

Rights Action
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Guatemalan Mayan Qeqchi Plaintiffs, In Hudbay Minerals Lawsuit, Allege Interference

Angelica Choc (wife of slain Mayan Qeqchi community leader Adolfo Ich) is in Canada for screenings of the new documentary film "Defensora" (information, below).

A plaintiff in the precedent setting lawsuits against Hudbay Minerals (for a killing, shooting and gang-rapes in Guatemala), Angelica Choc is also now denouncing how the Guatemalan Nickel Company (CGN) – a former subsidiary of Hudbay Minerals and co-defendant – is carrying out a threatening and divisive campaign of intimidation and pressures aimed at getting some of the plaintiffs to drop their lawsuits in Canada.

More info:

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Guatemalan Plaintiffs In Hudbay Lawsuit Allege Interference

By Jordan Fletcher, The Globe and Mail, Oct. 24 2013

<http://www.theglobeandmail.com/report-on-business/industry-news/the-law-page/guatemalan-plaintiffs-in-hudbay-lawsuit-allege-interference/article15058016/>

A former HudBay Minerals Inc. subsidiary in Guatemala is pressuring a group of indigenous women to drop their high-profile lawsuit against the Canadian miner, lawyers for the women says.

The lawsuit is one of three accusing HudBay and its former subsidiary Compania Guatemalteca de Niquel (CGN) of responsibility for a killing, shootings and gang rapes in Guatemala in 2007 and 2009. The plaintiffs' complaints about pressure from CGN come two months after the Ontario Superior Court ruled that the women's case may proceed to trial.

The Ontario court's ruling on July 22 makes these the first lawsuits alleging a Canadian mining company's complicity in foreign human rights abuses to move beyond a preliminary stage. The precedent-setting cases have been followed closely in Canada, where mining accounts for a substantial chunk of the economy, as they may widen the scope of potential liability associated with mining operations.

Statements in a letter from lawyers for 11 Mayan Q'eqchi' women to a representative of Guatemala's national human rights ombudsman suggest that local mine operator CGN is fighting back.

The letter says CGN has threatened in meetings, convened in their own offices, to file criminal defamation charges against the women in Guatemala and to withhold land from others in the community unless the women drop their rape claims in Canada. Both CGN and members of the women's community assert ownership over land adjacent to CGN's Fenix nickel mining project in El Estor, Guatemala.

CGN is not named as a defendant in the rape lawsuit, but HudBay is. The plaintiffs are proceeding with all three cases.

"CGN is using the lawsuit for sexual assault as a bargaining chip in an entirely separate land dispute," said plaintiffs' lawyer Corey Wanless of Klippensteins in Toronto. "This is inappropriate and potentially illegal pressure being placed on my clients to get them to stop their suit," Mr. Wanless said.

"[HudBay and CGN] do not believe the allegations ... regarding the conduct of CGN are truthful," said Robert Harrison of Fasken Martineau in Toronto, who represents both companies in the litigation. He said that to the best of his knowledge, HudBay has not seen the letter, which was sent on Sept. 23 to Guatemalan human rights official Astrid Franco Bailey. Mr. Harrison said he has not spoken to officials at CGN about the letter.

Mr. Harrison would not comment on whether HudBay might investigate the allegations. "HudBay conducts itself in a manner at the highest standards of corporate governance and integrity," he said.

An administrative assistant at CGN's office in Guatemala said the company would not comment. An e-mail sent to the address on the company's website was not answered.

Following receipt of the lawyers' letter, Ms. Franco met with the women and others in their community to discuss internal divisions caused by CGN's interference, said Angelica Choc, a plaintiff in one of the related lawsuits. CGN was not invited to that meeting, and Ms. Choc does not know whether the company knows about the letter to Ms. Franco.

The lawsuits arise out of a series of confrontations between mine operators and community members protesting the effects of mining in their area. The women's suit alleges that they were raped by mine security forces and Guatemalan police and military as they were being expelled from their land in 2007. Two other suits allege that the head of Fenix mine security shot and hacked to death a leading Mayan activist and shot and paralyzed another man on the same day in 2009.

None of the plaintiffs' claims have been proven, and HudBay and CGN have denied all allegations. HudBay has since sold CGN to Cyprus-based Solway Investment Group.

BACKGROUND:

Rights Action Letter (August 22, 2013) to Hudbay and CGN, "Stop the Intimidation of Mayan Women Plaintiffs in Guatemala"

<http://rightsaction.org/action-content/stop-intimidation-mayan-qeqchi-women-plaintiffs-guatemala>

WRITE LETTERS To Hudbay Minerals ~ Right to a fair trial and justice

Based on the Globe and Mail article, and the Rights Action August 22 letter, write your own letters to Hudbay [with copies to your own Member of Parliament], asking Hudbay to communicate with CGN and to stop any and all trial interference actions in Guatemala, insisting on the right to a fair trial.

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“DEFENSORA” Screenings:

- Canadian Premiere, Toronto, October 26:
<https://www.facebook.com/events/395224500603233/>
- Screenings in Nova Scotia, New Brunswick and British Columbia:
<http://www.rightsaction.org/action-content/%E2%80%9Cdefensora%E2%80%9D-premieres-across-canada>

FUTURE SCREENINGS: www.defensorathefilm.com

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