



REDE MOCAMBICANA DOS
DEFENSORES DE DIREITOS HUMANOS

RMDDH

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Time to think outside the box to “raise the cost” for perpetrators.



Before we even reached the end of January this year, multiple prominent human rights defenders have been killed. The execution of human rights lawyer Thulani Maseko, abduction and murder of Cameroonian investigative journalist Martinez Zogo, and killing of four Honduran environmental defenders¹ may have made the headlines but sadly are less likely to make it to justice, whe-

re those responsible are truly held to account. We need to re-examine how this untenable dynamic continues to perpetuate despite the significant efforts by civil society to redress it.

Every year we see documented the tragic killings of social justice leaders – more than 1,700 land and environmental defenders alone in the last decade, according to the most recent Global Witness report. What rarely

¹ Three defenders in Bajo Aguan and a Garifuna defender.



OTTO SAKI

gains exposure (though Frontline Defenders do endeavour to document it²) are the numbers and variety of attacks that are precursors to these types of events – the daily threats, harassment, intimidation, trolling and smear campaigns – that may not always eventuate in the loss of life but cumulate to threaten the survival and sustainability of the pursuit of social justice itself.

We have a responsibility to not only address the extremities but also the complexities of the attacks on social justice leaders. And as the digital frontier expands, creating a new attack surface for adversaries to exploit, civil society faces new and increased challenges on both technological and psychological fronts. We are called to pursue more innovative and strategic tactics in how we engage to hold perpetrators to account for the ongoing harm they inflict.

There is an urgent need to continue to explore the complex question of how civil society might think outside the box to “raise the political cost” for those who attack social justice leaders, shaping their behavior by increasing the chances that they will face consequences. In addition to what is already being done, proactive and offensive research

with technologically advanced investigative techniques could be used more comprehensively across civil society to gain insights on perpetrator behaviors, values and operations, to gather evidence of wrongdoings, identify potential points where pressure can be applied, and inform coordinated strategic actions to dissuade perpetrators from targeting civil society.

The starting point is that we have to better understand perpetrators and the contexts where they hold power. Whether corporations, armed groups, individuals, or government actors, this means in-depth investigative research focused on who they are, their networks, their motivations and values, and vulnerabilities as points of leverage. Doing this successfully requires stepping outside our usual echo chambers, looking beyond those who know the same things we do. We need insights from insiders who know the environments within which the perpetrators operate (such as the private sector corporates or ex-employees), and expertise from different fields (for example, clinical psychologists, systems-change thinkers, anthropologists, economists, ex-intelligence/military).

Beyond the perpetrator, we have to unders-

² Their annual Global Analysis is a valiant effort, but rather like unreported domestic violence and rape, it is hard to document all instances given the lack of reporting that is often the result of the lack of faith that meaningful action in response will be taken due to structural impunity.

tand and utilize the complex networks that facilitate and enable them. Just because a threat emerges in one location, doesn't mean the best avenue for impact will also be found there. In recent work exploring this alchemy of different methodologies, researchers with the technical capacity to process and analyze large datasets and navigate various trade-specific subscription services were able to trace attacks on civil society from militia with mining interests in Latin America all the way to the potential leverage point of a boardroom Europe. Criminalization of human rights defenders in Central America led investigators to explore on social media how the perpetrator enjoys their money, leading to identifying possible financial and social status (reputational) leverage points in the USA. While civil society's first impulse is often to expose and confront, direct challenges can trigger more aggressive responses, and there are occasions where indirect influence or even negotiation may be more effective.

Ultimately, every perpetrator makes a calculation of whether or not threatening or attacking a social justice leader is worth it. Not all costs are equal to different perpetrators. For those who value how they are perceived publicly, investigations can provide evidence to contradict well cultivated public personas and exert pressure. For others, only money talks and creating an actual or possible economic cost can be a more powerful dissuasive tool. As for the courts, they can often seem unresponsive, costly, and time consuming. But legal approaches, vital in themselves, also gain value when they are part of a more sophisticated and multi-faceted strategy to leverage pressure. Sometimes just the real threat of legal action underpinned by infor-

mation from effective investigative work, can influence perpetrator behavior.

"Raising the political cost" is a mode of thinking that could be valuable to achieving broader accountability goals and ending impunity. However, it presents a challenge: how can we make sure that civil society can safely and effectively carry out more proactive investigative work? It needs a concentrated financial investment by donors to develop and widen civil society access to technical investigative expertise and related digital resilience—beyond a small group of NGOs in the global north. Some organisations need to be better equipped with knowledge and technology necessary to carry out investigations themselves. Others just need to be connected to those who can safely carry out essential investigations on their behalf. All must be equipped with the risk mitigation measures to be able to consider and take action as safely as possible.

It's also a call for civil society and funders to collaborate on thinking creatively, outside both our communities and our comfort zones, to consider more diverse approaches for impact. Adversaries can withstand a fleeting moment of media outrage but what about sustained pressure from multiple diverse angles quietly coordinated over time? To leverage evidence and insights to change the behavior of perpetrators, knowledge accumulated through investigations must be shared and coordinated amongst those best placed to use it, and when it is, dedicated coordination is essential to determine and implement effective strategic actions.

Working together strategically has always been civil society's best chance of standing up to well-resourced perpetrators. They are going further; so, must we.



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