

PUBLIC

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UA 287/08 Fear for torture or ill-treatment/Legal concern

MEXICO Juan Manuel Martínez (m)

Juan Manuel Martínez is currently detained in Santa Maria Ixcotel state prison, where he is at risk of torture or ill-treatment in order to force him to confess the 2006 murder of US videojournalist Brad Will. Amnesty International is also concerned that he may not be granted adequate access to a lawyer of his choice and members of his family.

He was arrested on 16 October 2008 along with two other supporters of the opposition movement, the Popular Assembly of the People of Oaxaca (Asamblea Popular del Pueblo de Oaxaca, APPO). The three were detained by members of by the Office of the Federal Attorney General (Procuraduría General de la República, PGR) for the murder of Brad Will. While two of the men were released on bail on 18 October, Juan Manuel Martínez remains imprisoned and is due to appear before a judge on 22 October.

Two years after Brad Will was fatally shot while filming disturbances in the streets of Oaxaca, the PGR arrested the three men, in apparent contradiction of the findings and recommendations of the National Human Rights Commission (Comisión Nacional de los Derechos Humanos, CNDH) and independent forensic experts from Physicians for Human Rights (PHR). Both CNDH and PHR have raised serious concerns about flaws in the murder investigation. These include the failure to adequately assess forensic evidence and investigate all possible suspects, including state officials.

BACKGROUND INFORMATION

In June 2006, widespread protests erupted in the state of Oaxaca, led by APPO, in a campaign to force the state governor to resign. Political violence and demonstrations continued throughout the year. At least 18 civilians were reportedly killed during the conflict, including Brad Will; at least 370 were injured and 349 were arrested. There were widespread reports of use of excessive force, arbitrary detention, torture and fabrication of criminal charges against protesters. On 16 July 2007 there were further violent clashes between police and protestors that resulted in more than 40 people detained and scores injured. Virtually no federal, state or municipal authorities responsible for abuses have been held to account. Only in one case have five police officers been charged with lesser criminal offences. While the political violence has declined, tensions remain high. Human rights organizations continue to campaign for justice in relation to human rights violations.

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

- urging the authorities to guarantee the safety of Juan Manuel Martínez and to ensure that he is not subject to torture or other ill-treatment;
- calling on them to make sure that Juan Manuel Martínez has adequate access to independent legal counsel of his choice and to members of his family;
- calling for the authorities to publicly respond to criticisms and recommendations of the National Human Rights Commission and Physicians for Human Rights in order to demonstrate that the investigation into Brad Will's murder meets international human rights standards of competence, thoroughness, promptness and impartiality;
- calling on the authorities to guarantee the right to due process and fair trial of all those under investigation or charged with involvement in Brad Will's murder.

APPEALS TO:

President of the Republic

Lic. Felipe de Jesús Calderón Hinojosa
Presidente Constitucional de los Estados Unidos Mexicanos
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Salutation: Señor Presidente / Dear Mr President

Attorney General of the Republic (Head of PGR)

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Procuraduría General de la República
Av. Paseo de la Reforma n° 211-213, Piso 16
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Salutation: Señor Procurador General / Dear Attorney General

COPIES TO:

President of the National Human Rights Commission

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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 1 December 2008.