

Damián Gallardo Martínez



Indigenous Human Rights Defender tortured and arbitrarily detained since 2013

MEXICO

DESCRIPTION OF THE CASE

Damián Gallardo Martínez, an Ayuuk indigenous human rights defender and teacher from Oaxaca state in Mexico, who has worked to defend the rights of indigenous communities and the right to education, has been arbitrarily detained since May 2013.

His detention has been plagued with irregularities:

- He was violently arrested in May 2013 without a warrant and held incommunicado for 30 hours during which he was tortured and forced to sign a false confession. He wasn't informed about the charges he was facing and during several days following his arrest he was not allowed to communicate with his lawyer.
- The first medical examination wasn't carried out in accordance with the Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- During the detention he has been subjected to various acts of torture and ill treatment, including by the personnel of Jalisco maximum security prison CEFERESO No 2 where he is detained.
- He has been denied adequate medical and psychological diagnosis and care, which has produced irreversible consequences on his health.
- The ongoing penal process he is facing could result in a sentence of 75 years of imprisonment.

Similar cases in Mexico: Between August 2014 and December 2015, the United Nations Working Group on Arbitrary detention (UN WGAD) issued five opinions considering that 5 Mexican HRDs (Damián Gallardo, Pedro Canché, Librado Baños, Enrique Guerrero and Nestora Salgado) had been subjected to arbitrary detention and penal proceedings plagued by irregularities. This is the highest number of opinions by the UNWGAD on a single country in such a period of time, which shows a pattern of arbitrary detentions of HRDs that seems to aim at rendering their human rights work impossible.

REACTIONS TO THE PROCEEDINGS AND SENTENCE

- In April 2014, four UN mandate holders requested urgent attention by the Mexican Government to the arbitrary detention and the allegations of torture of Damián Gallardo.
- In August 2014, the UN Working Group on Arbitrary Detention issued an opinion on Damián Gallardo, considering his arrest and detention to be arbitrary and linked to his work in defence of human rights, and called for his immediate and unconditional release.

WHAT MORE COULD THE EU DO?

In the last 3 years, some MEPs have repeatedly expressed their concerns through public statements and written questions regarding the situation of human rights defenders in Mexico and they have asked the Commission and the HR/VP to take action regarding the increasing number of attacks, threats, stigmatization and criminalization of human rights defenders. Two written questions on Damián Gallardo Martínez's case were submitted in 2014 and 2015 by MEPs.

The EU Delegation in Mexico met with members of his family in 2014 and 2015.

This mobilisation must continue to ensure that the Opinion of the UNWGAD is fully implemented so that Damián Gallardo is released and all charges against him are dropped.

You can act by:

- Making public pronouncements (including via social media using the hashtag #FreeDamian) calling for the immediate and unconditional release of Damián Gallardo and highlighting the need for combating impunity to put an end to the pattern of arbitrary detention of HRDs in Mexico.
- Raising the issue during bilateral meetings with Mexican authorities (missions to the country, meetings with diplomats, Human Rights Dialogues...)
- Urging the Mexican authorities to investigate and prosecute those responsible for the torture and all the irregularities in the process against Damián Gallardo.
- Visiting Damián Gallardo in Jalisco's maximal security prison CEFERESO No 2.
- Advocating for a stronger human rights-based cooperation to be included in the modernisation of the EU-Mexico Global Agreement, particularly with regards to the protection of human rights defenders.