

PUBLIC

AI Index: AMR 41/067/2007

6 December 2007

Further Information on UA 307/06 (AMR 41/053/2006, 16 November 2006) and follow-up (AMR 41/54/2006, 24 November 2006; AMR 41/008/2007, 20 February 2007; and AMR 41/012/2007, 16 March 2007) - Fear for safety/fear of ill-treatment/ Arbitrary detention / Fear of unfair trial / 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)**

Diego Arcos Meneses, an Indigenous Chol community leader from Nuevo Tila, Chiapas state, was freed from a state prison on 4 December as the prosecution dropped all charges against him on grounds of lack of evidence. However, there are still outstanding arrest warrants against 20 other people, who may face unfair legal proceedings.

Diego Arcos Meneses had been arrested on 14 November 2006, near the site of a violent attack which took place the previous day, when approximately 300 armed individuals attacked 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 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 it was not read to him, as was his right, he was 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, a nearby community where many of the attackers came from. Diego Arcos Meneses was then charged with murder. 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.

In August 2007 Diego Arcos's defence lawyers won a federal injunction recognising the lack of evidence against him. However, the state court did not order his release and he remained in prison until Chiapas state's Minister of Justice ordered a review of his case. The review highlighted the lack of evidence against him and the prosecution dropped the murder charge. Amnesty International had called for Diego Arcos' liberation in a report published in November 2007 (*Mexico: A year of injustice for Diego Arcos*, AMR 41/064/2007). Arrest warrants issued in February 2007 are still pending against 20 other individuals, including inhabitants of Viejo Velasco, on the basis of the same flawed investigation.

There have been no advances in the search for Pedro Núñez Pérez, Mariano Pérez Guzmán, Miguel Moreno Montejo and Juan Peñate Montejo, who have all been missing since the attack. Two bodies were found near the site of the attack in July 2007, but they have not yet been formally identified.

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 investigation which led to the unjust detention of Diego Arcos Meneses, with those responsible being brought to justice;
- calling for reparations to be made to Diego Arcos and his family;
- calling for a review of the judicial proceedings against other Viejo Velasco Suarez community members who have been accused of participating in the attack;
- calling for a thorough and impartial investigation into the attack on Viejo Velasco Suarez on 13 November 2006 and for those responsible to be brought to justice in fair and transparent legal proceedings;
- asking for a prompt identification of the two bodies found near Viejo Velasco Suarez and for a criminal investigation into the disappearances of four people on 13 November.

APPEALS TO:

Minister of Justice of Chiapas state

Lic. Amador Rodríguez Lozano

Ministro de Justicia del Estado de Chiapas

Libramiento Norte s/n, tercer nivel

Col. Infonavit "El Rosario", CP 29049

Tuxtla Gutiérrez, Chiapas

México,

Fax: + 52 961 61 657 24

Salutation: Dear Minister/ Señor Ministro

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 16 January 2008.