

Article 2: HudBay Minerals case

Lawsuit against mining firm brings Guatemalans to Toronto

Hudbay Minerals denies involvement in alleged shootings and gang rape

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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.

The five, from two villages in the El Estor region, are preparing for pre-trial questioning by lawyers for Hudbay Minerals Inc. in connection with three civil suits filed against the Toronto firm. They concern the [alleged killing of community leader Adolfo Ich](#) in 2009, a separate shooting that left another man paralyzed in 2009 as well as the gang rape of 11 women in 2007.

In north Toronto earlier this week, Rosa Elbira choked back tears as she recounted the day in 2007 when she says she was [repeatedly raped](#) by nine men including police, soldiers and security officers for a mining company.

Beside her, holding her hand in support, sat German Chub Choc, 23, who's paralyzed from the waist down, a bullet still lodged near his spine. He admitted to moments despair since the day in 2009 when he says he was shot by the head of the same mining company's security detail.

"Look at me," he said through a Spanish translator, pointing to his wheelchair. "Look at what I've become. I'm not lying."

'Look at what I've become. I'm not lying'— Paraplegic shooting victim German Chub Choc

The Guatemalans say a mining business called Compania Guatemalteca de Niquel, or CGN — acquired by Hudbay Minerals in 2008 — is to blame.

None of the allegations has been proven in court. Hudbay Minerals denies liability and suggests on its website the claims will not hold up.

"Based on extensive internal investigations and eyewitness reports, Hudbay believes that the allegations in these matters are without merit," the company says. "CGN security and other personnel showed extraordinary restraint and acted only in self defence."

Its lawyers are trying to stop the case in its tracks, arguing any trial should be held in Guatemala.

The plaintiffs are facing a major challenge, Audrey Macklin, a professor at the University of Toronto law school, told CBC News. Canadian judges have traditionally been reluctant to hear this kind of case, she said, even when the plaintiffs argue the justice system in their homeland is corrupt or ineffective.

However, that's the case the Guatemalans are expected to make, insisting their only route to justice for what they claim happened in Guatemala is through a Canadian courtroom.