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New organisation accompanied by PBI in Oaxaca: Committee 25 November

Given the worrying threats and attacks against them, PBI has accepted the request to provide international accompaniment to the Committee 25 November (Comité 25 de Noviembre). The Committee is a human rights organisation which provides legal defence in paradigmatic cases of human rights violations in Oaxaca. The accompaniment is currently focused on ensuring the safety of the lawyers of the Committee in their work providing legal defence in the case of Juan Manuel Martínez Moreno.

Alba Cruz is one of the lawyers working with the Committee 25 November whose work has been recognised both in Mexico and internationally. She has represented, together with David Peña Rodríguez of the Association of Democratic Lawyers (Asociación de Abogados Democráticos, ANAD), the civil society victims in the so-called "Oaxaca Case" before the Mexican Supreme Court of Justice (Suprema Corte de Justicia de la Nación, SCJN). Ms Cruz is the defence lawyer for Juan Manuel Martínez Moreno and Marcelino Coache, whose cases represent emblematic human rights violations in Oaxaca.

Threats: "Since 2006, I have been harassed in my house and at the office - phone calls, physical aggression, theft of my car's licence plates, interference with the brakes on my car. In September 2009 they wrecked the screws on my car, then tried to have me removed from Juan Manuel [Martínez Moreno]'s case while I was injured and unwell. They want me to stop, to keep quiet."

On 21 July 2007, the **Inter-American Commission on Human Rights** granted precautionary measures to guarantee the safety of eight members of the Committee 25 November, in consequence of the attacks and threats they had suffered. Accordingly, the Commission makes the Mexican State responsible for the safety of these individuals; however, these aggressions continue to occur on a regular basis. PBI believes that international accompaniment can have a positive impact on this situation.

precautionary measures, "*Alejandro Noyola y otros*",
(available here in Spanish:

www.cidh.oas.org/medidas/2007.sp.htm



The **Committee 25 November** is a joint project of human rights defenders and social activists. Their aims are to offer legal advice and defence to victims of human rights violations, as well as to promote access to justice and to combat the impunity that surrounds crimes allegedly committed by civil servants in Oaxaca. The organisation was formed as part of an initiative by the painter Francisco Toledo, in reaction to serious violations of fundamental rights. The organisation's name is a reminder of the detention and imprisonment of 139 people, as well as the torture and house searches that occurred on 25 November 2006 in the context of the 2006–2007 social protests in Oaxaca.

The Oaxaca Case: On 14 October 2009, the Mexican Supreme Court of Justice (SCJN) handed down a decision in the 'Oaxaca Case', determining that Oaxaca's Governor Ulises Ruiz, and other public authorities, were clearly responsible for the serious violations of individual rights during the teachers' and social conflict in Oaxaca between May 2006 and July 2007. The finding determines that individual rights recognised in the Mexican Constitution – like the rights to life, physical integrity, freedom, freedom of movement, access to information, etc. – were violated. Over the last few years, Oaxaca's civil and social organisations have been the driving force behind this case before the SCJN. The tasks of providing evidence and systematising and documenting rights violations were undertaken by the Committee 25 November and ANAD.

For more information (in Spanish), see www.scjn.gob.mx/MediosPub/Paginas/CasoOaxaca.aspx

The court case against Juan Manuel Martínez Moreno

After more than 14 months of imprisonment, on 31 December 2009 a federal judge granted Juan Manuel Martínez the appeal he had sought, declaring illegal the detention order which put him in prison. The judge recognised that evidence was lacking to prove him responsible for the assassination of Bradley Roland Will, a US journalist who was shot dead on 27 October 2006 during a march organised by the Popular Assembly of the Peoples of Oaxaca (Asamblea Popular de los Pueblos de Oaxaca, APPO). In accordance with this sentence, he should have been released from prison by 15 January 2010 at the latest. However, on that day the Attorney General's Office (ía General de la República, PGR) made an appeal for a revision of the case, and accordingly Mr Martínez Moreno remains behind bars.

Threats: Juan Manuel Martínez Moreno has received threats in November 2008, and April, July and August 2009. All of these threats were reported, including complaints made to the Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) and the Attorney General's Office against the federal agents responsible for the investigation. Mr Martínez Moreno's family has also been subject to harassment. His wife, Liliana Tejada, has declared, *"the person [unofficially] named as one of those responsible for the death of Brad Will, when he sees me, he follows me until he catches up and he stands there, looking at me."*



Alba Cruz, Juan Manuel's lawyer, observes that *"there is not a single direct imputation in the accusation made by the Federal Attorney General's Office"*, and Juan Manuel's story *"is an emblematic case of the injustice and impunity experienced in Mexico. Evidence against him is lacking, yet there are clearly political interests behind this accusation, as well as the State's obvious willingness to hold Juan Manuel hostage."* Ms Cruz considers that Juan Manuel has become a scapegoat for the United States, as one of the clauses in the Mérida Initiative demands that Mexico show progress in the investigation of the assassination of journalist Brad Will. Ms Cruz admits that taking this case has caused her problems, but she says, *"I believe in Juan Manuel. I am certain of his innocence, and it is a huge injustice that has destroyed not only his life but also that of his family. What's more, as a witness to how he has been pressured, I'm motivated to fight against this kind of injustice which, unfortunately, is seen in Oaxaca as it is in the rest of Mexico."*

Noticias, Voz e Imagen de Oaxaca, "Exige Amnistía Internacional revisar el caso de Brad Will", 28 October 2009.

Marcelino Coache, trade unionist and leader of the Popular Assembly of the Peoples of Oaxaca (APPO), has been the victim of repeated threats and acts of aggression. In March 2009 he was kidnapped and tortured. His wife, Reyna Rivera, was then threatened in April 2009, together with Mr Coache's lawyers – Alba Cruz, Beatriz Casa Arellanes of the Bartolomé Carrasco Briseño Human Rights Centre (Centro de Derechos Humanos Bartolomé Carrasco Briseño, BARCA), and Yésica Sánchez Maya of the Consortium for Parliamentary Dialogue (Consortio para el Diálogo Parlamentario) and Father Romualdo Francisco Mayrén Peláez (coordinator of the Diocesan Peace and Justice Commission, and also known as Padre Uvi). Despite the fact that Marcelino Coache and his family were granted IACHR precautionary measures to guarantee their safety, threats have continued in August, October and November 2009, as well as in January 2010.

Precautionary measure 120/9 *"Marcelino Coache Verano y familia, México"* (available here in Spanish: www.cidh.oas.org/medidas/2009.sp.htm). For more information, see Amnesty International's Urgent Actions AMR 41/044/2009, 21 August 2009 (<http://amnesty.org/en/library/info/AMR41/044/2009/en>) and AMR 41/014/2009 9 March 2009 (<http://amnesty.org/en/library/info/AMR41/014/2009/en>)