

## Hudbay Minerals lawsuits (liability for gang-rape, murder, shooting-maiming) public court hearing: November 8, 2019, Toronto

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*“Several of the [Maya Q’eqchi’] plaintiffs describe, in documents filed in the case, the trauma — being tied, beaten and gang-raped in front of their children — in excruciating detail while under examination by Hudbay’s lawyers at Fasken, Tracy Pratt and Robert Harrison. [...] A representative for Hudbay Minerals, who was present in the courtroom, referred questions to the company’s lawyers, who declined to comment.”*

(Financial Post, September 17, 2019, <https://business.financialpost.com/commodities/indigenous-guatemalan-women-travel-to-toronto-to-press-hudbay-on-human-rights-claims>)



Free public education session in Toronto, by MISN (Mining Injustice Solidarity Network)

**Public hearing:** November 8, 2019, 10:00am, Superior Court of Justice, 393 University Ave., Toronto, ON, Canada, M5G 1E6

- Lawyers for 13 Maya Q’eqchi’ plaintiffs: Murray Klippenstein ([murray.klippenstein@klippensteins.ca](mailto:murray.klippenstein@klippensteins.ca)) & Cory Wanless ([cory@waddellphillips.ca](mailto:cory@waddellphillips.ca)).

Rights Action is bringing one of the plaintiffs –Angelica Choc- to be present with their lawyers during this Amendments Motion. She will be available for interviews. Contact Grahame Russell (Rights Action): [grahame@rightsaction.org](mailto:grahame@rightsaction.org).

- To financially support Mayan Q'eqchi' victim-plaintiffs struggles for justice in Canada and Guatemala, see below.

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

Even as more information is revealed are made about how Peruvian police sold themselves to Hudbay Minerals as private security guards (<https://mailchi.mp/rightsaction/peruvian-police-sold-themselves-to-hudbay-minerals-as-private-security-guards>) and how the Peruvian police detained Jen Moore and John Dougherty while they were in Peru reporting on human rights violations and other harms caused by Hudbay's mine there ...

... In Toronto, on November 8, 2019, there will be a public hearing in the Hudbay Minerals lawsuits related to gang-rape, murder, shooting-maiming that occurred near Hudbay's former mine site in Guatemala.

### **Lawsuits update (<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 November 8, 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:

- paid large undercover monetary payments to the Guatemalan police and military for their service in the forcible evictions;
- worked extremely closely with the Guatemalan police and military as an integral part of an overall team in preparation for the forcible eviction;
- 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;
- 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.

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>

#### **Lawyers for 13 Maya Q'eqchi' plaintiffs**

- Murray Klippenstein ([murray.klippenstein@klippensteins.ca](mailto:murray.klippenstein@klippensteins.ca))
- Cory Wanless ([cory@waddellphillips.ca](mailto:cory@waddellphillips.ca))

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#### **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.

#### **Affirming revelations**

These revelations are also affirming, confirming things that the local communities have suffered and denounced for years; confirming what Guatemalan and international NGOs, including Rights Action, have denounced for years.

Not coincidentally, 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. (now Newmont-Goldcorp), Tahoe Resources (now 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 November 8, 2019 motion to amend, is a small portion of the over-all documents.

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

Thank-you  
Send any comments, questions my way

Grahame Russell, director Rights Action  
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### **Tax deductible donations (Canada / U.S.)**

Funds are needed to support the Mayan Q’eqchi’ victims of mining repression for their justice and territorial defense struggles in Canada and Guatemala. (Proposal and budget available on request)

| 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/>

Donations of stock? Write to: [info@rightsaction.org](mailto:info@rightsaction.org)

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