



International Indian Treaty Council



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Esteemed Madame and Sirs,
Respectful greetings.

Please receive this Urgent Action communication submitted by the International Indian Treaty Council ((IITC), at the request by the Traditional Indigenous Authorities of the Nations' Government of the Yaqui Tribe, belonging to the Heroic Pueblo of B́acum, Ŕo Yaqui, Sonora, Ḿxico. The International Indian Treaty Council (IITC) is an Indigenous organization with General Consultative Status with the United Nations Economic and Social Council (ECOSOC).

The petitioners mentioned above in this request have actively opposed the construction of the Megaproject known as "Gasoducto del Noroeste", in its fraction/section Guaymas-El Oro, which crosses the territory of the Yaqui Nation by 90 kilometers in length and 6 kilometers in width, encompasses 54,000 hectares, which would then be occupied for a period of 25 to 30 years, with compensation of only \$60 million pesos as payment for this term, which equates to \$1,111.11 pesos by hectare (11 cents by square meter), a value that represents dispossession of territory, to this we shall add the risk of explosion of the pipeline to the communities that are within the reach of direct and indirect effects of the gas pipeline.

In addition, the petitioners affirm that the authorities of the government of Mexico did not comply with the international standards with regards to the rights of Indigenous Peoples, for said project has been intended to be installed in the territory without their Free, Prior and Informed Consent, violating what is established on Art. 32 of the UN Declaration on the Rights of Indigenous Peoples and Convention 169 of the International Labor Organization (ILO).

This Megaproject is propelled by the Federal Commission on Electricity (CFE, acronym in Spanish) and the transnational corporations Sempra Energy and its affiliates IEnova, Gasoducto Aguaprieta S.de R.L. de C.V., as well as contractors like Grupo Desarrollo Infraestructura S.A. de C.V. (GDI), and SICIM S.P.A., through their branch in Mexico, SICIM, S.A. de C.V.

In this struggle, the Traditional Authorities of the Nation's Government of the Yaqui Tribe of the Heroic Pueblo de BÁCUM, have presented demands of Protection before the judicial authorities in Mexico, protection admitted on April 6th, 2016 through file 312/2016, before the judge of the 7th District in the City of Obregón, Sonora, Mexico, said authority issued the following resolution:

*"...taking into consideration that the acts of execution could in effect partially deprive the property, possession or enjoyment of the rights by the complainants, based on the provisions in articles 125 and 126, last paragraph, of the law of protection, **grants sua sponte suspension of the challenged actions for the effect that things remain in the state they are in and that no type of work and infrastructure related to the Gasoducto Guaymas-El Oro, be executed within any fraction of the collective territory belonging to the Indigenous Community named BÁCUM or Loma de BÁCUM, related to permit number G/311/TRA/2013, expedited by the Regulatory Commission on Energy.**"*

Subsequently, the Traditional Authorities of the Heroic Pueblo de BÁCUM, presented a complaint before the Tercer Tribunal Colegiado en Materia Penal y Administrativa del Quinto Circuito (Third Collegiate Tribunal on Penal and Administrative Matters) of Hermosillo, Sonora, Mexico, said authority clarified in its fourth outcome (Auto Appeals and Grievances), in numbers 34 and 35, the following:

"34....the suspension so that no form of work and infrastructure be executed related to the project Gasoducto Guaymas-El Oro, related to permit number G/311/TRA/2013, expedited by the Regulatory Commission on Energy, did not limit it to a specific part of the Yaqui territory, but it included the entire collective territory of the Yaqui Tribe, that belongs to, among other pueblos, the named BÁCUM or Loma de BÁCUM; from then, that the indicated sua sponte suspension was granted so that the execution of said work not take place in any part of the collective Yaqui territory.

35. In effect, by noting that the ceded suspension is so that no work or infrastructure for the said gas pipeline project be executed, in the collective territory belonging the complaining pueblo, reveals that it is the entire collective territory of the Yaqui Tribe, to which said Pueblo named BÁCUM or Loma de BÁCUM belongs to."

Although we have these judicial resolutions from the Government of Mexico, said judicial orders have been violated by the authorities of the federal government, from the state of Sonora and by municipal authorities, as well as by the Federal Commission on Energy (CFE, acronym in Spanish) and transnational enterprises, Sempra Energy and its affiliates, IEnova, Gasoducto Aguaprieta S.de R.L. de C.V., as well as contractors like, Grupo Desarrollo Infraestructura S.A. de C.V. (GDI), and SICIM S.P.A., through their branch in Mexico, SICIM, S.A. de C.V., by pretending one one hand, to continue moving ahead with the construction of the project by introducing heavy equipment and transporting trucks of natural gas pipeline in the zone of conflict, as well as many vehicles for the transport of staff, all with logos of the enterprises afore-mentioned, besides police vehicles from the state of Sonora, along with the presence of a great number of police troops from the state of Sonora.

On the other hand, due to the legal failure faced by the promoters of the gas pipe, they have developed harassment and repressive actions, along with campaigns of racial hatred and mock names that cause physical and moral harm, besides the death threats against Traditional Authorities, their legal counsel and technicians, as well as their Human Rights Defenders, like the events that occurred on October 21st, 2016, in which a group of more than 600 people, which included known delinquents of the zone, realized a brutal armed attack against the Traditional Guard of the Heroic Pueblo Yaqui of Loma de BÁCUM, which resulted in the loss of life of one person, more than 30 injured and the detention of a member of the Pueblo of Loma de BÁCUM.

Another aggression occurred on December 13th, 2016, when an armed command attempted to impact a vehicle which carried Traditional Authorities of Loma de BÁCUM, and later two vehicles were assaulted in which five defenders of the Yaqui Territory travelled, and they kidnapped defenders María Anabela Carlón Flores and Isabel Lugo Molina (male), whom they injured physically and tortured psychologically.

Most recently, on the 5th and 6th of January, 2018, again police officers of the state of Sonora, with the assistance of patrol cars: Numbers 173, 686, 667 y 409, penetrated the jurisdiction of the Territory of Loma de BÁCUM, under the pretext of investigating the presence of organized crime in that place, but in reality it was to intimidate the Yaqui community.

On April 30th, 2018, again an armed group unleashed violent acts in the community with high-caliber weapons, in which the young Victor Adolfo Molina, a member of the Pueblo of Loma de BÁCUM, lost his life and a woman was injured. The aggressors were identified, however, the municipal police on patrol car number 145 from the municipality of Cajeme and patrol car Number 054, from the municipality of BÁCUM, Sonora, took the aggressors with them with the clear purpose of protecting them, since to date, it has not been known that they have been placed at the disposition of the authorities.

Subsequently, on the 1st, 2nd and 3rd of May, 2018, they suffered intimidating acts by the police of the state of Sonora, by making low-leveled helicopter flights over the community of Loma de BÁCUM. On the night of the 3rd of May, 2018, police agents from the government of the state of Sonora, which were traveling in police patrol cars, lit on fire the house where the aggressors of the violent acts of April 30th lived, with the purpose of eliminating evidence and to “clean-up” the place, setting afire also, two vehicles that were on-site.

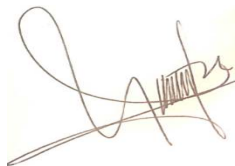
The Traditional Authorities of the Nation’s Government of the Yaqui Tribe of the Heroic Pueblo de BÁCUM, have requested the assistance of the International Indian Treaty Council to respectfully present you with this Urgent Action communication and complaint, so that through your means you can use your mandate to request the federal government of Mexico to exercise their obligation and intervene and protect the community members of Loma de BÁCUM, Sonora, and exert its obligation to respect and apply the judicial resolutions that their own Mexican authorities have approved, in a way so as to effect the **suspension of the acts of execution challenged, so that things remain in the state in which they are in and they not execute the project of the “Gasoducto del Noroeste”, in its fraction Guaymas-El Oro, inside any fraction of the collective territory belonging to the Indigenous Community named BÁCUM or Loma de BÁCUM**, as well as to guarantee the compliance of article 32 on the UN Declaration on the Rights of Indigenous Peoples, for obtaining their Free, Prior and Informed Consent before approving or carrying through projects that impact their lands, territories and resources.

In addition, that justice be done for our indigenous brothers assassinated: Cruz Buitimea Piñas and Víctor Adolfo Molina Vázquez, carrying out the applicable investigations with objectivity and that the government of the state of Sonora stop protecting the criminals and apply the law to them. That our brother Fidencio Aldama Pérez be released, he was unjustly incarcerated, and that any investigation file against the Traditional Authorities of the Heroic Pueblo de Loma de BÁCUM, and technical advisors, and human rights defenders that defend the sacred territory of the Yaqui Tribe be closed and that the delinquent actions that occurred with the illegal imprisonment

and disappearance in prejudice of human rights defenders of the Yaqui Nation, María Anabela Carlón Flores and Isabel Lugo Molina be sanctioned.

We thank you in advance for your intervention and for the actions you can launch regarding this matter of maximum urgency for the rights and survival of the Indigenous Peoples of the Yaqui Tribe and the region.

For more information:



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