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ROBERT F.
KENNEDY
HUMAN
RIGHTS



Thelma Esperanza Aldana Hernández
Attorney General of Guatemala
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Guatemala City, Guatemala

Francisco Manuel Rivas Lara
Minister of Interior
6 Avenida 13-71 Zona 1
Guatemala City, Guatemala

December 14, 2016

Dear Attorney General Aldana and Interior Minister Rivas,

We, the undersigned, write to express our serious concern over acts of intimidation and violence against environmental and human rights defenders in the context of the broad negative impacts of the palm oil industry on communities, workers, and the population in general. We are particularly concerned at this moment about members of the Guatemalan community group the Commission for the Defense of Life and Nature (CDVN) of Sayaxché, Peten, who have been subject to recent threats and intimidation.

As you may recall, on November 30, 2015 over 50,000 people from around the world wrote to you to convey their concern over the murder of community leader and professor Rigoberto Lima Choc on September 18, 2015 and the kidnapping of three other human rights activists from the National Council of Displaced Guatemalans (CONDEG) on September 17, 2015. These acts were allegedly carried out by employees of the palm oil company Reforestadora Palma de Petén S.A. (REPSA).

To this date there has been no progress in the investigation into the murder of Rigoberto Lima Choc. On March 4, 2016, another CDVN activist, Marco Antonio Mateo, received a phone call telling him about plans to kill him. The following day CDVN reported the incident to the Attorney General's office but no progress has been made in that case either. And on November 12, Jeremy Abraham Barrios Lima, Assistant to the General Director of the Center for Environmental and Social Legal Action of Guatemala (CALAS) was shot and killed in Guatemala City. CALAS had been providing legal support in the REPSA ecocide case.

It is with this context in mind that we are extremely concerned with the latest threats to members of CDVN, once again reputedly committed by employees of REPSA. According to one report, published by [Amnesty International](#),¹ at a private meeting held by the CDVN in the municipality of Sayaxché on November 11, 2016, REPSA employees allegedly appeared uninvited along with several unknown individuals and acted in a manner that was perceived as a clear act of intimidation, leading to the cancelation of the meeting. According to a grievance filed with the Public Ministry on November 16th, it is believed that the company employees were accompanied by hired assassins with intent to attack CDVN's public spokesman. Fortunately the presence of numerous people prevented an attack, but we are deeply concerned about ongoing threats to the CDVN, and specifically to its public spokesman Saul Paau Maaz.

Employees of CALAS and members of the CDVN are known environmental human rights defenders and are thus subject to specific protections by the State under both Guatemalan law and international norms, like the UN Declaration on Human Rights Defenders and the American Convention on Human Rights.

¹ See: <http://speakout4defenders.com/en/single/5848a2eade7ed16d3aba18a6#>



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In addition, it has come to our attention that Cargill, the international agribusiness giant, is an investigation into REPSA's actions. If the company should determine that REPSA has failed to comply with Cargill's policies committing to the sustainable production of palm oil, and to fully and properly implement its own recently adopted policy affirming zero tolerance for violence and intimidation,² we expect that the company may move to cancel its contract with REPSA, in keeping with its commitment to do so within six months of a public statement issued on June 3, 2016.³ While contract cancellation would be a welcome step in meeting civil society demands and complying with international human rights standards, we are extremely concerned that this move will greatly increase the threats faced by critics of REPSA such as CDVN. We saw this very clearly in September 2015 when, following the order by Judge Karla Hernandez that REPSA suspend its operations due to its alleged contamination of the La Pasion river, thousands of REPSA employees angrily took to the streets, blocked roads, kidnapped three activists, and occupied the courthouse in Sayaxché in an attempt to intimidate the Judge into overturning her ruling -- events which concluded with the killing of Rigoberto Lima Choc.

We fear that this potential development will immediately heighten the risk which the CDVN already faces. As such, we request that the Guatemalan government take immediate steps to guarantee the safety and security of Saul Paau Maaz and all members of the Commission for the Defense of Life and Nature of Sayaxché who are working to defend human rights, the land, and the environment.

We also call on the Guatemalan government to show real progress in the investigations of the murders of Rigoberto Lima Choc and Jeremy Abraham Barrios Lima; the death threats against Marco Antonio Mateo; the kidnapping of the three activists; and the contamination of the Pasion River – and to make public any results of these investigations to date.

Sincerely,

Friends of the Earth United States
 Rainforest Action Network
 ActionAid
 Latin America Working Group
 Robert F. Kennedy Human Rights
 Due Process of Law Foundation
 United Methodist General Board of Church and Society
 Guatemala Human Rights Commission/USA

CC: Gladys Marithza Ruiz de Vielman, Guatemalan Ambassador to the United States

CC: Todd Robinson, US Ambassador to Guatemala

CC: Thomas R. Delaney, Mission Director for USAID Guatemala

CC: Norma Torres, Congresswoman to California's 35th District

² <http://repsaguatemala.com/wp-content/uploads/2016/09/REPSA-Synthesis-of-Sustainability-Action-Plan-2016-2017-v3.pdf>

³ <http://www.cargill.com/news/company-statements/repsa-cargills-commitment-to-sustainable-palm-oil/index.jsp>