

Via fax: 011 52 55 5093 3414 <b>Lic. Fernando Francisco Gómez Mont</b> Minister of the Interior of Mexico	Via fax: 011 52 951 502 0530 <b>Lic. Ulises Ruiz Ortiz</b> Governor of Oaxaca State, Mexico
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June 26, 2010

Dear Sirs:

We are extremely concerned for the safety of **Father Martín Octavio García Ortiz** and **10 other men** who have been accused of killing two local officials in San José del Progreso municipality, Oaxaca, and are being held in pre-charge detention (*arraigo*). The false allegation against the priest is linked to his support for community members who oppose the environmental contamination of a gold and silver mine in their community.

On June 18 the leader of the municipal government in San José del Progreso and another official were shot dead when their supporters met local opposition activists in the Cuajilote area of the municipality. The circumstances of their killing are unclear. Shortly afterwards, supporters of the municipal leader abducted and beat Father Martín García who was in San José del Progreso to offer a Catholic mass. They threatened to kill him unless he was prosecuted for inciting the murders. On June 19, he was taken into custody by the Oaxaca State Attorney General's Office (PGJE). He is being held under guard in a hospital where he is being treated for injuries sustained when he was beaten. A judge has placed him and 10 other men in pre-charge detention on suspicion of the two murders.

In an attempt to undermine the credibility of Father Martín García as a human rights defender, the municipal leader who was killed and others in favor of the mine had previously falsely and publicly accused Father Martín García of involvement in armed opposition groups. The other 10 men are local community activists who have opposed the former municipal president's support for the mining operation.

It appears that all 11 men will remain in pre-charge detention for at least 30 days while police and PGJE investigators decide if they will be charged. Despite contradictory accounts of the killings and evidence that Father Martín García was not involved, the PGJE has already issued statements attributing the deaths to the community activists opposed to the mine. We believe these statements violated the detainees' right to be presumed innocent and to a fair trial. In many cases documented by Amnesty International, the Oaxaca PGJE and police have tortured and ill-treated detainees to extract false testimony. The PGJE has prosecuted people on spurious grounds for political reasons, denying them a fair trial. We are concerned that close links between community supporters of the mining operation and the local governing party in the state may place Father Martín García at risk of reprisal attacks while he is in hospital.

Therefore we **strongly urge** that you

- guarantee the safety of Father Martín Octavio García Ortiz and 10 other men held in detention and ensure that they are not subject to torture or any other form of ill-treatment;
- ensure that they are subject to international fair trial standards, including access to medical attention, legal defense council and family visits, and that they either be charged with a recognizable criminal offense or be released;
- conduct a full, prompt, impartial and independent investigation into the killing of the two municipal officials in San José del Progreso and bring those responsible to justice in a fair trial.

Sincerely,

Brian J. Stefan Szittai  
 Coordinator

cc: Regional Human Rights Centre "Bartolome Carrasco Brisño" ~ via email  
 Arturo Sarukhan Casamitjana, Mexican Ambassador to the US ~ via fax: 202 728 1698  
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 José de Jesús Orozco Henríquez, Mexico's member of the Inter-American Commission on Human Rights ~ fax: (202)458-3992  
 US Senators Brown & Voinovich and US Representatives Bocchieri, Fudge, Kaptur, Kucinich, LaTourette, Latta, Ryan, Space, 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:**