



REFERENCE: CERD/89th/EWUAP/GH/MJA/ks

27 May 2016

Excellency,

I write to inform you that in the course of its 89th session, the Committee on the Elimination of Racial Discrimination has considered, under its early warning and urgent action procedure, informing alleging excessive use of force and attempts of forced evictions of indigenous women in the village of Lote Ocho in Guatemala by soldiers, police officers and mining security personnel of the Canadian company Hudbay Mineral Inc.

The information alleges that in 2007 soldiers, police officers and mining security officials swarmed into Ms. Margarita Caal Caal's house located in the village of Lote Ocho in eastern Guatemala, in order to forcibly evict her from her land. It is reported that the soldiers, police officers and mining security personnel also raped her and dragged her from her home which they subsequently set ablaze. Ten other women from the same village were reportedly raped in similar circumstances. It is claimed that those who committed these facts were employees of the Canadian company Hudbay Mineral Inc which is based in Toronto. The information suggests that Ms. Margarita Caal Caal, along with the ten other women, filed a negligence claim against Hudbay Mineral Inc before Canadian courts due to their lack of trust in legal remedies offered in Guatemala.

The Committee is concerned that these allegations, if verified, could hinder the full enjoyment of rights under the Convention in the State party. The Committee reminds the State party that it has already raised concerns over attacks and excessive use of force against indigenous peoples in paragraph 9 of its concluding observations of 2009.

In accordance with Article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests that the State party submit information on all of the issues and concerns as outlined above by 31 October 2016, as well as on any action already taken to address these concerns. In particular, it requests that the Government of Guatemala provide information on:

Her Excellency Ms. Carla María Rodríguez Mancia
Permanent Representative of Guatemala to
the United Nations Office
Geneva
Email: onusuiza@minex.gob.gt



a) measures taken to investigate allegations above-mentioned, to prosecute and to punish those responsible and provide reparations to Ms. Margarita Caal Caal and the ten other women; b) measures taken to prevent forced evictions of indigenous peoples from their lands and to implement in good faith the right to free, prior and informed consent of indigenous peoples whenever their rights may be affected by projects carried out on their lands; c) measures to hold foreign corporations accountable for violations of the rights of indigenous peoples and local communities in Guatemala.

Allow me, Excellency, to express the wish of the Committee to continue to engage in a constructive dialogue with the Government of Guatemala, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Anastasia Crickley', with a long, sweeping flourish extending to the right.

Anastasia Crickley
Chair

Committee on the Elimination of Racial Discrimination