

# URGENT ACTION

## SECOND INDIGENOUS ACTIVIST DETAINED

**Another indigenous activist, Fernando Jiménez Gutiérrez, has been detained and is at risk of unfair trial. The charges against Mario Luna have been confirmed, and he has been committed to pre-trial detention.**

**Fernando Jiménez Gutiérrez**, a member of the Indigenous Yaqui community of Vícam, Sonora state, was arrested on 23 September as he made his way to work, by men in civilian clothes and unmarked vehicles. They covered his head with a black bag and questioned him as they drove him to prison in the state capital, Hermosillo.

Fernando Jiménez Gutiérrez has been to public meetings in Mexico City to advance the case of the Yaqui Indigenous community claiming that the Independence Aqueduct was constructed illegally and is endangering the culture and livelihood of the Yaqui community. He is the second of four leaders and members of the community, named in an arrest warrant, detained in connection with the supposed car theft and kidnapping of Francisco Antonio Delgado Romo, a member of the Yaqui community with links to the Sonora State government.

A state judge confirmed, on 17 September, the indictment of **Mario Luna**, who was arrested on 11 September. Despite evidence presented by the defence that the case against him and the three other accused had been misrepresented and fabricated, that Mario Luna had not been present at the time of the alleged events and that no reliable evidence had been presented of his involvement, the judge ratified his detention and committed him to preventive custody during the trial process. The prosecution of the four men is based on a biased investigation apparently motivated by the determination to criminalize sections of the Yaqui community protesting against the construction and operation of the Independence Aqueduct and discredit their representative status as members and leaders of the community. The state authorities' decision to carry out the arrests 18 months after warrants were issued may also be part of a wider dispute between the federal and state authorities which began recently after the federal authorities opened an investigation into an apparently illegal dam constructed on the Yaqui River on land belonging to the state governor.

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

- Expressing concern for at the arrest of Fernando Jiménez Gutiérrez and the committal for trial of Mario Luna and calling on the authorities to guarantee their safety in custody;
- Calling on them to guarantee the men's right to fair trial and not to be subjected to politically motivated criminal prosecution on the basis of a biased investigation;
- Urging them to ensure the safety of all members of the Yaqui community and respect their right to peaceful protest against Independence Aqueduct.

### **PLEASE SEND APPEALS BEFORE 6 NOVEMBER 2014 TO:**

#### Minister of Interior

Miguel Ángel Osorio Chong  
Secretario de Gobernación  
Bucareli 99, col. Juárez, C.P. 6600  
México D.F., México  
Fax: +52 55 5093 3414 (keep trying)  
Email: secretario@segob.gob.mx  
**Salutation: Dear Minister/  
Señor Ministro**

#### Governor of State of Sonora

Guillermo Padrés Elías  
Comonfort y Dr. Paliza  
C.P. 83260, Hermosillo  
Sonora, México  
Fax: +52 662 212 0001 (keep trying)  
Email: guillermo.padres@sonora.gob.mx  
**Salutation: Dear Governor/  
Señor Gobernador**

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

Environmental rights organizations  
Centro Mexicano de Derecho Ambiental  
Mexico D.F.  
Email: contacto@cemda.org.mx

### **Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 230/14. Further information:  
<http://amnesty.org/en/library/info/AMR41/034/2014/en>

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### ADDITIONAL INFORMATION

In June 2013 Francisco Antonio Delgado Romo apparently drove his car at demonstrators taking part in a roadblock against the aqueduct. He was detained by community members, who released him after two days. After Francisco Antonio Delgado Romo's wife filed a complaint, the Sonora State public prosecutor filed charges of kidnapping (privación ilegal de la libertad) and car theft against Mario Luna Romero, Fernando Jiménez Gutiérrez and two other community members. Amnesty International has reviewed the evidence presented against the accused and is concerned that the case against them is biased and may be politically motivated.

Francisco Antonio Delgado Romo, who was reportedly under investigation by the Federal Attorney General's Office, was reported missing by his family on 25 August. His remains were found near Vícam on 9 September. An investigation into his killing has been opened.

In 2010, the government of Sonora, a state afflicted by drought, begun construction of the Independence Aqueduct without consulting Yaqui Indigenous communities that live by the river. Members of the community have sustained protests and legal actions to halt its construction and operation, to ensure a full environmental impact assessment and uphold indigenous rights to a transparent consultation process in order to obtain the community's full prior and informed consent. In 2013, the National Supreme Court recognised the failure of federal and state authorities to meet their obligations to the Yaqui community and required remedial actions, particularly regarding a new environmental impact assessment and a consultation process with the Yaqui community. Despite various judicial orders suspending the project, construction was allowed to continue allowing the aqueduct to enter operations resulting in a significant drop in water levels. Members of the Yaqui community continue to call for full compliance with the National Supreme Court ruling.

Names: Mario Luna, Fernando Jiménez Gutiérrez

Gender m:

Further information on UA: 230/14 Index: AMR 41/036/2014 Issue Date: 25 September 2014