

URGENT ACTION

INDIGENOUS ACTIVIST DETAINED, RISKS UNFAIR TRIAL

Indigenous activist Mario Luna Romero is at risk of unfair trial after being arrested in Sonora State, northwest Mexico. There are concerns that the case against him may be politically motivated due to his leading role in protests against an aqueduct which affects the Yaqui Indigenous community's access to water.

On the morning of 11 September, **Mario Luna Romero**, a leading member of the Yaqui Indigenous community in Sonora State, was arrested by state judicial police in Ciudad Obregón. He was denied access to relatives and his lawyers until late afternoon, by which time he had been transferred to a prison outside the state capital, Hermosillo. Mario Luna Romero was detained on the basis of an arrest warrant issued in 2013 for his alleged involvement in the supposed car theft and kidnapping of Francisco Antonio Delgado Romo, a member of the Yaqui community with links to the Sonora State government.

Mario Luna Romero is a translator and spokesperson in the Yaqui Indigenous community based in the town of Vicam and has led protests and legal measures to stop the construction and operation of the Independence Aqueduct which draws water from the Yaqui River at the Novillo dam. The Yaqui community argues that the aqueduct directly places their traditional culture and livelihoods under threat. The state and federal government failed to seek the free, prior and informed consent of the community via a transparent consultation process. On 4 September Mario Luna Romero had travelled to Inter American Commission of Human Rights to highlight the case.

In June 2013 Francisco Antonio Delgado Romo apparently drove his car at demonstrators participating in a roadblock against the aqueduct. He was detained by community members and held for two days before being released. Following a complaint filed by Francisco Antonio Delgado Romo's wife, the Sonora State public prosecutor filed charges of kidnapping (*privación ilegal de la libertad*) and car theft against Mario Luna Romero and three other community leaders. Amnesty International has reviewed the evidence presented against Mario Luna Romero and is concerned that the case against him is biased and may be politically motivated. He is currently waiting for results of his indictment on 17 September. Mario Luna Romero may be denied his right to a fair trial and, if committed to trial, he will not be eligible for bail and may face prolonged detention, putting his safety at risk.

Please write immediately in Spanish or your own language:

- Calling for the safety of Mario Luna Romero to be guaranteed while in custody;
- Expressing concern at the detention of Mario Luna Romero and urging the authorities to ensure his right to a fair trial, including ensuring the impartiality of all criminal investigations and upholding the right not to be subject to politically motivated criminal charges;
- Calling on the authorities 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 27 OCTOBER 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:

Centro Mexicano de Derecho Ambiental
México 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.

**AMNESTY
 INTERNATIONAL**



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ADDITIONAL INFORMATION

On 25 August, Francisco Antonio Delgado Romo, who was reportedly under investigation by the Federal Attorney General's Office, was reported missing by his family. His remains are believed to have been located near Vicam, a town in Sonora State, but not yet officially identified.

In 2010, the government of Sonora, a drought afflicted state, 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 the construction, to ensure 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 continued 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.

Indigenous activists, such as Mario Luna Romero, have frequently faced spurious criminal charges in order to deter their legitimate human rights demands. The use of politically motivated charges remains relatively common at state level where the public prosecutor's offices often operate under influence of local political issues.

Name: Mario Luna Romero
Gender m/f: m

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