

## Canada's Federal Court reinforces impunity and corruption of Canadian government when supporting Canadian mining companies in other countries

<https://mailchi.mp/rightsaction/canadas-federal-court-reinforces-impunity-and-corruption>

The Federal Court just ruled that the Canadian government is not required to disclose details about its secretive, corrupt and probably illegal diplomatic interventions on behalf of Goldcorp Inc., now Newmont Gold, operating its very harmful open-pit, cyanide leaching gold mine in Mayan territories of western Guatemala from 2004-2018.

- Below: Communique from Mining Watch Canada, Amnesty International and others

Goldcorp's mining operation is one of four mining operations and community resistance struggles documented in **"TESTIMONIO: Canadian Mining in the Aftermath of Genocides in Guatemala"**, Between The Lines books, <https://btlbooks.com/book/testimonio>, \$29.95 / 9781771135627



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## **Court Rules Ottawa Can Maintain Secrecy on Aid to Goldcorp in Human Rights Dispute**

<https://mailchi.mp/miningwatch/court-rules-ottawa-can-maintain-secrecy-on-aid-to-goldcorp-in-human-rights-dispute>

(Ottawa, March 2, 2022) The Federal Court has ruled that the Canadian government is not legally required to disclose details about its diplomatic interventions on behalf of a Canadian mining firm accused of human rights abuse in Guatemala.

The ruling comes in response to a lawsuit filed by Shin Imai, a York University law professor and co-founder of the Justice and Corporate Accountability Project (JCAP), requesting that Ottawa be ordered to remove redactions from documents it provided in response to an access-to- information request.

Hidden in those documents are details about Canadian officials' communications with Goldcorp, the Guatemalan government and the Inter-American Commission on Human Rights (IACHR) after the IACHR called for Guatemala to temporarily suspend Goldcorp's mining operations in 2010. The IACHR had made this unprecedented request in response to alleged human rights abuses, environmental damages and health impacts.

The details that Ottawa did reveal in the emails, meeting notes and other documents it released suggest that Canadian officials swiftly intervened on Goldcorp's behalf, lobbying decision-makers in Guatemala and at the IACHR for months. In the end, Guatemala declined to shut down the mine, and the commission retracted its request.

"What did Canadian ambassadors and cabinet ministers say in their flurry of meetings and phone calls with Goldcorp, with IACHR officials, with Guatemala's vice president?" asks Karen Hamilton, director of Above Ground. "The public should have access to such information, to know just how far Canadian officials went to influence this outcome, which had devastating effects for communities near the mine."

The court found Ottawa was justified in blacking out key details in the documents it released because revealing them would reasonably be expected to bring “harm to Canada’s international relations.” The court initially issued a confidential decision, several weeks before making it public in February.

“If Canadians can’t obtain meaningful information about the diplomatic support our government is providing to companies overseas, then our public disclosure rules are out of date and in need of reform,” says Emily Dwyer, Policy Director at the Canadian Network on Corporate Accountability.

“People living near Goldcorp’s mine continue to suffer from a legacy of pollution and other harms,” says Jean Symes, co-manager and policy analyst at Inter Pares. “Beyond the transparency concerns it raises, this case demonstrates the need for binding rules requiring that Canadian diplomats prioritize protecting human rights over protecting commercial interests.”

### **Media contacts**

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### **Related documents**

- Imai v. Canada case backgrounder: <https://cnca-rcrce.ca/site/wp-content/uploads/2021/03/JR-Backgrounder.pdf>
- Timeline of Goldcorp’s mine: <https://cnca-rcrce.ca/site/wp-content/uploads/2021/03/JR-timeline-EN-.pdf>
- Justice and Corporate Accountability Project’s report on Canadian officials’ interventions to help Goldcorp avert closure of the mine: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4025474](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4025474)

**Justice and Corporate Accountability Project:** <https://justice-project.org>

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### **Gold Fever**

Gold Fever documents how Canadian mining giant Goldcorp Inc. (now owned by Newmont Gold) violently and harmfully operated its cyanide leaching, mountain-top removal mine in

Mayan Mam and Sipakapan territories in western Guatemala, causing repression and human rights violations, forced evictions, environmental and health harms. Gold Fever takes the viewer into the homes and communities of courageous Mayan Mam people resisting harms and violations, struggling for justice and a different “development” model.

- Trailer: <http://www.goldfevermovie.com/>

### **TESTIMONIO: Canadian Mining in the Aftermath of Genocides in Guatemala”**

*“Testimonio is a stirring and unique piece of work. On the one hand, it brings together a wealth of knowledge and analysis from people who have truly invested the time and energy into getting it right. But what really brings this book home are the powerful first-hand accounts of Canadian mining operations and the apparatus around them. To read this book is to bear witness to a massive, collective crime being committed by the rich and powerful in Canada against the people of Guatemala. It should be a call to action for people in this country to take responsibility for what is being done in our name.”*

– Tyler Shipley, author: *Canada In The World: Settler Capitalism and the Colonial Imagination*

- Order books: <https://btlbooks.com/book/testimonio>
- Bulk purchases: Karina Palmitesta, [karina@btlbooks.com](mailto:karina@btlbooks.com)
- More information: [www.testimoniothebook.org](http://www.testimoniothebook.org)

### **Archives - Goldcorp Inc. in Guatemala**

<https://rightsaction.org/gc-guatemala-archives>

### **What to do**

Follow work of and get involved with other solidarity/NGO groups

- NISGUA (Network in Solidarity with People of Guatemala): [www.nisgua.org](http://www.nisgua.org)
- GHRC (Guatemalan Human Rights Commission): [www.ghrc-usa.org](http://www.ghrc-usa.org)
- Breaking the Silence: [www.breakingthesilenceblog.com](http://www.breakingthesilenceblog.com)
- Peace Brigades International: <https://www.peacebrigades.org>
- Mining Watch Canada: [www.miningwatch.ca](http://www.miningwatch.ca)
- Mining Injustice Solidarity Network: <https://mininginjustice.org>
- Mining Justice Alliance: <https://miningjusticealliance.wordpress.com>

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

To support land and environmental defender groups and human rights and justice struggles in Honduras and Guatemala, and to provide emergency (COVID, hurricanes, political repression, etc.) relief funds, make check 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

Credit-Card Donations: <http://rightsaction.org/donate/>

Donations of securities in Canada and the U.S.? Write to: [info@rightsaction.org](mailto:info@rightsaction.org)

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