

## **Mexico: Time to end the injustice -- release Rodolfo Montiel and Teodoro Cabrera**

*The shameful imprisonment of the two environmentalists and prisoners of conscience, Rodolfo Montiel and Teodoro Cabrera, is to continue following the judicial decision to grant them only a limited appeal (amparo para efectos), Amnesty International said today*

*"This decision means that the injustice suffered by these two prisoners of conscience will be prolonged," the organization added.*

*In March this year, in a meeting with Amnesty International's Secretary General Pierre Sané, President Fox stated his determination to tackle the legacy of Mexico's past human rights violations, including securing the release of Rodolfo Montiel and Teodoro Cabrera.*

*"Now is the time to start making good on these assurances and take the necessary steps to ensure that these victims of gross injustice and human rights violations are released immediately and unconditionally," Amnesty International said.*

*"The international community is waiting to see whether President Fox's administration can begin to deliver on their wide-ranging commitments to transform Mexico's human rights record."*

*The recent decision of the Tribunal Colegiado in Chilpancingo, Guerrero, to grant a limited appeal falls well short of a full appeal (amparo), which would have resulted in the two men's immediate release pending a full review of their conviction. Despite these serious limitations, as a result of this decision the federal court of appeal in Guerrero -- which upheld their initial conviction -- is now compelled to reconsider vital medical evidence supporting allegations that the two men were tortured.*

*"To ignore this evidence indicating torture would send a clear message both nationally and internationally: torture is allowed and impunity prevails," Amnesty International said.*

*At a time when the Special Rapporteur on the Independence of Judges and Lawyers is visiting Mexico, this would demonstrate clearly how elements within Mexico's criminal justice system virtually ensure the continuing practice of torture and ill-treatment, and how the judiciary is unwilling to confront the use of this abhorrent crime.*

### **Background**

*On May 2, 1999 Montiel and Cabrera were arrested by members of the Mexican Army's 40th Infantry Battalion in Pizotla, Guerrero. They were illegally held in military custody for five days, during which time they were tortured and forced to sign blank pieces of paper later submitted at their trials as confessions to drug and weapons crimes. In July 2000, Mexico's own National Human Rights Commission (CNDH) concluded that Montiel and Cabrera had been illegally detained and tortured by soldiers. In August 2000 a federal judge convicted them on drug and weapons possession charges based on the confessions elicited under torture by members of the 40th Battalion. In October an appeals magistrate upheld the conviction and sentence. The recent decision of the Tribunal Colegiado is in response to the appeal petition lodged by the two men's lawyers on 13 March 2001. Despite the failure of the court to seize the chance to begin righting the wrongs suffered by the men, the limited appeal granted does provide a vital opportunity for securing the unconditional release of the two men by throwing out their original conviction*

*Amnesty International believes both men were arrested and convicted solely because of their peaceful environmentalism and as such are prisoners of conscience who should be immediately and unconditionally released.*

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566

Amnesty International, 1 Easton St., London WC1X 0DW web : <http://www.amnesty.org>