

FOCUS



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Rodolfo Montiel and Teodoro Cabrera: why these ecologists' decade-long struggle for justice has taken on urgent importance for Mexico today

As our readers will recall, Center Prodh, together with the Tlachinollan Human Rights Center and the Center for Justice and International Law, is currently litigating the case of environmental defenders Rodolfo Montiel and Teodoro Cabrera in the Inter-American Court of Human Rights. The two victims, ecologists from Guerrero state, were arbitrarily detained in 1999 by the Mexican army, tortured, and imprisoned for fabricated crimes in retaliation for their defense of the forests. With justice denied at the national level despite a tidal wave of national and international support for these ecologists, Montiel and Cabrera have taken their case to the inter-American system, where it will have a public hearing in the coming months.

One might ask to what extent violations that began more than ten years ago are still relevant today. The answer is that the Ecologists Case not only remains relevant, but rather has taken on a degree of importance and urgency that neither the victims nor their defenders could have foreseen in 1999. This is because the central themes exemplified by this now internationally known case – endemic violations in the criminal justice system, intimidation and attacks against environmental and human rights defenders, the disastrous human rights toll of militarization of numerous parts of Mexico, and the criminalization of social protest – are among the most severe and systematic patterns of human rights violations in Mexico today. All are areas in which human rights NGOs have documented a deteriorating human rights panorama over the last few years.

The fact that over the course of this year, the Inter-American Court, the region's highest human rights body, will be analyzing a case that is paradigmatic of all of these themes provides an unparalleled opportunity for this international tribunal to order Mexico to implement structural reforms to begin to reverse these patterns of abuse. Some of the most urgently needed actions that could be ordered by the Court include: reforms to prevent confessions obtained under torture from being admitted as evidence in courtrooms; procedural safeguards against arbitrary arrest and prolonged detention by security forces; and measures to protect human rights defenders.

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Reforms that cannot wait: fighting against the use of illegal evidence in Mexico's criminal justice system

Although a June 2008 Constitutional reform mandates that Mexico adopt an oral, adversarial criminal justice system characterized by an equal exchange of evidence and arguments by the parties in public hearings before a judge, this reform comes with an eight-year window of time for implementation. Thus, as of today the vast majority of states continue to operate under the old "inquisitorial" criminal justice system, whose practices violate fundamental human rights.

Guilty until proven innocent

To date, the guilt of defendants is still presumed in court; the defense lawyer is unable to participate at an early stage and the right to an adequate defense becomes meaningless; and the suspects

guarantees mandated by international human rights law. Yet this provision of the Constitution remains unimplemented, and the presumption of guilt continues to rule. Another principle contained in the Constitution is the need for control of the legality of evidence –and the exclusion of evidence

law enforcement in Mexico as a whole. According to one recognized expert in the field of criminal justice, Guillermo Zepeda Lecuona, for every 100 crimes committed in our country, only 25 are formally reported: one in four. This speaks to lack of public trust and confidence in the justice system. Of these 25 cases that become known to the Public Prosecutor, in 21 of them the authorities will simply never carry out a conclusive investigation.

If the authorities are inefficient in investigating crimes, however, when they decide to charge a suspect – often as the result of a detention carried out without a warrant – the imbalanced nature of the justice system all but guarantees a conviction, regardless of the merits of the evidence. In roughly 85% of criminal trials nationally, the defendant is convicted.

The case of Rodolfo Montiel and Teodoro Cabrera, *campesino* ecologists, currently before the Inter-American Court of Human Rights, is an emblematic example of violations of fundamental rights in criminal proceedings in Mexico. In that case, the victims were tortured into giving self-incriminating statements and the Mexican State granted these confessions full evidentiary value, in contravention of the State's international obligation to dismiss evidence obtained under torture in accordance with the American Convention on Human Rights and the Inter-American Convention to Prevent and Punish Torture. Although the judges who reviewed the case were internationally and constitutionally obligated to exercise effective judicial control of the evidence presented in the trial, they merely considered the alleged confessions made by the victims under torture as valid, violating their right to due process.

It is also important to note that Mexican authorities responsible for the administration and enforcement of justice continue using the so-called principle of "procedural immediacy". Under this principle, according to many



are not informed of the reasons for their arrest or of their rights. In a climate of arbitrariness and impunity, the Public Prosecutor, far from investigating, frequently seeks to obtain self-incriminating confessions, often by coercive means. Such confessions later become legal proof of a defendant's guilt, although they may not be true.

After reading the Mexican Constitution, one might be surprised to hear of these systematic violations of defendants' rights. After all, the current Constitution enshrines the principle of presumption of innocence, one of the most basic judicial

obtained through violations of fundamental rights–, as well as the right not be tortured or held incommunicado. Rather, the defendant should be guaranteed free communication with their defense lawyer and family at all times. Yet in Mexico today, self-incriminating confessions rendered under duress and without access to a lawyer continue to generate endless convictions in court as states delay in implementing the June 2008 Constitutional reforms and fail to investigate complaints of torture.

Convicted from the moment charges are presented

Trials in the Mexican justice system become even more arbitrary when one considers the dysfunctional nature of



defendants the chance to demand the annulment of illegal evidence.

Finally, it bears emphasis that the United Nations Human Rights Committee, in its recent concluding observations on Mexico of March 22, 2010, reiterated its concern about torture and cruel treatment by police authorities and the lack of examples of penalties imposed on the officers responsible. Furthermore, it expressed concern about the high evidentiary value that the law assigns to initial confessions made before a police officer or prosecutor and recommended the adoption of measures to implement the reform of the criminal justice system and ensure that only confessions made or confirmed before the judicial authority are admissible as evidence. It also called on the government to ensure that the burden of proof in cases of confessions obtained through torture does not fall on the alleged victims.

Mexican judges, the first statements made by a defendant after being arrested, although they may not be made in the presence of a defense lawyer, much less before a judge, are given more evidentiary weight than all subsequent statements. The consequences of this pernicious principle are especially grave when the initial statements given added weight are confessions obtained under duress by authorities.

The Ecologists' case also shows the recurrent practice by which confessions are the most important piece of prosecution evidence in the proceedings, prevailing over any evidence offered by the defense. In addition to a context of vulnerability for defendants, poor investigations of

torture, and the lack of adequate mechanisms for prevention of such practices, if the defendant retracts his or her confession in court, the judge generally requires the defendant to prove conclusively the reason for his or her retraction, although the defendant usually has few effective possibilities to prove this point.

The struggle to end the use of coerced confessions and other illegal evidence

In an effort to change the rules of the game, in November 2009, the First Chamber of the Supreme Court noted that the right to due process includes the right not to be tried based on evidence obtained in violation of constitutional and legal requirements. This decision should help give

Only by respecting the fundamental rights of people will the rule of law be consolidated and fair trials allowed, as opposed to the authoritarian policies that prevail in Mexico today. The upcoming sentence in the case of the Ecologists will doubtless provide analysis, tools, and legal orders to help start to reverse the current situation.

Militarization in the state of Guerrero: an engine of human rights abuses and impunity

Mexico's infamous war against drugs took on new intensity and scale beginning in the early days of the administration of current president Felipe Calderón. As readers will recall, within months of coming to office, Calderón deployed thousands of troops across the country, seeking among other things to gain legitimacy as Mexico's president after a number of irregularities, which were never clarified, in the electoral process that led him to the presidency. Since then, Mexican society in many states has

seen a strong military presence on the streets and in communities.

However, the militarization of Mexico is not a phenomenon that originated under Felipe Calderón. Rather, Calderón's policies take an approach that has long prevailed in certain regions of the country and deployed it in a new and more urban form throughout the republic, seeking to demonstrate that only an "iron fist" strategy can protect against organized crime (a goal that, as current levels of

violence show, has thus far led only to spectacular failure).

Guerrero: human rights in a state of siege

One of the states for which militarization is nothing new is Guerrero, located in the south of Mexico. Guerrero is one of most economically marginalized regions of the country and a significant percentage of its population is indigenous. Since the mid-1990s it has been an area of

especially high militarization, with the army justifying its presence not only as part of the “permanent war against drugs” but also as necessary to carry out counterinsurgency tasks. Being a land rich in natural resources, it is convenient for the Mexican government to maintain a large presence of the military in Guerrero in terms of protecting its own economic interests and the ones of private companies in the region, which exploit the resources of the lands in Guerrero



Inés Fernández has fought for justice for eight years for the sexual torture committed against her by soldiers in Guerrero.

and directly affect the rural communities and indigenous peoples inhabiting the region.

Whether in the 1990s or today, when one analyzes the behavior of the armed forces and the impact of militarization in communities in Guerrero, and now in other states and cities in Mexico, the panorama is one of repression and abuse. Indeed, while the government seeks to explain the army’s presence by citing the violence committed by organized crime, the military itself incurs in constant acts of violence against civilians, making it another threat to the security of the population, and especially to the most vulnerable social sectors. And as reports of human rights violations by the army skyrocket, the government continues to investigate such cases – if they are investigated at all – in military jurisdiction, the same illegal practice that has maintained cases such as that of Rodolfo Montiel and Teodoro Cabrera in impunity for over a decade.

The army presence in Guerrero offers an urgently needed lesson for the rest of the country, especially for areas more recently militarized. This presence has resulted in systematic



abuses against civilians, often related to social movements and the defense of human rights, as was the case for the ecologists detained and tortured in 1999. Neither is the Ecologists Case the only example of military abuses in Guerrero currently before the Inter-American Court: the rape of indigenous tlapaneca women Inés Fernández and Valentina Rosendo by soldiers in two separate episodes in Guerrero in 2002 has equally been left in impunity, forcing the victims to seek justice at the international level while domestically, their cases languish in military jurisdiction and they, their families, the members of the Tlapaneca Indigenous People’s Organization, and their defense team (Tlachinollan Human Rights Center) face increasing



threats and harassment due to activation of the cases before the Court.

In the midst of these ignominious events and the glaring impunity for military abuses now displayed in front of the world community in the Inter-American Court, in Guerrero the military continues to participate in routine, grave abuses against civilians. Among these cases are violations that affect entire communities. For example, in June 2009, soldiers descended upon the communities of Puerto de las Ollas, Las Palancas, and El Jilguero in the Tierra Caliente region of Guerrero. These communities, composed of subsistence farmers living in conditions of extreme poverty, were held under siege for days. Residents were tortured, interrogated, threatened, and robbed.

*Denouncing Mexico's abusive use
of military jurisdiction*

Both civil society and media have challenged the extensive use of military jurisdiction to investigate these types of cases, something that violates the many international covenants on human rights that Mexico has ratified, as well as the Mexican Constitution. The impunity that continues to characterize the army has recently been condemned not only by civil society organizations, both Mexican and international, but also by numerous other governments in the UN Human Rights Council in February 2009, in the context of the Universal Periodic Review. Most recently, the UN Human Rights Committee, composed of distinguished independent experts on human rights from around the world, condemned this practice and called for it to end.

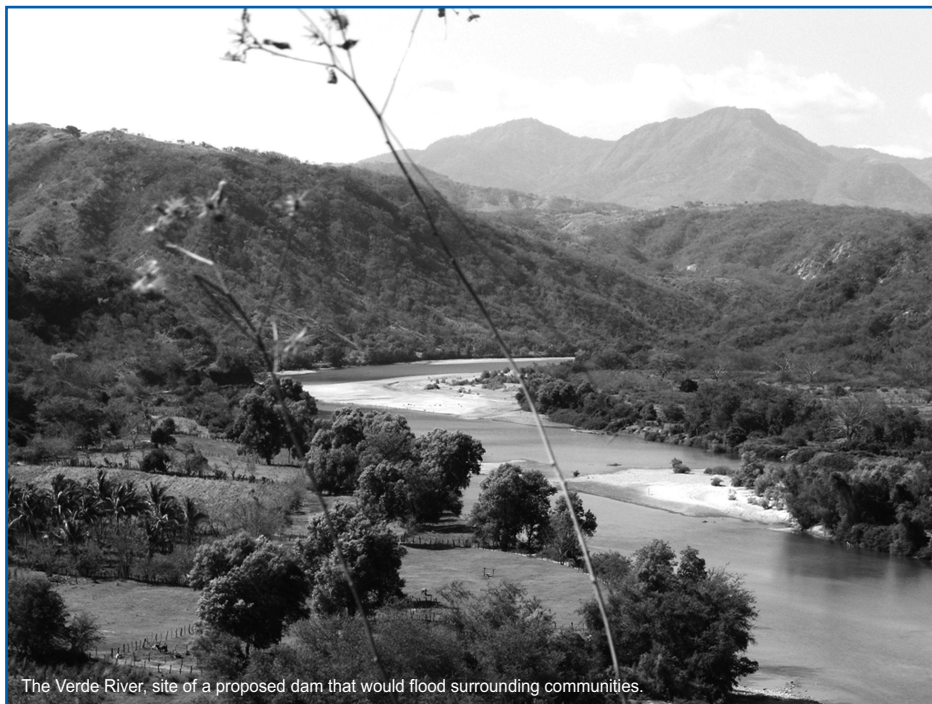
Unfortunately, victims of human rights violations committed by the military cannot rely on national bodies to challenge the use of military justice in these cases. It is to be hoped that the Inter-American Court's analysis and reparations orders in the Ecologists Case and the other cases of military abuses under its jurisdiction this year provoke much-needed, urgent reforms to begin to establish civilian controls over the armed forces and reduce abuses in areas of longstanding militarization such as Guerrero, as well as in other parts of the country.

For more detailed information on the human rights impact of militarization in Guerrero state, we suggest reviewing the reports published by Tlachinollan Human Rights Center at www.tlachinollan.org/dhginf.htm.



Defending the land and the environment, a crucial and high-risk job: megaprojects and deregulation in Mexico

Together with the manufacturing industry (*maquiladoras*), the so-called *megaproyectos* (literally megaprojects) are one of the main sources of foreign investment in Mexico. Normally, these projects are not stand-alone initiatives but are strategically interlinked and are part of a bigger “development” plan, within the framework of the *Proyecto Mesoamérica* (formerly known as *Plan Puebla Panama*, PPP) and the North American Free Trade Agreement (NAFTA).



Just as occurs with the manufacturing industry, Mexico offers a “competitive”, low-cost labor market and comparatively undemanding environmental regulations for projects such as mining, the construction of highways and power plants (specifically air-turbine fields and hydroelectric dams), bio-prospecting, and of course logging, the activity that prompted the ecologists of Petatlán, Guerrero to organize in opposition to projects carried out by a transnational company based in the US in 1999.

While the work of local activists Montiel and Cabrera succeeded in ending one company’s project, today multiple international corporations, even from “environmentally-friendly” countries such as Canada, continue to do in Mexico what they would never be

allowed to do in their own countries. Clear examples are the open-sky mining projects of North American companies, which are among the most dangerous industrial activities due to the production of hazardous and deadly wastes, such as cyanide.

Not just the environment

Severe environmental impacts such as the contamination of the land and water and the resulting endangerment or extinction of animal and plant species are not the only tragic consequence brought about by megaprojects and the deregulation of corporate activities. Economic, social, and cultural impacts are just as grim, especially for indigenous and *campesino* populations. Not only do they not benefit from these projects, but they are strongly affected by them. The implementation of these projects often means the displacement or fracturing of entire communities, the destruction of traditional livelihoods, ancestral lands, and holy sites and a series of other direct or indirect consequences, such as conflicts within the same community and the migration of some of its members to big cities or the United States.

Resistance against these projects by organized social and grassroots groups faces the repression put in place by the government, through intimidation, violence, increasing employment of the military in law enforcement duties, a corrupted legal system and even extra legal practices such as forced disappearances, torture, and the execution of human rights defenders.

An example of resistance and the latent threat of repression

On March 24, 2010, Center Prodh presented a documentary (*Aguasabajo – The Dam Project Paso de la Reina*) on a hydroelectric dam project that threatens to affect several communities located in the vicinity of the potential building

site in Oaxaca, whose land will be flooded by the Verde River if the dam is built. Members of the COPUDEVER (Council for the Defense of the Verde River, in its Spanish initials), representing these communities, participated in the press conference to express their strong opposition to the dam project and their deep concern and disappointment for not having been previously informed and consulted.

Many of the communities that would be affected by the “Hydroelectric Dam Project *Paso de la Reina*” are indigenous (Mixteca and Chatina mainly), apart from meztiza and afro-mestiza. The lack of previous information and consultation for government initiatives that would affect indigenous peoples and communities violates both ILO Convention 169 and the more recent UN Declaration on the Rights of Indigenous People, to which Mexico is bound or voted in favor of, respectively. Unfortunately, this is often the case with megaprojects in Mexico.

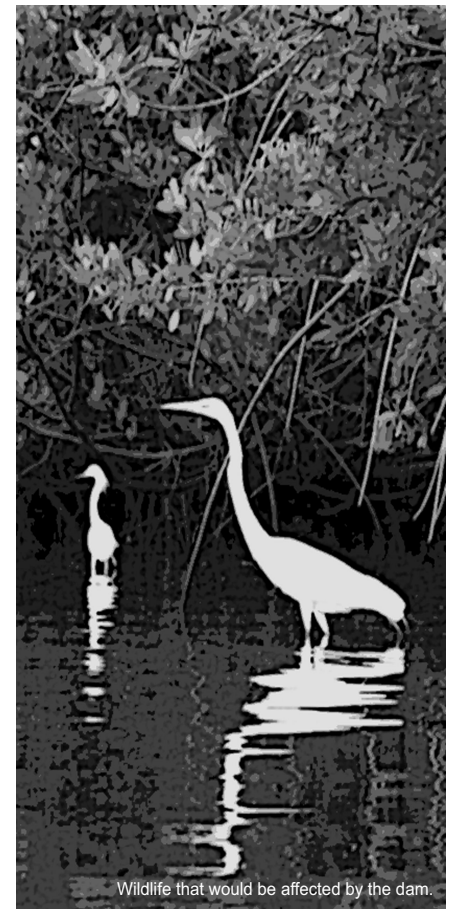
This dam would have a 195-meter-long curtain and would directly affect around 3000 hectares in 6 municipalities and 15 communities on the coast of Oaxaca. Among other things, the dam would prevent the normal flow of water to the close-by national park of the Chacahua Lagoon, affecting an already fragile environment and its rich and unique biodiversity, putting the survival of several animal and plant species at risk.

The members of the COPUDEVER have not been directly threatened with violence so far. However, there are worrying signs that point toward a more coercive attitude by the authorities such as unauthorized surveys among the population, increased law enforcement patrolling, attempts to bribe and co-opt the leaders of the communities and extra-official visits to the community by government officials to put pressure on local and traditional authorities. The communities have also agreed to

establish picket lines to control all the entrances to the area, to prevent officials of the Federal Electricity Commission (CFE, a publicly owned company in charge of the project) from introducing heavy machinery or conducting further studies. One can hope that this peaceful tactic, which echoes the strategies of the OCESP in Guerrero a decade ago, meets with equal success; however, what is certain is that the more effective the tactic is, the greater the risk of direct repression.

Conclusion

The example of the *Paso de la Reina* dam project is one of many such megaprojects being implemented or planned in Mexico today. Against this backdrop of environmental exploitation and lack of proper regulation and protective measures taken by the State itself, the important role of grassroots organizations such as the COPUDEVER in protecting human rights becomes clear. However, instead of respecting and promoting their important work, authorities are often more likely to tolerate or commit acts of intimidation and harassment against them. The international litigation of the Ecologists Case in this sense represents not just one movement in Guerrero, but rather is one face of an endless range of community and social



Wildlife that would be affected by the dam.

movements still struggling to ensure that Mexico’s environment and peoples are not destroyed by a brand of “development” that leaves out the majority of the country’s residents.



A protest sign reading, “No to the dam project Paso de la Reina.”

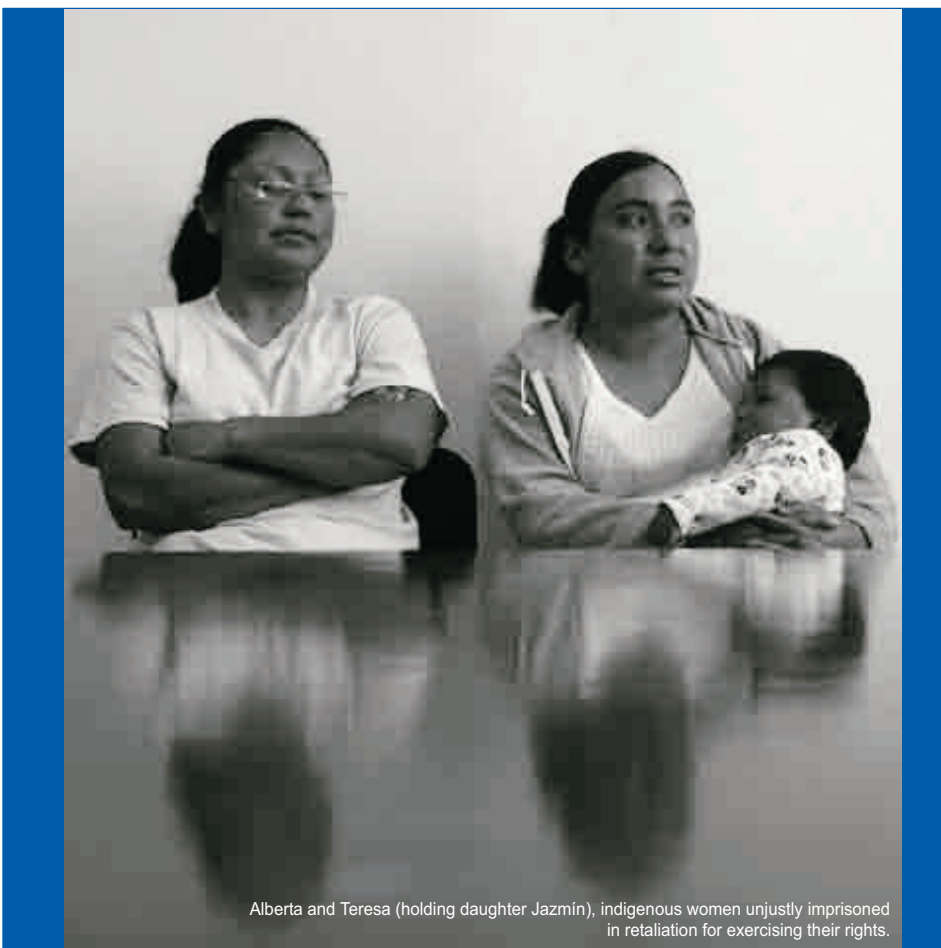
The criminalization of social protest: structural violence that targets Mexico's most vulnerable

The Mexican government persists in pursuing arbitrary criminal proceedings against its most vulnerable members when they stand up for their rights, with devastating effects for the victims, their families, and society. This criminalization of social protest, seen clearly in the grave human rights violations committed against ecologists Rodolfo Montiel and Teodoro Cabrera, is a widespread feature of Mexico today. It especially affects those who already face discrimination in society, such as women, indigenous peoples, and the poor.

In an emblematic case of this phenomenon defended by Center Prodh, on February 19th of this year, the Fourth District court in the state of Querétaro sentenced Alberta Alcántara Juan and Teresa González Cornelio to a term of 21 years in prison, as well as the payment of a fine and compensation in favor of the alleged victims of a kidnapping that never occurred. Thanks to the attention generated around the manifest injustices in this case, the Supreme Court has recently decided to assume jurisdiction over it.

Guilty only of speaking up in the face of government abuses

Alberta and Teresa, hñahñús indigenous women from the community of Santiago Mexquititlán, were unjustly accused of kidnapping six agents of the former Federal Investigation Agency (AFI), following the agents' irregular and abusive confiscation of goods in a local street market. (For this same crime, authorities also accused Jacinta Francisco Marcial, who regained her freedom on September 15, 2009, due to the dismissal of the charges against her by the Attorney General's Office (PGR)).



Alberta and Teresa (holding daughter Jazmín), indigenous women unjustly imprisoned in retaliation for exercising their rights.

Center Prodh, which at the time represented Jacinta and obtained her release, recently took on the defense of Alberta and Teresa and filed an appeal of the conviction, which shall be resolved in the coming months. This is not just another case of failures of due process in the Mexican justice system; rather, it is a punishment with political overtones in the context of a regime that seeks to silence and penalize all those who dare to call for an end to abuses by authorities.

In this case, as readers will recall from our articles regarding the case of Jacinta

last year, there never was any kidnapping in the victims' community. Rather, the violence used by the federal agents, who destroyed stalls and stole the goods of local merchants without cause, caused the affected people from the community to demand an explanation and compensation from the agents, who acted without uniform, without any identification and without orders from any authority.

Specifically, the hñahñú indigenous community of the town, hurt by what had happened to several of its members, supported the merchants by requesting

an explanation from the agents. At that time, the strong bond of community unity sought to prevail over the injustice that was taking place.

The agents' superiors arrived and, recognizing the blatant abuses taking place, offered a cash payment for the damage caused to the vendors, in addition to ordering one of the federal agents to stay in the community as a show of good faith until the compensation arrived. Yet by then, the federal police was already developing a vendetta against the people from Santiago Mexquititlán.

What happened next is a classic example of a justice system that discriminates and seeks to survive in its impunity rather than protect the citizenry. Months after the events in the marketplace, authorities detained the three indigenous women under false pretences, accusing them in a series of contradictory statements unsupported by evidence. However, the word of the federal agents outweighed the facts and led to the women being sentenced to 21 years in prison for a fabricated charge of kidnapping. The strategy of the authorities is clear: to punish the indigenous community by imprisoning its women, who are among the most vulnerable social groups in Mexico.

The Supreme Court steps in

Evidence of these injustices recently reached such a degree of social concern that the Supreme Court

decided to take jurisdiction over the appeal filed by Center Prodh on behalf of Alberta and Teresa. In an unusual act, which has occurred only twice within the contemporary history of the high court, the First Chamber of the Supreme Court took over the case and now has in its hands the possibility to acquit Alberta and Teresa. Furthermore, within the resolution of that appeal, the Ministers will not only discuss discrimination against indigenous peoples, but also could set precedents limiting the criminalization of those who protest against authority, as well as reviewing the situation of vulnerability of those who are discriminated against on the grounds of their gender, ethnic origin or economic status.



Teresa González and Jazmin, who has lived her life until now in prison.



Alberta Alcántara.

Given the high expectations in the case of Alberta and Teresa, various political figures have sought to use the case for political gain. However, Alberta and Teresa are confident that if they recover their freedom soon it will not be because of those who, after ignoring their case, are now publicly seeking to gain by it, but rather to those many individuals throughout Mexico and the world that have joined in solidarity in the campaign for Alberta and Teresa's release.

UPDATE: ON APRIL 28TH THE SUPREME COURT ACQUITTED ALBERTA AND TERESA OF ALL CHARGES. THEY WERE RELEASED FROM PRISON THE SAME DAY.

Editorial continued

At the same time, it is important to recall that the international litigation of the case is just the most recent aspect of Montiel and Cabrera's fight for justice and the right to a healthy environment. This struggle has involved many strategies and partners over the past decade, and most importantly has been possible because the victims, at great personal risk and sacrifice, have persisted in denouncing the violations committed against them and their communities, in the hope of preventing others from becoming victims of such abuses.

Accordingly, this edition of Focus uses the case of Rodolfo Montiel and Teodoro Cabrera as a lens through which to analyze some of the patterns of abuse that pose the greatest threats to human rights in 2010, and some of the most necessary steps to counteract these violations.

The facts of the Ecologists Case

The grave human rights violations committed against ecologists Rodolfo Montiel and Teodoro Cabrera came in retaliation for their defense of the forests. Faced with the unprecedented environmental destruction caused by transnational logging giant Boise Cascade in 1998, Montiel co-founded the Organization of Farmer Ecologists of the Sierra de Petatlán and Coyuca de Catalan (OCESP), an environmental defense movement joined by Cabrera. As a direct result of the pressure exerted by the OCESP, during the first half of 1998 Boise Cascade withdrew from the area. However, OCESP members were victims of violence and intimidation.

On May 2nd 1999, approximately 40 soldiers arrived shooting at a group of people gathered outside Teodoro Cabrera's house, killing one of them and arbitrarily detaining Montiel and Cabrera. Soldiers beat and otherwise tortured the victims, using electric shocks, targeting sensitive body parts, and continuously threatening to kill them and their families, all while questioning them about the activities of the OCESP and pressuring them to confess

that they belonged to armed groups. On May 4th, they were transferred to the 40th Army Battalion, located in Altamirano, Guerrero. There they were further tortured and forced to sign false confessions to fabricated crimes such as possession of firearms.

The ecologists were subsequently convicted in a criminal trial plagued with due process violations. Most seriously, all the judges before whom they appeared admitted as evidence the confessions obtained under torture.

Given the evidence that the victims' environmental work was the cause for the violations against them, on March 31, 2000, Amnesty International declared them Prisoners of Conscience and asked the Mexican government for their immediate and unconditional release. Later, Rodolfo Montiel was to receive the prestigious Goldman Environmental Prize for defending the forests; in February 2001, the international organization Sierra Club awarded him the "Chico Mendes" prize and Mrs. Ethel Kennedy, president of the Robert F. Kennedy Center for Human Rights, personally delivered the award in the prison in Iguala; and in May 2001, the Don Sergio Mendez Arceo Foundation gave the human rights award of the same name to the two ecologists.

Finally in November 2001, in response to overwhelming public and international pressure, President Fox ordered the release of the ecologists for supposed health reasons.

Although Montiel and Cabrera were released, their innocence has not been recognized; their torturers enjoy impunity; they received no reparations, and the structural causes that led to the human rights violations they suffered were not addressed. The case remains an example of the impunity that prevails in Mexico and shows the consequences of the militarization of public security, the use of torture in the criminal justice system, the lack of presumption of innocence in Mexican

courts, the risks to those who defend human rights or the environment, and the criminalization of grassroots movements that protest against abuses.

The ecologists and their defense petitioned the Inter-American Commission on Human Rights in 2001, and nine years later, after Mexico failed repeatedly to comply with the recommendations of that body, the case is before the Inter-American Court.

In this edition: a look at threats to human rights and their defenders in 2010

This issue of Focus contains articles on four of the key human rights topics exemplified both by the Ecologists Case and by the current human rights context in Mexico. One article discusses the structural flaws inherent in the criminal justice system and how these perpetuate grave abuses and unjust outcomes. A second article reviews the human rights consequences of militarization, a hallmark of the Calderón presidency but a longstanding legacy in the state of Guerrero. A third discusses the continuing, essential role of communities that organize to defend the environment, taking as a case study a current hydroelectric dam project in Oaxaca. The final article uses the case study of current Prisoners of Conscience Alberta Alcántara and Teresa González, whose case is now before Mexico's Supreme Court, to analyze how protesting against government abuses can lead to baseless imprisonment.

Center Prodth hopes that as a result of the litigation of the Ecologists Case, which joins renewed and growing support for Montiel and Cabrera in Mexico and among the international community, the government will implement reforms that will help to halt the cycle of abuse and impunity described in this issue. We look forward to keeping our readers informed about the case over the coming months both through Focus and through the information available on our website.

News Briefs

Kidnappings of Thousands of Central American Migrants in Mexico a "Humanitarian Tragedy": Inter-American Commission on Human Rights

On March 22nd, in Washington DC, the Inter-American Commission on Human Rights held a hearing on the widespread kidnappings of migrants in Mexico and the State's tolerance of and collusion in this practice. According to Mexico's National Human Rights Commission, at least 9,758 migrants were kidnapped in a six-month period between September 2008 and February 2009. The organizations that testified in the hearing have documented first-hand numerous kidnappings, which primarily affect Central Americans and can lead to sexual violence, torture, and death. For these reasons, the Mexican organizations proposed that the State ensure migrants' right to denounce crimes in conditions of equality and that it immediately establish a Special Prosecutor to address the rampant kidnappings of migrants in its territory.

News Briefs

The Inter-American Commission, in an unprecedented expression of alarm, qualified the situation presented as “a true humanitarian tragedy” that violated the full gamut of human rights protected in the American Convention. The President of the Commission, who is also that body’s Rapporteur on Migrant Workers, requested an official visit to Mexico this year to investigate first-hand this issue.

The participating organizations included Border with Justice, Humanity Without Borders, Belén Migrants’ Shelter, and Brothers in the Path of Hope Shelter, as well as the human rights centers Fray Juan de Larios, Miguel Agustín Pro Juárez, and Fray Matías de Córdova. For more information see www.cidh.oas.org/Comunicados/English/2010/38-10eng.htm.

UN Human Rights Committee Condemns Civil and Political Rights Violations in Mexico

On March 8th and 9th, the UN Human Rights Committee held sessions in New York to examine Mexico’s compliance with the International Covenant on Civil and Political Rights. The 18 experts who compose the Committee asked a series of detailed questions and made several oral recommendations to the State. The tone of the review was extremely critical. The Committee’s final written recommendations are now available.

Members of the Committee repeatedly questioned Mexico over the use of torture to obtain confessions and the difficulty of retracting such confessions in court. Members expressed grave concern over prison conditions, especially for women. They also condemned the violations committed by the army and made clear that the State cannot justify in any way the use of military jurisdiction in cases of human rights abuses. They further recommended that Mexico abolish *arraigo* (detention without charge for up to 80 days), a practice that constitutes arbitrary detention.

Committee members took up the theme of impunity for crimes committed during Mexico’s Dirty War, expressing incomprehension and rejection of the closing of the Special Prosecutor’s Office charged with investigating these crimes after five years of work and no convictions. The Committee also expressed its deep concern over: the situation of human rights defenders; a range of topics related to violence and discrimination against women; attacks against journalists; the rights of the lesbian, gay, bisexual and transgender community; and indigenous peoples’ rights. All relevant documents are available at <http://www2.ohchr.org/english/bodies/hrc/hrcs98.htm>.

Center Prodh celebrates the liberation of Juan Manuel Martínez Moreno

After being imprisoned for 16 months, falsely accused of having shot U.S. journalist Bradley Roland Will (Indymedia New York) during a confrontation between members of the Oaxacan Peoples’ Popular Assembly (APPO) and the police on October 27, 2006 in Santa Lucía del Camino, Oaxaca, Juan Manuel Martínez Moreno was released from prison due to absence of evidence against him.

On October 13, 2008, the Attorney General’s Office (PGR) had filed charges against Martínez, accusing him of shooting Brad Will. Far from carrying out an exhaustive investigation, the PGR alleged that Will had been murdered by protesters associated with the APPO social movement, thus discarding evidence pointing to involvement of state actors and instead arbitrarily arresting Juan Manuel Martínez on October 16th.

Despite the forensic analysis conducted by Physicians for Human Rights, which confirmed that Martínez was not involved at all in the shooting against Brad Will, and the fact that Will’s family and friends rejected the PGR’s flawed investigation incriminating Martínez, the PGR refused to drop accusations against him.

Juan Manuel’s legal defense, represented by Comité 25 de Noviembre, filed an “*amparo*” (Constitutional challenge) in December 2009, which was favorably resolved. In February, Martínez was finally set free. Unfortunately, Martínez and Comité 25 de Noviembre’s member Alba Cruz are now being harassed and threatened. Find out how you can help at: <http://www.amnesty.org/en/library/info/AMR41/018/2010/en>.

Center Prodh shares human rights experiences and proposals in Europe

On February 5th-7th of this year, Center Prodh’s director, Luis Arriaga Valenzuela, participated in the forum *Action versus Violence: Alternatives from a civil society facing excessive violence and the “war on drugs”* within the international conference, *Mexico: Quo vadis? 100 years after the Revolution – Focus on Human Rights*, organized by the German Coordination for Human Rights in Mexico. Center Prodh shared with Mexican and European counterparts the experiences of our organization in the areas of criminal justice and human rights violations carried out by the military, as well as the challenges that Mexican civil society faces in this adverse situation to guarantee respect for human rights in Mexico.

In his presentation, Arriaga stressed that the increasing rate of human rights violations in Mexico is “due to the increase of military personnel deployed throughout the territory but also [due to] the impunity by which they can commit abuses against the population without suffering any consequences.” This is because military jurisdiction remains as the default legal power to investigate and prosecute any crime committed by the military in Mexico, including human rights violations committed against civilians, even though international law and the human rights treaties ratified by Mexico strictly prohibit this practice.

URGENT ACTION: on April 27th, a caravan of human rights observers, both Mexican and international, was ambushed while en route to the community of San Juan Copala, Oaxaca, resulting in the deaths of two observers and the injury of several more. Write to Mexican authorities and call for an investigation into these grave attacks and an end to violence in the region.

See www.centroprodh.org.mx for more information and contacts for this urgent action.

Center Prodh was created in 1988 as an institution dedicated to the promotion and defence of human rights. It uses a method of integral defense incorporating four areas of work: integral legal defense, education, communication and analysis and international relations. Center Prodh has consultative status with the United Nations Economic and Social Council and it also has the status of Accredited Organisation with the Organisation of American States.

Center Prodh works with groups throughout Mexico to consolidate human rights protection. Since its founding, it has given effective support and solidarity to groups and persons who have suffered injustice, poverty, and marginalisation. For further information or to join Center Prodh's membership, please contact:

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