



Press Release 012/09

Indigenous Me'phaas freed after almost a year in Ayutla jail.

- *They were accused of the murder of an Army informant.*
- *Prisoners: we are going to fight for the freedom of our colleague who stays behind.*
- *Tlachinollan: This case clearly shows that in Guerrero, human rights defenders are criminalised and persecuted.*

Ayutla de los Libres, Guerrero, Mexico, on 19th March 2009.- Almost a year after being unfairly imprisoned in Ayutla jail, accused of killing an Army informant, four of the five members of the Indigenous Me'phaa People's Organisation (Organización del Pueblo Indígena Me'phaa , OPIM) were freed on Thursday afternoon.

Raúl Hernández Abundió is the fifth indigenous Me'phaa man who unfortunately, will remain in prison. However, this does not mean that he is guilty of the crime that he was arrested for, along with his four colleagues on 17th April 2008, but rather that in his specific case the Federal Justice System requires him to prove his innocence through a legal process in the First Instance Mixed Court in Ayutla.

As well as symbolising an act of justice, the release of Manuel Cruz Victoriano, Orlando Manzanarez Lorenzo, Natalio Ortega Cruz and Romualdo Santiago Enedina also demonstrates that in Guerrero the justice system is used to persecute and imprison human rights defenders.

On Wednesday 18th March, Tlachinollan Human Right Centre, whose lawyer's are responsible for the legal defence of the five accused men, were notified by Livia Lizbeth Larumbe Radilla, the Eighth District Judge, based in Acapulco, that the Federal Legal Branch had confirmed the *amparo* (injunction) that she had granted on 15th October 2008, in favour of four of the five imprisoned Me'phaa men. The resolution overruled the appeal registered by the Public Prosecutor from the National Department of Justice (Procuraduría General de la República, PGR) against the judge's verdict.

The human rights defenders from El Camalote to benefit from the Federal Legal Branch's ruling were not freed yesterday because it was not until today at 9:30 am that Alfredo Sánchez Sánchez, the First

Instance Mixed Judge, received notification from the Eighth District Court via telegraph.

After five hours of formalities in the Mixed Court of Ayutla, the four indigenous men left prison at about 2 pm; outside, they were greeted by their wives and children, along with colleagues from the OPIM who shouted slogans and unfolded banners that read *Raise your voice for their freedom!* which is the slogan for the campaign launched by Tlachinollan and the OPIM on 5th February, to demand the release of the five prisoners.

Ex-prisoners: “We are going to continue fighting for the release of our colleague.”

In a media interview outside Ayutla jail, the now ex-prisoner Orlando Manzanarez Lorenzo said that like his three colleagues he felt happy to be free, but that they were also aware that they “would keep fighting to get Raúl out, the colleague who is still imprisoned.”

His colleagues agreed, but Manuel Cruz Victoriano warned that “we are also afraid because the government is after us, and we are even more worried because we know that our Mixtec colleagues Raúl (Lucas Lucía) and Manuel (Ponce Rosas) were killed”.

At Tlachinollan Human Rights Centre we believe that the release of the Me’phaa prisoners of conscience illustrates the lack of appropriate working conditions for human rights defenders in Guerrero, because the Federal Legal Branch’s verdict doesn’t only prove the lack of evidence against the members of the OPIM, but it corroborates the statements made by Amnesty International that a case was fabricated in order to persecute the five colleagues for their work as human rights defenders.

We also appreciate that this case clearly demonstrates the vulnerability and defencelessness suffered by human rights defenders in Guerrero, given that even though the State Department of Justice (Procuraduría General de Justicia en el Estado, PGJE) is responsible for ensuring the safety of human rights defenders and investigating the cases of threats and intimidation against them, it is this very same authority that compiles cases against them and fabricates crimes. This is exemplified by the fact that even though the forced disappearance of the leaders of the Organisation for the Future of Mixtec Peoples (Organización para el Futuro de los Pueblos Mixtecos, OFPM) was reported by their wives, the PGJE refused to open an investigation.

This situation is also manifest in the safety issues faced by the prisoners of conscience, given that hours before they were released, rumours about possible physical attacks or murder attempts started to circulate; this, in addition to the approximately 10 threats that the OPIM have reported to the authorities.

We feel it is important to add that the arrest and imprisonment of the five indigenous men is not an isolated incident, given that since 2005 to date, Tlachinollan has documented 218 cases of criminalisation against human rights defenders.