

Excmo. Sr. Presidente Iván Duque Márquez President of the Republic of Colombia contacto@presidencia.gov.co	Sr. Fiscal General Francisco Barbosa Delgado Attorney General of Colombia despacho.fiscal@fiscalia.gov.co
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April 11, 2021

Dear Sirs:

We are outraged at the assassination on March 31 of **Aura Esther García Peñalver**, a leader of the Wayúu Indigenous Arronschy community of Cardón Township, Uribia municipality in La Guajira Department. According to Indepaz, she became the 41st social leader assassinated in Colombia thus far in 2021.

Two unknown persons ambushed her and shot her to death as she and her husband were entering her community on a motorcycle. Since March 15 she had been receiving telephone and text message threats. Her requests for protection from authorities for herself and the women of the Wayúu community were not honored.


Wayúu Indigenous people have been struggling for years against mining at the El Cerrejón Coal Mine in La Guajira, the largest open-pit mine in Latin America, which conducts operations 24 hours a day, seven days a week, using heavy machinery and explosives. The mine, which borders protected lands of the Wayúu community, is independently operated and equally owned by subsidiaries of BHP (Australia), Anglo American (UK) and Glencore (Switzerland) Companies. In December 2020, the Constitutional Court of Colombia found that the mine had damaged the health of residents by contaminating the air, water and vegetation, and through noise and vibration from mining; explosions cause houses to shake and propel coal dust into the air, water and soil. Residents living near the mine suffer from headaches, nasal and respiratory discomfort, dry cough, burning eyes and blurred vision. The company's response to a court order to improve air quality and reduce the mine's harm to residents has been totally inadequate. The UN Special Rapporteur on human rights has said that "operations at the...site should be suspended until it can be shown to be safe."

We have been writing to Colombian authorities since at least 2007 about the human rights impacts of the El Cerrejón mining operations, which have resulted in the displacement of hundreds of Wayuu and Afro-Colombian families. In November 2007 a mercenary named "Jorge" confessed to taking part in a massacre of 12 Wayuu persons at Bahía Portete in 2004. His confession confirmed that the activities of the paramilitaries throughout the Atlantic coast are at the service of multinational companies and national monopolies that have appropriated lands and ports for the development of their economic projects.

We therefore **strongly urge** that you

- conduct a thorough investigation into the murder of Aura Esther García Peñalver, publish the results, and bring those responsible to justice
- halt the operation of the the El Cerrejón Coal Mine until the Wayúu peoples' rights to life, health, water, sanitation, and a safe, clean, healthy and sustainable environment are permanently ensured
- take all necessary steps to ensure that those who have been negatively impacted by the mine have complete and permanent access to effective remedies for their illnesses resulting from pollution, damage to homes, and lack of clean water.

Sincerely,


 Brian J. Stefan Szittai
 Co-Coordinator


 Christine Stonebraker-Martinez

copies: Francisco Santos Calderón, Ambassador of Colombia to the US ~ via email, US mail
 IACHR: Antonia Urrejola Noguera, Rapporteur for Colombia and on the Rights of Indigenous Peoples, Inter-American Commission on Human Rights ~ via email, US mail
 UN: Juliette De Rivero, Representative in Colombia of the United Nations High Commissioner for Human Rights ~ via email
 ONIC: Organizació Nacional Indígena de Colombia
 David R. Boyd, UN Special Rapporteur on Human Rights and the Environment ~ via email
 US Embassy: Kristen Farrell (human rights) and Mariel Chatman (vulnerable populations) ~ via email
 US State Department: Christine Russell, Desk Officer for Colombia ~ via email
 US Senators Brown & Portman ~ via email
 US Representatives Beatty, Gibbs, Gonzalez, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

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The following people hereby urge you to take action on this matter as indicated in this letter: