

MEXICO

THE NEW YEAR'S REBELLION: VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW DURING THE ARMED REVOLT IN CHIAPAS, MEXICO

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I. Introduction

THE SURPRISE NEW YEAR'S DAY REBELLION IN CHIAPAS DEALT A STUNNING BLOW TO MEXICAN SELF-CONFIDENCE. THE REBELS SHATTERED PRESIDENT SALINAS' PORTRAIT OF A MODERNIZING NATION ABOUT TO REAP ECONOMIC BENEFITS FROM THE JUST-PASSED NORTH AMERICAN FREE TRADE AGREEMENT (NAFTA). THE EMERGENCE OF AN EXTREMELY WELL-ORGANIZED GUERRILLA FORCE FROM WITHIN THE JUNGLES OF ONE OF THE COUNTRY'S POOREST AND MOST REMOTE STATES FOCUSED NATIONAL AND INTERNATIONAL ATTENTION ON THE GROSS INEQUITIES, INJUSTICE, AND SERIOUS POLITICAL PROBLEMS OF MEXICO AS A WHOLE.

THIS REPORT EXAMINES THE UNDERLYING CAUSES OF THE NEW YEAR'S REBELLION, THE MEXICAN GOVERNMENT'S TWO-PHASE RESPONSE, AND THE MOST SERIOUS HUMAN RIGHTS AND HUMANITARIAN LAW VIOLATIONS THAT OCCURRED DURING THE CONFLICT AND HAVE BEEN DOCUMENTED BY HUMAN RIGHTS WATCH/AMERICAS (FORMERLY AMERICAS WATCH) TO DATE. OUR FINDINGS, BASED ON FACT-FINDING TRIPS TO CHIAPAS FROM JANUARY 9 AND 14, AND FROM FEBRUARY 9 TO 17, AS WELL AS CLOSE MONITORING OF THE SITUATION, INCLUDING EXTENSIVE CONTACTS WITH THE MEXICAN HUMAN RIGHTS COMMUNITY, ARE:

- ◆ BOTH THE MEXICAN AUTHORITIES AND THE EZLN (ZAPATISTA ARMY OF NATIONAL LIBERATION) COMMITTED SERIOUS VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW:
- ◆ ARMY SWEEPS OF MANY TOWNS AND HAMLETS LED TO DEATHS AND INJURIES OF CIVILIANS, AS WELL AS MASSIVE ARRESTS, YET THE GOVERNMENT HAS NOT BEEN FORTHCOMING IN IDENTIFYING THE DEAD AND WOUNDED, OR THOSE IN ARMY CUSTODY:
- ◆ MANY ARRESTS BY THE ARMY WERE MADE WITHOUT WARRANTS OR PROBABLE CAUSE TO BELIEVE THOSE ARRESTED WERE INVOLVED IN THE FIGHTING:
- ◆ TORTURE AND CRUEL TREATMENT, AS WELL AS PROLONGED DETENTION IN VIOLATION OF MEXICAN LAW, WERE COMMON FEATURES OF ARMY DETENTION:
- ◆ THE CONTINUED DETENTION, OR CONDITIONAL RELEASE WITH CHARGES PENDING, OF PRISONERS ARRESTED WITHOUT PROBABLE CAUSE BY THE ARMY AND TURNED OVER TO CIVILIAN AUTHORITIES, RAISES CONCERN THAT THEY ARE BEING HELD FOR POLITICAL REASONS:
- ◆ THE GOVERNMENT HAS ENGAGED IN COVER-UPS OF HUMAN RIGHTS AND HUMANITARIAN LAW VIOLATIONS COMMITTED BY THE ARMY IN, AMONG OTHERS, THE FOLLOWING CASES: THE SUMMARY EXECUTION OF FIVE EZLN SOLDIERS IN THE OCOSINGO MARKET; THE VIOLATION OF MEDICAL NEUTRALITY AND THE MURDER OF ELEVEN PERSONS TAKEN FROM A HOSPITAL IN OCOSINGO; AND THE TORTURE, DISAPPEARANCES, AND DEATHS OF THREE MEN FROM THE MORELIA EJIDO NEAR ALTAMIRANO:
- ◆ THE NATIONAL HUMAN RIGHTS COMMISSION WAS COMPLICIT IN COVERING UP EACH OF THESE THREE CASES:
- ◆ THE EZLN VIOLATED THE LAWS OF WAR BY TAKING HOSTAGES AND IN ONE CASE MURDERING A HOSTAGE, SHIELDING THEMSELVES DURING COMBAT BY HAVING CIVILIANS IN THEIR MIDST, AND DESTROYING NON-MILITARY TARGETS.

DESPITE THE PROMISES CONTAINED IN ITS PUBLIC RELATIONS CAMPAIGN, THE GOVERNMENT ALREADY HAS SIGNALLED ITS LACK OF INTEREST IN FULLY AND OPENLY INVESTIGATING, PROSECUTING, AND PUNISHING THE SIGNIFICANT HUMAN RIGHTS AND HUMANITARIAN LAW ABUSES THAT OCCURRED DURING THE CONFLICT. THIS IS ESPECIALLY TRUE OF ABUSES COMMITTED BY THE ARMY. THERE ALSO ARE SIGNS THAT MUCH NEEDED POLITICAL REFORMS, INTRODUCED BY MEXICO'S POLITICAL PARTIES IN THE WAKE OF THE CRISIS, WILL BE STALLED BY THE GOVERNMENT AND THE RULING INSTITUTIONAL REVOLUTIONARY PARTY (PRI).

HUMAN RIGHTS WATCH/AMERICAS WELCOMED THE GOVERNMENT'S ADOPTION OF A CONCILIATORY RESPONSE TO THE UPRISING, WHICH HAD THE IMMEDIATE EFFECT OF HALTING THE VIOLENCE AND REDUCING GROSS VIOLATIONS OF HUMAN RIGHTS. WE ALSO SUPPORT THE ONGOING EFFORTS TO ACHIEVE RECONCILIATION AND PEACE IN THE REGION. YET THOSE EFFORTS WILL FAIL UNLESS THE GOVERNMENT ENSURES THAT THERE WILL BE JUSTICE FOR PAST VIOLATIONS OF HUMAN RIGHTS, AND FIRMLY GUARANTEES THAT HUMAN RIGHTS WILL BE RESPECTED IN THE FUTURE.

THE NEW YEAR'S REBELLION AROSE IN THE CONTEXT OF POLITICAL REPRESSION, AN ABSENCE OF FUNCTIONING INSTITUTIONS OF CIVIL SOCIETY, AND THE MEXICAN GOVERNMENT'S TOLERANCE OF INJUSTICE AND ABUSE. ON THE EVE OF NEGOTIATIONS TO BRING PEACE AND RECONCILIATION TO CHIAPAS, MEXICO IS AT A CROSSROADS. THE GOVERNMENT AND THE PRI CAN CONTINUE TO IMPOSE THE POLITICS OF THE PAST ON THE MEXICAN PEOPLE. OR, MEXICO CAN BREAK WITH THE PAST BY INSTITUTING MEASURES TO ENSURE AN END TO IMPUNITY FOR GROSS VIOLATIONS OF HUMAN RIGHTS — IN CHIAPAS AND ELSEWHERE — AND ENTERING UPON AN ERA IN WHICH DEMOCRACY, HUMAN RIGHTS, AND THE RULE OF LAW ARE THE CORE PRINCIPLES OF GOVERNMENT. TO ACHIEVE LASTING PEACE IN CHIAPAS, AND PREVENT SIMILAR OUTBREAKS OF VIOLENCE ELSEWHERE, MEXICO MUST CHOOSE THE LATTER ROUTE.

II. THE REBELLION AND ITS CAUSES

JUST AFTER MIDNIGHT ON JANUARY 1, 1994, HUNDREDS OF ARMED *CAMPESINOS*, THE MAJORITY INDIGENOUS MAYANS, STORMED FOUR TOWNS IN SOUTHEASTERN CHIAPAS: SAN CRISTÓBAL DE LAS CASAS, OCOSINGO, ALTAMIRANO, AND LAS MARGARITAS. THE REBELS, WHO CALL THEMSELVES THE EJÉRCITO ZAPATISTA DE LIBERACIÓN NACIONAL, OR EZLN (ZAPATISTA ARMY OF NATIONAL LIBERATION), "DECLARED WAR" ON THE FEDERAL ARMY AND THE SALINAS ADMINISTRATION. THE EZLN IDENTIFIED ITS MEMBERS AS DESCENDANTS OF PANCHO VILLA AND EMILIANO ZAPATA WHO "HAVE NOTHING, ABSOLUTELY NOTHING, NOT A SUITABLE ROOF, NOR LAND, NOR WORK, NOR HEALTH, NOR ADEQUATE FOOD, NOR EDUCATION, NOR THE RIGHT TO FREELY AND DEMOCRATICALLY ELECT OUR REPRESENTATIVES, NOR INDEPENDENCE FROM FOREIGNERS, NOR JUSTICE FOR OURSELVES AND OUR CHILDREN."¹ THEY ANNOUNCED THAT THEIR ACTION WAS TIMED TO COINCIDE WITH THE DAY THE NORTH AMERICAN FREE TRADE AGREEMENT WENT INTO EFFECT, AND CLAIMED NAFTA "WAS A DEATH CERTIFICATE FOR THE INDIAN PEOPLES OF MEXICO."²

MOST OF THE REBELS WERE YOUNG MEN AND WOMEN WHOM TOWNSPEOPLE DESCRIBED AS HAVING "HAVING MORE DISCIPLINE THAN TRAINING."³ THEY WORE GREEN UNIFORMS AND HAD SCARVES TIED AROUND THEIR FACES: SOME WERE ARMED WITH ASSAULT RIFLES AND PISTOLS, BUT OTHERS CARRIED ANCIENT WEAPONRY AND EVEN TRAINING RIFLES MADE FROM WOOD. THEIR SPOKESPERSON, WHO IDENTIFIES HIMSELF AS SUBCOMANDANTE MARCOS, IS A NON-INDIGENOUS, EDUCATED, AND HIGHLY SOPHISTICATED MAN WHO IS PRESUMED TO BE FROM MEXICO CITY.

IN SAN CRISTÓBAL DE LAS CASAS, THE EZLN TOOK OVER THE MUNICIPAL PALACE WHERE THEY BROKE DOORS AND WINDOWS, USED THE FURNITURE TO BARRICADE THE SURROUNDING STREETS, AND SCATTERED AND DESTROYED MUNICIPAL RECORDS. THEY BURNED THE BUILDING THAT HOUSED THE STATE ATTORNEY GENERAL'S OFFICE, CUT PHONE AND POWER LINES, BLOCKED ROADS, AND SEIZED RADIO COMMUNICATION EQUIPMENT. THEY ALSO ATTACKED THE PRISON IN SAN CRISTÓBAL AND LIBERATED 179 PRISONERS. SIMILAR SCENES OCCURRED IN THE OTHER COUNTY SEATS THEY CAPTURED.

¹ EZLN LETTER TO THE MEXICAN PEOPLE, JANUARY 1, 1994. HUMAN RIGHTS WATCH TRANSLATION FROM ORIGINAL.

² TIM GOLDEN, "MEXICAN TROOPS BATTLING REBELS: TOLL AT LEAST 56," *NEW YORK TIMES*, JANUARY 3, 1994.

³ *Id.*

THE REBELLION TOOK BOTH FEDERAL AND STATE OFFICIALS BY SURPRISE. ALTHOUGH THE MEXICAN PRESS HAD REPORTED THROUGHOUT 1993 THAT A GUERRILLA MOVEMENT WAS ORGANIZING IN CHIAPAS,⁴ THE OFFICIAL GOVERNMENT POSITION, REPEATED EMPHATICALLY BY MEXICO'S MINISTER OF GOVERNMENT PATROCINIO GONZÁLEZ GARRIDO — WHO UNTIL JANUARY 1993 WAS THE GOVERNOR OF CHIAPAS — WAS "THERE ARE NO GUERRILLAS IN CHIAPAS."⁵

CERTAINLY THE MEXICAN ARMY KNEW BETTER. IN MARCH 1993, SOLDIERS INVADDED THE RURAL COMMUNITIES OF MITZITÓN AND SAN ISIDRO EL OCOTAL NEAR SAN CRISTÓBAL DE LAS CASAS TO SEARCH FOR TWO FELLOW OFFICERS WHO REPORTEDLY HAD VANISHED WHILE ON PATROL IN THE AREA. AFTER CHARRED BUT UNIDENTIFIABLE REMAINS OF TWO PERSONS WERE FOUND NEARBY, THE SOLDIERS RAIDED HOMES, CONFISCATED OR DESTROYED PROPERTY, TORTURED SUSPECTS, AND ARBITRARILY ARRESTED AT LEAST SEVENTEEN PEOPLE. SIMILAR EVENTS OCCURRED TWO MONTHS LATER IN THE OCOSINGO DISTRICT PATATE VIEJO EJIDO,⁶ WHERE SOLDIERS ENGAGED IN A SHOOTOUT WITH SUPPOSED GUERRILLAS AND SUBSEQUENTLY CONDUCTED HOUSE-TO-HOUSE SEARCHES AND ARRESTED VILLAGERS WHO ALLEGEDLY WERE ARMED.⁷

THE SURPRISE OF A POST-COLD WAR, POST-NAFTA ARMED REBELLION IN SOUTHERN MEXICO DIMINISHES WHEN ECONOMIC, POLITICAL, AND HUMAN RIGHTS FACTORS ARE UNDERSTOOD. CHIAPAS IS THE POOREST STATE IN MEXICO. NEARLY HALF OF ALL HOMES IN THE STATE LACK PLUMBING AND ONE-THIRD ARE WITHOUT ELECTRICITY. ILLITERACY, AT 30.12 PERCENT, IS TWO AND ONE-HALF TIMES THE NATIONAL AVERAGE. TWENTY-SIX PERCENT OF THE STATE'S 3.2 MILLION PEOPLE SPEAK NO SPANISH. AT THE SAME TIME, CHIAPAS IS THE STATE IN WHICH THE ADMINISTRATION OF CARLOS SALINAS DE GORTARI HAS SPENT THE MOST IN SOCIAL PROGRAMS. FEDERAL SPENDING IN CHIAPAS ROSE MORE THAN TENFOLD IN THE LAST FIVE YEARS TO \$250 MILLION.

⁴ ELIO HERNÁNDEZ, "PRÁCTICAS ARMADAS NOCTURNAS EN LAS MARGARITAS, CHIAPAS," *La Jornada*, AUGUST 2, 1993; GUILLERMO CORREA, JULIO CÉSAR LÓPEZ, "EN CHIAPAS, DESCUBREN UN CAMPO DE ENTRENAMIENTO DE GRUPOS ARMADOS," *PROCESO*, AUGUST 23, 1993; GUILLERMO CORREA, "HAY GUERRILLEROS EN CHIAPAS DESDE HACE OCHO AÑOS: GRUPOS RADICALES INFILTRARON A LA IGLESIA Y A LAS COMUNIDADES," *PROCESO*, SEPTEMBER 13, 1993; JULIO CÉSAR LÓPEZ, RODRIGO VERA, "HAY NOTICIAS DE GENTE ARMADA EN CHIAPAS, PERO NO DE LA IGLESIA," *PROCESO*, SEPT. 20, 1993.

⁵ ACCORDING TO ONE PRESS ACCOUNT, GONZÁLEZ GARRIDO WAS QUOTED AS SAYING, "THERE ARE LAND INVASIONS, AND CLASHES [THAT LEAVE] INJURED AND EVEN DEAD, BUT THAT'S A FAR CRY FROM A GUERRILLA PROBLEM.... THESE ARE INTERNAL CONFLICTS, NOT AN INSURGENCY." ANDRES OPPENHEIMER, "IMAGE-CONSCIOUS MEXICO: GUERRILLAS? WHAT GUERRILLAS?" *MIAMI HERALD*, JUNE 28, 1993.

⁶ THE EJIDO LAND TENURE SYSTEM WAS CREATED FOLLOWING THE MEXICAN REVOLUTION. UNDER THIS SYSTEM, CAMPESEÑO FAMILIES OR COMMUNITIES ACQUIRED RIGHTS TO LAND THAT THEY COULD USE IN PERPETUITY AND PASS ON TO THEIR CHILDREN, BUT COULD NOT SELL.

⁷ THE MILITARY ABUSES WERE AMPLY DOCUMENTED BY THE MINNESOTA ADVOCATES FOR HUMAN RIGHTS IN *CIVILIANS AT RISK: MILITARY AND POLICE ABUSES IN MEXICO'S COUNTRYSIDE*. WORLD POLICY INSTITUTE, JULY 1993. SEE ALSO, ELIO HENRÍQUEZ, "AMPLIA OPERACIÓN MILITAR EN CHIAPAS," *La Jornada*, MAY 31, 1993; GUILLERMO CORREA, "CHIAPAS 'GUERRILLA' ACTIVITY EVIDENCE REVIEWED," IN *FOREIGN BROADCAST INFORMATION SERVICES*, LAI-93-153, 11 AUGUST 1993.

CONFLICTS OVER LAND TENURE AND THE USE OF NATURAL RESOURCES ARE A CHRONIC PROBLEM IN CHIAPAS, WHICH IN ADDITION TO ITS POVERTY, IS ONE OF MEXICO'S MOST DENSELY POPULATED STATES. SIXTY PERCENT OF THE STATE'S ECONOMY COMES FROM AGRICULTURE. COMPETITION FOR LAND AND THE COLLAPSE OF EARNINGS FROM THE REGION'S FOUR PRINCIPAL PRODUCTS — TIMBER, COFFEE, CATTLE, AND CORN — INFLAMED SOCIAL TENSIONS. WHEN CAMPEÑINOS, ENCOURAGED BY THE LIBERATION THEOLOGY-INSPIRED CATHOLIC CHURCH AND A DEMOCRATIC TEACHERS UNION MOVEMENT, ORGANIZED AND PETITIONED FOR LAND, THE RURAL ELITE RESPONDED BY SETTING UP PARAMILITARY FORCES TO SUPPRESS THEM.⁸

AS IN OTHER PARTS OF MEXICO, THE VIOLENCE THAT HAS GRIPPED CHIAPAS IS BOLSTERED BY THE MEXICAN POWER STRUCTURE, WHICH EXERTS POLITICAL CONTROL OVER RURAL AREAS (AND RECRUITS SUPPORTERS FOR THE RULING INSTITUTIONAL REVOLUTIONARY PARTY, OR PRI) THROUGH LARGE LANDOWNERS AND LOCAL INFLUENCE-HOLDERS, KNOWN AS CACIQUES, WHO ENJOY ECONOMIC AND POLITICAL POWER IN EXCHANGE FOR THEIR LOYALTY.

CACIQUES TYPICALLY IMPOSE THEIR WILL THROUGH PRIVATE ARMIES, CALLED GUARDIAS BLANCAS. IN CHIAPAS, CACIQUES WITH CLOSE TIES TO THE PRI ALSO WIELD INFLUENCE OVER STATE AND MUNICIPAL POLICE, WHO REINFORCE THE GUARDIAS BLANCAS, AS WELL AS CIVIL AUTHORITIES AND JUDGES. WITH ALL TOO FEW EXCEPTIONS, LAND CONFLICTS ARE RESOLVED THROUGH THE USE OF FORCE, SKULLDUGGERY, AND ABUSE OF GOVERNMENT POWER.

THE CHIAPAS PRI IS BY NO MEANS AN ANOMALY. DESPITE PROTRACTED CIVIL UNREST, THE PARTY SUSPICIOUSLY EARNS THE HIGHEST ELECTORAL VICTORIES OF ANY PARTY IN THE STATE. IN THE 1988 PRESIDENTIAL ELECTION, BETWEEN 85 AND 90 PERCENT OF CHIAPAS VOTES WERE RECORDED FOR PRESIDENT SALINAS, ONE OF THE HIGHEST PERCENTAGES OF ANY STATE IN MEXICO. THE PRI CURRENTLY CONTROLS 109 OF 110 CHIAPAS MUNICIPALITIES, INCLUDING ALL TOWNS WHERE THE ZAPATISTA UPRISING OCCURRED.⁹ PERHAPS FOR THAT REASON, CHIAPAS CONTRIBUTES SIGNIFICANTLY TO THE NATIONAL LEADERSHIP OF THE PRI.

NOT ONLY HAS THE PRI CONTINUED TO GOVERN THE STATE AS IF THE MUCH-TOUTED MODERNIZATION OF MEXICO WAS NOT APPLICABLE THERE IT HAS ALSO IMPLICATED NATIONAL INSTITUTIONS IN ITS POLICIES. THE MEXICAN ARMY, WHICH HAS BEEN DEPLOYED IN CHIAPAS FOR SEVERAL YEARS TO SECURE THE BORDER WITH GUATEMALA AND CONDUCT DRUG INTERDICTION AND ERADICATION OPERATIONS, HAS INTERVENED ON THE SIDE OF THE CACIQUES IN LAND DISPUTES.

HRW/AMERICAS HAS DOCUMENTED WIDESPREAD LAND-RELATED ABUSES AGAINST CAMPEÑINOS IN CHIAPAS. IN EARLIER REPORTS, WE DESCRIBED THE BRUTAL EVICTIONS OF ENTIRE CAMPEÑINO COMMUNITIES BY HUNDREDS OF LOCAL POLICE IN COOPERATION WITH CACIQUES AND THEIR HIRED THUGS. IN EACH CASE, THEY SWARMED IN WITHOUT WARNING BEFORE DAWN, FORCED SLEEPING RESIDENTS TO ABANDON THEIR HOMES AND POSSESSIONS, AND TRANSPORTED THEM BY TRUCK TO MAJOR THOROUGHFARES MILES AWAY WHERE THEY LITERALLY WERE DUMPED. PERSONS WHO RESISTED OR APPEARED TO THE AUTHORITIES TO BE MOVING TOO SLOWLY WERE BEATEN. MANY MEN WERE ARRESTED; SOME REPORTED THAT THEY WERE TORTURED IN CUSTODY. AFTER THE COMMUNITIES WERE CLEARED OF THEIR INHABITANTS, THEY WERE LOOTED AND IN ONE CASE, BURNED TO THE GROUND.¹⁰

⁸ FOR AN EXPANDED EVALUATION OF THE ROOTS OF SOCIAL PROBLEMS IN CHIAPAS, SEE LUIS HERNÁNDEZ, "REVENGE OF THE MAYANS: THE ROOTS OF MEXICO'S INEVITABLE INDIAN UPRISING," *THE WASHINGTON POST*, JANUARY 23, 1994.

⁹ "REBELLION PUTS SALINAS ON DEFENSIVE," *MIAMI HERALD*, JANUARY 10, 1994.

¹⁰ AMERICAS WATCH, *HUMAN RIGHTS IN MEXICO: A POLICY OF IMPUNITY*, NEW YORK: HUMAN RIGHTS WATCH, JUNE 1990, PP. 59-62; *UNCEASING ABUSES: HUMAN RIGHTS IN MEXICO ONE YEAR AFTER THE INTRODUCTION OF REFORM*, NEW YORK: HUMAN RIGHTS WATCH, SEPTEMBER 1991, PP. 25-26.

THE SAN CRISTÓBAL DE LAS CASAS DIOCESE OF THE CATHOLIC CHURCH AND ITS BISHOP, SAMUEL RUIZ, AN ACTIVE AND OUTSPOKEN DEFENDER OF CAMPESINOS FOR OVER THIRTY YEARS, REPEATEDLY HAVE FACED PUBLIC DENUNCIATIONS AND THREATS BY GOVERNMENT OFFICIALS AND CACIQUES. IN SEPTEMBER 1991, IN A PARTICULARLY EGREGIOUS ATTACK ON CHURCH-BASED COMMUNITY DEVELOPMENT EFFORTS, THE PARISH PRIEST IN SIMOJOVEL, NEAR SAN CRISTÓBAL DE LAS CASAS, WAS ARRESTED WITHOUT WARRANT, HELD FOR FORTY NINE DAYS IN MAXIMUM-SECURITY PRISON AND CHARGED WITH CONSPIRACY, PLUNDERING, AND ILLEGAL POSSESSION OF FIREARMS IN REPRISAL FOR THE ACTIONS OF A GROUP OF FORTY PEASANTS, WHO BEGAN CONSTRUCTION ON DISPUTED LAND.¹¹ LAST SPRING, SENIOR MILITARY OFFICERS ACCUSED THE DIOCESE-BASED FRAY BARTOLOMÉ DE LAS CASAS HUMAN RIGHTS CENTER OF SPREADING "ODIOUS LIES" ABOUT THE MILITARY, "OBSTRUCTING JUSTICE" AND "DEFENDING CRIMINALS," IN RESPONSE TO THE CENTER'S EFFORTS TO DOCUMENT TORTURE AND ABUSE BY MILITARY OFFICIALS IN SAN ISIDRO EL OCOTAL. IN NOVEMBER 1993, BISHOP RUIZ WAS THE TARGET OF A VATICAN-INSPIRED EFFORT TO RELIEVE HIM OF HIS POSITION, PRESUMABLY FOR HIS EMBRACE OF LIBERATION THEOLOGY AND HIS HUMANITARIAN EFFORTS.¹² RUIZ REFUSED TO STEP DOWN, AND NO FURTHER CHURCH ACTION WAS TAKEN, BUT OFFICIAL HARASSMENT STILL DOGGED HIM. DURING THE FIRST TEN DAYS OF THE CURRENT CONFLICT, BISHOP RUIZ, LOCAL PARISH PRIESTS, AND THE FRAY BARTOLOMÉ HUMAN RIGHTS CENTER WERE ACCUSED OF FOMENTING THE ZAPATISTA REBELLION BY STATE GOVERNMENT OFFICIALS.

VIOLENCE AND ANTAGONISM DIRECTED AGAINST NON-INDIGENOUS OFFICIALS AND INDEPENDENT ADVISORS WHO DEFEND THE LAND CLAIMS AND HUMAN RIGHTS OF INDIGENOUS INDIVIDUALS AND GROUPS, HAS BEEN A RECURRING THEME. IN 1990, A TAPACHULA JOURNALIST WHO HAD PUBLISHED CRITICAL ARTICLES ABOUT POWERFUL CHIAPAS FAMILIES AND THE ARBITRARY ARREST ON BOGUS CHARGES OF ANOTHER LOCAL JOURNALIST, WAS MURDERED.¹³ ALSO THAT YEAR, GOV. PATROCINIO GONZÁLEZ GARRIDO WARNED DR. RICARDO PANIAGUA GUZMÁN, THE CHIAPAS STATE DIRECTOR OF THE FEDERAL GOVERNMENT'S NATIONAL INDIGENOUS INSTITUTE OR INI, NOT TO ASSIST LOCAL INDIAN GROUPS WITH FEDERAL ECONOMIC AND TECHNICAL ASSISTANCE. WHEN THAT ASSISTANCE CONTINUED, INI WORKERS WERE THREATENED AND ARRESTED. ON FEBRUARY 29, 1992, PANIAGUA HIMSELF WAS ARRESTED WITHOUT A WARRANT, HELD INCOMMUNICADO WITHOUT CHARGES, AND INTERROGATED FOR NINE HOURS. SIX OTHER INI EMPLOYEES IN CHIAPAS WERE ARRESTED THE SAME DAY, ALSO WITHOUT WARRANTS. EVENTUALLY THEY WERE CHARGED WITH FRAUD RELATING TO A CATTLE-RAISING PROJECT AND WHILE THEY WERE FREED, AS OF OCTOBER 1993 THEIR CASES WERE STILL PENDING.¹⁴

WHILE POLICE AND PROSECUTORIAL CORRUPTION AND ABUSE, AND THE LACK OF AN INDEPENDENT JUDICIARY AND RESPECT FOR THE RULE OF LAW, OCCUR THROUGHOUT MEXICO, THE POLITICAL POWER STRUCTURE AND REMOTENESS FROM MEXICO CITY MAGNIFY THOSE PROBLEMS IN CHIAPAS. VICTIMS HAVE ONLY THE COURT OF PUBLIC OPINION TO TURN TO WHEN THEIR HUMAN RIGHTS ARE VIOLATED, BECAUSE, AS A RULE, THE STATE'S LEGAL SYSTEM FAILS TO PROVIDE THEM WITH PROTECTION. AND, BECAUSE FEW MEXICAN AND NO INTERNATIONAL REPORTERS REGULARLY COVER CHIAPAS, THEIR PLEAS HAVE GOTTEN LITTLE OUTSIDE ATTENTION.¹⁵

MOREOVER, THE STATE'S CRIMINAL CODE, SIGNED INTO LAW BY GOVERNOR GONZÁLEZ GARRIDO IN DECEMBER 1988, WAS RESTRUCTURED TO FACILITATE REPRESSION OF CAMPESINOS WHO REBELLED ABOUT SOCIAL CONDITIONS. THE NEW LAW CREATED OR ENHANCED SENTENCES FOR A VARIETY OF "POLITICAL CRIMES" — SUCH AS LARGE PUBLIC DEMONSTRATIONS — THAT WOULD OTHERWISE BE LEGAL EXERCISES OF FREEDOM OF EXPRESSION UNDER THE LESS RESTRICTIVE MEXICAN CONSTITUTION. IT ALSO PENALIZED THE POLITICAL CRIMES OF REBELLION, SEDITION,

¹¹ AMERICAS WATCH, "BRIEFING PAPER ON INTIMIDATION OF ACTIVISTS IN MEXICO," NEW YORK: HUMAN RIGHTS WATCH, OCTOBER 1993, P. 10. MINNESOTA ADVOCATES FOR HUMAN RIGHTS, *CONQUEST CONTINUED: DISREGARD FOR HUMAN AND INDIGENOUS RIGHTS IN THE MEXICAN STATE OF CHIAPAS*, OCTOBER 1992, PP. 24-27.

¹² THROUGH THE PAPAL NUNCIO IN MEXICO CITY, RUIZ WAS CHARGED WITH "GRAVE PASTORAL AND DOCTRINAL ERRORS." AT THE TIME, MINISTER OF GOVERNOR PATROCINIO GONZÁLEZ GARRIDO WAS WIDELY ACCUSED OF ORCHESTRATING THE MOVE. HE ISSUED A STATEMENT DENYING ANY INVOLVEMENT. PAPAL NUNCIO ARCHBISHOP PRIGIONE ALSO SAID THAT THE POPE'S DECISION WAS "IN NO WAY" INFLUENCED BY MEXICO'S POLITICAL LEADERS, BUT REFUSED TO COMMENT ON WHAT "DOCTRINAL ERRORS" BISHOP RUIZ HAD COMMITTED. GREGORY KATZ, "POPE SEEKS BISHOP'S REMOVAL: MEXICAN PRELATE FAMED FOR DEFENSE OF INDIANS," *DALLAS MORNING NEWS*, NOVEMBER 22, 1993.

¹³ AMERICAS WATCH, *UNCEASING ABUSES*,¹³ SUPRA, N. 10, PP. 29-31.

¹⁴ AMERICAS WATCH, "BRIEFING PAPER," SUPRA, N. 12, P. 9. SEE ALSO MINNESOTA ADVOCATES FOR HUMAN RIGHTS *CONQUEST CONTINUED*, SUPRA, N. 12, PP. 17-23.

¹⁵ ONE NOTABLE EXCEPTION IS THE NATIONAL DAILY *LA JORNADA*, WHICH BASES REPORTERS AND REGULARLY COVERS EVENTS IN THE STATE.

and rioting with particularly stiff sentences, and applied those laws to a far wider array of circumstances than Mexican federal law.

In sum, while economic woes plague the state and are contributing factors to the Zapatista rebellion, pervasive human rights violations and the lack of justice and the rule of law are its proximate causes.

III. THE GOVERNMENT'S RESPONSE TO THE UPRISING

The Mexican government's response to the rebellion can be divided into two phases. Immediately following the assault, the Chiapas state government issued a report claiming the EZLN carried out acts of provocation and violence, and claimed to have sent in security forces "to try to dissuade the indigenous groups, to ask them to reconsider their attitude, to return to the legal way and to participate in the construction of solutions to their demands."¹⁶ The federal government, taking its cue from Chiapas state authorities and the Minister of Government — former Chiapas governor González Garrido, whom President Salinas sent to Chiapas to direct the federal government's response — deployed army troops and air support, and attempted full-scale military suppression of the rebels. In the media, the federal government tried to downplay the assault by emphasizing that 106 of the state's 110 municipalities were tranquil.¹⁷

From the outset, spokespersons for the Salinas administration insinuated that the rebellion's leaders were from Central America: in a formal statement, Government Minister González Garrido said that the Chiapas rebels "present a mix of interests and of people, both national and foreign. They show affinities with other violent factions that operate in other countries of Central America."¹⁸ The EZLN insisted its leaders and soldiers were Mexican. The Salinas administration also tried to link the leadership of the Zapatista force to two radical fringe groups — PROCU (the Revolutionary Workers Clandestine People's Union Party) and the Party of the Poor — that emerged from guerrilla forces that operated in other impoverished Mexican states in the 1970s.¹⁹ It also permitted rumors to circulate that Bishop Ruiz and priests involved in the Fray Bartolomé de las Casas Human Rights Center facilitated the radio communications used by the Zapatistas to plan and coordinate the attacks.

Within days, press and human rights monitors, who had provided superb coverage of the fighting and accompanying human rights abuses during the initial days of the uprising, were barred by the army from visiting areas in which military operations were underway or had recently concluded. While the army cited the need for the protection of civilians as the reason for sealing off large areas of the countryside, suspicions were immediately raised that the state was shielding acts of repression from witnesses.

As dramatic television images of the violence and accompanying human rights abuses were imparted into living rooms throughout the country, and as the plight of the Chiapas campesinos and the scope of the Zapatistas' demands became widely known, intense pressure mounted on the Salinas administration to change tactics and search for a peaceful resolution to the conflict. The pressure increased during the January 8-9 weekend when the Zapatistas downed electric pylons in Michoacán and Puebla, driving home the possibility that the EZLN was a national movement. When a car bomb was detonated in a Mexico City parking garage and a grenade exploded in the Acapulco mayor's office that weekend, it became clear that even more feared guerrilla groups were prepared to act in solidarity with the Zapatistas. According to press reports, PROCU and the Party of the Poor took responsibility for both attacks.

¹⁶ Coordinación de Comunicación Social del Gobierno del Estado, Tuxtla Gutiérrez, January 19, 1994.

¹⁷ Tim Golden, "Mexican Troops Battling Rebels: Toll at Least 56," *NEW YORK TIMES*, January 3, 1994.

¹⁸ Boletín Informativo para Prensa, Radio y Televisión, Secretaría de Gobernación, January 5, 1994, 0027/SUPC.

¹⁹ Tim Golden, "Mexican Rebels Are Retreating, But Issues Are Not," *NEW YORK TIMES*, January 4, 1994.

On January 9, President Salinas began the policy transformation by announcing that he had named a three-person commission, made up of three well-known Chiapanecos: writer Eraclio Zepeda, anthropologist Andrés Fabregas, and Senator Eduardo Robledo, who were to have "complete independence" to evaluate and propose solutions to social problems in the conflicted areas.

The following day, he dropped the hard-line strategy altogether. He fired Minister of Government González Garrido and appointed Dr. Jorge Carpizo MacGregor to replace him. Carpizo, a former university rector and Supreme Court justice, had removed his judicial robes in 1990 to become the first president of Mexico's newly formed Comisión Nacional de Derechos Humanos (CNDH). Under his leadership, the CNDH, a governmental body with independent investigative authority but no prosecutorial powers, grew and produced thorough, credible investigations into sensitive human rights cases. In early 1993, Carpizo became Procurador General de la República (Attorney General). While his task of cleaning up the Attorney General's office (PGR) and its police body, the Federal Judicial Police (FJP), met with mixed success, he retained his reputation as a reformer.

The President also asked Manuel Camacho Solís, the Foreign Minister and former Mayor of Mexico City, to lead an effort to reach a peaceful settlement in Chiapas. Camacho is a respected former leader of the PRI whose negotiating skills are widely held in high regard, even by political opponents. Camacho immediately embraced Bishop Ruiz, who had come briefly to Mexico City, and the two men flew together to Chiapas. When he arrived in San Cristóbal de las Casas, Camacho announced that his peacemaking efforts would be made in his capacity as a private citizen, not as a government functionary.

President Salinas also held a meeting with Lic. Jorge Madrazo, the President of the National Human Rights Commission (CNDH), thereby boosting its visibility as the agency responsible for investigating human rights abuses committed by both sides during the course of the conflict. By that time, CNDH representatives were already in Chiapas, and had set up locations in San Cristóbal de las Casas and Tuxtla Gutiérrez where staff could receive complaints. Its criminologists, forensic physicians, and investigators also had begun work. The CNDH also assisted in the evacuation and humanitarian assistance of displaced persons.

The Salinas administration's new conciliatory policy had an almost immediate effect. After January 10, reports of high-profile violations of human rights diminished, though abuses during the hard-line period were still reported. The government announced a unilateral cease-fire, and the army permitted journalists and human rights monitors to reenter most areas of the countryside. A week later, Chiapas Governor Elmar Setzer tendered his resignation and was replaced by Javier López Moreno, a moderate who had served as Secretary of Education during the 1992-1998 administration of Governor Castellanos Domínguez. He immediately vowed to "respect the human rights of all, especially those of our brother Indians."²⁰

On January 20, President Salinas signed amnesty legislation that applies to all acts of violence in violation of federal law in the Chiapas conflict between January 1 and 3:00 PM on January 20, provided that those seeking amnesty lay down their arms within thirty days. Unfortunately, the law is ambiguous as to whether it also applies to the army and as to whether it applies to acts that constitute serious violations of internationally recognized human rights and humanitarian law. A similar law was passed on January 22 by the Chiapas state legislature for state crimes.²¹ That law requires the governor to name a special commission to implement the law, and it will go into effect only when that commission announces a cease-fire.

²⁰ Juan Manuel Venegas and Oscar Camacho Guzmán, "Javier López Moreno, Nuevo Gobernador de Chiapas," *La Jornada*, January 19, 1994, p. 7.

²¹ Juan Manuel Venegas, Candelaria Rodríguez, "Aprueba el Congreso de Chiapas iniciativa de ley de amnistía," *La Jornada*, January 26, 1994, p. 9.

On January 26, the PRI and the two major opposition parties, the National Action Party or PAN, and the Party of the Democratic Revolution or PRD, signed an agreement calling for independent bodies to rule on the fairness of elections, an end to the use of government funds by political parties, an independent prosecutor to investigate electoral fraud, and fair treatment for all parties by the news media. While some of the pact's terms can be achieved by the parties acting in good faith, the enforcement provisions require federal legislation that, to date, has not been introduced.

For its part the EZLN has not offered to lay down its arms, but in a series of press releases it has sounded a conciliatory tone and has dropped some of its most politically onerous demands, including President Salinas' resignation. As of this writing, peace talks were imminent.

IV. Human Rights and Humanitarian Law Violations in the Context of the Conflict

From press reports and photos from the earliest days of the conflict it was apparent that serious violations of international human rights and humanitarian law were occurring. In the first week, a handful of sensational cases involving abuses by the army appeared in the press and held public attention. These included:

- ◆ the events in Ocosingo including the apparent summary executions by soldiers of seven Zapatistas in the Ocosingo market;
- ◆ the case of fourteen Zapatistas whose corpses were found scattered around a bus in the vicinity of the Rancho Nuevo Army base;
- ◆ the case of family members, including a small child, traveling in a van who were shot by armed forces when they ran a roadblock;
- ◆ the army attack on a Red Cross vehicle; and
- ◆ the strafing of clearly marked press vehicles near El Corralito;

The EZLN's kidnapping of former Chiapas governor Absalón Castellanos Domínguez on January 2 also attracted widespread public attention. HRW/Americas has investigated each of these incidents; our findings, to date, appear in subsequent sections of this newsletter.

Also discussed below are our findings on other egregious cases that emerged more recently or received less public attention. These include:

- ◆ the January 24 discovery of the murdered corpses of two men who "disappeared" in Las Margaritas on January 16;
- ◆ the January 7 events in the Ejido Morelia and the summary execution of three villagers; and
- ◆ the January 6 aerial firing on two men in Las Margaritas.

On closer examination, however, it became clear that other patterns of serious human rights and humanitarian law abuses were emerging.

V. DISAPPEARANCES, ARBITRARY ARREST AND DETENTION, TORTURE, AND CRUEL TREATMENT IN DETENTION

ARMY SWEEPS IN MANY TOWNS AND HAMLETS RESULTED IN MASSIVE ARRESTS, AND FAMILIES STREAMED INTO CHIAPAS' URBAN CENTERS SEEKING INFORMATION ON THE STATUS AND WHEREABOUTS OF THOSE DETAINED. IN SOME CASES THEY WERE ABLE TO LOCATE THEM, BUT THERE ARE MANY REPORTS OF PERSONS WHO ARE STILL MISSING AFTER THEIR CAPTURE. FOR EXAMPLE, ON JANUARY 20, THE MEXICO CITY-BASED FRAY FRANCISCO DE VITORIA CENTER FOR HUMAN RIGHTS REPORTED THE DETENTION AND DISAPPEARANCE OF TWELVE PERSONS. IN A FEBRUARY 10 STATEMENT TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, THE MEXICAN GOVERNMENT ADMITTED THAT THE CNDH HAD RECEIVED 420 REQUESTS FOR INFORMATION ON THE WHEREABOUTS OF PERSONS AND, AS OF FEBRUARY 2, HAD SOLVED 395 CASES. NEITHER THE GOVERNMENT NOR THE CNDH HAS PROVIDED INFORMATION ON HOW MANY OF THOSE PERSONS WERE FOUND ALIVE OR THE IDENTITIES OF THOSE WHO DIED.

BECAUSE THE GOVERNMENT WAS NOT FORTHCOMING WITH THE NAMES OF PERSONS KNOWN TO IT TO BE DEAD, WOUNDED, OR IN CUSTODY, IT CAUSED UNCONSCIONABLE DISTRESS TO FAMILY MEMBERS OF DISAPPEARED PERSONS. THE CNDH PARTIALLY REDUCED THAT DISTRESS IN ITS JANUARY 25 PRESS RELEASE IN WHICH IT PROVIDED TWO LISTS OF PERSONS DETAINED UNDER FEDERAL AND STATE CHARGES FOR CRIMES ALLEGEDLY COMMITTED IN THE COURSE OF THE REBELLION. BUT IT IS INEXCUSABLE THAT NEITHER THE ARMY, THE FEDERAL OR STATE PROSECUTORS, NOR PRISON AUTHORITIES PROVIDED ANY RESPONSE TO THE MANY DESPERATE INQUIRIES OF RELATIVES.

MOST OF THE ARMY SWEEPS, SOME OF WHICH WERE CONDUCTED IN CONJUNCTION WITH OFFICERS OF THE PGR, RESULTED IN ARBITRARY ARRESTS IN VIOLATION OF INTERNATIONAL HUMAN RIGHTS NORMS. MANY VILLAGERS WERE TAKEN FROM THEIR HOMES WITHOUT WARRANTS OR APPARENT PROBABLE CAUSE TO BELIEVE THAT THEY WERE INVOLVED IN THE FIGHTING. IN ITS JANUARY 25 PRESS RELEASE, THE CNDH REPORTED THAT IT HAD ESTABLISHED THAT 131 PERSONS HAD BEEN ARRESTED; OF THOSE, FIFTY-EIGHT WERE RELEASED AND SEVENTY WERE FORMALLY CHARGED. THE OTHER THREE ARE MINORS WHO WERE SENT TO REFORMATORIES. THE CNDH FIGURES WERE BASED ON COURT REPORTS; THEY DID NOT INCLUDE PERSONS ARRESTED BY THE ARMY WHO EITHER WERE RELEASED OR WERE NEVER TURNED OVER TO CIVILIAN AUTHORITIES. THE CNDH ADVISORY ALSO DID NOT CONTAIN NAMES OF WOUNDED REBELS, IF ANY, WHO WERE DETAINED IN ARMY MEDICAL FACILITIES.

DURING THE SECOND WEEK OF FEBRUARY, THE THIRTY-EIGHT PRISONERS HELD ON STATE CRIMINAL CHARGES WERE RELEASED. IT WAS WIDELY REPORTED JUST BEFORE THEIR RELEASE THAT THEY WOULD BE FREED AS PART OF PEACE TALKS WITH THE EZLN.²² BUT INSTEAD OF RECEIVING THE BENEFIT OF CHIAPAS' NEW AMNESTY LAW, THE PRISONERS WERE RELEASED EITHER ON BOND OR CONDITIONAL LIBERTY. AS OF THIS WRITING THE THIRTY-TWO PRISONERS HELD ON FEDERAL CRIMINAL CHARGES ARE STILL IN CERRO HUECO, THE STATE PRISON IN THE PROVINCIAL CAPITAL, Tuxtla Gutiérrez.

MANY OF THOSE ARRESTED AND HELD UNDER SUSPICION OF INVOLVEMENT WITH THE REBELLION COMPLAINED OF VIOLENT ARRESTS AND INTERROGATION BY SOLDIERS THAT INCLUDED TORTURE. NEARLY ALL DESCRIBED ABJECT CONDITIONS OF DETENTION WHILE IN ARMY CUSTODY THAT AMOUNT TO CRUEL, INHUMAN AND DEGRADING TREATMENT UNDER INTERNATIONAL LAW.

ON FEBRUARY 13, HRW/AMERICAS SPOKE TO TWENTY-EIGHT OF THE THIRTY-TWO FEDERAL PRISONERS IN CERRO, HUECO. EIGHTEEN WERE ARRESTED WITHOUT WARRANTS IN OCOSINGO BETWEEN JANUARY 2-4 WHEN THEY LEFT THEIR HOMES TO BUY FOOD OR CHECK ON RELATIVES. NONE WERE ARRESTED IN AREAS WHERE FIGHTING WAS OCCURRING. ALL CATEGORICALLY DENY ANY CONNECTION WITH THE EZLN.

THE EIGHTEEN MEN WERE TAKEN TO THE MUNICIPAL BUILDING IN OCOSINGO; ON JANUARY 4 THEY WERE TRANSFERRED TOGETHER TO A LOCAL BUSINESS ESTABLISHMENT WHERE THEY WERE HELD FOR TWO DAYS. THROUGHOUT THIS PERIOD THEY WERE BLINDFOLDED, TIED BY THE WRISTS AND FEET, THREATENED, BEATEN, AND MADE TO LIE ON THE FLOOR. FOR FOUR OR FIVE DAYS THEY WERE GIVEN NO FOOD OR WATER

²² SEE, E.G., EDUARDO KRAGELUND, "PEACE TALKS LOOM, CONCERN RISES ON MASSACRE CHARGES," REUTERS, FEBRUARY 7, 1994.

OTHER THAN AN OCCASIONAL CUP OF COFFEE. MORE THAN A MONTH LATER, FIVE STILL HAD CLEARLY VISIBLE, UGLY PURPLE MARKS ON THEIR WRISTS THAT WERE PRODUCED BY THEIR BONDS. ONE DETAINEE, ELIAS GÓMEZ, ALSO HAD BRUISING ON THE FACE AND A SCAR ON HIS HEAD THAT WAS CONSISTENT WITH A BLOW FROM A RIFLE BUTT.

ON JANUARY 6, THE MEN WERE THEN TAKEN TO Tuxtla Gutiérrez AND TURNED OVER TO THE FEDERAL PROSECUTOR'S OFFICE, (MINISTERIO PÚBLICO) WHERE THEY WERE CHARGED THEM WITH MURDER, CAUSING INJURIES, CRIMINAL ASSOCIATION, AND CARRYING ARMS EXCLUSIVELY RESERVED FOR THE ARMED FORCES. THE MEN TOLD HRW/AMERICAS THAT THEY HAVE NO IDEA WHO THEY ALLEGEDLY KILLED OR WOUNDED. THEY ALSO CLAIMED THEY WERE NOT CARRYING WEAPONS AT THE TIME OF THEIR ARREST AND THAT THEIR HOMES HAD NOT BEEN RAIDED SUBSEQUENTLY. THEY COMPLAINED THAT THE FEDERAL PROSECUTOR FORCED THEM TO SIGN A DOCUMENT THAT THEY WERE NOT ALLOWED TO SEE. ALTHOUGH UNDER MEXICAN LAW THE MEN WERE ENTITLED TO HAVE A LAWYER PRESENT WHEN THEY APPEARED BEFORE THE PROSECUTOR, NONE WAS PROVIDED. THEY NOW HAVE PUBLIC DEFENDERS.

A SECOND GROUP OF EIGHT MEN WAS ARRESTED IN EJIDO MORELIA, IN THE ALTAMIRANO DISTRICT, ON JANUARY 7. THEY WERE TAKEN FROM THEIR HOMES BY SOLDIERS ACCOMPANIED BY A LOCAL OFFICIAL. HE HAD THEIR NAMES ON A LIST AND ACCUSED THEM OF BEING ZAPATISTAS, WHICH THEY DENIED. THESE MEN RECOUNTED A SIMILAR STORY OF INCOMMUNICADO DETENTION AND TORTURE BY THE ARMY PRIOR TO BEING TURNED OVER TO CIVILIAN AUTHORITIES IN Tuxtla Gutiérrez.²⁵

TWO OTHER MEN, BROTHERS PEDRO AND BENANCIO HERNÁNDEZ JIMÉNEZ, WERE ARRESTED BY SOLDIERS AT THEIR HOME IN ALTAMIRANO AT 2:00 PM ON JANUARY 9. THE SOLDIERS WERE ACCOMPANIED BY A CIVILIAN WHO IDENTIFIED THE BROTHERS AS ZAPATISTAS, WHICH THEY DENIED. THEY WERE TAKEN TO A MILITARY INSTALLATION IN THE CENTER OF TOWN WHERE THEY WERE HELD FOR TWO DAYS WITH THEIR WRISTS TIED AND THEIR EYES BLINDFOLDED. FROM THERE THEY WERE TAKEN BY HELICOPTER TO AN ARMY FACILITY IN Tuxtla Gutiérrez WHERE THEY WERE TORTURED WITH ELECTRICITY. PEDRO SAID HE WAS SHOCKED ON THE CHEST AND OTHER PARTS OF HIS BODY WITH WHAT HE DESCRIBED AS A SMALL BLACK BOX. AN AMNESTY INTERNATIONAL PHYSICIAN WHO EXAMINED HIM ON JANUARY 21 TOLD HRW/AMERICAS THAT HE SAW CLEAR PHYSICAL EVIDENCE TO CONFIRM PEDRO'S ACCOUNT OF TORTURE. BENANCIO SAID HE WAS SHOCKED WITH CABLES THAT WERE ATTACHED TO HIS LEGS; HE SHOWED OUR INVESTIGATOR DARK VIOLET MARKS ON HIS LEGS THAT WERE CONSISTENT WITH HIS ACCOUNT OF ELECTRIC SHOCK TORTURE.

²⁵ A FULLER ACCOUNT OF THE EVENTS IN THE EJIDO MORELIA IS PRESENTED ELSEWHERE IN THE REPORT.

WHEN THE MEN WERE FINALLY BROUGHT BEFORE THE PROSECUTOR THEY WERE THREATENED THAT IF THEY DID NOT "DECLARAR BIEN" (WHICH OUR INVESTIGATOR TOOK TO MEAN, TELL THE PROSECUTOR WHAT HE WANTED TO HEAR), THEY WOULD BE TURNED BACK OVER TO THE ARMY. THEY THEN WERE FORCED TO SIGN A DOCUMENT THAT THEY WERE NOT ALLOWED TO SEE. THE BROTHERS ARE NOW BEING HELD ON THE SAME CHARGES AS THE EIGHTEEN MEN FROM OCOSSINGO. THEY SIMILARLY STATE THEY DO NOT KNOW WHOM THEY ALLEGEDLY KILLED OR INJURED.²⁴

OUR INTERVIEWS WITH THESE TWENTY-EIGHT PRISONERS IN CERRO HUECO RAISED SERIOUS CONCERNS, NOT ONLY ABOUT THE MISTREATMENT AND DUE PROCESS VIOLATIONS THAT ACCOMPANIED THEIR ARRESTS, BUT ALSO ABOUT THE UNDERLYING BASIS FOR THEIR DETENTION. WE HAVE SEEN NO EVIDENCE TO SUGGEST THAT ANY OF THE MEN PARTICIPATED IN THE FIGHTING OR ARE RESPONSIBLE FOR THE CRIMES ALLEGED, AND ARE CONCERNED THAT THE MEN ARE BEING HELD ON CRIMINAL CHARGES SOLELY FOR POLITICAL PURPOSES RATHER THAN FOR ANY WRONGDOING. WE URGE THE MEXICAN ATTORNEY GENERAL TO MAKE IMMEDIATE, FULL AND PUBLIC DISCLOSURE OF THE UNDERLYING BASES FOR THE CHARGES AGAINST THESE MEN. IF THEY DO NOT WITHSTAND BASIC DUE PROCESS SCRUTINY, THE GOVERNMENT SHOULD IMMEDIATELY AND UNCONDITIONALLY RELEASE THE DETAINED AND COMPENSATE THEM FOR THEIR SUFFERING.

VI. VIOLATIONS OF HUMANITARIAN LAW BY BOTH SIDES

²⁴ THE FINDINGS OF REPRESENTATIVES OF MEXICAN NONGOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS (WHO INTERVIEWED TWENTY-ONE PRISONERS IN THE TUTTLE GUTIÉRREZ DETENTION FACILITY OF THE FEDERAL JUDICIAL POLICE ON OR ABOUT JANUARY 10) AND AMNESTY INTERNATIONAL (WHO INTERVIEWED ALL SEVENTY FEDERAL AND STATE PRISONERS IN CERRO HUECO ON JANUARY 21) WERE CONSISTENT WITH THOSE OF HUMAN RIGHTS WATCH/AMERICAS.

HUMAN RIGHTS WATCH/AMERICAS ALSO HAD REQUESTED THE OPPORTUNITY TO INTERVIEW PRISONERS IN DETENTION IN JANUARY BUT, DESPITE REPEATED EFFORTS, ARRANGEMENTS COULD NOT BE MADE WHILE OUR DELEGATION WAS IN CHIAPAS. REPRESENTATIVES FROM AMNESTY INTERNATIONAL COMPLAINED THAT THEIR REQUEST TO CONDUCT CONFIDENTIAL INTERVIEWS WITH DETAINEES IN CERRO HUECO WAS STALLED FOR SEVERAL DAYS BEFORE THEY WERE FINALLY ADMITTED ON THE LAST DAY THE DELEGATION WAS SCHEDULED TO BE IN THE STATE. MEXICAN AMBASSADOR TO THE UNITED STATES JORGE MONTAÑO WROTE IN A JANUARY 25, 1994 LETTER TO REPRESENTATIVE ROBERT G. TORRICELLI, THAT THE AMNESTY INTERNATIONAL VISIT WAS DELAYED UNTIL AFTER THE INTERNATIONAL RED CROSS COMPLETED ITS VISIT TO CERRO HUECO AT 1:00 PM ON FRIDAY JANUARY 21. IN FACT, CERRO HUECO OFFICIALS TOLD AMNESTY INTERNATIONAL THAT THE RED CROSS VISIT WAS COMPLETED ON THURSDAY JANUARY 20.

SERIOUS VIOLATIONS OF LAWS OF WAR WERE COMMITTED BY BOTH SIDES TO THE CONFLICT. MEXICO IS PARTY TO THE FOUR GENEVA CONVENTIONS OF 1949, COMMON ARTICLE 3 OF WHICH PROVIDES THAT CIVILIANS AND THOSE TAKING NO PART IN A CONFLICT ARE TO BE PROTECTED, AND THAT UNDER ALL CIRCUMSTANCES FUNDAMENTAL HUMAN RIGHTS ARE TO BE RESPECTED.²⁵ IN THEIR EARLIEST PUBLIC PRONOUNCEMENTS, THE EZLN RECOGNIZED THAT IT TOO WAS BOUND BY THE GENEVA CONVENTIONS, AND CALLED ON INTERNATIONAL ORGANIZATIONS AND THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO MONITOR THE CONFLICT.²⁶

BEFORE THE CEASE-FIRE, THERE WERE MULTIPLE REPORTS OF AERIAL STRAFING OF HAMLETS BY THE ARMED FORCES IN AREAS WHERE LOCAL OBSERVERS REPORTED NO PRESENCE OF GUERRILLA FORCES.²⁷ HAMLETS SUBJECTED TO AERIAL FIRE INCLUDED NEARLY A DOZEN IN THE VICINITY OF EL CORRALITO, AND SEVERAL NEAR ALTAMIRANO. AS DISCUSSED BELOW, THE FACT THAT TWENTY OR MORE CIVILIANS DIED IN THE BATTLE IN OCOSINGO SUGGESTS THAT THE ARMY VIOLATED A CARDINAL OBLIGATION IMPOSED BY THE LAWS OF WAR: TO MINIMIZE HARM TO THE CIVILIAN POPULATION. CIVILIANS MUST BE GIVEN APPROPRIATE WARNING OF IMPENDING ATTACK, AND MUST BE GIVEN A CHANCE TO LEAVE THE BATTLE ZONE. EVEN WHEN THEY ARE PRESENT IN A BATTLE SITE, IT IS THE OBLIGATION OF THE ATTACKER TO APPLY THE "RULE OF PROPORTIONALITY," BY WEIGHING THE MILITARY NECESSITY AND IMPORTANCE OF THE OBJECTIVE TO BE ACHIEVED IN THE ATTACK AGAINST THE LIKELIHOOD OF HARM TO CIVILIANS.

ARMY SWEEPS ALSO RESULTED IN THE UNNECESSARY FERRORIZING OF CIVILIANS. FOR EXAMPLE, EJIDO MORELIA RESIDENTS COMPLAINED THAT SOLDIERS THREATENED THEM WITH EXECUTION, RANSACKED COMMON STORAGE HOUSES, KILLED THEIR LIVESTOCK, AND PREVENTED THEM FROM GOING TO CERTAIN PARTS OF THE TOWN. ABANDONED HOMES IN EL CORRALITO AND NEIGHBORING HAMLETS WERE RANSACKED BY SOLDIERS AND POSSESSIONS OF VALUE WERE STOLEN. BOTH CASES ARE DISCUSSED IN GREATER DETAIL BELOW.

DURING ITS INVESTIGATION OF EVENTS IN OCOSINGO AND OTHER CONFLICTED AREAS, HRW/AMERICAS REPEATEDLY HEARD ACCOUNTS OF ARMY HANDOUTS OF FOOD AND OTHER EMERGENCY HUMANITARIAN AID THAT WERE USED AS PLOYS TO TRAP ZAPATISTAS WHO WERE HORS DE COMBAT. IN ADDITION, MEXICAN HUMAN RIGHTS WORKERS WHO WERE STOPPED AT AN ARMY ROADBLOCK OUTSIDE SAN CRISTÓBAL DE LAS CASAS ON JANUARY 9 TOLD HRW/AMERICAS THAT THEY OBSERVED SOLDIERS ALLOWING RESIDENTS TO LEAVE THE BLOCKED OFF AREA TO BUY PROVISIONS. BUT WHEN THE RESIDENTS TRIED TO REENTER, THEY WERE TURNED BACK. WHEN THE HUMAN RIGHTS WORKERS REPORTED THESE EVENTS TO THE CNDH OFFICIAL IN CHARGE, HIS ONLY SUGGESTION WAS TO URGE THOSE WHO WERE TURNED BACK TO FILE COMPLAINTS WITH

²⁵ COMMON ARTICLE 3 OF THOSE TREATIES PROVIDES:

IN THE CASE OF ARMED CONFLICT NOT OF AN INTERNATIONAL CHARACTER OCCURRING IN THE TERRITORY OF ONE OF THE HIGH CONTRACTING PARTIES, EACH PARTY TO THE CONFLICT SHALL BE BOUND TO APPLY, AS A MINIMUM, THE FOLLOWING PROVISIONS:

(1) PERSONS TAKING NO ACTIVE PART IN THE HOSTILITIES, INCLUDING MEMBERS OF ARMED FORCES WHO HAVE LAID DOWN THEIR ARMS AND THOSE PLACE HORS DE COMBAT BY SICKNESS, WOUNDS, DETENTION, OR ANY OTHER CAUSE, SHALL IN ALL CIRCUMSTANCES BE TREATED HUMANELY, WITHOUT ANY ADVERSE DISTINCTION FOUNDED ON RACE, COLOUR, RELIGION OR FAITH, SEX, BIRTH OR WEALTH, OR ANY OTHER SIMILAR CRITERIA. TO THIS END THE FOLLOWING ACTS ARE AND SHALL REMAIN PROHIBITED AT ANY TIME AND IN ANY PLACE WHATSOEVER WITH RESPECT TO THE ABOVE-MENTIONED PERSONS:

(a) VIOLENCE TO LIFE AND PERSON, IN PARTICULAR MURDER OF ALL KINDS, MUTILATION, CRUEL TREATMENT AND TORTURE;

(b) TAKING OF HOSTAGES;

(c) OUTRAGES UPON PERSONAL DIGNITY, IN PARTICULAR HUMILIATING AND DEGRADING TREATMENT;

(d) IN PASSING OF SENTENCES AND THE CARRYING OUT OF EXECUTIONS WITHOUT PREVIOUS JUDGMENT PRONOUNCED BY A REGULARLY CONSTITUTED COURT, AFFORDING ALL THE JUDICIAL GUARANTEES WHICH ARE RECOGNIZED AS INDISPENSABLE BY CIVILIZED PEOPLES;

(2) THE WOUNDED AND SICK SHALL BE COLLECTED AND CARED FOR.

AN IMPARTIAL HUMANITARIAN BODY, SUCH AS THE INTERNATIONAL COMMITTEE OF THE RED CROSS, MAY OFFER ITS SERVICES TO THE PARTIES TO THE CONFLICT.

THE PARTIES TO THE CONFLICT SHOULD ENDEAVOR TO BRING INTO FORCE, BY MEANS OF SPECIAL AGREEMENTS, ALL OR PART OF THE OTHER PROVISIONS OF THE PRESENT CONVENTION.

THE APPLICATION OF THE PRECEDING PROVISIONS SHALL NOT AFFECT THE LEGAL STATUS OF THE PARTIES TO THE CONFLICT.

²⁶ EZLN LETTER TO THE MEXICAN PEOPLE, JANUARY 1, 1994.

²⁷ THE MEXICAN ARMY CLAIMS THAT IT NEVER BOMBED CHIAPAS AND THAT ALL ITS AERIAL FIRE WAS FROM MACHINE GUNS OR ROCKETS IN HELICOPTERS. ASSUMING THE TRUTH OF THE ARMY'S ASSERTION, THE MAGNITUDE OF THE ACT IS NOT LESSENED. SUCH WEAPONS FIRED FROM MODERN HELICOPTERS CAN RESULT IN EQUAL OR GREATER DESTRUCTION OF LIVES AND PROPERTY THAN MANY BOMBS DROPPED FROM PLANES.

THE CNH. HIS RESPONSE UNDERSCORED THE CNH'S LACK OF AUTHORITY TO COMPEL THE ARMY TO ENSURE THAT THE BASIC HUMAN NEEDS OF CIVILIANS IN THE CONFLICT ZONE WERE MET.

THE EZLN VIOLATED THE LAWS OF WAR BY TAKING HOSTAGES. IN ADDITION TO THE KIDNAPPING AND CONTINUED DETENTION OF ABSALÓN CASTELLANOS, EZLN COMBATANTS HELD A FEW PROMINENT CITIZENS HOSTAGE DURING THEIR SIEGE OF OCOSINGO.²⁸ THE EZLN ALSO BURNED HOUSES AND CARS BELONGING TO THEIR HOSTAGES AND, IN THE CASE OF OPHTHALMOLOGIST FRANCISCO TALANGO, MURDERED A HOSTAGE IN CLEAR VIOLATION OF COMMON ARTICLE 3.

IN ADDITION, THE EZLN REPORTEDLY "SHIELDED" THEMSELVES DURING COMBAT BY HAVING CIVILIANS IN THEIR MIDST. EYEWITNESS ACCOUNTS OF EVENTS IN THE OCOSINGO MARKET CONTRADICT THEMSELVES ON THIS MATTER. SOME OF THESE CIVILIANS MAY HAVE CHOSEN TO STAY WITH THE EZLN BECAUSE THEY SYMPATHIZED WITH THEIR CAUSE. EVEN UNDER SUCH A CIRCUMSTANCE, THE COMBATANT HAS A DUTY TO WARN ALL CIVILIANS OF POSSIBLE RISK, TO ALLOW THOSE WHO CHOOSE TO LEAVE TO DO SO, AND NOT TO RETAIN ANYBODY AS A SHIELD AGAINST ATTACK. THOSE CIVILIANS WHO CHOOSE TO REMAIN IN THE MIDST OF BATTLE ASSUME THE RISK OF HARM, AND IT IS NOT NECESSARILY A VIOLATION OF THE LAWS OF WAR IF THEY BECOME CASUALTIES. BUT NEITHER "SHIELDING" NOR THE VOLUNTARY PRESENCE OF CIVILIANS AT A MILITARY TARGET OPERATE TO RELIEVE THE OTHER SIDE OF ITS OBLIGATION TO MINIMIZE HARM TO CIVILIANS. WITH RESPECT TO THE OCOSINGO MARKET BATTLE, THE EZLN CLAIMS THAT ITS SOLDIERS DID WHAT THEY COULD TO SAFEGUARD THE CIVILIANS IN THEIR MIDST, AND THAT MANY ZAPATISTAS DIED PROTECTING CIVILIANS TRAPPED THERE.²⁹

FINALLY, IN THE TOWNS THE EZLN OCCUPIED, THEY ATTACKED NON-MILITARY TARGETS SUCH AS LOCAL GOVERNMENT BUILDINGS, AND SET FIRE TO RECORDS AND FURNITURE. THEY ALSO FREED PERSONS DETAINED IN LOCAL PRISONS. JOURNALISTS ON THE ROAD TO OCOSINGO REPORTED THAT THE REBELS MADE THEM PAY A WAR TAX OF AS MUCH AS 700 PESOS TO PASS.³⁰ IN A SUBSEQUENT STATEMENT, HOWEVER, EZLN SPOKESPERSON SUBCOMANDANTE MARCOS APOLOGIZED FOR THE TAX, ANNOUNCED THAT THE MONEY HAD BEEN RETURNED, AND SAID THAT THOSE RESPONSIBLE HAD BEEN DISCIPLINED.³¹

HRW/AMERICAS IS INVESTIGATING REPORTS THAT IN SOME CASES THE EZLN ENGAGED IN FORCED RECRUITMENT OF COMBATANTS. FOR EXAMPLE, ONE OF SIX REBELS WHO SURRENDERED TO TOWNSPEOPLE IN OXCHUC AFTER ESCAPING FROM A ZAPATISTA CONVOY THAT WAS PULLING OUT OF THE AREA TOLD REPORTERS, "WE WERE FORCED TO JOIN THEM.... THEY SAID THEY WOULD TAKE MY LAND IF I DIDN'T JOIN THEM; I HAD NO CHOICE."³² HRW/AMERICAS OPPOSES CONSCRIPTION BY DISSIDENT FORCES IN SITUATIONS OF INTERNAL ARMED CONFLICT SUCH AS EXIST CURRENTLY IN CHIAPAS.

VII. FINDINGS IN HIGHLY PUBLICIZED CASES

EVENTS IN OCOSINGO: ZAPATISTA FORCES ENTERED THE COUNTY SEAT OF OCOSINGO LATE IN THE EVENING ON DECEMBER 31, 1993; BY MORNING THEY FILLED THE CENTRAL PLAZA. ABOUT 8:00 AM A BATTLE BROKE OUT FOR CONTROL OF THE PRESIDENCIA MUNICIPAL (MUNICIPAL BUILDING) BETWEEN APPROXIMATELY 400 ZAPATISTAS AND APPROXIMATELY TWENTY TO THIRTY STATE JUDICIAL POLICE WHO WERE INSIDE THE BUILDING. THE BATTLE LASTED EIGHT HOURS AND, ACCORDING TO A LOCAL PRIEST WHO WITNESSED THE BATTLE FROM THE CHURCH ON THE OTHER SIDE OF THE PLAZA, RESULTED IN THE DEATHS OF AT LEAST FOUR POLICE OFFICERS INCLUDING THE LOCAL POLICE CHIEF, JOSÉ LUIS MORALES. THE PRIEST SAW NO EVIDENCE THAT ANY OF THE ZAPATISTAS WERE KILLED DURING THAT CONFRONTATION.

²⁸ MARILDE PÉREZ, ROSA ROJAS, "FUERTE COMBATE EN OCOSINGO ENTRE SOLDADOS Y EL EZLN: VERSIÓN DE 50 ALZADOS MUERTOS," *La Jornada*, JANUARY 3, 1994.

²⁹ BLANCHE PETRICH, ELIO HERNÁNDEZ, "NO ES HORA DE ENTREGAR LAS ARMAS: MARCOS," *La Jornada*, FEBRUARY 7, 1994.

³⁰ JUANITA DARLING, "TOLL TOPS 100 IN MEXICAN REVOLUTION," *LOS ANGELES TIMES*, JANUARY 4, 1994.

³¹ UNDATED LETTER FROM SUBCOMANDANTE MARCOS TO *EL TIEMPO*, THE MAJOR SAN CRISTÓBAL DE LAS CASAS NEWSPAPER, THAT WAS SENT ON OR AROUND JANUARY 9.

³² TOD ROBBERTSON, "REBELS PULL OUT OF TOWNS AS MEXICAN ARMY MOPS UP," *THE WASHINGTON POST*, JANUARY 5, 1994.

A LARGE CROWD GATHERED TO WATCH THE CONFRONTATION AND BY MID-AFTERNOON WERE CALLING ON THE POLICE TO GIVE UP. ONCE THE ZAPATISTAS TOOK CONTROL OF THE MUNICIPAL BUILDING THERE WAS A LOT OF LOOTING IN THE TOWN. THE ZAPATISTAS BROKE INTO THE ISSSTE (THE SOCIAL SECURITY INSTITUTION FOR STATE EMPLOYEES) STORE AND GAVE THE MERCHANDISE TO THE PEOPLE.

ON JANUARY 2, ARMY UNITS FROM THE 17TH, 53RD AND 73RD BATTALIONS BASED IN VILLAHERMOSA, TABASCO, ENTERED OCOSINGO. WHEN THEY APPEARED, MOST OF THE ZAPATISTAS RETREATED. BEFORE DOING SO, HOWEVER, THEY SET FIRE TO THE MUNICIPAL BUILDING, THE FILES OF THE COURT OF FIRST INSTANCE, AND THE OFFICE OF THE STATE ATTORNEY GENERAL. THEY ALSO DESTROYED THE INSTALLATIONS OF THE JUDICIAL POLICE AND THE STATE SECURITY POLICE.³³ BETWEEN 100 AND 150 ZAPATISTAS DID NOT ACTUALLY LEAVE TOWN BUT RETREATED TO THE MARKET HALF A DOZEN BLOCKS SOUTH OF THE CENTRAL PLAZA, WHERE A MAJOR BATTLE OCCURRED. ACCORDING TO THE PRIEST, AT LEAST TWENTY CIVILIANS AND DOZENS OF ZAPATISTAS WERE KILLED. MANY PERSONS WERE INJURED, BUT NO EFFORT WAS MADE TO ASSIST THEM UNTIL AFTER THE FIGHTING STOPPED. THE PRIEST ATTRIBUTED THE HIGH NUMBER OF CIVILIAN CASUALTIES TO SOME TOWNSPEOPLE'S HAVING ACCOMPANIED THE ZAPATISTAS TO THE MARKET, IN A SHOW OF SUPPORT.

WHILE IN OCOSINGO, THE ZAPATISTAS TOOK FOUR HOSTAGES AND HELD THEM FOR ABOUT FORTY-EIGHT HOURS. ONE OF THE FOUR, OPHTHALMOLOGIST FRANCISCO TALANGO, EITHER MANAGED TO ESCAPE OR WAS RELEASED BY THE ZAPATISTAS. HE WAS KILLED BY OTHER ZAPATISTAS WHEN HE TRIED TO FLEE THE MARKET.

AFTER FIERCE FIGHTING, THE SURVIVING ZAPATISTAS LOOKED FOR A WAY TO RETREAT. SOME TRIED TO LEAVE THE AREA THROUGH THE NEIGHBORING SAN RAFAEL NEIGHBORHOOD WHERE FIGHTING CONTINUED. ACCORDING TO THE PRIEST, A CIVILIAN WOMAN WAS KILLED IN THE CROSSFIRE, AND THE BABY SHE WAS CARRYING WAS INJURED.

AT 11:15 ON JANUARY 3, THE ARMY BEGAN AIRPLANE AND HELICOPTER FLIGHTS OVER THE ZONE, BUT APPARENTLY DID NOT FIRE FROM THE AIR. SOLDIERS ALSO TERRORIZED RESIDENTS BY CONDUCTING VIOLENT HOUSE-TO-HOUSE SEARCHES IN SOME OF THE NEIGHBORHOODS THAT WERE DEEMED MOST LIKELY TO HOUSE ZAPATISTAS AND THEIR SYMPATHIZERS INCLUDING SAN JOSÉ, LINDA VISTA, AND SAN RAFAEL.

³³ MATILDE PÉREZ U., ROSA ROJAS, "FUERTE COMBATE EN OCOSINGO ENTRE SOLDADOS Y EL EZLN: VERSIÓN DE 50 ALZADOS MUERTOS," *La Jornada*, JANUARY 3, 1994, P. 4.

MANY PRESS ACCOUNTS DESCRIBING CONDITIONS IN THE OCOSINGO MARKET ON JANUARY 5 REFERRED TO THE CORPSES OF SEVEN PERSONS THAT BORE VISIBLE MARKS OF SUMMARY EXECUTION.³⁴ ONE REPORTER SAID HE SAW A TOTAL OF TWENTY-FOUR CORPSES IN THE STREETS AND MARKETS, INCLUDING THE BODY OF A CHILD, AND THAT THE BODIES OF AT LEAST EIGHT POLICE AND SOLDIERS HAD BEEN REMOVED.³⁵

TOD ROBBERSON OF *THE WASHINGTON POST* DESCRIBED ANOTHER GRIZZLY SCENE IN WHICH A SEVERELY WOUNDED REBEL LAY IN A DITCH WITH A PISTOL STILL AT HIS SIDE. HE WAS BREATHING HEAVILY BUT APPEARED TO BE UNCONSCIOUS AND BLEEDING FROM THE HEAD. SOLDIERS NEARBY MADE NO ATTEMPT TO RENDER FIRST AID.³⁶ *TELEvisa*, THE NATIONAL TELEVISION NETWORK, AIRED A VIDEO OF A BRIEF INTERVIEW WITH HIM. THE MAN LATER WAS FOUND DEAD; HE APPARENTLY WAS MURDERED BY A SINGLE GUNSHOT TO THE FOREHEAD. THE IDENTITY OF THE MURDERER IS NOT KNOWN.³⁷

WITH RESPECT TO THE BODIES FOUND IN THE OCOSINGO MARKETPLACE, THE GOVERNMENT INITIALLY ENGAGED IN WHAT CAN ONLY BE CALLED A COVER-UP. FORENSIC SPECIALISTS OF THE FEDERAL ATTORNEY GENERAL'S OFFICE (AT THAT TIME UNDER THE LEADERSHIP OF DR. JORGE CARPIZO) EXAMINED THIRTY BODIES. IN A PRESS RELEASE DATED JANUARY 7, THE PGR CLAIMED THAT AUTOPSIES AND OTHER TESTS PERFORMED THE PREVIOUS DAY SHOWED THAT EACH OF THE FOUR PERSONS WHO EXHIBITED EXECUTION-STYLE GUNSHOT WOUNDS TO THE HEAD HAD BEEN KILLED ON DIFFERENT DATES AND TIMES, AND THAT THE SHOTS CAME FROM GUNS THAT THE ARMED FORCES DO NOT USE.

ON SATURDAY JANUARY 22, A PHYSICIANS FOR HUMAN RIGHTS DELEGATION CONSISTING OF DR. CLYDE COLLINS SNOW, AN INTERNATIONALLY RECOGNIZED FORENSIC ANTHROPOLOGIST; DR. MARGARITA ARRUIZA, A FORENSIC PATHOLOGIST BASED IN JACKSONVILLE, FLORIDA; AND DR. THOMAS CRANE, A PHYSICIAN FROM SANTA ROSA, CALIFORNIA, MET IN SAN CRISTÓBAL DE LAS CASAS WITH CNDH CRIMINOLOGISTS AND FORENSIC DOCTORS TO REVIEW THE EVIDENCE IN THE OCOSINGO CASE. BOTH THE CNDH EXPERTS AND THOSE FROM PHYSICIANS FOR HUMAN RIGHTS INDEPENDENTLY CONCLUDED THAT THE FIVE HAD BEEN SUMMARILY EXECUTED AT APPROXIMATELY THE SAME TIME — FOUR WITH CLOSE-RANGE GUNSHOTS TO THE BACK OF THE HEAD WHILE KNEELING, AND THE FIFTH WITH A GUNSHOT TO THE SIDE OF THE HEAD. THEY ALSO FOUND LIGATURE MARKS ON THE WRISTS OF THE BODIES THAT SUGGESTED THAT THEIR ARMS HAD BEEN TIED BEHIND THEIR BACKS; THE PGR REPORT HAD CONTAINED NO DESCRIPTION OF LIGATURE MARKS. IN ADDITION, THEY CONCLUDED THAT THE WEAPON USED TO SHOOT THE FIVE MEN WAS A HANDGUN, AND THAT THE BULLET WOUNDS WERE CONSISTENT WITH THOSE MADE BY NINE MILLIMETER SIDEARMS CARRIED BY ARMY OFFICERS.

DESPITE THE EVIDENT CONTRADICTIONS BETWEEN THE PGR AUTOPSY AND THE FINDINGS OF THE CNDH AND INTERNATIONAL SPECIALISTS, THE CNDH MADE A FEEBLE ATTEMPT TO CONVINCING THE PUBLIC THAT THERE WAS NO SERIOUS DISCREPANCY. ON JANUARY 28, THE CNDH ISSUED A PRESS RELEASE EXPLAINING THAT THE PGR HAD NOT HAD THE BENEFIT OF EXAMINING THE VICTIMS' CLOTHES THAT HAD BEEN GATHERED BY CHIAPAS STATE PROSECUTORS AND LATER DELIVERED TO THE CNDH TEAM. YET THE CNDH OFFERED NO EXPLANATION FOR WHY THE PGR RELEASED AN AUTOPSY FINDING IF ALL THE RELEVANT INFORMATION NECESSARY TO CONFIRM THAT FINDING WAS NOT AVAILABLE TO IT.

³⁴ SEE E.G., TIM GOLDEN, "AS MEXICAN ARMY PURSUES REBELS, FEARS ARISE OVER RIGHTS ABUSES," *NEW YORK TIMES*, JANUARY 6, 1994. HE WROTE, "AT LEAST A DOZEN REBELS HAD BEEN KILLED IN AND AROUND THE OCOSINGO MARKET. SIX WERE FOUND LYING FACE DOWN, SHOT AT CLOSE RANGE IN THE BACK OF THE HEAD, THEIR HANDS BEHIND THEM AND SHORT LENGTHS OF NYLON ROPE BESIDE THEM. ONE STILL HAD HIS HANDS TIED.... A SEVENTH YOUNG PEASANT IN REBEL UNIFORM HAD HIS HEAD PARTLY BLOWN OFF AND A LENGTH OF THE SAME TYPE OF ROPE KNOTTED AROUND HIS NECK...."

³⁵ JOHN RICE, "LOCALS EMERGE TO BLOODED TOWN," *MIAMI HERALD*, JANUARY 5, 1994.

³⁶ TOD ROBBERSON, "REBELS PULL OUT OF TOWNS AS MEXICAN ARMY MOPS UP," *THE WASHINGTON POST*, JANUARY 5, 1994.

³⁷ JAIME AVILÉS, "DESPUÉS DE LA FAMA, UN TIRO EN LA FRENTE," *EL FINANCIERO*, JANUARY 6, 1994.

THERE ALSO WERE REPORTS OF EGREGIOUS VIOLATIONS OF MEDICAL NEUTRALITY BY THE ARMY IN OCOSINGO. ON JANUARY 3 OR 4, THE ARMY ENTERED THE IMSS (MEXICAN SOCIAL SECURITY INSTITUTE) HOSPITAL IN OCOSINGO, APPARENTLY SEARCHING FOR EZLN GUERRILLAS WHO HAD BEEN WOUNDED IN A NEARBY FIREFIGHT. THERE IS EVIDENCES THAT SOLDIERS FORCED PATIENTS AND THEIR VISITORS FROM THE HOSPITAL AND KILLED SOME OF THEM. ELEVEN UNIDENTIFIED CORPSES WERE SUBSEQUENTLY DISCOVERED ACROSS THE STREET IN A COMMON GRAVE IN OCOSINGO'S MUNICIPAL CEMETERY; A SHEET WITH THE IMSS INSIGNIA WAS FOUND NEARBY ON THE SURFACE OF THE SOIL. THE CNDH EXHUMED THE BODIES AND, IN AN INITIAL PRESS BULLETIN, STATED THAT TEN OF THE BODIES COULD BE IDENTIFIED AS ZAPATISTAS BY THEIR CLOTHING, AND "NONE OF THE BODIES PRESENTED LESIONS SUGGESTING A SUMMARY EXECUTION." IN THAT SAME BULLETIN, HOWEVER, THE CNDH NOTED THAT ONE OF THE DEAD WAS CONNECTED TO A CATHETER.³⁹ THESE FINDINGS WERE CONTESTED BY LOCAL HUMAN RIGHTS GROUPS AND REPORTERS WHO OBSERVED THE EXHUMATION AND CONTESTED THE FINDING THAT TEN OF THE VICTIMS WERE DRESSED AS ZAPATISTAS. AS A RESULT, ANOTHER EXHUMATION WAS MADE.

THE CNDH TOLD HUMAN RIGHTS WATCH/AMERICAS ON FEBRUARY 17 THAT THREE VICTIMS HAD BEEN IDENTIFIED. TWO WERE CIVILIANS SAID BY WITNESSES TO HAVE BEEN SHOT BY SOLDIERS IN THE STREET CLOSE TO THE HOSPITAL; THE OTHER WAS A PATIENT. THE CNDH, HOWEVER, HAS STILL NOT PUBLISHED THEIR NAMES OR THE FULL RESULTS OF ITS INVESTIGATIONS.

Attack on Zapatistas in a Bus Near Rancho Nuevo: AFTER THE ZAPATISTAS FLED FROM SAN CRISTÓBAL DE LAS CASAS, REPORTERS FOUND THE WRECKAGE OF A CIVILIAN BUS THAT APPARENTLY HAD BEEN COMMANDEERED BY THE REBELS. THE BUS HAD BEEN HIT BY A GRENADE AND AUTOMATIC WEAPONS FIRE IN THE VICINITY OF NEARBY RANCHO NUEVO ARMY BASE. BEHIND THE BUS, THE BODIES OF FOURTEEN MEN AND BOYS, ALL WEARING THE RED BANDANNAS OF THE ZAPATISTA FORCE, LAY DEAD. SEVERAL HAD THEIR FACES BLOWN OFF, WHILE OTHERS APPEARED TO HAVE BEEN SHOT WHILE RETREATING.³⁹ WE FIND IT UNLIKELY THAT SUCH WOUNDS COULD HAVE BEEN SUSTAINED IN COMBAT, ESPECIALLY SINCE THE CORPSES WERE FOUND NOT INSIDE THE BUS BUT A FEW FEET AWAY. AND WE ARE DISMAYED THAT, MORE THAN A MONTH LATER, THE GOVERNMENT HAS NOT RELEASED AN AUTOPSY REPORT.

Army attack on family members, including a small child, traveling in a van: ON JANUARY 5, A FAMILY RIDING IN A SMALL VAN IN FRONT OF THE RANCHO NUEVO MILITARY BASE WAS MACHINE GUNNED BY SOLDIERS. PIECING TOGETHER PRESS ACCOUNTS, IT APPEARS THAT AS THE VEHICLE APPROACHED AN ARMY ROADBLOCK, THE FRONT SEAT PASSENGER GOT NERVOUS AND REACHED WITH HIS FOOT FOR THE ACCELERATOR PEDAL, CAUSING THE VEHICLE TO LURCH. SOLDIERS AT THE CHECKPOINT OPENED FIRE, EVEN THOUGH IT WAS OBVIOUS THAT THE PASSENGERS WERE CIVILIANS AND INCLUDED A SMALL CHILD. EVERYONE ABOARD WAS KILLED. EVEN ASSUMING THE VEHICLE RAN THE ROADBLOCK, THIS ATTACK ON A CLEARLY CIVILIAN VEHICLE WHEN THERE WAS NO MILITARY OBJECTIVE FOR DOING SO, WAS IMPERMISSIBLE UNDER THE LAWS OF WAR.

³⁸ CNDH BULLETIN, JANUARY 16, 1994.

³⁹ TOD ROBBERTSON, "55 KILLED IN FIGHTING IN SOUTHERN MEXICO," *THE WASHINGTON POST*, JANUARY 3, 1994.
HUMAN RIGHTS WATCH/AMERICAS

Attack on a Red Cross vehicle: On January 2, San Cristóbal de las Casas Red Cross Director Armando Servín Martínez received a call to collect six injured soldiers in Rancho Nuevo. When the Red Cross ambulance arrived, it was hit with a grenade, resulting in injuries to aid workers Juan Emilio Trejo Longoria and Juan Pantoja.⁴⁰ The circumstances of this incident are confused and still have not been adequately clarified. Armando Servín told HRW/Americas that while the ambulance was waiting opposite the army base, a bus pulled up with soldiers in civilian dress. As the soldiers went up the hill to the base, the army fired on them, mistaking them for Zapatistas, and hit the ambulance by accident. Initial reports had stated that the grenade was fired by the EZLN and that a Red Cross worker had been killed. Servín subsequently denied this account in a radio interview. He was later dismissed from his position with the Red Cross. While the Mexican Red Cross is nominally independent from the government, its largest source of support is a government-run lottery.

Events in the El Corralito area including strafing of journalists: On Tuesday January 4, government helicopters dropped an undetermined number of rockets on hamlets in this mountainous zone immediately south of San Cristóbal de las Casas including El Corralito, San Antonio de los Baños, San Isidro el Ocotal, Santa Lucía, San Juan Buenavista, Carrizalito, San José del Carmen, El Porvenir, and Peña María. The official reason for the assault was that army troops were pinned down by guerrillas in the area.⁴¹ Most residents fled down the mountain to a makeshift center for displaced persons, called Don Bosco, where they appeared to be well cared for. Several told HRW/Americas that they saw no evidence of guerrilla activity around the time of the attack.

When the firing stopped, a group of Mexican and foreign reporters, including a crew from Univisión television, were granted permission by soldiers to pass through an army roadblock and advance toward the settlement of El Corralito. At one point, the reporters got out of their red van marked "TV" and "Prensa" and, carrying a white flag, walked toward a wooden house to interview a family. At that moment, an aircraft opened fire. As the reporters waved the white flag, a second aircraft flew over and also fired close by. The firing, first from machine guns and then from rockets, continued for about thirty minutes as two aircraft made eight loops and sixteen attacks against the journalists who took cover under rocks. Journalists on the scene told HRW/Americas that the attack was clearly done "by someone very dumb." "It just goes to show Mexican soldiers are not used to fighting this kind of war."⁴²

On Wednesday January 12, 1994, HRW/Americas interviewed two men from El Corralito who were arrested by the army on Thursday January 6, two days after the assault. Rosendo Hernández Pérez, age forty-four and the owner of a small store in El Corralito, and his nephew Roberto Sánchez Gómez, age thirty-three, remained behind after most other residents had fled. The two men said bombs had dropped near their house so they sealed it up and stayed inside. They were in the living quarters of the store with family members watching television around 4:30 in the afternoon when soldiers burst in. The army accused them of being drug traffickers (their store was the largest in the area and presumably the most successful) and of being Zapatistas. They also asked them if they had arms; Hernández and his nephew claimed they had only a small hunting weapon.

⁴⁰ Rosa Rojas and Matilde Pérez, "Intenso combate en Rancho Nuevo: al menos 18 muertos y 10 heridos," *La Jornada*, January 3, 1994, p. 7

⁴¹ Tim Golden, "As Mexican Army Pursues Rebels, Fears Arise Over Rights Abuses," *New York Times*, January 6, 1994.

⁴² Interview with *The Times* of London correspondent, David Adams, January 13, 1994.

THE ARMY TOOK THE TWO MEN INTO CUSTODY, BLINDFOLDED THEM, AND SLAMMED ROSENDO'S HEAD AGAINST THE CAR. THEY WERE TAKEN TO SAN CRISTÓBAL DE LAS CASAS TO THE MUNICIPAL BUILDING, WHERE THEY WERE HELD UNTIL SUNDAY MORNING. THE MEN TOLD HRW/AMERICAS THAT THEY WERE FORCED TO SIT ON THE FLOOR OF THE BASEMENT WITH THEIR HANDS TIED. THEY WERE RESTRAINED FROM MOVING BY A WOODEN BOARD THAT WAS PLACED ON THEIR LEGS.⁴³ THEY ALSO REPORTED THEY WERE KICKED AND DENIED FOOD AND WATER, AND THAT SOLDIERS GUARDING THEM SAID THAT IF THEY TALKED ABOUT THE ZAPATISTAS THEY COULD HAVE SOMETHING TO EAT AND DRINK. SIX OTHER PRISONERS HELD WITH THEM ON THURSDAY WERE TAKEN AWAY ON FRIDAY.

ON SUNDAY, THE TWO MEN TOLD US, THEY WERE PUT IN A CAR, A WET BLANKET WAS SPREAD OVER THEM, AND THEY WERE DRIVEN TO Tuxtla Gutiérrez. THERE THEY WERE TAKEN TO THE MILITARY AIRPORT, WHERE SOLDIERS THREATENED TO KILL THEM. THEY WERE ASKED SPECIFICALLY IF THEY WERE "IN AGREEMENT WITH THE BISHOP." THEY THEN WERE TRANSPORTED TO A HOUSE OUTSIDE THE AIRPORT GROUNDS, WHERE THEY WERE INTERROGATED BY AN ARMY OFFICER. LATER, THEY WERE RETURNED TO THE MILITARY AIRPORT, WHERE THEY WERE TURNED OVER TO AGENTS OF THE STATE ATTORNEY GENERAL. IN CIVILIAN CUSTODY, THEY WERE PUT IN A CELL WITH NINETEEN OTHER PRISONERS, INCLUDING SEVERAL FROM OXCHUC WHO TOLD THEM THEY HAD BEEN HELD IN RANCHO NUEVO ARMY BASE FOR FIVE DAYS BEFORE BEING TRANSFERRED TO STATE AUTHORITIES IN Tuxtla Gutiérrez. THE STATE OFFICIALS GAVE THEM FOOD AND WATER, BUT THE ROOM HAD NO BEDS. WHILE IN CUSTODY, ALL THEIR BELONGINGS EXCEPT THEIR CLOTHES WERE TAKEN FROM THEM.

THE TWO WERE RELEASED FROM STATE CUSTODY ON TUESDAY JANUARY 11, BUT NONE OF THEIR BELONGINGS WERE RETURNED. THEY HAD TO BORROW MONEY FROM A STRANGER TO OBTAIN A RIDE BACK TO SAN CRISTÓBAL DE LAS CASAS. AT NO TIME DURING THEIR ORDEAL DID ANY ARMY OR GOVERNMENT OFFICIAL INFORM THEIR FAMILY MEMBERS THAT THEY WERE IN CUSTODY. BOTH THE FAMILY AND THE FRAY BARTOLOMÉ DE LAS CASAS HUMAN RIGHTS CENTER CONSIDERED THEM TO BE "DISAPPEARED."

HRW/AMERICAS INVESTIGATORS WENT TO EL CORRALITO ON JANUARY 13. ON THE SIX-MILE ROAD THEY ENCOUNTERED ONLY ONE PERSON, A MAN WHO SAID HE STAYED BEHIND TO GUARD HIS HOMESTEAD. HE TOLD US HE HAD BEEN ARRESTED BY THE ARMY AFTER THE ATTACK AND HAD BEEN ACCUSED OF BEING A ZAPATISTA. HE SAID HE WAS TAKEN TO RANCHO NUEVO ARMY BASE, WHERE HE WAS HELD OVERNIGHT. THE FOLLOWING DAY HE WAS TAKEN TO THE MUNICIPAL BUILDING IN SAN CRISTÓBAL DE LAS CASAS AND HELD IN THE BASEMENT OVERNIGHT. HE COMPLAINED THAT HE WAS ARRESTED IN THE HEAT OF THE DAY, WHEN HE WAS LIGHTLY DRESSED, AND SAID HE NEARLY FROZE TO DEATH IN THE BASEMENT. APPARENTLY RELEASED THE NEXT DAY, HE RETURNED HOME TO GUARD HIS PROPERTY; HIS FAMILY HAD FLED TO DON BOSCO.

ABOUT A MILE BEYOND THIS MAN'S HOUSE, OUR INVESTIGATORS CAME TO THE HAMLET OF SAN ANTONIO DE LOS BAÑOS. THE SETTLEMENT WAS DESERTED, BUT THE DOORS TO HOUSES STOOD OPEN, MAKING IT POSSIBLE TO SEE THAT THE CONTENTS OF NEARLY EVERY HOME WERE BROKEN OR DESTROYED. THE DAMAGE APPEARED VICIOUS. NOTHING OF VALUE (TELEVISIONS, RADIOS, ETC.) REMAINED IN ANY OF THE HOMES; DISPLACED PERSONS FROM SAN ANTONIO DE LOS BAÑOS THAT WE INTERVIEWED IN DON BOSCO COMPLAINED OF LOOTING BY THE ARMY. BECAUSE MEXICO HAS NOT SUSPENDED ANY CONSTITUTIONAL GUARANTEES DURING THIS CRISIS, MEXICAN LAWS PROHIBITING ILLEGAL SEARCHES AND SEIZURES ARE STILL IN EFFECT.

KIDNAPPING OF GENERAL CASTELLANOS DOMÍNGUEZ BY THE EZLN: A GROUP OF ZAPATISTAS APPARENTLY PENETRATED THE "SAN JOAQUÍN" RANCH LOCATED THIRTY-SIX KILOMETERS EAST OF COMITÁN IN SOUTH-CENTRAL CHIAPAS NEAR THE BORDER WITH GUATEMALA; CAPTURED AND BOUND ITS OWNER, GENERAL CASTELLANOS DOMÍNGUEZ; AND TRANSPORTED HIM IN THE DIRECTION OF THE LACANDÓN JUNGLE. GENERAL CASTELLANOS WAS GOVERNOR OF CHIAPAS FROM 1992 UNTIL 1998, AND HAD PREVIOUSLY SERVED AS REGIONAL COMMANDER OF THE MEXICAN ARMED FORCES. THREE OTHER CATTLE FARMERS FROM THE AREA WERE ALSO KIDNAPPED.⁴⁴

GEN. CASTELLANOS WAS NOT A LEGITIMATE MILITARY TARGET, SINCE HE PLAYED NO ROLE IN THE HOSTILITIES. HOLDING HIM TO AFFECT THE CONDUCT OF THE ENEMY (I.E., THE RELEASE OF EZLN COMBATANTS) MEETS THE CLASSIC DEFINITION OF HOSTAGE-TAKING, WHICH IS SPECIFICALLY PROHIBITED BY INTERNATIONAL HUMANITARIAN LAW.

⁴³ A MEDICAL EXAMINATION OF THE TWO MEN, CONDUCTED BY A PHYSICIANS FOR HUMAN RIGHTS DOCTOR, SHOWED BRUISES AND SCARS THAT WERE CONSISTENT WITH THEIR STATEMENTS. THEIR STORIES ALSO WERE CORROBORATED BY FAMILY MEMBERS WHO FLED TO DON BOSCO AFTER WITNESSING THE ARREST, AND BY EVIDENCE AT THE STORE INCLUDING A BLACK BOOT MARK ON THE DOOR AND BULLET SHELLS AND ARMY VEHICLE TIRE TRACKS IN THE VICINITY.

⁴⁴ BLANCHE PETRICH, "EZLN ENFRENTA A SOLDADOS," *La Opinión*, January 3, 1994.

INDEPENDENT CONFIRMATION THAT HE WAS ALIVE AND IN EZLN CUSTODY WAS MADE ONLY ON JANUARY 31, WHEN JOURNALISTS WERE ABLE TO INTERVIEW HIM IN AN UNDISCLOSED JUNGLE LOCATION. EARLIER, THE EZLN ANNOUNCED THAT CASTELLANOS WAS THE ONLY HOSTAGE THEY WERE HOLDING, AND THAT HE HAD BEEN TRIED AND FOUND GUILTY AND SENTENCED TO LIFE IMPRISONMENT SHARING THE LIVES OF THE PEASANTRY. ON JANUARY 31, THE EZLN ANNOUNCED ITS INTENTION OF EXCHANGING HIM FOR CAPTURED EZLN SOLDIERS. GENERAL CASTELLANOS FINALLY WAS RELEASED ON FEBRUARY 16, BUT NO PRISONER EXCHANGE OCCURRED.

VIII. FINDINGS IN OTHER CASES INVESTIGATED BY HRW/AMERICAS

DISCOVERY OF THE CORPSES OF TWO MEN WHO HAD "DISAPPEARED" IN LAS MARGARITAS: ON JANUARY 16, EDUARDO GÓMEZ HERNÁNDEZ, A TWENTY-ONE YEAR OLD TRUCK DRIVER, AND HIS FRIEND JORGE MARIANO SOLÍS, AGE TWENTY-TWO, WERE ARRESTED BY MUNICIPAL POLICE AFTER SOMEONE IDENTIFIED THEM AS ZAPATISTAS. EYEWITNESSES SUBSEQUENTLY SAW THE TWO BEING TRANSPORTED OUT OF TOWN IN AN ARMY VEHICLE. FAMILY MEMBERS SOUGHT THE HELP OF LOCAL HUMAN RIGHTS GROUPS TO LOCATE THEM. THEY INQUIRED AT THE LOCAL POLICE STATION, AT ARMY HEADQUARTERS, AND EVEN TRAVELED TO CERRO HUECO PRISON IN Tuxtla Gutiérrez TO SEARCH FOR THEM, TO NO AVAIL. THE FAMILIES ALSO FILED A COMPLAINT WITH THE CNDH.

ON JANUARY 24, TWO MODERATELY DECAYED CORPSES WERE DISCOVERED TWENTY-FIVE TO THIRTY FEET OFF THE MAIN ROAD LEADING OUT OF TOWN. THEY WERE POSITIVELY IDENTIFIED AS GÓMEZ HERNÁNDEZ AND SOLÍS. THE FOLLOWING DAY, FORENSIC INVESTIGATORS WITH THE FEDERAL ATTORNEY GENERAL'S OFFICE PERFORMED AUTOPSIES WHICH WERE OBSERVED BY FORENSIC PHYSICIANS WITH THE CNDH AND PHYSICIANS FOR HUMAN RIGHTS. IT WAS DETERMINED THAT THE TWO MEN DIED OF MULTIPLE STAB WOUNDS TO THE CHEST. THEIR LEVEL OF DECOMPOSITION WAS CONSISTENT WITH HAVING DIED FIVE TO SIX DAYS BEFORE.

THE PHYSICIANS FOR HUMAN RIGHTS TEAM LATER VISITED THE PLACE WHERE THE BODIES WERE DISCOVERED. ALTHOUGH THE ATTORNEY GENERAL'S INVESTIGATORS PROFESSED TO HAVING CONDUCTED A THOROUGH INVESTIGATION, THE PHYSICIANS FOR HUMAN RIGHTS TEAM FOUND SUCH BASIC EVIDENCE AS GÓMEZ HERNÁNDEZ' VOTER REGISTRATION CARD STILL AT THE SCENE.

EVENTS IN THE MORELIA EJIDO AND THE SUMMARY EXECUTION OF THREE VILLAGERS: EARLY IN THE MORNING ON JANUARY 7, SOLDIERS, ALLEGEDLY ACTING ON A TIP-OFF THAT ZAPATISTAS WERE IN THE COMMUNITY, BEGAN BREAKING DOWN DOORS, RAIDING HOMES, AND ARRESTING RESIDENTS IN THE MORELIA EJIDO NEAR ALTAMIRANO.⁴⁵ MALE VILLAGERS WERE MADE TO LIE FACE DOWN IN THE VILLAGE BASKETBALL COURT AND HELD AT GUNPOINT THERE FOR MOST OF THE DAY. THEY WERE BEATEN IF THEY MOVED. THREE MEN, SEBASTIÁN SANTIS LÓPEZ, AGE SIXTY-FIVE, SEVERIANO SANTIS GÓMEZ, AGE SIXTY, AND HERMELINDO SANTIS GÓMEZ, AGE FORTY-FIVE, WERE TAKEN INSIDE THE CHURCH, WHERE THEY WERE TORTURED. AN EYEWITNESS TOLD HRW/AMERICAS THAT SEVERIANO SANTIS GÓMEZ WAS CUT IN THE FACE AND TEMPLES WITH AN ARMY KNIFE; IN ADDITION, SOLDIERS REPEATEDLY DUNKED HIS HEAD IN A BUCKET OF WATER AND BEAT AND KICKED HIM WHILE HE WAS LYING ON THE GROUND. LOCAL RESIDENTS REPORTED THAT THE THREE MEN WERE DRIVEN AWAY IN A MILITARY VEHICLE WITH A PROMINENTLY MARKED RED CROSS.

VILLAGERS CUTTING WOOD IN A GULLY ABOUT 300 METERS FROM THE DIRT ROAD LINKING MORELIA AND ALTAMIRANO FOUND THE REMAINS OF THE THREE MEN ON FEBRUARY 10. THE FOLLOWING MORNING, REPRESENTATIVES FROM HRW/AMERICAS AND PHYSICIANS FOR HUMAN RIGHTS ACCOMPANIED LOCAL HUMAN RIGHTS INVESTIGATORS TO EXAMINE THE SITE. THEY ARRIVED BEFORE PGR OR CNDH STAFF REMOVED THE CORPSES AND OTHER EVIDENCE. VILLAGERS WHO WENT WITH THEM WERE ABLE TO CONFIRM THE IDENTITIES OF THE CORPSES TO THEIR SATISFACTION.

⁴⁵ IN SECRETARY OF NATIONAL DEFENSE BULLETIN NO. 30, ISSUED ON FEBRUARY 13, THE ARMY ASSERTED THAT IT HAD NOT EVEN BEEN IN THE MORELIA EJIDO ON JANUARY 7, BUT RATHER HAD BEEN THERE ON THE 6TH. THIS ASSERTION WAS CATEGORICALLY REPUDED BY VILLAGERS AND BY DETAINEES FROM THE EJIDO INTERVIEWED BY HRW/AMERICAS IN CERRO HUECO.

THE FOLLOWING DAY, PHYSICIANS FOR HUMAN RIGHTS LEARNED THAT THE ARMY HAD PREVENTED THE PCR, THE PROPER LEGAL AUTHORITY FOR REMOVING THE REMAINS, FROM TAKING THEM TO Tuxtla Gutiérrez FOR AUTOPSIES. INSTEAD, SOLDIERS CONFISCATED THE BONES AND TOOK THEM TO THE MUNICIPAL BUILDING IN ALTAMIRANO. WHEN A PHYSICIANS FOR HUMAN RIGHTS' REPRESENTATIVE, ACCOMPANIED BY REPORTERS, WENT TO THE MUNICIPAL BUILDING TO FIND OUT WHAT HAD HAPPENED TO THE BODIES, HE STUMBLED UPON AN ARMY FORENSIC TEAM THAT WAS CONDUCTING AN UNAUTHORIZED EXAMINATION OF THE REMAINS. ONE OF THE ARMY PHYSICIANS ACKNOWLEDGED TO PHYSICIANS FOR HUMAN RIGHTS THAT HE WAS CONDUCTING THE EXAMINATION TO PREPARE AN ARMY DEFENSE AGAINST POSSIBLE CHARGES OF EXTRA-JUDICIAL EXECUTION BY SOLDIERS. AFTER THE ARMY FORENSIC TEAM FINISHED, THE MAYOR OF ALTAMIRANO REFUSED TO GUARANTEE THAT THE ARMY TEAM HAD NOT TAMPERED WITH THE EVIDENCE. THE FOLLOWING DAY, REPRESENTATIVES OF THE CNDH AND THE STATE ATTORNEY GENERAL'S OFFICE ARRIVED IN ALTAMIRANO. THEY REFUSED TO CONDEMN THAT ARMY'S UNAUTHORIZED AUTOPSY NOR DID THEY PROMISE TO INVESTIGATE POSSIBLE ARMY CRIMINAL MISCONDUCT. INSTEAD OF TAKING CONTROL OF THE REMAINS AND TRANSPORTING THEM TO THE STATE CAPITAL FOR A COMPLETE AUTHORIZED FORENSIC EXAMINATION, THE CNDH AND THE STATE ATTORNEY GENERAL'S AGENTS COOPERATED WITH THE MILITARY IN ARRANGING FOR THE BONES TO BE RETURNED TO THE MORELIA EJIDO FOR BURIAL. AT THE EJIDO, VILLAGE REPRESENTATIVES FORCED THE STATE ATTORNEY GENERAL'S REPRESENTATIVE TO CONFIRM IN WRITING THAT THE BONES HAD BEEN ILLEGALLY SEIZED BY THE ARMED FORCES.

ASSAULT ON TWO MEN IN LAS MARGARITAS: IN THE RED CROSS STATION IN OCOSINGO, HRW/AMERICAS REPRESENTATIVES INTERVIEWED TWO MEN, AGUSTÍN GUZMÁN LORENZO AND SEBASTIÁN HERNÁNDEZ GUZMÁN, WHO SAID THEY AND OTHER MEMBERS OF THEIR FAMILY HAD BEEN BOMBARDED FROM THE AIR NEAR RANCHO NUEVO SAN CARLOS IN THE ALTAMIRANO DISTRICT. THEY WERE RESTING BY A RIVER IN THE REMOTE RURAL AREA ON JANUARY 6, WHEN AN ARMY HELICOPTER PASSED OVER THEM THREE TIMES. ON THE THIRD PASS THE HELICOPTER CAME IN LOWER AND, WITH NO ADVANCE WARNING, FIRED A ROCKET DIRECTLY AT THE MEN. AGUSTÍN GUZMÁN'S SIX-YEAR-OLD SON WAS KILLED INSTANTLY, AND BOTH MEN SUSTAINED SERIOUS INJURIES. IT WAS THREE DAYS, HOWEVER, BEFORE FAMILY MEMBERS COULD GET THEM TO ALTAMIRANO FOR MEDICAL ATTENTION. THE HEAVILY BANDALED MEN, ONE OF WHOM HAD HIS NOSE BLOWN OFF, HAD JUST BEEN TRANSPORTED TO OCOSINGO ON JANUARY 12; THE TWO TOLD HRW/AMERICAS THEY WOULD BE AIRLIFTED TO VILLAHERMOSA, TABASCO, WHERE THEY WOULD HAVE SURGERY TO REMOVE SHRAPNEL FROM THEIR FACES AND NECKS. AS OF FEBRUARY 16, DESPITE A FORENSIC EXAMINATION OF THE BODY OF THE SIX-YEAR-OLD BOY CONDUCTED BY CNDH, NO DEATH CERTIFICATE HAD BEEN ISSUED, MAKING IT IMPOSSIBLE FOR THE FAMILY TO CLAIM COMPENSATION.

IV. INTERFERENCE WITH AND ATTACKS ON THE PRESS AND HUMAN RIGHTS MONITORS

AFTER REPORTS OF SUMMARY EXECUTIONS APPEARED IN THE PRESS, THE ARMY WENT OUT OF ITS WAY TO SEAL OFF THE CONFLICTED AREA. ONE GROUP OF REPORTERS WHO TRIED TO CROSS ROADBLOCKS SET UP JUST TO THE EAST OF SAN CRISTÓBAL DE LAS CASAS WERE SENT BACK TO TOWN TO GET AUTHORIZATION FROM THE PRESIDENT'S FOREIGN PRESS REPRESENTATIVE, GABRIEL GUERRA. REPORTERS WAITED FORTY-FIVE MINUTES FOR MR. GUERRA TO REPLY TO THEIR REQUEST, BUT HE NEVER CAME OUT OF HIS HOTEL ROOM.

HUMAN RIGHTS GROUPS WERE TREATED IN THE SAME WAY. ON SUNDAY JANUARY 9, REPRESENTATIVES OF MEXICAN AND INTERNATIONAL HUMAN RIGHTS GROUPS TRIED TO CROSS THE ROADBLOCK ACCOMPANIED BY A LARGE NUMBER OF JOURNALISTS. THE HUMAN RIGHTS WORKERS WERE TOLD THEY WOULD NEED TO GET PERMISSION FROM CNDH PRESIDENT JORGE MADRÁZO; THE REPORTERS WERE TOLD THEY WOULD NEED TO GET PERMISSION FROM THE OFFICIAL GOVERNMENT SPOKESMAN, ELOY CANTÚ.

THE HUMAN RIGHTS WORKERS RETURNED TO TOWN, WHERE THEY MET WITH MIGUEL SARRÉ, ONE OF THE CNDH'S CHIEF INVESTIGATORS. HE ACCOMPANIED THEM TO MEET WITH GEN. OTÚN CALDERÓN, WHO REFUSED TO ALLOW THEM TO ENTER THE ZONE OVER LAND, REFUSED TO ALLOW THEM TO COMMISSION THEIR OWN HELICOPTER TO REACH THE AREA BY AIR, AND MADE NO OFFER TO TRANSPORT THE HUMAN RIGHTS WORKERS ON ARMY OR GOVERNMENT TRANSPORT. DURING THE NEXT TWO DAYS, HOWEVER, A HANDFUL OF JOURNALISTS WERE TRANSPORTED INTO THE AREA BY GOVERNMENT HELICOPTERS. THE AREA WAS REOPENED TO JOURNALISTS AND HUMAN RIGHTS MONITORS ON JANUARY 12.

V. INTERFERENCE WITH THE ICRC

In a February 5 press bulletin, the International Committee of the Red Cross complained that medical services in areas of the conflict had broken down. It called on the Mexican government and the EZLN to reestablish, under ICRC auspices, health services such as outpatient consultations and treatment, hospital transfers, vaccination and disease control programs, and sanitation work.⁴⁶ The ICRC also called for both sides to respect the neutrality of health posts and to withdraw all armed units from around them.⁴⁷ More than a week later, on February 11, the ICRC reached an agreement with both Mexican authorities and the EZLN to restore medical services in areas disrupted by the conflict.⁴⁸

VI. Threats to the Press and Human Rights Workers

Since the conflict began, many journalists and human rights monitors have been the targets of death threats or other forms of intimidation from previously unknown entities. For example, on January 31, the national daily, *La Jornada*, received a threatening written communication from a group called the Mexican Anti-Communist Front. The communication asserted that the newspaper was in cahoots with the EZLN, called for the departure from Mexico of Guatemalan Nobel Laureate Rigoberta Menchú and other foreigners, and condemned the political clergy in Chiapas. Similar threats were sent to the San Cristóbal de las Casas newspaper, *El Tiempo*. Around the same time, four *La Jornada* reporters — Blanche Petrich, Elio Henríquez, Gaspar Morquecho, and José Zaldúa — along with the newspaper's Deputy Director General, Carmen Lira, and Director General Carlos Payán, received threats. Mexican authorities roundly condemned the menacing attacks, but those who received them are still wary and their intimidating influence has been felt by all journalists who are reporting on events in Chiapas.

Human rights workers have been subjected to similar written and verbal attacks. In addition to hostile accusations and threats directed against Bishop Ruiz, local parish priests, and the Fray Bartolomé de las Casas Human Rights Center in Chiapas, other nationally known human rights activists, including Sergio Aguayo, President of the Mexican Academy of Human Rights; Juan Carlos Martínez Martínez of the Fray Francisco de Victoria Human Rights Center in Mexico City; Victor Clark Alfaro of the Binational Center for Human Rights in Tijuana; Alejandro Camario Berstein, President of the Mexican Human Rights Commission in Atlixco, Puebla; and Armando Ruiz Canales, President of the Council for Law and Human Rights in Mexico City, have received anonymous death threats. The offices of the National Center for Social Communication (CENOS), which serves as an informal communication and coordination center for groups documenting abuses and providing services to victims of the Chiapas conflict, were broken into and robbed four times during January.

VII. United States Policy

The Clinton administration was caught off guard by the New Year's rebellion. During the first ten days of the conflict, when public statements of concern regarding human rights violations in Chiapas would have been most helpful, his administration failed to denounce widely reported abuses. Instead it waited until the Mexican government acknowledged those abuses before publicly criticizing the Mexican army.

The administration had plenty of opportunity to express concern that human rights abuses had occurred and that those responsible should be held accountable. On Sunday, January 9, Secretary of State Warren Christopher was interviewed on the "This Week with David Brinkley" television show; yet his comments were limited to expressing the indisputable fact that "governments do have to take steps in order to protect law and order...". By then news of human rights violations had been

⁴⁶ International Committee of the Red Cross, Communication to the Press No. 94/5, February 5, 1994.

⁴⁷ In HRW/Americas' January fact-finding trip, our representatives similarly found that medical services for both civilians and wounded rebels were virtually non-existent.

⁴⁸ International Committee of the Red Cross, Communication to the Press No. 94/9, February 12, 1994.

widely reported; nonetheless State Department spokespersons dodged questions about them by claiming that the U.S. Embassy in Mexico had no independent way of knowing what was happening. These assertions contradicted a January 3 briefing announcement that the embassy had dispatched a five-member team to Chiapas on January 2.

After President Salinas changed course, statements by the U.S. government emphasized the promising nature of his measures: on January 11, State Department spokesperson Christine Shelly commented that President Salinas had acknowledged some misconduct; yet she carefully avoided commenting on abuses in the voice of the U.S. government.

On January 25, Assistant Secretary of State Alexander Watson held a press conference in which he again praised the Salinas government's efforts to achieve peace and protect rights. For the first time, he acknowledged that the U.S. government had "raised human rights at the very highest level from the outset of this crisis," but then hastened to add that "[the inquiry] was preemptive. It was not reacting to information." When asked if the United States now had evidence of abuses, Watson said he had reports from Amnesty International and Human Rights Watch/Americas and other organizations. He added: "I do not know yet whether we have any independent information of our own that would allow us to conclude from those sources that there have been human rights violations."

State Department officials were overconfident in expressing their belief that the Mexican government would hold abusive soldiers accountable, ignoring the history of impunity the Mexican security forces have enjoyed. During Assistant Secretary Watson's January 25 briefing, he stated, "...we're encouraging the Mexican government — and no reason to think they will not do this — to investigate all of these charges as thoroughly as possible." Watson again voiced his expectation that soldiers would be held accountable during February 2 testimony before Congress. He stated, "We have been assured by the Mexican government that those found guilty of committing abuses will be punished." Watson also expressed undeserved confidence in Mexico's military justice system as an appropriate venue for investigating human rights violations by soldiers. In otherwise balanced testimony, Assistant Secretary of State for Human Rights and Humanitarian Affairs John Shattuck expressed faith in the Mexican government's promises by saying, "The Mexican government has stated its commitment to do so," without noting that they have failed in the past to hold those responsible for human rights abuses accountable.

It has been reported that, in the early aerial campaign in the Chiapas countryside, the Mexican Air Force used American-made helicopters leased to Mexico for the fight against drugs. We understand that the State Department is reviewing whether the Mexicans misused the leased aircraft. In a January 26 press release, the Mexican government contended that the helicopters were not misused, because they can be used "in times of natural disaster, to prevent loss of life or otherwise engage in humanitarian undertakings." It would be difficult to describe these military operations as part of a "humanitarian undertaking." The Clinton administration should make appropriate inquiries, obtain the necessary answers to clarify whether there has been an improper use of this material, and make those answers public.⁴⁹

VIII. THE NEED FOR ACCOUNTABILITY

While Human Rights Watch/Americas applauded the Mexican government's January 10 policy reversal, which significantly reduced both violence and serious human rights abuses in Chiapas, we are troubled by signs that the Mexican government does not intend to investigate fully those human rights and humanitarian law violations that did occur, or prosecute and punish those responsible.

⁴⁹ In Switzerland, there has been enormous controversy about the Mexican army's alleged use of Swiss-made Pilatus (PC-7) aircraft to bombard Zapatista-controlled terrain. Rosa Icela Rodríguez, Anne Huffshmid, "Debate en Suiza por el supuesto uso de aviones Pilatus," *La Jornada*, January 12, 1994.

ONE SUCH SIGN IS THE GREAT DIFFICULTY HRW/AMERICAS AND OTHER INDEPENDENT NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS HAVE HAD IN OBTAINING FULL ACCESS TO THE AVAILABLE INFORMATION POSSESSED BY MEXICAN GOVERNMENT AGENCIES. TO GIVE BUT ONE EXAMPLE, ON JANUARY 10, HRW/AMERICAS ASKED THEN-ATTORNEY GENERAL CARPIZO FOR THE FOLLOWING INFORMATION:

(1) TO WHAT EXTENT ARE FATALITIES TURNED OVER TO THE PGR TO ESTABLISH WHETHER CRIMES HAVE BEEN COMMITTED? ARE AUTOPSIES BEING CONDUCTED? WHAT ARE THE RESULTS? EXCEPT FOR THE OCOSINGO AUTOPSIES, WE HAVE NOT RECEIVED INFORMATION ON THIS QUESTION.

(2) ARE PRISONERS BEING TURNED OVER TO THE PGR? HOW LONG AFTER CAPTURE? DO THEY BEAR ANY SIGNS OF ABUSE DURING CUSTODY? HAVE THEY BEEN CHARGED? WITH WHAT? THE PGR HAS NOT RESPONDED. THE CNDH HAS ISSUED A PRESS RELEASE, BUT THE INFORMATION MADE PUBLIC IS LIMITED TO THE NAMES OF THOSE WHO HAVE BEEN CHARGED IN FEDERAL OR STATE COURTS; NO INFORMATION HAS BEEN PRODUCED ON THEIR MISTREATMENT.

(3) ARE HOUSE-TO-HOUSE SEARCHES BEING CONDUCTED? DO THEY SATISFY LEGAL REQUIREMENTS? AGAIN, WE HAVE RECEIVED NO RESPONSE.

(4) CAN YOU PROVIDE INFORMATION ON THE HOSTAGES PRESUMED TO BE HELD BY THE EZLN? WE HAVE RECEIVED NO RESPONSE, DESPITE THE GOVERNMENT'S OBVIOUS INTEREST IN ENSURING THEIR SAFETY AND WELL-BEING AND WINNING THEIR RELEASE.

EQUALLY DISAPPOINTING IS THE CNDH'S FAILURE TO AGGRESSIVELY INVESTIGATE ALLEGED ABUSES OR TO PUBLICLY CONDEMN LAW ENFORCEMENT AND MILITARY OFFICIALS WHO COMMITTED THEM OR TRIED TO COVER THEM UP. FOR EXAMPLE, IN THE CASE OF THE ELEVEN CORPSES FOUND IN THE CEMETERY IN OCOSINGO, THE CNDH PROMISED A MORE EXTENSIVE REPORT DISCUSSING ITS FINDINGS IN MID-JANUARY, BUT TO DATE THAT REPORT HAS NOT APPEARED. AS LATE AS FEBRUARY 10, A SENIOR CNDH OFFICIAL REFUSED TO TELL AN HRW/AMERICAS INVESTIGATOR THE NAMES OF THE PERSONS WHOSE CORPSES WERE RECOVERED. JORGE MADRAZO, PRESIDENT OF THE CNDH, TOLD HRW/AMERICAS ON FEBRUARY 17 THAT THE CASE HAD PROVED "PARTICULARLY COMPLICATED" BUT THAT A FULL REPORT ON THE COMMISSION'S FINDINGS WOULD BE PUBLISHED SOON.

THERE ALSO ARE INDICATIONS THAT THE GOVERNMENT HAS IMPEDED THE CNDH FROM FULLY OR IMPARTIALLY DISCLOSING ITS FINDINGS IN SENSITIVE CASES. FOR EXAMPLE, IN THE CASE OF THE FIVE PERSONS SUMMARILY EXECUTED IN THE OCOSINGO MARKET, THE CNDH INVITED RESPECTED INTERNATIONAL FORENSIC SPECIALISTS TO CONFIRM ITS FINDINGS, BUT ASKED THAT THEY SERVE AS TECHNICAL ADVISORS TO THE CNDH. THE PHYSICIANS FOR HUMAN RIGHTS INVESTIGATORS FOUND THERE WAS A HIGH PROBABILITY THAT THE ARMY HAD COMMITTED THE SUMMARY EXECUTIONS, AND THAT THE FEDERAL ATTORNEY GENERAL'S OFFICE HAD COVERED UP THE CRIMES. AFTER THE JOINT FORENSIC REVIEW WAS COMPLETE, CNDH PRESIDENT JORGE MADRAZO AND MEMBERS OF THE INVESTIGATION TEAM LEFT FOR MEETINGS IN MEXICO CITY AND COULD NOT BE REACHED. THE INDEPENDENT INVESTIGATORS, WHO FELT THEY COULD WAIT NO LONGER TO REVEAL THEIR FINDINGS, ISSUED A PUBLIC STATEMENT. THEY WERE SCOLDED BY SENIOR CNDH OFFICIALS AND ASKED TO REFRAIN FROM MAKING FURTHER STATEMENTS UNTIL THE CNDH COULD RELEASE ITS REPORT. TWO DAYS LATER, ON JANUARY 25, THE CNDH RELEASED A PRESS RELEASE THAT BLURRED THE SERIOUS DISCREPANCIES BETWEEN THE CNDH FINDINGS AND THOSE OF THE ATTORNEY GENERAL'S OFFICE.⁵⁰

GOVERNMENT OFFICIALS' INTERPRETATION OF THE FEDERAL AMNESTY LEGISLATION IS A SOURCE OF CONCERN. ALTHOUGH THE LETTER OF THE LAW IS AMBIGUOUS, SENIOR SENATOR MIGUEL ALEMÁN TOLD NATIONAL PUBLIC RADIO REPORTER DAVID WELNA THAT THE AMNESTY WAS DEFINITELY INTENDED TO COVER ALL ACTS OF VIOLENCE, INCLUDING SERIOUS HUMAN RIGHTS ABUSES, COMMITTED BY ALL PARTIES TO THE CONFLICT. IF THAT IS THE CASE, THE LAW COULD BE USED TO GRANT IMPUNITY TO THOSE RESPONSIBLE FOR SUCH ABUSES.

⁵⁰ THE PRESS RELEASE IS DISCUSSED ABOVE, IN THE SECTION "DISAPPEARANCES, ARBITRARY ARREST AND DETENTION, TORTURE, AND CRUEL TREATMENT IN DETENTION," P. 11.

OF FURTHER CONCERN IS THE ARMY'S ANNOUNCEMENT ON JANUARY 28 THAT IT WOULD BRING IN A MILITARY PROSECUTOR TO INVESTIGATE THE SUMMARY EXECUTIONS OF THE ZAPATISTA SOLDIERS IN THE OCOSINGO MARKET. WHILE HRW/AMERICAS DOES NOT OBJECT TO A MILITARY INVESTIGATION, WE ARE CONCERNED ABOUT THE LACK OF CIVILIAN OVERSIGHT OVER THAT INVESTIGATION AND THE FACT THAT IF A WHITEWASH OCCURS, NO CIVILIAN REVIEW WILL BE POSSIBLE. ONE INVESTIGATIVE TECHNIQUE ADOPTED BY THE ARMY HAS BEEN TO ESTABLISH COMPLAINT CENTERS IN COMMUNITIES AFFECTED BY THE CONFLICT. THESE CENTERS ARE STAFFED BY ARMED AND UNIFORMED SOLDIERS AND APPEAR FORBIDDING EVEN TO INTERNATIONAL HUMAN RIGHTS MONITORS.

WE NOTE, IN PARTICULAR, RESISTANCE TO ADDRESSING ALLEGED ABUSES COMMITTED BY THE ARMY, EVEN BY THOSE WHO ARE WORKING HARDEST TO RESOLVE THE SITUATION. FOR EXAMPLE, IN RESPONSE TO A QUERY BY HRW/AMERICAS, A CLOSE AIDE TO MANUEL CAMACHO SOLÍS TOLD US THAT IT WOULD NOT BE A GOOD IDEA FOR ANYONE "TO GET INTO A PISSING CONTEST" WITH THE ARMY RIGHT NOW. IN LATE JANUARY, THE MINISTRY OF DEFENSE ISSUED A STATEMENT CATEGORICALLY DENYING ANY ABUSES BY THE MEXICAN ARMY AND ATTACKING THE BEARERS OF BAD NEWS. ON THE OCCASION OF A VISIT TO TUXTLA GUTIÉRREZ ON JANUARY 25, PRESIDENT SALINAS GAVE A SHORT SPEECH REAFFIRMING HIS COMMITMENT TO A PEACEFUL SOLUTION. UNFORTUNATELY, HE INCLUDED A FAVORABLE MENTION OF THE ROLE PLAYED BY THE MEXICAN ARMY, WHICH DOES NOT BODE WELL FOR THE LIKELIHOOD OF A SERIOUS INVESTIGATION INTO THE MILITARY'S ABUSES.

AS A HUMAN RIGHTS ORGANIZATION, WE HAVE LEARNED THAT THE BEST WAY TO SUPPORT ANY PEACE PROCESS IS FOR THE GOVERNMENT INVOLVED TO DISCLOSE EVERYTHING THAT CAN BE KNOWN ABOUT SERIOUS VIOLATIONS, TO LIVE UP TO ITS OBLIGATIONS IN DOMESTIC AND INTERNATIONAL LAW TO INVESTIGATE THOSE ABUSES, AND TO PROSECUTE AND PUNISH THOSE RESPONSIBLE. WE OBJECT TO ANY AMNESTY THAT SWEEPS SUCH SERIOUS CRIMES UNDER THE RUG, WHETHER COMMITTED BY STATE AGENTS OR REBEL OPPONENTS. DISAPPEARANCES, EXTRAJUDICIAL EXECUTIONS, TORTURE, AND VIOLATIONS OF THE LAWS OF WAR ARE CRIMES THAT GOVERNMENTS HAVE A DUTY TO INVESTIGATE AND PUNISH. MOREOVER, A STATE'S FAILURE TO DO SO LEAVES WOUNDS OPEN FOR GENERATIONS TO COME, AND JEOPARDIZES LASTING PEACE.

IV. MEETING THE CHALLENGE

THE TEMPERED APPROACH ADOPTED BY PRESIDENT SALINAS TO CONFRONT THE REBELLION IN CHIAPAS, AND THE POLITICAL PARTIES' APPEAL FOR ELECTORAL REFORMS, GIVE RISE TO HOPE THAT, IN THE AFTERMATH OF THE NEW YEAR'S REBELLION, MEXICO IS CHANGING. THE MANNER IN WHICH MEXICAN CIVIL SOCIETY RESPONDED TO THE CRISIS, IN WAYS THAT WERE IMPOSSIBLE EVEN FIVE YEARS AGO, FORTIFIES THAT HOPE. FROM THE FIRST DAYS OF THE CONFLICT, NONGOVERNMENTAL ORGANIZATIONS, FOREMOST AMONG THEM INDEPENDENT HUMAN RIGHTS ORGANIZATIONS, PLAYED AN INDISPENSABLE ROLE IN PROVIDING RELIABLE INFORMATION, STANDING BY THE VICTIMS, AND ENGAGING IN FRANK AND HONEST DIALOGUE WITH THE AUTHORITIES. THE MEXICAN PRESS ALSO ROSE TO THE TASK: THERE HAS BEEN MORE AND BETTER INDEPENDENT REPORTING FROM THE ZONE OF CONFLICT THAN ANYTHING HRW/AMERICAS HAS SEEN ELSEWHERE IN THE HEMISPHERE IN SIMILAR SITUATIONS.

BUT THAT HOPE IS FADING AS A RESULT OF THE GOVERNMENT'S REFUSAL TO ENSURE THAT THERE IS GENUINE ACCOUNTABILITY FOR VIOLATIONS OF THE LAWS OF WAR AND OF HUMAN RIGHTS LAW DURING THE CONFLICT. IN PARTICULAR, WE URGE THE GOVERNMENT TO DECLARE:

- ◆ THAT THE AMNESTY LAW WILL NOT APPLY TO ANY ACTS, BY EITHER GOVERNMENT FORCES OR ZAPATISTAS, THAT CONSTITUTE HUMAN RIGHTS VIOLATIONS OR VIOLATIONS OF HUMANITARIAN LAW;
- ◆ THAT ALL INVESTIGATIONS OF SUCH CRIMES, BY ALL PARTIES INCLUDING THE ARMY, WILL BE FULLY AND INDEPENDENTLY CONDUCTED;
- ◆ THAT WHERE APPROPRIATE, INDEPENDENT FORENSIC EXAMINERS WILL BE INVITED TO EXAMINE EVIDENCE OF SERIOUS ABUSES, AND WILL NOT BE HINDERED IN MAKING THEIR FINDINGS PUBLIC;

- ◆ That complete and accurate results of all investigations will be made public;
- ◆ That no government agency, including the army, will be given sole authority to police itself;
- ◆ That all criminal acts identified during the course of investigations will be publicly prosecuted;
- ◆ That those found guilty of such crimes will be appropriately punished; and
- ◆ That victims of those crimes will be compensated.

The New Year's Rebellion in Chiapas challenges Mexico's political establishment to institute definitive reforms that will bring genuine democracy and governmental accountability to Mexico. In response to events in Chiapas, Mexico's major political parties entered into a pact to achieve genuine electoral reform. But the government's refusal to call for a special session of Congress to put them into effect, and statements from PRI leaders and key members of Congress that such reforms cannot be legislated in time for the 1994 Presidential elections, have dampened our optimism. Their excuses are not credible, given the government's past demonstrations, in cases like the creation of the CNH and PRONASOL (a poverty alleviation program designed to provide basic public services to the extreme poor), that it can establish wide-reaching government institutions virtually overnight.

Even if electoral reforms are enacted in a timely manner, Mexican political leaders must not forget that true democracy includes not only elections, but the impartial functioning of state institutions, in particular those like police, prosecutors, and courts that are responsible for protecting the rights of citizens and correcting the wrongs done to them. We urge the government of Mexico to rise to the challenge posed by the events in Chiapas to make the establishment of democracy its highest priority.



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Human Rights Watch/Americas (Formerly Americas Watch)

Human Rights Watch/Americas is a nongovernmental organization established in 1991 to promote and monitor the observance of internationally recognized human rights in Latin America and the Caribbean. Juan Méndez is the director; Cynthia Arnson and Anne Manuel are associate directors; Ellen Lutz is the California director; Sebastian Brett, Robin Kirk, Ben Penglase and Greta Tovar Siebentritt are research associates; Steven Crandall and Vanessa Jiménez are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marina Pinto Kaufman are vice chairs.

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