



RELEASE JACINTA FRANCISCO MARCIAL

TAKE ACTION NOW!



The first night in my cell it was raining and it was very cold with the bars open onto the main courtyard and in that moment I felt bad because I knew that I hadn't done anything wrong and I was in prison. And yes, I started to cry, I cried and I asked myself "what now?" And when I heard doors opening I thought perhaps they've come to let me out, and I would stand up and look through the bars to see if someone was coming to let me out, but they never did.' Jacinta Francisco Marcial, June 2009.

Jacinta Francisco Marcial, an Otomí Indigenous woman from Santiago Mexquititlán, Querétaro state, Mexico, has been sentenced to 21 years in prison charged with the kidnapping of six agents of the Federal Investigation Agency (AFI). The AFI agents claim they were held hostage by market stall holders during a disturbance on 26 March 2006. Jacinta is the mother of six children and before spending what is now three years in prison, she sold ice creams and soft drinks with her husband to support her family on a market stall on Santiago Mexquititlán square.

Amnesty International believes that Jacinta has been imprisoned solely due to her marginal status in society as a poor indigenous woman with limited access to justice. The organization has documented many cases of the misuse of the criminal justice system to unfairly prosecute indigenous people and other vulnerable or marginalised people. Amnesty International considers Jacinta Francisco Marcial to be a prisoner of conscience and is calling for her immediate and unconditional release.

On 26 March 2006 six plain clothed AFI agents entered the street market in the main square of Santiago Mexquititlán. The AFI agents claim they were carrying out an operation to locate drugs and pirate DVDs. However, the fact that it was the weekend and the agents were not wearing uniforms has signalled to many that their intention was not official, but rather to steal the DVDs. During the ostensibly official operation, they confiscated the local market stall holders' goods and damaged their merchandise. Tension between the market vendors and the AFI agents grew and some of the stall holders tried to prevent them from removing their goods and punctured the tires of the AFI agents' vehicles.

That same day the AFI Regional Chief and a prosecutor of the Federal Attorney's General Office arrived at Santiago Mexquititlán square to facilitate a dialogue with the market vendors. It was agreed they would drive to a nearby town to collect money to compensate the market stall holders. One of the AFI agents was ordered to remain with the people as a guarantee that they would return. According to many witnesses from the local community, the remaining agent was in communication with his superiors at all times and he did not suffer any physical aggression or coercion. The incident ended at 7pm after money for the damages had been delivered to the some of the local vendors affected and all the agents left the town.

Unbeknown to the local community, that same evening the six AFI agents filed a complaint with the Federal Attorney General's Office in which they alleged that they had been kidnapped for several hours by the protestors on Santiago Mexquititlán's main square. More than four months later, on 3 August 2006 Jacinta Francisco Marcial was arrested and taken to the Federal Attorney's General's Office in Querétaro having been falsely informed that she was going to be questioned about the felling of a tree. Jacinta spoke very little Spanish and did not understand what was happening. Her right to an interpreter was not upheld at any time during the judicial proceedings and the state appointed public defender never spoke to her to explain her rights or defence. According to Jacinta Francisco Marcial he did nothing while she

was pressed to sign papers she did not understand. Only when she arrived at the Centro de Readaptación Social de San José El Alto prison did she realize that she was being charged, together with two other women, of having kidnapped six AFI agents during the incident in the market of Santiago Mexquititlán on 26 March 2006.

Jacinta Francisco Marcial did not participate in the protest of the market-vendors against the AFI agents on 26 March 2006. The only evidence on file to implicate her in the events of that day is a newspaper clipping from the local newspaper "Noticias" taken when Jacinta was passing at the back of the crowd of protestors. Numerous witnesses have testified that Jacinta did not take part in the protest: during the disturbances she was seen attending mass, selling ice creams and went to the local pharmacy to have an injection.

In their original statements on 27 March 2006, the AFI agents made no reference to Jacinta Francisco Marcial. The agents mention only two women, neither of whom resemble Jacinta. Only a month later, when shown the photo from "Noticias", did the six AFI agents accuse Jacinta of involvement in the alleged crime. No other evidence to prove her involvement was ever presented and the AFI agents never appeared during the trial proceedings to substantiate their claim or confirm her identification. Local lawyers believe there are no grounds to allege a kidnapping even took place on 26 March. Though minor damages may have been caused to AFI property during the disturbance, there is no evidence on file to justify charges of kidnapping.

Amnesty International believes that the imprisonment of Jacinta Francisco Marcial is in retaliation for the way the local market stall holders of Santiago Mexquititlán reacted in protest on 26 March 2006. The organization considers that the charges against Jacinta were fabricated and that she has been framed as a convenient target simply because of her marginal status in society as a poor indigenous woman. Amnesty International is currently investigating the cases of the other two women co-accused of kidnapping the six AFI agents together with Jacinta.

HOW CAN I HELP?

1. Please write letters in Spanish or your own language, making the following points:

- Stating the belief that Jacinta Marcial is a prisoner of conscience imprisoned simply because of her status as an indigenous woman, and calling for her immediate and unconditional release;

SEND YOUR APPEALS TO:

PRESIDENT OF MEXICO

Lic. Felipe de Jesús Calderón Hinojosa
Presidente Constitucional de los Estados Unidos Mexicanos
Residencia Oficial de "Los Pinos", Casa Miguel Alemán
Col. San Miguel Chapultepec
México D.F., C.P. 11850, MÉXICO.
Fax: (+ 52 55) 50 93 53 21
Salutation: Estimado Presidente / Dear President

FEDERAL ATTORNEY GENERAL

Eduardo Tomas Medina Mora Icaza
Procurador General de la República
Procuraduría General de la República
Av. Paseo de la Reforma 211-213
Col. Cuauhtémoc
Delegación Cuauhtémoc
C.P. 06500, Distrito Federal, MÉXICO.
Fax: (+52 55) 53 46 09 08
Salutation: Señor Procurador General/Attorney General

REPRESENTATIVE OF THE FEDERAL ATTORNEY GENERAL'S OFFICE IN QUERETARO

Lic. Norma Patricia Valdez Arguelles
Delegada Estatal de la PGR en Querétaro
Domicilio para recibir correspondencia
Av. Estadio S/N, Col. Colinas Cimatorio
Querétaro 76090
MÉXICO
Fax: (+52 442) 238 6801. Ask for "tono de fax".
Salutation: Dear Madam/ Estimada Delegada

GOVERNOR OF QUERETARO

Lic. Francisco Garrido Patrón
Gobernador del Estado de Querétaro
Palacio de la Corregidora
Pasteur esq. 5 de Mayo
Col. Centro
Querétaro 76000
Estado de Querétaro, MÉXICO
Fax: (+52 442) 238 5008
Salutation: Dear Governor/ Señor Gobernador

2. You can also write to Jacinta to show your solidarity, please send your messages to: Centro de Derechos Humanos, Serapio Rendon NO. 57-B, Colonia San Rafael, Delegación Cuauhtemoc, CP 06470, Mexico DF or email: jacinta@centroprodh.org.mx