



November 14, 2007

## GOLDCORP 7 - TRIAL UPDATE AND URGENT ACTION REQUEST

CONTACT: Grahame Russell, 1-860-352-2248, [info@rightsaction.org](mailto:info@rightsaction.org)

Witnesses in the trial of 7 Maya Mam Indigenous villagers who sought dialog with Goldcorp Inc. / Montana Exploradora began presentations on Monday, November 12, 2007. Witnesses are scheduled to present again on November 15, 16, 19 and 20.

This trial exemplifies Goldcorps' disregard for the lives and wellbeing of the communities affected by the operations of its "Marlin" mine, and the biased manner with which the Guatemalan justice system persecutes social movements, while maintaining impunity for human rights abuses committed by economically powerful actors.

The seven Mayan farmers on trial were among a group of 28 villagers who on January 10, 2007 approached Goldcorp / Montana seeking dialogue in relation to grave damages the communities neighboring the Marlin mine suffer. The Mayan farmers testify that the company rejected dialogue, insulted them and that the villagers were attacked by Goldcorp security officers at the exit of the mine. Security officers attempted to abduct one person, fired gunshots and threw rocks at the group.

Mine company security officers have a history of violence and intimidation of the population of San Miguel, including the March 13, 2005 murder of the son of a family who actively rejected the mine. Though the January 10, 2007 attack by security officers occurred in front of numerous witnesses, it has not been prosecuted.

Following the violent, negative response to the request for dialogue, over 600 villagers peacefully blocked the road into the mine, a protest which lasted 12 days.

Goldcorp presented charges against 22 of the 28 Mayan Mayan farmers who sought dialogue, and 7 of those were arrested and are being charged with the following crimes:

Antonio Felipe Bamaca Hernández, René Pérez Velázquez, Cristóbal Eduardo Pérez Hernández, Pedro Alejandro de León Castañón, and Patrocinio Vicente López Hernández are being charged with coercion. Goldcorp claims they forced mine workers to remain inside the mine installations against their will for the 12 days that the protest lasted. They are also charged with instigation to delinquency, claiming that they instigated the neighbors to protest against the mine and block the road into the mine. These charges carry a potential sentence of 1.5 to 6 years in prison.

Fernando Basilio Pérez Bamaca and Francisco Salomón Bamaca Mejía are charged with the same offenses and in addition are charged with threatening mine workers and a minor (Fernando Perez) and grave (Francisco Bamaca) injuries to security officers from rocks the security officers claim they threw. Fernando Perez faces 2 to 9 year sentence and Francisco Bamaca faces a 3.5 to 14 year sentence.

Furthermore Goldcorp/ Montana claims to have spent approximately Q800,000 in relation to the protests, including Q5,000 in munitions for the police, which indicates they have the intention of requesting damages and take most everything the poor Mayan farmers might own.

Given the financial and logistic support Goldcorp/ Montana provided to the police to break up the January 2007 protests, it is suspected that Goldcorp/ Montana may also have provided similar support during the Army and Police repression of the December 2004 Solola protests that resulted in the extrajudicial assassination of Raul Castro, a grave human rights abuse which has not been prosecuted. If true, Goldcorp would be complicit in this human rights violation, as would also be the World Bank Group, that invested in Goldcorp's "Marlin" mine project.

The fact that Goldcorp/ Montana provided munitions to the police clearly ought to be considered illegal. No charges have been filed in Guatemala.

The manner in which the District Attorney's office has prosecuted this case demonstrates bias in favor of the company. Four of the five offenses with which the seven campesinos are charged (Incitation to Delinquency, Threats, Coercion, and Minor Injuries) are minor offenses. The Guatemalan legal system encourages District Attornies to resolve minor offenses through alternative, non-judicial mechanisms, such as negotiation, especially when, as in this case, the supposed offenders have no prior record of offenses and there are related special conditions that aggravated the situation.

This bias in prosecution converts the justice system into another form of repression against the social movement.

[Other cases in Guatemala that demonstrate this pattern include the murder of Raul Castro (mentioned above) by Army and Police forces during protests against mining, and subsequent illegal persecution of community leaders; the murder Juan Lopez by Guatemalan security forces during the protests against CAFTA, and subsequent illegal persecution of community leaders; the August 2004 massacre of 9 campesinos by Guatemalan security forces during evictions from the Nueva Linda farm, and subsequent illegal persecution of community leaders; the massacre of campesinos on the El Corozo farm and subsequent illegal persecution of community leaders; the illegal persecution of community leaders affected by the Xalala hydro-electric dam project, following the murder of an INDE worker in the Ixcán region; and the illegal persecution of community leaders after the protest by communities affected by the World Bank, Inter-American Development Bank funded Chixoy Dam.]

## WHAT TO DO?

Please send your version of this SAMPLE LETTER to:

Robert Zoellick  
President, World Bank Group  
1818 H Street NW  
Washington, DC 20433  
Tel: (202) 473-1000  
Fax: (202) 477-6391  
[investigations\\_hotline@worldbank.org](mailto:investigations_hotline@worldbank.org)

Kevin McArthur- President and Chief Executive Officer  
Goldcorp Inc. Head Office:  
Park Place  
Suite 3400-666 Burrard Street  
Vancouver, B.C. V6C 2X8  
Telephone: (604) 696-3000  
Facsimile: (604) 696-3001  
Investor Relations:  
E-mail: [info@goldcorp.com](mailto:info@goldcorp.com)  
Toll Free: (800) 567-6223 (Canada and USA only)

Toronto Office:  
3201 – 130 Adelaide Street West

Toronto, Ontario Canada M5H 3P5  
Telephone: (416) 865-0326  
Facsimile: (416) 361-5741

Dear Mr. McArthur / Mr. Zoellick:

I am outraged by Goldcorp's malicious and unjust prosecution of indigenous Mayan Mam villagers from San Miguel Ixtahuacan who sought dialogue related to the damages they suffer as a result of the Goldcorp/ Marlin mine, while crimes and human rights violations perpetrated by agents allegedly associated with Goldcorp remain uninvestigated.

I demand that the World Bank fully investigate any potential collusion of Goldcorp in the commission of crimes and human rights abuses, and that Goldcorp desist from persecuting Mayan farmers harmed by the company and initiate measures to enter into open, transparent dialogue with villagers from the mine affected and harmed communities so as to fully rectify the damages they suffer.

Sincerely,

\* \* \*

SEND COPIES TO:

Your own politicians and media and to ...

Maxime Bernier  
Minister of Foreign Affairs  
509-S Centre Block  
House of Commons  
Ottawa , Ontario K1A 0A6  
(T) 613-992-6022  
(F) 613-992-2337  
[min.dfaitmaeci@international.gc.ca](mailto:min.dfaitmaeci@international.gc.ca);  
[bernier.m@parl.gc.ca](mailto:bernier.m@parl.gc.ca)

David Emerson  
Minister of International Trade  
House of Commons  
Ottawa , Ontario  
K1A 0A6  
Telephone: (613) 943-0267  
Fax: (613) 943-0219  
EMail: [Emerson.D@parl.gc.ca](mailto:Emerson.D@parl.gc.ca)

Gary Lunn  
Minister of Natural Resources  
House of Commons  
Ottawa , Ontario  
K1A 0A6  
Telephone: (613) 996-1119  
Fax: (613) 996-0850  
EMail: [Lunn.G@parl.gc.ca](mailto:Lunn.G@parl.gc.ca)

Josée Verner  
Minister of International Cooperation

House of Commons  
Ottawa , Ontario  
K1A 0A6  
Telephone: (613) 996-4151  
Fax: (613) 954-2269  
EMail: [Verner.J@parl.gc.ca](mailto:Verner.J@parl.gc.ca)

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

= = =

The protests and criticisms associated with Goldcorp's gold mining in Guatemala [and elsewhere] is a "development" issue. Mining done in this way is undermining the possibility of much needed development, while making gargantuan profits and contributing to crimes and human rights violations.

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). To make tax-deductible donations for community based and indigenous organizations resisting the harms caused by mining, contact [info@rightsaction.org](mailto:info@rightsaction.org) or go to [www.rightsaction.org](http://www.rightsaction.org).