

Rights Action

CHOC v. HUBBAY: Mayan Widow v. Canadian Mining Company

December 2, 2010

*"I believe my husband was killed because he spoke out about the rights violations caused by Canadian mining in Guatemala. I believe he was killed because he was encouraging communities to stay united against the harmful practices of the mining company."
(Angelica Choc)*

"The bullet that killed Adolfo was shot in Guatemala, but the decisions that ultimately led to Adolfo's death were made in Canada." (Murray Klippenstein)



(Angelica Choc. Photo: Klippensteins)

Rights Action is pleased to announce what will hopefully be a precedent-establishing legal case in Canada. Since 2004, RA has been directly supporting and working with mining affected Mayan-Q'eqchi' (kek-chi) communities in El Estor, Guatemala. Since 2009, we have been supporting and working with the family of Angelica Choc - the plaintiff -, and we are now collaborating with Klippensteins - the law firm - to help ensure that the rule of law and justice will prevail.

Thank-you to all who have been supporting the Mayan Q'eqchi' communities in their struggles against the harms and violations caused by global mining companies. A lot more support and attention will be needed to ensure that justice is done in this case.

BELOW

- Press release from KLIPPENSTEINS Barristers & Solicitors
- Statement by Angelica Choc
- Links to more information

- What to do?
- To make tax-charitable donations

Please re-distribute this information all around

To get on/ off Rights Action's listserv: <http://visitor.constantcontact.com/d.jsp?m=1103480765269>

* * *

ANNOUNCEMENT OF LAWSUIT IN CANADA AGAINST MINING COMPANY RELATING TO KILLING OF MAYAN LEADER

For immediate release: December 1, 2010
Toronto, Canada and Guatemala City, Guatemala.

Angelica Choc and her lawyers announced today a lawsuit against Canadian mining company HudBay Minerals Inc. relating to the killing of her husband, Adolfo Ich Chamán. On September 27, 2009, Adolfo Ich, a respected Mayan Q'eqchi' community leader and an outspoken critic of harms and rights violations caused by mining activities in his community, was hacked and shot to death by security forces employed at HudBay Minerals' Fenix Mining Project in an unprovoked attack near the town of El Estor, Guatemala.



(Adolfo Ich, just after being killed by private security guards in hire of HudBay Minerals and its Guatemalan subsidiary)

Adolfo's widow has brought a lawsuit in Ontario courts to seek accountability for his death. The lawsuit claims \$2 million in general damages and \$10 million in punitive damages and is brought against Canadian companies HudBay Minerals Inc. and HMI Nickel Inc., as well as their Guatemalan subsidiary, Compañía Guatemalteca de Níquel ("CGN").

Adolfo's murder was brutal. Mining security forces recognized Adolfo as a community leader, surrounded him, beat him and hacked at him with machetes before shooting him in the head at close range.

"I believe my husband was killed because he spoke out about the rights violations caused by Canadian mining in Guatemala" said Adolfo Ich's widow, Angelica Choc. "I believe he was killed because he was encouraging communities to stay united against the harmful practices of the mining company."

Angelica Choc has brought the lawsuit in Canada because of the strong connections between the mining project and Canada.

"The bullet that killed Adolfo was shot in Guatemala" said Murray Klippenstein, lawyer for Angelica Choc. "But the decisions that ultimately led to Adolfo's death were made in Canada. HudBay Minerals' head office is a mere five blocks away from the Canadian court where the case will be heard."

Because Guatemala suffers from very high rates of impunity, there is little chance that Angelica Choc could get justice in Guatemala. In 2005, the United Nations Special Rapporteur on Extrajudicial Execution stated that "Guatemala is a good place to commit a murder, because you will almost certainly get away with it." In 2009, the International Commission Against Impunity in Guatemala reported that "the impunity rate in Guatemala amounted to some 98 per cent, with only 2 out of every 100 cases actually going to court".

The claim represents assertions that have not yet been proven in court. All defendants will have the opportunity to respond in these proceedings.

For more information: www.chocversushudbay.com

KLIPPENSTEINS Barristers & Solicitors
160 John Street, Suite 300
Toronto, Ontario, M5V 2E5, Canada

Murray Klippenstein & Cory Wanless
Lawyers for Angelica Choc
416-598-0288, murray.klippenstein@klippensteins.ca, cory.wanless@klippensteins.ca
www.chocversushudbay.com

* * *

ANGELICA CHOC'S STATEMENT

My name is Angelica Choc, and I am indigenous Mayan Q'eqchi' from the community of La Unión, in the Municipality of El Estor, Republic of Guatemala.

Just over a year ago, my husband, Adolfo Ich Chaman, was killed by security forces employed at the Fenix mining project in Guatemala – a mining project owned by Canadian company HudBay Minerals. In the afternoon of September 27, 2009, I watched my husband leave our house for the last time. I later learned that mine security forces had surrounded my husband, dragged him through a gap in a fence and hacked at him with machetes. Then the mine's chief of security shot him in the neck at close range. This attack was unprovoked.

My husband was a teacher, a community leader and a defender of indigenous Q'eqchi' land rights. I believe he was killed because he spoke out about the rights violations caused by Canadian mining in Guatemala. I believe he was killed because he was encouraging communities to stay united against the harmful practices of the mining company.

It is very painful to remember such shocking tragedy. The days since my husband was killed have been very hard. There has been no justice. The man who killed Adolfo remains free. And the mining company has not been held accountable. My five children have lost a father; I have lost my husband; and our community has lost a leader. We need justice for these losses.

If my husband were here today, I know what he would say. He would say the same things he has been saying for years. He would say that our Q'eqchi' communities are part of an ancient people. That we retain our own customs, traditions and values from the time before our grandfathers and grandmothers. He would say that we reject the way the mining company has operated in our community. That we demand justice for the harms that they have caused to us. And he would say that we must continue the struggle.

This past year has been a time for silence and for mourning; now the time for action has come.

* * *

BACKGROUND FILMS

- El Estor eviction film, by Steven Schnoor: <http://rightsaction.org/video/elestor/index.htm>
- CTV's W5 special "Lost Paradise":
http://www.ctv.ca/CTVNews/WFive/20100415/w5_paradise_lost_100415/

NEWS COVERAGE OF ANNOUNCEMENT OF LEGAL CASE

- The CBC online story is near the top of the World News section at cbc.ca (many of the comments on the story are positive): <http://www.cbc.ca/world/story/2010/12/02/mining-lawsuit002.html>
- The Globe & Mail did a piece in the Globe Advisor (business) section:
https://secure.globeadvisor.com/servlet/ArticleNews/story/gam/20101202/RBTICKERAATL_1
- Murray Klippenstein was interviewed for CBC's "As It Happens". Listen here (first story in "Part 2"): <http://www.cbc.ca/asithappens/episode/2010/12/01/wednesday-december-1-2010/>

* * *

WHAT TO DO?

TO MAKE TAX-DEDUCTIBLE DONATIONS

for Mayan Q'eqchi' communities working for community controlled development and territories, human rights and the rule of law, make check payable to "Rights Action" and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887

CANADA: 552 - 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS: <http://rightsaction.org/contributions.htm>

DONATIONS OF STOCK: info@rightsaction.org

* * *

WWW.RIGHTSACTION.ORG

Rights Action is a not-for-profit organization, with tax charitable status in Canada and the USA. We directly fund and work with community-based development, environmental, disaster relief and human rights projects and organizations fighting to eliminate poverty and impunity and the underlying causes of poverty and impunity in Guatemala and Honduras, as well as in Chiapas [Mexico], El Salvador and Haiti. We educate about and are involved work aimed at critically understanding unjust north-south relations and global development, environmental and human rights issues and the challenges of poverty eradication.

CREATE YOUR OWN email and mail lists and re-distribute our information

RECOMMENDED DAILY NEWS: www.democracynow.org / www.upsidedownworld.org / www.dominionpaper.ca

RECOMMENDED BOOKS: Eduardo Galeano's "Open Veins of Latin America"; Howard Zinn's "A People's History of the United States"; James Loewen's "Lies My Teacher Told Me"; Naomi Klein's "The Shock Doctrine"; Paolo Freire's "Pedagogy of the Oppressed"; Dr Seuss's "Horton Hears A Who"

SPEAKERS: Contact us to plan educational presentations in your community, school, place of worship, home (info@rightsaction.org)

EDUCATIONAL DELEGATIONS TO CENTRAL AMERICA: Form your own group and/ or join one of our educational delegation-seminars to learn first hand about community development, human rights and environmental struggles (info@rightsaction.org)

FOR MORE INFORMATION:

About the "Choc v. HudBay" lawsuit: Murray Klippenstein & Cory Wanless, Lawyers for Angelica Choc, 416-598-0288, murray.klippenstein@klippensteins.ca, cory.wanless@klippensteins.ca
www.chocversushudbay.com

About Angelica Choc, her family & Mayan Q'eqchi' efforts to promote community controlled development and defend indigenous rights and territories, contact: Grahame Russell, info@rightsaction.org, www.rightsaction.org