

UA 105/02

Fear for

MEXICO Eustacio Yáñez Ledesma (m)
His family

Eustacio Yáñez Ledesma was arrested in Queretaro state after he was involved in a road accident with the state governor. He was reportedly tortured and his family were threatened while he was in prison. Amnesty International believes that Eustacio Yáñez is in grave danger, and that his family are also at risk for reporting the torture.

Eustacio Yáñez was out driving with his family on 11 November 2001, when his car was involved in a collision with a group of motorcyclists, one of whom was the state governor. Two of the motorcyclists were killed, and Eustacio Yáñez was detained and accused of causing their deaths. He was denied bail and was remanded to the San Juan del Rio prison.

On 2 December, hooded men who were not prison warders reportedly came to his cell and threatened to kill his family if he would not confess that he had been trying to assassinate the Governor. They gagged him, tied his hands behind his back and hit him in the stomach repeatedly.

His family filed a complaint with the State Human Rights Commission, *Comisión Estatal de Derechos Humanos* (CEDH). They investigated, and on 13 March they recommended that the State Attorney General's Office, *Procuraduría General de Justicia del Estado* (PGJE), should conduct a criminal investigation into the allegations of torture. The Governor met with the family and according to the CEDH told them that he could take care of Eustacio Yáñez while he was in prison, but he was likely to be killed if he was released. Eustacio Yáñez was released on bail on 19 March.

On 5 April the State Governor and the State Attorney General refused to comply with the CEDH's recommendation. The CEDH and the Miguel Agustin Pro Juarez Human Rights Centre (PRODH) have asked the Inter American Commission On Human Rights to ask the Mexican government to provide protection for Eustacio Yáñez Ledesma and his family. The PRODH are also asking to be given "official status" (*coadyuvancia*) in the investigation, which will allow them to monitor its progress and submit evidence to the PGJE.

BACKGROUND INFORMATION

Torture and ill-treatment are widespread in Mexico. Amnesty International has documented many court cases where prisoners have been convicted chiefly on the basis of confessions extracted under torture, which the courts rarely challenge. This is despite the fact that the use of statements made under torture in legal proceedings is expressly forbidden by Mexico's Federal Law to Prevent and Punish Torture (*Ley Federal para Prevenir y Sancionar la Tortura*) and international human rights standards. Allegations of torture can only be investigated by the state or federal *Procuradurias* (*Prosecutor Services*), even though the alleged torturers are often agents of the *Procuradurias*. Witnesses and complainants are thus open to intimidation, and the torturers almost always escape prosecution.

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

- calling for an immediate investigation into the death threats suffered by Eustacio Yáñez Ledesma and his family and urging the authorities to take the necessary measures to guarantee their safety, in accordance with their wishes;
- calling on the authorities to comply with the CEDH recommendation and to conduct an immediate, thorough and impartial criminal investigation into the reports that Eustacio Yáñez Ledesma was tortured, for the results to be made public and those responsible brought to justice;
- asking the authorities to grant *coadyuvancia* status to the PRODH lawyers, as requested by Eustacio Yáñez Ledesma and his family in order to ensure that any investigation is impartial and thorough.
- reminding the authorities of their obligation to comply with article 13 of the Torture Convention: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."

APPEALS TO:President of the Republic

Lic. Vicente Fox Quesada
 Presidente de los Estados Unidos Mexicanos
 Residencia Oficial de "Los Pinos"
 Col. San Miguel Chapultepec
 México D.F., C.P. 11850
 MEXICO

Telegrams: President, Mexico D.F., Mexico**Fax: + 525 55 515 1794 / 516 9537 (confirm on tel. 522 7600)****Salutation: Señor Presidente / Dear Mr President**Governor of Querétaro

Ing. Ignacio Loyola Vera (until 31 October 2001)
 Gobernador del Estado de Querétaro
 Palacio de la Corregidora
 Pasteur y 5 de Mayo
 Querétaro 76000
 Estado de Querétaro
 MEXICO

Telegrams: Governor, State of Queretaro, Mexico**Fax: + 52 442 214 2929****Salutation: Dear Governor/Señor Gobernador**State Attorney General

Lic. Julio Sentíes Laborde
 Procurador del Estado de Querétaro
 Avenida Ignacio Zaragoza
 esq. Melchor Ocampo
 Col. Centro
 Querétaro 76000
 Estado de Querétaro
 MÉXICO

Telegrams: State Attorney, State of Queretaro, Mexico**Fax: + 52 442 214 0105****Salutation: Dear Attorney/ Señor Procurador**

COPIES TO:Human Rights Organisation

Centro de Derechos Humanos "Miguel Agustín Pro Juárez" A.C.

Serapio Rendon 57-B

Col. San Rafael, 06470

México D.F. MEXICO

Fax: + 52 442 214 0837 (if someone answers, please say 'me da tono de fax, por favor')Human Rights Commission of Querétaro

Lic. Bernardo Romero Vázquez

Presidente de la Comisión Estatal de Derechos Humanos de Querétaro

Calle Colón N° 14

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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 20 May 2002.