

2007

06 March

UA 55/07

Fear for safety/Legal concern

MEXICO

**Family of Ernestina Ascencio Rosario (f)
Inhabitants of Tetlazinga community and Soledad Atzompa municipality, Veracruz**

A 72-year-old indigenous woman, Ernestina Ascencio Rosario, was reportedly raped and tortured by soldiers of the army's 63rd Infantry Battalion on 25 February. She later died as a result of her injuries. If the military authorities handle the investigation of the attack, as they usually do in this type of case, the community Ernestina Ascencio came from, and potential witnesses may face intimidation, and those responsible may not face an impartial and independent investigation and trial.

According to her family, Ernestina Ascencio Rosario, a Nahuatl indigenous woman from the community of Tetlazinga, in the municipality of Soledad Atzompa, Veracruz State, was found in her home after the attack, and had to be taken to hospital. She told her family that she had been attacked by soldiers. She died early the following day from the internal bleeding due to damage to her internal organs. According to autopsy reports, she had been raped repeatedly and showed signs of having been beaten.

The military authorities have reportedly agreed to cooperate with the civilian authorities to investigate the case. However, they appear to have retained control of the investigation, potentially undermining its impartiality and independence. The Ministry of Defence raised further concern about the impartiality of their investigation by issuing a statement on 1 March denying involvement of military personnel.

The local municipal authorities and leaders of indigenous organisations have expressed the serious concern felt by members of the community and have called for those responsible to be held to account and for the army to be withdrawn from the region. Amnesty International is concerned that military officers may intimidate witnesses and community leaders during the investigation. The indigenous communities have reportedly been showing increasing hostility towards the military operating in the region, whom they accuse of conducting searches without warrants, and stealing their property, since January 2007.

BACKGROUND INFORMATION

In July 2006, 13 women were sexually assaulted and raped, reportedly by 20 soldiers, Castaños, Coahuila state. The military authorities belatedly allowed the civilian authorities to intervene, and in an unprecedented advance, eight soldiers are now standing trial in the civilian judicial system. However, four others escaped capture.

Amnesty International has documented a number of cases where women, particularly indigenous women, have been raped by soldiers, and the investigation has remained in the hands of the military authorities, ensuring impunity for the perpetrators. In 2002 two indigenous women, Inés Fernández and Valentina Rosendo Cantú, were reportedly raped by soldiers in Guerrero state (see report *Mexico. Indigenous women and military injustice*, AMR 41/033/2004). This case has remained under military jurisdiction and the two women have been denied justice. The victims and other members of the community faced intimidation and threats as a result of their campaign for justice. The Inter American Commission on Human Rights is considering the case. In 2005 the former Minister of Defence told Amnesty International delegates that rape could never be considered legitimate military activity. However, this has not resulted in all rape cases being passed immediately to civilian jurisdiction.

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

- expressing concern at reports that 72-year-old Ernestina Ascencio Rosario died as a result of being raped, beaten and tortured by soldiers on 25 February, in Tetlazinga, in the municipality of Soledad Atzompa;
- urging the authorities to send a clear message to military forces that sexual assault and harassment of civilian population will not be tolerated;
- calling for an immediate and thorough investigation into this alleged assault to be carried out by the civilian authorities, with the findings made public and those responsible brought to justice;
- calling on the authorities to ensure that all human rights violations allegedly committed by the armed forces are investigated by civilian authorities;
- urging the authorities to ensure the safety of the family of Ernestina Ascencio Rosario and the other inhabitants of the community of Tetlazinga and the municipality of Soledad Atzompa.

APPEALS TO:President

Lic. Felipe de Jesús Calderón Hinojosa, Presidente de los Estados Unidos Mexicanos
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Salutation: Señor Presidente / Dear Mr President

Minister of Defence

Gral. Guillermo Galván Galván, Secretario de la Defensa Nacional, Secretaría de la Defensa Nacional
Bulevar M. Ávila Camacho esq. Industria Militar S/N
Col. Lomas de Sotelo, Del. Miguel Hidalgo, México D.F., C.P. 11640, MEXICO

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Salutation: Señor Secretario / Dear Minister

General Prosecutor of the Republic

Lic. Eduardo Medina-Mora Icaza, Procurador General de la Republica,
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Salutation: Señor Procurador General / Dear Attorney General

Governor of Veracruz State

Lic. Fidel Herrera Beltrán, Gobernador del Estado de Veracruz, Palacio de Gobierno,
Leandro Valle esq. Enriquez, Xalapa, C.P. 91000, Estado de Veracruz, MEXICO

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Salutation: Dear Governor/Señor Gobernador

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COPIES TO:President of the National Human Rights Commission

Dr. José Luis Soberanes Fernández, Presidente de la Comisión Nacional de Derechos Humanos
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Human rights organisation

Centro de Derechos Humanos "Miguel Agustín Pro Juárez" A.C.,
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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 17 April 2007.
