

URGENT ACTION

FAMILY ATTACKED BY MINING COMPANY PERSONNEL

Máxima Acuña and her family, subsistence farmers in northern Peru, have reported acts of harassment and physical attacks against them by security personnel from the Yanacocha mining company. They are in an ongoing legal dispute against the mining company over the ownership of a plot of land where the family lives.

Ysidora Chaupe, **Máxima Acuña's** oldest daughter, told Amnesty International that on the morning of 18 September Máxima Acuña was alone with her husband **Jaime Chaupe** when around 20 private security officers from the Yanacocha mining company, along with an unidentified group of people, entered the land where Máxima Acuña and her family live and destroyed the crops they were growing for their own use. When Máxima and her husband attempted to stop the destruction of their crops, the security personnel used their containment shields and helmets to repress them. According to information which Amnesty International received from the Cajamarca Ombudsman's Office, Máxima Acuña was taken to the city's medical centre where medical staff indicated that she was suffering from a variety of injuries as a result of the confrontation. The company claims to have carried out the destruction of the crops in exercise of their 'possessory right to defence'.

Amnesty International has confirmed that on 26 February a similar situation occurred in which the private security personnel from the mining company destroyed the food crops which the Acuña-Chaupe family were growing for their own use, claiming 'possessory right to defence' of the land.

Máxima Acuña and her family, who are subsistence farmers, have been in a dispute with the Yanacocha mining company for years over the ownership of the plot of land where they live in Tragadero Grande, Sorochuco district, Cajamarca region. On 17 December 2014 a Court in Cajamarca determined that the family was not guilty of illegally occupying the land, as claimed by the company. The mining company challenged the decision and on 9 March 2015 the Supreme Court confirmed the first acquittal ruling. The mining company is now challenging the ownership of the land in a civil court.

Please write immediately in Spanish or your own language:

- Reminding the authorities that they must protect Máxima Acuña and her family from any acts of intimidation, according to their wishes, and must respect their human rights at all times;
- Urging them to initiate a prompt, impartial and thorough investigation into the acts of intimidation and attacks reported by Máxima Acuña and her family and bring those responsible to justice.

PLEASE SEND APPEALS BEFORE 2 NOVEMBER 2016 TO:

Minister of Interior

Carlos Basombrío Iglesias
Ministro del Interior
Ministerio del Interior
Lima, Perú
Fax: +511 418 4030 (ask for: "tono de fax, por favor")

Email: dm@mininter.gob.pe

Salutation: **Dear Minister/Sr. Ministro**

Attorney General

Pablo Sánchez Velarde
Fiscal de la Nación
Ministerio Público
Fiscalía de la Nación
Lima, Perú
Fax: +511 625 5555 o +511 208 5555
(ask for: "tono de fax, por favor")

Email: psanchez@mpfn.gob.pe

Salutation: **Dear Attorney General/Sr.**

Fiscal de la Nación

And copies to:

Office of the Ombudsman

Walter Gutiérrez Camacho
Defensor del Pueblo
Defensoría del Pueblo
Jirón Ucayali 394 -398
Lima 1, Perú

Fax: +51 311 0300

Email: defensor@defensoria.gob.pe

Also send copies to Peruvian 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 fourth update of UA 182/13. Further information:

<https://www.amnesty.org/en/documents/amr46/3392/2016/en/>

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ADDITIONAL INFORMATION

Over the past few years the Acuña family have reported repeated harassment and attacks from police and private security personnel from the Yanacocha mining company, who they state are attempting to drive them off their land.

On 2 February 2016 local human rights organizations reported that security personnel from the mining company entered the land where Máxima Acuña and her family live and destroyed the crop of potatoes they were growing for their own use.

On 3 February 2015 Máxima Acuña's lawyer told the press that at least 200 police officers entered the family's land and demolished an extension she was building to their house. Máxima Acuña and her family described how they were building the extension to support the structure of their existing house against the rain.

On 20 January 2015 Máxima Acuña and her family reported being harassed and intimidated by the police in their home. Days later, Máxima Acuña's lawyer told Amnesty International that over 15 police officers as well as private security guards entered their plot of land and started taking photos of their house. When the family questioned why the police officers were on their property, no one addressed them or provided any legal documentation to support their actions.

On 30 January 2014 Máxima Acuña received a telephone call from a male voice who told her "get off 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 officers, 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 returned on 4 February 2014 to intimidate her again.

Amnesty International is launching an international campaign for Máxima Acuña and her family, demanding the authorities protect them from all acts of intimidation and violence and guarantee that she be allowed to carry out her legitimate work as a human rights defender, as part of their Write for Rights campaign in December 2016.

Name: Máxima Acuña (f), Jaime Chaupe (m) and their family
Gender m/f: all

Further information on UA: 182/13 Index: 46/4860/2016 Issue Date: 21 September 2016