

PUBLIC

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UA 193/04 Prisoners of conscience

MEXICO Isidro Baldenegro (m) }
Hermenegildo (Domingo) Rivas (m) } environmental activists and human rights
defenders

Two environmental activists, Isidro Baldenegro and Hermenegildo Rivas, have spent over a year in a federal prison in the State of Chihuahua, despite the recent prosecution of seven members of the state judicial police for fabricating evidence against them. Amnesty International is calling on Mexico's Attorney General (*Procurador General de la República*) to immediately drop the charges against the two men and secure their unconditional release as prisoners of conscience. A court verdict on their case is believed to be imminent.

Isidro Baldenegro and Hermenegildo Rivas, who are members of the indigenous Rarámuris (or Táraumaras) community of Coloradas de la Virgen, in Chihuahua, have played a key role in their community's longstanding struggle to protect their rights and stop the unregulated logging of forest lands.

Their arrest by members of the state judicial police (*agentes de la policía judicial del estado PJE*) on 29 March 2003, which took place without a warrant, is believed to have come as a direct reprisal for these activities. After their arrest the two men were brought before a federal prosecutor and charged with the illegal possession of weapons; Isidro Baldenegro was also charged with possession of marijuana. The evidence against the men was repeatedly stated by witnesses to have been fabricated, reportedly on the orders of the local *cacique* (political boss).

In 2003 the State Human Rights Commission (*Comisión Estatal de Derechos Humanos de Chihuahua*) told the Attorney General's Office in the State of Chihuahua (*Procurador General de Justicia del Estado de Chihuahua*) to investigate the police involved.

In April 2004 the Internal Affairs Unit of the Attorney General's Office in the State of Chihuahua concluded that the state police officers were responsible for fabricating the evidence against the activists and initiated criminal proceedings in the state courts.

However, despite this action in the state courts clearly demonstrating that charges against Isidro and Hermenegildo were fabricated, the federal prosecutor has not dropped the charges against the two activists, and is continuing to seek their conviction. They are currently awaiting the judge's verdict in their trial.

BACKGROUND INFORMATION

Amnesty International has on several occasions highlighted the misuse of the judicial system in Mexico to silence or deter dissident or opposition by civil society through the use of fabricated or unfounded criminal charges. The failure of federal, state and municipal authorities to ensure that such abuses do not occur continues to encourage the misuse of the judicial system.

In 1999 Rodolfo Montiel Flores and Teodoro Cabrera García, two indigenous environmental activists in the state of Guerrero were detained and tortured by the military, then prosecuted and sentenced to lengthy prison terms on the basis of their forced confessions. Intense national and international pressure finally led to their release in November 2001 by order of the president. However, the authorities have never officially recognised the violations the both men suffered.

In December 2003 Amnesty International launched the report "Prisoners of conscience- indigenous environmental activists, Isidro Baldenegro López and Hermenegildo Rivas Carrilo"(AMR 41/051/2003).

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

- expressing your belief that Isidro Baldenegro and Hermenegildo Rivas are prisoners of conscience and call for their immediate and unconditional release;
- welcome the prosecution of members of the state judicial police for fabricating charges against the two men;
- in the light of clear evidence that members of the state judicial police fabricated the evidence against the men, urge the authorities to immediately drop all charges and ensure their immediate release;
- urging the authorities to ensure the two men receive adequate reparations for their false imprisonment;
- urging the authorities to guarantee the right of the communities to campaign against logging operations and protect the environment and to effectively implement the UN Declaration on Human Rights Defenders.

APPEALS TO:

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha
Procurador General de la Republica
Procuraduría General de la República
Reforma Norte esq.Violeta 75
Col. Guerrero
Delegación Cuauhtémoc
México D.F., C.P. 06300
MEXICO

Fax: +525 55 346 0983 (ask for "tono de fax por favor")

Salutation: Señor Procurador General / Dear Attorney General

President of Mexico

Lic. Vicente Fox Quesada
Presidente de los Estados Unidos de México
Residencia Oficial de "Los Pinos"
Col. San Miguel Chapultepec
México, D.F. MEXICO

Fax: +52 5 2 77 23 76

Salutation: Dear President

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

Fax: +525 55 093 3414

Salutation: Señor Secretario / Dear Minister

Governor of Chihuahua State

Lic. Patricio Martínez
Aldama 901
Colonia Centro, Chihuahua State
Mexico

Fax: + 52 614 4165 0719

Salutation: Dear Governor / Señor Gobernador

COPIES TO:

Fuerza Ambiental

Emilio Carranza 910, Colonia Centro
Chihuahua, Chihuahua
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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 16 July 2004.