

## Why did Mynor Padilla, former head of security of Hudbay Minerals/CGN, change his name?

(<http://mailchi.mp/rightsaction/why-did-mynor-padilla-former-head-of-security-of-hudbay-mineralscg-n-change-his-name>)

On trial in Guatemala for the mining related killing of Adolfo Ich and shooting-maiming of German Chub, it is revealed that Mynor Padilla changed his name in 1982:

*“Mynor Ronaldo Padilla González is from the 102nd Promotion (graduating year). We now know that he changed his name, since he originally registered in the polytechnic school as Jaime Rolando Padilla Gonzalez, with the number 4502. He changed his name in 1982, one year after entering this branch of the armed forces. His military promotion is one of the group of promotions of the polytechnic school 99-103 (1981-1984) that graduated during the bloodiest years of war, in which they were involved in the main war operations in the western part of Guatemala, where hundreds of villages were destroyed.”*



- **Here:** In-depth article about struggle for justice in Guatemala and Canada, against Hudbay Minerals/CGN.
- **Below:** Fund-raising appeal to support Mayan Q’eqchi’ plaintiffs in Hudbay Minerals lawsuits

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## Attorney General, CICIG and Angelica Choc continue with criminal trial against ex-military linked to Hudbay Minerals

By Luis Solano, June 6, 2017

<https://cmiguatate.org/mp-y-cicig-accionan-contra-libertad-de-militar-vinculado-a-minera-en-el-estor/>

On June 1st, the Attorney General, the International Commission Against Impunity in Guatemala (CICIG) and the complainant, Angelica Choc, widow of the professor Adolfo Ich, presented appeals of the acquittal judgment favoring retired lieutenant colonel Mynor Padilla, accused of the murder of Ich.

[On September 14, 2017, the court of appeals overturned the lower court acquittal.]

The three appeals are against the decision of the judge Ana Leticia Peña Ayala (included in the same ruling) to lay criminal charges against the Attorney General lawyers, the victims -- Angelica Choc and others -, and some of the expert witnesses.

### **A difficult process**

These appeals will need to be transferred by judge Ana Leticia Peña, until recently First Instance Judge for Narcotics Activity and Crimes Against the Environment in the Mixed Appeals Court of the department of Izabal. Peña Ayala was transferred to the City of Guatemala a few days before her judgment was made public, and today she is in charge of the First Instance Criminal Court for Narcotics Activity and Crimes Against the Environment in the City of Guatemala.

Her judgment, now appealed, in the criminal procedure number 18002-2009-00796, was given in summary manner on April 6, 2017. The defendant was lieutenant colonel Mynor Ronaldo Padilla Gonzalez, charged with the crime of homicide against Adolfo Ich Chaman, severe injuries of German Chub Choc and lesser injuries of Alejandro Acte Coc and Haroldo Cucul Cucul.

The acquittal of the army officer did not cause surprise. Rather, it ratified the prevailing impunity in the judicial system. Padilla Gonzalez is the former head of security of [Hudbay Minerals and] the Guatemalan Nickel Company (CGN).

However, what did cause surprise and indignation was that the judge “apologized” to Padilla Gonzalez for the time he was detained. And moreso when she ordered – as part of the sentence – that criminal investigations be initiated against the victims-plaintiffs, the Attorney General lawyers and expert witnesses, for their supposed obstruction of justice and giving of false testimony.

To top it all off, Padilla Gonzalez always had a team of defense lawyers with ties to CGN and the Guatemalan power groups.

The complete judgement, which according to article 390 of the Criminal Procedure Code should be read within five days of giving the summary judgment, was not provided until May 19, 2017, more than one month after the judge made her initial ruling.

In a statement made on April 6, the Canadian lawyers, Klippensteins Barristers and Solicitors, that represent Angelica Choc in civil lawsuits in Canada against Hudbay Minerals and CGN, indicated “that in the course of two years the court heard extensive evidence showing the participation of Mr. Padilla and the mining company security forces in the murder of Adolfo Ich and for shooting others. According to the final arguments of the Attorney General, this evidence includes:

- Physical evidence found at the crime scene proving that Mynor Padilla’s gun was fired at the murder site.
- The testimony of eight witnesses that put Mynor Padilla at the scene of Mr. Ich’s murder.
- Multiple eyewitness testimony asserting that Mr. Padilla participated in the killing of Mr. Ich.

- Testimony of one of the security managers at the mine stating that Mr. Padilla gave the order to shoot community members.
- Autopsy and other forensic evidence showing that Mr. Ich suffered machete wounds to his head and arms, and then was shot in the head at close range.
- Information that the security company hired by the mining company (and whose personnel were accused of the violence) was not authorized to provide any type of security, or to carry firearms – facts which a lawyer for the mining company obscured by falsifying documents.

Based on this evidence, the prosecutor argued during the trial that the killing of Adolfo Ich was not just a murder but rather an assassination.

### **Impunity**

Judge Peña Ayala's ruling was expected. The judicial process was marked by the suspension of hearings and actions that could only take place in pernicious proceedings. All of this enabled the accused, his lawyers and the mining companies HudBay Minerals (of Canada) and CGN (its subsidiary in Guatemala) "to use compulsory maneuvers, threats and intimidations against witnesses, complainants and victims, to prevent them from attending the hearings to give their statements and demand justice", indicates a communique by the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGA).

This communique reminds us that on September 27, 2009, agents of the police and the army sought to violently and extra-legally evict the Las Nubes community which owns the lands of Lote 16 in El Estor, Izabal. The security forces operated jointly with private security agents under the orders of retired lieutenant colonel Mynor Ronaldo Padilla Gonzalez, at the time head of security of the Hudbay/CGN company. These actions included attacks on men, women and children.

People from other communities who went to the main road by the Hudbay/CGN facilities were attacked with firearms by the company's security personnel, who wounded at least 8 people and murdered the professor Adolfo Ich Chaman. According to the victim's son, the teacher received firearm shots at point blank and machete wounds by private security guards and Mynor Ronaldo Padilla Gonzalez himself.

Similarly, the young man German Chub Choc who was also nearby observing, was wounded by a direct attack, using a firearm, by Mynor Padilla. German Chub Choc is now paraplegic because of the attack.

In 2009, CGN was a subsidiary of the Canadian Hudbay Minerals company, and after 2011, of the Russian Solway company. From that year onward there was an arrest warrant against Padilla Gonzalez, who remained a fugitive until his capture three years later. After his capture, on September 26, 2012, the Attorney General's office issued a statement indicating that "Agents from the Section of Arrests of the Specialized Criminal Investigation Division (DEIC in Spanish) detained an alleged murderer on 26th avenue and 2nd street, residential area of Cañadas del Río, Zone 3 of San Miguel Petapa." They were referring to Padilla Gonzalez, who was detained in one of his homes.

### **Padilla González – A name change and military history**

Mynor Ronaldo Padilla González is from the 102nd Promotion (graduating year). We now know that he changed his name, since he originally registered in the polytechnic school as Jaime Rolando Padilla Gonzalez, with the number 4502. He changed his name in 1982, one year after entering this branch of the armed forces.

His military promotion is one of the group of promotions of the polytechnic school 99-103 (1981-1984) that graduated during the bloodiest years of war, in which they were involved in the main war operations in the western part of Guatemala, where hundreds of villages were destroyed.

Based on his history of military positions since his graduation from the polytechnic school until prior to the signing of the 1996 Peace Accord, Padilla Gonzalez showed evident skill in shooting, particularly during the war period between 1984-1988 in the military zones of Zacapa, Chiquimula, Quiché, Puerto Barrios and Cobán respectively.

### **Reduction of the army and extrajudicial executions**

Padilla Gonzalez went into retirement in 2004, during the government of Oscar Berger, the year in which there was a notable reduction in the size of the army. At the time, Padilla was under the charge of the Presidential Commissioner of Defense and Security, retired general Otto Perez Molina. The reduction, more than what was stipulated in the Peace Accords of 1996, weakened the military presence in broad areas of the country, as colonel Edgar Rolando Rubio Castaneda pointed out in his book “From the barracks, another vision of Guatemala.”

This opened spaces to drug trafficking and organized crime that were able to gain foothold in these places, which according to Rubio Castaneda, contributed to catapult the political project of Perez Molina as presidential candidate, and his “hard hand” (mano dura) slogan, which this military writer describes as a “political-business coup”.

On 293 and 294 of his book, the author writes that this army reduction was planned by then vice president of the republic Eduardo Stein Barillas, the Coordinator of the Government Plan Richard Aitkenhead Castillo and Otto Perez Molina.

Padilla Gonzalez along with several other officers were forced into retirement that year, and many of them were then hired by different institutions of the interior ministry, mostly by the National Civilian Police (PNC). Others, were identified to make up the paramilitary apparatuses used for “social cleansing”, that were a characteristic trait of the Berger government.

In its November 13, 2006 edition, the El Periódico newspaper published an investigative report about the topic. Among the members of the military with leadership roles in the PNC was Erwin Sperissen (now condemned to a life sentence in Switzerland) who was then director; captains Guillermo Antillo Pineda Peñate and Francisco Lara Mendoza; colonels Hugo Rosales Martínez; Arturo Mazariegos and Major Manuel de Jesús Ixmuy García; captains Elías Molina Alvarenga, Carlos Girón García, Walter Hernández González, Marco Antonio Canté, Walter Morales, David Virula Ramírez, Oswaldo Ramos Castillo, Otto Vinicio Ríos Ralda, Manuel Molina Gutiérrez, Juan Carlos Iriarte, Francisco Sales Ortiz, Ludwin Mérida González, Manuel Barrios Menéndez, Abel Estrada, Flavio Divas Villagrán and Hermsillo Gutiérrez Chacón; all working in the Executive Secretariat and in the General Inspectorate of the PNC.

They also hired Lieutenant Colonel Jorge Ignacio López Jiménez, Coordinator of the Office of Professional Responsibility (ORP) and in charge of ordering inspectors to relocate to different parts of the country; Lieutenant Colonel Víctor Rosales Chávez, General Inspector of the PNC; Lieutenant Colonel Armando Melgar Padilla, head of control of firearms; José Luis López Juárez, executive secretary of Sperisen, in charge of examining new occurrences, documentation and mail coming to the office. He decided what documentation is filed and what is not; and Captain Héctor Rodríguez Heredia, head of the unit of mobile material of the Assistant Director of Support of the PNC.

### **Captain Otto Vinicio Rios Ralda – ex-security of Hudbay Minerals/CGN**

Of those named, Captain Otto Vinicio Ríos Ralda, from Promotion 119 and retired in 2004, stands out. After the PNC, he took on the role of Assistant Head of Security and Internal Issues of the Secretariat of Strategic Analysis of the Presidency (SAE, now called SIE) in the middle of 2007; and then that same year he was named Coordinator of security of the mining company CGN. He maintains that job and

responsibility to date, and is one of the people most signaled as responsible for the violence against community members who oppose the Fenix mining project in El Estor.

CGN also hired the retired colonel Jorge Ignacio López Jiménez, one of the members of the military taken out of the National Civilian Police in 2007 after the falling and ouster of Erwin Sperisen, then head of the PNC. López Jiménez, had been in charge of the Office of Responsibility of the Police (ORP). He belongs to Promotion 103 of the Polytechnic School, and had been in charge of the SAAS with the current government.

Herber Armando Melgar Padilla was from the same promotion, and was considered to be the principal Security Advisor of president Jimmy Morales, now Congressman for the ruling party (a post acquired in a polemic way).

Padilla Gonzalez was named head of security of the Guatemalan Nickel Company (CGN) in 2007, subsidiary company of then Canadian mining company HudBay Minerals.

### **Defense Lawyers and their Connections**

From the very beginning, Lieutenant Colonel Mynor Padilla had three well-known defense lawyers. In the first phase, he was defended by Francisco Jose Palomo Tejada, murdered by hitmen in June 2015, and with a [long history](#) of connection to Guatemalan power groups. The second lawyer was Frank Manuel Trujillo Aldana, presently facing legal prosecution for the case Aceros de Guatemala. The third lawyer, Carlos Rafael Pellecer Lopez, is the legal representative of the mining company CGN, company that he helped to register in 2005 when the Fenix project was reactivated under the Berger government.

Later, the lawyers who stayed with him until the end were David Antonio Barrientos Arias who worked actively on the case and Carlos Rafael Pellecer López who continued passively on the case. Both belong to the A.D. Sosa & Soto Law Firm, led by Rodolfo Sosa de Leon, whose daughter is married to a son of the ex-President of Guatemala Óscar Berger.

This law firm was in charge of establishing the public limited companies Skye Guatemala and CGN, subsidiary companies of Skye Resources, a Canadian mining company that reinitiated the Fenix Project and then sold it in 2008 to the Canadian Company HudBay Minerals. According to a statement by the Canadian law firm Klippensteins, Barristers and Solicitors, lawyers for Angelica Choc, in an unprecedented effort to bring the harms against the Mayan-Q'eqchi people to justice, the human rights defender Angelica Choc, wife of Adolfo Ich, together with another 12 plaintiffs presented a lawsuit in Canada against HudBay Minerals and their local subsidiary Guatemalan Nickel Company.

In 2013 the case was opened in Canada, and the trial will commence at any moment.

The operator of the mining process was then CGN. The general manager was the captain and engineer Sergio Gabriel Monzon Ordonez, who in addition to being a banana producer, was best known for being in charge of inter-community relations for the oil refinery of La Libertad throughout the decade of the 1990s, in the municipality of La Libertad.

During those years, the oil company belonged to the Basic Resources International petroleum company, which during the 1980s and 1990s was headed by Manuel Ayau Cordon, founder of the Francisco Marroquin University (UFM) and Rodolfo Sosa de Leon. In the case of Ayau, we should remember that in 1994, the journalist Carlos Rafael Soto (now deceased) showed the direct links he had with the El Estor mining project (Inforpress, 11/10/1994).

The person who facilitated the approval of the environmental impact studies that CGN needed to carry out for the new project was Roxana Sobenes, then vice-minister of the Environment and Natural resources. Sobenes was a member of the board of directors of the organization Foundation for the Jungle (FUNDASELVA), which at the time, served as the green image of the Basic Resources petroleum company, antecessor of Perenco. FUNDASELFA was founded and presided by Rodolfo Sosa de León.

As was mentioned earlier, Sosa de Leon and former Presidente Oscar Berger are related by the marriage of their children. The daughter of Sosa de Leon, Ana Cristina Sosa Prado de Berger, is the wife of Oscar Berger Widmann, the oldest son of Berger Perdomo and was a member of the Sosa, Berger & Pemueller Asociados Law Firm, in 2003, when the process of reactivation of the Fenix Project began, and Rodolfo Sosa de Leon participated in this Law Firm. Later, this law firm changed names to Berger & Pemueller Associates after sosa de Leon separated from it and established A.D. Sosa & Soto after the Berger won the presidency in 2004.

Rodolfo Sosa de Leon married Maria Cristina Ayau Prado, daughter of Cristina Ayau Cordon who is the sister of Manuel Ayau, and of Fernando Prado Rossbach, a wealthy owner of Coffee plantations. Both Sosa de Leon and Ayau were the heads of the Basic Resources oil company. Today, a nephew of Ayau, Antonio Minondo Ayau is a high ranking leader of the Perenco Guatemala oil company, which absorbed all of the interests of Basic Resources in 2001.

In addition to Sosa de Leon, the A.D. Sosa & Soto law firm has been led by Manuel Arturo Soto Aguirre, former Congressman of the Guatemalan Republican Front (FRG), ex Minister of the Interior of the Berger Government and Guatemalan Ambassador to Mexico during that same government.

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## **Precedent-Setting “Hudbay Minerals” Lawsuits Are Advancing**

- **Funding appeal:** \$20,000. (All donations welcome)
- **Share:** <http://rightsaction.org/precedent-setting-hudbay-minerals-lawsuits/>

Funds raised will pay for many of the costs of the 13 plaintiffs and two accompaniers from their home communities in rural, eastern Guatemala, to Toronto and back again. Hudbay will incur some of the expenses. Our costs include: in-Guatemala travel; in-Canada travel; food and lodging in Guatemala (near airport); acquiring passports & visas; purchasing extra clothing and footwear (for people who live in one of the hottest regions of Guatemala); family stipends to leave food and care-givers for children staying at home; two Rights Action trips to Guatemala in October, to help prepare the plaintiffs for the trip and accompany them.

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