

November 5, 2015

C. Rosario Robles Berlanga
Secretary of Agricultural, Territorial and Urban Development

C. Cruz López Aguilar
Head of the Agrarian Prosecutor's Office

Esteemed Authorities:

The below-signed organizations write to express our profound concern regarding the violent situation that the Indigenous community of Zacualpan has been facing and that is widely promoted by the state government and the representative of the Agrarian Prosecutor's Office in Colima in connection with efforts to impose mining activities on Indigenous territory.

The Indigenous Council for Environmental Defence in Zacualpan and members of the environmental justice organization Bios Iguana A.C. have faced two years of continual threats and harassment, as the 'International and National Observation regarding the case of Zacualpan' documented in March 2015, and that has been denounced to the Interamerican Commission on Human Rights in August 2015, as well as other national and international bodies. This violent scenario has been fostered and backed by state and federal authorities, who have on several occasions deployed armed forces against the Indigenous community.

Consistently, the representative of the Agrarian Prosecutor's Office in Colima, María Elena Díaz Rivera, has acted arbitrarily, favouring the group that has been promoting mining in the community. It is not coincidental that when a group of community members requested that she call elections in the community in January 2014, to replace the then Community Commissioner, Carlos Guzmán, who was trying to impose a mining project in Zacualpan, she refused to do so. This, despite having received a document signed by more than 160 community members, backed by copies of their titles to use of communal lands in Zacualpan. At this time, community members wanted to replace Guzmán given that he had failed to register with the National Agrarian Registry acts from community meetings at which they had declared their opposition to mining since June 2013.

Despite this, the community continued to reject mining and in February 2014, held an assembly according to Agrarian Law. In the presence of a public notary, they ousted Carlos Guzmán, named a new community representative and declared their "Territory Free of Mining". The act from this assembly was ratified by Mr. Antonio Luis Betancourt Sánchez, Magistrate of the District 38 Agrarian Tribunal, when he ratified the new community leadership. This decision only granted the new community commissioner as much time as Carlos Guzmán had remaining in his mandate. Following an appeal decided by the Second Courthouse in the district of Colima, it was determined that new elections would have to be carried out at the end of this period, which would be convened by the representative of the Agrarian Prosecutor's Office in Colima. It is worth mentioning that Mr. Betancourt was removed from his position as a result of having made a decision in favour of the Indigenous community.

When the representative of the Agrarian Prosecutor's Office, Ms. Díaz Rivera,

convened elections in the community on November 30, 2014, she brought state police and refused to allow the presence of observers, press or the Indigenous Council's lawyer. Despite this, Taurino Rincón, the candidate supported by the Indigenous Council for Territorial Defence in Zacualpan, won the elections. The election of the new Community Commissioner restored governance in the community. Since his election, there have been periodic community assemblies and transparency in the management of community resources. During this time, the community also filed an injunction against the mining concessions that have been imposed on their Indigenous territory, leading to the suspension of any activity on them until there is a final decision concerning the merits of this case.

These actions in defence of the community's territory turned out to run contrary to the interests of Ms. Díaz Rivera, the state government and others with interests in imposing mining in Zacualpan. One again, the representative of the Agrarian Prosecutor's Office convened elections on October 11, 2015. This renewed tensions and could aggravate community divisions, which is contrary to the supposed responsibilities of this authority.

In response, on Sunday October 11, some 100 residents of Zacualpan blocked the road to their community to try to prevent the assembly that Ms. Díaz Rivera convened from being carried out. To the community's understanding the assembly constituted an illegal intervention from the part of the federal agency. In the presence of federal police and the General Attorney for Justice, the representative of the Agrarian Prosecutor's Office arrived at the blockade where she expressed that she was acting in response to a petition from other residents in the community. When the people present in the blockade prevented her from making her way to the community, she literally flew over the blockade in a federal police helicopter to attend the community assembly. Quorum was not achieved for the assembly, yet Ms. Díaz Rivera continued with the meeting to remove Taurino Rincón and named a new community commissioner. She then posted a video of this meeting on her Facebook page. In the video, it was evident that, among other irregularities, the meeting involved people who are not entitled to vote in the community and without using a secret ballot. Fortunately, there was no further confrontation this day, however, a state of unease persists in the community, along with the high likelihood of further aggressions.

In addition to her partial behaviour and interventions in community life, Ms. Díaz has also slandered human rights defenders, contributing to their demonization and criminalization, putting their lives and mental health in jeopardy, along with their ability to continue doing their work. In particular, Ms. Díaz has slandered the environmental justice organization Bios Iguana, accusing the organization of having created terrorist groups, cultivating narcotics, and, according to her, even trying to displace community members from their land in order to take control of them. As a result of the violent and hostile climate that has been created, this organization has been unable to carry out its work in the community, and when it has tried to enter it has faced physical and verbal threats, all with the blessing of the state police. Several members of Bios Iguana have had to flee the state and others have left the group. Members of the Indigenous Council for Territorial Defence in Zacualpan have also faced death threats, been continually monitored by police, and have faced a range of aggressions against them and their families.

Given the above, we call on the Secretary of Secretary of Agricultural, Territorial and Urban Development and the Federal representative of the Agrarian Prosecutor's Office to open an investigation into the behaviour of the representative of the Agrarian

Prosecutor's Office in Colima, to consider her removal and to determine her legal responsibility for her intimidating, partial, illegal and abusive acts.

Signed:

- Atlantic Regional Solidarity Committee (ARSN)
- Canada Philippines Solidarity for Human Rights (CPSHR)
- Comité pour les droits humains en Amérique latine (CDHAL), Québec
- Gaia Foundation, U.K.
- Groupe de recherche sur les espaces publics et les innovations politiques, UQÀM
- Kalipunan ng Mga Katutubong Mamamayan ng Pilipinas (KATRIBU)/National Alliance of Indigenous Peoples Organizations in the Philippines
- Latinamerican Mining Monitoring Program (LAMMP), U.K.
- London Mining Network, U.K.
- Maritimes-Guatemala Breaking the Silence Solidarity Network
- Mining Justice Alliance, Vancouver, Canada
- MiningWatch Canada
- Network in Solidarity with the People of Guatemala (NISGUA), U.S.
- Projet Accompagnement Solidarité Colombie
- Quebec Native Women
- Stop the Institute, Vancouver, Canada
- Victoria Central America Support Committee, Victoria BC
- Yes to Life No to Mining (Global Network)