

Rights Action – July 19, 2011

## **SEEKING JUSTICE FOR CANADIAN MINING COMPANY RELATED KILLING & GANG RAPE IN GUATEMALA**

UPDATE: (Hopefully) precedent-setting HudBay Minerals lawsuits

Lawsuits filed in Ontario on behalf of 11 Mayan Qeqchi women, who were raped, and on behalf of Angelica Choc, for the killing of her husband, are moving forward. An Ontario court is to determine which of two specific and important legal arguments should be heard first.

In December 2010, a Mayan Qeqchi woman, Angelica Choc, filed a lawsuit in against Canadian nickel mining company HudBay Minerals over the killing of her husband, Adolf Ich (a teacher, father and community leader), by mining company armed security personnel.



(Angelica Choc)



(Adolfo Ich, center. Photo: James Rodriguez)

In March 2011, 11 Mayan Qeqchi women from the remote village of Lote Ocho filed a lawsuit in Ontario against HudBay Minerals over gang-rapes committed by mining company armed security personnel during illegal, forced evictions in 2007.



(Photo: James Rodriguez)

HudBay Minerals is attempting to have these lawsuits thrown out of Canadian courts based on two arguments:

-1- HudBay argues the lawsuits should be heard in Guatemala rather than Canada, despite consensus amongst experts and national and international human rights bodies that Guatemala's justice system is among the worst in the world.

Impunity is the norm, in Guatemala, for human rights violations and politically related crimes and repression. The administration of justice (rule of law) is structurally dysfunctional, at best, and corrupted and used and manipulated by the powerful sectors (national and international) at worst.

A United Nations Rapporteur wrote: "Guatemala is a good place to commit murder because you will almost certainly get away with it". (Report of United Nations' Special Rapporteur on extrajudicial, summary or arbitrary executions, Mission to Guatemala, February 2007: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/108/99/PDF/G0710899.pdf?OpenElement>)

-2- HudBay also argues that Canadian corporations should not be legally responsible for human rights abuses that occur at their mines in other countries, even when repression and impunity are the norm in those countries, even when all the key corporate decisions about the operation of their mines in those countries are made by the Canadian corporation.

On Wednesday July 13, 2011, the lawyers for Angelica Choc and the Lote 8 women - Klippensteins Barristers and Solicitors - appeared in a courtroom in Toronto to argue that the question of whether the lawsuit can be heard in Canada should be determined by the court at the next court hearing.

Klippensteins was opposed by HudBay Minerals, which was represented by a senior lawyer from the Bay Street law firm Fasken Martineau, who argued that the question of whether the lawsuit should be heard in Canada should be delayed until after the court determines other legal questions.

The judge's decision is expected within the next few weeks.

\*\*\*\*\*

### **TO HELP FUND LEGAL WORK ON THESE TWO LAWSUITS, CONTACT:**

Klippensteins Barristers & Solicitors  
Murray Klippenstein, c: 416-937-8634, [murray.klippenstein@klippensteins.ca](mailto:murray.klippenstein@klippensteins.ca)  
Cory Wanless, c: 647-886-1914, [cory.wanless@klippensteins.ca](mailto:cory.wanless@klippensteins.ca)

\*\*\*\*\*

### **TO HELP FUND THE NICKEL-MINING AFFECTED FAMILIES & MAYAN QEQCHI COMMUNITIES & THEIR EFFORTS TO ACHIEVE JUSTICE:**

make tax-deductible check payable to "Rights Action" and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887  
CANADA: 552 - 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS: <http://rightsaction.org/contributions.htm> (Credit card donations can be done anonymously)

FOR DONATION OF STOCK: contact [info@rightsaction.org](mailto:info@rightsaction.org). (Stock donations can be done anonymously – have your stockbroker contact [info@rightsaction.org](mailto:info@rightsaction.org))

\*\*\*\*\*

### **FOR MORE INFORMATION, ENGLISH & ESPANOL:**

Grahame Russell, Connecticut, 860-352-2448, [info@rightsaction.org](mailto:info@rightsaction.org)

\*\*\*\*\*

1. Please re-post this
2. To get on-off Rights Action's listserv: [www.rightsaction.org](http://www.rightsaction.org)
3. Follow Rights Action on Facebook: [www.facebook.com/RightsAction.org](http://www.facebook.com/RightsAction.org)

\*\*\*\*\*