

PUBLIC

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Fear for safety/ Prisoner of conscience/ Unfair trial

02 March 2005

MEXICO

Felipe Arreaga (m) - environmental activist

Fourteen other former members of the *Organización Campesina Ecologista de la Sierra de Petetlan* (OCESP), Peasant Environmentalist Organization of the Sierra de Petetlan

Celsa Valdevinos (f), wife of Felipe Arreaga and leader of *Organización de Mujeres Ecologistas*, Women's Environmentalist Organization

Prisoner of conscience and renowned environmental activist, Felipe Arreaga was arrested on 3 November 2004 by judicial police in town of Petetlán in Guerrero State. He faces an unfair trial for a murder committed in 1998.

Amnesty International fears that Felipe Arreaga's arrest and the issuing of arrest warrants against 14 former members of the OCESP is a reprisal against the organization for previous environmental activism. It may also be designed to deter the work of his wife, Celsa Valdovinos, who leads the *Organización de Mujeres Ecologistas*, Women's Environmentalist Organization and that of other environmentalists in the Guerrero state.

Amnesty International believes that the investigation and criminal charges brought against Felipe Arreaga are politically motivated, due to his leading role in peaceful protests against excessive and illegal logging of forests of Guerrero State. At the end of February 2005, a key prosecution witness in the case testified in court that he had been coerced into implicating Felipe Arreaga and others in the original investigation into the murder of Abel Bautista Guillén, the son of a local *cacique* (local political boss).

There are many other irregularities in the proceedings which demonstrate that the case against Felipe Arreaga has been fabricated. For example the murder took place in 1998 but the only investigative steps including statements, forensics and crime scene examination, were not carried out until 2000. The case was then archived until an arrest warrant issued in 2004. In addition one of the accused allegedly identified by the two witnesses had died in 1996 and another was a child at the time of the crime. Felipe Arreaga provided three witnesses at the time of his arraignment, proving that he was incapacitated at the time of the murder, as he was receiving medical treatment for back problems in another community. In addition a key prosecution witness has failed to appear in court and his whereabouts are reportedly unknown. The prosecution case is primarily based on presenting Felipe Arreaga as a known criminal, which character witnesses have refuted. Despite this evidence, he remains in custody during a trial which may last more than a year and which could result in conviction for a crime he did not commit. He also suffers from serious back problems which have been aggravated by the conditions of his detention.

Felipe Arreaga was an active member of the OCESP from its foundation in 1997. The organization was set up to mobilise communities in the mountains of Petetlán municipality to campaign peacefully against deforestation due to illegal logging operations run by local *caciques* reportedly linked to senior officials in the state government. Caciques and members of the state government made repeated unfounded allegations against the OCESP, accusing them of links to criminal and armed groups.

In 1999, two OCESP members, Rodolfo Montiel and Teodoro Cabrera, were detained by the military and tortured to force them to confess to firearms and drugs offences. (See Extra 52/00, AMR 41/25/00, 30 May 2000 and follow-up AMR 41/29/00, 21 June 2000). The two were convicted on the basis of fabricated evidence and were adopted as prisoners of conscience by Amnesty International. In 2001 President Fox ordered their release in the face of massive national and international pressure, but their innocence was never recognised, nor were those responsible for their torture or detention brought to justice. Their case is before the Inter American Commission on Human Rights. Rodolfo Montiel is one of the 14 OCESP leaders against whom arrest warrants have been issued in connection with 1998 murder.

BACKGROUND INFORMATION

Fabricated criminal charges and unfair criminal procedures are frequently used in Mexico in order to deter human rights defenders, social activists and others opposing the abuses of power at a local level. Judicial police working in collaboration with caciques can result in unfounded charges and detention. Mexico's judicial system suffers from endemic flaws which routinely deny the right to fair trial and the presumption of innocence and make it extremely difficult for those accused of fabricated charges to clear their name. Those responsible for the misuse of judicial system are virtually never held to account, encouraging further abuses and impunity.

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

- calling for the immediate and unconditional release of Felipe Arreaga and for his safety and that of his family to be guaranteed;
- calling for arrest warrants against 14 other members of the OCESP to be suspended, and for them, their families and witnesses to be protected;
- calling for an independent and impartial review of the investigation conducted by judicial police and prosecutors in order to bring to justice those responsible for fabricating evidence and mounting an unfounded prosecution of Felipe Arreaga;
- urging that the results are made public and that Felipe Arreaga is fully compensated for malicious prosecution and unwarranted detention;
- calling for a thorough and impartial investigation into the murder of Abel Bautista Guillén in 1998;
- reminding the authorities that the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognized Human Rights and Fundamental Liberties recognizes 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:

State Governor (elect)

Contador Público Zeferino Torreblanca Galindo
Gobernador Electo del Estado de Guerrero.
Horacio Nelson número 15 Fraccionamiento Costa Azul
C.P. 39850, Acapulco, Guerrero, Mexico

Fax: +52 744 48 42008 (if someone answers say "Tono de fax por favor")

Salutation: Dear Governor Elect/Señor Gobernador electo

Attorney General of Guerrero

Lic. Jesus Ramirez Guerrero, Procurador General de Justicia del Estado de Guerrero
Carretera Nacional México-Acapulco Km. 6+300
Tramo Chilpancingo- Petaquillos, Chilpancingo 39090, Guerrero, Mexico

Fax: + 52 747 47 22328

Salutation: Dear Attorney General/Señor Procurador

Minister of the Interior

Lic. Santiago Creel
Secretario de Gobernación, Secretaría de Gobernación
Bucareli 99, 1er. piso, Col. Juárez, Delegación Cuauhtémoc, México D.F., C.P.06600, México

Fax: +525 55 093 3414

Salutation: Dear Minister/Señor Secretario

COPIES TO:

President of Guerrero State Supreme Court

Lic. Raúl Calvo Sánchez
Presidente del Tribunal Superior de Justicia del Estado de Guerrero
Plaza Cívica, Primer Congreso de Anahuac, sin número,
Colonia Centro, Chilpancingo, Guerrero, C.P.39000, Mexico

Fax: +52 74747 24191

Human rights organisation

Centro de Derechos Humanos de la Montaña "Tlachinollan" AC.,
Calle Mina número 77, Colonia Centro, Tlapa de Comonfort Código Postal 41304, 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 13 April 2005.