

UA 253/02

Fear for

MEXICOGerardo Alavez García (m)] Zapotec Indians and
Nazario López Alavez (m)] members of the
Félix Alavez Cruz (m)] Popular Indigenous
Gustavo Pérez Alavez (m)] Council of Oaxaca -
Marcelino Alavez Cruz (m)] "Ricardo Flores Magón"
Miriam Alavez (f), aged 5, Zapotec Indian

Amnesty International fears for the safety of the six Zapotec Indians (*indígenas zapotecos*) named above. They are from San Isidro Aloapan, in the parish of Iyshioni, Oaxaca State, and the five adults are members of the *Consejo Indígena Popular de Oaxaca "Ricardo Flores Magón"*, (CIPO-RFM), Popular Indigenous Council of Oaxaca "Ricardo Flores Magón". The five men are detained in Ixtlan prison, Oaxaca. The whereabouts of five-year-old Miriam Alavez, who went missing at the time the five men were detained, remain unknown.

The five men were taken away on 11 August by a large contingent of armed men led by the Municipal President of nearby San Miguel Aloapan, from the state governing party, *Partido Revolucionario Institucional* (PRI), Institutional Revolutionary Party. The five men were first taken to San Miguel Aloapan and the following day were taken to Ixtlan prison. According to reports, all five men were beaten.

The five men were part of a group of people, apparently including Miriam Alavez and others, involved in replanting trees in the area. The armed group of supporters of the local municipal president arrived in the area and insulted and allegedly attacked the group. In the confusion, Miriam Alavez went missing, and has not been seen since.

A number of other people were reportedly seriously injured in the clash. There is concern that they have not been provided with medical attention, which was said to have been promised by the authorities. Members of the preventive police (*policía preventiva*) arrived but reportedly did nothing to prevent the violence and subsequently left the scene. Local human rights defenders have expressed concern that although the authorities had been told that an incident such as this might arise, no adequate measures were put in place to safeguard the security of the local community.

Indigenous people in the community of San Isidro Aloapan, Oaxaca, have been involved in a long-standing dispute with the authorities over local woodland resources. In 2000, they submitted a legal challenge before the *Tribunal Unitario Agrario* (Agrarian Tribunal) in an attempt to resolve the situation and uphold their rights to the land and its resources. They claim that the local authorities have mounted a series of false accusations against members of the community living in San Isidro Aloapan, who have also been subjected to threats, arbitrary arrest and ill-treatment.

This incident is also the latest in a long line of threats and harassment against the CIPO-RFM. In February, Raúl Gatica, indigenous rights defender and head of the CIPO-RFM, human rights defender Reyna Pérez Hernández, and Procoro Pascual received several death threats (see UA 21/01, AMR 41/005/2001, and follow-up, AMR 41/010/2002, 26 February 2002). Raúl Gatica's life is reportedly still in danger.

BACKGROUND INFORMATION

Human rights defenders and community activists are frequently the target of threats and harassment in Oaxaca State. Those responsible are usually never brought to justice.

Although the Law of Indigenous Customs, *Ley de Usos y Costumbres* was passed in Oaxaca state in 1998, indigenous people are often denied their rights in practice, fuelling conflict within communities. At the local level of government, the ruling PRI is reported to play an important role in protecting those responsible for human rights violations, allowing perpetrators to continue committing human rights violations with impunity.

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

- expressing concern for the safety of five-year-old Miriam Alavez, who went missing on 11 August, and calling on the authorities to carry out an immediate investigation to clarify her whereabouts;
- calling for an immediate and full investigation into reports that the five men detained on 11 August have been beaten, and for those responsible to be brought to justice;
- calling for the detainees to be granted immediate access to any medical attention they may need, a lawyer and relatives;
- calling for their immediate and unconditional release unless charged with a recognizable criminal offence;
- calling for an immediate investigation into the violence that took place on 11 August, and for those responsible to be brought to justice;
- urging that those injured during the incident be granted immediate access to medical attention;
- urging the authorities put in place measures to guarantee the safety of the community of San Isidro Aloapan and all members of the Popular Indigenous Council of Oaxaca "Ricardo Flores Magón" (CIPO-RFM) in order to prevent the recurrence of similar incidents;
- reminding the authorities that the Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Liberties, approved by the General Assembly of the United Nations on 9 December 1998, is a clear recognition of the legitimacy of the activities of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals.

APPEALS TO:

Governor of Oaxaca

Lic. José Murat Casab
 Gobernador del Estado de Oaxaca
 Palacio de Gobierno
 Bustamante s/n, Oaxaca
 Oaxaca 68000 MÉXICO

Telegrams: Gobernador del Estado de Oaxaca, Oaxaca, México

Faxes: + 52 951 516 3737

Salutation: Señor Gobernador / Dear Governor

Attorney General of Oaxaca

Lic. Sergio H. Santibañez Franco
 Procurador del Estado de Oaxaca
 Avenida Luis Echeverría s/n, La Experimental
 San Antonio de la Cal, Oaxaca

Oaxaca 71236 MÉXICO

☎ **Procurador del Estado de Oaxaca, Oaxaca, México**

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Salutation: Dear Attorney/ Señor Procurador

Human Rights Commission of Oaxaca

Dr. Sergio Segreste Ríos

Presidente de la Comisión de Derechos

Humanos del Estado de Oaxaca

Calle de los Derechos Humanos No. 210

Col. América

68050, Oaxaca, Oax.

MÉXICO

☎ **Presidente de la Comisión de Derechos, Oaxaca, México**

Faxes: + 52 951 513 5185 /3 5197 /3 5191 (please ask : "¿me da tono por favor?")

Salutation: Dear Attorney/ Señor Procurador

COPIES TO:

Human Rights Organization

Red Oaxaqueña de Derechos Humanos (RODH)

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Col. San Felipe del Agua,

Oaxaca de Juárez, C.P. 68020

MEXICO

Fax: + 52 951 516 4365 (please ask : "¿me da tono por favor?")

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 24 September 2002.