

ERRATA OF:

UNCEASING ABUSES

Human Rights in Mexico One Year After the Introduction of Reform

On page 15, Americas Watch incorrectly identified the individual who was offered a bribe in the case of Victor Manuel Oropeza, and the amount of the bribe. A different man was tortured in an effort to coerce him to identify the suspect accused of the homosexual liaison. He refused and was released. He was later rearrested and offered a bribe of US\$ 500 to point a finger at Marco Arturo Salas Sánchez and Sergio Aguirre Torres, the suspects who were subsequently arrested and imprisoned for the murder.

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One Year After the Introduction of Reform

September 1991

An Americas Watch Report

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PREFACE

This report is an update to Americas Watch's June 1990 report, *Human Rights in Mexico: A Policy of Impunity*. It addresses human rights conditions in Mexico through July 1991. The report was written by Ellen L. Lutz, California Director of Human Rights Watch, with substantial assistance from Clifford C. Rohde, an Americas Watch Associate in Washington, D.C. Peter D. Bell, Americas Watch Chair, and Ivan Arellanes, a research intern in the California office of Human Rights Watch, also contributed to this report.

INTRODUCTION

During the past year, there has been an extraordinary surge of human rights activity in Mexico. Before May 1990, human rights conditions in Mexico received scant international scrutiny. Mexicans tended to tolerate human rights violations as inevitable, an attitude the government encouraged by its failure to prevent abuses or to hold accountable those responsible. But, during the first eighteen months of the Salinas administration, a significant increase in human rights abuses by federal and state police, coupled with a wave of election-related conflicts that left many dead and others seriously injured or missing, sparked a wave of protest by Mexican human rights organizations and opposition political parties. The Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS), Americas Watch, and other international non-governmental human rights groups issued reports that increased the pressure on the Salinas administration to do something about human rights abuses.

This pressure came at a time that made it politically impossible to resist. At a June 10-11, 1990, summit with U.S. President George Bush, President Carlos Salinas de Gortari announced the cornerstone of his plan for Mexican economic reform: negotiations for a Free Trade Agreement. The failure of his administration to address human rights abuses at home would have been an Achilles' heel to the success of those negotiations.

President Salinas took the offensive by implementing an unprecedented series of human rights reforms. In June 1990, he established the National Human Rights Commission (*Comisión Nacional de Derechos Humanos*, or CNDH) to investigate human rights complaints, propose recommendations for legislative and other reforms to prevent future abuses, and develop programs to educate Mexican officials and the public about human rights. In July 1990, police checkpoints on the nation's highways, long used by police for extortion, were ordered dismantled, and all police were told to display photo identification. In an effort to curb the use of torture to extract confessions, legislation went into effect in February 1991 banning

confessions not made in the presence of a judge or public prosecutor as the basis for a criminal conviction. President Salinas also pledged to clean up the notoriously brutal anti-narcotics division of the Federal Judicial Police and to outlaw arrests without warrants. Two key federal officials responsible for the Federal Judicial Police, Deputy Attorney General Javier Coello Trejo and Attorney General Enrique Alvarez del Castillo, were removed from their posts.

With these developments, is the human rights situation in Mexico any better today than it was a year ago? While the reforms introduced by the Salinas administration are laudable, many crucial steps necessary to realize permanent human rights improvements have not been taken. The Salinas administration has paid scant attention to rights abuses that do not relate to the administration of justice. Rural violence, in particular unannounced forced evictions of peasants from their homes by police working in cooperation with local rural bosses, is ongoing. Those who oppose the practice, such as Samuel Ruiz García, the outspoken Bishop of San Cristóbal de las Casas, Chiapas, are subjected to campaigns of intimidation.¹ Greater efforts to protect the rights to freedom of expression and association of labor activists who oppose government-affiliated unions need to be made. And, to prevent election-associated violence, greater guarantees to ensure that elections are genuinely free and fair need to be introduced.

Even more fundamentally, the Salinas administration has not reversed Mexico's long-standing policy of impunity for those who commit human rights abuses. Hundreds of cases of disappearance -- some more than 20 years old -- remain unsolved and their perpetrators unpunished. The use of torture by federal and state police -- notwithstanding the many reforms introduced to combat the practice -- is no less prevalent now than it was a year ago. Adequate investigations of torture allegations are rare. Even when they occur, there is little will to prosecute and punish the responsible officers and their superiors. If the

¹ Concha, Miguel, "Campaña contra don Samuel Ruiz," *La Jornada*, May 16, 1991.

human rights reforms introduced by the Salinas administration are to succeed, they must be backed up by a firm and consistent determination to throw the book at those responsible for torture and other human rights abuses.

HUMAN RIGHTS INITIATIVES OF THE SALINAS ADMINISTRATION

Creation of the National Human Rights Commission

The Commission's formation was a positive development in the face of an increasingly worsening national human rights situation. For the first time, a Mexican president publicly acknowledged that Mexico has a serious human rights problem -- a critical first step towards arresting it. Moreover, President Salinas chose wisely in his selection of the Commission's president and advisors. The Commission's president is Supreme Court Justice Jorge Carpizo, a man with distinguished professional credentials and a reputation for unwavering determination to fulfill his responsibilities. He directs a staff of some 260 people including 60 lawyers responsible for investigating complaints. Ten of Mexico's best known writers, journalists, and academics -- many of whom are recognized as being independent of the government -- serve as advisors to the Commission.

As of the publication of its second semi-annual report -- issued in June 1991 -- the Commission had received more than 2,000 admissible complaints of serious violations of human rights by government agents in the recent past, including numerous cases of illegal deprivation of liberty, torture, homicide, and death threats. As of that date, it had issued 84 recommendations. Many concerned highly publicized cases or cases that were the focus of attention of non-governmental human rights groups. Other cases, many equally egregious, first received public attention as a result of the CNDH recommendations. While the majority of the recommendations were directed to state government officials, 17 were sent to the Attorney General of the Republic and one was sent to the Secretary of Defense. Many called for the prosecution of agents who had committed the abuse and their superior officers.

The Commission is a government agency and, while formally housed in the Ministry of Government, CNDH President Carpizo reports directly to President Salinas. The

Commission lacks prosecutorial powers and depends on publicity and the influence of Dr. Carpizo backed up by that of President Salinas to enforce its recommendations. President Salinas has decreed that all prosecutors, police, and other government agencies are to cooperate fully with Commission investigations.² In some cases, he has condemned violations of human rights under consideration by the Commission or called for a CNDH recommendation to be implemented. But President Salinas has avoided public confrontation with state government officials or agencies of the executive branch of the federal government that ignore or reject CNDH recommendations.

During its first year, the Commission was routinely stymied by Attorney General Enrique Alvarez del Castillo. In several highly publicized cases involving abuses by officers of the Federal Judicial Police, Alvarez del Castillo either impeded a Commission investigation or refused to carry out its recommendations. Days after the June 1990 disappearance of **Francisco Quijano García**, who had publicly protested the murder of three of his sons by Federal Judicial Police the preceding January, a Commission lawyer was denied access to part of a detention facility used by the Federal Judicial Police, despite the lawyer's suspicions that Quijano was being held there.³

In the case of Mexican attorney **Antonio Valencia Fontes**, Alvarez del Castillo twice refused to follow the Commission's recommendations. Valencia Fontes represented the family of **Sergio Machi Ramírez**, who disappeared in

² The CNDH was recently granted the authority to carry out "visits and acts of monitoring and observation in each and every area" of the Federal Attorney General's office. *Diario Oficial*, July 12, 1991, p. 27.

³ For more information on the murder of the three Quijano brothers, see p. 12. Francisco Quijano's body was found in a cistern at a private residence in March 1991. The man presumed to have murdered him -- a private individual to whom it was alleged Quijano owed money -- was arrested. Although the alleged assassin initially confessed to the crime, he since has recanted his testimony. Mexican human rights groups harbor doubts that Quijano was murdered for private motives, and family members have eyewitness evidence that before his death Quijano was held in the detention facility of the Federal Judicial Police in Mexico City.

Mexicali in November 1989.⁴ He and four family members and friends of Machi Ramírez were investigating the disappearance when they were arrested in a Mexicali hotel on November 22, 1989. They were held incommunicado by officers of the Federal Judicial Police for five days during which time they were tortured into confessing to crimes they did not commit. On the second day of their detention, they were transferred to Mexico City where, on November 27, they reappeared and were formally arrested.

The CNDH examined Valencia Fontes' case and determined that the November 22 arrest date was probable. It called on the Attorney General to investigate whether Valencia Fontes' human rights had been violated. Alvarez del Castillo refused on the grounds that "the matter concerning us is in the hands of a trial judge, the jurisdictional organ responsible for ordering the investigations and other procedures it deems necessary."⁵ The Commission then issued a further recommendation in which it cited new evidence demonstrating that the Federal Judicial Police had violated Valencia Fontes' human rights and called for his release. Again Alvarez del Castillo refused, even though it was legally within his authority to request of the judge that the case be dismissed. Valencia Fontes and the four others arrested with him were detained for over 18 months; they were released a month after Ignacio Morales Lechuga replaced Alvarez del Castillo as Mexico's Attorney General.⁶

In a third case, the CNDH called for the suspension and arraignment of two Federal Judicial Police

⁴ His decomposed body was found outside Mexicali on November 25, 1989, but not identified until a year later.

⁵ National Human Rights Commission, *First Biannual Report, June-December 1990*, Mexico City, December 1990, p. 23.

⁶ In late June, Luis Octavio Porte Petit, chief of the Federal Judicial Police for the Southern Region of Mexico, announced that he had warrants for the arrests of Federal Judicial Police commander Adrián Vernis and agents Carlos Nolasco and Ceferino Esteban Aguila Salazar on charges of abuse of authority, falsification of declarations, and deprivation of liberty in the case of Valencia Fontes. From the press accounts, it does not appear that they have yet been arrested. "Acción penal contra los agentes que apresaron a Valencia Fontes," *La Jornada*, June 30, 1991.

officers based in Tijuana, Baja California for their involvement in the torture of **Rubén Oropeza Hurtado**. Oropeza later died, apparently as a result of his torture. Alvarez del Castillo replied with a strongly worded letter suggesting that Oropeza was responsible for his own injuries and that his death could not legally be related to the alleged torture. He did, however, promise to order an investigation into the supposed acts of torture. In its second report to President Salinas, the CNDH noted that it had not received information concerning the outcome of that investigation and that it had evidence that the agents involved had been only temporarily suspended from their responsibilities. The CNDH concluded, "We consider that this Recommendation was accepted, but have no evidence that its terms were complied with."⁷

The Attorney General again defied the CNDH in the **Aguililla** case. On May 5, 1990, State Police and anti-narcotics officers of the Federal Judicial Police clashed with drug traffickers in the vicinity of Aguililla, Michoacán. Three police officers and two campesinos were killed.⁸ Eleven persons were formally charged as a result of the operation. One was released outright and six others were freed on bond. Salomón Mendoza, the mayor of Aguililla and a member of the opposition Party of the Democratic Revolution (PRD), Magdaleno Vera García, Javier Rosiles Martínez, and Carlos Valencia Morfín were taken to a detention center in Mexico City. Mendoza, Vera, and Valencia were charged with homicide; Rosiles was charged with possession and trafficking of marijuana.

On November 28, 1990, the CNDH issued a recommendation calling for the release of the four men, a complete investigation into the events in Aguililla, and the punishment of all police found guilty of violating human rights during the May incident. President Salinas publicly expressed his support for the Commission's recommendation:

⁷ *Comisión Nacional de Derechos Humanos, Segundo Informe Semestral: Diciembre 1990-Junio 1991*, Mexico City, June 1991, p. 20.

⁸ See Americas Watch, *Human Rights in Mexico: A Policy of Impunity*, June 1990, pp. 15-16.

[T]he Federal Attorney General has informed me that the evidence that currently exists, in his legal opinion, is sufficient to accept the National Human Rights Commission recommendations that have been made on the Aguililla case.⁹

Consequently, I have instructed the Attorney General that his offices should, as soon as possible, execute these recommendations.¹⁰

On December 10, 1990, the Attorney General's office requested a stay of proceedings against Salomón Mendoza and Javier Rosiles, and transferred them to Michoacán, where they were released. Valencia and Vera remained incarcerated until June 26 when Alvarez del Castillo's replacement, Attorney General Morales Lechuga, dropped the charges against them. In a February 21, 1991 interview with representatives of Americas Watch, Valencia and Vera complained of torture and other mistreatment by authorities, and stated that they were forced to sign false declarations.

A number of state officials similarly refused to comply with Commission recommendations, or did an end run around the Commission by promising to "investigate" a Commission recommendation while in fact doing nothing. The failure of state and federal officials to comply with the Commission's recommendations -- and the failure of President Salinas to require such compliance -- seriously undermines the Commission's ability to assist individuals who have suffered egregious violations of their human rights.

Legal Reforms

On February 1, 1991, penal reforms aimed at preventing human rights abuses went into effect. Most were recommended by the CNDH and all were endorsed by President Salinas. They cover a range of topics including the right of indigenous persons who do not understand Spanish to have an

⁹ Gallegos, Elena, "Acatar la recomendación sobre Aguililla, ordena CSG," *La Jornada*, December 10, 1990.

¹⁰ "Sobreseimiento, sólo para 2 casos de Aguililla: PGR: Se mantienen cargos contra los otros dos acusados," *La Jornada*, December 11, 1990.

interpreter in criminal proceedings; the circumstances under which stays of proceedings may be requested; and the circumstances under which confessions are admissible as evidence in criminal proceedings. Overall the new laws represent improvements in the positive law. But they do not go far enough.

For example, one of the new provisions is aimed at reducing torture by eliminating one rationale for its use. In many criminal cases, police use torture to force suspects to confess, and until now courts have accepted confessions made in police custody as highly probative evidence. Under the new provision, courts would be permitted to accept the validity of confessions made by criminal defendants only when they are made before a judge or public prosecutor (*Ministerio Público*), in the presence of defense counsel or other person who has the defendant's confidence. Americas Watch believes that confessions should be accepted as evidence only when they are made in a court of law before a judge or magistrate with defense counsel present. Confessions made to prosecutors should not be admissible. Such a rule would be more stringent than required in many countries, but it is necessary because police use of torture and other types of ill-treatment to extract confessions has been rampant in Mexico, and because Mexican jurisprudence places a high probative value on confessions. In addition, there are close administrative links between prosecutors and police in Mexico and suspects often are confronted by prosecutors before a judge assumes jurisdiction over their case or responsibility for their well-being. These links increase the likelihood that criminal suspects, even with defense counsel at their side, would falsely confess to prosecutors out of fear that if they do not, they will be tortured when they are returned to police custody.

More significantly, Americas Watch is concerned that the changes in the law will not lead to actual human rights improvements. Mexican law with respect to human rights is already very good. For example, torture is specifically prohibited by the Mexican Constitution, Mexico has ratified international treaties that prohibit torture and require nations to punish torturers and compensate survivors, and torture is a punishable offense under federal law. Nonetheless, torture is a routine police practice in

Mexico that, to this day, is rarely punished.¹¹ Americas Watch is concerned that the new laws similarly will be ignored.

Personnel Changes

Two personnel changes by the Salinas administration are promising human rights developments. In October 1990, Deputy Attorney General Javier Coello Trejo, head of the brutal anti-narcotics division of the Federal Judicial Police, was removed from his post. Although praised for his aggressiveness in fighting narcotics trafficking by both Mexican and U.S. authorities, Coello Trejo's tolerance of torture and other abuses by his officers was loudly protested by human rights groups and several state governors. Four Federal Judicial Police agents, among them his personal body guards, were arrested for the fall 1989 assaults and gang-rapes of at least 19 women in the Federal District.

Despite his reputation as a tough law enforcement officer, Coello Trejo did little to purge corruption from his force. Less than one month before his dismissal, Federal Judicial Police officers engaged in a shoot-out with state and municipal police at a State Judicial Police stake out in Culiacán, Sinaloa. During the incident, the commander of the State Judicial Police was killed and four others were injured; Luis Héctor "el Güero" Palma, the subject of the stake out who was wanted on narcotics charges and in connection with the murder of Sinaloa Human Rights Commission President Norma Corona Sapién, escaped.¹²

¹¹ In March 1991, the non-governmental Binational Center for Human Rights issued a report documenting the cases of 158 inmates in La Mesa Penitentiary in Tijuana, Baja California, who allege they were tortured by officers of the Federal Judicial Police; 53 were tortured in 1990; five in 1991. The report concludes: "The 158 cases documented here demonstrate that torture has been practiced before and during the Administration of President Salinas de Gortari, before and after the creation of the National Human Rights Commission, and before and after the 1991 Reforms to the Federal Code of Penal Procedures, the purpose of which was to bring about an end to torture."

¹² Quevedo Susunaga, Antonio, "Agentes de 3 corporaciones se balearon en Culiacán," *La Jornada*, September 19, 1990.

Following a private meeting, Sinaloa Governor Francisco Labastida Ochoa and Federal Attorney General Alvarez del Castillo declared that the shoot-out was caused by a lack of coordination between the police forces. Others, among them agents who participated in the shoot-out, indicated that the Federal Judicial Police interfered with the stake out to protect Palma.¹³ Coello Trejo was replaced by Jorge Carrillo Olea, whose reputation is untainted by charges of corruption and who has pledged that anti-drug operations will be carried out with absolute respect for human rights.

On May 21, 1991, Attorney General Alvarez del Castillo, the federal government's chief prosecutor and the senior government official responsible for the Federal Judicial Police, resigned from office. Long unpopular in Washington because he was governor of Jalisco when U.S. Drug Enforcement Administration agent Enrique Camarena was tortured to death there by drug kingpins, Alvarez del Castillo had come under increasing domestic criticism. His highly publicized battles with the National Human Rights Commission inspired opposition members of Congress to sponsor a bill of impeachment against him for failing to uphold human rights.¹⁴ Although the connection was never proved, many Mexicans took it for granted that the Attorney General's office was responsible for the expert bugging of the CNDH's offices in April 1991.¹⁵ And in the weeks just preceding his ouster, Federal Judicial Police officers were implicated in the bloody takeover of the prison in Matamoros, Tamaulipas, which was held for 13 days by prisoners loyal to drug kingpin Oliverio Chávez Araujo.

¹³ Calderón Gómez, Judith, "Reunión a puerta cerrada entre Alvarez del Castillo y Labastida," *La Jornada*, October 6, 1990.

¹⁴ The motion was defeated by the ruling Institutional Revolutionary Party (PRI), but the publicity that surrounded it embarrassed the Salinas administration.

¹⁵ Americas Watch condemned the bugging in an April 18, 1991 press release. We called on President Salinas to take steps to ensure that the work of the CNDH was not further compromised, and for those responsible for eavesdropping to be found and punished to the fullest extent of the law. To date, there have been no arrests for the bugging.

Alvarez del Castillo was replaced by former Federal District Attorney General Ignacio Morales Lechuga, who is respected for being reform-minded. While Federal District Attorney General, Morales Lechuga hired María Teresa Jardí Alonso, a well-known human rights attorney, to serve on his staff. She accompanied him to the Federal Attorney General's office; her presence lends credence to his pledge to eliminate human rights abuses and corruption by the Federal Judicial Police.¹⁶ The releases of Valencia Fontes and the two campesinos from Aguililla suggest that relations between the Attorney General's office and the CNDH may improve.

But Morales Lechuga's appointment received mixed reviews from other non-governmental human rights monitors. As the senior official responsible for the Federal District Judicial Police (PJDF), Morales Lechuga was the recipient of several CNDH recommendations alleging human rights abuses by PJDF officers.¹⁷ The Federal District Attorney General's office has been accused of mistreatment of criminal suspects and abuses of due process in other cases as well.¹⁸

Shortly after becoming the Federal Attorney General, Morales Lechuga announced steps to restructure the Federal Judicial Police to ensure a greater degree of accountability.¹⁹ It remains to be seen whether these

¹⁶ See case of journalist Víctor Manuel Oropeza, p. 15. As this report goes to print, Jardí announced her resignation from the Attorney General's office. "El Correo Ilustrado: Renuncia María Teresa Jardí a la Procuraduría General de la República," *La Jornada*, August 22, 1991.

¹⁷ See CNDH recommendations 15/91 (Ricardo López Juárez, Mexico, D.F., March 8, 1991), 22/91 (Guillermo Cejudo Cortés, Mexico, D.F., April 4, 1991), 23/91 (Adriana Torres Gutiérrez, Mexico, D.F., April 5, 1991). The CNDH indicated in its June 1991 report to President Salinas that recommendation 15/91 had been accepted and complied with fully, and that the majority of the points in recommendations 22/91 and 23/91 had been accepted and there was evidence showing partial compliance. CNDH, *Segundo Informe Semestral*, pp. 41, 45.

¹⁸ Monge, R. and Ramirez, I., "El Paso de Morales Lechuga por la Otra Procuraduría," *Proceso*, May 27, 1991, pp. 14-15.

¹⁹ Gil Olmos, Jose, "Total reestructuración en la PGR, anuncia IML: Habrá más eficacia procesal, con apego a derechos humanos, afirmó," *El Nacional*, June

institutional changes will lessen the incidence of torture and other human rights abuses still committed by agents of that force. But disturbing accounts of torture involving Federal Judicial Police agents have been reported since the implementation of these changes, and in one major case María Teresa Jardí Alonso publicly condemned the use of torture in an investigation in which Federal Judicial Police officers took part.²⁰

Although both of these senior personnel changes are much welcomed, in making them the Salinas administration failed to take the one step that would have signaled to those engaged in human rights abuses that such conduct will not be tolerated. Coello Trejo and Alvarez del Castillo were never charged, tried, or punished for their responsibility for human rights abuses committed by the Federal Judicial Police. Instead they were publicly praised and transferred to other government posts.

5, 1991.

²⁰ See the case of Víctor Manuel Oropeza, described below at note 54 and accompanying text.

IMPUNITY FOR PAST CASES

Impunity for human rights abuses extends far beyond Coello Trejo and Alvarez del Castillo. Very few violations of human rights have been cleared up and, for the most part, even when a perpetrator has been identified, prosecution to the full extent of Mexican law does not follow. It is far more typical for police officers who engage in serious abuses to be dismissed from duty or transferred to another area. Those arrested are often charged with lesser crimes than those actually committed. For example, it is common for police officers alleged to have committed torture to be charged with "abuse of authority." Under Mexican law, abuse of authority carries a prison sentence of one to eight years.²¹ The recently enacted Federal Law to Prevent and Sanction Torture carries a prison sentence of two to ten years.²² While the two sentences do not appear that different, the practical significance is great. Under the Mexican constitution, any person charged with an offense for which the median sentence is five years or greater may not be released on bail.²³ Thus, a person charged with abuse of authority, which has a median sentence of four and one-half years, can be released on bail, while a person charged with torture, with a median sentence of six years, must remain in detention pending trial. In addition, officers convicted of torture are prohibited from ever working as police again; those convicted of abuse of authority are only prevented from working as police for a period of time equal to the length of their sentence.

The Mexican government is sensitive to charges of impunity and publicly takes pride in the steps being taken to combat it. In a speech commemorating the first

²¹ *Código Penal para el Distrito Federal*, 46a. Edición, Título Décimo, Capítulo III (Abuso de autoridad), Mexico: Colección Porrúa, 1990, p. 73. Título Preliminar, Art. 1 provides that the penal code applies to all crimes which fall within the competence of the federal courts.

²² *Ibid.*, p. 220.

²³ *Constitución Política de los Estados Unidos Mexicanos*, Article 20 (I).

anniversary of the CNDH, President Salinas announced: "My government intends to abolish impunity while at the same time assuring respect for human rights and making more efficient and honest the protection of public security and the imparting of justice."²⁴ A month later his words were echoed by Federico Ponce Rojas, Deputy Attorney General in charge of Preliminary Investigations, who stated: "Impunity is not permitted for anyone, whether or not they wear a badge. Whoever breaks the law, deviates from the path, or becomes corrupt, per instructions of Attorney General Ignacio Morales Lechuga, will be stopped, punished, and imprisoned."²⁵ Reports of firings or arrests of federal, state, and municipal police officers for human rights abuses occasionally appear in the press.²⁶ But because follow up reports are virtually nonexistent, it is extremely difficult to determine whether meaningful sanctions are being taken against those officers. To increase public confidence in its claims that impunity is being eliminated, the government should publicize the names of all police officers who face sanctions and provide regular updates to the press on the status of their cases.

The lack of progress in the investigations of a

²⁴ "Prometen terminar con abusos," *La Opinión*, June 6, 1991.

²⁵ Medina Cruz, Rafael, "La Tolerancia, Abono a la Impunidad: PGR; Bajo Ningún Motivo o Circunstancia se Permitira: Federico Ponce Rojas," *Excelsior*, July 6, 1991.

²⁶ See, e.g., "MEXICO -- One hundred eighty police officers were fired for administrative irregularities and corruption, the attorney general for the state of Mexico said Sunday," *Miami Herald*, August 20, 1990; "Formal prisión a 6 policías en Tepán," *Unomasuno*, August 25, 1990; "Consignan a dos judiciales acusados de torturadores," *La Jornada*, October 2, 1990; "Dictan formal prisión a 4 agentes y un jefe de grupo de la PJF," *La Jornada*, October 20, 1990; Otero, Angel, "Suspende la Procuraduría al jefe de la judicial en Chihuahua," *Proceso*, November 12, 1990 [Elias Ramírez Ruiz was suspended for six months pending an investigation of human rights abuses committed by the Federal Judicial Police under his command. Chihuahua Governor Fernando Baeza Meléndez has since named him subdirector of the Program to Mechanize the Countryside. Ortiz Pinchetti, Francisco, "Inseguridad y violencia, signos del gobierno de Fernando Baeza," *Proceso*, July 29, 1991]; Jaramillo, Javier, "Por Abusos, 25 Judiciales Morelenses Están en la Cárcel de Atlacomulco," *Excelsior*, March 30, 1991; "Se alarga el juicio contra el ex fiscal Enrique Alvarez Palacios," *La Jornada*, May 22, 1991.

number of highly publicized cases is dismaying. To date, there has been no resolution of the 1988 assassinations in Mexico City of presidential candidate Cuauhtémoc Cárdenas' close aide **Francisco Xavier Ovando** and his assistant **Ramón Gil Heráldez**.

The investigation of the December 1989 disappearance in Morelos of Revolutionary Workers Party activist **José Ramón García Gómez**, who disappeared while en route to a political meeting of leftist supporters of Cuauhtémoc Cardenas, is similarly quagmired. No new evidence has been uncovered despite the appointment of a special prosecutor and the naming of a high level federal commission to look into the matter following a bungled investigation by Morelos police that included pressuring a Cuautla lawyer to give false evidence.²⁷ On January 31, 1991, the CNDH, pursuant to its own investigation, issued a strongly worded recommendation calling for continued investigation of the disappearance and police involvement. Three weeks later, Federico Ponce Rojas, who at the time was Director General of Preliminary Investigations for the Federal District, told an Americas Watch delegation that the investigation had been shelved in part because the wife of the disappeared man had abandoned interest in it when she returned to Spain, her homeland, in October 1990. Although he qualified his statement by saying he spoke "extra-officially," Ponce Rojas' statement that family prodding is required to keep a criminal investigation alive is a serious indictment of criminal investigation practices in Mexico.

Equally troubling is the lack of satisfactory resolution of the murders of **Jesús Michel Jacobo** and **Norma Corona Sapién**, the two immediate past presidents of the Commission in Defense of Human Rights in Sinaloa. Michel Jacobo, who, in addition to his position as a Sinaloa state legal advisor, wrote a regular newspaper column, was gunned down and killed on December 16, 1987; no one has ever been arrested for his assassination.²⁸ Corona was assassinated in

²⁷ See Americas Watch, *A Policy of Impunity*, p. 37.

²⁸ Cabrera Martínez, Javier, "Archivado el caso del asesinato de Michel Jacobo," *El Universal*, December 17, 1990.

Culiacán, Sinaloa on May 21, 1990. At the time, she was investigating the deaths of Mexican lawyer José A. Güémez and three Venezuelans, who were arrested by Federal Judicial Police on February 22, 1990. Their bullet-ridden bodies, which showed signs of torture, were found in a shallow grave on March 11, 1990.²⁹

At a July 2, 1990 press conference, Sinaloa Governor Francisco Labastida Ochoa announced the arrest of five persons accused of involvement in Corona's murder: Jacobo Isaac Chávez Lafarga, a former Sinaloa State Judicial Police officer; Fermín Beltrán Murillo; José Rosario Angulo Quintero, a State Judicial Police officer; Camilo Beltrán Gastélum, a former municipal police officer; and Gildardo González Cervantes.³⁰ He also announced that one possible intellectual author of the murder was attorney Salvador Zazueta Calderón,³¹ with whom Corona reportedly had professional differences.³² The offices of both the state and federal Attorneys General claimed that Zazueta contracted with Santos Humberto Arellano Bazán, a mercenary allegedly involved in the drug trade and former Sinaloa State Judicial Police officer, to kill Corona. It was alleged that Arellano Bazán, in turn, hired the five *pistoleros* listed above to assassinate Corona. Arellano Bazán was killed in an unsolved drive-by shooting in Tijuana on June 29, 1990.³³

²⁹ Americas Watch, *A Policy of Impunity*, pp. 12-13.

³⁰ Police also sought Salvador Robledo, who was alleged to have given a *tiro de gracia* (one shot to the head) to Corona. Arellano, Antonio and Cabrera, Javier, "Capturado, un presunto asesino de Norma Corona; informe del gobierno de Sinaloa," *El Universal*, July 3, 1990; "Caen presuntos asesinos de Norma," *El Debate*, Culiacán, Sinaloa, July 3, 1991. González Cervantes was released hours after the press conference for lack of evidence. Aída Salomón, Luz, "Incredulidad por la Solución Oficial en el Caso Norma Corona: Pretexto para Tropelias de Policías," *Proceso*, July 9, 1990.

³¹ Arellano and Cabrera, "Capturado, un presunto."

³² Medina R. and Meléndez, R., "Capturan a 5 Asesinos de Norma Corona; 4 son ex Policías," *Excelsior*, July 3, 1990.

³³ Arellano and Cabrera, "Capturado, un presunto asesino."

Chávez Lafarga alleged that he and the others detained for the crime were tortured by Federal Judicial Police agents to extract confessions.³⁴ At his preliminary hearing, Chávez Lafarga recanted the statement he made to police that he had killed Corona. But, he admitted that he witnessed Arellano Bazán kill her, and confessed that he drove the vehicle used in the crime.³⁵

In a January 15, 1991 letter to Governor Labastida Ochoa, the CNDH offered three hypotheses as possible motives for Corona's assassination: 1) she was assassinated by drug-traffickers from whom she had defrauded a sizable sum of money (this hypothesis the CNDH characterized as doubtful); 2) the crime was planned and executed by drug-traffickers intent on framing the Federal Judicial Police; 3) she was killed by Federal Judicial Police agents who feared that their drug-trafficking, in complicity with agents and ex-agents of the Sinaloa State Judicial Police, had been discovered by Corona during her investigation into the torture and death of Güémez and the three Venezuelans.

Chávez Lafarga, Beltrán Murillo, and Angulo Quintero are in jail and their cases are before the courts.³⁶ Despite over a year of widespread domestic and international attention, no one believed responsible for ordering Corona's assassination has been found, and no clear motive has yet been established.

The investigation into the **rapes of at least 19 women in southern Mexico City** in 1989 is also unsatisfactory. Although four Federal Judicial Police

³⁴ Salanueva Camargo, Pascual, "Fueron torturados, dicen los supuestos asesinos de Corona," *La Jornada*, July 6, 1990. In addition, Amnesty International denounced reported excesses committed by the Federal Judicial Police during preliminary investigations into Corona's murder. *Urgent Action*, August 13, 1990.

³⁵ *Ibid.*

³⁶ Beltrán Gastélum, charged with covering up the crime, was released on bail. Ramírez, Ignacio, "Cambian personajes y hechos en el asesinato de Norma Corona," *Proceso*, May 20, 1991.

officers, among them the bodyguards of former anti-narcotics chief Javier Coello Trejo, were arrested for the crimes, lawyers for the victims complained at an August 1990 press conference about the lack of political will in pursuing the case. They claimed that seven other police agents or ex-agents identified as taking part in the rapes had yet to be detained.³⁷ The lawyers denounced the "constant and repeated threats and intimidations" suffered by the victims and their families, presumably by the police agents involved, and asked the CNDH to take up the case.³⁸ The lawyers also cited evidence linking the murder of one of the victim's boyfriends to those responsible for the rapes, and accused the federal Attorney General's office of impeding the Federal District Attorney General's investigation.³⁹

One of the Federal Judicial Police officers involved in investigating the rapes, Fausto Valverde Salinas, was stationed in the Mexican embassy in Washington, D.C. earlier that year as the attaché of the Federal Attorney General. According to information obtained by Americas Watch, Valverde was responsible for the photo-identification part of the investigation. Shortly after rape victims pored over photographs to identify the police agents involved, two photographs disappeared from police archives. Recently, Valverde, who is back in Mexico, testified before the judge handling the case of the four indicted police officers that at the time they denounced the agents, "the victims were in a highly agitated state of mind, and were crying and shouting."⁴⁰ Human rights groups in Mexico fear his testimony will undermine the case against the four indictees.

³⁷ "Falta voluntad para esclarecer las violaciones en el sur de DF," *El Financiero*, August 24, 1990.

³⁸ Adorno Ruíz, Héctor, "Denuncian Ante la CNDH siete Delinquentes, Implicados en Violaciones," *El Sol de México*, August 24, 1990.

³⁹ "Investigará Carpizo el caso de las violadas por judiciales; hablará con Alvarez del Castillo," *El Universal*, August 24, 1990.

⁴⁰ Adorno Ruíz, Héctor, "'Bajo Duda' los Señalamientos de las Víctimas de Violaciones: Valverde S." *Excelsior*, July 23, 1991.

Perhaps the most blatant example of the impunity afforded to federal police officers who commit human rights abuses, is the failure of the Attorney General's office to make any progress in its investigation of the murders of **Erik Dante, Jaime Mauro, and Héctor Ignacio Quijano Santoyo**, on or about January 14, 1990. Eric and Jaime were killed outside their home as they surrendered to upwards of 100 officers of the anti-narcotics unit of the Federal Judicial Police who had come to arrest another brother, Francisco.⁴¹ The police accused Francisco of killing two Federal Judicial Police officers the day before. Héctor died in police custody; his body showed signs of savage torture.

One year later, the CNDH issued a recommendation calling on the Federal Attorney General to begin an immediate full-scale investigation into the murder of the Quijano brothers. Specifically, the Commission called for an investigation of the conduct of Federal Judicial Police agents Manuel Ramón Olivos Madrid, Roberto Alejandro Velázquez Quiroz, Héctor Arturo Rojas Díaz, Arturo Vanegas Mendoza, Carlos J. Dávila Cano, Comandante Fernando Ventura, members of the "Tiburón" group of the Federal Judicial Police's anti-narcotics division, and any other suspects in these crimes of murder, torture, and illegal deprivation of liberty. The CNDH further called on the Attorney General to suspend from duty all the aforementioned agents and to begin criminal action against those who participated.⁴²

On February 7, 1991, the federal Attorney General's office named Guillermo Jiménez Padilla as special prosecutor for the case.⁴³ To date he has not issued any findings, and none of the Federal Judicial Police agents

⁴¹ Americas Watch, *A Policy of Impunity*, p. 14. The disappearance and murder of Francisco Quijano García, the father of the murdered brothers, cannot be divorced from that of his sons. Its unsatisfactory resolution, see note 3, is further evidence that Mexican officials are unwilling to look deeply into matters where violations of human rights by police are alleged.

⁴² National Human Rights Commission, recommendation no. 3/91, January 23, 1991.

⁴³ "Designa la PGR fiscal especial para investigar el caso Quijano," *La Jornada*, February 8, 1991.

involved face criminal charges for the Quijano murders. To the contrary, one, Roberto Velásquez Quiroz, was promoted to head the Federal Judicial Police in Reynosa, Tamaulipas.⁴⁴ Another, Jesús Arturo Vanegas Mendoza, was arrested ten months later for his participation as the head of the Federal Judicial Police operation in Angostura, Sinaloa, during which six people were killed.⁴⁵

Impunity for those who committed human rights abuses is most pronounced in the more than **500 cases of disappearances** documented by human rights groups from the two decades that preceded the Salinas administration.⁴⁶ On September 19, 1990, the CNDH and the Federal Attorney General's office established a joint task force to locate Mexico's "disappeared." The task force undertook a pilot program to thoroughly investigate 24 cases of disappearances from six states and the Federal District. In December, an additional 35 cases were added to the pilot program. In describing the work of the task force, the CNDH did not indicate how it selected cases for inclusion in the pilot program. But from the results it appears that the task force began by searching for persons who it had evidence were alive.

To date the task force has located alive 13 persons; the remains of **Sergio Machi Ramirez** have also been

⁴⁴ Campos, Juan Luis, "La Angostura de la PGR," *Boletín*, No. 2, *Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, A.C.*, December 1990.

⁴⁵ See below, note 61, and accompanying text. Héctor Arceo Trujillo, "La CNDH 'defiende más a la delincuencia que a policías,'" *Novedades*, January 28, 1991. In addition, *Proceso* reported that Vanegas Mendoza was implicated in the October 2, 1990 murder of Javier Delgado Gutiérrez in Guadalajara. Delgado Gutiérrez was apparently travelling in his car when he was intercepted by Federal Judicial Police agents for marijuana trafficking. He was taken to a PJJF detention facility where, according to the CNDH, he died as a result of torture. Two of four agents involved in his murder were imprisoned, and an arrest warrant was ordered for another, but no action was taken against Vanegas Mendoza. Cabildo, Miguel, "El jefe de los homicidas de Sinaloa estaba acusado de matar por tortura," *Proceso*, December 10, 1990; Cabildo, Miguel and Monge, Raúl, "La Comisión de Derechos Humanos, impotente para contener a las policías," *Proceso*, October 15, 1990.

⁴⁶ Americas Watch, *A Policy of Impunity*, pp. 35-40.

discovered.⁴⁷ In addition, the task force has disproven rumors of a clandestine gravesite for the disappeared at "Los Mudos" ranch in Chihuahua.⁴⁸ Yet despite these efforts, the vast majority of the families of disappeared persons still do not know what happened to their loved ones. A much more aggressive search for these people, or their remains, must be undertaken, and police and armed services personnel responsible for their disappearance must be identified, tried, and punished.

⁴⁷ CNDH, *Segundo Informe Semestral*, pp. 66-68. See note 4 and accompanying text.

⁴⁸ *Ibid.*, p. 68.

NEW CASES

The creation of the CNDH and the other reforms described have not deterred the Federal Judicial Police or other police bodies from committing human rights abuses. Many egregious cases from the past 12 months underscore the continued need for stronger measures to curb such abuses.

If any single recent case illustrates the failure of the Salinas administration's human rights reforms to curb abuses by the police, it is the July 1991 murder of **Dr. Víctor Manuel Oropeza**. Dr. Oropeza, a homeopathic physician and columnist for *Diario de Juárez* and *Diario de Chihuahua*, was found stabbed to death in his medical office on July 3. He was widely known for his outspoken opposition to and willingness to publicize electoral fraud, police abuse, and other violations of human rights. According to his wife, Dr. Oropeza and his family had received threats in the past, particularly following the publication of a series of articles last year criticizing Javier Coello Trejo.⁴⁹ Initially the Federal Attorney General and the State Attorney General joined forces to investigate the murder. Representatives of the respected Ciudad Juárez, Chihuahua human rights group, Comisión de Solidaridad y Defensa de los Derechos Humanos (COSYDDHAC), were invited to observe some interrogations of suspects. Yet even with this safeguard there were numerous reports of torture and abuse of suspects during the preliminary investigation.

Investigators hypothesized a series of private motives for the killing including a homosexual liaison, the sale of pills, and a private vendetta. Suspects were picked up for questioning without warrants and, according to COSYDDHAC, appeared at formal interrogation sessions with bruises. Safeguards guaranteed in the legal reforms introduced by the Salinas administration were set aside. Suspects complained of torture and other police abuse and the inability to have a lawyer or family members present except during formal interrogation sessions. According to

⁴⁹ Navarro, Rafael, "La Policía sin Pistas; el Crimen 'fue Perfectamente Planeado'," *Diario de Juárez*, July 5, 1991.

COSYDDHAC observers, interrogators at the formal sessions asked leading questions and threatened suspects with arrest on other charges in an effort to obtain confessions. During the interrogation of one suspect, Samuel Rodarte Provencio, the session was interrupted and Samuel was led away. When COSYDDHAC representatives went to the room where he was taken, Samuel begged them not to leave because he feared that unless they were present he would be beaten. One former suspect told an Americas Watch representative that he was coerced by torture into making a statement that he had a homosexual liaison with Oropeza and then murdered him. When other evidence refuted this theory, he said police offered him a bribe of 50,000 pesos to point a finger at someone else.

On July 12, Marco Arturo Salas Sánchez, age 23, and Sergio Aguirre Torres, age 21, were arrested in connection with the murder. Rafael Aguilar, the special prosecutor sent to Chihuahua by the Federal Attorney General, announced their confessions at a press conference. According to Aguilar, the motive for the murder was revenge; it was alleged that many years ago Dr. Oropeza had turned one of the youths over to the police for breaking the windows in his car.⁵⁰

⁵⁰ *Comisión de Solidaridad y Defensa de los Derechos Humanos, Chronology of the Oropeza case, July 18, 1991.*

ERRATA

On page 15, Americas Watch incorrectly identified the individual who was offered a bribe in the case of Victor Manuel Oropeza, and the amount of the bribe. A different man was tortured in an effort to coerce him to identify the suspect accused of the homosexual liaison. He refused and was released. He was later rearrested and offered a bribe of US\$ 500 to point a finger at Marco Arturo Salas Sánchez and Sergio Aguirre Torres, the suspects who were subsequently arrested and imprisoned for the murder.

The following day Arturo Salas Sánchez told representatives of COSYDDHAC in a taped interview that he was beaten and tortured on ten occasions since his detention, three times by Federal Judicial Police and seven times by State Judicial Police agents. He said they threatened that if he did not confess to pointing a gun at Dr. Oropeza while his friend stabbed him with a knife, he would suffer the *ley de fuga* ("law of flight": he would be shot in the back and the police would subsequently claim that he had tried to escape), and that it was better to be in jail as a murderer. In addition, at various times, they forced mineral water up his nose and put a plastic bag over his head until he was nearly asphyxiated. Salas Sánchez further stated that both Comandante Ruvalcaba, chief of the State Judicial Police, and Rafael Aguilar were present at times during his police detention and torture.⁵¹ Salas Sánchez and Aguirre Torres declared before the judge at their preliminary hearing that they had confessed under torture, but they were not released.⁵²

COSYDDHAC and members of Dr. Oropeza's family are convinced of the innocence of the two men and have called for their release and for a thorough investigation of the murder and subsequent abuses.⁵³ María Teresa Jardí Alonso, Attorney General Morales Lechuga's human rights staff officer, travelled to Ciudad Juarez to investigate the case. Upon her return to Mexico City, she declared, "what we saw again was the manufacture of guilty persons through the use of torture."⁵⁴ Special prosecutor Rafael Aguilar has since returned to Mexico City. It is unclear whether

⁵¹ *Ibid.*

⁵² Salanueva Camargo, Pascual, "Sostienen los detenidos que fueron torturados," *La Jornada*, July 17, 1991.

⁵³ They claim that the police autopsy report was incomplete and omitted several injuries -- including broken knees -- that suggest that the killing was the work of professional assassins, rather than revenge-seeking youths. In addition, family members are unaware of any instance in which Dr. Oropeza turned anyone over to the police for a petty crime.

⁵⁴ "Teresa Jardí: Se fabricaron culpables en el caso Oropeza," *La Jornada*, July 23, 1991.

federal officials will continue to be involved in the investigation of the case.

A COSYDDHAC representative told Americas Watch that some of the organization's efforts to publicize Oropeza's murder and subsequent police abuses during the investigation have been blocked. He alleged, for example, that local radio and television stations have refused to air public service announcements for which COSYDDHAC paid. He attributed these obstacles to government and police sensitivity to highlighting human rights abuses at a time when the Mexican Senate was meeting in Ciudad Juarez to discuss the the impact of the proposed North American Free Trade Agreement.

On October 4, 1990, a dozen or more officers of the Federal Judicial Police entered without warrants the homes of **Pedro Yescas Martínez** and his brother **Felipe de Jesús Yescas Martínez**. Both men were arrested for marijuana trafficking and taken to the "Palacio Federal," the detention facility of the Federal Judicial Police in Durango. During the course of the next four days, they were held incommunicado and tortured. Pedro, who had a history of medical problems including heart disease, died on October 9. Although he was seen by a police doctor during his detention, the medical attention he received was inadequate.

The CNDH reviewed the evidence in the case and, in its first recommendation of 1991, called for the immediate suspension of the police officers, their superior officers, and the police physician involved, and a criminal investigation into their culpability. The office of the Federal Attorney General replied in April that it possessed medical evidence that Pedro Yescas Martínez did not die as a result of trauma occasioned during his detention. To resolve the discrepancies in the medical evidence, the CNDH requested the National Institute of Cardiology to review all the evidence and render an opinion.⁵⁵ Meanwhile, Mexican human rights groups report that no other steps have been taken to punish those responsible for the torture of the Yescas brothers.

⁵⁵ CNDH, *Segundo Informe Semestral*, p. 46.

In the early morning of December 2, 1990, in the remote, rural municipality of **Angostura, Sinaloa**, anti-narcotics agents of the Federal Judicial Police opened fire without warning on at least three vehicles, killing six persons, and seriously injuring another two. Killed were Jacinto Cárdenas Méndez and his sons Jaime, 17, and José Luis Cárdenas Torres, 18, who were gunned down as they drove home from a neighboring town where they had provided musical entertainment at a party; Antonio Guadalupe Ramírez Escalante and Abelardo Ramírez Méndez; and Manuel de Jesús Valenzuela Acosta. In addition, two brothers, aged 13 and 10, were injured in the assaults.⁵⁶ Two other local residents, Basilio Gastélum Rodríguez and José Salomón Rentería, alleged that they also were fired upon by Federal Judicial Police on December 2. They stated that at 4:00 a.m. they were travelling in a pickup on Route 500 when they were strafed by machine-gun fire that forced the truck into a drainage ditch on the side of the road. The two men claimed they escaped injury by falling from the vehicle and hiding in the mud and underbrush. "It seemed that they wanted to kill us," the men stated, "because they were firing their machine guns at the drainage ditch for a long time, and the bullets were whistling by."⁵⁷

The police were in the area to intercept a plane transporting illegal drugs that they expected would land at a clandestine airstrip. Agents involved in the operation claim they mistook the victims' vehicles for those of drug traffickers.

Residents of the area indicated that they heard three bursts of gunfire in the early morning of December 2, around 2:00 a.m., 5:00 a.m. and 6:00 a.m.⁵⁸ They believed

⁵⁶ "PJF Officers 'Mistakenly' Kill Six Citizens," NOTIMEX, December 3, 1990 (Reprinted in *Foreign Broadcast Information Service Latin America Daily Report*, FBIS-LAT-90-235, December 6, 1990); Interviews with family members of victims of the Angostura killings by the Mexican Commission to Defend and Promote Human Rights (CMDPDH), February 1991.

⁵⁷ "Dos testigos más terminan de hundir a los judiciales asesinos de Angostura," *El Nacional*, December 16, 1990.

⁵⁸ CMDPDH Interviews.

that some of the victims were executed by police.⁵⁹ In addition, they accused the police of planting a pistol in Jacinto Cárdenas' right hand, but said Jacinto was left-handed.⁶⁰

The federal Attorney General's office announced that anti-narcotics agents Jesús Arturo Vanegas Mendoza, head of the operation;⁶¹ José Francisco Rodríguez Gómez; José Pérez Díaz; Marco Antonio Roldán Muñoz; José Antonio Arista Chávez; Heriberto Esquivel Castillo; Elmo Manuel Pérez Flores; and Ricardo Morales Vela, detained for their involvement in the killings, were moved to Sinaloa to be tried. They were charged with simple intentional homicide (*homicidio simple intencional*); four of the eight also were charged with assault and battery (*lesiones*).⁶² According to press reports, the eight agents remained on the federal Attorney General's payroll during the initial days of their detention; it further was reported that the federal Attorney General's office was paying their legal fees and travel and lodging expenses for visiting family members.⁶³

President Salinas, commenting on this case, insisted that "we will act with all the weight of the law

⁵⁹ One local paper reported that "Neighbors... note that the bodies of the five victims [have] contusions on the face and body, which makes one think that before being killed, they were tortured. All [of the victims], it was said, had [received] the *tiro de gracia* to the head, which leads the people in the area to think that [the victims] were executed." *El Diario de Sinaloa*, December 4, 1990, p. 12A.

⁶⁰ CMDPDH Interviews.

⁶¹ See above, note 45, and accompanying text.

⁶² Quevedo Susunaga, Antonio, "'Homicidio imprudencial,' cargo en el caso Angostura," *La Jornada*, December 6, 1990; Quevedo Susunaga, Antonio, "El homicidio no fue imprudencial: Labastida," *La Jornada*, December 7, 1991; Salanueva Camargo, Pascual, "Consignan en Sinaloa a los agentes acusados del crimen en Angostura," *La Jornada*, December 7, 1990.

⁶³ Cabildo, Miquel, "El jefe de los homicidas de Sinaloa estaba acusado de matar por tortura," *Proceso*, December 10, 1990; María Teresa Jardí Alonso, "¿Justicia en Angostura?," *El Nacional*, December 23, 1990.

to punish severely those who violate it."⁶⁴ But no Federal Judicial Police agent has yet been convicted. In a meeting with Americas Watch representatives in February 1991, Manuel Gutiérrez de Velasco, an official of the federal Attorney General's office, explained that the killings demonstrated a lack of diligence or technique ("falta de técnica") by the Federal Judicial Police. Family members of the victims cite a different lack of diligence: they told a representative of the non-governmental Mexican Commission to Defend and Promote Human Rights that they had not been interviewed by officials investigating the case.⁶⁵

Representatives of the Commission in Defense of Human Rights in Sinaloa expressed concern that the eight agents detained for the crime would be convicted of abuse of authority instead of murder, in part because officials were reluctant to make public the order sanctioning the police operation in Angostura.⁶⁶ To date the CNDH has not issued a recommendation in the case. In a letter to Oscar Loza, President of the Commission in Defense of Human Rights in Sinaloa, CNDH President Jorge Carpizo stated that the CNDH would intervene, if it believed there were irregularities in the judicial process.⁶⁷

In May 1991, violence erupted in the **Centro de Readaptación Social (CERESO) in Matamoros, Tamaulipas**, a border city across from Brownsville, Texas. The Matamoros case illustrates problems endemic to prisons throughout Mexico which are plagued by overcrowding, squalid living conditions, corruption, lack of funding, and other

⁶⁴ Elena Gallegos, "Serán castigados los responsables de los hechos de Angostura: CSG," *La Jornada*, December 6, 1990.

⁶⁵ The governor of Sinaloa reportedly paid nearly 89 million pesos (some \$30,000) of state funds to Angostura victims' families. Notimex, "Indemnizan a los deudos de los seis muertos de Angostura," *La Jornada*, December 12, 1990.

⁶⁶ Notimex, "Piden a la CNDH revisar el proceso del caso Angostura," *La Jornada*, February 24, 1991.

⁶⁷ "Si hay irregularidades en el proceso de Angostura, la CNDH intervendrá," *La Jornada*, December 7, 1991.

problems.⁶⁸

On May 17, a three-hour violent confrontation among rival prisoner groups took place. The melee was triggered by an attempt on the life of Oliverio Chávez Araujo -- an inmate strongman who is reported in the press as having ties to the Medellín Cartel. According to press accounts, the violence started when Germán Yépez, a supporter of a rival inmate, Elías García García ("El Profesor"), shot Chávez.⁶⁹ Yépez was immediately killed; his body was impaled on a pole and displayed in the prison courtyard.⁷⁰ Inmates loyal to Chávez proceeded to hunt down and execute García and a number of his followers.⁷¹ Eighteen persons were killed and at least eight others were wounded during the confrontation.

Over one hundred police and military officers surrounded the jail, but were never ordered to take control of it.⁷² During a two-week stand-off, Chávez successfully

⁶⁸ See Americas Watch, *Prison Conditions in Mexico*, March 1991. Mexico's deplorable prison conditions have attracted the attention of a number of non-governmental groups and in some prisons inmates have formed groups to pressure for decent living conditions. The CNDH has been a leading advocate for prison reform. It has issued several hard-hitting recommendations demanding improvements at penal institutions throughout the nation. With respect to the prison in Tampico, it found conditions that "flagrantly violat[ed] the human rights of the inmates and their families." Recommendation No. 13/90, September 21, 1990. In addition, the CNDH has instigated or taken over a series of programs aimed at reducing prison overcrowding by offering early release to prisoners who present no danger to the community. It is also participating in an inter-agency review of prisoners' files to determine whether they have completed their sentences or are eligible for parole. This review has uncovered hundreds of unjustly detained prisoners, many of whom have been released.

⁶⁹ Salanueva Camargo, Pascual and Solís, Arturo, "Sitio policíaco y tensión en el penal," *La Jornada*, May 19, 1991.

⁷⁰ Associated Press, "18 Reported Slain in Gang Strife at Mexican Prison," *New York Times*, May 19, 1991.

⁷¹ Salanueva Camargo and Solís, "Sitio policíaco."

⁷² On May 19, the prison's subdirector, Reynaldo Salinas Pérez, discounted rumors that the prisoners had surrendered, saying that the conflict was among inmates and did not involve prison authorities. Salanueva Camargo, Pascual, "Estancada, la situación en el penal de Matamoros; sigue el cerco policíaco,"

brought into the jail a portable x-ray machine and two physicians who performed delicate surgery to repair his injuries.⁷³ Chávez finally agreed to leave after conducting negotiations with an official from the Federal Attorney General's office; Chávez and one of his lieutenants were flown to Mexico City on May 30.⁷⁴ The two were moved to a high-security jail outside Mexico City on June 11.⁷⁵

The outburst of violence at the jail followed a police raid on April 27, during which approximately 140 local, rural, and federal police searched the CERESO for drugs and arms.⁷⁶ During the raid, led by state penal director Tito Reséndez Treviño, rumors surfaced that officials intended to remove Chávez Araujo from the jail.⁷⁷ Inmates repelled the raid for an hour until Chávez met with Reséndez, who informed Chávez that he could stay in the Matamoros CERESO. Chávez then allowed the police search to continue.⁷⁸

Chávez was the beneficiary of a court order that guaranteed that he could serve his eight-year sentence in the Matamoros CERESO. From his lavish cell there, he ran an extensive drug operation (estimated to be up to a \$100

La Jornada, May 20, 1991. *La Jornada* reported that Octavio Singlaterri of the *Ministerio Público* (public prosecutor's office) stated that the conflict was due to a struggle for internal control in the jail. *Ibid.*

⁷³ Salanueva Camargo and Solís, "Sitio policíaco;" Uhlig, Mark A., "Surrender Ends Mexico Prison Takeover," *New York Times*, May 31, 1991.

⁷⁴ Associated Press, "Mexico jail siege ends as drug lord gives up control," *Miami Herald*, May 31, 1991.

⁷⁵ "Mexican Drug Lord Moved to New Jail After Prison Siege," *Reuters Information Services*, June 11, 1991.

⁷⁶ The jail, built to hold 250, housed around 1300 inmates at the time of the riot. "Police Regain Control of Mexican Prison after Bloody Riot," *Reuters Information Services*, May 19, 1991

⁷⁷ Solís, Arturo, "Veinte muertos en un enfrentamiento armado en el penal de Matamoros," *La Jornada*, May 19, 1991.

⁷⁸ Solís, Arturo, "Motín de reos en Matamoros en defensa del rey de la droga," *La Jornada*, April 28, 1991.

million a year business) and honed his de facto control of the institution.⁷⁹ Chávez was generous in providing food and other necessities for inmates and paid for the upkeep of the jail's infrastructure. As a result, he was popular with many of the inmates, especially the poor.⁸⁰ Prison guards and local police also supported him. Before Chávez's surrender, the *New York Times* reported: "jail workers and local police officers who had benefitted from... [Chavez's]... largess made it clear they did not want to see him betrayed. 'We are Oliverio's pistoleros,' said one uniformed local policeman...."⁸¹

A May 2, 1991 internal memo from the federal Attorney General's office, indicates the extent to which authorities knew of Chávez's illicit activities within the Matamoros jail before the May 17 incident. The memo says in part:

[Chávez Araujo] has at his service inside the jail approximately 70 men, who are heavily armed [with firearms]. He also has a number of cellular telephones he uses to direct illicit drug operations.

It is said that Oliverio Chávez Araujo influenced Tamaulipas state officials so as to have one [Jesús] "Urquiza" placed as director of the prison where he is an inmate, *which has contributed to [Chávez] having absolute control of the prison.*

⁷⁹ Uhlig, Mark A., "Drug Baron Defiant in Mexican Jail," *New York Times*, May 29, 1991. His gang reportedly consisted of at least 70 inmates, who were armed with rifles, pistols, and other weapons. Unnamed police sources cited in an article in *La Jornada* indicated that Chávez influenced the appropriate authorities to place Jesús Urquiza in charge of the Matamoros jail. Urquiza, in return for payoffs, reportedly turned a blind eye to Chávez's illicit activities and turned over effective control of the CERESO's operation to Chávez. Salanueva Camargo and Solís, "Sitio policiaco."

⁸⁰ Salanueva Camargo, "Estancada, la situación;" Meraz, Fernando, "Funcionarios, detrás de la violencia en Matamoros: Intentaban matar a Chávez y controlar el narcotráfico local," *La Jornada*, May 21, 1991.

⁸¹ Uhlig, Mark A., "Drug Baron Defiant in Mexican Jail," *New York Times*, May 29, 1991.

[Emphasis added]

[The introduction of firearms to the jail] was easy because... Urquiza... is bribed by Oliverio Chávez to allow [the latter] ample freedom; ...at the same time, two guards, known as "El Memo" and "El Garduño," work for Oliverio Chávez... [and they] permit Chávez's men free access to liquor, cocaine and arms.⁸²

Chávez claimed in a note to the *New York Times* that he was the victim of a planned assassination attempt in which federal police agents were involved. "I will prove what I say with taped cassettes against [federal police] agents," Chávez stated.⁸³ Days earlier, on May 9, two former Matamoros inmates close to Chávez, Jesús Botero and his wife Judith, and their lawyer, Dolores Mendoza, were abducted in Matamoros by Federal Judicial Police agents. Their lifeless, handcuffed bodies were found near Brownsville, Texas on May 14.⁸⁴ On May 21, Chávez's lawyer, Francisco Camacho Guzmán, who previously had been reported missing, was found dead from a bullet wound to the head on the highway between Matamoros and Ciudad Victoria.⁸⁵

⁸² Cardoso, Víctor, "Encuentran asesinado al defensor de Chávez Araujo: Desde el 2 de mayo la dependencia fue informada al respecto," *La Jornada*, May 22, 1991.

⁸³ Uhlig, "Drug Baron Defiant." Federal Attorney General Morales Lechuga, who replaced Enrique Alvarez del Castillo between the dates of the Matamoros insurrection and its resolution, reported he had a tape Chávez provided after his surrender, but that the "voices [on the tape] cannot be recognized. [The tape] has no conclusive evidence...." Levi, Isaac A., "Ousted Officials, Drug Inmate Questioned in Prison Probe," *Associated Press*, May 31, 1991.

⁸⁴ ANSA and EFE, "Funcionarios, detrás de la violencia en Matamoros: Culpan en EU a judiciales de México de un triple homicidio," *La Jornada*, May 21, 1991; Meraz, "Funcionarios, detrás."

⁸⁵ Salanueva Camargo, Pascual and Solís, Arturo, "Encuentran asesinado al defensor de Chávez Araujo: Por la guerra entre narcos, la muerte del abogado Camacho," *La Jornada*, May 22, 1991; Salanueva Camargo, Pascual, "Aún no se descarta se efectúe un cateo en el penal de Matamoros," *La Jornada*, May 27, 1991.

After Chávez's capitulation, the director and subdirector of the prison were arrested,⁸⁶ and the governor of Tamaulipas, Américo Villarreal, announced the resignation of the state's penal director.⁸⁷ In addition, Federal Judicial Police agents José María Larrazolo Rubio and Gabriel Andrino Hernández; State Judicial Police agent César de la García García; and federal prosecutor Angel Chávez Cantú were detained for questioning.⁸⁸ But the Mexican government has yet to answer how an inmate could come to have such widespread control over a prison with official acquiescence, and to what extent police and other officials were involved in the criminal behavior that led to so many murders.

⁸⁶ Uhlig, Mark A., "Surrender Ends Mexico Prison Takeover," *New York Times*, May 31, 1991.

⁸⁷ Associated Press, "Mexico jail siege."

⁸⁸ Levi, Isaac A., "Ousted Officials, Drug Inmate Questioned in Prison Probe," Associated Press, May 31, 1991.

ELECTION-RELATED VIOLENCE

Since the hotly contested presidential elections in 1988, election-related conflicts have left many dead and others seriously injured or missing. Much of this violence has been precipitated by allegations of electoral fraud by independent political parties against the ruling Institutional Revolutionary Party (PRI) which has controlled the government and dominated most sectors of Mexican society for more than 60 years.⁸⁹ In May 1990, Mexico's electoral process received a stinging blow from the Inter-American Commission on Human Rights (IACHR) of the Organization of American States. Responding to a complaint by the National Action Party (PAN) about electoral fraud in state and local elections in Durango and Chihuahua in 1985 and 1986, the IACHR's report found that state electoral codes in those states were sufficiently flawed to violate civil and human rights.⁹⁰ In a later decision, the IACHR declared that the electoral code in Nuevo León was in violation as well.⁹¹

On July 14, 1990, the Mexican Chamber of Deputies approved changes to Mexico's electoral laws put forward by the ruling Institutional Revolutionary Party (PRI) and supported by all political parties represented in the Chamber except the Party of the Democratic Revolution (PRD). The new law made it a crime for anyone knowingly to cast an illegal vote, vote more than once, or interfere with voting or the vote-counting process. It also established a Federal Electoral Institute and set new rules for the registration of political parties and the distribution of congressional seats.⁹²

⁸⁹ Americas Watch, *A Policy of Impunity*, pp. 41-52.

⁹⁰ Organization of American States, *Annual Report of the Inter-American Commission on Human Rights 1989-1990*, May 1990, pp. 98-123.

⁹¹ Organization of American States, *Annual Report of the Inter-American Commission on Human Rights 1990-1991*, February 1991, pp. 237-250.

⁹² Government of Mexico, "Towards a New Democracy in Mexico," and "My Political Commitment is to Democracy," Comments on electoral code changes and address by President Salinas de Gortari, *Dirección General de Comunicación*

After a six month lull that followed election-related violence in Michoacán and Guerrero, electoral fraud and election-related violence became renewed topics of national interest during November 1990 state and municipal elections. In the most egregious incident, three people were killed and more than 50 were injured when riot police and members of the opposition Revolutionary Democratic Party (PRD) clashed in **Tejupilco, State of Mexico**. The violence occurred one month after the PRI proclaimed itself victorious in state-wide elections. Opposition party members claimed the voting was marred by electoral fraud. They further claim that the riot was started by police who attacked women demonstrators with guns and tear gas. The government claims that the police acted only after PRD members fired powerful weapons at the municipal palace building; two of the three people who died were police. Both PRD supporters and two local police officials were arrested.

By and large the National Human Rights Commission has refused to intervene in cases of electoral abuses. In its *First Biannual Report*, the Commission wrote:

The National Commission is not competent to intervene in matters related to the determination or administration of elections, because for the Commission to be successful in the promotion, protection and defense of the lives, physical integrity, freedom, dignity and legal security of individuals it is necessary for it not to become involved in party political passions, which would remove its objectivity and impartiality in the social function it performs as an ombudsman.

Moreover, in our country, by constitutional provision, there are bodies in charge of administering or determining electoral processes...: substituting or duplicating the

Social de la Presidencia, Mexico City, August 1990; Uhlig, Mark A., "Mexico Overhauls Electoral Roles," *New York Times*, January 23, 1991; Beltrán Rio, Pascal, "El COFIPE, 'Triunfo de México,' dijo Salinas; El Control de elecciones sigue igual," *Proceso*, August 23, 1990.

faculties of those bodies would not only imply invading their sphere of competence, but would also turn the Commission into a higher power, placing it above all the legislative and judicial powers in the country.⁹³

In the case of Tejupilco, the National Human Rights Commission issued a recommendation calling for continued investigation into the carrying of arms and the use of force by both police and opposition supporters. PRD supporters have complained that, having intervened, the CNDH's recommendation should have been stronger. They criticize the CNDH for focusing the blame for the incident on local police and political leaders, and cite evidence to suggest that the attack was pre-meditated and that state officials had knowledge that it would occur.

To prevent election-related violence, the Mexican government must end not only electoral fraud, but the appearance of such fraud. The appearance of electoral fraud was a serious problem as the country approached national mid-term elections this summer, the first nation-wide elections since the introduction of the latest voting reforms.⁹⁴ The Federal Electoral Institute admitted that as of the end of June, only about 60 percent of the credentials needed to vote had been distributed; the deadline for distributing them was then extended by two weeks.⁹⁵ But many voters, including several leading

⁹³ CNDH, *First Biannual Report*, p. 15. The CNDH has affirmed, however, its ability "to intervene in cases of the violation of individual guarantees [such as could occur during acts of violence] established in the Constitution committed during the electoral process." See CNDH document PCNDH 91/679, February 19, 1991, reprinted in *Comisión Nacional de Derechos Humanos, Gaceta*, no. 91/9, March 15, 1991.

⁹⁴ As this report goes to print, partial returns indicate that the ruling PRI received over 60 percent of the votes, while the PAN and PRD tallied approximately 18 and eight percent respectively. Miller, Marjorie, "Mexico Election Seen as Blow to Pluralism," *Los Angeles Times*, August 23, 1991. While charges of fraud again plague the electoral process, violence fortunately has been minimal. Americas Watch will remain attentive to the issue of election-related violence, as electoral tensions in Mexico often do not erupt until well after elections take place.

⁹⁵ Rice, John, "Mexican Opposition Leader Complains of Voting

political opposition figures, complained that they never received their new voting credentials.

In addition, the new election law provisions that make tampering with elections a crime should be strictly enforced. Those who conspire to interfere with free and fair elections -- no matter how high up the government ladder they are -- should be prosecuted and punished. Americas Watch was encouraged by the Federal Attorney General's announcement at the end of July that of the 36 complaints of election-related violations it had received, 20 persons had been arrested.⁹⁶ This is a trend that should be continued.

The government also should guarantee that the rights of freedom of expression and association of opposition party members are protected before, during, and after elections. In quelling post-election disturbances, police and government officials should exhaust all non-violent solutions before resorting to force and should use the least violent measures possible.

Irregularities, *Associated Press*, July 2, 1991.

⁹⁶ Another 11 suspects were believed to have fled the country. Salanueva Camargo, Pascual, "Prófugos en EU, 11 acusados de delitos electorales: PGR," *La Jornada*, July 31, 1991.

RURAL VIOLENCE

A year ago, Americas Watch reported on the unrelenting problem of rural violence in Mexico which plagues the country's poorest -- who are often indigenous -- people.⁹⁷ Often the official response to attacks ordered and carried out by local landowners and their gunmen is inaction. In some cases, state and local police participate in violent assaults and evictions against peasants using means that are vastly disproportionate to the ends they seek to achieve.

In our 1990 report, we directed attention to two illustrative examples of rural violence in Mexico. In one case -- **Embocadero, Veracruz** -- the situation has improved. The Nahuatl farmers of this remote indigenous community in the Huasteca region of northern Veracruz have long lived in tense co-existence with mestizo landowners. In recent years, violence between members of the community, who sought to exercise their right to land redistribution guaranteed by the Mexican constitution, and gunmen hired by a local *cacique* (a landowner or other rural power boss with considerable economic and political clout) has resulted in many deaths and unjustified arrests. During the month of November 1989, Sóximo Hernandez and nine other men from Embocadero -- all of whom were slated to benefit from a land reform program announced a few months before by the Agrarian Reform Ministry -- were arrested and tortured into "confessing" to the 1984 murder of Eloy Centeno Cordero, a local *cacique*.

In June 1990, Peter H. Kooijmans, Special Rapporteur on Torture for the United Nations Commission on Human Rights, requested that the government of Mexico provide information regarding their torture. The CNDH took up the investigation and on November 29, 1990, issued a recommendation that called on Veracruz Governor Dante Delgado Rannau and the president of the Superior Tribunal of Justice in Veracruz "to undertake an exhaustive investigation of the facts, determining the degree of

⁹⁷ Americas Watch, *A Policy of Impunity*, pp. 53-65.

responsibility of the public servants who participated in them, and removing from their posts and arraigning those who did not fully comply with their duties; to serve arrest warrants against the criminals who cause violence in the area; to examine the propriety of dismissing criminal actions brought against those accused indigenous persons who are manifestly innocent; to determine the degree of civil and criminal responsibility of, and sanction in accordance with the law, the Judge of First Instance of the Judicial Party of Huayacocotla."⁹⁸ Six months later, the CNDH reported that the recommendation had been accepted and partially completed.⁹⁹

In February 1991, Rosario Huerta, a lawyer for members of the indigenous community, told an Americas Watch representative that all the men falsely accused of responsibility in the Centeno killings had been freed. She further reported that the land redistribution sought by members of the community had been realized. She expressed concern, however, that those elements of the recommendation calling for an investigation of human rights abuses by public servants had not been carried out.

In addition, she reported that five peasants arrested for a series of killings that occurred in neighboring San Gregorio on April 25, 1987 were still in jail despite the CNDH's finding that they were innocent. Three of the men have since been freed. Two others have exhausted all legal remedies for their freedom; members of the community and human rights groups have petitioned the State Legislature to pardon them.

The situation in **Chiapas** -- the other example in our 1990 report -- has not improved. There have been numerous new reports of evictions and other incidents of rural violence in the past year. In April 1990, 600 police, a local landowner, and his hired gunmen (*pistoleros*) swept unannounced into the Chiapa de Corzo communities of Paso Achiote, Emiliano Zapata, and Union y Progreso in the pre-

⁹⁸ CNDH, *First Biannual Report*, p. 22.

⁹⁹ CNDH, *Segundo Informe Semestral*, p. 18.

dawn hours and forcibly evicted families without giving them time to gather together their personal possessions. Many community members were beaten, others were arrested without warrants. Many sought refuge in shelters in other parts of the state. Residents of Emiliano Zapata and Paso Achiote eventually returned to their homes. Members of the Paso Achiote community, which has been in existence for eight years, were granted possession of their lands by government authorities.¹⁰⁰

Notwithstanding their ownership of the land, on April 12, 1991, public security and judicial police with helicopters, together with local landowners and their *pistoleros*, again drove Paso Achiote and neighboring Emiliano Zapata II residents from their homes. According to press reports, nine persons were detained and 400 were evicted.¹⁰¹ Residents were allowed to return to their homes on April 19, but seven community members are still incarcerated in Cerro Hueco prison in Tuxtla Gutiérrez, Chiapas.

Peasants from other parts of Chiapas have suffered similar assaults. According to the respected church-affiliated Fray Bartolome de las Casas Human Rights Center, on February 16 peasants from Las Alpes ranch were evicted from their homes by 500 judicial and public security police who were led by members of a local landowning family and their *pistoleros*. The Human Rights Center has demanded the release of 22 peasants who were arrested during and after the raid on charges it says were fabricated and whose declarations it denounced as having been "taken under psychological pressure."¹⁰²

¹⁰⁰ Centro de Derechos Humanos "Fray Bartolomé de las Casas," Letter, April 13, 1991.

¹⁰¹ Rojas, Rosa, "Desalojo de campesinos en Chiapas; nueve detenidos," *La Jornada*, April 14, 1991; "Desalojaron a 400 Labriegos en Chiapas," *Excelsior*, April 13, 1991.

¹⁰² Rojas, Rosa, "Demandan liberar a 22 campesinos chiapanecos," *La Jornada*, March 16, 1991.

FREEDOM OF ASSOCIATION AND VIOLATIONS OF THE HUMAN RIGHTS OF WORKERS

Mexico's labor laws and constitution protect workers' rights on paper. In practice, however, the right of organized workers to associate freely is circumscribed. A significant impediment to the exercise of unionists' right to free association is the domination of the ruling Institutional Revolutionary Party (PRI) over the trade union movement, chiefly through the PRI-affiliated Confederation of Mexican Workers (CTM). The U.S. Department of State's *Country Reports on Human Rights Practices for 1990* refers to a "symbiotic relationship" between this official union and the government which "limits the freedom of action of unions."¹⁰³

Most unionized Mexican workers are unable to exercise freedom of association as membership in the PRI is required to belong to most unions, and thus is a prerequisite for employment. Leadership in unions is rarely contested through elections. Even when elections are permitted and reform leadership is chosen, the government's Boards of Conciliation and Arbitration and the Secretary of Labor frequently refuse to accept the results and instead recognize union officials selected by the PRI or its affiliates.

Of particular concern to Americas Watch is the government's failure to prosecute those involved in violence against labor activists involved in disputes over workers' rights. For example, on January 8, 1990, 200 to 300 men armed with clubs and firearms attacked **Ford Motor Company workers** inside the factory in Cuautitlán, in the state of Mexico. Nine workers suffered gunshot wounds and one, Cleto Nigmo Urbina, died. Other workers were injured.¹⁰⁴ Between eight and twelve persons were arrested for the attack, but those who were not released earlier

¹⁰³ U.S. Department of State, *Country Reports on Human Rights Practices for 1990*, Washington, D.C.: U.S. Government Printing Office, February 1991, p. 697.

¹⁰⁴ Americas Watch, *A Policy of Impunity*, pp. 67-72.

were freed on bond in December after the charges against them were reduced.¹⁰⁵ A thorough investigation of the violence against the Ford workers does not appear to be forthcoming.

In another case, **Julio Macossay**, a lawyer in Yucatán, was detained for two months and later attacked, for assisting workers to organize an independent union at the Fernández poultry farms. He was imprisoned from April 2 to May 30, 1990, when he was released together with four independent union activists from Fernández farms. Their release came four days after Macossay and two other representatives of the workers, representatives of the poultry farm, and government officials signed an agreement according to which charges against the five were dropped, the independent union was disbanded, Macossay ceased to act as legal counsel to the Fernández farm workers, and all independent union members were fired.

On August 8, 1990, Macossay was attacked by two unknown men, one of whom threatened him, saying "Macossay, Macossay, leave Yucatán or we are going to kill you." His assailants then beat him with a lead pipe, causing Macossay to fall to the ground and nearly lose consciousness. No one has been arrested for this assault.

On April 29, 1991, **Braulio Aguilar Reyes**, 23, was abducted and beaten in Mexico City by Federal District Judicial Police agents, presumably as a reprisal for his and his brother's advocacy of labor rights. Aguilar Reyes, a recently fired oilworker involved in a labor dispute, and his sister were driving at approximately 7:00 a.m. when a taxi cut them off, forcing them to stop. Two armed men descended from a beige Ford Bronco that had been traveling behind them and intervened in an argument between Braulio and the taxi driver, who fled. Braulio's sister offered to go to her brother's home to retrieve documents the armed men requested. When she returned, neither her brother, nor the men, were there.¹⁰⁶

¹⁰⁵ Andrade, Luis Alfredo, "Libres bajo fianza, Uribe y otros diez acusados de agredir a obreros de Ford," *El Universal*, December 27, 1990.

¹⁰⁶ Mexican Commission for the Defense and Promotion of Human Rights,

Aguilar Reyes was detained incommunicado for 40 hours by Federal District Judicial Police, during which time he was physically and mentally tortured by several police officers and questioned about his and his brother's labor rights activities. He was returned to his family close to midnight on April 30, apparently by order of then Federal District Attorney General Ignacio Morales Lechuga. He was immediately taken to a PEMEX (the Mexican oil company) hospital, where he was treated for serious injuries he received at the hands of the police.

Aguilar Reyes's brother, Gustavo, is a leader in the movement of fired workers of PEMEX's refinery in Mexico City, which was shut down on March 18, ostensibly to reduce air pollution. Hundreds of workers lost their jobs and have demanded severance pay. Leocadio Mendoza Olivera and Carlos Romero Deschaps, both officers of section 35 of the oilworkers union (*Sindicato de Trabajadores Petroleros de la República Mexicana*), threatened Gustavo: "The government knows about you and you have to be attentive to the consequences [of your labor activism]."¹⁰⁷

Two Federal District Judicial Police agents identified by Aguilar Reyes, Héctor Palestino Romero and Gregorio Pérez Ruiz, were detained for their suspected participation in the victim's abduction and beating. They have been charged with abuse of authority and causing injury, but not with torture. Mexican human rights monitors fear that the apparent political motive of the crime -- intimidation of a labor activist -- may not be investigated fully, and that the persons who ordered it will go unpunished.

Acts of violence and intimidation like these not only suppress legitimate labor actions, they inhibit freedom of association and the valid exercise of labor rights by workers throughout the country.

"Urgent Appeal," April 30, 1991.

¹⁰⁷ Calderón Gómez, Judith, "Identifica ex obrero de Pemex a judiciales que lo agredieron," *La Jornada*, May 6, 1991.

INTIMIDATION OF HUMAN RIGHTS MONITORS AND JOURNALISTS

Workers rights advocates are not the only ones subjected to intimidation tactics by police or private individuals with links to the government. Human rights monitors, family members of victims of human rights abuses, and journalists have received similar treatment.

Americas Watch is especially concerned about threats and other human rights abuses suffered by human rights monitors in Mexico. In June 1990, **Victor Clark Alfaro**, director of the non-governmental Tijuana-based Binational Human Rights Center, received several threats on his telephone answering machine after his organization published a report claiming that children detained in a juvenile detention facility in Tijuana had been tortured by State and Federal Judicial Police. One message warned him: "You are running into the horses' hooves. Stop meddling or else."

On July 22, 1990, **Father Marcelo Rotsaert**, a Belgian priest and activist on behalf of Guatemalan refugees in Chiapas, was detained by agents of the State Judicial Police who went to Rotsaert's residence on the pretext of asking him to assist a sick person. His car was intercepted en route by police vehicles (one bearing the sign of the Ministry of Government) and he was escorted to the state Attorney General's office in Tuxtla Gutiérrez, Chiapas. During several hours of incommunicado detention, Rotsaert was questioned about his human rights activities and accused of leading land occupations by inhabitants of the region. His immigration papers were confiscated and, on July 31, 1990, he was ordered deported. At an August 9, 1990 meeting with CNDH representatives in Mexico City, Americas Watch expressed its concern that Rotsaert's expulsion had been carried out without giving him a chance to be heard. CNDH president Carpizo replied that the CNDH could not intervene in the case because article 33 of the Mexican constitution clearly allows for the deportation of foreigners. Americas Watch believes that international law requires a minimum of due process to be afforded to non-

nationals before they can be deported.

In September 1990, the CNDH issued a recommendation in the case of Jesús Manuel Martínez Ruiz, who was detained and murdered by Tabasco State Judicial Police in September 1989.¹⁰⁸ The CNDH, echoing the demands of independent human rights groups, called on Tabasco Governor Salvador Neme Castillo to guarantee the physical integrity of members of Martínez Ruiz's family who feared police reprisal for denouncing his torture and murder. Notwithstanding the CNDH recommendation, **Ana María Martínez Ruiz**, Jesús Manuel's sister, was approached on October 10, 1990 by two men who threatened that if she continued to seek justice in her brother's case, the police "could kill [her] when [things] calmed down." She also claimed that "two state judicial police vehicles attempted to run [her] down."¹⁰⁹ Members of the non-governmental Tabasco Human Rights Committee were terrorized with similar threats.

On October 20, offices of the **Durango section of the Mexican Bar Association** were shot at, as were the law offices of a member of the Bar Association. The attacks came after an October 19 rally in Durango to protest torture and Federal Judicial Police misconduct, and to demand a solution of the torture and death of Pedro Yescas Martínez (see above, p. 16).¹¹⁰

In its December 1990 and June 1991 reports, the CNDH described its program to investigate attacks against journalists. Mexico's Union of Democratic Journalists denounced to the CNDH 54 cases of human rights abuses against journalists, of which the CNDH agreed to pursue 42:

¹⁰⁸ CNDH Recommendation No. 14/90, September 24, 1990. The recommendation also referred to the case of Julio César Márquez Valenzuela, who was detained and tortured along with Martínez Ruiz but subsequently release. For more information about the case, see Americas Watch, *A Policy of Impunity*, pp. 19-20.

¹⁰⁹ "Amenazan de muerte a la hermana del asesinado por la PJ en Tabasco," *La Jornada*, October 12, 1990.

¹¹⁰ Reséndiz, Jesús, "Balearon la sede de la Barra Mexicana de Abogados en Durango," *La Jornada*, October 22, 1990.

35 journalists who were murdered between 1983 and 1989, one journalist who was kidnapped, and six journalists who were injured or had received threats.¹¹¹ While the program is much needed, to date its results have been disappointing: in only three cases are the presumed responsible parties behind bars and even in those cases the CNDH recognizes that others responsible for the crimes may remain unidentified.¹¹² The CNDH reported that other roadblocks were placed before it in its investigation, including the failure of state government officials to execute warrants and no or insufficient responses to its requests for information.¹¹³

In addition to the murder of Chihuahua journalist Víctor Manuel Oropeza, discussed above, other journalists have been victims of human rights abuses during the past year. On June 6, 1990, **Alfredo Córdova Solórzano**, editor of the Tapachula, Chiapas daily *Uno Más Dos* and a correspondent for *Excelsior* and *La República* in Chiapas, was shot at his home by three men. He died three days later.¹¹⁴ Before his death, Córdova wrote articles denouncing powerful local families for involvement in the drug trade. Police were reported to have harassed journalists reporting on his death in the weeks that followed.¹¹⁵ The Chiapas Attorney General's office announced in April 1991 that two men were arrested for their supposed participation in Córdova Solórzano's murder.¹¹⁶ The Fray Bartolomé de las Casas Human Rights Center has charged that the two -- one of whom is a minor -- were brutally tortured to force them to confess to the crime.

¹¹¹ CNDH, *First Biannual Report*, p. 37.

¹¹² CNDH, *Segundo Informe Semestral*, pp. 69-70.

¹¹³ *Ibid.*

¹¹⁴ International PEN, Writers in Prison Committee, "Writers and Journalists Reported Kidnapped, Imprisoned, Banned, Under House Arrest or Town Arrest, or Awaiting Trial," September 1990, p. 37; Committee to Protect Journalists, *CPJ Update*, No. 39, August 1990, p. 13.

¹¹⁵ *CPJ Update*.

¹¹⁶ Rodríguez, Candelaria, "Detienen a presuntos homicidas de un periodista chiapaneco," *La Jornada*, April 19, 1991.

On March 18, 1991, the CNDH recommended to then Attorney General Alvarez del Castillo that journalist **Jorge Enrique Toledo Coutiño** be unconditionally released from jail in Chiapas, where he had been held since May 1990 on trumped-up drug charges.¹¹⁷ In an October 1989 article in Toledo's newspaper, *El Día*, he complained of a beating his father had received at the hands of the Federal Judicial Police. As a result, Toledo became the target of what the CNDH termed "a series of acts of persecution and harassment." Toledo suffered the increasing wrath of the Federal Judicial Police as he countered their assaults by seeking legal redress and publishing articles denouncing Federal Judicial Police misconduct. The attacks against Toledo snowballed until he was jailed and *El Día* was shut down without judicial order.¹¹⁸ On April 5, 1991, the building and equipment of *El Día* were legally returned to Toledo.¹¹⁹ He was not released from jail, however, until May 16 -- nearly a year after being wrongly imprisoned.¹²⁰

Death threats against journalists also have been a serious concern. In the most publicized case, leading political pundit, journalist, and board member of the non-governmental Mexican Commission for the Defense and Promotion of Human Rights, **Jorge Castañeda Gutman**, received indirect death threats through his secretary **Mariana Rodríguez Villegas**, who was terrorized by a man with a gun on a Mexico City street on June 15, 1990. Her assailant demanded to know the whereabouts of Castañeda's family. Three other men in a car joined in the intimidation effort

¹¹⁷ CNDH Recommendation No. 17/91, March 19, 1991.

¹¹⁸ According to the CNDH, Toledo was falsely accused, arrested without a warrant, and physically coerced into signing a statement; in November 1989 he was detained by Federal Judicial Police in an airport, stripped, and threatened; the evidence used to indict him was a confession extracted by torture; and there were serious inconsistencies in other evidence prosecutors presented against him.

¹¹⁹ Chanona, Jorge O., "Reintegran maquinaria y equipo al dueño del periódico *El Día*," *El Nacional*, April 6, 1991.

¹²⁰ Rodríguez, Candelaria, "Excarcelado, el periodista Toledo Coutiño, en Chiapas," *La Jornada*, May 17, 1991.

and ordered Rodríguez to tell Castañeda that he would be killed if he continued his work. At one point, the gun was placed to Rodríguez's head. On June 18, Rodríguez tentatively identified one of the assailants, an agent of the Federal District Judicial Police, in a police photograph. She was subsequently stopped on the street a second time and threatened with death if she continued to cooperate in the investigation.

The attack on Rodríguez prompted President Salinas to telephone Castañeda from Tokyo to express his concern. In February 1991, *Unomasuno*, a Mexico City daily, published an anonymous letter from an undisclosed government communications office which attempted to discredit the assault on Rodríguez. Castañeda replied in a column in *Proceso* that he believed the document was an element of a new "mini-press campaign" against him following a November 1990 letter he co-signed urging the President of the Mexican House of Deputies to adopt a different approach to free trade than that proposed by President Salinas.

In late June 1990, **Rodolfo F. Peña**, a reporter for the Mexico City daily *La Jornada* who regularly covers human rights and labor rights issues, received anonymous telephone and written death threats. Prior to the threats, Peña had received insulting telephone calls that alluded to articles he had written.¹²¹ Peña told Americas Watch representatives in February 1991 that because of the threats he still required the services of a bodyguard.¹²²

¹²¹ "Amenazan de muerte a Rodolfo F. Peña," *La Jornada*, July 3, 1990.

¹²² For other accounts of threats and assaults of Mexican journalists see Benítez, José Manuel, "Protestan periodistas guerrerenses por las amenazas de una diputada," *La Jornada*, February 1, 1991; Schultz, Miguel Angel, "Violenta ocupación de un aserradero en la Sierra Juárez," *La Jornada*, April 19, 1991; "Amenazan al corresponsal de La Jornada en Morelos," *La Jornada*, May 16, 1991.

U.S. POLICY

Critics in Mexico have argued that the human rights reforms are little more than a public relations ploy by President Salinas de Gortari to advance his goal of winning a United States-Mexico free trade agreement. If so, the Bush administration has allowed itself to be seduced. At joint hearings on September 12, 1990 before the House of Representatives Subcommittee on Western Hemisphere Affairs and Subcommittee on Human Rights and International Organizations, Deputy Assistant Secretary of State for Inter-American Affairs Sally Groomes-Cowal declined to say more than that the human rights situation in Mexico is "less than perfect." At the end of January 1991, Assistant Secretary of State for Human Rights and Humanitarian Affairs Richard Shifter made his first official visit to Mexico. After his return, he reported to an Americas Watch representative that he was "very, very positive" about human rights reforms there. Yet during his brief visit, he never left Mexico City, nor did he hold substantive meetings with representatives of any Mexican non-governmental human rights organizations.

These attitudes -- in the face of grim evidence to the contrary reported not only by non-governmental organizations but in the State Department's *Country Reports on Human Rights Practices for 1990* -- underscore the Bush administration's determination not to allow human rights abuses in Mexico to interfere with its key policy objectives: the signing of a North American Free Trade Agreement, and the strengthening of Mexico's drug-interdiction capabilities.

Negotiations for a North American Free Trade Agreement (NAFTA) are proceeding without any publicly acknowledged discussion about human rights conditions on either side of the United States-Mexico border. Both the U.S. and Mexican administrations have pressured their respective legislative branches of government for permission to negotiate the treaty as quickly as possible and both insist that only tariff and trade issues be placed

on the table.¹²³ Subjects such as human rights, labor rights, and other social issues are explicitly excluded.

While Americas Watch takes no position on the NAFTA, we are disappointed that both governments are ignoring this extraordinary opportunity for bilateral cooperation to focus attention on and assist Mexico in bringing about an end to human rights abuses. The failure of the Bush administration to insist on human rights improvements in Mexico before opening its borders to free trade is surprising since, according to the State Department, Americans frequently fall prey to police abuse there.¹²⁴ But so too is the Mexican government's failure to raise the issue since it has presented numerous diplomatic notes regarding the abuse of Mexican nationals by the U.S.

¹²³ On May 23 and 24, 1991, the U.S. House of Representatives and Senate renewed the administration's authority to negotiate trade agreements on a "fast track." Under fast track authority, the Congress abrogates its right to amend the terms of the treaty when it is submitted for ratification; it preserves only the right to approve or disapprove it as submitted. To keep fast track authority, the Bush administration promised Members of Congress who were concerned that the NAFTA would not contain environmental protection provisions that bilateral talks on the environment would be held alongside the NAFTA negotiations. In addition, on May 3, U.S. Labor Secretary Lynn Martin and her Mexican counterpart Arsenio Farell Cubillas signed a memorandum of understanding designed to calm Members of Congress who were concerned that the negotiations would not address labor rights and other issues of concern to organized labor. Under the memorandum Mexico will strengthen its child labor laws and enforcement of its worker safety laws. The memorandum also promises bilateral exchanges of information on health and safety, working conditions, labor standards enforcement, social security, product quality, and worker productivity.

¹²⁴ The State Department reported in its *Country Reports on Human Rights Practices for 1990* (p. 688) that: "All U.S. Consulates reported cases of abuse of U.S. citizens in 1990. A significant number of detainees alleged they were abused and tortured by law enforcement (and occasionally military) authorities, most often to obtain an admission of guilt. Overall there have been 97 complaints of police abuse by U.S. citizens (through the month of September), an increase of 5 over the same period in 1989. In the majority of cases where victims have been able to identify those involved, [Mexican Federal Judicial Police] agents have been implicated. The U.S. Government formally protested some 60 cases of alleged torture through diplomatic channels, but the Secretariat of Foreign Relations has not confirmed any wrongdoing by Mexican police or officials."

Immigration and Naturalization Service and other government agencies without receiving satisfactory responses.¹²⁵ Americas Watch calls on both governments to use the historic opportunity presented by the free trade negotiations to fulfill their obligations under the United Nations Charter to work together to promote respect for and observance of human rights in both countries.¹²⁶

In the anti-narcotics area, the United States has failed to insist that its interest in stopping drug trafficking includes an interest in ensuring that international human rights standards are strictly observed. To the contrary, the Bush administration has shown annoyance when reforms introduced by Mexico to curb rights abuses have slowed the course of anti-narcotics investigations. According to one high-level Mexican government official, the Bush administration was bitter about the removal of Javier Coello Trejo as head of the Federal Judicial Police's brutal anti-narcotics division because the administration had hailed him as a great warrior in the international effort to stop drug trafficking. Soon after Coello Trejo's transfer to another government post, a U.S. official was quoted in the *Los Angeles Times* as saying:

I think the human rights policy is going to diminish [the Mexican police's] effectiveness at the street level, but not at the program level.... You have to treat [suspects] like you do in the United States now, which means they have all the leeway in the world to say nothing. Investigations will go more slowly.¹²⁷

¹²⁵ Government of Mexico, "Legal Defense and Legal Advice to Mexicans Abroad: Cases Addressed through Diplomatic Notes," November 1, 1990. Among the cases presented have been a number of shootings of minors that have resulted in death or permanent injury.

¹²⁶ United Nations Charter, 59 Stat. 1031, T.S. No. 993, entered into force Oct. 24, 1945, Articles 55 and 56.

¹²⁷ Miller, Marjorie, "Mexico Has New General in the War on Narcotics," *Los Angeles Times*, November 13, 1990.

On May 3, 1991, the United States and Mexico formally ratified a law enforcement accord, known as the Mutual Legal Assistance Treaty (MLAT). The treaty's purpose is to help law enforcement personnel in the two countries prosecute cross-border criminal cases such as drug trafficking and auto theft.¹²⁸ Under the treaty, the two countries will assist each other gather evidence that can be used to obtain criminal convictions. The MLAT also establishes a direct line of communication between the Attorneys General of the two countries.¹²⁹ Americas Watch urges the Bush administration to use this direct link to press Mexico's Attorney General to end abuses by the Federal Judicial Police, for which he has direct responsibility, and to take other steps to improve human rights conditions in Mexico.

For fiscal year 1991 the United States has appropriated to Mexico \$18.3 million in International Narcotics Control funds for Mexico; the State Department has requested that \$26 million be appropriated for fiscal year 1992. These funds, in effect, are direct aid to the Federal Judicial Police's abusive anti-narcotics division. The administration also provided \$400,000 in International Military Education and Training (IMET) assistance to the Mexican military in fiscal year 1991, and is seeking \$430,000 for fiscal year 1992. These funds are primarily intended to train the Mexican military to operate more effectively in the anti-narcotics arena. The administration's request for International Narcotics Control and IMET funds was presented with no mention of the unrelenting and extremely serious human rights abuses committed by the Federal Judicial Police and other police and security personnel charged with stopping narcotics trafficking. At a hearing in March 1991 before the House Subcommittee on Western Hemisphere Affairs, Assistant Secretary of State for Inter-American Affairs Bernard Aronson testified that "[U.S.-Mexican] cooperation in the war against drugs has never been better."¹³⁰ When asked

¹²⁸ Gedda, George, "Two Countries Sign Legal Assistance Treaty," *Associated Press*, May 3, 1991.

¹²⁹ *Ibid.*

¹³⁰ "Prepared Statement of Bernard W. Aronson, Assistant Secretary of

about human rights in Mexico, Aronson commended President Salinas for the positive steps he had taken. In a similar hearing on April 18 before the Senate Subcommittee on Western Hemisphere and Peace Corps Affairs, at which Aronson again testified, he did not broach the topic.

The Bush administration's willingness to ignore human rights abuses committed in the name of drug interdiction inevitably implicates the United States in those abuses. The drug interdiction effort is widely seen in Mexico (and throughout Latin America) as one in which the United States has a very large stake. The United States must make it crystal clear that all police and security forces engaged in preventing drug trafficking must adhere strictly to international human rights norms. To that end, the United States should stop funding any police or security agency -- including Mexico's Federal Judicial Police -- that does not unequivocally prevent and punish human rights abuses by its officers.

State, Bureau of Inter-American Affairs, Before the Subcommittee on Western Hemisphere Affairs, House Committee on Foreign Affairs, House of Representatives, March 5, 1991."

CONCLUSION

Despite President Salinas' continued pledges to end human rights abuses and impunity for those who commit them, the human rights situation in Mexico does not seem to be any better now than it was a year ago: the volume and severity of reported abuses, and in a few of the cases, even the identity of the police officers responsible, remain unchanged. It may be that one year is too short a time to assess the effectiveness of the reforms that have been introduced, yet so far most have missed their mark. Some of the reforms -- including the new laws and the reorganization of the Federal Judicial Police -- seem more like window dressing to divert attention from the abuses they conceal, than effective mechanisms for providing greater human rights protections for Mexico's people. Other reforms, most notably the establishment of the CNDH, are effective within the limits of their mandates, but need to be strengthened if they are to realize their potential to prevent and punish abuses.

Human rights violations in Mexico will not stop until the institutions of abuse are dismantled. Those responsible must understand that their behavior is criminal and will not be tolerated under any circumstances. Those who commit abuses, and their superiors, must believe that they will be charged, tried, and punished to the full extent of the law. Past abuses must be scrupulously investigated, perpetrators must be brought to justice, and victims must be justly compensated. Agencies that have demonstrated their commitment to achieving these goals, such as the CNDH, should be given greater authority to be an effective force in combatting abuses. Only when President Salinas' expressions of concern about human rights abuses in Mexico are replaced by effective measures to combat them will the human rights situation there improve.