

via email: aberger@mingob.gob.gt
Sr. Enrique Antonio Degenhart Asturias
Minister of the Interior of Guatemala

via email: fiscalgeneral@pm.lex.gob.gt
Lic. María Consuelo Porras Argueta
Attorney General of Guatemala

June 11, 2018

Dear Minister of the Interior Degenhart and Attorney General Porras Argueta:

We are very disturbed that the judicial hearing on charges pending against indigenous human rights defender and journalist **Jerson Antonio Xitumul Morales** has been postponed for another month. On May 16, the judge in the Puerto Barrios' Penal Court on Drug-Related Activity and Environmental Crimes postponed the hearing after receiving notice of another criminal complaint against Jerson Xitumul Morales, by two wives of the workers of Guatemalan Nickel Company (CGN). The judge ordered that they be added to the original complaints and that the women be recognized as plaintiffs.

Jerson Antonio Xitumul Morales, a human rights defender and journalist at *Prensa Comunitaria*, a media outlet in Izabal Department, has been reporting on the organized opposition by the indigenous Maya-Q'eqchi' community to harmful effects of CGN's mining activities in El Estor, Izabal. CGN was formerly owned by the Canadian company HudBay Minerals, and is now owned by Cyprus-based Solway Investments. Their activities are contributing to the pollution and environmental damage in El Estor (cf our letters from 2017 of February 24, June 25, June 26, and October 23).

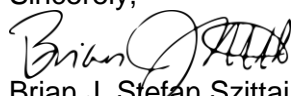
On November 11, 2017 Jerson Antonio Xitumul Morales was arrested by local police and unjustly charged with incitement to commit crimes, threats, and illegal detention related to his alleged participation in protests on May 4, 2017 (cf our letter of November 24 2017). On December 18, 2017 he was allowed to return home under house arrest while the criminal case proceeds.

In early May, two wives of Russian and Ukrainian CGN workers filed a complaint against Jerson Xitumul Morales and members of Artisanal Fisherman's Guild (GPA) for putting the safety of the workers' families at risk during the 2017 protest near the CGN mining camp. Several members of the GPA, including Juan Eduardo Caal Suram (cf our letter of December 24, 2017), are already facing criminal prosecution because of their efforts to preserve the environment in El Estor. Jerson Xitumul Morales' lawyer was critical of the judge's decision to allow the complaints to be added to the case because, according to the Guatemalan Criminal Procedure, the deadline for bringing forward additional complaints has already passed. The judge's decision therefore constitutes a violation of due process and judicial guarantees.

We are deeply concerned by the ongoing criminalization of human rights defenders reporting on environmental degradation in El Estor, which we believe are motivated solely by their legitimate and peaceful work in defense of environmental and indigenous peoples' rights.

Therefore, we **strongly urge** that you immediately and unconditionally release Jerson Antonio Xitumul Morales and drop all charges against him.

Sincerely,


Brian J. Stefan Szittai
Co-coordinators


Christine Stonebraker Martínez

copies: Manuel Espina, Ambassador of Guatemala to the US ~ via website and email
Luis E. Arreaga, US Ambassador to Guatemala, in care of human rights officer Rain Bian ~ via email
Stefanie Fabrico, Guatemala Desk, US State Department ~ via email
Esmeralda Arosemena de Troitiño, Rapporteur for Guatemala, Inter-American Commission on Human Rights ~ via email
Antonia Urrejola, Rapporteur on the Rights of Indigenous Peoples, Inter-American Commission on Human Rights ~ via email
Edizon Lanza, Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights ~ via email
US Senators Brown & Portman and US Representatives Beatty, Fudge, Gibbs, Johnson, Jordan, Joyce, Kaptur, Latta, Renacci, Ryan ~ via email

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The following people hereby urge you to take action on this matter as indicated in this letter: