

Guatemala's Constitutional Court orders suspension of Swiss-based Solway Investment Group's mining operation in Guatemala

(View in Browser: <https://mailchi.mp/rightsaction/guatemalas-constitutional-court-orders-suspension-of-swiss-based-solway-investment-groups-mining-operation-in-guatemala>)

Did Hudbay Minerals and Skye Resources (previous owners) ever have a valid mining license in Guatemala?

Communique from lawyer Rafael Maldonado

Guatemala, July 19, 2019

The Constitutional Court of Guatemala ruled on July 18, 2019 in favor of an appeal presented by the Union of Artisanal Fisher-people of El Estor (department of Izabal), ordering the CGN nickel company (Guatemalan Nickel Company, owned by the Switzerland-based Solway Investment Group, previously owned by Canadian companies Skye Resources and Hudbay Minerals) to immediately and provisionally cease its nickel mining operations.

With this decision, the Constitutional Court ordered the suspension of the "Fenix" mining license (#LEXT-049-05) that had been granted by the Guatemalan Ministry of Mines and Energy to CGN (then owned by Skye Resources) in 2005. This license covers some 200 square kilometers of land in the municipality of El Estor (Izabal Department) and municipalities of Panzós, Senahú and Cahabón (Alta Verapaz Department).

In 2005, CGN was owned by Skye Resources that had received the mining operation from former owner INCO (the International Nickel Company) that had controlled the lands and mining operation since 1964. In 2008, Skye and CGN were bought by Hudbay Minerals. In 2011, Hudbay sold CGN and its mining interests to Solway Investment Group.

This court decision has legal implications not only for CGN/Solway Investment Group today, but also for Skye Resources and Hudbay Minerals' operations from 2004-2011.

The legal challenge to the validity of the original license was filed before Guatemala's Supreme Court of Justice in February 2018, arguing that the license had been granted in 2005 without having carried out a consultation process with the affected Mayan Q'eqchi' people in the mentioned municipalities.

On July 25, 2019, there will be a public hearing in the Constitutional Court to render definitive the immediate provisional suspension of the mining operation.

More information:

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The global economic system illegally and violently at work:

The “Fenix” nickel mining operation, El Estor, Guatemala, causing environmental harms, human rights violations, forced evictions and violence against Mayan Q’eqchi’ villagers since 1964, while owned by INCO, Skye Resources, Hudbay Minerals and now Solway Investment Group.

On-going ‘criminalization’ and jailing of Mayan Q’eqchi’ community defenders

Even as Rafael Maldonado and the Union of Artisanal Fisher-people proceed with this legal challenge to the license of Solway Investment Group/CGN, Rafael and other lawyers are defending numerous members of the Union who have been falsely criminalized by Solway Investment Group/CGN and jailed as political prisoners for their community, territorial and environmental defense activism.

Your funds at work

Since 2004, Rights Action has been funding community, territorial and environmental defenders, and justice struggles in this Mayan Q’eqchi’ region of El Estor. Since 2017, Rights Action has been funding the Union of Artisanal Fisher-people and the legal work of Rafael Maldonado. (To donate: see below)

Hudbay Minerals lawsuits in Canada

Meanwhile, the precedent-setting Hudbay Minerals lawsuits in Canada (seeking justice for mining repression against 13 Mayan Q’eqchi’ plaintiffs in the El Estor region between 2007-2009) will be back in court in Toronto, September 17, 2019. (See: www.chocversushudbay.com)

Mynor Padilla criminal trial

The re-trial of Mynor Padilla – former head of security for Skye Resources and Hudbay Minerals, former Lieutenant-colonel in the Guatemalan army – for murder and aggravated assault begins in Puerto Barrios, Guatemala, on September 10, 2019.

Risk of violence

Due to their courageous community, territorial and environment defense work, and their demands for justice in Guatemalan and Canadian courts – including this suspension of mining order -, local Q'eqchi' community defenders are again at increased risk of repression and violence by people linked to Solway Investment Group/CGN and Guatemala's economic elites and their international business partners. (To donate for security support: see below)

Hello Switzerland

When will lawsuits and criminal trials be initiated against Solway Investment Group?

Background

"Is justice possible in Canada or Guatemala for Hudbay Minerals mining repression?"

by Grahame Russell, June 12, 2019, <https://mailchi.mp/rightsaction/is-justice-possible-in-canada-or-guatemala-for-hudbay-minerals-mining-repression>

More information

- Legal challenge against mining license in Guatemala and legal defense of community defenders: Rafael Maldonado, areapoliticallegal@gmail.com, +502 5834-5834
- Hudbay Mineral lawsuits (Canada): Cory Wanless, cory@waddellphillips.ca, and Murray Klippenstein, murray.klippenstein@klippensteins.ca. www.chocversushudbay.com
- Criminal trial against Hudbay's former head of security (Guatemala): Grahame Russell, Rights Action, grahame@rightsaction.org

Tax-Deductible Donations (Canada & U.S.)

To support the Mayan Q'eqchi' people and their community defense and justice struggles, [make check payable to "Rights Action" and mail to:](#)

- U.S.: Box 50887, Washington DC, 20091-0887
- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8

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