

March 2007

Further Information on UA 307/06 (AMR 41/053/2006, 16 November 2006) and follow-up (AMR 41/54/2006, 24 November 2006 and AMR 41/008/2007, 20 February 2007) - Fear for safety/fear of ill-treatment/ Arbitrary detention / Fear of unfair trial and new concern: Possible prisoner of conscience

**MEXICO** Members of the indigenous community of Viejo Velasco Suarez, Chiapas State  
Diego Arcos Meneses (m) aged 42, community leader

**Missing:** Pedro Núñez Pérez (m)  
Mariano Pérez Guzmán (m)  
Miguel Moreno Montejo (m)  
Juan Peñate Montejo (m)

On 21 February, Diego Arcos Meneses was committed for trial on the basis of reportedly unfair investigation and trial procedures. He now faces being held in custody for a year or more, while his trial takes place. Amnesty International fears he may have been subjected to an unfair process because of his role as an indigenous community leader, catechist (religious instructor) and health promoter.

Diego Arcos Meneses had been arrested on 14 November 2006, near the site of a violent attack the day before, by 200 armed individuals on members of the community of Viejo Velasco. The attack resulted in the death of four people and the disappearance of four others. Diego Arcos Meneses had visited the community to see whether any injured people had been left behind and to collect a few personal belongings on behalf of the terrified displaced people who had taken refuge in his community.

Diego Arcos Meneses was initially detained in order to be questioned as a witness to the attack. However, when he refused to sign his witness statement because he could not read Spanish and had not been provided with an interpreter, he was reportedly severely beaten and put in pre-charge detention (*arraigo*) for 90 days. During that period, the prosecution reportedly gathered biased testimonies, from people who live in Nueva Palestina, where many of the attackers came from. Diego Arcos Meneses was then charged with murder and with belonging to a criminal organization. His defence lawyers were only given three days to gather evidence in his favour, before the case was presented to the judge on 21 February. The judge ruled that Diego Arcos Meneses should be tried and held in detention until the end of the trial.

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

- calling for an independent and impartial review of the reliability and the credibility of the testimonies gathered by the local prosecutor into the events of 13 November 2006;
- calling the authorities to release Diego Arcos Meneses while such review takes place;
- for him to be given a fair re-trial, should the review substantiate the evidence against him or for him to be released;
- calling for a thorough and impartial investigation into the attack on Viejo Velasco Suarez on 14 November 2006 and for those responsible to be brought to justice.

**APPEALS TO:**

Attorney General of Chiapas

Lic. Mariano Herrán Salvatti

Fiscal General de Justicia del Estado de Chiapas

Libramiento Norte s/n, tercer nivel, Col. Infonavit "El Rosario", CP 30064, Tuxtla Gutiérrez, Chiapas, México

**Fax:** + 52 961 61 657 24

**Email:** mherran@fge.chiapas.gob.mx

**Salutation:** Estimado Sr. Fiscal/Dear Attorney General

Governor of Chiapas

Lic. Juan José Sabines Guerrero

Gobernador del Estado de Chiapas

Palacio de Gobierno, 1º piso, Col. Centro, 29000, Tuxtla Gutiérrez, Chiapas, México

**Fax:** +52 961 618 8050 ext. 21122

**Salutation:** Dear Governor/Señor Gobernador

**COPIES TO:**

Human rights organization

Centro de Derechos Humanos Fray Bartolomé de las Casas A.C

Brasil No. 14 Barrio Mexicanos, CP. 29240, San Cristóbal de las Casas, Chiapas, México

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 27 April 2007

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