

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

via email: fiscalgeneralmp@gmail.com
Lic. María Consuelo Porras Argueta
Attorney General of Guatemala

December 23, 2018

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

We are shocked and outraged at the sentencing of Q'eqchi' environmental defender and community leader **Bernardo Caal Xol** to 7 years and 4 months in Cobán prison for his nonviolent resistance against the Oxec I and Oxec II hydroelectric projects on the Cahabón River in Alta Verapaz Department (cf our letter of June 26 2018).

Bernardo Caal was convicted of illegal detention and aggravated robbery, despite contradictory and insufficient evidence presented by the Public Prosecutor's office. He has been in preventative detention since January 2018, in a case that Guatemalan human rights organizations see as an example of the criminalization of environmental defenders. The U.N. stated that the imprisonment is "excessive" and discriminatory." A group of U.N. experts stated that "the condemnation of the Q'eqchi' leader is an apparent attempt to silence and discredit the legitimate exercise of the rights of the indigenous community."

Indigenous communities in Alta Verapaz have voiced strong opposition to the Oxec and Oxec II dams, which were built without consulting the indigenous population, as required by law. Construction has resulted in the destruction of local ecosystems, clear cutting of old growth forests, and decimation of mountain ridges sacred to the Maya q'eqchi' people. For centuries, Mayan peoples have seen the Oxec River as an important water source in the creation of living beings.

Victoria Tauli-Corpuz, special rapporteur for the rights of indigenous peoples, said, "The conviction of Mr. Caal Xol for more than seven years in prison on charges of illegal detention and aggravated robbery of a drill, a toolbox and fiber optic seems excessive and was based mainly on testimonies of affiliates of the company Oxec." After a visit with Caal, a U.N. delegation expressed its concerns for his safety and called for "effective protection."

We **strongly urge** that you

- drop the criminal charges against Bernardo Caal Xol and release him from prison;
- stop the criminalization and judicial repression against indigenous community leaders and environmental defenders;
- respect the legal right of indigenous people to decide on their own economic and energy projects in their territories.

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
Steven Kenoyer, 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
US Senators Brown & Portman US Representatives Beatty, Fudge, Gibbs, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

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