

## **CANADIAN MINING ON TRIAL**

### **Guatemalan victims of mining repression arrive in Toronto to seek justice against Hudbay Minerals**

*~~ Arriving today ~~*

**WHO:** Mayan Qeqchi plaintiffs, from the nickel mining harmed communities of El Estor, department of Izabal, Guatemala

**WHY:** To participate with their lawyers (Klippensteins law firm) in pre-trial cross-examinations, with Hudbay Mineral's lawyers

**DATES:** November 23-30, 2012

**WHERE:** Toronto, Canada

**MORE INFORMATION:** Grahame Russell, [info@rightsaction.org](mailto:info@rightsaction.org), 1-860-751-4285

- **TAX-CHARITABLE DONATIONS ARE NEEDED** to support the work and struggle of the Mayan Qeqchi people for community development, protection of their environment, and defense of human rights and justice. **TO DONATE**, see below
- **BACKGROUND INFORMATION:** See below

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## **CANADIAN MINING ON TRIAL**

### **Guatemalan delegation travelling to Canada to challenge corporate impunity**

by Dawn Paley, November 21, 2012, [dawnpaley@gmail.com](mailto:dawnpaley@gmail.com)

<http://dominion.mediacoop.ca/story/canadian-mining-trial/14349>

EL ESTOR, GUATEMALA — The rain won't let up. It muddies the ground and pounds the corrugated metal roof of Angelica Choc's house on the edge of the Guatemalan town of El Estor, enveloping the small gathering on the porch in a curtain of water.

If it wasn't for the violence surrounding a proposed nickel mine near the community, the evening's gathering would likely have included her husband, Adolfo Ich. Maybe, at the end of the gathering, Ich would have taken out his guitar and begun an impromptu sing-a-long.

But there's no celebration here. Instead, Choc sits on a plastic chair, sipping sweet coffee, talking through the logistics of an upcoming trip to Toronto with her sister-in-law, Maria Cuc Choc and their friend German Chub. All three are worried about how German, who is paralyzed from the waist down, will manage on the flight. What if he has to go to the bathroom on the plane, they wonder. They discuss what kind of clothes they might need for the cold. There are another two women accompanying them on the trip, and none of them own suitcases. The conversation slips back and forth between Spanish and Q'eqchi', punctuated by laughter.

On the wall near the front door of Choc's small wooden house is a simple altar in memory of her late husband. Two framed photos of Ich hang on the wall, his gaze straight and serious. His guitar hangs on the wall, gathering dust. A longtime Q'eqchi' activist involved in various land struggles, Ich was murdered in September 2009 by private security guards in the employ of Hudbay Minerals.

"We're going to travel [to Canada] because we want to demand justice," Choc told The Dominion. "I have faith and hope that we'll be successful. That's what we want." Choc,

Chub, Cuc, and two others will travel to Canada for cross-examination by Hudbay's legal team during the last week in November.

"This will be the first time, as far as I know, that individuals harmed by Canadian mining projects in other countries will have travelled to Canada to provide evidence for use in Canadian courts," according to Grahame Russell of Rights Action, a solidarity organization involved in supporting community members resisting nickel mining in the El Estor region. "The questioning, under oath, will take place out of court and may be used in court."

Toronto's Klippensteins, Barristers & Solicitors, is representing the plaintiffs, whose claims against the Guatemala operations of Toronto-based Hudbay Minerals are serious.

"The evidence that both sides are collecting right now (including the November cross-examinations) will be used at a March hearing which will determine whether the lawsuit should be heard in Canada or in Guatemala," Cory Wanless, a lawyer at Klippensteins, told The Dominion via email from Toronto. "This is obviously a very important question with potentially very significant ramifications for the rest of the Canadian mining industry."

"The brutal and arbitrary shooting of Adolfo Ich was caused by the negligent management of Hudbay Minerals both in Canada and in Guatemala," reads the Statement of Claim filed by Angelica Choc in the Ontario Superior Court of Justice. Ich and Choc had five children. Their son José, who witnessed the killing, says the security guards hacked at Adolfo with a machete before shooting him in the head.

Angelica Choc is confident that her case is solid. "We know very well who those responsible are, they can't tell us otherwise," she said. "We lived it, we're the ones who have suffered, here, in the flesh."

The same day Ich was brutally murdered, German Chub was shot by mine security, permanently losing the use of his lower body. The man responsible for the killings, Mynor Padilla, has been jailed in Guatemala since September of this year. Despite high levels of conflict in the area, Chub's Statement of Claim alleges, "Hudbay Minerals continued to engage under-trained, inadequately supervised and unlawful security personnel while failing to implement or enforce standards of conduct that would adequately govern and control their conduct." Chub and Choc are both seeking upwards of \$10 million in damages.

"I'm going to Canada with high spirits, in hopes that [Hudbay Minerals] recognizes the harm that they have done to me," Chub told The Dominion. "I want justice."

Not only has Chub been confined to a wheelchair since 2009, but he still feels threatened by company workers who park in front of his house and monitor his movements. When he wheels himself onto the plane to Canada, it will be his first time leaving Guatemala.

Travelling together with Chub and Choc are Rosa Elbira and Margarita Caal Caal, two women from Lote Ocho, a more distant Q'eqchi' community where residents were forcibly evicted in early 2007. Their community is built on lands claimed by the company. "During these armed evictions, eleven Mayan Q'eqchi' women were gang-raped by police, military and mine security personnel," reads their Statement of Claim. Each of the women is seeking \$5 million in damages.

For Maria Cuc, who is Angelica's sister, the cases against Hudbay are one element of her people's struggle for land. "Here, there are many transnational companies, foreign companies, which are buying land that belongs to our grandparents," she told The Dominion.

Regardless of the risks to their safety, and of the cold winter that awaits them in Toronto, Cuc, Choc, Chub and others are determined to continue their quest for justice.

(Dawn Paley is a freelance journalist and editor with the Media Co-op,  
[dawnpaley@gmail.com](mailto:dawnpaley@gmail.com))

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## **BACKGROUND INFO**

### **Article: GUATEMALAN VICTIMS OF MINING REPRESSION COMING TO CANADA TO SEEK JUSTICE IN COURT**

By Grahame Russell

<http://rightsaction.org/action-content/guatemalan-victims-mining-repression-coming-canada-seek-justice-court>

### **Film: EL ESTOR EVICTIONS**

By Steven Schnoor, January 2007 (10 minutes)

<http://rightsaction.org/video/elestor/index.htm>

El Estor Evictions is about Canadian nickel mining company (Skye Resources/ HudBay Minerals) and related illegal, forced evictions of indigenous Mayan Qeqchi communities in eastern Guatemala.

### **Forth-coming film: DEFENSORA**

By Rachel Schmidt, 2012 (5 minute trailer)

<http://www.indiegogo.com/defensora>

“Defensora” documents the Mayan Qeqchi people's struggle, in eastern Guatemala, to reclaim their ancestral lands, to promote community development and environmental well-being, and to seek justice and remedy for the murder, shootings and rapes committed against them by Canadian mining companies in Guatemala.

### **Film: INTERVIEW WITH MARIA CUC CHOC**

By [www.miningwatch.ca](http://www.miningwatch.ca), 2012 (6 minutes)

<http://www.youtube.com/watch?v=eprNmWV64I8>

Maria Cuc Choc, an indigenous Mayan-Qeqchi community leader from El Estor in eastern Guatemala, visited Canada in June 2012 to speak about a range of injustices that Qeqchi communities have experienced, caused directly and indirectly by Canadian mining companies – particularly Hudbay Minerals. She expresses outrage about the burning and wholesale destruction of seven Qeqchi villages, the gang-rape of a group of Qeqchi women by mining company guards and police during an illegal forced eviction, about the shooting and paralyzing of a young farmer German Chub, and about the assassination of her brother-in-law and community leader, Adolfo Ich Chamán. She explains why justice is impossible in Guatemala and why they have filed 3 civil suits in Canadian courts. Maria is also the sister of political prisoner Ramiro Choc who has been in jail for over 4 years on trumped up charges due to his work in defense of individual and collective rights and in defense of indigenous territories and community well-being.

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- Full proposal and budget available as to what Rights Action is doing with your donations, to support the work and struggle of the Qeqchi people for justice and remedy

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