

Life is worth more than gold.
The impunity of Fresnillo Plc in the Ejido El Bajío, Sonora Mexico

Fresnillo Plc is a mining company based in Mexico. Since 2008, its shares have been traded on the London Stock Exchange (1) in the United Kingdom. Fresnillo plc is the world's largest producer of primary silver and the largest gold producer in Mexico. Fresnillo has mining operations in Sonora and Zacatecas in Mexico, and also has about 20 exploration projects in the country. The company plans to expand its operations in Latin America, especially in Peru and Chile. In 2020 alone, the company's revenue exceeded US\$2.43 billion (2).

Soledad-Dipolos de Minera Penmont, a subsidiary of the Fresnillo Group, is an open-pit gold mine, which has operated since 2010, in the Sonora sector, on communal land in El Bajío, northeast of the State of Sonora. The Fresnillo Group It has historically been led by Alberto Baillères, one of the richest men in the country. Bailleres's fortune amounts to about 9.2 billion dollars (3).



Credit: Mexico business news

Land occupation

However, not everything is a straight forward success for this company, as it has been involved in various socio-environmental conflicts over gold extraction and the occupation of ejido lands in Sonora. According to Mexican Agrarian Law, this land belong to 'Ejidatarios', community members who have rights over the use of parcels of common lands.

In 2007, the Penmont mining company began exploration in Sonora. The company offered 16,000 Mexican pesos (about £640) for mining rights to the ejidatarios. Two years later, the Penmont mining company opened the Soledad-Dipolos mine, as the Secretariat of Agrarian Development issued a property title for part of the Ejido territory. However, this title was never ratified by the Ejidal Assembly. As a consequence, in 2009, five ejidatarios of the Cruz family filed an agrarian dispute (188/2009) to request participation in the decisions of the territory. Despite this, in 2010 the construction of the Soledad-Dipolos mine began.

In 2011, Agrarian Court No. 28 ruled in favor of the ejidatarios. The Penmont mining company, however, began to illegally exploit the territory. In 2013, the community managed to stop the illegal mining activity with the support of the Federal Police, and part of the territory was recovered. Later that year, the Ejidatarios filed 67 agrarian disputes in the same court.

In 2014, the Agrarian Court ruled in favor of all 67 parties and ruled that the company must vacate the occupied land and return the extracted gold to the rightful owners of the Ejido. Among other points, the sentence requested that the company repair the environmental damage caused by gold extraction (4).

The company has refused to comply with this sentence and has launched various legal actions to take ownership of the land. Since 2014, the Ejido community has reported that company officials have been linked to the use of armed force in attempts to intimidate them.

Violence in the territory: Tortures, murders and disappearances

In 2015, minutes of an ejido assembly meeting surfaced which supposedly ratified the transfer ejido land to the Penmont company. However, the community stated that the signatures on this document were forged. In March of that year, a legal complaint against five ejidatarios was filed. A month later, State Police and company official arrived to arrest the five ejidatarios.

In October 2016, José de Jesús Robledo Cruz - president of the Ejido - spoke to local and national media about the illegal extraction of gold, as well as appearing before the Public Ministry of the Common Jurisdiction of Caborca and before the Federal Attorney for Environmental Protection. A year later, clashes began between the ejidatarios and company officials. Robledo Cruz, along with his wife, was arrested. In the same month, six ejidatarios were kidnapped and three vehicles were burned.



Photo: Raúl Ibarra and Noemí López

On February 12, 2018, Raúl Ibarra de la Paz disappeared and Noemí López Gutierrez (5) was found dead. Journalists who went to the territory to cover the story have reported being threatened by security teams connected to Penmont. In October, the ejidatarios filed a complaint reporting that a company official tried to enter the ejido together with armed men.



Photo: José de Jesús Robledo and María de Jesús Gómez Vega, assassinated in 2021.

On April 28, 2021, the president of the ejidatarios, José de Jesús Robledo Cruz and his wife, María de Jesús Gómez Vega (6), were killed. Their bodies were found with a list naming 13 ejidatarios involved in the fight against the mining company.

Ejido community members continue to report death threats by telephone, text messages with the addresses of their relatives, and surveillance of demonstrations. Ejidatarios have requested to be included in the Protection Mechanism for Human Rights Defenders and Journalists, but no response has yet been received.

- (1) <https://web.archive.org/web/20110622010841/http://www.forbes.com/feeds/afx/2008/04/11/afx4878774.html>
- (2) <http://www.fresnilloplc.com/media/488895/200421-fresnillo-ar2020-web.pdf>
- (3) <https://elpais.com/mexico/2021-04-30/alberto-bailleres-el-rey-midas-mexicano-se-jubila-a-los-89-anos.html>
- (4) <https://oncenoticias.digital/nacional/ejidatarios-de-el-bajio-piden-resolucion-a-sentencias-contraminera-pelmont/>
- (5) <https://www.zonadocs.mx/2021/05/02/asesinan-a-ex-comisario-ejidal-de-el-bajio-son-ora-se-opuso-a-minera-penmont-y-habia-sufrido-amenazas/>
- (6) <https://ejidoelbajio.mx/2021/05/02/denunciamos-el-asesinato-de-nuestro-companero-jose-de-jesus-robledo-cruz-y-su-esposa-maria-de-jesus-gomez-vega/>