

**Guatemalan court to investigate judge who ruled in favour of Hudbay Mineral's former head of security in mining-related murder trial:
"Questions linger about why this Judge acted as she did and if acts of collusion occurred ..."**

(<https://mailchi.mp/rightsaction/guatemalan-court-to-criminally-investigate-judge>)



(Mynor Padilla, standing, left, with team of then well-connected lawyers, quite possibly paid by Hudbay Minerals. One lawyer was since assassinated in a narco-trafficking linked killed, it is suspected; another one is in jail on corruption charges.)

Guatemalan Supreme Court of Justice (CSJ) to consider lifting legal immunity of Judge in the Mynor Padilla (former Hudbay Minerals head of security) criminal case

By Luis Solano, April 28, 2018

<https://cmiguate.org/csj-da-tramite-para-antejuicio-a-jueza-en-caso-de-militar-mynor-padilla>

The Guatemalan Supreme Court of Justice (CSJ) has agreed to investigate whether or not to lift the judicial immunity of Judge Ana Leticia Ayala Peña. On April 25, 2018, the CSJ gave notification of its approval of the request to investigate whether Ayala Peña herself committed a crime in her decision to absolve Mynor Padilla in his criminal trial when she was a judge in Izabal.

The petition to investigate has to do with the Judge's April 2017 ruling in favor of military officer Mynor Ronaldo Padilla González, accused of human rights violations while employed as head of security for the Canadian mining company Hudbay Minerals and its subsidiary Guatemalan Nickel Company (CGN).

The defendant – former Lieutenant Colonel Mynor Padilla, is accused of homicide against Adolfo Ich Chamán, very severe injuries against German Chub Choc and serious injuries against Alejandro Acte Coc and Haroldo Cucul Cucul.

In April 2017, Judge Pena Ayala, Presiding Judge of the First Instance Criminal Court for Narcotics Activities and Crimes Against the Environment of Izabal, issued her ruling absolving Mynor Padilla of all charges and [ordered](#) his immediate release.

The absolving of the military officer came as no surprise, once again confirming the impunity that prevails in the Guatemalan justice system. However, her decision caused further indignation when the Judge “asked for the forgiveness” of Mynor Padilla for the time spent in detention (during the trial), and even more indignation when she “ordered legal investigations” against the plaintiffs, witnesses and prosecuting lawyers for allegedly having coerced witnesses to provide false testimony.

Notably, Mynor Padilla has a team of defense lawyers with strong ties to CGN and elite Guatemalan sectors.

The Judge's position was evident in her ruling as she “criminalized” some of the witnesses, the plaintiff Angélica Choc, a prosecutor from the Attorney General’s office, lawyers from the International Commission Against Impunity in Guatemala (CICIG) and some of the expert witnesses. In her ruling, the Judge also violated the established time frames to make the judgment known, as she exceeded the time stipulated for making it public.

A few days after issuing the ruling, and days before it was made public, Peña Ayala was transferred to Guatemala City, to lead the First Instance Criminal Court for Narcotics Activities and Crimes Against the Environment in the City of Guatemala.

On June 1, 2017, the Attorney General’s office, CICIG and the plaintiff Angélica Choc, widow of professor Adolfo Ich, appealed the trial court decision including Judge Peña Ayala's call for criminal investigations against the entire prosecution.

The appeal was presented before the Mixed Jurisdictional Appeals Court of the Department of Izabal. On September 14, 2017, the Appeals Court overturned all aspects of Judge Pena Ayala’s decision and [ordered](#) a new trial under a different judge.

In response to the Appeals Court decision, Padilla and his lawyers presented an appeal and a petition for a judicial review. The CSJ's decisions on the appeal and petition have not yet been issued, thus a new trial has not begun.

The petition to lift the immunity of Judge Pena Ayala was presented by the AG’s office and CICIG. The CSJ named the First Superior Judge from the Third Appeals Criminal Court as the Investigating Judge.

This Judge, Beyla Adaly Xiomara Estrada Barrietos, is this First Superior Judge from the Third Appeals Criminal Court, and she is also married to Alfredo Brito, the current President’s Secretary of Social Communications.

Mynor Ronaldo Padilla González was a member of the Armed Forces graduating class #102. In 1982, one year after entering the army, he changed his name from the one he used to sign up at

the Escuela Politécnica military academy (Jaime Rolando Padilla González) corresponding to number 4502.

His graduating class belongs to the group of classes 99-103 that graduated during the bloodiest years of the internal conflict (1981-1984) and were active in some of the most conflict-affected areas in western Guatemala, where hundreds of villages were destroyed.

Questions linger about why the Judge acted as she did, and if acts of collusion occurred, which were by all counts illegal.

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