

URGENT ACTION

DETAINEES AT RISK OF TORTURE AND UNFAIR TRIAL

A priest and 10 other men have been detained and accused of killing two local officials in San José del Progreso municipality, Oaxaca state, southern Mexico. They are at risk of torture or other ill-treatment in detention and an unfair trial.

On 18 June the leader of the municipal government in San José del Progreso and another official were shot dead when their supporters met local opposition activists in the Cuajilote area of the municipality. The circumstances of their killing are unclear. Shortly afterwards, supporters of the municipal leader abducted and beat a Catholic priest, **Father Martín Octavio García Ortiz**, who was in San José del Progreso to lead a mass. The abductors apparently beat him and threatened to kill him unless he was prosecuted for inciting the murders. On 19 June, the priest was taken into custody by the Oaxaca State Attorney General's Office (Procuraduría General de Justicia del Estado, PGJE). He is being held under guard in hospital, where he is being treated for injuries sustained when he was beaten.

Father Martín García has been placed in pre-charge detention (arraigo) on the order of a judge, along with 10 men on suspicion of the two murders. The men are local community activists who have opposed the former municipal president's support for the exploitation of gold and silver deposits by a mining company. All 11 men will remain in arraigo for at least 30 days while police and PGJE investigators decide whether they will be charged. Despite contradictory accounts of the killings and evidence that Father Martín García was not involved, the PGJE has already issued statements attributing the deaths to the community activists opposed to the mine. Amnesty International believes these statements violated the detainees' right to be presumed innocent and to a fair trial. In many cases documented by Amnesty International, the Oaxaca PGJE and police have tortured and ill-treated detainees to extract false testimony. The PGJE has prosecuted people on spurious grounds for political reasons, denying them a fair trial. Close links between community supporters of the mining operation and the local governing party in the state may place Father Martín García at risk of reprisal attacks while he is in hospital. The authorities must guarantee relatives of the deceased access to justice, uphold the rights of the detainees and ensure a full and impartial investigation.

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- Calling for the safety of Father Martín Octavio García Ortiz and 10 other men held in detention to be guaranteed and ensure that they are not subject to torture or any other form of ill-treatment;
- Calling for them to be subject to international fair trial standards, including access to medical attention, legal defence council and family visits. They must be charged with a recognizable criminal offence or released;
- Calling for a full, prompt, impartial and independent investigation into the killing of the two municipal officials in San José del Progreso, Oaxaca state and for those responsible to be brought to justice in a fair trial.

PLEASE SEND APPEALS BEFORE 06 AUGUST 2010 TO:

Minister of the Interior

Lic. Fernando Francisco Gómez
Mont

Secretaría de Gobernación
Bucareli 99, 1er. piso,
Col. Juárez, Del. Cuauhtémoc,
México D.F., C.P.06600, MEXICO

Fax: +52 55 5093 3414

E-mail: secretario@segob.gob.mx

Salutation: Señor Secretario/

Dear Minister

Governor of Oaxaca state

Lic. Ulises Ruiz Ortiz
Gobernador del Estado de Oaxaca
Carretera Oaxaca-Puerto Ángel, Km.
9.5, Santa María Coyotepec,
Oaxaca C.P. 71254, Oaxaca,
MEXICO

Fax: +52 951 502 0530

(ask for the fax: "el tono de fax, por favor")

Salutation: Estimado Gobernador/

Dear Governor

And copies to:

Regional Human Rights Centre
"Bartolome Carrasco Brisño",
(Centro Regional de Derechos
Humanos, "Bartolome Carrasco
Briseño"),

Email: barcadh09@gmail.com

Also send copies to diplomatic representatives of Mexico accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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PRIEST AND 10 OTHER MEN DETAINED IN MEXICO

ADDITIONAL INFORMATION

Father Martín García is a human rights defender who has promoted the rights of poorer community members, including their right to oppose the mining operation, which some local people claim is damaging the environment. The municipal leader who was killed, and others in favour of the mine, had previously falsely accused Father Martín García in public statements of involvement in armed opposition groups, in an attempt to undermine his credibility as a human rights defender. Tensions between the two sides of the community have been increasing.

Amnesty International has repeatedly called for the end of the use of pre-charge detention orders (arraigo) which violate the presumption of innocence and make detainees vulnerable to coercion and ill-treatment. Human rights defenders who raise awareness of the rights of marginalized communities are often slandered and presented as trouble makers by local authorities, encouraging harassment and persecution. Mining operations in several rural communities in different parts of Mexico have created a context for polarization and violence in affected communities, with those opposed to mines often treated as subversives.

UA: 142/10 Index: AMR 41/046/2010 Issue Date: 25 June 2010

