

# FOCUS

HUMAN RIGHTS  
IN MEXICO



LETTY HIDALGO:  
Her fight against enforced disappearance

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INJUSTICE CONTINUES

## PASTA DE CONCHOS

Centro  
**Prodh**  
CENTRO DE DERECHOS HUMANOS  
MIGUEL AGUSTÍN PRO JUÁREZ A.C.

Pages 4 and 5

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Photo: Organización Familia Pasta de Conchos



Unsafe working conditions and labor rights violations abound in México's coal-mining sector

# EDITORIAL



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This spring edition of Focus brings updates on several cases in which survivors and families continue to fight against impunity, first by exhausting all possibilities of access to justice in Mexico and then by bringing their cases to international bodies. An example is the case of the **65 miners who lost their lives in 2006 in the Pasta de Conchos mine** in Coahuila state, following a preventable explosion caused by the buildup of methane gas. This tragedy left hundreds of children and dozens of wives without their fathers and husbands.

We also present advances in the case of the **enforced disappearance of Faustino Jiménez Álvarez by judicial police in 2001** in Guerrero state. The family of Faustino Jiménez, who witnesses his enforced disappearance, brought the case to the Inter-American Commission on Human Rights and achieved a friendly settlement in 2012. Last December 19, 2013, the Mexican government held a public act of recognition of responsibility in which authorities apologized for the enforced disappearance.

In this edition's **human rights defender profile**, we feature the tireless struggle of **Letty Hidalgo** against enforced disappearance. Letty transformed a family tragedy into commitment to this important cause after federal and state authorities of Nuevo León state entered her home and took away her son Roy, who was about to turn 19. Letty has dedicated more than three years to the fight for truth and justice.

We also have updates on the case of **three indigenous hñāñhú women, Jacinta Francisco Marcial, Alberta Alcántara Juan, and Teresa González Cornelio**, who spent years unjustly imprisoned when federal agents invented that they were kidnappers (no such kidnapping had occurred, as reflected in a favorable Supreme Court judgment in 2010). Now, the three women are advancing in the Mexican court system in their suit for damages for wrongful imprisonment, although there is no shortage of obstacles since the Federal Attorney General's Office does not wish to pay damages.

Finally, readers will find information on the recent visit of Amnesty International's Secretary General to Mexico and the latest judicial decisions in the cases of **Martha Camacho** and the **Tila community**. 



Letty in a press conference, denouncing the disappearance of her son Roy.

# LETTY HIDALGO: HER SEARCH FOR A DISAPPEARED SON

**L**etty Hidalgo was 48 years old when her life changed forever. She had always dedicated her time to her two sons, Roy and Ricardo. She had also spent 28 years as a high school teacher in Nuevo León.

However, three years ago all this changed. In January 2011, state authorities entered her home and took Roy, who would have turned 19 in two more weeks. He was a student of Linguistics at Nuevo León Autonomous University. He was a good student and “there was no possible reason for them to have taken him” reflects Letty.

Following the disappearance and with only the support of her family, Letty began her own investigations into her son’s whereabouts, unable to imagine that along the way she would find solidarity with her pain in the families and friends of disappeared people and university students willing to put themselves at risk to search for truth and justice.

Letty still remembers the first time she spoke in public about Roy’s disappearance: “it was in the Solidarity Caravan and I looked out at them; I was afraid for me and for my family, so I didn’t give names. And I was used to people not paying attention to me. But they listened, and they recommended that I seek out groups or organizations.”


She knew that somewhere people were working to defend human rights, and she wasn’t indifferent to social causes. But “you never think it’s going to happen to you... And now that it has, I understand that it shouldn’t be this way, you don’t have to suffer a loss to be able to understand another person’s pain.”

**Following the disappearance and with only the support of her family, Letty began her own investigations into her son’s whereabouts, unable to imagine that along the way she would find solidarity with her pain in the families and friends of disappeared people and university students willing to put themselves at risk to search for truth and justice.**

Letty has worked with diverse groups and movements searching for disappeared people. She currently works in Uniting Forces for our Disappeared in Nuevo León (FUNDENL).

She is also a member of the movement Embroidering for Peace in Monterrey. Every Thursday the group meets in Plaza Transparency to embroider the names of victims on white handkerchiefs: red if the victim has been killed, green if he or she was disappeared.

Letty knows that the search for truth is everyone’s concern, and she herself has vowed to continue the fight for justice, not just for her son, but also for all the many causes

she has learned about in these years of activism. 

# THE REAL MEANING OF "SAVING MEXICO"

## AMNESTY INTERNATIONAL'S SECRETARY GENERAL VISITS MEXICO

"Saving Mexico" was the title of the main article in Time Magazine's latest issue, along with a photo of President Enrique Peña Nieto on the cover (Time Vol. 183, No. 7). Asked about this by the media on February 18, 2014 during a press conference at the end of a short visit to Mexico, Salil Shetty, Amnesty International's Secretary General, stated that "Saving Mexico" would require tangible results in the field of human rights, and not just statements and "policies". According to Mr. Shetty "[w]hile Mexico is an increasingly important actor on the world stage, not only in economic terms but in the field of human rights, it is failing to deliver at home".<sup>1</sup>

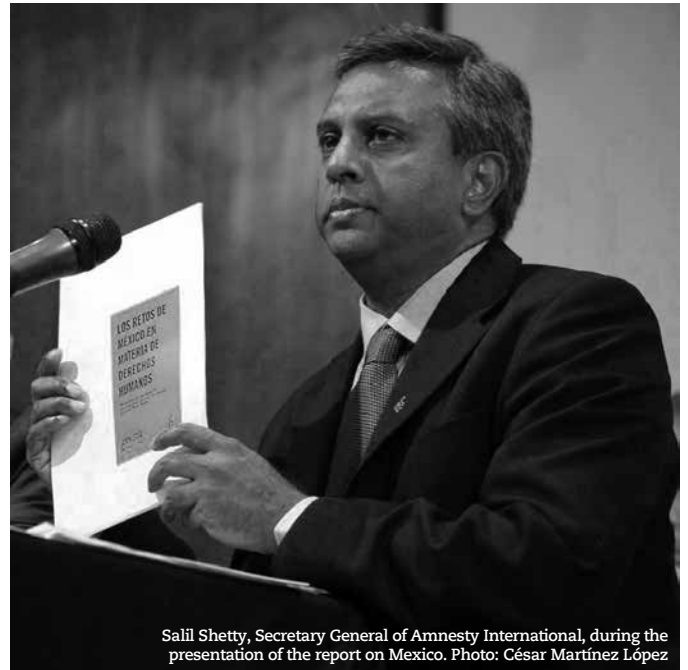
Some indicators of the latter are the thousands of persons reported as disappeared (more than 26,000 according to the government's own records from December 2006 to November 2012<sup>2</sup>); the tens of thousands of migrants who are missing or who have been kidnapped, abused or otherwise killed during their journey to the United States; the endless women attacked, killed, or discriminated against for being women; the numerous human rights defenders and journalists that have been threatened, harassed, and executed; the countless people who have been tortured to confess false crimes; or the indigenous peoples and peasant families that have been displaced to make way for so-called "economic development" projects.

Despite this horrifying reality, "public commitments and decisive action on human rights have been notable by their absence",<sup>3</sup> as

<sup>1</sup> See Amnesty International, "Amnesty International calls on Mexico's President to confront critical human rights situation" (18 february 2013), disponible en: <http://www.amnesty.org/es/node/45650>

<sup>2</sup> Francisco Reséndiz, "Confirma SG más de 26 mil desaparecidos de 2006 a 2012" (27 february 2013), El Universal, available at: <http://www.eluniversal.com.mx/primer/41524.html>

<sup>3</sup> Amnesty International, "Human rights challenges facing Mexico. Amnesty



Salil Shetty, Secretary General of Amnesty International, during the presentation of the report on Mexico. Photo: César Martínez López

stated by the Memorandum directed to Mexico's President by Amnesty International.

The aforementioned issues and others were analyzed by Amnesty's Secretary General during his visit to Mexico from February 15 to 18. Throughout his stay Mr. Shetty had the opportunity to meet with victims of human rights violations and their relatives, human rights defenders, organizations, and high-level government authorities, including President Peña Nieto.

Although Peña Nieto reaffirmed his verbal commitment to human rights during his meeting with Mr. Shetty, Amnesty highlighted that the President should send a strong message to society and his own officials that human rights are a priority and that said message should be supported by actions.

Let us hope that indeed the State moves forward from progressive speeches in the international arena, to progressive actions inside Mexico. In the short term, there are no signs that society will stop suffering the consequences of corruption, human rights abuses, and impunity, or that human rights defenders and organizations will stop struggling to advance human rights in a very hostile context. ✈

# PASTA DE CONCHOS: DESPITE THE EVIDENCE

## THE DEATH OF 65 MINERS REMAINS UNPUNISHED



8th memorial of the Pasta de Conchos case. Photos this page: César Martínez López

**O**n February 19, 2006 the "Pasta de Conchos" coal mine in the state of Coahuila exploded from the accumulation of methane gas. The explosion had very strong repercussions due to the deplorable conditions of the mine, for example, the absence of beams to support the roof where the miners were working. Thus, the explosion turned into tragedy, causing the death of 65 miners.

During the first hours after the explosion the government did not respond as it should have. For example, then-president of Mexico Vicente Fox transferred the task of rescuing the miners to the mining company, which was responsible for the working conditions in the first place: "Grupo Minera México", led by Germán Larrea. Rescue workers started their task with great concern. However, a few days later, the mining company and the Mexican government decided to suspend the rescue because they considered that the lives of rescue workers were at risk.

According to testimonies and expert opinions, when the rescue workers stopped, they were just eight meters away from the area where the miners were trapped. Nevertheless, the analysis

of the company and the Mexican government seems to have been that by rescuing the miners the terrible safety and working conditions of the mine would have been evidenced. This could have led to economic sanctions, the withdrawal of the mining concessions and even to criminal responsibility.

Thus, the State and the company decided that the 65 miners would remain in the mine. Months later, the bodies of two miners were found. Their bodies revealed that they had not died in the explosion, but as a result of the wounds from the roof falling other words, they died due to the absence of medical attention after being trapped in the rubble.

The case of the Pasta the Conchos mine is one of the few cases in Mexican history in which trapped miners have not been rescued, either dead or alive. The magnitude of the tragedy lies not only in the large number of dead miners, but in the level of corruption and collusion between the Mexican government and the mining company during the most important hours for the life of the miners. Eight years

later, more than 70 miners have died in different cases in the same region due to poor working and safety conditions.

## Petition to the Inter-American Commission on Human Rights

In the absence of truth, justice and reparations at the national level, on February 16, 2010, relatives of the dead miners, accompanied by Center Prodh, the Center for Labor Reflection and Action (Cereal) and the “Pasta de Conchos” Family organization, filed a petition before the Inter-American Commission on Human Rights (IACHR) in Washington, D.C.

The petitioners and their representatives explained that the Mexican State is responsible for the ineffectiveness of labor inspections and thus for the explosion of the mine. In fact, they mentioned that during the last inspection, on July 12, 2004, 43 direct violations of labor legislation were noted, as a result of which 48 safety measures were ordered. However, said measures were not fully implemented.

Information and evidence has been provided to the Commission to prove the lack of due diligence in clarifying the facts and punishing those responsible. Although various public officials are implicated as those whose acts and omissions led to the explosion, and despite the constant activity of the victims to pursue investigations, the case remains in impunity. Moreover, after eight years, the state has not disclosed the truth of what happened in the mine.



Photo: Miguel Sierra

The Inter-American Commission is expected to admit the case in order to proceed to the merits phase, in which it will analyze the human rights violations and recommend that the State takes the necessary steps to provide reparations to the victims’ relatives. ✈

Relatives of miners who lost their lives, in the Senate. Photo: César Martínez López



Unsafe working conditions and labor rights violations abound in Mexico’s coal-mining sector. Photo: Organización Familia Pasta de Conchos



# JACINTA, ALBERTA AND TERESA: HISTORIC REPARATIONS JUDGMENT APPEALED BY PGR



**A**s readers of Focus will recall from years past, on March 26, 2006, a group of federal police belonging to the now-extinct Federal Investigation Agency (AFI) of the federal Attorney General's Office (PGR) arrived in the community of Santiago Mexquititlán in the municipality of Amealco, Querétaro state. Without identifying themselves as state agents, they began to extort street vendors, who took them for criminals and gathered around to demand an end to these abuses. When the AFI agents' superiors arrived, they promised to pay the vendors for the damages done by the agents.

While the officers went to obtain money to pay the promised reparation, one AFI agent remained behind in the community. He walked freely about the area, bought a soda, and spoke on the phone from his truck. Finally the other officers returned

and paid the damages. They were accompanied by a journalist who took photos of the events, which had attracted local attention. The community thought that with the payment of the damages, the strange series of events had come to a close.

Months later, events took a 180-degree turn when federal agents arrested three innocent indigenous women – Jacinta Francisco Marcial, Alberta Alcántara Juan, and Teresa González Cornelio – for the supposed crime of having kidnapped six AFI agents on the day described above. This absurd invention had only one purpose: to seek revenge on the indigenous community for not having let them get away with their own abuses against the population.

After two years of delays, during which the federal agents did not show up at trial, the





Alberta Alcántara and Teresa González, in Center Prodh. Photo: César Martínez López

three indigenous women were sentenced to 21 years in prison by the Fourth District Judge in the city of Querétaro, basically for being poor, indigenous, and female – three factors that add to any defendant’s already precarious situation. Since then, Center Prodh has defended the case, obtaining the liberation of the three women: Jacinta in September 2009 (having succeeded in getting the PGR to drop charges) and Alberta and Teresa in April 2010 through a judgment of the First Chamber of the Supreme Court.

But the case doesn’t end there. In order to seek reparations for their unjust imprisonment, in 2010 and 2011 the women sued the PGR for damages. After years of litigation, on November 20, 2013, the Federal Tribunal of Fiscal and Administrative Justice (TFJFA) resolved the case of Alberta and

Teresa and confirmed that diverse members of the PGR had acted illegally when they fabricated criminal charges against the women, causing moral and economic damages for the years of unjust imprisonment. Thus, the TFJFA ordered the PGR to indemnify the women and to apologize publicly to them, acknowledging their innocence.

However, on January 31, 2014, the Director of Juridical Affairs of the PGR appealed the judgment. The appeal will be decided by a Collegiate Circuit Tribunal and represents yet another delay in access to justice for the women.

The sentence ordering reparations for Alberta and Teresa is historic because it is a true precedent in terms of establishing that victims of unjust imprisonment can sue for reparations in Mexico. ✎

# FAUSTINO JIMENEZ'S FAMILY MEMBERS RAISE THEIR VOICE IN A PUBLIC EVENT:



**"NO MORE  
DISAPPEARANCES"**



**O**n December 19, 2013, in front of a packed audience of hundreds of state officials belonging mostly to the prosecutor's office of Guerrero, Enedina Cervantes Salgado, wife of Faustino Jiménez Álvarez (who was disappeared in 2001), stared at the audience at a moment that would mark her life and that of her children, Julieta and Ricardo: publicly confronting the government that denied them access to justice and that was unwilling or unable to turn their family member alive despite having indications of the possible perpetrators and Faustino's whereabouts.

That day the Mexican government acknowledged its international responsibility for the enforced disappearance of Mr. Jiménez Álvarez, as twelve and a half years earlier, on June 17, 2001, Enedina, Julieta and Ricardo witnessed the violent entry of five police agents into their home in Tierra Colorada, state of Guerrero. The agents threatened Enedina and the children and then took Faustino away.

Afterwards Enedina and the children began a tortuous journey to demand the presentation of Faustino – worker, husband and father – alive. Along this journey they received nothing but denial from the Mexican authorities: the state prosecutor denied them their right to contribute with investigations; refused to bring two state officials who were identified by Enedina to court; and neglected the criminal investigation.

The Jiménez Salgado family, accompanied by the Center for Justice and International Law (CEJIL) and the Miguel Agustín Pro Juárez Human Rights Center

(Centro Prodh) brought their case to the Inter-American Commission on Human Rights (IACHR), which granted them precautionary measures in July 2001. Several years later, the lack of access to justice led to the admissibility of the case on May 3, 2007.

The dispute ended on September 27, 2012 when the Jiménez Salgado family decided to sign a friendly settlement. One of the commitments made by the State was the public recognition of its responsibility in Faustino's disappearance in the city of Chilpancingo. That day Enedina Cervantes stated that "the authorities are required to fully clarify the disappearance of Faustino, my priority is to know the truth and achieve justice." She said that "this act of public recognition of responsibility is just the beginning, not the end: it should serve to clear the way for the punishment of those responsible."

Her response to the State's apology was to demand that "the government does everything in its power so that there are not any more disappearances and deaths; no more families like ours." She also blamed the State for any attack against her or her family.

In the state Guerrero, countless cases of enforced disappearance have been documented since the sixties. The case of Faustino Jiménez Álvarez and his family is paradigmatic of the grim reality that many people live, but the courageous struggle of this family is an example of strength to all those who have been ignored by the Mexican State. ✈

# INÉS and VALENTINA

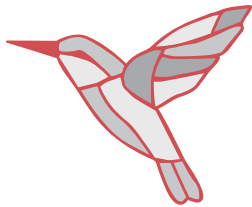
## COLLAGE

PHOTOS: TLACHINOLLAN

**IN 2002, INDIGENOUS WOMEN INÉS FERNÁNDEZ ORTEGA AND VALENTINA ROSENDO CANTÚ WERE SEXUALLY TORTURED BY SOLDIERS. THANKS TO THEIR YEARS-LONG STRUGGLE FOR JUSTICE IN PARTNERSHIP WITH THE TLACHINOLLAN HUMAN RIGHTS CENTER, THE INTER-AMERICAN COURT OF HUMAN RIGHTS ISSUED JUDGMENTS FINDING MEXICO RESPONSIBLE FOR THESE GRAVE HUMAN RIGHTS VIOLATIONS AND ORDERING REPARATIONS.**







## CASE OF TILA: THE FIGHT FOR INDIGENOUS LAND RIGHTS CONTINUES

**A**fter half of century of defending their land, the indigenous community of Tila in the north of Chiapas continues to await the Supreme Court's sentence in their case.

In March 2013, the Supreme Court suspended deliberations on the case and ordered an anthropological study of the social and cultural characteristics of the Tila community so as to be able to hand down its final judgment. Once this study is completed, the Supreme Court should be issuing its ruling.

In addition, in January 2014 the Tila community, with the help of Center Prodh, filed a request for a federal injunction in order to defend its community center, a building constructed around 1930 that served as a meeting place for the town assembly and traditional authorities and holds great meaning for the community. The building was taken over by local authorities who currently hold illegal possession of the building and are planning development projects that would entail its destruction. A federal judge has issued a temporary injunction against any act that would modify the building while the case is decided.

## CASE OF MARTHA CAMACHO: MIXED RESULTS IN DISTRICT COURT JUDGMENT

**M**artha Camacho and Center Prodh have appealed a part of the judgment issued last November 25th by a district judge in Mexico City. The federal Attorney General's Office has also appealed.

These reactions are due to the fact that the judgment by the Eighth District Judge is ambiguous and favorable to Martha in certain aspects but not others. The district judge took international treaties into account when determining that the detention, execution, and disappearance of the body of Martha's husband constitutes enforced disappearance. However, the judge found that a statute of limitations was applicable to Martha's own enforced disappearance of two months' duration.

However, on February 13, 2014, the Fourth Collegiate Tribunal of the First Circuit sent the case back to the Eighth District Judge due to that judge's failure to notify one of the authorities identified by Martha in her criminal complaint. Now we wait for the district court to carry out this notification and once again issue its sentence so that we can proceed with the appeal.

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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.

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Photo: Organización Familia Pasta de Conchos



A miner in México's coal-mining sector



**Jacinta,  
Alberta  
and Teresa:  
historic  
reparations  
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