

Statement on the Consultation Process and Threats against Xinka Human Rights Defenders

The below-signed international organizations express our grave concern regarding the consultation process with Xinka authorities and communities. During the last few months, representatives of the Xinka People have denounced, despite the Constitutional Court resolution 4785-2017, that they have not been allowed to fully participate in the process of defining the area of influence of the Escobal mine project.

We believe that international standards should be respected and that free, prior and informed consent should prevail regarding all issues that impact the Rights of Indigenous People as set out in ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples and in accordance with the American Convention on the Rights of Indigenous Peoples, in order that participation of the Xinka People is not narrowly limited or subject to coercion.

We express our concern regarding the threats and intimidation against Quelvin Otoniel Jiménez Villalta, legal counsel for the Xinka People's Parliament. Mr. Jiménez Villalta has also been subject to spurious accusations for demanding the consultation process be transparent and in strict alignment with international standards regarding Indigenous Peoples's rights and the Constitutional Court's orders laid out in resolution 4785-2017.

As organizations that seek to ensure respect for human rights, we express our deep concern regarding the disinformation, stigmatization and threats against the Xinka People and members of the Peaceful Resistance of Santa Rosa, Jalapa and Jutiapa.

As members of the international community:

We express our solidarity with the Xinka People and human rights defenders who are part of the Peaceful Resistance of Santa Rosa, Jalapa and Jutiapa who are working for the fulfilment of and respect of fundamental rights.

We call on authorities to take all necessary measures to investigate the threats against the Xinka People's Parliament's lawyer in order to identify and sanction those responsible.

We urge the Guatemalan Human Rights Ombudsman to take all necessary actions within his mandate to guarantee the right of communities and, above all, that of the Xinka People to free, prior and informed consent in good faith and via a culturally appropriate process, so that no project is implemented in their territory without previously obtaining their free and informed consent. We remind state authorities that Indigenous Peoples have the right to decide whether or not to grant consent.

We call on the national and international community to pay close attention to the threats to the Xinka People and defenders part of the Resistance of Santa Rosa, Jalapa and Jutiapa who are peacefully protesting in defense of life. Similarly, we call on the national and international community to visit the territory to verify the situation of human rights defenders in the region and to lobby for their protection.

To Victoria Tauli-Corpuz, Special Rapporteur to the United Nations on the rights of Indigenous Peoples, we ask for continued vigilance to ensure the fulfilment of due process and to guarantee the principles of good faith before, during and after the consultation with the Xinka People according to the Constitutional Court resolution 4785-2017.

Guatemala

March 28, 2019

