

Were Guatemalan *Kaibiles* Hired Guns for Canadian Mining Company Hudbay Minerals?

By Grahame Russell, February 6, 2017

- Rights Action posting: <http://us9.campaign-archive2.com/?u=ea011209a243050dfb66dff59&id=3ac24f3108>
- Telesur original: <http://www.telesurtv.net/english/opinion/Are-Guatemalan-Kaibiles-Hired-Guns-for-Canadian-Mining-20170206-0017.html>

During the country's 36-year civil war and genocide, the U.S.-trained Kaibil special forces committed some of the very worst atrocities and war crimes.



{*Kaibiles*, members of an elite group of the Guatemalan army, take part in a military parade during Army Day celebrations, at the Air Force headquarters in Guatemala City, Guatemala, July 3, 2016. | Photo: Reuters}

A new criminal investigation in Guatemala is investigating whether the country's army and Kaibil special forces worked with Hudbay Minerals and CGN (Guatemalan Nickel Company, then owned by Hudbay) private security guards to mount a military intelligence and population control operation, before, during and after the day (September 27, 2009) of repression against local Mayan Qeqchi communities that resulted in the assassination of Adolfo Ich, the shooting-paralyzing of German Chub, and the wounding of various other community members.

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During decades of the U.S.-backed killings, torture, disappearances, massacres and genocides, the U.S.-trained Kaibil special forces were found responsible (by the U.N. Truth Commission, among others) for some of the very worst atrocities and war crimes; the Kaibil forces remain today the most feared among the general population.

End of Mynor Padilla murder trial

February 7-8, 2017, could be the final dates of the murder and aggravated assault trial against Hudbay's former head of security, Mynor Padilla, who was also a Colonel in the Guatemalan army. Judge Ana Leticia Peña could render her sentence on February 8, or reserve judgment for up to two weeks. Given

the impunity and racism that characterize Guatemala's legal system, and the many irregularities during this trial, many fear a not guilty finding despite overwhelming evidence against Mynor Padilla.

The families of Angelica Choc (widow of Adolfo Ich) and German Chub (shot and left paralyzed the day Adolfo Ich was killed) fear they may suffer further repercussions due to their courageous role in this trial, especially in the aftermath of the Sept. 17, 2016, nighttime shooting up of Angelica's home while she slept inside with two young children; Angelica and her children no longer live there.

Kaibil Connection?

Even as this unique trial winds down, Guatemala's attorney general is investigating whether new criminal charges will be filed against CGN, then owned and controlled by Hudbay Minerals. Information revealed during the Padilla trial confirms that members of the army and Kaibil special forces were present at Hudbay/CGN's mining installations, including on the day of the assassination of Adolfo Ich, the shooting-paralyzing of German Chub and the wounding of other Q'eqchi' villagers.

On Dec. 7, 2016, investigating judge Edgar Anibal Arteaga Lopez (Juez de 1^a Instancia Penal, Narcoactividad y Delitos Contra el Ambiente de Izabal) sent a request to the special human rights office (Fiscalia de Seccion de Derechos Humanos) of Guatemala's Public Ministry to provide an authenticated copy of the "Libro de Novedades del departamento seguridad, Garita de control" of Hudbay/CGN.

This Libro de Novedades is basically a Hudbay/CGN log-book registering who enters company property and for what purpose. (There is a second Libro de Novedades documenting people and activities during this time period, but Padilla's defense lawyers have yet to make this second book available.)

From there, the Public Ministry formally asked trial Judge Ana Leticia Pena (Tribunal de Sentencia Penal, Narcoactividad y Delitos Contra el Ambiente de Puerto Barrios) to provide an authenticated copy of the Libro de Novedades; thus far, defense lawyers have refused to provide the required copy.

If true that army and Kaibil forces were present, and perhaps involved in the mining related repression of Sept. 27, 2009, it will confirm what many have long believed – that Adolfo Ich was the victim of a targeted assassination plan; that the army and special forces collaborated with Hudbay/CGN security guards to plan and carry out repression against local Mayan Q'eqchi' communities.

In 2015, an expert witness testified during the Padilla trial that the killing of Adolfo Ich had the characteristics of a planned, military-type operation. The expert witness did not, at that time, mention the presence and participation of the army and Kaibil forces. The Libro de Novedades confirmation of the presence of the army and special forces provides further evidence that the killing of Adolfo Ich could well have been a planned act of repression – a politically motivated assassination.

"Under Siege: Peaceful Resistance to Tahoe Resources and Militarization in Guatemala"

If true, this would surprise no one who follows human rights and mining issues in Guatemala. In 2015, [the report](#) "Under Siege: Peaceful Resistance to Tahoe Resources and Militarization in Guatemala" was published. Written by Luis Solano and commissioned by the International Platform Against Impunity in Central America and MiningWatch Canada, "Under Siege" documents how the government and army worked directly with Tahoe Resources security guards to militarize (and this terrorize) communities near Tahoe's mining operations and implement a campaign of repression and criminalization of citizens opposing Tahoe's mining caused environmental harms and human rights violations.

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On Sept. 27, 2009, Mynor Padilla shot German, a young Q'eqchi campesino, in the back and left him for dead near Hudbay's nickel mine. German survived, paralyzed from the waist down; he lost the use of one lung, and the bullet remains lodged next to his spinal column. This same day, Padilla and the guards he was in charge of, singled out, illegally detained and then killed the well-known Indigenous rights, land and environmental defender Adolfo Ich, husband of Angelica Choc and father of their five children. Since then, Angelica and German have been spear-heading risky and courageous work and struggle for truth and justice, both in Guatemala and Canada.

Fugitive from justice on Hudbay payroll

For three years after Sept. 27, 2009, Padilla was a fugitive from justice. Though there was an outstanding capture order, he continued to work openly for Hudbay in and around their mine site for part of this time, before going into hiding; he was not captured until late 2012, after Hudbay had sold CGN and its mining interests and left Guatemala. To date, Hudbay has not clarified how long they kept Padilla on their payroll after the assassination of Adolfo Ich and shooting of German Chub.

Revolving door of well-connected lawyers

Because Padilla was a fugitive for three years, the criminal trial only began in March 2015 ... and has been dragged on since then by Padilla's revolving door team of well-connected lawyers whose services are likely paid for by Hudbay even though it has been six years since Hudbay sold CGN and left Guatemala.

"Revolving door" because one former defense lawyer, Francisco Palomo, was shot 12 times on June 3, 2015. Besides representing Hudbay's head of security, Palomo was a lawyer for former General Rios Montt who was found guilty of genocide against the Mayan Ixil people during the worst years of U.S.-backed repression and genocide. His assassination was allegedly linked to his legal work for a Guatemalan drug trafficker (now in jail) who laundered money for the Mexican Sinaloa drug cartel.

A second defense lawyer, Frank Trujillo, was charged on Feb. 12, 2016, with illicit association, bribery, influence-trafficking, obstruction of justice and collusion, in a case of fraud and bribery linked to the "La Linea" organized crime network headed by former President Otto Perez Molina and Vice President Roxana Baldetti that stole \$120,000,000 in public funds. Perez Molina and Baldetti were forced to resign and are now in jail.

Precedent setting civil lawsuits in Canada

Meanwhile, Angelica, German and 11 women from the Lote 8 community - gang-raped in 2007 by mining security guards, soldiers and police, as part of the illegal and violent destruction of their community – are spearheading, with Klippensteins Barristers and Solicitors, lawsuits in Canadian courts against Hudbay and CGN, for the mining related repression they suffered. These lawsuits have yet to get to trial, as Hudbay's law firm of Fasken Martineau appears to be using procedural tactics and legal motions to drag the lawsuits out as much as possible, perhaps in an effort to wear out the impoverished Q'eqchi' plaintiffs and their lawyers.

The families of Angelica Choc and German Chub are asking for journalists and companions to show up at the court house in Puerto Barrios on February 7-8 to bear witness. Their courageous struggle for truth

and Justice in Guatemala and Canada is far from over. Stay tuned. Stay informed. Please share this information.

Grahame Russell is a non-practicing Canadian lawyer, writer and speaker, and since 1995, director of [Rights Action](#).

More information

- 'Choc versus Hudbay' lawsuits in Canada: www.chocversushudbay.com
- 'Defensora', a film by Rachel Schmidt documenting the Mayan Qeqchi people's struggle to reclaim their ancestral lands in Guatemala, and to seek justice in Canada courts for the murder, shootings and rapes committed against them by Hudbay Minerals / CGN personnel. Trailer: www.defensorathefilm.com. Spanish version: <https://vimeo.com/83654243>
- 'Hudbay's Hoax (Flin Flon Flim Flam)', a film by John Dougherty documenting Hudbay's harmful, repressive and widely resisted mining operations in Uchucarco (Peru), Manitoba (Canada), El Estor (Guatemala) & Arizona (United States). View: <https://youtu.be/j7aacPtEI8s>
- New York Times, April 3, 2016, "Guatemalan Women's Claims Put Focus on Canadian Firms' Conduct Abroad", http://www.nytimes.com/2016/04/03/world/americas/guatemalan-womens-claims-put-focus-on-canadian-firms-conduct-abroad.html?_r=2
- Toronto Star, June 19, 2016, "Mayan Families' Quest For Justice Against Canadian Mining Company Hudbay", <https://www.thestar.com/news/world/2016/06/20/the-mayans-vs-the-mine.html>
- Toronto Star, June 20, 2016, "How A Guatemalan Murder Trial Could Forever Change Canadian Overseas Mining", <https://www.thestar.com/news/world/2016/06/20/how-a-guatemalan-murder-trial-could-forever-change-canadian-overseas-mining.html>

Your Funds At Work

Rights Action has supported the community, land and environmental defense struggles of the Mayan Q'eqchi' people in the El Estor región since 2004. Since 2010, Rights Action has been funding and otherwise supporting Angelica, German and the Lote 8 women as they seek justice in Guatemalan and Canadian courts. To donate, make check payable to "Rights Action" and mail to:

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