



Human Rights Organizations Condemn Police Brutality by Guatemalan Security Forces Against Maya Q'eqchi Leaders in El Estor, Call Upon State to Respect Human Rights and Cancel State of Siege

Indigenous maya Q'eqchi authorities have been peacefully resisting a nickel mine that, according to a Constitutional Court ruling, has been operating illegally since 2005. Known as the Fenix Project, the mine is a Russian-Swiss joint venture that threatens the surrounding communities' ancestral territories. Following the start of a pre-consultation process by the Ministry of Mines and Energy (MEM) that excludes legitimate indigenous authorities, community members established a peaceful encampment to block the passage of supply trucks headed for the mine. For weeks, security forces had employed a strategy of terror and intimidation against leaders and journalists that has grown into a state of siege imposed on the community and has resulted in human rights violations.

November 18, 2021

Following the violent repression of peaceful anti-mine protesters by police and military personnel on October 23 in El Estor, Izabal, Guatemalan President Alejandro Giammettei declared a state of siege which was approved by Congress two days later. The state of siege--one of the five states of exception, just below 'state of war'--gives the military control over local police forces, grants unbridled power to security forces, and suspends various constitutional rights of citizens, such as the right to freedom of expression, movement, assembly, and more.

While rights and guarantees may be temporarily restricted under the state of siege, [Article 27 of the American Convention on Human Rights](#) sets a conventional limit on states of exception, establishing that these constitutional rights do not disappear completely. Moreover, states of exception should be guided by principles of reasonableness and proportionality.

Since the state of siege came into effect, security forces have carried out over 40 raids on the homes of community leaders, journalists, and their families and have made 60 arrests. Verifiable reports confirm abuse of authority during raids where children have been targeted and beaten. In one case, police officers sexually harassed underaged girls with Public Ministry officials nearby; the officers used their personal possessions, including undergarments, feminine hygiene products, and family portraits to make sexual threats before destroying them. Several families report having their food stolen during raids and the sudden deaths of their livestock after security forces invaded their homes.

Of the arrests and raids carried out, police have targeted community leaders and journalists, reflecting a targeted pattern of harassment employed by security forces. For example, journalist Carlos Ernesto Choc--who witnessed and reported on an extrajudicial killing by police in 2017--was arrested during the state of siege. On November 13, Pablo Choc was arrested by police; his whereabouts are still unknown. Choc's wife Amalia Coc Tiul is a survivor of a 2007

incident in which police, military, and company security raped eleven women in El Estor and is plaintiff in the case against Hudbay Minerals, a Canadian company who had served as the primary investor the El Estor before the Swiss-based Solway Investment Group took over operations in 2011. Moreover, many have reported being followed by unmarked vehicles and experiencing harassment by police officers, a tactic commonly used by death squads during the internal armed conflict.

In addition to individual attacks, whole communities within El Estor have been targeted by police for their involvement in resistance to the mine and other extractive projects in their ancestral territories. On November 17, during a forced eviction, police burned down the homes of the entire community of the El Chinebal neighborhood in El Estor.

We, the undersigned, *condemn the human rights violations* that have been committed by police, military, and Public Ministry against members of the maya Q'eqchi community under this order. We are deeply disturbed by these reports of excessive use of force and brutality against leaders, journalists, and their families.

We call upon the Guatemalan State to:

- Respect the human rights of the Maya Q'eqchi community, including their right to free, prior, and informed consent, and a fully inclusive pre-consultation process;
- Immediately lift the state of siege order that has resulted in police brutality throughout the community and reject any future motions to extend the order; and
- Allow international observers, including verification missions from the UN Office of the High Commissioner for Human Rights (OHCHR) and the Inter-American Commission of Human Rights (IACHR) to access the region so that they can monitor and report on the situation.

We call on the diplomatic community to:

- Issue public statements of concern repudiating the excessive use of force in El Estor, the suspension of constitutional rights under the state of siege, and the ongoing abuses;
- Send observers to the Lake Izabal area to monitor conditions;
- Do all in their power to ensure the protection of Mayan Q'eqchi leaders, community members, and journalists under attack, including increasing resources for protection of indigenous environmental and land rights defenders facing attacks as a result of their advocacy; and
- Re-examine their countries' investments and partnerships in Guatemala that may negatively affect indigenous communities

Signed: Guatemala Human Rights Commission, Oxfam America, ActionAid USA, American Jewish World Service, Washington Office on Latin America, Latin American Working Group, Protection International, Due Process of Law Foundation, Robert F. Kennedy Human Rights, International Platform Against Impunity, Guatemala Solidarity Project