

# URGENT ACTION

## ANTI-MINING ACTIVIST SHOT, WOUNDED

**A Guatemalan anti-mining activist was shot on 13 June in the town of San José del Golfo, in the department of Guatemala. Other local mining activists may also be at risk.**

On 13 June, at around 6.30pm, **Yolanda Oqueli** was driving home after taking part in a protest outside a mine site in San José del Golfo, in the department of Guatemala, about 35km from the centre of the capital, Guatemala City. As she approached her house, two men on a motorbike cut across her path and fired at her with a pistol. Yolanda Oqueli was hit by a bullet which lodged close to her liver. Three other bullets hit her vehicle. According to local press, a .38 pistol was used in the attack. Yolanda Oqueli is in hospital in a serious but stable condition.

Yolanda Oqueli is an activist and leader of the organization Northern Front of the Metropolitan Area (Frente Norte del Área Metropolitana, FRENAM) which has been protesting against the negative effects of a mining project in her community. The mine site is known as El Tambor and covers parts of the municipalities of San José del Golfo and San Pedro Ayampic. A protest has been maintained outside the entrance to the mine since March 2012. Those opposing the mine claim that it will pollute the water supply, and that local communities were not consulted about its potential impact.

The mine is operated by Exploraciones Mineras de Guatemala, S.A. (EXMIGUA), a local wholly-owned subsidiary of the Canadian company Radius Gold Inc.

As a result of her work as a human rights defender, since August 2011 Yolanda Oqueli has filed several complaints with the Public Prosecutor's office about threats and harassment against her and other activists, including threatening phone calls, her house being vandalised with paint, and death threats. The most recent complaint was filed on 11 May. An Amnesty International delegation met with Yolanda Oqueli in May 2012.

### Please write immediately in Spanish or your own language:

- Calling on the authorities to order an independent, thorough and impartial investigation into the shooting of Yolanda Oqueli and the threats against her, publish the results and bring those responsible to justice;
- urging them to take immediate steps to provide appropriate protection to Yolanda Oqueli and her family, and to activists working against human rights violations caused by mining operations in the area of San José del Golfo

### PLEASE SEND APPEALS BEFORE 26 JULY 2012 TO:

President of the Republic

Otto Pérez Molina  
 Presidente de la República  
 Casa Presidencial  
 6ª Avenida 4-41, Zona 1,  
 Puera del Centro  
 Ciudad de Guatemala  
 Guatemala  
**Salutation: Dear President/Estimado Sr.  
 Presidente**

Minister of the Interior

Mauricio López Bonilla  
 Ministro de Gobernación  
 6ª Avenida 13-71, Zona 1,  
 Ciudad de Guatemala  
 Guatemala  
 Fax: +502 2413 8888 ext. 2290  
**Salutation: Dear Minister/  
 Estimado Sr.Ministro**

**And copies to:**

Environmental organization

MADRESELVA.  
 Colectivo MadreSelva  
 6a avenida 2-60 zona 2  
 Guatemala City  
 Guatemala  
**Email: colectivomadreselva@gmail.com**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
 INTERNATIONAL**



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### ADDITIONAL INFORMATION

Human rights defenders working on economic, social and cultural rights in Guatemala are often targeted because of their work to protect human rights. Those activists focusing on extractive industries, such as mining, have been subjected to physical attacks and harassment, as documented by Amnesty International.

In December 2011, Amnesty International issued an Urgent Action on behalf of the communities in the Santa Rosa department, southern Guatemala, threatened by a mining project. Local communities have not been consulted about the plans. (See UA : 352/11, AMR 34/016/2011).

In February 2011, protesters against the Marlin Mine in north-western Guatemala were attacked. One protester, Aniceto López, was taken to the office of the local mayor, where he has said he was beaten and threatened with death for speaking out against the mine. (See UA 57/11, AMR 34/002/2011).

In July 2010, Deodora Hernández, a grassroots activist who had been protesting against the allegedly negative effects of mining in San Marcos department, in north-western Guatemala, was shot at close range in her own home by two unknown men. She had spoken out to defend her community's right to water amidst fears that mining operations have affected the local water supply. (See UA : 163/10 Index: AMR 34/008/2010).

The Guatemalan authorities' failure to ensure meaningful consultation of local communities prior to the granting of mineral exploration or exploitation licences has been noted in recent years. The UN Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous Peoples noted after a visit to Guatemala in June 2010 that he had received allegations that on many occasions the Guatemalan government had granted licences for the exploitation of natural resources in Indigenous territories without the necessary consultations with local Indigenous Peoples.

Impact assessments should seek to identify and address adverse human rights impacts on the basis of consultation with those potentially affected: they should be made available far enough in advance to allow those potentially affected a careful examination of its contents, in a manner and through means that fully respect the principles of accessibility of information and non-discrimination so that the local community can participate effectively and give their free, prior and informed consent.

Under international law, including the 2007 UN Declaration on the Rights of Indigenous Peoples (UNDRIP), voted for by Guatemala, and the International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, ratified by Guatemala in 1996, Guatemala has a duty to consult Indigenous Peoples concerning investment projects. This includes projects involving the exploration or exploitation of natural resources in their territories.

In addition, under the International Covenant on Civil and Political Rights, to which Guatemala is a party, countries must ensure the right of all individuals and communities to participate in decisions that affect the realization of their human rights. For participation to be meaningful, people must be informed far enough in advance of the relevant decision-making process, and informed in a manner and in ways that fully respect the principles of accessibility of information and non-discrimination.

Name: Yolanda Oquelí

Gender m/f: f

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