

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the human right to a clean, healthy and sustainable environment and the Special Rapporteur on the human rights to safe drinking water and sanitation**

Ref.: AL CAN 2/2025  
(Please use this reference in your reply)

6 March 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the human right to a clean, healthy and sustainable environment and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 52/4, 53/3, 55/2 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged acts of intimidation of the human rights defenders Ms. Mayerly López Carreño and Mr. Hernán Alberto Morantes in the context of their work to protect human rights from potential negative impacts of mining activities in the department of Santander, Colombia, in the context of the development of a project owned by Aris Mining Corporation, domiciled in Canada, and the United Arab Emirates state-owned company MDC Industry Holding Company LLC.**

Ms. **Mayerly López Carreño** and Mr. **Hernán Alberto Morantes** are human rights defenders and members of the **Comité para la Defensa del Agua y el Páramo de Santurbán**, a broad coalition of more than 40 organisations created in 2009 to protect human and environmental rights in the context of mining activity in the Santurbán Páramo, in the department of Santander, Colombia. The Santurbán Páramo basins supply water to 1.3 million people in seven municipalities in the region and the Metropolitan Area of Bucaramanga.

Concerns as to threats, intimidation, harassment and retaliation against human rights defender denouncing and raising concerns about the negative human rights and environmental impacts of Canadian extractive companies abroad have previously been raised with your Excellency's Government by various Special Procedures mandate holders on multiple occasions (see CAN 1/2024, CAN 4/2023, CAN 2/2023, CAN 5/2020, CAN 4/2020 and CAN 2/2017). We thank your Excellency's Government for the responses received to these communications, however, we again express serious concern at the repeated nature of these allegations across multiple jurisdictions.

According to the information received:

On 18 October 2024, a peaceful demonstration was organised by the Comité para la Defensa del Agua y el Páramo de Santurbán in the city of Bucaramanga, in the Santander department of Colombia, with the participation of

approximately 20,000 people.

On 27 November 2024, the Colombian Minister for the Environment and Sustainable Development, Ms. Susana Muhamad, announced that a public consultation would be held to define a Temporary Reserve Zone for renewable natural resources in the Santurbán Páramo. Since then, the Comité para la Defensa del Agua y el Páramo de Santurbán has actively supported this initiative, which is ongoing at the time of writing.

On 4 December 2024, a digital pamphlet from a group calling itself the “Soto Norte Resistance Committee” began to circulate on Facebook. The pamphlet stated that: “Because of the Temporary Reserve Zone affecting farmers, businessmen and miners; violations of the Escazú Agreement by Minister Susana Muhamad; [and] because of the interference of opportunists disguised as environmentalists”, the sites of El Tanque and El Mortiño would be “closed from 9 December” and that “strangers to the province will be prohibited from entering”. The pamphlet also named four people, including Ms. López Carreño and Mr. Morantes, declaring them *persona non grata*, stating: “they want to take over the province's gold by force”. The pamphlet was shared by several people with alleged links to mining in the Santurbán Páramo and particularly the Soto Norte Project, co-owned by the Canadian company Aris Mining Corporation and the UAE state-owned company MDC Industry Holding Company LLC (Mubadala). Those who shared the pamphlet reportedly included a former mayor of the municipality of California and a close relative of the current mayor, as well as the legal representative of the mining company CALIMINEROS, which has a formalisation subcontract with Sociedad Minera de Santander S.A.A (MINESA), co-owned by Aris Mining and MDC Industry Holding Company LLC. The human rights defenders have reported these events to the Colombian Attorney General's Office.

The pamphlet of 4 December 2024 is reportedly not the first instance in which Ms. López Carreño and Mr. Morantes, as members of the Comité para la Defensa del Agua y el Páramo de Santurbán, have been the targets of intimidation. On 21 October 2021, pamphlets were reportedly published in which the organisation, Ms. López Carreño and Mr. Morantes were labelled “enemies of progress in Santander” and accused of being responsible for “the deterioration of the country's heritage”.

Without wishing to prejudge the accuracy of the information received, we wish to express our serious concern at the alleged intimidation of Ms. López Carreño and Mr. Morantes, which we fear to be directly linked to their work to protect human rights, including the rights to water and to a clean, healthy, sustainable environment, in the context of the development of the Soto Norte mining project by the Canadian company, Aris Mining Corporation, and MDC Industry Holding Company LLC.

In connection with these serious concerns, we would like to refer your Excellency's Government to international human rights instruments and standards relevant to these concerns, cited in the Annex on Reference to international human rights law attached to this letter.

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 steps taken by your Excellency's Government to engage with Aris Mining Corporation regarding its responsibility to respect human rights throughout their operations, including the rights of human rights defenders in the department of Santander, as well as measures to protect the human right to a clean, healthy and sustainable environment, as required by the UN Guiding Principles on Business and Human Rights (principle 2).
3. Please provide information as to whether the Embassy of your Excellency's Government in Colombia has been made aware of the above-detailed allegations, and whether any action has been taken to support the human rights defenders, in line with Canada's Voices at Risk Guidelines.
4. Please provide information on concrete progress in requiring or encouraging companies domiciled in your territory and/or jurisdiction to implement human rights due diligence processes.
5. Please provide information on the measures that your Excellency's Government is taking or considering taking to ensure that persons affected by activities occurring outside your territory by business enterprises domiciled in your jurisdiction have access to remedy in your country, through State judicial or extra-judicial mechanisms.
6. Please provide information regarding the measures that your Excellency's Government has taken, in response to the recommendation provided in the Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises on its visit to Canada in 2017 (A/HRC/38/48/Add.1), in particular with regard to developing a gender-sensitive national action plan to implement all three pillars of the Guiding Principles (para 79 (r)) and to engaging in a multi-stakeholder process to contribute to the development of such national action plan, by facilitating the full participation of all stakeholders. (para 85 (c)).

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. 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.

Please be informed that a letter on this subject matter has also been sent to Aris Mining Corporation and MDC Industry Holding Company LLC (Mubadala) business enterprises, as well as to the Governments of Colombia and the United Arab Emirates.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Lyra Jakulevičienė  
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Astrid Puentes Riaño  
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Pedro Arrojo-Agudo  
Special Rapporteur on the human rights to safe drinking water and sanitation

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would first like to draw the attention of your Excellency's Government to the International Covenant on Civil and Political Rights, acceded to by Canada on 19 May 1976, and in particular to articles 6, 9, 19 and 21, which guarantee the rights to life, to security of person, to freedom of opinion and expression and to peaceful assembly.

As the Human Rights Committee has emphasised, in order to guarantee the right to life guaranteed in article 6(1), States must exercise due diligence to protect life from deprivations caused by persons or entities whose conduct is not attributable to the State.<sup>1</sup> State parties' obligation to respect and ensure the right to life extends to reasonably foreseeable threats and situations of danger to life that may result in death. States parties may be in violation of article 6, even if such threats and situations do not result in loss of life,<sup>2</sup> and the duty to protect the right to life requires State parties to take special measures of protection for persons in situations of vulnerability whose lives are at particular risk due to specific threats or pre-existing patterns of violence. Such persons include human rights defenders.

The right to security of person refers to protection against physical or psychological injury, or attacks on physical and moral integrity, and obliges State parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or non-State actor. As the Human Rights Committee has underlined, States parties should respond appropriately to patterns of violence against certain categories of victims, such as intimidation of human rights defenders, and should take appropriate measures to protect the victims of such violence.<sup>3</sup>

We also wish to refer to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular, article 1, which states that everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels, and article 2, which provides that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

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<sup>1</sup> CCPR/C/GC/36, paras 7, 13, 15 and 17

<sup>2</sup> Ibid., para. 7

<sup>3</sup> CCPR/C/GC/35, para 9

We would further like to make specific reference to article 9 of the Declaration on Human Rights Defenders, which holds that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights as referred to in the Declaration, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights, as well as to article 12 of the Declaration, which states that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone exercising their rights under the Declaration against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action.

In addition, we wish to recall Human Rights Council resolution 31/32, which in its paragraph 1 reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues as well as development. In this context, we would also like to refer to general comment No. 26 of the Committee on Economic, Social and Cultural Rights, on the connections between land and the rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (E/C.12/GC/26). In the General Comment, the Committee cites the UN Declaration on Human Rights Defenders, reiterating the State duty to respect human rights defenders and their work, including where it connects with struggles over land. The Committee further clarified that the State duty to protect requires States to take proactive actions to ensure economic, social and cultural rights are not infringed upon by the activities of businesses and investors either at home or abroad.

We also recall to your Excellency the explicit recognition of the human rights to safe drinking water and sanitation by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. Furthermore, in its general comment No. 15, the Committee on Economic, Social and Cultural Rights (CESCR) clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic uses. The human rights to water and sanitation require that water is continuously available, insufficient quantity for drinking, personal hygiene and domestic uses.

We would like to highlight the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of:

- a. “States’ existing obligations to respect, protect and fulfil human rights and fundamental freedoms.
- b. The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights.
- c. The need for rights and obligations to be matched to appropriate and effective remedies when breached.”

According to the Guiding Principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

Furthermore, they recognize the important and valuable role played by independent civil society organizations and human rights defenders. In particular, guiding principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The Commentary to principle 26 underlines how States, in order to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed.

Further, we refer to the Working Group on business and human rights' report on ensuring respect for human rights defenders (A/HRC/47/39/Add.2) which highlights the need for addressing the adverse impact of business activities on human rights defenders and unpacks for States and business the normative and practical implications of the Guiding Principles on Business and Human Rights in relation to protecting and respecting the vital work of human rights defenders.

We would also like to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right. We would also like to draw Your Excellency's Government's attention to the Framework Principles on Human Rights and the Environment detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The Principles state that states must ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfill human rights (principle 1); States must establish a safe and enabling environment in which individuals or groups of individuals and organs of society concerned with human rights or environmental issues can operate free from threats, harassment, intimidation and violence (principle 4), States must respect, protect and fulfill human rights to ensure a safe, clean, secure, clean, healthy and sustainable environment (principle 2); and States must ensure effective enforcement of their environmental standards against public and private actors (principle 12). ”

Furthermore, it should be noted that, based on international law, the Maastricht Principles aim to clarify the content of States' extraterritorial obligations to realize economic, social and cultural rights in order to promote and give full effect to the purposes of the Charter of the United Nations and international human rights. [...] All States have obligations to respect, protect and fulfill human rights, including civil, cultural, economic, political and social rights, both within their territories and extraterritorially. Each State has the obligation to realize the economic, social and cultural rights of all persons within its territory to the maximum extent of its capabilities. All States also have extraterritorial obligations to respect, protect and fulfill economic, social and cultural rights.