

~~~ Public Event ~~~

## **CANADIAN MINING ON TRIAL**

### **Precedent-setting trials continue against Hudbay Minerals nickel mining company for harms and violations against Mayan-Qeqchi people in Guatemala**

**DATE:** Tuesday, March 5, 7pm

**WHERE:** OISE # 2214, Ontario Institute for Studies in Education, University of Toronto, 252 Bloor Street West, Toronto

**WHO:** Angelica Choc, widow Adolfo Ich (killed September 27, 2009 by security guards working for Hudbay Mineral's nickel mining subsidiary in Guatemala); Klippensteins law firm; Rights Action; Council of Canadians; Mining Watch; and others.

Rights Action is honored to support and work with the nickel-mining harmed Mayan Qeqchi communities of eastern Guatemala since 2004, including their efforts to seek justice and remedy in Canadian courts in their three cases against Hudbay.

#### **KLIPPENSTEINS Press Release:**

##### **BREAKTHROUGH REGARDING LEGAL LIABILITY OF CANADIAN MINING CORPORATIONS FOR ABUSES OVERSEAS**

##### **Mayans' lawsuit against HudBay over shootings and rapes at mine in Guatemala to proceed in Canadian courts**

TORONTO, ONTARIO - (Marketwire - Feb. 25, 2013) - In an important precedent-setting development for the accountability of Canadian mining companies for alleged overseas human rights abuses, victims of rape and murder at a Guatemalan mine are now able to sue a Canadian mining company in Canadian courts.

Guatemalan Mayan villagers who are suing Canadian mining company HudBay Minerals for the alleged gang-rapes of eleven women, the killing of community leader Adolfo Ich and the shooting and paralyzing of German Chub at HudBay's former mining project in Guatemala recently learned that HudBay has abruptly abandoned its legal argument that the lawsuit should not be heard in Canada, just before an Ontario court was set to determine the issue. As a result, and for the first time, a lawsuit against a Canadian mining company over alleged human rights abuses abroad will be heard in Canadian courts.

"This is a stunning victory for human rights, and paves the way for future lawsuits against Canadian mining companies" said Murray Klippenstein, lawyer for the Mayan plaintiffs. "Corporations be warned - this case clearly shows that Canadian companies can be sued in Canadian courts for alleged human rights atrocities committed at their foreign operations."

HudBay had filed extensive legal briefs arguing that the lawsuit should be heard in Guatemala, not Canada, despite overwhelming evidence indicating that Guatemala's justice system is dysfunctional, making it impossible for the victims to get justice there. According to the United Nations, Guatemala is one of "the world's most violent countries officially at peace". According to Human Rights Watch, 99.75% of violent crime in Guatemala goes unpunished due to corruption, and intimidation and attacks against judges and witnesses.

"HudBay fought Angelica, Rosa, and their co-plaintiffs tooth and nail on this issue for over a year, forcing survivors of rape to travel to Toronto to endure extensive cross-examination and forcing us to spend countless hours compiling stacks of evidence, expert reports, and witness testimony." said Murray Klippenstein. "Now the defendant's legal resistance on this key point has collapsed. Rosa, Margarita and their co-plaintiffs should be praised for the courage and determination they have shown through this difficult process."

While this development effectively removes the legal argument that the case cannot be heard in Canada, other hurdles facing the Mayan villagers in their quest for justice remain. HudBay continues to rely on antiquated corporate law concepts to argue in the Canadian court that its corporate head-office is not legally responsible for the harms caused by its wholly-owned and controlled subsidiary corporation. The lawsuits continue in Ontario courts.

**FOR FURTHER INFORMATION:**

Klippensteins Barristers & Solicitors  
416-598-0288

[www.chocversushudbay.com](http://www.chocversushudbay.com)

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**BACKGROUND:**

(5 minute trailer) DEFENSORA, [www.defensorathefilm.com](http://www.defensorathefilm.com)

"Defensora" documents the Mayan Qeqchi people's struggle, in eastern Guatemala, to reclaim their ancestral lands, to promote community development and environmental well-being, and to seek justice and remedy for the murder, shootings and rapes committed against them by Canadian mining companies in Guatemala.

(5 minute film) TESTIMONY OF ROSA ELBIRA: A Mayan Qeqchi Woman and Gang-rape Survivor, September 2011,

<http://www.youtube.com/watch?v=dSGuDk4cnz4>

In January 2007, soldiers, police and private security (hired by Canadian mining company HudBay Minerals' subsidiary CGN) burnt the entire village of Lote 8, and gang-raped 11 women.

(10 minute film)

EL ESTOR EVICTIONS, January 2007,

<http://rightsaction.org/video/elestor/index.htm>

About Canadian nickel mining company (Skye Resources/ HudBay Minerals) related illegal, forced evictions of indigenous Mayan Qeqchi communities in eastern Guatemala.

(Article) CLASHING WORLD VIEWS AT THE CROSSROADS: "Avatar" overlaps with a "John Grisham" novel in the Mayan Qeqchi plaintiffs versus Hudbay Minerals lawsuits, by Grahame Russell

<http://rightsaction.org/action-content/clashing-world-views-crossroads>

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> Full Proposal and Budget Available on Request

To support the work of the Mayan Qeqchi Territorial Defense Committee, make check payable to "Rights Action" and mail to:

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

CREDIT-CARD DONATIONS can be made (in Canada and U.S.):

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- be a monthly credit card donor (Canada and U.S.)
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**MORE INFORMATION:**

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