

Rights Action
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Hudbay Minerals/CGN Mining & Impunity Update: Accused Killer Mynor Padilla Still In Jail



(Accused killer Mynor Padilla, former head of security for Hudbay Minerals/CGN, and former Colonel in Guatemala Army.)

- Below: A communique written mainly by family members of the crimes committed by Mynor Padilla (including a murder, a shooting-paralyzing, and other woundings), while working as head of security for Hudbay Minerals and its former subsidiary company in Guatemala CGN.
- Rights Action: continues to support these families, and Mayan Qeqchi communities in this region as they work for community controlled development, environmental protection and respect for human rights.

What to do: See below

Former Head Of Security Of Hudbay Minerals/CGN Tries To Obstruct Due Process In Guatemala, But Is Not Released

July 25, 2014

Mynor Ronaldo Padilla González, former head of security of HudBay Minerals/CGN (Guatemalan Nickel Company) tries to obstruct due process in order to avoid justice.

On July 22, 2014 a hearing took place in Puerto Barrios to review a legal petition in favor of Mynor Padilla's release pending trial, despite the fact that this petition exceeded the time-limits stipulated in the judicial process. The judge however, following the principle of the right to petition, called both parties to the hearing.

Mynor Padilla is accused of the assassination of Adolfo Ich, the shooting that paralyzed German Chub, and the armed attack that wounded at least seven more people on September 27, 2009, when HudBay Minerals/CGN attempted to carry out the illegal forced eviction of the Las Nubes community (El Estor) that resulted in Mayan Q'eqchi' community members protesting outside the offices of Hudbay Minerals/ CGN.

During the hearing, Padilla's lawyers argued that "their client needs to prepare himself technically for the upcoming trial and he deserves opportunities to do so; that he wants to collaborate with the justice system, as he has done until now, and he has children and a wife, thus he should be freed."

These are absurd arguments that have nothing to do with what the law dictates, and common sense tells us that nobody can believe that a person, who had been a military officer, fugitive of justice during three years and declared in contempt of court in 2012, would now collaborate with the justice system, were he set free.

The office of the prosecution (Ministerio Publico), CICIG (International Commission against Impunity in Guatemala) and Angelica Choc – one of the plaintiffs, and widow of the murdered Adolfo Ich – pointed out the impertinence of Mynor Padilla's petition. Not only is his petition untimely in the judicial process, but moreover, the law does not allow for a substitutive measure in the case of homicide, which is one of the crimes that Padilla is accused of.

The Judge resolved the inadmissibility of the petition and Mynor Padilla continues in prison!

MYNOR PADILLA THREATENS ANGELICA CHOC (PLAINTIFF)

As the hearing concluded, Mynor Padilla directly threatened Angélica Choc. Several people observed the way in which he spoke to her, and the intimidating words he used against her. His attitude is a continuation of the pressures and threats that the key witnesses in the case received days earlier, all of which were denounced to the Office of the Prosecution and the CICIG (International Commission against Impunity in Guatemala).

Mynor Padilla is a trained member of the military, a retired Lieutenant Colonel of the Guatemalan Army. After he committed the acts on September 27, 2009, for which he is on trial, he was a fugitive from justice for over three years, even while continuing to receive a salary from HudBay Minerals/CGN. It is likely he was under their protection, in one form or another. Padilla was declared in contempt of court and it was not until

September 26, 2012, that the National Civilian Police detained him in Cañadas del Rio, jurisdiction of San Miguel Petapa.

We must remember that these acts of violence were known by authorities of the municipality of El Estor, by the police, the office of the prosecution, the office of the Prosecution for Human Rights and social organizations. From the very beginning, eyewitnesses signaled Mynor Padilla as the intellectual and material author of these crimes, and he was acting as head of security of the Fenix mining project (then owned by HudBay Minerals/CGN), ordering his subordinates to shoot indiscriminately against the members of the Maya Q'eqchi community in the area.

CONSIDERING THE ATTEMPT TO OBSTRUCT DUE PROCESS, we hold Mynor Padilla, Hudbay Minerals and CGN responsible for what could happen to the families and witnesses involved in the legal process.

We ask the Q'eqchi people, Human Rights organizations, the national and international communities and International Human Rights institutions to maintain their solidarity, accompaniment and to pronounce against these violations, intimidations and threats described earlier.

We request your accompaniment and observation in the debate programmed for September of this year.

FOR THE RIGHT TO LIFE, JUSTICE AND MOTHER EARTH, NO MORE IMPUNITY AND NO MORE MINING COMPANIES IN OUR LANDS.

FAMILIA ICH CHOC (Ich Choc Family)
ENCUENTRO CAMPESINO
DERECHOS EN ACCION (Rights Action, USA y Canada)
ROMPIENDO EL SILENCIO (Breaking the Silence)
COMITÉ DE UNIDAD CAMPESINA – CUC
FUNDACION GUILLERMO TORRIELLO
RESISTENCIA LA PUYA SAN JOSE DEL GOLFO (La Puya Resistance, San José del Golfo)
FRENTE POPULAR POR LA SOBERANIA Y DIGNIDAD (Popular Front for Sovereignty and Dignity)
ASOCIACION PARA LA JUSTICIA Y RECONCILIACION – AJR
VICTIMAS Y COMUNIDADES Q´EQCHIES EN RESISTENCIA (Victims and Q'eqchi Communities in Resistance)
CENTRO DE ACCION LEGAL, AMBIENTAL Y SOCIAL – CALAS
EQUIPO DE ESTUDIOS COMUNITARIOS Y ACCION PSICOSOCIAL - ECAP

Rights Action

Since 2004, Rights Action has supported the community development and environmental defense and human rights work of the nickel-mining harmed Mayan Q'eqchi' communities of Guatemala. Since 2010, we have supported their struggles

and work for justice and reparations, both in Guatemala and Canada, for mining caused harms and violations.

More information

- In Canada/ USA, contact: Grahame Russell, info@rightsaction.org, www.facebook.com/rightsaction.org, www.rightsaction.org
- Para apoyar a las y los victimas de los crímenes de la CGN/Hudbay Minerals, favor de comunicarse con: Isabel Solis, 5309-5580, rozulhati@yahoo.es, y con Angelica Choc (viuda del finado Adolfo Ich), 4061-0856
- About the precedent setting civil lawsuits in Canada against Hudbay Minerals/CGN, contact Klippensteins Barristers & Solicitors: www.chocversushudbay.com

Award-winning film ~ "Defensora"

40 minute film by Rachel Schmidt (2013)

Trailer/ Screenings/ Info: www.defensorathefilm.com

"Defensora" documents the Mayan Qeqchi people's struggle, in eastern Guatemala, to reclaim their ancestral lands, to promote community development and environmental well-being, and to seek justice and remedy in both Canadian courts, for the murder, shootings and rapes committed against them by Canadian mining companies (particularly Hudbay Minerals) in Guatemala.

Maclean's Magazine photo-report

"Mining For The Truth In Guatemala: What lawsuits claiming rape and murder in a Guatemalan jungle mean for Canadian companies abroad."

This photo-report and 3 minute video on Hudbay Minerals/CGN lawsuits in Canada for gang-rapes, a killing and a shooting-paralyzing at Hudbay's former nickel mining site in Guatemala. (<http://www.macleans.ca/news/world/mining-for-the-truth-in-guatemala/>)

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