

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 25, 2024

Dear Ministers and Vice-Ministers:

We continue to be dismayed at reports of persecution against Indigenous environmental defenders in Guatemala—criminalization, threats, violence, and assassinations.

In 2013, the Inter-American Development Bank (IDB) financed US\$13 million for the construction of hydroelectric power plants in the Indigenous Yichk'isis micro-region of Huehuetenango Department, home to Maya Chuj, Q'anjob'al and Akateka communities. Environmental defender **Tomás Domingo Mateo** from the village of Pojom in San Mateo Ixtatán has been one of many outspoken opponents of the projects proposed by Energía y Renovación SA (owned by Corporación Castillo Hermanos) that threaten the environmental integrity and ancestral rights of the Indigenous communities.


Because the IDB financed the projects without prior consultation or consent of the Indigenous communities in Yichk'isis, the Plurinational Ancestral Government of Northern Huehuetenango filed a complaint with the IDB's independent investigative unit (Mecanismo Independiente de Consulta e Investigación, or MICI) in August 2018. In September 2021, MICI reported that the IDB had violated its own Indigenous Peoples Policy, Sustainability and Cultural Heritage Policy, Gender Equality in Development Policy, and Environmental and Social Sustainability Policy. Social cohesion was negatively impacted with increased social conflict upon the arrival of Energía y Renovación SA; MICI determined that the IDB's supervision of the risks of social conflicts was insufficient and incomplete. Finally, MICI found that IDB's evaluations had been conducted to favor the company and not the Indigenous communities. For all of these reasons, the IDB withdrew its financial support in March 2022.

Despite the admitted illegitimacy of the hydro projects, environmental defenders continued to be criminalized. In 2016 a sympathizer of Energía y Renovación SA in the village of Pojom alleged crimes of conspiracy and rape against Tomás Domingo Mateo and 22 other environmental defenders. A judge issued arrest warrants. On April 14 of this year, police carried out the 2016 arrest warrant against Tomás Domingo Mateo and detained him. After spending 25 days in detention, a judge ruled on May 10 that the charges against him be dropped for lack of evidence.

Because of a long history of patterns of violence and criminalization against community leaders and defenders like Tomás Domingo Mateo—not to mention the social and environmental impacts of megaprojects—we urge that your government:

- uphold its national and international obligations to protect human rights, including the rights of Indigenous peoples to defend their ancestral lands and environment
- end the unjust criminalization of territorial and environmental defenders
- ensure that proper processes are followed (namely prior consultation and consent) when companies and international financial institutions propose any future megaprojects

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 ~ via email
US State Department: William Popp, US Ambassador to Guatemala, in care of Angela Melton ~ via email
US Senators Brown & Vance ~ via email
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: