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(<https://mailchi.mp/rightsaction/nephew-of-plaintiff-in-hudbay-minerals-lawsuits-beaten-to-death-in-guatemala>)

- **Funds needed:** Hudbay Minerals plaintiffs Angelica Choc and German Chub are coming to Toronto in July to be deposed (examinations for discovery) by Hudbay's lawyers.
- **Matching donor:** Anonymous donors will match donations made to Rights Action (U.S. and Canada), up to a total of \$30,000, made by May 15, 2018.

Nephew of plaintiff in Hudbay Minerals lawsuits beaten to death in Guatemala

by Heather Gies, 27 April 2018

<https://news.mongabay.com/2018/04/nephew-of-maya-land-and-rights-activist-beaten-to-death-in-guatemala/#>



Héctor Manuel Choc Cuz, an 18-year old Maya Q'eqchi', was beaten to death late last month. Photo: courtesy Angelica Choc

Héctor Manuel Choc Cuz, the nephew of prominent land rights activists, dreamed of becoming a professional mechanic when he got older. But the 18-year-old Maya Q'eqchi' youth's aspirations were cut short late last month when he was beaten to death in an attack that family members suspect may have been an attempt on the life of his cousin, José Ich.

According to his family, assailants took Choc Cuz to the edge of the eastern Guatemalan town of El Estor and beat him between the night of March 30 and early morning of March 31. He died that day in the hospital in Puerto Barrios.

“We demand justice and that the murder of my nephew be solved,” Choc Cuz’s aunt, Angélica Choc, told Mongabay in a phone interview. She added that Choc Cuz, whom she described as hardworking and studious, was like a son to her, just as her son, José Ich, is like a son to Choc Cuz’s parents.

Choc is a human rights and environmental activist who has fought for years against the foreign-owned Fenix nickel mine in El Estor. She is known internationally for demanding justice for the 2009 murder of her husband, Adolfo Ich Chamán, a teacher and local social leader in the anti-mining movement. According to witnesses, Ich Chamán was beaten, hacked with a machete, and shot dead by private security guards of the Fenix mine, then owned by Toronto-based mining giant Hudbay Minerals.

The Fenix mine, which Hudbay sold to Cyprus-based Solway Investment Group in 2011, reopened in 2014 after being closed for three decades. Initially concessioned to the Canadian International Nickel Company [INCO] in the early years of Guatemala’s bloody 36-year civil war, the mine has been plagued for decades by longstanding land disputes with local indigenous communities and other controversies.

High-profile incidents include the 2009 killing of Ich Chamán, the 2009 shooting and paralyzing of German Chub Choc, and the 2007 gang rape of 11 Maya Q’eqchi’ women in the community of Lote Ocho — all allegedly at the hands of Fenix security personnel.

Witnesses in Choc Cuz’s beating last month told the family on the condition of anonymity that they overheard an assailant say, “It’s not Ich, let’s go,” according to a statement released by the family. Choc said her son José is known as Ich in El Estor. She also noted that he and his cousin are very similar in physical appearance.

Family members suspect the perpetrators planned to target Ich, but beat and killed his cousin Choc Cuz instead. They fear Ich and other family members could be under threat and are considering additional precautions.

“I do not know what the intention was or why my son was mentioned,” Choc said, stressing that many questions remain unanswered. “That’s why I demand an investigation.”



Héctor Choc Cuz's grandmother, Natalia Choc, sits beside photos and flowers honoring her 18-year-old grandson. Image courtesy of the Choc family via Rights Action.

A spokesperson for Guatemala's Office of the Public Prosecutor, Julia Barrera, confirmed in an email that the case is currently under investigation. "The investigation is in development and I cannot provide details because Guatemalan law does not allow it," she said.

Grahame Russell, director of Rights Action, a Toronto- and Washington, D.C.-based human rights organization supporting Choc and other Guatemalan plaintiffs pursuing legal cases for alleged mining-related abuses, believes the attack was politically motivated. "We suspect that this was because of the family's work in general and because José is a direct participant" in court cases linked to the mine, Russell said in a phone interview.

José Ich is a key witness in two cases dealing with his father's murder. In Canada, his mother is set to battle Hudbay in a civil lawsuit seeking damages for negligence. An Ontario court has given the green light to the case, but a trial is expected to remain years away. The case is one of a trio of groundbreaking civil lawsuits against Hudbay over alleged abuses linked to the Fenix mine that have shaken the Canadian mining industry by setting a precedent of holding companies accountable on home soil for their actions abroad.

Meanwhile, in Guatemala, Ich is also a central witness in the criminal trial, over his father's killing, of the mine's former security chief, former military lieutenant colonel Mynor Padilla. A judge acquitted Padilla of murder and aggravated assault charges in April 2017. The judge simultaneously ordered criminal investigations of Choc and other accusers, including her children, for alleged obstruction of justice and falsifying information.

An appeals court overturned the ruling in September 2017 and ordered a retrial. Choc and her family are hopeful that the retrial will come to pass, even though she contends Guatemala's judicial system, rife with corruption and impunity, according to rights monitoring groups, is often stacked against poor indigenous people.



The victim's aunt, Angélica Choc, right, is a well-known human rights and land defense activist who has faced threats and attacks for seeking justice for her husband's 2009 murder. In this photo, she accompanied Maya Q'eqchi' women from the Guatemalan community of Lote Ocho, near El Estor, as they were questioned by Hudbay's lawyers in Toronto in November, 2017. Their Canadian lawyers – Murray Klippenstein and Cory Wanless – accompany them here.

Cory Wanless, a lawyer at Klippensteins Barristers & Solicitors, the Toronto-based law firm representing Choc and other plaintiffs in civil lawsuits against Hudbay in Canada, said the firm is both "saddened" and "concerned" by Choc Cuz's "apparent targeted murder."

“Threats, violence and murders are one of the key reasons that successful criminal prosecutions are so rare in Guatemala,” Wanless wrote in an email. “With the ongoing threats and violence against the Choc family ... we are seeing in real time why achieving justice in Guatemala is next to impossible.”

Hudbay Minerals declined to comment on Choc Cuz’s death. “Speculation is neither helpful nor respectful, particulalry [sic] when local media indicates the young man died in a motorcycle accident,” Hudbay corporate communications director Scott Brubacher wrote in an email. Local news outlet El Puerto Informa reported that version of events on March 31. When contacted, the outlet said it did not have any further information on the incident beyond the original three-sentence story about what the story’s headline called an “apparent” accident.

For Choc and her relatives, Choc Cuz’s death fits a decade-long pattern of criminalization and violence they suspect is linked to their activism.

In the wake of her husband’s murder, Choc has suffered repeated threats and attacks. In 2016, unidentified gunmen fired shots at her house while she and two children were asleep inside. (Choc has five children, including Ich, and also cares for a sixth child she and her husband took in as a young girl.) No one was injured in the gunfire, but the family interpreted the attack as an attempt to put a stop to Choc’s activism.

In an interview with this reporter last fall while visiting Toronto to support Maya Q’eqchi’ rape survivors from Lote Ocho suing Hudbay for negligence, Choc made clear she would not be bullied into silence. She said she was not afraid to put her life on the line in her quest for justice.

According to Rights Action’s Russell, such systematic attempts to silence those clamoring for justice for genocide and other abuses against indigenous Mayans can be traced back to the civil war. “When you’re involved in large-scale, politicized human rights trials in Guatemala, repression will happen,” he said.

Other members of the family have also been criminalized for their activism. Choc’s brother, Ramiro Choc, was sentenced in 2008 to six years in jail on charges of land theft, aggravated robbery and illegal detention. His supporters contend the charges were manufactured to silence his fight for land rights for Maya Q’eqchi’ peasants.

More recently, another sibling, María Cuc Choc, was detained in January 2018 and accused of aggravated trespassing, threats and illegal detention. The allegations were linked to her land defense activism in the Livingston area east of El Estor, but she has also worked closely with the Lote Ocho community where the rapes allegedly occurred in 2007.

Although Choc Cuz and his immediate family were not directly involved in Choc’s and other family members’ activism, they were always supportive, Choc said. “Personally, it inspires me to continue fighting for the defense of our rights, human rights, indigenous peoples, and Mother Nature,” she said of her nephew’s death.

“Even though I am still carrying out a long, very difficult, costly process and am very repressed, I believe that my nephew Héctor’s rights to live and enjoy life are also worthy,” she said, referring to trials over her husband’s murder. “Even though I feel tired, weak, I pick myself up to keep moving forward to demand justice.”

[Heather Gies is a freelance journalist who writes about human rights, resource conflicts, and politics in Latin America. Follow her on Twitter @HeatherGies.]

- **Matching donor:** Anonymous donors will match donations made to Rights Action (U.S. and Canada), up to a total of \$30,000, made by May 15, 2018.
- **Central American Punching Bag:** Rights Action fund-raising newsletter, April 2018:
<https://mailchi.mp/rightsaction/central-american-punching-bag>

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