

**CONSTITUTIONAL AMPARO ACTIONS
(ACTIONS SEEKING CONSTITUTIONAL PROTECTION)**

<u>AMPARO LAWSUITS</u>	<u>PETITIONERS (AMPARISTAS)</u>	<u>ISSUES OF AMPARO</u>	<u>ANALYSIS OF REQUEST vs. AMPARO - RE CONSULTATION CLAIM</u>	<u>ADMINISTRATIVE ACTS CHALLENGED</u>	<u>[PROCEDURAL] STATUS</u>
<p>Amparo 1031-2017, Supreme Court of Justice</p>	<p>Individuals that state to be community members, officials and/or representatives of:</p> <ul style="list-style-type: none"> (i) Aldea Yulchen Frontera (ii) Comunidad de Pojom (iii) Aldea Ixquisis (iv) Microregión de Ixquisis (v) Aldea Bella Linda, (vi) Aldea Nuevo San Mateo, <i>et al.</i> 	<ol style="list-style-type: none"> 1. Lack of prior, free and informed consultation. 2. Violation of the right to life, justice and full development. 3. Violation of the right to due process. 4. Violation of the right to a healthy environment and ecological equilibrium. 5. Violation of the principle of legality. 	<p>The claims regarding issues (1), and (3) are based on the Petitioners' allegations of lack of prior consultation with the represented communities in good faith, and a free and informed manner, in accordance to the requirements of Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries.</p>	<ul style="list-style-type: none"> (i) Resolution 2696-2010/Digarn/Ecm/Ghbs of December 27, 2010 (ii) Resolution 956-2011/Digarn/Ecm/Ghbs of May 17, 2011 (iii) Resolution 1471-2014/Digarn/Epsa/Dsfp of May 2, 2014 (iv) The Granting of the Environmental Evaluation License 3850-2015/Digarn (v) The issuance of Ministerial Agreement 113-2016 of April 1, 2016 	<ul style="list-style-type: none"> • The Supreme Court of Justice agreed to CONSOLIDATE the three amparo lawsuits, meaning that all three cases will be resolved in a single judgement. • Pending discovery phase in the amparo ("<i>Apertura a Prueba del Amparo</i>"). • Pending to resolve certain motions filed by the parties. • Pending issuance of the first instance judgement .
<p>Amparo 1044-2017, Supreme</p>	<p>Individuals that state to belong to the Maya-Chuj</p>	<ol style="list-style-type: none"> 1. Violation of Articles 66 and 67 of the Constitution of the Republic of Guatemala; 	<p>The claims regarding issues (1) through (5), are based on the lack of consultation with the</p>	<p>Ministerial Agreement No. 252-2011 of December 13, 2011, which resulted in the</p>	

<p>Court of Justice</p>	<p>people of Guatemala</p>	<ol style="list-style-type: none"> 2. Violation of the right to consultation pursuant to the Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries (“ILO Convention 169”); 3. Violation of the right to land and territory pursuant to ILO Convention 169; 4. violation of the right to free determination pursuant to ILO Convention 169; 5. Violation of the right to one's own customs or customary law pursuant to ILO Convention 169; among others. 	<p>represented people in an informed, free and transparent manner. It is alleged that the consultation does not comply with the requirements of Convention 169 of the International Labour Organization concerning Indigenous and Tribal Peoples in Independent Countries.</p>	<p>Concession Agreement signed on February 6, 2012.</p>	
<p>Amparo 1265-2017, Corte Suprema de Justicia</p>	<p>Individuals that state to be community members, officials and/or representatives of: (i) Mateo Ixatan</p>	<ol style="list-style-type: none"> 1. Prior, free and informed consultation was not carried out in accordance with Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries. 	<p>With respect to issue (1), it is alleged that the consultation does not comply with the requirements of Convention 169 of the International Labor Organization on Indigenous and Tribal Peoples in Independent Countries.</p>	<p>The Ministerial Agreement identified in Number 252-2011, dated December 13, 2011 pursuant to which the challenged authority grants final approval to the power generating entity in San Mateo, <i>Sociedad Anónima</i>, for the installation of the central hydroelectric plant named Hidroeléctrica Pojom II</p>	

	<ul style="list-style-type: none">(ii) Aldea Bella Linda(iii) Aldea Pojom(iv) Aldea Yulchen(v) Aldea Yoculta(vi) Canton Ucuya(vii) Aldea Captzin Chiquito Oxetaj, <i>et al.</i>	<p>2. Noncompliance with the legal requirements and procedures for the granting of the final authorizations to use public domain assets.</p>			
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