

URGENT ACTION

MAYOR DETAINED, RISKS ILL-TREATMENT

The mayor of the southern town of Espinar has been detained since 30 May. He risks ill-treatment and could face an unfair trial.

According to local human rights NGOs, Espinar's mayor, **Oscar Mollohuanca**, was detained on 30 May inside the municipal building by at least 30 police officers, who showed no arrest warrant and gave no reason for detaining him. They took him to a police station at the Tintaya Marquiri mining camp for a few hours and then took him by helicopter to the provincial capital, Cuzco. The next evening, he was transferred to the northern region of Ica, where his case will now be heard, after a change of jurisdiction.

Local NGOs fear this might be part of a campaign to stigmatize the mayor, who had publicly criticized the current agreement between the government and the mining company operating in the area. Another 25 people have been detained since 28 May in Espinar, following violent clashes between police and demonstrators during protests over mining operations in the area. All have now been conditionally released, and are being investigated. Most have said they were beaten by the police.

Among the 25 were two members of the human rights NGO Vicaria de Solidaridad de Sicuani, **Jaime Cesar Borda Pari** and **Romualdo Tito Pinto**, and a community leader, **Sergio Huamani**, who were arrested on 28 May outside Tintaya Marquiri mining camp by police claiming they had found 10 live rounds in the NGO's car. Jaime Cesar Borda Pari and Romualdo Tito Pinto had gone with two other members of Vicaria de Solidaridad de Sicuani, a local prosecutor and Sergio Huamani to the Tintaya Marquiri mining camp to assess the situation of police detainees there. They were released on 30 May but are under investigation over evidence that they claimed was planted.

Please write immediately in Spanish, English or your own language:

- Urging the authorities to ensure that due process is respected in the legal action against Oscar Mollohuanca, that he is free from any ill treatment while on detention and that he is charged with a recognizable criminal offence or release otherwise;
- Urging them to investigate allegations that people have been arbitrarily detained and ill-treated in Espinar and bring those responsible to justice, in particular urging them to investigate the lawfulness of the search and arrest of Jaime Cesar Borda Pari and Romualdo Tito Pinto and Sergio Huamani.

PLEASE SEND APPEALS BEFORE 13 JULY 2012 TO:

Minister of Justice and Human Rights

Dr Juan Federico Jiménez Mayor
Ministro de Justicia y Derechos
Humanos
Scipión Llona 350, Miraflores, Lima 18
Peru
Fax: +511 204 81 10 (If a voice answers,
ask "¿Me puede dar tono de fax, por
favor?")
Email: fjimene@minjus.gob.pe
Salutation: Dear Minister/
Estimado Sr. Ministro

Attorney General

Dr José Antonio Peláez Bardales
Fiscal de la Nación
Av. Abancay cdra. 5 s/n, Lima
Peru
Fax: +511 4271792
Email: ministeriublico@mpfn.gob.pe
Salutation: Dear Attorney General/
Estimado Fiscal de la Nación

And copies to:

Coordinadora Nacional de Derechos
Humanos
Calle Pezet y Monel 2467 (ex-Tupac
Amaru), Lince.
Lima 14, Perú.
Fax: + 511 419 1112

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

According to local NGOs, the violent clashes between police and demonstrators over mining operations in Espinar region have left at least two people dead and scores injured, including at least 30 police officers. On 28 May the president declared a 30-day state of emergency.

Local NGOs have raised concerns that the state of emergency has been used to detain people indiscriminately and prevent injured people from receiving adequate medical care. According to a public statement by the Minister of Interior, among the detainees was the leader of the organization Defence Front for the Interests of Espinar Province (Frente de Defensa de los Intereses de la Provincia de Espinar), Herbert Huamán, who has been leading the protest. According to the statement, he was detained close to the local hospital while trying to organize further demonstrations.

There have been frequent protests against the social and environmental impacts of large-scale development projects in Peru in the last few years. Amnesty International has expressed concern about the state's response to such protests. While the organization recognizes the state's right and obligation to maintain public order, this must be done according to human rights principles. In the past, there have been concerns about excessive use of force by the security forces, as well as violations of the rights to freedom of expression, association and assembly. Marginalized communities with little or no access to formal mechanisms to participate and to express their concerns use street protests as a way to make their voices heard in the corridors of power and to express solidarity with others facing similar challenges. States must refrain from clamping down on protests or using unfounded criminal proceedings against protestors as this have a particularly acute impact on the ability of these people to ensure that their rights are respected.

Amnesty International is concerned about abuses against human rights defenders. Human rights defenders are fundamental actors for the advancement of human rights for all. They work on a range of issues and in diverse ways and capacities in pursuit of justice, dignity and human rights for all. Whatever the particular focus of human rights defenders' work, they are entitled to the full recognition, respect and protection of their rights. The State have the responsibility to take all necessary measures to protect them as set out in the 1998 UN Declaration on Human Rights Defenders.

Names: Oscar Mollohuanca, Jaime Cesar Borda Pari, Romualdo Tito Pinto, Sergio Huamani
Gender m/f: m

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