

Trial in Guatemala for death (murder?) of 3 students on Solway Investment Group/CGN mining company property

<https://mailchi.mp/rightsaction/trial-in-guatemala-for-death-murder-of-3-students-on-solway-investment-group-cgn-mining-company-property>

As landmark lawsuits continue in Canada against Hudbay Minerals and CGN (Guatemalan Nickel Company) for mining-linked murder, assault and gang-rapes in 2007 and 2009, ... as a courageous trial continues in Guatemala against Hudbay/CGN's former head of security for mining-linked murder and assault in 2009, ... as CGN and its new owner Solway Investment Group (Switzerland-based company that purchased CGN from Hudbay in 2011) use repression and "criminalizations" against Mayan Q'eqchi' community members today who are resisting and denouncing Solway/CGN mining-linked harms and violations, ... there will be a public hearing, May 15, in Puerto Barrios concerning the death (murder?) of 3 university students on Solway/CGN property in March 2012.

Trial in Guatemala for death (murder?) of 3 students on property of CGN/Solway Investment Group mining company property

May 14, 2019 statement by Carlos de Leon, father of one of the victims

On Wednesday, May 15, 2019, the seventh oral public hearing should be held concerning the death of Naomi Lara Orellana, Juan Carlos Velásquez Marroquín and Angel Rodolfo de León Palacios.



In this trial, the biologist Alfredo Lemuel Valle Albizures who worked at the Guatemalan Nickel Company –CGN- (subsidiary of Solway Investment Group of Switzerland –Solway-) is charged with manslaughter and CGN/Solway and the Universidad de Valle de Guatemala -UVG- are charged with third party liability.

This trial is being heard in the Sentencing Court of Puerto Barrios, under the presiding judge Jesús Felícito Mazariegos.

- Public hearing, May 15, Puerto Barrios

The students died on the evening of March 31, 2012, while they were supposedly counting crocodile nests in a canal located within the CGN/Solway mining installations in the Setal Reserve, municipality of El Estor, department of Izabal, on the shores of Lake Izabal.

The activity was part of an obligatory field trip, organized by the biologist Arnold Font Nájera who taught an ecology course for biology students at UVG. Professor Font delegated responsibility for this activity to the biologist Mr. Valle who, in turn, carried out the activity with the three students, but all three supposedly drowned and died and Valle was the only survivor.

In his statements, he has claimed that of the four people on the boat, he was the only one who wasn't wearing a life jacket! He also assured that the students did not have the smell or any other signs of having consumed alcohol when they got on the boat and that the boat overturned because of a wave, that the woman student got scared and stood up which unbalanced the boat, throwing everyone into the water.

One of the many things unusual about the case is that the body of Naomi appeared on the same day, March 31. Personnel from the mine brought her to the El Estor health center because she was supposedly still alive, however the person in charge of the health center was certain that Naomi was already dead when she received the body.

The same CGN/Solway personnel then brought the body to the morgue in Puerto Barrios. They did not test her body for rape, however Naomi had bruises on her legs according to the autopsy report.

The bodies of Juan Carlos and Angel Rodolfo were found the next day, on April 1, 2012. Both were under water, sitting; each had received a strong blow to the head. According to the autopsy, the blow was caused by a blunt object and with sufficient synthetic force to provoke subgaleal hemorrhage (bleeding between the skull and scalp) and loss of consciousness.

Although the parents of the deceased filed a legal complaint in May 2012, the trial didn't begin until January 2019, since both UVG and CGN/Solway presented numerous appeals and other legal measures in their attempt to stall or stop the process, arguing that they had no responsibility in the death of these youth.

The legal actions presented by CGN/Solway were accepted by the initial judge in charge of the case at this time, Mr. Anibal Arteaga, who has become known for benefitting the mining company unconditionally in several cases, and who was recused by the plaintiffs in this case.

During the trial, the parents who had travelled to the mining installations to search for their children gave their testimony. Five classmates of the deceased who were also on the same trip gave their statements. According to the testimonies of the former classmates, on the evening of the incident, they were informed that their classmates had disappeared and that they had tried to help search but that personnel from the mine didn't allow them to. They also stated that when they asked Valle where the boat turned over, he was not clear in indicating the place where it supposedly capsized.

Several employees of CGN/Solway, and the Ukrainian man who was then the CGN/Solway director, spoke, giving very similar versions with exactly the same facts. One of them claimed that unfortunately during the night of the incident, there had been 2 meter tall waves on that side of Lake Izabal, but the Naval Base's report indicates that the water only reached level 1, which means that the water was extremely calm. With two meter waves the El Estor population would have suffered serious flooding problems.

Among those who gave their statements was the chemist Edy Orlando Mendoza Coloma, who was the supervisor of Lemuel Valle and who resided in a house in the center of El Estor. Electricity bills from Mr. Mendoza Coloma's home were found in the fanny pack of Angel Rodolfo, which despite being hard to unlatch, was found on land several days after the incident and with its contents totally dry.

According to Valle, Mendoza was the person that authorized the group to go out in the precarious boat in which they supposedly carried out this activity.

According to the statements of several people, the boat broke when one of the students found it capsized and turned it over, which demonstrates the bad state of this vessel that was also extremely small to use it for monitoring crocodiles that are more than 3 meters long.

According to the protocol that Professor Font prepared for doing field work, monitoring crocodiles would be carried out on foot, by walking on the edge of the canal. It was never stipulated that the activity should be carried out in a boat.

Valle's version had been shown to be untrue some time earlier, during the reconstruction of the incidents where tests were carried out in a replica of the boat, with the participation of navy officers and the Naomi's mother. During the reconstruction, the boat did not capsize and barely moved when one of the men on board stood up and sat down again at the orders of the judge presiding the "reconstruction" proceedings.

The case has shown a series of contradictions that, until now, have not made it possible to clarify what really happened with the students, despite the fact that there have been multiple efforts to establish the truth, including the exhumation of the bodies in search of potential evidence of violence.

The May 15 public hearing includes the review of the last piece of evidence and the beginning of conclusions and arguments by the lawyers on each side, after which the sentence of Judge Mazariegos will follow.

According to the penal code, when there are several victims involved, the sentence for manslaughter is between 3 and 8 years of imprisonment.

We hope and request that Judge Mazariegos be impartial and that he not give in to all the pressures exerted throughout the process by both UVG and CGN/Solway. We also hope and request that there finally be justice for the families of the three students who only wanted to finish their degrees and use their knowledge and efforts to support the conservation and protection of the flora and fauna and the environment of planet earth.

Carlos Rodolfo de León (padre de un victima)

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Information about Hudbay Minerals lawsuits (Canada) & Mynor Padilla criminal trial (Guatemala):

Grahame Russell, grahame@rightsaction.org

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"U.S. & Canadian problems"

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