

IRTF

InterReligious Task Force on Central America

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Alberto Pimentel Mata
Minister of Energy and Mines (MEM)
Diagonal 17, 29-78 zona 11, Colonia Las Charcas
Ciudad de Guatemala
GUATEMALA

February 21, 2023

Dear Minister Pimentel:

We call on your government to support the right to self-determination for local communities. For the past ten years, the Peaceful Resistance of La Puya has successfully organized to halt gold mining operations by Exmingua, a local wholly-owned subsidiary of US-based Kappes, Cassidy and Associates (KCA).

The Progreso VII Derivada mine (also known as El Tambor) stretches across parts of two municipalities in Guatemala Department: San José del Golfo and San Pedro Ayampuc. It has been controversial since 2011 when the Ministry of Energy and Mines granted a 25-year license for exploration. Since then, local residents have paid the price for their opposition, citing threats to water supplies and the lack of prior consultation. In June 2012, Yolanda Oquelí, a leader of FRENAM (Northern Front of the Metropolitan Area) was shot while driving home from a protest at El Tambor (cf our letter 26 June 2012). In November 2012, protesters received death threats (cf our letter 23 November 2012). In September 2013, ten Indigenous Maya Kaqchikel residents who were protesting the mine became victims of a massacre (cf our letter 21 October 2013).

While the government militarized the area to repress the resistance, mining opponents took the case to court, all the while maintaining their protest outside the mine's entrance. In 2014, the Center for Environmental and Social Legal Action (CALAS) filed a legal motion. In 2015, the Guatemalan Supreme Court agreed that prior community consultation had not taken place and provisionally suspended the mining license. In May 2016, the government suspended the company's export license after finding it was violation of the mining suspension. When the Supreme Court issued a definitive suspension of mining rights in June 2016, Exmingua appealed. In 2020, the Constitutional Court ruled against the appeal and reaffirmed the 2016 Supreme Court ruling and also ordered a new consultation process.

Now that the new consultation process will be starting soon, environmental defenders are reporting a new wave of threats and intimidation in order to dissuade them from participating. The company is also applying pressure, having brought a \$400 million claim against the Guatemalan government for suspending the mining permit, claiming the decision violates the Central American Free Trade Agreement.

We urge you to

- ensure that residents are able to freely and safely participate in the consultation process and be able to express opposition to the mine, without risk of aggression, criminalization, or intimidation
- resist any pressure from KCA related to the CAFTA international arbitration suit it filed against your country

Sincerely,



Brian J. Stefan Szittai
Co-coordinators



Christine Stonebraker-Martinez

copies: Lic. José Alejandro Córdoba, Procurador de Derechos Humanos/Human Rights Ombudsman ~ via email
Licda. María Consuelo Porras Argueta, Attorney General of Guatemala ~ via email
Alfonso José Quiñónez Lemus, Ambassador of Guatemala to the US ~ email, US mail
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: William Popp, US Ambassador to Guatemala ~ via email
US State Department: Guatemala Desk Officers in Washington, DC: Doug Choi, Moises Mendoza ~ via email
Daniel W. Kappes, President & CEO – Kappes, Cassidy and Associates ~ via email and US mail
Guillermo M. Larios, Support Engineer & Project Manager for Central America – Kappes, Cassidy and Associates ~ via email and US mail
US Senators Brown & Vance ~ via email
US Representatives Balderson, Beatty, Brown, Johnson, Jordan, Joyce, Kaptur, Latta, Miller, Sykes ~ via email

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