

PUBLIC

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10 January 2006

UA 09/06 Fear for safety/legal concern/ possible prisoner of conscience

MEXICO **Martín Barrios Hernández (m), human rights defender, president of the Human and Labour Rights Commission of Tehuacán Valley (*Comisión de Derechos Humanos y Laborales del Valle de Tehuacán*)**

Human rights defender Martín Barrios Hernández is being detained in the city of Puebla in southern Mexico on apparently fabricated criminal charges of committing blackmail. The state authorities have reportedly attempted to coerce him into agreeing to curtail his human rights work in exchange for his early release. On 5 January when he refused to sign such an agreement, prison guards allegedly entered his cell during the night in order to intimidate him. Amnesty International believes that he has been detained solely for carrying out his legitimate human rights work.

Martín Barrios Hernández is the president of the Human and Labour Rights Commission of Tehuacán Valley (*Comisión de Derechos Humanos y Laborales del Valle de Tehuacán*) in the State of Puebla. In recent months, the Commission has been supporting workers from the “*Calidad de Confecciones*” textile plant, who have been campaigning for greater rights. On November 22, 163 workers from the plant were fired. The workers subsequently filed a complaint for unfair dismissal.

Martín Barrios Hernández was detained after the textile plant owner filed a complaint against him with the *Procuraduría General de Justicia del Estado*, Public Prosecutor's Office. The owner alleged that Martín Barrios Hernández had visited his house to demand money in exchange for ending industrial action by factory workers. Prosecutors never informed Martín Barrios Hernández of the subsequent investigation, nor apparently did they seek further evidence of the offence beyond the businessmen's immediate family circle. Nevertheless, a state court judge issued an arrest warrant and Martín Barrios Hernández was detained on 29 December. He categorically denies the allegation made by the textile plant owner, and his defence lawyers provided 18 witnesses and video evidence to demonstrate that at the time he allegedly visited the businessman's house he was in a meeting with factory workers in another town. Despite this evidence, on 4 January the same state court judge committed Martín Barrios Hernández to trial and to be held in custody until his trial takes place. His trial could last for up to a year, and if he is found guilty he could be sentenced to a maximum of 10 years in prison.

In recent months, owners of *maquilas* (assembly plants) in the Tehuacan valley have made public accusations that Martín Barrios Hernández and the Human and Labour Rights Commission of Tehuacán Valley are responsible for organizing protests and strikes that discourage foreign investment. On 30 December 2003 he was seriously assaulted outside his home (see UA 26/04, AMR 41/004/2004, 21 January 2004). No one has yet been brought to justice for the attack.

BACKGROUND INFORMATION

The Human and Labour Rights Commission has worked to publicize and improve the poor conditions faced by many workers in *maquilas*. These include poor salaries, long working hours, restrictions on forming trades unions and health risks posed by chemicals used in production.

Fabricated criminal charges and unfair criminal procedures are still used in Mexico in order to deter human rights defenders, social activists and others opposing the abuses of power at a local level.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- calling on the authorities to guarantee the safety of human rights defender Martín Barrios Hernández, who was detained on 29 December on charges of blackmail;
- calling for any threats or intimidation against him to be investigated and those responsible brought to justice;
- urging the authorities to guarantee that any judicial proceedings against Martín Barrios Hernández are conducted according to international fair trial standards, and that he will have the right to equality before the law and presumption of innocence, and criminal charges that are unfounded to be dropped and for him to be released;
- calling on the authorities to carry out an exhaustive and independent investigation into the detention and prosecution of Martín Barrios Hernández, and for the results to be public;
- reminding the authorities that the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Liberties recognizes the legitimacy of the activities of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals

APPEALS TO:

State Governor of Puebla

Lic. Martio Marin Torres

Gobernador del Estado de Puebla

14 Oriente, No. 1006, Colonia El Alto, Puebla, México

Fax: +52 222 213 8805

E-mail: gobernador@puebla.gob.mx

Salutation: Dear Governor/ Estimado Gobernador

Attorney General of Puebla

Maestra Blanca Laura Villeda Martínez

Procuradora General de Justicia del Estado de Puebla

Boulevard 5 de mayo y 31 Oriente, Colonia Ladrillera de Benitez, Puebla, Puebla, CP 72539, Mexico

Fax: + 52 222 240 8105

E-mail: titular.pgj@puebla.gob.mx

Salutation: Dear Attorney General/Estimada Procuradora

President of Mexico

Lic. Vicente Fox Quesada

Presidente de los Estados Unidos de México

Residencia Oficial de "Los Pinos", Col. San Miguel Chapultepec, México, D.F. Mexico

Fax: +52 5 55 2 77 23 76

Salutation: Dear President/Estimado Presidente

Director of Human Rights – Interior Ministry

Dr. Ricardo Sepúlveda

Secretaría de Gobernación

Reforma 99, PISO 21, PH, Colonia Tabacalera, C.P. 06030, México D.F. México

Fax: + 52 55 51 28 02 34 (if someone answers say: "tono de fax, por favor")

Salutation: Dear Sir/Estimado Doctor

COPIES TO:

Human rights organization

Comisión de Derechos Humanos y Laborales del Valle de Tehuacán

Boulevard Heroe de Nacozary 210, Colonia Zaragoza, Tehuacan, C.P. 75770 Puebla, Mexico

Human rights organization

Centro de Derechos Humanos "Miguel Agustín Pro Juárez" A.C., (PRODH)

Serapio Rendon 57-B, Col. San Rafael, 06470, México D.F. Mexico

and to diplomatic representatives of Mexico accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 February 2006.