

PUBLIC

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UA 11/09 Fear for safety

MEXICO Up to 45 migrants in San Cristobal de las Casas Municipality, Chiapas State

On 9 January, Chiapas state police officers shot at a van carrying around 45 undocumented migrants in San Cristobal de las Casas Municipality. Three of the migrants were killed and a further eight were seriously injured. Amnesty International fears that the migrants who have testified against those responsible for the attack may be at risk of reprisals.

According to the testimony of several of the migrants, in the early hours of 9 January they were travelling in the back of a van in San Cristobal de las Casas Municipality. Four Chiapas state police officers chased the van, and used a loudspeaker to demand that it pull over. When the van continued to drive on despite these warnings, the police officers opened fire on the van. One migrant travelling in the back of the van later described how the state police “shot at us like animals” (*nos dispararon como animales*).

The van, carrying migrants from El Salvador, Honduras, Guatemala, Ecuador and China, eventually crashed into a tree. Several of the migrants ran out of the van into the undergrowth at the side of the road and escaped the police. No more is known about their current whereabouts. Eight migrants were seriously injured and taken to hospital in the city of Tuxtla Gutiérrez, while the bodies of the three people shot dead were removed from the van. Six of the group remain in Tuxtla Gutiérrez hospital.

The remaining migrants were detained by the police and taken to testify at the state police station in Tuxtla Gutiérrez, where they were held in a cell. A local human rights organization seeking to provide the migrants with legal advice was denied permission to see them by representatives of the State Public Prosecutor’s Office (*Procuraduría General de Justicia del Estado*). According to this organization, the migrants were also denied access to their consular representatives.

The detained migrants were handed over to officials from the National Migration Institute (*Instituto Nacional de Migración*, INM) on 10 and 11 January. The migrants from Central America were sent to Tapachula Migration Detention Centre (*Estación Migratoria*) on the border with Guatemala and deported within a matter of days. The South American and Chinese migrants were sent to Iztapalapa Migration Detention Centre in Mexico City, where they are still being held. They may remain there for some time. All migrants who witnessed the shooting may be at risk of being threatened, harassed or intimidated as a result of their testimony against the police officers.

A preliminary investigation has been opened and three members of Chiapas state police have been arrested on charges of “homicide” (*homicidio*) and “injuries” (*lesiones*). The National Human Rights Commission has opened an investigation into the abuses against the migrants.

BACKGROUND INFORMATION

Hundreds of thousands of people attempt to travel through Mexico from central and South America every year to reach the USA. Many are detained by the Mexican migration authorities and returned to their countries of origin. Amnesty International recently visited Mexico to investigate reports of human rights violations against these people. They found that many had been kidnapped by gangs, sometimes with the complicity of local officials. These gangs and the corrupt officials are rarely brought to justice and people who file complaints

against them may face reprisals and swift deportation. This impunity has allowed abuses against the migrants, who are extremely vulnerable, to increase since about 2003, despite government commitments to ensure respect of migrants' rights.

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

- calling on the authorities to provide the migrants who were travelling in the van that was shot at on 9 January with temporary visas and protection, so they can testify against those responsible without fear of reprisals or repatriation;
- ensure that all migrants involved in the incident have access to legal advice, consular officials and adequate medical attention;
- calling for a full, prompt and impartial investigation into the deaths of three migrants and injuries to eight others by state police including the procedures used to detain irregular migrants;
- calling for those responsible to be held to account and for the victims and relatives to receive reparations;
- call for the authorities to ensure that all irregular migrants who are victims of crimes are able to report the offences and assist in the investigation without fear of reprisal or deportation; and that they have access to consular officials, legal advice and medical attention.

APPEALS TO:

Governor of Chiapas

Lic. Juan José Sabines Guerrero
Gobernador del Estado de Chiapas
Palacio de Gobierno, 1º piso, Col. Centro,
C.29000, Tuxtla Gutiérrez, Chiapas, México

Fax: +52 961 618 8050. You will then be asked for an extension number, type in: 21122

Email: juansabines@chiapas.gob.mx

Salutation: Dear Governor/Señor Gobernador

Minister of Justice of Chiapas state

Lic. Amador Rodríguez Lozano
Ministro de Justicia del Estado de Chiapas
Libramiento Norte s/n, tercer nivel
Col. Infonavit "El Rosario", CP 29049, Tuxtla Gutiérrez, Chiapas, México

Fax: + 52 961 61 657 24

Email: arodriguez@mje.chiapas.gob.mx

Salutation: Dear Minister/ Señor Ministro

Human Rights Commission of Chiapas

Lic. Juan Carlos Moreno Guillén
Presidente de la Comisión de los Derechos Humanos de Chiapas
Comisión de los Derechos Humanos de Chiapas
Boulevard Comitán 143, Col. Moctezuma
Tuxtla Gutiérrez, Chiapas, México

Fax: +52 961 639 6615 (if someone answers, say: "me da tono de fax, por favor")

Salutation: Dear President/ Señor Presidente

COPIES TO:

Fray Bartolomé de Las Casas Human Rights Centre

Centro de Derechos Humanos Fray Bartolomé de Las Casas, A.C.
Calle Brasil 14, Barrio Mexicanos, 29240 San Cristóbal de Las Casas, Chiapas, México

Email: accionurgente@frayba.org.mx

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 26 February 2009.