

20 May 2019

Panama: Marvin Wilcox detained and criminalised in Barú

On 16 May 2019, Marvin Wilcox was detained by members of the National Police while observing a farm inspection in Chiriquí. The human rights defender was held incommunicado for more than four hours, and transported across the country in handcuffs. Marvin Wilcox was fined and will have to attend a hearing on 22 May 2019 for allegedly blocking a path and “being violent to a machine”.

[Marvin Wilcox](#) is a human rights defender and leader of the producers of Barú affected by a government project known as Contract-Law 36-17, which grants the use of 6,000 hectares of land for 20 years for the mass production of bananas by the private company Banana Piña, reportedly a subsidiary of the multinational Del Monte Fresh. He is also a member of the **Comité en Defensa de la Tierra de Barú** (Barú Land Defence Committee) and “Unidos por el Agro”. The Barú Land Defence Committee is a group of rural producers seeking to protect their lands from concession to multinational companies.

On 16 May 2019, Marvin Wilcox was observing the inspection of a local producer’s farm by an agrarian judge in Chiriquí. Despite his peaceful conduct, the human rights defender was detained and handcuffed by the police on fabricated allegations of “being physically violent to a machine” and verbally abusive to its conductor, as well as blocking a path. On the day, a number of machines were being used to destroy a banana plantation of around 60 hectares, as part of an expansion project reportedly of the transnational company Del Monte Fresh.

Marvin Wilcox was taken across the province to a hospital in Puerto Armuelles, located approximately two hours away, for a medical inspection, which was claimed to be part of the detention procedure. He was forced to wait in the hospital for another two hours, during which he remained handcuffed, and only after receiving medical clearance was he allowed to contact his lawyer. Subsequently, Marvin Wilcox was presented to the government-appointed mediator on the implementation of Contract-Law 36-17, Ulzana Valdés, in the nearby locality of Finca Blanco. The mediator is referred to as “Jueza de Paz” (Judge of Peace) and counts with the support of the local authorities, such as the mayor and the police. Ulzana Valdés issued the human rights defender with a fine of 500 USD to be paid in 30 days, and set a hearing, where charges may be presented against him by the police, for 22 May 2019.

[On 15 January 2019, human rights defender Marvin Wilcox was detained in Barú](#), in the province of Chiriquí, alongside four other producers who had been trying to sell their fruit and vegetable produce. Producers in Barú have been prohibited from selling their produce over the past months due to the implementation of a government project which seeks to dispossess over 400 producers of their lands to allow for the cultivation of bananas, reportedly by the multinational company Del Monte Fresh. Two weeks earlier, on 2 January, woman human rights defender Ligia Arreaga was detained as she tried to investigate the treatment of the Barú producers. The human rights defenders claim that the mediator on the implementation of Contract-Law 36-17, Ulzana Valdés, has been responsible for all of their detentions.

Human rights defenders working in Barú believe that the detention and criminalisation of Marvin Wilcox are linked to his visibility as a social leader denouncing human rights violations committed against local producers in connection with the agreements made between the government and the private sector. The human rights defender has been the target of a smear campaign over the past months, and had his house and produce confiscated in November 2018. In January 2019, Marvin Wilcox was also [detained](#) in connection with his peaceful activities defending the rights of the Barú producers.

Front Line Defenders expresses concern over the detention and criminalisation of Marvin Wilcox. Front Line Defenders is further worried about the increased use of repressive measures against the Barú producers by the state, denying their human rights to access to land, housing and fair working conditions.

Front Line Defenders urges the authorities in Panama to:

1. Strongly condemn the arbitrary detention of Marvin Wilcox;
2. Cease the criminalisation of Marvin Wilcox, as it is believed to be solely motivated by his peaceful and legitimate work in defence of human rights;
3. Carry out an immediate, thorough and impartial investigation into the allegations of abuse of authority and exceeding of functions by Ulzana Valdés, as well as the allegations of human rights violations committed by the police during detentions;
4. Ensure that the treatment of detained persons in Panama adheres to the conditions set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988;
5. Guarantee in all circumstances that all human rights defenders in Panama are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 12 (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."*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson
Executive Director