

Hudbay Minerals lawsuits to continue September 30 (after Covid19 delay)

<https://mailchi.mp/rightsaction/hudbay-minerals-lawsuits-to-continue-on-september-30-after-covid19-delay>

“This [Lote Ocho] case has deep historical and structural causes. The dispossession of the lands of Mayan communities and the rape of Indigenous women sit on a continuum of violence in Guatemala’s history.”

A recent article (below) sets out the importance of the Lote Ocho (8) gang-rape case, one of three lawsuits comprising the landmark “Hudbay Minerals lawsuits” that were suspended due to Covid19, just before the hearing of a Hudbay Minerals appeal of a January 2020 decision strongly in favour of the 11 Mayan Q’eqchi’ plaintiffs, victims of the gang-rapes linked to Hudbay Minerals (Skye Resources).

- Appeal date: 10am, September 30, via Zoom, in Toronto. (Details to follow soon)



9 of the 11 Q’eqchi’ women plaintiffs from Lote Ocho (8).

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The Case of “Lote Ocho”: Indigenous women hold corporations accountable for violence

By: [Andrea Bolaños Vargas](#) & [Andrea Suárez Trueba](#)

<https://www.openglobalrights.org/lote-ocho-indigenous-women-corporate-accountability-guatemala-canada/>

Indigenous women in Guatemala are using the concept of extraterritorial obligations to hold corporations accountable for violence—and to set important precedents in human rights law.

In Latin America, the role of Indigenous, Afro-descendant, Garifuna and peasant women in the defense of life, land, territory, and the environment is increasingly [visible](#). Women have become more vocal as extractive industry projects are installed in their communities without free, prior, and informed consent, resulting in dispossession of land, loss of livelihoods, and the eviction of communities.

Often, women's rights are not protected by the state, and they become [victims of gender-based violence when defending their territories](#). Women human rights defenders face different types of resistance and violence linked to sexism and gender stereotypes, meaning they have to challenge the status quo on multiple fronts.

The "Lote Ocho" case is a prime example of this.

11 Q'eqchi' women allege that in 2007 [they were raped and sexually assaulted](#) by private security guards from Skye Resources Inc., now part of Hudbay Minerals, a Canadian mining company, during forced evictions in Izabal, Guatemala. The Indigenous women argued that the evictions took place in a context of a land conflict between the Indigenous communities and Hudbay Minerals.



The day that the women suffered the attack, they had decided to remain at their homes as a form of resistance to the attempt to this forced displaced them from their lands. Only women and children were in the community at that time.

This case has deep historical and structural causes. The dispossession of the lands of Mayan communities and the rape of Indigenous women sit on a continuum of violence in Guatemala's history.

In the context of the armed conflict (1960-1996), the military corps used sexual violence against Indigenous women as a weapon of war with the objective to [destroy the social fabric of Indigenous communities](#) and symbolically mark the appropriation of the territory of the communities on the part of the military.

The "Lote Ocho" case highlights the symbolic and political links that exists between that past and the present, between the territory, the Indigenous women's bodies and the Mayan people's collective social fabric. It also shows how patriarchal and racist logics remain present in Guatemala: nowadays, Indigenous women suffer the same forms of violence as in the past, however, now perpetrated by new actors such as [private security agents](#).

However, many Indigenous women in Guatemala perceive the justice system as distant in geographic, cultural, economic, and linguistic terms. Due to the vast economic interests behind some mining projects and the influence they can exert on local authorities, Indigenous women's trust in the independence and impartiality of the decisions made by local prosecutors and courts has eroded.

For these reasons, the Indigenous women of the "Lote Ocho" sought justice in Canadian courts in [2011]. [Their claim was](#) that the Canadian mining company was negligent, as it was aware that its subsidiary in Guatemala entrusted the private security of the mining project to a company that did not have the legal authorization to operate in this way. For example, the subsidiary did not have the corresponding permits to carry and use firearms.

The plaintiffs [also argued](#) that it was well known and in the public domain that private security chiefs were involved with criminal structures, arms trafficking, and drug trafficking networks.

The Ontario provincial court (Canada) determined that the Canadian parent mining company could be tried in Canada for its legal responsibility for acts of human rights violations caused by its subsidiary abroad, including rape against the 11 Mayan women Q'eqchies. This legal decision set an important precedent.

The case was able to progress in Canadian courts because of the concept of [extraterritorial obligations of states](#) vis-a-vis human rights. This concept considers that the state has obligations in relation to human rights abuses committed by non-state agents under its jurisdiction, including its transnational companies operating outside its territory.

This concept has the potential to expand access to justice for victims of abuses linked to transnational companies, in particular where remedies in host states (i.e., the state where the company is operating, as opposed to the "home" state where it is incorporated) may be limited. Of course, these legal concepts still need to be developed and strengthened both by national courts and by international [mechanisms](#).

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At the national level, the Guatemalan justice system has taken important steps against impunity in cases regarding the armed conflict. [Sepur Zarco](#) was one such case, and the first about women's rights and sexual violence. Its sentence and reparation plan set an important and inspirational precedent for the Q'eqchies women of the "Lote Ocho" case.

This triumph and the fact that they have met and shared with the Grandmothers of Sepur Zarco and other women victims of sexual violence, "(...) [gave them the strength to say 'we are going to submit the lawsuit here in Guatemala'](#)", despite the challenges that persist at the national level. In addition to the suit in Canada, they are now working to also file their case before national courts.

On January 22, 2020, the women of the "Lote Ocho" case took another step in their pursuit of justice before the Canadian Courts. The Superior Court of Justice of Ontario confirmed that women plaintiffs can [present new evidence](#) and details to the case that is ongoing. The Court "confirmed that the plaintiffs [can and are suing Hudbay](#) not only for the rapes committed by the mining company's security personnel, but also for the rapes committed at the same time by the Guatemalan police and military".

This is significant because it means the Indigenous women can provide information about the attacks allegedly perpetrated by the Guatemalan military and the police, cases which face near total impunity at the national level in Guatemala.

While in the past women have been intimidated or threatened when seeking justice for this case, it remains unclear what further challenges these women will face.

Shifting power relations for Indigenous women through supportive alliances

The Lote Ocho case has been the result of a process of dialogue, analysis and psycho-legal support between Indigenous women and national and international feminist and human rights organizations (e.g., [Mujeres Transformando el Mundo](#), [Equipo de Estudios Comunitarios y Acción Psicosocial](#), [Rights Action](#) and others). Pooling their experiences, working together, and complementing each other's expertise and knowledge, while always having Indigenous women at the center and amplifying their voices, has been the foundation of these alliances.

These alliances have contributed to change the power relations of Indigenous women with public institutions, vis-à-vis the state and with the business enterprises. These alliances also echo the activism by Indigenous women, who in many different ways continue to strongly resist violence against them.

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Recent information

Mayan Q'eqchi' plaintiffs in Hudbay Minerals lawsuits suffering multiplying impacts of Covid19, tropical storm flooding and aftermath of 2007 mining evictions and gang-rapes

<https://mailchi.mp/rightsaction/mayan-qeqchi-women-suffer-multiplier-effects-of-hudbay-mineralsskye-resources-evictions>

In times of Covid19, and now devastated by flooding caused by tropical storms Amanda and Cristobal, the Mayan Q'eqchi' women of the Lote 8 village are suffering the multiplying impacts of the January 2007 gang-rapes and destruction of their home village by Guatemalan military and police, and armed security guards working for Skye Resources (Hudbay Minerals).

No rest for the weary. Hudbay Minerals to appeal ruling of Canadian court in favour of Maya Q'eqchi' plaintiffs from Guatemala

<https://mailchi.mp/rightsaction/no-rest-for-the-weary-hudbay-minerals-to-appeal-ruling>

As Rights Action reported, on January 21, 2020, the Superior Court of Justice in Ontario ruled in favour of the Plaintiffs on all points, confirming that the Maya Q'eqchi' victims of mining harms can and are suing Hudbay not only for the rapes committed by the mining company's security personnel, but also for the rapes committed at the same time by Guatemalan police and military. These precedent-setting lawsuits were first filed in Ontario courts in 2010 and 2011.

Will justice be possible in Canada or Guatemala for Hudbay Minerals mining repression?

By Grahame Russell, May 22, 2020, <https://mailchi.mp/rightsaction/will-justice-be-possible-in-canada-or-guatemala-for-hudbay-minerals-mining-repression>

In a Financial Post interview, January 23, 2020, Hudbay Minerals president and CEO Peter Kukielski said Hudbay would settle the landmark Hudbay Minerals lawsuits: "We obviously want to get that behind us." (<https://business.financialpost.com/commodities/mining/hudbay-minerals-seeks-to-extract-value-from-its-own-camp-before-joining-ma-frenzy>) Kukielski was interviewed by the Financial Post right after the Ontario Superior Court ruled against Hudbay in an Amendments motion hearing, confirming that Hudbay can be held legally accountable for the rapes committed by company security personnel, and the Guatemalan police and soldiers.

Hudbay Minerals ARCHIVES

<https://rightsaction.org/hudbay-minerals-archives>

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More information

Plaintiffs' lawyers

- Murray Klippenstein, murray.klippenstein@klippensteins.ca
- Cory Wanless, cory@waddellphillips.ca

About Mayan Q'eqchi justice and territorial defense struggles related to Hudbay's former mining operation in Guatemala: Grahame Russell, Rights Action, grahame@rightsaction.org

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