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Representing Europe's lawyers

01/06/2007

Señor Presidente Felipe de Jesús Calderón Hinojosa
Residencia Oficial de los Pinos
Casa Miguel Alemán
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Re: Concerns regarding the case of Yesica Sánchez Maya, human rights lawyer, and Aline Castellanos, human rights defender

Dear President,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which, through the national Bars and Law Societies of the Member States of the European Union and the European Economic Area, represents more than 700,000 European lawyers. In addition to membership from EU bars, it has also observer representatives from a further six European countries' bars.

The CCBE, through its Human Rights Committee, places great emphasis on respect for human rights and the rule of law. The CCBE is particularly concerned by the situation of human rights defenders in the world.

The CCBE writes to express its serious concerns for the safety of human rights defenders, Aline Castellanos and Yesica Sánchez, who face detention and prosecution on charges that appear to be baseless and in reprisal for their legitimate human rights work.

We are told that Aline Castellanos' home was broken into and searched on 28 April. This happened the day after a Judge issued a warrant for her arrest. This is the third warrant that has been issued for her arrest. The previous two warrants were annulled by federal injunctions.

Aline Castellanos returned home at midnight on 28 April after spending the day in a women's organisation's meeting in Oaxaca City. She found that in the break-in only her passport and cash had been stolen, and that nothing else of value had been taken.

As a leading member of the *Consortio para el Diálogo Parlamentario y la Equidad* (Committee for Parliamentary Dialogue and Equality), Aline Castellanos has been documenting and publicising human rights violations that have taken place in Oaxaca since widespread protests began in June. She is currently facing arrest on charges of criminal damage which appear to be baseless.

Lawyer Yesica Sánchez of the *Liga Mexicana para la Defensa de los Derechos Humanos* (Mexican League for the Defence of Human Rights, LIMEDDH) also has an arrest warrant pending on evidence that appears to be flawed. We are told that LIMEDDH's staff were threatened and harassed in November 2006.

It is feared that, if arrested, Aline Castellanos and Yesica Sánchez could face the same treatment as other Oaxacan human rights activists and members of the *Asamblea Popular de Pueblo de Oaxaca* (Popular Assembly of the People of Oaxaca, APPO) who were arrested during the Oaxaca protests.

Especially worrisome is that human rights defenders carrying out legitimate human rights promotion work in Oaxaca, who are not responsible for criminal offences, may face politically motivated arbitrary detention, ill-treatment and fabricated criminal charges, as they have done many times since the teachers' strike in May 2006 triggered a political crisis in the state

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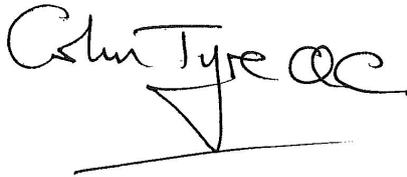
In this context, the CCBE wishes to draw to your attention that human rights defenders have a right to carry out their activities without any restrictions or fear of reprisals, as set out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms:

Article 1. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

Article 2.1. Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice.

In view of the above, the CCBE respectfully urges you to take immediate and effective steps to guarantee the safety of lawyers and human rights defenders in order to preserve the independence and integrity of the administration of justice in Oaxaca, Mexico, to ensure that all attempts to discredit lawyers for the legitimate exercise of their professional duties are promptly and effectively stopped.

Yours sincerely,



Colin Tyre QC
President

Copy to:

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