

# URGENT ACTION

## PROTESTERS AT RISK OF UNFAIR PROSECUTION

**Community activists and members of an Indigenous community protesting against the construction of a wind farm in Oaxaca, southern Mexico, were attacked and injured on 28 October. Amnesty International is concerned that the death of a man at the scene of the protests may be used to unfairly prosecute protestors and to deter future protests.**

On 28 October, members of the People's Assembly of the Isthmus in Defence of Land and Territory (Asamblea de los Pueblos del Istmo en Defensa de la Tierra y Territorio) and the Resistance Committee to Wind farm Project of Union Hidalgo (El Comité de Resistencia al Proyecto Eólico de Unión Hidalgo) held a protest on the La Venta-Union Hidalgo section of the Panamerican highway, against the construction of wind-turbines on their land.

According to information received, members of the nearby community of La Venta in favour of the wind-farm arrived and threatened the group to stop their protest. The protesters argued their right to peacefully protest, but more men arrived, armed with pistols and machetes. Leaders of the protesters, including **Bettina Cruz Velazquez** and **Juan Regalado Martínez**, were kicked and punched to the ground and threatened with death. The leader of the armed gang was apparently about to shoot Juan Regalado Martínez, a 61 year old man with diabetes, but was restrained by a member of his group. The protesters fled the area and those that were injured have received medical attention.

However, in unclear circumstances Reynaldo Ordaz Velásquez, one of the men linked to the gang, was shot and killed at the scene. The authorities arrived after the killing and members of the gang alleged that the protesters were responsible. The local media has reported this version of events and the investigation initiated by the Oaxaca state Attorney General's Office (Procurduría General de Justicia del Estado) also appears to be adopting this approach. Amnesty International is concerned that the investigation will not be impartial and exhaustive in order to establish the facts and prosecute those responsible, but could be used to unjustly prosecute protestors and deter demonstrations against the wind farm.

### **Please write immediately in Spanish or your own language:**

- Urging the authorities to provide appropriate protection to the small holder farmers in Unión Hidalgo and human rights defenders supporting their protest against the construction of the wind-farm, especially those who have already been threatened, attacked and may potentially be subject to unfair criminal proceedings
- Calling for a full, prompt and impartial investigation into the killing of Reynaldo Ordaz Velásquez as well as the attack on protesters, for the results to be made public and for those responsible to be brought to justice;
- Urging the authorities to ensure respect for the right to peaceful protest and the right of Indigenous communities to free, prior and informed consent on the basis of reliable and accurate information with regard to development projects which impact their land and livelihood.

### **PLEASE SEND APPEALS BEFORE 13 DECEMBER 2011 TO:**

#### Oaxaca State Governor

Lic. Gabino Cué Monteagudo  
Gobernador, Ciudad Administrativa  
Benemérito de las Américas, Edificio 7,  
Nivel 3, Carretera Oaxaca-Istmo Km.  
11.5, Tlaxiaco de Cabrera, C.P. 68270,  
Oaxaca, México

**Salutation: Dear Governor/Estimado  
Señor Gobernador**

#### Minister of the Interior

Lic. José Francisco Blake Mora  
Secretario de Gobernación  
Abraham González No.48  
Col. Juárez, Del. Cuauhtémoc  
México, D.F., C. P. 06600, Mexico  
Fax: +52 55 5093 3414

Email: [secretario@segob.gob.mx](mailto:secretario@segob.gob.mx)  
**Salutation: Dear Minister**

#### **And copies to:**

Proyecto de Derechos Economicos  
Sociales y Culturales (Project on  
Economic, Social and Cultural rights,  
AC)  
Email: [proyectodesc@gmail.com](mailto:proyectodesc@gmail.com)

Please check with your section office if sending appeals after the above date. This is the first update of UA 315/11. Further information:  
<http://amnesty.org/en/library/info/AMR41/068/2011/en>

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### ADDITIONAL INFORMATION

Industrial and development projects affecting Indigenous and peasant farming communities in Mexico are frequently implemented without reliable information or consultation and free prior and informed consent with the Indigenous communities affected is not obtained. As a result members of communities protest against the projects and demand their right to be heard and consulted. Amnesty International has frequently documented the misuse of the criminal justice system against human rights defenders and community activists who carry out peaceful protest to demand respect for their rights which has resulted in judicial harassment, unfair trials and unsafe convictions.

Name: Unión Hidalgo Indigenous community; Lucila Bettina Cruz Velazquez; Juan Regalado Martinez

Gender m/f: Unión Hidalgo Indigenous community (both); Lucila Bettina Cruz Velazquez (F); Juan Regalado Martinez (M);

Further Information on UA: 315/11 Index: AMR 41/069/2011 Issue Date: 1 November 2011