

PUBLIC

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UA 103/09 Torture/Threats/legal concern

MEXICO 11 men held without charge in a detention centre known as "Quinta Pitiquito"

Eleven men recently arrested in two separate police operations which took place in the towns of Tuxtla Gutiérrez and Ocosingo, Chiapas state, are being held without charge in an informal detention facility. All men have restricted access to legal counsel and their families. Relatives and local human rights organizations reported that they have suffered torture and threats.

On 7 April, five men were arrested in Tuxtla Gutiérrez, the Chiapas state capital, after staging a protest in front of the local prison where their relatives are held. They protested because they believe that their relatives, belonging to a farmers' organization known as MOCRI-CNPA-MN, are being held on false charges. The police also searched the office of their organization and took computers, electronic and paper files, office equipment and money.

After the arrest, the five men were held incommunicado for two days and were taken to a disused hotel in Chiapa de Corzo municipality called "Quinta Pitiquito", which is used by the Office of the Chiapas State Prosecutor as a detention facility. While in detention, one of the leaders of the protest and member of MOCRI-CNPA-MN, Erick Bautista Gómez, reported having been repeatedly punched in the stomach, slapped and having his hair pulled hard. When his sister was allowed access to him in prison, Erick Bautista Gómez was told that if he did not cooperate, "something bad" (algo desagradable) would happen to her.

On 14 April, six men from the Tzeltal Indigenous community of San Sebastián Bachajón, Chilón municipality, were arrested while they were shopping in the town of Ocosingo. They belong to an Indigenous community believed to be sympathetic to the National Zapatista Liberation Army (Ejército Zapatista de Liberación Nacional, EZLN). The EZLN is an armed opposition group which has been militarily inactive for over a decade, and sustains a social movement and local independent governments of Indigenous communities in Chiapas.

The six men were also taken to "Quinta Pitiquito". A local human rights organization who has visited them reported that they had been tortured by members of the Chiapas police that arrested them, and had visible signs of beatings. Once in detention they were made to sign statements they did not understand, as their knowledge of Spanish is limited. There was one interpreter, but he did not speak their language (Tzeltal).

BACKGROUND INFORMATION

Several Mexican states use pre-charge detention (*arraigo*) in order to detain suspects while conducting an investigation. The suspects are not charged, but a judge orders their retention on the request of the prosecutor. They may be held for up to 80 days before the prosecutor is required to charge or release them. Amnesty International and other human rights organizations have documented on several occasions how this form of detention may result in torture or other ill-treatment. Suspects are frequently denied access to lawyers of their choice, family or medical attention. The UN Working Group on Arbitrary Detention stated in 2002 that *arraigo* amounts to a form of arbitrary detention and creates an environment conducive to the use of coercion.

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

- urging the authorities to ensure that all 11 men currently held in Quinta Pitiquito, municipality of Chiapa de Corzo, Chiapas state, are not tortured, ill-treated or otherwise forced to give statements against their will;

- calling on the authorities to charge the men with a recognizable offence or release them;
- calling on the authorities to make sure that the men have adequate access to independent legal counsel of their choice; and
- calling on the authorities to enable family members to visit their relatives in detention, without fear of reprisal.

APPEALS TO:

Interior Minister

Lic. Fernando Francisco Gómez-Mont Urueta
Secretaría de Gobernación
Bucareli 99, Col. Juárez, Del. Cuauhtémoc
México D.F., C.P.06600, MEXICO

Fax: +52 55 5093 3414

Salutation: Señor Secretario / Dear Minister

E-mail: secretario@segob.gob.mx

Chiapas State Prosecutor

Mtro. Raciél López Salazar
Procurador General de Justicia del Estado de Chiapas
Libramiento Norte y Rosa del Oriente, no. 2010
Col. El Bosque,
Tuxtla Gutiérrez, Chiapas, CP 29000, MEXICO

Fax: + 52 961 616 5724

Email: raciel.lopez@mje.chiapas.gob.mx

Salutation: Dear Attorney / Señor Procurador

Governor of Chiapas State

Lic. Juan José Sabines Guerrero
Gobernador del Estado de Chiapas
Palacio de Gobierno, 1° piso, Col. Centro,
C.29000, Tuxtla Gutiérrez, Chiapas, México

Fax: +52 961 618 8088

Email: juansabines@chiapas.gob.mx

Salutation: Dear Governor/Señor Gobernador

President of the National Human Rights Commission

Dr. José Luis Soberanes Fernández, Presidente de la Comisión Nacional de Derechos Humanos,
Comisión Nacional de los Derechos Humanos, Edificio "Héctor Fix Zamudio", 6° piso
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Fax: +52 55 5681 7199

Salutation: Señor Presidente/Dear President

COPIES TO:

Centro de Derechos Humanos "Fray Bartolomé de las Casas" A. C.
Brasil, no. 14 Barrio Mexicanos, CP 29240
San Cristóbal de las Casas, México, Email: accionurgente@frayba.org.mx

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 2 June 2009.