

**Mandate of the Special Rapporteur on the rights of indigenous peoples**

REFERENCE: OL  
BLZ 2/2015:

23 October 2015

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 24/9.

In this connection, I am writing to follow up on my letter of 7 July 2015 regarding allegations concerning the arrest of thirteen Maya leaders and villagers in June 2015. I would like to thank your Excellency's Government for its response of 15 July 2015 to my letter.

In that letter, your Excellency's Government noted that the elements of Maya property rights had yet to be identified, and "that having title, in whatever form, does not entitle the holder of title to imprison or shackle a squatter." I note that your Excellency's Government did not indicate any response to my call to establish a dialogue with Maya leadership and discuss outstanding issues of concern regarding this case, as well as the broader land tenure situation of the Maya people.

Following up on my previous letter, I would like to bring to your Excellency's Government attention the following information received recently.

According to the additional information received:

The Maya individuals that were arrested and arraigned on 24 June remain the subject of ongoing criminal charges of assault and unlawful imprisonment. On 29 September, the thirteen Maya villagers and leaders appeared in Punta Gorda Magistrate's Court for their second appearance at which time the prosecutor requested a further adjournment until 26 October.

On 24 July the Director of the Belize Institute for Archaeology, National Institute of Culture and History publicly stated on local channels 7News and News5 that Rupert Myles would be evicted and criminally charged for bulldozing Uxbenká

Mayan temple. To date, Mr. Myles continues to reside in Santa Cruz, clearing the land and building on Uxbenká and has yet to be charged or evicted.

The World Archaeological Congress, a non-governmental, not-for-profit organization and the only elected body of practicing archeologists, sent a letter on 31 August 2015 to your Government expressing concern about the arrests. The Congress is an international organization that “supports the rights of Indigenous ... communities to preserve and protect their heritage according to their own sensibilities and cultural values.” Responding to the situation at Uxbenká, the letter urges your Government to support the Maya communities in taking responsibility for site protection and preservation.

Following the 29 September hearing, the Prime Minister of Belize made a statement on the local Channel 7 news, in which he indicated that the lands in the Uxbenká area are disputed. He appears to have stated the following “the position is that the law of this country is what it is, it still prevails. The Mayans, like all other citizens of Belize are bound by those laws and you cannot use force to evict somebody from lands that’s in dispute and I will leave it there.” This is despite the fact that the temple falls within the area of Santa Cruz village, which had rights to its traditional lands recognized and affirmed by the Supreme Court of Belize in 2007.

The rights of the approximately 39 Maya villages in Toledo District have been affirmed on several occasions since 2007. Most recently, on 22 April 2015, the Caribbean Court of Justice, the highest court of appeals in the Belize legal system, issued an order affirming Maya customary land rights. The order requires the Government of Belize to identify and protect Maya property and other rights arising from customary land tenure and to abstain from interference with these rights unless consultation occurs. The order was issued on the consent of the parties and was accompanied by a written commitment from the Government of Belize to implement the decision. In its signed commitment, the Government “recognizes the exclusive right of each village, subject to law, to control who make take up residence within the village lands” (paragraph 3) and agrees “to promote and protect the rights of each Maya village, subject to law, collectively to manage the use and occupations of its lands, and the resources on those lands, through Maya modes of governance” (paragraph 4).

Five months after the consent order was issued by the Caribbean Court of Justice, the Government has yet to schedule a meeting with the Maya people to begin implementation despite requests from the Maya leaders. Reportedly, the Government has neglected to issue a directive to its agencies to stop all leasing, concessions and other activities on Maya lands to prevent interference, leaving Maya lands vulnerable to future intrusions. Allegedly, the interference and intrusion into Santa Cruz lands that sparked the incident at Uxbenká may have been prevented if the necessary legal protections were in place as ordered by the Caribbean Court of Justice.

It is my responsibility under the mandate provided to me by the Human Rights Council to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following:

1. Are the facts summarized accurate? Please provide any additional information and/or comment(s) you may have on the above mentioned allegations.
2. What is basis for the criminal charges against the Maya villagers and what is the current status of the proceedings?
3. Is Mr. Rupert Myles still living on the Uxbenká site? If so, what is the justification for this in light of the affirmation of Maya land rights?
4. What steps have been taken by your Excellency's Government to comply with the Caribbean Court of Justice, including the Government's undertaking to meet with Maya representatives to discuss implementation of the order?

I would appreciate receiving a response within 60 days.

I undertake to ensure that the response of your Excellency's Government will be taken into account in my assessment of the situation and in developing any recommendations that I may make for your Excellency's Government's consideration pursuant to the terms of my mandate.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Victoria Lucia Tauli-Corpuz  
Special Rapporteur on the rights of indigenous peoples