

**AMNESTY INTERNATIONAL  
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## **Mexico: Indigenous woman accused of kidnapping six agents named prisoner of conscience**

Amnesty International today adopted 46-year-old Jacinta Marcial as a prisoner of conscience for being unfairly sentenced to 21 years in prison and demanded that the Mexican authorities release her immediately and unconditionally.

The organization said she has been denied a fair trial and is in prison solely due to her marginal status in society as a poor indigenous woman with limited access to justice.

Mother of six Jacinta Francisco Marcial, an Otomí Indigenous woman from Santiago Mexquititlán, Querétaro state, has been held in the Centro de Readaptación de San José El Alto prison since August 2006. She is charged with the kidnapping of six agents of the Mexican Federal Investigation Agency. The agents claim they were held hostage by Jacinta and other market stall holders during a raid on pirate DVD vendors on Santiago Mexquititlán square in March 2006.

"Jacinta's case is a scandal," said Rupert Knox, Mexico Researcher at Amnesty International. "This is a travesty of justice and a clear example of the second class justice Indigenous People often receive in Mexico."

"Jacinta's story shows how the Mexican criminal justice system is being misused to unfairly prosecute the most vulnerable. She has been targeted because of her ethnicity, gender and social status," said Rupert Knox.

On 26 March 2006, six plainclothes agents of the Federal Investigation Agency entered the main market in Santiago Mexquititlán. They claimed to be carrying out an operation to locate drugs and pirate DVDs. Tensions were raised as the agents tried to confiscate goods and vendors punctured some of the agents' car tires.

According to the community, the protest ended that same day after the Regional Police Chief went to a neighbouring town to collect money to compensate the vendors for the damage to their merchandise. That evening, the six agents filed a complaint with the Federal Public Prosecutor, alleging they had been kidnapped for several hours by the protestors.

More than four months after the event, on 3 August 2006, Jacinta was arrested and taken to the Federal Attorney General's Office. At the time she was told she was going to be questioned about the felling of a tree but only when she was taken to prison did she find out that she was being accused of kidnapping the agents, along with two other women.

The only evidence against Jacinta was a photo in the local newspaper taken when she was walking behind the

crowd of protestors. In their original statements on 27 March 2006, the federal agents made no reference to Jacinta Marcial. Only a month later, when shown the photo from the local newspaper, did the agents accuse Jacinta of involvement in the alleged crime. No other evidence to prove her involvement was ever presented and the federal agents were never required to appear during the trial proceedings to substantiate their claim or confirm her identification.

At the time, Jacinta spoke very little Spanish and did not understand what was happening. She was not provided with an interpreter and the state-appointed public defender never spoke to her to explain her rights or defence. Jacinta said he just sat down in the corner of the room and said nothing while she was pressed to sign papers she did not understand.

Speaking with an Amnesty International researcher who visited her in jail, Jacinta said: “The first night in my cell it was raining and it was very cold with the bars open onto the main courtyard and at that moment I felt bad because I knew that I hadn’t done anything wrong and I was in prison. And yes, I started to cry, I cried and I asked myself “what now?” And when I heard doors opening I thought perhaps they’ve come to let me out, and I would stand up and look through the bars to see if someone was coming to let me out, but they never did.”

On 17 July 2009 the National Human Rights Commission concluded that there were serious irregularities and fabricated evidence in Jacinta’s case. Jacinta remains in prison pending the outcome of a retrial.

**More information regarding Jacinta Marcial’s story, see:**  
**<http://www.amnesty.org/en/library/info/AMR41/041/2009/en>**