

Rights Action
July 22, 2013
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Precedent Setting Ruling In Canada Against Hudbay Minerals, For Indigenous Plaintiffs In Guatemala

- **BELOW:** Press Advisory from Klippensteins Barristers & Solicitors

Rights Action Commentary: We are grateful to and in awe of the Mayan Qeqchi people who - despite on-going poverty, despite already having suffered great repression, despite on-going threats - took the decision to seek justice and remedy in Canadian courts. We are deeply grateful to Klippensteins for taking on these now precedent setting legal cases, on a 'pro bono' basis, and demonstrating both the legal brilliance and heart-felt commitment to stay with this much needed legal struggle in Canadian courts.

Thank-you to all who have donated funds in support of the health and humanitarian needs, and the justice and reparations struggles of the mining harmed people and communities in El Estor. This struggle for justice and remedy is far from over; more support is needed.

More Info / How To Support: See below

Press Advisory:

Ontario Court Rules That Lawsuits Against Hudbay Minerals Regarding Shootings, Murder And Gang-Rape At Its Former Mine In Guatemala Can Proceed To Trial In Canada Ruling Means That Canadian Corporations May Be Held Legally Responsible In Canada For Human Rights Abuse At Their Foreign Mining Projects

July 22, 2013, Toronto, Canada: In a precedent-setting ruling with national and international implications, Superior Court of Ontario Justice Carole Brown has ruled that Canadian company Hudbay Minerals can potentially be held legally responsible in Canada for rapes and murder at a mining project formerly owned by Hudbay's subsidiary in Guatemala. As a result of Justice Brown's ruling, the claims of 13 Mayan Guatemalans will proceed to trial in Canadian courts.

"As a result of this ruling, Canadian mining corporations can no longer hide behind their legal corporate structure to abdicate responsibility for human rights abuses that take place at foreign mines under their control at various locations throughout the world," said Murray Klippenstein, lawyer for the 13 indigenous Mayans. "There will now be a trial regarding the abuses that were committed in Guatemala, and this trial will be in a courtroom in Canada, a few blocks from Hudbay's headquarters, exactly where it belongs. We would never tolerate these abuses in Canada, and Canadian companies should not be able to take advantage of broken-down or extremely weak legal systems in other countries to get away with them there."

Hudbay argued in court that corporate head offices could never be held responsible for harms at their subsidiaries, no matter how involved they were in on-the-ground operations. Justice Brown disagreed and concluded that "the actions as against Hudbay and HMI should not be dismissed."

"Today is a great day for me and all others who brought this lawsuit," said Angelica Choc, a plaintiff and widow of Adolfo Ich. "It means everything to us that we can now stand up to Hudbay in Canadian courts to seek justice for what happened to us."

"This judgment should be a wake-up call for Canadian mining companies," said Cory Wanless, co-counsel for the

Mayans along with Mr. Klippenstein. “It is the first time that a Canadian court has ruled that a claim can be made against a Canadian parent corporation for negligently failing to prevent human rights abuses at its foreign mining project. We fully expect that more claims like this one will be brought against Canadian mining companies until these kinds of abuses stop.”

This is the second significant legal victory for the Mayan plaintiffs this year. In February, Hudbay abruptly dropped its argument that the lawsuit against it should be heard in Guatemala, not Canada, after fighting tooth and nail over this issue for over a year, forcing survivors of rape to travel to Toronto to endure extensive cross-examination and the legal team to spend countless hours compiling stacks of evidence, expert reports, and witness testimony.

For more information about the claims, see: www.chocversushudbay.com

Further Information:

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Support This Work For Justice And Remedy

Rights Action is honored to support and work with the nickel-mining harmed communities of eastern Guatemala since 2004, including their efforts to seek justice and remedy in Canadian courts in these cases against Hudbay Minerals. Thank-you to all who have donated funds and otherwise supported their struggle for justice and remedy.

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.): <http://www.rightsaction.org/tax-deductible-donations>

- Be a monthly credit card donor (Canada and U.S.)
- To donate stock, contact: info@rightsaction.org
- Donations are tax-deductible in Canada and the USA
- Full proposal and budget available on request

Background Info:

- (5 minute trailer) DEFENSORA, 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.
- (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>

More Information:

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