



**NGO in Special Consultative Status with the Economic and Social Council of the United Nations**

**And Associated with the Department of Public Information of the United Nations**

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Ms. Navi Pillay  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais Wilson  
52 rue des Pâquis  
CH-1201 Geneva, Switzerland.

July 11, 2012

Dear High Commissioner Navi Pillay,

As of July 9<sup>th</sup>, 2012, Peruvian security forces have killed four men and one teenager (César Medina Aguilar 17, Eleuterio García Rojas 40, José Silva Sánchez 35, Jambo Joselito Vásquez 28, and José Antonio Sánchez Huamán 29) in the course of repressing anti-mining protests in the Cajamarca region of Peru. The violent clashes between security forces and protestors on July 3<sup>rd</sup> and 4<sup>th</sup> also left a score of protestors seriously wounded.

These tragic incidents of violence are not isolated occurrences, but instead represent an escalation of more than six months of repressing peaceful anti-mining protests. Focusing their criticism on the Conga gold-mining project, local Cajamarca communities and organizations have consistently protested the proposed \$4.8 billion mine. Residents fear that the mine will seriously increase water pollution and decrease irrigation to nearby fields while offering few benefits to the local community.

In response to the growing tension, the Peruvian government enacted a state of emergency in the provinces of Cajamarca, Hualgayoc and Celendín on July 6<sup>th</sup>. This measure severely curtails the basic human rights of local populations, including harsh restrictions on the right of assembly and of the free movements of persons. In spite of these restrictions, protests in the area continue to draw peaceful mass participation.

We, the undersigned organizations, express our deep concern at the continued escalation of human rights abuses, acts of police brutality, and suppression of free speech in Peru. We stand in solidarity with the Peruvian people and strongly condemn the violent acts of overzealous government security forces.

To begin to remedy this situation, we request the assistance of the OHCHR in advising the President, Ollanta Humala, and the officials of the Peruvian Government to:

- Immediately lift the state of emergency in the provinces of Cajamarca, Celendín and Hualgayoc in the Department of Cajamarca;
- Immediately release all detainees associated with this protest;
- Conduct an open and transparent investigation into the deaths, injuries, and other possible crimes that may have been committed;

- Immediately take action to ensure that repressive violence by agents of the state will cease;
- Immediately cease judicial and police harassment and arrests of those who protest against the Conga mining project and protect the lives and human rights of the protestors;
- Initiate a process of dialogue with the population of the regions in conflicts and other stakeholders to achieve a peaceful resolution.

In addition to these measures, we call on the Newmont Mining Company to:

- Ensure that company actions are fully within the written law.
- Halt all action on the Conga mining project until a sincere consultation and dialogue has been undertaken with the affected communities, and until their free, prior, and informed consent for the mine's development has been given. This basic step is critical to ensure a long-term cessation of violence and the sustainable development of a beneficial mining venture.

As a final note on the extractive endeavors of the Newmont Mining Corporation and the Peruvian government, we acknowledge the development needs of Peru and the material benefits that a mining operation can bring. However, such extractive industries must always be undertaken with unyielding respect for the human rights of the local people – a respect that encompasses the right of people to their lives and safety, the right to clean drinking water, and the right to be consulted before any change is made to their traditional lands and resources. These fundamental rights, including the right of free and prior informed consent for indigenous peoples outlined in ILO document 169 (a document which Peru ratified in 1994), must be respected in the future if the Conga mining project wishes to operate responsibly.

Thank you, **Ms. Pillay**, for any assistance you can offer in response to this serious incident.

Sincerely,  
Zelia Cordeiro and Felix Jones  
VIVAT International

Cc: Ivan Simonovic - Assistant Secretary-General for Human Rights,