

***NGO in Special Consultative Status with the Economic and Social Council of the United Nations***

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**Mexico: Country Monitoring Report from June 2009 to March 2010**

By

Cara Gibbons[[1]](#footnote-1)

**Letters**

On June 15, 2009 LRWC sent a letter to Mexican authorities on behalf of Rommel Cain Chacan Pale and Matilde Pérez Romero. Mr. Chacan Pala is a lawyer for Monitor Civil de Policía, in the state of Guerrero. Ms. Pérez Romero is his colleague. On June 5, 2009 Mr. Chacan Pale received a death threat related to his human rights advocacy. Ms. Pérez Romero was also in the office at the time. LRWC requested an immediate investigation and the effective protection of the human rights defenders.

September 24, 2009 LRWC sent a letter on behalf of Ricardo Lagunes Gasca y Carmen Aguilar Gómez. Mr. Lagunes Gasca, a lawyer, was attacked and threatened by an armed group while visiting his clients in the village of Ejido Jotolá in Chiapas. Police were present but did not intervene. In the ensuing fray village resident Ms. Aguilar Gómez was shot in the thigh. LRWC reminded the Mexican authorities of their human rights obligations and requested an immediate investigation and for those responsible to be brought to justice.

On October 9, 2009 LRWC wrote a letter regarding the case of Gustavo de la Rosa Hickerson, a well-known human rights lawyer who worked for the State Human Rights Commission of Chihuahua in Ciudad Juárez. Mr. De la Rosa was threatened with death after detailing human Rights abuses committed by members of the armed forces. He had been one of the few officials to publicly recognize the large increase in the number of complaints of serious human rights violations, including torture and extrajudicial executions in Ciudad Juárez, by the armed forces engaging in police duties. The Commission has only limited powers to receive such complaints, but as other institutions have failed to take action the Ciudad Juárez office of the Human Rights Commission accepted them, publicly criticized military abuses and pressured authorities to respond. This led to severe criticism from the local military commander. The president of the Commission in Chihuahua City ordered Mr. de la Rosa Hickerson to stop receiving complaints from victims of alleged abuses by the military and refused to support his request for protection. He subsequently sought refuge in El Paso, Texas.

March 1, 2010 the Hamburg-based INI-MEX and LRWC sent a joint letter to Mexican authorities urging protective measures for Javier Torres Cruz. Torres Cruz has been targeted with threats since testifying, along with his uncle—who was subsequently murdered—that the ex mayor of Petatlán and major landowner Rogaciano Alva Álvarez had ordered three gunmen to kill Digna Ochoa on October 19, 2001. El Sur published the INI\_MEX/LRWC letter March 5, under the headline, *Piden al gobernador desde Alemania y Canadá que se investiguen abusos del Ejército en la sierra de Petatlán.* Two Austria-based NGOs later endorsed the letter: La Plataforma México de Viena and La Comité de Solidaridad México-Salzburgo.

**Digna Ochoa Assassination**

Digna Ochoa was a prominent Mexican human rights lawyer who was assassinated in 2001. After an inadequate investigation certain state officials tried to present her death as a suicide, which the facts do not support. In prior years LRWC conducted two in-country investigations. The Mexico Monitor has reviewed LRWC’s previous work and established contact with the Ochoa family and their lawyers and others working to bring Digna’s killers to justice. LRWC will continue to work with these actors to promote justice in Digna’s case, which is emblematic of the risks suffered by all human rights lawyers and defenders in Mexico.

**In-country investigation**

November 30 to December 4 2009 LRWC’s Mexico Monitor participated in a fact-finding mission in Mexico. The delegation was organized by the Bar Human Rights Committee, which is the international human rights arm of the Bar of England and Wales. It is an independent body concerned with defending the rule of law and internationally recognized legal standards relating to human rights and the right to a fair trial.

The delegation consisted of independent lawyers from Canada, the United Kingdom, the United States and Germany.

The purpose of the delegation was to carry out an independent and impartial audit of the human rights situation in the state of Guerrero and Oaxaca. The delegation was particularly concerned with assessing access to justice, respect for the rule of law and the ability of lawyers and human rights defenders to exercise their vocation freely.

In the year prior to the delegation, the Bar Human Rights Committee was made aware of serious human rights violations occurring in the state of Guerrero, Mexico, in particular with regard to the protection of lawyers and other human rights defenders, including members of the Tlachinollan Human Rights Center, which is a non-governmental organisation which works to uphold the civil and political rights of the local indigenous communities. Threats against Tlachinollan lawyers were so severe that the organization closed its offices in Ayutla de los Libres and as yet has been unable to reopen them.

The objectives of the fact-finding mission were:

1.      To provide support to lawyers and human rights defenders who face enormous personal risks from state and non-state actors as a result of their work in representing the interests of indigenous people in the area.

2.      To gather information about the human rights situation in Guerrero in order to help bring international attention to the difficulties faced by the lawyers who represent members of local indigenous groups.

Meetings were held with the Federal Ministry of Interior, the Federal Attorney-General’s Office, the Supreme Court, the National Commission for Human Rights, and state and municipal officials in Guerrero and Oaxaca. The delegation also met with the Office of the UN High Commissioner for Human Rights, the British Embassy, and local lawyers and human rights defenders in Mexico City, Guerrero and Oaxaca. The delegation was disappointed that the Minister for Defence and the Federal Attorney-General were unable to attend a meeting and contribute to its findings.

At the conclusion of the mission the delegation held a press conference and issued a press release, which received coverage in the local media. The delegation also made a presentation to diplomatic representatives from various nations at the British High Commission in Mexico, including Canadian diplomatic representatives. Ms. Gibbons sat as a member of the panel of the press conferences and presented some of the delegation’s findings to the diplomatic representatives.

Ms. Gibbons made many contacts with local and international lawyers and advocates and it is anticipated that these contacts will be of great assistance in LRWC’s Mexico work.

**BHRC Delegation Report**

The delegation is in the process of drafting a report summarizing its findings. The anticipated release is the summer of 2010. The report will set out the delegation’s findings and recommendations in order to maximize the effectiveness of its work. It is hoped that the report will be launched as a public event in Parliament as well as at Garden Court Chambers in London, U.K.. The report will be disseminated broadly among stakeholders in various levels of the Mexican government, international human rights bodies, local human rights lawyers and defenders, local and international NGOs.

LRWC’s Mexico monitor took a lead role in preparing the report; drafting the portion of the report regarding the findings and recommendations of the delegation with respect to human rights defenders.

**Challenges and future activities**

Despite efforts on the part of authorities to reform, human rights defenders in Mexico are often attacked, threatened and killed as a result of their work. Local investigations are often inadequate and the perpetrators responsible are rarely brought to justice, and often are not even identified. Human rights violations committed by members of the armed forces are adjudicated in the military justice system, which results in near perfect impunity for members of the armed forces implicated in human rights abuses. The criminal justice system is frequently misused to criminalize Mexican defenders for their human rights work. The situation in Mexico is complicated by the narcotics trade and President Calderón’s intensification of the “war on drugs” which has resulted in increased reliance on the armed forces to undertake policing and promote public security. Since 2006, reports of human rights abuses by armed forces personnel has increased by 600%,[[2]](#footnote-2) which directly impacts the world of human rights lawyers and defenders and the risks they face conducting their work.

The challenge for LRWC’s Mexico Monitor will be to create and implement an effective system to respond to threats against defenders. The Monitor will need to continue to develop relationships with lawyers and defenders operating in Mexico and abroad and co-operate with them by pressuring the Mexican government to adhere to its international and national legal obligations with respect to human rights defenders, conducting legal research on germane issues, and preparing other responses as needed. This will include both new and ongoing threats, which are increasing, as well as following up with older cases such as the assassination of Digna Ochoa.

Tuesday, March 16, 2010

*Lawyers Rights Watch Canada (LRWC) is a committee of lawyers who promote human rights and the rule of law internationally by protecting advocacy rights.  LRWC campaigns for advocates in danger because of their human rights advocacy, engages in research and education and works in cooperation with other human rights organizations. LRWC has Special Consultative status with the Economic and Social Council of the United Nations.*

1. Cara Gibbons became the Mexico Monitor for LRWC in June 2009. She is also a member of the Board of Directors. [↑](#footnote-ref-1)
2. Human Rights Watch, “Mexico: Calderon Denies Military Impunity,” http://www.hrw.org/en/news/2009/08/10/mexico-calderon-denies-military-impunity [accessed March 11, 2010]. [↑](#footnote-ref-2)