

FOCUS

Human Rights in Mexico



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Legislators Must Act to Protect Migrants' Rights



Migrants in Ixtepec, Oaxaca state. Photo: Irineo Mujica

Despite its status as a country of origin, transit, destination, and return for hundreds of thousands of migrants each year, Mexico's legal framework does not include a law specifically addressing migration. Up until now, migration has been governed as part of a General Population Law that entrenches a vision of migration as a national security issue (in which the flow of migrants is seen as a potential threat) rather than as an area that the government must address from a human rights perspective.

Now, Mexico's Congress is working to pass the country's first-ever Migration Law. Yet all the signs point to a risk that the legislature will miss this historic opportunity to pass a meaningful reform that truly protects migrants' rights. Most clearly, while one of the stated motives of the Migration Law bill is to take action against the kidnappings of tens of thousands of migrants that occur in Mexican territory each year, the bill offers no meaningful measures to end the vulnerability of migrants to kidnappings.

Fast-tracking a misguided reform

The proposal for a Migration Law was not shared with the vast majority of civil society organizations until the end of 2010, and weeks afterwards a bill had already been introduced in the Senate. The Senate sought to pass the bill as soon as possible and avoid meaningful public debate or consultation on its contents.

Under any circumstances, such a process is the opposite of how to proceed when considering an historic reform in one of the most important social and human rights topics in the country. In this

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VICTORY IN THE INTER-AMERICAN COURT CASE OF ECOLOGISTS RODOLFO MONTIEL AND TEODORO CABRERA

On December 20, 2010, the Inter-American Court of Human Rights published its sentence in the case of the ecologists from the state of Guerrero, Rodolfo Montiel and Teodoro Cabrera, condemning Mexico for violating their rights to liberty, personal integrity, due process and others. After more than a decade of struggle in the face of threats and adversity, Montiel and Cabrera have demonstrated on the international plane the responsibility of the

State for grave human rights violations, and with this favorable Court ruling, their fight for justice is poised to have a beneficial effect for countless other Mexicans.

To make this a reality and to carry out justice, it now falls to the Mexican State to comply fully with each of the reparations ordered in the Court's legally binding sentence. Center Prodh and the Center for Justice and International Law (CEJIL) are working to ensure that the State implements these orders as soon as possible and in keeping with the spirit of the sentence and the interests and needs of the victims.

Background

As readers will recall, environmental defenders Rodolfo Montiel and Teodoro Cabrera were arbitrarily detained and tortured by members of the army in 1999 in retaliation for their defense of the forests of Petatlán and Coyuca de Catalán, Guerrero. They were convicted of false charges after an unfair trial in which the confessions they signed under torture were used against them. They regained their liberty in November 2001 when the federal executive branch ordered their release on humanitarian grounds, but their innocence was not recognized and the serious violations committed against them were not properly investigated, much less punished.

With justice denied at the national level, the victims, accompanied by Center Prodh and other NGOs, submitted their case to the Inter-American Commission on Human Rights, which in turn submitted the case to the Inter-American Court in 2009.

In August 2010, Rodolfo Montiel testified before the Inter-American Court about the ecologists' struggle to

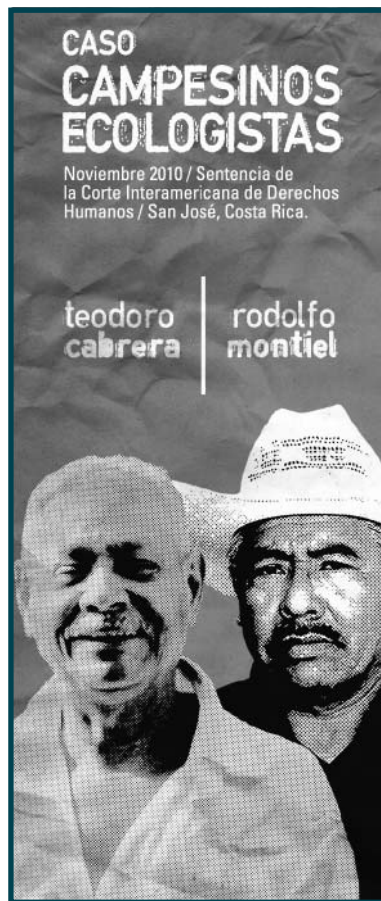
end illegal and excessive deforestation and the violations committed against them.

The Ecologists case stands out for the significant participation of national and international NGOs, academia, and university clinics as *amici curiae* or "friends of the Court". That is, although Center Prodh and CEJIL were in charge of the litigation for the victims, a considerable number of external actors contributed with legal documents containing arguments in favor of the ecologists.

The Inter-American Court's sentence

The Inter-American Court found in favor of the ecologists and ordered Mexico, among others, to carry out an investigation in civilian jurisdiction for torture, pay reparations to the victims, cover the cost of medical and psychological treatment for the victims, and reform the Code of Military Justice to exclude all human rights crimes from military jurisdiction. On this last point, the Court emphasized, "this conclusion applies not just to the crimes of torture, forced disappearance, and rape, but to all human rights violations."

In relation to the Mexican criminal justice system, the Court declared, among other things, "the internal courts involved in the criminal trial of Mr. Cabrera and Mr. Montiel should have excluded completely from evidence, at all stages, the confessions made by the defendants, given that the cruel and inhuman treatment to which they were subjected made these confessions illegitimate as evidence." This crucial point is extremely relevant to Mexico today, where soldiers, police, and public prosecutors, using the justification of the so-called war on crime, routinely use torture and other forms of coercion to elicit statements that may be false, but that are nonetheless accepted as evidence to convict defendants.



Below, we present the Court's findings and reparation orders in greater detail.

Violations declared by the Court

In its sentence, dated November 26, 2010, the Inter-American Court found Mexico responsible for violating numerous human rights to the detriment of Rodolfo Montiel and Teodoro Cabrera. It also declared Mexico's failure to comply for not adapting its domestic laws to the requirements of the Inter-American System's instruments. In particular it declared proven:

- Violations to the right to personal liberty: arbitrary detention of the victims due to lack of presentation before a competent authority in a reasonable period of time
- Violations to the personal integrity of the victims and non-compliance with the duty to investigate torture in civilian jurisdiction
- Violations to judicial guarantees and protection (due process) for the numerous procedural violations during the criminal trial, in particular, the admission of coerced confessions as prosecution evidence
- Illegal use of military jurisdiction to investigate human rights violations and failure to reform domestic laws and judicial standards relating to this jurisdiction

For these reasons, the Court declared the State responsible for violations to articles 1.1, 2, 5.1, 5.2, 7.3, 7.4, 7.5, 8.1, 8.3, 25.1 of the American Convention on Human Rights, as well as articles 1, 6 and 8 of the Inter-American Convention to Prevent and Punish Torture.

Reparations ordered

The Court ordered Mexico to implement the following measures of reparation to repair the material and moral damages to the victims as well as to guarantee the non

repetition of such human rights violations in the future. (Recall that the judgments of the Court are not subject to appeal and are mandatory for the State, which applies to the three branches of government at all levels (federal, State, municipal)):

- To investigate in civilian jurisdiction the acts of torture denounced by the victims, including the motivations behind such acts
- To prevent abuses to detained individuals by strengthening Mexico's Register of Detained Persons
- To reform the Code of Military Justice to exclude all human rights violations from military jurisdiction; as well as to guarantee an effective legal remedy to the victims of military abuses so that they can contest the use of military jurisdiction
- To publish the judgment of the Inter-American Court in newspapers and by radio
- To cover medical and psychological expenses (including medicines and other related expenses) for the victims
- To train government agents on their obligations to avoid torture and other cruel, inhuman or degrading treatments
- Monetary reparations

Finally, the Court specified that "it will supervise compliance with this sentence, according to its attributions and fulfilling its duties under the American Convention of Human Rights, and will close the current case once the State has complied with all that the sentence stipulates". It established a one year term from the notification of the sentence (that is, December 20, 2011) for the State to present to the Tribunal a report on the measures adopted to comply with the Court-ordered reparations. Center Prodh and CEJIL will also participate in the monitoring process and inform the Court about the fulfillment of the reparations measures, seeking to guarantee that these measures are fulfilled effectively.

Arbitrary reopening of the San José Huilango landfill threatens residents of Lomas de San Francisco Tepojaco

Background: the Lomas de San Francisco Tepojaco urban complex

On September 3, 1999, the Ministry of Urban Development of the State of Mexico authorized the construction of the urban complex Lomas de San Francisco Tepojaco, in the municipality of Cuautitlán, in the State of Mexico. This housing complex is described according to current legislation as “progressive social interest housing” and is supposed to guarantee the right to adequate housing for people who do not have enough economic resources to afford housing on their own.

While current legislation makes the state responsible for the supervision and follow-up of these types of projects, the state’s efforts have been grossly inadequate. Official evaluations indicate that the houses are in a state of either high or imminent risk; indeed, they are built of flimsy materials and are literally falling down; the water supply is insufficient; the health centers and daycare centers mandated for the area have not been built; and those residents who denounce these problems receive threats in return.

It is worth mentioning that prior to this authorization of September 1999, a feasibility ruling was issued that addressed several topics: the zoning for uses of the ground; existence and sufficiency of water and ground safety; preservation and protection of natural resources; integration to the urban context; incorporation into the highway infrastructure, urban infrastructure and drinking water and sewage systems. However, given that the majority of buildings in the complex are sinking, it is obvious that there is a pre-

existing, serious problem with the ground safety or ground mechanics. Despite this, the state authorized and verified the construction of houses in the area.

Finally, the environmental impact assessment authorized by the state allowed for the construction of the urban complex only if the builders implemented certain pollution mitigation measures, such as natural tree barriers, and made changes to a nearby landfill to prevent health problems for the residents. The consequences of the state’s failure to enforce these requirements are discussed below.

The San José Huilango landfill

The Lomas de Francisco Tepojaco urban complex was built next to an open-air landfill that, according to sources, has been operating for more than 20 years and does not take any measures to reduce environmental pollution. The San José Huilango landfill is located just 20 meters from the urban complex, without the environmental barriers that were specified in the authorized building plans. The only thing separating the garbage dump from people’s houses is a fence.

Because of the proximity to the landfill, the inhabitants experience air pollution from the gases emitted by garbage as it decomposes and by chemicals dumped in the landfill, the presence of garbage everywhere, and severe degradation of the water in the region, causing sewage to flow through the area.

The Ministries of Ecology, the Environment, and Health of the state of Mexico granted the necessary permits and viability reports for the houses to be built, without regard for the pollution caused by the landfill. Later, the same Ministry of the Environment ordered that the landfill be closed. One of the reasons for this decision was that it was creating unacceptable levels of pollution. After this decision was taken, the media reported that “a report on the Cuautitlán Izcalli landfill, issued in 2000 by the then-Minister of Ecology of the state government and the German agency GTZ,

highlights that ‘the situation at the site is very bad,’ and that ‘the residues appear to be urban waste, however we cannot rule out the possibility that there is also toxic waste.’”

Faced with repeated public complaints about the damage being done to the environment and the health of the residents of the urban complex, the mayor of Cuautitlán Izcalli, Alejandra del Moral Vela, announced in 2010 that the landfill had closed.

According to the mayor, instead of using this landfill, the area was going to use a different one, also located very near to the urban complex. This second garbage dump is operated by the company Tersa del Golfo and charges 696,000 pesos monthly to receive municipal waste solids.

Arbitrary re-opening of the landfill: a health crisis unfolding

Because of the amount of waste produced and the refusal of various landfills in other municipalities to receive Izcalli’s waste, in March 2011 the municipal council made the arbitrary decision, behind the backs of the affected communities, to reopen the San José Huilango landfill, arguing that this will save 50% of the cost of sending their waste to the new dump.

The amount of pollution and the nauseating smells that come from the landfill have caused respiratory and gastrointestinal illnesses, eye infections, allergies, skin infections, gas poisoning and many other health

problems. The most seriously affected have been children and the elderly, some of whom have had to undergo months-long treatments as a result of living near the source of illness and repeatedly re-infecting themselves. On the other hand, the socioeconomic resources of most of the residents do not permit them to obtain adequate treatment, and many of the health problems remain undiagnosed.

This situation has resulted in serious violations of the rights to adequate housing, a clean environment, the highest possible level of health, and physical integrity. Nevertheless, the state, far from improving the situation, has protected the interests of the companies that built the urban complex that has so many problems, and even harassed and threatened residents who have demanded that their fundamental rights be protected.

Conclusion

Center Prodh continues to accompany the residents who are fighting for their rights to housing and a clean and healthy environment, knowing that the case of Lomas de San Francisco Tepojaco is just one example of the violation of these rights in Mexico, to the detriment of people of few economic resources. We demand an end to the threats received by community members defending these rights, as well as the definitive closing of the San José Huilango landfill. Its continued operation represents not only a health crisis for the residents, but also a glaring symbol of structural discrimination in Mexico. For more information on this case, please see our website.



San José Huilango landfill. Photo: Local residents

The case of unjustly imprisoned indigenous woman Basilia Ucan Nah: how many more injustices will it take?

Center Prodh and the NGO “Indignation, Promotion and Defense of Human Rights” have taken on the case of Basilia Ucan Nah, a 43-year-old indigenous Mayan woman and mother of seven, who was arbitrarily detained by judicial police in the state of Quintana Roo in March 2008. Because she was a monolingual indigenous woman in a country whose police, prosecutors, and judges discriminate against vulnerable groups, she was subjected to an unjust trial for crimes she did not commit, and sentenced to more than 12 years in prison.

Acting on her behalf, Center Prodh and Indignation seek to have her acquitted so she can be released as soon as possible. Her case highlights the structural flaws in the criminal justice system that make women and indigenous communities more vulnerable to abuse when facing punitive action by the state.

Facts of the case

In July 2007, Basilia was detained and brought before the Public Prosecutor to make a statement in a case of sexual exploitation and human trafficking, a crime that had been reported anonymously five months earlier. The anonymous caller had reported that a man, about 77 years old, was sexually exploiting girls. It is important to note that in the state of Quintana Roo, sexual crimes against minors are unfortunately common and provoke strong social condemnation, so there is significant pressure for the authorities to take action, which they generally have not done effectively.

Basilia was not involved in the reported crimes, and her statement did nothing to suggest otherwise. Nevertheless, without any justification, in September

2007 an arrest warrant was issued for Basilia for the crimes of sexual exploitation, human trafficking, and corruption of minors relating to two underage girls who were also indigenous.

To this day, Basilia does not understand why she was accused of these crimes or why she was arrested, which is not helped by the fact that the proceedings against her have been in Spanish, a language that she neither speaks nor understands.



We now know that the only supposed “proof” of Basilia’s guilt are coerced statements from the two underage indigenous girls who are the alleged victims of sexual exploitation. One of these girls has already stated that she does not know Basilia and was tricked into making a statement and saying that she did know Basilia. Judicial police later came to her home and forced the girl’s mother to sign the daughter’s declaration to validate it, even though the mother cannot read or write. The father of the other girl made a statement saying that his daughter made her statement because she was pressured to by police but that

she did not accuse anyone. Even in the coerced statement by the second girl, she does not say that Basilia was responsible for any crimes.

The explanations of the two girls and their families – stating that they were coerced to make statements and that they do not know Basilia – are part of the judicial file. These statements about the irregular and aggressive actions of the judicial police should be enough to have Basilia released immediately and an investigation opened against the police. Instead, in April 2009, the judicial authorities decided to give

evidentiary weight to the coerced statements, ignored the accounts of coercion and trickery by the police in soliciting statements, and against all reason and evidence, sentenced Basilia to 12 years and three months in prison and a fine of \$10,577.20 pesos (about \$750 USD at the time) for the crimes of sexual exploitation and corruption of minors.

In August 2009, a judicial decision granted Basilia a new trial due to the fact that at several points in the proceedings, she had not had an interpreter. Currently, the case is on appeal before the Criminal Court of the Superior Tribunal of Justice of the state of Quintana Roo. The period to submit arguments closed on January 21, 2011. We hope that a decision will be delivered in the coming weeks.

Local authorities intimidate witnesses and seek more coerced statements

In the context of International Women's Day, on March 8, the Representative in Mexico of the Office of the High Commissioner of the United Nations for Human Rights, Javier Hernández Valencia, visited Basilia in the Felipe Carrillo Puerto prison. After speaking with her for over two hours, he stated that there have been several irregularities in her case that should nullify the results of the trial, such as the lack of interpreters and the violation of the principle of presumption of innocence.

Following this visit, on March 10th Indignation and Center Prodh received information that the Assistant Attorney General for the region went with two judicial police officers to a store in the municipality of Felipe

Carrillo Puerto to pressure one of Basilia's neighbors to make a statement against her. In response, we have released an urgent call for an investigation into these events and for those responsible to be punished, so that this type of harassment against Basilia and anyone else involved will stop.

To join the urgent appeal, please visit the following link: <http://bit.ly/gD6oXH>



Basilia Ucán Nah. Photo: Center Prodh / QGF

Focus on Juárez: Defending human rights in Ciudad Juárez is an increasingly dangerous activity

Defending human rights in Ciudad Juárez, which includes denouncing human rights violations daily, accompanying victims, and demanding justice, is both challenging and dangerous. Defending economic, social, cultural, and citizen participation rights, just to name a few, has become even more complicated as violence increases along the border with the US, as has the struggle against feminicides and military abuses.

The price of defending human rights in Juárez

Human rights defenders in Juárez have faced diverse challenges and risks in recent years. From the fight against feminicides – which continue – to demanding justice for forced disappearances, illegal searches, torture, and extra-judicial killings, defenders have faced hostility and attempts to discredit their work by the government.

The growing military and federal police presence under the Calderón administration, in keeping with a public security policy that is part of the so-called “war on drug trafficking,” has prompted a considerable increase in the number of people who approach civil society organizations looking for help. This has forced many organizations to diversify the services offered to meet the needs of the population. Among these tasks are documentation of human rights abuses, advice for victims, psychological services, and judicial accompaniment. Carrying out this work has not infrequently compromised the physical and psychological well-being of the human rights defenders involved. But not until past months have levels of violence against them reached such heights.

The number of social activists, human rights defenders, leaders of social movements, people showing solidarity, and families of such groups who have been victims of some kind of harm related to their work is increasing at an alarming rate. This situation of vulnerability plays out in many ways: veiled threats from government officials; the criminalization of their work, classifying participation in some public protests as a crime; death threats, accompanied by a failure to apply preventive measures ordered by organizations like the Inter-American Commission on Human Rights; property damage; and murder.

Since 2008, the following activists and family members have been murdered in the state of Chihuahua: Armando Villareal Martha in March 2008; Josefina Reyes Salazar in January 2010; Ernesto Rábago Martínez in March 2010; Rubén Reyes Salazar in August 2010; Marisela Escobedo Ortiz in December 2010; Susana Chávez in January 2011; Elías and Magdalena Reyes Salazar along with Luisa Órnelas in February 2011. On October 30, 2010, a student named José Darío Álvarez was shot and gravely wounded by Federal Police while participating in a demonstration against the militarization of and violence in Ciudad Juárez.

All of these acts remain unpunished. None of the three levels of government (municipal, State, federal) have

guaranteed the free exercise of the right to defend human rights, nor access to justice.

Case study: the case of Marisela Escobedo

One of the cases emblematic of this situation is that of Marisela Escobedo Ortiz. She demanded justice for the femicide of her daughter, Rubí Frayre. The



Protest against femicides following the murders of Susana Chávez and Marisela Escobedo. Photo: Center Prodh / LZC

murderer was found guilty on appeal; despite this, he remains free and a fugitive of justice.

At every opportunity, in every public square and before several government bodies, Marisela denounced her daughter’s murder. In the best cases, she was merely allowed to speak. Despite having received threats, the government did not provide any of the necessary security measures to protect her.

On December 16, 2010, while participating in a demonstration in front of the governor’s headquarters of the state of Chihuahua, Marisela Escobedo was murdered. A video camera recording shows how a person followed her as she crossed the street, shot her and then fled without anyone trying to detain the person. All of this took place in front of the building housing the state executive branch, which is supposed to have permanent surveillance and security.

To date, the state has captured neither the murderer of Rubí Frayre, nor that of Marisela Escobedo.

On March 8th, International Women's Day, several civil society organizations unveiled a plaque in honor of Marisela Escobedo on a bench outside the state government building. The following day, it was removed by state authorities who argued that it was damaging to cultural heritage.

Conclusion

Neither protection in the exercise of the daily work of human rights defenders, nor justice for crimes of which they are victims, seem possible given the current situation. It is important for the international community to keep its focus on Ciudad Juárez and on the state of Chihuahua in the months that come, and to work together to denounce abuses and call on the government at all levels to prevent impunity for such crimes.

case, the Senate's efforts to fast-track the bill were doubly misguided because the contents of the bill were extremely troubling. The bill authorized unconstitutional "migration operations" with the participation of the Federal Police (essentially violent round-ups directed toward migrants in an irregular migratory status), currently among the most violatory practices toward migrants and one that should be eliminated as a priority in any Migration Law. The bill overall maintained and entrenched the vision of migration as a national security problem.

Civil society mobilized and made itself heard in the Senate and in the media, denouncing the regressive nature of the bill. A coalition of NGOs and institutions focused on migration pointed out the unacceptable role envisioned for the Federal Police in migration matters; the bill's lack of gender perspective; insufficient guarantees of due process and the rights of migrants who are detained; and other topics. Migrant shelters focused their criticism on the bill's continuing criminalization of migrants, which exposes migrants to endless acts of violence and corruption by state agents and criminal groups.

In this context, the Senate announced it would modify several of the bill's most troubling features, with Senators stating publicly that the reformed version of the bill would do away with criminalization and that the Federal Police would not interfere in activities that should be carried out by migration authorities. Yet when the Senate's modified version of the bill was passed and transferred to the House of Representatives in February, its text still included the participation of the Federal Police in migratory operations and continued to treat migration from the perspective of national security (and *de facto* criminalization).

It is now up to the House of Representatives to correct these troubling features and re-work the bill to protect migrants' human rights.

And what about the kidnapping of migrants?

Apart from the aspects mentioned above, another topic is glaringly absent from the Migration Law bill: measures to prevent the mass kidnappings of migrants. Legislators routinely cite as one of the motivations of the bill the need to take action against kidnappings, especially in light of the killing of 72 kidnapped

migrants in Tamaulipas state last year, an illustrative example of the violence that migrants suffer in Mexico. Yet the bill leaves virtually untouched the structures that facilitate the mass kidnapping of this population.

Migrants seeking to cross Mexican territory are much more vulnerable than other people to being kidnapped by organized crime groups in Mexico – leading to extortion, routine rape and sexual abuse, torture, and sometimes death. Their vulnerability stems from a simple fact: without access to a legal status in Mexico, thousands upon thousands of migrants, mainly from Central America, are forced to travel north in hiding from the authorities, journeying along one of a limited number of train routes, riding on top of the trains or in freight cars. Organized crime groups, often with the collusion of authorities, monitor these routes constantly and are easily able to kidnap dozens or scores of migrants at a time. The latest report on this topic from Mexico's National Human Rights Commission indicates that more than 22,000 migrants are kidnapped each year, or more than 60 per day.

While the Migration Law bill includes measures designed to encourage migrants to denounce kidnappings if they survive, the bill includes no measures that would prevent kidnappings by taking migrants out of hiding and allowing them to travel, for instance, on public transportation or with a legal status in Mexico. Such measures, aside from addressing the humanitarian crisis faced by the migrant population, would deprive organized crime of tens of millions of dollars each year and doubtless help to give Mexico the moral authority to demand respect for the rights of its citizens who migrate to the US. The absence of such measures is thus an alarming indication of the lack of integral human rights perspective in the bill.

Conclusion

As all eyes turn to the House of Representatives, civil society organizations in Mexico continue to campaign for meaningful reform and for the new Migration Law to prioritize the protection of fundamental human rights. In the meantime, for more information on efforts to protect migrants from kidnappings both within and outside of the framework of the current legislative debate, please visit our website.

Newsbriefs

The Mexico City Human Rights Commission recommends suspension of the West Superhighway project but the government refuses to comply

On January 20, 2011, the Mexico City Human Rights Commission published recommendation 1/2011 regarding the proposal to construct the West Superhighway, directed to the authorities of the Magdalena Contreras and Álvaro Obregón delegations and to Mexico City's mayor, Marcelo Ebrard. In the recommendation, the Commission declared the existence of violations to the rights to adequate housing, to a clean environment, to water, to information, and to procedural guarantees, as well as various political rights. The main recommendation is that the project be suspended and that public consultations be held (which did not happen during the authorization process for the Superhighway).

Since the report's publication, several Mexico City government ministries and mayor Ebrard have discredited the work of the Commission and denied any human rights violations. Then, on February 11th, the government announced that it would accept four of the five recommendations in the Commission's report, but rejected the central recommendation, which called for stopping construction. This was the only recommendation capable of preventing further damage, but the government argued that it could not stop construction because of agreements with the private-sector companies building the highway. Because this signaled a rejection of the whole intent of the recommendations, the head of the Human Rights Commission Luis González Plascencia announced that he planned to summon the mayor to appear before the Legislative Assembly to explain this decision.

The foregoing comes in addition to other human rights violations, like the invasion by public security forces on January 1, 2011, in which hundreds of riot police entered the Malinche neighborhood, in flagrant defiance of preventive measures ordered by the Mexico City Human Rights Commission, in order to prevent a sit-in over the holidays. Since then, public security forces have been on-site to protect the demolition work of the private companies and intimidate the residents.



Area expropriated for the construction of the West Superhighway. Photo: Broad Front

Fordham University international law center carries out mission to Mexico regarding megaprojects and environmental rights defenders

Members of the Leitner Center for International Law and Justice of the Fordham University Law School in New York City, accompanied by members of Center Prodh, conducted a nine-day observation mission to communities in various Mexican states that seek to defend themselves against the imposition of mega-development projects that threaten their rights and environment.

Starting February 18th, the delegation visited the town of Cerro de San Pedro, in the state of San Luis Potosí, and the municipality of San José del Progreso in the state of Oaxaca, both of which are affected by mining; the town of Temaca in the state of Jalisco, where residents oppose the construction of the El Zapotillo dam; and the Mexico City neighborhood of La Malinche, where residents oppose the construction of the West Superhighway.

The delegation also interviewed non-governmental organizations who are accompanying these resistance efforts, officials from the Ministry of the Environment and Natural Resources, representatives from the National Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights in Mexico.

According to Katherine Glenn, coordinator of the research project for the Leitner Center, the research, interviews, and visits "revealed the divide between the Mexican government's pro-human rights rhetoric and the harsh daily reality faced by environmental and human rights defenders in Mexico."

"These communities are fighting a battle against two giants: the government and multinational corporations," said Glenn. "The determination of these communities to protect their rights is inspiring, especially in light of the hostile and often violent treatment they receive from local law enforcement and the corporations involved."

The final report with the conclusions from the investigation will be published in June in both English and Spanish, and distributed in Mexico, the United States, and Canada.

Fifth anniversary of the Pasta de Conchos tragedy: injustice persists

February 19th was the fifth anniversary of the collapse in the Pasta de Conchos mine, in the state of Coahuila, where 65 miners lost their lives, 63 of whose bodies are still buried in the mine belonging to *Industrial Minera Mexico*, a subsidiary of *Grupo Mexico*. The government has failed to carry out a rescue operation to recover the remains of the miners, prolonging the suffering of family members

who lost husbands and fathers to a disaster that could have been prevented had labor authorities enforced the applicable safety standards in the mine.

The Pasta de Conchos Family Organization and the Center for Labor Reflection and Action (CE-REAL, for its Spanish initials) released their fifth report on the case, *Háblame desde allá abajo* (Talk to me from below), highlighting the mobilization efforts of miners and their families and the urgent need to protect the lives, dignity, security, and families of thousands of miners who are still working in risk.

To mark the anniversary, the organizations celebrated a mass outside the offices of *Grupo Mexico*, in Mexico City, and then marched to the city's main square, the *Zócalo*. About 100 family members and miners from the coal region of Coahuila attended the events to show solidarity.

The organizations also discussed the lack of justice in this case at the Senate. Relatives and civil organization representatives were invited by legislators to a screening of "Voices from the Underground: Coal Mining and the Pasta de Conchos Family," a feature-length documentary on the case.

With regards to the petition lodged in this case before the Inter-American Commission on Human Rights, we ask that the Commission declare it admissible as soon as possible and adopt the corresponding report so that the case can advance.



Members of the Pasta de Conchos Family Organization. Photo: Center Prodh / LZC

Center Prodh's Director visits Europe to bring attention to the situation of human rights in Mexico

Luis Arriaga, director of Center Prodh, traveled to Europe from January 29th to February 10th to present the current situation of human rights in Mexico as well as updates on cases represented by Prodh.

Arriaga visited Brussels (Belgium), Geneva (Switzerland), Berlin (Germany), and London (United Kingdom), where he met with civil society organizations, human rights activists, and national and European parliamentarians.

In addition to presenting on the state of compliance with the Ecologists' case (see article in this edition of Focus), Arriaga spoke about the case of Basilia Ucan Nah, an indigenous woman who has been imprisoned for the last three years in the state of Quintana Roo, accused of crimes she did not commit (see corresponding article).

Following up on this visit, there was an event on March 29, 2011 at the European Parliament on human rights in Mexico and in particular the situation of human rights defenders. Jaqueline Sáenz Andujo, coordinator of the Legal Area of Center Prodh, along with Bárbara Italia Méndez Moreno, one of the women who was sexually tortured in San Salvador Atenco in May 2006, participated in the event to present the case of Atenco and the risks facing those who defend human rights in Mexico.

Center Prodh participates in the World Social Forum, Dakar 2011



Women protest during the opening march of the World Social Forum. Photo: Center Prodh / JRP

In response to an invitation from French NGO Secours Catholique (member of the Caritas Internationalis network), Center Prodh participated in the ninth World Social Forum, which took place in Dakar, Senegal, from February 6th to 11th.

Center Prodh participated in three workshops. The first took on the issue of extractive industries and discussed the alternatives to over-extraction of natural resources in Latin America and Africa. Center Prodh presented two case studies: the case of the Pasta de Conchos coal mine, Coahuila state, as well as the case of the San José del Progreso mine, in the state of Oaxaca. The second workshop dealt with reparations for the victims of human rights violations, where Center Prodh presented the sentence of the Inter-American Court in the Ecologists case and the process of compliance by the State. The final work-shop we participated in was organized by the center *Cristianismo i Justicia* (CJ), an organization founded by the Society of Jesus, and centered on the challenges of justice work today.

Since 2001, the World Social Forum has brought together individuals and organizations from around the world to seek to build an alternative globalization under the motto "Another world is possible". For more information on the World Social Forum Dakar 2011, visit <http://fsm2011.org/en>.

Join your voice to the Campaign to End Kidnappings of Migrants in Mexico

Visit www.centroprodh.org.mx and under Thematic Publications you will find a proposal by a coalition of migrants' shelters, NGOs, and partner organizations to create a temporary legal status (visa) to protect migrants who seek to cross through Mexico, along with instructions for how to sign the proposal.

Watch for the campaign's upcoming online headquarters at www.proteccionmigrantes.org.

Center Prodh was created in 1988 as an institution dedicated to the promotion and defense of human rights. It uses a methodology of integral defense incorporating four areas of work: integral legal defense, education, communication and analysis, and international advocacy. Center Prodh has consultative status with the United Nations Economic and Social Council and it is an Accredited Organization with the Organization 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 marginalization. For further information or to join Center Prodh's membership, please contact:

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FOCUS

Human Rights in Mexico



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