



Wednesday, November 11, 2020

CERREJON COAL MINE LIES AND ACT IN A FRAUDULENT WAY REGARDING THE JURIDICAL SENTENCE (T-614) AND THE REPORT FROM THE UN SPECIAL RAPPORTEURS.

Press Release from the Committee of Defenders of the Territory of the Indigenous Reservation of Provincial and Jose Alvear Restrepo Lawyers' Collective

The traditional authorities of the Provincial Wayuu Indigenous Reservation, the Wayuu women plaintiffs in sentence T-614 of 2019 of the Constitutional Court, the leaders and other members of the community who prepared, presented and supported both the application for legal protection and the petition sent to The United Nations, in conjunction with the José Alvear Restrepo Lawyers' Collective, an organization that has been assisting with these actions, wish to communicate the following to public opinion.

Today, November 10, 2020, Cerrejón Coal has issued a public statement in which, in a serious and fraudulent manner, it LIES and attempts to deceive the country and international bodies regarding compliance with the orders of the Constitutional Court ruling T- 614 of 2019 and the complaints we presented to the United Nations rapporteurs.

IT IS NOT TRUE that the company had reached a historic agreement or a sincere, open and good faith dialogue with the sector of the community of the Provincial Reservation who for years have used various legal actions to denounce the serious violations, abuses and outrages committed by this cheating and lying company owned by multinational mining companies **BHP, Glencore and Anglo American.**

Since Constitutional Court ruling T 614 of 2019 was pronounced and the statement of the United Nations rapporteurs that confirmed the validity our complaints, the company in its usual strategy of dividing the communities has confined its dialogues or "negotiations" and the communication of its pronouncements to Governor Oscar Guariyu and his relatives. This Governor (a figure imposed by non-Indigenous law and not by Wayuu law) from the beginning rejected both the application for legal protection and the petition that we sent to the UN claiming and demanding respect for the rights to health and environment of our community and especially of our boys and girls.

The company knows that the Constitutional Court itself warned in the text of the sentence that the Governor could not deny the legitimacy of our voices. So, we wonder how the same person who opposed the application for legal protection is in charge of “negotiating” and speaking publicly on behalf of the application for legal protection that he himself rejected? This constitutes a failure to respect the court rulings in good faith.

We wish to make clear that, through various briefs repeatedly submitted to the company, government institutions, control bodies and judicial authorities, we have denounced this situation and asked that actions be taken against this usurpation of our rights. We have explained that Mr. Oscar Guariyu cannot steal our voice and does NOT represent us in the application for legal protection or in the communication to the United Nations. Given that this has been the case for months, and appealing to our rights to autonomy and self-determination, we request his dismissal and disqualification as Governor of the Reservation.

We also wish to inform the public that on November 6 and 10, 2020, in the visit to our territory made by the Ombudsman Carlos Camargo and representatives of the National Authority for Environmental Licences (ANLA), the Ministry of the Environment and Corpogujaira [the provincial environmental agency], we made this problem crystal clear and we declared to them that compliance with the sentence should be carried out according to our timetable and respecting our uses and customs. Each of these entities therefore has full knowledge of what we are denouncing here.

Cerrejón Coal and Government institutions must respect the timetable and the internal reflection process that our community is carrying out to solve the divisions that the company has caused and until this is solved, NO dialogue on sentence T 614 of 2019 can be accepted as valid or legitimate, and company personnel are not allowed to enter our territory.

We reject the disinformation campaign carried out by Cerrejón Coal and we will consider appropriate actions in the face of the bad faith, criminal behaviour, contempt and non-compliance with judicial decisions with which this company continues to act.