

PUBLIC

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UA 330/08 **Fear of torture or other ill-treatment**

MEXICO **Máximo Mojica Delgado (m)**
María de los Ángeles Hernández Flores (f), his wife
Santiago Nazario Lezma (m)

The three people named above, who live in Teloloapan municipality, Guerrero state, have been arbitrarily arrested and are believed to have been beaten in custody. They are being held incommunicado and are at risk of further torture or other ill-treatment.

According to María de los Ángeles Hernández, on 27 November an unmarked car with three armed men stopped the car in which she was travelling with her husband, Máximo Mojica, and their two children. The men forced Máximo Mojica out of the vehicle and took him away, but did not identify themselves as police officers or show an arrest warrant. On 29 November, María de los Ángeles Hernández, received a phone call from her husband telling her he had been kidnapped and that she needed to pay a ransom of 50,000 pesos (US\$2500). Later on the same day, neighbours reported that María de los Ángeles Hernández, her nephew (who was later released but is now hiding for his safety) and another man who was visiting the family's house, Santiago Nazario Lezma, had also been taken away from her home by a number of armed men in uniforms. The armed men had arrived in seven unmarked vans without licence plates. It is believed the men who detained Máximo Mojica, María de los Ángeles Hernández and Santiago Nazario Lezma were all officers of the State Judicial Police (Policía Investigadora Ministerial).

The whereabouts of the three were unknown until they were finally traced on 3 December to the office of the State Attorney General's Office in the city of Acapulco, Guerrero state. They were visited on the same day by staff of Guerrero State Human Rights Commission (Comisión de Defensa de los Derechos Humanos de Guerrero). The Commission reported that Máximo Mojica, María de los Ángeles Hernández and Santiago Nazario Lezma had visible bruises all over their bodies and had not had access to a lawyer of their choice. The three have not been permitted to see lawyers or relatives since this visit, and could be tortured or ill-treated while they are held incommunicado. It is not known if they have received any medical treatment. The three have still not been officially charged.

On 29 December, the home of Máximo Mojica's brother, Pastor Mojica was also searched by armed men while he was out and has been occupied by these men since. Pastor Mojica and his family are currently in hiding.

According to a local human rights organization, Máximo Mojica and his brother Pastor Mojica are members of a grassroots political organization "Tierra y Libertad" that works on housing rights issues. Máximo Mojica, Pastor Mojica and María de los Ángeles Hernández are all members of a teacher's union that has been organising demonstrations over the past few months. The family have also stated that four months ago armed men visited Máximo Mojica's home and accused him of hiding members of an illegal armed group.

BACKGROUND INFORMATION

Torture and ill-treatment remain common in many parts of Mexico, including Guerrero state.

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

- expressing concern at the reported arbitrary detention and torture of Máximo Mojica, María de los Ángeles Hernández and Santiago Nazario Lezma by State Judicial Police officers;
- calling for proper medical attention to be provided and an independent medical examination carried out to assess all injuries;
- calling for a full, prompt and impartial investigation into the detention of the three, and for those found responsible to be brought to justice;
- calling for the authorities to guarantee that the three will not be tortured or ill-treated, and that they will be promptly charged with a recognizably criminal offence or released;
- calling for the authorities to ensure that all testimonies extracted under torture and other ill-treatment will be ruled inadmissible as evidence;
- calling on the authorities to give the three immediate and regular access to their families and lawyers of their choice;
- guarantee that all those under investigation will be treated humanely and given the right to due process and a fair trial.

APPEALS TO:

Governor of Guerrero

Lic. Zeferino Torreblanca Galindo
 Gobernador del Estado de Guerrero
 Palacio de Gobierno, Edificio Centro, piso 2, Ciudad de los Servicios
 CP 39075, Chilpancingo, Guerrero, MÉXICO
Email: gobernador@guerrero.gob.mx
Fax: +52 747 471 9956
Salutation: Señor Gobernador / Dear Governor

Attorney General of Guerrero

Lic. Eduardo Murueta Urrutia
 Procurador del Estado de Guerrero
 Carretera Nacional México-Acapulco Km. 6+300
 Tramo Chilpancingo-Petaquillos
 Chilpancingo 39090, Guerrero, MÉXICO
Fax: +52 747 472 2328
Email: cprocurador@pgjgro.gob.mx
Salutation: Dear Attorney / Señor Procurador

President of the Human Rights Commission of Guerrero

Lic. Juan Alarcón Hernández
 Presidente de la Comisión de Defensa de los Derechos Humanos del Estado de Guerrero (Coddehum)
 Avda. Juárez, Esq. Galo Soberón y Parra
 Col. Centro, 39000, Chilpancingo, Guerrero, MEXICO
E-mail: coddehum@prodigy.net.mx
Fax: +52 747 471 2190 (if someone answers say "me da tono de fax, por favor")
Salutation: Dear President/ Señor Presidente

COPIES TO:

Human rights organisation: Colectivo Contra la Tortura y la Impunidad, Calle Pitagoras 1210-16, Col. Del Valle03100 México DF, México. Email: Colectivo@contralatortura.org

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 15 January 2008.