

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

October 11, 2021

Dear Attorney General Porras:

We are dismayed that the Guatemalan National Police (PNC) is intimidating the local Maya Q'eqchi' community in El Estor, Izabal Department, which has been organizing opposition to the El Fénix nickel mine for several years. Mining operations are causing contamination of local waterways, namely Lake Izabal.

On October 4, the community established an encampment at the highway exit of El Estor, near the Rio Dulce, to prevent the passage of mining machinery. In the early morning of October 6, hundreds of Guatemalan National Civil Police (PNC) arrived in the nearby community of Chinebal, El Estor, intending to evict 94 Maya Q'eqchi' families from their ancestral land. Many families were forced to abandon the blockade encampment and return to Chinebal to defend their community. Eyewitnesses reported that several PNC officers carried high-caliber weapons and threatened to use force against the community if they did not vacate the land within an hour. Fortunately, the forced eviction was suspended after a standoff between the PNC and the community.

The mine is operated by the Guatemalan Nickel Company (CGN); formerly owned by the Canadian company HudBay Minerals, it is now owned by Cyprus-based Solway Investments. The impacted indigenous communities have reiterated over years of opposition that the Ministry of Energy and Mines (MEM) did not obtain free, prior, and informed consent from their communities as required by national and international law (ILO Convention 169, the Indigenous and Tribal Peoples Convention of 1989). In its ruling in 2019, the Constitutional Court of Guatemala ratified the right to consultation and resolved that the mining company had to suspend its mining activity in the meantime. The mining operations continue in defiance of the court ruling.

On September 27, the Ancestral Council of Maya Q'eqchi' Authorities filed an appeal against Alberto Pimentel Mata, the Minister of Energy and Mines, for his management and bad faith in the pre-consultation process. Seven days later, local residents set up the blockade to stop the mining machinery.

We believe that the threatened eviction carried out by the PNC on October 6 was an act in retaliation for the community's persistent opposition to the El Fénix nickel mine. We strongly urge that you

- instruct the Ministry of Energy and Mines to order a suspension of mining activities
- instruct the police and other public officials to respect the right of the local Q'eqchi' community to organize opposition to the mining operations

Sincerely,



Brian J. Stefan Szittai
Co-coordinators



Christine Stonebraker Martínez

copies: Alberto Pimentel Mata, Minister of Energy and Mines ~ via email
Alfonso José Quiñónez Lemus, Ambassador of Guatemala to the US ~ email, US mail
Augusto Jordán Rodas Andrade, Prosecutor for Human Rights (PDH) ~ via email
IACHR: Esmeralda Arosemena de Troitiño, Rapporteur for Guatemala, Inter-American Commission on Human Rights ~ via email and US mail
OACNUDH: Mika Kanervavuori, Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos en Guatemala (OACNUDH) ~ via email
US State Department: Guatemala Desk Officers in Washington, DC: Bria Mathews, Moises Mendoza ~ vial email
US State Department: William Popp, US Ambassador to Guatemala, in care of human rights officer Sarahann Yeh ~ via email
US Senators Brown & Portman and US Representatives Beatty, Gibbs, Gonzalez, 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: