

PUBLIC

AI Index: AMR 41/023/2001

UA 139/01

Tor

MEXICOLuis Manuel HERNANDEZ
(Chiapas state) José Luis CASTELLANOS
José Luis de la TORRE

The three young men named above have reportedly been tortured in police custody. They are now in prison awaiting trial and Amnesty International fears that they will suffer further torture. There is also concern that they were forced to confess under torture, and so will face an unfair trial.

The three, who are from Venustiano Carranza Municipality, Chiapas state, were reportedly arrested on 17 May by State Judicial Police (*Policía Judicial Estatal*) and Municipal Police (*Policía Municipal*), and taken to the Municipal Police detention centre. They were tortured and ill-treated by judicial and municipal police officers to force them to confess, with a prosecutor from the State Attorney General's Office (*Procuraduría General del Estado*, PGE) present to take their statements. They were beaten with rifle butts and clubs. One of them had a plastic bag pulled over his head to suffocate him, and had his left wrist burnt, apparently with a cigarette lighter.

The three men later reported how they had been tortured and ill-treated, but the PGE disregarded their statement and excluded it from the case file (*expediente*). One of the men is an indigenous Tzotzil, and does not speak Spanish, but he was not provided with a translator at any point.

The three men are now in Cerro Hueco prison, Chiapas state, and face a number of criminal charges.

BACKGROUND INFORMATION

Torture and ill-treatment are widespread in Mexico. In many court cases documented by Amnesty International, prisoners have been convicted chiefly on the basis of confessions extracted under torture. This is despite the fact that Mexico's Federal Law to Prevent and Punish Torture (*Ley Federal para Prevenir y Sancionar la Tortura*) and international human rights standards expressly prohibit the use of statements extracted under torture in legal proceedings.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Spanish or your own language:

- expressing concern that Luis Manuel Hernández, José Luis Castellanos and José Luis de la Torre were reportedly tortured and ill-treated by State Judicial and Municipal Police after they were arrested on 17 May 2001;
- calling on the authorities to ensure that the three detainees do not suffer any further torture or ill-treatment;
- calling for an immediate, thorough and impartial investigations into the reports of torture and ill-treatment, for the results to be made public and those responsible brought to justice;
- calling for evidence extracted under torture to be excluded from legal proceedings;
- calling for an inquiry into the role of state prosecutors in the extraction of confessions under torture.

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
 MÉXICO

Telegrams: President, Mexico D.F., Mexico

Faxes: (+52 5) 522 4117 / 516 9537

Salutation: Señor Presidente / Dear Mr President

Governor of Chiapas

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

Telegram: Gobernador, Chiapas, Mexico

Faxes: (+52 961) 25618

E-mail: p@blosalazar.chiapas.com

Attorney General 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
 Chiapas
 MÉXICO

Telegrams: Procurador, Chiapas, Mexico

Faxes: (+52 961) 65724

Salutation: Dear Attorney / Señor Procurador

President of the National Commission of Human Rights

Dr. José Luis Soberanes Fernández
 Presidente de la Comisión Nacional de Derechos Humanos (CNDH)
 Periférico Sur 3469, 5o piso
 Col. San Jerónimo Lídice
 México D.F. 10200
 MÉXICO

Faxes: +52 5 668 0767

E-mail: correo@cndh.org.mx

COPIES TO:Human rights organization

Centro de Derechos Humanos "Fray Bartolomé de las Casas"
 Calle Cuauhtémoc 12, Col. Centro Histórico
 San Cristóbal de las Casas, Chiapas 29200, Mexico

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 17 July 2001.