

Mstra. Ana Patricia Orantes Thomas Minister of Environment and National Resources (MARN)	Jaime Luis Carrera , Vice-Minister for Water Ministry of Environment and National Resources (MARN)
Ing. Víctor Hugo Ventura Ruiz Minister of Energy and Mines (MEM) of Guatemala	Lic. Oscar Rafael Pérez Ramírez Vice-Minister for Sustainable Development (MEM)

May 12, 2024

Dear Ministers and Vice-Ministers:

We are disturbed to learn that on April 12, four Indigenous Maya Ch'orti' authorities who are part of a peaceful resistance movement against the antimony mine Cantera los Manantiales in Olopa, Chiquimula Department, were ordered to stand trial: **Juan Carlos Pérez Canán, Leonor Crisóstomo Méndez, Guillermo Ramírez Pérez, and Fredy Geovany Ramírez Ramírez.**

The criminal process against them began on July 1, 2019, when Odilio de Jesús Guzmán Salazar and his son Rony Leonardo Guzmán Guzmán, who are the purported owners of land where Los Manantiales operates, broke a chain that community residents had placed at the entrance gate as a measure of resistance to the mining operations. The four Indigenous Maya Ch'orti' defenders are accused of illegally detaining Odilio de Jesús Guzmán Salazar and Rony Leonardo Guzmán Guzmán. After the First Criminal Court Judge ruled to dismiss the case last year, the Public Ministry appealed, and now Judge Juan José Regalado from the First Criminal Court of Chiquimula has ordered the men to stand trial. Six other community members (who currently have alternative measures in the same criminal case) will also face trial.


Environmental and Indigenous rights defenders—many of them members of the Nuevo Día Ch'orti Indigenous Association (CCCND)—have been organizing peaceful resistance for several years against the mine, operated by Industrias de Canteras y Minas (INCAMIN, S.A.). In 2012, the Ministry of Energy and Mines (MEM) granted a 25-year exploitation license for the extraction of antimony in the Los Manantiales Quarry, an area of two square kilometers in the village of El Carrizal, Olopa municipality. The company began operations in 2016, despite the fact that the license was granted without free, prior and informed consultation with the communities, as required by ILO Convention 169. Residents' health and environmental concerns include the contamination of the Río Jupilingo and the Río Zacapa, cutting down of forests, and the appearance of skin diseases. In March 2019, the Ministry of the Environment ordered the company to stop its operations. Later, after the Maya Ch'orti' communities had maintained a peaceful encampment for several months, the Supreme Court of Justice (CSJ) suspended the mining license. Moreover, the Court of Amparos granted the Indigenous Council provisional protection measures because of the risks they were exposed to as a result of the mining activities.

It is clear that the majority of residents in the 14 villages of Olopa (and several in neighboring Esquipulas municipality) oppose the mining project. In retaliation, they have been victimized by threats to their ancestral lands and cultural rights, criminalization, violence, and assassination, such as the torture and killing of Medardo Alonzo Lucero in June 2020 (cf our letter of August 21, 2020). Despite the dangers, the Maya Ch'orti' communities persist. On March 22 of this year, the Indigenous Council of Olopa announced that it had petitioned the Inter-American Commission on Human Rights (IACHR) for the violation of their rights as Indigenous peoples by the State of Guatemala.

Because of our concern for the safety and well-being of the Maya Ch'orti' communities in Olopa, we urge that you:

- review the process through which the exploitation license was issued in 2012
- express concern that this this criminal process is a case of persecution against the anti-mining resistance
- urge that the criminal charges against all ten defenders be dismissed

Sincerely,


Brian J. Stefan Szittai
Co-coordinators


Christine Stonebraker Martínez

copies: Lic. José Alejandro Córdova Herrera, Ombudsman for Human Rights of Guatemala (PDH) ~ via email
Hugo Beteta, Ambassador of Guatemala to the US ~ email, US mail
IACHR: Andrea Pochak (Rapporteur for Guatemala) and Arif Bulkan (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
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, 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: