

Hon. Diane Ablonczy
Minister of State of Foreign Affairs (Americas)
House of Commons
Ottawa, ON
K1A 0A6

October 12, 2012

Honourable Minister Ablonczy,

We are writing on behalf of the Americas Policy Group (APG) of the Canadian Council for International Cooperation (CCIC), a Canadian civil society policy group made up of 40 international development and humanitarian NGOs, human rights groups, labour unions, research institutions, churches and solidarity groups. We have a long history of working with civil society partners in Central America, monitoring the human rights situation and articulating joint policy on development, socio-economic issues and human rights in the region.

On the week of your visit to Guatemala, we wish to bring to your attention a series of recent events that are crucial to an understanding of security in the region. Since this visit is an opportunity for you to follow through on Canada's stated commitment to foster security in the Guatemala, we want to share our concern with you over violent repression that has taken place in three regions of the country since President Otto Pérez Molina took office in January 2012. Just last week, on October 4th, 8 people were killed and 40 injured in Totonicapán when military and police cracked down on a group of peaceful indigenous protesters. A few weeks earlier, on September 17th, 30 people protesting against a mining company in Santa Rosa were arrested without cause. Earlier this spring, on May 1st, a State of Siege was declared in response to protests over a hydroelectric dam. More details on all these cases can be found in the annex below.

We hope that you gave due attention to these serious incidents during your meetings with Guatemala's President, His Excellency Otto Pérez Molina, and Vice-Minister of Foreign Affairs Carlos Raúl Morales. Security in Central America cannot be achieved until there is justice for such crimes. The use of armed state forces to violently repress peaceful protest and the lack of respect for civil liberties and human rights are not contributing to increased security for the vast majority of the Guatemalan population. Guatemalans still remember the internal armed conflict and the state-sponsored repression that occurred during that time. With the election of a former General and the increased use of military forces in police matters and civil disputes, many fear the return to a military state. The killing of 8 people at a peaceful road blockade last week, the use of a State of Siege as a mechanism to quell social protest, and the violent disruption of social protests by state forces have only reinforced these fears.

Minister Ablonczy, in your further follow up with Guatemalan official and authorities, we ask that you bring the following concerns and make the following recommendations. In particular, we call on you and the Canadian government to:

- Join with other international and national actors in condemning the state-sponsored violence on October 4th, 2012, and in demanding a full and impartial investigation into these matters;
- Review Canadian bilateral and multilateral funding to Guatemalan security forces and ensure that it is not contributing to violence and human rights violations; and suspend this funding if there are concerns that it is;

- Call on the Guatemalan government to end joint military-police operations as required by the Peace Accords;
- Given the high levels of Canadian investment in Guatemala, ensure that Canadian government funding and support is not contributing to human rights violations, and withdraw Canadian government political and economic support where it is;
- Promote respect for the free, prior and informed consent of affected communities prior to the development or expansion of megaprojects, such as in the mining and energy sectors.

As the Americas Policy Group, we believe that responsive and systematic international observation and support are indispensable to achieve true advances in peace and security in Guatemala. As Canadian groups who have long accompanied Guatemalan civil society, we remain gravely concerned by the current situation and hope you will use your visit as an opportunity to raise these issues. We will be attentive to your actions and your response.

Sincerely,



Rachel Warden
Co-chair, Americas Policy Group



Brittany Lambert
Coordinator, Americas Policy Group

Cc: John Baird, P.C., MP, Minister of Foreign Affairs, Government of Canada
Paul Dewar, MP, Foreign Affairs Critic, New Democratic Party of Canada
Hélène Laverdière, Americas and Consular Affairs Critic, New Democratic Party of Canada
Wayne Marston, MP, Human Rights Critic, New Democratic Party of Canada
Dominic Leblanc, MP, Foreign Affairs Critic, Liberal Party of Canada
Irwin Cotler, MP, Human Rights Critic, Liberal Party of Canada
Jean-François Fortin, MP, Foreign Affairs Critic, Bloc Québécois
Neil Reeder, Director General, Latin America & Caribbean, DFAIT
Margaret Biggs, President, CIDA

Annex: Details on Cases of Violent Repression Described in the Letter

State Forces Attack Civilians in Totonicapán

On October 4, 2012, K'iche' Indigenous citizens of Totonicapán, Guatemala, peacefully blocked the Inter-American Highway to protest a hike in electricity rates, transnational mining in their territories, a series of constitutional reforms, and proposed changes to the education system. The protest was organized as a way to draw attention to the dialogue that traditional Indigenous authorities from 48 communities of Totonicapán were seeking the same day in the capital. Instead, the day ended with confrontation between the protesters and a joint military-police force, leaving more than 40 people injured and 8 dead.

The use of combined armed security forces to break up peaceful protests is of great concern. Photographic evidence contradicts the official government response to state in a first instance, that the forces were not armed, and then, that they fired in the air. These tragic and unnecessary deaths are a direct result of the use of armed force to “preserve order” using the rationale of the criminalization of social protest. They are also a consequence of the lack of adequate opportunities for dialogue with marginalized groups in Guatemala. National and international human rights organizations strongly condemn the state repression and demand an independent investigation such that those responsible for the deaths are brought to justice. The United Nations Office of the High Commissioner for Human Rights has already initiated its own investigation into the situation.

Community Protest in Santa Rosa – Role of National Civil Police and National Armed Forces

The San Rafael Mining Company (a subsidiary of the Canadian-US owned Tahoe Resources) is currently operating in Santa Rosa under an exploration license, and there have been significant community concerns about the proposed operations. On September 17th, over 500 local community members staged a protest against the company, demanding the right to free, prior and informed consent on the project. They set up their protest the mine entrance and, according to local groups involved, never infringed on the property of the San Rafael mine.

At 3 pm the same day, the peaceful protest was attacked without warning by members of the mine's private security agency, the National Civil Police and the army, using tear gas cannons, firearms and rubber bullet guns. Security agents attacked from inside the mine, with trained attack dogs. Among those targeted were women with infants, elderly people and small children. 30 protesters were arrested, all of whom were later released without charges. Again in the case of San Rafael we see the use of private and public security forces to impose “order” rather than respect for civil liberties, human rights, and the creation of effective and equitable mechanisms to resolve social conflict.

State of Siege in Barillas, Huehuetenango

On May 1st, three community leaders were attacked in Santa Cruz de Barillas, resulting in the death of one and serious injury to the other two. The survivors indicated that the perpetrators were associated with the “Hidro Santa Cruz” hydroelectric dam. In response to this attack, community members began protesting and demanding justice. The government declared a State of Siege, something which we have seen with increasing frequency in recent years.

Human rights and social organizations strongly condemned the imposition of the State of Siege, arguing that there was abuse of authority during searches and people were being held without being heard by a judge. Using the State of Siege as a method of conflict resolution was also criticized. Social conflict in the region has been attributed to the frustration of community members who, in a 2007 referendum, rejected large-scale projects in the region. Despite the results of the referendum, the previous government gave permission for the construction of the Hidro Santa Cruz hydroelectric dam.

Although the State of Siege was lifted on May 18th, 33 arrest warrants were issued during that time, and 11 community leaders were jailed. Eight of them continue to be held in prison awaiting trial, and there is concern as to whether due process is being respected in their cases.

The use of States of Siege in cases of social protest and conflict is a concerning trend. As part of current proposed constitutional reforms, the President would be able to arbitrarily and unilaterally impose a State of Siege.