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Mexico: Amnesty International adopts two prisoners of conscience in Puebla

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The Mexican authorities must immediately and unconditionally release two indigenous human rights defenders who have been unjustly detained for the past two years and who are thus prisoners of conscience, Amnesty International said today.

José Ramón Aniceto Gómez and Pascual Agustín Cruz were detained in January 2010 and sentenced to more than six years in prison by the Puebla Trial Court for alleged vehicle theft, with the conviction being upheld on appeal.

Reliable reports were soon received to the effect that the car was never stolen and, in actual fact, had been abandoned by the son of the plaintiff and held at the Pahuatlán police station before being returned to him. These events were never investigated by the Attorney-General's Office.

Having reviewed the case in detail and interviewed the prisoners and other witnesses, Amnesty International concluded that the accusation against the activists was fabricated in retaliation for their work to ensure full access to water on the part of the indigenous Nahuátl community of Atla, Pahuatlán municipality, Puebla. This project, which began in 2008, was endorsed by the state and federal governments.

“José Ramón Aniceto Gómez and Pascual Agustín Cruz are the victims of a justice system that is frequently used to punish those working to defend people suffering from human rights abuses,” said Rupert Knox, Mexico researcher at Amnesty International.

The human rights organization also denounced the fact that court proceedings were plagued with irregularities.

The trial, including the written statements that formed part of the case, was conducted in Spanish and at no time was an interpreter provided, seriously affecting the Nahua activists' ability to defend themselves.

Nor was their right to an adequate defence respected. The Attorney-General's Office prosecuted them on the basis of a statement from the alleged victim of the theft and two supposed witnesses, without taking any steps to clarify the obvious contradictions in those statements.

When the case came before the trial and appeal courts, the state justice system accepted the inconsistent evidence presented by the Attorney-General's Office without question, and ignored that of the defence.

“Unfortunately, the case against José Ramón Aniceto Gómez and Pascual Agustín Cruz is not an isolated one,” said Rupert Knox.

“In recent years, we have documented how the Attorney-General's Office and the justice system have made groundless accusations against those defending the human rights of

marginalized indigenous communities without guaranteeing due process, resulting in unfair trials, unfounded sentences and imprisonment for their legitimate activities.”

The Mexican Supreme Court is considering an appeal made by lawyers from the Miguel Agustín Pro Juárez Human Rights Centre which calls on the Court to consider the case and rule on the application for constitutional redress submitted to the federal justice system.

Amnesty International hopes that the Supreme Court will deal with the case promptly and that it will take the opportunity to strengthen respect for due process and ensure fair trials for indigenous peoples facing criminal charges, as established in international human rights treaties.