

Rights Action
HudBay Minerals Impunity Watch

CHOC versus HUSBAY **Update – February 13, 2011**

HUSBAY SEEKS TO HAVE LAWSUIT, REGARDING THE KILLING OF ADOLFO ICH, HEARD IN GUATEMALA’S TROUBLED LEGAL SYSTEM THAT IS ALMOST COMPLETELY CHARACTERIZED BY IMPUNITY

On December 1, 2010, the Klippensteins law firm in Toronto announced what will hopefully be a precedent-establishing legal case in Canada: Choc versus HudBay.

See: www.chocversushudbay.com

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

“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)

“Guatemala is a good place to commit a murder, because you will almost certainly get away with it”. (United Nations Special Rapporteur on Extrajudicial Executions)



(Angelica Choc. Photo: Klippensteins)

On September 27, 2009, Mr. Ich, a respected Mayan-Qeqchi community leader, school teacher and father, was hacked and shot to death by security forces employed by HudBay Minerals at its “Fenix” mine, in an unprovoked and targeted attack near the town of El Estor, Guatemala.

Now, HudBay Minerals has responded to the lawsuit by filing papers that ask an Ontario court to send the case to be heard in Guatemala, despite the widely-known and severe problems with Guatemala's legal system that make a fair and impartial hearing impossible.

GUATEMALA COURTS & IMPUNITY

HudBay's request to have the case heard in Guatemala appears to be an attempt to avoid liability and to prevent an appropriate legal inquiry into the truth of what happened to Adolfo Ich and who is responsible.

HudBay is assuredly aware that if it is successful in this motion, there will be no justice in the murder of Adolfo Ich.

The Guatemalan criminal investigation into Adolfo's death has stalled, predictably. Better said, this criminal investigation (like the vast majority filed in Guatemala courts) never really proceeded. In December 2009, as a result of an initial investigation, an arrest warrant was issued for Mynor Ronaldo Padilla Gonzáles, the head of security for HudBay's "Fenix" project. Eyewitnesses say that Mr. Padilla shot Mr. Ich in the head at close range. Despite this arrest warrant, Mr. Padilla was repeatedly seen at the Fenix Project in 2010, and has still not been apprehended.

This is not surprising. Human Rights Watch calls Guatemala's law enforcement institutions "weak and corrupt". The UN-sponsored International Commission Against Impunity (CICIG) in Guatemala has said that "the judicial system in Guatemala has almost collapsed". The Inter-American Commission on Human Rights has said that the Guatemalan State lacks the capacity to provide "an adequate justice administration system".

And, the United Nations Special Rapporteur on Extrajudicial Executions stated that "Guatemala is a good place to commit a murder, because you will almost certainly get away with it".

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FUNDS NEEDED

Rights Action asks for financial support to ensure that this case advances in the Canadian courts and that justice is done for the brutal, unprovoked killing of Adolfo Ich. As this case may take years, both short and long term funding are needed for the Klippensteins law firm, for Rights Action and for the family of Adolfo Ich and a local community-based human rights group.

Funding needs for the family and a local Mayan-Qeqchi community development committee are:

TOTAL: \$16,400

Communication (phones, internet): \$1,800

2 laptop computers: \$1,400

Digital and video cameras: \$600

Transportation, in the region, and to and from capital city, for legal case related meetings: \$1,200

Local meetings, to keep local Mayan Qeqchi communities informed: \$2,400

On-going investigations into the killing of Adolfo Ich and other human rights violations: \$2,400

Local publications: \$1,800

Stipend for 2 local community leaders to carry on with this case: \$4,800

TAX-DEDUCTIBLE DONATIONS

Make check payable to "Rights Action" and mail to:

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

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

CREDIT-CARD DONATIONS: Go to www.rightsaction.org, or directly to:
<http://rightsaction.org/contributions.htm>

DONATION OF STOCK?: Contact Grahame Russell, info@rightsaction.org

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KLIPPENSTEINS

Donations to Klippensteins legal case can be made online at: www.chocversushudbay.com;
or, by sending a cheque, made out to "Klippensteins in Trust for Angelica Choc", to
Klippensteins Barristers & Solicitors, Suite 300, 160 John Street, Toronto ON, M5V 2E5.

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www.rightsaction.org

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