

PUBLIC

AI Index: AMR 41/50/00
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To: Health professionals
From: Medical office / Americas Program
Date: 13 September 2000

***Further information on
MEDICAL LETTER WRITING ACTION***

**Conviction of Rodolfo Montiel Flores and Teodoro Cabrera García
MEXICO**

(update 1: see original action AMR 41/09/00, 2 June 2000)

Key words lack of medical care / torture / prisoners of conscience / unfair trial

Summary

On 28 August 2000 Rodolfo Montiel Flores and Teodoro Cabrera García were convicted based on false charges of drugs and firearms-related crimes solely on the basis of statements extracted under torture. Rodolfo Montiel Flores was sentenced to six years and eight months' imprisonment and Teodoro Cabrera García to 10 years' imprisonment. Their defence lawyers from the Miguel Agustín Pro Juárez Human Rights Centre (PRODH) lodged an appeal on 29 August.

Recommended actions

Rodolfo Montiel, Teodoro Cabrera and their lawyers from PRODH have expressed on different occasions the great importance of the solidarity which international activists have shown. They see international support as fundamental because of the pressure it exerts on the Mexican authorities.

Please write letters in Spanish, English or your own language:

- expressing grave concern at the conviction of Rodolfo Montiel and Teodoro Cabrera, two peasant environmental activists arbitrarily detained and charged solely for their peaceful protest against excessive logging in the Petatlán mountains of Guerrero state;
- expressing particular concern that these prisoners of conscience were convicted on the basis of confessions extracted under torture;
- reminding the authorities that the National Commission on Human Rights, *Comisión Nacional de Derechos Humanos* (CNDH), in its recommendation 8/2000, confirmed that Rodolfo Montiel and Teodoro Cabrera had been arbitrarily detained and tortured by members of the Mexican Army, and that the evidence on which they were charged was planted;
- reminding the authorities that, after examining Rodolfo Montiel and Teodoro Cabrera, doctors from Physicians for Human Rights Denmark concluded that the physical signs and symptoms found coincided conclusively with the timing and methods of torture described by the two activists;

- urging the authorities to ensure immediate access to adequate medical care for both men, as provided for by international human rights standards;
- calling for a prompt, full and impartial investigation into the torture of both men, to make the results public, and the bring those responsible to justice under the jurisdiction of the civilian justice system.

If you receive no reply from the government or other recipients within two months of dispatch of your letter, please send a follow up letter seeking a response. Please check with the medical team if you are sending appeals after 15 November, and send copies of any replies you do receive to the International Secretariat (att: medical team).

Addresses

Please send your appeals to the following addresses:

Governor of Iguala Prison

Lic. Carlos Coronel Avitia
 Director del CERESO de Iguala
 Centro de Re-adaptación Social de Iguala
 Carretera Iguala - Tuxpan, CP 40101
 Iguala, Estado de Guerrero, Mexico
 Fax: 52 733 29996 (If voice, ask "me puede dar tono de fax, por favor")

Director General of Prevention and Social Re-adaption Services of Guerrero State

Lic. José Luis Trujillo Sotelo
 Director General de Prevención y Re-adaptación Social del Estado de Guerrero
 Palacio de Gobierno, Sótano dos,
 Zona Centro, CP 39000
 Chilpancingo, Estado de Guerrero, Mexico
 Fax: 52 747 24919

National Commission of Human Rights

Dr. José Luis Soberanes Fernández
 Comisión Nacional de Derechos Humanos (CNDH)
 Periférico Sur 3469
 Col. San Jerónimo Lídice, 10200 México D.F. MEXICO
 Faxes: + 52 5 681 7199
 E-mails: cndh@laneta.apc.org

Attorney General of the Republic

Lic. Jorge Madrazo,
 Procurador General de la República
 Av Reforma, esq. Violeta,
 Col Guerrero, Mexico DF, CP 06300, MEXICO
 Faxes: + 52 5 346 0906

Governor of Guerrero State

Lic. René Juárez Cisneros
 Gobernador del Estado de Guerrero
 Palacio de Gobierno, Plaza Central, Chilpancingo 39000
 Estado de Guerrero, MEXICO
 Telegrams: Gobernador Estado, Guerrero, México
 Faxes: + 52 747 10304 (if voice, ask "me puede dar tono de fax, por favor")

Copies to:

Human Rights organization (non-governmental organization)
Centro de Derechos Humanos "Miguel Agustín Pro Juárez" A.C.
Serapio Rendon 57-B
Col. San Rafael
06470 México D.F. MEXICO

and to diplomatic representatives of Mexico accredited to your country.

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MEDICAL CONCERN

**Conviction of Rodolfo Montiel Flores and Teodoro Cabrera García
Mexico**

On 28 August 2000 Rodolfo Montiel Flores and Teodoro Cabrera García were convicted based on false charges of drugs and firearms-related crimes solely on the basis of statements extracted under torture. Rodolfo Montiel Flores was sentenced to six years and eight months' imprisonment and Teodoro Cabrera García to 10 years' imprisonment. Their defence lawyers from the Miguel Agustín Pro Juárez Human Rights Centre (PRODH) lodged an appeal on 29 August.

Background information

Amnesty International believes Rodolfo Montiel and Teodoro Cabrera are currently in detention solely because of their peaceful activism to protect the forests in Guerrero's mountains and the organization is calling for their immediate and unconditional release.

Rodolfo Montiel and Teodoro Cabrera are founding members of the *Organización de Campesinos Ecológicos de la Sierra de Petatlán y Coyuca de Catalán*, Peasant Environmentalist Organization of the Mountains of Petatlán and Coyuca de Catalán. The organization was established in 1998 in order to stop logging operations in the region which they claim are threatening the environment and the livelihood of local peasant communities.

On 2 May 1999 Rodolfo Montiel and Teodoro Cabrera were arbitrarily detained by members of the Battalion in the community of Pizotla, in the municipality of Ajuchitlán, Guerrero state. While in the incommunicado custody of the military, the two men were reportedly tortured in order to force them to sign self-incriminating statements. According to the two men, they were tortured with electric shocks to their testicles and beatings to the head, abdomen and back. They were subsequently charged with drugs- and firearms-related crimes. Since then they have been held in detention in a civilian prison in Iguala.

Reports of torture released prior to conviction

14 July 2000: report of the National Commission on Human Rights

The National Commission on Human Rights concluded that human rights violations were committed against Rodolfo Montiel Flores and Teodoro Cabrera García. The CNDH acknowledged in its recommendation 8/2000 that Rodolfo Flores Montiel and Teodoro Cabrera García had arbitrarily detained and tortured by members of the Mexican Army and that the evidence on which they were charged was planted.

In their report the CNDH made specific recommendations that the Military operation of 2 May 1999 and the torture of Rodolfo Montiel and Teodoro Cabrera be investigated under military jurisdiction. Amnesty

International believes human rights abuses should be investigated under the jurisdiction of the civilian authorities and those thought to be responsible brought before the civilian courts.

28 - 31 July 2000: medical mission

Two doctors representing Physicians for Human Rights Denmark medically examined Rodolfo Montiel and Teodoro Cabrera. The doctors stated that the physical findings were in agreement with the allegations of the time and methods of maltreatment amounting to physical torture. The reported symptoms and the objective findings were fully consistent with the described events including physical torture.

While the findings were conclusive regarding the consistency of the allegations of torture with the signs and symptoms found, the doctors nevertheless recommended that further examinations should be carried out on both examinees, in order to establish the full extent of the physical and psychological damage produced by torture and to propose the corresponding treatment.

Conviction: 28 August 2000

The civilian judge presiding over the trial of Rodolfo Montiel and Teodoro Cabrera reached a verdict on 28 August. Rodolfo Montiel was sentenced to 6 years, 8 months 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 the crime of possession of arms licensed exclusively for use by the army. Their defence lawyers, from the Miguel Agustín Pro Juárez Human Rights Centre (PRODH), lodged an appeal on 29 August 2000.

Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment

1. The purposes of effective investigation and documentation of torture and other cruel, inhuman or degrading treatment (hereafter torture or other ill-treatment) include the following:

- (i) Clarification of the facts and establishment and acknowledgment of individual and State responsibility for victims and their families;
- (ii) Identification of measures needed to prevent recurrence;
- (iii) Facilitating prosecution and/or, as appropriate, disciplinary sanctions for those indicated by the investigation as being responsible, and demonstrating the need for full reparation and redress from the State, including fair and adequate financial compensation and provision of the means for medical care and rehabilitation.

2. States shall ensure that complaints and reports of torture or ill-treatment shall be promptly and effectively investigated. Even in the absence of an express complaint, an investigation should be undertaken if there are other indications that torture or ill-treatment might have occurred. The investigators, who shall be independent of the suspected perpetrators and the agency they serve, shall be competent and impartial. They shall have access to, or be empowered to commission investigations by impartial medical or other experts. The methods used to carry out such investigations shall meet the highest professional standards, and the findings shall be made public.

(..)

For the full text of the *Principles on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment*, please see:

<http://www.phrusa.org/research/isapdx1.html>