

# F HUMAN RIGHTS IN MEXICO FOCUS

ABDALLÁN GUZMÁN CRUZ



Issue

3

Summer  
2013

39 YEARS OF STRUGGLE

Published by Center Prodh • [centroprodh.org.mx](http://centroprodh.org.mx) • [sididh.info](http://sididh.info) • Quarterly magazine on Human Rights

## Israel Arzate awaits justice with his family and strong international support

Pages 8 and 9

## Women of Atenco world's solidarity in pictures

Back cover  
and pages 6 and 7

**Centro  
Prodh**  
CENTRO DE DERECHOS HUMANOS  
MIGUEL AGUSTÍN PRO JUÁREZ A.C.

Abdallán Guzmán Cruz, 39 years of struggle • Ejido Tila: the government must not put a price on indigenous lands • Women of Atenco: we are freedom in motion • With support from all over the world, Israel Arzate awaits the Supreme Court's decision in his case • Martha Camacho: survivor of enforced disappearance • Visual Memory: The crimes of the "Dirty War" are with us / Central American mothers search for their children who disappeared in Mexico / • Newsbriefs: Jacinta, Alberta and Teresa / The Pasta de Conchos mine explosion / ABC Daycare Center, still fighting for justice



## EDITORIAL

### Director:

José Rosario Marroquín

### Editor:

Narce Santibañez Alejandre

### Editor in chief:

Quetzalcoatl g. Fontanot

### Editor web:

Xosé Roberto Figueroa Rivera

### Editorial board:

Andrés Díaz Fernández

Araceli Olivos Portugal

Alexandra Jiménez Martínez

Denise González Núñez

Fernando Ríos Martínez

Víctor Hugo Carlos Banda

### Design:

Eder Enríquez

Quetzalcoatl g. Fontanot

### Contributors to this issue:

Andrés Díaz Fernández

Fernando Ríos Martínez

Georgina Vargas Vera

Luis Tapia Olivares

Narce Santibañez

Simón Hernández León

Stephanie Erin Brewer

Víctor Hugo Carlos Banda

Despite the international community's recent focus on the human rights crisis in Mexico under the National Action Party (PAN), which held the presidency during the last 12 years, it is crucial to recall that during the preceding 71 years the Institutional Revolution Party (PRI) was in power, and these decades were also marked with human rights abuses. In short, Mexico during the past century has been characterized by repression, centralized power and authoritarian tactics.

With the return of the PRI party to the federal executive branch, both Mexico and the international community have been bombarded with a public relations campaign that seeks to present the new government as taking up the banner of human rights. The much-publicized Crusade Against Hunger is a clear example, but this program serves as a publicity and electoral move—a sample of the clientelism model that has historically characterized Mexico—rather than showing serious potential to sustainably reduce hunger.

The equally touted Pact for Mexico, an agreement signed by the major political parties in which the leaderships of each party 'pact' to approve certain reforms and laws, has been presented internationally as a sign of progress, and surely sounds appealing in countries that struggle with legislative deadlocks. But the human rights discourse that does appear in the Pact has not translated into progress—or transparency regarding the agenda of each of these political parties.

Thus, as the gap between discourse and reality seems only to be growing, we continue with our analysis of Mexico's present

human rights situation, anchored in the memory of its past. In this issue of Focus we present the case of Martha Camacho and her husband, who were victims of enforced disappearances in 1977 in Culiacán, Sinaloa state. We also profile the social activist Abdallán Guzmán Cruz, who has spent the last 39 years seeking justice for the enforced disappearance of his father and four brothers.

In more recent topics, we highlight the new phase of the 7-year-long fight for justice led by the women of Atenco, who recently had a public hearing in the Inter-American Commission on Human Rights in Washington, DC, and who have launched a new campaign against sexual torture entitled We Are Freedom in Motion.

Also at the center of this issue is the case of Israel Arzate, which will be decided by Mexico's Supreme Court in the coming weeks and months. We take this opportunity to recall the favorable decisions by international human rights bodies and other support for the case by international organizations.

Readers will also find two photo collages: one recalling the crimes of the Dirty War of the 1960's and 1970's, and a second with images of Central American mothers today, seeking their children who have disappeared in Mexico while trying to cross to the United States.

With these and other updates regarding cases of the past and present (including the mine explosion in Pasta de Conchos and the ABC Daycare Center fire), we bring you this issue of Focus, in the hope that it helps to advance the recognition and respect for the victims' rights to justice and to live with dignity. ✈

# ABDALLÁN GUZMÁN CRUZ, 39 YEARS OF STRUGGLE

Since 2006, the Guzmán Cruz family has also been litigating their case before the Inter-American Commission on Human Rights (IACHR). Last year, the Commission requested information from the Mexican government regarding the case.



Abdallán Guzmán Cruz

**A**bdallán Guzmán Cruz is a survivor of enforced disappearance. He was arrested in Morelia, Michoacán state in November 1974 and sent to Military Camp No. 1, where he was interrogated about his family under the pretext that some of his relatives belonged to a revolutionary movement. Subsequently, he was imprisoned until the end of 1979.

As for his father José de Jesús Guzmán Jiménez and his brothers Venustiano, Amafer, Solón and Armando Guzmán Cruz, all members of the purépecha indigenous people of Tarejero, Michoacán, they were forcibly disappeared by police between 1974 and 1976 and have never returned. For this reason, Abdallán and his family have spent 39 years fighting for truth, justice and reparation.

Abdallán has never ceased in this fight for justice. He was a federal congressman for the PRD party from 2003 to 2006. While in Congress, he promoted a bill for a federal law to prevent, punish and eradicate the forced disappearance of persons, which has not been approved by the legislature, despite multiple international recommendations and rulings.

Since 2006, the Guzmán Cruz family has also been litigating their case before the Inter-American Commission on Human Rights (IACHR). Last year, the Commission requested

information from the Mexican government regarding the case; the government responded with incomplete and misleading information, asking the Commission not to admit the case, which remains pending.

Abdallán has been the victim of severe harassment for his activism. Last year, unidentified persons raided his home and stole documents related to the case. The home was also raided in 2008, among other acts of intimidation against the family.

Abdallán Guzmán Cruz is a social activist committed to the cause of relatives of the detained-disappeared in Mexico. At the same time, this case is being litigated in a context of a new wave of disappearances, showing that it is necessary to learn from the past and remember that both the impunity for past cases and those of the present must be priorities for the Mexican government.

# THE TERRITORY OF EJIDO TILA:

## THE GOVERNMENT MUST NOT PUT A PRICE ON INDIGENOUS LANDS

**T**he paradigmatic case of the Ejido Tila territory in Chiapas state, site of almost 50 years of legal struggle by an indigenous community to defend its traditional lands, managed to reach Mexico's Supreme Court (SCJN) in 2010. However, in March 2013 the plenary of the Supreme Court postponed the discussion, arguing that it is an "extremely complex" case, and because the proposal under discussion (which would recognize that the community has the right to its land but not necessarily grant it possession), was insufficient and problematic. The Justices presented two alternatives: returning the lands to the indigenous community, or ordering compensation for the community through a monetary payment.

The Tila case reminds us of the historic marginalization of indigenous communities in the country and the systematic denial of the rights of these peoples under a State policy whose roots can be traced to a colonial worldview. Since before the conquest, the indigenous cho'les have inhabited the northern part of the state of Chiapas. In the 19<sup>th</sup> century, they suffered loss of lands under a policy that considered part of their territories to be "national land" (of the Mexican government).

Authorities gave the lands to landowners under a scheme of privately owned estates. By Presidential Decree of 1934, the State acknowledged that the territories in fact belonged to the indigenous people of Tila. However, in 1966 and 1982 the government attempted to take 130 hectares from the indigenous cho'les. The community obtained two legal injunctions in which this act was declared illegal; however, the sentences have never been enforced. This is the topic that is now before the Supreme Court.

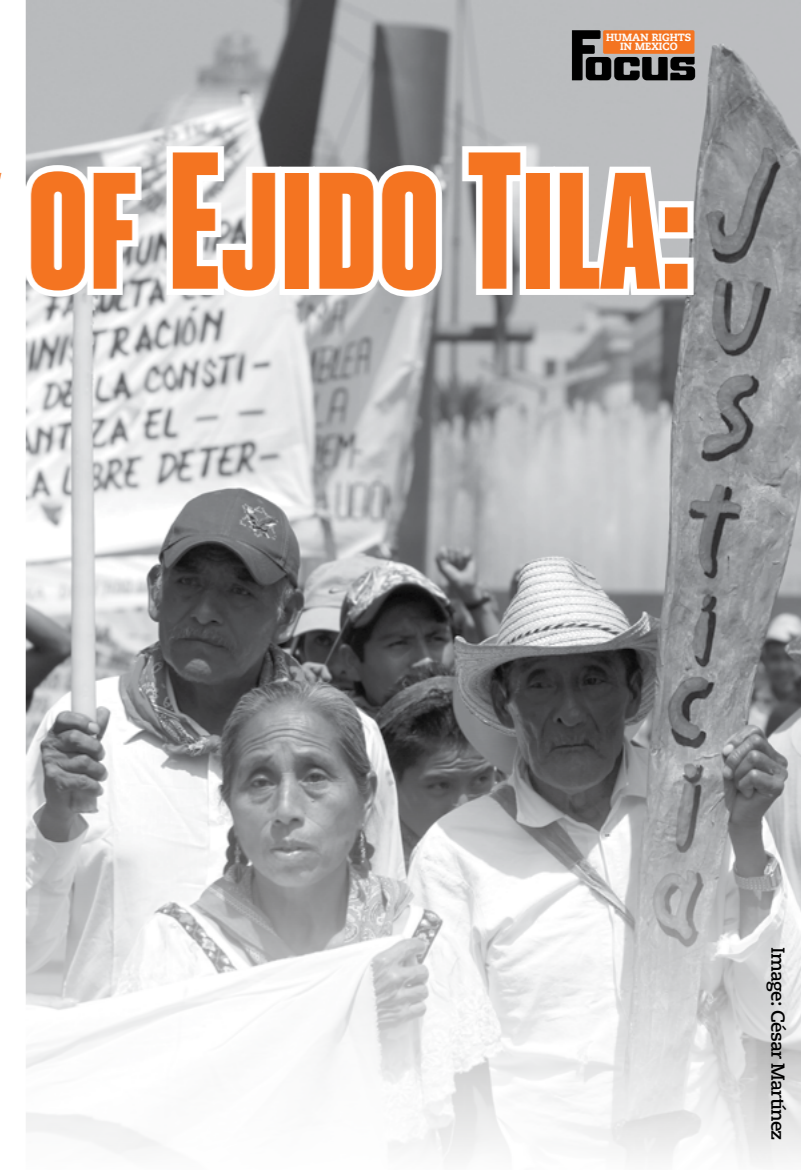


Image: César Martínez

Most of the Justices questioned the role of indigenous rights in the case, and posed a dilemma: should the case be decided under the regime applicable to the human rights of indigenous peoples or under agrarian law? However, the existence of an agrarian regime does not conflict with the indigenous right to land. The Justices also questioned why the community did not use the framework of indigenous rights from the beginning of its struggle, although the constitutional recognition of indigenous peoples' rights dates only from 2001. Of concern is the fact that the Justices mentioned the possibility of resolving the case through a monetary payment.

Justice for the indigenous cho'les can only mean the return of the territory. By so ruling, the Supreme Court would set a historic precedent in the country, on the specific content of the rights of indigenous people, especially the right to their traditional lands, widely recognized in international treaties but violated in Mexico.

# WOMEN OF ATENCO: WE ARE FREEDOM IN MOTION



Image: César Martínez

Seven years after the infamous police operation of May 3 and 4, 2006 in San Salvador Atenco, Mexico state, the 11 women who survived sexual torture by police officers and brought their case before the inter-American human rights system continue to work toward justice and remain constantly in motion: denouncing, proposing, fighting for the non-repetition of the egregious acts committed by Mexico's security forces under the justification of maintaining "public order."

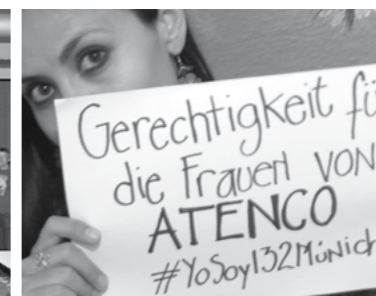
On the seventh anniversary of the case, the women presented the campaign "We are freedom in motion", which highlights the strength and dignity of the fight against sexual torture in Mexico and the world. The campaign is symbolized by the image of a woman's profile in blue, a color that represents the tranquility and the freedom to live the ongoing process of constructing justice. The campaign will circulate in different social networks as a symbol of commemoration and a call for an end to such acts of torture.

In this sense, it is worth recalling that the National Human Rights Commission (CNDH) reports that in 2011 it received 1669 reports of torture and cruel treatment; in 2010, 1161 reports, and in 2009, 1055. The complaints accused police and military forces.

## Awaiting the report of the Inter-American Commission

The women of Atenco continue to litigate their case before the Inter-American Commission on Human Rights (IACHR), which held a public hearing on the matter on March 14, 2013, in Washington. During the hearing, Barbara Italia

The National Human Rights Commission (CNDH) reports that in 2011 it received 1669 reports of torture and cruel treatment; in 2010, 1161 reports, and in 2009, 1055. The complaints accused police and military forces.



Over 400 photos were submitted in support of the women of Atenco.

Méndez Moreno, one of the 11 petitioners, gave testimony and described the actions undertaken by the women in the pursuit of justice.

After recounting the facts and answering questions from the Commissioners, Italia read a letter signed by the petitioners, which expressed the impossibility of initiating a friendly settlement in the case. This responded to the fact that during the hearing the representatives of the Mexican government again proposed a friendly settlement, which has already been rejected by the petitioners and cannot occur without their consent. This strategy of the Mexican government is not new: the State seeks to prevent the Atenco case from coming before the Inter-American Court of Human Rights, based in San José, Costa Rica.

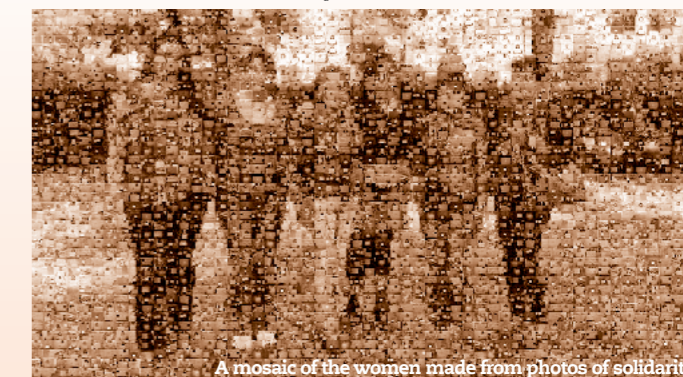
The case is currently pending before the IACHR, which is expected to issue a merits report in the coming months. In this regard, the hearing and the testimony of Italia will doubtless be taken up in the decision of the Commission and the recommendations issued. It is to be hoped that the State responds to this report by complying fully with the recommendations of the IACHR.

## Visible international support for the women of Atenco

The women of Atenco continue to receive support and solidarity at the national and international levels, most recently through the international

action entitled "Take a photo for the women of Atenco," in which people and groups from more than 10 countries around the world expressed their solidarity through photographs that were disseminated online and inaugurated in an exhibition in Center Prodh.

In total more than 400 photographs were received, through which hundreds of people demanded justice and an end to impunity. Among the countries that responded to the initiative are Germany, Argentina, Colombia, Congo, United States, Spain, Italy, Mexico (15 states) and the United Kingdom. The images were displayed for a week in Center Prodh, both individually and through a giant photo-mosaic that combined the photos to create an image of the women of Atenco. This solidarity illuminates the path that the women forge every day, in which they invite the citizens of the world to continue working for freedom and justice, and against repression and sexual torture.



A mosaic of the women made from photos of solidarity

Guadalupe Melendez and her son Israel Arzate.



# WITH SUPPORT FROM ALL OVER THE WORLD, ISRAEL ARZATE AWAITS THE SUPREME COURT'S DECISION IN HIS CASE



**A**s readers will recall, Israel Arzate was tortured and forced to confess to a crime he did not commit: having participated in a massacre in Villas de Salvárcar, Ciudad Juárez. He is the victim of authorities who systematically use torture to frame innocent people. The Chihuahua State Prosecutor's Office maintains that Israel's confession, obtained through 30 hours of torture, can be used as evidence because it was video-taped, but authorities cannot explain why the confession was obtained in a military base, why Israel is evidently suffering physical effects that affect his speech and demeanor in the recording, or why the recording cuts off in key moments.

Israel told the judge in his case that he had been tortured and framed, but the judge dismissed his words. Neither did she take into account the testimony of a person who saw how he was detained by soldiers, or those of the people who were with Israel the day of the crime in a different part of the city. Through legal motions, Israel objected to the admission into evidence of the confession obtained under torture, offering as proof Recommendation 49/2011 of the National Human Rights Commission, in which the Commission confirmed the torture through a medical examination carried out according to the Istanbul Protocol. The judge did not accept this evidence and Israel's legal motions were denied.

Given its relevance and importance, the national Supreme Court (SCJN) assumed jurisdiction over the case, which is now pending before it.

As the Supreme Court prepares to decide Israel's case, we recall that numerous human rights bodies have already analyzed the case under international law, confirming Israel's version of the facts and emphasizing the importance of the case as Mexico's opportunity to prohibit torture in the new, adversarial criminal justice system.

The UN Working Group on Arbitrary Detention studied the case and in its very clear Opinion

67/2011, declared that Israel's detention was arbitrary. It called on Mexico to immediately release him.

Upon examining Mexico's compliance with the Convention against Torture (CAT) in November 2012, the UN Committee against Torture highlighted the case of Israel in its conclusions and recommendations as "an emblematic illustration of the persistence of [the admission of illicit confessions] even in jurisdictions in which the new criminal justice system is already in place. The Committee is closely following this case, which is now before the Supreme Court of Mexico."

The UN Special Rapporteurs on Torture and on the Independence of Judges, respectively, as well as the Working Group on Arbitrary Detention,

sent a joint communication on the case to the Mexican government, while the Office in Mexico of the United Nations High Commissioner for Human Rights also documented the torture to which Israel was subjected.

Human Rights Watch documented the case in its report "Neither Rights Nor Security," published in November 2011. Amnesty International issued a statement in December 2011 calling on authorities to admit into evidence the Istanbul Protocol medical exam offered by Israel to demonstrate his injuries. The NGO Washington Office on Latin America (WOLA) had already documented the case in its report "Abused and Afraid in Ciudad Juárez" in 2010. More recently, the World Organization against Torture (OMCT) and Action by Christians Against Torture (ACAT) followed up on the case in

their mission to Mexico in May 2013, reiterating their alarm at the groundless criminalization of Israel by authorities in Chihuahua.

The favorable resolutions of UN bodies and the rigorous documentation of the case by respected international NGOs confirm that Israel is an innocent victim of torture. Meanwhile, Israel has received solidarity from hundreds of people around the world who have sent letters to the authorities calling upon them to guarantee Israel's physical integrity.

When any person is tortured and falsely accused of a crime, this injustice affects all of us. As the world watches, it is to be hoped that the resolution of the Supreme Court will put an end to the long and terrible ordeal that Israel Arzate and his family continue to endure today. ✎

# MARTHA CAMACHO:

## SURVIVOR OF ENFORCED DISAPPEARANCE

Crimes against humanity, such as those committed during the Dirty War, have no statute of limitations under international law.



The life of Martha Alicia Camacho Loaiza, a young student from Culiacán, Sinaloa state, took a radical turn on August 19, 1977, when she was forcibly disappeared in the context of the Mexican government's Dirty War, a strategy to eliminate dissidents in the 1970s.

That August afternoon, Martha was at home with her neighbor, Josefina Machado Sainz. Martha was eight months pregnant at the time. José Manuel Alapizco Lizárraga, her husband, was on his way home, when agents of the defunct Federal Security Office (DFS), officers of the Judicial Police of Sinaloa and members of the Mexican army burst into the house and started beating Martha. When her husband arrived, he was met with gunfire. Subsequently, all three victims were taken to a military facility.

José Manuel was a professor of engineering at the Autonomous University of Sinaloa and Martha was a student of Economics in the same university. Both belonged to the "September 23rd" Communist League.

As torture was the standing order and chief 'investigative technique' employed by the infamous White Brigade of the DFS, José Manuel was mutilated and extrajudicially executed. Martha continued to suffer torture, including during the birth of her son. Just seconds after his birth, Martha's captors threatened to kill the baby.

After 49 days in the 9th Military Zone and later a house in Culiacán, Martha regained her freedom, having survived enforced disappearance. She never again took part in dissident groups.



Martha denounced her own enforced disappearance, as well as the extrajudicial execution of her husband.



### Investigations that go nowhere

Martha never lost sight of her own story or that of her companions who had also been taken prisoner. Thus, she joined the Union of Mothers with Disappeared Children of Sinaloa (UMHDS) of which she is the President. When the government created a Special Prosecutor for Crimes against Social and Political Movements of the Past (Femospp) at the end of 2001, Martha and the mothers of the movement filed complaints about their disappeared families.

The case of Martha was more complex and unique, since she denounced her own enforced disappearance and the extrajudicial execution of her husband. In the context of the Dirty War, these violations should have been classified as crimes against humanity, because they were committed by State agents in a systematic policy of human rights violations aimed against subversive groups. Under international law, there is no statute of limitations on such crimes. However, the prosecutorial agents of the Femospp opened an investigation for "illegal deprivation of liberty," "abuse of authority," and "murder" rather than disappearance and execution. Thus, the investigations were incorrect from the beginning. The Femospp then ended its work on November 30, 2006.

In February 2013, Martha was notified of the Attorney General's Office's decision not to prosecute her case because the statute of limitations had run out.

Now, accompanied by Center Prodh, Martha has filed a legal motion against the closing of her case, which is pending in Mexico City's Eighth District Court in Criminal Matters. Available information indicates that it is one of very few cases – or perhaps the only one – in which victims are currently seeking to hold the State responsible for crimes against humanity in the context of the Dirty War.

In the midst of a context full of violence, where enforced disappearances and extrajudicial executions are part of the daily life of the Mexican population, it is necessary that judicial authorities set precedents in accordance with international law, so that the impunity for disappearances of past decades does not persist and become the rule today. ✈



**LOS DESAPARECIDOS NOS FALTAN A TODOS**  
 www.hijosmexico.org

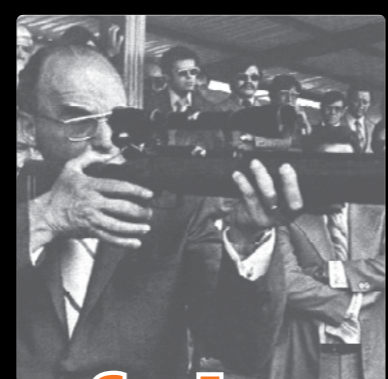


Image: César Martínez



**The crimes of the "Dirty War" are with us**



**Central American MOTHERS search for their children who disappeared in Mexico**

Image: César Martínez



## JACINTA, ALBERTA AND TERESA

As readers will recall, in the state of Querétaro, three otomí indigenous women—Jacinta Francisco Marcial, Alberta Alcántara Juan, and Teresa González Cornelio—were arbitrarily imprisoned for more than three years for a supposed kidnapping that never happened; they regained their freedom in 2009 and 2010. Center Prodh subsequently lodged complaints against the federal Attorney General's Office (PGR), requesting compensation for the three victims, since the authorities had acted illegally.

On December 12, 2012, the complaints were rejected. In response, on March 5, 2013, Center Prodh filed a motion to annul the rejection, which is now pending before the Federal Court of Fiscal and Administrative Justice (TFJFA).

In the case of Alberta, on May 14th of this year, Prodh was informed that the High Chamber of the TFJFA had decided to assume direct jurisdiction over the case due to its importance. We hope that in the next few days the High Chamber decides the same in the cases of Jacinta and Teresa.

## THE PASTA DE CONCHOS MINE EXPLOSION

In the context of the 7<sup>th</sup> anniversary of the deadly explosion in the Pasta de Conchos coal mine in Coahuila, where 63 miners' remains are still buried in the collapsed mine, the Family Organization of Pasta de Conchos promoted its campaign "For the lives of coal miners and their families," demanding the recovery of the trapped bodies, but also the establishment of mining policies that respect workers' fundamental rights.

The Center for Reflection and Action on Labor Rights (CEREAL) supported the families in the publication of the book "All together: to the rescue", which describes the labor exploitation to which their relatives were subjected.

In May of 2013 the federal Attorney General's Office announced that the federal government would recover the mortal remains of the buried miners. In this respect, the Family Organization of Pasta de Conchos awaits the fulfillment of this promise, and pointed out that the recovery of the bodies should be the first step in a larger 'rescue' of the coal mining region. It should be noted that the organization, along with counterparts including Center Prodh, took the case to the Inter-American Commission on Human Rights (IACHR) in 2010, seeking the recovery of the miners' remains and respect for the fundamental rights of coal miners.



## ABC DAYCARE CENTER, STILL FIGHTING FOR JUSTICE

Four years after the deadly fire in the ABC Daycare Center in Hermosillo, Sonora, which claimed the lives of 49 babies and toddlers – 25 girls and 24 boys – as well as leaving approximately 80 with injuries, the parents continue to demand justice.

The June 5th Movement (founded by parents), explains that the government, far from attempting to do justice, has instead been doing 'damage control' to preserve its image and protect high-level authorities. No one has been punished for the fire.

In April 2013, members of the movement met with the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, presenting arguments to show that government corruption and negligence caused the fire, and that the actions and omissions of the State have violated the fundamental right to life and the rights of the child.

The case has received attention and support from diverse institutions including the United Nations Fund for Children (Unicef), Tech Palewi, Diepac, and Center Prodh, as the mothers and fathers seek to guarantee the non-repetition of the tragedy. From June 2-5, 2013, various commemorative activities were carried out in Hermosillo including concerts, film screenings, marches and other events to raise social awareness of the case.



Since being founded by the Jesuits in 1988, the Miguel Agustín Pro Juárez Human Rights Center (Center Prodh) has worked to defend, promote, and increase respect for human rights in Mexico, with a focus on social groups that find themselves in situations of vulnerability such as indigenous populations, women, migrants and victims of social repression.

Serapio Rendón 57-B, Col. San Rafael, México, D.F. Tels: (55) 5546 8217 (55) 5566 7854 (55) 5535 6892 / Fax: ext. 108



