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Washington, October 26, 1993

President Bill Clinton  
The White House  
Washington, DC

Dear President Clinton:

In a matter of weeks, the U.S. Congress will vote on the North American Free Trade Agreement (NAFTA). One question many members of Congress are asking is whether the agreement will promote fundamental human rights and respect for the rule of law in Mexico. NAFTA and the supplemental agreements do not address these issues.

As a non-partisan, non-governmental organization dedicated to the promotion and defense of human rights throughout the world, we are dismayed that your administration and the Bush Administration have failed to take full advantage of the opportunity posed by the NAFTA negotiations to help Mexico's people achieve badly needed human rights reforms. It is not too late. We urge you to call immediately for a meeting of the heads of government of Canada, Mexico and the United States to discuss human rights throughout the region and to take concrete steps to advance their protection.

Your administration has championed NAFTA as crucial to achieving enhanced economic prosperity and cooperation throughout the region. While we take no position for or against NAFTA's approval, we strongly believe that sustainable development can only be built on a foundation of respect for human rights and the principles of democracy and the rule of law. If Mexico is going to reap the full benefits of free trade, it must have a vibrant, unfettered civil society able to participate freely and effectively in the nation's political life, monitor and criticize government actions without fear of intimidation or reprisal, and hold its public officials accountable.

Unfortunately, Mexicans still endure serious human rights violations. Over the past four years, Human Rights Watch/Americas Watch and other human rights organizations have documented a consistent pattern of torture and due process abuses in a criminal justice system laced with corruption; electoral fraud and election-related violence; harassment, intimidation and even violence against independent journalists, human rights monitors, environmentalists, workers, peasants and indigenous peoples when they seek to exercise their rights to freedom of expression and assembly; and impunity for those who violate fundamental rights.

While the Salinas Administration has taken steps to reduce human rights violations, the fundamental pattern of abusive authoritarian conduct and impunity remain.

As the attached Americas Watch briefing paper on the *Intimidation of Activists in Mexico* shows, interference with core political rights -- freedom of expression, association, assembly and the right to vote - - remains endemic. Moreover, little has been done to facilitate Mexico's long awaited and much hoped for transition to democracy. The Mexican government remains intolerant of public criticism and determined to suppress -- through devious or overtly brutal means -- challenges to its policies.

Most importantly, the Mexican government under President Salinas, as under his predecessors, refuses to permit real threats to the domination of the Partido Revolucionario Institucional (PRI), which since 1929 has maintained a stranglehold on the nation's political life. In response to mounting domestic pressure and international publicity about election manipulation and fraud, President Salinas secured changes to election procedures. But these were carefully designed to leave intact the PRI's entrenched monopoly on political power and its role as the government's alter ego. Public officials in Mexico are still invulnerable to the will of the electorate.

As the European Community realized when it began the process of relaxing trade barriers and building a regional economy, the successful integration of their national economies required a shared commitment to democratic practices and respect for fundamental rights. Similarly, respect for democracy and human rights must be the foundation on which integrated North American development is built. If NAFTA becomes the model for expanding free trade with other nations in the hemisphere, it is all the more important that the United States affirm the centrality of human rights and democratic governance to closer economic relations.

A meeting of the heads of government of Mexico, Canada and the United States to address human rights would be an important step toward affirming shared values of respect for human dignity and fundamental rights. The United States should insist that Mexico undertake the reforms needed to ensure human rights protections and political accountability. We believe Mexico must:

- ◆ commit to investigate fully, prosecute, and punish anyone who engages in or is responsible for human rights abuses, even if doing so exposes corruption or other misconduct at the highest levels of government;
- ◆ provide absolute guarantees for the protection of political rights for all governmental critics and opponents;
- ◆ make it legally possible for aggrieved individuals to apply meaningfully to independent and impartial courts for redress when their political rights, including their rights to participate in elections, are violated;
- ◆ ensure free and fair elections in 1994 and all future elections by granting all political parties equal access to campaign financing, the media, and the use of the national colors; permitting professional, independent and impartial election observers to monitor elections and have full access to all election machinery including computers; barring the military from putting on displays of force on election day that deter voters from going to the polls; and establishing an independent, impartial electoral commission in which no political party or alliance of parties dominates and the Minister of Government plays no role.

The three countries also should discuss U.S. violations of basic rights within its borders, particularly abuses against persons suspected of illegal immigration across the Southwest border. In the past 18 months Human Rights Watch has focused particular attention on human rights violations by the U.S. Border Patrol.

See Americas Watch, "Brutality Unchecked: Human Rights Abuses Along the U.S. Border with Mexico," (May 1992) and "Frontier Injustice: Human Rights Abuses Along the U.S. Border with Mexico Persist Amid Climate of Impunity," (May 13, 1993). Our reports include extensive and detailed recommendations on steps the United States must take to improve human rights conditions along the border, which should be discussed at the summit.

Finally we urge the United States, along with Mexico and Canada, to commit itself at this meeting to full acceptance of international machinery capable of ensuring that victims of rights abuses have an impartial forum for seeking redress. All three governments should ratify the American Convention on Human Rights, and should agree to be bound by decisions of the Inter-American Court of Human Rights, the judicial body of the Organization of American States. Accepting the Inter-American Court's jurisdiction would provide victims of rights abuses in all three countries with impartial, independent legal machinery to which they could apply when domestic remedies to correct human rights abuses are lacking.

Human Rights Watch urges your administration not to squander the opportunity provided by the profound restructuring of economic relations between the countries of North America to promote human rights reforms and democracy. The United States needs to demonstrate unequivocally its recognition that increased trade and investment between nations must go hand in hand with increased commitments to human rights and democracy. A tri-national meeting will support the quest of peoples throughout the hemisphere for sustainable development built on the principles of human dignity, freedom and fundamental rights.

Sincerely yours,

Juan E. Méndez  
Executive Director

# BRIEFING PAPER ON THE INTIMIDATION OF ACTIVISTS IN MEXICO

## Introduction

Violations of core political rights — freedom of expression, freedom of association, freedom of assembly, and the right to vote — are a pervasive problem in Mexico. One of the principal manifestations of this lack of political rights in Mexico is the government's intolerance of public criticism of its policies and practices. This unwillingness to accept opposing views is directly related to the determination of the Institutional Revolutionary Party (PRI), which since 1929 has been the controlling political party in Mexico and functions as the government's alter ego, to maintain its stranglehold on power. While the PRI represents individuals of widely diverging views, loyalty is rewarded and dissent is tolerated only to the extent that it occurs away from the public eye. Individuals who publicly challenge the government or the PRI face an array of tactics designed to bring them into line or immobilize them.

Typically, the government tries to woo independent activists with incentives including government jobs, lucrative consulting opportunities, or promises of government action in one area in exchange for silence about another. Those who refuse to conform or be silent may be subjected to threats and other forms of harassment. A wide repertoire of instruments of intimidation are used including wiretaps, having activists or their advisors followed, "friendly warnings" from government officials, and anonymous death threats. Stubborn activists may be jailed, often on dubious charges, or in extreme cases subjected to physical violence or killed.

Since the inauguration of President Salinas, civil society in Mexico has burgeoned, encouraged by Cuauhtémoc Cárdenas' near success, amid widespread allegations of fraud, in challenging the previously indomitable PRI in the 1988 presidential elections. The political awakening quickly moved beyond federal electoral politics. The Revolutionary Democratic Party (PRD), the political party formed by Cárdenas' supporters, and the National Action Party (PAN), Mexico's oldest major opposition party, seriously began to challenge PRI candidates in state and local elections. Both parties outspokenly condemned electoral fraud, election-related violence, and associated human rights abuses. Many human rights, labor, peasant, environmental, and other social groups were formed or took advantage of the opening wedged by the political parties to expand their operations.

Although the climate for nongovernmental organizations has improved since President Salinas' inauguration and Mexicans have had more opportunities to participate independently in public affairs, that expanded activism has been heavily taxed. Activists report a wide range of incidents of "cloaked repression" of the types described above.

In this briefing we examine the ways that the Mexican government and the PRI have guarded their lock on power through interference with core political rights. We take as examples six categories of critics or opponents of Mexican government policies that are especially vulnerable to government pressure tactics: human rights monitors, labor organizers, *campesino* (peasant) and indigenous rights activists, environmentalists, journalists, and election observers. Such intimidation is unacceptable under all circumstances and antithetical to fundamental notions of democracy and respect for human rights. If Mexico hopes to be regarded as a human rights respecting nation, it must halt intimidation of governmental opponents, and guarantee permanent respect for political rights including freedom of expression,

association, assembly, and the right to participate in free and fair elections. The recognition of Mexico as a democracy whose government is fully accountable to its electorate requires nothing less.

### **Intimidation of Human Rights Monitors**

When President Salinas took office in December 1988, human rights concerns were not in the limelight as they are today. At that time, there were only a handful of independent, nongovernmental human rights organizations in Mexico; today there are scores of such groups. This expanded independent human rights scrutiny is not attributable to a sudden or dramatic worsening of Mexico's human rights record. Rather, it resulted from a convergence of three forces: the post 1988 political opening carved by the opposition political parties; the new found interest of international nongovernmental human rights organizations that had not previously focused attention on Mexico because other countries in the Americas placed greater demands on their resources; and the Mexican government's determination, in entering into free trade negotiations with the United States and Canada, to ward off potential criticism of its human rights record by those looking for reasons to oppose the trade pact.

To demonstrate that his administration had Mexico's human rights problems in hand, President Salinas created, in 1990, the National Human Rights Commission (CNDH). In just three years the CNDH expanded to become an enormous, constitutionally mandated government bureaucracy with more than 600 staff members and its own building. Moreover, since changes to the Constitution went into effect in January 1992, every state has had to establish its own human rights commission. The CNDH is precluded from examining violations of political and labor rights, and is unable to enforce its recommendations — which all too often are ignored by responsible government agencies. Nonetheless, its hundreds of reports and recommendations about murder, torture, arbitrary detention, mistreatment of prisoners, and due process violations are more than ample proof that Mexico's human rights problems warrant serious attention.

Mexican nongovernmental human rights organizations provide an important check on the CNDH and the state commissions, and fill in the gaps in their mandates. These groups clearly are a source of irritation to the government, but while engaged in free trade negotiations it has avoided appearing heavy handed in dealing with them. The most prominent and internationally-connected nongovernmental human rights groups thus have been able to operate with little open interference, though their impact is sometimes undermined because the government controls major segments of the news media.

But more subtle intimidation tactics are prevalent. Most human rights activists are uncomfortable discussing delicate information over the telephone because they assume their phones are tapped. Many have experienced cuts in telephone service when they were in the middle of particularly sensitive calls or projects. Whether bugging in fact occurs, the government's failure to dispel this concern leads to significant self-censorship. Moreover, in April 1991, the CNDH discovered that its own offices were bugged, which fueled the suspicions of nongovernmental human rights groups. The fact that the government has never identified or sanctioned the person or agency responsible for planting the bugs has sent a message to activists that the government considers clandestine information gathering about human rights groups to be its prerogative.

Many prominent human rights activists admit that they have received "friendly warnings" from acquaintances within the government to back off certain subjects or cases. Others have received peculiar messages on their telephone answering machines that could be interpreted as threats. Some have had their offices, homes, or cars broken into and while nothing of monetary value was stolen, files were taken or other warning signs were left behind. Usually these experiences go unreported because they cannot be proven to be threats and because the government's response when they are reported, if any, is to offer police

protection, which exposes the activist to even closer government scrutiny.

Instead, human rights activists who receive subtle pressure tend to adopt a skittish life style in which they constantly alter their routes to and from work, censor what they say over the phone or to persons they do not know well, and do a lot of worrying. Many have developed a sixth sense about just how much dissent the government will tolerate and, for their own security, confine their public statements and activities to within acceptable parameters.

Occasionally, prominent human rights activists face more serious forms of intimidation which serve as a frightening reminder to human rights monitors throughout the country of the dangers that accompany their work. In October 1992, María Teresa Jardí Alonso, a lawyer and one of Mexico's best known human rights activists, received three anonymous written death threats. Jardí was responsible for exposing human rights abuses as part of the investigation in to the July 1991 murder of Dr. Víctor Manuel Oropeza in Ciudad Juárez, Chihuahua. At the time she was Attorney General Morales Lechuga's human rights staff officer, but quit after it became clear that the government had fabricated evidence against two persons charged with the crime. After receiving the threats, Jardí accepted police protection and the use of an armored car; President Salinas met with her to express his concern and the government launched an investigation though the responsible party was never identified. Jardí now heads the Chihuahua office of the Federal Attorney General's office.

Less well connected activists are more vulnerable to intimidation tactics. Independent human rights activist Víctor Clark Alfaro, Director of the Binational Center for Human Rights (CBDH) in Tijuana, has been subjected to efforts to silence him for several years. In 1990 the CBDH issued a report documenting torture and mistreatment of 75 juveniles detained in Tijuana's juvenile detention facilities.<sup>1</sup> Shortly afterwards, two of the psychologists at the juvenile facility were fired for not informing the facility's director of Clark's true motives for interviewing the children. Clark received several death threats on his telephone answering machine and veiled warnings from Mexican government officials that the CBDH would be closed.

The following year the National Human Rights Commission publicly denounced Clark for not providing it with sources about juveniles who had been tortured. While Clark denied the accuracy of the CNDH's accusations, the CNDH's action was read as a warning by the nongovernmental human rights community: if the sources of sensitive but damning information could not be publicly identified, then publishing the information was taboo.

Clark failed to heed the warning. In April 1993, the CBDH published a report on torture and corruption in the Baja California state judicial police that included cases of 84 persons subjected to torture.<sup>2</sup> The report also alleged that drug traffickers were buying police credentials from corrupt officials. Many of the report's allegations were supported by the findings of the state's own Human Rights Commission. Nonetheless, Sergio Sandoval, the chief of security for the State Attorney General, alleged that Clark had defamed and slandered him, and the public prosecutor filed criminal charges against Clark. For months Clark faced five criminal counts, for each of which he could have been sentenced if convicted to two years in prison or a fine the equivalent of several hundred dollars. Fortunately, on September 23, 1993, an appellate judge

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<sup>1</sup> Centro Binacional de Derechos Humanos, A.C., *Segundo Informe Sobre Derechos Del Menor Torturado: El Caso de Tijuana, B.C. Mexico*, 1990.

<sup>2</sup> Centro Binacional de Derechos Humanos, A.C., "Tortura y Corrupción: Un Mal Endémico (Tijuana, Baja California, Mexico)," 1993.

dismissed the first of the criminal indictments on grounds of insufficient evidence, thereby making it unlikely the other charges will be pressed.

Americas Watch is not in a position to verify the accuracy of the April 1993 report published by the CBDH, but we can attest to the fact that the organization is careful and conscientious in gathering testimony. Accusations of slander, like those leveled against Clark, especially when pressed by a powerful public official, have a chilling effect on the exercise of freedom of expression and are incompatible with the notion of an open society. But the criminal charges were not Clark's greatest worry. In recent months his offices have been broken into, staff members have received telephone death threats, and *madrinas* (free lance police agents) have maintained a watch on his office activities. While he is continuing his work, Clark is constantly preoccupied with the security of those on the CBDH staff and with those state police informants who provided him with the information necessary for compiling his report.

Arturo Solís Gómez, President of the Centro de Estudios Fronterizos y Promoción de los Derechos Humanos, A.C. (CEFPRODHAC) in Tamaulipas has been the focus of a similar intimidation campaign waged by state authorities. Human rights abuses in Tamaulipas, which borders southern Texas, have long been of serious concern. Many of those abuses are linked to drug trafficking and associated corruption by police and prison guards. It was in the state penitentiary in Matamoros that armed inmates led by cocaine trafficker Oliverio Chávez Araujo, murdered eighteen inmates loyal to a rival drug trafficker and then held control of the prison for thirteen days. Chavez used his drug money to buy privileges from prison officials: he lived in a carpeted cell block meant to house fifty inmates and conducted his illegal activities with the assistance of a cellular phone, a fax machine, and a secretary who came in every day.<sup>3</sup>

While in the past many of the cases documented by CEFPRODHAC involved federal judicial police, in 1993 the dominant pattern changed and most of the most serious cases of torture and abuse reported to CEFPRODHAC involved preventive police in the border cities of Matamoros and Reynosa, and judicial police in the border town of Río Bravo. At the same time, reported cases of abuse in the state prison persisted at previous levels.

According to a CEFPRODHAC bulletin, this increase in state cases coincided with the inauguration of governor Manuel Cavazos Lerma in February 1993. Instead of receiving the cooperation of the new state leadership in combatting these abuses, CEFPRODHAC has found itself at the center of a public campaign to discredit it. CEFPRODHAC reports that it has been accused by State Attorney General Raúl Morales Cadena and State Director of Prisons Francisco Castellanos de la Garza of "protecting criminals." It further claims that it has been accused by the PRI and two smaller political parties, the Mexican Authentic Revolutionary Party (PARM) and the Cardenist Front of National Reconstruction Party (PFCRN) in Matamoros of being spies for foreign interests because it receives funding from the Ford Foundation and other U.S.-based non-governmental philanthropic institutions. Finally, the CEFPRODHAC charges that the Director of Prisons "asked several journalists whose salaries are paid by the state government to accuse the CEFPRODHAC of being financed by drug traffickers and to state that the group charges money to detainees who have brought legal action to win their release from prison."<sup>4</sup>

Human rights groups in other parts of the country have been subjected to other forms of harassment. In October 1992, soldiers searching for the alleged killer of a fellow army officer in Baborigame, Chihuahua,

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<sup>3</sup> Mark A. Uhlig, "Standoff," *New York Times Magazine*, October 6, 1991, pp. 40, 44.

<sup>4</sup> Estudios Fronterizos y de Promoción de los Derechos Humanos, A.C., "A Todos Los Que Luchan Por Los Derechos Humanos," Documento CR/322/93, August 30, 1993.



went on a rampage during which they tortured and abused villagers and destroyed their homes and possessions. During the initial investigation, military authorities reportedly used strong arm tactics to pressure local residents to sign affidavits that no abuses had occurred. When the Chihuahua-based nongovernmental human rights group COSYDDHAC responded by assembling local residents willing to denounce the soldiers' actions, the military responded with threatening statements that members of the group were "aiding drug traffickers."<sup>5</sup>

In Chiapas, senior military officials have accused the Catholic church affiliated and highly respected Fray Bartolomé de las Casas Human Rights Center of spreading "odious lies" about the military, "defending criminals," and "obstructing justice."<sup>6</sup> The charges stem from the Center's efforts to document torture and abuse by military officials in two rural communities in March 1993. Soldiers searching for two fellow officers who had vanished while on patrol illegally raided homes, confiscated or destroyed property, tortured suspects, and arbitrarily arrested at least 17 persons. The Center denounced the abuses, after which the military responded by charging that the Center had coached witnesses into fabricating testimony.<sup>7</sup>

The National Human Rights Commission investigated the incident and in its recommendation backed the military's assertions that the Center obstructed justice.<sup>8</sup> State authorities subsequently impeded the Center staff from visiting persons detained following the military raids, even though Mexican law protects the right of detainees to receive visitors.<sup>9</sup> Independent human rights groups, including the Minnesota Advocates for Human Rights, carefully investigated the military's and the CNDH's accusations and found them to be unfounded. In a damning report exposing military and police abuses in the Mexican countryside, the Minnesota Advocates called upon the military and the CNDH to provide evidence of their allegations against the Center or retract them.<sup>10</sup> Americas Watch joins the Minnesota Advocates in this appeal.

### **Intimidation of Labor Organizers**

On paper, Mexico's labor laws appear to be a model of protection of workers' interests, yet labor rights are systematically violated and workers often are the victims of violence. Genuinely independent unions with democratically elected leaders are few in number and face daunting obstacles. Government agencies impede the legal registration of would-be independent unions and then use their lack of registration as an excuse for prohibiting or failing to recognize strikes. Labor boards with strong loyalties to the President and Ministry of Labor have sole authority to regulate union elections, and handle all phases of labor dispute resolution. They also have unchecked power to declare strikes "legally nonexistent," which leaves strikers vulnerable to being fired and to the suppression of their work stoppages by force. This entire system

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<sup>5</sup> Minnesota Advocates for Human Rights, "Civilians at Risk: Military and Police Abuses in Mexico's Countryside," World Policy Institute: A North America Project Special Report, July 1993.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> CNDH, Recommendation No. 88/93, May 12, 1993.

<sup>9</sup> Minnesota Advocates for Human Rights, "Civilians at Risk," *supra*, note 8.

<sup>10</sup> *Id.*, p. 37.

perpetuates itself because Mexico's government and the PRI refuse to be subjected to democratic accountability and because they deem a compliant work force essential to their goals of attracting foreign investment and implementing free trade.

Independent union leaders and their lawyers are particularly vulnerable to tactics aimed at pressuring them to curtail their activities. One of the most common tactics used to impede their efforts involves the misuse of the criminal justice system. Agapito González Cavazos, head of the Day Laborers' and Industrial Workers Union in Matamoros, led the fight to win higher wages for workers than allowed by a longstanding pact between the government and the official union, a move that angered U.S. *maquiladora* owners. At a propitious moment in the negotiations, the 76-year-old González was arrested by Federal Judicial Police on four-year-old tax evasion charges. Although he was released after several months, the settlement reached with the workers while he was in prison was substantially less than he had been seeking.

Sometimes independent labor activists are victims of retaliatory violence by government agents. On April 29, 1991, Braulio Aguilar Reyes, 23, was abducted and beaten in Mexico City by Federal District Judicial Police, presumably as a reprisal for his and his brother's advocacy of labor rights. 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, 1991, ostensibly to reduce air pollution. Hundreds of workers lost their jobs and demanded severance pay. Aguilar Reyes was detained incommunicado for 40 hours during which time he was physically and mentally tortured by several police officers and questioned about his and his brother's labor rights activities.<sup>11</sup>

Two Federal District Judicial Police officers identified by Aguilar Reyes, Héctor Palestino Romero and Gregorio Pérez Ruiz, were detained for their suspected participation in Aguilar Reyes' abduction and beating. They have been charged with abuse of authority and causing injury, but not with torture.

Even PRI supporters can be the subject of labor intimidation. A classic example is the saga of Aquiles Magaña, a PRI supporter and leader of the state employees union in Tabasco. In May 1989, following two union elections that were rejected by the majority of union members who alleged fraud when candidates favored by then governor Salvador Neme Castillo were declared winners, an agreement was reached under which the government assured clean elections and promised to uphold the results. The government kept its promise and Magaña's slate won against five others.<sup>12</sup>

Once Magaña was installed, he lobbied state officials for pay increases the government had withheld. The government responded by orchestrating a slander campaign against him. On October 30, 1989, it leaked a story to *Tabasco Hoy* that Magaña had embezzled workers' funds to buy land. That same day, police began daily surveillance of Magaña's home and broke up a union demonstration by beating workers with billy clubs and dispersing them with fire hoses. Under the pretext of fraud, the state government deposed Magaña and replaced him with a more cooperative leader. But union members continued to back Magaña. The government continued to withhold back pay from workers, and fired the remaining leaders of Magaña's slate.

On April 20, 1990, garbage workers began a work stoppage and marched to the statehouse. Police

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<sup>11</sup> Mexican Commission for the Defense and Promotion of Human Rights, "Urgent Appeal," April 30, 1991; Judith Calderón Gómez, "Identifica ex obrero de Pemex a judiciales que lo agredieron," *La Jornada*, May 6, 1991.

<sup>12</sup> Comité de Derechos Humanos de Tabasco, letter to Dr. Jorge Carpizo McGregor, July 17, 1990.

attacked marchers with billy clubs and tear gas, and police chief Humberto Barrera Ponce hit Magaña twice. Magaña was jailed on trumped-up charges of stealing water from the public water system. State Attorney General Armando Melo offered to release him if he would resign as union leader, but Magaña refused. On April 21, he was sent to the penitentiary without having been arraigned. In early June, the Attorney General and the police chief threatened Magaña that he would rot in jail unless he accepted their offer of 500 million pesos and plane tickets to leave the state. Instead, Magaña staged a 31-day hunger strike. He was finally released after the Tenth Circuit *Tribunal Colegiado* found him innocent of stealing water. The CNDH declared itself incompetent to act in Magaña's case because the matter was before a court.<sup>13</sup>

Labor rights lawyers also risk intimidation, physical attacks and detention. 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, along with representatives of the poultry farm and government officials, signed an agreement under 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.

But that was not the end of Macossay's troubles. 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.

Even international labor delegations are not immune from intimidating conduct by government officials. On September 21, 1993, four Canadian trade unionists were detained in a parking lot and harassed by Mexican immigration authorities for more than three hours when they attempted to visit a *maquiladora* plant near Tijuana. When questioned, the authorities said the unionists were detained because it was "illegal to discuss internal working conditions with Mexican workers." When challenged the authorities admitted that their visit was not actually "illegal," but was "irregular." The group was told to confine itself to more traditional tourist activities or leave the country.

Peaceful labor protests are frequently dispersed with excessive use of force. In past reports, Americas Watch has documented violence to suppress worker protests and disperse strikers at the Ford Motor Company in Cuautitlán, the Modelo Brewery in Mexico City, and the Volkswagen plant in Puebla that led to serious injuries. In the Ford incident, one worker, Cleto Nigno Urbina, died from gunshot wounds after the plant was stormed by at least 100 armed men with clubs and firearms and workers inside were attacked.<sup>14</sup> Violent suppression of labor protests is of concern not only because of the abusive tactics used but because such acts of violence infringe upon freedom of expression and association in the labor movement.

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<sup>13</sup> "La CNDH se declara incompetente sobre el caso Aquiles Magaña," *La Jornada*, Aug. 1, 1990.

<sup>14</sup> On February 19, 1992, the CNDH issued a recommendation calling for the immediate execution of an arrest warrant for Héctor Uriarte, the presumed intellectual author of Nigno Urbina's killing. No action was taken. Labor advocates of the Centro Mexicano para los Derechos Humanos de los Trabajadores, A.C., presented information to the CNDH that Uriarte was living and working normally in Hermosillo, Sonora, and that state judicial police were aware of his presence there. One year later, on October 6, 1993, Uriarte was seen walking the halls of the Mexican Labor Confederation headquarters in Mexico City. Andrea Becerril, "Reaparece en la CTM el ex líder del sindicato de la Ford, Héctor Uriarte," *La Jornada*, October 7, 1993.

## Campeño and Indigenous Rights Activists

Rural violence is a chronic problem in Mexico. It grows out of longstanding disputes over land and the frustrations of campesinos and members of indigenous communities over the inadequacies of Mexico's land reform program. Rural violence is a product of the Mexican power structure that has tamed rural areas and roped in PRI supporters by protecting rural bosses and large landowners, known as *caciques*, who wield economic and political power at the local level.<sup>15</sup> Rural violence occurs most often in Mexico's poorest and most remote areas where the struggle for land is perceived as a fight for survival. In many of these areas, lawlessness prevails; *caciques*, acting through their *pistoleros*, or hired guns, invade land at will and violently evict campesinos. The *pistoleros* are often denounced following violent incidents, but are rarely brought to justice because of their links to the rural elite.

Indigenous people, who are among Mexico's poorest, are particularly vulnerable to violence and *caciquismo*. They tend to live in remote areas characterized by malnutrition, and lack of public services such as potable water, sewers, and health clinics.<sup>16</sup> Linguistic, educational and cultural barriers can make them poor advocates on their own behalf. Indian lands, typically held either in the form of *ejidos*<sup>17</sup> or as communal property, are vulnerable to land grabs by *caciques* who obtain protection from powerful political figures or agrarian officials. Invasions and other coercive claims on Indian lands are likely to be successful because Indian land holdings frequently lack adequate documentation owing to delays in issuing presidential orders ceding land title or improper surveying of the original land concession. Land claim battles can be prolonged by courts and agrarian tribunals for periods of 10 to 20 years, giving rise to a hostile climate and repeated clashes.

In Jamiltepec, Oaxaca, members of an indigenous community from the José María Morelos *ejido* placed their demand to recover a 200-hectare plot before the CNDH.<sup>18</sup> They alleged that Octavio Barrena Sorroza, a local *cacique*, occupied the "El Potrero" plot located within the *ejido* lands and secured rights to work the plot following maneuvers by agrarian and state government officials to overthrow the *ejido* leadership that resisted Barrena's presence. These events generated a climate of violence that led to the killing of nine campesinos, only one of which has been solved. The CNDH found that Barrena did not belong to the *ejido* and that state agrarian authorities had delayed their survey of the plot for ten months, blocking resolution of the conflict.

Activists who defend the land claims and human rights of *campesinos* and indigenous people risk intimidation or violence from both government officials and *caciques*. In 1990, Chiapas Governor Patrocinio González Garrido (who on January 4, 1993 was named to the senior federal post of Minister of Government) personally warned Dr. Ricardo Paniagua Guzmán, the state director of the federal

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<sup>15</sup> Pablo González Casanova, *Democracy in Mexico*, p. 32-36.

<sup>16</sup> Armando Sepúlveda, "Despojo de Millones de Hectáreas a Indígenas: Warman," *Excelsior*, January 22, 1989; Rosa Rojas, "Precisan los indígenas atención prioritaria del Estado: Sepúlveda," *La Jornada*, November 26, 1992.

<sup>17</sup> Under Mexico's *ejido* system, which was adapted from the Indian tradition of communal farming, the state grants to peasants usufruct rights to land, but retains ownership. The system was radically overhauled in November 1991.

<sup>18</sup> CNDH, Recommendation 84/91, *Gaceta*, October 1991.

government's National Indigenous Institute (INI), not to work with indigenous economic organizations.<sup>19</sup> At the time, INI personnel were channeling federal economic assistance to indigenous groups and providing them with technical assistance. On August 2, 1992, state government officials told Paniagua that the INI coordinator in the Margaritas region "must leave the state or be arrested." In December 1991, armed agents of the Chiapas State Judicial Police arrested Sergio Ramos, INI coordinator in the Copainala region, along with three other people. On February 29, 1992, Paniagua was arrested without a warrant. He was held incommunicado without charges and interrogated for nine hours. Six other INI employees in Chiapas were arrested without warrants that same day. They subsequently were charged with fraud relating to a cattle-raising project. Eventually they were released though their cases are still pending.

Catholic clergymen and bishops who work with indigenous people also come under attack. Bishop Samuel Ruiz of San Cristóbal de las Casas, who has been an active and often outspoken defender of indigenous peoples and Guatemalan refugees, has often received death threats and has been denounced publicly by ranchers and landowners in the state.<sup>20</sup>

On September 18, 1991, Father Joel Padrón González, parish priest of Simojovel, Chiapas, was arrested without a warrant and charged with conspiracy, plundering, and illegal possession of firearms. Padrón, who has worked for years in support of the indigenous people of Chiapas, was accused of leading a group of 40 peasants, armed with high-caliber rifles and home-made bombs, in a land invasion. These accusations were made one day after indigenous squatters, who for two years had petitioned for land rights, began building an office on the land in question.

Padrón was held for 49 days in a maximum security cell in the state prison in Tuxtla Gutiérrez. During his detention, then-governor González Garrido offered to negotiate his release in exchange for concessions from the Catholic Church. Padrón says the governor demanded that the Church condemn land occupations by peasants, "declare there are no violations of human rights in the state of Chiapas" and that Padrón leave the state upon his release.<sup>21</sup> Bishop Ruiz demanded the unconditional release of Padrón who ultimately was freed under an *amparo* granted because of procedural errors at the time of his arrest.<sup>22</sup>

Activists independent of religious groups also are the victims of attack. On October 15, 1992, José Luis Rodríguez Morán's body was found on a median strip near his home in Mexico City, with stab wounds in the aorta and stomach. Rodríguez Morán was an advisor to the San Juan Copala Handicrafts Cooperative which is part of the Triqui Indian group known as MULT. MULT members have been attacked repeatedly in Oaxaca, their home state, because their cooperative impinges on the economic interests of local *caciques*. In the six months before his death, Rodríguez Morán had received anonymous telephone calls saying, "if you don't pull out, it's going to hurt you," an apparent reference to his work with MULT. Police arrested two personal acquaintances of the deceased. Family members of the victim and the arrested persons were united in condemning the police investigation and told Americas Watch that they believed the arrests were made to cover up a political crime.

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<sup>19</sup> Minnesota Advocates, *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican States of Chiapas*, October 1992, p. 17-23.

<sup>20</sup> Centro de Derechos Humanos Fray Bartolomé de Las Casas, *Horizontes*, No. 7, September 1992, p. 10.

<sup>21</sup> *Id.* p. 25.

<sup>22</sup> Minnesota Advocates for Human Rights, *Conquest Continued: Disregard for Human and Indigenous Rights in the Mexican State of Chiapas*, October 1992, pp. 24-27.

In February 1990, the marketing secretary of the Unión Nacional de Organizaciones Regionales Campesinas Autónomas (UNORCA), José Antonio Simón Zamora, was killed at his home in Patzcuaro, Michoacán. Five months later, the federal Attorney General's office revealed that a former municipal policeman, Faustino Bernal Bello, is one of the three men accused of the killing.<sup>23</sup>

Lawyers have also been victims. Carlos Enrique López Barrios, a lawyer defending Tzotzil Indians in Chiapas state, was beaten all over his body on April 27, 1993 by three unidentified men who seized the lawyer's appointment book and identification cards. The beating occurred while the defense group Abogados y Asesores Asociados, of which López Barrios is a member, defended Tzotzil Indians from San Isidro el Ocotal community who were accused of the recent killing of two soldiers.<sup>24</sup>

José Luis Mendoza Rodríguez, a lawyer for a human rights center in northern Veracruz, had an arrest warrant issued against him in September 1992 that alleged that he had led a land invasion and committed fraud. In fact, the region has a longstanding history of land thefts by local *caciques* and the center advises *campesino* and indigenous groups that are pursuing title to land through legal channels. Although Mendoza obtained a restraining order to avoid detention, eight months later the arrest warrant was still extant and served as a menacing reminder to Mendoza to watch his step.

### **Intimidation of Environmentalists**

Independent environmentalists are exposed to the same types of intimidation as other social activists. In 1992, Human Rights Watch and the Natural Resources Defense Council jointly published a report that highlighted some of the ways that the Mexican government attempts to control the environmental debate by coopting environmental activists who, in return for financial remuneration or better press access, present government-approved rhetoric at international forums and so-called "public hearings" in Mexico. We further found:

Even independent environmental advocates are not immune to pressure from the government. Deals are often cut and silence on one issue is traded for government action on another. The "telefonazo," (literally, "a blow with a telephone"), a strategic telephone call from high levels of government, often the President himself, is legend in Mexico. Reports of press releases withdrawn or changed, laudatory speeches made, and complimentary opinion pieces appearing in the press after a "telefonazo" are rampant in Mexico City environmental circles. The subtle control over environmental debate allows the government to direct public attention to areas where it is prepared to act and prevent discussion of embarrassing issues.<sup>25</sup>

Homero Aridjis, an award winning poet and novelist and founder of the Group of 100, one of Mexico's most powerful environmental groups, believes that because of his activism his phone is tapped and he has been excluded from consideration for government-sponsored literary prizes. He also reports having received death threats after he spoke out against the slaughter of dolphins and tropical deforestation.

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<sup>23</sup> "Detenido, presunto homicida de Simón Zamora: PGR," *La Jornada*, July 2, 1990.

<sup>24</sup> Elio Henríquez, "Golpean a uno de los abogados que defiende a indígenas tzotziles," *La Jornada*, April 29, 1993.

<sup>25</sup> Human Rights Watch and Natural Resources Defense Council, "Defending the Earth: Abuses of Human Rights and the Environment," 1992, p. 72.

Like critics of other government policies, environmentalists who do not yield to subtle pressure often find themselves at risk for violence. While the government is not always directly responsible for these assaults, a chronic problem is the failure of state and federal officials thoroughly to investigate these crimes and prosecute and punish those responsible. This is especially true in cases in which the forces involved in environmental destruction have close ties to government officials.

Fidencio López, mayor of the small Oaxaca highland town of San Mateo Río Hondo, spoke out against powerful landowners and logging interests that were destroying forests surrounding his village. In early 1992, López was shot to death and the police inspector that accompanied him was seriously wounded. López' murder has been linked to powerful logging interests whose illegal operations he exposed. The López family reported that federal agents and police have done little to investigate the shooting and led his widow to believe that she would have to pay for further investigation.<sup>26</sup>

In October 1992, a *campesino* leader and president of the El Tianguis *ejido* board in Guerrero, Julián Vergara Nava, was shot and killed by an unknown individual. Vergara Nava was an environmental activist who opposed excessive lumbering activities at the nearby Piedra Imán *ejido*.<sup>27</sup> Four days before his death, Vergara had seized four trucks carrying lumber illegally cut at Piedra Imán.

### **Intimidation of Journalists**

Throughout the more than six decades of PRI rule, successive Mexican administrations have adopted the attitude that an uninformed or misinformed public was crucial to preserving power. The principal victim of that policy has been the news media. Over the years a wide variety of pressure tactics have been used to ensure that the media reports news in the light most favorable to the government, or alternatively, remains silent. These tactics range from lucrative incentives, to financial cajoling, to intimidation, death threats and more serious violence.

The most vulnerable to these types of pressure are print reporters who, though they reach a small audience, are considered to have a disproportionate influence on public opinion; reporters based in the provinces far from the protective shield provided by contacts with national and foreign reporters; and reporters exposing official corruption — particularly drug trafficking, arms trafficking, insider information, illegal land purchases, business privileges, and shady deals of all sorts.

One traditional tactic that has been used by the government is to pay off reporters for favorable coverage. The pay-off has been an important source of income since reporters' salaries were deliberately kept low by editors who assumed the bribe system would complement their fixed remuneration.

Reporters also supplement their pay through commissions they earn soliciting government advertising. Journalists covering lucrative beats, such as the oil company or rising politicians, may receive other perks such as new model cars or foreign vacations. Others are given government contracts for special writing projects, press officer appointments, or journalism cash prizes.

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<sup>26</sup> Gregory Katz, "Bitter struggle over forest land tests power of the law in Mexico," *Dallas Morning News*, February 2, 1992.

<sup>27</sup> Juan José Guadarrama, "Asesinan a dirigente ejidal de Guerrero; se oponía a la tala," *La Jornada*, October 22, 1992.

Editors and owners of papers are also bought off, but usually in less obvious ways. Most print media rely for financial support on lucrative government advertising. This dependency enables the government to manipulate or suppress news through threats to withdraw advertising. In November 1989, the Salinas government withdrew national banking system advertising from Mexico's leading financial newspaper, *El Financiero*, advertising which until then had accounted for up to 20 percent of the paper's total advertising revenue.<sup>28</sup> Fortunately, the paper was able to survive by increasing commercial advertisement sales.<sup>29</sup>

An unusual campaign of harassment was unleashed in 1992 to block distribution of *Corre La Voz*, a small newspaper directed at working class and progressive readers that is highly critical of government actions. From March 1992 through June 1993, distributors of *Corre La Voz* were detained more than 300 times.<sup>30</sup> In Mexico City, where the newspaper is distributed almost exclusively on the subway, men dressed in uniforms who identify themselves as subway security guards arrest the vendors and hold them incommunicado for up to three hours in subway station lock-up cells. The vendors are then turned over to traffic policemen who take them to the Cuauhtémoc borough police station where a judge sentences them to 36 hours in jail or a fine of 420 new pesos, the equivalent of \$137. The detainees are not asked to testify before judicial authorities and are not told the charges against them. Questioned about the reasons for the detentions, authorities say the vendors are violating street commerce regulations, but do not specify what legal codes have been breached.

Another pressure tactic used by government officials and politicians is to pay newspapers to run propaganda stories and print them as if they were news. They also pay to kill stories; one governor is said to have given \$20,000 to an editor to repress a story critical of him.<sup>31</sup> The government also has coerced newspapers and their editors into toeing the line with threats of selective prosecution for tax violations and other infractions.

When self-censorship fails to produce desirable reporting, the government has an arsenal of other devices that it can use to shape or control news coverage. Surveillance is an occupational hazard of journalism in Mexico. Most reporters assume that their telephone, fax, and modem transmissions are intercepted. Transcriptions of conversations between government officials and reporters have surfaced in newspaper offices.<sup>32</sup> When officials are displeased with a story, a reporter may get a "friendly warning" from an acquaintance or other contact in the government.

In the provinces, intimidation often is more blunt. In Tuxtla Gutiérrez, Chiapas, in early 1992, authorities censored an exhibit by a political cartoonist. As he was hanging cartoons, he was approached by an envoy from the office of the Secretary General of the Governor's cabinet who told him he could freely

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<sup>28</sup> Interview, *El Financiero* political columnist Carlos Ramírez, October 15, 1992.

<sup>29</sup> That same year, the Salinas administration withdrew the credential of the *El Financiero* reporter assigned to cover the president because the paper had obtained information on secret debt negotiations. It was not until October 1992 that the administration once again allowed *El Financiero* reporters to cover presidential trips. *Id.*

<sup>30</sup> Interview with Carolina Verduzco, Director General of *Corre la Voz*, June 14, 1993; Letter to editor signed by 43 journalists, *La Jornada*, June 4, 1993.

<sup>31</sup> Raymundo Riva Palacio, "Mexican Press on the Take? A Case Study of the Mexico City Press," mimeo., Cambridge, Mass., 1992, pp. 6, 12.

<sup>32</sup> Francisco Cárdenas Cruz, "Crece el Espionaje Telefónico," *El Universal*, Sept. 14, 1990.



display anything except caricatures alluding to the governor and his cabinet, the president and his cabinet, or agrarian, Indian, or election issues.<sup>33</sup>

Death threats also may be directed at reporters and columnists. In the most publicized case, Jorge G. Castañeda, a journalist and prominent political pundit, received death threats in June 1990. *La Jornada's* national columnist Rodolfo F. Peña and Raúl Cremoux of *Excelsior* also received death threats during the Salinas administration.

In July 1989, Article 19, a London-based anti-censorship organization reported that at least 51 journalists had been killed in Mexico from 1970-88.<sup>34</sup> Soon after its creation in 1990, the National Human Rights Commission initiated an "Attacks on Journalists" program, and began investigating 55 cases of killings, physical attacks, and death threats presented by the Democratic Journalists Union. CNDH investigations into 39 of these cases had been concluded by March 2, 1992, mostly because the alleged perpetrators either had been indicted or were in jail.<sup>35</sup> Investigations into fifteen other cases continued and recommendations were issued. Of these only one has been fully complied with by the state government officials to whom they were directed.<sup>36</sup>

Although not all acts of violence against journalists are attributable to the government, the government's failure to establish, as a matter of high priority, a policy of vigorously investigating these acts and prosecuting those responsible, lends an air of government acquiescence to all violent attacks against journalists. One journalist reported to Human Rights Watch/Americas Watch that he was given a "friendly warning" by a high level government official not to investigate official links to drug traffickers, because there would be nothing the government could do to protect him if someone decided to take revenge. The government's unwillingness to safeguard journalists from private criminal acts adds to the climate of self-censorship.

Carlos Menéndez Navarrete, director of the independent newspaper *Diario de Yucatán*, was the target of attacks after his newspaper criticized the Yucatán state government's brutal suppression of a peasant demonstration. On July 21, 1992, unidentified people pelted his house with stones, attempted to pry open his front door, and damaged two automobiles. The following month a bomb was planted on the premises of his newspaper; the bomb had to be deactivated by army troops.

Despite the formidable and often frightening obstacles to reporting and circulating the news, journalism in Mexico is improving notably. This is the product of thousands of daily acts of courage by reporters and editors imbued with a sense of responsibility to the public and a growing desire to professionalize journalism. It is also a welcome, if unintended, byproduct of the opening of Mexico's economy to international competition in finance and industry. This opening is creating a greater demand by the business class for objective information, while at the same time increasing the participation in news reporting of

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<sup>33</sup> Adolfo Aguilar Ziser, "Reaching Democracy from Chiapas," *El Financiero*, March 2, 1992.

<sup>34</sup> Article 19, "In the shadow of Buendía: The Mass Media and Censorship in Mexico," 1989, pp. 4-9.

<sup>35</sup> Others involved killings or assaults that were determined to be unrelated to the journalists' profession and were therefore transferred to the CNDH's General Complaints Program. In a handful of cases the CNDH found a lack of any involvement by a public servant and concluded the case for that reason. CNDH, *Fourth Report: December 1991-June 1992*, pp. 120-129.

<sup>36</sup> CNDH, *Informe Anual: Mayo 1992-Mayo 1993*, pp. 424-427.

foreign newspapers and specialized information services that are less vulnerable to government pressure. This increased availability of objective information from outside sources has made it possible for the Mexican press to risk greater independence in news reporting than it would have dared take just a few years ago.

In his fourth year in office, President Salinas responded to the increasing domestic and international pressure to ensure a free press by taking steps to reduce the economic ties of newspapers and reporters to the government. On March 23, 1992, he proposed setting an official minimum wage for journalists as a means to combat corruption and bribery and stave off biased coverage. On September 17, 1992, presidential press secretary José Carreño Carlón announced that his office would no longer underwrite the travel expenses of reporters covering international tours. This measure ended the previous practice that allowed the president to pick which journalists could cover foreign trips, and had the immediate effect of reducing by half the number of reporters that covered President Salinas' November 1992 trip to Argentina and Paraguay.

On December 22, 1992, the president's office issued a set of guidelines to "modernize the relations of the Federal Government with the media." The guidelines "strictly prohibit" all federal agencies from giving money or favors to any journalist and restrict spending on advertising to public information campaigns and to newspapers or magazines "with broad circulation and coverage."<sup>37</sup>

These measures to modernize the press are welcome, though their effectiveness in eliminating bribery is difficult to measure, especially given the lack of independent enforcement machinery. Moreover, these reforms co-exist with the other traditional and more brutal practices described above. The Salinas administration has done nothing to make journalists whose independence goes beyond tolerable limits feel secure.

President Salinas has, however, gone out of his way to disassociate himself, and his administration from press censorship. Miguel Angel Granados Chapa, one of Mexico's most respected political columnists, recently told the *New York Times* that Manuel Villa, the government official in charge of radio and television licensing, had pressed the owners of a radio network for which he served as a commentator to remove him because he and his guests criticized the government. Granados Chapa claims he told President Salinas and Secretary of Government González Garrido about the pressures and they eased for a time. But, after Granados Chapa conducted a September 20 interview with PRD presidential candidate Cuauhtémoc Cárdenas, the station owner told him that all future interviews would have to be cleared with him. Granados Chapa quit his job and went public with his accusations, whereafter President Salinas personally called him to say the government had nothing to do with his departure and to assure him that he was welcome on Mexico's airwaves. The radio station owner also denied government pressure.<sup>38</sup> According to a *New York Times* account:

In a letter to Mr. González, the owner of the radio network also denied any pressure. He insisted that he had decided "autonomously" to "define the information policy of our stations" in a way that "was not compatible with the criteria" of Mr. Granados Chapa. But Mr. Salas also seemed to make a subtle point

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<sup>37</sup> *Diario Oficial*, "Lineamientos para la aplicación de los recursos federales destinados a la publicidad y difusión, y en general a las actividades de comunicación social," Secretaría de Gobernación, Secretaría de Hacienda y Crédito Público, Secretaría de la Contraloría General de la Federación, December 22, 1992, p. 1.

<sup>38</sup> Tim Golden, "Despite New Law, Mexican Leader's Allies Are Accused of Muzzling Critics," *New York Times*, October 7, 1993.

of noting that his definition "coincided" with a move by the Government to take away the license from one of his stations. In the wake of Mr. Granados Chapa's departure, he added, he planned to resubmit his appeal for the license.<sup>39</sup>

A few days later Manuel Villa was removed from his post and named to head the newly formed National Institute of Migration.

### **Intimidation of Election Observers**

The 1988 elections emboldened partisan and nonpartisan political activists who longed for free and fair elections and the democratic — and thus more accountable — government such elections would bring. Election observation began in earnest in Mexico in the early 1980s when the PAN began mobilizing poll-watchers to prevent ballot-box stuffing and multiple voting by PRI supporters. PAN's rigorous observation efforts soon paid off. In 1989, the party made history by handing the PRI its first gubernatorial defeat in more than 50 years. In 1990 and 1991, in response to complaints submitted by PAN, the Inter-American Commission of Human Rights of the Organization of American States issued a stinging recommendation finding that electoral procedures in the 1986 elections in Chihuahua and Durango had violated political rights and failed to guarantee citizens appellate recourse to impartial tribunals in election disputes.

Beginning in 1991, human rights groups joined forces with independent citizens groups in a massive effort to expose the mechanisms used by the government and the PRI to control the outcome of elections. These groups not only observe polling places on election day, they also try to monitor campaign spending, access to advertising, candidate selection procedures, maintenance of voter registration rolls, and the use of government benefits and public works programs to bolster the PRI vote.

In response to internal pressure and mounting international publicity about electoral fraud in the NAFTA negotiation period, the Salinas administration pushed through Congress a series of bills to overhaul election procedures. While these new laws ostensibly address campaign financing, the voter registration process, the number and apportionment of seats for members of Congress, electoral observation, and oversight of the ballot count, they are carefully measured to avoid any genuine threat to continued PRI dominance. As Tim Golden of the *New York Times* reported, "... more clearly than any of Mr. Salinas's other exercises in political change, the process that delivered the latest reform package was a series of back-room bargains in which democratic ideals apparently figured only somewhat distantly."<sup>40</sup>

One recent measure that appears progressive actually was carefully crafted to remove an opposition candidate from contention in the 1994 presidential election. Article 82 of the Mexican constitution was amended to allow persons born in Mexico whose parents were born outside the country to run for president. But that provision will not go into effect until the year 2000, thereby blocking the candidacy of Vicente Fox Quesada, a popular and charismatic PAN leader who the government considers a worrisome challenger.<sup>41</sup>

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<sup>39</sup> *Id.*

<sup>40</sup> Tim Golden, "Leveling Mexico's Electoral Field," *New York Times*, September 20, 1993.

<sup>41</sup> Anthony DePalma, "Mexico Passes Electoral Change, But Foils a Presidential Bid," *New York Times*, September 4, 1993. In 1991, Fox ran for governor in a hotly contested election in Guanajuato. Although he lost the election, his supporters alleged electoral fraud and the winning candidate resigned. President Salinas named another member of the PAN as interim governor.

Election monitors are unpopular with the government and have faced a variety of forms of intimidation ranging from interference to death threats to assaults. On September 13, 1992, Morelos Marx Madrigal Lachina was kidnapped in Mexico City and beaten and interrogated for three days by armed men wearing caps like those often used by police. Madrigal Lachina had coordinated independent monitoring of the July 12 gubernatorial race in Michoacán. His interrogators asked about his ties to the PRD and the non-partisan Convergence of Civil Organisms for Democracy, which had organized independent monitoring of the election in which PRI faced a strong challenge from the PRD.

On the evening of November 6, 1992, Tatiana Clouthier, organizer of an impartial group of election observers, was followed and nearly run off the highway by men in a car with smoked windows outside Culiacán, Sinaloa. The incident occurred 36 hours before the November 8 state gubernatorial and municipal elections in which 2,500 impartial observers organized by Clouthier were deployed to report on election irregularities. Clouthier denounced the attack as intimidation, and told reporters that prior to the high-speed chase she had received threatening calls.<sup>42</sup> At a news conference, she revived suspicions about the circumstances of the October 1, 1989 highway death of her father, Manuel Clouthier, the PAN presidential candidate in the 1988 elections, and called on President Salinas to reopen the investigation into his death.

In San Luis Potosí, election monitors were intimidated while monitoring the tense gubernatorial race that coincided with federal elections on August 18, 1991. Observers deployed by the Mexican Human Rights Academy were expelled from voting booths in Ciudad Valles and in Río Verde; two of the observers were threatened with knives by polling officials. Voting officials drove after another Academy observer in a truck in the town of San Martín Chalchicuatl. Verónica Ortiz and a team of four other persons involved in election monitoring reported that they were followed in the city of San Luis Potosí by five men equipped with walkie-talkies who were travelling in a white car with no license plates. Later, a second unmarked car carrying five men with walkie-talkies also pursued them. When the monitors pulled up in front of the Potosino Human Rights Center to report their findings, their car was blocked on the narrow downtown street by the two unmarked cars.

Even foreign election observers are not immune from intimidation. Andrew Reding, the Director of the North America Project of the World Policy Institute in New York, was invited by the PAN to observe the gubernatorial election in Nuevo León in June 1991. When he subsequently examined the election results, he discovered massive irregularities. In August 1991, he was again invited by the PAN to observe gubernatorial elections, this time in Guanajuato. He informed state PAN leaders of his findings in Nuevo León and advised them on ways they could monitor the Guanajuato elections to prevent, or at least document, similar types of fraud. At about four a.m. on the day before the election, Reding received a telephone threat in which the caller warned him to be careful because he had killed many times before and that it would be nothing to do so again.

Attacks against election observers continued in 1993. The office of Guillermo Vela Román, leader of the non-partisan Frente Cívico Familiar, was broken into and a new computer valued at \$10,000 was stolen on the night of April 25, 1993.<sup>43</sup> The theft occurred on the same day that Vela's independent organization, along with opposition political parties, held a plebiscite to contest the state government's initiative to delay

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<sup>42</sup> Juan José Coello, and Olivier Acuña, "Denuncia ataque hija de Clouthier," *El Norte*, November 8, 1992.

<sup>43</sup> Jesús Sánchez and Renato Flores, "Apoya el PRI Otro Interinato en Yucatán; Habrá Resistencia Civil en Toda la Entidad: PAN," *El Financiero*, April 27, 1993.

state elections and have the PRI-dominated state congress appoint an interim governor. The vote in the plebiscite was a resounding rejection of the official initiative. More than 90 percent of the ballots cast called for an open election to choose the interim governor.

The government has recently raised the risks of participating in protests against electoral fraud by filing federal charges against protesters. In November 1992, following tense elections in Tamaulipas, the state police charged nine opposition political party activists of the PARM, PAN, and PRD with terrorism for their involvement in post-electoral conflicts. In a melée protesting electoral fraud, an election commission office in Matamoros was set on fire and ballots were burned. The individuals responsible for setting the fire were never arrested, and the Deputy Attorney General for the Northern Region, Antonio García Torres, later withdrew the terrorism charge.<sup>44</sup> Under Mexican law, terrorism can carry a prison term of two to 40 years for anyone found guilty of using "any violent means (in) acts against people, things or services to the public."<sup>45</sup>

In addition to election monitors, political party activists also are vulnerable to intimidation and violence. In past reports Americas Watch has documented generalized violence that has occurred during or following elections.<sup>46</sup> Most of this violence was precipitated by allegations of electoral fraud made by opposition political parties and much of it occurred during tense stand-offs between opposing political groups or between political party activists and police. The PRD claims that 230 of its sympathizers and activists have been killed as a result of election-related violence since 1988. While government officials deny that the deaths were politically motivated, only a handful of cases have been solved. PRI activists are rarely prosecuted for political violence, thereby lending credence to opposition claims that the government protects its supporters.

### Conclusion

For the past five years, the Salinas administration has focused its attention on repairing Mexico's economic problems while avoiding badly needed political reforms. While highly visible steps to address physical integrity rights abuses have been taken, the government refuses to acknowledge that these efforts can never be more than half-measures unless political rights reforms occur at the same time. At the root of the torture, due process violations, rural violence, and all the other recurring themes that are now the subject of CNDH investigations, is one central problem that the CNDH is powerless to address — the lack of government accountability.

Until there is accountability, and the political structures that make repression possible are dismantled, activists will continue to work in a climate of insecurity and fear. While killings and serious violence are now infrequent and the government publicly condemns such acts when they occur, the intimidation tactics described above, combined with the sordid history of serious human rights abuses perpetrated or tolerated by the Mexican power structure in the past, remind activists of what could occur if they do not watch their step.

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<sup>44</sup> Martha Olivia López, "Desisten de acusar de terrorismo a 9 opositores en Tamaulipas," *La Jornada*, December 20, 1992.

<sup>45</sup> *Código Penal*, Título Primero: Delitos contra la seguridad de la Nación, Capítulo VI: Terrorismo, Art. 139.

<sup>46</sup> See Americas Watch, "Human Rights in Mexico: A Policy of Impunity," June 1990; "Unceasing Abuses: Human Rights in Mexico One Year After the Introduction of Reform," September 1991.

To achieve democracy<sup>47</sup> and respect for human rights, Mexico must:

- ◆ provide absolute guarantees for the protection of political rights for all governmental critics and opponents;
- ◆ commit to investigate fully, prosecute, and punish anyone who engages in intimidation, even if doing so exposes corruption or other misconduct at the highest levels of government;
- ◆ make it legally possible for aggrieved individuals meaningfully to apply to independent and impartial courts for redress when their political rights, including their rights to participate in elections, are violated;
- ◆ ensure free and fair elections in 1994 and all future elections by granting all political parties equal access to campaign financing, the media, and the use of the national colors; permitting professional, independent and impartial election observers to monitor elections and have full access to all election machinery including computers; barring the military from putting on displays of force on election day that deter voters from going to the polls; and establishing an independent, impartial electoral commission in which no political party or alliance of parties dominates and the Minister of Government plays no role.
- ◆ make available international mechanisms, including acceptance of the compulsory jurisdiction of the Inter-American Court of Human Rights, to which aggrieved individuals can turn when domestic remedies are ineffective.

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<sup>47</sup> We use the word democracy here as it was used by the Inter-American Commission on Human Rights in its Resolution No. 01/90, Cases 9768, 9780, and 9828 concerning Mexico (May 17, 1990):

41. Hemispheric legal discourse has insisted, for its part, on the existence of a direct relationship between the exercise of political rights thus defined and the concept of representative democracy as a form of the organization of the State, which at the same time presupposes the observance of other basic human rights. Indeed, the concept of representative democracy is based on the principle that it is the people who are the nominal holders of political sovereignty and that, in the exercise of that sovereignty, elect its representatives — in indirect democracies — so that they may exercise political power. These representatives, moreover, are elected by the citizens to apply certain political measures, which at the same time implies the prior existence of an ample political debate on the nature of policies to be applied — freedom of expression — between organized political groups — freedom of association — that have had the opportunity to express themselves and meet publicly — freedom of assembly.

42. On the other hand, the observance of the above mentioned rights and freedoms requires a juridical and institutional order in which the laws are above the will of the leaders and in which there is a control by some institutions over others, to preserve the purity of the expression of the popular will — the rule of law.

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