

Mining, Murder, and Impunity. Protests in Mexico against Canadian Mining company

A Mexican activist's family has been looking for answers for a decade, even in Canadian courts.

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*In a small town in southern Mexico, a public square is decorated with the bust of **Mariano Abarca Roblero**, a beloved father whose violent death remains unsolved.*

Abarca was shot dead in 2009 after organizing protests against Canadian mining company Blackfire Exploration Limited, which was operating in his hometown of Chicomuselo with political support from the Canadian Embassy in Mexico. Activists accused the mining company of damaging the environment and harming the surrounding communities.

For his family, the past decade has been one long struggle for justice, fraught with obstruction, dismissal, and impunity — obstacles that advocates say are [all too common](#) in places where Canadian mining companies plant their flags.

Mexican authorities have arrested several people in connection with Abarca's murder, but all have been released either before trial or on appeal. Nothing has come of public allegations that high-ranking local government officials were involved in the killing.

Meanwhile, the Canadian mining lobby has successfully blocked Canadian legislation to improve accountability for Canadian natural resource companies that operate in developing countries.

Last year, the Justice and Corporate Accountability Project, a legal and advocacy organization representing the Abarca family, filed a request in Canada for a judicial review of the Canadian authorities' decision not to investigate the actions embassy officials took while protesters were clashing with company representatives.

In July 2019, a federal judge rejected the family's request, saying that embassy officials did not violate any laws. However, he added, "perhaps Mr. Abarca would not have been murdered" if the embassy had acted differently.

"This decision adversely impacts the ethical operation and accountability of not just embassies, but of the public service more broadly," [said Yavar Hameed](#), a lawyer who represented Abarca's family.

Mountains of Chiapas

In the mid 2000s, Canadian brothers Brent and Brad Willis left their offices in Calgary and

traveled to the southern Mexican state of Chiapas, where a local mining company was sitting on one of the largest barite deposits in North America. Within a few years, they would obtain permission to operate the mine named “Payback.”

Payback pierced the side of a lush mountain overlooking the forests of Chiapas. It was located on communal lands, known in Mexico as ejidos, near a small town of about 6,000 called [Chicomuselo](#). Mexican law requires agreement from the largely indigenous communities residing on ejidos for any extractive projects to move forward.

Beginning in late 2007, Blackfire negotiated agreements with locals, but rifts quickly emerged within the small community. Some saw an opportunity to benefit from foreign money and welcomed the chance to work in the mine. Others opposed Blackfire’s operations for various reasons, including environmental risks and concerns that the community would not benefit economically.

Mariano Abarca, an organizer from Chicomuselo and founding member of an activist network, soon became a recognizable face of the resistance to Blackfire. Abarca helped spearhead major confrontations with the company, including protests and blockades.

In one instance, [according to locals](#), Blackfire began extracting barite near a road, in an area not covered by an agreement between the company and the ejido. Activists blocked the road and demanded compensation. Another time, protesters blocked a narrow street where clay houses had been damaged after Blackfire’s ore-filled trucks drove through Chicomuselo.

One night in August 2008, three men who had worked for Blackfire came to Abarca’s home, beat him and his son, and held a gun to his wife’s head, [according to testimony](#) by his family. One of the men — a manager of personnel and security, and driver for the executive of the mine — was eventually sentenced to prison for the attack. A [complaint to the Inter-American Commission on Human Rights](#), filed by the Abarca family and supporting organizations, said the attacker was freed after paying a fine.

While activists accused individuals linked to Blackfire of intimidation and harassment, the company’s executives continued to enlist the help of the Canadian Embassy in Mexico City. Canadian officials lobbied Mexican authorities on behalf of Blackfire on a number of issues, even as violence erupted during protests, according to documents released in 2013 under a Freedom of Information request, which include internal emails.

“All of us at Blackfire really appreciate all that the embassy has done to help pressure the state government to get things going for us. We could not do it without your help,” a Blackfire employee wrote to embassy staff in September 2008.

In the midst of the turmoil in Chicomuselo, Blackfire began depositing money into the personal bank account of the town’s then-mayor, Julio Cesar Velasquez Calderon. According to deposit slips submitted in a 2018 court affidavit, multiple monthly payments of 10,000 pesos (US\$750) were documented by the company as “tips” or “rewards” over the course of a year. Blackfire also paid for a trip to the resort town of Aguascalientes for the mayor, his family, and members of his entourage.

The payments came to a dramatic end when the mayor allegedly demanded a “sexual

encounter” with Cuban singer **Niurka Marcos**, who was scheduled to perform at a town fair paid for by Blackfire. The allegation was made in a court complaint filed by Blackfire, which also described their monthly payments as extortion by the mayor and requested that the court remove him from his post.

Brent Willis, the former president of Blackfire, told OCCRP that only two payments were made to the mayor’s bank account, but claimed they were intended to compensate Chicomuselo for damage to sidewalks from mining work and to pay for the town fair. He said the money was paid to the mayor because no one else in the town had a bank account.

In a [self-published LinkedIn article](#), Willis told a different story, claiming that the money was for an infrastructure project. He also said the mayor stole the funds, and that Blackfire was a victim of corruption and “anti-mining propaganda.”

The documented payments were investigated by the Royal Canadian Mounted Police, which raided Blackfire’s Calgary office in 2011, but the corruption probe was closed in 2015, [citing a lack of evidence](#) to support criminal charges.

As Blackfire squared off with the mayor of Chicomuselo, Abarca continued to organize protests.

When the runoff from the mine began polluting a river that locals relied on for fresh water, he led a delegation of activists and residents to the Canadian Embassy in Mexico City to challenge its support for Blackfire. In a [video recorded at the time](#), Abarca accused Blackfire of using “shock troops” against protestors.

The following month, Blackfire filed a complaint with the Mexican authorities, accusing activists of criminal activity. The company also sent a letter to the Canadian embassy, outlining safety concerns for planned protests. According to embassy emails, officials shared the concerns with Mexican authorities.

During that period, Abarca was arrested for allegedly disturbing the peace, criminal association, organized delinquency, blocking roadways and damages, [his lawyer said](#). Emails indicate that embassy officials sought information about Abarca’s detention by sending inquiries to various agencies in Mexico, the local human rights commission, as well as Blackfire. Abarca was released after eight days.

In the following months, [Abarca reportedly filed a complaint](#) claiming a Blackfire employee threatened to “pump lead” into him to prevent him from further obstructing the mine.

Four days later, on the evening of Nov. 27, 2009, Abarca was shot and killed in front of his home by an assassin who fled on a motorcycle.

Pointing Fingers

Four months after Abarca’s murder, **Horacio Culebro Borrayas**, a former lawyer for Blackfire who was himself detained in connection with the murder, gave a statement to the National Human Rights Commission saying he had attended a meeting between Blackfire Mexico’s general director and the sub-secretary of the state of Chiapas, Nemesio Ponce Sanchez.

According to Borrayas, at that meeting the Mexican official identified the amount of money

that needed to be paid to officials and other interested parties to get the mine up and running. When the Blackfire director brought up the blockade of the road, Sanchez claimed that the only real problem was Abarca, and said he would “weed him out” and if necessary “eliminate” him.

In an interview with OCCRP, Borrayas detailed a surprise meeting with Sanchez shortly after he spoke out against the Chiapas government. According to Borrayas, Sanchez denied ordering the hit, and implicated a different high-ranking public official.

Borrayas also said he feared for his life as a result of his statement to the rights commission.

“They know I’m not going to give up on my conviction that it was the government who killed him.”

Multiple attempts by reporters to reach both former officials were unsuccessful.

Hundreds attended Abarca’s funeral. His [coffin was carried down the streets of Chicomuselo](#), and the procession stopped in front of Blackfire’s local office before heading to the cemetery. Ten days after the murder, the state environment ministry closed the Payback mine, citing unauthorized road use and environmental violations.

When news of the activist’s murder broke, the Canadian Embassy in Mexico City crafted a strategy with press releases, talking points, and briefings that were circulated among the staff to solidify the official message: “This is a matter for Mexican Officials.”

Internally, Canadian officials discussed how Blackfire could file a claim under NAFTA’s dispute settlement clause, but the case never moved forward.

Mexican authorities initially arrested three people in connection with Abarca’s murder, all of whom were linked to Blackfire. One was convicted and spent time in prison, but was released on appeal when a court ruled that he did not receive due process. Others were later arrested and released, including Borrayas. The allegations that a Chiapas state official proposed “eliminating” Abarca for obstructing the mine remain unaddressed by officials and, according to the Abarca family, no one is currently being investigated for the murder.

The Chiapas state prosecutor did not respond to requests for comment.

The state of Chiapas granted Abarca’s widow and their four children a lifetime pension, the details of which remain undisclosed. The family, however, continues to demand justice and push for a thorough investigation into who is responsible for the murder, both in Mexico and in Canada, where a powerful mining lobby has been instrumental in protecting the country’s extractives industry from litigation.

In 2010, the Canadian parliament [voted against a proposed law](#) that would have provided an avenue for mining companies to be held accountable for allegations of human rights abuses abroad.

Liberal MP John McKay, the author of the bill, told OCCRP that a representative of Blackfire visited his office to explain that the situation in Chiapas was a labor dispute.

“I thought that was an interesting description of how you handle labor disputes,” McKay said.

Willis told OCCRP that he did not recall who met with McKay.

In the decade since Abarca’s murder, [several other cases](#) have been brought forward by foreign nationals in Canadian courts against mining companies for alleged corruption, environmental damage, and human rights violations. In a precedent-setting case in 2017, a judge ruled that British Columbia-based Tahoe Resources would have to answer complaints by Guatemalan activists in a Canadian court. The case is ongoing.

Last year the government created the Canadian Ombudsman for Responsible Enterprise, an oversight body charged with addressing human rights complaints against Canadian businesses abroad. The office has been criticized by activists as a “powerless advisory post” because it lacks the judicial power to compel evidence from companies accused of abuses. Furthermore, [advocates said](#) that the appointment of a former petroleum industry lobbyist as the first ombudsman was not a promising start.

The Mining Association of Canada told OCCRP in an email that it doesn’t support empowering the ombudsman’s office to investigate complaints of misconduct. Instead, the association believes the watchdog should engage in “collaborative dispute resolution,” working directly with accused mining companies and affected communities.

On Aug. 19, the [Abarca family said in a public statement](#) that they plan to appeal the recent decision in a Canadian court.

“This won’t bring my father back to life. The family knows that,” said Jose Luis Abarca. “But we can’t keep allowing Mexico to be a pantheon for foreign companies who pay money, contract killers, and we end up burying our loved ones.”

Additional reporting by Lilia Saúl and files from MiningWatch Canada.

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Featured image: A memorial to Mariano Abarca Roblero. 2010. (Credit: Dawn Paley)

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