

PUBLIC

AI Index: AMR 41/011/2008

22 April 2008

UA 104/08 Fear of unfair trial/Fear of torture or other ill-treatment

MEXICO	Natalio Ortega Cruz (m)]
	Romualdo Santiago Enedina (m)] Members of Me Phaa Indigenous
	Raúl Hernández Abundio (m)] People's Organization
	Orlando Manzanarez Lorenzo (m)]
	Manuel Cruz Victoriano (m)]

The five members of the indigenous rights organization Me Phaa Indigenous People's Organization (*Organización del Pueblo Indígena Me Phaa* - OPIM) named above were arrested on 18 April in the town of Ayutla de los Libres, Guerrero State. All are in danger of torture and ill-treatment in custody. AI believes the local authorities may be targeting them solely because of their legitimate activities on behalf of local Me Phaa indigenous communities.

Warrants have been issued for the arrest of 10 more leading members of OPIM, including its president, Cuauhtémoc Ramírez.

The five members of OPIM were interrogated and charged with the murder of a man which took place on 1 January. The investigation into the murder had reportedly made no progress until 10 April, when the body of the victim was exhumed. The following day, 15 warrants were issued for the arrest of OPIM members. Before being taken to the municipal prison, the men reported having been threatened with death and torture by the police. The five now in custody can be held pending confirmation of the charges for up to five days. A local judge, who must rule by 23 April on whether the men should be released or committed for trial, tried unsuccessfully to prevent them from choosing local human rights lawyers to represent them.

On 9 February, the body of OPIM member Lorenzo Fernández Ortega was found in Ayutla (see UA 49/08, AMR 41/005/2008, 22 February 2008). He had reportedly been tortured, but no autopsy was carried out and the investigation has made no progress. On 2 April, Miguel Ángel Tornez Hernández was arrested after four policemen and a public official were robbed and killed near Ayutla (see UA 92/08, 9 April 2008, AMR 41/010/2008). He and his sister, who was also arrested, were tortured and asked about the whereabouts of two OPIM leaders in an apparent attempt to link the organization to the murder.

BACKGROUND INFORMATION

Members and leaders of OPIM have suffered attacks and threats for several years, particularly since actively demanding justice in the 2002 rape by soldiers of Inés Fernández Ortega and Valentina Rosendo Cantú in 2002 (see *Indigenous Women and Military Injustice*, AMR 41/033/2004) and the forced sterilization of 14 Me Phaa indigenous men in the community of El Camalote in 1998. The rape is being investigated by the army, which has made no progress and the case is being considered by the Inter-American Commission on Human Rights. Mexico's National Human Rights Commission has called for the state to pay reparations to the sterilized men. For further details of the attacks and threats suffered by OPIM members, see UA 209/07(AMR 41/050/2007, 14 August 2007) and UA 07/05 (AMR 41/001/2005, 12 January 2005).

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

- calling on the authorities to guarantee that the five members of OPIM arrested on 18 April in Ayutla, and the other 10 OPIM members facing arrest, will not be tortured or otherwise ill-treated;
- calling on the authorities to ensure that all those charged are given fair trials in accordance with international human rights standards, including the right to legal representation of their choice and access to medical attention and their families;
- calling on them to ensure that the court independently and impartially evaluates the evidence put forward by the prosecution and the defence in committal proceedings;
- calling on the Guerrero Human Rights Commission to assess the reported threats and irregularities in the due process;
- 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 Freedoms 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:

Governor of Guerrero

Lic. Zeferino Torreblanca Galindo

Gobernador del Estado de Guerrero

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Salutation: Señor Gobernador/Dear Governor

Attorney General of Guerrero

Lic. Eduardo Murueta Urrutia

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Salutation: Dear Attorney General/Señor Procurador

President of the Guerrero Human Rights Commission

Lic. Juan Alarcón Hernández

Presidente de la Comisión de Defensa de los Derechos Humanos del Estado de Guerrero (Coddehum)

Avda. Juárez, Esq. Galo Soberón y Parra

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Salutation: Dear President/ Señor Presidente

COPIES TO:

Human rights organisations

Centro de Derechos Humanos de la Montaña "Tlachinollan" AC., Calle Mina, no. 77, Col. Centro, Tlapa de Comonfort, C.P. 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 3 June 2008.