

# AMNESTY INTERNATIONAL

## PRESS RELEASE

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### **Mexico: Ensuring justice, the only way forward in Oaxaca**

Oaxaca exemplifies many of the long-standing human rights problems that remain unresolved in Mexico. The state and the federal authorities must put an immediate end to the human rights violations in the context of recent unrest and investigate past abuses, said Amnesty International Secretary General Irene Khan concluding a visit to Oaxaca today.

Ms Khan said: "The response to the tensions in Oaxaca is also a test for modern Mexico."

Amnesty International recognizes that some of those acting in name of the protest movement may have been responsible for criminal offences, including the use of firearms, stones, petrol bombs and firework rockets. It also recognizes that the protests and barricades impacted on the rights to education and freedom of movement of the public at large and on public security in general and that they contributed to a complex political environment and a break-down in public order.

Nevertheless, the efforts by the authorities to represent all of those who sympathized with the protesters as criminal and subversive are no more than a tactic for evading the responsibility to investigate. Such claims have also apparently been used as an excuse to justify serious human rights violations, such as possible unlawful killings, arbitrary and incommunicado detention, torture and ill-treatment, denial of fair trial and the failure to act on complaints of abuse.

During the visit, Amnesty International's delegation met with local human rights organizations, survivors of human rights violations committed in the context of the ongoing conflict, Governor Ulises Ruiz and members of his cabinet.

"The meeting with the state authorities was disappointing," Ms Khan said.

"The Governor and his colleagues refuse to recognise that serious human rights violations have taken place. One year down the road they appear not to have drawn any lessons from the prolonged crisis to improve the protection of human rights. Although they claimed to have opened investigations, they could not provide any tangible proof of progress in bringing to justice those responsible for criminal offences in the context of the protests or human rights violations."

"The state and federal authorities must ensure prompt and impartial investigations into the allegations of police brutality, torture, arbitrary arrest and harassment as well as unlawful killings."

"Given the palpable failure of the state government to properly investigate abuses, ending impunity in Oaxaca would be a clear demonstration to Mexican society and to the international community that the government of President Felipe Calderón is committed to protecting, ensuring and fulfilling human rights."

In the context of the visit, Irene Khan also made public a document highlighting compelling evidence of human rights violations in a number of emblematic cases and the failure of the authorities to guarantee the most basic human rights, such as the right to life, the right not to be tortured, and the denial of access to justice and reparations. The report includes a series of recommendations to the state and federal authorities to take decisive steps to hold those responsible for serious human rights violations to account, which they have so far abjectly failed to do. This is a crucial step in ending the ongoing crisis.

The report *Oaxaca: Clamour for justice* concludes that scores of arrests during the unrest were carried out

arbitrarily and suspects were held incommunicado, denied access to adequate legal advice and that the sole prosecution evidence were based on uncorroborated statements of arresting police officers. The organization has received numerous complaints of ill-treatment and torture. Police dressed in civilian clothes have reportedly been responsible for many of these reported abuses.

Despite the evidence of systematic human rights violations, investigations have lacked impartiality and due diligence, with the burden of proof resting on the shoulders of victims to demonstrate violations. Amnesty International has been informed by victims of their fears of reprisals from the agents of the very institutions responsible for conducting investigations, leaving them with no one to turn to for justice.

The clashes between police and demonstrators on 16 July 2007-- which left many people injured, including two protesters struggling for their lives -- once again showed that addressing social tensions through police abuse and long-standing impunity for human rights violations committed during the crisis have not yielded results. The clear evidence of excessive use of force and ill-treatment of detainees should be investigated by an impartial and independent authority. All those officials implicated should be suspended from duty pending the outcome.

"The authorities cannot continue to turn a blind eye to these abuses," said Ms Khan.

"Impunity is so endemic and so entrenched that the authorities seem to tolerate that no one has been held responsible for the 18 deaths and the hundreds of cases of unfair detentions, torture and harassment," said Irene Khan.

"Investigations into the grave human rights abuses which took place and continue to take place in Oaxaca is the best hope for the victims and their families to access truth, justice and appropriate remedy. It is also the only way for the authorities to establish confidence in the rule of law."

Amnesty International called on Governor Ulises Ruiz to:

- Establish a credible mechanism to conduct full, impartial and prompt investigations according to international standards into all reports of human rights violations committed in the ongoing crisis in Oaxaca,
- Suspend from duty all officials implicated in human rights violations pending the outcome of investigations.
- Ensure all those responsible for human rights violations are brought to justice and victims to receive reparations, including medical and therapeutic treatment where required.
- Immediately reform policing operations in line with international standards on codes of conduct and use of force, including enforcement of strict rules on the use of uniforms, identifying insignia and vehicles with number plates.
- Ensure that those detained and facing trial in relation to crimes committed during the disturbances receive fair trials in accordance with international standards.
- Ensure that human rights defenders and journalists are able to carry out their activities without restrictions or fear of reprisals.

Given the lack of any credible mechanisms at state level to investigate human rights violations, Amnesty International notes the decision of the National Supreme Court to investigate the events in Oaxaca and calls on the Court to promptly establish the procedures for undertaking the investigation into the events in Oaxaca and ensure that the enquiry and its results are impartial, comprehensive and independent and based on international human rights standards. The outcomes should be made public and the evidence used in subsequent prosecutions.

Amnesty International called on the federal government to extend their investigations into all cases of human rights violations in the context of the tensions in Oaxaca, of both federal and state police.

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