



# The “Canada Brand”

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## Violence and Canadian Mining Companies in Latin America

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# Executive Summary

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The Justice and Corporate Accountability Project has documented troubling incidents of violence associated with Canadian mining companies in Latin America. In general, neither the Canadian government nor industry are monitoring or reporting on these incidents.

## ***What we found about the degree of violence and criminalization from 2000-2015***

This Report documents incidents that are corroborated by at least two independent sources. We found:

- incidents involving 28 Canadian companies;
- 44 deaths, 30 of which we classify as “targeted”;
- 403 injuries, 363 of which occurred in during protests and confrontations;
- 709 cases of “criminalization”, including legal complaints, arrests, detentions and charges; and
- a widespread geographical distribution of documented violence: deaths occurred in 11 countries, injuries were suffered in 13 countries, and criminalization occurred in 12 countries.

In addition, our research shows that Canadian companies that are listed on the Toronto Stock Exchange do not include reports of violence in their mandatory reports on company performance. Between 2000-2015:

- publicly listed companies reported 24.2% of the deaths and 12.3% of the injuries listed in this report; and
- larger companies tended to report incidents in general terms, using blanket statements, whereas smaller companies tended to report in more detail.

## ***What is significant about this study?***

This report on violence and criminalization associated with the Canadian mining industry in Latin America is the first to:

- compile information on reported violence over a 15-year period;
- name the companies involved and seek company comments on the incidents; and
- provide details and sources of the incidents, so that third-parties may reproduce our results.

### ***The incidents documented in this report appear to be the tip of the iceberg***

During our study we came across many reports of deaths, injuries and cases of criminalization that we could not include because they could not be corroborated through two independent sources. We were not able to include death threats, deliberate burning of crops and property destruction, forced displacement, reported assassination attempts without reported injury, illness from environmental contamination, or psychological trauma from any of the violence due to the extensive resources required to document these incidents. The violence reported is only from countries in Latin America, and does not cover Canadian mines in other parts of the world.

### ***The world is taking notice of Canadian companies – for the wrong reasons***

Canada has been criticized internationally for its lack of oversight of Canadian mining companies. Canada is singled out because more mining companies are domiciled in Canada than in other country; 41% of the large mining companies present in Latin America are Canadian.

- Four United Nations bodies have called on Canada to hold Canadian companies accountable for their operations overseas.
- The Inter-American Commission on Human Rights has had three hearings on the accountability of Canadian mining companies and called on Canada to adopt measures to prevent “multiple human rights violations”.
- In June 2016, 180 organizations from Latin America sent a letter to Prime Minister Trudeau demanding action on promises for a mechanism for corporate and state accountability.

### ***Existing Canadian government policies are not addressing the problem***

The Canadian government continues to promote the “Canada Brand” by relying on voluntary, non-enforceable Corporate Social Responsibility (CSR) codes to measure company conduct. The two main government offices responsible for CSR are the Office of the Extractive Sector Corporate Social Responsibility Counsellor (CSR Counsellor) and the National Contact Point (NCP) under the Organization of Economic Cooperation and Development (OECD). Neither office conducts investigations, nor do they have the power to sanction companies directly or compensate victims. Their only power is to recommend the withdrawal of Canadian government financial and embassy support.

There is no indication that there is any systematic review of company behaviour nor any publicly available information to indicate that the current CSR Counsellor has responded to reports of violence or considered withdrawing Canadian embassy support.

***There is no evidence that the government does not have the capacity to handle more complaints***

The international community demands a more robust accountability mechanism for both state and company accountability, but opponents claim that the government does not have the capacity to handle the claims. There is no evidence that the current CSR Counsellor, nor the NCP, have too many cases to handle.

- The CSR Counsellor was established in 2009 and has handled only six complaints.
- The current CSR Counsellor's website shows no indication of any investigations, disputes, dialogues or any engagement with specific conflicts.
- The current CSR Counsellor has no Annual Report and the only Publications are news reports of six speeches made by the CSR Counsellor since his appointment in 2015.
- The NCP only dealt with one case in 2015 and five cases in total since 2011.

***Methodology***

To compile this information, JCAP coordinated a group of volunteer law students from five different Canadian universities to identify incidents of violent conflict and criminalization. Researchers compiled an initial list of incidents using existing databases made available through the *Observatorio de Conflictos Mineros de América Latina (OCMAL)*,<sup>1</sup> the McGill Research Group Investigating Canadian Mining in Latin America (MICLA)<sup>2</sup>, the EJOLT Environmental Justice Atlas<sup>3</sup>, and the 2015 report of the Working Group on Mining and Human Rights in Latin America entitled *The Impact of Canadian Mining in Latin America and Canada's Responsibility*.<sup>4</sup>

Law students then carried out focused research on conflicts involving violence, using English and Spanish media, NGO, government and company reporting available on the internet, or through the Internet Archive. The primary search engine used was Google (Google Canada and Google for the host country in question). We also used HuriSearch for NGO reporting, and the SEDAR online database for corporate disclosure. For each incident, researchers attempted to access a variety of sources. In general, however, the most widely available sources were local media and NGO reporting. Company reporting was minimal and official government reporting was either minimal or inaccessible.

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<sup>1</sup> Observatorio de Conflictos Mineros de América Latina (OCMAL), online: <https://www.conflictosmineros.net>.

<sup>2</sup> McGill Research Group Investigating Canadian Mining in Latin America (MICLA), online: <http://micla.ca/>.

<sup>3</sup> EJOLT (Environmental Justice Organizations, Liabilities and Trade), *Environmental Justice Atlas*, online: <https://ejatlas.org/>.

<sup>4</sup> Working Group on Mining and Human Rights in Latin America, *The impact of Canadian Mining in Latin America and Canada's Responsibility*, (3 April 2014), online: Full Report - <https://perma.cc/ZJ3Y-MVRS>; Executive Summary - <https://perma.cc/6D7J-WL7X>.

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# PREFACE

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## **Governor General David Johnston talks about the “Canada Brand”**

*“In the mining area, one could argue that Canada sets the standard for the world in terms of what investment practices should be,” [Governor General David] Johnston said ....*

*“And that where Canadian companies fall short I think that certainly the Canadian government is pretty alive to the fact that — live up to your promises because if you don’t it’s going to be bad for all,” he added.*

*“And that where we fall short to say: this is not the Canada brand that we want to see.”*

“GG Warns Canadian Mining Companies”, Canadian Press November 27, 2014 online: <http://blackburnnews.com/bri-national/2014/11/27/governor-general-bound-for-chile-colombia/>

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## THIS REPORT

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This is the first report to profile specific forms of violence and criminalization associated with Canadian mining projects in Latin America over a fifteen-year period. Each incident is carefully footnoted and all web links are preserved using Harvard Law School's Perma.cc service.<sup>5</sup>

In Part I of this report, we provide observations about the violent incidents studied. In Part II, we make observations about the degree of company disclosure. In Part III, we identify four questions about company responsibility for the violence and criminalization. In Part IV we reflect on the current state of Canadian government policies and legislation in relation to Canadian companies operating in Latin America.

The methodology we used for compiling the statistics is found in Appendix I. Appendix II provides a detailed breakdown of our statistics. Appendix III includes a description of each violent incident in our study, the companies involved, and the disclosures made by the companies. Company responses to our request for comments is found in Appendix IV.

## WHAT IS JCAP?

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The Justice and Corporate Accountability Project ([justice-project.org](http://justice-project.org)) is composed of volunteer lawyers and law students, mostly from Osgoode Hall Law School and Thompson Rivers Law School. JCAP provides legal support and advice to communities that are negatively affected by the Canadian extractive industry, primarily in Latin America.

## DISCLAIMER

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We have done our best to document the reported cases as accurately as possible. We have only included cases with two independent reports. In portraying the companies' positions, we searched public companies' public disclosures and we wrote to the companies to ask for their comments on the incidents listed in the tables in Appendix IV. We are willing to correct any errors if they are brought to our attention.

We do not come to conclusions on whether there is any wrong doing by any company in any specific instance, but rather show that the magnitude of the harms and incidents raises overarching concerns. This Report recommends that Canada establish a new mechanism to investigate specific cases of violence involving Canadian mining companies operating in foreign jurisdictions to determine whether there is, or there is not, company responsibility.

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<sup>5</sup> Wherever possible, we have tried our best to locate sources and to preserve generated permalinks for our online sources web links using Perma.cc, a project sponsored by the Harvard University Law School Library, to permanently archive webpages and web links. However, some content, including videos hosted on YouTube, could not be archived using this method. Online: <<https://perma.cc/>>.



There are larger issues dealing with government policies toward mining that we do not address in this report.

## ACKNOWLEDGEMENTS

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This report is the result of thousands of hours of mostly volunteer work supervised by me, Shin Imai. I wish to thank the following people for their contributions, but I take full responsibility for any errors of fact or judgement.

The principal authors of this study were Shin Imai (Osgoode Hall Law School), Leah Gardner (McGill University, Faculty of Law), and Sarah Weinberger (Osgoode Hall Law School). For the final stages of the report we were fortunate to have the help of Leora Smith (Harvard Law School). We were supported by the research of many other law students, including Joshua Abraham, Elsa Ascencio, Maya Duvage, Vanessa Hope, John Hulstein, Kim Jensen, Sally Kang, Jordana Keslassy, Grace Kim, Vanessa Leigh, Sarah Loewen, Susana Mijares, Roxana Necsulescu, Peewara Sapsuwan, Amanda Spitzig, and Caitlin Stockwell.

This study would not have been possible without the dedicated reporting of community members impacted by mining, and the reporting of groups that support them. We would also like to recognize the work of human rights accompaniers who work directly with community leaders, such as the Maritimes-Guatemala Breaking the Silence Network; the Network in Solidarity with Guatemala; Project Accompaniment and Solidarity with Colombia; and the Mining Injustice Solidarity Network.

We wish to thank those who have provided comments and invaluable assistance in the final stages of this report, including Jen Moore of MiningWatch Canada, Daniel Cequiera of the Due Process of Law Foundation, Sari Graben of Ryerson University, and a special thanks to Jean Symes of Inter Pares.

Translation services were provided by Julie-Anne Pariseau and Paco Gomez. The report was formatted and prepared for release by Nadia Azizi.

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# PART I: OBSERVATIONS ABOUT VIOLENCE AND CRIMINALIZATION

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***The Economist reports on Canada's mining industry:***

*"In [Canadian Industry Minister, Ed Fast's] eyes, Canada's brand shines like a freshly minted ingot, and simply needs to be preserved rather than restored. Campaigners beg to differ. They note a slew of protests against Canadian firms' projects, from Romania, where environmentalists are objecting to plans for an open cast gold mine, to Guatemala, where guards at a nickel mine have been accused of gang rape."*

*"Canada's natural-resources companies - Reputation management", The Economist, November 22, 2014 online:*

*<http://www.economist.com/news/business/21633871-government-promises-keep-promoting-miners-and-energy-firms-interests-abroad-if-they>*

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In this Part we discuss observations extrapolated from the data about the scope of violence linked to Canadian mining projects in Latin America.

Our research demonstrates that this violence is geographically widespread;<sup>6</sup> that it involves many different types of people, ranging from farmers, to lawyers and police; and that it implicates companies of all sizes, from a large publicly listed company like Barrick Gold with a market cap of over \$18 billion, to a small private company with only one mine, like Blackfire Resources.

Some of the violence is targeted, in the sense that individuals appear to have been singled out, and some of the violence occurs at protests or demonstrations.

We have included statistics on arrests, detentions and charges under the rubric of criminalization because it has been identified as a problem by international bodies. For example, the United Nations High Commissioner on Human Rights in Guatemala criticized the arrest of 26 people who were protesting against Tahoe's operations in San Rafael Las Flores in 2013.

[The High Commissioner on Human Rights] observed that protests by communities and social organizations against projects for the exploitation of natural resources frequently triggered criminal proceedings against protestors with charges such as terrorism and criminal conspiracy, which appear disproportionate to the gravity of the alleged offences. Several cases were dismissed by the judiciary due to the lack of evidence and the inability to prove individual responsibility. Examples include [...] the cases of 26 people detained in San Rafael las Flores, in April, on charges of "unlawful assembly" and attacks on public authorities, who were subsequently released due to lack of evidence.<sup>7</sup>

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<sup>6</sup> As noted in the methodology section, a link between a mining project and violent conflict is established if there are at least two independent reports providing information or analysis that credibly establishes that the project's presence in the region is likely to have made a substantial contribution to the death, physical injury, instance of sexual violence or instance of criminalization. A Canadian company must have owned or operated the mining project in question at the time of the incident, or be substantially connected to the project or interest at the time.

<sup>7</sup> Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on the activities of her office in Guatemala* (13 January 2014), A/HRC/25/19/Add.1, at para. 47, online: <<http://www.un.org/Docs/journal/asp/ws.asp?m=A/HRC/25/19/Add.1>>. For a general review, see Mining Watch Canada and the International Civil Liberties Monitoring Group, *In the National Interest? Criminalization of Land and Environment Defenders in the Americas* (August, 2015) online: <[http://miningwatch.ca/sites/default/files/inthenationalinterest\\_fullpaper\\_eng\\_1.pdf](http://miningwatch.ca/sites/default/files/inthenationalinterest_fullpaper_eng_1.pdf)>.

## 1. VIOLENCE BY COUNTRY

Violence linked to Canadian mining projects spans a broad geographic range. Of the 14 countries that we studied, deaths occurred in 11; injuries were suffered in 13; and legal complaints, warrants, arrests and detentions, were issued in 12. Physical violence was by far most prevalent in Guatemala, which accounted for 27.3% of deaths, 50% of disappearances, 22% of injuries, and 73.3% of instances of sexual violence. By contrast, criminalization and legal complaints were most prevalent in Mexico, which accounted for 42.3% of warrants and legal complaints, and 13.2% of arrests, detentions, and charges. It should be noted that Mexico was home to the highest number of mining projects (6) linked to reported violence.<sup>8</sup>

Country (Number of projects linked to reported violence)	Deaths	Disappeared	Injuries	Sexual Violence	Warrants & Legal Complaints	Arrests, Detentions & Charges
<b>Total Victims</b>	<b>44</b>	<b>4</b>	<b>403</b>	<b>15</b>	<b>196</b>	<b>537</b>
<b>Guatemala (4)</b>	12	2	89	11	23	71
<b>Mexico (6)</b>	8	2	14	0	83	35
<b>El Salvador (1)</b>	5	0	4	0	0	0
<b>Bolivia (1)</b>	1	0	6	0	0	1
<b>Peru (4)</b>	4	0	85	0	0	56
<b>Guyana (1)</b>	0	0	2	0	0	0
<b>Dominican Republic (1)</b>	3	0	50	0	0	6
<b>Honduras (2)</b>	1	0	10	0	15	85
<b>Nicaragua (1)</b>	1	0	53	0	0	17
<b>Colombia (3)</b>	6	0	9	0	0	9
<b>Panama (2)</b>	2	0	39	1	0	70
<b>Argentina (3)</b>	0	0	27	0	0	114
<b>Chile (1)</b>	0	0	0	0	0	40
<b>Ecuador (4)</b>	1	0	15	3	75	33

**Figure 1.** The types of violence by country.

<sup>8</sup>This number excludes Goldcorp's Los Filos mine in Mexico, which is described in this report as a case study, but was not included in our statistical data.

## 2. WHO IS AFFECTED?

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We searched hundreds of reports, and found that the violence affects local people from all walks of life.

- Community leaders and activists who are reported to oppose the mining project
- Community members who are victims as bystanders, or as family members of those opposed to projects
- Mine workers, including independent contractors reported to be employed by the mining company, its subsidiary, or a contracting company
- Police officers and military personnel
- Security personnel, employed by the mining company subsidiary or sub-contractor
- Local government officials
- Members of the press
- Lawyers
- Indigenous leaders
- Union leaders
- Elderly people
- Children and youth
- Women

Additional research is required to uncover how different groups have been impacted by violence linked to Canadian mining projects in Latin America.

Mining often affects Indigenous lands. We have identified at least 10 conflicts in which Indigenous people have clearly been the victims of violence and criminalization. However, due to a lack of official reporting, and inconsistencies in media reporting concerning Indigenous identity, we were unable to make a definitive determination about the extent of the impact on Indigenous people.

## 3. TARGETED ATTACKS

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Community members opposed to mining and human rights defenders are often targeted victims of violence. Their vulnerability to attack is well recognized.

For example, Global Witness produces a grim report each year providing statistics of environmental defenders who are murdered. Their latest report showed that 185 people had been killed during 2015.<sup>9</sup> The United Nations addressed the issue directly in 1999 when the General Assembly passed the Declaration on Human Rights Defenders.<sup>10</sup>

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<sup>9</sup> Global Witness, *On Dangerous Ground*, (2016), online: <[www.globalwitness.org/en/reports/dangerous-ground](http://www.globalwitness.org/en/reports/dangerous-ground)>.

<sup>10</sup> United Nations, *Declaration on Human Rights Defenders*, (1999) A/RES/53/144, online: <<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>>.

### **Targeted Attack Case study: Pacific Rim in El Salvador**

Pacific Rim obtained a mining exploration license in the mid-2000s, but failed to meet the regulatory requirements to put the mine into operation. In 2009, through a subsidiary, the company brought an investment dispute against El Salvador for “loss of potential profits”.

From 2009-2011, five community members opposed to the project were murdered:

- 18 Jun 2009: The body of a leading activist who opposed the project was found in a well with all his fingernails removed and with other signs of torture.
- 7 Aug 2009: A male activist opposed to the mine was shot eight times in the back and survived.
- 20 Dec 2009: In a second attack, the activist mentioned above was shot and killed in his vehicle. The woman next to him in the vehicle was also killed. A 13-year-old girl was wounded.
- 26 Dec 2009: A female activist opposed to the project was assassinated. She was eight months pregnant at the time of her death. Her two-year-old son was injured during the shooting.
- 4 Jun 2011: A male community member opposed to the project was found murdered.

There were also reports of several serious injuries, two failed assassination attempts and numerous death threats made against community members opposed to the mine.

In October 2016, the World Bank ruled against the company, indicating the suit was without merit and ordering it to pay \$8 million in legal fees and costs to the government of El Salvador. The suit had reportedly cost the Salvadoran government approximately \$12 million.

### **Targeted Attack Case study: Tahoe Resources in Guatemala**

The Escobal mine began operations in 2013. Reporting inadequate prior consultation, nearby farming communities feared negative impacts on the water supply, residents voted overwhelmingly against the mine in local referendums, and concerned citizens organized rallies and protests. From 2012-2013, it was reported that seven people were killed, with 29 injuries, 50 arrests and one state of siege declared by the Guatemalan government.

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#### ***Other targeted attacks 2000-2015: selected examples***

***Honduras 2003:*** A journalist and news agency owner whose news program had reported on mining protests and a cyanide spill at San Andres mine (currently owned by Aura Minerals) was assassinated. He was reported to have been critical of the contamination, and had survived a failed assassination attempt earlier that year.

***Mexico 2009:*** A leading activist opposed to Blackfire's Payback mine was assassinated. It was reported that a year before, he had been beaten by Blackfire employees in his home and arbitrarily arrested for 8 days.

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There were numerous reports of increased militarization in the region, along with criminalization of protest and false accusations against community leaders. A 2015 report commissioned by the International Platform Against Impunity in Central America and MiningWatch Canada found over 100 cases in which charges were brought against peaceful protesters and community leaders opposed to the mine. Most were eventually dismissed for lack of evidence or due to false evidence and/or statements.

- On January 12, 2013, two security guards employed by the mine were killed in an attack. At least 7 others were injured in the same incident.
- On March 17, 2013, armed men in masks abducted four Indigenous leaders who opposed the Escobal project. One of the Indigenous leaders was later found dead.
- On April 30, 2013, one police officer was killed and at least 8 more were injured when they came under attack following a protest against the mine that occurred earlier that day.
- On April 13, 2014, a sixteen-year-old human rights defender who opposed to the mine was killed in an armed attack. Her father, who was also active against the project, was wounded.
- On April 5, 2015, a human rights defender who actively opposed the Escobal project was killed by unknown assailants while waiting at a bus stop on a rural road.
- October 17, 2015, the father of the girl murdered in 2014 was targeted again, when he was shot in the lower back. Two other community members were also injured.

Tahoe's head of private security was arrested and charged in connection with the shooting of protestors. Victims filed a civil suit against Tahoe in British Columbia. In 2015, the B.C. Supreme Court declined jurisdiction over the case. The Canada Pension Plan Investment Board held a \$26 million investment in the company in 2015, but has now divested.

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***Other targeted attacks 2000-2015:  
selected examples***

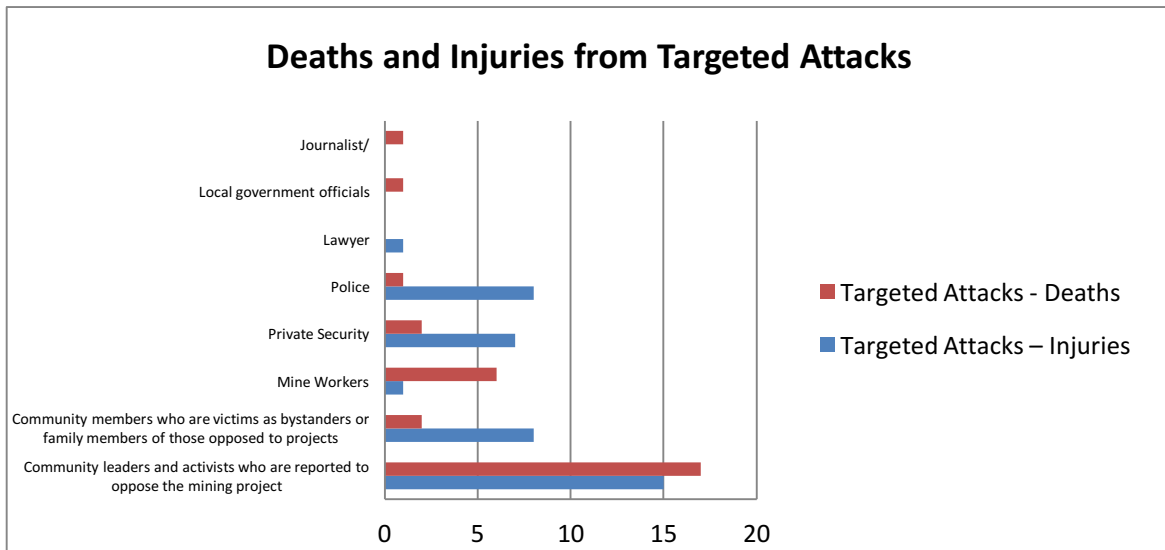
***Colombia 2011:*** A local priest opposed to Gran Colombia Gold's Marmato project in Colombia was assassinated amidst protests against the relocation of the town of Marmato, a community of small-scale miners.

***Colombia 2012:*** Two Colombian mine workers were shot and killed by hitmen. Both had appeared on television 2 days prior to talk about a labour conflict at Gran Colombia Gold's Providencia mine.

***Guatemala 2013:*** Armed men in masks abducted four indigenous leaders who opposed Tahoe Resource's Escobal project in Guatemala. One of the men who was abducted was later found dead.

***Ecuador 2014:*** The body of a prominent Indigenous activist opposed to Corriente Recursos' Panantza - San Carlos & Mirador Projects in Ecuador was found days before he was expected to file a complaint against the company at the Peoples' Summit in Lima Peru, which ran parallel to the UN Climate Summit.

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**Figure 2.** The number of deaths and injured victims from targeted attacks. Of the victims who died in targeted attacks, at least two were children or youth, at least one was elderly, at least two were Indigenous, and at least four were women. Of the victims who were injured in targeted attacks, at least three were children or youth, and at least six were women. For a full detailed chart with numbers, see charts 1 & 2 – Appendix II.

#### 4. SEXUAL VIOLENCE

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Sexual violence is generally under reported, and we do not know the extent to which the numbers we found are reflective of the full picture.

One case has been highlighted because the victims have brought a law suit against Hudbay Minerals in a court in Canada.

Hudbay’s Fenix mine is located on indigenous Maya Q’eqchi’ territory in Guatemala. Its early development led to the violent displacement of indigenous communities during the internal conflict in Guatemala. The mine has changed hands several times since the 1960s. In 2004, Skye Resources purchased the mine. In 2008, Hudbay Minerals purchased Skye Resources. In 2007 there was an alleged violent eviction to make way for the mine that led to allegations of 11 women being gang raped. Subsequent confrontations in 2009 led to one death, and at least 12 separate recorded injuries. Homes were also burned to the ground during the evictions.





**Figure 3.** This chart displays the number of victims from sexual violence. For a full detailed chart with numbers, see charts 3 – Appendix II

## 5. PROTESTS

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Protests, demonstrations and blockades were common contexts in which violence and criminalization occurred. Protests were often a part of larger organizing against mining projects, but also included community reactions to events such as cyanide spills and labour disputes. Sometimes local protests joined forces with nation-wide demonstrations and general strikes against Canadian mines and mining policies generally. In some cases, mine workers demonstrating for better labour conditions joined forces with human rights and environmental defenders to protest a mining company. In other instances, general demonstrations and labour disruption have been organized to protest a number of mining projects across large geographical regions. Our research demonstrated a prevalence of violence and criminalization resulting from state and private security force interventions at these protests. Of the 13 people killed in the context of protests or clashes related to mining, most (8) were activists and community members opposed to the project. Police officers, government officials and mine workers were also killed. Of the 363 people injured in these contexts, most (212) were activists and community members opposed to the project.

## Violence During Protests Case Study: Barrick Gold and Goldcorp's Pueblo Viejo Mine Dominican Republic

Originally a state enterprise, Canadian company Placer Dome won the concession in 2001, subsequently purchased by Barrick Gold in 2006. According to reports, protests began when a Barrick subcontractor laid off Dominican workers without paying them benefits required by law. This, and alleged water contamination near the site, led to larger protests with a regional and national reach. From 2010-2013, at least 50 people were injured, at least 6 were arrested and 3 killed at protests against Barrick.

- On October 14, 2010, 6 people were injured at protests led by mine workers demanding bonuses and respect for workers' rights. With strong local support, roughly 2,000 protestors obstructed traffic. A month later, at least 14 people were injured and one person killed in a protest by current and former mine workers.
- On September 27, 2012, at least 20 people were injured (mostly minor injuries, with reports of at least three people seriously injured) at a protest demanding that Barrick hire more local workers. In a subsequent protest, at least two people were injured and three people were detained for vandalism after protestors set fire to a minibus owned by a Barrick subcontractor. (See Appendix IV for Barrick's comments.)
- On October 11, 2012, at least two people were injured at protests demanding that the company hire more local workers. At least three people were detained for vandalism.

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### ***Other violence during protests: selected examples 2000-2015***

***Guatemala 2005:*** One person was killed, at least 18 injured and 15 arrest warrants were issued following a protest surrounding the transportation of equipment for Goldcorp's Marlin mine in Guatemala. The Indigenous mayor of Sololá was arrested and accused of "terrorism, sabotage, threats, injuries and damages to private property."

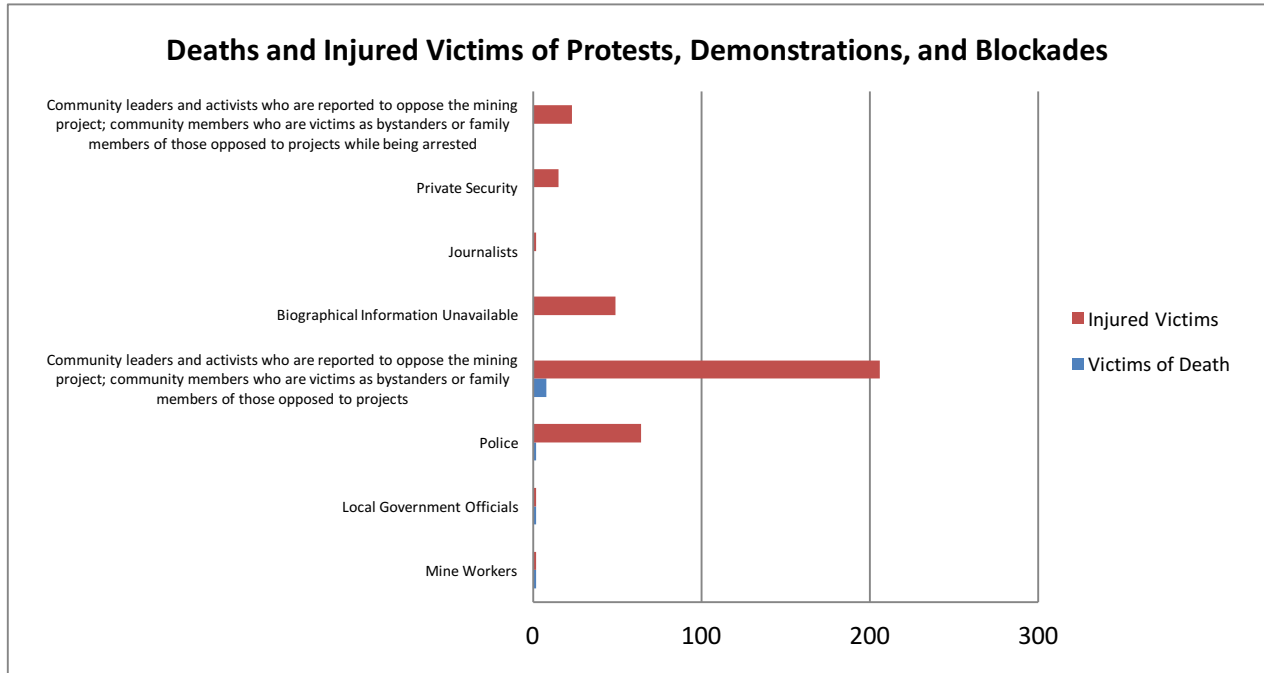
***Ecuador 2008:*** Azuay residents blocked the Pan-American Highway to call for the cancellation of IAMGOLD's Quimsacocha project in Ecuador. At least 17 people were arrested, with reports of police transporting female protestors to a nearby casino and forcing them to strip.

***Bolivia 2012:*** Indigenous farming and pastoral communities near South American Silver's Malku Khota mine in Bolivia feared that it would negatively impact access to water in an already arid region. One person died and at least 4 people were injured during a police intervention after protesting community members held several mining engineers captive.

***Guatemala 2013:*** One person was killed when police acted to free 26 police officers detained by protestors at Tahoe's Escobal mine in Guatemala. One police officer was later killed and at least 8 more wounded following protests against the mine earlier that day. The Guatemalan government declared a State of Siege in the region soon after. At least 4,500 military and police officers were deployed to the area. All public demonstrations and gatherings were rendered temporarily illegal. At least 5 community leaders opposed to the project were arrested and spent several months in jail until finally being cleared of all charges.

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Protestors set fire to a minibus owned by a Barrick subcontractor. Barrick told researchers that the protest was also related to an amendment to the Pueblo Viejo Special Lease Agreement with the Government of the Dominican Republic.



**Figure 4.** The number of deaths and injured victims as a result of protests, demonstrations, and blockades. Of the victims who died during protests, demonstrations, and blockades, at least one was a child or youth. Of the total victims injured during protests and other mining confrontations, at least three were children or youth, at least one was elderly, and at least 14 were women. For a full detailed chart with numbers, see chart 4 and 5 – Appendix II.

## 6. CRIMINALIZATION

There were many instances in which a company or host state implemented the law in a way that discouraged protest or burdened social leaders opposed to mining with legal proceedings or jail time. While the concept of criminalization is broad, this study measured it in terms of warrants, arrests, and legal complaints made against protestors and community leaders opposed to mining.

Many instances of criminalization occur during mass arrests at protests and demonstrations. At other times, protest leaders and their allies become the targets of baseless criminal complaints and charges.

## **Criminalization Case Study: Greenstone Resources, Yamana Gold, Aura Minerals and the San Andres Mine, Honduras**

This mine passed between three different Canadian companies from 2000-2015. In 2003, when Greenstone Resources Ltd. owned the project, a journalist and news agency owner was assassinated. The journalist's news program had reported on mining protests and a cyanide spill at the mine. He was reported to have been critical of the contamination, and had survived a failed assassination attempt earlier that year.

- In 2007 and 2008, when Yamana Gold owned the mine, widespread demonstrations demanding that the government repeal the 1998 Mining Law led to at least 10 reported injuries and 20 arrests. Roadblocks at the mine site aimed at protecting a 200-year-old cemetery resulted in 40 arrests.
- On July 17, 2007, Police used tear gas and firearms to break up demonstrations. At least 10 people were injured, three by bullets. At least 20 people were arrested, with two sources reporting numbers as high as 70 arrests. Police claimed injuries were caused by protestors shooting their own firearms.
- On September 12 and 13, 2008, 40 Azacualpa residents, including children, were arrested while attempting to protect a local cemetery. They were held at a police station for 24 hours after police broke up their occupation of the mine access roads.

In 2014 and 2015, when Aura Minerals owned the project, local protests against the mine continued, with reports of police arresting and charging 22 protestors and community leaders, some with serious crimes.

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### ***Other criminalization of dissent: selected examples 2000-2015***

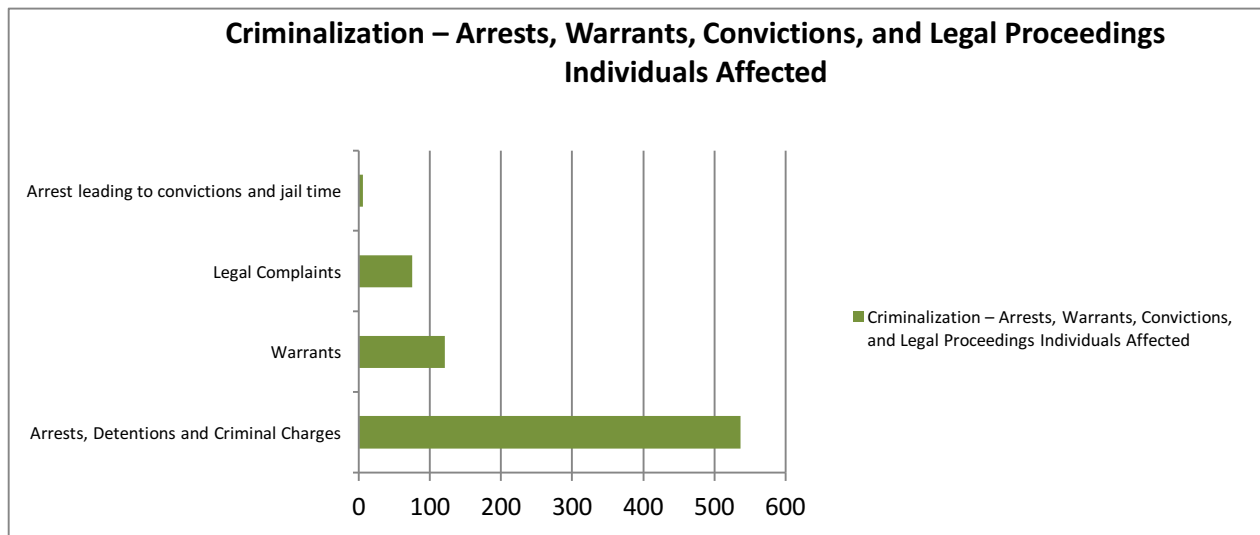
***Guatemala 2008:*** Arrest warrants were issued against 8 indigenous women for charges linked to cutting off power lines leading to Goldcorp's Marlin mine in Guatemala. After repeated requests that the company remove their high-voltage power lines from her property, a local woman had short-circuited the wires that ran through her property. Seven women from the community supported her and were also charged. The company was eventually ordered to take down the electric poles from the property.

***Ecuador 2010:*** Three Indigenous leaders were charged with sabotage of public services following roadblocks to protest IAMGOLD's Quimsacocha Project in Ecuador. The charges carried a possible sentence of 8 to 12 years in jail. The three men were eventually sentenced to 8 days in jail on reduced charges of blocking roads.

***Guatemala 2015:*** A founding member of a local environmental group opposed to Tahoe's Escobal mining project in Guatemala was arrested and charged with murder. The accused had announced plans to run for mayor of San Rafael Las Flores to represent people who opposed the project. The well-known Centre for Legal, Environmental and Social Action (CALAS) provided his defense, arguing that he was targeted for prosecution due to his opposition to the mine. He was released 9 days later due to a lack of evidence. All charges against him were dropped.

***Guatemala 2015:*** 26 people detained in San Rafael las Flores, while peacefully protesting Tahoe Resources. They were charged with "unlawful assembly" and attacks on public authorities, but were subsequently released due to lack of evidence.

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**Figure 5.** Criminal arrests, warrants, convictions, and legal proceedings. The figure displays the number of people affected. For a full detailed chart with numbers, see chart 6 – Appendix II.

## 7. VIOLENCE IS ACCEPTED AS A PART OF DOING BUSINESS

Mining companies themselves recognize the prevalence of violence linked to their activities. In their disclosure documents, companies describe political and social unrest in the regions where they operate. The possibility of operational and material risks, including injury and death of their own personnel, are factored into their risk analysis.

In a 2016 Annual Information Form, Barrick Gold Corporation discloses the possibility that its own personnel may not follow international standards, which may result in harm to employees and community members:

The manner in which the Company’s or Acacia [a Barrick subsidiary]’s personnel respond to civil disturbances and criminal activities can give rise to additional risks where those responses are not conducted in a manner that is consistent with international standards relating to the use of force and respect for human rights (see “Narrative Description of the Business – Corporate Social Responsibility”). Barrick and Acacia have implemented a number of measures and safeguards which are intended to ensure that their personnel understand and uphold these standards. **The implementation of these measures will not guarantee that the Company’s or Acacia’s personnel will uphold these standards in every instance. The failure to conduct security operations in accordance with these standards can result in harm to employees or community members,** increase community

tensions, reputational harm to Barrick and its partners or result in litigation, criminal and/or civil liability for the Company, Acacia or their respective employees and/or financial damages or penalties [emphasis added].<sup>11</sup>

The realities of these risks to mining personnel are reflected in our research outcomes. Though community members represented the overwhelming majority of victims, mine-workers and private security guards were also affected by violent clashes. At least two security guards and six mine workers were among those who were killed. Of the four reported disappearances, two were cooks who worked for a subcontractor of Goldcorp Inc. at the Marlin mine in Guatemala. At least 15 security guards and three mine-workers were injured.

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<sup>11</sup> Barrick Gold, *Annual Information Form*, SEDAR, (28 Mar 2016).

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## PART II: OBSERVATIONS ABOUT COMPANY DISCLOSURES

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**Tahoe Resources, a Canadian company with headquarters in Nevada, explains that being incorporated in Canada allows it to avoid stricter securities requirements in the United States.**

*“The regulatory and compliance costs to us under U.S. securities laws as a U.S. domestic issuer will be significantly more than the costs incurred as a Canadian foreign private issuer. ...we may lose our ability to rely upon exemptions from certain corporate governance requirements on U.S. stock exchanges that are available to foreign private issuers.”*

*Tahoe Resources Inc., Short Form Prospectus (June 23, 2015) at 27*

## 1. DISCLOSURE RESEARCH FINDINGS

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Companies listed on a stock exchange in Canada are required to disclose information pertaining to their mining projects on the SEDAR filing system of the Canadian Securities Administrators. Below, we analyze the disclosures made by the publicly listed companies. Private companies do not have to disclose any information so we have not counted them in the analysis.

Our research demonstrates a marked disparity between what was reported by local media sources, NGOs and academics, and what Canadian mining companies disclosed about the same events. The majority of these incidents went undisclosed by the Canadian parent companies. For example, companies disclosed 24.2% of reported incidents resulting in deaths and only 12.3% of injuries suffered by community members, mine workers, and police. When companies did report on violence related to their mining projects, the language used often did not describe the extent of the injuries suffered.

Company disclosure tended to be very general, and rarely included biographical information or total numbers of those affected by violence. Due to this lack of detail, our analysis of company disclosure of violent events looks at the *number of incidents* rather than the *number of victims*. Many of these events affected multiple individuals across a range of categories of violence. Further, some of the incidents that we researched were linked to private companies, or occurred at a time when a public company was not obligated to disclose on SEDAR (for example, shortly after the project had been bought by a non-Canadian company). Only the companies that were obligated to disclose are included in the disclosure data below.

Category of Violence	Reported Incidents	Disclosed Incidents	Disclosure Rate (%)
Deaths	33	8	24.2
Disappeared	2	1	50
Injuries	57	7	12.3
Sexual Violence	2	0	0
Warrants & Legal Complaints	7	0	0
Arrests, Detentions & Charges	37	3	8.1

**Figure 6.** The number of reported incidents, disclosed incidents in different categories of violence.

The numbers above represent company disclosure of the reported incident, *and* disclosure of the type of violence that was suffered (for example, deaths, injuries, or arrests). Often, companies mentioned an event like a protest or blockade, but did not disclose violence. This category of general disclosure is not represented in our disclosure statistics.

Our research demonstrates great variation in the level of detail in company disclosure documents. While details may be disclosed in other formats, like annual reports, larger



companies like Barrick Gold Corp tend to use blanket statements on SEDAR to indicate to investors that there is civil unrest in the region. Other companies report on the specific event, but provide an incomplete account of the violence that occurred, when compared with other sources. For example, when police attempted to break up a 2015 blockade of B2Gold's El Limón mine in Nicaragua, there were reports of 31 injuries and the death of a police officer. B2Gold, fulfilling its disclosure requirements, published a news release that omitted mention of injuries to demonstrators:

On October 17, 2015, the Government of Nicaragua instructed the police to remove the illegal blockade, arrest those responsible for prior violent actions that left one police officer deceased and others injured, and establish civil order in the town of El Limón. The illegal blockade was successfully removed by the police and workers were able to return to work. On October 19, 2015, normal operations resumed at the mine.<sup>12</sup>

In contrast, smaller companies with fewer projects tended to report in more detail about violent events occurring in relation to their mines. For example, in 2013, the Escobal mine in Guatemala was Tahoe Resource's only project. Our researchers found reports of five deaths, 28 injuries, 56 arrests and charges laid, and one state of emergency linked to the Escobal mine, which occurred over 10 separate incidents. Tahoe disclosed details on six of the 14 incidents, although the information provided did not always match other credible reports. For example, in the following News Release (excerpt), Tahoe describes an incident outside its Escobal project in April 2013:

During the evening shift change of Saturday, April 27, 2013, a protest involving approximately 20 people armed with machetes turned hostile. The Escobal security force used tear gas and rubber bullets to repel the protestors at the mine gate. These individuals left the area following this incident and some were treated at hospitals and released. Our investigation has shown that only non-lethal measures were taken by our security. We regret any injuries caused by rubber bullets, but we take the protection of our employees and the mine seriously.<sup>13</sup>

This description varies greatly from video footage of the event, and from what was revealed in a wiretap of the mine's head of security. JCAP published a more accurate version of events in a 2016 report to the US Securities and Exchange Commission:

Unbeknownst to Tahoe, telephone conversations of their head of security, Alberto Rotondo, had been wiretapped due to suspicions of his involvement in a prior incident of violence. The wiretap demonstrates that Rotondo ordered the shooting of the protestors and then conspired to cover up the evidence and fabricate a story of the attack. Security video obtained from the company shows that there were about twenty protestors, but they made no attempt to enter the

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<sup>12</sup> B2Gold MD&A November 12, 2015, p. 12. Source: SEDAR

<sup>13</sup> Tahoe Resources News Release, May 1, 2013. Source: SEDAR

open gate nor is there any indication that traffic was impeded.<sup>14</sup> They were not acting in a hostile manner nor shouting slogans. The video first shows puffs of dust as bullets hit the ground near the protesters, then heavily armed security personnel with shields, helmets and bullet proof vests charge out of the mine grounds. The guards stand outside of the gate of the mine and shoot fleeing farmers in their backs. Seven of the protesters were injured. Rotondo was ultimately arrested in Guatemala in connection with the shooting. After being committed to trial in Guatemala he was placed under house arrest in December 18, 2014. In November 2015 he fled to Peru. He was recaptured in January 22, 2016 and five Guatemalan police officers have been arrested in connection with his escape.<sup>15</sup>

The trends that we observed in how companies disclose violence at or near their mines shines a light on the standards set by Canadian securities regulations, which only require companies to disclose what has, or may result in, a change to the market value of their shares.

It is unlikely that any individual mining conflict would impact the cost of shares of large companies that have several operations in different global regions (like Barrick Gold). As such, these companies would not be obligated to disclose any particular incident. Inversely, a smaller company with only one or two operating mines (like Tahoe) may have to disclose an incident that has disrupted its operations. A stoppage in operations for a smaller company is more likely to affect the market value of share.

Thus, larger companies with more mines, which are likely to generate greater risk of conflict, are held to a *lower standard* of disclosure than smaller companies. Canadian disclosure regulations allow for the most prolific mining companies to remain silent on violence related to their projects.

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<sup>14</sup> To watch the video: Tahoe On Trial, *Security Footage Outside Escobal Mine*, (2016), online: <<https://perma.cc/QGL4-2LZV>>; To read wiretap transcript: Affidavit of Roger Barany, January 21, 2015, filed in the matter of *Garcia v. Tahoe Resources*, Supreme Court of British Columbia, No. S-144766, online: <<https://perma.cc/QXH8-SGYL>>.

<sup>15</sup> See the following reports from the Guatemalan paper: La Hora, "Juez podría enviar a juicio a Alberto Rotondo", (December 17, 2014), online: <<https://perma.cc/RHU2-MC8Q>>; La Hora, "Capturan a Alberto Rotondo", (January 22, 2016), online: <<https://perma.cc/Z853-GLMP>>; La Hora, "Señalan a policías por escape de Rotondo", (February 19, 2016), online: <<https://perma.cc/3NEN-ARW5>>.

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## PART III: CANADIAN COMPANY RESPONSIBILITY

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**Former Supreme Court of Canada Justice, Ian Binnie, on the power of transnational companies**

*“The economic influence of transnational companies is often such that states, competing amongst each other for investment opportunities, have little incentive to regulate. Even where the incentive exists, the political influence of transnational companies, particularly in conflict-ridden and economically underdeveloped countries, may be such that a state has little real power to impose its will.”*

*“Legal Redress for Corporate Participation in International Human Rights Abuses”, 2009 The Brief 44. 45*

There are a number of questions that could be raised about how to interpret our research findings, outlined in Parts I and II, above. In this Part, we will discuss whether these statistics say anything about company responsibility, and in Part IV, we will discuss whether they shed light on Canadian policy in relation to human rights abuses in foreign countries.

With respect to company responsibility, we would like to begin with a discussion of two general points:

- the *proximity* between mining and violence and criminalization; and
- the possible *complicity* of companies in contributing to contexts that produce human rights abuses.

First, while we associate the incidents of violence and criminalization with specific companies, we are not alleging that there is necessarily any legal liability in any specific case. We do not have the information to be able to make a direct *causal* link. However, the close proximity of Canadian mining operations in Latin America to violence and criminalization paired with the frequency with which such incidents occur demonstrate a significant systemic problem that demands action by the Canadian government.

Second, in cases where the direct involvement of a company in an act of violence is not proven, the company may still be *complicit* in the violence. Former Supreme Court of Canada justice, Ian Binnie has referred to a definition of complicity developed by the International Commission of Jurists that includes situations where the company, through an act or a *failure to act*, enables abuses to occur or exacerbates specific abuses. Seen from this perspective, it is fair to inquire not only whether the company was *directly* involved, but also whether the company contributed to a community context where violence and criminalization could occur.<sup>16</sup>

The concepts of *proximity* and *complicity* will help inform the discussion of questions that may be raised about the link between incidents of violence or criminalization and Canadian companies. Below, we discuss four common questions.

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<sup>16</sup> The relevant part of the definition is reproduced here:

First, by such conduct, the company or its employees contribute to specific gross human rights abuses, whether through an act or failure to act, and whatever form of participation, assistance or encouragement the conduct takes, it:

- (i) Enables the specific abuses to occur, meaning that the abuses would not occur without the contribution of the company, or
- (ii) Exacerbates the specific abuses, meaning that the company makes the situation worse, including where without the contribution of the company, some of the abuses would have occurred on a smaller scale, or with less frequency, or
- (iii) Facilitates the specific abuses, meaning that the company's conduct makes it easier to carry out the abuses or changes the way the abuses are carried out, including the methods used, the timing or their efficiency.

Ian Binnie, "Legal Redress for Corporate Participation in International Human Rights Abuses", 2009 *The Brief* 44, 48.

**1. If the company is following the laws of the foreign state, isn't that sufficient?**

The quote from the Ian Binnie at the beginning of this section shows that companies may operate in states where there is inadequate state regulation. It is for this reason that the United Nations *Guiding Principles on Business and Human Rights* state that companies must adhere to human rights standards whether or not such standards exist or are enforced in the foreign state:

The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. And it exists over and above compliance with national laws and regulations protecting human rights.<sup>17</sup>

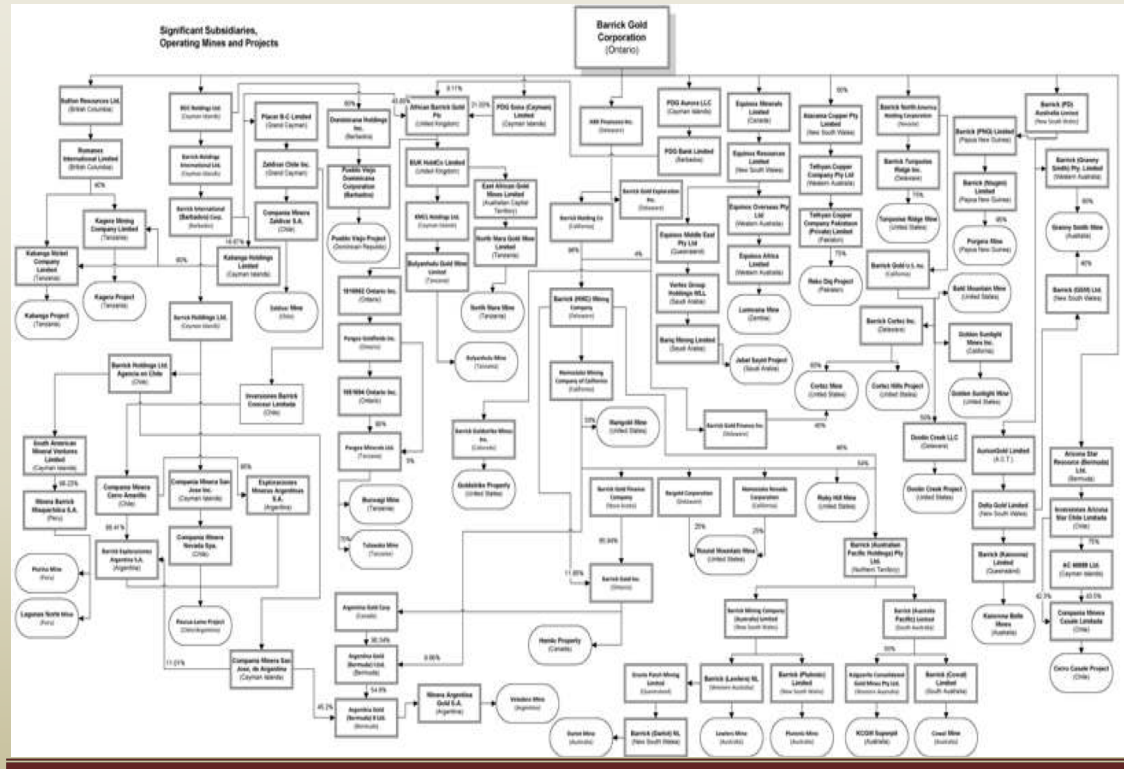
The concept that companies must go beyond compliance with national laws to adhere to international standards has become well accepted. For the most part, companies no longer argue that they can ignore international best practices.

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<sup>17</sup> *Guiding Principles on Business and Human Rights* (2011), online: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) at 13.

**2. If the fault lies with the subsidiary in the foreign country, why should the corporate offices in Canada be responsible?**

*Barrick Gold Corporate Structure - Each box is a separate corporation*



Canadian mining companies create subsidiary corporations in Latin America to operate their mines. Between the Canadian company and the Latin American subsidiary, there may be a dizzying array of corporations located in countries such as Switzerland, the Bahamas, and the Cayman Islands. There are a variety of reasons for doing this, including avoidance of tax and liability.

While the subsidiary in Latin America may be nominally running a project, these projects are featured on the home pages of Canadian mining companies, often accompanied by statements about responsible mining or community development. However, when these companies are sued in Canada, the Canadian parent company claims that everything is the responsibility of the subsidiary and uses the many layers of subsidiary corporations as a “corporate veil” to shield the head office from responsibility.<sup>18</sup>

<sup>18</sup> Valerie Crystal, Shin Imai and Bernadette Maheandiran, *Access to Justice and Corporate Accountability: A Legal Case Study of Hudbay in Guatemala*, Osgoode Legal Studies Research Paper Series, (2014), online: <<https://perma.cc/YE32-9HSY>>.

Ian Binnie is very critical of this practice:

The way in which those [subsidiaries] are now being used is to have profits taken from the bottom level corporations, sucked up to the top, then using the corporate veil to leave responsibility at the bottom, where there is no money left. It strikes me that, looking at the corporate structure as a whole, there is something wrong with that picture.<sup>19</sup>

**3. How can the company be held responsible when events are totally out of their control, like the assassination of a community member by an unknown assailant or the arrest of protesters by police?**

In our data we have identified scores of cases where reports suggest that community members who opposed the mine were targeted. Aside from the two cases where the head of security of two Canadian mining companies were arrested<sup>20</sup>, what happens after these murders is not well documented. Reporting by the media on these incidents trails off and information is not found in company disclosures.

For example, the reports we found for incidents in Guatemala show a number of cases where community members opposed to the mine were targeted for violence. These include a woman who was shot in the face (Goldcorp); a woman who was shot from a motorcycle (Radius Gold); a sixteen-year-old girl who was killed and her father wounded when their car was ambushed (Tahoe Resources); four Indigenous leaders who were kidnapped, and one killed, on their way home from plebiscite on mining (Tahoe Resources); a leader from a community that had voted against mining who was shot while waiting for a bus (Tahoe Resources). There have been no arrests in any of these cases.<sup>21</sup>

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<sup>19</sup>“An Interview with the Honourable Justice Ian Binnie” (2013) 44 Ottawa Law Review 571, 588.

<sup>20</sup> Mynor Padilla, head of security for HudBay is currently being tried for the death of a community leader. See Marina Jimenez, “How a Guatemalan murder trial could forever change Canadian overseas mining” *Toronto Star* (June 20, 2016) online: <<https://www.thestar.com/news/world/2016/06/20/how-a-guatemalan-murder-trial-could-forever-change-canadian-overseas-mining.html>>; Alberto Rotondo, former head of Tahoe Resources was arrested after ordering the shooting of protesters in the back, then escaped to Peru and now is awaiting extradition back to Guatemala. See NISGUA, “Tahoe’s former security manager turns fugitive” (December 1, 2015) online: <<http://nisgua.org/tahoe-resources-former-security-manager-turns-fugitive/>>.

<sup>21</sup> Amnesty International, ‘We are defending the land with our blood’: Defenders of the land, territory and environment in Honduras and Guatemala’ (2016), p.53 online: <<https://perma.cc/V7WK-HJRU>>:

“Amnesty International’s research confirmed that the vast majority of those responsible for attacks against human rights defenders working on issues related to land, territory and the environment in Honduras are not brought to justice. Impunity has helped perpetuate violence against defenders: the failure to identify, bring to trial and punish those responsible sends a message that there are no consequences for those who attack defenders.”

The targeting of human rights defenders is a serious problem world-wide. We have previously mentioned the annual reports from Global Witness<sup>22</sup> about murdered environmental defenders, and the United Nations *Declaration on Human Rights Defenders*.<sup>23</sup>

The individual cases from Latin America need to be seen in the light of a larger global pattern. A closer look at individual cases may also reveal hints of connections that need to be investigated further. For example, what happened in Chiapas, Mexico at the Blackfire Resources mine raises serious questions about responsibility. A director of the mine itself revealed that the company was paying money directly into the bank account of the mayor of the town who promised to “keep the peace and prevent local members of the community from taking up arms against the mine.” Canadian Blackfire officials said that they thought the money was to go to public works.<sup>24</sup> There can be a number of interpretations about the understanding of what “keep the peace” means, but any interpretation needs to take into account the fact that opponents of the mine complained bitterly about harassment, beatings and threats, and eventually a leader in the opposition to the mine, a father of four, was murdered.

Arrests of protesters by national police could be seen as a routine procedure by local authorities to keep the peace. But arrests can also be a means to stifle free speech and target community members opposed to the mine. Using arrests and criminal charges to quell protests is clearly identified as a human rights problem in Guatemala. An Amnesty International report states:

Amnesty International’s research found that the misuse of the criminal justice system in Guatemala by opening baseless judicial proceedings is a way of intimidating and wearing down human rights defenders. In several instances, being part of a social movement or a member of a human rights organization working for rights related to the land and territory and the environment has been seen as proof of criminal responsibility. ... Holding organizers or participants in a demonstration responsible for the illegal actions of others or for the maintenance of public order during protests is contrary to international human rights standards.<sup>25</sup>

Arrests and detentions in specific cases need to be seen in the context of a larger problem around criminalization of legitimate opposition to mining projects. In addition, if we look closer at specific

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<sup>22</sup> Global Witness, *On Dangerous Ground*, (2016), online: <https://perma.cc/FF26-HLMW>. See also Observatory for the Protection of Human Rights Defenders, “We are not afraid: Land rights defenders attacked for confronting unbridled development” (2014) online: <<https://perma.cc/7BA8-YBMJ>>; and fidh, *Criminalización de defensores de derechos humanos en el Contexto de proyectos industriales: un fenómeno regional en América Latina* (February 2016), online: <<https://perma.cc/8HK4-88JS>>.

<sup>23</sup> United Nations, *Declaration on Human Rights Defenders*, (1999) A/RES/53/144 online: <<http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Declaration.aspx>>.

<sup>24</sup> MiningWatch Canada, *Corruption, Murder and Canadian Mining in Mexico: The case of Blackfire Exploration and the Canadian Embassy* (May 2013) at 22.

<sup>25</sup> Amnesty International, ‘We are defending the land with our blood’: Defenders of the land, territory and environment in Honduras and Guatemala’ (2016) online: <<https://www.amnesty.org/en/documents/amr01/4562/2016/en/>> at 53.



incidents, we can see that in some cases, Canadian companies play a significant role in demanding the intervention of police or armed forces. Tahoe Resources in Guatemala, for example, commenced a secret lawsuit against the government of Guatemala, demanding greater protection for its mines. Although the Constitutional Court dismissed the case, a month later the government began a series of arrests of known opponents of the mine, and eventually imposed a “State of Siege” on the municipalities around the mine that had voted against mining.<sup>26</sup> In the case of Hudbay Resources in Guatemala and Excellon Resources in Mexico, the companies complained to the Canadian embassy, which intervened with local authorities on their behalf to send in police or soldiers.<sup>27</sup>

These examples show that the company can have responsibility for the deployment of police and the army. They raise questions about whether the intervention of the company is appropriate or whether the company is complicit in criminalization of legitimate protestors.

***4. How can the mining company be responsible for protecting its employees and community members if the mine is located in an area where organized crime and cartels are active?***

Some mining projects are located in regions where there is a pre-existing level of activity by organized gangs or cartels. What is the responsibility of companies in these regions? We use the case of the Goldcorp’s Los Filos mine in Mexico to think through this problem.

Goldcorp says that it is “working for mutual benefit in politically stable jurisdictions” and that it is committed to responsible mining.<sup>28</sup> If we look at the situation at the Los Filos mine, from the perspective of complicity as described by Ian Binnie, it opens a discussion as to whether Goldcorp was doing enough to protect community members, or, given the level of violence, whether the benefits of the mine outweigh the impacts on the community.

This project is located in Guerrero state, Mexico, which has been deeply impacted by police corruption and the presence of organized crime. The mine is located between the towns of Mezcala and Carrizalillo, which have reportedly seen an increase in the presence of organized crime since the company began commercial production in 2008. Reports indicate that criminal groups have controlled and terrorized local communities, especially the town of Carrizalillo. They have used fear to extort local mine workers and those receiving payments from the company for the use of their land.

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<sup>26</sup> Justice and Corporate Accountability Project, “Request to Investigate Tahoe Resources for Failure to Disclose Material Information” (August 8, 2016) online: <[http://niscua.org/wp-content/uploads/2016/08/SEC\\_DisclosureAug2016.pdf](http://niscua.org/wp-content/uploads/2016/08/SEC_DisclosureAug2016.pdf)> at 12-13.

<sup>27</sup> For HudBay, see of Access to Information Request A201200634\_2013-01-09\_08-39-47.pdf, p. 81, where the Guatemalan Minister of Defence tells the Canadian Ambassador that he has sent soldiers to the HudBay mine site “in response to her request”. For Excellon, see Mining Watch Canada and the International Civil Liberties Monitoring Group, In the National Interest? Criminalization of Land and Environment Defenders in the Americas (August, 2015), online: <[http://miningwatch.ca/sites/default/files/inthenationalinterest\\_fullpaper\\_eng\\_1.pdf](http://miningwatch.ca/sites/default/files/inthenationalinterest_fullpaper_eng_1.pdf)> at 3.

<sup>28</sup> Goldcorp website, accessed October 22, 2016 online: <<https://perma.cc/ANK2-BV6F>>.

Local residents have also been the victims of turf wars between two gangs wishing, among other things, to control extortion linked to the mine. One of these groups, Guerreros Unidos, is suspected of being partly responsible for the disappearance of 43 students in the nearby town of Iguala in 2014. This state of affairs in two small communities has led to at least 17 deaths, 3 disappearances, 8 injuries and hundreds of families being displaced. For more details, see the chart documenting incidents at the Los Filos mine in Appendix II.

Goldcorp has acknowledged the violence and criminal activity surrounding its mining operations. For example, in its 2011 Annual Information Form, Goldcorp reported:

In recent years, criminal activity and violence has increased in Mexico and spread from border areas to other areas of the country. Violence between the drug cartels and human trafficking organizations and violent confrontations with Mexican authorities have steadily increased. As well, incidents of kidnapping for ransom and extortion by organized crime have increased. Chihuahua, Guerrero and Zacatecas, the three states where Goldcorp operates, have been among the top ten states for kidnapping, and all three states register high levels of violent crime. Many incidents of crime and violence go unreported in Mexico and Mexico's law enforcement authorities' efforts to reduce criminal activity are challenged by a lack of resources, corruption and the power of organized crime. Goldcorp's sites in Mexico have taken a variety of measures to protect their employees, property and production facilities from these security risks. Goldcorp also regularly reviews the safety of access routes and the physical security of its installations. Notwithstanding these measures, incidents of criminal activity, trespass, theft and vandalism have occasionally affected Goldcorp employees, contractors and their families.<sup>29</sup>

Despite Goldcorp's acknowledgement of increased violence, the company has not disclosed any specific death or violence attack related to the community or its workers in its corporate disclosure documents.

Below is a list of the reported incidents that we have been able to identify. We have not included these numbers in our study because the situation is very complex, and involves the presence of armed gangs and corrupt state armed forces, as Goldcorp suggests in its disclosure. Nonetheless, we want to highlight this particular dispute because of the extent of violence which is affected by the economic benefits brought by the mine.

One would usually think that good wages in the context of the area (which still only amount to about \$9,000 per year) and annual payments from the mining company to the community would be a good thing. However, reports from Mexico that we have documented suggest that there is extortion of individual mine workers that is enforced through murder and kidnappings, and extortion of community institutions enforced through armed attacks on community members.

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<sup>29</sup> Goldcorp, Annual Information Form (2011), SEDAR.

Community members blame both the government and Goldcorp itself for not doing enough to protect them. According to one newspaper report, community members say that after a kidnapping of community members who work at the mine, “Goldcorp did not give credence to the incidents and did not provide any help, and a few days later the miners were found dead in a gully.”<sup>30</sup> Goldcorp says that it can only provide security within the borders of the mine and cannot be held responsible for what happens outside.

The presence of Canadian mining companies in areas of Mexico, where there is a high level of organized crime, was highlighted by the admission of Canadian miner Rob McEwen who freely admitted on Canada’s Business Television Network that he had “good relations” with cartels in the region of his mine:

“Generally we had a good relationship with them. If we want to go explore somewhere, you ask them, and they tell you no, but then they’ll say come back in a couple of weeks when we’ve finished with what we are doing...”<sup>31</sup>

According to the Financial Post, McEwen had to backtrack a day later, after his comments sparked controversy:

Those remarks prompted an uproar in some Mexican media. In an effort to contain the PR damage, McEwen issued a highly unusual statement Monday night titled “Cartel Confusion” in which he denied his company has any sort of relationship with cartel members.<sup>32</sup>

Further research is required to examine the relationship between Canadian mining and cartel-related violence, including the collateral damage caused to the communities and mine employees “outside of the fence” of the mine, and the possible existence of relationships of convenience between organized crime and the mining industry.

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<sup>30</sup> La Jornada, Mina de oro atrae delincuencia a Carrizalillo, (9 Nov. 2015), online: <<https://perma.cc/DGH8-A5T6>> [translated by author].

<sup>31</sup> Dolia Estevez, “After Gold Heist, Canadian Mining CEO Says Company Had Good Relations With Mexican Cartels” Forbes, April 13, 2015 <<http://www.forbes.com/sites/doliaestevez/2015/04/13/after-gold-heist-canadian-mining-ceo-says-company-had-good-relations-with-mexican-cartels/#bcb752c263a5>>.

<sup>32</sup> Barry Critchley, “McEwen Mining CEO does some backtracking on ‘great relationship’ with Mexican drug cartels” Financial Post, April 14, 2016

### ***Reported Violence surrounding the Los Filos Mine***

(Sources for these incidents can be found in Chart 7 -Appendix II)

- On August 2, 2011, a campesino from Carrizalillo was kidnapped. His body was later found cut into pieces.
  - On May 11, 2013, two bodies were found at the Mezcala bridge, with signs of being tied up and with multiple gunshot wounds. One man was from the nearby town of Coacoyula and the other was from El Tomatal (about an hour away from Mezcala). The latter disappeared on his way to Carrizalillo.
  - On May 15, 2013, the president of a local government organization (Comisariado Ejidal de Carrizalillo) was shot and killed by members of a criminal organization. The person with him was injured, while three other local men, including one 18-year-old were disappeared.
  - On June 2, 2013, a shoot out in Carrizalillo left four men dead. One article reports that this is related to a turf war between two criminal organizations, Guerreros Unidos and Los Rojos.
  - On September 12, 2014, 100 masked men attacked the village of Carrizalillo, shooting at civilians and killing one mine employee and a brick layer who was working there. The brother of one of the victims said one of the attackers yelled that they would “slaughter Carrizalillo because it belonged to them”.
  - On March 5, 2015, four workers in their early 20s were kidnapped leaving the mine. One was released but the bodies of the three others were found in a common grave over a week later with signs of torture. All were from Carrizalillo.
  - On March 27, 2015, A group of masked men and dressed in black attacked Carrizalillo with automatic weapons, killing two women (including an elderly woman of 80) and one man. A pregnant woman was also gravely wounded. Some reports suggest that this was a robbery while others point to gang activity, indicating that the attack was meant to serve as a “reminder” to pay extortion money as mining company transfers to the community were scheduled for April 5, 2015. Three local officials later sent a letter to the Mexican president demanding police protection from armed groups extorting their communities and arguing that the Mexican military allows armed groups to enter their villages with automatic weapons. By April 5, 2015, it was reported that half of the 500 families in Carrizalillo had abandoned their homes and fled.
  - On August 2, 2015, A mine worker from Carrizalillo, who was a candidate the office of ejido (farming cooperative) president, was shot to death in his car. Seven others were injured.
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## PART IV:

# CANADIAN GOVERNMENT RESPONSIBILITY

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**Commissioner Marie Belle Antoine addresses the arguments made by Canada at a hearing of the Inter-American Commission on Human Rights (October 28, 2014)**

*“Despite your assurances of Canada that there is good policy, we continue at the commission to see a number of very, very serious human rights violations occurring in the region as a result of certain countries and Canada being one of the main ones and the companies from certain countries, and we’re talking about the right to life – people are being killed ... – in particular Indigenous peoples and also persons of African descent in some of the countries... loss of livelihood, displacement of land and property, environmental rights, rights to health... rights to water, basic rights, equality and non-discrimination, criminalization of human rights defence...”*

*On one hand, Canada says yes we are responsible and we wish to promote human rights ... and on the other hand, [Canada takes] a hands off approach, we take no responsibility; this is all to do with the other state. Let them [take care of it.] So I am a little concerned, I understand the legal argument, and as I said before, we really need to move beyond being legalistic if we are really concerned about human rights.”*

*Video of hearing:*

*<https://www.youtube.com/watch?v=OWYue8FP9ZY&feature=youtu.be> at about minutes 53-58*

In this Part we look at Canadian laws at policies relating to

- the conduct of Canadian companies in other countries; and
- disclosure requirements for companies listed on a Canadian stock exchange.

## 1. CONDUCT OF CANADIAN COMPANIES

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The Canadian government policy in force since the 2014 is called “Doing Business the Canadian Way: A Strategy to Advance Corporate Social Responsibility in Canada’s Extractive Sector Abroad”<sup>33</sup> This policy relies heavily on education and promotion of corporate social responsibility. Most companies currently have some sort of corporate social responsibility policy and many have policies on human rights. With respect to violence, many point to adherence to the Voluntary Principles on Security and Human Rights, a code developed cooperatively by a group consisting of some governments, some companies and some NGO’s.<sup>34</sup>

The Voluntary Principles provide guidance to companies on the use of private security personnel as well as relationships with national police, with the aim of ensuring the protection of human rights. While there appeared to be some optimism when they were first enacted, they have proved to be ineffective, and one of its founders, Amnesty International, withdrew from the group in 2013.<sup>35</sup> In the same year, Earth Rights International criticized the implementation of these principles.<sup>36</sup>

CSR codes like the Voluntary Principles suffer from deeper structural problems related to the fact that they are voluntary and unenforceable. They have no mechanism for investigation, companies cannot be sanctioned and victims cannot be compensated.

The Canadian government has made it clear that it does not assume any legal responsibility for the activities of Canadian mining companies abroad. As the quotes from Governor General David Johnson at the beginning of this Report state, Canada will do little more than tell mining companies that are acting badly: “this is not the Canada brand that we want to see.”

At present, there are two complaints mechanisms that Canada has in place with regard to the activities of extractive industries abroad: The Office of the Extractive Sector Corporate Social Responsibility Counsellor (CSR Counsellor) and the National Contact Point (NCP) for the

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<sup>33</sup> Global Affairs Canada “Doing Business the Canadian Way” (2014), online: <[http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/Enhanced\\_CS\\_Strategy\\_ENG.pdf](http://www.international.gc.ca/trade-agreements-accords-commerciaux/assets/pdfs/Enhanced_CS_Strategy_ENG.pdf)>.

<sup>34</sup> Voluntary Principles on Security and Human Rights, online: <<http://www.voluntaryprinciples.org/>>.

<sup>35</sup> Amnesty International withdrawal from the Voluntary Principles on Security and Human Rights (June 3, 2013), online: <<https://www.amnesty.org/en/documents/IOR40/003/2013/en/>>.

<sup>36</sup> Earth Rights International, “Assessing and Improving the Voluntary Principles on Security & Human Rights: Lessons from the Nigerian Experience” (July, 2013), online: <<https://www.earthrights.org/legal/eri-and-cehrd-publish-report-critiquing-voluntary-principles-nigeria>>.

Organization for Economic and Cooperative Development's (OECD) *Guidelines for Multinational Enterprises*.

The CSR Counsellor was established in 2009 with no power to investigate, no power to require meetings, and no power to report. Parties could voluntarily participate in mediation. However, no mediations have taken place: three that were initiated were ultimately terminated when the companies withdrew. In 2014, the government of Canada supplemented the policy by saying that companies that ignore CSR best practices, and that fail to participate in a voluntary resolution process, may lose the support of the Canadian embassy and funding from Export Development Canada. Two years after the introduction of the new policy, the website of the CSR Counsellor does not show much activity. There is no annual report and the only "Publications" listed on the web pages are news reports of six speeches given by the current CSR Counsellor.<sup>37</sup> The website does not disclose a single case taken on by the office of the CSR Counsellor since 2013. In fact, the CSR Counsellor has not developed a process for withdrawing support or withdrawing funding. If sanctions are the destination, the government has not built a path to get there.

The NCP for the Organization for Economic Cooperation and Development has a somewhat broader mandate and technically could investigate complaints. However, unlike other OECD NCPs in participating states, the Canadian NCP will not investigate a complaint nor issue a detailed consideration of matters raised in a complaint.<sup>38</sup> Rather, the Canadian NCP will only offer its offices for dialogue. If both parties are not willing to engage in mediation, it will close the case without further investigation, and issue a report.

In 2015, the NCP had only one case – a Canadian company, China Gold, a subsidiary of a Chinese state-owned mining company. A group of Tibetans brought a complaint about the China Gold's activities in Tibet. The NCP tried to call the parties together, but the Canadian company refused to participate. The only sanction available to the NCP was to suggest that in the future, the Canadian government may take into consideration the lack of participation the process, in deciding whether the Canadian embassy would provide support to China Gold. Since the parent company was a Chinese state-owned enterprise, it would not need any diplomatic support from the Canadian embassy. Thus, the sanction mentioned by the NCP was meaningless.<sup>39</sup>

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<sup>37</sup> Global Affairs Canada, CSR Counsellor, Publications, online: <https://perma.cc/4TV2-7B24>

<sup>38</sup> Bernadette Maheandiran, "Calling for Clarity: How Uncertainty Undermines the Legitimacy of the Dispute Resolution System Under the OECD Guidelines for Multinational Enterprises" (2015) 20 *Harvard Negotiation Review* 205. online: <[http://www.hnlr.org/wp-content/uploads/HNR105\\_crop.pdf](http://www.hnlr.org/wp-content/uploads/HNR105_crop.pdf)>.

<sup>39</sup> *Final Statement on the Request for Review regarding the Operations of China Gold International Resources Corp. Ltd., at the Copper Polymetallic Mine at the Gyama Valley, Tibet Autonomous Region* (April 8, 2015) online: <<http://www.international.gc.ca/trade-agreements-accords-commerciaux/ncp-pcn/statement-gyama-valley.aspx?lang=eng>>.

## 2. SECURITIES ACT DISCLOSURE

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Companies that list their stocks on stock exchanges are required to file information on matters that may affect their business. This requirement is enforced by provincial securities commissions that act like consumer protection agencies for investors. If, for example, a company misrepresents the quantity of minerals it estimates for its mine, or its access to land to develop its mine, it can be sanctioned by the securities agency.

The laws in force in Canada for disclosure of information are laxer than the laws in the United States. Canadian companies are required to disclose comparatively less, and enforcement is also less rigorous. This is one of the reasons why mining companies prefer to be incorporated in Canada. Being incorporated in Canada does not preclude them from listing on other stock exchanges, for example the New York Stock Exchange. However, by incorporating in Canada, companies can be exempted from the stricter US regime. Tahoe Resources, for example, is incorporated in British Columbia, but its head office is Nevada. It does not have any employees or even a physical office at its so-called corporate offices in Canada. In fact, the address listed as its Canadian corporate office is the address of its law firm, which receives all its mail. In one of its official documents, Tahoe clearly outlined that the disadvantages of being subject to the United States Securities and Exchange Commission:

The regulatory and compliance costs to us under U.S. securities laws as a U.S. domestic issuer will be significantly more than the costs incurred as a Canadian foreign private issuer. If we are not a foreign private issuer, we would not be eligible to use foreign issuer forms and would be required to file periodic and current reports and registration statements on U.S. domestic issuer forms with the SEC, which are generally more detailed and extensive than the forms available to a foreign private issuer. In addition, we may lose our ability to rely upon exemptions from certain corporate governance requirements on U.S. stock exchanges that are available to foreign private issuers.<sup>40</sup>

Our data show that publicly listed companies only reported (through SEDAR) on 24.2% of the deaths and 12.3% of the injuries listed in this Report. There is a debate about whether disclosure of human rights issues is relevant to investors and whether such a requirement would put too much a burden on the company.<sup>41</sup> However, there is growing evidence that human rights issues do affect company performance, as a recent report from Harvard University indicates.<sup>42</sup> In fact, the \$850 billion Norwegian Government Pension Fund decided to divest from one of the

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<sup>40</sup> Tahoe Resources Inc., *Short Form Prospectus* (June 23, 2015) at 27.

<sup>41</sup> Janet McFarland, "New disclosure rules not needed, report for OSC concludes" *The Globe and Mail* (June 15, 2010) online: <<http://www.theglobeandmail.com/globe-investor/new-disclosure-rules-not-needed-report-for-osc-concludes/article1211792/>>.

<sup>42</sup> Rachel Davis and Daniel Franks, *Costs of Community-Company Conflict in the Extractive Sector* (Cambridge: CSR Initiative at the Harvard Kennedy School, 2014) online: <<https://perma.cc/KWY7-T2JD>>.



companies in our Report, Tahoe Resources, because of “an unacceptable risk of...contributing to serious human rights violations.”<sup>43</sup>

Current Canadian laws and policies are not adequate for disclosing violence associated with mining projects, and provide an incentive for companies to avoid stricter US requirements by incorporating in Canada.

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<sup>43</sup> Council on Ethics for the Government Pension Fund Global, *Annual Report, 2014*, (December 31, 2014), online: <<https://perma.cc/54TQ-QEUP>> at 16.

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## CONCLUSION: A CALL FOR ACTION

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**The Honourable Ian Binnie, former member of the Supreme Court of Canada, talks about the importance of imposing corporate accountability on Canadian corporations operating in other jurisdictions**

*“Efforts must be made to encourage more concerted action by the home countries (to discipline the parent companies) as well as local jurisdictions (to prosecute the affiliates).... Anything less makes the customary high-minded pronouncements of states in support of human rights ring hollow.”*

*“Legal Redress for Corporate Participation in International Human Rights Abuses”, 2009 The Brief 44, 49*

*“... one of the most fundamental precepts of our legal system is that if there is a wrong there should be a remedy. And at the moment, these people in the third world have no remedy.”*

*“An Interview with the Honourable Justice Ian Binnie” (2013) 44 Ottawa Law Review 571, 589*

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We have limited the data we have collected to violence and criminalization. As we have mentioned above, there are many more conflicts that result in protests, blockades and legal actions on which we do not report. Therefore, this study should not be taken as a measure of the extent of *conflict* associated with Canadian mining, as the self-imposed limits placed on our data collection in the interest of quality have resulted in the exclusion of many conflicts. We have argued that there is a degree of *proximity* between violent conflict and Canadian mining companies that something more needs to be done to address the situation.

Canada has received criticism from international bodies for its failure to develop mechanisms for holding Canadian mining companies accountable for their overseas projects. For example, in 2013, a group of organizations from Latin America presented 23 case studies involving conflicts with Canadian mining companies in the region to the Inter-American Commission on Human Rights<sup>44</sup>. Again, in 2015, a number of Catholic Bishops issued a document criticizing the practices of Canadian mining companies.<sup>45</sup> Four United Nations treaty bodies, beginning in 2002, have urged Canada, specifically, to assume its responsibility to protect against human rights abuse outside its territory, and to provide effective oversight regarding its companies' overseas operations, including through extraterritorial regulation.<sup>46</sup> The latest critique was from the Human Rights Committee in June 2015:

The State party [Canada] should (a) enhance the effectiveness of existing mechanisms to ensure that all Canadian corporations under its jurisdiction, in particular mining corporations, respect human rights standards when operating abroad; (b) consider establishing an independent mechanism with powers to investigate human rights abuses by such corporations abroad; and (c) develop a

<sup>44</sup> Working Group on Mining and Human Rights in Latin America, *El impacto de la minería canadiense en América Latina y la responsabilidad de Canadá*, (2014), online: <<https://perma.cc/56YT-PZ6S>>.

<sup>45</sup> Posición de la Iglesia católica ante vulneración y abusos contra los derechos humanos de las poblaciones afectadas por las industrias extractivas en América Latina, (March 2015) [trans. "The position of the Catholic church in relation to the breaches and abuses of human rights of peoples affected by the extractive industries in Latin America] sponsored by Consejo Episcopal Latinoamericano (CELAM), Secretariado latinoamericano y del Caribe de Cáritas (SELACC), Confederación latinoamericana y caribeña de religiosos y religiosas (CLAR), Comisión amazónica de Conferencia Nacional de Obispos de Brasil (CNBB) and Red Eclesial Pan-amazónica (REPAM), online: <<https://perma.cc/Y99E-SLMG>>.

<sup>46</sup> See concerns from the Commission on Human Rights, the Committee on the Elimination of Racial Discrimination, and the Committee on the Rights of the Child: Commission on Human Rights, *Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights Report, Mission to Canada, 17-30 October 2002*, (14 January 2003), E/CN.4/2003/56/Add.2, at para. 126, online: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G03/102/78/PDF/G0310278.pdf?OpenElement>>; Committee on the Elimination of Racial Discrimination, *Concluding Observations*, (25 May 2007), CERD/C/CAN/CO/18, at para. 17, online: <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/421/69/PDF/G0742169.pdf?OpenElement>>; Committee on the Elimination of Racial Discrimination, "Concluding Observations", CERD/C/CAN/CO/19-20, (4 April 2012), at para. 14, online: <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/19-20&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/CAN/CO/19-20&Lang=En)>; Committee on the Rights of the Child, *Concluding Observations*, (6 December 2012), CRC/C/CAN/CO/3-4, at para. 29, online: <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/CAN/CO/3-4&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/CAN/CO/3-4&Lang=En)>.

legal framework that affords legal remedies to people who have been victims of activities of such corporations operating abroad.<sup>47</sup>

In April 2016, over 180 organizations from Latin America sent an open letter to Prime Minister Trudeau asking him to take action on Canadian mining company problems.<sup>48</sup>

The international community demands a more robust accountability mechanism for both state and company accountability, but opponents claim that the government does not have the capacity to handle the claims. There is no evidence that the current CSR Counsellor, nor the NCP, have too many cases to handle.

- The CSR Counsellor was established in 2009 and handled only six complaints between 2009 and 2013.
- The current CSR Counsellor's website shows no indication of any investigations, disputes, dialogues or any engagement with specific conflicts.
- The current CSR Counsellor has no Annual Report and the only Publications are news reports of six speeches made by the CSR Counsellor since his appointment in 2015.
- The NCP only dealt with one case in 2015 and five cases in total since 2011.

There are a variety of recommendations on how to address the issues raised in this report, ranging from new legislation to create an ombudsman's office, which can investigate state and company behaviour,<sup>49</sup> to reviewing the support that the Canadian government gives to mining companies.<sup>50</sup> We hope that this report can contribute to an evidence-based discussion of what specific measures need to be taken.

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<sup>47</sup> Human Rights Committee, "Concluding observations on the sixth periodic report of Canada," (23 June 2015), CCPR/C/CAN/CO/6, para. 6, online: <[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en)>.

<sup>48</sup> For a copy of the letter, see <[http://www.dplf.org/sites/default/files/letter\\_to\\_trudeaueng\\_0.pdf](http://www.dplf.org/sites/default/files/letter_to_trudeaueng_0.pdf)>. See also Marina Jimenez, "Honduran activist wants Trudeau to pressure Canadian mining companies on human rights abuses", Toronto Star, August 16, 2016 online: <<https://www.thestar.com/news/world/2016/08/16/honduran-activist-wants-trudeau-to-pressure-canadian-mining-companies-on-human-rights-abuses.html>>.

<sup>49</sup> See, for example, the Canadian Network on Corporate Accountability, "Talk is Not Enough" (nd) online: <<https://perma.cc/FT2N-SAU5>>.

<sup>50</sup> See, for example, Canadian Network on Corporate Accountability, "Human Rights, Indigenous Rights and Canada's Extraterritorial Responsibility" (October 2014) online: <<https://perma.cc/7YG8-D2MR>>.

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# APPENDIX I: METHODOLOGY

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## 1. OBJECTIVES

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This project aims to compile and analyze reporting on violent conflict and criminalization connected to Canadian mining projects in Latin America from 2000-2015. JCAP became aware of these issues through its work providing legal support directly to communities impacted by mining, and indirectly through NGOs supporting these communities on the ground.

While reporting on individual conflicts has in many cases been extensive, the aggregate data from 2000-2015 has yet to be analyzed. A leaked 2009 report commissioned by the Prospectors and Developers Association of Canada (PDAC) compiled information on Canadian company involvement in severe ethical, environmental, human rights and occupational incidents from 1999-2009.<sup>51</sup> Aside from the time period chosen, this project is different from the PDAC report in a number of ways: it reviews Spanish language sources as well as English sources; it focuses solely on incidents of violent conflict; and it does not attempt to analyze the relationship between CSR policies and conflict, or compare Canadian companies with those based in other countries.

This report also differs from past reports in that it includes an appendix with details about each recorded event, along with permalinks for sources. We hope that this information will allow other researchers to use our data and develop their own analyses. Providing more details about each event also sheds light on the wide-ranging and deeply impactful consequences of violent conflict on regions that host Canadian mining projects. We also hope to identify the extent of violent conflict, as well as common contexts in which individuals impacted by mining are killed, injured or criminalized.

Finally, this project differs from past reports in that it aims to compare NGO, government and media reporting with the reporting carried out by publicly-held mining companies. Through this analysis, we hope to identify possible reporting gaps that, while not necessarily required by law, could be of interest to shareholders and the general public.

## 2. METHODOLOGICAL APPROACH

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To compile this information, JCAP coordinated a group of volunteer law students from five different Canadian universities to identify incidents of violent conflict and criminalization. Researchers compiled an initial list of incidents using existing databases made available through

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<sup>51</sup> The Canadian Centre for the Study of Resource Conflict, *Corporate Social Responsibility: Movements and Footprints of Canadian Mining and Exploration Firms in the Developing World*, (October 2009), online: <<https://perma.cc/FFW2-WCZ5>>.

the *Observatorio de Conflictos Mineros de América Latina* (OCMAL),<sup>52</sup> the McGill Research Group Investigating Canadian Mining in Latin America (MICLA)<sup>53</sup>, the EJOLT Environmental Justice Atlas<sup>54</sup>, and the 2015 report of the Working Group on Mining and Human Rights in Latin America entitled *The Impact of Canadian Mining in Latin America and Canada's Responsibility*.<sup>55</sup>

Law students then carried out focused research on conflicts involving violence, using English and Spanish media, NGO, government and company reporting available on the internet, or through the Internet Archive. The primary search engine used was Google (Google Canada and Google for the host country in question). We also used HuriSearch for NGO reporting, and the SEDAR online database for corporate disclosure. For each incident, researchers attempted to access a variety of sources. In general, however, the most widely available sources were local media and NGO reporting. Company reporting was minimal and official government reporting was either minimal or inaccessible.

The project's scope and core definitions are as follows:

- *Time frame*: January 1, 2000 – December 31, 2015.
- *Geographical scope*: Spanish speaking countries in Latin America and the Caribbean.
- *Canadian mining company*: Mining companies that are incorporated in Canada, headquartered in Canada, or are listed on the Toronto Stock Exchange (TSX) or the TSX Venture Exchange (TSXV). Subsidiaries of Canadian parent companies owned many of the mining projects studied. In one case, a Canadian-based subsidiary of a Chinese company owned the project in question. In one other case, researchers tracked a Canadian consulting firm associated with a Canadian mining company.
- *Violent incident*: A violent incident is a singular event involving a death, disappearance, physical injury (ranging from cuts and bruises to life-threatening injuries and permanent disability), or sexual violence. In some cases, this also includes events that are described as violent in reports, or that involve the criminalization of protest.
- *Violent conflict*: Social conflict that is reported to involve one or more violent incidents.
- *Criminalization*: Instances in which a company or host state implements law in a way that discourages protest or burdens social leaders opposed to mining with legal proceedings

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<sup>52</sup> Observatorio de Conflictos Mineros de América Latina (OCMAL), online: <<https://www.conflictosmineros.net>>.

<sup>53</sup> McGill Research Group Investigating Canadian Mining in Latin America (MICLA), online: <<http://micla.ca/>>.

<sup>54</sup> EJOLT (Environmental Justice Organizations, Liabilities and Trade), *Environmental Justice Atlas*, online: <<https://ejatlas.org/>>.

<sup>55</sup> Working Group on Mining and Human Rights in Latin America, *The impact of Canadian Mining in Latin America and Canada's Responsibility*, (3 April 2014), online: Full Report - <<https://perma.cc/ZJ3Y-MVRS>>; Executive Summary - <<https://perma.cc/6D7J-WL7X>>.

or jail time. While the concept of criminalization is broad, we have measured it in terms of warrants, arrests, and legal complaints made against protestors and community leaders opposed to mining.

- *Establishing a “link” to a Canadian mining project:* This link is established if there are at least two independent reports providing information or analysis that credibly establishes that the project’s presence in the region is likely to have made a substantial contribution to the death, physical injury, instance of sexual violence or instance of criminalization. A Canadian company must have owned or operated the mining project in question at the time of the incident, or be substantially connected to the project or interest at the time.

JCAP established its methodology in part by reviewing other methodological approaches and human rights reporting guides. We reviewed the methodology used in reports like Global Witness’ *Deadly Environment: The Rise in Killings of Environmental and Land Defenders* (2014)<sup>56</sup>, and *A Hidden Crisis? Increase in Killings of Environmental and Land Defenders* (2012).<sup>57</sup> We also reviewed the methodology in the above-mentioned 2009 PDAC report, as well as critiques of the report. We incorporated elements of established tools for documenting human rights violations, like the *Huridocs Events Standard Formats* (2001)<sup>58</sup> and the 2010 Ontario Human Rights Commission report, *Count Me In! Collecting Human Rights-Based Data*.<sup>59</sup>

Using these reports for guidance, JCAP established methods to ensure that analysis of the reporting was as accurate and uniform as possible. The numbers of deaths, disappearances, injuries, instances of sexual violence and instances of criminalization were only included in the final tally if two apparently independent sources reported that they had occurred. We also sought out and recorded details about each event, including biographical information about victims and the alleged perpetrators of violence – although we have not published the names of victims.

If there were discrepancies in terms of the numbers reported, researchers almost always recorded the lowest estimate, unless there were clear signals that higher estimates were more accurate. Sometimes reports described the number of people impacted, stating, for example, that “several” people were injured. In those cases, only conservative estimates were included in the final tally. We interpreted “several” to mean “3”, while “dozens” meant “24”, and “*decenas*” in Spanish (literally “tens” in English) meant “20”.

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<sup>56</sup> Global Witness, *Deadly Environment, The Dramatic Rise in Killings of Environmental and Land Defenders: 1.1.2002-21.12.2013*, (2014), online: <<https://www.globalwitness.org/en/campaigns/environmental-activists/deadly-environmen>>.

<sup>57</sup> Global Witness, *A Hidden Crisis? Increase in killings as tensions rise over land and forests*, Global Witness Briefing, (19 June 2012), online: <<https://perma.cc/C4NY-EYYG>>.

<sup>58</sup> Judith Dueck, Manuel Guzman and Bert Verstappen, *Huridocs Events Standard Formats: A Tool for Documenting Human Rights Violations*, Revised Second Edition (2001), online: <<https://perma.cc/RA4H-AFDU>>.

<sup>59</sup> Ontario Human Rights Commission, *Count Me In! Collecting Human Rights-Based Data* (2010), online: <<https://perma.cc/2UD7-3536>>.

In some cases, movements opposed to a specific mining project joined forces with broader social movements, leading to general strikes and mass demonstrations. In an attempt to make conservative estimates, we only included incidents related to demonstrations or individuals significantly motivated by opposition to the specific mining project in question.

In order to complete our disclosure research, we relied primarily on the System for Electronic Document Analysis and Retrieval (SEDAR), developed for the provincial and territorial securities regulatory authorities in Canada ("Canadian Securities Administrators"). Using this online database, we reviewed reporting company news releases, material change reports, management disclosure and analyses (MD&A), and annual information forms (AIF).

When reviewing news releases, material change reports and MD&As, we selected a one-year date range from the date of the alleged incident as reported in media, by NGOs and in academic literature. When reviewing AIFs, we selected a date range of two years from the reported date of the incident. Though companies are required to publish their disclosure documents on SEDAR, some have also released statements on their company website, or in local media. In cases where no disclosure of the incident was found on SEDAR, we looked to historic company news releases for a company statement on the event.

Finally, in order to be as accurate as possible, we wrote to each company that was still in existence with the information contained in the chart of incidents in Appendix III and asked for their comments. The company responses are found in Appendix IV.

### 3. LIMITATIONS

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This methodology has several limitations. The project compiles snapshots of one aspect of Canadian mining in Latin America at specific moments in time. We do not delve deeply into the serious issues surrounding these conflicts, or the historical context of each event.<sup>60</sup> We do not provide a long-term analysis of events and their consequences through time. We did not actively search for cases in which no conflict occurred, nor do we record incidents in which powerful social and labour movements have achieved success without being subjected to violence or criminalization.

In addition, our definitions of "violent conflict" and "criminalization" are limited and dependent on what has been widely reported on. For example, although serious death threats against activists and union leaders are common in some regions of Latin America, we decided not to record threats because they are largely unreported. Any data would give an underrepresented

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<sup>60</sup> For examples of deeper analyses of specific cases, see: Valerie Crystal, Shin Imai and Bernadette Maheandiran, *Access to Justice and Corporate Accountability: A Legal Case Study of Hudbay in Guatemala*, Osgoode Legal Studies Research Paper Series, (2014), online: <<https://perma.cc/YE32-9HSY>>; and Shin Imai, Ladan Mehranvar and Jennifer Sander, *Breaching Indigenous Law: Canadian Mining in Guatemala*, *Indigenous Law Journal*, Vol:6, Issue: 1, (2007), online: <<https://perma.cc/ZCQ9-4BPQ>>.



and inaccurate picture of the extent of this form of violence. The same can be said of other forms of violence impacting community members and workers, like the deliberate burning of crops and vehicles,<sup>61</sup> forced or coerced dispossession of land,<sup>62</sup> assassination attempts without recorded injuries,<sup>63</sup> work accidents,<sup>64</sup> or physical and psychological harm arising from community conflict, environmental contamination and land dispossession.<sup>65</sup>

As volunteer researchers based in North America without a budget to conduct on-the-ground interviews and investigations, it is also likely that we missed incidents and conflicts that were either not reported online, or not reported outside of the community at all. It is possible, as well, that there is more reporting of violence inflicted on certain individuals, like police officers and mine employees, than there is for violence inflicted on local communities, who may not have the legal obligation, the safety guarantees or resources to report events in a way that is searchable on the internet. Sexual violence is also generally known to be widely underreported.<sup>66</sup>

Impunity and a lack of official reporting also limited the information available to researchers. Media and NGO reporting tended to be the most robust in the days following an event. Reporting then tended to taper off in the weeks, months and years that followed. Follow-up information and analysis was limited in many cases, especially given that impunity rates for violent crime in some regions of Latin America are extremely high.<sup>67</sup> We thus found very few reports of host

<sup>61</sup> For example: Amnesty International, *Ecuador: Indigenous Peoples and Community at Risk*, Urgent Action, (Dec. 2014), online: <https://perma.cc/BX4X-2X48>; Guatemala Human Rights Commission, *Indigenous and Land Rights Leaders Threatened*, (25 March 2005), online: <https://perma.cc/NEL6-XGWC>.

<sup>62</sup> For example: Working Group on Mining and Human Rights in Latin America, *The impact of Canadian Mining in Latin America and Canada's Responsibility*, (3 April 2014), online: <https://perma.cc/6D7J-WL7X>, at 12; Valerie Crystal, Shin Imai and Bernadette Maheandiran, *Access to Justice and Corporate Accountability: A Legal Case Study of Hudbay in Guatemala*, Osgoode Legal Studies Research Paper Series, (2014), online: <https://perma.cc/YE32-9HSY>, at 5-11.

<sup>63</sup> For example: Amnesty International, *Fear for safety, MEXICO*, AI Index: AMR 41/033/2008, (22 Jul. 2008), online: <https://perma.cc/A3JF-6SXY>; Sandra Cuffe, *Trade Deals Are Giving Corporations the Power to Intimidate Tiny Countries*, New Republic, (11 May 2015), online: <https://perma.cc/697Y-XH83>; MiningWatch Canada, *Urgent Action: Threats and Violence Against Community Leaders in Cabañas, El Salvador*, (21 Aug. 2009), online: <https://perma.cc/UN4U-J9P7>.

<sup>64</sup> For example: MiningWatch Canada and United Steelworkers, *Unearthing Canadian Complicity: Excellon Resources, the Canadian Embassy, and the Violation of Land and Labour Rights in Durango, Mexico*, (Feb. 2015), online: <https://perma.cc/23YY-HZ9F>, at 6; Excellon Resources Inc., *Fatal Accident at Excellon's Platosa Mine*, (10 Jan. 2014), online: <https://perma.cc/P6BR-W637>.

<sup>65</sup> For example: Reuters, *Peru's Antamina mine faces fallout from spill*, (7 Aug. 2012), online: <https://perma.cc/QC9B-RXTW>; Rory Carroll, *Gold giant faces Honduras inquiry into alleged heavy metal pollution*, The Guardian, (31 Dec. 2009), online: <https://perma.cc/3RNZ-55UZ>; Sandra Cuffe, *Trade Deals Are Giving Corporations the Power to Intimidate Tiny Countries*, New Republic, (11 May 2015), online: <https://perma.cc/697Y-XH83>.

<sup>66</sup> Samuel Perreault, *Criminal victimization in Canada, 2014*, Canadian Centre for Justice Statistics, (23 Nov. 2015), online: <http://www.statcan.gc.ca/pub/85-002-x/2015001/article/14241-eng.pdf>, 3 and 25.

<sup>67</sup> James Bargent, *Impunity Reigns in Latin America's Org Crime Hotspots: HRW*, (22 Jan. 2014), online: <http://www.insightcrime.org/news-briefs/impunity-reigns-in-latin-americas-org-crime-hotspots-hrw>; Pedro Rodríguez, *Crime in Latin America: A broken system*, The Economist, (12 Jul. 2014), online: <http://www.economist.com/news/americas/21606864-citizens-security-regions-biggest-problem-time-improve-criminal-justice-broken>.

country courts making determinations of guilt or innocence in cases involving violent crime linked to Canadian mining projects.

Neither industry nor governments have developed a systematic way of tracking conflict and violence. This was revealed in 2007 at the Canadian *National Roundtables on Corporate Social Responsibility (CSR) and the Canadian Extractive Industry in Developing Countries*. The Roundtable report states:

Industry participants expressed the view that due to a general lack of reliable information, except of an anecdotal nature, concerns about the human rights impact of extractive operations and the challenges underlying them are difficult to assess in quantitative terms with respect to their scope and frequency, and there is no consensus as to whether human rights abuses or other types of infractions are rare or widespread.<sup>68</sup>

Unfortunately, there has been no attempt in the intervening decade to address the problem. We hope that this report is a step towards filling the gap in data.

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<sup>68</sup> National Roundtables on Corporate Social Responsibility (CSR) and the Canadian Extractive Industry in Developing Countries, *Advisory Group Report*, (29 March 2007), online: <<https://perma.cc/W84X-9GLT>>, at 5.

## Appendix II: BREAKDOWN OF BIOGRAPHICAL INFORMATION AND CATEGORIES OF VIOLENCE

Chart 1

Targeted Attacks – Injuries	
Breakdown	Victims
Community leaders and activists who are reported to oppose the mining project	15
Community members who are victims as bystanders or family members of those opposed to projects	8
Mine Workers	1
Private Security	7
Police	8
Lawyer	1
<b>Total</b>	<b>40</b>
Of the victims who were injured in targeted attacks, at least three were children or youth, and at least six were women.	

Chart 2

Targeted Attacks - Deaths	
Breakdown	Victims
Community leaders and activists who are reported to oppose the mining project	17
Community members who are victims as bystanders or family members of those opposed to projects	2
Mine Workers	6
Private Security	2
Police	1
Local government officials	1
Journalist/	1
<b>Total</b>	<b>30</b>
Of the victims who died in targeted attacks, at least two were children or youth, at least one was elderly, at least two were Indigenous, and at least four were women.	

Chart 3

<b>Sexual Violence</b>	
<b>Breakdown</b>	<b>Victims</b>
Indigenous community members (during forced relocation)	11
Community activists who are reported to oppose the mining project	3
Youth (minor)	1
<b>Total</b>	<b>15</b>
All reported victims of sexual violence were women, (and one girl).	

Chart 4

<b>Protests, Demonstrations, and Blockades – Deaths</b>	
<b>Breakdown</b>	<b>Victims</b>
Community leaders and activists who are reported to oppose the mining project; community members who are victims as bystanders or family members of those opposed to projects	8
Police	2
Local Government Officials	2
Mine Workers	2
<b>Total</b>	<b>14</b>
Of the victims who died during protests, demonstrations, and blockades, at least one was a child or youth.	

Chart 5

<b>Protests, Demonstrations, and Blockades - Injuries</b>	
<b>Breakdown</b>	<b>Victims</b>
Community leaders and activists who are reported to oppose the mining project; community members who are victims as bystanders or family members of those opposed to projects	206
Community leaders and activists who are reported to oppose the mining project; community members who are victims as bystanders or family members of those opposed to projects <b>while being arrested</b>	23
Police	64
Private Security	15
Local Government Officials	2
Mine Workers	2
Journalists	2
Biographical information unavailable	49
<b>Total</b>	<b>363</b>
Of the total victims injured during protests and pro/anti-mining confrontations, at least three were children or youth, at least one was elderly, and at least 14 were women.	

Chart 6

<b>Criminalization – Arrests, Warrants, Convictions, and Legal Proceedings</b>	
<b>Breakdown</b>	<b>Individuals Affected</b>
Arrests, Detentions and Criminal Charges	537
Warrants	121
Legal Complaints	75
Arrest leading to convictions and jail time	6
<b>Total</b>	<b>709</b>

Chart 7: CASE STUDY

<p><b>Conflict Overview: Goldcorp Inc. and The Los Filos Mine</b></p>			
<p>This project is located in Guerrero state, which has been deeply impacted by police corruption and the presence of organized crime. The mine is located between the town of Mezcala and Carrizalillo, which have reportedly seen an increase in the presence of organized crime since the company began commercial production in 2008. Reports indicate that these groups have controlled and terrorized local communities, especially the town of Carrizalillo. They have used fear to extort local mine workers and groups/individuals receiving payments from the company for the use of their land. Local residents have also been the victims of turf wars between two organized crime gangs wishing, among other things, to control extortion linked to the mine. One of these groups, Guerreros Unidos, is suspected of being partly responsible for the disappearance of 43 students in the nearby town of Iguala in 2014. This state of affairs in two small communities has led to at least: 17 deaths, 3 disappearances, 8 injuries hundreds of families being displaced.</p>			
<p>2 Aug 2011<sup>1</sup></p>	<p>A <i>campesino</i> from Carrizalillo was kidnapped. His body was later found cut into pieces.</p>	<p>Deaths: 1</p>	<p>In its 2011 Annual Information Form, Goldcorp reports: “In recent years, criminal activity and violence has increased in Mexico and spread from border areas to other areas of the country. Violence between the drug cartels and human trafficking organizations and violent confrontations with Mexican authorities have steadily increased. As well, incidents of kidnapping for ransom and extortion by organized crime have increased. Chihuahua, Guerrero and Zacatecas, the three states where Goldcorp operates, have been among the top ten states for kidnapping, and all three states register high levels of violent crime. Many incidents of crime and violence go unreported in Mexico and Mexico’s law enforcement authorities’ efforts to reduce criminal activity are challenged by a lack of resources, corruption and the power of organized crime. Goldcorp’s sites in Mexico have taken a variety of measures to protect their employees, property and production facilities from these security risks. Goldcorp also regularly reviews the safety of access routes</p>

			and the physical security of its installations. Notwithstanding these measures, incidents of criminal activity, trespass, theft and vandalism have occasionally affected Goldcorp employees, contractors and their families.”
11 May 2013 <sup>2</sup>	Two bodies were found at the Mezcala bridge, with signs of being tied up and with multiple gunshot wounds. One man was from the nearby town of Coacoyula and the other was from El Tomatal (about an hour away from Mezcala). The latter disappeared on his way to Carrizalillo.	Deaths: 2	In its 2013 Annual Information Form, Goldcorp reports: “As well, incidents of violent crime, kidnapping for ransom and extortion by organized crime have increased. Many incidents of crime and violence go unreported and law enforcement authorities’ efforts to reduce criminal activity are challenged by a lack of resources, corruption and the power of organized crime. Goldcorp’s sites have taken a variety of measures to protect their employees, property and production facilities from these security risks. Goldcorp also regularly reviews the safety of access routes and the physical security of its installations. Notwithstanding these measures, incidents of criminal activity, trespass, theft and vandalism have occasionally affected Goldcorp employees, contractors and their families.”
15 May 2013 <sup>3</sup>	President of a local government organization (Comisariado Ejidal de Carrizalillo) was shot and killed by members of a criminal organization. The person with him was injured, while three other local men, including one 18-year-old were disappeared.	Deaths: 1 Disappeared: 3 Injuries: 1	See general disclosure for 2013, above.

2 June 2013 <sup>4</sup>	A shoot out in Carrizailillo left four men dead. One article reports that this is related to a turf war between two criminal organizations, Guerreros Unidos and Los Rojos.	Deaths: 4	See general disclosure for 2013, above.
12 Sept. 2014 <sup>5</sup>	100 masked men attacked the village of Carrizailillo, shooting at civilians and killing one mine employee and a brick layer who was working there. The brother of one of the victims said one of the attackers yelled that they would “slaughter Carrizailillo because it belonged to them”.	Deaths: 2	In its 2013 Annual Information Form, Goldcorp reports: “In recent years, criminal activity and violence has increased in Mexico and spread from border areas to other areas of the country and neighbouring Guatemala. Violence between the drug cartels and human trafficking organizations and violent confrontations with authorities has steadily increased. As well, incidents of violent crime, kidnapping for ransom and extortion by organized crime have increased. Many incidents of crime and violence go unreported and law enforcement authorities’ efforts to reduce criminal activity are challenged by a lack of resources, corruption and the power of organized crime. Goldcorp’s sites have taken a variety of measures to protect their employees, property and production facilities from these security risks. Goldcorp also regularly reviews the safety of access routes and the physical security of its installations. Notwithstanding these measures, incidents of criminal activity, trespass, theft and vandalism have occasionally affected Goldcorp employees, contractors and their families.”
5 March 2015 <sup>6</sup>	Four workers in their early 20s were kidnapped leaving the mine. One was released but the bodies of the three others were found in a common grave over a week later with signs of	Deaths: 3	In its 2015 Annual Information Form, Goldcorp reports: “incidents of violent crime, kidnapping for ransom and extortion by organized crime have increased. Many incidents of crime and violence go unreported and law enforcement authorities’ efforts to reduce criminal activity are challenged by a lack of resources, corruption and the power of organized crime. Our sites have



	torture. All were from Carrizalillo.		taken a variety of measures to protect employees, property and production facilities from these security risks. We also regularly review the safety of access routes and the physical security of our installations. Notwithstanding these measures, incidents of criminal activity, trespass, theft and vandalism have occasionally affected our employees, contractors and their families.”
27 March 2015 <sup>7</sup>	A group of masked men and dressed in black attacked Carrizalillo with automatic weapons, killing two women (including an elderly woman of 80) and one man. A pregnant woman was also gravely wounded. Some reports suggest that this was a robbery while others point to gang activity, indicating that the attack was meant to serve as a “reminder” to pay extortion money as mining company transfers to the community were scheduled for April 5, 2015. Three local officials later sent a letter to the Mexican president demanding police protection from armed groups extorting their communities and arguing that the Mexican military allows armed groups to enter their villages with	Deaths: 3 Injuries: 1	See general disclosure for 2015, above.

	automatic weapons. By April 5, 2015, it was reported that half of the 500 families in Carrizalillo had abandoned their homes and fled.		
2 Aug. 2015 <sup>8</sup>	A mine worker from Carrizalillo, who was a candidate the office of <i>ejido</i> (farming cooperative) president, was shot to death in his car. Seven others were injured.	Deaths: 1 Injuries: 7	See general disclosure for 2015, above.
Additional sources for overview. <sup>9</sup>			

## APPENDIX III: SUMMARY OF RESEARCH

Event Date	Summary	Violence Reported	Company Disclosure
<b>GUATEMALA</b>			
<b>Conflict Overview: Goldcorp and the Marlin Mine</b>			
<p>This mine began operations in 2005. Canadian company Glamis Gold owned the project until it was acquired by Goldcorp Inc. in 2006. Concerns about the environmental, health and socio-economic impact of the mine led to protests and several local referendums in which voters overwhelmingly rejected the project. Mayan communities impacted by the mine said they were not adequately consulted and did not give their consent to the project. Prior to consultations in June 2005, Glamis Gold attempted to seek an injunction against the local referendum process, which was denied. Deep community divisions and violence occurred from 2005-2011, with reports of 4 deaths, two mine workers disappeared, 30 arrests and warrants issued to protestors, and 24 people injured.</p>			
11 Jan 2005 <sup>10</sup>	One person was killed, at least 18 people injured and 15 arrest warrants were issued following a protest surrounding the transportation of equipment for the mine, which involved the dismantling of a pedestrian overpass. Then Minister of the Interior, Carlos Vielman, publicly accused the Indigenous mayor of Sololá, Dominga Vásquez, of having organized the protest, ordering her arrest and accusing her of “terrorism, sabotage, threats, injuries and damages to private property.”	Deaths: 1	A company press release describes a confrontation between local people and police, resulting in “unconfirmed injuries”.
		Injuries: 18	
		Warrants: 15	
13 Mar 2005 <sup>11</sup>	An off-duty mine security guard killed a driver for a local subcontractor, whose family opposed the project, as he left a local church.	Deaths: 1	No Disclosure.

1 May 2007 <sup>12</sup>	Two male cooks for a mining subcontractor hired to construct part of the mine were reported to have disappeared on an errand for work.	Disappeared: 2	No Disclosure.
16 Jun 2007 <sup>13</sup>	It was reported that an elderly man living outside of the mine was found decapitated.	Deaths: 1	No Disclosure.
13 Feb 2007 <sup>14</sup>	Seven protestors were arrested following a 10-day road block against the mine. Five of the seven were eventually acquitted of all charges while two were given two years probation and a 3650 Quetzal fine (around \$500). (The company had asked for 4-11 years of jail time and the 2 million Quetzal compensation for damages.)	Arrests: 7	A report produced by a Goldcorp consultant states that two security guards were injured.
1 Jul 2008 <sup>15</sup>	Arrest warrants were issued against 8 women for charges linked to cutting off power lines headed to the mine for several days. After repeated requests that the company remove high-voltage power lines from her property, a local woman short-circuited the wires over her property. Seven women from the community supported her and were also charged. The company was eventually ordered to take down the electric poles from the property.	Warrants: 8	Company discloses interference with power lines, stating that there is ongoing consultation and cooperation with local landowners.
2009 <sup>16</sup>	A community member opposed to the project was reportedly doused in gasoline and lit on fire by men who asked why he was "against mining" and "against the company". He later died of his injuries.	Deaths: 1	No Disclosure.
7 Jul 2010 <sup>17</sup>	A female resident actively opposed to the project was shot in the face outside of her home by unknown assailants. She survived the attack.	Injuries: 1	No Disclosure.

28 Feb 2011 <sup>18</sup>	A group of 50 people blocked roads leading to the mine in order to pressure the Guatemalan government to comply with an Inter-American Commission on Human Rights recommendation to suspend activities at the mine. It was reported that protestors were forcibly detained by mine supporters. Two people were beaten and at least three others suffered injuries.	Injuries: 5	No Disclosure.
Additional sources for overview. <sup>19</sup>			
<p><b>Conflict Overview: Tahoe Resources and the Escobal Mine</b></p> <p>This mine began operating in 2013. Farming communities near the mine site feared negative impacts on the water supply and said that they were not adequately consulted about the project. They organized marches and protests as well as local referendums in which residents voted overwhelmingly against the mine. From 2012-2013, it was reported that 7 people were killed, with 29 injuries, 50 arrests and one “State of Siege” declared by the Guatemalan government. There were numerous reports of increased militarization in the region, as well as the criminalization of protest and false accusations against community leaders. A 2015 report, commissioned by the International Platform Against Impunity in Central America and MiningWatch Canada, found over 100 legal cases in which chargers were brought against peaceful protesters and community leaders opposed to the mine. Most were eventually dismissed for lack of evidence or false statements. Tahoe’s head of private security was arrested and charged in connection with the shooting of protestors. He escaped to Peru but was arrested and is awaiting extradition. Victims of this shooting filed a civil suit against Tahoe in British Columbia. In 2015, the B.C. Supreme Court declined jurisdiction over the case.</p>			
8 Aug 2012 <sup>20</sup>	A Guatemalan judge provisionally ruled that three members of the Committee in Defence of Life and Peace in San Rafael Las Flores, a local group opposed to the mine, and the director of the environmental NGO CALAS (which supported them) had committed the crime of “violence against women”. He also provisionally ruled that a female member of the group had committed the crime of “threats”. The charges were	Charged: 5	No Disclosure.

	eventually dropped. Canadian NGOs and international human rights groups like Frontline Defenders characterized the false accusations and provisional ruling as acts of criminalization. CALAS has been the target of numerous threats and acts of intimidation. Its director survived an assassination attempt in 2008.		
17 Sep 2012 <sup>21</sup>	At least 19 people were arrested or detained at a protest against the mining project. It was reported that three people were injured, at least one of whom was a police officer. The Network in Solidarity with the People of Guatemala (NISGUA) reports that protestors were charged with terrorism and arson, but that charges were dropped due to a lack of evidence.	Arrests: 19 Injuries: 3	Tahoe discloses protests against the construction of a power line and injuries of an “armed protestor” and two security guards. Disclosure documents state that protestors were not local and were brought in by international NGOs.
12 Jan 2013 <sup>22</sup>	Two mine security guards were killed and at least 7 injured in an attack.	Deaths: 2 Injuries: 7	Tahoe discloses the death of two security guards, stating that it occurred after the mine was “ambushed by armed criminals” who left behind automatic weapons. The company reports that the event had no adverse effect on operations or cash flows.
17 Mar 2013 <sup>23</sup>	Armed men in masks abducted four indigenous leaders opposed to the Escobal mine. One of the men abducted was later found dead.	Deaths: 1	No Disclosure.
11 Apr 2013 <sup>24</sup>	At least 26 protestors opposed to the project were arrested after being evicted from a protest camp. They were held for	Injuries: 3 Arrests: 26	No Disclosure.

	four days and released without charges. It was reported that at least three injured.		
27 Apr 2013 <sup>25</sup>	At least 7 protestors were injured when mine security guards open fire on them. Tahoe's head of private security was arrested and charged in connection with the shooting of protestors. Victims of this shooting filed a civil suit against Tahoe in British Columbia.	Injuries: 7	Tahoe discloses that protestors armed with clubs and machetes were obstructing traffic near the mine. It states that security personnel fired rubber bullets at the protestors causing 7 injuries. Head of security, Alberto Rotondo, was charged with "injuries" and is under house arrest. Company states he no longer works for Tahoe.
29 or 30 Apr 2013 <sup>26</sup>	One person was killed when police acted to free 26 police officers detained by protestors at a blockade against the mine.	Deaths: 1	Tahoe discloses that approximately 25 police officers were captured and disarmed in Jalapa department by an angry mob. The company states that this incident was unrelated to the Escobal project and occurred in a department (province) other than Santa Rosa, where Escobal is located. Tahoe did not disclose the death of a protestor.
30 Apr 2013 <sup>27</sup>	One police officer killed and at least 8 more wounded when they came under attack following protests against the mine earlier that day.	Deaths: 1 Injuries: 8	Tahoe discloses that busloads of protestors arrived in the area, and that one police

			officer was shot and killed in an ambush.
2 May 2013 <sup>28</sup>	The Guatemalan government declared a “State of Siege”, and later a “State of Prevention”, in the region. At least 5 people were arrested in connection to the preceding unrest surrounding the mining project. All public demonstrations and gatherings were rendered temporarily illegal. It was reported that least 4,500 military and police officers were deployed to the area. Those arrested spent several months in jail until finally being cleared of all charges.	Arrests: 5	Tahoe discloses that a state of emergency was imposed in the area, which was lifted on June 4 2013. It reports that the Guatemalan government established a permanent police force in San Rafael Las Flores. The company states that no NGO protests occurred in the latter half of the year.
		State of Emergency: 1	
13 Apr 2014 <sup>29</sup>	A sixteen-year-old activist opposed to the mine was killed in an armed attack in which her father, who was also active against the project, was wounded.	Deaths: 1	No Disclosure.
		Injuries: 1	
5 Apr 2015 <sup>30</sup>	An activist opposed to the Escobal Mine was killed by unknown assailants after leaving an event.	Deaths: 1	No Disclosure.
21 April 2015 <sup>31</sup>	A founding member of the Committee in Defense of Life and Peace of San Rafael Las Flores, a local group actively opposed to the mining project, was arrested and charged with murder. The accused had announced plans to run for mayor of San Rafael Las Flores in order to represent people who opposed the project. The well-known environmental NGO, the Centre for Legal, Environmental and Social Action (CALAS) provided his legal defense, arguing that the accused was targeted for prosecution due to his activism against the mine. He was released 9 days later due to a lack of evidence. All charges against him were dropped.	Arrests: 1	No Disclosure.



3 June 2015 <sup>32</sup>	Prominent activist opposed to the project was sentenced to 6 months in prison and then pardoned for uttering threats against a mine worker. The environmental NGO, the Centre for Legal, Environmental and Social Action (CALAS) provided his legal defense, arguing that the accused was targeted for prosecution due to his activism against the mine.	Charges: 1	No Disclosure.
17 Oct 2015 <sup>33</sup>	The activist and father whose daughter was killed on April 13, 2014 was shot in his lower back in an attack in which two other people were injured.	Injuries: 3	No Disclosure.
	<i>Additional sources for overview.</i> <sup>34</sup>		
<p><b>Conflict Overview: Hudbay Minerals and the Fenix Mine</b></p> <p>Several companies have owned this project since the 1960s. It is located on indigenous Maya Q'eqchi' territory and led to the violent displacement of indigenous communities during the internal conflict in Guatemala. In 2004, Skye Resources purchased the mine. In 2008, Hudbay Minerals purchased Skye Resources. In January 2007, evictions of communities occurred to make way for the project. It is alleged that on January 17, 2007, 11 indigenous women were gang raped during a violent eviction. Later, one death, and at least 12 separate injuries were reported in the context of protests against the project.</p>			
17 Jan 2007 <sup>35</sup>	It is alleged that 11 indigenous women were gang raped during a violent eviction of communities to make way for the mining project. Hudbay has denied that any of the evictions in January 2007 were violent (see company disclosure to the right). It also denied the rape allegations. For HudBay's full comment to these incidents, see Appendix IV Company replies.	Sexual Violence: 11	At the time of this event, Hudbay did not own the mine. (Skye Resources was also a Canadian company.)
27 Sep 2009 <sup>36</sup>	One community leader was killed and seven others were reported to be shot at protests against the project. One person was permanently disabled as a result of his injuries.	Deaths: 1 Injuries: 12	Hudbay discloses that protestors attacked a government vehicle on Hudbay

	<p>Five security guards were also reported to be injured. According to the Statement of Claim against Hudbay, as part of a lawsuit against the company in Ontario, there were protests after the “unannounced, unwelcome and confrontational visit by the Governor of the Department of Izabal to a Mayan Q’eqchi’ community.” It is alleged that the community leader was dragged into the compound of HudBay’s subsidiary, CGN, and murdered by the head of security of CGN. The head of security was arrested and at the time of writing is being tried in Guatemala after numerous delays.</p>		<p>property, stating that several employees were injured. A protestor died as a result of his gunshot wound later in the day. Hudbay states that it is confident that it was not involved in his death. The company states that protestors attacked a hospital owned by CGN, damaging equipment and facilities.</p>
<p><b>Conflict Overview: Radius Gold and the Tambor Mine</b></p> <p>Radius Gold purchased land for this mine in the early 2000s. In August 2012, it sold the project to Nevada-based Kappes, Cassidy &amp; Associates (KCA). Environmental concerns led to the organization of a <i>campesino</i> resistance movement against the project. Some local residents were particularly worried about the impact the mine would have on their already precarious access to drinking water. From 2012-2014, there were reports of one activist being injured in an assassination attempt. Twenty others were reported to be injured when police broke up a blockade of the mine. Seven community members opposed to the project were arrested, some of whom were sentenced to lengthy prison terms.</p>			
<p>13 Jun 2012<sup>37</sup></p>	<p>An outspoken female activist opposed to the project was shot and gravely injured by two men on a motorcycle.</p>	<p>Injuries: 1</p>	<p>Radius discloses that an activist was shot and wounded, wishing her “a full and speedy recovery”. The company states that it “categorically condemns the shooting.” Radius denies any involvement with the shooting, calling allegations in</p>

			the local media “ridiculous and completely untrue”.
23 May 2014 <sup>38</sup>	At least 20 injured, with 7 taken to hospital when police broke up a protest and blockade against the project.	Injuries: 20	No Disclosure.
3 May 2014 <sup>39</sup>	Three members of the movement opposed to the project were sentenced to nine years in prison for threats, and for assaulting employees of the mine. They were convicted and sentenced in 2014.	Arrests: 3	No Disclosure.
27 May 2014 <sup>40</sup>	Four members of the La Puya resistance were ordered to house arrest while awaiting the conclusion of their trial.	Arrests: 4	No Disclosure.
	<i>Additional sources for overview</i> <sup>41</sup>		
<b>MEXICO</b>			
<b>Conflict Overview: Blackfire and the Payback Mine</b>			
Local officials negotiated with the mining company regarding benefits and protections for impacted communities, which NGOs have described as weak. Canadian civil society organizations pointed to a strong possibility of corruption of local officials linked to payment transfers from the company meant for the local community. Residents complained of environmental degradation and contamination, as well as cracks in houses they say were caused by the mine’s operations. After the company ignored community demands, local groups set up roadblocks and pickets. Community divisions over the project were present. It was reported that a leading activist opposed to the project was beaten by Blackfire employees in 2008. In 2009, he was detained for eight days. He was assassinated three months later.			
8 Aug 2008 <sup>42</sup>	It was reported that two Blackfire employees in uniform beat a leading activist opposed to the project and his son, while threatening his wife with a gun at their home.	Injuries: 2	No disclosure. Blackfire is a private company and is not statutorily required to disclose.

17 Aug 2008 <sup>43</sup>	The same activist was detained and released some 8 days later following a local and international letter-writing campaign aimed at the Governor of Chiapas.	Arrests: 1	No disclosure. Blackfire is a private company and is not statutorily required to disclose.
27 Nov 2009 <sup>44</sup>	The same activist was assassinated outside of his restaurant. A second man was also shot in the attack.	Deaths: 1	Blackfire releases a statement denying any involvement in the death of the activist leader.
		Injuries: 1	
<p><b>Conflict Overview: Fortuna Silver and the Trinidad Mine</b></p> <p>There were community divisions surrounding this project, with support and opposition divided along political party lines. From 2009-2012, it was reported that 2 local officials who supported the project were killed; one person was killed during a protest; and one community member opposed to the project was assassinated. There were at least 9 reported injuries and 24 arrests in the context of protests against the mine.</p>			
19 Jun 2010 <sup>45</sup>	The local mayor and a town councillor were killed in a violent confrontation over the mining project. Two community members and a town councillor were also shot and injured.	Deaths: 2	No Disclosure.
		Injuries: 3	
19 Jun 2010 <sup>46</sup>	It was reported that a priest who actively organized events and information sessions on the mine was attacked, badly beaten, and kidnapped by his attackers. He was then detained by authorities in relation to the shooting deaths of two people before he was released.	Injuries: 1	No Disclosure.
		Arrests: 1	
6 May 2009 <sup>47</sup>	It was reported that at least 23 people were arrested when police broke up a road block against the mine.	Arrests: 23	Fortuna Silver describes the illegal blockade as being “lifted by the police”.
18 Jan 2012 <sup>48</sup>	A male community member was shot and killed during a protest in response to a proposal for a new water main, which	Deaths: 1	Fortuna Silver discloses the murders of two community

	local residents reportedly believed would take water from their community and transfer it to the mine. A female community member was shot and injured in the same attack.	Injuries: 1	members, stating: "Security measures are being taken to ensure the safeguard of our personnel".
15 Mar 2012 <sup>49</sup>	A prominent spokesman for the mine opposition was killed by two unknown gunmen. Two of his companions were shot and injured.	Deaths: 1	Fortuna Silver discloses the murders of two community members, stating: "Security measures are being taken to ensure the safeguard of our personnel".
		Injuries: 2	
16 Jun 2012 <sup>50</sup>	Two mine opponents were reportedly shot and injured.	Injuries: 2	No Disclosure.
<p><b>Conflict Overview: MAG Silver Corp. and the Cinco de Mayo Project</b></p> <p>A leading activist opposed to the disputed Cinco de Mayo project was assassinated along with his wife. It was reported that he had denounced a smear campaign and threats to his life in the weeks preceding the assassination. In addition to organizing against the mining project, he had also spoken out against the drilling of illegal wells in the Carmen river basin.</p>			
22 Oct 2012 <sup>51</sup>	A leader of El Barzon, a farmers' rights group opposed to the project, was murdered along with his wife while driving on the highway.	Deaths: 2	MAG Silver gives a report on the murders in a press release on October 25, 2012 (48 hours after learning of the event), stating: "MAG has had a long-standing and collegial business relationship with Mr. Solorio going back to 2010, MAG has had absolutely no involvement in this tragic event and sincerely hopes that those responsible will be swiftly brought to justice."

			See Appendix IV for full company response.
<p><b>Conflict Overview: Minefinders and the Oro Dolores Mine</b></p> <p>Police broke up a peaceful roadblock protesting the Oro Dolores project. Two protest leaders were arrested.</p>			
27 May 2008 <sup>52</sup>	Police used tear gas to break up a sit-in protest against the mining project. Two leaders were detained and then released. One newspaper reported that police hit protestors.	Arrests: 2	Minefinders discloses suspension of operations due to an intermittent illegal blockade of mine, and the “intervention of Mexican authorities” to remove the blockade. It states that the Mexican government guaranteed a police presence to deter further protests.
<p><b>Conflict Overview: New Gold and the Cerro San Pedro Mine</b></p> <p>The conflict around the Cerro San Pedro mine arose from fears of water contamination and allegations of corruption. A lawyer representing a leading protest group was attacked and badly beaten. He sought, and was granted, refugee status in Canada. There were also reports of arrests and police brutality linked to the conflict.</p> <p>New Gold told researchers: “...the company’s employees have never participated in any way whatsoever nor being involved in any violent action against any of its stakeholders.” It also stated: “The company adheres to and enforces its corporate values, among them, that of integrity, doing what it is right in its overall performance and actions..” (See Appendix IV for complete response.)</p>			
14 Apr 2006 <sup>53</sup>	A lawyer representing communities opposed to the mine was attacked and repeatedly struck on the head.	Injuries: 1	No Disclosure.

5 Jan 2007 <sup>54</sup>	Five students opposed to the project were detained and claim to have been tortured in an apparent attempt to incriminate the above-mentioned lawyer.	Detentions: 5	No Disclosure.
16 Jul 2008 <sup>55</sup>	A police van charged into a group of protestors, resulting in minor injuries.	Injuries: minor physical injuries reported (bruises and scrapes).	No Disclosure.
<p><b>Conflict Overview: Torex Gold Resources and the El Limon- Guajes Mine</b></p> <p>This disputed project is located in Guerrero state, which has been deeply impacted by corruption and the presence of organized crime. There have been reports of high levels of criminalization of protest against the mine, with arrest warrants issued against 83 activists and two irregular arrests of activists opposed to the mine. It was reported that one person opposed to the project was attacked and injured, while two local people were disappeared in a mass kidnapping of mineworkers and others, apparently by an organized crime group. An engineer reportedly doing business with the mining company subsidiary was also assassinated.</p>			
23 Aug 2009 <sup>56</sup>	It was reported that a male community member opposed to the mine was seriously injured by a group of armed men.	Injuries: 1	No Disclosure.
3 Sep 2009 <sup>57</sup>	Three community members opposed to the project were kidnapped by an unidentified group of men in trucks without license plates. It was later revealed that the three had been detained by police under murder charges.	Detentions: 3	No Disclosure.
3 Sep 2009 <sup>58</sup>	Local authorities issued arrest warrants against 83 activists who occupied the mine's installations in protest.	Warrants: 83	No Disclosure.

29 Apr 2015 <sup>59</sup>	It is reported that an engineer doing business with the mining company's subsidiary was assassinated on his way to the mine site. He was killed at a car wash reported to be run by a criminal organization.	Deaths: 1	A local newspaper reports that the company stated that it had no ties to the victim.
7 Feb 2015 <sup>60</sup>	Twelve people from the local community around the mine were kidnapped. State security forces freed all but two, whom local police believed were being held at ransom by a drug cartel.	Disappeared: 2	Company discloses temporarily shutting down operations, citing "recent violence and security issues". Torex also reports that the remaining two community members were returned to their families.
<b>PERU</b>			
<b>Conflict Overview: Manhattan Minerals and the Tambogrande Mine</b>			
Local residents opposed to the project argued that it threatened the environment and the livelihood of the region's fruit farmers. This, the proposed relocation of 8,000 residents, and the proposed diversion of a local river, led to mass protests in 2001. There were reports of injuries and arrests at the protests. A month later, a leading critic of the proposed mine was shot to death. The company eventually abandoned the project.			
27 and 28 Feb 2001 <sup>61</sup>	Mass protests against the mining project ended in clashes between protestors and approximately 300 police officers, resulting in injuries. Some protestors set fire to and vandalized mining company property. Later, 56 leaders of the local protest group <i>Frente de Defensa del Valle de San Lorenzo y Tambogrande</i> were charged with instigating the vandalism.	Injuries: 40 Arrests: 56	Manhattan discloses extensive property damage during a protest, by "politically motivated persons". Manhattan states that it is "actively involved in a process to address the social and political issues which appear to



			have given rise to the protests”.
31 Mar 2001 <sup>62</sup>	A leading opponent of the mine was driving with his son when a masked gunman stopped the car and fatally shot him. The gunman then robbed the victim’s son. A local man was later convicted of aggravated robbery causing death and sentenced to a lengthy prison sentence. It was reported that the victim’s family, and the family lawyer, believed that the victim was murdered because of his activism.	Deaths: 1	No Disclosure.
	<i>Additional sources for overview</i> <sup>63</sup>		
<p><b>Conflict Overview: The Antamina Consortium, including Canadian company Teck Resources Ltd.</b></p> <p>Ownership of this project is divided as follows: BHP Billiton (33.75%), Glencore (33.75%), Teck Resources Ltd. (22.5%), and Mitsubishi Corporation (10%). Local residents organized demonstrations to protest environmental contamination and the consortium’s failure to deliver on promised infrastructure projects. Glencore states that community members were demanding jobs. (See full statement below in Appendix IV.) Protests from 2009-2012 were reported to have led to at least 16 injuries.</p>			
3 Sep 2009 <sup>64</sup>	At least 5 people were injured by police bullets at a protest against the mining company. One newspaper reported that three police officers were also injured.	Injuries: 5	No Disclosure Glencore told researchers for this report: “In September 2009, members of the Angoraju and Carhauyoc community illegally invaded the Antamina concession demanding jobs. The community members behaved in an aggressive and threatening manner towards Antamina’s workforce and damaged the mine’s property.

			See Appendix IV for full company response.
30 Nov 2011 <sup>65</sup>	Eight people were injured at protests against the mine, including 4 police officers and 4 protestors.	Injuries: 8	No Disclosure. Glencore told researchers for this report: "In November 2011, 24 Chipta community members aggressively entered the Antamina concession, attacking employees and property in an attempt to shut down operations. See Appendix IV for full company response.
2 Feb 2012 <sup>66</sup>	At least three people were injured at a protest against the mine. There were reports that three police officers were injured. Several protestors were injured by rubber bullets and tear gas.	Injuries: 3	No Disclosure. Glencore told researchers for this report: "In February 2012, protestors in Huarmey, the location of Antamina's port facilities, blocked one of the main access routes to the Antamina concession and alleged water contamination caused by irrigation activities. · During the blockade, both public and private vehicles using the road were attacked. See Appendix IV for full company response.

**Conflict Overview: Candente Copper and the Cañariaco Mine**

Leaders from the nearby indigenous community of Cañaris said the proposed mine would destroy their source of water and livelihood. Protests were largely linked to consultation issues and local referenda concerning the mine. At least two people were seriously injured by rubber bullets.

25 Jan 2013 <sup>67</sup>	Police shot rubber bullets at protestors while attempting to break up a blockade against the mine. Protests were carried out by at least 150 Quechua-speaking farmers. Some reports state that up to 31 were injured. At least 2 protestors were critically injured.	Injuries: 2	Candente discloses a peaceful protest of about 150 people, blocking access roads. It states: "The roads were cleared and most of the protestors had departed the area by January 22." Please note: According to other reports, the police intervention occurred on January 25.
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**Conflict Overview: Barrick Gold and the Pierina Mine**

The conflict surrounding this project touches on a number of issues and communities. In 2006, it was reported that labour protests left 2 dead and 20 injured. In 2012, local communities, concerned about access to water, blocked a mine entrance in protest. They claimed that the water treatment system put in place by the company was producing contaminated water. The police intervention left one person dead and at least 7 injured, two from gunshot wounds. All fatalities appear to have been from police gunfire.

5 May 2006 <sup>68</sup>	Hundreds of community members gathered at Huallapampa to demand a wage increase for workers. A 25-year-old student and a 42-year-old mine worker, both male, were shot dead by police. It was reported that twenty people were injured in the clashes, including two police officers. One news	Deaths: 2	No Disclosure.
		Injuries: 20	

	source reports that protests demanding justice for killings, which occurred a day later, resulted in several injuries.		
19 Sep 2012 <sup>69</sup>	One hundred and fifty protestors from the communities of Mareniyoc and San Isidro blocked an entrance to the mine. Police shot one of the protestors and killed him. It was reported that at least seven people were injured: 3 police officers (protestors threw rocks at them) and 4 protestors (some were shot while others were injured by tear gas and police batons).	Deaths: 1	No disclosure on SEDAR, but Barrick publicly disclosed information regarding this event in its annual Responsibility Report, saying in part, “a violent confrontation between police and protesters took place at the Pierina mine in Peru. Regrettably, one person died and four others were injured.” See Appendix IV for full company response.
		Injuries: 7	

**EL SALVADOR**

**Conflict Overview: Pacific Rim and the Dorado Mine**

Pacific Rim obtained a mining exploration license in the mid-2000s but failed to meet regulatory requirements to obtain a permit to put its mine into operation. There were deep community divisions surrounding this project, with reports of local government officials being implicated in violence against community members who opposed it. Concerns over access to clean water and environmental degradation led a local group to block highways in protest several times between 2006 and 2007. In 2008, national organizing led to three successive presidents of El Salvador committing to not issuing permits for large-scale mining. Pacific Rim sued the government of El Salvador under an international investment agreement (and later under Salvadoran investment law). From 2009-2011, five community members opposed to the project were brutally murdered. There were also reports of several serious injuries, two failed assassination attempts and numerous death threats made against activists.

May or Jun 2008 <sup>70</sup>	It was reported that a local farmer opposed to the mining project was attacked with a small machete by his neighbour, who supported the project. Residents said the attacker was a paid “mine promotor” but the company denied it. The victim lost two of his fingers.	Injuries: 1	No Disclosure.
18 Jun 2009 <sup>71</sup>	The body of a leading activist who opposed the project was found in a well with all of his fingernails removed and with other signs of torture.	Deaths: 1	No Disclosure.
7 Aug 2009 <sup>72</sup>	A male activist opposed to the mine was shot eight times in the back and survived.	Injuries: 1	No Disclosure.
20 Dec 2009 <sup>73</sup>	The activist mentioned in the above entry was shot and killed in his vehicle. The woman next to him in the vehicle was killed as well. A 13-year-old girl was wounded.	Deaths: 2	No Disclosure.
		Injuries: 1	
26 Dec 2009 <sup>74</sup>	A female activist opposed to the project was assassinated. She was eight months pregnant at the time of her death. Her two-year-old son was injured during the shooting.	Deaths: 1	No Disclosure.
		Injuries: 1	
4 Jun 2011 <sup>75</sup>	A male community member opposed to the project was found murdered.	Deaths: 1	No Disclosure.
	<i>Additional sources for overview.</i> <sup>76</sup>		

## BOLIVIA

### Conflict Overview: South American Silver and the Malku Khota Mine

Indigenous farming and pastoral communities near the project feared that it would negatively impact access to water in an already arid region. Protesting communities also cited broader environmental concerns and a lack of adequate consultation about

the project. In 2012, it was reported that one person died and at least 6 people were injured during police interventions and confrontations over the project. One indigenous leader opposed to the project was arrested and charged with serious crimes.

22 May 2012 <sup>77</sup>	A male indigenous leader was arrested and charged with serious crimes in relation to unrest over the project. His supporters said the charges were fabricated. He was later released.	Arrests: 1	No Disclosure.
5 Jul 2012 <sup>78</sup>	One person died and at least 4 people were injured during a police intervention after protesting community members held several mining engineers captive.	Deaths: 1	South American Silver discloses the illegal detention of mining workers and a police officer by anti-mining indigenous groups. The company also discloses the death of a mine opponent during the “government security action” to release the detainees.
		Injuries: 4	
5 Oct 2012 <sup>79</sup>	It was reported that at least two people were injured by bullets at a confrontation between people for and against the mining project.	Injuries: 2	No Disclosure.

**GUYANA**

**Conflict Overview: Guyana Frontier Mining and the Marudi Mountain Project**

Although Guyana Frontier Mining subsidiary Romanex held a mining license for Marudi Mountain, roughly 300 informal miners had been mining within the permit zone for a number of years. The miners argued that they had a right to continue working as Romanex did not appear to be actively exploiting the site. In 2013, the Guyana Geology and Mines Commission and Guyanese police visited the concession area as part of "Operation El Dorado", which was aimed at reducing illegal mining in the country. An informal miner's wife and her child laid down in the path leading to the mine site to block police. A video of one police officer beating the woman and her two sons with a piece of wood was posted to YouTube, and was widely reported on. IT was reported that the woman was taken to hospital with injuries and one of her sons was treated with a broken leg.

3 Mar 2013 <sup>80</sup>	An informal miner's wife and her child lay down in the path leading to the mine site in protest. A police officer beat the woman and her son with a piece of wood. Her other son was present during the attack but was not injured.	Injuries: 2	No Disclosure.
<b>DOMINICAN REPUBLIC</b>			
<b>Conflict Overview: Barrick Gold Corporation and the Pueblo Viejo Mine (joint venture with Goldcorp Inc.)</b>			
<p>This mine was operated by a state enterprise from the 1970s to 1999. Canadian company Placer Dome won the concession in 2001. It sold its assets to Barrick Gold in 2006. From 2010-2013, it was reported that at least 50 people were injured, at least 6 were arrested and 3 killed at protests against the mining project. Reports indicate that protests began when a Barrick subcontractor laid off Dominican workers without paying them benefits required by law. This, and alleged water contamination near the site, led to larger demonstrations with a regional and national reach. The cancellation, renegotiation and even nationalization of the mining project were among the demands of a 48-hour general strike in 2013, which left two people dead, including one police officer.</p>			
14 Oct 2010 <sup>81</sup>	It was reported that six people were injured by birdshot and tear gas at protests led by mine workers demanding bonuses and respect for workers' rights. The protests were supported by popular groups. Roughly 2,000 protestors obstructed traffic.	Injuries: 6	No Disclosure in SEDAR, but Barrick's subsidiary told local media that protestors were not workers. For full company response see Appendix IV.
16 Nov 2010 <sup>82</sup>	At least 14 people were reportedly injured and one person killed in a protest by mine workers and ex-mine workers. Several local news outlets reported that a male Peruvian worker was burned to death in his car.	Deaths: 1	No Disclosure in SEDAR, but Barrick told researchers that its subsidiary issued a statement regarding the protest.
		Injuries: 14	

27 Sep 2012 <sup>83</sup>	At least 20 people were injured (mostly minor injuries, with reports of at least three people seriously injured) at a protest demanding that the company hire more local workers.	Injuries: 20	No disclosure on SEDAR, but Barrick disclosed this event in its annual 2012 Corporate Responsibility Report. For full company response see Appendix IV.
11 Oct 2012 <sup>84</sup>	At least two people were injured at protests demanding that the company hire more local workers. At least three people were detained for vandalism. Protestors set fire to a minibus owned by a Barrick subcontractor. Barrick told researchers that the protest was also related to an amendment to the Pueblo Viejo Special Lease Agreement with the Government of the Dominican Republic.	Injuries: 2	This protest was referenced (“several demonstrations”) in the above-mentioned 2012 Corporate Responsibility Report.
		Arrests: 3	
22 and 23 Apr 2013 <sup>85</sup>	One police officer and one young protestor were killed, at least 8 people injured and at least 3 arrested during a 48-hour general strike in Santo Domingo and other cities. Barrick was named in nearly every article consulted on the general strike.	Deaths: 2	No Disclosure. Barrick told researchers: “The general strike was not related to PVDC’s operations. Ongoing discussions over renegotiation of the mine contract were referenced by some in the press.” (PVDC, or Pueblo Viejo Dominicana Corporation, is the joint venture between Barrick and Goldcorp Inc., which owns the Pueblo Viejo mine.)
		Injuries: 8	
		Arrests: 3	
<b>HONDURAS</b>			
<b>Conflict Overview: Greenstone Resources, Yamana Gold, Aura Minerals and the San Andres Mine</b>			



This mine passed between three different Canadian companies from 2000-2015. In 2003, when Greenstone Resources Ltd. owned the project, a journalist and news agency owner was assassinated. The journalist's news program had reported on mining protests and a cyanide spill at the mine. He was reported to have been critical of the contamination, and had survived a failed assassination attempt earlier that year. In 2007 and 2008, when Yamana Gold owned the mine, widespread demonstrations demanding that the government repeal the 1998 Mining Law led to at least 10 reported injuries and 20 arrests. Roadblocks at the mine site aimed at protecting a 200-year-old cemetery resulted in 40 arrests. In 2014 and 2015, when Aura Minerals owned the project, local protests against the mine continued, with reports of police arresting and charging 22 protestors and community leaders, some with serious crimes.

26 Nov 2003 <sup>86</sup>	The owner of a news agency and director of a news program, was assassinated by two unknown assailants after surviving a previous attempt on his life that year. The victim had been critical of the January 2003 cyanide spill at the mine, which contaminated a local river. He had also reported on smuggling between Honduras and Guatemala. Both possible motives were mentioned in reports surrounding his death and the previous assassination attempt. An investigator told a local newspaper that he did not believe the assassination was motivated by mining. In a 2003 interview, the victim stated that he was convinced that a previous attempt on his life was linked to his work. When asked about his coverage of the January 2003 cyanide spill he stated: "I don't dare to confirm [that I was targeted because of this coverage], but I don't discard the possibility. To say it would put my life and that of my family at grave risk."	Deaths: 1	No Disclosure.
17 Jul 2007 <sup>87</sup>	Police used tear gas and firearms to break up demonstrations. At least 10 people were reportedly injured, three by bullets. One of the main groups present at the protest said 17 people had been injured. At least 20 people were arrested, with two	Injuries: 10	No Disclosure.
		Arrests: 20	

	sources reporting numbers as high as 70 arrests. Police claimed injuries were caused by protestors shooting their own firearms.		
12 and 13 Sep 2008 <sup>88</sup>	Forty Azacualpa residents, including children, were arrested and held at a police station for 24 hours after being removed from roads leading to the mine site. They had been occupying the mine's access roads in order to prevent the destruction of a local cemetery.	Arrests: 40	No Disclosure.
15 Apr 2014 <sup>89</sup>	At least 19 people were charged with various crimes at a protest aimed at protecting a local cemetery from destruction by the mining company. Protestors blocked roads leading to the mine for 15 days. Police eventually removed them with tear gas and batons. Those charged were released on conditions that they must report to a judge monthly.	Arrests: 19	On 27 May 2014, Aura Minerals discloses a number of "minor protests" that were resolved through "active engagement".
23 Nov 2015 <sup>90</sup>	Three community leaders opposed to the mine were arrested at a police road block after leaving a community meeting. They were released the next day and charged with usurpation. Since November 9, 2015, activists had blockaded an area of the Cerro Cemeterio (a mountain that they feared the mine was encroaching upon and which contained a local cemetery). Mine workers were also reported to be involved in the protest.	Arrests: 3	Aura discloses the suspension of operations due to the "actions of a small number of individuals who have entered the mine site and have been forcefully disrupting normal operations." A month later, the company discloses that it has achieved a "peaceful resolution" to the situation.
<b>Conflict Overview: Goldcorp Inc. and the San Martin Mine</b>			

In 2011, members of a local environmental group were arrested and charged with serious crimes following a demonstration demanding that a mini-watershed be protected from a planned forestry project. The group had been demanding that Goldcorp mitigate acid mine drainage at the closed San Martin mine. (A 2009 study by experts at Newcastle University found evidence of acid mine drainage at the site, which Goldcorp denied.) The environmental group was also actively opposed to any future mining in the region, which they believed would be made easier if forestry projects were allowed to go forward.

5 to 8 Jul  
2011<sup>91</sup>

Three members of the Siria Valley Environmental Committee of Honduras were arrested on July 5<sup>th</sup>, while warrants for 15 other members of the committee were issued on July 8th. Arrests and warrants were related to a protest aimed at blocking a forestry project near the closed mine. All faced serious charges for allegedly obstructing a forestry management plan, which carried a possible jail sentence of four to six years.

Arrests: 3

No Disclosure.

Warrants: 15

**NICARAGUA**

**Conflict Overview: B2Gold and the El Limon Mine**

It was reported that labour unrest at the El Limón mine in the fall of 2015 resulted in violent confrontations between protestors and police. Workers and the local community staged a protest demanding the reinstatement of a union leader and 2 other union members. They also reportedly complained that the company was not respecting their collective agreement, and that it was attempting to hire more subcontracted workers. On October 6, 2015, protestors overtook riot police as the officers attempted to disperse demonstrators by force. Police were disarmed, some were injured and one died of a heart attack. Demonstrators were also injured. On October 17, 2015, roughly 300 police blockaded the municipality, raided homes and removed rubble from the streets. While many men in the town were arrested or fled into the mountains, women and children carried on the protests. Women confronted riot police, demanding respect for labour rights and the release of their sons and husbands. In total, one police officer died and at least 53 people were injured, including 30 police officers. Seventeen protestors were arrested, and at least one person was charged with serious crimes.

6 Oct 2015 <sup>92</sup>	Police tried to break up protests and were overtaken by protestors. Thirty-one people were reportedly injured: 23 police officers and 8 civilians. Some police officers were disarmed by civilians. One police officer died, apparently of a heart attack. Tear gas was used. Protestors destroyed cars and set the local police station on fire. The mine temporarily closed its operations. At least 2 people were arrested in the days following this protest, including the local labour union president, who had been fired from his job.	Deaths: 1	B2Gold states in its disclosure report that violence erupted during a police confrontation at an illegal blockade halting mine operations, resulting in “several injuries and significant material damages”. The company also disclosed that a police officer died as a result of injuries suffered “while the Nicaraguan National Police were re-establishing order”.
		Injuries: 31	
		Arrests: 2	
17 Oct 2015 <sup>93</sup>	At least 300 police officers arrived in the town of Leon at dawn, pulling people from their homes and arresting them. The police stated that their objective was to clear the streets of rubble and to restore order after three weeks of protests. Police roadblocks stopped the entry and exit of all vehicles, including reporters and human rights groups. Some mine workers fled to the mountains to avoid arrest. The next day, women and children took to the streets dressed in black, confronting riot police who occupied the health centre and other public buildings. They demanded negotiations for the release of local male protestors from prison. They also attempted to block outside contract workers from entering the mine site and demanded the reinstatement of fired labour leaders. There were reports of at least 22 injuries and 15 arrests.	Injuries: 22	B2Gold discloses: “On October 17, the Government of Nicaragua instructed the police to remove the illegal blockade, arrest those responsible for prior violent actions that left one police officer deceased and others injured, and establish civil order in the town of El Limon. The illegal blockade was successfully removed by the police and workers were able to return to work.”
		Arrests: 15	
<b>COLOMBIA</b>			

**Conflict Overview: Gran Colombia Gold and the Marmato Project**

Gran Colombia Gold's plans to relocate the residents of Marmato to make way for its mining project led to organizing and protests by community members, many of whom work in small-scale mines within the concession. In the midst of demonstrations in 2011, a local priest, who was outspoken against the project, was assassinated. In 2013, a general mining strike took place across the country. Small-scale miners, including those in Marmato, protested new policies that they believed would squeeze them out of the mining industry in favor of multinational companies. It was reported that road blocks and protests near Marmato resulted in at least 5 injuries from tear gas and rubber bullets. The police intervention also reportedly led to the detention of five community members and an indigenous political leader.

2 Sep 2011 <sup>94</sup>	A local priest opposed to the project was assassinated amidst protests against the relocation of Marmato, a community of small-scale miners.	Deaths: 1	No Disclosure.
18 to 20 Jul 2013 <sup>95</sup>	A general mining strike across the country led to roadblocks along the highway outside of Marmato (and in several other regions). Riot police attempted to break up the protests with pepper spray projectiles (or tear gas) and rubber bullets. There were reports that protestors threw rocks and set off home-made explosives, although no injuries were reported from explosives. At least two people were seriously injured and rushed to hospital (one was shot in the eye with a rubber bullet and the other was injured from mistakenly ingesting a toxic substance after being pepper sprayed). One report stated that 64 people sought medical attention at local health centres. At least five people were detained, including a female indigenous political leader.	Injuries: 2	No Disclosure.
		Arrests: 5	
2 and 3 Aug 2013 <sup>96</sup>	After the Colombian Defense Minister ordered the national police to clear all roadways, several hundred officers	Injuries: 3	No Disclosure.
		Arrests: 4	

	dispersed protestors in Marmato and on the highway near Marmato, resulting in four arrests and at least three injuries.		
<p><b>Conflict Overview: Gran Colombia Gold and the Mazamorra Project</b></p> <p>After months of rural communities organizing and protesting against this exploration project, it was reported that a confrontation between mine workers and local residents occurred, resulting in injuries. The next day, hundreds of villagers gathered in protest at the mining exploration camps. The camps were eventually lit ablaze and destroyed. The community has reported numerous death threats, instances of criminalization, divide and conquer tactics and other injuries caused by riot police. Roughly 2 months after Gran Colombia Gold sold the project, it was reported that a <i>campesino</i> leader working with local communities opposed to it was arbitrarily detained.</p>			
8 Oct 2011 <sup>97</sup>	It was reported that a grandmother and her granddaughter were injured when they tried to break up a fight between mine workers and community members. The company reported to the media that its workers were attacked, but did not say if there were injuries.	Injuries: 2	Gran Colombia Gold discloses that the project “was attacked by unknown invaders, with considerable damage caused to the buildings there by fires set by the invaders.”
<p><b>Conflict Overview: Gran Colombia Gold and the Segovia Mines</b></p> <p>Frontino Gold Mines owned the mines in question until the Colombian government liquidated the company and sold its assets to Medoro Resources (a Canadian company which later merged with Gran Colombia Gold). Workers and pensioners at the Segovia mines opposed the sale, arguing that the offer was very low and that the acquisition was illegal. From 2010-2011, it was reported that labour leaders received death threats. One was assassinated while another was shot in an assassination attempt but survived. In 2012, roughly 70 workers employed by a subcontractor for a Gran Colombia Gold subsidiary went on strike. Workers maintained that the strike was to protest the company’s use of certain funds without consulting workers. They also argued that the company had threatened to fire workers involved in the dispute. Two workers who spoke on television about the labour dispute were shot and killed. It was reported that other strike leaders fled the area after the assassinations. Then, in the fall of</p>			

<p>2015, the ex-paramilitary gang Los Urabeños began threatening Gran Colombia Gold subcontractors in an apparent conflict over extortion involving rival gangs. At least two mine workers were assassinated. One was shot in an assassination attempt but survived.</p>			
5 Jun 2010 <sup>98</sup>	<p>A member of the Board of Directors of the Segovia chapter of the National Union of Mining and Energy Workers of Colombia (<i>Sintramienergética</i>) was shot three times in an assassination attempt. This followed the forced relocation of the president and vice-president of the Frontino Gold Mines Retirees and Pensioners Association, who opposed the sale of Frontino's assets to Medoro Resources. They received death threats and had to leave the area.</p>	Injuries: 1	No Disclosure.
26 Jul 2011 <sup>99</sup>	<p>One of the founding members of the Segovia local of <i>Sintramienergética</i> was murdered by hitmen near his home in Segovia. He was shot three times.</p>	Deaths: 1	No Disclosure.
27 Jul 2012 <sup>100</sup>	<p>Two male mine workers were shot and killed by hitmen. Both had appeared on television 2 days prior to talk about the labour conflict at the Providencia mine, which was owned by Gran Colombia Gold.</p>	Deaths: 2	No Disclosure.
1 Oct 2015 <sup>101</sup>	<p>The head of the artisanal mining work team at the Providencia Mine was murdered leaving his house on his way to work. He was shot 6 times. Another worker at the same mine was also reported to have been murdered. However, we were unable to uncover any details related to his death.</p>	Deaths: 1	Gran Colombia Gold discloses that the mine's operations have been disrupted by "external security challenges from a local criminal organization". There was no disclosure of the death of the victim.

1 Nov 2015 <sup>102</sup>	A mine electrician was shot in the shoulder in Segovia after leaving work at the Providencia mine. It was reported that he worked for La Damasa artisanal mining group, which contracted with Gran Colombia Gold and had received threats from a local gang. He recovered.	Injuries: 1	No Disclosure.
22 Nov 2015 <sup>103</sup>	A male mine worker was assassinated. He worked for the company Navar Asociados, which belonged to the Damasa artisanal mining group, which contracts with Gran Colombia Gold. Mining contractors told one news source that 10 miners had quit in the week preceding the assassination because they had received threats.	Deaths: 1	No Disclosure.
<b>PANAMA</b>			
<b>Conflict Overview: Kokopelli and the Cerro Colorado</b>			
<p>The Cerro Colorado in Panama is one of the largest untapped copper deposits in the world. It is located within the Ngöbe Buglé <i>comarca</i> (semi-autonomous indigenous territory). Around 2008, the Canadian company Kokopelli (Clarke Educational Services) began holding workshops promoting mining in the <i>comarca</i>. It is unclear whether Kokopelli was working on behalf of a mining company, although at least two reports state that it was working for Corriente Recursos. In 2012, large numbers of Ngöbe protestors blocked the Pan-American Highway to oppose an amendment to a bill that would reverse the cancellation of all mining concessions in the <i>comarca</i>. At least two people were killed, 39 injured and 40 arrested. There were also reports of at least one woman being sexually assaulted by a police officer. After the protests, the Panamanian government cancelled mining concessions in the <i>comarca</i>.</p>			
5 and 6 Feb 2012 <sup>104</sup>	Protests, and the police intervention, resulted in at least 2 deaths, with a third death unconfirmed. One protestor died from police fire. A minor was also found dead, apparently injured in the face by explosives. At least 39 people were	Deaths: 2	Not applicable. This conflict was not directly connected to a publicly-traded company.
		Injuries: 39	



	injured, including some police officers. A police officer reportedly raped a female protester. At least 40 people were arrested. Police denied using live ammunition but eyewitness reports stated that they did.	Sexual Violence: 1	
		Arrests: 40	
<i>Additional sources for overview</i> <sup>105</sup>			
<p><b>Conflict Overview: Petaquilla Minerals and the Molejon Mine</b></p> <p>Petaquilla Minerals started operations at the Molejon mine in 2009, commencing production in 2010. In 2009, <i>campesino</i> communities blockaded the mine's entrance to protest the environmental impact of the project. Mine workers also demonstrated against the blockade, which they believed threatened their jobs. Police broke up the protests with tear gas and batons. It was reported that at least 30 people were arrested. Petaquilla Minerals abandoned the project in 2013, citing economic difficulties. As of 2016, hundreds of mineworkers were still owed unpaid benefits.</p>			
27 May 2009 <sup>106</sup>	At least 30 people were reportedly arrested following a blockade of the mine entrance and related protests. Police broke up the protests with tear gas and batons.	Arrests: 30	Petaquilla discloses: "There are currently no producing mines in Panama and various independent environmental groups or individuals would like to prevent the operation of mining in Panama. The Company's operations <i>have been</i> could be significantly disrupted or suspended by activities such as protests or blockades that may be undertaken by such groups or individuals." [Emphasis added. This appears to be a typo by the company.]

	<i>Additional sources for overview</i> <sup>107</sup>		
<b>ARGENTINA</b>			
<b>Conflict Overview: Yamana Gold and the Agua Rica Mine</b>			
<p>Protests against this mine largely focused on environmental issues. Residents argued that the mine would be in close proximity to rivers upon which local communities, and the nearby city of Andalgalá, depend. As the mine would also be located in the same region as Argentina's largest mine, Bajo La Alumbrera, farmers and other residents feared water shortages in addition to contamination. In February 2010, protestors attempted to block trucks headed to the mine site. A police intervention led to larger protests in the nearby city of Andalgalá. Fifty people were detained and at least three injured, reportedly by rubber bullets.</p>			
15 Feb 2010 <sup>108</sup>	Fifty people were detained and at least three injured, reportedly by rubber bullets, during a police intervention at protests against the mining project.	Injuries: 3	Yamana discloses that “roadblocks (piqueteros) by members of the local communities, political activists, the unemployed and labour unions sometimes occur on national and provincial routes without notice, which could potentially cause disruptions to access routes near the mine site and affect the supply of goods to the mine from time to time”. There was no company disclosure about this particular protest.
		Arrests: 50	
<b>Conflict Overview: Glencore, Goldcorp, Yamana and the Bajo la Alumbrera Mine</b>			
<p>This mine has been in operation since the late 1990s. Glencore, and previously Xstrata, has a 50% controlling stake in this project. The other shareholders are the Canadian companies Goldcorp Inc. (37.5%) and Yamana Gold Inc. (12.5%). Discontent with the</p>			

project has focused largely on environmental issues, linked to reports of water contamination and desertification caused by the mine. Activists opposed to the mine held protests and roadblocks in 2008. In early 2012, they organized similar demonstrations, blocking trucks on the highway on their way to the mine. Police forcibly removed them from the road, resulting in reports of 44 arrests and 23 injuries.

Glencore maintains that protests began primarily against Canadian company Osisko’s Famatina project, and that anti-mining sentiment then spread to the region in question. It holds that “there was never any specific allegation made against Alumbrera’s activities.” The company told JCAP : "After numerous complaints were filed against the protestors and their illegal road blockades, a judge ordered the national police to disperse the protestors. [...]During the protests highlighted by the Justice and Corporate Accountability Project, the national police forces in Peru and Argentina remained under their own chains of command and under the control and authority of the respective national governments. Antamina and Alumbrera did not seek to (and, in any event, would not be able to) exercise any direction over the response by the respective police forces to each protest.[...]We respect freedom of association and have never prevented demonstrations taking place at any of our operations.” (See full response in Appendix IV.)

27 Jan 2012 <sup>109</sup>	Eighteen protestors were arrested while blocking trucks headed towards the mine site. Protestors described the police intervention as violent.	Arrests: 18	Goldcorp discloses that roadblocks in January and February 2012 “interrupted transportation to and from the mine”.
8 Feb 2012 <sup>110</sup>	At least 26 protestors were arrested, including a 13-year old boy. Police officers broke up protests blocking trucks headed to the mine, which resulted in injuries to at least 3 women.	Injuries: 3	See above.
		Arrests: 26	
10 Feb 2012 <sup>111</sup>	Activists and local communities blocked trucks on a highway leading to the mine. Police used tear gas and rubber bullets to disperse them. At least 20 were injured in the confrontation.	Injuries: 20	No disclosure.
	<i>Additional sources for overview</i> <sup>112</sup>		

**Conflict Overview: Barrick Gold and the Veladero Mine**

<p>The Veladero Mine entered production in 2005. On November 23, 2005, local residents blocked a road leading to the mine, reportedly protesting layoffs by a Barrick subcontractor. Local officials also expressed worries about contamination and the transportation of cyanide to the mine. In September 2015, one million litres of cyanide solution leaked from the mine into the local environment, contaminating five rivers. On October 23, 2015, activists organized protests in response to the leak. It was reported that the police intervention resulted in arrests and injuries.</p>			
23 Oct 2015 <sup>113</sup>	Environmentalists and local communities carried out a two-day blockade of one of the private access roads to the mine site. Police broke up the protests, resulting in at least one head injury. At least 20 protestors were reportedly arrested.	Injuries: 1 Arrests: 20	Barrick disclosed the spill, but not the blockade, injuries or arrests.
	<i>Additional sources for overview</i> <sup>114</sup>		
<b>CHILE</b>			
<b>Conflict Overview: Barrick Gold and the Pascua Lama Mine</b>			
<p>This high-altitude project lies on the border between Chile and Argentina. In 2007, police used force to break up protests aimed at blocking vehicles headed to the mine site, leading to 40 arrests. The discontent of residents, environmentalists and indigenous communities largely centred around the protection of glaciers at the mine site and water scarcity in an already arid region. In 2013, the Chilean Supreme Court upheld the company's environmental approval, but ordered it to construct a water management system. Barrick suspended the project in 2013. However, it recently announced plans to revise the project and move forward.</p>			
25 Jan 2007 <sup>115</sup>	Environmental activists and local communities peacefully blocked the road to the mine site. On the third day, it was reported that at least 40 people were arrested. There were reports that the police intervention was violent. One report stated that protestors were struck by police and injured by handcuffs.	Arrests: 40	No Disclosure.
	<i>Additional sources for overview</i> <sup>116</sup>		

ECUADOR			
<p><b>Conflict Overview: Ascendant Holdings and the Junín Mine</b></p> <p>Beginning in 2004, there were reports of numerous legal complaints issued against activists opposed to this project. In 2005, protestors burned down the company's mining camp, citing serious environmental concerns and arguing that the municipality had not been consulted according to Ecuadorian law. On December 1, 2006, armed security guards for a subcontractor attempted to enter company property, but were blocked by residents. Guards attacked peaceful residents with pepper spray and pistols. Later, local groups overcame, disarmed and detained roughly 57 subcontractor workers. The workers were held captive for several days. On December 6, 2006, local residents and officials opposed to the project were reportedly attacked by a pro-mining group, leaving 4 injured. In 2007, two outspoken activists opposed to the project were threatened and attacked. In 2007, the government of Ecuador released a statement announcing that Ascendant's activities in Cotacachi County were illegal because it had failed to obtain authorization from the Municipality of Cotacachi before starting operations in the area. The concession was revoked in 2008.</p>			
27 Dec 2004 - 10 Dec 2006 <sup>117</sup>	INREDH, an Ecuadorian human rights organization, reports that, from 2004-2006, numerous legal complaints were initiated against activists opposed to the mine. This includes a libel complaint against a local paper and its journalist. It also includes complaints of arson, abduction, robbery, assault, battery and uttering threats. The NGO lists 14 cases, involving roughly 42 people and one local newspaper. Some people were repeatedly charged. Independent sources corroborated the claim that numerous charges were brought against activists.	Arrests & Legal Complaints: 42	No disclosure related to arrests or legal complaints in this two-year period.
2 Dec 2006 <sup>118</sup>	A group of, what appears from video footage to be security guards in riot gear, attacked a group of local people with tear gas and pistols at close range. These men were apparently security guards for the agricultural firm Falericorp, which subcontracted with Ascendant to carry out agricultural	Injuries: 1	Ascendant Copper denies using military force in the Intag region in a news release dated 19 Dec 2006. Ascendant describes the detainment of

	<p>projects on the company's property. The community was apparently blocking their passage, telling the guards to wait for the police to arrive, when they were attacked. At least one person was injured. Groups of local people later detained Falericorp workers and confiscated their weapons. The company said that those who detained the Falericorp workers were heavily armed.</p>		<p>representatives of Falericorp, a company contracted by Ascendant to carry out agricultural projects on the company's property, as follows: "They were accosted by what can only be termed an eco-terrorist group armed with shotguns and automatic weapons and then forced at gunpoint to cease work on the Company's properties and were held hostage against their will for approximately a week." In a subsequent document, Ascendant describes local opposition to the mine as being a "very vocal and disruptive" small, anti-mining group.</p>
6 Dec 2006 <sup>119</sup>	<p>It was reported that a pro-mining group attacked a delegation of local inhabitants and government officials en route to the town of Junín, where Falericorp workers were being released by community members. Four people were injured in the attack. Reports state that the attackers used Molotov cocktails, burning tires, stones and firearms. One news source reported that the pro-mining group blocked the roadway and threatened the life of the mayor of Cotocachi, who was present. The company stated that the mayor had bussed in people to help with "hostage taking". Ascendant stated: "This was a spontaneous demonstration by the communities</p>	Injuries: 4	<p>No disclosure on SEDAR, but the company did release a news statement denying involvement.</p>

	against the Mayor, and the Company was in no way involved in it."		
9 Jul 2007 <sup>120</sup>	An activist opposed to the mine was attacked outside her home after receiving death threats. This prompted Amnesty International to issue an Urgent Action.	Injuries: 1	No Disclosure.
31 Jul 2007 <sup>121</sup>	After receiving threats, a leading activist opposed to the mining project was assaulted by a crowd, which reportedly included individuals employed by subcontractors of Ascendant's subsidiary. Amnesty International reported on the event, calling for the protection of local activists. The event was also the subject of a lawsuit in Canada. The Canadian judge recognized that a wrong was committed but failed to find mining executives responsible. A company spokesperson told the Ottawa Citizen there was no proof to back the allegations, adding that charges were part of a smear campaign against the company.	Injuries: 1	No Disclosure.
<p><b>Conflict Overview: Corriente Resources and the Panantza - San Carlos &amp; Mirador Projects</b></p> <p>The Panantza-San Carlos and Mirador projects faced powerful opposition by indigenous groups for years, even before Corriente Resources began work in the area around the year 2000. Although a Chinese consortium bought Corriente in 2010, the company continued to run the project as a Canadian subsidiary of the Chinese consortium. The conflict around this project was marked by criminalization, deep community divisions, police and military interventions at protests and, more recently, targeted attacks on activists opposed to the mine. Opposition to the mine focused on environmental issues and a lack of indigenous consent to the project, which would reportedly be located on Shuar ancestral lands.</p>			
6 Nov 2006 <sup>122</sup>	Shuar families from Tingui, Limón and Santiago occupied an Ecuacorriente (Corriente's subsidiary) mining camp. After this	Legal complaints: 16	Corriente discloses protests and the temporary suspension

	and other protests, the government of Ecuador temporarily suspended Ecuacorriente's right to operate in the area. The company filed a legal complaint against at least 16 demonstrators for charges including trespassing, uttering threats and disturbing the peace. After the <i>Defensoría del Pueblo</i> (government human rights body) issued a report on the case, citing a national amnesty policy for mining activists, the legal process was put on hold. The company reportedly reactivated the complaint in 2010.		of the project, quoting the vice president of Ecuador's chamber of mines as saying, "Those communities are pro-mining and I would calculate that the majority of the population is in favor of mining." The company did not disclose the legal proceedings against demonstrators.
10 Nov 2006 <sup>123</sup>	It was reported that a pro-mining group stopped a caravan of protestors opposed to the project along the road and eventually fired bird shot into the crowd, injuring at least two people, one of whom was a police officer. A police report states that the pro-mining group then moved on to another town, where they injured four people. This could not be corroborated by media reports.	Injuries: 2	No Disclosure.
2 Dec 2006 <sup>124</sup>	After the government of Ecuador announced a suspension of Ecuacorriente's mining activities, inhabitants of Pangui travelled to the mine site to demand that the company leave. They were met by community promoters of the mine and soldiers. Several on each side were injured in clashes. A male, indigenous leader, and national representative for the province of Zamora Chinchipe, was arrested and assaulted by police. A national human rights organization reported that soldiers sexually assaulted an indigenous woman whom they had arrested and transported to company property. This report could not be corroborated.	Injuries: 4	No Disclosure.
		Arrests: 1	



24 Oct 2007 <sup>125</sup>	It was reported that a member of a family who refused to leave land that was sold to the company was attacked in a field by a mine worker and another person, who used machetes. The victim was seriously injured. His family said that this occurred after several incidents in which a mine worker arrived at the family's home and threatened them with a gun. Ecuacorriente, Corriente subsidiary, stated that this was a personal conflict, denying involvement. The victim was charged with a criminal infraction, as was his assailant. As of 2009 no one had been tried for the assault.	Injuries: 1	No Disclosure.
6 Mar 2012 <sup>126</sup>	Eight women were arrested at the Chinese embassy in Quito. They were there to deliver a letter asking the company to abandon the project.	Arrests: 8	A Chinese consortium bought Corriente prior to this event. The companies that owned the project at this time are not listed on SEDAR.
3 Dec 2014 <sup>127</sup>	The body of a prominent Shuar activist opposed to the project was found. He went missing on November 28, 2014, when he was supposed to attend a meeting on mining in the province. His body was reportedly tied with rope. Authorities stated that he was likely strangled. On December 5, 2014, he was expected to file a complaint against Corriente at the Peoples' Summit in Lima Peru, which ran parallel to the UN Climate Summit.	Deaths: 1	A Chinese consortium bought Corriente prior to this event. The companies that owned the project at this time are not listed on SEDAR.
13 Aug 2015 <sup>128</sup>	Indigenous groups throughout Ecuador converged on Quito for a mass protest as part of a general strike. Demands were broad, including the protection of bilingual education, the repeal of Ecuador's water law, and the protection of indigenous land from transnational mining. The police intervention led to many injuries and arrests of protestors,	Injuries: 1	A Chinese consortium bought Corriente prior to this event. The companies that owned the project at this time are not listed on SEDAR.
		Arrests: 1	

	including the arrest of high-profile indigenous leaders. More closely related to Corriente, one male protestor who was a known opponent of the Panantza - San Carlos & Mirador Projects, was arrested and beaten in Quito. At least 111 protestors were arrested across the country.		
<p><b>Conflict Overview: IAMGOLD and the Quimsacocha Project</b></p> <p>Protests against this mine focused on environmental issues, as it would be located in a protected high-altitude wetland that supplies water to nearby communities. In 2008, a roadblock against the project resulted in 17 arrests, with reports of police transporting various female protestors to a nearby casino, where they forced them to strip. In 2009, a national indigenous group organized large-scale protests, citing a lack of consultation in mining and water laws being debated before congress. During those protests, a local indigenous leader opposed to the project was arrested. In May 2010, three indigenous leaders were charged with sabotage of public services following a road block against the mine. They were eventually sentenced to 8 days in prison on reduced charges.</p>			
2 Apr 2008 <sup>129</sup>	Azuay residents blocked a section of the Pan-American Highway to call for the cancellation of the Quimsacocha project. The protest centered around environmental issues and a lack of consent of indigenous peoples. At least 17 people were arrested, with reports of police transporting various female protestors to a nearby casino and forcing them to strip.	Sexual Violence: 3	No Disclosure.
		Arrests: 17	
8 Jan 2009 <sup>130</sup>	The <i>Confederación de Nacionalidades Indígenas del Ecuador</i> , a national Ecuadorian indigenous group, organized large-scale protests citing a lack of consultation in mining and water laws being debated before congress. Roadblocks against the mine began on January 5, 2009. On January 9, 2009, an indigenous leader opposed to the project was arrested in Cuenca.	Arrests: 1	No Disclosure.

1 May 2010 <sup>131</sup>	Three indigenous leaders from Tarqui were charged with sabotage of public services following road blocks in May 2010. The charges carried a possible sentence of 8 to 12 years in jail. The protests were in response to a proposed water law that residents feared would not separate agricultural and drinking water from mining water usage. The three men were eventually sentenced to 8 days in jail in August 2011 on reduced charges of blocking roads.	Arrests: 5	No Disclosure.
<p><b>Conflict Overview: Cornerstone Resources and the Shyri (Vetas Grandes) Project</b></p> <p>Environmental and water-related concerns led many local residents to oppose this mining exploration project. Opposition generated protests, which led to legal complaints lodged against participants.</p>			
3 May 2013 <sup>132</sup>	In July 2012, Ecuador's Ministry of the Environment brought a legal complaint against at least 17 residents of indigenous and <i>campesino</i> communities in Santa Isabel, Azuay Province, for 'crimes against public administration', which reportedly carries a sentence of 1 to 3 years in prison. The Ministry of the Environment made this complaint after communities organized an event on May 3, 2012, which they described as a ceremony to express appreciation for water and in defence of mother earth. The Ministry argued that this ceremony impeded their activities in the area, which were aimed at providing information about the mining project.	Legal complaints: 17	No disclosure.

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## APPENDIX IV: COMPANY RESPONSES

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The following email, with details particular to the mine in question, was sent to each company mentioned in the Appendix. Emails were sent to the contact listed for the company on SEDAR. Attached to the email was a copy of the section(s) of the appendix that referred to the company's site(s). Companies were given 1-2 weeks to respond. If a response was received from a company, that response is included in the table below.

Re: Requesting Comment on Research Findings

Dear [Name]

The Justice and Corporate Accountability Project (JCAP) has been conducting research on [company name]'s mining operations in [country]. Please find attached a summary of what we found, and corresponding sources. We wish our understanding of the incidents to be as accurate as possible, and so we are requesting a comment from you about these matters. Please provide a response by email to [info@justice-project.org](mailto:info@justice-project.org) by [date].

Thank you for your attention to this matter.

Sincerely,



Shin Imai  
Justice and Corporate Accountability Project

Company	Response
Aura Minerals	<i>No response received</i>
Ascendant Holding	<i>No response received</i>
B2Gold	<i>No response received</i>
<p data-bbox="201 346 347 373"><b>Barrick Gold</b></p> <p data-bbox="201 415 532 506">Andy Lloyd Senior Vice President, Communications</p> <p data-bbox="201 548 363 611">alloyd @barrick.com</p>	<p data-bbox="557 346 1230 373"><b>Regarding September 19<sup>th</sup>, 2012 event at the Pierina Mine</b></p> <p data-bbox="557 415 1406 575">Barrick publicly disclosed information regarding the event that took place on September 19<sup>th</sup>, 2012 in our annual Responsibility Report. This report is available on our corporate website at <a href="http://www.barrick.com/files/responsibility-report/2012/Barrick-2012-Corporate-Responsibility-Report.pdf">http://www.barrick.com/files/responsibility-report/2012/Barrick-2012-Corporate-Responsibility-Report.pdf</a> (p44)</p> <p data-bbox="557 617 1263 644"><b>Regarding October 14<sup>th</sup>, 2010 event at the Pueblo Viejo Mine</b></p> <p data-bbox="557 686 1414 749">PVDC publicly commented on the incidents in the fall of 2010 extensively in the media.</p> <p data-bbox="557 791 1419 932">See: <a href="http://www.signalfire.org/2010/10/15/barrick-gold-denies-dominican-mine-workers%E2%80%99-protest/">http://www.signalfire.org/2010/10/15/barrick-gold-denies-dominican-mine-workers%E2%80%99-protest/</a> and <a href="http://www.dominicantoday.com/dr/local/2010/10/15/37301/Barrick-Gold-denies-Dominican-mine-workers-protest">http://www.dominicantoday.com/dr/local/2010/10/15/37301/Barrick-Gold-denies-Dominican-mine-workers-protest</a></p> <p data-bbox="557 974 1276 1001"><b>Regarding November 16, 2010 event at the Pueblo Viejo Mine</b></p> <p data-bbox="557 1043 1094 1071">PVDC issued a statement regarding the protest.</p> <p data-bbox="557 1113 1281 1140"><b>Regarding September 27, 2012 event at the Pueblo Viejo Mine</b></p> <p data-bbox="557 1182 1365 1310">The incidents referred to here were publicly disclosed in Barrick’s 2012 Responsibility Report, available on our website at <a href="http://www.barrick.com/files/responsibility-report/2012/Barrick-2012-Corporate-Responsibility-Report.pdf">http://www.barrick.com/files/responsibility-report/2012/Barrick-2012-Corporate-Responsibility-Report.pdf</a>:</p> <p data-bbox="557 1352 1247 1379"><b>Regarding October 11, 2012 event at the Pueblo Viejo Mine</b></p> <p data-bbox="557 1421 1328 1512">This protest, which also was related to the SLA Amendment, was referenced (“several demonstrations”) in the statement in the 2012 Responsibility Report above.</p> <p data-bbox="557 1554 1305 1581"><b>Regarding April 22 and 23, 2013 events at the Pueblo Viejo Mine</b></p> <p data-bbox="557 1623 1370 1713">The general strike was not related to PVDC’s operations. Ongoing discussions over renegotiation of the mine contract were referenced by some in the press.</p> <p data-bbox="557 1755 1205 1782"><b>Regarding October 23, 2015 event at the Veladero Mine</b></p> <p data-bbox="557 1824 1354 1900">We publicly discuss the 2015 incident on our webpage (<a href="http://www.barrick.com/responsibility/transparency-hub/significant-">http://www.barrick.com/responsibility/transparency-hub/significant-</a></p>

	<a href="#">incidents-2015/default.aspx</a> ).
<b>BHP Billiton</b>	<i>No response received</i>
<b>Blackfire Exploration</b>	<i>No response received</i>
<b>Candente Copper</b>	<i>No response received</i>
<b>Cornerstone Capital Resources</b>  Cesar Zumarraga  czumarraga@tzvs.ec	Dear Mr. Imai,  I am writing on behalf and by instruction of my client, Cornerstone Capital Resources. In order to be accurate enough, we will review our files and information and revert to you with our comments by the end of next week.  <i>[Editor's note: This message was received at 8:13pm on October 21, 2016. A message that was sent to the email address listed on SEDAR for Cornerstone Capital Resources failed to send as the email address is no longer in use. Later, a second email was sent to a different address that requested response by October 21, 2016]</i>
<b>Corriente Resources</b>	<i>No response received</i>
<b>Fortuna Silver</b>	<i>No response received</i>
<b>Glencore</b>  Charles Watenphul Communications  Charles.Watenphul @glencore.com	<b>Introduction:</b>  Glencore welcomes the opportunity to respond to the Justice and Corporate Accountability Project. It is important to note that, when the reported events took place, the mining company Xstrata was invested in Antamina and Alumbraera, not Glencore.  <b>Our approach to Human Rights:</b>  Respecting human rights is fundamental to all our activities. This means acting reasonably to avoid infringing on the rights of others and addressing any potential or actual adverse impacts of our operations.  Glencore is committed to the United Nations' Universal Declaration of Human Rights. We support the UN Guiding Principles on Business and Human Rights, Respect and Remedy Framework as well as the ILO Core Conventions.  Following the merger with Xstrata in May 2013, Glencore developed a human rights policy that reflected the enlarged group and strengthened the approach we take group-wide to protecting the human rights and fundamental freedoms of our people and our stakeholders.  Our Group Human Rights Policy addresses the management and mitigation of risks relating to human rights as well as their protection. Within Glencore, we understand human rights to cover a broad range of topics, including labour practices, resettlement activities, access to resources, use of security, and engagement with communities, particularly vulnerable groups such as indigenous peoples.

Our Group Human Rights Policy reinforces our commitment to integrating human rights considerations into all of our business processes. We are further protecting our stakeholders' right to remedy by reviewing and strengthening the complaints and grievance mechanisms we currently have in place. Our human rights practices are aligned with international best practices, including the International Finance Corporation's Performance Standard 5: Land Acquisition and Involuntary Resettlement, and we are an active member of the Plenary of the Voluntary Principles on Security and Human Rights.

Our operations make a significant contribution to their national, regional and local economies via tax and royalty payments, direct and indirect jobs for local people, training, goods and services providers, and voluntary community investment programmes.

We have a strong focus on community engagement wherever we work and we are committed to open dialogue with all our stakeholders. We aim to secure broad-based support for our activities from communities living close to our operations.

For further information relating to our approach to Human Rights and our wider SD strategy, please go to: <http://www.glencore.com/sustainability/>

In response to the specific queries raised by the Justice and Corporate Accountability Project, we would like to provide the following information:

We deeply regret that the demonstrations escalated into violence in which both protestors and police were injured. Despite our attempts to maintain a dialogue with the communities and reach a peaceful solution the protests went ahead.

#### **Antamina**

Antamina is a copper-zinc mine located in the Andes Mountains in northern Peru. Glencore, and formerly Xstrata, has a 33.75% interest in the mine – the other shareholders are BHP Billiton (33.75%), Teck (22.5%) and Mitsubishi Corporation (10%).

Regarding the events at Antamina highlighted by the Justice and Accountability Project:

2009:

- In September 2009, members of the Angoraju and Carhauyoc community illegally invaded the Antamina concession demanding jobs. The community members behaved in an aggressive and threatening manner towards Antamina's workforce and damaged the mine's property
- The national police mobilised to re-establish public order – during this process, we were saddened to hear that four community members and three policemen were injured

- At the time, 15% of Antamina's profits were used to deliver health care to the Carhuayoc community
- Following the protest, a permanent dialogue table was established and spearheaded by the National Office for Dialogue and Sustainability (ONDS). This organisation is part of the Presidency of the Minister Counsel (PCM). Regular meetings continue to be held with the local communities

2011:

- In November 2011, 24 Chipta community members aggressively entered the Antamina concession, attacking employees and property in an attempt to shutdown operations.
- The community members demanded the immediate hiring of their community members regardless of their skills, qualifications or experience. At the time, Antamina was not recruiting new employees
- Once again, the national police intervened and arrested 10 people. During their presence, minor injuries were regrettably sustained by both the police and community members Following the protest, the permanent dialogue table continued, spearheaded by ONDS

2012:

- In February 2012, protestors in Huarmey, the location of Antamina's port facilities, blocked one of the main access routes to the Antamina concession and alleged water contamination caused by irrigation activities
- During the blockade, both public and private vehicles using the road were attacked
- The national police removed the protestors and re-opened the road. Minor injuries were reported by both the police and community members
- Following the protest, the Ministry and National Water Authority issued a report detailing the results of a comprehensive field sampling and analysis study. This report was made publicly available.

Antamina has private security services which are used to control normal access to the property (entrance gate) and administrative security services. At no time, did Antamina's private security confront or engage with the invaders during any of the events detailed.

Further information is available at: <http://www.antamina.com/>  
<http://www.pcm.gob.pe/2013/07/jefe-del-gabinete-destaca-balance-de-mesa-de-desarrollo-enancash/>  
[http://www.antamina.com/noticias/jefe\\_del\\_gabinete\\_destaca\\_balance\\_mesa\\_desarrollo\\_ancash\\_antamina/](http://www.antamina.com/noticias/jefe_del_gabinete_destaca_balance_mesa_desarrollo_ancash_antamina/)

### **Alumbrera**

The Alumbrera copper-gold mine is located in the Catamarca province in north-west Argentina. Glencore, and previously Xstrata, has a 50% controlling stake in the asset – the other shareholders are Goldcorp (37.5%) and Yamana (12.5%).



	<p>Regarding the events at Alumbreira highlighted by the Justice and Accountability Project:</p> <ul style="list-style-type: none"> <li>• The initial cause of the protest was an effort to stop another exploration project in the neighboring La Rioja province</li> <li>• As opposition to the project grew, the protests and road blockades spread to other provinces (including Catamarca) and developed a general “anti-mining” sentiment; there was never any specific allegation made against Alumbreira’s activities.</li> <li>• After numerous complaints were filed against the protestors and their illegal road blockades, a judge ordered the national police to disperse the protestors.</li> </ul> <p>We have come across some further information on these protests at: <a href="http://www.bbc.com/news/world-latin-america-16827158">http://www.bbc.com/news/world-latin-america-16827158</a></p> <p>During all of the protests, we were highly concerned for the safety of the employees and contractors of the Antamina and Alumbreira mines as well as their local communities. We do not condone violence of any kind and we are committed to respecting the human rights of our employees, community members and all impacted stakeholders.</p> <p>Both Antamina and Alumbreira have implemented the United Nations’ Voluntary Principles and undertaken human rights training for their workforces and private security contractors. As part of their commitment to protect human rights, both Antamina and Alumbreira regularly engage with representatives of the Peruvian and Argentinian national police forces.</p> <p>During the protests highlighted by the Justice and Corporate Accountability Project, the national police forces in Peru and Argentina remained under their own chains of command and under the control and authority of the respective national governments. Antamina and Alumbreira did not seek to (and, in any event, would not be able to) exercise any direction over the response by the respective police forces to each protest.</p> <p>We respect the rights of all of our stakeholders to voice concerns and raise questions on our activities, operations and projects. We believe and engage in open and transparent dialogue. We respect freedom of association and have never prevented demonstrations taking place at any of our operations.</p> <p>We continue to be committed to open engagement. Both Antamina and Alumbreira enjoy strong support from the communities living close to their operations. In Peru and Argentina, responsible mining makes a valuable contribution to the national and local economies and is a contributor to sustainable, socio-economic development of the regions surrounding mining activities. We believe long-term benefits can only be delivered through open and constructive partnerships with local government, institutions and communities</p>
<b>Goldcorp</b>	Dear Shin Imai,

<p>Stella Cho Intern, Communications (On behalf of Christine Marks, Director Corporate Communications)</p> <p>Stella.Cho @goldcorp.com</p>	<p>I am writing in response to your email of Saturday, October 15, 2016 entitled: Requesting Comment on Research Findings.</p> <p>As we have not had an opportunity to review the full report, and due to the fact that many of the incidents to which the authors make reference in the excerpts provided relate to operations which either were not at the time of the incident or are not currently, operated by Goldcorp, we are not in position to comment on specifics.</p> <p>As part of our commitment to open, transparent communication, Goldcorp discloses workplace injuries and fatalities in our annual sustainability reporting. We also report workplace incidents to the relevant government authorities, such as the ministry of labour or jurisdictional equivalent, as required under applicable domestic laws. We have adopted the practice of issuing a public news release when we have had a workplace fatality as part of our commitment to transparency.</p> <p>Goldcorp does not condone violence of any sort. We operate in jurisdictions in which levels of violence are significantly higher than those experienced in Canada; that violence cannot be directly correlated to Goldcorp's mining activities, and is certainly not sanctioned by Goldcorp.</p> <p>Security, law and order and upholding respect for human rights remain the responsibility of government authorities in the jurisdictions in which Goldcorp operates.</p> <p>As a signatory to the Voluntary Principles on Security and Human Rights, Goldcorp will continue to strive for compliance with the Principles in our operations and have rolled out relevant training company-wide, as well as offering training to external agencies to promote respect for human rights everywhere we have operations. We have also implemented human rights assessments, grievance mechanisms and remedy processes, and continue to champion and implement transparency measures as part of our commitment to responsible operations.</p>
<p><b>Gran Colombia Gold</b></p>	<p><i>No response received</i></p>
<p><b>Greenstone Resources</b></p>	<p><i>No response received</i></p>
<p><b>Guyana Frontier Mining</b></p>	<p><i>No response received</i></p>
<p><b>Hudbay Minerals</b></p> <p>Scott Brubacher Director, Corporate Communications</p> <p>scott.brubacher @hudsonbayminerals.com</p>	<p>The statement "From 2007-2009 the violent eviction of communities to make way for the mine led to reports of 11 women being gang raped, one death and at least twelve separate recorded injuries..." is incorrect.</p> <ul style="list-style-type: none"> <li>• No evictions of any kind were carried out during the time Hudbay was the parent company of CGN, between 2008 and 2011. CGN worked to resolve the issue of illegal land occupation exclusively through a strategy of constructive dialogue and negotiation.</li> <li>• According to prosecutor and police reports, the 2007 evictions, which occurred a year prior to Hudbay acquiring its ownership position in CGN, were carried out peacefully by Guatemalan</li> </ul>

	<p>police and army personnel. The January 8 and 9, 2007 court-ordered evictions were widely publicized and observed, monitored and filmed by government agencies, local and international activists and NGOs, and local and international media. Further, all the January 2007 evictions were conducted pursuant to a legal process in which a Guatemalan court granted orders requiring a Guatemalan prosecutor to carry out the evictions of people occupying land illegally, who were represented by legal counsel in the court proceedings that led to the eviction orders.</p> <ul style="list-style-type: none"> <li>• There was no eviction attempted or undertaken on September 27th, 2009.</li> </ul> <p>Otherwise, the document is a reasonable restatement of allegations and elements of Hudbay's response, however we trust that your research will be scrupulous in distinguishing between allegations made in litigation and media relations and any established or proven fact.</p>
<b>IAMGOLD</b>	<i>No response received</i>
<b>Kokopelli</b>	<i>No response received</i>
<p><b>MAG Silver</b></p> <p>Thomas Eckert, Government Relations</p> <p>teckert @magsilver.com</p>	<p>We are in receipt of your email dated October 8, 2016. Given the seriousness of the tragic events referenced therein, we are responding to correct certain inaccuracies in your research note. Our responses below are backed up fully by the public record.</p> <p>It is important for us to immediately clarify that MAG Silver, and our consulting contractor had absolutely no involvement whatsoever in the tragic event.</p> <p>We had a long-standing business relationship with Mr. Solorio. His loss, and the loss of his wife Manuela Martha Solis Contreras, continues to be felt across the entire community four years later.</p> <p>Contrary to your research note, MAG first issued a press release primarily expressing its sincere condolences to the friends and families of the victims on October 25, 2012, three days after the incident and 48 hours after learning of it.</p> <p>The October 25 press release was issued secondarily because MAG had become aware of false rumours implicating MAG in the murders, and affirmed publicly that MAG had absolutely no involvement in the tragic event. The November 20 press release referenced in your research note simply restated MAG's original October 25 condolences and statement that it had absolutely no involvement in the tragic events.</p> <p>MAG Silver is fully committed to operating in a safe, responsible manner adhering to the highest industry Ethical and Corporate Social Responsibility standards on all our projects.</p>

	<p>At the Cinco de Mayo project, we ran and hope to again operate an exploration project that meets and exceeds strict worker health and safety standards and environmental compliance, while creating sustainable economic and social development programs to benefit all stakeholders, including the local and regional communities.</p> <p>During our exploration activities between 2005 and 2012, we funded the purchase of a vehicle to serve as an ambulance to evacuate members of the entire Benito Juarez community to the nearest hospitals(150-200 km). MAG also undertook a continuous program to repair and refurbish local schools, community buildings and outdoor facilities as well as contributing funding for Holiday celebrations and sporting events.</p> <p>Future proposed CSR commitments that MAG presented to the community in 2012 during meetings to re-confirm our land access rights, and prior to the tragedy, included: repairing the existing medical clinic, staffing it with a full-time Doctor and Nurse and stocking it with medicines; additional improvements to the local elementary schools; offering scholarships to regional secondary, high school and college programs; and developing micro-business opportunities in the town of Benito Juarez.</p> <p>Prior to the publication of your report, we strongly encourage you to remove MAG Silver from the analysis given we had no involvement with the tragic incident. At the very least, we ask that you update your report with the true facts and accurate chronology of our disclosure.</p> <p>We caution you that any inclusion of MAG Silver in your report will be closely scrutinized to ensure its accuracy and we reserve all of our legal rights in the event that you publish any inaccurate statements regarding our company.</p>
<p><b>Manhattan Minerals</b></p>	<p><i>No response received</i></p>
<p><b>Minefinders</b> (Aquired by Pan-American Silver)</p> <p>Delaney Fisher VP, Legal Affairs and Corporate Secretary</p> <p>dfisher @panamericansilver.com</p>	<p>Dear Mr. Imai,</p> <p>Thank you for your email of October 8, 2016. As you may be aware, Pan American Silver Corp. acquired Minefinders Corporation Ltd. on March 30, 2012. Since that time, Pan American has managed mining operations at the Dolores mine. Senior management of Minefinders were not retained in the acquisition and over the last four years there have been many personnel changes in Dolores’ management at the operations level. Given these personnel changes, the passage of time and that these events occurred almost four years prior to Pan American’s acquisition of Minefinders Corporation Ltd., we believe the most pertinent commentary on the incident can be found in Minefinders’ public disclosure made contemporaneously with the events in question. This information can be found at <a href="http://www.sedar.com">www.sedar.com</a>.</p> <p>Thank you.</p> <p>Best Regards.</p>

<b>Mitsubishi Corporation</b>	<i>No response received</i>
<b>New Gold</b>  Julie Taylor, Director                      Corporate Communications              and Investor Relations  info@newgold.com	<p>Hello,</p> <p>In response to your inquiry on the reported situations from 2006-2008, the company's employees have never participated in any way whatsoever nor being involved in any violent action against any of its stakeholders. The company adheres to and enforces its corporate values, among them, that of integrity, doing what it is right in its overall performance and actions.</p> <p>The track record of the company shows that the project has had ample support of local communities, which have provided an important share of the company's workforce and have been properly consulted and briefed along the different stages of the mine per standard practices. The company has ensured that we operate in an environmentally sustainable and accountable process based on the execution of international instruments, monitored and externally audited, such as the Cyanide Code, the Conflict-Free Gold Standard, the Anti-Bribery and Anti-Corruption Act, several of ISO's standards and the crafting of annual reports based on the UN GRI G4, among others.</p> <p>Currently in 2016, New Gold is proud to have entered into the gradual closure of the Cerro San Pedro Mine upon best international standards, focusing not just on the biophysical elements of the site but on socioeconomic projects of local communities, projects which were launched by the communities themselves, advised by internationally recognized external experts and the with the financial support of the company. The company has helped to strengthen the social fabric of local communities and will continue to contribute to their economic future once it fully shuts down mine operations.</p> <p>I trust that this addresses your question.</p> <p>Golden Regards,</p>
<b>Pacific Rim</b>	A message sent to the email address listed for Pacific Rim on SEDAR failed to send as the email address is no longer in use.
<b>Petaquilla Mining</b>	<i>No response received</i>
<b>Radius Gold</b>	<i>No response received</i>
<b>South American Silver</b>	<i>No response received</i>
<b>Tahoe Resources</b>	<i>No response received</i>
<b>Teck</b>	<i>No response received</i>
<b>Torex Gold Resources</b>	<i>No response received</i>
<b>Voyageur Minerals</b>  Steven R. Livingston V.P. Finance  steve@	<p>Thank you! We look forward to getting back to you.</p> <p>To stay connected with us and receive updated information such as media and press releases please sign up here:  <a href="http://www.voyageurminerals.ca/join-our-mailing-list/">http://www.voyageurminerals.ca/join-our-mailing-list/</a></p>

voyageurminerals.ca	We take our privacy policy very seriously. Your information will not be shared with anyone.  On behalf of Voyageur Industrial Minerals Ltd.  Thank you!
<b>Yamana Gold</b>	<i>No response received</i>

<sup>1</sup> Sergio Ocampo Arista, *Huyen habitantes de Carrizalillo por la violencia desatada entre narcotraficantes*, La Jornada, (5 Apr 2015), online: <https://perma.cc/HUE9-7MKA>; Diario21, *Era un campesino de Carrizalillo Indentifican la osamenta hallada cerca de Mezcala*, online: <https://perma.cc/7X7P-HD9M>; Fernando Hernández, *De un campesino, la osamenta hallada en Mezcala*, El Sur: Periódico de Guerrero, (24 Aug 2012), online: <https://perma.cc/P5MY-SE9U>; Abel Barrera, *El cinturón dorado de la muerte*, desInformémonos, (10 Nov. 2015), online: <https://perma.cc/T4DZ-2XSF>; Goldcorp Inc, *Annual Information Form*, SEDAR (28 Mar 2012).

<sup>2</sup> La Policiaca, *Eran de Coacoyula e Iguala los asesinados en Mezcala*, (12 May 2013), online: <https://perma.cc/V6R4-QTNF>; Diario21, *Uno es de El Tomatal y otro de Coacoyula: Hallan a otros dos sujetos muertos en puente Mezcala*, online: <https://perma.cc/MWD9-2VA5>; Goldcorp Inc, *Annual Information Form*, SEDAR (31 Mar 2014).

<sup>3</sup> Red Noticiero, *Violencia deja un comisario muerto y un herido en zona minera de Mezcala*, (20 May 2013), online: <https://perma.cc/VPV5-EPZN>; La Policiaca, *Un muerto y un herido tras balacera en Guerrero*, (16 May 2013), online: <https://perma.cc/UZQ9-7S5E>; Marlén Castro, *En ocho años, Carrizalillo pasó de la bonanza a la desolación*, (12 Apr 2015), online: <https://perma.cc/QAK6-W3A5>; Rogelio Agustín Esteban, *Investigan escalada de violencia en zona minera de Guerrero*, (17 May 2013), online: <https://perma.cc/8D7E-EKGK>; Alejandro Guerrero, *Iba a señalar a criminales de Los Rojos el civil retenido en Carrizalillo, dicen sus familiares desplazados en Iguala*, (30 Oct. 2015), online: <https://perma.cc/4ULJ-6BT5>.

<sup>4</sup> Fernando Hernández, *Deja cuatro muertos un enfrentamiento entre hombres armados en el centro de Carrizalillo*, El Sur: Periódico de Guerrero, (2 June 2014), online: <https://perma.cc/QA9Q-GX3Q>; Vania Pigeonutt, *PGJ-Guerrero investiga balacera en Carrizalillo*, El Universal, (2 June 2014), online: <https://perma.cc/FPN5-AVHD>; El Diario, *Se intensifican disputas entre grupos criminales en Guerrero*, (10 Oct. 2016), online: <https://perma.cc/68QB-JFVP>.

<sup>5</sup> La Policiaca, *Comparte este artículo utilizando los íconos que aparecen en la página*, (15 Sept. 2014), online: <https://perma.cc/E7QL-ZCQK>; Alejandro Guerrero, *Irrumpe comando de 100 hombres en Carrizalillo y mata a un trabajador de la minera y a un albañi*, El Sur: Periódico de Guerrero, (14 Sept. 2014), online: <https://perma.cc/WY3K-8MHX>; Quadratin Guerrero, *Localizan 4 granadas de fragmentación en Carrizalillo luego de balacera*, (15 Sept. 2014), online: <https://perma.cc/4LGT-V9WC>; Goldcorp Inc, *Annual Information Form*, SEDAR (17 Mar 2015).

<sup>6</sup> Proceso, *Cuerpos hallados en fosa son de mineros secuestrados en Guerrero*, (15 Mar 2015), online: <https://perma.cc/75P6-8JEC>; Nathaniel Janowitz and Benjamin Fernandez, *Los cárteles amenazan de muerte a los trabajadores mexicanos de las mineras canadienses*, Vice News, (15 Apr 2015), online: <https://perma.cc/SFW7-5UXQ>; Ezequiel Flores Contreras, *Comando secuestra a cuatro empleados de minera en Guerrero*, Proceso, (6 Mar 2015), online: <https://perma.cc/LYE6-ZHYZ>; La Jornada de Guerrero, *Sepultan en un panteón de Iguala a los tres mineros de la Goldcorp ejecutados*, (15 Mar 2015), online: <https://perma.cc/3XS4-P8SD>; Goldcorp Inc, *Annual Information Form*, SEDAR (29 Mar 2016).

<sup>7</sup> Sergio Ocampo Arista, *Huyen habitantes de Carrizalillo por la violencia desatada entre narcotraficantes*, La Jornada, (5 Apr 2015), online: <https://perma.cc/HUE9-7MKA>; Nathaniel Janowitz and Benjamin Fernandez, *Los cárteles amenazan de muerte a los trabajadores mexicanos de las mineras canadienses*, Vice News, (15 Apr 2015), online: <https://perma.cc/SFW7-5UXQ>; Ezequiel Flores Contreras, *Comando irrumpe en Carrizalillo y mata a cuatro pobladores*, Proceso, (27 Mar 2015), online: <https://perma.cc/246H-9WXA>; La Silla Rota, *La maldición de un pueblo llamado Carrizalillo*, (3 Nov 2015), online: <https://perma.cc/4T3B-GPD7>; Asesina comando armado a 3 personas en Carrizalillo, (27 Mar 2015), online: <https://perma.cc/PW67-9MHM>, Carlos Cabrera, *Comando asesina a tres*

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comerciantes en Carrizalillo, Síntesis de Guerrero, (28 Mar 2015), online: <https://perma.cc/R8E9-3SL3>; La Republica, *Militares de Iguala respaldan a Guerreros Unidos, dicen tres comisarios en una carta a Peña Nieto*, (31 Mar. 2015), online: <https://perma.cc/44GB-UM7Y>.

<sup>8</sup> Zócalo Saltillo, *Comando ejecuta a minero; hay 7 heridos*, (4 Aug. 2015), online: <https://perma.cc/4Z3B-QBAY>; Zacarías Cervantes, *Retienen vecinos de Carrizalillo a cinco policías federales y a un halcón de Guerreros Unidos*, (29 Oct. 2015), online: <https://perma.cc/8FTD-38UF>; IRZA Agencia de Noticias, *Muere en una volcadura tras ser agredido a balazos; hay 7 heridos*, (3 Aug. 2015), online: <http://www.agenciairza.com/2015/08/muere-en-una-volcadura-tras-ser-agredido-a-balazos-hay-7-heridos/>.

<sup>9</sup> La Silla Rota, *La maldición de un pueblo llamado Carrizalillo*, (3 Nov 2015), online: <https://perma.cc/4T3B-GPD7>; La Jornada, *Mina de oro atrae delincuencia a Carrizalillo*, (9 Nov. 2015), online: <https://perma.cc/DGH8-A5T6>; Martín Moreno, *Carrizalillo, el pueblo secuestrado*, Excelsior, (4 Nov. 2014), online: <https://perma.cc/A2RD-79Y9>.

<sup>10</sup> Vincent Castagnino, *Metal Mining and Human Rights in Guatemala: The Marlin Mine in San Marcos*, Peace Brigades International (Sep 2006), online: <https://perma.cc/NH4Z-YFTN>; Jennifer Moore et al, *In the National Interest? Criminalization of Land and Environment Defenders in the Americas*, MiningWatch Canada and the International Civil Liberties Monitoring Group (ICLMG) (Aug 2015), online: <https://perma.cc/QP5V-77GD>; On Common Ground Consultants Inc., *Human Rights Assessment of Goldcorp's Marlin Mine* (May 2010), online: <https://perma.cc/NJ8E-ZQAR>; Anabella Sibrián and Chris Van der Borgh, *La Criminalidad de los Derechos: La Resistencia a la Mina Marlin*, Socio-Legal Series, v.4, n.1 (2014), online: <https://perma.cc/G2MB-M64R>; Glamis Gold, *News Release: Glamis Gold Comments on Transport Incident* (13 Jan 2005), online: <http://perma.cc/SBN3-LHPR>.

<sup>11</sup> Rights Action, *Killing of Alvaro Benigno Sanchez by Security Guards Working for Glamis Gold Subsidiary in Guatemala* (5 April 2005), online: <https://perma.cc/M5N4-3SKW>; Rights Action, *Urgent Action: Crackdown on Local Citizens Opposing Goldcorp's "Marlin" Mine Escalates in San Marcos*, (18 Jul 2008), online: <https://perma.cc/6XNB-BDGW>; Office of the Compliance Advisor and Ombudsman (CAO), International Finance Corporation and Multilateral Investment Guarantee Agency, *Assessment of a complaint submitted to CAO in relation to the Marlin Mining Project in Guatemala* (7 Sept 2005), online: <https://perma.cc/H3AQ-J7BL>; On Common Ground Consultants Inc., *Human Rights Assessment of Goldcorp's Marlin Mine* (May 2010), online: <https://perma.cc/NJ8E-ZQAR>.

<sup>12</sup> Rights Action, *Urgent Action: Crackdown on Local Citizens Opposing Goldcorp's "Marlin" Mine Escalates in San Marcos*, (18 Jul 2008), online: <https://perma.cc/6XNB-BDGW>; James Rodriguez, *Minería en San Miguel Ixtahuacán: Conflictividad y Criminalización San Miguel Ixtahuacán* (30 Nov 2008), online: <https://perma.cc/9JME-CMLZ>; Simona V. Yagenova and Rocío Garcia, *Indigenous people's struggles against transnational mining companies in Guatemala: The Sipakapa People vs Goldcorp Mining Company*, *Socialism and Democracy* 23.3 (2009): 157-16, online: <https://perma.cc/9V5V-3LYY>.

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