

MEXICO: Oaxaca, 16 July human rights violations still waiting for justice

On 16 July 2007, thousands of people marched towards the *Guelaguetza* Auditorium in order to celebrate the "*Guelaguetza Popular*", an event organized by the local opposition movement, the Popular Assembly of the People of Oaxaca (*Asamblea Popular de los Pueblos de Oaxaca*, APPO), in opposition to the "official" *Guelaguetza*, an event celebrating traditional indigenous cultures organised by the state government. Police, under the command of the Oaxaca State Secretary for Public Security and the head of police, blocked the path of protesters. Violence broke as some demonstrators and police threw stones at each other. Visual evidence indicates that during the clashes police destroyed vehicles, threw rocks, and used batons and teargas indiscriminately, and that demonstrators damaged shops, two hotels and various cars. Some journalists, scores of protesters and passers-by were injured, as well as at least 15 police officers. More than 40 people were arrested, including four young women and six minors.

The stories of ill-treatment of those detained on 16 July are harrowing. Most of the more than 40 detainees were reportedly ill-treated by police officers during their detention. A relative of 43 year-old **Emeterio Cruz**, plumber and father of four children, told Secretary General of Amnesty International during a visit to Oaxaca on 31 July 2007 that on 16 July 2007 he was arrested by municipal and state police and while in custody he was hit on the head and badly beaten by police officers causing him a brain haemorrhage and a fractured skull, injuries all over his body and leaving him in coma for more than two weeks. According to reports and independent medical examinations, cigarette burns were identified on Emeterio Cruz's back, which may have been the result of torture while in custody. The State government provided financial assistance to cover immediate medical costs and medical, psychological and physiotherapy support. However, Emeterio Cruz's left eye continues to be affected, the right side of his body remains partially unresponsive and he has lost much of his memory. He is still deeply psychologically affected. Emeterio Cruz was charged with arson and criminal damages (*daños y daños por incendio*) and on January 2008 charges against him were dropped (*desistimiento de la acción penal*).

Emeterio Cruz's case is not the only one. Those detained on that date suffered beatings, threats and insults. Police forced many detainees to have their heads shaved while being held on the ground. Some of the women detainees also reported suffering indecent assaults. At least four

detainees were hospitalized for several days to receive specialized medical attention. Twenty seven year-old teacher **Raymundo Torres** was left unconscious for almost an hour as a consequence of the severe beating by police during his detention. The head wounds he received required 13 stitches and he was kept in hospital for more than 15 days. Fifty-five year-old teacher **Eliel González** lost consciousness for several minutes after being blindfolded and badly beaten around the head and all over his body by police and was kept in hospital for almost two weeks. Forty-nine year-old **Jorge Luis Martínez**, a primary school teacher, also told the Secretary General of Amnesty International that on the afternoon of 16 July he was travelling in a private vehicle with family members and friends when police officers stopped the car, dragged him out and beat him all over his body and jumped on his back. He was kept in hospital for one week and had surgery on his left-hand.

All the 16 July detainees have now been released and charges against them have been dropped. Only two minors continue to face proceedings in the juvenile courts.

However, the investigation into Emeterio Cruz's detention was the only criminal investigation opened in relation to the human rights violations committed on 16 July. On 5 September, after delegations of Amnesty International and the Inter American Commission on Human Rights called for impartial investigations, five police officers (three municipal and two state officers) were committed for trial on charges of bodily harm (*lesiones personales*) and abuse of power (*abuso de autoridad*). They remain in custody pending trial.

Despite the criminal investigation against the five police officers involved in Emeterio Cruz's detention and an enquiry opened by the Oaxaca State Human Rights Commission, Amnesty International is not aware of any other substantial criminal investigations into the wide range of human violations committed on 16 July 2007. Senior state officials who ordered and directed the police operation have not apparently been held to account or even an internal police enquiry to improve methods of dealing with public order disturbances. Only Emeterio Cruz has received some assistance for the injuries he suffered and no victim has officially received redress.

Background information

In May 2006 the teachers union in Oaxaca State, Section 22 of the National Teachers Union, called a strike in support of annual negotiations on pay and conditions. On 14 June 2006 following increasing tension and pressure on

teachers to return to work, 700 state police officers attempted to remove them from the city centre. During the operation there were widespread reports of use of excessive force and several arbitrary detentions of union leaders. In response, APPO was formed to support the teachers. In July and August on at least three occasions, armed men, including state police, reportedly fired on unarmed demonstrators occupying TV and radio stations. Throughout September and October more than 1800 barricades and continuing demonstrations paralysed

Oaxaca City. On 27 October 2006, at least four people were killed and many more seriously wounded in violent confrontations at barricades. On 25 November, there were violent clashes between state and federal police and some demonstrators resulting in serious damage to public buildings and 149 arrests. Many were held incommunicado and ill-treated or tortured. More information in "MEXICO: Oaxaca: Clamour for Justice" (AI Index: AMR 41/031/2007).

TAKE ACTION!

Write to the Mexican authorities and the Mexican Embassy in your country:

- expressing concern at the torture and ill-treatment of Emeterio Cruz, Raymundo Torres, Jorge Luis Martínez, Eliel González, the inhuman and degrading treatment of other detainees and the indiscriminate nature of arrests and the excessive force used by police against demonstrators and detainees;
- recognizing there have been advances in the investigation into the human rights abuses committed against Emeterio Cruz.; however, reminding the authorities that there are still major steps needed to comply with the obligation to investigate and to bring those responsible to justice for the human rights violations committed on 16 July 2007, including the torture and ill-treatment of Emeterio Cruz, Raymundo Torres, Eliel Gonzalez and Jorge Luis Martínez, and the cruel, inhuman and degrading treatment of other detainees, for the results to be made public and for all the victims to receive redress;
- calling for a full, prompt and impartial investigation into the responsibility of senior officials in charge of the police operation of 16 July 2007 that resulted in serious human rights violations;
- calling for a full, prompt and impartial investigation into the failure to prevent and punish the human rights violations that took place during the 16 of July police operation, and to make public the measures the authorities are taking to prevent repetition of similar abuses;
- recognise the obligation of the authorities to guarantee public order and strictly carry out policing operations in accordance with international human rights standards, such as the United Nations Code of Conduct for Law Enforcement Officials.

Please send appeals to

Minister of the Interior: Lic. Juan Camilo Mouriño Terrazo, Secretario de Gobernación, Secretaría de Gobernación, Bucareli 99, 1er. Piso, Col. Juárez, Del. Cuauhtémoc, México D.F., C.P. 06600, MEXICO, **Fax:** + 52 55 5093 3414, **Email:** secretario@segob.gob.mx, **Salutation:** Dear Minister/Señor Secretario.

Federal Attorney General: Lic. Eduardo Medina-Mora Icaza, Procurador General de la República, Procuraduría General de la República, Paseo de la Reforma nº 211-213, Piso 16, Col. Cuauhtémoc, Del. Cuauhtémoc, México D.F., C.P. 06500, MEXICO, **Fax:** +52 55 5346 0908, **Email:** ofproc@pgr.gob.mx, **Salutation:** Señor Procurador General / Dear Attorney General.

Governor of Oaxaca: Lic. Ulises Ruiz Ortiz, Gobernador del Estado de Oaxaca, Carretera Oaxaca - Puerto Angel, Km. 9.5, Santa María Coyotopec, C.P. 71254, Oaxaca, Estado de Oaxaca, MEXICO, **Fax:** + 52 951 511 6879, **Salutation:** Señor Gobernador/Dear Governor.

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 5681 7199, **E-mail:** correo@cndh.org, **Salutation:** Señor Presidente/Dear President.