

Civil Resistance Against 21st Century Authoritarianism

Defending Human Rights
in the Global South



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in the Global South

Centro de Estudios de Derecho,
Justicia y Sociedad (Dejusticia)

Colección
Dejusticia

Dejusticia – Centro de estudios de derecho, justicia y sociedad
Civil Resistance Against the 21st Century Authoritarianism /
Rajanya Bose, Sebastián Becker Castellaro, Kerem Çiftçioğlu, Ektaa
Deochand, Natalia Mendoza Servín, Ezequiel Monsalve, Jennifer
Peralta, Slavenska Zec. -- Bogotá: Editorial Dejusticia, 2021.

196 pages; graphs; 24 cm. -- (Dejusticia)

ISBN 978-958-5597-66-2

1. Resistance 2. Human rights 3. Populism 4. Crisis 5. Defense.
I. Tit. II. Series.

ISBN 978-958-5597-67-9 Digital Edition

ISBN 978-958-5597-66-2 Printed Edition

Este libro contó con el apoyo financiero de Dejusticia,
con recursos del programa OSF Challenge.

Layout

Diego Alberto Valencia

Copy Editing

Morgan Stoffregen

Cover

Alejandro Ospina

Printed by

Ediciones Antropos Ltda.

First edition

Bogotá, Colombia, April 2021

This document is available at

<https://www.dejusticia.org>



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Introduction: Reinstating Spaces for Human Rights in the Context of Authoritarian Populism

César Rodríguez-Garavito

From Brazil, Chile, Venezuela, and Mexico to Turkey, India, and South Africa, human rights are facing a critical moment in the hands of both right-wing and left-wing authoritarian populist governments. To understand these challenges (and to think about how to face them), we must first clarify some concepts. What is the logic behind 21st century authoritarian populism? And how does it put the human rights achievements of the 20th century in jeopardy?

In his seminal book *What is Populism?* (2016), Jan-Werner Müller shows what these contemporary governments have in common, those that came to power by democratic means and later dismantled the democratic institutions that limit them, including human rights. Authoritarian populism does not share an ideological framework — these governments come from both left-wing and right-wing parties — nor a specific economic policy. Rather, it shares a moral affirmation both categorical and exclusionary: that there are “real people” — the only legitimate representatives — and enemies of the people. It is the division between “us” and “them” turned into a political and legal platform.

“*Chávez es pueblo*” (Chávez is the people) used to be Chávez’s campaign slogan in Venezuela. It is a phrase of unsurpassed parsimony that captured the relationship between a leader and a supposedly uniform and unified people. With the leader gone, *Madurism* replaced it with a similar slogan: “Let’s be like Chávez.” In populist logic, politics is an all-in game, a conflict between “patriots” and “enemies of the motherland,” as Venezuela’s Nicolás Maduro often says. No wonder an authoritarian populist from the opposite political wing, such as Brazil’s Jair Bolsonaro, sounds so similar. His opponents are “enemies of the homeland” or instruments of the international NGOs that supposedly want to take over the Brazilian Amazon rainforest.

The media and any other institutions that stand between populist politicians and the people are also enemies. Trump’s attack on independent media for publishing “fake news” and supplanting it with

“alternative facts” created by the president are well known. “We are the people; who are you?” exclaimed Erdogan to his critics in Turkey while he purged over 100,000 officers, teachers, judges, academics, and independent journalists. Hence, a reliable test to recognize a populist is to see if they alter the constitution or take over institutions and media.

Ultimately, populists are anti-democratic. What’s more, they use elections and the language of democracy to undermine democracy. That makes them different from 20th century authoritarianism while still reviving “20th century dictatorships,” as analysts from PROVEA, the renowned Venezuelan human rights organization, concluded before many others.

Müller ends with this warning: “The greatest danger for democracy today comes from within democracy: the political actors who threaten it speak in the language of democratic values.”¹

The Challenges for Human Rights and Civil Society

The newest populist governments, like Bolsonaro’s, follow a script that has been well-tuned by their predecessors over the last decade. The challenges emerge as political narratives, legal reforms, and coercive measures aimed at undermining the *legitimacy* and *efficacy* of human rights actors and civil society in general.² These measures can be classified into five primary types: 1) restrictions on foreign funding for NGOs; 2) smear campaigns; 3) restrictions on the fundamental rights of independent media and NGOs; 4) severe burdens on the operating capacity of human rights actors and civil society in general; and 5) co-optation of segments of civil society.

But the biggest challenge concerns not strategies, but values central to human rights. The authoritarian populist vision is, by definition, incompatible with human rights. Dividing societies between “us” and “them” (or “patriots” and “enemies”) implies recognizing the rights of some and denying them to others. If the contrast sounds too harsh, one need only look to India’s re-election of Narendra Modi for direct evidence. Ignoring the rights protected by the 1949 Constitution — a legacy of forerunners of the contemporary human rights movement

1 Jan-Werner Müller, *What is Populism?* (Philadelphia, PA: University of Pennsylvania Press, 2016), p. 6.

2 César Rodríguez Garavito and Krizna Gomez, eds., *Encarar el desafío populista: Un nuevo manual de estrategias para actores de derechos humanos* (Bogotá, Colombia: Dejusticia, 2018).

such as Mahatma Gandhi and B. R. Ambedkar — the government is promoting a Hindu fundamentalist platform that seeks to deprive millions of Muslim citizens of their rights through measures such as the 2020 Citizenship Reform Act.

Reinstating Spaces

But challenging times are also times of resistance and creativity, as shown by the massive mobilization against Modi’s measures in the streets of India, or the periodic protests against Bolsonaro’s attacks on the constitutional freedoms and rights of sectors such as Indigenous peoples, Afro-Brazilian communities, and the LGBTI population. This has also happened in Venezuela, where persecution by the Maduro regime has led human rights NGOs to engage in activism that is as creative as it is courageous, taking to the streets and engaging with young people who mobilize in spaces such as rock concerts. As the chapters of this book show, efforts to reinstate spaces for human rights are diverse and dynamic.

In Turkey, people asked political strategist Ateş İlyas Başsoy — director of the campaign that won Istanbul’s mayoral election over the almighty party of President Erdoğan in 2019 — what his recipe was. “Radical love,” replied Başsoy, sounding more like a spiritual leader than a political one. But the results proved him right. Their candidate, now Mayor Ekrem İmamoğlu, soundly beat Erdoğan’s protégé.

If one reads Başsoy’s campaign manual and analyzes what his candidate did, the response is less emotional but equally eloquent. Instead of imitating the populist strategy of stirring up hatred and division, leaders like İmamoğlu provide the antidote in messages of empathy and hope. Instead of feeding the egomaniacal bullying of social media that divides society between “us” and “them,” the anti-populist formula is to acknowledge and bridge the fears, concerns, and way of life of the other half of the population. For this reason, İmamoğlu did not disqualify Erdoğan’s religious voters, but eloquently appealed to their discontent with the impacts on them of the Turkish economic crisis, which affects the entire population.

The Turkish case is not the only one to show that the politics of hate should be countered with new tools. The same lesson emerges from recent studies by social psychologists and neuroscientists, which show how humans stand behind the walls of our ideological tribe when the other side conveys messages of fear and division. The anti-populist mobs that ignite on social media create the same effect as Bolsonaro’s trolls: they activate the fearful chimpanzee inside us and re-double our

defenses and prejudices. The result is apparent: political polarization degenerates into the social trivialization on which the world's authoritarian populists feed.

All of which is reminiscent of brilliant old advice from Saul Alinsky, the famous American social activist. Anger and outrage at injustice are a good start for political activism because they ignite the will to do something. But anger is a fuel that burns quickly. To sustain human rights mobilizations in the long term, such as those needed to reverse the current populist wave, moving from anger to hope is critical, as Alinsky would say. Hope is just another word for love.

New Narratives on Human Rights in Times of Authoritarian Populism

This book — and Dejusticia's initiative that originated it — seeks to promote answers to populist challenges to human rights. To do so, they propose a new thrust characterized by three features: reflective writing, narrative writing, and voices from the Global South.

First, this book contains reflective writing. Its authors are activists who work directly within organizations in the field, who stop to think about the potential, the achievements, and the challenges of their knowledge and practice. In this sense, the book seeks to amplify the voices of human rights defenders in discussions about the future of the field, which tend to be dominated by research from academia. The texts combine the methodological and analytical strengths of academic research with the practical experience of the authors, organizations, and communities with which they work. The objective is to promote a hybrid genre that contributes to maintaining and widening the window of reflection and discussion in the field of human rights.

Second, the genre proposed in this book, and in the series of which it is part, is narrative writing. In part because of the prevalence of legal language and knowledge of the world of human rights, the predominant writing in their field is that of technical reports and legal pleadings. While these genres have made notable achievements over the decades, this focus has prevented organizations and activists from effectively sharing their stories and experiences firsthand: those of the victims, the campaigns, the moral dilemmas, the injustices, the victories, and more. Opening the field of human rights to other actors, other knowledge, and other audiences means telling these stories and telling them well. To this end, the authors of these chapters are involved in the stories, relating them using techniques taken from fields such as narrative journalism.

Third, the stories come from the Global South, from countries and regions that have more often been the object of study rather than the subject of knowledge, making their own decisions in the field of human rights. In this sense, these chapters attempt to respond to the challenges of a more multipolar world, to counter the organizational, economic, and epistemological asymmetries between South and North that have undermined the effectiveness and legitimacy of the global human rights movement. The authors of these studies are activists, researchers, and members of human rights organizations writing from this geographical and professional perspective to enrich the global debate on the future of the field.

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Acknowledgments

This book is part of a long-term project organized by Dejusticia as part of its international work. The project revolves around an annual action-research workshop for young human rights defenders. The workshop develops action-research tools to combine rigorous research with practical advocacy on social justice causes. The purpose is to strengthen the ability of participants to produce hybrid texts that are both thorough and attractive to broad audiences.

A long-term initiative like this requires not only a collective of authors, but the sustained support of an entire organization. This text, and the long-term commitment it represents, form an institutional effort by Dejusticia that involves, in one way or another, all of its members. In the 2017 workshop reflected in this publication, and throughout the process of the workshops and books that follow, the contribution of Meghan Morris, who coordinated the workshop and book project, was essential. Workshop and book tutors and mentors Nelson Fredy Padilla, Diana Rodríguez Franco, Krizna Gomez, Sebastián Villamizar, and Claret Vargas, were equally important. Any project of this nature requires considerable logistical support, which William Morales assumed with his usual efficiency and solidarity.

In the publication phase, Morgan Stoffregen, Sebastian Villamizar, and Ruth Bradley-St-Cyr were exemplary translators and editors. Claudia Luque from Dejusticia, and Carlos Díaz and Federico Rubí from Siglo XXI, were the architects of the editorial project and, in the end, made it possible for readers to hold this book in their hands.

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A Faceless Political Prisoner: Journey to the Drama of Arbitrary Detentions in Venezuela

Ezequiel A. Monsalve F.

This Criminal Preliminary Proceedings Court of the Judicial District of the State of Bolívar, on behalf of the Bolivarian Republic of Venezuela and administering justice, orders that Fray Lacava,¹ 18 years of age, be imprisoned. The Court orders his immediate imprisonment in the maximum-security area of Colonia Penitenciaria del Dorado, State of Bolívar, with headquarters in the Municipality of Sifontes.²

While the judge read his decision aloud in one of the small, warm courtrooms of the Palace of Justice in Puerto Ordaz, in the State of Bolívar in Venezuela, outside, a mob demanded the release of another university student who, despite having been granted bail, had not been released by the court but had been held for eight days in an overcrowded, narrow four-square-meter cell alongside several individuals who committed ordinary offences.

That crowd, made up mostly of student leaders and classmates, were extremely offended — you could see it in their faces. This was just one of the thousands of omissions of the Venezuelan justice system that occur daily. Enduring days in prison, without a court order, broke every rule of the legal logic of contemporary criminal law.

Despite this, these episodes recur in Venezuela. In fact, with the arrest of these two young people (May 15, 2017), a total of 2,977 arrests were made in just 45 days of protests against Nicolas Maduro Moro's government policies,³ 82 in the city of Puerto Ordaz alone.⁴

In the middle of this scene, at the end of Fray's hearing, the lawyers assigned to his defense approached, whispering in my ear: *Ezequiel, we*

1 Real name changed for the security and physical integrity of the person.

2 The ruling of the Preliminary Proceedings Court in charge of the criminal case against Fray Lacava.

3 Foro Penal Venezolano [Venezuelan Criminal Forum], "Informe de represión del 2017" [2017 crackdown report], Feb. 16, 2018, <https://foropenal.com/2018/02/16/reporte-la-represion-venezuela-2017/>.

4 Author's field notes.

officially have the first political prisoner of the city. At that moment, my face turned pale, my mouth was dry, and my hands were clammy. I also felt a strange tingling in my back and head, as when the atmosphere becomes extremely tense. I pause, breathe, and write in my notebook. I was sure that this news was going to affect the situation outside the courthouse. Soon after 5:00 p.m., upon learning the result of Fray's hearing and in the absence of a timely response about the other student, the 50 people gathering outside the Palace of Justice decide to block access to the administrative personnel of the Court.

I nervously approach a metal fence, and from there, I try to explain the situation, but am told, *"Well, we're sorry, sir, you're locked in too."* The Court's internal security communicates with the demonstration-control forces of Operational Command No. 65 of the Bolivarian National Guard (GNB), and three VN4 4WD armored tanks, about ten KLR 650 cc motorcycles and a truck with dozens of officers, all equipped with anti-riot weapons and equipment to control and disperse demonstrations, approach the site.

A dark-skinned man in an olive-green uniform emerges from one of the tanks; he bears the National Coat of Arms and the Captain insignia on his chest. Sneeringly, the man approaches the crowd (very exhausted by then) and asks for someone to explain the situation. A new voice emerges and fearlessly exclaims, "Let the lawyer explain."

In response to that strident, collective voice, the officer approaches the metal fence and, in a superb tone, asks, "What's going on here?" Calmly, I explain the reasons for the protest and the irregular situation occurring inside the courthouse regarding the legal status of dozens of people detained for political reasons. Defiantly, the officer demands, "Who the hell are you?" To which I reply, "I'm the lawyer of the young man being unjustly detained, and of several others who are being sent to prison for the same reasons." Additionally, I mention that I represent the non-governmental organization Foro Penal in the State of Bolívar, which promotes and educates on the civil and political rights of politically persecuted people in Venezuela. The legal team, the activists, and I have assisted plenty of the detainees as their defense council.

The captain demands that the demonstration end and everyone return to their homes, or else he will break up the demonstration by force. The protest continues, so, several minutes later, the armored trucks turn on their sirens while the military platoon organizes and loads their weapons. The demonstrators remain in front of the courthouse with more confidence, but with fear for what might come next.

You can hear an almost musical tone as the 12 mm caliber shotguns are being loaded with rubber bullets. For their part, the officers aim

deadly⁵ M79 tear gas canisters at chest-level of the demonstrators in the fashion of an 18th century firing squad. From the security of one of the armored trucks, their executioner is preparing to give the order to repress protest number 9,787.⁶

Just when I thought the day was going to end badly, with people wounded and arrested, a Toyota Hilux bearing a military plate pulls up in the middle of the crowd. Surrounded by bodyguards, an officer emerges, the commander of an important detachment in the area. His uniform, despite being the same as the rest, had a different aspect, as if he took much better care of it. His facial features suggested that he probably slept and ate better than his subordinates, like a man unaffected by the social and economic crisis of the country. He was the head of all the military in the area, and his bodyguards protected him jealously. The platoon's attitude shifted with his arrival, growing silent and submissive.

I was able to exchange some words with him as the officers surrounding him recorded my face with their cameras. Phone calls were made from inside the courthouse, and he promised a favorable outcome for the young detainee. The influence of the military on the judiciary is staggering, typical of totalitarian governments. The person who took the call sounded quite nervous about the commander's presence at the Court. It was the first time I had seen him, but I did know that he was the man behind the repression in the State of Bolívar.

The situation had a happy outcome that day — no injuries, no arrests. There were no repercussions for those making use of their constitutional right to peaceful demonstration until about five days later, when the ballot to release the young man was finally signed.

For several years in Venezuela, the judiciary has been used as a political weapon to criminalize protests and legitimize the persecution of dissidents. The Supreme Court of Justice (TSJ) and other courts have made the most abhorrent decisions in the history of Venezuela. Gonzalo Himiob, Vice-Director of Foro Penal, points out that courts are used to encourage persecution outside the law, reinforcing the systematic violation of human rights in Venezuela. The State violates the rights of dissidents by criminalizing them and by implementing different

5 Responsible for numerous deaths in Venezuela due to their misuse.

6 Observatorio Venezolano de Conflictividad Social [Venezuelan Observatory of Social Conflict], *Informe de conflictividad social en Venezuela* [Report of social conflict in Venezuela], 2017, <https://www.observatoriodeconflictos.org.ve/tendencias-de-la-conflictividad/conflictividad-social-en-venezuela-en-2017>.