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Gobernador
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Ciudad Administrativa Benemérito de las Américas
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Estado de Oaxaca
MEXICO

London, 10 December 2010

Dear Governor,

Amnesty International is a non-governmental international organization working to promote human rights throughout the world. I am writing to you today - International Human Rights Day - in your capacity as the new Governor of Oaxaca State in order to raise some of the concerns the organization has documented with regard to the human rights situation in the state.

Your new government has an unprecedented opportunity to build a culture of respect for human rights and to make them a reality in the day-to-day endeavours of state and municipal authorities. I hope that you will define your administration's policy by adopting a human rights action plan based on open consultation with local human rights organizations. I trust that this letter, which is open and public, will be useful in helping to identify what action needs to be taken with regard to four specific aspects of the human rights situation: abuses against irregular migrants, attacks on human rights defenders, the situation in the Triqui region and the question of impunity for the human rights violations committed in the context of the 2006 crisis.

In April 2010 Amnesty International published the attached report, entitled "Invisible Victims. Migrants on the move in Mexico", on the abuses suffered by irregular migrants, mainly from Central America, who are passing through Mexico. More recently, on 6 December, the organization screened in Oaxaca a documentary called "The Invisibles", which was made in collaboration with actor and director Gael García Bernal (www.youtube.com/invisiblesfilms). Both the report and the film detail the involvement of many authorities in the abuses suffered by migrants and point to the lack of effective action taken against the perpetrators. In the course of our research, we found Oaxaca State to be fertile ground for such abuses and that there is a lack of decisive, coordinated and timely action on the part of the state to protect migrants and end impunity.

Defending human rights continues to be a high risk activity in the state. Amnesty International has documented several cases in which human rights defenders have been subjected to threats and intimidation or killed over the past few years because of their legitimate work. Since 2007, lawyer Alba Cruz, who works in Oaxaca city, has been subjected to a pattern of death threats and intimidation in reprisal for her work with victims of torture, unfounded criminal charges and other abuses committed in the context of the 2006 crisis. Father Alejandro Solalinde Guerra and his colleagues at the "Hermanos en el Camino" ("Brothers on the Road") migrants' shelter in Ciudad Ixtepec have been subjected to threats and intimidation by a range of actors. In both cases, measures agreed with state and federal authorities have either not been implemented at all or, if implemented, have not been effective. It is crucial for the new government to overhaul the system for protecting human rights defenders and investigating attacks on them in order to demonstrate its competence and good faith. Amnesty International urges your government to establish a dialogue with the community of human rights defenders in order to achieve this goal and to ensure that the Oaxaca State Attorney General's Office

(Procuraduría General de Justicia del Estado, PGJE) conducts thorough, swift and independent investigations into cases of harassment of human rights defenders.

The killing of Alberta Cariño Trujillo and Jyri Jaakkola on 27 April 2010 as they were participating in a humanitarian convoy to the community of San Juan Copala is another example of the dangers involved in defending human rights in the state. Amnesty International is aware that the investigation of this double murder is the responsibility of the Federal Attorney General's Office (Procuraduría General de la República, PGR) and that so far it has not yielded any concrete results. Amnesty International hopes that as governor you can ask the PGR for reports on the progress of the investigation and to ensure that the PGJE conducts a parallel investigation into the aspects of the case that fall under ordinary jurisdiction, such as the links between the armed group and state authorities.

The situation in the Triqui region of the state is of serious concern. The unpunished actions of armed groups who are aligned with various factions of the Triqui community and apparently allowed to operate by municipal and state officials has created a climate of violence and insecurity for the population. The evidence gathered so far indicates that the armed group accused of attacking the humanitarian convoy in April 2010 and of possibly carrying out other recent attacks in the region belongs to the organization Social Welfare Union for the Triqui Region (Unión para el Bienestar Social de la Región Triqui, Ubisort). Local sources allege that this organization was financed by the previous state government. The existence of direct or indirect links between any authority and armed groups that commit serious abuses can entail state responsibility for such acts. It is therefore the duty of your government to ensure that an impartial, prompt and effective investigation is conducted into the direct or indirect involvement of state authorities, past or present, with regard to their possible links with such groups.

Amnesty International is aware that the current crisis in the Triqui region has historical roots not unconnected with the marginalization of Triqui communities and the denial of their rights over many years. It is therefore evident that the solution to the current crisis also involves ensuring full respect for the Indigenous population's rights to adequate housing, water, health, education and other basic services, without discrimination. The right for Indigenous communities to actively participate in the development and implementation of programmes relating to health, housing and other basic services, as recognized in article 23 of the United Nations Declaration on the rights of Indigenous Peoples, must also be respected. A crucial step towards achieving these aims would be for all authorities to take steps to end impunity for human rights abuses committed in the region.

As you know, Amnesty International reported extensively on the human rights violations committed in the context of the 2006 political crisis. The organization documented at least 15 unlawful killings that were a direct consequence of the violence that took place in the city of Oaxaca, as well as hundreds of cases of ill-treatment or torture and arbitrary and incommunicado detention. Despite the recommendations of the National Human Rights Commission and the National Supreme Court, no progress has been made in bringing those responsible for such serious violations to account. Amnesty International hopes that in your new government there will be a strong push for impartial investigations to be carried out so that the victims of the abuses receive truth, justice and compensation.

The recent announcement that a special prosecutors' office is to be established at state level to investigate high profile cases could be a step forward in establishing the facts with regard to past human rights violations. I would be grateful if you made public the details regarding the powers, mandate, purpose and resources that the new office will have.

On behalf of Amnesty International I would like to express our hope that your government will prioritize the human rights agenda and, in particular, the four concerns raised in this letter. I would also be grateful if you sent me information on the steps your government will take to comply with its duties and responsibilities with regard to human rights as well as a response to the above recommendations.

Yours sincerely,

Kerrie Howard
Deputy Director, Americas Regional Programme

CC: Lic. Jesús Zamora Castro, Subsecretario de Asuntos Jurídicos y Derechos Humanos,
Secretaría de Gobernación

Attached: "Invisibles victims. Migrants on the move in Mexico"