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HUMAN RIGHTS DEFENDERS NETWORK ACTION UPDATE
Misuse of the judicial system to persecute HRDs in
Colombia and Mexico

To: Human Rights Defenders Network (Americas)
From: Human Rights Defenders Program (Americas)

Mexico

Amnesty International welcomes the release of two prisoners of conscience from Mexico. The organization remains seriously concerned about the way the judicial system was misused to harass human rights defenders in order to prevent them from carrying out important human rights work. Weaknesses of the judiciary at state level, where the prosecution services are not adequately supervised by the judiciary or independent of the executive, means defenders may continue to be falsely charged in order to hinder them from working on human rights issues.

Environmental activists Isidro Baldenegro and Hermenegildo Rivas were released on 23 June, after all charges against them were dropped. National and international pressure was vital in securing this action by the authorities. Isidro Baldenegro told the newspaper *La Jornada* that he was "now even more determined [to carry on his work in defence of the environment], because this experience has shown us that there are people who are prepared to help us" (*ahora con más ganas, porque con esta experiencia ya sabemos que sí hay gente dispuesta a ayudarnos*).

Both men are members of the indigenous *Rarámuris* (or *Taraumaras*) community of Coloradas de la Virgen, in Chihuahua State, where they had been among the leaders of their community's struggle against unregulated logging in the region. In retaliation for their work, officers of the state judicial police (*agentes de la policía judicial del estado*) detained them in March 2003, and charged them with illegal possession of firearms. Isidro Baldenegro was also charged with possession of marijuana.

In April 2004 the Internal Affairs Unit of the state Attorney General's Office (*Procuraduría General de Justicia del Estado de Chihuahua*), which deals with complaints against the judicial police, concluded that the officers who detained the two men had fabricated the evidence against them. Despite this, the federal prosecutor continued proceedings against the two men until the federal Attorney General dropped the charges against them.

Amnesty International welcomes the men's release. Both are members of the environmental organisation *Fuerza Ambiental*, which believes that their lives are still in danger, as Isidro Baldenegro has said that he intends to carry on his environmental activism in the face of opposition from vested local interests. Amnesty International therefore remains concerned for the men's safety, and that of their families.

The authorities should conduct a full investigation into how they came to be detained and charged in order that those responsible are appropriately disciplined and that the two men receive adequate reparations for the detention and prosecution. The federal authorities should also guarantee the protection of the two men and their families who may face reprisals for drawing national and international attention to the case and the environmental and indigenous issues of their community in Coloradas de la Virgen.

Furthermore, the authorities must take steps to implement effectively the United Nations *Declaration on the Right and Responsibility Of Individuals, Groups and Organs of Society to*

Promote And Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly known as the UN Declaration on Human Rights Defenders, to ensure that activists such as Isidro Baldenegro and Hermenegildo Rivas, who peacefully and legitimately campaign for the protection of their communities' rights are not threatened, harassed, imprisoned or subject to malicious prosecution, but rather are recognised and supported in their struggle.

Colombia

Amnesty International continues to be concerned that the existence of judicial investigations against several members of the Colombian non-governmental organization *Comisión Intereclesial de Justicia y Paz*, Inter-ecclesiastical Justice and Peace Commission are politically motivated in order to discredit and therefore silence the work of Justice and Peace and detract attention from serious cases of abuse exposed by the organization

Please send appeals to your government's foreign relations/affairs department/ministry/office.

In their contacts with their Colombian and Mexican counterparts, urge your government to:

- Express concern at the way the judicial system in Colombia and Mexico is misused to harass and threaten human rights defenders using the cases of Isidro Baldenegro and Hermenegildo Rivas and Justice and Peace to illustrate your point;
- Call on the governments of Colombia and Mexico to develop national plans of action to implement the UN Declaration on Human Rights Defenders as an important first step to ensure that human rights defenders are able to carry out their legitimate work without fear of arbitrary detention;

2. Please renew your appeals to the presidents of Colombia and Mexico:

- Express concern at the way the judicial system in Colombia and Mexico is misused to harass human rights defenders using the cases of Isidro Baldenegro and Hermenegildo Rivas and Justice and Peace to illustrate your point;

Mexico

- welcoming the release of environmental activists Isidro Baldenegro and Hermenegildo Rivas;
- calling on the authorities to guarantee their safety and that of their families;
- urging the authorities to ensure the two men receive appropriate compensation for their false imprisonment;
- calling for all members of the state judicial police involved in fabricating charges against the two men to be immediately brought to justice;
- reminding the authorities of their duty to guarantee the right of communities to campaign against logging operations and protect the environment, and calling on them to effectively implement the UN Declaration on Human Rights Defenders.

Colombia

- Expressing concern that in the case of Justice and Peace, criminal charges may be used to punish and prevent HRDs from carrying out legitimate human rights work.
- Urge the authorities to ensure that any criminal investigation against members of Justice and Peace comply with domestic and international standards regarding due process, the right to an adequate defence and fair trial.

For further information about these cases and other issues concerning human rights defenders in the Americas please see:

Amnesty International Memorandum to the European Union and EU Member States: Addressing dangers and difficulties faced by human rights defenders in Latin America and Caribbean States, (AMR 01/005/2003), March 2003

“Essential actors of our time”: Human rights defenders in the Americas, (AMR 01/009/2003), November 2003

Mexico: Prisoners of Conscience: Indigenous environmental activists Isidro Baldenegro López and Hermenegildo Rivas Carrillo, (AMR 41/051/2003), 19 December 2003

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