

## Ontario court rejects Hudbay Minerals appeal in Lote Ocho sexual violence lawsuit

By Grahame Russell, Rights Action

<https://mailchi.mp/rightsaction/ontario-court-rejects-hudbay-minerals-appeal-in-lote-ocho-sexual-violence-lawsuit>

“Mr. Wanless, I do not need to hear from you”, said Judge Fred Myers of the Ontario Superior Court during the September 30, 2020 Hudbay Minerals lawsuit hearing, indicating he had no need to listen to arguments from lawyers for the plaintiffs, Cory Wanless and Murray Klippenstein.

With that, Judge Myers – after listening that morning to 2 hours of arguments from Hudbay Minerals’ team of lawyers from corporate law firm Faskens – orally gave his decision, outright rejecting Hudbay’s appeal of a January 21, 2020 decision by Master M.P. McGraw in favour of the Mayan Q’eqchi’ plaintiffs in their decade long lawsuit against Hudbay Minerals. (A written decision will soon be published) [...]



Public education work in downtown Toronto, enabled by Mining Injustice Solidarity Network

One of three lawsuits comprising the landmark “Hudbay Minerals lawsuits” (the others being for the killing of Adolfo Ich, and shooting-maiming of German Chub), eleven Q’eqchi’ women from Guatemala are suing Hudbay for gang-rapes suffered in 2007, committed by roving gangs of private security guards working for Skye Resources at the time (later amalgamated with Hudbay), together with Guatemalan soldiers and police.

This sexual violence took place January 17, 2007, during a violent, illegal destruction of the womens’ village of Lote Ocho in eastern Guatemala, where Skye Resources/Hudbay Minerals were trying – illegally as it turns out – to operate a mountain-top removal, open pit nickel mine from 2004-2011.

Thus ends some two years of legal wrangling and court appearances by lawyers for Hudbay and for the Guatemalan plaintiffs – legal wrangling just to get the lawsuits back on track again. The plaintiffs and their lawyers were right all along.

### **Ignorance or delay tactic?**

In late 2017, some seven years after the lawsuits were initiated, Hudbay’s lawyers began challenging a fundamental argument of the plaintiffs - that they were attempting to hold Hudbay accountable for sexual violence they suffered at the hands of company security guards, Guatemalan police and soldiers.

Hudbay began to argue that in Canadian courts the company could only be held accountable for “alleged rapes” committed by company guards, not by Guatemalan police and soldiers. Whether Hudbay’s team of lawyers was actually mistaken about this fundamental argument and position of the plaintiffs, or whether this was a strategy to drag out the lawsuits and wear down the impoverished, long-suffering plaintiff-victims, thus began two years of legal wrangling and court appearances – until the Master’s court (January 21, 2020) and then the Appeals court (September 30, 2020) re-confirmed what has been true since the beginning - the eleven Lote Ocho women are suing Hudbay (then Skye Resources) for gang-rapes committed by company security, police and soldiers during the company’s illegal eviction and destruction of Lote 8.

Stay tuned for next steps on this precedent setting, very long road to justice and reparations in Canada.

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### **Plaintiffs’ lawyers**

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

### **General information**

About Mayan Q’eqchi justice and territorial defense struggles related to Hudbay’s former mining operation in Guatemala, now owned and operated by Solway Investment Group: Grahame Russell, Rights Action, [grahame@rightsaction.org](mailto:grahame@rightsaction.org)

### **Hudbay Minerals ARCHIVES**

<https://rightsaction.org/hudbay-minerals-archives>

### **EVICTING LOTE OCHO: How a Canadian Mining Company Infiltrated the Guatemalan State**

By Max Binks-Collier, September 26 2020

<https://theintercept.com/2020/09/26/hudbay-skye-canada-mining-guatemala/>

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