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Mexico: Torture, cruel, inhumane and degrading treatment against Fredy García in preventive detention

On 10 July 2020, imprisoned human rights defender **Fredy García** was severely beaten and threatened by a group of prison guards in Tanivet prison in Tlacolula, Oaxaca.

[Fredy García](#) is a recognised human rights defender from Mexico, who has dedicated a large part of his life to promoting social justice, plurality, democracy and civic resistance in the State of Oaxaca. Fredy García is the spokesperson for the [Committee for the Defense of Indigenous Peoples \(CODEDI\)](#), an organization that shows broad commitment in its work to protect the rights of indigenous communities to land, autonomy and self-determination in different regions in the Oaxaca state.

On 10 July 2020, between 10.00 and 10.20 pm, a group of prison guards in Tanivet prison in Tlacolula, Oaxaca, entered Fredy García's cell and severely beat him, reportedly saying that they were acting on "orders from above". The guards threatened the defender against complaining about being beaten by them. He was subsequently transferred to an isolated area of the prison, where guards continued to beat him. He remained there until midday on 12 July, when he was then transferred to a cell in a different block than the one he was originally in. Here he is restricted to just three minutes when using the telephone and forced to work in outdoor work areas that have very little shade.

On 12 July, a fellow human rights defender incurred difficulty when trying to enter the prison to visit Fredy García and inquire about his health, as she had not presented medical proof that he did not have COVID-19. Following this incident, the defender's wife travelled six hours to visit him in prison, but was restricted to a 20 minute visit, despite the fact that usual visiting hours are between 9-5pm. The prison authorities also prevented Fredy García's wife from giving him food that she had brought, telling her that he was currently placed in a punishment zone of the prison. The defender's wife was able to confirm that the defender had suffered injuries as a result of the torture he was subjected to, as well as several bruises and a blood spill in his left eye.

On 7 February 2020, Fredy García had denounced the conditions in the prison and the degrading treatment of prisoners. In late May, the defender also reported that many prisoners, himself included, were displaying symptoms of COVID-19, and that the response by prison authorities was inadequate and prisoners had not received sufficient care. In this context, he filed an appeal for protection with the Eleventh District Court in San Bartolo Coyotepec, Oaxaca on 2 July. The defender has not yet been notified by the Court of any possible actions with regard to this appeal. Even in prison, Fredy García continues his work in defense of human rights, leading hunger strikes that have involved up to 400 prisoners, and demanding the improvement of conditions in Tanivet prison.

The defender has been held in preventive detention since November 2019, after he was arbitrarily detained by state investigative agents on 6 November whilst en route to a meeting with public officials.

According to the office of the Oaxaca state Attorney General, the arrest of the defender was in relation to an arrest warrant with charges of "assault" "injuries" and "aggravated robbery". Fredy García was [formally charged](#) with the fabricated charges on 12 November 2019, with the next court date scheduled for March 2020. In the context of COVID-19, the second hearing was postponed, the date for which is yet to be decided.

Front Line Defenders stresses that the arrest and criminalisation of Fredy García is not an isolated incident, but rather part of a broad strategy of intimidation and violence against the CODEDI organisation. This organisation has worked extensively to advocate against impunity, denouncing human rights violations perpetrated in the context of hydroelectric and mining projects in the state of Oaxaca. Since January 2018, as a result of their work defending the rights of more than 40 indigenous peoples, CODEDI has suffered the murder of five members, two assassination attempts, six arbitrary arrests, three raid and robbery incidents, as well as persistent threats against its members.

Front Line Defenders believes that these attacks are part of a comprehensive strategy of intimidation and violence against indigenous and environmental rights defenders, and that the use of fabricated crime has become an effective strategy to intimidate those who work to protect and promote human rights in Oaxaca.

Front Line Defenders urges authorities in Mexico to:

1. Guarantee that the treatment of the defender Fredy García in detention, adheres to the conditions established in the "Set of principles for the protection of all persons under any form of detention or prison," adopted by resolution 43/173 of the UN General Assembly of December 9, 1988;
2. Take all necessary measures to guarantee the physical and psychological integrity of Fredy García at all times, including the provision of quality medical care;
3. Initiate an immediate, exhaustive and impartial investigation into the torture, cruel, inhumane and degrading treatment against Fredy García in order to identify those responsible, bring them before a competent and impartial court, and apply the sanctions provided by law;
4. Guarantee that all human rights defenders in Mexico, in the development of their legitimate activities in defense of human rights, can operate freely without fear of restrictions or retaliation, including criminalisation