

F HUMAN RIGHTS IN MEXICO FOCUS



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CRIMINALIZATION OF ÁNGEL AMILCAR IMPRISONED FOR TRYING TO MIGRATE

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EDITORIAL


In this issue of Focus, covering fall and winter 2013-2014, we examine several topics that are crucial to understanding the human rights situation in Mexico today. Among these is the right to protest, which is increasingly under attack not only in numerous states but also in Mexico City (the Federal District), where a local government that presents itself as progressive has shown a striking tendency to repress citizens who protest against the federal administration, controlled by the PRI party.

We also bring you updates on a paradigmatic case that has provoked public discussion both locally and nationally in Mexico: that of Israel Arzate Meléndez. After Israel spent nearly four years in confinement, accused of a crime he did not commit – the massacre of 15 youths in Villas de Salvárcar, Ciudad Juárez – in November 2013, the Supreme Court resolved his case, ordering his immediate liberation since there was never any evidence against him other than a false confession obtained under torture.

Guadalupe Meléndez, Israel's mother, has always been her son's foremost defender, and never lost hope that Israel's innocence would be established. Along the way, Guadalupe became a full-time human rights defender in Ciudad Juárez, and is featured in this issue's section dedicated to defenders.

You will also find news regarding the case of the forced disappearances of five members of the Guzmán Cruz family in the state of Michoacán. On July 12, 2013, the case was admitted by the Inter-American Commission on Human Rights. Center Prodh and the Diego Lucero Foundation now continue litigating the merits of this international case, which stems from a petition presented in 2006 following the failure of Mexico's Special Prosecutor for Crimes of the Past to clarify and punish this or any other grave human rights violation committed during the period known as the Dirty War.

We also present a new case of injustice and the imprisonment of innocents: this time, the victim is Ángel Amilcar, a Honduran human rights defender who sought to cross Mexico to the United States in order to earn money to pay for cancer treatments for his young son. In Tijuana, Baja California, he was arbitrarily detained, tortured, and falsely accused of organized crime, despite the lack of evidence against him. He has been imprisoned for over four years during his trial and continues to await justice.

We close this issue celebrating the 25th anniversary of Center Prodh, remembering those who have come before us and honoring those with whom we work, who inspire us every day and give us a reason to go on fighting for justice in spite of the obstacles we face. 

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GUADALUPE MELÉNDEZ: FROM TRAGEDY TO ACTIVISM



Guadalupe Meléndez was born in Chihuahua, Chihuahua. She is the eldest of four sisters and three brothers. Her mother, Tomasa, taught her to work and take care of the family. From the age of five, Guadalupe has spent most of her time in Ciudad Juárez. She wishes to live the rest of her life there, and still remembers it as the city where she had a happy childhood and youth.

Lupita, as they call her, initially worked helping her mother with domestic jobs in El Paso, Texas. Later on, she worked as a waitress in a restaurant called "Lupita", her own name. In order to cover household expenses, at fourteen she started working at an RCA factory—one of the first television factories that settled in Ciudad Juárez. Since 1965, factories have been the major economic motor of Ciudad Juárez; they create jobs requiring little experience and offering low wages, for the benefit of the American market.

At 15 years old, Lupita got married; she subsequently had four sons and a daughter. After 6 years of marriage she divorced her husband, because "he was looking for a submissive woman that put up with his abuses," recalls Guadalupe. Since then, she has been the head of the family, providing both economically and emotionally for her children. Unfortunately, her life changed completely at the beginning of 2010, when 15 young students were massacred in the Villas de Salvácar district of the city and her son Israel Arzate Meléndez was falsely accused of the killings.

Israel was tortured for 30 hours by the military until he confessed to a crime he never committed. This sequence of events took any sense of calmness from Lupita, but it also led her to reveal an activist side that she had carried within her since childhood.

Now, Guadalupe Meléndez calls herself a human rights defender, for injustice has always troubled her. Given that she sought justice for her son (see article on Israel Arzate), since June 2010 she has worked with the human rights organization Women's Network of Ciudad Juárez, after the organization had supported her in the first march for the defense of Israel and for justice in Villas de Salvácar.

Now, Guadalupe Meléndez calls herself a human rights defender, for injustice has always troubled her.

With this organization, Lupita worked on a community defenders project, disseminating flyers on the rights of women in regards to femicide cases and information on how to prevent domestic violence.

Later, Lupita joined the Justice Center for Women. Currently she gives orientation on what to do in case of violence and monitors investigations of the Public Prosecutor's Office. Her aim is to keep defending and informing her community so that violence is never normalized.

AFTER NEARLY FOUR YEARS IN PRISON SUPREME COURT FREES ISRAEL ARZATE MELÉNDEZ, INNOCENT VICTIM OF TORTURE



We are happy to inform readers that on November 6, 2013, the Supreme Court ordered the immediate release of Israel Arzate Meléndez, an innocent young man who was tortured and falsely accused of participating in the massacre of 15 young people in Villas de Salvácar, Ciudad Juárez, Chihuahua.

Center Prodh, the Women's Network of Juárez and the Juárez Migrant Support Center celebrate the Supreme Court's decision, which marked the end of nearly four years of unjust imprisonment.

The Court's decision confirmed what numerous human rights organizations at the national and international levels had already documented: that Israel was arbitrarily detained for a crime he did not commit. Some organizations that documented the case and confirmed the existence of torture were the UN Office of the High Commissioner for Human Rights, Human Rights Watch, and the World Organization against Torture (OMCT).

For its part, the UN Working Group on Arbitrary Detention analyzed the case and declared Israel's

detention arbitrary, calling for his release since 2011. Prior to the decision of the Supreme Court, more than 50 international and national networks, institutions, and organizations called for the immediate release of Israel.

The recognition of the innocence of Israel represents an historic precedent, and the Supreme Court's decision promotes structural changes that, if implemented, would strengthen the new criminal justice system by modifying those judicial practices that currently encourage the admission of confessions extracted under torture.

Justice for Israel is an essential step towards justice and truth for the victims of Villas de Salvácar. State authorities' insistence on publicly fabricating charges against Israel demonstrates the importance of ending the inefficacy, corruption, and human rights abuses committed by these institutions, so as to ensure that victims of crime have the opportunity to find the truth, justice, and reparations they deserve.



CRIMINALIZATION OF SOCIAL PROTEST IN MEXICO CITY

The return of the Institutional Revolutionary Party (PRI) to the presidency has brought with it a pattern of violent repression of social protest. On December 1, 2012, the day of the inauguration of President Enrique Peña Nieto, demonstrators were repressed and arbitrarily detained by police in Mexico City. Since then, protests in the streets of the city have been staged in a context of excessive and arbitrary use of public force including numerous arrests of people who committed no crime, severe physical abuse, and use of weapons against the public.

The Mexico City and federal governments have repressed demonstrators on multiple symbolic dates: on June 10th, on September 1st and 13th, and on October 2nd. Now it is common to walk through the city on any given day and see a handful of peaceful protesters surrounded by 300 or 400 riot control police.

Criminalization takes several forms depending on the situation: physical repression of demonstrators; criminal investigation and prosecution against social groups and movement leaders; and discrediting the protesting organizations. These patterns of abuse led Center Prodh to carry out an Observation Mission during the march of October

2nd, which was also documented by other human rights activists and journalists organized within several networks.

During the Mission, we witnessed an excessive deployment of police, groundless detentions and searches of civilians. At times, aircraft flew over the march. An active presence of police disguised as civilians was documented; they reported on people who, in their opinion, were suspicious, as well as making arrests. These police did not identify themselves in any way, which later made it more difficult for them to be recognized as the ones responsible for these human rights violations.

Moreover, police used weapons—tear gas, billy clubs and rubber bullets—as tools of repression against the public. There were numerous police attacks against human rights defenders and journalists, especially those who sought to document arbitrary detentions, as was the case of several members of Center Prodh who were beaten after asking a victim of arbitrary detention what his name was.

You can download our full report on the October 2nd march at <http://bit.ly/1cZLPzq>

SEMINAR NOTES:

This past October, Mexico City was the site of the Inter-American Court of Human Rights' sessions as well as the international seminar Jurisprudential Dialogue and Impact of Sentences of the Inter-American Court of Human Rights. In the latter event, a panel discussed the right of indigenous peoples to prior, free, and informed consultation whenever a government or business has an interest in implementing a project that would affect their traditional lands. This topic is of fundamental importance in a country plagued by the exploitation and usurpation of indigenous lands without such consultation, with devastating consequences for the indigenous communities involved.

Regarding this topic, Inter-American Court Judge Humberto Sierra Porto highlighted that the Court has issued 18 sentences related to indigenous peoples' rights and interprets article 21 of the American Convention on Human Rights (right to property) as including the communal property rights of such peoples over their ancestral lands. In other words, the Court recognizes indigenous peoples as collective rights holders.

Sierra Porto emphasized that indigenous peoples' right to a dignified life is violated when their worldview is ignored. This is why legal cases involving the rights of indigenous peoples must be decided taking into account the worldview of the community or people involved, rather than limiting the discussion to statutes and legal codes that frequently do not consider indigenous ways of life.

María del Carmen Lanís Figueroa, a Judge of the Electoral Tribunal of the Federal Judicial Branch (TEPJF), underlined that the Mexican Constitution recognizes indigenous peoples' right to self-determination and that the National Development Plan includes the obligation to consult indigenous peoples before carrying out any development project, through processes that should be participative, independent, and equitable.

However, we recall that the limited nature of the legal recognitions mentioned by the Judge

PERSPECTIVES FROM MEXICAN AND INTER-AMERICAN JUDGES ON THE RIGHTS OF INDIGENOUS PEOPLES TO THEIR ANCESTRAL LANDS



means that as of today, these principles have not materialized in practice in Mexico.

Speaking to one aspect of this problem, Pablo Monroy Gómez, a Judge of the Unitary Tribunal of the 14th Circuit, observed that in processes of consultation with indigenous peoples, tension exists between two different worldviews: in the western view (represented by authorities and businesses), the land is just an object to exploit, while to the peoples who inhabit it, the land must be protected, for it is an intrinsic element of the human being and the mother of all future generations. Moreover, Judge Monroy stressed the falsehood of the assertion that economic, social and cultural rights are burdensome rights that the Mexican State can barely ensure, and recalled that consultation is an essential element of a participatory democracy.

With the 2011 Constitutional reform incorporating human rights treaties into the Mexican Constitution, it is essential that all judges apply the highest standards of international law relating to the rights of indigenous peoples, and in this sense, the sentences of the Inter-American Court are an especially relevant guide. We will keep readers informed of paradigmatic cases in this area -such as the Supreme Court case relating to the rights of the Tila community to its land in Chiapas, currently underway- in subsequent issues.

INTER-AMERICAN COMMISSION ADMITS CASE OF THE DISAPPEARANCE OF FIVE MEMBERS OF THE **GUZMÁN CRUZ** FAMILY

After 7 years of initial litigation, the case of the Guzmán Cruz family was found admissible by the Inter-American Commission on Human Rights (IACHR) on July 12, 2013. The case, which involves the enforced disappearance of five members of this family from the state of Michoacán, was submitted to the Commission by the surviving family members, the Diego Lucero Foundation, and Center Prodh.

In the 1970s, the Mexican government disappeared José de Jesús Guzmán Jiménez and his sons Amafer, Solón Adenahuer, Venustiano and Armando. The events of this case took place during the "Dirty War," a time when crimes against humanity were committed against people who dissented from their government's decisions in any way.

The revolutionary ideals and activities of the Guzmán Cruz family led to military and police attacks in Tarejero, the purepecha indigenous community to which the family belonged in Michoacán. In addition to the five enforced disappearances, including family members who were not active in revolutionary activities, another member of the family, Abdallán Guzmán Cruz, was imprisoned for years, while another brother, Alexander, was tortured on several occasions.

Injustice and impunity have remained constant factors in the lives of the Guzmán Cruz. After the disappearance of their family members, the harassment towards the rest of the family forced them to flee to Morelia, capital of Michoacán. Filing a complaint for the crime of enforced disappearance was almost impossible at the time due to the ineffectiveness of such actions as well as the risk involved in denouncing authorities. In 2002, the family denounced the case formally before the Special Prosecutor for crimes of the past, and the facts had already been investigated and confirmed by the National Human Rights Commission. However, impunity prevails to this day.

For this reason, the family and the above-mentioned organizations filed a petition before the Inter-American Commission in 2006. The Mexican government requested that the Commission deem



the case inadmissible on the grounds that there were legal processes underway and that the victims had not resorted to a reparations program launched in 2011. Nevertheless, the Commission pointed out that the program did not include the investigation and punishment of the perpetrators and that it belonged to the Ministry of the Interior, which at the time of the disappearances had coordinated the now extinct Federal Security Directorate, the political police division in charge of implementing extermination plans against dissidents like the Guzmán Cruz.

Now the Commissioners will consider both the petitioners' and the Mexican government's submissions on the merits of the case so as to issue a merits report. If the government does not comply

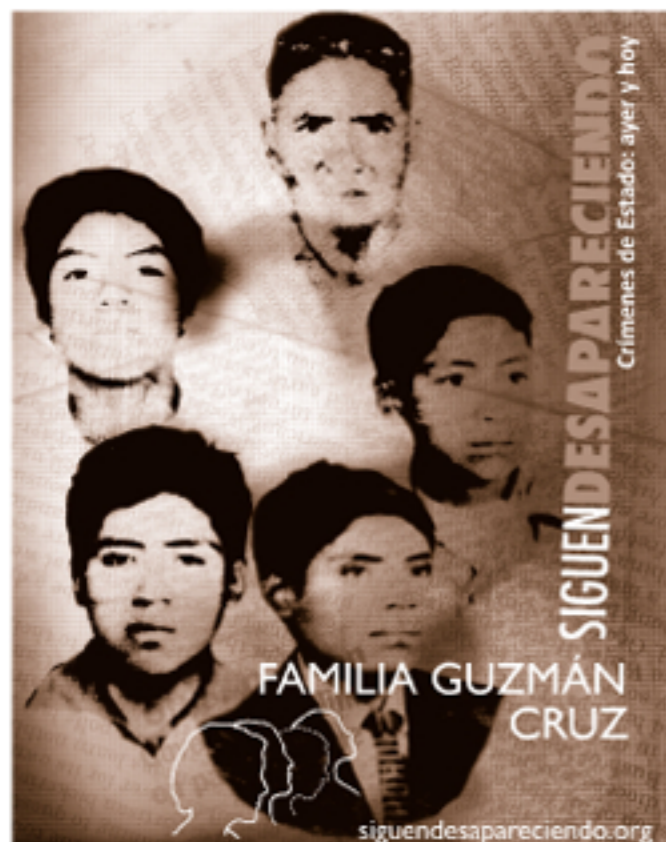
with the recommendations in the report, it could find itself once again before the Inter-American Court of Human Rights, which will be in a position to issue a binding judicial sentence, as occurred in

the Rosendo Radilla case, which also dealt with an enforced disappearance committed during the Dirty War.

Another chapter of the search for justice unfolds forty years after the enforced disappearance of José de Jesús Guzmán Jiménez and of Armando, Solón Adenahuer,

Amafer and Venustiano Guzmán Cruz. Now it is up to the inter-American system to help clarify these events and oblige the Mexican government to investigate and put an end to all forms of impunity for these crimes. ✎

The revolutionary ideals and activities of the Guzmán Cruz family led to military and police attacks in Tarejero, the purepecha indigenous community to which the family belonged in Michoacán.



CRIMINALIZATION OF MIGRANTS:

ÁNGEL AMILCAR, HONDURAN HUMAN RIGHTS DEFENDER IMPRISONED IN MEXICO FOR CRIMES HE DID NOT COMMIT

Every day, thousands of Central American migrants pass through Mexican territory in the hope of reaching the northern border and entering the United States. Their aim: to find a job that provides them with the means to have a decent life and support their families. While crossing Mexico, many migrants are deported by authorities; others die of accidents, hunger or thirst; but tens of thousands each year are extorted and kidnapped – even tortured and murdered – by organized crime groups who frequently operate with the authorities' collusion or tolerance.

These risks drive ever more migrants to seek passage with human smugglers who offer some degree of protection, but who also may smuggle weapons and drugs. Added to this situation, migrants passing through Mexico are prone to being detained and accused of crimes even when they are not guilty of any criminal act. The case of Ángel Amilcar Colón Quevedo is a clear example of how these layers of vulnerability ended in the imprisonment of a person whose only crime was seeking to save his son's life by migrating to the United States.

Who is Ángel Amilcar?

Ángel, born on October 28, 1976, is a native of Honduras and belongs to the garifuna people, an afro-descendant community. He studied Civil Engineering and is a human rights defender who has worked with several NGOs including the Black

Fraternal Organization of Honduras (Ofraneh), an organization that defends the cultural and territorial rights of the garifuna people and of which Ángel was president for a time.

On January 7, 2009, Ángel left Honduras in the hopes of reaching the United States. The purpose was to find a job that allowed him to support his family and in particular to pay for medical care for his son, also named Ángel, who had been diagnosed with cancer.

His experience in Mexico

Like many other undocumented migrants passing through Mexico, Ángel was the victim of abuses committed by human smugglers or "coyotes", who deceived and stole from him. He was forced to pay different people in exchange for information, transfers from one place to another and communication with his family via cell phones. On the way from Emiliano Zapata, Tabasco to Mexico City, Ángel traveled in a truck compartment along with another 119 migrants. After a 34-hour journey, Ángel arrived in Mexico City.

After two months, he finally reached Tijuana, Baja California, where a person promised to help him cross the border. This person took Ángel to a house located in a residential zone and there he was told to wait until the crossing. He was warned not to enter particular rooms, not to ask anything regardless of whatever he might see or hear and not to leave the building; otherwise he would die.

"MEXICO IS AN UNAVOIDABLE BRIDGE FOR MY BROTHERS AND SISTERS IN CENTRAL AMERICA TO REACH THE UNITED STATES OF AMERICA... IT IS OUR DUTY TO DEMAND THAT THE GOVERNMENTS RESPECT THE PEOPLE'S DIGNITY AND HUMAN RIGHTS".

ÁNGEL AMILCAR / MAY 9, 2013

On March 9, 2009 around 4 p.m., the Federal, State, and Municipal Police launched a raid on the house and its surroundings. As a result, Ángel was detained along with ten other people. During and after his detention, Ángel was abused and tortured. He was illegally detained for a prolonged period of time, including on military premises.

Given that weapons and drugs were supposedly seized from the house in question, Ángel was falsely accused of committing a number of federal crimes, including organized crime, possession of cocaine and marijuana for the purpose of trafficking, and other crimes that would lead to a sentence of 60 years in prison.

Currently, Ángel is imprisoned in Tepic, Nayarit, where he has been on trial for these crimes for over four years and still awaits his sentence.

During this time, Ángel's son died of cancer at the age of seven.

We will update readers on the case of Ángel Amilcar in future editions of Focus.



Transfiguration of a dream & We all lack the disappeared



Works of the artist
Edith López Ovalle

Where do the disappeared go? asks Rubén Blades. They go with us everywhere, we cry for them, we suffer for them, we search for them...

And why is it that they disappear? he asks, and his answer is like freezing water: Because we aren't all equal; because their viewpoint is different.

And when does the disappeared person return? With our every thought of them... That is what the artist Edith López Ovalle evokes: the presence of the disappeared if only for an instant, a printed memory while we await justice.

Through stencils, painted fabric, lithographs, and cotton paper, we can glimpse those whom enforced disappearance and extrajudicial executions tore away from us, through artwork that leads us back to the thought of our disappeared companions, so we can search together for justice for the State's crimes.





THE CASE OF MARTHA CAMACHO

On November 25th, the District Judge for the Eight District with Jurisdiction over Criminal Amparos for Mexico City issued a sentence in the case of José Manuel Alapizco Lizárraga and Martha Alicia Camacho Loaiza. The couple was forcibly disappeared and tortured in Culiacán, Sinaloa by the Mexican Army, the notorious Federal Security Directorate and the Judicial Police of Sinaloa.

Martha, who survived the enforced disappearance, filed a complaint in 2002 before the Special Prosecutor for crimes of the past (Femospp) that had been created within the Federal Attorney General's Office (PGR), denouncing the crimes committed against her and her husband. Nevertheless, in November of 2012 the PGR decided to close the case on the grounds that the statute of limitations had run.

In her sentence, the District Judge recognized the historical context of the time period during which Martha and José Manuel were disappeared, confirming that the case involved crimes against humanity; however, she only ordered that the PGR re-open the case as it relates to José Manuel, who was extrajudicially executed while held captive during the enforced disappearance and whose body was never found. No such order was given regarding the crimes committed against Martha. Center Prodh filed an appeal to ask that Martha's case be re-opened as well, since it too involves crimes against humanity; the appeal remains pending as this issue goes to press.

NONCOMPLIANCE WITH REPARATIONS ORDERED IN THE ECOLOGISTS CASE (INTER-AMERICAN COURT)

On August 21, 2013, the Inter-American Court of Human Rights issued its first resolution monitoring compliance in the case of Cabrera García and Montiel Flores Vs. Mexico, also known as the Ecologists case. The Court found noncompliance with the most significant reparation measures ordered in its sentence of November 2010, which established that the Mexican Government had violated the rights to personal integrity, freedom, and judicial protection of Teodoro Cabrera and Rodolfo Montiel. First, investigations have not advanced and impunity continues to reign in this paradigmatic case, with few steps taken to find the perpetrators. The Inter-American Court also pointed out that the Code of Military Justice has still not been amended so as to guarantee that human rights violations be investigated and judged only by civilian authorities. The Court had already ordered such amendments through three other consecutive sentences against Mexico. Finally, the Court reiterated the obligation of the Mexican government to modify its register of detained persons in order to avoid human rights violations. The Court will keep monitoring the case until the Mexican government fully complies with all the reparation measures ordered in its sentence.



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.

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THE CASE OF THE TILA COMMUNITY: THE ONGOING STRUGGLE FOR RESTITUTION OF LANDS

Given that authorities have not complied with judicial sentence 259/82, issued in December 2009, whereby 13 hectares of land were to be returned to the indigenous people of the Tila community in Chiapas (such lands had been unlawfully seized by the town hall and other authorities), the community filed an appeal against the failure to comply with the sentence, which is still pending in the Supreme Court.

On April 1, 2013, consideration of the case was postponed because some members of the Supreme Court qualified it as "extremely complex." Expert reports concerning approaches to law, anthropology, economics, urban development and engineering were ordered in the hopes of collecting more information on the 13 hectares that belong historically and lawfully to the Tila community, and that municipal authorities seek to seize permanently.

Such reports were requested from experts from the National Autonomous University of Mexico (UNAM) and will be of crucial importance, especially the report related to sociocultural characteristics of the community. This study will provide the Supreme Court with tools to interpret article 2 of the Constitution – which refers to the rights of indigenous peoples – and to set, for the first time in the history of Mexico, a precedent that develops the specific content of indigenous peoples' Constitutional rights related to land and territory: those that the ch'ol people of Tila have fought for over the course of half a century.





SIGUENDESAPARECIENDO

Crímenes de Estado: ayer y hoy

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