

Was Hudbay Minerals behind arbitrary arrest of John Dougherty (film-maker) and Jen Moore (MiningWatch Canada), after screening of film in Peru critical of Hudbay Mineral's operations in Peru, Guatemala, Canada, U.S.?

(View in browser: <http://mailchi.mp/rightsaction/was-hudbay-behind-arbitrary-arrest-of-john-dougherty-and-jen-moore-after-screening-of-film-in-peru-critical-of-hudbay-minerals-operations>)

- **Below:** Statements by Investigative News Media (John Dougherty) and Mining Watch Canada (Jen Moore)

"I strongly believe that Hudbay directed the Peruvian National Police and immigration authorities to detain us because Hudbay does not want the Peruvian people to know the truth about its long history of environmental contamination, allegations of serious human rights abuses and conflicts with local communities near its Constancia mine in Peru. Hudbay has had a [contract to pay the Peruvian National Police](#) for security services in the past and I believe that such an agreement is still in place. The company is now taking the dangerous step of using the state to criminalize a journalist engaged in the distribution of truthful information that it wants to hide." (John Dougherty)

"I am deeply troubled by the apparent level of coordination between Hudbay, the police and the Peruvian government and the lengths to which they are willing to go to prevent local communities from receiving independent information. We know that Hudbay has had contracts with the national police force in Peru to provide security to its area of influence in Cusco, so it's quite possible that the police could have been acting under company orders or according to their obligations to the company, not to public security. The Canadian government should be calling on the Peruvian Ministry of Interior and Hudbay to account for why a Canadian and US citizen, as well as members of Peruvian human rights and environmental justice organizations and local community leaders, were subject to this sort of surveillance, harassment and criminalization." (Jen Moore)

As a high profile murder and assault trial continues in Guatemala against Hudbay Mineral's former head of security in Guatemala (at its former "Fenix" mine), and as precedent setting lawsuits proceed in Canada against Hudbay and the Guatemalan Niquel Company (CGN) related to murder, a shooting-paralyzing and the gang-rapes of 11 Mayan women, Hudbay is again under scrutiny for harms, violations and repression at its "Constancia" mine in Peru and its now alleged role in pressuring for the arbitrary arrest of Dougherty and Moore.

Peruvian police detain filmmaker after showing documentary critical of Hudbay Minerals

(Investigative News Media release, April 24, 2017, Phoenix, Ariz, <http://mailchi.mp/5596bf0c131a/breaking-news-vancouver-island-university-added-to-flin-flon-flim-flam-tour?e=32649a976c>)

The Peruvian National Police and immigration authorities detained [InvestigativeMedia](#) owner and filmmaker John Dougherty on April 21 after he finished screening his documentary film "[Flin Flon Flim](#)

[Flam](#)” in Cusco, Peru. The documentary reports on Toronto-based Hudbay Minerals’ worldwide mining operations.

More than a dozen plain-clothes officers surrounded Mr. Dougherty and Jen Moore, Latin American program coordinator for MiningWatch, Canada, on the street outside the Cusco Cultural Center and forced them into a vehicle without a warrant. They were taken to the immigration office in Cusco. In a [statement released](#) early Monday, Mining Watch, Canada detailed Mr. Dougherty and Ms. Moore's unlawful apprehension.

Police held Mr. Dougherty and Ms. Moore for four hours before being released early Saturday morning. Mr. Dougherty refused to sign documents or declarations police were pressuring him to sign without the presence of English-speaking legal counsel.



[Peru National Police officer Edgar Abarca Lezama holding documents during detention proceedings in Cusco, Peru against John Dougherty and Jen Moore.](#)

An immigration hearing was scheduled for 9 a.m., Monday, April 24 at immigration offices in Cusco.

Upon the advice of legal counsel, Mr. Dougherty and Ms. Moore left Peru on Saturday. Peruvian attorneys will represent Mr. Dougherty and Ms. Moore at the immigration proceeding. Mr. Dougherty intends to contest the immigration case and is pursuing all other legal remedies.

The police allege Mr. Dougherty was prohibited from screening the film under a tourist visa. Filmmakers attending film festivals routinely enter Peru under tourist visas.

“I strongly believe that Hudbay directed the Peruvian National Police and immigration authorities to detain us because Hudbay does not want the Peruvian people to know the truth about its long history of environmental contamination, allegations of serious human rights abuses and conflicts with local communities near its Constancia mine in Peru,” Mr. Dougherty says.

“Hudbay has had a [contract to pay the Peruvian National Police](#) for security services in the past and I believe that such an agreement is still in place,” Mr. Dougherty says. “The company is now taking the dangerous step of using the state to criminalize a journalist engaged in the distribution of truthful information that it wants to hide.”

This relationship between Hudbay and the Peruvian National Police has previously been [reported in the media and elsewhere](#).

At no time since the film's release in October 2015 has Hudbay stated there was an error of fact. "Hudbay was given every opportunity to comment on the film during the production and refused," he says.

Hudbay also appears to have direct influence over the Peruvian Interior Ministry, which [issued a statement](#) Saturday ([English translation](#)) that strongly suggested criminal charges were being prepared against Mr. Dougherty and Ms. Moore for allegedly inciting rural communities to take violent actions against Hudbay.

"In fact, the documentary shows Hudbay's contract employees, the Peruvian National Police, taking violent action in Nov. 2014 against Peruvian citizens peacefully marching and protesting Hudbay's alleged failure to abide by agreements," Mr. Dougherty says.

At no time during question and answer sessions after the screenings of the film in Peru did Mr. Dougherty suggest or encourage any violent action against Hudbay or any other mining company. Ms. Moore made no public statements during any of the events. Her role was to act as a translator for Mr. Dougherty.

"The fact that Ms. Moore was detained for doing nothing more than translating shows how far Hudbay and its police contractors are willing to go in its shameful attempt to silence free speech and intimidate the press," Mr. Dougherty says.

The film screenings in Chamaca, Velille and Cusco were free and open to the public. DVD copies of the film were distributed free and Mr. Dougherty encouraged their reproduction and distribution. Hudbay and other mining supporters were welcome to attend the events and ask questions about the film, which they did.

Hudbay's effort to stop the distribution of the film will not succeed. The film [will be shown at 6 p.m.](#), Tuesday, April 25 at CCPUCP, Avenue Camino Real, 1075 San Isidro, Lima. Mr. Dougherty will attend the screening and answer questions via Skype.

The documentary, dubbed in Spanish and Quechua, reports on Hudbay's history of contaminating Flin Flon, Manitoba, Canada with heavy metals and poisoning children; legal proceedings in a Toronto civil court where the company stands accused of murder, a shooting that paralyzed a man and gang rapes in Guatemala; conflicts with Peruvian communities where police used teargas and beat peaceful demonstrators and Hudbay's plans to build the Rosemont open-pit copper mine in the Santa Rita Mountains southeast of Tucson.

Mr. Dougherty's tour in Peru was assisted by Cooperación and Derechos Humanos Sin Fronteras - Cusco. These groups arranged for screenings in different communities where they have developed relationships with community leaders. The organizations had no role in the financing, production, and editing of the film. Mr. Dougherty paid for all his expenses in Peru and conducted no commercial business.

What does Hudbay have to hide from Peruvians? MiningWatch Canada Staff Member, US Journalist Arbitrarily Detained in Peru over Documentary About

Hudbay Minerals' Operations

(MiningWatch Canada News Release, <http://miningwatch.ca/news/2017/4/24/what-does-hudbay-have-hide-peruvians-miningwatch-canada-staff-member-us-journalist>)

At about 8:20pm on the night of Friday April 22, MiningWatch Canada's Latin America Program Coordinator Jen Moore and US journalist John Dougherty were arbitrarily detained in Cusco, Peru after a successful public event screening a documentary film about Hudbay Minerals' operations in Canada, the US, Guatemala and Peru. The two were surrounded by 15 to 20 national police officers, many in plain clothes, and a handful of migration officers and taken into custody.

Moore and Dougherty were then questioned about their immigration status and informed that their activities – showing a film and engaging in discussion with people about it – were not permitted under their tourist visas. They were released four hours later with an order to appear in court today to be charged.

“The situation that arose on Friday is not about our immigration status, it is about Hudbay trying to exert control over what information communities living around its Constanca mine have access to. What is Hudbay so afraid that the communities will learn from a film about its global operations?” remarked Moore.

Stigmatization and criminalization of those involved in screening the documentary “Flin Flon Flim Flam” in communities around Hudbay's Constanca mine, as well as in Cusco and Lima, began well before Jen and John arrived in Cusco on April 15. An anonymous article in a Cusco newspaper accused Jen Moore, MiningWatch Canada, and Peruvian organizations coordinating the film screenings with local organizations and district authorities of trying to “ambush” Hudbay.

The ambush, however, was against those involved in the film screenings.

From April 17 to 20, while the film was being screened in public events in the province of Chumbivilcas, Peru where Hudbay has its largest mine operation, Dougherty, MiningWatch Canada, and representatives of the Peruvian NGOs Human Rights Without Borders and Cooperación were constantly filmed by unknown individuals and tracked by police, while community leaders reported being questioned by police and company representatives about the film screenings.

These public events were organised for Dougherty to share the film, which he had produced in part on the basis of interviews with members of the same communities in November 2014, when they were protesting Hudbay's broken promises and faced violent police repression. Dougherty dubbed the film in Spanish and Quechua in order to be able to give copies of the film to the communities and screen it in the cities of Cusco and Lima.

The arbitrary detention on Friday night followed a screening at the municipal Cultural Centre in Cusco and lasted over four hours. During this time, Moore and Dougherty were asked to make a lengthy declaration about their activities in the country. Given the irregular way in which they were detained and prior evidence that the company and police were seeking evidence to lay criminal charges against them for ‘inciting violence’ by screening the film, they exercised their right to remain silent.

On Saturday, the Peruvian Ministry of the Interior issued a public statement affirming the Peruvian

government's support for Hudbay's operations and further trying to incriminate Dougherty and Moore with serious accusations of inciting people to violence and of being a threat to public order and national security. The Ministry's statement tries to link the two to protests in 2016 over Hudbay's broken commitments regarding social benefits, contractual agreements, and social and environmental issues in the area of the Constanca copper mine.

"I am deeply troubled by the apparent level of coordination between Hudbay, the police and the Peruvian government and the lengths to which they are willing to go to prevent local communities from receiving independent information," said Moore.

"We know that Hudbay has had contracts with the national police force in Peru to provide security to its area of influence in Cusco, so it's quite possible that the police could have been acting under company orders or according to their obligations to the company, not to public security," she added.

"The Canadian government should be calling on the Peruvian Ministry of Interior and Hudbay to account for why a Canadian and US citizen, as well as members of Peruvian human rights and environmental justice organizations and local community leaders, were subject to this sort of surveillance, harassment and criminalization," concluded Moore.

Dougherty and Moore were issued summonses to appear before the migration authority in Cusco on Monday morning. They will challenge this administrative process through their Peruvian legal counsel. On advice of their lawyers and fearing arrest on trumped-up charges, Dougherty and Moore left Peru on Saturday.

The film will be shown at 6 p.m., Tuesday, April 25 at CCPUCP, Avenue Camino Real, 1075 San Isidro, Lima. See <https://www.facebook.com/events/229821817496463/> for details.

Contact:

- John Dougherty, john@investigativemedia.com, <http://www.investigativemedia.com/contact/>
- Jen Moore, (613) 722-0412, jen@miningwatch.ca

View the film on Youtube:

- English: <https://www.youtube.com/watch?v=j7aacPtEI8s>
- Spanish: <https://www.youtube.com/watch?v=1BF06KsgMsc>
- Quechua: <https://www.youtube.com/watch?v=uT0RB2QCP1w>

More information:

- Hudbay Minerals lawsuits in Canada: Cory Wanless, Klippensteins Barristers and Solicitors, cory.wanless@klippensteins.ca, 416-598-0288, www.chocversushudbay.com
- Criminal trial in Guatemala against Hudbay head of security: Grahame Russell, Rights Action, grahame@rightsaction.org, 416-807-4436

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