

Rights Action
January 24, 2013

GUATEMALA: Impunity Surrounding Killings of Students at CGN Nickel Mining Site

BELOW: A letter (and support information) sent to the Canadian Ambassador to Guatemala by family members of 3 Guatemalan university students who were killed on CGN (Guatemalan Nickel Company, formerly owed by Hudbay Minerals and Skye Resources) property, in March 2012



(Protest, January 23, 2013, Guatemala City, by family members and friends of the 3 students – Juan Carlos Velasquez, Nahomy Lara, Angel de Leon - killed on CGN mining company property.

Source: <http://www.facebook.com/UnMinutoDeSilencioParaRomperElSilencio>)

PLEASE WRITE to the Canadian embassy in Guatemala (email addresses below), with copies to your own elected officials and media, urging the Ambassador to meet with the family members of the students killed on CGN nickel mining property while participating in a formal exchange program between their university – Universidad del Valle – and the CGN.

MORE INFORMATION ABOUT THE 3 STUDENTS:

<http://www.facebook.com/UnMinutoDeSilencioParaRomperElSilencio>

Thank-you and send me any questions / comments.

Grahame Russell, co-director
info@rightsaction.org

RIGHTS ACTION COVER LETTER TO CANADIAN AMBASSADOR

January 24, 2013

CANADIAN Embassy in Guatemala
Ambassador Hugues Rousseau
13 Calle 8-44 Zone 10, Edificio Edyma Plaza
Ciudad de Guatemala
gtmla@international.gc.ca

cc: Jennifer Chacon, jennifer.chacon@international.gc.ca;
evelyne.coulombe@international.gc.ca; Nathalie Samson, Nathalie.samson@international.gc.ca;
Colleen Pigeon, colleen.pigeon@international.gc.ca; Monica Izaguirre,
monica.izaguirre@international.gc.ca

RE: Killing of 3 university students on CGN (Guatemalan Nickel Company) property, in March 2012

Dear Sir and friends in the Embassy, Canadian politicians and officials:

I write with respect to the deaths of 3 Guatemalan university students who were killed in March 2012 on CGN nickel mining property in El Estor, while participating in an exchange between their University del Valle and the CGN.

All this is set out in the letter they submitted to the Canadian embassy in Guatemala, along with support materials. (See the letter below, and the press release from other University del Valle students)

I write to strongly urge the Canadian government to meet with the family members of the victims and speak with them about this mining-related case, and how the Canadian government might help insure that their lawsuits proceed properly in Guatemala.

Thank-you.

Grahame Russell
Director, Canadian Rights Action Foundation
info@rightsaction.org

LETTER FROM FAMILY MEMBERS OF STUDENTS KILLED

Guatemala, January 21, 2013

Secretariat of Foreign Affairs
Government of Canada

Dear Sirs:

We, the undersigned, are the parents of Nahomy Lara Orellana, Juan Carlos Velásquez Marroquín and Angel Rodolfo León Palacios, who were Biology majors at the Universidad del Valle de

Guatemala, and who died on March 31, 2012 in the facilities of the CGN (Compañía Guatemalteca del Niquel / Guatemalan Nickel Company), in the municipality of El Estor, Izabal department, while carrying out compulsory activities required by their academic program in the mentioned university.

The mining company informed us that our children died due to a boat accident while they were monitoring crocodiles in the shores of the Izabal Lake. However, the conditions in which the incident occurred and our investigations have convinced us that the death of these young people was not accidental, but provoked by the personnel who work for the aforementioned company.

Due to these factors, we presented a legal action before the lower courts of Puerto Barrios, Izabal (case number 467-2012), in which we have demonstrated the links between the Biologist Lemuel Alfredo Valle Albizures (former employee of the CGN) and the CGN itself and the Universidad del Valle de Guatemala, which then presented a legal recourse - amparo 1123-2012, before the Supreme Court of Justice - which has thus held back the entire process.

We come before Canadian authorities because this mining company (CGN) has a conflictive history. Presently there are three cases being heard in Canadian courts against Hudbay Minerals (former owner of CGN) and even against CGN itself, for the death of Mr. Adolfo Ich Chamán, the shooting-paralyzing of German Chub and the gang-rapes of eleven women.

CGN has a relationship of more than forty years with Canada, first as Eximbal in the 1970-1980s, owned by INCO; then after 2004, owned by Skye Resources and Hudbay Minerals, all of which have benefited from programs to expand Canadian mining interests in Guatemala.

We come before Canadian authorities also because the power held by the two companies against which we are carrying out legal actions (CGN and the Universidad del Valle) could possibly sway the legal action in their favor.

We REQUEST AND DEMAND THAT THE CANADIAN GOVERNMENT monitor and supervise the trial to ensure that it will be carried out in accordance with Guatemalan Law and that the entities involved in the investigation (Office of the Prosecution, National Civil Police) and the administration of justice (the judiciary) do their job with honor and integrity.

Please respond to: 15 Avenida 3-40, zona 13, Edificio Asunción, 1er. Nivel, Apartamento 1B, Código Postal 01013, Guatemala City, Guatemala, Attention: Licenciado Kevin Moldauer.

In advance, we express our gratitude for your help.

Sincerely,

Brenda Orellana, brenda.c.orellana@hotmail.com, tel. 502 5707 4659

Edna Marroquín de Velásquez, tel. 502 4150 1884, 6634 7594

Diana Lucrecia Palacios Valenzuela de León, dianapalaciosv@hotmail.com, tel. 502 5966 2709

Mauricio Velásquez, mauriciovelasque@hotmail.com, tel. 502 4010 6785

Carlos Rodolfo de León Herrera, carlosdeleonh@gmail.com, tel 502 5019 7676

Copy to:

Dr. Claudia Paz y Paz, Fiscal General de la Republica de Guatemala (Attorney General);

Mr. Gabriel Medrano, Presidente del Organismo Judicial (President of the Judiciary);

CGN (Compañía Guatemalteca del Niquel);

Mr. Dmitriy Kudryakov, President of the CGN;

Attached: copies of the documents corresponding to the legal process
<http://www.facebook.com/UnMinutoDeSilencioParaRomperElSilencio>

PRESS RELEASE FROM THE STUDENTS OF THE UNIVERSIDAD DEL VALLE GUATEMALA

Greetings to all. My name is María Chavarría. I am 22 years old. I am a third-year biology student at the Universidad del Valle, Guatemala. You probably heard in the news about the three young people who died in Izabal on March 31, 2012. I want to tell you about this incident because I was part of that field trip. I knew those students. Two of them were close friends of mine and the third was the love of my life. I don't want them to be just names in a list so I will tell you about who they were.

Nahomy Lara, 20 years old (26/2/1992). When we called her "enanita" (shorty) - she was just barely 1.55 tall and weighed less than 100 pounds - she would laugh and answer "I'm not short, I just come in a fun size" (she even had a button that said that). She was known for her easy smile, even though there didn't seem to be any reason to be so happy. Her friends were her life. She was a loyal, faithful and affectionate friend. She loved dogs, listening to music, eating Skittles and watching comedy shows. She was a friendly, sincere, sweet person. I think the most admirable thing about her was her love for her studies and her desire to make something of herself. Her parents could not afford to pay her way so she worked in a Call Center to pay for her studies. She even had to take a year away from the university and work full-time to pay her debts. That is why she was a year behind us. She also helped her family financially. She loved and protected her younger sisters and brothers. Despite the fact that she studied and held down a job, she was always full of energy. She was a serious student and never missed a class. She was fascinated by reptiles and wanted to major in Herpetology.

Juan Carlos Velásquez, 24 years old (1/10/1987). His nick name was "el French" because he lived in France for 5 years and spoke French fluently. We always called him our papa because he was older and one of the more mature members of the group. Besides always being well dressed and turned out, he was a very busy person, involved in many different activities ... he was always on his cell phone, coordinating people and proposing ideas. He was President of the Association of Julio Verne Graduates and was in Rotaract, 4RTE and SIFE. He was also a volunteer with TSE with the elections, an assistant at the Business faculty and who knows what else ... He wanted to build a better world and tried to get us involved in helping people and our country. He was always trying to help his friends as well, giving us advice etc. He was always willing to help out wherever he could. He liked to jog and ran in marathons and races. He was interested in Climatology and its relationship to the environment and he had learned to use geographical Information systems. Generally he preferred the laboratory or the office over field work, because he didn't like getting dirty. One of his chief interests was clean energy production and he hoped to work in that field one day. He was going out with Marisa, a Communications specialist. He loved her very much.

And finally, Angel, the love of my life. He was twenty years old. (21/8/1991). I could write so much about him but I will try to be brief. We found each other very quickly when we entered university because we had so much in common. He soon became my best friend. We shared a love of books, graphic novels and science fiction. He liked animation, videogames and manga. Like me, he had been in the Scouts for years. He was a vegetarian and an animal lover. (He had 9 dogs, half of which were strays he had rescued) He spoke English, Italian and Q'eqchi' (the language we spoke when we didn't want the others to know what we were saying) He loved listening to Ska,

Hip Hop, Punk, Surf rock, Dub and Reggae. He wrote songs, played the banjo, guitar and keyboard. He played with a ska band called Los Katrines (they were even the opening act for Skatalites in a concert in El Salvador). One of his most outstanding features was his sense of humour. He was always telling jokes and making people laugh. He also liked to draw and created a blog where he published his comics. (<http://missignos.blogspot.com/>) and other comics at (<http://megadesmodus.tumblr.com/>). He loved to explore and together we back-packed all over Guatemala. He knew everything about rescue and survival and knew the Morse code by heart. He loved nature, mountain climbing, trekking, bicycling, hiking and low-budget trips. He was a rebel with a cause and was outraged by greed and injustice. He was always ready to help others. We shared an interest in studying bats but he wanted to major in Paleontology. This year we applied for an exchange programme to spend a semestre working in Africa. We had also started saving up to live together and go back-packing throughout Latin America when we finish our studies. We were in love and planning to get married and have children one day.

On March 30, 2012, as part of our university course, we went on a field trip to the CGN mining operation in El Estor, Izabal. This was not the first time that the university collaborated with this company to take environmental samples. The 17 students (10 third- year and seven second-year) had been divided into groups. On March 31, the three above-mentioned students were told to take an aquatic sample of crocodiles, under the responsibility of Lemuel Valle, a biologist working for the mine and supposed expert in this field. They were to take the sample in a swampy little canal on the mining operation's territory. It was connected to the lake but did not have currents or waves. I spent the afternoon with Ángel. I said goodbye to him and Juan Carlos around 6:30 pm, when they left the camp.

Around 10 o'clock that night Lemuel and another mine employee turned up in a pick up truck. Lemuel said calmly that we were not to be alarmed but that the boat had turned over and the three students were missing. They never mentioned exactly where this happened nor at what time. I thought it had just happened. Everyone in the camp got up and got dressed. We took our flashlights and ran to the canal to look for them. There was no sign of them in the canal. We divided up and one group went to ask Lemuel to ask the mine to loan us a boat and allow us to participate in the search. He refused to do this. He said that he was nobody and had no power to give orders. Supposedly, the mine had sent a search boat out. When asked what had happened, he said that Nahomy and Juanca had panicked, stopped the boat and everyone had fallen into the water. There was also a Russian and his translator there. He was from the mine management but at no time did he show any interest in helping. He treated the students with complete indifference.

In the meantime, the group I was with went back to the canal and we found the empty boat on the shore. We turned the boat over to see if anyone was underneath but there was nobody and nothing to be seen. We went back to find Lemuel to let him know and try to find out exactly where we should go and search. When we got there he had locked himself in the shed and would not come out to speak to us. The mine sent a truck to take us back to the camp and forbade us to leave there until the search was over. We were making calls trying to get help, contacting our missing friends' parents and the university but the university authorities told us that they were not available at the time and would not be able to come until the following day. Around midnight, our professor came to tell us that they had found Nahomy's body and taken it to the local health centre.

Later, Lemuel came back to the camp. A friend and I asked him again to give us details of what had happened. This time he told us that it was Nahomy who had gotten nervous and pushed him out of the boat. He said that everything happened at least 10 metres from shore but that after he

swam back to shore he did not see them, hear them or call out to them. We asked him if they had been wearing life jackets and he said yes they were and that in fact he was the only one without a life jacket (he repeated this in his statement) Then he went to sleep in his room and we did not see him until the next day. We stayed awake all night waiting for news, in vain. The university authorities arrived in the afternoon of the next day.

In the morning, some of my friends were picked up by their parents and taken home. I went with my father-in-law and other relatives to meet with the mine management representatives and university authorities. At that time, they told us that the mining company had not been informed that samples were being taken and therefore had not provided a bigger boat or ensured that security measures were in place and that the boat that had been used was not their property (however, other biologists that I know said that it had been used on previous occasions). The people from the university told us that there was no emergency plan and that they had "never encountered a situation like this before."

The next day, between 2 and 3 pm, they found the bodies of Angel y Juan Carlos, next to each other, approximately 6 metres from shore. They were not wearing life jackets. Angel's first-aid kit was found some distance away on the ground in the bushes along the edge of the canal. It contained bills, cheques and other documents belonging to people we do not know, and made out to addresses in El Estor. His knife and his knapsack were found in another area. Juan Carlos' knapsack was never found.

I now have to clarify information published by media. **THEY WERE NOT UNDER THE INFLUENCE OF DRUGS OR ALCOHOL.** I saw them before they left the camp and they were all fine. I can testify to that. And I can add that I spent the afternoon with Angel and he did not have a single drink in my presence.

As you will see, there is a lot of incoherence and unanswered questions surrounding this case:

According to the Public Ministry, everything happened around 8pm. Why did they take so long to let us know?

Lemuel's and the guard's statements mention that the three students were all wearing life jackets. Juan Carlos also told his father he was wearing a jacket when he spoke to him just before 8pm. Why were all three bodies found without life jackets? And where are the life jackets?

How can three people wearing life jackets drown only 6 metres from shore?

Why has the Universidad del Valle not cooperated with the investigation? Why have they taken credit for initiatives carried out by parents of the dead students?

Why did they say that they paid for the funeral services when this is not clear. They also said that they paid Q20,000 to the families while in fact this money came from an insurance policy held by the parents. And the parents could not receive this money unless they signed a settlement releasing the university from all responsibility.

Why is it that only one person survived, especially since he said that he was the only one wearing a life jacket?

How can a Scout with rescue and survival training not be able to get out of a lake with no currents or waves?

Who owns the documents that were found with Angel's possessions and how did they get there?

According to the navy, the boat was only a two-person boat. How could a "biology expert" allow four people to get into an inadequate boat so late at night?

Three months have gone by and we still don't know what really happened. Neither the mine nor the university has issued a formal statement on the matter. I know that many of you are interested in biology and the struggle for social and environmental justice. Your support is invaluable to us. Along with other young people, friends and family, we have started a campaign to demand justice and clarification of what happened in this case. We are trying to get the people and the media to insist that the case be resolved.

You can find us on Face Book:

<https://www.facebook.com/UnMinutoDeSilencioParaRomperElSilencio>

We will also keep you informed of developments through this medium. We would appreciate receiving your comments. We are trying to set a precedent against impunity and find out the truth. Please spread news of our cause throughout Guatemala, and outside the country as well. All the

best

María Chavarría Martínez

Comments / questions: info@rightsaction.org

* Get on/off Rights Action's listserv: www.rightsaction.org

* Follow Rights Action on facebook: www.facebook.com/RightsAction.org

* Please re-post and re-publish this information