

# URGENT ACTION

## EXCESSIVE FORCE AGAINST PROTESTERS FEARED

**Peruvian communities protesting against an irrigation project they believe will restrict their water supply are at risk from a new law which could enable the military to use excessive force against them with impunity.**

Protests began on 13 September in the town of Espinar, near Cusco, in southern Peru in response to a planned irrigation project named 'Majes Siguan II'. Despite two judicial rulings suspending the tender process for the project and ordering an environmental impact assessment, the government has gone ahead with the tender process. The protest spread from Espinar to nearby Cusco where it gained momentum and wide support.

Decree Law 1095 issued by the President on 1 September allows the use of the military during civil unrest. This appears to include demonstrations. The past use of the military for law enforcement purposes in Peru has resulted in grave human rights violations and should be seriously reconsidered. The law also specifies that should the military commit any illegal acts during their deployment in these situations, these will be dealt with in military courts. Military courts in Peru are neither impartial nor independent and have a long history of impunity. Moreover, international human rights standards state perpetrators of human rights violations must be tried in civilian courts.

In anticipation of the protests, the Peruvian government issued a resolution on 11 September authorizing the deployment of the military in Espinar under the new Decree Law 1095. Amnesty International believes that the spirit of this Decree Law contravenes human rights standards and may result in excessive force in the protests in Cusco and in other situations of legitimate social protest and that should this occur, violations will go unpunished. There have been several instances of excessive force by the Peruvian security forces over the past year.

### PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- Urging the authorities to undertake a genuine and open consultation with the affected communities and a comprehensive environmental and human rights impact assessment of the project
- Reminding the authorities that Article 3 of the UN Code of Conduct for Law Enforcement Officials states that they "may use force only when strictly necessary and to the extent required for the performance of their duty" and that Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials states that "intentional lethal use of firearms" should only be used "when strictly unavoidable in order to protect life."
- Urging the authorities to review Decree Law 1095 and ensure that it is in line with international human rights standards.

### PLEASE SEND APPEALS BEFORE 4 NOVEMBER 2010 TO:

#### Prime Minister

Sr. José Antonio Chang Escobedo  
 Presidente del Consejo de Ministros  
 Presidencia del Consejo de Ministros  
 Jr. Carabaya Cdra. 1 S/N – Lima, PERU  
 Fax: +511 219 7015  
 Email: [jchang@pcm.gob.pe](mailto:jchang@pcm.gob.pe)

**Salutation: Sr. Ministro**

#### Minister of Defence

Dr. Jaime Thorne León  
 Ministro de Defensa  
 Ministerio de Defensa  
 Av. De la Peruanidad s/n, edificio  
 Quiñones (Campo de Marte) - Jesús  
 María. Lima - PERU  
 Email: [despacho@mindef.gob.pe](mailto:despacho@mindef.gob.pe)

**Salutation: Sr. Ministro**

#### **And copies to:**

Human rights organization  
 Coordinadora Nacional de Derechos  
 Humanos  
 Calle Pezet y Monel 2467  
 Lima 14  
 Perú  
 Fax: + 51 1 419 1112  
 Tel: + 51 1 419 1111  
 Email: [info@derechoshumanos.pe](mailto:info@derechoshumanos.pe)

**Also send copies to diplomatic representatives of Peru accredited to your country.** Please check with your section office if sending appeals after the above date.

**AMNESTY  
 INTERNATIONAL**

