



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

11 April 2003

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Dear Sirs,

The International Commission of Jurists (ICJ) consists of jurists who represent all the regions and legal systems in the world working to uphold the rule of law and the legal protection of human rights. The ICJ's Centre for the Independence of Judges and Lawyers (CIJL) is dedicated to promoting the independence of judges and lawyers throughout the world.

We are writing to you to express our alarm at a series of anonymous threats made against lawyers Samuel Alfonso Castellanos Piñón and Beatriz Casas Arellanes, and other human rights defenders working with the Oaxaca office of the *Acción Cristiana para la Abolición de la Tortura* (Christian Action for the Abolition of Torture, "ACAT"). Lic. Piñón, Lic. Arellanes, and others have been working as defence counsel on behalf of those accused of killing 26 indigenous people in the Agua Fría region of Oaxaca in May 2002. It has been reported that these threats were intended to intimidate lawyers Piñón and Arellanes, and other members of the defence team, at a critical stage in the Agua Fría trial.

The latest death threat, delivered to the ACAT office on 31 March 2003, warned that Lic. Piñón and others working on the Agua Fría case would be killed if they continue to defend the accused. On 1 March 2003, and again with regard to the Agua Fría trial, similar threats were made against Lic. Piñón and other members of the ACAT and the *Organización Indígena de Derechos Humanos de Oaxaca* (Oaxaca Indigenous Organisation for Human Rights, "OIDHO"). Allegedly, Lic. Piñón was later followed that same day by several unidentified but clearly armed men. These accounts of intimidation have been reported to the State Public Prosecutor's Office and to the State Human Rights

Commission, although it is not clear whether any action has yet been taken.

The Aqua Fría massacre of May 2002, which involved the shooting ambush of a truck carrying sawmill workers, was allegedly the result of a land dispute between indigenous communities in the Agua Fría region dating back to the 1930s. Reports of the killings resulted in national outrage in response to the Government's failure to effectively deal with the impending violence surrounding indigenous community disputes. As a result of this intense public pressure, the police allegedly arbitrarily detained at least 26 people from neighbouring communities. In July 2002, several of these detainees reported to ACAT and Amnesty International that the police had tortured them in order to extract confessions. In October of the same year, Samuel Piñón and Beatriz Arellanes officially took up the case of the accused and challenged their detention and alleged torture. Pursuant to this legal representation, 16 of the detainees were released and the remaining 10 were granted an appeal. Lic. Piñón has also given numerous press conferences decrying the alleged abuse of his clients' due process rights, and demanding their immediate release.

As you are aware, the ICJ/CIJL had previously addressed a letter to you on 23 October 2001 regarding the murder of human rights lawyer Digna Ochoa in Mexico City on 19 October 2001. Ms. Ochoa, former head of the legal division of *Centro de Derechos Humanos Miguel Agustín Pro Juárez* ("PRODH"), previously had been the victim of repeated death threats, kidnappings and an attempted murder. When the body was discovered, Ms. Ochoa was found with bullets to her head and legs. A note had been left next to her slain body threatening death against several members of PRODH. Additionally, in several editions of its seminal publication *Attacks on Justice*, and in the report on its 1999 mission to Mexico, the ICJ/CIJL underscored the problems relating to inadequate investigations and impunity for abuses perpetrated against lawyers and human rights defenders in your country.

In addition to the general legal obligation to prosecute perpetrators of serious criminal acts, the ICJ/CIJL would like to draw your attention to the *United Nations Basic Principles on the Role of Lawyers*, adopted by the General Assembly in 1990, which provide that:

*Article 16: Governments shall ensure that lawyers (a) are able to perform all of their professional functions **without intimidation, hindrance, harassment or improper interference;***

*Article 17: Where the security of lawyers is threatened as a result of discharging their functions, **they shall be adequately safeguarded by the authorities.***

The ICJ/CIJL therefore requests that your Government fully investigate the circumstances surrounding the threats against Lic. Piñón, Lic. Arellanes, and the other human rights defenders involved in the Aqua Fría case, with a view to prosecuting those persons responsible. The ICJ/CIJL would further request that your Government investigate all other instances of lawyers, judges and human rights defenders who have come under threat, and undertake such measures as are necessary to ensure their protection and security.

Yours sincerely,

Louise Doswald-Beck
Secretary-General

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