

# IRTF

InterReligious Task Force on Central America

3606 Bridge Avenue, Cleveland, Ohio 44113

tel: 216.961.0003 fax: 216.961.0002 e-mail: [irtf@irtfcleveland.org](mailto:irtf@irtfcleveland.org)

Licda. María Consuelo Porras Argueta  
Attorney General / Fiscal General de la República  
Ministerio Público  
15 Avenida 15-16 zona 1, Edificio Gerona 8º Nivel  
Ciudad de Guatemala, 01001  
Guatemala

July 24, 2022

Dear Attorney General Porras Argueta:

We are disappointed and angered to learn of the sentencing of **María Magdalena Cuc Choc**, a Q'eqchi translator and human rights defender, to two years in prison by the court in Puerto Barrios, Izabal Department, on June 27. Despite irregularities in the court process and inconsistent evidence, she was convicted for aggravated usurpation and given the option to pay 7,500 quetzales—about US \$920—to commute her sentence. She has been facing an unjust criminalization process for several years for her support for and accompaniment of the Mayan communities of Izabal who defend their human, environmental, and territorial rights.

María Magdalena Cuc Choc is a supporter of the local resistance to the El Fénix nickel mine in El Estor, run by the Guatemala Nickel Company (CGN), formerly owned by the Canadian company HudBay Minerals, and now by Switzerland-based Solway Investments. For the past 15 years, CGN's mining in El Estor has caused environmental damage. The contamination of Lake Izabal has negatively impacted the local fishing community. Residents of El Estor have been victims of land grabbing, arson, and repression.

In its ruling in 2019, the Constitutional Court of Guatemala resolved that the mining company had to suspend its mining activity because no prior consultation and consent had occurred with the local community. 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.

María Magdalena Cuc Choc was first detained and unjustly criminalized in 2018 for the alleged crimes of threats, illegal detention and aggravated usurpation during the eviction of the community of Chab'il Ch'och' in 2017. On June 27, the judge acquitted her of two crimes but sentenced her to two years for the charge of aggravated usurpation.

We strongly urge you to:

- call for the revocation of the unjust sentencing of María Magdalena Cuc Choc and release her immediately
- call for the suspension CGN's mining license and stop all further mining operations promptly
- pursue legal action against CGN for their crimes against the community of El Estor over the past several years
- protect the residents of El Estor from unjust criminalization and damages to their lands and waterways

Sincerely,



Brian J. Stefan Szittai  
Co-coordinators



Christine Stonebraker Martínez

copies: Lic. Alberto Pimentel Mata, Minister of Energy and Mines (MEM) of Guatemala  
Ing. Oscar Rafael Pérez Ramírez, Vice-Minister of Sustainable Development of MEM of Guatemala  
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  
Office of the Ombudsman for Human Rights of Guatemala (PDH) ~ via email  
IACHR: Esmeralda Arosemena de Troitiño, Rapporteur for Guatemala and for Rights of Indigenous Peoples, 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 ~ via email  
Embassy of Switzerland in the US ~ via email  
US State Department: Guatemala Desk Officers in Washington, DC: Doug Choi, 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

30 JUN 2022\_IMDefensoras\_Guatemala

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