

PUBLIC

AI Index: AMR 41/004/2003

3 February 2003

UA 33/03

Fear for safety

MEXICO

Inés Fernandez (f)
Fortunato Prisciliano (m), her husband
Other residents of Barranca Tecoani, Guerrero state

Amnesty International is concerned for the safety of Inés Fernandez, her husband Fortunato Prisciliano, and other civilians in the village of Barranca Tecoani, Ayutla municipality, Guerrero state. Soldiers from the Mexican army have reportedly intimidated Fortunato Prisciliano and harassed other residents of the municipality, after the couple lodged a legal complaint alleging that army personnel raped Inés Fernandez in March 2002.

On 16 January 2003, 22 members of the 48 Infantry Battalion of the Mexican army reportedly entered Barranca Tecoani village. Four armed soldiers went to the home of Fortunato Prisciliano and Ines Fernandez. The soldiers allegedly demanded repeatedly for over half an hour that Fortunato Prisciliano withdraw the allegation of rape. Fortunato Prisciliano refused to accept their demands. Two days later, on 18 January, the same soldiers approached Fortunato Prisciliano again but he insisted that he would not withdraw the charge. The soldiers then set up camp in the municipality for ten days, reportedly intimidating and harassing local people.

The alleged rape took place on 22 March 2002, when three soldiers reportedly entered the house of Inés Fernandez and Fortunato Prisciliano in Barranca Tecoani village. According to reports, the soldiers pointed their guns at her, and told her they were looking for her husband. When they could not find her husband, the three soldiers allegedly raped her.

Since they reported the rape to the *Ministerio Publico* (Public Prosecutors' Office) in March 2002, Fortunato Prisciliano and Inés Fernandez have not been informed of any action taken by the authorities. The doctors who examined her have not so far provided a medical report. The military prosecutor has reportedly assumed jurisdiction for the case. Amnesty International has campaigned over many years for the serious human rights violations allegedly committed by the military to be tried by the civilian courts as the only effective measure of ensuring there is a full, impartial and prompt investigation and those responsible are brought to justice.

BACKGROUND INFORMATION

This is not the first case of army intimidation and alleged sexual assault in Guerrero state that Amnesty International has documented within a year. In March 2002 Valentina Rosendo was reportedly beaten and sexually assaulted by members of the Mexican army near her house in the village of Barranca Bejuco, Acatapec municipality (see UA 73/02, AMR 41/012/2002, 12 March 2002). The military prosecutor has also assumed control of the case, but there has reportedly been no advance in the investigation.

There is a heavy military presence in many parts of Guerrero state, ostensibly to combat armed opposition groups and drug trafficking. This, together with the presence of armed opposition groups, has contributed to the grave human rights situation in the state. Over the years there have been persistent reports of soldiers committing human rights violations including torture and extrajudicial killings. The system of military justice that investigates and tries such cases virtually ensures impunity for all those responsible.

In the last decade there have been a number of reports of sexual assaults by military personnel, particularly of indigenous women. In virtually all cases, the military authorities maintain jurisdiction and the perpetrators enjoy impunity.

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

- expressing concern for the safety of Inés Fernández, her husband, Fortunato Prisciliano and other residents of Ayutla municipality, Guerrero state, following reports that they have been intimidated by army personnel;
- calling on the authorities to guarantee their safety;
- urging the authorities to investigate allegations that military officials intimidated and put pressure on Fortunato Prisciliano to withdraw a complaint;
- urging the authorities to carry out a prompt and thorough investigation by the civilian authorities into the alleged assault on Inés Fernandez on 22 March 2002, with the findings made public and those responsible brought to justice;
- calling on the authorities to ensure that all serious human rights violations committed by the armed forces are investigated by civilian authorities.

APPEALS TO:

President of the Republic

Lic. Vicente Fox Quesada

Presidente de los Estados Unidos Mexicanos

Residencia Oficial de "Los Pinos"

Col. San Miguel Chapultepec

México D.F., C.P. 11850, MÉXICO

Telegram: President, Mexico D.F., Mexico

Fax: + 52 5 2 77 23 76

Salutation: Señor Presidente / Dear Mr President

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha

Procurador General de la Republica

Procuraduría General de la República

Reforma Norte esq. Violeta 75

Col. Guerrero

Delegación Cuauhtémoc

México D.F., C.P. 06300, MEXICO

Telegram: Procurador General, Mexico D.F., Mexico

Fax: + 52 5 3 46 09 83 (if someone answers, ask for the fax: "me da tono de fax, por favor")

Salutation: Señor Procurador General / Dear Attorney General

Minister of National Defence

Gral. Gerardo Clemente Ricardo Vega García

Secretario de la Defensa Nacional

Secretaría de la Defensa Nacional

Bulevar M. Ávila Camacho esq. Industria Militar S/N

Col. Lomas de Sotelo, Delegación Miguel Hidalgo

México D.F., C.P. 11640, MEXICO

Telegram: Secretario de la Defensa Nacional, Mexico D.F., Mexico

Fax: + 52 5 3 95 29 35 (if someone answers, ask for the fax: "me da tono de fax, por favor")

Salutation: Señor Secretario / Dear Minister

President of the National Commission of Human Rights

Dr. José Luis Soberanes Fernández

Presidente de la Comisión Nacional de Derechos Humanos (CNDH)

Periférico Sur 3469, 5o piso

Col. San Jerónimo Lídice

México D.F. 10200, MÉXICO

Telegrams: Presidente de la CNDH, Mexico D.F., MEXICO

Fax: + 52 5 6 81 84 90

Salutation: Estimado Sr. Presidente / Dear President

COPIES TO:

Human Rights Organization

Centro de Derechos Humanos de la Montaña Tlachinollan, A.C

Calle Mina No.26

Colonia Centro

CP 41304 Tlapa, Guerrero, MEXICO

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 17 March 2003.