

Saturday July 14th, 2012

[The Health Tribunal has about 500 people gathered right now on two stories (on the lower floor, people are watching a video livestreamed of the event.) We are listening to music and occasionally engaging in a sing-a-long. Things should start before too long.]

REGIONAL COORDINATOR, FREDEMI, SAN MIGUEL IXTAHUACAN:

We are going to start the tribunal. we appreciate everyone being here to celebrate life. Good morning brothers and sisters.

We are going to present a bit of the history of why and how this tribunal got started

This tribunal was developed to support the resistance, that is, our brothers and sisters who are here. We are here in San miguel ixtahuacan, in this important event that is the International Peoples Health Tribunal.

Various years ago, our people, that you can see around you, we began to realize what was happening. we are living through a period that we never expected. we never could have imagined that this would happen to us. so this tribunal is focused on examining the social damages that our community has been facing.

We also have friends here from Honduras and Mexico who have had similar experiences.

The compañera susana caxaj visited our community and told us, I need to know more about what is happening here.. because I am at a university, so I would like to know some of the attitudes of the people in your communities. So this study was started at the University of Western Ont. where she started her thesis work, and her fieldwork was the first step. after the first phase, she met with the community to tell them the preliminary

there were 6 proposals
and of those 6, we decided that we wanted to do a people's int'l health tribunal

so we are here to measure the impacts of the mining industry that is impacting us.

the tribunal is today and tomorrow. today we hear from the cases, and tomorrow we hear from the judges.

municipal authorities have also been invited, because we wanted representation from the municipalities. but we have not seen them yet,

there are members of the community's security committee (can they show

who they are). If there is any problem, they are here to help with it, and they are a great support.

Brothers and sisters from sipacapa are here. welcome. representatives from tejutla are here. [claps]. from cipilian, takalan. brothers and sisters from mam. those that are here. welcome to everyone.

I want you to know for health reasons. I know that there are children that are here. babies. there is a child care centre below... so if you need help, your children can stay down there. the services are open today, and we now consider this health tribunal open. thank you all. susana has been important in organizing this. thanks.

[INTRODUCE ALL OF THE JUDGES]

we work for the people who have this characteristic (harmony) to help us restore order.

...

that does not mean that he protects the interests of the powerful, but that he brings conclusion to justice. so for the moment we will ask, before this community, that you will swear to arrive at a conclusion based on what you have heard people say [claps] and also, each one of us, men and women, that we collaborate to give our energy to these people, these judges. we should hold each others hands, and unite our energy. let's rub our hands together first, to create energy. and we want to send our energy outward.

once you are ready, put your hands forward to put our energy to our brother and sister judges. thank you [claps]

take this opportunity the people in smi, in the four directions, that we are here. the guatemalan people are united! with one voice that we are sharing out loud! we are going to fight and we are going to continue to share the goals. we are very happy that we are all here, because we are living very difficult times in our country. but we still have time. there are many that don't know what is happening. for those that want to know more, you can go to 93.4fm [for english translation]

we would like to thank those who have worked to convene this: gustavo castro and carlos amador.

so now we call together gustavo castro and crisanta hernandez, carlos amador, who is from honduras. where are the people from honduras [claps]

thank you so much.

also more information at www.healthtribunal.org

ok. so gustavo castro from mexico. welcome!

good morning to everyone. thank you so much to the guate people for receiving us. I am gustavo castro here on behalf of the mexican delegation and for the M4 movement. the people in the communities and the leaders are saying enough. extractive industries are destroying communities, and the environment, and that is why we are here. in the last couple of years, we have seen how mining companies are using millions of liters of water in an

hour. and in the extraction of gold, the water that they use then has to be run through cyanide. tons of cyanide are used to extract the gold. and this leaves the communities in extreme poverty. the m4 movement has said enough. no more mining projects in our communities. in our own communities, we have also elided that this is not the development model that we want, because it bring poverty and sickness, and this is not the development we want. we have received solidarity from around the world. and we thank the judges who are here to day. and the sons and daughters.. they are the hope. they frame our struggles as it is radical, against development, but what we are fighting for is life. we are all here to show that the people are not alone, and the people are listening

to describe what hurts us as indigenous people. as women. to describe what has happened to us throughout history. they tricked us with mirrors. they took our lands. leaving us in areas that they thought were not worth anything. then what happened? we had the war that killed the indigenous people. so much blood was spilled. from there we say the politics of business and of powerful people. from then, we don't understand why we celebrate independence day. for us, the war for life continues. now in the ravines where they left us to have the most infertile land. now they tell us that they want this land, because that is where the riches are. so the injustice returns. we heard from our governments that there is no political will to protect us. but what they want is to exploit us. they have forgotten about us. there is much to say, but the most important thing is what the people decide. it is for this reason that we are standing up. we will not allow that they take this from us. for those that are here today.. i want to ask this question: are we ready to defend our lives {si!) el pueblo undo, hamas

carlos amador

thank you. i want to start with a greeting. life is defended with life. life is defended with life. the people united will never be defeated!

we have people from the syria valley, we have the results of what happened with the san martin mine. 10 years of operation, and it is done now 10 years of destruction. we have to defend our lives by standing up to them. we now have heavy metal contamination. our population is now drinking water from 10 years of mining. and what do the mining company say? oh no, it was like this before. we have people who have been displaced from their land, who have lived there for 100s of year. we have many that have been affected in their health. why do the transnational mining companies who come from canada only care about money money money, and don't care about about us people we are suffering from 10 years of destructive mining. they are killing us slowly. the honduran gov is helping them...

we are here to give to testimony to say what mining companies di. it is not true that they bring

so now we have one single breath, and we will fight.

announcer:

from santa ralia community radio station (this is the radio station that is hearing us at the moment. we must stand up, and no one will be left behind. this is what we need.)

[they show a video, which you can find on the mining injustice youtube

channel] [everyone claps!]

so we are going to continue with this. we want to thank the people with the media. the different radio stations who are also transmitting live. thank you very much to the radio stations who are following this activity

so we are going to receive one of the women who is going to give us her testimony. central american centre for spirituality. from this moment we will do the testimony, and we ask for everyone's respect. respect everyone's word and remember that is not just their testimony, but the testimony of their entire community. if a person cries, we will support them. if it necessary to clap, that is ok. but please to laughter or making fun of people. please come with open hearts to hear about their experiences, both individually and as a group.

we want to welcome the 12 communities of san juan zapatecas. each time there are more of us. we also want to announce that if there are children who feel hot, we have a space down there and a person to help you feel more comfortable.

so now we are going to welcome miguel mihangos, who is already here. so that susana

miguel is to present the case of mexico.

for us this event has a great level of importance. this is a struggle that has been going on for several years. unfortunately, we think that it will continue for several years. this tribunal is a way to advance in a big step to collectively shed light on what we experience from mining. I work for

the case that we are going to present to you, is the case in the state of guerrero. this community is very interesting for a number of reasons.

we are going to be talking about what we interpret as what we identify as health harms to the community, that we believe are directly related to the open pit mining. as you can see (shows slide) this is previous to the mine, where there were still argi lands. this mine has open pit and subterranean mining. this is what it looked like in 2006, and this is what it looks like now. as you can see, where the los fillos mine is, it is a crater. the first difference is that the community is just 900 m from the mine. so it is linked to the entire process of mining. so what are people telling us? for this discussion, we are not just talking about health, but it is also how we see health in a more wholistic sense, general well-being. we can't lose sight of this fact. we are not just talking about physical harms (though those are also very relevant)

what we have been talking about. dr. juan almdares came to our community and shared his experience. one of the principal causes has to do with the fact that they are extremely exposed to mining components in a permanent way.

the dust is one of the gravest problem. people said that before the dust didn't harm us, but now.. they realize that the dust is filled with harmful components of open pit mining. in this sense, it has led to different effects. the most relevance are the physical harms, but there is also a social aspect

to this. how is GC impacting the social health? there is also a political problem in the community, which i imagine the communities here are going through. and there is also an increasing problem, that may overwhelm us, which has to do with the issue of security. in the end, the mine is a power, and some of the organized crime groups want to link themselves with that power.

this images are recurring issues in the community. all of the time, it take seconds for a table to fill with dust. the community is always exposed to heavy metals, salts, like arsenic. these materials are caused but he explosions. 2-5 every day. and by removing some of this material, we see how they deposit it in the excavation pits.

this is also a fishing area, and this is a source of need for the community (we need food, so it is directly affecting them). with the rains that go through the leaching pads.

the community authorities are going to give a testimony for what we are saying today. dr. juan almdares asked that a water study be made. what we have learned is that we have to rigourously document these impacts more than its impacts on people. we need this for a legal case, and for gov accountability. this is what we started to do. we have started with 8 people from a broad array of people in the community.

gustavo will distribute these documents. they are the results of the lab analysis. as well as a clinical analysis of the doctor that worked with juan almdares. so beyond the obvious symptoms, what other things should we be looking at? their work is very important, and I want to thank them

so just to quickly go over what is happening. we have some community promoters. and in 2 months we did a census. everyone has at least one member of their family that has a negative impact from the mine. everyone has one person that is sick. of court, in some families, everyone is sick

25 premature births within one group of women. 60% of them in the past 2 years. so that is a direct effect of the mine. this mine has only been working for 5 years. so this is a young mine, but he harms are extremely aggressive. of those 25 premature births, 16 died.

in terms of the water, we talked a bit about this. obviously the mine dries up the water resources, and pollutes other. so for example. we see this photograph here. the photo is one of the main water sources. and look at the hose there.

the company 10 km away has huge hoses t

66% of families who participated in census have harms to their skin. so 400 people have harms to skin. in dry season, it is much more serious, and 74% of families have some one with harms to their eyes. if we consider not just the family, but the population about 45% of the population have this condition.

18% have problems with hearing (from the explosions.) this is particularly true of the workers. 25% have this problem over 30% have hair loss.

44% have breathing issues, asthma.

and in terms of the nervous system. about 40% has a permanent sore throat, or depression or anxiety.

in terms of bones, about 32% complained about have pains in their bones. and 5 deaths are directly related to work at the mine. the last 3 were related to an explosion. supposedly only 3 people died, but the population is still not sure. because when the explosion happened, they just cloud the mine and no info was given.

there was also someone poisoned by cyanide. a trash worker. she died 2 months later.

then there is the day to day problem. this is the testimony that we always receive. the workers by the lech pad are always getting intoxicated. they need oxygen while they work.

so when the community started to resist goldcorp, there was a lot of unity. there was a huge blockade. i remember.

today, unfortunately, the community is not fragmented. the mine has played a big role in that. this is a weakness in the resistance against the mine.

another issue is the disappearance of the culture around the mines.

the way of life has changed. 90% of traditional livelihoods have disappeared.

there used to be a series of customs, ceremonies, ways and customs. that has completely disappeared.

there is also an issue of trash. goldcorp refused to give an area to put the trash. this was denied for absurd technical reasons. before there was also a lot of wildlife. but in that region, there were decrees protecting the land for migrating birds and other wildlife, but this didn't stop the mine. it didn't matter then though here were explicit protections.

as you can see in the middle, there is a blue mountains (shows slide). and those are sulfates. this should be treated as a dangerous waste. but the company is taking it little by little, putting workers at extreme risk, at the lands that we showed you earlier. this is extremely endangers and risky.

now I will give the mic to 2 community members, and we also have a short video

my name is petra. i want to talk to you about what has happened to me. when I was pregnant with my first baby, he was born with a malformation of his head. in my second pregnancy at seven months, I started to get an itch all over my body. i would scratch until having blood and I would have blisters. it was a strange itch, I couldn't handle it. I had it in the early stages of my babies birth, at 7 months. the doctors did not want to treat me, so I went far away because my baby has weak lungs and they said he might die. that is all I have to share.

petra's husband will now talk to us. he works at the mine. hopefully the

reporters will not use his name.

good morning, my name is HHHH, what I would like to share with you. what you saw.. the case of the cyanide. and when it is rainy season this vapour, i worked to pick up some of the residual waste. I would get itching nausea, aches. I have a brother in law, and his throat started hurting and immediately a supervisor saw him, they took him to the clinic, and the doctor said "did you take something? and he said no." believe me it is not nice to work there. the supervisor went to see him (in the area where the sulfates are), and they just started laughing at us, and it made me almost want to cry, because they didn't take into account what he was going through. as a worker, one tries to do their work in the best way possible but we are exposed to these toxins that the earth now contains. and when it is hot, the smell rises. even if you are far away, you still get the smell.

what we are most concerned about is the communities. they are always sick, they have a cold, they have fever. and often there is no one to attend to them.

right now I'm working in another area. and when you go with a truck to load things, you need to shut off the air conditioning, and it gets very hot, and we can't last the 20 min we are required to load everything and leave. so there have been a lot of complaints about this and the conditions. what can we do? and when we ask the company to increase our wages, they refuse.

and in terms of where they are depositing the sulfur. this is something that is extremely acidic. so where they are depositing this material, and you know maybe it is 15 min away from where the water sources are. so this is now what we are seeing. the nausea, the vomit. we have told the engineers, we told them that we can't take it. but they just watch from their trucks and don't pay attention to our complaints.

[play video]

all of these issues are very important. I hope you aren't feeling tired or bored.

we will now hear the testimonies from San Miguel

we will first hear from Innes Miguel:

good afternoon all of you. I live in the community of siete platos. I am going to talk about the various things that have happened in my life since the mine came in.

so when the mine came in we started talking about the different effects that the mine was having on our lives. I never was silenced. I would talk about many of the effects of the mine. what was happening with the water. what was happening with the cracks in the earth. when I would talk about these things. the skin diseases. the children the adults are very affected. when I would say in a healthy environment with clean water in San Jose we have already had one of the water sources that have dried out. in Sipacapa, we have no water.. so what is the mine going to bring us?

here, I am excluded. I am seen as the enemy for saying these things. when we talk about these things, we are talking in the defence of life. we can't just

let people harm and damage our lives. I've always defended this, and for this I have already received a threat from the local authority where I live now. They have told me that I need to be quiet about what is happening or could happen. they've told me not to continue talking, because supposedly the mine helps us. but I will not be quiet. the mine has now threatened my life. I was attacked in my own home and people came to my home June 28th of last year. so now they've intimidated me. so that I would no longer speak out as a health promoter and community leader. it is six times now that they have threatened me. they have even threatened to kill me. so I ask all of you that there be justice and this mine no longer threatens our lives.

now deodora hernandez:

good afternoon to all. i am edgar and I will be translating from mam into spanish.

first of all, when they came, they opened up the road without our permission. i wasn't told anything.

they've always said the land that I have they've always wanted to buy her land and have threatened her for not wanting to sell it. once i had my grandson in my arms, and they put a machete to my next. it wasn't until my grandson cried. that is what saved my life.

and the mine has paid people to threaten me.

I don't live on the land where they currently put one of the limits. but they tell me that I am stealing that land. on one occasion they came.

I am respecting the limits on the land, but they tell me that I am stealing the land.

Since the beginning, the animals that I have on the other side of the river. they drank the water and died. my dogs have also died and also have serious skin problems. it is a very sad life that we are all living.

this what they have done and continue to do, and I have done no other crime than not wanting to sell my land.

the engineers have come to my home and have said that I have to sell my land, but in my thoughts I say no! I don't have to sell to anyone.

thy a say "why didn't I die once and for all when they shot at me" they even tell me about my clothing, but I will not sell my land to anyone.

I sent a complaint to the police, but there has been no justice for what they did.

why does the government say that my land is theirs, when it is not.

they have also excluded me from the community and have started to exclude my children.

now I want to present my complaint before this tribunal. the company has caused a lot of problem. because I have defended my right, my community, and also the water and natural resources... all that makes our life. the company has only come to destroy our lives and communities. in 2008, the company placed a warrant of arrest against me and 8 other women. and in

2010 I was apprehended. and sent other police to silence our voices.

also the company has bought off the will of the cocodes [municipal authorities]

the communities came together with the cocodes [municipal authorities] and cut off a project that I had for clean water. these are the problem that the company has caused.

the water sources are also drying up where the company is using it. and the company continues to buy up more land, which is very concerning for us.

first of all, we have been resisting. we have been holding meetings on how to resist

...

so we've continued to talk to community members about the harms caused by the mine. but the mine has also started to organize meetings to go against us who defend the land and the water.

so one of the community authorities was told to detain me and throw me in jail.

the threats continue just this week, there has been threats against one of the community leaders. since I live about 3 hours away from here. so we also try to meet with people from those communities and see what problems they are experiencing. really the mine has always tried to deceive the people of SMI. and we want the gov to defend our rights. we want that they leave so we can be free [claps]

all of us have rights to an integral development

but the mine's main strategy is to divide us, supporting main people in the community to divide us.

there have been people that have come into our communities and tried to deceive us. it is clear that what the mine has brought are problems and harms

another testifier: babaca

judges of the tribunal and to a lot of you who are here. good afternoon!

I would like to talk more about this complaint about this situation that the people of san miguel are presenting. all of us need land to feed us, and it is sad what the mine is doing to the land.

all of these problems (to the land, water, air) we feel as if they are killing us with fire.

and we present this complaint before the judges. that we value our lives. this is of high value, and the company is destroying them. the company cannot pay for our lives. we have to talk about what the company is doing, because it is killing our life. unfortunately our community authorities have not supported us. he has never wanted to support or help us. never wanted to see what the mine is doing.

he was invited to come here, but he has never wanted to show his face. so please take into account our complaint. this is what I would like to share, because it is very sad the pains and the harms being caused by this company. the land, the air, the water.. this struggle is not for us, but those

who have not yet been born.

they want to use our taxes to pay for the damages of the mine, but we are a poor country, which is why we demand that the company pay for this.

Now we are going to hear the testimony from the representative of community of La Florida

When we went to defend our land. where does the water come from. it is born out of the earth, of the rocks. so when they use this water to wash the rocks from which they extract and they leave the waste our country. thank you from our community. in 2010 they accused us wrongly, they said that when we were trying to defend our lands. they've accused us of violence and trying to cause harms, which is unjust and untrue.

new testimony: (Identity TBA)

brothers and sisters: good afternoon to all of you. I've come to talk about our municipality of San Miguel Ixtahuacan. it is completely divided. and that is because goldcorp has bought off our authorities. mainly the COCODES, but also other community authorities. our municipality is completely destroyed. the divisions have happened between families, in schools, between neighbours.. all of this has happened because of the mine. They have not been good. Thank you to all of the judges who are here to hear our words in this municipality. this is what I have seen with my own eyes.

new testimony: (Mattias)

I want to talk about what has happened

discriminate and manipulated. now prostitution, crime, pollution of mother earth. all of the workers, the cocodes, have beaten me up. when they are under the influence of alcohol, they come to my home and threaten me. The workers of the mine came out to threaten us with sticks that had nails and different sort of weapons to hit us. they took my food. and then they hit me. to young people went and dragged me and they dragged me. they started beating a friend who was next to me. and they also criminalized us. we have to pay \$7000 Q and in spite of this, these people continue to go after us.

after that we went to our community authorities. and they said that they didn't know anything. everything was fine. they were neutral. we just want to tell the company to leave us alone. to go home, to go back to their country, that god may forgive them. but before that, they need to pay the damages. we need to continue this struggle, because the struggle is to defend life and defend our territories

they will be judged one day. at the end of time, they will be judged.

new testimony: (Identity TBA)

so here we have represented the main problems that communities are living. we come here to clarify this to you.

when the mine came, they never told us. they did it without permission. what we want now, we don't want the mine here any longer.

The company says that it is giving us development, but I don't agree. what

we want is that they leave without causing more problems. in addition to that, we are going to be left with a desert. we want to talk about this with the municipal authority, but he doesn't listen to us. he is giving his back to his people.

he says we're black sheep. so if we are black sheep, then does that mean that we are not sons of god? but what we want is for the mine to leave our municipality. we are desperate because what are we join to leave our children?

a dessert, a community without water.

another testimony: (Identity TBA)

good afternoon. I am very worried because the company has not provided us with information or ask for our consent. as we have seen with the video, if you get sick, you can go to the clinic, but there is nobody there. we still have to go to pharmacies outside of town. but my main concern is that the municipal and federal gov's have given concessions without consent. where are we going to go? what will happen to us? because we are the owners of our lands. and these companies are coming in and imposing mega projects on our lands. we are in resistance, we have carried out community consultations to say that we don't want the company on our lands. we want to continue to care for and our love mother earth.

we are finishing with this first part, we are going to go have lunch soon. we have one last testimony.

another testimony (Identity TBA)

in the community of Siete Platos, we were threatened by the workers of the mine, and we were detained by them. we were attacked and harassed and [on] Feb 28, 2011 we were followed and shot at afterwards. the workers wanted to intimidate us, wanted us not to go out and defend our lives and now they call us anti-mining and want to make it so that we don't get any projects. but despite this, we continue. despite this aggression. there has also been division amongst families, between husband and wife, for example. our jobs to defend life, but they have stigmatized us.. saying we are the ones who do blockades. and now we are scared that they will carry out their threats. they have threatened us on their cell phones.

aniseto: these problems are very evident. there are a number of kids, for example, who everyday have nose bleeds. we need to examine the damages to the houses... and the mine continues to say that it is not their fault. so as we heard in the testimonies, the authorities don't want to get involved. so that is the importance of this tribunal, to see what happens, because the mine never talks about the bad things happening. soon we will go to lunch.

New Testimony from Sipacapa: Fausto Valiente

I'm going to talk about the alt development project. a story

and so when they eat, they are consuming dust
i don't want to mention the person's name, because of the people work in

the mine is only 1%
with regards to our project for alt. development.

some of the problems we have found is that the water is drying up close to the mine.

and this has impacts on our production

and in the summer time there is a scarcity of water

so it is hard to work in the months of summer

COPAEC has also found that the water is contaminated with studies

we also did a walk around the mine yesterday, and saw a discharge from the tailings pond. we believe it is an illegal discharge. it is contaminated water

with a ph of 10.6

it has a high conductivity compared to normal levels

we have a map to present.

right now in the month of march, there was a mobilization when they granted

6 licenses in the municipality of Sipacapa, which encompasses our

community, when we have voted to not grant mining licenses.

the idea is it to do open pit mining and process it in San Miguel.

one area, hamlet chicoyo, they have a mining licence called los chicoyo

this is where there is a lot of interest to extract minerals.

also the mayor is interested in buying some machinery to open up highway

roads. behind all of this is the health centre, that has no medicine. the

people that go there, they don't find anything. they just get a prescription.

they don't have their own medications there.

i will leave the time to our other friend here from Sipacapa, which

neighbours SMI.

new testimony: from sipakapa

good afternoon.

we want to detail the consequences that we've been feeling as a result of the contamination. when the company first came and set up in SMI and in

Sipakapa, where they violated our rights. they began to install their

installations. and so we just want to demonstrate our rejection of this

company. it has brought destruction and death. in this space, we would like

to denounce for the violation of the rights of the original peoples and the

leaders of sipakapa. we want to let you know how we feel as a result of

montanya's operations

large scale has venous impacts on our rights. rights found in the constitution

in guate, and ilo 169

rights to live in healthily environment, territorial rights, rights to autonomous

development. According the the ministry of energy and mines, the territory

of sipacapa has been granted in mining titles, where they are also

requesting the use of water, which is extremely important to the residents.

this development model does not favour the majority of people in sipacapa.

the populations of the following communities are presenting this situation

where we produce coffee, nuts, fruit, according to the ancestral cycles. but

this is being put in jeopardy for the extraction of gold

we are leaving a legacy of destruction for our children

it is affecting native forests, the native population. it is also causing other ills: persecution, intimidation, alcoholism, prostitution, addiction. and rising cost of life. and the excuse for this impoverishment is short term employment for only 1% of the population.

mining requires highly skilled labour, while it is resulting in health problems for people that don't work at the mine. respiratory, skin problems, that can become cancerous.

we also see an aggravation of enviro problems. and competition with the use of lands for agriculture.

and for this reason, we are demanding clarity for the communities of sipacapa: of the ministry of E&M, and the guatemalan government. we express a rejection of these mining projects and demand an investigation into these mining companies and their impacts. the state agencies in their decision-making over the granting of these mining licenses.

and we have come to express our feelings as human being. the company for us is a mortal illness. we want justice. the people united will never be conquered. we are going to struggle until death. thank you. long live the sipakapans!

[show a map of sipakapa and the block in red is where goldcorp is operating. then the other square represent mining licenses that were granted in march of this year by the current gov.]

this continues to have impacts on indig. people, and they continue to make these deals in their offices far away

we want sipacapa to be free of mining licenses. thank you very much.

Delegation from Honduras:

good afternoon

my greetings to the panel, organizers, everyone here. raina guerro, from honduras. part of the enviro committee of the syria valley, located in the centre of honduras. three municipalities where goldcorp has been operating and it's mining license covers parts of the three municipalities. they started operating in the 90's. operated for 10 years and is now in the process of closure. the gov's terms is not up, because it has not complied with the terms of the community. the petitions of the community have not been listened too. with health impacts. this is what we will focus on today.

the effects of contamination have been through the dust, esp. in port venire. as well the contamination of water is a big impacts. we have Acid Mine drainage. the contamination reaches the local streams during the rainy season. it then reaches the community and the community drink it. 4 years ago, they had to close a well as a result of arsenic pollution. and there are people who consumed this water. when we talk about serious issues with water contamination. the syria valley enviro committee (with partners in canada) has carried out an analysis. we have found lead, arsenic in the blood of the local population. when the state did this same analysis, they did not release the results for 4 years. we just released the results of a study done years ago. and they have done nothing.

but the problem doesn't stay there.. they are cumulative. the problems have

been increasing the aggravation of the condition of those affected. we brought evidence of the health impacts of the local residents. I want to share with you this series of images. of what we are seeing in quite a few members of the local population, which we attribute to goldcorp.

one problem you can see here is skin loss, skin problems, sores. several years ago, one of the goldcorp reps said that this was due to the hygiene of the local population. but people also are starting to get skin coloration these babies were born dad.

this looks like a fungal growth. if this is what people call progress, I simply don't understand. this is going to be the result of mining operations here in SMI, that is why we have been against this company.

these images don't need any comment.

just recently they carried a medical brigade, to show how the skin diseases have grown more serious. as a committee they've been opposed to the closure plan, because until people are compensated.

we are opposed to the mine and it's foundation. meanwhile the gov has tried to push a new mining law, with the help of the canadian gov. this is not just. we have to struggle against this company [chants and cheers]

we will now hear from **Dr Juan Almdares** [big applause]

greetings. first I'd like to stay that this popular tribunal makes us a bit more aware. an opportunity to share the results of a team of 5 medical specialists. to be a dr. the struggle against mining is a serious commitment. also acknowledge our technical team. women from the community that have designed and worked on this project.

and I'd like to emphasize that these initiatives are only possible when you have an organized community, which have been persecuted, but remain strong none-the-less.

this image is to demonstrate where the rivers flows in these communities. and when rivers start to die, so do the communities that live near them.

i want to emphasize something very important. it is often thought that the people are ignorant, they don't think. but i want to recall that the peoples and recognize this important struggle and the struggle of our communities to defend our rights.

this images is to give you an idea of the health of all of life. we have to see this holistic health because when we are struggling against mining, we are struggling against the future damage of future generations.

when i went to Caracarillos in MX, I saw an accelerated version of the Syria valley. I saw a community in prison.

one of the impacts has been fragmentation. our people and our communities have been invaded by capital which is there to exploit people. it has really affected the development of our peoples. it has been opposed to the development of our people.

first I want to talk about the environment. the impact on the environment is a blow to the wellbeing of people.

it is very important that this is not just the result of mining. we need to look together at the problem of mining with the regulation of water as well. we have to understand that this toxic substances effectively toxic arms. that three toxins can remain in the environment for 100s of years. we have an accumulation of these toxins in our environment. this results in cancers. infectious disease.

historically there has been mining in honduras. mexico as well. we are continued to be treated as human waste.

this obliges us to think in a serious way about these synergies. it has devastating effects on men and women. and there have been the workers one the mine, which in our communities are relatively few, bt is it really the women who have been the worst affected. we understand that these chemicals like chromium have caused the suffering in our communities. we know that this lead that can be taken out of the ground and sent north can be sent back as arms. we cannot give concessions to the government and companies. each concession is a concession of death. we have to understand that these arms then come back to repress our peoples. the mines in our countries have been protected by the armed forces. I'm not going to get into this schematic here.

I want to say the before being a scientist I am a man of the people. when we complain about the illnesses in the syria valley. We've put together a group of academics to look at the impacts of the skin issue. there were two women dermatologists who were in the brigade and they said that..... the mining really corrupts everything in its way. deputies, presidents. mining companies in our country were in support of the coup in 2009.

as our guatemalan sister said earlier, we are not just here to save ourselves but to save the world.

we're going to hear testimonies here of people who have suffered. I want to say that there are more serious issues than what you will see here.. but they could not come. some have been intimidated. I want to say to you that when you become an academic or oaf high standing that you do not become corrupt. because mining corrupts. we must be incorruptible. {he says something loud.. everyone claps!]

from the community for peder man. there have been a number of people to have medical examinations. it shaw been affecting my health. that's all that I wanted to say,

olanda occosta:

I'm from the syria valley. i started to lose hair. they have also found levels of lead and arsenic in my blood.

louis mendoza:

greetings. i want to show you the problem that I have (takes off shirt]

thanks to louis mendoza for his courage. sharing with us a little bit about what development in our communities really means.

ángel torres: this is going to be a brief explanation. I worked for 8 years in the environmental section in the mine. I planted the trees for reclamation. and then I saw them burning the boxes which contained cyanide. the cardboard and the plastic bags. and I told my boss, and my boss was from costa rica. I told him I need a mask, because I'm going to absorb the smoke. the cyanide could jeopardize our health. but for four years, I breathed this in. and I am here thanks to God.

it has given me problems in my fingers and in my toes. I am not well. I have tingling in my toes and fingers and I went to the medical clinic at the mine. I told them what was going on. he made a call to tegulucigalpa. made an appointment with 6 specialists. they put me on a cot with my clothes off and asked me what chemicals I had worked with. and I told them about the cyanide. and they said that I could be dying. they did some very expensive exams. and fortunately, I understand that this might have been paid for by the company, but the necessary fee wasn't available. the doctor asked me how much I thought one of the boxes was worth? 50,000 limpid. each box. so I tell you that I have been infected. they mean death. women, children, grazing animals. all of those are affected. I have chronic leukaemia. and I will have to take that medicine for the rest of my life. if I don't take the medicine, I won't survive. thank you all.

a woman testifies:

what the mine has left is poisoning our blood. we don't have water.

so now we are going to hear from rodolfo

Rodolfo:

good afternoon.

i know we've talked about the problems that are brought on by these mining companies. I was one of the people who was displaced in the year 2000 by the mine, a subsidiary of goldcorp. they arrive in 96 and did 4 years of exploring. then the extraction of gold. at that moment, they said that my entire community would have to be displaced. since that moment. I've been threatened and harassed. since the company did not want me to be speaking about the company. in all honesty, I have suffered. harassments and threats, even from people within my community. but I am still here. I am still stand. And I just pray to God that he continues to give me the strength to continue.

where the leaching pads are, there have been reports from the national university of Honduras that the company within the leaching pads, received 55 million tons of material to retrieve gold, silver. but in order to do that, much cyanide must be used. there have been a diversity of metals that had caused serious damages to water in the ground and also subterranean sources of water.

it was investigated that a water source that was used by great numbers of people was contaminated. due to the arsenic poisonings. lots of miscarriages and problems with birth. also psychological damages to the mothers.

In my case, I also went through tests, and high levels of chrome and arsenic were found in our blood. I say to all of you. we need to be aware of these mining company. it is hard for us to face, but if we do it in a unified way, then there is a change. north america, central america, south america. all of us. we have to come together. here, all of us are united, we can not work with borders. we have to live and fight for this right. the way that I've done it for 12 years, when we have to continue fighting. I wish I could talk more, but time does not allow it. [chants, claps]

women from syria:

the committee for the defence of syria valley will continue to fight and make demands of the gov. the ex-workers are getting organized to fight goldcorp. goldcorp wants to wash its hands and not pay attention, so they are not given necessary attention to the ex-workers of the mine.

a man with white hair:in our communities, there for over 40 of us who are very seriously ill. there is infertility, for example the women who worked in the kitchen, many of them have had problems with infertility, and needed their wombs removed.

woman: we demand justice above all. we haven't found it in our authorities, in our governments. and we hope that this activity will have some impact. but we also hope from justice from up above. from god.

[a song]

we will start with introductions

my name is Juan Almeyda, i am from honduras. i am a doctor. I am also a psychologist and an investigator.

my name nely rivera and I am a social worker. I am part of eh anti-mining movement in El Salvador, but my interest has been in transborder mining impacts.

susana caxaj, i am a nurse and community health researcher at the university of western ontario

amanda fuller. from the us. studying political science and the political impacts of the marlin mine.

I am from the pastoral commission on mpacc an ecology COPAE from San Marcos. I am working on the community level. working with community members that are affected around the marlin mine.

i work for the centre for investigation and human rights in guatemala

Ruik hernandez. my specialty is a mine in san luis potosi. I'm from the network of communities impacted by mining REMA.

now we'll hear from the judges.

robert woodland: my question is fundamental to all of you, esp. in honduras, guate, and mex do you have a mechanism with which you can resolve

technical uncertainties. there is always uncertainties and anomalies. are you able to look at the mine when you want to? are you in regular communication with the mine? is there a place to lodge complaints when you have them?

Juan: First I want to say that our experience, we don't have any relationship with the miners. second, our personal experience. when the media interviews us. they ask what our proposal is. if we don't want mining, what do we want? our answer is that they should just go.

in the case of ____ there is a dialogue table under the auspices of negotiating a contract and to talk about the enviro impact assessment. so that's how we have access to most of the documents. we do have doubts.

In the case of Guatemala, you have to understand that not in the website or in their offices is there a formal mechanism for people who have complaints to voice those. regarding what info is available to the community. 2 yrs ago, we got a new FOI law... but the info in the ministries are so technical that they don't help. they are almost unreadable. it maintains the uncertainty. so part of the FOI law should be that the info is useable, but right now it is not. Also, about lodging complaints. it doesn't exist. not in the communities.

MX has various Access to Info laws.. so we do have this route we can use. however, the state, doesn't give importance to those requests. it's a relationship of corruption to prevent and legitimize actions of the companies.

Kathryn: one element is legal assistance that we have.

this is a question for COPAE: what are the effects that you have been able to detect around the water quality.

COPAE has 5 years that it has been working on monitoring waters. last year we started wells as well. we have seen that the highest concentrations of magnesium, cadmiun, arsenic, lead and these levels are above the norms set by the WHO. above and below the mines we have detected this, but highest concentration in the middle and below the mine.

Juan: contamination can last more than a century. the acceptable levels of toxins have also decreased over the years, science can be influenced by power. also water contamination isn't just around the mine, but can extend for large distances.

susana: to add to what the doctor said: what we are seeing hear and what we don't know yet are the commutative impacts. this has an impact that we actually can't quantify yet, and people are becoming more vulnerable, esp with the uncertainty. it is also over the long term.

I just wanted to add one thing that is very important. mining companies study certain metals. i.e. lead and arsenic, but this the potential for many more metals that are present and this cumulative effect. the gov's could do this with very low cost, but they do not want to because the environmental and social impact assessments are done by the mining companies. it is important to do a baseline study before a mine exists. you also need to do a baseline study of the illnesses. in Honduras, they never did this. we have to learn from our mistakes. rashes from people in honduras have risen to

exaggerated levels, where 60% of people have problems. it is even worse in Mexico.

They've [Goldcorp] been winning this space, they've maintained the image of a quote on quote socially responsible company and we've seen the other face of this company, their irresponsible one. We're seeing that we also must see that governments have taken advantage of this image and benefited from it. So how can we confront this problem? What's the strategy with all of this information and data demonstrating that the company is threatening the lives of the communities in which they're operating and when there's no legal way to prevent a company from entering a community? There's also not a legal mechanism to protect land even when it's land from indigenous people. There's no way to stop these concessions, to stop a company from getting a license, like one of our friends has just said, the governments grant licenses wherever they want and there's no way to involve oneself in the process, so what are the strategies?

I think we see the failure of an economic model, the transnational companies are imposing their power and in this process it's not just mining companies that come and do whatever they want, they also do it in Canada, US, elsewhere. They do it in a different way because they know that our governments are willing to serve their interests. We need to use the logic not of the market, but of life. We need to be aware of the goods we have. Goldcorp said in their AGM that we don't have any interest in El Salvador, but in El Salvador we have a huge resistance against Goldcorp. We're a small country compared to Guatemala, but you can't ignore us. Guatemala says that El Salvador doesn't have any say in the licenses granted for the CERro Blanco mine because it's on Guatemalan territory. So they're willing to sacrifice El Salvadoran territory, but we have the same blood. We need to unite because capital is in crisis right now.

The question seems very important to me and I think that the decision from this tribunal is historic because health is really not something that mining companies take notice of, but they're the cause of the sickness and illness

...Dr Juan Almeyda, ...life doesn't matter to them. Ask yourself, is the mining company responsible, can we hold them responsible for the corruption of the presidents and the mayors. If we want to transform this context, we need to transform society. But we need a process that can clean the conscience of the people who govern. We have silence from universities. It's not the most educated people who are fighting these fights, but the poor. We need to transform the consciousness for many people. We have too few lawyers in the social movement and many work for the companies, that's who defends them. We need the right of the people and the only one who can push for this are the people themselves. Although I'm anti-imperialistic, we can be united with US people. We need science and investigation, but we also need ethics. We heard today lots of different testimonies. Goldcorp in Honduras will leave a museum of mining. We don't have Mayan ruins in our countries, we have temples. A living history. We need a consciousness, a revolutionary consciousness.

US Expert: We've heard a series of important questions. How the company can be held accountable, nationally, regionally or internationally. I'm from the US where the company's incorporated, also in Canada. But there are many

people who have no idea what we're talking about and they believe the discourse that mining brings development. They don't know to ask for more than this. But the reality is that obviously people in other countries live a different reality. And there are difficulties that are presented on a daily basis for those that live with mining operations next to them, but this is not something that is taken into consideration when we think about it. There are mechanisms, legal ways of holding companies accountable. They're limited, but they do exist.

Guatemalan Expert: I want to mention three things. First, Guatemala has precautionary measures that were issued in 2010 ordering that the Marlin mine be suspended, but the previous government and this one refused to implement this and precautionary measures are meant to protect the health and life of people, in this case in San Miguel Ixtahuacán and Sipakapa. So the IACHR plays an important role, but needs to be more active to protect people from the companies. Secondly, in the case of Guatemala, our government has been increasingly combative against human rights and unwilling to protect the rights of people. Third, in the realm of the legal routes, the human rights ombudsman should be in charge of guaranteeing the collective rights of people, but to date has not used its power or influence to protect their rights of people when that's the institution that should really be doing it. And we really need campaigns for more information in the case of Goldcorp in Guatemala, we need to mention also that there are laws that regulate exports. This law permits to avoid to pay any taxes on exports for 10 years. In 2006, the company said it would voluntarily pay a certain amount of taxes toward the government, which shows the government's unwillingness to negotiate with the company what it deserves. Now the government has agreed with the company to increase the royalties from 1 to 5 %. Goldcorp says it is doing this out of its good will. Meanwhile, Goldcorp is paying 5% of royalties, it's make huge profits. In 2007, the human rights ombudsman did an inspection of the Marlin mine and it found that it was subcontracting and that these contracts didn't ensure that labour rights were respected, that there were lots of other facts that showed that this "famous" Corporate social responsibility didn't really exist.

COPAE: To respond to the second question, the neighbours asked what can we do to prevent what can we do to prevent the mine from coming. So they held a community referendum, which is what took place in Sipakapa. The answer was a resounding no against the mine. This is the kind of process that we are undertaking and they're valid. It's the right of people to be consulted, to give their consented, the government has to respect this. But instead the government acts in favour of the companies.

Rurik, FAO Mexico: We have asked the different spaces available for recourse, there are spaces in the UN. There are various cases in front of the IACHR. But the legal resources can also be legislation against open pit mining, or under certain conditions, or against the use of cyanide, the extraction of certain minerals. This is another way to get around the mines we don't want. But it's not enough just to have legislation against certain types of mines. In the case of Carazalillo, even though we have the contract, Mexico didn't originally sign on to 169. But then in countries that have, it's still not respected. In June of last year, the IACHR and the ILO was accepted federally by Mexico, which means they must respect FPIC. In Mexico, but also across the continent, we must make sure that governments

respect the rights of peoples and communities and that has to happen before mining concessions are granted. There are various precepts and standards under which this can happen in order to make sure a mining concession is granted only have certain criteria have been achieved. I'm sorry I have to return to the idea of community referendums that development has to be through consultation and people have to elect if they want the mine or not and if that is what development looks like for them.

Question: I'd like to congratulate all of those who have spoken to day and all of the work that has gone into this tribunal. it's created some expectations for us. We were excited to come here and hear what you had to tell us. It's clear that mining based on your testimonies and the cosmovision and from the technical and scientific perspective, that we are confronting a huge challenge. And it's necessary to have studies to be able to prove what's happening, so I thank you for all your work. But we're realizing that the mining companies represent a challenge over two very vulnerable aspects of life, which are peace and health. There are new laws that protect health but there are also new challenges that we are facing. In case of the mine in Mexico, it's a picture of how this development, which is what they call it, has accelerated the changes that previously weren't present. So the question is if this challenge for health that we're also seeing as doctors and also in the social sense as well, the health impacts. the question is: as social workers if you're starting to imagine working with different sectors in order to confront this enormous challenge that we're facing, including all sorts of disciplines. El Salvador has set a precedent, having denied further licenses, and we need to hold this as an example. So, are you also thinking about linking your struggles because the links, the solidarity will reinforce and build the movement between everyone in all countries.

Dr Almindarez: It's an important question. When we're looking at critical reflection and scientifically, we sometimes forget to link it back to the people who are affected and bring it back to the community level. Who are really on the frontlines, the campesinos and the communities, but we need your knowledge, so we insist in a cohesive and integrated way of working. So if we want to analyze health and look at a productive family, we need to talk about not just one system, but all the systems of the body. Not just the body, but also the legal and social and psychological system. And as you imagine, for example, lead that is increasingly being found as a result of mining. It's not just lead, but how it affects the whole community. We need to integrate science, spirituality and the social conscience. If you're religious or not, the culture of our ancestors, the culture of our ancestors is important. The cosmovision means that rocks have value. The summit of a mountain is important and this can't be underestimated when looking at the technical implications of a mine because knowledge isn't just created in universities, also among people. But we do need to be able to respond theoretically and practically. We've all worked in this community of consciousness, which is how many of these fights against companies have sprung up. We need to listen to each other, to listen to each other's knowledge and wisdom. In the Siria Valley, there are people who have told me who I'm wrong, who have taught me a lot. We need science, but we need science with a conscience. We need architects, cartographers, artists, which is another form of knowledge. Our communities are capable of philosophizing and overcoming problems. Our people have not always been underdeveloped, the Maya were not underdeveloped.

Susana Caxaj: I just want to add a comment about what I've seen here. What the doctor says is quite true. You can't understand health without understanding reality. You need to consider other actors. People in Siete Platos say we need technical help to understand our situation and there are people who don't understand that this has an impact on health. But of course it has an impact. We've already discussed the discrimination against women and their ability to participate. And this is racism and this is a factor that also has a great impact on health. People who are discriminated against won't have a same opportunity to be healthy. Goldcorp, as well as other Canadian companies, 60% of mining companies are based in Canada, because there isn't respect and there isn't regulation for these companies. So we have an opportunity not just to ask things of the government of Mexico, Guatemala, and Honduras, but also the Canadian government and to hold it responsible for this company having entered a community without its consent and without the conditions under which they can live their lives.

Question: We'd like to know more about the studies and their effects.

Susana: A lot here have given their testimonies, but in order to talk about them in technical terms, it's also important to do these studies. So what I've seen and what a lot of people have shared with me is that the criminalization, the health harms, I'm not here to analyze the water, but to find these stories about people saying we're sick, or we don't have money how will we get cured, or if we don't have water how will we irrigate our crops. It's a strong psychological suffering on a collective level. There's a lot of alcoholism and a rise in HIV/AIDS, increased violence against women, violence, abuse, domestic violence. And of course the physical harms also have a profound psychological effect. People can't sleep or concentrate due to their anxiety. So the harms are psychological and physical and they're very strong.

Question: I want to say that I was very impacted by the testimonies of all of you and say that I'm very grateful. One thing is if there is someone who doesn't want to sell their land, they are seen as someone bad, this is terrible. They're considering their children and grandchildren, but they're seen as criminals. What are the impacts of criminalization and their relationship with the earth, with mother nature?

Guatemala: With regard to criminalization, in the last year, the situation of human rights defenders in Guatemala, the majority of the aggressions and harassments and threats are related to economic, cultural and social rights and particularly against human rights defending land and resource rights and indigenous rights, such as the carrying out of community consultations. Whether against mines or hydroelectric dams, we have seen a profound racism. And that many times this racist ideology is what has allowed for the genocide that occurred in this country and that now we see similar situations, but coming from private sector actors, so I believe this criminalization persists and is promoted on behalf of the state. And also because of the role of the media, many times financed by the private sector, so that also plays a role.

Rurik, Mexico: To talk a bit more about this, something we have documented when we're talking about these types of conflicts in terms of criminalization

of social protest, when communities and individuals are seen as those who oppose, who are against progress and development, it puts them in an extreme place of vulnerability physically and psychologically. They're said to be those opposing that others in their communities can feed their kids and have good jobs because this is how these projects are promoted, emphasizing the economic side, and understating aspects related to the community, health the environment, and the relationship between communities and mother earth. So there's definitely a strong promotion on the part of the state to validate and protect these projects and when a community demands the respect to their rights, they are criminalized and repressed. They suffer harassments and deaths, and many times they're also pressured so they will leave the resistance and opposition to the mine.

Question: I would like to ask a question to th

Guatemala: being reviewed at the UN by the human rights council, part of the periodic review, and the human rights organizations in Guatemala have been documenting and registering these violations against human rights defenders. There's also now an instance that exists to analyse the threats against human rights defenders, but unfortunately it was weakened under the previous government and hasn't received the necessary resources to continue operating.

Nely, El Salvador: With regard to the criminalization of human rights defenders, we need to give it a lot of discussion and thought, in our country, for example when they detain us they want to say we are terrorists, so on a regional level we need to strengthen protections for human rights defenders. Recently, we had two kidnappings of Guatemala police and we went before the authorities in El Salvador and we said as long as you don't show that the situation we have suffered, if you don't show us the thorough research and investigation that says that what we have suffered is just due to organized crime, we will continue saying that it is Goldcorp that has kidnapped us. People are afraid to defend their rights particularly because of the involvement of other actors, drug traffickers and we need to prioritize this in our agendas. I want to congratulate all of the people and the judges. Particularly the doctors. It is important the role that the doctors are playing in this and that they can help us defend our right to life.

Question: I just wanted to say we will take you up on your word of having stronger participation.

Dr Almendarez: I just wanted to add that we have similar situations with some differences in Honduras, I think the fight for human rights joined to the fight for the environment needs to be joined and that hasn't necessarily been the case. Here there's a division, a fragmentation. What has divided us? Also those who violate human rights, so we need unity between these movements and I really think that human rights organizations need to see that it is the communities and organized peoples that really give the strength to any struggle.

We're going to close this part now. This has been an incredibly enriching day. We've had important discussions. The last activity, our closing activity for the day are some visual testimonies on behalf of the children.

We would invite the children to come forward.

DAY2

testimony from Costa Rica

We have a case against a Canadian mining company. we united forces with campesinos, farmers, universities, it was an effort of the communities, that then grew into a national articulation of our demands
it was this community effort that eventually led to the community movement
it was through this national consciousness that we were able to bring a trial against Infinito
the demand is that the company pay for the environmental damages that it has caused

about we had to be vigilante. it isn't enough if companies say that they have CSR

it isn't enough to have govs say that they will regulate

we have been uncovering the corruption between the state and the companies

one of the things that is most important for us is mobilization, and it has become a model for other countries like guate

I want to say that we are still not satisfied: even with the law and this case there are still other mining licenses

we don't want any mining.

our demand is that they leave

we are against mining

testimony 2 (male)

we were in the syria valley in january and it had a great impact on us to see the mining there

in costa rica we have achieved a couple of things and overcome significant obstacle. but that was 18 yrs in the making, and it was the result of the different communities and initiative and the efforts of society that we were able to do this.

we also required a lot of public information, and this led to us publishing a survey that 90% of population was against mining projects.

it important to be here. we are accompanying you.

testimony3 (man):

very happy to be here, and I see amongst us hope. sometimes this is something that we don't have when we are in the middle of a struggle and something that laws don't inspire.

we had a struggle to get this law past in Costa Rica. It was only through strong support in civil society

we still aren't free of mining, but it was an important step. thank you so much for having us

testimony4 (woman):

we did have someone who would testify as someone who had been affected. we want to apologize for all of the biologists and technicians who come from costa rica to work on mining project here. they don't represent

the costa rican people.

El Salvador Cabanas delegation:

good morning. thank guate community for hosting us.

in cabanas we are under threat of mining. and when we realised this we began to do our own studies. now we have 8 years behind our struggle. the first thing that is important in a struggle is to let people know that it is happening. second thing is forming alliances. the exchanges that we've had between communities and the participation of various doctors through forums and rallies. all of this has led to being able to stop the mining compnay from developing. but what we are seeing is that this is a lglobal trend. EIA are not public.

so what I want to say is that from teh grassroots, what you need is a unified effort and a unifeid front, that this can make a reisistance. in el salvador this has worked. because right now we dont have open pit mining in el salvador.

something else we need to take into consideration is that the mining companies didn't just stop their operations because they have good will but because they are obligated by law. and we need to recognize that in any way that we comply with a company, then we become complicit in thier actions. if we take part in operations, they we are complicit in the assassinations.

testimony2:

I come from Cabanas in el salvador. a municipatlity called el basco it has an artisanla mining liscense. and I want you to know about the experience we have had. is has been operating for a long time. and they have fought with everyone. they have created conflist with everyone. brothers and sisters.

the money isn't given away in a equal of fair way. so there's a discrepaency between who gets money.

we have a celebration in our comunty and the comapny decided that they would sponsor the fireworkjs

and just like they buyt the fireworks, they have bought mayors an judges and left us in ruin.

already we see that people are starting to rise up against them and organize. because we need to be prepared for this fight that is coming. we have now had a lot of years preparing.

because when they say. that they are going to do good things. but we're fighting for live

they know that they are just ants. because we are small. but even if a big cockroach dies, if there are a lot of ants, they can carry away the cockroach. if we unite we will be stronger. people united will never be defeated!

testimony 3:

juan carlos, rep of social movement in el salvador. we know that mining reps a huge threat. and in el salvdor we have a high population density. and where they want to beging mining explotration. it is an extrememly vulnerable area. so we are trying to give info to the community so they know what's coming. because it is possible if the mining company goes to el salvador that it will be the same in th esiria valley. we know the damage that can be caused to people and animals. so we are fortifying the resistance in our country. I want to thank the people of SMI, I knwo it is difficult. we are all

brothers and sisters and I respect your cosmivision. and it is a huge monster that you are fighting against, this company. the monster tries to break the will of the people. but it is water, life, land that we need to plant. the subsistence economies can live without gold.

test 4

ruben from cabanas. this is the hardest part to share with you. you already know that the mining company since 2009, the struggle had been going on for several years. 2009 began a wave of terror that started with the assassination of our companion Marcelo. they murdered him cruelly. then we saw a wave of threats against journalists and activists. and this is all because of Pacific Rim. that same year, at the end of the year in Dec. they killed Ramiro. they did it with an M16 rifle. although he had 3 bodyguards given to him by the state. and then to this day, the assassination has not been tried and they also killed Theodora, who was 8 months pregnant. they also killed her cruelly. this had never existed in our province before. but now we have problems up to our ears. they want to exploit our resources. we are facing danger. they killed a youth and the authorities don't say anything. he was a volunteer of the environment committee of Cabanas. we have already spilled blood and our martyrs. those that they have killed. they gave their lives for the struggle. in our dept. the authorities have sold out. this is what the struggle looks like. sometimes, despite the losses, we continue to fight, even when they kill. and we have awakened to the reality and we are against Pacific Rim the government must stop it.

we have a fear that they continue to give the exploration license. because the time is short and we continue to organize. we are standing up. we are not giving up we know we can live without gold but not water.

I want to talk about the Pacific Rim case. We sympathize with the plight of those affected in Guatemala. We know that the war affected people greatly, but we must stand up. Right now the government of El Salvador is more sympathetic. The M4 is a great movement and can help the struggles of those like you in San Miguel Ixtahuacan. Onward compañeros. We are all in this together.

So, thank you once again to everyone here in San Miguel Ixtahuacan.

Thank you to the delegations who have presented here today. Now we will be here from the Huistas, on the border with Chiapas. You can tune in at www.healthtribunal.org.

Now we will invite Olmedo from Panama to speak with us.

Good morning everyone. First, I want to take a moment to recognize the great effort that has been made here today and the struggles that are behind everyone who is here. We know that mining and hydroelectric project and climate change with most affect those who are already the most vulnerable. And, we know that also the ones who are going to change this scenario are the communities. They are the ones who w

They've basically sold us out to private investment. It's important to note that the development in Panama begins with the story of the Panama canal and imperialism. Today we are still seeing that popular opinion is not being

respected. There is a case that is going to the IACHR because of a case where there was a blockade that lasted more than a week by thousands of campesinos who blocked the road because of a proposed mining project.

What they saw is that many different civil society groups joined them. An indigenous group called Madababule entered into a dialogue with the government because they had already achieved a law that prevented any exploitation on their territory. What they were able to achieve was a huge victory. Panama is located in the biological corridor but we also have great wealth in terms of mineral resources and there is a mining company that wants to open a mine in this territory. They have manipulated the traditional media in terms of framing this project as something that would be good for the Panamanian people but this would only enrich those who aren't panamanian. It only enriches the transnational company. We've seen that power doesn't come from a presidential seat, it comes from the people. We create solidarity networks, even if its a repressed community, we unite ourselves. What we've seen here is that our culture is also our strength.

The music that we heard this morning, the dancing, and the administration of our alternative justice is equally important to confront the power that comes from the presidential seat. The results of today we won't only see today, but in practice going forward in future generations. It was our unity and our strength of conviction that allowed us to stand up and confront the president, Martinelli.

announcer: now we are going to hear from a rep from San Jose Del Golfo

testimony 1 (woman)

san pedro in San Jose Del Golfo. there we have a pacific resistance. it has last 4 months, during which in our 2 communities we have tried to resist a license for exploitation. and there is another one for exploration. we are trying to

testimony 2 (male)

we now have been in resistance for 4.5 months. we have spent every day and night at the entrance of the mine [everyone claps] we are putting up a pacific resistance because our rights have been violated. and we have rights, and the right to defend them.

we are in a struggle that hasn't been easy. it has been exhausting. there have been some provocation on march 2, we had something happen on the 14th of march. 4 people reaping the company tried to enter the mine, and our people stopped them. they tried again on the 15th. after this, there have been legal cases against us and accusations. but fortunately, we know that nonviolence in the way to move forward. we have not responded to their provocations. we don't want a state of siege.

despite one of our companeras was attacked. they shot at her. we've had some other confrontations. there have been gun shots. the last case happened after yolk was attacked. someone came and shot into the air and said that he was sorry for what had happened.

but what we understand is that the only way to have struggle is with nonviolence

testimony 3

i wish to say what happened on may 8. convoy of truck 200 police 40 anti-

riot police. we have been at the entrance of the mine in san jose. and they wouldn't let us pass (people who wanted to join the blockade. the state forces. because although there had been several in the encampment.

the military should be protecting us, not fighting us

testimony 4

we are in the dry quarter of Guatemala. some places only receive water 2 times a week. this project has 25 years of exploitation that can be developed. this is a serious threat to our life. they have the money and the influence. and what we have is faith in god

testimony 5 (woman)

to emphasize, we are working from the communities. this is crucial. we know that violence only creates more violence. so we are pacific and we hope that you will join us.

announcer: thank you for joining us [thanks everyone]

alfonzo ortiz from ccba, campesino committee of the highlands

there have been 100's of deaths related to mining. because of the mining code, children have been left orphaned. women have been widowed. I am strengthened hearing the testimonies from panama and elsewhere

as we can see.. across the world people are standing up and resisting mining projects. in guatemala, we have a difficult political context. but we are tired of being repressed. and we are tired of exporting our resources to other countries. it is not fair that other live in wealth while we live in a dessert.

testimony (man from san juan zapatecas)

thanks for receiving us

we want to recount for you. we hope that you can hear about what we have lived and what our struggle has been like.

in san juan, we are confronting cements progressos (a mining co)

we know that is ia a company that does mining and is not just about extracting cement, it is also about more than 30 different minerals. we have lived through a state of prevention that suspends out liberties. we have had our companeros in the struggle be criminalized. one is on house arrest for 50 years!

women have had miscarriages. but we have not gotten tired. everyday more people join us. we have been since 2011, since the change in the gov, we released that there is also a concession for 40 hectares of the forest to be given away. so we've been organizing around this as well. we have formed a permanent platform on behalf of the community, in order to protect ourselves and makes sure that our forests don't disappear. we also are threatened by the installation of a new military base that is clearly for the protection of the company. the military presence in our communities is serving and will cont to serve the interests of the company. but we know this so we will cont to resist.

announcer: thanks to presenters, media, brothers, sisters

i want to say that despite the threats, we are still in resistance. against the

company and the state that does not protect us. we want to be clear that the guatemalan people will maintain this struggle. because we protect our natural resources.

without this, we will be in poverty.
we want to protect our communities. right now we feel more united than ever, because our companeras throughout the americas are here with us.

now we will here from the community of isabel:

here is Angelica Choc

good morning. and welcome also to the authorities that are present here. we know very well that we are victims of the canadian mining companies. today we have with us 2 companeras who were raped by riot police. when will guate change and change the way they treat women?

what will happen if we don't act? we are Indigenous people, we have to protect ourselves

i want to share with you, my brother is a political prisoner, when will they execute the arrest warrant for Pedilla, the head of security of the company for murder.

we are defending our mother earth because we know that it is from her that we are able to eat and live.

the evictions that happened in 2007, we know that there are many state forces that participated. now, as a result of the eviction, we had a youth (who was nearby playing soccer) and he was struck by a bullet and now is paralyzed and has to use a wheelchair.

I want to tell you. listen to us! many have been bought by the mining companies. that have accept projects, taken money, taken gifts. don't listen to them. they tell lies. these small "solidarity packages" aren't worth anything, because when they destroy the land, we won't have anything. the companies actually never the communities. they have no idea what we live through, or that we have knowledge. they know nothing about it. they enter violently and without shame. just like in the 60's and 70's when they massacred our parents and grandparents. but we won't allow this to happen!

for those of you from canada, demand that your government regulate, because our government does not.

Maria choc (speaking in Indig. language)

[then speaking in spanish]

greetings from lake isabel. we are here to share experiences.

the quiche people of alto vera paz are suffering from the eviction and displacement of land and agrarian conflict. friends we are here gathered because we are all victims of violence and abuse. I am a sister of ramiro choc political prisoner of guatemala. he is in prison because he is a leader and spokesperson of the people. he was captured on march 14, sentenced to 8 years. why did they sentence him? because he spoke in his indigenous language. because he was a spokesperson for the indigenous people. many of us don't speak spanish. the state of guatemala is a trick. they tell us anything to convince us, and we say yes because we are confused. many times we are deceived. they say that it is a sure thing, the roads. but we say it is a sure thing: their lies. we don't see ourselves reflected in the media, but

we are here. in the 60' and 70's inco was in our communities and massacred hundreds of people. why didn't they hold accountable those that were responsible for the massacres done by inco?
the canadian companies come to kill us. to rape us. and violate our rights

we want earth, life, the ceiba tree. this is what we tell hudson. on the 17th of jan., 2011 women were gang raped. i say.. do we really have a peace accord? or is this another war. because these are the exact same tactics that are happening today. the 11 women who suffered [crying]. who lived that moment. they now have a case open in Canada because they have a right to justice. we are asking the representatives that don't have a heart to take heart and listen. german, a youth was injured and now has to use a wheelchair. since then, he is in the same state. do they feel comfortable? looking at him in his wheelchair? does he deserve to be in a wheelchair [everyone: no!]. we are not here to give you a document to show you that you have done something. here, we are truly sharing.
they shot him with a revolver. one of the security shot him. german is also seeking justice in canada [everyone claps]
german is an eye witness of what happened. I am also an eye witness. who among you would like to be able to recall in your mind the shots that were fired against a leader and his final moments?
is there any court verdict that can restore german so that he can walk?
we are conscious, but how long will it take to wake up to the reality of what the transnationals are doing in guatemala?

unfortunately, our representatives have only been interested in increasing their own personal wealth. and we the indigenous people must take steps. we must be non-violent and specific, despite the fact that they call us violent. we must be nonviolent in our culture in guatemala. we must let our leaders inspire us. we are sharing our experience and passion for mother earth. the birds and the trees and their calls to one another are our inspiration, and we have to listen to them.

get the mining companies out {claps}

how many more tears must be cried? much much more blood must be shed.? we continue with our resistance.

testimony (german chub)

let me tell you what they did to me. they shot me. i was at a football game, when the company came in front of the field and stopped. and at that moment started a fire fight. the company security shot at me. my life is difficult now. but it is not for that reason that I should keep my mouth shut. I am continuing to fight. thank you.

announcer: at this time I want to thank you for your messages. they have touched our heart. and we are with you.

announcer: our judges are...

milka pop (congressman):

just two congressmen can not do all of work. a law needs 105 votes. when the state of emergency was declared in _____, me and one other congressman fought against it, but it still passed. so this is another issue.. what kind of political system do we want? we need social movement representative in congress? we have not made our movements sufficiently political? some are against it? but right wing leaders get elected. and this should be a reflection

i am a congressman because I was elected by a coalition of the left. we can't be a stepping stone for right wing interests. it is not easy. it is humiliating. they take away all of our resources. because they do not want us to monitor them. but I am not here to complain.. but to offer... what I CAN do. for example, we can do something about the arrest warrant in el ester. i was a lawyer for many years and we fought for our lives, but nothing changed. I have the same convictions. we have to have strategic alliances. and there are things that we can do in the service of these struggles. I have found difficulties across the country. we can continue to monitor the concessions, which i believe are 100% illegal, but we don't yet have a strategic vision for how to carry this out. challenging this.

we can obtain information, this is something that we can do as congress. you can count on us. we have the unfortunate weight of being politicians. being accused of being corrupt politicians. so being about to carry out strategic alliances to defend our rights, we have not done what other congressmen have done. we have denounced 3 political leaders. one for stealing petroleum. we have discovered this robbery through taxes. i just wanted to let you know that there are some victories.

on the lands where the CNG are established. we have won a battle where a series of lands will be given to the niche people. there are some NGOs that are working against the indigo people. we need to support our brothers and sisters so that they do not sell. but now, canadian companies rent land. and a lot of people are accepting. so i do think that we need to be aware of the new strategies and be alert. our president has proposed 50 reforms to the constitution. and the constitutional reform has 3 proposals to have a new model to extract natural resources, to have a new repressive strategy regarding the military.

we need to be vigilant and see what kind of a state we really want.

so now the judges are going to read the verdict

The judges convened in the town of San Miguel, in the department of San Marcos, Guatemala, on days July 14-15 2012, starting at 9.30am on the 14th, ending at 1pm on the 15th.

The judges are from different countries and are specialists in the areas of health, environment and human rights. The purpose of the court was to hear the claims and testimonials from people affected by mining operations of Goldcorp in Carrizalillo in Guerrero, Mexico, Siria Valley in Francisco Morazan, Honduras, and San Miguel and Sipacapa in San Marcos, Guatemala.

CONTEXT:

GoldCorp is a mining company based in Vancouver, Canada and registered as a publicly-traded company on the Toronto Stock Exchange. Canada is the centre for international mining corporations due to the lax regulation which extractive industries enjoy in that country with respect to health, human rights, environmental protection and labour rights, for their activities in the rest of the world. In addition, the Canadian government, through its Department of Foreign Affairs and International Trade, the

Canadian International Development Agency and other mechanisms, intervenes directly in the affairs of other governments in order to create a legal and political context which is favourable for the operation of Canadian mining companies.

For the last 15 years, Goldcorp has been involved in mining exploitation in different Latin American and Central American countries, characterized by extracting gold by non-legitimate and dangerous methods with violate human rights, promoting false development projects through the manipulation of peoples in order to exploit their rich natural resources, leaving as a result damage to their integral health and to the environment of affected communities.

In the current political framework that promotes economic development, extractive mining companies have found an “open door” in the different Latin American countries where their governments facilitate and allow the development of mining processes that are openly aggressive and harmful for the affected population. Currently, the extractive mining model, according to OCMAL (Latin American Mining Conflict Observatory), has created some 165 conflicts in Latin America, 35 in Mesoamerica.

DESCRIPTION OF FACTUAL ACCUSATIONS:

All of the cases that have been presented have the common elements of: (a) contamination and the irreversible loss of water sources, (b) irreversible environmental devastation: disappearance of mountains, ecosystems and changes to the hydrologic cycle, (c) dust that is constantly being breathed and that contains heavy metals and toxic substances that include carcinogenic elements that bioaccumulate in organisms, (d) affects in the chain of life: destruction of crops and soil, illness and death of wild and domestic animals.

In the testimonies, we have heard people talk about skin and eye illnesses, hair loss, skin rashes, miscarriages, infertility, premature births, birth defects and death of newborns, joint pains, auditory damage, gastrointestinal problems, nervous system problems, cases of poisoning that have led to death. : “What is most horrifying are the children who are always sick.”

We heard from ex-workers of Goldcorp whose health has been affected because they suffer from frequent intoxication, leaks, toxic chemical explosions, and workplace accidents due to a lack of equipment and security measures. These accidents have also led to death. On of the most notable markers of the deterioration of a community is the unmitigated increase in bars, of alcoholism, of drug addiction, and gendered violence, the appearance of prostitution, venereal diseases and of HIV/AIDS. In addition to the physical health problems, there are strong testimonies that demonstrate that people have been profoundly affected in their spiritual and emotional health. They suffer from depression and loss because of the climate of fear, impotence and insecurity. As we were told: “It is a sad life that I am living”; “they go around destroying life”. It is clear that this change has traumatized both people and communities.

In all cases, the mine was imposed on communities without their prior consent . As we heard: “when they arrived, they opened up a road with out asking for any permission”. The testimonies illustrate how, as a result of the mine’s arrival, divisions and conflicts were created in the relationships within communities and even within families. In all cases, there has been an increase in tension, mistrust, and violence at the community level. There is a polarization and fragmentation of community life, pitting neighbour against neighbour. In addition, there is a loss of confidence in the local authorities and a feeling of betrayal by the authorities that defend the interests of the company over the human rights and collective rights of the communities.

In repeated testimonies, we have heard the the ways in which people are stigmatized, marginalized and criminalized for the simple fact that they are not in agreement with the installation of a mining operation in their territory. The authorities at the mine have not shown them respect. As we were told: “I am a despised person just because we defend the life that we all deserve”. Also, there are many threats. As we heard: “We are very afraid because we don’t know when they will carry out their death threats”.

Finally, it is clear that even after the closure of the mining operations, the population continues to suffer the devastating effects of the contamination and environmental destruction.

GUIDING PRINCIPLES :

Taking into account the following international instruments: the Inter-American Commission on Human Rights’ American Declaration on the Rights and Duties of Man (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the Declaration of Alma-Ata (1977), the World Health Organization’s Ottawa Charter for Health Promotion (1986), the Protocol of San Salvador (1988), Convention 169 of the International Labour Organization (1989), the Declaration for People’s Health (2000), the Bangkok Charter for Health Promotion in a Globalized World (2005), and the United

Nations Declaration on the Rights of Indigenous Peoples (2007):

Assuming the concept of holistic health, understood as necessary for a complete state of physical, mental, social and above all a fundamental human right, and;
Appreciating the rules and principles of the worldviews of Indigenous peoples and peasants, which are based on a sacred relationship and an indissoluble link between communities and their ancestral lands.

RULING:

In the experiences presented for our consideration regarding how Goldcorp has acted in Guatemala, Honduras and Mexico yesterday and today:

We see the high degree of concurrence between the different accusations around Goldcorp's systematic strategy in the cases presented as well as the deliberate absence of will to protect the rights of people.

We observe that the facts indicate that the company has not shown an interest in the quality of life for the affected population and that the health impacts constitute one of the most visible social impacts of this lack of interest.

We find that the public image of Goldcorp of being a "socially responsible company" does not fit with the facts presented before this tribunal.

We consider that the facts presented by the witnesses and the testimonies delivered by the affected communities in their testimonies are the most compelling evidence and have sufficient substance to be considered trustworthy and accurate representations of the reality.

We energetically reject the gap between the regulations and their application toward mining in Canada and in Mesoamerica.

For the reasons above described, **we find Goldcorp guilty** for its activities in Honduras, Guatemala and Mexico, which we find to be seriously damaging to the health and the quality of life, the quality of environment, and the right to self determination of the affected indigenous and campesino communities .

We also find the States where the accusations come from guilty of being complicit and irresponsible for not protecting the rights of those affected by mining.

We also find the Government of Canada guilty for supporting and promoting in various ways the irresponsible mining investments in Mesoamerica.

RECOMMENDATIONS AND DEMANDS:

To the communities we recommend:

- That they stop, using all peaceful means at their disposal, Goldcorp's operations in their territories. This should be realized through multi-sectoral and interdisciplinary alliances and by applying pressure to responsible bodies.
- That the communities and organizations that have attended this tribunal maintain contact and organize so that they might better show the impacts of the mining operations of Goldcorp, its consequences and future risks.
- That they seek through all peaceful means to exercise their collective rights established in national laws and/or international treaties in order to guarantee the right to self-determination of indigenous and peasant communities.

Of the States (national, departmental, state and municipal governments,) **we demand:**

- Compliance with existing national legislation and international agreements, in particular those that guarantee the right to free, prior and informed consent.
- Creation of new regulations to protect and guarantee the rights of communities who are confronting mining and all activities that affect their well-being.
- Emphatically ensure the respect for and enjoyment of the rights of indigenous peoples, recognizing their own traditions, cultures and decision-making.
- Adopt measures similar to the restrictions on open-pit metallic mining decreed by the authorities of other countries.

Of Goldcorp **we demand:**

- Reparations of the damages to the health of the population, the damages to the environment, and in general damages to the affected indigenous and peasant communities.
- Compensation for past, present and future damages to the communities, taking in consideration that contamination is ongoing and can continue still for hundreds of years.
- Suspension of all mining operations in Mesoamerica and guarantee that it will not repeat the experiences described in the accusations herein.

Verdict pronounced in the municipality of San Miguel Ixtahuacan, on the 15th day of July, 2012