

## Shooting of Community Leader in Guatemala Opposing a Canadian-Owned Mining Project KAIROS Urgent Action

July 23, 2010

KAIROS is deeply saddened and shocked to learn of the shooting of a community leader, Theodora Antonia Hernández Cinto, at her home in municipality of San Miguel Ixtahuacán in Guatemala. Theodora has been actively involved in leading community resistance against large-scale mining in their region. She was shot in the head two weeks after President Colom declared the suspension of Marlin Mine operations, in compliance with a recent Inter-American Commission ruling. Other activists have also been threatened. Just hours after the attack on Theodora, we received an urgent action alert from CEIBA, a KAIROS partners in Guatemala, calling for an international response. (<http://www.ceibaguatemala.org/>)



(Theodora Antonia Hernández Cinto. Photo: COPAE, Diocese of San Marcos)

Details of the attack are included below. (Please note that some documentation uses the name "Diodora"; this is because the pronunciation and spelling of Spanish names varies amongst Mayan Guatemalans, whose first language is generally Indigenous.)

This news is particularly disturbing as KAIROS recently hosted one of our Guatemalan partners, Naty Atz Sunc, in a visit to Canada in June. Another strong community leader and mining activist, Naty spoke passionately about the communities that have been resisting foreign-owned mining projects during the KAIROS speaking tour of Atlantic Canada and at a workshop at the G20 Peoples' Summit in Toronto. Her organization, CEIBA, offers training and support to community leaders like Theodora who are defending the rights of their communities and building alternative visions for the future.

**We ask that you take the time to write a letter, announce this action in church, and keep Theodora, Naty and all human rights defenders in Guatemala in your prayers at this difficult time.**

**Please join KAIROS in sending faxes and emails to condemn this attack, demand a full investigation, and urge the Guatemalan state to take action on the community's demands:**

1. That the State take measures to protect the lives of human rights defenders, including an immediate investigation into this incident through the Attorney General's office.
2. That the representatives of the Human Rights Ombudsman's Office (PDH) and the Presidential Commission on Human Rights (COPREDEH) in San Marcos carry out their respective functions based on the rights of citizens and in line with the laws of the country regarding cases that affect human rights defenders.

3. That the State comply in full with the precautionary measures issued by the Inter-American Commission on Human Rights (IACHR), in favor of communities affected by the Marlin mine who are defending their human rights.

4. That the State guarantee respect for human rights, the national constitution, and international agreements related to the rights of Indigenous peoples.

A sample letter addressed to Guatemalan President Alvaro Colom is provided at the bottom of this message.

#### Further information

Amnesty International's action and background information:

<http://www.amnesty.org/en/library/asset/AMR34/008/2010/en/957fdd4a-e9c5-429d-8682-07d10bf5da42/amr340082010en.html>

Mennonite Central Committee delegation to the Marlin Mine and affected communities:

<http://canada.mcc.org/stories/news/mcc-delegation-visits-mining-affected-communities-guatemala>

MiningWatch Canada urgent action: <http://www.miningwatch.ca/en/urgent-action-shooting-anti-mining-community-leader-opposing-goldcorp-incs-marlin-mine-guatemala-thr>

Pastoral Commission on Peace and Ecology, Diocese of San Marcos, including video footage of Theodora: <http://resistance-mining.org/english/?q=node/193>

United Church of Canada's Maritime Conference: Mining the Connections group:

<http://www.united-church.ca/files/economic/globalization/mining.pdf>

#### Further details of the attack

We received the following details about the attack from MiningWatch Canada:

On Wednesday, July 7th, 2010 at 7:30 PM in the small community San José Nueva Esperanza in the village of Maquivil, municipality of San Miguel Ixtahuacán, Ms. Diodora Antonia Hernández Cinto was shot. Two unknown young men showed up at her house asking for a place to stay. When they were refused housing, they asked to buy a cup of coffee. When Ms. Hernández went to give them their coffee, they shot her in the head near her right eye, causing significant blood loss. The two men ran off in the direction of San José Ixcaniche. Ms. Hernández was taken to the hospital in San Marcos and then to the Roosevelt hospital in Guatemala City, where she underwent surgery on June 11th. She is in stable condition, but the consequences of the gun shot are still unknown.

On the same night, at 11:30 PM a group of people arrived in the community to support Ms. Hernández. When they returned to their community Ágel, they heard gunshots approximately 50 metres from their homes.

So far neither the National Civil Police nor the Attorney General's office have begun the necessary steps to investigate the incident. An official complaint was filed in the Attorney General's office of San Marcos (#MP166-2010-2818) on July 8, 2010.

Ms. Diodora Antonia Hernández Cinto is part of a resistance movement against the human rights violations being committed by the company Montana Exploradora, the subsidiary of Goldcorp Inc that is operating the Marlin mine. She has been active in her community Sacmuj, where the company has extensive exploration interests and the inhabitants fear impacts on their natural water springs and the violation of their right to consent. She has been threatened a number of times for her participation in this movement.

#### **Further background on the mine**

Since 2005 Indigenous communities affected by GoldCorp's Marlin mine have denounced mine-related human rights violations, impacts on their health, contamination of their water sources, and curtailed civil liberties. Among the most significant complaints is the violation of their right to free, prior, and informed consent, which is protected under international law in regards to projects developed on Indigenous lands.

On May 20, 2010, the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), issued precautionary measures to the Guatemalan government calling for the suspension of mining operations at Marlin to prevent possible negative impacts on the health of the communities as well as their access to water. The government was asked to take immediate measures to protect the lives of community members in the municipalities of San Miguel Ixtahuacán and Sipakapa.

On June 23, 2010 the Colom administration announced its commitment to comply with the precautionary measures and suspend mining operations at Marlin until the IACHR can rule on the merits of the petition filed by the communities.

The Guatemalan government must act immediately to guarantee the security of community leaders and their families. Members of the Front in Defence of San Miguel (FREDEMI) and other human rights defenders have reported an increase in threats against their lives since the State's decision to suspend the Marlin mine's activities. They fear acts of retaliation from mine workers and from the company.

#### **Sample Letter (English below):**

Estimado Sr. Presidente Alvaro Colom,

Escribimos con mucha preocupación por la situación actual en San Miguel Ixtahuacán, San Marcos. El 7 de julio la Señora Diodora Antonia Hernández Cinto fue baleada por dos hombres dentro de su casa a las 7:00 de la noche. Ella es conocida por su participación en la defensa de los derechos humanos ante la empresa Montana Exploradora/ Goldcorp Inc. y sus operaciones mineras en la mina Marlin. Es el primer ataque armado contra una activista anti-minera en este municipio.

Entendemos que el 23 de junio, el gobierno de Guatemala aceptó acatar las medidas cautelares emitidas por la Comisión Interamericana de Derechos Humanos. Aplaudimos esta decisión de la administración ya que muestra un respeto por los derechos humanos y las obligaciones internacionales de Guatemala. Sin embargo, es urgente y necesario que el gobierno cumpla con estas medidas lo mas pronto posible, y que tome medidas inmediatas para proteger a los pobladores en riesgo contra posibles represalias.

Urgimos una investigación inmediata y profunda sobre los hechos del ataque contra la Señora Diodora Hernández tanto como su acción inmediata para garantizar la seguridad de los defensores de derechos humanos en San Miguel Ixtahuacán.

Atentamente,

[su nombre]

Esteemed Mr. President Álvaro Colom,

I write to express my concern regarding the current situation in San Miguel Ixtahuacán, San Marcos. On July 7, Ms. Theodora Antonia Hernández Cinto was shot by two men inside her home at 7:00 PM. She was known for her participation in the defence of human rights against the mining operations of Montana Exploradora/ Goldcorp Inc. This is the first armed attack against an anti-mining activist in this municipality.

I understand that on June 24 of this year the Guatemalan government accepted the precautionary measures issued by the Inter-American Commission on Human Rights (IACHR) and committed to suspending operations at the Marlin mine. We applaud this decision as a demonstration of respect for human rights and for Guatemala's international obligations. However, it is urgent and necessary that the government carry out these measures as soon as possible and take immediate steps to secure the lives of community members at risk of possible retaliation.

We urge you to carry out an immediate investigation into the attack against Ms. Theodora Hernández, and to take immediate action to guarantee the security of human rights defenders in San Miguel Ixtahuacán.

Sincerely,

[your name]

**PLEASE SEND TO:**

Lic. Álvaro Colom  
Presidente de la República [President of the Republic]  
Casa Presidencial  
6ª Avenida 4-18, Zona 1  
Ciudad de Guatemala, Guatemala  
Telefax: (502) 2221.4423 / (502) 2238.3579

**WITH A COPY TO:**

Embassy of Canada in Guatemala: Apartado Postal 400, Guatemala City, Guatemala, C.A.  
[gtmla@international.gc.ca](mailto:gtmla@international.gc.ca)

Doctor Sergio Fernando Morales Alvarado  
Procurador de Derechos Humanos [Human Rights Ombudsman]  
12 Avenida 12-72, zona 1  
Ciudad de Guatemala, Guatemala  
Telefax: (502) 2424.1717  
[gmasarriegos@pdh.org.gt/opdhg@intelnet.net.gt](mailto:gmasarriegos@pdh.org.gt/opdhg@intelnet.net.gt)

Lic. María Encarnación Mejía de Contreras (interina)  
Fiscal General de la República y Jefe del Ministerio Público [Interim Attorney General]  
8ª Avenida 10-67, Antiguo Edificio del Banco de los Trabajadores, Zona 1  
Ciudad de Guatemala, Guatemala

Telefax: (502) 2411.9124 / (502) 2411.9326  
[fiscalgeneral@mp.lex.gob.gt](mailto:fiscalgeneral@mp.lex.gob.gt)

Fiscalía Distrital de San Marcos [Attorney General's Office- San Marcos]  
7a Avenida A 8-06, zona 1  
San Marcos  
Telefono: (502) 7760.4355, (502) 7760.1051  
[fdsanmarcos@mp.gob.gt](mailto:fdsanmarcos@mp.gob.gt)

Lic. Rudy Castillo Ramirez  
Auxiliatura de la Procuraduría de Derechos Humanos [Human Rights Office - San Marcos]  
5ta Calle 7-34, Zona 2  
San Marcos, Guatemala  
Telefax (502) 7760-8087

Ruth del Valle  
Presidenta de la Comisión Presidencial Coordinadora de la Política del Ejecutivo en materia de  
Derechos Humanos - COPREDEH [Presidential Commission for Human Rights]  
2 Av. 10-50 Zona 9, Ciudad de Guatemala, Guatemala, C.A. 01009  
Fax (502): 2334-0119  
[coprekeh@coprekeh.gob.gt](mailto:coprekeh@coprekeh.gob.gt)



[www.kairoscanada.org](http://www.kairoscanada.org)

[info@kairoscanada.org](mailto:info@kairoscanada.org)

1 877 403 8933