

Rights Action
November 22, 2014
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“We the families of Nahomy, Juan Carlos and Angel” denounce:

Impunity in Guatemala for Hudbay Minerals’ co-defendant Guatemalan Nickel Company (CGN) related to the 2012 murder of 3 university students on CGN company property.



On March 31, 2012, three Guatemalan university students were killed on the property of the nickel mining company CGN (Guatemalan Niquel Company) that, until late 2011, was owned by the Canadian companies: INCO, Skye Resources, Hudbay Minerals.

CGN and Hudbay are co-defendants in civil lawsuits in Canada, accused of: the murder of Adolfo Ich; the shooting-paralyzing of German Chub; the gang rape of 11 women as part of an illegal, forced eviction of the community of Lote 8.

Below: Statement by the families of the 3 students about the impunity characterizing the legal proceedings in Guatemala against CGN for the deaths of their children on CGN company property, accompanied by CGN employees and managers. While Hudbay no longer owned CGN, at the time of these killings, many of the managers and employees were the same.

Public Letter From The Families Of Nahomy, Juan Carlos & Angel

We the families of Nahomy, Juan Carlos and Angel wish to denounce the irregular, intimidating, delaying actions taken by the Universidad del Valle de Guatemala (UVG) and the Guatemalan Nickel Company (CGN). Theirs are clearly attempts to delay, halt and influence the legal process we initiated to clarify what exactly happened in those horrific events of March 31, 2012, in which three brave young people – our children / family members - lost their lives.

Here, we provide a chronological summary to inform our supporters of the present status of the case. Unfortunately, the process has been furthered hindered by the two entities – UVG and CGN - mentioned above.

1. On June 17, 2014, the case was provisionally closed; CGN employee Lemuel Valle was set free; embargoes against CGN were lifted; and investigation procedures were authorized for the exhumation of the remains of our loved ones, for the re-enactment of what happened the night of March 31, 2012, and the confiscation of CGN security entry registers, etc.
2. The re-enactment of events, on the CGN mine premises, was scheduled for Tuesday, August 19, 2014. The intention was to follow the route supposedly taken by our children on the property. But this did not take place because the accused, CGN employee Lemuel Valle, failed to turn up.
3. On the same day, August 19, prosecutors from the Public Ministry requisitioned the security entry register for March 31, 2012, but CGN refused to hand it over.
4. The re-enactment was re-scheduled for August 28. All parties turned up and the inspection was carried out, but time was not allotted to follow the boat route that other UVG students, who had been with our children that night, had taken.
5. On August 29, prosecutors once again tried to requisition the CGN security entry register and, once again, it was not handed over.
6. On October 15, there was further re-enactment at CGN's El Estor property. All parties attended but the judge failed to turn up. On that day, people working for CGN secretly took photos of us and of our vehicles. We consider this to be an act of intimidation. On October 16, we made a formal complaint to the Public Ministry. This will be heard on November 13.
7. Exhumations of the remains of our loved ones were scheduled to be initiated on November 4, beginning with Angel, who would then be properly buried November 14; then Juan Carlos, to be exhumed on November 13, and re-buried on November 25; and then Nahomy, exhumed on November 24 and re-buried on December 4th.

However, the exhumations were suspended on October 14 by the judge in Puerto Barrios, Edgar Aníbal Arteaga López. On November 3, we were notified of this decision, which contravenes the court decision of October 7.

8. On November 4, the Public Ministry filed a petition in the court of Chiquimula, requesting authorization for the exhumations. According to our lawyers and the prosecutors, there was no reason to suspend the exhumations.

9. We are convinced that CGN is attempting to hold up the process in whatever way possible. They have refused to submit evidence and cooperate with the investigation. As a result, prosecutors have had to file a lawsuit against the legal representatives for the mine.

10. The UVG has also presented a legal recourse to disassociate itself from this process and use an alternative process. If the UVG played no role in this case, it should defend itself within the process and not through other ways. We have not been officially notified of their petition but we are aware that the provisional petition was denied and that they intend to pursue a definitive petition. The UVG could thus hold up the process for an indeterminate period of time. The first petition, filed by the la Fundación del Valle de Guatemala, held up the process for two years.

Please share this information widely. Please contact us, for more information about, or to support our struggle for truth and justice. Thank-you.

More information:

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<https://www.facebook.com/UnMinutoDeSilencioParaRomperElSilencio>

More information:

about other criminal and civil cases against Hudbay Minerals /CGN for crimes and violations in Guatemala: Grahame Russell, info@rightsaction.org

“Defensora”

This award winning film documents the lives and vision of the Mayan Qeqchi people and their efforts to seek justice in Canadian courts against Hudbay Minerals/ CGN.

Trailer/ Screenings /Information: www.defensorathefilm.com

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To support Mayan Qeqchi efforts to defend their environment and community well-being and to attain justice for Hudbay/CGN caused harms and violations suffered, make check payable to "Rights Action" and mail to:

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