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# *amnesty international*

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## £MEXICO

### @Human rights violations against gay activists

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Amnesty International is deeply concerned about information regarding the arrest and ill-treatment of two gay activists in Mexico City who appear to have been targeted by the authorities as a result of their active campaigning on behalf of sectors of the Mexican gay community.

Gerardo Rubén Ortega Zurita, 36, and José Cruz Reyes Potenciano, 23, are both renowned in Mexico City for their AIDS-prevention voluntary work among male prostitutes in that city. As part of their campaign they have repeatedly denounced in the Mexican media the abuses allegedly suffered by gay prostitutes at the hands of the police and other authorities, including beatings and extortion. Their arrest took place three days after Gerardo Rubén Ortega Zurita was interviewed on television, where he repeated his criticism against the authorities regarding gay issues.

Ortega Zurita and Reyes Potenciano were arrested on 16 June 1992 in the streets of Mexico City by members of the Federal District judicial police (*Policía Judicial del Distrito Federal*) who alleged they were detained in **flagrante delicto**. The two men were accused of the rape and sexual assault of a minor (*violación y corrupción de menor*). They were both transferred to a police station where the police announced their arrest to the press, despite the lack, at the time, of formal charges against the defendants. Both were reportedly beaten by the police and transferred on the same day to another police station in the neighbourhood of Coyoacán, where they remained incommunicado until the next day. On 17 June both were presented before a local attorney (*agente del ministerio público*) for their preliminary statements (*declaración ministerial*), and their charges were

confirmed despite the lack of supporting evidence (a forensic examination carried out on the day of arrest on both men, and of the alleged victim, reportedly dismissed the existence of physical evidence of rape. The same examination reportedly certified injuries of the defendants consistent with their allegations of beatings by the police).

On 18 June 1992 Ortega Zurita and Reyes Potenciano were transferred to the *Reclusorio Preventivo Sur*, a prison in Mexico City, pending trial. On the days following their arrival both reportedly suffered beatings and harassment from prison inmates. On 31 March 1993 they were both sentenced to 13 years and 9 months' imprisonment. Their sentence is presently under appeal before the Appeals Court of Mexico City (*Corte Superior*).

Gerardo Ortega Zurita

José Reyes Potenciano

Amnesty International is seriously concerned about the imprisonment and ill-treatment suffered by Ortega Zurita and Reyes Potenciano. Information recently received by the organization strongly suggests that both men were arrested and charged

with offenses which were not corroborated by initial forensic evidence or the testimonies of reliable witnesses; that their arrest and imprisonment may have been motivated by both men's active and outspoken criticism against the authorities' regarding gay issues in Mexico City, coupled with alleged prejudice against the defendants by the authorities in charge of the case.

Amnesty International believes that Gerardo Rubén Ortega Zurita and José Cruz Reyes Potenciano may be prisoners of conscience. The organization is therefore calling on the Mexican authorities to carry out a full, prompt and impartial investigation into the allegations of human rights violations suffered by both men, including their imprisonment and ill-treatment, and to bring those responsible to justice.

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