

Abusive North American Companies [including Hudbay Minerals] Pay Off Latin American Police to Harass Critics

<https://mailchi.mp/rightsaction/peruvian-police-sold-themselves-to-hudbay-minerals-as-private-security-guards>

*“Hudbay has a contract with [Peruvian] police for security services.
The police sold themselves to the company as private security guards”*

- Below: Article by Jen Moore
- Hudbay Minerals lawsuits hearing, Toronto court, November 8, 2019

As the Hudbay Minerals lawsuits are set to continue in a Toronto court (November 8, 2019) for gang rapes, murder and a shooting-paralyzing carried out by police, military and Hudbay’s private security guards in Guatemala, Jen Moore writes of how Peruvian police detained her and John Dougherty while they were in Peru reporting on human rights violations and other harms caused by Hudbay’s mine there.



Nickel mining operation in Mayan Q'eqchi' territories of eastern Guatemala in Maya, formerly owned by Hudbay Minerals & Skye Resources (2004-2011, and by INCO (1960s-2004).

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Abusive North American Companies [including Hudbay Minerals] Pay Off Latin American Police to Harass Critics

By [Jen Moore](#), October 21, 2019, jenmoore0901@gmail.com

<https://fpif.org/abusive-north-american-companies-pay-off-latin-american-police-to-harass-critics/>

In late April 2017, U.S. investigative journalist John Dougherty and I were screening John’s documentary [Flin Flon Flim Flam](#) in Peru. The film documents violence, environmental contamination, broken promises, and police repression at mining projects owned by the Canadian mining company Hudbay Minerals in several countries — including in Peru.

As we left the Cusco Cultural Center after a Friday evening screening, we were surrounded by 15 to 20 plain clothes police and a handful of immigration officials.

They brought us to the Cusco immigration office, where they detained and interrogated us for four hours — the maximum time permitted by law. We were finally released after midnight, thanks no doubt to pressure from friends and colleagues in Peru, throughout Latin America, and in the U.S. and Canada.

It was political detention, and the Interior Ministry made no secret of it.

Less than 12 hours after our release, the ministry released a communiqué accusing us of violating our tourist visas and posing a threat to public order by talking about the risks of mining, and by “inciting” communities to oppose mining activities.

The ministry defended Hudbay’s mining operations — and said we should be expelled.

Concerned for our safety and upon advice from our lawyers, we left Peru that same day. The next day, we were indefinitely banned from re-entry.

Police as Contractors

Hudbay operates the Constanca open-pit copper mine in southern Peru. John had filmed there in late 2014, when the community of Uchucarco was protesting the company’s failure to live up to promises related to environmental monitoring, jobs, and social projects. Women were out in particularly strong numbers.

The footage John captured, which appears in the documentary, shows national police firing teargas at men and women during a protest in which at least 17 were injured.

Why would police fire at demonstrators? Because Hudbay, [like many mining, oil and gas companies operating in Peru](#), has a contract with police for its security services. The police, in short, had sold themselves to the company as private security guards.

At the time, human rights observers saw police both inside and outside the company gates, including some dressed in ponchos with company logos holding police riot shields. This is characteristic of police work on private contracts, in which they often use state-issued arms and uniforms while defending company interests.

In 2017, I was working as the Latin America Program Coordinator for MiningWatch Canada and collaborating with the Peruvian organization Human Rights Without Borders — Cusco and Cooperación. We worked together to organize screenings of John’s film in communities near Hudbay’s mine, as well as in Cusco and Lima.

Even before we arrived, efforts were underway to derail our plans. An anonymous columnist published a defamatory article accusing us and our Peruvian counterparts of organizing “an ambush” against Hudbay.

And in the days leading up to our detention, we were filmed by unknown individuals, while community leaders reported being questioned by police and company representatives about the screenings. At our

last community stop, the film screening was suddenly canceled, and police tried to get our personal information from a hotel we had stayed in. Shortly afterward, we were detained in Cusco.

A Built-in Bias

John and I were convinced that Hudbay was involved. But the company denied any role. Finally, this fall — two and a half years later — [a Lima court ruled](#) in our favor in response to a habeas corpus motion filed on my behalf by the Institute for Legal Defense (IDL), Human Rights Without Borders – Cusco (DHSF), the Association for Life and Human Dignity (APORVIDHA), and Cooperación.

The decision states that sharing information about the negative impacts of mining does not threaten public order, nor does it violate migratory law in Peru. Rather, it is part of exercising one's rights. As such, the court found that our detention was a violation of both our individual rights to freedom of expression, as well as local communities' collective rights to obtain information.

Significantly, these violations occurred as a direct result of the police's contract with Hudbay, which the judge ruled had caused the police and Interior Ministry to act with bias in the company's interest.

The ruling is subject to appeal, but it's a good first step — for us and for other journalists, filmmakers, academics, public interest researchers, or independent technical consultants who might seek to share critical views about the negative impacts of extractive projects with communities in Peru. It's also fodder for those fighting to stop private police contracts.

A Dangerous Occupation

The truth is, John and I got off light. In an area not far from Cusco, police repression against Indigenous communities protesting environmental contamination in 2012 ended with [dozens injured and two dead](#). And Peruvians often face much more punitive legal proceedings than we did.

For instance, the governor of Puno province has been [sentenced to six years in jail](#) for allegedly organizing Aymara Indigenous communities to protest mining concessions for the Canadian company Bear Creek Mining in 2011, over very real concerns about [the water contamination that results from gold mining](#).

Laws like the one that allows police contracts with mining companies are just one example of how the law has been turned against Indigenous peoples and mining-affected communities in Peru and elsewhere, making fighting mega-projects an ever more dangerous vocation.

Meanwhile, laws favorable to extractive industries have been entrenched with support from the World Bank and governments in the Global North. These laws typically privatize mineral extraction, make permitting processes easier, and keep taxes and royalty payments to a minimum.

Moreover, thousands of international trade agreements lock in investor interests by [letting transnational corporations sue democratically elected governments](#) for public interest regulations or other government decisions that may affect the value of their investments in binding arbitration courts.

Against this backdrop, while the recent court decision is an important moment in the fight against putting police in the pay of corporations, it's only a small step in a much bigger struggle against the ever greater dangers facing those defending their territories against devastating mega-projects.

[Jen Moore is an Associate Fellow with the Global Economy Program at the Institute for Policy Studies.]

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Hudbay Minerals lawsuits hearing, Toronto, November 8, 2019

On Friday November 8, there will be a public hearing in the Hudbay Minerals lawsuits, at the Ontario Superior Court of Justice, 393 University Ave, Toronto.

Guatemalan plaintiffs' lawyers

- Murray Klippenstein, murray.klippenstein@klippensteins.ca
- Cory Wanless, cory@waddellphillips.ca

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To support the Mayan Q'eqchi' plaintiffs in these justice struggles, make check payable to "Rights Action" and mail to:

- U.S.: Box 50887, Washington DC, 20091-0887
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Background information

Is justice possible in Canada or Guatemala for Hudbay Minerals mining repression?

By Grahame Russell, June 12, 2019, <https://mailchi.mp/rightsaction/is-justice-possible-in-canada-or-guatemala-for-hudbay-minerals-mining-repression>

Canadian Companies Mining With The Genocidal Generals In Guatemala

By Grahame Russell, Rights Action, April 6, 2019, <https://mailchi.mp/rightsaction/mining-with-the-genocidal-general-in-guatemala>

Media reports: <http://rightsaction.org/hudbay-minerals-lawsuits-media/>

Defensora (2013)

An award-winning 40 minute film by Rachel Schmidt, documenting Maya Q'eqchi' peoples' struggle in Guatemala to reclaim ancestral lands and to seek justice in Canadian and Guatemalan courts for murder, shootings and rapes committed by police, soldiers and private security guards working for Canadian mining company Hudbay Minerals/Skye Resources and their former Guatemalan subsidiary CGN.

Trailer: www.defensorathefilm.com

Film: <https://vimeo.com/75725049>

CBC documentary "In search of a perfect world" (November 2018)

Meet Guatemalans Angelica Choc & German Chub, their lawyer Murray Klippenstein, & Grahame Russell, taking Hudbay Minerals & CGN (Guatemalan Nickel Company) to court.

<https://mailchi.mp/rightsaction/cbc-documentary-meet-guatemalans-angelica-choc-german-chub>

Hudbay Minerals lawsuits

November 25, 2017: The Drop video interview with Cory Wanless and Grahame Russell

View: <https://www.facebook.com/thedropvideo/videos/370077746779053/>

Hudbay Minerals on Trial: Impunity Reigns (2017)

This 4 minute film by Lazar Konforti reports how on April 6, 2017, Mynor Padilla – ex Hudbay Minerals/Skye Resources head of security – was found “not guilty” by Judge Ana Leticia Pena Ayala of killing Adolfo Ich and shooting-paralyzing German Chub Choc.

View: https://www.youtube.com/watch?v=xch_LMzfl7Q&feature=youtu.be

Choc vs. Hudbay (2016)

5 minute film by James Rodriguez: Interview with Angelica Choc during the annual commemoration of the life of her husband, Adolfo Ich, assassinated September 27, 2009, by Mynor Padilla and security guards working for Hudbay Minerals and its subsidiary CGN (Guatemalan Niquel Company).

View: <https://vimeo.com/191327705>

How Can Angelica Choc and German Chub Get Justice? (2016)

3 minute report by Steven Schnoor documenting how the Judge (Ana Leticia Pena Ayala) in the Adolfo Ich murder trial, ordered – May 2016 - a “security protection detail” for Mynor Padilla, ex head of security for Hudbay Minerals (and former lieutenant colonel in the Guatemalan Army), on trial for murder and the shooting-paralyzing of German Chub in September 2009.

View: <https://www.youtube.com/watch?v=rllt5geTIJc&feature=youtu.be>

Mynor Padilla Trial: Racial Discrimination / Caso Mynor Padilla: Discriminacion Racial (2016)

4 minute film by Lazar Konforti on unsuccessful efforts to have allegedly corrupted Judge Ana Leticia Pena Ayala recused from Mynor Padilla trial. Angelica Choc addresses the court, as Mynor Padilla and his team of lawyers (allegedly paid for by Hudbay Minerals) look on; Includes a song written and sung by Adolfo Ich, Angelica’s husband, killed by Mynor Padilla and his security guards on September 27, 2009, when they worked for Hudbay Minerals/CGN.

View: https://www.youtube.com/watch?v=Q_nLF-bke1k&feature=youtu.be

Hudbay on trial for murder in Guatemala / Hudbay enjuiciada por homicidio en Guatemala (2015)

4 minute report by Lazar Konforti: Mynor Padilla, Hudbay Minerals' former chief of security at their mine in Guatemala (which they sold in 2011 to Switzerland company Solway Investment Group), is on trial for murdering community leader Adolfo Ich during an attack by Hudbay's security personnel against community members in 2009. Angélica Choc, Ich's widow, fears for her safety as she has to confront her husband's murderer in court.

View: <https://www.youtube.com/watch?v=ke-mmuPHqFY>

They Cut Me In Half: Fundraiser for German Chub Choc (2014)

5 minute film by Lazar Konforti documenting the life of German Chub, a young Maya-Q'eqchi' father left paralyzed after being shot by Mynor Padilla, head of security for Hudbay Minerals in Guatemala. One lung was permanently damaged; the bullet remains lodged next to his spinal column.

View: <https://www.youtube.com/watch?v=PXEIOWBU0E>

Defending Q'eqchi' Territory from Mining: Rebuilding Lote Ocho (2014)

5 minute film by Lazar Konforti documenting how private security forces employed by Hudbay Minerals/Skye Resources, along with Guatemalan police and soldiers, destroyed the Maya-Q'eqchi'

community of Lote Ocho, burning 100 homes to the ground, destroying personal property and food, and gang-raping 11 women villagers. Community members are rebuilding homes and community.

View: <https://www.youtube.com/watch?v=xuuJSIztTK8&feature=youtu.be>

Precedent Setting Hudbay Minerals Lawsuits In Canada

The Real News interview (October 13, 2013) with Grahame Russell

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&itemid=74&jumival=10902

Testimony of Rosa Elbira: Gang-rapes at Canadian mine in Guatemala (2010)

In 2007, private security forces employed by Canadian company Skye Resources (later owned by Hudbay Minerals), along with Guatemalan police and soldiers, violently evicted the Q'eqchi' community of Lote Ocho, burning 100 homes to the ground, destroying all personal property and food stuffs, and gang-raping 11 women villagers. Rosa Elvira is one of the women.

View: <https://www.youtube.com/watch?v=dSGuDk4cnz4>

Violent Evictions at El Estor, Guatemala

By Steven Schnoor, this 10 minute film (2007) documents illegal, forced evictions of Mayan Q'eqchi' communities in Guatemala on behalf of Skye Resources/Hudbay Minerals.

View: <https://www.youtube.com/watch?v=JgwtLuISE1Y&t=10s>

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