

UA 226/07

Fear for safety

MEXICO

Francisco Velasco Hernandez (m)

Francisco Velasco Hernández, who says he was assaulted by three state judicial police officers and two civilians in Oaxaca City, and is pursuing a complaint against them, has been repeatedly intimidated and threatened with death. The federal and state government have undertaken to provide him with protection, but he was threatened again on 27 August.

He was arrested on 13 January in Oaxaca City by three state judicial police (*policía judicial del estado*) officers, who apparently beat him in the street and forced him into their car. He told Amnesty International that they drove him to a secluded spot under a bridge where the three police officers beat him. They were joined by two civilians, who also beat him, and sexually assaulted him. Afterwards they drove him to the State Public Prosecutor's Office (*Procuraduría General de Justicia del Estado*, PGJE), beating him and threatening to kill him. During his interrogation by a prosecutor, he was reportedly slapped round the face and kned in the groin in an attempt to force him to confess to stealing a car and other offences. He was reportedly forced to sign a statement which he was not allowed to read. He was charged with (*tentativa de extorsión, lesiones, resistencia a particulares*) attempted extortion, bodily harm and resisting arrest, and remanded in custody.

A doctor visited him in prison to examine his injuries and record the evidence of the torture he had suffered. Francisco Velasco Hernández was released on bail on 23 January after a judge rejected all the charges against him except bodily harm (*lesiones*). On his release he filed a complaint against the arresting officers of "abuse of authority, bodily harm, rape, robbery and threats" (*abuso de autoridad, lesiones, violación equiparada, robo y amenazas*) against the arresting police with the sexual offences unit of the PGJE and an investigation was opened. On 5 February he was summoned to the PGJE, but fearing for his safety members of his family went in his place. They were interviewed by a senior PGJE representative: during the interview the three police officers who had allegedly tortured Francisco Velasco Hernández were present, and they reportedly warned the family that if the complaint was not withdrawn they would "take action against him" (*vamos contra el*).

On 25 June when Francisco Velasco Hernández was attending a court hearing in relation to the prosecution of the police, one of the three officers reportedly told him, "If you don't drop the case against us we are going to disappear you, son of a whore" (*si no te desistes de la denuncia que presentaste en nuestra contra te vamos a desaparecer hijo de la chingada*). On 29 June an armed man reportedly approached him and told him to drop the case and "if you don't you won't live to recount it" (*si no lo hagas no vas a vivir para contarlo*). The Inter American Commission on Human Rights ordered the Mexican authorities to provide protection measures to guarantee his safety. The federal and state authorities undertook to provide protection, but have reportedly taken no substantial action. The federal Interior Ministry gave him a mobile phone and promised to provide him with a number for him to call in emergencies by 6 August, but have reportedly not done so.

On 27 August he was reportedly followed by a car in which he could see one of the civilians he says attacked him accompanied by three other men. That evening two men approached him and reportedly said, "If we don't kill you outside, we will kill you inside, as we are going to put you back in prison, you son of bitch" (*si no te matamos afuera, te vamos a matar adentro, cabrón porque te vamos a regresar a la cárcel*).

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

- calling on the authorities to guarantee the safety of Francisco Velasco Hernández and his family, as requested by the Inter American Commission on Human Rights;
- expressing concern that Francisco Velasco Hernández was allegedly tortured by three PGJE officers on 13 January, and has been repeatedly threatened since then, but the state and federal authorities have not taken effective action to guarantee his safety;
- calling on the authorities to order immediate, impartial and exhaustive investigations into the threats against him, including the events of 27 August, to publish the results and bring those responsible to justice;
- calling for the police officers implicated in the torture of Francisco Velasco Hernández to be suspended from duty until the enquiry into their conduct is completed;
- reminding the authorities that it is their responsibility to ensure that all allegations of serious human rights violations, such as torture, are investigated impartially and effectively, that the victims and witnesses are adequately protected and that those responsible are brought to justice.

**APPEALS TO:**Minister of the Interior

Lic. Francisco Javier Ramírez Acuña

Secretario de Gobernación, Secretaría de Gobernación

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**Salutation:** Señor Secretario/Dear Minister

Governor of Oaxaca

Lic. Ulises Ruiz Ortiz

Gobernador del Estado de Oaxaca

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Attorney General of Oaxaca

Lic. Evencio Nicolás Martínez Ramírez

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**Salutation:** Dear Attorney General/Estimado Procurador

Foreign Affairs Minister

Emb. Patricia Espinosa Cantellano

Secretaria de Relaciones Exteriores, Secretaría de Relaciones Exteriores

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**Salutation:** Señora Secretaria / Dear Minister

**COPIES TO:**

Human Rights Organisation

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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 11 October 2007.\*\*\*\*\*