

Via fax: 011 52 55 5277 2376 Lic. Felipe Calderon Hinojosa President of the Republic of Mexico via fax: 011 52 55 5681 7199 Dr. Jose Luis Soberanes Fernandez President of the National Human Rights Commission of Mexico	via fax: 011 52 55 5093 3414 Lic. Fernando Francisco Gómez Mont Minister of the Interior of the Republic of Mexico Via fax: 011 52 55 53 46 09 08 Lic. Eduardo Medina-Mora Icaza Attorney General of the Republic of Mexico
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August 24, 2010

Dear Sirs:

We are writing concerning the public hearing scheduled for August 26 and 27 by the Inter-American Court of on the case **Rodolfo Montiel and Teodoro Cabrera**, two environmental human rights defenders who were arbitrarily arrested, imprisoned and tortured by the Mexican authorities between 1999 and 2001. They worked with the Organization of Farmer Ecologists of Sierra de Petatlán and Coyuca de Catalan (OCESP), a campesino organisation which opposes excessive logging and destruction of the forests in Guerrero State.

On May 2, 1999, approximately 40 military personnel of the 40th Infantry Battalion of the Mexican Army raided the community of Pizotla in Guerrero and shot at a group of people gathered outside Teodoro Cabrera's house. Teodoro Cabrera and Rodolfo Montiel were arbitrarily detained and violently interrogated about OCESP, accused of membership in armed groups, tortured, threatened with immediate execution and held incommunicado for five days. The soldiers claimed to know the location of their families. On May 4 they were transferred to the 40th Battalion's facilities in Ciudad Altamirano and forced to sign statements confessing to purported crimes of planting marijuana and possession of firearms. On May 6 they were taken to the Federal Prosecutor's Office and transferred to Coyuca de Catalán Prison. They were brought before a judge on May 7 and charged. In June 1999 they were transferred to a prison in Iguala city.

At their trial in 2000 evidence was presented to show inconsistencies in the charges against them, as well as medical evidence of torture and ill-treatment. However, the court failed to exclude as invalid those confessions extracted under duress. They were found guilty and sentenced to prison: Montiel 6 years, 8 months and Cabrera 10 years

Amnesty International recognized both men as prisoners of conscience; both received several prestigious human rights awards while in prison. In light of the publicity, the President of Mexico ordered their release in November 2001. Since then, their innocence has not been recognized, the perpetrators of their torture and mistreatment have not been held responsible, no civic or public investigation of the case has taken place, and they have not received compensation for damages. Both men were forced to leave their communities because of risks to their safety. Rodolfo Montiel claimed political asylum in the United States after receiving death threats.

In 2008 the Inter-American Commission on Human Rights found that Mexico had violated the rights of Rodolfo Montiel and Teodoro Cabrera. However, since authorities have not followed the recommendations made in the Commission's report, the case was submitted to the Inter-American Court of Human Rights for adjudication following the August 26-27 hearing.

Therefore we **strongly urge** you to:

- carry out an immediate, impartial, thorough and transparent investigation into the arbitrary arrest and torture of Rodolfo Montiel and Teodoro Cabrera, publish the results and bring those responsible to justice in accordance with international standards;
- immediately pardon Rodolfo Montiel and Teodoro Cabrera, so that they receive an effective remedy for their human rights violations according to international law;
- ensure that all human rights defenders, carrying out their legitimate work in the defense of human rights, are able to operate free of restrictions and reprisals, including judicial harassment.

Sincerely,

Brian J. Stefan Szittai, Coordinator

cc: Arturo Sarukhan Casamitjana, Mexican Ambassador to the US ~ via fax: 202 728 1698
 Carlos Pascual, US Ambassador to Mexico ~ via fax: 011-52-55-5080-2834
 Mary Stickles, Mexico Desk, US State Dept ~ via fax: 202.647.5752
 Dinah Shelton (US member) and José de Jesús Orozco Henríquez (Mexico 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, Space, Sutton, Wilson ~ via email

Aug 19 2010 FrontlineHR/Mexico

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