dissidents-update1-.html>

Illegal loggers assaulted forest officials **Dinh Van Chi and Dinh Van Anh** as they were recording the seizure of a load of wood. Anh was beaten until he lost consciousness, and was then dumped in a nearby field (2008). http://www.illegal-logging.info/item_single.php?item=news&item_id=2599&approach_id=15