

# FORMAL HUMAN RIGHTS VIOLATION COMPLAINT

Mr. Lawrence Cannon  
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5 July, 2010

Dear Minister Cannon,

On behalf of the University of Northern British Columbia's 2010 Guatemala Delegation & Rights Action, we are formally submitting a human rights violation complaint with the Canadian Government. We submitted an earlier version of this complaint to the Canadian Embassy in Guatemala on May 25<sup>th</sup>, 2010 but have not received a reply. Therefore, we now submit this document to you directly.

As Canadian citizens we strongly request your immediate attention to the following issues surrounding the forced evictions of the Guatemalan Q'eqchi' community of "Lote 8" near El Estor, Izabal, and the gang-rape of at least five women in this community.

These human rights violations were committed by the Guatemalan army and police, and private security guards in the direct employ of the Canadian mining company HudBay Minerals Inc., formerly known as Skye Resources, and its subsidiary, Compañía Guatemalteca de Níquel (CGN).

On May 19, 2010, 11 Canadian delegates (signatories as noted below) collected the testimonies of "Lote 8" community members and accounted for the following human rights violations. The community allowed the UNBC students and Rights Action, a Canadian-American NGO with years of work in Guatemala, to collect their testimonies upon our arrival. It must be understood that the community indicated to us that these testimonies were one of the first public recounting of their shared experiences.

- **January 9<sup>th</sup> 2007** – Hundreds of police/military soldiers/Skye Resources private security agents (who arrived in at least 80 pickup trucks, 2 commando trucks of military soldiers, and 3 private CGN trucks of private security) entered the remote community of Lote 8 in 85 vehicles with the intent of illegally and forcibly evicting the inhabitants. Community members were given 5 minutes to retrieve belongings and offered 300 Quetzales to destroy their own homes. Upon peaceful refusal, police/military soldiers and Skye Resources private security forces started shooting teargas, robbed homes, and set residences on fire with gasoline. In total 100 homes were destroyed. The villagers—from Grandparents to new borns—

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were forced to flee into the forests. All of their belongings, including clothes, bedding, food, cooking implements, etc, were either destroyed or stolen. With absolutely nowhere to go, the 100 families of Lote 8 spent the next week re-building minimal shelter, while scrounging for food and trying to recover some of the subsistence crops. During this week, Skye Resources helicopters regularly flew over their remote community.

- **January 17<sup>th</sup> 2007** – Hundreds of police/military soldiers/Skye Resources private security agents again returned to the community to illegally and forcibly evict the community while male residents were away from Lote 8. They carried out the same plan of destruction as on January 9<sup>th</sup>. Moreover, members of the police/military soldiers/ Skye Resources private security gang-raped female community members. At least two of the victims were pregnant at the time, and lost their babies due to the rapes and brutality.

The Canadian delegates took photographic, video and audio testimonies of 5 women who were raped and physically assaulted, and of multiple community members who recounted the two traumatic evictions carried out, they allege, on behalf of Skye Resources.

Based on the United Nation's Universal Declarations of Human Rights and Freedoms the Act guarantees:

- Article 3 – The rights to life, liberty and security of person;
- Article 5 – No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment;
- Article 6 – The right to recognition everywhere as a person before the law.

Though the UNBC and Rights Action concentrated our efforts on the most remote community of Lote 8, similar serious charges—including rape—have been made against the police, army, and private security guards that were carrying out the violent and illegal forced evictions in at least four other communities in 2006 and early 2007.

As Canadian citizens, we respectfully demand concrete actions from the Canadian Embassy Government on these human rights violations against the Guatemalan Community of Lote 8, as well as the other affected communities.

Specifically, we demand that:

- the Canadian Government carry out a full and impartial investigation into these allegations;
- that the Canadian Government notify the appropriate Guatemalan authorities of these extremely serious charges and of the Canadian Government's independent investigation;

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- that, with the community's consent, international accompaniers are provided to ensure that the community is not subject to retribution during the investigation;
- that the findings of the Canadian government's impartial investigation be made known publicly;
- that the investigation provide a summary about the human rights violations and property destruction suffered by the Lote 8 community, as well as the other five Maya Q'eqchi' communities that suffered similar illegal and forced evictions around the same time;
- that the investigation provide conclusions and recommendations with respect to the actions and/or omissions of the Government of Guatemala, and the Guatemalan security forces, and with respect to Skye Resources (now HudBay Minerals) and the company's security forces; and
- that the investigation set out what reparations and compensation ought to be paid and made to the victims.

We believe the Canadian Government must carry out this investigation, based on the fact that: (1) the very authorities responsible for ensuring justice in Guatemala – the police and the military – were the perpetrators; (2) that the owners of the Guatemalan Nickel Company—then Skye Resources, now HudBay Minerals—are Canadian companies; and (3) that the Canadian government has played a proactive role in supporting the expansion of Canadian companies into Guatemala.

We ask that this formal complaint of human rights violations be taken with great seriousness and entrust that the Canadian Government will take every means necessary to ensure that the perpetrators of these human rights violations be prosecuted to the fullest extent of the law, and that full reparations and compensation be made to the victims of these crimes.

We look forward to hearing back from you about this serious human rights matter. We have extensive knowledge about the violations and harms caused by nickel mining interests in the El Estor region and would gladly share it with you before we return to this community in August 2010.

Sincerely,

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