

Rights Action  
July 26, 2014

## Hudbay Minerals Co-Defendant CGN Involved In More Violent Eviction Attempts In Guatemala (The Guardian news article)

Even as the precedent setting “Hudbay Minerals/CGN Lawsuits” continue in Canada, for negligence resulting in gang-rapes, murder and a shooting-paralyzing against Mayan Qeqechi villagers in Guatemala, CGN (Guatemalan Nickel Company) carries out renewed violent and illegal eviction attempts in many of the same Mayan Qeqchi villages.



(Q'eqchi' man Rodrigo Tot with teargas left behind by [CGN] security forces after a tense standoff with Tot and other Q'eqchi's during a protest at Fenix mine in Guatemala. Photograph: David Hill, The Guardian)

- This report could also be titled: **'More Reasons Why Guatemalans and Hondurans Flee Poverty, Repression and Impunity'**. As tens of thousands of Central Americans risk their lives to cross Mexico into the U.S., fleeing violence, poverty, repression and impunity, some politicians and media casually insist on 'sending them home' to the very conditions that our government policies and corporate/ investors activities are creating and benefitting from!
- This report could also be title: **'Your Pension Funds At Work'**. Throughout the years of Hudbay Mineral's operation in Guatemala (resulting in illegal forced evictions, rapes, repression, burning of 100s of homes, etc.), the Canada Pension Plan and other pension funds were invested in Hudbay seeking only to "maximize profits" for the pension fund beneficiaries.

**See Below:** More information / What to do / How to support

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## Central America's Biggest Nickel Mine Reopens Amid Violent Clashes

## Guatemala's Fenix mine, closed for 30 years, faces disputes over land ownership and lawsuits for gang-rape and murder

By David Hill, The Guardian, July 24, 2014

<http://www.theguardian.com/environment/2014/jul/24/central-american-guatemala-biggest-nickel-mine-reopens-amid-violent-clashes>



(The Fenix mine in Guatemala, the biggest in Central America, recently reopened. Photograph: David Hill)

The biggest nickel mine in Central America has restarted operations amid violent clashes between indigenous people and security forces, disputes over land ownership, and ongoing lawsuits for gang-rape and murder.

The Fenix mine in Guatemala had been closed for 30 years, and was inaugurated by a recent visit to the site by president Otto Pérez, who called it the biggest investment in the history of the country.

But just one week later a community bordering Fenix known as Lot 8 Chacpayla, who are part of the predominant Maya Q'eqchi' group in the region, say there were invaded by private security forces working for the firm which runs the mine, Compañía Guatemalteca de Níquel, now a subsidiary of the Cyprus-based Solway Investment Group.

Residents of Lot 8, where large nickel ore deposits are believed to lie, and the neighbouring community, Lot 9 Agua Caliente, told the Guardian that about 10 men turned up unannounced, "armed to the teeth", intent on preventing a meeting from taking place.

"When we asked why they were there, they said they had been asked to protect the lands of the company," says Lot 9's Rodrigo Tot. "They said they wouldn't leave and assumed a position to shoot. They were out in the corridor, but pointed their weapons at us."

The community say the private security only pulled out the next day after the intervention of a justice of the peace, the decision by the community to spend the night in the surrounding forest, and the arrival of more private security personnel and then the army and police, which led to a tense standoff.

“Don Rodrigo said ‘kill me’ and started to walk towards them,” said Manuel Xó Cú, from the Defensoria Q’eqchi’. “The others said: ‘If you kill Don Rodrigo, you’ll have to kill us all.’ Neither the army nor police wanted to witness any of this. They left. Then the private security went too.”



(Q'eqchi' man Rodrigo Tot with teargas left behind by [CGN] security forces after a tense standoff with Tot and other Q'eqchi's during a protest at Fenix mine in Guatemala. Photograph: David Hill, The Guardian)

Tot told the Guardian that people were particularly concerned that there would be a repeat of events in 2007 when Lot 8 residents were violently evicted by company security, the army and police, and 11 Q'eqchi' women were allegedly gang-raped.

According to Xó Cú and media reports, Lot 8's recent invasion was followed two weeks ago by an attempt by police and company security to violently evict another Q'eqchi' community, Nabalija, in actions that involved burning houses, destroying crops and firing teargas at men, women and children.

These latest events follow years of alleged killings, violence, intimidation, harassment and evictions of Q'eqchi' residents in the Fenix region – many of whom are attempting to obtain legal title to their land and pose a potential obstacle to mining operations.

Three lawsuits are currently ongoing for the 2007 gang-rapes – allegedly committed by company security, the army and police – and for the 2009 murder of Q'eqchi' man Adolfo Ich Chaman and shooting of German Chub – allegedly committed by company security – who survived but was left paralysed.

Last year [a landmark ruling by an Ontario court](#) stated that the lawsuits can proceed to trial in Canada, given that the rapes were allegedly committed when Fenix was owned by Canadian firm Skye Resources and the murder and shooting after Skye had been acquired by another Canadian firm, Hudbay Minerals.

Hudbay says the allegations are "without merit", calling the Q'eqchi' people "illegal occupiers" and saying that the 2007 evictions were "implemented under court orders", that the rape claims are not credible, and that, "based on internal investigations and eyewitness reports, CGN personnel were not involved with [Ich Chaman's] death."

Hudbay sold the Fenix mine to Solway in September 2011 after the lawsuits were filed – a move which MiningWatch Canada's Jennifer Moore describes as Hudbay "bailing out". "The context is a militarised, authoritarian regime that is systematically criminalising mining-affected communities in order to put these projects into force," Moore says. "There have been continual threats against the Q'eqchi' people around the mine over the last few months."

"Impunity and repression are the norm in Guatemala and the global mining industry knows this very well," says Grahame Russell, from US- and Canada-based NGO Rights Action.

Tot told the Guardian that in 2011 Guatemala's constitutional court ruled in favour of the Q'eqchi' legal ownership of Lot 9, but to date it has been ignored. Solway, Guatemala's ministry of defence and the ministry of the interior did not return requests for comment.

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### **Rights Action**

Since 2004, Rights Action has supported the community development and environmental defense work of the nickel-mining harmed Mayan Q'eqchi' communities of Guatemala. Since 2010, we have supported their struggles and work for justice and reparations, both in Guatemala and Canada, for mining caused harms and violations.

### **More information:**

- On precedent setting Hudbay Minerals/CGN Lawsuits: Klippensteins Barristers & Solicitors, [www.chocversushudbay.com](http://www.chocversushudbay.com)
- On communities in Guatemala and Honduras struggling to end mining caused harms and violations: [info@rightsaction.org](mailto:info@rightsaction.org) [www.rightsaction.org](http://www.rightsaction.org)
- Mining Watch Canada. [www.miningwatch.ca](http://www.miningwatch.ca)

### **"Defensora"**

- 40 minute film by Rachel Schmidt (2013)
- Trailer/ Screenings/ Info: [www.defensorathefilm.com](http://www.defensorathefilm.com)

The award winning film "Defensora" documents the Mayan Qeqchi people's struggle, in eastern Guatemala, to reclaim their ancestral lands, to promote community development and environmental well-being, and to seek justice and remedy in both Canadian courts, for the murder, shootings and rapes committed against them by Canadian mining companies (particularly Hudbay Minerals) in Guatemala.

**"Mining For The Truth In Guatemala: What lawsuits claiming rape and murder in a Guatemalan jungle mean for Canadian companies abroad"**

- Maclean's Magazine photo-report, and 3 minute video, on Hudbay Minerals/CGN lawsuits in Canada for gang-rapes, a killing and a shooting-paralyzing at Hudbay's former nickel mining site in Guatemala: <http://www.macleans.ca/news/world/mining-for-the-truth-in-guatemala/>

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