

Rights Action  
July 22, 2014

## **Hudbay Minerals / CGN Mining & Impunity Alert in Guatemala: Accused Killer Mynor Padilla to be Released?**



(Accused killer Mynor Padilla, former head of security for Hudbay Minerals / CGN.)

On July 22, 2014, there will be a hearing in Puerto Barrios to decide if Mynor Padilla, former head of security for Hudbay Minerals and CGN (Compania Guatemalteca de Niquel), can be released from jail, pending his trial for murder and the shooting/wounding of at least 7 other people.

A former Colonel in the Guatemala Army, Mynor Padilla was head of security for Hudbay/CGN on September 27, 2009, when he ordered heavily armed company guards to attack the protesting Mayan Q'eqchi villagers from town of El Estor and the La Union settlement. Community leader and teacher Adolfo Ich was singled out and assassinated that day by Mynor Padilla and the security forces; at least 7 other men were seriously wounded, most particularly the now paralyzed German Chub who Mynor Padilla shot from close range.

Padilla was kept on Hudbay Minerals/ CGN's payroll for years after these crimes; he may still be on the payroll now [?]. He was not detained until 3 years after the capture order was issued! For five years, the trial has not advanced at all, and now the defense lawyers – paid by CGN [?], Hudbay Minerals [?] – want to set him free, pending the trial that ... might never start!

Separately, Hudbay Minerals / CGN are facing three over-lapping civil lawsuits in Canada for these and other mining related repression (see: [www.chocversushudbay.com](http://www.chocversushudbay.com)).

- **See below:** To support the Mayan Qeqchi victims of CGN / Hudbay Minerals caused harms and violations; working to promote community development and defend the environment.

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### **Communique: July 10th Violent and Illegal Eviction**

On July 10<sup>th</sup>, another violent and illegal eviction of Mayan Qeqchi people was carried out on behalf of CGN that, along with Hudbay Minerals, is facing civil lawsuits in Canada for a killing, gang-rapes and shootings that occurred in the context of previous illegal and violent evictions.

### **Declaration by Q'eqchi' Communities of the Municipality of El Estor, Izabal (July 15, 2014)**

The following communities - 30 de Junio Se'chaj, Asociación Campesina Maya Q'eqchi' Se'tal, Agua Caliente-Lote 9, Comunidad 13 De Abril, Lote 8, Las Nubes, La Ceiba y El Zapotillo – state and denounce:

Since 1960, we have struggled to assert our right to land and our right to a decent place to live, work, feed our families and strengthen our culture and identity as the Q'eqchi people of the municipality of El Estor.

On Thursday, July 10, the National Civilian Police, private security guards of the Guatemalan Nickel Company –CGN–, and a group of workers hired by CGN acted violently against the 30 de Junio Se'Chaj community, in the context of a series of unlawful actions:

- The Judge Sandra Janeth Mendez Nájera authorized this eviction but never notified the community.
- Without showing a valid eviction order, the armed men (police and CGN security) began shooting teargas at women and children in the 30 de Junio Se'Chaj community.
- The result of the violent actions of the aforementioned groups was the wounding of three young people whose names are omitted because they fear reprisals. Several homes were also burned.
- In the school located 100 meters from the area of the violent eviction, fifteen students suffered intoxication from the teargas.

This is the third time that Judge Sandra Janeth Mendez has acted openly against the Q'eqchi communities, leading us to believe that she is biased in favor of CGN (the Guatemalan Nickel Company). The first time, during the June 2014 attempted forced evictions of Lote 8, Lote 9 and Setal, she accompanied CGN's private security guards.

She also protected the hit men hired by the CGN. This parallel group, easily identified by the community, tried to kill families in the SETAL community on June 30, 2012.

We hold responsible the following people for the violent eviction of July 10, 2014: the government of Otto Pérez Molina, the departmental governor of Izabal and the Guatemalan Nickel Company (CGN). This company seeks to dispossess us of our lands at all costs, acting many times with the backing of governmental institutions, as we saw on May 30, 2014 when President Otto Pérez Molina participated in the inauguration of a new phase in mining company's exploitation.

This type of imposition has gone against the will of affected communities since the 1960s, and there was no prior consultation (as the ILO's Convention 169 dictates).

The Q'eqchi communities demand:

- We appeal to the Interior Ministry to cease the forced eviction of our communities and stop defending the interests of CGN (the Guatemalan Nickel Company) that is violating the rights of thousands of Q'eqchi families.
- We appeal to the country's institutions to urgently hear the Q'eqchi communities' demands for the legalization of their lands in the El Estor municipality in Izabal.
- We appeal to the Office of the Prosecution to investigate the CGN's parallel security forces that participated in the violent eviction of July 10, 2014, and the armed attack against the families of the SETAL community on June 30, 2012.
- We appeal to the judges to respect the processes of dialogue and negotiation that the Q'eqchi' communities undertake with the agrarian institutions of this country to legalize their lands, and cease to issue eviction orders at their whim, or that exclusively take into account the information given by the CGN and other businessmen. We also demand impartial rulings.
- We appeal to the Office of the Prosecution, the Human Rights Prosecutor's Office, the International Commission against Impunity in Guatemala (CICIG), and the United Nations High Commissioner on Human Rights to investigate the actions of the Judge Sandra Yaneth Méndez. We consider that the legal action ordered by this judge (the violent eviction of July 10, 2014) was not carried out in accordance with the law.
- We appeal to the Human Rights Prosecutor's Office to provide a truthful and objective report on the violent eviction carried against the 30 de JUNIO SE' CHAJ community on July 10 2014, and to form a permanent commission to verify the constant violations of our rights committed by CGN personnel.
- We appeal to the El Estor population to organize against the abuses we are suffering. We cannot permit the CGN to continue abusing of our rights. For our lives and the lives of our sons and daughters, we must defend the little land we have left.

We believe that the solution to the social problems caused by the CGN in the region requires the Guatemalan government to cancel the company's exploitation license in the name of sovereignty and dignity.

MOTHER NATURE CANNOT BE SOLD OR BOUGHT: IT MUST BE RECLAIMED AND DEFENDED!

EL ESTOR, IZABAL, JULY 15, 2014

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Since 2004, Rights Action has supported the community development and environmental defense 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:**

- On lawsuits, Klippensteins Barristers & Solicitors: [www.chocversushudbay.com](http://www.chocversushudbay.com)
- On communities in Guatemala and Honduras seeking a stop to mining caused harms and violations: [info@rightsaction.org](mailto:info@rightsaction.org) [www.rightsaction.org](http://www.rightsaction.org)

**“Defensora”**

40 minute film by Rachel Schmidt (2013)

Trailer/ Screenings/ Info: [www.defensorathefilm.com](http://www.defensorathefilm.com)

The award winning film “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.

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

Macleans Magazine 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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