

EXTERNAL

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MEDICAL CONCERN

**Death of Rubén OROPEZA Hurtado
MEXICO**

[See AMR 41/07/90, 20 August 1990]

Rubén Oropeza Hurtado, on whose behalf Amnesty International appealed to the Mexican authorities in August 1990, died on 1 October 1990 reportedly as a result of injuries sustained while in detention.

Rubén Oropeza, aged 40, was arrested by members of the Federal Judicial Police on 29 March 1990 in Tijuana, Baja California Norte. He was held in incommunicado detention and was tortured by police agents and *madrinas*. According to reports, he was badly beaten and nearly asphyxiated with a plastic bag ("*la bolsita*") to force him to confess to possession of drugs.

Rubén Oropeza was presented to the courts on 6 April 1990, long after the maximum period for pre-trial detention had expired. During his *declaracion preparatoria* court hearing, he denied the charges brought against him by the Public Ministry Agency and explained he had been forced to confess under duress. He was examined by a doctor who issued a medical certificate describing lesions consistent with the torture described. Despite his allegations and the lack of corroborating evidence, the charges against Rubén Oropeza were confirmed and he was sent to La Mesa State Penitentiary in Tijuana, where he did not receive adequate medical treatment. According to witnesses, he was in great pain and his condition never improved.

At the end of June, Rubén Oropeza joined 60 prison inmates in a hunger-strike protesting against allegedly unjustified imprisonments based on forced confessions, unfair trials and bad prison conditions.

On 14 July 1990 Rubén Oropeza was admitted to the emergency ward of the local Red Cross Clinic. He was in great pain and very bad condition. He underwent surgery that same day and had a major resection of the gut. According to the doctors, he had developed a complicated diaphragmatic hernia secondary to traumatic rupture of the diaphragm. His post-operative condition was described as critical; his survival depended on permanent parenteral feeding (intravenous hyperalimentation) and complex medical treatment and facilities not available in the Red Cross Clinic. His transferral, preferably to Mexico City, was regarded as urgent and essential.

Following these recommendations, local human rights monitors urged the authorities and the National Commission of Human Rights to provide adequate treatment for Rubén Oropeza.

One month later, on 15 August, Rubén Oropeza was transferred to an intensive care unit of the *Hospital General del Instituto Mexicano de Seguro Social* (General Hospital of the Mexican Social

¹ *Madrinas* are unofficial civilian agents working in collaboration with the Federal Judicial Police. As unofficial agents, they are apparently not liable to police disciplinary measures.

Health Care Institute) in Tijuana where he remained under police custody awaiting trial. His medical condition continued to be critical.

After investigating Rubén Oropeza's case, the National Commission of Human Rights concluded on 29 August that he had suffered torture following arrest and had been forced to confess under duress. On these grounds it issued a series of recommendations to the Attorney-General's Office requesting the immediate suspension of the police agents involved in Rubén Oropeza's arrest and torture and that they should be brought to justice, as well as the *madrinas* who participated in the torture and the police chiefs who had ordered the arrest. The Attorney-General's Office denied the Commission's conclusions and the recommendations have not been implemented. So far, those responsible have not been brought to justice nor have they been suspended from their duties.

Rubén Oropeza Hurtado died on 1 October at 3.15am. According to the death certificate issued by a forensic doctor the cause of death was malnutrition (*desnutricion*) secondary to generalized sepsis. A very basic autopsy was performed and his body was administratively cremated two days later, allegedly without the consent of his wife, Patricia Elizondo.

Background

La Mesa State Penitentiary, in Tijuana, Baja California Norte, was constructed in 1952 for a maximum population of 600 prisoners. According to a survey made in July 1990 by the National Commission of Human Rights there were at that time 2,546 prisoners living in conditions described as deplorable (*deplorables*). The Commission concluded that the human rights of prisoners were being violated.

The survey followed the hunger-strike by a group of around 60 prisoners for more than 30 days between the end of June and the beginning of August 1990. They were demanding attention to the situation of all detainees in La Mesa State Penitentiary and protesting against their allegedly unjustified imprisonment, unfair and delayed trials as well as against the bad prison conditions. According to reports the Commission did not investigate the allegations of torture by the prisoners, except for the case of Rubén Oropeza Hurtado (see above).

Following the survey the Commission issued a series of recommendations to the administrative and legal authorities in charge of the Penitentiary and the cases of the prisoners respectively. It recommended that the prison conditions should be brought up to adequate standards and that a review of the legal situation of some prisoners be made.

In August 1990, Victor Clark Alfaro, director of the Bi-national Centre of Human Rights (*Centro Binacional de Derechos Humanos*) in Tijuana told the press that 99% of the prisoners in La Mesa State Penitentiary had suffered torture or ill-treatment following their arrests and that 50% of the prisoners were innocent of the crimes they are accused of.

Amnesty International has had access to the detailed testimonies of 75 prisoners from La Mesa who allege they were tortured by the Judicial Police to make them confess to the offences for which they have been imprisoned. Torture methods described consisted in near-asphyxiation with plastic bags (*la bolsita*), electric torture (*chicharra*), carbonated water forced through the nostrils (*tchuaacazo*), beatings and threats. Many of the testimonies are documented with medical certificates consistent with the allegations. Despite these claims, investigations into the allegations of torture do not appear to have taken place.

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To: Medical professionals
From: Medical Office / Research Department - Americas
Date: 1 November 1990

FURTHER INFORMATION ON MEDICAL LETTER WRITING ACTION

Rubén OROPEZA Hurtado
MEXICO
[See AMR 41/07/90, 20 August 1990]

Keywords

Theme: ill-treatment/ill-health/torture

Summary

A medical action was issued for Rubén Oropeza in August this year. He was an inmate of La Mesa Penitentiary, Tijuana, who had sustained serious abdominal injuries allegedly as a result of violence inflicted by agents of the *Policia Judicial Federal*. Sr Oropeza required extensive resectioning of the gut and his prognosis was poor. On 1 October at 3.15 a.m. he died as a result of malnutrition secondary to septicæmia. A very basic post-mortem was carried out and his body was cremated by administrative order, reportedly without the consent of Sr Oropeza's widow. AI is urging that the circumstances surrounding the death be fully and impartially investigated and that any individuals found responsible are held accountable for their actions under the law.

Recommended Actions

Letters from medical professionals, preferably written in Spanish or your own language, should be sent to at least one of the addresses below:

- expressing regret and concern at the death of Rubén Oropeza following emergency medical treatment necessitated by alleged ill-treatment he suffered while in the custody of *Policia Judicial Federal*.
- urging a thorough and impartial investigation of the case, including the allegations that Sr Oropeza had been tortured, the monitoring of his condition in prison, and the alleged role of agents of the PJF in fatally injuring Sr Oropeza; you should urge that those found responsible are held accountable under the law;
- urging that measures are taken to ensure that a similar tragedy will not take place at La Mesa or any other prison in Mexico.

If you wrote earlier on this case you should mention this in your letter(s).

Addresses

See over.

Addresses

President Carlos Salinas de Gortari
Palacio Nacional
06067 México DF
Mexico

Lic. Ernesto Ruffo Appel
Gobernador del Estado de Baja
California del Norte
Casa de Gobierno
Mexicali
Mexico

Dr. Jorge Carpizo
Presidente Comisión Nacional de Derechos Humanos Constituyentes
Av. México, No. 45, 7° piso
Col. Hipodromo Condesa 06170
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MEXICO

Mayor de Caballería Miguel Pérez Boulirat
Director Penitenciaría Estatal de Baja California
Avda "C" No. 140
La Mesa CP 22450 Tijuana
Baja California del Norte
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Copies to:

Srs. Comisión Mexicana de Defensa y Promoción de los Derechos Humanos
Apartado Postal 5-170 CP
06500 México DF
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Srs. Centro Binacional de Derechos Humanos A.C.
Apartado Postal 848
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Srs. Cruz Roja Mexicana
Delegación Tijuana
Av. Plutarco Elías Calles No. 500
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