

AMNESTY INTERNATIONAL

Public Statement

AI Index: AMR 41/018/2007 (Public)
News Service No: 088
25 May 2007

Mexico: The first anniversary of San Salvador Atenco – untouchable impunity?

One year on from the police operation in San Salvador Atenco, Mexico State, during which serious human rights violations were committed, including excessive use of force, unlawful killings, torture, arbitrary arrests, sexual assaults and breaches of the right to a fair trial, impunity remains rampant.

Amnesty International is deeply concerned at the lack of progress made in investigating these human rights violations and punishing those responsible. The violations, which have even been acknowledged by the National Human Rights Commission (CNDH) and judges from the country's Supreme Court (SCJN), have still not been properly investigated.

Amnesty International recognizes the State's responsibility to guarantee public order and the need to prosecute those responsible for the acts of violence that took place during the disturbances in Texcoco and San Salvador Atenco on 3 and 4 May 2006. However, the organization is concerned that there have been serious irregularities in the criminal prosecutions being brought against dozens of people accused of having been involved in the violence.

A case in point is that of Magdalena García Durán, a member of the Mazahua indigenous group. Despite the absence of evidence against her and on the basis of a series of breaches of due process and the right to a fair trial, Magdalena García Durán remains unjustly imprisoned. The behaviour of the Public Prosecutor's Office and the judiciary in Mexico State in this case, as well as in others, shows an alarming trend towards the dispensing of justice with no legal basis. According to reports received by Amnesty International, Magdalena García Durán did not advocate or participate in acts of violence and the organization therefore considers her to be a prisoner of conscience.

The conduct of the State and its officials should always conform to the international human rights standards to which Mexico is a party. The federal government should show leadership and comply with their international human rights obligations by ensuring that federal, state and municipal officials are subject to immediate, impartial and thorough investigations.

The lack of progress made in the investigations to clarify the deaths of two young men, Javier Cortés Santiago and Alexis Benhumea, is a matter of concern for Amnesty International.

The Office of the Special Prosecutor's Office for Crimes of Violence against Women should open criminal prosecutions in the cases of several women, such as Bárbara Italia Méndez, who bravely filed complaints alleging they had been subjected to torture, including sexual violence, by police officers. These women have still not received a proper response.

Amnesty International is concerned that, despite the evidence showing that human rights violations were committed against detainees, the state authorities have only charged one police officer with lewd acts (actos libidinosos) and 20 others with abuse of authority, both of

them minor offences. Such charges do not reflect the magnitude or seriousness of the violations suffered by the women and men detained.

The existence of impunity for human rights violations in Mexico is one of the most deep-seated factors preventing protection of those rights from being improved. The events that took place in San Salvador Atenco must not be yet another case in this long history of impunity.

Background information

On 3 and 4 May 2006, about 3000 federal, state and municipal police officers participated in an operation to put an end to protests which were being led by the peasant organization Frente de Pueblos en Defensa de la Tierra (FPDT) in Texcoco and San Salvador Atenco, Mexico State. The police operation resulted in the arrest of 207 people, the deaths of two civilians and injuries to dozens of demonstrators and police. Several police officers were also taken hostage. Amnesty International published a report entitled Violence against women and justice denied in Mexico State, AMR 41/028/2006, documenting the sexual violence suffered by several of the women detained.

At least 165 of the people detained are still facing trial for the aggravated offence of attacks on road links (ataques a las vías de comunicación), with 24 of them still in custody and facing an additional charge of kidnapping (secuestro equiparado).

The Supreme Court is currently carrying out a non-jurisdictional investigation into what happened.

Public Document

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