

PUBLIC

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17 January 2003

UA 17/03 Fear for safety/ legal concern

MEXICO Angel Mario Ksheratto Flores (m), journalist

Amnesty International is concerned for the safety of journalist Angel Mario Ksheratto Flores, author of a column published in *Cuarto Poder* (Fourth Power) newspaper in the town of San Cristobal de las Casas, Chiapas State. He has reportedly received death threats and is facing charges that may be politically motivated.

On 26 and 28 August 2002 *Cuarto Poder* published the results of an investigation by Angel Mario Ksheratto into alleged irregularities in the state-run *Comité de Construcción de Escuelas* (Schools Construction Committee). On 17 December 2002 Angel Mario Ksheratto reports that he received an anonymous telephone call telling him: "*pasa la mayor parte de tu tiempo con tus hijos porque para Navidad, ya estarás en otro mundo*" ("spend most of your time with your children as you will be in another world by Christmas"). The same day a car without licence plates reportedly followed him as he drove to the offices of *Cuarto Poder*. On the way home he was allegedly pursued by a pick-up truck driven by unidentified individuals. On 29 December 2002 two unknown men were reportedly seen in a car taking photographs of the house where his children live.

On 9 January 2003 Angel Mario Ksheratto was detained by agents of State Attorney General's Office, *Procuraduría General de Justicia del Estado* (PGJE). This was as a result of a complaint for defamation filed by a senior state official in *Comité de Construcción de Escuelas* in Chiapas in relation to the articles published in August 2002. Also on 9 January, the PGJE indicated that Angel Mario Ksheratto was also being investigated for aggravated car theft. When he was detained, police reportedly claimed there were irregularities with the car licence and while in detention repeatedly asked him for his car keys. The PGJE later suggested that the car engine was stolen rather than the car.

Angel Mario Ksheratto Flores was granted bail and released from custody on bail pending prosecution for the charge of defamation. The PGJE are reportedly still threatening to indict him in relation to the alleged car theft. While a federal court ruling has temporarily ordered the state authorities not to detain him, he is still under investigation pending prosecution. Amnesty International is concerned that these charges are politically motivated and amount to a serious misuse of the judicial system.

BACKGROUND INFORMATION

The term defamation refers to a category of laws designed to protect reputations. These laws are sometimes misused to restrict freedom of expression in Mexico. Defamation laws can clearly serve a legitimate purpose, protecting reputations by providing redress against certain types of malicious statements. However, the use of such laws to silence government critics or restrict freedom of expression and limit the free flow of information and ideas, is clearly unacceptable.

Politically motivated criminal charges continue to be used, particularly at state level, to deter social protest or critics of local authorities. The lack of effective judicial supervision of the PGJEs means victims are frequently denied effective means of challenging allegation. Mexican journalists frequently face attack or threats as a result of their work to expose human rights violations or corrupt practices, and often live in fear of reprisals from people or organisations they have written about. The authorities rarely investigate these cases effectively, leaving the perpetrators to repeat their crimes.

In September 1988, the Inter-American Commission on Human Rights recommended that the Mexican authorities “adopt the necessary measures to punish the perpetrators of crimes committed against persons exercising the right to freedom of expression, including a speedy, effective and impartial investigation into complaints of harassment involving journalists... and guarantee that both Mexican and foreign human rights defenders are able to carry out their important work to promote and defend those rights, without any abusive interference on the part of the authorities.”

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

- expressing concern for the safety of journalist Angel Mario Ksheratto and his family, and calling on the authorities to guarantee their safety;
- urging the authorities to carry out a prompt, impartial and thorough investigation into the death threats and acts of intimidation against him, to make the results public, and to bring those responsible to justice;
- recalling the recommendation of the Inter-American Commission on Human Rights that the Mexican authorities investigate complaints of harassment of journalists and punish those responsible for crimes against people exercising their freedom of expression;
- calling for all politically motivated criminal charges to be dropped, in accordance with international standards and principles on human rights which are binding for Mexico.

APPEALS TO:

Attorney General of Chiapas

Mariano Herrán Salvatti
Procurador General de Justicia del Estado de Chiapas
Libramiento Norte s/n
Infonavit el Rosario
Tuxtla Gutiérrez, Chiapas
México

Telegram: Procurador, Chiapas, México
Fax: + 52 961 616 57 24
Salutation: Dear Attorney General / Señor Procurador

Governor of Chiapas

Pablo Salazar Mendiguchia
Gobernador del Estado de Chiapas
Palacio de Gobierno del Estado de Chiapas
Av. Central y Primera Oriente
Colonia Centro, C.P. 29009
Tuxtla Gutiérrez, Chiapas
México

Telegram: Gobernador, Chiapas, México
Fax: + 52 961 612 09 17
Salutation: Dear Governor / Señor Gobernador

Minister of the Interior

Lic. Santiago Creel
Secretario de Gobernación
Secretaría de Gobernación
Bucareli 99, 1er. piso, Col. Juárez
Delegación Cuauhtémoc
México D.F., C.P.06600
MEXICO

Telegrams: Secretario de Gobernacion, Mexico D.F., Mexico
Fax: + 52 5 55 093 3414
Salutation: Señor Secretario / Dear Minister

COPIES TO:

Human Rights Commission of Chiapas

Lic. Pedro Raul López Hernández
Presidente de la Comisión Estatal de
Derechos Humanos de Chiapas (CEDH)
Libramiento Sur Poniente 212
29060, Tuxtla Gutiérrez, Chiapas.
México

Fax: +52 961 602 5609 (if someone answers, please say 'me da tono de fax, por favor')

Salutation: Dear President of the CEDH / Señor Presidente de la CEDH

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 28 February 2003.