

SUMMARY ON TORTURE

“CASE I AM 132, Oaxaca”

Names of the victims: JUAN MANUEL NAVARRO CONTRERAS, OMAR PEREZ TELLEZ Y MARCO ANTONIO MARIANO GUZMAN.

Date of incident: July 22, 2012

Place of arbitrary arrest: Historic Center of Oaxaca City (Oaxaca de Juárez, Oaxaca)

Place where torture occurred: Cells of the municipal police barracks

Description of the perpetrators of the violation: Several public officers of the municipality of Oaxaca de Juárez, Oaxaca, among them police agents who work for the General Commissioner of Public Security and Municipal Highway Administration, which is under the authority of **Captain Cuauhtémoc Zuñiga Bonilla** and the preventive security body under the direct command of the municipal president **Luis Ugartechea Begue**. The municipal judge on duty, **José Alfredo Morales Camera**, and the doctor assigned to the judge refused to investigate the wounds lesions of the arrested people. The General Legal Director of the municipality, **Rafael Orvañanos Corres**, under the authority of the Municipal Secretary **Omar Adrián Heredia Mariche**, are responsible by way of negligence as is the the Visitor of the Defense Council of Human Rights of the People of Oaxaca, **Adelfo Alberto Barranco Chagoza** who refrained from reporting the physical state of the arrested.

CASE BACKGROUND

During the presidential campaigns of the recent electoral process, starting in April, a series of protests began against the candidate Enrique Peña Nieto (henceforth EPN), the PRI presidential candidate. During his visit to the Universidad Iberoamericana, the candidate accepted his responsibility for the human rights violations in San Salvador Atenco; out of indignation the student movement called #YoSoy132 emerged and organized around the country, including Oaxaca.

In Oaxaca the movement was attacked several times by PRI militants before the elections on July 1st. Later, the attacks continued in the media and by local and federal authorities. It should be mentioned that the demands of the movement were transformed; initially protestors asked for clean elections with an impartial arbiter and unbiased media. After the elections, when irregularities were reported to the Federal Electoral Institute, the movement defined a broader agenda for democratization.

On July 22nd, at the end of a march (which happened simultaneously around the country), 24 people were arrested in Oaxaca, among them two minors. Most were students. Some were detained near the municipal police barracks and others in the center of the city; arrests were made using excessive violence and without providing a motive for arrest. Tear gas was used and house searches were conducted. Once arrested, they were submitted to acts of verbal and psychological violence including torture. Subsequently, municipal agents informed the media that the detentions were due to damage to a Kodiak vehicle, five motorcycles and injuries to four police officers. The only damage that could be found was to the windshield of one municipal vehicle. It is important to note that the majority of the detained were youth, a sector of society which, in our state, finds itself stigmatized and criminalized.

Description of the forms of torture used and resulting injuries

The forms of torture and cruel, inhumane and degrading treatment that were identified during the arrests of July 22nd ranged from forced postures, electric shock, burns on different parts of the body with an electric apparatus, blows, humiliations, refusing to allow detainees to go to the bathroom, harassment and sexual violence against women. They were in solitary confinement for three hours, and family members were denied information about their arrests. These practices were carried out intentionally by municipal agents, either as direct perpetrators or with their acquiescence, with the objective of “bodily punishing”. All punishments described above are illegitimate sanctions; these punitive practices are outside the general principals of international law.

“Then one of the police officers passed and started giving me electric shocks in the back with something like a truncheon. I shouted and then I shut up so that they wouldn’t keep mistreating me. Then they said to me, “Now you’ll see why you damaged the Kodiak. You’re the leader,” they insisted. They threw water on top of me and shocked me again, burned me with the truncheon, and then I started to shake. I couldn’t calm or control the movement of my body. The police laughed and asked me, “Why are you trembling, faggot?” I was scared because I didn’t know what else they would do to me. After more than two hours of being in an uncomfortable position, they stood me up but my legs wouldn’t respond; I couldn’t feel them because the position that they made me stay in made them fall asleep.” (Testimony)

The arrested men and women also suffered psychological torture; they were threatened with death or physical harm. The objective of the police consisted of deliberately destroying not only the physical and emotional well-being of the detainees, but also sending a message to the social movement.

“For a while I was trembling without being able to control myself and terrorized because of everything they had done to me. I felt like my heart was going to leave me and I thought with anguish of my family. They took photos of me and asked me my name and address many times. Then they put me in a cell with other kids. Then I was a little less intimidated because there was someone there from human rights. Even so, we were stuffed in there because the cell was small and they wouldn’t let me go to the bathroom until a few hours later when they let me out of the cell, gave me my belongings and let me go.” (Testimony)

With respect to medical attention that the detainees should have received, it should be noted that they were subjected to a medical exam in which the visible injuries that many of them had, and the origins of those injuries (as they had been caused by the municipal police), were not sufficiently investigated. The municipal judge and doctor on duty the day of the incident did not inform competent authorities about the injuries and the other forms of violence though it was their responsibility to ensure complete protection of the people in their custody. Within the regulations on the treatment of prisoners is the rule

that a doctor should inform every time that he believes that the physical or mental health of a prisoner has been or could be affected by the imprisonment.

It should be highlighted that the excessive use of force and arms is not justified in this particular case; the acts of the agents whose responsibility is security should act in proportion to the seriousness of the crime. However in this case, the damage was only to one windshield of a motor vehicle belonging to the municipality. There was no other damage. The door to the barracks was not damaged and no other vehicles were damaged. In other words, the damage did not justify the police operation that was undertaken. The fear that the police bodies provoked among the civilians walking in the streets, the tear gas that made everyone run desperately looking for a place to hide, and the house raid using excessive force were only made worse when the municipality tries to justify its behavior, which is completely incongruent with the principles guiding the use of force.

Legislation violated. Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment, the Political Constitution of Mexico, The American Convention of Human Rights, the Law to Prevent Torture in the State of Oaxaca, basic principles on the use of force and firearms for public agents whose responsibility it is to enforce the law, Basic Principles for the Treatment of Prisoners and the Code of Conduct for Public Employees in Law Enforcement

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