

April 2017

Hilda Pineda
Head of the Special Prosecutor's Office on Human Rights
7a Avenue 11-20, Zone 1
Guatemala City

Dear Attorney Hilda Pineda,

The below signed individuals and organizations are writing you out of concern regarding the rising number of cases of intimidations, threats and attacks against human rights defenders in the departments of Santa Rosa and Jalapa and the lack of timely advances in investigations into the material and intellectual authors of these crimes. We call on the Special Prosecutor's Office on Human Rights to dissuade this pattern of violence and impunity by fully investigating the murder of Topacio Reynoso Pacheco and the attacks against Alex Reynoso. We urge you to not only expedite a full and impartial investigation, providing the resources necessary to bring the perpetrators to justice, but also to open an investigation into the irregularities described below that occurred while the case was under investigation by the National Civil Police and the District Public Prosecutor's Office in Jalapa.

These crimes occurred against a national backdrop of threats against human rights defenders whose work focuses on the protection of land and the environment. As the Unit for the Protection of Human Rights Defenders (UDEFEUGUA) notes, of the 14 human rights defenders killed in 2016 in Guatemala, five were environmental defenders. A 2016 report by the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Michael Frost, finds that Guatemala is one of the ten most dangerous countries for environmental defenders.

This climate of heightened risk is exacerbated by ongoing impunity in emblematic cases of attacks against community leaders speaking out to defend their right to live in a healthy environment. In the same report, Frost recommends that States, "ensure prompt and impartial investigations into alleged threats and violence against environmental human rights defenders, and bring to justice direct perpetrators and as a necessary measure, those that procured crimes" as an important measure in countering this concerning pattern.

One of our most pressing concerns is the investigation of the murder of Topacio Reynoso Pacheco, youth anti-mining activist from Mataquescuintla who was shot on April 13, 2014 and died from her injuries the next day. Alex Reynoso, Topacio's father, was seriously injured in the same attack. Both father and daughter were activists in the Organized Civil Society of Mataquescuintla which stood in resistance to Canadian-U.S. owned Tahoe Resources' Escobal mine located in neighboring San Rafael las Flores.

Alex Reynoso was the victim of a second armed attack in October 2015 in which he and two other men were shot. Unknown assailants attacked the men shortly after they left a meeting with the mayor of Mataquescuintla, Hugo Loy, a staunch opponent of Tahoe's

mining operations. The attacks against the Reynoso family are tragic examples of the pattern of violence against those who have organized to defend their environment, land and water against the Escobal mine.

Other similar attacks include the 2013 kidnapping of four members of the Xinca Parliament, which left one member dead, after they left a community consultation that voted against metal mining; the attack by Alberto Rotondo and mine security against peaceful protestors in April 2013; and the November 2016 attack against the General Coordinator of the Diocesan Committee in the Defense of Nature (CODIDENA). These are just three cases exemplifying the risks for human rights defenders in the region.

Furthermore, we are highly concerned that local investigation agencies may in fact be contributing to ongoing impunity. In the case of the attacks against Alex Reynoso and the murder of Topacio Reynoso Pacheco, there is evidence that suggests that local criminal investigation authorities in Jalapa not only stalled the investigation, but that corruption within those entities led to the possible obstruction of justice, including indications of falsified testimonies and information leaks to suspects in the case. This is in addition to the evident partiality of the initial investigation which defamed Alex Reynoso and focused the investigation on the assumption that the first attack was vengeance-based, failing to address the possibility that it was related to his role as an environmental defender.

We consider the Public Prosecutor's Office a state actor of primary importance in ensuring the security of human rights defenders. We recognize the Public Prosecutor's Office's advancements in the case of Alex and Topacio, particularly the transfer of the investigation from the District Prosecutor's Office in Jalapa to the Special Prosecutor's Office on Human Rights. We also acknowledge the Ministry of the Interior's decision to grant the security measures that have contributed to ensuring the safety of the Reynoso Pacheco family this past year. However, despite these advancements, we consider it essential that these crimes be fully investigated and their material and intellectual authors brought to justice. This will not only allow the Reynoso Pacheco family to achieve justice for the crimes committed against them, but will also deter future crimes to be committed against environmental and land defenders.

We call on the Special Prosecutor's Office on Human Rights to:

- Expedite a full and impartial investigation into the murder of Topacio Reynoso Pacheco and the attacks against Alex Reynoso
- Provide the necessary resources for the appropriate investigative institutions to carry out their work
- Open an investigation into the irregularities described above that occurred while the case was under investigation by the National Civil Police and the District Public Prosecutor's office of Jalapa