

## FACTSHEET: *CAMPOS-ALVAREZ V. NEWMONT MINING CORP.*

SEEKING JUSTICE FOR ANTI-MINING PROTESTORS INJURED BY POLICE IN PERU

EarthRights International (ERI) filed *Campos-Alvarez v. Newmont Mining Corp.* to obtain information about a violent police crackdown on protestors in Peru. The information will assist in civil actions and criminal prosecutions in Peru against those responsible for the violence. In the November 29, 2011 crackdown, police on contract with Newmont shot and beat community members who were objecting to Newmont's proposed Conga mine project – including Elmer Campos Alvarez, who was shot in the back and remains paralyzed from the waist down.

### NEWMONT'S CONGA MINE PROJECT

Newmont Mining Corporation is one of the world's largest gold producers, with mining projects throughout the world. With its Conga project, Newmont is seeking to develop a mine 75 kilometers northeast of the city of Cajamarca, Peru, separate from its existing mine, Yanacocha. The proposed "Conga" mine has generated strong opposition from the local communities; the project would mean the destruction of lakes held sacred by local people, who depend on the lakes as a major source of water. The project has been on hold since public outcry stopped the project and led to an international independent review that criticized the government's approval of the company's Environmental Impact Assessment. The company and the government, however, appear eager to move the project forward.



*Site of the Proposed Conga Project*

### NOVEMBER 29 PROTESTS

In November 2011, a general strike was declared throughout the Cajamarca region of Peru in protest of the proposed Conga mine project to be constructed by Minera Yanacocha, a Peruvian company majority-owned and managed by the U.S. company Newmont Mining Corporation. As part of this strike, a group of local *campesinos* set up camp in a largely grassy, hilly area near the Conga mine concession.

Early in the morning of November 29, 2011, a confrontation arose when 30 police officers stationed at the site of the concession ordered the protestors to move away from the concession area. The police fired tear gas, rubber bullets, and live ammunition at the protesters. In total, an estimated 24 protestors were injured.



## **ELMER CAMPOS: PARALYZED FOR PROTESTING**

Elmer Eduardo Campos Álvarez, a 32 year-old resident of the area, joined the protest on November 24, and set up camp with the other protesters as a means of peacefully defending the environment and the right to water. On November 29, when the police started firing, Mr. Campos went to the aid of one of his friends and was shot in the back. He lost a kidney and his spleen, and suffered a spinal cord injury which paralyzed him from the waist down. He has had to endure multiple operations, and the paralysis and chronic crippling pain have left Mr. Campos, who had been a farmer, almost completely unable to provide for his two children.

## **PUBLIC SERVANTS, PRIVATE CONTRACTING**

During these events, the police were acting under a contract with Minera Yanacocha for the provision of security services at the site of the Conga concession. The police were in contact and coordination with members of the company's private security provider, Securitas, and possibly other mining personnel.

## **BRINGING THE CASE TO PERU'S COURTS**

The police repression of protesters on November 29, 2011, at the Conga mine concession is currently the subject of two legal proceedings in Peru. The first is a criminal investigation against the two commanding police officers and the second is a civil lawsuit brought by Mr. Campos against the police and other government actors.

## **OBTAINING INFORMATION USING 1782**

On January 24, 2014, ERI filed a federal court motion seeking information held by Newmont – including photographic and video evidence, reports of Yanacocha security or employees, records of communications with the police, and internal company communications – that shed light on the events of that day, for the benefit of the Peruvian legal proceedings. The action was filed under 28 U.S.C. § 1782, a law which allows parties in foreign legal proceedings to obtain documents and information from individuals or companies in the United States in service of the foreign proceedings.

## **WHY IS EARTHRIGHTS INVOLVED?**

As part of an effort to counter a culture of impunity for such violence in Peru, ERI seeks this information from Newmont in order to assist Peruvian legal authorities in assessing the criminal and civil liability of those responsible for the violent police repression. This information will help clarify not only the facts and identify those responsible, but also to begin to assess the role of the private mining company in the repression. This is particularly important in light of the contract existing between the company and the police. Even if the mining company was not directly controlling the police operations, the deployment of public police officers in the service of private security at the very least creates a distortion of the role of police, and creates the conditions where violent repression of protests is a real possibility.