

7-7-2010

# Supreme Court Orders Release of Activists Imprisoned for May 2006 Atenco Riot

Carlos Navarro

Follow this and additional works at: <https://digitalrepository.unm.edu/sourcemex>

---

## Recommended Citation

Navarro, Carlos. "Supreme Court Orders Release of Activists Imprisoned for May 2006 Atenco Riot." (2010).  
<https://digitalrepository.unm.edu/sourcemex/5415>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in SourceMex by an authorized administrator of UNM Digital Repository. For more information, please contact [amywinter@unm.edu](mailto:amywinter@unm.edu).

## Supreme Court Orders Release of Activists Imprisoned for May 2006 Atenco Riot

by Carlos Navarro

Category/Department: Human Rights

Published: Wednesday, July 7, 2010

For the second time this year, Mexico's high court (Suprema Corte de Justicia de la Nación, SCJN) ruled that Mexican authorities were wrong in charging a group of citizens with kidnapping law-enforcement officers. In the latest decision, announced on July 1, the SCJN ordered the release of 12 activists from the community of San Salvador Atenco who have been detained in a federal prison for four years. The activists had been charged with kidnapping when they detained two municipal police officers during a highly publicized disturbance in May 2006 in which thousands of federal and state riot police clashed with local residents armed with machetes following a dispute about the rights of street vendors ([SourceMex, May 17, 2006](#)).

The activists were members of the Frente de Pueblos en Defensa de la Tierra (FPDT), an organization originally formed to oppose ex-President Vicente Fox's plan to construct a new airport for Mexico City near the communities of Texcoco and San Salvador Atenco in Mexico state ([SourceMex, Oct. 31, 2001](#)). The strong FPDT opposition was instrumental in forcing the government to scrap plans to construct the new airport ([SourceMex, June 4, 2003](#)).

The disturbance in San Salvador Atenco in 2006 started when municipal authorities in Texcoco told flower vendors that they could no longer sell their goods on sidewalks outside the local market. Rather than accept the directive, the vendors called on the FPDT, which proceeded to block a local highway and assault police officers attempting to enforce the ordinance. State and federal riot police intervened and cracked down on the protestors. A total of 200 people were taken into custody, but only a dozen or so were charged. Arrest orders were issued against others, including FPDT leader Ignacio del Valle's daughter América del Valle, who went into hiding.

Human rights advocates, including the semi-independent Comisión Nacional de Derechos Humanos (CNDH), accused state and federal authorities of using excessive force against the protestors. This charge also made it to the SCJN in 2007 ([SourceMex, Feb. 2, 2007](#)). In 2008, the court, in its investigative capacity, agreed with the complaint, although that decision did not recommend any action.

### *Court cites insufficient evidence to charge suspects with kidnapping*

In the most recent SCJN decision on Atenco, the high court ruled that there was insufficient evidence to charge the 12 activists—including Del Valle Medina, Felipe Álvarez Hernández, and Héctor Galindo Gochicoa—with kidnapping. "Authorities based the case on false and weak suppositions," the SCJN wrote in a statement released to the media. "They charged the defendants simply because they were at the scene of the events."

The court explained further: "The evidence was illegal and insufficient, they were not given due process, and the crime of kidnapping was never proved."

The court ordered that the prison sentences, which originally ranged from 31 to 112 years, be nullified.

This is the second case this year that the high court has ruled that a group of citizens were wrongly accused of kidnapping. In the earlier case, an SCJN panel ruled that the government overstepped its bounds by imprisoning Otomí women Alberta Alcántara and Teresa González Cornelio on trumped-up kidnapping charges. The women, who were street vendors, had detained federal investigators sweeping through their area in search of pirated merchandise and drugs ( [SourceMex, May 19, 2010](#)).

In the Atenco ruling, the SCJN also suggested that the arrests, carried out by the Mexico state government with the support of the federal Secretaría de Seguridad Pública (SSP), were intended to crack down on dissent. Justice Juan Silva Meza went so far as to say that the case involved "a disguised form of criminalizing social protest."

Some political commentators and social activists agreed with this assessment. "This is a clear example of the criminalization of protest. Atenco is emblematic [of this policy]," said Mexican movie and television actor Daniel Giménez Cacho, who serves on the Comité Libertad y Justicia para Atenco. "I am proud to support this cause and be part of this committee."

"At last the high court is paying attention to the national and international demands for justice...and the recognition that the arrests of those who have been [recently] released from prison were the result of political persecution," columnist Víctor Flores Olea wrote in *La Jornada* shortly after the 12 Atenco activists left the Altiplano maximum-security prison.

### *Government faces international pressure*

Amnesty International (AI) called for an investigation of the officials who ordered the crackdown. "It is time to guarantee an impartial and thorough investigation of all the officials implicated in this miscarriage of justice," said AI.

The Mexican government was also facing pressure from abroad to release the Atenco protestors. In June, several Nobel Peace Prize laureates, including Jody Williams of the US, Wangari Maathai of Kenya, and Bishop Desmond Tutu of South Africa, wrote President Felipe Calderon's administration demanding the release of Del Valle Medina, Álvarez Hernández, Galindo Gochicoa, and the nine other Atenco protestors. Williams later traveled to Mexico to be present at the announcement of the SCJN verdict.

Mexico state Gov. Enrique Peña Nieto disputed the charges that his administration was criminalizing activism. "In no way were we attempting to criminalize social action," said Peña Nieto. "All that we ask is that those who avail themselves of this right to protest also respect the rights of others."

Peña Nieto said law-enforcement officers were right to detain the Atenco protestors. "They were not declared innocent, there were illegal actions," the governor said in a radio interview. "All the court said in this decision was that there was not sufficient evidence to prove that they broke the law."

But Peña Nieto, widely considered the front-runner to represent the Partido Revolucionario Institucional (PRI) in the 2012 presidential election, has become a political lightning rod. His administration is charged with botching the investigation into the highly publicized disappearance and subsequent death of four-year-old Paulette Gebara Farah. The girl, who had difficulty walking and talking, was found suffocated in her own home more than a week after her disappearance. The

case resulted in the resignation of state attorney general Alberto Bazbaz and brought into question the investigative competence of the Procuraduría General de Justicia del Estado de México (PGJEM).

In the Atenco case, political opponents are pressuring Peña Nieto to take some corrective action, the least of which would be to apologize to the activists who were imprisoned.

"The time [in prison] that the members of the movement headed by Ignacio del Valle lost can never be recovered. They were detained and imprisoned without proof," said Hortensia Aragón, secretary-general of the center-left Partido de la Revolucion Democratica (PRD). That is why we're asking that the state government offer economic compensation to all the families affected by this action."

The FPDT has announced plans to file a lawsuit against the Peña Nieto administration for damages caused against the inhabitants of Texcoco and San Salvador Atenco during the crackdown on protestors in May 2006. "We cannot say that justice was done if authorities continue the type of impunity that took place on May 3 and May 4, 2006," said Trinidad Ramírez, wife of Ignacio del Valle.

Ramirez and Del Valle said the FPDT is also seeking to clear their daughter América, who is still facing charges in the Atenco case. América del Valle, who went into hiding shortly after charges were filed against her, reappeared in June of this year to seek asylum at the Venezuelan Embassy in Mexico City.

Del Valle said that her preference is to stay in Mexico and that the asylum request was a scheme to try to get the government to drop charges against her. In a conference call with reporters on June 30, América del Valle expressed hope that a favorable decision from the SCJN would help her case. "I have made this decision [to seek asylum], which was not at all easy, but I do it with firmness and hope that the Supreme Court justices grant the release of my comrades, since my liberation depends on that as well," she said.

-- End --