

Criminalisation of Social Protest related to Extractive Industries in Latin America

Introduction

The expansion of extractive industries is a key pillar of the macroeconomic strategy of states throughout Latin America, with a number of these states seeing extractives as a vehicle for social investment and poverty reduction. However, there is no overall consensus about the benefits of the extractive model and increasingly resistance to it has been met with harsh rhetoric, violent repression and the criminalisation of opponents. In mid 2008 in the Peruvian Amazon, for example, 33 people were killed when the police violently repressed a protest march against a series of decrees intended to unblock stalled mining projects approved under Peru's Free Trade Agreement with the USA.

Communities can be opposed to extraction for a range of reasons: on the whole, extractive companies have a poor record in respecting the rights of the communities their operations affect. Common complaints include severe damage to the environment and water resources, due to the release of toxic substances through mining processes or accidental spills; negative health impacts on surrounding communities, especially skin and respiratory problems; forced displacement of communities and the destruction of ancestral land which has spiritual and hereditary significance for indigenous people. Lack of prior consultation with communities and the violation of hard-won constitutional and legal rights related to water, land, the environment and collective rights are additional problems.

In Latin America traditional channels for the expression of opinion and opposition are highly circumscribed. In this context, social protest and mobilisation are a way in which people can publically exercise their freedom of expression and association. Common tactics such as road blockages and demonstrations are often the culmination of many months or years of attempts to be heard through dialogue. Democratic states have a duty to allow protests to happen, and indeed to provide protection when they do. But in Latin America, protest – and

The Inter American Human Rights Commission on Criminalisation

“Criminalizing legitimate social mobilization and social protest, whether through direct repression of the demonstrators or through an investigation and criminal prosecution, is incompatible with a democratic society in which persons have the right to express their opinion” (§217)

“[S]tates have the obligation to ensure that no human rights defender is prevented from meeting or publicly expressing him or herself, which means that the state authorities must abstain from preventing the exercise of this right and must also take measures to ensure that others do not prevent it. States also must take the administrative and law enforcement steps necessary to enable defenders to carry out their activities, which includes positive steps such as detouring traffic and providing police protection for demonstrations and rallies, where necessary” (§54)

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particularly that related to large investment projects - is routinely met by direct repression and with the abuse of judicial procedures to convert legitimate protest into criminal acts. The aim of criminalisation is to create fear, tarnish reputations, weaken resistance, force opponents to expend time and resources defending themselves and to justify the use of force against them. Ultimately states and companies want to weaken and neutralise resistance so that large scale extractive projects can proceed.

In this document we explore the role that states and companies play in perpetrating and benefiting from criminalisation, explain why this trend is of concern and make recommendations to international institutions concerned with protecting the basic rights of ordinary citizens. This includes the right to protect the environment and contest macroeconomic policies which they do not believe will be to their long-term benefit.

1. The role states play

Criminalisation by state forces is orchestrated at various levels: by security forces in the way they respond to social protest; by prosecutors and judges in the way existing laws are applied or interpreted, and by legislators in the way new laws are created or adapted.

1.1 Arbitrary use of existing legal framework to criminalise protesters

States criminalise protesters by charging them with existing criminal offenses, such as illicit association, public intimidation, coercion, sabotage, incitement to violence, kidnapping, and terrorism.

These terms are often defined so broadly in the penal code, that they are open to arbitrary interpretation by judges, who apply them to human rights defenders. In some countries, the laws date back to notorious autocratic regimes or periods. For instance, in Peru, “extortion” – whose motive is normally purely economic gain – is defined to include motives of any other kind.¹ This leads to confusion between this crime and that of kidnapping, thus facilitating a broad interpretation that is more severe towards criminalised defendants. For example, the crime of extortion has been applied to impeding the circulation of traffic or the normal working of public services. In Mexico, the ambiguous definition of kidnapping has led to charges against community leaders when they restrict the mobility of public officials.² Other terms such as ‘terrorism’ or ‘hostile groups’ are also interpreted in order to characterise human rights defenders as delinquents, their activities as crimes, and their organisations as criminal associations.

These serious crimes are not meant to refer to the peaceful exercise of the rights to freedom of speech and association, and carry long sentences. In countries such as Brazil and Peru the sentences can be aggravated when more than one person is involved in the crime, the crime is committed repeatedly, or multiple crimes are perpetrated simultaneously. This is easily misused in the context of social protest actions, by charging several protesters with multiple offenses (such as ‘sabotage and terrorism’).³ The result is that actions such as placing obstacles on roads are considered, in terms of the sentences they carry, as grave as incapacitating or murdering a person.

However, the defendants are not always convicted, as there is usually no evidence to corroborate the claims, and many cases end up being archived. In Guatemala, there were 567 cases of legal proceedings against human rights defenders between 2004 and 2008, of which 60% were dropped by 2008 and only one led to a sentence. The impact of this type of criminalisation on the lives of human rights defenders is nevertheless significant, ranging from travel restrictions to employment interruptions, legal expenses, trips to police offices or court houses and the fear of arrest.⁴ These restrictions can pursue defenders for years and serve to demoralise and dissuade defenders from future action.

} Criminalisation in breach of legal framework

Criminalisation is also characterised by a broader context of forceful repression, disregard of due process, human rights abuses, harassment, and militarisation.

Across Latin America, police and military forces criminalise protesters by responding with excessive – at times lethal – force in proportion to the situation. Protesters are routinely beaten, and cases have been reported of torture and sexual violence in military and police custody. In many cases, due process is denied, with detainees being held incommunicado, without charge, for extended periods of time, denied legal assistance, or being brought before military courts.⁵

Beyond these types of human rights abuses during and in the wake of protest actions, states also harass human rights defenders over time to deter them from protesting extractive projects. Human rights defenders are subject to arbitrary arrests, threats, intimidation, and defamation by media channels.

In late 2010 one of the alleged victims of the Majaz torture case commented that as more and more cases of spurious accusations against extractives opponents are dropped due to lack of evidence in Peru, the strategy of harassing people through the use of laws seems to be shifting to one of *militarisation*.⁶ By maintaining overly vague definitions of concepts such as “hostile groups” or criteria for states of emergency, military forces are able to mobilise in response to protest actions that normally would not justify domestic military deployment.⁷ This is the case in for example Peru, Ecuador, Mexico and Guatemala. In countries such as Colombia, armed forces will set up on a more permanent basis in areas where extractive activities are taking place. This militarisation causes everyday life around mining areas to become increasingly controlled and regulated by armed actors, thus driving up social tension and making it easier for harassment, threats, disappearances and murders to take place away from normal public scrutiny.⁸

Repression and criminalisation at the Majaz Mine in Northern Peru

Peru - a country with a long history of mining exploitation - is perhaps the country where the strategy to criminalise has been most developed. In the case of just one project, the Majaz copper mine in the north of the country, 700 people including local authorities, teachers, activists, lawyers and members of social organisations have been accused of a range of criminal activities including terrorism, kidnapping and incitement to crime. In 2005, following a march protesting against mine activities, 29 people were held within the Majaz mining camp for 3 days and allegedly tortured by members of the mine’s private security company and the police. One of the 29 was killed. Graphic photos of the alleged torture and murder appeared in the Peruvian media in early 2009. These appear to show the public prosecutor inside the camp witnessing the abuse. Instead of denouncing the abuses, the prosecutor denounced 107 people for a range a crimes. After 5 years of delays within the legal system only 2 cases have proceeded to formal accusations, in spite of a lack of legal foundation and evidence. A legal process against the UK company, Monterrico Metals, who owned the mine at the time, is currently pending at the High Court in London.

} Adapting the framework to criminalise social protest

In a worrisome trend, several Latin American states have moved toward adapting their legal framework to criminalise acts of social protest, to legalise government response or to secure impunity for police and army personnel.

In countries like Ecuador, Mexico and Peru, the penal code is modified in such a way that common practices in social protest coincide with conducts that can be qualified as criminal offenses. In Mexico and Panama, modifications to the penal code have been adopted or

proposed to adapt crimes such as attacks on traffic routes, kidnapping, terrorism, vandalism, and organised crime.⁹ In July 2010, President Correa of Ecuador submitted a legislative proposal to adapt the penal code, which included increasing sanctions for crimes such as closing public roads, introducing the accumulation of sentences to up to 15 years when more than one crime is committed, and widening the definition of possible perpetrators through the concept of ‘illicit association’.¹⁰ Peru has adapted laws to allow detainees to be held incommunicado for up to 10 days regardless of the crime, to permit arrests without warrant up to 24 hours after and at undetermined distance from the crime, and to relax criteria for hiring police officers for private security services (for example, they are allowed to use their public uniforms and arms).¹¹

In other cases, laws are passed to increase the scope of police and military intervention or reduce the likelihood of accountability in the case of abuses. For instance, in Peru, the García government recently passed a number of decrees which facilitate military intervention in internal order matters; declare military and police personnel free from prosecution in the case of deaths caused while fulfilling their duties; increase the scope of military jurisdiction to include ordinary crimes and human rights abuses and endanger the impartiality of military courts by allowing judges and prosecutors to simultaneously hold positions within the army.¹²

2. How companies benefit

Criminalisation on the part of state actors clears the way for extractive companies: effectively, the state takes care of opposition so that projects can go ahead. So, companies benefit indirectly from criminalisation. However, to secure their operations, companies are also known to undertake concrete actions and take direct part in the strategy of criminalisation. In Ecuador, for example, companies denouncing their opponents is a common practice, and there is even a documented case of a company denouncing a judge who had found in favour of leaders who had mobilised against the operations of extractive companies. Beyond this, companies contract armed forces of the state and private security firms for security; use armies and paramilitary groups to clear land for extractives investment and contribute to the control and repression of unionised workers. In addition, the potential for serious conflicts of interest emerges with the way in which extractives companies have influenced law-makers and the diplomatic community and given patronage to politicians.

In the short term support for the violent oppression of peaceful protest and other forms of criminalisation may seem the easier solution for companies and serve their economic interests. However, in the long run it could turn out to be a costly exercise – not only for victims, but also for companies themselves. Such potential costs are highlighted in a report from the UN’s special Representative on Business and Human Rights.¹³

} Companies collude in, and benefit from, the militarization of extractive activities

Companies have contributed to militarization by contracting armed forces of the state and dubious private security firms to provide security.

A recent study of four Canadian firms operating in Colombia found that they had all used ex-army for their security.¹⁴ In the past, the British company BP was condemned for paying US\$54-60 million to an army brigade notorious for human rights abuses for protection. BP was also found to have contracted a private security firm to give “lethal military training” to police forces for security.¹⁵ Other European companies operating in Colombia have explicitly acknowledged influencing decisions regarding personnel changes in army battalions dedicated to their security.¹⁶

In neighbouring Ecuador, in 2001 an agreement was signed between the armed forces and transnational oil companies for the provision of security. This agreement was terminated in 2005, but in January 2006, a new specialist department was created within the armed forces to provide security to oil companies. Moreover in 2007, the government issued a decree still in force today, allowing oil fields to be militarised.

The behaviour of private security firms also raises serious concerns. In Peru, private security firms have been involved in alleged torture (see Box 2); conducted illegal surveillance activities, and employed ex-criminals who are alleged to have intimidated, threatened and abused communities near a mine site.¹⁷ Despite these infractions, private security firms enjoy widespread impunity as a result of lax judicial controls. There are also concerns about the increased blending of the state's elite security sector with the provision of security for private companies. In the case of Peru, private security firms are legally allowed to contract police in their free time – however it is suspected that in practice, mostly elite anti-subversive units are contracted for these jobs.¹⁸

There are a number of problems associated with companies using (ex) army and elite police forces for security. Firstly, it privatises what should be a public service and privileges company security over the security of a country's own citizens. Secondly, the use of special elite anti-subversive units implies that war is being declared on protestors exercising their right to demonstrate. Thirdly, particularly in the Colombian context, there are proven links between certain army units and extra-legal paramilitary groups. Fourthly, even if companies are not directly involved in abuses, they risk benefiting from human rights violations committed by others in defence of their interests.

Army or paramilitary forces have also been used to clear land for extractives investment. This is not a new phenomenon - the Permanent People's Tribunal has condemned cases as far back as the mid 1990s in Colombia.¹⁹ Nevertheless, a new interest in hydrocarbons and mining appears to be fuelling such processes (see Box 3). In the Colombian context, companies can run a significant risk of benefiting from earlier appropriations of lands and titles, even if they were not directly involved and despite any policies or best intentions. This is due to the history of massive theft of land by paramilitaries, their insertion into local and regional political and economic structures and the continued presence of re-armed paramilitary groups.²⁰

1 Repression and Criminalisation of the Union Movement

Companies also benefit from the control and violent repression of workers and union members. Colombia is the country where unionised workers are most at risk in the world. Since 1986 at least 2,778 have been assassinated.²¹ In some instances it has been proven that companies have used paramilitary groups to infiltrate union movements, as in the case of the Spanish services company Union Fenosa which used members of the Colombian AUC paramilitary group to infiltrate an affiliate organisation.²²

Mining Expansion, Army and Paramilitary Activity

“First the armed forces of the state come in to clear the land and get rid of the guerrilla. Afterwards, when there are no guerrillas in the area, that is when the paramilitary groups appear to carry out massacres in the indigenous and campesino communities... paramilitary groups supposedly demobilised in 2006, but systematic massacres have continued. It's a strategy to clear the land so that multinational companies can take over our territory.”

- Indigenous Leader, Colombia (2010)¹

“We can see how some Canadian companies [...] have established schemes of paramilitarism, in order to divide [and] intimidate, [...] communities, and to impose mining activities”

- Alberto Acosta, former minister of Energy and Mines, Ecuador (2010)¹

Repression and criminalisation of the oil workers union in Colombia (USO)¹

Between 1998 and 2007, workers affiliated to USO were the subject of:

Criminal proceedings:	900
Fired for participation in strikes:	250
Detentions:	30
Assassinations:	105
Wounded in assassination attempts:	35
'Disappearances':	2
Death threats:	300
Kidnappings:	6
Internal refugees:	400
In exile:	4

} Risks Associated with Powerful Extractives Lobby

The power wielded by companies in Latin American countries means that there are not only asymmetries with communities, but with states as well. The Spanish hydrocarbon giant Repsol, for example, is known as “the Octopus” throughout the region because it has tentacles into so many states.

Companies wield their influence in a number of ways. Close collaboration with the legislature is demonstrated by the fact that the same lawyers who work for extractive companies have been involved in drawing up legislation for the sector in Peru and Colombia.²³ In the case of Colombia, and as part of a technical assistance programme supported by the Canadian International Development Agency (CIDA), agents or intermediaries for Canadian companies were contracted as experts to help the Colombian government reform its mining law.²⁴

Other studies have documented how companies have used irregular practices to gain titles and concessions, and have sought political allies that are able to regulate land use.²⁵ Antonio Brack, current Minister of the Environment in Peru, was the President of the National Environment Council (CONAM) whilst at the same time serving as an advisor to mining companies. Brack also made television programmes financed by mining companies which examined the potential environmental impacts of mines.²⁶ A mining company has also been found to be financing the 2011 election campaigns of Peruvian parliamentary candidates.²⁷ Whilst such patronage and the use of mining company lawyers to reform mining laws may not be illegal, they do demonstrate the potential for a serious conflict of interests.

Companies also influence the foreign diplomatic community. Wikileaks recently published a diplomatic cable which exposed the contents of a meeting in Peru between foreign mining executives and diplomatic representatives from a number of countries. The companies urged the diplomats to use their influence to persuade the Peruvian government and church leaders to ‘rotate’ “anti-mining” teachers and Catholic Bishops away from mining areas.²⁸ According to a Peruvian analyst, criminalisation intensified after this meeting, including an intimidation campaign against Catholic priest Marco Arana following his support to communities affected by the Yanacocha gold mine and the harassment and rotation of teachers to different communities.²⁹

3. Conclusions and recommendations

Criminalisation of social protest occurs in various different forms, all of which are problematic in terms of respect for human rights and democratic principles. The examples given in this document demonstrate a structural and systemic problem throughout the continent. The increasing trend in Latin America of resorting to such practices or adapting the legal framework to mainstream them is a cause for serious concern. The use of natural resources is essential to our existence; however those who benefit carry a responsibility to ensure that this is done with respect for human rights, the environment, and the livelihoods of indigenous communities. One step is to ensure that communities are able to defend their rights in an environment that is safe and free from persecution.

} Recommendations for the EU and Member States

- The EU should pressure authorities in Latin America to fulfil their obligations to protect human rights defenders through tangible measures and monitor the implementation of such measures.
- At the highest level EU Foreign Policy should respond publicly to stigmatisation of defenders by reaffirming the importance of their work and ensure wide dissemination of these statements through the media.
- Through its Delegations in Latin America the EU should use its influence and expertise to advance a full implementation of the EU guidelines on human rights defenders, a commitment adopted by all member states in 2004, and revised in 2008.
- The EU should systematically monitor legal proceedings against human rights defenders (including through trial observation), visit human rights defenders in custody and express public support for defenders and their families.
- To protect human rights while promoting investment, European governments must ensure that European companies investing overseas respect the full range of internationally recognised human rights standards. Companies should be required to report on the human rights risks and impacts of their operations.

} Recommendations for Companies

When states are unwilling or unable to protect human rights, an additional burden of responsibility falls onto company efforts to respect these rights.

- Companies should take all necessary measures to become aware of, prevent and report on the risks of human rights violations that may occur, or have occurred as a result of their operations, or operations under their control such as those of subsidiaries. This would include:
 1. ensuring that they neither actively support, benefit from, or are silent in response to the criminalisation of social protest;
 2. ensuring that personnel used in their security are not responsible for human rights abuses currently or in the past;
 3. ensuring that their security provisions do not contribute to organised crime;
 4. ensuring that they are not inadvertently profiting from murder and land theft, and that their operations do not reward paramilitaries for their crimes;

5. ensuring that all workers have the freedom to join or form a union of their own choosing, and that they are able to do so without fear of any repercussions or persecution.
- Companies should refrain from using their influence with law-makers, diplomats and politicians in ways which could infringe the rights of local communities and lead to human rights abuses, however inadvertently.

} Recommendations for the UN

- Follow-up to the UN Special Representative on Business and Human Rights' mandate should look at how to prevent national law being used to criminalise protestors. Any follow up mechanism should include investigative powers. This would imply that the reference point (special reporter or working group) could receive communications and select and investigate a number of emblematic cases. The mechanism should have powers to make specific recommendations to states and companies.
- A number of UN Special Rapporteurs and Representatives, including the Special Representative for Human Rights Defenders, have made recommendations regarding the criminalisation of human rights defenders in their work. Recommendations made by different representatives should build on and take into account previous recommendations.

References

¹ See Legislative decree 982 of 22 July 2007

² These grave accusations also serve to permit the authorities to hold the defendant in preventative custody, as the crime is too serious to allow the person to stand trial while in liberty. In: DPLF, *Criminalización de los defensores de derechos humanos y de la protesta social en México*, July 2010.

³ Articles 29, 69 and 71 of the Brazilian penal code have been used to this effect. In: FIDH, *La protesta social pacífica: ¿Un derecho en las Américas?* October 2006, No. 460/ 3. For Peru, see APRODEH, *Serios peligros para los derechos humanos: la criminalización de la protesta en el gobierno de Alan García*. March 2008

⁴ UDEFEGUA *Situación de la Criminalización en Guatemala: Informe de Casos 2004-2009*. 2010

⁵ For one compilation of cases from across the continent, see FIDH 2006 op.cit.

⁶ Author's interview with Mario Tabra, 5.11.2010

⁷ The Ecuadorian government invoked the State of Emergency 77 times between 2000 and 2006. in: FIDH 2006 op.cit. p 49. Article 3f of Peruvian Legislative decree 1095 of 1 September 2010 defines 'hostile groups' as minimally organised groups that intend to face the state with firearms, sharp or **blunt arms**. Legal defence groups fear that protestors wielding stones or sticks could provoke an army response. In: IDL, *Justicia militar legislación delegada e impunidad en Perú*, Submission to the IACHR, mimeo, October 2010.

⁸ In Guatemala, a State of Exception was declared in June 2008 following protests against mining company Cementos Progreso. After 15 days, military occupation was lifted and the affected communities filed 21 complaints of abuse by armed forces including rape and pillage. In: Sodepaz, *La ambición individualista disfrazada como "desarrollo"*, mimeo, October 2008. For Colombia, see: MiningWatch Canada and CENSAT-Agua Viva written for Inter Pares, *Land and Conflict Resource Extraction, Human Rights, and Corporate Social Responsibility: Canadian Companies in Colombia*, September 2009

⁹ See DPLF, *Criminalización de los defensores de derechos humanos y de la protesta social en México*, July 2010 and FIDH 2006, op.cit., pp 66-74

¹⁰ Letter no. DPR-O-10-81, July 9th 2010 in: Mérida Pumalpa INREDH, *Nuevo escenario para la Criminalización a los defensores y defensoras de derechos humanos*, mimeo, December 2010

¹¹ In respective order: Legislative decree 988 (modifies Law N° 27379 on exceptional measures limiting rights in preliminary investigations) of 22 July 2007, Legislative decree 989 (modifies Law N° 27934 on the involvement of police and public ministry in preliminary criminal investigations) of 22 July 2007, and Supreme decree N° 004-2009-IN (regulation for rendering extraordinary services complementary to the police function) of 15 July

2009. In: APRODEH, *Informe respecto de las restricciones al libre ejercicio a la libertad de expresión, reunión, a la asociación y a la vida, en el marco de la conflictividad social existente en el Perú*. mimeo, March 2010

¹²In respective order: Legislative decree 1095 (new law on domestic use of force by armed forces) of 1 September 2010, Legislative decree 982 (adapts penal code) of 22 July 2007, Legislative decrees 1094 (new police and military penal code) and 1095 of 1 September 2010, and Legislative decree 1096 (modifies Law N° 29182 on military and police jurisdiction) of 1 September 2010. In: IDL (2010) op.cit.

¹³ See A/HRC/14/27, April 2010, p15 For detailed CIDSE recommendations to the UN Special Representative regarding his final report see CIDSE, *Protect, Respect and Remedy Keys for implementation and follow-up of the mandate, 3rd submission to the UN Special Representative on Business and Human Rights*, October 2010

¹⁴ MiningWatch Canada and CENSAT-Agua Viva for Inter Pares (2009), op. cit.

¹⁵ Cited in Sharon Beder, 'bp: Beyond Petroleum?' in *Battling Big Business: Countering greenwash, infiltration and other forms of corporate bullying*, edited by Eveline Lubbers, Green Books, Devon, UK 2002, pp26-32.

¹⁶ Anglo American, BHB Billiton and Glencore all recognised expressly that they chose the commander of the battalion charged with security at the Cerrejon coal mine in northern Colombia. Cited in Sentence of Permanent People's Tribunal (PPT), August 2008

¹⁷ Fr Marco Arana and his NGO Grufides were subject to an intimidation and surveillance campaign code-named 'The Devil Operation' in 2006. In the same region, La Republica newspaper found evidence of ex criminals contracted to guard a mine belonging to Miski Mayo, an affiliate of the Brazilian company Vale do Rio Doce. See 'Minera Miski Mayo impone proyecto con grupo de delincuentes armados', *La Republica*, 01.07.2007 Community members close to this mine have alleged serious abuses on the part of the company's security forces (author's interview with community members 13.11.2011)

¹⁸ Author's interview with Marco Arana 31.08.2011

¹⁹ The Permanent People's Tribunal (PPT) is an international mechanism in which respected figures from the academic, NGO and legal community examine evidence and make public declarations on cases. It serves as a court of public opinion and its recommendations are not legally binding. Cases of land clearances involving European companies include the Cerrejon coal mine owned by Anglo American (British); BHB Billiton (Australian, but listed on the London Stock Exchange) and Glencore (Swiss) and BP (British) oil fields in Casanare. See Sentence of PPT May 2010. See also Icaria *La energia que apaga Colombia. Los impactos de las inversiones de Repsol y Union FENOSA*, mimeo, July 2007 regarding Repsol (Spanish) starting oil production in 2005 immediately after a wave of paramilitary violence and displacement in a neighbouring region.

²⁰ This was one of the conclusions of MiningWatch Canada/CENSAT-Agua Viva for Inter Pares (2009), op.cit.

²¹ Figures from the Central Workers Union (CUT) see Luis Alberta Vanegas *En Colombia son asesinados el 60% de los sindicalistas en el mundo, por la violencia sistemática del Estado colombiano*, mimeo, January 2011

²² Confession of an AUC leader in a letter to the Colombian attorney general, cited in Findings of the PPT, August 2008

²³ For Colombia see Sentence of PTT, August 2008 and for Peru see Marco Arana, Input to *Encuentro Latinoamericano Defensores/as de la Naturaleza Frente a la Criminalización de la Protesta*, Quito, mimeo July 2009

²⁴ Cited in MiningWatch Canada and CENSAT-Agua Viva for Interpares (2009), op.cit., p9

²⁵ Ibid, p 5

²⁶ See Enrique Patriau, 'Entrevista a Antonio Brack Egg sobre la minera Majaz', *La Republica*, 23.09.2007

²⁷ See AIDSESEP *Denuncian que minera Yanacocha financia campaña electoral a 22 postulantes al Congreso*, mimeo, February 2011

²⁸ See Tim Webb, 'UK Firm's partner 'wanted Peru to curb priests in mine conflict areas' BHP Billiton associate urged removal of teachers and clergy, according to leaked US embassy cables', *The Guardian*, 31.01.2011

²⁹ See José De Echave C. *Peru: Wikileaks, Mining Companies and Embassies*, mimeo, 2.02.2011