

# Appeal to Mexico on human rights and autonomy of San Juan Copala

**We appeal to the President, the Government and the Senate of Mexico to end the paramilitary siege, shooting and invasion against the autonomous community of San Juan Copala and to secure its legal rights as an indigenous community,** like its rights to life, food, subsistence, health, education or autonomy.

Under the siege led by UBISORT, nearly 30 people have been murdered during the past nine months, the community of more than 700 people has been deprived of proper access to food, water, health services and education and dozens of people have been wounded, raped or tortured.

By allowing this paramilitary siege around the autonomous municipality of San Juan Copala to continue, the Oaxacan government has allowed the public order, the Rule of Law and the fundamental human rights of the community to severely deteriorate into proportions of a grave humanitarian catastrophe.

On 28 July 2010, the Mexican Senate called in respect to San Juan Copala, the Oaxacan and Federal Governments "to recover the public order and the Rule of Law in this municipality".

Legal order and rule of law can be recovered only by removing the paramilitary siege and securing human rights of the people of Copala, who are threatened by the illegal siege, violence, starvation and death.

We are severely concerned to discover that the measures that the Oaxacan Government is taking on San Juan Copala, on the contrary continue to further violate the constitutional order and the rule of law:

On 30<sup>th</sup> July 2010 the Oaxacan state police and secret police force supported UBISORT paramilitaries to invade San Juan Copala and to illegally take over its town hall, capturing Alfredo Martinez Gonzales and Hipólito Merino, who have remained missing ever since. While invading the community with police support, the paramilitaries also shot and critically wounded two Triqui sisters Selena and Adela Ramirez Lopez.

Bullets pierced the lung of 17-year-old Selena and damaged the intestines of 14-year-old Adela, when they participated in a human wall of women and children, trying to defend their community town hall. Doctors say that Adela has been in coma with a bullet lodged in her spine and is paralysed, not likely to walk again.

The Oaxacan state is thus responsible for having supported the illegal violence, which has resulted to severe violations of human rights, its constitutional regulations and its binding international commitments,

If Mexico and its Senate approve this violence and take-over of the town hall by UBISORT paramilitaries as part of the Mexican constitutional order and rule of law, this condition will give further space for killings, assaults, menaces, corruption, rumours and paramilitarization in Copala and elsewhere in Oaxaca.

Through the police support for this illegal paramilitary take-over of the town hall, the Rule of Law is not restored but further deteriorated. When supporting the invasion, the state police acted under direct request of UBISORT, which it has allowed to shoot and threaten people for 9 months through the illegal siege.

According to the Office of the High Commissioner for Human Rights in Mexico, other UN agencies and local Human Rights Centres, UBISORT is described as a paramilitary group which by international practice means that there exist links between the organization and the state authorities, the army or the police force.

This condition implies a direct responsibility for the Federal Government to ensure the removal and independent examination of the siege and the role of Oaxacan government in allowing the siege to continue

As long as this is not done, we are deeply concerned that the measures, which the Oaxacan government continues to take on San Juan Copala are severely partial and continue to further violate human rights and the legal order.

**To recover the rule of law and legal order in San Juan Copala, Mexico and its federal authorities thus have to:**

**1. End the paramilitary siege/shooting at SJ Copala and the take-over of its Town Hall immediately, and dismantle the paramilitary activity and capacity of UBISORT.**

- 2. Immediately present alive Maria Rosa Francisco, Alfredo Martínez González and Hipólito Merino, of whom Maria disappeared on shootings of 26.7. and the men as forcibly and illegally captured on 30.7.**
- 3. Ensure urgent and adequate care to the young sisters Selena and Adela López Ramírez, who were wounded severely by UBISORT's and MULT's attack, which was supported by the state police.**
- 4. Ensure due implementation of state's presently neglected or violated legal obligations on this indigenous community's rights and autonomy, including the Oaxacan Constitution, articles 16, 25, 112, 113 V, Mexican Constitution's Indigenous law, article 2, Indigenous law of Oaxaca, articles 3, 4, 7, 8, 12, 30, 34, 36, 51, 53, UN International Covenants on Civil and Political Rights, articles 6.1., 7, 12.1, 17-22, and on Economic, Social and Cultural Rights, articles 1.2, 11, 12, 13.2, ILO Convention 169, articles 2, 5-8, 12, 14-15, 25-27. What these articles require is shown here in the annex.**
- 5. Ensure the safe transport and delivery of humanitarian aid to San Juan Copala, in order to guarantee the community's rights to food, water, health, shelter, education and other basic needs.**
- 6. Guarantee the safety of the witnesses of the crimes and of the human rights defenders, including also Wilfrido Mayrén Peláez, known as Father UVI**
- 7. Ensure an independent investigation of the nearly 30 murders and other human rights violations which have been committed in the indigenous community during the past nine months and bring the violators to justice - including also the murders of Jyri Jaakkola and Bety Carino on 27 of April 2010.**
- 8. Ensure an independent investigation of the measures of the Oaxacan authorities that supported the violent paramilitary take-over of the town hall of San Juan Copala and allowed the paramilitary siege and violations to continue for nine months.**

When asked to secure a humanitarian aid transport to Copala by 300 police or to examine the murders by the paramilitaries, the state avoided the timely investigations and prevented the access of the humanitarian aid - announcing it as too dangerous for the police force to enter the area as there was illegal shooting. Can it really be more dangerous for 300 police to visit and examine the area or to secure humanitarian transport, than for the community to live there for nine months without any protection under the criminal siege?

If it had been too dangerous even for 300 police to enter the area to secure the use of public roads for basic needs or just to investigate crimes, so, as the security situation has not improved, how could then now 120-200 police come rapidly to the area to support UBISORT paramilitaries to invade and take over the town hall illegally by violence - with an official explanation of investigating a murder of an UBISORT agent? Had the investigation of the murders in the area become for a moment so secure that police can even support paramilitaries shooting non-armed young women - without any problems for the security of the police entering the area? And could police enter only for the moment when UBISORT needed police support for paramilitary invasion - and then at once after this, is it again too dangerous to enter to secure the use of public road for people's needs of survival or to investigate the murders done under UBISORT-led siege?

UBISORT is widely known as a group that supports the Oaxacan PRI, which governs the state. "The police only protected the paramilitaries" who took over the town hall from where their guns now hold sway of the streets of Copala so that "the lives of more than 150 families in the community are in danger", told a Triqui. (<http://www.noticiasnet.mx/portal/principal/appo-se-manifiesta-para-denunciar-represion-copala>)

Having violated the people of Copala by the illegal siege and shooting, UBISORT brought on 13.8. to the conquered town hall many people from other "10 agencies". It presented these UBISORT sympathisers from other areas falsely as authorised to make decision as "San Juan Copala inhabitants" to appoint UBISORT's Mauro Vázquez Ramírez as municipal agent of Copala. (<http://www.xeouradio.com/2010/08/13/tiene-san-juan-copala-nuevo-agente-municipal-2/>). The government shall not approve this falsely appointed agent.

The omission by the authorities to put an end to the paramilitary siege, shooting, invasion and on-going militarisation against Copala's autonomous community, violates human rights to life, security, food, water, health, education, free thought, speech, movement and people's self-determination of their subsistence.

To safeguard these rights for all is a basic precondition for realising the rule of law. Thus, if these rights are not secured equally also for the Autonomous Municipality of San Juan Copala but are allowed to continue being violated by the illegal siege, it turns the Mexican government into a co-perpetrator of these violations.

**The rule of law and constitutional order in San Juan Copala can be better realised only if the fundamental rights and freedoms of this community and its autonomy become better implemented - as presented here in an annex "What does the Rule of Law in San Juan Copala demand from Mexico".**

17.8.2010, Turku, Finland

**Friends of Jyri Jaakkola-** network

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This appeal is sent to the following Mexican authorities:

- Lic. Felipe de Jesús Calderón Hinojosa, President of Mexico
- Lic. José Francisco Blake Mora, Secretary of the Interior
- The Members of the Mexican Senate
- Lic. Arturo Chávez Chávez, Attorney General's Office
- Dr. Raúl Plascencia Villanueva, President of the National Human Rights Commission
- Dr. José Antonio Guevara Bermúdez, Head of Unit for the Promotion and Defense of Human Rights
- HE. Mr. Juan José Gómez Camacho, Permanent Mission of Mexico to the UN Offices in Geneva
- HE. Sandra Camila Fuentes-Berain Villenave, Ambassador of Mexico to the European Communities and Permanent Observer to the Council of Europe

Copies delivered:

- Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights
- Mr. Santiago Cantón, Executive Secretary of the Inter-American Commission on Human Rights
- Mr. James Aanaya, Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples
- Ms. Margaret Sekaggya, Special Rapporteur on the Human Rights Defenders
- Mr. Alberto Brunori, Representative in Mexico of the UN High Commissioner for Human Rights
- Ms. Tarja Halonen, President of Finland
- Ms. Ulla Marianna Vaisto, the Embassy of Finland in Mexico
- Mr. Mariano Machain, Amnesty International, International Secretariat, Mexico team