

UA 322/06 Fear of torture or ill-treatment/ incommunicado detentionMEXICO **At least 149 people in detention**

Following a violent confrontation between supporters of the Popular Assembly of the People of Oaxaca (*Asamblea Popular del Pueblo de Oaxaca*, APPO) and the Federal Preventive Police (*Policía Federal Preventiva*, PFP) in the centre of Oaxaca on 25 November, at least 149 people have been detained. Amnesty International believes that they may be at risk of torture or ill-treatment while in custody.

The violence followed a demonstration organized by APPO supporters, to protest against the presence of PFP in the city and to call for the resignation of the Governor of Oaxaca. During the clashes with the police, dozens of people were reportedly injured by stones and intoxicated by teargas. There were also several reports that some people had been shot and wounded. Dozens of cars and buses and several public buildings, including the State Superior Court (*Tribunal Superior de Justicia*) and a theatre, were set on fire. According to reports, groups of armed men wearing balaclavas, believed to be state police, shot at protesters and buildings and arrested scores of people, several of whom reportedly had no involvement in the demonstrations.

By the end of the day, the authorities published the names of 149 people being held in two state prisons of Tlacolula and Miahuatlán, both outside the city of Oaxaca. All detainees have reportedly been denied access to family and independent legal counsel (suspects are generally forced to rely on inadequate public defenders provided by the authorities). There are also reports that on 27 November, 141 detainees were transferred to a prison in the remote state of Nayarit. Families and human rights organizations have not been informed of the charges faced by those in detention.

BACKGROUND INFORMATION

An Amnesty International delegation recently visited the city of Oaxaca and interviewed scores of victims of human rights violations committed during the ongoing crisis in Oaxaca. The organization documented the repeated violations committed by unidentified armed groups, believed to be state and municipal police officers working in plain clothes, who make arrests without identifying themselves or explaining the reasons for arrests. The organization documented in several cases the use of incommunicado detention over several days. The organization also received credible reports that detainees had been tortured and ill-treated, primarily by state and municipal police, but also by members of the PFP.

In May 2006 teachers initiated a strike in Oaxaca state calling for improved pay and conditions, and occupied the main square and surrounding streets. An attempt by state police to forcibly evict teachers on 14 June led to a radicalization of the protest and the formation of the *Asamblea Popular del Pueblo de Oaxaca*, APPO (Popular Assembly of the People of Oaxaca), an umbrella organization of social and political groups in support of the teachers and calling for the resignation of the state governor. As the climate of violence in the city increased, armed police in plain clothes started to arbitrarily detain protesters and were reportedly responsible for several shootings. Protesters established barricades in many neighbourhoods in late August and the security situation further declined as unidentified armed men continued to target opposition supporters in marches and on barricades. On 29 October, the PFP entered the city to restore order. The operation resulted in the death of two civilians and the detention and injury of scores of others. Many of those who have been detained during the crisis have been released reportedly as a result of political negotiations, but with no clear idea of whether they may face re-arrest at a future date.

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

- calling on the authorities to ensure all those detained during protests on 25 November are allowed immediate access to families, adequate medical attention and legal counsel of their choice;
- calling for them to be either charged with a recognizably criminal offence or released immediately;
- calling on the authorities to ensure the physical and mental integrity of those in custody and to carry out immediate and impartial investigations into allegations of torture or ill-treatment;
- reminding the authorities to their duty to maintain public order while protecting the human rights of all people, and ensuring that the use of force is proportionate and necessary to confront the threat faced;
- calling for an immediate and impartial investigation into the use of armed groups, believed to be state and municipal police, operating illegally to attack and detain protesters and passers-by, and for those responsible to be held to account;
- urging the federal and state authorities to ensure that all measures taken to address the crisis in Oaxaca fully respect international human rights law, and calling for them to avoid taking action which may worsen the human rights situation.

APPEALS TO:

Minister of the Interior

Lic. Carlos Abascal Carranza

Secretario de Gobernación, Secretaría de Gobernación

Bucareli 99, 1er. piso, Col. Juárez, Delegación Cuauhtémoc, México D.F., C.P.06600, MEXICO

Fax: + 52 55 5093 3414

Salutation: Dear Minister/ Estimado Secretario de Gobernación

Minister of Public Security

Lic. Eduardo Medina Mora

Secretario de Seguridad Pública, Secretaría de Seguridad Pública

Paseo de la Reforma No.364, piso 16

Colonia Juarez, Delegación Cuahutemoc, México DF. C.P. 06600, MEXICO

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Salutation: Señor Secretario / Dear Minister

Governor of Oaxaca

Ulises Ruiz Ortiz

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

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Salutation: Señor Gobernador/Dear Governor

Interior Minister of Oaxaca

Lic. Jorge Franco Vargas

Secretario General de Gobierno del Estado de Oaxaca

Constitución 519, Esq. Mártires de Tacubaya, Oaxaca, Oaxaca, MEXICO

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Salutation: Señor Secretario/Dear Secretary

President of the National Human Rights Commission

Dr. José Luis Soberanes Fernández

Presidente de la Comisión Nacional de Derechos Humanos (CNDH)

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Salutation: Dear President / Estimado Presidente

COPIES TO:

President of the Oaxaca State Human Rights Commission

Dr. Jaime Pérez Jiménez

Presidente de la Comisión Estatal

Calle de los Derechos Humanos no. 210, Colonia América

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Salutation: Dear President / Estimado Presidente

Human rights organization in Oaxaca

Red Oaxaqueña de Derechos Humanos

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COPIES 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 9 January 2006.*****