

FOCUS

Human Rights in Mexico



Miguel Agustín Pro Juárez, A.C.

Miguel Agustín Pro Juárez Human Rights Center, AC

Bulletin, Issue 41, September 2011

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Migrants' shelters and NGOs from all along the south-north migration route have launched a campaign to protect migrants in a context of massive violations against this population; now, in the wake of a recent visit by the Inter-American Commission, government actors consider options to regularize transmigrants.

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Focus on Juárez: Israel Arzate Meléndez, falsely accused based on confessions made under torture in Mexico's new justice system

When Israel Arzate walked across the street to buy candy for his wife in February 2010, he never imagined that his freedom was about to be taken from him. But like many others, he was arbitrarily detained by soldiers, to be tortured in a military base until he gave a false confession. Now Mexico's "new" justice system keeps him prisoner despite having exceeded the mandated limit for preventive detention, with judges refusing to take into account the documented torture he suffered.

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Landmark Supreme Court decision: human rights abuses cannot be investigated in military jurisdiction



Supreme Court has delivered a historic resolution on military jurisdiction. Photo: DGCVS - Mexico's national Supreme Court

In response to the Inter-American Court of Human Rights' ruling in this regard, Mexico's Supreme Court establishes that all Mexican judges must abide by the American Convention on Human Rights and must prevent the use of military jurisdiction to investigate and try human rights violations committed by members of the military

One of the principal human rights issues in Mexico today – the unconstitutional use of military jurisdiction to investigate and try human rights violations – was the subject of a landmark ruling this July by Mexico's national Supreme Court, which established that in no case of human rights violations may military jurisdiction be used. This ruling opens the door for thousands of victims to begin to access justice in the country, as long as it is faithfully implemented. It also highlights the duty of the government to re-

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As migrants' shelters, civil society organizations launch Campaign for the Right to Migrate Free from Violence, Inter-American Commission Rapporteur calls for protection for transmigrants

As our readers will recall, one of the greatest human rights challenges facing Mexico is the massive commission of human rights violations against migrants passing through the country, mostly on their way to the United States. According to official data, more than 20,000 migrants are kidnapped each year by organized criminal groups often acting in collusion with or with the tolerance of authorities. Kidnapped migrants are held in so-called drop houses and forced to telephone family members to raise ransom money; they may be tortured or killed if unable to pay, and sexual abuse against kidnapped migrant women is rampant. Meanwhile, accountability for these crimes remains virtually absent. One of the principal factors that makes migrants so vulnerable to these crimes is that many of them must cross Mexi-

can territory without documentation, meaning that they must seek to avoid all contact with authorities and instead travel a limited number of train routes that are routinely watched by organized crimes groups.

Ongoing kidnappings and the discovery of mass graves of migrants such as the 72 migrants found in San Fernando, Tamaulipas one year ago have generated growing attention to this humanitarian tragedy in the Mexican and international media. Meanwhile, following several years of documentation by migrants' shelters and civil society organizations, two special reports by Mexico's National Human Rights Commission, a public hearing before the Inter-American Commission on Human Rights, advocacy before the UN, and a recent visit from the Inter-American Rapporteurship on migrants' rights, attention to this topic by civil society and human rights organs has never been higher. Since we informed readers in our last issue of the imminent passage of Mexico's first-ever Migration Law, this Law has indeed been promulgated, and unfortunately does little to change Mexico's approach to migration as a national security issue rather than a large population of human beings with rights. The new Law does not block the possibility of granting a legal status to migrants, but neither does it clearly establish any new or broader legal status available to them.

In this context, the past few months have seen several important developments in the field of initiatives and proposals to protect migrants' rights, especially the rights of the most vulnerable sector of the

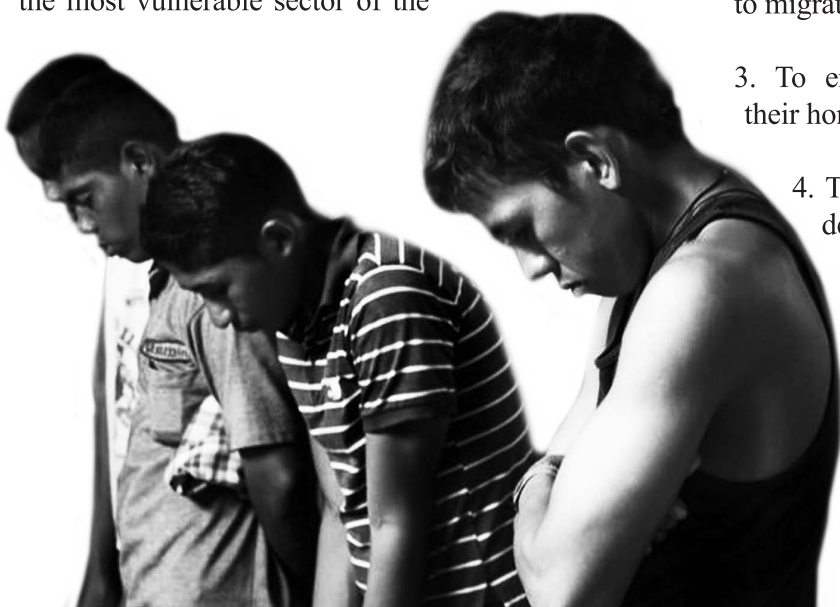
migrant population: those who journey through Mexico to reach the United States, often without legal documentation ("transmigrants").

The Campaign for the Right to Migrate Free from Violence

The daily tragedy witnessed by migrants' shelters and NGOs along Mexico's migratory route was reflected in a workshop held last June in Saltillo, Coahuila state, the "International Workshop for the Right to Migrate free from Violence," at which more than 25 organizations from Tabasco, Oaxaca, Tamaulipas, Nuevo León, Chihuahua, Sonora, Coahuila, Mexico City, Chiapas, Veracruz, as well as organizations based in the United States and Europe and individual experts, came together to construct new strategies in favor of the protection of the life, physical integrity, and rights of both Mexican and international migrants.

After three days of analysis, sharing of experiences, and proposals, the participants in this event publicly launched the Campaign for the Right to Migrate Free from Violence, based on an agenda of 7 priority obligations of the Mexican government:

1. To provide transmigrants the possibility of moving through the country with a legal immigration status.
2. To ensure the safety of Mexicans who are forced to migrate.
3. To ensure repatriated Mexicans a safe return to their homes.
4. To recognize, guarantee and protect the right to defend migrants, in particular to ensure the protection of migrant shelters and people that defend human rights.
5. To put an end to impunity by pursuing, trying and punishing the perpetrators of kidnappings, massacres, sexual violence and other abuses against migrants, including state officials who participate in or tolerate such acts.



Migrants in transit through Mexico. Photo: Vanessa García

6. To ensure the comprehensive care and protection of migrant victims and witnesses of crimes.

7. To collaborate with other States in the region to implement effective solutions to end abuses against their citizens in Mexico.

As the Campaign states in its inaugural press release, *“Migrants, who are first and foremost bearers of rights, are in imminent danger because of their status and the structural causes that force them to leave their countries and hide while in transit through another country. This phenomenon demands an urgent response to ensure their rights to life, physical integrity and security. No democratic country can accept the continued slaughter of tens of thousands of vulnerable people who like millions of Mexicans are simply looking for a dignified life free from violence.”*

This is not the only coalition working for migrants’ rights in Mexico, and it goes without saying that Mexican organizations are not the only actors demanding protection for migrants. In past months, several groups of Central American migrants and family members of migrants who disappeared in Mexico territory have put themselves at risk to journey north through Mexico and meet with government officials (and an Inter-American Rapporteur, see below) to present their cases and demand justice and protection for migrants’ rights. These Caravans, known as “Caravan Step by Step toward Peace”, have gone beyond placing a human face on the tragedy of transmigration in Mexico, and have called the attention of governments and the national and international community alike – although much remains to be done to overcome society’s lack of understanding of the situation of transmigrants and the factors that oblige them to leave their homes, as shown by the brutal murder of a young Guatemalan accompanying the Caravan in Mexico state in August.

***Inter-American Commission’s Migrants’ Rights
Rapporteur calls for regularization and
protection for transmigrants***

Increasing activism by Mexican civil society, migrants, and family members has come in a context of increasing international attention. Most recently, following hearings

and requests from civil society, the Inter-American Commission on Human Rights’ Rapporteurship on the Rights of Migrant Workers and their Families visited Mexico from July 25th-August 1st. The delegation visited Mexico City, Oaxaca and Ixtepec in the state of Oaxaca, Tapachula and Ciudad Hidalgo in the state of Chiapas, Veracruz and Tierra Blanca in the state of Veracruz, and Reynosa and San Fernando in the state of Tamaulipas, meeting with officials of the three levels of government (federal, state, and municipal), civil society, victims and relatives of victims.

In the press release issued after the visit, the Rapporteurship expressed its deep concern over the grave situation of insecurity experienced by migrants in Mexican territory as they are the victims of enforced disappearances, ki-



Felipe González, IACHR Rapporteur on Migrant Workers, meets with Father Alejandro Solalinde during his July visit to Mexico.
Photo: <http://www.facebook.com/CIDH.OEA>

llings, sexual exploitation, abduction and discrimination, among other violations, in some cases with direct complicity by authorities.

In its preliminary observations, the IACHR delegation confirmed that it had received “the testimony of a woman who had been kidnapped and during her captivity, she witnessed the killings of dozens of people. Another woman stated that during her kidnapping she was forced to beat other migrant women, while other women were forced to beat her. The delegation heard testimony from migrants who were kidnapped along with several hundred

people; one of them said that she was kept in a house in a rural area with about 200 people and another woman stated that there were about 400 people kidnapped along with her. [...] The Commission received testimonies of rape and multiple rapes while victims were kidnapped. [...] The Office of the Rapporteur heard concurring testimonies regarding the existence of kidnappings with the purpose of extortion, kidnappings for sexual exploitation, trafficking and smuggling [...]"

In this context, the IACHR Rapporteur called, among other measures, for the regularization of migrants, stating that "[a] measure that can help to improve rapidly the security situation of migrants [...] is to comply promptly with the provisions of the new law and provide legal documentation to migrants. [...] This would also help migrants to transit freely through Mexico, ending the security risks and exploitation brought about by having to cross illegally." In this sense, the Rapporteur has echoed numerous Mexican civil society organizations and shelters, who have called for the regularization of migrants as a preventive and protective measure. Now it falls to the State to fulfill the Rapporteurship's recommendations.

In the days following the visit, in response to questions from the media, representatives of Mexico's Ministry of the Interior expressed that with regards to the ongoing call from civil society to provide a legal status for transmigrants within the framework of Mexico's new Migration Law, the Ministry would consult with legislators and civil society actors to evaluate different options.

Updates: proposal to eliminate visas for Central American migrants

Significantly, in late August the state government of Chiapas, which borders Guatemala in the south of Mexico, endorsed a proposal to eliminate the requirement for Central Americans to apply for a visa before traveling to Mexico. Instead, to cross the border, citizens of Central American countries would need a form of official identification issued by their governments. This possibility, which will be considered by the national Senate, is one of several ways to reduce transmigrants' vulnerability by giving them a legal status. The National Migration Institute has commented publicly that such a possibility could be incorporated into the Regulations of the new Migration Law. It remains to be seen whether through such a mechanism, Mexico will finally take an important step forward toward the elimination of structural factors that leave its most vulnerable migrants in the hands of organized crime and corrupt officials.

Follow the Campaign and migrant-related news on the website proteccionmigrantes.org

Stay up to date on news related to the situation of transmigrants, including regularization/legal status, access to justice, protection, caravans and other actions, at www.proteccionmigrantes.org. All material is available in Spanish and some documents are available in English or other languages. All statements quoted from the Rapporteurship on Migrant Workers are available at www.cidh.org.

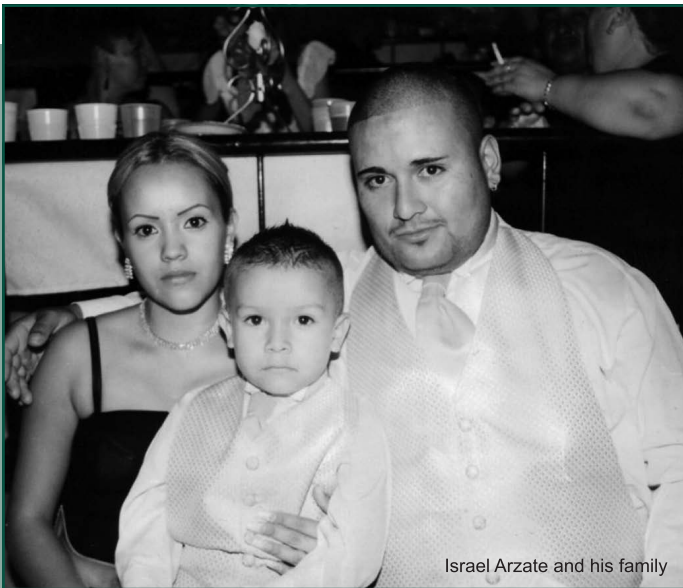
Focus on Juárez: Israel Arzate Meléndez, falsely accused based on confessions made under torture in Mexico's new justice system

The facts of the case: arbitrary detention and torture in a military base

Israel Arzate Meléndez is a 26-year-old from Ciudad Juárez, Chihuahua. He used to live with his wife Jessica Rodriguez, with whom he has a young son. Jessica is a beauty stylist, while Israel is a music vendor who used to sell CDs, making about US\$120 a week.

Everything changed for Israel in early 2010. On the night of January 30th, Israel went to a party with his wife Jessica and her brother Raul; multiple eyewitnesses confirm his attendance at the party. The next day, like other residents of

Ciudad Juárez, Israel heard about the killings of a group of young people at a different party that had taken place that same night, in a different neighborhood, a crime that would come to be known as the massacre of Villas de Salvárcar. Even in Juárez, a city known as one of the world's most violent, the massacre of Salvárcar shocked the population, and thus put great pressure on the security forces to present the supposed guilty parties as soon as possible.



Israel Arzate and his family

On February 3rd, 2010, at around 4:30 pm, Israel Arzate was on his way to buy some candies for his wife when he was intercepted by a van. Two men got out and asked him if he was “Carlos Madrigal,” to which he answered no. Despite not being the person the men asked for, immediately two soldiers got out, grabbed Israel, and forced him into the vehicle. He was taken to a military facility where he was tortured with electric shocks to various body parts and by having a plastic bag placed over his head, as well as being beaten and threatened continuously. He was held incommunicado and subjected to such torture for more than 24 hours.

On February 4th, at 11:50pm, Israel was presented by the soldiers before a prosecutor, where the soldiers falsely stated that they had detained Israel only a few hours before in possession of a stolen vehicle. Although the prosecutor registered his detention, the military retained physical custody of Israel in the 20th Motorized Cavalry Regiment military facility in Ciudad Juárez. There, he was tortured into giving a false confession, which he did only after his

captors threatened to rape and kill his wife Jessica. As it turns out, the set of facts he was made to repeat related to the killings of 15 individuals and the attempted murder of another 10 in Villas de Salvárcar the night of the party in January 2010.

Despite the ban on using as evidence confessions made without the presence of a judge, Chihuahua's Code of Criminal Procedure allows as an exception a statement made before the prosecutor as long as this statement is “voluntary”, introducing a fatal loophole into what is meant to be a new and modern justice system: the adversarial, oral trial system that will soon be required in every Mexican state as per a set of June 2008 constitutional reforms. Israel's false confession was video-taped; the video shows Israel with signs of severe anxiety, falling asleep or drugged, and clearly scared. The video also shows how his captors show him papers and prompt him to “remember” the details of the killings. Israel would later explain that he was forced to ingest 6 pills that made him feel dizzy before recording the video. He was later on presented to the media as one of the people responsible for the massacre.

Denial of basic due process: Israel's baseless trial in Ciudad Juárez

On February 10th, 2010, Israel was indicted after a hearing at which he was not present, relating to the false car theft charge that soldiers had used to cover up his prolonged detention. The investigation file contained a forensic report showing that there were no fingerprint marks on the stolen vehicle; however, this was not considered because the prosecution, having requested the study, illegally failed to bring it before the judge and the public defender negligently failed to present it. There is in fact no evidence to link Israel to any car theft other than the word of the soldiers. The state prosecutor himself later filed a motion to desist from the stolen vehicle charges citing lack of evidence, but then withdrew the request a day later.

On February 11th, 2010, Israel was likewise indicted for the massacre of Villas de Salvárcar despite stating before the judge that he had been tortured into confessing falsely and despite having tried to show the marks that remained on his body. The judge refused his statement on the grounds that he should have instead given such evidence to his lawyer. When Israel asked to know why he



Torture does not lead to justice, proclaims this postcard in defense of Israel Arzate.

was periodically being taken out of prison illegally and brought back to the military facility for more torture and threats, the judge stated that he should discuss that with his lawyer as well. The judge did not consider the testimonies of all the people who were with Israel the day of the massacre, nor of another person who saw how Israel was arbitrarily detained.

Current status of the case

Given these due process violations, Israel filed two amparo actions (legal remedies to challenge human rights violations) against the judicial resolution to place him on trial. These remedies were denied and are currently under review by Collegiate Circuit Courts.

The National Human Rights Commission has now confirmed through the application of the Istanbul Protocol that Israel was tortured, and is expected to publish a recommendation in the case.

Conclusion

Israel's case is paradigmatic of how, despite the inclusion of rights such as the presumption of innocence and the right to oral trials before a judge in the new criminal justice system being implemented in Chihuahua (and to be implemented throughout the country in the coming few years), prosecutors, judges, and defenders continue to operate under old presumptions, presuming the guilt of the defendant even in the absence of evidence and basing accusations solely on confessions that have been produced under torture. It is urgently necessary for authorities in Juárez to reverse course and free Israel Arzate, to set the example that in the new justice system, the prosecution must demonstrate guilt through evidence, and the use of torture will invalidate a confession. In addition, as long as innocent victims such as Israel are falsely accused of severe crimes (such as the killing of 15 youths), the true authors of these heinous acts continue to walk free.

We invite readers to stay up to date on this case through our website, where we will post any actions that can be taken in favor of Israel's freedom.

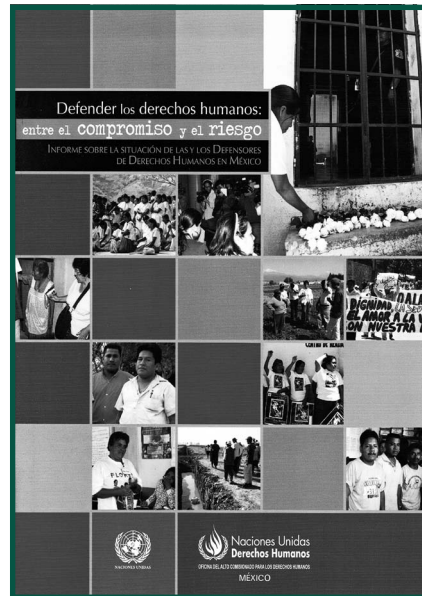
Update: Advances and setbacks in the adoption of a governmental protection mechanism for human rights defenders in Mexico

In our December 2010 edition, we presented an overview of Mexican civil society's proposal for a national protection mechanism for human rights defenders, the result of more than two years of advocacy and analysis and the subject of an October 2010 hearing before the Inter-American Commission on Human Rights. The coalition of NGOs that have been advocating for the creation of the mechanism had presented the proposal to the Ministry of Interior, among other authorities. As readers will recall, the motivation behind proposing such a mechanism is the situation of risk in which Mexico's human rights defenders often carry out their daily work. The civil society proposal is based on the three central obligations of the state to prevent, protect, and investigate attacks against human rights defenders, which currently remain in almost universal impunity.

In a positive sign, Mexican officials from the Ministry of the Interior visited Colombia in January 2011 to gather information on the design and effectiveness of that country's own human rights defender protection mechanism. However, it was not until the past few months, after a long period in which dialogue with the government on this is-

sue appeared frozen once again, that the group of NGOs was called for a meeting with the Ministry of the Interior, where the head of the Human Rights Promotion and Defense Unit presented us with the government's proposed outline for the creation of a human rights defender mechanism in Mexico. Some of the aspects proposed by civil society were included, although the outline also presented clear omissions or areas that need much clearer definition.

Then, during the first week of July, the United Nations High Commissioner for Human Rights, Mrs. Navi Pillay, visited Mexico, and the administration of President Calderón took advantage of this high-level visit to publish a decree establishing the government's decision to create a human rights defender protection mechanism, ensuring media coverage of the topic. The coalition of NGOs, meanwhile, had met only once with officials before the announcement of this agreement, and many crucial points regarding the design and implementation of the proposed mechanism remained – and remain until now – unresolved. Among the points that are unsettled: it is unclear how the participation of civil society in the mechanism will function in practice; the decree published by the government establishes that there will be no additional budget or personnel assigned to the protection mechanism; and we have yet to obtain answers as to how the government will ensure that the mechanism's decisions are binding, how the federal and state governments will interact in the implementation of protection measures, what risk assessment and investigation protocols will be implemented, and how the government plans to tackle the structural causes generating risks for human rights defenders.



Numerous international studies have documented the risks faced by human rights defenders in Mexico, such as the 2010 UN report *Defender los derechos humanos: entre el compromiso y el riesgo*, which found that more than 98% of aggressions against defenders remain in impunity.

On July 25th, the civil society coalition working on the adoption of the mechanism convened a conference of NGOs from across the country to analyze these and other questions and to increase NGO participation in the process, in view of the fact that the government had convened an upcoming dialogue with NGOs to advance in the design of the mechanism.

A new rupture in dialogue between government and civil society

Nevertheless, the process suffered a setback on July 26th, when the Secretary of the Navy, Admiral Mariano Francisco Saynez Mendoza, stated in a public ceremony, in the presence of President Calderón, that: “*there are criminal groups trying to smear the reputation of government institutions by using citizens’ groups who, through deceitful tactics, try to make these institutions victims of the criminals’ perverse game, since by using the banner of human rights, they seek to damage the image of our institutions, with the evil purpose of obstructing the government’s anti-crime actions so as to have the field open to their wickedness.*” The day after those public statements, the coalition of NGOs that had been working on the human rights defender protection mechanism arrived for their scheduled meeting with the Ministry of the Interior but ultimately left the negotiating



table, explaining that such damaging statements from the highest levels of the administration jeopardized any dialogue process.

The NGOs published a joint press release calling on the federal government to ratify the importance of human rights defenders' work and emphasizing the need to guarantee the effective implementation of prevention and protection measures. In this sense, the NGOs consider that the statements made by Admiral Saynez are an example of the types of situations in which any eventual governmental protection mechanism will need to respond rapidly and effectively to neutralize a message that directly puts defenders at risk (in a country in which defenders are too often stigmatized for supposedly defending only the rights of "criminals"). As such, prompt action by the State to retract or correct these public statements would be a sign of political will and commitment to implement a relevant and effective protection mechanism, recognizing that protecting defenders goes beyond providing bullet-proof vests or emergency phone numbers, but rather includes and must even prioritize the reversal of structural

factors and anti-human-rights rhetoric by high-ranking officials. As of today, however, there have been neither retractions nor apologies by the federal government, generating another impasse in dialogue on the topic of the protection mechanism.

Conclusion

The NGOs involved have at all times made clear their profound interest in ensuring an effective protection mechanism for human rights defenders; for this to happen, however, the necessary conditions must be in place to guarantee a minimum level of trust and commitment between all parties. We hope these conditions will materialize in the very near future, so that civil society and government institutions can work toward the design and adoption of a mechanism to guarantee the safety and protect the work of human rights defenders in the country. We will keep our readers updated on this topic, which has been the subject of intense interest for various international organizations and institutions, as it is for Mexican civil society.

Newsbriefs

5 years after police operation, the women of Atenco stand up against the use of sexual torture by state agents



Women of Atenco and Center Prodh demand justice on the 5th anniversary of the police operation of May 2006. Photo: Center Prodh

Last May 3rd and 4th marked the fifth anniversary of the events that took place in Texcoco and San Salvador Atenco, Mexico state during a repressive police operation carried out in 2006. The serious human rights violations committed against hundreds of victims are thoroughly documented and known nationally and internationally, yet they remain unpunished. In particular, the 11 women who continue to denounce the sexual torture perpetrated against them by police officers during the operation have yet to find any response from the Mexican justice system.

In this context, on the fifth anniversary this past May, protesters held a peaceful demonstration outside the Attorney General's Office, symbol of impunity and denial of access to justice, to show solidarity in the Atenco case. The protest featured enormous curtains made of thousands of letters sent from all over the world by Amnesty International activists demanding that President Calderón's government allow investigations to go forward and comply with its international human rights obligations in the case, which is currently in the admissibility stage before the Inter-American Commission on Human Rights. The women of Atenco and Center Prodh also launched the campaign "Atenco 5 years later: Women in resistance against sexual torture as a State-sponsored strategy to demobilize activism and generate fear" on the anniversary date. We invite readers to visit our website to stay up to date on our activities and view photos of the anniversary protest.

In the meantime, the criminal investigations currently on-going at the state level in Mexico state show no substantial progress. This situation is all the more worrying as current Governor Enrique Peña Nieto will leave office next September 15th and he has been accused of planning the police operation. He will finish his mandate as governor without having solved the case under an alarming pattern of impunity relating to human rights, and in particular, violence against women. In that sense, the demand for justice and the denunciation at both the national and international levels must continue, because in a democratic society there is no place for forgetting and impunity when it comes to sexual violence perpetrated by state agents against women.

form Mexico's Code of Military Justice so as to bring it into line with the Constitution, international law, and the Supreme Court ruling.

The investigation of human rights abuses committed by members of the military (such as the tens of thousands of soldiers deployed in policing roles in the current "war on crime") has been one of the chief concerns of human rights organizations and bodies both within Mexico and on the international level, with recommendations from a long list of special rapporteurs, foreign governments, the Inter-American Commission and others calling on Mexico to abandon its outdated and unconstitutional practice of allowing the military's own officials to decide whether its members had committed abuses against civilians. This use of military jurisdiction has led to nothing but entrenched impunity for human rights violations in Mexico, from the time of the Dirty War of the 1960's-1980's (and even before), to today's militarized public security operations, notorious for the use of torture, arbitrary detentions, warrantless searches, and even executions and disappearances. Available data reveal only two possible cases known case of a military abuse committed during the current presidential administration that was punished in military jurisdiction (including a sentence of 9 months for killing a civilian), whereas no such abuse has been punished in civilian jurisdiction, even though this is what is required by Article 13 of Mexico's Constitution.

In the last two years, however, the Inter-American Court of Human Rights has begun to hear cases against Mexico dealing with grave military human rights abuses, and has issued judgments against Mexico in four cases of such abuses in Guerrero state: the forced disappearance of Rosendo Radilla Pacheco in 1974, the rape of indigenous women Inés Fernández Ortega and Valentina Rosendo Cantú in 2002, and the arbitrary detention and torture of environmental defenders Rodolfo Montiel and Teodoro Cabrera in 1999. In all four cases, the Court was unequivocal in ordering Mexico to reform its Code of Military Justice and to stop investigating and trying human rights crimes in military jurisdiction.

As a result of the first case, Rosendo Radilla Pacheco vs. Mexico, Mexico's Supreme Court opened a discussion of the binding nature of Inter-American Court decisions and their implications for Mexican judges and law. In its resolution of this matter, concluding last July 12th in the procedure "*Consulta a trámite en el expediente varios 912/2010*" (Consultation on Various

Matters 912/2010), the Court established that the rulings of the Inter-American Court against Mexico are binding and that it is the duty of all judges in Mexico to exercise "Conventionality control" in their decisions. This means that the judges must ensure that their decisions conform to the obligations established in the American Convention on Human Rights, abstaining from applying laws that run contrary to these obligations. In this sense, the judges should be guided by the jurisprudence of the Inter-American Court of Human Rights.

In particular, the Supreme Court echoed the Inter-American Court's decisions on military jurisdiction, finding that in any case of human rights abuses committed by military members, the civilian investigatory and judicial authorities have jurisdiction, not the military. The Supreme Court also specified that it will apply its original jurisdiction in cases in which the jurisdiction of military authorities is in dispute, so as to reiterate the decisions described above in a concrete case and create jurisprudence on this issue.

Human rights organizations remain vigilant to see whether authorities will comply with the decision, which faces resistance from the Army. For instance, the day after the Supreme Court's ruling of July 12th, the Subdirector for Human Rights at the Ministry of Defense, Coronel Anibal Trujillo Sánchez, roundly rejected the Supreme Court ruling, stating without apparent basis that the majority of human rights complaints filed against the army are filed by organized criminals and that the judgments of the Inter-American Court against Mexico are the results of a strategy by organized crime.

On the other hand, this historic ruling has already contributed to a recent decision by military prosecutors to decline their jurisdiction over the cases of Inés Fernández and Valentina Rosendo, mentioned above. It is to be hoped that this signals a trend that will apply to future cases.

We will continue to inform the international community of compliance with the Supreme Court's ruling as well as maintaining attention focused on the need to reform the Code of Military Justice. While the Supreme Court decision opens the door for victims to challenge the application of military jurisdiction to their cases, in order to eliminate the cause of the problem it is necessary to push for the reform of Article 57 of the Code of Military Justice as ordered by the Inter-American Court.

Seventh National Assembly of Environmental Victims held in Salsipuedes, Guerrero

On July 30th and 31st, the Seventh National Assembly of Environmental Victims was held in Salsipuedes, municipality of Acapulco, Guerrero. The Assembly is one of the most important gatherings in Mexico for organizations across the country to share experiences and coordinate future actions in defense of the land, indigenous territory and the environment throughout the country.

The host community, Salsipuedes, is one of numerous towns that belong to the Council of Ejidos and Communities Against the La Parota Dam (CECOP, for its Spanish initials), one of the most recognized and broad social movements in Mexico aimed at stopping the unilateral imposition of mega-development projects (megaproyectos) that cause widespread social and environmental devastation.

The Assembly was attended by many experienced local movements and organizations such as the Broad Front Against the San Xavier Mine (FAO) from San Luis Potosí and the CECOP; as well as more recently formed groups such as the Council of Peoples United in Defense of the Green River (COPUDEVER), which seeks to stop the dam project Paso de la Reyna in Oaxaca, and the Coordination of Peoples United in the Valley of Ocotlán, which opposes the Cuxcatlán mine in San José del Progreso, also in Oaxaca.

One of the main topics discussed at the Assembly was the upcoming presence of the Permanent People's Tribunal in Mexico starting in October 2011 and lasting throughout 2013. During this time the Tribunal will hold seven hearings on urgent human rights topics in Mexico. The topics are: violence, impunity, and access to justice; feminicides and violence against women; violence against migrants; violence against workers; environmental devastation; corn and food sovereignty; and the media. While its sentences are not legally binding, the moral weight of this international mechanism is recognized throughout the world.

UN High Commissioner for Human Rights visits Mexico

On July 5th, 2011 the United Nations High Commissioner for Human Rights, Navanethem Pillay, arrived in Mexico for a five-day visit. Her agenda included high-level meetings with President Felipe Calderón, the Federal Attorney General and the Presidents of the National Supreme Court and the National Human Rights Commission.

During her visit the High Commissioner also met with civil society organizations, which expressed their main concerns regarding many human rights issues. Center Prodh, along with other organizations present in a meeting of approximately 30 NGOs, raised the issue of the justice system, highlighting that despite the constitutional reform of 2008, which includes the presumption of innocence, in practice defendants are still required to prove their innocence, instead of the prosecutor having to prove their guilt. We also expressed our concerns regarding the fact that prosecutors have the legal power to take statements and assess evidence without judicial control. The use of torture as a systematic investigation tool and the unlawful use of military jurisdiction were other issues addressed by Center Prodh and the NGOs present in the meetings.



Navanethem Pillay.
Photo: ONU-DH México

On July 8th, at a press conference at the end of her visit, Ms. Pillay emphasized that violations against civilians committed by soldiers should be judged by civilian courts rather than military ones. She stated that while the constitutional reform of 2008 was an important step toward respecting human rights in the justice system, it needs to be implemented, and that the use of torture must be stopped, duly investigated and punished in every case. She also took the opportunity to draw the State's attention to the situation of migrants and demanded that their

rights, as well as those of migrants' rights defenders, be protected. The High Commissioner likewise expressed her concern over violence against women; the need to guarantee the right to consultation in relation to indigenous peoples; and the risks that human rights defenders and journalists face in their daily activities; all of which are, needless to say, areas that require urgent attention by State authorities.

Center Prodh participates in a meeting on emerging democratic powers' foreign policies and the advance of human rights

In response to an invitation by Brazilian NGO Conectas Human Rights (www.conectas.org/en), Center Prodh participated in a meeting entitled "Emerging Democratic Powers: Civil Society Engagement in Multilateral, Regional and Bilateral Foreign Policy on Human Rights" in order to discuss strategies for civil society engagement and experiences and possibilities in this area. The meeting took place in São Paulo, Brazil, on May 25th and 26th, and brought together organizations from Argentina, Brazil, Egypt, Indonesia, Mexico, Nigeria, and South Africa. Representatives from the Open Society Foundation, the Brookings Institution, the Sigrid Rausing Trust, Human Rights Watch, and Amnesty International were also present.

It is clear that some "emerging powers" such as Mexico have increased their presence in the international arena. In that sense, foreign policies have become more visible and new alliances are now being built between those countries on traditional topics such as trade, but also regarding human rights. In this context, the civil society organizations present had the occasion to analyze the foreign policy priorities and decision-making processes of these countries, discussing how and whether human rights have been integrated into foreign policy. The conclusions of the seminar centered on the role of NGOs in increasing the influence of human rights on foreign policy through tools such as access to information, promoting and fostering mechanisms of checks and balances, working with the media, and constructing advocacy coalitions among civil society.

Anti-Torture NGO ACAT visits Mexico

From July 2nd to 18th a delegation from the French chapter of Christian Action for the Abolition of Torture (*Action des chrétiens pour l'abolition de la torture*, ACAT-France, www.acatfrance.fr/) visited Mexico to compile information on torture and cruel and inhuman treatment in the country.

During its visit, the delegation met with members of NGOs, including Center Prodh, to discuss issues such as the use of *arraigo* and the torture that is inflicted on many victims of this form of prolonged pre-charge detention. The issue of military jurisdiction and the implementation of the Inter-American Court of Human Rights' sentence in the *Campesino* Ecologists case were also raised. The delegation also investigated cases of abuses committed against civilians by security forces deployed in Ciudad Juárez in the context of the so-called war on drugs.

The delegation also met with some of the women denouncing the sexual torture committed in San Salvador Atenco in 2006. The delegation visited the states of Oaxaca and Chiapas. They met with Mexican authorities such as the Department of the Interior, the Federal Attorney General's Office, both the National and the Mexico City Human Rights Commissions, and the European Union Delegation Office in Mexico City. The results of the visit will be published in a report due out in the next few months.

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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>

Director: José Rosario Marroquín F.
Contributors to this issue: Stephanie Erin Brewer, Denise González, Simón Alejandro Hernández, José René Paz, Jaqueline Sáenz, Roberto Stefani
Editors: Stephanie Erin Brewer, José René Paz
Design: Tania Tamara Gómez

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Human Rights in Mexico



Miguel Agustín Pro Juárez, A.C.

Miguel Agustín Pro Juárez Human Rights Center, AC

Bulletin, Issue 41, September 2011

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