

PUBLIC

AI Index: AMR 41/007/2007

15 February 2007

Further Information on UA 322/06 (AMR 41/055/2006, 28 November 2006) and follow-up (AMR 41/059/2006, 12 December 2006) – Fear of torture or ill-treatment/incommunicado detention and new concerns: Arbitrary detention/fear of unfair trial

MEXICO

**At least 149 people in detention
New name: Felipe Sanchez Rodriguez (m)**

The 138 detainees held at the remote prison in Nayarit state are now known to have been released, either on bail or without charge, or moved back to Oaxaca state prisons, on 20 and 21 December. At least 64 are still in custody. They are in danger of torture or ill-treatment, and at risk of unfair trial.

Felipe Sanchez Rodriguez, one of the 64 detainees who works with a community education project in Oaxaca, is still detained at the Tlacolula prison, and at risk of unfair trial. He and a friend were detained on the evening of 25 November by men in civilian clothes while walking toward the main bus station. He was held at gunpoint, bundled into a car and driven to a building where he was interrogated for a day. He was kept blindfolded throughout, so he did not know where the interrogation took place. He was beaten and tortured with electric shocks by his captors, who threatened to rape him. Finally he was taken to prison, and later charged with serious offences including organized criminal activity, sedition, and damages to property ("asociación delictuosa, sedición, y daños en propiedad ajena"). He claims members of the Federal Preventive Police (Policía Federal Preventiva, PFP) have constructed the case against him using false testimony.

While they were being transported to Nayarit, and while they were held there, the detainees allege they were threatened and intimidated by police and guards. According to at least one of them, a group of male detainees were sexually assaulted by police officers on the bus that took them from the airport to the penitentiary.

On 13 January, relatives of detainees and supporters of the Popular Assembly of the People of Oaxaca (*Asamblea Popular del Pueblo de Oaxaca*, APPO) held a protest outside Miahuatlán prison. They were reportedly attacked by police, who arrested eight of them and charged them with carrying firearms and drugs, and accused them of attacking a police officer who was filming them. They were released on bail two days later and claim that the charges were based on fabricated evidence in order to break up the demonstration.

BACKGROUND INFORMATION

In May 2006 teachers went on strike in Oaxaca state calling for improved pay and conditions, and occupied the main square and surrounding streets. State police attempted to clear them from the square by force on 14 June. This made the protesters more determined, and led to the formation of the APPO, an umbrella organization of social and political groups who supported the teachers and all called for the state governor to resign. As the climate of violence in the city increased, armed police in plain clothes started to arbitrarily detain protesters, and reportedly shot dead several APPO supporters. Protesters set up barricades in many neighbourhoods in late August, to keep the police out, and armed men believed to be police officers continued to attack opposition supporters in marches and at the barricades. On 29 October, the PFP went into the city to restore order, arresting many people. There have been repeated violent clashes between police and opposition demonstrators, with some protesters throwing Molotov cocktails, stones and fireworks, and police using teargas, water-cannon, batons and firearms. The last major confrontation took place on 25 November.

Amnesty International has received credible reports that federal and state police have ill-treated and tortured many detainees. The organization is not aware of any state or federal investigation to hold those responsible to account or investigate allegations of widespread fabrication of evidence. In December the National Human Rights Commission issued a preliminary report recognising widespread abuses of human rights in the state throughout the crisis.

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

- calling on the authorities to ensure that all detainees are protected from any form of torture or ill-treatment, and given guaranteed access to their families and lawyers;
- calling on the authorities to conduct impartial and independent investigations into allegations of ill-treatment and torture by federal and state police officers of those detained on 25 November 2006, including allegations that a group of male detainees were sexually assaulted on 27 November while being transported to the Nayarit federal prison, and for those responsible to be brought to justice;
- calling for an impartial investigation of all cases in which the police allegedly fabricated evidence against detainees to ensure successful prosecution;
- calling on the authorities to ensure that all detainees are given their right to a fair trial in accordance with international human rights standards.

APPEALS TO:

Minister of Public Security

Lic. Genaro García Luna

Secretario de Seguridad Pública, Secretaría de Seguridad Pública

Reforma No.364, piso 16, Col. Juárez, Del. Cuauhtémoc, México DF. C.P. 06600, Mexico

Fax: +52 55 5241 8393

Salutation: Dear Minister/Estimado Secretario

Minister of the Interior

Lic. Francisco Ramírez Acuña

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

Salutation: Dear Minister/Estimado Secretario

General Prosecutor of the Republic

Lic. Eduardo Medina-Mora Icaza

Procurador General de la Republica, 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 53 46 09 08 (if someone answers, say "me da tono de fax por favor")

Salutation: Señor Procurador General / Dear Attorney General

Governor of Oaxaca

Ulises Ruiz Ortiz, Gobernador del Estado de Oaxaca, Carretera Oaxaca - Puerto Angel, Km. 9.5

Santa María Coyotopec, C. P. 71254, Oaxaca, Oaxaca, MEXICO

Fax: + 52 951 511 6879 (if someone answers, say "me da tono de fax, por favor")

Salutation: Señor Gobernador/Dear Governor

COPIES TO:

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. 10200, MÉXICO

Fax: + 52 55 5681 7199

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 29 March 2007.