

# Human Rights Defenders Behind Bars



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EDITORIAL  
BEHIND BARS

In this publication, PBI has chosen to address the issue of human rights defenders who are imprisoned and accused of committing crimes. We will also deal with political prisoners in Mexico, individuals who are rarely presented by that name. In recent years, we have observed a process in which the distinction between "political prisoner" and "unjustly imprisoned human rights defender" has become murky. PBI aims to highlight cases about which it is directly aware. Here, beyond questions of definitions, we are faced with situations in which defenders, men and women, are either serving jail terms or facing arrest warrants. Many of these warrants are based on dubious legal principles or have been executed with violations of due process.

Several sources have indicated that there are more than 500 people in jail in Mexico who could be considered political prisoners. They were detained based on accusations of participating in armed guerrilla groups, for activities related to social protests, or because of crimes in which there are strong indications that evidence has been manipulated by groups holding positions of power.

One of the best known cases, both within and outside of Mexico, is that of the 62 people jailed during the social protests in Oaxaca in 2006-2007. In this newsletter, we describe the paradigmatic case of

Juan Manuel Martínez Moreno. We will also address the human rights violations suffered in Oaxaca by more than 130 Zapotec indigenous people from the Loxicha region. They were imprisoned in 1996, and eight of them remain behind bars—serving prison sentences of up to 34 years. In Guerrero, we outline the accusations levelled against human rights defender David Valtierra Arango. He is one of the founders of Radio Ñomndaa, a community radio station which broadcasts from Xochistlahuaca. The Organisation of the Me'phaa Indigenous People (Organización del Pueblo Indígena Me'phaa, OPIM) also works in the state of Guerrero, and PBI has interviewed two OPIM members: Raúl Hernández, a prisoner of conscience who has been in jail since April 2008, and Cuauhtémoc Ramírez, former OPIM president accompanied by PBI, who has an arrest warrant pending against him which seriously limits his ability to work. Since 2002, PBI has accompanied the Cerezo Committee (Comité Cerezo) in Mexico City. The Committee has denounced the human rights violations suffered by three of the Cerezo brothers when they were jailed in 2001. The brothers, since released, have shared their reflections in this newsletter. We conclude the thematic block by detailing several factors involved in the violations of the basic rights of the prison population.

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## Cover Photos:

1] Juan Manuel Martínez Moreno, prisoner in Oaxaca, accused of murdering United States Camaraman Brad Will

2] Raúl Hernández, prisoner of conscience from the Organisation of Indigenous Meph'aa People (OPIM)

3] Cuauhtémoc Ramírez, subject of an arrest warrant, Secretary of the OPIM and accompanied by PBI

4] Isabel Almaráz (ex Loxicha prisoner) and Erika Sebastián, Loxicha prisoner Álvaro Sebastián's daughter, in an interview with PBI

5] Felipe Arreaga, (1959- 2009), ex prisoner of conscience from the Organisation of Women Environmentalists of the Sierra de Petatlán (OMESP), and formerly accompanied by PBI

## HUMAN RIGHTS DEFENDERS AND MEMBERS OF SOCIAL MOVEMENTS FACING JAIL

### POLITICAL PRISONERS AND PRISONERS OF CONSCIENCE

During its years of work in Mexico, PBI has become aware of the problems faced by human rights defenders and members of civil movements who have arrest warrants pending or have been imprisoned. They are defined as prisoners of conscience and political prisoners. According to the Fray Francisco de Vitoria Human Rights Centre (Centro de Derechos Humanos Fray Francisco de Vitoria, AC), prisoners of conscience face false accusations and have committed no crime. Political prisoners belong to a social movement, and may have committed illicit acts. Their imprisonment is a result of these illicit actions, but the jail terms tend to be disproportionate to the acts committed.<sup>1</sup> The cases drag for months or years, with frequent procedural irregularities. The late Felipe Arriaga, a human rights defender who was jailed for 11 months between 2004–2005 on charges of homicide (he was later declared innocent), explained to PBI, “First they fabricate the crime, so for the State and the Prosecutor’s Office, you’re guilty. It’s then up to you to prove that you’re innocent.”

### VICTIMS OF HUMAN RIGHTS VIOLATIONS

The 2009 report on the situation of human rights defenders in Mexico, published by the United Nations High Commission for Human Rights, highlights the fact that human rights defenders, facing attempts to halt their activities, “have been victim of the arbitrary use of the legal system [...] in the cases where it has been possible to identify the perpetrators, the participation of authorities, especially local authorities, involved in obtaining and administering justice stands out.”<sup>2</sup> A 2006 report by the Inter-

American Commission on Human Rights also expressed concern regarding the use of legal actions against human rights defenders, brought about with the aim of harassing and discrediting them: “criminal proceedings are instituted without any evidence, for the purpose of harassing the members of the organisations, who must assume the psychological and economic burden of facing a criminal indictment. Some of these proceedings have reached advanced stages, including the prolonged provisional detention of the accused.”<sup>3</sup>

### POLITICAL PRISONERS IN MEXICO TODAY

Various sources suggest that there are more than 500 people imprisoned in Mexico who can be defined as political prisoners or prisoners of conscience.<sup>4</sup> The best known cases are those of nearly 50 students and social activists who were jailed for their participation in protests against the European Union–Latin America summit in Guadalajara in 2004; the 62 people imprisoned during the social protests in Oaxaca in 2006–2007; and the 12 people condemned, some of them to more than 67 years in prison, as a result of confrontations with police in San Salvador Atenco, in the state of Mexico, in 2006.<sup>5</sup>



Cuauhtémoc Ramírez, subject of an arrest warrant, Secretary of the OPIM and accompanied by PBI

<sup>1</sup> Fray Francisco de Vitoria, OP, Human Rights Centre (Centro de Derechos Humanos Fray Francisco de Vitoria). Their web page: [www.derechoshumanos.org.mx](http://www.derechoshumanos.org.mx).

<sup>2</sup> The Office in Mexico of the High Commissioner for Human Rights of the United Nations (HCHR). ‘Defender los derechos humanos: Entre el compromiso y el riesgo’. 13 October 2009.

<sup>3</sup> Inter-American Commission on Human Rights. ‘Report on the Situation of Human Rights Defenders in the Americas’. 7 March 2006. (Available here: [www.cidh.oas.org/countryrep/Defenders/defenderstoc.htm](http://www.cidh.oas.org/countryrep/Defenders/defenderstoc.htm)).

<sup>4</sup> CIMAC, 22 October 2009.

<sup>5</sup> Statement by Dolores González (Serapaz director) and Luis Arriaga (Centro ProDH director). ‘Libertad y justicia para Atenco: Acciones para reivindicar la protesta’. n.d. <[www.christus.org.mx/descargas/Arriaga.pdf](http://www.christus.org.mx/descargas/Arriaga.pdf)>.



Members of the Comité Cerezo accompanied by PBI on the 16th February, 2009, the day Héctor and Antonio Cerezo were released from prison

## THE CEREZO COMMITTEE CELEBRATES THE RELEASE OF HÉCTOR AND ANTONIO CEREZO

Since February 2002, Peace Brigades International has accompanied Emiliana, Francisco and Alejandro Cerezo Contreras, at the request of the Mexican League for the Defense of Human Rights (Liga Mexicana por la Defensa de los Derechos Humanos, LIMEDDH). The three have suffered harassment and threats as a result of their work in support of their imprisoned brothers. In March 2005, Alejandro Cerezo was declared innocent and released. Héctor and Antonio Cerezo completed their sentences and were released on 16 February 2009. PBI was there at their release.

**PBI: What type of actions has the Cerezo Committee carried out while the brothers were jailed? What is the current situation?**

*Cerezo Committee (CC): We organised marches, sit-ins, music festivals, filed criminal complaints, released urgent actions, reporting on the human rights violations and informing people about the case. A documentary*

*was made, which was screened in nearly every Mexican state. Now, with Héctor and Antonio free, we have two more people who can participate in the Committee's work, enriching it with their experience and the spirit of resistance they developed in jail. Having them with us gives us great happiness. It validates us and confirms that it is possible to make things happen. [With them,] we have developed a greater capacity to deliver workshops and human rights courses.*

**PBI: What is the current work of the Cerezo Committee?**

*CC: We have different work areas. One part documents human rights violations against prisoners. Another offers workshops and capacity building in protection, as well as information on security issues, for human rights defenders. The Committee publishes a quarterly magazine, and maintains a web page with a data base ac-*

*cessible to the public. Finally, the work implies travel to other countries to present the human rights problems we have identified in Mexico. We also participate in analytical processes on the criminalisation of social protest.*

**PBI: What obstacles do you face in conducting your work?**

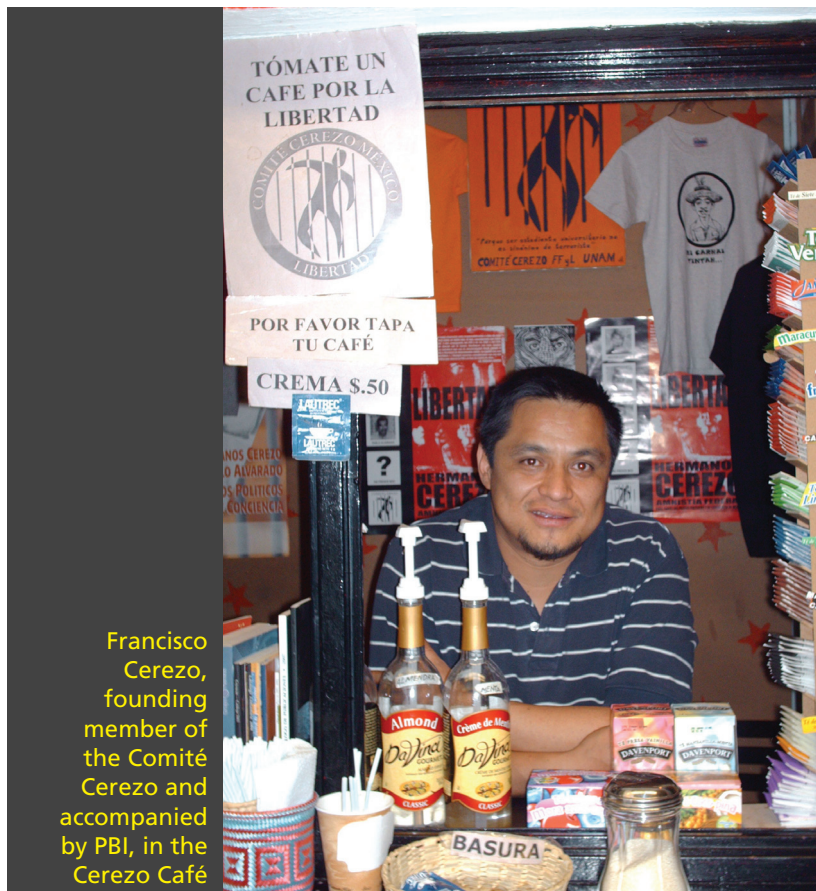
*CC: We have suffered death threats, been followed by police, received harassment and almost daily incidents of surveillance, especially when we have left Mexico City and travelled to other states. The organisation is victim of a process in which our work is stigmatised and criminalised. Some officials of the Mexican State refer to us as terrorists or criminals.*

**PBI: What does the Committee understand by the term "political prisoner"?**

*CC: Firstly, we speak of political prisoners as people who break established legal frameworks through their form of struggle. Secondly, there are prisoners of conscience: someone who has not broken any laws but is imprisoned and criminalised by the State regardless. And there is a third type of prisoner; the person jailed for political motives. This person has not been a militant in any political movement, but instead is detained after participating in a protest, or almost as a casual victim of a repressive State operative.*

**PBI: Why is defending political prisoners part of defending human rights?**

*CC: Normally when these people are detained, it is done without an arrest warrant, an arbitrary detention. In Mexico, detainees are tortured, and the court cases are run for political reasons and without the judges acting independently. For this reason, defending people in these situations is part of the defence of human rights..*



Francisco Cerezo, founding member of the Comité Cerezo and accompanied by PBI, in the Cerezo Café

## THE CEREZO BROTHERS: FROM PRISONERS OF CONSCIENCE TO HUMAN RIGHTS DEFENDERS

On 13 August 2001, we were detained in Mexico City, the three brothers, Alejandro, Héctor and Antonio Cerezo Contreras, together with Pablo Alvarado Flores and Sergio Galicia Max. We were all accused of placing bombs in the entrances of three banks in Mexico City.

### DETENTION AND IMPRISONMENT

Both Héctor and Antonio were detained at our home at 5am. There was no search warrant or arrest warrant. They tortured us physically and psychologically for 12 hours, attempting to force us to admit our guilt. Alejandro was detained when he arrived at our home at four o'clock that afternoon; he was also psychologically tortured. The other two people were detained elsewhere in Mexico City; we had never met them before our detention. On 17 August 2001 we were imprisoned in the Federal Maximum Security Centre known as "the Altiplano." The process of entering a maximum-security prison implies prolonged torture, as the methods used are based on the systematic violation of the physical and moral integrity of the prisoners, even more so if the individuals are political prisoners or prisoners of conscience.

### BIRTH OF THE CEREZO COMMITTEE

From the time we were imprisoned, both the legal battle and the ongoing denunciations of the human rights violations we suffered began. Our relatives and friends formed a committee for our freedom, which consolidated to become what is now the Cerezo Committee Mexico (Comité Cerezo México), a human rights defence organisation. Alejandro Cerezo was freed, exonerated of all charges, in 2005; Pablo Alvarado Flores was released in 2006, once he'd completed his five-year prison term; and Héctor and Antonio Cerezo were set free in 2009, after we completed the seven-and-a-

half-year term we were illegally and unjustly made to serve.

### FREE ONCE MORE

At the time of writing (November 2009), after an intense capacity-building process in our first months of freedom, Antonio and Héctor have participated in delivering the various workshops offered by the Cerezo Committee: human rights, documentation of human rights violations, security for social organisations, and a workshop for relatives of detainees. We have delivered the workshops to student groups or members of social organisations, even other human rights organisations in Mexico City or in other Mexican states. This has given us a broad overview of the grave situation of human rights violations throughout most of Mexico. In many places, we have given testimony regarding our experiences in jail and participated in social forums and forums of human rights organisations. We have joined in the Committee's activities, which is also a way of supporting the financial consolidation of our organisation and guaranteeing the continuity of our activities. Now we are experiencing what the Committee's other members have been through for the last eight years: harassment and being followed, both openly and by undercover officers. During our illegal detention and torture, we lived through difficult experiences; daily life in jail was also hard. However, this has not stopped us from believing that defending human rights is an act of justice; even more so, it is an act of love and commitment to humanity.

Alejandro, Héctor and  
Antonio Cerezo Contreras,  
Cerezo Committee



Alejandro and  
Héctor Cerezo

## OPIIM: YEARS OF PRISON AND PERSECUTION, WAITING FOR JUSTICE<sup>1</sup>

Initiating legal proceedings is one of the forms of aggression used against the Organisation of the Me'phaa Indigenous People (OPIIM). The OPIIM sees these court cases as a demonstration of the power of individuals and groups –bothered by the OPIIM's work in defence of basic rights– to manipulate the legal system.<sup>2</sup> In April 2008, 15 members of the OPIIM were accused of the assassination of Alejandro Feliciano García. Despite inconsistencies in the incriminating evidence, five OPIIM members were jailed; they were subsequently declared prisoners of conscience by Amnesty International. One OPIIM representative remains in prison.<sup>3</sup>

### Raúl Hernández, currently in jail

*They don't like it that we're getting organised. [...] They don't like it that we make demands, [...] that we're telling the truth about what is happening and about the community's needs. [...] the government threatens us: if we speak up they can jail or kill us. Here I am in jail. I'm not in my house criticising the government [...] I ask the government that it doesn't attack innocent people, that they find the people who have really committed crimes. I haven't. And that the government conducts an investigation into who really killed that person. [...] I ask that there be justice, that there be peace. That's what we're asking for, not only myself but the whole of the OPIIM asks the government for*

*justice and dignity. That's why we're dying, because of the community's needs. I'm not the only one who is suffering; the organisation suffers, my family suffers. The people in the government live quite calmly, working there at their desk, every two weeks they get their salary, while I am poor, they have me in jail and unable to provide food for my children. I can't work because I'm detained, and that's what I ask: that I be released.*

### Cuahtémoc Ramírez, who has an arrest warrant pending<sup>4</sup>

*We have had to set aside the work of the organisation. The warrants forced us to leave the area. If we hadn't left, we could be prisoners now, or I don't know what else could have happened. [...] The release of our four companions shows that the accusation is false, but the government acts like this so we human rights defenders will stop our work. [...] [Court cases against*

*human rights defenders are] a well-planned instrument used by the State to silence critical voices [...] In Guerrero, there are more than 200 arrest warrants against people who struggle for social justice [...] The justice system doesn't work in Mexico [...] The first priority is executing the arrest warrant and putting you in jail. Afterwards they start legal proceedings, and then it's up to you to prove that you're innocent [...] I'm motivated by the struggle for justice. We demand that those responsible for the deaths of [other indigenous human rights defenders in the region] are punished, and we will continue to fight impunity [...] [Cuahtémoc considers PBI's accompaniment as] a window onto the rest of the world [...] [He hopes that world-wide attention can persuade the Mexican government to allow him and his colleagues to] work in an open and peaceful way to defend human rights.*

**Raúl Hernández, prisoner of conscience from the OPIIM, together with Otilia Eugenio Manuel, President of the OPIIM in an interview with PBI**



<sup>1</sup> PBI has accompanied the OPIIM since 2005. The interviews with Cuahtémoc Ramírez (22 October 2009) and Raúl Hernández (18 November 2009) can be found on PBI Mexico's web page: <www.pbi-mexico.org>.

<sup>2</sup> The OPIIM demands that public funds be used transparently within the municipality; issues reports on the corruption of public employees; and demands an end to the impunity which reigns in crimes committed by the Army against the civilian population.

<sup>3</sup> Tlachinollan Human Rights Centre of the Montaña. "Testigos de cargo contra Raúl Hernández evidencian fuertes contradicciones durante diligencia". 13 Noviembre 2009.

<sup>4</sup> The plea for legal protection against the arrest warrant was granted on 21 April 2009. On 18 May, the Federal Attorney General's Office requested a review of the decision, which is still being processed.

## DEFENDING FREEDOM OF EXPRESSION: RADIO ÑOMNDAÁ



David Valtierra with other members of the Radio Ñomndaa in the radio station

Radio Ñomndaa—The Word of the Water (La Palabra del Agua) is a community radio station which transmits from the municipality of Xochistlahuaca, in the Costa Chica region of the state of Guerrero. The station gives voice to the Amuzgo (Nn`anncue) indigenous people.<sup>1,2</sup> They demand that their community's right to freedom of expression, as outlined in Convention No. 169 of the International Labour Organization (ILO) and the United Nations' 2007 Declaration on the Rights of Indigenous Peoples, be recognised. The founders and members of the radio station, in addition to maintaining this space on the airwaves, have operated as an autonomous municipality since 2004.<sup>3</sup>

These activities have made the members of the radio station, together with other inhabitants of Xochistlahuaca, victims of threats and harassment. They attribute these attacks to Aceadeth Rocha Ramírez, former mayor of Xochistlahuaca, who still holds political control in the municipality and is currently a local deputy for the Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI). Over the last five years, this situation has resulted in a toll of five dead and more than 100 wounded. In October 2008, 40 troops from the Federal Investigation Agency (Agencia

Federal de Investigaciones, AFI) and the Guerrero Investigative Police (Policía Investigadora Ministerial, PIM) violently entered the transmission booths of the radio station and damaged the station's equipment.<sup>4</sup>

### NEW ARREST WARRANT AGAINST DAVID VALTIERRA

In October 2009, Radio Ñomndaa reported new acts of aggression by Aceadeth Rocha Ramírez directed mainly against David Valtierra Arango, radio co-founder and management committee member. On 13 October 2009, arrest warrants were issued against David Valtierra and 30 others, accusing them of kidnapping and robbing Ariosto Rocha Ramírez (brother of Aceadeth) during the August 2008 municipal elections in the town of Arroyo Grande.<sup>5</sup> The Investigative Police have participated together with the military in operatives in both Xochistlahuaca and Ometepc, attempting to detain these 31 individuals. At the same time, the accused were preparing a plea for legal protection [amparo].<sup>6</sup> Following the detention and imprisonment of David Valtierra, the Ministry of Indigenous Affairs (Secretaría de Asuntos Indígenas, SAI) paid David's bail; this allows him to remain at liberty while the case progresses, rather than continuing in jail.

According to members of the radio station, these incidents demonstrate the attempts to criminalise and intimidate Radio Ñomndaa's work: "the only way they can find to silence us is through harassment."<sup>7</sup> One of the station's members describes the situation in these words: "The authorities and the local political chiefs [caciques] pursue us. We want to face this aggression, and we consider the institutions and the authorities that represent the State are responsible, we demand justice."<sup>8</sup>

<sup>1</sup> In the Amuzgo language, Nn`anncue means "the people in the middle".

<sup>2</sup> Irma Guadalupe Aguirre Pérez. *Amuzgos de Guerrero*. (Comisión Nacional para el Desarrollo de los Pueblos Indígenas, México: 2007), p. 5.

<sup>3</sup> Iñigo Prieto Beguiristáin. "Radio Ñomndaa, The Word of the Water". *Americas Program Citizen Action Profile*. (Washington DC: Center for International Policy, 2 June 2009). Available here: <<http://americas.irc-online.org/am/6164>>.

<sup>4</sup> La Jornada. "Historia de agravios". 3 November 2009.

<sup>5</sup> La Jornada Guerrero: 4 November 2009, 6 November 2009, 24 November 2009. El Sur de Acapulco: 3 November 2009.

<sup>6</sup> See also the interview with José Valtierra Arango of 15 November 2009, available at <[www.pbi-mexico.org](http://www.pbi-mexico.org)>.

<sup>7</sup> La Jornada Guerrero. "Denuncian nueva embestida oficial contra Radio Ñomndaa". 3 November 2009.

<sup>8</sup> 30 members of the Radio Ñomndaa and residents of Xochistlahuaca during a press conference in La Red Guerrerense de Organismos Civiles de Derechos Humanos, 5 November 2009.

## ANOTHER YEAR OF IMPUNITY: THE CASE OF JUAN MANUEL MARTÍNEZ MORENO

The date of 16 October 2009 marked a year since the detention of Juan Manuel Martínez Moreno, accused of the murder of US cameraman Brad Will. Brad was killed during a march of the Popular Assembly of the Peoples of Oaxaca (Asamblea Popular de los Pueblos de Oaxaca, APPO) on 27 October 2006, in the municipality of Santa Lucía del Camino in the state of Oaxaca. 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."<sup>1</sup>

### BASELESS ACCUSATION

Juan Manuel, a baker by profession as well as a father of three and an APPO sympathiser, was accused of shooting Brad Will. He was arbitrarily detained, shut in an isolation cell, and left without food and water for three days. Only when he was called to make a statement did he find out the charges against him. While in jail, he suffered psychological torture, and repeated visits from police officers who tried to force him to confess. Liliana Tejada, Juan Manuel's wife, told us: "There is not a single person who names Juan Manuel as the person allegedly responsible, as he was not there at the time of the incident." 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 [Procuraduría General de la República, PGR]. 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 the journalist, Brad Will".<sup>2</sup> According to Amnesty International, "the evidence against him is flawed and he is a being used as a scapegoat [...] Investigations carried out by the Offices of the Oaxaca State Attorney General [Procuraduría General de Justicia del Estado, PGJE] and the Federal Attorney General insist that Brad Will was shot at close range and that a witness saw Juan Manuel Martínez near him at the time of the shooting. However, this key witness did not originally identify Juan Manuel Martínez and did not actually see Brad Will being shot. Independent experts from Physicians for Human Rights (PHR) and the National Human Rights Commission [Comisión Nacional de Derechos Humanos, CNDH] have reviewed the forensic evidence and concluded that the official forensic conclusion -that the shots were fired from close range- is not based on scientific evidence."<sup>3</sup>

### HARASSMENT

The family of Juan Manuel Martínez has suffered harassment and

threats. Liliana Tejada declared that "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." But the family continues to fight for Juan Manuel's release. "We continue moving forward, even though he's in jail. We will fight for his release, although it may be the last thing we do. They will have to take our lives in order to silence us. This is such a serious injustice that it doesn't matter if we're threatened or if they kidnap us, we will fight for his freedom."

For lawyer Alba Cruz, she admits that taking this case has caused her problems. However, 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."

Alba Cruz, Juan Manuel Martínez' lawyer



<sup>1</sup> Statement by Alba Cruz, lawyer for the accused and member of the 25 November Liberation Committee (Comité de Liberación 25 de Noviembre).

<sup>2</sup> La Jornada. "EU presiona para que se castigue a un inocente por la muerte de Brad Will". 18 December 2008.

<sup>3</sup> Amnesty International, "Demand justice for killing of journalist in Mexico", 23 October 2009. (Available here: <[www.amnesty.org/en/appeals-for-action/demand-justice-killing-journalist-mexico](http://www.amnesty.org/en/appeals-for-action/demand-justice-killing-journalist-mexico)>).



## THE LOXICHA PRISONERS: LONG STRUGGLE FOR FREEDOM

“When I was freed, I didn’t know where to go, I didn’t even know which street I was on. I felt like a caged bird, when it’s freed, it doesn’t know where to fly.” Isabel Almaráz Matías (aged 33), of San Agustín Loxicha

“For indigenous people there is no justice.” – Érika Sebastián Luís (aged 27).<sup>1</sup>

### THE LOXICHA REGION

is located in the Southern Sierra of Oaxaca. The population is principally indigenous, and many live in extreme poverty.<sup>2</sup> In the 1980s, the local peasants began to organize themselves to demand their rights and promote social change. Érika Sebastián explains, “In 1986, they elected my dad and other people to the town council of San Agustín Loxicha. They began to make many changes. In September 1996, they organised a caravan to Oaxaca [City] to demands electricity, potable water and health care centres.”

### PERSECUTION

The caravan’s march to Oaxaca City coincided with an armed attack in Crucecita, Huatulco. The 28 August 1996 attack was attributed to the Popular Revolutionary Army (Ejército Popular Revolucionario, EPR),<sup>3</sup> and caused the death of one person, identified as a municipal authority in San Agustín Loxicha. This resulted in a deployment of military and police forces to the region. According to Amnesty International, in the Loxicha region entire communities were accused of belonging to the EPR, leading to residents suffering attacks, arbitrary detention, “disappearance”, torture and extrajudicial execution.<sup>4</sup> “At that time, they came and searched all of Loxicha. They started to take men, women and children from their homes. They tortured and jailed them, without knowing the crimes for which they were accused. My father was detained and tortured horribly. After being disappeared for two weeks, they released him here in Oaxaca City,” explains Isabel Almaráz. According to Amnes-

ty International, more than 130 Zapotec indigenous people from the Loxicha region have been arbitrarily detained, held in solitary confinement and tortured by security forces since 1996.<sup>5</sup> They were accused of belonging to the EPR. Beatriz Casas Arellanes, lawyer with the Bartolomé Carrasco Briseño Human Rights Centre (Centro de Derechos Humanos Bartolomé Carrasco Briseño, BARCA), states, “The charges are first-degree murder, terrorism, sabotage, bearing weapons, robbery, illegal deprivation of liberty, it’s all a set-up. There have been numerous violations [of due process] during the cases: they didn’t have adequate legal defence; they were all forced to sign statements under torture; they spoke only the Zapotec language and were not provided with translators.” According to Romualdo Mayrén Peláez (or Padre Uvi), parish priest in Xochimilco, Oaxaca, “Their only crime is to be poor and indigenous.”

### THE SIT-IN

In the beginning, the Loxicha people didn’t dare denounce what was happening to them. But gradually, mothers, wives, widows, sisters and daughters of those who had been assassinated, jailed and disappeared in the Loxicha region began meeting up in Oaxaca City. On 10 June 1997, they established a sit-in in front of the state government buildings. Érika Sebastián was only 15 when she arrived at the sit-in: “I began participating because my father was disappeared on 15 December 1997. He was tortured, then taken to the prison in Etlá on 25 December. When we went to visit him, he didn’t recognise us. People from the government passed by and threatened us. It made us both frightened and furious to see our people shut up like that. We had to find courage [...] They have our people in jail for crimes they didn’t commit. They are innocent,” says Isabel Almaráz.

### BEHIND THE WALLS

Isabel Almaráz’s life changed com-



pletely on 25 June 2002. She went from fighting for the release of the Loxicha people, to being in prison herself. “You don’t know how to defend yourself, how to speak, who to speak with, what is truth, what is lies. I’ve lived this myself. They detained me, they tortured me. I saw how they forged signatures, statements, crimes, none of which are really true.”

Once she was detained, Isabel suffered psychological torture. “At that time, my mum was in a coma in hospital. So they threatened that they were going to take her out of hospital, disconnect the apparatus. And when they took my two daughters to the DIF,<sup>6</sup> they were going to disappear them and adopt them out. Then they began inventing fake crimes; they said, “Now you’ll have to spend 60 years in jail. You won’t be leaving here’.”

Isabel Almaráz was accused, with no proof, of belonging to the EPR. She says that during the six years she spent in jail, her visits and phone calls was monitored and she was pressured to remain quiet. However, she insisted on writing letters and seeking help. Finally, after six years and one month of imprisonment, she was condemned to a sentence of three months in jail and a fine of 38 pesos [around \$3 USD]. When she was released,



Isabel Almaráz (ex Loxicha prisoner) and Erika Sebastián, Loxicha prisoner Álvaro Sebastián's daughter, in an interview with PBI

- <sup>1</sup> PBI conducted this interview in the parish of Xochimilco, Oaxaca, in October 2009.
- <sup>2</sup> *Revista en Marcha*. "San Agustín Loxicha: El rostro de la pobreza". 30 October 2009.
- <sup>3</sup> The Revolutionary Popular Army is a guerrilla group which operates principally in the states of Guerrero, Oaxaca and Chiapas. Its first public appearance occurred in Guerrero on 28 June 1996, the anniversary of the massacre of 17 peasants in Aguas Blancas. (For more information, see <[www.wikipedia.org](http://www.wikipedia.org)>.
- <sup>4</sup> Amnesty International. "UA 210/00Torture / Unfair trial/ Death threats" (AMR 41/37/00). 12 July 2000.
- <sup>5</sup> Amnesty International, "Juicios injustos: tortura en la administración de justicia" (AMR 41/007/2003). 25 March 2003. [The English document also goes by the Spanish heading.]
- <sup>6</sup> National System for the Comprehensive Development of the Family (Sistema Nacional para el Desarrollo Integral de la Familia, SNDIF).

she had completed her sentence 24 times over. "Those six years won't be forgotten. Despite being free, that fear is always with me. They threatened me with many things when I was inside, 'If you speak, the government can disappear you tomorrow and you'll never be with your daughters again'."

#### FIGHTING THE PRISON BLUES

Life in prison is hard, but prisoners have learnt how to be strong. As Isabel says, "Sometimes, being alone in there made you feel sad, desperate. If my dad was there, he would say, 'Come on, don't be sad, keep on trying, we're going to get out of here'. I always saw him very happy, he never showed his sadness. He had his moments of prison blues, but he didn't show it."

Érika continues to fight for her father's release. Álvaro Sebastián Ramírez has been jailed for almost 12 years, serving a sentence of 29 years and falsely accused of murder. "For us as a family, it has been very difficult. Many families have fallen apart, many have given up. I had too for a while. But with my companion's [Isabel Almaráz] release, it gave me the courage to keep fighting. He will get out. When and how, I don't know, but he has to be released."

## SECURITY AND PROTECTION FOR HUMAN RIGHTS DEFENDERS

### INTERNATIONAL CONFERENCE PROMOTED BY PBI IN LONDON

*"There can be no peace without democracy. There can be no democracy without peace. But there can be no peace without human rights."* Alirio Uribe, President of the José Alvear Restrepo Lawyers' Collective (Corporación Colectiva de Abogados José Alvear Restrepo, CCAJAR), accompanied by PBI in Colombia

In April, PBI-UK organised the first international conference on this topic, in collaboration with the Human Rights and Social Justice Institute at London Metropolitan University and the All-Party Parliamentary Human Rights Group. The conference was partly financed by the British Foreign and Commonwealth Office.

*Peace is not possible without human rights defenders*, was the reflection shared by the human rights defenders from Latin America, Asia, Africa and Europe who shared their experiences. Together with diplomats, politicians, academics and representatives of human rights organisations, they identified different kinds of attacks, revised the existing protection mechanisms (particularly the European Union Guidelines on Human Rights Defenders<sup>1</sup>), and

evaluated options for improving the guidelines implementation and increasing their impact.

Among the more than 140 participants were the United Nations Special Rapporteur for Human Rights Defenders, the British Minister for Human Rights, representatives of United Nations institutions and of the most important bodies within the European Union, as well as parliamentarians from various countries. The British Foreign and Commonwealth Office was represented by around 60 individuals posted in London or in embassies abroad. PBI is confident that the conference will promote both the implementation of protection mechanisms for human rights defenders under threat, as well as the collaboration of the defenders themselves with the diplomatic corps, and international and human rights organisations.

<sup>1</sup> The guidelines appear here: <[www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf](http://www.consilium.europa.eu/uedocs/cmsUpload/GuidelinesDefenders.pdf)>.

## THE PRISON MICROCOSM

## CONDITIONS IN MEXICO'S PRISONS

The international community, through the United Nations, has established basic principles which ought to guide penal policies and the functioning of penitentiary systems. These norms appear in the 1955 Standard Minimum Rules for the Treatment of Prisoners and the related Recommendations, as well as in other documents. Sixty-four years after Mexico signed on to these agreements, the prison situation was still an issue in the Universal Periodic Review in February 2009. In Recommendations 29 and 34, Mexico was asked to guarantee the respect of the human rights of people deprived of their liberty.

## OVERPOPULATION

In Mexico's prisons there are many more prisoners than the buildings were designed for. In 1996, there were 102 prisoners per 100,000 members of Mexico's general population. Ten years later, the figure had more than doubled: 245 prisoners per 100,000 Mexicans.<sup>1</sup> This increase in the prison population not only reflects an increase in crime rates, but also the legislative changes that have lengthened prison sentences. According to Crime, Marginality and Institutional Performance: Results of the Second Survey of Prison Populations in the Federal District and the State of Mexico<sup>2</sup> (2006), 68% of people in jail are serving time for robbery. Half of these cases are thefts of less than 2000 pesos (around USD 159), and a quarter of them are related to robberies of 500 pesos or less (around USD 39).<sup>3</sup> The jails are filled with people who have not had an adequate defence. According to the survey, 70% of prisoners had access to neither a lawyer nor a trusted friend at the time they made their statements. Some 44% of prisoners are detained awaiting trial. Often, the waiting time is longer than the eventual sentence.<sup>4</sup> Mexico City hosts 11 detention centres; two of them house the largest prison populations in Latin America. They were designed to

house 19,088 prisoners, currently, they hold more than 40,600 people. In the city's Northern Prison, cells designed for six people are currently housing 30. Overcrowding has been defined as cruel, inhumane or degrading treatment, according to the terms of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In the 2006 survey above, 26% of prisoners say they lack drinking water, 63% consider the food insufficient, and 27% don't receive medical attention as required.<sup>5</sup>

## CORRUPTION

The problem of overcrowding is aggravated by another phenomenon: corruption. 'Everything has a price, but nothing has value,' Fernando<sup>6</sup> told us in an interview. Fernando worked for many years as a volunteer in Mexico City's prisons, and has a good understanding of the current situation. The going price for a six-person cell is around 50,000 pesos (around USD 3,930). The poorest people can't pay for a place to sleep, so they sleep on the floor or standing up, tied to the bed's railings to stop them from falling onto their cellmates. Other prisoners buy a cell for themselves alone, and are able to pay for any service they want. Within the jails, prisoners have few opportunities to earn money. The family must take on a large part of the prisoner's costs while in jail.

It's not only the cells that have a price –everything does. Prisoners pay every time the roll is called, to drink water, to be able to eat, to go to the toilet, to receive a visit, and for every other little thing. In the Northern Prison, the amount received by authorities every week –only in what they charge to use mobile phones– is 2 million pesos (around USD 157,210). According to lawyer and theologian Arellanos Aguilar, prisons are businesses used by political parties to earn money for their political campaigns and plans.<sup>7</sup> Violence also benefits from this corruption: nothing has any value, not even a human life. For

five pesos (around USD 0.40), the guard will go away and have a coffee, thus allowing for complete impunity. Afterwards, it is reported that the victim died of renal failure, failing to mention that the cause of death was a stab wound to the kidney. The increase in violence is also due to the fact that very young people are imprisoned on sentences of 100 years or more. Once inside, they've got nothing to lose.<sup>8</sup>

Apart from corruption and overpopulation, it is also worrying to see the prisoners' own lack of awareness about their rights. According to José Luis Gutiérrez Román, lawyer with 'Asilegal', some prison directors are convinced that once in jail, a person loses all their rights. The detainees themselves don't always know their own rights; when they're asked about their detention period, they reply that it was 'pretty normal'. Further questioning reveals that 'normal' includes beatings, bags over the head, even electric shocks.<sup>9</sup> It is possible to speak of a para-legal regime in the jails, supporting the creation of an informal organisation and rules that are parallel to the formal institutional structure: an official version, versus reality. It is a long road between the two, paved with every kind of human rights violation.<sup>10</sup>

<sup>1</sup> Marcelo Bergman, Elena Azaola, Ana Laura Magaloni. *Delincuencia, Marginalidad y Desempeño Institucional: Resultados de la segunda encuesta a población en reclusión en el Distrito Federal y el Estado de México*. (Available here: <[http://www.seguridad-publicacide.org.mx/CIDE/Portal/Docs/pdfs/Reporte\\_final\\_crceles\\_2006.pdf.pdf](http://www.seguridad-publicacide.org.mx/CIDE/Portal/Docs/pdfs/Reporte_final_crceles_2006.pdf.pdf)>).

<sup>2</sup> Emilio Álvarez Icaza Longoria. 'Derechos humanos y sistema penitenciario en el Distrito Federal'. *Defensor: Órgano oficial de difusión de la Comisión de Derechos Humanos del Distrito Federal*: No.7, Year VI, July 2008.

<sup>3</sup> Emilio Álvarez Icaza Longoria, *ibid.*

<sup>4</sup> Elena Azaola, Marcelo Bergman, *ibid.*

<sup>5</sup> Elena Azaola, Marcelo Bergman *ibid.*

<sup>6</sup> Fernando's name has been changed at his request.

<sup>7</sup> Vera Rodrigo. 'La Carcelación'. *Proceso*. No.1701 / 7, June 2009, pp. 6-10.

<sup>8</sup> Anonymous interview. 26 October 2009.

<sup>9</sup> Interview with José Luis Gutiérrez Román, 26 October 2009.

<sup>10</sup> Elena Azaola, Marcelo Bergman, *ibid.*

## NEWS ON THE CURRENT SITUATION IN MEXICO

### PUBLICATION OF THE HCHR REPORT "DEFENDING HUMAN RIGHTS: BETWEEN COMMITMENT AND RISK"

On 13 October 2009, the Office in Mexico of the High Commissioner for Human Rights of the United Nations (HCHR) presented their report on the situation of human rights defenders in Mexico. It highlights the fact that human rights defenders work in an adverse environment, and that in many parts of Mexico "democratic transformation has not been achieved." The work of human rights defenders has become "uncomfortable for some groups, which aim to halt their activities by resorting to acts of aggression". Human rights defenders have been "victims of threats, acts of harassment, arbitrary interference, arbitrary use of the legal system and even violations of their rights to life, [physical/psychological] integrity, freedom and personal safety, presumably related to their activity in defence [of human rights]". The HCHR indicates that in more than half of cases, it was impossible to identify the perpetrators. In the remaining cases, "the participation of authorities, especially local authorities, involved in obtaining and administering justice stands out, as does that of agents linked to organised crime, who are presumably acting with the acquiescence or tolerance of the authorities". The report points out that the Mexican government has not created the conditions required to protect human rights defenders; it does not recognise the legitimacy of their work or the priority which ought to be given to their safety; nor does it investigate the acts of aggression of which human rights defenders are victims.

### NEW PRESIDENT OF THE NATIONAL HUMAN RIGHTS COMMISSION (CNDH)

On 5 November 2009, the Mexican Senate named Raúl Plascencia as the new head of the CNDH (Comisión Nacional de Derechos Humanos). On a formal level, the process was transparent: all appearances before the Senate were

public and televised; the election could be followed on the Senate's web page; and public debate was generated by local NGOs, who asked for changes in the management of the CNDH in order to renew its credibility and efficiency. However, the final result was criticised both by NGOs and intellectuals. The Changeover Group 2009 (Grupo Relevos 2009) indicates that there was a lack of debate around the human rights agenda, which would have allowed for a definition of the ideal candidate. "In the end, they made a decision without fixing selection criteria or political positions".<sup>1</sup>

### MEXICO'S SUPREME COURT OF JUSTICE (SCJN) FAILS TO RULE ON THE MILITARY JUSTICE SYSTEM

On 10 August this year, the Supreme Court of Justice of the Nation (Suprema Corte de Justicia de la Nación, SCJN) declined to conduct a thorough analysis of the constitutionality of the military justice system. The question was raised in the case of a request for legal protection [amparo] submitted by two NGOs, Centre ProDH and Fundar, in the case of Santiago de los Caballeros. For the NGOs, this is a paradigmatic case because of "the risks of the participation of military troops in public security tasks, and of the lack of access to justice for victims when the investigations and the prosecution are in the hands of the military authorities themselves."<sup>2</sup> The NGOs consider that they have now exhausted the last legal remedy available in Mexico. They hope that the Inter-American Court of Human Rights (IACHR), which will examine cases where military troops are accused of rights abuses, will establish an obligation for troops to be prosecuted in civilian, not military, courts.

### THE "OAXACA CASE" BLAMES ULISES RUIZ FOR SERIOUS HUMAN RIGHTS VIOLATIONS

On 14 October 2009, the Mexican Supreme Court of Justice (SCJN)

handed down a decision (which is not legally binding) in the "Oaxaca Case", determining that Oaxaca's Governor Ulises Ruiz, and other authorities, were responsible by omission for the serious violation of individual rights during the teachers' 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, personal integrity, freedom, freedom of movement, freedom of expression, etc.- were violated. The civil organisations of Oaxaca have been the force behind this case.<sup>3</sup> The ruling represents a step forward in the search for justice for the 24 people killed, the 500 detained, and the uncountable number of wounded.<sup>4</sup>

### PARAMILITARY GROUPS ACT WITH IMPUNITY IN OAXACA: SANTO DOMINGO IXCATLÁN

Over a year and a half after a triple homicide was committed in Santo Domingo Ixcatlán, 12 people with arrest warrants pending for their alleged participation in the murders remain at liberty. According to the Centre for Human Rights and Supervision of Indigenous Peoples (Centro de Derechos Humanos y Asesoría a Pueblos Indígenas, CEDHAPI), which provides legal representation for the victims, the murders were committed by an armed group of 40 people, operating under the command of Freddy Eucario Morales Arias. Morales Arias is the former municipal president of Santo Domingo Ixcatlán, an ally of the Institutional Revolutionary Party (PRI) in the state of Oaxaca.<sup>5</sup> CEDHAPI demands the implementation of the precautionary measures granted to 177 local residents by the Inter-American Commission on Human Rights.<sup>6</sup> They demand that measures be adopted to guarantee the life and physical integrity of the beneficiaries, in addition to being informed of the actions adopted to bring the case of the triple homicide to justice.

Rufino Benítez Sánchez, CEDHAPI's acting director, says, "The case of Santo Domingo Ixcatlán is

a demonstration of the power of paramilitary groups in Oaxaca. It is evidence of the government's lack of interest in resolving indigenous conflicts, which translates into total impunity because of the ineffectiveness of the rule of law."

#### INTER-AMERICAN COURT FINDS MEXICO GUILTY<sup>7</sup>

On the 23 of November 2009 the Inter-American Court of Human Rights (the Court) released its judgement on the the Rosendo Radilla case. The Court established that the following human rights had been violated: the right to freedom, personal integrity, legal integrity and life. It ordered the Mexican government to investigate Mr Radilla's whereabouts, establish criminal responsibility for his disappearance, compensate his family members and their lawyers and to adopt legislative reforms to the Military Code of Justice so that such crimes are judged by the civilian courts. In 1974 Rosendo Radilla was disappeared at a military checkpoint in Atoyac de Álvarez, Guerrero. His case represents more than 1,200 forced disappearances documented during the so-called "Dirty War". PBI has accom-

panied Tita Radilla, Mr Radilla's daughter, since 2003.

#### MURDERED WOMEN FROM CIUDAD JUÁREZ

On the 16th of November 2009 the Inter-American Court of Human Rights (the Court) passed sentence in the case of Claudia González, Laura Ramos and Esmeralda Herrera, indicating that Mexico failed to comply with its duty to investigate and guarantee their right to life, personal integrity and personal freedom. The Court instructed the Mexican government to conduct the ongoing criminal trial efficiently, taking the gender perspective into account.

#### THE CASES OF INÉS FERNÁNDEZ ORTEGA AND VALENTINA ROSENDO CANTÚ

These members of the OPIM, accompanied by PBI, have denounced being raped by soldiers in 2002. In 2009 their cases were referred to the Inter-American Court of Human Rights (the Court) and are waiting to be heard. Inés Fernández and Valentina Rosendo have repeatedly denounced aggression and harassment against them and their relatives.

## TITA RADILLA'S EUROPEAN TOUR DEMANDING JUSTICE FOR PEOPLE FORCIBLY DISAPPEARED IN MEXICO'S DIRTY WAR

Tita Radilla, vice president of the Mexican Association of Relatives of the Detained, Disappeared and Victims of Human Rights Violations (Asociación de Familiares de Detenidos, Desaparecidos y Víctimas de Violaciones a los Derechos Humanos en México, AFADEM), was invited by PBI to visit Spain, England and Germany. Her objective was to make better-known the history of people forcibly disappeared during Mexico's Dirty War in Europe, and to highlight the demands for justice made by the relatives of the disappeared. During the tour, Tita Radilla met with representatives of the

Spanish, British and German foreign ministries, with parliamentarians from the three host countries and with europarlamentarians. Tita also participated in more than 10 public events in the Carlos III University in Madrid, the University of Essex, and the House of Democracy in Berlin, among others. She also met with journalists from print, radio and television media outlets, with academics, associations of lawyers and judges, and members of human rights institutes. The ultimate aim of the meetings was to ask the international community to demand that the Mexican State put end to

- <sup>1</sup> The Changeover Group 2009 (Grupo Relevos 2009), made up of the Group for Information on Reproductive Choice; Fray Francisco de Vitoria, OP; Human Rights Centre; Catholic Women for the Right to Choose; Fundar; Centre for Analysis and Research; Civic Proposal; Comprehensive Healthcare for Women - have monitored this process.
- <sup>2</sup> Centro ProDH. "Ejecución extrajudicial de cuatro personas en Santiago de los Caballeros: consecuencias de la militarización". 25 June 2009.
- <sup>3</sup> "Although the decision is non-binding, it has a strong moral and political weight [...] the people affected will follow this up with national and international instances, demanding justice," according to the 25 November Liberation Committee, the National Association of Democratic Lawyers, and Section 22 of the National Education Union. The statement was made in their media release, "La Suprema Corte de Justicia Resuelve el Caso Oaxaca" (15 October 2009).
- <sup>4</sup> Obra Diacónica Alemana, Comisión Internacional de Juristas. "Informe de la visita de la Comisión Internacional de Juristas y la Obra Diacónica Alemana a Oaxaca, México (Agosto 2007)". November 2007.
- <sup>5</sup> PBI México. "Impunidad de Santo Domingo Ixcatlán". No.VIII/2009, September 2009.
- <sup>6</sup> Amnesty International. "AU 129/08 Fear for Safety (AMR 41/023/2008)", 16 May 2008; "Further Information on UA 129/08 (AMR 41/023/2008, 16 May 2008) Fear for safety" (AMR 41/064/2008), 5 December 2008; "UA 283/09 Villagers Threatened (AMR 41/055/2009)", 16 October 2009.
- <sup>7</sup> Sentences: Radilla Pacheco v Mexico, C Series Number 209 and González and Others (Cotton Fields Case) v Mexico (Cotton Fields Case) C Series Number 205.



Tita Radilla during an interview in Madrid

the impunity reigning in the cases of forcibly disappeared people. The relatives of the disappeared consider that, in responding to their grievances, guarantees can be made that these incidents will not be repeated, and reconciliation and reconstruction of the social fabric can be promoted. This will provide the basis for participative democracy in Mexico.

# CRIMINALISATION OF SOCIAL PROTEST: PERSECUTED HUMAN RIGHTS DEFENDERS. TODAY'S POLITICAL PRISONERS?

## IN COLOMBIA: SOLIDARITY COMMITTEE FOR POLITICAL PRISONERS (FCSPP)

PBI has accompanied the FCSPP (Fundación Comité de Solidaridad con los Presos Políticos) since 1998. The FCSPP is a human rights organisation formed in 1973. Currently, it provides legal defence and advice, especially to people deprived of their liberty for participating in social protests, or for political reasons. It is calculated that there are some 7000 political prisoners in Colombia. For their work, the FCSPP received the French Republic's "liberté-égalité-fraternité" Human Rights Prize from the hands of then president of France, Jacques Chirac.<sup>1</sup> Members of the FCSPP have been victims of death threats, assassinations, forced displacement, exile, legal set-ups based on accusations without merit, and imprisonment. PBI is concerned that these practices weaken the situation of members of the FCSPP. By questioning their credibility and the legitimacy of their work, these threats increase members' risk of suffering physical violence, and limit their capacity to work in defence of human rights. This situation is exemplified by the January 2006 detention of Gabriel González,

former coordinator of the FCSPP branch in Bucaramanga. In 2008, Gabriel received threats, which were also directed to other FCSPP members. In one of them he is declared a "military objective"<sup>2</sup> In October 2009, Gabriel González won the 2009 Human Rights Award given by the organisation Human Rights First, for his "bravery and unwavering commitment to justice" and as an example of the "widespread problem of false prosecution and arbitrary detention of Colombian activists."<sup>3</sup>

## IN GUATEMALA: ORGANISATION TO SUPPORT AN INTEGRATED SEXUALITY TO CONFRONT AIDS (OASIS)

As stated in the 2005 report of the UN Special Rapporteur for Human Rights Defenders,<sup>4</sup> in Guatemala the people, organisations and communities who work to protect and promote fundamental rights run a high risk of facing legal proceedings, and in some cases of being jailed. Peaceful protest movements which demand basic rights have particularly been victim to this practice since 2005. In December 2008, 20 cases of criminalisation of human rights defenders were reported to the Technical Secretary of the Public Ministry (Secretaría Técnica del Ministerio Público) in Guatemala.

The case currently open before a Guatemalan court –against Jorge Luis López Sologastoa, director of OASIS (Organización para el Apoyo a una Sexualidad Integrada contra el SIDA) accompanied by PBI since 2006– exemplifies this situation. In January 2009 he was accused of concealing evidence in the case of the attempted assassination of a female sex worker. On 29 September, after two appearances in court, Jorge Luis was declared innocent. The process lasted eight months. PBI has published updates on this case, exposing the issue faced by human rights defenders who are attacked and threatened because they demand justice. In the context of the case against Jorge Luis López, PBI requested the presence of diplomatic missions in the tribunal's hearings, one of the options contemplated in the European Union Guidelines on Human Rights Defenders.

Members of FCSPP, accompanied by PBI in a visit to El Caracol Farm in Guaimaro, Colombia



<sup>1</sup> For more information, see the FCSPP's web page: <[www.comitedesolidaridad.com/](http://www.comitedesolidaridad.com/)>.

<sup>2</sup> See also Amnesty International's "Colombia: Fear and intimidation: The Dangers of Human Rights Work (AMR 23/033/2006), 7 September 2006; and Equipo Nizkor's "Los derechos humanos y la ayuda militar estadounidense", August 2000 (available here: <[www.derechos.org/nizkor/colombia/doc/cspp.html](http://www.derechos.org/nizkor/colombia/doc/cspp.html)>). In 2005, lawyer José Humberto Torres and union leader Dolores Vilacop left Colombia, and five members of the FCSPP were assassinated. For further information, see El Observatorio, "Boletín No.42, COL 001/0106/OBS 004.1", 12 April 2007; and PBI Colombia, "Quarterly Newsletter No.6: "Human rights defenders trapped in their own defense", 6 February 2008.

<sup>3</sup> *Human Rights First*, "Brazilian, Colombian Activists Will Receive Human Rights Award", 2 October 2009. Available here: <http://www.humanrightsfirst.org/media/brd/2009/alert/513/index.htm>.

<sup>4</sup> United Nations Special Rapporteur for Human Rights Defenders, "Guatemala: la criminalización de los derechos de manifestación y reunión. Nueva amenaza a la defensa de los Derechos Humanos", Report presented by the UN Special Rapporteur for Human Rights Defenders in Geneva, 15 April 2005. (Available here: <[www.insumisos.com/lecturasinsumisas/GUATEMALA\\_PDF.pdf](http://www.insumisos.com/lecturasinsumisas/GUATEMALA_PDF.pdf)>).

Jorge Luis López, Director of OASIS, during an interview



## FOUR YEARS WITH PEACE BRIGADES INTERNATIONAL IN MEXICO: AN EVALUATION

*"I left a part of myself behind in that courtroom today," said Rosendo Radilla. "I left an enormous weight behind; I feel so much lighter."*

I saw his face, and the face of his sister Tita, in the courtroom of the Inter-American Court of Human Rights on 7 July 2009. They had been seeking justice for 35 years, and now they finally had a chance to tell their story. Their eyes were full of hope. I heard Tita speak in the United States and Canada, with the same objective: to direct international support and attention to the case of the forcible disappearance of her father. Tita believes that the international community can help her win the justice that neither she nor any of the other 450 relatives of people disappeared in Atoyac could win by themselves. Will it be enough? It's hard to say.

I came here from New York, a city full of Mexican immigrants, and made the journey south. Everybody asked me, "Why PBI?" With PBI, I could use my U.S. passport to get to know and work with human rights defenders, people I had always admired. I could also better my understanding of the situation in Mexico, a country so close to the United States and bound by complex geographical and historical relationships. I couldn't know that I would spend four years accompanying defenders, men and women; meeting with authorities and embassies; seeing the PBI Mexico project grow. It was a journey which taught me much about hope and perseverance. I have known PBI members from many countries, and more than 40 volunteers who have dedicated years to making this project possible. It's incredible to realise how many people are working for a greater respect for human rights. People who leave their countries so that Mexican human rights defenders can feel a little safer.

I was there when Antonio and Héctor Cerezo were set free on 16 February 2009. Before I came to Mexico, I already knew their names and faces from photos taken just before their detention. I had spent many hours outside of the 'Altiplano' federal prison, while their sister Emiliana visited them. Whenever she left, she always said, "They said to say 'hi';" but it was hard to imagine them until I saw them come out. There were a lot of journalists. I accompanied them home, and I saw a family reunited after seven and a half years. They spoke, hugged, laughed together. Many other families around the world await the release of their loved

ones who have been unjustly imprisoned. How long will they have to wait? The Cerezo brothers waited seven and a half years. Felipe Arreaga, of the OCESP and the OMESP, waited 10 months. Four of the five OPIM prisoners waited one year, and the fifth is still waiting for freedom.

Life also has its painful moments. Sometimes it seems as though human rights defenders have to face more than their fair share: the assassination of Raúl and Manuel from the Organisation for the Future of the Mixtec People (Organización por el Futuro del Pueblo Mixteco); the long history of threats against Otilia Eugenio Manuel; the recent death of Felipe Arriaga. One human rights defender who is accompanied by PBI in Colombia said, "From the greatest sadness, hope is born." I believe that there must be hope for people who work so untiringly for their families, their people, their countries. Hope in all its forms motivates PBI volunteers, including myself. It has been very special to be part of an organisation where we collectively witness the hope that has inspired human rights defenders across the world, and where we can share in that hope in order to contribute to a greater respect for human rights and for the people who defend them.



Jamie Wick,  
volunteer  
(2005-2006)  
and in  
country-  
coordinator  
of public  
relations  
(2007-2009)

<sup>1</sup> OCESP: Peasant Environmentalist Organisation of the Sierra de Petatlán (Organización de Campesinos Ecologistas de la Sierra de Petatlán). OMESP: Women's Environmentalist Organisation of the Sierra of Petatlán (Organización de Mujeres Ecologistas de la Sierra de Petatlán).

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# FELIPE ARREAGA SÁNCHEZ, MEXICAN ENVIRONMENTALIST

*“Yes it was worth it, because even though we were persecuted and beaten up in the struggle, we were able to make progress”*

Felipe Arreaga  
in an interview with PBI,  
July 2007.

Felipe Arreaga Sánchez was one of Mexico’s best-known environmentalists. He was accompanied by PBI since 2005 because of the threats he suffered. He died on the 16th of September 2009, in an accident with a public minibus. He was 60 years old.

His life was a tireless search for justice for the communities in which he lived. He demanded fair prices for their agricultural products and joint participation in the definition of rural development models. The field of environmentalism has been at the centre of his social demands since the 90s. He thought that protecting the environment and managing natural resources ecologically was an opportunity to improve the living conditions for the rural population and to preserve the region’s forests. As co-founder of the Organisation of Peasant Environmentalists of the Sierra de Petatlán and Coyuca de Catatlán (OCESP), Felipe successfully denounced the excessive logging of the forests. Several members of the



Felipe Arreaga during a PBI accompaniment

the OCESP were murdered. Fearing for his life, Felipe Arreaga hid for eight months in the mountains. In the year 2000, together with his wife Celsa Valdovinos, Felipe founded the Organisation of Women Environmentalists of the Sierra de Petatlán (OMESP). In October 2004 he was arrested, accused of murder. Although there was a lack of evidence against him, he remained in prison for 10 months. He was awarded the Chico Mendes

Environmental Prize by the Sierra Club and the Don Sergio Méndez Arceo Prize.

It was an honour for all those fortunate enough to have had the opportunity to know and work with Felipe Arreaga. We will continue to support the brave work of the OCESP and OMESSP in their defence of the environment and of the rights of the rural population in Guerrero, in memory of the environmental activist Felipe Arreaga.

Peace Brigades International (PBI) is a non-governmental organisation that has maintained teams of international volunteers who accompany human rights defenders in Mexico since 1999. International accompaniment is a tool for conflict transformation through which a third party contributes to the creation of the necessary conditions to search for solutions. At the request of local organisations, PBI’s goal is to protect the political space of people and organisations that have suffered repression as a result of their non-violent human rights work. PBI never tries to substitute Mexican human rights initiatives, but rather supports them with the presence of international volunteers that accompany people and organisations under threat. The teams make regular visits to conflict zones, disseminate information about the evolution of the conflict, engage with civil and military authorities and carry out public relations and lobbying work to generate international support.

More information about PBI’s work in Mexico can be found on our website at: <[www.pbi-mexico.org](http://www.pbi-mexico.org)>.

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