

Mexico

Response to Information Request Number:	MEX99001.ASM
Date:	May 17, 1999
Subject:	Mexico: Information on Witnesses to Corruption and Other Illegal Practices
From:	INS Resource Information Center
Keywords:	Mexico / Witnesses / Corruption / Military / Drug trafficking / Criminal offences / Death threats

Query:

Are individuals who may serve as witnesses against corruption and other illegal practices at risk of harm in Mexico?

Response:

The Resource Information Center (RIC) has researched country conditions relevant to the above query. Documentation available to the RIC reports that individuals who charge official institutions or individual officials, or who are potential witnesses against officials, or others involved in corruption, drug trafficking, and/or other criminal activity have been targeted in order to punish them or prevent them from providing evidence against the accused.

A striking case is that of General Jose Francisco Gallardo, who is thought to have been imprisoned by the military following his recommendation that a military human rights ombudsman be created to help curtail human rights abuses by the military. Shortly following his recommendation in 1993, Gallardo was detained and counter charges brought against him. After nearly five years of detention, he was sentenced to 28 years in prison in April 1998. Both Amnesty International and the Inter-American Commission for Human Rights have proclaimed Gallardo's innocence and called for his release. (AP, March 1999; M2 Presswire, November 1998)

More recently, in March 1999, the leader of a group of military officers who demonstrated against injustices in the military, was arrested and charged with sedition among other crimes. (Preston, March 1999)

In the case of former General Jesus Rebollo Gutierrez, who is being prosecuted for protection of drug traffickers, authorities have suggested that Cesareo Vazquez Tafolla, a witness against Gutierrez Rebollo, was shot and slightly wounded by assailants....in order to prevent him from testifying. (Reforma, March 1997)

In an ironic twist, Rebollo's defense lawyer was murdered in early 1998. It was speculated by some that the killer was connected with the military or police. (Miami Herald, April 1998)

Journalist Luis Mario García Rodríguez was shot to death in February 1998 allegedly because he had reported on corruption in the attorney general's office. (Human Rights Watch, December 1998. U.S. Dept. of State, March 1999)

According to Amnesty International, during 1997, "[h]undreds of politicians, civil rights activists, and witnesses or relatives of victims of human rights violations...suffered death threats and other abuses...María Estela García Ramírez and Riquilda Hernández

Martínez, who had witnessed the murders of their husband and father respectively, by members of the Oaxaca State police, had to flee their homes with their families, following repeated death threats by authorities to make them withdraw their complaints." (AI, 1998)

The following excerpts from testimony by Thomas Constantine of the U.S. Drug Enforcement Administration (DEA) describe both the pervasiveness of corruption in Mexico and the consequences for those who become witnesses against it:

Through the dedicated efforts of Federal, state and local law enforcement agencies, we now have a clear picture of how...drug lords direct the sale of drugs within the U.S., how they collect their billions of dollars in drug profits, and how they arrange for the assassination of witnesses in both Mexico and the United States. (Federal News Service [FNS], March 1999, p. 1)

The primary reason they have been able to avoid arrest and continue to ship drugs into the United States is attributable to their ability to intimidate witnesses, assassinate public officials and, as is well-documented, their ability to corrupt many of the civilian law enforcement agencies in Mexico on a systemic basis and often at the command level. (FNS, p. 1-2)

Elimination of Violence against Law Enforcement Officials and others: As long as an environment of intimidation and corruption exists, traffickers are able to prevent effective law enforcement efforts, silence witnesses and exact revenge on rivals and sources of information. In 1998, several incidents involving violence in Mexico were reported. (FNS, p. 14)

Attempt on the Life of the Tijuana Police Chief: On May 17, 1998, [Arellano Felix Organization] AFO assassins, under the direction of AFO lieutenant Efrain Perez, attempted to kill Tijuana Police Chief, Jose Manuel Nieves-Retas. Chief Nieves' bodyguards were able to avoid the blockade of the assassins' vehicles and escape the potential assassination before any shots were fired. Nieves had received four telephone threats on May 16, 1998. The threat on Nieves' life stems from a seizure of two tons of marijuana taken from Perez, who was a lieutenant in the AFO, and the arrest of 10 of his associates on April 7, 1998. During the arrest of Perez's associates, several federal, state and local police officers who were providing an armed escort to the marijuana traffickers shot and killed a Tijuana police captain when he tried to arrest the criminals. Subsequent to the arrests, Perez sent emissaries to negotiate the release of the drugs and those arrested. Nieves refused to release either. (FNS, p.15)

Murder of Federal Transit Police Vice Commander: On July 7, 1998, Juan Manuel Garcia-Medrano, Vice-Comandante for the Federal Transit Police in the state of Chihuahua, was murdered in front of his house in Ciudad Juarez. He received multiple gunshots to the body. Witnesses stated that three young suspects waited for him in a neighboring unoccupied residence. (FNS, p. 15)

Tamaulipas State Police Comandante Dies in House Bombing: A bombing/explosion occurred at the Reynosa, Mexico residence of Raul Ruiz-Guerra, a comandante of the Tamaulipas State Police stationed in Camargo, Tamaulipas, on August 25, 1998. Comandante Ruiz died in the bombing along with a female, presumed to be the housemaid. Ruiz's pregnant wife and young son were seriously injured. Mexican law enforcement personnel stated that there were unconfirmed rumors that Ruiz was murdered as a result of a 600-kilogram cocaine seizure, which occurred approximately a month before in Mission, Texas. (FNS, p. 15)

[Mexican Federal Judicial Police] MFJP Agents Murdered in Mexico City: On January 3, 1999, a police commander and his associate were murdered in an ambush in front of the MFJP Headquarters in Mexico City. Jose Francisco Sanchez-Naves and one of his MFJP associates Gerardo Valderrama-Aguilar were killed while sitting in a [Procuraduría General de la República / Attorney General's Office] PGR Suburban in front of the PGR parking lot

in downtown Mexico City. Sanchez had worked for the MFJP for many years and as a First Commander in MFJP offices in the States of Chihuahua, Guerrero and Mexico, D.F. since 1995. Valderrama was identified as an Agent assigned to the MFJP Plaza in Ciudad Juarez, Chihuahua and allegedly associated to members of the [Carrillo Fuentes Organization] CFO and supported drug trafficking activities. (FNS, p. 15)

Officer Killed, Another Afraid for his Life, after Revealing Corruption in PFC: On January 14, 1999, the Mexican press reported the assassination of Mexican Highway Police (PFC) official Luis Antonio Ibanez in Chihuahua, Chihuahua, Mexico. Ibanez' death came approximately one month and a half after he had given an official statement to PGR officials, in which Ibanez implicated his superiors and peers within the PFC of assisting drug traffickers. Based on this statement, it was reported that PGR officials in Mexico City had initiated an investigation of the alleged corrupt practices of the implicated PFC officials. Ibanez was threatened with criminal prosecution on November 17, 1998, and he decided to cooperate with the investigation. He provided Internal Affairs with a six-page statement detailing the manner in which Ibanez and his PFC associates received bribe payments for allowing drug loads to be transported through the State of Chihuahua, as well as providing escort services for these loads. (FNS, p. 15)

Jaime Olvera-Olvera: Former MFJP officer and bodyguard for [Amado Carrillo Fuentes] ACF's children, Jaime Jose Olvera-Olvera, cooperated with the GOM, the DEA and the FBI and was placed into the Mexican witness protection program by the GOM. Olvera gave several lengthy and detailed statements demonstrating his knowledge of the ACFO, exposing his involvement, as well as implicating both civilian and military high-level officials, which included a multi-million USD bribe payment by the ACFO for protection from the GOM. Olvera was later kidnapped by three unidentified assailants on September 10, 1998, in a commercial section of a Mexico City suburb. Olvera's body was discovered in the area of Colonia de San Angel, south of Mexico City on the following day. He was found strangled with a cord around his neck and appeared to have sustained a single gunshot wound to the back of his head. The location of Olvera's body was approximately 45 yards from the site where a previous GOM protected witness associated with the ACFO, identified as Isa-MacGregor, was found murdered in July 1997 subsequent to the death of ACF. (FNS, p. 15-16)

The Murder of Rafael Munoz-Talavera: On September 10, 1998, Rafael Munoz-Talavera, one of the key figures in the struggle for control of the Juarez [Cartel], was found dead. His body, with four gunshot wounds, was found in an armored vehicle parked in central Ciudad Juarez after police received an anonymous call. Shortly after the assassination of Talavera, an associate stated that Talavera had been responsible for the deaths of a number of ACFO members and that RMT had been killed outside Ciudad Juarez and his body brought back to the city as an indication of the power and control of the Juarez drug trafficking corridor wielded by Vicente Carrillo-Fuentes, Juan Jose Esparragoza-Moreno aka El Azul, and others. (FNS, p. 16)

Attempted Assault on the Son of GOM official: On July 10, 1998, a GOM official reported a threat and attempted assault on his thirteen-year-old son. The official stated that the vehicle his son and two armed bodyguards were riding in was blocked from moving by an unidentified vehicle occupied by two unidentified armed men. The men exited the vehicle and fired one shot into the vehicle occupied by his son and bodyguards. The bodyguards returned fire and struck one of the assailants in the upper left shoulder. Both assailants returned to their vehicles and fled the scene. It is unknown if this was a random act of violence, or an assassination or a botched kidnapping attempt. The act may also be a warning as a result of recent enforcement actions directed against drug traffickers Alcides Ramon-Magana and Jose Albino Quintero-Meraz. (FNS, p. 16)

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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