

Rights Action
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Hudbay Minerals Won't Appeal Ruling – Precedent Setting Guatemalan Cases To Proceed To Trial In Canada

- **BELOW:** Globe and Mail article

Rights Action is grateful to and in awe of the Mayan Qeqchi people who - despite on-going poverty, repression and threats – are seeking justice and remedy in Canadian courts. We are grateful to the Klippensteins law firm for taking on these now precedent setting legal cases, demonstrating both the legal brilliance and heart-felt commitment to stay with this much needed legal struggle in Canadian courts.

As you will see, this now precedent struggle for justice and remedy is far from over - more support is needed.

- More Info / How To Support: See below

Hudbay Won't Appeal Ruling Bringing Guatemala Case To Canada

By Alexandra Posadzki, Globe and Mail, Aug. 30 2013

<http://www.theglobeandmail.com/news/national/hudbay-wont-appeal-ruling-bringing-guatemala-case-to-canada/article14060058/>

A Canadian mining company has decided not to appeal a ruling that will allow three lawsuits it is facing over alleged shootings and gang rapes at a Guatemalan project to be tried in Canada. Lawyer Robert Harrison confirmed in an e-mail on Friday that HudBay Minerals Inc. has chosen not to appeal the Ontario Superior Court ruling issued last month.

The ruling makes it possible for firms to face liability at home for incidents that occur abroad.

One of the lawyers representing the plaintiffs – 13 Mayan Guatemalans – said he was surprised by the decision because he said so far the mining company has fought “tooth and nail” at every step in the process. Cory Wanless said the case will now proceed to the discovery phase, with trial still several years away.

The suits allege that security personnel, along with members of the police and military, attacked and raped 11 women in 2007 who were forcibly removed from their village in relation to the Fenix project. Two related lawsuits seek to hold HudBay Minerals and a subsidiary responsible for the subsequent killing of community leader Adolfo Ich as a result of a land dispute and the shooting and paralysis of local resident German Chub.

HudBay, which didn't own the mining operations when most of the alleged incidents occurred, has said the accusations contradict available information and that it would defend itself “vigorously against them.” None of the allegations have been proven in court.

The Toronto-based company bought the Fenix project nickel mine in Guatemala in a corporate takeover of Skye Resources in 2008, but sold it in 2011 to Russian firm Solway Investment Group to focus on its Canadian and Peruvian projects.

Mr. Harrison said the company decided that allowing the cases to proceed to trial was the best course of action.

"HudBay is confident it will succeed on the merits," Mr. Harrison said in an e-mail.

Mr. Wanless said this case has potentially far reaching implications for Canadian firms. "We think that this has broad implications for the Canadian mining industry," he said. "I think that Canadian executives should take note."

Make Tax-Deductible Donations for 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 El Estor Human Rights 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

"DEFENSORA"

- View 5 minute trailer: www.defensorathefilm.com

This just completed film, by Rachel Schmidt, 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.

- To arrange screenings, contact: Rachel Schmidt, wulf@telus.net

For More Information About The Cases: www.chocversushudbay.com

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