

FOCUS

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Imprisoned for defending their community's right to water: the case of José Ramón and Pascual

José Ramón Aniceto and Pascual Agustín, Nahua indigenous leaders, are serving prison terms for baseless charges filed in retaliation for their successful defense of their community's right to water. This new paradigmatic case demonstrates the devastating multiplying effect that occurs when human rights defenders are imprisoned for their work.

Focus on Juárez: National Commission confirms torture of Israel Arzate; Human Rights Watch cites case as illustrative of torture's role in the modus operandi of the war on crime

The evidence is undeniable: Israel Arzate is an innocent victim of a flawed security policy that relies on arbitrary detentions and torture. As investigations by both governmental and non-governmental institutions help to expose the grave human rights violations in this case, Israel files a formal criminal complaint against the army.

Absolute impunity: out of 570 investigations for disappearances, rape, torture, executions, and other crimes of Mexico's Dirty War, no charges filed against any perpetrator

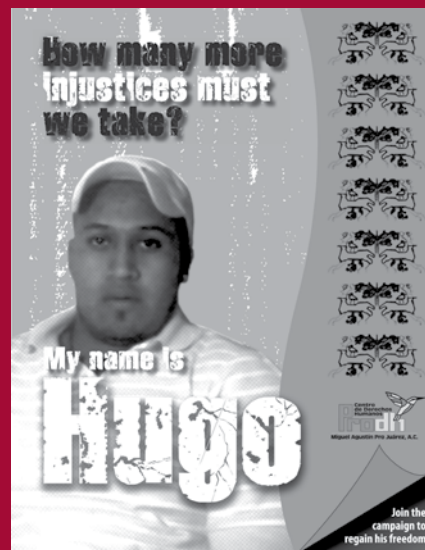
A public information request by Center Prodh confirms that none of the 570 investigations assigned to the federal General Investigation Office concerning human rights crimes of Mexico's Dirty War has led to criminal charges.

Opportunity for historic human rights precedent: Mexico's Supreme Court takes on case of Hugo Sánchez, victim of arbitrary detention and imprisonment

Hugo Sánchez, an indigenous Mazahua youth from Mexico state, was arbitrarily detained in July 2007, with no justification other than the police's claim that he "looked suspicious" as he drove his family's taxi. Authorities would later falsely accuse Hugo of kidnapping, despite the fact that as numerous eyewitnesses explain, it is physically impossible that Hugo committed the kidnapping in question. The only supposed testimonies against him – extracted under pressure from police – were retracted during the trial by the kidnapping victims themselves.

During Hugo's trial, the judge arbitrarily rejected defense witnesses, admitted illegitimately obtained (and false) evidence, and allowed key procedures to be carried out without the presence of Hugo's defense lawyer. In a sentence that does not stand up to even cursory scrutiny, Hugo was sentenced to more than 37 years in prison. Now, the case has been taken on by Mexico's Supreme Court, which has the power to free Hugo and set an important precedent for the protection of human rights by invalidating the violatory judicial criteria that have kept Hugo in prison until today.

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Opportunity for historic human rights precedent:

Mexico's Supreme Court takes on case of Hugo Sánchez, victim of arbitrary detention and imprisonment

Context: a paradigmatic case of arbitrary detentions in Mexico state

Last September 7th, the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh), along with other civil society organizations, presented a report on human rights violations committed in the state of Mexico during the administration of former governor Enrique Peña Nieto, unofficial front-runner for the presidential elections coming up in Mexico in 2012. The report, available on our website, highlights that the engine that drives these numerous documented cases of human rights violations is the impunity that reigns when authorities commit arbitrary and abusive acts, especially against social groups that have historically faced discrimination.

The report especially condemns the structural flaws in the criminal justice system, including the use of the judicial branch to prop up a supposed security policy based on illegal actions such as arbitrary detentions and fabrication of evidence. For instance, the report presents the cases of four young men who were victims of criminalization for their age and for their socioeconomic status. Currently, three of them are unjustly imprisoned, while the fourth was arbitrarily deprived of his life. Hugo is another example of these policies.

Hugo Sánchez: the facts of the case

Hugo Sánchez Ramírez is the second eldest of the five children of Antonio Sánchez Domínguez and Rosalba Ramírez Estrada, Mazahua indigenous people from

Mexico state. On Saturday, March 10, 2007, Hugo Sánchez' family went to visit his dying grandmother, who was then driven back to their community. Hugo would remain by her side and help to welcome community members to the house in the following days until her death on March 14th. There is overwhelming testimony placing him at home throughout this sad family occasion.

During precisely these same days, two 15-year-old victims, a boy and a girl, were kidnapped in Villa Victoria, a municipality about 45 minutes away. On Monday, March 12th, the minors were released and reported to the Public Prosecutor's Office that they could not describe or identify their kidnappers because they did not see their faces.

Four months later, on July 22, 2007, Hugo Sánchez was driving his family's taxi. When he arrived at a crossroads known as Catorce, a police vehicle blocked the taxi's route and fired at the taxi. Hugo and two passengers were violently pulled out and the police planted two guns as false evidence to justify the detention. The police would later explain that they stopped Hugo's taxi because it seemed "suspicious".

Police agents from the Special Force for Investigations in High-Risk Situations (CEISAR, for its initials in Spanish) arrived and Hugo and the other two victims were photographed holding hastily made cardboard signs that contained the word "kidnapping", as though they had been arrested for kidnapping. This completely arbitrary action shows that from the beginning, the police saw these victims as an easy opportunity to close unresolved kidnapping cases. Two of the three CEISAR agents involved have subsequently been accused of working for an organized crime group.

Following Hugo's detention, another CEISAR agent went to the home of the minor girl who had been kidnapped months before and showed her the photographs, telling her to identify the kidnappers. Under pressure, the girl agreed and stated that she fully and perfectly recognized Hugo Sánchez.

Following this coerced "identification," the police produced a document in which Hugo supposedly confesses that he "would routinely kidnap and kill" and admits to more than 10 serious crimes – that is, with this document the police suddenly claimed to have solved a string of their unsolved



The Supreme Court / Photo: DGCVS/SCJN



Hugo's parents with members of Center Prodh

cases, coincidentally all spontaneously confessed by Hugo. As witnesses attest, however, Hugo spent the day of this supposed confession at home, released on bail after the arbitrary detention in the taxi. The document does not contain his signature and there is no record of Hugo being summoned to be questioned. In short, the police simply wrote up a confession and claimed it came from Hugo.

On August 8, 2007, Hugo was arrested for kidnapping. During the trial, the male kidnapping victim explained that he had never directly recognized Hugo but had just been told to say that he did, while the girl stated on numerous occasions that she no longer endorsed her recognition of Hugo and that during the session with the police she had been afraid and didn't know what to do or say. She even asked Hugo's mother's forgiveness for having falsely accused him.

A series of defense witnesses explained under oath that Hugo had spent the days of the kidnapping at the side of his dying grandmother. The judge did not consider the testimony of these witnesses valid or relevant. Neither did the judge give any weight to the first statement of the minor victims (in which they both stated they did not see their kidnappers' faces and could not identify them) or to their retractions during the trial, giving weight only to the coerced identifications. On March 23, 2009, Hugo was sentenced to 37 years and 6 months of prison for kidnapping, a sentence confirmed on appeal.

The Supreme Court takes on Hugo's case

Center Prodh filed an amparo action against the guilty verdict against Hugo, and on October 19, 2011 the National Supreme Court (SCJN) assumed jurisdiction over the case for the important constitutional questions that it presents. Apart from being able to free Hugo from his more than four years of unjust imprisonment, the Supreme Court will be able to invalidate two key

Hugo was sentenced to more than 37 years in prison. Now, the case has been taken on by Mexico's Supreme Court, which has the power to free Hugo and set an important precedent for the protection of human rights

judicial criteria used to convict him: the validity of detaining a person based on his or her "suspicious attitude" (which in practice is a blank check for racial and economic profiling) and the principle of "procedural immediacy," which allows potentially coerced pre-trial

statements to be admitted as prosecution evidence even when their authors retract the statements at trial, with the argument that whatever statement was made first chronologically must be more true than the statements made during the trial.

Taking into account Hugo's innocence and the potential of his case to avoid the unjust detention and imprisonment of countless other victims, Center Prodh welcomes the Supreme Court's decision to assume jurisdiction over the case and will keep readers updated on it in the coming months.

Imprisoned for defending their community's right to water: the case of José Ramón and Pascual

Center Prodh and the Ignacio Ellacuría Human Rights Institute (part of the Ibero-American University at Puebla) have taken on the legal defense of the case of José Ramón Aniceto Gómez, 64, and Pascual Agustín Cruz, 48, Nahua indigenous community members from Atla, town of Pahuatlán, state of Puebla. Both men were unjustly arrested and sentenced to nearly seven years in prison in retaliation for their legitimate and successful defense of their community's right to water.

José Ramón and Pascual had been elected as traditional indigenous authorities due to their recognition as honest representatives of the community. They carried out their assigned duties without receiving any financial compensation and were able to advance the community's rights by providing free access to drinking water and thus reversing the abuses to which their families had been subjected by the local power group that controlled the water system in Atla community (including the obligation to pay up to 5000 pesos (about \$400 USD) for accessing water). However, servants of the local strongman (or *cacique*), after carrying out a failed physical attack against the victims, accused José Ramón and Pascual of an invented car theft. Despite the lack of any evidence against them and the contradictory accusations of the aggressors, the local justice system sentenced the water defenders to prison.

Acting on their behalf, we seek to have them acquitted and released as soon as possible. The case of José Ramón and Pascual is an emblematic case of human rights defenders who seek to advance rights in favor of their entire community; they should be recognized and supported in their actions, not repressed and punished. This is all the more true considering that their imprisonment has already condemned their entire community to return to a system in which the local strongman controls access to water, showing the devastating multiplying effect that occurs when human rights defenders are imprisoned for their work.

Facts of the case: community water defenders José Ramón and Pascual

For decades, a local power group led by strongman Guillermo Hernández has exercised complete control over access to water in Atla community, relying on threats, attacks, and other illegal tactics to maintain

this monopoly. To access water, Hernández forced the indigenous community's members to work without pay for as long as 40 consecutive days and to pay exorbitant sums of money beyond the reach of families of low socioeconomic status. To defend their rights, an ever-growing sector of the community organized itself to find alternative water sources, succeeding in obtaining free access to a new water source. In retaliation, the new water source was continuously polluted with dead animals, the pipes were destroyed, and members of the community were murdered. However, the community continued to resist the domination of the strongman and elected as traditional authorities two respected community members who they knew would stand up to Hernández: José Ramón and Pascual. True to the task that had been entrusted to them, José Ramón and Pascual stated their intention to end the conflict in Atla over water, and founded a new and successful project to distribute water free of charge to all community members.

On October 22, 2009, Abraham Aparicio (son of Cristóbal Aparicio Gómez, both members of the local power group), tried to run over José Ramón and Pascual in his father's car. In view of the situation, José Ramón and Pascual called the local police department; when the police arrived, Abraham ran away, leaving his father's vehicle with the key in the ignition on the road between Atla and Xolotla. Police chief Carmelo Castillo took the car to the municipal car pound.

The next day, José Ramón and Pascual filed a complaint before the City Hall's General Secretariat describing the events. However, in line with their commitment to end the conflict in their community, on October 27th José Ramón and Pascual signed an agreement in which they forgave Abraham Aparicio and Abraham agreed to pay \$3,500 pesos (about \$250 USD) to the community for the aggressions committed against José Ramón and Pascual. Despite the very generous terms of the agreement, Abraham never paid the fine.

Ten days later, Cristóbal Aparicio filed a criminal complaint against José Ramón and Pascual accusing them of having stolen his car at gunpoint. On January 13, 2010, José Ramón and Pascual were arrested by state police officers, accused of stealing Cristóbal's car.



José Ramón and Pascual

Throughout their trial, José Ramón and Pascual were denied the right to an interpreter, meaning that they were unable to understand or participate sufficiently in the proceedings against them, which took place entirely in Spanish. In this context, the Attorney General of Huachinango, the local criminal judge, and the First Criminal Chamber of the Superior Court of Justice of the state of Puebla accepted the power group's false version of the facts despite the complete lack of evidence against José Ramón and Pascual, despite the agreement containing the signatures of all the involved parties, and despite obvious contradictions in the testimonies of Abraham and two allies of the power group who emerged to testify against the community water defenders. Thus, José Ramón and Pascual were condemned to nearly seven years in prison.

This collusion between the cacique (local strongman), prosecutors, and judicial authorities is reflected in the lack of respect for the victims' due process rights and the lack of proper investigation of facts that support the innocence of José Ramón and Pascual (for instance, the lack of due investigation of the car incident). In this sense, this case reflects not just the unpunished and violent actions of the local power group, but also the criminalization by state institutions of local human rights defenders. In addition, this case is yet another example of structural discrimination against indigenous peoples in Mexico's criminal justice system, as reflected in the lack of interpreters for the defendants. Despite all these violations, as of today José Ramón and Pascual remain in Huachinango prison.

The legitimate opposition to a local power group as the cause of human rights violations against indigenous communities and their defenders

Center Prodh and the Ignacio Ellacuría Institute emphasize that **José Ramón Aniceto and Pascual Agustín were condemned for defending their right to access to water, in particular because they opposed the monopoly on water exercised by a local power group. Even more alarming (but unfortunately not infrequent in Mexico), the judges who reviewed the case responded to the interests of this group, allowing the law to be used to repress and incapacitate José Ramón and Pascual so as to reinstate the previous and illegitimate monopoly on water.**

The current state of the case

On October 27, 2011, Center Prodh filed an *amparo* legal defense action against the confirmation of the sentence that imprisoned José Ramón Aniceto Gómez and Pascual Agustín Cruz. The *amparo* action, the last legal remedy available to them, was admitted on November 11, 2011 under file number 527/2011 and will be examined by the Second Collegiate Circuit Court (a federal court) in the state of Puebla, which will have the opportunity to establish their innocence and prove the lack of due process in their case. We expect the resolution of this *amparo* action to be rendered in the next three to five months.

Focus on Juárez:

National Commission confirms torture of Israel Arzate; Human Rights Watch cites case as illustrative of torture's role in the modus operandi of the war on crime

Recalling the facts of the case: Israel's arbitrary detention and torture in a military facility

As readers will recall from our last edition, Israel Arzate Meléndez, a young man from Ciudad Juárez, Chihuahua state, was the victim of arbitrary detention and torture in order to force him to confess falsely to having participated in the killings of 15 individuals (Israel was in fact at a party with family members on the night of the killings). On February 3, 2010, as he was on his way to buy some candies for his wife, Israel was intercepted by a vehicle of soldiers and plainclothes men who grabbed him and took him to a military base. The soldiers would later state that they detained Israel for possession of a stolen vehicle, but even state prosecutors have subsequently admitted that there is no evidence to link Israel to any stolen vehicle.

In the military base, Israel was beaten and tortured with electric shocks and asphyxiation. On February 5th, he was forced to confess on videotape to the murders. He was subsequently arraigned and his trial continues; the judge who presided over his arraignment refused to acknowledge the marks of torture on his body, listen to his reports that he was still being taken out of prison periodically to be tortured, or open an investigation into the torture that he suffered. Now, as national and international bodies expose the grave violations committed against him, Israel has taken matters into his own hands and filed a formal criminal complaint against the army.

The National Human Rights Commission confirms torture and other violations against Israel

On August 30th, 2011, Mexico's National Human Rights Commission (CNDH) issued Recommendation 49/2011 confirming the torture suffered by Israel Arzate and denounced by the NGOs supporting his case (including Center Prodh, Red Mesa de Mujeres of Ciudad Juárez, and the Juárez Migrants' Support Center). The CNDH also

confirmed the baseless retention in the military facility and the illegal act of taking Israel back out of prison for further torture. The Istanbul Protocol applied by the CNDH revealed injuries including extensive areas of electrical burns on various parts of Israel's body.

Importantly, the CNDH notes, "[T]he absence of a serious, scientific investigation and the use of torture instead, may well lead to lack of punishment of guilty parties, which can lead to the revictimization of the victims and impunity, a violation of due process in the administration of justice."

While the Recommendation of the CNDH is a step in the right direction for Israel Arzate to access justice, we also note with concern that the Commission asks for an investigation into torture to be opened in military jurisdiction (as well as civilian jurisdiction), contradicting the Supreme Court's resolution of July 2011 determining that military authorities that violate human rights must be investigated and tried exclusively in civilian jurisdiction (as also determined by numerous international bodies and the Inter-American Court of Human Rights in four consecutive sentences against Mexico).

Israel's case, illustrative of Mexico's use of torture in the war on crime: Human Rights Watch

Internationally recognized human rights organization Human Rights Watch (HRW) documented more than 170 cases of torture in Mexico in the two years of research (2009-2011) leading up to its November 2011 report **Neither Rights Nor Security: Killings, Torture, and Disappearances in Mexico's 'War on Drugs'**, including numerous cases in which torture was used to coerce confessions. HRW states, "In all five states surveyed – Baja California, Chihuahua, Guerrero, Nuevo León, and Tabasco – Human Rights Watch found that security forces systematically use torture to obtain forced confessions from detainees" and "according to information requested from state prosecutor's offices in the five states surveyed, there were hundreds of complaints of torture and cruel, inhuman, or degrading treatment to state human rights



Israel Arzate



commissions. But not a single official in these states has been convicted on charges of torture.” It adds, “Human Rights Watch found that a wide array of justice officials are implicated in human rights violations. They include judges who admit evidence that was likely to have been obtained through torture, prosecutors who obtain ‘confessions’ from defendants who are being held incommunicado on military bases, and medical experts who omit or play down signs of physical injuries when they examine detainees.”¹

In the report, HRW cites the case of Israel Arzate as illustrative of the use of torture in the Mexican government’s counterproductive “war on crime,” a misguided strategy that has led only to increased violence and skyrocketing numbers of serious human rights violations, rather than improving public security in the country. As HRW states on page 28 of its report, “Most victims were detained arbitrarily under the pretext of being caught in the act of

committing a crime [... V]ictims were often held incommunicado on military bases, police stations, or other illegal detention facilities [...]. The cases documented by Human Rights Watch, together with dozens of interviews with officials from human rights commissions, public defenders, prosecutors, and human rights defenders strongly suggest that torture is part of the modus operandi of counternarcotics operations in Mexico, and that its incidence has increased significantly in the context of the ‘war on drugs.’”

With legal remedies ineffective to date, Israel files formal torture complaint against the army

The organizations accompanying Israel Arzate filed *amparo* legal actions against the human rights violations committed during his trial, but they have yet to yield positive results. Regarding the accusation of possession of a stolen vehicle, the charge used to justify Israel’s original detention, the Sixth District Judge denied the *amparo* despite the rights violations committed in the case. This denial is now under review in the First Collegiate Assistant Court based in Culiacán, Sinaloa state. Regarding the homicide charges, the First Collegiate Assistant Court resolved to reinstate the entire *amparo* proceeding due to an earlier lack of proper notification; thus, it remitted the *amparo* process to the Ninth District Judge in Ciudad Juárez for a new resolution. This step will indefinitely extend the resolution of the legal remedy.

Meanwhile, on November 16, 2011, Israel presented a criminal complaint against the army before the federal Attorney General’s Office. The organizations representing him in this complaint call upon the Attorney General

to open the corresponding investigation and proceed to charge the perpetrators, recalling that the investigation and trial of these military abuses falls exclusively within the jurisdiction of civilian – not military – institutions.

Conclusion

The case of Israel, in addition to confirming the serious human rights violations committed by the military and in the criminal justice system, up until now has also exemplified the glaring lack of effective legal remedies in Mexico to protect individuals’ human rights. More broadly, so long as the government’s security strategy continues to rely on arbitrary detentions and tortured confessions, the only guaranteed result will be the imprisonment of innocent victims while guilty parties go free. After half a decade of rising violence and impunity, the world must call upon the Mexican government to cease this counterproductive strategy and to concentrate on addressing its dysfunctional justice system, as well as socioeconomic causes of crime, impunity for abuses committed by government officials, and corruption.

With this article, we bring to a close the 2011 series Focus on Juárez. However, as shown through our installments on the risks facing human rights defenders in that city and the misuse of the criminal justice system to sustain fabricated charges against innocent people, the international community should maintain its attention on this city in the year to come. This is especially true since Chihuahua is the state where the implementation of Mexico’s “new” criminal justice system is most advanced; thus, it is crucial to eliminate the reliance on torture and human rights violations in Chihuahua so as to create a model that can help other states implement the country’s ongoing criminal justice reform.

¹ Emphasis added. The quoted text comes from Human Rights Watch’s press release, Mexico: Widespread Rights Abuses in ‘War on Drugs’, Nov. 9, 2011, <http://www.hrw.org/news/2011/11/09/mexico-widespread-rights-abuses-war-drugs>. The full report is available at the same website.

Absolute impunity:

out of 570 investigations for disappearances, rape, torture, executions, and other crimes of Mexico's Dirty War, no charges filed against any perpetrator

Alicia de los Ríos, victim of enforced disappearance



Despite survivors' and family members' tireless search for justice for the hundreds of grave human rights violations perpetrated during Mexico's Dirty War of the 1960s and 1970s, a public information request by Center Prodh confirms that none of the 570 investigations into these crimes assigned to the General Investigation Office (CGI) of the federal Attorney General's Office has led to criminal charges.

Impunity for the past becomes impunity of the present

When taking office in 2000, then-President Vicente Fox promised to investigate and punish those responsible for Dirty War crimes. He created the Special Prosecutor's Office for Crimes of the Past ("Femospp"), giving the appearance of working toward this goal. However, the Femospp closed in 2006 without having achieved the punishment of any perpetrator of crimes of the past. Having brought cases before the Femospp, we can

state that it was an ineffective body, with problems in its design and even clearer insufficiencies in its work methods.

Today, Center Prodh continues to work on diverse cases of Dirty War crimes, such as that of the Guzmán Cruz family –involving the forced disappearance of five members of a family in Michoacán state– and the forced disappearance of Alicia de los Ríos, both now under review by the Inter-American Commission of Human Rights (IACHR) and co-litigated by the Diego Lucero Foundation. We also have the case of the extrajudicial execution of Diego Lucero, as well as the forced disappearance of David Jiménez Frago. The lack of access to justice or even recognition of the historical context of these cases led us to launch the campaign *Siguen desapareciendo* ("Still missing") earlier this year. Its objective is to push for justice for Dirty War crimes and to create a link between crimes of the past (the Dirty War) and crimes of the present (committed by state agents in the framework of the "war on crime").

Access to information request shows complete impunity for Dirty War crimes

As part of our campaign, Center Prodh requested information through Mexico's federal access-to-information law regarding the fate of the investigations that were never finished by the Femospp (that is, the hundreds of investigations that were still open at the time the Femospp was shut down). These investigations were inherited in 2006 by the General Investigation Office (CGI) of the Federal

Attorney General's Office (PGR). The government has maintained that the transfer of the cases to the CGI does not signify impunity since this office is moving forward with the investigations.

According to the data obtained, the General Investigation Office (CGI) inherited 570 investigations, for crimes including torture, rape, forced disappearance, and others, yet **in the five years that the CGI has had these investigations under its jurisdiction, there have been no criminal charges brought in any of them.** The CGI has closed ("archived") 110 of them outright and reports that one other is provisionally closed, with 377 open or pending. Since these numbers do not add to the original 570 investigations, it is unclear what happened to the other 82. What is clear is the complete lack of justice for crimes of the Dirty War.

Conclusion

Impunity for forced disappearances, torture, rape, and executions committed by state agents during the Dirty War generates a continuing reliance on grave human rights violations today as part of a supposed security strategy that has only brought increased violence to Mexico. The lesson could not be clearer: there can be no true democracy or security for Mexico's residents until there has been a true break from the authoritarian practices of past decades.

For more information on our *Siguen desapareciendo* ("Still missing") campaign, please visit the following website: <http://siguendesapareciendo.org/>. Available in Spanish.



More than two hundred delegates from across Latin America meet to defend communities threatened with unsustainable and environmentally destructive dam projects

Introduction: the Latin American Network of People Affected by Dams

Traditional indigenous authorities, campesino farmers, human rights defenders, urban youths, members of social movements, and civil society organizations from nine Mexican states: representatives of all these sectors, united by their membership in the Mexican Movement of People Affected by Dams and in Defense of Rivers (MAPDER), of which Center Prodh is a member, traveled by bus for more than 6 thousand kilometers accompanied by international observers to arrive at the Sixth Mesoamerican Encounter of the Latin American Network of People Affected by Dams (REDLAR). This event took place in Bajo Pacuare, Costa Rica, from September 22nd to 25th and was attended by more than 200 delegates, from eight countries of the Mesoamerican region and various observer countries from the Americas and Europe.

During the journey and the encounter in Costa Rica the participants shared their experiences and planned joint strategies against the imposition of numerous environmentally destructive dams whose effects are devastating people across the affected regions.

The Mexican delegation was made up of representatives from the states of Oaxaca, Guerrero, Jalisco, Nayarit, Veracruz, Chiapas, Guanajuato, Colima, and Mexico City. Communities and organizations from these states are all currently working against harmful hydroelectric projects or projects related to the privatization

of the water supply. The Mexican delegation proposed coordinated actions by civil society groups from the region to avoid the destruction of rivers by megaprojects that bypass the survival of communities, the preservation of nature, and national and international law to serve the economic interests of powerful groups.

Hydroelectric projects that increase inequality while threatening communities and the environment

A recurrent topic of concern discussed during the encounter was the harnessing of energy to send surplus electricity to economically wealthy actors at the expense of the environment and affected communities on the one hand, while on the other hand much of Mesoamerica's population still has no access to energy. This topic was raised by the participants from Costa Rica, Guatemala, Panama, Honduras, Mexico, Belize, Brazil and El Salvador. The Guatemalan delegation denounced that 20% of the population has no electricity at home, despite the fact that the country has a surplus of energy. In Brazil, the delegation reported, workers can spend 22% of their earnings in electricity payments. The delegation of Panama reported that their country produces double the quantity of energy that it uses.

Similar concerns were expressed by the Mexican delegation, which explained that the country has an energy surplus but charges electricity rates that are often

prohibitively high for Mexicans. Aggravating this pattern, in Mexico there are hundreds of projects for the construction of dams, in the context of which the Secretary of Natural Resources, the Federal Electricity Commission and the National Water Commission have engaged in acts of extortion, false representation, blackmailing, dividing communities, lack of transparency, intimidation, threats and lack of consultation processes to ensure that the dams are implemented regardless of legal violations or environmental and community destruction. Mr. Emerio Lomas Chavez, a Cora indigenous man from the state of Nayarit, expressed the following: "We indigenous peoples are treated as if we were worthless, that is why they want to build those projects in our territory".

According to MAPDER, once such projects displace communities or cause environmental destruction, there is not a single case in which the affected communities have recovered. In other words, the prevailing model of imposition of such dams is neither environmentally nor socially sustainable. For these reasons MAPDER reiterated its call to the Mexican government to cancel, definitely and immediately, the following dam projects: La Parota (Guerrero), which has been a topic of concern of diverse Special Rapporteurs of the United Nations; Paso de la Reina (Oaxaca); Las Cruces

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(Nayarit); the dam project in the state of Veracruz consisting of plans for 112 dams, particularly the dams known as El Naranjal, Zongolica and those located in the Pescados river; Itzantún (Chiapas); and El Zapotillo (Jalisco), about which we have previously sent information to readers of Focus. Finally, activists highlighted the need for reparations for the damages already caused by the following dams: La Yesca (Jalisco and Nayarit); Arcediano (Jalisco); El Cajón (Nayarit); and Picachos (Sinaloa).

**Looking ahead:
protecting the right
to water and a healthy
environment in
Mexico's Constitution**

On a positive note, on September 29th, the same day that the Mexican delegation was returning from Costa Rica, Mexico's federal Congress approved a Constitutional reform to include the right of every person to access to water for personal and domestic consumption, as well as to protection against environmental destruction. If this reform is approved by a majority of Mexico's state legislatures (the requirement for a Constitutional reform to enter into force), then corresponding national laws such as the National Water Law will have to be reformed so as to include this human rights perspective. Center Prodh hopes that the proposal to reform the Constitution is passed unanimously by the states and that modifications to complementary laws and regulations are carried out in line with the object and spirit of this reform, as this will be another legal tool that affected communities and their representatives can use to oppose the unilateral implementation of unsustainable dam projects that overlook domestic and international legal obligations.

Newsbriefs

**Women of Atenco's
case admitted by Inter-
American Commission
on Human Rights**

Center Prodh celebrates the decision of the Inter-American Commission on Human Rights to declare admissible the case filed by 11 women who suffered sexual torture at the hands of police in San Salvador Atenco, state of Mexico, in May 2006. As readers will recall, the women have sought justice for the past five and a half years, but Mexico's federal Special Prosecutor for Violence against Women and Human Trafficking improperly declined its jurisdiction over their case in July 2009, leaving it in the hands of state-level authorities who have demonstrated their inability or unwillingness to investigate since 2006. Given this lack of access to justice in Mexico, the women filed a petition with the Inter-American Commission in 2008, which was forwarded to the Mexican government. After litigating the admissibility of the petition, we are happy to inform readers that the Commission has declared that it is admissible, opening the way for litigation on the merits of the case, including the topics of sexual torture and denial of justice in this paradigmatic case of violence against women by state agents. We will keep you informed of developments in the Atenco case and invite you to stay updated via our website: www.centroprodh.org.mx.

**New Inter-American
Commission hearing
on Mexico's duty to
end human rights
violations against
migrants**

In a public hearing held at its Washington DC headquarters

on October 27, 2011, the Inter-American Commission on Human Rights received information from representatives of the Mexican government and civil society regarding the grave situation of migrants in Mexico. While the government delegation stated that measures were being taken to comply with the Commission's recommendations on this matter—the result of the July 2011 visit to Mexico of Commission Rapporteur on Migrants Felipe González—the reality facing migrants in the country continues to be one of violence, kidnappings, extortions, and other violations, as emphasized by Center Prodh in the hearing and reflected in a joint NGO report turned in to the Commission. In recent months alone several migrants have been killed in the state of Mexico, close to a local migrants' shelter. We recall that countless testimonies demonstrate the collusion or direct involvement of state agents in abuses against migrants. The new Migration Law, which does not include any new path to regularization for migrants crossing Mexico and authorizes continued raids by the Federal Police and other worrying measures, does not solve these problems, which stem from the precarious and undocumented status of migrants, a lack of sanctions for violations against this vulnerable population, corruption, and a migratory policy that seeks largely to block migration through Mexico to the US rather than protecting human rights. Learn more about the situation of migrants in Mexico at www.proteccionmigrantes.org (majority of content in Spanish).



Children forcibly displaced from Guatemala to Mexico.



Displaced Guatemalans face humanitarian crisis in Tenosique, Tabasco

From October 19th to 21st Center Prodh participated in a civil observation mission formed by members of 10 civil society organizations, in Tenosique, state of Tabasco, where 91 Guatemalan families are currently living in extremely precarious conditions after having been forcibly evicted from their community in Nueva Esperanza, Guatemala. During the mission we observed the complex situation in the region, in which these hundreds of displaced victims are deprived of basic human rights and dignified living conditions, while local human rights defenders face threats and harassment.

During the mission we were informed that the migrants' shelter "La 72 Hogar Refugio para Personas Migrantes" ("Migrants' Shelter in Honor of the 72", referring to 72 migrants

murdered in Tamaulipas last year), located in Tenosique, receives more than 70 people daily looking for refuge. Despite the fact that migrants arriving there are just beginning their journey to the United States, they have generally already been victims of extortion and violence, and some have already lost a relative. Their testimonies expose the abuses suffered at the hands of government authorities in spite of the new Migration Law. Members of "the 72" shelter and the Usumacinta Human Rights Center have been threatened several times over the past year; Friar Tomás González, migrants' rights defender Rubén Figueroa, and others have recently suffered harassment.

The observation mission visited the border community of Nuevo Progreso, where the more than 300 displaced people, including 115 children, have been living since last August. After being forcibly evicted by the Guatemalan army from their community in Nueva Esperanza, Guatemala, they improvised

camp sites in Mexico. The conditions of want in which they are living represent a humanitarian crisis, aggravated by the weather and the lack of means to sustain themselves, but the Mexican and Guatemalan governments have not responded with the necessary humanitarian aid. Since the displaced population lacks a documented status in Mexico, its members live under the latent threat of being repatriated to Guatemala, despite the fact that ongoing negotiations with the Guatemalan government to make possible the families' return to their lands have not concluded.

In this context, the observation mission issued a call to the Mexican and Guatemalan governments to guarantee migrants' rights and those of the displaced families and the defenders working in the region.

Mexican NGOs meet with European Union authority to discuss human rights

On October 5, 2011, civil society organizations, including Center Prodh, met with Christian Leffler, Managing Director for the Americas (North, Central and South America and the Caribbean) of the European External Action Service.

In the meeting, civil society organizations expressed their alarm regarding the current human rights situation in Mexico. The

common factor in each of the organizations' presentations was impunity for human rights violations. Center Prodh spoke about the increasing human rights violations against civilians committed by soldiers, the impunity in which these violations remain and the need to exclude human rights cases from military jurisdiction. In that regard, Center Prodh mentioned the recent Supreme Court decision finding that the violations committed by soldiers against civilians should be tried in civilian courts, in accordance with sentences issued by the Inter-American Court of Human Rights in four cases against Mexico and in line with article 13 of the country's own Constitution. Center Prodh also expressed concern over the public statements made by several high-ranking military officials suggesting without basis that human rights organizations are serving organized crime groups. Other organizations spoke about the abuses committed against migrants, journalists and women, among other vulnerable groups.

For his part, Mr. Leffler recognized that ending impunity and the need to improve security while respecting human rights are among the main challenges facing Mexico. He also expressed the EU's interest in continuing dialogue with both the Mexican government and civil society organizations in pursuit of such goals.

2011: A year for recognizing women who set the standard in defending human dignity

Sister Consuelo Morales, one of seven world recipients of the 2011 Alison Des Forges Award for Extraordinary Activism

Center Prodh congratulates Sister Consuelo Morales, director of the Monterrey-based NGO Citizens in Support of Human Rights (*Ciudadanos en Apoyo a los Derechos Humanos*, CADHAC), on being one of seven human rights defenders selected from around the world to receive the prestigious 2011 Alison Des Forges Award for Extraordinary Activism, given by Human Rights Watch to defenders who work at great risk to protect others. CADHAC makes an invaluable contribution to human rights in Mexico through its attention to victims and documentation of abuses committed by security forces, among other activities.

Support the women of Atenco in their fight for justice – with just one click

For more than five years, the women who survived sexual torture in San Salvador Atenco have not wavered in their determination to end the use of this tool of repression by state agents and to see justice done. In 2011 their case was finally admitted by the Inter-American Commission on Human Rights – but they still have a long struggle ahead. Visit the Amnesty International-Center Prodh website www.porellas.org and click to send a letter of solidarity to let the women know that they are examples to all of us and they can count on our support!

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:

**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>

Contributors to this issue: Sandra Albicker, Stephanie Erin Brewer, Andrés Díaz, Denise González, Karen Hudlet, Leopoldo Maldonado, José René Paz, Roberto Stefani

Editors: Stephanie Erin Brewer, Denise González, José René Paz

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