

Rights Action – May 15, 2011  
Goldcorp Impunity Watch

**CPP (CANADA PENSION PLAN), OTHER PENSION FUNDS (OTPPF, BC-IMC, ETC) & MANY MORE INVESTORS INVEST IN, ENABLE & UNJUSTLY BENEFITS FROM GOLDCORP INC. ... despite being regularly informed about multiple harms and violations near goldcorp mine-sites in guatemala, honduras, etc.**

On May 4, Rights Action sent a letter to the Canada Pension Plan ([http://rightsaction.org/articles/RA\\_letter\\_to\\_CPP\\_050711.html](http://rightsaction.org/articles/RA_letter_to_CPP_050711.html)) as follow-up to an initiative by CAMIGUA to support a Shareholder Resolution calling for the suspension of Goldcorp's "Marlin" mine in Guatemala ([http://org2.democracyinaction.org/o/6497/p/dia/action/public/?action\\_KEY=6657](http://org2.democracyinaction.org/o/6497/p/dia/action/public/?action_KEY=6657)).

**BELOW**

- A Letter by CAMIGUA, to Goldcorp Inc
- A FAQ Sheet, by Jennifer Moore, MiningWatch Canada, [jen@miningwatch.ca](mailto:jen@miningwatch.ca) & Amanda Kistler, Center for International Environmental Law, [Amanda.kistler@gmail.com](mailto:Amanda.kistler@gmail.com), "What you may not know about the Marlin mine in Guatemala"
- A Letter by Olimpia Boido, to Goldcorp Inc
- A Letter from 36 European civil society organisations ask Swedish and Norwegian pension funds to support shareholder resolution
- Day of protest & education, Goldcorp agm, Vancouver, May 18, 2011

**MORE INFORMATION**

Grahame Russell, [info@rightsaction.org](mailto:info@rightsaction.org), [www.rightsaction.org](http://www.rightsaction.org)

- Please re-distribute this info, all around
- What to do: see below
- Get on/off Rights Action's listserv: [www.rightsaction.org](http://www.rightsaction.org)
- Join Rights Action's Facebook group: <http://www.facebook.com/pages/Rights-Action/176850879028427?ref=ts>

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**LETTER FROM CAMIGUA TO GOLDCORP Inc:**

CAMIGUA writes:

Thank you everyone for responding responded to our call for action asking the Canadian Pension Plan Investment Board to vote in favour of a shareholder resolution currently before investors in Goldcorp! You may have received or may soon receive a response from Goldcorp, which demonstrates why urgent action is still necessary.

As you will find summarized in the FAQ sheet [below], the company fails to address key issues that have led to complaints pending before the Inter-American Commission on Human Rights (IACHR) and that led this body of the Organization of American States to

issue precautionary measures in May 2010, which include the temporary suspension of operations at Goldcorp's Marlin mine.

Except for the IACHR, communities have little or no effective access to justice or remedy for the adverse impacts that Canadian mining companies operating abroad are having on their social fabric, security, and wellbeing. Your help to ensure its effectiveness is vital. Goldcorp should voluntarily comply with the IACHR recommendations.

Goldcorp's argument that the temporary suspension of the Marlin mine would violate the right to work is specious. Goldcorp's own Human Rights Assessment identifies that the company, through its operations, violates labour rights by not providing a living wage, preventing workers from organizing, and failing to ensure safe working conditions.

Furthermore, the company is fully capable of sustaining the costs of such a suspension and to ensure that others who might be affected do not suffer undue hardship as a result. According to Goldcorp's financial statements for 2010, the Marlin mine was the company's second largest source of earnings in 2010. Indeed, the company's total assets in 2010 now exceed the GDP of Guatemala.

Please take a moment to send the online action copied below to other lists or people who would be interested in responding. Your help in this joint effort is vital in the defence of human rights.

Thanks for your support.

Sincerely,

CAMIGUA

<http://goldcorpoutofguatemala.com/>

<https://www.facebook.com/event.php?eid=219883401356081>

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## **FAQ SHEET - WHAT YOU MAY NOT KNOW ABOUT THE MARLIN MINE IN GUATEMALA**

### **May 2011**

The continued operation of the Marlin mine is in contravention of the precautionary measures issued by the Inter-American Commission on Human Rights in May 2010.

1. Goldcorp asserts that the administrative process initiated by the Guatemalan government to consider a possible suspension of the Marlin mine "is in compliance with the precautionary measures granted by the Inter-American Commission on Human Rights (IACHR)."

What Goldcorp isn't saying: The recommendations of the IACHR are binding on Guatemala, which should have resulted in the immediate suspension of the Marlin mine.

The IACHR did not ask the government of Guatemala to open an administrative process to investigate the merits of its recommendations, but rather to suspend the mine to prevent irreparable harm while pending complaints are properly investigated. The

measures were issued not only to ensure the health and safety of the communities, but also due to the severity of underlying human rights allegations.

2. Goldcorp asserts that the Guatemalan government is carrying out an administrative procedure that "involves a thorough investigation of the Marlin Mine."

What Goldcorp isn't saying: Goldcorp is relying on studies that have not been made public and were conducted by agencies without the capacity to do them.

Of 23 studies referenced by the Government of Guatemala, not one has been made public. Goldcorp's own Human Rights Assessment found "a lack of capacity and limited experience [by the Ministry of the Environment and Natural Resources (MARN) with the issues required to enforce environmental standards in the mining industry."

3. Goldcorp asserts that based on government information, "there has been no harm to human health or damage to the environment as a result of the operation of the Marlin Mine."

What Goldcorp isn't saying: Goldcorp is ignoring independent scientific studies.

Physicians for Human Rights found "some residents living near the mine have relatively high levels of lead in their blood and arsenic in their urine." Belgian researchers at the University of Ghent found evidence to indicate that the Marlin mine is depleting surface waters and drawing arsenic- rich groundwater to the surface. US-based E-Tech International found that water in the tailings impoundment did not meet IFC effluent guidelines in 2006 for cyanide, copper and mercury being 3, 10 and 20 times IFC guidelines, respectively.

4. Goldcorp asserts, there is "...no existing danger to the life or physical integrity of the population and definitely no possibility of irreparable harm."

What Goldcorp isn't saying: Peoples' lives are at risk. Threats and intimidation against human rights defenders have been on the rise since the mine opened. Impacts are not only on water. Amnesty International issued three urgent actions about the Marlin mine since 2010, including for the attempt on the life of a known activist.

5. Goldcorp asserts that a multi-stakeholder roundtable dialogue is an example of its contributions to human rights advancement in Guatemala, saying the process is addressing the petition before the IACHR as well as development issues.

What Goldcorp isn't saying: The IACHR did not convene this dialogue, nor is it the appropriate forum to address the petition. The dialogue table does not include diverse voices. It does not include all the legal representatives for the petitioners or those who oppose the mine.

6. Goldcorp asserts that Guatemala's decision to join the Extractive Industries Transparency Initiative is another step ahead for human rights.

What Goldcorp isn't saying: The importance of this revenue transparency initiative is in its implementation, which has been poor. EITI ensures the verification and publication of revenues member governments receive from oil, gas, and mining. Joining is only the first step; compliance can take years. This initiative does not verify compliance with human

rights standards, nor has it prevented socio-economic conflict in other parts of the region where it is being adopted.

7. Goldcorp asserts that Guatemala's proposal for a law to regulate consultation of indigenous peoples also advances human rights.

What Goldcorp isn't saying: The United Nations Special Rapporteur on the Rights of Indigenous Peoples has criticized this law as another violation of indigenous rights. As a result of having failed to consult with indigenous peoples in Guatemala over the design of this law, tensions within the country are being further aggravated rather than being addressed.

8. Goldcorp asserts that it "strives to continuously improve its performance in all aspects of its business, and believes that many positive results have been achieved, particularly with respect to the Company's respect for human rights."

What Goldcorp isn't saying: Goldcorp is selectively responding to recommendations, avoiding crucial issues such as land acquisition and adequate consultation. Goldcorp is not implementing key recommendations from its own Human Rights Assessment, such as "to halt all land acquisition, exploration activities, mine expansion projects, or conversion of exploration to exploitation licenses, pending effective State involvement in consultation with local communities, and agreements put in place with communities to structure future land acquisitions."

Goldcorp should voluntarily comply with the recommendations of the IACHR and voluntarily suspend the Marlin mine. It should also halt all land acquisitions, exploration activities, mine expansion projects, or conversion of exploration to exploitation licenses, until it complies with international law.

For more information, contact:

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In the US, Amanda Kistler, Center for International Environmental Law,  
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## **LETTER FROM OLIMPIA BOIDO TO DAVID DIESLEY, OF GOLDCORP**

Goldcorp Inc.  
Mr. Diesley,

Thank you for your response regarding my e-mail in support of the shareholder proposal about the Marlin mine in Guatemala. I was interested to read your thoughts on the matter.

After careful consideration, I remain unclear on some of the statements made in the circular that you attach. I would appreciate your clarification on the following issues in order to understand why Goldcorp is not recommending to vote for this resolution.

1. The circular states that "[i]n compliance with the precautionary measures granted by the IACHR, the government of Guatemala initiated the administrative process for the

suspension of activities at a mining operation established by Article 51 of the Guatemalan Mining Law.”

The government may have initiated administrative procedures. However, this is not what the IACHR requested. The precautionary measures request that the government of Guatemala “suspend mining exploitation at the Marlin I mine and all other activities related to the concession given to Goldcorp/Montana Exploradora de Guatemala S.A.” (<http://www.cidh.oas.org/medidas/2010.eng.htm>)

The precautionary measures were issued almost a year ago now. The IACHR asked for an outright suspension, not for the mere initiation of the process to consider a possible suspension. This leads to the conclusion that the government of Guatemala is thus not acting in compliance with the precautionary measures, as this would mean that mining activities in the area would have been suspended.

2. The circular states that the government of Guatemala is carrying out an administrative procedure that “involves a thorough investigation of the Marlin Mine.” The Human Rights Impact Assessment (HRIA) commissioned by Goldcorp found that the Ministry of Environmental and Natural Resources (MARN) exhibits a “lack of capacity and limited experience with the issues required to enforce environmental standards in the mining industry” (page 62). Furthermore, the government of Guatemala has referenced at least 23 studies with regards to the Marlin mine. However, none of these have been made public to my knowledge.

Given that there are no publicly available studies that attest to any thorough investigation of the Marlin mine, and that Goldcorp’s HRIA indicates a lack of capacity of the Guatemalan government to enforce standards, it is hard to see how Goldcorp can assert that there is a thorough investigation on the Marlin mine. I thank you in advance for sharing these sources publicly, so that the concerned population may be able to access them.

3. The circular states that “there has been no harm to human health or damage to the environment as a result of the operation of the Marlin Mine.” There are a number of independent studies published in 2010 that point to the contrary. The authors of these studies include Physicians for Human Rights, which states that some residents living near the mine have relatively high levels of lead in their blood and arsenic in their urine (p. 11, 15; <http://physiciansforhumanrights.org/library/documents/reports/guatemala-toxic-metals.pdf>). Also, researchers from the University of Ghent, Belgium, found evidence to indicate that the Marlin mine is depleting surface waters and drawing arsenic-rich groundwater to the surface (p. 3-4; <http://www.catapa.be/files/marlin.pdf>). In addition, US-based E-Tech International found that the water in the tailings pond exceeded IFC effluent guidelines for cyanide, copper and mercury 3, 10 and 20 times respectively (<http://goldcorpoutofguatemala.files.wordpress.com/2010/07/e-tech-081110execsummaryenglish.pdf>).

Goldcorp’s Human Rights Impact Assessment questions the ability of the corresponding ministry of the Guatemalan government to enforce environmental standards, there is a lack of access to any studies that the government of Guatemala could have carried on these issues, and there are a number of independent scientific studies that attest to the contrary. It is thus unclear how the statement in the circular could be deemed founded and/or with merit.

4. The circular states that there is "... no existing danger to the life or physical integrity of the population and definitely no possibility of irreparable harm." I am aware that Amnesty International has issued at least three urgent actions about the Marlin mine, including the attempted murder of someone who refused to sell her land which would allow the continued expansion of this controversial project (<http://www.amnesty.org/en/library/asset/AMR34/008/2010/en/957fdd4a-e9c5-429d-8682-07d10bf5da42/amr340082010en.html>); <http://www.amnesty.ca/atrisk/index.php/carmen-mejia/#post-512>; <http://www.amnesty.org/es/library/asset/AMR34/002/2011/en/e99a7253-74fb-48fd-9448-a82c1bcb9805/amr340022011en.html>).

As mentioned above, there are extant publicly available reports concerning environmental pollution in the area which, by its nature, is bound to remain for years and/or decades in the land and water. This is particularly significant as the population of the affected communities is farmers who depend on the local land for their sustenance.

Given the threats and attempted murders of members of the affected communities in relation to their opposition to the mine, as well as evidence to the ongoing and long-term pollution of the water and land in the area, it is difficult to see how the communities' ability to continue/return to sustainable agriculture practices, and to have clean drinking water for human and animal consumption is not and will not be affected.

5. I understand that your subsidiary, Montana Exploradora, is participating in a multi-stakeholder roundtable (mesa de diálogo). The circular asserts that this is an example of how Goldcorp is contributing to human rights advancements in Guatemala. I am also aware that this roundtable does not include parties that are against the mine operating especially since the IAHR has requested that operations be suspended. Further, the roundtable does not include all the legal representatives for the petitioners to the IAHR. It is unclear how a roundtable that does not include a variety of affected subjects who have different opinions could help the situation, particularly when it is meeting while the mine is still operating, in contravention of the IAHR request.

6. The circular asserts that "Goldcorp strives to continuously improve its performance in all aspects of its business, and believes that many positive results have been achieved, particularly with respect to the Company's respect for human rights." Given the points mentioned above, it would add to the credibility of such a statement if Goldcorp were to respect the requests of international bodies such as the IAHR, but also the recommendations from its very own Human Rights Impact Assessment published last year, which recommends to "halt all land acquisition, exploration activities, mine expansion projects, or conversion of exploration to exploitation licenses, pending effective State involvement in consultation with local communities, and agreements put in place with communities to structure future land acquisitions." (p. 133)

There appears to be a number of worrisome contradictions emerging from the circular, which further lead me to think that the IAHR request should be respected, and the resolution presented should be voted in favour, until at least these contradictions can be clarified. I appreciate your time to help me understand your perspective on the issues mentioned above, and look forward to hearing from you in the near future.

Sincerely,

Olimpia Boido

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## **36 EUROPEAN CIVIL SOCIETY ORGANISATIONS AND NETWORKS ASK SWEDISH AND NORWEGIAN PENSION FUNDS TO SUPPORT SHAREHOLDER RESOLUTION**

<http://goldcorpoutofguatemala.com/2011/05/13/36-european-civil-society-organisations-and-networks-ask-swedish-and-norwegian-pension-funds-to-support-shareholder-resolution/>

The First Swedish National Pension Fund  
The Third Swedish National Pension Fund  
The Fourth Swedish National Pension Fund  
The Seventh Swedish National Pension Fund  
Norges Bank Investment Management (NBIM)

Request to support the Shareholders Resolution submitted to Goldcorp Inc. on March 16, 2011, regarding the implementation of precautionary measures granted by the Inter American Commission on Human Rights to communities of the Maya indigenous peoples of the Sipacapa and San Miguel Ixtahuacán Municipalities in the Department of San Marcos, Guatemala

We, the undersigned organizations express our concern regarding the information received about the alleged human rights violations of the Maya peoples (Sipakapense and Mam) of the Sipacapa and San Miguel Ixtahuacán Municipalities in the Department of San Marcos. These alleged violations, occurring in the framework of the mining of the Marlin I project and other activities related to the concession granted to the company Goldcorp/Montana Exploradora de Guatemala S.A, have led the Inter American Commission of Human Rights (henceforth "the IACHR") to grant precautionary measures for the members of these communities on May 20, 2010.

These precautionary measures, which respond to the same concerns we express, aim to avoid serious and irreparable harm to the human rights of these communities. They request, inter alia: "the suspension of mining of the Marlin I project and other activities related to the concession granted [...]; adoption of the necessary decontamination measures [...] assurance of [community] members' access to water fit for human consumption; addressing health problems [...]; adoption of any other necessary measures to guarantee the life and physical integrity of the members of the 18 aforementioned Maya communities; and planning and implementation of the protection measures with the participation of the beneficiaries and/or their representatives".

On June 23, 2010, the Government of Guatemala announced their intent to comply with the precautionary measures. On the initiative of the General Prosecutor (Procurador General de la Nación), an administrative process was initiated to suspend operations of the Mining Law Marlin I on August 10, in order to comply with the commitments made under International Human Rights Law.

Nevertheless, almost one year after the Precautionary Measures were issued by the IACHR, it has become clear that the State of Guatemala has failed to comply with them, thus disrespecting its obligations under international law. We would like to recall that,

under the Inter-American Convention of Human Rights, precautionary measures are granted by the IACHR for immediate application, to be implemented until a final decision of the IACHR on the case is taken.

Furthermore, it is of great concern that Goldcorp has stated on numerous occasions that IACHR precautionary measures are not justified and are lacking evidence thus arguing against State Compliance with these measure.

The undersigned organizations recognize the initiatives undertaken by the Swedish Pension Funds and the Norwegian Government Pension Fund Global to develop a dialogue with Goldcorp about the case. However, in this situation, the Swedish Pension funds (First, Third, Fourth and Seventh AP-fonden) and NBIM are requested as owners to make sure that Goldcorp Inc. respects and implements the precautionary measures granted by the IACHR. Both Norway and Sweden are bound by international human rights treaty obligations and it is important that the activities of State Pension Funds do not violate these obligations.

Therefore, we urge the Swedish Pension funds and the Norwegian Bank on Investment Management (NBIM) to support the Shareholders' Resolution that has been presented on 16th of March, 2011, and thus vote for this resolution at Goldcorp's upcoming Annual General Meeting on May 18th.

1. Amnesty International Norway
2. Amnesty International Sweden
3. APRODEV – Association of World Council of Churches related Development Organisations in Europe
4. Brot für Alle, Switzerland
5. Brot für die Welt, Germany
6. Catapa, Belgium
7. CIDSE - Coopération Internationale pour le Développement et la Solidarité
8. CIFCA – Copenhagen Initiative for Central America and Mexico
9. Changemaker, Norway
10. Christian Aid, United Kingdom
11. Christliche Initiative Romero, Germany
12. DKA Austria – Hilfswerk der Katholischen Jungschar
13. FIAN International
14. FIAN Sweden
15. FIAN Norway
16. FIDH- International Federation for Human Rights
17. Forum Syd, Sweden
18. The Future in our hands, Norway
19. FIVAS, Norway
20. Grupo Sur
21. Guatemala-Netz Zurich
22. INKOTA-netzwerk, Germany
23. Latinamerikagrupperna, Sverige
24. MISEREOR, Germany
25. Norwegian Church Aid
26. Norwegian Development Fund
27. Norwegian Latin-America Group (LAG)
28. OMCT – World Organisation Against Torture
29. Dutch Platform Against Impunity in Guatemala



30. Protection International
31. Rainforest Foundation Norway
32. Red de Solidaridad con Guatemala de Berna, Switzerland
33. Red Europea de Comités Oscar Romero
34. Spire, Norway
35. SweFOR- Swedish Fellowship of Reconciliation
36. Terre des hommes, Germany

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## **DAY OF PROTEST & EDUCATION, GOLDCORP AGM, MAY 18, 2011**

Contact: Amanda Kistler, 604.220.4009, [amanda.camigua@gmail.com](mailto:amanda.camigua@gmail.com); Wyanne Sandler, 902.969.2869, [btsmaritimes@gmail.com](mailto:btsmaritimes@gmail.com)

\*\*\*GREAT VISUALS\*\*\*GREAT VISUALS\*\*\*GREAT VISUALS\*\*\*

MINING AFFECTED COMMUNITIES DEMAND GOLDCORP RESPECT THEIR RIGHTS

WHAT: Rally, street theatre, march and direct participation in Goldcorp AGM

WHEN: Wednesday, May 18 at 10am PST

WHERE: Pan Pacific Hotel, Crystal Ballroom, 300 – 999 Canada Place, and outside

Vancouver, British Columbia – Community representatives affected by Goldcorp's mining operations in Latin America will attend the company's upcoming Annual General Meeting (AGM) in Vancouver to demand respect for their rights. A coalition of human rights and advocacy organizations from the United States and Canada will accompany them, including the Center for International Environmental Law (CIEL), Maritimes-Guatemala Breaking the Silence Network, MiningWatch Canada, the Network in Solidarity with the People of Guatemala (NISGUA) and others.

Activists will gather outside Pan Pacific Hotel where the shareholders' meeting will take place, then march to the local office of the Canadian Pension Plan, calling attention to public investments in Goldcorp.

Latin American community representatives will participate in the shareholder meeting to denounce human rights abuses, including health and environmental harms. They will also ask shareholders to support a resolution that asks the company to voluntarily suspend operations at the embattled Marlin mine in Guatemala in compliance with recommendations of the Inter-American Commission on Human Rights (IACHR).

In 2010, both the International Labor Organization (ILO) in Geneva and IACHR called for the suspension of mining activity at Goldcorp's Marlin mine. Amnesty International also repeatedly denounced human rights violations near the Marlin mine. Threats and intimidation of activists and community leaders have been on the rise in neighbouring communities since the mine opened.

The following spokespeople will be available for interviews with the media:

Benito Lopez, Lawyer, Rigoberta Menchu Tum Foundation, Guatemala  
Ruben Herrera, Activist, Departmental Assembly of Huehuetenango, Guatemala

Carlos Amador, Teacher and Secretary, Environmental Committee of the Valley of Siria,  
Honduras  
Kristen Genovese, Senior Attorney, Center for International Environmental Law  
Jennifer Moore, Latin America Program Coordinator, MiningWatch Canada

To schedule an interview with any of the people listed, please contact Amanda Kistler at  
604-220-4009 or [amanda.camigua@gmail.com](mailto:amanda.camigua@gmail.com)

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## **WHAT TO DO – WRITE TO THE CPP, & OTHER PENSION FUNDS**

Please write your own letter to the CPP, and/or the OTPPF and/or the BC-IMC, and/or  
your own fund, asking them, as shareholders, to support the resolution that Goldcorp  
suspend operation of the “Marlin” mine in Guatemala, or – in the alternative – to divest  
from Goldcorp.

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Lynne Olver, Communications, 416-730-6518, [lynne\\_olver@otpp.com](mailto:lynne_olver@otpp.com),  
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## **WHAT TO DO - Join a RIGHTS ACTION DELEGATION to Guatemala (JULY 3-10, 2011) “ELECTIONS; NO DEMOCRACY”**

Join a Rights Action delegation to Guatemala from July 3 to 10, 2011. This pre-elections delegation will speak with human rights and social movement organizations struggling to create conditions for truly democratic processes, and limit the control organized crime and big business hold over the state through illegal networks of influence.

### MEET WITH:

- \* Human rights organizations pressing forward the 'exemplary cases' against war crimes; even as they meet constant setbacks;
- \* Land rights movements of communities that support each other against the appropriation of their lands by politically influential plantation owners and organized crime bosses;
- \* Indigenous rights movements that seek full recognition of their rights including recognition of traditional authorities and their territory;
- \* Justice reform activists who seek to reform legal mechanisms that maintain impunity and criminalize human rights defenders; and
- \* Communities defending their territory against transnational interests (mines, dams or biofuels) backed by political power holders.

INFORMATION: Annie Bird; (202) 680-3002, [annie@rightsaction.org](mailto:annie@rightsaction.org)

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## **WHAT TO DO – DONATE FUNDS**

Since 2004, Rights Action has been funding the community development and environmental and human rights defense work of ADISMI (the Association for the Integral Defense of San Miguel Ixtahuacan) in Guatemala and the Siria Valley Enviro-Defense Committee in Honduras, where Goldcorp operates 2 of its open-pit, cyanide-leaching mines.

### TAX-DEDUCTIBLE DONATIONS

Make check payable to "Rights Action" and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887  
CANADA: 552 - 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS: <http://rightsaction.org/contributions.htm>

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**FOR QUESTIONS & MORE INFORMATION** about Goldcorp's mining related environmental and health harms and other human rights violations in Guatemala & Honduras, contact: [info@rightsaction.org](mailto:info@rightsaction.org).

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**FACEBOOK:** <http://www.facebook.com/pages/Rights-Action/176850879028427?ref=ts>

**BOOKS:** "Code Z59.5" & "The Never Ending" by Grahame Russell, for sale:

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