

PUBLIC

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UA 92/08 Fear of torture or ill-treatment/ legal concern

MEXICO Miguel Ángel Tornez Hernández (m), aged 25
His family

Miguel Ángel Tornez Hernández was arrested and tortured by state judicial police in Ayutla de los Libres municipality, Guerrero state, on 2 April, as part of the investigation into a robbery and murder of four police officers and a public official. Before his arrest, several members of his family were also detained for one day and one of his sisters was tortured. He is at risk of further torture or other ill-treatment, and could face an unfair trial. His family may also be in danger.

On 31 March four police officers and a public official were killed near the community of El Salto, municipality of Ayutla de los Libres, as they were distributing government development funds targeted at families and communities in need. According to the authorities, they were shot by a group of men who stole 600,000 pesos (just under US\$57,000) as well as the officers' weapons. Miguel Ángel Tornez says that he was driving past at the time when his vehicle was hijacked by the attackers. According to his testimony, he was forced to witness the attack and then to drive the attackers away from the crime scene. When his pickup truck broke down, he was beaten by the armed men and pushed down a ravine. He managed to make his way home, but he had suffered some injuries, for which he sought medical attention the following day.

On 1 April, police officers went to Miguel Ángel Tornez's house in Ayutla and arbitrarily arrested his mother, his aunt, his two sisters and three of their small children. They were held at a local police station in order to force them to reveal Miguel Ángel Tornez's whereabouts. One of the two sisters, Yesenia Tornez Hernández, reported that five State Judicial Police officers (*Policía Investigadora Ministerial*, PIM) tied her to a chair, then beat her, threatened and blindfolded her before placing a plastic bag over her head in order to force her to tell them where to find her brother. She and the rest of the family were released later that day.

When Miguel Ángel Tornez found out what had happened, he went voluntarily to the PIM offices in order to give his testimony about the attack. He was told to return the following day in order to give his witness statement. However, when he returned to the PIM offices on 2 April, he was detained without charge. According to a family member who was allowed to visit him soon after he was detained, Miguel Ángel Tornez alleged that he had been blindfolded and given electric shocks in order to extract a confession to his involvement in the crime. He was then placed in *arraigo* (a form of pre-trial administrative detention for up to 90 days authorised by judges). The prosecutor's office allocated Miguel Ángel Tornez a defence lawyer, preventing a local human rights organization representing him. An investigation by the State Human Rights Commission confirmed his torture in a medical report and a local court ruled in an urgent *habeas corpus* hearing (*diligencia de exhibición de persona*) filed by his family that he had been tortured by being threatened and punched, mostly in the head.

On 5 April, while still in *arraigo*, Miguel Ángel Tornez was moved to another *arraigo* detention facility run by the Federal Attorney General's Office (*Procuraduría General de la República*, PGR) in Mexico City, without informing his family. *Arraigo* severely restricts access to the outside world, in effect preventing him from communicating with his family or the local human rights organization. The PGR has reportedly opened a parallel federal investigation on the basis of the robbery of federal funds and possession of illegal weapons.

Amnesty International is concerned that the investigation into Miguel Ángel Tornez's case may not be conducted fairly and impartially. The UN Group on Arbitrary Detention has claimed that *arraigo* detention is a form of arbitrary detention, which creates an environment conducive to coercion and ill-treatment.

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

- expressing concern at the reported arbitrary detention and torture of Miguel Ángel Tornez Hernández and members of his family, including Yesenia Tornez Hernández, by State Judicial Police officers on 31 March and 2 April;
- calling for a full, prompt and impartial investigation into both incidents and for those responsible to be brought to justice;
- calling for the authorities to guarantee that Miguel Ángel Tornez Hernández will not be tortured or ill-treated, and that he will be promptly charged with a recognised criminal offence or released;
- calling for the authorities to ensure the safety of his family and give them protection measures, in accordance with their wishes;
- calling for authorities to ensure that all testimony extracted under torture and other ill-treatment is ruled inadmissible as evidence;
- recognise the authorities' duty to investigate and prosecute those responsible for the murder of four police officers and a civilian official during the robbery of 31 March, but reminding them of their obligation to uphold without reservation the rights of criminal suspects and victims in accordance with international human rights standards.

APPEALS TO:

Attorney General of the Republic

Lic. Eduardo Medina-Mora Icaza

Procurador General de la República

Procuraduría General de la República, Av. Paseo de la Reforma n° 211-213, Piso 16

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Fax: +52 55 5346 0908 (if someone answers please say "me da tono de fax, por favor")

Salutation: Señor Procurador General / Dear Attorney General

Governor of Guerrero

Lic. Zeferino Torreblanca Galindo

Gobernador del Estado de Guerrero

Palacio de Gobierno, Edificio Centro, piso 2, Ciudad de los Servicios

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Salutation: Señor Gobernador / Dear Governor

Attorney General of Guerrero

Lic. Eduardo Murueta Urrutia

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Salutation: Dear Attorney / Señor Procurador

COPIES TO:

Human rights organisation: Centro de Derechos Humanos de la Montaña "Tlachinollan" AC., Calle Mina, no. 77, Col. Centro, Tlapa de Comonfort, C.P. 41304, Guerrero, MEXICO

Comisión de Defensa de los Derechos Humanos del Estado de Guerrero (Coddehum)

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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 21 May 2008.