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Mexico City, November 25, 2009

CASE SUMMARY OF EMMANUEL HERNÁNDEZ HERNÁNDEZ





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On November 23, 2009 at 11:45 a.m. two individuals dressed in street clothes appeared at the residence located at 1era cerrada del Camino Viejo a Mixcoac, in the town of San Bartolo Ameyalco of the Álvaro Obregón district. They asked after Emmanuel, who went out to see what he could do for them. They said that a legal procedure was underway and that they had to take him in to sign some documents. They asked him if he had a family to notify and Emmanuel responded that he didn't have a father and that his mother had died, that he only had one brother younger who was a minor.

They asked him to get into the patrol car that was parked nearby, reminding him that he already had a legal problem and that it was better not to put up resistance. From there he was taken to the house of his companion, who was notified by the agents that they were going to take Emmanuel to the prison known as the Reclusorio Norte (RENO).

At 3:16 p.m., some of Emmanuel's friends were waiting at the prison to verify that he was indeed processed properly. Having heard nothing from him, however, they contacted the Cerezo Human Rights Committee, who in turn called the Mexico City Human Rights Commission (CDHDF) to file a complaint alleging a forced disappearance, given that three hours had gone by without Emmanuel having been presented before the public prosecutor's office.

At 4:00 p.m. Emmanuel was admitted at the RENO entry gate, and accordingly, the CDHDF complaint was concluded.

BACKGROUND

ILLEGAL ARREST

(STATEMENT GIVEN BY EMMANUEL HERNÁNDEZ HERNÁNDEZ IN APRIL OF 2006)

On March 16, 2006, I was on my way to the march in protest against the Fourth World Water Forum along with 9 schoolmates studying at National High School #8.

Upon leaving the Insurgentes subway station around 3:00 p.m. by the Avenida Chapultepec exit, we were intercepted by two individuals dressed in street clothes, who never identified themselves as they subdued us and took our belongings. Minutes later, subway and auxiliary police arrived, and we were turned over to them. Other individuals dressed in street clothes began to take our pictures, and when we lowered our heads to avoid being photographed, they slapped and insulted us.

They told us we were going to be taken somewhere else along with other young people who had been arrested at the Insurgentes Circle. When they loaded us onto the riot police patrol truck, we realized that our belongings were on the floor, mixed together with objects that were not ours.

CRUEL, INHUMAN, DEGRADING TREATMENT

They brought us down from the patrol truck to take us into Agency 50 of the Public Prosecutor's Office (at that time we didn't know where we were), obliging us to face the wall with our arms raised for around



three hours. If we lowered our arms, they hit us in the ribs and pulled the women's hair. A high-handed judicial police came in with a camera, turned us around one by one, and told us to put away our belongings.

When it was my turn, I saw that right by my belongings, there were two bottles containing a dark liquid, which they ordered me to put away along with my things. When I refused to do so, they began to threaten to beat me up or worse if I had a bad attitude. Afraid for my physical integrity, I agreed to put away the bottles in question.

Minutes later, they took my fingerprints on a card and after they finished, put me in a room where they began to film us again, asking questions like: "What group do you belong to? Who is your leader? What is your role in the group? Who taught you how to make Molotov bombs?" I replied that I didn't belong to any group, that I had no leader, that I'm just a student concerned about natural resources being privatized, and that I've never made Molotov bombs.

They began to threaten me again, saying: "You have to at least say that you were the one who made the bombs or we're going to really fuck you up, you dirty bastard." Since I didn't give in, the threats got worse: "So what then, queer? Do you want to go the aquarium of love? Do you want to feel nice for a while?" The taping began again, and I told them I had made the bombs (even though it was not true). They took me out of the room and brought another schoolmate in.

More arrested people came in, most of whom had been beaten. They put us in line and took us down to the holding cell in groups of three. In between the cells, out of reach of the camera, they forced us to strip and made one person do squats.

They kept us there without food or water until some people arrived who said they were from the Mexico City Human Rights Commission (CDHDF). They wrote down our information and measured the visible marks of the blows given to us by the police. 2/7485-06.

As soon as the CDHDF representatives left, they told us to give our statements so that they could let us go. We invoked our right to remain silent because they hadn't advised us of the charges against us and we didn't have a lawyer we trusted.

After being held incommunicado for 24 hours, they allowed us to make a phone call, but before dialing, they warned us that we had to say we were all right or else the call would be cut off.

They took us before a medical examiner who didn't make a record of any of our wounds. Around 4 p.m., they released us without bond and told us that we were not under any formal preliminary criminal investigation.

Later, we received a citation to appear on March 22, to pick up our belongings. That day, I picked up my backpack, my notebook, and my jacket. There, once again, they pressured us to take other objects with us, like a studded belt and two beer bottles, which we said were not ours.

Emmanuel Hernández Hernández



LEGAL SITUATION

CASE: 67/07

INDICTED: EMMANUEL HERNÁNDEZ HERNÁNDEZ

OFFENSE: AS PROVIDED IN ARTICLE 83, SECTION III, RELATED TO PARAGRAPH 11, CLAUSE H) (POSSESSION OF MOLOTOV BOMBS) OF THE FIREARMS AND EXPLOSIVE ACT, CONSIDERED A FELONY IN SECTION III, PARAGRAPH 1), OF ARTICLE 194 OF THE FEDERAL PENAL CODE.

COURT: FIRST DISTRICT COURT OF CRIMINAL PROCEDURE IN MEXICO CITY

JUDGE: LIC. JOSÉ MIGUEL TRUJILLO SAUCEDO

LOCATION: RECLUSORIO NORTE

On March 16, 2006, at approximately 4 p.m., 13 people were arrested by preventive police officers, including **C. Emmanuel Hernández Hernández**, in the entryway to the esplanade at Insurgentes Circle with objects of aggression allegedly found in their possession.

On March 17, 2006, at 2:30 p.m., when ordered to give a statement, invoked the right to remain silent.

On the same date, at 4:10 p.m., he was released.

On March 22, 2006, Emmanuel made a statement to the effect that his belongings were returned to him.

On September 18, 2006, the Public Prosecutor indicted Emmanuel and others for the offense of possession of objects suitable for attack.

On February 16, 2007, an order was issued to bind him over for trial.

During the extension of facts by the police who arrested Emmanuel, they mentioned that they didn't remember who had personally searched the people being processed or what objects they had with them or the way in which these objects arrived at the Public Prosecutor's Office.

On March 5, 2007 a petition was filed for a protective order against binding over for trial, and on March 9, the definitive suspension of the order was denied.

Defense witnesses stated that the people being processed received abusive treatment from the police, who put bottles, banners and bamboo objects with their things.

In the confrontations with the witnesses, no police officer accepted responsibility for having personally arrested Emmanuel and no officer remembered what objects he carried.

On June 5, 2007, the Mexico City criminal justice of the peace agreed on the legality of sending the jurisdictional plea to a federal judge based on protective order #41/2007.

On August 2, 2007, the expert on incendiary and explosive devices testified that the objects were Molotov bombs, and on August 9, 2007, testified that *"incendiary devices such as Molotov bombs [...] are not included in the Federal Firearms and Explosives Act"*

October 23, 2007, an arrest warrant was issued for Emmanuel

November 15, 2007, a petition for a protective order against the arrest warrant was filed.

On January 2, 2008, the petition for the protective order was denied.

On January 16, 2008, an appeal was filed.

On February 15, 2008, the appeal was denied.

On November 23, 2009, the arrest warrant was served and Emmanuel Hernández Hernández was admitted to the prison known as the "Reclusorio Norte".