

**Ambassador Deborah Chatsis
Canadian Embassy in Guatemala**

**Ambassador Todd Robinson
US Embassy in Guatemala**

August 21, 2017

Subject: Urgent Need to Support Human Rights Defenders following Suspension of Tahoe Resources' Escobal Mine Licenses and Ongoing Peaceful Protest in Casillas

Esteemed Canadian and U.S. Ambassadors,

The below-signed organizations write to you out of profound concern for the grave risk facing the Xinka communities in Santa Rosa, Jalapa and Jutiapa, the Xinka Parliament, non-Indigenous residents in the area affected by Tahoe Resources' Escobal project and members of the Centre for Environmental, Social and Legal Action (CALAS).

Recently, a peaceful protest in Casillas, Santa Rosa and a decision by Guatemala's Supreme Court of Justice led to the suspension of mine operations. Since, smear campaigns against protesters and CALAS have intensified in the region, which has already seen extensive criminalization and violence against those opposing the mine. We fear more violent action and criminalization of peaceful protesters by the Guatemalan state in response to the company or related actors. Therefore, we ask that you insist on due process, and take steps to discourage baseless legal investigations. Further, we ask that you urge the company, its suppliers, workers and any other associates desist in their smear campaign against the Xinka people, the Xinka Parliament, local residents in Santa Rosa, Jalapa and Jutiapa opposed to their project, as well as CALAS and its members. Finally, we ask that you show public and diplomatic support for the communities' peaceful actions in defence of their rights to live in a healthy environment and to choose the form of development they want.

On Wednesday July 5, the Supreme Court announced that it was temporarily suspending two of Tahoe Resources' mining licenses until a suit against the Ministry of Energy and Mines is resolved for discrimination and lack of prior consultation with Indigenous Xinka communities in the area of the company's Escobal silver mine. The two suspended licenses include the Escobal license where the large underground silver mine was built and operates in the municipality of San Rafael las Flores; the second is the Juan Bosco exploration license in the municipalities of San Rafael Las Flores, Mataquescuintla, Nueva Santa Rosa, and Casillas. The latter three municipalities all held plebiscites prior to the granting of the exploitation permit for Escobal in which tens of thousands of people voted against any mining in their area. Despite this clear stance against mining in the region, the results of the plebiscites have been ignored and mining operations continued unhindered until the current suspension in July.

On June 7, 2017, a month before the Supreme Court decision, residents from six municipalities in the area of the Escobal mine organized a permanent peaceful

demonstration in the nearby municipality of Casillas, blocking only mine-related traffic. Their actions effectively suspended mine operations. On June 22, an estimated 200 riot police used tear gas against the protesters. At least two young children, including an infant, had to be treated for intoxication and a man in a wheelchair was threatened and harassed by police. Despite the excessive use of force by police, more than 3,000 people returned to the encampment as soon as the tear gas had cleared, once again taking up 24-hour rotating shifts and continuing their peaceful protest. Then, on July 21, members of the national police attacked the 15 or 20 men, women and children present at the peaceful encampment in Casillas at about 2:00 a.m. in order to allow tanker trucks through to the mine. Community members reported that four people were poisoned by pepper spray and three others were beaten by police and had to be taken to the hospital.

Given the above, we are concerned that Tahoe has consistently denied the presence of Xinka communities in the area of influence of the Escobal project and failed to report on the strength of opposition of both the Xinka and non-indigenous communities affected by its mining operations. The Xinka Parliament has been actively participating in the resistance to the mine project since at least 2012 and has now joined the legal action over the lack of community consultation. We are further troubled that the company continues to make threatening statements about possible legal persecution and other potential repercussions against peaceful and lawful protest.

Notably, during a conference call convened by Tahoe Resources with investor analysts on July 6, one analyst asked the company if Tahoe, its employees, its suppliers or anyone connected to the company might have status in Guatemala to bring a lawsuit against CALAS, its members or any member of the Xinka people. **In response, President and CEO Ron Clayton stated that its suppliers were already preparing to bring a lawsuit to try to appeal the Supreme Court decision and that: "Our suppliers, vendors, contractors and employees are all aggressively involved in fighting this."** As announced, representatives of Tahoe Resources' suppliers presented a legal action on Monday July 9 to try to revoke the mine suspension.

Additionally, Amnesty International has reported that Tahoe Resources' suppliers and the Guatemalan Industrial Association have engaged in a smear campaign against CALAS and its members in the press for having brought the claim against the Ministry of Energy and Mines. CALAS members have been the subject of regular attacks, including the murder of 22 year-old Jeremy Abraham Barrios Lima, assistant to the Director of CALAS in November 2016.

We also recall that since Tahoe took over this project there has been a pattern of violence, intimidation, and criminalization against the local population that opposes mining, including the murder of eight human rights defenders and vocal opponents to the project, as well as the shooting of seven peaceful protestors outside the mine in 2013 by mine security for which the company is currently being sued in British Columbia courts.

We call on the Canadian and US Embassies to insist that due process is followed in the Supreme Court case and not to intervene on behalf of Tahoe Resources with Guatemalan

authorities. We also call on you to insist that the company, its suppliers, workers and any other associates desist in their smear campaign and all attempts to criminalize the Xinka people, the Xinka Parliament, local residents in Santa Rosa, Jalapa and Jutiapa opposed to their project, CALAS and its members. Too many people have been killed, injured, legally persecuted on false grounds, and their communities brought under permanent police and military surveillance. Further, we urge you, publicly and through diplomatic channels, to demonstrate support for the legitimacy and importance of the efforts of the organizations, indigenous and non-indigenous communities and individuals who are peacefully defending their wellbeing and safe living environment from the harms being felt from Tahoe Resources' Escobal mine.

We are grateful for your attention to this letter and for your swift and substantive response.

Signed:

UNITED STATES

Chicago Religious Leadership Network on Latin America

Center for International Environmental Law (CIEL)

Davis Standing Rock Divestment Action Group

Denver Justice and Peace Committee

EarthNexus

Friends of the Earth

Global Exchange

Guatemala Education Action Project (G.E.A.P.)

Guatemala Partnership Committee, Congregational Church of Needham

Marin Task Force on the Americas

Metro New York Catholic Climate Movement

Network in Solidarity with the People of Guatemala (NISGUA)

New Mayas Society

Nicaragua Center for Community Action (NICCA)

Oberlin Students in Solidarity with the People of Guatemala (OSSGUA)

Partners for Arlington and Guatemala (PAG)

Portland Central America Solidarity Committee (PCASC)

Rochester Committee on Latin America (ROCLA)

Santa Elena Project of Accompaniment (SEPA)

Sister Parish, Inc.

Swift Foundation

Women's International League of Peace & Freedom

Unitarian Universalist Church of Arlington, Virginia, Senior Minister Aaron McEmrys

CANADA

Atlantic Regional Solidarity Network

BC- CASA/Café Justicia

Committee for Human Rights in Latin America (CDHAL), Montreal
Common Frontiers
Education in Action, Ottawa
Maritimes-Guatemala Breaking the Silence Network
Mining Injustice Solidarity Network (MISN)
Mining Justice Action Committee (MJAC in Victoria)
Mining Justice Alliance
MiningWatch Canada
Projet Accompagnement Québec-Guatemala
Rights Action
Streams of justice, Vancouver, BC

INTERNATIONAL

Asociación Q'anil, San Juan Sacatepéquez, Guatemala
Plataforma Internacional contra la Impunidad

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