

Rights Action
April 26, 2015

Everyone To Puerto Barrios: Support Mayan Q'eqchi' people struggling for justice for the crimes of nickel mining

The criminal trial against Mynor Padilla – former colonel of the Guatemalan army, former head of security of the Canadian mining company Hubbay Minierals and the Guatemalan Nickel Company (CGN) – continues on April 28, 2015 in Puerto Barrios.

Everyone is invited!



(In the picture, from April 14, 2015, the accused, Mynor Padilla, stands beside his lawyers Frank Manuel Trujillo Aldana, Carlos Rafael Pellecer López and Francisco José Palomo Tejeda, who is one of former General Ríos Montt's lawyers in the trial he faced for genocide. Who is paying Mynor Padilla's defense lawyers?)

We denounce the acts of intimidation, threats and persecution carried out against witnesses, plaintiffs and those partaking in the trial against Mynor Padilla, accused of the murder of Adolfo Ich, the attack against German Chub (leaving him paralyzed from the chest down) and the attack against 7 more people from the Las Nubes Community, on September 27, 2009.

The trial against Mynor Padilla continued on April 14, 2015 in Puerto Barrios, Izabal. Four people from the Las Nubes Community were called to testify. Three of them were unable to go because they work for CGN and their supervisor warned them that they could not go to declare in court.

The Las Nubes witness who did appear in court demonstrated great fear, due to the intimidation suffered by other witnesses and because when he testified, the accused, Mynor Padilla, was right in front of him, watching him and making intimidating gestures at him, all of which the judge did not stop.

Additionally, there was a noticeable presence of suspicious looking men in dark sun glasses, who had never been there before, standing in front of and on the side streets encircling the Puerto Barrios court. Prior to, during and after the hearing, they were observing, taking pictures of and filming the people who came to participate in and watch the trial.

After the hearing, the families from the different Q'eqchi' communities who had gone to watch the trial, the plaintiff (Angelica Choc, widow of Adolfo Ich) and the Las Nubes witness took public transportation (a minibus) to return to El Estor, Izabal. After crossing the Rio Dulce Bridge, they were followed by two vehicles that transported Mynor Padilla's family, who trailed them all the way to El Estor.

This is a public trial, according to Article of 365 of the Penal Code. However, journalists were denied the right to do their job during the hearing, simply because the ex-army officer Mynor Padilla requested that the judge prevent journalists from taking pictures because of his "innocence". This is also despite the fact one of his lawyers was recording the hearing and taking pictures with his computer.

On April 8, the first day of the trial, among the witnesses called was Mr. Carlos Rafael Pellecer López, who was employed in management of the CGN company in 2009, at the time of the crimes, and is now a defense lawyer, as well as a witness for the defence! When called to testify before the court, Pellecer Lopez proceeded to give a report of the incidents, concerning issues that he had never seen directly; and when he finished, he took his seat as a defense lawyer!

To make matters worse, the Supreme Court of Justice notified the trial judge of her pending transfer to a post in the capital city, without naming a judge to continue the trial.

All of these incidents are of extreme concern, because the safety and integrity of witnesses, victims, plaintiffs and families of victims (Adolfo Ich, German Chub and from Las Nubes) are at great risk.

WE DEMAND that the Office of the Prosecution investigate and monitor the issues denounced above, and order security measures to protect all of the people participating in the trial.

April 28th – Puerto Barrios

The trial will continue on April 28, 2015, 10:00am. We request the presence of national and international human rights institutions, ambassadors, the CICIG, the Presidential Commission against Discrimination and Racism –CODISRA-, the Human Rights Prosecutor's Office, the Office

of the United Nations High Commissioner for Human Rights – OHCHR -, to attend the trial as observers.

WE DEMAND JUSTICE - NO MORE MINING VIOLENCE AND LAND EVICTIONS AGAINST THE Q'EQCHI PEOPLE

Communities in Resistance of El Estor, Rights Action, Committee of Peasant Unity –CUC-, the Guillermo Toriello Foundation, Communities in Resistance of Livingston, and Alliance Against Criminalization

Further information

- In Guatemala: Licda Martha Garcia, 5764-3390; Angelica Choc, 4061-0856
- In Canada/USA: Grahame Russell, 416-807-4436, info@rightsaction.org

What To Do

Tax-Deductible Donations (Canada & U.S.)

Rights Action continues to send funds to the victims and their supporters, so they can attend the trial and do everything they can to break the wall of impunity that Hudbay/CGN enjoy in Guatemala, and see that a measure (however so small) of justice is done. To support the struggle of the Mayan Qeqchi people to defend their lands, environment and community well-being, and to fight for justice in Canadian and Guatemala courts, make check payable to "Rights Action" and mail to:

- United States: Box 50887, Washington DC, 20091-0887
- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8
- Credit-Card Donations (Canada & U.S.): <http://www.rightsaction.org/tax-deductible-donations>
- To donate stock, contact: info@rightsaction.org

May 22, 2015 – Hudbay Minerals' Annual Shareholder Meeting

With MISN (Mining Injustice Solidarity Network) and Breaking the Silence

(<http://www.breakingthesilenceblog.com/>), Rights Action is bringing three of the victims-plaintiffs (Rosa Elvira, from Lote 8; German Chub, from El Estor; Angelica Choc, from La Union) to Toronto to meet with the Klippensteins lawyers on the lawsuits in Canada, to do media work, and to participate in education activities related to the Annual Shareholder Meeting of Hudbay Minerals to be held May 22, 2015.

- More information: Mining Injustice Solidarity Network, rachelblumesmall@gmail.com, <http://www.mininginjustice.org/>

Civil Lawsuits in Canada Against Hudbay Minerals and CGN

- More information: Klippensteins Barristers and Solicitors, www.chocversushudbay.com

“Defensora”

Screen this award winning film by Rachel Schmidt that documents the lives and vision of the Mayan Qeqchi people and their efforts to seek justice in Canadian courts against Hudbay Minerals and CGN.

- Trailer/Information: www.defensorathefilm.com
- Version en espanol: <https://vimeo.com/83654243>

More Information

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