

**Hudbay Minerals lawsuits:
German Chub Choc & Angelica Choc coming to Toronto (Canada) for
examinations for discovery, July 5-14, 2018**

<https://mailchi.mp/rightsaction/hudbay-minerals-lawsuits>



The precedent setting Hudbay Minerals lawsuits (initiated in 2010) continue, trying to bring a measure of binding, legal accountability to corporate and mining related repression and harms, trying to achieve a real remedy for the victims. Following upon the examinations for discovery (depositions) of 11 Q'eqchi' women (victims of gang rapes) in Toronto in November 2017, the remaining plaintiffs in the lawsuits – Angelica Choc and German Chub – will now also be examined on the record by Hudbay's lawyers.



Rights Action is coordinating their visit, July 5-14, 2018.

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

Funds still needed. Funds raised pay for most aspects of their trip to Toronto, including: pre-trip preparation sessions; acquiring passports and visas; providing family stipends while German and Angelica are away; travel, food and lodging in Guatemala to and from their community (7 hours from Guatemala City); food while flying north and south; travel, food and communication costs while in Toronto; etc.

Make check payable to "Rights Action" and mail to:

- U.S.: Box 50887, Washington DC, 20091-0887
- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8

Credit-Card Donations: <http://rightsaction.org/donate/>

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Background: see below

- Photo-essays, November 2017 examinations for discovery
- Links to media coverage of Hudbay lawsuits

More information

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Murray Klippenstein, Cory Wanless
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Photo-essays

- November 3, 2017 - Press release - Examinations for discovery, November 8-24, 2017 (<http://mailchi.mp/rightsaction/press-release-hudbay-examinations-toronto-november-2017>)
- November 6, 2017 - Photo-essay #2 - Arriving in Toronto (<http://mailchi.mp/rightsaction/nov-6-2017arriving-in-toronto-llegando-a-toronto-los-juicios-hudbay-mineralscgn-lawsuits>)
- November 8, 2017 - Photo-essay #3 - Day #1 Examinations for discovery (<http://mailchi.mp/rightsaction/nov-8-2017-toronto-day-1-dia-1-examinations-for-discovery-depositions-juicios-hudbay-mineralscgn-lawsuits-declaraciones-anticipadas>)
- November 11, 2017 - Photo-essay #4 (<http://mailchi.mp/rightsaction/seeking-justice-for-rape-in-the-mining-industry-the-hudbay-mineralscgn-lawsuits-examinations-for-discovery-photo-essay-4>)
- November 15, 2017 - Photo-essay #5 - This is how hard it is (<http://mailchi.mp/rightsaction/seeking-justice-for-rape-murder-repression-in-the-mining-industry-photo-essay-5>)
- November 22, 2017 - Photo-essay #6 (<http://mailchi.mp/rightsaction/seeking-justice-for-rape-murder-repression-in-the-mining-industry-photo-essay-6-november-22-2017>)

News & Multimedia

Richochet media, "Indigenous women from Guatemala battle Canadian mining giant: Land defenders make history by challenging Hudbay Minerals in court", <https://t.co/Besr1Pw9D8>, January 24, 2018

[The Guardian, "Guatemalan women take on Canada's mining giants over 'horrific human rights abuses'", December 13, 2017](#)

[Rabble, "The struggle continues between Q'eqchi' communities and Hudbay Minerals", December 1, 2017](#)

[National Post, "'New era': Canadian mining industry closely watching three civil cases alleging human rights abuses", November 27, 2017](#)

[Mining.com, "Lawsuit could be precedent-setting for Canadian mining companies operating abroad", November 26, 2017](#)

UpsideDownWorld, "Is Justice Possible in Canada or Guatemala for Hudbay Minerals/CGN Mining Repression?", <http://upside-downworld.org/archives/guatemala/justice-possible-canada-guatemala-hudbay-mineralscgn-mining-repression/>, October 28, 2017

[Canadian Press/ Financial Post, "Ex-Hudbay Minerals' security guard to be retried for murder in Guatemala", September 15, 2017](#)

The Walrus, "Is Canada to Blame for Human Rights Abuses in Guatemala? Canadian mining firms are not held responsible for horrors inflicted on Indigenous communities by foreign subsidiaries. But a Toronto court could change that", <http://mailchi.mp/rightsaction/the-walrus-article-is-canada-to-blame-for-human-rights-abuses-in-guatemala>, June 30, 2017

[Mongabay, "Ex-mine security head cleared of murder, assault against indigenous Guatemalans", April 10, 2017](#)

[Canadian Press / CTV News, "Guatemalan court acquits former Hudbay Minerals security guard of murder", April 7, 2017](#)

[The Toronto Star, "Guatemala murder acquittal could have far-reaching Canadian consequences", April 7, 2017](#)

[MarketWired, "Klippensteins Barristers & Solicitors: Alleged Killer in Canadian Mining Company Lawsuit Acquitted in Guatemala", April 6, 2017](#)

[Telesur, "Canada Mining Head Cleared of Guatemala Campesino Killings", April 6, 2017](#)

[Canadian Mining Journal, "Legal trends highlight human rights risks for miners operating abroad", April 1, 2017](#)

[Vancouver Sun, "Court to hear human rights case against Canadian mining company", March 9, 2017](#)

[The Guardian, "Toronto's buried history: the dark story of how mining built a city", March 3, 2017](#)

[Council on Hemispheric Affairs, "Holding Canadian Corporations Accountable for Guatemalan Human Rights Violation: Skye Resources and HudBay", June 28, 2016](#)

[The Toronto Star, "Mayan families' quest for justice against Canadian mining company HudBay", June 20, 2016](#)

[The Hill Times, "Feds show little interest in tougher oversight of mining firms' actions abroad", April 20, 2016](#)

[Business in Vancouver, "Wave of foreign lawsuits against local miners hits Canadian courts", April 19, 2016](#)

[The Progressive, "Another Guatemalan Town Seeks Justice for Human Rights Violations", April 13, 2016](#)

[The New York Times, "Guatemalan Women's Claims Put Focus on Canadian Firms' Conduct Abroad", April 2, 2016](#)

Mrs. Caal has taken her case to the courts, but not in Guatemala, where Mayan villagers like her, illiterate and living in isolated areas, have had little legal success. She has filed in Canada, where her negligence suit, *Caal v. Hudbay Mineral Inc.*, has sent shivers through the vast Canadian mining, oil and gas industry.

[The Globe and Mail, "Canadian miners violating human rights abroad need stricter supervision, MP says", April 5, 2016](#)

Liberal MP John McKay is calling for stricter oversight of Canadian mining companies abroad as plaintiffs increasingly look to Canadian courts to seek justice. He says the government needs to do more because Canadian companies operating internationally continue to be accused of violating local laws and human rights, despite overall improvements in the industry.

[Intercontinental Cry, "A Legacy of Shame: Canadian Mining Companies Leave Behind Decades of Violence in Guatemala", December 30, 2015](#)

In their unyielding pursuit for justice and accountability, Indigenous Peoples are presently pursuing at least three of these companies in Canada's court system. Foremost among them is Hudbay Minerals.

[Latin Correspondent, "The Guatemalans who are taking human rights cases against mining companies to Canadian courts", December 8, 2015](#)

The three lawsuits against HudBay Minerals can continue through the Canadian courts. This would have been unheard of in the past, and, although the case it still to proceed, the initial ruling has opened the door to similar cases.

[International Business Times, "Canadian Mining Human Rights Abuses: What Justice Trudeau's Liberal Party Win Could Mean for Latin America", October 21, 2015](#)

Adolfo Ich was killed because he didn't want Canadian mining companies to exploit his indigenous village in Guatemala, his wife claims. The school teacher and father of five was reportedly shot in 2009 while protesting outside a mine owned by Canadian mining giant HudBay Minerals.

[Financial Post, "Why corporate social responsibility is now part of due diligence", July 29, 2015](#)

The rising potential of human rights cases and securities class actions... show that if a company pays lip service to corporate social responsibility, it does so at its peril. . . . mining companies are also under an increasing risk of private lawsuits. There are at least three of these cases before the courts, and all are at relatively early stages. Toronto-based Hudbay Minerals Inc. has been sued in Ontario on allegations that security personal assaulted women at its mine in Guatemala.

[CBC News: The National, "Guatemalan Villagers counter Hudbay's denials", May 27, 2015](#)

[Rabble, "Allegations of brutality highlighted by protest at Hudbay shareholders' meeting", May 22, 2015](#)

Angelica Choc confronted Hudbay Minerals at their shareholder meeting this morning as supporters of the Mining Injustice Solidarity Network rallied below.

[Financial Post, "Joe Fresh, lawsuit must answer arms-length legal questions", May 1, 2015](#)

A precedent-setting Ontario Superior Court decision in 2013 allowed a lawsuit against Hudbay Minerals Inc. to proceed to trial in Ontario. The lawsuit represents a number of Guatemalan plaintiffs over alleged human rights violations at Hudbay's Guatemalan mining project. "That one has really sparked a lot of legal interest, because it is the first time [a case of this type] is going to be allowed to be heard in Canada when the actual events did not happen in Canada," Collette said.

[Northern Miner, "Commentary: The shifting liability landscape for Canadian miners abroad", April 29, 2015](#)

Two recent lawsuits brought in British Columbia by foreign plaintiffs against two Canadian mining companies for alleged human rights abuses abroad have raised the stakes for mining projects in foreign jurisdictions. These lawsuits appear to be inspired by the decision of the Ontario Superior Court of

Justice on July 22, 2013 in *Choc v Hudbay Minerals Inc*, the first case against a Canadian mining company over alleged human rights abuse abroad that was permitted to go to trial in Canada.

[UCObserver, Can Canadian mining companies be held accountable for alleged human rights abuses in Guatemala?, January 2015](#)

From the sleek glass towers of Toronto's financial district, it's a cab trip, at least one flight, a seven-hour drive from Guatemala City, another drive up a dirt road in a pickup truck, and finally a four-hour hike to reach the remote community of Lote Ocho in eastern Guatemala. The tiny village couldn't be farther from the corporate boardrooms of Canadian companies, and yet these two worlds will soon collide, with a precedent-setting lawsuit that could leave Canadian corporations more accountable for their actions abroad.

[National Post, "Canadian mining companies face lawsuits over foreign activities", December 10, 2014](#)

It was once believed that as separate legal entities, a Canadian parent company was distinct and therefore legally immune from the actions of its foreign subsidiary or contractors. Or so goes the legal reasoning if you believe the "corporate veil" insulates the parent from any liabilities that attach to its subsidiaries abroad. But plaintiff lawyers have developed a work around that appears to be putting Canadian parent companies on the hot seat. Lawyers expect more such cases.

[Maclean's, "Mining for the truth in Guatemala", July 8, 2014](#)

What lawsuits claiming rape and murder in a Guatemalan jungle mean for Canadian companies abroad.

[Mining Weekly, "Guatemalan plaintiffs file jury notice against Hudbay Minerals in Ontario", December 12, 2013](#)

Guatemalan Mayan plaintiffs involved with litigation against Hudbay Minerals in Ontario, on Thursday filed a jury notice choosing a trial by jury that could potentially hold the company liable in Canada for alleged sexual assault, murder and shootings at a mining project formerly owned by its Guatemala subsidiary.

[Canadian Business, "Lawsuits against HudBay Minerals to proceed to trial by Ontario jury", December 12, 2013](#)

A civil trial in Ontario involving a Canadian mining company being sued over alleged shootings and gang rapes at a project in Guatemala will proceed with a jury, the law firm representing the plaintiffs said Thursday.

[The National Post, "HudBay case raises litigation risk for Canadian resource companies", October 30, 2013](#)

When an Ontario court ruled against HudBay Minerals Inc. in a human rights case in July, it sent shockwaves across the Canadian mining and legal communities. Months later, lawyers remain far from certain what kind of long-term impact the decision will have.

[The Globe and Mail, "Guatemalan plaintiffs in HudBay lawsuit allege interference", October 24, 2013](#)

A former HudBay Minerals Inc. subsidiary in Guatemala is pressuring a group of indigenous women to drop their high-profile lawsuit against the Canadian miner, lawyers for the women says.

[CTV News, "HudBay won't appeal ruling that Guatemala case can be tried in Canada: lawyer", August 30, 2013](#)

A Canadian mining company has decided not to appeal a ruling that will allow three lawsuits it is facing over alleged shootings and gang rapes at a Guatemalan project to be tried in Canada.

[The Globe and Mail, "Will Canadian companies be held responsible for their actions abroad?", July 31, 2013](#)

Last week the Ontario Superior Court of Justice released a path-breaking decision, *Choc v. Hudbay Minerals*, that might, for the first time, require a Canadian mining company to take legal responsibility for human rights abuses abroad.

[The Globe and Mail, "After HudBay ruling, Canadian firms on notice over human rights", July 24, 2013](#)

On Monday, Ontario Superior Court Justice Carole Brown ruled that claims for rapes and murder in Guatemala against Canadian mining company HudBay Minerals can proceed to trial in Canada. This precedent-setting decision puts Canadian companies on notice that they will have to be much more vigilant about their actions overseas.

[The Toronto Star, "Lawsuits against mining company alleging shootings, gang rapes can go ahead in Canada", July 23, 2013](#)

Three lawsuits against a Canadian mining company over alleged shootings and gang rapes at a Guatemalan project will be allowed to proceed in Canada following a ruling that makes it possible for firms to face liability at home for incidents that occur overseas.

[The Globe and Mail, "Guatemalan mine claims against HudBay can be tried in Canada, judge says", July 23, 2013](#)

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.

[Winnipeg Free Press, "Cash can't buy HudBay peace: Money no problem, but legal, social troubles popping up", March 7, 2013](#)

[W]ith the world's mining industry looking on this week at the annual Prospectors and Developers Association of Canada conference, HudBay is also the subject of a precedent-setting court case regarding alleged human rights abuses at a mining property in Guatemala that HudBay once owned.

[The Globe and Mail, "Not responsible for killing at Guatemalan mine, HudBay says", March 5, 2013](#)

As the widow of a slain Mayan community leader looked on, lawyers clashed in a Toronto courtroom on Tuesday over whether a Canadian mining company, HudBay Minerals Inc., can be held liable for alleged violence at a Guatemalan mine owned by a subsidiary.... 'We've come in search of justice,' [Angelica] Choc said in an interview through a translator.

[The Globe and Mail, "Amnesty International weighs in on HudBay case", March 5, 2013](#)

The human-rights group was granted intervenor status by a judge in order to weigh in on three lawsuits launched by a group of Guatemalans against Toronto-based HudBay Minerals Inc. in Ontario Superior Court over alleged human-rights abuses that date back to 2009.

[Ottawa Citizen, Editorial: "Canada must lead in mining", March 4, 2013](#)

This year, the Prospectors and Developers Association of Canada convention, which draws tens of thousands of delegates and a handful of politicians, among others, coincides with a court case that many in the mining industry are watching closely.... A Canadian court is the right place for this case, not only

because Guatemala's justice system, in the words of Human Rights Watch, is 'weak and corrupt' but also because mining is so important to Canada, as the PDAC convention illustrates. Whatever the outcome of the case, it is important that it be heard in Canada where it will get a fair hearing.

[Prensa Libre, "Tribunal canadiense inicia el caso contra empresa minera Hudbay", March 4, 2013](#)

This Monday a Canadian court began proceedings against the mining company HudBay for the murder, rape and abuse of indigenous Mayans from El Estor.

[Canadian Lawyer, "HudBay human rights case will be heard in Canadian courts", February 26, 2013](#)

For the first time a lawsuit against a Canadian mining company over alleged human rights abuses abroad will be heard in Canadian courts.... A week ago, just before an Ontario court was set to determine the issue, HudBay abandoned its legal argument that the lawsuit should not be heard in Canada.

[Toronto Star, "HudBay's Guatemalan lawsuits to proceed in Canada", February 25, 2013](#)

"I think it's a stunning victory for human rights. I think it's historic," Klippenstein said, adding the location issue was argued by the company for more than a year. 'It should send shockwaves through the boardrooms throughout Canada'.

[The Globe and Mail, "Lawyer touts 'breakthrough' in HudBay lawsuit", February 25, 2013](#)

[Lawyer Murray Klippenstein] claims the decision will help others seeking to sue Canadian mining companies for alleged abuses overseas.

[Stockhouse, "HudBay to face human rights abuse allegations in Ontario", February 25, 2013](#)

Lawyers acting for Guatemalan residents who have filed a flurry of lawsuits against HudBay Minerals Inc. (TSX: T.HBM, Stock Forum) alleging abuses of human rights, will have their allegations heard in Canadian courts.... "This is a stunning victory for human rights [...]" said Murray Klippenstein, a lawyer acting for a Guatemalan villagers, who have filed three lawsuits in the Ontario Superior Court.

[CBC News: The National, "The Long Road", December 3, 2012](#)

Every day they've walked together, in borrowed hats and coats, making their way down cold Toronto streets ... as one by one they've taken turns going into a Bay Street tower to tell their story and have it challenged....The fact the plaintiffs are here and speaking publicly is extraordinary...

[CBC News: The National, "Seeking Justice", November 25, 2012](#)

Believed to be the first time people from another country, accusing a Canadian mining corporation of human rights violations, have come to Canada to tell their story Similar cases have never made it very far in Canadian courts.

[CBC News, "Lawsuit against mining firm brings Guatemalans to Toronto", November 27, 2012](#)

Five Guatemalans are in Toronto to sue a Canadian mining firm over allegations the security staff of one of its subsidiaries brought violence and death to their village.

[Corporate Knights, "Going Deeper Underground", September 27, 2011](#)

In Guatemala, victims of human rights abuses involving Canadian mining companies are left to pick up the pieces. At home in Canada, company lawyers skirt around questions of accountability, and justice ultimately falls through the cracks.

[CBC Radio, The Sunday Edition, "Unfinished Business", September 25, 2011](#)

[T]he anti mining forces are fighting back in a new way. Guatemalans are launching law suits in Canadian courts against Canadian mining companies. The latest is a multi million dollar claim against Hud Bay Minerals filed by 11 Mayan women allegedly raped when they were cleared off the land 4 years ago. The law suits are a new tactic in an old war – a war over land: – the government and the mining companies on one side, the Mayans and human rights workers on the other.

[Canadian Lawyer In House, “Firm hopes to keep HudBay lawsuits alive despite sale”, August 15, 2011](#)“

A Toronto law firm is pushing for lawsuits against Canadian mining company HudBay Minerals Inc. regarding alleged human rights abuses to continue despite the fact the company no longer owns the project where the alleged killing of one man and gang rape of 11 women occurred.”

[Mining Weekly, “Guatemalan lawsuits to continue against HudBay, says lawyer”, August 10, 2011](#)

“We believe this sale was prompted in part by the severe human rights issues at HudBay’s Fenix project that dogged the company at every turn,” said Murray Klippenstein, a lawyer representing one of the victims.

[The Prince George Citizen, “UNBC students, prof at leading edge of human rights lawsuit”, April 2, 2011](#)

“A landmark lawsuit launched by 11 Guatemalan women against Canadian mining company HudBay Minerals and its subsidiaries alleging rape, beatings and forced evictions has a UNBC connection.”

[CBC, “HudBay to investigate gang rape allegations”, March 29, 2011](#)

“Toronto-based HudBay Minerals Inc. said Tuesday that it will investigate allegations that security personnel, along with members of the police and military, attacked and gang-raped several women in 2007 during efforts to clear people from lands near a mining project in Guatemala.”

[Mining Weekly, “Guatemalan widow’s lawsuit against HudBay could be precedent-setting”, February 18, 2010](#)

“The trial of a Guatemalan woman who is suing Canadian miner HudBay Minerals for C\$12-million in the Ontario Superior Court of Justice for the death of her husband in 2009 is “probably years away” Angelica Choc’s lawyer said on Thursday.”

[CBC, “Widow Files \\$12M suit against mining company”, December 1, 2010](#)

“A Guatemalan woman has filed a multimillion-dollar lawsuit against Canadian mining giant HudBay Minerals, claiming it is responsible for the death of her husband.”

[CBC, As it Happens, “Guatemala Mining Lawsuit”, December 1, 2010](#)

“The lawyer is Canadian, and so is the company. But in a civil suit announced today, the allegations are of actions committed in Guatemala. That’s where HudBay Minerals Inc. and its subsidiaries operate a nickel-mining project.”

[Prensa Libre, “¡Justicidío, no!” \(Spanish\)](#)

” ‘Yo exijo justicia’ fueron las primeras palabras que escuché decir con fuerza a Angélica Choc, antes de romper en llanto mientras narraba cómo las fuerzas de seguridad de la Compañía Guatemalteca de Níquel, subsidiaria de la minera canadiense HudBay Minerals, asesinaron a machetazos y remataron con un balazo a su esposo.”

[Prensa Libre, “Guatemalteca demanda a minera de Canadá por muerte de su cónyuge”, 2 Diciembre 2010\(Spanish\)](#)

“Una indígena guatemalteca presentó una demanda en un tribunal de Canadá alegando que su marido fue asesinado por un guardia de una mina de capital canadiense en Guatemala.”

[CTV's W5: Paradise Lost](#)

W5 reports on Canadian mining in Guatemala, including the death of Adolfo Ich Chamán.

[Documentary: Violent Evictions at El Estor](#)

A short documentary depicting the forced evictions that occurred in the municipality of El Estor in early 2007. The evictions were requested by Skye Resources, a company that is now part of HudBay Minerals.

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