

## Guatemalan protestors reach landmark conclusion to lawsuit against Canadian mining company

*Conclusion reached with Pan American Silver, the acquirers of Tahoe Resources, includes a public apology to the protestors and the community for the conduct of mine security forces. Marks the first time foreign plaintiffs have achieved justice in a human rights case against a Canadian mining company in the Canadian court system.*

VANCOUVER, BC; GUATEMALA CITY, GUATEMALA, July 30, 2019 --- The six-year long legal battle between a group of Guatemalan protestors and Tahoe Resources of Vancouver, Canada, has come to a landmark conclusion. Pan American Silver, which acquired Tahoe in February 2019, has issued a public apology stating that “the shooting on April 27, 2013, infringed the human rights of the protestors,” and “Pan American, on behalf of Tahoe, apologizes to the victims and to the community.”

In April 2013, the protestors gathered at the entrance to Tahoe’s Escobal Mine in south-east Guatemala to protest the lack of community consultation on the project. The head of security for the mine, Alberto Rotondo, ordered security personnel to break up the demonstration by shooting at the protestors. Several were injured, one very seriously. The victims retained Vancouver-based Camp Fiorante Matthews Mogerman (CFM Lawyers) to represent them in a civil suit against Tahoe in Canada.

“This is an important victory for us and our community,” said claimant Luis Fernando Garcia. “It vindicates our right to protest and to continue our resistance against mining operations in our community”.

The conclusion of the case does not impede the ability of the protestors to exercise their legal rights of protest related to the mine in the future.

In 2017, the BC Court of Appeal overturned a lower court decision and confirmed that the case should be heard in Canada, concluding that there was a real risk that the Guatemalan protestors would not get a fair trial in their own country.

“The case sets a very important precedent,” said Joe Fiorante, Q.C., partner at CFM Lawyers. “It confirms that Canadian courts are the appropriate forum for human rights claims arising from the foreign activities of Canadian mining companies.”

University of Ottawa law professor Penelope Simons, co-author of *The Governance Gap*, a leading textbook in the field of business and human rights, agrees, “These types of claims are crucial in terms of ensuring access to justice for victims of business-related human rights violations. They are one of the only means through which such victims can hold businesses accountable and seek reparations for the harm they have suffered.”

Shin Imai, professor emeritus at Osgoode Hall law school, calls the resolution “a major breakthrough in the struggle to hold Canadian companies responsible for the wrongs committed at their overseas operations. It forms an important piece of an emerging legal framework to address human rights issues arising from conflicts between Canadian mining companies and communities abroad.”

The Canadian lawsuit is not related to the suspension of Tahoe’s mining licence by the Constitutional Court of Guatemala. The conclusion of the Canadian case will not impact the ongoing consultation process in Guatemala regarding the mine. Likewise, the conclusion of the Canadian lawsuit does not affect the criminal proceedings in Guatemala against Alberto Rotondo.

Camp Fiorante Matthews Mogerman LLP (CFM Lawyers) is a Vancouver-based law firm that focuses on the representation of plaintiffs in human rights, class actions, aviation and complex tort claims. The firm

has extensive experience in transnational cases involving corporate accountability, anti-trust and product liability claims arising from cross border conduct. Joe Fiorante, Reidar Mogerman and David Jones lead the firm.

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For further information contact:  
Joe Fiorante, QC  
Camp Fiorante Matthews Mogerman LLP  
[JFiorante@cfmlawyers.ca](mailto:JFiorante@cfmlawyers.ca)  
Mobile: [+1-604-377-8182](tel:+16043778182)

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