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A Pending Decision in the Case of the Political Persecution of Miguel Peralta

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<https://avispa.org/resolucion-pendiente-en-el-caso-del-perseguido-politico-miguel-peralta/> Part of a series of translations in solidarity with Miguel Peralta from a little corner in Chicago known as Blood Fruit Library

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prison, Sonora, in which he expressed solidarity with Miguel Peralta. Aldama, who is sentenced to fourteen years in prison for resisting against the construction of a gas pipeline in Yaqui territory, related his case with Miguel Peralta's,

Before this sentence and political persecution, I stand in solidarity with this case, sending a call against the injustice happening to my *compañero* Miguel Peralta. A case similar to mine. Because we defend our territory and our self-determination, and our habits and customs, they unfairly jail us through force and, with it, corruption, in order to intimidate us so that they, allies of money, can go out and fulfill their goal.

Prisoner support groups and independent media projects are organizing a radio link on June 3, 2023, with the aim of shedding some light on Miguel's case, and sketching out other fights against political repression and persecution. On that same day, the Miguel Peralta support group is sending out a call for actions in solidarity. The message is clear, "Revoke the Fifty Year Sentence! Complete Freedom for Miguel Peralta!"

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After her defeat in the June 2021 reelection, Zepeda had already consolidated her position in the MORENA Party machine. She was named Secretary of Woman Affairs in Salomón Jara's government, who took power in Oaxaca on December 1, 2022. From these various public positions Elisa Zepeda was able to exercise her political power and legal connections to keep up the repression and persecution against members of the Community Assembly.

The on-going repression and persecution of members of the Eloxochitlán de Flores Magón Community Assembly exemplifies not just the corruption of a handful of public officials, but the general hostility of the Mexican Nation-State against indigenous communities. Through the use of local *caciques*, State power is able to break-up community organization, the fight for self-determination, and land defense. And through State power, the *caciques* are able to obtain the economic and political resources to dominate their communities and climb the ladder of State power. In this case, all these forces are intersect in the figure of Elisa Zepeda, and the MORENA Party.

Neither Condemned! Nor Persecuted!: Freedom Actions

On April 2023, the Miguel Peralta Freedom Support Group launched a campaign in solidarity called “Neither Condemned, Nor Persecuted: Freedom Actions”, demanding an overturn to the fifty year sentence against Miguel Peralta and resolute release decision.

The campaign also sought solidarity and aid for the other eight Eloxochitlán de Flores Magón political prisoners, alongside other prison-abolition fights and fights against the Mexican State and abroad.

Heeding the call for solidarity, the Yaqui Indian political prisoner Fidencio Aldama shared an audio from Obregón City

In the course of his three year mandate, Manuel Zepeda embarked on a repression campaign against the members of the Community Assembly that threatened his hold on political power. Zepeda was also involved in the extraction of sand, gravel, and rocks from the local river in order to benefit his businesses, and those of his allies. Moreover, he was summoned to declare over a public account of municipal resources of more than 20 million pesos.

On November 24, 2014, Manuel Zepeda and his group occupied the Municipal Palace, firing the newly elected Municipal President and establishing himself in the community's power. His main goal was to avoid being held accountable for the embezzlement of municipal funds. The Municipal Palace occupation directly led to the events of December 14, 2014.

After the attack, taking advantage of the political prosecution against the members of the Community Assembly and the breaking of the community fabric as consequences of the repression, Elisa Zepeda Lagunas, daughter to Manuel Zepeda Cortés, stepped forward towards political power. In a community election completely foreign to traditional customs of community-based decision-making, Zepeda was elected as Municipal President on April 2016, taking power in 2017.

However, in a clear signal that her intention was not to serve the Eloxochitlán community but rather to use the public charge as a political springboard, Zepeda ran for state congress as a local MORENA Party deputy, winning the election on July 2018, and taking power on November of the same year.

After three years in the position, Zepeda also served as president to the Permanent Commission for the Administration and Management of the Law. As Miguel Peralta's lawyer suggests, "in that post, Elisa surrounded herself with the district attorney, with the public ministry, with magistrates in the State Judiciary Branch." She rubbed elbows with the very people who would revoke Miguel's freedom shortly after.

Miguel Peralta's family members demand an end to his political persecution, and the release of all the Eloxochitlán de Flores Magón political prisoners.

Miguel Peralta Betanzos's freedom hangs by a thread. A Mazatec Indian, community defender, anarchist, Peralta is one of thirty five members of the Community Assembly of Eloxochitlán de Flores Magón who face political persecution and/or jail-time following the violence in the indigenous Mazatec municipality in 2014.

On December 14 of that year, a despotic campaign of repression and terror reached its breaking point when the Community Assembly was attacked by an armed group as it was gathering to elect a municipal authority from within the town. The subsequent violence left many injured and, a little later, some one was declared dead under suspicious circumstances.

Repression immediately followed. Thirty five members of the Community Assembly were accused of various felonies associated with that day's events. The charges do not pertain to those responsible for the violence but rather single out those who have actively participated in the Community Assembly, resisting the despotic influence and political parties in the community, fighting for autonomy and collective decision-making.

Currently, eight members of the Community Assembly are still behind bars in different Oaxacan jails: Herminio Monfil, Jaime Betanzos, Fernando Gavito, Alfredo Bolaños, Omar Morales, Francisco Durán, Marcelino Miramón and Paul Reyes. Most of who have not received a sentence for years. Moreover, thirteen arrest warrants remain active against members of the Community Assembly, including one against Miguel Peralta, who already has a fifty year sentence pending against him.

The Imprisonment and Persecution of Miguel Peralta

As an active member of the Community Assembly and opponent to the despotic influence in Eloxochitlán, Miguel Peralta saw himself embroiled in a wave of repression. Peralta was detained on April 30, 2015, in Mexico City, almost five months after the December 2014 attack. He was in solitary confinement for 20 hours before being taken to jail in Tlaxiaco, Oaxaca, accused of homicide and attempted homicide. From Tlaxiaco, he was transferred to a jail in Cuicatlán, Oaxaca.

On October 26, 2018, after more than three years in jail waiting to be sentenced, Miguel Peralta was sentenced fifty years, thirty for homicide and twenty for attempted homicide. The sentence was given by judge Juan León Montiel of the Joint Lower Courts of Huatla de Jiménez, Oaxaca, while the support group for Miguel Peralta argued it was a clear case of legal corruption. He was the first of thirty five of the Eloxochitlán accused to receive a guilty verdict.

After an appeal from his lawyers, this fifty year sentence was overturned, since Peralta was not allowed to attend his final hearing. Peralta's second hearing was celebrated on September 19, 2019. A communiqué was published that day where he announced his hunger strike for his freedom,

I once more put my body to use as a weapon of struggle against injustice. From today forwards... I will stop consuming food. A hunger strike: the menu. My breakfast will be morsels of patience. My dish will be a buffet of resistance. My mid-day snack will be a healthy serving of solidarity. My dinner will be a liberty dessert.

On October 14, 2019, after much activity in the streets and almost a month on a hunger strike, Peralta was absolved of

both charges against him and released from Cuicatlán prison. He had spend little more than four years and four months in prison.

More than two years later, after appeal from the prosecution, on March 4, 2022, Peralta's freedom was again revoked and an order of re-arrest was given for the same fifty year sentence. His freedom had been revoked in the Third Criminal Chamber by the magistrates, Humberto Nicolás Vázquez, Sonia Luz Ireta Jiménez, and Sofía Altamirano Rueda.

On August 25, 2022, his lawyers filed a writ of amparo to this last resolution. At first, on March 1, 2023, the writ of amparo was assigned to magistrate Elizabeth Franco Cervantes in the First Collegiate Court of Oaxaca State. On May 26, 2023, a new magistrate was assigned to the case, C. Victor Hugo Cortes Sibaja. According to the law, the magistrate has 90 working days to resolve the case, which puts the legal deadline in the following months.

Cacique—Political Party—State

The Eloxochitlán and Miguel Peralta case exemplifies the unequivocal ties between local *caciques*, political parties, and State power. The Zepeda family, including Manuel Zepeda Cortés and his daughter Elisa Zepeda Lagunas, have been the backbone to these forces.

At the start of 2010, with the backing of the Convergencia political party, Manuel Zepeda launched a campaign for Municipal President, buying votes and making political alliances to capture political power. Zepeda won the November 2010 elections for Municipal President with a third of the votes. Contrary to local custom, Zepeda rejected the integration of the second and third place council candidates, seeking absolute power over the community.