

November 17, 2017

Ministro Víctor Ricardo Luna Mendoza  
Ministerio de Relaciones Exteriores

Ministro Enrique Javier Mendoza Ramírez  
Ministerio de Justicia y Derechos Humanos

CC:  
Ministro Carlos Miguel Ramón Basombrío Iglesias  
Ministerio de Interior

Dr. Duberlí Apolinar Rodríguez Tineo  
Presidente de la Corte Suprema

Dr. Rolando Martel Chang  
Presidente de la Corte Superior de Justicia de Lima

Walter Gutiérrez Camacho  
Defensor del Pueblo

Dr. Oscar Augusto Sumar Calmet  
Presidente de la Sala Cuarta Penal con reos libres de la Corte Superior de Lima

María Rosario Hernández Espinoza  
Juez Superior Provisional integrante de la Cuarta Sala Penal para Procesos con Reos Libres de Lima,

Sr. Saleh Carlos Salvador Heresi Chicoma, Presidente  
Comisión de los Derechos Humanos de la Legislatura de la República  
Congreso de la República

Embajadora Gwyneth Kutz  
Embajada Canadiense en Lima

Alex Neve, Secretary General  
Amnesty International Canada

Ana María Vidal, Secretaría Ejecutiva Adjunta  
Coordinadora Nacional de Derechos Humanos (CNDDHH)

**RE: Criminalization of freedom of expression and international solidarity in Peru**

Esteemed Minister Luna and Minister Mendoza Ramírez:

The undersigned organizations write with concern over the criminalization of freedom of expression and international solidarity in Peru. In particular, we are alarmed following the harassment and the illegal and arbitrary detention of MiningWatch Canada's Latin America Program Coordinator Jen Moore and US journalist and filmmaker John Dougherty between April 18 to 23, 2017, as well as their subsequent prohibition from entry to Peru for an indefinite period. We urge you to take all measures necessary to stop this process of criminalization, including to lift the migra-

tory alert that impedes their reentry to Peru and to prevent such a situation from occurring again against them or others.

The detention of Ms. Moore and Mr. Dougherty took place following a public screening of the documentary “[Flin Flon Flim Flam](#)” about Hudbay Minerals’ operations in the Americas. This was preceded by defamation in the press, harassment, and police surveillance.

On April 22 in the morning, hours after being detained by police and before having the opportunity to defend themselves, Ms. Moore and Mr. Dougherty were publicly incriminated on the website of the Ministry of Interior of having incited local residents to rise up against mining and of being a threat to public order, implicating them in a series of violent acts in which they did not participate. By acting in this manner, the Peruvian authorities violated the rights of the two researchers to freedom of expression, privacy and due process.

Fearful that they could become victims of further arbitrary abuses from Peruvian authorities, the two voluntarily left Peru on April 23 with plans to continue the process through their legal counsel in Peru. This same day, without any notification or due process, the Superintendent of Migration imposed an indefinite migratory alert against their reentry to the country, outrageously determining that showing a film about mining constitutes a threat to public order in Peru.

This process of criminalization is not just a violation of the right to freedom of expression of the two researchers, but also a collective rights violation, considering the fundamental connection between freedom of expression and the exchange of information and communication. In this regard, it is the right of local communities living near Hudbay Minerals’ mine, as well as the general public in the cities of Cusco and Lima, to be able to access available information about the negative impacts of mining.

We believe that the stigmatization in the press and by a public authority, police harassment, illegal and arbitrary detention, and prohibition from entry to Peru of the two researchers are the result of two factors: 1) the privatization of the public security apparatus in Peru; and 2) Hudbay Minerals’ apparent attempt to exert control over what information communities living around its Constancia mine have access to.

With regard to the former, on May 8 of this year, the company publicly confirmed that the national police has a contract with Hudbay Minerals’ Peruvian subsidiary to provide it with security services. This contract subordinates the police to the company and its security needs, creating a serious conflict of interest with their public service role. Representatives of the Inter American

Commission on Human Rights acknowledged this at a hearing on this subject in Buenos Aires on May 25, during which Commissioner Margarete May Macaulay stated that contracts between police and private companies should be abolished. On July 19, 2017, the UN Working Group on Business & Human Rights also expressed concern over these contracts after a visit to Peru, noting that they create confusion over the role of the police to first and foremost protect public security, and further undermine confidence in this state institution.

With regard to the latter, while Hudbay has publicly denied having lobbied Peruvian authorities to respond in its favour in this case, the rapid public response of the Minister of the Interior and its explicit expression of support for the company's interests immediately following Ms. Moore and Mr. Dougherty's arbitrary detention indicates an unusual level of interest on the part of the Peruvian state in their situation. Furthermore, based on earlier available versions of Hudbay's contract with police for 24-hour security in the area of its Constancia mine, it is possible that police were obliged to detect and respond in coordination with Hudbay's personnel to the presence of Ms. Moore and Mr. Dougherty. In addition to other potential involvement, Hudbay personnel were reported to have questioned local community leaders about the film screenings during the days before their detention.

Given the above, the undersigned urge that you take all measures necessary to stop the criminalization of the MiningWatch worker and US journalist, that you order the migratory alert against their reentry to Peru be lifted, and that a full public rectification be published on the Ministry of Interior's website, and all false accusations against the two be removed. Additionally, we urge you to take all necessary measures to prevent future police surveillance, harassment, arbitrary detention, and criminalization against them and any other researchers, academics, journalists, public speakers, and human rights defenders. Finally, it is vitally important that the privatization of police services and the public security apparatus be brought to a halt, in follow up to the statements of concern made by the IACHR, since it only serves to facilitate the criminalization of dissent in particular in areas where communities are in conflict with extractive industry projects that put them at risk.

Attentively,

1. Acción Colectiva, Guanajuato, México
2. Acción Ecológica, Ecuador
3. Agrupación de Pequeños Regantes y No Regantes Río Mostazal, Chile
4. Asociación de Desarrollo Económico Social Santa Marta (ADES), El Salvador
5. Americas Policy Group, Canada
6. Atlantic Regional Solidarity Network (ARSN), Canada
7. Asociación Amigos de San Isidro Cabañas (ASIC), El Salvador
8. Asociación CEIBA, Guatemala
9. Asociación para el Desarrollo de El Salvador (CRIPDES), El Salvador
10. Bibaani A.C., Oaxaca

11. Bios Iguana A.C., México
12. CAOJ
13. Cabildo por las Mujeres de Cuenca, Ecuador
14. Canadian Centre for International Justice (CCIJ)
15. Canadian Union of Public Employees (CUPE)
16. Center for International Environmental Law (CIEL), U.S.
17. Centre for Research on Latin America and the Caribbean (CERLAC), Canada
18. Centro Humboldt, Nicaragua
19. Cercle des Premières Nations de l'Université du Québec à Montréal (UQÀM)
20. CESTA Amigos de la Tierra El Salvador
21. Censat Agua Viva - Amigos de la tierra Colombia
22. CODETAC, Panamá
23. Colectivo Voces Ecológicas, Panamá
24. Comité Ambiental en Defensa de la Vida, Colombia
25. Comité Chileno por los Derechos Humanos, Montreal, Canada
26. Comité Ixtepecano en Defensa de la Vida y el Territorio, Oaxaca
27. Comité pour les droits humains en Amérique latine (CDHAL), Montreal, Canada
28. Comité Regional de Promoción de Salud Comunitaria (Mesoamerica)
29. Common Frontiers, Canada
30. Confédération des syndicats nationaux (CSN), Québec Casa Panteón, Oaxaca
31. Consejo Tiyat Tlali, Puebla, México
32. Cooperación, Perú
33. Coordinadora Ambiental Valles en Movimiento, Monte Patria, Chile
34. Coordinadora Ni Una Sola Mina, Costa Rica
35. COPINH, Honduras
36. The Democracy Center, Bolivia/U.S.
37. Earthworks, US
38. ECUARUNARI, Ecuador
39. Education In Action, Ottawa, Canada
40. Environmental Defender Law Center (EDLC)
41. FEDEPAZ, Peru
42. Femmes de diverses origines-Women of Diverse Origins, Montreal, Québec
43. FESPAD, El Salvador
44. First Nations Women Advocating for Responsible Mining, British Columbia, Canada
45. Forest Peoples Programme, U.K.
46. Frente Nacional por la Salud de los Pueblos, Ecuador
47. Fundación Savia Roja, Ecuador
48. Grufides, Peru
49. Institute for Policy Studies, Global Economy Project, U.S.
50. Instituto Mexicano para el Desarrollo Comunitario AC.
51. International Civil Liberties Monitoring Group (ICLMG), Canada
52. Inter Pares, Canada
53. Justiça nos Trilhos, Brasil
54. Madison Arcatao Sister City Project, US
55. Maritimes-Guatemala Breaking the Silence Network, Canada
56. McGill Research Group Investigating Canadian Mining in Latin America (MICLA)
57. Mining Injustice Solidarity Network (MISN), Toronto
58. Mining Justice Action Committee, Victoria, British Columbia, Canada
59. Mining Justice Alliance, Vancouver, British Columbia \, Canada
60. MiningWatch Canada
61. Movimiento Ecológico de Mujeres del Sur, Ecuador
62. Movimiento Mesoamericano en contra del Modelo Extractivo Minero (M4)
63. Movimiento Morelense Contra las Concesiones de Minería a Tajo Abierto por Metales, México
64. Movimiento para la salud de los Pueblos Latinoamerica (MSPLA)
65. Mujeres Jeromeñas Defensoras de la Madre Tierra, Oaxaca
66. Network in Solidarity with the People of Guatemala (NISGUA)
67. Palenke Alto Cauca - Proceso de Comunidades Negras (Colombia)
68. Plataforma Internacional contra la Impunidad

69. Observatorio Latinoamericano de Conflictos Ambientales (OLCA), Chile
70. Observatorio Latinoamericano de Conflictos Mineros (OCMAL)
71. Ontarians for a Just and Accountable Mineral Policy, Canada
72. Organización Fraternal Negra Hondureña, OFRANEH
73. Otros Mundos AC/Chiapas, México
74. People's Health Movement Canada/Mouvement populaire pour la santé au Canada
75. Procesos Integrales para la Autogestión de los Pueblos (PIAP), México
76. Projet Accompagnement Solidarité Colombie (PASC), Québec
77. Public Service Alliance of Canada (PSAC)
78. Red Latinoamericana de Mujeres defensoras de Derechos Sociales y Ambientales
79. Red Mexicana de Afectados por la Minería (REMA)
80. Red Muqui, Perú
81. Resguardo Indígena Cañamomo Lomapieta, Colombia
82. Rights Action, Canada
83. SICSAL (Servicios Internacionales Cristianos de Solidaridad con los Pueblos de America Latina -- Oscar Romero), Canada
84. StopTheInstitute, Vancouver, British Columbia, Canada
85. United for Mining Justice, Canada
86. United Steelworkers, Canada
87. WES Global Connections
88. Washington Ethical Society
89. World Dharma
90. Yasunidos Guapondelig, Ecuador