

Rights Action
April 11, 2014
info@rightsaction.org

Below: Letter to Hudbay Minerals and CGN Concerning More Pressures and Harassment Related to "Hudbay Minerals" Lawsuits in Canada and Related Criminal Trial in Guatemala

What to do: Please write to Hudbay and CGN (addresses below) demanding they take all steps necessary to ensure that no one related to Hudbay or CGN in any way, are harassing and pressuring the Mayan Qeqchi plaintiffs, witnesses and their family and community members in the El Estor region, from participating in the lawsuits in Canada and Guatemala.

Letter to Hudbay and CGN
More Pressures and Harassment Related to "Hudbay Minerals" Lawsuits in Canada and Related Criminal Trial in Guatemala

April 11, 2014

Hudbay Minerals
25 York St, Suite 800
Toronto, ON, M5J-2V5, Canada
T: 416-362-6216
www.hudbayminerals.com

CGN (Compania Guatemalteca de Niquel)
Ave. Reforma 9-55, zona 10
Edificio Reforma 10, 6to nivel, oficina 603
Guatemala, Guatemala
<http://www.cgn.com.gt>

To whom it may concern:

I write with serious concerns about on-going pressures and harassment against plaintiffs in Guatemala related to a criminal trial in Guatemala and the lawsuits in Canada.

People linked to the Guatemalan Niquel Company (CGN), the former Hudbay subsidiary and co-defendant in civil lawsuits in Canada, have inappropriately and even aggressively approached German Chub Choc, pressuring him to stop participating as a plaintiff in the lawsuits in Canada and to withdraw his accusations and stop participating as a witness-victim in the Guatemalan criminal case.

Lawsuits At Issue

- In Guatemala, a criminal lawsuit against Mynor Padilla, former head of security of Hudbay/CGN (owned by Hudbay 2008-2011), for the murder of Adolfo Ich on September 27, 2009; the shooting-paralyzing of German that same day; and the shooting-wounding of other local men that same day;
- In Canada, three civil lawsuits against Hudbay and CGN (the "Hudbay Lawsuits") for the killing of Adolfo Ich; the shooting-paralyzing of German Chub; and the gang-rapes of 11 women from the village of Lote 8.

(Presently, CGN is embroiled in another lawsuit related to the suspected murder of three Guatemalan university students in early 2012 on CGN property by people allegedly employed by or linked to CGN. The students were participating in a University del Valle de Guatemala – CGN exchange program that has been going on for years, including when Hudbay owned CGN.)

On Friday, March 28, a man and woman came to his small home on the outskirts of El Estor. They told German they were there on behalf of the lawyers for Mynor Padilla, former head of security for Hudbay/CGN, former Colonel in the Guatemala Army, and the accused in the above mentioned criminal trial. They urged German to drop the lawsuits in Guatemala and Canada, stating that Mynor Padilla was willing to offer him Q11,000,000 to do so. None of this was put in writing and no one else was present, except German and some family members.

On Saturday, March 29, other local people phoned German's brother and told him to bring German to a meeting. That night, they met in a home in El Estor with people who apparently have employment with CGN. They repeated the same offer of money from Mynor Padilla in exchange for abandoning the legal actions in Guatemala and Canada, but were more aggressive in their manner. (Offering or attempting to pay a complainant to withdraw accusations in a criminal lawsuit is a criminal offence both in Canada and in Guatemala.)

Reputation of Mynor Padilla

German Chub feels threatened by these communications. Long before the violent events of September 27, 2009, Mynor Padilla was well known the region as a former Colonel in the Army and as head of security for Hudbay/CGN. In the context of historical and on-going militarism, repression and impunity in Guatemala, Padilla has been known and feared as a powerful man in the El Estor region. When people come in stated representation of Padilla, no one in the El Estor region – let alone, an impoverished indigenous man like German – can ignore the implicit threat.

Connections

I believe Hudbay and CGN maintain direct or indirect connections to Mynor Padilla. Padilla remained on the Hudbay/CGN payroll after the September 27, 2009 repression and violence, during the entire three years he avoided arrest. I believe he has remained on the CGN payroll since September 2012 when he was finally arrested and jailed pending trial. Moreover, some of Padilla's lawyers have represented CGN and worked for Hudbay. Carlos Rafael Pellecer Lopez represented both Padilla and CGN in Guatemala, and was a witness of Hudbay and CGN in the civil lawsuits in Canada.

Pressuring/ Harassing the Gang-rape Victims

This is not the first time inappropriate pressures have been brought to bear on plaintiffs in the Hudbay Lawsuits. On August 21, 2013, Rights Action sent a letter to Hudbay and CGN, denouncing similar harassing communications and pressures against the women plaintiffs from Lote 8. In November 2013 and March 2014, Klippensteins Barristers and Solicitors sent letters to various offices of the Guatemalan government, addressing these issues related to their clients, the women of Lote 8. There has been no response from Hudbay and CGN to Rights Action's letter.

German Chub

Now, pressuring communications have again been made against a plaintiff, a vulnerable and needy person. It is over 4 years since the shooting of German left him close to death, paralyzed from the chest down. He has lost the use of one of his lungs and the bullet remains lodged precariously close to his spinal column. Since September 27, 2009, when he was shot by Mynor Padilla, then head of security for Hudbay/CGN, German has suffered on-going pain, mental and physical therapy and rehabilitation, all the while trying to re-build his impoverished life.

German has not received any financial support, neither from Hudbay, CGN nor the Guatemalan government. I believe that Rights Action, with funds from private Canadian and American donors, is the only organization to provide German with minimal, on-going humanitarian relief funds to address some of his most pressing short-term health and survival needs. For the first year after the attack, German received extraordinary amounts of physical and mental health and rehabilitation support, care and training from the Guatemalan organization Transitions (<http://transitionsfoundation.org/>).

Holding Hudbay and CGN Responsible

Hudbay and CGN have the right to defend themselves in court. You have the right to offer a settlement and try and right the wrongs done to German and the other plaintiffs in the lawsuits in Canada. As I understand it, you can offer a settlement with no admission of guilt. German and the other plaintiffs have the right to pursue justice in the courts, and/or to accept an appropriate settlement offer made properly through lawyers.

But whatever the case, Hudbay has the responsibility to ensure that it, and its former subsidiary and co-defendant CGN, are not make pressuring, aggressive communications and/or otherwise interfering in any way against any people, plaintiffs or otherwise, involved in the lawsuits.

Sincerely,

Grahame Russell
Director, Rights Action
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www.rightsaction.org
www.facebook.com/rightsaction.org

What To Do

Please write to Hudbay and CGN (addresses below) demanding they take all steps necessary to ensure that no one related to Hudbay or CGN in any way, are harassing and pressuring the Mayan Qeqchi plaintiffs, witnesses and their family and community members in the El Estor region, from participating in the lawsuits in Canada and Guatemala.

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David Garofalo, President and Chief Executive Officer
David S. Bryson, CFA, Senior Vice President and Chief Financial Officer
Alan T. C. Hair, Senior Vice President, Business Development and Technical Services
H. Maura Lendon, Senior Vice President, Corporate Services and Chief Legal Officer
Ken Gillis, Senior Vice President, Corporate Development
Marguerite Chambers, Corporate Development
Brad W. Lantz, Vice President, Mining
Cashel Meagher, Vice President, Exploration
Candace Brule, Investor Relations
Dan Weinerman, investor Relations
Scott Brubacher, Corporate Communications
General questions or inquiries, Bonnie Little
David Clarry, Vice President, Corporate Social Responsibility
Cathy Anderson, Vice President, Human Resources

More Information

- About the community defense and justice struggles of Mayan Qeqchi people in Guatemala: info@rightsaction.org
- About the lawsuits against Hudbay/ CGN in Canada: www.chocversushudbay.com

“Defensora”

This 2013 award winning film documents the lives and vision of the Mayan Qeqchi people and their efforts to seek justice in Canadian courts against Hudbay Minerals. Trailer /Screenings /Information: www.defensorathefilm.com

Educational Delegations to Guatemala

- May 31-June 8, 2014: “Mining Injustice ~versus~ Community well-being and the Environment”, in the context of on-going struggles for truth, memory and justice for the genocides and repression of the past. Hosted by Rights Action and SMAK (Sustainable Mining Alliance of the Kootenays). Contact: info@rightsaction.org

- July 3-10, 2014: "Mayan Communities & Environmental Well-Being ~ versus ~ Large-Scale Mining And Hydroelectric Dam Projects, In An Unjust Global Economic Order", in the context of on-going struggles for truth, memory and justice for the genocides and repression of the past. Hosted by Rights Action and Mayflower United Church of Christ (Minneapolis). Contact: info@rightsaction.org

Tax-Deductible Donations (Canada & U.S.)

To support the on-going health needs of German Chub, and Mayan Qeqchi efforts to defend their environment and community well-being, and to attain justice for the harms and violations suffered, 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 (Canada & U.S.): <http://www.rightsaction.org/tax-deductible-donations>

Comments / Questions: info@rightsaction.org

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