

UA 138/2002

Fear for

MEXICO Vicente López Pérez (m)
Vicente López Rodríguez (m)] his sons
Mariano López Rodríguez (m)]

Vicente López Pérez and his sons were allegedly tortured by Chiapas State police in December 2001. The police apparently threatened to beat them if they reported what had happened. Vicente López Pérez has been released, and in April he reported the torture to the authorities. His sons are still in prison, and Amnesty International is concerned that they may suffer reprisals.

People living in the farming community of Ejido Constitución had accused Vicente López Pérez and his sons of robbing and murdering a farmer. They detained the men on 5 and 6 December, and handed them over to the Municipal Police in Simojovel.

On 6 December, two individuals identified by Vicente López Pérez and his sons as being officers of the State Judicial Police (*Policia Judicial del Estado*, PJE) reportedly took them to a building where they blindfolded them, put them in separate rooms and beat them repeatedly. According to reports on several occasions they put a plastic bag over each man's head until he passed out. The two sons were also tied up and reportedly lowered into a water tank and only allowed to come up for air when they were nearly drowning. During the torture the three men were allegedly told repeatedly that unless they confessed to the murder they would be jailed for 30 years. Finally the officers threatened to beat them further if they told anybody about what had happened.

According to reports, during their declaration to a Prosecution Service agent, (Ministerio Publico) they were not allowed to see a lawyer, and Vicente López Rodríguez was reportedly made to sign a statement without knowing its contents. When making this initial statement to the Public Ministry, Vicente López Pérez described how they had been tortured. The Public Ministry agent ignored this, and allowed the PJE agents alleged to have tortured the men to be present while they gave their statements.

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. The courts rarely challenge these confessions, even when the defendants retract them and complain that they have been tortured. 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 Public Ministry agents, even when the alleged torturers are Public Ministry agents themselves, or police agents working under their direct control. 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 Spanish, English or your own language:

- expressing concern for the safety of Vicente López Pérez and his sons, Vicente López Rodríguez and Mariano López Rodríguez, and asking the authorities to do everything necessary to guarantee their safety;

- calling on the authorities to conduct an immediate, thorough and impartial criminal investigation into the reports that the three men were tortured by PJE agents, for the results to be made public and those responsible brought to justice;

- 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."

- calling on the authorities to comply with article 12 of the Torture Convention: "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction."

APPEALS TO:

Governor of Chiapas

Lic. Pablo Salazar Mendiguchía
Gobernador del Estado de Chiapas
Palacio de Gobierno, Piso 1
Col. Centro, 29000
Tuxtla Gutiérrez
Estado de Chiapas
MEXICO

Telegram: Gobernador, Chiapas, Mexico
Faxes: (+52 961) 612 5618 (and possibly 20917)
Salutation: Dear Governor / Señor Gobernador

Attorney General of Chiapas

Lic. Mariano Herrán Salvatti
Procurador General de la Justicia del Estado de Chiapas
Procuraduría General del Estado de Chiapas
Libramiento Norte s/n, Infonavit El Rosario,
Tuxtla Gutiérrez
Estado de Chiapas, MEXICO

Telegram: Procurador, Chiapas, Mexico
Faxes: +52 961 616 5724
Salutation: Dear Attorney / Señor Procurador

Attorney General of the Republic

General Rafael Marcial Macedo de la Concha
Procurador General de la Republica
Procuraduría General de la República
Reforma Norte esq. Violeta 75
Col. Guerrero
Delegación Cuauhtémoc
México D.F., C.P. 06300, MEXICO

Telegram: Procurador de la República, Mexico D.f., Mexico
Fax: +525 55 346 0908
Salutation: Señor Procurador General / Dear Attorney 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 , MEXICO
Telegrams: Secretario de Gobernacion, Mexico D.F., Mexico
Fax: +525 55 093 3414 / 093 3415
Salutation: Señor Secretario / Dear Minister

COPIES TO:

Human Rights Organisation
Centro de Derechos Humanos
"Fray Bartolome de las Casas"
Calle Cuauhtémoc 12, Colonia Centro Histórico
San Cristóbal de las Casas,
CP 29200, Chiapas,
MEXICO
Fax: + 52 967 8 35 51

and to diplomatic representatives of Mexico accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.