

September 27, 2014

On the fifth anniversary of the murder of Adolfo Ich, the shooting-paralyzing of German Chub and the wounding of at least seven other Mayan Qeqchi men by armed security guards working for Hudbay Minerals and CGN ...

Stop the Harassment Concerning Mining Related Criminal and Civil Lawsuits

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
www.cgn.com.gt

To whom it may concern:

On the fifth anniversary of the murder of Adolfo Ich, the shooting-paralyzing of German Chub and the wounding of at least seven other Mayan Qeqchi men by armed security guards working for Hudbay Minerals and CGN, we - the undersigned individuals and organizations - write to insist that your companies – separately and/or together - stop the harassment in Guatemala concerning the nickel mining related criminal and civil lawsuits.

We write you with our informed concerns about ongoing harassment of community members connected to criminal and civil lawsuits against your companies. Many of us have spent time in El Estor, Izabal and neighbouring communities to meet with mining-affected community members.

We write you to demand that you take all steps necessary to ensure that no one related to Hudbay or CGN, in any way, is harassing or pressuring the Mayan Q'eqchi' victims/ plaintiffs/ witnesses, and their family and community members in the El Estor region, from participating in the lawsuits in Canada and Guatemala.

Our Concerns in Detail

On July 22, 2014, a Guatemalan Judge ruled that Mynor Padilla - former Army Colonel and former head of security for Hudbay Minerals/CGN – could not get out of jail on bail. Padilla's lawyers had petitioned for his release pending his criminal trial for the murder of Adolfo Ich, the shooting-paralyzing of German Chub, and the shooting-injuring of seven other people.

We the undersigned believe this was the proper legal decision to what had likely been an improper petition on behalf of Padilla's lawyers to have him released from jail.



(German with his parents, wife and son, 2012. Photo @ Grahame Russell))

On August 11, 2014, two people showed up uninvited at the tiny home of German Chub, along a muddy track, on the edge of the town of El Estor. The pair said they were there on behalf of Mynor Padilla and asked if German would meet with the lawyers of Padilla to discuss 'what it would take' for German to stop participating in the Guatemalan criminal trial, as a victim-witness, and to stop participating in the precedent setting "Hudbay Minerals/CGN" lawsuits in Canada as a plaintiff-victim.

On August 16, 2014, two different people showed up again uninvited at German's home, to continue with the same message on behalf of Mynor Padilla.

These are not the first times that German has received what, in Guatemala, are threatening and highly inappropriate visits from people representing your former employee Mynor Padilla.

On March 28, 2014, a man and woman came to German's home, telling him they were there on behalf of the lawyers for Mynor Padilla. 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. On March 29, 2014, 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 had 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.

None of above referenced "offers" has ever been put in writing. None of the people who arrived uninvited to German's home ever presented themselves by name or left contact information. No one else was present at these exchanges, beyond German and some family members. Offering or attempting to pay a complainant to withdraw accusations in a criminal lawsuit is a criminal offence both in Canada and in Guatemala.

In April and August, 2014, Rights Action twice sent letters to you (Hudbay Minerals and CGN) to denounce these threatening visits, and asked you to take all measures to ensure that your companies have nothing to do, directly or indirectly, with these visits. Rights Action heard nothing back. In August 2014, Dr. Catherine Nolin sent a similar letter to you and has not received a reply.

The Lawsuits

In Guatemala, there is a long-delayed but on-going criminal case 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 Chub that same day, and the shooting-wounding of other local men that same day.

In Canada, there are three over-lapping civil lawsuits against Hudbay and CGN (the "Hudbay Lawsuits/CGN") for the killing of Adolfo Ich, the shooting-paralyzing of German Chub, and the 2007 gang-rapes of 11 women from the village of Lote 8.

Moreover, CGN is embroiled in another legal investigation related to the suspected murder of three Guatemalan university students, in early 2012, on CGN property, by people allegedly employed by CGN at that time. The students were participating in a formal University del Valle de Guatemala - CGN biology exchange program that had been going on for years, including when Hudbay owned CGN. While this suspected murder of the three students occurred after Hudbay had sold CGN to a Cyprus-based company, many of the CGN employees – management and employees – were the same as when Hudbay was the owner and in control.

Why Threatening? Who Is Mynor Padilla?

German Chub feels threatened by these repetitive, uninvited visits. Long before the violent events of September 27, 2009, Mynor Padilla was well known in the region as a former Colonel in the Guatemalan Army, and as head of security for Hudbay/CGN. In the context of historical and on-going militarism and repression, racism and impunity in Guatemala, Padilla has been known and feared as a powerful man in the El Estor region. When people arrive uninvited at your home, saying they represent Mynor Padilla, no one in the El Estor region – let alone, an impoverished, physically very vulnerable and indigenous man like German – can ignore the implicit threat.

On-going Relationship Between Mynor Padilla and Hudbay Minerals/CGN?

It is possible that Hudbay and/or CGN continue to maintain direct or indirect connections to Mynor Padilla. Padilla remained on the Hudbay/CGN payroll for at least three years after the September 27, 2009, repression and violence, even as he was in violation of the law, avoiding arrest for the criminal charges. It is rumoured Padilla has remained on the CGN payroll since September 2012.

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.

Patterns of Pressuring and Harassing the Victims/ Witnesses/ Plaintiffs

This is not the first time inappropriate pressures have been brought to bear on victims-plaintiffs in the Hudbay/CGN 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.

Precarious Health

It is close to 5 years since the shooting of German left him close to death, paralyzed from the chest down. He lost the use of one of his lungs; 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 and extreme vulnerability, all the while trying to re-build his impoverished life.

German has not received any financial support or compensation, neither from Hudbay, CGN nor the Guatemalan or Canadian governments. We believe that Rights Action, with funds from North American donors, is the only organization to provide German with on-going relief funds to address some of his most pressing short-term health needs.

Even as he was receiving the harassing visits on August 11 and 16, German was extremely sick; he remains in unstable conditions and needs more x-rays to determine if the bullet lodged near his spinal column, has moved, and he needs x-rays of his remaining healthy lung to see if there is infection.

Holding Hudbay and CGN Responsible

While there is no doubt in our minds that Hudbay and CGN should be held accountable for the harms and violations they caused (some of which are being dealt with in the criminal and civil lawsuits), and that reparations should be paid to German and the others who suffered the harms and violations, we understand that Hudbay and CGN have the right to defend themselves in court.

However, Hudbay and CGN have the responsibility to ensure that no one directly or indirectly associated with their companies is, in any way, pressuring or otherwise interfering in any way against any people, plaintiffs or otherwise, involved in the Guatemalan and Canadian lawsuits.

Questions for Hudbay/CGN

- Do either of your companies have any knowledge of, or role in the efforts by Mynor Padilla to pressure any of the victims/ witnesses/ plaintiffs to stop their participation in the criminal trial or the civil lawsuits?
- Is Mynor Padilla still on CGN's payroll and is CGN and/or Hudbay paying for Padilla's legal fees in his criminal trial in Guatemala?

We hold Hudbay and CGN accountable to take steps necessary to prevent any undue interference, tampering, or direct or indirect harassment or repression against German Chub and all victims/ witnesses/ plaintiffs, and their family and community members, in the civil lawsuits in Canada and the criminal lawsuit in Guatemala.

Signatories

Dr. Catherine Nolin, Geography Program and Natural Resources and Environmental Studies
Institute, University of Northern British Columbia
Grahame Russell, Rights Action, Canada/USA
Gregory Schwendinger, Antigua, Guatemala
Judith Wittner, Loyola University, Chicago IL
Alexandra Pedersen, PhD Candidate, Queen's University, Kingston ON
Dr Martin Mowforth, Environmental Network for Central America, University of Plymouth, UK
John and Rosemary Baxter, Courtenay BC
Leila Forouhi, Lubbock TX
Diane Trollope, Sudbury ON
Heather Wolford, Eugene OR
Amelia Berot-Burns, McGill University, Montréal QC
Al Gedicks, Center for Alternative Mining Development Policy, La Crosse WI
Charles Callman, Portland Central America Solidarity Committee, Portland OR

Charles Simpson & Anita Rapone, Burlington VT
Madeleine Speed, Guelph ON
Sheila Anderson, Yellowknife NWT
Kathryn Rodriguez, Denver Justice and Peace, Denver CO
Kathleen Ruff, RightOnCanada.ca, Smithers BC
Walter Sherwood, Davis CA
Eliza Strode, Easthampton MA
Marie-France Arismendi, Latin American-Canadian Solidarity Association (LACASA), London ON
Julie Webb-Pullman, Wellington, New Zealand
Doug Specht, VOZ Geographic Information Systems, London, UK
Tyler Shipley, Humber College, Toronto ON
David Hill, UK
Larry Martin, Ottawa ON
Maria and Jose Albizurez, Sudbury ON
Chera-Lee Hickox, Halifax NS
Cara-Lee Malange, Nelson BC
Mike Chapman, Amnesty International, Nelson BC
Denise Workun, Lawyer, Chelsea QC
Rev. Emilie Smith, co-president, SICSAL (The Oscar Romero International Christian Network in Solidarity with the Peoples of Latin America)
Emma Chorostecki, Toronto ON
Emmy Swisher, Fort Collins CO
Samuel Stime, Vancouver BC
Judith Deutsch, Science for Peace, Toronto ON
Mary Ellen Davis, Montreal QC
Marion Bergevin, BC
Café Rebelde Collective / Gloria Lidia Diaz / Jesus D. Sandoval, Vancouver BC
Marilyn Anderson, Rochester NY
Miguel Angel Mijangos, Procesos Integrales para la Autogestión de los Pueblos, México
Colin Stuart, Ottawa ON
Karen Spring, Elmvale ON
John Liss LL.B., Toronto ON
Dale Sorensen, Task Force on the Americas, Marin Country CA
Robert Pepper-Smith, Nanaimo BC
Dr. Richard Matthews, Lakehead U., Thunder Bay ON
Valerie Raoul, Vancouver BC
Maurice Shapiro, Powell River BC
Gayle Hartmann, Save the Scenic Santa Ritas Association, Tucson AZ
Marie-Pia Rieublanc, Otro Mundos, San Cristobal de Las Casa, Chiapas, México
Jessica Fickell, BC
Nicaragua Center for Community Action (NICCA), Berkeley CA (Diana Bohn, Co-Coordinator)
ANSWER, National Committee
Bay Area Latin America Solidarity Coalition (BALASC)
SOAWatch, San Francisco
FMLN San Francisco
Workers World Party
Amanda M. Fulmer, University of Washington-Seattle, Seattle WA
Eleanor Millard, Carcross YT
Randall Shea, Apopka FL
Hugo Ramos, Wallaceburg ON
Harold Garrett-Goodyear, Professor Emeritus, History and Medieval Studies, Mount Holyoke College, MA

Lynn Carey, Tumacacori AZ
Susan Stout, North Vancouver BC
Murray Bush, vancouver bc
Jeddie Russell, Whitehorse YT
Anabella Sibrián, Ciudad de Guatemala
Chastity Rosales, chino hills CA
Honduran Resistance FNRP Nor-Cal, Porfirio Quintano
Eric Mills, Toronto ON
Mike Antoniadis, Toronto ON
Allen Gunderson, Toronto ON
Flemish Centre for Indigenous Peoples, Sint-Niklaas, Belgium
Hanna Caplan, Toronto ON
A.Zaffina, Toronto ON
Yves Engler, Montréal QC
Monica Gutiérrez, Toronto ON
Common Frontiers, Canada
Susanne Lamm, Gibsons BC
David Heap, Ph.D., Associate Professor, University of Western Ontario
Mining Watch Canada
Caroline Dutton, Bay Area Latin America Solidarity Coalition, San Francisco CA
Braden MacLeod, Rossland BC
Jack E. Tynnela, Sudbury ON
Penny Bertrand, Ottawa ON
Sinead Earley, Queen's University/Okanagan College, Sorrento BC
BC CASA/Cafe Justicia-BC, Vancouver BC
Cultural Survival, Cambridge MA
Mayflower UCC Global Justice Advocacy Team, Minneapolis MN
Dave Stasiuk, Kent State University, Newton Falls OH
P'nina Shames, Nelson BC
Claudette Bois, Ottawa ON
Fredericka Schrider, Human Rights Activist, USA
Bill Lynch, Nelson BC
Valerie Huff, Trail BC
Sandra Hartline, KAIROS, Nelson BC
Sandra Nelken, Nelson BC
Kelsey Stalker (Nursing student) Castlegar BC
Susan Redlich, Cambridge MA
Anne Shumway, Cambridge MA
Michael Scott, Vancouver BC
Kathryn Anderson & Wilf Bean, Tatamagouche NS
Rev. Shelley Stickel-Miles
Harry Smaller, Toronto ON
Nelson Ames, Nelson, BC
Judith Fearing, Nelson BC
Becky Peck, New Denver BC
Roxie Eremko, Vancouver BC
Ivan Gerlitz, Nelson BC
Phil Mangis, Educational Network for Global and Grassroots Exchange, Boston MA
Mining Justice Alliance, Unceded Coast Salish Territories, Vancouver
Jennie Barron, Mir Centre for Peace, Castlegar BC
Committee for human rights in Latin America, Montreal QC
melanie pieper, Canadian Nurse & Concerned Citizen, Nelson BC

United Steelworkers Canada, Toronto ON

Share and Re-post

Please send/ re-send this letter to your own networks of family, friends and colleagues, letting them know it has been sent to HM and CGN. Send a copy, also, to your own Member of Parliament.

- Find your MP:
<http://www.parl.gc.ca/Parlinfo/Compilations/HouseofCommons/MemberByPostalCode.aspx?Menu=HOC>

Medical Support Funds Needed

Beyond the harassment and pressures that German Chub is receiving (as described in the letter), his health situation remains precarious. Please make a donation in Canada to help provide direct medical attention to German.

Tax-Deductible Donations

To support the on-going health needs of German Chub, and Mayan Qeqchi efforts to defend their environment and community well-being, and achieve justice for the harms and violations suffered, make check payable to "Rights Action" and mail to:

- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8
- Credit-Card Donations: <http://www.rightsaction.org/tax-deductible-donations>

“Defensora”

This 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

More Information

- About the community and environmental defense and justice struggles of the Mayan Qeqchi people in El Estor, Guatemala, and about the connection between resource extraction and conflict/violence in Guatemala: info@rightsaction.org; nolin@unbc.ca
- About the lawsuits in Canada against Hudbay Minerals/ CGN, contact: Klippensteins Barristers and Solicitors, www.chocversushudbay.com