HUMAN RIGHTS IN MEXICO

A Policy of Impunity

June 1990

An Americas Watch Report

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I. INTRODUCTION

More often than not, Mexico is overlooked when lists of countries that violate internationally recognized human rights are compiled. That this is so is more a testament to the Mexican government's careful cultivation of its pro-human rights image than its care to ensure that individual human rights are respected. This report aims a spotlight at an array of abuses that have become an institutionalized part of Mexican society: killings, torture, and other mistreatment by the police during criminal investigations and, especially, in Mexico's efforts to curb narcotics trafficking; other violations of civil liberties in the criminal justice context; disappearances; election-related violence; violence related to land disputes; abuses directed against independent unions; and violations of freedom of the press.

With the notable exception of election-related violence, most of the human rights abuses described here fit into patterns that have been prevalent for years. Torture, for example, commonly was inflicted on political prisoners in the late 1960s and early 1970s, and has become more widespread since then. Violence in land disputes is another long-standing problem; and the methods now used to silence the press and to keep union members in line are consistent with past practices.

What is new is the increase in domestic and international attention to human rights conditions in Mexico. Part of the explanation for this opening lies in political changes that have occurred in Mexico in recent years. Since 1929, Mexico's one-party political system has dominated most sectors of Mexican society, including state and local governments, the major public and private enterprises that drive Mexico's economy, organized labor, farm labor, and the news media. The ruling party, the Institutional Revolutionary Party, or "PRI," and the government are so entangled that distinguishing between them is often difficult. Members of the PRI represent a wide range of political viewpoints and have traditionally debated differences of opinion away from the public eye. As elsewhere, party loyalty is rewarded with posts in government and other political and economic favors; in Mexico, the benefits also often include immunity from prosecution for criminal acts. At the apex of this system is a powerful president who commands the loyalty of those in his party, the government, and the armed forces; and who handpicks his successor.

During the 1980s Mexico's economy suffered a series of reversals that

shook the political system. The crisis was so great that the PRI lost control of a significant faction of its membership which broke away and formed a new political party, the Democratic Revolutionary Party, or "PRD." In the 1988 presidential elections the PRD, together with several small leftist political parties that had little political clout but whose existence helped bolster the impression that Mexico is a democracy, nominated Cuauhtémoc Cárdenas, the son of one of Mexico's most popular presidents. *Perredistas* (members of the PRD) claim that but for electoral fraud perpetrated by the PRI, Cárdenas would now be president, and even by official tallies he won a significant portion of the vote.[1]

Cárdenas's success brought politics in Mexico out into the open and emboldened *perredistas* at the state and local levels to try their hand at electoral politics. It also encouraged the activities of a wide variety of non-governmental organizations, including peasant groups not affiliated with the government's official peasant organization, labor groups similarly independent of the official labor organization, and human rights organizations. As a consequence, there has been a heightening of political tensions in Mexico unlike any seen for nearly two decades, coupled with a significant increase in reports of alleged denials of political rights as well as other human rights violations.

Another part of the explanation for the increased attention to human rights conditions in Mexico results from President Carlos Salinas de Gortari's administration's enthusiasm for Mexico's "war on drugs." To combat drug trafficking, the Federal Judicial Police have appointed an elite squad of officers, many of whom formerly served in earlier incarnations of repressive public security units, and are widely reputed to be corrupted by involvement in or covering up of drug trafficking. The squad enjoys unhindered freedom to locate and destroy drugs and arrest those participating in drug trafficking, and operates with near absolute impunity. Federal narcotics police are accountable for a large number of the cases of murder, torture, and abuse of due process in Mexico today. Extortion and robbery are also frequent elements of Federal Judicial Police operations. The blatant nature of these atrocities, combined with the fact that under the pretext of drug investigations many of Mexico's middle and upper class families are experiencing treatment previously reserved for the more anonymous poor, has led to an increase in publicity about human rights abuses.

Journalists and human rights activists who report on abuses by the

Federal Judicial Police do so at considerable risk. One distinguished Mexican journalist told Americas Watch that he was warned by a high level government official not to cover human rights violations by this police force because no one in the government would be able to protect him if they retaliated. On May 21, 1990, Norma Corona Sapién, a leading human rights monitor from Sinaloa who had the courage to denounce abuses by the Federal Judicial Police, was gunned down in the street near the university where she taught.[2] She died instantly.

Many obstacles to accurate reporting and adequate investigation of human rights abuses remain. The Mexican government is highly sensitive about its national and international human rights image. When embarrassing allegations of human rights violations are made, damage control measures are quickly adopted. For example, following the earthquake in 1985, when tortured bodies were discovered in the ruined headquarters of the Attorney General of the Federal District, the government immediately adopted legislation and ratified international treaties condemning torture.[3] That this was more of a public relations ploy than a real attempt to curb torture, however, is indicated by the fact that increasingly sophisticated methods of physical and psychological torture are used routinely in law enforcement to this day.

Another obstacle is created by the government's tight control over the news media. As Chapter VIII of this report discusses, most human rights abuses in Mexico are never publicized. Follow-up stories about incidents that are reported are even rarer. Accordingly, it is difficult for independent observers to discover whether or not these cases have been adequately resolved or to assess claims by the government that it is doing what it can to prevent and punish rights abuses.

Mexico's federal system also provides cover for human rights abuses. Despite the enormous influence of the President, the federal government, and the PRI at the state and local levels, federalism provides federal officials with the excuse that prevention, investigation, and prosecution of human rights abuses are state responsibilities over which they have no control. Lawyers and activists who attempt to press for investigations and prosecutions of human rights abuses, as well as legislative changes aimed at preventing future abuses, must mount separate campaigns and divide slim resources among each of Mexico's thirty-one states, its Federal District, and the federal government.

Mexico's geography is another impediment to investigation and

reporting of human rights abuses. Many of the non-election related killings and disappearances in recent years have occurred in rural areas that are accessible only by several hours walk and in which the local population does not speak Spanish. Full investigation of these violations would require substantial translator support and an extended time commitment, which would strain the resources of international human rights organizations and of Mexico's fledgling domestic human rights monitoring groups.

Finally, Mexico's foreign policy has deflected attention from abuses of human rights that occur within its borders. As a Third World leader, Mexico has been a strong advocate of non-interference in nations' domestic affairs. At the same time, it has created the illusion that it is a rights respecting nation by promoting human rights in international fora, and by carefully honing its image as a country of safe haven for political opponents of repressive governments. Other governments, and particularly the United States, have been reluctant to criticize human rights abuses occurring in Mexico. Mexico has historically been hypersensitive to statements or acts by foreign governments that could be interpreted as attacks on its sovereignty, and substantial U.S. and other foreign economic and political interests are at risk if Mexico's umbrage is too great. Moreover, because most human rights abuses are hidden from public view, it has been easy for other governments not to notice them.

A disturbing unifying element to human rights abuses in Mexico is the excessive use of violence. As this report details, in the penal system, torture of arrestees is routine, and takes precedence over modern police investigation techniques. In rural areas, evictions of peasant families often occur without warning in the pre-dawn hours and are carried out by police teams that far outnumber those being evicted. In the electoral sphere, violence directed at political activists engaged in sit-ins at municipal palaces in small towns has continued even after the activists are in custody. And, as described above, officers of the Federal Judicial Police's anti-narcotics division routinely commit criminal acts far worse than those they are trying to stop.

One or both of two conclusions must be drawn from this pattern of excessive violence and abuse: either the Mexican government has adopted a policy of tolerating such behavior, or it has lost control over its police, security, and prosecutorial agencies. It is true that in a handful of highly publicized cases Mexican police have been arrested for torture or killing.

Yet convictions on charges that reflect the seriousness of these acts are rare, and the number of arrests is minuscule compared with the extent to which such practices occur. More fundamentally, neither President Salinas nor any other official at the highest ranks of government has made it clear to security officers in the field that they must desist from all abuses of internationally recognized human rights or face immediate arrest and prosecution.

Recent events portend that rather than moving towards improvements in human rights conditions, Mexico may be heading for a period of increased violent abuses and suppression of dissent. One indicator is the government's response to the occupation of municipal palaces and other acts of protest in Guerrero and Michoacán that culminated in the dispatch of 500 to 1500 troops to assist police efforts to retake the municipal palaces in Michoacán. Subsequent statements by powerful public officials with close ties to the PRI and the President suggest concern about the re-emergence of guerrilla groups that could pose a national security threat. In a story published in *Unomasuno*, the Secretary General of the PRI-affiliated Confederation of Mexican Workers (CTM), Fidel Velázquez Sánchez, is reported to have said "[T]here are many armed people in Mexico who have plans to destabilize the country...." Velázquez Sánchez said that "authorities at the highest levels know there are opposition members -- specifically the PRD -- who are involved with drug traffickers because the weapons they use to occupy mayoralties cannot come from anywhere else." The article adds: "Concerning the possibility of the re-emergence of guerrilla groups in Mexico, the CTM leader pointed out that he does not exactly know if this will happen; nevertheless, he said, 'it is already worrisome that there are so many armed people in the country.'"[4]

Governmental concern about the re-emergence of armed leftist insurgents appears in other contexts as well. When questioned about why so many police were sent unannounced to evict peasant communities in Chiapas, one government official replied to Americas Watch that there were fears that the peasants, known to be aligned with an independent but left-leaning peasant organization, were armed with sophisticated weapons. And in the three days following the murder of two guards at the offices of the newspaper *La Jornada* on April 2, 1990, more than one thousand judicial police from the Federal District rounded up and arrested 166 people associated with leftist groups, and relatives of known leftists living in and around Mexico City. Most were subsequently released, apparently

because there was no evidence that they were involved.

Despite fears expressed by some of the re-emergence of an organized and armed leftist insurgency that threatens Mexico's national security, there is no evidence to indicate that this concern is well-founded. Many leftist political groups operate in Mexico, most of which focus their attention on one or two issues of concern to their constituents. While members of some groups, particularly in rural areas, possess firearms, the same may be said of peasants who are associated with the PRI-affiliated National Peasant Confederation, and of those who are not politically active. The far greater threat to Mexico's national security is the undisciplined, corrupt, and violent practices of elements of its police and security forces. Systematic reform of these forces is needed immediately if Mexico is to curb future human rights violations.

There are also hints that Mexico may be seeking to expand its military capacity, even though the nation faces no serious external military threat to national security.[5] Increasing reliance on the military to resolve political problems and police matters such as drug trafficking is worrisome, especially given the extensive abuses of human rights committed by the military in quelling small guerrilla movements in the late 1960s through the 1970s.

One positive development during the Salinas administration has been the creation of a Human Rights and Refugee Affairs Directorate in the Ministry of Government. The Director General, Lic. Luis Ortiz Monasterio, serves as an ombudsman for domestic and international human rights and refugee groups, and his jurisdiction extends to Mexico's judiciary and state governments. Although he has no independent power to prosecute rights abuses, Ortiz Monasterio is highly respected, both inside the government and by human rights activists. One project with which he was involved was the amnesty of more than 1000 prisoners whose cases had political overtones. Among those amnestied were many peasant activists who had been imprisoned on charges arising in the context of land disputes. Another pilot project is an ombudsman program under which an officer from the Human Rights Directorate is based in a state that has a high level of conflict over land questions. The hope is that a permanent federal human rights presence will serve as a deterrent to those who would perpetrate rights abuses, and will also keep the Human Rights Directorate better apprised of rural violence in that state.

On June 6, 1990, the Salinas administration took another positive step

when it established a new National Human Rights Commission composed of distinguished journalists, academics, writers, and other prominent citizens. The Human Rights Directorate will serve as a technical arm for this body which is also based in the Ministry of Government, but has been promised a high degree of autonomy to carry out its work. While the Commission will not have any independent power to prosecute complaints, its President will report bi-annually to President Salinas.

Another positive development has occurred at the state level. Several states, including Aguascalientes and Morelos, have appointed human rights ombudsmen or commissions to receive complaints about human rights violations occurring in those states.

While Americas Watch applauds these developments, we note that Mexico historically has opted for form over substance in the promotion and protection of human rights. If Mexico rigorously adhered to the provisions of its Constitution and statutes, Mexico's human rights record would be exemplary. In fact, the laws are ignored. Similarly, while the appointment of federal and state human rights officers is laudable, such appointments, in and of themselves, are far from sufficient. What continues to be lacking in Mexico is the political will to achieve real reforms in this area. Such reforms would require, among other things: reining in the police and security forces and prosecuting and punishing those who commit abuses; ensuring that federal, state, and local elections are free and fair so that they do not give rise to what often appear to be well-founded allegations of fraud; overhauling land reform procedures to eliminate bureaucratic delays, to prevent vigilante acts orchestrated by *caciques* (landholders and other rural bosses with significant political and economic power), and to ensure due process and basic protections to all land claimants; respecting the integrity of a free press; and respecting the rights of independent political parties, trade unions, and peasant organizations.

Chapter Notes

1. Mexico's one major independent conservative party, the National Action Party, or "PAN," also ran a candidate in the 1988 elections who won a significant number of votes. In July 1989, its gubernatorial candidate in the state of Baja California was officially declared the winner. For the first time in more than half a century the PRI does not control the gubernatorial palace in every Mexican state.

2. For further information about her case, see Chapter II.

3. For further discussion of the discovery of tortured bodies in the earthquake rubble, see Chapter II.

4. Vázquez, Antonio "CTM Leader Links Opposition to Drug Trafficking," *Unomasuno*, April 11, pp. 1, 7. Reprinted in FBIS-LAT-90-075, April 18, 1990.

5. In recent months Mexico has entered into negotiations with at least two countries to purchase military equipment. According to the Argentine weekly magazine, *Somos* (Pereyra, Hernán, "Dreams and Tanks: Sales to Iran and Mexico," February 21, 1990, reprinted in Foreign Broadcast Information Service (FBIS), Daily Report, Latin America, March 29, 1990.), Mexico is negotiating to buy 400 tanks from Argentina; U.S. officials confirm that Mexico also negotiated to buy between 200 and 400 excess NATO M60 A-1 tanks, but that the tanks were eventually sold to Egypt.

II. TORTURE AND EXTRAJUDICIAL KILLINGS BY POLICE AND SECURITY FORCES

Torture and extrajudicial killings by federal and state police and the country's security forces are disturbingly frequent in Mexico. While such acts occur in the context of election-related violence and violence over land disputes, they are even more commonplace in the context of routine law enforcement, and especially in drug-related cases. In some cases torture and extrajudicial killings go hand in hand, and torture is the cause of death.

Torture is endemic in Mexico. It occurs in all parts of the country and is practiced by most if not all branches of the federal and state police, as well as by the armed forces. Methods range from beatings to death threats and other forms of psychological intimidation to sophisticated torture techniques designed to leave no lasting physical marks. The most frequently repeated of the latter techniques include putting a plastic bag over the victim's head or submerging it in water until near asphyxiation occurs; spraying mineral water, sometimes laced with chili peppers, into the nose; and electric shocks to sensitive parts of the body. Torture is not reserved for intimidating or punishing political oppostion; in Mexico it is a law enforcement technique that is used to extract confessions, and, in some cases, to extort money from prisoners or their families.

Torture has a long history in Mexico. It was routinely used by the *Brigada Blanca* and other security forces during the Echeverría and López Portillo administrations against persons detained for alleged involvement in guerrilla organizations.[1] Following the September 19, 1985 earthquake, bodies of several prisoners showing signs of torture were uncovered during the excavation of the ruins of the headquarters of the office of the Federal District Attorney General. The bodies were identified as Ismael Jiménez Pérez, an accounting student at the National Autonomous University of Mexico (UNAM); Saúl Ocampo Abarca, a lawyer whose bound and gagged body was reported to have been found in the trunk of a vehicle in the building's parking lot; and Johnny Hernández Valencia, a nineteen-year-old Colombian accused of belonging to a criminal gang involved in a series of bank robberies and other crimes. According to the court testimony of Hernández's mother, Miriam Giraldo Valencia, who also had been detained, both she and her son were tortured with electric shocks and

beatings by the Federal District Judicial Police during incommunicado detention in the headquarters of the Attorney General.[2]

Torture is categorically prohibited by Article 22 of the Mexican Constitution which provides:

> The penalties of mutilation and of infamy, branding, flogging, beating with sticks, torture of any kind, excessive fines, the confiscation of property, and any other unusual and excessive penalties are prohibited.

The discovery of the tortured bodies in the ruins of the Attorney General's headquarters stirred national outrage and prompted the government to take steps to strengthen the constitutional prohibition against torture. In early 1986, Mexico passed the Federal Law to Prevent and Punish Torture. Under this statute, torture by a public servant is punishable by up to eight years imprisonment together with a fine and permanent suspension from duties. The law is non-derogable; it recognizes the right of detainees to a medical examination by a doctor of their choice, and provides that no declaration obtained as a result of torture may be used as evidence in legal proceedings. Mexico also ratified the United Nations Convention Against Torture and the Inter-American Convention to Prevent and Punish Torture.

As many high level officials openly acknowledge, these steps to strengthen the law have made little difference in the incidence of torture. Manuel Villafuerte Mijangos, Director of Legal Affairs of the National Executive Committee of the PRI and a former senator from Chiapas, was quoted in a recent article in *Proceso* as saying: "The Federal Law to Prevent and Punish Torture... has been an ineffective remedy. Torture is deeply rooted in our country.... It is ironic that, in many cases, it is the torturers who are charged with applying the law against torture."[3]

One of the reasons for the use of torture is to extract confessions. Under Mexican law, the first declarations of an accused are presumed to be made with greater spontaneity than subsequent declarations, and thus are considered by the courts to be the most reliable evidence of the truth. In addition, when a person who has "confessed" is unable to provide proof that he was the object of violence by a state body, his assertions of violence are deemed to be insufficient to overcome the presumption that his initial confession was valid.[4] These legal rules encourage abuses of authority by police, who are poorly trained, poorly paid, and who would

otherwise have to conduct extensive investigations to compile the evidence needed for a conviction. Abuses include not only the use of torture and other forms of intimidation to obtain confessions, but the arrest and detention of persons against whom there is insufficient basis for arrest.

Mexican constitutional and penal code provisions apparently designed to protect the due process rights of prisoners in fact provide the window of opportunity during which almost all torture takes place. Under Article 19 of the Mexican Constitution, a person who has been arrested and detained must be brought before a judge within twenty-four hours. Within seventy-two hours of the arrest and detention, a judge must issue an order of imprisonment against the detainee, or set him free.[5] While incommunicado detention is specifically banned under Article 20, Section II of the Constitution, this provision is commonly observed in the breach during the period before an order of imprisonment is issued. Almost all of the reports of torture brought to the attention of Americas Watch occurred while the prisoner was in incommunicado police detention during this initial three day period (or thereafter, if the three day rule was violated). In recent years various federal statutory and constitutional changes that would punish illegal detentions, and prohibit confessions made in police custody from being used as evidence in court, have been proposed but have failed. Efforts currently are underway in several states to achieve the same results at the state level.

The accounts of specific instances of torture and other abuses that follow are only a sampling of the cases reported to Americas Watch. Some are based on information received from state or federal government sources or Mexican human rights groups. Others derive from news media reports. Taken together, these cases highlight the extent of the use of torture nationwide. Wherever possible the status of federal or state prosecutorial investigations into these cases is reported; where omitted, it is because Americas Watch is not informed as to the status of the investigation into the case. In addition, many of these cases are being investigated by the office of Director General for Human Rights Luis Ortiz Monasterio, though his office has no power to initiate prosecutions.

Federal Judicial Police

The Federal Judicial Police, and particularly its anti-narcotics trafficking division, are implicated in many of the worst reports of torture and extrajudicial killing. Prosecutions of officers accused of torture or

extrajudicial execution are rare, and routine lesser misdeeds, including robbery and intimidation of suspects, are virtually ignored by government authorities.[6]

Some of the most flagrant abuses by the Federal Judicial Police have occurred in the northern states of Sinaloa, Durango, and Chihuahua, where drug trafficking is reportedly most active. Citizens, and even state and local officials in these states, are up in arms about the abuses, and state bar associations and human rights groups have taken the lead in trying to combat them. Events in Sinaloa illustrate the risks faced by those who take a stand against human rights abuses by the police in this part of the country.

Culiacán, Sinaloa: In 1984 lawyers and community activists in Sinaloa, concerned about reports of torture and mistreatment by the police in the area, formed the non-governmental Commission in Defense of Human Rights. The Commission has been active in a number of local cases including the 1984 arrest of two professors from Mazatlán accused of belonging to an urban guerrilla group, tortured, and then acquitted; the 1985 arrest of practically an entire community of Tarahumara Indians accused of being involved in drug-related activities, and the severe torture of a youth arrested on assault charges. On December 16, 1987, the co-founder and president of the Commission, attorney Jesús Michel Jacobo, was gunned down and killed. No one has ever been arrested for his assassination.[7]

After Jacobo's death, his co-founder, Norma Corona Sapién, assumed the presidency of the Commission. Ms. Corona, also an attorney, was a professor at the Autonomous University of Sinaloa. She was also president of the "Clemente Vizcarra Franco" Bar Association in Sinaloa. Despite the death of her colleague, Corona refused to be intimidated. She was a strong proponent of state penal code reforms to punish torturers. She was also an advocate for victims of torture and extrajudicial killing by the Federal Judicial Police.

On February 22, 1990, in the early morning hours, Federal Judicial Police officers arrested Mexican lawyer Jesús A. Guémez Castro and three Venezuelans, Julio Zuate Perasaque, José Amaury Glaciano, and José Vladimir Arzeola. Their tortured and bullet-riddled bodies were found in a shallow grave on March 11.[8] On March 6, the Venezuelan Foreign Affairs Ministry stated that it had been notified by Mexican authorities that the

Venezuelans were being held by the Federal Attorney General on arms trafficking charges. The following day a spokesperson for the Attorney General's office denied the three were being held and suggested that they had probably been kidnapped as part of a vendetta involving drug traffickers.[9] Later in March, Adolfo Lugo Cárdenas was arrested for allegedly taking part in the killings. At his public hearing, Lugo Cárdenas declared that he had been tortured and forced to confess to the killings, but that his only role in the affair was to drive one of the vehicles in which the Venezuelans were abducted.[10] The judge in the case, Héctor Moisés Viñas Pineda, dismissed the conspiracy charges for lack of evidence, and jailed Lugo Cárdenas for marijuana possession.[11] Norma Corona was involved in the investigation of the death of Guémez Castro, the Mexican lawyer whose body was found with the Venezuelans. She accused members of the Federal Judicial Police, who she said were acting on behalf of drug trafficker Luis "El Güero" Palmas, of being responsible for the killings of the four men.[12] She subsequently received several death threats.

On May 21, at 7:20 in the evening, Corona was assassinated by three men who shot her three times with a .45 caliber pistol. Her murder occurred two blocks from the University, which is located in the center of the city. The three were seen driving away in a blue Chevrolet Cheyenne without license plates. To date, no arrests have been made, though Sinaloa Governor Labastida Ochoa promised at Corona's wake that the state would get to the bottom of the matter.[13]

Ceballos, Durango: On November 11, 1989, between thirty and sixty officers of the Federal Judicial Police's anti-narcotics squad occupied the small town of Ceballos (pop. 15,000). Fifteen of the officers set up head-quarters in a local bar where they stole one million *pesos* from the cash register, helped themselves to beer, and beat and interrogated the customers. Similar scenes took place throughout the town, where cash was stolen from even the smallest candy stores, as were the possessions, jewelry and cash of many residents. Seven people were arrested, among them Luis Alfonso Willes Gonzalez. His wife said her husband was tortured so severely he could barely talk, was denied medical attention, and was "hung from a helicopter in flight."[14]

The community protested the abuses, the local press took up the story, and eventually the Congress and the Governor of Chihuahua presented

formal complaints to Attorney General Enrique Alvarez del Castillo, Secretary of Government Gutiérrez Fernando Barrios, and President Salinas. According to *Proceso*, Attorney General Alvarez del Castillo told Governor José Ramírez Gamero "...this is how [the Federal Judicial Police] work, and in case anything was lost... he should be notified and the value of the items quantified so that payment could be made...."[15]

San Francisco de la Joya, Chihuahua: Emiliano Olivas Madrigal was arrested by Federal Judicial Police officers on the morning of October 19, 1989 during an anti-narcotics campaign directed at a community of 3000 people in this poppy-growing region. He was taken to a hotel room rented by the officers. Emilina Gaxiola de Díaz, owner of the hotel, said that guests complained that they heard screams and blows that continued throughout that night. Olivas Madrigal died under torture. His body was thrown from a third-floor window of the hotel and was found the next morning.[16] According to a National Public Radio report, three police officers have been arrested in connection with the murder though several others alleged to have been involved are still free.[17]

State of Mexico: At 7:00 a.m. on January 14, 1990, upwards of one hundred officers of the anti-narcotics division of the Federal Judicial Police surrounded the home of Francisco Quijano in Ojo de Agua, allegedly looking for his son, also named Francisco, who was accused of killing two Federal Judicial Police officers the day before. Two other sons, Jaime Mauro and Erick Dante, surrendered to the police and came out of the house with their hands up; they were shot and killed on the spot. A fourth son, Héctor, was arrested and died in police custody. The family has a post-mortem photograph of Héctor's tortured body which seems to show that one eye is out of its socket, that teeth are missing, that part of his tongue was cut out, and that his chest was burned with cigarettes.[18] According to Rosario Ibarra, president of the National Front Against Repression, Héctor was shot to death in front of a fifth brother, Sergio Maximino, who is imprisoned in the Federal District's Reclusorio Norte.[19] As of April 20, no legal action had been taken against any of the police allegedly involved.[20]

Mexico City: Four Federal Judicial Police officers were arrested on January 15, 1990, and charged with gang rape, aggravated assault,

kidnapping, and robbery, following months of complaints and demands for justice by at least nineteen rape victims. Three of the men were personal body guards of Javier Coello Trejo, Mexico's Deputy Attorney General in charge of the Federal Judicial Police's anti-narcotics division. The officers were identified by victims in police line-ups on September 6, 1989, but were not relieved of duty or detained until January, during which time at least five other women were assaulted and gang-raped.[21]

According to *La Jornada*, the Federal District Judicial Police's investigation into the affair was plagued by resistance by the Federal Attorney General's office, including missing files, sudden dismisal of government employees working with the rape victims, threats against Federal District agents involved in the investigation, and a possible attempt on the life of María de la Luz Lima, the government official in charge of special agency programs including support for rape victims.[22] Deputy Attorney General Coello Trejo continued to defend the men even after they were charged.[23] In late March 1990, the Federal Judicial Police arrested and charged four Mexico City Judicial Police officers with participating in the rapes. None of the 24 victims identified them in a line-up and those arrested said they had been tortured and forced to sign confessions.[24]

Aguililla, Michoacán: On Saturday, May 5, 1990, anti-narcotics officers of the Federal Judicial Police apparently clashed with drug traffickers in the vicinity of the town of Aguililla, in the state of Michoacán. At least three and perhaps as many as five police officers and two peasants were killed in two separate incidents.

Later that night, about one hundred policemen descended on the town and arrested at least one hundred people, including women and children; confiscated some sixty vehicles and, without search warrants, raided close to one hundred homes.[25] The following day, Aguililla Mayor Salomón Mendoza Barajas, a PRD member who had previously led community protests against Federal Judicial Police abuses in Aguililla,[26] was arrested when he went to the police force's headquarters at the local military base to complain about the situation. According to Michoacán Senator Cristóbal Arias, the police bound, blindfolded, and beat Mendoza.[27] He was charged with the homicide of three Federal Judicial Police agents and possession of marijuana, cocaine and firearms. Similar charges were brought against ten other members of the PRD in Aguililla.[28] Mendoza's wife, María del

Carmen Contreras Cervantes, stated in an interview that Federal Judicial Police agents came to her house about four hours after her husband was arrested, and again the next day. On both occasions they planted weapons, ammunition, cocaine and marijuana in her house.[29]

Contreras and Mendoza's sister, Teresa Mendoza Barajas, also alleged that Federal Judicial Police officers kicked a six-year old boy to death at the Cierro Prieto ranch for failing to tell them where his father was. They further alleged that on Sunday, May 6, 1990, officers seized a wounded man, a woman, and a wounded child who sought treatment at the Social Security clinic.[30] Five days after the police raid on Aguililla, 25 people were estimated to be missing.[31]

On May 9, 1990, PRD Congressman Leonel Godoy y Rangel, who participated in Mendoza's defense team, was abducted in Mexico City by four armed men driving a Ford Topaz. The men forced him to the floor of the Topaz and drove him around for about forty minutes, beating him and threatening him with a cocked firearm. They also stole his cash, credit cards, watch and coat, as well as documents about Federal Judicial Police abuses in Aguillila.[32] The men then placed Godoy in the trunk of his own vehicle, and put a cushion under his head. One of the men pointed a gun at Godoy's head and said "Don't you think I could kill you here, like this with the cushion, and not make any noise? Nobody would know." The abductors then left Godoy in a vacant lot and told him to run for his life, as they were going to shoot him in the back.[33] Godoy's car was not returned.

On May 13, Samuel I. del Villar, counsel for the PRD, announced that his party would sue Attorney General Enrique Alvarez del Castillo over the police abuses in Aguililla and the kidnapping of Congressman Godoy.[34]

Other Federal Police

Other branches of the federal police including the Federal Highway Police and the Intelligence Division of the Ministry of Protection and Highways have also been accused of torture and political killing.

Topilejo, Dístrito Federal: On November 20, 1989, Federal Highway Police officers stopped Fidencio Morones Chávez, Gerónimo Morones Chávez, Miguel Angel García Chávez and Arturo Monroy, the latter two minors, as they walked alongside a federal highway after a day of agricultural work. When they refused to give up their possessions, Fidencio Morones was shot and killed. The others were warned not to go

to his aid or they too would be shot. The remaining three were then beaten, threatened that they would be made to "disappear," and taken to the federal highway police station where they were beaten further, tortured with electric shocks, and forced to sign blank pieces of paper. All three were eventually released. The officers involved were arrested and charged with abuse of authority, but not homicide; they are free on bond.[35]

Tlaxcoaque Abortion Cases: On March 16, 1989, eight women were abducted as they left an illegal abortion clinic. They were detained incommunicado for fourteen hours in a jail in Tlaxcoaque, near Mexico City, by agents of the Intelligence Division of the Secretariat of Protection and Highways. Also arrested was Dr. Joaquín Pastrana Reynoso who was accused of performing abortions. The women were stripped, pinched, kicked, insulted, and forced to watch while Dr. Pastrana was tortured by having his head dunked into water, all without regard to the fact that they were either pregnant or convalescing from surgery. Dr. Pastrana alleged that he was also beaten and tortured with electric shocks for five hours until he admitted performing abortions. He further claimed his abductors tried to extort from him 150 million pesos.[36]

Armed Forces

While accounts of human rights violations by members of the armed forces are heard less frequently than they were in years past, a number of disturbing recent incidents suggest that torture and political killing are still institutionalized techniques in the military.

Oaxaca: Andrés Martínez Díaz, a 23-year-old fisherman from Río Grande, Tututepec, Juquila, Oaxaca was taken from his home at approximately 1:00 a.m. on February 8, 1989 by approximately 44 soldiers from the 54th Infantry Battalion based in Puerto Escondido, under the command of Sub-Lieutenant Gustavo Ruiz Bautista.[37] Witnesses reported that the soldiers were drunk. The family filed an application for *amparo* (an expeditious judicial review of administrative actions on constitutional grounds) but Martínez was not found in the local barracks. The case was investigated by the offices of Lic. Luis Ortiz Monasterio who sent an officer to Oaxaca to investigate the case. While in the area he walked to the beach where he stumbled over Martínez's badly decomposed body. An autopsy was performed but the cause of death was not determined. The

Mexican Academy of Human Rights reported that Martínez had previously been threatened by the State Judicial Police because of his alleged connection to a local drug dealer. The family has denied that Martínez had any drug connections.[38]

In two unrelated incidents in Oaxaca, the Mexican Academy of Human Rights reported that on February 16, 1988, Mixe Indian Gregorio Castañón López was detained by the military, allegedly for drug possession. He was beaten and tortured until he "confessed," and the soldiers then turned him over to the Federal Judicial Police. Based on his confession, he was sentenced to seven years in prison. Castañón appealed and presented two medical certificates and two witnesses attesting to the fact that he had been tortured, yet his sentence was upheld.[39] And, on April 16, 1989, Crisóforo José Pedro, also a Mixe Indian from Buenavista in the municipality of Guichicovi, was killed by four men with one hundred machete blows. One of the killers was arrested, He identified Juan Abad Juan Valdespino, a soldier with the 6th Artillery Regiment stationed in Matías Romero, Oaxaca, as one of his accomplices.[40]

Nayarit/Jalisco: Representatives of the Cora, Mexicanera, Tepehuana, and Huichola indigenous groups in the states of Nayarit and Jalisco declared at a government agency-sponsored conference on problems of indigenous people that, with the pretext of fighting drug trafficking, the military broke into their homes, and demanded food, pack mules, and guides from their communities. According to a spokesperson for the Indians, Juan Tomás González from Anexo del Salto was taken away as a guide in 1987 and was still missing in October 1989. The spokesperson added that armed forces personnel have also broken into ceremonial centers, destroyed utensils used by medicine men, suspended traditional rites, and ridiculed and detained people who practiced them.[41]

Durango: According to PAN State Legislator Leopoldo Ríos, on March 5, 1990, a local peasant, Alvaro Martínez Quiñones, was detained by the military in connection with an investigation into the sale of drugs. On March 9, after being informed by the military that Martínez Quiñones had been freed, his family found his dead body at the bottom of a ravine. When they demanded an explanation, they were told that Martínez had committed suicide. Ríos added that residents of the community of San Rafael are treated like slaves by the military and forced to carry soldiers on

their backs to cross the river.[42]

State Police Forces

Reports of abuses by state police forces come from states in all parts of the country, and include a range of police units including state judicial police, state highway police, and state preventive police. In some states abuses are so flagrant that they have prompted an outcry from state government officials and political party leaders. In his first report, Aguascalientes Human Rights Ombudsman Miguel Sarre Iguíñiz reported on nearly fifty cases of torture, beatings, shootings, and incommunicado detentions by state police that had been referred to his office between May 1988 and December 1989.[43] Among the reported cases were two involving the torture of minors, and a third involving the shooting of a juvenile. Sarre complained that the state judicial police not only failed to heed his recommendations regarding specific cases but had impeded, at times physically, his ability to conduct adequate investigations.

In the State of Mexico, Perfecto Martínez Muñoz, the director of the Revolutionary Movement of Popular Defense of the PRI in the State of Mexico accused the state judicial police of "continuing to apply interrogation methods from the days of the inquisition to obtain declarations under torture and to manufacture criminals."[44]

Tabasco: Jesús Manuel Martínez Ruiz was arrested with three other men by State Judicial Police on September 4, 1989 in Villahermosa, Tabasco. According to one of the survivors, the four were taken to the beach where their hands were handcuffed behind their backs. A piece of cloth was stuffed into their mouths and tied to their handcuffed hands, thus forcing them to bend over backwards. Their bonds were then connected by a rope to the vehicle driven by the police. The prisoners were forced to kneel in the surf; they were repeatedly thrown into the water and towed out by the vehicle. Martínez Ruiz died during this treatment and his body was unofficially buried at the local cemetery.[45] After Martínez's family recovered his body, an autopsy was performed. It was attended by numerous state and federal government officials from the Department of Health, the Tabasco Medical Association, and the Human Rights Department in the Ministry of Government, as well as by forensic doctors from the Attorney General's Office. The autopsy results indicated that Martínez Ruiz died of bronco-aspiration. A doctor commissioned by the

Human Rights Department indicated that there was no evidence of fractures or traumatic blows to the body.[46] Despite the eye-witness testimony of the survivors, state officials are treating the autopsy results as conclusive evidence that no criminal conduct was involved and have closed the case.[47]

Tijuana, Baja California: Between January and March, 1990, Víctor Clark Alfaro, Director of the Binational Center for Human Rights in Tijuana (CBDH), collected tape-recorded testimonies of torture and mistreatment from seventy-five juveniles detained in the city's juvenile detention facility. Most of the youths, who ranged in age from eight to seventeen, told stories of torture that occurred during police custody before they were sent to the detention facility. A few also described beatings by guards at the center. Torture methods included electric shocks to sensitive parts of the body, submersion of the head in water, asphyxiation by placing a plastic bag over the head, pouring mineral water into the nose, beatings, and threats.[48] Torture took place in police vehicles as the children were being taken into custody, and in the offices and bathrooms of police headquarters. The State Judicial Police were alleged to be responsible in most instances, though Municipal and Federal Judicial Police were also implicated. In his report, Clark Alfaro, who did a similar study in 1987, concluded that torture is systemic and continues despite the fact that Baja California has had a change of government and is no longer governed by the PRI.[49]

Clark Alfaro also reported that as of January 30, 1990, twenty-six minors were illegally incarcerated at La Mesa state penitentiary, and that two months later that number had increased.[50] In late May, Clark Alfaro told Americas Watch that he learned from inmates at La Mesa that three juveniles, two boys and a girl, were being held in the prison's "tombs" or punishment cells. Clark contacted a television news crew which went with him to the penitentiary to interview the youths. In the punishment cells in the women's section of the prison they found a 16-year-old girl who was two months pregnant and had a broken nose. She told Clark Alfaro she had been tortured by the Federal Judicial Police and that she was in the "tombs" because the director of the penitentiary put her there. The girl was removed from the "tombs" and placed with the women population in the prison immediately after Clark Alfaro's visit.

Clark Alfaro's report on torture of juveniles in Tijuana was made public

on April 18, 1990. Shortly thereafter, 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 has also received veiled threats from Mexican government officials that the Binational Center for Human Rights would be closed. To date, a state investigation into the matter is underway, but no one has been arrested or relieved of duty in connection with the allegations.

Simojovel, Chiapas: On January 22, 1990, State Judicial Police detained and tortured five minors, Manuel Gómez Gómez, age 15; Ramón Ruiz Hernández, age 12; Oscar Ruiz Gómez, age 9; Guadalupe Gómez Hernández, age 8; and Blas Ruiz Gómez, age 7. The youngsters were from the nearby community of Lázaro Cárdenas, and had come to Simojovel to sell coffee. They were stripped naked, beaten and had their heads pushed into a toilet. The policemen pointed their revolvers and assault weapons at them and asked if anyone in their community had such weapons. They also asked the minors about the activities of the Independent Confederation of Agriculture Workers and Peasants, ("CIOAC") in the region and suggested the money the minors were carrying was from the sale of marijuana.[51]

Federal District: On October 11, 1989, Mexican businessman Juan Javier Macklis, an alleged associate of former Panamanian leader General Manuel Antonio Noriega, made a preliminary statement to judges in which he accused the police of extracting a statement from him as a result of torture. "I was savagely beaten at the Attorney General's Office and forced to sign a document that I never read. I do not know if it accused me of murdering President Lincoln," said Macklis.[52]

Chapter Notes

1. See Chapter IV.

2. Amnesty International, Mexico: Human Rights in Rural Areas, London, 1986, pp. 6-8.

3. Monge, Raúl and Ramírez, Ignacio, "*La tortura sigue como el más eficaz método de investigación policial*," *Proceso*, No. 649, April 10, 1989.

4. *Tesis Jurisprudenciales de la Corte Suprema de Justicia de la Nación de los Fallos Pronunciados de 1917 a 1975, del Apéndice al Semanario Judicial de la Federación, Segunda Parte, Primera Sala*, Numbers 81 and 82, pp. 171-172, 175.

5. Under Article 107, Section XVIII, wardens and jailers who do not receive an authorized copy of the order of formal imprisonment within the seventy-two hour period prescribed in Article 19, must inform the judge, and if the order is not produced within three hours, must set the prisoner free.

6. According to Javier Treviño, the Mexican government's spokesperson at its embassy in Washington, D.C., 289 government officials have been dismissed and forty tried on abuse of authority or corruption charges since the Salinas administration took office. It is not clear what percentage of these officials are police accused of violations of human rights. Davis, Katie, "Mexican Police Human Rights," National Public Radio, Tape No. ATC 900402, April 20, 1990.

7. Robles, Manuel and Salomón, Luz Aída, "*Una ejecución más en Sinaloa; Ni una pista del asesinato de Norma Corona*," *Proceso*, No. 708, May 28, 1990.

8. Salanueva, Pascual, "*Esclarecer a fondo tres asesinatos, pidió Venezuela*," *La Jornada*, March 14, 1990.

9. Fernández Menéndez, Jorge, "*Los cuatro asesinados de Culiacán: Un nuevo caso Camarena?*," *Unomasuno*, March 18, 1990.

10. Salanueva, Pascual, "*En Culiacán Marcharán 5 Mil Personas Contra la Violencia*, *La Jornada*, March 16, 1990.

11. Cruz, Héctor, "*Pedirán que Alvarez del Castillo explique abusos cometidos por*

judiciales federales," *Unomasuno*, March 18, 1990.

12. *Proceso*, No. 708, cit.

13. Id.

14. Garza, Luis Angel, "*Agentes antinarcóticos se apoderaron del pueblo de Ceballos, Durango, y golpearon, vejaron, saquearon*," *Proceso* No. 683, December 4, 1989.

15. Id.

16. Andazola, Juan Manuel, "*Agentes de la PJF siembran el terror en la Tarahumara*," *La Jornada*, October 22, 1989.

17. National Public Radio, cit.

18. Id.

19. *El Universal*, February 13, 1990.

20. National Public Radio, cit.

21. Lovera, Sara, "*Toxicómanos, los agentes acusados de violación: peritos*," *La Jornada*, January 24, 1990.

22. Id.

23. Salanueva Camargo, Pascual, "*Merecen toda su confianza los agentes procesados, dice Coello*," *La Jornada*, January 24, 1990.

24. García, Clara Guadalupe, "*No reconocen las jóvenes violadas a los cuatro agentes de la PJDF*," *La Jornada*, March 25, 1990.

25. Zamarripa, Roberto, "*La militancia no es patente de corso en narcotráfico: Sauari*," *La Jornada*, May 10, 1990.

26. According to *La Jornada*, on November 13 and 15, 1989, Federal Judicial Police agents "emptied" ten homes and stores in Aguililla; similar incidents occured on February 19, 1990, in which cash and jewelry were taken from homes that were searched. Gurza, Teresa, "*Protesta ante la PGR por abusos de la PJF en Aguililla, Michoacán*," *La Jornada*, May 10, 1990.

27. Zamarripa, cit.

28. Matus, Jesús, "*Niega todos los cargos que se le imputan, Salomón Mendoza Barajas*," *El Universal*, May 11, 1990.

29. Gurza, Teresa, "*Los agentes pusieron pruebas falsas, acusan en Aguililla*," *La Jornada*, May 11, 1990.

30. Gurza, supra, n. 5.

31. Gurza, supra, n. 5.

32. Alemán Alemán, Ricardo and Zamarripa, Roberto, "*Presuntos judiciales secuestraron y golpearon a Leonel Godoy*," *La Jornada*, May 11, 1990.

33. Rodriguez, Javier, "*Acusa L. Godoy Rangel a la PJF de pretender intimidar a legisladores*," *El Universal*, May 11, 1990

34. "*Prepara el PRD una denuncia contra Alvarez del Castillo*," *La Jornada*, May 13, 1990.

35. Martínez, Irma Rosa, "*Federales de Caminos matan a un hombre y torturan a 3*," *El Universal*, December 24, 1989; Martínez, Irma Rosa, "*Libres, los policías que asesinaron a un campesino y torturaron a 3, en Topilejo*," *El Universal*, February 7, 1990, p. 19; Mexican Academy of Human Rights, Urgent Alert, Nov. 20, 1989.

36. Miller, Marjorie, "Tradition, Poverty Shape Mexico Abortion Debate," Los Angeles Times, April 9, 1989; *Proceso*, April 10, 1989, cit.

37. Mexican Academy of Human Rights, Urgent Alert, May 11, 1989.

38. Mexican Academy of Human Rights, Urgent Alert, March 10, 1989.

39. Mexican Academy of Human Rights, Urgent Alert, April 29, 1989.

40. Mexican Academy of Human Rights, Urgent Alert, May 11, 1989.

41. Soriano, Arturo, "*Terminar con agresiones del Ejército, exigen indígenas de Nayarit y Jalisco en una reunión*," *El Universal*, October 13, 1989.

42. Reséndiz, Jesús, "*Pide diputado panista investigar la muerte de 2 campesinos en Durango*," *La Jornada*, March 28, 1990.

43. "*Primer Informe de Actividades del Procurador de Protección Ciudadana del Estado de Aguascalientes, Lic. Miguel Sarre Iguíñiz, Ante El C. Ing. Miguel Angel Barberena Vega, Gobernador Constitucional del Estado y la LIV Legislatura del H. Congreso del Estado, Rendido en sesión solemne celebrada el día dos de Diciembre de 1989.*"

44. Hernández, Juan, "*Persisten las torturas en la PJ, afirma Perfecto Martínez*," *El Universal*, February 1, 1990.

45. Romero, Ismael, "*Relato de un testigo y víctima de la crueldad policiaca en Tabasco*," *El Universal*, October 26, 1990.

46. Salinas Pérez, Eduardo, "*Tabasco: ratifican que la muerte de Martínez Ruiz no fue por tortura*," *El Nacional*, November 8, 1989.

47. Id.

48. In February 1990, Americas Watch delegates visited La Mesa prison, the state penitentiary in Tijuana. During the course of brief interviews with approximately twenty to twenty-five prisoners, we heard similar accounts of torture by State Judicial Police in Baja California.

49. Between May and September, 1987, the CBDH documented 108 cases of torture of minors in Tijuana. The incidence of this kind of abuse apparently decreased for some time thereafter, but seems to be on the rise again.

50. Id., p. 12. Representatives from Americas Watch visited that prison in February 1990. At that time the prison's warden confirmed that there were 26 minors in the facility, in violation of federal constitutional law.

51. López Domínguez, José Dolores, "*Niños torturados en Chiapas*," *El Universal*, February 5, 1990.

52. "Alleged Noriega Associate Charges Police Torture," AFP, October 12, 1989.

III. ABUSES IN THE CRIMINAL JUSTICE SYSTEM

In October 1989 and January 1990, Americas Watch representatives toured approximately a dozen Mexican jails, detention centers, and prisons. During those visits, which were organized by government officials responsible for Mexico's prison system, we conducted brief interviews with prisoners chosen at random about prison conditions and about the circumstances surrounding their imprisonment.[1] We conducted somewhat longer interviews during a separate visit to Tijuana's La Mesa Penitentiary in February 1990.[2] In addition, our representatives spoke with government officials, defense attorneys, human rights organizations, and clergy and lay volunteers who work with prisoners on prison conditions and abuses of due process in the Mexican criminal justice system.

Americas Watch will soon publish a comprehensive report on prison and jail conditions in Mexico. The report will concentrate on the problems created by severe overcrowding throughout Mexico's penal system,[3] and will address physical conditions and the treatment of prisoners inside the prisons.

This chapter addresses some other recurring problems faced by defendants once they enter the criminal justice system that were reported to Americas Watch during the prison visits and related interviews. As noted previously, one common problem is the violation of the three day rule; that is, the rule that requires that an order of imprisonment must be issued for a defendant by a judge within seventy-two hours of arrest or the prisoner must be released. Another abuse is that arrests frequently are made without warrants. This practice violates Article 16 of the Mexican Constitution. In addition, Americas Watch is concerned about cases of prisoners who were arrested on minor charges but were not granted the right to bail as guaranteed by Article 20 (I) of the Constitution.

Another right that is often violated is the guarantee of a speedy trial. Under Article 20 (VIII) of the Mexican Constitution, a prisoner must be tried within four months for crimes for which the maximum penalty does not exceed two years imprisonment, and within one year if the maximum penalty exceeds that time. In our interviews with prisoners, a number told us that they had been detained for periods exceeding one year. While in some cases it appeared that appeals and other defense counsel strategies

for winning the release of the prisoner accounted for the delay, in others the delay appeared to be the fault of the prosecutor or the court. For example, one woman imprisoned in La Mesa penitentiary told us she had been in jail two years, but still has not been convicted of a crime. She told us that hearings on her case had been rescheduled several times because the arresting police officer had failed to appear in court. Human rights groups, defense attorneys, and lay workers who regularly visit prisoners confirmed that many prisoners had their cases pending for far longer than the permissible one year period. Some wardens expressed to us their frustration over the delays in trying prisoners and suggested that these delays contributed to the severe overcrowding of the prisons for which they were responsible.

This problem is especially prevalent in cases involving indigenous people who do not speak Spanish. Cultural and geographical barriers, in addition to linguistic barriers, often impede a fair trial in their cases. According to an official of the National Indigenous Institute (INI), which is pressing for better protection of constitutional rights for members of indigenous groups, trial delays beyond what is constitutionally required have the effect of breaking down Indian prisoners' community ties and cultural identity. Also, INI is working to overcome linguistic impediments to fair trials in criminal cases involving members of indigenous groups. Though Mexican law requires that translators must be provided in trials of persons who do not speak Spanish, this requirement is seldom met in trials of non-Spanish-speaking indigenous persons.[4] In addition, there are reports that in some states with large indigenous populations, Indian prisoners are held beyond the expiration of their sentences. In these cases, it appears that the problem is bureaucratic and also reflects the fact that the Indians either do not know the length of their sentence or are unable, due to language constraints, to demand their release.

The problem of imprisoning people beyond the completion of their sentences also appears in other contexts. During a visit to Tepepan Prison for Women in Mexico City, Americas Watch representatives were informed by a guard that there were women in the psychiatric ward who should have been released long ago but had been abandoned by their families; they had no place to go after leaving Tepepan.

A number of steps could be taken to reduce these abuses within the criminal justice system. One is to punish police who make routine arrests without warrants. Another is to bar the admissibility of evidence based on

confessions to the police in the absence of the opportunity by defendants to exercise their right to counsel. Also, steps should be taken to ensure that the three day rule is adhered to strictly and that no prisoner is held incommunicado during that period. To ensure compliance with these requirements, courts should immediately free prisoners who are unlawfully arrested, tortured, or held incommunicado. Procedures that allow prisoners who allege torture or other forms of mistreatment to present complaints without fear of reprisals should also be established. Every allegation should be treated seriously and fully investigated; officers found to have practiced or ordered torture or other gross abuses should be prosecuted and punished.

Judges and magistrates should be required to assume greater responsibility for the safety and well-being of prisoners. Those judges who tolerate mistreatment of prisoners or abuses of due process should themselves be disciplined. Judges should also exercise greater care to ensure that their own actions do not lead to due process abuses; in particular judges should be monitored to ensure that they are setting bail when appropriate, providing translators in all cases in which a defendant does not speak Spanish, and completing trials within the time required by the Constitution. Furthermore, judges should be required to keep records on the release dates of prisoners they sentence, and to follow-up with prison authorities to make sure that prisoners are not held beyond the expiration of their sentences.

Absent a system in which officials are held accountable for abuses, it is difficult to envision any significant improvement in the Mexican criminal justice system.

Use of the Criminal Justice System as a Means of Political Control

Aside from the routine denials of due process that prevail in the criminal justice system, the system is also used at times in Mexico as a means of political control. In the context of violence associated with land disputes, baseless arrests by police with close ties to *caciques* are sometimes used to intimidate or punish peasants who are active in independent peasant organizations or outspoken in their demands for land. Such abuses may be effective even if the person is ultimately released, as judicial processes often drag out over several years; during this time the defendant is effectively out of commission. One particularly flagrant case

was that of Embocadero community activist Zósimo Hernández, who spent more than two years in prison for the murder of a local landowner before being released for lack of evidence.[5]

The criminal justice system is also used as a means of political control by corrupt local officials in drug producing areas. Peasants who grow marijuana and other banned crops are at the mercy of officials who engage in selective enforcement of the drug laws and raid and arrest anyone who engages in dissent. In the prison in Tepic, Nayarit, Americas Watch representatives encountered a group of peasants who had been hired to harvest the marijuana crop of a local land owner. As soon as the crop was harvested, the men were arrested on drug trafficking charges. Each was sentenced to seven years in prison. According to the prisoners, the land owner for whom they worked was not arrested.

The criminal justice system in Mexico has been used also as an instrument to intimidate the far left. The most flagrant recent example occurred following the early morning shooting deaths of two security guards at the Mexico City newspaper *La Jornada* on April 2, 1990. The two unarmed men were shot as they chased two men who delivered a packet containing propaganda of the Clandestine Underground Workers Revolutionary Party Union of the People ("PROCUP"). Two days later, the Federal District Judicial Police, including officers of the Special Immediate Response Group ("GERI") and Zorros from the Ministry of Protection and Roadways ("SGPyV"), together with agents from the National Security General Directorate ("DGSN"),[6] raided sixteen to eighteen homes and offices of grassroots political groups and arrested at least 166 individuals, including small children.[7] One hundred and forty-one were released within twelve to 24 hours; twenty-five remained in custody for longer.

Eight of the persons arrested were eventually charged with counts of murder, armed robbery, and property damage in connection with alleged crimes other than the killings of the *La Jornada* guards. The allegations against them included culpability for several Mexico City robberies committed in 1989, purportedly to finance a come-back by insurgent groups. The defendants each professed innocence in court, and stated that the confessions they gave to the police had been coerced. One of the defendants alleged that he had been tortured.[8] Press accounts of the testimonies of those arrested indicate that they were interrogated about weapons and activism related to Central America. Also, press reports

indicate that the police were looking for ties to "disturbances in the municipalities of Michoacán and Guerrero."[9]

Although they were not arrested, two men, Andrés García and Alejandro Rodríguez were indicted for the *La Jornada* killings; a well-known radical leftist intellectual, Felipe Martínez Soriano, was indicted as well. Martínez Soriano gave an interview at *Proceso* two days after he was charged,[10] professing his innocence and complaining that he had been watched and harassed for the previous three years. A few days later he held a press conference in a park in downtown Mexico City, but was not arrested by police.

Federal District Attorney General Ignacio Morales Lechuga was quoted in the press as saying that "all required arrest and search warrants have been covered." Nonetheless, many of those arrested said they were shown neither search warrants nor arrest warrants.[11] Regardless of whether warrants were obtained and presented, Americas Watch views the dragnet arrests of scores of people apparently because of their participation in leftist groups as an abuse of the criminal justice system. The fact that none of those arrested was charged with the killings of the *La Jornada* guards suggests that the aim of the round-up was to intimidate the left rather than to solve the murders.

Chapter Notes

1. Americas Watch representatives were accompanied by representatives from the Mexican government's Human Rights Directorate, its Foreign Ministry, and its Department of Prevention and Social Readaptation of Prisoners, as well as by prison officials and guards. While many interviews technically were conducted out of earshot of those accompanying our representatives, they were never completely private in that the identities of those we were talking to were known to the officials. In all but a few cases other prisoners were present. In addition, our representatives were under pressure to keep the interviews brief as many were kept waiting while the interviews were being conducted.

2. This visit was not organized through the government but rather was part of a preliminary investigation into human rights abuses on both sides of the United States-Mexico border. The visit was arranged through Miguel Pérez Boulirat, the prison's Director General.

3. Resolving the problem of prison overcrowding is one of the highest priorities of officials responsible for Mexico's prison system. Current efforts are directed towards new prison construction and early release programs.

4. INI is pressing for a constitutional amendment to the effect that Mexico is a multi-cultural society. This amendment, among other things, would guarantee indigenous defendants the right to a translator in all criminal cases.

5. See Chapter VI.

6. Cabildo, Miguel; Robles, Manuel and Vera, Rodrigo, *"Hasta ancianos y bebés detenidos en acciones llenas de arbitrariedades*," Proceso, No. 702, April 16, 1990.

7. The organizations raided include the National Coordinator of Indian Peoples (CNPI) and the magazine *La Trilla*. The individuals detained include dissident teachers of the National Coordinator of Education Workers ("CNTE"), activists from the Campamento 2 de Octubre squatters' settlement, the leader of a tenants' organization in Tlatelolco, members of the Union of Workers of the Autonomous Metropolitan University (SITUAM), and many former members of the guerrilla 23 September League and PROCUP, most of whom had sought and received amnesty in 1980. (On April 6, 1990, Federal District Attorney General Ignacio Morales Lechuga said, "There is no subversion, these are common crimes.... The 23

September League no longer exists.") Campa, Homero and Robles, Manuel, "*Los Principales acusados en el caso de 'La Jornada' eludieron las redadas de la Procuraduría*," *Proceso*, No. 702, April 16, 1990.

8. "*Niegan cargos los acusados de asaltos a mano armada*," *La Jornada*, April 11, 1990.

9. Camargo, Jorge and Aviña, José Carlos, "*Libres, 141 de los detenidos en las redadas; siguen buscando cabecillas*," *El Universal*, April 6, 1990.

10. Campa, Homero and Robles, Manuel, "*No soy del PROCUP, ni su dirigente ni nada, afirma Martínez Soriano*," *Proceso* No.702, April 16, 1990.

11. "*Detenciones y cateos sin las órdenes respectivas*," *La Jornada*, April 5, 1990.

IV. DISAPPEARANCES

Disappearances During Prior Administrations

The subject of "disappearances" is a festering sore in Mexico. During the administration of President Luis Echeverría (1970-76), Mexico's army and police, with the support of U.S. advisors, engaged in counterinsurgency operations to eliminate several small leftist guerrilla movements that appeared in both urban and rural areas of the country. These efforts were continued by President José López Portillo (1976-82) during his term in office. According to Mexican human rights organizations, more than 500 people disappeared during that period. Their whereabouts are still unaccounted for.[1] Disappearances continued on a smaller scale during the de la Madrid presidency (1982-88). The whereabouts of nineteen people who disappeared during his administration are still not known.[2]

The disappearances in Mexico during this period followed a pattern similar to that in other countries of Latin America in the same years. Victims were abducted by armed forces personnel or police, including a clandestine police unit known as the *Brigada Blanca* (White Brigade).[3] The perpetrators wore plain clothes, carried weapons, and drove vehicles without license plates.[4] In many instances the abductions were witnessed by family members, neighbors, or other persons; in other cases, the circumstances suggested that the person had been detained by the security forces.

According to testimonies of individuals detained in this fashion who subsequently reappeared, prisoners were taken to secret detention areas in Military Camp No. 1 in the Federal District, or to other secret detention centers located in Oaxaca, Guerrero, and other parts of the country. Incommunicado detention in these facilities lasted from several days to many months during which prisoners were blindfolded, held in solitary confinement, and subjected to physical and psychological torture.[5]

There is evidence to suggest that prisoners detained in this fashion who did not subsequently reappear were killed.[6] A former soldier in the Mexican Army, Zacarías Osorio Cruz, testified during asylum proceedings before the Canadian Immigration Board that he took part in executions ordered by senior Mexican Army and Air Force officials between 1977 and

1982.[7] In his sworn testimony, Mr. Osorio stated that "the order I received was to make these people disappear."[8] According to the New York Times, Mr. Osorio stated that he made several trips to at least five Mexican states to pick up some eighty hooded prisoners and guard them during return flights on Mexican military aircraft to Military Camp No. 1. The number of prisoners in each group ranged from eight to thirty. Among the places to which he claims to have been sent is Guerrero, where he says he picked up between twenty-five and thirty people.

Osorio further stated that he was a member of a three-man team that made between fifteen and twenty trips to a pair of military firing ranges north of the Mexican capital. On each trip he transported between four and seven hooded and handcuffed prisoners who were lined up and riddled with gunfire until "the bodies were practically torn apart."[9]

Despite pressure from the United Nations Working Group on Disappearances, international and domestic human rights organizations, and family members of the disappeared, the Mexican government has never undertaken a satisfactory investigation to determine the fate of the disappeared. Nor has anyone ever been convicted of participating in disappearances. To the contrary, until recently the Mexican government has gone to lengths to deflect attention from the issue. For example, after publication of the New York Times story on Osorio Cruz, President Salinas's Foreign Press Secretary wrote a letter to the Times blasting it for resurrecting the subject just days before scheduled meetings between the Attorneys General of the United States and Mexico concerning Mexico's foreign aid certification.[10] The letter also attempted to discredit Osorio, who had admitted to being traumatized as a result of his experiences, and pointed out that the Canadian government "did not pass judgment on the substance of his claims." Notably, the Mexican government did not deny outright the veracity of Mr. Osorio's statement.

Recent Cases of Disappeared and Missing Persons

While the *Brigada Blanca*, as such, no longer exists, and Mexico is no longer blighted by a consistent pattern of politically-motivated disappearances, isolated cases of disappearances are known to have occurred in recent years. One well documented case occuring during the Salinas administration is that of José Ramón García Gómez, leader of a Trotskyist party cell in Cuautla, Morelos. (The party, the Revolutionary Workers Party (PRT), is the same one under whose banner human rights

activist Rosario Ibarra de Piedra twice ran for the presidency of Mexico.) García disappeared on December 16, 1988, while en route to a political meeting of leftist supporters of Cuauhtémoc Cárdenas. According to press accounts, a police agent told García's wife, Ana Santander, that he had been kidnapped by Morelos state police, and that he was tortured in jail in Cuernavaca.[11]

To his credit, President Salinas has adopted measures to ensure that a thorough investigation into García Gómez's disappearance takes place. When it became clear that the investigations by Morelos state officials were inadequate, Salinas appointed a new special prosecutor, Sergio Vela Treviño, to pursue the case, and told Secretary of Government Fernando Gutiérrez Barrios to place at Vela Treviño's disposal all of the resources of the government to identify and prosecute those responsible for the disappearance, regardless of who they are.[12] President Salinas also named a federal commission to look into the matter. Members of the commission include Secretary of Government Gutiérrez Barrios, Luis Ortiz Monasterio, Federal Deputy Attorney General in Charge of Penal Procedures Luis Porte Petit, Jorge Carrillo Olea, Director of National Security in the Ministry of Government, the governor of Morelos, Rosario Ibarra, and members of the García family.[13]

Americas Watch is also concerned about the fate of persons who are reported missing after participating in election-related or land conflicts, or who are believed to be under suspicion for involvement in drug trafficking. For example, four PRD activists involved in the occupation of the municipal palace in Ometepec are still missing two and one-half months after the palace was cleared.[14] Two persons who participated in the demonstration that led to violence in Zihuatanejo, Guerrero are also unaccounted for.[15] Following the eviction of peasants from lands in Paso Achiote, Chiapas, four children were reported missing. Local officials hindered all efforts by community members to locate the children and did not mount their own search. Fortunately, in that case, the children turned up.[16]

In addition, the whereabouts are unknown of Francisco Sahagún Baca, who allegedly was arrested on July 10, 1989, at a ranch in Michoacán on drug-related charges. Sahagún Baca was the former head of the Federal Government's Division of Investigations for the Prevention of Delinquency and a purported member of the *Brigada Blanca*. In response to an inquiry from Americas Watch, Lic. Ortiz Monasterio suggested that

Sahagún Baca may have struck a deal with the officers who arrested him, bought his freedom, and left the country. Another person whose whereabouts are unknown is Sergio Machi Ramírez. He allegedly was arrested by the Federal Judicial Police in Mexicali on drug trafficking charges in November 1989, and has not been heard from since.[17]

While the Salinas administration's efforts to find out what happened to García Gómez are praiseworthy, it should institute similar procedures to determine the fate of all other persons who disappeared in Mexico. The fact that most of the political disappearances occurred during prior administrations in no way lessens the responsibility of the Salinas administration to identify those responsible, inform the families of their loved ones' whereabouts or fate, and punish those responsible. By their nature, disappearances are continuing crimes and cases should not be considered closed until they are resolved and accountability has been established. If, as Rosario Ibarra de Piedra suggests, there are still civilian prisoners alive in Military Camp No. 1, they should be immediately released into civilian custody or given their liberty.

Chapter Notes

1. Committee in Defense of Prisoners, the Persecuted, Disappeared Persons, and Political Exiles, "*Diez Años de Lucha por la Libertad*," 1987. 173 disappearances occurred in Guerrero in 1974. Others took place in nearly twenty other states as well as the Federal District.

2. Id.

3. This loosely organized unit was composed of agents from the *Dirección Federal de Seguridad*, the Federal Judicial Police, the *División de Investigaciones para la Prevención de la Delincuencia*, and the *División de Investigaciones Políticas y Sociales* of the Ministry of Government, in addition to agents from the armed forces and some state and municipal police forces.

4. Goldman, Robert K., Jacoby, Daniel, Report of the Commission of Enquiry to Mexico, International League for Human Rights, *Federation Internationale des Droits de l'Homme*, Pax Romana, December 1978, p. 13.

5. Id., pp. 13-19.

6. Rosario Ibarra de Piedra, who was president of the Committee and Defense of Prisoners, the Persecuted, the Disappeared Persons and Political Exiles, claims to have compiled evidence indicating that some of the disappeared may still be alive.

7. Osorio alleged that he deserted from the Mexican Army in 1982 because the execution duty troubled him and because three transfer requests had been denied. He further alleged that he made his way to the United States where he was an undocumented worker for several years before seeking and being granted asylum in Canada.

8. Rohter, Larry, "Former Mexican Soldier Describes Executions of Political Prisoners," New York Times, February 19, 1989.

9. Id.

10. Gómez, Adriana J., Letter to the New York Times, March 2, 1989.

11. Cortés, Esteban, "*Solicitan al Ejecutivo que Aclare el Secuestro de un*

Miembro del PRT" El Sol de Mexico, February 22, 1990; Saldierna, Georgina, "*Campaña internacional para que liberen a José Ramón García*," La Jornada, February 22, 1990.

12. Hernández López, Rogelio, "*Asunto de 'Alta Importancia' oficial, la Desaparición de José Ramón García*," Excelsior, January 26, 1990, p. 4.

13. According to news accounts, the Morelos state investigation, directed by Special Prosecutor Raul Carranza y Rivas (since resigned) and Investigative Police Chief Antonio Nogueda, focused on theories of self-kidnapping. One theory suggested that García, whose wife is Basque, joined the Basque separatist movement in northern Spain. Other theories have placed García in Atoyac and Juchitán, in the south of the country, or in Nicaragua. [The Nicaraguan government denied his presence. Hernández López, Rogelio, "*Reinician el Caso del Unico Desaparecido en el Sexenio, J. García*," Excelsior, February 14, 1990.] Still another plot theory spoke of a homosexual triangle that included other Cuautla PRT activists. Attempts have even been made to use García's disappearance to discredit leaders of the leftist political opposition. Faustino Martínez, a Cuautla lawyer falsely claiming to be a PRT militant, testified that just prior to García's "absence," he attended a meeting in a neighboring Mexico state where Cuahtémoc Cárdenas and Rosario Ibarra planned the local leader's "disappearance." Martínez's story was given credence by state investigators until García's supporters remembered that Cárdenas was in the United States and Ibarra in France the day of the alleged meeting. The lawyer later publicly admitted that he had been pressured into testifying by Nogueda. Ross, John, "Mexico: Salinas acts on leftist's disappearance," Latinamerica Press, March 1, 1990, p. 5.

14. See Chapter V.

15. See Chapter V.

16. See Chapter VI.

17. Committee and Defense of Prisoners, the Persecuted, the Disappeared and Political Exiles list both Sahagún Baca and Sergio Machi Ramírez as "disappeared."

V. ELECTION-RELATED CONFLICTS

The hotly contested national elections in July 1988 sparked a wave of election-related conflicts that left many dead and others seriously injured or missing. Much of this violence was precipitated by allegations of electoral fraud made by the Democratic Revolutionary Party ("PRD") against the ruling Institutional Revolutionary Party ("PRI") in both the national and subsequent state and local elections. The greatest number of deaths and acts of violence were reported from the states of Michoacán and Guerrero in the weeks and months following municipal elections. Activists from both political parties have been involved in the violence and number among the victims.

In most of the recent incidents of election-related violence, a measure of responsibility can be assigned to both sides of the conflict. Even the appearance of electoral fraud on the part of a government and its supporters will stir emotions that can lead to acts of protest and violence. On the other hand, leaders of the Mexican political opposition, while quick to protest acts of violence against their supporters, did not do as much as they could to prevent such acts from occurring. Cuauhtémoc Cárdenas's call for non-violence in the municipal palace evictions in Michoacán was heeded, and the evictions occurred without a single death. Earlier emphatic demands by the PRD leadership that protesters adopt non-violent tactics might have reduced the violence in other areas. In addition, where PRD activists were responsible for the violence, the party was not vociferous in condemning the acts of its members.

The feature of election-related violence that is of greatest concern to Americas Watch is the brutality and excessive use of force by government officials and police, particularly in Guerrero, to quell the opposition. In some cases, such as the harsh treatment of PRD supporters after they had been dislodged from the municipal palace in Ometepec, Guerrero on March 6, 1990, the violence appeared vengeful. In others, including the February 27, 1990 assault on demonstrators marching outside of Acapulco, police use of force was far out of proportion to what was required to maintain order. The fact that in that incident Guerrero Governor Ruiz Massieu drove past the demonstrators just moments before the police attack began, lends credence to PRD suspicions that the decision to break up the march was made at the highest levels of state government.

Both the PRD and the PRI have published lists of members who they claim were victims of election-related violence. The Ministry of Government has published official responses to each party's list. The responses outline the government's understanding of the details of the incident and the status of its investigation into the case. Most of the cases are so recent that it is premature to evaluate whether the investigations are adequate.

There have been many arrests of PRD activists who occupied municipal palaces or participated in "popular police" forces; though a lot of these individuals have since been released. Arrests of PRI supporters and police suspected of responsibility for killings or assaults on PRD activists have been far fewer. There has also been almost no progress in the government's investigations of some of the older cases, including the 1988 assassinations of presidential candidate Cuauhtémoc Cárdenas' close aide Francisco Xavier Ovando and his assistant Ramón Gil Heráldez, as they were driving in Mexico City on the eve of the federal election. These circumstances raise the concern that a policy of selective prosecution in cases of election-related violence may be taking hold.

Even if there is no deliberate policy of selective prosecution, the appearance of such a policy has outraged political opponents of the government. Former PRD human rights spokesman Humberto Zazueta has charged that there are cases in which the authorities know the identities and locations of killers but have not arrested them, and others in which warrants have been issued but not carried out. The PRD has also been highly critical of the government's response to the list it presented, and has blamed the government for failing to prevent further abuses.

Evictions of Protesters from Municipal Palaces

Some of the worst recent instances of election-related violence occurred in Guerrero on March 6, 1990 in the context of the forced removal of PRD activists who refused to accept balloting results and occupied local municipal palaces as a form of protest. Many of the protesters were armed, in some cases with high-powered weapons confiscated from the official police when the municipal buildings were occupied. Nonetheless, while a nuisance, most of the occupations were peaceful and state government officials failed to exhaust non-violent methods of settling the underlying conflict before ordering that the palaces be stormed.

The evictions took place without warning during the early morning hours when about 1,000 police from different forces were called in to remove protesters from eight communities. An estimated 150 people were arrested.[1] At least six others were killed and dozens were injured.

In some instances police efforts to dislodge them provoked violent responses from the demonstrators who must share responsibility for the killings and injuries that ensued. For example, in Cruz Grande, Guerrero, a handful of people are reported to have resisted for more than seven hours the efforts to dislodge them by between 100 and 600 state judicial and preventive police officers. By the time the municipal building was turned over to police at least four people were dead. Three were policemen: Eleuterio García Bustos, Javier Román Oropeza and Andrés Jarquín González;[2] and one was a PRD supporter, Leonel Felipe Dorantes.[3] But elsewhere, a large part of the responsibility for the killings and injuries lies with the government for its surprise assault on the protesters before non-confrontational means of resolving the disputes were exhausted, and for failing to ensure that police officers behaved in a manner that would ensure that violence would be kept to a minimum.

Ometepec, Guerrero: One incident in which police violence far exceeded what was required by the circumstances occurred in Ometepec, Guerrero. Between 3:00 and 3:30 a.m. on March 6, 1990, about 300 state judicial and public security police entered Ometepec on buses to remove approximately fifty PRD protesters occupying the municipal palace.[4] The police surrounded the building and used tear gas to force the protesters to leave. According to a witness, the police shot at the protesters.[5] It is not clear if the protesters, who were armed primarily with sticks, shot back. One PRD supporter, Román de la Cruz Zacapela, died later of wounds received during the eviction.[6] *El Día* reports that a peasant named Miguel Sandoval also died as a result of the incident.[7] Many others were wounded.

PRD acting municipal president, Eloy Cisneros Guillen, was captured during the operation. He was badly beaten, thrown face down into the back of a pick-up truck, and taken to Acapulco where he was detained. Many other PRD supporters, some of whom were wounded, were loaded onto the buses which were also bound for Acapulco. Most were forced off the buses at intervals along the route; only six arrived in Acapulco, two of whom were taken to the General Hospital.[8] Most of the men eventually

made their way back to Ometepec. But the whereabouts of four *perredistas* believed to have been put on the buses are still unknown: Daniel López Alvarez, Andrés de la Cruz Zacapela, Miguel Esteban Silverio, and Vicente de Jesús Santiago.[9] There is no evidence to suggest that these four arrived in Acapulco, and there is concern that they are no longer alive.

Far less violent evictions of protesters occupying municipal palaces occurred in Michoacán on April 5, 1990, ten days after Governor Genovevo Figueroa Zamudio warned the protesters that if they did not leave voluntarily, the state would intervene.[10] The evictions were carried out by about one hundred state judicial police, and sixty to one hundred federal judicial police.[11] The police were accompanied by 500 to 1,500 military troops with tanks and other vehicles which were a visible presence while the evictions were occurring. Police removed the protesters, or the protesters left voluntarily in fourteen to sixteen municipalities. No deaths were reported,[12] though about 150 people were arrested, mostly on charges of carrying arms.[13] All but thirteen have since been released.

Two features of the evictions in Michoacán distinguish them from the events in Guerrero: the use of the armed forces, and the fact that they were accomplished without bloodshed. Several factors apparently could account for this lack of violence: the protesters were warned by the governor of the impending evictions; the evictions occurred during the daytime instead of in the middle of the night; the evictions occurred after those in Guerrero, and PRD activists were thus aware of the likelihood of violence; armed forces intervention may have appeared to pose an even more serious threat of violence than police intervention and this may have deterred resistance; and PRD leader Cuauhtémoc Cárdenas, himself a popular former governor of Michoacán and highly respected in the state, urged party supporters not to confront the military.[14]

Violence Between Political Party Activists

Post-election violence between political party activists has been frequent. It typically involves local townspeople or hired gunmen killing activists from an opposing political party. Most of those killed were members of the PRD or one of the other leftist parties that existed prior to the formation of the PRD. The majority of the cases in this category took place from January to March 1990 in Guerrero, Michoacán and Oaxaca. In some cases, the confrontations involved government police forces who

clashed with "popular police" serving the protestors who occupied a municipal palace. The following examples are indicative of the violence occurring in many municipalities in the region; they do not constitute a comprehensive list of all cases about which Americas Watch is concerned.

Huandacareo, Michaocán: At about 7:30 p.m. on January 7, 1990, Ignacio Murillo Guzmán, a PRD candidate for town council in the community of Huandacareo, Michoacán, was shot and killed while walking home after standing guard at the municipal building. The municipal building in Huandacareo was occupied by the PRD on August 17, 1989.[15] Prior to the shooting, a verbal confrontation broke out between PRD and PRI city workers who apparently were preparing for a local civic celebration. One local newspaper reported that Murillo had words with José María Campos Vargas, the town's former secretary and a PRI member, and that Campos Vargas shot Murillo. Another newspaper reported that Murillo was shot thirty minutes after the argument.[16] A month later, the case was under investigation but no arrest warrant had been issued.[17]

Coyuca de Benítez, Guerrero: On December 31, 1989, local PRD activists who had taken over the town's municipal offices held a New Year's Eve party in the center of town. People came from many surrounding villages to celebrate. At midnight, those with guns shot them into the air to ring in the new year. According to witnesses there were thousands of people in town, many of whom were still there at 2:30 a.m.[18]

Two reputed local drug-traffickers, Pedro and Roberto Vargas Madero, spent New Year's Eve at the Coyuca de Benítez home of Andrés Berdeja. Berdeja's brother Francisco is a PRI activist and president of the town's electoral commission. Andrés Berdeja and another man who was at his home at the time of the incident, Ramiro Vásquez Ibarra, have been accused by the local PRD of participating in electoral fraud in Coyuca de Benítez.

As the Vargas Madero brothers drove away from the home, they encountered a barrier set up by the PRD to demarcate the area of town designated for the party. Three *perredistas* who were guarding the barrier were killed. They were: Bernabe Flores Salinas, who was shot and died a few minutes later; José Manuel Palacios Cárdenas, who was shot, run over with a car, and died instantly; and Clemente Ayala Torres, who was shot and taken to a hospital in Acapulco where he died a few hours later. Pedro

and Roberto Vargas were accused of the killings, but escaped.

At about 6:00 a.m., a group of PRD activists learned of Clemente Ayala's death and went to the General Hospital in Acapulco to retrieve his body. The hospital refused to turn it over to them and called the police. The *perredistas* then entered the hospital, removed the body, and took it back to Coyuca de Benítez.

Upon their return, a crowd of PRD supporters gathered near the site of the killings and shots were fired from Andrés Berdeja's home. A battle between those inside the house and the *perredistas* in the street ensued that lasted until 11:00 p.m. During the battle, the house was gutted with fire and those inside, including Berdeja's family and small children, were forced to move to an adjoining building. A fourth *perredista*, Roberto Díaz, died as a result of a gunshot wound sustained during the battle, and at least one other *perredista* was injured.

Around 11:00 p.m., the State Judicial Police, along with the State Attorney General, arrived in Coyuca. After negotiations, the *perredistas* agreed to allow the police to remove the people who had been in the house. Those removed were held in jail for a few days, but then released.[19]

As of late April, Roberto and Pedro Vargas Madero were being sought but had not been arrested. In its response to the PRD's inquiry about this case, the Ministry of Government said two other men were detained on February 7 for having covered up the escape of the Vargas Madero brothers.[20]

Jacona, Michoacán: Following municipal elections in Jacona, Michoacán on December 3, 1989, the PRI candidate was declared the municipal president. PRD activists took over the municipal offices in protest and established a parallel government that included its own "popular police."[21] On January 23, 1990, an employee of the constitutionally recognized PRI municipal government went to the town's market to collect taxes. He was accompanied by thirteen officers of the official police. Several women began shouting that people should not pay their taxes to him. Between fifteen and forty PRD supporters appeared on the scene and a battle broke out.[22] The *Voz de Michoacán* identifies the *perredistas* involved in the conflict as the PRD "police."[23]

According to *El Sol de Morelia*, witnesses present saw Antonio Alvarez, a former PRD candidate for town council, shoot first, wounding a man named José García.[24] A PRI municipal policeman, Efraín Pérez

García, and a PRD "popular policeman," Javier Macias Salcedo, were killed. Four others were injured: two PRD supporters, one PRI supporter, and a bystander.[25] Following the incident a number of *perredistas* were arrested. Five of those arrested were released on bail. Those accused of murder, José Guadalupe Castro López and David Hernández Hernández were still being held in late March.[26]

Confrontations Between Police and *Perredistas* During Demonstrations

Violence resulting in the deaths or injuries of PRD activists and police also has occurred in the context of marches and rallies to protest electoral fraud.

Acapulco, Guerrero: On the afternoon of February 27, 1990, PRD supporters held a march outside Acapulco to protest electoral fraud. Prior to the march, an agreement was reached between the municipal president of Acapulco, Réné Juárez Cisneros, and state PRD leaders under which the protesters agreed not to block the road and to follow a pre-designated route from the outskirts of Acapulco to La Poza, a community near the airport.[27]

Many of the marchers were peasants and carried sticks, and possibly other weapons such as machetes and rocks, despite pleas from state PRD leaders to put them down. State police from various units were involved in the violence that ensued.

As the marchers, who included old men, women, and children, passed the golf course of the Princess Hotel near La Poza, police blocked the road and began pelting demonstrators with rocks. Some fought back, and hand-to-hand combat ensued. Others tried to escape by jumping over the low wall that encircles the hotel and were pursued by police onto the golf course. Marchers interviewed by Americas Watch claim gun shots were heard that added to the panic, but they could not determine from where the shots were fired.[28]

About 150 protesters took shelter in the hotel. Hotel employees did not turn them over to the police, and the hotel doctor cared for the injured.[29]

Accounts of what triggered the violence vary; according to state government officials and press reports in newspapers with close ties to the government and the PRI, demonstrators blocked the road and attacked the

police.[30] The PRD and participants in the march deny this and say they were marching along the road as agreed. They further allege that the police attack began just after Governor Ruiz Massieu drove past them.

When it was over, one PRD supporter, Donaciano Rojas Lozano, had been killed. Fifty or more demonstrators and eight police were injured. According to a Guerrero physician interviewed by Americas Watch, two of the marchers sustained neurological damage as a result of head injures. Thirty-six were arrested, though all have since been released.[31] One of those detained for a longer period suffered two broken arms during the demonstration, but did not receive medical treatment until he had been in jail for fifteen days.[32]

Zihuatanejo, Guerrero: On the same day, a violent conflict also broke out between police and marchers in Zihuatanejo, Guerrero. Two men died, Florentino Salmeron, a PRD supporter, and Eudosio García Andraca, a police officer. Two demonstrators from Teloloapan, Guerrero, Feliciano Cleto Villa and José Salgado Martínez, have been missing since the march.[33]

Chapter Notes

1. Cervantes, Juan; de la O., Rosendo; and Rivera, Rafael, "*Violencia en 8 alcaldias de Guerrero: 5 muertos*," *El Universal*, March 7, 1990.

2. Juerta, Rodrigo and García, Salamón, "*Desalojan 8 alcaldías en Guerrero: Acuerdo en 7, Violencia en 5*; *Murieron 3 Policías en Cruz Grande*," *Unomasuno*, March 7, 1990.

3. Caballero, Alejandro and Yáñez, Carlos, "*El Enfrentamiento en Cruz Grande Duró Más de 7 Horas*," *La Jornada*, March 8, 1990.

4. Id.,; Campa, Homero and Campuzano, Andrés, "*Ruiz Massieu Negocia y Agrede, Pero No Acata Los Acuerdos en Gobernación*," *Proceso*, March 12, 1990.

5. Americas Watch interviews with Ometepec residents in Acapulco, April 19, 1990.

6. "*Clase Política*," *La Jornada*, April 10, 1990.

7. "*En Guerrero Dos Muertos Durante Los Desalojos*," *El Día*, March 7, 1990.

8. *La Jornada*, March 8, 1990, cit., *Proceso*, March 12, 1990, cut.; Americas Watch interviews with Ometepec residents.

9. Americas Watch interviews with PRD officials and with Ometepéc residents.

10. Gurza, Teresa, "*Desalojan en Michoacán 16 de las 19 alcaldías ocupadas*," *La Jornada*, April 6, 1990.

11. Id.; Beltrán del Río, Pascal, "*Militares y judiciales juntos evacuarán las alcaldías en Michoacán*," *Proceso*, April 9, 1990.

12. Id.

13. Gurza, Teresa, "*Exige el PRD la liberación de cien detenidos en Michoacán*, *La Jornada*, April 7, 1990.

14. Americas Watch interviews with residents of Michoacán; *Proceso*, April 9,

1990, cit.

15. López Nolasco, Eduardo, "*Asesinan al Candidato a Regidor por Huandacareo*," *La Voz de Michoacán*, January 8, 1990.

16. "*Reconstruyó la PGJ los hechos en Huandacareo*," *La Voz de Michoacán*, January 9, 1990; "*Una discusión móvil de la muerte del candidato a regidor del PRD*," *El Sol de Morelia*, January 9, 1990.

17. Document from the Ministry of Government in response to the PRD's presentation of 54 killings and other acts of violence against its members, February 1990.

18. Americas Watch interviews with residents of Coyuca de Benítez, April 18, 1990.

19. Id.

20. Ministry of Government's response to the PRD's list of 54 persons killed and other acts of violence against its members, February 1990.

21. Mena, Jorge Humberto, "*PRI y PRD: Banderas en pugna por la alcaldía de Jacona*," *La Voz de Michoacán*, March 18, 1990.

22. Torres, Martha Elba, "*La violencia de perredistas cobra 2 víctimas más en Jacona*," *El Sol de Morelia*, January 23-4, 1990; "*El PRI culpa al PRD de los hechos en Jacona*," *La Voz de Michoacán*, January 24, 1990.

23. *La Voz de Michoacán*, March 18, 1990, cit.

24. *El Sol de Morelia*, January 23-4, 1990.

25. *La Voz de Michoacán*, January 24, 1990.

26. *La Voz de Michoacán*, March 18, 1990.

27. Campuzano, Andrés and Vera, Rodrigo, "*Los Ataques a Los Perredistas en Acapulco y Zihuatanejo, Preparados con Anticipación y Crueldad*," *Proceso*,

March 5, 1990.

28. Id.; Váldez Reycen, Jorge, "*Chocan PRD-Policías: Decenas de Heridos*," *El Sol de Acapulco*, February 28, 1990; Americas Watch interviews with marchers.

29. *Proceso*, March 5, 1990, cit.; Americas Watch interviews in Acapulco with marchers.

30. *El Sol de Acapulco* reports that after the governor passed, Major Elías Oliva Pérez, director of the Preventive Police, gave the police the order to attack (*El Sol de Acapulco*, February 28, 1990, cit.). Major Oliva Pérez is quoted as saying that "the marchers were blocking the road and we had to detain them." (*Proceso*, March 5, 1990, cit.). *El Universal* reports that the police were trying to "persuade" the marchers to move into one lane and the marchers attacked the police. (Rivera, Rafael; de la O., Rosendo and Cervantes, Juan, "*Chocan Perredistas y Policías en Acapulco y Zihuatanejo: Dos Muertos, Cien Heridos*," *El Universal*, February 28, 1990) *El Financiero* reports that it appeared that one of the protesters shot at the police. (Vázquez, Saúl and Nava, Manuel, "*Enfrentamiento entre militantes del PRD y la Policia en Acapulco, Guerrero; Dos Muertos*," *El Día*, February 28, 1990.).

31. Americas Watch interviews with Lic. José Salgado Soleto, Dr. Javier Mojica and other marchers; de la O., Rosendo, "*La Policía Sólo Repelió la Agresión de Perredistas: Ramírez Guerrero*," *El Universal*, February 28, 1990; Carrillo Paredes, Roland; Soria Nolasco, Benito; Hernández Muñoz, Lucio and Hernández Meneses, Ignacio, "*Inician averiguación previa por desórdenes; 5 detenidos al MP*," *El Sol de Acapulco*, March 1, 1990.

32. Americas Watch interviews with Dr. Javier Mojica and Lic. José Salgado Soleto.

33. Yáñez, Carlos; Benítez, José Manuel and Caballero, Alejandro, "*Chocan en Guerrero Policías y Perredistas: Dos Muertos*," *La Jornada*, February 28, 1990.

VI. RURAL VIOLENCE

Rural violence is an unabating problem in Mexico. It grows out of long-standing disputes over land and out of frustrations by peasants and members of Indian communities over the inadequacies of Mexico's land reform program. The Mexican government responds as though the violence were an inevitable by-product of land-related tensions in the countryside, and rarely intervenes.

In 1986, Amnesty International published a report that examined rural violence in the states of Oaxaca and Chiapas. The report contained numerous accounts of killings and "disappearances" of peasants and members of Indian communities. In its report Amnesty International wrote:

> The abuses appeared to have occurred as a result of the victims' activities in organizations engaged in land disputes with landowners and local and state authorities. In nearly all cases the killings were carried out by civilians, and not by members of the official security forces. However, Amnesty International was concerned that they had been carried out with the acquiescence of the authorities, to the extent that there had been a consistent failure to detain and prosecute those responsible.[1]

Killings and disappearances of the type described by Amnesty International continue to occur, particularly in the poorer southern states where there are concentrations of peasants and Indians, and where the tradition of family farming is deeply entrenched.

In addition, the rural poor are subjected to a range of other abuses including forced evictions from land, frequently without advance notice, that leave families homeless, penniless, and battered from blows inflicted by their evictors; seemingly capricious arrests and detentions, often on trumped up charges, either connected to evictions or in retaliation for peasant group activities; and other forms of harassment and intimidation, such as death threats, aimed at discouraging peasants from insisting on their claims to land. The evictions and detentions are frequently carried out by state police and other state authorities acting in their official capacities.

Violence over land dates back to the earliest days of Spanish conquest and colonial rule; but modern rural violence has its roots in the Mexican Revolution and Article 17 of the 1917 Constitution, which guarantees to peasants the right to a piece of land. In the 1930s, President Lázaro Cárdenas, responding to mounting peasant frustrations over his predecessors' failure to implement meaningful land reform, instituted the *ejido* land system[2] and, despite strong resistance from large landholders, redistributed twelve percent of the country's land to 810,000 peasants.[3] President Cárdenas was also responsible for the creation of the *Confederación Nacional Campesina* (CNC), the National Peasant Confederation, which is the peasant wing of the ruling PRI.

Subsequent Mexican presidents have shown far less enthusiasm for land reform. In 1947, President Alemán expanded the acreage private landholders were permitted to retain, thus reducing the amount of land available to be redistributed. While Alemán and his successors have redistributed millions of hectares, most of that land has been in areas unsuitable for growing crops. In addition, the Agrarian Reform Ministry charged with redistributing *ejido* land is so bureaucratic and inefficient that the average time peasants must wait between expropriation and land distribution is over fourteen years.[4]

Peasants, particularly in the central and southern states, have channeled their frustrations over land by uniting into independent peasant organizations that operate in opposition to the official CNC. These organizations support their members in a variety of ways including representing them in land negotiations with federal and state officials, campaigning for the restoration of lands that they claim private owners acquired illegally, encouraging them when they occupy disputed land, appealing for their release when they are arrested, and engaging in acts of protest such as marches and sit-ins. These groups have incurred the wrath of local *caciques* (landowners and other rural power bosses with considerable economic and political clout) who control the areas in dispute, as well as state and local government officials. Members of these groups are disproportionately represented among those who have been killed in the countryside in recent years. Many more are incarcerated for crimes against the persons or properties of the rural elite.

Not all killings of peasants or members of peasant organizations go unsolved. Occasionally the tables are turned and a *cacique* is convicted of the murder of a peasant activist. For example, on February 10, 1990,

Roberto Zenteno Rojas, an influential landholder from Chiapas, was sentenced to thirty years in prison for the assassination of peasant leader Sebastián Pérez Núñez, on December 29, 1988. Zenteno blamed Pérez Núñez, an ex-state legislator, for disputes involving his lands.

But the number of arrests and convictions for killings of peasant activists is token compared to the extensive efforts undertaken to resolve those acts of violence directed against more powerful figures. The structure of rural society facilitates government inaction with respect to the killing of peasants. For one thing, peasants often fail to register births with state civil registries; thus, as far as the state is concerned, many of these people do not exist. Moreover, the most extensive rural violence occurs in remote regions from which information is difficult to obtain. Many peasants are poorly educated and many Indians do not speak Spanish. Thus, if no one acts as an advocate on their behalf, information about land related violence in these communities is never publicized. Most of the independent peasant advocacy groups that do exist are commonly regarded as militant or aligned with the left. It thus becomes an easy task for government officials to dismiss their allegations as grandstanding or directed towards political ends.

Yet the most important reason why violence over land -- the most highly valued commodity in Mexico -- is ignored by government officials until publicity and other forms of pressure make it politically impossible to do so, is that the rural elite have long held very close ties to the PRI. The poorest rural areas with the highest levels of rural violence consistently deliver the votes required to keep the PRI in power. In exchange, the rural elite demand that their interests in land be protected, not by government intervention but by the government looking the other way when violent measures are taken to keep the peasant population in line, or to prevent peasants from exercising constitutionally guaranteed rights to land redistribution.

Rural Violence in Embocadero, Veracruz

The following case, from the state of Veracruz, is just one example of the violence faced by peasants and Indians in rural areas. The case was selected for discussion here because it is better documented than most instances of rural violence and because it illustrates how tensions over land result in violence that continues over time.

The Nahua Indian community of Embocadero, in the municipality of

Ilamatlán, is located in the mountainous Huasteca region in the northern part of Veracruz, some twenty hours from the state capital, Xalapa. The community originally consisted of approximately forty to sixty families who inhabited some of the richest land in the municipality. In 1934, during the administration of President Lázaro Cárdenas, communities in the region were granted land by presidential decree,[5] though *caciques* and cattlemen illegally confiscated some of this land, often with the complicity of local and regional authorities.[6]

The Nahua farmers of Embocadero and the surrounding communities have long lived in tense co-existence with mestizo landowners who frequently encroached on communal lands and forced the Nahuas to work for them and/or rent land from them. When cattle ranching was introduced into the region in the 1950s the plunder of communal lands increased dramatically. Rival *caciques* fought among themselves as they dispossessed the Nahuas. In 1983, the *Diario de Xalapa* reported on the reign of terror in the area. Peasants were said to live "like slaves, humiliated by word and by fact" by local landowners. The article added that the population does not register births at the public registrar, so "they live and die in clandestinity, and are thus easily subjugated or killed, without major repercussions."[7]

The most powerful *cacique* in Embocadero, though he was a minor figure in the region, was Eloy Centeno Cordero. He acquired private ownership of much of the land in the area and enforced his power through intimidation and violence by hired gunmen.[8]

On August 26, 1984, between forty and fifty unidentified armed men attacked Eloy Centeno and his men and set his house on fire. Eloy Centeno, his nephew and hired gunman, Sixto Cordero, and his maid, Fructuosa Ramírez, were killed in the attack. In an interview published shortly afterwards, a major regional *cacique* who considered Centeno one of his "boys" (*muchachos*), reflected that the killing was carried out under orders of a rival landowner.[9] But the widows of Centeno and Sixto Cordero drew up a list of suspects in the murders which included all the men in the community of Embocadero.[10] At the same time, *caciques* and their allies in the area alleged that those responsible for the killings were guerrillas and called on the government of Veracruz to pay "immediate attention to the phenomenon of subversion...."[11] For the next few months, Embocadero was, for all practical purposes, occupied by the military and by agents of the state and federal judicial police.[12]

Ten months after the death of Eloy Centeno, bilingual teacher and community leader Zósimo Hernández was arrested and charged with the murder. In a prompt but abbreviated trial, he was sentenced to eighteen years in prison. Amnesty International investigated his arrest at the time it occurred and concluded that the charges against Hernández were unfounded; the organization adopted him as a prisoner of conscience. Mexican human rights lawyers and organizations as well as peasant and other community groups continued to protest trial irregularities including the absence of witnesses or evidence of guilt and, in 1987, Hernández was released for lack of evidence after spending two years and four months in prison.[13]

On April 1, 1986, Hermelindo Hernández and Ponciano Hernández Hernández were killed.[14] Jaime Hernández Ramírez was killed on November 22 of the same year. According to his defense lawyer, Rosario Huerta, Zósimo Hernández's release outraged Centeno's widow and others who had been close to him, and a wave of further killings of members of the Embocadero community ensued. Miguel Olvera Lara, aged 80, was killed on September 6, 1987, and Eliodoro Cordero was killed on November 22, 1987. On August 3, 1988, Emilio Hernández Antonio disappeared.[15]

Nine people were shot to death in three separate incidents in the municipality of Ilamatlán on the morning of April 25, 1987. José Francisco Hernández and Fermín Ramírez Hernández were killed about 7 a.m., on a road from Embocadero to neighboring El Arenal. In San Gregorio Ilamatlán, men armed with rifles, pistols and machetes attacked a group of peasants who were working in the fields. Moisés Martínez, Bardomiano Ramírez, and Artemio Hernández were killed, and Fernando Hernández Sánchez was wounded. Five survivors, including the wounded man, witnessed the attack. At about 9:30 a.m., some twenty armed men attacked peasants working in a sugar cane field in the same area. Four were killed: José Francisco Hernández Ramírez, Pedro Miguel Hernández, Celedonio Alonso Hernández and Fidencio Hernández Sánchez.[16] Five peasants were arrested and charged with the April 25, 1987 murders. On January 30, 1989, they were sentenced to eighteen years in prison, despite substantial evidence that they were not responsible.

Killings continued in 1989. On March 18, 1989, a group of men from Embocadero were ambushed. Three were killed: Ramón Hernández Hernández, his fifteen year old son Bonifacio Hernández Ramírez, and 76-

year-old Guadalupe Ramírez Hernández.[17]

Following the March 1989 killings, Pedro Hernández, an outspoken activist for the land rights of the Nahuas of Embocadero, traveled to Xalapa to denounce the killings and petition state authorities for protection. Along with Rosario Huerta, Zósimo Hernández, and a fourth person, Hernández was warned by Mario Ramírez Bretón, an official with the Agrarian Reform Ministry in Veracruz, that he would be killed if he returned to Embocadero.[18] He did return and on June 7, 1989 he was assassinated by persons identified by his wife as *pistoleros* (hired gunmen of a *cacique*). His body was found two days later with machete wounds and 25 bullet-holes.

During the summer of 1989, when national publicity about the killings and other violence in Embocadero was at its height, officials from the Agrarian Reform Ministry went to Embocadero and announced a plan to redistribute 386 hectares of land to the peasants. In addition, officials from various state and national agencies promised community members a school, health services, electricity, and development projects. Six months later, when the land grants were due to go into effect, the Eloy Centeno murder case was re-opened. Seven men from Embocadero and two men from a neighboring community were arrested; most of the other men remaining in the community went into hiding to avoid arrest. When authorities from the Agrarian Reform Secretariat returned to Embocadero to distribute the land, they found only women and children waiting to receive it.[19]

Sócimo Hernández, no relation to Zósimo Hernández the teacher, was detained without a warrant on November 8, 1989. He was taken to Ilamatlán where he was denied access to an attorney and tortured by having his head pushed under water until near asphyxiation and by blows to his genitals. He was forced to memorize a story in which he confessed to several homicides including the murders at the home of Eloy Centeno, and Pedro Hernández Hernández. He was first taken before a judge eight days after his arrest. He has since been released on bail.[20]

On November 13, 1989, the judicial police came to Embocadero with arrest warrants for eleven residents accused of responsibility in the Centeno killings. Not all of the men showed up; several of the accused had been assassinated. Guilebaldo Centeno, Gonzalo Ibarra, José Melesio, Adelaido Melesio, Eusebio Ramírez Camilo, José del Angel, and Ruperto Ramírez were tied up and taken to Xalapa. Guilebaldo Centeno and

Gonzalo Ibarra were tortured en route and forced to "confess" to the slaying of Centeno and other crimes. At a press conference convened in Xalapa on November 14, 1989, the men were presented as members of a "multi-homicidal gang."[21] On November 16, two other men, bilingual teacher José Luis Martínez and Quintil Quintero, a trader, were detained in connection with the Centeno murders. Quintero was detained in Xoxocapa by state judicial police and taken to Ilamatlán. According to defense lawyers, he was held incommunicado and tortured with death threats, kicks to the abdomen, and near asphyxiation in water, after which he confessed to the murders.[22] All nine men are being held in the Huayococotla jail awaiting trial, though defense lawyers contend that the government has so far produced no evidence connecting them with the 1984 killings.

Americas Watch is concerned that this latest wave of arrests is intended to punish local residents for drawing national and international attention to local problems and for winning the support of federal officials in their struggle to obtain *ejido* land.

Rural Violence in Chiapas

Violent evictions of peasant families are commonplace in Chiapas. The evictions typically occur with little or no warning, in the pre-dawn hours when most members of the community are still asleep. The number of police officers and private individuals used to carry out the evictions far exceed the number of men, women and children being evicted, and little respect is shown for the physical integrity of those being evicted or their personal property. Evictions are frequently accompanied by warrantless arrests of large numbers of community members, often on trumped up charges, and without regard for what will become of the persons being evicted. No steps are taken to ensure that evicted families are able to stay together, or even to make sure all members of the community are accounted for. The following cases from March and April 1990 illustrate the violent tactics used during evictions.

On April 11, in the early hours of the morning, without prior warning, some 600 state Public Security Police swept into three peasant communities, Paso Achiote, Unión y Progreso and Emiliano Zapata, in the vicinity of Chiapa del Corzo, Chiapas. They were accompanied by local *cacique* Isidro Flecha, and his private hired gunmen.

Paso Achiote is a community of approximately 150 persons residing in

45 family groups. The community had made substantial progress towards obtaining legal title to the lands on which members lived and farmed, and community members said they expected to receive title in the near future. The community was served by electricity and had a state kindergarten and school. Despite this progress, these peasants still did not hold title to the land and technically they were squatters. Americas Watch takes no position on whether this eviction, or the others that occurred in the neighborhood, were justified; however, we express serious concerns about the manner in which the evictions were carried out.

On the morning of the eviction, the peasants were awakened with orders to vacate their homes. They were permitted time to dress but not time to gather any personal possessions. Those who moved too slowly were beaten. Fourteen members of the community were arrested without warrants, though ten were released shortly thereafter. The remainder were herded onto trucks and driven to an intersection of two highways, where they were deposited along the roadside.

Some members of the community managed to flee into the surrounding countryside and remained hidden during the raid. Among them were four boys between the ages of five and seven. When their parents complained that the children were missing, they were denied permission to return to look for them and the police made no effort to find them. Although all four children eventually turned up (they had lived for some time in the open and had then taken shelter with families in nearby communities), their families suffered the anxiety of not knowing what had become of their children for approximately ten days.

A few of the men who fled reported that after the eviction they saw police, *caciques* and hired gunmen return to the community and strip it of all items of value.[23] Accounts varied as to who committed the theft; some men reported that the police stood by while the *caciques* and gunmen looted the community, others said the police took part.

A similar scene was re-enacted that same morning in neighboring Unión y Progreso. That community consisted of thirty families. In the course of their eviction ten persons were arrested. After the eviction, police, *caciques* and gunmen returned to loot the peasants' belongings; they then went a step further and burned the community to the ground. Peasants living in Emiliano Zapata were also forced from their homes during the sweep, but were not permanently evicted; spokespersons from the other two communities reported that they were eventually allowed to

return.

An Americas Watch delegation visited the residents of Paso Achiote and Unión y Progreso two weeks after their eviction. They were temporarily housed in two small school yards in Venustiano Carranza, approximately fifty miles from Chiapa del Corzo. Arrangements had been made for them by a local peasant organization, the Emiliano Zapata *Campesino* Organization ("OCEZ"), which also was providing community members minimal food supplies. Many of the children showed signs of fever and their parents reported that most of the children had diarrhea. One woman, who was eight months pregnant and was beaten on the back during the eviction, went into premature labor in the schoolyard. A midwife delivered the baby in the shed of a family that lived near the school. Another woman, who was two months pregnant and who also had been beaten on the back during the eviction, was lying on a piece of cardboard covered with a blanket. She told Americas Watch that the pain from the beating was so great she could not get up. Lying with her was a one-year-old child who looked feverish and dehydrated. As of the date of our visit, none had received medical attention.

The fourteen peasants who had been arrested during the eviction were taken to Cerro Hueco prison in Tuxtla Gutiérrez, Chiapas. As of April 24, 1990, they had not yet been informed of the charges against them, though a lawyer from the Fray Bartolomé de las Casas Human Rights Center was making inquiries on their behalf.

A similar eviction occurred on March 14, 1990, of members of the communities of Luis Echeverría Alvarez and Chalem del Carmen, in the municipality of Ocosingo, Chiapas. According to eye-witnesses, at approximately five o'clock in the morning three buses and some twenty pickup trucks filled with approximately 600 state Public Security Police descended on these communities and forcibly evicted 74 families from their homes. According to one account, the police were headed by members of the official peasant organization, the CNC. During the eviction shots were fired and at least one person was hit. The peasants were forced to disperse into the nearby countryside; those who resisted were beaten with rifle butts. Several were seriously injured and required hospitalization. According to some accounts, several women were raped. Once the population was dispersed, those who had carried out the evictions ransacked the community and carted off everything of value.

Five men and five women were arrested and detained including one

eighty-year-old man, Epitasio López Gómez, who stated to staff workers from the Fray Bartolomé de las Casas Human Rights Center: "they really let me have it.... I thought they were going to kill me. They hit me with the barrel of a gun.... I couldn't breathe, it was awful, they hit me hard, they fired four shots at me, they grabbed me... they dragged me across the river, they hit me with the flat side of a machete, I hurt a lot."[24] The prisoners were taken to a municipal jail where they were held in concrete holding cells with minimal light and fresh air.

The fact that in all of these cases police officers did not act by themselves but were accompanied by local landholders, hired gunmen and/or PRI-affiliated CNC activists, is of serious concern. It suggests that Chiapas police are at the service of local political forces. Their subsequent conduct, including the violations of due process and mistreatment that occurred during the evictions and the failure of the police to assist in any way those evicted, further suggests that the police are simply doing the bidding of local bosses. Such conduct constitutes an unconscionable breach of duty.

Chapter Notes

1. Amnesty International, Mexico: Human Rights in Rural Areas, London, 1986.

2. Under this system, which was adapted from the Indian tradition of communal farming, the state grants to peasants usufruct rights to land, but retains ownership.

3. Riding, Alan, Distant Neighbors: A Portrait of the Mexicans, New York, Vintage Books, 1984, p. 264.

4. Id., p. 267.

5. Rojas, Rosa, "*Desplazados, otomíes y nahuas desmontan bosques para sembrar*," *La Jornada*, July 17, 1989.

6. "INI Journal Reports on Huasteca Violence", *La Jornada*, June 26-7, 1989, citing a report of the Federal Planning and Budget Secretariat, reprinted in FBIS Daily Report, Latin America, September 7, 1990.

7. "*Impera el terror en Ilamatlán*", *Diario de Xalapa*, October 6, 1983.

8. Id.

9. "*Defensa del maestro Zósimo Hernández y situación de Ilamatlán, Veracruz*." Document presented to the court by lawyers for Zósimo Hernández, p. 3.

10. "*Investiga Gobernación la matanza de campesinos en Embocadero, Veracruz*", *El Día*, June 19, 1989.

11. "*Defensa del maestro Zósimo Hernández y situación de Ilamatlán, Veracruz*." supra.

12. Id., p. 2

13. Mexican Academy of Human Rights, "*Tenencia de la tierra y derechos humanos en Veracruz*", *Boletín*, 7/8, April-May, 1988, p. 12.

14. *Solicitud de Seguridad y Tierra*, Embocadero, Ilamatlán, Veracruz, June 17, 1989. (Letter sent to President Salinas, the Governors and Attorneys General of the

states of Veracruz and Hidalgo.) The *Centro de Derechos Humanos "Fray Francisco de Vitoria, O.P.,"* a Catholic human rights organization, reports that the date of Ponciano Hernández's death was June 18, 1986. *Justicia y Paz, No. Especial, Año IV, No. 1 y 2*. January-June, 1989, p. 42.

15. Id.

16. "*Exposición de los motivos por los que se solicita que se amnistíe a los señores Juventino Hernández Hernández, Zenón Ramírez Agustín, Miguel Alonso Hernández, Alfonso Hernández Hernández y Benito Hernández Hernández*." Document presented by defense lawyers, (date unreadable).

17. "*Investiga Gobernación la matanza de campesinos en Embocadero, Veracruz*," *El Día*, June 19, 1989.

18. *La Jornada*, July 27, 1989, p.11. In a March 28, 1990 letter to Americas Watch, Walter Astié-Burgos, Mexico's Charge d'Affaires at its embassy in Washington, D.C., denied that Ms. Huerta had been threatened. Americas Watch believes that Mr. Ramírez Bretón's warning was made in good faith to protect her welfare. We are concerned that the danger to Ms. Huerta, an attorney who represents clients in the Huayacocotla area, was sufficiently great that a government official felt obliged to warn her.

19. While Embocadero had approximately sixty families in 1985, it now has only 45, and only twelve or thirteen are headed by men. The others consist of women and children whose husbands and fathers died at the hands of local *caciques* and *pistoleros*. Amnesty International, "Mexico: Reported Human Rights Violations in Embocadero, State of Veracruz," AMR 41/01/90, March 1990.

20. "*Violaciones a los derechos humanos, en el municipio de Ilamatlán, Veracruz*." Document submitted by defense lawyers for Embocadero men arrested in November 1989.

21. "*Piden grupos se libere a indígenas de Embocadero*," *La Jornada*, December 1, 1989.

22. Document presented by defense lawyer Rosario Huerta to the Governor of

Veracruz, dated November 27, 1989.

23. The following items were reported stolen: 25 metal wheelbarrows, three rubber carts, twenty oxen yokes, 47 tape recorders, fifteen television sets, twenty stereo consoles, twenty blenders, fifteen irons, three refrigerators, one freezer, sixteen saddles, sixteen horse bits, 47 portable water pumps with copper plating, construction tools, nine bicycles, two typewriters, one Dodge pick-up truck, one corn grinding mill, one 12-horse power motor, school supplies, the community treasurer's safe which contained 1.5 million pesos, one fully equipped marimba, agricultural tools, 33 sacks of sugar, 94 tons of corn, 94 tons of fertilizer, twelve tons of beans, 1128 liters of gramaxone, 705 liters of esteron, 550 liters of gesaprin, 35 cows and calves, sixteen horses, nineteen donkeys, poultry, personal belongings, kitchen utensils, and cash.

24. Document of the *Centro de Derechos Humanos Fray Bartolomé de Las Casas*, March 28, 1990, p. 7.

VII. VIOLENCE AGAINST THE LABOR MOVEMENT

Organized labor in Mexico is facing a period of turmoil precipitated by Mexico's serious economic crisis and the government's efforts to bring about economic stability. In some instances, labor unrest provides a backdrop for human rights abuses.

The Confederation of Mexican Workers (CTM) is the backbone of organized labor in Mexico. Formed in the late 1930s, it subsequently became affiliated with the PRI and has been an integral part of the party and closely linked to the government ever since. Historically the CTM, which has been led for more than four decades by one man, Fidel Velázquez, has exchanged loyalty to the government for wage and other benefits to union members. The CTM has ensured the cooperation of individual unions in part by tolerating the corruption of union leaders. According to Alan Riding, "[p]art of the price of labor peace was that the leaders of CTM unions often became corrupt *caciques*, using their own thugs to suppress dissidence in the ranks and enriching themselves by selling out to factory managers."[1]

Despite the CTM's historic dominance, there have been strong undercurrents of labor unrest in Mexico. Most Mexican workers are peasants or underemployed; many others belong to independent unions. Many CTM union members are unhappy about mandatory PRI affiliation that they must accept along with union membership. In the past few years workers' complaints about lack of union democracy, low salaries, unemployment, and attacks on collective bargaining agreements have been more audible. These grievances have been fueled by concerns that the Salinas administration's efforts to privatize major sectors of the Mexican economy and open up other sectors to foreign competition will lead to loss of jobs, lower salaries, and even fewer worker protections.

In the past few months there has been an upsurge in tensions in the labor sector. Union unrest in two plants, the Ford Motor Company plant in Cuautitlán and the Modelo Brewery in Mexico City, turned violent when the police and the CTM tried to quell worker discontent. At the Ford plant, CTM strikebreakers attacked workers; at the Modelo Brewery, police accompanied by CTM goons beat and robbed strikers. These acts are troubling not only because of the abusive tactics used, which in one

case led to the death of a worker, but because such acts of violence and intimidation infringe upon freedom of association and expression in the labor movement.

Ford Plant: On January 8, 1990, at least 100 men armed with clubs and firearms attacked Ford Motor Company workers inside the factory in Cuautitlán, a suburb of Mexico City. Nine workers suffered gunshot wounds. One of the wounded, Cleto Nigno Urbina, died two days later from gunshot wounds. The workers immediately charged that the attack was organized and led by CTM leaders, a charge CTM leaders vehemently denied. A few days later, CTM leader Guadalupe Uribe, his two sons, and nine associates were arrested and charged with responsibility in the attack.

Unrest at the Ford plant dates to mid-1988 when Héctor Uriarte, the Ford union's secretary general, who many workers view as pro-managment and a CTM appointee, was re-elected. Subsequently an independent movement began to grow in the union. In December 1989, Ford management taxed the workers' Christmas bonuses; several workers were also fired. Workers protested these measures, calling for their full bonuses, rehiring of the fired workers, and Uriarte's resignation. The CTM blamed the PRD for the unrest, which it called politically motivated.

On the morning of Friday, January 5, 1990, some twenty armed men came to the plant and reportedly provoked an incident in which thirty workers were injured and thirty people were briefly detained.[2] Also that day, notices appeared in the lockers of some 130 workers. The notices directed the workers to go to the locksmith area of the plant on Monday. One of the ambushes that occurred that day took place in the locksmith area.[3]

Several workers stated that they noticed unusual movement and signs of danger at the plant on the morning of January 8 when they reported to work. Several buses from the CTM-affiliated "Gregorio Velásquez" company were parked outside, along with several Volkswagen vans which operate on CTM routes and a truck covered with a yellow canvas. Men wearing blue Ford uniforms entered the plant, showing employee credentials to security guards at the gates, and reportedly began taunting workers. Shooting broke out. One worker, Manuel Romero, told *Proceso* he saw a gunman shoot Cleto Nigno Urbina in the stomach at close range, causing him to fall to the ground. When Urbina tried to get up, the gunman reportedly held his gun with both hands and shot him

again. Romero said a supervisor helped him lift Urbina and take him to the infirmary. He added that the gunmen attempted to prevent the ambulance which came for Urbina from leaving.[4] Urbina never recovered consciousness and died in the hospital.

When the attackers retreated they left behind three of their members, captured by workers, as well as two CTM buses and several Volkswagen vans. The three captured men, who reportedly stated they had been sent by Uriarte, were handed over to authorities.[5] Workers denounced that they had seen Uriarte, Guadalupe Urbina, and Wallace de la Mancha commanding the attackers.[6] The CTM and its president, Fidel Velásquez, immediately disclaimed any responsibility in the incident.[7] According to workers, four days after the incident authorities had yet to visit the scene of the crime.[8]

On January 12, the trial judge (*juez primero penal*) of Cuautitlán indicted the three men captured in the Ford plant on charges of criminal conspiracy, assault, and possession of firearms. The three declared that they were hired by Héctor Uriarte and that he provided the uniforms and identification cards which enabled them to enter the Ford plant.[9] On January 18, the CTM posted three million *pesos* (worth approximately $1,111 at the time) bail for each and they were freed.

On January 22, while workers who had occupied the plant after the violent incidents were being evicted, Guadalupe Uribe, his two sons, and seven others were arrested for their role in the attack against the workers. The judge in charge of the case said he had requested an arrest warrant for Uriarte as well. The role of Wallace de la Mancha is said to remain under investigation.[10] One of Uribe's sons was at the time secretary general of the Revolutionary Youth Front ("FJR") of the PRI in the state of Mexico.[11]

The Modelo Brewery: In February 1990, some 5,000 workers of the Modelo Brewery went on strike over issues of retirement benefits. At 2:45 a.m. on March 16, as some 800 strikers guarded the plant, about 1,000 riot police and members of a special Mexico City police intelligence unit known as the *Zorros* arrived to evict them. The police are said to have lined up the strikers and systematically stripped them of their watches, jewelry and cash. The police also reportedly raided tents set up by workers sleeping at the plant, taking radios, heaters, clothing, blankets, and other items. Cars belonging to workers parked outside the plant gate were vandalized and stripped of stereos.

The security forces reportedly kicked the strikers, yanked their hair, and insulted them as they forced them on to buses.[12] The strikers were driven out to Mexico City exit roads, where they were dumped, penniless.[13] One worker told *La Jornada*:

> I felt a tremendous anger when they were putting us on the buses, hitting us with the billy club, ordering us not to look at them or talk to each other or we would get it. "You shouldn't turn around or talk, face down, or you are going to die, *cabrones*".[14]

During the operation, eight police patrol cars reportedly drove fifteen hooded men into the plant. Several workers reported seeing the face of one of the men, who kicked workers as they were loaded onto the buses, when his hood slipped. They identified him as Ignacio Ramírez, "El Gato," a former CTM leader who helped organize a group of strikebreakers to form a new union in the plant.[15]

One press account stated that a police helicopter arrived at 11 a.m. to pick up the hooded men, but did not land because of the presence of reporters and photographers.[16]

Chapter Notes

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7. Ramírez, Anibal, "*Ocho heridos, saldo de un ataque a obreros de la Ford*," *La Jornada*, January 9, 1990.

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13. Corro, Salvador, "*El conflicto en la Modelo sin solución; los trabajadores*

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VIII. SILENCING THE PRESS

Press censorship and intimidation of journalists is a recurring theme in Mexico. In July 1989, Article 19, a London-based anti-censorship organization that monitors freedom of expression worldwide, published a report on mass media and censorship in Mexico during the Echeverría (1970-76), López Portillo (1976-82), and de la Madrid (1982-88) administrations. That report documented fifty-one killings of journalists during the eighteen-year period. It also examined measures the Mexican government has used to control what appears in the media. Intimidation and censorship of the press has continued under the Salinas administration which took office in 1988.

The Mexican government is especially sensitive about stories that appear in the printed press, and of all the media, newspapers are the most tightly controlled.[1] Many newspapers are owned by the government or by private individuals with close ties to the government or the PRI. Others are pressured by the government to adopt self-censorship methods. The Mexican government supplies two-thirds of all advertising revenues and controls supplies of newsprint. The government has also coerced newspapers and their editors into toeing the line with threats of selective prosecution for tax violations and other infractions.

For example, in March 1989, the government coerced Manuel Becerra Acosta, Director General of the formerly independent national daily *Unomasuno*, to sell the paper. According to news accounts and sources close to the paper, President Salinas de Gortari was angry with Becerra for being the first to publicize the existence of the *Corriente Democrática*, the left opposition movement within the PRI that ultimately left the PRI with Cuauhtémoc Cárdenas to form the PRD. The government selectively pressured *Unomasuno* to pay its bills and back taxes. At the same time, financiers close to the PRI were positioned to purchase a substantial share of *Unomasuno*'s corporate stock and refinance the paper. Once refinancing was in place, Becerra was offered one million dollars to quit the paper and leave the country. He was threatened with arrest for tax evasion if he refused. Becerra acquiesced and currently resides in Spain; the paper's editorial line now reflects the views of the government.

Journalists in Mexico are kept in line with a carrot and stick approach that rewards those who cover stories the government wants to appear and

punishes those who report stories the government declares taboo. Rewards to otherwise poorly paid journalists take the form of economic or political favors such as bribes, offers of lucrative government contracts for special writing projects, political appointments, government press officer appointments, or journalism prizes. Punishments range from having stories "spiked" (being severely edited or not appearing at all) to harassment and death.

In recent years, intimidation of journalists has been prevalent in three contexts: reporting on police corruption and misconduct, particularly related to narcotics investigations; reporting on political tensions in the context of election-related violence; and more general acts of intimidation aimed at forcing journalists and the news media to be more sympathetic to the interests of the government. In addition, journalists occasionally become victims of the more generalized violence in Mexican society.

Not all acts of intimidation directed against journalists in Mexico have been attributable to the government. In some instances, intimidation or violence is carried out or ordered by individuals or groups outside the government that have links with the government or the PRI. Other instances involve acts of violence by individuals with no ties to the government, but that the government has investigated inadequately or allowed to go unresolved. These cases are also of concern to Americas Watch. A free press requires more than that a government not kill or intimidate members of the press; governments also have the duty to protect journalists from private criminal acts so that they will be free to report all aspects of the news. The Mexican government's failure to safeguard journalists, as well its failure to establish, as a matter of high priority, a policy of vigorously investigating abuses and prosecuting those responsible, is an additional aspect of government suppression of the press.

Intimidation in the Context of Police Corruption and Abuse

The most notorious case of press intimidation related to reporting on police corruption and abuse, drug trafficking, and other sensitive subjects, was the May 30, 1984 killing of nationally known *Excélsior* columnist Manuel Buendía. Although allegations of high level government involvement in his killing were widely reported, the first concrete steps towards resolving the case did not come until June 12, 1989, when José

Antonio Zorrilla Pérez was arrested following a gun battle in Mexico City and charged with ordering Buendía's murder. Until 1985, Zorrilla had been the director of the Federal Security Directorate (DFS), a now defunct federal police unit. Both he and a DFS Special Brigade were at the site of the killing within twenty minutes after it occurred and were accused of removing files Buendía kept on numerous topics, including the DFS, Zorrilla, former DFS Director Nassar Haro, drug-trafficking, and the U.S. Drug Enforcement Administration. Zorrilla himself has been linked to drug kingpins Rafael Caro Quintero and Ernesto Fonseca Carrillo. Zorrilla's trial is now in progress; he is detained at Reclusorio Norte detention center in Mexico City.

A number of more recent killings of journalists are also linked to their coverage of police corruption and abuse, or police involvement in drug trafficking. On February 22, 1988, Manuel Burgueño Orduño, a columnist with the Mazatlán daily *El Sol del Pacífico*, was shot to death in his home. Burgueño frequently wrote about the alleged ties between local and state officials and drug traffickers. Police detained a man whom they accused of being one of three assassins, but he later escaped.

On April 20, 1988, Héctor Félix Miranda, columnist and co-editor of the weekly *Zeta* in Tijuana, Baja California, was shot to death as he drove on a Tijuana street. Miranda, who used the nickname "Felix the Cat," was a nationally known humorist who regularly satirized the corrupt practices of local and state officials in his column. One favorite target was Tijuana race track owner Jorge Hank Rhon, son of current Agriculture Secretary Carlos Hank González. Authorities arrested Victoriano Medina Moreno, a security guard at Hank Rhon's race track, and said he had confessed to the murder. In court, Medina proclaimed his innocence and said he had been tortured into confessing.[2] Authorities also arrested another race track employee, Antonio Vera Palestina. While the government treats this case as solved, suspicions remain about whether investigation of the case was thorough and about the involvement of Hank Rhon and of local government officials in the murder.[3]

Not all acts of intimidation against journalists have resulted in death. According to an *El Universal* account, on or about March 15, 1990, the home of María Luisa Mercado, a reporter for *El Debate*, a local newspaper in Culiacán, Sinaloa, was ransacked by unidentified men who destroyed furniture and went through books and papers, but took only her press card. A few days earlier, four other Sinaloa journalists, Marcelo Arellano,

Eduardo Torres, Guillermo Tellaeche, and Juan de Dios Monteros, were held at gunpoint and had their cameras taken away by Federal Judicial Police who were searching homes in Colonia Las Huertas. Six months before that incident, a similar search was made of the home of *Proceso* correspondent Luz Aida Salomón; the only things taken were some cassettes in which opinions were expressed about the death of former PAN presidential candidate Manuel J. Clouthier. The *El Universal* article concludes: "These incidents against journalists in Sinaloa presumably indicate escalating attacks with the purpose of intimidating journalists so they will not continue writing about acts of violence in which state and Federal Judicial police are involved."[4]

On February 19, 1990, the president of the Association of Journalists of Sinaloa, Jesús Fuentes Félix, accused agents of the government Information and Analysis Directorate (DIA) of intimidating and harassing reporters covering the issue of torture by the police forces. Fuentes stated that police agents posed as journalists to investigate officials and members of the private sector. He said that when lawyers held a press conference to denounce torture by the Judicial Police, agents from DIA were photographing and video-taping journalists.

Fuentes Félix also alleged that journalists as well as other citizens regularly have their phones tapped and conversations recorded.[5]

In an incident in Mexico City, Felipe Victoria Cepeda, a journalist and author of a book on the death of Manuel Buendía, was detained by thirty anti-narcotics agents of the Federal Judicial Police as he approached the *Procuraduría General de la República* (Attorney General's office) at 11:30 p.m. on January 13, 1990, to obtain information about a shooting of police officers.[6] Victoria Cepeda states that he was handcuffed, kicked, hit in the stomach, and dragged into the building where he was held incommunicado until the following Monday evening. He was questioned about a weapon he carried, for which he had a permit. Once his captors found his press card for *El Sol de Mediodía*, they threatened him with death. Victoria Cepeda stated in an interview with a *La Tribuna* reporter that Coello Trejo, chief of the anti-narcotics division of the Federal Judicial Police, walked by him on Sunday evening and pretended not to see him.[7]

Intimidation in the Context of Political Conflict

While Americas Watch is not aware of any cases in which a journalist has been killed for reporting on political tensions, we have received a

number of accounts of intimidation of journalists, particularly from the states of Michoacán and Guerrero following hotly contested state and local elections.

In one case, Sara Lovera, a *La Jornada* reporter covering post-election violence in Guerrero, received veiled threats from *Antorcha Campesina* (Peasant Torch), a radical peasant organization with close ties to the PRI and a reputation for confrontation and violence. Accusations attempting to discredit Lovera appeared in an *Antorcha Campesina* paid advertisement in *Unomasuno* after Lovera reported that the municipality of Alcozauca, Guerrero was under siege by 125 armed members of *Antorcha Campesina* who threatened to kill Mayor Antonio Suárez Márquez and former Mayor Othón Salazar, both members of the PRD.[8]

Two other recent cases occurred in Uruapán, Michoacán. On February 13, 1990, twelve municipal police detained journalist Angel Sánchez Martínez and took away his camera for photographing their use of violence while shutting down a grocery store. Sánchez Martínez, who works for *La Opinión* of Michoacán and is also the Michoacán correspondent for *Excélsior*, was held at gunpoint and driven around for four hours in three different vehicles. He was threatened with jail if he published anything and later released.[9]

On March 22, 1990, soldiers at a teachers demonstration struck journalists with their weapons, apparently for having taken photographs of them. Three journalists were injured: Guillermo Cerda León, correspondent for *El Universal*, Gerardo Sánchez, who writes for the weekly *Imagen*, and Raúl Ramos, correspondent for *El Sol de Morelia*.[10]

Also in Michoacán, on January 2, 1990, Teresa Gurza, the regional *La Jornada* correspondent, was accused in public by PRI official Fausto Vallejo of receiving money from the PRI as a form of "putting a price on the truth." The statement was aimed at discrediting her vigorous coverage of political events in Michoacán. Vallejo retracted the accusation in a private telephone conversation with Gurza the following day.[11]

Press Intimidation for Other Reasons

Press intimidation in Mexico occurs for other reasons as well. For example, on February 8, 1990, a group of thirty *Zorros*, a special police unit of the Mexico City police, travelled to Veracruz to pick up containers of weapons. They were confronted by journalists who photographed them. The *Zorros* responded by taking the journalists' cameras and roughing

them up. Apparently a major incident was created, with a stand-off lasting three hours between the heavily armed *Zorros* and the journalists. Finally, state and Federal Judicial police intervened and arrested the *Zorros*; twenty-eight were released right away, but commander Raúl Antonio Durán Cabrera and his second-in-command were charged with abuse of authority and damage to property.[12] The status of their cases is not known.

General Violence

Journalists are occasionally the victims of police abuse and harassment that affects Mexicans in all walks of life. On July 23, 1988, TV anchorwoman Linda Bejarano was killed in Ciudad Juárez along with two others when the car in which she was riding was sprayed by machine-gun fire. Men who identified themselves as police ordered the car to stop but Bejarano's husband, who was driving the car, said he refused because he was afraid the men were robbers. One federal police officer and three city police officers were arrested in the attack, and the head of the federal police in Juárez was suspended. The officers told police they had mistaken the victim's car for one linked to drug traffickers.[13]

In the early morning hours of December 23, 1989, three reporters, Elvira Marcelo Esquivel, a reporter for *El Día*, Eduardo Valencia Barrera, a news reporter for TV Channel 11, and Israel Rodríguez Jiménez, a reporter for *El Nacional*, were approached as they left a Christmas party by five uniformed police, who allegedly had been drinking. The reporters protested being stopped for no legitimate reason and a scuffle ensued. Ms. Marcelo Esquivel was shot by one of the police and died the following day. On December 29, the office of the Attorney General for the Federal District announced that three police rookies had been arrested for the killing. When the officer accused of firing his weapon, 20-year- old José Luís Silva Jiménez, appeared in court, he declared that he had not been involved in the incident and that his confession had been extracted under torture by the Judicial Police of the Federal District.[14] Jaime Huitrón, director of the weekly *Tollan* in Tula, Hidalgo, was shot to death on March 10, 1990, when he did not stop at a roadblock set up by *granaderos* (anti-riot police). As these officers have no traffic control duties, there is a high probability that the purpose of the roadblock was extortion. Ten policemen involved in the incident were arrested, while four others escaped. Gun-powder tests run on the arrested officers apparently were negative, indicating that whoever fired the shot was among those who

escaped.[15]

Chapter Notes

1. Despite the proliferation of national and local newspapers in Mexico, most have small readerships. According to Article 19, Mexico has 531 daily newspapers with an estimated circulation of three million. By contrast, some fifteen to twenty million of Mexico's 83 million people tune in daily to one of the television news programs produced by Televisa, a privately owned corporation that is closely tied to the PRI.

2. According to a report in The New Yorker, Medina said "that after he was arrested the state police had blindfolded him and driven him around for a couple of hours, then stripped him and held his head down while pouring salt water up his nose. 'I screamed for them to kill me,' he said. He said that he was taken back to a substation in Tijuana, where he was beaten, and that mineral water laced with hot chili peppers was poured into his nostrils, whereupon, nearly mad with pain, he signed the confession." Murray, William, "To the Left of Zero," The New Yorker, July 31, 1989, p. 65.

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13. Los Angeles Times, July 26, 1988.

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IX. U. S. - MEXICAN RELATIONS

The United States has a long-standing policy of ignoring human rights violations occurring in Mexico. This policy is based on political, economic, and geographical considerations. The United States regards good relations with Mexico as critical to its national security interests, even though historically such relations have been tense. Fear of the spread of communism following the Cuban and, later the Nicaraguan revolutions, heightened the United States' determination not to offend its buffer-state neighbor with which it shares a 1600 mile border. In addition, Mexico is the United States' third largest trading partner. Substantial business and investment interests are perceived to be at risk if Mexico, a nation that is highly sensitive to external criticism, is offended by U.S. pressure.

Since Presidents Bush and Salinas de Gortari came into office, relations between the two countries have been better than at any time in recent history. The two men apparently have developed a warm personal relationship and their governments are cooperating closely on two high priority issues: the renegotiation of Mexico's foreign debt and other measures aimed at stimulating Mexico's flagging economy, and efforts to curb drug trafficking. The relationship between the two governments continues to be strong even in the face of Mexican government criticism of the United States concerning mistreatment of Mexican nationals by the Immigration and Naturalization Service; Mexican resentment of the Drug Enforcement Administration's involvement in the kidnapping of gynecologist Humberto Alvarez Machaín; NBC's miniseries, "The Enrique Camarena Story," that showed Mexican police in a poor light; and the U.S. invasion of Panama.

Perhaps out of reluctance to cause further offense, the United States has been unwilling to criticize human rights abuses that occur in Mexico. Various U.S. laws prohibit military and economic assistance to countries that engage in consistent patterns of gross violations of internationally recognized human rights. The prevalence of practices such as torture in Mexico should raise questions as to whether these provisions of law should be invoked in the case of Mexico. While direct U.S. foreign aid to Mexico is slight compared to many other countries, no mention of human rights concerns was raised by either the executive branch or the Congress during the appropriations process.[1]

The policy considerations supporting U.S. aid to Mexico for fiscal years 1990 and 1991 were set forth as follows by the Bush Administration:

> A secure, stable and friendly Mexico is essential to U.S. national interests. Security assistance is designed to strengthen U.S.-Mexican military relations, assist the Mexican military with training and procurement of equipment for force modernization and expansion, and enhance the military's capability to operate more efficiently and effectively in the anti-narcotics arena. IMET is the primary avenue for military cooperation with Mexico and a large portion of this training is needed to prepare personnel to operate and maintain equipment used in anti-narcotics operations....[2]

With regard to fiscal year 1991, the Administration's request to Congress stated: "The proposed FY91 IMET program includes professional military education in management, technical training and anti-narcotics operations...."[3] Americas Watch is concerned not only that U.S. military assistance to Mexico is provided without discussion of human rights conditions in that country, but that the United States is actively engaged in promoting increased militarization in Mexico. In the past, when the military has been brought in to resolve political and social problems in Mexico, levels of repression and rights abuses have increased. Moreover, in the anti-narcotics sphere, the United States should be encouraging civilian authorities in Mexico to gain control over and reform its police forces so that they are able to fulfill their function of stopping drug trafficking. It is not in the long-term interests of human rights in Mexico for the United States to be encouraging the Mexican military to step in to "solve" the drug trafficking problem.

Even when required by law to report on human rights violations in Mexico, U.S. administrations have spoken softly. In the Mexico chapter of the annual Country Reports on Human Rights Practices for 1989, the State Department accurately reported on the abuses described in this report. Yet the State Department managed to diminish the appearance of government responsibility for many acts of violence through the careful choice of examples, and by emphasizing statements by Mexican government officials decrying the violence and promising to investigate. This apparent

attempt to soften the report's impact is particularly conspicuous in the first few pages where a summary and the sections on the most violent abuses appear.[4] Most news accounts customarily rely on these sections of the Country Reports.

For example, in the section on Political and Other Extrajudicial Killings, which appears on the second page of the chapter on Mexico, the problem of violence in the context of land disputes was raised, but only two incidents -- out of many possible choices -- were presented. The first was described as an apparent dispute over land in Pijijiapán, Chiapas between the Socialist party-affiliated Independent Confederation of Agriculture Workers and Peasants (CIOAC) and the PRI-affiliated CNC, in which eleven people died. According to the non-governmental Mexican Commission for the Defense and Promotion of Human Rights and press reports, nine peasant members of CIOAC were massacred by a group of CNC members who attacked them with automatic weapons. A few days later the attackers returned and burned the homes of 120 peasants who had requested more land.[5] The description of this incident in the State Department Report concludes with a comment that "press reports cite police involvement in the incident, though no police have been charged with any crime." It also says that Chiapas's governor, as well as the CNC, have decried the Pijijiapán violence. These concluding words leave the casual reader with the impression that as there was no prosecution, there probably was no police involvement, and that state officials are concerned about the problem. Both of these impressions are misleading.

The second example concerned the killing of CIOAC activist and former legislator Sebastián Pérez Núñez by a Chiapas landowner. That case is one of the very few in which a *cacique* has been arrested and charged with killing a peasant activist. Accordingly, citing it as an example conveys the impression that the rule of law is working. Numerous other killings of peasants occurred in Chiapas and other states in 1989 without the state governments holding anyone accountable.

U.S. Violations of the Human Rights of Mexicans

In addition to failing to criticize Mexico for violating the rights of its citizens, the United States has committed its own share of human rights violations against Mexican nationals. In recent weeks the U.S. press has closely covered the trial of a group of defendants alleged to have been

involved in the torture and murder of Drug Enforcement Administration officer Enrique Camarena in 1985. One aspect of that case has been the kidnapping, organized by DEA operatives, of gynecologist Humberto Alvarez Machaín from his office in Guadalajara. Dr. Alvarez, who had previously been indicted for having been present when Camarena was tortured, was kidnapped by Mexican state and Federal Judicial police officers and transported to El Paso, Texas where DEA agents were waiting to arrest him. No warrant was issued for his arrest and the Mexican police acted outside the scope of their authority, apparently lured by the offer of a substantial reward. Several of the Mexican officers alleged to have participated in the kidnapping have since been arrested. Despite denunciations by President Salinas and other high-level Mexican government officials, Alvarez currently awaits trial in Los Angeles.

U.S. border control agents have committed many serious abuses against Mexican nationals. In recent years, in an effort to curb drug smuggling and illegal immigration, the United States has turned parts of the border into a quasi-militarized zone. Regular army troops are stationed along the Rio Grande near Laredo, Texas, and Marines are stationed in other parts of Texas and Arizona to provide back-up support to the border patrol in combatting drug trafficking. The National Guard plays a similar role in the San Diego area. Large spotlights have been erected on the border across from Tijuana to deter aliens from crossing, and the number of border patrol agents in the sector is slated to be increased from the present 750 to 1000 by August 1990. Border patrol agents are authorized to carry their personally-owned semi-automatic pistols provided the pistol meets government specifications and the officer is qualified to use it. According to the Border Patrol's Chief of Management Support, James Olech, somewhere between ten and fifty percent of border patrol agents now carry semi-automatic pistols.

In 1989, the American Friends Service Committee's U.S./Mexico Border Program documented the cases of five Mexicans who were killed and seven others who were wounded by Border Patrol agents in five separate shooting incidents in the Tijuana area. Some of the incidents involved only border control agents. Others involved the Border Crime Prevention Unit, a joint venture of the Border Patrol and the San Diego police. One of those killed was fourteen-year-old Luis Eduardo Hernández who was run over and killed by a Border Patrol vehicle on August 20, 1989. The following week fifteen-year-old Pedro García Sánchez was shot

in the back and wounded while trying to run back into Mexico. In December, officers of the Border Crime Prevention Unit shot and wounded another minor, Manuel Martín Flores, aged seventeen. Flores is now paralyzed from the waist down.

On May 25, 1990, a U.S. Border Patrol agent fired three bullets from his service revolver into a van transporting eleven suspected undocumented aliens as the vehicle tried to avoid a pre-dawn traffic stop on Interstate 5 in Chula Vista, California. A sixteen-year-old Mexican boy was hit in the neck and seriously injured, and a woman was hit in the arm by the gunfire.[6]

According to Roberto Martínez of the American Friends Service Committee in San Diego, "No Border Patrol agent has been prosecuted for any unjustified killing of an alien in the last five years." After the Flores shooting, the Border Crime Prevention Unit, which had been suspended several times in the past following accusations of misconduct, was disbanded. In February 1990, it was replaced with the Border Crime Intervention Unit, a smaller but similar SWAT team composed of Border Patrol agents and local police. So far the new team has not been accused of being involved in abuses of the magnitude of its predecessor.

In addition to violent acts of this type by Border Patrol and police officials, citizens along the border have waged a campaign of intimidation against Mexicans and other aliens trying to cross the border without authorization. Organized under the slogan "Light Up the Border," citizens in the San Diego area hold monthly rallies during which they drive their cars to the U.S. border and turn their headlights onto Mexicans and other aliens waiting to cross. Participants in the campaign blame undocumented immigrants for a variety of social ills, including the influx of drugs into their community.

A more serious menace is posed by gangs of white supremacist youths in the San Diego area who dress in combat fatigues, carry knives, bows and arrows, and high powered rifles, and have been responsible for assaults and killings of Mexican migrants. On May 18, 1990, twelve-year-old Hermilo Jímenez was killed by one such youth who was firing a high-powered rifle in a backyard. The youth, Leonard Paul Cuen, was taken into custody and booked on robbery charges pending the outcome of ballistics tests. Mexican migrants who witnessed the event said that at least one other person was with Cuen at the time of the shooting.

Mexican consulates in the border cities regularly call for

investigations when these incidents happen and, when the cases are especially egregious, the Mexican Government protests to the State Department. In addition, Mexican consulates have provided families of Mexicans killed or wounded by the INS or the vigilantes with legal assistance if they decide to bring civil actions. To date, these efforts by the Mexican government to assist Mexican migrants have not succeeded in putting an end to these incidents.

Chapter Notes

1. For fiscal year 1990, the United States appropriated for Mexico $15 million in International Narcotics Control dollars which are part of foreign assistance funds administered by the Department of State. It also appropriated $249,000 in aid for International Military Education and Training ("IMET"). These figures are to be increased to $18.3 million for International Narcotics Control and $400,000 in IMET appropriations in fiscal year 1991.

2. Department of State and Defense Security Assistance Agency, "Congressional Presentation for Security Assistance Programs, Fiscal Year 1991."

3. Id.

4. Department of State, Country Reports on Human Rights Practices for 1989, Washington, D.C., February 1990.

5. Mexican Commission for the Defense and Promotion of Human Rights A.C., "*Casos representativos de presuntas violaciones a los Derechos Humanos en Mexico*," July 1988-February 1990.

6. Glionna, John M., and Rodríguez, Yolanda, "Border Agent Fires Into Van; 2 Shot," Los Angeles Times, May 26, 1990.