Indigenous Human Rights Defender in Costa Rica was Shot while Working His Ancestral Lands

10 February 2020, Rio Azul Community, Indigenous Territory of Salitre, Costa Rica: Yesterday, at approximately 2:00 pm, Mainor Ortiz Delgado, an indigenous member of the Bribri people Tubolwak clan, was shot in the leg by a non-indigenous trespasser. Waiting 40 minutes for the arrival of the ambulance and police, he was carried to the hospital with the bullet still in his leg. What did he do to provoke this attack? Nothing. He was only working his farm, accompanied by his brother, his wife and three young children. While working, without provocation, a non-indigenous individual passed by on a motorcycle and shot him. The perpetrator was detained by authorities. The perpetrator’s family are trespassers in Salitre. With false certifications stating they are indigenous (issued by an authority since discredited by a Costa Rican court), the family is trying to acquire the land where Mainor’s family lives. Mainor’s farm is part of the ancestral lands titled to the Bribri People that already is 50% illegally occupied while the duty to remove these occupants belongs to the Government according to the national law.

“They want to kill my son and the Government has known of his precarious situation, but they do nothing effective and meaningful to protect him. I fear he will end up like Sergio,” says Mainor’s mother, Mariana Delgado Morales. She is referring to the Sergio Rojas, the Bribri indigenous leader of the Uniwak clan assassinated on 18 March of 2019 (a crime that remains unpunished), and the fact that this is not the first attack against her son in retaliation for his defense of the Bribri territorial rights.

In 2013, ten non-indigenous men attacked him. He was gravely wounded with a machete to his left ear, suffered serious lacerations, and was torture with a hot iron (for branding cattle) throughout his body including his stomach, and received a gunshot wound to his upper left thigh. In spite of identifying his attackers, including the shooter and alleged author of the crime, another illegal occupant in Salitre, the State dismissed the case “for the non-existence of sufficient proof to individualize the party responsible for the acts.” In 2016, various unknown persons destroyed Mainor’s wooden ranch covered in metal and plastic tearing off the bases and roof. This case was also archived by the Government. In 2017, the day before giving testimony at a hearing against another non-indigenous aggressor, Mainor received death threats by phone with a person saying “I know you, at any moment I'll shoot you; stop behaving like a man”. The phone number was given to the Ministry of Justice and Peace, nobody was punished.

The persecuted life of Mainor Delgado is a story that is symbolic of the tragic situation of the Bribri People and the other indigenous people in Costa Rica as a result of the inaction of the
Government. Dozens of documented cases of violence and threats against the Bribri and their Brörán indigenous neighbors (all have gone unpunished) together with the illegal massive occupation of non-indigenous people hostile to them, justified the decision of the Interamerican Commission on Human Rights to issue Precautionary Measures in 2015. The Commission ordered the Government to take measures to protect the lives and physical integrity of the Bribri and their neighbors, the Brörán. The State did not implement the measures. For this reason, Sergio Rojas was killed by 15 gunshots while working in his house on 18 March of 2019. Almost one year since the assassination of the Sergio, the State still has not effectively and meaningfully implemented the active Precautionary Measures, the result: another indigenous leader has been shot.

Since Sergio’s assassination, the Bribri have been negotiating with the Government, but it has not taken any measures that have had a meaningful positive impact. Together with the Brörán and other indigenous peoples in similar circumstances (like those of the territory of Cabagra), the Bribri are tired of promises from the Government, they are tired of being abandoned to the violence of illegal occupants and years of litigation. “The Government has to do at least four things: (i) punish those that attack us and end the impunity, (ii) protect our human rights defenders in an effective way, (iii) not abandon us to the courts but rather implement their duties and obligations without delay, and (iv) evict with priority the illegal occupants –now and not years from now,” says Lesner Figuero Lázaro, Bribri of the Tuadiwak clan and Coordinator of the Concejo Ditsö Iriria Ajkönuk Wakpa of the Bribri territory. The Government has demonstrated that it has no political will to do these things, or simply lack the capacity.

In either case, the Bribri request the support of the international community. If human rights defenders ini Costa Rica are not safe, who is?

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