

Rights Action  
December 10, 2012  
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## **Guatemalan Police Use Tear-Gas & Violence Against 'La Puya' Villagers On Behalf Of KCA Mining Company (& Radius Gold Inc.)**

By Grahame Russell

On December 7 and 8, 2012, there was yet another act of mining-related aggression against community members of San Jose del Golfo and San Pedro Ayampuc, 45 minutes outside of Guatemala City, who are defending their environment and community well-being. Community members have been legally and peacefully engaging in a 9-month encampment at a place known as "La Puya" by the entrance to the proposed "El Tambor" mine site. El Tambor is now owned by the American company KCA (Kappes, Cassidy and Associates), and was, until recently, owned by the Canadian company Radius Gold Inc., that retains financial interests in the mine.

Since the encampment began, Rights Action has brought in 5 delegations of North Americans and journalists to listen to community members. Rights Action has also been providing emergency response and humanitarian funding to the community defenders.

On December 7-8, hundreds of police and anti-riot troops, along with mining company personnel, arrived effectively on behalf of KCA (and Radius Gold), with "verbal" orders to evict the community members who are peacefully and legally on their own community property. At least three community members (Elba Carolina Santos, 10 years old, Enma Véliz, 38, and Siara Abigaíl Oliva, 4) needed medical attention due to breathing in the tear-gas after the aggression by the armed forces.

The community members held their ground, peacefully, and sang songs. For now, the police and other armed forces have again backed down. The encampment continues – legally and peacefully.

### **NOVEMBER 12th "AGGRESSION IN LA PUYA"**

The community defenders used this tactic of peaceful resistance, singing songs and not responding to provocations, most recently on November 12. Watch this 17-minute documentary in Spanish "Aggression in La Puya" (by the Guatemalan Centro de Medios Independientes) filmed at the encampment on the day of a very aggressive "pro-mining" march supported by KCA (and Radius Gold). In "Aggression in La Puya", you will see a large group of people – mainly men at the forefront – wearing EXMINGUA (KCA's subsidiary) company shirts, marching towards the encampment and then

speaking aggressively and threateningly towards the local population and towards human rights observers with cameras.

For the governments of Canada and the USA, and for people and organizations seriously trying to understand the role that North American mining companies are playing in this complicated situation, it would be worth translating the words of the group leader – the man with a yellow helmet, an EXMIGUA (KCA) t-shirt, and speaking in an extremely aggressive, threatening and provocative manner through a hand-held micro-phone.

- To view: <http://www.movimientom4.org/2012/12/video-hostigamiento-en-la-puya/>

Also, read this article, by Rosario Suarez, about the November 12th “pro-mining” march, and about how KCA (and Radius Gold) are using children to divide and create conflict in community opposed to mining in Guatemala: <http://rightsaction.org/action-content/us-based-mining-company-kca-deliberately-using-children-divide-and-create-conflict>

Interviewed in “Aggression in La Puya” is Yolanda Oqueli, a respected community member of San Jose del Golfo and San Pedro Ayampuc, who was the victim of an assassination attempt on June 13, 2012.

- They Shot My Friend Yolanda, by Grahame Russell, <http://rightsaction.org/action-content/rights-action-fund-raising-newsletter-jul-2012>
- Letter of Apology, by Emilie Smith, <http://rightsaction.org/action-content/letter-apology-yoli-oqueli>
- Photo-essay, by James Rodriguez, <http://www.mimundo.org/2012/06/14/2012-06-guatemalan-female-activist-shot-for-leading-blockade-against-a-canadian-owned-gold-mine/>

In October, after three months of recovering her physical and mental health, Yolanda – one of the assassin’s bullets still lodged right by her spinal column - spoke out publicly again, and has rejoined the community defense struggle.

- Guatemalan: Peaceful Resistance in the Face of Violence, by Dawn Paley, <http://upsidedownworld.org/main/guatemala-archives-33/3934-guatemala-peaceful-resistance-in-the-face-of-violence>

### **RADIUS GOLD RETAINS FINANCIAL INTERESTS IN THE “EL TAMBOR” MINE**

After the assassination attempt on the life of Yolanda Oqueli, that occurred while Radius Gold Inc. was the principal owner, Radius sold its interests to

KCA. Ralph Rushton, president of Radius Gold Inc., stated (La Hora, December 7, 2012) that "the sale of our participation in the El Tambor project is part of our corporate strategy to sell problematic interests, permitting our company to concentrate our capital and experience in those less conflictive development interests in the region." Radius Gold received a quarter of the sale amount upfront, and retains a financial interest in the mine, receiving the remainder of the sale price when KCA makes a profit from the mine. Radius Gold president Ralph Rushton explained that "Radius continues to feel optimistic that commercial production will be achieved at El Tambor and the company will be paid back for the investment it has made in the region since the discovery of gold in El Tambor in 2000."

### **KCA RESPONDS**

In response to the opposition of the community members of San Jose del Golfo and San Pedro Ayampuc, and to the increased attention in Canada and the USA due to the assassination attempt on the life of Yolanda, due to the constant aggression carried out against the villagers on behalf of KCA (and Radius Gold), Dan Kappes, of KCA, recently responded:

*"To: All of you interested people: I thank you for your email which urges caution at our mining project in Guatemala, and I appreciate the opportunity to reply. I do not know what you understand about our company or the situation at our mining project "El Tambor" in Guatemala. We spent three years interviewing everybody in the area, and in preparing a three-volume environmental / social study which outlines what we propose to do. We understand that the local community has some worries, but in fact, we will be a very healthy, productive local business in an area that needs development. We are not displacing anybody from their land, or affecting the local water supply (we don't discharge any water). We are not stepping on anybody's rights. And, we have an information room in the local community and phone numbers where they can call us with questions. The NGO's that are opposing us have not contacted us with any issues which we can answer. They seem only to want to stop mining. But, mining provides well-paying jobs and significant cash flow to the community. By opposing mining, the NGO's are dooming the locals to a life of subsistence living. Your email was in response to an email which I sent to CIEL [Center for International and Environmental Law]. Since you may not have seen it, I am attaching a copy. Since you have taken the time to respond to me, I urge you to take the time to read the letter I sent to CIEL and think about what I said there. We are not a cold, evil creation of the capitalist system. Businesses like ours are what make a pleasant life possible. Incidentally, the majority of the local citizens are supporting us. The protests at our gate involve a few*

*people who are being paid to be there by NGO's. Please give us the benefit of the doubt, and discuss it with your associates. Please reply to the NGO's who asked you to write your letter, and urge them to either contact us or to take an honest, analytical look at the facts. You and your groups would not oppose us if you knew the reality of our project. We are not an enemy. Sincerely, Dan Kappes ([dkappes@kcareno.com](mailto:dkappes@kcareno.com)).*"

With KCA's words in mind, I urge the governments of Canada and the USA, and other concerned people and organizations, to view "Aggression In La Puya" - <http://www.movimientom4.org/2012/12/video-hostigamiento-en-la-puya/> - and read the articles linked above.

### **ILLEGAL MINING OPERATION**

The position of the community members has been clear since late 2011. They were never, as required by national and international law, consulted as to whether or not they wanted this type of "development" in their lands and community. Like communities across Guatemala, they are resisting having a foreign company – supported by the Guatemalan regime, police and soldiers, and by foreign governments and investors – being imposed on them, against their will. This imposed "development" project – responding solely to the economic interests of far away shareholders, directors and investors – is playing itself out identically to dozens if not hundreds of similar struggles across Latin America and Africa.

### **DIGNITY AND IMPUNITY**

Yolanda barely survived the June 13 assassination attempt, that has devastated her own life physically and emotionally, her family and her community. And yet, bullet lodged near her spine, she is back with her community, afraid, and with the same conviction as always that they have the right and the responsibility to defend their community well-being and their environment. Her strength and dignity contrast with the impunity and callousness of the mining industry. Firstly Radius Gold and now KCA have tried, by hook, crook and violence, to begin operating this mine, regardless of the opinions or well-being of the local communities. In response to this most act of aggression, Yolanda Oquelí said (La Hora, December 8, 2012): "I believe that [the Guatemalan government is] closed in their position, given the pressures of these foreign companies, ... It is irresponsible that they continue with this closed mindedness and that they do not attend to the needs of communities that are at risk."

### **SAY NO TO IMPUNITY AND AN UNJUST ECONOMIC "DEVELOPMENT MODEL**

As distressful and painful as these latest acts of aggression are, they are neither surprising nor an anomaly. The North American governments and

resource extraction companies maintain profitable economic and military relations with the Guatemalan elites, almost always turning a blind eye to repression, violence and impunity that are the norm in Guatemala. It is up to the people of Canada and the USA to say "no more business and politics as usual.

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**PLEASE WRITE TO: KCA / Radius Gold Inc. and to your own elected officials**

Please send copies of this information, and your own letters of complaint, directly to the KCA and Radius Gold mining companies, with copies to your own elected politicians (MPs, Congresspersons, Senators), demanding that North American mining companies stop any and all actions of repression and community divisions and that KCA and Radius Gold renounce its mining interests, at this mine, as they have neither the social license nor the prior and informed consent of the local population that is clearly opposed to this mining operation.

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**DONATE (TAX-DEDUCTIBLE in Canada and the U.S.)**

Along with our work documenting and denouncing the human rights violations (including the assassination attempt on the life of Yolanda Oqueli), the police repression and aggression, and the fact that KCA (Radius Gold Inc.) do not have the social license or community's legal permission to proceed with this "development" project, Rights Action is regularly sending funds for the emergency health and humanitarian relief needs, and the community development and environmental protection education work of the local communities. To support the courageous, on-going community development

and environmental protection work in mining harmed and affected communities, make check payable to "Rights Action" and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887

CANADA: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS can be made (in Canada and U.S.):

<http://www.rightsaction.org/tax-deductible-donations>

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