

URGENT ACTION

FAMILY RECEIVES THREATS AND FACES EVICTION

Máxima Acuña received a death threat over the telephone on 30 January and has been repeatedly harassed by police. She is in an ongoing legal dispute against a mining company over the ownership of a plot of land where she and her family live in northern Peru. They are at constant risk of forced eviction, attacks and threats from police.

Máxima Acuña and her family, who are subsistence farmers, are in a dispute with mining company Yanacocha over the ownership of the plot of land where they live in Tragadero Grande, Sorochuco district, Cajamarca region. Both Yanacocha and Máxima Acuña's family claim to own the land. In July 2013 a court annulled a 2012 ruling which found the family guilty of illegal occupation of the land following a case brought on by the company. The judge found that the first ruling presented a series of irregularities, including the failure to consider evidence presented by Máxima Acuña's family, such as their land purchase documentation. The judge ordered a new trial. The next hearing is due to take place in March.

As the family awaits the outcome of the new trial, they have reported being repeatedly threatened and harassed by police. On 30 January Máxima Acuña received a telephone call from a male voice who told her "get out of the property or you'll die" (*sal de tu propiedad, si no vas a morir*). Shortly after the call two police officers approached her and told her to stop farming the land as it was not hers. After she and her daughter returned home, they stated that two police, one of whom was armed, entered the house and told them to stop farming and to leave the land immediately. The police left after Máxima Acuña made a few telephone calls to ask for help, but they came back to her property on 4 February to intimidate her again. Over the past few years the Acuña family have reported repeated harassment and attacks from police, who they state are attempting to drive them away.

Please write immediately in Spanish or your own language:

- Reminding the authorities that the police must protect Máxima Acuña and her family from violence and intimidation and must respect their human rights at all times, whatever the outcome of the land dispute;
- Urging them to ensure that Máxima Acuña and her family are kept safe and are not forcibly evicted, and order a thorough and impartial investigation into the attacks and harassment and bring those responsible to justice;
- Calling on them to make all efforts to find an acceptable solution to this dispute, taking into account the vulnerability of the family and the need to protect them from destitution;
- Reminding them that any eviction should only be carried out after all international legal and procedural safeguards have been applied, including genuine consultation, adequate notice, serious consideration of all feasible alternatives to evictions and ensuring that nobody is left homeless or vulnerable to other human rights violation as a result of the eviction.

PLEASE SEND APPEALS BEFORE 19 MARCH 2014 TO:

Head of Police

Gral. Jorge Flores Goicochea
 Director General de la PNP
 Av. Canaval y Moreyra cdra. 6 - Plaza 30
 de agosto - San Isidro, Lima, Perú
 Email: dirgen@pnp.gob.pe;
 secretariageneralpnp@hotmail.com
 Fax: +511 225 40 16

Salutation: Dear General/ Sr. General

Minister of the Interior

Abog. Walter Albán Peralta
 Ministerio del Interior
 Plaza 30 de Agosto s/n Urb. Corpac
 San Isidro, Lima, Perú
 Email: dm@mininter.gob.pe;
 sg@mininter.gob.pe

Salutation: Dear Minister/ Sr. Ministro

And copies to:

Human Rights organization
 GRUFIDES
 Jr. José Galvez 430 – A,
 Barrio San Pedro
 Cajamarca, Perú
 E-mail: info@grufides.org

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA: 182/13. Further information:

<http://amnesty.org/en/library/info/AMR46/004/2013/en>

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ADDITIONAL INFORMATION

Under international law, forced evictions are a gross violation of a range of human rights, including the right to adequate housing guaranteed under Article 11.1 of the International Covenant on Social, Economic and Cultural Rights, and the right to be free from arbitrary or unlawful interference with one's home under Article 17 of the International Covenant on Civil and Political Rights. According to international human rights law and standards, even where an eviction is considered to be justified, and irrespective of the tenure status of the people being evicted, it should be carried out in strict compliance with international law and due process requirements. Any use of force must respect principles of necessity and proportionality. The UN Committee on Economic, Social and Cultural rights stated that evictions must not "render individuals homeless or vulnerable to the violation of other human rights".

Peru is party to the International Covenant on Economic, Social and Cultural Rights, and as such, authorities in Peru are obligated to respect, protect and fulfil the right to adequate housing which includes the prohibition and prevention of forced evictions.

Names: Máxima Acuña (f) and her family

Gender m/f: both

Further information on UA: 182/13 Index: AMR 46/004/2014 Issue Date: 5 February 2014