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Peru: Human rights defenders Oscar Mollohuanca, Sergio Huamani and Herbert Huamán face jail sentences

On 11 July 2017 the final hearing will be held in the ongoing trial against human rights defenders **Oscar Mollohuanca**, **Sergio Huamani** and **Herbert Huamán**, The human rights defenders face up to 15 years in prison, in addition to fines of 27,000 EUR (100.000 soles).

[Oscar Mollohuanca](#) is a human rights defender from the Espinar Province in the South of Peru. [Sergio Huamani](#) and [Herbert Huamán](#) are former leaders of *Frente Único de Defensa de los Intereses de Espinar – FUDIE (Single Front in Defense of Espinar's interests)*. The human rights defenders and various indigenous and campesino communities in Espinar have organized and mobilized themselves in order to denounce the damage to the environment and to human health caused by mining activities in Espinar, as well as to demand a new agreement with the mining company "Xtrata Tintaya" (now "Glencore"), a copper mine operating in the outskirts of the city of Espinar. The communities' demands include higher environmental standards against the alarming levels of environmental pollution, that the mining activities allow for effective and sustainable development of the region, that independent monitoring of the mine be conducted and that the rights of the communities are upheld.

On 11 July, 2017 at the Primer Juzgado Unipersonal de Ica (First Single Judge of Ica), the final hearing will be held in the ongoing trial against human rights defenders Oscar Mollohuanca, Sergio Huamani and Herbert Huamán. They are criminally indicted on charges of obstruction of public services, disturbing the peace and endangering public safety. The charges are in connection with the human rights defenders' activities, and related to seven days of public protests in Espinar in May 2012, denouncing the health and environmental damage caused by mining activities in the region.

The ongoing trial is related to the mobilization and general strike organised by FUDIE and Espinar communities in May 2012. On 21 May 2012, the communities in Espinar called for a general strike to pressure the Xtrata Tintaya copper mine to negotiate a new agreement and relationship with local communities. During the seven days of the strike, unarmed civilians occupied and blocked access routes to the mine. In response, President Ollanta Humala declared a state of emergency in the province, suspending constitutional rights, and deployed special police units against the strikers. As a consequence, four civilians were killed in the resulting clashes, over 100 people were injured (civilians and police officers) and several people were arbitrarily detained and ill-treated under police custody, including human rights defenders Herbert Huamán and Sergio Huamani.

The Inter-American Commission on Human Rights has said that “*social demonstration is important for the consolidation of democratic life and that, in general, this form of participation in public life, as an exercise of freedom of expression, has a crucial social interest. In many of the countries of the hemisphere, social protest and mobilization have become tools to petition the public authorities, as well as channels for public complaints regarding abuses or human rights violations*”.

Front Line Defenders has travelled extensively within the Espinar region to investigate the ongoing mining conflicts and has [previously reported](#) on the difficult situation that human rights defenders often live and work in. Front Line Defenders has also raised concern on the use of violence and

criminalisation against social leaders in socio-environmental conflicts related to extractive projects, such as in the recent case of the [Aymara communities](#) in Puno, Peru. In March 2017, Front Line Defenders [concluded](#) that the country has repeatedly failed to provide protection for human rights defenders carrying out their work.

Front Line Defenders expresses concern over the ongoing criminalization against human rights defenders Oscar Mollohuanca, Sergio Huamani and Herbert Huamán and calls upon authorities in Peru to immediately drop all charges against them, which it believes to be directly linked to their peaceful and legitimate work in defence of human rights and the rights of their communities.

Front Line Defenders urges the authorities in Peru to:

1. Immediately drop all charges against Oscar Mollohuanca, Sergio Huamani and Herbert Huamán, as Front Line Defenders believes that they are being criminalized solely as a result of their legitimate and peaceful work in the defence of human rights;
2. Take all necessary measures, in consultation with the human rights defenders, to guarantee their physical and psychological integrity and security, as well as of their families and legal representatives;
3. Refrain from misusing the justice system to intimidate, harass and discredit human rights defenders;
4. Guarantee in all circumstances that all human rights defenders in Peru are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.