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Indigenous Authorities, National and International Organizations Denounce Attacks and Defamation by Swiss Mining Company Solway Investment Group in Guatemala; Urge Constitutional Court to Follow Precedent and Shut Down Mine.

The same week that Global Witness names the Central American country the deadliest in the world for environmental activists, threats against Maya Q'eqchi land defenders opposing illegal mining in their territory increase.

Zurich/Berna/Washington/Berkley/Tatamagouche/Guatemala

August 2, 2019

On July 29 Global Witness released a [report](#) which found Guatemala among the most dangerous countries in the world for land and environmental activists. Two days later, 15 national and international human rights organizations, and Maya, Xinka and Garifuna Indigenous Authorities of Guatemala [released a statement](#) denouncing a worrying pattern of violence near the Fenix nickel project in Guatemala. The mine is operated by the Guatemala Nickel Company (CGN), currently a subsidiary of Solway Investment Group of Switzerland.

In February 2018, more than 60 Maya Q'eqchi artisanal fishers and Indigenous Authorities from the departments of Izabal and Alta Verapaz filed a court injunction claiming the rights of indigenous communities had not been respected under national and international law when the Guatemalan Ministry of Energy and Mines (MEM) granted the mining license in 2006 to CGN, at the time, owned by Canadian mining company Skye Resources. In February 2019, the Supreme Court of Justice ruled that MEM had illegally granted the license and ordered the state to consult with affected communities.

“Since the mining license was illegally granted in 2006, the Fenix Project has been plagued by allegations of violence, including [violent land evictions](#), [murder](#) and [gang rape](#),” says Barbara Klitzke of the Guatemala-Zurich Solidarity Network, noting that mining-related violence also has gender-specific impacts since it affects indigenous Q'eqchi women in a particular way. “When community leaders and journalists speak out against this repression and the environmental damage caused by the mine’s activities, they are targeted with malicious prosecution to silence the opposition to the mining project.” There is currently an open criminal case against [four fishermen](#) and a [journalist](#), all Maya Q'eqchi, on charges brought forward by CGN/Solway following peaceful protests in 2017.

On July 18, the Constitutional Court of Guatemala [ordered the provisional suspension](#) of the Fenix Project until there is a definitive ruling regarding the court injunction. The Maya Q'eqchi petitioners have asked for the mine’s operations to be suspended until the consultation is completed.

[In a similar case](#), in September 2018, the Constitutional Court ordered the suspension of the Escobal and Juan Bosco silver licenses, operated by Minera San Rafael, then owned by Canadian/U.S. Tahoe Resources, until the Indigenous Xinka communities impacted by the mining operations be consulted.

“The Constitutional Court has already ruled on this matter,” says Lisa Ranking, Guatemala Coordinator of the Maritimes-Guatemala Breaking the Silence Network in Canada, which has been accompanying both cases for years. “They cannot take a step back now. The Fenix Project must be suspended unless there is a meaningful consultation and the free, prior and informed consent of affected Maya Q’eqchi communities is obtained.”

On July 30, Pan American Silver, which acquired Tahoe Resources in February 2019, issued a public apology to peaceful protesters who were shot outside the mine entrance after the license was illegally granted by MEM to MSR/Tahoe in April 2013. Before the shooting, false accusations, defamation campaigns and malicious prosecution had been inflicted on the Xinka communities in resistance to mining in their territory. Days after the shooting, the Guatemalan state called for a State of Siege in four municipalities impacted by the mining operations, using false allegations involving narcotrafficking to justify the severe action, which suspended the community’s right to protest the mining project and installed a permanent sense of fear due to arbitrary detentions and increased militarization that resulted and whose effects lasted after the siege.

“It’s time for Guatemala to make deep structural changes to the way that resources exploration and exploitation licenses are granted,” said Jackie McVicar from the Guatemala Human Rights Commission, a DC-based grassroots advocacy network. “The violence targeted at Indigenous communities legitimately defending their rights must stop. Guatemala must prioritize its citizens' rights over foreign mining interests.”

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Background Information

Indigenous Authorities and National and International Human Rights Organizations Denounce Pattern of Violence and Fear that has Increased in the Municipalities where the Guatemalan Nickel Company CGN/Solway Investment Group Operates; Express Deep Concern for Safety of Q'eqchi petitioners and their Families since the Constitutional Court ordered the Temporary Suspension of Mining Activities:
<http://www.ghrc-usa.org/wp-content/uploads/2019/08/Denuncia-Audiencia-25-de-julio-1.pdf>

Guatemalan State Must Obey Constitutional Court Orders and Suspend Operations at CGN’s Fenix Nickel Project Until Free, Prior and Informed Consent and the Right to Consultation of Maya Q’eqchi communities is upheld, Operations Must be Suspended to Protect Indigenous Communities Impacted by the Mine.
<http://www.ghrc-usa.org/wp-content/uploads/2019/07/FPIC-Must-be-Respected-in-Guatemala.pdf>