

Congress of the United States

Washington, DC 20515

December 19, 2024

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken,

Indigenous environmental and human rights defenders are under attack in Guatemala. The Guatemalan government has unjustly and unfairly prosecuted community leader Sofia Tot Ac, who has vocally opposed new mining and hydroelectric dam projects. Noé Gómez Barrera, a Xinka community leader and fierce defender of its land and water, was assassinated in Jutiapa, Guatemala for his efforts. The United States must take immediate action to ensure these, and other Guatemalans are not subjected to judicial abuses, physical violence, and even death for exercising their rights. The Department of State must immediately denounce the continued prosecution of Sofia Tot Ac and other Guatemalan environmental defenders and advocate for an investigation into the assassination of Gómez Barrera and violence against other Indigenous leaders who have voiced opposition to harmful mining, energy, and infrastructure projects. Additionally, as a leader on the international stage, the United States must conduct proper due diligence to ensure that those projects do not violate environmental and human rights, before providing any form of support for energy, mining, and infrastructure projects abroad.

Sofia Tot Ac is an Indigenous Poqomchi' and Q'eqchi' leader in the municipality of Purulhá, department of Baja Verapaz, Guatemala.¹ She has led opposition to environmentally harmful energy infrastructure projects that the Guatemalan government has supported in Purulhá without informing or consulting local communities. On June 19, 2022, Tot Ac was arrested and charged with aggravated theft and aggravated usurpation of protected areas despite no witnesses placing her at the scene of the alleged crime.² On March 20, 2024, she was sentenced to more than three years in prison.³ Her appeal is pending.

Noé Gómez Barrera was a respected member of the ancestral authorities of the Xinka Parliament of Guatemala. He doggedly fought for Xinka rights in Jutiapa against the energy company Renewable Energy Alternative (Alternativa de Energía Renovable) and opposed Pan American Silver's Escobal mine project.⁴ Leading human rights and environmental protection

¹ Press Release, Guatemala Solidarity Project, US Congressional Leaders Announce Support for GSP Advisory Board Member Sofia Tot, (Oct. 14, 2022), <https://www.guatemal-solidarityproject.org/us-congressional-leaders-announce-support-for-gsp-advisory-board-member-sofia-tot/>.

² *Id.*

³ Guatemala Human Rights Commission, Human Rights Update (Apr. 8, 2024), <https://ghrcusa.wordpress.com/2024/04/08/arevalo-attempts-to-balance-commitments-to-justice-and-private-sector-interests/>.

⁴ Ellen Moore, *Organizations demand justice for murdered Xinka leader, Noé Gómez Barrera*, Earthworks (Nov. 9, 2023), <https://earthworks.org/blog/organizations-demand-justice-for-murdered-xinka-leader-noe-gomez-barrera/>

organizations have condemned his murder, which they consider an assassination intended to end his work defending human rights and environmental quality in his community.⁵

Unfortunately, the Tot Ac and Gomez Barrera cases are part of a greater pattern of suppression of and violence against Indigenous activists who oppose energy projects that enjoy strong political and corporate support. According to Global Witness, in 2023, 196 environmental defenders were murdered for defending their land and natural resources; 43% were from Indigenous communities.⁶ The same Global Witness report also found that criminalizing protest and advocacy had become the most common tactic used to silence environmental defenders.⁷ Guatemala was found to have the fourth highest number of killings of environmental defenders per capita.⁸ For example, on July 20, 2018, land rights organizer Adolfo Ichich Chom was murdered on the San Rafael plantation.⁹ And on March 12, 2022, community leader Catarino Garcia was murdered in retaliation for his land rights organizing on the Chiquihuital plantation.¹⁰ Given the risks Indigenous Guatemalan activists face for exercising their rights, the Ancestral Indigenous Authorities of Guatemala have requested precautionary measures from the Inter American Commission on Human Rights (IACHR).¹¹

The United States has provided direct political support for projects in Guatemala that have not earned the free, prior, and informed consent of Indigenous environmental defenders and affected communities. This support has continued despite a demonstrated pattern of politically motivated prosecutions, violence, and even murder.

On September 18, 2022, a municipal referendum was held in Asuncion Mita concerning the Cerro Blanco gold mine and environmental contamination that could affect the health of more than 50,000 residents and their land.¹² The referendum saw almost 90% of voters oppose the mine's operation. Nevertheless this, the U.S. Embassy in Guatemala wrote twice to Guatemala's Minister of Environment and Natural Resources, Gersón Barrios Garrido, advocating for the mine's reactivation.¹³ Similarly, Fenix Mine in El Estor faced widespread opposition from local communities, the Guatemalan courts deemed it unlawful, and the IACHR ruled that its operation violated the property and consultation rights of the Indigenous Q'eqchi. Yet the U.S. Department of the Treasury lifted sanctions that had been imposed on the Fenix Mine, facilitating its

⁵ *Id.*; @RFKHumanRights (Oct. 30, 2023, 12:23 PM), <https://twitter.com/RFKHumanRights/status/1719027226950127819>.

⁶ Global Witness Annual Defenders Report 2023/2024, (Sept. 10, 2024), <https://www.globalwitness.org/en/campaigns/environmental-activists/missing-voices/>.

⁷ *Id.*

⁸ *Id.*

⁹ *More than 40 organizations condemn the criminalization of indigenous human rights defender Sofia Tot Ac in Guatemala*, Guatemala Solidarity Project (Sept. 21, 2022), <http://www.guatemal-solidarityproject.org/wp-content/uploads/2024/06/Sofia-Tot-Ac-organizational-sign-on-letter-Sep-2022.pdf>.

¹⁰ *Id.*

¹¹ Guatemala, 1/11/2024, InterReligious Task Force on Central America (Jan. 11, 2024), <https://www.irtfcleveland.org/content/trn/2024-01-11-000000>.

¹² Sandra Cuffe, *Guatemalans strongly reject mining project in local referendum*, Mongabay (Sept. 23, 2022), <https://news.mongabay.com/2022/09/guatemalans-strongly-reject-mining-project-in-local-referendum/>.


¹³ Community Press, *The United States interceded in favor of the Cerro Blanco mine*, Prensa Comunitaria (Mar. 4, 2024), <https://prensacomunitaria.org/2024/03/estados-unidos-intercedio-a-favor-de-la-mina-cerro-blanco/?eType=EmailBlastContent&eId=3c9aea9d-18ae-44d5-9a91-c5b06aac8091>.

continued operation. ¹⁴ The United States should not provide support for projects that violate environmental and human rights abroad and should assist any efforts by the local government and community to have in place a just transition plan for the local economy to move away from dependence on harmful mining, energy, and infrastructure projects.

In the remaining time of the Biden administration, it must publicly condemn the prosecution of Sofia Tot Ac and other indigenous environmental defenders who have spoken out against energy projects, and advocate for an immediate investigation into the assassination of Noé Gomez Barrera and violence against other Indigenous leaders who have spoken out against these projects.

Thank you for your attention to this important matter.

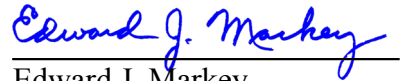
Sincerely,



Raúl M. Grijalva
Member of Congress



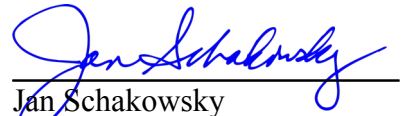
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¹⁴ *Solway gets nod to reactivate Guatemala nickel mine*, Bnamericas (Sept. 3, 2024), <https://www.bnamericas.com/en/news/solway-gets-nod-to-reactivate-guatemala-nickel-mine>.



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