

PUBLIC

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Fear for safety / possible "disappearance"

07 May 2003

MEXICO

Marcelino Santiago Pacheco (m), member of *Organización de Pueblos Indígenas Zapotecos (OPIZ)*, Organization of Zapotec Indigenous Peoples

Marcelino Santiago Pacheco, who is from the Loxicha region of Oaxaca State, has not been seen since leaving his residence in Oaxaca City at 8.30 pm, on 27 April. There are concerns for his safety as he was reportedly detained and tortured by the security forces in 1997, before being imprisoned for five years. He was also expected to provide evidence to a potential enquiry into human rights violations against members of the indigenous Zapotec community.

According to reports, on the evening of 27 April, Marcelino Santiago Pacheco spoke to a colleague at *Organización de Pueblos Indígenas Zapotecos (OPIZ)*, Organization of Zapotec Indigenous Peoples about an important meeting in Oaxaca City. The meeting was due to take place the next day and was to be attended by other members of the community from Loxicha. Marcelino Santiago Pacheco had reportedly made a number of arrangements for the following week and his family have also not heard from him since his possible "disappearance".

BACKGROUND INFORMATION

From August 1996 and over a period of almost four years, more than 130 members of the Zapotec indigenous community of Loxicha were arbitrarily detained by either the Oaxaca state or federal judicial police and the military. They were frequently held in incommunicado detention, tortured and in some cases forced to sign blank sheets of paper or false confessions to admit to crimes related to membership of the armed opposition group the *Ejército Popular Revolucionario, (ERP)* Popular Revolutionary Army. As a result, many member of the Zapotec indigenous community were charged with federal and or state level crimes and served long periods in detention.

Over the years, legal challenges led to a several releases on the grounds of insufficient evidence or violations in due process. In December 2000, the state government of Oaxaca approved an amnesty law which led to the release of Loxicha prisoners accused or convicted of state level crimes. Community members continue to push for a federal amnesty law to benefit the remaining detainees accused or convicted of federal crimes.

The torture and violations of due process which many of the Loxicha detainees suffered have never been adequately investigated and those responsible for these human rights violations have never been brought to justice. In October 2002, the OPIZ lodged a formal complaint against several former state authorities detailing the human rights violations against members of the indigenous Zapotec community. Marcelino Santiago Pacheco was expected to provide evidence in this enquiry.

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

- expressing concern for the safety of Marcelino Santiago Pacheco, a member of the *Organización de Pueblos Indígenas Zapotecos (OPIZ)*, Organization of Zapotec Indigenous Peoples, who was last seen on 27 April;
- urging the authorities to conduct a prompt, impartial and thorough investigation into his possible "disappearance" to establish his whereabouts, and for the findings to be made public;
- urging that if in detention, he be promptly brought before a judge and charged with a recognisable criminal offence, or be immediately released.

APPEALS TO:

Minister of the Interior

Lic. Santiago Creel
Secretario de Gobernación
Secretaría de Gobernación
Bucareli 99, PISO 21, PH
Delegación Cuauhtémoc
México D.F., C.P.06600, MEXICO
Telegrams: **Secretario de Gobernacion, Mexico D.F., Mexico**
Fax: **+525 55 093 3414 / 093 3415**
E-mail: **santiagocreel@compuserve.com**
Salutation: **Señor Secretario / Dear Minister**

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: **Attorney General of the Republic, Mexico DF, Mexico**
Fax: **+52 555 346 0983 (if someone answers, ask for the fax: *pedir tono de fax, por favor*)**
Salutation: **Señor Procurador General / Dear Attorney General**

Governor of Oaxaca

Lic. José Murat Casab
Gobernador del Estado de Oaxaca
Palacio de Gobierno
Bustamante s/n, Oaxaca
Oaxaca 68000, MEXICO
Telegram: **Governor of Oaxaca, Oaxaca, Mexico**
Faxes: **+52 951 51 637 37**
Salutation: **Señor Gobernador / Dear Governor**

Attorney General of Oaxaca

Lic. Sergio H. Santibañez
Procurador del Estado de Oaxaca
Avenida Luis Echeverría s/n, La Experimental
San Antonio de la Cal, Oaxaca
Oaxaca 71236, MEXICO
Telegram: **Attorney General of Oaxaca, Oaxaca, México**
Fax: **+52 951 51 56 786 (if someone answers say "me da tono de fax por favor")**
Salutation: **Dear Sir/ Señor Procurador**

COPIES TO:

Christian Action for the Abolition of Torture

Acción de los Cristianos para la Abolición de la Tortura, (ACAT), México,
Huatusco 21. Colonia Roma Sur, CP. 10200. México, DF. MEXICO
Email: **acat@att.net.mx**

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 18 June 2003.