

Ing. Víctor Hugo Ventura Ruiz Minister of Energy and Mines (MEM) of Guatemala	Lic. Edvin Danilo Mazariegos Can Vice-Minister of Sustainable Development of MEM of Guatemala
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January 23, 2024

Dear Minister Pimentel and Vice-Minister Pérez:

We have been following the developments regarding the El Fénix nickel mine in El Estor, Izabal Department, and the resistance to the nickel mine since 2009. The mining operations are damaging the environment in El Estor by contaminating Lake Izabal and other local water sources, threatening fishers' source of income. Local communities (more than 90% of El Estor's 82,500 inhabitants are indigenous Maya Q'eqchi') have become victims of land grabbing, arson, and repression.

We are glad to learn that on December 15, 2023, the Inter-American Court of Human Rights ruled that the government of Guatemala is responsible for human rights violations against the Indigenous Maya community that opposes the mine. The court found that various acts of aggression and violence have included attacks on life and harassment and threats to members of the community. The court ordered that the government adopt various reparation measures.

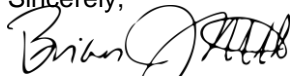
The criminalization of Indigenous environmental defenders must end. There have been at least 13 arrest warrants ordered against environmental defenders and journalists who protested the mine in October 2021 when the president declared a state of siege, sending security forces who violently attacked community residents with beatings and tear gas (cf our letter 21 November 2021). In March 22, Julio Toc Mucu, son of a member of the Fishermen's Guild, was apprehended by police and detained; he was beaten in custody (cf our letter 16 April 2022). Luis Adolfo Ich Choc, an elected representative of the Ancestral Council of the Q'eqchi' People of El Estor, Izabal Department, has been routinely victimized because of his active resistance to the nickel mine (cf our letter 25 November 2022).

The El Fénix nickel mine is operated by the Guatemalan Nickel Company (CGN), a subsidiary of the Swiss-Russian consortium Solway Investment Group, which purchased the mining operation from the Canadian company HudBay Minerals in 2011. For the past 17 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. The mining operations continue in defiance of the spirit of the court ruling. In its ruling on December 15, 2023, the Inter-American Court of Human Rights concluded that the consultation was not carried out adequately.

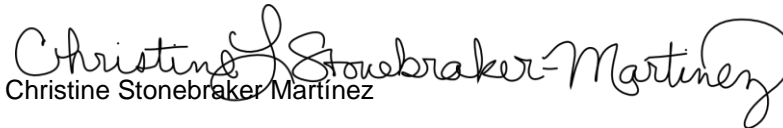
We condemn acts of state violence and criminalization of Indigenous environmental rights defenders in El Estor. We therefore strongly urge you to:

- drop the criminal charges against the environmental defenders charged because of their protest in October 2021
- suspend the company's mining license and stop all further mining operations promptly
- publish a statement about the government's plans to adhere to the ruling of the Inter-American Court of Human Rights issued on December 15, 2023

Sincerely,



Brian J. Stefan Szittai
Co-coordinators



Christine Stonebraker Martínez

copies: Lic. José Alejandro Córdoba, Ombudsman for Human Rights (PDH) ~ via email
 Guatemalan Nickel Company (Compañía Guatemalteca de Níquel, CGN) ~ via email
 Alfonso José Quiñónez Lemus, Ambassador of Guatemala to the US ~ email, US mail
 IACHR: Andrea Pochak, Rapporteur for Guatemala, Inter-American Commission on Human Rights ~ via email and US mail
 IACHR: Arif Bultan, Rapporteur on the 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 (UN) ~ via email
 Switzerland: Solway Investment Group and Embassy of Switzerland in the US ~ via email
 US State Department: Guatemala Desk Officers in Washington, DC ~ vial email
 US State Department: William Popp, US Ambassador to Guatemala, in care of Angela Melton ~ via email
 US Senators Brown & Vance and US Representatives Beatty, Brown, Gibbs, Gonzalez, Jordan, Joyce, Kaptur, Latta,, Ryan ~ via email

16 DEC 2023_GHRC-USA_Guatemala

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