



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

TO:

Ollanta Humala Tasso, President of the Republic of Peru
Mr. Juan Jiménez Mayor, Minister of Justice and Human Rights
Ms. Carolina Trivelli, Minister of Social Inclusion
Mr. Manuel Pulgar-Vidal, Minister of the Environment
Mr. Wilver Calle Girón, Minister of the Interior
Mr. Oscar Valdés Dancuart, President of the Council of Ministers
Mr. Richard T. O'Brien, Newmont Mining Corporation, Headquarters
Mr. Carlos Santa Cruz, Newmont, Peru

CC:

Eduardo Vega Luna, Human Rights Ombudsman
United Nations Special Rapporteur on extreme poverty and human rights
United Nations Special Rapporteur on the right to food
United Nations Special Rapporteur on water and sanitation
United Nations Special Rapporteur on the right to health
United Nations Special Rapporteur on the situation of Human Rights Defenders
United Nations Working Group on Businesses and Human Rights
United Nations Working Group on Arbitrary Detention

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Personal Rights, Egypt*

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URGENT ACTION: Respect human rights of people protesting the Conga Project

ESCR-Net is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of approximately 230 organizations and individuals from 66 countries.

We write to express our grave concern regarding the rising violence and repression against protesters against the Conga mining project and the death of five people between July 3 and 5 of this year.

According to reports received, thousands of people have mobilized in recent months to express their serious concern about the impacts that the Conga project will have on the rights to water, food, health and adequate standard of living of the communities situated in the project area. They have warned that the mine threatens the means of subsistence of the directly affected communities and will result in increased levels of poverty and extreme poverty. There are also complaints about the lack of adequate consultation by the Government or the largest investor in the project, Newmont Mining Corporation. It has been reported that, during the State of Emergency imposed in the provinces of Celendín,

Hualgayoc and Cajamarca, protests were met with disproportionate police repression, resulting in the death of five people between July 3 and 5, 2012.

ESCR-Net expresses its collective indignation in the face of the tragic deaths of Eleuterio García Rojas, José Antonio Sánchez Huamán, José Faustino Silva Sánchez, Joselito Vásquez Jambo and a 17-year-old child, whose initials are C. M. A. We denounce the use of violence in all cases, including against protesters and the recent arbitrary and aggressive detention of Father Marco Arana. We note with concern the growing persecution and criminalization of human and environmental rights defenders in the context of mining mega-projects and we reject the suspension of civil liberties in response to socio-environmental conflicts. We remind the Government of Peru that the International Covenant on Civil and Political Rights, which Peru has ratified, establishes that all people have a right to life, a right to not be subjected to cruel, inhumane or degrading treatment or be arbitrarily detained. As such, the orders issued under a State of Emergency must be compatible with the full range of obligations of the State to respect, protect and fulfill fundamental human rights. We also note Peru's obligations under the International Labor Organization's Covenant #169, which Peru has ratified through Legislative Resolution 26253, and the recently adopted Law on Prior Consultation, N°29785.

Facing this situation, we collectively call on the Government of Peru to:

1. Guarantee the right to life and physical integrity, as well as security for protesters and human rights defenders who are exercising their right to free expression and association;
2. Take all necessary measures ensure that the use of force during protests is the minimal amount required to protect protestors and authorities;
3. Carry out an impartial and independent investigation into the above-mentioned deaths, prosecute those responsible and provide reparation for the damages caused;
4. Generate the necessary conditions for the peaceful and just resolution of the conflict, between the authorities, the company and the affected populations; and
5. Establish a good-faith dialogue about the Conga project and effective consultation mechanisms for all natural resource exploitation projects, in order to guarantee the participation of communities in decisions that affect them and promote the full realization of human rights.

We further urge Newmont Mining Corporation, main investor in the Conga project, to comply with its human rights obligations, in particular:

1. Publically denounce the use of violence against protestors who oppose the Conga project, and urge the Government of Peru to carry out a complete investigation of the incidents and assume remedial measures;
2. Practice due diligence to ensure that disproportional force is not used by the State to protect their investment interests, and
3. Facilitate open dialogue regarding the concerns expressed by the local population, with a view to promoting the effective right of participation and free expression. This includes the right to free, prior and informed consent for indigenous peoples who stand to be affected by such megaprojects.

Finally, we look forward to your response and remaining informed of any developments in the situation.

A handwritten signature in black ink, appearing to read 'C. Grove', written over a horizontal line.

Chris Grove, Director