

Mexico City, 16 June 2009  
Press Release

## **ATENCO: IMPUNITY PREVAILS**

- Once again, Mexican authorities show their unwillingness to investigate, prosecute and punish those responsible for the grave human rights violations committed on May 3<sup>rd</sup> and 4<sup>th</sup>, 2006 in Texcoco and San Salvador Atenco
- The only police officer who had been sentenced for human rights violations against the women was acquitted on appeal despite judge recognizing presence of sexual assault
- This case confirms the complete lack of access to justice for women suffering human rights violations in Mexico

On May 3<sup>rd</sup> and 4<sup>th</sup>, 2006, at least 2,000 police officers (federal, state and municipal) descended on Texcoco and San Salvador Atenco in the state of Mexico, committing grave human rights violations including arbitrary detention and torture. Among 47 detained women, at least 26 have denounced before the authorities that they suffered sexual as well as physical and psychological violence by the police.

Despite these women having submitted their formal accusations to the competent authorities, justice has not been done. On the federal level, the Special Prosecutor's Office for Violence against Women and Human Trafficking (FEVIMTRA) has not brought any of the perpetrators before the judicial authorities, although it initiated the preliminary investigation FEVIM/03/05/2006 over three years ago. On the state level, despite the state of Mexico's Attorney General initiating several investigations for this case, only two trials have been opened for crimes committed in Atenco; in both cases, for crimes considered by the state's criminal law as non-serious crimes.

Within the criminal processes at the state level, there are continuous irregularities. One of the criminal processes (criminal action 59/06), in which 5 members of the municipal and state police are being charged for "abuse of authority", is still in its preliminary phase. In this trial, the District Attorney's Office has been continuously obstructing the victims' rights to contribute and to be informed about their case.

Furthermore, the criminal action 79/2006 is also characterized by impunity. In this legal proceeding, in which a member of the state of Mexico's police forces was identified as having forced one of the arbitrarily detained women to practice oral sex on him, the defendant was exonerated: even when the policeman, named Doroteo Blas Marcelo, had been sentenced in the first legal instance based on the

identification provided by the victim, he was acquitted by the state's Appeals Court. In its final resolution the Court stated that "the evidence contains solid indicators to conclude that the victim was the object of an erotic sexual act; however, the evidence does not demonstrate the perpetrator's identity". This final verdict was issued even though the charges presented by the victim, including her eyewitness identification of her assailant, legally have the status of especially relevant evidence, since the alleged crime is a sexual crime.

Thus, the only police officer who had been punished criminally for the violations committed in Atenco has been acquitted by the state of Mexico's judiciary system. Once more, impunity prevails in the national legal sphere.

As stated by Center Prodh on past occasions, the violence against women perpetrated by the police in the Atenco case was not properly investigated and the competent authorities did not follow the proper proceedings for this kind of crimes: the initial proceedings in this case are essential for the entire legal process and for punishing those responsible. While different governmental authorities have acknowledged the existence of grave violations of human rights against the women in the Atenco case, none of the perpetrators have been properly sanctioned, three years after the facts.

Accompanied by the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh) and the Center for Justice and International Law (CEJIL), the women of Atenco, victims of sexual torture, will continue litigating the case before the Inter-American Commission on Human Rights. Due to the inefficiencies constantly shown by the national legal instances, the women of Atenco are looking for the IACHR to declare that the State violated the rights to physical integrity, personal security and liberty, access to justice, equality and non-discrimination, dignity, and privacy, and to recommend that Mexico initiate a serious, efficient and impartial investigation to punish the perpetrators of these grave violations of human rights.

This case could set an important precedent and establish a gender perspective within the investigations of alleged sexual violence against women perpetrated by State agents. The women and Center Prodh consider it crucial to condemn internationally the actions of the Mexican State in this case and demand that these women have access to an integral justice.

Finally, it is important to stress that the legal actions in this case will be performed along with actions of protest, which the women have decided to carry out to inform the public about the prevailing impunity in the Atenco case.

**The petitioning women, arbitrarily detained during the police operations  
in Texcoco and Atenco in 2006**

**Miguel Agustín Pro Juárez Human Rights Center**