

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment**

Ref.: AL OTH 253/2021  
(Please use this reference in your reply)

16 November 2021

Dear Mr. Shakwane,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, pursuant to Human Rights Council resolutions 43/16 and 46/7.

We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.<sup>1</sup>

In this connection, we would like to bring to the attention of your company information we have received concerning alleged stigmatising statements made against Colombian human rights defender Mr. Robinson Arley Mejía Alonso by representatives of AngloGold Ashanti Colombia.

**Mr. Robinson Arley Mejía Alonso** is a Colombian human rights defender, member of the Comité Ambiental y Campesino de Cajamarca y Anaime and the Colectivo Socio Ambiental y Juvenil de Cajamarca (COSAJUCA). He accompanies peasant communities in the defence of their land rights, in particular in the context of projects developed within the extractive industries. In 2017, Mr. Mejía Alonso was part of a committee that promoted a binding popular consultation in the municipality of Cajamarca, Department of Tolima, concerning the La Colosa mining project, owned and managed by your company through AngloGold Ashanti Colombia, wherein the community expressed its opposition to mining activities in the municipality. This project has possibly some significant environmental risks including, on the local ecosystems and biodiversity of the region. In addition, open pit mining could lead to risks of contamination of the soil and adjacent water resources. In the same year, the National Protection Unit granted protection measures to

<sup>1</sup> Further information about the communication procedure is available at:  
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

Mr. Mejía Alonso. The human rights defender is one of the legal representatives of the committee involved in the 2017 popular consultation, and is involved in various judicial processes related to AngloGold Ashanti's activities.

According to the information received:

In February 2021, Mr. Robinson Arley Mejía Alonso received a call from an unknown number. Upon answering the call, a funeral song was played, which was interpreted by the human rights defender as a death threat.

On 20 July 2021, a pamphlet signed by the Águilas Negras, Bloque Centro-Sur, a paramilitary group, was circulated in the Department of Tolima. The pamphlet declared “all leaders of social organisations” (“todos los líderes de organizaciones sociales”) and “those involved in human rights networks and commissions” (“los de la red-comisiones de derechos humanos”) in the Department as “military targets” (“objetivo militar”). The pamphlet signaled that the paramilitary group had profiled those who supported, among other things, popular consultations in the Department, as well as those who had been “attacking private companies from Colombia and abroad, to the effect of setting back development in the Department and nation” (“atacando empresas privadas nacionales y de otros países logrando el retroceso del desarrollo del departamento y nación”).

On 9 September 2021, another pamphlet was circulated in the Department of Tolima, in this instance signed by the Águilas Negras, Bloque Capital D.C. The pamphlet included death threats and declared “all collaborators with the guerilla, so called social leaders, trade unionists and the entire human rights bureau” (“todos los colaboradores de la guerrilla llamados líderes sociales y sindicales y a toda la mesa de defensores de derechos humanos”) as “immediate military targets” (“objetivos militares inmediatos”). The pamphlet also directly mentioned the name of several leaders in Tolima who had opposed the La Colosa project.

On 17 September 2021, an invitation addressed to the school community of two homes for children in Cajamarca, allegedly sent by AngloGold Ashanti Colombia, about the delivery of ICT materials to the children of the municipality, began to circulate on social networks. The invitation, which allegedly included the letterhead of the company and was signed by its representative, was interpreted by the Comité Ambiental y Campesino de Cajamarca y Anaimé as an indication of the return of AngloGold Ashanti Colombia to Cajamarca following the popular consultation of 2017, and the group organised a peaceful protest in response to this.

On the night of the same date, Mr. Mejía Alonso published an image of the invitation in question on his Twitter account, along with the following message: “@AGAColombia said it would respect the popular consultation in Cajamarca but it has never done so. It challenged Council agreement and @Cortolima resolutions adopting the results of the consultation and now it continues with the same old tricks #CajamarcaSeRespeta” (“@AGAColombia dijo que respetaría el mandato de la Consulta Popular en Cajamarca pero nunca lo ha hecho. Demandó acuerdo del Concejo y resoluciones de @Cortolima que adoptan los resultados de la consulta y ahora sigue con las

mismas artimañas de siempre #CajamarcaSeRespeta”).

On 18 September 2021, AngloGold Ashanti Colombia published the following message on its Twitter account: “#ATTENTION Don't be a victim of #FakeNews AngloGold Ashanti Colombia is not carrying out any type of activity in Cajamarca (Tolima). We invite you to build a country based on respect and accurate information #PorElRespeto #ComunicamosConTransparencia” (“#ATENCIÓN No se víctima de #FakeNews AngloGold Ashanti Colombia no está realizando ningún tipo de actividades en Cajamarca (Tolima). Los invitamos a construir un país con base en el respeto e información veraz #PorElRespeto #ComunicamosConTransparencia”). The company included two screenshots alongside the message, showing Mr. Mejía Alonso's tweet from the day before with a red watermark saying “Fake News”. This tweet was followed by two comments made on the social network by alleged employees of the company, who stated that Mr. Mejía Alonso had forged the invitation in order to generate false information and as such had committed a crime.

Without wishing to prejudge the accuracy of the information received, we express our deep concern for the security of human rights defenders in the Department of Tolima, and in particular Mr. Mejía Alonso, who we fear to have been placed in a situation of increased risk as a result of the comments allegedly published by AngloGold Ashanti Colombia, a branch of your company, and its employees.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information as to the current status of the La Colosa project and any activities connected with it in Cajamarca.
3. Please provide information on the human rights due diligence measures that AngloGold Ashanti has taken to prevent, identify and remedy any adverse human rights impacts of its activities in Colombia, including on the rights of human rights defenders, in accordance with the UN Guiding Principles on Business and Human Rights.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your company will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the

investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We would like to inform you that a letter on the same matter has also been addressed to the Governments of Colombia and South Africa, as well as to representatives of AngloGold Ashanti Colombia.

Please accept, Mr. Shakwane, the assurances of our highest consideration.

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

David R. Boyd

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would first like to draw your attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31). The Guiding Principles were unanimously adopted by the Human Rights Council in 2011, through resolution A/HRC/RES/17/31, after years of consultations between participating governments, civil society and the business community. These Guiding Principles are based on the recognition of:

- a) The existing obligations of States to respect, protect and fulfill human rights and fundamental freedoms;
- b) b) The role of business as a specialised organ of society that performs specialised functions and must comply with all applicable laws and respect human rights;
- c) The need for rights and obligations to be accompanied by adequate and effective remedies in the event of non-compliance".

The Guiding Principles are the authoritative global standard for business to prevent and address business-related adverse human rights impacts. The responsibility to respect human rights constitutes a global standard of conduct applicable to all businesses, transnational and otherwise, regardless of their size, sector, location, ownership and structure. It exists irrespective of the capacity and/or willingness of States to meet their own human rights obligations and does not diminish those obligations. It is a responsibility additional to that of complying with national laws and standards for the protection of human rights.

The Guiding Principles identify two main components of the corporate responsibility to respect human rights, which require that "enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities and address those impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts" (Guiding Principle 13).

To meet their responsibility to respect human rights, enterprises should have policies and procedures that are appropriate to their size and circumstances, including:

- a) "A policy commitment to meet their responsibility to respect human rights;
- b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights;
- c) Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute." (Guiding Principle 15)

Also, Principle 22 states that if companies "identify that they have caused or

contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes."

In view of the above, we would like to refer to the International Covenant on Civil and Political Rights, ratified by Colombia on 29 October 1969, in particular to its articles 6.1 and 9, which enshrine the right to life and the right to liberty and security of person. The right to security of person refers to protection against physical or psychological injury, or physical and moral integrity.

Finally, we would like to refer to the fundamental norms set out in the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, otherwise known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to article 1 of the Declaration, which states that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.