

URGENT ACTION

TORTURE VICTIM AT RISK OF REPRISALS

A victim of torture could be at risk of reprisals after being released from arbitrary detention in the northern Mexican state of Chihuahua. State authorities refuse to acknowledge his innocence and the torturers remain at large.

On the evening of 6 November, officials from the Chihuahua state Attorney General's Office tried to transfer torture victim **Israel Arzate Meléndez** from his place of detention to a hearing, of which neither he nor his defence lawyer had been informed. Moments later a judge turned up and released him, in compliance with a Supreme Court decision issued earlier that day. The Court had determined that the only evidence against him was a confession extracted under torture, in violation of international human rights law. A short time later, in an apparent contradiction with the Court, the Attorney General's Office said publicly that there was still sufficient evidence to prosecute him.

Israel Arzate Meléndez has consistently accused soldiers and state officials of the human rights violations that he has suffered. This includes arbitrary detention and torture, which resulted in him being accused of involvement in the killing of 15 young people in Villas de Salvárcar, Juárez City on 30 January 2010. However, prosecutors have failed to investigate the allegations of torture, which was confirmed by the National Human Rights Commission in 2011. No one has been brought to account. Local authorities in Juárez City continue to encourage the public to believe that Israel Arzate Meléndez is involved in the killings, despite the absence of evidence.

Please write immediately in Spanish or your own language:

- Urging the authorities to take all necessary steps to ensure the safety of Israel Arzate Meléndez and his family, in accordance with their wishes;
- Calling on them to carry out a swift, full and impartial investigation into the arbitrary arrest, torture and other human rights violations that he has suffered since 3 February 2010, and bring those responsible to justice;
- Calling on them to ensure that prosecutors and judges reject torture-tainted evidence and accept independent medical examinations of victims of torture, in line with international human rights standards;
- Calling on them to carry out a swift, full and impartial investigation into the killings of 30 June 2010 in Juárez City and bring those responsible to account;
- Urging them to refrain from involving Israel Arzate Meléndez in a crime without having any evidence.

PLEASE SEND APPEALS BEFORE 19 DECEMBER 2013 TO:

Governor of Chihuahua state

Lic. César Duarte Jáquez
Palacio de Gobierno,
C. Aldama #901, Col. Centro, C.P.
31000, Chihuahua, Estado de
Chihuahua, México
Fax: +52 614 429 3464

Email:
despachodelejecutivo@hotmail.com
**Salutation: Dear Governor / Estimado
Señor Gobernador**

Chihuahua Attorney General

Lic. Carlos Manuel Salas
Edificio de la Procuraduría
Calle Vicente Guerrero número 616,
Colonia Centro, C.P. 31000, Municipio
de Chihuahua, Estado de Chihuahua,
México

Fax: +52 614 429 3464 ext 11066
Email: csalas@chihuahua.gob.mx
**Salutation: Dear Attorney General /
Estimado Señor Fiscal General**

Federal Attorney General

Lic. Jesús Murillo Karam
Procuraduría General de la República
Paseo de la reforma 211-213
Col. Cuauhtémoc, C.P. 06500
Mexico City, Mexico
Fax: +52 55 5346 0908

Email: ofproc@pgr.gob.mx
**Salutation: Dear Attorney General /
Estimado Señor Procurador**

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

TORTURE VICTIM AT RISK OF REPRISALS

ADDITIONAL INFORMATION

On 3 February 2010, as Israel Arzate Meléndez left work, he was detained by soldiers and taken to military barracks where he was tortured for two days, including beatings, electric shocks, semi-asphyxiation and death threats against his family. On 5 February he was forced to make a video confession in the military barracks in the presence of a prosecutor and a state appointed council.

Despite Chihuahua state authorities denying torture, the National Human Right Commission's investigation, which include a medical examination carried out in accordance with the UN-backed Istanbul Protocol, confirmed that Israel Arzate Meléndez had been the victim of torture. Nevertheless, the state judiciary have so far refused to accept this as evidence leaving Israel Arzate Meléndez's confession to stand in judicial proceedings. The defence appeal against this decision resulted in the National Supreme Court taking the case.

On 6 November 2013 the Supreme Court decided that Israel Arzate Meléndez's confession should have been excluded from judicial proceedings because it had been obtained through torture. As this was the only piece of evidence incriminating Israel Arzate Meléndez, the Court ordered his immediate release. He was released later that day.

The Supreme Court's decision has sent a strong message to all prosecutors, judges and judicial police officers across the country. Torture-tainted evidence must not be accepted in court proceedings. People who allege torture or ill-treatment have the right to an independent medical examination, in line with international human rights standards such as the Istanbul Protocol, and all allegations must be thoroughly investigated and those responsible brought to account.

The decision on the Israel Arzate Meléndez case is of national significance as ongoing criminal justice reforms are supposed to ensure that evidence obtained through torture is not admitted in judicial proceedings. Chihuahua state is one of the few to have so far introduced these changes, but the state judiciary has allowed such evidence to stand in the Israel Arzate Meléndez case. This approach had undermined key tenants of the reforms in Chihuahua state and set a dangerous precedent for the whole country.

The Mexican authorities must fully uphold the Supreme Court's decision on the Israel Arzate Meléndez case and take urgent measures to ensure that torture-tainted evidence is inadmissible as evidence, among other steps to combat torture and end impunity.

According to the National Human Rights Commission, reports of torture and ill-treatment in Mexico rose by 500 per cent between 2006 and 2012. The UN Committee against Torture assessed the situation in Mexico in November 2012 and made important recommendations to tackle it, but the authorities have largely failed to implement them so far.

Name: Israel Arzate Meléndez

Gender m/f: m

UA: 308/13 Index: AMR 41/072/2013 Issue Date: 7 November 2013