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UA 250/04 **Fear for safety/Legal concern/Torture and Ill-treatment**
2004

17 August

MEXICO **Heriberto Gómez Coello (m) lawyer**
 María del Carmen Grajales Castillejos (f) lawyer
 Eduardo Hernández Sánchez (m), indigenous (tsotsil) aged 19
 Carlos Navarro Pérez (m), indigenous (tzeltal) aged 23
 Enrique Hernández Ramos (m)
 Romelia Ramos Bermúdez (f)
 Carlos Alberto Velasco (m)

Lawyers Heriberto Gómez Coello and María del Carmen Grajales Castillejos were detained on 11 August by the police in the municipality of Cintalapa, in the southern state of Chiapas. They were representing Eduardo Hernández Sanchez, Carlos Navarro Pérez, Enrique Hernández Ramos and Romelia Bermúdez who were detained between January and April. Amnesty International is concerned for the safety of all those named above following allegations that three of them have been tortured.

On 12 August, María del Carmen Grajales was released on bail pending prosecution. Heriberto Gómez is still imprisoned in Cintalapa as he is reportedly unable to afford bail. Both have been accused of attempting to present false statements (*falsedad de declaraciones en grado de tentativa*) in what is believed to be an attempt to stop them defending their clients.

On 11 August, the police also arrested Carlos Alberto Velasco who the Public Ministry (*Ministerio Público*) allege witnessed Eduardo Hernández Sanchez shooting a teacher in December 2003. However, Carlos Alberto Velasco has reportedly stated before a judge that he was not present at the killing and does not know who committed the crime. According to reports, he has also been charged with making a false statement (*falsedad de declaración*).

Eduardo Hernández Sanchez, Carlos Navarro Pérez, Enrique Hernández Ramos and Romelia Bermúdez were accused of being involved in the killing of a male teacher in December 2003 in the city of San Cristobal de las Casas, in the state of Chiapas. According to reports, three of the detainees were tortured by state police agents (*policías estatales de investigación*) in order to secure confessions.

On 5 January 2004, Eduardo Hernández was detained by four police agents in San Cristobal de las Casas. He was reportedly handcuffed, blindfolded and then taken to the outskirts of the city. The police agents allegedly beat him repeatedly in the stomach and genitals. They then reportedly poured water into his nose in an attempt to make him confess to the murder. At some point, one of the police agents reportedly said “*chief, he is not going to talk*” (*comandante, este no va a hablar*). The next day he was taken to the State Procurator’s Office in the city of Tuxtla Gutiérrez, where he was reportedly coerced at gunpoint into being photographed holding a gun. He was then imprisoned on 9 January.

Carlos Navarro was reportedly detained without an arrest warrant by two men in San Cristobal de las Casas on 24 January. They took him to the office of the Subprosecutor (*Subprocuraduría*) to interrogate him about the murder. According to reports, he was told: “*if you say you killed the teacher we will pay you*” (*si dices que mataste al maestro te vamos a pagar*). The interrogation continued inside a van where four members of the State police reportedly beat him repeatedly whilst asking: “*who paid you [to kill the teacher]? (quién te pagó [para matar al maestro]?)*”. On two occasions they covered his face with a plastic bag, eventually causing him to faint. He was imprisoned on 26 January.

Carlos Navarro was further interrogated at the State Prosecutor's Office in the city of Tuxtla Gutiérrez, where he was reportedly beaten again in the presence of ten police officers and a member of the Public Ministry (*Ministerio Público*). On 26 January, he was forced to sign a confession to the murder in which Eduardo Hernández was implicated and Romelia Bermúdez and her son Enrique Hernández were named as ordering the killing. The mother and son were detained on 26 January and 15 April respectively. According to a psychological examination (*peritaje psicológico*) Enrique Hernández was tortured while in detention.

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

- expressing concern for the safety of the lawyers Heriberto Gómez Coello and Maria del Carmen Grajales Castillejos as well as Carlos Alberto Velasco, who were detained in August 2004;
- expressing concern also for the safety of Eduardo Hernández Sanchez, Carlos Navarro Pérez, Enrique Hernández Ramos and Romelia Ramos Bermúdez who were detained between January and April 2004;
- calling for a prompt, impartial and thorough investigation by an independent body into the alleged torture of Eduardo Hernández Sanchez and Carlos Navarro Pérez and Enrique Hernández Ramos, for the findings to be published and for those responsible to be brought to justice;
- calling on the authorities to guarantee that the judicial process against the detainees meets international fair trial standards. Stating that any information found to be gained by torture should be ruled inadmissible in proceedings;
- reminding the authorities that the UN Declaration on the Rights and Responsibilities of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Liberties recognizes the legitimacy of the activities of human rights defenders and their right to carry out their activities without any restrictions or fear of reprisals.

APPEALS TO:

Attorney General of Chiapas

Mariano Herrán Salvatti
Procurador General de Justicia del Estado de Chiapas
Libramiento Norte s/n
Infonavit el Rosario
Tuxtla Gutiérrez, Chiapas, México

Fax: + 52 961 616 5724

Salutation: Dear Attorney General / Señor Procurador

Governor of Chiapas

Pablo Salazar Mendiguchia
Gobernador del Estado de Chiapas
Palacio de Gobierno del Estado de Chiapas
Av. Central y Primera Oriente
Colonia Centro, C.P. 29009
Tuxtla Gutiérrez, Chiapas, México

Fax: + 52 961 612 0917

Salutation: Dear Governor / Señor Gobernador

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha
Procurador General de la Republica
Procuraduría General de la República
Reforma Cuauhtemoc esq. Violeta 75
Col. Guerrero
Delegación Cuauhtémoc
México D.F., C.P. 06 500
México

Fax: +525 55 346 0983 (if someone answers the phone, ask: "me da 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, México
Fax: +525 55 093 3414
Salutation: Señor Secretario / Dear Minister

COPIES TO:

Human Rights NGO

Centro de Derechos Humanos Fray Bartolomé de las Casas

Brasil# 14 Barrio Mexicanos

CP 29240

San Cristóbal de las Casas, Chiapas, México

Fax: +52 967 6783551 (ask for “tono de fax, por favor”)

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 28 September 2004.