

via fax: 011 52 961 618 8050 <b>Lic. Juan José Sabines Guerrero</b> Governor of Chiapas State, Mexico	via fax: 011 52 961 639 6615 <b>Lic. Juan Carlos Moreno Guillén</b> Human Rights Commission of Chiapas State, Mexico
via fax: 011 52 961 61 657 24 <b>Lic. Amador Rodríguez Lozano</b> Minister of Justice of Chiapas State, Mexico	

February 1, 2009

Dear Sirs:

We are very concerned for the safety of **45 undocumented immigrants who were shot at by Chiapas State police officers** in San Cristobal de las Casas municipality on January 9. Three of the migrants were killed and eight were seriously injured.

Migrants from El Salvador, Honduras, Guatemala, Ecuador and China were traveling in a van when four police officers tried to pull them over and shot at the van, which crashed into a tree. Several migrants ran and escaped, three were killed and eight were injured and taken to a hospital. The remaining migrants were detained by the police and taken to testify at the state police station in Tuxtla Gutiérrez.

A local human rights organization seeking to provide the migrants with legal advice was denied permission to see them by representatives of the State Public Prosecutor's Office. The migrants were also denied access to their consular representatives. The detained migrants were handed over to officials from the National Migration Institute, Tapachula Migration Detention Center and to Iztapalapa Migration Detention Center in Mexico City, where they were still being held in late January. We fear that all migrants who witnessed the shooting may be at risk of being threatened, harassed or intimidated as a result of their testimony against the police officers responsible for the attack.

We are aware that every year hundreds of thousands of people attempting to travel through Mexico from Central and South America to reach the U.S. are detained by the Mexican migration authorities and returned to their countries of origin. Many have been kidnapped by gangs, sometimes with the complicity of local officials. These gangs and the corrupt officials are rarely brought to justice, and people who file complaints against them may face reprisals and swift deportation. This impunity has allowed abuses against the migrants to increase, despite government commitments to ensure respect of migrants' rights.

We **strongly urge** you to:

- provide the migrants who were traveling in the van that was shot at on January 9 with temporary visas and protection so they can testify against those responsible without fear of reprisals or repatriation;
- ensure that all migrants involved in the incident have access to legal advice, consular officials and adequate medical attention;
- call for a full, prompt and impartial investigation into the deaths of three migrants and injuries to eight others by state police, including the procedures used to detain irregular migrants;
- call for those responsible to be held accountable and for the victims and relatives to receive reparations;
- ensure that all irregular migrants who are victims of crimes are able to report the offenses and assist in the investigation without fear of reprisal or deportation and that they have access to consular officials, legal advice and medical attention.

Sincerely,

Brian J. Stefan Szittai, Program Coordinator

cc: Fray Bartolome de Las Casas Human Rights Center ~ via US-mail  
 Arturo Sarukhan Casamitjana, Mexican Ambassador to the US ~ via fax: 202.728.1698  
 Antonio O. Garza, Jr., US Ambassador to Mexico ~ via fax: 011-52-55-5207-0091  
 Mary Stickles, Mexico Desk, US State Dept ~ via fax: 202.647.5752  
 Paolo Carozza US member of the Inter-American Commission on Human Rights ~ fax: (202)458-3992  
 US Senators Brown & Voinovich and US Representatives Boccieri, Fudge, Kaptur, Kucinich, LaTourette, Latta, Ryan, Sutton, Wilson ~ via email

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**The following people hereby urge you to take action on this matter as indicated in this letter:**