

Rights Action
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**Nickel Mining And Impunity In Guatemala:
Justice Manipulated For CGN (Hudbay Minerals' Co-Defendant In Canadian Civil
Lawsuits) In Case Of Murder Of 3 University Students**



The Guatemalan Niquel Company (CGN) - co-defendant with Hudbay Minerals in lawsuits in Canada for murder, assault and rapes - is circumventing justice in Guatemala related to the killings of 3 university students. On March 31, 2012, Nahomy, Ángel and Juan Carlos - biology students from the Universidad del Valle de Guatemala - were killed on the property of CGN (Compania Guatemalteca de Niquel) in El Estor. At the same time that justice is being undermined in this case, there are also pending criminal and civil lawsuits against CGN and Hudbay Minerals for other murders, assaults and gang-rapes.

Below:

- Statement from “A Minute of Silence to Break the Silence” concerning CGN and impunity in this case
- Article by Magali Rey Rosa concerning mining and impunity in Guatemala

**Un Minuto De Silencio Para Romper El Silencio (A Minute of Silence to Break the
Silence)**

August 20, 2014

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

We want to share with you what happened yesterday, August 19th, the day on which the reconstruction of facts had been scheduled to be held at the CGN property in El Estor, Izabal. All

of us connected to the case of the deaths of our dear Nahomy, Juan Carlos y Angel were supposed to attend.

After all the preparation and logistics, including bringing boats and a naval technician from the MP, as well as bringing us and our lawyers and a number of friends of our children from Guatemala City (whom we wish to thank for their solidarity and support) the proceedings failed to duly recognize the fact that Lemuel Valle [CGN employee] did not attend the reconstruction. Once again, we see justice being circumvented and obstructed and once again we ask: Why does he not want to participate? What is he hiding?

Furthermore, the CGN failed to carry out a court order to provide records of access control to the area where the boats are moored. This information is crucial to the investigation.

This is truly offensive and painful and provokes our indignation. Those responsible are trying to hide truth and justice but we are determined to keep up our struggle to find out the truth about what happened that day. We take strength from God and from the support, solidarity and care of so many of you. We will keep you informed and we ask you to share this information so that more people become aware of how the CGN is acting. The truth about what happened in this case must be made known.

Inalienable Rights

By Magali Rey Rosa, Prensa Libre, August 21, 2014

With everything that is published in this country, from news items to opinions, it is difficult to distinguish between what is of real importance, what is irrelevant and what is nothing more than pure entertainment. Maybe the best approach is to take an overview of themes to see how things are going in the country and then find the best way we can to save Guatemala from falling over the edge of the precipice. After all, everything is connected, everything is related to everything else. Let's have a look at what is in the news these days: there is much debate about the Postulation Commissions – we can read from this that there are sectors interested in controlling judges so they can maintain impunity as the order of the day.

The Government uses security forces – heavily armed at that – to protect companies that are exploiting the mountains, water, lands and workforce of the Guatemalan people. The plan is to impose “development” projects that the majority of the population does not want.

Drought is endangering the already weakened food security of the population. Elected deputies have approved a law that will allow transnational companies to take control of the rich vegetation of Guatemala, leaving no legal protection to small farmers and campesinos, who are confronted by powerful transnational seed corporations such as Monsanto. The Vice-President (who has been effusively promoting her famous “fisiquin” remix) will receive in her Ministry the 550 million quetzals hidden in Article 46 of that same law to protect plant varieties.

According to a survey carried out by Borge y Asociados, the majority of the Guatemalan population is opposed to metal mining and hydro-electric dams on their lands but anyone who resists this type of “development” is deemed to be a terrorist.

In the case of the Universidad del Valle students who died on the Guatemala Nickel Company (CGN) property in El Estor, the principal “witness” did not turn up for the much anticipated

reconstruction of facts. This was clearly an obstruction to justice. As well, the CGN violated the court order to submit record books of access control to the area where their boats were moored. You get the feeling that certain people can do whatever they want in full knowledge that they will suffer no consequences.

Our justice system was in a sorry state. Attempts to improve the situation, initiated by Claudia Paz y Paz, were cut short and the whole initiative was aborted so that things could go on as they always had. The message transmitted by the Constitutional Court with regard to the trial of Ríos Montt was truly disturbing. And now we see what is happening with the Postulation Commissions.

We can only hope that we will be able to see clearly the implications of maintaining the present state of impunity. This is an issue that affects all of us. Our judges must be honorable, independent and have a high sense of duty and ethics. As long as they do not have these qualities, cases will continue to be judged in favour of certain interests. The justice system should treat each and every one of us equally. In today's Guatemala, who can defend their right to water, seeds or to Life?

- More Information About Killing of Three Students: Carlos Rodolfo de León Herrera (father of one of the victims), carlosdeleoh@gmail.com, <https://www.facebook.com/UnMinutoDeSilencioParaRomperElSilencio>
- More Information About other Criminal and Civil Cases Linked to CGN and Hudbay Minerals: Grahame Russell, info@rightsaction.org, www.facebook.com/rightsaction.org

“Defensora”

This award winning film documents the lives and vision of the Mayan Qeqchi people and their efforts to seek justice in Canadian courts against Hudbay Minerals and CGN (Guatemalan Niquel Company). View trailer / organize a screening / more information: www.defensorathefilm.com

Tax-Deductible Donations (Canada)

To support Mayan Qeqchi efforts to defend their environment and community well-being and to attain justice for harms and violations suffered, make check payable to "Rights Action" and mail to:

- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8
- Credit-Card Donations Can Be Made: <http://www.rightsaction.org/tax-deductible-donations>

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