

Bogotá, 25 November, 2021

CERREJON'S COMMENTS ON PUBLICATION FROM JOSE ALVEAR RESTREPO LAWYERS COLLECTIVE ON ALLEGED EVICTION THREAT TO RURAL FAMILIES

Cerrejón welcomes the invitation from the Business & Human Rights Resource Centre (BHRRC) to respond to a press release published by the NGO José Alvear Restrepo Lawyers Collective (CAJAR) on alleged threats of eviction to rural families living near the banks of the Ranchería River.

Regarding this we would like to clarify that the property referred to is called Nueva Idea and has been owned by Cerrejón since 2016. This property was purchased from Mrs. Maria Rosa Hernández, following legal due diligence and land acquisition due diligence established by current Colombian regulations. In turn, Mrs. Hernández acquired the property by means of an award decision issued in 2010 by the Colombian Institute for Agrarian Reform (Incora). It is important to clarify that during the process of negotiating the property with Mrs. Hernández, Cerrejón conducted the necessary in-person and visual inspections to determine that there was no occupant or occupants inhabiting the property on an ongoing basis. Once the property was acquired by Cerrejón, it was illegally occupied on three occasions, the first two times by a single person and the third time by three adults, and not by communities or groups of families as indicated in the press release.

The property was purchased by Cerrejón to ensure the provision of environmental services in order to strengthen controls related to the levels of particulate matter in the air and thus maintain air quality in the surrounding communities. As such, it forms part of the areas Cerrejón has to meet the requirements of the National Environmental Licensing Authority (ANLA).

The community of the Provincial Indigenous Reservation, which neighbours this property, and their traditional authorities have been aware that these people have been occupying this property and were also aware of the police eviction carried out this past November 10th.

Prior to carrying out the police eviction, Cerrejón approached the occupants of the property several times in hopes of reaching an agreement for them to leave voluntarily. Nevertheless, this was not possible, so the company turned to the legal procedures established for cases of land occupation.

During the eviction, local authorities from the municipality of Barrancas were present, including a representative from the local human rights office, the Family Commissioner, and the Police Inspectorate, who ensured the respect and integrity of the persons involved. Prior to the intervention, the authorities received training in Voluntary Principles on Security and Human Rights in order to ensure that the rights of all were always respected. After the event, Cerrejón supported the people who were occupying the property by moving their belongings to their destination in the municipality of Hatonuevo.

Contrary to what was expressed in the CAJAR press release, the acts that preceded the police eviction and the procedure itself occurred without any type of violence.

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