

Health Tribunal

In the case of Gold Corp versus mining affected Communities

20 COMMENTS

Verdict

The judges convened in the town of San Miguel, in the department of San Marcos, Guatemala, on 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 which 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 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 various 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 inhaled and that contains heavy metals and toxic substances that include carcinogenic elements that accumulate 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. One of the most notable markers of the deterioration of a community is the unmitigated increase in bars, of alcoholism, of drug addition, and gender violence, the appearance of prostitution, venereal diseases and of HIV / AIDS. In addition to 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 without 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 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 (<https://healthtribunal.wordpress.com/guiding-principles-and-frameworks/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 the Promotion Health 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 your disposal, the operations of Goldcorp in your territories. This should be realized through multisector and interdisciplinary alliances and pressure on 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 the future risks.
- That they seek through all peaceful means to exercise your 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.
- Adopting 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 guarantees 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

Signed:

Abel Barrera, Founder & Director of the Centre for Human Rights [Tlachinollan](http://www.tlachinollan.org/)
(<http://www.tlachinollan.org/>)

Dr. Adela Chicas, Latin American Institute of Social Medicine (ILAMES (<http://www.ilames.org/web/>)), El Salvador

Dr. Alex Tobar, Latin American Institute of Social Medicine (ILAMES (<http://www.ilames.org/web/>)), El Salvador

César Padilla, Latin American Observatory in Environmental Conflicts (OCMAL), Chile

Claudia Campero, Blue Planet Project, Council of Canadians (<http://www.canadians.org/>)

Dr. David Heap, University of Western Ontario, Latin American Solidarity Network, Canada

Judith Deutsch, Faculty of University of Toronto Psychoanalytic Institute; President of Science for Peace (<http://www.scienceforpeace.ca/>).

Magalí Rey Rosa, Prensa Libre journalist, School of Ecological Thought (SAVIA), Guatemala.

Dr. Morn MacLeod, Centre for Investigation & Study of Social Anthropology ((CIESAS (<http://www.ciesas.edu.mx/>))), Mexico

Dr. Rachel Sieder, Centre for Investigation & Study of Social Anthropology ((CIESAS (<http://www.ciesas.edu.mx/>))), Mexico

Dr. Robert Goodland, President of the International Association for Impact Assessment, United States.

Yolanda Chalí, Association of Community Health Services (ASECSA (<http://www.asecsaguatemala.org/>)), Guatemala

20 thoughts on “Verdict”

1. *The Peoples' International Health Tribunal Concludes: The Final Verdict* « *Health Tribunal* says: [July 16, 2012 at 7:06 am](#)

[...] a delegation Spread the word Donate Resources Media Reports The tribunal live Verdict Guiding Framework Ottawa Charter Overview About How [...]

Reply

2. *Final Verdict from People's International Health Tribunal in San Miguel Ixtahuacan, Guatemala* « *GOLDCORP OUT NEWS* says:

[July 16, 2012 at 3:00 pm](#)

[...] <https://healthtribunal.org/the-final-verdict/> Like this: Like Be the first to like this. [...]

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3. *Sentencia del Tribunal Popular Internacional de Salud | M4* says:

July 16, 2012 at 5:00 pm

[...] English: Verdict Health Tribunal [...]

Reply

4. *Goldcorp Found Guilty; Human Rights Violations, Health Harms, Environmental Contamination* says:

July 16, 2012 at 6:37 pm

[...] You can read the final verdict here. [...]

Reply

5. *Mining Injustice Solidarity Network » Blog Archive » GOLDCORP FOUND GUILTY; HUMAN RIGHTS VIOLATIONS, HEALTH HARMS, ENVIRONMENTAL CONTAMINATION* says:

July 18, 2012 at 5:15 am

[...] Read final verdict here. [...]

Reply

vin nanticoke says:

July 18, 2012 at 11:09 pm

it will always sadden my heart when the people of the lands are continually subjected to this caveman greed mentality, i shouldn't say that, maybe the caveman was not greedy. it is sad when a corporation(goldcorp) can, with the help of other corporations(canada) can become intertwined and everything else doesn't matter but their bank account. this is what happens when you give someone to much power. the people have to take their power back! imagine how pristine the waters would be, how healthy the people would be, how many animals would still be enjoying life, not to mention people, the natural view would still be majestic! if only the corporate types would think of the WE factor instead of the lonely me factor! i am starting to think that we are doomed globally with their(corporate) attitude towards all living beings.

Reply

7. *Metallic Mining: Goldcorp Held Responsible | Inter-Faith Committee on Latin America* says:

July 19, 2012 at 9:55 pm

[...] Final verdict: <https://healthtribunal.org/the-final-verdict/>. [...]

Reply

8. *Opinion: In The Lead - Oh, Canada! - Forbes* says:

July 20, 2012 at 4:09 pm

[...] mining sector news it was reported that the International Health Tribunal rendered a "guilty" verdict against mining giant Goldcorp and the Canadian government for what it calls "irresponsible mining [...]"

Reply

9. *Opinion: In The Lead | Forbes* says:

July 20, 2012 at 4:22 pm

[...] the International Health Tribunal rendered a "guilty" verdict opposite mining hulk Goldcorp and the Canadian supervision [...]

Reply

10. *Opinion: In The Lead – Oh, Canada! | Forbes* says:

July 20, 2012 at 4:25 pm

[...] the International Health Tribunal rendered a “guilty” verdict opposite mining hulk Goldcorp and the Canadian supervision [...]

Reply

11. *SURLA | People’s Tribunal on mining impacts: Why we found Goldcorp guilty* says:

August 1, 2012 at 7:17 am

[...] Sunday, July 15, our final verdict was presented in Spanish and interpreted into Mam before hundreds of mostly indigenous community [...]

Reply

12. *Guatemala: People’s Health Tribunal Declares Goldcorp Guilty · Global Voices* says:

August 1, 2012 at 2:00 pm

[...] “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.”
Read the complete verdict here. [...]

Reply

Catherine McLean says:

August 1, 2012 at 3:23 pm

This is a very troubling message to be receiving as a Canadian. Corporations around the world are ignoring the health and well-being of citizens. I am appalled to read the details of the results of this case and the damage to humans, wildlife and fragile environments as well as the damage to community spirit, as families and friendships are ripped apart.

Reply

14. *People’s Tribunal on mining impacts: Why we found Goldcorp guilty « Health Tribunal* says:

August 4, 2012 at 5:20 pm

[...] a delegation
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15. *Goldcorp’s guilty verdict delivered to authorities in Canada and Guatemala « Health Tribunal* says:

August 4, 2012 at 5:27 pm

[...] a delegation
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16. *Goldcorp Inc. – Court Verdict: Guilty! « Native Voice* says:

August 4, 2012 at 8:20 pm

[...] panel of judges that specialize in health, environment and human rights. This international Health Tribunal declared “we find that the public image of Goldcorp of being a “socially responsible [...]

Reply

17. *Press Conference about Health Impacts of San Martin mine and Honduras' Proposed Mining Law « Honduras Accompaniment Project* says:

August 28, 2012 at 6:24 pm

[...] Last month, members of the Siria Valley Environmental Committee traveled to Guatemala for the People's International Health Tribunal to testify about the health effects of the San Martin mine. The Tribunal heard testimony from people affected by Goldcorp mines in Mexico, Guatemala, and Honduras and in its verdict stated: [...]

Reply

18. *2012-07-14. The Peoples' International Health Tribunal: San Miguel Ixtahuacán 2012 – MiMundo.org* says:

February 20, 2015 at 5:17 pm

[...] “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.”
Read the complete verdict here. [...]

Reply

19. *Press Conference about Health Impacts of San Martin mine and Honduras' Proposed Mining Law | Honduras Accompaniment Project* says:

March 13, 2015 at 6:36 pm

[...] Last month, members of the Siria Valley Environmental Committee traveled to Guatemala for the People's International Health Tribunal to testify about the health effects of the San Martin mine. The Tribunal heard testimony from people affected by Goldcorp mines in Mexico, Guatemala, and Honduras and in its verdict stated: [...]

Reply

Leslie says:

September 10, 2018 at 10:35 pm

I am saddened, but not surprised by these stories. Canadian mining co's have a long history of poor management and illegal practises in the world. Is it not time to stop this? If a company can't operate mindfully out of our borders, why should they be allowed to operate within them!

Many years ago in Mexico, I was invited to sign a petition against a Canadian company mining on sacred land. Noemi Klein's film 'This Changes Everything' talks about Canadians in Greece. Are we becoming the bullies of Global mining? And..what else? It must Stop.

Reply

Blog at WordPress.com.