

<p>Sr. Presidente Andrés Manuel López Obrador President of the Republic of Mexico via US mail</p>	<p>Sra. Ministra Olga Sánchez Cordero Minister of the Interior of Mexico via email: secretario@segob.gob.mx</p>
<p>Sr. Gobernador Rutilio Escandón Cadenas Governor of the State of Chiapas via email: secparticular@chiapas.gob.mx</p>	<p>Sr. Juan José Zepeda Bermúdez President of the State Commission for Human Rights of Chiapas via email: presidencia@cedh-chiapas.org</p>

November 22, 2020

Dear Sirs and Madame:

We are outraged by the excessive use of force by police and military against indigenous Maya Tzeltal campesinos in Chiapas and the fabricated criminal charges against **José Luis Gutiérrez and César Hernández Feliciano**, their imprisonment, and now, the limitations on their personal freedom after their release from detention while criminal proceedings continue.

On October 15, residents of the San Sebastián Bachajón ejido (collective property) called a peaceful demonstration to oppose the construction of a National Guard (GN) station on their territory in Chilón municipality. The government responded with an excessive use of force by sending 300 officers from the State, Municipal, Sector Police and the National Guard to disperse the demonstration at Crucero de Temó along the Ocosingo-Palenque highway. José Luis Gutiérrez Hernández and César Hernández Feliciano were arbitrarily detained, beaten, arrested, taken to the Public Ministry and accused of the crime of rioting. The Public Security Secretariat seized the personal property (vehicles, mobile phones) of five of the demonstrators, including the property of José Luis Gutiérrez.


At a control hearing on October 16, defense attorneys from Fray Bartolomé de las Casas Center for Human Rights (Frayba) requested access to the investigation files but were denied by the court's Secretary for Settlements; furthermore, police in the courtroom created an intimidating presence. The Secretary of Agreements then cancelled the hearing and transferred the case to the State Center for Social Reintegration for Sentenced Persons No. 14, in Ocosingo. This transfer is a direct violation of new procedural rules of the Mexican criminal justice system which require that, within the first 48 hours of arrest and detention, a Control Judge must either determine whether there is sufficient legal basis to proceed with a judicial process or release the accused persons. At a hearing on October 17, the Control Judge ruled the arrest to be legal and kept the men in preventive detention in "El Amate." A new hearing was scheduled for October 22.

After 17 days of detention, on November 1 the Control Judge in Cintalapa determined that criminal proceedings will move forward against the two men, but they were released from preventive detention under these conditions: they must appear every 15 days before the Ocosingo Control Court; they must remain in a fixed territorial area; and they are prohibited from leaving the country without authorization.

Although we are glad that José Luis Gutiérrez Hernández and César Hernández Feliciano are no longer detained, we remain seriously concerned about the use of fabricated criminal charges as a strategy to intimidate, inhibit, punish and limit legitimate and peaceful activities in defense of the rights of indigenous peoples in Mexico. We **strongly urge** that you

- immediately absolve José Luis Gutiérrez and César Hernández of the fabricated charge of rioting
- refrain from using preventive detention (violating the right to personal liberty and the presumption of innocence) as a means of punishing social protest

Sincerely,


Brian J. Stefan Szittai
Co-Coordinators


Christine L. Stonebraker Martinez

copies: Ismael Brito Mazariegos, Secretary General of the Government in Chiapas ~ via email
Alejandro Encinas Rodríguez, Undersecretary of Human Rights and Population, Ministry of the Interior (SEGOB) ~ via email
María del Rosario Piedra Ibarra President of the National Commission for Human Rights (CNDH) ~ via email
Martha Bárcena Coqui, Mexican Ambassador to the US ~ via email
Christopher Landau, Ambassador of the US to Mexico ~ via email
David Anthony Rodriguez, US State Department, Political Officer, Office of Mexican Affairs ~ via email
Inter-American Commission on Human Rights: Esmeralda Arosemena de Troitiño, Rapporteur for Mexico ~ via email and US mail
Inter-American Commission on Human Rights: Antonia Urrejola Noguera, Rapporteur on the Rights of Indigenous Peoples ~ via email and US mail
Inter-American Commission on Human Rights: Edgar Stuardo Ralón Orellana, Rapporteur on the Rights of Persons Deprived of Liberty ~ via email and US mail
Jorge Lomónaco, Permanent Mission of Mexico to the Organization of American States ~ via email
OBS: Observatory for the Protection of Human Rights Defenders ~ via email
El Centro de Derechos Humanos Fray Bartolomé de Las Casas ~ via email
US Senators Brown & Portman and US Representatives Beatty, Fudge, Gibbs, Gonzalez, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

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