



THE CANADIAN
BAR ASSOCIATION
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Office of the President
Cabinet de la présidente

December 20, 2017

Via email: chrystia.freeland@parl.gc.ca

The Honourable Chrystia Freeland, P.C, M.P.
Minister of Foreign Affairs
Global Affairs Canada
125 Sussex Drive
Ottawa, ON K1A 0G2

Dear Minister:

Re: Pedro Rafael Maldonado Flores, Centro de Accion Legal, Ambiental y Social de Guatemala (CALAS)

I am writing on behalf of the Canadian Bar Association to express our concern about the intimidation of Guatemalan human rights and environmental lawyer, Pedro Rafael Maldonado Flores and his colleagues at the Centro de Accion Legal, Ambiental y Social de Guatemala (CALAS). The CBA is an association of over 36,000 Canadian lawyers, notaries, law teachers and law students. Our mandate includes seeking improvement in the law and the administration of justice, and supporting the rule of law in Canada and around the world.

Mr. Maldonado is the legal director of CALAS, a non-governmental human rights organization working to promote environmental and Indigenous rights in Guatemala. The organization has denounced human rights abuses by mining companies in Guatemala, including those of a mining company based in US and Canada, Tahoe Resources Inc, and its Guatemalan subsidiary, Minera San Rafael S.A. (Tahoe).

Mr. Maldonado and his colleagues at CALAS have received death threats and been the subject of acts of intimidation and violence as a result of their legal work. Mr. Maldonado has been the subject of protection measures ordered by the Inter-American Commission for Human Rights and was placed under protective measures by the Guatemalan Ministry of the Interior in December 2015.

Despite these measures, threats, intimidation and violence have continued against lawyers and staff at CALAS. In November 2016, Jeremy Abraham Barrios Lima of CALAS was shot twice by unidentified

assailants and subsequently died.¹ In April 2017, unidentified motorcyclists fired several gunshots at a vehicle in front of Mr. Maldonado's home in Guatemala City, though fortunately no one was injured.²

The latest violence coincides with Mr. Maldonado's court challenge to Tahoe's licences for its Escobal mine. In July 2017, the Guatemalan Supreme Court of Justice granted a temporary suspension of two of Tahoe's mining licences until the case is decided.³

We believe there is cause for increased concern about further threats, intimidation and violence against Mr. Maldonado and his colleagues at CALAS. This situation has already spurred global denunciation and calls to action, including an open letter from the Law Society of Upper Canada calling on the Guatemalan government to comply with the United Nations' *Basic Principles on the Role of Lawyers*.⁴ Those principles require authorities to adequately safeguard lawyers when their security is threatened as a result of fulfilling their essential role.⁵

In keeping with the UN *Basic Principles*, the CBA urges the federal government to publicly support Mr. Maldonado and his colleagues at CALAS in their role as human rights lawyers by asking the Guatemalan government to take immediate and ongoing steps to ensure compliance with those principles in relation to the work of CALAS.

We ask that Canada's Embassy in Guatemala support Mr. Maldonado and other human rights lawyers engaged in defending Indigenous peoples' rights. The CBA urges Canada to stand with lawyers in their efforts to uphold the rule of law and respect for human rights, in Canada and internationally.

Thank you for your attention to this matter.

Yours truly

(original letter signed by Kerry L. Simmons)

Kerry L. Simmons, Q.C./c.r.

¹ Amnesty International, "Murder of Young Assistant from Guatemalan Environmental Organization is Evidence of Escalating Risk to Human Rights Defenders", 16 November 2016, [online: \(http://ow.ly/PIPW30h31Pc\)](http://ow.ly/PIPW30h31Pc).

² Amnesty International, "Campaign against environmental defenders", 6 July 2017, [online: \(http://ow.ly/PvdN30h3Khz\)](http://ow.ly/PvdN30h3Khz).

³ MiningWatch Canada and NISGUA, "Tahoe Resources lobbies U.S. and Canadian governments to intervene over Guatemalan court decision to suspend Escobal mine", 1 September 2017, [online: \(http://ow.ly/Qilp30h31Sq\)](http://ow.ly/Qilp30h31Sq).

⁴ See [online: \(http://ow.ly/3rrn30h3K47\)](http://ow.ly/3rrn30h3K47).

⁵ *Ibid*, articles 16-17.