



General Assembly

Distr.: General
7 February 2024

English only

Human Rights Council

Fifty-fourth session

11 September–13 October 2023

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Edmund Rice International Limited, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2023]

* Issued as received, in the language of submission only.



Peru's Indigenous Amazonian Land Rights Defenders

Peru has become one of Latin America's most dangerous countries for human rights defenders, particularly for land rights defenders in the Amazon region. Since the beginning of 2020, 20 Amazon leaders and peasants (18 men and 2 women) have been brutally murdered in various sectors of the Amazon; the last murder occurred just a few months ago, on 8 April 2023.

SERVINDI, a news agency focussing on indigenous movements and environmental conflicts, has published a list of Amazon leaders and community members assassinated (1) in the last four years:

2020:

- Arbildo Meléndez Grandes
- Gonzalo Pío Flores
- Santiago Vega Chota
- Lorenzo Caminto Chávez
- Lorenzo Wampagkit Yamil
- Chemilton Flores Crispin
- William López Ijuma
- Elix Ruiz Ortiz

2021

- Herasmo García Grau
- Yenes Ríos Bensano
- Estela Casanto Mauricio
- Luis Tapia Meza
- Mario Marcos López Huanca
- Santiago Meléndez Dávila
- Lucio Pascual Yamanga

2022

- Gemmerzon Pizango Narvaes
- Jesús Beti Antaihua Quispe
- Nusat Parisada Benavides de la Cruz
- Ulises Lorenzo Rumiche Quintimari

2023

- Santiago Contoricón Antunez

The main motive for these crimes committed by drug traffickers, loggers and illegal miners against Amazonian defenders is that they oppose illegal logging for coca leaf cultivation, illegal timber extraction and illegal mining activities.

The Peruvian Amazon is home to a wide variety of indigenous groups who have been protecting the forest for centuries. It's worth noting that there are currently 55 indigenous communities officially recorded in Peru, with 51 located in the Amazon and 4 in the Andes. However, if we take into account the uncontacted indigenous peoples who also inhabit the Peruvian jungle, the actual number is believed to be much higher. These groups have contributed to the preservation of the Amazon and are an important part of Peru's cultural heritage.

According to a monitoring report by the National Commission for Development and Life Without Drugs (DEVIDA) on coca leaf cultivation in Peru, 80,681 hectares will be cultivated in 2021, 25.2% more than in 2020. Throughout the country, 169 districts, 45 provinces and 13 regions have illegal coca leaf cultivation, mainly in the Amazon territory. The main coca-growing areas are the Apurímac, Ene and Mantaro River Valley (VRAEM), with 32,106 hectares, followed by Inambari-Tambopata with 9,730 hectares and in third place is Bajo Amazonas with 6,472 hectares. The regions of Ayacucho, Cusco, Loreto, Puno and Ucayali are where Peru's most significant coca cultivation takes place (2). This represents a direct threat to the integrity of the Amazon indigenous peoples' territories.

It is a tragic reality that in 2021, there have been 7 murders committed against Amazonian leaders. The prosecutor's office has attributed 5 of these heinous crimes to drug traffickers, while the other 2 are related to illicit land grabbing in areas inhabited by native communities (3). What is even more concerning is that the central jungle belt has been deemed the most dangerous area for defending the human rights of indigenous peoples. According to recent reports, Ucayali is the region with the highest rate of attacks and deaths, followed by Huánuco and Junín. These areas are hotbeds for drug trafficking and illegal logging, which are both growing problems in Peru. It is crucial that we take action to protect these vulnerable communities and put an end to these senseless acts of violence. (4)

The leading cause of the murders of these indigenous leaders is the lack of commitment and involvement of the Peruvian State to guarantee adequate protection for the leaders who are constantly threatened with death. In order to "guarantee prevention, protection and access to justice for human rights defenders in the face of situations of risk that arise as a result of their activities", during the government of President Francisco Sagasti, Supreme Decree 004-2021-JUS was issued, which created the inter-sectoral mechanism for the protection of human rights defenders. Eight state ministries were involved in this task. One year after the implementation of this measure, it is evident that the involvement of most of the ministries that make up this mechanism is minimal or non-existent. Out of 22 coordination meetings held between April 2021 and April 2022, only the Ministry of Justice and Human Rights participated in all of them, while the Ministry of Agrarian Development and Irrigation and the Ministry of Women and Vulnerable Populations, both of which are directly involved in the structural problems suffered by indigenous peoples, attended less than 20% of the meetings. (5)

It appears that the state has not taken action to activate the Early Warning Procedure for risk situations. Additionally, there seems to be no concrete plan in place to follow up on the protection measures provided by the National Police. This lack of action may be cause for concern and it would be beneficial for those in charge to take a closer look at the situation and take appropriate action.

Another worrying situation is the insignificant budget (40,000 PEN which is around 11,000 US dollars) the state has allocated to the Ministry of Justice to monitor the protection mechanism for native environmental defenders. To the previous problem must be added the bureaucracy of the regional governments to process the 'Titles' of the territories of the Amazon communities that have been delayed for decades. An exemplary case is that of the Unipacuyacu community in the district of Constitución, Huánuco, which has been demanding its land title for 27 years and has seen two of its leaders assassinated in their activism to demand the protection of their land. (6)

It is disheartening to see that the proposal to ratify the Escazu Agreement was rejected and archived by the Foreign Affairs Commission of the Congress of Peru in July 2022. The agreement was designed to ensure that the rights of access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters were safeguarded. These are critical pillars for achieving proper environmental governance and social peace, which are essential in preventing conflicts, often associated with environmental demands. (7) Unfortunately, the decision to reject the ratification of this historic agreement legally protecting Amazon peoples from environmental crime is yet another indication of the government's lack of interest in environmental law and justice.

Defensoría Edmundo Rice and Edmund Rice International urge the Human Rights Council, the Special Rapporteur on the rights of Indigenous Peoples and the Special Rapporteur on the situation of human rights defenders to urge the Peruvian State to -

1. Re-commit to the implementation of the Supreme Decree 004-2021-JUS by strong and effective working together of the Ministry of Justice and Human Rights, the Ministry of Agrarian Development and Irrigation and the Ministry of Women and Vulnerable Populations for the protection of environmental defenders and human rights defenders.
2. Increase budget commitments to the Ministry of Justice so as to enable the protection of environmental defenders and human rights activists on behalf of the indigenous peoples of the Amazon and the Andes and to limit the time and bureaucracy of the regional governments to process the 'Titles' of the territories of the Amazon communities.
3. Ratify the Escazú Agreement that was rejected by the Foreign Affairs Commission of the Congress of Peru in July 2022. This will ensure that the right of access to environmental information, public participation in environmental decision-making, and access to justice in environmental matters will be safeguarded and legally protect Amazon peoples from environmental crime.
4. Re-activate and strengthen the Early Warning Procedure of the National Police for risk situations where human rights defenders and the rights of indigenous peoples are threatened.

Defensoría Edmundo Rice, Latinoamérica, NGO(s) without consultative status, also share the views expressed in this statement.

(1) <https://www.servindi.org/actualidad-noticias/23/12/2021/diez-defensores-y-lideres-indigenas-asesinados-durante-la-pandemia>

(2) <https://ojo-publico.com/ambiente/territorio-amazonas/siete-lideres-indigenas-amazonicos-fueron-asesinados-el-2021-peru#:~:text=Los%20dos%20primeros%20asesinatos%20del,Nuevo%2C%20en%20la%20regi%C3%B3n%20Ucayali.>

(3) Ibid

(4) <https://larepublica.pe/politica/actualidad/2023/04/11/crimenes-de-lideres-indigenas-sepultados-por-la-impunidad-santiago-contoricon-asesinatos-indigenas-narcotrafico-tala-ilegal-962764>

(5) Ibid

(6) <https://ojo-publico.com/ambiente/territorio-amazonas/siete-lideres-indigenas-amazonicos-fueron-asesinados-el-2021-peru#:~:text=Los%20dos%20primeros%20asesinatos%20del,Nuevo%2C%20en%20la%20regi%C3%B3n%20Ucayali.>

(7) <https://www.defensoria.gob.pe/wp-content/uploads/2022/08/Comunicado-30-Sobre-Acuerdo-Escazu%CC%81.pdf>