

ENTREVISTAS PBI MÉXICO

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Entrevistas is a publication of PBI Mexico that highlights situations that increase risks to the physical or psychological integrity of Mexican human rights defenders, or that damage the legitimacy of their work. The opinions expressed in this publication do not necessarily reflect the opinions of PBI Mexico.

Interview with Raymundo Díaz Taboada, member of the Collective Against Torture and Impunity (CCTI)

On December 15, 2008 the Collective Against Torture and Impunity (CCTI) called out to civil society organizations to organize an observation mission in order to investigate the case of Javier Torres Cruz, reportedly disappeared for ten days on December 3, and to meet with Máximo Mojica Delgado, María de los Ángeles Hernández Flores and Santiago Nazario Lezma, members of the Land and Liberty Collective, who were detained by the State Attorney General's Office on November 27 and 29. PBI interviewed CCTI in Acapulco on December 23, 2008.

Why did you decide to organize this observation mission?

CCTI files reports regarding torture, reports which usually involve arbitrary or illegal detention, or a forced disappearance of at least a few days [...] When we found out about what happened to environmentalist Javier Torres and Máximo Mojica, a teacher and member of the Land and Liberty Collective, we thought that it was important to act on these cases, given that they both presented a risk to the life and integrity of these people.

What were the goals of the mission?

The mission's goal was to document these two cases; in the case of Javier Torres, the goal was to take Javier Torres' testimony and document the experience that he faced during the disappearance/detention. We also wanted to accompany the family given the risks that they face to their physical integrity – the family has received several threats from the military since publicly reporting his disappearance. In the case of Máximo Mojica, we wanted to interview him, his wife María de los Ángeles Hernández Flores and Santiago Nazario Lezma since we had received information from the Coddehum [State Commission for the Defense of Human Rights in Guerrero] that they had been severely beaten.

Regarding the mandate of the observation mission and the participation of civil organizations, were you able to reach these goals?

Yes we were. We were able to maintain the public's attention since newspapers continued to provide coverage of the mission. The members of the mission documented testimonies by Javier Torres and his family. In the visit to the community La Morena [Javier Torres' community of origin], the Coddehum brought a doctor who verified Javier's wounds, and an examiner who asked several legal questions and talked to Javier about the precautionary measures requested by the Coddehum. We also confirmed the military presence in the region – on the way to the community we came across several military vehicles, and on the way back we went through several military checkpoints.

The next Monday, accompanied by civil organizations and by the Coddehum, we visited Máximo Mojica in the detention center in Acapulco. The detainees [...] showed us visible signs of torture. We told them that we had submitted an appeal which would strengthen their legal defense. They told us, "they forced us to admit to some things... they forced us to confess after torturing us". Due to the police presence while we took his testimony, Máximo was not able to give us a clear statement, and was clearly afraid to talk, and we have to look at the testimony with this in mind.

It is important to recognize the importance of international organizations who got involved in the case. Amnesty International published an Urgent Action for the forced disappearance of Javier Torres and the World Organization

against Torture sent a bulletin denouncing the torture of Javier Torres and Mximo Mojica Delgado. We are also working with the Center for Justice and International Law [CEJIL] to request precautionary measures from the Inter-American Commission on Human Rights for Javier Torres and his family.

What are the conclusions and the recommendations of the observation mission?

The mission requests concrete precautionary measures, and demands a thorough investigation into the illegal detentions. In the case of Javier Torres, we demand a complete investigation into who detained him. Javier has stated that he was detained by the military and by armed civilians. If the army detains someone, they must abide by legal standards: the detainee should be handed over immediately to civilian authorities and should not be temporarily disappeared.

In the case of the three detainees in the detention center in Acapulco, the mission recommends establishing legal mechanisms to strengthen their defense, given that this case is full of violations of due process since they were illegally detained, tortured, and forced to sign a confession. Although informal detention is constitutional, this continues to be illegal since it is a detention without a trial, thus violating the presumption of innocence recognized in international treaties.

In addition, we would like to see a justice system that professionally works towards justice according to international stands. With the participation of the army in the war against organized crime, we are living in a state of emergency, in which all human rights defenders who demand that the state comply with individual guarantees and respect human rights are seen as criminals who defend criminals. •

The **Collective Against Torture and Impunity (CCTI)** is an independent, civil organization that works to construct a state free from torture and mistreatment by documenting torture, providing physical, psychological, and social support to survivors of torture, their families, and their communities, training to health personnel, and carries out investigation, legal defense, and lobby with authorities.

On December 20, a group of 30 people from the following organizations from Guerrero, Oaxaca and Mexico City participated in the observation mission in the community La Morena: Community Development Workshop (tadeco), November 25th Liberation Committee, Coordination of Indigenous People Living in Acapulco (CIRA), Civic Community Council *Lucio Cabañas Barrientos* from Atoyac, State Commission for the Defense of Human Rights in Guerrero (CODDEHUM), the Collective Against Torture and Impunity, and representatives from *El Sur Acapulco*, *La Jornada Guerrero*, and *Despertar de la Costa*. In the mission on December 22 at the detention center in Acapulco, 11 people from the following organizations participated: Community Development Workshop (TADECO), State Commission for the Defense of Human Rights in Guerrero (CODDEHUM), Tlachinollan Human Rights Center and the Collective against Torture and Impunity (CCTI).

For more information:

- Collective against Torture and Impunity (in Spanish) <http://contralatortura.wordpress.com/>
- About Javier Torres' case: Amnesty International, Urgent Action, AMR 41/065/2008, December 10, 2008.
- About Mximo Mojica's case: Amnesty International, Urgent Action, AMR 41/063/2008, December 4, 2008.