

Congress of the United States
Washington, DC 20515

October 5, 2022

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C. St., NW
Washington, DC 20520

Dear Secretary Blinken,

We write to express our concern regarding the targeted criminalization of Indigenous human rights defenders and the weaponization of the Guatemalan justice system against these activists, including Sofia Tot Ac. We urge the Department of State to publicly condemn her arrest, request an inquiry into her situation and send a representative to her upcoming hearings. Like many other Indigenous leaders, Tot Ac has been vocally opposed to industry-led and government-supported projects that go against the will of local Indigenous communities.

The Guatemalan government is criminalizing human rights defenders with particular intensity in the departments of Alta Verapaz and Baja Verapaz. In these two departments alone, there are over 1,500 reported arrest warrants against individuals. The strategy of criminalizing human rights defenders is a major root cause of forced migration from the region. Community leaders are unable to solicit basic, crucial public services such as access to health care, education, roads, and community-led development for fear of violence, arrest or worse. As a result, communities are abandoned by public services and entire families are forced to flee the region.

Sofia Tot Ac is an Indigenous Poqomchi and Q'eqchi' leader in the municipality of Purulha, department of Baja Verapaz, Guatemala. She holds numerous important leadership positions in the region, including as coordinator with the Achi', Q'eqchi', Poqomchi, and Kaqchikel Mayan Peoples' Council and founder of the Motherhood Home in Salama, Baja Verapaz. She is also the coordinator of Social Outreach for the Catholic Church in the Parish of Purulhá and a representative of the Q'eqchi' People in the State and Regional Development Council.

Sofia Tot Ac has been vocal about opposing mining licenses and hydroelectric dams the government has supported in Purulha without informing or consulting local communities. On June 19, 2022, Sofia Tot Ac was arrested despite having a hearing scheduled for the following day. Tot Ac is being charged with aggravated theft and aggravated usurpation of protected areas. Human rights organizations working in the region believe these charges are fraudulent and are meant to terrorize Tot Ac and other human rights defenders.

Regrettably, the Guatemalan judicial system has repeatedly sided with wealthy individuals claiming to own land, opposed the land rights of Indigenous communities in the area, and ignored violence against Indigenous people organizing for their land rights. As examples, on July 20, 2018, land rights organizer Adolfo Ichich Chom was murdered on the San Rafael plantation. On March 12, 2022, community leader Catarino Garcia was murdered in retaliation for his land rights organizing on the Chiquihuital plantation. Despite multiple witnesses and significant evidence there have been no arrests of the intellectual authors of these murders. Instead of investigating these murders, the judicial system has ordered multiple evictions of communities and dozens of arrest warrants against Indigenous people organizing for their legitimate land rights in the San Rafael and Chiquihuital

estates. The government also established a new military outpost on the San Rafael estate close to the Cafetal hydroelectric dam.

In our view, these projects are violently displacing Indigenous people from their lands of birth and exacerbating a health and migration crisis. U.S. government funds should not be used to support actions, including military actions, intended to intimidate local populations from exercising their rights.

While the Biden administration has stated its intent to support a significant increase in electricity production in Guatemala, it must not do so at the expense of Indigenous communities. Local Indigenous communities should be consulted throughout the process on all related projects.

Unfortunately, Tot Ac's case is part of a greater pattern to suppress the voice and will of local Indigenous communities. Indigenous people organizing for their legitimate land rights are frequently charged with the alleged crimes of theft and usurpation. The creation of an usurpation prosecutor's office in 2021 shows the government's intention to criminalize land rights activists instead of resolving land conflicts. The United States has invested millions of dollars in direct aid and training to the Guatemalan police and judicial system, and these institutions are being used to systematically repress Indigenous people to prevent them from advocating for their rights. The U.S. should not support these coercive actions. While the Biden administration has recognized the corruption of Guatemalan Attorney General Maria Consuelo Porras, it is important to know if or to what extent the administration is supporting regional prosecutors who may also be corrupt.

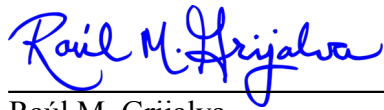
The Peace Accords signed in 1996 officially recognized that lack of access to land was a fundamental cause of the decades long internal armed conflict and genocide. The Guatemalan government's current actions are exacerbating these same conditions and leading to widespread hunger, extreme poverty, violence and forced migration. The U.S. must not support the military, police, intelligence, security forces, or judges who are enacting such policies.

As a result of these events, we condemn the arrest of Sofia Tot Ac and request the following action from the State Department:

- An investigation into the charges against Sofia Tot Ac;
- An investigation into what extent the U.S. has provided funds or training to the police, prosecutors, and judges involved in her case;
- We request State Department representatives be present at Sofia Tot Ac's upcoming hearings;
- We request that you inform us to what extent U.S. government funds, equipment, training, and/or other support has gone to the Purulha military outpost and hydroelectric dam projects in Purulha, Baja Verapaz.

Thank you for your attention to this important matter.

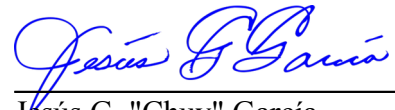
Sincerely,



Raúl M. Grijalva
Member of Congress



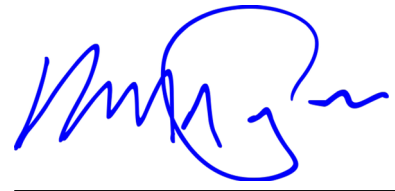
Jan Schakowsky
Member of Congress



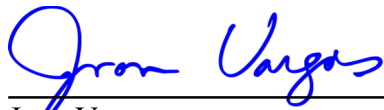
Jesús G. "Chuy" García
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Alan Lowenthal
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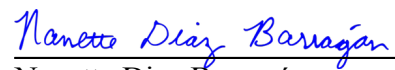
James P. McGovern
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Marie Newman
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David J. Trone
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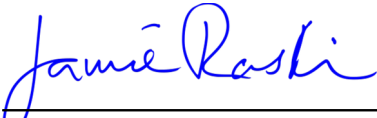
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