

Rights Action
August 4, 2015

Murder Trial Continues In Guatemala Against Hudbay Minerals Head of Security

- **Below:** Update by Mayan Q'eqchi' victims of repression and crimes committed in Guatemala by Hudbay Minerals, CGN and the Solway Group

Trial continues, August 4-5, 2015. More information:

- In Guatemala: Angelica Choc, 4061-0865; Martha Garcia, 5764-3390, titayu2005@yahoo.es
- In Canada/USA: Grahame Russell, info@rightsaction.org

What to do: See below

Murder Trial Continues In Guatemala Against Hudbay Minerals Head of Security

(Update: August 4, 2015)

To date, the Guatemalan Nickel Company (CGN), former subsidiary of the Canadian company, Hudbay Minerals (2004-2011), and now a subsidiary of Solway Investment Group (since September 2011), has provoked countless abuses and acts of violence, leaving victims of homicide, serious injury and severe injury by firearms, as well as victims of gang rapes.

Criminal Case in Guatemala against Mynor Padilla

In Guatemala, there is a criminal court case against the perpetrator of these crimes, but it progresses slowly, with many obstacles to advancing the process and to being hopeful that justice will soon be done.

The criminal case (currently in the stage of oral and public debate) against Mynor Padilla, the former head of security of Hudbay/CGN, for the serious injury of several campesinos, the shooting-paralyzing of German Chub Choc, and the killing of Adolfo Ich Chaman, is being heard in one of Izabal's One-Judge Trial Courts.

The debate began in April 2015, and to date, there have been nine hearings with the participation of sixteen witnesses.

Mynor Padilla's defense lawyers offered 55 witnesses. The plaintiff (Angela Choc, widow of Adolfo Ich) and the Prosecutor offered 35 witnesses, including expert witnesses and other specialists who can prove how the incidents occurred, supported by scientific evidence, in order to punish those responsible.

Lawsuit Against Hudbay/CGN in Canada

In Canada, the Supreme Court of Justice of Ontario (in Toronto) heard the lawsuit against Hudbay and its co-defendant CGN for the gang rape of eleven women during an illegal and violent forced eviction of the Lote 8 community in January 2007; for the September 2009 murder of Adolfo Ich Chaman, and the attack with firearms against German Chub Choc that left him paralyzed.

On July 22, 2013, the Court ruled that establishing Hudbay and CGN's responsibility for the aforementioned acts of repression corresponds to the jurisdiction of the Canadian legal system. After this date, the lawsuits entered the evidence-gathering phase and the Court ordered that Hudbay/CGN release information on the company's relationship with the communities of the plaintiffs/complainants "to establish the broader context of the behavior of these companies with their security forces...".

Lawyer Cory Wanless (Klippensteins Barristers and Solicitors) expressed: "... Hudbay's internal documents will, we think, reveal serious deficiencies regarding Hudbay's interactions and relationships with the plaintiffs' communities ... that contributed to the commission of the alleged aforementioned acts of violence." This lawyer sustained that: "it is important that Canadian companies are not able to get away with serious abuses abroad that would never be tolerated in their home country".

Recent Acts of Violence and Repression

Other acts of violence in which the nickel companies are involved:

In January 2013, the company fired hundreds of workers, hiring personnel who are not from El Estor. Those fired protested, demanding work and the payment for their work. Several resulted with bullet wounds in this event.

The latest act of violence took place in January 2015, leaving one man dead and several injured, when hundreds of people protested outside of the CGN offices in El Estor, Izabal, demanding that the CGN fulfill its promise to give work to the population. In both cases, the CGN never gave an answer.

Similarly, one should remember the violent death (in March 2012) in CGN property of three students from the Universidad del Valle de Guatemala, which also involved CGN personnel. To date, there has been no justice for these cases,

neither for the three students who were killed in 2012 nor for the January 2015 killing.

Truth And Justice For Mining Repression

In this context, plaintiffs, victims and the proposed witnesses are working to let the truth be known, signaling those responsible for the crimes, with the hope that there will be justice, so that Hudbay Minerals, the CGN and the Solway Group stop hiding behind the impunity provided to them by those in power.

Next dates of the judicial process: August 4 and 5, 2015, Puerto Barrios
We request your accompaniment in the next hearing that will take place on August 4 and 5, in the Trial Court, located in the Judicial Building of Puerto Barrios, Izabal.

More information:

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To support the Mayan Q'eqchi' victims/plaintiffs as they struggle to end the impunity of Hudbay and CGN and achieve justice in the criminal trial in Guatemala and the precedent setting civil lawsuits in Canada, 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>
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"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

More Information

- Grahame Russell, info@rightsaction.org
- Get on/off our listserv: www.rightsaction.org
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