

June 15, 2009

The Right Honourable Stephen Harper
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, Ontario K1A 0A2

Dear Prime Minister:

On behalf of the Americas Policy Group of the Canadian Council for International Co-operation, we are writing to express grave concern at the recent violence and serious human rights violations in the Amazonas Region of Peru. An undetermined number of Indigenous people – estimates range from 30 to 100 or more – were killed, along with 24 police officers, with at least 169 Indigenous people injured, when the National Police forcibly dispersed peaceful demonstrators on orders from President Alan García.

We ask the Canadian government to call for a full investigation and ensure that all further action by the Peruvian government conforms to the strictest international human rights standards. We further ask that debate on the implementing legislation for the Canada-Peru Free Trade Agreement (FTA) – currently before the Senate – be suspended, and the Senate be called to conduct hearings on the human rights situation in Peru. We also ask that a review be done of the CIDA supported project to reform Peru's oil and gas sector regulations, for its human rights implications.

The Indigenous protest was a response to the introduction of decrees by the García government to allow private investment in oil, mining and agribusiness on Indigenous land. The decrees have been criticized as unconstitutional by the Public Defender's Office, two congressional committees, and the Indigenous people themselves, but justified by President García as necessary to implement the recently signed Free Trade Agreement with the United States.

According to Peruvian commentators, President García used his "fast track" trade authorization from Congress to go far beyond what was necessary. This should be of grave concern for the Canadian government, whose own FTA with Peru is now before the Senate. Further, through CIDA, Canada is collaborating with the Peruvian government in an aid project to reform Peruvian energy regulations, which involve many of the same issues that prompted this protest.

While Indigenous leaders have lamented the deaths of the police officers, as well as the Indigenous people, and have called for an end to the violence on both sides, President García's response has been the opposite. He has accused the protesters of terrorism. Further, witnesses report that police are throwing bodies into the river and burning them to destroy evidence of civilian deaths. The Public Defender's Office has confirmed that a mass grave containing the bodies of several Indigenous people has been found outside of Bagua.

The Inter-American Commission on Human Rights has issued a statement on the situation reiterating that mechanisms must be adopted to prevent excessive use of force on the part of public agents against demonstrations, emphasizing that "(c)riminalizing legitimate social mobilization and social protest, whether through direct repression of the demonstrators or through an investigation and criminal prosecution, is incompatible with a democratic society in which persons have the right to express their opinion."

We ask the Canadian government, through bilateral and regional mechanisms, to urge the Peruvian government to:

- ❑ exercise restraint to avoid further loss of life and refrain from incendiary characterizations of the Indigenous protesters;
- ❑ clarify how many Indigenous people were killed and injured in the violence, and fulfill its obligation to conduct a judicial inquiry into these acts of violence and repair the consequences;
- ❑ ensure access to medical care for all the injured;
- ❑ publish a list of all those detained and their places of detention;
- ❑ charge those detained with offenses under the laws of Peru and allow them access to a lawyer, or release them without charge;
- ❑ consult in good faith with Indigenous peoples concerning the use of their land, in accordance with the Peruvian Constitution, maintaining the Rule of Law;
- ❑ accept the offer of Mr. James Anaya, Special Rapporteur on the Situation of the Human Rights and Fundamental Liberties of Indigenous Peoples, who has expressed his availability to visit Peru to contribute to a peaceful, human rights-based resolution of this conflict.

Further, the Canadian government must ensure that its own treaties and programs with the Peruvian government do not lead to further bloodshed. We ask that the Canadian government to:

- ❑ suspend debate in the Senate on the implementing legislation for the Canada-Peru FTA;
- ❑ urge the Senate to undertake hearings on the human rights situation in Peru given recent developments, with particular focus on the rights of Indigenous peoples and their concerns with the trade agreement, particularly the provisions for investment protection;

- ❑ review The Peru Energy Regulatory Assistance Project being implemented by CIDA in light of these shocking events, to assess its potential human rights impacts and its compliance with the Canadian ODA Accountability Act. The review should address the responsibility of the Minister for International Cooperation to be assured that the international human rights of affected populations, in this case the rights of Indigenous peoples in the petroleum zones of the Amazon, are not compromised by the continuation of this project.

Please let us know what actions your government has taken with respect to the Peruvian government, and with respect to Canada's own treaties and legislation.

Yours sincerely,

Nadia Faucher
APG Co-chair

Jim Hodgson
APG Co-chair

Gerry Barr
President-CEO, CCIC

- c.c. Lawrence Cannon, Minister for Foreign Affairs
- Stockwell Day, Minister for International Trade
- Bev Oda, Minister for International Cooperation
- Marjory LeBreton, Leader of the Government in the Senate
- James Cowan, Leader of the Opposition in the Senate
- Michael Ignatieff, Leader of the Liberal Party
- Jack Layton, Leader of the New Democratic Party
- Gilles Duceppe, Leader of the Bloc Québécois
- Elizabeth May, Leader of the Green Party