

❖ CAMPAIGNS

Mexico

Digna Ochoa

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ABOUT DIGNA OCHOA

Digna Ochoa y Placido 38 year old internationally acclaimed human rights lawyer was murdered in her Mexico City office on October 19, 2001. Ms Ochoa had won international acclaim for her work with PRODH (“Centro de Derechos Humanos ‘Miguel Agustín de Juárez’”), an independent human rights organization which, since 1995, had been the target of acts of harassment, violence and intimidation. During her time with PRODH, Ms Ochoa represented some of the most difficult and politically charged human rights cases in Mexico, many of them involving allegations of torture and murder by Mexico’s military and security forces.

In the period prior to her death she had been traveling in Guerrero meeting with peasant ecologists complaining of a variety of human rights abuses by the police and military. Her killers left a death threat warning other human rights defenders against continuing their human rights work.

If you continue, this will also happen to another. You have been advised. This is not a trick.”

Digna Ochoa had been the subject of abduction, death threats and physical violence for approximately 6 years prior to her death. These attacks were all apparently in response to her representation of individuals such as those involved in the Zapatista insurgency and Teodoro Cabrera and Rodolfo Montiel, two prominent peasant ecologists in conflict with logging groups in Guerrero.

Human Rights Organizations and the Inter-American Court of Human Rights

acknowledge that Digna Ochoa was murdered because of her human rights work.

The history of efforts to ensure Digna Ochoa's safety indicate the terrible danger that still faces Mexican lawyers defending or prosecuting politically sensitive cases.

November 11, 1999, After the persistent failure of Mexican authorities to make any significant advances into the investigation of prior threats and assaults on Digna Ochoa, or to take measures to protect the staff of PRODH, the Inter-American Commission of Human Rights, (IACHR) asked the Inter-American Court of Human Rights (the Court) , the highest- level human rights body of the Organization of the American States, to order the Mexican State (which accepted the jurisdiction of the Court in December ,1998) to “adopt, without delay, all measures necessary” to protect the life and safety of Digna Ochoa and others with PRODH and to investigate the acts for the purpose of discovering those responsible and punishing them. These steps were taken pursuant to Article 63(2) of the American Convention on Human Rights and Article 25(1) of the Rules of Procedure of the Inter-American Court of Human Rights, which provide that “ in cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons the court may, at the request of a party, or on its own motion, order whatever provisional measures it deems appropriate.”

November 17, 1999, The Inter-American Court of Human Rights made the order sought. The order was based on evidence of the Aug. 9, 1999, kidnapping and physical assault of Digna Ochoa. (This included several prior and subsequent written death and bomb threats shown by the evidence to be connected to such kidnapping). While in her home, Digna was assaulted, held captive and subjected to prolonged interrogation about the activities of PRODH. She was then left, tied to her bed beside a gas valve which had been opened by her attackers in an attempt to asphyxiate her. That same night, PRODH offices were broken into and ransacked.

August of 2000, Digna Ochoa moved to Washington, in fear for her security. There she worked for the Center for Justice and International Law. Digna Ochoa returned to Mexico City in early May 2001.

May 2001, The Federal Attorney General advised Ms Ochoa that the investigation into her case had been suspended and the Mexican government applied to the IACHR for leave to remove the protective measures on the grounds that they were no longer needed as no threats had occurred during the period of protection.

August 2001, This application, apparently unopposed, was granted.

October 22, 2001, The IACHR petitioned the Inter-American Court of Human Rights to direct the Mexican government to adopt the measures necessary to protect the lives of Ms Ochoa's colleagues Barbara Zamora, Pilar Noriega and other members of PRODH and to investigate the facts and punish those responsible for the threats and the murder. On November 16 2001 Jesus Ochoa, for the family of Digna Ochoa and the original petitioners (Lawyers Committee for Human Rights, Center for Justice and International Law and the National Human Rights Network) proposed that the IACHR offer technical cooperation to the Federal District' Attorney General's Office (PGJDF) to strengthen the

investigation. This proposal was accepted by the government of Mexico. PRODH reported that this agreement implied the contracting of an international expert on criminal investigations of human rights violations.

October 25 2001, The President of the Court issued a resolution that Mexico is bound by the American Convention on Human Rights, (ACHR) Article 1.1 to respect the rights and liberties recognized in the IACHR and to guarantee their application. The Court ordered Mexico to immediately implement all measures necessary to protect the life and personal integrity of PRODH members and the named lawyers and to conduct full investigations leading to the prosecution and punishment of those responsible.

November 30, 2001, The Court issued a resolution confirming the one issued by the President on October 25, 2001 and extending the protections to members of Digna's immediate family.

Over one year after her death, no charges have been laid and no suspects have been identified. The investigation has been plagued by a number of factors including failure to investigate lines of investigation that may indicate government involvement, three changes in the investigating prosecutor, inappropriate focus on a suicide theory and lack of political will to investigate the extent to which Digna Ochoa's capable representation of politically sensitive cases made her the target of attacks.

LRWC/BHRC OPINION

While the questions of responsibility for the threats and assaults to Ms Ochoa and for the death of Ms. Ochoa remain unresolved, the safety of all lawyers representing unpopular causes and clients remains in jeopardy.

LRWC/BHRC continue to call for a proper investigation of the crimes committed against Digna Ochoa and for the implementation of adequate safeguards of the independence and personal security of all human rights defenders in Mexico.

LRWC/BHRC recommend that the government of Mexico:

- A. Comply with the order of the Inter-American Court of Human Rights and binding international law obligations and adopt, as an essential element of Mexico's duty to protect individuals engaged in the protections and defense of human rights, effective measures to investigate the criminal acts against Digna Ochoa in order to find and punish those responsible for such acts, in accordance with the due process of the law.
- B. Conduct an impartial and exhaustive investigation of the attacks and threats against Digna Ochoa and of her death including a full investigation of the involvement of government agents.
Comply with the March 7, 2002 recommendations of IAHCR consultant Dr. Díaz¹, including recommendations to exhaust all lines of investigation.

LRWC/BHRC ACTIONS

Preparation of a summary of the facts and legal proceeding relevant to Ms. Ochoa's murder.

Letters in English and Spanish to Mexican government officials and departments.

Correspondence with human rights organizations advocating a bona fides investigation of the threats and assaults of Digna Ochoa and of her murder.

Preparation and distribution of English and Spanish language **press releases**.

Articles: Stephen Jacob, "*World Responds to Murder of Civil Rights Lawyer*" The Lawyers Weekly Vol. 21, No. 30, December 7, 2001 and John McAlpine, "*The Homicide of Digna Ochoa*"

LRWC and the Bar Human Rights Committee of England and Wales (BHRC), sent representatives to Mexico City March 12 - 18 2002 to investigate and report on the progress and problems of the Mexican government's investigation of Ms Ochoa's death and the assaults and threats against her that had occurred since 1996.

LRWC and the Canadian Journalists for Free Expression (CJFE) nominated Digna Ochoa for the 2002 Ludovic-Trarieux Human Rights Prize, an award given bi-annually by the Institute des Droits de l'Homme du Barreau de Bordeaux (IDHBB) www.idhbb.org. in partnership with the UAE-Human Rights (European Lawyers Union) Ms Ochoa was the only one of the 12 nominees from the Americas. The prize was awarded on May 23, 2002 to Iranian lawyer Mehrangiz Kar.

LRWC/BHRC wrote a **report** in July 2002 of their investigations, conclusions and recommendations.

LRWC/BHRC prepared a **statement** to be delivered at the October 18-19 opening of the Digna Ochoa Human Rights Centre by a representative of Global Exchange.

LRWC/BHRC INVESTIGATION

The LRWC/BHRC Mexico team was composed of B.C. lawyer John McAlpine Q. C. (for LRWC), British barrister Nicholas Stewart Q. C. and BHRC programme coordinator Kirsty MacDonald for BHRC. John and Nick interviewed government officials including the Attorney General's lead investigator, human rights lawyers, and diplomats. From April 11-24 2002, Global Exchange, a San Francisco based international human rights organization conducted further interviews, on behalf of LRWC, of Ms. Ochoa brother and a former lawyer colleague. While the LRWC/BHRC team was in Mexico City the Attorney General's office leaked to the press information supporting the theory that Ms. Ochoa committed suicide.

RECENT DEVELOPMENTS

In July 2002, Attorney General Bátiz announced the creation of a Special Prosecutor's office to assume responsibility for the investigation into Digna Ochoa's death. Margarita Guerra was appointed lead prosecutor. Since then there has been no significant progress made with regards to furthering the investigation.

Negotiations between the government of Mexico and the office of the Inter-American Commission of Human Rights have culminated in an agreement to allow experts to review the evidence. The parties are currently attempting to agree on the terms of reference for the experts and attempting to raise funding. The Canadian government is rumoured to be providing some of the funding for the experts.

LRWC will be following this investigation closely. Any developments in this case will be subject of further discussion in upcoming newsletters.

On October 18-19, 2002, the Digna Ochoa y Plácido Human Rights Centre opened in Mizantla, Veracruz, to commemorate the death of Digna Ochoa. The Centre, a project of Ochoa's family and friends, is dedicated, on the first anniversary of Digna's death, to her work as an internationally respected human rights lawyer. LRWC was invited to attend the opening. A joint statement of LRWC and the Bar Human Rights Committee of England and Wales was read at the opening ceremonies by a Global Exchange representative.

RECOMMENDED READING

Stephen Jacob, "*World Responds to Murder of Civil Rights Lawyer*" *The Lawyers Weekly* Vol. 21, No. 30, December 7, 2001.

John McAlpine, "*The Homicide of Digna Ochoa*"

Gail Davidson, "*Report on the Digna Ochoa Murder Investigation*"

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LETTER WRITING CAMPAIGNS

ARTURO REQUENSES GALNARES

Arturo Requenses Galnares, a human rights defender working with Acción de los Cristianos para la Abolición de la Tortura, (ACAT), Christian Action for the Abolition of Torture received, according to Amnesty International, a threatening phone call on July 17 2002 and was under surveillance on July 16 2002.

Mr. Galnares has been working on politically sensitive cases, including several torture cases and possible disappearance cases for ACAT. LRWC called (**August 2002**) for an immediate and thorough investigation into the threats, intimidation and illegal surveillance of Mr. Galnares, for the results obtained to be made public, and for those responsible to be brought to justice. Director General of Human Rights for the Federal District of Mexico City replied by letter on **October 12, 2002** stating that an investigation into the matter had been concluded, Mr. Galnares was safe and that Attorney General Bernardo Bátiz Vázquez was committed to complying strictly with human rights. LRWC has responded asking for particulars of the investigation.

DIGNA OCHOA

LRWC sent copies (**July 2002**) of the Digna Ochoa report to President Vicente Fox and other officials of the government of Mexico urging compliance with the orders of the Inter-American Court of Human Rights and the recommendations of Dr. Diaz, consultant to the Inter-American Commission of Human Rights. LRWC urged Mexico to conduct a thorough investigation of the death of Digna Ochoa and of the assaults and threats against her and prosecute those responsible.

LRWC (**November 2001**) wrote letters to Mexican government officials stating that the failure to protect and investigate violations of the rights of Ms Ochoa and other lawyers constituted the most egregious breaches of Mexico's duties under binding international laws and principles. LRWC also urged compliance with the orders of the Inter-American Court of Human Rights and with Mexico's international obligations to provide adequate security to lawyers and other human rights defenders and to conduct adequate investigations and prosecutions of Ms. Ochoa's murder.

PILAR NORIEGA AND BARBARA ZAMORA

Pilar Noriega and Barbara Zamora, colleagues of Digna Ochoa had received threats in addition to the note left at the scene of Digna Ochoa's murder.

LRWC wrote (**December 2001**) letters outlining Mexico's national, international and OAS obligations to immediately put in place permanent measures to protect the independence and security of Pilar and Barbara and all other threatened legal worker including other PRODH staff and to effectively investigate and prosecute violations.

ⁱ Dr. Diaz's report to the IACHR and his report has not been released to the public. The wording in this report was taken from the English language version of the summary of Dr. Diaz' released by PRODH in April 2002.