

Rights Action

**Media coverage: CHOC v. HUSBAND - Mayan Widow v. Canadian Mining Company
December 6, 2010**

On December 2, Rights Action announced the initiation of a (hopefully) precedent setting lawsuit. Represented by a Toronto law firm, Klippensteins, a Mayan-Qeqchi woman, Angelica Choc, is suing a Canadian mining company, HudBay Minerals, for the killing (wrongful death) of her husband, Adolfo Ich, in El Estor, Guatemala.

See: http://rightsaction.org/articles/Guate_Choc_vs_HudBay_120310.html

BELOW:

- CBC (Canadian Broadcast Corporation) coverage: "Widow files \$12m suit against mining company"
- Link to CBC interview with lawyer Murray Klippenstein:
<http://www.cbc.ca/asithappens/episode/2010/12/01/wednesday-december-1-2010/>
- Mining Watch Canada release: "Award winning mining company sued for violent death of community leader: industry out of step with Canadian values and expectations"

* Please re-distribute this information all around

* To get on/ off Rights Action's listserv:

<http://visitor.constantcontact.com/d.jsp?m=1103480765269>

* What to do & to make tax-charitable donations: see below

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WIDOW FILES \$12M SUIT AGAINST MINING COMPANY

December 2, 2010

CBC story: <http://www.cbc.ca/world/story/2010/12/02/mining-lawsuit002.html>

A Guatemalan woman has filed a multimillion-dollar lawsuit against Canadian mining giant HudBay Minerals, claiming it is responsible for the death of her husband. Angelica Choc filed the suit in a Toronto courtroom this week in the death of her husband Adolfo Ich.

Her lawyer, Murray Klippenstein, said she is taking the action because HudBay Minerals and the Guatemalan government have done little to arrest an alleged company employee accused of killing her husband. The court case is an attempt to make Canadian companies more accountable for their actions abroad, Klippenstein said.

Grahame Russell worked with Ich through his Canadian non-governmental organization: Rights Action. Ich and other Mayan leaders protested against the mining company for its forced evictions of families and for unresolved land claims. "This was a targeted killing of a well-known community leader," Russell said.

On Sept. 30, 2009, Ich was hacked and shot to death — allegedly by a private security guard employed by Compania Guatemalteca de Niquel, a subsidiary of Manitoba's HudBay Minerals — in front of witnesses following a protest in El Estor. No one has been arrested for the killing.

What happened to Ich would never be tolerated in Canada, said Klippenstein. "If this had happened in Canada or near Timmins and months later the murderer was still driving around in company trucks there would be outrage beyond words."

This week Klippenstein filed a \$12-million lawsuit on behalf of Choc. He said if she can't get justice in Guatemala, she will try to get it from Canadian courts.

An official with the mining company called the lawsuit "misconceived" and "without merit." John Vincic said HudBay's own investigation found that none of the company's employees were involved in the killing.

The case is expected to take years to work its way through the courts.

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CBC "As It Happens" interview with Murray Klippenstein (first story in "Part 2"):
<http://www.cbc.ca/asithappens/episode/2010/12/01/wednesday-december-1-2010/>

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**AWARD WINNING MINING COMPANY SUED FOR VIOLENT DEATH OF COMMUNITY LEADER:
INDUSTRY OUT OF STEP WITH CANADIAN VALUES AND EXPECTATIONS**

Dec 02 2010

<http://www.miningwatch.ca/en/award-winning-mining-company-being-sued-violent-death-community-leader-industry-out-step-with-canadi>

(Ottawa) A recently announced lawsuit against HudBay Minerals Inc. points to the industry's failure to take responsibility for corporate abuses beyond Canadian borders. Paradoxically, the company recently won an award for Corporate Social Responsibility from the Mining Association of Canada.

Toronto-based HudBay and two of its subsidiaries are being sued for the death of Adolfo Ich Chamán, who was hacked and shot to death by private security forces employed at the company's nickel mining project in eastern Guatemala on September 27th 2009.

Rights Action and Klippenstein's law firm announced the lawsuit during concurrent press conferences in Toronto and Guatemala City on Wednesday.

Angelica Choc, Adolfo's wife and mother of five children, is seeking justice on behalf of her husband who was a known critic of the harms and human rights abuses associated with mining activities in their community near the town of El Estor, Guatemala.

HudBay was among this year's winners of the Mining Association of Canada's "Toward Sustainable Mining" awards for 2009. The awards were presented last week during MAC's annual lobby day "Mining Day on the Hill".

In a press release, MAC stated that its Toward Sustainable Mining (TSM) initiative has been developed "to improve the industry's performance by aligning its actions with the priorities and values of Canadians."

But the lawsuit against HudBay, together with concerns about the impacts that this and other award winning companies are having here in Canada, highlights the question of what Canadian priorities and values the industry is aligning itself with.

Until its recent closure, HudBay's smelter in Flin Flon, Manitoba, was one of Canada's dirtiest industrial facilities. It was the country's largest single source of toxic metals such as lead, arsenic cadmium and mercury, and of acid-rain causing sulphur dioxide.

Another award winner, Vale, is a Brazilian company that bought out the Canadian company Inco in 2006. Vale has since earned an anti-labour reputation for the record-breaking prolonged strikes at its Sudbury and Voisey's Bay operations. The Sudbury strike lasted a year and the Voisey's Bay strike continues into its seventeenth month.

Teck Resources Inc. was also an award winner. Its Red Dog mine in Alaska has caused serious pollution issues and been the subject of legal challenges from local communities. In October of this year the company reported a significant mercury release from its smelting facility in Trail, BC.

The Iron Ore Company of Canada (IOC) was another MAC award winner. In a recent press release concerning ongoing mineral developments in their territory, the Innu of Uashat mak Mani-Utenam stated, "The IOC caused - without our consent - serious and permanent damage to the integrity of the traditional lands of the Uashaunnuat, and these damages were never repaired."

The domestic and international records of its award winners show that the industry is not in touch with Canadian values and expectations. Another demonstration of this was the leading role MAC played in a powerful lobby against Bill C-300. The industry group said that the bill, which sought to improve government oversight of the Canadian extractive industry overseas and which was narrowly defeated in Parliament on October 27th, would "have damaged Canada's exploration and mining industry."

But the evidence of poor performance at home and abroad, combined with the industry's opposition to mechanisms that could involve sanctions or legal accountability, are the real threat to Canada's reputation.

Contact: Ramsey Hart, Canada Program Coordinator, MiningWatch Canada, tel: (613) 569-3439; cell (613) 614-9937

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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/

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WHAT TO DO?

Since 2004, RA has been 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.

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

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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