



CENTRO DE INVESTIGACIÓN Y CAPACITACIÓN
PROPUESTA CÍVICA A.C.

15 May, 2015

Dear Ms. Nathalie Prouvez
Chief of the Rule of law and Democracy Section
Rule of Law, Equality and Non-Discrimination Branch
At the Office of the High Commissioner for Human Rights

I am referring to the letter send to Non-governmental organizations on 16 April 2015.

In that sense, we send our response bringing to the OHCHR some information, specifically on the impact of Mexico's drug problem on Human Rights Defenders and Journalists. As an NGO, Propuesta Cívica A.C. accompanies and keeps track of cases of Human Right defenders and journalist at risk. During our labor we have identified that the organized crime plays a central role in the aggressions suffered by defenders and journalists in our country.¹

Context: Human Rights Defenders on the context of war against drug trafficking.

The effects of the war on drugs led by Mexican authorities are now being profited by actors who aim to limit or even stop Human Rights defenders from developing their activities. The diversification of the illegal activities of the organized crime is sometimes blocked by the surveillance and exposure of abuses made by Human Rights defenders place at a given location.

¹ "Informe sobre la situación del ejercicio del periodismo en Guerrero. Obstáculos y carencias". Reporteros sin Fronteras, Freedom House, Cencos, Centro de Investigación y Capacitación Propuesta Cívica A.C., Periodistas de a Pie, Casa de los Derechos de los Periodistas, 2015. Source: <http://es.scribd.com/doc/264152311/Periodismo-en-Guerrero-obstaculos-y-carencias>; Centro de Investigación y Capacitación Propuesta Cívica A.C. "Solidaridad en el Camino. Atlas de organizaciones de apoyo a personas migrantes centroamericanas". INDESOL, Distrito Federal, México. Pag. 179.



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In some occasions, the crime organizations who used to restrict their activities to drug dealing, have evolved to a wide range of crimes such a human trafficking, attacks on migrants, and also extortion, illegal charging of protection fees and kidnapping. This diversification of types of crimes is usually halt by the labor of Human Rights Defenders who locally demand fiercely the respect and protection of the victims of this all-out war between the Mexican government and the drug lords.

The following cases exemplify the ways in which the war against drugs in Mexico damages directly and indirectly the defense of Human Rights.

Misapplication of criminal law in the context of the war against crime organizations

Case of Juan Carlos Soni.

Juan Carlos Soni Bulos was born in Coxcatlán, San Luis Potosí. He belongs to the Academy of Indigenous Culture of the Huasteca Potosina, an organization that defends the rights of the Tenek indigenous People. The Academy fights for the preservation of this culture. In addition to this, Juan Carlos manages and gives counsel to the language classes and the traditional dance courses.

The first incident took place in June 22, 2013. At one 'o clock in the evening a group of marines and agents of the Ministry of National Security barged in his house illegally. The federal police agents took some of his belongings and the money he had set apart to pay the housekeeping lady.

Juan Carlos reported the abuse in the state prosecutor office located in another town called Tanquian de Escobedo, they declined competency to the Federal General Attorney. Juan Carlos asked his admission in the Mechanism for Protection of Human Rights Defenders and Journalists, the institutional federal program to protect human rights defenders and journalists at risk. Despite the fact that he was admitted to the Mechanism, Juan Carlos waited in vain for the protection measures that were supposed to cover his family and himself.



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The second incident occurred in November, 9th of 2013. Juan Carlos and other four individuals, including a minor, were victims of physical aggressions and arbitrary detention. Approximately 30 marines did the detention in the domicile of Juan Carlos. During this event, the agents confiscated two computers and other personal belongings of Juan Carlos.

The same day, his family found out that the charges pressed against Juan Carlos and the other four persons were: organized crime and possession of illegal fire weapons and drugs. Moreover, they alleged that the detention took place in another place, not in his house. It is important to emphasize that Juan Carlos and companions were wounded during the detention.

In November 12th, 2013, Juan Carlos was sent to face a federal judge. His release did not took place until the beginning of March 2015 despite the fact that his detention was arbitrary, he was tortured and disappeared for 14 hours before he was presented to civilian authorities.

The misuse of the general context of insecurity as a way to inhibit Human Right defense

The case of Jesús Armando Haro and Ramón Martínez Coria

Jesús Armando Haro and Ramón Martínez Coria are academic researchers that support directly the Guarijío People in the northern state of Sonora. Their defense activities have focused on giving visibility to the life conditions of the Guarijío people and help them to stop the construction of the Bicentenario-Los Pilares dam that threatens the existence of the Guarijío culture.

In July 2013, Jesús and Ramón received intimidating calls and messages threatening their lives. Allegedly, the threats came from members of a crime organization. One of the messages said: “Do you really want me to kill you?”

When reporting the aggressions, both defenders stated that the organized crime could not be behind of these acts because the interested ones in the construction are the municipality and state governments and some entrepreneurs.



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Direct aggressions: the organized crime as an aggressor of Human Right defenders

According to the Inter-American Commission of Human Rights, the migrants and those involved in defending their rights are in a position of risk facing the problem of the organized crime, due to the extortions, forced recruitment and crimes such as human trafficking that these kind of criminal organizations do.

Examples of this problem are the aggressions suffered by the migrant refuge named “Casa del Migrante Manos Extendida a los Necesitados A.C.” located in Celaya, Guanajuato.

The idea of a refuge for migrants came to Jorge Vásquez –its founder and director– from a trip he made to Central America. The refuge gives humanitarian assistance: it offers food, lodging and first-aid. In November 2012, a member of the staff was kidnapped by three men who allegedly belonged to the drug cartel known as the “Familia Michoacana”. The purpose of the captors was to force their victim to be their collaborator within the refuge so he could deliver three migrants persons each week in exchange of 3,000 pesos. They beat him and threatened him before releasing him.

In November 25, 2012, another member of the staff was kidnapped by unknown persons in his way to make a payment. During the capture, he was torture until the day of his release, two days later.

Another emblematic example is the case of the group “Ustedes somos Nosotros” (You are Us). This group works in proximity to the “dead corridor”, located in Huehuetoca, Estado de Mexico. The group was created by Jorge Andrade and Andrea González who desired to help the numerous women and men migrating to overcome the rainy season of 2012. Close to the railway of the infamous Bestia (a train that goes from South to North which is sometimes used as a mode of transport for the migrants), close to Veracruz. From that moment on, they formed a volunteer collective to provide humanitarian assistance to the migrants and to denounce the multiple crimes against them.

During their labor, the group has suffered numerous aggressions. A tragic example is the assassination of two volunteers on 23th of November 2014. They were murdered



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because they denounce an organized crime group known as the Maras who were trying to kidnap migrants.

Other cases of attacks against Human Rights Defenders

Case of Balbina Flores Martinez

Balbina Flores Martínez is a journalist and the correspondent of Reporters without Borders in Mexico. She works for the promotion and protection of Mexican journalists by representing them in front of authorities, organizing researches on the conditions of journalism in specific Mexican states and by training her colleagues on security protocols, among other activities.

On March 12th, 2014, Balbina got a phone call in her workplace from a person who said to her: "We sent you an invitation for a meeting 15 days ago and you didn't come and that's a betrayal". When Balbina asked about what was the meeting about, the caller only insisted that the meeting was 15 days ago and identified himself as Major Omar Treviño, member of La Familia Michoacana, a drug cartel, who has been hired to hurt Balbina. The so-called Major told Balbina that if she gave him the money that he had been paid, he would not do her any harm. Balbina asked him if that was a threat to which he replied "Take it as you please but make a decision" and he hung up.

This incident happened days after Balbina Flores came back from a visit to the state of Michoacán where she performed researches about disappeared journalists and attacks to the press.

Case of Indalecio Benitez.

Indalecio Benítez is the founder of Calentana Mexiquense 98.1 FM, a community radio based on the municipality of Luvianos, State of Mexico. Indalecio used his community radio to demand public construction's accountability and to encourage local people to become "treasury inspector" on municipal affairs.



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On August, 1, 2014, Indalecio, his wife and their 12 years-old son were in their way back to home. When they arrived, Indalecio observed an automobile type Tsuru with the doors opened and outside the vehicle a hooded and armed man.

Indalecio tried to escape to the most nearby Navy base with his family. Nevertheless, the attackers started to pursuit them and shooting at Indalecio's vehicle. Indalecio's son was injured because of the shooting and he died before they could arrive at the Navy base².

After the attack, Indalecio's older son told him that the attackers came back to the house. They were shooting at the front of the house and they threatened the members of the family that were inside the house. Indalecio's older son told him that one of the attackers put a gun on his head and put him into his knees. They asked for Indalecio. When Indalecio's son said that he didn't know where his father was, they said "no sabe en qué pedo se metió" ("he doesn't know who's fucking with).

After Indalecio's son murder, he started to receive calls and messages from people who identified themselves as part of La Familia Michoacana's cartel.

On August, 2, 2014, Indalecio received a phone call from an unknown person identified himself as "Carli". "Carli" said that he knew who killed Indalecio's son. He gave to Indalecio the names of the people who killed his son.

On August, 4, 2014, another unknown person called to Indalecio. He said that "que no le pongan la venda en los ojos, no mato niños, si quiere yo le digo donde vaya ahí están mis guaches, y que se quiten la capcucha, para que vea que ellos no fueron, voy a venga a su hijo" (don't let them blindfold you, I don't kill children, if you want it I can tell you where you can find my guaches, and they can unhood themselves, so you can see that they didn't do it, I'm gonna revenge your son).

On August, 8, 2014, Indalecio received a lot of calls and messages from "Carli". "Carli" said that one of the killers of Indalecio's son was at the hospital.

² ICHR. Office of the Special Rapporteur condemns attack to journalist and murder of his son in Mexico. Press Release R. 83/14. August, 6, 2014.



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Since then, Indalecio and his family are displaced from Luvianos. They haven't receive justice. Also, the Calentana's transmissions continue, despite of the attacks of drugs cartel to Indalecio.

The case of " Familias Unidas en la Búsqueda y Localización de Personas Desaparecidas" (United Families for the Search and Localization of Missing Persons)

The missing persons problem in Mexico has severely increased in the last years as consequence of the war against drug trafficking.

United Families association works in the state of Coahuila de Zaragoza. Its head quarters are located in the municipality of Piedras Negras, on the border with the United States of America. Its mission is to give support, assistance and legal advice to missing persons relatives and to organize searching committees.

The organization members have suffered severe threats against their lives and integrity by the so-called "Grupo de Armas y Tácticas Especiales" (Weapons and Special Tactics group) or "GATE"³ an elite armed group created by the state government supposedly in order to react against the organized crime in the region. They have also received threats from the state specialized in missing persons deputy general attorney, in the sense of putting aside the investigation and cases they are accompanying. These investigations include enforced disappearances by the GATE.

Journalists at risk: the consequences of investigating issues related to drug trafficking.

A second group in a real vulnerable situation originated by the war against drugs, are journalists and communicators. Next cases are part of Guerrero's context, one of the

³ "Denunciarán ante la OEA a grupo de élite en Coahuila". Nota publicada en el diario Milenio el día 1 de abril de 2014. Fuente: http://www.milenio.com/policia/Denunciaran-OEA-grupo-elite-Coahuila_0_272972747.html.



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Mexican states with the highest rates of hostility against this group, because of the media coverage about violence and drug cartels.

The case of Jorge Emilio Lugo.

Emilio Lugo has been a journalist in Acapulco, Guerrero for 10 years. Since 2009 he leads the news website Agoraguerrero, with coverage in the entire state.

On March 13, 2013, three successive homicides occurred in Acapulco. An Agoraguerrero reporter covered the first murder. On the crime scene, some paper sheets were left with a message addressed to a Federal Police chief, which said "here it is one of your alfas". For ethical and security reasons, Agoraguerrero decided publishing the homicide without mentioning the message left on the scene.

A few minutes later, on the Twitter account of the website, some direct messages were received on the sense of publishing the notes left on the crime scene. However, Emilio didn't notice those messages.

An hour later, two other persons were murdered on different Acapulco locations, and on both crime scenes the same message on paper sheets was left there.

That day, the Twitter account received dead threats expressing "publish the message or we kill you". Later, at night, Emilio received a phone call, it was the drug cartel asking him why he didn't publish the message, that they were outside his house, that they wanted to talk to him about the situation, saying that "or you come out or we come for you". Fortunately, Emilio escaped with his partner through a back door. Since then, he has been displaced from Acapulco.

Journalism in Chilapa, Guerrero.

Arturo de Dios Palma is the correspondent of La Jornada Guerrero, one of the most important newspapers in the state of Guerrero. One day, the newspaper asked Arturo to do a recount on acts of violence in the county of Chilapa de Álvarez, Guerrero. Arturo was able to gather information from the media and other trusted fonts about the links between the mayor of Chilapa and drugs cartels. He had three evidences of



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those links: 1) a video of an armed group interviewing a squealer about public servants who were related to drug cartels; 2) A note published by a national newspaper, and 3) a list of 25 majors related to narcotraffic that was also made public by national media.

On January 7th, 2015 Arturo and other two journalists, Luis Daniel Nava and Eduardo Yener came with the opportunity to interview the mayor of Chilapa while he was walking on the road from Chilapa to Ahuacotzingo for the opening of a health center in the town of Nejapa. When the interview was done, the mayor stopped Arturo de Dios and asked him why they were keeping harassing him about his links with narcotraffic. The mayor said Arturo de Dios: "As a friend, I advise you not to keep publishing those things, I ask you that as a friend because until now, I have never picked up with you". Since that day, Arturo and his partner started to get intimidatory text messages with the images of Freddie Krugger and phone calls that no one replied when answered. The numbers of such calls and messages were from the states of Guerrero and Morelos.

As you can see, the negative effects of the drug war on the labour of Human Rights Defenders and Journalists are evident. The context of impunity and the binds between authorities with drug cartels had a direct and indirect impact on both groups in vulnerable situation.

We hope this information would be useful for the OHCHR mandate established by the Human Rights Council on the resolution A/HRC/28/L.22.

Yours sincerely,

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(Mexican NGO).