

**AMNESTY
INTERNATIONAL**



July 26, 2019

The Honorable David Y. Ige
Governor, State of Hawai'i
Executive Chambers
State Capitol
Honolulu, HI 96813
Fax: (808) 586-0006

Dear Governor,

Amnesty International—a global human rights organization with over 7 million members and supporters worldwide—urges you to halt construction of the Thirty Meter Telescope on Mauna Kea and ensure the human rights of Indigenous Peoples opposed to the telescope project are respected, protected and fulfilled, including their rights as Indigenous Peoples and their right to peaceful protest and assembly.

The government should have consulted with the Indigenous Peoples whose human rights may be impacted by the telescope, in order to obtain their free, prior and informed consent (FPIC), before approving the project, and should do so now before moving forward with construction. Indigenous communities must be full participants in any decision that may affect their human rights, including the right to own and maintain their relationship with lands of cultural and spiritual value to the community.

Indigenous Peoples' rights regarding FPIC were recognized at the international level in response to a demand from the global movement of Indigenous Peoples. Their legally binding status has been confirmed in a number of rulings of the Inter-American Court of Human Rights. The principle has also been established in decisions of the United Nations (UN) Human Rights Committee and the African Commission on Human and Peoples' Rights. It has been formalized in standards such as the General Recommendation no. 23 on the International Convention on the Elimination of All Forms of Racial Discrimination of the United Nations (1997), policies of UN agencies, and culminating in the UN Declaration on the Rights of Indigenous Peoples.

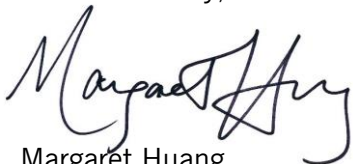
FPIC applies in those cases where the rights of an Indigenous People might be impacted by a particular policy or development project. It is important to emphasize that the necessity of FPIC rights for Indigenous Peoples arises from their collective modes of living and decision-making structures; the irreparable damage that can be caused by initiatives that impact significantly on their cultural integrity or land rights; and cumulative impacts of human rights violations stemming from colonization or external rule.

We also urge you to withdraw the Emergency Proclamation issued on July 17, 2019 and ensure that law enforcement officials involved in the policing of protests against the telescope take all measures needed to ensure that the treatment of demonstrators is in accordance with international human rights standards and the U.S. Constitution. It is the legitimate right of people to peacefully express their opinion. The command hierarchy must convey a clear message to law enforcement officials that their task is to facilitate and not to restrict a peaceful public assembly.

The decision to disperse an assembly should be taken in line with the principles of necessity and proportionality, and only when there are no other means available to protect public order from an imminent risk of violence. Arrest and detention should be carried out only in accordance with procedures established by law and should not be used as a means to prevent peaceful participation in a public assembly nor as a means of intimidation or punishment for participation.

For more information, I am attaching Amnesty International's Good Practice for Law Enforcement Officials Policing Demonstrations. We look forward to your reply and would be happy to provide additional information as needed. Please contact Zeke Johnson, Senior Director of Programs, at zjohnson@aiusa.org or (212) 633-4256.

Yours Sincerely,



Margaret Huang
Executive Director
Amnesty International USA