

Palm oil is used in anything from baked goods and candies to shampoo, cosmetics and cleaning agents.

Everything from crops to rivers were laid waste, Brownell says, and not just the environment. Burial grounds and livelihoods were gone, “obliterating everything. It was a desert of oil palm,” he says.

Brownell and Green Advocates took on the case for the people of Butaw, and filed a complaint with the Roundtable on Sustainable Palm Oil (RSPO), a voluntary group of growers, processors and nonprofits that certifies the production of palm oil to make sure it is a sustainable crop. They complained first to the Liberian government, Brownell said, which ignored them. But the RSPO complaint was found to have merit.

The government then changed its tactics, Brownell says, threatening to charge him with sedition and trying to revoke his law license. He was accused of undermining the economy.

“Because these people are advocates for the community, they tend to think, ‘I’m not the target, the community is the target’ and it minimizes the threats to the advocates,” ELAW Associate Director Lori Maddox says. But she says if just one advocate is silenced by a lawsuit or a physical attack, they are silencing thousands of voices.

It’s not uncommon for tactics against environmental advocates to include trying to discredit them in the local community. Holden says that in areas of extreme poverty or with a single source of income, those seen as fighting development, even if on behalf of the environment or human rights, can have that fight turned against them.

Maddox points to the case of Alejandra Serrano Pavón, former director of the southeast regional office for Centro Mexicano de Derecho Ambiental (CEMDA), a nonprofit environmental defense group. “They started attacking her credibility,” Maddox says of the government in the Mexican state.

Pavón was fighting a massive “Dragon Mart” outside of Cancún, which was going to be one of the world’s largest shopping centers featuring Chinese products. But Dragon Mart’s enormous size and its location threatened critical habitats along Cancún’s coast. As the project began, it destroyed hundreds of acres of wetlands and mangroves.

Pavón and CEMDA won in 2015 after filing a case on behalf of local communities for a lack of public participation in the environmental impact assessment and planning process, Pavón says, but not until after the Chinese company tried to file a lawsuit against CEMDA. Maddox adds that Pavón’s tires were slashed, her car was run off the road and her house was broken into. Someone

blew out the pilot light in her house and turned her gas on.

Holden and Maddox are discussing “normalization of risk” with ELAW attorneys, Maddox says. The threats and attacks became business as usual. “The red flag for us was someone had broken in her home and gone through her things and she stayed home until a friend told her to leave,” Maddox says of Pavón.

Pavón says it helped to have the ELAW network behind her and to have those she was fighting know she had that support.

But Holden points out that for other attorneys, being part of an international network can lead countries to link ELAW attorneys to “terrorism” saying they are “puppets for foreign influence.”

In July 2015, Eduardo Mosqueda Sánchez of the environmental group Instituto de Derecho Ambiental, also in Mexico, was beaten and put in jail for 10 months in connection to his work on a dispute between the Nahua people in Jalisco and an iron mining company, Consorcio Minero Benito Juárez Peña Colorado. The company was destroying land and water. And, Sánchez says, “didn’t respect the human rights of the community.”

The community filed a constitutional petition asking the court to recognize their rights over the land. A judge issued an injunction suspending the mining company’s use of the lands and allowing the community access until the case was resolved.

But Sánchez says the mining continued, and when he and group of community members toured the area, the police were called in. Sánchez, as well as local women and children, were assaulted, and 34 people including Sánchez were jailed. The other 33 were soon released but Sánchez was held for almost a year.

ELAW jumped into action to help Sánchez and IDEA, contacted the United Nations special rapporteur on the situation of human rights defenders and called in ELAW’s extensive network to agitate to free Sánchez, who was held despite a judge’s finding no merit to the charges. He was finally freed in May 2016.

The mining continues, as does Sánchez and IDEA’s work to stop it, but Sánchez points out that when he was in jail and one of his colleagues in exile due to threats, “part of the strategy is to disrupt the work.” Law firms are forced to stop work, or work on cases with a skeleton crew while trying to free their partners.

The attack on Brownell in the car in Liberia came after a daylong fact-finding investigation on the complaints about the oil palm plantation. He had stayed back to talk to the community in the concession.

A local chief informed the attackers that he would not allow Brownell to be killed in his village, and one of the drunken men hit the chief.

“It was like a miracle,” Brownell says. The village youth were insulted by the attack on the chief and a brawl began. The young people pulled the roadblock apart and the car was able to drive to a village not far away.

Brownell says the government of Liberia never investigated the incident.

And the threats and attacks didn’t end there. With both the Liberian government and international companies it worked with forced to defend themselves on the world stage on issues from timber to oil palms to rubber plantations, Green Advocates came under increasing pressure.

Another tactic used by corporations and others against those who fight them is to try co-opt them with jobs and money. “We don’t have a price, so there’s no negotiation,” Pavón says of such attempts. Brownell turned down an offer to work on a government team providing legal support to prosecute the former head of the Oriental Timber Company.

After he refused, the government requested a subpoena for Brownell to appear in court. Though no subpoena was served, Brownell says the government asked that he to be found in criminal contempt of court. Men in plain clothes claiming to be security officers came to the offices of Green Advocates while Brownell was at his mother-in-law’s funeral. When Brownell couldn’t be found, a massive manhunt ensued, he says.

The arrest warrant originally targeting Brownell was extended to include the entire Green Advocates staff, leading to the closure of the office and to the entire staff’s going into hiding to avoid prosecution.

Brownell is currently living in the U.S. with his wife and children.

“What fuels this,” Brownell says of the attacks, “is consumerism.” He points to products like Pringles and companies like Nestlé and says. “You have to ask questions.”

Holden, who is training the attorneys on protection strategies for themselves and their workplaces during their Eugene visit says, “There are places you go in the world that are dangerous because of general criminality, but in these cases you put yourself in a place where you are provoking vested interests, and at some point they will respond.”

But, Sánchez says, “even with all the money and the power, they are losing.” ■

Attorneys from ELAW will be participating in the Public Interest Environmental Law Conference March 2-5. Go to pielc.org for brochure of speakers, times and locations.

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