

Intimidation against victims of Hudbay Minerals-linked repression seeking justice in Guatemalan courts

Rights Action update, Puerto Barrios, Izabal, Guatemala

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March 7 and 8, 2017 turned out to be, again, very tense days in the precedent setting Mynor Padilla criminal trial as plaintiffs Angélica Choc and German Chub delivered their final statements.



(Angelica Choc speaks with German Chub, waiting to deliver their final statements, March 7-8, 2017, in Puerto Barrios courthouse. Human rights companions sit nearby.)

Mynor Padilla (former colonel in the Guatemalan Army, former head of security for Hudbay Minerals and Skye Resources) stands accused of singling out and murdering Angélica's husband, community leader Adolfo Ich Chamán, and shooting German, who was left paralysed from the waist down - he lost also the use of one lung.

This mining repression occurred September 27, 2009, when Hudbay guards at its "Fénix" mine in El Estor, under Padilla's command, cracked down on a peaceful protest by local indigenous Maya-Q'eqchi' residents against Hudbay/CGN's illegal and violent land grabs. The Fénix mine is owned by the Compañía Guatemalteca de Níquel (Guatemala Nickel Company, CGN) which was then owned by Hudbay.

Illegal, intimidating surveillance

Angélica and German's final statements to the court were an ordeal in and of themselves - having to relive traumatic experiences. Adding insult to injury, they had to leave Puerto Barrios under police escort after reporting that suspicious characters had been following them.

Angélica and German travelled to Puerto Barrios accompanied by friends, lawyers and human rights observers from both national (UDEFEQUA) and international (ACOGUATE) organisations. At their hotel, the group spotted a man observing them closely from inside his car. This man spent the night

at the hotel, in a room adjacent to rooms occupied by members of Angélica and German's party, and continued to observe them closely the following morning.



(Man standing in doorway, seen in Angelica's selfie.)

The man again showed up in his car as the group was boarding their vehicles after the trial. Two other were also spotted observing the group in front of the courthouse, while a white Toyota Hilux - a model used by CGN security - drove around the block where Angelica and German's driver was waiting.

As the man in the hotel, and the other unidentified men were being intentionally obvious, Angélica, German and their lawyers called the authorities to ask for a police escort. The police were provided with photos of the men and of the car the man in the hotel was driving, with its license plate, etc. The police said they would follow-up!?

Elemental fire

Though in strong spirits beforehand, Angélica and German emerged from the court room, after giving their final statements, visibly shaken.



Angélica lit a candle to bring her spirits up, noting on Facebook: “I identify with the element of fire, it gives me strength and energy during trying times, such as today; its light has enlightened my mind.”

Angélica, whose final statement had been interrupted the previous day due to her precarious health (on March 9th, she entered in a Guatemala City hospital for an operation), told the judge that she desperately needed safety and security for her and her children. Since this quite unique criminal trial began in February 2015, Angélica and German have received numerous intimidations, threats and attacks. Rights Action has denounced many of these incidents, including the September 17, 2016 midnight attack in El Estor - multiple shots were fired at Angélica’s home while she slept inside with her children; Angelica has since moved elsewhere.

Lawyers who were inside the courtroom said German delivered a powerful speech, asking the judge for a guilty verdict. “I want is justice. This isn’t an injury I can recover from in a few weeks; I’ve been sentenced to life in a wheelchair. My son asks me when I will be able to walk again, and I tell him ‘soon’ because he is still too young understand what being paralysed truly means.”

The trial resumes March 22nd with Padilla’s final statement. Possibly the verdict will be delivered after Padilla’s statement, but Angélica and German’s lawyers believe that the judge might take the legally-permitted 10 working days to deliver her decision.

Hudbay Minerals lawsuits

Meanwhile, the precedent setting Hudbay Minerals lawsuits advance very slowly, but surely, in Canadian courts. Hudbay and CGN are represented by the well-connected King & Bay street law firm of Fasken Martineau. Represented by the tiny law firm of Klippensteins Barristers and Solicitors, Angelica, German and 11 women from the Lote 8 community seek justice and remedy against Hudbay and CGN for their actions and omissions resulting in the intentional killing of Adolfo Ich, the shooting of German and the gang-rape of the 11 Lote 8 women.

Stay informed, stay tuned. Please share this information and please support these courageous victims of mining repression.

Rights Action

Since 2009, Rights Action has been funding and supporting the work and struggle of German and Angelica (and the Lote 8 women) for justice in Guatemalan and Canadian courts; and the on-going health needs of German, the Lote 8 women, Angelica, and others, for serious health issues related to mining repression and the illegal violent evictions.

Tax-Deductible Donations (Canada & United States)

Since 2004, Rights Action has funded local Q'eqchi' people carrying out their own community, human rights and environmental protection work in the El Estor region. Since 2010, Rights Action has funded and been involved with the Mayan Q'eqchi' peoples' struggles for truth and justice in Canada and Guatemala. Make check payable to "Rights Action" and mail to:

- U.S.: Box 50887, Washington DC, 20091-0887
- Canada: (Box 552) 351 Queen St. E, Toronto ON, M5A-1T8
- Credit-Card Donations: <http://www.rightsaction.org/donate>

More information

- 'Choc versus Hudbay' lawsuits in Canada: www.chocversushudbay.com
- 'Defensora': By Rachel Schmidt, this film documents the Mayan Q'eqchi' 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: www.defensorathefilm.com. Spanish version: <https://vimeo.com/83654243>
- 'Hudbay's Hoax (Flin Flon Flim Flam)': By John Dougherty, this film documents 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>

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