

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI index: AMR 41/063/2010
31 August 2010

Mexico: Amnesty International welcomes the release of prisoner of conscience Raúl Hernández

Amnesty International (AI) welcomes the release of prisoner of conscience Raúl Hernández who was imprisoned for more than 2 years in Guerrero state on fabricated criminal charges. After his acquittal by a Guerrero state court judge on 27 August 2010, the organization is calling for an investigation into his unfounded prosecution and for him to be fully compensated for his unfair imprisonment.

Raúl Hernández was arrested and accused of the murder of Alejandro Feliciano García on 1 January 2008 in the community of El Camalote, Guerrero state. However, eyewitness statements that established that Raúl Hernández was not present when the murder took place were not taken into account. AI has campaigned for his freedom since November 2009, when he was adopted as a prisoner of conscience.

During evidential proceedings, the state court judge carried out a crime scene inspection which confirmed that evidence by witnesses who claimed that Raúl Hernández was present during the murder were baseless.

AI believes that the case against Raúl Hernández was a reprisal by local authorities for his legitimate activities promoting indigenous rights with the Me'phaa Indigenous peoples' Organization (Organización del Pueblo Indígena Me'phaa ,OPIM) and for highlighting abuses committed by local caciques (political bosses), military personnel and authorities.

The authorities have frequently manipulated the justice system to punish those people that promote respect for the rights of marginalized communities and raise their voices to demand their rights. The unfair and prolonged detention of Raúl Hernández is emblematic of the systematic persecution of members of the OPIM in Guerrero state and the regular threats and attacks suffered by human rights defenders in Mexico.

The government of Mexico must urgently develop an effective protection programme for human rights defenders.

The case of Raúl Hernández illustrates the vulnerability of human rights defenders in Mexico. Not only are they victims of unlawful detentions and imprisonment on unfounded charges, but they also face harassment, intimidation, threats and even killings.

Background Information

On 17 April 2008 Manuel Cruz, Orlando Manzanarez, Natalio Ortega, Romualdo Santiago y Raúl Hernández were detained on charges of killing Alejandro Feliciano García on 1 January 2008. The five members of the OPIM were arrested by the army at a military checkpoint. Four of them were later released after federal judicial review (amparo). Arrest warrants were also issued against 10 other members of the OPIM in connection with the killing, but were not enforced.

The federal review judge refused to dismiss the case against Raúl Hernández, arguing that two witnesses had testified to his presence during the crime. However, the judge did not take into account other eyewitness statements that he was not present. The case was returned to the state courts where the defence lawyers secured further evidential hearings, one of which confirmed that the prosecution's eyewitnesses had provided unreliable testimony. The not guilty verdict on 27 August resulted in Raúl Hernández's acquittal and his immediate release from custody.