

FOCUS



Miguel Agustín Pro Juárez, A.C.

Miguel Agustín Pro Juárez Human Rights Center, A.C.

Human Rights in Mexico

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Programs and plans, but where is the progress on human rights?

The change of political power in Mexico in 2000, following 70 years of one-party rule, brought hope for progress on human rights. However, real progress has been lacking in first the Fox and now the Calderón administration. While the government has announced a range of programs and plans, in practice there are few changes on the ground and impunity for human rights violations remains almost total.

In August 2008, the government released its overdue National Human Rights Program 2008-2012 (*Programa Nacional de Derechos Humanos*, PNDH), which had been pending since the beginning of Felipe Calderón's administration in December 2006. The promulgation of the PNDH on the Friday before the government released its 2nd Annual President's Report was rushed through without the official public notice usually required, just in time to refer to the Program as

a clear achievement of the Calderón administration in the following Monday's Presidential address. Yet the PNDH itself fails to establish concrete, measurable targets for progress on human rights; rather, it outlines general medium-term objectives for the six-year presidential term.

The strategically timed launch of the PNDH follows a pattern in which the government responds to pressure for action on a certain human rights problem by creating a new, highly visible initiative—often a Special Prosecutor's Office (*Fiscalía*). Yet *Fiscalías* frequently have little real impact and are restrained by lack of political will. The FEVIMTRA (Special Prosecutor for Crimes related to Violence against Women and Human Trafficking), like the Special Prosecutor for Crimes of the Past (see Article 4 in this edition) has failed to produce convictions, despite the alarming number of paradigmatic human rights violations in this area.

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Mexico before the Universal Periodic Review: Time to judge performance on human rights

Background

Mexico's human rights record is up for public review before the United Nations. The Universal Periodic Review (UPR) is a new mechanism of the Human Rights Council (HRC), the body that since 2006 has replaced the Human Rights Commission as the UN organ in Geneva charged with monitoring and acting on human rights in member states.

The UPR, as mandated by UN General Assembly Resolution 60/251, is to be based on the human rights commitments made by UN members: *“with equal treatment with respect to all States; the review shall be a cooperative mechanism, based on an interactive dialogue, with the full involvement of the country concerned and with consideration given to its capacity-building needs; such a mechanism shall complement and not duplicate the work of treaty bodies.”*

Every four years, each State of the 192 members of the United Nations is examined by the 47-member Human Rights Council in a three-hour session dedicated to examining the complete picture of human rights in the country through presentations, questions, and answers. On February 10, 2009, Mexico faces its first UPR before the HRC.

The HR Council and the UPR: “equal treatment” for States or mutual congratulation?

The notoriety of the HRC’s predecessor, the former Human Rights Commission, left great expectations and urgent issues for the new HRC to address. The Human Rights Commission was famously dubbed the “Shame of the United Nations” by a New York Times editorial and condemned for being overly politicized and containing the worst of violatory State regimes in its membership. In March 2006, the UN General Assembly voted to replace the Commission with the HRC. In order to be a member of the HRC, states must make a series of voluntary pledges and commitments as candidates for election to the Council. Mexico was voted in for a 3-year term from 2006 to 2009,

pledging, among other points, to promote international standards on forced disappearances and indigenous peoples, widen NGO participation in the Council, and contribute to the design of the UPR process.



Un país sin derechos humanos... no es democrático

Logotipo EPU: The logo for the UPR campaign: “Mexico will be evaluated: A country without human rights is not democratic”

On its face, the fact that the UPR examines every State party of the UN suggests that no abuser will escape scrutiny. However, the danger perceived by analysts monitoring the HRC is that the UPR may quickly become a diplomatic exercise of very mild criticism, under the basic rule: “I won’t criticize you if you don’t criticize me.” Center ProDH is concerned that these trends could signal a watering-down of the review of human rights obligations.

Mexican NGOs’ advocacy before the UPR

Over 100 Mexican organizations have united in a coordinated process of advocacy before Mexico’s UPR, under the campaign slogan “A country without human rights is not democratic”. The concrete contribution of this coalition was the submission of reports to the UN Office of the High Commissioner for Human Rights (OHCHR) in Geneva in September

2008, which will be summarized to contribute to one of the 3 official documents on which the UPR is based; the other 2 documents are the Mexican State report and the OHCHR compilations of international recommendations to Mexico. The general report submitted in English, French and Spanish on the situation of human rights in Mexico, signed by 50 national organizations and 6 international organizations, is available at www.centroprodh.org.mx/english.

This report covers 10 themes of concern: the lack of incorporation of human rights law in Mexico’s constitution and state and federal laws; the challenges of a new criminal justice system that provides hope for change while still entailing many flaws; the crisis in public security and the militarization of the country; forced disappearances and State crimes of the past; freedom of expression and media control in Mexico; violence against women; ESC rights including the rights to food, work, housing, education and environment; sexual and reproductive rights; migrants’ rights and rights of the child.

In total 6 reports were submitted by the coalition of over 100 organizations, all of which can be seen on the website of the National Center for Social Communication (CENCOS): . The central problems reflected in all of these reports remain constant: Impunity as a constant barrier to democracy in Mexico; grave defects in access to justice; the failure to align Mexican legislation with treaty obligations; widespread criminalization of social protest; and severe economic and political polarization.

NGOs will have the chance to make oral interventions totaling 20 minutes in the Plenary of the Human Rights

Council that considers the outcomes of the UPR on each country. While it is important that NGOs are involved in this session, we find it concerning that the actual Working Group that conducts the review does not allow for any NGO intervention and is purely a dialogue between states, while the Plenary only allows for NGO participation once conclusions have been reached and recommendations made (in Mexico's case in June 2009).

A delegation of Mexican civil society representatives, including Center Prodh, was present in Geneva during the 9th session of the HRC in September 2008, where we were able

to meet with representatives from State delegations, OHCHR and NGO partners regarding the upcoming UPR.

Center Prodh also co-sponsored an oral intervention before the Council on militarization and the use of force in Mexico with the International Commission of Jurists. A further delegation of Mexican NGOs will be present in February 2009, convening a side-event to the UPR of Mexico.

Conclusions

Mexican NGOs have made their concerns heard by delegations of different permanent missions in Geneva, representatives of Embassies

in Mexico City, and Foreign Ministries in different capitals around the world, with the hope that what is essentially a State-to-State dialogue can reflect the on-the-ground experience of NGOs in the field. Given that Mexico is up for review in the same session as states such as China and Cuba, we hope that Mexico's review will be no less comprehensive. Most importantly, from 2009 until its next review in 2013, we hope that the Mexican government takes action on the recommendations and commitments arising from the UPR, and that civil society is meaningfully involved in this process.

20 years' Journey alongside Victims and Survivors: Center Prodh 1988 – 2008



Luis Arriaga, Director, Center Prodh

Words of Luis Arriaga Valenzuela, s.j., Center Prodh Director

The Miguel Agustín Pro Juárez Human Rights Center began its work in November of 1987 as a result of social analysis carried out by a group of Jesuits in response to intensified repressive policies in various parts of the country. Its formal beginning, however, was in October of 1988. This Center, a work of the Society of Jesus (Jesuits) began with and continues to work towards the goal of defending, promoting

and advocating for the respect of human rights, focusing on the most vulnerable and marginalized groups in society.

The fundamental inspiration for the work of Center Prodh comes from a respect for human dignity. This foundation of our work means that our Center is made up of a team rich with diverse perspectives, yet common values. Our work on individual human rights violations in Mexico seeks to provide a response to the systematic impunity throughout the country.

Significant moments in our journey:

1988. Carlos Salinas assumes the presidency in the middle of strong accusations of fraud. NGOs are created as an alternative response for social change in the tense political climate. The media begins to allow these voices to be heard.

Faced with stark inequality of resources throughout society, many groups are formed to protect their rights. As a response to the intense participation of social activists and grass roots movements,

the Mexican government responds with a strategy that combines some superficial changes to public discourse, coupled with a strong dependence on State-sponsored repression.



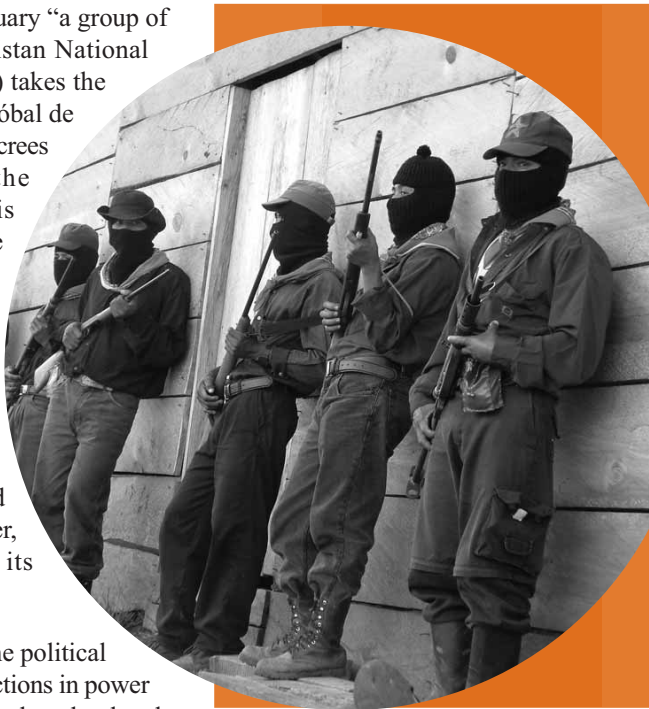
Jesús Maldonado ("Chuche"),
first director of Center Prodh

In September 1988, Center Prodh's first director commented:

"We can give names to this iron-fisted response of the state. We have seen its rise"

Jesús Maldonado ("Chuche")

1994. On the first of January “a group of rebels” called the Zapatistan National Liberation Army (EZLN) takes the municipality of San Cristóbal de las Casas, Chiapas, and decrees the Declaration of the Lacondan Jungle. This declaration and the subsequent public statements from this movement bring to light the misery, hunger, repression, lack of housing, land and work, health, food, education, democracy, peace and justice that Mexicans suffer, above all the plight of its indigenous people.



The year is explosive. The political rows between different factions in power leave two people dead. On the other hand, the entry of Mexico into the “first world” means that the State needs to be recognized as a democracy, at least in name.

1995. On February 9th, President Ernesto Zedillo, in a message to the nation, announces the arrest warrants of presumed leaders of the EZLN. There are detentions in Yabga and Orizaba, Veracruz; Cacolomacán, Mexico State, Tuxtla Gutiérrez and Ocosingo, Chiapas and Mexico City. On February 13th, Center Prodh assumes the legal defense of 19 presumed Zapatista prisoners. The reasons for our intervention are explained in our press release at the time:

“We believe that human rights and the Rule of Law must prevail, independent of the gravity of the crime in question or who has been accused of having committed it”

It is from this case that Center Prodh, among with other Mexican human rights organizations, find a legitimate space in international public opinion. The liberation of the 19 Zapatista prisoners is achieved as a result of the hope of Mexicans that sought peace in Chiapas and would not accept the intimidation of a heavy-handed approach. The legitimacy

and recognition that Center Prodh is able to position at this time is important: actions are always based on law; the truth is always spoken.

Various groups resist the opening of democratic dialogue. Towards the end of 1995, a serious campaign of threats and harassment is launched against Center Prodh. The threats continue during 1996, only to repeated again during the period 1999 to 2001.

1996: On November 19, David Fernández, at the time Director of Center Prodh, is honored with the Annual Human Rights Award from Human Rights Watch. One year later, Center Prodh receives the Roque Dalton medal, awarded by the Council of Culture and Development of El Salvador.

2002: Center Prodh officially incorporates the promotion and defense of Economic, Social and Cultural Rights (ESCR) into its work.

2007: The themes and mission of Center Prodh undergo a process of definition:

Promote and defend the rights of marginalized individuals and groups in situations of vulnerability or poverty, to

contribute to the construction of a society that is fairer, more egalitarian and democratic, where human dignity is fully respected. This focus particularly takes into account: women, migrants, indigenous peoples and victims of social repression.

Integral Defense: the core of Center Prodh's approach

Center Prodh continuously maintains an open service of legal assistance. What is more, over the years, Center Prodh has taken on the defense of a number of paradigmatic cases where we consider that our work can be described as integral defense, drawing on an interdisciplinary approach to assisting victims of human rights violations: through the media and public advocacy, international and national litigation, monitoring and analysis and popular education related to human rights. Some important cases of integral defense have been:

■ Rodolfo Montiel and Teodoro Cabrera, environmental defenders detained and tortured by soldiers in 1999 and arbitrarily deprived of their liberty for 30 months; the case is currently before the Inter-American Commission of Human Rights;



Rodolfo Montiel and Teodoro Cabrera

■ Nadia Zepeda; detained in 2004 without judicial warrant, subjected to sexual abuse and presented to the public as a criminal, without any grounds for her charges;



Nadia Ernestina Zepeda

■ Contamination of the Bay of Zihuatanejo: joint legal defense carried out alongside the Network of Environmental Organizations of Zihuatanejo (ROGAZ);



Fisherman and locals of Zihuatanejo protest against the privatization of the Bay.

■ San Salvador Atenco: the accompaniment of 11 women survivors of sexual torture in San Salvador Atenco, 2006, a large scale police operation that left over 200 people detained, 2 deaths and dozens of citizens tortured.



Women of Atenco protest outside the Special Prosecutor for Crimes Related to Violence Against Women

■ Concepción Moreno: “Doña Conchi”, detained in 2005 for 6 years by the Federal Agency of Investigation (AFI), for the simple act of providing shelter or a warm meal to migrants passing by her humble community in the state of Queretaro. Doña Conchi was freed from prison in August 2007.



Concepción Moreno in press conference the day of her release from prison



Past and present members of Center Prodh are recognized by the National Human Rights Network (RED TDT) on the 20th anniversary

Hearing before Inter-American Commission on Human Rights: Civil society organizations denounce Mexico's flawed public security policies

On October 22, 2008, a coalition of Mexican civil society organizations, including Center Prodh, testified at a public hearing before the Inter-American Commission on Human Rights, denouncing the grave human rights violations occurring as a result of the Mexican government's “war”

against organized crime and drug trafficking.

The Mexican organizations involved in the hearing provided statistical information and case studies to demonstrate that Mexico's growing militarization of public security (that

is, the deployment of tens of thousands of soldiers to carry out civilian policing tasks) has been ineffective as a crime-fighting strategy. Indeed, the number of organized crime-related homicides per year has more than doubled in the last three years, reaching nearly 4,000 so far in 2008. The organizations also

provided verbal and written information on scores of human rights violations committed by soldiers during the administration of Felipe Calderón, including arbitrary executions, torture, rape, warrantless searches, and arbitrary detention.

The organizations pointed out that despite the government's characterization of the use of the army as a temporary measure, experience suggests the contrary. Just six days prior to the public hearing, Mexico's Defense Department stated that the army would remain in the streets until 2012, and longer if judged necessary.



Stephanie Brewer, international lawyer from Center Prodh, testifies at the IACHR

The Mexican organizations expressed their deep concern to the Inter-American Commission at the recent announcement of an expansion of militarized security operations in the southern states of Oaxaca and Chiapas, historically the scene of social repression and abuses committed by the army and other security forces.

Other themes discussed before the Inter-American Commission included recent constitutional reforms, which

include both positive elements and setbacks for the human rights of persons detained by police, and recent legislative initiatives that would establish life in prison or even reinstitute the death penalty for certain crimes, the latter of which would constitute a violation of Mexico's human rights obligations under multiple treaties. The coalition of Mexican organizations emphasized the severe violations against vulnerable groups such as women and indigenous communities.

The civil society organizations gave special attention to the failure of the Mexican government to respect or protect the physical integrity of journalists. They highlighted the case of Emilio Gutiérrez Soto, a reporter from Chihuahua who was forced to seek asylum in the United States due to death threats against him by the military.

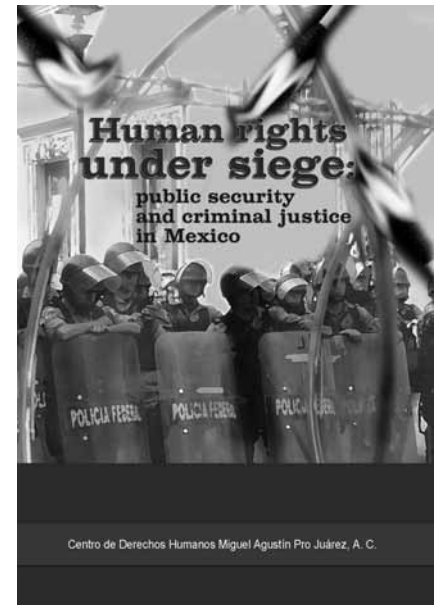
The National Pact for Security, Justice, and Respect for Law

In the public hearing before the Inter-American Commission, as in statements made within Mexico, representatives of the government have sought to divert attention from the growing toll of human rights violations on the part of security forces by pointing to the recent adoption of the National Pact for Security, Justice, and Respect for Law, a political declaration published in August 2008 in which the three branches of government pledge to carry out various actions to fight crime. Out of the categories of action listed, however, none of them

contemplate human rights as a central element, and despite government representatives' portrayal of the Pact as an inclusive process, human rights NGOs were not invited to participate in its drafting.

In Washington DC, Center Prodh launches new English-language report on public security and criminal justice

On October 29, 2008, Center Prodh launched its new report, *Human rights under siege: public security and criminal justice in Mexico*. The report addresses three main areas of interaction between public security and human rights: (1) the militarization of public security; (2) recent and pending reforms to the criminal justice system, some of which pose severe threats to respect for human rights; and (3) the endemic problem of the excessive use of force by Mexican police. Through



its analysis of these themes, Center Prodh presents evidence to support the conclusion that professionalization of civilian law enforcement institutions and greater respect for human rights go hand in hand with greater public security.

The public launch of the report took place at an event in Washington, DC, hosted by the Inter-American Dialogue and the Due Process of Law Foundation, and featuring Professor Daniel Sabet of Georgetown University, who commented on the report and offered analysis of the prospects for police reform in Mexico.

The report is available online in English and Spanish at www.centroprodh.org.mx.

A long way to go: the practice of torturing to obtain false confessions

Ending human rights violations in Mexico's war on crime is not simply a matter of withdrawing the military from the streets. It is also urgently necessary to improve the capacity, transparency, and the accountability of Mexico's civilian police forces. In recent months, domestic NGOs, international organizations, and foreign governments alike have emphasized the need for Mexico to take decisive action to end the practice of using torture to force detained persons to confess to crimes. Yet despite international pressure and the recent amendment of Mexico's Constitution to prohibit the use in court of testimony obtained through torture, this practice remains one of the greatest problems in Mexico's police forces today.

Journalist tortured in Tamaulipas after witnessing shooting by police

On September 15, 2008, journalist Carlos Solís Reina (who had recently published an article criticizing the federal police) and companion Luis Alberto Salas were driving in the city of Matamoros, Tamaulipas, when a contingent of Federal Preventive Police (PFP) opened fire on them. The bullets hit a passing girl, who died as a result. The police then arrested Solís and Salas for the girl's death and brought them to the National Arraigo Center in Mexico City. The victims report having been tortured during the journey to the Arraigo Center; Solís sustained several broken ribs and cigarette burns to his eye as a result, while both men report having been asphyxiated with plastic bags. After 36 days of detention without charges (*arraigo*), the men are now charged with possession of firearms and have been transferred to a federal detention facility in Matamoros.

Tortured into confessing to terrorism: the case of the Morelia grenades

Following the tossing of a grenade into a crowd gathered to celebrate Independence Day in Morelia, Michoacán last September (killing eight people), on September 26, 2008, Mexico's federal office for the Investigation of Organized Crime (SIEDO) announced the detention of Juan Carlos Castro Galeana, Julio César Mondragón Mendoza, and Alfredo Rosas Elicea for the acts. The three men were presented before the television and print media showing visible signs of torture, such as lesions on their faces, and have reported that police brutally tortured them to force them to memorize and recite a false confession of guilt. Witnesses report that the three men were not even in the plaza of Morelia at the time of the grenade attack, but were instead at home with family. The National Human Rights Commission has received reports of this case and has opened an investigation; Center Prodh urges that body to use this important opportunity to clarify the facts of the men's detention and to send a strong message of condemnation of the use of torture to obtain confessions.



Wives of the men accused of the Morelia grenade

Conclusion

The flaws in Mexico's current security policies demonstrate the urgent need for the government to strengthen civilian institutions; to hold human rights violators accountable for their crimes; and to address the structural causes of crime (for instance, by improving access to quality work and educational opportunities) rather than reacting with repression.

The coalition of Mexican organizations requested the Inter-American Commission to monitor the impact of public security policies in Mexico, including by asking the government for information on cases of human rights violations and by considering an on-site visit to the country.

The civil society organizations that participated in the hearing were Center Prodh, the Fray Francisco de Vitoria Human Rights Center (CDHFFV), Legal Assistance for Human Rights (ASILEGAL); the National Center for Social Communication (CENCOS); the Center for Justice and International Law (CEJIL); the Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH); and the National Network of Human Rights Organizations "All Human Rights for All" (RedTDT).

Remembering October 2nd in Mexico: Crimes of the State and Impunity

The struggle against impunity and State Crimes of the past has been one of the central concerns of the human rights movement in Latin America. Mexico has not been an exception in this regard, however at times the issue of forced disappearances, extrajudicial executions and torture in Mexico is less well known than for example Argentina or Chile's history. Victims and their families are still calling for justice and maintain the same demands: justice, truth and reparation for grave human rights violations committed during The "Dirty War" in Mexico of the 1960s, 70s and 80s.

The dark years

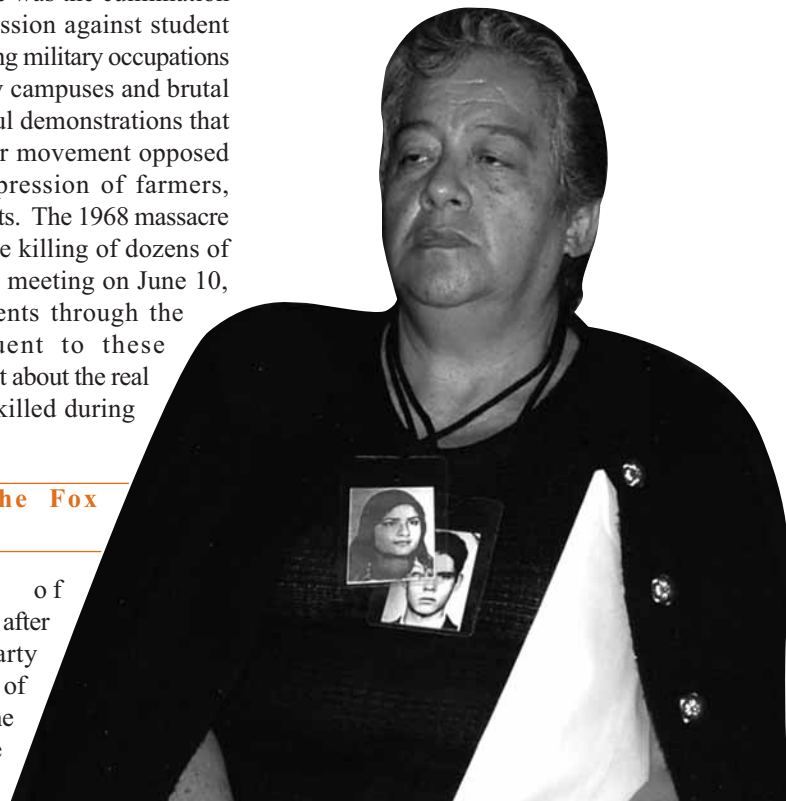
Mexico's Dirty War is a term that refers to a period of State repression involving numerous human rights violations including hundreds of forced disappearances, torture, and extrajudicial executions carried out by authoritarian PRI (Institutional Revolutionary Party) governments during the presidential administrations of Adolfo López Mateos, Gustavo Díaz Ordaz, Luís Echeverría Álvarez, and José López Portillo in the 1960s, 1970s and early 1980s.

October 2, 2008, marked the forty-year anniversary of the massacre of hundreds of university students in the iconic Plaza de Tlatelolco (also known as the Plaza of Three Cultures) on the eve of the Olympic Games of 1968 in Mexico City. The Tlatelolco massacre was the culmination of months of repression against student movements, including military occupations of public university campuses and brutal reactions to peaceful demonstrations that represented a wider movement opposed to government repression of farmers, workers, and students. The 1968 massacre was followed by the killing of dozens of students in another meeting on June 10, 1971. Governments through the decades subsequent to these massacres kept silent about the real number of people killed during these massacres.

Response of the Fox administration

The change of government in 2000 after 70 years of one-party rule aroused a sense of hope that real regime change would be

possible and that perpetrators of the Dirty War would be brought to justice. In such situations, justice and truth are usually seen through the lens of "transitional justice", a perspective that emphasizes the necessity of considering and establishing





the series of complex processes that are needed in order to face up to the past and to guarantee justice, truth and reparation, at the same time guaranteeing that conditions are created for the transformation of the social and political order and the transition to democracy. The new president Vicente Fox appeared to be aware of this perspective and responded with an institutional response from his government. This response turned out to be less than the hoped-for change in direction.

for an independent Truth Commission, Fox stuck to the well-established Mexican practice of containing all actions within the executive branch of government: the result was the creation of an office inside the Federal Attorney's office to investigate these crimes of the past. The Special Prosecutor's Office to Provide Attention to Events that Probably Constitute Federal Crimes Committed Directly or Indirectly by Public Servants Against Individuals

Connected to Social and Political Movements of the Past (FEMOSPP) operated between 2001 and 2006, with the aim of investigating and prosecuting cases and publishing a historical report.

From the beginning, the FEMOSPP was plagued with irregularities and inefficiencies. Amid accusations of poor training, administrative shortcomings, and embezzlement of funds, the FEMOSPP left few concrete outcomes. Not one of the 532 cases of forced disappearance filed before the FEMOSPP resulted in a conviction. Meanwhile, the "Historical Report" of the FEMOSPP brought to light some important details, but after a draft version was leaked to the press in March 2006, the Federal Attorney General announced the closure of the FEMOSPP in November 2006 without the final version of the report having ever been made public. There have since been no real efforts by the Calderón administration to reinstate prosecution of the criminals of Mexico's Dirty War.



Guzmán Cruz Family

Editorial continued

Meanwhile, the government continues to cite its existence to the international community as proof of its commitment to women's rights.

Also concerning is the government's use of promotional programs, such as human rights trainings for security forces, to distract attention from the lack of investigation or prosecution that remains the rule in the majority of cases of violations. For example, in the Mexican government's recent response to the UN Committee Against Torture published in September 2008, the government provided an extensive list of training workshops that it had carried out for police. While we do not argue with the need for serious training of police forces in human rights standards, we observe that this same document contains virtually no information to suggest that the government is investigating or prosecuting any case of torture. Until the government commits itself to hold human rights violators accountable, the climate of state-tolerated impunity will send a far louder message to state agents than will a government-led workshop on human rights law.

Other processes commonly cited by the government as indications of its human rights activities include civil society consultations carried out in relation to government plans. However, despite being consulted, the views of human rights NGOs are often not taken into account. The government sometimes states in official reports that a certain decision (such as the designation of the National Human Rights Commission as Mexico's National Preventive Mechanism for torture) was the result of a process of consultation – yet the decision goes directly against the sense of civil society's recommendations during that consultation.

Until the government commits itself to defending human rights through concrete actions, no amount of programmatic statements and special offices will have a true impact on the human rights situation. Victims of human rights violations do not need more window-dressing and promotional statements; they need truth, justice, and reparations, all of which continue to be scarce in Mexico today.

David Jiménez Fragoso



Diego Lucero



Alicia de los Ríos

Conclusions and updates

Center Prodh took on the defense of some of these grave cases of the Dirty War, and in close collaboration with family members of the victims, has continued working on the cases of Alicia de los Ríos, Diego Lucero and David Jiménez Fragoso.

Diverse organizations of family members, victims and human rights NGOs came together at the end of the Fox administration in publishing a report that looks at the outcomes of the FEMOSPP: Broken Promises, Justice Postponed evaluates the results of this special office in further detail, as well as the international recommendations emitted to the Mexican State that remain unfulfilled.

In recent months there have been developments on the case of ex-president Luis Echeverría for his responsibility for genocide in the events of 1968. After previous instances had declared that the statute of limitations had expired for this crime, the case was put under the revision of a different federal court in late 2007. Ex-president Echeverría remains under house arrest as of the last year, while the action recently presented by his lawyer and the proceedings on the case have been re-opened, however closed to any public scrutiny. Mexican society and families of victims continue to wait for real signs of hope in the search for truth and justice.

News Briefs

Despite findings of human rights bodies, Mexican government attempts to blame social activists for 2006 fatal shooting of US journalist Brad Will

On October 27, 2006, gunmen shot and killed US journalist Bradley Roland Will in Oaxaca, where the independent reporter was covering government repression against social activists (many of whom were members of the umbrella social movement known as the APPO). Witnesses report that Will was killed by pro-government paramilitary forces. Yet now, despite countervailing evidence from eyewitnesses, video footage, and the findings of Mexico's own National Human Rights Commission (CNDH), the Mexican government is attempting to convict members of the APPO itself for this crime.

On September 26, 2008, the National Human Rights Commission issued its findings in the Brad Will case, declaring that the state authorities' investigations had been flawed, and in particular dismissing the government's contention that the fatal shot had been fired from close range (witnesses and an independent analysis by Physicians for Human Rights confirm that the shot was instead fired from at least 30 meters away). These findings, coupled with available evidence, undermine the state and federal governments' claims that members of the APPO could have shot Brad Will.

Notwithstanding these factual findings, at the end of October 2008 Mexican authorities arrested and charged several APPO supporters for Will's death, including Juan Manuel Martínez Moreno, whom prosecutors accuse of having fired the shots.

That Mexican authorities have arrested APPO supporters in these circumstances, despite significant pressure from the international community to conduct an impartial and effective investigation in this high-profile case, is extremely troubling. This case becomes all the more paradigmatic when one recalls that Brad Will was just one of more than 20 individuals killed in the 2006 repression, yet Will's case is the only one in which Mexican authorities have charged a suspect. No action has been taken against the pro-government (priista – PRI party) groups whose responsibility for documented killings has been widely denounced. We now express our deep concern over the possibility that in the case of Brad Will, innocent social activists will be convicted for a crime that in fact constitutes a human rights violation by the State.

Atenco survivor María Patricia Romero convicted of fabricated crimes:

Atenco survivor María Patricia Romero Hernández (one of the eleven women represented by Center Prodh in inter-American litigation of this case) was convicted of the crimes of insults and carrying prohibited weapons. The Third Judge of the First Instance of Texcoco, state of Mexico, Albino Chávez Hernández, sentenced her to a fine and four years in prison, with the possibility of bail; with time served, she was able to obtain her liberty after this conviction by paying a total of \$17,680 Mexican pesos (approximately US\$1,400). We find this guilty conviction alarming given the fabricated nature of the crimes: María Patricia, along with her father and her son, were in fact arbitrarily detained and tortured by municipal police outside their business in the Belisario Domínguez market in Texcoco (next to Atenco) on May 3, 2006. Subsequently, María Patricia was charged with the above crimes, and her father and son charged with inflicting injuries, evidently as an attempt to justify the illegal actions of the police. Further, the Public Prosecutor denied the right to bail to the family, arguing that they were highly dangerous subjects, despite the fact that the charges against them were not for grave crimes. This argument was maintained as the justification for depriving the Romero family of its liberty during more than two years of legal proceedings. There has been no reparation of damages for the physical and psychological torture suffered by María Patricia.



Patricia Romero, her son and father after their release from prison

Office of the High Commissioner for Human Rights (OHCHR) in Mexico names new representative

In November, Center Prodh and other civil society representatives met with Alberto Brunori, the new country representative for the OHCHR in Mexico. Mr. Brunori replaces Amerigo Incalcaterra, who left the position earlier this year. Brunori has held several posts in the UN system including projects in Afghanistan and most recently on a special project of the OHCHR in Guatemala. Taking into account the Agreement signed in February 2008 between Calderon and former High Commissioner Louise Arbour, which heralds the second phase of cooperation between the OHCHR in Mexico and the Mexican government and a wider mandate for the UN, human rights groups welcome the arrival of Mr. Brunori and hope for continuing dynamic collaboration with his office.

Help celebrate our 20th anniversary by donating \$20 to Center Prodh

Center Prodh is a non-profit organization that depends on the support of generous people like you. We now have a PayPal account, accessible through our English and Spanish websites, through which you can donate to us in any currency simply by clicking a button. Local laws permitting, your deduction will be tax-deductible.

In honor of our 20th anniversary, we invite you to consider making a donation of US\$20 (or its equivalent in your currency), or any other amount you choose, to help support our work defending human rights in Mexico.

We also invite you to visit our English and Spanish websites (www.centroprodh.org.mx) for more recent updates on the cases and topics discussed in this issue of FOCUS."

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:

**Miguel Agustín Pro Juárez
Human Rights Center**

Serapio Rendón 57-B
Col. San Rafael, Mexico DF 06470
Tel: (5255) 5546 8217,
5566 7854, 5535 6892, Fax: ext 108
Email: prodh@centroprodh.org.mx
Web page: <http://www.centroprodh.org.mx>

Director: Luis Arriaga Valenzuela.

Contributors to this issue: Stephanie Erin Brewer, Luis Arriaga Valenzuela, Madeleine Penman

Editor: Madeleine Penman
Design: Tania Tamara Gómez

FOCUS

Human Rights in Mexico



Miguel Agustín Pro Juárez, A.C.

Miguel Agustín Pro Juárez Human Rights Center, AC

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Serapio Rendón 57-B Colonia San Rafael México, D.F. 06470 México