

November 29, 2007

SIGN ON LETTER concerning the GOLDCORP 7, on trial in Guatemala.

DEADLINE: Sunday, December 2, 2007.

Send your endorsement of this letter, as an individual or organization, (include full name, organization [if applicable] and country and region) to: titayu2005@yahoo.es (Derechos en Accion) and: collectifguatemala2@riseup.net.

Thank-you to Rosalind Gill (RGill@glendon.yorku.ca) for translating this from Spanish. If you want on-off this elist: info@rightsaction.org. WHAT TO DO: see below.

* * *

SIGN ON LETTER concerning the GOLDCORP 7, on trial in Guatemala.

DEADLINE: Sunday, December 2, 2007.

TO: The President of the Republic, the President of the Supreme Court of Justice, the Attorney General, the Minister of Government, the President of the Congress of the Republic and the Human Rights Ombudsman.

FROM: National and international organizations that have signed below.

WE, THE UNDERSIGNED, MAKE THE FOLLOWING STATEMENT:

On November 12th of this year, the first instance criminal court of San Marcos initiated a case against seven Mam-Mayan farmers: Fernando Basilio Pérez Bámaca, Francisco Salomón Bámaca Mejía, Antonio Felipe Bámaca Hernández, Patrocinio Vicente López Hernández, Pedro Alejandro de León Castañón, Cristóbal Eduardo Pérez Hernández and René Pérez Velásquez.

== =

They are charged with: minor injuries, major injuries, threats, instigation to delinquency, instigating their neighbours to protest against security and administrative personnel working for the Goldcorp/ Montana Exploradora Company at the Marlin Mine in San José Esperanza, Municipality of San Miguel Ixtahuacán, San Marcos. Reference: First Instance Criminal Court, Narcotrafficking and Crimes Against the Environment, San Marcos number 106-07, Public Ministry, number 166-07-125 de la agencia número 3.

The seven accused farmers were part of a group of 28 people who went to the offices of Goldcorp/ Montana Exploradora de Guatemala on January 10, 2007, to seek dialogue concerning the grave impacts of mining activity on the neighbouring communities (destruction of houses, contamination of water and of the environment). The group also wanted to re-negotiate the price that the company had paid them for their lands, when they coerced and pressured people to sell the only land available to some 600 families, on the very site where the mine is now extracting gold that is worth millions of dollars.

The company rejected the request for dialogue and insulted the group of farmers. A few hours later, security guards from the company, led by John William Gair Noyes, ambushed the farmers on the road and tried to detain Basilio Pérez Bámaca. As well, security guards from the company fired their guns and threw rocks at the group.

These events were all reported at the time to the Public Ministry, the National Civil Police, the Human Rights Ombudsman and to other institutions, however, no response to the complaint was ever given.

Given Goldcorp/ Montana Exploradora's refusal to dialogue and the violent acts perpetrated by the company's

security guards, more than 600 indigenous and campesino Mam-Mayan people from mining affected communities exercised their legitimate right to resist and protest.

The justice system failed to respond to denouncements from the victims regarding the violent acts of the security guards. However, there was immediate response to denouncements from the company regarding so-called crimes committed by campesinos against company employees during the protest.

The Public Ministry, represented by District Attorney, Rubén Rusbeli Miranda López and the judge, Blanca Elizabeth Gonzáles, opened the case against the seven farmers with no real basis or analysis of the circumstances supporting the charges for the crimes, crimes that the farmers did not commit.

This is in flagrant violation of the principles of independence, impartiality, objectivity, equality and economy with respect to human rights and equality before the law. And it demonstrates the State's absolute and loyal support for the Goldcorp/ Montana Exploradora Mining Company.

Proof of this is the fact that the Public Ministry used the company's helicopters to carry out their investigation on January 16, 2007.

The Goldcorp/ Montana Exploradora Company, as plaintiff in this case represented by Milton Eduardo Saravia Rodríguez, Julio Cesar Aguilar Figueroa and John William Gair Noyes, wants to have the seven farmers charged and obliged to pay damages of Q800,000 (close to \$100,000), which includes the amount of Q5,000 for the cost of munitions that Goldcorp gave the police to break up the community protest.

On November 12, Goldcorp/ Montana Exploradora had witnesses appear at the trial who were campesinos from the communities of those being charged. The company is clearly trying to divide the community and create conflict. This will make it easier to evict them from the lands that belong to them.

Because of the lack of will on the part of the State, most of the population of the area where the gold mining is taking place are either poor or extremely poor. However, the State, through its "Justice" system, is trying to make these poor and extremely poor people pay Q800,000 to the multi-millionaire Goldcorp/ Montana Exploradora Company, a company that evicted people from their lands, the very lands now making the company rich.

GIVEN ALL OF THE ABOVE, WE EXPRESS OUR CONCERNS THAT:

The State is using its power to support the multi-millionaire Goldcorp/ Montana Exploradora Company that is extracting the natural resources that belong to the people of Guatemala. The State is wasting citizens' money on costly trials against seven poor Mam-Mayan farmers who were trying to defend their land, their life and what remains of their heritage.

This is not a trial of justice; it is a trial of **CRIMINALIZATION, REPRESSION, SILENCE AND WARNING**. The Government and the Justice System are openly and publicly supporting mining companies such as Goldcorp/ Montana Exploradora against the Mam-Mayan people of San Miguel Ixtahuacán and against all the indigenous peoples and campesinos of Guatemala who are fighting to defend their land from mining companies who have been granted concessions for most of the land in Guatemala.

This trial is yet another strategy on the part of the mining company to stop mining-affected communities from raising their voice against the violation of their rights as indigenous communities, given the contamination of water sources and the destruction and contamination of natural resources.

The justice system in Guatemala has become an effective mechanism for criminalizing the actions of campesinos who are defending their rights, and in the meantime, the system maintains the impunity of the economically powerful who gravely violate rights and commit crimes; such is the case of Goldcorp/ Montana Exploradora and other mining, oil and pro-hydroelectric dam companies.

WE THEREFORE ASK THE STATE: When will it initiate charges through its Public Ministry and judicial courts and begin trials to judge the violations committed by Goldcorp/ Montana Exploradora and other mining companies in this country?

WE URGENTLY INSIST

- * that the charges against the seven farmers from San Miguel Ixtahuacán, members of the social movement against the Goldcorp/ Montana Exploradora Company, be dropped;
- * that charges be initiated and an investigation be held concerning criminal acts committed by mining companies and their administrative employees, in this case, Montana Exploradora, about which the farmers made a denouncement which was not taken up by the Public Ministry, the courts and the National Civil Police;
- * that state organisms carry out their constitutional duty to guarantee, protect and support the respect for the human, economic and social rights of the majority of society, the respect for the rights of indigenous peoples and their lands, the respect for natural resources and the environment, the respect for the life, health and physical well-being of the inhabitants of Guatemala;
- * that the State cease promoting the impunity of mining companies and of other power sectors that are getting rich at the cost of the hunger and poverty of the campesino populations;

EMPLOYEES OF THE GOLDCORP/ MONTANA EXPLORADORA “MARLIN” PROJECT SHOULD BE CHARGED FOR EVICTING CAMPESINOS FROM THEIR LANDS, AND DESTROYING AND CONTAMINATING THE ENVIRONMENT AND THE NATURAL RESOURCES OF THE LAND OF GUATEMALA.

Guatemala, November 26, 2007.

* * *

Send your endorsement of this letter, as an individual or organization, (including full name and home country) to: titayu2005@yahoo.es (Derechos en Accion) and to: collectifguatemala2@riseup.net.

For more information about community development and environmental defense struggles against the harms of cyanide-leaching, open pit mining in Honduras and Guatemala: info@rightsaction.org