

URGENT ACTION

WITNESSES INTIMIDATED AFTER UNFAIR TRIAL

A former neighbour and a key witness in the trial of Basilia Ucán, an indigenous woman in Mexico, have been put under pressure by representatives of the State Prosecutor's to make statements against her. Amnesty International is concerned for their safety as they continue to resist the pressure of officials and fears Basilia Ucán will be denied a fair trial.

According to reports, on 5 March, the deputy state prosecutor for the Maya Indigenous Zone of Quintana Roo, personally visited a former neighbour of Basilia Ucán in the town of Felipe Carrillo Puerto. She arrived in the company of two judicial police officers and put pressure on her to make public statements against Basilia Ucán. It is very unusual for a deputy state prosecutor to carry out such a visit. Amnesty International believes that the visit was intended to intimidate the former neighbour, who has now left the town.

In mid February, a representative of the State Prosecutor's Office (Procuraduría General de Justicia del Estado, PGJE) also visited a key prosecution witness to pressure her to alter evidence and make allegations that Basilia Ucán's defence lawyer had coerced her into retracting her initial incriminating statement. The witness, whose initial evidence was obtained unlawfully when she was under 18 in 2007 without the presence of an interpreter or an appropriate adult, subsequently retracted her statement before the trial judge.

Basilia Ucán is a poor 43 year-old monolingual Maya indigenous woman who was arrested in March 2008 in circumstances that remain unclear. She was committed for trial on charges of child corruption and procuring. She was convicted in April 2009, despite numerous irregularities in her trial, including lack of access to legal defence or an interpreter, as well as prosecutors and the trial judge relying on fabricated and unsafe evidence. Lawyers are challenging her unfair trial and the outcome of an appeal is pending. Amnesty International believes her prosecution and unfair trial may be a result of discrimination on the basis of gender, social status and race.

PLEASE WRITE IMMEDIATELY in Spanish or your own language:

- calling for a full, prompt and impartial investigation into the alleged pressure and intimidation on a witness and neighbour of Basilia Ucán to make false statements and to ensure their safety in accordance with their wishes;
- urging a full investigation into the conduct of public officials in the treatment of Basilia Ucán and the manner in which evidence has been obtained and witnesses treated;
- calling for full, independent and impartial review of the prosecution, trial and conviction of Basilia Ucán in order to ensure that she receives a fair trial according to international human rights standards, including equal treatment before the law, access to translators and defence lawyer from the moment of detention.

PLEASE SEND APPEALS BEFORE 25 APRIL 2011 TO:

Governor of Quintana Roo
Lic. Félix González Canto
Palacio de Gobierno. Av. 22 de
Enero No. 001 Col. Centro. C.P.
77000, Chetumal, Quintana Roo,
México.
Fax: (+52) 983 8324257
Email: gobernador@qroo.gob.mx

Dear Governor, Estimado
Gobernador
State Attorney General
Lic. Francisco Alor Quezada
Procurador General de Justicia
Av. Adolfo López Mateos 500,
Colonia Italia 77010, Chetumal,
Quintana Roo, Mexico
Fax 983 83 23174

email:
procurador_pgje@qroo.gob.mx
Salutation: Estimado Procurador/
Dear Sir
And copies to: Human rights
organization
Centro Derechos Humanos Miguel
Agustín Pro Juárez,
prodh@centroprodh.org.mx

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

WITNESSES INTIMIDATED AFTER UNFAIR TRIAL

ADDITIONAL INFORMATION

Mexico's criminal justice system frequently fails to ensure the right to fair trial of criminal suspects, resulting in unfounded prosecutions and unsafe convictions. Indigenous people are particularly vulnerable to arbitrary detention and unfair trial, as their right to an interpreter and effective defence council is routinely ignored, particularly in state courts. The failure to guarantee equality before the law for all defendants means the poorest and the most discriminated enjoy the least protection. Police, prosecutors and judges are almost never held to account for misuse of the criminal justice system or for failing to ensure the protection of the rights of suspects, witnesses and victims and uphold impartial and fair proceedings.

UA: 71/11 Index: AMR 41/013/2011 Issue Date: 14 March 2011

AMNESTY
INTERNATIONAL

