

<p><b>Lic. Alberto Pimentel Mata</b> Minister of Energy and Mines (MEM) of Guatemala</p>	<p><b>Ing. Oscar Rafael Pérez Ramírez</b> Vice-Minister of Sustainable Development of MEM of Guatemala</p>
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June 13, 2022

Dear Minister Pimentel and Vice-Minister Pérez:

We are troubled to learn of the arrest today of two environmental defenders from El Estor, municipality of Izabal, Izabal Department. The PCN (National Civil Police) arrested **Cristóbal Pop** and **Roque Sub Cucul**, two Indigenous leaders, accused of assaulting police officers during a demonstration against the Guatemalan Nickel Company (CGN), a subsidiary of the Swiss-Russian consortium Solway Investment Group, in October 2021.

Cristóbal Pop is president of the Fishermen's Guild of El Estor (Gremial de Pescadores Artesanales). He was one of the first people to report in 2017 that CGN's El Fénix nickel mine (purchased by Solway from the Canadian company HudBay Minerals in 2011) was contaminating Lake Izabal, threatening fishers' source of income. **Roque Sub Cucul** is an Indigenous leader of the Mayan Q'eqchi' ancestral council in Alta Verapaz Department. The two were captured by police today in Guatemala City after a press conference in which they announced that they would sue the State of Guatemala before the Inter-American Commission on Human Rights for the illegal installation of the El Fénix nickel mine and the criminalization of environmental defenders. They were transferred to the Court Tower of the Judicial Body in Guatemala City. The two men had an arrest warrant issued against them on September 21, 2021 by the Criminal Court of First Instance of the departments of Alta Verapaz and Izabal.

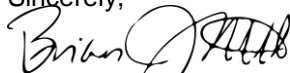
We understand that Judge Arteaga López has issued arrest warrants against at least 12 environmental defenders and journalists who protested the mine in October 2021 when security forces violently attacked community residents with beatings and tear gas. The president declared a state of siege, sending more than 800 agents of the National Civilian Police (PNC), the army, the navy, and the air force, who maintained a dusk-to-dawn curfew and controlled roads in and out of El Estor (cf our letter 21 November 2021).

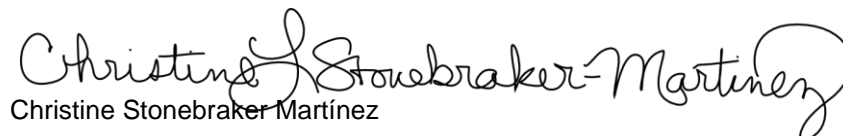
We have been following the developments regarding the resistance to the nickel mine in El Estor since 2009. For the past 15 years, impacted Indigenous communities have reiterated that the Ministry of Energy and Mines (MEM) did not obtain their free, prior, and informed consent as required by national 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. The company later carried out a "consultation" but excluded many key actors. Last January, the Guatemalan government restored the operating permit for the mine, which continues operating in defiance of the spirit of the 2019 court ruling.

Because of the El Fénix mine, residents of El Estor have become victims of land grabbing, arson, and repression. We therefore strongly urge you to:

- release from detention and drop the criminal charges against Cristóbal Pop and Roque Sub Cucul and the other environmental defenders charged because of their protest in October 2021
- suspend the company's mining license and stop all further mining operations promptly
- initiate a new, transparent and thorough and inclusive consultation process

Sincerely,

  
 Brian J. Stefan Szittai  
 Co-coordinators

  
 Christine Stonebraker-Martínez

copies: Lica. María Consuelo Porras Argueta, Attorney General of Guatemala ~ via email  
 Humberto Matheus, Director General of the Guatemalan Nickel Company (Compañía Guatemalteca de Níquel, CGN) ~ 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  
 Switzerland: Solway Investment Group, Embassy of Switzerland in the US ~ via email  
 US State Department: Guatemala Desk Officers in Washington, DC: Bria Mathews, Moises Mendoza ~ via 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, Brown, Gibbs, Gonzalez, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

14 JUN 2022\_RightsAction\_Guatemala

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