

Summary of *Choc v. HudBay Minerals Inc.*

What is the purpose of the lawsuit?

- The lawsuit seeks accountability for the death of Adolfo Ich Chamán (“Adolfo Ich”), who was hacked and shot to death by private security forces employed at the Fenix mining project near the town of El Estor, Guatemala.
- The lawsuit claims \$2 million in general damages and \$10 million in punitive damages.

Who is this lawsuit against?

- The lawsuit is against HudBay Minerals Inc. and two of its subsidiaries, HMI Nickel Inc. and Compañía Guatemalteca de Níquel S.A. Together, these companies own and control the Fenix Mining Project. The lawsuit alleges that the wrongful actions and omissions of these companies and their employees led to Adolfo Ich's death.
- **HudBay Minerals Inc.** is a Canadian mining company that is headquartered in Toronto. HudBay Minerals, through subsidiaries, owns the Fenix mining project in Guatemala, as well as several mines in Canada.
- **HMI Nickel Inc.** is a Canadian shell company and subsidiary of HudBay Minerals. HMI Nickel was formerly called Skye Resources.
- **Compañía Guatemalteca de Níquel S.A.** is a subsidiary of both HudBay Minerals and HMI Nickel. CGN directly employs the security forces that are alleged to have killed Adolfo Ich.

Who is bringing the lawsuit?

- **Angelica Choc** is the widow of Adolfo Ich. She resides in the community of La Unión, located in the municipality of El Estor, Guatemala. She is a community leader and is the mother of Adolfo's five children. She brings this lawsuit on her own behalf and as a representative of the estate of Adolfo Ich.
- **Adolfo Ich Chamán** was the President of the Community of La Unión, a respected Mayan Q'eqchi' community leader, a schoolteacher and a father. He was an outspoken critic of the harms caused by Canadian mining activities in his community.

What happened?

- On September 27, 2009, fears of forced violent evictions of several Mayan communities located near the Fenix mining project sparked a series of community protests.
- In the early afternoon of September 27, 2009, Adolfo Ich was with his wife at his house in La Unión when he heard gunshots being fired from the direction of mine buildings, located not far from his house. Adolfo went to find out what was going on, to warn people to stay back and to see if he could help restore calm. He was not carrying any weapons.
- When Adolfo Ich arrived, private security forces of the mine recognized him as a prominent community leader and appeared to invite him to speak with them about the community protests.
- As Adolfo Ich approached, approximately a dozen armed security forces surrounded him, beat him and hacked at him with a machete, before shooting Adolfo in the head at close range. Adolfo Ich died of his wounds shortly after.

Why is Angelica Choc suing in Canada?

- There is a strong connection between Canada and the Fenix Project.
 - HudBay Minerals is a Canadian company that is headquartered in Toronto, Ontario. HudBay's head offices are located a mere five blocks away from the court where the case will be heard.
 - HudBay Minerals, through subsidiaries, owns, operates, finances, and controls the Fenix mining project, including its security forces.
 - The Fenix nickel mining project has been owned and operated by Canadian companies since the 1960s.
- Angelica's family cannot get justice in Guatemala.
 - Guatemala suffers from systemic impunity. In other words, Guatemala's legal system routinely fails to bring perpetrators of human rights violations to justice.
 - In 2009, the International Commission Against Impunity in Guatemala (sponsored by the United Nations) reported that "the impunity rate in Guatemala amounted to some 98 per cent, with only 2 out of every 100 cases actually going to court."
 - In 2007, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated that "Guatemala is a good place to commit a murder, because you will almost certainly get away with it."

What are the larger issues at the mine site?

- There is an ongoing land conflict between local communities and the mining company.
- During Guatemala's bloody civil war, which included the genocide of the Mayan people, Mayan Q'eqchi' communities were driven off of land that is now considered part of the Fenix mining project.
- In or around September 2006, Mayan Q'eqchi' communities reclaimed several small parcels of land by moving onto and occupying them. These farmers view their reclamation as a rightful and legal repossession of historic Mayan Q'eqchi' land unjustly taken from them and their families during the Guatemalan Civil War.
- In late 2006 and early 2007, police, military and private security forces conducted a number of forced evictions of these reclaimed communities at the request of HMI Nickel (then called Skye Resources). In the course of these evictions, private security forces, police and military burnt hundreds of houses to the ground, fired gunshots, stole goods, and in at least one community, gang-raped several women.
- Evicted community members from the five communities have since returned and continue to reside and farm on this contested land. HudBay Resources and HMI Nickel have repeatedly referred to these land claimants as "squatters" or "invaders", and have to date refused to recognize or accommodate Mayan Q'eqchi' claims to the land.