



## **PEP EXPRESSES CONCERN FOR REPRESSION AGAINST HUMAN RIGHTS DEFENDERS IN ESPINAR, CUSCO, PERÚ**

28 July 2020

The Perú Europe Platform (PEP) expresses concern for the recent events taking place in the province of Espinar, Cusco, as a result of protests by communities living near the Antapaccay mining project. These communities have been suffering from the negative effects of mining extraction in the area for almost 40 years, and are currently experiencing an exceptional crisis because of the Covid-19 pandemic.

On 15 July, community leaders from Espinar reportedly called for an indefinite strike due to the Anglo-swiss mining company Glencore's refusal to provide a sum of 1,000 soles to each member of the population. They are in dire need of economic assistance as a result of the pandemic.<sup>1</sup> The population is entitled to this amount as part of the commitments Glencore made under the *Convenio Marco*, a framework agreement signed in 2003 by the mine (at that time owned by BHP Billiton) and the communities in the province of Espinar.

According to information received, the police and military forces have used tear gas and pellets to stop the protests, which led to pastures and a fire station being set on fire in the Camacmayo area. On 24 July, there were also reports of confrontations between the police and a group of young people in the district of Yauri. The troops used buckshot, firearms and tear gas, injuring five protesters who were taken to the hospital in Espinar. Two of them were 17 and 16 years old respectively. Doctor Gloria Cárdenas Alarcón, who works at the hospital, reported that three of the protesters suffered injuries caused by firearms. She also stated that she has been judicially harassed for denouncing the events; according to reports, she has been called to the prosecutor's office to testify and has been visited by the police at her place of work.

In this context, the situation of women human rights defenders is of particular concern. Mining activities in the area have had severe adverse effects on the communities living near the mine, who suffer the consequences of heavy metal contamination in their blood and also in the water that they consume and use for agriculture activities<sup>2</sup>. Women in particular have suffered from the negative effects of mining, in terms of health, food, work and economic issues. Accordingly, women are the ones who have gone out to protest in large numbers and they are the ones who have been most affected by abuses by the police forces, with local and social media reports of physical assaults and sexual violence.

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<sup>1</sup> The COVID-19 pandemic has affected 48 Glencore workers, who have continued to work during the pandemic despite this now being an essential activity. This has impacted people in Espinar, who largely live from farming, small and medium-sized businesses, and services.

<sup>2</sup> 506 people from 6 communities near the mining operation have been registered, of whom 100% have detectable biological levels of toxic metals. Agricultural and livestock production is affected, there is an increase in animal mortality and contamination of the Cañipía and Salado rivers, and communities also suffer from the dust from mining transportation and explosions from their operations.

As institutions and networks that promote and defend human rights, we reject all acts of harassment and the criminalisation of social protests. On 6 July, the Constitutional Tribunal of Peru published an historical ruling recognising the right to protest as a fundamental principle and a right on its own merit<sup>3</sup>. PEP warmly welcomes this ruling and calls on the Peruvian authorities to refrain from using the justice system for economic purposes, as this is currently the case against community leaders in Espinar: we have learned of investigative measures taken by the prosecutor's office for crimes that have not been committed<sup>4</sup>, without investigating the causes of the social protest and the demands of the people of Espinar. It should be remembered that judicial investigations have been repeatedly used in Espinar and other parts of the country with the intention of preventing community leaders and others from defending their human rights.

We are also concerned about a recent campaign to stigmatise community leaders from Espinar and about the fact that the mining company has recently started a strong media campaign to promote "Reactivate Peru". Rather than facilitating dialogue, this generates mistrust amidst the indefinite strike.

Peruvian human rights organisations Derechos Humanos sin Fronteras, Red Muqui, CooperAcción and the Coordinadora Nacional de Derechos Humanos, have called for dialogue through various channels and have asked the authorities to guarantee the protection of human rights for the people of Espinar. Likewise, PEP welcomes the efforts of the national government to reinstate a dialogue through the formation of a high-level delegation formed to discuss fundamental issues for the people of Espinar. It is important to stress that there is a pending historical agenda that is yet to be resolved in Espinar, such as the revision and reformulation of a new framework agreement, to deal with the health and environmental issues caused by mining activities, and to remedy the lack of consultation so far for the Antapaccay mine and the Coroccohuayco mine that is due to commence operations. We therefore hope that this dialogue takes into account all pending issues and that it meets the requirements for a successful dialogue, including guarantees for a participatory and horizontal dialogue.

In the light of the above, and to comply with the recommendations of the Special Rapporteur on Human Rights Defenders following his visit to Peru in January, we ask the Peruvian authorities:

- To stop all acts of criminalisation of social protest and harassment against human rights defenders and ensure that human rights violations committed by public forces are properly investigated, and to guarantee that the legitimate activities of human rights defenders are protected, including their constitutional right to protest.
- To create a special team of prosecutors in charge of promptly investigating all acts of physical and sexual violence against women human rights defenders that are carried out by security forces, including the police, the army, private security personnel or mine employees, within the context of

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<sup>3</sup> <https://idl.org.pe/tribunal-constitucional-reconoce-por-primera-vez-el-derecho-fundamental-a-la-protesta/>

<sup>4</sup> On 15 July, eight leaders of the main organisations in Espinar (Comité de Lucha de Espinar, Frente Único de Defensa de los Intereses de Espinar (FUDIE) and Construcción Civil Espinar) have received notice, under the process of crime prevention by the Public Prosecutor's Office for "committing a crime against the Public Administration, in the form of Resistance or disobedience to the Authority, as set out in article 368° of the Penal Code, to the detriment of the State" which has a clear aim to intimidate, criminalise and disperse the protesters.

carrying out stop and search activities to vehicles and all other measures adopted by the State in order to mitigate the protests.

- To strengthen their efforts to resolve the conflict in a peaceful manner, in a region where the right to health and life and the right to a clean and safe environment have been systematically violated by the Antapaccay mine, owned by Glencore.
- Finally, to ensure that the recent commitment to begin a dialogue between the government and the population takes place promptly and effectively, without further delay, as was the case last Monday, when the dialogue was cancelled at the last minute by national government authorities, which only serves to increase the local population's lack of trust.

### **Plataforma Europa Perú**

- *Asociación pro derechos humanos de España (España)*
- *Asociación Putumayo (Bélgica)*
- *Broederlijk Delen (Bélgica)*
- *Catapa (Bélgica)*
- *Centro de Investigación y Documentación Chile-América Latina (Alemania)*
- *Commission Justice et Paix (Bélgica)*
- *Entraide et Fraternité (Francia)*
- *Entrepueblos (España)*
- *FOS (Bélgica)*
- *Informationsstelle Peru e.V. (Alemania)*
- *Kampagne "Bergwerk Peru – Reichtum geht Armut Bleibt", Campaña Perú País Minero (Alemania)*
- *Peru Support Group (Reino Unido)*
- *Peru Kommiten for MR (Sweden)*
- *Secours Catholique (Francia)*
- *11.11.11 (Bélgica)*