

Rights Action
July 24, 2013
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Below: Media Reports -- Precedent Setting Ruling In Canada Against Hudbay Minerals, For Indigenous Plaintiffs In Guatemala

This struggle for justice and remedy in Canadian courts is far from over; more support is needed for the courageous Maya Qeqchi people (plaintiffs) from Guatemala.

Thank-you very much.

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How To Support: See below

Guatemalan Mine Claims Against Hudbay Can Be Tried In Canada, Judge Says

Bertrand Marotte, The Globe and Mail, Jul. 23 2013

<http://www.theglobeandmail.com/report-on-business/industry-news/energy-and-resources/guatemalan-mine-claims-against-hudbay-can-be-tried-in-canada-judge-says/article13360800/#dashboard/follows/>

Canadian mining company HudBay Minerals Inc. can potentially be held liable for alleged violence at a Guatemalan mine owned by a subsidiary, an Ontario Superior Court judge has ruled, in what plaintiffs say is a precedent-setting case. Justice Carole Brown's ruling, handed down Monday, means that the claims of 13 Guatemalans can proceed to trial in Canadian courts. The decision opens the door to other cases in which companies could face liability on their home turf for incidents that happen overseas.

"The judgment should be a wake-up call for Canadian mining companies," said Cory Wanless, a co-counsel with Murray Klippenstein, who represents 13 Mayan Guatemalans. "It is the first time that a Canadian court has ruled that a claim can be made against a Canadian parent corporation for negligently failing to prevent human rights abuses at its foreign mining project. We fully expect that more claims like this one will be brought against Canadian mining companies until these kinds of abuses stop."

Mr. Klippenstein had argued that HudBay can be held liable for negligence, alleging that HudBay executives made decisions for its subsidiary regarding security at the mine, relations with local indigenous people and the "forced evictions" of Mayan protestors claiming the mine is theirs. Lawsuits were launched against HudBay after clashes that pitted protestors against security details at the Fenix nickel mine in 2007 and 2009. The allegations have not been proven in court.

HudBay lawyers, who tried to have the case thrown out, said going ahead with a trial would be detrimental to the corporate-law principle that parent companies are not liable for the actions

of their subsidiaries. They also argued it would open the way to "meritless" cases against other mining firms.

In the Guatemalan lawsuits, one case involved the alleged beating, machete hacking and killing of a local Mayan community leader who voiced opposition to the mine: Adolfo Ich Chaman. Another man was shot and now uses a wheelchair. There are also allegations that 11 women were gang-raped by men in mine security uniforms. HudBay has denied the allegations and detailed its version of what happened on its website, saying protesters were responsible for some of the violence.

In a statement late Tuesday, HudBay spokesman John Vincic said: "The judge's decision ... involved a ruling on a question of law in a preliminary motion and did not involve a determination of the merits of the case. After having an opportunity to cross-examine the plaintiffs, we are confident that their allegations are untrue and the cases will be favourably resolved on the merits at trial."

Mr. Klippenstein said the ruling has a broader impact. "As a result of this ruling, Canadian mining companies can no longer hide behind their legal corporate structure to abdicate responsibility for human rights abuses that take place at foreign mines under their control at various locations throughout the world," he said. "There will now be a trial regarding the abuses that were committed in Guatemala, and this trial will be in a courtroom in Canada, a few blocks from HudBay's headquarters, exactly where it belongs. We would never tolerate these abuses in Canada and Canadian companies should not be able to take advantage of broken-down or extremely weak legal systems in other countries to get away with them there."

CBC

Guatemalans Can Sue Hudbay In Canada, Judge Rules

<http://www.cbc.ca/news/business/story/2013/07/23/business-.html>

An Ontario court has cleared the way for a group of Guatemalans to sue mining company HudBay Minerals Inc. in Canadian courts over alleged shootings and gang rapes at a mining project. The ruling, handed down Monday, means that the claims of 13 ...

Vancouver Sun

Ontario Court Rules Guatemalan Lawsuits Against Hudbay Can Go To Trial In Cda

<http://www.vancouversun.com/news/Ontario+court+rules+Guatemalan+lawsuit+against+HudB+ay+trial/8696082/story.html>

Two related lawsuits seek to hold HudBay Minerals Inc. (TSX:HBM) and a subsidiary responsible for the subsequent killing of community leader Adolfo Ich as a result of a land dispute and the shooting and paralysis of local resident German Chub. HudBay ...

CTV

Guatemalan Lawsuits Against Hudbay Can Be Tried In Canada, Court Rules

<http://www.ctvnews.ca/business/guatemalan-lawsuits-against-hudbay-can-be-tried-in-canada-court-rules-1.1379636>

TORONTO -- An Ontario court has ruled that three lawsuits against HudBay Minerals Inc. (TSX:HBM) around alleged shootings and gang-rapes at a mining project Guatemala can proceed to trial in Canada. Lawyers for the plaintiffs say the decision means the ...

Sun News Network

Ontario Top Court Rules Guatemalan Charges Of Rape, Murder Against Canadian Mining Company To Be Heard In Canadian Court

<http://www.sunnewsnetwork.ca/sunnews/canada/archives/2013/07/20130723-132114.html>

The case centres around a project formerly owned by Hudbay Minerals of Flin Flon, MB, and a mine site, El Estor, in a fairly remote and mountainous area of the South American country, on disputed lands the Mayan Q'eqchi locals claim is traditional ancestral ...

Stockhouse

Hudbay Minerals (T.HBM) Lawsuits To Be Tried In Canada

<http://www.stockhouse.com/news/natural-resources/2013/07/23/hudbay-minerals-%28t-hbm%29-lawsuits-to-be-tried-in-ca>

(The Canadian Press) TORONTO _ An Ontario court has ruled that three lawsuits against HudBay Minerals Inc. (TSX: T.HBM, Stock Forum) around alleged shootings and gang-rapes at a mining project Guatemala can proceed to trial in Canada. Lawyers for ...

Business News Americas

Lawsuit Over Alleged Abuses By Hudbay Guatemala Subsidiary To Go To Trial

<http://www.bnamericas.com/news/mining/lawsuit-over-alleged-abuses-by-hudbay-guatemala-subsidiary-to-go-to-trial>

A Canadian court has ruled that lawsuits relating to alleged human rights abuses by security staff of a subsidiary of Toronto-based miner HudBay Minerals (TSX:... This news article is one of hundreds published daily by Business News Americas about the ...

Digitaljournal.com

Ontario Court Rules That Lawsuits Against Hudbay Minerals Regarding Shootings, Murder and Gang-Rape at Its Former Mine in Guatemala Can Proceed to Trial in Canada

<http://www.digitaljournal.com/pr/1372836>

TORONTO, CANADA--(Marketwired - July 23, 2013) - Yesterday afternoon, in a precedent-setting ruling with national and international implications, Superior Court of Ontario Justice Carole Brown ruled that Canadian company Hudbay Minerals can ...

Please Support This Work For Justice And Remedy

Rights Action is honored to support and work with the nickel-mining harmed communities of eastern Guatemala since 2004, including their efforts to seek justice and remedy in Canadian courts in these cases against Hudbay Minerals. Thank-you to all who have donated funds and otherwise supported their struggle for justice and remedy.

To support the work of the Mayan Qeqchi Territorial Defense Committee, make check payable to "Rights Action" and mail to:

- UNITED STATES: Box 50887, Washington DC, 20091-0887
- CANADA: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8

CREDIT-CARD DONATIONS can be made (in Canada and U.S.): <http://www.rightsaction.org/tax-deductible-donations>

- Be a monthly credit card donor (Canada and U.S.)
- To donate stock, contact: info@rightsaction.org
- Donations are tax-deductible in Canada and the USA
- Full proposal and budget available on request

Background Info:

- (5 minute trailer) DEFENSORA, www.defensorathefilm.com. "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.
- (10 minute film) EL ESTOR EVICTIONS, January 2007, <http://rightsaction.org/video/elestor/index.htm>. About Canadian nickel mining company (Skye Resources/ HudBay Minerals) related illegal, forced evictions of indigenous Mayan Qeqchi communities in eastern Guatemala.
- (Article) CLASHING WORLD VIEWS AT THE CROSSROADS: "Avatar" overlaps with a "John Grisham" novel in the Mayan Qeqchi plaintiffs versus Hudbay Minerals lawsuits, by Grahame Russell, <http://rightsaction.org/action-content/clashing-world-views-crossroads>

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