



THREE YEARS AT RISK AND STILL NO PROTECTION FOR MEXICAN DEFENDER

“Threats make me very angry... they are threatening me because of the work that I am doing. At the same time, I am a bit scared for what might happen to others. But we can't stop.”

Alba Cruz



Human rights lawyer Alba Cruz has suffered intimidation and harassment since 2007. In early 2010 her situation deteriorated and she had no choice but to temporarily leave her home town. In spite of the repeated attacks, the authorities have failed to grant her any meaningful protection. Human rights defenders in Mexico are urging the government to fulfil its overdue promise to adopt and implement an effective protection mechanism for all human rights defenders at risk.

Alba Cruz is one of nine members of staff at the 25th of November Liberation Committee, a non-governmental organization based in Oaxaca City, about 500 kilometres south of Mexico City. She has represented 32 of the victims of human rights violations committed in the context of widespread protests in Oaxaca State in 2006. During the crisis at least 18 people were killed. Members of the security forces and other state agents were accused of serious abuses including excessive use of force, arbitrary and

incommunicado detention, ill-treatment and torture and violations of due process and fair trial guarantees. Many of the victims refused to file complaints for fear of reprisals.

As a result of her campaign for justice, Alba Cruz has suffered a pattern of death threats, harassment and intimidation. Upon a request from the Inter-American Commission on Human Rights, the Mexican authorities met with Alba Cruz in September 2007 and agreed on a number of protection measures for her. One of the measures was a mobile phone paid for by the state for Alba Cruz to communicate with the authorities in case of danger. Only in December 2009 did Alba Cruz receive a functioning mobile phone. All the other protection measures requested and agreed have not been implemented.

The threats and attacks against Alba Cruz intensified in late 2009 and early 2010. In those months Alba Cruz defended a man who was wrongfully imprisoned for a homicide that took place during the 2006 demonstrations. On 7 September and 31 December 2009 her car wheels were tampered with in an apparent attempt to cause an accident. On 9 January 2010 at around midnight, an unknown driver intentionally crashed into Alba Cruz as she was parking her car in front of her house. The assailant drove off at high speed. On 29 January 2010 an unknown man intercepted Alba Cruz as she was leaving her office. He grabbed her by the arm and told her: “Calm down asshole, it would be so easy to take you”.

The campaign of intimidation has taken its toll on Alba Cruz's life and on the lives of those with whom she lives – her mother and her teenage daughter. “We have stopped going out as we normally did, especially at night. We try to be particularly cautious, I try not to go out alone... I do not have the same freedoms than before”, says the human rights defender. Because of the threats, Alba Cruz left Oaxaca

City on 25 March 2010. She went to Mexico City and then travelled abroad in search of respite. Despite receiving a death threat by SMS text message while she was out of the country, she recently returned to Oaxaca City.



“I came back because I have a commitment with those who I am representing. My place is here. I have to finish what I have started.”

Alba Cruz

Defending human rights in Mexico is a life-threatening activity. Attacks are compounded by the failure of the authorities to grant defenders effective protection measures in a timely manner. In the vast majority of the cases, including that of Alba Cruz, the authorities have also failed to investigate the attacks and to bring those responsible to justice.

The 2008-2012 National Human Rights Programme acknowledges the need to address the situation of human rights defenders in the country. It commits the government to establish a mechanism of protection for defenders at risk and calls on the Federal Attorney General’s Office to adopt a specific protocol for the investigation of this kind of attacks. In February 2009, Mexico yet again agreed to “set up structural measures” to address the issue at the UN Human Rights Council’s Universal Periodic Review. More recently, on 21 January 2010, the Ministry of the Interior issued a statement which reiterated its commitment “to work jointly with civil society organizations in the design and execution of a mechanism for the protection of journalists and human rights defenders.” Despite these commitments, the protection mechanism and the investigation protocol remain paper promises.

“The approval of this mechanism would give us a bit of security to carry on doing our job, it would give us more certainty.”

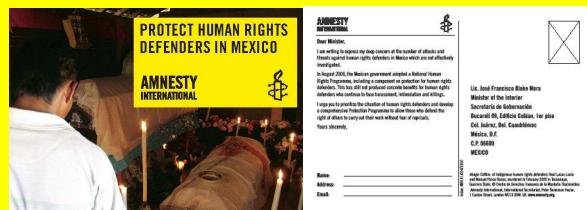
Alba Cruz

THE MINISTER OF THE INTERIOR MUST APPROVE AND IMPLEMENT AN EFFECTIVE AND COMPREHENSIVE PROTECTION MECHANISM FOR HUMAN RIGHTS DEFENDERS AT RISK.

- The mechanism should be discussed and agreed with human rights defenders and civil society organizations;
- It should have adequate human, budgetary and logistical resources for the effective and timely implementation of protection measures nationwide;
- It should provide clear direction on when and how protection should be provided;
- There should be effective coordination and accountability between federal and state authorities for the application of protection measures;
- There should be constant evaluation and monitoring of the protection measures granted and the steps taken to investigate attacks;
- The Minister should ensure that the protection mechanism and the investigation protocol are consistent with the principles of the 1998 UN Declaration on Human Rights Defenders.

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