

6 July 2017

Peru: Ten Aymara community leaders face jail sentences

On 6 July 2017 at the Collegial Criminal Court of the High Court of Puno, Peru, another hearing will be held in the ongoing trial against **18 Aymara community leaders** criminally indicted on charges of obstruction of public services, disturbing the peace, and aggravated extortion. The charges are in connection with the human rights defenders' activities campaigning against the Santa Ana mining project owned by the Canadian company Bear Creek Mining Corporation. During the previous hearing on 28 June 2017, indictments were withdrawn against eight of the leaders. However, the remaining ten human rights defenders face between 16 to 28 years in prison, in addition to fines of over two million dollars.

[Aymara communities](#) in Puno have organized and mobilized themselves in order to campaign against mining activities that could cause irreparable damage to the environment, as well as to the indigenous communities' water sources in the region, such as the Callacami and Desaguadero Rivers. The indigenous communities have also been requesting that their right to prior, free and informed consent be respected in relation to projects carried out on their land, as enshrined in both national laws and international human rights covenants. Aymara communities have been accompanied by **Derechos Humanos y Medio Ambiente Puno – DHUMA (Human Rights and Environment Puno)**, a non-governmental organization that promotes the defense and enforceability of the rights of indigenous peoples and the environment in Puno, Peru.

The ongoing trial is related to the mobilization organized by Aymara communities - known as "Aymarazo" - that took place in Puno in 2011. At that time, the communities organised several protests against the "Santa Ana" mining project owned by the Canadian company Bear Creek Mining Corporation. The communities voiced concerns that the project would have negative impacts on the environment, and would pollute their water sources. As a result of several weeks of protests, the government repealed the license that authorised the mine. However, 18 community leaders were criminally charged with the alleged crimes of obstruction of public services, disturbing the peace, and aggravated extortion.

On 28 June 2017, as the closing arguments of the trial began, the prosecutor withdrew the accusations against eight of the 18 community leaders due to lack of evidence. However, the other 10 community leaders face sentences ranging from 16 to 28 years in prison and fines totaling over two million dollars. The human rights defenders still facing prison sentences are **Walter Aduviri Calizaya, Patricio Illacutipa Illacutipa, Rufino Machaca Quinto, Domingo Quispe Tancara, Javier Pari Sarmiento, Eddy Uriarte Chambilla, Gregorio Ururi Fernandez, Severo Efrain Iturry Gandarrillas, Gilver Chura Yupanqui and Felix Illacutipa Mamani**. The next hearing is due to take place on 6 July 2017 and the ruling is expected to be released soon after the hearing.

The Inter-American Commission on Human Rights has said that "*social demonstration is important for the consolidation of democratic life and that, in general, this form of participation in public life, as an exercise of freedom of expression, has a crucial social interest. In many of the countries of*

the hemisphere, social protest and mobilization have become tools to petition the public authorities, as well as channels for public complaints regarding abuses or human rights violations”.

Front Line Defenders has [previously reported](#) on the difficult situation that human rights defenders in Peru often live and work in, including being the direct targets of intimidation, death threats, physical attacks, killings, surveillance, stigmatisation, smear campaigns and judicial harassment. These violations appear to be directly related to the legitimate and peaceful human rights activities carried out by the defenders, including supporting local communities campaigning for their rights in the face of mining projects that affect them. In March 2017, Front Line Defenders also [concluded](#) that the country has repeatedly failed to provide protection for human rights defenders carrying out their work. Despite the approval of the Law on Prior Consultation in 2011, the government has continued to issue mining and extractive licenses without prior consultation with local indigenous peoples and has resorted to violence and criminalisation against social leaders in socio-environmental conflicts related to extractive projects.

Front Line Defenders expresses concern over the ongoing criminalization against the Aymara community leaders and calls upon authorities in Peru to immediately drop all charges against them, which it believes to be directly linked to their peaceful and legitimate work in defence of human rights.

Front Line Defenders urges the authorities in Peru to:

1. Immediately drop all charges against **Walter Aduviri Calizaya, Patricio Illacutipa Illacutipa, Rufino Machaca Quinto, Domingo Quispe Tancara, Javier Pari Sarmiento, Eddy Uriarte Chambilla, Gregorio Ururi Fernandez, Severo Efrain Iturry Gandarrillas, Gilver Chura Yupanqui and Felix Illacutipa Mamani**, as Front Line Defenders believes that they are being criminalized solely as a result of their legitimate and peaceful work in the defence of human rights;
2. Take all necessary measures, in consultation with the human rights defenders, to guarantee their physical and psychological integrity and security, as well as of their families and legal representatives;
3. Refrain from misusing the justice system to intimidate, harass and discredit human rights defenders;
4. Guarantee in all circumstances that all human rights defenders in Honduras are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw attention to Article 5 (a and b): *“For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully; (b) To form, join and participate in non-governmental organizations, associations or groups;”* and to Article 12 (1 and 2): *“(1) Everyone has the right, individually and in*

association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. (2) The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson
Executive Director

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