

Hudbay Minerals/Skye Resources documents reveal knowledge about, enabling of repression and corruption in Guatemala

<https://mailchi.mp/rightsaction/hudbay-mineralsskye-resources-documents-reveal-knowledge-about-enabling-of-repression-and-corruption-in-guatemala>

Amendments Motion: There will be a public hearing in the Hudbay Minerals lawsuits, September 17, 2019, Ontario Superior Court of Justice, 393 University Ave, Toronto

There are depressing and yet affirming revelations in Hudbay Minerals/ Skye Resources corporate documents filed in the Ontario Superior Court of Justice, in preparation for this Amendments Motion.



Five of the eleven plaintiffs, in their home community of Lote 8. Photo @ James Rodriguez

Rights Action aims to bring two (perhaps three) of the plaintiffs to be present with their lawyers during this Amendments Motion. Funds are needed. A funding appeal will be published in the near future.

More information: Grahame Russell, grahame@rightsaction.org

Hudbay Minerals lawsuits - UPDATE: July 2019

<http://www.chocversushudbay.com>

Of 13 plaintiffs in total in the three over-lapping Hudbay Minerals lawsuits, the 11 plaintiffs from Lote Ocho head back to court to add further details to their lawsuit regarding Skye Resources' (now a part of Hudbay Minerals) integral role in the violent evictions of a Mayan village by Guatemalan military, police and private security, resulting in mass rapes.

On September 17, 2019 an Ontario Court will hear a motion by 11 Q'eqchi' women from Guatemala to amend the Statement of Claim in their ongoing lawsuit against Hudbay Minerals to provide further clarification and details regarding the deep involvement of Skye Resources Inc. (now part of Hudbay Minerals) in the violent eviction of their community on January 17, 2007 that lead to the rape of the plaintiffs by the men conducting the eviction.

According to the Notice of Motion filed by the Plaintiffs, the proposed amendments consist of "particulars" providing further details that were learned during the discovery process (of document disclosure and examination under oath of company executives) that help demonstrate that the Defendants:

- took a highly aggressive and confrontational strategy in dealing with the land conflict with the Plaintiffs' Q'eqchi' community in remote Guatemala;
- refused to engage in good faith negotiations or mediation with the Plaintiffs' community;
- aggressively sought forced evictions of the Plaintiffs' community which had an inherent high risk of violence;
- manipulated and abused the legal process in Guatemala to obtain court orders for eviction of the Plaintiffs' community;
- proceeded with evictions that involved use of force despite knowing that Guatemalan police and military had a record of violence and abuse at evictions;
- proceeded with evictions despite the fact that all of the Defendants' own corporate consultants and advisers unanimously advised against a forced eviction because of the risk of violence at such an eviction;
- worked extremely closely with the Guatemalan police and military as an integral part of an overall team in preparation for the forcible eviction;
- paid large undercover monetary payments to the Guatemalan police and military for their service in the forcible evictions;
- specifically arranged for a second later forced eviction of the Plaintiffs' community of Lote Ocho despite there being no pressing need for such an eviction, and without taking any precautions to ensure that the second eviction would be conducted peacefully;
- had full de facto control over whether and when the second forced eviction of the Plaintiffs' community of Lote Ocho would be carried out by Guatemalan police, military and private security personnel;
- despite the use of violence during earlier evictions in November and January (and in particular the burning of homes down to the ground with gasoline), the Defendants did not take any steps to re-evaluate the strategy of seeking forced evictions, or the role that the police and military would play at the second eviction of Lote Ocho on January 17, 2007; and
- acted closely with the police and military in the evictions themselves as an integral part what amounted to a de facto military operation.

For further information regarding the additional details being added to the claim:

- Proposed Amended Statement of Claim: <http://www.chocversushudbay.com/wp-content/uploads/2019/07/2-Caal-v.-HudBay-Proposed-Second-Amended-Statement-of-Claim.pdf>;
- Summary of Amendments: <http://www.chocversushudbay.com/wp-content/uploads/2019/07/Summary-of-amendments-to-statement-of-claim.pdf>

Plaintiffs' lawyers:

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www.chocversushudbay.com

September 17, 2019, Amendments Motion public hearing

Summarized by the lawyers, above, are some of the revelations in materials filed in the Ontario Superior Court of Justice (file # CV-11-423-077, available at court registry office, 393 University Avenue, Toronto) by Murray Klippenstein and Cory Wanless on behalf of their clients, the 11 Q'eqchi women victims of gang-rapes by Hudbay/Skye (and CGN, their Guatemalan subsidiary company) private security guards and Guatemalan military and police.

Depressing revelations

These revelations are depressing. They show that despite its public relations work and statements over many years (buttressed by regular pro-mining statements coming from the Canadian embassy in Guatemala), Hudbay Minerals/Skye Resources corporate officers were fully aware of many of the most serious underlying issues in Guatemala – endemic repression and violence, racism, and corruption and impunity - and that they chose to plan and coordinate directly with the Guatemalan military and police, and their own security guards (many being former military and police) to violently remove the Q'eqchi' inhabitants from their lands, knowing that there were serious risks of violence and repression and knowing that there were unaddressed underlying legal questions as to the validity of Hudbay/Skye claims to the lands in question.



Public education in downtown Toronto, organized by MISN (Mining Injustice Solidarity Network)

Affirming revelations

These revelations are also affirming, confirming things that the local communities have known about, in general terms, for years; confirming what the local communities, and a number of Guatemalan and international NGOs, including Rights Action, have denounced for years. (Not incidentally, NGOs have documented and denounced similar harms and violations linked to other U.S. and Canadian companies operating controversial, violent and possibly illegal mines in Guatemala, including Goldcorp Inc., Tahoe Resources/Pan American Silver, Radius Gold and Kappes, Cassaday Associates.)

What More Will We Learn?

During the past 6 years of discovery and disclosure, Hudbay has been legally obliged to hand over to the Plaintiffs and their lawyers some 19,000 confidential corporate documents (from Hudbay, Skye and CGN) including policy statements, company communications, texts, emails, etc. What the Plaintiffs have included into the court record, for the September 17, 2019, motion to amend, is a small portion of the over-all documents.

As these lawsuits proceed – ever so slowly forward – what more will be revealed in possible future court and trial filings of corporate documents?

Funds needed

Funds are needed to directly support these courageous Mayan Q'eqchi' victims of mining repression for their justice and territorial defense struggles in Canada and Guatemala – including the travels of 2 or 3 plaintiffs to Toronto for the Amendments Motion. To donate, see below. (Proposal and budget available on request)

Send any comments, questions my way.

Thank-you

Grahame Russell, director Rights Action

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Background information:

Is justice possible in Canada or Guatemala for Hudbay Minerals mining repression?

By Grahame Russell, June 12, 2019, <https://mailchi.mp/rightsaction/is-justice-possible-in-canada-or-guatemala-for-hudbay-minerals-mining-repression>

Canadian Companies Mining With The Genocidal Generals In Guatemala

By Grahame Russell, Rights Action, April 6, 2019, <https://mailchi.mp/rightsaction/mining-with-the-genocidal-general-in-guatemala>

Media reports: <http://rightsaction.org/hudbay-minerals-lawsuits-media/>

Film & videos

Defensora (2013)

An award-winning 40 minute film by Rachel Schmidt, documenting Maya Q'eqchi' peoples' struggle in Guatemala to reclaim ancestral lands and to seek justice in Canadian and Guatemalan courts for murder,

shootings and rapes committed by police, soldiers and private security guards working for Canadian mining company Hudbay Minerals/Skye Resources and their former Guatemalan subsidiary CGN.

Trailer: www.defensoratthefilm.com

Film: <https://vimeo.com/75725049>

CBC documentary “In search of a perfect world” (November 2018)

Meet Guatemalans Angelica Choc & German Chub, their lawyer Murray Klippenstein, & Grahame Russell, taking Hudbay Minerals & CGN (Guatemalan Nickel Company) to court.

<https://mailchi.mp/rightsaction/cbc-documentary-meet-guatemalans-angelica-choc-german-chub>

Hudbay Minerals lawsuits

November 25, 2017: The Drop video interview with Cory Wanless and Grahame Russell

View: <https://www.facebook.com/thedropvideo/videos/370077746779053/>

Hudbay Minerals on Trial: Impunity Reigns (2017)

This 4 minute film by Lazar Konforti reports how on April 6, 2017, Mynor Padilla – ex Hudbay Minerals/Skye Resources head of security – was found “not guilty” by Judge Ana Leticia Pena Ayala of killing Adolfo Ich and shooting-paralyzing German Chub Choc.

View: https://www.youtube.com/watch?v=xch_LMzfl7Q&feature=youtu.be

Choc vs. Hudbay (2016)

5 minute film by James Rodriguez: Interview with Angelica Choc during the annual commemoration of the life of her husband, Adolfo Ich, assassinated September 27, 2009, by Mynor Padilla and security guards working for Hudbay Minerals and its subsidiary CGN (Guatemalan Nickel Company).

View: <https://vimeo.com/191327705>

How Can Angelica Choc and German Chub Get Justice? (2016)

3 minute report by Steven Schnoor documenting how the Judge (Ana Leticia Pena Ayala) in the Adolfo Ich murder trial, ordered – May 2016 - a “security protection detail” for Mynor Padilla, ex head of security for Hudbay Minerals (and former lieutenant colonel in the Guatemalan Army), on trial for murder and the shooting-paralyzing of German Chub in September 2009.

View: <https://www.youtube.com/watch?v=rllt5geTlJc&feature=youtu.be>

Mynor Padilla Trial: Racial Discrimination / Caso Mynor Padilla: Discriminacion Racial (2016)

4 minute film by Lazar Konforti on unsuccessful efforts to have allegedly corrupted Judge Ana Leticia Pena Ayala recused from Mynor Padilla trial. Angelica Choc addresses the court, as Mynor Padilla and his team of lawyers (allegedly paid for by Hudbay Minerals) look on; Includes a song written and sung by Adolfo Ich, Angelica’s husband, killed by Mynor Padilla and his security guards on September 27, 2009, when they worked for Hudbay Minerals/CGN.

View: https://www.youtube.com/watch?v=Q_nLF-bke1k&feature=youtu.be

Hudbay on trial for murder in Guatemala / Hudbay enjuiciada por homicidio en Guatemala (2015)

4 minute report by Lazar Konforti: Mynor Padilla, Hudbay Minerals' former chief of security at their mine in Guatemala (which they sold in 2011 to Switzerland company Solway Investment Group), is on trial for murdering community leader Adolfo Ich during an attack by Hudbay's security personnel against community members in 2009. Angélica Choc, Ich's widow, fears for her safety as she has to confront her husband's murderer in court.

View: <https://www.youtube.com/watch?v=ke-mmuPHqFY>

They Cut Me In Half: Fundraiser for German Chub Choc (2014)

5 minute film by Lazar Konforti documenting the life of German Chub, a young Maya-Q'eqchi' father left paralyzed after being shot by Mynor Padilla, head of security for Hudbay Minerals in Guatemala. One lung was permanently damaged; the bullet remains lodged next to his spinal column.

View: <https://www.youtube.com/watch?v=PXElOwBU0E>

Defending Q'eqchi' Territory from Mining: Rebuilding Lote Ocho (2014)

5 minute film by Lazar Konforti documenting how private security forces employed by Hudbay Minerals/Skye Resources, along with Guatemalan police and soldiers, destroyed the Maya-Q'eqchi' community of Lote Ocho, burning 100 homes to the ground, destroying personal property and food, and gang-raping 11 women villagers. Community members are rebuilding homes and community.

View: <https://www.youtube.com/watch?v=xuuJSIztTK8&feature=youtu.be>

Precedent Setting Hudbay Minerals Lawsuits In Canada

The Real News interview (October 13, 2013) with Grahame Russell

http://therealnews.com/t2/index.php?option=com_content&task=view&id=31&itemid=74&jumival=10902

Testimony of Rosa Elbira: Gang-rapes at Canadian mine in Guatemala (2010)

In 2007, private security forces employed by Canadian company Skye Resources (later owned by Hudbay Minerals), along with Guatemalan police and soldiers, violently evicted the Q'eqchi' community of Lote Ocho, burning 100 homes to the ground, destroying all personal property and food stuffs, and gang-raping 11 women villagers. Rosa Elvira is one of the women.

View: <https://www.youtube.com/watch?v=dSGuDk4cnz4>

Violent Evictions at El Estor, Guatemala

By Steven Schnoor, this 10 minute film (2007) documents illegal, forced evictions of Mayan Q'eqchi' communities in Guatemala on behalf of Skye Resources/Hudbay Minerals.

View: <https://www.youtube.com/watch?v=JgwtLulSE1Y&t=10s>

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

Funds are need to help bring two (perhaps three) Hudbay Minerals plaintiffs to Toronto, to attend the September 17, 2019 hearing. Funds will help pay for all aspects (travel, lodging, food, visas, etc.) of their trip. **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

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