

PUBLIC

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18 July 2003

UA 219/03 Fear of torture and ill-treatment /legal concern/ threats

MEXICO David Meza (m)
Jesús Argueta (m)

David Meza is being detained by judicial authorities in the city of Chihuahua, Chihuahua state. He was reportedly tortured in detention and forced to sign a confession to the murder of a young woman. He has since retracted the confession. Jesús Argueta, who was detained with David Meza but subsequently released, has claimed that he was psychologically tortured and threatened with death by police officers. Amnesty International is concerned for the safety of Jesús Argueta and David Meza.

On 14 July, the body of a young woman was found in the Cierro Prieto neighbourhood of Chihuahua. The authorities believe that the body is that of 19-year-old Neyra Azucena Cervantes, who was reported missing on 13 May 2003. Her relatives identified the clothes allegedly found with the body as belonging to her. However, since they were allowed access to the body, the relatives have raised doubts about whether the body is indeed Neyra Azucena Cervantes, and have called for a DNA test to be carried out. Neyra Azucena Cervantes's stepfather, Jesús Argueta and her cousin, David Meza were detained by the *Policía Judicial del Estado* (PJE), State Judicial Police on 14 July. While in the custody of the judicial police of the State Prosecutors Office, *Procuraduría General de Justicia del Estado* (PGJE) the two men were denied access to relatives and a lawyer of their choice. On 15 July, Jesús Argueta was released without charge. He has stated that during his detention undue psychological pressure was placed on him to confess to the murder, and his interrogators threatened to kill him if he revealed how he had been treated in detention. Amnesty International is gravely concerned for his safety.

On 16 July, the PGJE paraded David Meza before the media, claiming he had confessed to the murder. David Meza retracted the confession the following day, claiming that he had been tortured to force him to sign it. On 17 July, he was brought before a judge, who will determine the next stages of the judicial process. According to the family and his lawyer, David Meza has been denied access to a legal adviser of his choice. The PGJE have stated that he was assigned a state legal representative (*defensor de oficio*) during this period. However, Amnesty International has repeatedly documented instances in which such legal counsel reportedly act in the interests of the investigating authority rather than the suspect; refusing to acknowledge intimidation, torture or ill treatment of their clients.

BACKGROUND INFORMATION

There has been growing concern at the failure of the authorities to investigate effectively the cases of abduction and murder of women in the cities of Chihuahua and Ciudad Juárez. Amnesty International is monitoring a number of cases in which suspects detained in connection with these crimes have claimed that they were tortured and that due process was violated in order to make a case against them. In particular, the refusal of the PGJE to allow suspects access to legal adviser of their choice and medical attention has raised serious concern that confessions have not been obtained freely.

On 9 November 2001, Gustavo González Meza and Víctor Javier García were detained in Ciudad Juárez by a group of unidentified men in connection with the murder of eight young women whose bodies had been found two days earlier. The two men were allegedly tortured in order to confess to the crimes. On 12 November 2001, they were charged with the killing and rape of the women. Their lawyers and relatives have repeatedly claimed that the men are innocent (see UA 40/03, AMR 41/006/2003, 12 February 2003). On 29 May Cynthia Kiecker and her husband Ulises Perzébal were detained in connexion with the murder of Viviana Rayas, whose body was found on 28 May in the city of Chihuahua (see further information on UA

36/03, AMR 41/024/2003, 3 June 2003). According to reports, the two detainees were separated and tortured by judicial police agents in order to secure confessions.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing concern for the safety of David Meza and Jesús Argueta and calling on the authorities to guarantee their safety;
- calling for a prompt, impartial and thorough investigation by an independent body into the allegations of torture lodged by David Meza, for the findings to be published, and if found to be well-founded, those responsible brought to justice;
- calling on the authorities to guarantee that the judicial process David Meza is subject to meets international fair trial standards, in particular with regard to access to a lawyer of his choice, medical attention and family members. Furthermore, any information found to be gained by torture should be ruled inadmissible in proceedings;
- calling on the authorities to investigate the threats against Jesús Argueta, to make the results public and to bring those responsible to justice;
- calling for an urgent, full, effective and impartial investigation of all cases of women who have been reported missing or murdered, such as Neyra Azucena Cervantes, in Chihuahua state in similar circumstances;
- calling on the authorities to take effective steps to prevent, investigate and punish violence against women in Chihuahua state.

APPEALS TO:

Governor of Chihuahua State

Lic. Patricio Martínez

Aldama 901, Colonia Centro, Chihuahua State, Mexico

Telegram: Governor of Chihuahua State, Chihuahua State, Mexico

Fax: + 52 614 429 3464

Salutation: Dear Governor / Señor Gobernador

Attorney General of Chihuahua State

Lic. Jesús José Solís

Procurador General de Justicia del Estado de Chihuahua

Calle Vicente Guerrero 616, Col Centro, Chihuahua State, CP. 31000, Mexico

Telegram: Attorney General of Chihuahua State, Chihuahua State, Mexico

Fax: + 52 614 415 0314

Salutation: Dear Attorney General/ Señor Procurador General

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha

Procurador General de la Republica, Procuraduría General de la República

Reforma Norte esq.Violeta 75, Col. Guerrero, Delegación Cuauhtémoc

México D.F., C.P. 06300, Mexico

Telegram: Attorney General of the Republic, Mexico D. F., Mexico

Fax: + 525 55 346 0983 (if someone answers, ask for the fax: *pedir tono de fax, por favor*)

Salutation: Dear Attorney General/Señor Procurador General

Minister of the Interior

Lic. Santiago Creel

Secretario de Gobernación, Secretaría de Gobernación

Bucareli 99, 1er. piso, Col. Juárez

Delegación Cuauhtémoc, México D.F., C.P.06600, Mexico

Telegrams: Secretario de Gobernacion, Mexico D.F., Mexico

Fax: + 525 55 093 3414 / 093 3415

Salutation: Señor Secretario / Dear Minister

COPIES TO:

Mexican Comisión for the Defence and Promotion of Human Rights

Comisión Mexicana de Defensa y Promoción de los Derechos Humanos A.C. (CMDPDH)

Tehuantepec 155, Col. Roma Sur, Mexico DF, CP 5584 2731, Mexico
Email: cmdpdh@laneta.apc.org

and to diplomatic representatives of Mexico accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 August 2003.