

FOCUS



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Recent occurrences documented by human rights NGOs demonstrate the conditions of harassment and risk in which migrants' rights defenders work. At the same time, several recent reports (published by the World Organization Against Torture, the UN High Commissioner for Human Rights and Peace Watch Switzerland) highlight the precarious situation of human rights defenders in general.

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The selection of the new President of the National Human Rights Commission: a discouraging process

This year marked the selection of a new President of Mexico's National Human Rights Commission (CNDH), to succeed former President José Luis Soberanes Fernández. Soberanes' administration had been strongly criticized by human rights organizations, both national and international, for failure to use its vast budget and resources to act as an effective counterweight to government actions that violate fundamental human rights. In the opinion of many non-governmental organizations, the prospect of a transition to a new administration in the CNDH held the possibility of taking a significant step forward in strengthening this national human rights body and opening paths for greater collaboration between the CNDH and civil society. The process of selecting the new President fell to the national Senate, which was required to narrow down a list of proposed candidates and elect by a two-thirds vote the candidate who would succeed Soberanes.

Due to the increased number of human rights violations committed in Mexico, documented by numerous human rights organizations throughout the country, and due to the climate of near-absolute impunity for these violations, the role of the National Human Rights Commission and its state-level counterparts should be a strong one, centered on the need to enforce the State's human rights obligations and serve as a trustworthy institution for the victims who come to denounce abuses. Given that governmental human rights commissions do not have legally binding authority, compliance with their recommendations depends to a large extent on the moral authority and public confidence in these institutions, which in turn comes from their perceived independence, impartiality, and knowledgeable application of human rights law.

Civil society organizations thus called from the outset for a rigorous and transparent process of selection for the new CNDH President, with clear criteria for deciding who was most qualified to run the federal government's chief human rights body. In particular, organizations emphasized the need to decide according to objective criteria, rather than the interests of political parties. Only in this manner would the new President be able to regain the legitimacy and relevance that, for many, had been lost during

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Center Prodh celebrates release of Jacinta Francisco Marcial; calls for government to respect her right to reparations for more than three years of baseless imprisonment

In a major development in a case we have featured in the past few editions of *Focus*, on September 15, 2009, prisoner of conscience Jacinta Francisco Marcial was at last freed from detention in the Women's Social Rehabilitation Center (CEFERESO) "San José El Alto" in the state of Querétaro. Her children, grandchildren, her daughter-in-law and her son-in-law, together with her lawyers – members of Center Prodh – and various journalists went to meet her outside the penitentiary.

The examination of witnesses ordered during the retrial of her case had concluded just one day before, and had been characterized by yet more contradictions on the part of the federal agents that claimed to be the victims of a non-existent kidnapping

allegations against her "were affected" by new evidence, thus it decided to "apply the principle of *reasonable doubt*". However, despite the PGR's words, the principle of *reasonable doubt* does not exist within the Mexican legal framework, thus limiting the principle of the presumption of innocence: a right that was violated for Jacinta from the very day of her arrest and which is enshrined in Article 20 of the Mexican Constitution.

Two co-defendants continue to face unfounded charges

Despite Jacinta's liberation, which is only the first step in obtaining justice, the Mexican State has endeavored to continue violating her rights and those of her co-accused. First, Alberta Alcántara Juan and Teresa González Cornelio have remained imprisoned in the CEFERESO, charged with the same fabricated offense as Jacinta, since 3 August 2006. Although the stage of presentation of evidence against them ended the legal proceedings, they are still waiting for the Federal

The PGR thus demonstrates its lack of knowledge, not only of human rights but of Mexican criminal law, with its obvious willingness to misapply the law, particularly if it does so to attack those who protest against abuses committed by the authorities. For example, in the notification that the prosecutor was dropping charges, the PGR itself conceded that there never was any complete evidence of Jacinta's guilt. Furthermore, the notification also confirms that there are inconsistencies in the testimony of the federal agents who allege that they were "victims" of Jacinta, Alberta, and Teresa.

Attorney General's Office shows lack of understanding of the presumption of innocence

However, the authorities continue to violate Jacinta's rights as they assert that despite the *reasonable doubt* of her guilt and the dropping of charges, "this in no way means that Jacinta Francisco Marcial's innocence has been demonstrated, but rather that it was not possible to fully verify her participation in the commission of crimes of which she was accused in the proceedings". What the PGR declared is contrary to the law. The PGR seems unaware of the fact that, when charges are dropped against someone, the consequence is the dismissal of the criminal process, thus the absolute and immediate freedom of the accused. The dismissal has the purpose of an acquittal, so that when it has been issued, innocence is legally unquestionable. In this sense, by alleging that "the indictments (against Jacinta) are not legally eliminated" - as the PGR did in a notification directed to the Federal Congress seven days after Jacinta's liberation - the PGR once more violates the principle of presumption of innocence and the principle *non bis in idem*, which states that nobody can be tried twice for the same charges.



Jacinta Francisco Marcial, finally free after more than three years of groundless imprisonment.

supposedly perpetrated by Jacinta in 2006. The agents had attempted to refer to new events for the first time in the trial and, when they were questioned by Jacinta's defense representatives - Center Prodh - they contradicted their own statements on countless occasions, showing the lack of justification for maintaining Jacinta in prison for 1,139 days.

In an exceptional turn of events, and in response to massive public pressure surrounding the case, the Attorney General's Office (PGR) dropped charges against Jacinta because the

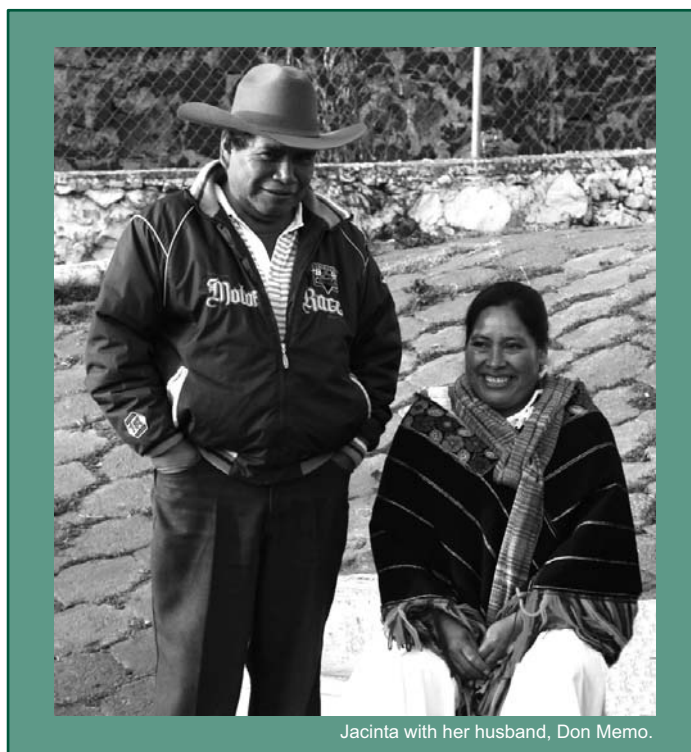
Public Prosecutor's Office to deliver its conclusions, which will most probably continue to sustain charges against them. This situation reflects the contradiction that prevails in the administration of justice in Mexico, since although Jacinta was liberated by the "doubts" generated in her trial, Alberta and Teresa will probably continue to be accused, as the PGR insists on maintaining its position that a kidnapping occurred on 26 March 2006 in Santiago Mexquititlán, the community of Jacinta, Alberta, and Teresa.

The need for reparations

Finally, the human rights violations committed against Jacinta, despite being irreversible – as she cannot recover the lost freedom of three years, one month and thirteen days in prison - must be repaired. Mexico lacks an effective mechanism to carry out integral reparation of human rights violations; Center Prodh continues to emphasize the need for such a mechanism. In the meantime, the State's Financial Liability Act, adopted in 2003, provides measures for compensation when someone suffers from an authority's misconduct, which in this case, applies to the violations of Jacinta, Alberta and Teresa's rights.

A State that does not provide reparation to the victims of human rights violations is doomed to impunity. Hence, Center Prodh is preparing a claim for compensation against the Attorney General's Office, for having falsely charged, detained, deprived of liberty and sustained irregular proceedings against Doña Jacinta. It is important

to note that there are international standards that provide different kinds of reparation, for example: the recognition of human rights violations,



Jacinta with her husband, Don Memo.

punishment of those responsible, compensation for material and moral damage, and measures to guarantee non-repetition.

Center Prodh is currently working on other cases to achieve compensation for victims of State abuses. The case of Daniel Téllez, run over and left paraplegic by a military vehicle without having received reparations, illustrates both the absurd use of military jurisdiction to investigate and judge a traffic accident and that the Mexican State currently does not take responsibility for the reparation of personal harm. Likewise, the Pasta de Conchos Case, involving the deaths of 65 miners in the implosion of a mine operating in known, dangerous conditions, demonstrates the need to provide reparations for the death of the survivors' sons, fathers and husbands, whose bodies are still buried in the mine.

For Jacinta, Alberta, Teresa, Daniel, the Pasta de Conchos families and many other victims, the State must not only recognize the human rights violations committed against the victims, but must also repair them in all aspects.

International and national organizations document conditions of risk for migrants' rights defenders in Mexico

A series of recent developments highlight the climate of risk facing human rights defenders throughout Mexico, a situation that has recently come to the forefront with respect to defenders of migrants' human rights.

Follow-up Mission by the Observatory for the Protection of Human Rights Defenders

From September 21st-25th, a visiting delegation of the Observatory for the Protection of Human Rights Defenders, a joint program of the World Organization Against Torture and the

International Federation of Human Rights, came to Mexico to carry out a follow-up mission of the investigatory mission led by the same organization in the summer of 2008. On this occasion, the delegation met with civil society organizations, representatives of the National Human Rights Commission (CNDH), the Office of the United Nations High Commissioner for Human Rights, and representatives of various government agencies.

In the conclusions discussed during the follow-up mission, presented in

the report on its first visit (<http://www.fidh.org/IMG/pdf/mx10022009e.pdf>), the Observatory pointed out that the atmosphere that currently dominates the relation among civil society and official actors is one of mistrust, derived from the official position that in practice creates a false dichotomy between public safety on the one hand, and respect for human rights and economic and social development on the other. Such mistrust has diminished spaces for dialogue between the government and civil society organizations in recent years and has placed human rights

defenders in a position of vulnerability, in which harassment and aggression against defenders are frequent and widespread.

Office of UN High Commissioner for Human Rights documents 128 acts of aggression against defenders

In October 2009, the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Mexico presented its report on the situation of human rights defenders, entitled "Defending human rights: between commitment and risk" (<http://www.hchr.org.mx/documentos/libros/informepdf.pdf>). The title is an apt reflection of a national context in which grave human rights violations are increasing and the federal government has opened many battle fronts, both political and armed, in its war against crime, adding to a high-risk scenario for human rights defenders. The report documents 128 acts of aggression against defenders between January 2006 and August 2009, of which 10 were homicides and only 1.5% have been resolved by the authorities, perpetuating the prevailing impunity in the country.

Risks to defenders in Oaxaca

Human rights organizations in the state of Oaxaca are likewise gravely concerned about the increasing violations committed against human rights defenders. Such abuses can generally be characterized as acts of harassment and intimidation, but graver acts are also increasing, such as threats to personal integrity, illegal detentions, and judicial persecution, among other

abuses meant to hamper or prevent human rights defenders from promoting and defending human rights.

Facing this context, Peace Watch Switzerland recently presented a report entitled "Diagnostic of the Situation of Human Rights Defenders in Oaxaca," which compiles information from 2008 to June 2009, drawing on interviews with 17 organizations that promote and defend human rights (<http://centroprodh.org.mx/Publicaciones/Informes/diagnostico.pdf>).

The precarious situation of defenders of migrants' human rights

The conditions in which defenders of migrants' human rights work have reached especially alarming levels of risk and lack of government support. According to the CNDH and civil society organizations, about 18,000 migrants, mostly from Central America, are kidnapped each year to extort money from their relatives. Because of the victims' immigration status, these unlawful acts are often ignored by the authorities since the victims are not treated as people with rights. Thus the task to protect migrants and their families falls almost exclusively in the hands of civil society.

However, there have recently been new attempts to criminalize the labor of organizations working to protect and assist migrants. For example, the organization Belén, Posada del Migrante (Migrants' House), based in Saltillo, Coahuila, began receiving harassment and threats this past October after local media suggested that a young migrant in the community was involved in a murder.

The local media blamed Belén, Posada del Migrante by suggesting that the assistance provided by the shelter encouraged the presence of people with an irregular immigration status. Also, the media began a campaign to discredit and harass Father Pedro Pantoja Arreola, director of the organization, as well as the staff of Belén, Posada del Migrante, by putting into question the legality of humanitarian action and even of the very existence of the organization. Subsequent to that campaign the team working and the people living in Belén, Posada del Migrante, began to suffer acts of harassment.

On October 25th and 28th, Belén, Posada del Migrante's facilities were



Concepción Moreno Arteaga, formerly imprisoned for giving food to migrants.



A migrants' rights defenders workshop held in Center Prodh.

attacked by people throwing stones, breaking windows and chanting xenophobic and denigrating expressions against people living and working in the organization. In addition, during those days, it was discovered that the phones of migrants' rights organizations "Belén, Posada del Migrante", "Frontera con Justicia, AC" and "Humanidad sin Fronteras, AC" had been tapped, while Father Pedro Pantoja Arreola received about ten calls with threats and insults.

Because of this, the CNDH issued an appeal for precautionary measures for the protection of Belén, Posada del

Migrante. However, no protection has been implemented because, according to the federal police installed in Saltillo, it is impossible to enforce a permanent surveillance at the shelter.

Moreover, on October 6th a Point of Agreement presented by state Deputy Carlos Ulises Orta Canales, from the National Action Party (PAN), was approved by the Congress of Coahuila to propose to the Federal Congress substantial reforms to the General Population Law to regulate the situation of migrant shelters in Mexico. The justification for the Point of Agreement was that the lack of "norms that fully regulate" migrants' shelters allows them to "take advantage of the argument of human rights of migrants to avoid... the action of the National Institute of Migration against them."

Conclusion

Center Prodh strongly condemns the acts of xenophobia and harassment against migrants on their way through the city of Saltillo and the organization Belén, Posada del Migrante. We call upon the Federal Congress to reject the proposal submitted by the Congress of Coahuila, as it would contribute to the criminalization of migrants and restrict the work of human rights defenders.

We also recall that the acts of aggression documented against migrants' rights defenders fit within a larger context of risk facing human rights defenders in Mexico. As we prepared this edition of Focus, we were alarmed to learn of yet new acts of intimidation committed against human rights defender Mercedes Murillo, president of the Sinaloa Civic Front, an organization known for denouncing military human rights abuses in Sinaloa state and partner organization of Center Prodh in a recent case that reached the Supreme Court. On November 12th, roughly twenty soldiers came to Murillo's home under the pretext of seeking to verify her identity; however coming just months after the shooting of another member of the Sinaloa Civic Front (Salomón Monárrez) and two years after the murder of Murillo's brother Ricardo, also a member of the Front, these acts instead demonstrate a pattern of aggression that has thus far remained in impunity. We call upon the state authorities of Sinaloa to prevent and investigate these acts and for the Mexican State to uphold its legal commitments by ending and punishing attacks against human rights defenders throughout its territory.

Federal authorities decline jurisdiction over Atenco case, perpetuating impunity for sexual torture



This past November 25th marked the annual International Day for the Elimination of Violence Against Women, a particularly appropriate time to reflect on the Mexican government's efforts in this area. Unfortunately, the government's actions in one of the country's paradigmatic cases of gendered violence—the sexual torture committed by police against a large group of detained women in San Salvador Atenco in May 2006 – represent a total lack of political will to hold accountable state agents responsible for rape and other forms of gendered abuse. In the latest developments, federal authorities have announced that they will no longer investigate the case and have instead declined their jurisdiction in favor of state-level local authorities who thus far have shown no political will to charge those responsible.

Dozens of women suffered sexual tortured in San Salvador Atenco. Not one perpetrator has been punished.



Sexual torture as gendered violence against women

Among the many forms of violence against women, sexual violence is recognized as a particularly reprehensible violation of physical and psychological integrity. While much sexual violence occurs in the home, in Mexico the use of sexual violence as a tool of intimidation, repression, or revenge by state agents against women is also a severe problem. Further, the women who survive such violence encounter negligence, indifference, and revictimization when they denounce these crimes; this pattern constitutes one of the grave structural flaws in the Mexican justice system

and one that requires urgent attention.

Indeed, the human rights treaties to which Mexico is a party (including the Belém do Pará Convention, a regional treaty focused exclusively on the elimination of violence against women) as well as national law require the government to take the necessary steps to prevent and punish such violence, whether committed by state or private actors.

The gap between these legal obligations and the daily reality in Mexico is vast, and few cases are more illustrative of this reality than the sexual torture committed against the women of San Salvador Atenco. As our readers will recall, in May 2006

over 2500 federal and state police carried out a repressive operation in which they surrounded the town of Atenco (in Mexico state) following protests by a local social movement. Among hundreds of people arbitrarily detained and physically abused during this police operation were dozens of women whom the police tortured through the use of sexual violence. In addition to the physical violence, sexist and denigrating comments and threats made by the police increased the gendered aspect of the violence and highlighted the fact that it was directed at the female detainees, not their male counterparts.

These grave human rights violations affected not only each individual victim, but was an attempt to inflict revenge upon and intimidate the local population – perceived as “subversives” – by sexually attacking the victims (even though the victims themselves had not been participating in any confrontation with the police).

In this respect, the inhabitants of Atenco and the social movement People’s Front in Defense of the Land are nationally known for successfully organizing to block the construction of an airport in the region in 2002, one of the notable achievements of social activism in Mexico in recent years.

Center Prodh represents eleven of the women of Atenco as they seek justice at the national and international level for the rape and other forms of torture committed against them. Yet in the more than three years that have elapsed since these events, no authorities have carried out an effective investigation, much less punished any perpetrators. As we explain below, this situation has recently worsened.

The Special Prosecutor for Violence Against Women withdraws from the case

Following the violations committed in Atenco, both local and federal authorities initiated investigations into the acts of abuse denounced by the victims. At the local level, the investigations took place in a climate lacking impartiality from the outset,

as state authorities publicly sought to discredit the women's reports of rape.

The local police did not investigate for the crime of torture, but rather charged a handful of police agents with minor crimes such as "abuse of authority." The single police officer convicted (of the minor charge of "libidinous acts" for having forced one of the Atenco survivors to perform oral sex on him) was acquitted on appeal.

As of today, local authorities have shown no disposition to punish anyone for the sexual torture committed in Atenco.

On the other hand, federal authorities, acting through the office of the Special Prosecutor for violence against women (*Fevimtra* for its initials in Spanish), opened an investigation that for three years would be characterized by delays and other irregularities, such as failing to adopt as legal evidence the independent examinations of the women carried out according to the Istanbul Protocol. After a long process in which the women actively provided evidence and sought to collaborate with the *Fevimtra*, this office decided in July 2009 to decline its jurisdiction

over the case. This is because the *Fevimtra* considered, despite the participation of hundreds of federal police in the Atenco operation, that no federal agents were implicated in the abuses. It is worth recalling that the *Fevimtra* is a division of the office of the Attorney General, and the Attorney General at the time was Eduardo Medina Mora; he had also been the head of the Department of Public Security, hence in charge of the federal police, during the Atenco operation. (Medina Mora will now represent Mexico as the Mexican Ambassador to the United Kingdom).

When it declined jurisdiction over the case, the *Fevimtra* included a list of 34 state police that, based on its investigations, should be charged for crimes committed against the women of Atenco. However, it did not charge these police, although it could have charged them in state court. Thus the declination of jurisdiction effectively transfers all responsibility for charging these and other perpetrators to the local authorities, who have not yet issued any formal agreement to accept and continue the investigation of the

Fevimtra or charge the police included in the list. Public comments made by the state attorney general indicate that local authorities do not view the *Fevimtra*'s list as sufficient reason to charge anyone, while instead suggesting that the local prosecutors might once again call the women to appear in the investigation and give further testimony, a context that has led to revictimization and harassment in the past.

Conclusion

The eleven women represented by Centro Prodh continue to seek justice and are currently litigating their case before the Inter-American Commission on Human Rights, a process that will continue for the next several years. In the meantime, the impunity tolerated by the State for the use of gendered torture as a tool of social repression serves as a paradigmatic example both of the government's disregard for its duty to prevent and punish all forms of violence against women and of the generalized failure of the justice system to afford access to justice for victims of human rights violations.



The women of Atenco denounce impunity in front of the office of the federal Special Prosecutor.

A year of injustice for Juan Manuel Martínez, wrongfully imprisoned for murder of Brad Will

In a case that has drawn international condemnation and that remains in impunity today, US photojournalist Bradley Roland Will was fatally shot while covering the social conflict in the state of Oaxaca in October 2006. Evidence points to the involvement of state agents; however, instead of investigating the role of actors connected to the local PRI government,

course and has instead arbitrarily imprisoned local community member Juan Manuel Martínez Moreno on the unfounded accusation of having shot Brad Will. The case constitutes a paradigmatic example of how Mexico's criminal justice system is used as a tool of repression, unchecked by the human rights obligations ratified by the Mexican government.

results in the investigation due to the interest of the United States in the case.

Indeed, in contrast to the attention given the Brad Will case due to his status as a US citizen, the cases of other victims who were killed the same day as Will and of the more than twenty victims killed throughout the conflict in Oaxaca remain in impunity, demonstrating the lack of political will to bring to justice those responsible.



Juan Manuel Martínez Moreno.

authorities at both the state and federal level have insisted that Brad Will must have been shot by one of the social activists taking part in anti-government demonstrations. Despite forensic studies that disprove this hypothesis, the government refuses to change

Detention and trial of Juan Manuel Martínez

Juan Manuel Martínez is a married father of three and an active member of his community. He is a resident of the municipality where Brad Will was shot. Although the investigation into Brad Will's 2006 death had not yielded results for two years, on October 16, 2008 police apprehended Juan Manuel Martínez for the murder. Martínez stands accused of shooting Will from a short distance despite the lack of any evidence or testimony that supports this conclusion.

It bears remembering that several months earlier, the United States Congress had included in its passage of the controversial Merida Initiative security aid package to Mexico a clause

calling for the US State Department to report on Mexican authorities' progress in the investigation into Brad Will's murder. At the time of the detention of Juan Manuel Martínez, then, the Mexican government was under increased pressure to show

In this climate, Martínez was placed on trial for the Brad Will killing based on evidence that consists chiefly of the testimony of two persons. One, a relative of the former municipal president, testified that he did not see who shot Brad Will and indicated that third parties had commented that it had been a member of the social movement.

The second, currently an employee of the Oaxacan government, testified to having heard a scream and having turned to find Brad Will on the ground; he also indicated that he did not recognize Martínez as even having been at the demonstration. Thus, neither witness identified Martínez; indeed, in the more than 70 testimonies compiled by the Special Prosecutor for Crimes against Journalists, not a single person indicated that Martínez had shot Will. Diverse witnesses to the violence that day indicated that actors tied to the local government were responsible for shooting protesters and videos taken during the events show that none of the people standing near to Will appears to have been armed. Yet based on the "evidence" mentioned above, Martínez remains in prison today, on trial for the murder of Brad Will.

Martínez' defense team, accompanied by Oaxacan human rights organization

Comité 25 de Noviembre, initially filed a motion against the imprisonment of Martínez due to lack of evidence, winning the motion. However, local judicial authorities repeatedly failed to comply with the motion, leading the defense team to file a second legal action seeking the release of Martínez.

This procedure has been drawn out over months, with authorities cancelling several hearings scheduled to decide on the legal challenge.

Forensic results demonstrate innocence of Martínez

The internationally recognized organization Physicians for Human Rights performed a forensic analysis of the crime scene, bullet, and other evidence related to the Brad Will case and determined that the shots in question came from a long distance and that the fatal bullet ricocheted off

a red object prior to hitting Will. This evidence signals the involvement of actors external to the participants in the social movement who were marching that day. Mexico's National Human Rights Commission, in its own investigation of the case, also recognized that the shot most likely came from a distance and found that the investigation carried out by local and federal authorities failed to fulfill the requirements of due diligence and human rights standards.

Yet the federal Attorney General's office refuses to accept the forensic evidence, insisting that it must have been a social activist standing next to Will who fired the fatal shot.

The struggle for justice today

The situation of Juan Manuel Martínez remains precarious, as authorities

continue to harass and threaten him, as well as his family and defense team.

In protest of the continued injustice in the case, in November Martínez' wife and supporters, including members of Section 22 of the National Education Workers' Union, organized a hunger strike calling for the liberation of Martínez.

For more information and updates on the case of Juan Manuel Martínez, a paradigmatic example of the use of the criminal justice system to serve the interests of powerful actors at the expense of justice and of the human rights of victims, see the website of Comité 25 de Noviembre at <http://comite25denoviembre.org/>.



Remembering those killed in the conflict in Oaxaca in 2006. The deaths of more than 20 victims remain in impunity.

Editorial continued

the Soberanes administration. Organizations have documented that the CNDH under Soberanes did not serve as an effective recourse for victims; that it did not question laws or propose reforms that would allow for the implementation of international human rights standards; that it did not seek to advance mechanisms for repairing human rights violations; and that it refused to take the position required by human rights law with respect to the obligation to investigate military abuses in civilian jurisdiction (the CNDH has instead recommended on countless occasions, contrary to human rights norms, that military authorities investigate the crimes committed by soldiers).

The process of selecting the new President, unfortunately, included delays and irregularities. For example, the final list of candidates was to be approved by October 26th, but the Senate delayed this decision until November 6th, citing the need to focus its attention on other matters and the lack of clarity regarding how to proceed in the selection process. Within the Senate, disagreements erupted when instead of leaving the task of overseeing the selection process to the Senate Human Rights Commission, the Senate Justice Commission and Legislation Commission were also assigned a role.

On the other hand, civil society organizations sought to contribute their knowledge and experience to the process. While NGOs recognize that they do not speak as elected representatives of society, their experience documenting cases of human rights violations

and accompanying victims in their search for justice provides a basis from which to voice their perspectives regarding the proposed candidates' qualifications and prior careers in human rights. In this sense, a broad coalition of organizations supported the candidacy of Emilio Álvarez Icaza, who has served until this year as President of Mexico City's Human Rights Commission. For many organizations, Álvarez Icaza represented the opportunity to recover the Independence of the CNDH and advance proposals to implement international human rights standards in the country.

The final election, however, resulted in the triumph of the First *Visitador* (head of division) of the former CNDH administration, Raúl Plascencia Villanueva.

The voting pattern leaves clear that this decision represented an agreement between the PAN and PRI parties; Álvarez Icaza ended in second place with the support of the PRD party. As Plascencia comes from the existing administration, civil society actors largely view the outcome as a continuation of many aspects of the former presidency rather than a change toward a new paradigm for the CNDH.

Civil society organizations, the Mexican public, and other governmental institutions now await the actions of the new CNDH President, which will reveal the extent to which this succession constitutes a change and to what extent it marks a continuation of the previous administration. For human rights



The National Human Rights Commission.

NGOs, the process and outcome described above are discouraging and highlight the need to continue pushing for greater openness and independence in governmental processes.

News Briefs

Mexico examined before the Inter-American Commission on Human Rights

During the first week of November, the Inter-American Commission on Human Rights (IACHR), based in Washington DC, held a series of individual and thematic hearings on human rights issues in Mexico, many of which showed the fragile human rights situation for vulnerable and discriminated groups.

The hearings included a session focused on the case of Ricardo Ucán Seca, an indigenous Mayan man denied due process rights (notably the right to a translator). In another hearing concerning indigenous rights, Tlachinollan Human Rights Center and the Due Process of Law Foundation presented information regarding the discrimination and exploitation suffered by indigenous day-laborers who migrate from Guerrero to other states to work in agriculture.

A coalition of seven NGOs presented information regarding institutional violence against women, including femicide, the rights of women in detention facilities, and Constitutional reforms in diverse states that restrict women's rights. In another hearing, the Mexican Commission for the Defense and Promotion of Human Rights denounced the torture of victims held in *arraigo* (pre-charge preventive detention) in military facilities in Baja California. Finally, the organizations Fundar, the Iberoamerican Observatory for Democracy, and Propuesta Cívica presented a hearing concerning political rights in Mexico.

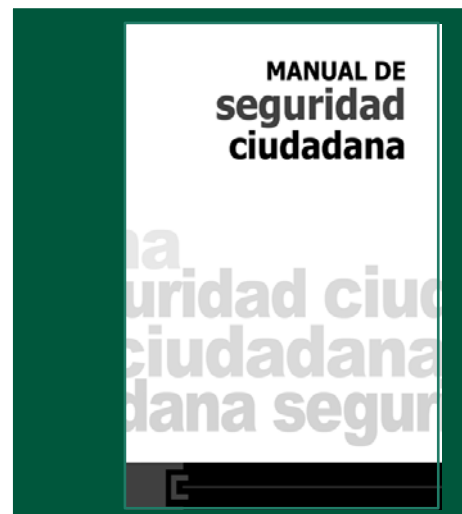
In several of the hearings, the petitioning organizations requested that Special Rapporteurs of the Inter-American Commission carry out on-site visits to Mexico to examine the problems denounced; the organizations await the results of these requests. In the meantime, video and audio of the hearings, as well as the full list of petitioning organizations for each, are available on the Commission's website at <http://www.cidh.oas.org/Prensa/sesiones/137/137eng.htm>.

Center Prodh and Institute for Security and Democracy present Citizen Security Manual

On October 22nd, the Institute for Security and Democracy (Insyde) and Center Prodh launched their Citizen Security Manual (*Manual de Seguridad Ciudadana*), co-authored by the two organizations. The Manual seeks to overcome the limited conception of citizen security that dominates current discourse in Mexico (in which the emphasis is on the security of the State rather than its residents) and to advance respect for human rights in this important area.

The manual presents a basic proposal: to ensure citizen security, understood as the people's right to live with dignity and without threats to their most basic rights. This involves actions to reduce crime rates, but also requires the eradication of other forms of violence, such as poverty, degradation of natural resources, domestic violence, white-collar crimes, governmental corruption, police and military abuses and the control of rural communities by local strongmen.

By presenting citizen security in the terms described, the Manual highlights the urgent need to strengthen citizen participation in decisions and policies oriented toward improving security, including a clear awareness of their human rights, including collective rights.



Special Rapporteur's visit to Mexico delayed by government

In October, the UN Special Rapporteur for extrajudicial and summary executions, Mr. Philip Alston, publicly lamented that, in response to Alston's stated desire to visit Mexico, the government has delayed the visit to the extent that Alston will not be able to carry it out personally. This occurs despite the fact that in March 2001 the Mexican government issued an open invitation to all human rights Rapporteurs to visit the country.

In response to Alston's request to visit the country during the first half of 2010, the Foreign Ministry announced "... *that (el Relator) could make a visit in 2011*" even though Alston's mandate ends in 2010. In this manner, the State will avoid the analysis of a Rapporteur who has been characterized as being unafraid to criticize strongly state policies that foment or fail to address arbitrary deprivations of life, a highly relevant topic in the current Mexican context due to the repressive anti-crime strategies of the government of Felipe Calderón.

This delay serves as a reminder that although the Mexican government seeks to project an image of support for human rights before the international community, the political will to open the country to true external scrutiny is lacking, at a time when the daily human rights situation can be described as reaching crisis levels. Center Prodh calls upon the State to back up its invitation to the UN Special Rapporteurs by facilitating in-country visits in a timely manner at the request of these international experts.

Center Prodh participates in Second World Justice Forum in Vienna

This November, Center Prodh, represented by its Director Luis Arriaga, once again participated in the World Justice Forum, held in Vienna, Austria. This annual event gathers over 500 governmental and non-governmental leaders from all over the world, representing a variety of disciplines, to share and develop strategies to advance the rule of law in their respective fields and countries. At this second meeting, following up on the inaugural World Justice Forum held in July 2008, participants presented progress and challenges in the implementation of specific action plans to which they had committed in the 2008 session. Topics discussed at the Forum included transitional justice, independence of the judiciary, enforcement of international human rights treaties, access to justice, and economic, social, and cultural rights, among others.

The World Justice Forum is an event organized by the World Justice Project, an organization founded to strengthen the rule of law worldwide through multidisciplinary collaboration (www.worldjusticeproject.org/).

For objecting to
federal agents' abuses



Alberta y Teresa

Alberta and Teresa: Indigenous women falsely accused of the kidnapping of six federal agents.

**URGENT CALL TO ACTION:
SUPPORT WRONGFULLY IMPRISONED VICTIMS
ALBERTA AND TERESA BY SENDING A LETTER
TO THE JUDGE IN CHARGE OF THEIR CASE.
VISIT WWW.CENTROPRODH.ORG.MX.**

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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Human Rights in Mexico



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