



GRETTEL RODRÍGUEZ ALMEIDA
GENDER VIOLENCE SURVIVOR AND
HUMAN RIGHTS DEFENDER

F HUMAN RIGHTS IN MEXICO FOCUS

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Looking back on the 2000-2012 Human Rights Policy in Mexico

New era
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Hugo Sánchez Ramírez, an indigenous mazahua youth from Mexico State, is the clearest example of how skin color, ethnic adscription and socioeconomic position, are more important than innocence when police decide whom to arrest for unsolved crimes. Hugo spent five years in prison for crimes that he did not commit. His family brought the case to Center Prodh and after litigation before the Supreme Court, he was freed October 23, 2012. In February 2013, the Supreme Court voted to clear Hugo's name of all charges.



EDITORIAL

As 2013 begins, we reflect on the human rights situation in Mexico during the past twelve years, under the presidential administrations of Vicente Fox and Felipe Calderón of the National Action Party (PAN). These marked the only two terms in approximately the last 80 years in which the presidency was held by a party other than the Institutional Revolutionary Party (PRI). As of December 2012, the PRI has returned to the presidency once more.

If one-party rule throughout most of the 20th century brought repression of dissidents including the systematic use of forced disappearance and torture during the country's Dirty War (late 1960s-1970s), the first change of presidential parties, in the year 2000, did not bring about truth and justice for these grave human rights violations, nor did it resolve Mexico's permanent institutional crisis of corruption and near-universal impunity for crimes committed by both state and non-state actors. With the arrival of President Calderón for the 2006-2012 term, Mexico's government declared a frontal 'war on crime' in which levels of violence soon skyrocketed, as did human rights violations committed by the military, police, prosecutors and other actors, including arbitrary detentions, torture, killings and forced disappearances.

Meanwhile, as the crime war claimed tens of thousands of lives, national and international attention was often distracted from other serious patterns of human rights violations, such as the criminalization of communities' opposition to large-scale development projects that threaten to cause irreversible damage to their environment, discrimination against indigenous peoples, or impunity for violence against women.

Mexico's new president, Enrique Peña Nieto of the PRI party, thus inherits a country that still needs to consolidate the rule of law and build a democracy that includes all of its citizens, and that must additionally end, investigate, and punish the patterns of gross rights violations unleashed by its disastrous public security policies of recent years.

Through our review of the past several years in this issue of Focus, as well as our updates on paradigmatic cases and a look ahead to the upcoming sessions of the Inter-American Commission on Human Rights, we seek to identify some of the key issues of the recent past that must be dealt with in the near future if Mexico is to move toward respecting and guaranteeing the basic rights enshrined in its Constitution and the international treaties it has signed.

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SPOTLIGHT ON

GRETTEL RODRÍGUEZ ALMEIDA



GENDER VIOLENCE SURVIVOR AND HUMAN RIGHTS DEFENDER

Grettel Rodríguez Almeida is a young woman from the state of Yucatán who survived her former partner's attempt to kill her in an act of gender-based violence (attempted femicide). She is also a human rights defender who brought her case to the National Supreme Court and set a precedent in favor of women's rights.

In September 2009, Grettel was living with her parents in the city of Merida. One day she got into an argument with her boyfriend and his reaction was to attempt to kill her with a knife, including by severing her jugular vein (to save her life, doctors had to suture her wound without anesthesia).

Grettel's boyfriend was arrested. However, Grettel suffered discrimination at the hands of authorities, who routinely discredit women who have experienced gender-based violence and fail to take these crimes seriously. The trial

judge reclassified the offense from attempted murder to aggravated assault and Grettel was not allowed to appeal and participate fully in the judicial process. During a meeting with Grettel, the judge asked her: "Aren't you ashamed? You put him in jail while he only gave you a few little lines," referring to the scars on her face and neck left by the knife wounds.

Her attacker served a sentence for assault and was released, leaving Grettel with the constant fear of suffering retaliation (indeed, he made threats against her). Based on not having been granted full legal standing to participate in the trial as a victim of gender-based violence, Grettel brought her case to the national Supreme Court, which ruled in her favor and ordered a re-trial, establishing standards on victims' right to participate in the trials of their attackers. As of this writing, Grettel continues to work as a human rights advocate on diverse issues. ♡

FOTO Grettel Rodríguez Almeida, during an interview at Center Prodh in 2012.

UPDATES ON ISRAEL ARZATE, TORTURED AND UNJUSTLY IMPRISONED



On September 26, 2012, the defense of Israel Arzate -the young man from Ciudad Juárez who is falsely accused of the multiple homicide case known as the massacre of Villas of Salvárcar- achieved at least a small step forward. Namely, Israel was moved from the police academy of Juárez - where he had spent more than two years arbitrarily imprisoned after his one-year limit of preventive detention in prison had concluded - to his house, where he is under arraigo but has contact with his mother. The representative of the United Nations Office of the High Commissioner for Human Rights in Mexico, Javier Hernández Valencia, also visited Israel in his house in October of 2012.

Meanwhile, on October 24th the First Chamber of the Supreme Court unanimously voted to assume jurisdiction over Israel's case, which will be discussed by the nation's highest judicial body due to the fact, among others, that the criminal trial against him is based exclusively on a false confession obtained under torture in a military base. Indeed, the torture has been demonstrated by the application of a medical examination following the guidelines of the internationally recognized Protocol of Istanbul.

As readers will recall, this case, documented by human rights bodies including the UN Working Group on Arbitrary Detention, the Mexico office of the UN High Commissioner for Human Rights, Human Rights Watch, and represented by Center Prodh in conjunction with two local organizations in Ciudad Juárez

(the Women's Network in Juárez and the Juárez Migrant Support Center), has the potential to set a precedent once and for all against the use of confessions obtained under torture as prosecution evidence, and to establish in a concrete case the "fruit of the poisonous tree" rule: that is, evidence obtained indirectly through torture and other Constitutional rights violations is inadmissible. The eventual implementation of these evidentiary rules by judges in Mexico would revolutionize the criminal justice system (which systematically relies on torture to obtain forced confessions) and eliminate the possibility that in the new oral trial system, confessions obtained under torture continue to be admitted (as occurred in the new oral system in the case of Israel Arzate). Thus, the Supreme Court's decision in Israel's case is of fundamental importance to move Mexico toward a justice system capable of respecting human rights and distinguishing reliably between innocent and guilty, instead of a system based on the presumption of guilt and reliance on false or illegal evidence. ♡

On the same day as the Atenco hearing, there will be a general hearing before the Commission on the situation of human rights in Mexico, with the participation of a range of Mexican and international NGOs and representatives of the Mexican government. That hearing will begin at 3:45pm EST in the Ruben Dario Conference Room of the OAS (see details of Atenco hearing). Those in attendance can expect discussions ranging from such topics as the impact of public security policies in Mexico to the situation of vulnerable populations and rural communities.

Aside from the hearings before the Inter-American Commission, March will also bring several important events in the ongoing discussions between Member States and organs of the OAS and civil society regarding how to strengthen the work of the Inter-American Human Rights System, including a special meeting of the Permanent Council of the OAS with civil society organizations on March 6th and the Extraordinary General Assembly of the OAS on March 22nd (both in Washington). In this sense, the important achievements of the Inter-American Commission have made it the victim of its own success, as some countries in the region now seek to restrict its activities so as to avoid international scrutiny of human rights problems. Meanwhile, the greatest obstacles to increasing the impact of the Inter-American System in the region remain the tiny amount of funding given by the OAS to its own human rights organs, and Member States' failure to implement many recommendations of the Commission (or to comply fully with sentences of the Inter-American Court). Center Prodh along with other NGOs in the region will be participating in both events mentioned with the aim of ensuring the true strengthening of the Inter-American System.



HUMAN RIGHTS
IN MEXICO
Focus

Inter-American Commission to hold public hearing on Atenco case in March

For the past several years Center Prodh and international counterpart CEJIL (Center for Justice and International Law) have been representing a group of eleven women who survived sexual torture during the infamous police operation of May 3rd and 4th, 2006 in the town of Atenco, Mexico State, and who are taking the Mexican government to the Inter-American Commission on Human Rights to fight for justice in their case. Now, nearly seven years after the original abuses occurred, the tireless campaign of the eleven women has brought an enormous advance on the international stage: the Inter-American Commission has convened a public hearing this March 14, 2013 to hear live arguments and testimony on the case (details on the time and place of the hearing are given at the end of this article).

As our readers will recall, among hundreds of people who were arbitrarily arrested and physically abused during the police operation in 2006, 47 women were detained, including dozens who testified that they were subjected to sexual violence during their detention and transfer to a local jail, including oral, anal, and vaginal rape, as well as other acts of torture such as threats against the victims and their family members. These crimes have been corroborated by investigations carried out by Mexico's Supreme Court, its National Human Rights Commission and medical documentation of the abuses, as well as the numerous testimonies regarding the acts of torture.

In light of the lack of advances toward justice on the national level, in 2008 the eleven women we represent filed a petition before the Inter-American Commission, which admitted the case in 2011. Now, one of the women will travel to Washington to speak in the name of the eleven petitioners, giving testimony about the operation of May 2006, the subsequent lack of access to justice, and the impact that these violations have had on the lives of the women. The petitioners will thus be able to speak directly with and answer questions from the Commissioners, as well as make clear what needs to be done to

ensure justice and that such acts do not occur again. Representatives from Center Prodh and CEJIL will participate, presenting legal arguments regarding the violations of the women's human rights to liberty, physical integrity, equality, justice, and others.

We hope that with this hearing, the Inter-American Commission will issue its Merits Report on the case later this year. The Merits Report will establish the facts found by the 7-member Commission, the human rights violations proven, and the recommendations that the Commission addresses to the Mexican government to remedy any violations found. Mexico will then have a certain period of time to implement any recommendations issued by the Commission, failing which the case could be sent to the Inter-American Court of Human Rights, the region's highest human rights tribunal.

To attend the public hearing in the Atenco case, remember these details: 10:15-11:45am EST, Ruben Dario Conference Room of the Organization of American States, 1889 F. Street NW, Washington DC. To check if the hearing will be webcast, please visit the Inter-American Commission's website at www.cidh.org and look for the Calendar of Hearings. 🇺🇸

LOOKING BACK ON THE 2006-2012 PRESIDENTIAL ADMINISTRATION

TO THE EMERGENCE OF RESISTANCE TO THE CONSOLIDATION OF THE CIVIL SPACE

December 1, 2012 witnessed a change in Mexico's federal government: after 12 years of governance by the National Action Party (PAN for its acronym in Spanish), largely characterized by false expectations and systematic human rights abuses, the long-ruling Institutional Revolutionary Party (PRI) has returned to the presidency with Enrique Peña Nieto, former governor of Mexico State, at the helm. The Peña Nieto administration thus has the obligation to correct the misuses of power of the past administration (and of many before it).

This change prompts us to look back and reflect on the past six years, including from the perspectives of the most vulnerable sectors of society: migrants, indigenous peoples, women, victims of political repression, the poor. This is the goal of our recently published report on the human rights situation in Mexico under the Felipe Calderón administration, entitled "A Transition Betrayed: Human Rights in Mexico 2006-2012." The report looks into diverse topics that concern our society: human rights violations by security forces; pollution generated by the mining industry; the connection between internal anti-migrant policies and political relations with the United States; violations to due process along with discrimination and criminalization in the justice system; current social protests and the fight to keep alive the memory of the enforced disappearances during the seventies and eighties – all in the context of a militarized and neoliberal State. The report gives an account of the stories that summarize the pain, the courage, the uncertainty and the resistance of the victims and families who persist to defend human dignity each day against those who would seek to deny it.

Among the main topics of the report is the disastrous "war" against organized crime. The death toll highlights the magnitude of the humanitarian emergency: between 60,000 and 100,000 people killed, leaving yet uncounted those who have disappeared; those who were displaced by violence; those who were unjustly incarcerated; assassinated journalists and human rights defenders; orphans, widows and widowers and invisible victims that mourn for those who were violently killed. This figure also excludes the serious crimes that have been committed against very vulnerable groups such as migrants that cross Mexican territory.

The country has continued to suffer economic, political, social and environmental catastrophes. Consequently, the panorama at this change of administration is anything but encouraging. Indeed, during the past administration the wealth of the country continued to be privatized and largely concentrated in the hands of a few families, while the costs of basic services fell disproportionately to citizens who often cannot afford them. The jobs of at least a third of the population are precarious and violate basic labor rights. Poverty was an enormous factor that increased the vulnerability of the population

Meanwhile, autonomy has been denied to indigenous groups. Government, business and other powerful actors have used violence against diverse groups and have taken over land, forests, water sources and communities. The environment has been over-exploited and polluted by the construction of megaprojects

and a third of the national territory contains concessions to mining companies.

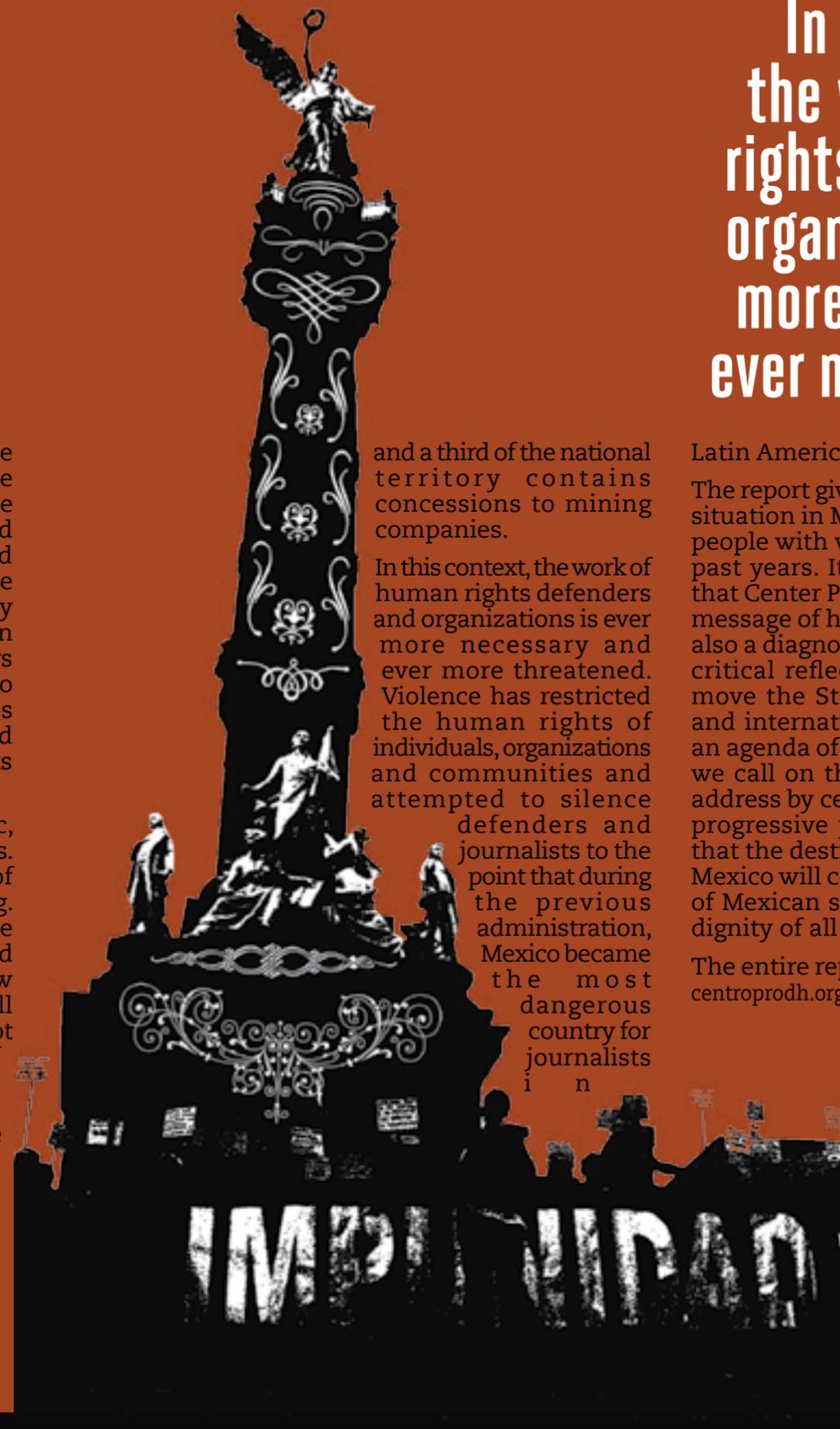
In this context, the work of human rights defenders and organizations is ever more necessary and ever more threatened. Violence has restricted the human rights of individuals, organizations and communities and attempted to silence defenders and journalists to the point that during the previous administration, Mexico became the most dangerous country for journalists in

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Latin America.

The report gives an account of the human rights situation in Mexico from the perspective of the people with whom we have worked during the past years. It is based primarily on the cases that Center Prodh has been accompanying, as a message of hope in human rights. The report is also a diagnosis that we hope serves to provoke critical reflection by Mexican society and to move the State toward fulfilling its national and international obligations, and we include an agenda of pending human rights topics that we call on the new federal administration to address by ceasing violence and implementing progressive policies. However, we also know that the destiny of the human rights agenda in Mexico will continue to depend on the capacity of Mexican society to persist in defending the dignity of all human beings.

The entire report is available in Spanish in www.centroprodh.org.mx



Human Rights from 2000-2006

LOOKING BACK TO THE FIRST PAN PRESIDENCY

Centro
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MIGUEL AGUSTÍN PRO JUÁREZ, A.C.

HUMAN RIGHTS
IN MEXICO
Focus

Just as Center Prodh has recently published a report on human rights under the Calderón government (2006-2012), we take this opportunity to reflect on the past 12 years of National Action Party (PAN) rule as a whole and their relationship to where we are today. In this sense, we recall the conclusions of our report on the Vicente Fox presidency, entitled, "Unfulfilled Rights, Legalized Violations: Human Rights in Mexico 2000-2006." The report traced the Mexican government's violations of international treaties that protect human rights, including the legalization of actions that violate these rights.

Notably, during his campaign and after coming into power, President Fox used human rights discourse as one of his principal arguments, promising to end impunity for Dirty War violations committed under the PRI party. Yet his own administration instead left a trail of systematic violations, many of which extended into and worsened in the following administration of Calderón.

A transversal aspect of the report on Vicente Fox's government were our reports on impunity in emblematic cases of violations, centering on the performance of the Special Prosecutor for Social and Political Movements of the Past (the office created to investigate and prosecute Dirty War crimes, which failed to achieve the punishment of a single perpetrator) and the massacres of Acteal, Aguas Blancas and El Charco. These massacres remain in impunity despite special investigations by the Supreme Court.

The report also reviewed criminal justice proposals and the close relation that these would have with human rights. A central problem is that the continuing strategy of increasing penalties has not diminished crime rates. With regard to public security, we analyzed the creation and the performance of the Federal Preventive Police (PFP), now simply Federal Police. The problems identified then -such as the tendency to militarize security forces- remained relevant and took center stage in others of Prodh's reports since the Fox administration, in which we have discussed not only the federal security forces but also the fact that a good part of state and municipal police forces

have been placed under the command of current or former members of the Armed Forces.

A topic of relevance in the Fox presidency and today is repression at diverse levels of government: in May 2006 we observed the criminalization of social protest and the fabrication of crimes as a weapon used against activists, in the emblematic case of San Salvador Atenco. Of course, violations were and are not limited to the civil and political sphere: then and now, the national panorama is one of violations to labor rights, the right to health, the right to housing and failure to meet other necessities of the population.

In addition, the first PAN administration marked a continuing period of violation of the rights of human rights defenders and journalists. During 2005, Center Prodh published two special reports, one on murders of journalists and one on human rights defenders and the serious risks to which they are exposed.

Violations of indigenous communities' rights were also documented during Fox's presidential period, as policies of exploitation of their natural resources were driven forward with such little

regard for their devastating consequences that some analysts labeled them ethnocide. The effects on indigenous communities ranged from hunger and physical elimination, to emigration and thus gradual disappearance of indigenous cultures.

A final topic analyzed was the relation between poverty and human rights in the light of the effects of free trade agreements on the growth and intensification of poverty in Mexico. Fox's administration was a period of continuity and deepening of the policies of structural adjustment; in spite of programs to combat poverty, the final results show a growth of the number of poor people and an increase in vulnerability.

What may most call the attention of our readers is that in this issue of remembering the Fox and Calderón presidencies, the same problems and tendencies that civil society documented over the past 12 years are those that continue to plague our society today. It is essential that actors both at home and abroad are informed about these problems and call on the current Mexican government to prioritize their solution under the new return of the PRI to power. ♡

SUPREME COURT FREES HUGO SÁNCHEZ AND CLEARS HIS NAME OF ALL CHARGES

COMMUNITY WATER DEFENDERS FINALLY FREE AFTER SERVING 3 YEARS OF PRISON



Hugo Sánchez Ramírez, an indigenous mazahua youth from Mexico State, is the clearest example of how skin color, ethnic adscription and socio-economic position, are more important than innocence when police decide whom to arrest for unsolved crimes. Hugo spent five years in prison for crimes that he did not commit. His family brought the case to Center Prodh and after litigation before the Supreme Court, he was freed October 23, 2012. In February 2013, the Supreme Court voted to clear Hugo's name of all charges.

When Hugo was detained in 2007, he was 18 years old. At that time, he used to drive a taxi to help earn income for his family in San Jose del Rincón, Mexico State. One day, Hugo and two taxi passengers were arbitrarily detained by police who planted weapons in the car to justify the arrest. The real motive of the arbitrary detention soon became clear: police agents took photos of Hugo holding a sign with the word "kidnapper" and accused him of an unsolved kidnapping that had happened months before (at a time and place that made it impossible that Hugo could have participated).

Hugo's case was analyzed by the United Nations Working Group on Arbitrary Detention, which declared his detention arbitrary and asked the Mexican state for his immediate liberation. Numerous international organizations sent amicus briefs to Mexico's Supreme Court to argue on behalf of Hugo.

In October 2012, the First Chamber of the Supreme Court of Justice discussed aspects of the case including denial of due process, arbitrary detention and fabrication of false evidence. With four votes in favor and one against, the Justices determined that the young man should be freed immediately and cleared of his 37-year sentence for kidnapping. It was not until February 6, 2013, that the second false charge of weapons possession was invalidated by the Supreme Court.

With Hugo's liberation and the clearing of his name, he and his family have begun to achieve justice after five years, after having being stigmatized and criminalized for belonging to an ethnic group. ♡

As readers know, José Ramón Aniceto and Pascual Agustín, water defenders in the community of Atla, located in the northern mountains of the state of Puebla, were imprisoned in 2010 for a crime that never existed (see background facts below).

Finally, on November 28, 2012, the First Chamber of Mexico's Supreme Court granted them an amparo legal remedy and thus their freedom and recognition of innocence. In the session, four of five Justices voted in favor of the indigenous community defenders, as it was evident that the crime had never taken place; besides which, due process rights, such as the right to be assisted by a translator, had been flagrantly violated.

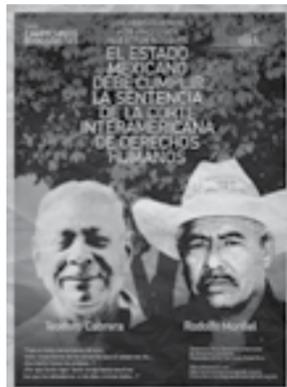
When the court session ended, Brígida and Salustia, the wives of José Ramón and Pascual, gave testimony of how their families' lives changed after their arrest as well as the economic difficulties they have undergone and their continuous struggle for justice. That same day, November 28, the community defenders left the Huauchinango jail.

In a press conference offered the next day in Center Prodh, they assured the public that they

will continue to fight for the right to water in their community and emphasized that they do not seek revenge against those who falsely accused them, but rather peace for the community as a whole. Finally, they thanked those who have supported and defended them during these past years, both nationally and internationally. Center Prodh takes this opportunity to join in and convey this gratitude to our international audience.

Background: José Ramón (65 years old) and Pascual (48 years old) were elected to tradition community positions in Atla, Puebla, and built infrastructure that granted access to water to their entire community, much to the chagrin of the local strongman who up until that time had controlled the community's access to water and who was used to charging exorbitant sums or forced labor for allowing people to access this necessary resource. In October 2009, in retaliation for this, the local strongman attempted to run down the water defenders with a car. When this did not work, José Ramón and Pascual were instead accused of trying to steal the car and imprisoned despite the lack of evidence against them. ♡

ECOLOGISTS RODOLFO MONTIEL FLORES AND TEODORO CABRERA GARCÍA AWAIT ADVANCES IN TORTURE INVESTIGATION ORDERED BY INTER-AMERICAN COURT



In January and February 2013, federal prosecutorial authorities finally carried out medical and psychological examinations of torture victims Rodolfo Montiel Flores and Teodoro Cabrera García, who won their case in the Inter-American Court in 2010 and have been waiting ever since for advances in the investigation to prosecute and punish their torturers (Army members who arbitrarily detained them in retaliation for their environmental defense activities in Guerrero State in 1999). While numerous medical exams have already documented the torture suffered by the victims, federal authorities' investigation protocol calls for them to carry out new ones before proceeding with the investigation. With the carrying out of these exams in early 2013, the ecologists and their representatives -Center Prodh and CEJIL- await the results and call on the government to swiftly move forward with the investigation against the perpetrators.

LITIGATION ADVANCES IN THE INTER-AMERICAN SYSTEM ON CASE OF FAMILY DISAPPEARED DURING DIRTY WAR



In the second half of 2012, Center Prodh received and responded to the Mexican government's first submission to the Inter-American Commission on Human Rights (IACHR) in the case of the forced disappearance of five members of the Guzmán Cruz family in the decade of the 1970s, during the period known as the Dirty War.

Thirty-eight years since the forced disappearance of the Guzmán Cruz at the hands of state agents, the human rights NGOs Diego Lucero Foundation, Center Prodh and surviving family member Abdallán Guzmán Cruz are now litigating the case before the Commission, calling upon this international body to admit the petition against the Mexican state for the forced disappearances between 1974 and 1976 of Don Jesús Guzmán Jiménez, and Amafer, Venustiano, Solón and Armando Guzmán Cruz, all of them members of the purépecha indigenous community of Tarejero, Michoacán.

This case is just one of several disappearance cases litigated by Center Prodh and the Diego Lucero Foundation before the Inter-American Commission. Readers can expect to hear more about the paths of these cases in the future.



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Since being founded by the Jesuits in 1988, the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh) has worked to defend, promote, and increase respect for human rights in Mexico, with a focus on social groups that find themselves in situations of vulnerability such as indigenous populations, women, migrants and victims of social repression.

SEVENTH ANNIVERSARY OF THE EXPLOSION IN THE PASTA DE CONCHOS MINE

February 19, 2013 marked the seventh anniversary of the explosion in the Pasta de Conchos mine in Coahuila state, where unsafe working conditions led to the deaths of 65 miners, 63 of whose mortal remains were never recovered from the mine and remain trapped in the earth. Their widows and family members have fought for the last seven years for justice and access to the mortal remains of their loved ones, including through a petition being litigated before the Inter-American Commission on Human Rights. Now, the national Attorney General's Office has indicated that it will respond to their calls to re-open the long-dormant investigation. We will keep readers updated in future issues of Focus.



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WE ARE FREEDOM IN MOTION

(SOMOS LIBERTAD EN MOVIMIENTO)

Inter-American
Commission to hold
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Atenco case in March

