

PUBLIC

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Fear of arrest

17 March 2003

MEXICO

**Candelario Hernandez Heredia, (m)
Members of the Tres Cruces community in San Juan Chamula, Chiapas**

An arrest warrant has reportedly been issued against Candelario Hernandez, a local human rights defender in Chiapas, in connection to killings that took place on 26 and 28 January in the community of Tres Cruces in the municipality of San Juan Chamula. However, Amnesty International is concerned that Candelario Hernandez Heredia is facing arrest and prosecution by the authorities in reprisal for his work as a human rights defender.

The indigenous community of San Juan Chamula is dominated by local "caciques", individuals with a strong economic and political influence who control the municipal authority and have repeatedly expelled from the community those opposed to their control. Most recently, on 16 January, water wells used by dissenting members of the community of Tres Cruces, were destroyed. Subsequently, on 26 January two members of the community allied to the "caciques" were shot dead. The next day the dominant "caciques" retaliated by publicly threatening that if the killings were not dealt with they would carry out another "Acteal" (the notorious 1997 massacre of civilians by a paramilitary group). On 28 January a hundred strong force of state and judicial police and prosecutors, guided by local police under municipal control, carried out a raid on Tres Cruces, reportedly to arrest those responsible for the killings of 26 January. During the operation, five people including four police officers were killed and several others were wounded. Five members of the Tres Cruces community were arrested and charged in connection with the violence of 26 and 28 January. Amnesty International is concerned that Candelario Hernandez Heredia has also been charged.

Members of the community have questioned the official version of events given by the authorities of 28 January. The local human rights organization, *Centro de Derechos Humanos Fray Bartolome de las Casas*, The Fray Bartolome de las Casas Centre for Human Rights, is representing the five detainees and has questioned irregularities in the detentions and in the evidence against them. As a result of the violence, other members of the Tres Cruces community have reportedly been forced to flee their homes.

Candelario Hernandez Heredia is a leading member of the Tres Cruces community and has carried out human rights promotion work in the community over many years. His work protecting the rights of the community has repeatedly led to harassment by the municipal authorities who have used their local jurisdiction to detain him in the past. Amnesty International believes the apparent attempt to implicate Candelario Hernandez Heredia in the events of 26 and 28 January is in reprisal for his human rights work and his leading role in the Tres Cruces community.

BACKGROUND INFORMATION

Indigenous communities in Mexico frequently suffer discrimination and marginalization. State authorities regularly exploit religious divisions within local communities to ensure that the "caciques" maintain control. State authorities are often accused of failing to take appropriate action to prevent violence on the indigenous communities. They are also accused of providing support to the municipal authorities controlled by the cacique. Amnesty International has repeatedly documented the abuse of the judicial system, particularly at state level, to instigate judicial proceedings against local activists or human rights defenders. *Procuradurías*, the Public Prosecutor's Offices, particularly at state level, enjoy excessive powers to institute judicial proceedings without effective impartial control by the judiciary, facilitating the fabrication of evidence and the intimidation of witnesses to secure convictions.

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

- expressing concern that the arrest warrant and judicial proceedings against Candelario Hernandez Heredia are in reprisal for his human rights work;
- calling for the unfounded charges against Candelario Hernandez Heredia to be dropped and the arrest warrant retracted;
- calling for an independent investigation into the arrest by *Comisión Estatal de Derechos Humanos* (CEDH), State Commission for Human Rights;
- urging the Mexican authorities to guarantee the protection of Candelario Hernandez Heredia allowing him to safely continue his legitimate and important work in the defence of human rights;
- appealing to the authorities to instigate a full, impartial and open investigation into the events which took place in San Juan Chamula on 16, 26 and 28 January, and for the findings to be made public;
- reminding the authorities that the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Liberties recognizes the legitimacy of the activities of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals.

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 9(61) 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
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Telegram: Gobernador, Chiapas, México
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Salutation: Dear Governor / Señor Gobernador

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha
Procurador General de la República
Procuraduría General de la República
Reforma Norte esq. Violeta 75
Col. Guerrero, Delegación Cuauhtemoc
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Telegrams: Procurador General, México D. F., México
Fax: +525 55 346 0983
Salutation: Señor Procurador General/Dear Attorney General

COPIES TO:

Centro de Derechos Humanos

"Fray Bartolome de las Casas"
Calle Cuauhtémoc 12, Colonia Centro Histórico
San Cristóbal de las Casas,
CP 29200, Chiapas
Mexico
Fax: + 52 9 (67) 67 8 35 51

Human Rights Commission of Chiapas

Lic. Pedro Raul López

Presidente de la Comisión Estatal de
Derechos Humanos de Chiapas
Libramiento Sur Poniente N1 212
29060, Tuxtla Gutiérrez, Chiapas.
México

Faxes: +52 967 67 81 881 (if someone answers say "da 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 April 2003.