

MEXICO

Torture cases - calling out for justice

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Torture cases - calling out for justice

Introduction

Torture is widespread in Mexico and demands urgent action to eliminate it. The scourge of torture is to be found at all levels of Mexico's federal, state and municipal system of administration.

Amnesty International believes that progress in clarifying the cases detailed in this report would demonstrate the willingness of the new Mexican government to translate words into actions. In his inauguration speech before Congress on 1 December 2000, President Fox stated: "Mexico will no longer be held as a bad example in matters of human rights. We will protect human rights as never before, respecting them as never before and seeking a culture that repudiates any violation and punishes the guilty."

Torture occurs across all 31 states and the Federal District of Mexico, in spite of the adoption of legislation aimed at its elimination. The victims of torture include criminal suspects, political detainees and members of indigenous communities in areas of significant military presence. Torture is usually committed by agents of the state in the context of the administration of justice, where it is frequently employed as a method of investigation to secure confessions which are later used in court as evidence to convict the accused. Cases of torture committed by military personnel are often turned over to the military justice system, contravening international standards regarding the impartiality and independence of investigations into such abuses. Judges and other officials, including those exercising power within the executive and legislatures at federal, state and municipal levels, often turn a blind eye to allegations of torture, thereby colluding with its practice. And those who raise their voice against such a practice - in the main independent human rights defenders - have often been target of acts of intimidation.

For too long the vast majority of torture cases in Mexico have not been satisfactorily clarified and those responsible have gone unpunished, thereby prolonging untold anguish for victims and their relatives. Impunity also serves to consolidate the profound lack of faith of most Mexicans in their country's administration of justice, a culture which can only serve to encourage further violations.

The cases detailed in this document are only a fraction of torture cases reported to Amnesty International over past years. However, taken together, they reflect many of the key issues which must be addressed if torture is to be eliminated in Mexico.

Luis ORTIZ CHAGOYA

"They tied my hands behind my back... they put a bag over my head... so I couldn't breathe "

In November 2000 Luis Ortiz Chagoza, aged 17, was reportedly tortured by police officers and forced to confess to a robbery, of which he denied any knowledge. Under threats and attempts at suffocation, he implicated a friend who was also arrested and both minors were held in an adult prison for more than a month.

Luis Ortiz was arbitrarily detained by municipal police officers in his home town of Quiroga, Michoacán state, on 4 November 2000. The next day he was taken to an adult prison in Pátzcuaro (*Centro de Readaptación y Prevención Social de Pátzcuaro*), in spite of the fact that the Mexican constitution states that minors should be subject to separate judicial arrangements. A police officer took Luis Ortiz to a separate room.

"He hit me and insulted me. He grabbed me by the hair and hit me around the head repeatedly with his hand. The more I denied everything, the more he beat me. Then he took me back to the cells, and the next morning he came to interrogate me about the other person, because apparently this robbery was committed by two people. I denied it...

"At about 1pm they put me in a white van with dark windows and took me to a house where two more policemen beat me. They blindfolded me and tied my hands behind my back, then put me face down on some cushions with a bag over my head. It covered my nose and mouth so that I couldn't breathe, and they interrogated me. They kept me like that for some time and then I couldn't take any more, so I made up the story..."

Elías Pedro Hurtado, aged 16, was detained at school in Quiroga on the 6 November and also taken to Pátzcuaro adult prison, purely on the grounds that Luis Ortíz had been forced under torture to implicate him in a robbery. The boys spent over a month in prison before having all charges dropped. They were released on 16 December 2000.

Luis Ortíz made a statement complaining of his torture and that his confession had been extracted under torture. The reports of torture were also made public in different local and national news media in November 2000, but by the end of February 2001 Amnesty International knew of no investigation having been initiated.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that a prompt, impartial and effective investigation be carried out into the reported torture of Luis Ortíz Chagoya, the results be made public and those found responsible be brought to justice;
- that the competent authorities seek without delay to identify the state agents implicated in the allegations of torture, and suspend them from their duties pending the findings of the investigation;
- that in the future all cases involving minors be turned over to the childrens' tribunal (*tribunal de menores*), and that minors who are detained will be transferred to a suitable facility separate from adults, as required by Mexican law;
- that fair and adequate reparation be provided to victims of torture or other human rights violations, including appropriate medical care.

Remedios ALONSO VARGAS (f)
Irineo MEDEROS ALONSO
Luciano MEDEROS ALONSO

They all had bags placed over their heads and were threatened with suffocation if they did not admit to a kidnapping.

Remedios Alonso Vargas and her two adult sons, Irineo Mederos Alonso and Luciano Mederos Alonso, were reportedly tortured by police during seven days in incommunicado detention in October 2000. They were forced to sign pre-prepared confessions which they claimed not to have read. No one has been brought to justice for this crime.

According to reports, Remedios Alonso and her two sons were detained by some 40 agents of the Guerrero State Judicial Police (*Policía Judicial del Estado de Guerrero*), PJE, on 24 October 2000. The police entered their home in the village of El Camarón, municipality of Petatlán, and violently detained Remedios Alonso and her two sons, having accused them of kidnapping a man. The police failed to present a judicial order, destroyed belongings in the house and intimidated other inhabitants of the community.

The three detainees were reportedly beaten during the journey in a police vehicle to the headquarters of the PJE in Petatlán, where they were held incommunicado. During this time they were insulted and threatened in an attempt to force them to confess to the kidnapping, of which the detainees claimed to have no knowledge.

On 26 October, the three detainees were transferred to the headquarters of the PJE in Ciudad Altamirano, Guerrero state, where they were subjected to further torture. According to their testimony, a bag was placed over Remedios Alonso's head, she was threatened with suffocation, and told that even worse would be done if she did not confess to the kidnapping. Irineo Mederos and Luciano Mederos were blindfolded and beaten with firearms on the back and neck. They also had bags put over their heads, were threatened with suffocation, and had carbonated water forced up their noses. Following their torture, Remedios Alonso and her sons were forced to sign pre-prepared, unseen confessions.

From the moment of their detention on 24 October, relatives and their lawyer made repeated attempts to discover the whereabouts of Remedios Alonso and her sons. Despite approaching the authorities in several places where they were rumoured to have been detained, they were not given access to the detainees nor confirmation of their whereabouts.

On 31 October the three detainees were transferred to a prison, the *Centro de Readaptación Social* (CERESO) of Coyuca de Catatlán. It was only at this point, seven days after they were detained, that they were brought before a judge in the Criminal Court of First Instance (*Juzgado*

de Primera Instancia en Materia Penal) of Coyuca de Catatlán and a formal arrest warrant was issued. The Constitution of Mexico stipulates that a detainee accused of common crimes must be brought before a judicial authority within 48 hours of detention.

Members of a non-governmental human rights organisation reported facing obstacles in their attempt to visit the detainees on 8 November. The Director of the Coyuca de Catatlán prison apparently said that he had orders that no-one should be allowed to visit them. However, the human rights defenders were eventually given access to the detainees, and were able to take their testimonies.

Formal complaints have been made with both the National and Guerrero State Human Rights Commissions. However, by the end of February 2001 Amnesty International knew of no investigation having been initiated into the torture allegations.

The Commander of the Judicial Police who reportedly led the operation in which Remedios Alonso and her two sons were detained, held incommunicado and tortured, has been implicated in torture in the past. In February 1999 the official Guerrero State Human Rights Commission (*Comisión de Derechos Humanos de Guerrero*) (recommendation 032/99) identified the same Commander as responsible for several incidents of torture and recommended that the authorities carry out an effective investigation. The recommendation was never implemented.

On 5 December 2000, in a reply to an appeal by Amnesty International calling for an investigation to be opened into the torture allegations, the Guerrero State Attorney General's Office made no reference to such an investigation and insinuated that there had been no human rights violations. He informed that the criminal proceedings against Remedios Alonso, Irineo Mederos and Luciano Mederos on charges of kidnapping was at the stage of hearing the evidence, but went on to presume their guilt nevertheless:

"I request that you act as spokesperson before the members of Amnesty International in order to ensure that they are not taken unawares by people who in bad faith try to use them to defend kidnappers and drug-traffickers, alleging human rights violations".

As of the end of February 2001, Remedios Alonso, Irineo Mederos and Luciano Mederos remained in detention, facing charges of kidnapping reportedly based on confessions extracted under torture.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that a prompt, impartial and effective investigation be conducted into the full circumstances surrounding the detention and reported torture of Remedios Alonso Vargas, Irineo Mederos Alonso and Luciano Mederos Alonso, following their detention by the Guerrero State Judicial Police on 24 October 2000;
- that the methods and findings of the investigation be made public and those found responsible be brought to justice;
- that the competent authorities seek without delay to identify the state agents implicated in the allegations of torture, and suspend them from their duties pending the findings of the investigation;
- that any statements and other evidence obtained through torture must not be invoked in any proceedings, except against the person or persons accused of torturing the three detainees;
- that fair and adequate reparation be provided to victims of torture or other human rights violations, including appropriate medical care.

Gloria ARENAS AGÍS (f)
Jacobo SILVA NOGALES

"They...stripped me, put my blindfold back on, tied my wrists and handcuffed me. They...gave me electric shocks to the mouth, breasts and genitals..."(Gloria Arenas)

"They stripped me, threw cold water on me and wrapped me in a wet sheet...and gave me electric shocks all over my body..."
(Jacobo Silva)

Gloria Arenas Agís, aged 41, and her husband Jacobo Silva Nogales, aged 43, were detained in October 1999, held *incomunicado* for several days and reportedly tortured and forced to sign or fingerprint unseen preprepared statements. Both admit to being members of the armed opposition group, the Insurgent People's Revolutionary Army (*Ejército Revolucionario del Pueblo Insurgente*), ERPI.

Gloria Arenas and Jacobo Silva gave their testimonies to the National Commission for Human Rights (*Comisión Nacional de Derechos Humanos*), CNDH, in Almoloya prison on 26 November 1999. According to his testimony, Jacobo Silva was detained by agents of the Federal Preventative Police (*Policía Federal Preventiva*) in civilian clothes on 19 October near a metro station in Mexico City.

"They blindfolded me and took me to what I think was a hangar...They slapped me about the ears and face, threatening to kill me and hurt my family. Then someone arrived who I think was from the military because they called him Colonel...they beat me all over my body and continued to threaten me...they wouldn't let me sleep or eat. More people arrived and the beatings became more frequent and stronger; now they were beating me on the arms, legs, face and head; those who were beating me said, 'there are 16 of us, we'll have to take it in turns.' I was there until the night of the 20 October...they took me in a vehicle...to a place I thought was an army camp. They put me in a room, I was still blindfolded, they threw me face down...the electric shocks started. They stripped me, threw cold water on me, wrapped me in a wet sheet, sat me on a metal bucket and tied me to it. They...gave me shocks all over my body...

"After a while they let me get dressed and carried on asking questions. As I did not reply, they stripped me again and started the same torture. This happened various times...I lost all sense of whether it was day or night. They took me back to the hangar and for the whole day of 21 October they tortured me with beatings...asking which political personalities supported the organisation [the ERPI]...and asking where my wife lived. They took me to the military camp...now the torture was with beatings to my genitals and suffocation; they handcuffed my hands behind my back and kned me in the testicles. While one of them pulled my handcuffed hands upwards, another squeezed my neck and others hung from my belt...they also slapped me about the ears, chest, back and head.

"[On 23 October] ...they tied my hands in front of me and put my fingerprints on several pieces of paper. They said 'sign it or we'll kill you...'. I was still blindfolded and I signed."

Gloria Arenas testifies that she was arbitrarily detained by armed men, dressed in black and wearing ski masks and military boots, on 22 October at her home in San Luis Potosí:

"They took me outside to a van, they opened it and there was my husband on the floor. ...he was blindfolded and looked as though he had been severely beaten...he could not speak properly. They took me to another vehicle, they blindfolded me. ...they hit me in the stomach. We arrived at a place..you could hear the noise of aeroplanes...they took me to a small room and stripped me, put my blindfold back on, tied my wrists and handcuffed me. They...gave me electric shocks to the mouth, breasts and genitals, they asked me a lot of political questions about the organisation [the ERPI]... There were also constant threats against my mother and daughter, they said they already knew where they lived and were watching them. They said that if I didn't give them information they would ask them [the mother and daughter]. There were several torture sessions... I stopped eating and drinking, thinking that this way I would die quicker. I remained in this place on 22 and 23 October and on the morning of the 24 they put me on a plane...and looked for a secluded place... Some men arrived...bringing papers which they told me to sign. Because I refused they said that if I didn't sign they wouldn't present me [officially] and they would take it out on my mother and daughter. When I still refused they put my fingerprints on the papers..."

According to reports, these papers were later presented in court as Gloria Arenas' testimony.

Gloria Arenas and Jacobo Silva were kept incommunicado until 24 October when they were presented to the press in Almoloya prison. Before the press conference Jacobo Silva had reportedly been told to rearrange his clothing and wear a cap to cover up marks of beatings. Despite this, relatives of the detainees noticed visible signs of torture when they saw him. A preliminary official report also stated that Jacobo Silva had several wounds. However, the final report of the Public Ministry (*declaración ministerial*) included a certificate attesting to Jacobo Silva's physical well-being.

A formal complaint of torture was made on behalf of Gloria Arenas and Jacobo Silva before the Office of the Attorney General in Toluca, Mexico state on 15 December 1999. The case is currently in the hands of the Office of the Attorney General in Chilpancingo, Guerrero state, but by the end of February 2001 Amnesty International knew of no measures having been taken to investigate the reports of torture. A formal complaint has also been filed with the CNDH, but they have not issued a recommendation on the case.

To date, Gloria Arenas and Jacobo Silva were still being denied their right to see each other (*visita conyugal*), and Gloria Arenas's lawyer had reported several difficulties in gaining access to her client and irregularities in the judicial process.

Jacobo Silva and Gloria Arenas are currently being held in Almoloya Federal Prison, state of Mexico, on charges of criminal activities related to firearms hoarding and possession of ammunition (*delincuencia organizada en relación con acopio de armas de fuego y posesión de cartuchos*).

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that a prompt, impartial and effective investigation be conducted into the full circumstances surrounding the reported torture of Gloria Arenas Agís and Jacobo Silva Nogales, during *incomunicado* detention in October 1999, that the methods and findings of the investigation be made public and those found responsible be brought to justice;
- that the competent authorities seek without delay to identify the state agents implicated in the allegations of torture, and suspend them from their duties pending the findings of the investigation;
- that any statements and other evidence obtained through torture should not be invoked in any proceedings, except against the person or persons accused of torturing the two detainees;
- that fair and adequate reparation be provided to victims of torture or other human rights violations, including appropriate medical care.

Rodolfo MONTIEL FLORES
Teodoro CABRERA GARCÍA

Both men were beaten, electric shocks were applied to their legs, and their testicles were pulled repeatedly until they fainted from pain...

Two environmental activists and prisoners of conscience were tortured whilst being held in the incomunicado detention of the military in May 1999, and later convicted on the basis of confessions extracted under torture. The investigation into the torture has been transferred to the military justice system and those responsible have not been brought to justice.

Rodolfo Montiel Flores, aged 45, and Teodoro Cabrera García, aged 50, were arbitrarily detained by members of the 40th Infantry Battalion of the Mexican army (*40^a Batallón de Infantería del Ejército*) on 2 May 1999 in the village of Pizotla, municipality of Ajuchitlán, Guerrero state. They were held in incommunicado detention by the military for five days.

According to testimonies given to medical experts from the Danish section of Physicians for Human Rights, a non-governmental organisation, both men were kept lying face down on a floor with hands tied behind their backs for the first 24 hours. Rodolfo Montiel was then blindfolded, and subjected to a two-hour interrogation during which he was beaten and stamped on. Electric shocks were applied to his right leg and death threats were made against him and his family. His testicles were pulled repeatedly until he fainted from pain, causing severe bruising and bleeding for several weeks afterwards. Teodoro Cabrera was stamped on, kicked, beaten with fists and a rifle butt, and received electric shocks to his upper left thigh. His testicles were pulled until he fainted from pain, causing lasting damage including severe pain, blood in his urine and retraction of the right testicle.

Rodolfo Montiel and Teodoro Cabrera were also forced to sign blank pieces of paper, later used in court as confessions to drugs and firearms crimes. This contravenes Mexican federal law which states that confessions extracted under torture can not be accepted as admissible evidence by trial judges.

Amnesty International considers Rodolfo Montiel and Teodoro Cabrera to be prisoners of conscience, detained and charged solely because of their peaceful environmental activism, and has repeatedly called for their immediate and unconditional release. Both men are founder members of the Peasant Environmentalist Organization of the Mountains of Petatlán y Coyuca de Catalán (*Organización de Campesinos Ecologistas de la Sierra de Petatlán y Coyuca de Catalán*).

In July 2000 a report by the National Commission on Human Rights (*Comisión Nacional de Derechos Humanos*), CNDH, Mexico's official ombudsman's office, concluded that human

rights violations were committed against the environmental activists. CNDH Recommendation 8/2000 confirmed that Rodolfo Montiel and Teodoro Cabrera had been arbitrarily detained and tortured by members of the Mexican Army, citing, amongst others, Article 5 of the Universal Declaration of Human Rights: 'No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'.

After medically examining Rodolfo Montiel and Teodoro Cabrera on 29 July 2000, forensic experts from the Danish section of Physicians for Human Rights concluded that the findings for both men were consistent with the methods and time of torture described by them.

In September 1999 the Federal Attorney General's Office (*Procuraduría General de la República*) opened an initial investigation into the allegations of torture, but four months later declared itself incompetent and turned the case over to military jurisdiction. In July 2000 the CNDH made specific recommendations that the military operation of 2 May 1999 and the torture of Rodolfo Montiel and Teodoro Cabrera be investigated by the military justice system. To date there have been no signs of progress.

The transfer of the case to the military justice system contravenes international recommendations. After his visit to Mexico in 1997, the United Nations Special Rapporteur on Torture recommended that "cases of serious crimes committed by military personnel against civilians, in particular torture and other cruel, inhuman or degrading treatment or punishment, should, regardless of whether they took place in the course of service, be subject to civilian justice" (E/CN.4/1998/38/Add.2, para.88(j), 14 January 1998). The military justice system lacks impartiality, competence and independence when dealing with human rights violations.

On 28 August 2000 Rodolfo Montiel was sentenced to 6 years 8 months in prison for the crimes of marijuana cultivation, possession of arms without a license, and possession of arms licensed exclusively for the army. Teodoro Cabrera was given a 10 year sentence for possession of arms licensed exclusively for use by the army. After an appeal, the conviction was upheld on 27 October 2000.

Rodolfo Montiel and Teodoro Cabrera have continued to suffer the effects of their torture, but despite official complaints they have not received adequate medical attention. In addition, since detained in the Iguala prison, Guerrero state, where they remain to this day, they have suffered harassment and abuse from prison authorities.

Since the men were imprisoned many human rights and environmental groups have campaigned on their behalf, and Rodolfo Montiel has been awarded the prestigious Goldman and Chico Mendes environmental prizes.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- the immediate and unconditional release of Rodolfo Montiel Flores and Teodoro Cabrera García;
- that the human rights violations committed by military personnel against Rodolfo Montiel and Teodoro Cabrera be investigated and prosecuted under the jurisdiction of the competent civilian authorities, and not the military justice system;
- that a prompt, impartial and effective investigation be conducted into the full circumstances surrounding the torture of Rodolfo Montiel Flores and Teodoro Cabrera García, that the methods and findings of the investigation be made public and those found responsible be brought to justice;
- that evidence obtained through torture should not be invoked in any proceedings, except against the person or persons accused of torturing the two detainees;
- that fair and adequate reparation be provided to victims of torture or other human rights violations, including appropriate medical care.

Victoriana VÁZQUEZ SÁNCHEZ (f)
Francisca SANTOS PABLO (f)

"We tried to run away...but they caught up with us and...raped us "

Mexican soldiers reportedly tortured two indigenous women from the community of Barrio Nuevo San José, Tlacoachistlahuaca municipality, Guerrero state, on 21 April 1999. Nearly two years on no-one has been brought to justice and military harassment in the area continues.

Victoriana Vázquez Sánchez, aged 50, and Francisca Santos Pablo, aged 33, left their homes on the morning of 21 April 1999 to go in search of their younger male relatives. Antonio Mendoza Olivero, Victoriana Vázquez's 10 year-old grandson, and Evaristo Albino Téllez, aged 27, Francisca Santos's brother-in-law, had not been seen since going to harvest their crops the day before.

"When we got to the field we found a military camp. We tried to run away but they saw us, caught up with us and took us to some abandoned houses where they raped us," said Victoriana Vázquez.

Both women told how the armed soldiers threw them to the ground, tied their hands behind their backs and ripped off their skirts. Three soldiers raped Victoriana Vázquez while others dragged Francisca Santos into a nearby ravine where she lost consciousness and was also raped.

According to Victoriana Vázquez's son, relaying his mother's testimony in Spanish, the men were all in army uniform and: "[One of them] pulled down his trousers... He covered her face with her clothes... my mother was bleeding for a few days afterwards."

It was not until 7 May 1999 that Victoriana Vázquez and Francisca Santos learned that Antonio Mendoza and Evaristo Albino had been killed by soldiers. By the end of February 2001 Amnesty International knew of no effective investigation into the killings. The women, both indigenous Mixteco speakers who speak no Spanish, gave official testimonies to the Public Ministry (*Ministerio Público*) through an interpreter on 8 May 1999. They had delayed coming forward due to the intense trauma which they suffered and the fear of reprisals.

On 26 May 1999 the Public Ministry turned the case over to the military justice system, thereby breaching international standards and Mexican law which state that the competent authority in cases involving human rights violations by the security forces is the civil one. The military justice system lacks impartiality, competence and independence when dealing with human rights violations. According to reports, the military have since closed the case without bringing anyone to justice.

There is a heavy military presence in Guerrero state, ostensibly to combat armed opposition groups and drug trafficking. Over the years there have been persistent reports of the military being responsible for human rights violations in the region, mainly against members of the indigenous population.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that an immediate, independent and thorough investigation be carried out into the reported torture of Victoriana Vázquez Sánchez and Francisca Santos Pablo, with those under investigation suspended from duty, the results made public and those found responsible prosecuted;
- that cases of torture committed by military personnel against civilians be subject to civilian justice, as recommended by the United Nations Special Rapporteur on Torture after his visit to Mexico in 1997;
- that fair and adequate reparation, including financial compensation and appropriate medical care, be provided to the victims of torture.

Indigenous zapotecs from LOXICHA

Gaudencio García Martínez was tortured with soaked dirty cloths held over his face, water forced up his nostrils, electric shocks to his genitals and navel and threats that he would be buried alive.

Over a period of almost four years, since August 1996, some 130 indigenous zapotecs from the Loxicha region of Oaxaca state have been arbitrarily detained, held in incomunicado detention and tortured by the security forces. Impunity prevails in most of these cases and inhabitants of the region live in fear of further reprisals.

Most of the detentions were carried out by either the Oaxaca state or federal judicial police, other police forces or the military, acting on their own or in combined operations. According to reports, detentions were accompanied by beatings and threats, and without arrest warrants. Most of the detainees were accused of belonging to the armed opposition group the Popular Revolutionary Army (*Ejército Popular Revolucionario*), EPR.

Typically, the detainees were held incomunicado for a few days, tortured and forced to sign blank sheets of paper or false confessions to admit to crimes related to membership of the EPR or to implicate others. In most cases the torture consisted of beatings, electric shocks, near suffocation, mock summary executions and death threats. Following these abuses, some of the detainees were released without having been formally detained and charged. In addition, by the end of 2000 a total of 54 had been released by federal judges due to lack of evidence. However, of those formerly detained and charged with criminal offences, some were later convicted and sentenced by the courts to between 30 and 40 years' imprisonment. In several of these cases the convictions were secured on the basis of confessions extracted under torture. Despite official complaints having been lodged with the Public Ministry and both national and state human rights commissions, by the end of February 2001 Amnesty International knew of no-one being brought to justice for torture in any of the Loxicha cases.

In one case, Eloy Hugo Almaraz Silva was reportedly detained in Oaxaca city on 4 August 1997 by a group of 40 judicial police and others with their faces covered. He was stripped naked, beaten and suffered an attempt to force the barrel of a pistol into his anus. He was then handcuffed and taken off in a van to an unknown place where he was questioned about the EPR and forced to sign a statement which he was not permitted to read. Eloy Almaraz was then released with the threat that if he made a complaint he would regret it.

After his detention by the judicial police on the 7 November 1996, Gaudencio García Martínez, aged 45, was reportedly tortured with soaked dirty cloths held over his face, water forced up his nostrils, electric shocks to his genitals and navel and threats that he would be buried alive. Gaudencio García was kept for two days without food and was threatened that if he did not co-

operate, friends and associates of his would be killed and he would be blamed for their murders. He was told that he would never hear from his family again, and taken up in a plane handcuffed and told he would be thrown from the plane.

A criminal complaint regarding Gaudencio García's torture was lodged on 23 January 1998, in which he named one of the police officers who allegedly tortured him, and gave a full description of three others. The Public Ministry (*Ministerio Público*) recognised, based on official medical reports, that Gaudencio García's health 'was affected and visible signs were left on his body' ("*sufrió alteración a la salud, dejando huellas materiales en el cuerpo*"). These included electrical burn marks on his chest and genitals. On 28 January 2000 all charges against Gaudencio García were dropped and he was freed. However, to date no-one has been brought to justice for his torture.

In a separate operation on 7 November 1996, Prisciliano Enríquez Luna, aged 44, was detained by officers of the federal police, state police and Mexican army. Five police officers reportedly tortured him by wrapping his face in a soaked and dirty cloth, forcing water up his nose and giving him electric shocks to the genitals. Prisciliano Enríquez was kicked in the buttocks until he bled, and beaten around the head. He was held for the remainder of that day without food and was forced under threat to sign a blank piece of paper.

Prisciliano Enríquez was charged with criminal offences, including terrorism, conspiracy and sabotage, and kept in custody for over a year. During this time a criminal complaint (*denuncia penal*) relating to the torture was lodged with the federal attorney's office (*Procuraduría General de la República*). Two official medical certificates dated 8 and 15 November 1997 reportedly confirmed that Prisciliano Enriquez suffered injuries to the elbows, wrists and buttocks. On 5 December 1997 a judge freed Prisciliano Enríquez for lack of evidence, but as of February 2001 no-one had been brought to justice for his torture.

As in other torture cases in Mexico, there have been persistent problems with obtaining medical confirmation of torture. The majority of alleged torture victims do not receive a medical examination. Those who do are seen by official doctors whose medical reports frequently fail to classify torture as such, and instead simply record "injuries" ("*lesiones*"). Official medical care for those in prison has also been insufficient, although some have benefitted from the important work of medical and psychology experts from the non-governmental organisation Christian Action for the Abolition of Torture (*Acción de los Cristianos para la Abolición de la Tortura*), ACAT.

The security forces have persistently subjected indigenous people in the Loxicha region to arbitrary arrest, "disappearance", torture and extrajudicial execution ever since the appearance of the EPR in June 1996. Relatives of the Loxicha prisoners have suffered intimidation and harassment, and many have been forced to leave their homes in fear for their safety. María

Estela García Ramírez has suffered several incidents of intimidation since the torture and killing of her husband Celerino Jiménez Almaraz in April 1997, reportedly at the hands of the Oaxaca state judicial police. Most recently, in January 2001, she reported being followed by an unknown man and having a stone thrown at her. The impunity surrounding human rights violations in the Loxicha region has been accompanied by escalating violence by the security forces and so-called armed civilian groups.

On 8 December 2000 the state government of Oaxaca approved an Amnesty Law which could benefit some 60 of the nearly 90 Loxicha prisoners still detained at that time, releasing them without a criminal record. By 25 December 2000, 30 prisoners had been released. Amnesty International believes that the Amnesty Law does not and cannot replace the obligation of the authorities to carry out effective investigations into the human rights violations reportedly committed against people from the Loxicha region, that those responsible be brought to justice, and that the victims should receive fair and adequate reparation.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that full, prompt and independent investigations be carried out into the reports of torture and ill-treatment of some 130 indigenous zapotecs from the Loxicha region of Oaxaca state, that the results be made public, and that those responsible be brought to justice;
- that fair and adequate reparation be provided to the victims of torture or other human rights violations, including appropriate medical care;
- to promptly initiate a full and independent investigation into the human rights situation in the Loxicha region in Oaxaca state, including the impunity surrounding past human rights violations, and to guarantee the safety of indigenous people in the region;
- that all statements obtained from detainees and found to have been extracted under torture be disregarded as evidence in courts of law, as required by Mexican and international law.

Inmates of APODACA prison, Nuevo León state

“[I]nmates in [Apodaca Prison] in Nuevo León state are beaten, ill-treated and tortured by state public servants who work in the penitentiary.”

-Mexico’s National Commission for Human Rights, 30 June 1999.

Since 1995, Amnesty International has repeatedly reported on the deliberate ill-treatment and torture of prison inmates in the Apodaca Prison, Nuevo León state. These claims have been consistently denied by the Nuevo León authorities.

Mexico's federal Ombudsman's office, the National Commission for Human Rights (*Comisión Nacional de Derechos Humanos*), CNDH, has documented extensive and deliberate violations against inmates by Apodaca Prison personnel. The detailed findings were published in Recommendations 94/97, 23/98 and 42/99, published in October 1997, February 1998 and June 1999 respectively. In the last of these reports the CNDH made reference to inmates claiming, among other violations, that they were beaten and kicked. Inmates also claimed they were punished in the 'cold room', where they were placed for two days, naked and handcuffed, with the airconditioning turned on. In addition, the CNDH observed, on the basis of "clear, precise and consistent...testimonies", from some 50 prisoners, that "[prisoners] are kept shackled by the hands and sometimes also by the feet for five days, as a result of which they are obliged to eat off bowls placed on the floor, like an animal does, and carry out their bodily needs without removing their clothes."

In the face of the authorities' failure to seriously address Amnesty International's concerns, in November 1998 the organisation wrote to the Comptroller General of Nuevo León (*Contralor General del Estado de Nuevo León*) requesting an investigation into the allegations. Twelve months later, because of compelling evidence showing that the violations continued, Amnesty International's Secretary General wrote a public letter to the then President of Mexico, Ernesto Zedillo, requesting that an end be put to the ill-treatment and torture of inmates in Apodaca. Neither of these authorities replied.

In December 1998 the Inter-American Commission of Human Rights, IACHR, urged Mexico to take the necessary measures to protect the life and physical integrity of the inmates. A month later the Director of Apodaca Prison wrote to the CNDH claiming to have implemented the necessary protective measures, but added that at no time had any official at the prison made attempts on the life, physical integrity or dignity of the inmates. Similar claims were made by the Secretary General of the Government of Nuevo León state (*Secretario General del Gobierno del Estado de Nuevo León*), when he accused Mexican non-governmental human rights organisation Citizens for Human Rights (*Ciudadanos en Apoyo a los Derechos Humanos*), CADHAC, of deliberately falsifying information. For its efforts in reporting the ill-treatment suffered by the inmates, CADHAC and its staff have repeatedly been the target of surveillance, intimidating anonymous telephone calls and other forms of harassment.

Despite the efforts by several Mexican and international organisations to have the human rights of inmates in Apodaca Prison respected, Amnesty International continues to receive reports of violations in the prison. On 13 December 2000 Adrián Martín Gómez Pérez was reportedly taken out of his cell and beaten around the neck and head. One guard put a cord around his

neck, threatened to strangle him, and pulled the cord until he passed out. Sergio Bustamante Hernández and other inmates were also said to have been victimised by the prison authorities for filing complaints about illegal deprivation of freedom, being denied access to telephones and visitors, ill-treatment and threats.

There have also been numerous reports of torture and ill-treatment in Topo Chico prison, Nuevo León state, often as a reprisal against those who have made complaints about prison conditions. On 26 October 2000 the inmate Héctor Pérez Córdova was reportedly ill-treated as a punishment after human rights activists staged a peaceful protest outside the prison to launch Amnesty International's campaign against torture. The head of security at the prison said to Héctor Pérez: "look at all the bother you've caused me outside, we're going to punish you for it". He was stripped naked and placed in solitary confinement for seven days, without access to food or the medicine he needs to control the symptoms of multiple sclerosis.

By the end of February 2001 Amnesty International had not been informed of any judicial investigation having been initiated into any of the above allegations of torture and ill-treatment.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that a prompt, impartial and effective investigation be opened into reports of torture and ill-treatment of inmates in Apodaca and Topo Chico prisons, Nuevo León state, that the methods and findings of the investigation be made public and those found responsible be brought to justice;
- that the competent authorities seek without delay to identify the state agents implicated in the allegations of torture, and suspend them from their duties pending the findings of the investigation;
- that reforms recommended in any such investigations be implemented to eliminate torture and ill-treatment and guarantee the safety of the inmates;
- that the work of Citizens for Human Rights (*Ciudadanos en Apoyo a los Derechos Humanos*), CADHAC, and other human rights organisations be recognised and promoted in order to encourage transparency, openness, accountability and impartiality with respect to prisons in Nuevo León.

Alfonso MARTÍN del CAMPO DODD

“I was...arbitrarily detained, held incommunicado and tortured to force me to sign a confession to the double murder of my sister and brother-in-law”

Alfonso Martín del Campo Dodd, aged 35, has to date served nearly eight of a 50-year sentence for murder after being convicted on the basis of a confession extracted under torture.

On 30 May 1992 Alfonso Martín del Campo was taken by agents of the Mexico City Judicial Police (*Policía Judicial del Distrito Federal*) to the Benito Juárez branch of the Office of the Attorney General of Mexico City (*delegación de la Procuraduría de Justicia del Distrito Federal*), after his sister and her husband were found dead. Alfonso Martín del Campo reportedly testified that he was taken to the Police Commander's office in the basement, where some 10 to 12 judicial police officers tortured him. They placed a plastic bag over his head to suffocate him, and took turns to kick him in the testicles and beat him about the head, stomach and body with their hands and with wet towels. He was then forced to sign and fingerprint a pre-prepared confession to both murders.

The following day, Alfonso Martín del Campo was forced to take part in a 'reconstruction' of the events as related in the 'confession'. The officers involved were the same ones who had been responsible for his torture the day before, and Alfonso Martín del Campo alleges that he was threatened with more beatings if he did not participate exactly as ordered. At no time was Alfonso Martín del Campo allowed access to a lawyer of his choice.

Two official medical certificates, made after police questioning but immediately before and after signing the pre-prepared confession, both reportedly record that Alfonso Martín del Campo showed signs of bruising and facial injuries. In a disciplinary investigation in 1994, the Public Ministry officials who took the statement testified that they had also seen the injuries.

On 28 May 1993 Alfonso Martín del Campo was sentenced to 50 years in prison for the murder of his sister and brother-in-law, a crime for which he has maintained his innocence throughout. The judge acknowledged that Alfonso Martín del Campo had, in every subsequent statement, made allegations that he was tortured and forced to sign a confession, and that medical records proved he had been injured. However, the judge ruled that Alfonso Martín del Campo could not prove that his injuries had been inflicted by the police.

The judge's conclusions clearly did not take into account the fact that in a hearing on 9 September 1992, the police officer responsible for the interrogation confirmed that Alfonso Martín del Campo was stripped, threatened, had his head covered with a plastic bag, and was beaten all over his body.

On 14 October 1994 the same police officer was sacked and banned from holding public office (*cargo público*) for three years for the arbitrary detention and beating of Alfonso Martín del Campo. However, by the end of February 2001 no criminal charges had been brought against the police officer regarding allegations of torture.

In spite of the beatings, threats and near-suffocation recognised by the authorities and the police officer responsible for the interrogation, they do not recognise the treatment of Alfonso Martín del Campo as constituting torture. The ‘confession’ has been upheld at three successive judicial levels on the basis of the principle of procedural immediacy, which holds that the first statement made by a suspect should be considered more reliable than subsequent statements.

On the 29 April 1999 the High Court of Justice (*Tribunal Superior de Justicia*) refused to recognise a further appeal by Alfonso Martín del Campo, which was based on insufficiency of evidence and contradictions between the coerced confession and all the other case evidence. However, the court ruled that any appeal would have to systematically disprove the ‘facts’ of the supposed confession.

RECOMMENDATIONS

Amnesty International recommends to the Government of Mexico:

- that a prompt, impartial and effective investigation and judicial review be conducted into the full circumstances surrounding the reported torture of Alfonso Martín del Campo Dodd by judicial police officers in May 1992, that the methods and findings be made public and that those found responsible be brought to justice;
- that the competent authorities seek without delay to identify the state agents implicated in the allegations of torture, and suspend them from their duties pending the findings of the investigation;
- that any statements and other evidence obtained through torture should not be invoked in any proceedings, except against the person or persons accused of torturing the detainee;
- that fair and adequate reparation be provided to victims of torture or other human rights violations, including appropriate medical care.