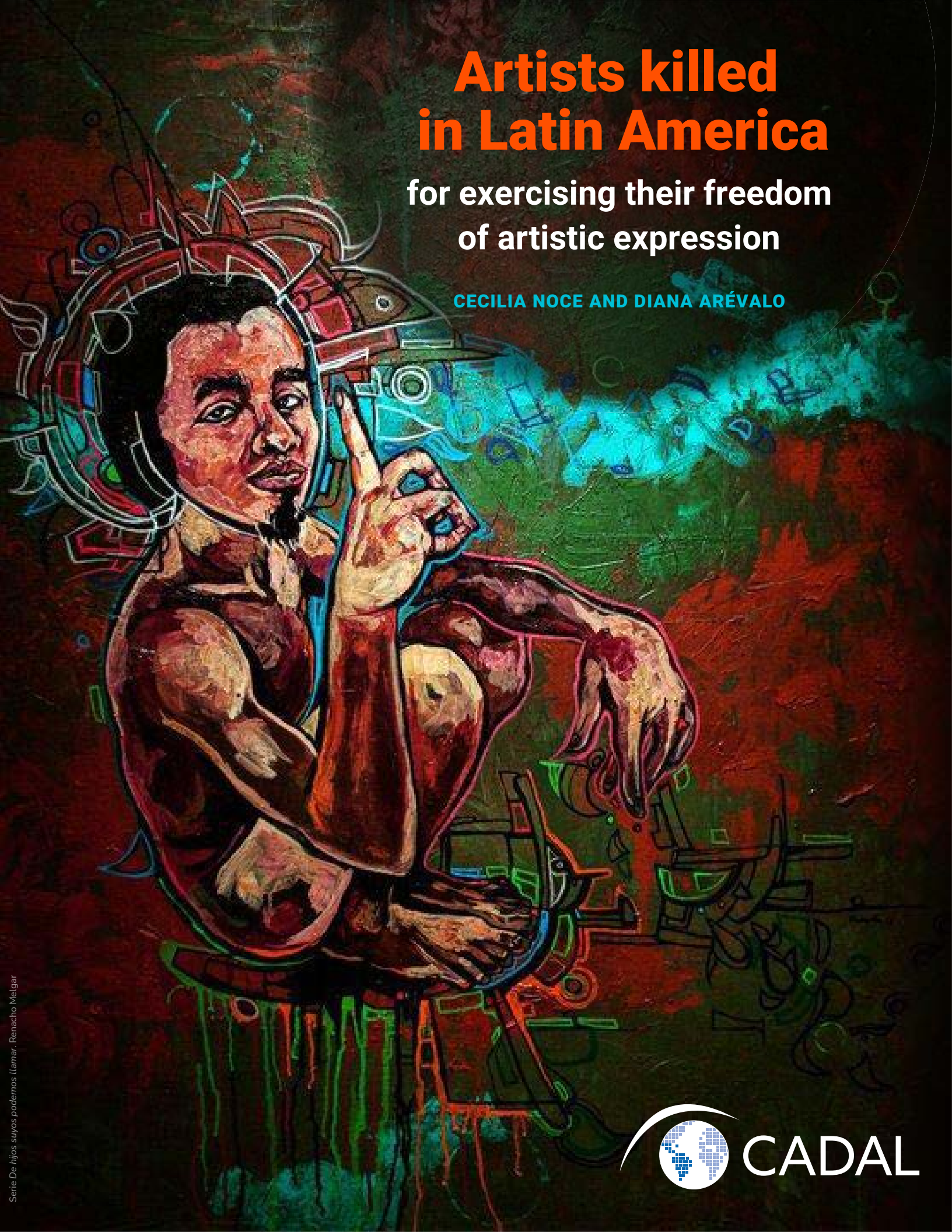


Artists killed in Latin America

for exercising their freedom
of artistic expression

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FOR EXERCISING THEIR FREEDOM OF ARTISTIC EXPRESSION

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This is an executive summary of the original report produced in Spanish that focuses only on violence against artists, like targeted killings related to the exercise of their right to freedom of expression and artistic creativity in Latin America. In 2021, CADAL recorded 378 attacks on freedom of artistic expression, of which 23 were murders. Artists and cultural workers who participated in protests in Colombia and Cuba were harassed, detained, and repressed. Musicians and cultural leaders were also involved in the violence between organized crime groups in countries such as Mexico and Brazil.



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COVER

In 2021 and 2022, visual artist Renacho Melgar suffered censorship by El Salvador's government for criticizing in his work public policies on health and security. Due to his series "De hijos suyos podernos llamar", the artist could face charges since the new Penal Code criminalizes the expressions that discuss he violence and realities of the narco-gangs in El Salvador.



S/t, from the series: «De hijos suyos podernos llamar», painting. Mixed technique. Artist: Renacho Melgar.

23 Artists killed



Types of Art



21 Musicians



02 Urban artists



Responsible Parties



21 Drug violence



02 State forces



I. Introduction

The vibrancy of artistic creation is essential in the development of dynamic cultures and in their contribution to the promotion of democratic values. Artistic expression is integral to a rich cultural life as it challenges inherited meanings, ideas, concepts and helps societies evolve. Artists, like journalists and human rights defenders, are at particular risk when their work publicly critiques social, cultural norms or political ideas. However, unlike their peers, the lack of access to professional or institutional networks or financial security leaves them more vulnerable to harassment and human rights violations.

In its annual «The State of Artistic Freedom Report 2022», Freemuse documented attacks on artistic freedom of expression during 2021. The research highlights the deteriorating climate for artistic creation in which it documents 1200 violations. In 2021 an unprecedented 39 artists were killed across the globe, and more than 500 artists faced judicial action for challenging either state authorities or socio-cultural norms including conservative religious norms.

Additionally, in the Latin America and the Caribbean region CADAL recorded 378 attacks on freedom of artistic expression in 2021 of which 23 were murders. Artists and cultural workers who participated in civil society protests in Colombia and Cuba faced harassment as well as arbitrary detention and in some cases torture -ill treatment. Musicians (some of whom are also cultural leaders in their communities), were caught up in continuing violence between organized crime groups.

This is an executive summary of the original report produced in Spanish that focuses only on violence against artists, like targeted killings related to the exercise of their right to freedom of expression and artistic creativity. The highest number of targeted killings were documented in Mexico, Colombia, and Brazil. The attacks took place in a wider context in which there was rampant violence due to organized crime and drug trafficking that had an impact on the general population, including civil society members. Those impacted by this violence include young male musicians from marginalized areas and impoverished communities and artists who are community leaders.



These human rights violations are intended mainly to intimidate civil society organizations active in these areas.

The report presents the methodology used, and the definition of the cases considered murders caused by the exercise of freedom of artistic expression. The second section explains the trends that emerge from analyzing the murders in 2021. The third section details each case, while the fourth outlines some recommendations for States and international organizations.

States are the primary duty bearers responsible for providing the enabling environment required for artistic expression. Protecting and promoting the diversity of cultural expressions and providing guarantees through law so artists can exercise their rights are fundamental aspects of constructing democratic societies.



**THE SCOURGE
OF VIOLENCE
MAINLY AFFECTED**

**STATES BORDERING DRUG
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WHERE ARMED, ORGANIZED
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COLOMBIA, MEXICO, PERÚ,
AND PARAGUAY.**

II. Methodology

II.A CASE DEFINITION

Over the course of 2021, most Latin American countries continue to face a number of challenges related to the continuing deterioration in national level security including gang violence, internal displacements as a direct consequence of varying internal conflicts, as well as a deepening of historic social and economic inequalities that were heightened as a direct result of the COVID-19 pandemic¹. Some countries also experienced a sharp increase in targeted killings after long and strict lockdowns in the region. The scourge of violence mainly affected states bordering drug trafficking routes, where armed, organized crime groups continue to grow, like in the case of Colombia, Mexico, Perú, and Paraguay.

In Latin America, artists who work in areas where organized crime groups operate remain particularly vulnerable to armed gang violence. The nature of their work, their working conditions in which they often operate alone, within

¹ InSight Crime balance of homicides in 2021. Available at: <https://es.insightcrime.org/noticias/balance-insight-crime-homicidios-202>



largely informal and un-unionized sector working hours which often extend into the night, and precarious routes to work all increase their susceptibility and vulnerability to attack in violence-prone regions.

This report prioritizes instances where:

- ▶ Artists were killed just before, during, or at the end of a performance, exhibition, show, or concert. This includes those killed on stage or while entering or leaving the premises in which their shows are hosted and visual artists killed while attending their exhibitions.
- ▶ Those activists/artists who are renowned for their artistic commentary on social issues. This includes social leaders who utilized rap as a tool to challenge the ongoing violence by armed groups, artists, and cultural leaders of indigenous communities.
- ▶ Artists killed while they were exercising their right to peaceful assembly².

II.B SOURCES

The cases were documented from secondary sources, mainly through journalistic reports. Where permissible, cases were verified with in-depth interviews with family members, relatives, and/or lawyers or the testimony of experts and specialists in each country. The follow-up of legal investigations has also followed the same methodology.

III. Trends

III.A A OVERVIEW

In Latin America in 2021, 23 artists were killed in four countries. Colombia has the highest record, with a total of 10 murders, including the San Rafael massacre³ in which 4 rappers between 18 and 25 years were killed in broad

² Peaceful assembly serves as a vehicle for the exercise of many other rights guaranteed under international law, with which it is linked intrinsically and that form the basis for participating in peaceful protests. General Comment No. 37 on Article 21, Right of peaceful assembly. (17 September 2020). Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

³ According to José Sarralde of the Colombian non-governmental organization «*Movimiento de Expresión Latinoamericana de Hip Hop (MELAH)*,» their killings are a way to send a message to the local



daylight while freestyling in a park in that city. Mexico follows with 9 artists murdered. In Brazil, 3 young musicians were executed, while in Chile, an urban artist and juggler was shot by police officers in Pichilichu. Of the cases recorded, 21 were musicians, 3 of whom were also recognized social and cultural activists in their communities.

III.B RESPONSIBLE PARTIES

Of the 23 cases documented, two of the cases involved security forces. In Colombia, Nicolás Guerrero, known in the graffiti world as 'Flex,' was killed by a bullet while participating in the social protests of May 2 in Cali, a Colombian city located in the department of Valle del Cauca. His murder was recorded with a cell phone camera by artist DJ Juan de León, who broadcast the protests live through his social networks and subsequently received death threats that forced him to temporarily leave the city⁴.

On February 5, In Panguipulli, a city in southern Chile, urban artist Francisco Martínez Romero was killed by police officer Juan González Iturriaga. In the video recorded by witnesses on the public road, two agents can be seen approaching the artist for an identity check. When Francisco admitted that he did not have his identification and asked for the policeman's name in the middle of the argument, the officer fired warning shots at Francisco's feet. Then, when Francisco approaches him with the knives he used for his performances, the officer shoots him in the chest. After the incident, both officers leave the scene. On Monday, January 24, 2022, Sergeant Juan Guillermo González Iturriaga's case was definitely dismissed by the Court of Appeals of Valdivia, arguing that it was an act of legitimate self-defense.

The remaining **21 documented cases** which have been recorded are believed to be a result of violence related to drug trafficking in which there are three clear trends:



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population of the city of San Rafael in the Antioquia department, located in the central Northwestern part of Colombia . Source: Personal communication Whatsapp October 21, 2021.

⁴ Tweet from DJ Juan De Leon where he publicly denounces the threats against him: <https://acortar.link/SkOpZS>



The first group of artists were executed for being activists or social leaders who used music as a vehicle for self-expression and activism. Through their lyrics, they denounced the current situation in their territories. This is the case of the murders of Julián Sneider Muñoz, Junior Jein, Esneider Javier Castillo, and the indigenous leader Rafael Domicó Carupia. This is a phenomenon that, unfortunately, is repeated in Colombia, where social leaders are increasingly being subjected to attack or targeted for killing; according to records of the Observatory of Human Rights and Conflicts of the Institute of Studies for Development and Peace (INDEPAZ), in 2021, 171 murders were committed against social leaders.

A second group is related to artists who directly relate to cartels or criminal organizations and can often be caught up in retaliatory attacks. This is the case of narcocorrido singers in Mexico, who are recruited by cartels and therefore become targets in the drug trafficking wars. A similar phenomenon happens in Brazil with «fórró or carioca»⁵ funk artists whose careers are built under the protection and patronage of a specific criminal group. Attempts to leave the circuit or to perform in the «territories» of other cartels can lead to threats and attacks, which can be fatal.

A third group is related to artists killed by drug traffickers as a way of generating terror and establishing their authority over civil society when they take over territory. In 2021, in Oaxaca, a state in southern Mexico six young musicians were abducted and executed after three weeks when armed groups linked to drug cartels tried to take control of drug trafficking in the area. In Brazil, percussionist Renato Santos Evangelista Sobrinho was kidnapped after performing in the city of Camaçari, in the state of Bahia located in northeastern Brazil, and brutally executed. His killing was intentionally recorded and shared on social networks by those responsible. According to the Attorney General's Office and police authorities, the young man's killing is linked to the implementation of a «judgment» organized by drug traffickers operating in the region whose objective was to «judge» and execute those who owed them money or defied them.



IN 2021, IN OAXACA, A STATE IN SOUTHERN MEXICO SIX YOUNG MUSICIANS WERE ABDUCTED AND EXECUTED AFTER THREE WEEKS WHEN ARMED GROUPS LINKED TO DRUG CARTELS TRIED TO TAKE CONTROL OF DRUG TRAFFICKING IN THE AREA.

5 About fórró music: It is a musical genre, a rhythm, and a dance, as well as the event itself in which fórró music is played and danced, which originated in the northeastern region of Brazil. It encompasses several types of dance and musical genres.



The acerbic impact of drug trafficking violence on cultural production was a constant feature of 2021 in countries like Mexico and Brazil and a growing phenomenon both in countries historically affected by the scourge of drug trafficking and in Argentina where drug trafficking is beginning to feature. Threats through social networks, narco-banners, or attacks have affected artists, mainly in Mexico, Colombia, and Brazil.

IV. KILLINGS OF ARTISTS⁶

TREND: KILLING OF ARTISTS AS MEANS TO TERRORIZE CIVIL POPULATION

▶ COUNTRY: MEXICO

On January 17, members of a criminal gang (whose names have not yet been released by the authorities) kidnapped and executed Music Director and Producer José Carlos Baños Rojas, bassist and Singer Daniel Zaid Baños Rojas, and Audiovisual Producer José Luis Martínez Rendón, who in 2011 formed the group, Hijos de la Banda on the Ciruelo highway in Pinotepa Nacional, Oaxaca. According to the investigation and the family's testimony, the three members of Hijos de la Banda were killed because they recorded images related to illegal activity that no one was supposed to see.

According to the testimony of keyboardist Yair Martínez, «the boys' intention in visiting Oaxaca was to make a video focusing on the different cultures of the towns located near Oaxaca to put a spotlight on the different cultural activities that exists in the state. José Carlos, on vacation when he was killed, had wanted to take advantage of the time to create new music with his brothers and create content to upload to the group's social networks. (Personal communication).



ACCORDING TO THE INVESTIGATION AND THE FAMILY'S TESTIMONY, THE THREE MEMBERS OF HIJOS DE LA BANDA WERE KILLED BECAUSE THEY RECORDED IMAGES RELATED TO ILLEGAL ACTIVITY THAT NO ONE WAS SUPPOSED TO SEE.

⁶ The following cases are representative samples of the described trends since the total cases are developed in the original Spanish version.



TREND: THE KILLING OF ARTISTS ACTIVISTS WHO USE ART AS A MEANS TO FIGHT BACK CARTEL RECRUITMENT OF YOUNG PEOPLE

▶ COUNTRY: COLOMBIA

On December 27, 2021, a man identified as «Chamaquito» murdered singer Esnaider Javier Castillo in the city of Barbacoas in southwestern Colombia. Esnaider a cultural leader and singer in two folk ensembles, Changó and Lumbalú, performed traditional music from the Colombian South Pacific, such as the marimba. As a cultural leader, he used the teaching and dissemination of traditional music to keep young people away from drug trafficking.

On 4 January 2022, Chamaquito was arrested for Castillo's murder after being identified by several witnesses. According to Barbacoas Mayor Adams Rincón, Castillo's killing is potentially linked to the war over territory among armed groups that has operated in the region for the past years.

In April 2022, the Attorney General's Office charged Segundo Elicer Quiñones Cabezas, leader of the FARC dissident group «Ariel Aldana,» with aggravated homicide for the murder of Esnaider Javier Castillo.

TREND: KILLING OF ARTISTS WHO WERE RECRUITED AS SOLDIERS WHO WRITE AND COMPOSE FOR SPECIFIC CARTELS

▶ COUNTRY: BRAZIL

On September 9, 2021, forró singer Bruxo, also known as Romarinho Mec (given name Romário de Jesús), was murdered by Erik André Rebelo and Gabriel Fernandes, known members of the criminal gang Cartel do Norte, in the northwestern city of Manaus, in the Brazilian state of Amazonas. On April 20, 2021, Bruxo posted on his social networks that he had received death threats from Instagram and Facebook accounts related to the Cartel do Norte. The killers were identified by police using images from security cameras in the area and subsequently arrested on September 23, 2021.



According to their statement to the Manaus Civil Police, they killed Bruxo because, in his lyrics, the artist recognized and admired the rival criminal gang Comando Vermelho. On October 13, 2021, police officers arrested a third man, whose identity was kept secret, in connection with the murder.



In 2021, the state of Amazonas, and especially the city of Manaus, was rocked by ongoing violence due to the turf war between criminal gangs Familia do Norte (Família do Norte), Terceiro Comando Puro (Terceiro Comando Puro), Cartel do Norte and Comando Rojo. On September 10, 2021, during Bruxo's funeral, his friend and influencer Biber (née Illgner de Menezes) was killed by unknown gunmen shooting from a car. On August 28, 2022, Luanzinho, one of the suspects in the crime, was killed at his home in Manaus.



CADAL is a private, non-profit, non-partisan foundation, whose mission is to promote human rights and international democratic solidarity.

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