

PUBLIC

AI Index: AMR 41/025/2007

6 June 2007

UA 139/07 Fear for safety/Torture/Arbitrary detention

MEXICO Roberto Encino López (m), aged 18, student
Carlos Encino López (m), his brother
Other students at the *Escuela Secundaria Técnica no. 36* (Technical high school) in
Altamirano

Indigenous Tseltal student Roberto Encino López was reportedly arbitrarily detained, beaten and threatened by soldiers based at a military barracks near his home in Altamirano, Chiapas State, on 16 May. He was released later that day, but soldiers, who accuse him of stealing a hand grenade, have since kept harassing him and his family.

On the evening of 16 May, Roberto Encino was reportedly out walking with schoolmates when two men in civilian clothes jumped out of a car, forced him into the vehicle and drove off. They drove him to the local military barracks, and beat him repeatedly: this included kicking him in the back and hitting him in the stomach. Once in the barracks of the *11° Compañía de Infantería No Encuadrada* (11th Unassigned Infantry Company), another man in civilian clothes, whom the others called *Teniente Coronel* (Lieutenant-Colonel), interrogated Roberto Encino about an allegedly stolen hand grenade, beating him and warning him, *si le vendiste la granada a algún zapatista, te va cargar tu pinche madre* ("if you have sold the grenade to a Zapatista, we'll fuck you up").

Meanwhile, Roberto Encino's older brother, Carlos, heard what had happened and went to the barracks. He was told he could see Roberto if he persuaded him to confess to stealing the grenade. Since both brothers denied the accusations, they were told that they had to provide the names of other students who, like Roberto Encino, regularly visited the barracks kitchen to collect leftover food to feed pigs, for a school project. They gave the name of one student, who was reportedly interrogated and allowed to go with a warning not to leave the village. Roberto Encino was also allowed to go later that night. An expert medical examination by an independent doctor, requested by a local human rights organization, apparently confirmed that Roberto Encino presented injuries and symptoms consistent with the allegations of torture.

Since his release, a relative, a former soldier, has repeatedly questioned Roberto Encino about the hand grenade, and reportedly warned the family not to consult a lawyer. On 21 May, the relative came to the family home with a group of soldiers and reportedly warned Carlos Encino: *si no encontramos al culpable te vamos a meter a la carcel* ("if we don't find the culprit we are going to stick you in prison").

BACKGROUND INFORMATION

There has been a sizeable military presence in Chiapas since the armed opposition group, the Zapatista National Liberation Army (*Ejército Zapatista de Liberación Nacional*, EZLN) emerged in 1994. Because soldiers accused of human rights violations are always tried by military rather than civilian courts, they are very rarely brought to justice.

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

- expressing concern at reports that Roberto Encino López was detained and tortured by soldiers at the Altamirano barracks, in Chiapas, on 16 May;
- calling on the authorities to ensure that protection is provided to Roberto Encino López, his family and other students of the Altamirano Escuela Secundaria Técnica no. 36;

- calling for an immediate, thorough and independent investigation by civilian authorities into the detention and reported torture of Roberto Encino López, and subsequent harassment by members of 11° Compañía de Infantería No Encuadrada, for the results to be made public and those responsible brought to justice;
- calling for the scope of military jurisdiction to be restricted, so that military personnel accused of human rights violations are investigated and tried by the appropriate civilian authorities.

APPEALS TO:

Public Prosecutor of Chiapas State

Lic. Mariano Herrán Salvatti
Fiscal General de Justicia del Estado de Chiapas
Libramiento Norte s/n, tercer nivel, Col. Infonavit "El Rosario", CP 30064, Tuxtla Gutiérrez, Chiapas, MEXICO

Fax: +52 961 616 5724
Email: mherran@fge.chiapas.gob.mx
Salutation: Estimado Sr. Fiscal General/Dear Prosecutor

Minister of Defense

Gral. Guillermo Galván Galván,
Secretario de la Defensa Nacional, Secretaría de la Defensa Nacional
Bulevar M. Ávila Camacho esq. Industria Militar S/N, Col. Lomas de Sotelo, Del. Miguel Hidalgo, México D.F., C.P. 11640, MEXICO

Fax: +52 55 5580 1153
Salutation: Señor Secretario/Dear Minister

Governor of Chiapas State

Lic. Juan José Sabines Guerrero
Gobernador del Estado de Chiapas
Palacio de Gobierno, 1º piso, Col. Centro, 29000, Tuxtla Gutiérrez, Chiapas, MEXICO

Fax: +52 961 618 8050 ext. 21122
Email: juansabines@chiapas.gob.mx
Salutation: Dear Governor/Señor Gobernador

President of the National Human Rights Commission

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., C.P. 10200, MÉXICO

Fax: + 52 55 56 81 8125, then dial 9
E-mail: correo@cndh.org.mx
Salutation: Dear President/Señor Presidente

COPIES TO:

Human rights organisation

Centro de Derechos Humanos Fray Bartolomé de las Casas A.C.
Brasil No. 14 Barrio Mexicanos, CP. 29240, San Cristóbal de las Casas, Chiapas, 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 19 July 2007.