

STANDING UP FOR JUSTICE AND DIGNITY

HUMAN RIGHTS
DEFENDERS IN MEXICO

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Cover photo: Five members of OPIM in Ayutla de los Libres prison after their wrongful arrest in connection with the murder of Alejandro Feliciano García on 1 January 2008. All, except Raúl Hernández (*right*), were released in March 2009.

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1/INTRODUCTION

Mexico is a dangerous country in which to defend human rights. This report highlights more than 15 cases of threats and attacks against human rights defenders between 2007 and 2009. Other international and national human rights organizations have documented many more cases.¹ The cases covered by Amnesty International include killings, wrongful arrest and imprisonment on spurious criminal charges, harassment and intimidation.

The cases in this report show that the perpetrators of abuses suffered by human rights defenders are sometimes local, state or federal authorities.² The authorities are sometimes responsible for bringing spurious and wrongful prosecutions against human rights defenders, simply to punish them for their human rights campaigning. In other cases reported, abuses against human rights defenders are perpetrated by unidentified individuals; in such cases,

state and federal authorities are frequently slow to respond and investigate, compounding the abuses still further.

Human rights defenders work for the protection and realization of universally recognized human rights and fundamental freedoms.³ They act in many different ways and in different capacities to protect and promote human rights. What they have in common is that they uphold the principle that all human beings are equal in dignity and rights, regardless of gender, race, ethnicity, or any other status. They also share a commitment to respect the rights and freedoms of others in their own actions. Whatever the particular focus of human rights defenders' work, they are entitled to the full recognition, respect and protection of their rights as set out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (henceforth referred to as the Declaration on Human Rights Defenders).

On 9 December 1998, on the eve of the 50th anniversary of the Universal Declaration of Human Rights (UDHR), the Declaration on Human Rights Defenders was adopted by the UN General Assembly. By doing this, UN member states reaffirmed the ideals enshrined in the UDHR, acknowledged the valuable work of those who contribute to the effective implementation of human rights

and recognized the need to support and protect them.

The Declaration on Human Rights Defenders is a set of principles, based on legal standards enshrined in international human rights law, adopted by every member of the UN through their participation in the General Assembly, including Mexico. Two years after the Declaration was adopted, a Special Representative was appointed to promote its implementation. In 2008, this mandate was given the new title of Special Rapporteur on the situation of human rights defenders. The main responsibilities of the Special Rapporteur continue to be to support the implementation of the Declaration on Human Rights Defenders, gather information on the actual situation of human rights defenders around the world and recommend effective strategies to better protect them.⁴

Every year the governments of the Americas recognize the importance of individuals, groups and NGOs that promote human rights at the Organization of American States (OAS) General Assembly, by passing a resolution requesting that states pay urgent attention to ensuring that human rights defenders can carry out their work in the promotion and protection of human rights.⁵

The vast majority of cases examined in this report concern human rights violations against human rights defenders working on

economic, social and cultural rights including poverty and environmental issues. The defence of these rights poses particular challenges as they have historically been considered less important than other rights. Those working to strengthen economic, social and cultural rights frequently confront powerful economic interests and are exposed to attack. The cases in this report show how such attacks are often carried out by individuals or non-state actors who are frequently not held to account for their actions, or by state actors acting partially to defend and protect economic interests.

Despite sometimes facing severe repression, human rights defenders working on economic, social and cultural rights in Mexico continue to stand up for justice, dignity and human rights. Often their demands are misunderstood as purely political demands and not as legitimate human rights claims. The denial of economic, social and cultural rights in some sectors of Mexican society has spurred people to action. This is the case, for example, among some Indigenous and *campesino* communities whose efforts to protect their rights have frequently been met with indifference or repression. Indigenous human rights defenders have to contend not only with the discrimination and exclusion faced by their communities, but also with the additional risks often involved in actively defending human rights.⁶

This report is part of Amnesty International's continuing work not only to stop attacks

against human rights defenders, but also to enhance recognition of the crucial importance of their work. All human rights defenders are entitled to adequate protection, and Amnesty International is committed to ensuring that this protection is inclusive, encompassing Indigenous human rights defenders and those defending economic, social and cultural rights, as well as those engaged in defending political and civil rights.

The report ends with a series of recommendations to the state and federal authorities in Mexico. A key element of this must be to tackle impunity, which is endemic in Mexico.⁷ Impunity in cases of abuses against human rights defenders fosters a climate of intimidation, fear and insecurity.

Wake for Indigenous human rights defenders
Raúl Lucas Lucía and Manuel Ponce Rosas.



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2/HUMAN RIGHTS DEFENDERS AT RISK

IMPUNITY FOR KILLINGS OF HUMAN RIGHTS DEFENDERS

“Victims of homicides and disappearances are generally those who are most prominent for their work reporting human rights abuses, or for their leadership. In killing them, the assailants seek to make an ‘example’ of the victims, bring a halt to reporting on violations, getting the human rights organizations to leave certain zones, and/or bringing about a drop in the number of complaints presented.”

Inter-American Commission on Human Rights, Report on the Situation of Human Rights Defenders in the Americas, 2006

Under Article 2 of the UN Declaration on Human Rights Defenders, each state has a duty to create the conditions necessary

to defend human rights within their jurisdictions. However, human rights defenders in Mexico are sometimes at risk of being killed in relation to their work. The killing of a human rights defender is not only devastating for their relatives and colleagues, but is in many cases also the end of hope for those with whom they worked. For Indigenous communities, the killing of a leader can have far reaching consequences for their culture and survival as a whole.

Under international human rights law, states have an obligation to respect, protect and ensure the human rights and freedoms of everyone within their jurisdiction. Every human being has the right to life; this is stated in international human rights treaties to which Mexico is a state party.⁸ If a human rights abuse has taken place, states are responsible for providing an effective remedy.⁹ This includes carrying out effective investigations when anyone is arbitrarily deprived of their right to life and bringing those responsible to justice.

Under international human rights treaties, the state is accountable for attacks against and killings of defenders carried out by officials. State responsibility for human rights violations includes not only violations of human rights by state officials, but also abuses by individuals. The state has an obligation to take action against individuals who hamper or threaten the work of human rights defenders, whether or not the state has ordered, connived in or acquiesced to such abuses. If the state fails to act with

due diligence to prevent, investigate and punish abuses, it is responsible under international law.

RAÚL LUCAS LUCÍA AND MANUEL PONCE ROSAS, GUERRERO STATE

One of the regions where human rights defenders are often at grave risk is the State of Guerrero. On 20 February 2009, Indigenous human rights defenders Raúl Lucas Lucía and Manuel Ponce Rosas were found dead in Tecoanapa, Guerrero State.

Raúl Lucas Lucía and Manuel Ponce Rosas were, respectively, President and Secretary of the Organization for the Future of Mixtecos Indigenous Peoples (OFPM). OFPM and its sister organization, the Organization of the Me' phaa Indigenous People (OPIM), work closely together to defend the rights of the Me' phaa (Tlapaneca) and the Na savi (Mixteca) Indigenous Peoples. Both organizations campaign against discrimination, poverty, exclusion and other human rights abuses.

Raúl Lucas Lucía, who had suffered a previous attempt on his life, and Manuel Ponce Rosas were abducted on 13 February 2009 at a public ceremony in the town of Ayutla de los Libres. According to witnesses, three plain-clothed armed men, who claimed to be police officers, beat the two men and forced them into an unmarked car. Half an hour later, Guadalupe

Castro Morales, a municipal councillor and the wife of Raúl Lucas Lucía, received a phone call from an unidentified man using her husband's mobile. The caller warned her: "Don't start fucking around. Keep quiet or we'll kill your husband. This is happening to you because you're defending Indians." She filed a habeas corpus petition with the municipal judge the same day and tried to file a complaint with the Guerrero State Attorney General's Office (PGJE) about the enforced disappearance of her husband. However, no criminal investigation was opened and the authorities took no steps to locate the two men.

Seven days later, the bodies of Raúl Lucas Lucía and Manuel Ponce Rosas were found in Tecoanapa, Guerrero State, a 30-minute drive from Ayutla de los Libres. Relatives who identified the bodies said that both bore injuries and their hands and feet were tied together behind their backs. Due to national and international pressure, the judicial investigation was transferred in August 2009 to the Federal Attorney General's Office (PGR). At the time of writing, the investigation by the PGR was ongoing but those responsible for the killings



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Raúl Lucas Lucía and Manuel Ponce Rosas, killed in February 2009, Guerrero State.

are yet to be identified and no information on the status of the investigation was available. No investigation was opened into the failure of the state authorities to investigate the enforced disappearance of the two men.

ALDO ZAMORA, MEXICO STATE

Several human rights defenders campaigning on environmental issues have been killed in Mexico. The case of environmentalist Aldo Zamora in the State of Mexico shows how the authorities, even when aware of the identity of the perpetrators, failed to initiate an immediate search, allowing several to flee the area. Aldo Zamora, a 21-year-old Tlahuica Indigenous man, was shot dead on 15 May 2007. Four armed men opened fire as he was travelling in his car through the village of Santa Lucía, Mexico State. His 16-year-old brother, Misael Zamora, was also seriously wounded in the attack.

Misael Zamora recognized the attackers and immediately filed an official complaint with the Mexico State PGJE in Tenancingo city. The Mexico State PGJE delayed authorizing the search for the gunmen until three days after the incident. Arrest warrants were not issued until 24 May. On 1 August 2007, officers from the PGJE arrested two of the men charged with the murder. At the time of writing, both were in detention awaiting trial. The other two men accused of involvement in the killing remain at large.

The attackers identified by Misael Zamora were part of a group of illegal loggers who had made threats against his family. For years, environmentalists, including Ildelfonso Zamora, the father of Misael and Aldo, had filed complaints with Federal Prosecutor's Office for the Protection of the Environment (PROFEPA) about illegal logging. Aldo and Misael Zamora also collected evidence for a study carried out by the environmentalist organization Greenpeace on the negative impact of illegal logging in the area. In 2004, the threats intensified after PROFEPA started a series of operations against illegal logging in Lagunas de Zempola National Park in the Ajusco-Chichinautzin biological corridor between Mexico State and Morelos State.¹⁰

The intimidation of members of the Zamora family, other environmentalists and municipal officials continued for some days after the murder. The state authorities deployed state police officers to the community and acts of intimidation decreased. However, the fact that two suspects remain at large means human rights defenders in the area still fear reprisals.



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Aldo Zamora

FERNANDO MAYÉN, MEXICO STATE

Unchecked and illegal contamination of water and land is an issue which frequently forces communities to organize to defend their livelihoods. The case of Fernando Mayén is directly related to his work helping a community to campaign against the arbitrary action of state authorities. The dead body of Fernando Mayén, with three shots in the head, was found in his car on 12 March 2008 on the highway connecting Mexico City and Toluca. He was a lawyer and leading member of the San Luis Ayucán community in Jilotzingo municipality, Mexico State.

Fernando Mayén had been involved in a community campaign against a landfill site for waste, including illegal toxic waste. The community is concerned about the impact of the landfill site on the environment and on the forest, which provides water for the surrounding communities. Fernando Mayén and other community members set up the Technical Council of Jilotzingo Citizens (CTCJ) to stop the construction of the landfill site. On 27 July 2007, in response to an injunction filed by community members, a federal judge ordered

the suspension of the landfill project. Following this decision, Fernando Mayén reported to relatives that he had received death threats and that he was afraid of reporting them to the authorities in case of retaliation. Later, the community's campaign and the discovery of illegal toxic waste at the site led PROFEPA to order the temporary closure of the landfill site. However, the municipal authorities authorized its reopening in December 2008.

After the killing of Fernando Mayén, the Mexico State PGJE opened an investigation into the case, but steps taken to advance the investigation appear to be very few. Two months after the killing, an investigator was designated to the case by the state PGJE. Three months later, another investigator interviewed the people who last saw Fernando Mayén alive. In September 2009, the state PGJE wrote to Amnesty International to confirm that it had also requested help to carry out specialist tests from the PGR, but it was not clear when this request was made nor whether it had been granted. Relatives and community members following the investigation of the case are not aware of



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Fernando Mayén, killed in March 2008, Mexico State.

any action by the state authorities to find those responsible for the crime. At the time of writing, no one had been identified in relation to Fernando Mayén's murder.

SANTIAGO RAFAEL CRUZ, NUEVO LEÓN STATE

© Farm Labour Organizing Committee (FLOC)



Santiago Rafael Cruz, killed in April 2007,
Nuevo León State.

Migrants' human rights defenders are also at risk of attack. On 9 April 2007, Santiago Rafael Cruz' body was found in the office of the Farm Labour Organizing Committee (FLOC), in the town of Monterrey, Nuevo León State. His hands and feet had been tied and he had been severely beaten around the head and face. He died of his wounds. Nothing was stolen from the office.

Santiago Rafael Cruz had worked for FLOC in the USA for four years before joining the office in Monterrey as co-ordinator in February 2007. A large part of his job was to advise farm workers going to the USA as part of the H2A Guest Workers' Programme, on their human rights and the minimum work conditions they should be entitled to.¹¹ FLOC members in Monterrey have been the targets of harassment and, after the killing on 9 April 2007, the Inter-American Commission on Human Rights (IACHR) issued precautionary measures in favour of four members of FLOC in Monterrey.¹² These protection measures are being implemented as agreed between FLOC members and the Mexican government.

The Nuevo León PGJE opened an investigation into the killing and a suspect was arrested on 23 May 2007. He confessed to taking part in the killing and gave details, including identification and addresses, of four accomplices he alleged were also involved. The detainee was later sentenced to more than 20 years in prison after being found guilty of first degree murder. At a press conference, state and federal authorities handling the case claimed that the crime had been solved and that Santiago Rafael Cruz was murdered because he took a bribe to arrange some papers for some migrant workers. When relatives reviewed the confession of the sole convicted detainee, they found no information on file relating to this version of events.

To date, no explanation is available as to why the state PGJE has failed to seek the arrest of other suspects in the case.

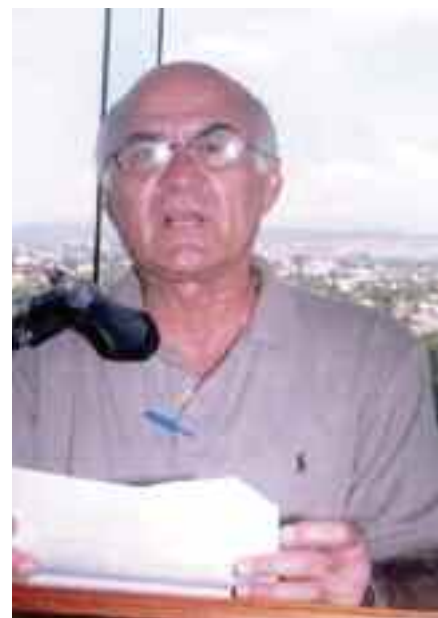
RICARDO MURILLO MONGE, SINALOA STATE

Human rights defenders working on abuses by the police and military are also at risk of intimidation and even death. Ricardo Murillo Monge, a founder member of the Sinaloan Civic Front (FCS), was found dead in his car in the city of Culiacán, Sinaloa State, on 6 September 2007. The FCS has exposed cases of torture and other human rights abuses allegedly carried out by the police and military in Sinaloa State. Ricardo Murillo was a prominent spokesperson for the organization.

He was last seen on the evening of 5 September 2007 at the FCS offices with two men who claimed to be interested in buying a car he was selling. Five hours later, municipal police found his body in his car which was parked next to a petrol station in front of a busy shopping centre. He had been shot once in the head. Some days before he died, he told a friend that he had received a telephone death threat. The Sinaloa PGJE opened an investigation into the murder and claims to have carried out some 24 forensic tests. However, relatives have not been made aware of the details of these tests. Identikit of the alleged perpetrators and a video of them

leaving the crime scene are part of the evidence gathered; however, more than two years since the killing no one has been identified in relation to the crime nor brought to justice.

Attacks against the FCS have continued since the murder of Ricardo Murillo. On 31 August 2009, Salomón Monárrez, another spokesperson for the FCS, narrowly survived an assassination attempt. An armed man walked into Salomón Monárrez' shop in Culiacán and fired nine rounds of ammunition directly at him; three bullets hit him in the ribs, collarbone and arm. On 31 August 2009, the Sinaloa PGJE investigating the case requested that the military commander of the region return the ballistic evidence that, according to a witness, military officers removed from the scene of the crime a few minutes after the incident. Five shells were returned and sent for forensic tests on 7 September 2009. At the time of writing, the results of these tests were yet to be produced.



© Frente Cívico Sinaloense

Ricardo Murillo Monge, killed in September 2007, Sinaloa State.

MISUSE OF THE CRIMINAL JUSTICE SYSTEM

Over the last three years, Amnesty International has received numerous reports regarding human rights defenders who have been wrongfully detained and have faced prosecution by both state and federal authorities on the basis of fabricated or flawed evidence.¹³ Some have the threat of arrest hanging over them for years because warrants are issued – often on spurious grounds – but not acted on. Others are detained on the basis of flawed evidence which is often later dismissed as baseless and unreliable by appeal courts, but only after protracted and damaging prosecutions have been initiated. All too often, defenders living in poverty are most at risk of these abuses.

Both federal and state authorities have been implicated in falsely incriminating human rights defenders and their work. The involvement of state and federal officials in discrediting the work of human rights defenders, for the purpose of curbing legitimate human rights activities, suggests a strong disregard in some official institutions for human rights work and international human rights standards and principles.

Even when defenders manage to win their appeal, they receive no apology from the state or federal authorities for the abuse and harm committed against them and their organization. Even more remote is the possibility of reparation.

Repeated arrests and pending charges not only hamper defenders' work, but they also put defenders and their families under undue psychological and financial pressure, and cast doubt on the legitimacy of their work. By using the criminal justice system in this way, a false link is created in the public mind between human rights defenders and criminal activities. This in turn can increase the risk of further harassment and deter people from expressing explicit support or becoming involved in human rights work.

Keeping charges or arrest warrants pending for long periods means that the threat of arrest and prosecution is ever-present. The threat of possible prosecution by the state or federal authorities can have a chilling effect on defenders, deterring them from pursuing their human rights work. As the Special Representative of the UN Secretary-General on Human Rights Defenders stated in a report to the UN Human Rights Council, "criminal prosecution and judicial repression are being used to silence human rights defenders and to pressure them into discontinuing their activities. These actions amount to attempts at controlling civil society and undermining its freedom, independence, autonomy and integrity".¹⁴

Freedoms of expression, association, assembly and movement are fundamental components of the right to defend human rights. Peaceful protests are frequently used to raise awareness, make visible human rights concerns and foster solutions.¹⁵ The

UN Declaration on Human Rights Defenders and some international human rights treaties ratified by Mexico state that such protests can be a legitimate way of promoting the defence of human rights.¹⁶

International human rights standards set out strict guidelines on when restrictions can legitimately be placed on the rights to freedom of expression, association or assembly.¹⁷ A peaceful protest should not be considered or treated in itself as "incitement" to violence or disorder.¹⁸ Yet the following cases illustrate how both state and federal authorities have used the criminal justice system not only to punish individuals for their human rights work, but also to prevent peaceful protest.

The detention, with or without an authorized arrest warrant, of members of human rights or social organizations can be considered arbitrary when such measures are intended to prevent human rights defenders from carrying out their legitimate work or are used as a form of punishment. Harassment of this nature by the state contradicts guidelines laid down by the UN Working Group on Arbitrary Detention.

'We see the needs of our community: to have infrastructure, schoolteachers, drinking water... and the government do not like this; they don't like it that we organized ourselves to defend human rights... they [the authorities] do not detain who truly commit crimes, but those who defend rights.'

Members of the Organization of the Me' phaa Indigenous people

RAÚL HERNÁNDEZ, GUERRERO STATE

Prisoner of conscience Raúl Hernández, an Indigenous human rights defender, has been detained in Ayutla prison, Guerrero State, since 17 April 2008. He was arrested together with four other Indigenous human rights defenders from OPIM – Manuel Cruz, Orlando Manzanarez, Natalio Ortega and Romualdo Santiago – while crossing a routine military checkpoint.

All five men were charged with the murder of Alejandro Feliciano García on 1 January 2008 in the town of El Camalote, Guerrero State. Raúl Hernández was accused of shooting Alejandro Feliciano García; the other four were accused of instigating the crime on the basis of their alleged participation in an OPIM meeting the day after the shooting. The only evidence against the five men consisted of two almost identical witness testimonies, which appear to have been rehearsed, and a statement based on hearsay. The witnesses did not come forward until three days after the incident, when a local *cacique* took them to the Guerrero PGJE. The *cacique*, who was accused by OPIM members of persistent harassment, acted as the witnesses' interpreter.

The Guerrero PGJE failed to carry out the most basic steps to establish the reliability of the witness statements. For example, no effort was made to verify if Raúl Hernández really was where the witnesses claimed he was at the time of the killing. Efforts by the defence to question the reliability of the prosecution witnesses have been repeatedly ignored.

On 20 October 2008, a federal appeal judge ruled that the evidence presented did not implicate four of the five accused of the killing. They were released on 19 March 2009 after a higher federal tribunal confirmed their appeal.

The sole detainee accused of the shooting, Raúl Hernández, remains in detention, awaiting trial.

Amnesty International believes that Raúl Hernández and other members of OPIM have been targeted to punish them for their successful human rights work. They have promoted small-scale economic and social development projects to improve the living conditions of their communities and have consistently campaigned for an end to impunity



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Raúl Hernández, a prisoner of conscience since April 2008.

for human rights violations. Among the cases they have pursued are the forced sterilization of 14 male members of OPIM in 1998 and the rape of Inés Fernández and Valentina Cantú, two Me' phaa Indigenous women, by members of the military in 2002, currently with the Inter-American Court of Human Rights.

'I am not here [in detention] because I killed Alejandro Feliciano, but because I am the leader of our organization and we have defended our rights... I am paying with my freedom for something I did not do.'

Prisoner of conscience Raúl Hernández

CIPRIANA JURADO, CHIHUAHUA STATE

Some human rights defenders have been inexplicably detained by state or federal authorities on spurious charges in relation to peaceful protests that took place several years earlier. Cipriana Jurado was arbitrarily detained on 3 April 2008 in Ciudad Juárez, Chihuahua State, by three unidentified men in plain clothes who did not show an arrest warrant or identification. They later told her they were officers of the Federal Investigations Agency. She was released on bail the following day. On 9 April the only charge against her, “attacks on public roads”, was dropped after a federal judge found that it was baseless and unfounded.

Cipriana Jurado is the Director of the Research and Workers’ Solidarity Centre (CISO) in Chihuahua State. CISO’s work has focused largely on the protection of the human rights of women working in *maquilas* (large scale factories). Cipriana Jurado is also active in a coalition of women’s organizations that has campaigned for justice in the cases of hundreds of women killed in Chihuahua State.

Cipriana Jurado was accused in 2008 of the federal offence of “attacks on public roads”.

The charge was linked to her participation in a demonstration, almost three years before her arrest, about the murder of women in Ciudad Juárez and the persecution of migrants on the US side of the border. The original complaint against Cipriana Jurado was filed by the federal Chief of Highways and Bridges two days after the demonstration. The demonstration took place on 8 October 2005 on the Puente Internacional, a federal highway.

The investigation against Cipriana Jurado was reopened in December 2007 following repeated requests by the PGR. The complaint stated that she had led a protest of around 400 people which blocked one of the four lanes of the Puente Internacional for 70 minutes. The main evidence against her were some photographs of the demonstration and almost identical testimonies by employees of the highways authority who gave a general description of the demonstration and asserted that it had been “led” by Cipriana Jurado. Cipriana Jurado was not in the photographs in question.

Despite having won an appeal in her favour demonstrating that the evidence brought by the

federal authorities against her was unfounded, the federal authorities have not taken steps to investigate or remedy any of the abuses committed during her ordeal.

Cipriana Jurado



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JESÚS EMILIANO, CHIHUAHUA STATE

The case of Cipriana Jurado is not an isolated one. Jesús Emiliano, also from Chihuahua State, was arbitrarily detained in similar circumstances, suggesting that this form of intimidation may be a tactic by the authorities to curtail the campaigning activities of certain leaders. Jesús Emiliano, a leading member of the Peasant Farmers' Democratic Front of Chihuahua, was arrested on 9 March 2007 and charged with sabotage, a federal criminal offence.¹⁹ He was released unconditionally five days later after the federal judge dismissed the charges for lack of evidence.

Jesús Emiliano's detention was requested by the PGR and initially he was informed that the charges against him were linked to the demonstration in October 2005 on the Puente Internacional (see the case of Cipriana Jurado above). However, when his defence lawyer gained access to the files, he discovered that some of the documentation had been removed and that the charges related to his participation in a different demonstration to demand support for poor small-scale farmers on 20 February 2007 outside the offices of

the Chihuahua office of the Federal Ministry of Agriculture.

The charge was based on the testimony of the Head of the Legal Unit of the Chihuahua office of the Federal Ministry of Agriculture and three other identical testimonies from other officials. The testimonies describe how, on 20 February 2007, a demonstration of around 40 people from the Peasant Farmers' Democratic Front of Chihuahua and other local *campesino* organizations blocked the entrance to the Ministry for several hours. The photographic evidence presented did not identify individual protesters and showed that the path to the Ministry's door was not obstructed. The protest ended peacefully.



Jesús Emiliano

© Private

'Just for protesting together with other *campesinos* they issued an arrest warrant.'

Jesús Emiliano

CÁNDIDO FELIX, GUERRERO STATE

The detention of human rights defenders is also common in the State of Guerrero, where extreme poverty, inequality and local corruption have prompted widespread and frequent social protests. Cándido Felix is a leading member of the Regional Council for the Development of the Indigenous Me' phaa Bathaa People – Bathaa-speaking (CRDPIMP). In 2007 he was detained by the state authorities four times for his participation in peaceful demonstrations demanding bilingual education for the Indigenous Me' phaa Bathaa children²⁰ in Guerrero State and the improvement of a road that connects the different Me' phaa Bathaa communities.²¹

At least 17 arrest warrants against other activists have been issued in connection with the protests, although none has yet been enforced. In addition, five leading members of CRDPIMP have been detained for short periods before being released.

On 5 February 2007 Cándido Felix was arbitrarily detained and charged by the Guerrero PGJE with the crime of “illegal deprivation of liberty”. The state authorities accused him of illegally preventing two government officials from leaving

a three-hour meeting with representatives of the state Ministry of Education. Cándido Felix claimed that the officials came to see him as he was leading a peaceful protest on the highway connecting the towns of Tlapa and Puebla. Cándido Felix was released on bail the same day. On 18 October 2007, he was detained again in connection with this protest but in relation to a new charge, the federal crime of “attacks on public roads”. Again he was released on bail the same day. In both legal proceedings the only evidence against Cándido Felix seems to be contradictory testimonies of state agents and a photograph showing him with other local human rights defenders talking to the Ministry of Education representatives.

On 8 June 2007, Cándido Felix was detained by state judicial police officers and charged with the state crime of “attacks on public roads” in connection with a demonstration for the improvement of a public road connecting Tlapa with Metlatonoc, two towns inhabited by Me' phaa Bathaa Indigenous communities. Cándido Felix was released on bail the same day and in July 2009 a state judge dismissed all charges against him for lack of evidence. The PGJE

appealed against the decision and at the time of writing no final ruling had been made.

On 28 September 2007, Cándido Felix was detained again by state judicial police and charged with riot, which the state authorities alleged he participated in at a public commemoration of Vicente Guerrero, a national hero, in the municipality of Tixtla. Cándido Felix claims he is being charged in connection with violent incidents that took place before his arrival in Tixtla. According to his lawyer, the sole evidence against him is a film and some photographs of the confrontation in which he does not appear. He was released on bail the following day.

Each time Cándido Felix was released on bail, the costs of the bail conditions were met by his community, imposing a considerable burden on a community with scant financial resources. Criminal charges against him remain pending in three of these proceedings.



Cándido Felix

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‘Our language is our heritage, it is what we inherited from our parents and grandparents... we just wanted the government to give our children the education that is their right.’

Cándido Felix

MANUEL OLIVARES, GUERRERO STATE

Manuel Olivares is the Director of the Regional Human Rights Centre José María Morelos and Pavón in Guerrero State, which promotes Indigenous human rights. In 2006 he helped to set up the Chilapa Citizens' Committee to promote respect for human rights in the community.

On 7 November 2007, approximately 50 members of the Chilapa Citizens' Committee staged a street protest to pressure the municipal authorities to improve basic infrastructure and services, such as schools, roads, electricity supplies and drinking water. The protesters blocked the road to the state capital for a few hours. On 8 November, as Committee supporters gathered to stage another protest, 30 municipal police officers wearing riot gear reportedly charged the group, using batons and firing tear gas into the crowd. Manuel Olivares and 15 protesters, all members of the Committee, were detained by the police. All were released on bail the following day.

Manuel Olivares was accused of being the intellectual author of that protest. He and the other 15 detainees were charged with "attacks on public roads", criminal association and riot. On 23 September 2008, a federal injunction (*amparo*) was granted in favour of the 16 men on the grounds that there was no evidence to show the individual criminal responsibility of the accused. On 9 February 2009, this decision was confirmed by a state court and charges were dropped.



Manuel Olivares

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'These criminal prosecutions are a way to keep us captive as we are always uncertain about what is coming next. This affects us all and our families, these trials are lengthy and tortuous.'

Manuel Olivares

INTIMIDATION AND HARASSMENT

During the period examined in this report, between 2007 and 2009, human rights defenders in Mexico have faced widespread harassment and intimidation by state officials as well as non-state actors. The methods used include death threats, threats of violence against their organizations and relatives, psychological harassment, surveillance and phone tapping. While the methods vary, the aim remains the same: to instil fear and prevent human rights defenders from carrying out legitimate actions and work.

Amnesty International's research has shown that intimidation and harassment can often be precursors to more serious physical attacks. Finding those responsible for threats and intimidation against human rights defenders is, therefore, a key part of the effective protection measures to prevent attacks against them.

Some defenders told Amnesty International that officials have often required that they provide evidence of the death threat or act of intimidation or identify the perpetrators before opening an investigation. While police need to make determinations as to the credibility of reported threats, many defenders are not able to provide proof of threats or the identity of perpetrators. Such preconditions for investigation can result in human rights defenders being denied access to justice.

Harassing and intimidating human rights defenders or their families can create an atmosphere of fear and powerlessness. Overcoming this can be particularly problematic if the same institutions which provide protection and redress are implicated in the threatening behaviour. It is vital, therefore, that effective measures are put in place to ensure that those providing protection or investigating allegations of intimidation are not linked to the abuses.

Surveillance, telephone tapping and interference with email are used not only to intimidate, but also to gather information about human rights defenders and their work. This information is sometimes later used to commit other abuses against them. It is important, therefore, that investigations into allegations of harassment and intimidation of human rights defenders look at the overall pattern of incidents and do not treat each one of them in isolation.

‘As an organization we always ask for justice and respect for our human rights... the government don't see it that way, they say that we are troublemakers because we demand our rights.’

Obtilia Eugenio Manuel

OBTILIA EUGENIO MANUEL, GUERRERO STATE

Obtilia Eugenio Manuel is the founder and President of OPIM. She has been the target of numerous threats, acts of intimidation and surveillance since the Me' phaa and Mixteco Indigenous communities started to organize themselves in 1998. One of the most recent incidents took place on 17 March 2009, just after a religious ceremony, the "Levantamiento de Cruz", which commemorated human rights defender Raúl Lucas Lucía, President of OFPM, who was murdered in February 2009 (see above). Obtilia Eugenio Manuel received three death threats by text message to her mobile phone; one of the messages also warned her that no human rights organization could protect her.

These threats were part of a concerted campaign of intimidation. In January 2009, Obtilia Eugenio Manuel was followed several times. On one occasion she recognized one of the men following her as a supporter of the local *cacique*. She had reported several earlier incidents involving the same man to the authorities, but they asked her to provide more evidence before they would take any action to investigate. On one occasion he leaned out of his car and shouted: "Do you think you're so brave?

Are you a real woman? Let's hope you also go to prison... If you don't go to prison, we'll kill you."

On 9 April 2009, the Inter-American Court of Human Rights adopted precautionary measures requesting that the authorities take further steps to protect the life and integrity of Obtilia Eugenio Manuel, her family, other members of OPIM and 29 members of the Tlachinollan Centre, which was also threatened. While some

protection measures have been implemented, the state authorities have not advanced investigations into the threats against Obtilia Eugenio Manuel or the Tlachinollan Centre.

Obtilia Eugenio Manuel (centre) with protesters outside Ayutla de los Libres prison demanding the release of the five detained OPIM members.



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FATHER ALEJANDRO SOLALINDE, OAXACA STATE

Human rights defenders working with irregular migrants, many of them from Central America, are often threatened. Father Alejandro Solalinde is the Co-ordinator of the Catholic Pastoral Care Centre for Migrants in Southwestern Mexico and Director of a migrants' shelter in Ciudad Ixtepec, Oaxaca state, which was set up next to the railway lines used by travelling irregular migrants to provide humanitarian assistance to those who get injured or need help. On 10 January 2007 he was arrested by municipal police while carrying out human rights work, and briefly detained.

At around 5am as a train carrying irregular migrants arrived in Ciudad Ixtepec, a state judicial police officer, the local municipal police commander and eight unidentified armed men burst into one of the carriages and reportedly arrested 12 Guatemalans – three women, five men and four children.

When Father Solalinde learned of the arrests from witnesses, he started to search for the Guatemalans, fearing they had been abducted or handed to traffickers. In one house, known to the community as a "security house",²² Father Solalinde found clear evidence that the

Guatemalans and their captors had recently left. When the municipal police arrived they did not safeguard the crime scene, but instead arrested Father Solalinde and 18 other Guatemalan migrants who were with him. Police officers fired several shots into the air and used batons to force them into the back of a police pick-up truck. Father Solalinde and the 18 migrants were kept in detention for four hours and then released without charge. The migrants were immediately deported.

The CNDH issued a recommendation which concluded that there was a disproportionate use of force by the police against Father Solalinde and the others, and that their rights to access justice and human integrity had been violated. The CNDH found that the detainees had been ill-treated, some injured as a result, and that the 19 had been put into a single cell. The CNDH called for a full investigation into the incident. Father Solalinde is unaware of measures taken by the Oaxaca authorities to comply with the recommendation.



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Father Alejandro Solalinde

MAURILIO SANTIAGO AND MARÍA DE LA LUZ MARTÍNEZ, OAXACA STATE

Defenders working at a local level, where *caciques*²³ are often the only form of power, can be particularly vulnerable to abuse. Maurilio Santiago and María de la Luz Martínez are both members of staff at the Human Rights Centre and Consultancy for Indigenous Peoples (CEDHAPI) in Oaxaca State. For more than 10 years, CEDHAPI has worked to promote and protect Indigenous human rights in Oaxaca State. Among other initiatives, it has actively advised and supported communities from Santo Domingo Ixcatlán and Chalcatongo de Hidalgo, two communities involved in a long-standing land dispute involving the local *cacique*.

On 22 and 23 May 2008, María de la Luz Martínez received threats and insults from relatives of the *cacique*; on one of these occasions the *cacique's* father approached her, tried to grab her head in his hands and threatened to kill her.

On 30 April 2008, María de la Luz Martínez' father, fiancé and uncle – Melesio Martínez, Gustavo Castañeda and Inocencio Medina – all three community leaders in Santo Domingo Ixcatlán, were murdered. Since the murders, María de la Luz Martínez and Maurilio Santiago,

who have led the campaign for justice in this case, have been the targets of sustained threats. These threats intensified following the detention of the *cacique* on 8 May 2008 in connection with the three killings. Between July and November 2008, shots were frequently fired at night outside the CEDHAPI offices and in front of Maurilio Santiago's home. On the night of 16 October 2008, four armed men wearing balaclavas tried to break into the office, fired their guns and shouted threats at María de la Luz Martínez who was inside the building. The PGJE office in Tlaxico, which is investigating the threats, has carried out some forensic tests. However, those responsible for the threats and acts of intimidation are yet to be identified and brought to justice.

On 19 May 2008, the IACHR granted precautionary measures for María de la Luz Martínez and 59 other members of the community who witnessed the murder. Three weeks later, the IACHR extended the precautionary measures to another 117 inhabitants of Santo Domingo Ixcatlán. Despite these measures, María de la Luz is not receiving any protection and she is at risk of further abuses.



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Maurilio Santiago (left) and María de la Luz Martínez (far right) with CEDHAPI colleagues

LYDIA CACHO, QUINTANA ROO STATE

‘We, women human rights defenders, learn to live with fear every day, taming it. But the post traumatic stress is endless. It is impossible to heal when every time you gain stability the threats come back.’

Lydia Cacho

Women human rights defenders play an important role in Mexico in defending human rights in general and defending the rights of women and girls.²⁴ Acts of harassment and intimidation against them often make reference to their gender and can sometimes be sexual in nature.

Human rights defender and journalist Lydia Cacho has been attacked, harassed, threatened and arbitrarily detained for her work highlighting the problems of child pornography and trafficking of women in Quintana Roo State. One incident involved a death threat sent to her blog on 19 May 2009. It read: “Dear lidia cacho [sic] get ready to have your throat cut, your lovely head will be left outside your apartment, let’s see how brave you are.” In the same month, Lydia Cacho’s home and workplace, the Integrated Centre for the Attention to Women (CIAM), were under surveillance by unidentified men. On 10 August 2009, the IACHR granted precautionary measures for Lydia Cacho, her family and CIAM employees.



Lydia Cacho

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However, these measures are yet to be implemented, including those regarding the investigations into the threats. No measures have been taken to investigate and no one has been identified or brought to justice for these acts.

OUR DAUGHTERS RETURN HOME, CHIHUAHUA STATE

Maria Luisa García, Marisela Ortiz and other members of the organization Our Daughters Return Home (NHRC) have been the targets of numerous death threats, harassment and intimidation. NHRC was founded almost a decade ago, following a series of protests and public complaints about the abduction, torture and murder of women in Ciudad Juárez, Chihuahua State. NHRC campaigns for justice and an end to impunity for the abduction, rape, mutilation and killing of women in Ciudad Juárez.

On 30 October 2008, an unidentified man threw a stone through one of the windows of Maria Luisa García's home. Attached to the stone was a death threat targeting her and her children. Six days later, Marisela Ortiz found a card outside her house with letters pasted on it, reading: "Under Juarez, death". On 12 January 2009, Maria Luisa García received an email from an unknown source that said: "stop bothering us, beware of your bodyguards and look after your daughter". Although state authorities have provided protection, these and previous threats, intimidation and harassment reported to the authorities have not been investigated and those

responsible have not been identified or brought to justice.

Women defenders from the Women's Human Rights Centre (CEDHEM) in Chihuahua City, Chihuahua State, have also been threatened and similarly seen no progress in relation to the investigations.

Message sent to Marisela Ortiz' home. It reads "Under Juarez, death".



© Private

CRISTINA AUERBACH BENAVIDES, COAHUILA STATE

Cristina Auerbach Benavides is a member of the Catholic organization Pastoral Labour. She has campaigned on behalf of the families of 65 miners who died in an explosion at the Pasta de Conchos coal mine in Coahuila State. Since the explosion on 19 February 2006, Pastoral Laboral has campaigned for the bodies of the miners to be recovered, and alleges that the explosion was due to negligence by the company responsible for the mine.

On 4 February 2009, men in plain clothes who claimed to be Mexico City police officers went to Cristina Auerbach's home and asked to be let in, alleging that she had asked for help from the authorities about an incident of domestic violence. No such incident had taken place and Cristina Auerbach had not called the authorities. The men refused to produce official identification or show a warrant to enter her property. They left when Cristina Auerbach refused to let them in.

On 10 February, uniformed police officers went to Cristina Auerbach's home and tried to gain entry again. On both occasions, the bodyguard assigned by the Mexico City government to

protect her, because of previous threats, was off duty.

Cristina Auerbach filed a complaint about these incidents with Mexico City's Attorney General's Office, but no steps have been taken to identify and prosecute those responsible. She also reported these incidents to the Mexico City CEDH.

On 29 September 2009 a friendly settlement was brokered by Mexico City's CEDH between Cristina Auerbach and other defenders and a representative from Mexico City's Attorney General's Office, on the need to provide effective protection to human rights defenders at risk. The authorities acknowledged their responsibilities and committed to implement a protocol for investigating crimes against human rights defenders.

Cristina Auerbach Benavides at a vigil in Mexico City for the 65 miners who died in an explosion at the Pasta de Conchos coal mine, Coahuila State, in 2006.



© Pastoral Laboral

3/PROTECTION FOR HUMAN RIGHTS DEFENDERS

States have the prime responsibility for protecting human rights defenders and their work.²⁵ As the IACHR stated in its 2006 report: “the work of human rights promotion and protection... is a legitimate activity that contributes to the fulfilment of an essential obligation of the States, and, therefore, gives rise to special obligations of the States to ensure the protection of those who are engaged in the promotion and protection of such rights”.²⁶

Effective protection of human rights defenders requires a comprehensive approach. This should include measures to prevent abuses against human rights defenders, such as: adopting laws and policies to protect human rights defenders and promoting the UN Declaration on Human Rights Defenders; recognition

of the legitimacy of human rights work; the adoption of specific protection measures for human rights defenders at risk, ensuring accountability and transparency; and prompt and effective investigations into allegations of abuses against human rights defenders. States should ensure that there is clarity on the different mechanisms available to protect human rights defenders.

Some mechanisms, procedures, and initiatives at state and federal levels exist in Mexico for the protection of human rights defenders and for an improvement in their situation to strengthen their work for the defence and protection of human rights.

Protection measures for human rights defenders at risk can be granted by human rights commissions, by the Public Prosecutor’s Office or, if criminal proceedings have been initiated, by judges. Police institutions are usually in charge of providing part of the protective measures.

The nationwide system of human rights commissions is composed of the CNDH, the Mexico City Commission and the 31 CEDHs. These commissions are mandated to promote human rights and to conduct non-judicial investigations into complaints of human rights abuses committed by municipal, state and federal officials. Specialist units have also been set up to deal with abuses committed against journalists and human rights defenders.

The human rights commissions can conclude that a complaint is without foundation; help broker an agreement between the two parties to remedy any

abuse committed; or issue a non-binding public recommendation to the authorities to take action to remedy and not repeat the abuse.²⁷ As these recommendations are not binding, their implementation depends largely on the willingness of the authorities to comply.²⁸ In addition, the human rights commissions rarely follow up on their recommendations to determine whether they have been fully implemented. As a result, the human rights commissions have had only very limited impact in ensuring access to justice for victims of violations, including human rights defenders.

The Ministry of the Interior also has a key role in the protection of human rights defenders. In 1997 the Inter-Ministerial Human Rights Policy Commission, chaired by the Minister of the Interior, was created to facilitate dialogue on human rights policies between the federal authorities and civil society. In 2001 this commission was re-established as the Commission on Governmental Policy on Human Rights. However, this dialogue has been limited and has often reinforced mutual distrust, creating “a hostile environment for the work of human rights defenders...”²⁹

Since 2001, the Ministry of the Interior’s Unit for the Promotion of Human Rights has been in charge of leading the implementation of protection measures granted by the Inter-American system of human rights. Protection measures granted by the IACHR or the Inter-American Court of Human Rights are channelled through the Ministry of Foreign Affairs to the Ministry of the Interior, which co-ordinates the various federal institutions involved in implementing

the specific measures needed. However, Amnesty International has found that once cases are passed to the Ministry of the Interior there is little clarity on the process for implementation, the allocation of resources or how and when the protection measures will be monitored or evaluated.

In 2007, more than a dozen human rights organizations submitted a detailed proposal to the Minister of the Interior, to support the implementation of recommendations made to the governments of the Americas in the 2006 Regional Report of the IACHR on the situation of human rights defenders. The proposal contained a request for the establishment of a system of protection for human rights defenders. Despite the positive interest initially shown by the federal authorities, human rights organizations are still to receive a response to these specific proposals.³⁰

On 29 August 2008, the Mexican government adopted a National Human Rights Programme within the context of its National Development Programme 2007-2012.³¹

The National Human Rights Programme was adopted by presidential decree in August 2008. It is binding on all federal government institutions but not states. The Programme develops four main areas: the inclusion of a human rights perspective in public policies; co-ordination and collaboration among the different institutions of the state at all levels; the promotion of a human rights culture; and the harmonization of legislation. A component on human rights defenders is

included under Strategy 1.4. This aims to guarantee spaces for the safe and effective participation of civil society in the elaboration of public policies and highlights the need to:

- Strengthen the mechanisms of dialogue and participation with civil society;
- Create a sub-commission to address public policy on human rights;
- Define when special protection should be provided for human rights defenders;
- Establish a protocol for investigating crimes against human rights defenders;
- Disseminate training on human rights to civil society organizations;
- Support civil society projects on the promotion and defence of human rights.

Although only binding at federal level, this is an important initiative. Each of the Programme's elements requires detailed development in order to produce improvements in how human rights work is valued and in protection for human rights defenders at risk. In December 2008, the Unit for the Promotion of Human Rights of the Ministry of the Interior was given responsibility for the implementation of the Programme.

The Inter-American system is an important source of protection measures for Mexican human rights defenders. Human rights organizations in Mexico have explicitly said that "the only way to obtain protection for

human rights defenders at risk is through the intervention of the Inter-American Commission on Human Rights."³²

Article 25 of the Rules of Procedure of the IACHR allows for precautionary measures to be ordered in serious and urgent cases. The IACHR can request that the state concerned adopt precautionary measures to prevent irreparable harm to individuals. Similarly, the Inter-American Court of Human Rights can adopt provisional measures in order to prevent irreparable damage to people at risk, under Article 63 of the American Convention on Human Rights and the Rules of Procedure of the Court, adopted in 2004.

The fact that in some cases the state itself requested protection measures from the IACHR, shows how important this system is for the protection of human rights defenders in Mexico.

International mechanisms for the protection of human rights should, however, only be requested when there are no domestic mechanisms of protection or when those mechanisms are not effective in protecting the person at risk.³³ The heavy reliance on international mechanisms shown in many of the cases highlighted in this report underlines the weakness and inadequacy of domestic mechanisms for the protection of human rights defenders at risk in Mexico.

4/CONCLUSIONS AND RECOMMENDATIONS

Human rights defenders in Mexico make a vital contribution to the advancement of human rights at local, national and international levels. They work on a range of issues in diverse ways in pursuit of justice, dignity and human rights for all. Their actions help close the gap between the promise set out in international human rights instruments and the reality of these rights.

However, as the case studies in this report illustrate, their efforts have sometimes met with hostility and attacks. They have faced threats, harassment and intimidation, spurious criminal charges and wrongful prosecution. Some activists have been killed in relation to their human rights work. Threats, attacks and killings of human rights defenders are rarely investigated effectively

by either federal or state authorities. The seriousness of attacks on human rights defenders in Mexico in the last few years calls for urgent action by federal, state and municipal authorities.

Those working to redress the historical neglect of economic, social and cultural rights are at heightened risk of abuse by state and non-state actors and, therefore, are most in need of recognition, protection and support. Among them, the situation of Indigenous human rights defenders is of particular concern.

The criminal justice system is often misused by both state and federal authorities to harass human rights defenders and to target those who have taken part in public

actions or protests. With or without arrest warrants, the detention of human rights defenders can amount to arbitrary arrest or detention if it is carried out with the intention of stopping or impeding their work.

Domestic mechanisms for human rights protection need to be strengthened. Mexico's human rights obligations are binding not only at the federal level, but at all levels of state. The federal government often argues that it does not have the authority to intervene in state jurisdictions. Closing this gap and ensuring that measures adopted at federal level are effectively implemented at municipal and state levels are vital for the effective protection of human rights defenders.

All too often, protection measures consist solely of practical measures. Effective protection of human rights defenders requires a comprehensive approach. This should include immediate practical measures in cases of imminent and immediate risks to defenders' personal safety, but it should not be limited to such measures.

Too many previous initiatives to improve recognition of human rights work and those who carry it out have fallen by the wayside, with little, if any, concrete results for those most in need.

Amnesty International welcomes Mexico's international commitment to human rights and the fact that the government supported all the recommendations on human rights

defenders at the UN Universal Periodic Review in February 2009. The authorities must now convert these commitments into concrete results for civil society and human rights defenders at risk.

RECOMMENDATIONS

Amnesty International urges the Mexican government to fulfil its international human rights obligations by undertaking to:

1. Prioritize the protection of human rights defenders, in particular those who are most exposed to risk: those defenders working on Indigenous peoples' human rights and those working on economic, social and cultural rights.
2. Ensure prompt, impartial and exhaustive investigations into allegations of abuses against human rights defenders in order to prevent further risk, identify those responsible, bring them to justice and ensure that crimes cannot be repeated.
3. Explicitly recognize the legitimacy of human rights defenders' work, in particular the legitimacy of those working on economic, social and cultural rights, at the federal, state and municipal levels. This should include making public statements acknowledging their contribution to the advancement of human rights, and by making it clear that statements undermining defenders' work will not be tolerated.
4. Promote the UN Declaration on Human Rights Defenders and disseminate this Declaration among state officials and within the institutions that administer justice.
5. Ensure that the criminal justice system is not used to target or harass human rights defenders, and make clear to judicial authorities that the detention of human rights defenders, with or without arrest warrants, can be considered arbitrary, if the intention is to prevent, limit or silence the defence of human rights.
6. Increase tolerance of peaceful public actions and protests as a legitimate way to promote human rights. Limitations to the freedoms and rights of those involved in public actions and demonstrations for the defence of human rights should be imposed only in accordance with international human rights obligations and only when necessary and proportionate.
7. Stop bringing criminal charges against those taking part in legitimate peaceful protests or demonstrations. The authorities should only bring criminal charges against demonstrators when there is reliable evidence of individual criminal acts and the required elements of the criminal offence have been met.
8. Develop the provisions on human rights defenders contained in the National Human Rights Programme and ensure their enforcement at state and municipal levels. A comprehensive programme should include the establishment of an effective and readily accessible mechanism to protect human rights defenders at risk. Protection measures should not involve any institution or official who might have been linked to human rights abuses against defenders.
9. Adopt prompt, effective and impartial measures to provide remedy to human rights defenders who have suffered an attack or are at risk of attack. This remedy should include prompt and impartial investigation to bring those responsible to justice and specific protection measures to avoid irreparable harm. Periodic reports on the progress of investigations should take place and defenders kept informed of advances. Failure of municipal or state authorities to act should trigger federal intervention to ensure compliance.
10. Ensure an environment in which it is possible to defend human rights without fear of reprisal or intimidation and take measures to deal with the causes underlying the attacks.
11. Review and strengthen the role that the human rights commissions can play in the protection of human rights defenders. The National Human Rights Commission and the state human rights commissions should review their practice and improve dialogue with defenders.

ENDNOTES

1 The Office of the UN High Commissioner of Human Rights in Mexico published the report *Defending Human Rights: Between Commitment and Risk* on 13 October 2009; in this report more than 100 incidents of abuses committed in Mexico between 2006 and 2009 are documented. Available at www.hchr.org.mx/documentos/informes/informepdf.pdf (accessed on 14 October 2009).

2 Mexico is a Federal Republic with 31 states and the Federal District. There is a federal executive, legislature and judiciary. The Mexican Constitution sets out the relation between federal and state governments, which are “free and sovereign”, each with its own constitution, executive, legislature and judiciary. Each state also has its own law enforcement police, judicial police and Public Prosecutor’s Office. State criminal codes establish proceedings and punishments for all offences that are not federal in nature. Federal offences are primarily international or cross-state crimes, including organized crime and offences against or by the federal administration. All other offences fall within the jurisdiction of the state authorities.

3 Article 1 of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

4 More information on the UN Special Rapporteur on the situation of human rights defenders is available at: www2.ohchr.org/english/issues/defenders/index.htm (visited 30 October 2009).

5 Latest resolutions adopted by the OAS General Assembly on Human Rights Defenders: June 2009 AG/RES. 2517; June 2008: AG/RES. 2412; June 2007: AG/RES. 2280.

6 “Discrimination against indigenous people can be seen in low human and social development indices, extreme poverty, inadequate social services.” (UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Report on Mission to Mexico, E/CN.4/2004/80/Add.2, 23 December 2003, p2). In its 2008 report to the UN Human Rights Council, Mexico acknowledged that “the country has more than 10 million indigenous people, who account for 9.8 per cent of the total population... In 2002, approximately 89.7 per cent of the indigenous population was living in poverty, and some 68.5 per cent of them in extreme poverty.” (Human Rights Council, National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1: Mexico. A/HRC/WG.6/4/MEX/1, 10 November 2008, paragraphs 114 and 118).

7 In 2008 the National Human Rights Commission estimated that those responsible for between 98 and 99 per cent of crimes are never brought to justice. (Comisión Nacional de Derechos Humanos. Informe de Actividades, México, 2008, p16; available at www.cndh.org.mx/lacndh/informes/anauales/InformeActividades_2008.pdf, visited 5 October 2009).

8 Article 6 of the ICCPR and Article 4 of the American Convention on Human Rights.

9 The right to effective remedy for grave human rights abuses under international law is established in Article 8 of the Universal Declaration of

Human Rights, Article 2 of the ICCPR, Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 8 of the International Convention for the Protection of All Persons from Enforced Disappearance; Article 25 of the American Convention on Human Rights. Article 11 of the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law stipulates: “Remedies for gross violations of international human rights law and serious violations of international humanitarian law include the victim’s right to the following as provided for under international law: (a) Equal and effective access to justice; (b) Adequate, effective and prompt reparation for harm suffered; (c) Access to relevant information concerning violations and reparation mechanisms.”

10 Seventy-five per cent of the water supplied to Mexico City comes from this biological corridor, which is also home to a variety of animals and plant species. See: www.greenpeace.org/mexico/news/ajusco-chichinautzin-una-regi (visited 5 October 2009).

11 In 2005, FLOC had won a legal ruling in North Carolina requiring ranchers to pay the cost of recruiting H2A workers from Mexico. This helped undercut corrupt practices, such as bribes and excessive fees. FLOC members carried out training sessions for farm workers in various parts of Mexico, including Monterrey, where many migrants and migrant labour recruiting agents (*enganchadores*) gather to arrange seasonal farm work in the USA.

12 Precautionary or preventive measures are international legal mechanisms to request that state authorities adopt the necessary measures to prevent irreparable harm to people whose safety is at risk.

13 During the 1980s, 1990s and 2000s Amnesty International adopted many prisoners of conscience. Most of these were local *campesino* and political leaders detained for their beliefs or non-violent protest activities on the basis of fabricated evidence or confessions extracted under torture. The misuse of the criminal justice system to persecute opponents is common in Mexico. See Amnesty International’s reports *Mexico: Daring to raise their voices* (Index AMR 41/040/2001) and *Mexico: Laws without justice – Human rights violations and impunity in the public security and criminal justice system* (Index: AMR 41/002/2007).

14 Report submitted by the UN Special Representative of the Secretary-General on Human Rights Defenders to the Human Rights Council, A/56/341, 10 September 2001, para21.

15 IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para51.

16 See, for instance, Article 5 of the UN Declaration on Human Rights Defenders, Articles 18 to 22 of the ICCPR, and Articles 12 to 16 of the American Convention on Human Rights.

17 International law establishes that such restrictions must be: clearly set out in law, legitimate (aim at protecting others’ human rights, public order, national security or public health or morals), necessary and proportionate. See Article 17 of the UN Declaration on Human Rights Defenders, Articles 19, 21 and 22 of the ICCPR, and Articles 13, 15 and 16 of the American Convention on Human Rights.

18 “Restrictions on public demonstrations must be intended exclusively to prevent serious and imminent danger, and a future, generic danger would be insufficient... The right to assemble or demonstrate cannot be considered synonymous with public disorder for the purpose of restricting it per se... Accordingly, restrictions on the exercise of these rights are serious obstacles to the people’s ability to vindicate their rights, make known their petitions, and foster the search for changes or solutions to the problems that affect them.” (IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, paragraphs 51, 58 and 60).

19 This criminal norm aims to sanction behaviours that disrupt the economy of the country or the country’s defence capacity. See Article 140 of the Mexican Federal Criminal Code.

20 In 2006, after persistent requests by CRDPIMP to the state authorities to appoint bilingual schoolteachers and improve the quality of education, the state authorities finally agreed to take action. Three years later, only 16 of the promised 47 Me’ phaa Bathaa-speaking schoolteachers have been appointed, three schools remain closed and discrimination and poor quality education persist.

21 Around 5,000 children belonging to the 28 Me’ phaa Bathaa communities are of school age, but not all have access to the bilingual primary education to which they are entitled. These communities are located within the municipalities of Atlamajalcinco del Monte, Metlatonoc and Tlapa, all in Guerrero State. Metlatonoc has been described by the UN Development Programme (UNDP) as one of municipalities with the highest levels of poverty and the lowest levels of education in the world (UNDP, Informe sobre Desarrollo Humano México 2004, México D.F. 2004, pp 3 and 54-57).

22 Security houses or *casas de seguridad* are places used by criminal gangs to hold migrants while waiting for ransom to be paid.

23 Alongside its formal constitutional structures, Mexico has a long historical tradition by which informal political power is exercised by unofficial political bosses (*caciques*) who often receive from and grant favours to elected officials with whom they are *compadres*. With or without these *cacique-compadre* relationships, in many localities throughout Mexico political violence by those officially in power is reported to be carried out in practice by *caciques* and their civilian armed supporters, in exchange for favours by those officially in power.

24 See, for instance, the following Amnesty International reports: *Women’s struggle for justice and safety: Violence in the family in Mexico* (Index: AMR 41/021/2008), *Mexico: Ending the brutal cycle of violence against women in Ciudad Juárez and the city of Chihuahua* (Index: AMR 41/011/2004), *Mexico: Indigenous women and military injustice* (Index: AMR 41/033/2004) and *Mexico: Intolerable Killings – 10 years of abductions and murder of women in Ciudad Juárez and Chihuahua* (Index: AMR 41/026/2003).

25 The responsibility established under Article 12 of the UN Declaration on Human Rights Defenders is in line with the core human rights obligations enshrined in the American Convention on Human Rights and the International Bill of Human Rights (comprising the Universal Declaration of Human Rights; the International Covenant of Economic, Social and Cultural Rights, ratified by Mexico on 23 March 1981; and the

ICCPR, ratified by Mexico on 23 March 1981, and its two Optional Protocols, ratified by Mexico on 15 March 2002 and 26 September 2007).

26 IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para30.

27 The Monitoring by the Human Rights Commissions is limited to the investigation of abuses of authority. It does not scrutinize civilian or military court proceedings or trials, or criticize civilian or military judicial decisions.

28 In February 2009, the Director of the Human Rights Commission in Guerrero State told Amnesty International that in at least two cases in which he had requested specific protection measures on behalf of human rights defenders, the recommendations had been partially ignored or ineffective.

29 IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para326.

30 *Propuestas de Medidas de Cumplimiento de las Recomendaciones de la Comisión Interamericana de Derechos Humanos, contenidas en el Informe sobre la Situación de las Defensoras y Defensores de los Derechos Humanos en las Américas, tendientes a la construcción de una política de Estado en la materia*, available at: Observatorio para la Protección de los Defensores de Derechos Humanos, MÉXICO: Defensores de derechos humanos frente a la mutación política y la violencia, February 2009, www.omct.org/pdf/Observatory/2009/Informe_Mision_Mexico.pdf, page 90 (visited 5 October 2009).

31 Programa Nacional de Derechos Humanos 2008-2012, available at http://www.derechoshumanos.gob.mx/archivos/anexos/PROGRAMA_NACIONAL_DE_DERECHOS_HUMANOS_2008-2012.pdf (visited 3 November 2009).

32 *Propuestas de Medidas de Cumplimiento de las Recomendaciones de la Comisión Interamericana de Derechos Humanos, contenidas en el Informe sobre la Situación de las Defensoras y Defensores de los Derechos Humanos en las Américas, tendientes a la construcción de una política de Estado en la materia*, available at: Observatorio para la Protección de los Defensores de Derechos Humanos, MÉXICO: Defensores de derechos humanos frente a la mutación política y la violencia, February 2009, www.omct.org/pdf/Observatory/2009/Informe_Mision_Mexico.pdf, page 7 (visited 5 October 2009).

33 “Precautionary and provisional measures fulfil subsidiary precautionary functions vis-à-vis the protections that correspond to state itself”. (IACHR, Report on the Situation of Human Rights Defenders in the Americas, 2006, para117).

GLOSSARY

<i>cacique</i>	Local political leader, often without official title.
CADHAC	Citizens in Support to Human Rights (Ciudadanos en Apoyo a los Derechos Humanos)
<i>campesino</i>	Local peasant farmer
CEDH	State Human Rights Commission (Comisión Estatal de Derechos Humanos)
CEDHAPI	Human Rights Centre and Consultancy for Indigenous Peoples (Centro de Derechos Humanos y Asesoría para los Pueblos Indígenas)
CEDHEM	Women's Human Rights Centre (Centro de Derechos Humanos de la Mujer)
CFE	Federal Electricity Commission (Comisión Federal de Electricidad)
CIAM	Integrated Centre for the Attention to Women (Centro Integral de Atención a las Mujeres)
CISO	Research and Workers' Solidarity Centre (Centro de Investigación y Solidaridad Obrera)
CNDH	National Human Rights Commission (Comisión Nacional de los Derechos Humanos)
CRDPIMP	Regional Council for the Development of the Indigenous Me' phaa Bathaa People – Bathaa-speaking (Consejo Regional para el Desarrollo del Pueblo Indígena Me' phaa de la Variante Lingüística Bathaa)
CTCJ	Technical Council of Jilotzingo Citizens (Consejo Técnico de Ciudadanos de Jilotzingo)
FCS	Sinaloan Civic Front (Frente Cívico Sinaloense)
FLOC	Farm Labour Organizing Committee (Foro Laboral del Obrero Campesino)
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
MNATEE	National Movement against High Electricity Tariffs (Movimiento Nacional contra las Altas Tarifas de Energía Eléctrica)
NHRC	Our Daughters Return Home (Nuestras Hijas de Regreso a Casa)
non-state actors	Refers to private individual or groups, not acting as representatives of a government or an armed group. The term encompasses individuals; groups that exert informal authority within a community; businesses, and so on.
OAS	Organization of American States
OFPM	Organization for the Future of Mixtecos Indigenous Peoples (Organización para el Futuro de los Pueblos Mixtecos)
OPIM	Organization of the Me' phaa Indigenous People (Organización de los Pueblos Indígena Me' phaa)
PGJE	State Attorney General's Office (Procuraduría General de Justicia del Estado)
PGR	Federal Attorney General's Office (Procuraduría General de la República)
Precautionary or preventive measures	International legal mechanisms to request that state authorities adopt the necessary measures to prevent irreparable harm to people whose safety is at risk.
PROFEPA	Federal Prosecutor's Office for the Protection of the Environment (Procuraduría Federal de Protección al Ambiente)
UDHR	Universal Declaration of Human Rights



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STANDING UP FOR JUSTICE AND DIGNITY

HUMAN RIGHTS DEFENDERS IN MEXICO

Mexico is a dangerous place for human rights defenders. They face threats, harassment and intimidation, spurious criminal charges and wrongful prosecution. Some activists have even been killed in relation to their human rights work.

Human rights defenders in Mexico work to highlight abuses by the military, police and non-state actors, and they campaign for the rights of Indigenous Peoples, migrants, women and those whose environmental rights are threatened. This often puts them on a collision course with authorities such as the police, or with powerful groups such as illegal loggers, landowners and anyone else who sees them as a threat to their vested interests.

Threats, attacks and killings of human rights defenders are rarely investigated effectively by either federal or state authorities. Although defenders may receive protection this only arrives after international pressure has been brought to bear on the authorities.

This report documents more than 15 cases of abuses against human rights defenders between 2007 and 2009. It is part of Amnesty International's work not only to stop attacks against human rights defenders, but also to enhance recognition of the importance of their work. It shows the courage of human rights defenders; despite the repression they face, they continue to risk their lives by standing up for justice, dignity and human rights.

The report ends with recommendations to the Mexican authorities, calling for urgent action to address abuse against defenders. A key element must be tackling impunity, which is endemic in Mexico and encourages a climate of intimidation, fear and insecurity.

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