

DEFEND THE DEFENDERS OF THE EARTH: A DOSSIER ON THE REPRESSION OF THE SALENTINIAN MOVEMENTS

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The peninsula of Salento (Apulia, Italy), including the areas of Lecce, Brindisi and Taranto, has been living a long and hard period of environmental emergencies. For years now, the Eni Petrochemical Plant and the Thermo-electrical power Plant in Brindisi, the notorious Steel Plant of the Ilva Group in Taranto are at the centre of the discussions and opposition of local people, Associations, civilian Movements for Earth defense and, in general, of human rights defenders, because of their heavy violations of national and international Environmental laws, that are causing pollution, death and an unprecedented health crisis. But these are the most known examples of a bigger and harder context, where we are operating now.

In fact, the salentinian people is engaged in a fight on many fronts, all focused on the protection of the Earth as synonymous of human rights protection. The right to life, the right to health and to a healthy environment are strongly defended by democratic national Constitutions and international Declarations and Conventions. The global environmental emergency shows that fighting for human rights is strictly connected to fighting for climate, which means fighting for the defense of life, of health and of the Earth in the present and in the future, with a new awareness about our "inter-generational responsibility".

In this perspective, the action of Movements, Associations, common people, Local Institutions focused on the environment defense, should be considered as human rights defense and should be helped and protected by States and Governements, in order to achieve the recommendations of the Un Declaration on Human rights defenders and the Osce Guidelines on the Human Rights defenders.

These important soft law tools are not binding, but they show the way to the States that etically have signed and accepted them.

However, all over the world, the escalation of repression against the "Human rights defenders", and especially the "Earth defenders", has taken on the appearance of a war, where people pay personally or even die for their expression of disapproval or for their activism.

If Latin America, Asia and Africa count a tragical number of dead activists (as denounced by Global Witness in the report "On dangerous Ground"), the European Countries are not fulfilling the international goals of cooperation in human rights protection.

Italy, and Salento in our particular case, is giving a clear example of what policing extractivism is, showing, step by step, what the repression mechanism really is. All over the salentinian context of opposition to big infrastructures or industrial projects, people are confronted with the total indifference of Local and National Institutions, with the repression of the Police and Authorithies, or with smear mediatic campaigns, in order to isolate, damage, prosecute and eventually stop the dissent.

This dossier analyses the cases of :

- "Colacem SPA", a cement plant in Galatina (near Lecce), considered as an unhealthy factory by the European Environmental Agency, EEA, with its 37/65 billions of Euros in health damages, with a tragic record of neoplastic pathologies in the geographical area involved. In spite of its sad record and in spite of the opposition of local Committee and common people, in 2018 Colacem received the renewal of the environmental authorization for its activity.

The Committee couldn't access important documents that could stop the renewal, because of the obstructionism of local Institutions (in violation on the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental issues).

- The same situation is denounced by the Committee against the construction of the "S.S. 275", a big arterial road projected to rapidly connect the South of Salento to the Cape of Santa Maria di Leuca. In this case, people denounce a new useless and unhealthy infrastructure that damages the precious and typical salentinian landscape.

- The "Popolo degli Ulivi" experience ("People for olive trees" in a literal translation), that are prosecuted and tried because of their opposition to the cutting down of olive trees in the Xylella emergency. Xylella is a bacterium considered by the Authorities as the only (but not scientifically proved) cause of the rapid drying out process of olive trees in Salento.

The plan adopted by the Institutions to stop the emergency (called Piano Silletti) involved not only the "sick" trees but all the trees present in a 100 m range of distance, as well as an unwise use of pesticides all over the interested areas with a serious risk for the health of local people.

The local judiciary stopped the plan because of its lack of scientific basis and for its dangerous approach, but the activists were tried anyway.

Moreover the access to justice, imposed by the Aarhus Convention, was denied to the local farmers that refused the indiscriminate destruction of their olive trees, because of the excessive cost of a trial.

- The NOTAP movement experience. This is a paradigmatic example of civil resistance, activism and Earth Defense, but it's a clear example of repression and judicial persecution.

After March 2017, when the Trans Adriatic Pipeline began to work on the Italian part of the project, activists, common people, Associations and Local Institutions tried to publicly denounce their opposition to the project, by pacific and non violent methods.

After an intense smear campaign by local and national media, the Government and the Authorities for public order and security, using Police Forces, began to repress every demonstration and opposition: more than 80 activists (including elderly people, mothers, local politicians) were notified heavy pecuniary penalties (each from € 3500 to € 7000) for taking part to a demonstration; almost 15 activists were notified a 3 years access prohibition into Melendugno or the Lecce territories with a strong restriction of their personal freedom of movement (they are considered by the Authorities as dangerous subjects for public security and, in some case, antisocial subjects); a red zone around TAP construction site in San Basilio (where the construction site is, near the sea of San Foca - Melendugno) was imposed from 13rd November to 13rd December with the absolute prohibition to access or transit in all the interested area, under control of Police Force; an unbelievable number of criminal procedures were started against the activists in order to repress and legally

punish their behaviors, even if constitutionally protected. Some violence episodes enacted by the Police (ex. the aggression to a foreign journalist in October 2017 during a demonstration or the physical aggressions to activists wounded by the violence of Police in February and April 2018) are denounced too, but without any reply by the Judicial Institutions.

Actually this is an extreme synthesis of the escalation of repression against the NOtap movement, but the complete dossier can give an accurate and detailed exposition about the facts and the violations of International Convention on Human rights defenders.

The worrisome situation that we have the responsibility to denounce, as Lawyers actively involved in the pursuit of Justice and in the respect of Laws and Human rights, concerns not only the mistreatments suffered by the activists as victims of repression, but the shallow, unfair and strange behaviour of the local Judges and Magistrates, extremely ready and rapid into the investigating and the punishing of the activists, but not so diligent and efficient in prosecuting violations, illegal behaviours, abuses by Tap, Italian Government and Authorities, when these violations were denounced on several occasions by Associations, Committees, common people and local Institutions.

The risk for our democratic system is real and tangible. The goal of this work is to analyze the limits of this system and try to improve it by removing these dangerous limits, in the common, professional and human need to reach a more human society. A society based on climate protection, social and civil Justice, solidarity, cooperation, sustainable development, shared happiness, instead of profit, human exploitation and Earth destruction.