

October 31, 2007

Rights Action and ADISMI (Asociacion de Desarrollo Integral de San Miguel Ixtahuacan) put out this ...

## **CALL FOR INTERNATIONAL OBSERVERS AND MEDIA ATTENTION**

### **TRIAL OF THE “GOLDCORP 7” – SET TO BEGIN NOVEMBER 12**

**CONTACT:** Grahame Russell, [info@rightsaction.org](mailto:info@rightsaction.org).

On November 12, 2007 the oral presentations in the trial against the ‘Goldcorp 7’ will begin. This is a politically laden case against seven Mam-Mayan community members from the very villages in the municipality of San Miguel Ixtahuacan that are being gravely harmed by Goldcorp’s open pit, cyanide-leeching mine.

The very fact the case is advancing in the courts exemplifies the racism and bias with which the Guatemalan justice system acts.

In this case, like many others, malicious charges are being used by Goldcorp, with a team of well paid lawyers, as a tool of repression against poor communities – obviously with no funds to hire lawyers - who peacefully seek to defend their community and environmental rights against the interests of transnational corporations or other powerful actors.

This case follows a pattern in Guatemala in which victims of human rights violations are subject to penal prosecution by their victimizers. The human rights abusers not only enjoy impunity for their harmful actions but they are able to manipulate the justice system as a tool for repression.

In conjunction with ADISMI (San Miguel Ixtahuacan Integral Development Association), a community based organization in the mine-affected communities of SMI, Rights Action calls for international observation of this trial.

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## **BACKGROUND**

### **GOLDCORP Inc. = USING THE LEGAL SYSTEM AS A TOOL OF REPRESSION AGAINST LOCAL, INDIGENOUS POPULATIONS**

On January 9, 2007, representatives from the Mam-Mayan villages that neighbor the “Marlin” mine in San Miguel Ixtahuacan, San Marcos, Guatemala, operated by Goldcorp Inc’s wholly owned subsidiary Montana Exploradora, visited the mining company office. They presented a petition to Goldcorp Inc. requesting a resolution to a number of problems suffered due to mining operations.

### **COMMUNITY CONCERNS INCLUDE:**

- extremely low payments made to local families for lands acquired, according to testimonies, under false pretenses and in some cases through coercion;
- destruction of dozens of homes due to the use of explosives;
- water contamination resulting in health problems of people and livestock;
- an apparent lowering of the regional water table resulting in the drying out of wells and natural springs, and some crop failure (ex: fruit trees).

On January 10, community representatives returned to the Goldcorp offices for the response to their petition. According to testimonies, company representatives not only denied all responsibility for the problems, but also insulted them. The community representatives left the company's installations and began walking to their homes. About two kilometers from the mine entrance, members of Goldcorp's private security company attacked the campesinos throwing rocks at them and firing guns, and attempted to force one man into a company car.

The men defended themselves as best they could. Though they suffered some injuries, they escaped and called the police. The police came but did not properly take testimonies or initiate the necessary investigation into the actions of Goldcorp's security company.

That afternoon, upon hearing the response of the company to their petition, approximately 600 members of communities that neighbor the mine (Agel, San José Nueva Esperanza, Salitre and San José Ixcaniche, of the municipality of San Miguel Ixtahuacán, and Tzalem of the municipality of Sipacapa) peacefully blocked roads to the company installations.

According to testimonies, on January 11, in the midst of the growing protest, community representatives, accompanied this time by the Human Rights Procurators Office (PDH), visited the company offices again to solicit dialog with the company in relation to the damages suffered. The Canadian security manager insulted them (calling them trash, murderers, etc.), and threw them out of the offices.

That day anti-riot forces of the National Civil Police and between 300 and 500 Guatemalan Army soldiers arrived.

In spite of the overwhelming security forces and the history of repression in Guatemala, the communities maintained the road blockades for more than 10 days. On January 22, the company agreed to negotiate, establishing the date of January 26 to begin dialogue in the Diocese of San Marcos.

In response, the communities lifted the road block and the peaceful protest ended.

On January 24, the General Manager of Goldcorp's Montana Exploradora subsidiary sent a letter to the PDH and the Diocese of San Marcos saying that he could not participate in the agreed upon negotiations.

#### VIOLENT, ILLEGAL DETENTIONS

The company never had any intention of dialog with the communities. On January 22, the company initiated penal charges against 22 residents of communities neighboring the mine. Arrest warrants were issued for 7 of the 22.

On February 13 (the same day that more than 10,000 residents of the neighboring municipality of Concepción Tutuapa rejected mining development projects in a municipal referendum), National Civil Police officers, transported in Goldcorp/ Montana Exploradora vehicles (which is clearly illegal), violently detained two community leaders. They illegally entered the men's homes at 5:20 am, breaking locks, throwing things, turning over beds with sleeping children.

They captured two men, took them to the police station in San Marcos, where they spent two days in prison. The legal proceedings against the other 15 remain open; the charges and possible detention remain as a threat to the communities. Following the initial two illegal arrests, the other five accused voluntarily presented themselves and all were on bail, pending trial.

On September 11, the trial was officially opened and on October 8 evidence was presented. The oral debate will begin November 12, 2007.

Even as they seek to defend themselves from these manipulated charges, the communities continue to seek remedy for the multiple damages they are suffering. The communities are extremely concerned about

information disseminated by Goldcorp Inc's public relations department in which they announce plans to release water used in gold mining, a process in which cyanide, arsenic and other toxic chemicals are used, into the Tzalem river, a tributary of the Cuilco river.

The communities have no recourse for their concerns since the Guatemalan justice system has demonstrated bias in favor of the politically powerful mining company and is inaccessible to indigenous communities.

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#### TAKE ACTION

Come and observe the trial itself, and visit with the mine-affected communities.

Send your letters of concern to Goldcorp President and CEO Kevin McArthur, Canadian government officials and the Canada Pension Plan (a major investor in Goldcorp), to demand that the malicious legal charges against the Goldcorp 7/22 be dropped and that Goldcorp negotiate in good faith with the communities related to all the harms and damages.

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Send copies to your MP and local media.

The Canadian Pension Plan (most employed Canadians are, by law, contributors to and beneficiaries of the CPP, a major investor in Goldcorp): Canada Pension Plan Investment Board, [csr@cppib.ca](mailto:csr@cppib.ca), 416-868-4075, Toll Free: 1-866-557-9510

Please forward responses to Rights Action: [info@rightsaction.org](mailto:info@rightsaction.org)

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Rights Action (a tax-deductible organization with legal status in Canada and USA) directly funds and works with community-based development, environment and human rights organizations in Guatemala, Honduras, El Salvador and southern Mexico (Oaxaca, Chiapas); and educates about and is involved in activism related to global development, environmental and human rights struggles.

JOIN RIGHTS ACTION's e-mail and snail-mail lists: [info@rightsaction.org](mailto:info@rightsaction.org);