

**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 OTH 24/2025

(Please use this reference in your reply)

6 March 2025

Dear Mr. Al Mubarak,

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.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. 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.

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.**

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.

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, owned by the Canada-based company Aris Mining Corporation and your company MDC Industry Holding Company LLC (Mubadala), owned by the United Arab Emirates. 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 your company 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 safe drinking water and to a clean, healthy, sustainable environment, in the context of the development of the Soto Norte mining project by Aris Mining Corporation, and your company MDC Industry Holding Company LLC.

In connection with these serious concerns, we would like to refer you 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 information on the human rights due diligence measures adopted by MDC Industry Holding Company LLC (Mubadala) to prevent, identify and remedy any adverse human rights impacts of its activities, or that of its subsidiaries or subcontractors, in the department of Santander, Colombia, in particular on the rights of human rights defenders, as well as measures to protect the human right to a clean, healthy and sustainable environment, in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs).
3. Please indicate the measures taken by your company to ensure the implementation of the UNGPs, including information on whether your company has established or participates in any operational-level grievance mechanisms, to provide access to remedy for affected individuals and communities.

This communication and any response received from you 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 the Government of Colombia, the Government of Canada, the Government of the United Arab Emirates and to Aris Mining Corporation business enterprise.

Please accept, Mr. Al Mubarak, 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 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 fulfil human rights and fundamental freedoms.
- 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)

Furthermore, 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.”

We wish to underscore that the Guiding Principles recognize the important and valuable role played by independent civil society organizations and human rights defenders. In particular, Principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts.

We would like to refer to the thematic report of the Working Group on the issue of human rights and transnational corporations and other business enterprises (ref. A/HRC/32/45) and recommendations contained therein elaborating on the duty of States to protect against human rights abuses involving those business enterprises that they own or control. This includes the following considerations:

88. *All business enterprises, whether they are State-owned or fully private, have the responsibility to respect human rights. This responsibility is distinct but complementary to the State duty to protect against human rights abuses by business enterprises. This duty requires States to take additional steps to protect against abuses by the enterprises they own or control. This goes to the core of how the State should behave as an owner and the ways in which its ownership model is consistent with its international human rights obligations.*
94. *States, as primary duty bearers under international human rights law, should lead by example. To show leadership on business and human rights requires action and dedicated commitment on many fronts. It also includes using all the means at the disposal of States to ensure that the enterprises under their ownership or control fully respect human rights throughout their operations. There is untapped potential for State-owned enterprises to be champions of responsible business conduct, including respect of human rights. The Working Group calls on States and State-owned enterprises to demonstrate leadership in this field.*

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.