

Hudbay Minerals lawyers attack credibility of 11 Guatemalan gang-rape victims in Canadian court

By Grahame Russell, Rights Action

<https://mailchi.mp/rightsaction/hudbay-minerals-lawyers-attack-credibility-of-gang-rape-victims>

“Hudbay attacked the credibility of our clients;
said that they are lying, that they are unworthy of belief.”

(Cory Wanless, co-counsel for victims of Hudbay’s mining-related violence)

On November 8, 2019, there was a hearing in a Toronto (Canada) courtroom related to the ‘Lote 8 gang-rape case’, one of the three precedent-setting Hudbay Minerals lawsuits. The other two address the murder of community leader Adolfo Ich and the shooting-paralyzing of German Chub.



L-R: Toronto lawyers Cory Wanless, Murray Klippenstein, Amanda Montgomery. In front: Angelica Choc, widow of murdered Adolfo Ich, also plaintiff in the lawsuits.

Lawyers for Hudbay Minerals and the plaintiffs were in court to have a judge (a master) resolve a legal matter related to the 2007 gang-rapes of 11 villagers by roving groups of armed Guatemalan soldiers and police along with mining company security guards. Hudbay argues that not only do they not believe the stories of the women who were gang-raped, but Hudbay can only be held accountable for the actions of company security guards, not for the actions of the police and military.

The plaintiffs’ argue that since the gang-rape lawsuit was filed in early 2011, they have argued consistently that Hudbay should be held accountable – in negligence – for the violent actions and gang-rapes committed by the roving police, security guards and soldiers. The plaintiffs argue this for a number of reasons, not least of which is that the Canadian mining company made payments directly to

the police and army to co-plan and carry out the violent evictions of the 'Lote 8' village during which the gang-rapes occurred!

Attacking credibility of gang-rape victims

Nearing the end of arguments for Hudbay, co-counsel Robert Harrison (Faskens law firm) argued that lawyers for the plaintiffs were now realizing, 9 years into the lawsuits, that the testimonies of their clients – the 11 gang-rape victims – were not creditworthy. Harrison argued that the plaintiffs' lawyers were now trying to 'pull a fast one', so to speak, and include the police and military in the lawsuits.

The argument that the 11 plaintiffs are liars, are not creditworthy has been central to Hudbay's response to these lawsuits since they were first filed in 2010. Most recently, in Hudbay's factum in response to this motion to amend (filed in court August 26, 2019), the company stated (para 29): "Based on the cross-examinations conducted and other information available to it, Hudbay was of the view that the evidence relied upon by the plaintiffs in all three cases was beyond belief."

In response to these attacks against the rape victim-plaintiffs, Cory Wanless and Murray Klippenstein, lawyers for the Q'eqchi' women, argued that these lawsuits are and always have been about holding Hudbay accountable for the suffering caused by the gang-rapes of the women that occurred during a violent, illegal eviction of their 'Lote 8' village, and that this eviction was planned, paid for and jointly carried out on behalf of Skye Resources (that soon after amalgamated with Hudbay Minerals) by the military, private security and police.

It makes no factual or legal sense to hold Hudbay accountable for the violent actions of only those armed men wearing company security uniforms, and not the other armed men with them, doing the same violent sexual acts, but wearing police or army uniforms; particularly when the security guards, police and military were paid to co-plan and carry out the violent eviction together when the rapes occurred.

Angelica Choc's tears

After the hearing ended, public statements were made by Cory Wanless and by Angelica Choc, the widow of Adolfo Ich and plaintiff in one of the related cases. Angelica had travelled to Toronto to be in court with their lawyers on behalf of the 11 women-plaintiffs, most of whom are uni-lingual Q'eqchi' language speakers, whereas Angelica speaks Q'eqchi' and Spanish.

- View statements by Cory Wanless and Angelica Choc:
https://www.youtube.com/watch?v=dhWYy_7P6tw&feature=youtu.be

"You have seen my tears. They are because I feel the pain that my Mayan Qeqchi sisters suffered in their bodies. The testimonies of the 11 women give us all strength to continue forward, even if they are calling them liars. What we know is that the Canadian mining company Hudbay Minerals committed those crimes in our territories and lands, carrying out evictions, causing sexual violations of women, killing community leaders, shooting and wounding a community member, leaving him in a wheelchair – these are crimes that Hudbay committed. The company should assume its responsibility for these crimes that were carried out by private security guards, police and soldiers."

Cory Wanless concluded his remarks: "I feel sad that we are still fighting. If we have to go on fighting then that's what we gotta do and that is what we are going to do."

Depositions (examinations for discovery) of the 11 gang-rape victims

“These men -- somebody was okay with what they did. They were paid to come out and do this to us. They were paid to come out and violate us and rape us and do all of this horrible, terrible stuff to us. Somebody knew they were going to do it. Somebody paid them to come do this.”
(Answer to question #429, testimony of Irma Yolanda Choc Cac, November 13 and 14, 2017)

Read here excerpts from the testimonies of the 11 women themselves (<https://rightsaction.org/11-maya-qeqchi-women-speak/>) during the examinations for discovery (depositions). Over the course of three weeks in November 2017 these women were harshly interrogated by Hudbay’s lawyers Tracy Pratt and Robert Harrison.

“Several of the plaintiffs in the case, including one present Monday, in documents filed in the case, describe the trauma — being tied, beaten and gang-raped in front of their children — in excruciating detail while under examination by Hudbay’s lawyers at Fasken, Tracy Pratt and Robert Harrison. ... A representative for Hudbay Minerals, who was present in the courtroom, referred questions to the company’s lawyers, who declined to comment.”

(“They burned everything’: Guatemalan women press Hudbay Minerals on human rights claims in closely watched case”, Financial Post, September 17, 2019, <https://mailchi.mp/rightsaction/they-burned-everything-guatemalan-women-press-hudbay-minerals-on-human-rights-claims-in-closely-watched-case>)

Next steps

The judge informed both parties that he would complete his decision within a month. As soon as the decision is published, we will send an update about what are the next steps.

‘If we have to go on fighting then that’s what we gotta do and that is what we are going to do’

For more information, please contact me.

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Hudbay Minerals corporate accountability lawsuits - Compilation of videos

To learn more about the Hudbay Minerals lawsuits, here is a compilation of videos from a public event after a 'motion to amend' hearing that took place on September 17, 2019 in Toronto, Canada.

- View/Share: <https://youtu.be/sT0rWonji7c>

Tax deductible donations (Canada / U.S.)

Funds are needed to continue to support the Mayan Q’eqchi’ victims of in their justice and territorial defense struggles in Canada and Guatemala. (Proposal and budget available on request). [Make check payable to "Rights Action" and mail to:](#)

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